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F13a

LCP-3-MRB-22-0059-2 (MORRO BAY IP UPDATE)
MARCH 15, 2024 HEARING
EXHIBITS

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City of Morro Bay
Dog Beach Existing Landuse

Exhibit C

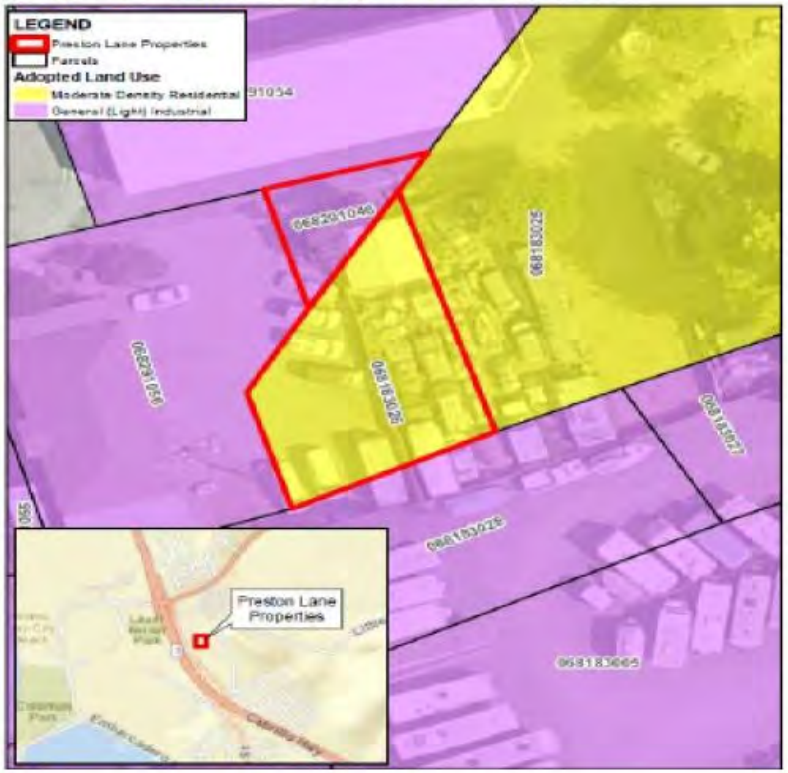


City of Morro Bay
Dog Beach Proposed Landuse

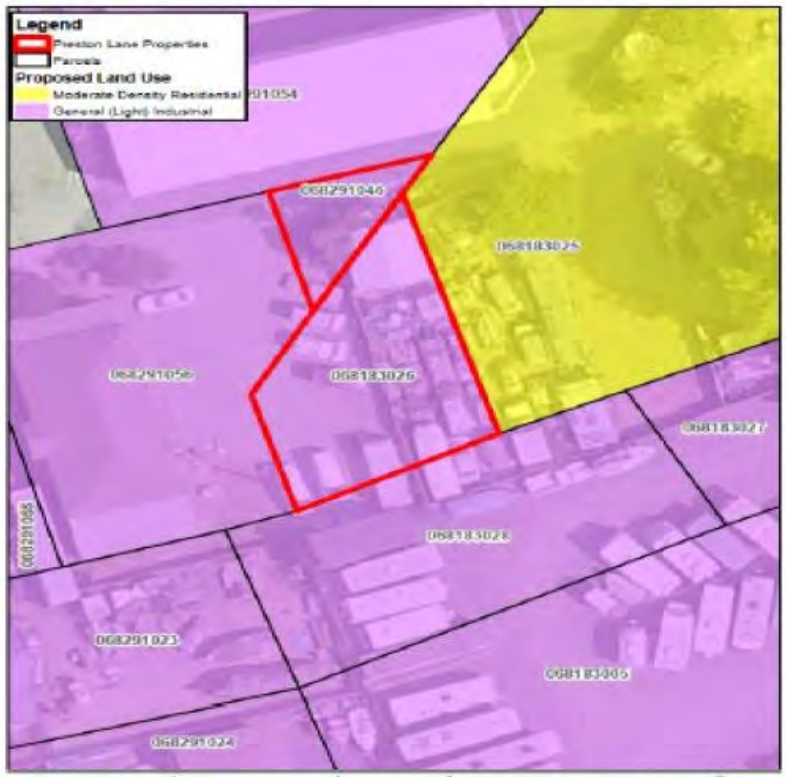
Exhibit C



Adopted Land Use Map - Preston Lane



Proposed Land Use Map Change for APN 068-183-026



Land Use Map Change from Moderate Density Residential to General (Light) Industrial designation

Plan MORRO BAY

CITY OF MORRO BAY

CITY COUNCIL ADOPTED

IMPLEMENTATION PLAN

November 2022

*Editor's Note – Code Adoption, Ordinance 654, November 2022; Code Amended, Ordinance 662, December 2023

The Morro Bay Zoning Code/Implementation Plan Update is part of California Climate Investments, a statewide program that puts billions of Cap-and-Trade dollars to work reducing GHG emissions, strengthening the economy, and improving public health and the environment-particularly in disadvantaged communities. The Cap-and-Trade program also creates a financial incentive for industries to invest in clean technologies and develop innovative ways to reduce pollution. California Climate Investments projects include affordable housing, renewable energy, public transportation, zero-emission vehicles, environmental restoration, more sustainable agriculture, recycling, and much more. At least 35 percent of these investments are located within and benefitting residents of disadvantaged communities, low-income communities, and low-income households across California. For more information, visit the California Climate Investments website at www.caclimateinvesments.ca.gov.





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17.01.010 Title

A. Title 17 of the Morro Bay Municipal Code shall be known and cited as the "Morro Bay Zoning Code", "Zoning Code of the City of Morro Bay," "Zoning Code," or "Code."

B. Portions of Title 17 identified in Section 17.01.050, Local Coastal Program Coastal Implementation Plan (IP), shall be known as the "City of Morro Bay Coastal Implementation Plan" and hereafter referred to as the "Implementation Plan" or "IP." These sections are denoted with an "(IP)" next to the section number.

17.01.020 Authority

The Morro Bay Zoning Code is adopted pursuant to the authority contained in Section 65850 of the California Government Code, as well as the Coastal Act for Implementation Plan purposes.

17.01.030 Purpose

The purpose of this Code is to implement the City's General Plan and to protect and promote the public health, safety, peace, comfort, convenience, prosperity, and general welfare. More specifically, the Code is adopted to achieve the following objectives:

A. Provide standards for the orderly growth and development of the City, and guide and control the use of land to provide a safe, harmonious, attractive, and sustainable community.

B. Achieve the arrangement of land uses depicted in the Morro Bay General Plan, consistent with the goals and policies of the General Plan/Coastal Zone Land Use Plan.

C. Enhance the appearance of the City and promote high quality design.

D. Preserve and enhance the quality of life and character of residential neighborhoods.

E. Promote economic growth and the creation of jobs.

F. Facilitate the appropriate location of community facilities, institutions, transportation, and parks and recreational areas.

G. Allow for public participation in government decision-making regarding land use and development in a manner consistent with State law.

H. Define duties and powers of administrative bodies and officers responsible for implementation of the Code.

17.01.040 Relationship to the General Plan

This Code implements the goals and policies of the Morro Bay General Plan by regulating the use of land and structures within the City. This Code and the General Plan shall be consistent with one another. Any permit, license, or approval issued pursuant to this Code must be consistent with the General Plan and all applicable specific plans. In any case where there is a conflict between this Code and the General Plan, the General Plan shall control.

17.01.050 Local Coastal Program Coastal Implementation Plan

A. **The City of Morro Bay Coastal Implementation Plan.** The following portions of Title 17 shall be known as the "City of Morro Bay Coastal Implementation Plan" and hereafter referred to as the "Implementation Plan" or "IP." The Implementation Plan is a component of the City of Morro Bay Local Coastal Program (LCP), which is made up of its Land Use Plan (LUP) and this IP, serving to carry out the policies of the LUP, including providing the requirements for issuance of Coastal Development Permits (CDPs).

1. Division I: Introductory Provisions (all chapters)
2. Division II: District Regulations (all chapters except Supplemental Regulations Sections 17.07.040 and 17.08.040)
3. Section 17.23.010: Purpose and Applicability
4. Section 17.23.020: Accessory Structures
5. Section 17.23.040: Development on Substandard Lots
6. Section 17.23.050: Encroachments into Required Setbacks
7. Section 17.23.070: Heights and Height Exceptions
8. Section 17.23.100: Open Space
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10. Chapter 17.26: Nonconforming Uses, Structures, and Lots (all sections)

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12. Section 17.30.220: Short-term Vacation Rentals
13. Chapter 17.39: Coastal Development Permits (all sections)
14. Chapter 17.42: Modifications (all sections)
15. Chapter 17.43 Reasonable Accommodation (all sections)
16. Chapter 17.44 Variances (all sections)
17. Chapter 17.53: Use Classifications (all sections)
18. Chapter 17.54: List of Terms and Definitions (only terms/definitions denoted 'IP')

B. **Authority.** The Implementation Plan is adopted pursuant to the authority contained in Section 65850 et seq. of the California Government Code, Division 20 of the Public Resources Code (California Coastal Act), and Title 14, Division 5.5 of the California Code of Regulations (California Coastal Commission Regulations).

C. **Purpose.** The purpose of this IP is to implement the City of Morro Bay Local Coastal Program (LCP) Land Use Plan (LUP), in accordance with the requirements of the California Coastal Act of 1976.

D. **Applicability.** The regulations found in this IP shall apply to all areas of the City of Morro Bay located within the Coastal Zone as established by the State Legislature.

E. **Conflicting Regulations and Policies.** In case of conflict with any other applicable non-LCP City policies or regulations, the IP and LUP shall take precedence, with the LUP taking precedence if there are conflicts between the LUP and the IP. Where the IP and LUP are silent, other City policies and regulations shall be in force, but in no case shall such policies and regulations be used as a standard of review for CDPs.

F. **Agency Coordination.** The City will work with other agencies as appropriate to implement the LCP.

G. **LCP Violations.** The City is the primary enforcement entity for development within its jurisdiction and will investigate and prosecute development activity that occurs within the Coastal Zone without a Coastal Development Permit pursuant to the requirements of the LCP and other violations of the Coastal Act. The City will work to resolve violations of the LCP in a timely manner, including through the use of appropriate enforcement actions. The City may request that the Coastal Commission assist with, or assume primary responsibility for, resolving violations of the LCP. The Commission may request that the City act to resolve violations of the LCP. However, if the City declines to act or does not act in a timely manner, the Coastal Commission may enforce the requirements of the LCP through its own enforcement actions pursuant to Coastal Act Sections 30809 and 30810.

H. **Severability.** If any section, subsection, paragraph, sentence, clause, phrase, or other portion of this IP is for any reason held to be invalid or unenforceable by a court, such decision shall not affect the validity of the remaining portions of the IP.

I. **Jurisdiction.** The City's jurisdiction over CDPs does not include tidelands, submerged lands, and public trust lands as described in Public Resources Code Section 30519(b) and described as areas of California Coastal Commission CDP Jurisdiction, including as illustrated on the Local Coastal Program Post- Certification Permit and Jurisdiction Map, as may from time to time be amended.

J. **Coastal Commission CDPs.** The Coastal Commission retains authority over CDPs approved and/or issued by the Coastal Commission (either prior to certification of the LCP or post-certification on appeal), including with respect to condition compliance and amendments. Where either new development or a modification to existing development is proposed on a site where development was authorized in a Coastal Commission-issued CDP, the applicant shall apply to the Coastal Commission for a CDP amendment, unless the Commission's Executive Director determines that such development or modification is not inconsistent with and will not change the relevant terms and conditions underlying the CDP, in which case the application can be processed by the City.

K. **Coastal Resource Protection.** The LCP shall be interpreted to accomplish the purposes of and carry out the objectives of the California Coastal Act, including in terms of best protecting coastal resources. Site specific biological resources, archaeological, visual, geologic, water quality, coastal hazards, and other coastal resource protection constraints may limit development to less than the maximum development potential listed for the LCP's zoning districts.

17.01.060 Applicability

A. **Applicability to Property.** This Code shall apply, to the extent permitted by law, to all property within the corporate limits of the City of Morro Bay and to property for which applications for annexation and/or subdivisions have been submitted to the City of Morro Bay, including all uses, structures, and land owned by any private person, firm, corporation or organization, or the City of Morro Bay or other local, State, or federal agencies. Any governmental agency shall be exempt from the provisions of this Code only to the extent that such property may not be lawfully regulated by the City of Morro Bay.

B. **Minimum Requirements.** The provisions of this Zoning Code shall be minimum requirements for the promotion of the public health, safety, and general welfare. Where this Zoning Code provides for more discretion on the part of a City official or body, that discretion may be exercised to impose more stringent requirements than set forth in this Zoning Code as may be necessary to promote orderly land use development and the purposes of this Zoning Code.

C. **Compliance with Regulations.** No land shall be used, and no structure shall be constructed, occupied, enlarged, altered, demolished or moved in any zoning district, except in accordance with the provisions of this Code, including the development and performance standards herein, and any permit issued pursuant hereto. The temporary or transitory nature of a use does not exempt it from this requirement.

D. **Conflicting Regulations.** The regulations of this Code and requirements or conditions imposed pursuant to this Code shall not supersede any other regulations or requirements adopted or imposed by the Morro Bay City Council, the State of California, or any federal agency that has jurisdiction by law over uses and development authorized by this Code. All uses and development authorized by this Code shall comply with all other such regulations and requirements. Where conflict occurs between the provisions of this Code and any other City ordinance, chapter, resolution, guideline, or regulation, the more restrictive provisions shall control, unless otherwise specified.

E. **Private Agreements.** This Code shall not interfere with or annul any recorded easement, covenant, or other agreement now in effect, provided that where this Code imposes greater restriction than imposed by an easement, covenant, or agreement, this Code shall control. The City of Morro Bay shall not be responsible for monitoring or enforcing private agreements.

F. **Prior Code.** The provisions of this Code supersede all prior Zoning Codes codified in Title 17 of the Morro Bay Municipal Code and any amendments. No provision of this Code shall validate any land use or structure established, constructed, or maintained in violation of the prior Zoning Code, unless such validation is specifically authorized by this Code and is in conformance with all other regulations.

G. **Effect on Previously Approved Projects and Projects in Progress.**

1. ***Building Permit.*** Any building or structure for which a Building Permit has been issued may be completed and used in accordance with the plans, specifications, and permits on which said Building Permit was granted, provided at least one inspection has been requested and posted for the primary structure on the site where the permit is issued and provided construction is diligently pursued and completed within six months of permit issuance. No extensions of time except as provided for in the Building Code shall be granted for commencement of construction, unless the applicant has secured an allowed permit extension from the Planning Division.

2. ***Previously Approved Land Use Authorization.*** This Zoning Code shall not interfere with, repeal, abrogate, or annul any previously granted land use authorization. All allowances, requirements, and conditions of approval of previous land use authorizations shall apply until the applicable review authority specifically repeals the allowance, requirement, or condition.

3. ***Land Use Authorization in Process.*** An application for a discretionary land use authorization that has been accepted by the Planning Division as complete for processing prior to the adoption of this Code or any applicable amendment shall be processed according to the requirements of this Zoning Code or the prior Code upon written request from the project applicant. The written request shall be made no later than 30 days after the effective date of this Zoning Code and at least one action must be taken by the Review Authority within 210 days of the effective date of this Code.

H. **Application During Local Emergency.** The City Council may authorize a deviation from a provision of this Code during a local emergency declared and ratified under the Morro Bay Municipal Code. The City Council may authorize a deviation by resolution without notice or public hearing.

17.01.070 Responsibility for Administration

The Zoning Code shall be administered by the Morro Bay City Council, Planning Commission, and Community Development Department as established in Chapter 17.35, Planning Authorities. The IP shall also be administered by the Coastal Commission pursuant to the Coastal Act.

17.01.080 Severability

If any section, subsection, paragraph, sentence, clause, or phrase of this Code is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Code. The Morro Bay City Council hereby declares that it would have passed this Code, and each section, subsection, sentence, clause, and phrase thereof, regardless of the fact that any or one or more sections, subsections, sentences, clauses, or phrases be declared invalid or unconstitutional.

17.01.090 Fees

The City Council shall establish by resolution, and may amend and revise from time to time, fees for processing the discretionary entitlement applications and other permits authorized or required by this Code. All fees shall be paid at the time an application is filed, and no processing shall commence until the fees are paid in full.

Chapter 17.02 Interpretation (IP)

Sections:

17.02.010 Purpose
17.02.020 Rules of Interpretation
17.02.030 Rules of Measurement

17.02.010 Purpose

The purpose of this Chapter is to provide precision in the interpretation of the zoning regulations. The meaning and construction of words and phrases defined in this Chapter apply throughout the Zoning Code, except where the context indicates a different meaning.

17.02.020 Rules of Interpretation

In interpreting the various provisions of this Title, the following rules of interpretation shall apply.

A. **General Rules.** The following general rules apply to the interpretation and application of the Zoning Code.

1. The specific controls the general.

2. In case of conflict between the text and a figure, illustration, heading, caption, diagram or graphic, the text controls.

3. Sections and section headings contained herein shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning, or intent of any section.

4. Unless the context clearly indicates the contrary, the following conjunctions shall be interpreted as follows:

    a. “And” indicates that all connected words or provisions shall apply.

    b. “And/or” indicates that the connected words or provisions may apply singularly or in any combination.

    c. “Or” indicates that the connected words or provisions may apply singularly or in any combination.

    d. “Either . . . or” indicates that the connected words or provisions shall apply singularly but not in combination.

5. The words “shall,” “will,” “must” and “is to" are always mandatory and not discretionary. “Should” is a regulation that is not mandatory, but must be either fulfilled or the applicant must demonstrate an alternative that fulfills the intent of the regulation. "May" is permissive. For purposes of the IP, “shall,” “will,” “must”

and “is to" are always mandatory; “should” and “may” are mandatory, unless there is a compelling reason to do otherwise; and “including” means “including but not limited to.”

6. The present tense includes the past and future tense, and the future tense includes the past.

7. The singular number includes the plural, and the plural, the singular.

8. All references to departments, committees, commissions, boards, or other public agencies are to those of the City of Morro Bay, unless otherwise indicated.

9. All references to public officials are to those of the City of Morro Bay, and include designated deputies of such officials, unless otherwise indicated.

B. **Calendar Days.** All references to days are to calendar days, unless otherwise indicated. If a deadline falls on a weekend or holiday, or a day when the City offices are closed, it shall be extended to the next working day. The end of a time period shall be the close of business on the last day of the period.

C. **Definitions.** The Director shall make the interpretation for any definition not expressly identified in this Title.

D. **Uncertainty of Boundaries.** If an uncertainty exists as to the boundaries of any district shown on the Official Zoning Map, the following rules shall apply:

1. Boundaries indicated as approximately following the centerlines of alleys, lanes, streets, highways, streams or railroads shall be construed to follow such centerlines.

2. Boundaries indicated as approximately following lot lines, city limits, or extraterritorial boundary lines shall be construed as following such lines, limits or boundaries.

3. Where a zone district or area boundary approximately follows the shoreline of the Pacific Ocean, the boundary shall be construed to follow the mean high tide line.

E. **Parcels Containing Two or More Zoning Districts.**

1. For parcels containing two or more zoning districts, the location of the zoning district boundary shall be determined by the Director.

2. For parcels containing two or more zoning districts, the applicable regulations for each district shall apply.

17.02.030 Rules of Measurement

For all calculations, the applicant shall be responsible for supplying drawings illustrating the measurements that apply to a project. These drawings shall be drawn to scale and of sufficient detail to allow easy verification upon inspection by the Director.

A. **Fractions.** Whenever this Title requires consideration of distances, parking spaces, dwelling units or other aspects of development or the physical environment expressed in numerical quantities, and the result of a calculation contains a fraction of a whole number, the results will be rounded as follows:

1. ***General Rounding.*** 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, except as otherwise provided.

2. ***Density Rounding.*** For purposes of computing the maximum number of residential units allowed on a lot, any fractions equal to .90 or larger shall be rounded up to the next whole number and any fraction less than .90 shall be rounded down to the next whole number except as provided below.

    a. *Exception for State Affordable Housing Density Bonus.* Each component of any density calculation related to projects eligible for bonus density pursuant to Government Code Section 65915 or any successor statute, including base density and bonus density, resulting in fractional units shall be separately rounded up to the next whole number.

B. **Measuring Distances.**

1. ***Measurements are Shortest Distance.*** When measuring a required distance, such as the minimum distance between a structure and a lot line, the measurement is made at the closest or shortest distance between the two objects.

2. ***Distances are Measured Horizontally.*** When determining distances for setbacks and structure dimensions, all distances are measured along a horizontal plane from the appropriate line, edge of building, structure, storage area, parking area, or other object. These distances are not measured by following the topography or slope of the land.

3. ***Measurements Involving a Structure.*** Measurements involving a structure are made to the closest point of an exterior wall or support element of the structure. Structures or portions of structures that are entirely underground are not included in measuring required distances.

4. ***Measurement of Vehicle Stacking or Travel Areas.*** Measurement of a minimum travel distance for vehicles, such as garage entrance setbacks and stacking lane distances, are measured down the center of the vehicle travel area. For example,

curving driveways and travel lanes are measured along the center arc of the driveway or traffic lane.

5. ***Measuring Radius.*** When a specified land use is required to be located a minimum distance from another land use, the minimum distance is measured in a straight line from all points along the lot line of the subject project, in all directions.

6. ***Measuring Setbacks.*** See Subsection 17.02.030(J), Determining Setbacks (Yards).

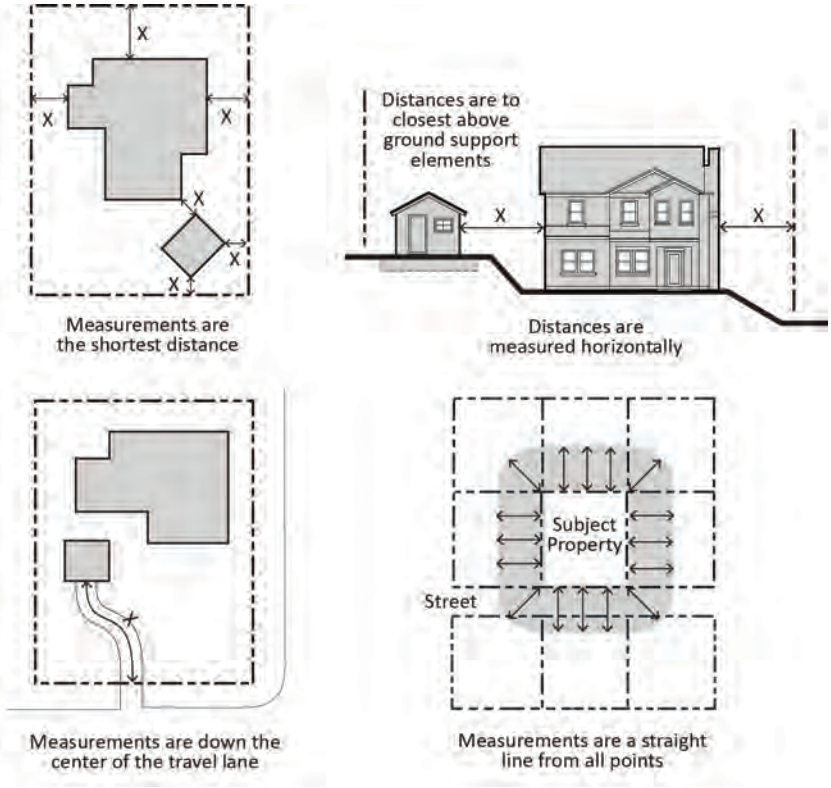


FIGURE 17.02.030(B): MEASURING DISTANCES

C. **Measuring Height.** Height is measured as the vertical distance from a point on the ground below a structure to a point directly above.

1. ***Measuring Building Height.*** Building height is measured from the average level of the highest and lowest point of that portion of the lot covered by the building, as measured to the topmost point of the roof or the top rail of a roof deck.

   a. When measuring the various levels on a lot to calculate the height, the grades in existence on the effective date of this Title *(insert date)* shall be used; any fill added to the site since that date shall be deducted from present grade elevations and any areas cut since that date may be added to the present grade elevations when measuring building height.

b. When measuring height along the waterfront, height is determined by average grades of the land portion of the site, not including the bank.

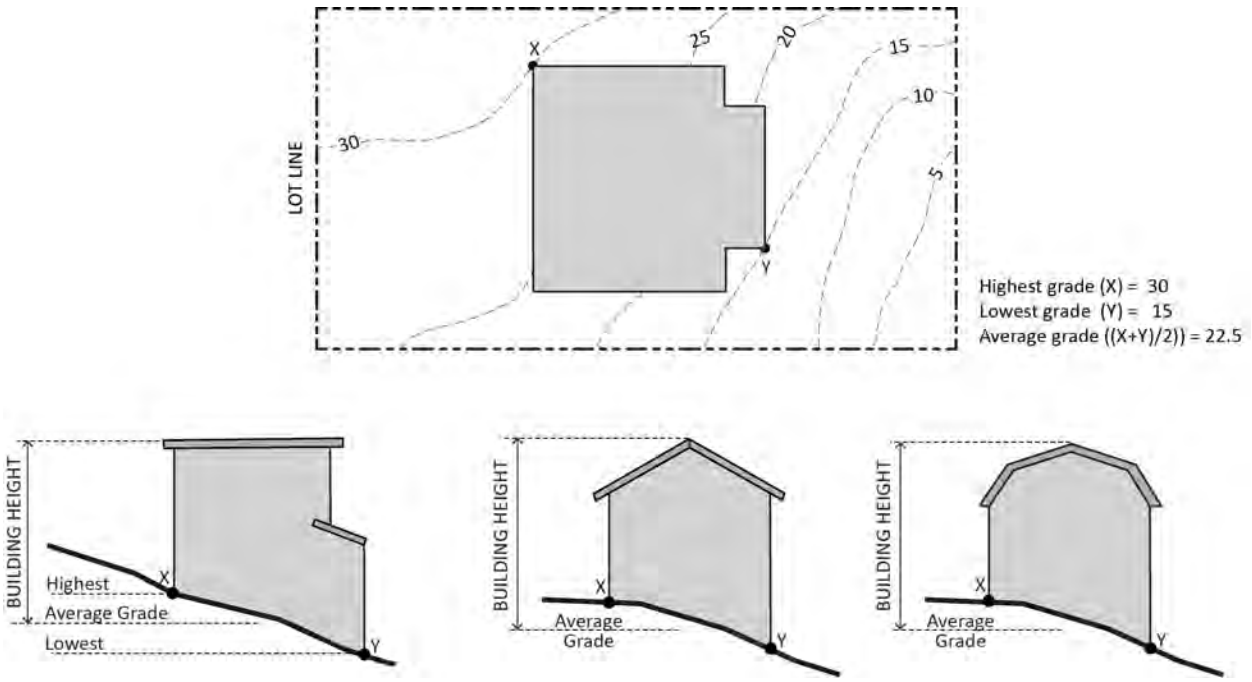


FIGURE 17.02.030(C)(1): MEASURING BUILDING HEIGHT

2. ***Measuring the Number of Stories.*** In measuring the number of stories in a building, the following rules shall apply:

   a. An interior balcony or mezzanine shall be counted as a full story if its floor area exceeds one-third of the total area of the nearest full floor directly below it or if it is enclosed on more than two sides.

   b. A basement shall be counted as a full story if the vertical distance between finished grade and the finished surface of the floor above the basement is more than six feet at any point.

   c. A story shall not exceed 20 feet in height from the upper surface of the floor to the ceiling above.

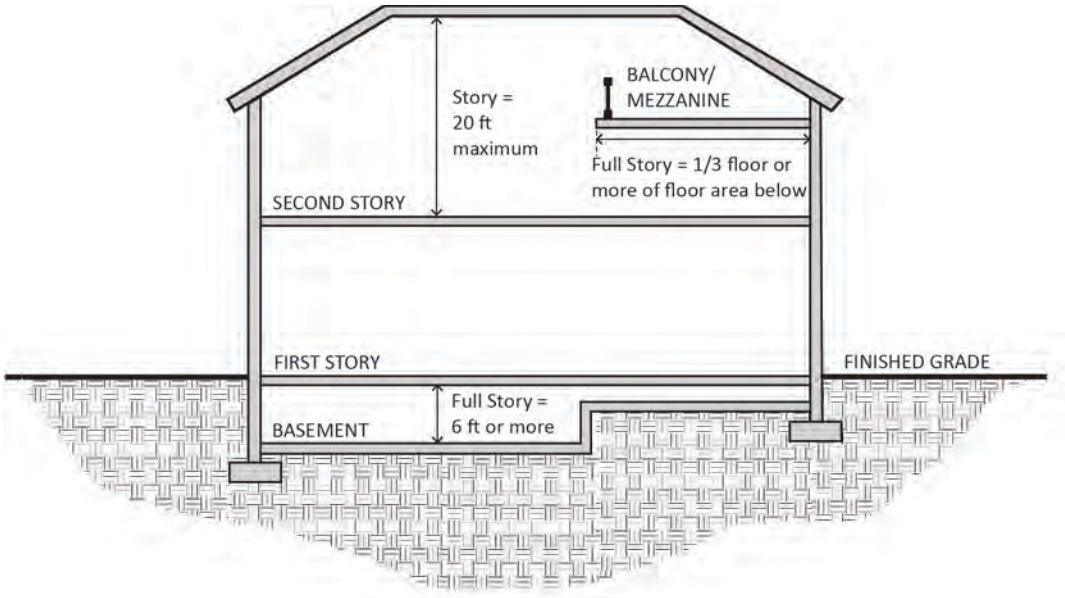


FIGURE 17.02.030(C)(2): MEASURING THE NUMBER OF STORIES

3. ***Measuring Height of Fences or Walls.*** The height of a fence or wall is measured as the vertical distance from the ground level on the lowest external side of the fence or wall to the highest point of such fence or wall.

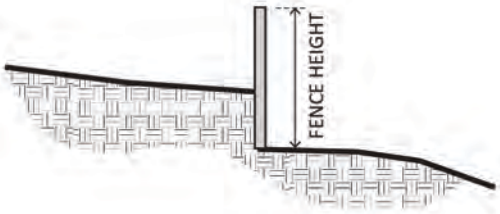


FIGURE 17.02.030(C)(3): MEASURING HEIGHT OF FENCES OR WALLS

4. ***Measuring the Height of Decks.*** Deck height is determined by measuring from the ground to the top of the floor of the deck directly above the ground below. The top rail of any deck shall not exceed the height limitations of the district in which the deck is located.

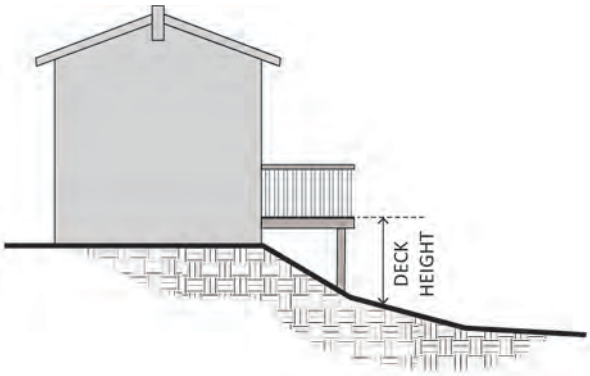


FIGURE 17.02.030(C)(4): MEASURING HEIGHT OF DECKS

D. **Measuring Lot Width and Depth.**

1. ***Lot Width.*** Lot width is the horizontal distance between the side lot lines, measured at right angles to the lot depth at the required front setback line.

2. ***Lot Depth.*** Lot depth is measured along a straight line drawn from the midpoint of the front property line of the lot to the midpoint of the rear property line or to the most distant point on any other lot line where there is no rear lot line.

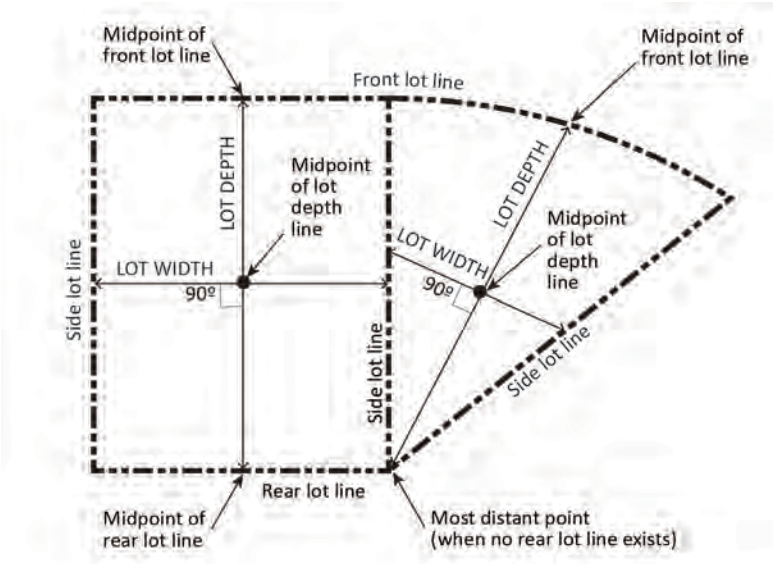


FIGURE 17.02.030(D): MEASURING LOT WIDTH AND DEPTH

E. **Determining Average Slope.** The average slope of a parcel is calculated using the following formula: S = 100(I)(L)/A, where:

1. S = Average slope (in percent)

2. I = Contour interval (in feet)

3. L = Total length of all contour lines on the parcel (in feet)

4. A = Area of subject parcel (in square feet)

F. **Determining Floor Area.** The floor area of a building is the sum of the gross horizontal areas of all floors of a building or other enclosed structure, measured from the outside perimeter of the exterior walls and/or the centerline of interior walls.

1. ***Included in Floor Area.*** Floor area includes, but is not limited to, all habitable space (as defined in the Building Code) that is below the roof and within the outer surface of the main walls of primary or accessory buildings or the centerlines of party walls separating such buildings or portions thereof or within lines drawn parallel to and two feet within the roof line of any building without walls. In the case of a multi-story building that has covered or enclosed stairways, stairwells or elevator shafts, the horizontal area of such features shall be counted only once at the floor level of their greatest area of horizontal extent.

2. ***Excluded from Floor Area.*** Floor area does not include the following:

a. Mechanical, electrical, and communication equipment rooms that do not exceed two percent of the building's total floor area;

b. Bay windows or other architectural projections where the vertical distance between the lowest surface of the projection and the finished floor is 30 inches or greater;

c. Areas that qualify as usable open space;

d. Covered porticoes, paseos, corridors, and courtyards designed for use by and accessible to the general public; and

e. In non-residential buildings, areas used for off-street parking spaces or loading spaces, driveways, ramps between floors of a multi-level parking garage, and maneuvering aisles that are located below the finish grade of the property.

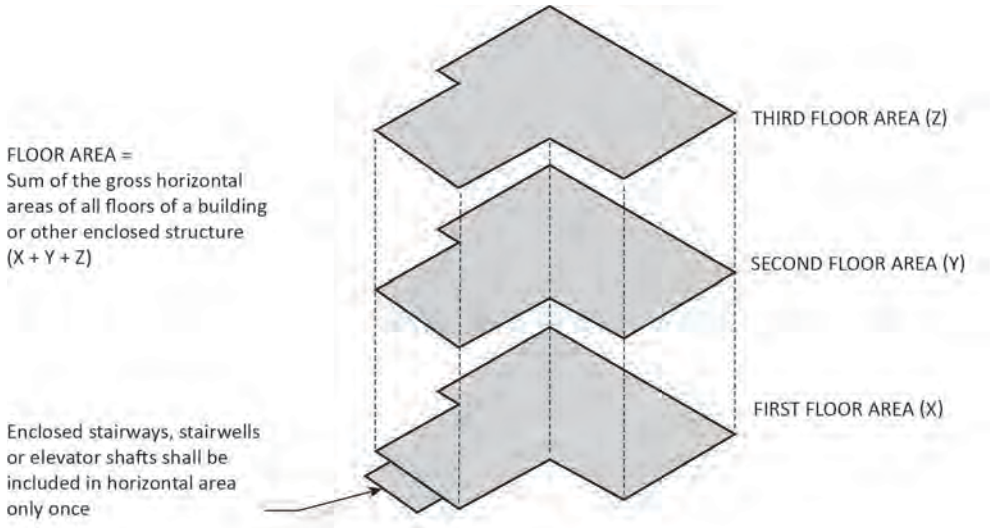


FIGURE 17.02.030(F): DETERMINING FLOOR AREA

G. **Determining Floor Area Ratio.** The floor area ratio (FAR) is the ratio of the floor area, excluding the areas described below, of all primary and accessory buildings on a site to the site area. To calculate the FAR, floor area is divided by site area, and typically expressed as a decimal. For example, if the floor area of all buildings on a site totals 20,000 square feet, and the site area is 10,000 square feet, the FAR is expressed as 2.0.

1. ***Excluded from Floor Area in Calculating FAR.***

   a. *Underground Areas.* Floor area located below finished grade.

   b. *Parking.* Parking areas located below finished grade or finished floor of habitable space where the vertical distance between finished grade and finished floor is less than six feet.

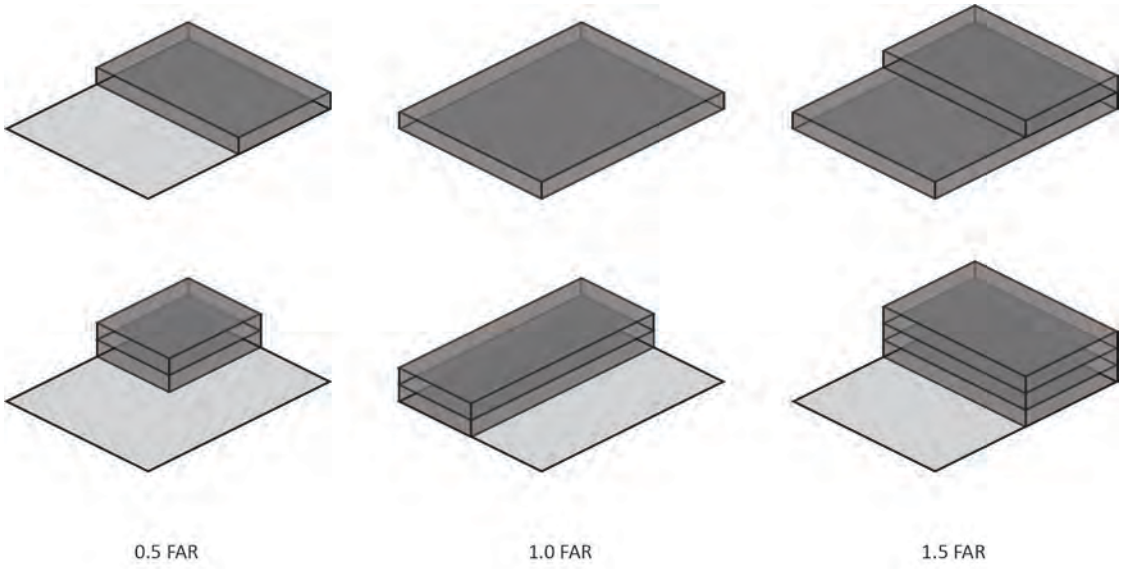


FIGURE 17.02.030(G): DETERMINING FLOOR AREA RATIO

H. **Determining Lot Coverage.** Lot coverage is the ratio of the total footprint area of all structures on a lot to the net lot area, typically expressed as a percentage. The footprints of all primary and accessory structures, including garages, carports, covered patios, roofed porches, and uncovered patios, decks, and landings more than 30 inches in height, shall be summed in order to calculate lot coverage. The following structures shall be excluded from the calculation:

1. Unenclosed and unroofed decks, uncovered patio slab, porches, landings, balconies and stairways less than 30 inches in height;
2. Eaves and roof overhangs projecting up to three feet from a wall;
3. Trellises, pergolas, and similar structures that have roofs or coverings that are at least 50 percent open to the sky with uniformly distributed openings;
4. Swimming pools and hot tubs that are not enclosed in roofed structures or decks; and
5. One small, non-habitable accessory structure under 120 square feet in size and less than eight feet in height. Structures above quantity of one shall be included in lot coverage.

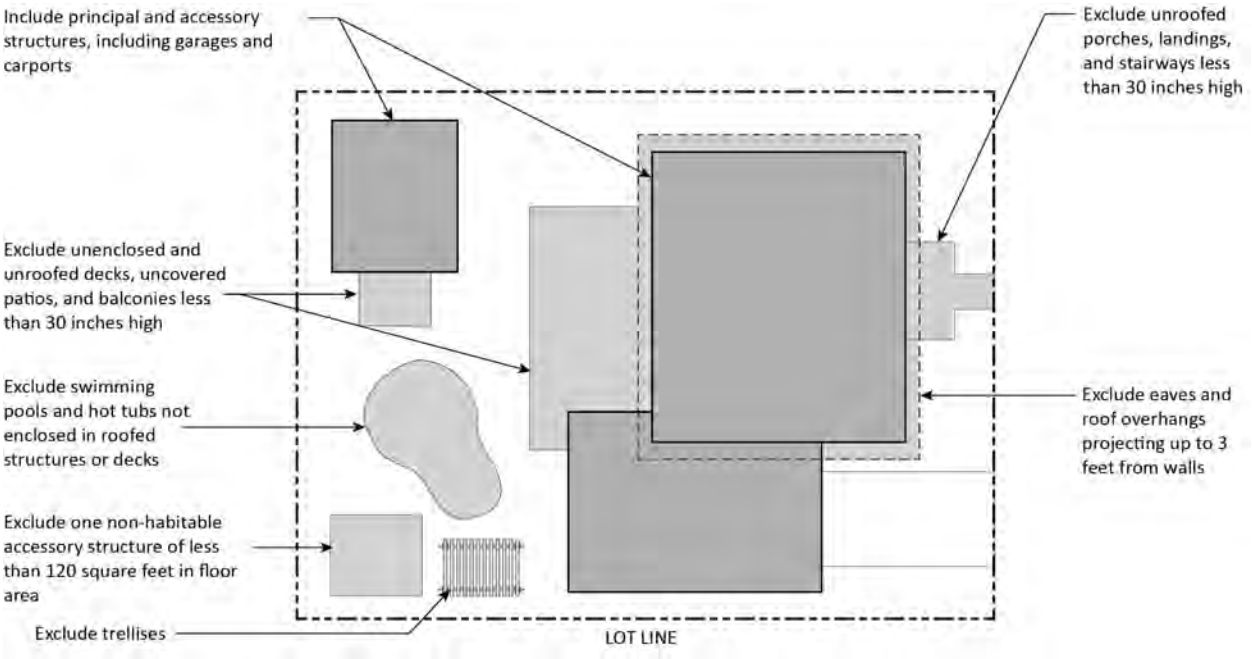


FIGURE 17.02.030(H): DETERMINING LOT COVERAGE

I. **Determining Lot Frontage.**

1. ***Corner Lot.*** The front of a lot is the narrowest dimension of the lot with street frontage unless otherwise determined by the Director based on historic use, topography, neighborhood character, and other factors.

2. ***Through Lot.*** The front of a through lot abuts the street that neighboring lots use to provide primary access.

   a. *RS District.* Where the majority of lots in a block are street-to-street lots in the RS District, the following rules apply:

      i. East-West Orientation. On east-west oriented lots, the western frontage shall be considered the front and the eastern frontage shall be considered the rear unless otherwise determined by the Director.

      ii. North-South Orientation. The front and rear of north-south oriented lots shall be determined by the Director based on the prevailing development pattern of the block.

J. **Determining Setbacks (Yards).** A setback line defining a required yard is parallel to and at the specified distance from the corresponding front, side, or rear property line. The following special regulations for determining setbacks apply in certain circumstances.

1. ***Setbacks Measurement from Plan Lines.*** Whenever an official plan line has been established for any street or proposed street, setbacks required by this Title shall be measured from such plan line and in no case shall the provisions of this Title be construed as permitting any encroachment upon any official plan line. For the purpose of determining setbacks, the property lines shall be interpreted to be the official lot lines except in cases where a street or public area is offered for dedication but not yet been accepted, in which case the line established by the offer for dedication shall be interpreted to be the property line.

2. ***Building Lines.***

   a. Where there is no public area or street dedication or offers for dedication, setbacks shall be required when any land borders on a future street as designated within the adopted Circulation Element of the General Plan, or any future local street right-of-way or a future public area designated by the City's plans and ordinances.

   b. In any District where rights-of-way are not dedicated or offered for dedication, building line setbacks on major or collector highways shall be determined by the City Engineer. Dedication of land required for development of a major or secondary street shall be required at time of the subdivision of any land, or where no subdivision is involved, at time of development. Improvement shall be required as a condition of any Use Permit or Variance and preceding any change of land use.

3. ***Alleys.*** If a side lot line abuts an alley, the yard shall be considered an interior side yard rather than a corner side yard.

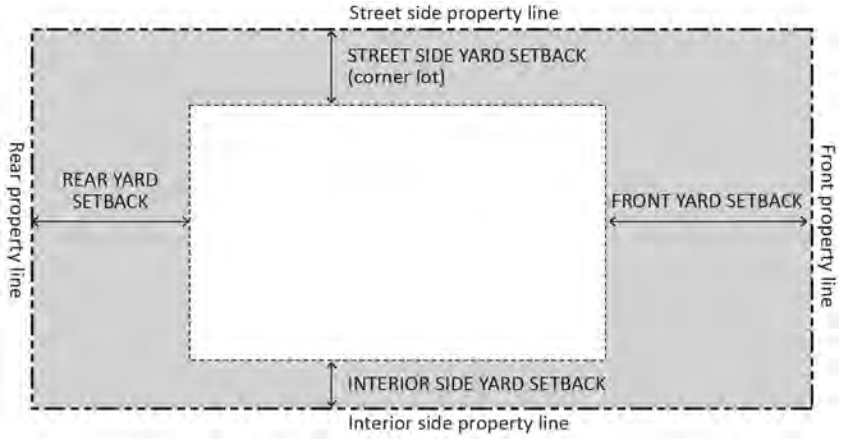


FIGURE 17.02.030(J): DETERMINING SETBACKS (YARDS)

K. **Measuring Signs.** The calculations of measurements related to signs are described in Chapter 17.29, Signs.

Chapter 17.03 Zoning Districts and Zoning Map (IP)

Sections:

17.03.010 Base Zoning Districts and Overlay Zoning Districts
17.03.020 Official Zoning Map and District Boundaries
17.03.030 IP Provisions

17.03.010 Base Zoning Districts and Overlay Zoning Districts

The City shall be classified into districts or zones, the designation and regulation of which are set forth in this Title and as follows:

A. **Base Zoning Districts.** Base zoning districts into which the City is divided are established as shown in Table 17.03.010, Base and Overlay Zoning Districts.

