



## our mission statement

our mission is to serve all persons in a positive and courteous manner and help ensure that san luis obispo continues to be a healthy, safe, attractive, and enjoyable place to live, work, or visit. we help plan the city's form and character, support community values, preserve the environment, promote the wise use of resources, and protect public health and safety.

## our service philosophy

the city of san luis obispo community development department staff provides high quality service when you need it. we will:

- ✓ listen to understand your needs;
- ✓ give clear, accurate and prompt answers to your questions;
- ✓ explain how you can achieve your goals under the city's rules;
- ✓ help resolve problems in an open, objective manner;
- ✓ maintain high ethical standards; and
- ✓ work to improve our service.

The City of San Luis Obispo adopted their first City Zoning Regulations in 1947. The current Zoning Regulations were adopted by City Council Ordinance No. 941 (1982 Series) and became effective January 7, 1983. Various amendments, as outlined below, have occurred in order to keep the regulations current with State law, the City's General Plan, and Council direction.

These Zoning Regulations, an extract of the City of San Luis Obispo Municipal Code, are provided for the general information of the public. Although carefully proofread, errors or omissions may occur.

This material is current as of the date of the latest amendment listed below. Additional amendments may have been adopted since that date, which are not yet included. City planning staff can advise you of the most recent amendments, if any, as well as corrections made to the text.

## AMENDMENTS

Ordinance No. 946 (1983 Series) - Amended Section 17.22.010 of the Zoning Regulations concerning the regulation of electronic game amusement centers, effective 3/13/83.

Ordinance No. 1004 (1984 Series) - Added Section 17.21 to the Zoning Regulations, relating to the regulation of second residential units, effective 3/6/84.

Ordinance No. 1006 (1984 Series) - Amended various sections of the Zoning Regulations, effective 3/21/84.

Ordinance No. 1008 (1984 Series) - Amended Section 17.22.010 of the Zoning Regulations concerning uses allowed in the C-N zone (CR 1122-A), effective 5/17/84.

Ordinance No. 1009 (1984 Series) - Amended Section 17.16.020 of the Zoning Regulations concerning intersection visibility, effective 5/17/84.

Ordinance No. 1016 (1984 Series) - Amended Section 17.36 of the Zoning Regulations concerning commercial uses in public schools (CR 1173), effective 8/16/84.

Ordinance No. 1023 (1984 Series) - Amended Section 17.42.020 of the Zoning Regulations concerning parking in the C-C zone (CR 1167), effective 11/1/84.

Ordinance No. 1034 (1985 Series) - Amended

Section 17.21.030 of the Zoning Regulations establishing size limits for second residential units (SB 1160 and 1534), effective 3/21/85.

Ordinance No. 1050 (1985 Series) - Amended Section 17.42.020 of the Zoning Regulations regarding parking in the C-C zone (CR 1234), effective 1/16/86.

Ordinance No. 1058 (1986 Series) - Amended Section 17.22.010 of the Zoning Regulation regarding carwashes in the C-T zone (CR 1246), effective 5/1/86.

Ordinance No. 1074 (1986 Series) - Amended Section 17.42.020 of the Zoning Regulations, regarding parking in the C-C zone (CR 1272), effective 10/19/86.

Ordinance No. 1085 (1987 Series) - Amended various sections of the Zoning Regulations. Minor miscellaneous revisions (CR 1284), effective 2/19/87.

Ordinance No. 1086 (1987 Series) - Amended Section 17.54 of the Zoning Regulations regarding historical preservation (CR 1250), effective 3/1/87.

Ordinance No. 1087 (1987 Series) - Amended Section 17.22.010 and 17.62.040 of the Zoning Regulations regarding large professional office buildings in the C-S or M zones (GP/CR 1299), effective 4/1/87.

Ordinance No. 1088 (1987 Series) - Amended Sections 17.22.010 and 17.34.020 of the Zoning Regulations regarding non-residential projects in the O zone (GP/CR 1299), effective 4/15/87.

Ordinance No. 1101 (1987 Series) - Amended Section 17.42.020 of the Zoning Regulations adjusting parking standards and establishing parking in-lieu fees for the central-commercial zone (CR 1234), effective 11/19/87.

Ordinance No. 1102 (1987 Series) - Amended various sections of the Zoning Regulations (CR 1307), effective 12/31/87.

Ordinance No. 1103 (1987 Series) - Amended Sections 17.04.371 and 17.22.010 of the Zoning Regulations regarding theaters in the C-N zone (GP/R 1324), effective 12/17/87.

Ordinance No. 1107 (1988 Series) - Added Section 17.16.110 to the Zoning Regulations concerning satellite dish antennas (CR 1307), effective 2/4/88.

Ordinance No. 1110 (1988 Series) - Amended Section 17.22.010 of the Zoning Regulations to allow churches, synagogues, and temples in the C-S zone (R 1347), effective 3/15/88.

Ordinance No. 1114 (1988 Series) - Suspended the implementation of a part of Ordinance No. 1102 relating parking standards to unit size (CR 1307), effective 3/15/88.

Ordinance No. 1120 (1988 Series) - Amended Sections 17.24 through 17.48 of the Zoning Regulations regarding maximum lot coverage allowed for churches, synagogues, and temples (R 1372), effective 8/2/88.

Ordinance No. 1122 (1988 Series) - Amended various sections of the Zoning Regulations concerning homeless shelters (CR 1383), effective 12/15/88.

Ordinance No. 1124 (1988 Series) - Amended various sections of the Zoning Regulations concerning concurrent sales of alcoholic beverages and motor fuel (CR 1402), effective 1/5/89.

Ordinance No. 1128 (1988 Series) - Amended various sections of the Zoning Regulations regarding electronic game amusement centers (CR 1402), effective 1/19/89.

Ordinance No. 1129 (1988 Series) - Amended Sections 17.50.010 and 17.62.040 of the Zoning Regulations regarding requirements for planned developments (R 1419), effective 2/2/89.

Ordinance No. 1154 (1989 Series) - Added Section 17.93 to the Zoning Regulations: High Occupancy Residential Use Regulations (R 1458), effective 2/14/90.

Ordinance No. 1157 (1989 Series) - Amended Section 17.22.010 of the Zoning Regulations to allow postal offices and services in the C-N zone (R 1460), effective 2/1/90.

Ordinance No. 1161 (1990 Series) - Amended the Zoning Regulations to allow non-profit theaters in the PF zone, subject to approval of a use permit by the Planning Commission (GP/R 1461), effective 3/8/90.

Ordinance No. 1180 (1990 Series) - Amended the Zoning Regulations to conditionally allow neighborhood grocery markets in the high-density residential (R-4) zone (R 1487), effective 12/20/90.

Ordinance No. 1182 (1990 Series) - Amended Section 17.22.020 of the Zoning Regulations to allow child day care centers in the Service Commercial (C-S) and Industrial (M) zones (R 1494), effective 1/3/91.

Ordinance No. 1210 (1992 Series) - Added Chapter 17.55 to the Zoning Regulations concerning the Mixed-Use Zone (CR 1538), effective 7/1/92.

Ordinance No. 1222 (1992 Series) - Amended Sections 17.22.010 and 17.16.060 of the Zoning Regulations concerning various retail uses in the C-N zone (R 27-92), effective 10/15/92.

Ordinance No. 1225 (1992 Series) - Added Section 17.08.045 to the Zoning Regulations: Day Care Homes and Centers. Amended Sections 17.04.095, 17.04.150, 17.08.040, 17.16.060, 17.22.010 of the Zoning Regulations concerning regulation of day care facilities (R 132-92), effective 11/6/92.

Ordinance No. 1235 (1993 Series) Amended the Zoning Regulations Text (Table 9) to simplify processing, eliminate duplications, and clarify items (R 219-92, Phase 1), effective 7/1/93.

Ordinance No. 1248 (1993 Series) Amended the Zoning Regulations (Table 9) to allow utility offices and pay points in the Office and Public-Facilities zones (R 94-93), effective 11/3/93.

Ordinance No. 1251 (1994 Series) Amended Municipal Code Section 17.12.020.A to allow exceptions to the merger provisions for adjacent nonconforming lots under certain circumstances, effective 2/4/94.

Ordinance No. 1257 (1994 Series) Amended the Zoning Regulations (Table 9) to allow various uses in the C-N zone, effective 4/15/94.

Ordinance No. 1258 (1994 Series) Amended the Zoning Regulations (Table 9) to allow video stores up to 3,000 sq. ft. in the C-N zone, effective 5/5/94.

Ordinance No. 1265 (1994 Series) Amended Zoning Regulations text to simplify processing, add and change definitions, clarify wording and format, and make minor changes to development standards, effective 7/21/94.

Ordinance No. 1277 (1995 Series) Amended Zoning Regulations text to strengthen and expand existing property maintenance standards (TA 175-93), effective 4/21/95.

Ordinance No. 1295 (1996 Series) Amended Zoning Regulations text (Table 9) to specifically distinguish types of commercial antennas and broadcasting facilities (GP/R 105-95), effective 5/16/96.

Ordinance No. 1302 (1996 Series) Adding Creek Setback Provisions to the Zoning Regulations Text, effective 10/3/96.

Ordinance No. 1304 (1996 Series) Amended Zoning Regulations text (Table 9) to allow mechanical carwashes in the C-N zone under certain circumstances, and removing the 1000-foot spacing requirement for carwashes in the C-T zone (TA 64-96), effective 9/20/96.

Ordinance No. 1305 (1996 Series) Amended Zoning Regulations text (Table 9) to allow nightclubs in the C-S zone with the approval of a Planning Commission Use Permit, and the addition of a footnote (TA 87-96), effective 10/3/96.

Ordinance No. 1328 (1997 Series) Amended

Zoning Regulations to allow emergency medical facilities no larger than 3,500 square feet in C-N zones, with approval of an Administrative Use Permit, effective 11/4/97.

Ordinance 1346 (1999 Series) Amended various sections of the Zoning Regulations, effective 2/19/99.

Ordinance No. 1365 (2000 Series) Amended Zoning Regulations for improved consistency with the General Plan and State Law; clarifications and corrections; and the establishment of an Agricultural Zoning District., effective 2/18/00.

Ordinance No. 1402 (2001 Series) Amended Zoning Regulations Creek Setback Standards, effective 11/15/01.

Ordinance No. 1405 (2001 Series) Amended Zoning Regulations to establish maximum building size and maximum parking requirements for large-scale retail establishments in all commercial zoning districts and to exempt existing large retail establishments from the size limitations., effective 1/10/02.

Ordinance No. 1409 (2002 Series) Amended Zoning Regulations to expand the zones in which wireless telecommunications facilities may locate, subject to certain development standards, effective 5/2/02.

Ordinance No. 1412 (2002 Series) Amended various sections of the Zoning Regulations related to property maintenance regulations, effective 5/2/02.

Ordinance No. 1429 (2003 Series) Amended Zoning Regulations to establish site development and performance standards for Bed and Breakfast Inns in the R-3, R-4 and AG zone districts, effective 3/20/03.

Ordinance No. 1434 (2003 Series) Amended the Zoning Regulations Chapter 17.21, Secondary Dwelling Units, in compliance with AB 1866, effective 6/5/03.

Ordinance No. 1437 (2003 Series) Established the Community Commercial (C-C) zone and the Downtown-Commercial (C-D) zone, and rezoned property from Neighborhood-Commercial (C-N) and Service-Commercial Planned Development (C-S-PD) to Community-Commercial (C-C), effective 7/31/03.

Ordinance No. 1438 (2003 Series) Amended the Zoning Regulations to implement the Commercial Zoning revisions, effective 7/3/03.

Ordinance No. 1446 (2004 Series) Amended the Zoning Regulations to modify regulation of the concurrent sale of alcohol and motor fuel, effective 3/31/04.

Ordinance No. 1450 (2007 Series) Amended various sections of the Zoning Regulations to clarify property development standards and other sections of the code, effective 2/8/07.

Ordinance No. 1508 (2007 Series) Amended Chapter 17.91 of the Zoning Regulations regarding resident selection process for inclusionary housing, effective 10/7/07.

Ordinance No. 1509 (2007 Series) Amended Section 17.42 of the Zoning regulations to increase building height and intensity limits in the Downtown commercial zone, effective 10/18/07.

Ordinance No. 1527 (2009 Series) Amended the Zoning Regulations with the addition of Chapter 17.23 relating to Night Sky Preservation, effective 8/6/2009.

Ordinance No. 1528 (2009 Series) Amended various sections of the Zoning Regulations to clarify and advance City Goals and policies, provide internal document consistency and correct typographical errors, effective 8/6/09.

Ordinance No. 1553 (2010 Series) amended various sections of the Zoning Regulations to clarify and advance City goals and policies, provide internal document consistency and correct typographical errors, effective November 4, 2010

Ordinance No. 1571 (2012 Series) amended Downtown Residential Parking Regulations, fence height regulations, Neighborhood Preservation Regulations, and amended various sections of the Zoning Regulations to clarify and advance City goals and policies, provide internal document consistency and correct typographical errors, effective February 2, 2012.

Ordinance No. 1578 (2012 Series) amended Zoning Regulations to implement Alcohol Outlet Public Safety Strategies and added Deemed Approved Alcoholic Beverage Sale Regulations, effective August 9, 2012.

Ordinance No. 1579 (2012 Series) amended and consolidated Front Yard parking Regulations, amended Property Maintenance Standards removing the 72-hour timeframe provisions for violations, and amended various sections of the Zoning Regulations to clarify and advance City goals and policies, provide internal document consistency, and correct typographical errors, effective July 5, 2012.

Ordinance No. 1591 (2013 Series) amended definitions for accessory uses, lofts, and dens; and, amended secondary dwelling unit regulations on parking and established regulations for mechanical parking lifts; and, established regulations for garage and yard sales in residential zones; and, established definitions for Community Gardens, Crop Production; and, updated affordable housing incentives for consistency with state law; and, added requirements for solar shading studies; and, amended review requirements for wireless telecommunications facilities; and, amended provisions for the resubmittal of denied applications; and, modified provisions for initiation of General Plan and Zoning Amendments; and, modified Table 9, Uses Allowed by Zone, to allow Social Service uses in additional zones. Effective September 19, 2013

Ordinance No. 1592 (2013 Series) established a new Zoning Regulations Chapter for Safe Parking. Effective October 31, 2013.

**TITLE 17  
 ZONING REGULATIONS  
 TABLE OF CONTENTS**

<b>Section</b>	<b>Page</b>
Amendments – listing.....	i.
<b>Chapter 17.02: General Provisions.....</b>	<b>1</b>
17.02.010 Title .....	1
17.02.020 Purpose.....	1
17.02.030 General requirement.....	1
17.02.040 Interpretation.....	1
17.02.050 General plan consistency - Regulations interpretation and application.....	2
<b>Chapter 17.06: Zones Established - Zoning Map .....</b>	<b>3</b>
17.06.010 Designation of zones. ....	3
17.06.020 Areas within the city to be designated within a zone district - Zoning map to be a part of these regulations. ....	4
<b>Chapter 17.08: Uses Allowed In Several Zones.....</b>	<b>5</b>
17.08.010 Temporary and Intermittent Uses. ....	5
17.08.020 Outdoor Sales. ....	7
17.08.030 Service Stations. ....	8
17.08.040 Concurrent sales of motor fuel and alcoholic beverages.....	9
17.08.050 Vending Machines. ....	10
17.08.060 Electronic Game Amusement Centers. ....	10
17.08.070 Mineral Extraction. ....	11
17.08.072 Mixed Use Projects .....	11
17.08.080 Public Utilities.....	13
17.08.090 Home Occupation. ....	13
17.08.095 Convenience Stores.....	15
17.08.100 Child and Adult Day Care .....	16
17.08.110 Homeless Shelters.....	17
17.08.115 Safe Parking.....	18
17.08.120 Location of Pool and Pool Equipment.....	21
17.08.130 Live/Work and Work/Live Units.....	21
<b>Chapter 17.10: Nonconforming Uses .....</b>	<b>24</b>
17.10.010 Intent. ....	24
17.10.020 Regulations. ....	24
<b>Chapter 17.11: Deemed Approved Alcoholic Beverage Sale Regulations ..</b>	<b>25</b>
17.11.010. Title, Purpose, and Applicability .....	25
17.11.020. Definitions .....	26
17.11.030. Deemed Approved Performance Standards.....	27
17.11.040. Deemed Approved Status Procedure .....	28
17.11.050. Enforcement Procedure .....	30
<b>Chapter 17.12: Nonconforming Lots .....</b>	<b>32</b>
17.12.010 Intent. ....	32
17.12.020 Regulations. ....	32
<b>Chapter 17.14: Nonconforming Structures.....</b>	<b>33</b>
17.14.010 Intent. ....	33
17.14.020 Regulations. ....	33

---

<b>Chapter 17.16: Property Development Standards.....</b>	<b>34</b>
17.16.005 Applicability of Other Provisions. ....	34
17.16.010 Density.....	35
17.16.015 Recreational Vehicle as Dwelling Unit. ....	37
17.16.020 Yards. ....	38
17.16.025 Creek Setbacks. ....	45
17.16.030 Coverage.....	50
17.16.035 Size Limits on Large-Scale Retail Establishments.....	51
17.16.040 Height. ....	51
17.16.050 Fences, Walls and Hedges. ....	52
17.16.060 Parking Space Requirements.....	55
17.16.070 Parking and Driveway Design and Exceptions. ....	67
17.16.090 Screening of Outdoor Sales and Storage. ....	68
17.16.100 Utility Services. ....	68
17.16.110 Satellite Dish Antenna. ....	68
17.16.120 Wireless telecommunication facilities.....	69
<b>Chapter 17.17: Property Maintenance Standards .....</b>	<b>74</b>
17.17.010 Purpose. ....	74
17.17.020 Applicability of Other Provisions.....	74
17.17.030 General requirements.....	74
17.17.040 Visible storage or maintenance.....	74
17.17.050 Front yard paving. ....	75
17.17.055 Front Yard Parking .....	75
17.17.060 Roofs. ....	79
17.17.070 Fences.....	80
17.17.075 Neighborhood preservation. ....	80
17.17.080 Prohibited acts.....	81
17.17.090 Private cause of action. ....	81
<b>Chapter 17.18: Performance Standards .....</b>	<b>82</b>
17.18.010 Noise. ....	82
17.18.020 Vibration. ....	82
17.18.030 Illumination. ....	82
17.18.040 Air Contaminants.....	82
17.18.050 Discharges to water or public sewer system.....	82
17.18.060 Heat. ....	82
17.18.070 Solid waste. ....	83
17.18.080 Energy Conservation.....	83
17.18.090 General and special conditions. ....	83
<b>Chapter 17.19: Bed and Breakfast Establishments .....</b>	<b>84</b>
<b>Chapter 17.20: Residential Occupancy Standards .....</b>	<b>87</b>
17.20.010 Group housing - Permitted upon approval of use permit. ....	87
17.20.020 Group housing - Occupancy limits. ....	87
<b>Chapter 17.21: Secondary Dwelling Units .....</b>	<b>88</b>
<b>Chapter 17.22: Use Regulation .....</b>	<b>92</b>
17.22.010 Uses allowed by zones.....	92
<b>Chapter 17.23: Night Sky Preservation .....</b>	<b>103</b>
<b>Chapter 17.24: Low-Density Residential (R-1) Zone .....</b>	<b>108</b>

---



**Chapter 17.26: Medium-Density Residential (R-2) Zone ..... 109**

**Chapter 17.28: Medium-High Density Residential (R-3) Zone ..... 110**

**Chapter 17.30: High-Density Residential (R-4) Zone ..... 111**

**Chapter 17.32: Conservation / Open Space (C/OS) Zone ..... 112**

**Chapter 17.33: Agricultural (AG) Zone ..... 113**

**Chapter 17.34: Office (O) Zone ..... 114**

**Chapter 17.36: Public Facility (PF) Zone ..... 115**

**Chapter 17.38: Neighborhood Commercial (C-N) Zone ..... 118**

**Chapter 17.40: Retail-Commercial (C-R) Zone ..... 119**

**Chapter 17.41: Community Commercial (C-C) Zone ..... 121**

**Chapter 17.42: Downtown-Commercial (C-D) Zone ..... 122**

**Chapter 17.44: Tourist-Commercial (C-T) Zone ..... 128**

**Chapter 17.46: Service-Commercial (C-S) Zone ..... 129**

**Chapter 17.48: Manufacturing (M) Zone ..... 131**

**Chapter 17.49: Business Park (BP) Zone ..... 132**

**Chapter 17.50: Planned Development (PD) Overlay Zone ..... 135**

**Chapter 17.52: Specific Plan (SP) Overlay Zone ..... 141**

**Chapter 17.54: Historical Preservation (H) Zone ..... 142**

**Chapter 17.55: Mixed Use (MU) Overlay Zone ..... 143**

**Chapter 17.56: Special Consideration (S) Zone ..... 144**

**Chapter 17.58: Use Permits ..... 145**

**Chapter 17.60: Variances ..... 149**

**Chapter 17.64: Repeat Applications ..... 151**

**Chapter 17.65: Inactive Applications ..... 152**

**Chapter 17.66: Appeals ..... 153**

**Chapter 17.68: Fees ..... 154**

**Chapter 17.70: Amendments ..... 155**

**Chapter 17.72: Enforcement ..... 157**

**Chapter 17.74: Building Setback Lines ..... 158**

**Chapter 17.76: Street Right-of-Way Dedication and Improvement ..... 165**

**Chapter 17.80: General Plan Amendment Regulations ..... 167**

**Chapter 17.82: Residential Condominium Development and Conversion 170**

**Chapter 17.84: Floodplain Management Regulations\* ..... 171**

**Chapter 17.86: Downtown Housing Conversion Regulations\* ..... 196**

---

<b>Chapter 17.87: Water Efficient Landscape Standards .....</b>	<b>201</b>
<b>Chapter 17.88: Residential Growth Management Regulations .....</b>	<b>206</b>
<b>Chapter 17.90: Affordable Housing Incentives.....</b>	<b>208</b>
<b>Chapter 17.91: Inclusionary Housing Requirements .....</b>	<b>218</b>
<b>Chapter 17.92: Onshore Support Facilities.....</b>	<b>229</b>
<b>Chapter 17.93: High-Occupancy Residential Use Regulations.....</b>	<b>230</b>
<b>Chapter 17.94: Development Agreements .....</b>	<b>233</b>
<b>Chapter 17.95: Adult Entertainment Businesses .....</b>	<b>243</b>
<b>Chapter 17.98: Public Art Requirements for Private Development .....</b>	<b>250</b>
<b>Chapter 17.100: Definitions .....</b>	<b>256</b>

## **Chapter 17.02: General Provisions**

### **Sections:**

**17.02.010 Title.**

**17.02.020 Purpose.**

**17.02.030 General requirement.**

**17.02.040 Interpretation.**

**17.02.050 General plan consistency - Regulations interpretation and application.**

### **17.02.010 Title.**

This division shall be known and cited as the "Zoning Regulations of the City." (Ord. 941 - 1 (part), 1982: prior code - 9201.1)

### **17.02.020 Purpose.**

These regulations are intended to guide the development of the city in an orderly manner, based on the adopted general plan, to protect and enhance the quality of the natural and built environment, and to promote the public health, safety and general welfare by regulating the use of land and buildings and the location and basic form of structures. (Ord. 941 - 1 (part), 1982: prior code - 9201.2)

### **17.02.030 General requirement.**

Land or buildings may be used and structures may be erected or altered only in accordance with these regulations. (Ord. 941 - 1 (part), 1982: prior code - 9201.5)

### **17.02.040 Interpretation.**

**A. Ambiguity.** The Director shall interpret these regulations, subject to the appeal procedures of Chapter 17.66. Written requests for interpretation shall be responded to in writing within 10 days and shall become part of the permanent files of the Community Development Department.

### **B. Zone District Boundaries.**

1. Boundaries between zoning districts generally follow lot lines or their extensions, physical features, or contour lines, as noted on the official zoning map. Boundaries adjoining streets shall be assumed to follow the centerlines of streets if such location becomes an issue in the use of private property, such as when a street is abandoned. Zones which meet a street centerline shall not be considered "adjacent."
2. The location of boundaries which are not readily determined by inspection of the official zone map shall be determined by the Director.

**C. Conflict with Public Provisions.** These regulations are not intended to interfere with or annul any other law or regulation. Where these regulations impose a restriction different from any other law or regulation, the more restrictive shall apply.

**D. Conflict with Private Provisions.** These regulations are not intended to interfere with or annul any easement, covenant, or other agreement between private parties. Where these regulations impose a restriction different from a private agreement, the provisions which are more restrictive or which impose higher standards shall control. (Ord. 941 - 1 (part), 1982: prior code - 9204.5)

**17.02.050 General plan consistency - Regulations interpretation and application.**

The regulations codified in this title shall be interpreted and applied in a manner consistent with the general plan. (Ord. 941 - 1 (part), 1982: prior code - 9204.1)

## **Chapter 17.06: Zones Established - Zoning Map**

### **Sections:**

**17.06.010 Designation of zones.**

**17.06.020 Areas within the city to be designated within a zone district - Zoning Map to be a part of these regulations.**

### **17.06.010 Designation of zones.**

For purpose of the regulations set out in this division, the following zones are created:

#### **Residential Zones:**

R-1 Low-density residential

R-2 Medium-density residential

R-3 Medium-high-density residential

R-4 High-density residential

#### **Non-residential Zones:**

C/OS Conservation/Open Space

O Office

BP Business Park

PF Public Facility

C-N Neighborhood-Commercial

C-C Community-Commercial

C-D Downtown-Commercial

C-R Retail-Commercial

C-T Tourist-Commercial

C-S Service-Commercial (formerly C-H)

M Industrial (Manufacturing)

AG Agricultural (Ord. 1365 (2000 Series))

#### **Overlay Zones:**

SP Specific Plan

H Historical and Architectural Preservation

S Special Considerations

PD Planned Development

MU Mixed Use (Ord. 941 - 1(part), 1982: prior code - 9201.3)

**17.06.020 Areas within the city to be designated within a zone district - Zoning map to be a part of these regulations.**

All areas within the city shall be designated within a zone district. The official zone map, which shall depict all duly adopted zone districts, is as much a part of these regulations as if it were fully contained in this document. The official zone map shall be maintained by and in the Department of Community Development, and for convenience in more easily identifying zone boundaries may be divided into parts. (Ord. 941 - 1 (part), 1982: prior code - 9201.4)

## **Chapter 17.08: Uses Allowed In Several Zones**

### **Sections:**

- 17.08.010 Temporary uses.
- 17.08.020 Outdoor sales on commercial and residential lots.
- 17.08.030 Service stations.
- 17.08.040 Concurrent sales of motor fuel and alcoholic beverages.
- 17.08.050 Vending machines.
- 17.08.060 Electronic game amusement centers.
- 17.08.072 Mixed Use projects.
- 17.08.080 Public utilities.
- 17.08.090 Home occupations.
- 17.08.095 Neighborhood grocery markets.
- 17.08.100 Child and adult day care.
- 17.08.110 Homeless shelters.
- 17.08.120 Location of pools and pool equipment.
- 17.08.130 Live/work and work/live units

### **17.08.010 Temporary and Intermittent Uses.**

- A. Purpose and Intent.** The provisions codified in this chapter provide for certain temporary and intermittent uses. It establishes standards and procedures to assure that such uses are compatible with their surroundings and the intent of these regulations.

In approving a temporary or intermittent use, the Director may establish requirements related to, but not limited to, days and hours of operation, parking, temporary structures, and site planning, in addition to performance standards specified below. The Director shall determine the extent to which any permanent on-site parking and other facilities may satisfy the requirements for the proposed use. A temporary use approval is not intended to allow a land use that is not allowed in the primary zoning district, other than in the specific cases listed in Section C.

The Director may refer any proposed temporary or intermittent use to an administrative hearing or to the Planning Commission for action.

- B. Definitions.** A temporary use is one which is established at a particular location for less than one year. An intermittent use is one which occurs no more than 90 days in a year, but which may continue from year-to-year. Temporary and intermittent uses for businesses shall consist of activities that represent a variation from the normal business operations, e.g. parking lot sales, benefits, and special events. Temporary and Intermittent Uses are not intended to serve the primary purpose of allowing flexibility from Sign Regulations or other City Codes.

**C. Specific cases:**

**1. Real Estate Sales Office in Tract.**

A temporary real estate sales office may be established in a residential development for the initial sale of property in that development, upon written approval by the Director. Such an office may be located within a residence or a common or temporary building. If a temporary building is used, it shall be removed upon termination of the use.

**2. Mobile Home as Construction Office.**

a. A mobile home may be used as a temporary office at a construction site for not more than six months upon written approval of the Chief Building Official subject to any conditions he deems necessary to protect health, safety, and welfare. Upon written request received prior to expiration, the use may be continued for six-month periods, not to exceed a total of eighteen months, by the Chief Building Official.

b. An administrative use permit is required to allow a mobile home as a temporary construction office when the mobile home is not located on the same property as the construction site. The same time limitations as stipulated above for an on-site mobile home would apply, with approvals for extensions of the use made by the Director. Also with the Chief Building Official's or Director's approval, the mobile home may be occupied by a resident guard or caretaker, provided it is properly connected to city utilities or other safe means of waste disposal is assured.

**3. Mobile Home as Temporary Residence at Building Site.**

Upon written approval by the Chief Building Official, a mobile home, trailer or recreational vehicle may be parked on a lot and occupied by the lot owner while he/she is building a dwelling on the lot for his/her own occupancy. The mobile home or vehicle shall be connected to the city sewer system or shall be self-contained, with disposal contracted for. Approval shall be for renewable six-month intervals, not to exceed a total of 18 months.

**4. Recreational vehicle as temporary dwelling.**

A recreational vehicle may be parked in a residential parking space or driveway for periods not to exceed seven days, for the purpose of housing guests of on-site residents only. Such recreational vehicle shall not be parked so as to prevent residents of any other dwellings on the site from using their assigned parking spaces, nor shall it discharge waste or sewage into the city's sewage system. No hose, electrical cord, pipe, wire, or other device extending from the vehicle may be permitted to encroach on any access easement or sidewalk.

**5. Construction Activities.**

Construction and demolition, including fabrication of building components and other activities normally associated with property development and maintenance, may be conducted in any zone, provided they are pursued according to plans and procedures approved by the Chief Building Official.

**6. Educational Conferences.**

Student housing complexes normally occupied for part of the year may be used during their vacant periods for educational conferences provided an administrative



use permit is approved by the Director. The occupancy of such facilities during educational conferences shall not exceed the maximum established by any prior City approval for residential occupancy.

**7. Parades, Carnivals, Fairs, Festivals.**

Use of privately owned property for parades, carnivals, fairs, and festivals requires approval of an administrative use permit. Where these events involve public property, coordination with the City Clerk's Office is required.

**8. Other Temporary or Intermittent Uses.**

Upon approval of an administrative use permit, the Director may approve other temporary or intermittent uses, including but not limited to: musical events, auctions, estate sales, clothing outlet sales, nonprofit benefits, parking lot sales, and car shows. At the discretion of the Director, certain small scale events with limited duration, consisting of activities with no potential to detrimentally affect those working and living in the vicinity may be allowed through administrative action without a public hearing.

**17.08.020 Outdoor sales on commercial and residential lots.**

**A. Sales of Christmas Trees and Other Agricultural Products.** Upon written approval by the Director, premises within non-residential zones may be used for the sale of Christmas trees, pumpkins, flowers, or seasonal produce, subject to the following requirements and any other conditions that the Director deems necessary:

1. Sales shall be limited to Christmas trees, pumpkins, or seasonal produce and related accessory items only, as specified in the letter of approval.
2. Sales of Christmas trees shall not be conducted before Thanksgiving or after December 26. The duration of pumpkin and seasonal produce sales shall be subject to Director approval.
3. The site shall be maintained in a neat and orderly manner at all times. All sales items, sales equipment, temporary power poles, other temporary structures, and signage shall be kept behind a 10-foot setback from all street rights-of-way and they shall be removed within 10 days after the close of the sale. Trash and recycling receptacles shall be provided in a convenient location for customers.
4. A camper or trailer for overnight security may be parked on-site, for the duration of the permit, if kept more than 10 feet back from the street right-of-way.
5. A sign permit shall be obtained for any proposed signage. Maximum sign area shall not exceed 32 square feet. No bunting strips, banners, flags, whirligigs, or other attention-getting devices shall be displayed on site without Director approval.
6. When the use is temporary or intermittent, the applicant may be required to post a refundable deposit, set by the Community Development Director, with the Community Development Department to assure site clean-up, if necessary. Deposit shall be in the form of a cashier's check and shall be made prior to occupying the site.
7. Outdoor sales lots are subject to all fire safety measures, including location of fire extinguishers, as required by the Fire Marshal.
8. Any Christmas trees sold for use in public facilities shall be flame-proofed with a state Fire Marshal-approved material by a state-licensed application.
9. Applicant shall obtain a City business tax certificate. A copy of the Director's approval and the business tax certificate shall be posted in a conspicuous location at all times when the use is in operation.
10. The applicant shall secure a building permit for any structure requiring a permit, associated with the use. The plan shall show the proposed vehicular circulation

pattern, parking layout, and location of structures. Plans shall also demonstrate compliance with Title 24 requirements for handicap accessibility.

11. The use shall comply with all requirements of the County Health Department.
12. Restroom facilities shall be provided either on-site or on a nearby property, to the satisfaction of the Chief Building Official.
13. No sales or display shall take place in the public right-of-way.
14. Upon written receipt of complaints from the public or the Police Department, the Director's approval may be scheduled for administrative hearing review. At the public hearing, the Hearing Officer may add, delete, or modify conditions of approval, or may revoke the approval.

**B. Other outdoor sales.** Outdoor sales of nonagricultural products, such as food carts, barbecues, and swap meets shall be limited to the types of retail sales allowed in the location's zone. "Outdoor sales" may be temporary, intermittent, or permanent. "Outdoor sales" do not include incidental outdoor display of merchandise associated with a business occupying a building on the site, nor sale of things usually sold outdoors, such as boats, vehicles, and building or landscape materials. (See also Chapter 5.16 - Solicitors and Peddlers and Chapter 5.48 - Sales on Streets and Sidewalks.)

1. Other outdoor sales require approval of an administrative use permit, except in cases where the Director determines a Planning Commission use permit would be more appropriate. Parking requirements, setbacks to sales or storage areas, safety and aesthetic screening, and other development standards usually related to buildings shall be established by use permit approval.

**C. Garage and Yard Sales.** On residentially developed parcels, garage or yard sales are allowed a maximum of four times within a twelve month period subject to the following requirements:

1. Each garage or yard sale may not exceed three consecutive days.
2. Each unit within multi-family or condominium projects and common interest subdivisions may have up to four garage/ yard sales in approved common areas with the permission of the Home Owner's Association for sales within common areas, property owner, or approved property manager.
3. Items shall consist of normally accumulated household items (clothing, furniture, etc.) Items offered for sale may not include items acquired for resale.
4. One on-site sign not to exceed four square feet shall be permitted during the sale. No other signs are permitted in the area and no signs may be displayed in the public right-of-way. On site signs shall be consistent with applicable Sign Regulations.
5. Garage/yard sales are not permitted on vacant lots.

#### **17.08.030 Service Stations.**

Service stations are permitted as specified in the zone district regulations, subject to the following conditions:

- A. Premises adjoining residential zones shall be screened from such zones by a six-foot-high landscaped visual barrier, subject to the limitations of Section 17.16.050, Fences, walls and hedges.

- B. Street frontage between driveways shall have a low wall or other landscape barrier to prevent vehicles from being driven or parked on the sidewalk.
- C. Bells or other sound signals shall be turned off between 10:00 p.m. and 7:00 a.m. if the station is adjacent to a residential zone.
- D. Pump islands shall be located at least 15 feet from any street right-of-way line or setback line, except that cantilevered roofs may extend to a point at least five feet from such lines.
- E. Repair work shall be done and dismantled vehicles shall be stored inside a building or area screened so that it is not visible from off the premises. (See also Chapter 17.18, Performance Standards and Section 5.36.020, SERVICE STATIONS, Alcoholic beverages - Sale prohibited - Exceptions.) (Ord. 1085 - 1 Ex. A (part), 1987; Ord. 1006 - 1 (part), 1984; Ord. 941 - 1 (part), 1982; prior code - 9202.1(C))

#### **17.08.040 Concurrent sales of motor fuel and alcoholic beverages.**

Concurrent sales of motor fuel and alcoholic beverages at a service station other than beer or wine are prohibited. The concurrent sales of motor fuel and beer or wine at a service station shall be subject to the approval of an Administrative Use Permit and the following:

- A. There shall be no sales of beer or wine for on-site consumption;
- B. Beer or wine may be sold only in conjunction with selling groceries and other sundries and convenience items;
- C. There shall be no advertisement or display of beer or wine visible from off the premises;
- D. No beer or wine shall be displayed within 5 feet of the cash register or front door;
- E. No advertisement of beer or wine shall be displayed at motor fuel islands and no self-illuminating advertising for beer or wine shall be located on buildings or windows;
- F. No sales of beer or wine shall be made from a drive-in window;
- G. No display or sales of beer or wine shall be made from an ice tub.
- H. Employees on duty between the hours of 10 p.m. and 2 a.m. who sell beer or wine shall be at least 21 years of age.
- I. For purposes of this section, "concurrent sales of motor fuel and beer or wine" shall mean the ability to purchase motor fuel and beer or wine at the same time or at the same place. More specifically, a service station that permits a customer to pay for motor fuel and beer or wine: 1) at the same location, or 2) utilizing a single financial transaction, is engaging in concurrent sales of motor fuel and beer or wine and shall be subject to this ordinance.
- J. In order to grant approval of a Use Permit, the Hearing Officer must make the following findings in addition to findings contained in Section 17.58.040:
  - 1. The establishment of concurrent sales of motor fuel and beer or wine is consistent with the provisions of the Business and Professions Code Section 23790.5.
  - 2. The sale of beer or wine at this location does not jeopardize the public health, safety or welfare, e.g., will not result in an over concentration of businesses selling or serving alcoholic beverages within the vicinity.
  - 3. The sale of beer or wine at a service station is otherwise allowed within the same zoning district at this location and the sale of beer or wine concurrent with motor

fuel would not result in the expansion of a non-conforming use. (Prior Code Ord. 1124 – 1 Ex. A (part), 1988; Ord. 1446 (2004 Series) updated)

#### **17.08.050 Vending Machines.**

- A. A "vending machine" is a device which dispenses a product or service, either for sale or for free, and which is activated entirely by the receiver of the product or service, including ice machines, cigarette machines, food vending machines, and newspaper racks and the like. Vending machine does not include a motor fuel pump.
- B. Indoor vending machines are accessory to allowed uses. Outdoor vending machines are allowed in all commercial ("C") zones.
  - 1. Vending machines shall be located along the face of a building or against a structure designed to accommodate them;
  - 2. They shall be visible from access drives or public streets;
  - 3. They shall occupy not more than 10% the length of the wall facing the street or access drive, or twenty feet, whichever is less;
  - 4. They shall not obstruct private pedestrian walkways; a minimum of 44 inches shall be kept clear of obstructions or more if pedestrian traffic volume warrants. They are not allowed on public sidewalks. (Ord. 941 - 1 (part), 1982: prior code - 9202.1(H))

#### **17.08.060 Electronic Game Amusement Centers.**

During the processing of the required use permit for an electronic game amusement center (see Section 17.100, Definitions), the appropriateness of the proposed location and possible land use conflicts created by the use shall be evaluated.