B. **Overlay Zoning Districts.** Overlay zoning districts, one or more of which may be combined with a base district, are established as shown in Table 17.03.010, Base and Overlay Zoning Districts.

TABLE 17.03.010: BASE AND OVERLAY ZONING DISTRICTS

Zoning District Symbol	*Zoning District Name*	*General Plan Land Use Designation Implemented by Zoning District*
BASE ZONING DISTRICTS		
Agriculture District		
AG	Agriculture District	Agriculture
Residential Districts		
RL	Residential Low Density	Low Density Residential
RS	Residential Single Unit	Moderate Density Residential
RM	Residential Medium Density	Medium Density Residential
RH	Residential High Density	High Density Residential
Commercial and Mixed Use Districts		
NC	Neighborhood Commercial	Neighborhood Commercial
CC	Community Commercial	Community Commercial
DC	District Commercial	District Commercial
VSC	Visitor Serving Commercial	Visitor Serving Commercial

TABLE 17.03.010: BASE AND OVERLAY ZONING DISTRICTS		
Zoning District Symbol	*Zoning District Name*	*General Plan Land Use Designation Implemented by Zoning District*
TMU	Transitional Mixed Use	Mixed Use
Industrial Districts		
IG	Industrial-General	General (Light) Industrial
ICD	Industrial-Coastal-Dependent	Coastal-Dependent Industrial
Public and Semi-Public Districts		
PF	Public Facility	Public/Institutional
PR	Park and Recreation	Open Space/Recreation
OS	Open Space	Open Space/Recreation
Waterfront and Harbor Area Districts		
CF	Commercial Fishing	Commercial/Recreational Fishing
H	Harbor	Harbor/Navigational Ways
WF	Waterfront	Waterfront Commercial/Industrial
OVERLAY ZONING DISTRICTS		
-CRP	Coastal Resource Protection	N/A
CRP-CR	Coastal Resource Protection - Cultural Resource	N/A
CRP-ESH	Coastal Resource Protection - Environmentally Sensitive Habitat	N/A
-CL	Cloisters	N/A
-MUR	Mixed Use Residential	N/A
-WMP	Waterfront Master Plan	N/A
-PD	Planned Development	N/A

17.03.020 Official Zoning Map and District Boundaries

The boundaries of the zoning districts established by this Code are not included in this Code but are shown on the Official Zoning Map maintained by the City Clerk. The Official Zoning Map, together with all legends, symbols, notations, references, zoning district boundaries, map symbols, and other information on the maps, have been adopted by the Council and are hereby

incorporated into this Code by reference, together with any amendments previously or hereafter adopted, as though they were fully included here.

17.03.030 IP Provisions

For the purposes of the zoning and use charts below, only the provisions of the IP as specified in 17.01.050(a) shall govern CDP review. In addition, in the coastal zone, public recreational access facilities and uses, such as trails, accessways, and public parks, shall be permissible uses in all zoning districts.

Chapter 17.06 Agriculture District (IP)

Sections:

17.06.010 Purpose and Applicability
17.06.020 Land Use Regulations
17.06.030 Development Standards

17.06.010 Purpose and Applicability

The purpose of the Agriculture (AG) District is to provide for the continuation of agricultural uses in suitable areas and for limited nonagricultural uses which may be necessary to support such continued agricultural activities. New development in this District shall also be sited and designed to protect and enhance scenic resources associated with the rural character of agricultural lands. This District implements the Agriculture General Plan/LCP Land Use Plan Land Use Designation.

17.06.020 Land Use Regulations

Table 17.06.020, Land Use Regulations-Agriculture District, sets the land use regulations for the Agriculture District. The regulations for the district are established by letter designation as follows:

"P" designates permitted uses

"M" designates use classifications that are permitted after review and approval of a Minor Use Permit pursuant to Chapter 17.40, Use Permits

"C" designates use classifications that are permitted after review and approval of a Conditional Use Permit pursuant to Chapter 17.40, Use Permits

"(#)" numbers in parentheses refer to specific limitations listed at the end of the table

"-" designates uses that are not permitted

For all uses, approval of a Coastal Development Permit pursuant to Chapter 17.39, Coastal Development Permits (IP), may be required.

Land uses are defined in Chapter 17.53, Land Use Classifications. In cases where a specific land use or activity is not defined, the Director shall assign the land use or activity to a classification that is substantially similar in character. Land uses not listed in the table or not found to be substantially similar to the uses below are prohibited. Section numbers in the right hand column

refer to specific regulations applicable to the particular use classification located in other sections of this Code.

TABLE 17.06.020: LAND USE REGULATIONS – AGRICULTURE DISTRICT

P: Permitted Use; M: Minor Use Permit Required; C: Conditional Use Permit Required; -: Use Not Allowed
Note: A Coastal Development Permit may be required, See Chapter 17.39, Coastal Development Permits

Land Use Classification	*AG*	*Additional Regulations*
Residential Uses		
Residential Housing Types	See subclassifications below	
Single-Unit Dwelling, Detached	P	
Accessory Dwelling Unit	P	See Section 17.30.040, Accessory Dwelling Unit
Employee Housing	See Section 17.30.110, Employee Housing (for farmworkers)	
Family Day Care	See subclassifications below	
Small	P	
Large	P	Must be located 300 feet from any other Large Family Day Care
Supportive Housing	Transitional and supportive housing constitute a residential use and are subject only to those restrictions that apply to other residential uses of the same type in the same Zoning District.	
Transitional Housing		
Commercial Uses		
Agriculture	P	
Transportation, Communication, and Utility Uses		
Telecommunication Facilities	See Section 17.30.250, Telecommunication Facilities	
Other Uses		
Accessory Uses and Structures	See Section 17.23.020, Accessory Structures, and Section 17.30.030, Accessory Uses	
Animal Keeping	See Section 17.30.060, Animal Keeping	
Home Occupations	See Section 17.30.130, Home Occupations	
Nonconforming Use	See Chapter 17.26, Nonconforming Uses, Structures, and Lots	
Recharging Station	See Section 17.30.200, Recharging Stations	
Renewable Energy Systems	See Section 17.30.240, Renewable Energy Systems	
Temporary Uses, including Temporary Produce Stands	See Section 17.30.260, Temporary Uses	

17.06.030 Development Standards

Table 17.06.030, Development Standards-Agriculture District, prescribes the development standards for the Agriculture District. Additional regulations are denoted in the right hand column. Section numbers in this column refer to other sections of this Code, while individual letters refer to subsections that directly follow the table.

TABLE 17.06.030: DEVELOPMENT STANDARDS – AGRICULTURE DISTRICT

Standard	*AG*	*Additional Information*
Lot and Density Standards		
Minimum Lot Size (acres)	20; 40 between Little Morro Creek Road and Morro Creek	(A)
Maximum Density (units/lot)	1	
Maximum Lot Coverage (% of lot)	5	See §17.02.030.H, Determining Lot Coverage
Building Form and Location Standards		
Maximum Building Height (ft)	25	See §17.02.030.C, Measuring Height and §17.23.070, Heights and Height Exceptions
Minimum Setbacks (ft)		
Front	25	See §17.02.030.J, Determining Setbacks (Yards), and §17.23.050, Encroachments into Required Setbacks
Interior Side	25	See §17.02.030.J, Determining Setbacks (Yards), and §17.23.050, Encroachments into Required Setbacks
Corner Side	25	See §17.02.030.J, Determining Setbacks (Yards), and §17.23.050, Encroachments into Required Setbacks
Rear	25	See §17.02.030.J, Determining Setbacks (Yards), and §17.23.050, Encroachments into Required Setbacks

A. **Reduced Lot Size.** Minimum lot sizes may be reduced only if a covenant, restriction or similar document is recorded which limit future uses of the lots to open space, agriculture or uses of the lots to open space, agriculture or uses or structures accessory to agriculture provided, however, that the minimum lot area shall in no case be less than 20,000 square feet and the lots are clustered to maintain agricultural feasibility or provide a coordinated open space area.

Chapter 17.07 Residential Districts

Sections:

17.07.010 Purpose and Applicability (IP)
17.07.020 Land Use Regulations (IP)
17.07.030 Development Standards (IP)
17.07.050 SB 9 Urban Lot Splits, RS and RL Districts (IP)

17.07.010 Purpose and Applicability (IP)

The purposes of the Residential Districts are to:

A. Provide for a full range of housing types consistent with the General Plan/LCP Land Use Plan.

B. Preserve, protect, and enhance the character of the City's different residential neighborhoods and the quality of life of City residents.

C. Ensure adequate light, air, privacy, and open space for each dwelling.

D. Ensure that the scale and design of new development and alterations to existing structures are compatible with surrounding homes and appropriate to the physical characteristics of the site and the area where the project is proposed.

E. Provide sites for public and semi-public land uses such as parks, schools, day care, and other uses that will serve City residents and will complement surrounding residential development.

Additional purposes of each Residential District:

Residential Low Density (RL). The RL District is intended to provide areas for detached single-unit dwellings and accessory uses compatible with the residential use of the district. In addition to single-unit dwellings, this District provides for other compatible uses, such as schools and parks that may be appropriate in a single-unit residential neighborhood. The overall density limit for these areas is 4.0 units per acre. This District implements the Low Density Residential General Plan/LCP Land Use Plan Land Use Designation.

Residential Single-Unit (RS). The RS District is intended to provide areas for detached and attached single-unit housing at densities between 4.1 and 7.0. Overall densities for these areas are up to seven units per net acre. In addition, this District provides for uses such as schools and

parks that may be appropriate in a low- or moderate-density residential environment. This District implements the Moderate Density Residential General Plan/LCP Land Use Plan Land Use Designation.

Residential Medium Density (RM). The RM District is intended to provide areas for a variety of housing types at densities between 7.1 and 15 units per acre. Types of dwelling units include attached and detached single-unit dwellings, townhomes, condominiums, two-unit dwellings, multi-unit developments, and apartments. This District also provides for uses such as schools, daycare centers, parks, and community facilities that may be appropriate in a medium density residential environment. This District implements the Medium Density Residential General Plan/LCP Land Use Plan Land Use Designation.

Residential High Density (RH). The RH District is intended to provide areas for a variety of medium to high-density residential development. Housing types include single-unit attached, townhouses, condominiums, and apartment buildings at densities between 15.1 and 27 dwelling units per acre. Detached single-unit dwellings are allowed where site characteristics such as size or topography, preclude multi-unit development. This District also provides for uses such as schools, daycare centers, parks, and community facilities that may be appropriate in a higher-density residential environment. This District implements the High Density Residential General Plan/LCP Land Use Plan Land Use Designation.

17.07.020 Land Use Regulations (IP)

Table 17.07.020, Land Use Regulations-Residential Districts, sets the land use regulations for Residential Districts. The regulations for each district are established by letter designation as follows:

> "P" designates permitted uses
>
> "M" designates use classifications that are permitted after review and approval of a Minor Use Permit pursuant to Chapter 17.40, Use Permits
>
> "C" designates use classifications that are permitted after review and approval of a Conditional Use Permit pursuant to Chapter 17.40, Use Permits
>
> "(#)" numbers in parentheses refer to specific limitations listed at the end of the table
>
> "-" designates uses that are not permitted

For all uses, approval of a Coastal Development Permit pursuant to Chapter 17.39, Coastal Development Permits (IP), may be required.

Land uses are defined in Chapter 17.53, Land Use Classifications. In cases where a specific land use or activity is not defined, the Director shall assign the land use or activity to a classification that is substantially similar in character. Land uses not listed in the table or not found to be substantially similar to the uses below are prohibited. Section numbers in the right hand column refer to specific regulations applicable to the particular use classification located in other sections of this Code.

TABLE 17.07.020: LAND USE REGULATIONS – RESIDENTIAL DISTRICTS

P: Permitted Use; M: Minor Use Permit Required; C: Conditional Use Permit Required; -: Use Not Allowed
Note: A Coastal Development Permit may be required, See Chapter 17.39, Coastal Development Permits

Land Use Classification	*RL*	*RS*	*RM*	*RH*	*Additional Regulations*
Residential Uses					
Residential Housing Types	See subclassifications below				
Single-Unit Dwelling, Detached	P	P	P	M(1)	
Single-Unit Dwelling, Attached	-	P	P	P	
Two-Unit Dwelling	P	P	P	P	
Multi-Unit Residential	-	-	P	P	
Accessory Dwelling Unit	P	P	P	P	See §17.30.040, Accessory Dwelling Units
Employee Housing	See Section 17.30.110, Employee Housing (for farmworkers)				
Family Day Care	See subclassifications below				
Small	P	P	P	P	
Large	P	P	P	P	Must be located 300 feet from any other Large Family Day Care
Group Residential	-	-	C	C	
Mobilehome Park	-	-	C(2)	C(2)	
Residential Care Facilities	See subclassifications below				
Small	P	P	P	P	
Large	-	-	M	M	
Residential Facility, Assisted Living	-	-	M	M	
Supportive Housing	Transitional and supportive housing constitute a residential use and are subject only to those restrictions that apply to other residential uses of the same type in the same Zoning District.				
Transitional Housing					

TABLE 17.07.020: LAND USE REGULATIONS – RESIDENTIAL DISTRICTS

P: Permitted Use; M: Minor Use Permit Required; C: Conditional Use Permit Required; -: Use Not Allowed
Note: A Coastal Development Permit may be required, See Chapter 17.39, Coastal Development Permits

Land Use Classification	*RL*	*RS*	*RM*	*RH*	*Additional Regulations*
Public/Semi Public Uses					
Community Assembly	C	C	C	M	
Day Care Centers	-	-	C	C	See §17.30.080, Day Care
Park and Recreation Facilities	M	M	M	M	
Parking Lots and Structures	-	-	-	C	
Schools	C	C	C	C	
Social Service Facilities	-	-	M	M	
Commercial Uses					
Agriculture	P	-	-	-	See §17.30.060, Animal Keeping for livestock density limits
Farmer's Markets	C	C	C	C	See §17.30.120, Farmer's Markets
Lodging	See subclassification below				
Short-term Vacation Rental	See §17.30.220, Short-term Vacation Rentals (IP)				
Offices	-	-	-	C	
Transportation, Communication, and Utility Uses					
Public Works and Utilities	C	C	C	C	
Telecommunication Facilities	See Section 17.30.250, Telecommunication Facilities				
Urban Agriculture Uses					
Community Garden	P	P	P	P	See §17.30.270, Urban Agriculture
Market Garden, less than one acre	P	P	P	P	See §17.30.270, Urban Agriculture
Market Garden, one acre or more	M	C	C	C	See §17.30.270, Urban Agriculture
Private Garden	P	P	P	P	See §17.30.270, Urban Agriculture
Other Uses					
Accessory Uses and Structures	See Section 17.23.020, Accessory Structures, and Section 17.30.030, Accessory Uses				
Animal Keeping	See Section 17.30.060, Animal Keeping				
Home Occupations	See Section 17.30.130, Home Occupations				

TABLE 17.07.020: LAND USE REGULATIONS – RESIDENTIAL DISTRICTS

P: Permitted Use; M: Minor Use Permit Required; C: Conditional Use Permit Required; -: Use Not Allowed
Note: A Coastal Development Permit may be required, See Chapter 17.39, Coastal Development Permits

Land Use Classification	*RL*	*RS*	*RM*	*RH*	*Additional Regulations*
Nonconforming Use	See Chapter 17.26, Nonconforming Uses, Structures, and Lots				
Recharging Station	See Section 17.30.200, Recharging Stations				
Renewable Energy Systems	See Section 17.30.240, Renewable Energy Systems				
Temporary Use	See Section 17.30.260, Temporary Uses				

Specific Limitations:

1. Allowed only where site characteristics, such as size or topography, preclude multi-unit development.
2. Limited to sites with a minimum of three acres.

17.07.030 Development Standards (IP)

Table 17.07.030.A, Development Standards-RS Districts, and Table 17.07.030.B, Development Standards-RL, RM, and RH Districts, prescribe the development standards for Residential Districts. Additional regulations are denoted in the right hand column. Section numbers in this column refer to other sections of this Code. Additional development standards are specified following the tables below.

TABLE 17.07.030.A: DEVELOPMENT STANDARDS – RS DISTRICTS

Standard	*RS-A*			*RS-B*	*Additional Information*
	Lot Size (square feet)				
	2,500 sq ft or less	*2,501 to 4,300 sq ft*	*4,301 sq ft and greater*		
Lot and Density Standards					
Minimum Density (units/acre)	4.1				
Maximum Density (units/acre)	7.0; or as allowed for SB 9 related development pursuant to 17.07.030.A				
Maximum Lot Coverage (% of lot)	50	50	45	50	See §17.02.030.H, Determining Lot Coverage

TABLE 17.07.030.A: DEVELOPMENT STANDARDS – RS DISTRICTS					
Standard	*RS-A*			*RS-B*	*Additional Information*
	Lot Size (square feet)				
	2,500 sq ft or less	*2,501 to 4,300 sq ft*	*4,301 sq ft and greater*		
Building Form and Location Standards					
Maximum Building Height (ft)	25	25	25 For parcels west of Highway 1 and north of No Name Creek, no portion of any structure except vents and chimneys may extend above the 50 foot elevation above sea level	14; 17 if roof pitch is 4:12 or greater	See §17.02.030.C, Measuring Height and §17.23.070, Heights and Height Exceptions
Maximum Number of Stories	n/a	n/a	n/a	1	See §17.02.030.C.2, Measuring the Number of Stories
Maximum Building Wall Height (ft)	30	30	30	n/a	
Minimum Setbacks (ft)					
Front	10	15	20	15	See §17.02.030.J, Determining Setbacks (Yards), §17.23.050, Encroachments into Required Setbacks, and §17.27.100.F, Driveway Length and Accessibility
Interior Side	3	10% of lot width, max 5	5	5	
Corner Side	6	20% of lot width, max 10	10	15	
Rear	5	5	10	5	See §17.23.050, Encroachments into Required Setbacks

TABLE 17.07.030.B: DEVELOPMENT STANDARDS – RL, RM, AND RH DISTRICTS				
Standard	*RL*	*RM*	*RH*	*Additional Information*
Lot and Density Standards				
Minimum Density (units/acre)	0	7.1	15.1	
Maximum Density (units/acre)	4; or as allowed for SB 9 related development pursuant to 17.07.030.A	15	27	
Maximum Lot Coverage (% of lot)	45	50	60	See §17.02.030.H, Determining Lot Coverage
Building Form and Location Standards				
Maximum Building Height (ft)	25	25	30	See §17.23.070, Heights and Height Exceptions
Maximum Wall Height (ft)	30	n/a	n/a	
Minimum Setbacks (ft)	For attached single-unit dwellings, required setbacks apply to the ends of rows of the dwellings.			
Front	20	Lots 2,500 sf or less: 10; Lots 2,501 to 4,300 sf: 15; Lots 4.301 sf or greater: 15 on West St, otherwise 20	15	See §17.02.030.J, Determining Setbacks (Yards), and §17.23.050, Encroachments into Required Setbacks See §17.27.100.F, Driveway Length and Accessibility
Interior Side	10	10% of lot width, min 3, max 5	5	See §17.02.030.J, Determining Setbacks (Yards), and §17.23.050, Encroachments into Required Setbacks

TABLE 17.07.030.B: DEVELOPMENT STANDARDS – RL, RM, AND RH DISTRICTS				
Standard	*RL*	*RM*	*RH*	*Additional Information*
Corner Side	10	20% of lot width, min 5, max 10	20% of lot width, min 5, max 10	See §17.02.030.J, Determining Setbacks (Yards), and §17.23.050, Encroachments into Required Setbacks See §17.27.100.F, Driveway Length and Accessibility
Rear	20	5	5, 20 when abutting an RL District	See §17.02.030.J, Determining Setbacks (Yards), and §17.23.050, Encroachments into Required Setbacks
Landscaping and Open Space Standards				
Minimum Landscaping (% of lot)	35	n/a	n/a	See Chapter 17.25, Landscaping
Minimum Open Space (sq ft per residential unit)	n/a	Studio: 50 1-bedroom: 100 2 or more bedrooms: 150		See §17.23.100, Open Space A minimum of 50 square feet of private open space shall be provided per unit.

Additional Development Standards

A. **Senate Bill (SB) 9 Related Development.** In the RS and RL Districts, two dwelling units are allowed per lot if the following standards are met:

1. The proposed development shall not be located in any of the following areas:
    a. Prime farmland or farmland of statewide importance
    b. Wetlands
    c. High or very high fire hazard severity zone
    d. Hazardous waste site
    e. Within a delineated earthquake fault zone
    f. Within a special flood hazard area / subject to a Letter of Map Revision
    g. Within regulatory floodway
    h. Lands identified for conservation in an adopted natural community conservation plan
    i. Habitat for protected species
    j. Lands under conservation easement

k. Within a historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a site that is designated or listed as a city or county landmark or historic property or district pursuant to a city or county ordinance

2. The proposed development shall not require demolition or alteration of any of the following types of housing:

   a. 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.

   b. Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.

   c. Housing that has been occupied by a tenant in the last three years.

3. The proposed development shall not be located on a lot on which an owner of residential real property has exercised the owner's rights under Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1 to withdraw accommodations from rent or lease within 15 years before the date that the development proponent submits an application.

4. The proposed development shall not involve the demolition of more than 25 percent of the existing exterior structural walls.

5. A maximum of two residential units are allowed per lot, inclusive of accessory dwelling units and junior accessory dwelling units.

6. Each unit constructed pursuant to this subsection shall comply with all provisions of the base, overlay, or specific plan district, except as modified by this Section.

   a. *Interior Side and Rear Setbacks.* A minimum four foot side and rear setback is required; however no setback is required for an existing structure or a structure constructed in the same location and to the same dimensions as an existing structure.

   b. *Parking.* A minimum of one space per unit shall be provided unless:

      i. The lot is located 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.

      ii. There is a car share vehicle located within one block of the lot.

   c. *Rental Limitations.* Rental terms shall be a minimum of 30 consecutive days.

7. If located in the coastal zone, the project must also be found consistent with all applicable provisions of the LCP, including those specified in Section 17.14.040(B).

17.07.050 SB 9 Urban Lot Splits, RS and RL Districts (IP)

In the RS and RL Districts, urban lot splits consistent with California Government Code Section 66411.7 and Title 16, Subdivisions, of the Morro Bay Municipal Code, are allowed consistent with the following:

A. No more than two ~~lots~~ new lots shall be created.

B. Each new lot shall be at least 1,200 square feet in size and at least 40 percent of the area of the original lot.

C. The urban lot split shall not involve a lot that has been established through prior exercise of an urban lot split.

D. Neither the owner of the lot being subdivided nor any person acting in concert with the owner may have previously subdivided an adjacent parcel using an urban lot split.

E. The urban lot split shall not be located in any of the following areas:

1. Prime farmland or farmland of statewide importance
2. Wetlands
3. High or very high fire hazard severity zone
4. Hazardous waste site
5. Within a delineated earthquake fault zone
6. Within a special flood hazard area / subject to a Letter of Map Revision
7. Within regulatory floodway
8. Lands identified for conservation in an adopted natural community conservation plan
9. Habitat for protected species
10. Lands under conservation easement
11. Within a historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a site that is designated or listed as a city or county landmark or historic property or district pursuant to a city or county ordinance

F. The urban lot split shall not require 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.

3. A lot on which an owner of residential real property has exercised the owner's rights under Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1 to withdraw accommodations from rent or lease within 15 years before the date that the development proponent submits an application.

4. Housing that has been occupied by a tenant in the last three years.

G. ***Applicant Occupancy Required.*** The applicant for an urban lot split shall sign an affidavit stating that the applicant intends to occupy one of the housing units as their principal residence for a minimum of three years from the date of the approved urban lot split.

1. *Exception.* This requirement does not apply to an applicant that is a community land trust or qualified nonprofit corporation.

H. ***Maximum Number of Units.*** A maximum of two residential units are allowed per lot, inclusive of accessory dwelling units and junior accessory dwelling units.

I. ***Development Standards***. Development on lots created by urban lots splits shall comply with all provisions of the base, overlay, or specific plan district in which it is located, except as modified by this Section.

1. *Interior Side and Rear Setbacks*. A minimum four foot side and rear setback is required; however no setback is required for an existing structure or a structure constructed in the same location and to the same dimensions as an existing structure.

2. *Parking.* A minimum of one space per unit shall be required unless:

a. The lot is located 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.

b. There is a car share vehicle located within one block of the lot.

3. *Rental Limitations.* Rental terms shall be a minimum of 30 consecutive days.

J. ***Review Procedures.*** A parcel map for an urban lot split consistent with California Government Code Section 66411.7 and Title 16, Subdivisions, of the Morro Bay Municipal Code shall be ministerially approved.

1. In the Coastal Resource Protection (CRP) Overlay District, a Coastal Development Permit pursuant to Chapter 17.39, Coastal Development Permits (IP) may be required.

K. If located in the coastal zone, the project must also be found consistent with all applicable provisions of the LCP, including those specified in Section 17.14.040(B).

Chapter 17.08 Commercial and Mixed Use Districts

Sections:

17.08.010 Purpose and Applicability (IP)
17.08.020 Land Use Regulations (IP)
17.08.030 Development Standards (IP)

17.08.010 Purpose and Applicability (IP)

The specific purposes of the Commercial and Mixed Use Districts are to:

A. Provide for the orderly, well-planned, and balanced development of commercial and mixed-use districts;

B. Designate adequate land for a full range of local- and regional-serving retail and commercial services consistent with the General Plan/LCP Land Use Plan to maintain and strengthen the city's economic resources;

C. Provide appropriately located areas for a range of commercial uses that provide for a variety of good and services for residents, employees, and visitors;

D. Provide opportunities for a mix of complementary uses that may combine residential and non-residential uses or combine a variety of non-residential uses on the same site; and

E. Promote pedestrian-oriented, mixed-use commercial centers at appropriate locations.

Additional purposes of each Commercial and Mixed Use District are as follows:

Neighborhood Commercial (NC). This District is intended to provide areas for smaller-scale neighborhood commercial areas which provide goods, services, and businesses to meet the day-to-day needs of nearby residents. Residential uses are allowed above and behind commercial uses and as stand-alone development in certain areas. This District implements the Neighborhood Commercial General Plan/LCP Land Use Plan Land Use Designation.

Community Commercial (CC). This District is intended to create, maintain and enhance walkable community commercial areas that provide a mix of community-oriented uses including retail stores, restaurants, professional and medical offices, and personal services. Residential uses are allowed above and behind commercial uses and as stand-alone development in certain areas. This District implements the Community Commercial and the Mixed Use General Plan/LCP Land Use Plan Land Use Designation.

District Commercial (DC). This District provides locations for retail, commercial, and service uses that meet local and regional demand. It is intended for larger-scale development that is appropriate in an auto-oriented environment. This District implements the District Commercial General Plan/LCP Land Use Plan Land Use Designation.

Visitor Serving Commercial VSC. This District is intended to provide areas for visitor-oriented services and uses located at easily accessible locations and tourist destinations. A range of visitor-serving uses are allowed, including hotels and motels, restaurants, retail, recreation, and other uses that accommodate visitor needs and activities. Residential uses are allowed in certain areas. This District implements the Visitor-Serving Commercial General Plan/LCP Land Use Plan Land Use Designation.

Transitional Mixed Use (TMU). This District is intended as a flexible district providing appropriate transitions from the commercial mixed-use character of the Downtown to adjacent residential neighborhoods. A wide range of uses are allowed, including service, commercial, office, residential, public, and visitor serving uses. This District implements the Mixed Use General Plan/LCP Land Use Plan Land Use Designation.

17.08.020 Land Use Regulations (IP)

Table 17.08.020, Land Use Regulations-Commercial and Mixed Use Districts, sets the land use regulations for Commercial and Mixed Use Districts. The regulations for each district are established by letter designation as follows:

> "P" designates permitted uses
>
> "M" designates use classifications that are permitted after review and approval of a Minor Use Permit pursuant to Chapter 17.40, Use Permits
>
> "C" designates use classifications that are permitted after review and approval of a Conditional Use Permit pursuant to Chapter 17.40, Use Permits
>
> "(#)" numbers in parentheses refer to specific limitations listed at the end of the table
>
> "-" designates uses that are not permitted

For all uses, approval of a Coastal Development Permit pursuant to Chapter 17.39, Coastal Development Permits (IP), may be required.

Land uses are defined in Chapter 17.53, Land Use Classifications. In cases where a specific land use or activity is not defined, the Director shall assign the land use or activity to a classification that is substantially similar in character. Land uses not listed in the table or not found to be substantially similar to the uses below are prohibited. Section numbers in the right hand column

refer to specific regulations applicable to the particular use classification located in other sections of this Code.

TABLE 17.08.020: LAND USE REGULATIONS – COMMERCIAL AND MIXED USE DISTRICTS

P: Permitted Use; M: Minor Use Permit Required; C: Conditional Use Permit Required; -: Use Not Allowed
Note: A Coastal Development Permit may be required, See Chapter 17.39, Coastal Development Permits

Land Use Classification	*NC*	*CC*	*DC*	*VSC*	*TMU*	*Additional Regulations*
Residential Uses						
Residential Housing Types	See subclassifications below					
Single-Unit Dwelling, Detached	M(1)	-	-	-	-	
Single-Unit Dwelling, Attached	M(1)	C(2)	C(2)	C(4)	P	
Two-Unit Dwelling	M(1)	C(2)	C(2)	-	-	
Multi-Unit Residential	M(1)	C(2)	C(2)	C(4)	P	
Accessory Dwelling Units	P	P	P	P	P	See §17.30.040, Accessory Dwelling Units
Caretaker	-	-	P	-	-	
Family Day Care	See subclassifications below					
Small	P	P	-	P	P	
Large	P	P	-	P	P	Must be located 300 feet from any other Large Family Day Care
Group Residential	-	C(2)	-	-	M	
Mobilehome Park	-	-	-	C	-	
Residential Care Facilities	See subclassifications below					
Small	P	P	-	-	P	
Residential Facility, Assisted Living	M	M(3)	-	-	P	
Single Room Occupancy	M	P(2)	-	-	M	See §17.30.230, Single Room Occupancy
Supportive Housing	Transitional and supportive housing constitute a residential use and are subject only to those restrictions that apply to other residential uses of the same type in the same Zoning District.					
Transitional Housing						
Public/Semi Public Uses						
Campgrounds and Recreational Vehicle Parks	-	-	C	C	-	

TABLE 17.08.020: LAND USE REGULATIONS – COMMERCIAL AND MIXED USE DISTRICTS

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Note: A Coastal Development Permit may be required, See Chapter 17.39, Coastal Development Permits

Land Use Classification	*NC*	*CC*	*DC*	*VSC*	*TMU*	*Additional Regulations*
Community Assembly	M	C	P	M	M	
Cultural Institutions	-	P	P	P	M	
Day Care Centers	M	M	M	-	M	See §17.30.080, Day Care
Emergency Shelter	-	P	-	-	-	See §17.30.100, Emergency Shelters
Government Offices	P	P	P	-	P	
Harbor, Port, and Marina Facilities	-	-	-	C	-	
Hospitals and Clinics	See subclassifications below					
Hospitals	-	-	C	-	-	
Clinics	M	C(3)	P	-	M	
Skilled Nursing Facilities	-	C(3)	-	-	-	
Instructional Services	-	P	P	P	P	
Park and Recreation Facilities	-	P	P	P	P	
Parking Lots and Structures	-	P	P	P	-	
Public Safety Facilities	M	P	P	M	M	
Social Service Facilities	M	M	M	-	-	
Commercial Uses						
Animal Care, Sales, and Services	See subclassifications below					
Animal Daycare	M	-	M	-	-	
Grooming and Pet Stores	-	-	P	-	P	
Veterinary Services	P	-	P	-	M	
Artist Studio	P	P	P	P	P	
Automobile/Vehicle Sales and Services	See subclassifications below					
Automobile/Vehicle Rentals	-	-	P	-	-	See §17.30.070, Automobile/Vehicle Sales and Services

TABLE 17.08.020: LAND USE REGULATIONS – COMMERCIAL AND MIXED USE DISTRICTS

P: Permitted Use; M: Minor Use Permit Required; C: Conditional Use Permit Required; -: Use Not Allowed
Note: A Coastal Development Permit may be required, See Chapter 17.39, Coastal Development Permits

Land Use Classification	*NC*	*CC*	*DC*	*VSC*	*TMU*	*Additional Regulations*
Automobile/Vehicle Sales and Leasing	-	-	P	-	-	See §17.30.070,, Automobile/Vehicle Sales and Services
Automobile/Vehicle Repair, Major	C	-	P	-	-	See §17.30.070,, Automobile/Vehicle Sales and Services
Automobile/Vehicle Service and Repair, Minor	M	-	P	-	-	See §17.30.070,, Automobile/Vehicle Sales and Services
Large Vehicle and Equipment Sales, Service, and Rental	-	-	P	-	-	See §17.30.070,, Automobile/Vehicle Sales and Services
Service Stations	C	-	C	-	-	See §17.30.070, Automobile/Vehicle Sales and Services
Washing	C	-	P	-	-	See §17.30.070, Automobile/Vehicle Sales and Services
Banks and Financial Institutions	P	P	P	P	P	
Business Services	P	P	P	-	P	
Commercial Entertainment and Recreation	See subclassifications below					
Cinema/Theaters	M	P	M	P	M	
Indoor Sports and Recreation	P	P	P	P	P	
Outdoor Entertainment	-	-	-	M	-	
Outdoor Recreation	-	-	-	P	-	
Drive-Through Facility	-	-	C	-	-	See §17.30.090, Drive-Through Facilities
Eating and Drinking Establishments	See subclassifications below					
Bars/Night Clubs/Lounges	C	C	C	C	C	
Food and Beverage Tasting	P	P	P	P	P	
Restaurant	P	P	P	P	P	

TABLE 17.08.020: LAND USE REGULATIONS – COMMERCIAL AND MIXED USE DISTRICTS

P: Permitted Use; M: Minor Use Permit Required; C: Conditional Use Permit Required; -: Use Not Allowed
Note: A Coastal Development Permit may be required, See Chapter 17.39, Coastal Development Permits

Land Use Classification	*NC*	*CC*	*DC*	*VSC*	*TMU*	*Additional Regulations*
Farmer's Markets	P	P	P	P	P	See §17.30.120, Farmer's Markets
Food Preparation	P	P	P	P	P	
Funeral Parlors and Interment Services	C	-	C	-	-	
Hookah Lounge	-	-	P	-	-	
Lodging	See subclassifications below					
Hotels and Motels	P	P	-	P	P	
Short-term Vacation Rental	See §17.30.220, Short-term Vacation Rentals (IP)					
Maintenance and Repair Services	P	P	P	-	P	
Nonpermanent Vending	See Section 17.30.140, Nonpermanent Vending					
Nurseries and Garden Centers	P	P	P	P	P	
Offices	See subclassifications below					
Business and Professional	P	P	P	-	P	
Medical and Dental	P	P(3)	P	-	P	
Personal Services	See subclassifications below					
Fortune, Palm, and Card Reader	P	P	-	-	-	See §17.30.180, Personal Services
General Personal Services	P	P	P	P	P	See §17.30.180, Personal Services
Tattoo or Body Modification Parlor	P	P	P	-	-	See §17.30.180, Personal Services
Retail Sales	See subclassifications below					
Building Materials Sales and Services	P	P	P	-	-	
Food and Beverage Sales	P	P	P	P	P	
General Retail	P	P	P	P	P	
Industrial Uses						
Construction and Materials Yard	C	-	-	-	-	

TABLE 17.08.020: LAND USE REGULATIONS – COMMERCIAL AND MIXED USE DISTRICTS

P: Permitted Use; M: Minor Use Permit Required; C: Conditional Use Permit Required; -: Use Not Allowed
Note: A Coastal Development Permit may be required, See Chapter 17.39, Coastal Development Permits

Land Use Classification	*NC*	*CC*	*DC*	*VSC*	*TMU*	*Additional Regulations*
Custom Manufacturing	P	P	P	-	P	
Food and Beverage Manufacturing	See subclassifications below					
Limited/Small Scale	P	P	P	-	P	
Recycling Facilities	See subclassifications below					
Reverse Vending Machines	M	-	P	-	-	See §17.30.210, Recycling Facilities
Recycling Collection Facilities	C	-	C	-	-	See §17.30.210, Recycling Facilities
Warehousing and Storage	See subclassifications below					
Self Storage	C	-	C	-	-	See §17.30.190, Self Storage
Transportation, Communication, and Utility Uses						
Light Fleet-Based Services	-	-	P	-	-	
Public Works and Utilities	P	P	P	C	-	
Telecommunication Facilities	See Section 17.30.250, Telecommunication Facilities					
Transportation Passenger Terminals	P	P	P	P	P	
Urban Agriculture Uses						
Community Garden	P	P	-	-	P	See §17.30.270, Urban Agriculture
Market Garden, less than one acre	P	-	-	-	P	See §17.30.270, Urban Agriculture
Market Garden, one acre or more	M	-	-	-	-	See §17.30.270, Urban Agriculture
Private Garden	P	P	-	-	P	See §17.30.270, Urban Agriculture
Other Uses						
Accessory Uses and Structures	See Section 17.23.020, Accessory Structures, and Section 17.30.030, Accessory Uses					
Nonconforming Use	See Chapter 17.26, Nonconforming Uses, Structures, and Lots					

TABLE 17.08.020: LAND USE REGULATIONS – COMMERCIAL AND MIXED USE DISTRICTS

P: Permitted Use; M: Minor Use Permit Required; C: Conditional Use Permit Required; -: Use Not Allowed
Note: A Coastal Development Permit may be required, See Chapter 17.39, Coastal Development Permits

Land Use Classification	*NC*	*CC*	*DC*	*VSC*	*TMU*	*Additional Regulations*
Recharging Station	See Section 17.30.200, Recharging Stations					
Renewable Energy Systems	See Section 17.30.240, Renewable Energy Systems					
Temporary Use	See Section 17.30.260, Temporary Uses					

Specific Limitations:

1. Must be located above and behind commercial uses except within the Mixed-Use Residential Overlay. Within the Mixed-Use Residential Overlay, residential uses in any configuration, including as stand-alone residential development, is allowed subject to Minor Use Permit approval.

2. Must be located above or behind non-residential uses.

3. Not allowed along Morro Bay Boulevard.

4. Allowed with Conditional Use Permit approval in the Mixed-Use Residential Overlay when provided as part of a visitor-serving, mixed-use development.

17.08.030 Development Standards (IP)

Table 17.08.030, Development Standards-Commercial and Mixed Use Districts, prescribes the development standards for Commercial and Mixed Use Districts. Additional regulations are denoted in the right hand column. Section numbers in this column refer to other sections of this Code.

TABLE 17.08.030: DEVELOPMENT STANDARDS – COMMERCIAL AND MIXED USE DISTRICTS

Standard	*NC*	*CC*	*DC*	*VSC*	*TMU*	*Additional Information*
Lot and Density Standards						
Minimum Density (residential dwelling units/acre) applicable only to residential and mixed-use development	4.1	15.1	n/a	n/a	15.1	
Maximum Density (residential dwelling units/acre)	15	27	27	As allowed in the Mixed Use Residential Overlay, Chapter 17.16	27	See §17.24, Affordable Housing, Density Bonuses, and Other Incentives
Maximum Floor Area Ratio (FAR), applicable only to non-residential floor area	1.0	1.25	0.5	1.25	1.0	See §17.02.030.G, Determining Floor Area Ratio
Building Form and Location Standards						
Maximum Height (ft)	25, up to 30 pursuant to (A)	30	30, 25 within 20 ft of a Residential District	30	30	See §17.02.030.C, Measuring Height §17.23.070, Heights and Height Exceptions
Minimum Setbacks (ft)						

TABLE 17.08.030: DEVELOPMENT STANDARDS – COMMERCIAL AND MIXED USE DISTRICTS

Standard	*NC*	*CC*	*DC*	*VSC*	*TMU*	*Additional Information*
Front	5, 10 adjacent to a Residential District	0, 10 adjacent to a Residential District See also (B) below	0, 10 adjacent to a Residential District	0	15 See also (C) below	See §17.02.030.J, Determining Setbacks (Yards), §17.23.050, Encroachments into Required Setbacks, and §17.27.100.F, Driveway Length and Accessibility
Corner Side	5, 10 adjacent to a Residential District	0, 10 adjacent to a Residential District See also (B) below	0, 10 adjacent to a Residential District	0	10	See §17.02.030.J, Determining Setbacks (Yards), §17.23.050, Encroachments into Required Setbacks, and §17.27.100.F, Driveway Length and Accessibility
Interior Side	5	0, 10 adjacent to a Residential District	0, 10 adjacent to a Residential District	0, 10 adjacent to a Residential District	0	See §17.02.030.J, Determining Setbacks (Yards), and §17.23.050, Encroachments into Required Setbacks
Rear	5 for buildings up to 15 ft in height; 10 for buildings over 15 ft in height	0, 10 adjacent to a Residential District	0, 10 adjacent to a Residential District	0, 10 adjacent to a Residential District	5	See §17.02.030.J, Determining Setbacks (Yards), and §17.23.050, Encroachments into Required Setbacks
Open Space Standards						
Minimum Open Space (sq ft per residential unit)	50	50	50	50	50	See §17.23.100, Open Space

A. **Additional Height Allowance, NC District.** The Planning Commission may allow up to 30 feet to encourage roofline variations and sloping roof treatments provided that the additional height is necessary for such roof treatment and that corridors protecting significant views are provided. Furthermore, to prevent long, unvarying rooflines, the

Planning Commission shall consider the following guidelines when allowing a project to exceed 25 feet in height.

1. For buildings fronting on Main Street, not more than one-third of the west elevation of the building roofline and, if different, not more than one-third of the elevation of the longest building roofline should exceed 25 feet in height. This standard is intended as a guideline, not a strict requirement, and the Planning Commission may vary from this guideline as deemed necessary and useful to meet the intent of this Section.

2. To the extent practical, significant view opportunities shall be preserved and protected through the use of view corridors and air space easements.

B. **Required Building Location, CC District.** The following building location requirements apply in the CC District.

1. ***Build-to Line.*** Buildings shall be located within 10 feet of street-facing property lines for at least 60 percent of the linear street frontage.

2. ***Corner Build Area.*** Buildings shall be located within 10 feet of the property line within 30 feet of the street corner.

3. ***Frontage Improvements.*** The area between buildings and the property line shall be improved as part of a wider sidewalk, outdoor dining/seating area, or with landscaping.

4. ***Exceptions.*** These requirements may be modified or waived through Design Review upon finding that:

   a. Entry courtyards, plazas, entries, or outdoor eating areas are located adjacent to the property line and buildings are built to the edge of the courtyard, plaza, or dining area; or

   b. The building incorporates an alternative entrance design that creates a welcoming entry feature facing the street.

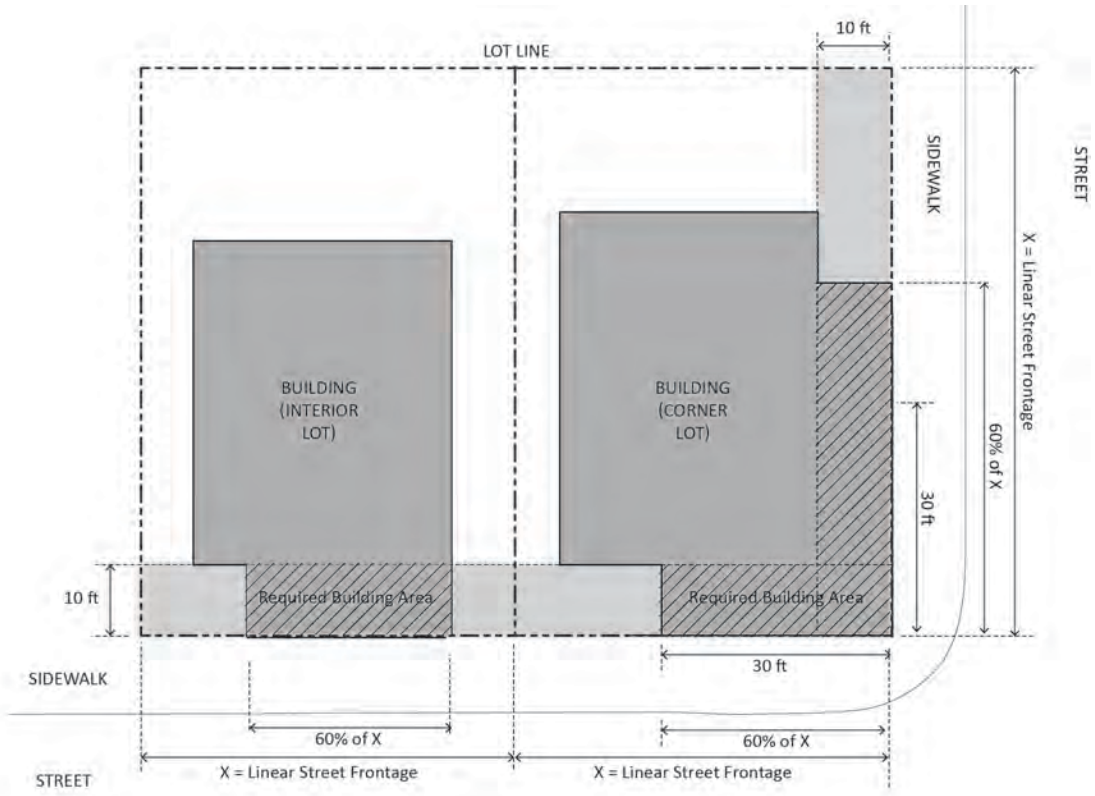


FIGURE 17.08.030(C): REQUIRED BUILDING LOCATION, CC DISTRICT

C. **Front Setback, TMU District.** Where 25 percent or more of the lots on the same block face have been improved with buildings, the minimum front setback requirement shall be the average of the actual front setback of all improved lots on such block face or 15 feet, whichever is less.

Chapter 17.09 Industrial Districts (IP)

Sections:

17.09.010 Purpose and Applicability
17.09.020 Land Use Regulations
17.09.030 Development Standards

17.09.010 Purpose and Applicability

The purposes of the Industrial Districts are to:

A. Designate adequate land for businesses, professional offices, and industrial growth consistent with the General Plan/LCP Land Use Plan to maintain and strengthen the City's economic resources;

B. Provide a range of employment opportunities to meet the needs of current and future residents;

C. Provide areas for a wide range of manufacturing, industrial processing, and service commercial uses and protect areas where such uses now exist; and

D. Preserve appropriately sited land for uses which must be located near the coast to function.

Industrial-General (IG). The IG District is intended to provide areas for a variety of industrial and service uses. Retail, service, and other supporting uses serving employees and businesses are also allowed. This district implements the General (Light) Industrial General Plan/LCP Land Use Plan Land Use Designation.

Industrial-Coastal-Dependent (ICD). The ICD District is intended to provide areas for coastal dependent industrial land uses that are given priority by the California Coastal Act for location adjacent to the coastline. This district implements the Coastal-Dependent Industrial General Plan/LCP Land Use Plan Land Use Designation.

17.09.020 Land Use Regulations

Table 17.09.020, Land Use Regulations-Industrial Districts, sets the land use regulations for Industrial Districts. The regulations for each district are established by letter designation as follows:

"P" designates permitted uses

"M" designates use classifications that are permitted after review and approval of a Minor Use Permit pursuant to Chapter 17.40, Use Permits

"C" designates use classifications that are permitted after review and approval of a Conditional Use Permit pursuant to Chapter 17.40, Use Permits

"(#)" numbers in parentheses refer to specific limitations listed at the end of the table

"-" designates uses that are not permitted

For all uses, approval of a Coastal Development Permit pursuant to Chapter 17.39, Coastal Development Permits (IP), may be required.

Land uses are defined in Chapter 17.53, Land Use Classifications. In cases where a specific land use or activity is not defined, the Director shall assign the land use or activity to a classification that is substantially similar in character. Land uses not listed in the table or not found to be substantially similar to the uses below are prohibited. Section numbers in the right hand column refer to specific regulations applicable to the particular use classification located in other sections of this Code.

TABLE 17.09.020: LAND USE REGULATIONS – INDUSTRIAL DISTRICTS

P: Permitted Use; M: Minor Use Permit Required; C: Conditional Use Permit Required; -: Use Not Allowed
Note: A Coastal Development Permit may be required, See Chapter 17.39, Coastal Development Permits

Land Use Classification	*IG*	*ICD*	*Additional Regulations*
Residential Uses			
Residential Housing Types	Permitted if existing. New units not allowed.		
Caretaker Unit	P	-	
Public/Semi Public Uses			
Colleges and Trade Schools	P	-	
Government Offices	P	P(1)	
Harbor, Port, and Marina Facilities	-	P	
Instructional Services	P	-	
Park and Recreation Facilities	M	-	

TABLE 17.09.020: LAND USE REGULATIONS – INDUSTRIAL DISTRICTS

P: Permitted Use; M: Minor Use Permit Required; C: Conditional Use Permit Required; -: Use Not Allowed
Note: A Coastal Development Permit may be required, See Chapter 17.39, Coastal Development Permits

Land Use Classification	*IG*	*ICD*	*Additional Regulations*
Commercial Uses			
Animal Care, Sales, and Services	See subclassifications below		
Animal Daycare	P	-	
Animal Shelter and Boarding	P	-	
Veterinary Services	P	-	
Agriculture	-	P(1)	
Automobile/Vehicle Sales and Services	See subclassifications below		
Automobile/Vehicle Rentals	P	-	See §17.30.070, Automobile/Vehicle Sales and Services
Automobile/Vehicle Sales and Leasing	P	-	See §17.30.070, Automobile/Vehicle Sales and Services
Automobile/Vehicle Repair, Major	P	-	See §17.30.070, Automobile/Vehicle Sales and Services
Automobile/Vehicle Service and Repair, Minor	P	-	See §17.30.070, Automobile/Vehicle Sales and Services
Large Vehicle and Equipment Sales, Service, and Rental	P	P(1)	See §17.30.070, Automobile/Vehicle Sales and Services
Service Stations	P	-	See §17.30.070, Automobile/Vehicle Sales and Services
Towing and Impound	P	-	See §17.30.070, Automobile/Vehicle Sales and Services
Washing	P	C(1)	See §17.30.070, Automobile/Vehicle Sales and Services
Business Services	P	-	
Food Preparation	P	-	
Maintenance and Repair Services	P	C(1)	
Nonpermanent Vending	See Section 17.30.140, Nonpermanent Vending		
Offices	See subclassifications below		
Business and Professional	P	P(1)	
Retail Sales	See subclassifications below		
Food and Beverage Sales	P	-	
General Retail	P	P(1)	
Industrial Uses			
Construction and Material Yards	P	-	

TABLE 17.09.020: LAND USE REGULATIONS – INDUSTRIAL DISTRICTS

P: Permitted Use; M: Minor Use Permit Required; C: Conditional Use Permit Required; -: Use Not Allowed
Note: A Coastal Development Permit may be required, See Chapter 17.39, Coastal Development Permits

Land Use Classification	*IG*	*ICD*	*Additional Regulations*
Custom Manufacturing	P	-	
Food and Beverage Manufacturing	See subclassifications below		
Limited/Small Scale	P	-	
General/Large Scale	M	-	
General Industrial	M	M(1)	
Light Industrial	P	P(1)	
Oil and Gas Explorations and Development Offshore	-	C	See §17.30.150, Off-shore Oil Development
Recycling Facilities	See subclassifications below		
Recycling Collection Facilities	P	-	See §17.30.210, Recycling Facilities
Recycling Processing Facilities	C	-	See §17.30.210, Recycling Facilities
Research and Development	P	C(1)	
Salvage and Wrecking	C	C(1)	
Warehousing and Storage	See subclassifications below		
Indoor Warehousing and Storage	P	P(1)	
Outdoor Storage	C	C(1)	
Self Storage	C	-	See §17.30.190, Self Storage
Wholesaling and Distribution	P	P(1)	
Transportation, Communication, and Utility Uses			
Docks, Piers, and other Coastal-Related Infrastructure	-	P	
Light Fleet-Based Services	P	-	
Public Works and Utilities	P	P	
Telecommunication Facilities	See Section 17.30.250, Telecommunication Facilities		
Transportation Passenger Terminals	P	-	
Other Uses			
Accessory Uses and Structures	See Section 17.23.020, Accessory Structures, and Section 17.30.030, Accessory Uses		

TABLE 17.09.020: LAND USE REGULATIONS – INDUSTRIAL DISTRICTS			
P: Permitted Use; M: Minor Use Permit Required; C: Conditional Use Permit Required; -: Use Not Allowed *Note: A Coastal Development Permit may be required, See Chapter 17.39, Coastal Development Permits*			
Land Use Classification	*IG*	*ICD*	*Additional Regulations*
Nonconforming Use	See Chapter 17.26, Nonconforming Uses, Structures, and Lots		
Recharging Station	See Section 17.30.200, Recharging Stations		
Renewable Energy Systems	See Section 17.30.240, Renewable Energy Systems		
Temporary Use	See Section 17.30.260, Temporary Uses		
Specific Limitations: 1. Limited to coastal-dependent and coastal-related uses. Development priority shall be given to coastal-dependent uses.			

17.09.030 Development Standards

Table 17.09.030, Development Standards-Industrial Districts, prescribes the development standards for Industrial Districts. Additional regulations are denoted in the right hand column. Section numbers in this column refer to other sections of this Code.

TABLE 17.09.030: DEVELOPMENT STANDARDS – INDUSTRIAL DISTRICTS			
Standard	*IG*	*ICD*	*Additional Information*
Maximum Height (ft)	30	30	See §17.02.030.C, Measuring Height and §17.23.070, Heights and Height Exceptions
Minimum Setbacks (ft)			
Front	25	25	See §17.02.030.J, Determining Setbacks (Yards), and §17.23.050, Encroachments into Required Setbacks
Interior Side	0, 10 adjacent to a Residential District	0, 10 adjacent to a Residential District	See §17.02.030.J, Determining Setbacks (Yards), and §17.23.050, Encroachments into Required Setbacks
Corner Side	10	10	See §17.02.030.J, Determining Setbacks (Yards), §17.23.050, Encroachments into Required Setbacks, and §17.27.100.F, Driveway Length and Accessibility
Rear	0, 10 adjacent to a Residential District	0, 10 adjacent to a Residential District	See §17.02.030.J, Determining Setbacks (Yards), and §17.23.050, Encroachments into Required Setbacks

TABLE 17.09.030: DEVELOPMENT STANDARDS – INDUSTRIAL DISTRICTS			
Standard	*IG*	*ICD*	*Additional Information*
Maximum Floor Area Ratio (FAR)	0.5	0.65	See §17.02.030.G, Determining Floor Area Ratio

Chapter 17.10 Public and Semi-Public Districts (IP)

Sections:

17.10.010 Purpose and Applicability
17.10.020 Land Use Regulations
17.10.030 Development Standards

17.10.010 Purpose and Applicability

The purposes of Public and Semi-Public Districts are to:

A. Provide land for development of public, quasi-public, and open space uses that provide services to the community and support existing and new residential, commercial, and industrial land uses.

B. Provide areas for educational facilities, cultural and institutional uses, health services, parks and recreation, general government operations, utility and public service needs, and other similar and related supporting uses.

C. Provide opportunities for outdoor recreation, and meet the recreational needs of Morro Bay residents.

D. Reserve areas for passive recreation and habitat protection.

Additional purposes of each Public and Semi-Public District:

Public Facility (PF). The PF District is intended for facilities that serve the public, such as government buildings and service facilities, schools, hospitals, cultural centers, and other public and quasi-public uses. The Public Facility District implements the Public/Institutional General Plan/LCP Land Use Plan Land Use Designation.

Park and Recreation (PR). The PR District is intended to identify and maintain areas for active recreation, including City parks and other areas that support recreational activities. Uses include parks, playgrounds, campgrounds, picnic areas, sports fields, golf courses, recreational clubs, and other appropriate recreational uses. This District implements the Open Space/Recreation General Plan/LCP Land Use Plan Land Use Designations.

Open Space (OS). The OS District is intended for open space, undeveloped parkland, habitat and natural resource areas, and other areas that provide open space, habitat protection and enhancement, or support passive recreation such as beach areas, linear parks, trails. This District implements the Open Space/Recreation General Plan/LCP Land Use Plan Land Use Designation.

17.10.020 Land Use Regulations

Table 17.10.020, Land Use Regulations-Public and Semi-Public Districts, sets the land use regulations for Public and Semi-Public Districts. The regulations for each district are established by letter designation as follows:

"P" designates permitted uses

"M" designates use classifications that are permitted after review and approval of a Minor Use Permit pursuant to Chapter 17.40, Use Permits

"C" designates use classifications that are permitted after review and approval of a Conditional Use Permit pursuant to Chapter 17.40, Use Permits

"(#)" numbers in parentheses refer to specific limitations listed at the end of the table

"-" designates uses that are not permitted

For all uses, approval of a Coastal Development Permit pursuant to Chapter 17.39, Coastal Development Permits (IP), may be required.

Land uses are defined in Chapter 17.53, Land Use Classifications. In cases where a specific land use or activity is not defined, the Director shall assign the land use or activity to a classification that is substantially similar in character. Land uses not listed in the table or not found to be substantially similar to the uses below are prohibited. Section numbers in the right hand column refer to specific regulations applicable to the particular use classification located in other sections of this Code.

TABLE 17.10.020: LAND USE REGULATIONS – PUBLIC AND SEMI-PUBLIC DISTRICTS

P: Permitted Use; M: Minor Use Permit Required; C: Conditional Use Permit Required; -: Use Not Allowed
Note: A Coastal Development Permit may be required, See Chapter 17.39, Coastal Development Permits

Land Use Classification	*PF*	*PR*	*OS*	*Additional Information*
Public/Semi Public Uses				
Campgrounds and Recreational Vehicle Parks	-	C	-	
Cemetery	P	-	-	
Colleges and Trade Schools	P	-	-	
Community Assembly	P	P	-	
Cultural Institutions	P	P	-	
Day Care Centers	P	-	-	See §17.30.080, Day Care

TABLE 17.10.020: LAND USE REGULATIONS – PUBLIC AND SEMI-PUBLIC DISTRICTS

P: Permitted Use; M: Minor Use Permit Required; C: Conditional Use Permit Required; -: Use Not Allowed
Note: A Coastal Development Permit may be required, See Chapter 17.39, Coastal Development Permits

Land Use Classification	*PF*	*PR*	*OS*	*Additional Information*
Emergency Shelter	P	-	-	See §17.30.100, Emergency Shelters
Government Offices	P	-	-	
Harbor, Port, and Marina Facilities	C	-	-	
Hospitals and Clinics	See subclassifications below			
Hospitals	C	-	-	
Clinics	P	-	-	
Skilled Nursing Facilities	C	-	-	
Instructional Services	P	-	-	
Park and Recreation Facilities	P	P	P(1)	
Public Safety Facilities	P	-	-	
Schools	P	-	-	
Social Service Facilities	P	-	-	
Commercial Uses				
Animal Care, Sales, and Services	See subclassifications below			
Animal Shelter and Boarding	C(2)	-	-	
Commercial Entertainment and Recreation	See subclassifications below			
Indoor Sports and Recreation	P	P	-	
Outdoor Entertainment	C	C	-	
Outdoor Recreation	P	P	-	
Eating and Drinking Establishments	See subclassifications below			
Restaurant	-	C	-	
Farmer's Markets	P	P	-	See §17.30.120, Farmer's Markets
Nonpermanent Vending	See Section 17.30.140, Nonpermanent Vending			
Retail Sales	See subclassifications below			
Food and Beverage Sales	P(3)	P(3)	-	
General Retail	P(3)	P(3)	-	

TABLE 17.10.020: LAND USE REGULATIONS – PUBLIC AND SEMI-PUBLIC DISTRICTS

P: Permitted Use; M: Minor Use Permit Required; C: Conditional Use Permit Required; -: Use Not Allowed
Note: A Coastal Development Permit may be required, See Chapter 17.39, Coastal Development Permits

Land Use Classification	*PF*	*PR*	*OS*	*Additional Information*
Industrial Uses				
Recycling Facilities	See subclassifications below			
Reverse Vending Machines	C	-	-	See §17.30.210, Recycling Facilities
Recycling Collection Facilities	C	-	-	See §17.30.210, Recycling Facilities
Recycling Processing Facilities	C	-	-	See §17.30.210, Recycling Facilities
Transportation, Communication, and Utility Uses				
Public Works and Utilities	P	C	-	
Telecommunication Facilities	See Section 17.30.250, Telecommunication Facilities			
Transportation Passenger Terminals	P	-	-	
Urban Agriculture Uses				
Community Garden	P	P	-	See §17.30.270, Urban Agriculture
Market Garden, less than one acre	P	P	-	See §17.30.270, Urban Agriculture
Market Garden, one acre or more	M	M	-	See §17.30.270, Urban Agriculture
Other Uses				
Accessory Uses and Structures	See Section 17.23.020, Accessory Structures, and Section 17.30.030, Accessory Uses			
Nonconforming Use	See Chapter 17.26, Nonconforming Uses, Structures, and Lots			
Recharging Station	See Section 17.30.200, Recharging Stations			
Renewable Energy Systems	See Section 17.30.240, Renewable Energy Systems			
Temporary Use	See Section 17.30.260, Temporary Uses			

Specific Limitations:

1. Limited to trails, wildlife preserves and open space uses that maintain the site in its natural state. No building, structure or improvements shall be constructed in these areas, except for those required for public access, public restrooms, informational signage, trash containers, parking facilities, and facilities needed for protecting environmental resources and general upkeep and maintenance of the property.

2. Limited to government or non-profit animal shelter located a minimum of 100 feet from a residential use or district.

3. Limited to gift shops and cafes associated with a Public/Semi Public use.

17.10.030 Development Standards

Table 17.10.030, Development Standards-Public and Semi-Public Districts, prescribes the development standards for Public and Semi-Public Districts. Additional regulations are denoted in the right hand column. Section numbers in this column refer to other sections of this Code.

TABLE 17.10.030: DEVELOPMENT STANDARDS – PUBLIC AND SEMI-PUBLIC DISTRICTS

Standard	*PF*	*PR*	*OS*	*Additional Regulations*
Maximum Height (ft)	30	25	17	See §17.02.030.C, Measuring Height and §17.23.070, Heights and Height Exceptions
Minimum Setbacks (ft)				
Front	20	20	20	See §17.02.030.J, Determining Setbacks (Yards), and §17.23.050, Encroachments into Required Setbacks
Interior Side	15	10	10	See §17.02.030.J, Determining Setbacks (Yards), and §17.23.050, Encroachments into Required Setbacks
Corner Side	15	15	15	See §17.02.030.J, Determining Setbacks (Yards), and §17.23.050, Encroachments into Required Setbacks
Rear	15	10	10	See §17.02.030.J, Determining Setbacks (Yards), and §17.23.050, Encroachments into Required Setbacks

Chapter 17.11 Waterfront and Harbor Area Districts (IP)

Sections:

17.11.010 Purpose
17.11.020 Applicability
17.11.030 Land Use Regulations
17.11.040 Development Standards
17.11.050 Supplemental Regulations

17.11.010 Purpose

The City of Morro Bay is uniquely located and situated to capitalize on the waters of Morro Bay and the adjacent Pacific Ocean. As such, the City of Morro Bay is dedicated to ensuring a vibrant Working Waterfront for the purposes of providing, promoting and supporting land uses and access in support of water-dependent commercial activities, water-dependent recreational activities, waterfront enhanced commercial activities, water-enhanced recreational activities, and for purposes related to providing public access to the Tidelands Trust Lands. The specific purposes of the Waterfront and Harbor Area Districts are to:

A. Ensure that waterfront development is attractive and pedestrian-friendly through greater pedestrian-oriented development, street furniture, and a more efficient solution to traffic circulation and automobile parking.

B. Achieve an architectural character for the Embarcadero area that is in keeping with a working fishing community.

C. Preserve the attraction of the City as a tourist destination with visitor-serving facilities, shopping and amusement areas, recreational amenities, and public parks and beaches, but still retain the City's small-town "fishing port" character.

Additional purposes of each Waterfront and Harbor Area District are as follows:

Commercial Fishing (CF). This District is intended to preserve areas that serve or facilitate licensed fishing activities or commercial fishing and incidental uses supportive of fishing activities in the Fisheries Sector (Measure D Zone) shown on Figure LU-5 of Plan Morro Bay pursuant to Measure "D" of the June 2, 1981 City ballot. The CF District is intended to retain the City's small-town fishing image and to ensure that development does not conflict with the fishing industry. Land uses are limited to coastal dependent uses including boating and fishing facilities, marine sales and services, and incidental parking and utility uses that are supportive of fishing activities. This District implements the Commercial/Recreational Fishing General Plan/LCP Land Use Plan Land Use Designation.

Harbor (H). This District designates areas within City limits covered by water, excluding sensitive habitat areas, for those uses which must be located on the water in order to function, or as an accessory use to a land based/shore facility or structure. This District implements the Harbor/Navigational General Plan/LCP Land Use Plan Land Use Designations.

Waterfront (WF). This District is intended to provide for the continued mixture of visitor-serving commercial and recreational and harbor-dependent land uses in appropriate waterfront areas. This District implements the Waterfront Commercial/Industrial General Plan/LCP Land Use Plan Land Use Designations.

17.11.020 Applicability

Development shall conform to all applicable Land Use Plan (LUP) policies, including, but not limited to Coastal Priority Uses policies and Embarcadero policies; the provisions of this Chapter; and all other applicable provisions of this Code.

17.11.030 Land Use Regulations

Table 17.11.030, Land Use Regulations-Waterfront and Harbor Area Districts, sets the land use regulations for Waterfront and Harbor Area Districts. The regulations for each district are established by letter designation as follows:

"P" designates permitted uses

"M" designates use classifications that are permitted after review and approval of a Minor Use Permit pursuant to Chapter 17.40, Use Permits

"C" designates use classifications that are permitted after review and approval of a Conditional Use Permit pursuant to Chapter 17.40, Use Permits

"(#)" numbers in parentheses refer to specific limitations listed at the end of the table

"-" designates uses that are not permitted

For all uses, approval of a Coastal Development Permit pursuant to Chapter 17.39, Coastal Development Permits (IP), may be required.

Land uses not listed in the table or not found to be substantially similar to the uses below are prohibited.

TABLE 17.11.030: LAND USE REGULATIONS – WATERFRONT AND HARBOR AREA DISTRICTS

P: Permitted Use; M: Minor Use Permit Required; C: Conditional Use Permit Required; -: Use Not Allowed
Note: A Coastal Development Permit may be required, See Chapter 17.39, Coastal Development Permits

Land Use	*CF*	*H*	*WF*	*Additional Regulations*
Access to water uses	P	P	P	
Licensed commercial fishing and noncommercial recreational fishing facilities, and support facilities	C	C	C	
Recreational boating facilities, and support facilities	-	C(1)	C(1)	
Support use, structures, connections, and appurtenances to water uses including wharves, docks, piers, slips, quays, launches, fuel docks, hoists, and other facilities necessary or convenient for the promotion and accommodation of commerce and navigation	C	C	C	
Parks, public open spaces, observation decks, bike lanes, benches, boardwalks, kiosks, fences, and other facilities necessary or convenient for the promotion and accommodation of public access to the waterfront	C	-	C	
Government buildings and land based support facilities, including but not limited to connections and appurtenances to docks and piers, which are necessary and convenient for the safety and maintenance of waterways	C	-	C	
Retail and wholesale seafood markets and seafood processing	C(2)	-	C	
Water intake facilities	C(2)	-	-	
Moorage	-	P	-	
Mariculture and aquaculture	-	C	-	
Houseboat or vessel habitation	-	C	-	

TABLE 17.11.030: LAND USE REGULATIONS – WATERFRONT AND HARBOR AREA DISTRICTS

P: Permitted Use; M: Minor Use Permit Required; C: Conditional Use Permit Required; -: Use Not Allowed
Note: A Coastal Development Permit may be required, See Chapter 17.39, Coastal Development Permits

Land Use	*CF*	*H*	*WF*	*Additional Regulations*
Promotion and accommodation of commerce and navigation	-	C	-	
Preservation of the Morro Bay wetland estuarine system	-	C	-	
Visitor-serving commercial and recreational uses, including but not limited to those allowed in the VSC District, but excluding parking structures and overnight recreational vehicle camping	-	-	C	

Specific Limitations:

1. Recreational boating facilities are subject to the following:

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

   b. Existing recreational boating and passengers-for-hire facilities located north of Beach Street may be modified but not expanded.

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

2. If found to be consistent with Section 17.11.030.A.1, Expressly Prohibited Uses.

A. Additional Use Allowances and Limitations.

1. *CF District.*

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

b. *Existing Uses.* Existing uses may remain and be redeveloped provided the use is not expanded, enlarged, or moved.

2. ***WF District.***

a. *Existing Residential Uses.* Residential uses existing in the WF District at the time of adoption of the Ordinance codified in this Chapter shall be permitted to remain, be reconstructed, or relocated. No new residential uses are allowed.

b. *Development Priority.* Development priority shall be given to coastal-dependent uses which are consistent with traffic, circulation, and parking constraints.

17.11.040 Development Standards

Table 17.11.040, Development Standards- Waterfront and Harbor Area Districts, prescribes the development standards for Waterfront and Harbor Area Districts. Additional regulations are denoted in the right hand column. Section numbers in this column refer to other sections of this Code. Additional development standards applicable to the CF and WF districts are established in the Waterfront Master Plan. All development in the CF and WF districts are subject to the standards and requirements of the Waterfront Master Plan.

TABLE 17.11.040: DEVELOPMENT STANDARDS – WATERFRONT AND HARBOR AREA DISTRICTS

Standard	*CF*	*WF*	*H*	*Additional Regulations*
Maximum Height (ft)	14 along Coleman Drive except government structures necessary to meet public need and protection of public safety; Other areas: 30	West side of Embarcadero: 17 determined by average grades of the land portion of the site, not including bank. Up to 25 may be allowed pursuant to the WMP Other areas: 25	n/a	See §17.02.030.C, Measuring Height and §17.23.070, Heights and Height Exceptions
Minimum Setbacks (ft)				

TABLE 17.11.040: DEVELOPMENT STANDARDS – WATERFRONT AND HARBOR AREA DISTRICTS				
Standard	*CF*	*WF*	*H*	*Additional Regulations*
Front	5	0	0	See §17.02.030.J, Determining Setbacks (Yards), and §17.23.050, Encroachments into Required Setbacks
Interior Side	0	0	0	See §17.02.030.J, Determining Setbacks (Yards), and §17.23.050, Encroachments into Required Setbacks
Corner Side	5	0	0	See §17.02.030.J, Determining Setbacks (Yards), and §17.23.050, Encroachments into Required Setbacks
Rear	0	Must allow for a minimum 10 foot boardwalk	0	See §17.02.030.J, Determining Setbacks (Yards), and §17.23.050, Encroachments into Required Setbacks
Maximum Lot Coverage (% of lot)	50	90	n/a	See §17.02.030.H, Determining Lot Coverage

17.11.050 Supplemental Regulations

A. **Architectural Treatment.** Exterior treatment of structures in new development and redevelopment shall be considered though the development review process. The following criteria will be used in the review of applications:

1. The architectural and landscape design of a project, including materials, shall be consistent with the character of a working fishing village.
2. The design shall protect aesthetic environmental qualities.
3. The design shall enhance the desirability and/or enjoyment of the immediate area.
4. The design shall improve community appearances by preventing extremes of dissimilarity or monotony in new construction or redevelopments.

B. **Public Access Requirements.** Public access from the nearest public roadway to the shoreline and along the bay front shall be provided in new development projects, subject to the provisions set forth in Section 17.14.110, Coastal Access.

C. **Harbor District.** In the Harbor District, no use shall be permitted unless the following performance standards are met, as applicable:

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

2. ***Adequate Safety and Navigational Standards.*** New development shall contain adequate safety and navigational standards to ensure compatibility with existing uses within the bay and harbor areas;

3. ***Maintenance Dredging Mitigation Measures.*** Maintenance dredging of the channels shall include mitigation measures to prevent potential damage to benthic organisms including mollusks and eel grass beds;

4. ***Preservation of Right-of-Way.*** Any permitted use of the tidelands, harbor or bay, as defined and regulated by this Chapter shall be prohibited from excluding the right-of-way to such water whenever it is required for any public purpose, and from destroying or obstructing the free navigation of such water; and

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

Chapter 17.14 Coastal Resource Protection (CRP) Overlay District (IP)

Sections:

17.14.010 Purpose and Applicability
17.14.020 Definitions
17.14.030 Coastal Development Permit Required
17.14.040 Land Uses
17.14.050 Community Design
17.14.060 Agricultural Land Preservation
17.14.070 Cultural Resource Protection
17.14.080 Environmentally Sensitive Habitat
17.14.090 Visual Ressource Protection
17.14.100 Hazards and Shoreline Protection
17.14.110 Coastal Access

17.14.010 Purpose and Applicability

The Coastal Resource Protection (CRP) Overlay District applies to the "Coastal Zone" as defined by the Coastal Act (and denoted as the area within the "Coastal Zone-CZ" overlay district on the Zoning Map) and is established for the purpose of implementing the Coastal Act of 1976 (Division 20 of the California Public Resources Code) and to ensure that all development in the Coastal Zone of the City of Morro Bay is consistent with the City's Certified Local Coastal Program and the Coastal Act.

A. Development within the CRP Overlay District shall conform to all applicable LUP policies, the requirements of this Chapter, and all other sections of the IP.

B. Protection of coastal resources shall be a priority in all City actions and decisions, and development must conform to all applicable LCP policies related to hazards, water and marine resources, scenic resources, biological resources and environmentally sensitive habitat areas, cultural resources, and public access and recreation.

17.14.020 Definitions

The following terms are used in the Implementation Plan. See also the definitions listed in Land Use Plan Section 6, Glossary and Acronyms.

A. **Best Available Science.** Current, generally accepted, data-driven information, as refined to be most applicable to the local circumstances and conditions, and considering a range of plausible impacts based on multiple time scales, emissions scenarios, or other factors

developed to inform further decision-making regarding the range of impacts and vulnerabilities.

B. **Coastal Access.**

1. ***Lateral.*** An area of land providing public access along the shoreline and coastal bluffs.

2. ***Vertical.*** An area of land providing a connection between the first public road or use area nearest the sea and the publicly-owned tidelands or established lateral access way.

C. **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.

D. **Coastal-Related Development or Use.** Any development or use which is dependent on a coastal-dependent development or use.

E. **Coastal Beach (or Beach).** The sandy area between the low tide and the first line of terrestrial vegetation or development or the toe of an adjacent coastal bluff or seawall, whichever is the most landward.

F. **Environmental Justice Communities.** Low-income communities, communities of color, and other populations with higher exposure and/or sensitivity to adverse project impacts due to historical marginalization, discriminatory land use practices, and/or less capacity to mitigate adverse impacts.

G. **First Public Road Paralleling the Sea.** That road nearest to the sea, as defined in Section 30115 of the Public Resources Code, which:

1. Is lawfully open to uninterrupted public use and is suitable for such use;

2. Is publicly maintained;

3. Is an improved, all-weather road open to motor vehicle traffic in at least one direction;

4. Is not subject to any restrictions on use by the public except when closed due to an emergency or when closed temporarily for military purposes; and

5. Does in fact connect with other public roads providing a continuous access system, and generally parallels and follows the shoreline of the sea so as to include all portions of the sea where the physical features such as bays, lagoons, estuaries, and wetlands cause the waters of the sea to extend landward of the generally continuous coastline.

H. **Flood (or Flooding).** Normally dry land becoming temporarily covered in water, either periodically (e.g., tidal flooding) or episodically (e.g., storm or tsunami flooding), including in relation to sea level rise.

I. **Low-income Household, Area, or Community.** Means those with household incomes at or below 80% of the statewide median income or with household incomes at or below the threshold designated as low-income by the Department of Housing and Community Development." A) "low-income area" means an area with household incomes at or below 80% of the statewide median income or with household incomes at or below the threshold designated as low income by the Department of Housing and Community Development's list of state income limits adopted pursuant to Section 50093 (Section 39713 of the Health and Safety Code)

J. **Revetment.** A type of shoreline protective device typically consisting of a sloped retaining wall; a facing of stone, concrete, blocks, rip-rap, etc. built to protect an embankment, bluff or development against erosion by wave action and currents.

K. **Riprap.** A type of shoreline protective device consisting of a protective layer or facing of rock, concrete blocks or quarry stone, placed to prevent erosion, scour, or sloughing of an embankment or bluff or to protect development.

L. **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 nonestuarine rivers, streams, tributaries, creeks, and flood control and drainage channels.

M. **Submerged Lands.** Lands which lie below the line of mean low tide.

N. **Visitor-Serving Development or Use.** Stores, shops, businesses, temporary lodging and recreational facilities (both public and private) which provide accommodations, food and services for the traveling public, including, but not limited to, hotels, motels, campgrounds, parks, nature preserves, restaurants, specialty shops, art galleries and commercial recreational development such as shopping, eating and amusement areas.

17.14.030 Coastal Development Permit Required

In addition to any other required permits or approvals, all development, as defined in Coastal Act Section 30106, within the Coastal Resource Protection (CRP) Overlay District requires a Coastal Development Permit (CDP) pursuant to Chapter 17.39, Coastal Development Permits (IP), except as specified in Section 17.39.020, CDP Exemptions, and Section 17.39.030, Waivers for DeMinimis Development.

17.14.040 Land Uses

In order to protect priority land uses as defined by the Coastal Act, including recreation and visitor-serving and coastal-dependent uses for both residents and visitors, development shall conform with all applicable Land Use Plan (LUP) Land Use Designations and Land Use policies and standards, including, but not limited to, Coastal Priority Uses policies and standards.

Development shall only be authorized when the proposed use is allowed per the applicable Land Use Designation, and when it meets all applicable LCP policies and standards.

A. Visitor-serving uses shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry. Public recreational access facilities and uses, such as trails, accessways, and public parks, shall be permissible uses in all zoning districts.

B. In addition to all other applicable regulations, Accessory Dwelling Units, SB 9 related development, and affordable housing density bonus development shall meet the following additional standards:

1. Accessory Dwelling Units, SB 9 related development, and affordable housing density bonus development are allowed provided they are sited and designed to avoid adverse impacts to coastal resources.

2. For ADUs and SB 9, such proposed development shall be consistent with all applicable LCP provisions, including those governing sensitive habitats and their buffers (i.e., wetlands, streams, and ESHA), coastal hazards and corresponding buffers (e.g., meeting necessary beach and bluff setbacks without armoring), public views, and public coastal access.

   For all ADUs and SB 9 development within the area shown in Figure 17.14.040 (B)(2), the parking reductions specified in Section 17.07.030.A(6) shall not apply, and 1 off-street parking space per unit shall be required. If enclosed or covered parking for the primary dwelling is converted or demolished in conjunction with the construction of an ADU or SB 9 unit, off-street replacement parking is required.

   For all ADUs and SB 9 development, all CDP processing requirements specified in Chapter 17.39 shall be met, including in terms of public noticing and opportunities for appeal to the Coastal Commission for appealable development, with the exception that no local public hearing shall be required.

3. For affordable housing density bonuses, an analysis of coastal resource impacts associated with the density bonus project (and any alternatives) shall be provided. Such analysis shall identify the Coastal Act and LCP-consistent project for the site, defined as the maximum size, scale, density, and intensity of development (including the number of market-rate and affordable residential units) that can be accommodated on a proposed project site consistent with all Coastal Act and LCP requirements, and without applying any State Density Bonus law incentives/waivers/concessions. The LCP-consistent project shall be compared against a density bonus project, including clearly identifying any LCP deviations proposed to be sought, the coastal resource impacts associated with such deviations, and the affordable housing benefit being provided. Such analysis shall

quantitively and qualitatively identify, compare, and contrast expected coastal resource impacts between the LCP-consistent project and the density bonus project. Such analysis shall also include an analysis of measures that could be applied to the density bonus project(s) to ensure that they do not result in any significant adverse coastal resource impacts (e.g., measures necessary to ensure consistency with all applicable Coastal Act and LCP provisions addressing wetlands, streams, environmentally sensitive habitats, coastal hazards, public recreational access, etc.).

In order to approve a project that deviates from the LCP standards for the site, the approving authority must conclude, based on substantial evidence, that: (a) the approved project encourages housing opportunities for persons of low and moderate income with the least amount of Coastal Act and LCP deviation; and (b) there will be no significant adverse coastal resource impacts due to the approved project.



FIGURE 17.14.040(B)(2): ADU / SB 9 COASTAL PARKING STANDARDS

C. **Low Cost Visitor Accommodation, Protection of Low Cost Visitor Accommodations**

1. ***Applicability.*** The provisions of this Section apply to the expansion, reduction, redevelopment, demolition, conversion, closure, cessation, or new development of any project involving visitor overnight accommodations, with the exception of short-term rental lodging that is within residential units.

2. ***Low, Moderate, and High Cost Visitor Accommodations Defined.*** For purposes of this Section, visitor accommodations shall be defined as low, moderate, or high cost as follows:

   a. *Low Cost.* The average daily room rate of all economy hotel and motel rooms in the City of Morro Bay based on the best available information (e.g., as defined in the City's Lower-Cost Visitor-Serving Accommodations Technical Memorandum, Smith Travel Research data, etc.), or not to exceed 75 percent of the prior year's statewide average daily rate.

   b. *Moderate Cost.* Between low cost and high cost.

   c. *High Cost.* The average daily room rate of all upscale hotel and motel rooms in the City of Morro Bay based on the best available information (e.g., as defined in the City's Lower-Cost Visitor-Serving Accommodations Technical Memorandum, Smith Travel Research data, etc.), and must be greater than or equal to ~~is~~ 125% of the prior year's statewide average daily rate.

3. ***Required Low Cost Accommodations.*** Each development shall provide at least the number of low cost visitor overnight accommodations stated in Subsection a below unless a reduction is approved pursuant to Subsection b.

   a. *Number of Accommodations.*

      i. All removed low cost visitor overnight accommodations shall be replaced on at least a one-to-one ratio; and

      ii. New low cost visitor overnight accommodations shall be provided on at least a rate of one new low cost accommodation for every four new high cost accommodations.

   b. *Reductions.* The number of low cost accommodations to be provided may be waived or reduced taking into consideration the feasibility of the project and any additional amenities that would be provided to serve as a lower cost option for families. A request for a reduction in the number of low cost accommodations to be provided shall be accompanied by a feasibility study that explains why providing lower cost accommodations as part of the project is not feasible, whether the proposed project

includes amenities that would serve as a lower/moderate cost option for families (e.g., additional beds per unit, suite facilities, kitchen facilities, etc. that should be understood as making the project a lower or moderate cost option), or has other specific factors that make the accommodations more accessible to the general population and serves to increase coastal public access. A request for reduction may also be granted based on other project factors as well, including distance from the shoreline and other visitor-serving amenities, and the amount of lower-cost accommodations in the City (e.g., if the number of low cost visitor overnight accommodations in the City is above the City's goal of 50% [i.e., when 50 percent or more of all visitor overnight accommodations in the City are low cost]). This explanation shall address the land value; development costs; a breakdown of the estimated annual revenues (including average daily rate and occupancy rates); operating costs; and any other information necessary to address the feasibility of providing lower cost accommodations on site. The feasibility study shall be prepared at the applicant's expense. A request for a reduction in the number of low cost accommodations is not allowed on State tidelands (e.g. the Waterfront Master Plan Overlay), nor is it allowed for any replacement accommodations specified in 17.14.040(C)(3)(a)(i).

4. ***Location.*** All required low cost accommodations shall be provided on the same lot as the associated visitor serving development except where it is not feasible to provide all lower cost accommodations as required on site and an equivalent combination of on site, off site, and payment of an in-lieu fee, in order of preference, is provided.

   a. *Off-Site Accommodations.* Off-site accommodations shall be located within the City of Morro Bay and shall be completed and ready for use prior to occupancy of the new development.

   b. *In-Lieu Fee Program.* Specific detailed information regarding calculation and use of any fees to be paid in lieu of providing lower cost visitor accommodations within the City shall be included as a condition of approval of the Coastal Development Permit for the visitor accommodations. Fees shall be adequate to cover the cost of providing the equivalent number of required new low cost accommodations for which the CDP is issued (i.e., construction costs). Based on the Turner Construction Cost Index, construction cost per low cost unit in the first quarter of 2022 is $133,000, not including land costs. All in-lieu fee payments shall be deposited into a fund established by the City which shall be in an interest-bearing account and shall only be used for the provision of new low cost overnight accommodations, within the City. Funds shall be

used for activities that will result in additional low cost visitor accommodations, including, but not limited to, construction, renovation, and permitting costs. The specific low cost requirements for any project funded by the in-lieu fee program shall be determined through the CDP process of the in-lieu fee funded project.

5. ***Rate Control and Income Eligibility Requirements Prohibited.*** In no event shall required low cost accommodations be required to:

   a. Provide overnight accommodation rental be fixed at an amount certain; or

   b. Establish any method for the identification of low or moderate income persons for the purpose of determining eligibility for overnight accommodation rentals in any such facilities.

6. ***Monitoring of Low Cost Accommodations.*** The City shall monitor the number of low cost accommodations and report the status of the current number of low cost accommodations within the Coastal Zone within all staff reports containing visitor serving accommodations. This information shall be forwarded to the Coastal Commission prior to issuance of the Coastal Permit.

7. ***Restrictions to Protect Lower Cost Accommodations.*** Any project that is required to provide low cost accommodations shall be required to submit annual reporting to the City verifying retention of low cost accommodation.

8. ***Protection of Short-Term Vacation Rentals (Short-Term Lodging).*** Most short-term lodging units meet the low cost definition when maximum occupancy is taken into account. Short-term lodgings can accommodate more people than a typical hotel room. They also provide full-sized, equipped kitchens allowing families or larger groups to reduce the overall cost of a visit by allowing them to prepare meals as an alternative to dining out. The city shall continue to allow short-term lodgings in residential units as a means of providing lower cost overnight visitor accommodations while continuing to prevent conditions leading to increased demand for city services and adverse impacts in residential areas and coastal resources. Short-term rentals shall be subject to the standards in Section 17.30.220, Short-term Vacation Rentals (IP).

17.14.050 Community Design

In order to protect and maintain the City's unique natural setting and character, to promote orderly development, and to maintain consistency with the LCP's Land Use Plan (LUP), development shall conform to all applicable LUP Community Design and Visual Resources and Viewsheds policies. All standards within the LCP (including with respect to height, setbacks, density, coverage, etc.) shall be interpreted as maximums (or minimums) that shall be reduced (or increased as applicable) to protect and enhance such resources and meet LCP objectives to

the maximum extent feasible. Development is subject to the development standards in the applicable zoning district and the following:

A. **Design and Siting.** Development shall be sited and designed to maintain public views and community character, including through quality design, architectural articulation (including varied offsets and projections), and quality exterior materials and landscaping that respect and emphasize the natural setting and surrounding built environment.

B. **Coverage.** Building and other site coverage shall be limited to the degree necessary to protect and maintain existing public views, maintain adequate open space to preserve small-scale visual landscapes, protect water quality (including by limiting impervious surfaces), and maintain community character, including thorough requirements for compact design, pervious materials, and maximized landscaping and open space. Utility and related infrastructure shall be sited underground if possible, and shall be screened from view and otherwise camouflaged if unavoidably sited above-ground.

C. **Heights.** Building and other structure heights shall be limited and upper-story step backs shall be provided to the degree necessary to maintain existing public views, pedestrian scale, and community character. All heights shall be reduced as necessary to ensure that existing blue water views from public vantage points are maintained.

D. **Setbacks.** Setbacks from streets and property lines shall be applied in a manner designed to maintain public views, maintain adequate open space to preserve small-scale visual landscapes and pedestrian scale, and maintain community character.

E. **Off-Street Parking.** Off-street parking spaces shall be required in the number necessary to ensure that residential, customer, and employee parking needs are provided on-site and do not conflict with public parking needs, including for public coastal access. Factors to consider when determining off-street parking requirements include the size of the lot, proximity to the shoreline, and adequacy of public parking opportunities for public coastal access in the vicinity.

17.14.060 Agricultural Land Preservation

In order to protect and maintain agricultural land and to maintain consistency with the LCP's Land Use Plan (LUP), development shall conform to LUP policies for agricultural uses and the following standards.

A. **Prime Agricultural Land.** It is the intent of the City that it shall maintain the maximum amount of prime agricultural land in agricultural production to assure the protection of the area's agricultural economy.

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

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

b. *Other Uses.* All other uses which are conditionally permitted in the AG District may be permitted on prime agricultural lands only if the following findings are made:

i. No Alternative Building Site. That no alternative building site exists except on prime agricultural lands;

ii. Amount of Conversion Minimized. That the least amount of prime agricultural land possible will be converted to these conditionally permitted uses; and

iii. No Use Conflicts. That the conditionally permitted uses will further the continuance of agricultural production on site and will not conflict with surrounding agricultural land and uses.

B. **Nonprime Agricultural Land.** In addition, it is the City's intent that all nonprime agricultural land within the City suitable for agricultural use shall not be converted to nonagricultural uses unless:

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

2. Such conversion would preserve prime agricultural land or concentrate development consistent with Public Resources Code, Section 30250.

17.14.070 Cultural Resource Protection

In order to protect the City's archaeological and historic resources, and to maintain consistency with the LCP's Land Use Plan (LUP), development shall conform to all applicable LUP Cultural and Historic Resources policies and the following requirements.

A. **Applicability.** The provisions of this Section apply to development within areas known to contain or suspected to contain cultural resources, including any parcel located within the Coastal Resource Protection-Cultural Resource (CRP-CR) Overlay District on the Zoning Map and any other parcel containing a known archaeological site recorded by the Archaeological Site Survey Office.

B. **Requirements.**

1. ***New Development.*** New development shall be sited and designed to avoid adverse impacts to cultural, archaeological, and paleontological resources to the maximum extent feasible. If there is no feasible alternative that can eliminate all impacts to cultural, archaeological, and paleontological resources, then the alternative that would result in the fewest or least significant impacts shall be selected. Reasonable mitigation measures shall be required for proposed

developments where impacts to cultural, archaeological, and paleontological resources cannot be avoided through siting and design alternatives.

2. ***Preliminary Site Survey Required.*** Before issuance of a land use or construction permit for development within the Coastal Resource Protection-Cultural Resource (CRP-CR) Overlay District, a preliminary site survey shall be required. The survey shall be conducted by a qualified archaeologist knowledgeable in local Native American culture, paleontologist, or other qualified expert subject to the approval of the Director. Any affected Native American Tribes with cultural affiliation to the project site should be consulted during the preliminary site survey.

3. ***Mitigation Plan.*** If the preliminary site survey determines that proposed development may have an adverse impact on existing, known or suspected cultural resources and avoidance is infeasible, a plan for mitigation shall be prepared by a qualified archaeologist, paleontologist, or other qualified expert subject to the approval of the Director. The purpose of the plan is to protect the resource through construction activities, project redesign, or other actions to avoid (or mitigate if avoidance is not feasible) the impacts on the resource. Highest priority shall be given to avoiding disturbance of sensitive resources. Lower priority mitigation measures may include use of fill to cap the sensitive resources. As a last resort, the review authority may permit excavation and recovery of those resources. The mitigation plan shall be submitted to and approved by the Director, and considered in the evaluation of the development request by the review authority. Any affected Native American Tribes associated with cultural affiliation to the project site shall be consulted in the development of the mitigation plan and during its implementation.

4. ***Archaeological Resources Discovery.*** In the event archaeological resources are unearthed or discovered during any construction activities, the following standards shall apply.

    a. Construction activities shall cease, and the Community Development Department shall be notified so that the extent and location of discovered materials may be recorded by a qualified archeologist, and disposition of artifacts may be accomplished in accordance with State and federal law.

    b. In the event archeological resources are found to include human remains, or in any other case when human remains are discovered during construction, the County Coroner is to be notified in addition to the Community Development Department so that proper disposition may be accomplished.

    c. Construction activities shall not commence until a mitigation plan, prepared by a qualified professional archaeologist reviewed and approved by the Director, is completed and implemented. If applicable, the Director

shall provide pertinent project information to the affected Native American tribe(s) and consider comments prior to approval of the mitigation plan and continue consulting with affected Native American Tribes during plan implementation. The mitigation plan shall include measures to avoid the resources to the maximum degree feasible and shall provide mitigation for unavoidable impacts. A report verifying that the approved mitigation plan has been completed shall be submitted to the Director prior to occupancy or final inspection, whichever occurs first.

17.14.080 Environmentally Sensitive Habitat

In order to protect biological resources in the City's Coastal Zone, and to maintain consistency with the LCP's Land Use Plan (LUP), development shall conform to all applicable Land Use Plan Biological Communities and/or Environmentally Sensitive Habitat Area (ESHA) policies and standards and the following requirements.