All electronic game amusement centers (hereinafter referred to in this section as "centers") shall be licensed in accordance with Chapter 5.52 of this code and shall comply with the following requirements and restrictions:

- A. Centers shall comply with all applicable laws and conditions of use permit approval;
- B. No center shall be allowed:
  - 1. Within 1,000 feet of the exterior limits of any public or private elementary school, junior high school or high school;
  - 2. Within 500 feet of the exterior limits of a PF district or any district where residential use is the principal permitted use;
  - 3. Within 500 feet of the exterior limits of any premises whereon the principal business is the sale or consumption of alcoholic beverages, including, but not limited to, bars, taverns and liquor stores;
  - 4. Within 1,000 feet of the exterior limits of any other premises occupied by another center.
- C. No person under 18 years of age may enter, be or remain in a center during such time as the San Luis Coastal Unified School District is conducting its regular daytime education program;
- D. Centers shall have at least one responsible adult supervisor on duty at all times whose primary responsibility shall be supervision of electronic game play;
- E. Noise attenuation measures shall be taken as required by conditions of use permit approval;

- F. No person under 18 years of age may play electronic games at a center located at a place of business where alcoholic beverages are sold, served or consumed;
- G. Bicycle racks shall be provided within a reasonable distance of any center and shall provide at least one bicycle stall for each electronic game in the center.
- H. Centers shall be closed from 2:00 a.m. to 6:00 a.m. and for such times as required by conditions of the use permit;
- I. Adequate space shall be provided for each electronic game so as to allow its use without overcrowding;
- J. Parking shall be as required by the use permit for a center. (Ord. 946 - 1 (part), 1983: prior code - 4953)
- K. Facility and operation exceptions.

Exceptions to any of the requirements listed in this section may be considered during the use permit review process provided the following findings can be made:

1. The requested exception to the facility and operation requirements will not affect the ability of the electronic game amusement center to be compatible with surrounding land uses.
2. The requested exception to the facility and operation requirements will not encourage school-age children from frequenting the electronic game amusement center while the San Luis Coastal Unified School District is conducting its regular daytime education program.
3. The purpose and intent of the facility and operation requirements are still met with the approval of the requested exception. (Ord. 1128 - 1 Ex. (part), 1988)

#### **17.08.070 Mineral Extraction.**

Commercial mining is prohibited within city limits. (Ord. 1365 (2000 Series)(part))

#### **17.08.072 Mixed Use Projects**

This Section provides standards for the design of mixed use projects.

**A. Design considerations.** A mixed use project shall be designed to achieve the following objectives.

1. The design shall provide for internal compatibility between the different uses.
2. Potential noise, odors, glare, pedestrian traffic, and other potentially significant impacts on residents shall be minimized to allow a compatible mix of residential and nonresidential uses on the same site.
3. The design of the mixed use project shall take into consideration potential impacts on adjacent properties and shall include specific design features to minimize potential impacts.
4. The design of a mixed use project shall ensure that the residential units are of a residential character and that privacy between residential units and between other uses on the site is maximized.
5. The design of the structures and site planning shall encourage integration of the street pedestrian environment with the nonresidential uses through the use of plazas, courtyards, walkways, and street furniture.
6. Site planning and building design shall be compatible with and enhance the adjacent and surrounding residential neighborhood in terms of scale, building design, color, exterior materials, roof styles, lighting, landscaping, and signage.

- B. Mix of uses.** A mixed use project requires a combination of residential units with any other use, or combination of uses allowed in the applicable zoning district by Section 17.22.010; provided that where a mixed use project is proposed with a use required by Section 17.22.010 to have Use Permit approval in the applicable zoning district, the entire mixed use project shall be subject to that permit requirement.
- C. Maximum density.** The residential component of a mixed use project shall comply with the maximum density requirements of the applicable zoning district; plus density bonuses where applicable.
- D. Site layout and project design standards.** Each proposed mixed use project shall comply with the property development standards of the applicable zoning district, and the following requirements.
1. **Location of units.** Residential units shall not occupy ground floor space within the first 50 feet of floor area measured from each building face adjacent to a street, or any ground floor space in the CD zoning district.
  2. **Loading areas.** Commercial loading areas shall be located as far as possible from residential units and shall be screened from view from the residential portion of the project to the extent feasible.
  3. **Refuse and recycling areas.** Areas for the collection and storage of refuse and recyclable materials shall be located on the site in locations that are convenient for both the residential and non-residential uses.
- E. Performance standards.**
1. **Lighting.** Lighting for the commercial uses shall be appropriately shielded to not negatively impact the residential units.
  2. **Noise.** All residential units shall be designed to minimize adverse impacts from non-residential project noise, in compliance with the City's noise regulations.
  3. **Hours of operation.** A mixed-use project proposing a commercial component that will operate outside of the hours from 8:00 a.m. to 6:00 p.m. shall require the Director's approval to ensure that the commercial use will not negatively impact the residential uses within the project.
- F. Requirements for Use Permit projects.** A mixed use project that requires Use Permit approval in compliance with Subsection B., or that is located in the C-S or M zoning districts is subject to the following requirements.
1. **Property development standards.** The approval of a Use Permit for a mixed use project may include:
    - a. Conditions of approval that require provisions and standards in addition to, or instead of the property development standards of the applicable zoning district to ensure the compatibility of uses and surroundings; or
    - b. Less restrictive standards than required by the applicable zoning district, to the extent allowed by Use Permit approval in other sections of these regulations, to make particular use combinations more feasible.
  2. **Mandatory findings for approval.** The approval of a Use Permit for a mixed use project shall require that the review authority first make all of the following findings, as applicable.
    - a. The projects mixed uses are consistent with the general plan and are compatible with their surroundings, with neighboring uses, and with each other;
    - b. The project's design protects the public health, safety, and welfare; and

- c. The mixed uses provide greater public benefits than single-use development of the site. This finding must enumerate those benefits, such as proximity of workplaces and housing, automobile trip reduction, provision of affordable housing, or other benefits consistent with the purposes of this Section.
- 3. Mandatory findings for more restrictive standards.** To require property development standards more restrictive than those of the underlying zone, the review authority must make *one* of the following findings:
- a. Site-specific property development standards are needed to protect all proposed uses of the site, in particular residential uses; or
  - b. Site-specific property development standards are needed to make the project consistent with the intent of these regulations; or
  - c. The preponderance of the development proposed for the site is of a type not normally permitted in the underlying zone, so property development standards for the zone where such development is normally found are appropriate.

#### **17.08.080 Public Utilities.**

- A. Distribution facilities may be located in any zone; provided that equipment on the ground in residential zones shall be screened by landscaped visual barriers.
- B. Transmission lines may be located in any zone, provided the route is approved by the Planning Commission.
- C. Other unmanned public utility structures may be located in any zone, provided an administrative use permit is approved by the Director. (Ord. 941 - 1 (part), 1982: prior code - 9202.1(E))

#### **17.08.090 Home Occupation.**

- A. Intent.** The provisions set forth in this section are intended to allow the conduct of home enterprises that are incidental to and compatible with surrounding residential uses. A "home occupation" is gainful employment engaged in by the occupants of a dwelling.
- B. Permit Required.**
  - 1. The conduct of home occupation requires the approval of a home occupation permit by the Director, who may establish additional conditions to further the intent of this section. A permit is required when a person does business in his/her home, uses his/her home address as a business address on business licenses and tax certificates, or uses his/her phone as a business phone. Home occupations may be conducted from dwellings located in residential zones or from dwellings located in commercial zones where dwellings are an allowed or conditionally allowed use. Home occupation permits are not required for employees telecommuting.

A public notice shall be posted at the site of each proposed home occupation. If anyone informs the Community Development Department of a question or objection concerning the proposed home occupation that cannot be satisfactorily resolved within five days of the posting, the Director shall schedule a hearing for the application as provided for administrative use permits. If no questions or objections are received by the Community Development Department within five days after posting, the Director may issue the permit upon submission of all required information and without further notice or public hearing.
  - 2. State licensed child day care centers for six or fewer children are exempt from home occupation regulations (see state Health and Safety Code, Section 1529.5).

**C. General Requirements.**

1. Home occupations shall not involve customer access or have other characteristics which would reduce residents' enjoyment of their neighborhoods. The peace and quiet of residential areas shall be maintained.
2. There shall be no customers or clients except for:
  - a) Private instruction, such as education tutoring, music, or art, on an individual basis, provided there are not more than six (6) students in any one day.
  - b) Physical therapists, including massage, or other therapists, who shall have no more than one client on site at any time and no more than six (6) clients in any one day.
  - c) Attorneys, accountants and other low visitation consultants.Businesses with customer access shall maintain at least one (1) on-site customer parking space in addition to their required residential parking. For the purposes of this section only, parking in a driveway that has a minimum depth of 20 feet from the back of sidewalk and is made available to customers during business hours of operation shall meet the definition of a parking space.
3. Activities shall be conducted entirely within the dwelling unit or an enclosed accessory building, and shall not alter the appearance of such structures. (Horticultural activities may be conducted outdoors.)
4. There shall be no sales, rental or display on the premises (internet and phone sales okay).
5. There shall be no signs other than address and names of residents.
6. There shall be no advertising of the home occupation by street address except that street address may be included on business cards and business correspondence originating from the home.
7. No vehicle larger than a van or three-quarter-ton truck may be used in connection with a home occupation. A marked commercial vehicle used in conjunction with the occupation shall have no more than two (2) square feet of advertising. Licensed vehicles and trailers used in connection with a home occupation are limited to one (1) additional vehicle and/or trailer.
8. The home occupation shall not encroach on any required parking, yard, or open space area.
9. Parking for vehicles used in connection with the home occupation shall be provided in addition to parking required for the residence.
10. Activities conducted and equipment or materials used shall not change the fire safety or occupancy classifications of the premises, nor use utilities in amounts greater than normally provided for residential use.
11. No use shall create or cause noise, dust, vibration, smell, smoke, glare, or electrical interference, or other hazard or nuisance.
12. No employees other than residents of the dwelling shall be allowed to work on-site. (Babysitters or domestic servants are not considered employees of a home occupation.)
13. Clients or customers shall not visit the home occupation between the hours of 7:00 p.m. and 7:00 a.m.
14. If the home occupation is to be conducted from rental property, the property owner's authorization for the proposed use shall be obtained.
15. No delivery or commercial pick-up shall be by vehicles larger than a typical delivery van (Fed Ex, UPS, etc.). Direct customer pick-up is prohibited.



**D. Prohibited Uses.** The following uses by their operation or nature may interfere with residential welfare and diminish the convenience intended for commercial zones, and therefore shall not be permitted as home occupations; however, off-site work is permitted:

1. Automotive repair (body or mechanical), or detailing, upholstery or painting of automobiles, when performed on the same site as the home occupation.
2. Personal services, such as beauticians and estheticians (See Zoning Regulations Chapter 17.100);
3. Carpentry or cabinet making;
4. Welding or machining;
5. Medical offices, clinics, laboratories, except that counseling is permitted, when no more than one client visit or group session is held at one time;
6. Appliance, radio or television repair;
7. Print shop or photograph development; digital photo production is permitted;
8. Gun or ammunition sales, including off-site and by mail order. (Ord. 1102 - 1 Ex. A(4), 1987; Ord. 1006 - 1 (part), 1984; Ord. 941 - 1 (part), 1982: prior code - 9202.1(D))

#### **17.08.095 Convenience Stores.**

**A. Intent.** The standards in this section are intended to assure that neighborhood markets will serve persons who live or work in nearby neighborhoods, and who will normally not need an automobile to get to the market. The standards should ensure that such markets offer adequate food and supplies to attract customers who would otherwise drive to a large supermarket. Limits on hours and alcohol sales and other provisions will prevent such stores from becoming a nuisance to the neighborhood.

**B. Standards.** The following standards shall apply to all neighborhood grocery markets.

1. **Maximum Size.** Gross floor area shall not exceed 3,000 square feet per business. Floor area for any accessory residential use shall not be counted toward the allowed market floor area.
2. **Height, Setback, and Lot Coverage.** Neighborhood grocery markets shall comply with the height, setback, and coverage requirements for the underlying zone, except that markets in residential zones shall comply with standards for the C-N zone.
3. **Loading and Deliveries.** One curbside or off-street loading space shall be provided per business. Loading and deliveries is permitted only between the hours of 8:00 a.m. and 9:00 p.m.
4. **Hours of Operation.** Neighborhood grocery markets shall open for business no earlier than 7:30 a.m., and shall close no later than 10:00 p.m.
5. **Alcohol Sales.** Neighborhood grocery markets within residential zones shall be prohibited from selling alcoholic beverages of any kind.
6. **Performance Standards.** Neighborhood grocery markets shall comply with Performance Standards, Chapter 17.18 of the Zoning Regulations. In addition, all exterior trash enclosures, outdoor storage, heating or cooling equipment, refrigerators, and similar equipment shall be visually screened, and located and/or designed to avoid noise, odor, glare, or vibration impacts to neighboring properties.
7. **Architectural Review.** Neighborhood grocery markets shall be compatible with neighboring structures in terms of scale, massing, architectural style or character, colors and materials, access, exterior lighting and landscaping. Exterior changes

shall require architectural review, as provided in Chapter 2.48 of the Municipal Code.

### **17.08.100 Child and Adult Day Care**

**A. Intent.** The provisions set forth in this section are intended to enable child and adult day care opportunities throughout the city, to ensure that day care facilities will be compatible with residential uses, and to comply with applicable sections of the Health and Safety Code of the State of California.

#### **B. Permits Required.**

1. Adult day care facilities serving six or fewer clients on site at one time and small family day care homes for eight or fewer children are considered residential uses for the purposes of zoning regulation. They may be established in all zones where dwellings are allowed. No use permit is required. (Ord. 1365 (2000 Series)(part))
2. Adult day care facilities serving seven to 12 clients on site at one time and large family day care homes for children may be established in any zone where dwellings are allowed, subject to performance standards listed below. These facilities require written approval by the Community Development Director, consistent with the following review procedures: (Ord. 1365 (2000 Series)(part))
  - a. Public Notice. Mailed notice of the proposed use shall be given to all property owners within no more than a 100-foot radius of the exterior boundaries of the proposed facility site, no fewer than 10 days prior to the Director's action to approve or deny an application for a day care facility serving seven to 12 adults or nine to 14 children. If no written request for hearing is received by the Community Development Department within 10 days from the mailing of these notices, the Director may approve the requested use upon submission of all required information and without further notice or public hearing. (Ord. 1365 (2000 Series)(part))
  - b. Public Hearing. A public hearing shall be required if requested in writing by the applicant or any other affected person.
  - c. Approval. The Director is authorized to approve day care facilities serving seven to 12 adults or nine to 14 children, subject to the appeal provisions of Chapter 17.66 of this Title. In accordance with applicable sections of the California Health and Safety Code, the Director shall approve the use when he or she determines that the proposed facility:
    - i. complies with all applicable provisions of the Fire Code regarding health and safety; and
    - ii. complies with property development standards contained in Chapter 17.16 of this Title and with City sign regulations; and
    - iii. has been issued a day care license from the State of California, Department of Social Services; and
    - iv. will satisfy performance standards of this section relating to noise, traffic, and parking.
3. Day care facilities serving more than 12 adults or more than 14 children require approval of an administrative use permit where not otherwise allowed or prohibited, consistent with Section 17.22.010 Uses Allowed by Zone and Section 17.58 Use Permits. These facilities are subject to the performance standards outlined below.

**C. Performance standards for day care facilities serving more than six adults or more than eight children.**

1. Noise. The day care facility shall be subject to all applicable provisions of the Noise Ordinance (Chapter 9.12 of the San Luis Obispo Municipal Code). Where the day care facility is adjacent to housing in a residential zone, outdoor play and activities shall be prohibited prior to 9:00 a.m.
2. Traffic. Designated delivery and pick-up areas shall not pose any traffic or safety hazards. Operators of day care facilities shall provide carpool-matching services to all clients.
3. Parking.
  - a. Day care facilities with seven to 12 adults or nine to 14 children, one on-site parking space is required, in addition to parking required for the residence, except when the Director finds that adequate on-street parking exists for dropping off and picking up clients. (Ord. 1365 (2000 Series)(part))
  - b. Day care centers with more than 12 adults or more than 14 children must provide two spaces per facility and one space for each 12 day care clients (based on the facility's license), rounded to the nearest whole number, in addition to any spaces required for the residential use. See Section 17.16.060 of this Title. (Ord. 1365 (2000 Series)(part))

**D. Day care as an accessory use.** When day care facilities are accessory to another use requiring a permit, only one permit application need be filed and acted on. As accessory uses to schools and churches, and where an employer provides on-site child care to 14 or fewer children for the exclusive use of employees, day care is allowed by right, providing the primary use meets City parking standards. (Ord. 1365 (2000 Series)(part))

**E. Exceptions.** Nothing in this section shall prohibit applicants from requesting exceptions or variances from the strict interpretation of the Zoning Regulations to the extent allowed by said regulations. The Director may authorize minor exceptions to performance standards upon finding that:

1. The modification is in accordance with the intent and purpose of the Zoning Regulations, and consistent with City day care policy.

**F. Nonconforming status.** All day care facilities licensed by the State at the time of ordinance adoption (1992) shall be considered legal nonconforming uses, consistent with Chapter 17.10 of these regulations, except that nonconforming day care facilities may not be changed to another nonconforming use. (Ord. 1225, 1992)

**17.08.110 Homeless Shelters.**

1. The below requirements are for homeless shelters within the PF zone which may be established without use permit review. Homeless shelters in other zones, which require use permit review, may be subject to conditions of approval with requirements that vary from these standards.
  - A. The shelter shall be operated by a responsible agency or organization, with experience in managing or providing social services.
  - B. The shelter shall provide at least one qualified on-site supervisors at all times, plus one attendant for each 50 occupants.
  - C. A homeless shelter shall not be approved when another homeless shelter exists within

300 feet of the proposed site. This requirement may be modified by use permit.

- D. Homeless shelters proposed adjacent to residential neighborhoods shall require architectural review to ensure the shelter design provides for adequate privacy between uses and minimizes potential impacts of the proposed shelter to adjacent residences.
- E. Parking shall be supplied at a ratio of one vehicle space per 10 beds, and one secured bicycle parking area designed to accommodate up to one bicycle per 10 beds.
- F. Each homeless shelter shall be limited to a maximum occupancy of 250 persons (in total), including warming shelters and daytime facilities.
- G. A management plan shall be required to address how the immediate sheltering needs of individuals who may be turned away from the shelter will be handled. The management plan shall establish a maximum the length of time which clients may be accommodated.

#### **17.08.115 Safe Parking.**

**A. Purpose and Intent.** Safe parking provides homeless individuals and families with vehicles a safe place to temporarily park overnight in order to facilitate the transition to permanent housing. The provisions set forth in this Section enable safe parking in certain zoning districts in the city subject to specific performance standards and permit requirements. These standards and requirements are intended to ensure that safe parking facilities will be compatible with surrounding uses and effective at facilitating participants' transition to permanent housing.

#### **B. Definitions.**

1. **Safe Parking.** A parking program, operated on property located outside of the public right-of-way and managed by a social service provider that provides individuals and families with vehicles a safe place to park overnight while working towards a transition to permanent housing.
2. **Social Service Provider.** An agency or organization licensed or supervised by any federal, state or local health/welfare agency that participates in the federal Homeless Management Information System (HMIS) and has demonstrated experience with the homeless population by assisting individuals and families achieve economic self-sufficiency and self-determination through a comprehensive array of programs and actions.
3. **Case Management.** A system for arranging and coordinating care and services whereby a case manager assesses the needs of the client and client's family and arranges, coordinates, monitors, and advocates for services to meet the client's needs.
4. **Self-Sufficiency Program.** A program designed to assist individuals and families in meeting their basic needs and address any substance dependency and mental health issues so that they do not need to rely on emergency public or private assistance.
5. **Background Check.** A criminal records check from a variety of public sources that would provide information regarding an individual's possible criminal history.

**C. Permit Required.**

1. **Planning Commission Use Permit Required.** The establishment of a safe parking use shall require Planning Commission Use Permit approval where allowed, consistent with Table 9.

**D. Application Requirements.** Whenever a social service provider (or, if the social service provider is not the property owner, a property owner who is affiliated with or can qualify as a social services provider) submits a Planning Commission Use Permit application for consideration, as a part of said application, sufficient information shall be submitted to the Community Development Department to determine whether the proposed safe parking facility complies with the provisions of this Section. In addition to the required Planning Commission application checklist items, the application shall include the following:

1. Site plan indicating the location of trash and recycling facilities, water, restroom facilities, exterior light fixtures, location and distances to residential properties, public transportation, and location of designated overnight parking spaces.
2. Hours of operation.
3. Monitoring and oversight program.
4. Neighborhood relations plan.
5. Sufficient information to determine that the applicant is a social service provider that is qualified to operate a safe parking program or is affiliated with a social service provider that demonstrates the experience and qualifications to manage the site and meet the performance standards set forth in this Chapter.
6. Any other information the Community Development Director may determine is necessary to ensure compliance with the provisions of this Section.

**E. Performance Standards.**

1. **Social Service Provider.** Safe parking facilities shall be managed by a qualified social service provider, subject to the approval of the Community Development Director.
2. **Case Management.** Participants must be paired with a case manager and enrolled in a self-sufficiency program to facilitate the transition to permanent housing.
3. **Background Check.** Prospective participants shall submit to a criminal history background check. Participant exclusion shall be determined by the social service provider on a case-by-case basis.
4. **Restroom, Water and Trash Facilities.** Restroom, water and trash facilities shall be provided, maintained and accessible to participants during safe parking facility hours.
5. **Residency Preference.** Social service provider shall give preference to those with proof of residency in San Luis Obispo County for a minimum period of six months within the last two years. Evidence of residency may include, but not limited to, items such as rental agreements, mortgage, utility, hotel and medical facility bills, paystubs and intake from homeless service programs.
6. **Buffer from Residential Use.** Participant vehicles shall maintain a minimum buffer of 50 feet from any property that contains a residential use. Buffers less than 50 feet may be permitted through the use permit review process on a case-by-case basis when determined to be compatible with the neighborhood. Buffers greater than 50 feet may be necessary for neighborhood compatibility, which will be determined on a case-by-case basis as part of the Use Permit review process.

7. **Authorized Vehicles Only.** Social service provider shall ensure that only vehicles registered in the program are parked overnight during program hours. A parking permit shall be provided to all participants to be displayed in vehicle windows in a form to be approved by the Public Works Director.
  8. **Participant Information.** At all times, the social service provider shall maintain a roster of the names and vehicle license numbers of each participant who is authorized to park overnight.
  9. **Written Agreement with Participants.** Only participants who have entered into a written agreement with a social service provider shall be allowed to use parking spaces overnight. The written agreement between the social service provider and participant must include, but not limited to, the following terms and conditions:
    - a. Only one vehicle is allowed per participant.
    - b. At least one participant per vehicle shall possess a current driver's license, vehicle registration, and insurance for the vehicle that will be parked overnight. Social service provider shall keep a copy of all three on record.
    - c. Vehicles may only be occupied by participants and approved registered household members. Guests shall not be allowed.
    - d. Participants shall not use or possess any illegal drugs or alcohol either on their person or in their vehicle.
    - e. Participants shall not use or possess any weapons or firearms of any kind in program vehicles.
    - f. No fires of any kind shall be permitted.
    - g. No music may be played that is audible outside participants' vehicles.
    - h. No cooking or food preparation shall be performed outside of the participants' vehicles. Cooking inside vehicles is prohibited unless the vehicle was manufactured with cooking appliances.
    - i. Camping tarps or equipment beyond the participant's vehicle are prohibited.
    - j. Participants shall maintain control of animals. Animals shall be kept on a leash at all times and animal waste shall be picked up immediately and disposed of properly.
    - k. Participants shall not dump sewage or other waste fluids or solids, deposit excreta outside a vehicle, or park vehicles that leak excessive fluids (i.e. gasoline, transmission or radiator fluid, or engine oil).
- F. Use Permit Considerations.** Items to be determined by the Planning Commission as part of the Use Permit review process on a case-by-case basis shall include, but are not limited to, the following:
1. **Number of Vehicles Allowed.** The total number of vehicles allowed at each safe parking facility location.
  2. **Hours of Operation.** The days and hours of safe parking facility operation.
  3. **Separation between Facilities.** Sufficient distance between existing and proposed safe parking facilities.
  4. **Neighborhood Relations Plan.** A neighborhood relations plan shall be provided for each safe parking facility location to address any complaints in a timely manner, including consistency with any adopted Good Neighbor Policy.

5. **Monitoring and Oversight.** Monitoring and oversight shall be provided during safe parking facility hours.
6. **Restroom, Water and Trash Facility Plan.** A restroom, water and trash facility plan shall be provided and include the location, hours of availability and maintenance program for site facilities.
- G. **Revocation of a Permit.** The Use Permit can be referred to the Planning Commission if determined by the Community Development Director upon receipt of substantiated written complaints from any citizen, Code Enforcement Officer, or Police Department Officer, which includes information and/or evidence supporting a conclusion that a violation of the Use Permit, or of City ordinances or regulations applicable to the property or operation of the facility, has occurred. At the time of Use Permit review, to ensure compliance with applicable laws and conditions of Use Permit, conditions of approval may be added, deleted, modified, or the Use Permit may be revoked.

#### **17.08.120 Location of Pool and Pool Equipment.**

- A. A swimming pool shall not be located in a required front or side yard.
- B. A swimming pool shall not be located within five feet of a property line.
- C. Pool equipment shall not be located in a required front yard or that portion of side yard located between the front lot line and the rearmost portion of the main building. To minimize the potential impact of noise, equipment shall be located not less than ten feet from any window or other opening into a dwelling or other habitable building on an adjacent property.
- D. Pool equipment shall be enclosed or screened from street and adjoining property view.

#### **17.08.130 Live/Work and Work/Live Units**

- A. **Purpose.** This Section provides standards for the development of live/work and work/live units, and for the reuse of existing commercial and industrial structures to accommodate these units. Live/work and work/live units are intended to be occupied by business operators who live in the same structure that contains the commercial activity or industry. A live/work unit is intended to function predominantly as living space with incidental accommodations for work-related activities that are beyond the scope of a home occupation. A work/live unit is intended to function predominantly as work space with incidental residential accommodations that meet basic habitability requirements.
- B. **Application requirements.** The establishment of a work/live unit within the CS or M zones shall require approval of an Administrative Use Permit. The applicant shall submit application materials and fees as required by the Community Development Department.
- C. **Limitations on use.** The non-residential component of a live/work or work/live project shall be a use allowed within the applicable zone by Section 17.22.010 (Uses Allowed by Zones), subject to the following additional limitations.
  1. **Prohibited uses.** A live/work or work/live unit shall not be established or used in conjunction with any of the following activities:
    1. Adult businesses; or
    2. Vehicle maintenance or repair (e.g., body or mechanical work, including boats and recreational vehicles), vehicle detailing and painting, upholstery, etc.).

**2. Live/work unit.** A live/work unit shall not be established or used in conjunction with any of the following activities:

1. Storage of flammable liquids or hazardous materials beyond that normally associated with a residential use;
2. Welding, machining, or any open flame work;
3. Any use defined by Section 17.22.020 (Land Use Definitions) as "Manufacturing - Heavy"; and
4. Any other activity or use, as determined by the Director to not be compatible with residential activities and/or to have the possibility of affecting the health or safety of live/work unit residents, because of the potential for the use to create dust, glare, heat, noise, noxious gasses, odor, smoke, traffic, vibration or other impacts, or would be hazardous because of materials, processes, products, or wastes.

**D. Density.** Live/work and work/live units shall comply with the maximum density requirements of the applicable zoning district.

**E. Design standards.**

1. **Floor area requirements.** No more than 60 percent of the total floor area of a live/work unit or 40 percent of the total floor area of a work/live unit shall be reserved exclusively for living space. All floor area other than that exclusively reserved for living space shall be regularly used for working space.
2. **Separation and access.** Each live/work or work/live unit shall be separated from other units and other uses in the structure. Access to each unit shall be provided from common access areas, corridors, or halls; and the access to each unit shall be clearly separate from other live/work or work/live units or other uses within the structure.
3. **Facilities to accommodate commercial or industrial activities.** A live/work or work/live unit shall be designed to accommodate commercial or industrial uses as evidenced by the provision of ventilation, interior storage, flooring, and other physical improvements of the type commonly found in exclusively commercial or industrial facilities used for the same work activity.
4. **Integration of living and working space.** Areas within a live/work or work/live unit that are designated as living space shall be an integral part of the live/work or work/live unit and not separated (or occupied and/or rented separately) from the work space, except that mezzanines and lofts may be used as living space subject to compliance with the other provisions of this Section, and living and working space may be separated by interior courtyards or similar private space.
5. **Mixed occupancy buildings.** If a building contains mixed occupancies of live/work or work/live units and other nonresidential uses, occupancies other than live/work or work/live shall meet all applicable requirements for those uses, and proper occupancy separations shall be provided between the live/work or work/live units and other occupancies, as determined by the Chief Building Official.
6. **Parking.** Each live/work or work/live unit shall be provided at least two off-street parking spaces. The review authority may modify this requirement for the use of existing structures with limited parking.

**F. Operating requirements.**



1. **Occupancy.** A live/work or work/live unit shall be occupied and used only by the operator of the business within the unit, or a household of which at least one member shall be the business operator.
  2. **Sale or rental of portions of unit.** No portion of a live/work or work/live unit may be separately rented or sold as a commercial space for any person not living in the premises or as a residential space for any person not working in the same unit.
  3. **Notice to occupants.** The owner or developer of any building containing work/live units shall provide written notice to all occupants and users that the surrounding area may be subject to levels of noise, dust, fumes, or other effects associated with commercial and industrial uses at higher levels than would be expected in residential areas. State and Federal health regulations notwithstanding, noise and other standards shall be those applicable to commercial or industrial properties in the applicable zone.
  4. **Non-resident employees.** Up to two persons who do not reside in the live/work or work/live unit may work in the unit unless this employment is prohibited or limited by the Administrative Use Permit. The employment of three or more persons who do not reside in the live/work or work/live unit may be permitted subject to Use Permit approval, based on additional findings that the employment will not adversely affect traffic and parking conditions in the site vicinity. The employment of any persons who do not reside in the live/work or work/live unit shall comply with all applicable Building Code requirements.
  5. **Client and customer visits.** Client and customer visits to live/work or work/live units are permitted subject to any applicable conditions of the applicable Administrative Use Permit or Use Permit, to ensure compatibility with adjacent commercial or industrial uses, or adjacent residentially-zoned areas or uses.
- G. Changes in use.** After approval, a live/work or work/live unit shall not be converted to entirely residential use unless authorized through Administrative Use Permit approval. Administrative Use Permit approval shall require that the Director first find that the exclusively residential use will not impair the ability of non-residential uses on and adjacent to the site to continue operating because of potential health or safety concerns or nuisance complaints raised by the exclusively residential use and/or its occupants.
- H. Required findings.** The approval of a live/work or work/live unit shall require that the review authority first make all of the following findings, in addition to all findings required for Administrative Use Permit or Use Permit approval.
1. The proposed use of each live/work or work/live unit is a bona fide commercial or industrial activity consistent with Subsection C. (Limitations on use).
  2. The establishment of live/work or work/live units will not conflict with nor inhibit industrial or commercial uses in the area where the project is proposed;
  3. The building containing live/work or work/live units and each live/work or work/live unit within the building has been designed to ensure that they will function predominantly as work spaces with incidental residential accommodations meeting basic habitability requirements in compliance with applicable regulations; and
  4. Any changes proposed to the exterior appearance of the building will be compatible with adjacent commercial or industrial uses where all adjacent land is zoned for commercial or industrial uses. If there is adjacent residentially-zoned land, the proposed changes to the building will make the commercial or industrial building being converted more compatible with the adjacent residential area.

## **Chapter 17.10: Nonconforming Uses**

### **Sections:**

#### **17.10.010 Intent.**

#### **17.10.020 Regulations.**

#### **17.10.010 Intent.**

A nonconforming use is one which was legally established on the effective date of applicable sections of these regulations, but which is not now an allowed or conditionally allowed use in the zone in which it is located. The intent of these regulations is to prevent the expansion of nonconforming uses, establish the circumstances under which they may be continued, and provide for their removal or change to a conforming use as soon as practical. (Ord. 941 - 1 (part), 1982: prior code - 9202.2(A))

#### **17.10.020 Regulations.**

- A. Change of ownership, tenancy or management of a nonconforming use shall not affect its legal, nonconforming status.
- B. A nonconforming use may be continued and a nonconforming use may be changed to another nonconforming use provided:
  1. A nonconforming use which ceases for a continuous period of six months shall lose its nonconforming status and the premises on which the nonconforming use was located shall from then on be used for conforming uses.
  2. A nonconforming use may be replaced with another, provided that an administrative use permit is approved by the Director. The Director must find that the new use has similar or less severe impacts on its surroundings in terms of noise, traffic, parking demand, hours of operation and visual incompatibility. The applicant shall submit evidence of the date when the original nonconforming use was established.
  3. A nonconforming single-family dwelling may be continued without limitation by this Section, and if involuntarily damaged or destroyed, may be reconstructed or replaced with a new structure with the same footprint and height, in compliance with current California Building Standards Code requirements.
- C. A lot occupied by a nonconforming use may be further developed by the addition of conforming uses and structures, provided an administrative use permit is approved. (See Sections 17.58.020 through 17.58.080.) (Ord. 941 - 1 (part), 1982: prior code - 9202.2(B))

## **Chapter 17.11: Deemed Approved Alcoholic Beverage Sale Regulations**

### **Sections:**

17.11.010	Title and Scope
17.11.020	Definitions
17.11.030	Deemed Approved Performance Standards
17.11.040	Deemed Approved Status Procedure
17.11.050	Enforcement Procedure

### **17.11.010. Title, Purpose, and Applicability**

- A. Title of Deemed Approved Alcoholic Beverage Sale regulations.** The provisions of this chapter shall be known as the Deemed Approved Alcoholic Beverage Sale regulations.
- B. Purpose of Deemed Approved Alcoholic Beverage Sale regulations.** The general purposes of the Deemed Approved Alcoholic Beverage Sale regulations are to protect and promote the public health, safety, comfort, convenience, prosperity, and general welfare by requiring that Alcoholic Beverage Sales Commercial Activities that were established without use permit approval prior to the effective date of the Deemed Approved Alcoholic Beverage Sale regulations comply with the Deemed Approved performance standards of section 17.11.030 of this chapter and to achieve the following objectives:
1. To protect residential, commercial, industrial, and civic areas and minimize the adverse impacts of nonconforming and incompatible uses;
  2. To provide opportunities for Alcoholic Beverage Sale Activities to operate in a mutually beneficial relationship to each other and to other commercial and civic services;
  3. To provide mechanisms to address problems often associated with the public consumption of alcoholic beverages, such as litter, loitering, graffiti, unruly behavior and escalated noise levels;
  4. To provide that alcohol outlets specified in this chapter are not the source of undue public nuisances in the community;
  5. To provide for properly maintained Alcoholic Beverage Sale establishments so that negative impacts generated by these activities are not harmful to the surrounding environment in any way;
  6. To monitor that Deemed Approved Activities do not substantially change in mode or character of operation.

- C. Applicability of Deemed Approved Alcoholic Beverage Sale regulations.** The Deemed Approved Alcoholic Beverage Sale regulations shall apply to the following alcoholic beverage sale commercial activities within the City which have been established without use permit approval prior to the effective date of this Chapter, and as defined in Chapter 17.100 of the Zoning Regulations: Bars/Tavern, Restaurant with Late Hour Alcohol Service, Liquor Store, Nightclubs.
1. Duplicated Regulation. Whenever any provision of the Deemed Approved Alcoholic Beverage Sale regulations and any other provision of law, whether set forth in this code, or in any other law, ordinance, or resolution of any kind, imposes overlapping or contradictory regulations, or contain restrictions covering any of the same subject matter, that provision which is more restrictive or imposes higher standards shall control, except as otherwise expressly provided in the Deemed Approved Alcoholic Beverage Sale regulations.
- D. Administrative Hearing Officer.** There is created an Alcoholic Beverage Sales Administrative Hearing Officer (Administrative Hearing Officer) appointed by the City Manager. The Administrative Hearing Officer shall conduct public hearings and make recommendations intended to encourage and achieve the compliance of particular sites as appropriate. This section is not intended to restrict the powers and duties otherwise pertaining to other city officers or bodies, in the field of monitoring and ensuring the harmony of Alcoholic Beverage Sale Commercial Activities in the city. These parties shall have the powers and duties assigned to them by the Zoning Regulations, other codes and ordinances, City Charter, or by valid administrative authority.

### 17.11.020. Definitions

- A. Title, purpose, and applicability.** The provisions of 17.11.020 shall be known as the definitions. The purpose of these provisions is to promote consistency and precision in the interpretation of the Deemed Approved Alcoholic Beverage Sale regulations. The meaning and construction of words and phrases as hereinafter set forth shall apply throughout the Deemed Approved Alcoholic Beverage Sale regulations, except where the context of such words or phrases clearly indicates a different meaning or construction.