A. **Purpose.** The Coastal Resource Protection-Environmentally Sensitive Habitat (CRP-ESH) Overlay District is intended to:

1. Protect environmentally sensitive habitat areas against any significant disruption of habitat values.
2. Maintain and, where feasible, restore the biological productivity and the overall quality of coastal waters, streams, wetlands, estuaries, and lakes.
3. Protect wetlands for their water quality and habitat value.

B. **Applicability.** The provisions of this Section apply to development within areas known to contain or are suspected of containing sensitive habitat, including:

1. Areas located within or within 100 feet of an Environmentally Sensitive Habitat Area (ESHA) indicated in Figure C-2, Environmentally Sensitive Habitat Areas, of the Land Use Plan, or in the City of Morro Bay ESHA Review and Current Conditions Mapping report; or
2. Areas containing or located within 100 feet of a habitat area where there is evidence of the presence of an ESHA, wetland, or other sensitive habitat.

C. **Initial Site Resource Survey.**

1. An initial site resource survey, prepared within one year of permit application, is required for all Coastal Development Permit applications.
2. The initial site resource survey shall identify the presence or potential for wetlands or sensitive habitat, vegetation or wildlife species on the site. If the site contains the potential for monarch overwintering or rookeries due to the presence of

appropriately sized trees and groves, a seasonally timed survey appropriate for detecting the target species shall be included in the study.

D. **Biological Site Assessment.**

1. ***Biological Site Assessment Required.*** If the initial site resources survey indicates the presence or potential for sensitive habitat vegetation or wildlife species on the site, a Biological Site Assessment report shall be prepared with recommendations as to whether a habitat area constitutes an ESHA.

   a. *Evaluation.* The report shall include a site-specific survey, prepared within one year of completion of the report, and shall evaluate the following attributes when recommending whether a habitat area constitutes an ESHA:

      i. The presence of natural communities that have been identified as rare by the California Department of Fish and Wildlife.

      ii. The recorded or potential presence of plant or animal species designated as rare, threatened, or endangered under State or Federal law.

      iii. The presence or potential presence of plant or animal species that are not listed under State or Federal law, but for which there is other compelling evidence of rarity, such as designation as a 1B or 2 species by the California Native Plant Society.

      iv. The presence of coastal streams.

      v. The degree of habitat integrity and connectivity to other natural areas.

   b. *Contents.* The Assessment shall be prepared by a qualified biologist approved by the City and shall, at minimum:

      i. Identify and confirm the extent of the ESHA,

      ii. Document any site constraints and the presence of sensitive plant or animal species,

      iii. Recommend buffers and development setbacks and standards to protect the ESHA,

      iv. Recommend mitigation measures to address any allowable impacts, and

      v. Include any other information and analyses necessary to understand potential ESHA impacts as well as measures necessary to protect the resource as required by the Local Coastal Program.

vi. Dune ESHA. For all new development within dune ESHA that could impact dune ESHA, and in addition to the biological assessment described above, a qualified, City-approved biologist shall prepare a dune stabilization and/or restoration plan. The dune stabilization/restoration plan shall include, at minimum:

(1) The removal of all nonnative and invasive plants species,

(2) Revegetation with native plant species, including rare and/or endangered species,

(3) Maintenance and monitoring requirements,

(4) Methods for directing public access, and

(5) A schedule for plant establishment including targets for plant variation and density, contingency measures, and reporting.

(6) The dune stabilization/restoration plan shall prohibit the use of any nonnative plant species and shall require that all nonnative species be removed and not allowed to persist. Initiation of restoration activities shall be required prior to occupancy/use of any allowable new development.

E. **Environmentally Sensitive Habitat Areas.**

1. ***ESHA Designation.*** 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 shall be designated as an ESHA except existing developed areas.

2. ***Protection Required.*** ESHAs shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed. Development in areas adjacent to ESHAs shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of the ESHA.

3. ***ESHA Buffers.*** A protective open space buffer shall be required to horizontally separate ESHA from development areas and provide distance and physical barriers to human and domestic pet intrusion.

a. *Size.* ESHA buffers shall be of a sufficient size to ensure the biological integrity and preservation of the habitat they are designed to protect. Wetlands shall have a minimum buffer width of 100 feet, measured from the outer edge of the wetland. For rivers, streams, and riparian areas, the required buffer shall extend at least 50 feet from the outer edge of the

riparian vegetation on both sides of the river, stream, and/or riparian area or 50 feet itself (measured perpendicularly from the top of the river, stream, or measure from riparian area bank for areas without riparian direction of the vegetation). All other ESHA shall have a minimum buffer width of 50 feet, measured from the outer edge of the ESHA.

i. Exceptions: Smaller buffers may be allowed pursuant to LUP Policies C-1.5 and C-1.6 and only where it can be demonstrated that:

(1) The required minimum buffer is not possible due to site-specific constraints, the site is unusable for the principal purpose if the buffer is not reduced, and the reduction is the minimum necessary that allows the use after all practical design modifications are evaluated;

(2) The proposed narrower buffer would be protective of the biological integrity of the ESHA given the site-specific characteristics of the resource and of the type and intensity of disturbance; and

(3) For wetland buffers, the project is separated from the wetland by topography.

ii. Additional Requirements. Where smaller buffers are allowed, the following additional requirements apply:

(1) Site drainage shall be evaluated to ensure development does not cut off hydrology.

(2) Stormwater from the development shall be managed such that it does not contribute sediment or pollutants into the ESHA.

(3) Native vegetation shall be planted between the ESHA and the development.

b. *Vegetation.*

i. ESHA buffers shall be maintained exclusively with native vegetation to serve as transitional habitat.

ii. Fuel modification zones shall be maintained outside of ESHA buffers.

iii. Invasive plant species shall be prohibited.

4. ***Design and Siting.*** Development outside, but within 100 feet of, an ESHA shall incorporate the following design and site characteristics:

a. Development adjacent to an ESHA shall be designed and sited to protect ESHA resources against any significant disruption of habitat values.

b. Development adjacent to an ESHA shall be compatible with the continuance of ESHA habitat areas.

c. Development adjacent to an ESHA shall be limited to low-impact land uses, such as open space and passive recreation whenever feasible.

d. Development shall not necessitate fuel modification in an ESHA or ESHA buffer.

e. Development lighting adjacent to an ESHA shall minimize impacts to wildlife.

i. All outdoor lighting fixtures shall be designed, shielded, aimed, located, and maintained to direct lighting away from environmentally sensitive habitat areas (ESHA) and ESHA buffers and to minimize glare, sky glow, and light trespass.

ii. Buildings shall be designed to minimize light trespass from interior lighting.

iii. All lighting shall utilize the best available "dark sky" practices, including the use of lights with the lowest intensity possible for safety purposes and that utilize wavelengths that are the most environmentally protective of organisms active at night and dawn and dusk.

f. Unauthorized structures that impact, or encroach into, ESHA or ESHA buffer shall be removed.

5. ***Limits on Land Uses.*** ESHA shall be protected against any significant disruption of habitat values. Uses within ESHA shall be limited to only those uses that are dependent on those resources. Limited public access improvements (e.g., hiking and educational trails and low-impact camping), minor educational, interpretative and research activities and development, and habitat restoration projects may be considered resource-dependent uses. Measures, including, but not limited to, trail creation, signage, placement of boardwalks, and fencing, shall be implemented as necessary to protect ESHA.

6. ***Required Findings.*** No development shall be allowed in an ESHA or ESHA buffer area unless the following findings are made:

a. The resource as identified will not be significantly degraded or disrupted by the proposed development and the development will be compatible with the continuance of the resource.

b. There is no feasible less environmentally damaging alternative.

c. All feasible mitigation measures capable of reducing or eliminating project-related impacts have been adopted.

F. **Wetlands, Deepwater Areas, and Other Water Areas.**

1. ***Protection Required.***

a. The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes shall be protected, maintained and, where feasible, restored.

b. All uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

c. Marine resources shall be maintained, enhanced, and, where feasible, restored.

d. Special protection shall be provided to marine resource areas and species of special biological or economic significance.

2. ***Channelizations.*** Channelizations, dams, or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible, and be limited to:

a. Necessary water supply projects.

b. Flood control projects where no other method for protecting existing structures in the floodplain is feasible and where such protection is necessary for public safety or to protect existing development.

c. Developments where the primary function is the improvement of fish and wildlife habitat.

3. ***Removal of Unauthorized Structures.*** All unauthorized structures that impact, or encroach into, wetlands, deepwater areas, or other water areas shall be removed.

4. ***Diking, Filling, and Dredging Projects.***

a. *Limits on Development.* Development involving the diking, filling, or dredging of open coastal waters, wetlands, or estuaries shall only be permitted consistent with Section 30233 of the Coastal Act and under the following circumstances:

i. Only if there is no feasible, less environmentally damaging alternative.

ii. If there is no feasible, less environmentally damaging alternative, mitigation measures shall be provided to minimize adverse environmental effects.

iii. Diking, filling or dredging projects shall sustain the functional capacity of the wetland, or estuary. In order to establish that the functional capacity is being maintained, the applicant must demonstrate all of the following:

(1) That the project does not alter presently occurring plant and animal populations in the ecosystem in a manner that would impair the long-term stability of the ecosystem; i.e., natural species diversity, abundance, and composition are essentially unchanged as a result of the project.

(2) That the project does not harm or destroy a species or habitat that is rare or endangered.

(3) That the project does not harm a species or habitat that is essential to the natural biological functioning of the wetland or estuary.

(4) That the project does not significantly reduce consumptive (e.g., fishing, aquaculture and hunting) or nonconsumptive (e.g., water quality and research opportunity) values of the wetland or estuarine ecosystem.

b. *Limits on Uses.* Development involving diking, filling, or dredging of open coastal waters, wetlands, and estuaries shall be limited to the following:

i. Construction or expansion of port/marine facilities.

ii. Construction or expansion of coastal-dependent industrial facilities, including commercial fishing facilities, and commercial ferry facilities.

iii. In open coastal waters, including estuaries and streams, new or expanded boating facilities, including docks, slips, access ramps, piers, marinas, recreational boating, launching ramps, and pleasure ferries, and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.

iv. Maintenance of existing and restoration of previously dredged depths in navigational channels, turning basins, vessel berthing, anchorage, and mooring areas, and boat launching ramps.

v. Incidental public service purposes which temporarily impact the resources of the area, such as burying cables and pipes, inspection of piers, and maintenance of existing intake and outfall lines.

vi. Sand extraction for restoring beaches, except in environmentally sensitive areas.

vii. Restoration purposes.

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

c. *Dredged Material Disposal.*

i. Dredged material disposal shall be planned and carried out to limit turbidity and to avoid significant disruption to marine and wildlife habitats and water circulation.

ii. Dredged material suitable for beneficial reuse shall be transported for such purposes to appropriate areas and placed in a manner that minimizes adverse effects on the environment.

iii. Dredged material suitable for beach replenishment should be transported for such purposes to appropriate beaches or into suitable longshore current systems.

G. **Coastal Dunes.**

1. ***Purpose.*** This Section provides requirements for development in areas with or adjacent to coastal dunes. The intent of this Section is to protect coastal dunes as natural habitats and for shoreline protection.

2. ***Applicability.*** The requirements of this Section shall apply to development in areas with coastal dune habitats.

3. ***Earthmoving.*** Earthmoving of beach sand in dune habitat areas shall be limited to dune restoration projects necessary for the protection of coastal resources and existing development.

4. ***Public Access and Recreation.*** Public beach access improvements shall be designed, sited, and maintained in a manner to avoid impacts to dune habitats through the use of well-defined footpaths, boardwalks, protective fencing, signage, and similar methods. Recreation improvements shall be designed and sited to avoid dune habitat areas.

5. ***Restoration of Native Vegetation.*** Plant materials in coastal dune habitat areas shall be restricted to native plant species appropriate to the habitat type.

H. **Mitigation and Monitoring.**

1. ***When Required.*** Mitigation and monitoring programs, including restoration plans and management programs, are required to minimize adverse impacts to sensitive habitat.

   a. *ESHA.* Mitigation shall be required for allowable impacts to ESHA and other sensitive resources that cannot be avoided through the implementation of siting and design alternatives. Mitigation shall not substitute for implementation of the project alternative that would avoid impacts to ESHA.

   b. *Wetlands.* Feasible mitigation measures shall be required to minimize adverse environmental effects of diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes where the proposed use is consistent with Section 30233 of the Coastal Act and there is no feasible less environmentally damaging alternative.

2. ***Mitigation Programs.*** Mitigation programs shall include the following components:

   a. Specific mitigation objectives and performance standards designed to measure the success of the restoration and/or enhancement.

   b. Provisions for acquiring title or other property interest to the mitigation site.

   c. Provisions for the dedication of the restored or created habitat or wetland and associated buffer areas to a public agency or nonprofit entity acceptable to the reviewing authority, or permanent restriction of their use to open space purposes.

   d. A monitoring and management program with mitigation objectives and performance standards.

   e. *Additional Components for Open Coastal Waters, Wetlands, Estuaries, and Streams.*

      i. Wildlife Contingency Plan. A Marine Wildlife Contingency Plan (Plan) shall be developed and approved by the Community Development Director prior to the initiation of any pile driving activities. That plan shall describe specific methods that will be used to reduce pile-driving noise and comply with the standards of this Section. Power to the pile driver shall be ramped up to allow marine wildlife to detect a lower sound level and depart the area before full-power noise levels are produced. The Plan shall identify a US Fish & Wildlife Service (USFWS)-approved biologist to monitor

noise-generating construction within the water-lease area who shall be retained by the applicant. The Plan shall describe on-site marine wildlife monitoring and reporting requirements, as well as identify specific conditions when the biological monitor shall be allowed to stop work, such as observance of a marine mammal within 100 feet of the project area. The biologist shall be responsible to monitor for compliance with all environmental mitigation measures, and regulatory permit conditions (as applicable). The approved biological monitor shall be present onsite during construction and shall have the authority to stop construction if any individuals of southern sea otter are seen within 100 feet of the project area. Construction will be allowed to resume after sighted otters have left the 100-foot radius of the project area or are deemed not in distress by the project biologist on a case by case basis. The species shall not be disturbed or forced from the project site by equipment, noise, or other disruptive activity. The monitor will have discretionary authority to temporarily halt the Project if it is determined any otter, or other marine mammal, could be affected by the Project, even if the animal is beyond the 100-foot boundary. All construction crew employees shall be informed on the requirements of this condition.

ii. Oil Spill Response and Recovery Plan. A project-specific Oil Spill Response and Recovery Plan that includes specifics on reporting and response procedures, available on-site equipment and contracted services, and responsibilities shall be completed and approved prior to the initiation of construction activities. Specifically, the Project shall include the following Best Management Practices (BMPs) and shall be included on building plans submitted for approval:

(1) No refueling of equipment without adequate containment and spill response equipment. The barge shall have only double contained fuel storage below decks, with the spill containment and clean up kits on-site and easily accessible. Spill containment and clean up kits shall include the following:

(a) 150 feet Absorbent Boom 200 square feet Absorbent Tarp (for use during pile driving operations)

(b) Barrel Absorbent Pads

(c) Container Absorbent Granules

(2) Rainwater runoff pollution from equipment stored on deck shall be prevented through ongoing equipment maintenance and appropriate double containment.

(3) The work area shall be contained within a boom to prevent debris from falling into the water.

(4) All equipment fueling shall take place on the barge, with containment in-place. No refueling between vessels shall occur.

(5) An Absorption Tarp shall be placed underneath any portable equipment while in use.

(6) No equipment shall be permitted to enter the water with any petroleum products.

(7) All equipment used during pile driving operations shall be in good condition without fuel or oil leakage.

(8) Should any equipment begin to leak, that equipment shall be removed immediately from the barge and repaired or replaced.

(9) All vessels shall have portable, regularly serviced sanitation equipment. No overboard discharge is permitted.

iii. Pre- and Post-construction Surveys. Applicants shall be subject to the California Eelgrass Mitigation Policy (CEMP) which requires a pre-construction survey shall be completed within 30-60 days prior to issuance of a building permit unless otherwise waived under the Army Corps permitting requirements. Post-construction survey, if required by the CEMP, shall be completed within 30 days of construction completion or as otherwise determined by the National Marine Fisheries Service (NMFS) in order to determine amount of impact if any and CEMP-required annual reporting and mitigations. Any change in eelgrass extent shall be documented and reported to the Community Development Director. If the report identifies a reduction in eelgrass coverage then a plan shall be prepared to identify the appropriate mitigations necessary and in line with the specifications for mitigation of eelgrass habitat as provided for in the California Eelgrass Mitigation Policy, dated October 2014, or successor document.

iv. Noise Mitigation Plan. Vibratory hammers shall be used for pile driving activities where feasible. In the instance anything other than a vibratory hammer is to be used for pile driving activities, a pile driving plan and hydro-acoustical noise mitigation plan shall be submitted to the Community Development Director prior to issuance of a building permit to ensure that underwater noise generated by pile driving activities is minimized to the maximum extent feasible and does not exceed: (i) an accumulated 187 dB SEL as measured 5 meters from the source; and (ii) peak dB above 208 dB as measured 10 meters from the source as determined by the Fisheries Hydroacoustic Working Group. The plan shall provide for a hydro-acoustical monitor to ensure that underwater noise generated by pile driving activities does not exceed such limits. The plan shall identify the type of method used to install pilings.; A bubble curtain shall be employed to contain both noise and sediment. The plan shall also provide for additional acoustical BMPs to be applied if monitoring shows underwater noise above such limits (including, but not limited to, alternative pile driving methods (press-in pile placement, drilling, dewatered isolation casings, etc.) and additional noise dampening measures (sound shielding and other noise attenuation devices).

v. Netting or fencing around and underneath the project site shall be installed to catch and remove debris released during and after construction.

vi. To reduce potential turbidity-associated impacts, silt screens should be used when and where they will be effective. The relatively high tidal currents within Morro Bay could reduce the effectiveness of silt screens and should be considered prior to placing of these screens.

3. ***Habitat Creation/Restoration.***

a. *ESHA.* Mitigation for impacts to ESHA and other sensitive resources shall be in the form of habitat creation or substantial restoration. The mitigation shall occur on site wherever possible. Off-site mitigation measures shall only be approved when it is not feasible to fully mitigate impacts on site.

b. *Wetlands.* Mitigation shall occur in the same watershed and in the form of in-kind wetland restoration or creation whenever possible. Where out-of-kind mitigation is necessary, restoration or creation of wetlands shall be of equal or greater biological productivity to the wetland that was filled or dredged. Mitigation may also be permitted in the form of restoration that

includes opening equivalent areas to tidal action or providing other sources of surface water.

4. ***Mitigation Ratios.*** Adverse impacts shall be mitigated at a ratio necessary to achieve the specific mitigation objectives and performance standards identified in the mitigation and monitoring program and approved by the review authority.

5. ***Restoration Plans.*** A restoration and management plan shall be submitted. Restoration plans shall be reviewed and approved by a qualified professional prior to accepting sites for mitigation.

6. ***Timing.*** Restoration/mitigation shall occur before or simultaneously with construction of the approved development.

    a. Any off-site mitigation site shall be purchased and legally restricted and/or dedicated before impacts to the development site can proceed.

7. ***In-Lieu Fee for Wetland and/or Eelgrass Impacts.*** An in-lieu fee may be paid to an appropriate public agency to mitigate wetland and/or eelgrass impacts, if no appropriate mitigation site can be acquired. Payment of an in-lieu fee would only be an option if an applicant is unable to find a potential restoration site. The fee shall be based on the following factors:

    a. The habitat type.

    b. The costs of acquisition.

    c. The cost per acre to restore or create a comparable wetland within the region where the impact occurred.

    d. The acreage of the habitat affected, based on the final approved project.

8. ***Monitoring.*** Monitoring of mitigation measures shall be for a period of sufficient time to determine if mitigation objectives and performance standards are being met. Midcourse corrections shall be implemented if necessary to meet the objectives or performance standards.

    a. *Period.* Monitoring shall be conducted a period of not less than five years following completion, unless the Director determines that a longer mitigation monitoring schedule is appropriate. If performance standards are not met by the specified monitoring period, the monitoring period shall be extended until the standards are met or the applicant shall submit an amendment application proposing alternative mitigation measures and implement the approved changes.

    b. *Reports.* Monitoring reports that document the success or failure of the mitigation shall be provided to the Department annually and at the conclusion of the monitoring period.

c. *Completion.* The restoration shall be considered successful after the success criteria have been met for a period of at least three years with no remediation or maintenance activities other than weeding.

9. ***Easements and Dedications.*** Where on-site or off-site preservation of an ESHA, wetland, stream, or mitigation area and buffers to each are required as a condition of approval of a Coastal Development Permit or other authorization, a guarantee of protection through direct dedication, offer to dedicate, or conservation easement shall be required. The protection guarantee shall identify the precise location and area to be set aside for preservation along with evidence of the legal ability over that area to restrict that area and/or convey a property interest in that area.

   a. *Timing.* Prior to the approval of a coastal development permit, the method and form of the protection guarantee shall be approved by City Attorney. The protection guarantee shall be recorded in the office of the County Recorder prior to the issuance of a building permit

   b. *Management and Funding.* A management plan and funding plan shall be required to ensure appropriate management of the habitat area in perpetuity.

   c. *Method of Protection Guarantee.* A method of access guarantee shall be chosen according to the following criteria:

      i. Deed Restriction. A deed restriction shall be used only where an owner, association or corporation agrees to assume responsibility for maintenance of and liability for the habitat area, subject to approval by the reviewing authority.

      ii. Grant of Fee Interest or Easement. A grant of fee interest or easement shall be used when a public agency or private organization approved by the reviewing authority is willing to assume ownership, maintenance and liability for the habitat.

      iii. Offer of Dedication. An offer of dedication shall be used when no public agency, private organization or individual is willing to accept fee interest or easement for habitat maintenance and liability. These offers shall not be accepted until maintenance responsibility and liability is established.

17.14.090 Visual Resource Protection

In order to enhance public views and the scenic qualities of the City's Coastal Zone, and to maintain consistency with the LCP's Land Use Plan (LUP), development shall conform to all

applicable Land Use Plan Visual Resources and Viewsheds policies and the following requirements.

A. **Site-specific Visual Analysis.** The following documentation and requirements shall be provided for all CDP applications within scenic areas, including those described in Figures C-6 and C-7 of the LUP and any other development that may adversely impact public views:

1. A site plan that identifies all public view corridors and pictures of existing public views of and including the project site from public viewing areas, including all before and after public views of and towards the ocean.

2. Project plans that confirm height is within the requirements of the zoning district in which it is located. Exceptions are allowed only for chimneys, vents, and similar vertical extensions, not to exceed an additional 4 feet, and not to comprise more than 5 percent of a building's roof area. In all cases, heights may be further limited in order to meet LCP scenic resource protection requirements.

3. When trees defined as major vegetation are proposed for removal, ribbons, or other method of identification showing the location of trees proposed for removal, must be installed.

4. Illustration showing the colors, textures, and architectural styles to show the exterior facades are compatible with development on adjacent blocks and the City's overall architectural character and do not cause the project to stand out from surrounding built and natural features.

5. Any other information deemed necessary to determine the visual impact of the proposed project, including but not limited to analysis of the heights of existing buildings within 150 feet of the proposed structure; story poles and netting showing proposed ridgelines; and visual simulations to help identify potential visual impacts.

B. **Exterior Lighting.** Where exterior lighting is proposed, a plan showing the location, types, and intensity of the proposed lights is required. At a minimum, the exterior lighting plan must include the following:

1. Lighting that is designed to minimize light spill into natural areas by using cut-off fixtures, directing light to the ground, and not flooding the site with light.

2. Lighting that is minimally visible from coastal beaches and bluffs, and off-shore locations.

3. Lighting that uses cut-off, shielded, or downward fixtures (i.e., the bulb is not directly visible) and is between 2600 and 3500 Kelvin and has a CRI of 85 or greater.

4. Lighting that does not blink or flash unless required for navigation, safety, or similar purposes.

5. Unless shielded from the coast by buildings or vegetation, trail lighting that is mounted on bollards no greater than 4 feet tall and with the lighting shielded from the coast.

6. Anti-reflective window glazing, awnings, or other anti-glare methods on south- and west-facing elevations and those elevations visible from public view points.

C. **Landscaping.** Development shall minimize the removal of existing native vegetation, and shall provide for landscaping improvements that include removal of non-native and/or invasive species, and plantings of noninvasive native plants in a manner sited and designed to enhance coastal habitats and public views.

1. ***Landscaping Plan.*** For projects that include landscaping that may impact public views, a plan showing the type, location, and mature height of all trees and shrubs shall be required. At a minimum, the Landscaping Plan must include vegetation types and maintenance provisions that ensure, during both the growing stage and at maturity, plantings will not significantly encroach into a public view corridor or significantly obstruct public views to and of the ocean and shoreline areas.

D. **Ancillary and other Structures**. Ancillary and other structures shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas.

1. Fencing and hedges. Fencing and hedges shall be minimized to avoid negative impacts to public views (particularly blue water views) from roads, sidewalks, and other public viewing areas.

2. Public Utilities. Public utilities shall be placed underground whenever feasible. When underground installation is infeasible, utilities shall be placed outside of public view and/or appropriately screened with landscaping when feasible.

3. Telecommunication Facilities. Telecommunication Facilities shall be sited and designed to avoid adverse impact coastal views, and alternatives shall be considered and required where such impacts can be avoided. Unless inconsistent with federal telecommunications law, such facilities shall not be allowed in agricultural lands, in EHSA/wetlands and other sensitive habitats, or in the Waterfront District. Undergrounding of such facilities shall be required whenever feasible. If undergrounding of such facilities is not feasible, co-location of such facilities shall be encouraged and screening shall be required when feasible.

17.14.100 Hazards and Shoreline Protection

In order to protect life, property, and coastal resources from coastal hazards, and to maintain consistency with the LCP's Land Use Plan (LUP), development shall conform to all applicable Land Use Plan Coastal Hazards policies and the following requirements.

A. **Hazards Evaluation Report.**

1. ***Initial Site Assessment.*** The Director shall conduct an initial site assessment screening of all permit applications to determine whether the site is or will be subject to geologic or other hazards over a timeframe of a minimum of 100 years. Geological or other hazards are defined to include:

   a. Earthquake hazard zones;

   b. Areas subject to tsunami runup or episodic and long-term shoreline retreat (including beach or bluff erosion) including as related to sea level rise;

   c. Unstable slopes and areas with moderate or greater landslide or liquefaction potential; and

   d. Flood hazard areas, including those areas potentially inundated by future sea level rise.

   e. The screening shall include a review of reports, resource maps, aerial photographs, site inspection, and the City's hazards maps. Absence of mapping shall not alone be considered absence of hazard, and local site conditions shall be examined at the time of permit application using the best available science.

2. ***Hazards Report.*** Where the initial site assessment reveals that the proposed development is located in potential coastal hazards areas mapped in Figures PS-7 and PS-8 of the LUP, within the Coastal Resource Protection-Sea Level Rise (CRP-SLR) Overlay District, or in or within 100 feet of an area potentially subject to geologic or other hazards over the 100-year assessment time frame, a Hazards Report consistent with LUP Coastal Hazards policies shall be prepared. The Hazards Report shall at a minimum provide for:

   a. *Purpose.* The Report shall be prepared by a qualified geologist/engineer and shall identify the potential impacts of erosion, episodic and long-term shoreline retreat, flooding, inundation, storm waves, high seas, tidal scour, and tsunamis, including in relation to sea level rise, over the life of the development. The Report shall recommend any mitigation measures or modifications to the project that are needed to ensure that the project is consistent with all applicable Land Use Plan Coastal Hazards policies.

   b. *Content.* The Report shall, at a minimum, contain the following sections:

i. Summary

ii. Geology of the Project Area

iii. Wave, Tide, and Current Trends

iv. Erosion Trends and Episodes in Project Area

v. Seasonal Beach Profiles and Trends

vi. Impacts from Coastal Hazards on the Proposed Project

vii. Description of Project Alternatives to Avoid/Minimize Coastal Hazard Impacts

viii. Mitigation of Coastal Hazard Impacts

ix. Conclusions and Recommendations

x. Coordination with Other Agencies, Groups, or Consultants

xi. Report Preparer's Qualifications

xii. References

c. *Coastal Hazards Analysis.* The Report shall at a minimum document the following:

i. Regional and local geologic setting, including topography, natural landforms, soil/rock types, thickness of soil or depth to bedrock, and other relevant properties such as erosion potential.

ii. Information about potential coastal hazards at the site, including normal and maximum tidal surges, wave conditions (including maximum expected wave height and frequency/magnitude of wave/tidal surge), storm conditions (including storm waves from a 100-year event or a storm that compares to the 1982/83 El Niño event).

iii. Long-term average annual erosion rates, based on photogrammetric analysis, LiDAR data, and peer reviewed studies and reports, etc., quantified in distance per year (e.g., 6" per year). The long-term average annual erosion rate should be broken down separately for any differing geologic units (e.g., erosion for the upper bluff terrace deposits may differ from erosion for a harder lower bluff substrate) to the extent that these long-term rates differ.

iv. Episodic or rapid erosion, based on recent observations from the project site or nearby areas of comparable geology

v. Ground and surface water conditions and variations, including hydrologic changes caused by the development (e.g., introduction of sewage effluent and irrigation water to the groundwater system, and alterations in surface drainage).

vi. For coastal bluffs, quantitative slope stability analyses (including a description of the factors of safety for the site and structures on it, and a breakdowns, as appropriate, for the factors of safety applying to the full bluff profile.

vii. Expectations for the near-term (3 to 5 years) changes to the site, considering current erosion and related conditions (including wave and storm conditions)

viii. Expectations for longer term changes, including the effects of sea level rise.

ix. Effect of the proposed development (including siting and design of structures, septic system, landscaping, drainage, and grading) and impacts of construction activity on the stability of the site and the adjacent area.

d. *Mitigation of Coastal Hazards Analysis.* The Report shall include a detailed analysis of alternative options to avoid identified erosion/site stability hazards, including non-armoring alternatives. At a minimum the analysis shall include

i. Evaluation of alternatives including avoiding proposed development; relocation of any threatened structures, including an analysis of any technical feasibility questions and an estimate of expected costs to be borne by the property owner to relocate; partial removal of threatened elements, again with a clear analysis and estimate of how this would be accomplished; and site drainage controls and native plant revegetation.

ii. Expectations on the degree of protection for each alternative must be provided, including an estimate of the number of years of stability provided to the structure or development being protected (absent additional armoring or other measures) associated with each option.

iii. A combination of different alternatives should be considered when appropriate, such as for example, vegetation, surface water controls and periodic nourishment; or the use of incremental responses tied to identified triggers.

B. **Coastal Hazard Risks Acknowledged.** Coastal hazard risks shall be acknowledged by deed restriction for all development that at some point during its lifetime may be subject to coastal hazards consistent with LUP Coastal Hazards policies (e.g., Policy PS-3.6).

C. **Shoreline Development.**

1. ***Purpose.*** This Section provides standards for development proposed on lots that border the ocean or bay, where careful design and development practices are necessary to preserve significant coastline features, implement applicable provisions of the General Plan and Local Coastal Program, and comply with the Coastal Act.

2. ***Applicability.*** This Section applies to all development, including expansion of existing uses, proposed to be located on or adjacent to a beach or coastal bluff, except in the Embarcadero as provided in paragraph b. Embarcadero, below.

   a. *Coastal Bluff.* A landform that includes a scarp or steep face of rock adjacent to the bay or ocean and meeting one of two parameters:

      i. The toe is now or was historically (generally within the last 200 years) subject to marine erosion.

      ii. The toe of which lies within an area otherwise identified in Public Resources Code Section 30603(a)(1) or (a)(2).

   b. *Embarcadero.* The provisions of this Subsection 17.14.100.C. Shoreline Development, do not apply to development in the Embarcadero as specified in LUP Policy LU-8.7.

3. ***Geologic Report.*** Permit applications for development or expansion of existing uses proposed to be developed on or adjacent to a beach or coastal bluff shall include a geologic report prepared by a licensed engineering geologist or a professional civil engineer with expertise in soils and foundation engineering, or a registered geologist with a background in engineering applications. Such report shall include a scaled map showing location of the bluff edge, the toe of the bluff, and other significant geologic features by distance from readily identified fixed monuments such as the property line, centerline of the road nearest the bluff, or inside of curb face. The report shall include an analysis of beach erosion, wave run-up, inundation and flood hazards, including those due to sea-level rise; and consider, describe, and analyze the following:

   a. The impact of construction activity on the stability of the site and adjacent area;

   b. Bluff geometry and site topography, extending the surveying work beyond the site as needed to depict unusual geomorphic conditions that might affect the site;

c. Historic, current, and foreseeable bluff and shoreline erosion and possible changes in shore configuration and sand transport;

d. Geologic conditions, including soil, sediment, and rock types and characteristics, in addition to structural features such as bedding, joints and faults;

e. Evidence of past or potential landslide conditions, the implications of such condition for the proposed development, and the potential effects of the development on landslide activity;

f. Ground and surface water conditions and variations, including hydrologic changes caused by the development;

g. Potential erosion of the site and mitigation measures to be used to ensure minimized erosion problems before and after construction (i.e., landscape and drainage design);

h. Effects of marine erosion on coastal bluffs;

i. Potential effects of seismic forces resulting from a maximum credible earthquake;

j. Any other factor that might affect slope or bluff stability;

k. A tsunami hazard assessment, including sea-level rise and tsunami wave runup calculations;

l. Evaluation of off-site impacts of development (e.g., development contributing to geological instability) and the additional impacts that might occur due to the proposed development (e.g., increased erosion along a footpath).

m. An evaluation of whether the development, as proposed or modified, could be safely established on the property for a 100-year period without a shoreline protective device and without taking into account the effect of any existing shoreline protective device;

n. Measures to mitigate potential impacts; and

o. Other matters as determined relevant to the property by the report preparer or City Engineer.

4. ***Coastal Bluff Face Development.*** No development shall be permitted on a coastal bluff face, except for engineered staircases or accessways to provide public beach access and pipelines for scientific research or coastal-dependent industry. Drainpipes shall only be allowed where no other less environmentally damaging drain system is feasible and the drainpipes are designed and placed to minimize impacts to the coastal bluff face, toe, and beach. Drainage devices extending over

the coastal bluff face shall not be permitted if the property can be drained away from the coastal bluff face.

5. ***Structures on the Beach.*** No permanent structure shall be permitted on a dry, sandy beach except a facility necessary for public health and safety, such as lifeguard towers, and recreation facilities, such as beach volleyball courts.

6. ***Setbacks.*** Proposed development must be set back from the top of the coastal bluff, as provided by this Subsection. Additional setbacks may be required to accommodate public access in compliance with Section 17.14.110, Coastal Access.

    a. *Coastal Bluff Setback Requirements.* New development must be set back equal to a sufficient setback to maintain a minimum factor of safety of at least 1.5 for a minimum of 100 years based on a site-specific geological or geotechnical engineering study. In no case shall the minimum setback be less than 20 feet from the coastal bluff edge.

        i. No development, except pathways, stairways, fencing, signage, and other features associated with a public accessway or a necessary pipeline associated with a public facility, will be permitted within the bluff retreat setback identified in site-specific geologic reports.

    b. *Non-bluff Coastline Setbacks.* Structures proposed within 500 feet of the mean high tide line in areas that lack coastal bluffs, shall be set back equal to a sufficient setback so the proposed structure would not be expected to be subject to shoreline erosion or other hazards for the structure's lifetime or for 50 years, whichever is greater, based on a site-specific shoreline erosion rate and shoreline hazards study. In no case shall the minimum setback be less than 20 feet from the coastline or property line adjacent to the ocean or bay, whichever results in a greater setback.

    c. *Landscaping.* Drought-tolerant landscaping shall be installed and maintained in the required setback.

7. ***Erosion Control.*** Proposed development must be designed and constructed to incorporate appropriate erosion-control measures, consistent with the City's grading standards.

8. ***Shoreline Protection Restrictions.*** Development shall be sited and developed to be safe from coastal bluff retreat, waves, or flood hazards without the use of any shoreline protective device. Existing and new shoreline protection devices shall be consistent with LUP Coastal Hazards policies.

    a. All permits for development on coastal blufftop or shoreline lots that do not have a legally established shoreline protection structure shall have conditions of approval requiring that prior to issuance of any grading or

construction permits, the property owner record a deed restriction against the property to ensure that no shoreline protection structure will be proposed or constructed to protect the development, and expressly waiving any future right to construct such devices.

b. Proposed development shall not be approved where the review authority determines that shoreline protective structures will be necessary to protect it at any point in the development's lifetime.

c. A shoreline protective structure may be allowed where consistent with LUP policies with Conditional Use Permit and Coastal Development Permit approval, only when the approval body makes the following findings:

   i. The shoreline protective structure is consistent with all applicable LUP polices;

   ii. Non-structured alternatives to the protective devices have failed;

   iii. The shoreline protective structure is located to avoid significant rocky points and intertidal areas;

   iv. The shoreline protective structure proposed is the least environmentally damaging, feasible alternative;

   v. The shoreline protection structure is designed to maintain lateral beach access, where feasible; and

   vi. The shoreline protection structure is designed to respect natural land forms and minimize visual impact to the extent possible, through means including the use of visually compatible colors and materials.

   vii. New shoreline protective devices shall be sited and designed to avoid coastal resource impacts to the maximum extent feasible through: eliminating or mitigating all adverse impacts on local shoreline sand supply (including sand and beach area that are lost through the shoreline protective device's physical encroachment on a beach, fixing of the back beach, and prevention of new beach formation in areas where the bluff/shoreline would have otherwise naturally migrated, and the loss of sand-generating bluff/shoreline materials that would have entered the sand supply system absent the device); protecting and enhancing public recreational access; protecting and enhancing public views; minimizing alteration of, and being visually subordinate to, the natural character of the shoreline; avoiding impacts to archeological resources; and protecting other coastal resources as much as possible. Shoreline protective devices shall be required to mitigate impacts to

shoreline sand supply, public access and recreation, and any other relevant coastal resource impacts in 20-year increments, starting with the building permit completion certification date. Permittees shall apply for a coastal permit amendment prior to expiration of each 20-year mitigation period, proposing mitigation for coastal resource impacts associated with retention of the shoreline protective device beyond the preceding 20-year mitigation period, and such application shall include consideration of alternative feasible mitigation measures in which the permittee can modify the shoreline protective device to lessen its impacts on coastal resources. Shoreline protective devices shall only be authorized until the time when the qualifying development that is protected by such a device is no longer present, constitutes redevelopment, and/or no longer requires armoring, at which time the shoreline protective device shall be removed and the site restored.

9. ***Liability.*** For any development on a beach or shoreline subject to wave action, erosion, flooding, landsides, sea-level rise, or other hazards associated with development on a beach or coastal bluff, the property owner shall execute and record a deed restriction that acknowledges and assumes these risks and waives any future claims of damage or liability against the City and agrees to indemnify the City against any liability, claims, damages, or expenses arising from any injury or damage due to such hazards.

D. **Flood Hazards.** Habitable space is prohibited at elevations subject to wave and/or flood risk, including risk due to sea level rise.

E. **Geologic, Slope, and Stability Hazards.** The following standards apply to all development within areas of geologic hazards; very high, high, and moderate landslide potential; high or moderate liquefaction potential; and areas with other soil or slope stability issues.

1. ***Subdivisions.*** Land divisions, including lot line adjustments and SB 9 development, are prohibited in areas subject to geologic, seismic, and other hazards unless it is demonstrated by the subdivider that all lots in the new subdivision will have sufficient buildable land area that is situated outside the hazardous portions of the property and outside of any hazard setback areas.

2. ***Geotechnical, Soil, and Engineering Studies.*** Site-specific geotechnical, geologic, soil, and/or structural engineering studies that assess the degree of hazard on the proposed site and recommend any appropriate site design modifications or considerations as well as any other mitigation measures shall be prepared.

17.14.110 Coastal Access

In order to protect the public's access to the coast, and to maintain consistency with the LCP's Land Use Plan (LUP), development shall conform to all applicable Land Use Plan Coastal Access and Embarcadero policies and the following requirements.

A. **Purpose.** This Section provides procedures and standards for the preservation, dedication, and improvement of public access to and along the shoreline and coastal bluff tops, in conjunction with development in the Coastal Zone. The intent is to:

1. Ensure that public rights of access to the shoreline are protected as guaranteed by the California constitution, and achieve the basic State goals of maximizing public access to the coast, as set forth in the Coastal Act (Sections 30000 through 30900).

2. Implement the public access and recreation policies of Chapter 3 of the Coastal Act (Sections 30210 through 30255) and the applicable policies of the Coastal Land Use Plan.

3. Ensure public access to coastal bluff tops, where feasible.

B. **Applicability.** The public access procedures and standards of this Section shall be carried out in a reasonable manner as to the rights of the individual property owner with the public constitutional right of access pursuant to Section 4 of Article X of the California Constitution.

1. ***Protection of Existing Coastal Access.*** Development shall not interfere with public rights of access to the sea where the rights were acquired through use or legislative authorization. Public access rights may include the use of dry sand and rocky beaches to the bluff or first line of terrestrial vegetation.

2. ***Access Requirements.*** Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects, except where:

a. It would be inconsistent with public safety or the protection of fragile coastal resources;

b. Adequate access exists nearby;

c. Agriculture would be adversely affected;

d. Access at the site would be inconsistent with policies of the Local Coastal Program, other than those requiring access;

e. Requiring or providing the access would be inconsistent with federal or State law; or

f. The activity is not considered "new development." New development does not include:

i. Replacement of any structure pursuant to the provisions of subdivision (g) of Section 30610.

ii. The demolition and reconstruction of a single-family residence; provided, that the reconstructed residence shall not exceed either the floor area, height or bulk of the former structure by more than 10 percent, and that the reconstructed residence shall be sited in the same location on the affected property as the former structure.

iii. Improvements to any structure which do not change the intensity of its use, which do not increase either the floor area, height, or bulk of the structure by more than 10 percent, which do not block or impede public access, and which do not result in a seaward encroachment by the structure.

iv. The reconstruction or repair of any seawall; provided, however, that the reconstructed or repaired seawall is not seaward of the location of the former structure.

v. Any repair or maintenance activity for which the commission has determined, pursuant to Section 30610, that a coastal development permit will be required unless the commission determines that the activity will have an adverse impact on lateral public access along the beach.

For purposes of this Section, "bulk" means total interior cubic volume as measured from the exterior surface of the structure.

C. **Standards for Public Access.**

1. ***Lateral Access.*** Lateral access pursuant to Coastal Access Policies LU-7.1, LU-7.2, and LU-7.3 of the LUP shall be provided and shall consist of an offer to dedicate an easement or a grant of easement for open and unobstructed public accessways along the waterfront revetment (or shoreline, if no revetment exists, between the mean high-tide line to the first line of vegetation or an appropriate landward feature on sites along the Embarcadero and similarly developed areas).

2. ***Vertical Public Access.*** Vertical access pursuant to Coastal Access Policy LU-7.4 of the LUP shall be provided and consist of an offer to dedicate an easement or a grant of easement for open and unobstructed vertical access to the shoreline.

3. ***Public Accessways.*** All public accessways shall be properly signed and conform to Coastal Conservancy/Coastal Commission access standards and guidelines.

D. **Prescriptive Rights.** In areas where it is established that the public acquired a right of access through use, custom, or legislative authorization, development shall not interfere with or diminish such access. This requirement will be interpreted to allow flexibility in accommodating both new development and continuation of historic public parking and access.

E. **Access Title and Guarantee.** Where public coastal accessways are required by this Chapter, approval of a Coastal Development Permit will require guarantee of the access through deed restriction or dedication of right-of-way or easement. Before approval of a Coastal Development Permit, the method and form of the access guarantee will be approved by the City Attorney and recorded in the office of the County Recorder, identifying the precise location and area to be set aside for public access. The method of access guarantee will be chosen according to the following criteria:

1. ***Deed Restriction.*** To be used only where an owner, association, or corporation agrees to assume responsibility for maintenance of and liability for the public access area, subject to approval by the Director.

2. ***Grant of Fee Interest or Easement.*** To be used when a public agency or private organization approved by the Director is willing to assume ownership, maintenance and liability for the access.

3. ***Offer of Dedication.*** To be used when no public agency, private organization, or individual is willing to accept fee interest or easement for accessway maintenance and liability. These offers will not be accepted until maintenance responsibility and liability are established.

4. ***Maintenance.*** A dedicated public accessway shall not be required to be opened to public use until a public agency or private association approved by the City Council agrees to accept responsibility for maintenance and liability of the access, except in cases where immediate public access is approved through a deed restriction.

F. **Timing of Access Implementation.** The type and extent of access to be dedicated and/or constructed and maintained, as well as the method by which its continuing availability for public use is to be guaranteed, shall be established as provided by this Chapter at the time of planning permit approval (e.g., Conditional Use Permit and/or Coastal Development Permit approval).

1. ***Dedication.*** Shall occur before issuance of construction permits or the start of any construction activity not requiring a permit.

2. ***Construction of Improvements.*** Shall occur at the same time as construction of the approved development, unless another time is established through conditions of planning permit approval.

Chapter 17.15 Cloisters (-CL) Overlay District (IP)

Sections:

17.15.010 Purpose
17.15.020 Applicability
17.15.030 Land Use Regulations
17.15.040 Development Standards

17.15.010 Purpose

The Cloisters (-CL) Overlay District is intended to establish standards for clustered residential development and public open space within the Cloisters Subdivision, also known as the Tract 1996 Subdivision.

17.15.020 Applicability

The Cloisters (-CL) Overlay District applies to all areas within the boundaries of the CL Overlay District shown on the Official Zoning Map, and as shown on the final map for Tract 1996.

17.15.030 Land Use Regulations

Land use regulations in all areas within the boundaries of the Cloisters (-CL) Overlay District shall comply with the land use regulations of the base zone district.

17.15.040 Development Standards

The following standards shall apply for all residential development in the Cloisters (-CL) Overlay District. In any case where there is a conflict between the development standards of the base zone district and this Chapter, this Chapter shall control.

A. **Maximum Height.** Height limits shall be measured from finished grade, provided that finished grade shall only exceed existing natural grade where necessary to meet floodplain elevation requirements, tract drainage, engineering, and utility design criteria. Grading plans shall be reviewed to ensure that the following criteria are met as determined by the City Engineer. If the final map for Tract 1996 should expire, maximum height shall comply with the height limits established by the Local Coastal Program Land Use Plan and the General Plan

1. ***Lots 1 through 45.*** Structures shall be limited to a single story, not to exceed 14 feet in height.

2. ***Lots 46 through 48, and 59 through 88.*** Structures shall be limited to a single story, not to exceed 14 feet in height.

3. ***Lots 91, 92, 94, 96 through 100, 102, 103, 105 through 107, 109, 111, 114, and 117.*** Structures shall not exceed 17 feet in height.

4. ***Lots 49 through 58, 89, 90, 93, 95, 101, 104, 108, 110, 112, 113, 115, 116, 118 through 120.*** Structures shall not exceed 25 feet in height.

B. **Maximum Second Story Floor Area.** For two-story structures, the maximum second story floor area shall be limited to 50 percent of the structure's total floor area.

C. **Minimum Lot Size.**

1. ***Interior Lots.*** 6,000 square feet.

2. ***Corner Lots.*** 7,000 square feet.

D. **Maximum Lot Coverage.** 45 percent, unless otherwise allowed pursuant to the Local Coastal Program Land Use Plan standards.

E. **Minimum Lot Width.** 55 feet, or 35 feet on a cul-de-sac measured at the property line.

Chapter 17.16 Mixed Use Residential (-MUR) Overlay District (IP)

Sections:

17.16.010 Purpose
17.16.020 Applicability
17.16.030 Allowed Residential Development

17.16.010 Purpose

The Mixed Use Residential (-MUR) Overlay District is intended to allow additional opportunities for residential development within certain Zoning Districts.

17.16.020 Applicability

The Mixed Use Residential (-MUR) Overlay District applies to all areas within the boundaries of the MUR Overlay District shown on the Official Zoning Map.

17.16.030 Allowed Residential Development

In addition to the uses and development configuration allowed pursuant to base district regulations, residential development is allowed as follows.

A. **VSC District.** In the VSC District, attached Single-Unit Dwellings and Multi-Unit Residential development up to 27 units per acre are allowed with Conditional Use Permit approval when provided as part of a visitor-serving, mixed-use development.

B. **NC District.** In the NC District, residential housing types on the ground floor or developed as stand-alone residential development are allowed subject to Minor Use Permit approval. Stand-alone residential development shall be subject to the development standards of the RM District.

Chapter 17.17 Waterfront Master Plan (-WMP) Overlay District (IP)

Sections:

17.17.010 Purpose
17.17.020 Applicability
17.17.030 Waterfront Master Plan

17.17.010 Purpose

The purpose of this Chapter is to identify the applicability of the Waterfront Master Plan.

17.17.020 Applicability

The Waterfront Master Plan applies to all use and development of properties within the boundaries of the Waterfront Master Plan (-WMP) Overlay District boundaries on the Official Zoning Map.

17.17.030 Waterfront Master Plan

All development within the Waterfront Master Plan (-WMP) Overlay District shall be in accordance with the Waterfront Master Plan.

Chapter 17.18 Planned Development (-PD) Overlay District (IP)

Sections:

17.18.010 Purpose
17.18.020 Zoning Map Designation
17.18.030 Land Use Regulations
17.18.040 Development Standards
17.18.050 Procedures
17.18.060 Required Findings
17.18.070 Conditions
17.18.080 Expiration and Renewal
17.18.090 Amendments of Approved Plans
17.18.100 Project Review

17.18.010 Purpose

The purpose of this Chapter is to establish a Planned Development (-PD) Overlay District that provides for one or more properties to be developed under a plan that provides for better coordinated development and incorporates development standards crafted to respond to site conditions in order to:

A. Provide for greater flexibility in the design of the development than is otherwise possible through the strict application of zoning district regulations;

B. Ensure compliance with the General Plan/Local Coastal Land Use Plan and provide various types of land use which can be combined in compatible relationship with each other as a part of a totally planned development; and

C. Allow for creative development projects that incorporate design features that are more sensitive to site conditions and provide greater amenities than would likely result from conventionally planned development.

17.18.020 Zoning Map Designation

A -PD Overlay District shall be noted on the Zoning Map by the designation "-PD," followed by the number of the Planned Development based on order of adoption.

17.18.030 Land Use Regulations

No use other than an existing use is permitted in a -PD Overlay District except in accordance with a valid PD Plan. Any permitted or conditional use authorized by this Code may be included in an

approved PD Plan consistent with the General Plan/Local Coastal Land Use Plan land use designation(s) for the property.

17.18.040 Development Standards

A. **Minimum Area.**

1. ***Waterfront Master Plan Area.*** There is no minimum area of a -PD Overlay District for areas within the Waterfront Master Plan Area.

2. ***Other Areas.*** In areas outside of the Waterfront Master Plan boundary, the minimum area of a -PD Overlay District shall be one-half acre; however, the City Council may approve a district smaller than one-half acre if it finds that a Planned Development would provide greater benefits to the general welfare of Morro Bay's residents and property owners than development under conventional zoning because of unique characteristics of the site or the proposed use.

B. **Residential Unit Density.** Except where a density bonus is granted in compliance with Chapter 17.24, Affordable Housing, Density Bonuses, and Other Incentives, the total number of dwelling units in a -PD Overlay District shall not exceed the maximum number permitted by the General Plan/LCP Land Use Plan density for the total area of the planned development designated for residential use, excluding areas devoted to public and private streets.

C. **Performance Standards.** The Performance Standards prescribed by Chapter 17.28, Performance Standards, apply.

D. **Other Development Standards.** Other development standards shall be as prescribed by the PD Plan.

17.18.050 Procedures

A. **Review Procedures.**

1. ***Zoning/LCP Amendment.*** An application for a -PD Overlay District shall be processed as a Zoning Amendment, according to the procedures of Chapter 17.46, Amendments to the General Plan, Zoning Code, and Zoning Map; may require an Amendment to the Local Coastal Program; and shall include a PD Plan.

2. ***PD Plan.*** The PD Plan shall be accepted and processed concurrently, in the same manner as a Conditional Use Permit application, pursuant to Chapter 17.40, Use Permits.

3. ***Tentative Subdivision Map.*** When a PD requires the submission of a tentative subdivision map, this map and all supporting documents shall be prepared and submitted concurrently with the application of the PD.

B. **Initiation.** An application for a -PD Overlay District may be initiated by any qualified applicant identified in Section 17.36.020, Application Forms and Fees, or a motion of the City Council. If the property is not under a single ownership, all owners must join the application, and a map showing the extent of ownership shall be submitted with the application.

C. **Application Content.** A qualified applicant shall submit an application for a -PD Overlay District on a form prescribed by the Planning Division accompanied by the required fee. The Planning Division may require an applicant to submit such additional information and supporting data as considered necessary to process the application.

D. **Coastal Resources.** The project shall include an evaluation of whether coastal resources are negatively impacted. If coastal resources are impacted, then coastal resources are required to be restored, protected, and/or enhanced to the greatest extent feasible as a result of the PD above and beyond that which the LCP would otherwise require.

17.18.060 Required Findings

A -PD Overlay District and PD Plan shall only be approved if all of the following findings are made:

A. The proposed development is consistent with the General Plan/Local Coastal Land Use Plan and any applicable specific plan, including the density and intensity limitations that apply;

B. The subject site is physically suitable for the type and intensity of the land use being proposed;

C. Adequate transportation facilities and public services exist or will be provided in accord with the conditions of development plan approval, to serve the proposed development; and the approval of the proposed development will not result in a reduction of traffic levels of service or public services so as to be a detriment to public health, safety, or welfare;

D. The proposed development will not have a substantial adverse effect on surrounding land uses and will be compatible with the existing and planned land use character of the surrounding area;

E. The development generally complies with applicable design guidelines; and

F. The proposed development is demonstratively superior to the development that could occur under the standards applicable to the underlying base zoning district, and will achieve superior community design, resource protection, and/or substantial public benefit.

17.18.070 Conditions

In approving a -PD Overlay District and PD Plan, the City Council may impose reasonable conditions deemed necessary to:

A. Ensure that the proposal conforms in all significant respects with the General Plan, Local Coastal Land Use Plan, and with any other applicable plans or policies that the City has adopted;

B. Achieve the general purposes of this Code or the specific purpose of the zoning district in which the project is located;

C. Achieve the findings listed above; or

D. Mitigate any potentially significant impacts identified as a result of review conducted in compliance with the requirements of the California Environmental Quality Act.

17.18.080 Expiration and Renewal

A. **Expiration.**

1. ***PD Plan.*** A PD Plan shall be effective on the same date as the ordinance creating the -PD Overlay District for which it was approved and shall expire two years after the effective date unless actions specified in the conditions of approval have been taken, or a building permit has been issued and construction diligently pursued. An approved PD Plan may specify a development staging program exceeding two years.

2. ***Tentative Map.*** Where a tentative map has been approved in conjunction with a PD Plan, the PD Plan shall expire upon the expiration of the tentative map.

3. ***Phased Development.*** In the event that the applicant intends to develop the project in phases, and the City Council approves phased development, the PD Plan shall remain in effect so long as not more than one-year lapses between the end of one phase and the beginning of the next phase.

B. **Renewal.** An approved PD Plan that has not been inaugurated may be renewed for a two-year period approved by the City Council after a duly-noticed public hearing. Application for renewal shall be made in writing between 30 and 120 days prior to expiration of the original approval. The City Council may renew a PD Plan if it finds the renewal consistent with the purposes of this Chapter.

17.18.090 Amendments of Approved Plans

A. **Changed Plans.** Amendments to a -PD Overlay District or PD Plan may be requested by the applicant or its successors. Amendments to the approved Plan shall be classified as

major or minor amendments. Upon receipt of an amendment application, the Director shall determine if the proposed amendment constitutes a major or minor amendment.

B. **Major Amendments.** Major Amendments to an approved -PD Overlay District or PD Plan shall be considered by the City Council at a duly noticed public hearing. An amendment will be deemed major if it involves one or more of the following changes:

1. A change in the boundary of the -PD Overlay District;
2. An increase or decrease in the number of dwelling units for the -PD Overlay District that is greater than the maximum or less than the minimum stated in the PD Plan;
3. An increase or decrease in the floor area for any non-residential land use that results in the floor area exceeding the minimum or maximum stated in the PD Plan;
4. Any change in land use or density that is likely to negatively impact or burden public facilities and utilities infrastructure as determined by the Public Works Director;
5. Any change in land use or density that is likely to negatively impact or burden circulation adjacent to the -PD Overlay District or to the overall major street system, as determined by the Public Works Director; or
6. Any other proposed change to the PD Plan or the conditions of approval that substantively alters one or more of its components as determined by the Director.

C. **Minor Amendments.** Amendments not meeting one or more of the criteria listed in Subsection B above shall be considered minor if they are consistent with and would not change any original condition of approval. Minor Amendments may be approved by the Director.

17.18.100 Project Review

Plans for a project in a -PD Overlay District shall be accepted for planning and building permits or subdivisions only if they are consistent with an approved PD Plan and any conditions of approval. No project may be approved and no building permit issued unless the project, alteration or use is consistent with an approved PD Plan.

Chapter 17.23 General Site Regulations

17.23.010 Purpose and Applicability (IP)
17.23.020 Accessory Structures (IP)
17.23.040 Development on Substandard Lots (IP)
17.23.050 Encroachments into Required Setbacks (IP)
17.23.070 Heights and Height Exceptions (IP)
17.23.100 Open Space (IP)
17.23.140 Sloping Lots (IP)
17.23.170 Underground Utilities (IP)

17.23.010 Purpose and Applicability (IP)

The purpose of this Chapter is to prescribe development and site regulations that apply, except where specifically stated, to development in all districts. These standards shall be used in conjunction with the standards for each district and overlay district, including the Coastal Resource Protection (CRP) Overlay District, established in Division II, District Regulations. In any case of conflict, the standards specific to the district shall override these regulations.

17.23.020 Accessory Structures (IP)

A. **Applicability.**

1. The provisions of this Section apply to roofed structures, including but not limited to garages, carports, sheds, workshops, gazebos, and covered patios, that are detached from and accessory to the main building on the site. These provisions also apply to open, unroofed structures such as play equipment, decks and trellises, that are over 18 inches in height and that are detached from and accessory to the main building on the site.

2. When an accessory structure is attached to the main building, it shall be made structurally a part of and have a common wall or roof with the main building and shall comply in all respects with the requirements of this Title applicable to the main building.

B. **Relation to Existing Structures.** A detached accessory structure shall only be constructed on a lot on which there is a permitted main building to which the accessory building is related.

C. **Development Standards.** Accessory structures shall meet the setback, height, and lot coverage requirements of the District in which it is located in addition to the following:

1. Roofed accessory structures eight feet in height or more or 120 square feet or greater in size shall be at least six feet from any dwelling existing or under construction, either on the same lot or an adjacent lot.

2. Roofed accessory structures shall not project beyond the front building line of the main building on site.

D. **Laundry and Utility Sink Plumbing.** A detached accessory structure may have plumbing for a washer, dryer, and/or utility sink provided that it has an open floor plan without interior partitions.

E. **Bathrooms.** Bathrooms located in accessory structures not approved for living space shall only be permitted when a deed restriction, subject to the approval of the City Attorney, is recorded to run with the property restricting the bathroom and adjoining space from being converted into living space for residential purposes.

F. **Guesthouses.** Detached guesthouses are allowed in the Agriculture District and in Residential Districts subject to the following:

1. ***Limitation.*** Only one guesthouse is allowed per lot. Guesthouses shall not be allowed on a lot with an accessory dwelling unit except as allowed through Conditional Use Permit approval on a lot 7,500 square feet or more in size.

2. ***Size and Configuration.*** A guesthouse shall not contain more than 640 square feet of habitable floor area, nor shall it exceed 30 percent of the floor area of the primary single-unit dwelling.

3. ***Facilities.*** Guesthouses may contain conditioned space, a toilet, shower, and sink. Cooking or food preparation facilities are prohibited.

Use. A guesthouse shall not be used for residential occupancy independent from the primary single-unit dwelling or as a dwelling unit for rent.

17.23.040 Development on Substandard Lots (IP)

A. Any lot or parcel of land that was legally created through a recorded deed may be used as a building site even when consisting of less area, width, or depth than that required by the regulations for the District in which it is located.

B. No substandard lot can be further reduced in area, width, or depth, unless such reduction is required as part of a public improvement.

C. A substandard lot will be subject to the same setback and density requirements as a standard lot.

17.23.050 Encroachments into Required Setbacks (IP)

Where setbacks are required in this Title, they shall be not less in depth or width than the minimum dimension specified, and they shall be at every point open and shall not be obstructed with non-movable features from the ground upward, except as provided in Table 17.23.050, Allowed Encroachments into Required Setbacks, or as specifically identified in another section of this Title. Flags and flag poles are not allowed within required setback areas. The encroachments allowed in Table 17.23.050 are solely for specified zoning setbacks (for front, side, and rear yards) and not for any coastal resource setbacks (e.g., related to coastal bluffs/beaches or sensitive habitats).

TABLE 17.23.050: ALLOWED ENCROACHMENTS INTO REQUIRED SETBACKS

Encroachment	*Front Setback*	*Corner Side Setback*	*Interior Side Setback*	*Rear Setback*
All encroachments	No encroachment may extend into a public utility easement. Where any encroachment allowance conflicts with the Building Code, the more restrictive shall apply.			
Cornices, canopies, eaves, and similar architectural features	40% of required setback depth or 4 feet, whichever is less No closer than 2 feet from lot line		No closer than 3 feet from lot line	
Chimneys and fireplaces	No closer than 2 feet from lot line		No closer than 3 feet from lot line	
	Shall not exceed 8 feet in width			
Bay windows	2 feet	2 feet	3 feet	3 feet
Uncovered stairs, ramps, stoops, landings, decks, porches, balconies, and platforms				
All elements less than 30 inches above ground elevation	No closer than 3 feet from lot line		May extend to lot line if terminates at a noncombustible wall or fence which extends at least 30 inches above the projection. Otherwise, no closer than 3 feet from lot line	
Any element 30 inches or more above ground elevation	Maximum 5 feet, no closer than 5 feet from lot line		No closer than 3 feet from lot line	
	Wind screens/walls must be of a clear material and shall not exceed 5 feet in height above the floor of the landing or deck.			
	All elements servicing upper levels (ie. balconies) shall be cantilevered with a minimum 8 foot clearance between the projection, including supports, and the ground below			

TABLE 17.23.050: ALLOWED ENCROACHMENTS INTO REQUIRED SETBACKS				
Encroachment	*Front Setback*	*Corner Side Setback*	*Interior Side Setback*	*Rear Setback*
Small structures less than 8 feet in height and 120 square feet in size	Shall not encroach		May extend to lot line when located behind the primary structure	
Rain barrels and cisterns with a maximum capacity of 1,000 gallons, or other similar storm water management equipment	Shall not encroach	3 feet, must be screened pursuant to §17.23.130, Screening	May extend to lot line	
Mechanical and other equipment, detached or attached, such as water heaters, air conditioners, electric meters, electric transformers, cable television or phone utility boxes	Shall not encroach	No closer than 3 feet from lot line, must be screened pursuant to §17.23.130, Screening	No closer than 3 feet from lot line	No closer than 3 feet from lot line
Ramps and similar structures that provide access for persons with disabilities	Reasonable accommodation will be made, consistent with the Americans with Disabilities Act; see Chapter 17.43, Reasonable Accommodation			

17.23.070 Heights and Height Exceptions (IP)

The structures listed in the following table may exceed the maximum permitted height for the district in which they are located, subject to the limitations stated and further provided that no portion of a structure in excess of the building height limit may contain habitable area or advertising.

TABLE 17.23.070: ALLOWED PROJECTIONS ABOVE HEIGHT LIMITS		
Structure Elements Allowed Above the Height Limit	*Maximum Vertical Projection Above the Height Limit*	*Maximum Coverage and Locational Limitations*
Skylights	1 foot	None
Chimneys	6 feet	Shall be less than 6 feet in any horizontal dimension
Mechanical equipment and elevator and stair towers, for multi-unit and non-residential buildings only	6 feet	Limited to a total of 20% of roof area, inclusive of all structures Must be setback from the exterior wall one foot for every foot of projection above the height limit

TABLE 17.23.070: ALLOWED PROJECTIONS ABOVE HEIGHT LIMITS		
Structure Elements Allowed Above the Height Limit	*Maximum Vertical Projection Above the Height Limit*	*Maximum Coverage and Locational Limitations*
Telecommunications facilities, radio towers, antennas, and microwave equipment	Subject to provisions of §17.30.250, Telecommunications Facilities	
Solar panels	Subject to provisions of §17.30.240, Renewable Energy Systems	
Fire escapes, catwalks, and open railings required by law	No restriction	None

17.23.100 Open Space (IP)

Open space required by this Code shall be provided in accordance with the following.

A. **Configuration.**

1. Private open space typically consists of balconies, decks, patios, fenced yards, and other similar areas outside the residential unit.

2. Common open space typically consists of landscaped areas, patios, swimming pools, barbeque areas, playgrounds, turf, or other such improvements as are appropriate to enhance the outdoor environment of the development; these can be located at the ground level, on parking podiums, or on rooftops, provided they are adequately landscaped.

B. **Minimum Dimensions.**

1. ***Private Open Space.*** Private open space located on the ground level (e.g., yards, decks, patios) shall have no dimension less than eight feet. Private open space located above ground level (e.g., balconies) shall have no dimension less than six feet.

2. ***Common Open Space.*** Minimum length and width dimension of 15 feet.

C. **Usability.** A surface shall be provided that allows convenient use for outdoor living and/or recreation. Such surface may be any practicable combination of lawn, garden, flagstone, wood planking, concrete, or other serviceable, dust-free surfacing. Slope shall not exceed 10 percent.

D. **Accessibility.**

1. ***Private Open Space.*** The space shall be accessible to only one living unit by a doorway to a habitable room or hallway.

2. ***Common Open Space.*** The space shall be accessible to the living units on the lot. It shall be served by any stairway or other accessway qualifying as an egress facility from a habitable room.

17.23.140 Sloping Lots (IP)

The following standards apply to development on lots with an average slope of 15 percent or greater prior to grading.

A. **Downhill Facing Building Elevation.** The building elevation facing the downslope shall have a maximum height of 20 feet from finished grade with sufficient articulation from that building face to the next highest story to minimize the visual height and bulk as viewed from the lowest finished grade.

B. **Articulation.** The apparent size of exterior wall surfaces visible from off the site shall be minimized through the use of bays, recesses, stepbacks, overhangs, landscaping, and/or other means of horizontal and vertical articulation to create changing shadow lines and break up massive forms.

C. **Foundation Design.** The use of multi-level foundations (floor levels separated by a minimum of four feet) shall be the standard design for residential structures unless an alternative design, with less grading, is approved through the Design Review process as more appropriate for the site.

D. **Underfloors.** Areas between the lowest floor and finished grade shall not exceed six feet in height.

E. **Decks.** No portion of the walking surface of a deck with visible underpinnings shall exceed a height of six feet above grade. Decks shall be integrated into the architecture of the structure, and not appear as an add-on to the primary building mass.

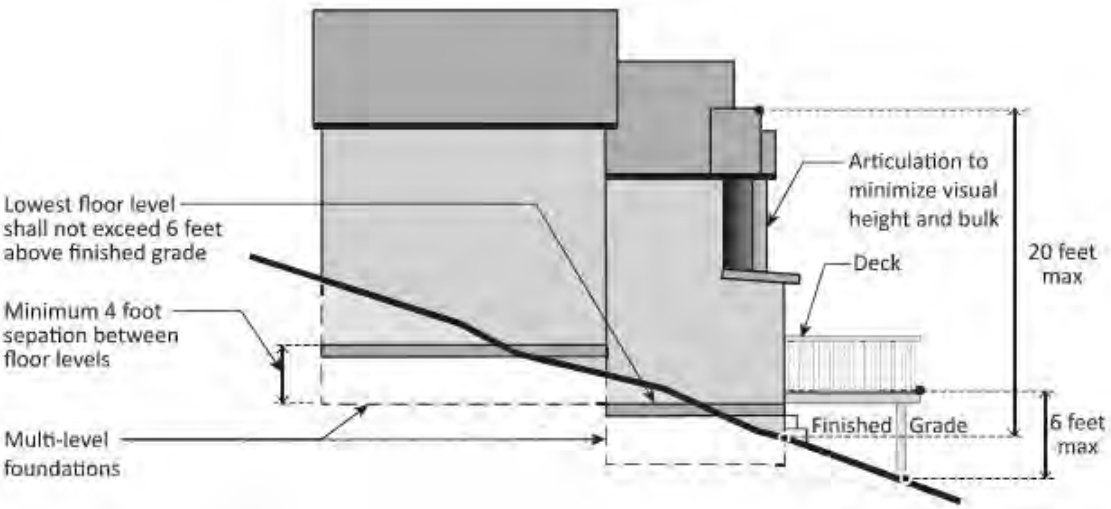


FIGURE 17.23.140: SLOPING LOTS

17.23.170 Underground Utilities (IP)

All electrical, telephone, cable television, and similar distribution lines providing direct service to a project shall be installed underground within the site. This requirement may be waived by the Director upon determining that underground installation is infeasible, in which case the utilities shall be placed outside of public view and/or appropriately screened with landscaping.

Chapter 17.26 Nonconforming Uses, Structures, and Lots (IP)

Sections:

17.26.010 Purpose
17.26.020 Applicability
17.26.030 General Provisions
17.26.040 Maintenance of and Alterations and Additions to Nonconforming Structures
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17.26.010 Purpose

This Chapter is intended to permit continuation of uses and continued occupancy and maintenance of structures that were legally established but do not comply with all of the standards and requirements of this Title in a manner that does not conflict with the General Plan or Local Coastal Program. To that end, this Chapter establishes the circumstances under which a nonconforming use or structure may be continued or changed and provides for the removal of nonconforming uses and structures when their continuation conflicts with the General Plan, Local Coastal Program, and public health, safety, and general welfare. In case of any conflict between this Chapter and the provisions governing 'redevelopment', including on coastal bluffs and beaches for coastal hazards and shoreline armoring purposes, those redevelopment provisions shall apply.

17.26.020 Applicability

The provisions of this Chapter apply to structures, land, and uses that have become nonconforming by adoption of this Title as well as structures, land, and uses that become nonconforming due to subsequent amendments to its text or to the Zoning Map.

17.26.030 General Provisions

A. **Nonconformities, Generally.** Any lawfully established use, structure, or lot that is in existence on the effective date of this Title or any subsequent amendment but does not comply with all of the standards and requirements of this Title shall be considered nonconforming.

B. **Right to Continue.** Any use or structure that was lawfully established prior to the effective date of this Title or of any subsequent amendments to its text or to the Zoning Map may only be continued and maintained provided there is no alteration, enlargement, addition, or other change to any building or structure; no substitution, expansion, or other change

including an increase in occupant load or any enlargement of the area, space, or volume occupied by or devoted to such use, except as otherwise provided in this Chapter.

1. The right to continue a nonconforming use or structure shall attach to the land and shall not be affected by a change in ownership.

2. The right to continue a nonconforming use or structure shall not apply to uses or structures deemed to be a public nuisance because of health or safety conditions.

3. The right to continue a nonconforming use or structure shall not apply if the nonconforming use has been abandoned or vacated as described in Section 17.26.070, Abandonment of Nonconforming Uses.

C. **Removal of Nonconforming Structures Valued Under $2,500.** Any structure which does not conform to the regulations of the District in which it is located and which has an assessed valuation of $2,500 or less at the time it became nonconforming, shall be removed, or altered or reconstructed to be structurally conforming, within five years from the time the structure became nonconforming. The Building Inspector shall cause notice to be given to the owners of any such structure at least one year prior to the time removal or alteration is required, and removal or alteration is not required to be completed until such one-year period has lapsed.

17.26.040 Maintenance of and Alterations and Additions to Nonconforming Structures

Lawful nonconforming structures may be continued and maintained in compliance with the requirements of this Section unless deemed by the Building Official to be a public nuisance because of health or safety conditions.

A. **Maintenance and Repairs.** Nonstructural maintenance, repair, and interior alterations to a nonconforming structure are permitted if the changes and improvements do not enlarge the structure, change the building footprint, or increase building height or roof pitch.

B. **Structural Repairs.** Structural repairs that do not enlarge or extend the structure, including modification or repair of building walls, columns, beams, or girders repairs may be permitted only when the Building Division determines that such modification or repair is immediately necessary to protect public health and safety, occupants of the nonconforming structure, or occupants of adjacent property, and when the cost of such work does not exceed fifty percent of the appraised value of the nonconforming structure.

C. **Alterations and Additions.** Alterations and additions to nonconforming structures are allowed if the alteration or addition complies with all applicable laws and requirements of this Title, the use of the property is conforming, and there is no increase in the

discrepancy between existing conditions and the requirements of this Title (i.e. there is no increase in the nonconformity), except as provided below.

1. ***Nonconforming Setbacks, Residential Districts.*** In Residential Districts, a nonconforming interior side or rear yard may be maintained and extended, and shall not be considered an increase in the discrepancy, provided that:

    a. All new development is located a minimum of three feet from the property line.

    b. A new encroachment into any other required yard is not created;

    c. The height of the portion of the structure that is within the required setback is not increased; and

    d. Any residential additions above the first floor shall conform to the setbacks in effect at the time the application for the addition is submitted.

D. **Nonconforming Signs.** Lawfully established signs that do not conform to the requirements of this Title may only be maintained in compliance with the requirements of Chapter 17.29, Signs.

17.26.050 Repair and Replacement of Damaged or Destroyed Nonconforming Structures

A nonconforming structure that is damaged or partially destroyed by fire, explosion, earthquake, or natural disaster which is not caused by an act or deliberate omission of a property owner, their agent, or person acting on their behalf or in concert with, may be restored or rebuilt subject to the following provisions.

A. **Restoration When Damage is 50 Percent or Less of Value.** If the cost of repair or reconstruction is less than or equal to 50 percent of its replacement cost immediately prior to such damage, replacement of the damaged portions of the structure is allowed by right provided that the replaced portions are the same size, extent, and configuration as previously existed.

B. **Restoration When Damage Exceeds 50 Percent of Value.** If the cost of repair or reconstruction exceeds 50 percent of its replacement cost immediately prior to such damage, the land and building shall be subject to all of the requirements of this Title, except as provided below.

    1. ***Non-residential Uses and Structures.*** Any nonconforming use must permanently cease. The structure may be restored and used only in compliance with the requirements of this Title.

    2. ***Residential Uses and Structures.***

        a. *Residential Uses, Three Units or Less.* Nonconforming residential use of three or less units may be reconstructed, restored, or rebuilt up to the size

and number of dwelling units prior to the damage and the nonconforming use, if any, may be resumed provided the rebuilt development complies with all current design and property development standards.

i. Timing. Building permits must be obtained within one year of the date of the damage or destruction and construction shall be diligently pursued to completion unless another time period is specified through Conditional Use Permit approval.

b. *Other Residential Uses.* Any nonconforming use must permanently cease. The structure may be restored and used only in compliance with the requirements of this Title.

17.26.060 Expansions, Changes, and Substitutions of Nonconforming Uses

Nonconforming uses shall not be expanded, moved, or changed except as provided below.

A. **Expansion.** Nonconforming uses may only be expanded with Planning Commission approval where the Planning Commission makes the following findings.

1. ***Required Findings.***

a. The nonconforming use was legally established;

b. The proposed expansion of the nonconforming use would not be detrimental to public health, safety, or general welfare; and

c. With the exception of the nonconforming use, the proposed expansion would not be inconsistent with the General Plan and Land Use Plan and would not preclude or interfere with implementation of any applicable City Specific Plan.

2. ***Conditions.*** When making its decision on an application for an expansion of a Nonconforming Use, the Planning Commission may establish conditions that are necessary to accomplish the purposes of this Chapter, including, but not limited to:

a. Required improvement of, or modifications to existing improvements on, the property;

b. Limitations on hours of operations;

c. Limitations on the nature of operations; and

d. A specified term of years for which the expanded nonconforming use shall be allowed.

B. **Change in Tenancy, Ownership, or Management.** Any nonconforming use may change ownership, tenancy, or management where the new use is of the same use classification as the previous use, as defined in Chapter 17.53, Use Classifications.

C. **Change from Nonconforming to Permitted Use.** Any nonconforming use may be changed to a use that is allowed by right in the district in which it is located and complies with all applicable standards for such use.

D. **Absence of Permit.** Any use that is nonconforming solely by reason of the absence of a permit or approval may be changed to a conforming use by obtaining the appropriate permit or approval.

E. **Substitution of a Nonconforming Use with Another Nonconforming Use.** The Planning Commission may allow substitution of a nonconforming use with another nonconforming use, subject to approval of a Conditional Use Permit. In addition to any other findings required by this Title, the Planning Commission must find that the proposed new use will be no less compatible with the purposes of the District and surrounding uses that comply with the requirements of this Title than the nonconforming use it replaces.

    1. ***Amortization of Substituted Nonconforming Use.*** In granting a Conditional Use Permit to allow a nonconforming use to be replaced with another nonconforming use, the Planning Commission may establish an amortization schedule for the nonconforming use by setting a date after which the nonconforming use must be discontinued or replaced with a conforming use.

17.26.070 Abandonment of Nonconforming Uses

No nonconforming use may be resumed, reestablished, reopened or replaced by any other nonconforming use after it has been abandoned or vacated for a period of six months. The six-month period shall commence when the use ceases and any one of the following occurs:

A. The site is vacated;

B. The business license lapses;

C. Utilities are terminated; or

D. The lease is terminated.

Chapter 17.27 Parking and Loading (IP)

Sections:

17.27.010 Purpose
17.27.020 Applicability
17.27.030 General Provisions
17.27.040 Required Parking Spaces
17.27.050 Parking Reductions
17.27.060 Parking In-Lieu Payments and Parking Management Programs and Districts
17.27.070 Location of Required Parking
17.27.080 Bicycle Parking
17.27.090 Loading
17.27.100 Driveways and Drive Approaches
17.27.110 Parking Area Design and Development Standards

17.27.010 Purpose

The purposes of the parking and loading regulations are to:

A. Ensure that adequate off-street parking and loading facilities are provided for new land uses and major alterations to existing uses;

B. Minimize the negative environmental and urban design impacts that can result from parking lots, driveways, and drive aisles within parking lots;

C. Ensure that adequate off-street bicycle parking facilities are provided and promote parking lot designs that offer safe and attractive pedestrian routes;

D. 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 and, where appropriate, create buffers from surrounding land uses; and

E. Offer flexible means of minimizing the amount of area devoted to parking by allowing reductions in the number of required spaces in transit-served locations, shared parking facilities, and other situations expected to have lower vehicle parking demand.

17.27.020 Applicability

The requirements of this Chapter apply to the establishment, alteration, expansion, or change in any use or structure, as provided in this Section.

A. **Coastal Resource Protection (CRP) Overlay District.** In the CRP Overlay District, the provisions of Chapter 17.14, Coastal Resource Protection (CRP) Overlay District, apply in

addition to the provisions of this Chapter. In any case of conflict, the provisions more restrictive and protective of coastal resources shall apply.

B. **New Buildings and Land Uses.** Parking and loading in accordance with this Chapter shall be provided at the time any main building or structure is erected or any new land use is established.

C. **Reconstruction, Expansion, and Change in Use of Existing Non-Residential Buildings.**

1. When a change in use, expansion of a use, or expansion of floor area creates an increase in the number of required parking or loading spaces, additional parking and loading shall be provided for such addition, enlargement, or change in use and not for the entire building or site.

    a. *Exception, Commercial Uses.* Additional parking and loading spaces are not required for the change of use from one Commercial Use to another Commercial Use.

2. The existing parking and loading shall be maintained.

3. If the number of existing parking or loading 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 and loading requirements for the addition, enlargement, or change in use.

4. A change in occupancy is not considered a change in use unless the new occupant is in a different use classification than the former occupant.

5. Additional parking and loading spaces are not required for the reconstruction of an existing building when there is no increase in floor area.

D. **Alterations that Increase the Number of Dwelling Units.** The creation of additional dwelling units through the alteration of an existing building or construction of an additional structure or structures requires parking to serve the new dwelling units. This requirement does not apply when sufficient parking exists to provide the number of spaces required for the existing and new dwelling units.

E. **When Constructed.** Parking and loading facilities required by this Chapter shall be constructed or installed prior to the issuance of a Certificate of Occupancy for the uses that they serve.

17.27.030 General Provisions

A. **Existing Parking and Loading to be Maintained.** No existing parking and/or loading serving any use may be reduced in amount or changed in design, location or maintenance below the requirements for such use, unless equivalent substitute facilities are provided, except as provided below.

1. ***Electrical Vehicle Charging Station.*** If an electric vehicle charging station and any associated equipment interfere with, reduce, eliminate, or in any way impact the required parking spaces for existing uses, the City shall reduce the number of required parking spaces for the existing uses by the amount necessary to accommodate the electric vehicle charging station and any associated equipment.

B. **Nonconforming Parking or Loading.** An existing use of land or structure shall not be deemed to be nonconforming solely because of a lack of parking and/or loading facilities required by this Chapter, provided that facilities used for parking and/or loading as of the date of adoption of this Code are not reduced in number to less than what this Chapter requires.

C. **Accessibility.** Parking and loading areas must be accessible for its intended purpose during all hours of operation.

D. **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.

17.27.040 Required Parking Spaces

A. **Minimum Number of Spaces Required.**

1. ***Waterfront District.*** The parking requirements in Table 17.27.040 are required but may be satisfied on-site, off-site, or via in lieu fee (See Land Use Plan policies CIR-4.1 and CIR-4.3).

2. ***Other Districts***. In Districts other than the Waterfront District, each land use shall be provided at least the number of parking spaces stated in Table 17.27.040, Required Number of Parking Spaces. The parking requirement for any use not listed in Table 17.27.040 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.

TABLE 17.27.040: REQUIRED NUMBER OF PARKING SPACES

Land Use Classification	*Required Parking Spaces*
Residential Uses	**As specified below**
Residential Housing Types	
Single-Unit Dwelling, Attached or Detached	2 per unit
Two-Unit Dwelling	2 per unit

TABLE 17.27.040: REQUIRED NUMBER OF PARKING SPACES		
Land Use Classification	*Required Parking Spaces*	
Multi-Unit Residential	1 per studio unit 1.5 per one-bedroom unit 2 per unit with two or more bedrooms Guest parking: 1 for every 5 units	Guest parking shall be distributed throughout the site, clearly marked as reserved for guests, and maintained at all times for guest parking
Accessory Dwelling Unit	None required for the accessory dwelling unit. Except as provided in Section 17.14.040(B). Required parking for the primary dwelling shall be provided	
Senior Housing	0.5 per unit	
Very Low-, Low-, and Moderate-Income Housing	0.5 per unit for senior housing 1 per studio or one-bedroom unit 2 per unit with two or more bedrooms	
Caretaker Unit	1 per unit	
Family Day Care		
Small	None beyond what is required for the Residential Housing Type	
Large	1 for each nonresident employee plus parking required for the residential use	
Group Residential	1 for every 2 guest rooms	
Mobilehome Park	1 space per unit Guest parking: 1 for every 2 units	
Residential Care Facilities		
Small	None beyond what is required for the Residential Housing Type	
Large	1 for every 3 beds	
Residential Facility, Assisted Living	1 for every 3 beds	
Single Room Occupancy	0.5 per unit	
Supportive Housing	None beyond what is required for the Residential Housing Type	
Transitional Housing	None beyond what is required for the Residential Housing Type	
Public/Semi Public Uses	**1 per 250 square feet of floor area except as specified below**	
Campgrounds and Recreational Vehicle Parks	1 for each camping or recreational vehicle space plus one common space for each 5 camping or recreational vehicle spaces	

TABLE 17.27.040: REQUIRED NUMBER OF PARKING SPACES	
Land Use Classification	*Required Parking Spaces*
Colleges and Trade Schools	1 for every 50 square feet of net classroom floor area
Community Assembly	1 for every 75 square feet of assembly area
Day Care Centers	1 for every 300 square feet of net classroom floor area
Emergency Shelter	1 for every 4 beds and/or 0.5 per bedroom designated as a family unit with children plus 1 per employee
Hospitals	1 for every bed
Skilled Nursing Facility	1 for every 3 beds
Parking Lots and Structures	None
Schools	High School: 4 spaces per classroom plus 1 for every 300 square feet of office Other schools: 2 spaces per classroom plus 1 for every 300 square feet of office
Commercial Uses	**1 per 300 square feet of floor area plus 1 per 2,000 square feet of outdoor display and storage area, except as specified below**
Commercial Entertainment and Recreation	Cinema/Theaters and Indoor Sports and Recreation: 1 for each 4 permanent seats or 1 for every 75 square feet of assembly area where no seats or where temporary or moveable seats are provided Other Commercial Entertainment and Recreation uses: As determined by the Director
Eating and Drinking Establishments	1 per 100 square feet of seating area plus 1 per 200 square feet of outdoor seating area in excess of 350 square feet
Farmer's Markets	None
Funeral Parlors and Interment Services	1 for each 4 permanent seats or 1 for every 75 square feet of assembly area where no seats or where temporary or moveable seats are provided
Lodging	
Hotels and Motels	1 for each guest room plus one space for each 10 rooms. Additional parking required for ancillary uses, such as restaurants, according to the parking requirements for the ancillary use
Nonpermanent Vendor	See Section 17.30.140, Nonpermanent Vending
Industrial Uses	**1 per 750 square feet of floor area plus 1 for every 1,000 feet of indoor warehousing or storage area and outdoor use area, except as specified below**
Personal Storage	1 space per 50 storage units, plus 1 space per 300 square feet of office area. A minimum of 5 spaces shall be provided.

TABLE 17.27.040: REQUIRED NUMBER OF PARKING SPACES	
Land Use Classification	*Required Parking Spaces*
Transportation, Communication, and Utility Uses	**1 per 300 square feet of office area plus one for each fleet vehicle**
Urban Agriculture Uses	**See Section 17.30.270, Urban Agriculture**

B. **Calculation of Required Spaces.** The number of required parking spaces shall be calculated according to the following rules:

1. ***Floor Area***. Where a parking or loading requirement is stated as a ratio of parking spaces to floor area, the floor area is assumed to be total floor area, unless otherwise stated. See Section 17.02.030.F, Determining Floor Area.

2. ***Employees.*** Where a parking or loading requirement is stated as a ratio of parking spaces to employees, the number of employees shall be based on the largest shift that occurs in a typical week.

3. ***Bedrooms.*** Where a parking requirement is stated as a ratio of parking spaces to bedrooms, any rooms having the potential of being a bedroom and meeting the standards of the Building Code as a sleeping room shall be counted as a bedroom.

4. ***Students.*** Where a parking or loading requirement is stated as a ratio of parking spaces to students (including children in day care), the number is assumed to be the number of students at the state-certified capacity or at Building Code Occupancy where no state-certification is required.

5. ***Seats.*** Where parking requirements are stated as a ratio of parking spaces to seats, each 80 inches of bench-type seating at maximum seating capacity is counted as one seat.

C. **Sites with Multiple Uses.** If more than one use is located on a site, the number of required parking spaces and loading spaces shall be equal to the sum of the requirements calculated separately for each use unless a reduction is approved pursuant to Section 17.27.050, Parking Reductions.

17.27.050 Parking Reductions

The number of parking spaces required by Section 17.27.040, Required Parking Spaces, may be reduced as follows.

A. **Transit Accessibility.** For any land use except residential Single-Unit and Two-Unit development, if any portion of the lot is located within one-quarter mile of a transit stop with regular, scheduled service during the weekday hours of 7:00 a.m. to 9:00 a.m. and

5:00 p.m. and 7:00 p.m., the number of required parking spaces is reduced by 20 percent of the normally required number of spaces. In addition, parking may be reduced in accordance with AB 2097. In all cases, such reduction shall not adversely impact public coastal access, and any such impact shall be appropriately mitigated.

B. **Proximate Public Parking Facilities.** Where a use is located within 1,200 feet of a City-owned public parking facility, measured along a pedestrian route, the number of required parking spaces may be waived all or in part with approval of a Minor Use Permit.

C. **Motorcycle Parking.** Motorcycle parking may substitute for up to five percent of required automobile parking. Each motorcycle space must be at least four feet wide and seven feet deep.

D. **Carsharing Programs.** Required automobile parking spaces may be substituted with designated Carshare Vehicle parking spaces, pursuant to the following:

1. Up to a maximum of 20 percent of the required automobile parking spaces may be designated as Carshare Vehicle parking spaces.

2. Carshare Vehicles shall be maintained for active use by Carshare 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 in the zoning district.

3. Carshare Vehicles shall be made available to members of the Carsharing Service through an unattended, self-service operation 24 hours a day, seven days a week.

4. All owners of a lot, including any applicable Homeowner's Associations, shall be required to grant permission for the operation or parking of a Carshare Vehicle on their property.

E. **Shared Parking.** Where a shared parking facility serving more than one use will be provided, the total number of required parking spaces may be reduced up to 50 percent with approval of a Minor Use Permit, if the review authority finds that:

1. The peak hours of use will not overlap or coincide to the degree that peak demand for parking spaces from all uses will be greater than the total supply of spaces;

2. The proposed number of parking spaces to be provided will be adequate to serve each use; and

3. In the case of a shared parking facility that serves more than one property, a parking agreement has been prepared consistent with the provisions of Section 17.27.070.B.1, Allowance for Off-Site Parking.

F. **Embarcadero District**. For development located on those city managed lease sites covered by the Waterfront Master Plan (and located within the area identified in the -WMP

zoning overlay), parking requirements may be deemed satisfied and reductions may be allowed based on the calculation of the parking requirements for the previously permitted uses on the lease site. City lease sites may utilize the existing parking requirement as evidence of satisfying the newly proposed use's determined parking requirements, unless additional parking is otherwise required, in which case only that additional parking must be satisfied. In all cases, approval of parking reduction shall be consistent with provisions of Section 17.27.050.G and consistent with the LCP Coastal Land Use Plan.

G. **Other Parking Reductions.** Required parking for any use may be reduced through approval of a Minor Use Permit as follows.

1. ***Criteria for Approval.*** The review authority may only approve a Minor Use Permit for reduced parking if it finds that:

   a. Special conditions—including, but not limited to, the nature of the proposed operation; proximity to frequent transit service; transportation characteristics of persons residing, working, or visiting the site; or because the applicant has undertaken a transportation demand management program—exist that will reduce parking demand at the site;

   b. The use will adequately be served by the proposed parking; and

   c. Parking demand generated by the project will not exceed the capacity of or have a significant impact on the supply of on-street parking in the surrounding area.

2. ***Parking Demand Study.*** In order to evaluate a proposed project's compliance with the above criteria, submittal of a parking demand study that substantiates the basis for granting a reduced number of spaces may be required.

17.27.060 Parking In-Lieu Payments and Parking Management Programs and Districts

A. **Parking Management Programs and Districts.** If parking management programs and districts are established, said formations shall be established consistent with the Coastal Land Use Plan. Assessment district financing and/or an in-lieu fee system may be established in order to provide adequate off-street parking requirements for new development.

B. **In-Lieu Parking Fee,- Commercial and Mixed Use Districts.** Where it can be demonstrated that the reasonable and practical development of property in a Commercial or Mixed Use District precludes the provision of required off-street parking on the property, the Planning Commission may permit the applicant to satisfy parking requirements by payment of an in-lieu parking fee. The Planning Commission will determine the total parking requirements for each individual project at the time of permit review.

1. ***Number of Spaces.*** The number of parking spaces required and used to calculate the in-lieu fee shall be determined according to the provisions of this Chapter and any other applicable provisions of the Zoning Code and the City of Morro Bay Municipal Code.

2. ***Change of Use.*** Any off-street parking satisfied through this provision shall run with the land and any subsequent change of use that requires more parking shall require subsequent action to satisfy the additional parking requirement. No refund of such payment shall be made when there is a change to a use requiring less parking.

3. ***Change of Ownership.*** A change of ownership or the dividing or merging of properties shall not affect an obligation for parking in-lieu fees or a determination that parking requirements have been met according to fees paid for a particular use.

4. ***Fees.*** The fee to be charged for each parking space required shall be set by resolution by the City Council and may be modified from time to time, and shall be payable in accordance with administrative policies established in this Chapter. In setting such fees, the City Council shall consider all costs associated with the provision of the necessary parking including planning, design, land acquisition or lease costs and construction of improvements.

5. ***Use of Fees.*** Fees accepted under this provision will be used by the City to provide the additional required parking at another location in lieu of the applicant providing the required off-street parking. Such parking shall be provided within a reasonable distance from the contributing project or within close proximity to public transit providing access to the use. All such fees collected shall be used by the City for the planning, design, acquisition or lease of land, and development and redevelopment of public parking facilities within or adjacent to the parking management plan area and for public transit facilities providing access to said parking.