As used in this chapter:

"Alcoholic beverage" means alcohol, spirits, liquor, wine, beer, and every liquid or solid containing alcohol, spirits, wine, or beer, which contains one-half of one percent or more of alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed, or combined with other substances, and sales of which require a State Department of Alcoholic Beverage Control license.

"Condition of approval" means a requirement which must be carried out by the activity in order to retain its Deemed Approved Status.

"Deemed Approved Activity" means operation of the stated uses applicable to this Chapter as defined.

"Deemed Approved Status" means the status conferred upon a Deemed Approved Activity.

"Illegal activity" means an activity which has been finally determined to be in noncompliance with the Deemed Approved performance standards in section 17.11.030 of this chapter. Such an activity shall lose its Deemed Approved Status and shall no longer be considered a Deemed Approved Activity.

"Performance standards" means regulations prescribed in the Deemed Approved Performance Standards in 17.11.030 of this chapter.

"Premises" means the actual space within a building devoted to alcoholic beverage sales.

"Restaurant" means an eating establishment as defined in Section 17.100.R.

### **17.11.030. Deemed Approved Performance Standards**

**A. Title and purpose.** The provisions of Chapter 17.11.030 shall be known as the Deemed Approved Performance Standards. The purpose of these standards is to control dangerous or objectionable environmental effects of Alcoholic Beverage Sales Commercial Activities applicable to this Chapter.

**B. Applicability.** These standards shall apply to the following Alcoholic Beverage Sales Commercial uses listed in the above section 17.11.020 and Chapter 17.100 of this code: Bar/Tavern, Restaurant with Late Hour Alcohol Service, Liquor Store/Alcohol Sales, Nightclub) as defined in Section 17.100. The Deemed Approved Performance Standards are applicable to these uses under the following circumstances, 1 & 2 below:

1. Alcoholic Beverage Commercial uses which have been established without use permit approval prior to the effective date of Chapter 17.11.
2. Alcoholic Beverage Commercial uses which are inconsistent with Table 9 (Uses allowed by Zone), Title 17 of the Municipal Code (Zoning Regulations) and have been established prior to the effective date of Chapter 17.11.

**C. Performance Standards and Deemed Approved Activities.** An activity shall retain its Deemed Approved Status only if it conforms to all of the following Deemed Approved performance standards:

1. That it does not result in adverse effects to the health, peace or safety of persons residing or working in the surrounding area;
2. That it does not result in jeopardizing or endangering the public health or safety of persons residing or working in the surrounding area;
3. That it does not result in repeated nuisance activities within the premises or in close proximity of the premises, including but not limited to disturbance of the peace, illegal drug activity, public drunkenness, drinking in public, harassment of passersby, gambling, prostitution, sale of stolen goods, public urination, theft, assaults, batteries, acts of vandalism, excessive littering, loitering, graffiti, illegal parking, excessive loud noises, especially in the late night or early morning hours, traffic violations, curfew violations, lewd conduct, or police detentions and arrests;

4. That it does not result in violations to any applicable provision of any other city, state, or federal regulation, ordinance or statute;
5. That its upkeep and operating characteristics are compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood.

#### **17.11.040. Deemed Approved Status Procedure**

- A. Deemed Approved Status Procedure.** The provisions of this article shall be known as the Deemed Approved Status procedure. The purpose of these provisions is to: (A) provide notice of Deemed Approved Status upon Alcoholic Beverage Sales Commercial Activities applicable to this Chapter; (B) prescribe the procedure for the imposition of conditions of approval upon these activities; and (C) prescribe the procedure for appealing conditions of approval or the revocation of a Deemed Approved Status.
- B. Automatic Deemed Approved Status.** All Alcoholic Beverage Sales Commercial Activities applicable to this Chapter per section 17.11.030.B. shall automatically become Deemed Approved Activities as of the effective date of the Deemed Approved Alcoholic Beverage Sale regulations. Each such Deemed Approved Activity shall retain its Deemed Approved Status as long as it complies with the Deemed Approved performance standards at Section 17.11.030 C.
- C. Notification to owners of Deemed Approved Activities.** The Administrative Hearing Officer shall notify the owner of each Deemed Approved Activity, and also the property owner if not the same, of the activity's Deemed Approved Status. Such notice shall be sent via certified return receipt mail; shall include a copy of the performance standards of Section 17.11.030.C. of this chapter with the requirement that these be posted in a conspicuous and unobstructed place visible from the entrance of the establishment for public review; notification that the activity is required to comply with all these same performance standards; and that the activity is required to comply with all other aspects of the Deemed Approved Alcoholic Beverage Sale regulations. Should the notice be returned, then the notice shall be sent via regular U.S. Mail.
- D. Procedure for consideration of violations to performance standards.** Upon receiving a complaint from the public, Police Department, code enforcement officer, or any other interested party that a Deemed Approved Activity is in violation of the performance standards of Section 17.11.030.C, and once it is determined by the city that violations appear to be occurring, then a public hearing will be scheduled before the Administrative Hearing Officer, as follows
  - a. The Administrative Hearing Officer will provide the complainant, the business owner of the Deemed Approved Activity, the property owner, if not the same as the business owner, and other interested parties with at least 30 calendar days advance notice of the public hearing. Interested parties are defined as those that have made a request with the City Clerk to be notified of these proceedings, and shall include the Downtown Association or its successor agency in all instances in which the complaint involves an establishment within the boundaries of the Downtown Association or its successor agency.

- b. In all instances in which the complaint involves an establishment within the boundaries of the Downtown Association, the Downtown Association may, within the 30 day period preceding the hearing, schedule a meeting with authorized representatives of the establishment to review the facts underlying the complaint and the establishment's response to the complaint and to develop input to be conveyed to the Administrative Hearing Officer regarding the Downtown Association's recommendation regarding the complaint and any measures the Downtown Association suggests to address the complaint.
- i. Nothing herein shall require the business establishment within the boundaries of the Downtown Association to participate in the meeting with the Downtown Association, but the Downtown Association shall advise the Administrative Hearing Officer if an establishment declines to participate and the Administrative Hearing Officer may consider the establishment's failure to participate in determining appropriate remedies if a violation is found to have occurred after considering all testimony presented during the public hearing.
  - ii. The Administrative Hearing Officer shall not in any manner be bound by any recommendation of the Downtown Association and shall give the recommendation from the Downtown Association such weight as the Administrative Hearing Officer, in his or her sole discretion, deems appropriate after consideration of all record testimony and evidence presented in the public hearing. The Administrative Hearing Officer shall proceed with the public hearing after 30 calendar days of issuing a notice of public hearing, whether or not the Downtown Association or its successor agency has met with the business owner of the Deemed Approved Activity or delivered a recommendation for consideration by the Administrative Hearing Officer. Failure of the Downtown Association to receive notice pursuant to this title, or pursuant to procedures established by the City, shall not constitute grounds to cancel the public hearing or invalidate the actions for which the notice was given.
  - iii. In no event shall a meeting between the Downtown Association and the business owner of the Deemed Approved Activity cause a delay to, or substitute for a public hearing before the City's Administrative Hearing Officer, unless it is determined in the sole discretion of the Administrative Hearing Officer that a delay is in the public's interest.
- c. The purpose of the Administrative public hearing is to receive evidence and testimony on whether the operating methods of the Deemed Approved Activity are causing undue negative impacts in the surrounding area. At the public hearing, the Administrative Hearing Officer shall determine whether the Deemed Approved Activity conforms to the Deemed Approved Performance Standards set forth in Section 17.11.030.C. and to any other applicable criteria, and may continue the Deemed Approved Status for the activity in question, or require such changes, or impose such reasonable Conditions of Approval as are necessary, in the judgment of the Administrative Hearing Officer to ensure conformity to said criteria. Any such changes or conditions shall be based on the evidence before the Officer. The decision of the Administrative Hearing Officer shall be based upon information compiled by staff and evidence and testimony from the complainant, the business owner, the property owner if not the same, and all other interested parties. New Conditions of Approval shall be made a part of the Deemed Approved Status and the Deemed Approved Activity shall be required to comply with these conditions. The determination of the Administrative Hearing Officer shall become final ten (10)

calendar days after the date of decision unless appealed to the City Planning Commission in accordance with Chapter 17.66.

- E. Procedure for consideration of violations of Standards or Conditions of Approval.** In the event of a violation of any Condition of Approval or of further violations of the provisions set forth in Sections 17.11.010 through 17.11.030 of these regulations, the Administrative Hearing Officer shall hold a noticed public hearing. The purpose of this public hearing is to receive testimony and determine whether violations of Conditions of Approval or of Sections 17.11.010 through 17.11.030 of these regulations exist. The Administrative Hearing Officer may add to or amend the existing Conditions of Approval based upon the evidence presented; or alternatively may revoke the Deemed Approved Activity's Deemed Approved Status. The determination of the Administrative Hearing Officer shall become final ten (10) calendar days after the date of decision unless appealed to the City Planning Commission in accordance with the below section 17.11.040.F. The decision of the Planning Commission shall be final unless appealed to the City Council in accordance with Section 17.11.040.G.
- F. Appeal to Planning Commission.** Appeals of the decisions of the Administrative Hearing Officer may be filed in accordance with Chapter 17.66: Appeals. In considering the appeal, the Planning Commission shall determine whether the established use conforms to the applicable Deemed Approved performance standards and may continue or revoke a Deemed Approved Status; or require such changes in the existing use or impose such reasonable conditions of approval as are, in its judgment, necessary to ensure conformity to said performance standards. The decision of the Planning Commission on the appeal to the conditions of approval imposed by the Administrative Hearing Officer shall be final.
- G. Appeal to City Council.** Appeals of the decisions of the Planning Commission may be filed in accordance with Chapter 17.66: Appeals. In considering the appeal, the Council shall determine whether the Deemed Approved Activity conforms to the applicable Deemed Approved performance standards, and may approve or disapprove the revocation or require such changes therein or impose such reasonable conditions of approval as are in its judgment necessary to ensure conformity to said standards.

#### **17.11.050. Enforcement Procedure**

- A. Applicability.** The provisions of this section shall apply to the enforcement of the Deemed Approved Alcoholic Beverage Sale regulations.
- B. Official action.** All officials, departments, and employees of the city vested with the authority to issue permits, certificates, or licenses shall adhere to, and require conformance with, the Deemed Approved Alcoholic Beverage Sale regulations.
- C. Infractions.** Any person who violates, causes, or permits another person to violate any provision of these regulations is guilty of an infraction unless otherwise provided.
- D. Separate Offenses for Each Day.** Any violator shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of these regulations is committed, continued, permitted, or caused by such violator and shall be punishable accordingly.



- E. Any Violation a Public Nuisance.** In addition to the penalties provided in this section, any use or condition caused or permitted to exist in violation of any of the provisions of this chapter shall be and is declared to be a public nuisance and may be summarily abated as such by the city.
- F. Injunction as Additional Remedy.** Any violation of any provision of these regulations shall be and is declared to be contrary to the public interest and shall, at the discretion of the city, create a cause of action for injunctive relief.
- G. Penalties.** Any person convicted of an infraction under the provisions of this section shall be punishable by a fine to the maximum permitted under state law. Any violation beyond the second conviction within a one-year period may be charged by the City Attorney as a misdemeanor, and the penalty for conviction shall be punishable by a fine or imprisonment to the maximum permitted under state law.
- H. Liability for Expenses.** In addition to the punishment provided by law, a violator is liable for such costs, expenses, and disbursements paid or incurred by the city or any of its contractors in correction, abatement, and prosecution of the violation.
- I. Enforcement.** The city shall designate the appropriate personnel to enforce the provisions of these regulations.

## **Chapter 17.12: Nonconforming Lots**

### **Sections:**

#### **17.12.010 Intent.**

#### **17.12.020 Regulations.**

#### **17.12.010 Intent.**

A lot having less area, width, depth or frontage than required by the Subdivision Regulations, as set forth in Title 16 of this code, for the zone in which it is located, but which was lawfully created prior to the effective date of regulations requiring such greater area or dimension, shall be considered a nonconforming lot. These regulations are intended to provide for the reasonable use of such nonconforming lots, consistent with other standards adopted to protect the public health, safety and general welfare. (Ord. 941 - 1 (part), 1982: prior code - 9202.3(A))

#### **17.12.020 Regulations.**

A. If a nonconforming lot has been held in common ownership with any contiguous property at any time since November 18, 1977, and it otherwise meets the requirements for parcel merger under Government Code Section 66451.11, it may not be individually developed. The area within such a lot may be developed only after it has been merged with contiguous property, or otherwise re-subdivided in conjunction with the contiguous property to create one or more conforming parcels or one parcel which more nearly conforms. (Ord. 1346 (1999 Series))

An exception to the above merger requirement may be requested through an administrative use permit. To approve the use permit, the Director must find that retention of the property line(s) will not adversely impact neighborhood character. Factors that assure that neighborhood character is maintained include:

1. The regular spacing of buildings on the affected lots, when viewed from the street, is consistent with other developed properties within the same block;
2. Convenient and conforming access and parking is available to serve site uses.

B. In an R-1 or R-2 zone, the merger or re-subdivision requirement set forth in the first paragraph of this subsection shall not apply to a nonconforming lot and contiguous commonly owned property where each of the parcels has an area, width, depth and frontage equal to at least 80% of the minimum required in the Subdivision Regulations (Title 16 of this code).

C. If a nonconforming lot has not been held in common ownership with any contiguous property since November 18, 1977, it may be individually developed.

D. Property development standards shall apply to nonconforming lots, except that the density standards shall not prevent construction of a single dwelling unit where otherwise permitted by this chapter (see Section 17.16.010, Density). (Ord. 1102 - 1 Ex. A(5), 1987; Ord. 1085 - 1 Ex. A (part), 1987; Ord, 1006 - 1 (part), 1984: Ord. 941 - 1 (part), 1982: prior code - 9202.3(B))

## **Chapter 17.14: Nonconforming Structures**

### **Sections:**

#### **17.14.010 Intent.**

#### **17.14.020 Regulations.**

#### **17.14.010 Intent.**

A structure which lawfully existed on the effective date of applicable sections of the ordinance codified in this division, but which does not comply with one or more of the property development standards for the zone in which it is located, is a "nonconforming structure." This chapter is intended to provide for the correction or removal of such structures as soon as practical, but not unduly encumber maintenance and continued use of otherwise sound structures. (Ord. 941 - 1 (part), 1982: prior code - 9202.4(A))

#### **17.14.020 Regulations.**

- A. A nonconforming structure that is damaged to an extent of one-half or more of its replacement cost immediately prior to such damage may be restored only if made to conform. However, residences in some zones may be allowed to be restored at the original density and size, even if the density and size do not conform to current regulations (see Section 17.16.010E). (Ord. 1346 (1999 Series))
- B. Changes to structural elements, interior partitions or other nonstructural improvements and repairs may be made to a nonconforming building. However, demolition (see Section 17.100 for definition of demolition) and reconstruction shall be permitted only if the structure is made to conform.
- C. Replacement cost shall be determined by the Chief Building Official, whose decision may be appealed to the Council.
- D. Exceptions to this chapter may be granted by the Director for historic structures designated as such in any list or plan element adopted by the City, or for buildings that are over 50 years old where the existing building and any proposed additions or modifications are compatible with the surrounding neighborhood.
- E. Exceptions to this chapter may be granted to allow additions to nonconforming structures occupied by conforming uses, subject to a finding of consistency with the intent of this chapter.
  1. Conforming additions to structures may be approved by the Director without a public hearing.
  2. Upon approval of a use permit the Director may allow other yards to be reduced to zero in some instances for minor additions to existing legal non-conforming structures (see Section 17.16.020.E2.d). (Ordinance 1365 (2000 Series) (part)).
  3. The value of additions allowed pursuant to subdivisions 1 and 2 of this subsection shall be excluded from calculation of replacement cost of the nonconforming structure. (Ord. 1006 - 1 (part), 1984; Ord. 941 - 1 (part), 1982: prior code - 9202.4(B))

---

## **Chapter 17.16: Property Development Standards**

### **Sections:**

- 17.16.005 Applicability of other provisions.**
- 17.16.010 Density.**
- 17.16.015 Recreational vehicles as dwelling unit.**
- 17.16.020 Yards.**
- 17.16.025 Creek setbacks.**
- 17.16.030 Coverage.**
- 17.16.040 Height.**
- 17.16.050 Fences, walls and hedges.**
- 17.16.060 Parking space requirements.**
- 17.16.070 Parking and driveway design and exceptions.**
- 17.16.090 Screening of outdoor sales and storage.**
- 17.16.100 Utility services.**
- 17.16.110 Satellite dish antenna.**
- 17.16.120 Wireless telecommunication facilities.**

### **17.16.005 Applicability of Other Provisions.**

- A. Development of property within the city may be subject to provisions of this code not contained in this section or chapter, including, but not limited to, the following:
  - 1. Fire Prevention Code, Chapter 15.08;
  - 2. Building Regulations, Chapter 15.04;
  - 3. Demolition and Moving of Buildings, Chapter 15.36;
  - 4. Subdivision Regulations, Title 16;
  - 5. Building Setback Line (plan line), Chapter 17.74;
  - 6. Street Right-of-Way Dedication and Improvement, Chapter 17.76;
  - 7. Grading Regulations, Section 15.04.040;
  - 8. Architectural Review Commission, Chapter 2.48;
  - 9. General Plan Amendment Regulations, Chapter 17.80;
  - 10. Sign Regulations, Chapter 15.40;
  - 11. Condominium Development and Conversion Regulations, Chapter 17.82;
  - 12. Flood Damage Prevention Regulations, Chapter 17.84;
  - 13. Downtown Housing Conversion Permits, Chapter 17.86;
  - 14. Growth Management Regulations, Chapter 17.88;
  - 15. Resource Deficiency, Chapter 2.44;
  - 16. Environmental Review Guidelines, adopted by Council Resolution 3919-1979;
  - 17. Affordable Housing Incentives, Chapter 17.90;
  - 18. On-Shore Support Facilities, Chapter 17.92;

19. Development Agreements, Chapter 17.94
- B. Where provisions of this chapter conflict with provisions of other applicable laws, the more restrictive provision shall prevail. (Ord. 1006 - 1 (part), 1984: prior code - 9202.5(A))

### **17.16.010 Density.**

#### **A. Determination of Allowed Development.**

1. "Density" is the number of dwellings per net acre, measured in density units. In the AG, C/OS, and R-1 zones, each single-family dwelling counts as one density unit. In the other zones, different size dwellings have density unit values as follows: (Ord. 1365 (2000 Series)(part))
  - a. Studio apartment, 0.50 unit;
  - b. One-bedroom dwelling, 0.66 unit;
  - c. Two-bedroom dwelling, 1.00 unit;
  - d. Three-bedroom dwelling, 1.50 units;
  - e. Dwelling with four or more bedrooms, 2.00 units.
2. The following procedure shall be used to determine the maximum development allowed on a given lot or land area:
  - a. Determine the Average Cross-slope of the Site. "Average cross-slope" is the ratio, expressed as a percentage of the difference in elevation to the horizontal distance between two points on the perimeter of the area for which slope is being determined. The line along which the slope is measured shall run essentially perpendicular to the contours.
    - i. Where a site does not slope uniformly, average cross-slope is to be determined by proportional weighting of the cross-slopes of uniformly sloping sub-areas, as determined by the Community Development Director.
    - ii. Cross-slope determinations shall be based on the existing topography of the net site area after subtracting the area for any future on-site grading necessary to accommodate proposed right-of-way improvements and other on-site improvements.
    - iii. Cross-slope shall be calculated only for the net area as defined in Sub-section A2b below.
    - iv. When the calculation of cross slope results in a fractional number, it shall be rounded to the next highest whole number if the fraction is one-half or more; otherwise it shall be rounded down to the next lowest whole number.
    - v. No slope-rated density reduction is required in the C/OS, C-R, C-C or PF zones.
    - vi. The maximum development allowed for each average cross-slope category is as follows:

Table 1: Maximum Residential Density for Cross-Slope Categories

Average Cross-Slope in %	Maximum Density Allowed (density units per net acre)					
	R-1	R-2*, O, C-N, C-T	R-3	R-4	C-R, C-D, C-C	C-S, M
0-15	7	12	18	24	36	24
16-20	4	6	9	12	36	24
21-25	2	4	6	8	36	24
26+	1	2	3	4	36	24

\*R-2 zone, see section d.1. below

By approving an administrative use permit, the Director may grant exceptions to the reduction of density with slope where the parcel in question is essentially enclosed on all sides by development at least as dense and within the same cross-slope category as the proposed development. The exception shall not authorize density greater than that allowed for the category of less than 15% slope for the appropriate zone. (See also Section 17.12.020D, Nonconforming Lots - Regulations.)

- b. Determine the Net Area of the Site. "Net area" is all the area within the property lines of the development site, excluding the following:
  1. Street right-of-way dedicated and proposed to be dedicated to the City;
  2. Area between the tops of banks of creeks shown on the Open Space Element "Creeks Map";
  3. Habitat occupied by species listed as "endangered" or "threatened" by the U.S. Fish and Wildlife Service or the California Department of Fish and Game, or as "plants of highest priority" by the California Native Plant Society, unless the Community Development Director determines there is no "practical alternative" as defined by the General Plan;
  4. Area within the drip line of "heritage trees" designated by the City.
- c. Multiply the resulting area (in whole and fractional acres) by the maximum density allowed (in density units per acre) according to Table 1 of this section. (Ord. 1365 (2000 Series)(part))
- d. The resulting number (in density units, carried out to the nearest one-hundredth unit) will be the maximum residential development potential. Any combination of dwelling types and numbers may be developed, so long as their combined density unit values do not exceed the maximum potential. (Ord. 1365 (2000 Series)(part))
  1. For a single-family residence (single unit on one lot) located in the Medium-Density Residential Zone (R-2), density unit values may be rounded up to the nearest half (.5) density unit (example: 1.37=1.5). Condominiums and common interest subdivisions shall conform to standard R-2 density requirements where maximum density is calculated by rounding to the nearest one-hundredth unit.

**B. Density Transfer.**

1. Development potential may be transferred within the area covered by a planned development (PD) zone, in conformance with the requirements of Chapter 17.50.
2. Where a portion of a lot is within a zone or zones that allow residential use and the rest of the lot is in a C/OS zone, and the portion within the C/OS zone is not large enough to allow one dwelling, the fractional dwelling unit potential from the C/OS zone may be transferred to the other portion of the lot, without planned development rezoning.

**C. Density Averaging.**

Where portions of a lot are within two or more different zones that allow different maximum densities, and any portion is not of the size required for a lot in that zone, density may be averaged over the whole lot, with each portion contributing to the overall maximum development potential in proportion to its area and maximum allowed density.

**D. Density Bonus for Low-income and Moderate-income Housing.**

Pursuant to California Government Code Section 65915, the City may negotiate a density bonus or other benefits in exchange for provision of housing affordable to households with low or moderate income, as defined in the Government Code, and as stipulated in Chapter 17.90 of these regulations. (Ord. 1085 - 1 Ex. A (part), 1987; Ord. 1006 - 1 (part), 1984; Ord. 941 - 1 (part), 1982: prior code - 9202.5(B))

**E. Exceptions for Dwellings Rebuilt After Involuntarily Destroyed. Residences in R-1, R-2, R-3, R-4, O, C-N, C-C, C-R, C-T, C-D and C/OS zones, which have been involuntarily damaged or destroyed by fire, other catastrophic event, or the public enemy by more than 50% of their pre-damaged value, may be rebuilt at the same density and up to the same size, under the following circumstances:**

1. All construction must conform to current building codes, zoning regulations, and architectural guidelines, except that the previously existing number of dwelling units and size of buildings will be allowed.
2. A building permit for the replacement structure(s) must be obtained within three years of the date of the damage or destruction.
3. Notwithstanding the above provisions, application for replacement structures of the same density and size may be denied if the Community Development Director makes one of the following findings:
  - a. The reconstruction, restoration, or rebuilding will be detrimental or injurious to the health, safety, or general welfare of persons living or working in the neighborhood.
  - b. The reconstruction, restoration, or rebuilding will be detrimental or injurious to property and improvements in the neighborhood.
  - c. The existing nonconforming use of the building or structure would be more appropriately moved to a zone in which the use is permitted.
  - d. There no longer exists a zone in which the existing nonconforming use is permitted. (Ord. 1346 (1999 Series))

**17.16.015 Recreational Vehicle as Dwelling Unit.**

No recreational vehicle, camper shell, automobile or similar device shall be used for living or sleeping quarters on private property, except in a lawfully operated mobile home park, travel trailer park, campground, or safe parking facility, except as provided in Section 17.08.010(C)(4) et seq. Within city streets, areas of the public right-of-way, and city-owned

parking areas, parking of vehicles for purposes of overnight camping or sleeping is prohibited by and shall be subject to enforcement in accordance with Chapter 10.34. (Ord. 1584 § 3, 2012; Ord. 1484 § 14, 2005; Ord. 1277 § 5, 1995).

### **17.16.020 Yards.**

#### **A. Definitions and Purpose.**

1. A "yard" is an area along a property line within which no structures, parking spaces or parking backup spaces may be located, except as otherwise provided in these regulations. Yards are intended to help determine the pattern of building masses and open areas within neighborhoods. They also provide separation between combustible materials in neighboring buildings. Yards are further intended to help provide landscape beauty, air circulation, views and exposure to sunlight for both natural illumination and use of solar energy.
2. These regulations provide for two types of yards:
  - a. "Street yard" means a yard adjacent to a local street, State highway, or adopted setback line. Frontages on Highway 101 are not street yards.
  - b. An "other yard" is any yard other than a street yard (i.e. side and rear yards).

#### **B. Measurement of Yards.**

1. Street yards shall be measured from the right-of-way line or adopted setback line to the nearest point of the wall of any building.
2. Other yards shall be measured from the property line to the nearest point of the wall of any building.
3. The height of a building in relation to yard standards is the vertical distance from the ground to the top of the roof, measured at a point which is a specific distance from the property line. Height measurements shall be based on the existing topography of the site, before grading for proposed on-site improvements. (Ord. 1365 (2000 Series)(part))

#### **C. Yard Standards.**

1. Street yards shall comply with the following:

Table 2: Minimum Street Yards

<b>Zone</b>	<b>Minimum Street Yard</b>
R-1	20 feet
R-2	20 feet
R-3	15 feet
R-4	15 feet
C/OS	20 feet
O	15 feet
PF	As provided in zone of adjacent lot*
C-N	10 feet
C-C	As provided in zone of adjacent lot*
C-D	As provided in zone of adjacent lot*
C-R	As provided in zone of adjacent lot*
C-T	10 feet
C-S	See Chapter 17.46
M	See Chapter 17.48
BP	See Chapter 17.49



\* If the zone of adjacent lot does not have its own standard, no street yard is required. Lots separated by streets or other rights-of-way are not considered adjacent. If more than one zone is adjacent, the largest yard shall be required.

2. Other yards shall comply with the following:

Table 3: Minimum Other Yards In R-1 and R-2 Zones

Maximum Building Height *	Minimum Required Yard **
<b>A point this high on the roof of a building:</b>	<b>Must be at least this far from the property line:</b>
(feet)	(feet)
1-12	5.0 (min.in R-1 & R-2)
13	5.5
14-15	6.0
16-17	7.0
18-19	8.0
20	8.5
21-22	9.0
23-24	10.0
25	10.5
26	11.0
27	11.5
28	12.0
29	12.5
30-31	13.0
32	13.5
33	14.0
34	14.5
35	15.0

\*Building heights shall be rounded to the nearest whole foot.

\*\* Yards shall be rounded to the nearest 0.5 foot.

Table 4: Minimum Other Yards In R-3, R-4, O And C-N Zones

Maximum Building Height*	Minimum Required Yard**
<b>A point this high on the roof of a building:</b>	<b>Must be at least this far from the property line:</b>
(feet)	(feet)
1-13	5 (min. yard)
14-15	5.5
16-17	6
18-20	6.5
21-22	7
23-24	7.5
25-26	8
27-29	8.5
30-31	9
32-33	9.5
34-35 (max. height)	10

\* Building heights shall be rounded to the nearest whole foot.

\*\* Yards shall be rounded to the nearest 0.5 foot.

Table 5: Minimum Other Yards In C/OS, PF, C-C, C-D, C-R, C-T, C-S, M, and BP Zones

<u>Zone</u>	<u>Minimum Other Yard</u>
C/OS	20 feet
PF	As provided in zone of adjacent lot*
C-C	As provided in zone of adjacent lot*
C-D	As provided in zone of adjacent lot*
C-R	As provided in zone of adjacent lot*
C-T	As provided in zone of adjacent lot*
C-S	See Chapter 17.46
M	See Chapter 17.48
BP	See Chapter 17.49

\* If the zone of adjacent lot does not have its own standard, no yard is required. Lots separated by streets or other rights-of-way are not considered adjacent. If more than one zone is adjacent, the largest yard shall be required.

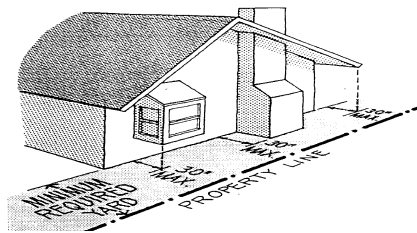
3. Yards with City-required landscape plans and storm water facilities shall be landscaped and maintained in accordance with approved plans.

**D. What may Occupy Yards.**

1. Utility Structures. Components of public utility systems may be located within street yards when approved by the Architectural Review Commission.
2. Fences, Walls and Hedges. Fences, walls and hedges may occupy yards to the extent provided in Section 17.16.050. (Vegetation may be controlled by the California Solar Shade Control Act.)

3. Arbors and Trellises. Arbors and trellises may occupy yards subject to the extent provided in Section 17.16.050. Arbors and trellises shall not be connected to or supported by a building, nor be designed to support loads other than vines or similar plantings. They are not considered structures for zoning purposes and shall not be used as patio covers.
4. Signs. Signs in conformance with the Sign Regulations codified in Chapter 15.40 may occupy yards to the extent provided in those regulations.
5. Architectural Features. The following and similar architectural features may extend into a required yard no more than 30 inches:
  - a. Cornices, canopies, eaves, buttresses, chimneys, solar collectors, shading louvers, reflectors, water heater enclosures, and bay or other projecting windows that do not include usable floor space (Figure 1).

Figure 1



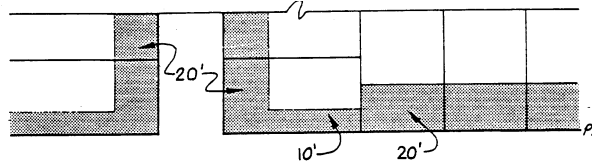
- b. Uncovered balconies, uncovered porches, or decks may extend into the required yard not more than four feet or one-half the required yard distance, whichever is less. Fire escapes, exit stairs or other required exits may be required to meet greater setbacks to comply with Building Code requirements.
    - c. Decks, planters and similar features less than 30 inches above grade may be located within the required yards.
6. Trash Enclosures. Trash enclosures which have been approved by the Architectural Review Commission may be located within a required yard, provided no part of the enclosure is less than three feet from any right-of-way or adopted setback line.
7. Vehicle Parking. Vehicle parking in front yard areas of residential properties shall conform to section 17.17.055 of this code. No person shall stop, park, or leave standing any vehicle, whether attended or unattended, within any street yard or upon any unpaved surface as defined in Sections 12.38.040 and 17.16.020 of this code.
8. Unenclosed Parking Spaces in Other Yards. Unenclosed parking spaces and parking aisles may be located within other yards. For residential properties parking spaces may not be located within the "front yard" area unless consistent with section 17.17.055.
9. Unenclosed. Tandem Parking Spaces. For single dwellings required parking may be approved by the Director to be in tandem where safe and compatible with the surrounding neighborhood.
10. Enclosed and Unenclosed Parking Spaces in Street Yard Prohibited. In no case may an enclosed parking space or required parking space from which vehicles exit directly onto the street be located less than 20 feet from the street right-of-way or setback line except as provided in 17.16.020E.2 below, or as provided in 17.17.055.D.

**E. Exception to Yard Requirements.** These regulations provide two general types of exceptions to the yard requirements: first, those which the property is entitled to because of physical circumstances and second, those which the City may approve upon request and subject to certain discretionary criteria.

**1. Exceptions Property May Be Entitled To.**

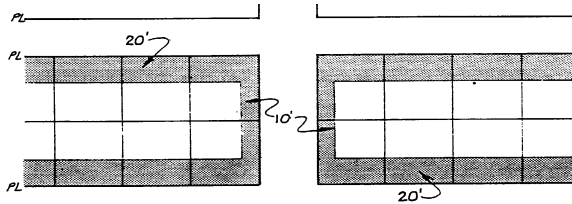
- a. **Street Yards on Corner Lots Recorded Before April 1, 1965.** On corner lots in the R-1 and R-2 zones, recorded before April 1, 1965, the street yard along the lot frontage having the longer dimension shall be not less than 10 feet, as in Figure 2.

**Figure 2**



- b. **Street Yards on Corner Lots Where Each Corner Lot has Its Longer Frontage Along the Cross Street.** In the R-1 and R-2 zones, when each corner lot on a cross street has its longer frontage along the cross street, as in Figure 3, the street yard along the longest frontage shall be not less than 10 feet.

**Figure 3**



- c. **Street Yard Averaging (developed areas).** Where these regulations require street yards and where buildings have been erected on at least one-half of the lots in a block as of the effective date of the regulations codified in this section, the minimum required street yard shall be the average of the street yards of the developed lots, but in no case less than 10 feet nor more than would otherwise be required.
- d. **Reduced Street Yard for New Structure Providing Additional Creek Setback.** Where a new structure provides a creek setback larger than required by this title, the required street yard shall be reduced one foot for each one foot of additional creek setback, so long as the street yard is at least one-half that required by Table 2.

**2. Discretionary Exceptions.**

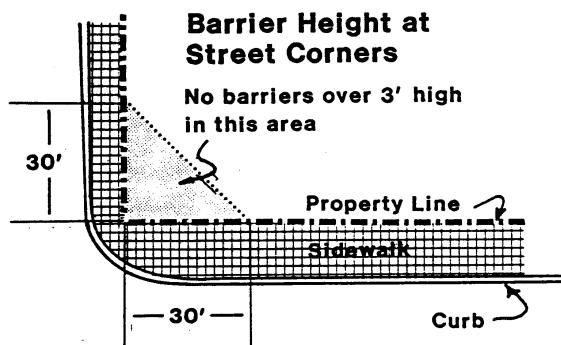
- a. **Reduced Street Yards.** Upon approval of a use permit, or in conjunction with tandem parking approval, the director may allow street yards to be reduced to zero for unenclosed parking spaces. Street yard reductions are not intended to allow for garage conversions. Street yards may be reduced to 10-feet for structures including carports. Reductions may be approved for garages when the driveway is long enough to accommodate a parked car that doesn't overhang the sidewalk (18.5 feet min.).

- b. Variable Street Yards in Subdivisions.** In new residential subdivisions, the entity approving the subdivision may approve variable street yards, to be noted on the approved map, provided the average of the yards on a block is at least 15 feet and no yard is less than 10 feet. Garages or carports which back directly onto the public right-of-way shall maintain a minimum setback so that a parked car doesn't overhang the sidewalk (18.5 feet).
- c. Variable Other Yards in Subdivisions.** In new residential subdivisions, the entity approving the subdivision map may approve exceptions to the other yard standards, with the exceptions to be noted on the map, provided a separation of at least 10 feet between buildings on adjacent lots will be maintained and an acceptable level of solar exposure will be guaranteed by alternative yard requirements or private easements to ensure the development will comply with solar access standards of General Plan Conservation and Open Space Element Policy 4.5.1.
- d. Other Yard Variations in Previously Subdivided Areas.** Upon approval of a use permit, the Director may allow other yards to be reduced to zero under either of the following circumstances:
- i. When there exists adequate recorded agreement running with the land to maintain at least 10 feet of separation between buildings on adjacent parcels and the development will comply with solar access standards of General Plan Conservation and Open Space Element Policy 4.5.1; or
  - ii. When the reduction is for either a minor addition to an existing legal structure which is non-conforming with regard to yard requirements or for a detached single-story accessory structure provided that the Director makes the following findings: (Ord. 1365 (2000 Series)(part))
    - o in the case of a minor addition, that the minor addition is a logical extension of the existing non-conforming structure; (Ord. 1365 (2000 Series)(part))
    - o in the case of a detached single-story accessory structure, that the accessory structure is consistent with the traditional development pattern of the neighborhood and will have a greater street yard setback than the main structure; (Ord. 1365 (2000 Series)(part))
    - o that adjacent affected properties will not be deprived of reasonable solar exposure; (Ord. 1365 (2000 Series)(part)) and the development will comply with solar access standards of General Plan Conservation and Open Space Element Policy 4.5.1.
    - o that no useful purpose would be realized by requiring the full yard;
    - o that no significant fire protection, emergency access, privacy or security impacts are likely from the addition; and
    - o that it is impractical to obtain a 10-foot separation easement pursuant to subsection "i" above.
- All such minor additions and new accessory structures shall comply with applicable provisions of Title 15, Building and Construction Regulations, of this code (see also Chapter 17.14, Non-conforming structures). (Ord. 1365 (2000 Series) (part))
- e. Other Yard Building Height Exceptions.** Upon approval of a use permit, the Director may allow exceptions to the standards provided in Tables 3, 4, and 5 of subsection C2 of this section. Such exceptions may be granted in any of the

following and similar circumstances, but in no case shall exceptions be granted for less than the minimum yard required: (Ord. 1365 (2000 Series)(part))

- i. When the property that will be shaded by the excepted development will not be developed or will not be deprived of reasonable solar exposure, considering its topography and zoning;
  - ii. When the exception is of a minor nature, involving an insignificant portion of total available solar exposure;
  - iii. When the properties at issue are within an area where use of solar energy is generally infeasible because of landform shading;
  - iv. When adequate recorded agreement running with the land exists to protect established solar collectors and probable collector locations;
  - v. When the property to be shaded is a street.
  - vi. Where no significant fire protection, emergency access, privacy or security impacts are likely to result from the exception. (Ord. 1365 (2000 Series)(part))
  - vii. The development will comply with solar access standards of General Plan Conservation and Open Space Element Policy 4.5.1.
- f. **Intersection Visibility.** At the intersections not controlled by a stop sign or traffic signal, no plant, structure or other solid object over three feet high which would obstruct visibility may be located within the area indicated in Figure 4. At controlled intersections, the City Engineer may determine visibility requirements for proper sight distance. (Note: Yard requirements may also be modified by variance, Chapter 17.60; planned development, Chapter 17.62; specific plan, Chapter 17.52; or special consideration zone, Chapter 17.56.) (Ord. 1102 - Ex. A(7), (8), 1987; Ord. 1085 - 1 Ex. A (part), 1987; Ord. 1009 - 1, 1984; Ord. 1006 - 1 (part), 1984; Ord. 941 - 1 (part), 1982: prior code - 9202.5(C))

Figure 4



Any other exception to the height limits requires approval of a variance as provided in Chapter 17.60.