6. ***Fee Payment.*** The per space fee for new construction, additions or changes in occupancy shall be paid in a lump sum or in accordance with a payment plan approved by both the Finance Director and the City Administrator, prior to the issuance of construction permits for the structure or occupancy for which the parking is required or prior to the issuance of a City business license for the activity for which the parking is required, if no construction permit is required.

17.27.070 Location of Required Parking

A. **Front and Corner Side Setbacks.** Parking spaces required pursuant to this Chapter shall not be located within a required front or corner side setback.

B. **On-Site Parking Required.** Required parking shall be located on the same lot as the use it serves except as allowed below.

1. ***Allowance for Off-Site Parking.*** Required parking may be located off-site provided the off-site parking facility is located within 600 feet, along a pedestrian route, of the principal entrance containing the use(s) for which the parking is required.

a. *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 among the landowner for access to and use of the 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.

17.27.080 Bicycle Parking

A. **Short-Term Bicycle Parking.** Short-term bicycle parking intended to serve shoppers, customers, messengers, guests and other visitors to a site who generally stay for a short time, shall be provided as specified below.

1. ***Parking Spaces Required.*** For the following uses, the number of short-term bicycle parking spaces shall be at least 20 percent of the number of required automobile parking spaces, with a minimum of four parking spaces provided per establishment.

a. Multi-unit Residential, Group Residential, and Single Room Occupancy with five or more units.

b. All uses in the Public and Semi-Public Use Classification.

c. All uses in the Commercial Use Classification.

2. ***Location.*** Short-term bicycle parking must be located within 50 feet of a main entrance to the building it serves. Where the bicycle parking area is not visible from the main entrance of the building, signs located at the main entrance of the building shall identify the location of bicycle parking.

a. In the CC District, required short-term bicycle parking may be located in the right-of-way with an encroachment permit issued by the City.

3. ***Anchoring and Security.*** For each short-term bicycle parking space required, a stationary, securely anchored object shall be provided to which a bicycle frame and one wheel (two points of contact) can be secured with a high-security U-

shaped shackle lock if both wheels are left on the bicycle. One such object may serve multiple bicycle parking spaces.

4. ***Size and Accessibility.*** Each short-term bicycle parking space shall be a minimum of two feet in width and six feet in length and shall be accessible without moving another bicycle. Two feet of clearance shall be provided between bicycle parking spaces and adjacent walls, poles, landscaping, street furniture, drive aisles, and pedestrian ways and at least five feet from vehicle parking spaces.

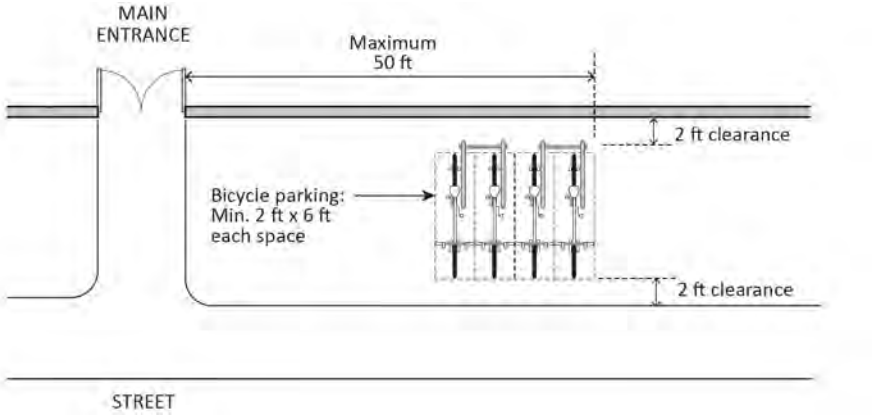


FIGURE 17.27.080.A: SHORT-TERM BICYCLE PARKING

B. **Long-Term Bicycle Parking.** Long-term bicycle parking shall be provided in order to serve employees, students, residents, commuters, and others who generally stay at a site for four hours or longer.

1. ***Parking Spaces Required.***

   a. *Residential Uses.* A minimum of one long-term bicycle parking space shall be provided for every five units for Multi-Unit Residential, Group Residential, and Single Room Occupancy.

   b. *Other Uses.* Any establishment with 25 or more full time equivalent employees shall provide long-term bicycle parking at a minimum ratio of one space per 25 vehicle spaces.

   c. *Parking Structures.* Long-term bicycle parking shall be provided at a minimum ratio of one space per 50 vehicle spaces.

2. ***Location.*** Long-term bicycle parking must be located on the same lot as the use it serves and near the facility entrance. In parking garages, long-term bicycle parking must be located near an entrance to the facility. Where the bicycle parking area is not visible from the entrance of the building, signs located at the entrance or in an entry lobby of the building shall identify the location of bicycle parking.

3. ***Covered Spaces.*** At least 50 percent of required long-term bicycle parking must be covered. Covered parking can be provided inside buildings, under roof overhangs or awnings, in bicycle lockers, or within or under other structures.

4. ***Security.*** Long-term bicycle parking must be in:

   a. An enclosed bicycle locker;

   b. A fenced, covered, locked or guarded bicycle storage area;

   c. A rack or stand inside a building that is within view of an attendant or security guard or visible from employee work areas or within secure/restricted bicycle storage room; or

   d. Other secure area approved by the Director.

5. ***Size and Accessibility.*** Each bicycle parking space shall be a minimum of two feet in width and six feet in length and shall be accessible without moving another bicycle. Two feet of clearance shall be provided between bicycle parking spaces and adjacent walls, poles, landscaping, street furniture, drive aisles, and pedestrian ways and at least five feet from vehicle parking spaces.

C. **Bicycle Parking Reductions and Modifications.** A Modification for a reduction in the number of required bicycle parking spaces or to other standards of this Section may be granted pursuant to Chapter 17.42, Modifications, if the review authority finds that:

1. Adequate site space is not available on an existing development to provide bicycle parking; or

2. Reduced bicycle parking is justified by reasonably anticipated demand; or

3. Other criteria based on unusual or specific circumstances of the particular case as deemed appropriate by the review authority.

17.27.090 Loading

A. **Loading Spaces Required.** Every new building, and every building enlarged by more than 10,000 square feet of floor area that is to be occupied by a manufacturing establishment, storage facility, warehouse facility, retail store, eating and drinking establishment, wholesale store, market, hotel, hospital, mortuary, laundry, dry-cleaning establishment, or other use similarly requiring the receipt or distribution by vehicles or trucks of material or merchandise shall provide off-street loading and unloading areas as stated in Table 17.27.090, Required Loading Spaces.

TABLE 17.27.090: REQUIRED LOADING SPACES

Floor Area	*Required Loading Spaces*
0-10,000	0

TABLE 17.27.090: REQUIRED LOADING SPACES	
Floor Area	*Required Loading Spaces*
10,001-25,000	1
25,001-75,000	2
75,001-150,000	3
150,001+	4 plus 1 per each additional 100,000 over 150,001

1. ***Multi-Tenant Buildings.*** The 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 a loading area. Drive-in roll-up doors for multi-tenant industrial projects may be substituted for required loading areas.

2. ***Reduction in Number of Loading Spaces Required.*** The loading space requirement may be waived if the Director finds that the applicant has satisfactorily demonstrated that due to the nature of the proposed use and/or location, such loading space will not be needed or is not practical.

3. ***Additional Loading Spaces Required.*** The required number of loading spaces may be increased 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 pickups and deliveries and of the truck storage requirements of the use for which the on-site loading spaces are required.

B. **Location.** All required loading areas shall be located on the same site as the use served. Loading areas shall not be located within the required front, side, or rear setback.

C. **Screening.** Loading areas shall be screened from public view by building walls, or a uniformly solid fence or wall, or any combination thereof, not less than six feet in height.

D. **Electric Vehicle Charging.** All new loading spaces shall be electric vehicle charging spaces (EV spaces) capable of supporting future electric vehicle supply equipment (EVSE).

E. **Minimum Size.** Each on-site loading space required by this Chapter shall not be less than 12 feet wide, 25 feet long, and 14 feet high, exclusive of driveways for ingress and egress, maneuvering areas and setbacks. 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.

F. **Driveways for Ingress and Egress and Maneuvering Areas.** Each on-site loading space required by this Chapter shall be provided with driveways for ingress and egress and maneuvering space of the same type and meeting the same criteria required for on-site parking spaces. Maneuvering areas shall not encroach into required parking areas, travelways, or street rights-of-way. This requirement may be modified if the Director finds

that sufficient space is provided so that maneuvering areas will not interfere with traffic and pedestrian circulation.

G. **Surfacing.** All loading areas shall be paved and improved so as to provide a dust-free surface, and all sites shall be properly drained, consistent with applicable stormwater runoff regulations and subject to the approval of the City Engineer.

17.27.100 Driveways and Drive Approaches

A. **Forward Entry.** Vehicles shall not back onto an arterial street. Parking areas designed to accommodate five or more vehicles shall be provided with suitable maneuvering room so that all vehicles can enter and exit from a public street by forward motion only.

B. **Limited-Access and Arterial Street.** Driveway encroachments shall be restricted onto arterial streets and highways if alternative points of access to the property are feasible or if the City Council has, by resolution, restricted access to the street.

C. **Driveway Separation.** There shall be a minimum of 22 feet of standard curb and gutter between the tops of the driveway transition. In Residential Districts, the required driveway separation only applies to driveways on the subject parcel.

D. **Driveway Transitions.** No part of the driveway transition shall extend closer than one foot to side property line of the property being served by the driveway unless approved by the City Engineer and unless a written agreement is obtained from the adjacent property owner and filed with the City Engineer for recording with the County Recorder. The agreement shall be in a form approved by the City Attorney.

E. **Curb Height.** Full height curbs shall be provided except for locations with approved driveways and/or handicap ramps.

F. **Driveway Length and Accessibility.**

1. ***Driveway Length.*** Driveways providing direct access from a public street to a covered or uncovered parking space shall be at least 20 feet in length except as follows:

    a. RS-A District, Lots 2,500 Square Feet or Smaller in Size. The minimum driveway length is 10 feet.

    b. RS-A District, Lots between 2,501 and 4,300 Square Feet in Size. The minimum driveway length is 15 feet.

    c. RS-B District, All Lots. The minimum driveway length is 15 feet.

2. ***Accessibility.*** In the Residential Districts, driveways providing access to parking spaces for detached residential single unit development shall be kept free and clear for the required length stated above. Driveways shall not be gated within this minimum distance.

G. **Driveway Width.** The minimum and maximum width of a driveway shall be as follows.

TABLE 17.27.100.G: DRIVEWAY WIDTH

	Minimum Width (ft)	*Maximum Width (ft)*
All Development	Notwithstanding any other driveway width requirement, no one-way driveway be less than 10 feet in width or a two-way driveway be less than 20 feet in width unless approved by the City Engineer.	Notwithstanding any other driveway width requirement, the total driveway width shall not exceed 50 percent of a lot frontage unless approved by the City Engineer for safety purposes or to avoid awkward vehicle maneuvers.
One-way driveway		
Serving six or fewer spaces, residential development	10	20
Serving six or fewer spaces, non-residential development	12	20
Serving seven to 20 spaces	12	20
Serving 20 or more spaces	20	30
Two-way driveway	20	30

H. **Turnarounds.**

1. Driveways that serve commercial or multi-unit development which exceed 100 feet in depth shall provide a turnaround to ensure that vehicles can safely exit in a forward direction.

2. Driveways that exceed 15 percent slope serving any type of development may also be required to provide turnarounds.

I. **Surfacing.** Driveways shall be surfaced with asphalt or concrete paving or alternative surface as approved by the City Engineer.

1. ***Residential Paved Wheel Tracks.*** For residential uses, in lieu of a full width paved driveway and where the driveway serves only one residence; paved wheel tracks are allowed as long as the tracks are located where the wheel traffic will most probably occur, the tracks are located only behind the sidewalk ramp, each track is at least three and one-half feet apart.

J. **Maximum Slope.**

1. ***Residential Development.*** Driveways serving residential development shall not exceed 15 percent slope unless the City Engineer approves a slope up to 20 percent provided special construction procedures and materials are used.

2. ***Non-residential Development.*** Driveways serving non-residential development shall not exceed 10 percent slope.

K. **Visibility.** Visibility of a driveway crossing a street property line shall not be blocked between a height of three feet and nine feet for a depth of five feet from the street property line as viewed from the edge of the right-of-way on either side of the driveway.

L. **Common Access Driveways.** Projects are encouraged to provide shared vehicle and pedestrian access to adjacent properties for convenience, safety, and efficient circulation. A joint access agreement guaranteeing the continued availability of the shared access between the properties approved by the Director shall be recorded in the County's Recorders Office, in a form satisfactory to the City Attorney.

M. **Replacement of Curb and Sidewalks of Abandoned Driveway.** The Director of Public Works shall determine whether a driveway has been abandoned. Any such abandoned driveway shall be removed by the owner and replaced with standard curb, gutter and sidewalk to fit the existing line of grade of adjacent standard curb, gutter and sidewalk. The Director of Public Works shall cause an abandoned drive to be removed if it has not been removed within 30 days after the owner has been notified to do so. The procedure for repair and collection of the cost of repair shall be as set forth in Division 7, Part 3, Chapter 22 of the Streets and Highways Code.

17.27.110 Parking Area Design and Development Standards

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

A. **Handicap Parking.** Each parking area where parking is provided for the public as clients, guests, or employees shall include parking accessible to handicapped or disabled persons as near as practical to a primary entrance and in accordance with the standards for the number of spaces, size, location, signing, and markings/striping set for in Chapter 71, "Site Development Requirements for Handicapped Accessibility" of Title 24 of the California Code of Regulations.

B. **Electric Vehicle Charging.**

1. ***Nonresidential Parking.*** In new parking lots with 10 or more parking spaces, a minimum of one level 2 or fast charging electric vehicle charging station shall be provided for every 10 parking spaces.

2. ***Residential Parking.*** In all new parking areas for Single Unit Dwellings, Two-Unit Dwellings, and Multi-Unit Residential development, a minimum of 50 percent of the total number of parking spaces provided shall be electric vehicle charging spaces (EV spaces) capable of supporting future electric vehicle supply equipment (EVSE).

C. **Tandem Parking.** Tandem parking may be permitted to satisfy parking requirements 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 a single dwelling unit or non-residential establishment.

3. Tandem parking to meet required parking for non-residential uses may be used for employee parking; the maximum number of tandem parking spaces shall not exceed 50 percent of the total number of spaces.

4. Tandem parking to meet required parking for multi-unit development shall be located within an enclosed structure; the maximum number of tandem parking spaces shall not exceed 50 percent of the total number of spaces.

5. Tandem parking shall not be used to meet the guest parking requirement.

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 nine feet by 20 feet, with a minimum vertical clearance of seven feet. Table 17.27.110.D.1, Standard Parking Space and Aisle Dimensions, provides the dimensions of spaces (stalls) and aisles according to 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 17.27.110.D.1: STANDARD PARKING SPACE AND AISLE DIMENSIONS

Angle of Parking	*Stall Width (ft)*	*Curb Length Per Stall (ft)*	*Stall Depth (ft)*	*Aisle Width (ft)*
Parallel	9	20	9	12
30°	9	18	18	12
45°	9	14	19.5	14
60°	9	11	21	18
90°	9	9	20	25

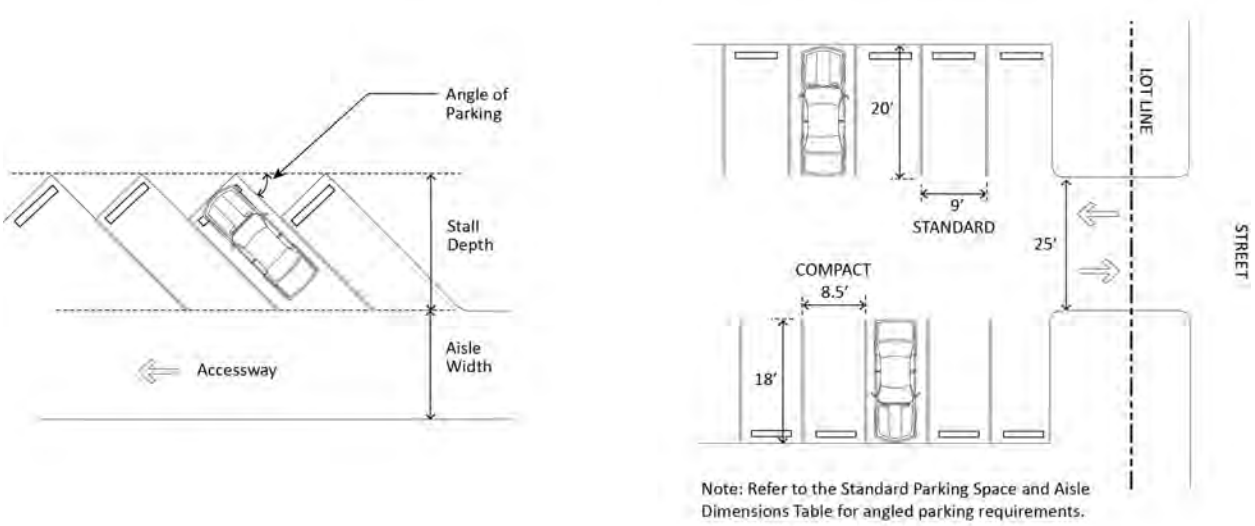


FIGURE 17.27.110(D.1): STANDARD PARKING SPACE AND AISLE DIMENSIONS

2. ***Compact Parking Spaces.*** In parking areas with four or more parking spaces, up to 25 percent of the required spaces may be reduced to 8.5 feet by 18 feet and labeled "compact".

3. ***Parking Spaces Abutting a Wall, Fence, or Column.*** The width of each parking space adjoining a wall, fence, column, or other obstruction higher than 0.5 feet shall be increased by one foot on each obstructed side.

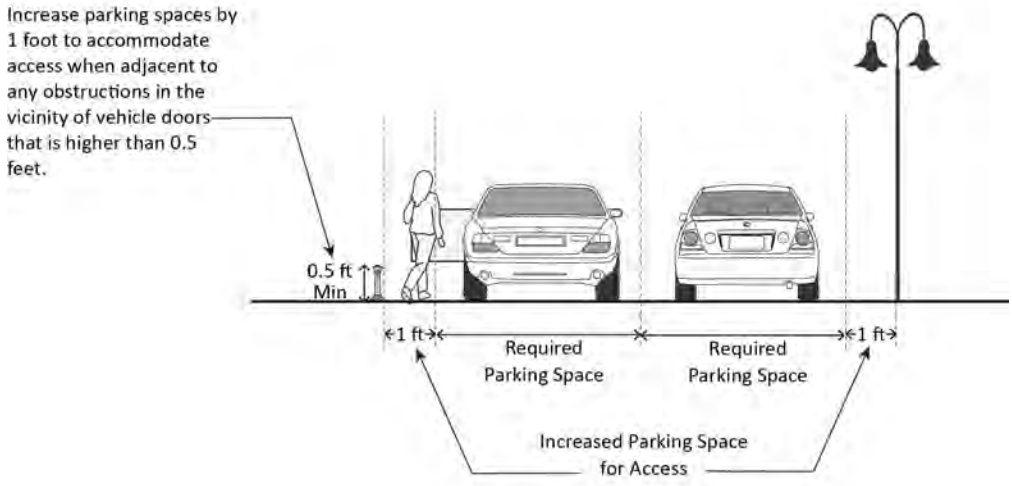


FIGURE 17.27.110(D.3): PARKING SPACES ABUTTING A WALL, FENCE, OR COLUMN

4. ***Minimum Dimensions for Residential Garages.*** Garages serving residential uses shall be constructed to meet the following minimum inside dimensions.

a. A single car garage shall be at least 11 feet wide and 20 feet long.

b. A garage containing two or more parking spaces shall have a minimum inside dimension of 10 feet in width by 20 feet in length per space.

c. The minimum vertical clearance shall be seven feet except in the front four feet of the parking space where the minimum vertical clearance is four feet six inches.

d. Garages shall be equipped with an automatic door opener and a roll-up sectional or similar garage door which does not extend onto the apron. A security gate for a multi-unit development is permitted.

E. **Service Vehicle Maneuvering Area.** Parking lots shall be designed so that sanitation, emergency, and other public service vehicles can provide service without backing up unreasonable distances or making other dangerous or hazardous turning movements. The minimum allowable inside turning radius shall be 20 feet. Where fire truck access is necessary, the minimum inside radius shall be 28 feet and the outside radius shall be a minimum of 48 feet.

F. **Pedestrian Circulation.** Parking areas for multi-unit residential developments of five or more units and parking areas for commercial and mixed-use developments that are 80 feet or more in depth and/or include 25 or more parking spaces shall provide pedestrian access that is separate and distinct from driveways, according to the following standards:

1. ***Connection to Public Sidewalk***. An on-site walkway shall connect the main building entry to a public sidewalk on each street frontage. Such walkway shall be the shortest practical distance between the main building entry and sidewalk, generally no more than 125 percent of the straight-line distance.

2. ***Materials and Width.*** Walkways shall provide at least five feet of unobstructed width and be hard-surfaced.

3. ***Identification.*** Pedestrian walkways shall be clearly differentiated from driveways, parking aisles, and parking and loading spaces through the use of elevation changes, a different paving material, or similar method.

4. ***Separation.*** Where a pedestrian walkway is parallel and adjacent to an auto travel lane, it must be raised and separated from the auto travel lane by a raised curb at least four inches high, bollards, or other physical barrier.

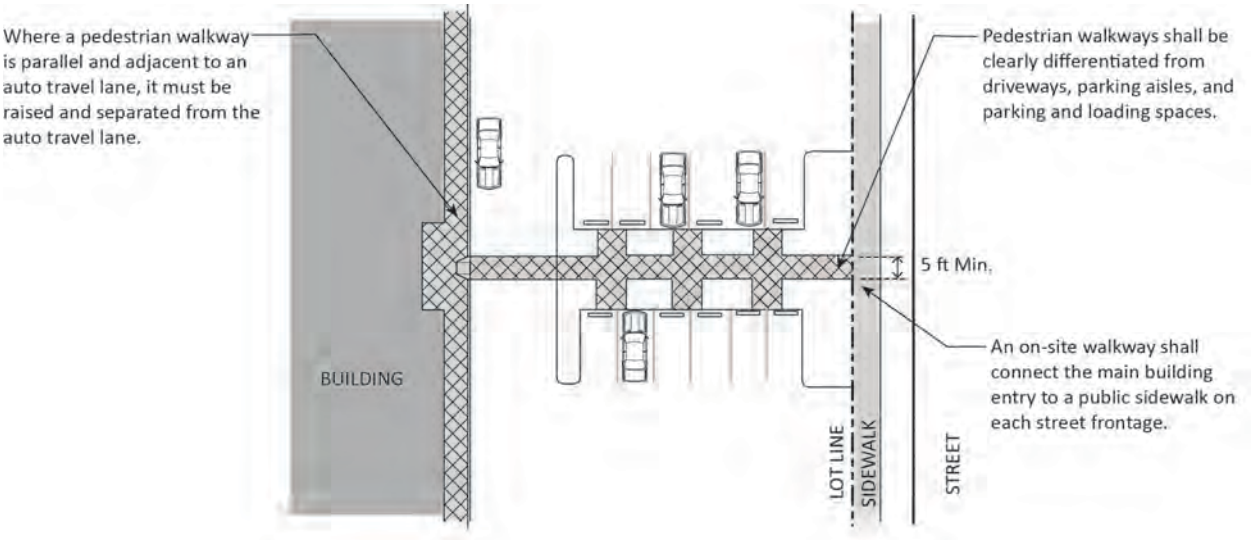


FIGURE 17.27.110(F): PEDESTRIAN CIRCULATION

G. **Parking Lot Striping.** All parking stalls shall be clearly outlined with double striping, and all aisles, approach lanes, turning areas, and entrances shall be clearly marked with directional arrows and lines as required by the City Engineer.

H. **Wheel Stops.** Parking areas designed to accommodate five or more vehicles shall provide concrete bumper guards or wheel stops for all unenclosed parking spaces. 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.

I. **Surfacing.** All parking areas shall be paved and improved, and all sites shall be properly drained, consistent with applicable stormwater runoff regulations and subject to the approval of the City Engineer.

1. ***Required Surface.*** All parking areas shall be surfaced with asphalt or concrete paving, pervious pavers, or alternative surface as approved by the City Engineer.

    a. *Landscaping Alternative.* Up to two feet of the front of a parking space as measured from a line parallel to the direction of the bumper of a vehicle using the space may be landscaped with ground cover plants instead of paving.

2. ***Slope and Drainage.*** Parking areas shall not exceed six percent slope nor be less than 0.5 percent slope in the direction of drainage. A maximum of 10 percent slope in aisle and turnaround areas may be allowed by the City Engineer.

J. **Perimeter Curbing.** Parking areas designed to accommodate five or more vehicles shall provide a six-inch wide and six-inch high concrete curb along the outer edge of the parking

facility pavement, except where said pavement abuts a fence or wall. Curbs separating landscaped areas from parking areas shall be designed to allow stormwater runoff to pass through.

K. **Heat Island Reduction.** In order to reduce ambient surface temperatures in parking areas, at least 50 percent of the areas not landscaped shall be shaded, either with light-colored materials with a Solar Reflectance Index of at least 29, or a combination of shading and light-colored materials.

1. Shade may be provided by canopies, shade structures, trees, or other equivalent mechanism. If shade is provided by trees, the amount of required shading is to be reached within 15 years.

L. **Lighting.** Parking areas designed to accommodate five or more vehicles shall be provided with a minimum of one-half foot-candle and a maximum of 3.0 foot-candles of light over of the parking surface during the hours of use from one-half hour before dusk until one-half hour after dawn.

1. Light poles and standards shall not exceed 20 feet in height unless a greater height is approved pursuant to Chapter 17.42, Modifications.

2. Lighting design shall be coordinated with the landscape plan to ensure that vegetation growth will not substantially impair the intended illumination.

3. Light sources shall be between 2600 and 3500 Kelvin and have a CRI of 85 or greater.

4. Parking lot lighting shall, to the maximum extent feasible, be designed and installed so that light and glare is not directed onto residential use areas or adjacent public rights-of-way, consistent with Section 17.23.080, Lighting and Illumination.

M. **Separation From On-Site Buildings.** Parking areas designed to accommodate five or more vehicles must be separated from the front and side exterior walls of on-site buildings by walkways a minimum of three feet in width. Commercial development with 25,000 square feet or more of floor area must be separated from parking on all sides by a walkway a minimum of five feet in width, as well as a planter area at least three feet in width.

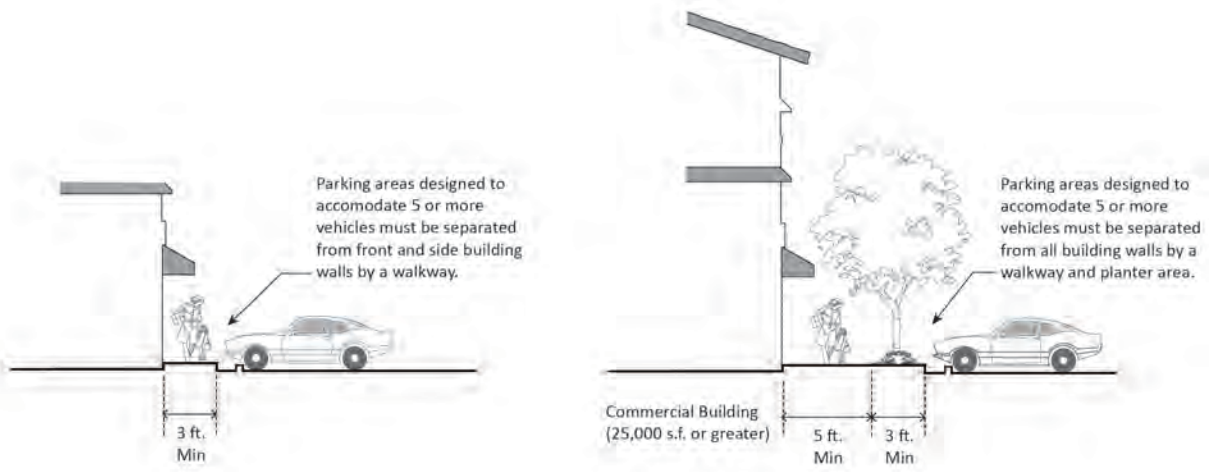


FIGURE 17.27.110(M): PARKING SEPARATION FROM ON-SITE BUILDINGS

N. **Landscaping.** Parking areas designed to accommodate five or more vehicles must be landscaped according to the general standards of Chapter 17.25, Landscaping, as well as the standards of this Subsection.

1. ***Landscape Area Required.*** A minimum of 10 percent of the parking lot area shall be landscaped.

2. ***Minimum Planter Dimension.*** No landscape planter that is to be counted toward the required landscape area shall be smaller than 25 square feet in area, or four feet in any horizontal dimension, excluding curbing.

3. ***Landscaped Planters Between Parking Stalls and at the Ends of Rows of Parking Stalls.*** In open parking areas, landscaped planter areas shall be provided after each five parking spaces in any row and at the ends of each row of parking spaces.

4. ***Landscaped Buffer Adjacent to Right-of-Way.*** A landscaped area at least five feet wide shall be provided between any surface parking area and any property line adjacent to a public street for the length of the parking area.

5. ***Landscaped Buffer Abutting Interior Lot Line.*** A landscaped area at least three feet wide shall be provided between any surface parking area and any interior property line for the length of the parking area.

6. ***Trees.***

   a. *Number Required.* One for every six parking spaces, minimum of two trees per parking area.

   b. *Distribution.* Trees shall be distributed relatively evenly throughout the parking area.

   c. *Size.* All trees shall be a minimum 15-gallon size.

7. ***Protection of Vegetation.***

   a. *Clearance from Vehicles.* All required landscaped areas shall be designed so that plant materials, at maturity, are protected from vehicle damage by providing a minimum two-foot clearance of low-growing plants where a vehicle overhang is permitted, or by wheel stops set a minimum of two feet from the back of the curb.

   b. *Planters.* All required parking lot landscaping shall be within planters bounded by a concrete curb at least six inches wide and six inches high. Curbs separating landscaped areas from parking areas shall be designed to allow stormwater runoff to pass through.

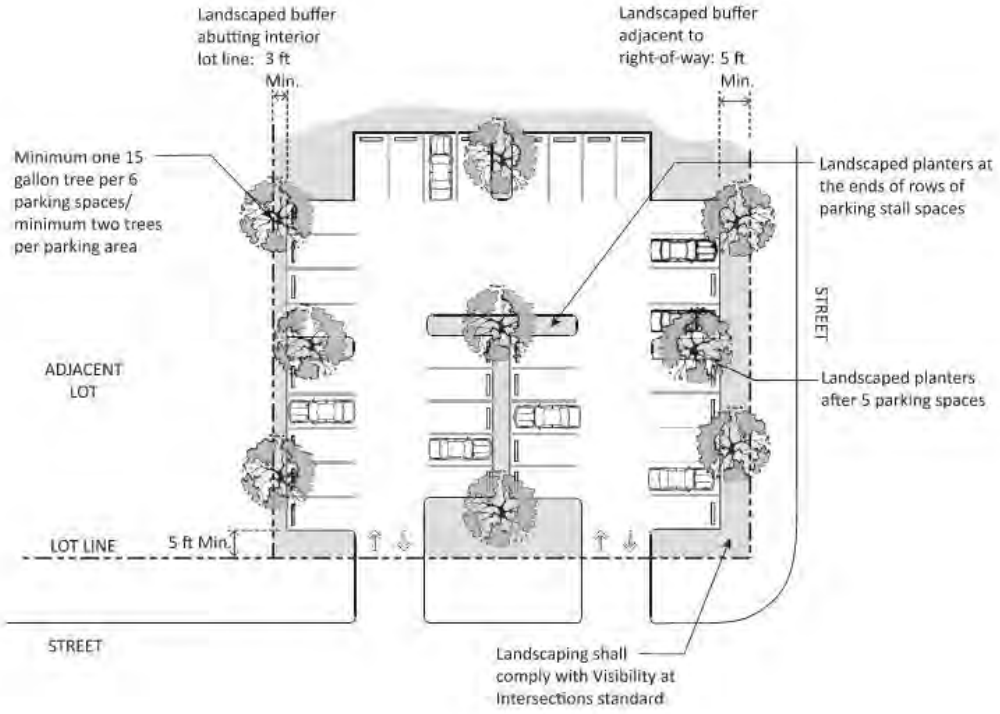
8. ***Visibility and Clearance.***

   a. Notwithstanding other provisions of this Chapter, parking area landscaping shall comply with Section 17.23.180, Visibility at Intersections.

   b. Landscaping in planters at the end of parking aisles shall not obstruct driver's vision of vehicular and pedestrian cross-traffic.

   c. Mature trees shall have a foliage clearance maintained at eight feet from the surface of the parking area.

   d. Other plant materials located in the interior of a parking lot shall not exceed 30 inches in height.



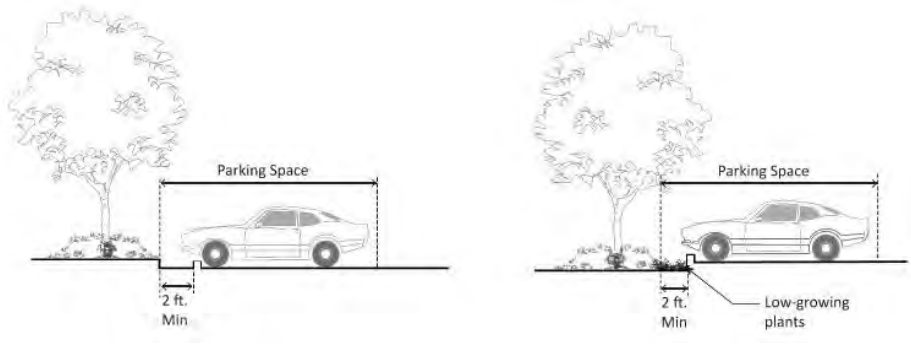


FIGURE 17.27.110(N): PARKING AREA LANDSCAPING

O. **Screening.** Parking areas designed to accommodate five or more vehicles shall be screened along the street frontage and adjacent lots in a Residential District, according to the following standards.

1. ***Height.*** Screening along the street frontage shall be a minimum three feet in height. Screening adjacent to lots in a Residential District shall be a minimum four feet in height.

2. ***Materials.*** Screening may consist of one or any combination of the methods listed below.

   a. *Walls.* Low-profile walls consisting of brick, stone, stucco, or other quality durable material approved by the Director, and including a decorative cap or top finish as well as edge detail at wall ends. Plain concrete blocks are not allowed as a screening wall material unless capped and finished with stucco or other material approved by the Director.

   b. *Planting.* Plant materials consisting of compact evergreen plants that form an opaque screen.

   c. *Berms.* Berms a minimum of two feet in height and planted with appropriate shrubs and ground cover.

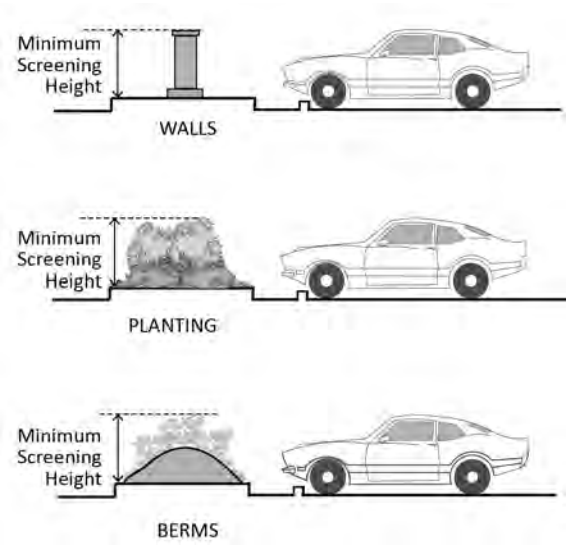


FIGURE 17.27.110(O): PARKING AREA SCREENING

P. **Alternative Parking Area Designs.** Where an applicant can demonstrate to the satisfaction of the Director that variations in the requirements of this Section are warranted in order to achieve environmental design and green building objectives, including but not limited to achieving certification under the LEED™ Green Building Rating System or equivalent, an alternative parking area design may be approved.

Q. **Maintenance**. It shall be the duty of the property owner to maintain and repair the parking lot and related improvements in accordance with the above standards and any other conditions imposed at the time of approval. Parking lots, including landscaped areas, driveways, and loading areas, shall be maintained free of refuse, debris, or other accumulated matter and shall be kept in good repair at all times.

Chapter 17.30 Standards for Specific Uses

Section:

17.30.220 Short-term Vacation Rentals (IP)

A. **Purpose.** The purpose of this Section is to establish a set of regulations applicable to short-term vacation rentals. In the adoption of these standards the City Council finds that short-term vacation rentals support the City's significant tourism industry, but also have the potential to be incompatible with surrounding residential uses, especially when several are concentrated in the same area, as they can have a deleterious effect on the adjacent full-time residents, and may alter the character of the neighborhoods within which they are located. To that end, the City Council with this Ordinance is adopting density limitations in residential zones, a permit scheme, and operational standards that strike the balance between these interests.

B. **Definitions.** The terms used in this Section shall have the following meanings, as well as the meanings of the terms as defined in Section 17.54.020, Definitions, unless the context clearly indicates otherwise; and, in the event of conflict this Section shall govern unless specified.

1. "Booking transaction" means any reservation or payment service provided by a company that facilitates a short-term vacation rental transaction between a prospective visitor and a host.

2. "Full-home rental" means a short-term vacation rental of no more than 30 consecutive days of a home, in whole or in part, for exclusive transient use. The guest enjoys the exclusive private use of the dwelling, and the host is not present.

3. "Guest" means a person who rents a short-term vacation rental.

4. "Host" means the owner or his/her authorized agent, of a short-term vacation rental, who is responsible for its operation. A host can include the property owner, a tenant, or a management company.

5. "Home-sharing rental" means a short-term vacation rental within a dwelling that is the host's primary residence, and where the host is on site throughout the guest's stay. Home-sharing rentals include guest houses when the host is on site in the primary residence throughout the guest's stay in the guest house, and any unit in a multifamily dwelling of no more than four units, where the host lives in the primary residence or in one of the units.

6. "Hosting platform" means a company that participates in the short-term vacation rental business by collecting or receiving a fee, directly or indirectly through an

agent or intermediary, for conducting a booking transaction using any medium of facilitation.

7. "Junior accessory dwelling unit" shall have the same meaning as the term is defined in Section 65852.22 of the Government Code.

8. "Local contact person" means an individual who is personally available by telephone on a 24- hour basis and who maintains the ability to initiate corrective action within one hour of being notified of a concern or complaint and who has authority to address violations of this Ordinance or any disturbance or problem at a short-term vacation rental.

9. "Primary residence" means the usual place of return for housing of an owner or long-term resident as documented by at least two of the following: motor vehicle registration, driver's license, California state identification card, voter registration, income tax return, or property tax bill. A person can only have one primary residence.

C. **Short-term Vacation Rentals- General.**

1. Short-term vacation rentals may only be operated pursuant to a current and valid short- term vacation rental permit from the City of Morro Bay, as well as a current and valid City business license, in accordance with all the requirements of this Section. Permits shall be obtained by the property owner. Permits shall be valid for no more than 12 months, unless renewed.

2. Permits are non-transferable and are unique to the specific property and property owner. A permit for a property shall not be valid for a successor owner or host.

3. Short-term vacation rentals are permitted in Residential and Commercial and Mixed Use Zoning Districts, and only. Full-home short-term vacation rentals in Residential Districts shall be subject to the density limitations of Section 17.30.220.D., Short-term Vacation Rentals - Density Limitations, below.

4. Short-term vacation rentals shall not be operated in vehicles or in non-habitable or illegally constructed structures, such as sheds, unconverted garages, cars, vans, or trucks, unpermitted attached or detached accessory dwelling units, unpermitted rooms or patios, etc.

5. Short-term vacation rentals shall not be operated from dwellings that are designated as affordable housing units, or out of mobile home parks.

6. Short-term vacation rentals may not be operated from boats in the harbor, or from recreational vehicles unless permitted through the Conditional Use Permit process.

7. Operation of short-term vacation rentals in housing developments shall be permitted to the extent they are permitted by the development's CC&Rs. All

provisions of this Section shall apply. In case of conflict between this Section and the development's CC&Rs, the more restrictive provisions shall apply. The City shall not be responsible for enforcing CC&R provisions relating to short-term vacation rentals.

8. The City shall provide public information regarding validly permitted short-term vacation rentals.

9. The provisions of this Section shall apply to both home-sharing and full-home short-term vacation rentals, unless otherwise indicated.

10. The host, and the property owner, if different, have the responsibility to ensure that the short-term vacation rental and its guests comply with all the provisions of this Ordinance. The City must have current contact information for both the local contact person and the host, if they are different. Any change in contact information must be provided to the City forthwith.

11. Transient occupancy tax, Morro Bay Tourism Business Improvement District assessments and San Luis Obispo County Tourism Marketing District (SLOCTMD) assessment shall be collected on short-term vacation rentals in accordance with Chapters 3.24 (Transient Occupancy Tax) and 3.60 (Tourism Business Improvement District Law) of the Morro Bay Municipal Code. Short-term vacation rentals must contribute a minimum of $500 of TOT annually to maintain a valid permit.

12. The City Council may by resolution promulgate additional regulations relating to the operation of permitted short-term vacation rentals, including but not limited to, a training program for current and potential hosts, content guidelines for an informational brochure to be provided to guests (Good Neighbor Brochure), and additional reporting requirements.

13. The use of a guest house as a short-term vacation rental is prohibited, unless the guest house is rented as a home-share vacation rental with the host on site in the primary residence throughout the guest's stay in the guest house.

14. Notwithstanding any other provision herein, short-term vacation rentals shall not be operated out of accessory dwelling units or junior accessory dwelling units, as provided in state law, except as provided for in Section 17.30.220.E, Nonconforming Short-Term Vacation Rentals.

D. **Short-term Vacation Rentals - Density Limitations.**

1. The maximum allowable number of full-home short-term vacation rentals in residential zones is 175, subject to Section 17.41.220.E, Nonconforming Short-Term Vacation Rentals. No new permit applications for full-home short-term vacation rentals in a residential zone will be accepted until the number of active permits drops below 175. This limitation shall not apply to home-share short-term

vacation rentals in residential zones. This limitation applies to all accessory dwelling units or junior accessory dwelling units. No maximum number of short-term vacation rentals applies to the commercial and mixed-use zones.

2. Property owners who wish to apply for short-term vacation rental permits for property in a residential zone shall be issued permits on a first-come, first-served basis, provided the proposed short-term vacation rentals do not violate the density limitations herein. Applicants who are not eligible for a permit due to these density limitations shall be placed on a chronologically maintained waiting list.

3. ***Multi-family Developments in Commercial and Mixed Use Zoning Districts.*** No more than 12.5% (118th) of the total number of units in a attached single-unit dwelling or multi-unit residential in a Commercial and Mixed Use Zoning District can be operated as a short-term vacation rental. Multi-family dwellings of fewer than 8 units shall have no more than one unit operating as a short-term vacation rental. Any Commercial and Mixed Use zoned lot with an attached or detached single-unit dwelling and multi-unit residential shall also be subject to these density limitations.

4. ***Full-home Single-family Dwellings in Residential Zoning Districts.***

   a. Single family dwelling full-home short-term vacation rentals in residential zones must be separated by a 175 feet radius (as measured from exterior property line) from any other full-home short-term vacation rental in a Residential District. This limitation applies to a detached single-unit dwelling used as a full-home rental, and this limitation does not apply to a detached single-unit dwelling used as a home-share rental. This limitation applies to all accessory dwelling units or junior accessory dwelling units. Abutting or intervening lots with attached single-unit dwellings or multi-unit residentials are also subject to this spacing limitation.

   b. Only one full-home short-term vacation rental shall be permitted on any property with a detached single-unit dwelling.

5. Multi-family developments in Residential Districts may not be used as short-term vacation rentals.

E. **Nonconforming Short-Term Vacation Rentals.** A Short-term vacation rentals lawfully permitted by the City prior to the effective date of this ordinance, and in good standing with the City on the effective date of this Ordinance, shall be considered legal nonconforming uses not subject to the limitations of Section 17.30.220.D, Short-term Vacation Rentals - Density Limitations, provided they obtain a new short-term vacation rental permit pursuant to this Ordinance within one year of its effective date. The permit

application in conformance with this Section should be filed in lieu of a renewal application.

F. **Permit Application and Renewal.**

1. A completed application for a short-term vacation rental permit shall be submitted by the property owner to the Finance Director on a form provided by the City, and shall include the following information:

   a. Name, address, and current contact information of the property owner/applicant. Any change in this information must be provided to the City forthwith. The application must be signed under penalty of perjury by the property owner. A permit application may not be submitted or signed by a property management company or other commercial agent.

   b. If different from the property owner, name and address of the host, including current contact information.

   c. Address and description of the property that will be used as a short-term vacation rental. The description shall include number of rooms, maximum guest occupancy, amenities, and available parking for guests.

   d. Whether the short-term vacation rental will be operated as a home-sharing or full- home rental.

   e. The house rules for the short-term vacation rental and any other information that will be provided to the guest.

   f. Proof that the property owner has insured the property as a short-term vacation rental.

   g. Hosting platforms that will advertise the property.

   h. A copy of any valid and current short-term vacation rental permit held by the applicant for any other property in the City.

   i. Information on any short-term vacation rental permits that have been suspended or revoked as to the host or the property owner anywhere in the State of California, or as to the property, within the previous two years, and the reasons therefor.

   j. If the property owner has been asked or been compelled to no longer advertise with a hosting platform within the previous two years, and the reasons therefor.

2. **Inspection.**

   a. A completed application shall include a completed inspection report. The report shall include:

i. Number of exits

ii. Conformance with application information

iii. Sufficient off-street parking

iv. Signage, per requirements

v. A Good Neighbor Brochure

vi. Compliance with any other applicable code requirement

b. Short-term vacation rentals shall be inspected as part of the initial application, and every four years thereafter at the time of renewal. Each renewal application when a City inspection is not required will include a self-inspection form to be filled out and signed under penalty of perjury by the property owner.

c. Properties may be additionally inspected to ensure that any violations are timely corrected.

d. Any change in the information in the application, whether the change occurs while the application is pending, or at any time after the permit issues, must be provided to the City forthwith.