For height limits of signs, see Chapter 15.40. Sign Regulations. (Ord. 1085 - 1 Ex. A (part), 1987; Ord. 1006 - 1 (part), 1984; Ord. 941 - 1 (part), 1982: prior code - 9202.5(E))

**17.16.025 Creek Setbacks.****A. Purpose.** Creek setbacks are intended to:

1. Protect scenic resources, water quality, and natural creekside habitat, including opportunities for wildlife habitation, rest, and movement.
2. Further the restoration of damaged or degraded habitat, especially where a continuous riparian habitat corridor can be established.
3. Allow for natural changes that may occur within the creek corridor.
4. Help avoid damage to development from erosion and flooding.
5. Enable implementation of adopted City plans.

**B. Waterways Subject to Setbacks.** Creek setback requirements shall apply to all creeks as defined in the Open Space Element and shown on that element's Creek Map, and only to those creeks.**C. Measurement of Creek Setbacks.** Creek setbacks shall be measured from the existing top of bank (or the future top of bank resulting from a creek alteration reflected in a plan approved by the City), or from the edge of the predominant pattern of riparian vegetation, whichever is farther from the creek flow line (Figure 5). The Community Development Director may determine the predominant pattern of riparian vegetation, where the edge of the vegetation varies greatly in a short length along the creek, in a way unrelated to topography (for example, the Director will not base the setback line on individual trees or branches extending out from the channel or on small gaps in vegetation extending toward the channel). Where riparian vegetation extends over a public street, no creek setback is required on property which is on the side of the street away from the creek.**D. Plan Information.** The location of top of bank and of riparian vegetation shall be shown on all project plans subject to City approval. The location of these features is subject to confirmation by the Community Development Director, based on observation of actual conditions and, as needed, the conclusions of persons with expertise in hydrology, biology, or geology.**E. Creek Setback Dimensions.** Different setback dimensions are established in recognition of different parcel sizes and locations of existing structures for areas within the city in comparison with areas which may be annexed, and in response to different sizes of the creek channels and tributary drainage areas.

1. **Creeks within the 1996 City Limits.** Along all creeks within the city limits as of July 1, 1996, the setback shall be 20 feet, except as provided in parts E.3, E.4 or G below. Where the city limit follows a creek, the setback on the side within the 1996 city limits shall be 20 feet and the setback on the annexed side shall be as provided in part 2 below.
2. **Creeks in Areas Annexed After 1996.** Along any creek in an area annexed to the City after July 1, 1996, the following setbacks shall be provided, unless a specific plan or development plan approved by the City Council provides a larger or smaller setback, consistent with the purpose of these regulations and with General Plan policies.

- a. **Fifty-foot Setbacks.** The setback along the following shall be 50 feet: San Luis Obispo Creek (all of main branch); San Luis Obispo Creek East Fork, from San Luis Obispo Creek (main branch) to the confluence with Acacia Creek; Stenner Creek.
  - b. **Thirty-five-foot Setbacks.** The setback along the following shall be 35 feet: Prefumo Creek; Froom Creek; Brizzolara Creek; San Luis Obispo Creek East Fork tributary, from the confluence with Acacia Creek to Broad Street (Highway 227); Acacia Creek and its tributaries west of Broad Street (Highway 227); the segment of the tributary of Acacia Creek which flows generally parallel to and on the easterly side of Broad Street (Highway 227), from Broad Street to Fuller Road.
  - c. **Twenty-foot Setbacks.** The setback along all creeks except those listed in parts "a" and "b" immediately above shall be 20 feet. (Informational map is available in the Community Development Department.)
3. **Larger Setbacks.** To mitigate potentially significant environmental impacts in compliance with the California Environmental Quality Act, or to implement adopted City plans, when approving a discretionary application the City may require setbacks larger than required by parts 1 and 2 above, or further limitations on the items which may be placed within setbacks. (Also, other City regulations may restrict or prevent development in a floodway or floodplain.)
  4. **Prior Approvals.** Where the City has explicitly approved a creek setback smaller than required by this section, prior to adoption of this section, by action on a tract or parcel map (whether or not a vesting map), architectural review application, use permit, Planned Development zoning, or Special Considerations zoning, that smaller setback shall remain in effect so long as the approval is in effect.

**F. Items Prohibited within Setbacks.**

The following shall not be placed or constructed within a creek setback, except as provided in part G below: structures; paving; parking lots; in nonresidential zones, areas used for storing or working on vehicles, equipment, or materials.

**G. Exceptions to Creek Setbacks.**

**1. Entitled Replacement Structures.**

Where a structure lawfully existed on or before October 3, 1996, within a creek setback required by this chapter, the following shall apply. This part is not intended to allow replacement of paving that existed on or before October 3, 1996, with new paving or a building, unless a discretionary approval is obtained pursuant to part 17.16.025.G(4).

- a. Any structure built in replacement of such a structure may occupy the same footprint, within the creek setback, as the previous structure, without obtaining a discretionary exception. (See also Section 17.16.020(E)(1)(d).)
- b. Additional floor area shall not be added to the encroaching part of the structure (for example, by adding stories).
- c. The part of a structure that is nonconforming due solely to the creek setback encroachment may be remodeled without regard to the limits of Section 17.14.020(B) and (C) of this title.

**2. Entitled Accessory Structures and Uses.**

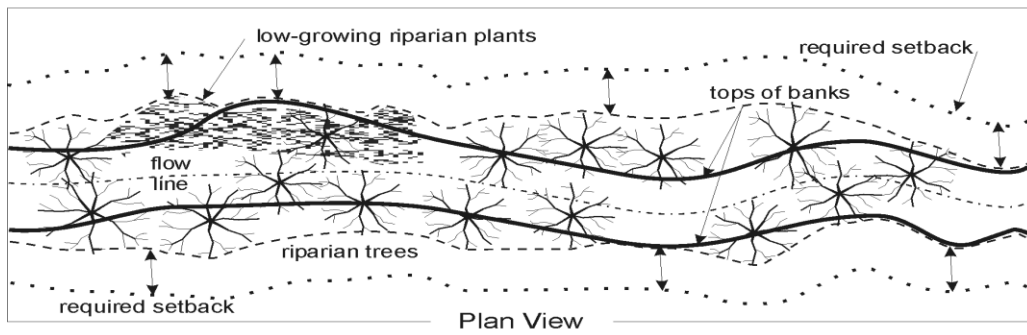
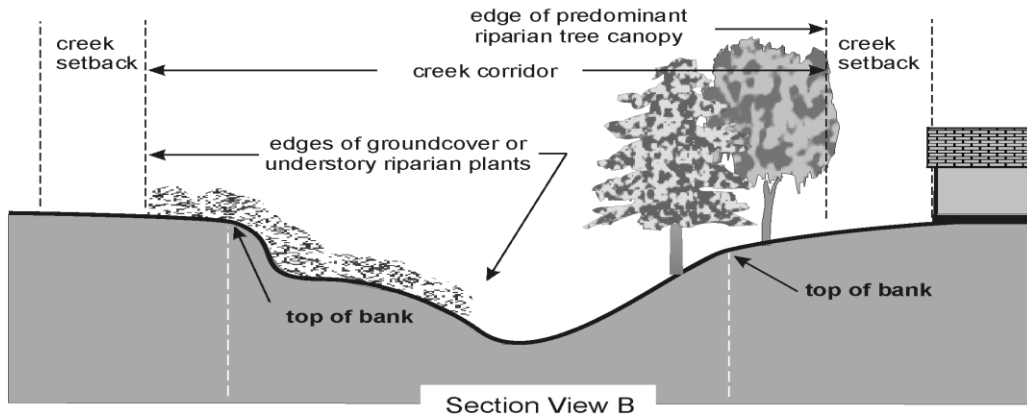
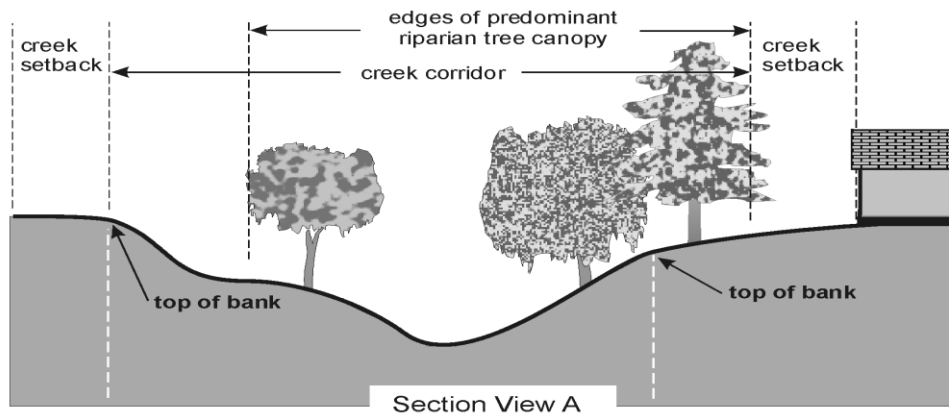


The following items may be located within the required creek setback, without obtaining a discretionary exception, provided that they: do not extend beyond the top of bank into the creek channel; will not cause the removal of native riparian vegetation; will not reduce any flooding capacity pursuant to the city's flood damage prevention regulations; in total occupy not more than one-half of the setback area; are consistent with other property development standards of the zoning regulations.

- a. Walls or fences provided that in combination with buildings they enclose not more than one-half of the setback area on any development site.
  - b. For a single-family dwelling: uncovered parking spaces, patios, and walkways. (Pedestrian paths and bicycle paths require a discretionary exception as provided in part 4.)
  - c. Decks, stairs, and landings which are no more than thirty inches in height.
  - d. One-story, detached buildings used as tool and storage sheds, play houses, and similar uses, provided the projected roof area does not exceed one hundred twenty square feet.
  - e. Garden structures such as trellises, arbors, and gazebos, provided they are constructed using an open lattice design and lightweight materials.
- 3. Entitled Architectural Features. The following architectural features may extend into the setback up to thirty inches: cornices, canopies, eaves, buttresses, chimneys, solar collectors, shading louvers, water heater enclosures, and bay or other projecting windows that do not include usable floor space.**
- 4. Discretionary Exceptions.**
- a. **Intent.** Discretionary exceptions to creek setback standards are intended to allow reasonable use of sites that are subject to creek setbacks, where there is no practicable alternative to the exception. Generally, such exceptions are limited to small parcels that are essentially surrounded by sites that have been developed with setbacks smaller than those in subsection E of this section. In the case of pedestrian paths, bicycle paths, and bridges, the site may be large, but there are no options for avoiding a crossing of the creek or encroaching into the creek setback.
  - b. **Application Type.** A creek setback smaller than required by subsection E of this section may be approved by city action on a plan for public facilities approved by the city council or on a specific plan, development plan under planned development zoning, land division, use permit, or architectural review. Where one of these types of applications is not otherwise required for the proposed feature, an exception request shall be in the form of an administrative use permit.
  - c. **Public Notice.** Public notice for a project involving a creek setback exception, regardless of application type, shall include a clear description of the feature or features proposed to receive the exception, and the extent of the exception.
  - d. **Findings.** Each discretionary exception shall be subject to each of the following findings, regardless of the type of project application under which the request is considered.
    - i. The location and design of the feature receiving the exception will minimize impacts to scenic resources, water quality, and riparian habitat, including opportunities for wildlife habitation, rest, and movement; and

- ii. The exception will not limit the city's design options for providing flood control measures that are needed to achieve adopted city flood policies; and
  - iii. The exception will not prevent the implementation of city-adopted plans, nor increase the adverse environmental effects of implementing such plans; and
  - iv. There are circumstances applying to the site, such as size, shape or topography, which do not apply generally to land in the vicinity with the same zoning, that would deprive the property of privileges enjoyed by other property in the vicinity with the same zoning; and
  - v. The exception will not constitute a grant of special privilege –an entitlement inconsistent with the limitations upon other properties in the vicinity with the same zoning; and
  - vi. The exception will not be detrimental to the public welfare or injurious to other property in the area of the project or downstream; and
  - vii. Site development cannot be accomplished with a redesign of the project; and
  - viii. Redesign of the project would deny the property owner reasonable use of the property. ("Reasonable use of the property" in the case of new development may include less development than indicated by zoning. In the case of additional development on an already developed site, "reasonable development" may mean no additional development considering site constraints and the existing development's scale, design, or density.)
- e. Biological Survey.** A biological survey by a qualified, independent person shall be required for each discretionary exception request, to provide the basis for making finding subsection (G)(4)(d)(i) of this section, unless waived by the community development director upon determining that no purpose would be served by such a survey because no biological resources could be affected by the exception.
- f. Application Contents.** In addition to any other information required for a project application, a request for creek setback exception shall include the following:
- i. A description of the feature or features proposed for exception and the extent of the exception.
  - ii. A description of potential design changes for the project which would eliminate or reduce the need for the exception.
  - iii. A statement why an exception is deemed necessary by the applicant.
  - iv. Mitigation proposed to offset any harmful effects of the exception.

Figure 5



**17.16.030 Coverage.**

**A. Definition.** "Coverage" means the area of a lot covered by the footprint of all structures, as well as decks, balconies, porches, and similar architectural features, expressed as a percentage of the total lot area. Uncovered decks or porches which are 30 inches or less from the ground shall not be included in the determination of coverage. (See Figures 6 and 7) (Ord. 1006 - 1 (part), 1984; Ord. 941 - 1 (part), 1982: prior code - 9202.5(D)) (Ord. 1365 (2000 Series)(part))

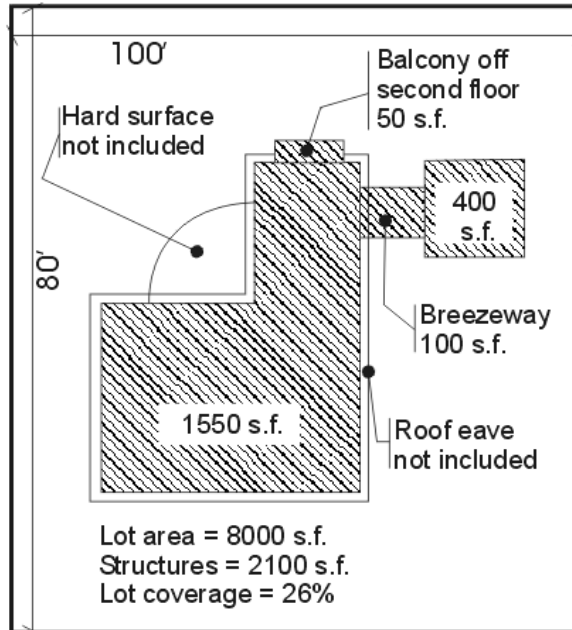


Figure 6

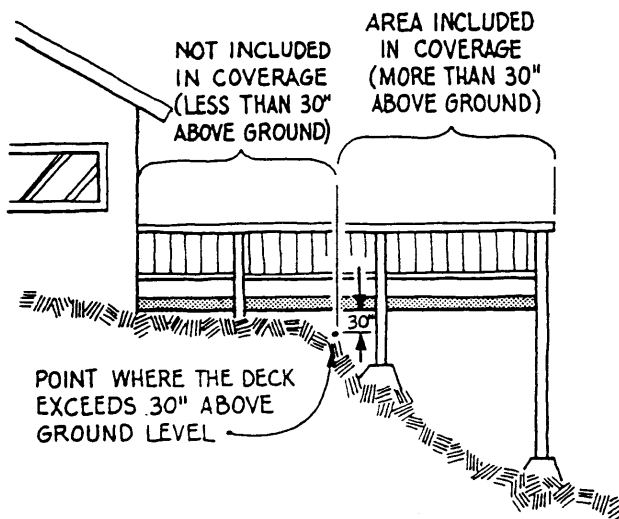


Figure 7

**B. Application and Exception.** Maximum coverage shall be as provided in the specific property development standards for the various zones in Chapters 17.24 through 17.56 inclusive, except that the Planning Commission may grant exceptions to maximum

coverage for churches, synagogues, temples, etc., in any zone, subject to approval of a use permit.

### 17.16.035 Size Limits on Large-Scale Retail Establishments

A. Large-scale commercial buildings shall not exceed the retail size limits established for each commercial zone (see Sections 17.16.035, 17.38.020, 17.40.020, 17.42.020, 17.44.020, and 71.46.020)

#### B. Exceptions to Retail Building Size Limits

1. When an otherwise lawful retail establishment existed on the effective date of the size limits, such structure shall be considered a development non-conformity but may be continued, structurally altered, repaired or reconstructed so long as it is not increased, extended or enlarged beyond the gross floor area of the building that existed on that date.

To the extent practicable, the design guidelines for large-scale retail projects shall be applied to any alteration, reconstruction or repair that takes place after the effective date of the size limits.

### 17.16.040 Height.

The height of a building is the vertical distance from the average level of the ground under the building to the topmost point of the roof, including parapets. The average level of the ground is determined by adding the elevation of the lowest point of the part of the lot covered by the building to the elevation of the highest point of the part of the lot covered by the building, and dividing by two. (See Figure 8.) Height measurements shall be based on existing topography of the site, before grading for proposed on-site improvements. (Ord. 1365 (2000 Series)(part))

Figure 8

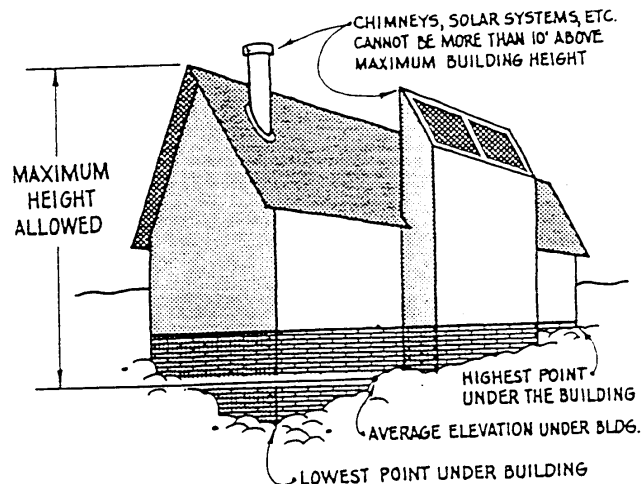


Table 5.5: Maximum Height by Zone

Zone	Maximum Height
R-1	25 ft. (up to 35 feet with approval of an administrative use permit)
R-2	35 feet
R-3	35 feet
R-4	35 feet
C/OS	35 feet
AG	35 feet
O	25 feet (up to 35 feet with approval of an administrative use permit)
PF	35 feet
C-N	35 feet
C-R	45 feet
C-C	35 feet
C-D	50 feet (additional height up to 75 feet may be approved, section 17.42.020.C.)
C-T	45 feet
C-S	35 feet
M	35 feet
BP	Varies by specific plan area (see section 17.49)

See also Section 17.16.020 for relationship of yards and building height.

Components of solar energy systems, chimneys, elevator towers, screening for mechanical equipment that is not integral with building parapets, vents, antennae and steeples shall extend not more than 10 feet above the maximum building height.

Commercial and governmental agency antennae may exceed the height limits for the zone in which they are located if such an exception is approved by the Director.

Any other exception to the height limits requires approval of a variance as provided in Chapter 17.60.

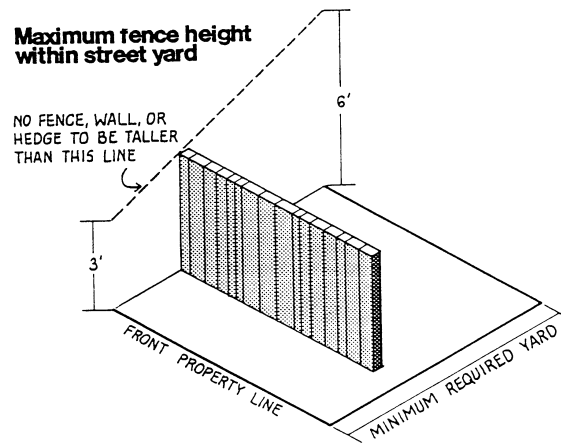
For height limits of signs, see Chapter 15.40. Sign Regulations. (Ord. 1085 - 1 Ex. A (part), 1987; Ord. 1006 - 1 (part), 1984; Ord. 941 - 1 (part), 1982: prior code - 9202.5(E))

### **17.16.050 Fences, Walls and Hedges.**

#### **A. Purpose and Application.**

1. The purpose of these regulations is to achieve a balance between concerns for privacy and public concerns for enhancement of the community appearance, visual image of the streetscape, overall character of neighborhoods, and to ensure the provision of adequate light, air, and public safety.
2. These regulations apply to any type of visible or tangible obstruction which has the effect of forming a physical or visual barrier between properties or between property lines and the public right-of-way, including but not limited to: any type of artificially constructed barriers of wood, metal, or concrete posts connected by boards, rails, panels, wire or mesh and any type of natural growth such as hedges, and screen plantings.

B. Fences, walls or hedges may be placed within required yards, provided:

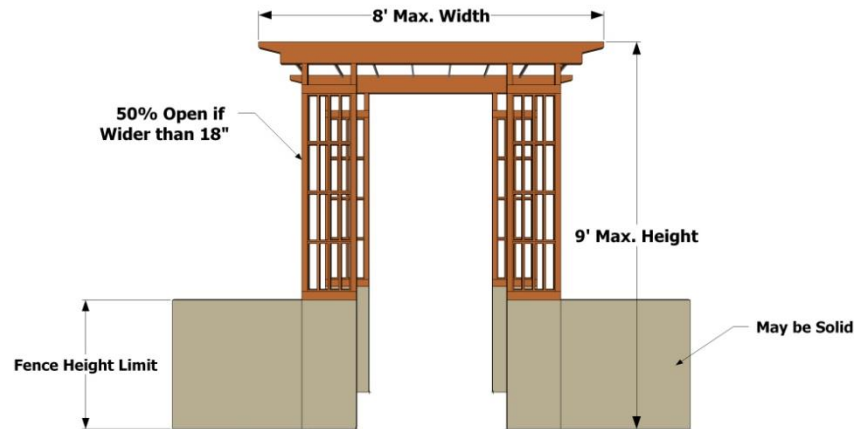


**Figure 9**

1. The maximum height in any street yard shall be as shown in Figure 9;
2. The maximum height in any other yard shall be six feet;
3. Arbors, trellises, and other lightweight ornamental landscape elements are allowed within a required yard, subject to the same height limits that apply to fences and hedges;

C. Fences or walls may be placed outside required yards, provided:

1. The maximum height is eight feet.
2. Where the wall is connected to and a part of the house, it may be any height allowed in the underlying zone.
3. Arbors, trellises, and other ornamental features are allowed within a required yard, subject to the same height limits that apply to fences and hedges except as provided below ;
4. Arbors. Up to one such feature per street frontage may be allowed with a maximum height of 9 feet, and an area of not more than 40 square feet as measured by the perimeter formed by the vertical projection to the ground of the outermost elements of the feature, and no horizontal dimension shall exceed eight feet in length. Any portion of such a feature wider than 18 inches and that exceeds the usual fence height requirements of this section shall be of an open design such that a person standing on the adjacent public right-of-way can see completely through at least 50 percent of the structure to the depth of the required street yard (Figure 9.5, below) Such features within required yards shall not be connected to a building and shall comply with intersection visibility requirements of section 17.16.020.E.2.



**Figure 9.5**

5. Decorative pilasters, statuary, flower pots and similar ornamental elements attached to or incorporated into the design of conforming fences or walls may exceed the required height limit up to 18 inches provided that the decorative element is not wider than 18 inches and that such elements are used to define a gateway or other entryway or are otherwise at least four feet apart.
- D. Fence height is measured from the adjacent grade along the lower side of the wall or fence, directly at the base of the wall or fence.
- E. Measurement of height where fences or walls are located on retaining walls.
  1. Where fences or walls are located on retaining walls, the height of the retaining wall shall be considered as part of the overall height of the fence or wall. Walls or fences must have a minimum spacing of five feet to be considered separate structures for purposes of measuring overall height.
  2. Where fences are located on a berm or mound the height of fence shall include the berm or mound directly beneath the fence and above natural grade in the overall height measurement.
  3. Where fences are located on retaining walls within other yards, fences not to exceed six feet as measured from the uphill side may be erected or replaced on top of the retaining walls and the combined fence and retaining wall height shall not exceed nine feet from the lower side, provided no modification of grade has occurred from the original subdivision improvements and/or design approvals. A building permit is required for the combined fence and retaining wall height to exceed six feet and if there is evidence that a modification to the grade has occurred from the original subdivision/design approvals the height must be authorized through a fence height exception.
- F. The Director may grant exceptions to these standards subject to a finding that no public purpose would be served by strict compliance with these standards.
- G. A public notice shall be posted at the site of each proposed fence height exception. If anyone informs the Community Development Department of a reasonable objection concerning the proposed fence height exception within five days of the posting, the Director shall schedule a hearing for the application as provided for administrative use permits. If no questions or objections are received by the Community Development



Department within five days after posting, the Director may issue a letter of approval upon submission of all required information and without further notice or public hearing. (Ord. 1006 - 1 (part), 1984; Ord. 941 - 1 (part), 1982: prior code - 9202.5(F))

### **17.16.060 Parking Space Requirements.**

- A. Intent.** This section is intended to ensure provision of adequate off-street parking, considering the demands likely to result from various uses, combinations of uses, and settings. It is the City's intent, where possible, to consolidate parking and to minimize the area devoted exclusively to parking and drives when typical demands may be satisfied more efficiently by shared facilities.
- B. Shared parking reduction.** Where two or more uses share common parking areas, the total number of parking spaces required may be reduced by up to 10%, with approval of an administrative use permit. Where shared parking is located on more than one parcel, affected parties must record an agreement governing the shared parking, to the satisfaction of the Director.
- C. Mixed-use parking reduction.** By approving an administrative use permit, the Director may reduce the parking requirement for projects sharing parking by up to 20%, in addition to the shared parking reduction, for a total maximum parking reduction of 30%, upon finding that the times of maximum parking demand from various uses will not coincide.
- D. Mechanical Parking Lifts.** In commercial zones and multi-family developments, by approving an administrative use permit, mechanical parking lifts may be used to satisfy all or a portion of vehicle parking requirements. Additional surface parking up to 25% of the required minimum amount of spaces may be required for lift systems unable to accommodate a range of vehicles including trucks, vans, SUV's, or large sedans. Applications submittals shall include any information deemed necessary by the Director to determine parking can adequately and feasibly be provided and that the following performance standards can be met and the following findings for approval can be made:
1. The use of mechanical lift parking results in superior design and implementation of City goals and policies for infill development.
  2. In existing developments and established neighborhoods, mechanical lift parking will be adequately screened and compatible with the character of surrounding development; and, in new developments, mechanical lift parking shall comply with Community Design Guidelines and be compatible and appropriately considered with overall building and site design.
  3. Mechanical lift parking systems shall comply with all development standards including but not limited to height and setback requirements, and Parking and Driveway Standards with the exception of minimum parking stall sizes which are established by lift specifications.
  4. There exists adequate agreement running with the land that mechanical parking systems will be safely operated and maintained in continual operation with the exception of limited periods of maintenance.
  5. There are no circumstances of the site or development, or particular model or type of mechanical lift system which could result in significant impacts to those living or working on the site or in the vicinity.
- E. Automobile trip reduction.** By approving an administrative use permit, the Director may reduce the parking requirement for projects implementing non-auto travel, particularly for commuting, when it can be demonstrated that reduction of on-site

parking will be safe, and will not be detrimental to the surrounding area or cause a decline in quality of life. The applicant shall provide reasonable justification for the reduction, including innovative project design, transportation demand management (tdm), or incentives, which will reduce single-occupant vehicle travel to and from the site. These may include, but are not limited to programs such as carsharing, employer-paid transit passes, cashouts (i.e. trip reduction incentive plans), or off-peak work hours.

- F. Off-site Parking.** The Director may, by approving an administrative use permit, allow some or all of the required parking to be located on a site different from the use. Such off-site parking shall be within a zone where the use is allowed or conditionally allowed, or within an office, commercial or manufacturing zone. It shall be within 300 feet of the use and shall not be separated from the use by any feature that would make pedestrian access inconvenient or hazardous. The site on which the parking is located shall be owned, leased or otherwise controlled by the party controlling the use. (Ord. 1006 - 1 (part), 1984; Ord. 941 - 1 (part), 1982: prior code - 9202.5(G))
- G. Bicycle and Motorcycle Spaces.** Each use or development, which requires 10 or more spaces, shall provide facilities for parking bicycles and motorcycles as follows:
- 1. Motorcycle Spaces.** Parking for motorcycles shall be provided at the rate of one space for each 20 car spaces. Projects that provide more motorcycle spaces than required may reduce the required car spaces at the rate of one car space for each five motorcycle spaces, up to a 10% reduction, subject to the approval of the Community Development Director.
  - 2. Bicycle Spaces.** Parking for bicycles shall be provided in accordance with Table 6.5. All bicycle spaces shall be located at the ground floor level. Additional City standards and guidelines for bicycle parking can be found in the City's Engineering Standards, Community Design Guidelines, and Bicycle Transportation Plan. Projects which provide more bicycle and/or motorcycle spaces than required may reduce the required car spaces at the rate of one car space for each five bicycle spaces, up to a 10% reduction, subject to the approval of the Community Development Director. All bicycle parking that exceeds the required number of spaces shall be apportioned between short-term and long-term bicycle spaces as stipulated by Table 6.5. Any additional bicycle parking provided for residential uses shall be covered.
- H. Downtown Core:** Within the Downtown-Commercial (C-D) zone the following parking standards and incentives shall apply:
1. Parking space reductions noted in items B through E above shall not be applicable in the C-D zone, as the reduced parking rates established herein are intended to provide flexibility in meeting parking requirements and rely on the consolidation of parking.
  2. Restaurants, sandwich shops, take-out food, bars, taverns, night clubs, other food service or entertainment establishments, theaters, auditoriums, convention halls, and churches: One-half that required in Table 6; provided, however, that in no case the requirement shall exceed one space per three hundred fifty square feet gross floor area.
  3. Dwellings, motels, hotels and bed and breakfast inns: One-half that required in Table 6. In order to support and encourage residential uses in the C-D zone,

additional options for meeting parking requirements for residential uses are available as listed in subsection 7 below.

4. All other uses: One space per five hundred square feet gross floor area.
5. In determining the total number of required spaces, all fractions shall be rounded to the nearest whole number. Fractions of one-half or greater shall be rounded to one; fractions less than one-half shall be rounded to zero.
6. For existing buildings, only the parking needed for additions thereto or for changes in occupancy which increase parking requirement relative to prior uses shall be required.
7. The parking space requirement may be met by:
  - a. Providing the required spaces on the site occupied by the use;
  - b. The director may, by approving an administrative use permit, allow some or all of the parking to be located on a site different from the use. Such off-site parking shall not be within a residential zone. It shall be within reasonable walking distance and no greater than 500 feet of the use and shall not be separated from the use by any feature that would make pedestrian access inconvenient or hazardous. The site on which the parking is located shall be owned, leased or otherwise controlled by the party controlling the use.
  - c. Participating in a commonly held and maintained off-site parking lot where other businesses maintain their required spaces;
  - d. Participating in a parking district that provides parking spaces through a fee or assessment program.
  - e. Participating in an in-lieu fee program as may be established by the city council. Any parking agreement approved prior to adoption of the parking standards contained in subsections (1) through (3) of this section may be adjusted to conform with those standards, subject to approval by the community development director and city attorney;
  - f. In order to facilitate housing development in the downtown, the Director may reduce the parking requirement for any residential element of a project in the CD district by 10% or one space, whichever is greater. In allowing this reduction, the Director may require a vehicle trip reduction plan be submitted for approval and such other conditions deemed necessary to reduce parking demand. Requests for parking reductions greater than 10% shall be reviewed by the Planning Commission and shall require a use permit. In granting such additional reduction, the Commission must find that the increased demand for parking in the Downtown resulting from the project is not significant due to such considerations as the project's design, location, size or other features. The Commission may require a trip reduction plan and other conditions deemed necessary to reduce parking demand.

- I. Requirements by Type of Use.** Except as otherwise provided in these regulations, for every structure erected or enlarged and for any land or structure devoted to a new use

requiring more spaces according to the schedule set out in this subsection, the indicated minimum number of off-street parking spaces located on the site of the use shall be provided.

The right to occupy and use any premises shall be contingent on preserving the required parking and maintaining its availability to the intended users, including residents, staff, and/or customers. In no case may required parking spaces for a use be rented or leased to off-site uses or used for other purposes.

Parking, in addition to these requirements, may be required as a condition of use permit approval.

**J. Uses Not Listed.**

The Director shall determine the parking requirement for uses which are not listed. His/her determination shall be based on similarity to listed uses, and may be appealed to the Planning Commission.

**K. Parking calculations.**

1. The parking requirement is based on the gross floor area of the entire use, unless stated otherwise.
2. When the calculation of required parking results in a fractional number, it shall be rounded to the next highest whole number if the fraction is one-half or more; otherwise it shall be rounded down to the next lowest whole number.
3. Where there has been a reduction in required parking, all resulting spaces must be available for common use and not exclusively assigned to any individual use. In mixed use projects, required residential parking may be reserved, but commercial parking must be made available for guests or overflow from residences.

**L. Tandem parking.**

1. For residential uses, when parking spaces are identified for the exclusive use of occupants of a designated dwelling, required spaces may be arranged in tandem (that is, one space behind the other) subject to approval of the Community Development Director. Tandem parking is intended to allow for needed flexibility on constrained lots or where tandem parking is consistent with the existing neighborhood pattern. Tandem parking shall not be used to provide for the conversion of garage spaces.
2. Hotel and Restaurant Projects (New and Existing). Tandem parking may be used for hotel and restaurant development in the Downtown Commercial (C-D) zone where parking service is provided, subject to the approval of a Parking Management Plan by the Public Works and Community Development Directors. A Parking Management Plan is a document that outlines how site parking will be regulated and includes provisions to reduce parking demand, including but not limited to, availability of transit in close proximity, access to a car share program and access to information regarding alternative transportation programs.
3. Tandem parking may be considered in office development if all of the following requirements are satisfied:
  - a. With review of the location and design by the Architectural Review Commission, where adequate maneuverability and access arrangements are provided; and
  - b. When the tandem spaces are set aside for the exclusive use of on-site employees; and

- c. Where the total number of tandem spaces does not exceed 30% of the total parking provided for projects that require 10 vehicle parking spaces or less, and 15% of the total parking provided for projects that require 11 or more vehicle parking spaces; and
  - d. With the approval of a Parking Management Plan by the Public Works and Community Development Directors to insure that proper management and oversight of the use of the proposed tandem spaces will occur.
4. For existing office development where there is a desire to upgrade or modify the parking layout to increase efficiency or better meet standards, and review by the Architectural Review Commission would not be required, the approval of new tandem parking spaces would require the approval of an administrative use permit, where adequate maneuverability and access arrangements are provided.

**TABLE 6 - PARKING REQUIREMENTS BY USE**

Type of Use	Number of Off-Street Parking Spaces Required
-------------	--

**AGRICULTURE**

Crop production and grazing	No requirement
Greenhouse, commercial	No requirement
Livestock feed lot	As provided in approved use permit

**INDUSTRY, MANUFACTURING & PROCESSING, WHOLESALING**

Bakery, wholesale	Same as Manufacturing - Light
Furniture and fixtures manufacturing, cabinet shop	Same as Manufacturing - Light
Industrial research and development	One space per 300 square feet office or laboratory area, plus one space per 500 square feet indoor assembly or fabrication area, plus one space per 1,500 square feet outdoor work area or indoor warehouse area
Laboratory - Medical, analytical, research, testing	One space per 300 square feet gross floor area
Laundry, dry cleaning plant	One space per 500 square feet gross floor area
Manufacturing - Heavy	One space per 500 square feet gross floor area
Manufacturing - Light	One space per 300 square feet accessory office area plus one space per 300 square feet to 500 square feet manufacturing floor area, to be determined by director according to employment characteristics of each use, plus one per 1,500 square feet outdoor manufacturing area
Petroleum product storage and distribution	One space per 300 square feet office areas plus one space per 500 square feet indoor storage area plus one space per 2,000 square feet outdoor storage area
Photo and film processing lab	One space per 300 square feet gross floor area
Printing and publishing	One space per 300 square feet gross floor area
Recycling facilities - Collection and processing facility	One space per 500 square feet of gross floor area plus one space per 10,000 square feet outdoor storage area, but in no case less than 4 spaces
Recycling facilities - Scrap and dismantling yard	One space per 500 square feet of gross floor area plus one space per 10,000 square feet outdoor storage area, but in no case less than 4 spaces
Recycling facilities - Small collection facility	As provided in approved use permit
Storage - Personal storage facility	One space per 300 square feet office area and common indoor facilities and one space for every five storage units that do not have direct drive-up vehicle access
Storage yard	One space per 2,000 square feet gross floor area
Warehousing, indoor storage	One space per 300 square feet office area plus one space per 1,500 square feet indoor storage area
Wholesaling and distribution	One space per 300 square feet office area plus one space per 1,000 square feet indoor sales/storage area, plus one space per 2,000 square feet outdoor sales area

**LODGING**

Bed and breakfast inn	One per room or group of rooms to be occupied as a suite, plus two for resident manager's quarters
Hostel	One space per five beds, plus one for manager. When the hostel is part of a residence: one space per five beds, in addition to two spaces for the residence.
Hotel, motel	One per room or group of rooms to be occupied as a suite, plus one for resident manager's quarters, plus eating/assembly area requirements
Recreational vehicle (RV) park accessory to hotel, motel	As provided in approved use permit

**TABLE 6 - PARKING REQUIREMENTS BY USE**

Type of Use	Number of Off-Street Parking Spaces Required
-------------	--

**RECREATION, EDUCATION, & PUBLIC ASSEMBLY USES**

Bar/tavern	One space per 60 square feet of customer use plus one space per 100 square feet of food preparation area
Club, lodge, private meeting hall	One space per 300 square feet office area plus one space per four fixed seats or one space per 40 square feet seating area without fixed seats, in the largest assembly room
Commercial recreation facility - Indoor Bowling alleys	One space per 300 square feet gross floor area Two spaces per lane plus one space per four seats spectator/eating area
Commercial recreation facility - Outdoor	One space per 500 square feet outdoor use area
Educational conferences	As provided in approved use permit
Fitness/health facility	One space per 300 square feet gross floor area
Library, museum	One space per 500 square feet storage/display area plus government office and meeting room requirements
Library, branch facility	As provided in approved use permit
Night club	One space per 60 square feet floor or outdoor ground area for customer use, including seating and dancing areas, plus one space per 100 square feet food preparation area
Off-site wine tasting room	One space per 200 square feet gross floor area
Park, playground	One space per 500 square feet
Public assembly facility	One space per four fixed seats or one space per 40 square feet of assembly area without fixed seats
Religious facility	One space per four fixed seats (one space per 40 square feet seating area without fixed seats) in largest assembly room
School - Boarding school, elementary, middle, secondary	As provided in approved use permit
School - College, university - Campus	As provided in approved use permit
School - College, university - Satellite classroom facility	One space per 50 square feet per classroom floor area
School - Elementary, middle, secondary	Two spaces per classroom plus one space per 300 square feet office, assembly or common area
School - Specialized education/training	One space per 50 square feet per classroom floor area
Special event	One space per 500 square feet or as provided in approved use permit
Sports and active recreation facility	One space per 100 square feet of play surface
Sports and entertainment assembly facility	As provided in approved use permit
Studio - Art, dance, martial arts, music, etc.	One space per 200 square feet gross floor area
Theater	One space per four seats
Theater - Drive-in	No requirement

**TABLE 6 - PARKING REQUIREMENTS BY USE**

Type of Use	Number of Off-Street Parking Spaces Required
<b>RESIDENTIAL USES</b>	
Boarding/rooming house, dormitory	One space per 1.5 occupants or 1.5 spaces per bedroom, whichever is greater
Caretaker quarters	Two spaces per dwelling
Convents and monasteries	One space per five occupants
Fraternity, sorority	One space per 1.5 occupants or 1.5 spaces per bedroom, whichever is greater
High occupancy residential use	The parking requirement shall be greater of: 1. The number of space required for dwellings. or 2. One off-street parking space per adult occupant, less one.
Home occupation	See Section 17.08.090
Live/work units	2 spaces per unit
Mixed-use project	Same as Multi-family dwellings
Mobile home park	1.5 spaces per unit: 1 space to be with unit
Multi-family dwellings	1 per studio apartment, 1-1/2 for first bedroom plus 1/2 for each additional bedroom in a unit, plus 1 for each five units in developments of more than five units. Also see parking reduction paragraphs under 17.16.060.
Residential care facilities - 6 or fewer residents	Same as Rest home
Residential care facilities - 7 or more residents	Same as Rest home
Residential hospice facility	Same as Rest home
Rest home	One space per four beds (adult): one space per five juvenile occupants
Single-family dwellings	2 spaces per dwelling. In the R-1 and C/OS zones, one space must be covered.
Work/live units	2 spaces per unit



**TABLE 6 - PARKING REQUIREMENTS BY USE**

Type of Use	Number of Off-Street Parking Spaces Required
<b>RETAIL SALES</b>	
Auto and vehicle sales and rental	One space per 300 square feet office area plus one space per 500 square feet parts sales service area, plus one space per 2,000 square feet outdoor sales area
Auto parts sales, with installation	One space per 500 square feet gross floor area
Auto parts sales, without installation	One space per 500 square feet gross floor area
Bakery, retail	One space per 200 square feet gross floor area
Building and landscape materials sales, indoor	One space per 300 square feet office area plus one space per 500 square feet indoor sales area plus one space per 2,000 square feet warehouse area
Building and landscape materials sales, outdoor	One space per 300 square feet office area plus one space per 500 square feet indoor sales area plus one space per 2,000 square feet warehouse or outdoor sales area
Construction and heavy equipment sales and rental	One space per 300 square feet office area plus one space per 500 square feet parts sales service area, plus one space per 2,000 square feet outdoor sales area
Convenience store	Two spaces for employee parking, plus one space per 500 square feet of gross floor area and a minimum of five bicycle parking spaces shall be provided per business
Extended hour retail	Same as specific type of retail
Farm supply and feed store	One per 500 square feet indoor sales/storage area plus one space per 2,000 square feet outdoor sales/storage area.
Fuel dealer (propane, etc)	One per 500 square feet indoor sales/storage area plus one space per 2,000 square feet outdoor sales/storage area.
Furniture, furnishings, and appliance stores	One space per 500 square feet gross floor area
General retail - 2,000 sf or less	One space per 300 square feet gross floor area
General retail - More than 2,000 sf, up to 15,000 sf	One space per 300 square feet gross floor area
General retail - More than 15,000 sf, up to 45,000 sf	One space per 300 square feet gross floor area
General retail - More than 45,000 sf, up to 60,000 sf	A maximum of one space per 200 square feet gross floor area, with the exception for more spaces if structured multi-level parking is used
General retail - More than 60,000 sf, up to 140,000 sf	A maximum of one space per 200 square feet gross floor area, with the exception for more spaces if structured multi-level parking is used
Florists and Photofinishing (retail)	One space per 500 square feet floor area
Retail sales and repair of bicycles	One space per 500 square feet floor area
Groceries, liquor, specialty foods	One space per 200 square feet gross floor area
Mobile home, RV, and boat sales	One space per 300 square feet office area plus one space per 500 square feet parts sales service area, plus one space per 2,000 square feet outdoor sales area
Office-supporting retail, 2,000 sf or less	One space per 300 square feet gross floor area
Office-supporting retail, more than 2,000, up to 5,000 sf	One space per 300 square feet gross floor area
Outdoor temporary and/or seasonal sales	See Section 17.08.020
Produce stand	One space per 300 square feet gross floor area
Restaurant	One space per 60 sq. ft. customer use area, including waiting seating, counter service areas, and dancing areas, plus one space per 100 sq. ft. food preparation, including counter space, pantry storage, and dishwashing areas. Walls, halls, restrooms, and dead storage areas do not count as either customer use or food preparation floor area
Service station (see also "vehicle services")	one space for attendant booth plus two per service bay plus one space per four fuel pumps
Warehouse stores - 45,000 sf or less gfa	Minimum one space per 300 square feet gross floor area
Warehouse stores - more than 45,000 sf gfa	A maximum of one space per 200 square feet gross floor area, with the exception for more spaces if structured multi-level parking is used

**TABLE 6 - PARKING REQUIREMENTS BY USE**

Type of Use	Number of Off-Street Parking Spaces Required
-------------	--

**SERVICES - BUSINESS, FINANCIAL & PROFESSIONAL**

ATMs	No requirement
Banks and financial services	One space per 300 square feet gross floor area
Business support services	One space per 300 square feet gross floor area
Convalescent hospital	Same as Medical service - Extended care
Medical service - Clinic, laboratory, urgent care	Medical, dental, and other health services: one per 200 square feet gross floor area.
Medical service - Doctor office	Medical, dental, and other health services: one per 200 square feet gross floor area.
Medical service - Extended care	One space per four beds (adult); one space per five juvenile occupants
Medical service - Hospital	One space per bed
Office - Accessory	As required for principle use
Office - Business and service	One space per 300 square feet gross floor area
Office - Government Post offices	Offices: one per 300 square feet gross floor area. Meeting rooms: one per four fixed seats or one per 40 square feet of seating area without fixed seats. One space per 300 square feet office, sorting, customer service area plus one space per 500 square feet bulk handling
Office - Processing	One space per 200 square feet gross floor area
Office - Production and administrative	One space per 300 square feet gross floor area
Office - Professional	Medical dental and other health services: one per 200 square feet gross floor area. All others: one space per 300 square feet gross floor area.
Office - Temporary	See Section 17.08.010 C
Photographer, photographic studio	One space per 200 square feet gross floor area

**TABLE 6 - PARKING REQUIREMENTS BY USE**

Type of Use	Number of Off-Street Parking Spaces Required
-------------	--

**SERVICES - GENERAL**

Catering service	One space per 100 square feet food preparation area
Cemetery, mausoleum, columbarium	One space per 500 square feet of building area
Day care - Day care center (child/adult)	Two spaces plus one per 14 clients
Day care - Family day care home (small/large)	Small family day care - same as for "Dwellings". Large family day care - One space plus required residential parking.
Equipment rental	One per 300 square feet office area plus 1 per 500 square feet indoor display/storage plus 1 per 1,000 square feet outdoor display/storage
Food bank/package food distribution center	One space per 300 square feet of office plus one space per 1,500 square feet of indoor storage
Homeless shelter	Two spaces for the facility plus one space for each six occupants at maximum allowed occupancy
Maintenance service, client site services	One space per 300 square feet gross floor area
Mortuary, funeral home	1 per four fixed seats or 1 per 40 square feet assembly area, whichever is greater
Personal services	One space per 200 square feet gross floor area
Repair services - Small appliances, shoes, etc.	One space per 300 square feet
Self service laundry/dry cleaner	One Space per each four washers or dryers
Public safety facilities	One space per 500 square feet gross floor area
Public utility facilities	One space per 300 square feet office area plus one space per 1,500 square feet warehouse/service area plus space for fleet vehicles
Repair service - Equipment, large appliances, etc.	One space per 500 square feet gross floor area
Social service organization	One space per 300 square feet gross floor area
Vehicle services - Repair and maintenance - Major	One space per 500 square feet gross floor area
Vehicle services - Repair and maintenance - Minor	One space per 500 square feet gross floor area
Service stations	One space for attendant booth plus two per service bay plus one space per four fuel pumps
Vehicle services - Carwash	Two spaces plus sufficient waiting line(s) or Two spaces plus washing area(s)
Veterinary clinic/hospital, boarding, large animal	One space per 500 square feet gross floor area
Veterinary clinic/hospital, boarding, small animal, indoor	One space per 300 square feet gross floor area
Veterinary clinic/hospital, boarding, small animal, outdoor	One space per 300 square feet gross floor area

**TRANSPORTATION & COMMUNICATIONS**

Airport	To be determined when use permit is approved
Ambulance, taxi, and/or limousine dispatch facility	One space per 300 square feet office area plus one space per 1,000 square feet garage/warehouse area
Ambulance services	Three spaces per emergency vehicle
Broadcast studio	One space per 300 square feet gross floor area
Heliport	As provided in approved use permit
Railroad facilities	One space per 300 square feet office or waiting room
Transit station or terminal	One space per 300 square feet office/waiting area plus one space per 1,000 square feet house/garage area
Truck or freight terminal	One space per 300 square feet office plus one space per 1,000 square feet garage/warehouse area
Water and wastewater treatment plants and services	One space per 300 square feet office plus one space per 1,000 square feet warehouse/service area
Water and wastewater treatment plants	As provided in approved use permit

TABLE 6.5 BICYCLE PARKING SPACE REQUIREMENTS <sup>a</sup>

Zone	Number of bicycle spaces as a percentage of required auto spaces <sup>b</sup>	Minimum short-term <sup>c</sup> bicycle spaces	Minimum long-term <sup>d/e</sup> bicycle spaces
R-2, R-3, R-4	5%	100%	--
C-C, C-R, C-N, C-D	15%	50%	40%
O, BP	15%	10%	80%
C-T	5%	10%	80%
C-S, M	15%	10%	80%
PF (schools, junior high to college)	1 space per 3 students		
Park & ride lots	10%	--	100%

- a. All parking shall be provided on site.
- b. Requirements apply to uses that require 10 or more vehicle parking spaces. When less than ½ space is calculated, one space is required.
- c. “Short-Term” bicycle parking is used by visitors to multi-family housing and by patrons of commercial and institutional uses. Bicycle racks are used to satisfy this need.
- d. “Long-Term” bicycle parking is used by employees of commercial and institutional uses and by residents. Fully enclosed lockers are used to satisfy this need. Lockable rooms reserved for bicycle storage and secured parking areas managed by attendants are other acceptable forms. Bicycles shall be parked vertically or horizontally with at least the rear tire resting at floor level.
- e. In addition to short- and long-term parking required for commercial uses, residential uses in all zones, including the Downtown Commercial (C-D) zone, shall provide bicycle lockers or interior space within each dwelling or accessory structure (e.g. garages) for the storage of at least two bicycles per unit regardless of the number of automobile parking spaces provided.

**J. Elderly housing parking.**

Housing occupied exclusively by persons aged 62 or older may provide one-half space per dwelling unit or one space per four occupants of a group quarters.

**K. Low-income housing parking.**

Housing occupied exclusively by very low or low-income households, as defined by the State, may provide one car and one bicycle space per dwelling unit.

**L. Additions and changes in use for existing uses or structures which do not meet current parking standards.**

1. **Minor additions.** Minor additions to existing legal structures or uses, which are non-conforming because they do not meet current parking standards, may be permitted if they meet the following requirements:

- a. The parking spaces required for the addition are provided in conformance with this chapter, in addition to all parking spaces already provided for the existing use or structure; and
- b. All existing parking shall be in substantial compliance with parking and driveway standards; and
- c. The addition is not more than 25 percent of the existing gross floor area or 1000 square feet, whichever is greater; and
- d. For residential projects, at least one legally conforming space is provided for each existing unit in addition to all parking required for the addition itself.

**2. Larger additions.** Existing legal structures or uses which are non-conforming because they do not meet current parking standards may be expanded more than 25 percent of the existing gross floor area or 1000 square feet, subject to the following:

- a. All existing parking shall be in substantial compliance with parking and driveway standards; and
- b. All required parking for the existing use or structure plus that required for the addition is provided; or an administrative use permit is obtained and parking is provided pursuant to the following chart:

Increase in gross floor area	parking provided for addition in addition existing parking	parking provided for existing use or structure is at least
25 - 49%	100%	50%
50 - 74%	100%	75%
> 75%	100%	100%

For residential projects, at least one legally conforming space is provided for each existing unit, in addition to all parking required for the addition itself.

**3. Use changes.** Changes in use, which increase the total parking demand from existing legal uses which are non-conforming because they do not meet current parking requirements, may be permitted so long as the number of spaces equal to the difference between the number required by the previous use and the number required by the new use is provided, in addition to all spaces already provided for the previous use. (Ord. 1122 - 1 Ex. A(part), 1988; Ord. 1114 - 1 Ex. A. 1988; Ord. 1102 - 1 Ex. A(10), (11), 1987; Ord. 1085 - 1 Ex. A (part), 1987; Ord. 1006 - 1 (part), 1984; Ord. 941 - 1 (part), 1982: prior code - 9202.5(G))

**17.16.070 Parking and Driveway Design and Exceptions.**

- A. Parking and driveway design and requirements for permits shall be as provided in the parking standards adopted by Council resolution.
- B. The Director may grant exceptions to the standards subject to appropriate conditions and upon finding that:
  - 1. The exception will not constitute a grant of special privilege inconsistent with the driveway or parking limitations upon other properties in the vicinity;
  - 2. The exception will not adversely affect the health, safety or general welfare of persons working or residing in the vicinity; and

3. The exception is reasonably necessary for the applicant's full enjoyment of uses permitted upon his/her property. (Ord. 1006 - 1 (part), 1984; Ord. 941 - 1 (part), 1982: prior code - 9202.5(H))

#### **17.16.090 Screening of Outdoor Sales and Storage.**

Screening shall be required for all outdoor sales and storage. Such screening shall consist of a solid fence, wall or mature hedge or other screen planting at least six feet high. The Community Development Director may waive the screening requirement when the use customarily is not screened from public view, such as auto sales or displays at service stations. The Community Development Director may defer the screening requirement where the sales or storage is adjacent to vacant land and where it is not visible from a public street. Such waiver or deferral may be by approval of whatever type of use permit may be required for the use. If no use permit is required, the waiver or deferral shall be in writing and shall set forth the circumstances justifying the action. (Ord. 1006 - 1 (part), 1984; Ord. 941 - 1 (part), 1982: prior code - 9202.5(J))

#### **17.16.100 Utility Services.**

Deleted by Ordinance No. 1353 (1999 Series). Now part of the Uniform Administrative Code Amendments, relocated to Chapter 15.04.

#### **17.16.110 Satellite Dish Antenna.**

##### **A. Purpose**

To establish regulations which regulate the installation of dish-type satellite antenna to help protect public safety and preserve view corridors and neighborhood character.

##### **B. Definition**

1. A satellite dish antenna is a device incorporating a reflective surface that is solid, open mesh, or bar-configured and is in the shape of a shallow dish, cone, horn or cornucopia, that is used to transmit and/or receive radio microwave, or other electromagnetic waves between terrestrially and/or orbitally based use.

##### **C. Residential Performance Standards**

The installation of dish-type satellite antenna may be permitted in all residential zones subject to the following criteria:

1. **Antenna size:** Maximum diameter to be 10 feet.
2. **Setback:** No part of a satellite dish antenna may be located in any required street or other yard. Antennas located outside a street yard setback but between the residence and the street are prohibited.
3. **Height:** Maximum antenna height to be 13 feet. All satellite dishes higher than side or rear yard fences shall be screened from neighboring properties. Roof-mounted installations or pole-mounted installations attached to eaves are prohibited except by use permit. Any antenna that may block significant views from neighboring buildings or from public areas shall be subject to architectural review.
4. **Number:** One dish type satellite antenna is allowed per site, in addition to normal television and radio antennas.

- ##### **D. Commercial Performance Standards.**
- The installation of dish-type satellite antenna may be permitted in the Office, Commercial, and Industrial zones subject to the following criteria:

1. Installation shall be subject to architectural review in accordance with the adopted Architectural Review Commission Ordinance and guidelines.
2. Installations shall not be permitted within street yard.
3. Installations shall be located so as to minimize visibility from adjoining properties and rights-of-way.

**E. Exceptions.**

1. Dish-type satellite antenna installations that are less than one meter in diameter are exempt from these regulations unless proposed on a historic building.
2. Dish-type satellite antenna installations that cannot meet the performance standards included in paragraphs C and D above may be considered if an administrative use permit is obtained as outlined by Chapter 17.58. Conditions imposed as part of use permit approval would typically include requirements to minimize the visibility of the installation, including blockage of significant public and private views of hillsides, city vistas, or open space areas. Acceptable techniques to reduce the visibility of dish installations include use of alternative materials (wire mesh instead of solid surface), painting the dish in a subdued or natural color, and landscaped screening.

**F. Open Space/Conservation Standards.** The installation of dish-type satellite antennas may be permitted in the Open Space/Conservation zone subject to an administrative use permit and subject to architectural review in accordance with the adopted ARC ordinance and guidelines.

**G. Building Permit Required.** All satellite dish installations require issuance of a building permit. This is to insure that dishes are structurally sound and properly grounded. Plans submitted for a building permit for a roof-mounted or pole-mounted installation require certification by a registered engineer. (Ord. 1107 - 1 Ex. A, 1987)

**17.16.120 Wireless telecommunication facilities.**

**A. Purpose**

To establish standards for the development, siting and installation of wireless telecommunications facilities; to protect and promote public health, safety, and welfare; and to preserve view corridors and avoiding adverse visual and environmental impacts. These standards are not intended to be all-inclusive. Projects may be subject to additional standards deemed appropriate through architectural review and use permit processing to address site-specific conditions.

**B. Definitions.**

1. Wireless telecommunications facilities consist of commercial wireless communications systems, including but not limited to: cellular, PCS, paging, broadband, data transfer, and any other type of technology that fosters wireless communication through the use of portable electronic devices. A facility includes all supporting structures and associated equipment.
2. Co-location is the practice of two or more wireless telecommunication service providers sharing one support structure or building for the location of their antennas and equipment.
3. Stealthing means improvements or treatments added to a wireless telecommunications facility which mask or blend the proposed facility into the existing structure or visual backdrop in such a manner as to render it effectively unnoticeable to the casual observer.

**C. Exempt facilities.**

The following wireless telecommunication facilities are exempt from the requirements of this section:

1. Government-owned communications facilities used primarily to protect public health, welfare, and safety.
2. Facilities operated by providers of emergency medical services, including hospital, ambulance, and medical air transportation services, for use in the provision of those services.
3. Satellite dish antennas for residential and commercial use, solely for the use of the occupants of the site, subject to compliance with development standards set forth in Section 17.16.100 et al of the zoning ordinance.
4. Any facility specifically exempted under federal or state law.

**D. Planning Applications and approvals required.**

1. Installation of a new wireless telecommunication facility or significant modification as determined by the Director, of an existing installation shall require administrative use permit approval and architectural review.
2. The co-location of a new wireless telecommunication facility with an existing approved installation, or minor modification of an existing installation shall only require architectural review.
3. The applicant shall submit application materials and fees as required by the Community Development Department.

**E. Building permit required.**

Wireless communications facilities shall not be constructed, installed or modified prior to obtaining a City building permit.

**F. Site development and performance standards.**

1. **Setbacks.** All facility towers and accessory structures shall comply with the setback requirements of the applicable zoning district.
2. **Height.** The height of any antenna or support equipment shall be determined as part of the use permit on a case by case basis. All facilities shall be designed to the minimum necessary functional height.
3. **Site Access.** Telecommunication facilities should use existing roads and parking whenever possible. New and existing access roads and parking shall be improved and surfaced where necessary to the satisfaction of the Community Development Director.
4. **Aesthetics and Visibility.** Facilities shall be creatively designed to minimize the visual impact to the greatest extent possible by means of placement, screening and camouflage. The applicant shall use the smallest and least visible antennas possible to accomplish the coverage objectives. Each installation shall be designed to blend into its surroundings so that the antenna(s) and equipment are not apparent to the casual observer.
  - a. Building mounted facilities shall appear as an integral part of the structure. Equipment and antennas shall be compatible and in scale with existing architectural elements, building materials and site characteristics. Wall mounted antennas shall be integrated architecturally with the style and character of the structure. If possible, antennas and equipment shall be



- located entirely within an existing or newly created architectural feature so as to be effectively unnoticeable.
- b. Ground mounted support equipment shall be undergrounded or otherwise screened from view so as to be effectively unnoticeable.
  - c. All connections and conduits between the base of the antenna(s) and support equipment shall be undergrounded. Connections and conduit above ground shall be fully enclosed to the satisfaction of the Community Development Director. Electrical and telephone service to the support equipment shall be undergrounded.
  - d. Ground mounted antennas, poles, structures, equipment, or other parts of a telecommunications facility, which would extend above a ridgeline so as to silhouette against the sky shall be discouraged. Where allowed, they shall be designed to be indistinguishable from the natural surroundings.
5. **Lighting.** All telecommunication facilities, not otherwise required to have lighting pursuant to Federal Aviation Administration rules, shall be unlit, except when authorized personnel are actually present at night, and except for exempt facilities.
  6. **Historic Buildings.** Any wireless facility located on or adjacent to a historic building or site shall be designed to ensure consistency with the Secretary of Interior standards for remodeling and rehabilitation.
  7. **Equipment Upgrades.** It shall be the responsibility of the owner/operator of a telecommunications facility to provide the City with a notice of intent to modify site equipment in any way. At the time of modification, co-location, or upgrade of facilities, existing equipment shall be replaced with equipment of equal or greater technical capacity and modified to reduce aesthetic impacts by reducing the size of the facility or introducing camouflaging techniques to the satisfaction of the Community Development Director. Unused or obsolete equipment or towers shall be removed from the site within 90 days after their use has ceased.
  8. **Number of facilities per site.** The City shall retain the authority to limit the number of antennas with related equipment and providers to be located at any site and adjacent sites in order to prevent negative visual impacts associated with multiple facilities.
  9. **Noise.** Each facility shall be operated in a manner that minimizes any possible disruption caused by noise to people working and living in the vicinity. At no time shall equipment noise from any source exceed an exterior noise level of 55 dB at the property line or within 20 feet of such equipment, whichever is less. This requirement may be modified at the discretion of the Community Development Director where typical ambient noise levels exceed 55 dB. Outdoor noise producing construction activities shall take place only on weekdays between the hours of 8:00 am and 5:00 pm unless a different schedule is approved as part of the use permit.
  10. **Backup Generators.** Any facility utilizing temporary backup generators shall be required to meet or exceed Air Pollution Control District Standards. All generators shall be fitted with approved air pollution control devices. Projects that propose to include backup generators shall require review and approval from the Air Pollution Control district. Project plans shall indicate location, size, horsepower, and type of fuel used for any proposed generator. Generators shall only be operated during power outages and for testing and maintenance purposes. Testing and maintenance shall only take place on weekdays between the hours of 8:00 am and 5:00 pm.
  11. **Biological Impacts.** Wireless telecommunication facility shall minimize potential impacts to biological resources to the greatest extent possible.

- 12. Radio Interference.** Interference with municipal radio communication is prohibited. Any telecommunication facility that the City has reason to believe is interfering with municipal radio communication shall cease operation immediately upon notice from the City, and shall be subject to use permit review and possible revocation. Testing shall be done prior to any permanent installation and frequencies shall be monitored at regular intervals after installation established by the use permit, at the expense of the facility owner/operator.
- 13. Airport Operations.** Wireless communications facilities shall not be sited in locations where they will interfere with the operation of the San Luis Obispo Airport. Wireless towers and related facilities within the Airport Planning Area shall be referred to the Airport Manager or the Airport Land Use Commission for a determination of consistency with airport area standards.
- 14. Radio Frequencies and Electromagnetic Exposure.**
- a. Wireless telecommunications facilities operating alone or in conjunction with other telecommunications facilities shall not produce radio frequency radiation in excess of the standards for permissible human exposure as adopted by the Federal Communications Commission (FCC). Applications for facilities shall include a radio frequency radiation (RFR) report that measures the predicted levels of RF radiation emitted by the proposed facility. The radio frequency radiation report shall compare proposed project levels to levels allowed by the FCC and shall show output of the proposed facility in combination with other facilities located or proposed in the vicinity.
  - b. The City may require one or more post-construction RFR reports as a condition of project approval, to verify that the actual levels of RFR emitted by the approved facilities, operating alone or in combination with other approved facilities, substantially conform to the pre-approval RFR report and do not exceed current standards for permissible human exposure to RFR as adopted by the FCC.
- 15. Signs.** Explanatory warning signs shall be posted at all access points to cellular telecommunication facilities in compliance with the American National Standards Institute (ANSI) C95.2 color, symbol, and content conventions.
- 16. Nuisance.** Facility generators, mechanical equipment, construction, testing and maintenance shall be operated or performed in such a manner that no nuisance results. At the discretion of the Director, upon receipt of written complaints, the use permit allowing a telecommunications facility may be scheduled for public review. At the hearing, conditions of approval may be added, deleted, or modified, or the use permit may be revoked.
- 17. Interference with Public Services and Facilities.** Telecommunication facilities within public parks shall not interfere with park operations or limit public use of park facilities. Installations in conjunction with other public facilities shall be held to a similar standard.
- 18. City inspection.** The City shall have the right to access facilities after 24 hours written or verbal notice.

**G. Abandonment.**

It shall be the responsibility of the owner/operator of a telecommunications facility to provide the City with a notice of intent to vacate the site a minimum of thirty (30) days prior to ceasing operation. Any wireless telecommunication facility that is not operated for a continuous period of ninety (90) days shall be removed within ninety (90) days of the date upon which the operation ceased.

**H. Revocation of a Permit.**

Wireless telecommunication service providers shall fully comply with all conditions related to any permit or approval granted under this section. Failure to comply with any condition shall constitute grounds for revocation. If a condition is not remedied within a reasonable period, the Community Development Director may schedule a public hearing before the Hearing Officer to consider revocation of the permit. (Ord. 1409 – 2001 Series)

---

## **Chapter 17.17: Property Maintenance Standards**

### **Sections:**

- 17.17.010 Purpose.**
- 17.17.020 Applicability of other provisions.**
- 17.17.030 General requirements.**
- 17.17.040 Visible storage or maintenance.**
- 17.17.050 Front yard paving.**
- 17.17.060 Roofs.**
- 17.17.070 Fences.**
- 17.17.080 Prohibited acts.**
- 17.17.090 Private cause of action.**

### **17.17.010 Purpose.**

The quality of life in this city is tied to the character and conditions of its neighborhoods. The purpose of these property maintenance standards is to protect the appearance, integrity and character of the community.

### **17.17.020 Applicability of Other Provisions.**

- A. Use of property within the city may also be subject to provisions of this code not contained in this chapter, including, but not limited to, the following:

Solid waste disposal, Chapter 8.04

Hazardous weeds and debris, Chapter 8.08

Nighttime parking of large vehicles, Section 10.36.150

Parking in yard, Section 10.36.233

Uniform codes (building regulations), Chapter 15.04

Fire prevention code, Chapter 15.08

Satellite dish antenna, Section 17.16.110

- B. Where provisions of this chapter conflict with provisions of other applicable laws, including this code, the more restrictive provision shall prevail.

### **17.17.030 General requirements.**

The provisions of this chapter apply to all zones in the city, except as otherwise specified.

### **17.17.040 Visible storage or maintenance.**

Storage and maintenance to be screened. Parking, storage, stockpiling, or maintenance of any of the following items on private property must be screened from any public right-of-way, except as provided in section D, below. Objects and activities will be considered "screened" when they are either 1) not visible from a public right-of-way or 2) behind a solid six-foot-high fence, wall, or hedge where such fence, wall, or hedge is otherwise permitted by zoning and building codes.

- A. Furniture and other equipment.** Furniture or other equipment, including but not limited to stuffed couches and chairs, household appliances, sinks, heaters, boilers, tanks, machinery, other household or commercial equipment, or any parts thereof.
- B. Materials.** Building materials, including but not limited to packing boxes, lumber, dirt piles, wood, landscape materials, or debris.
- C. Recreational vehicles and related devices.**
1. Any airplane or other aircraft, or any parts thereof,
  2. Special mobile equipment or parts thereof, such as tar wagons, water trailers, and similar devices as defined in section 575 of the Vehicle Code,
  3. Boats, trailers, camper shells, recreational vehicles, jet skis or similar devices, or parts from any of these items, unless exempted in section D7 below.
- D. Exceptions.** The following may be allowed in front yards under the noted circumstances:
1. Waste haulers and recycling containers may be placed for pickup in accordance with Chapter 8.04 & 17.17.075 of this code.
  2. Portable on demand storage containers (PODS) used for the temporary storage of personal property owned or rented by the occupants may be allowed for a period not to exceed one week.
  3. Building materials, vehicles, equipment, or construction tools may be placed in yards during construction with a valid building permit.
  4. Personal property owned or rented by the occupants may be repaired, washed, cleaned, and serviced, subject to any other relevant regulations, provided that vehicles are parked in a driveway and that all work is completed within 72 hours.
  5. Storage, repair, and maintenance of vehicles or other equipment may be allowed in commercial or agricultural areas visible from a public right-of-way, where these activities are an integral part of the commercial business and are conducted in accordance with all other limitations on that business.
  6. Barbecues and furniture that is designed and intended for outdoor use may remain on a porch or in a walled front patio, where the walls are designed in accordance with fence height regulations.
  7. Recreational vehicles and trailers with current licenses may be parked in driveways consistent with 17.17.055.

#### **17.17.050 Front yard paving.**

No more than 50% of any residential front yard (see definition of "front yard"), not to exceed 26 feet in width, may be covered by concrete or any other impervious material, including driveways, patio areas, walkways, and other landscape features. Exceptions to this standard can be granted through the Administrative Use Permit process, should the proposed paving be compatible with the neighborhood. (Ord. 1412 – 2002 Series)

#### **17.17.055 Front Yard Parking**

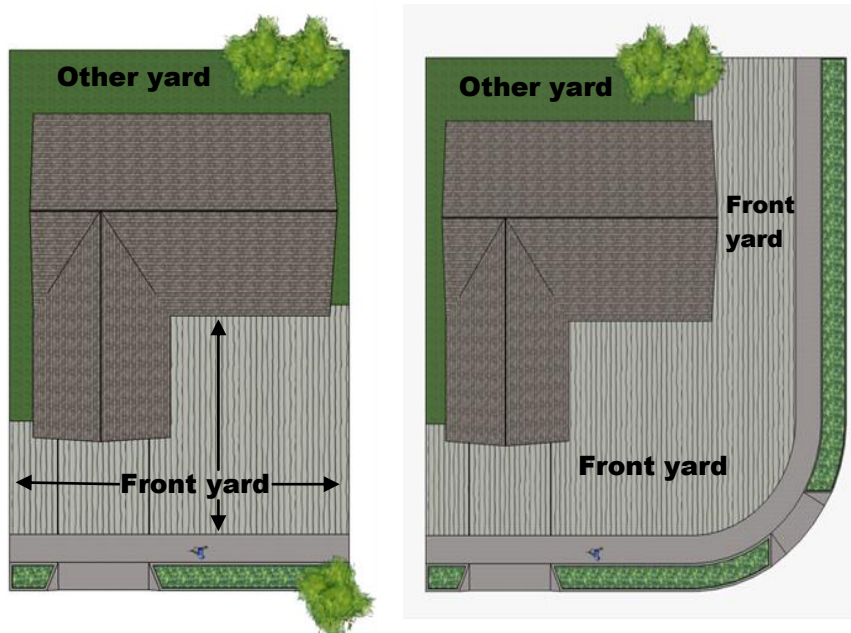
##### A. Purpose and Application.

1. The purpose of these regulations is to preserve the residential character of streetscapes in the City's neighborhoods. The expansion of parking in front yard areas off driveways, interferes with the pattern of building masses and open areas within neighborhoods, creates vehicle clutter, and results in excessive vehicle parking, which

has the effect of creating small parking lots in front yard areas which are intended to remain as open areas within neighborhoods.

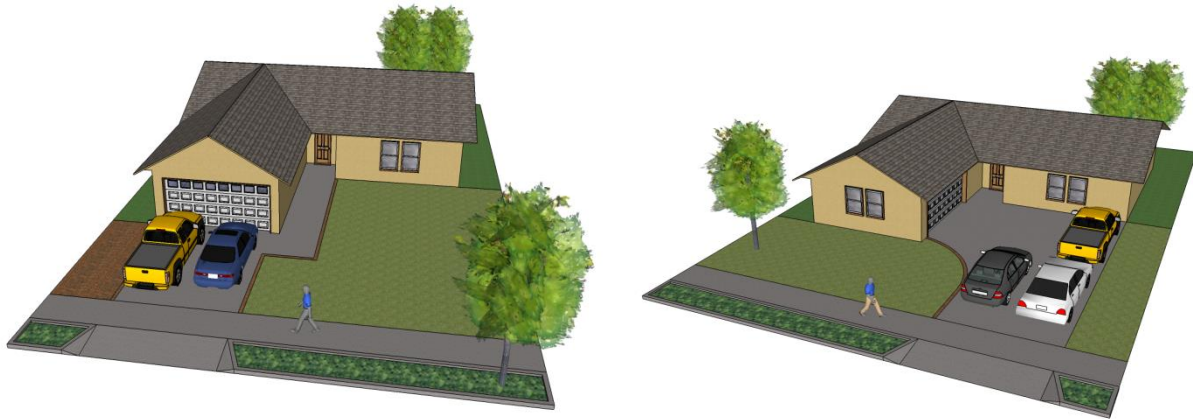
2. These regulations apply to vehicle parking within the front yard areas as defined in Section 17.100.F. and shown in Figure 9.7a, below. No person shall stop, park, or leave standing any vehicle, whether attended, or unattended, unless consistent with the provisions of this section.

**Figure 9.7a**



B. Allowed Front Yard Parking. Vehicles parked in front yard areas of residential lots shall conform to all of the following requirements:

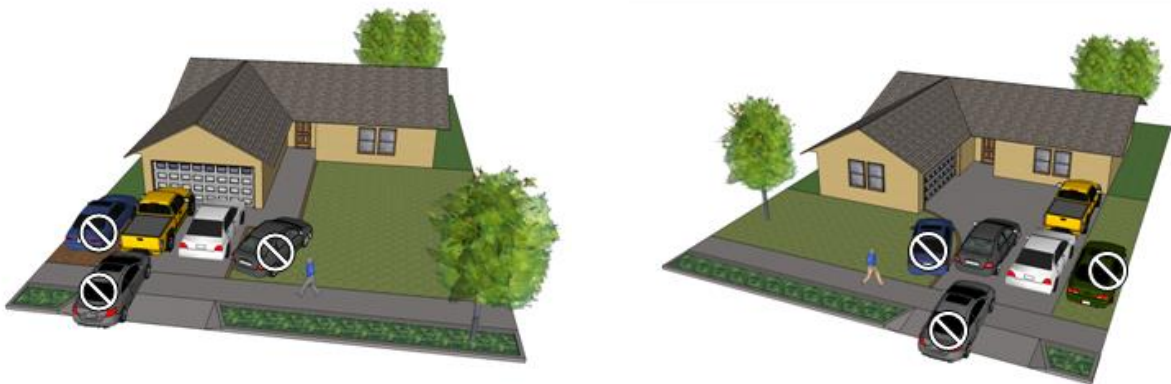
1. Vehicle parking is permitted on driveways leading to garage parking, or other approved off-street parking spaces.
2. Vehicles may only be parked in areas within the driveway width established to serve approved parking spaces as defined in City Parking and Driveway Standards. Vehicle parking on pavement or other surfacing added outside the driveway area does not meet the definition of a driveway. (See figure 9.7b, below for examples of allowed front yard parking). Vehicles shall be parked completely within the driveway surface with all tires completely on the driveway surface.
3. Vehicles may be parked in tandem (one vehicle behind another) provided there is sufficient space that no part of the vehicle overhangs the property line or sidewalk.



**Figure 9.7b. Examples of allowed front yard parking for typical two-car garage and side loaded two-car garage. Vehicles are parked in driveway within area leading to approved parking in garage.**

**C. Prohibited Front Yard Parking.**

1. Vehicles shall not be parked outside the driveway width area leading to garage spaces or other approved parking or in any other manner inconsistent with 17.17.055.B. Vehicle parking next to driveways, whether paved or unpaved is prohibited. (see Figure 9.7c & 9.7d, below).