3. The City shall review the application for completeness. If the application is incomplete, the City shall inform the applicant in writing within 30 days of receipt of the application, articulating the necessary additional information for completeness. An application that is found to be incomplete upon a second submission shall be deemed abandoned.

4. The City shall deny, conditionally approve, or approve an application within 45 days of receipt of a completed application. Conditions imposed shall be aimed at ensuring that the short-term vacation rental does not create a disturbance in the neighborhood, and is not operated in a manner that will undermine the character of its neighborhood.

5. ***Renewals.***

a. Permit renewals shall be submitted 60 days prior to permit expiration on a form provided by the City and signed by the property owner. Renewal forms must detail any changes in the short-term vacation rental (bedrooms, ownership, number of guests, parking, etc.), and shall otherwise certify that other than what is listed as a change, the information in the original application remains the same.

b. Permit renewals that are not timely submitted per Subsection 5.a. may experience a delay in reissuance. In the event a permit expires before the renewal permit is issued because of a delay in renewal submittal, the

permit shall be deemed suspended until the renewal issues, and the short-term vacation rental may not be rented as such.

c. Any permit whose renewal application is submitted after the permit's expiration shall be deemed abandoned. Reapplication shall only be accepted in full compliance with all the provisions of this Section, including the density limitations.

6. Permit applications and renewals shall be subject to permit fees in accordance with the City's Master Fee Schedule. Permit fees shall include, but not be limited to, the reasonable cost of processing the application and inspection fees, as applicable.

G. **Permit Denial, Suspension, and Revocation.** A short-term vacation rental permit may be denied, suspended, or revoked based on the following grounds:

1. A material misrepresentation on the application or renewal materials.

2. The dwelling that is the subject of the application or permit is not in full compliance with all applicable local, state, and federal regulations.

3. The host has violated, or has permitted his/her guest to violate, the terms of the hosting platform, and as a result the hosting platform has withdrawn its permission to advertise on that platform.

4. The host has violated, or has permitted his/her guest to violate, any of the operational requirements in Section 17.30.220.I, Operational Requirements. A host is presumptively permitting violations of the applicable regulations under the following circumstances:

a. If the violation consists of conduct by the guest that is disturbing the peace and quiet of the neighbors, or that constitutes an immediate threat to the health and safety, and the host does not initiate corrective action within one hour of being notified of the disturbance; or,

b. If the noticed violation is not corrected before the next guest arrives at the property.

5. The property owner has had a short-term vacation rental permit revoked or suspended in the preceding two years.

6. ***Grounds for Suspension.*** The City may initiate suspension proceedings for minor violations of this Section, or of any applicable code, that are not timely corrected. Additional guidance on the grounds for suspension may be provided in the implementing regulations. A permit may be suspended for up to 180 days.

7. ***Grounds for Revocation.*** The City may initiate revocation proceedings for repeated or serious violations of this Section or of any applicable code. Serious

violations include any condition that is a threat to the guest's, the neighbors', or the public's health, safety, and welfare; or, conditions that constitute a public nuisance. Additional guidance may be provided in the implementing regulations.

8. A notice of intent to suspend or revoke, and the reasons therefore, shall be provided to the permit holder. The permit holder shall have 15 days to submit relevant evidence for the City Manager's consideration. The City Manager shall issue a written decision articulating the grounds therefor within an additional 15 days, taking into consideration any relevant evidence submitted by the permit holder.

9. Any property owner whose permit is revoked may not reapply for a short-term vacation rental for the property for which the permit was revoked, or for any other property, for two years following the date of revocation. Revocation of a permit shall not affect any other current and valid short-term rental vacation permits by that property owner.

H. **Appeal of Permit Denial, Suspension, or Revocation.** Any person whose permit application was denied, or whose permit was suspended or revoked, may appeal the decision as follows.

1. An appeal must be submitted in writing to the City Manager within 15 days of the date of the decision. The appeal must articulate the reasons therefor, and shall be accompanied by an appeal fee in accordance with the City's Master Fee Schedule.

2. The City Manager shall schedule an appeal hearing within 30 days of receipt of the appeal before an independent hearing officer, at which hearing the host will have an opportunity to be heard and to present evidence. Compensation for the independent hearing officer shall not be determined by the outcome of any appeal.

3. The host shall be provided with notice of the hearing no later than 10 days prior to the hearing. The hearing may be postponed for good cause.

4. The hearing officer shall not be bound by the formal rules of evidence. The hearing officer may consider all relevant evidence and may exclude repetitive or irrelevant evidence.

5. The hearing officer shall provide a written decision within 10 days of the hearing and shall articulate the reasons therefor. The decision of the hearing officer shall be final. The hearing officer's decision may be challenged pursuant to Sections 1094.5 and 1094.6 of the Code of Civil Procedure, which shall be referenced in the written decision.

I. **Operational Requirements.** Short-term vacation rentals must comply with the following requirements.

1. A copy of the short-term vacation rental permit must be posted in a prominent location within the short-term vacation rental.
2. The host shall use reasonably prudent business practices to ensure that the short-term vacation rental is used in a manner that complies with all applicable laws, rules, and regulations pertaining to its use and occupancy.
3. ***Parking.***
    a. Short-term vacation rentals must provide sufficient onsite parking spaces for their guests; no offsite or other street parking is allowed.
    b. Onsite parking should be only in legal spaces required for the applicable housing type.
4. Short-term vacation rental operators must notify guests of the City's licensing requirement. The permit number must be included in the hosting platform advertisement.
5. No one under the age of 21 years shall be permitted as the primary renter of a short-term vacation rental.
6. The host shall use reasonably prudent business practices to ensure that short-term vacation rental guests do not violate the provisions of this ordinance or violate provisions of the code or any state law, such as but not limited to, regulations pertaining to noise, disorderly conduct, overcrowding, the consumption of alcohol, or the use of illegal drugs.
7. Occupancy for each full-home rental shall be limited to two individuals per bedroom, plus two, for a maximum of 10 guests; occupancy for home-share rentals shall be limited to two individuals per bedroom. Children under 3 years of age are excluded from the occupancy limits but children three and older are included.
8. Guests must comply with all local noise restrictions.
9. While a short-term vacation rental unit is rented, a local contact person shall be available 24 hours per day, 7 days per week, to respond to complaints or notification of violations, and if appropriate initiate corrective action regarding the conduct of the occupants or their guests, or the condition or operation, of the short-term vacation rental, within one hour of being notified.
10. The host shall:
    a. Prior to occupancy:
        i. Obtain the contact information of the guest.
        ii. Require the guest to execute a written acknowledgment that he or she is legally responsible for compliance by all occupants of the

short-term vacation rental with all applicable laws, rules, and regulations pertaining to the use and occupancy of the short-term vacation rental.

b. Maintain the information required in item a, above, for a period of two years, and make such information available upon request to any officer of the City responsible for the enforcement of any provision of this Ordinance or any other applicable local, state, or federal regulations.

c. Provide guests with the Good Neighbor Brochure, the name and number of the local contact person where problems can be reported, the City's hotline number, and the short-term vacation rental's house rules.

11. A sign shall be posted in a location visible and legible from the public right-of-way that contains the following information:

a. Identification as a short-term vacation rental, including the permit number.

b. 24-hour contact information in case of problems or complaints, in conformance with Subsection I, above.

12. Short-term vacation rentals shall be subject to the provisions of Chapter 8.16, Solid Waste Management, of the Morro Bay Municipal Code; in addition, short-term vacation rentals shall not leave their solid waste containers curbside any earlier than the day before pickup, or any later than one day after pickup. If this requirement cannot be met, the host must provide for concierge trash service, if this service is available at the property.

J. **Advertising.**

1. All short-term vacation rental advertisements shall include the permit number.

2. Advertising of unpermitted short-term vacation rentals is prohibited.

K. **Penalty and Enforcement.**

1. Violations of this Section are deemed a public nuisance, and may be abated as such.

2. Each day a violation continues is deemed a new violation.

3. Violations of this Section may be punishable as infractions or misdemeanors, pursuant to Chapter 1.16 of the Morro Bay Municipal Code.

4. Violations of this Section may be punishable thorough administrative fines, in accordance with Chapter 1.03 of the Morro Bay Municipal Code, as may be set by City Council resolution.

5. The owner of any illegally operated short-term vacation rental that is on the wait-list for a permit is presumed to have actual knowledge of the permit requirement. The owner of the illegally operated short-term vacation rental, as well as the unpermitted short-term vacation rental, shall be removed from the permit waiting list, and the host may not reapply for a short-term vacation rental permit for any property for two years. Any application for the same property shall also be barred for two years, irrespective of ownership.

Chapter 17.39 Coastal Development Permits (IP)

Sections:

17.39.010 Coastal Development Permit Processing Procedures
17.39.020 CDP Exemptions
17.39.030 Waivers of De Minimis Development
17.39.040 City CDP Determinations
17.39.050 CDP Application Submittal
17.39.060 CDP Application Public Notice and Hearing
17.39.070 Required Findings for CDP Approval
17.39.080 Notices of City's Final Action on CDPs
17.39.090 Appeals of CDP Decisions
17.39.100 Coastal Development Permits (CDP)
17.39.110 Emergency CDPs

17.39.010 Coastal Development Permit Processing Procedures

This Section provides procedures for Coastal Development Permit (CDP) application processing, filing, review, noticing, and action for development in the City of Morro Bay's CDP jurisdiction within the Coastal Zone.

A. **CDP Required.** All development, as defined in Coastal Act Section 30106, within the Coastal Zone requires a CDP except as specified in Section 17.39.020, CDP Exemptions, and Section 17.39.030, Waivers for DeMinimis Development.

B. **Reviewing Authority.** The following bodies shall approve, conditionally approve, revise or deny applications for Coastal Development Permits based on consideration of the requirements of this Chapter.

1. ***Director.*** The Director shall review applications for Coastal Development Permits for the following development, provided the development does not otherwise require discretionary action by the Planning Commission under another provision of this Title and the development is not appealable to the Coastal Commission pursuant to Public Resources Code Section 30603 and Title 14 Sections 13110 through 13120 of the California Code of Regulations:

   a. Accessory dwelling units and junior accessory dwelling units.

   b. Single unit development with less than 2,500 square feet of floor area (excluding garage).

c. Development of two residential units within the RS or RL District consistent with Section 17.07.030.A.

d. Urban lot splits pursuant to California Government Code Section 66411.7 and Title 16, Subdivisions, of the Municipal Code.

e. Multi-unit development with less than 6,000 square feet of floor area.

f. Demolition of two or fewer residential units.

g. Additions or improvements to existing public works facilities and utilities that do not constitute major public works as defined by the California Code of Regulations Section 13012;

2. ***Planning Commission.*** The Planning Commission shall review applications for Coastal Development Permits for all projects that do not meet the criteria listed in Section 17.39.010.B.1, Director, for a decision by the Director.

C. **Additional Permits.** The review of a CDP application shall be processed concurrently with any other discretionary permit applications required by the City. Any such discretionary approvals become effective only after a CDP is approved as required by this Chapter and so long as they are consistent with the CDP terms and conditions. The City may not grant any discretionary approval for a proposed project that conflicts with this Chapter.

D. **Unpermitted Development and Permitting Processes.** Development that occurred after the effective date of the Coastal Act of 1976 (i.e., January 1, 1977) or after the Coastal Initiative of 1972 (February 1, 1973), whichever is applicable, and that did not receive a CDP or was not otherwise authorized under the Coastal Act/Coastal Initiative, is not lawfully established or authorized development ("unpermitted development"). In addition, development inconsistent with the terms and conditions of an approved CDP is also not lawfully established or authorized development. Both categories of unpermitted development shall be subject to Section 17.01.050.G, LCP Violations. If development is proposed on a site with unpermitted development, then such application may only be approved if it resolves all permitting and coastal resource issues associated with the unpermitted development, including through retention of all or part of same if it can be approved as LCP consistent, or through removal and restoration of affected areas.

17.39.020 CDP Exemptions

In accordance with Coastal Act Section 30610 and Title 14 of the California Code of Regulations (CCR) Sections 13250, 13252, and 13253, all of which govern here in the case of conflicts or questions of interpretation, the following projects are exempt from the requirement to obtain a CDP:

A. **Existing Single-Family Residences.** Improvements to an existing single-family residence, including fixtures and structures directly attached to a residence, landscaping, and

structures normally associated with a single-family residence, such as garages, swimming pools, fences and storage sheds. This exemption does not include:

1. Improvements to a single-family residence if the residence or any improvement is located on a beach, in a wetland, seaward of the mean high-tide line, within an environmentally sensitive habitat area, in an area designated highly scenic in the LCP (i.e., those areas designated in LUP Figures C-6 and C-7), or within 50 feet of the edge of a coastal bluff.

2. Any significant alteration of land forms including removal or placement of vegetation on a beach, wetland, or sand dune, within 50 feet of the edge of a coastal bluff, or within an environmentally sensitive habitat area.

3. On property not included in Subparagraph A.1 above that is in an appealable area pursuant to Coastal Act Section 30603, when one of the following circumstances apply:

    a. Improvement that would result in an increase of 10 percent or more of internal floor area of an existing structure; or

    b. An additional improvement of 10 percent or less where an improvement to the structure has previously been undertaken pursuant to this section; or

    c. An increase in height by more than 10 percent of an existing structure; or

    d. An increase of height of 10 percent or less where height has already been undertaken pursuant to this section; and/or

    e. Development that includes any significant non-attached structure such as garages, fences, shoreline protective works or docks.

4. Any improvement to a single-family residence where the Coastal Development Permit issued for the original structure by the Coastal Commission or City indicated that any future improvements would require a Coastal Development Permit or a CDP Amendment or some other type of Coastal authorization (e.g., a CDP waiver).

B. **Other Existing Structures.** Improvements to an existing structure, other than a single-family residence or public works facility, including landscaping and fixtures and other structures directly attached to the structure. This exemption does not include:

1. Improvements to a structure if the structure or improvement is located on a beach; in a wetland, stream, or lake; seaward of the mean high-tide line; in an area designated highly scenic in the LCP (i.e., those areas designated in LUP Figures C-6 and C-7); or within 50 feet of the edge of a coastal bluff.

2. Any significant alteration of land forms including removal or placement of vegetation, on a beach or sand dune; in a wetland or stream; within 100 feet of the edge of a coastal bluff, in a highly scenic area, or in an environmentally sensitive habitat area.

3. On property not included in Subparagraph B.1 above that is in an appealable area pursuant to Coastal Act Section 30603, when one of the following circumstances apply:

    a. Improvement that would result in an increase of 10 percent or more of internal floor area of an existing structure;

    b. An additional improvement of 10 percent or less where an improvement to the structure has previously been undertaken pursuant to this section;

    c. An increase in height by more than 10 percent of an existing structure;

    d. An increase of height of 10 percent or less where height has already been undertaken pursuant to this section; or

    e. Development includes any significant non-attached structure such as garages, fences, shoreline protective works or docks.

4. Any improvement to a structure which changes the intensity of use of the structure.

5. Any improvement made pursuant to a conversion of an existing structure from a multiple unit rental use or visitor-serving commercial use to a use involving a fee ownership or long-term leasehold including, but not limited to, a condominium conversion, stock cooperative conversion or motel/hotel timesharing conversion.

6. Any improvement to a structure where the Coastal Development Permit issued for the original structure by the Coastal Commission or City indicated that any future improvements would require a Coastal Development Permit or a CDP amendment or some other type of coastal authorization (e.g., a CDP waiver).

C. **Repair or Maintenance Activities.** Repair or maintenance activities that do not result in an addition to, or enlargement or expansion of, the object of those repair or maintenance activities. This exemption does not include:

1. Any method of repair or maintenance of a seawall, revetment, bluff retaining wall, breakwater, groin, culvert, outfall, or similar shoreline work that involves:

    a. Repair or maintenance involving substantial alteration of the foundation of the protective work including pilings and other surface or subsurface structures;

    b. The placement, whether temporary or permanent, of rip-rap, artificial berms of sand or other beach materials, or any other forms of solid

materials, on a beach or in coastal waters, streams, wetlands, estuaries and lakes or on a shoreline protective work except for agricultural dikes within enclosed bays or estuaries;

c. The replacement of twenty percent or more of the materials of an existing structure with materials of a different kind;

d. The presence, whether temporary or permanent, of mechanized construction equipment or construction materials on any sand area, bluff, or environmentally sensitive habitat area, or within twenty feet of coastal waters or streams;

e. The placement of dredged spoils of any quantity within an environmentally sensitive habitat area, on any sand area, within 50 feet of the edge of a coastal bluff or environmentally sensitive habitat area, or within 20 feet of coastal waters or streams; or

f. The removal, sale, or disposal of dredged spoils of any quantity that would be suitable for beach nourishment in an area the commission has declared by resolution to have a critically short sand supply that must be maintained for protection of structures, coastal access or public recreational use.

2. Any repair or maintenance to facilities or structures or work located in an environmentally sensitive habitat area, any sand area, within 50 feet of the edge of a coastal bluff or environmentally sensitive habitat area, or within 20 feet of coastal waters or streams that include either of the following:

   a. The placement or removal, whether temporary or permanent, of rip-rap, rocks, sand or other beach materials or any other forms of solid materials.

   b. The presence, whether temporary or permanent, of mechanized equipment or construction materials.

3. Those activities specifically described as exempt from CDP requirements in the document entitled Repair, Maintenance and Utility Hookups, adopted by the Coastal Commission on September 5, 1978 unless a proposed activity will have a risk of substantial adverse impact on public access, environmentally sensitive habitat areas, wetlands, or public views to the ocean, in which case the 1978 document exemptions do not apply.

4. Unless destroyed by natural disaster, the replacement of 50 percent or more of a single family residence, seawall, revetment, bluff retaining wall, breakwater, groin or any other structure that is not repair and maintenance under Coastal Act Section 30610(d) but instead constitutes a replacement structure requiring a Coastal Development Permit.

D. **Replacement of Destroyed Structures.** The replacement of any legally established structure, other than a public works facility, destroyed by a disaster. The replacement structure shall conform to applicable LCP requirements, shall be for the same use as the destroyed structure, shall not exceed either the floor area, height, or bulk of the destroyed structure by more than 10 percent, and shall be sited in the same location on the affected property as the destroyed structure. As used in this section, "disaster" means any situation in which the force or forces which destroyed the structure to be replaced were beyond the control of its owner; "bulk" means total interior cubic volume as measured from the exterior surface of the structure; and "structure" includes landscaping and any erosion control structure or device which is similar to that which existed prior to the occurrence of the disaster.

E. **Temporary Events.** Temporary events as defined in this Section and which meet all of the following criteria:

1. Are not held between Memorial Day weekend and Labor Day weekend, or if proposed in this period will be of less than two weeks in duration including setup and take-down; and

2. Does not occupy all or a portion of a sandy beach or park area and there is no potential for adverse effect on sensitive coastal resources; and

3. A fee will not be charged for general public admission and/or seating where no fee is currently charged for use of the same area (not including booth or entry fees); or if a fee is charged, it is for preferred seating only and more than 75 percent of the provided seating capacity is available free of charge for general public use; and

4. The proposed event has been reviewed in advance by the City and it has been determined, subject to the procedure in Section 17.39.040, City CDP Determinations, that it meets the following criteria:

    a. The event will result in no adverse impact on opportunities for public use of or access to the area due to the proposed location and or timing of the event either individually or together with other development or temporary events scheduled before or after the particular event;

    b. There will be no direct or indirect impacts from the event and its associated activities or access requirements on environmentally sensitive habitat areas, rare or endangered species, significant scenic resources, or other coastal resources; and

    c. The event has not previously required a coastal development permit to address and monitor associated impacts to coastal resources.

F. **Emergency Work.** Immediate emergency work necessary to protect life or property, or immediate emergency repairs to public service facilities necessary to maintain service as

a result of a disaster in a disaster-stricken area in which a state of emergency has been proclaimed by the Governor pursuant to Chapter 7 (commencing with Section 8550) of Division 1 of Title 2 of the Government Code.

17.39.030 Waivers of De Minimis Development

A. **Authority.** The Director may issue a written waiver from Coastal Development Permit requirements of this Chapter for any development that is de minimis.

B. **Determination of Applicability.** A proposed development is de minimis if the Director determines, based on a review of an application for a Coastal Development Permit, that the development satisfies all of the following requirements:

1. The proposed development is within the Coastal Zone; the development is not of a type or in a location where an action on the development would be appealable to the Coastal Commission; and not within an area where the Coastal Commission retains permit jurisdiction and no local public hearing is required.

2. The proposed development involves no potential for any adverse effect, either individually or cumulatively, on coastal resources and that it will be consistent with the certified Local Coastal Program. The determination shall be made in writing and based upon factual evidence.

C. **Applicability.**

1. The Director may consider the following types of development for possible permit waivers:

   a. Projects that would have been placed on the consent calendar of the Planning Commission or City Council agenda without special conditions;

   b. Projects fully consistent with the certified LCP and for which all applicable policies of the LCP are objective in nature, such that staff does not have to exercise its judgment as to satisfaction of subjective criteria; and

   c. Projects located in areas where similar projects have been approved as a routine matter without conditions or opposition.

2. The following projects will not be considered for possible waivers:

   a. Projects that involve questions as to conformity with the certified LCP, or that may result in potential impacts on coastal resources and public access;

   b. Projects with known opposition or probable public controversy; and

   c. Projects that involve divisions of land including condominiums.

D. **Public Notice.** If, upon review of the Coastal Development Permit application, the Director determines that the development is de minimis, the applicant shall post public

notice of the de minimis waiver on the property for at least ten working days prior to the final decision granting the waiver. Notice of intent to issue a de minimis waiver shall also be made to all persons who have requested to be on the mailing list for that development project or site or for Coastal decisions within the local jurisdiction, to all property owners and residents within 300 feet of the perimeters of the parcel on which the development is proposed, to each local agency expected to provide essential facilities or services to the project, and all agencies for which an approval for the proposed development may be required within ten working days prior to the decision on the application. The Director shall provide notice, by first class mail, of pending waiver of permit requirements.

E. **Content of Public Notice.** The notice shall contain the following information:

1. A general description of the proposed project and location;
2. A statement that the development is within the Coastal Zone;
3. The date of filing of the application and the name of the applicant;
4. The number assigned to the application;
5. The date at which the waiver may become effective;
6. The general procedure concerning the submission of public comments either in writing or orally prior to the decision; and
7. A statement that a public comment period of sufficient time to allow for the submission of comments by mail will be held prior to the decision.

F. **Executive Director Determination.** The Director shall provide a notice of determination to issue a De Minimis CDP Waiver to the Executive Director of the Coastal Commission no later than 10 working days prior to the waiver being reported at a City public hearing (see Subsection 17.39.030.G, Review and Concurrence, below). If the Executive Director notifies the Community Development Director that a waiver should not be issued prior to the waiver being reported, the applicant shall be required to obtain a Coastal Development Permit if the applicant wishes to proceed with the development.

G. **Review and Concurrence.** The Director's determination to issue a waiver shall be subject to review and concurrence by the decision makers (i.e. Planning Commission or City Council, as applicable). The Director shall not issue a waiver until the public comment period, including at a minimum through and including the required reporting of the waiver at a public hearing, has expired. At such public hearing, the public shall have the opportunity to testify and otherwise participate in a hearing on the waiver. If two or more decision makers object to the waiver, the waiver shall not be issued and, instead, an application for a Coastal Development Permit shall be required and processed in accordance with the provisions of this Chapter. Otherwise, the waiver shall be deemed approved, effective, and issued the day of the public hearing. In addition to the noticing requirements above, within seven calendar days of effective date of a waiver, the

Community Development Director shall send a Notice of Final Action as specified in Section 17.39.080, Notices of City's Final Action on CDPs.

H. **Waiver Expiration.** A De Minimis Waiver shall expire and be of no further force and effect if the authorized development is not exercised by substantial ground altering physical development within two years of the effective date of the waiver. In this event, either a new De Minimis Waiver or a regular Coastal Development Permit shall be required for the development.

17.39.040 City CDP Determinations

The determination of whether a development is exempt, waivable, non-appealable, or appealable for purposes of notice, hearing, and appeals procedures shall be made by the Director at the time the Coastal Development Permit application for development is submitted or as soon thereafter as practical, and in all cases prior to the application being deemed complete for processing. This determination shall be made with reference to the certified Local Coastal Program, including any provisions that support the determination.

Where an applicant, interested person, the Coastal Commission's Executive Director, or the Director has a question as to the appropriate designation for the development, the following procedures shall establish whether a development is exempt, non-appealable, or appealable:

A. **City Determination.** The Director shall make his or her determination as to what type of development is being proposed and shall inform the applicant, interested parties, and the Coastal Commission in writing of the notice and hearing requirements for that particular development (i.e., exempt, appealable, non- appealable).

B. **Challenge to City Determination.** If the determination of the Director is challenged by the applicant, the Coastal Commission's Executive Director, or an interested person, or if the Director wishes to have a Coastal Commission determination as to the appropriate designation, the Director shall notify the Commission's Central Coast District office of the dispute/question and shall request an Executive Director's opinion.

C. **Coastal Commission Determination.** The Executive Director shall within 10 working days of the request provide his or her opinion in writing to the City, the applicant, and any other known interested parties. There are three possible outcomes:

   1. If the Executive Director agrees with the City's determination, then the City's determination shall be final and shall apply to the proposed development.

   2. If the Executive Director disagrees with the City's determination, and the City accepts the Executive Director's opinion, then the review and permit procedures associated with the Executive Director's opinion shall apply to the proposed development.

3. If the Executive Director disagrees with the City's determination, the matter shall be set for public hearing before the Coastal Commission to make the final determination of applicable review and permit procedures, and the Coastal Commission's determination shall apply to the proposed development.

17.39.050 CDP Application Submittal

A. **Contents.** Coastal Development Permit application submittals must include all the information and materials required by the Community Development Department. It is the responsibility of the applicant to provide all necessary and requested evidence to allow for the reviewing authority to make a decision regarding whether the proposed development is consistent with the LCP, including with respect to the findings required by Section 17.39.070, Required Findings for CDP Approval. The application and accompanying materials shall be filed with the City before or concurrent with application for any other required City permits for the proposed project. The CDP application shall include, at a minimum:

1. Project plans and supporting materials sufficient to determine whether the project complies with all relevant policies of the Local Coastal Program, including a clear depiction of all existing conditions and development on the site, and all proposed development;
2. Documentation of the applicant's legal interest in all the property upon which development is proposed, including properties crossed or affected by construction. The area subject to the CDP application may include contiguous properties where the Director finds that necessary to achieve the requirements of the Local Coastal Program. The area covered by a proposed project may also include multiple ownerships;
3. Documentation of any prior CDPs or other coastal authorizations on the property, including any restrictions from permit conditions, deed restrictions, easements, and any other encumbrances affecting allowable development and use on the property;
4. All restrictions that apply to the property, including copies of the legal documents, and site plans noting where such restrictions apply;
5. A description of any unpermitted development on the site, including any violations of existing CDP terms and conditions, and provisions for resolving all permitting and coastal resource issues associated with the unpermitted development (see also Section 17.39.010.D, Unpermitted Development and Permitting Processes);
6. A dated signature by or on behalf of each of the applicants, attesting to the truth, completeness and accuracy of the contents of the application and, if the signer of

the application is not the applicant, written evidence that the signer is authorized to act as the applicant's representative and to bind the applicant in all matters concerning the application;

7. Information to determine whether the project complies with LCP environmental justice policies, including proximity of any environmental justice communities to the project area, the potential effect of the project on environmental justice communities, and the potential effect of the project on environmental justice communities as compared to other communities; and

8. Any additional information deemed by the Director to be required for specific categories of development or for development proposed for specific geographic areas or in relation to the specific issues raised by the application.

B. **Concurrent Permit Application.** The application for a CDP shall be made concurrently with application for any other non-CDP permits or approvals required by the City.

17.39.060 CDP Application Public Notice and Hearing

A. **Public Hearing and Notice Requirements.**

1. ***Director Actions.***

a. *Hearing.* A public hearing is not required for CDP applications for which the Director is the Reviewing Authority.

b. *Noticing.* The City shall provide public notice of the submission of a CDP application as follows:

i. Posted Notice. At least 10 days before the date the Director takes action, the City shall post a notice in a conspicuous place on the project site and at the Morro Bay branch of the public library.

ii. Mailed Notice. At least 10 days before the date the Director takes action, the City shall provide notice by First Class mail delivery to the Coastal Commission and to all persons who have requested to be on the mailing list for that development project.

2. ***Planning Commission and City Council Actions.***

a. *Hearing.* All Planning Commission and City Council actions on CDP applications that are not issued a written waiver from Coastal Development Permit requirements under Section 17.39.030, Waivers of De Minimis Development, shall require a public hearing.

b. *Noticing.* The City shall provide public notice of public hearings on CDP applications as follows.

i. Posted Notice. At least 10 days before the date of the public hearing, the City shall post a notice in a conspicuous place on the project site and at the Morro Bay branch of the public library, at the Planning Division office, and at City Hall.

ii. Mailed Notice. At least 10 days before the date of the public hearing, the Director, or the City Clerk for hearings before the City Council, shall provide notice by First Class mail delivery to:

(1) The owner(s) and owner's agent of all properties for which development is proposed, the applicant, and any applicant representatives;

(2) Each local agency expected to provide essential facilities or services to the project;

(3) Any person who has filed a request for notice with the Director;

(4) All owners and all occupants of parcels of real property located within 100 feet of the perimeter of the real properties on which the development is proposed, but at a minimum all owners and all occupants of real property adjacent to the properties on which the development is proposed;

(5) All agencies for which an approval for the proposed development may be required, including the State Lands Commission when an application for a CDP is submitted to the City on property that is potentially subject to the public trust;

(6) All known interested parties; and

(7) The Coastal Commission.

c. *Newspaper Notice.* At least 10 days before the date of the public hearing, the Director or the City Clerk for hearings before the City Council, shall publish a notice in at least one newspaper of general circulation in the City.

d. *Alternative Method for Large Mailings.* If the number of owners to whom notice would be mailed or delivered is greater than 1,000, instead of mailed notice, the Director or City Clerk may provide notice by placing a display advertisement of at least one-eighth page in at least one newspaper of general circulation in the City at least 10 days prior to the hearing.

e. *Additional Means.* The Director may also require additional means of notice that is reasonably determined necessary to provide adequate public notice of the application for the proposed project.

3. **Language Access.** The City shall establish or procure translation services for the purpose of translating critical information in written notices for projects in areas where the use of a language other than English is significant (three percent of residents speaking a language other than English or more).

B. **Contents of Notice.** The required notice may be combined with other required project permit notice(s), shall be mailed by First Class mail and shall include the following information:

1. A statement that the project is within the Coastal Zone, and that the project decision will include a determination on a CDP;
2. The date of filing of the application;
3. The name of the applicants and the applicants' agents;
4. The number assigned to the application;
5. A description of the proposed project and its location;
6. A determination of whether the project is appealable to the Coastal Commission;
7. The date, time and place of the hearing and/or decision on the application;
8. A brief description of the procedures for public comment and decision on the application, including listing what review authority is to decide on the CDP application, as well as the system of appeal for any actions taken; and
9. All procedures for challenge and appeal associated with the type of application being considered.

C. **Re-noticing required.** If a decision on a CDP is continued by the review authority to a date or time not specific, the item shall be re-noticed in the same manner and within the same time limits established by this Section. If a decision on a CDP is continued to a specific date and time within 30 days of the first hearing, then no re-noticing is required.

17.39.070 Required Findings for CDP Approval

To approve a CDP, the review authority must find that the development, as proposed and conditioned, is consistent with all applicable LCP policies and standards, including making all of the following findings, that themselves shall be based upon substantial evidence:

A. **LCP Consistency.** The project is consistent with the LCP.

B. **Public Views.** The project protects or enhances public views.

C. **Habitat Protection.** The project protects vegetation, natural habitats and natural resources consistent with LCP.

D. **Design Consistency.** The design, location, size, and operating characteristics of the proposed development is consistent with applicable LCP design requirements, including design plans and area plans incorporated into the LCP.

E. **Coastal Access.** The project protects or enhances public access to and along the coast.

F. **Visitor Serving.** The project supports the LCP goal of providing for visitor-serving needs as appropriate, including providing low and no cost visitor and recreational facilities.

G. **Appropriate Use.** The project is consistent with the allowed LCP uses associated with the property.

H. **Coastal Resources.** The proposed development protects or enhances coastal resources, where applicable.

I. **Environmental Justice.** The project addresses whether proposed development results in environmental justice impacts, consistent with LCP environmental justice policies. When relevant, the project includes mitigation measures to minimize or eliminate potential adverse and/or disproportionate impacts of development on environmental justice communities.

J. **Hazards.** The proposed development is consistent with the LCP's coastal hazards provisions.

17.39.080 Notices of City's Final Action on CDPs

A. The City's decision on a CDP shall become final when all local rights of appeal have been exhausted per Section 17.39.090, Appeals of CDP Decisions. Within ten calendar days of a final action on a CDP application, the City shall provide notice of such action by first class mail to the applicant, the Coastal Commission, and any other persons who have requested such notice by submitting a self-addressed, stamped envelope to the City. The notice sent to all parties shall at a minimum include a cover sheet or memo summarizing the relevant action information, and the notice sent to the Coastal Commission shall include that cover sheet/memo, as well as additional supporting materials that further explain and define the action taken, as follows:

1. ***Cover Sheet/Memo:*** The cover sheet/memo shall be dated and shall clearly identify at a minimum the following information:

    a. All project applicants and project representatives and their address and other contact information.

    b. Project description and location.

    c. City decision making body, City decision, and date of decision.

d. All local appeal periods and disposition of any local appeals filed.

e. Whether the City decision is appealable to the Coastal Commission, the reason why it is or isn't appealable to the Coastal Commission, and procedures for appeal to the Coastal Commission.

f. A list of all additional supporting materials provided to the Coastal Commission.

g. All recipients of the notice.

2. ***Additional Supporting Materials to the Coastal Commission:*** The additional supporting materials shall include at a minimum the following information:

a. The final adopted findings and final adopted conditions.

b. The final staff report.

c. The approved project plans.

d. All other substantive documents cited and/or relied upon in the decision including CEQA documents, technical reports (e.g., geologic reports. biological reports, etc.), correspondence, etc.

B. If the Coastal Commission does not notify the City in writing of any deficiency in such notice of final action within five calendar days of its filing, the notice of final action will be deemed filed for the purposes of this IP as of the date of the notice.

17.39.090 Appeals of CDP Decisions

A. **Local Decisions on CDPs.** Local decisions on CDPs may be appealed by an aggrieved person in accordance with Section 17.36.130, Appeals. An aggrieved person is any person who, in person or through a representative, appeared at the City's public hearing in connection with the decision or action appealed, or who, by other appropriate means prior to a hearing informed the City of the nature of their concerns, or who for good cause was unable to do either. An aggrieved person includes the applicant for a CDP.

B. **Appeals to the Coastal Commission.**

1. In accordance with Coastal Act Section 30603, any City CDP approval in the following geographic areas may be appealed to the Coastal Commission:

a. Projects located between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance.

b. Projects located on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff.

2. In accordance with Coastal Act Section 30603, any City CDP approval or denial for a major public works project (including a publicly financed recreational facility or a special district development) or a major energy facility may be appealed to the Coastal Commission.

3. Appeals to the Coastal Commission may be filed by the project applicant, any aggrieved person, or any two members of the Coastal Commission, and must be submitted to the Coastal Commission within 10 working days of Coastal Commission receipt of a non-deficient notice of final action.

4. City decisions may be appealed to the Coastal Commission only after an appellant has exhausted all local appeals from the Planning Commission to the City Council, except that exhaustion of City Council appeals is not required if any of the following occur:

   a. The City requires an appellant to appeal to a body other than the City Council;

   b. An appellant was denied the right of the appeal by a City ordinance that restricts the class of persons who may appeal a local decision other than as provided in this IP.

   c. An appellant was denied the right of local appeal because City notice and hearing procedures for the development did not comply with the provisions of this Title.

   d. The City required an appeal fee for the filing or processing of the appeal to the City Council.

17.39.100 Coastal Development Permits (CDP)

A. **CDP Effective Date.**

1. For CDP decisions that are not appealable to the Coastal Commission, CDPs shall become effective once the City's non-deficient Notice of Final Action per Section 17.39.080, Notices of City's Final Action on CDPs, has been received by the Commission.

2. For CDP decisions that are appealable to the Coastal Commission, CDPs shall become effective either (a) after the Coastal Commission's 10 working day appeal period has run with no valid appeal being filed, or (b) following Coastal Commission final action on an appeal, subject to any terms and conditions of such action.

B. **CDP Expiration.** A CDP not exercised by substantial ground altering physical development within two years of the date of its approval shall expire and become void, unless an extension of the expiration deadline is approved. Such extension shall only be granted for good cause, and only if there are no changed circumstances that may affect the consistency of the development with the LCP (and the Coastal Act, if applicable). In such cases where an extension is not granted, the CDP shall be considered expired and the applicant shall be required to reapply for a CDP. Any extension request shall be in writing by the applicant or authorized agent and received by the City prior to expiration of the two-year period. No CDP extension request may be considered if received after its expiration. Extensions shall be considered CDP amendments for purpose of notice and appeal to the Coastal Commission.

C. **CDP Amendment.** An applicant may request a CDP amendment by filing an application to amend the CDP pursuant to the requirements of this Chapter that apply to new CDP applications. Any amendment approved for development in the Coastal Zone shall be required to be found consistent with all applicable Local Coastal Program requirements, including with regards to requirements of jurisdiction, hearings, notices and findings for approval, in the same way as new CDPs. Any CDP amendment shall be processed as appealable to the Coastal Commission if the base coastal permit was also processed as appealable, or if the development that is the subject of the amendment makes the amended project appealable to the Coastal Commission.

D. **CDP Revocation.** Where one or more of the terms and conditions of a CDP have not been, or are not being, complied with, or when a CDP was granted on the basis of false material information, the Planning Commission or City Council may revoke or modify the CDP following public hearing. Notice of such hearing shall be the same as would be required for a new CDP.

E. **CDP Application Resubmittals.** For a period of 12 months following the denial of a CDP, the City shall not accept an application for the same or substantially similar proposed project for the same site, unless the denial or revocation was made without prejudice, and so stated in the record.

17.39.110 Emergency CDPs

Emergency CDPs may be granted at the discretion of the Director (or a local official designated by the City Council) for projects normally requiring CDP approval. To be eligible for an Emergency CDP, an emergency must exist (defined for this purpose as a sudden unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property, or essential public services), including when necessary to restore, repair, or maintain public works, utilities, and services during and immediately following a natural disaster or serious accident or other cases of emergency. The Emergency CDP process is intended to allow for emergency

situations to be abated through use of the minimum amount of temporary measures necessary to address the emergency in the least environmentally damaging manner.

A. **Application.** Application for an Emergency CDP shall be made to the City by letter if time allows, and by telephone or in person if time does not allow. The applicant shall submit the appropriate fees at the time of application for an Emergency CDP.

B. **Required Information.** The information to be reported during the emergency, if it is possible to do so, or to be fully reported after the emergency, shall include all of the following:

1. The nature of the emergency.
2. The cause of the emergency, insofar as this can be established.
3. The location of the emergency.
4. The remedial, protective, or preventive work required to address the emergency.
5. If reported after the fact, the circumstances during the emergency that appeared to justify the course of action taken, including the probable consequences of failing to take action.
6. All available technical reports and project plans.

C. **Verification of Facts.** The Director or other designated local official shall verify the facts, including the existence and nature of the emergency, as time allows. The Director may request, at the Applicant's expense, verification by a qualified professional of the nature of the emergency and the range of potential solutions to the emergency situation, including the ways such solutions meet the criteria for granting permit. The Director shall consult with the Coastal Commission as time allows.

D. **Public Notice.** If time allows, the Director shall provide public notice of the proposed emergency action, with the extent and type of notice determined on the basis of the nature of the emergency itself.

E. **Criteria for Granting Emergency CDP.** The Director may grant an Emergency CDP upon making all of the following findings, that themselves shall be based upon clear supporting evidence and analysis:

1. An emergency exists and requires action more quickly than permitted by the procedures for ordinary CDPs.
2. The development can and will be completed within thirty days unless otherwise specified by the terms of the Emergency CDP.
3. Public comment on the proposed emergency action has been reviewed if time allows.

4. The work proposed would be consistent with the requirements of the certified LCP.

5. The proposed work is the minimum amount of temporary development necessary to abate the emergency in the least environmentally damaging manner.

F. **Conditions for Granting Emergency CDP.** The Director may attach reasonable terms and conditions to the granting of an Emergency CDP, including an expiration date and the necessity for submittal of a regular CDP application by a specified date. At a minimum, all Emergency CDPs shall include the following conditions:

1. The Emergency CDP shall be voided if the approved activity is not exercised within 30 days of issuance of the Emergency CDP.

2. The Emergency CDP shall expire 60 days following its issuance. The Director may extend an Emergency CDP for an additional 60 days for good cause including but not limited to the fact that a regular CDP application is on file.

3. Any work completed outside of these time periods requires a regular CDP approval unless an extension is granted by the City.

4. The emergency development authorized by the Emergency CDP is only temporary, and can only be allowed to remain provided a regular CDP is obtained to recognize it. Absent a regular CDP, the emergency development shall be removed and the affected area restored to pre-emergency conditions or better within six months of Emergency CDP issuance.

5. Within 30 days of completion of construction authorized by the Emergency CDP, site plans and cross sections shall be submitted clearly identifying all development completed under the Emergency CDP (comparing any previously permitted condition to both the emergency condition and to the post-work condition), along with a narrative description of all emergency development activities undertaken pursuant to the emergency authorization. Photos showing the project site before the emergency (if available), during emergency project construction activities, and after the work authorized by the Emergency CDP is complete shall also be provided.

G. **Application for Regular CDP.** Upon the issuance of an Emergency CDP, the applicant shall submit a completed CDP application and any required technical reports within a time specified by the Director, not to exceed 90 days. All emergency development approved pursuant to this section is considered temporary and must be removed and the area restored if the development is not recognized by a regular CDP within six months of the date of the Emergency CDP issuance, unless the Director authorizes an extension of time for good cause.

H. **Reporting of Emergency CDPs.** The Director shall report Emergency CDPs issued to the Coastal Commission and to the City Council and Planning Commission. The Emergency

CDP shall be scheduled on the agenda of the City Council at its first scheduled meeting after that Emergency CDP has been issued.

Chapter 17.42 Modifications (IP)

Sections:

17.42.010 Purpose
17.42.020 Applicability
17.42.030 Review Authority
17.42.040 Application
17.42.050 Public Notice
17.42.060 Public Hearing
17.42.070 Required Findings
17.42.080 Conditions of Approval
17.42.090 Appeals; Expiration, Extensions, and Revisions; Revocation

17.42.010 Purpose

The purpose of this Chapter is to establish an alternate means of granting relief from the requirements of this Title when so doing would be consistent with the purposes of the Zoning Code and it is not possible or practical to approve a Variance.

17.42.020 Applicability

Modifications may be granted as specifically identified in any other section of this Title and as follows:

A. **Dimensional Requirements.** Relief from dimensional requirements of property development standards specified in this Title. Types of standards for which Modifications may be approved include, but are not limited to:

1. ***Setbacks.*** Front, side, and rear setback standards.
2. ***Parking.*** The dimensional standards for parking spaces, aisles, driveways, landscaping, garages, and parking facility design.
3. ***Fences.*** Standards for the location, height, and design of fences.
4. ***Lot Coverage.*** Standards for the maximum amount of lot coverage.
5. ***Landscaping.*** Standards for required landscaping and plantings.
6. ***Transparency.*** Required ground-floor building transparency.
7. ***Other Standards.*** Up to 10 percent of other development standards not listed in Subsection B below.

B. **Exclusions.** Modification of the following standards may not be granted:

1. Residential density.
2. Maximum floor area ratio (FAR).

17.42.030 Review Authority

A. **Director.** The Director may grant Modifications as specifically identified in any other section of this Title and the following.

1. Relief of 10 percent or less of the dimensional requirement of property development standards specified in this Title.

B. **Planning Commission.** The Planning Commission may grant Modifications as specifically identified in any other section of this Title and the following.

1. Relief of more than 10 percent of the dimensional requirement of property development standards specified in this Title.

17.42.040 Application

A. **Concurrent Processing.** If a request for a Modification is being submitted in conjunction with an application for another approval, permit, or entitlement, it shall be heard and acted upon at the same time and in the same manner as that application.

B. **Application Requirements.** An application for a Modification shall be filed to the Planning Division in accordance with Section 17.36.020, Application Forms and Fees. In addition to any other application requirements, the application shall state in writing the nature of the modification requested and explain why the findings necessary to grant the modification are satisfied. The applicant shall also submit plans delineating the requested modification.

17.42.050 Public Notice

Public notice pursuant to Section 17.36.060, Public Notice, is required for all Modifications.

17.42.060 Public Hearing

A. **Director Approvals.** No public hearing is required for Modifications where the Director is the Review Authority.

B. **Planning Commission Approvals.** A public hearing pursuant to Section 17.36.070, Conduct of Public Hearings, shall be held where the Planning Commission is the Review Authority.

17.42.070 Required Findings

A decision to grant a Modification shall be based on the following findings:

A. The modification is necessary due to the physical characteristics of the property and the proposed use or structure or other circumstances, including, but not limited to, topography, noise exposure, irregular property boundaries, or other unusual circumstance.

B. There are no alternatives to the requested modification that could provide an equivalent level of benefit to the applicant with less potential detriment to surrounding owners and occupants or to the general public.

C. The granting of the requested modification would not be detrimental to the health or safety of the public or the occupants of the property or result in a change in land use or density that would be inconsistent with the requirements of this Title.

17.42.080 Conditions of Approval

In approving a Modification, the Review Authority may impose any conditions deemed necessary to:

A. Ensure that the proposal conforms in all significant respects with the General Plan, Local Coastal Program, and with any other applicable plans or policies adopted by the City Council;

B. Achieve the general purposes of this Title or the specific purposes of the zoning district in which the project is located;

C. Achieve the findings for a modification granted; or

D. Mitigate any potentially significant impacts identified as a result of review conducted in compliance with the California Environmental Quality Act.

The Review Authority may require reasonable guarantees and evidence that such conditions are being, or will be, complied with.

17.42.090 Appeals; Expiration, Extensions, and Revisions; Revocation

A. **Appeals.** The applicant or any other aggrieved party may appeal a decision on Modification pursuant to the provisions of Section 17.36.130, Appeals.

B. **Expiration, Extensions, and Revisions.** Modifications granted under this Chapter are effective and may only be extended or revised as provided for in Chapter 17.36, Common Procedures.

C. **Revocation.** Modification approval may be revoked pursuant to Section 17.48.080, Revocation, if any of the conditions or terms of the approval are violated or if any law or ordinance is violated.

Chapter 17.43 Reasonable Accommodation (IP)

Sections:

17.43.010 Purpose
17.43.020 Applicability
17.43.030 Review Authority
17.43.040 Application
17.43.050 Required Findings
17.43.060 Conditions of Approval

17.43.010 Purpose

This Chapter provides a procedure to request reasonable accommodation for persons with disabilities seeking equal access to housing under the Federal Fair Housing Act and the California Fair Employment and Housing Act (the Acts) in the application of zoning laws and other land use regulations, policies and procedures.

17.43.020 Applicability

A. A request for reasonable accommodation may be made by any person with a disability, their representative or any entity, when the application of a requirement of this Title or other city requirement, policy or practice acts as a barrier to fair housing opportunities. A person with a disability is a person who has a physical or developmental impairment that limits or substantially limits one or more major life activities, anyone who is regarded as having such impairment or anyone who has a record of such impairment. This Chapter is intended to apply to those persons who are defined as disabled under the Acts.

B. A request for reasonable accommodation may include a change or exception to the rules, standards and practices for the siting, development 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.

C. A reasonable accommodation is granted to the household that needs the accommodation and does not apply to successors in interest to the property.

D. A reasonable accommodation may be granted in compliance with this Chapter without the need for the approval of a variance.

E. Requests for reasonable accommodation shall be as described in the following section.

17.43.030 Review Authority

A. **Community Development Director.** Requests for reasonable accommodation shall be reviewed by the Community Development Director if no approval is sought other than the request for reasonable accommodation. The written determination to grant, grant with changes, or deny the request for reasonable accommodation shall be made in accordance with the Findings and Decision as established below.

B. **Other Review Authority.** Requests for reasonable accommodation submitted for concurrent review with another discretionary land use application shall be reviewed by the authority responsible for reviewing the discretionary land use application. The written determination to grant, grant with changes, or deny the request for reasonable accommodation shall be made in accordance with the Findings and Decision as established below.

17.43.040 Application

A. **Application.** Requests for reasonable accommodation shall be submitted in the form of a letter to the Community Development Director and shall contain the following information:

1. The applicant's name, address and telephone number;
2. Address of the property for which the request is being made;
3. The current actual use of the property;
4. The basis for the claim that the individual is considered disabled under the Acts;
5. The Zoning Code provision, regulation or policy from which reasonable accommodation is being requested; and
6. Why the reasonable accommodation is necessary to make the specific property accessible to the individual.

B. **Review with Other Land Use Applications.** If the project for which the request for reasonable accommodation is being made also requires some other discretionary approval (e.g., conditional use permit, coastal development permit, etc.), then the applicant shall file the application for discretionary approval together with the information required by Subsection A above for concurrent review.

17.43.050 Required Findings

The written decision to grant or deny a request for reasonable accommodation will be consistent with the Acts and shall be based on consideration of the following factors:

A. Whether the housing, which is the subject of the request, will be used by an individual disabled under the Acts;

B. Whether the request for reasonable accommodation is necessary to make specific housing available to an individual with a disability under the Acts;

C. Whether the requested reasonable accommodation would impose an undue financial or administrative burden on the City;

D. 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, zoning, or the Local Coastal Program;

E. Potential impact on surrounding uses;

F. Physical attributes of the property and structures; and

G. Alternative reasonable accommodations that may provide an equivalent level of benefit.

17.43.060 Conditions of Approval

In granting a request for reasonable accommodation, the reviewing authority may impose any conditions of approval deemed reasonable and necessary to ensure that the reasonable accommodation would comply with the findings required herein. The conditions shall also state whether the accommodation granted shall be rescinded in the event that the person for whom the accommodation was requested no longer resides on the property.

Chapter 17.44 Variances (IP)

Sections:

17.44.010 Purpose
17.44.020 Applicability
17.44.030 Review Authority
17.44.040 Application
17.44.050 Public Notice
17.44.060 Public Hearing
17.44.070 Required Findings
17.44.080 Conditions of Approval
17.44.090 Appeals; Expirations, Extensions, and Revisions; Revocation

17.44.010 Purpose

This Chapter is intended to provide a mechanism for relief from the strict application of this Title where this will deprive the property owner of privileges enjoyed by similar properties because of the subject property's unique and special conditions.

17.44.020 Applicability

Variances may be granted to vary or modify dimensional and performance standards, but Variances may not be granted to allow uses or activities that this Title does not authorize for a specific lot or site.

17.44.030 Review Authority

The Planning Commission shall approve, conditionally approve, or deny applications for Variances based on consideration of the requirements of this Chapter. A variance sought for any CDP shall be processed pursuant to the CDP application requirements specified in Chapter 17.39.

17.44.040 Application

Applications for a Variance shall be filed with the Planning Division on the prescribed application forms in accordance with the procedures in Chapter 17.36, Common Procedures. In addition to any other application requirements, the application for a Variance shall include data or other evidence showing that the requested Variance conforms to the required findings set forth in Section 17.44.070, Required Findings.

17.44.050 Public Notice

An application for a Variance shall require public notice pursuant to Section 17.36.060, Public Notice.

17.44.060 Public Hearing

An application for a Variance shall require a public hearing before the Planning Commission pursuant to Section 17.36.070, Conduct of Public Hearings.

17.44.070 Required Findings

The Review Authority must make all of the following findings in order to approve or conditionally approve a Variance application. The inability to make one or more of the findings is grounds for denial of an application.

A. There are exceptional or extraordinary circumstances or conditions applicable to the property involved that do not apply generally to property in the vicinity and identical zoning district, and that the granting of a Variance will not constitute a granting of a special privilege inconsistent with the limitations on the property in the vicinity and identical zone district;

B. The granting of the Variance is necessary to prevent a physical hardship which is not of the applicant's own actions or the actions of a predecessor in interest;

C. The granting of the Variance will not be detrimental or injurious to property or improvements in the vicinity, and will not be detrimental to the public health, safety, general welfare or convenience; and

D. The granting of the Variance will be consistent with the general purposes and objectives of this Title, any applicable specific plans, and of the General Plan.

17.44.080 Conditions of Approval

In approving a Variance, the Planning Commission may impose reasonable conditions deemed necessary to ensure compliance with the findings required in Section 17.44.070, Required Findings, above and may require reasonable guarantees and evidence that such conditions are being, or will be, complied with.

17.44.090 Appeals; Expirations, Extensions, and Revisions; Revocation

A. **Appeals.** The applicant or any other aggrieved party may appeal a decision on a Variance pursuant to the provisions of Section 17.36.130, Appeals.

B. **Expiration, Extensions and Revision.** Variances are effective and may only be extended or revised as provided for in Chapter 17.36, Common Procedures.

C. **Revocation.** Approval of a Variance may be revoked pursuant to Section 17.48.080, Revocation, if any of the conditions or terms of the approval are violated or if any law or ordinance is violated.

Chapter 17.53 Use Classifications (IP)

Sections:

17.53.010 Residential Uses
17.53.020 Public/Semi Public Uses
17.53.030 Commercial Uses
17.53.040 Industrial Uses
17.53.050 Transportation, Communication, and Utility Uses
17.53.060 Urban Agriculture Uses

17.53.010 Residential Uses

Residential Housing Types

Single-Unit Dwelling, Detached. A dwelling unit that is designed for occupancy by one household with private yards on all sides. This classification includes individual manufactured housing units.

Single-Unit Dwelling, Attached. A dwelling unit that is designed for occupancy by one household located on a separate lot from any other unit (except an accessory dwelling unit, where permitted), and is attached through common walls to one or more dwellings on abutting lots. An attached single-unit dwelling is sometimes called a "townhouse".

Two-Unit Dwelling. A residential building containing two dwelling units, both of which are located on a single parcel (also referred to as a "duplex") The dwelling units are attached and may be located on separate floors or side-by-side.

Multi-Unit Residential. Three or more attached or detached dwelling units on a single lot. Types of multi-unit residential include condominiums, multiple detached residential units, and apartment buildings.

Accessory Dwelling Unit. An attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated.

Junior Accessory Dwelling Unit. A unit that is no more than 500 square feet in size and contained entirely within a single-family residence. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure.

Caretaker Unit. A dwelling unit on the site of a commercial, industrial, public or semi-public use, occupied by employees and their immediate families employed for the purpose of on-site management, maintenance, or upkeep. Business guests/employees on temporary assignment are allowed to reside in the unit.

Employee Housing. Has the same meaning as "employee housing" as set forth in Health & Safety Code §17008 for farmworkers.

Family Day Care. A home which regularly provides care, protection and supervision of twelve or fewer children (or otherwise provided by the state, in the provider's own home, for periods of less than 24 hours per day, while the parents or guardians are away and include the following:

Small. A facility that provides care for eight or fewer children, including children who reside at the home and are under the age of 10.

Large. A facility that provides care for nine to 14 children, including children who reside at the home and are under the age of 10.

Group Residential. Shared living quarters without separate kitchen or bathroom facilities for each room or unit, offered for rent for permanent or semi-transient residents on a weekly or longer basis. This classification includes rooming and boarding houses, dormitories, and other types of organizational housing.

Mobilehome Park. A development designed and occupied by mobile homes including development with facilities and amenities used in common by occupants who rent, lease, or own spaces for mobile homes through a subdivision, cooperative, condominium or other form of resident ownership.

Residential Care Facilities. A facility licensed by the state of California to provide living accommodations, 24-hour care for persons requiring personal services, supervision, protection, or assistance with daily tasks. Amenities may include shared living quarters, with or without a private bathroom or kitchen facilities. This use classification includes those both for and not-for-profit institutions, but excludes Supportive Housing and Transitional Housing.

Small. A facility that is licensed by the state of California to provide care for six or fewer persons.

Large. A facility that is licensed by the state of California to provide care for more than six persons.

Residential Facility, Assisted Living. A facility that provides a combination of housing and supportive services for the elderly or functionally impaired, including personalized assistance, congregate dining, recreational, and social activities. These facilities may include medical

services. Examples include assisted living facilities, retirement homes, and retirement communities. These facilities typically consist of individual units or apartments, with or without kitchen facility, and common areas and facilities. The residents in these facilities require varying levels of assistance.

Single Room Occupancy. A residential facility where living accommodations are individual secure rooms, with or without separate kitchen or bathroom facilities for each room, and rented to one or two-person households for a weekly or monthly period of time. This use classification includes extended stay hotels intended for long-term occupancy (more than 30 days) but excludes Hotels and Motels, and Residential Care Facilities.

Supportive Housing. Dwelling units with no limit on length of stay, that are occupied by the target population as defined in subdivision (d) of Section 53260 of the California Health and Safety Code, and that are linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, where possible, work in the community.

Transitional Housing. Buildings configured as rental housing developments, but operated under program requirements that mandate the termination of assistance and recirculation of the assisted unit to another eligible program recipient at a predetermined future point in time that shall be no less than six months from the beginning of the assistance.

17.53.020 Public/Semi Public Uses

Campgrounds and Recreational Vehicle Parks. Any area of land where two or more recreational vehicles or camping spaces are rented, or held out for rent, for overnight stay in tents, tarpaulins, or other camping facilities or in recreational vehicles for 30 days or less.

Cemetery. Establishments primarily engaged in operating sites or structures reserved for the interment of human or animal remains, including mausoleums, burial places, and memorial gardens.

Colleges and Trade Schools. Institutions of higher education providing curricula of a general, religious, or professional nature, granting degrees and including junior colleges, business and computer schools, management training, technical and trade schools, however excluding personal instructional services such as music lessons.

Community Assembly. A facility for public or private meetings, including community centers, banquet rooms/centers, civic and private auditoriums, union halls, meeting halls, religious institutions, and other membership organizations. Included in this classification is the use of functionally related facilities for the use of members and attendees such as kitchens, multi-purpose rooms, classrooms and storage.

Cultural Institutions. An institution and/or associated facility engaged in activities to promote aesthetic and educational interest among the community that are open to the public on a regular basis. This classification includes performing arts centers for performances and events; spaces for display or preservation of objects of interest in the arts or sciences; libraries; museums; historical sites; aquariums; art galleries; and zoos and botanical gardens, all of which are public or private. This does not include schools or institutions of higher education providing curricula of a general nature.

Day Care Centers. Establishments providing non-medical care for persons on a less than 24-hour basis other than Family Day Care. No person or patients are permitted to remain overnight. This category includes nursery schools, preschools, and day care facilities for children or adults, and any other day care facility licensed by the State of California.

Emergency Shelter. Housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. Medical assistance, counseling, and meals may be provided. No individual or household may be denied emergency shelter because of an inability to pay.

Government Offices. Administrative, clerical, or public contact offices of a government agency, including postal facilities and courts, along with the storage and maintenance of vehicles. This classification excludes corporation yards, equipment service centers, and similar facilities that require maintenance and repair services and storage facilities for related vehicles and equipment (see Public Works and Utilities).

Harbor, Port, and Marina Facilities. Facilities that provide a range of services related to the use of boats and other watercraft and commercial and recreational fishing. Services may include, but are not limited to, boating moorings; boat haul out; sales, storage, construction, repair, and maintenance of boats, boat parts, and other marine-related items; marine fueling stations and washing facilities; seafood processing, boat and watercraft charter operations; offices; bait and tackle shops; and hardware sales.

Hospital and Clinics. State-licensed facilities providing medical, surgical, psychiatric, or emergency medical services to sick or injured persons. This classification includes facilities for inpatient or outpatient treatment, including substance-abuse programs, as well as training, research, and administrative services for patients and employees. This classification excludes veterinaries and animal hospitals (see Animal Care, Sales, and Services).

> ***Hospitals***. A facility providing medical, psychiatric, or surgical services for sick or injured persons, primarily on an inpatient basis, and including supplementary facilities for outpatient and emergency treatment, diagnostic services, training, research, administration, and services to patients, employees, or visitors. The institutions are to be licensed by the state of California to provide surgical and medical services.

Clinic. A facility providing medical, psychiatric, or surgical service for sick or injured persons exclusively on an out-patient basis including emergency treatment, diagnostic services, administration, and related services to patients who are not lodged overnight. Services may be available without a prior appointment. This classification includes licensed facilities offering substance abuse treatment, blood banks and plasma centers, and emergency medical services offered exclusively on an out-patient basis. This classification does not include private medical and dental offices that typically require appointments and are usually smaller scale.

Skilled Nursing Facility. A State-licensed facility or a distinct part of a hospital that provides continuous skilled nursing care and supportive care to patients whose primary need requires the availability of skilled nursing care on an extended basis. The facility provides 24-hour inpatient care and, as a minimum, includes physician, nursing, dietary, pharmaceutical services and an activity program. Intermediate care programs that provide skilled nursing and supportive care for patients on a less-than-continuous basis are classified as skilled nursing facilities.

Instructional Services. Establishments that offer specialized programs in personal growth and development such as music, martial arts, vocal, fitness and dancing instruction. This use classification also includes tutoring facilities offering academic instruction to individuals or groups.

Park and Recreation Facilities. Parks, playgrounds, recreation facilities, trails, wildlife preserves, and related open spaces, all of which are noncommercial. This classification includes playing fields, courts, gymnasiums, swimming pools, picnic facilities, tennis courts, golf courses, and botanical gardens, as well as related food concessions or community centers within the facilities.

Parking Lots and Structures. Surface lots and structures offering parking when such use is not incidental to another on-site activity.

Public Safety Facilities. Facilities providing public-safety and emergency services, including police and fire protection and emergency medical services, with incidental storage, training and maintenance facilities.

Religious Institutions. Religious institutions include any church, synagogue, mosque, temple, or building which is used primarily for religious worship, religious education and related religious activities.

Schools. Facilities for primary or secondary education, including public schools, charter schools, and private and parochial schools having curricula comparable to that required in the public schools of the State of California.

Social Service Facilities. Facilities providing a variety of supportive services for disabled and homeless individuals and other targeted groups on a less than 24-hour basis. Examples of services provided are counseling, meal programs, personal storage lockers, showers, instructional programs, television rooms, and meeting spaces. This classification is distinguished from licensed day care centers (see Day Care Facility), clinics, and emergency shelters providing 24-hour care (see Emergency Shelter).

17.53.030 Commercial Uses

Adult Entertainment Businesses. As defined in Section 17.30.050.C, Definitions.

Animal Care, Sales, and Services. Retail sales and services related to the boarding, grooming, and care of household pets including:

> ***Animal Daycare.*** Facilities providing non-medical care on a less than 24-hour basis for four or more dogs, cats, or other household pets not owned by the business owner or operator.
>
> ***Animal Shelter and Boarding.*** Commercial, non-profit, or governmental facility for keeping, boarding, training, breeding or maintaining, generally overnight or in excess of 24 hours, four or more dogs, cats, or other household pets not owned by the business owner or operator. Typical accessory uses include veterinary and grooming services for boarded animals, but exclude pet stores, grooming, and veterinary services for non-boarded animals.
>
> ***Grooming and Pet Stores***. Retail sales of animals and/or services, including grooming, for animals on a commercial basis. Typical uses include dog bathing and clipping salons, pet grooming shops, and pet stores and shops. This use classification excludes dog walking and similar pet care services not carried out at a fixed location, and excludes pet supply stores that do not sell animals or provide on-site animal services.
>
> ***Veterinary Services***. Veterinary services for small animals. This use classification allows 24-hour accommodation of animals receiving medical services but does not include kennels.

Agriculture. The raising of tree, vine, field, forage, and other plant crops, intended to provide food or fibers, as well as keeping, grazing, or feeding of animals for animal products, animal increase, or value increase and the harvesting, sorting, cleaning, packing and shipping of agricultural products produced on the premises preparatory to sale or shipment in their natural form including all activities or uses customarily incidental thereto, but not including retail sales, the commercial packing or processing of products not grown on the premises or any other use which is similarly objectionable because of odor, smoke, dust, fumes, vibration or danger to life or property. This classification does not include the following uses: hog raising, slaughter house,

fertilizer works, commercial dairying, pasturage agriculture, commercial animal and poultry husbandry, or operations for the reduction of animal matter.

Artist Studio. Work space for an artist or artisan including individuals practicing one of the fine arts or performing arts, or skilled in an applied art or craft. This use may include incidental retail sales of items produced on the premises and does not include uses that are generally industrial in nature (See Custom Manufacturing).

Automobile/Vehicle Sales and Services. Retail or wholesale businesses that sell, rent, and/or repair automobiles, boats, personal watercraft, recreational vehicles, trucks, vans, trailers, scooters, and motorcycles including the following:

Automobile/Vehicle Rentals. Establishment providing for the rental of automobiles or vehicles.

Automobile/Vehicle Sales and Leasing. Sale or lease, retail or wholesale, of automobiles, light trucks, boats, personal watercraft, motorcycles, scooters, and recreational vehicles, together with associated repair services and parts sales, but excluding body repair and painting. Typical uses include automobile dealers and recreational vehicle sales agencies.

Automobile/Vehicle Repair, Major. Repair of automobiles, trucks, boats, personal watercraft, motorcycles, scooters, and recreational vehicles, generally on an overnight basis that may include disassembly, removal or replacement of major components such as engines, drive trains, transmissions or axles; automotive body and fender work, vehicle painting or other operations that generate excessive noise, objectionable odors or hazardous materials, and towing services. This classification excludes vehicle dismantling or salvaging and tire retreading or recapping.

Automobile/Vehicle Service and Repair, Minor. The service and repair of automobiles, light trucks, boats, personal watercraft, motorcycles, scooters, and recreational vehicles, including the incidental sale, installation, and servicing of related equipment and parts. This classification includes the replacement of small automotive parts and liquids as an accessory use to a gasoline sales station or automotive accessories and supply store, and smog checks, tire sales and installation, auto radio/electronics installation, auto air conditioning/heater service, and quick-service oil, tune-up and brake and muffler shops where repairs are made or service provided in enclosed bays and no vehicles are stored overnight.

Large Vehicle and Equipment Sales, Service and Rental. Sales, servicing, rental, fueling, and washing of large trucks, trailers, tractors, and other equipment used for construction, moving, agricultural, or landscape gardening activities. Includes large vehicle operation training facilities.

Service Stations. Establishments primarily engaged in retailing automotive fuels or retailing these fuels in combination with activities, such as providing minor automobile/vehicle repair services; selling automotive oils, replacement parts, and accessories; and/or providing incidental food and retail services. This classification includes "mini-marts" and/or conveniences stores that sell products, merchandise, or services that are ancillary to the primary use related to the operation of motor vehicles where such sale is by means other than vending machines.

Towing and Impound. Establishments primarily engaged in towing light or heavy motor vehicles, both local and long distance. These establishments may provide incidental services, such as vehicle storage and emergency road repair services (for automobile dismantling, see Salvage and Wrecking).

Washing. Washing, waxing, or cleaning of automobiles or similar light vehicles.

Banks and Financial Institutions. Financial institutions providing retail banking services. This classification includes only those institutions serving walk-in customers or clients, including banks, savings and loan institutions, check-cashing services, and credit unions.

Business Services. Establishments providing goods and services to other businesses on a fee or contract basis, including printing and copying, blueprint services, advertising and mailing, equipment rental and leasing, office security, custodial services, photofinishing, model building, taxi or delivery services with two or fewer fleet vehicles on-site.

Commercial Entertainment and Recreation. Provision of participant or spectator entertainment to the general public. These classifications may include restaurants, snack bars, and other incidental food and beverage services to patrons.

Cinema/Theaters. Any facility for the indoor display of films, motion pictures, or dramatic, musical, or live performances.

Indoor Sports and Recreation. Establishments providing predominantly participant sports, indoor amusement and entertainment services conducted within an enclosed building, including electronic amusement centers and video and game arcades. Typical uses include bowling alleys, billiard parlors, card rooms, health clubs, ice and roller skating rinks, indoor racquetball courts, athletic clubs, and physical fitness centers.

Outdoor Entertainment. Predominantly spectator uses, conducted in open or partially enclosed or screened facilities. Typical uses include amusement and theme parks, sports stadiums and arenas, racetracks, amphitheaters, and drive-in theaters.

Outdoor Recreation. Predominantly participant sports conducted in open or partially enclosed or screened facilities. Typical uses include driving ranges, golf courses, miniature

golf courses, tennis clubs, outdoor batting cages, swimming pools, archery ranges, and riding stables.

Drive-Through Facility. A motor vehicle drive-through facility which is a commercial building or structure or portion thereof which is designed or used to provide goods or services to the occupants of motor vehicles. It includes, but is not limited to, banks and other financial institutions, fast food establishments, and deposit/pick-up establishments, but does not include drive-in movies, service stations, or car-wash operations.

Eating and Drinking Establishments. Businesses primarily engaged in serving prepared food and/or beverages for consumption on or off the premises.

Bars/Night Clubs/Lounges. Businesses serving beverages for consumption on the premises as a primary use and including on-sale service of alcohol including beer, wine, and mixed drinks. This use classification includes micro-breweries where alcoholic beverages are sold and consumed on site and any food service is subordinate to the sale of alcoholic beverages.

Food and Beverage Tasting. Businesses serving samples of food or beverages; typically an ancillary use associated with a production facility such as wine or beer making, or retail sales.

Restaurant. Establishments where food and beverages may be consumed on the premises, taken out, or delivered. This use classification includes restaurants, cafes, cafeterias, coffee shops, delicatessens, fast-food restaurants, sandwich shops, limited-service pizza parlors, self-service restaurants, and snack bars with indoor or outdoor seating for customers. This use classification excludes catering services that do not sell food or beverages for on-site consumption.

Farmer's Markets. Temporary but recurring outdoor retail sales of food, plants, flowers, and products such as jellies, breads, and meats that are predominantly grown or produced by vendors who sell them.

Food Preparation. Businesses preparing and/or packaging food for off-site consumption, excluding those of an industrial character in terms of processes employed, waste produced, water used, and traffic generation. Typical uses include catering kitchens, retail bakeries, and small-scale specialty food production.

Funeral Parlors and Interment Services. An establishment primarily engaged in the provision of services involving the care, preparation, or disposition of human remains and conducting memorial services. Typical uses include a crematory, columbarium, mausoleum, or mortuary.

Hookah Lounge. Any business which primarily serves tobacco or non-tobacco products (e.g., fruit, vegetables) whereby patrons, who are 18 years of age or older, share the tobacco or non-tobacco products from a hookah, water pipe, or similar device.

Lodging. An establishment providing overnight accommodations to transient patrons for payment periods of 30 consecutive calendar days or less.

> ***Hotels and Motels***. An establishment providing overnight lodging to transient patrons. These establishments may provide additional services, such as conference and meeting rooms, restaurants, bars, or recreation facilities available to guests or to the general public. This use classification includes motor lodges, motels, extended-stay hotels, and tourist courts.

Short-term Vacation Rental. A single family dwelling, multi-family unit, bedroom of a primary residence, accessory dwelling unit, or junior accessory dwelling unit, which is rented to a guest for compensation for the purpose of lodging for a period of thirty (30) or fewer consecutive days. "Short-term vacation rental" encompasses home-sharing and full-home rentals. "For compensation" includes, but is not limited to, rental of the property for any form of monetary or non-monetary consideration, including but not limited to money, goods, or services, as well as in-kind exchanges of goods, services, or premises. **Maintenance and Repair Services**. Establishments engaged in the maintenance or repair of office machines, household appliances, furniture, and similar items. This use classification excludes maintenance and repair of motor vehicles (see Automotive/Vehicle Sales and Services) and personal apparel (see General Personal Services).

Nonpermanent Vendor. A moveable structure, stand, cart, truck, or trailer that is used to sell or prepare and serve food or other consumer products.

Nurseries and Garden Centers. Establishments primarily engaged in retailing nursery and garden products, such as trees, shrubs, plants, seeds, bulbs, and sod that are predominantly grown elsewhere. These establishments may sell a limited amount of a product they grow themselves. Fertilizer and soil products are stored and sold in package form only. This use classification includes wholesale and retail nurseries offering plants for sale.

Offices. Offices of firms, organizations, or public agencies providing professional, executive, management, administrative or design services, such as accounting, architectural, computer software design, engineering, graphic design, interior design, investment, insurance, and legal offices, excluding banks and savings and loan associations with retail banking services (see Banks and Financial Institutions). This classification also includes offices where medical and dental services are provided by physicians, dentists, chiropractors, acupuncturists, optometrists, and similar medical professionals, including medical/dental laboratories within medical office

buildings, but excludes clinics or independent research laboratory facilities (see Research and Development) and hospitals.

Business and Professional. Offices of firms, organizations, or agencies providing professional, executive, management, or administrative services, such as accounting, architectural, computer software design, engineering, graphic design, interior design, legal, and tax preparation offices.

Medical and Dental. Offices providing consultation, diagnosis, therapeutic, preventive, or corrective personal-treatment services by doctors and dentists; medical and dental laboratories that see patients; and similar practitioners of medical and healing arts for humans licensed for such practice by the State of California. Incidental medical and/or dental research within the office is considered part of the office use if it supports the on-site patient services.

Personal Services.

Fortune, Palm, and Card Reader. An establishment providing any type of fortune telling, palm or card reading, psychic services, future telling, spirit communication, and/or any other related type of trade, donation, or compensation, retail or otherwise.

General Personal Services. An establishment providing non-medical services to individuals as a primary use, of personal convenience, as opposed to products that are sold to individual consumers, or from/by companies. Personal services include barber and beauty shops, massage establishments, shoe and luggage repair, fortune tellers, photographers, laundry and cleaning services and pick-up stations, copying, repair and fitting of clothes, and similar services.

Tattoo or Body Modification Parlor. An establishment whose principal business activity is one or more of the following: 1) using ink or other substances that result in the permanent coloration of the skin through the use of needles or other instruments designed to contact or puncture the skin; or 2) creation of an opening in the body of a person for the purpose of inserting jewelry or other decoration.

Retail Sales.

Building Materials Sales and Services. Retail sales or rental of building supplies or equipment. This classification includes lumber yards, tool and equipment sales or rental establishments, and includes establishments devoted principally to taxable retail sales to individuals for their own use. This definition does not include Construction and Material Yards, hardware stores less than 10,000 square feet in floor area, or plant nurseries.

Food and Beverage Sales. Retail sales of food and beverages for off-site preparation and consumption. Typical uses include food markets, groceries, liquor stores, and retail bakeries.

General Retail. The retail sale or rental of merchandise not specifically listed under another use classification. This classification includes department stores, clothing stores, furniture stores, pet supply stores, small hardware stores (with 10,000 square feet or less of floor area), and businesses retailing the following goods: toys, hobby materials, handcrafted items, jewelry, cameras, photographic supplies and services (including portraiture and retail photo processing), medical supplies and equipment, pharmacies, electronic equipment, sporting goods, kitchen utensils, hardware, appliances, antiques, art galleries, art supplies and services, paint and wallpaper, carpeting and floor covering, office supplies, bicycles, video rental, and new automotive parts and accessories (excluding vehicle service and installation). Retail sales may be combined with other services such as office machine, computer, electronics, and similar small-item repairs.

17.53.040 Industrial Uses

Construction and Material Yards. Storage of construction materials or equipment on a site other than a construction site.

Custom Manufacturing. Any establishment primarily engaged in on-site production of goods by small scale manufacturing or artistic endeavor, which involves the use of hand tools or small mechanical equipment and the incidental direct sale to consumers of only those goods produced on site. Typical uses include ceramic studios, candle-making shops, woodworking, and custom jewelry manufacturers.

Food and Beverage Manufacturing. Establishments engaged in the production, processing, packaging or manufacturing of food or beverage products for off-site consumption.

Limited/Small Scale. A small-scale food and beverage products manufacturing and distribution establishment located in facilities less than 5,000 square feet per lot. The use may include wholesale or retail sales. It is characterized by local or regional products, specialty or artisanal foods, in facilities less than 5,000 square feet. Examples include small coffee roasters, micro-breweries, micro-distilleries, wine manufacturing, and wholesale bakeries.

General/Large Scale. A large-scale food and beverage manufacturing located in a facility over 5,000 square feet per lot.

Industrial. Establishments engaged in any of the following types of activities taking place within enclosed buildings: manufacturing finished parts or products primarily from previously prepared

materials; providing industrial services; or conducting industrial or scientific research, including product testing.

Oil and Gas Explorations and Development Offshore. Any commercial or industrial facility, including but not limited to business or personnel office, oil or gas storage facilities, pipe, drilling materials, or equipment repair or storage facilities, or any other aid or support, which operates directly or indirectly in support of any offshore oil or gas exploration, development, drilling, pumping or production.

Recycling Facility. A facility for receiving, temporarily storing, transferring and/or processing materials for recycling, reuse, or final disposal. This use classification does not include waste transfer facilities that operate as materials recovery, recycling, and solid waste transfer operations and are classified as utilities.

> ***Reverse Vending Machine.*** An automated mechanical device that accepts, sorts and processes recyclable materials and issues a cash refund or a redeemable credit slip.
>
> ***Recycling Collection Facility.*** An incidental use that serves as a neighborhood drop off point for the temporary storage of recyclable or reusable materials but where the processing and sorting of such items is not conducted on-site.
>
> ***Recycling Processing Facility.*** A facility that receives, sorts, stores and/or processes recyclable materials.

Research and Development. A facility for the scientific research and the design, development, and testing of electrical, electronic, magnetic, optical, pharmaceutical, chemical, and biotechnology components and products in advance of product manufacturing. This use classification includes assembly of related products from parts produced off site, where the manufacturing activity is secondary to the research and development activities.

Salvage and Wrecking. Storage and dismantling of vehicles and equipment for sale of parts, as well as their collection, storage, exchange or sale of goods including, but not limited to, any used building materials, used containers or steel drums, used tires, and similar or related articles or property.

Warehousing and Storage. Storage and distribution facilities without sales to the public on-site or direct public access except for public storage in small individual space exclusively and directly accessible to a specific tenant.

> ***Indoor Warehousing and Storage***. Storage within an enclosed building of commercial goods prior to their distribution to wholesale and retail outlets and the storage of industrial equipment, products and materials including but not limited to automobiles, feed, and lumber. Also includes cold storage, freight moving and storage, and

warehouses. This classification excludes the storage of hazardous chemical, mineral, and explosive materials.

Outdoor Storage. Storage of commercial goods in open lots.

Self Storage. Facilities offering enclosed storage with individual access for personal effects and household goods including mini-warehouses and mini-storage. This use excludes workshops, hobby shops, manufacturing, or commercial activity.

Wholesaling and Distribution. Indoor storage and sale of goods to other firms for resale; storage of goods for transfer to retail outlets of the same firm; or storage and sale of materials and supplies used in production or operation, including janitorial and restaurant supplies. Wholesalers are primarily engaged in business-to-business sales, but may sell to individual consumers through mail or internet orders. They normally operate from a warehouse or office having little or no display of merchandise, and are not designed to solicit walk-in traffic. This classification does not include wholesale sale of building materials (see Building Materials Sales and Services).

17.53.050 Transportation, Communication, and Utility Uses

Airports and Heliports. Facilities for the takeoff and landing of airplanes and helicopters, including runways, helipads, aircraft storage buildings, public terminal building and parking, air freight terminal, baggage handling facility, aircraft hangar and public transportation and related facilities, including bus operations, servicing and storage. Also includes support activities such as fueling and maintenance, storage, airport operations and air traffic control, incidental retail sales, coffee shops and snack shops and airport administrative facilities, including airport offices, terminals, operations buildings, communications equipment, buildings and structures, control towers, lights, and other equipment and structures required by the United States Government and/or the State for the safety of aircraft operations.

Docks, Piers and other Coastal-Related Infrastructure. Facilities necessary or convenient for the promotion and accommodation of commerce and navigation, such as wharfs, docks, piers, slips, quays, launches, moorings, fuel docks, hoists and observation decks.

Freight/Trucking Terminals. Facilities for freight, courier, and postal services. This classification does not include local messenger and local delivery services (see Light Fleet-Based Services).

Light Fleet-Based Services. Passenger transportation services, local delivery services, medical transport, and other businesses that rely on fleets of three or more vehicles with rated capacities less than 10,000 lbs. This classification includes parking, dispatching, and offices for taxicab and limousine operations, ambulance services, non-emergency medical transport, local messenger and document delivery services, home cleaning services, and similar businesses.

Public Works and Utilities. Generating plants, electric substations, solid waste collection, including transfer stations and materials recovery facilities, solid waste treatment and disposal, water or wastewater treatment plants, corporation yards, equipment service centers, and similar facilities that primarily provide maintenance and repair services, storage facilities for vehicles and equipment, their associated offices, and similar facilities of public agencies or public utilities.

Telecommunication Facilities. Broadcasting and other communication services accomplished through electronic or telephonic mechanisms, as well as structures and equipment cabinets designed to support one or more reception/transmission systems. Typical uses include wireless telecommunication towers and facilities, radio towers, television towers, telephone exchange/microwave relay towers, cellular telephone transmission/personal communications systems towers, and associated equipment cabinets and enclosures.

Transportation Passenger Terminals. Facilities for passenger transportation operations, including rail stations, bus terminals, and scenic and sightseeing facilities, but does not include terminals serving airports or heliports.

17.53.060 Urban Agriculture Uses

Community Garden. Use of land for and limited to the cultivation of herbs, fruits, flowers, or vegetables, including the cultivation and tillage of soil and the production, cultivation, growing, and harvesting of any agricultural, floricultural, or horticultural commodity, by several individuals or households.

Market Garden. The primary use of a site for cultivation of fruits, vegetables, flowers, fiber, nuts, seeds, or culinary herbs for sale or donation of its produce to the public.

Private Garden. A private food-producing garden that is accessory to the primary use of the site.

Chapter 17.54 List of Terms and Definitions (partial IP)

Sections:

17.54.010 List of Terms
17.54.020 Definitions

17.54.010 List of Terms

Only terms denoted with 'IP' are included in the Local Coastal Program Implementation Plan.

Aggrieved Person (IP)
Area, Gross (IP)
Basement (IP)
Buffer (IP)
Building Site (IP)
Conditional Use (IP)
Emergency (IP)
Grade (IP)
Existing or Natural Grade
Finished Grade
Grading (IP)
Ground Floor (IP)
Height (IP)
Lot Area (IP)
Lot Coverage (IP)
Lot Depth (IP)
Lot Width (IP)
Nonconforming Building (IP)
Nonconforming Lot (IP)
Nonconforming Structure (IP)
Nonconforming Use (IP)
Parking Area (IP)
Reasonable Accommodation (IP)
Variance (IP)
Yard (IP)

17.54.020 Definitions

Only definitions denoted with 'IP' are included in the Local Coastal Program Implementation Plan.

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

Area, Gross. (IP) The horizontal area within the boundaries of a lot or site including any area for future streets, parks, and other dedications.

Basement. (IP) A non-habitable space beneath the first or ground floor of a building the ceiling of which does not extend more than four feet above finished grade.

Buffer. (IP) An open area or barrier used to separate potentially incompatible activities and/or development features; for example, a required setback to separate an area of development from environmentally sensitive habitat, to reduce or eliminate the effects of the development on the habitat.

Building Site. (IP) A lot or parcel of land occupied or to be occupied by a main building and accessory buildings together with such open spaces as are required by the terms of this Code and having its principal frontage on a street, road, highway, or waterway.

Conditional Use. (IP) A use that is generally compatible with other uses permitted in a zoning district, but that requires individual review of its location, design, configuration, and intensity and density of use and structures, and may require the imposition of conditions pertinent thereto to ensure the appropriateness of the use at that particular location.

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

Grade. (IP) The location of the ground surface.

> ***Existing or Natural Grade.*** Ground elevation prior to any grading or other site preparation related to, or to be incorporated into, a proposed development or alteration of an existing development.
>
> ***Finished Grade.*** Final ground elevation after the completion of any grading or other site preparation related to, or to be incorporated into, a proposed development or alteration of an existing development.

Grading. (IP) Excavating, filling, leveling or smoothing or combination thereof, but does not include temporary stock piles of a duration of 30 days or less.

Ground Floor. (IP) The first floor of a building other than a basement that is closest to finished grade.

Height. (IP) The vertical distance from a point on the ground below a structure to a point directly above. See also Section 17.02.030.C, Measuring Height.

Lot Area. (IP) The area of a lot measured horizontally within bounding lot lines.

Lot Coverage. (IP) The portion of a lot that is covered by structures, including main and accessory buildings, garages, carports, and roofed porches, but not including unenclosed and unroofed decks, landings, or balconies. See also Section 17.02.030.H, Determining Lot Coverage.

Lot Depth. (IP) The horizontal distance between the front and rear property lines of a site measured midway between the side property lines. See also Section 17.02.030.D, Measuring Lot Width and Depth.

Lot Width. (IP) The average distance between the side lot lines measured at right angles to the lot depth. See also Section 17.02.030.D, Measuring Lot Width and Depth.

Nonconforming Building. (IP) See Nonconforming Structure.

Nonconforming Lot. (IP) A legal parcel of land having less area, frontage, or dimensions than required in the zoning district in which it is located.

Nonconforming Structure. (IP) A building or structure, or portion thereof, which was lawfully erected or altered or maintained, but which, because of the application of this Code to it, no longer conforms to the specific regulations applicable to the zoning district in which it is located.

Nonconforming Use. (IP) The use of a building, structure, or site, or portion thereof, which was lawfully established and maintained, but which, because of the application of this Code to it, no longer conforms to the specific regulations applicable to the zoning district in which it is located.

Parking Area. (IP) An area of a lot, structure, or any other area, including driveways, which is designed for and the primary purpose of which is to provide for the temporary storage of operable motor vehicles.

Reasonable Accommodation. (IP) Any deviation requested and/or granted from the strict application of the City's zoning and land use laws, rules, policies, practices and/or procedures under provisions of federal or California law to make housing or other facilities readily accessible to and usable by persons with disabilities and thus enjoy equal employment or housing opportunities or other benefits guaranteed by law.

Variance. (IP) A discretionary grant of permission to depart from the specific requirements of this Code that is warranted when, due to special circumstances regarding the physical characteristics of the property, the strict application of standards would deprive the property of privileges available to other property in the same zoning district.

Yard. (IP) An open space on the same site as a structure, unoccupied and unobstructed from the ground upward, except as otherwise provided by this Code.

Front Yard. A yard extending across the front of a lot for the full width of the lot between the side lot lines. The depth of a front yard shall be a distance specified by this Code for the district in which it is located and measured inward from the front lot line.

Corner Side Yard. A yard on a corner lot or reversed corner lot extending from the front yard to the rear lot line between the building setback line and the nearest side street lot line.

Interior Yard. A yard which does not abut a street.

Interior Side Yard. A yard extending from the rear line of the required front yard, or the front property line of the site where no front yard is required, to the front line of the required rear yard, or the rear property line of the site where no rear yard is required, the depth of which is the minimum horizontal distance between the side property line and a line parallel thereto on the site.

Rear Yard. A yard extending across the rear of a lot for its full width between side lot lines, and to a depth specified by this Code for the district in which it is located. If a lot has no rear lot line, a line 10 feet in length within the lot, parallel to and at the maximum possible distance from the front lot line, will be deemed the rear lot line for the purpose of establishing the minimum rear yard.

Required Yard. A yard which complies with the minimum yard requirements for the zoning district in which the lot is located.

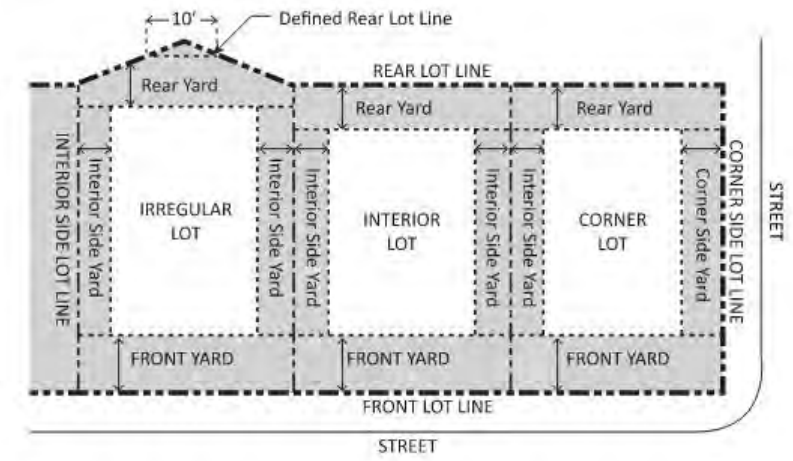
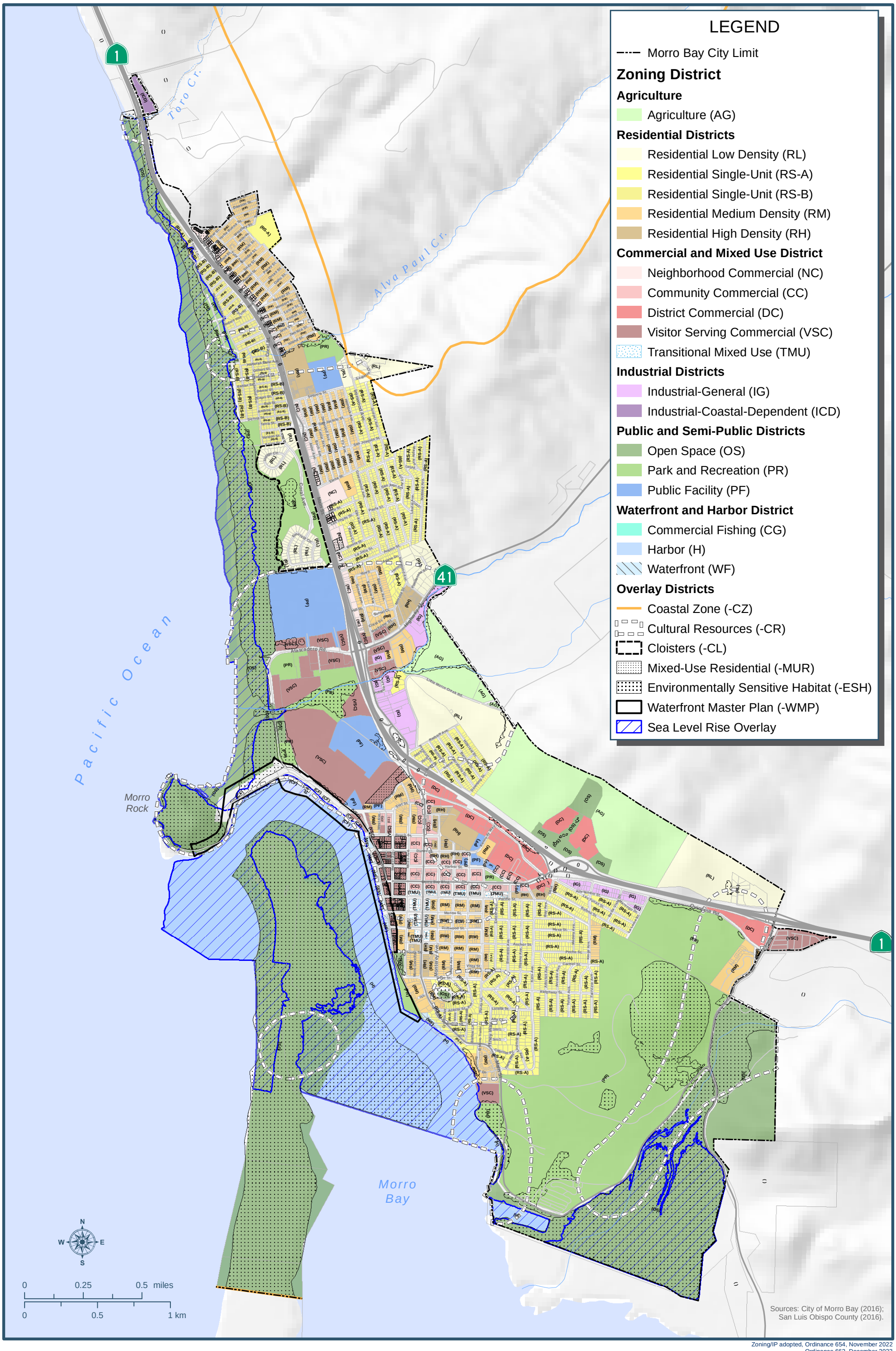


FIGURE 17.54.020(Y): YARDS

Plan MORRO BAY

Adopted Zoning Map



Zoning/IP adopted, Ordinance 654, November 2022
Ordinance 662, December 2023

Exhibit 3
LCP-3-MRB-22-0059-2
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