**Figure 9.7c. Examples of prohibited front yard parking for typical two-car garage and side loaded two-car garage. Vehicles next to driveway and over sidewalk are illegally parked.**

2. Parking where vehicles are “straddling” or are partially on the driveway and partially on an unpaved or paved surface next to the driveway is prohibited (Figure 9.7e, below).



**Figure 9.7d. Vehicles parked partially on driveway (straddling) are illegally parked**

3. Vehicles may not be parked diagonally or in any other configuration which would require vehicle circulation outside the width of the driveway area except as provided in 17.17.055.B.3.(tandem parking), see Figure 9.7e, below.



**Figure 9.7e. Diagonally parked vehicles are illegally parked**

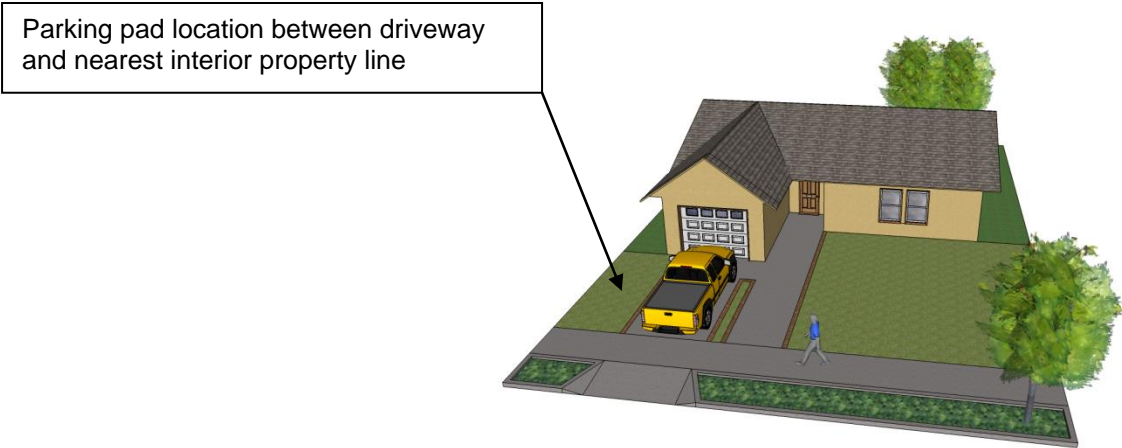
#### D. Single Car Garages and Single Car Parking

Residential properties which have parking configurations of a single car garage or single car surface parking similar to Figure 9.7f, below, may establish an additional parking pad between the driveway and the nearest interior property line upon approval of a construction permit and conformance with the following requirements:

1. The parking pad shall meet minimum parking space dimensions of Parking and Driveway Standards to ensure adequate space for vehicle parking on the driveway and adjacent parking pad.



2. The parking pad shall meet minimum depth requirements of the Parking and Driveway Standards (typically 18.5 feet) and vehicles may not be parked to overhang the sidewalk or property line into the public right-of-way.
3. The parking pad space shall be surfaced with alternative paving to achieve aesthetic and environmental objectives. Examples of alternative paving surfaces, include, but are not limited to: interlocking pavers, eco-block, porous AC paving, or cobblestone. Parking pads for single car garages and single car parking established prior to the adoption of this section may be exempted from this requirement.
4. Vehicle circulation. There shall be adequate driveway ramp access such that vehicles can access the parking pad location from the public right-of-way without crossing over sidewalk area or other public improvements outside of the driveway ramp area including transitions.



**Figure 9.7f. Single car driveway**

- E. Legal Non-conforming front yard parking
1. In cases where permits have been granted prior to allow parking in the front yard area that is not in conformance with Section 17.17.055.B.; Or, in cases where pavement surfacing has been constructed to provide parking in conformance with Section 17.16.020.D.7 (parking in “other yards”) prior to the adoption of section 17.17.055, such parking shall be considered a legal non-conforming use, and may continue. Vehicle parking on pavement or other surfacing added outside the driveway area to access such parking in “other yards” does not meet the definition of a driveway per section 17.17.055.B. and shall not be deemed a non-conforming use.

**17.17.060 Roofs.**

- A. No furniture or equipment, including chairs, mattresses, couches, recreational furniture, or other materials may be placed on any roof, patio cover, carport, shed top, or similar structure, except for the following:

1. Roof-top equipment, including antennas, satellite dishes, masts, poles, heating, ventilation, air conditioning equipment and similar devices that are designed for roof-top installation, and were lawfully installed, may remain on the roof as long as they are properly maintained.
2. Furniture or other equipment may be placed on a roof deck or other similar place that was lawfully designed and created for such use.

**17.17.070 Fences.**

All fencing that is visible from a public right-of-way shall be maintained so that fencing materials and support are structurally sound, with no missing material.

**17.17.075 Neighborhood preservation.**

It shall be unlawful and a public nuisance for any person, firm or corporation, owning, leasing, occupying, or having possession of any private property in the City to maintain such property in such a manner that any of the following conditions are found to exist thereon:

- A. Refuse, green waste, and recycling receptacles shall not be within the front yard area except as provided in Municipal Code section 8.04 which states: Refuse and garbage containers shall not be placed adjacent to the street for pickup more than twenty-four hours before pickup time, and such containers shall be removed within the twelve-hour period following pickup, except in the Business Improvement Area (as defined in Chapter 12.36). In the Business Improvement Area, refuse and garbage containers shall not be placed adjacent to the street for pickup before 5:00 p.m. or the close of business on the day preceding pickup, whichever is later. Such containers shall be removed before 10:00 a.m. following pickup. The "front yard" area is defined as: The area of a residential lot that lies between the street property line and the walls of any residences that face the street. (Ord. 1277, 1995). Trash, green waste, and recycling receptacles shall be completely screened from public view from the public right-of-way that abuts the front yard by a fence, landscaping, or wall that is otherwise permitted by Zoning and Building Codes. Multi-family developments, condominium projects, and other common interest residential units which are approved for individual waste wheelers shall remove waste wheelers from the common area visible from the public right-of-way in accordance with this section. Multi-family projects with shared bin service shall utilize approved enclosure locations consistent with project approvals.
- B. Buildings which are abandoned partially destroyed or damaged or left in an unreasonable state of partial construction, whose owners have been notified by the City that the property has been determined to be in violation of this section. An abandoned building means any building or structure which is not occupied, used or secured for a period of one (1) year or more. A partially destroyed or damaged building means any building or structure in which 25% or more of the structure has been destroyed or damaged and not repaired or replaced for a period of one (1) year or more. An unreasonable state of partial construction is defined as any unfinished building or structure that has been in the course of construction for two (2) years or more, and the condition of said unfinished building or structure or accumulation of construction materials substantially detracts from the appearance of the immediate neighborhood.
- C. Paint or finish material on the exterior surface of a building or other structure that has become substantially deteriorated, damaged, or unsightly so as to significantly detract from the appearance of the immediate neighborhood. For the purposes of this Chapter, "substantially" shall be defined as the absence or deterioration of a required protective

- covering exceeding 25% of the exterior surface area, including, but not limited to, chipping, curling, damaged or missing paint. Exterior surfaces shall include gutters, downspouts, trim, doors, window, fences, and walls.
- D. Broken, deteriorated, neglected, abandoned, or substantially defaced structures, equipment, machinery, ponds, pools, or excavations visually impacting on the neighborhood or presenting a risk to public safety or nuisance attractive to children. For the purposes of this Chapter, "nuisance attractive to children" shall mean any condition, instrumentality or machine located in a building or on premises, which is or may be unsafe or dangerous to children by reason of their inability to appreciate the peril therein, and which may reasonably be expected to attract children to the premises and risk injury by playing with, in, or on it.
  - E. Parking lots, driveways, paths or other paved surfaces, except when located in a rear or side yard of a single family dwelling, which contain substantial cracks, potholes or other deficiencies posing a substantial risk of harm to the public.
  - F. Trees, weeds, or other types of vegetation that are dead, decayed, infested, diseased, overgrown, or harbor rats or vermin and are visible from a public right-of-way. For the purpose of this chapter, "overgrown" is limited to lawns or weeds over 12" in height. Creek, riparian areas, open space, grassland communities, or other sensitive habitat and unique resource areas as defined by the General Plan are subject to separate regulations.
  - G. Buildings, structures, or other surfaces upon which graffiti exists. Graffiti, as used in this Chapter, shall mean defacement, damage, or destruction by the presence of paint, ink, chalk, dye, or other similar substance; or by carving, etching, or other engraving.
  - H. Any violation of the provisions of a conditional use permit, planned development permit, architectural review approval, variance or other land use entitlement or land use permit.
  - I. Maintenance of property in such condition as to be detrimental to the public health, safety, or general welfare in such a manner as to constitute a public nuisance as defined by Civil Code Section 3480. (Ord. 1412 – 2002 Series)

#### **17.17.080 Prohibited acts.**

- A. Unlawful acts.** It is unlawful for any person, firm, or corporation that owns, occupies or controls property in the City of San Luis Obispo to maintain or fail to maintain such property in violation of Sections 17.17.040, 17.17.050, 17.17.055, 17.17.060, or 17.17.070, or 17.17.075 of this Chapter.
- B. Type of offense.** Any person who violates Sections 17.17.040, 17.17.050, 17.17.055, 17.17.060, 17.17.070, 17.17.075.A, or 17.17.075.C-H, of this chapter shall be guilty of an infraction. Violations shall be punishable as set forth in Chapter 1.12 of the San Luis Obispo Municipal Code. Nothing in this chapter shall be deemed or constituted to prevent the City from commencing any civil proceeding otherwise authorized by law for the declaration or abatement of a public nuisance. (Ord. 1412 – 2002 Series)

#### **17.17.090 Private cause of action.**

If the owner of any premise fails or neglects to comply with the provisions of this chapter, it shall constitute a public nuisance, pursuant to Section 8.24.020(B) of the San Luis Obispo Municipal Code. Any aggrieved party may, in addition to any other right or remedy he or she may possess either at law or in equity, pursue a private cause of action to abate a public nuisance, as specified in Section 8.24.190 of the San Luis Obispo Municipal Code.

---

## **Chapter 17.18: Performance Standards**

### **Sections:**

- 17.18.010 Noise.**
- 17.18.020 Vibration.**
- 17.18.030 Illumination.**
- 17.18.040 Air Contaminants.**
- 17.18.050 Discharges to water or public sewer system.**
- 17.18.060 Heat.**
- 17.18.070 Solid waste.**
- 17.18.080 Energy conservation.**
- 17.18.090 General and special conditions.**

### **17.18.010 Noise.**

- A. No use shall be established nor any activity conducted which violates the standards of the Noise Ordinance (Chapter 9.12 of this code). (Ord. 1102 - 1 Ex. A(13), 1987: Ord. 941 - 1 (part), 1982: prior code - 9202.6(A))

### **17.18.020 Vibration.**

Subject to the exceptions in subsection C of Section 17.18.010, no activity shall be conducted which causes ground vibrations perceptible at the property line. (Ord. 941 - 1(part), 1982: prior code - 9202.6(B))

### **17.18.030 Illumination.**

No lighting or illuminated device shall be operated so as to create glare which creates a hazard or nuisance on other property. (Ord. 941 - 1(part), 1982: prior code - 9202.6(C))

### **17.18.040 Air Contaminants.**

- A. No use or activity shall be conducted without first obtaining any required permit from the County Air Pollution Control District.
- B. Uses shall be conducted to prevent dust or other airborne material from crossing property lines. (Ord. 941 - 1(part), 1982: prior code - 9202.6(D))

### **17.18.050 Discharges to water or public sewer system.**

- A. Discharges to groundwater or waterways, whether direct or indirect, shall conform with the requirements of the Regional Water Quality Control Board and the California Department of Fish and Game.
- B. Discharges to the City sewer system shall conform to Article II of Chapter 13.08 of this code. (Ord. 941 - 1(part), 1982: prior code - 9202.6(E))

### **17.18.060 Heat.**

No activity shall be conducted which causes radiant heat or a stream of heated air resulting

in a temperature increase of more than 20 degrees Fahrenheit at any property line or any public right-of-way. (Ord. 941 - 1(part), 1982: prior code - 9202.6(F))

**17.18.070 Solid waste.**

Solid wastes shall be handled and stored so as to prevent nuisances, health and fire hazards, and to facilitate recycling. Suitable containers shall be provided to prevent blowing or scattering of trash by animals. Suitable space and containers shall be provided to encourage on-site sorting and collection of recyclables. (See also Chapter 8.04) (Ord. 941 - 1(part), 1982: prior code - 9202.6(G))

**17.18.080 Energy Conservation.**

The use of conventional energy sources for space heating and cooling, water heating, and illumination shall be minimized by means of proper design and orientation, including provision and protection of solar exposure.

**17.18.090 General and special conditions.**

These performance standards are general requirements and shall not be construed to prevent the Director, Council, Planning Commission, or Architectural Review Commission from imposing, as part of project approval, specific conditions which may be more restrictive, in order to meet the intent of these regulations. (Ord. 941 - 1(part), 1982: prior code - 9202.6(H))

---

## **Chapter 17.19: Bed and Breakfast Establishments**

### **Sections:**

**17.19.010 Purpose.**

**17.19.020 Definitions.**

**17.19.030 Applications and approval required.**

**17.19.040 General standards.**

**17.19.050 Site development and performance standards in the R-3 and R-4 zones.**

**17.19.060 Site development and performance standards in the AG zone.**

**17.19.070 Findings required.**

**17.19.080 Revocation of a permit.**

### **17.19.010 Purpose.**

To establish standards for the development of bed and breakfast establishments within the residential and agriculture zones of the City upon conforming to set criteria and conditions. The intent of these standards is to ensure that the location, concentration, and design of bed and breakfast establishments is consistent with or does not negatively affect the character or function of the neighborhood and surroundings.

### **17.19.020 Definitions.**

Bed and Breakfast Inn: a building or group of buildings providing up to fifteen rooms or suites for the accommodation of travelers, with a common eating area for guests.

### **17.19.030 Applications and approvals required.**

A Bed and Breakfast Inn is allowed as specified in Section 17.22 of the San Luis Obispo Municipal Code. In addition to the applicable Use Permit requirement, review by the Cultural Heritage Committee and Architectural Review Commission may be required depending upon the type of changes proposed to any structure intended for use as a Bed and Breakfast Inn.

### **17.19.040 General standards.**

These standards apply to all bed and breakfast homes or inns in the R-3, R-4, and AG zone districts.

1. The use permit is subject to review at any time and may be revoked after a hearing by the Planning Commission and a finding by the Planning Commission that the use has become detrimental to the surrounding neighborhood;
2. A bed and breakfast inn must comply with all other provisions of the zone in which it is located and must comply with all other ordinances of the City;
3. A City business license is required and remittance of transient occupancy tax is required;
4. Any other conditions deemed essential and desirable by the Planning Commission may be imposed on such a use;

5. The home shall not be used by the public or paying guests for the hosting of receptions, private parties or the like;
6. Meals, if provided, shall be served only to residents and overnight guests of the bed and breakfast home;
7. There shall be no separate or additional kitchen facility for the guests;
8. No alteration shall be allowed to the exterior of the dwelling or yard that alters the residential characteristics of the premises or jeopardizes/eliminates features of historical or architectural significance. Changes to any historical building shall be consistent with the Secretary of Interior Standards and shall be subject to Cultural Heritage Committee and Architectural Review Commission approval;
9. No historical structure shall be removed in order to allow for a bed and breakfast home or inn nor shall such a structure be removed in order to provide parking for such a use;
10. One non-internally illuminated sign may be erected on the property not to exceed ten (10) square feet in size per street frontage. Lighting level shall comply with City sign regulations for the zone district. The sign shall compliment the nature of the use; i.e. historic structures should have an historic style sign. The sign shall contain no information other than identification of the premises as the named bed-and-breakfast home.

**17.19.050 Site development and performance standards in the R-3 and R-4 Zones.**

These additional standards apply to bed and breakfast inns in the R-3 and R-4 zones.

1. The main building of the Bed and Breakfast establishment must be the “primary residence” of the “owner” or “manager” of the bed and breakfast use;
2. Accessory buildings and structures may also be used for bed and breakfast guest rooms;
3. Generally, the minimum parking setback for guest/employee spaces shall be 15 feet from a “street yard” and 5 feet from an “other yard” (yards as defined in §17.16.020). The parking area shall be screened from direct view of the public right-of-way by a completely planted visual barrier;
4. All parking spaces and driveways shall be paved to City standards with decorative materials or, if a historic property, materials which maintain the historical character of the neighborhood and premises;
5. In general, the number of guest rooms permitted should be based on the City’s density unit calculation with a rental room counting as a studio, and shall in no case exceed 15. The manager’s quarters shall be valued based on number of bedrooms but in no case shall be less than 1.0 density unit. The maximum density unit value, less the value of the manager’s quarters shall generally determine the maximum number of guest rooms. Other factors used in determining the appropriate number of guest rooms that may be permitted in any location shall include the relationship of the site to parking, access, character, size and scale of surrounding uses;
6. Sites with historic structures shall balance outdoor space for guest use with space required for off-street parking needs.

**17.19.060 Site development and performance standards in the Agriculture Zone.**

These additional standards apply to bed and breakfast homes or inns in the Agriculture (AG) zone.

1. The main building of the Bed and Breakfast establishment must be the “primary residence” of the owner or manager of the bed and breakfast use;
2. Accessory buildings and structures may also be used for bed and breakfast guest rooms;
3. The establishment of a bed and breakfast use shall not result in the conversion of land in agricultural production;
4. Factors used in determining the appropriate number of guest rooms that may be permitted in any location shall include the relationship of the site to parking, access, character, size and scale of surrounding uses, and in no case shall the number of guest rooms permitted exceed 15.

**17.19.070 Findings required.**

In approving a Use Permit for a bed and breakfast inn, the Planning Commission must make the following findings:

1. The establishment of the bed and breakfast inn is consistent with the general plan;
2. The establishment of the bed and breakfast inn will not be detrimental to a building, structure or feature of significant aesthetic, cultural, or historical interest or value;
3. The establishment of the bed and breakfast inn does not constitute undue concentration of such establishments that would negatively affect the appearance and/or function of the surrounding neighborhood; and
4. The establishment of the bed and breakfast inn is compatible with and will not be detrimental to the character of the neighborhood and surrounding land uses.

These findings shall be in addition to those required for the approval of use permits contained in § 17.58.040.

**17.19.080 Revocation of a permit.**

The owner and/or manager of a bed and breakfast establishment shall fully comply with all conditions related to any permit or approval granted under this section. Failure to comply with any condition shall constitute grounds for revocation. If a condition is not remedied within a reasonable period, the Community Development Director may schedule a public hearing before the Planning Commission to consider revocation of the permit.



**Chapter 17.20: Residential Occupancy Standards**

**Sections:**

**17.20.010 Group housing - Permitted upon approval of use permit.**

**17.20.020 Group housing - Occupancy limits.**

**17.20.010 Group housing - Permitted upon approval of use permit.**

Group housing (such as dormitory, rest home, boardinghouse or fraternity) that is occupied by six or more individuals may be permitted upon approval of whatever type of use permit is required by the zone district provisions. (Ord. 941 - 1(part), 1982: prior code - 9202.7(A))

**17.20.020 Group housing - Occupancy limits.**

Use permits for group housing shall stipulate a maximum occupancy. For purposes of this section, residential care facilities will not be considered "group housing". The occupancy limits shall reflect habitable space within buildings and available parking and shall not exceed the following standards based on the general plan:

**TABLE 8: MAXIMUM POPULATION DENSITY FOR EACH ZONE**

<b>Zone</b>	<b>Maximum Population Density (persons per net acre)</b>
R-1	21
R-2, O, C-N, C-T	25
R-3	40
R-4, C-R, C-C, C-D	55

(Ord. 941 - 1(part), 1982: prior code - 9202.7(B))

## **Chapter 17.21: Secondary Dwelling Units**

### **Sections:**

- 17.21.010 Purpose.**
- 17.21.020 Definitions.**
- 17.21.030 General requirements.**
- 17.21.040 Performance standards.**
- 17.21.050 Procedure requirements.**
- 17.21.060 Periodic review - Violations.**

### **17.21.010 Purpose.**

- A. This chapter is intended to implement Government Code Section 65852(.150) and (.2), which allows the city to perform administrative architectural review and apply specific development standards to secondary dwelling units in residential zones.
- B. The city intends to regulate secondary dwelling units as permitted by Section 65852.2(a) of the State Government Code, and other applicable sections.
- C. The city recognizes opportunities to implement certain policies and programs of the city housing element of the general plan by providing for and regulating secondary dwelling units.
- D. Implementation of this chapter is meant to expand housing opportunities for low-income and moderate-income or elderly households by increasing the number of rental units available within existing neighborhoods. Secondary dwelling units are intended to provide livable housing at lower cost while providing greater security, companionship and family support for the occupants.

### **17.21.020 Definitions.**

For the purpose of this chapter, the following words and phrases have the meanings given them in this section:

- A. "Administrative use permit" is defined as defined by Chapter 17.58 of this code.
- B. "Director" means the director of the community development department or his designate.
- C. "Nonconforming lot" is defined as defined by Chapter 17.12 of this code.
- D. "Nonconforming use" is defined as defined by Chapter 17.10 of this code.
- E. "Primary unit" means an existing single-family residential structure that conforms with all zoning regulations in effect, including this chapter.
- F. "Secondary dwelling unit" means an attached or detached dwelling unit which provides complete independent living facilities for one or more persons and complies with all provisions of this chapter. It shall include permanent provisions for living, sleeping, eating, cooking and sanitation on the same parcel as the primary unit is sited.
- G. Studio means a one-room dwelling unit with not more than 450 square feet of gross floor area as defined in Section 17.100.

### 17.21.030 General requirements.

- A. **Application.** Where this chapter does not contain a particular type of standard or procedure, conventional zoning standards and procedures shall apply.
- B. **Areas Where Secondary Dwelling Units Are Allowed.** Upon meeting the requirements of this section, secondary dwelling units may be established in the following zones: R-1, R-2, R-3, R-4, and O, when the primary use on the site is a single-family dwelling.
- C. **Areas Prohibited.** Secondary dwelling units shall not be established in any condominium or planned development project unless specifically addressed in the planned development ordinance as adopted or amended, or any mobile home subdivision, or trailer park, and under no circumstances shall a secondary dwelling unit be allowed, where in the opinion of the director, a resource deficiency exists as defined by Chapter 2.44 of this code. Secondary dwelling units shall not be allowed on non-conforming lots.
- D. **Owner Occupancy.** Either the primary unit or secondary dwelling unit must be owner-occupied as an owner's primary residence.
- E. **No Subdivision of Property.** No subdivision of property shall be allowed where a secondary dwelling unit has been established unless the subdivision meets all requirements of zoning and subdivision regulations. Nothing in this section shall prohibit joint ownership of the property where a secondary dwelling unit has been established.
- F. **Sale of Property.** This section shall also apply to new owners of property where a secondary dwelling unit has been established if the property is sold. All conditions of the use permit, restrictive covenants and other contractual agreements with the city shall apply to the property and new owners.
- G. **Unit Type Allowed.** A secondary dwelling unit may be attached, detached or located within the living area of the primary unit on the lot.
- H. **Size of Secondary Dwelling Unit.** The gross floor area of the secondary dwelling unit shall not exceed four hundred fifty square feet and shall meet the definition of a studio apartment as defined by Section 17.100. The planning commission may authorize exception to this standard by use permit upon finding that:
  - 1. The purpose of this chapter is served;
  - 2. Strict compliance with the size limitation would (a) require significant structural modifications that would not be required otherwise; or (b) adversely affect an historic or architecturally significant building.
- I. Secondary dwelling units are limited to 1 unit per qualifying property.

### 17.21.040 Performance standards.

- A. **Design Standards.** Secondary dwelling units shall conform to all applicable zoning regulations such as height, yards, parking, building coverage, etc., except for density requirements as defined by Zoning Regulations.
  - 1. Secondary dwelling units shall conform to all applicable building and construction codes.
  - 2. Nothing in this section prohibits applicants from requesting exceptions or variances from the strict interpretation of Zoning Regulations to the extent allowed by said regulations for any other use.

3. Secondary dwelling units shall be designed as to provide separate living conditions and provide a safe and convenient environment for the occupants.
4. Secondary dwelling units should also be architecturally and functionally compatible with the primary residence. (Ord. 1004 1 (part), 1984; prior code 9930)
5. The height of second units should be consistent with surrounding residential structures. Unless adequate setbacks justify otherwise, secondary dwelling units that result in two-story construction shall be setback from the first floor to allow for solar access and reduced overlook.
6. Site planning: Secondary dwelling units should be located behind or above the existing dwelling on the site. Designs that significantly alter the street appearance of the existing residence shall be discouraged. The presence or design of the secondary dwelling unit per se, will not justify granting development exceptions.
7. Private Open Space: A minimum of 250 square feet of private open space must be provided for secondary dwelling units exclusive of a minimum of 250 square feet to be provided for the primary residence on the property. Private open space provided at ground level must have a minimum dimension in every direction of at least 10 feet or 6 feet for spaces above ground level on an elevated deck or balcony.
8. Significant alterations to landform (grading in excess of 300 cubic yards) or removal of native trees or significant landscape trees shall be discouraged for the placement of a secondary dwelling unit.
9. A landscape plan shall be required for new secondary dwelling units. A minimum 5-foot wide landscape planter with screening shrubs shall separate parking areas from adjacent properties. Landscape shrubs and trees shall be required for areas between secondary unit and adjacent properties
10. Parking: Secondary dwelling units that are 450 square feet or smaller shall require 1 parking space, regardless of zoning district. Parking for secondary dwelling units may be provided within driveway areas consistent with 17.17.055 (Front yard parking). For two car garages, parking for the primary dwelling may be provided in tandem to allow one parking space in the driveway for the secondary dwelling unit. Agreement to maintain garage parking for the tandem parking arrangement shall be reflected on building plans and a covenant agreement shall be recorded noting the requirement to comply with this condition and granting the City the right to inspect the premises for compliance. Secondary dwelling units located on sites where the primary dwelling unit has a single car width driveway and garage may be provided consistent with 17.17.055.D. (Single Car Garages and Single Car Parking).
11. Alterations to designated historic properties or structures to allow new construction of a secondary dwelling unit shall be reviewed by the Cultural Heritage Committee for consistency with the Secretary of Interior Standards for treatment of a historic property.

### **17.21.050 Procedure requirements**

Prior to filing building plans with the City Building Division, the following shall be met:

- A. Architectural Review Required.** All requests shall be reviewed for consistency with the City's Community Design Guidelines and architectural review ordinance. The director shall determine, upon receiving complete application, whether the project shall be forwarded to the Architectural Review Commission for review. All new development projects within Historic Districts or within properties that contain designated historic

structures shall be referred to the Cultural Heritage Committee to be reviewed for consistency with Secretary of Interior Standards for treatment of a historic property.

**B. Application Contents.** A Determination of Code Consistency shall be approved prior to the submittal of documents requesting construction approval. No additional application fees for architectural review shall be required.

**C. Additional Requirements.**

1. Owners Agreement with the City. The owner shall enter into an agreement with the city, on a form approved by the city attorney and community development director, agreeing that the property will be owner-occupied. Upon approval of a building permit, this agreement shall be recorded in the office of the county recorder to provide constructive notice to all future owners of the property of the use and owner occupancy restrictions affecting the property. If owner occupancy is not possible, then the use will terminate, and the structure will be returned to its original condition to the satisfaction of the director.

**D. Appeal.** Appeal procedures for this section shall be as provided by chapter 2.48.080 (Appeals-Architectural Review).

**17.21.060 Violations.**

Violation of any of the provisions shall be basic code enforcement action.

## **Chapter 17.22: Use Regulation**

### **Section:**

#### **17.22.010 Uses allowed by zones.**

#### **17.22.010 Uses allowed by zones.**

**A. Status of Uses.** Uses within zones shall be as provided in Table 9, subject to parts B through I below. In Table 9, symbols shall have these meanings:

- A The use is allowed;
- D If the director approves an administrative use permit as provided in Sections 17.58.020 through 17.58.080, the use may be established;
- PC If the planning commission approves a use permit as provided in Sections 17.58.020 through 17.58.080, the use may be established;
- A/D The use is allowed above the ground floor. If the director approves an administrative use permit, it may be established on the ground floor.

Special notes affecting the status of uses, indicated by number in Table 9, may be found at the end of the table.

**B. Interpretation of Use Listing.** These regulations are intended to permit similar types of uses within each zone. The director, subject to the appeal procedures of Chapter 17.66, shall determine whether uses which are not listed shall be deemed allowed or allowed subject to use permit approval in a certain zone. This interpretation procedure shall not be used as a substitute for the amendment procedure as a means of adding new types of uses to a zone.

**C. Principal and Accessory Uses.** Listed uses are principal uses. Accessory uses are allowed with principal uses.

**D. Production and Sales.** Where manufacturing is allowed, incidental sale of items made on the premises is allowed. When sale of a particular type of item is allowed, craftsman-type production of such an item for sale on the premises is allowed.

**E. Public School Uses.** See Section 17.36.030 concerning uses which may be established within public schools.

**F. Prohibition of Drive-through Facilities.** Drive-through facilities are not allowed in any zone.

**G. Prohibition of Vacation Rentals.** Vacation rentals are not allowed in any zone.

**H. Prohibition of Mineral Extraction.** Commercial mining is prohibited in City limits. (Ord. 1365 (2000 series)(part)

**I. Specific Plan Consistency.** Some land subject to City zoning is also subject to one of several Specific Plans, which are intended to provide additional direction for the development of those areas. Land within Specific Plans, designated by the SP zoning, may be subject to further restrictions. The list of uses and permit requirements in the Specific Plan shall prevail.

**J. Airport Land Use Plan Consistency.** Some land subject to City zoning is also subject to the Airport Land Use Plan, which is adopted and amended from time to time by the San Luis Obispo County Airport Land Use Commission. The Airport Land Use

Plan establishes additional limitations on uses, which do not apply to City-adopted zones outside the area subject to the Airport Land Use Plan. Table 9 is to be applied consistently with the Airport Land Use Plan on land subject to that plan.

1. Prohibited Uses. The following are examples of prohibited uses. The uses and requirements of the Airport Land Use Plan shall prevail. No use shall be established which:
    - a. Entails installation, construction, or enlargement of a structure that would constitute an obstruction to air navigation, as defined in the Airport Land Use Plan, except as may be approved by the Airport Land Use Commission and the Federal Aviation Administration;
    - b. Entails a risk of physical injury to operators or occupants of aircraft (such as outdoor laser light shows);
    - c. Causes smoke or vapors, lighting, illumination, or reflective glare, or an electromagnetic disturbance that would interfere with aircraft navigation or communication;
    - d. Attracts birds to the extent of creating a significant hazard of bird strikes (examples are outdoor storage or disposal of food or grain, or large, artificial water features; this provision is not intended to prevent enhancement or protection of existing wetlands or the mitigation of wetlands impacts);
    - e. Is not allowed by the Airport Safety Areas and associated safety policies, subject to modified provisions for the Margarita Specific Plan Area;
    - f. Is not allowed by the Airport Land Use Plan Noise Policies;
  2. Notwithstanding section 17.22.010G. above, the provisions of this section are not intended to supersede the provisions of Article 3.5 of the Public Utilities Code commencing with section 21670.
  3. Avigation easements will be recorded for all properties involved in the proposed development.
  4. All owners, potential purchasers, occupants (whether as owners or renters), and potential occupants (whether as owners or renters) will receive full and accurate disclosure concerning the noise, safety, or overflight impacts associated with airport operations prior to entering any contractual obligation to purchase, lease, rent, or otherwise occupy any property or properties within the airport area.
- K. **Right to Continue Existing Non-Residential Uses.** Legal, conforming non-residential uses shall have the right to continue operation, subject to compliance with applicable Zoning Regulations when established prior to the development of housing on adjacent or nearby sites. City approvals of housing developments adjacent to or within 300 feet of such uses shall include a condition requiring written notice to new home buyers and/or renters of possible characteristics associated with non-residential uses, such as noise, odors, vibration, and lighting.

Airport Land Use Planning Boundary

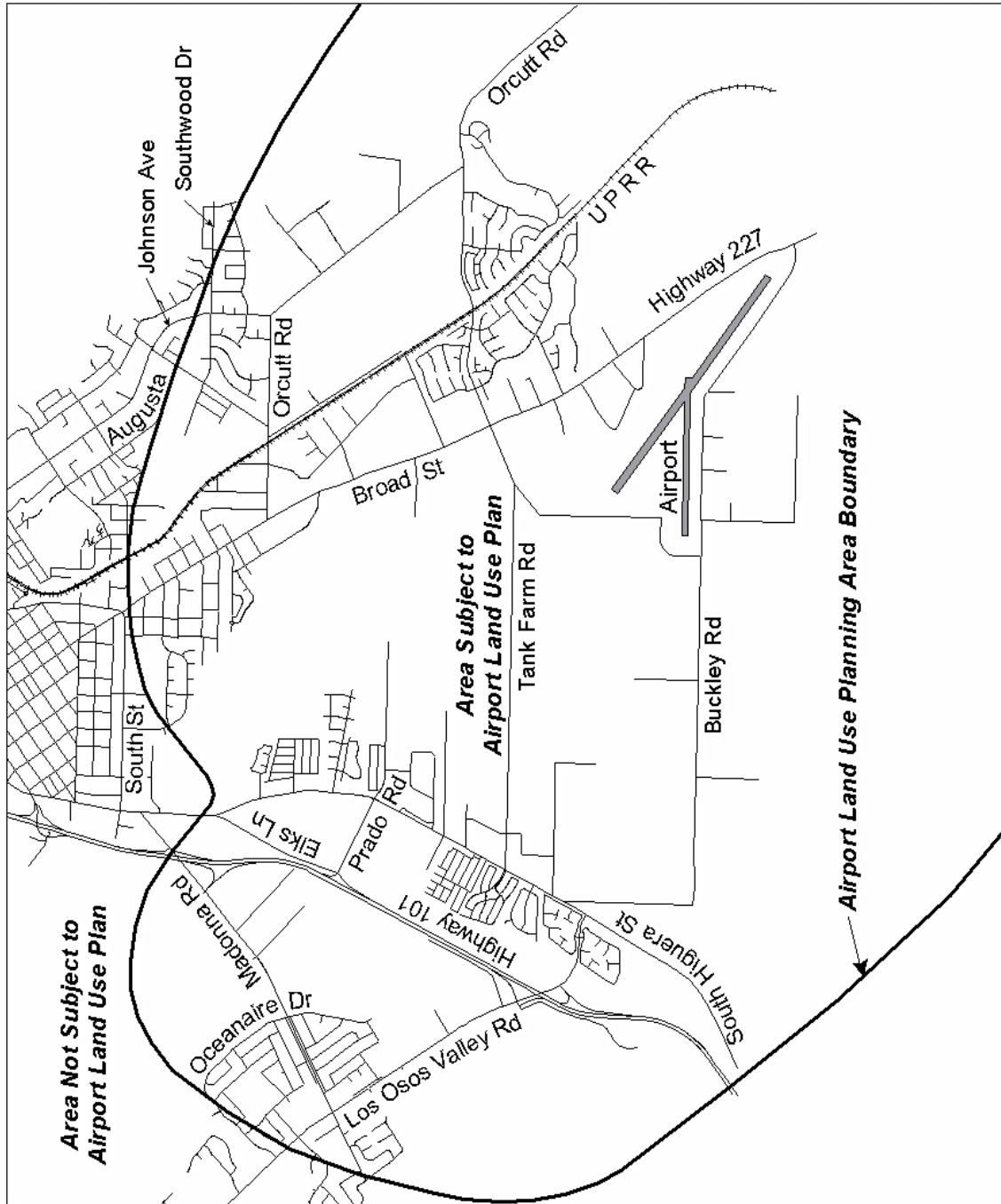




TABLE 9 - USES ALLOWED BY ZONE

Land Use	Permit Requirement by Zoning District																Specific use Regulations
	AG	C/OS	R1	R2	R3	R4	PF	O (1)	C-N	C-C	C-D	C-R	C-T	C-S	M	BP	

**AGRICULTURE**

Crop production	A	A					A										D	D	
Grazing	A	A																	
Greenhouse/Plant Nursery, commercial	PC	PC																	
Community Gardens			D	D	D	D	D												
Livestock feed lot	PC	PC																	

**INDUSTRY, MANUFACTURING & PROCESSING, WHOLESALING**

Bakery, wholesale																	A	A	PC
Furniture and fixtures manufacturing, cabinet shop																	D	A	
Industrial research and development																	PC	D	D
Laboratory - Medical, analytical, research, testing								PC				A					A	A	A
Laundry, dry cleaning plant																	A	A	
Manufacturing - Heavy																		PC	PC
Manufacturing - Light																	D	A	A
Petroleum product storage and distribution																		D	
Photo and film processing lab																	A	A	
Printing and publishing																	A	A	A
Recycling facilities - Collection and processing facility																		D	
Recycling facilities - Scrap and dismantling yard																		D	
Recycling facilities - Small collection facility											D		D				D	A	
Storage - Personal storage facility																	A	A	
Storage yard																	D	A	
Warehousing, indoor storage																	A	A	PC
Wholesaling and distribution																	A	A	PC

**LODGING**

Bed and breakfast inn	D				PC	PC					A	A	A						
Homeless shelter					PC	PC	A	PC	PC	PC	PC	PC	PC	PC	PC				17.08.110
Hostel					PC	PC					A	A	A						
Hotel, motel											A	A	A						PC
Recreational vehicle (RV) park accessory to hotel, motel														PC					
Vacation Rental																			17.22.G

**Key:** A = Allowed D = Director's Use Permit approval required PC = Planning Commission Use Permit approval required  
A/D = Director's approval on ground floor, allowed on second floor or above

**Note:** Footnotes affecting specific land uses follow the table.

**TABLE 9 - USES ALLOWED BY ZONE - Continued**

Land Use	Permit Requirement by Zoning District																Specific use Regulations
	AG	C/OS	R1	R2	R3	R4	PF	O (1)	C-N	C-C	C-D	C-R	C-T	C-S	M	BP	
<b>RECREATION, EDUCATION, &amp; PUBLIC ASSEMBLY USES</b>																	
Club, lodge, private meeting hall					D	D		A			D	A/D	D	D	D		
Commercial recreation facility - Indoor								PC			D	D	D	D	D(12)	PC	D
Commercial recreation facility - Outdoor								PC							PC		
Educational conferences					D	D						D	D				17.08.010.C.6
Fitness/health facility								D			A	D	D	PC	A	A	D
Golf Course								PC									
Library, museum								PC		D	D	D	D				
Library, branch facility										D	D	D	D				
Night club											D	D	D	D	D	D	Chapter 17.95
Park, playground	D	D	A	A	A	A	D	D	A			A	A				
Public assembly facility								PC			D	D	D	D	PC		
Religious facility			PC	D	D	D	D	A	D	D	D	A	D(7)	D(7)	D(7)		
School - Boarding school, elementary, middle, secondary						PC	PC										
School - College, university campus								PC									
School - College, university - Satellite classroom facility																	
School - Elementary, middle, secondary			PC	PC	D	D	PC						D				
School - Specialized education/training								PC			A/D	A/D	A		A	A	
Special event								D	D	D	D	D	D	D	D	D	17.08.010
Sports and active recreation facility								PC					PC		PC	PC	
Sports and entertainment assembly facility								PC								PC	
Studio - Art, dance, martial arts, music, etc.								D		D	A/D	A/D	A	PC	A		
Theater								PC(8)				D	D	D			D
Theater - Drive-in															PC	PC	

**RESIDENTIAL USES**

Boarding/rooming house, dormitory					PC	D						D	D				Chapter 17.20
Caretaker quarters	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	D
Convents and monasteries				PC	A	A								D			
Fraternity, sorority					PC	PC											
High occupancy residential use			D	D													
Home occupation	H	H	H	H	H	H		H	H	H	H	H	H	H	H	H	17.08.090
Live/work units									A		A	A	A	A	A	A	17.08.120
Mixed-use project								A	A	A	A	A	A	A	PC	PC	17.08.072
Mobile home as temporary residence at building site	A	A	A	A	A	A		A	A								
Mobile home park			A	A	A	A											
Multi-family dwellings				A	A	A		A	D				D				
Residential care facilities - 6 or fewer residents		A	A	A	A	A		A	A/D			A/D	A/D	D			
Residential care facilities - 7 or more residents		A	A	A	A	A		D				A/D	A/D	D			
Residential hospice facility				PC	PC	D	PC	PC					D				
Rest home		A	A	A	A	A		D				A/D	A/D	D			
Single-family dwellings	A	A	A(2)	A	A	A		A	D				D				
Secondary dwelling units			A	A	A	A		A									Chapter 17.21
Work/live units															D	D	17.08.120

**Key:** A = Allowed D = Director's Use Permit approval required PC = Planning Commission Use Permit approval required

A/D = Director's approval on ground floor, allowed on second floor or above H = Home Occupation Permit required

**Note:** Footnotes affecting specific land uses follow the table.

TABLE 9 - USES ALLOWED BY ZONE - Continued

Land Use	Permit Requirement by Zoning District																Specific use Regulations	
	AG	C/OS	R1	R2	R3	R4	PF	O (1)	C-N	C-C	C-D	C-R	C-T	C-S	M	BP		
<b>RETAIL SALES</b>																		
Auto and vehicle sales and rental													D		A	PC		
Auto parts sales, with installation													D(5)		A	A		
Auto parts sales, without installation										A	D	A		A	A			
Bakery, retail									A	A	A	A	A	D	D			
Bar/Tavern										D	D	D	D	D	D			
Building and landscape materials sales, indoor										A	A	A		A	A			
Building and landscape materials sales, outdoor										D	D	A		A	A			
Construction and heavy equipment sales and rental														D	D			
Convenience store				D	D	D			A	A	A	A	A	D	D	D	17.08.095	
Extended hour retail								D	D	D	D	D	D	D	D			
Farm supply and feed store													PC		A	A		
Fuel dealer (propane, etc)														D	A			
Furniture, furnishings, and appliance stores										A	A	A		A				
General retail - 2,000 sf or less									A(3)	A	A	A	A					
General retail - More than 2,000 sf, up to 15,000 sf									D(3)	D	A	A						
General retail - More than 15,000 sf, up to 45,000 sf										D	A	A	D					
General retail - More than 45,000 sf, up to 60,000 sf										D	A	A						
General retail - More than 60,000 sf, up to 140,000 sf										PC	PC	PC						
Groceries, liquor, specialty foods									A(10)	A	A	A	PC					
Mobile home, RV, and boat sales														A	PC			
Office-supporting retail, 2,000 sf or less									A	A	A	A	A			D		
Office-supporting retail, More than 2,000, up to 5,000 sf									D	D	A	A				D		
Wine tasting room - off site										D	D	D	D	D	D	D		
Outdoor temporary and/or seasonal sales										See Section 17.08.020								17.08.020
Produce stand	D	D							A		A	A		A				
Restaurant									A	A	A	A	A	D	D			
Outdoor BBQ/Grill, accessory to restaurant									D	D	D	D	D	D	D			
Service station (see also "vehicle services")									D	D		D	D	A			17.08.030	
Vending machine										See Section 17.08.050								17.08.050
Warehouse stores - 45,000 sf or less gfa										D		D		D				
Warehouse stores - more than 45,000 sf gfa										PC		PC		PC				

**Key:** A = Allowed D = Director's Use Permit approval required PC = Planning Commission Use Permit approval required  
A/D = Director's approval on ground floor, allowed on second floor or above

**Note:** Footnotes affecting specific land uses follow the table.

TABLE 9 - USES ALLOWED BY ZONE - Continued

Land Use	Permit Requirement by Zoning District																Specific use Regulations
	AG	C/OS	R1	R2	R3	R4	PF	O (1)	C-N	C-C	C-D	C-R	C-T	C-S	M	BP	
<b>SERVICES - BUSINESS, FINANCIAL &amp; PROFESSIONAL</b>																	
ATMs								A	A	A	A	A	A	A	A	A	
Banks and financial services								A		A	A	A		D(4)	D(4)	D	
Business support services								A		A	A/D	A		A	A	A	
Medical service - Clinic, laboratory, urgent care								D		D	D	A		D(11)		D(11)	
Medical service - Doctor office								A		A/D	A/D	A		D(11)		D(11)	
Medical service - Extended care				PC	PC	D	PC	PC					D				
Medical service - Hospital							PC	PC									
Convalescent hospital							PC	PC									
Office - Accessory								A	A	A	A	A	A	A	A	A	
Office - Business and service								A		A	A/D	A		D(4)	D(4)	D	
Office - Government							D	PC			A	A				PC	
Office - Processing								D			D	D		D(4)	D(4)	A	
Office - Production and administrative								A		A/D	A/D	A		D(4)	D(4)	A	
Office - Professional								A		A/D	A/D	A				D	
Office - Temporary	See Section 17.08.010.C																
Photographer, photographic studio											A	A/D	A	PC	A		

**SERVICES - GENERAL**

Catering service											D	D	A	D	A	A	
Cemetery, mausoleum, columbarium		PC	PC	PC	PC	PC	PC						PC	PC	PC	PC	
Copying and Quick Printer Service								A	A	A	A	A		A	A	A	
Day care - Day care center (child/adult)			D(9)	D(9)	D(9)	D(9)	D(9)	A	A	A	A/D	A	D(9)	D(9)	D(9)	D	17.08.100
Day care - Family day care home (small/large)	A	A	A	A	A	A		A	A	A	A	A	A				17.08.100
Equipment rental														A	A	D	
Food bank/package food distribution center														D	D		
Maintenance service, client site services														A	A	PC	
Mortuary, funeral home							D	D				A		D			
Personal services									A	A	A	A	D	A		D	
Personal services - Restricted												D		D			
Public safety facilities							PC									PC	
Public utility facilities							PC							A	A		17.08.080
Repair service - Equipment, large appliances, etc.														A	A	D	
Residential Support Services									A	A	A	A					
Social service organization							D	A	<b>D</b>	A	A	A		<b>D</b>	<b>D</b>	D	
Vehicle services - Repair and maintenance - Major														A	A	D	
Vehicle services - Repair and maintenance - Minor										PC		D		A	A	D	
Vehicle services - Carwash										D		D	PC	D	D		
Veterinary clinic/hospital, boarding, large animal	PC	PC												D	D		
Veterinary clinic/hospital, boarding, small animal, indoor								D	D	A	A/D	A		A			
Veterinary clinic/hospital, boarding, small animal, outdoor														D			

**Key:** A = Allowed D = Director's Use Permit approval required PC = Planning Commission Use Permit approval required

**A/D** = Director's approval on ground floor, allowed on second floor or above

**Note:** Footnotes affecting specific land uses follow the table.

**TABLE 9 - USES ALLOWED BY ZONE - Continued**

Land Use	Permit Requirement by Zoning District																Specific use Regulations
	AG	C/OS	R1	R2	R3	R4	PF	O (1)	C-N	C-C	C-D	C-R	C-T	C-S	M	BP	

**TRANSPORTATION & COMMUNICATIONS**

Airport								PC							PC	PC	D	
Ambulance, taxi, and/or limousine dispatch facility															A	D	D	
Antennas and telecommunications facilities	D	D						D	D		D	D	D	D	D	D	D	17.16.120
Media Production - Broadcast studio								A			A/D	A			A	A	A	
Media Production - Backlots/outdoor facilities and soundstages															D	D	D	
Heliport								PC							PC	PC		
Parking facility								PC(6)	PC(6)			PC(6)	D(6)		D(6)	D(6)		
Parking facility - Multi-level								PC(6)	PC(6)			PC(6)	PC(6)		PC(6)	PC(6)		
Parking facility - Temporary								PC	D	D	D	D	D	D	D	D		17.08.010
Railroad facilities															D	A		
Transit station or terminal								PC				PC	PC		D	A		
Transit stop									A	A	A	A	A	A	A	A		
Truck or freight terminal															A	A	D	
Water and wastewater treatment plants and services								PC									PC	

**Key:** A = Allowed D = Director's Use Permit approval required PC = Planning Commission Use Permit approval required  
A/D = Director's approval on ground floor, allowed on second floor or above

**Note:** Footnotes affecting specific land uses follow the table.

**Notes to Table 9:**

1. **Ozone - All uses.** A Use Permit is required for the conversion of residential structures to non-residential uses. In order to approve a Use Permit, the Director shall first find that:
  - a. The location, orientation, height, and mass of new structures will not significantly affect privacy in nearby residential areas; and
  - b. The project location or access arrangements will not significantly direct traffic to local streets in nearby residential areas; and
  - c. The project includes landscaping and yards that adequately separate parking and pedestrian circulation areas from sites in nearby residential areas.
2. **R-1 zone - Multiple dwellings.** Except for condominiums, the construction of more than one dwelling on a parcel in the R-1 zone requires Administrative Use Permit approval. R-1 density standards apply.
3. **C-N zone - Limitations on floor area.** A general retail use in the C-N zone shall not exceed a gross floor area of 2,000 square feet for each establishment, or a combined floor area of all general retail establishments within a shopping center of 25 percent of the total floor area in a shopping center with a gross floor area of 15,000 square feet or more; and shall not exceed 50 percent of the total floor area in a shopping center with a gross floor area of less than 15,000 square feet. The Administrative Use Permit may provide for exceptions to the floor area limitations above. For general retail uses with a floor area greater than 2,000 square feet on a parcel not located within a shopping center, an Administrative Use Permit shall be required to insure consistency with policies of the General Plan Land Use Element and compatibility with surrounding uses.
4. **C-S and M zones - Required findings for offices.** The approval of an office facility in the C-S or M zone shall require that the review authority first find that:
  - a. The project will be compatible with existing and allowed land uses in the area;
  - b. The project location or access arrangements will not significantly direct traffic to use local or collector streets in residential zones;
  - c. The project will provide adequate mitigation to address potential impacts related to noise, light and glare, and loss of privacy, among others, imposed by commercial activities on nearby residential areas, by using methods such as setbacks, landscaping, berming and fencing;
  - d. The project will not preclude industrial or service commercial uses in areas especially suited for these uses when compared with offices; and
  - e. The project will not create a shortage of C-S- or M-zoned land available for service commercial or industrial development.
5. **C-R zone - Auto sound system installation.** Auto sound installation services may be approved only as an accessory use to the retail sales of auto sound systems on the same site. Use Permit review shall consider parking space displacement, noise from the operation, and the appearance and visibility of the installation area.
6. **Parking as a principal use.** Use Permit approval may include deviations to otherwise applicable setback requirements and building height limits. A multi-level parking facility shall require the approval of a Use Permit by the Planning Commission.
7. **Religious facilities.**

- a. **C-S zone requirements.** Use Permit review shall consider that the C-S zone is primarily intended to accommodate uses not generally suited to other commercial zones because of noise, truck traffic, visual impacts and similar factors. A Use Permit may be approved only when the religious facility will not likely cause unreasonable compatibility problems with existing or likely future service commercial uses in the vicinity. Use Permit conditions may include measures to mitigate incompatibility.
  - b. **C-T and M zone requirements.** A religious facility use may be allowed only inside an existing building.
8. **PF zone - Theaters.** Only non-profit theaters are permitted.
9. **Day care centers.** Allowed by right where accessory to a church or school, or where an employer provides on-site child care to 14 or fewer children for the exclusive benefit of employees, providing the primary use meets City parking standards.
10. **Groceries, Liquor, Specialty Foods in the CN Zone.** In the C-N zone, grocery, liquor and specialty food stores less than 3,000 square feet are allowed. Such uses with a gross floor area between 3,000 and 5,000 square feet are allowed with the approval of an Administrative Use Permit. Stores between 5,000 and 10,000 square feet may be approved by Planning Commission Use Permit. In order for a use permit to be approved by the Hearing Officer or by the Planning Commission, the deciding body must find that the proposed use is compatible with surrounding uses and the surrounding neighborhood, and that the use is consistent with the purpose and intent of the Neighborhood Commercial designation as discussed in the General Plan.
11. In order to approve a Medical Service use in the C-S or BP zones, the Hearing Officer must make the following findings:
  - a) The proposed medical service is compatible with surrounding land uses.
  - b) The proposed medical service is located along a street designated as an arterial or commercial collector in the Circulation Element and has convenient access to public transportation.
  - c) The proposed medical service will not significantly increase traffic or create parking impacts in residential neighborhoods.
  - d) The proposed medical service is consistent with the Airport Land Use Plan.
  - e) The project will not preclude service commercial uses in areas especially suited for these uses when compared with medical services.
  - f) The project site can accommodate the parking requirements of the proposed medical service and will not result in other lease spaces being under-utilized because of a lack of available parking.
12. **C-S zone - Required findings for Indoor Commercial Recreational Facilities.** Commercial indoor recreational uses in the C-S zone shall not include less than 10,000 square feet gross floor area per establishment. The approval of an indoor commercial recreational facility in the C-S zone shall require that the review authority first find that:
  - a) The proposed use will serve the community, in whole or in significant part, and the nature of the use requires a larger size in order to function;

- b) The project will be compatible with existing and allowed land uses in the area;
  - c) The project location or access arrangements will not significantly direct traffic to use local or collector streets in residential zones;
  - d) The project will not preclude industrial or service commercial uses in areas especially suited for these uses when compared with recreational facilities; and
  - e) The project will not create a shortage of C-S -zoned land available for service commercial development.
13. **Safe Parking.** Safe parking is only allowed in the R-1, R-2, R-3 and R-4 zones when accessory to a public assembly use, such as a club, lodge, private meeting hall or religious facility. Safe parking is prohibited as a primary use in the R-1, R-2, R-3 or R-4 zones and in all applicable zoning districts on properties that contain residential uses as the primary use.



## **Chapter 17.23: Night Sky Preservation**

### **Sections:**

- 17.23.010 Purpose.**
- 17.23.020 Definitions.**
- 17.23.030 Application Requirements.**
- 17.23.040 Operational Standards.**
- 17.23.050 New Development Standards.**
- 17.23.060 Temporary Lighting.**
- 17.23.070 Nonconforming Fixtures.**
- 17.23.080 Exemptions.**

### **17.23.010 Purpose.**

To establish outdoor lighting regulations that encourage lighting practices and systems that will:

1. Permit reasonable uses of outdoor lighting for nighttime safety, utility, security and enjoyment while preserving the ambience of night;
2. Curtail and reverse any degradation of the nighttime visual environment and the night sky;
3. Minimize glare and obtrusive light by limiting outdoor lighting that is misdirected, excessive, or unnecessary;
4. Help protect the natural environment from the damaging effects of night lighting;
5. Meet the minimum requirements of the California Code of Regulations for Outdoor Lighting and Signs (Title 24, Chapter 6).

Other laws or ordinances may require minimum illumination levels for specific applications and may conflict with these regulations. In such cases, those laws or ordinances shall govern.

### **17.23.020 Definitions.**

“Foot-candle” is a unit of measure of the intensity of light falling on a surface, equal to one lumen per square foot or the intensity of light from a standardized candle burning at one foot from a given surface.

“Low-intensity” means lighting designed to accent architectural features or signs that does not produce glare, such as tubular neon or LED rope lighting.

“Light pollution” means the night sky glow caused by the scattering of artificial light in the atmosphere.

### **17.23.030 Application Requirements.**

Whenever a person is required to obtain a building permit, electrical permit for outdoor lighting or signage, and/or approval of any development project, the applicant shall, as a

part of said application, submit sufficient information to enable the Community Development Department to determine whether the proposed lighting will comply with the provisions of this Section. The application shall include the following:

1. A site plan indicating the proposed location of all outdoor lighting fixtures that are not exempted by Section 17.23.080.
2. A description of each illuminating device, fixture, lamp, support and shield. This description may include, but is not limited to, manufacturer's catalog cuts and drawings (including sections where required), lamp types and lumen outputs.
3. Photometric plans depicting the location of all light poles and building mounted lighting fixtures and a maximum 10-foot by 10-foot grid of both the initial and maintained lighting levels on the site.
4. The project lighting plan shall be coordinated with any associated landscaping plan to prevent site planning conflicts.
5. Any other information the Community Development Director may determine is necessary to ensure compliance with the provisions of this Section.

The Director may waive any or all of these requirements if compliance can be determined based on available information.

#### **17.23.040 Operational Standards.**

Outdoor lighting shall be designed, installed and maintained to prevent nighttime sky light pollution, preserve and enhance visibility of stars and use energy efficiently by lighting only those areas or objects necessary for safety and security. All outdoor lighting shall conform to the following regulations:

1. Outdoor lighting shall be directed downward and away from adjacent properties and public rights-of-way.
2. No lighting on private property shall produce an illumination level greater than two maintained horizontal footcandles at grade on any property within a residential zoning district except on the site of the light source.
3. The maximum light intensity on a residential site shall not exceed a maintained value of 10 footcandles, when measured at finished grade.
4. The maximum light intensity on a nonresidential site, except auto sales lots and sports fields, shall not exceed a maintained value of 10 footcandles, when measured at finished grade.
5. The maximum light intensity on an auto sales lot shall not exceed a maintained value of 40 footcandles, when measured at finished grade.
6. The maximum light intensity on a sports field shall not exceed a maintained value of 50 footcandles, when measured three feet above grade. Baseball field lighting and lighting for other recreational uses may be increased to a maintained value of 100 footcandles with approval of the Community Development Director.
7. Outdoor lighting shall be completely turned off or significantly dimmed at the close of

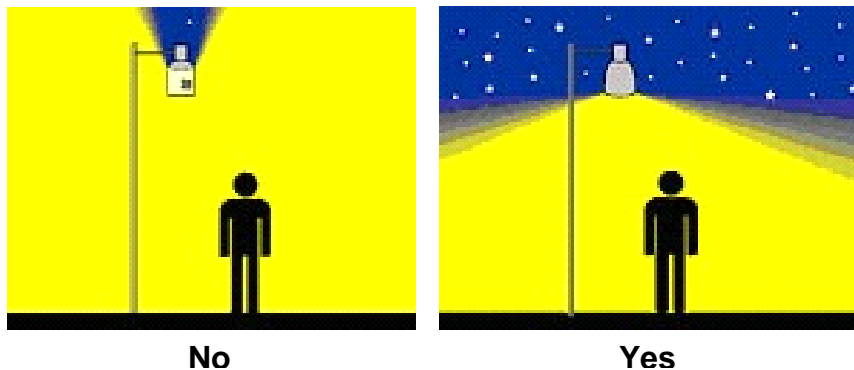
business hours unless lighting is essential for security or safety (e.g. illumination of parking areas and plazas).

8. Outdoor lighting shall not blink, flash, or rotate.
9. Outdoor flood light projection above the horizontal plane is prohibited, unless exempted by Section 17.23.080.
10. All upward directed sign lighting, including illumination of billboards, is prohibited, unless exempted by Section 17.23.080.
11. Outdoor sports fields shall not be illuminated after 11:00 p.m. except to conclude a scheduled recreational or sporting event in progress prior to 11:00 p.m.

**17.23.050 New Development Standards.**

In addition to required operational standards, new development projects shall incorporate the following regulations:

1. Outdoor lighting fixtures, including lighting for outdoor recreational facilities, shall be cutoff fixtures designed and installed so that no emitted light will break a horizontal plane passing through the lowest point of the fixture (See Figure 11). Cutoff fixtures must be installed using a horizontal lamp position. Lighting fixtures should be of a design that complements building design and landscaping, and may require architectural review.



**Figure 11.**  
Examples of  
outdoor light  
fixtures

2. Outdoor lighting shall be fully shielded or recessed (See Figure 12).
3. Lighting fixtures shall be appropriate in height, intensity, and scale to the use they are serving. Parking lot lights shall not exceed a height of 21 feet, and wall-mounted lights shall not exceed a height of 15 feet, from the adjacent grade to the bottom of the fixture. The Architectural Review Commission can approve an exception to these height standards based on specific extenuating circumstances.
4. All luminaries mounted on the under surface of service station canopies shall be fully shielded and utilize flush-mounted canopy fixtures with flat lenses.
5. Search lights, laser source lights, or any similar high-intensity light shall be prohibited, except, in emergencies, by police and/or fire personnel, or at their direction, or for purposes of gathering meteorological data. Exceptions may be granted in conjunction with approved temporary lighting.

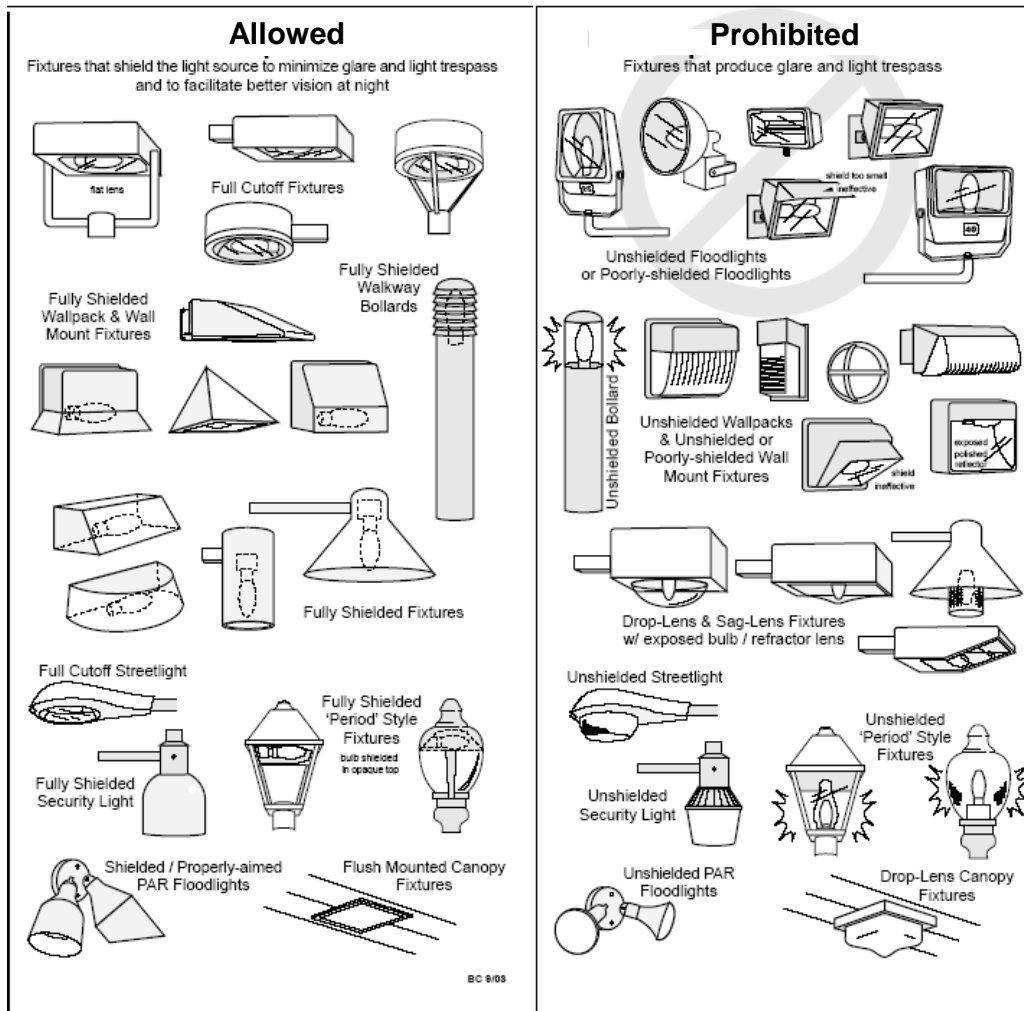


Figure 12.  
 Examples of  
 outdoor light  
 fixtures

Figures shown are examples for the public and staff to use in meeting the intent of this Section. The City of San Luis Obispo does not endorse or discriminate against any manufacturer that may be shown or mentioned as examples.

**17.23.060 Temporary Lighting.**

The Community Development Director may approve temporary lighting that is an exception to the regulations contained in this section. The Director must make the following findings:

1. The purpose for which the lighting is proposed is not intended to extend beyond thirty (30) days; and
2. The proposed lighting is designed in such a manner as to minimize light pollution and trespass as much as feasible.

**17.23.070 Nonconforming Fixtures.**

No outdoor lighting fixture which was installed prior to the enactment of Ordinance 1527, and was consistent with Zoning Regulations at the time of installation, shall be required to be removed or modified. However, no modification or replacement shall be made to a nonconforming fixture unless the fixture thereafter conforms to the provisions of this section.

**17.23.080 Exemptions.**

The following lighting fixtures are exempt from the requirements of this section:

1. Neon and other low intensity outdoor lighting fixtures used for signage or architectural decoration that are approved through architectural review.
2. Outdoor lighting fixtures on public right-of-ways provided that measures have been taken to mitigate impacts on surrounding properties and the night sky.
3. Emergency lighting operated by public agencies or for the purpose of aviation safety.
4. All temporary lighting used for the construction or repair of roadways, utilities, and other public infrastructure.
5. Non-electric lighting such as gas lamps or kerosene lanterns.
6. Temporary lighting equipment and seasonal lighting equipment provided that individual lamps are 10 watts or less.
7. Accent lighting for architectural features, national flags, statues, public art, signage or other objects of interest provided the fixture emits a very narrow cone of light for the purpose of confining the light to the object of interest and minimizing spill-light and glare. Accent lighting is subject to Director's approval.
8. Upgrades to existing lighting fixtures on outdoor advertising signs (billboards) that reduce light pollution, provided the level of illumination is not increased and subject to Director's approval.

## **Chapter 17.24: Low-Density Residential (R-1) Zone**

### **Sections:**

**17.24.010 Purpose and application.**

**17.24.020 Property development standards.**

### **17.24.010 Purpose and application.**

The R-1 zone is intended primarily to provide housing opportunities for people who want private open space associated with individual dwellings. It is intended to preserve existing single-family neighborhoods, provide for compatible infill development in such areas, and prescribe the overall character of newly subdivided low-density areas. This zone shall be applied to areas designated "low-density residential" on the general plan map. (Ord. 941 - 1 (part), 1982: prior code - 9203.1(A))

### **17.24.020 Property development standards.**

The property development standards for the R-1 zone are as follows:

- A. Maximum density: Seven density units per net acre (see also Section 17.16.010).
- B. Yards: See Section 17.16.020.
- C. Maximum height: 25 feet; up to 35 feet if the Director approves an administrative use permit. (See also Section 17.16.020 and Section 17.16.040.)
- D. Maximum coverage: 40% (see also Section 17.16.030).
- E. Standard Lot Dimensions:
  - Minimum lot area: 6,000 square feet
  - Minimum lot width: 50 feet
  - Minimum lot depth: 90 feet
  - Minimum street frontage: 20 feet
- F. Parking requirements: See Section 17.16.060. (Ord. 941 - 1 (part), 1982: prior code - 9203.1(B))

## **Chapter 17.26: Medium-Density Residential (R-2) Zone**

### **Sections:**

**17.26.010 Purpose and application.**

**17.26.020 Property development standards.**

### **17.26.010 Purpose and application.**

The R-2 zone is intended to provide housing opportunities for people who want compact residences close to commercial and public services. These areas will usually lie between zones of higher and lower residential density and/or adjacent to office (O) zones or neighborhood commercial (C-N) zones. This zone will be applied to areas designated "medium-density residential" on the general plan map. (Ord. 941 - 1 (part), 1982: prior code - 9203.2(A))

### **17.26.020 Property development standards.**

The property development standards for the R-2 zone are as follows:

- A. Maximum density: 12 density units per net acre (see also Section 17.16.010).
  - 1. For a single-family residence (single unit on one lot) located in the Medium-Density Residential Zone (R-2), density unit values may be rounded up to the nearest half (.5) density unit (example: 1.37=1.5). Condominiums and common interest subdivisions shall conform to standard R-2 density requirements where maximum density is calculated by rounding to the nearest one-hundredth unit.
- B. Yards: See Section 17.16.020.
- C. Maximum height: 35 feet (see also Sections 17.16.020 and 17.16.040).
- D. Maximum coverage: 50% (see also Section 17.16.030).
- E. Standard Lot Dimensions:
  - Minimum lot area: 5,000 square feet
  - Minimum lot width: 50 feet
  - Minimum lot depth: 80 feet
  - Minimum street frontage: 20 feet
- F. Parking requirements: See Section 17.16.060. (Ord. 941 - 1 (part), 1982: prior code - 9203.2(B))

## **Chapter 17.28: Medium-High Density Residential (R-3)** **Zone**

### **Sections:**

**17.28.010 Purpose and application.**

**17.28.020 Property development standards.**

### **17.28.010 Purpose and application.**

The R-3 zone is intended primarily to provide housing opportunities for smaller households desiring little private open space and to provide various types of group housing. These areas are generally close to commercial and public facilities serving the whole community and generally committed to this type of development. This zone will be applied to areas designated "medium-high-density residential" on the general plan map. (Ord. 941 - 1 (part), 1982: prior code - 9203.3(A))

### **17.28.020 Property development standards.**

The property development standards for the R-3 zone are as follows:

- A. Maximum density: 18 density units per net acre (see also Section 17.16.010).
- B. Yards: See Section 17.16.020.
- C. Maximum height: 35 feet (see also Sections 17.16.020 and 17.16.040).
- D. Maximum coverage: 60% (see also Section 17.16.030).
- E. Standard Lot Dimensions:
  - Minimum lot area: 5,000 square feet
  - Minimum lot width: 50 feet
  - Minimum lot depth: 80 feet
  - Minimum street frontage: 20 feet
- F. Parking requirements: See Section 17.16.060. (Ord. 941 - 1 (part), 1982: prior code - 9203.3(B))



## **Chapter 17.30: High-Density Residential (R-4) Zone**

### **Sections:**

**17.30.010 Purpose and application.**

**17.30.020 Property development standards.**

### **17.30.010 Purpose and application.**

The R-4 zone is intended to provide housing opportunities for smaller households desiring little private open space and to provide various types of group housing. It is further intended to allow for concentrations of housing close to concentrations of employment and college enrollment, in areas largely committed to high-density residential development. It will be applied to areas designated "high-density residential" on the general plan map. Ord. 941 - 1 (part), 1982: prior code - 9203.4(A)

### **17.30.020 Property development standards.**

The property development standards for the R-4 zone are as follows:

- A. Maximum density: 24 density units per net acre (see also Section 17.16.010).
- B. Yards: See Section 17.16.020.
- C. Maximum height: 35 feet (see also Sections 7.16.020 and 17.16.040).
- D. Maximum coverage: 60% (see also Section 17.16.030).
- E. Standard Lot Dimensions:
  - Minimum lot area: 5,000 square feet
  - Minimum lot width: 50 feet
  - Minimum lot depth: 80 feet
  - Minimum street frontage: 20 feet
- F. Parking requirements: See Section 17.16.060. (Ord. 941 - 1 (part), 1982: prior code - 9203.4(B))

---

## **Chapter 17.32: Conservation / Open Space (C/OS) Zone**

### **Sections:**

#### **17.32.010 Purpose and application.**

#### **17.32.020 Property development standards.**

#### **17.32.010 Purpose and application.**

- A. The C/OS zone generally will be applied to areas which are most suitable for open space uses because of topography, geology, vegetation, soils, wildlife habitat, scenic prominence, agricultural value or flood hazard.
- B. The C/OS zone is intended to prevent exposure of urban development to unacceptable risks posed by natural hazards and to protect natural resources from disruptive alterations. To these ends, it is further intended to prevent the subdivision of such lands.
- C. It will be applied as a permanent zone to areas designated "open space" or "park" on the general plan map. It may also be applied to areas designated "interim open space" where development is contingent on prerequisites identified in the general plan text. (Ord. 941 - 1(part), 1982: prior code - 9203.5(A))

#### **17.32.020 Property development standards.**

The property development standards for the C/OS zone are as follows:

- A. Maximum density: One dwelling per five or more acres, as indicated in the zone designation.
- B. Minimum parcel size: Five or more acres, as noted in the number that is part of the zone designation (C/OS-40 requires forty acres).
- C. Minimum street yard: 20 feet.
- D. Minimum other yards: 20 feet.
- E. Maximum height: 35 feet.
- F. Standard Lot Dimensions:
  - Minimum lot area: 5 acres or more as required by zone
  - Minimum lot width: 200 feet
  - Minimum lot depth: 200 feet
  - Minimum street frontage: 20 feet
- F. Maximum pavement and building area: Buildings and paved surfaces, such as parking and roads, shall not exceed five percent of site area for a parcel smaller than 10 acres or three percent of site area for a parcel 10 acres or larger. (Ord. 1365 (200 Series) (Part))

## **Chapter 17.33: Agricultural (AG) Zone**

### **Sections:**

**17.33.010 Purpose and application.**

**17.33.020 Property development standards.**

### **17.33.010 Purpose and application.**

The AG zone is intended to encourage conservation of agricultural lands and continuation of agricultural uses and keeping of livestock where compatible with urban development. It will be applied to areas designated on the general plan map as “conservation/open space” and “interim open space” where there has been a history of agricultural cultivation and keeping of livestock.

### **17.33.020 Property development standards.**

The property development standards for the AG zone are as follows:

- A. Maximum density: One dwelling per 20 acres, except that each legal lot of record may have one dwelling.
- B. Minimum parcel size: Five acres, or more as designated in the zone suffix (AG-20 requires a minimum parcel size of 20 acres)
- C. Minimum street yard: 20 feet.
- D. Minimum other yards: 20 feet.
- E. Maximum height: 35 feet.
- F. Maximum pavement and building area: Buildings and paved surfaces, such as parking and roads, shall not exceed five percent of site area for a parcel smaller than 10 acres or three percent of site area for a parcel 10 acres or larger.
- G. Parking requirements: See Section 17.16.060. (Ord. 1365 (200 Series) (Part))

## **Chapter 17.34: Office (O) Zone**

### **Sections:**

**17.34.010 Purpose and application.**

**17.34.020 Property development standards.**

### **17.34.010 Purpose and application.**

The O zone is intended to provide for offices and related functions close to medical facilities and the downtown, convenient to public transportation and related government and business services. The O zone is also intended to provide for the continuation and development of residential uses where they will be compatible with neighboring offices. The O zone implements and is consistent with the Office land use category of the General Plan.

### **17.34.020 Property development standards.**

The property development standards for the O zone are as follows:

- A. Maximum density: 12 density units per net acre (see also Section 17.16.010).
- B. Yards: See Section 17.16.020.
- C. Maximum height: 25 feet; 35 feet with the approval of an administrative use permit in compliance with Section 17.22.010, Table 9, Footnote 11 (Also see Sections 17.16.020 and 17.16.040.)
- D. Maximum coverage: 60% (see also Section 17.16.030)
- E. Maximum floor area ratio: the ratio of gross building floor area to site area shall not exceed 1.5. (Ord. 1365 (200 Series) (Part))
- F. Standard Lot Dimensions:
  - Minimum lot area: 5,000 square feet
  - Minimum lot width: 50 feet
  - Minimum lot depth: 80 feet
  - Minimum street frontage: 20 feet
- F. Parking requirements: See Section 17.16.060. (Ord. 1088 - 1 Ex. A(4), 1987; Ord. 941 - 1 (part), 1982: prior code - 9203.6(B))

## **Chapter 17.36: Public Facility (PF) Zone**

### **Sections:**

**17.36.010 Purpose and application.**

**17.36.020 Property development standards.**

**17.36.030 Public school tenant uses.**

### **17.36.010 Purpose and application.**

- A. The PF zone is intended to provide for the wide range of public uses likely to be located on public property. Public uses are those conducted by governmental or nonprofit agencies. However, this zone will also provide for complementary private and commercial uses which, within the overall guidance of the general plan, provide a public benefit.
- B. The zone is further intended to protect neighboring private uses from potentially incompatible public uses. It will be applied to areas designated "public " and "park" on the general plan map. (Ord. 1016 - 1 (part), 1984: Ord. 941 - 1 (part), 1982: prior code - 9203.7(A))

### **17.36.020 Property development standards.**

The property development standards for the PF zone are as follows:

- A. Yards: See Section 17.16.020.
- B. Maximum height: 35 feet (see also Sections 17.16.020 and 17.16.040).
- C. Maximum coverage: 60% (see also Section 17.16.030).
- D. Maximum floor area ratio: the ratio of gross building floor area to site area shall not exceed:
  - for a parcel adjacent to a C-C zone: 2.0;
  - for a parcel not adjacent to a C-C zone: 1.0(Ord. 1365 (200 Series) (Part))
- E. Standard Lot Dimensions:
  - Minimum lot area: 6,000 square feet
  - Minimum lot width: 60 feet
  - Minimum lot depth: 90 feet
  - Minimum street frontage: 40 feet
- F. Parking requirements: See Section 17.16.060. (Ord. 1016 - 1 (part), 1984: Ord. 941 - 1 (part), 1982: prior code - 9203.7(B))

### **17.36.030 Public school tenant uses.**

- A. **Purpose, Scope and Duration.** In order to allow more complete use of space made available by declining enrollment, certain commercial activities may be established in the public schools in addition to the uses listed in Table 9 (Section 17.22.010) of these regulations. Notwithstanding any other provisions of these regulations to the contrary and in conformance with the general plan, the following provisions shall apply to such uses. The Director may act to extend all temporary permits, regardless of the type of permit.

- B. Uses Allowed by Public School Tenant Permit.** The Director approves public school tenant permits subject to the standards in subsection F of this section. The Director may establish conditions to further the intent of this section. A public notice shall be posted at the site of each proposed school tenant use. If anyone informs the Community Development Department of a question or objection concerning the proposed school tenant use, that cannot be resolved by staff to the satisfaction of the complainant, within five days of the posting, the Director shall schedule a hearing for the application as provided for administrative use permits. If no questions or objections are received by the Community Development Department that cannot be resolved, the Director may issue the permit upon submission of all required information and without further notice or public hearing. The following uses may be established by school tenant permits within public schools in the PF zone:
1. Public and private educational programs different from those normally conducted at the school, such as full-time, adult programs at an elementary school, or professional, vocational or recreational classes;
  2. Storage of furnishings and records;
  3. Telephone answering or paging service;
  4. Stenographic, court reporting, typing, graphic design, editing and translating services;
  5. Child day care.
- C. Uses Allowed with Administrative Approval.** If the Director approves an administrative use permit, as provided in Sections 17.58.020 through 17.58.080, subject to the standards in subsection F of this section, the following uses may be established within public schools in the PF zone:
1. Office – Business and service;
  2. Government agency administrative offices with infrequent visitation;
  3. Social service organizations;
  4. Studio – Art, dance, martial arts, music, etc.;
  5. Office for equipment sales or repair, excluding on-site sales or vehicle repair;
  6. Clothing repair or alteration and repair of small appliances, watches, musical instruments and similar items.
  7. Processing offices;
  8. Maintenance service, client site services.
- D. Uses Allowed with Planning Commission Approval.** If the Planning Commission approves a use permit, as provided in Section 17.58.080, subject to the standards in subsection F of this section, the following uses may be established within public schools in the PF zone:
1. Business support services;
  2. Library, museum.
- E. Other Uses Allowed.** Other uses may be allowed, or allowed with administrative or Planning Commission approval. The Community Development Director must determine that the use is similar in character and impacts on its surroundings to one of those listed in subsections B, C or D of this section.
- F. Standards.** The following standards shall be conditions of approval for all types of permits. Whether these standards can reasonably be met shall be considered when deciding if a use permit should be approved for a specific use in a specific location:

1. Parking as required by Section 17.16.060 shall be provided;
2. There will be adequate space for the function itself and supporting activities such as parking, in addition to all other activities previously established at the school;
3. The use will not require structural changes to the school building, inconsistent with future school use of the building, unless there is written guarantee the building will be restored for school use upon termination of the lease or permit;
4. There will be minimal customer, client or delivery traffic;
5. Clients or customers shall not visit the leased space between 11:00 p.m. and 7:00 a.m.;
6. There will be minimal employee activity at night and on weekends;
7. Activities shall be conducted entirely within the school building or on established playing fields and shall not alter the appearance of the building or the playing fields, except as provided in standard 3 of this subsection;
8. No vehicle larger than a three-quarter-ton truck may be used by the tenant at the lease site;
9. Activities conducted and materials or equipment used shall not change the fire-safety or occupancy classifications of the premises until a building permit has been issued and the necessary improvements installed;
10. No use shall cause noise, dust, vibration, offensive smell, smoke, glare or electrical interference, or other hazard or nuisance;
11. All uses must meet Fire Department standards for access, hydrant locations, and fire flow prior to occupancy, (Ord. 1016 - 1 (part), 1984: Ord. 941 - 1 (part), 1982: prior code - 9203.7(C))

## **Chapter 17.38: Neighborhood Commercial (C-N) Zone**

### **Sections:**

**17.38.010 Purpose and application.**

**17.38.020 Property development standards.**

### **17.38.010 Purpose and application.**

The C-N zone is intended to provide for retail sales and personal services primarily for the convenience of surrounding residential areas, in small-scale, pedestrian-oriented developments. Individual, small-scale retail establishments should provide several types of merchandise (as in the example of a neighborhood market providing groceries, household items, magazines, etc.), as opposed to a business offering a wide selection of a single type of merchandise (for example, shoes, books, etc.). The C-N zone implements and is consistent with the Neighborhood Commercial land use category of the General Plan.

### **17.38.020 Property development standards.**

The property development standards for the C-N zone are as follows:

- A. Maximum density: 12 density units per net acre (see Section 17.16.010).
- B. Yards: See Section 17.16.020.
- C. Maximum height: 35 feet (see also Sections 17.16.020 and 17.16.040).
- D. Maximum coverage: 75% (see also Section 17.16.030).
- E. Maximum floor area ratio: the ratio of gross building floor area to site area shall not exceed 2.0. (Ord. 1365 (200 Series) (Part))
- F. Standard Lot Dimensions:
  - Minimum lot area: 6,000 square feet
  - Minimum lot width: 60 feet
  - Minimum lot depth: 90 feet
  - Minimum street frontage: 40 feet
- G. Parking requirements: See Section 17.16.060.(Ord. 941 - 1 (part), 1982: prior code - 9203.8(B))
- H. Maximum Building Size: No retail establishment (commercial building) shall exceed 45,000 square feet of total gross floor area, unless excepted by Section 17.16.035. (Ord. 1405 – 2001 Series)



**Chapter 17.40: Retail-Commercial (C-R) Zone****Sections:****17.40.010 Purpose and application.****17.40.020 Property development standards.****17.40.010 Purpose and application.**

The C-R zone is intended to provide for a wide range of retail sales, business, personal, and professional services, as well as recreation, entertainment, transient lodging, and some residential uses. The land uses allowed in this zone will generally serve the entire community and the region, as well as tourists and travelers. The C-R zone implements and is consistent with the General Retail land use category of the General Plan, and is intended to be applied primarily to areas with more public exposure on arterial streets than those reserved for manufacturing.

**17.40.020 Property development standards.**

The property development standards for the C-R zone are as follows:

- A. Maximum density: 36 density units per net acre for all dwellings, including dwelling units in hotels and motels, but not including other hotel or motel units (see also Section 17.16.010).
- B. Maximum street and other yards: See Section 17.16.020.
- C. Maximum height: 45 feet (see also Section 17.16.020 and 17.16.040).
- D. Maximum coverage: 100%.
- E. Maximum floor area ratio: the ratio of gross building floor area to site area shall not exceed 3.0, except that in the downtown as mapped in the General Plan Land Use Element, a site which receives transfer of development credit for open space protection shall have a ratio not to exceed 4.0. (Ord. 1365 (200 Series) (Part))
- F. Standard Lot Dimensions:
  - Minimum lot area: 9,000 square feet
  - Minimum lot width: 60 feet
  - Minimum lot depth: 100 feet
  - Minimum street frontage: 40 feet
- G. Parking requirements: See Section 17.16.060. (Ord. 1006 - 1 (part), 1984: Ord. 941 - 1 (part), 1982: prior code - 9203.9(B))
- H. Maximum Building Size: No retail establishment (commercial building) shall exceed 60,000 square feet of gross floor area, unless excepted by subsection "H" and Section 17.16.035.
- I. A retail establishment may be allowed up to 140,000 square feet of gross floor area, if the Planning Commission determines that it meets the following standards:
  - 1. The proposed use will serve the community, in whole or in significant part, and the nature of the use requires a larger size in order to function.
  - 2. The building in which the use is to be located is designed in discrete-elements that respect the scale of development in the surrounding area.

3. The new building is designed in compliance with the City's Design Guidelines for Large-Scale Retail Projects. (Ord. 1405 – 2001 Series)

## **Chapter 17.41: Community Commercial (C-C) Zone**

### **Sections:**

**17.41.010 - Purpose and Application.**

**17.41.020 - Property Development Standards.**

### **17.41.010 Purpose and Application.**

The CC zone is intended to provide for a wide range of retail sales and personal services within the context of distinctive, pedestrian-oriented shopping centers that serve customers and clients from all over the City. The C-C zone implements and is consistent with the Community Commercial land use category of the General Plan.

### **17.41.020 - Property Development Standards.**

The property development standards for the C-C zone are as follows:

- A. Maximum density: 36 density units per net acre (see Section 17.16.010).
- B. Yards: See Section 17.16.020.
- C. Maximum height: 35 feet (see also Sections 17.16.020 and 17.16.040).
- D. Maximum coverage: 75 percent (see also Section 17.16.030).
- E. Maximum floor area ratio: The ratio of gross floor area to site area shall not exceed 2.0.
- F. Standard Lot Dimensions:
  - Minimum lot area: 6,000 square feet
  - Minimum lot width: 60 feet
  - Minimum lot depth: 90 feet
  - Minimum street frontage: 40 feet
- G. Parking requirements: See Section 17.16.060.

---

## **Chapter 17.42: Downtown-Commercial (C-D) Zone**

### **Sections:**

#### **17.42.010 Purpose and application.**

#### **17.42.020 Property development standards.**

#### **17.42.010 Purpose and application.**

The C-D zone is intended to provide for a wide range of retail sales, service, and entertainment uses meeting community-wide and regional market demands and a variety of housing types including affordable workforce housing. The C-D zone is intended to be applied within the City's pedestrian-oriented central business district, where the historical pattern of development creates limitations on building form and the ability for individual businesses to provide on-site parking. Ground floor, street-fronting uses are intended to be generally limited to those that attract frequent pedestrian traffic. The C-D zone is intended to maintain, enhance, and extend the desirable characteristics of the downtown, and also to accommodate carefully integrated new development. The C-D zone is consistent with and implements the General Retail land use category of the General Plan.

#### **17.42.020 Property development standards.**

The property development standards for the C-D zone are as follows:

- A. Maximum density: 36 density units per acre, including dwelling units in hotels and motels, but not including other hotel or motel units (see also Section 17.16.010).
- B. Yards: See Section 17.16.020.
- C. Maximum height: 50 feet (see also Sections 17.16.020 and 17.16.040). Additional building height up to 75 feet may be approved as provided under 17.42.020.C.1 and C.2 and C.3 below.
  1. Performance Standards for Buildings Taller Than 50 Feet (All Required).
    - a. The project must include housing at a minimum residential density unit value of 24 units per acre. The average floor area of dwellings within the project shall be 1,200 square feet or less. (Group housing projects must show that the proposed building meets or exceeds the population density that would otherwise be achieved by this standard.)
    - b. For projects on sloping sites, the height limit on the downhill portion of the site shall be defined by a line 75 feet above the average between the highest and lowest points of the site grade prior to development, and 75 feet above the lowest point.
    - c. The applicant shall demonstrate that the project will exceed Title 24 California Energy Efficiency Requirements by a minimum of 15%; **or**  
The project is designed to achieve at least a Silver rating on the LEED-CS or NC checklist (or equivalent measure) (LEED Certification is not required but is encouraged); **or**  
The project is designed to achieve a minimum value of 50 points on the SLO Green Build Multi-Family GreenPoint Checklist.
    - d. No more than 33% of the site area at the storefront level may be used for private parking facilities.

- e. Lots shall conform to the minimum size and dimension requirements provided in the Subdivision Regulations.
  - f. The Planning Commission may grant minor exceptions to the specific requirements listed in this section, subject to a Planning Commission Use Permit and provided a finding is made that, despite the exception, the project is consistent with the intent of the ordinance and LUE Policy 4.16.4.
2. The Architectural Review Commission (ARC) may approve building height up to 60 feet if the ARC determines that the project includes at least **two** objectives from the following sections (lettered a. through g.), with no two being from the same lettered section.

The Planning Commission may approve a use permit allowing maximum building height of 75 feet upon determining that at least **two** of the following policy objectives (with no two being from the same lettered section) are met, and at least one Affordable and Workforce Housing Objective must be chosen.

To approve a use permit the Planning Commission must make the following finding:

*The public benefits associated with the project significantly outweigh any detrimental impacts from the additional height. (In weighing potential public benefits, the Planning Commission shall consider objectives related to affordable and workforce housing, economic vitality, historic preservation and open space preservation to be especially important.)*

#### Policy Objectives

**Intent:** The intent of the following Policy Objectives is to insure that buildings taller than 50 feet proposed in the C-D zone include features that meet the specific policy objectives outlined for tall buildings in the City's General Plan (including, but not limited to, Land Use Element, Chapter 4.0). A variety of objectives are listed to insure that proposed project features are appropriate for the site and surroundings, and to allow for a wide range of possible project types. Regardless of the number of objectives proposed, the decision making body must determine that the overall project is consistent with the General Plan, including goals and policies for view preservation, historical resource preservation, solar access and architectural character.

#### a. Affordable and Workforce Housing

- i. The project provides affordable housing, per City standards, at the rate of 5% for low income households, or 10% for moderate income households, as a percentage of the total number of housing units built (no in-lieu fee option).
- ii. The project qualifies for, and utilizes, a density bonus per the City's Affordable Housing Incentives (SLOMC Chapter 17.90).

- iii. The project includes residential density greater than or equal to 36 units per acre and the average floor area of units is 1,000 square feet or less. (Group housing projects must show that the proposed building meets or exceeds the population density that would otherwise be achieved by this objective.)

b. Pedestrian Amenities

- i. The project provides a major pedestrian connection between Higuera Street and the Creekwalk, Monterey Street and the Creekwalk, Higuera Street and Marsh Street, or at another acceptable mid-block location.
- ii. The project incorporates a significant public plaza, where the public art requirement is met by providing the art on-site (no in-lieu fee option).

c. View Access and Preservation

- i. The project provides a public viewing deck or decks, or similar feature, to provide significant free public access to views of surrounding natural features such as, but not limited to, Cerro San Luis.
- ii. The project improves and dedicates land within the downtown core for publicly-owned open space with street-level views of hillside resources, consistent with Land Use Element Policy 4.7 and Program 4.20.

d. Economic Vitality

- i. The project provides additional economic benefit to the City by providing retail sales or hospitality uses (subject to the City's transient occupancy tax) on multiple levels. Total floor area dedicated to retail or hospitality uses must exceed 150% of the building footprint.

e. Historic Preservation

- i. Where there are no historic resources on the project site, the project will provide for the permanent preservation of a building off-site within the Downtown Historic District or Chinatown Historic District that is listed in the city's Inventory of Historical Resources through the recordation of a Historic Preservation Agreement.
- ii. The project provides for preservation or adaptive reuse of all buildings on the City's Inventory of Historic Resources located on the project site in a manner consistent with the Secretary of the Interior's Standards for the Treatment of Historic Resources.

f. Open Space Preservation

- i. The project provides for the permanent preservation of open space land in the City's greenbelt through land dedication, the recordation of a conservation easement, or other recognized preservation method to the approval of the City.

g. Energy Efficiency

- i. The project is designed to meet the fossil fuel reduction standards established by the Architecture 2030 Challenge.
- ii. The project is designed to exceed the Title 24 energy efficiency requirements by a minimum of 30%.

#### h. Other Policy Objectives

- i. The project directly implements specific and identifiable City objectives as set forth in the General Plan, the Conceptual Plan for the City's Center, the Downtown Strategic Plan or other key policy document, to the approval of the Planning Commission. (Sub-section h. may be used to meet requirements for one policy objective)
3. Application Requirements: Planning applications submitted for new buildings over 50 feet tall shall include the following additional items to assist the City in the analysis and decision making process.
- a. Viewshed Analysis: A written and graphic viewshed analysis from various perspectives. The analysis shall identify visual resources within the viewshed of the project and indicate how the design of the project addresses those views from each perspective. Specific attention shall be given to views from adjacent publicly-owned gathering spaces, such as Mission Plaza.
  - b. Solar Shading Analysis: A written and graphic solar shading analysis showing the effects of shading on its surroundings between 10 a.m. and 3 p.m. on the winter solstice, summer solstice and vernal or autumnal equinox. The analysis shall compare shading caused by the project to the City's Solar Access Standards (Conservation Open Space Element Table 2).
  - c. Parking Demand Management/Trip Reduction Programs: A verifiable parking demand management program and a trip reduction program to reduce resident/employee dependence on single-occupant vehicle trips, to the approval of the Public Works Director.
  - d. Three-Dimensional Digital Model: A complete three-dimensional digital model of the proposed building, consistent with the specifications for the City's Baseline 3-D Digital Model of the Downtown Core and suitable for display on the City's internet site.
  - e. Solid Waste Management Plan: A solid waste management plan to show how the project meets or exceeds the City's Solid Waste Guidelines, to the approval of the Utilities Director. If any exceptions to the Solid Waste Guidelines are requested the plan shall include a written explanation and justification.
  - f. Green Building Plan: A written Green Building Plan shall be provided to indicate how the project complies with performance standards for energy efficiency.
  - g. Emergency Services Access Plan: A written and graphic plan -created in consultation with the City's Fire Marshal to show how access to upper floors for emergency response personnel will be provided.
  - h. Public Safety Plan: A security plan - created in consultation with the Police Department for all proposed buildings that include publicly accessible areas such as parking garages, courtyards, public stairways, elevators and decks. The security plan will identify the locations of 911 capable phones in parking areas and will establish rules and regulations for public use of courtyards and decks, and establish timeframes for private security patrols to be in place.
  - i. Utilities Infrastructure Analysis: An engineer's evaluation of existing utilities infrastructure and recommendations to insure that the project will have adequate water pressure for domestic use and fire flows and that the collection system in the area surrounding the project is sufficient to meet the project's impact.
  - j. Building Code Analysis: A building code analysis specifying the building's allowable area, occupancy class, occupancy load, and construction type.

- D. Maximum coverage: 100%.
- E. Maximum Floor Area Ratio (FAR):
1. 3.0 - maximum allowed for buildings up to 50 feet tall;
  2. 3.75 - maximum allowed for buildings approved above 50 feet tall;
  3. 4.0 - maximum allowed for approved buildings over 50 feet tall with transfer of development credits for open space protection or historic preservation; or if a density bonus for affordable housing is granted.
- F. Standard Lot Dimensions:
- Minimum lot area: 3,000 square feet  
Minimum lot width: 25 feet  
Minimum lot depth: 50 feet  
Minimum street frontage: 15 feet
- G. Vehicle Access: Although residential uses are encouraged in the C-D Zone, it is not the intent of the City to ensure that parking is provided on-site for residential uses. Therefore, there is no guarantee of parking availability, either on-site or off-site, for downtown residential projects. On-site parking may be considered inappropriate at certain downtown locations where the pedestrian experience would be harmed by vehicle ingress and egress across the sidewalk. In order to maintain pedestrian orientation and the continuity of sidewalks within the C-D Zone, an Administrative Use Permit must be approved to permit the installation of new driveway approaches proposed after the effective date of this ordinance. When new driveway approaches are proposed in conjunction with an application for Architectural Review, a separate Planning Application shall not be required. In order to approve the new driveway approach, the approving body must make at least one of the following findings:
1. The proposed driveway approach will not harm the general health, safety and welfare of people living or working in the vicinity of the project site because the number of vehicles expected to use the driveway is limited (less than 10 spaces) and there are no other alternatives, such as service alleys, to provide vehicle access to the site.
  2. The proposed driveway approach is located along a non-arterial street and will not significantly alter the character of the street or pedestrian circulation in the area in consideration of the characteristics of pedestrian flow to and from the project site and surrounding uses.
  3. The proposed driveway approach is a shared facility and provides efficient access to more than a single project in a way that eliminates the need for additional driveways.
  4. The proposed driveway approach provides access to public parking.
- H. Parking. See Section 17.16.060.
- I. Maximum Building Size: No retail establishment (commercial building) shall exceed 60,000 square feet of gross floor area, unless excepted by subsection H and Section 17.16.035.
- J. A retail establishment may be allowed up to 140,000 square feet of gross floor area, if the Planning Commission determines that it meets the following standards:
1. The proposed use will serve the community, in whole or in significant part, and the nature of the use requires a larger size in order to function.



2. The building in which the use is to be located is designed in discrete-elements that respect the scale of development in the surrounding area.
3. The new building is designed in compliance with the City's Design Guidelines for Large-Scale Retail Projects. (Ord. 1405 – 2001 Series)

## **Chapter 17.44: Tourist-Commercial (C-T) Zone**

### **Sections:**

**17.44.010 Purpose and application.**

**17.44.020 Property development standards.**

### **17.44.010 Purpose and application**

The C-T zone is intended to provide accommodations and services for the traveling public. The C-T zone implements and is consistent with the Tourist Commercial land use category of the General Plan.

### **17.44.020 Property development standards.**

The property development standards for the C-T zone are as follows:

- A. Maximum density: 12 density units per net acre, including dwelling units in hotels and motels, but not including other hotel or motel units (see also Section 17.16.010).
- B. Yards: See Section 17.16.020.
- C. Maximum coverage: 75% (see also Section 17.16.030).
- D. Maximum height: 45 feet (see also Sections 17.16.020 and 17.16.040).
- E. Maximum floor area ratio: the ratio of gross building floor area to site area shall not exceed 2.5. (Ord. 1365 (200 Series) (Part))
- F. Standard Lot Dimensions:
  - Minimum lot area: 9,000 square feet
  - Minimum lot width: 60 feet
  - Minimum lot depth: 100 feet
  - Minimum street frontage: 40 feet
- G. Parking requirements: See Section 17.16.060. (Ord. 1006 - 1 (part). 1984: Ord. 941 - 1 (part), 1982: prior code - 9203.11(B))
- H. Maximum Building Size: No retail establishment (commercial building) shall exceed 45,000 square feet of total gross floor area, unless excepted by Section 17.16.035. (Ord. 1405 – 2001 Series)

## **Chapter 17.46: Service-Commercial (C-S) Zone**

### **Sections:**

**17.46.010 Purpose and application.**

**17.46.020 Property development standards.**

### **17.46.010 Purpose and application.**

The C-S zone is intended to provide for services, limited retail, and other business service uses that may be less appropriate in the City's other commercial zones, as well as accommodating certain storage, transportation, wholesaling and light manufacturing uses. The C-S zone implements and is consistent with the Services and Manufacturing land use category of the General Plan, and is intended to be applied primarily to areas with more public exposure on arterial streets than those reserved for manufacturing.

### **17.46.020 Property development standards.**

The property development standards for the C-S zone are as follows:

- A. Maximum density: 24 density units per acre (see Section 17.16.010).
- B. Yards. Minimum street yards shall be:
  - 1. Where no building adjoins, five feet (requirement for parking lots and signs);
  - 2. For buildings 20 feet and less in height, 10 feet;
  - 3. For buildings more than 20 feet in height, 15 feet;
  - 4. Other yards shall be as provided in the zone of any adjacent lot;
  - 5. See also Section 17.16.020.
- C. Maximum height: 35 feet (see also Section 17.16.020 and 17.16.040).
- D. Maximum coverage: 75% (see also Section 17.16.030).
- E. Maximum floor area ratio: the ratio of gross building floor area to site area shall not exceed 1.5. (Ord. 1365 (200 Series) (Part))
- F. Standard Lot Dimensions:
  - Minimum lot area: 9,000 square feet
  - Minimum lot width: 60 feet
  - Minimum lot depth: 100 feet
  - Minimum street frontage: 40 feet
- G. Parking requirements: See Section 17.16.060.
- H. Off-street loading requirements:

<b>Gross Floor Area of Building</b>	<b>Number of Spaces Required</b>
1,000 to 9,999	none
10,000 to 29,999	1
30,000 to 99,999	2
100,000 and more	3

- I. Maximum Building Size: No retail establishment (commercial building) shall exceed 60,000 square feet of gross floor area, unless excepted by Section 17.16.035.

**Chapter 17.48: Manufacturing (M) Zone**

**Sections:**

**17.48.010 Purpose and application.**

**17.48.020 Property development standards.**

**17.48.010 Purpose and application.**

The M zone is intended to provide for assembly, fabrication, and other manufacturing activities in addition to those permitted in the C-S zone and for limited sales and services to local consumers. The M zone implements and is consistent with the Services and Manufacturing land use category of the General Plan, and is intended to be applied primarily to areas served by, but with limited or no frontage on arterial streets.

**17.48.020 Property development standards.**

The property development standards for the M zone are as follows:

- A. Maximum density: 24 density units per net acre (Section 17.16.010).
- B. Yards. Minimum street yards shall be:
  - 1. Where no building adjoins, five feet (requirement for parking lots and signs);
  - 2. For buildings 20 feet and less in height, 10 feet;
  - 3. For buildings more than 20 feet in height, 15 feet;
  - 4. Other yards shall be as provided in the zone of any adjacent lot;
  - 5. See also Section 17.16.020.
- C. Maximum height: 35 feet (see also Sections 17.16.020 and 17.16.040).
- D. Maximum coverage: 75% (see also Section 17.16.030).
- E. Maximum floor area ratio: the ratio of gross building floor area to site area shall not exceed 1.5. (Ord. 1365 (200 Series) (Part))
- F. Standard Lot Dimensions:
  - Minimum lot area: 9,000 square feet
  - Minimum lot width: 60 feet
  - Minimum lot depth: 100 feet
  - Minimum street frontage: 40 feet
- G. Parking requirements: See Section 17.16.060.
- H. Off-street loading requirements:

<b>Gross Floor Area of Building</b>	<b>Number of Spaces Required</b>
1,000 to 9,999	none
10,000 to 29,999	1
30,000 to 99,999	2
100,000 and more	3

(See also Performance Standards, Chapter 17.18.) (Ord. 1085 - 1 Ex. A(part), 1987; Ord. 941 - 1 (part), 1982: prior code - 9203.13(B))

## **Chapter 17.49: Business Park (BP) Zone**

### **Sections:**

**17.49.010 Purpose and application.**

**17.49.020 Property development standards.**

### **17.49.010 Purpose and application.**

The BP zone is intended to provide for research and development, light manufacturing, and business services that are compatible with each other and with airport operations. The BP zone implements and is consistent with the Business Park land use category of the General Plan.

### **17.49.020 Property development standards.**

BP zoning is found only within the Airport Area and Margarita Area Specific Plan boundaries. The following is a summary of some of the property development standards that apply to each specific plan area. These standards are included in the Zoning Regulations for reference only. See the appropriate specific plan for more detailed property development information.

#### Airport Area Specific Plan

A. Yards. Setback distance between:

1. Buildings and property lines along streets, 16 feet;
2. Parking lots and property lines along streets, 10 feet;
3. Buildings and property lines between adjacent parcels, zero;
4. Parking lots and property lines between adjacent parcels, 5 feet.

B. Maximum height:

1. Occupied buildings, 45 feet (not to exceed three stories);
2. Non-occupied architectural features, 52 feet.

C. Coverage:

1. Maximum coverage by buildings, driveways, and parking shall not exceed 80%.
2. Minimum landscape area (planting areas, water features, and hard surfaces used mainly by pedestrians) shall be at least 20% of site area.

D. Maximum floor area ratio:

1. Warehousing, storage, or automated manufacturing uses shall not exceed 1.0;
2. All other uses shall not exceed 0.6.

E. Standard Lot Dimensions:

1. Minimum lot area: 0.5 acre
2. Minimum lot width: 100 feet
3. Minimum lot depth: 100 feet
4. Maximum lot depth to width ratio shall be 3:1

5. Minimum street frontage: 50 feet

Margarita Area Specific Plan (Low-rise Office)

F. Yards. Setback distance between:

1. Buildings and property lines along streets, 15 feet;
2. Parking lots and property lines along streets, 15 feet;
3. Buildings and property lines between adjacent parcels, 5 feet;
4. Parking lots and property lines between adjacent residential parcels, 3 feet;
5. Parking lots and property lines between adjacent non-residential parcels, zero.

G. Maximum height:

1. Occupied buildings, 25 feet;
2. Single-story masonry area, one occupied level, not to exceed 36 feet.

H. Coverage: Minimum landscape area (planting areas, water features, and hard surfaces used mainly by pedestrians) shall be at least 20% of site area.

I. Maximum floor area ratio: The ratio of gross building floor area to site area shall not exceed 0.29.

J. Standard Lot Dimensions: Same as Office zone.

Margarita Area Specific Plan (General Business Park)

K. Yards. Setback distance between:

1. Buildings and property lines along streets, 20 feet;
2. Parking lots and property lines along streets, 20 feet;
3. Buildings and property lines between adjacent parcels, zero;
4. Parking lots and property lines between adjacent residential parcels, N/A;
5. Parking lots and property lines between adjacent non-residential parcels, zero.

L. Maximum height:

1. Occupied buildings, 36 feet;
2. Non-occupied architectural features such as towers may extend to 45 feet.

M. Coverage: Minimum landscape area (planting areas, water features, and hard surfaces used mainly by pedestrians) shall be at least 15% of site area.

N. Maximum floor area ratio: The ratio of gross building floor area to site area shall not exceed 0.44.

O. Minimum land parcel size: One acre.

P. Parking: The parking requirements in the Low-rise Office and General Business Park areas are as follows:

1. For all uses, parking will be provided at a rate of not less than one space per 500 square feet of gross floor area, nor more than one space per 300 square feet of gross floor area.

Exceptions:

- a. Medical offices may, but are not required to, provide parking at a ratio of one space per 200 square feet.
- b. For warehousing, parking will be provided at a rate of not less than one space per 1,500 square feet of gross floor area, nor more than one space per 1,000 square feet of gross floor area.



## **Chapter 17.50: Planned Development (PD) Overlay Zone**

### **Sections:**

- 17.50.010 Purpose.
- 17.50.020 Applicability.
- 17.50.030 Preliminary development plan.
- 17.50.040 Actions of the Planning Commission.
- 17.50.050 Actions of the Council.
- 17.50.060 Required findings.
- 17.50.070 Requirement for development plan.
- 17.50.080 Final development plan.
- 17.50.090 Phasing.
- 17.50.100 Amendment of final development plan.
- 17.50.110 Revocation of PD zoning.

### **17.50.010 Purpose**

The PD overlay zone is intended to provide for flexibility in the application of zoning standards to proposed development. The purpose is to allow consideration of innovation in site planning and other aspects of project design, and more effective design responses to site features, land uses on adjoining properties, and environmental impacts, than the development standards of the underlying zone would produce without adjustment. The City expects each planned development project to be of significantly higher design quality, including more effective and attractive pedestrian orientation, environmental sensitivity, energy efficiency, and the more efficient use of resources, than would be achieved through conventional design practices and standards.

### **17.50.020 Applicability**

- A. Timing of rezoning.** PD rezoning shall occur simultaneously with the approval of a specific project through the Planned Development process (Chapter 17.62).
- B. Where allowed.** The PD zone may be applied to any parcel within the CN, CC, CD, CR, CT, CS, and M zones; and in any other zone, to any parcel or contiguous parcels of at least one acre.
- C. General Plan compliance.** The preparation, review, and approval of a PD overlay zone shall require strict compliance with the General Plan and any applicable specific plan.
- D. Relationship of PD overlay to primary zoning district.**
  - 1. Allowable land uses.** Any use or combination of uses allowed by Section 17.22.010 (Uses Allowed by Zones) within the underlying zoning district may be established within the PD overlay zone, subject to any additional limitations on specific land uses provided by the overlay as adopted. No PD overlay shall allow a land use that is not allowed in the primary zoning district, or by the General Plan or any applicable specific plan.

2. **Planning permit requirements.** Development and new uses within the PD overlay district shall obtain the permits required by Section 17.22.010 for the underlying zone.
  3. **Site planning and project development standards.** Development and new land uses within the PD overlay shall comply with all applicable development standards of the underlying zone, except as specifically modified, waived, or augmented by the PD overlay.
- E. Scope of approval.** The application of the PD overlay to property may include the adjustment or modification, where necessary and justifiable, of any applicable development standard of these Zoning Regulations (e.g., building height, floor area ratio, parcel size, parking, setbacks, etc.), or of the City's Subdivision Regulations. The maximum density as allowed by cross-slope % may be adjusted but shall not exceed the maximum density allowed in the average cross-slope category 0-15% for the applicable zoning district.

#### **17.50.030 Preliminary development plan.**

Application for planned development shall be made to the Community Development Department and shall consist of a preliminary development plan, to include:

- A. A legal description of the total site involved;
- B. A statement of the objectives to be achieved by the planned development through the particular approach to be used by the applicant;
- C. A schedule indicating the approximate dates when construction of the development or stages of the development are to be started and completed;
- D. A quantified description of the total number and type of dwelling units, parcel sizes, coverage, modified and natural open space, grading, residential densities, and areas devoted to nonresidential uses;
- E. Identification of portions of the development which would otherwise require a variance, and reason for the deviation from normal standards;
- F. A site plan and supporting maps, drawn to a suitable scale and clearly labeled, showing, if applicable:
  1. Existing site conditions, including contours, vegetation and water courses;
  2. Proposed lot designs;
  3. Location and floor area of existing and proposed buildings or outlines of areas within which buildings may be located;
  4. Location and size of all areas to be conveyed or reserved as common open spaces or for public or semipublic uses;
  5. Existing and proposed circulation system of arterial, collector, and local streets; off-street parking, loading, and emergency access areas; points of access to public rights-of-way; proposed ownership of circulation routes;
  6. Existing and proposed sidewalks and paths;
  7. Existing and proposed utility systems, including sanitary sewer, storm drainage, water, electricity, gas and telephone;
  8. A general landscape plan.
  9. A general grading plan;

- G. Information on land area adjacent to the proposed development, indicating important relationships between the proposal and surrounding land uses, circulation systems, public facilities and natural features;
- H. Any additional information which may be required by the director to evaluate the character and impact of the planned development. (Ord. 941 - 1 (part), 1982: prior code - 9204.4(A))

#### **17.50.040 Actions of the Planning Commission.**

After giving notice as provided in Section 17.70.030, the Planning Commission shall hold a public hearing on the application. The Planning Commission may approve, approve subject to certain modifications, or deny the application. The decision of the Planning Commission shall be in the form of a recommendation to the Council and shall be rendered in writing, stating all modifications or conditions to be reflected in the final development plan. (Ord. 941 - 1 (part), 1982: prior code 9204.4(B))

#### **17.50.050 Actions of the Council.**

After giving notice as provided in Section 17.70.030, the Council shall hold a public hearing on the application and the recommendations of the Planning Commission. The Council may approve, approve subject to certain modifications, or deny the proposal. The decision of the Council shall be rendered in writing, stating all modifications or conditions to be reflected in the final development plan. If it approves or conditionally approves the preliminary development plan, the Council shall approve the rezoning and the official zone map shall be amended to indicate approval of the planned development. (Ord. 941 - 1 (part), 1982: prior code 9204.4(C))

#### **17.50.060 Decision and Findings**

Following a public hearing, the Commission may recommend, and the Council may approve or disapprove a rezoning to apply the PD overlay zoning district in compliance with this Section.

**A. Mandatory project features.** The review authority may recommend or approve a rezoning to apply the PD overlay zoning district only for a project that incorporates a minimum of two of the following four features.

1. A minimum of 25 percent of the residential units within the project are affordable to households of very low, low or moderate income (See Municipal Code Chapter 17.90 for incentives provided for affordable housing development, including density bonuses and possible fee waivers);
2. The project will achieve greater energy efficiency than standard developments through the incorporation of green building techniques, scoring at least a silver rating on the LEED or other equivalent rating system, or achieving a minimum of 30 percent greater energy efficiency than the minimum required by California Code of Regulations Title 24;
3. The project will preserve, enhance, and/or create a significant natural feature with a minimum area of one-half acre; or
4. The project will provide a substantial public amenity, for example, a significant public plaza, a public park, or a similar improved open space feature, including provisions for guaranteed long-term maintenance not at the expense of the City.

**B. Required findings for approval.** The review authority may approve a rezoning to apply the PD overlay zoning district only after first making all of the following findings:

1. The project is consistent with the General Plan and any applicable specific plan, and the proposed land use is allowed within the applicable primary zoning district;

2. The project complies with all applicable provisions of these Zoning Regulations other than those modified by the PD rezoning;
3. The approved modifications to the development standards of these Zoning Regulations are necessary and appropriate to accommodate the superior design of the proposed project, its compatibility with adjacent land uses, and its successful mitigation of environmental impacts;
4. The project complies with all applicable City Design Guidelines;
5. All affected public facilities, services, and utilities are adequate to serve the proposed project;
6. The location, size, site planning, building design features, and operating characteristics of the project are highly suited to the characteristics of the site and surrounding neighborhood, and will be compatible with the character of the site, and the land uses and development intended for the surrounding neighborhood by the General Plan;
7. The site is adequate for the project in terms of size, configuration topography, and other applicable features, and has appropriate access to public streets with adequate capacity to accommodate the quantity and type of traffic expected to be generated by the use; and
8. The establishment, maintenance, or operation of the proposed project will not, in the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity of the proposed use, or detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.

**17.50.070 Requirement for development plan.**

No land division may be undertaken and no construction begun within an area zoned PD until a final development plan has been approved. (Ord. 941 - 1 (part), 1982: prior code 9204.4(E))

**17.50.080 Final development plan.**

- A. Within two years of approval or conditional approval of the development plan, the applicant shall file with the Community Development Department a final development plan. At his discretion and for good cause, the Director may extend the time for filing the final development plan for a period or periods not exceeding a total of three years.
- B. The final development plan shall include those items from Section 17.50.030 (Preliminary development plan) which describe the proposal, including division of land, type and location of all buildings and improvements, and so on, but it need not include information on existing conditions.
- C. The Director shall review and take action on the final development plan within 30 days of filing. He shall approve it upon finding that it is in substantial compliance with the preliminary development plan as approved or modified by the Council. Upon approval of the final development plan, the Director shall add the number of the planned development to the official zone map (for example, PD (9999)). Subsequently, all grading, construction and landscaping shall comply with the approved final development plan.
- D. The final development plan may consist of final subdivision maps, building construction plans, grading plans, and so on, that would normally be submitted in the course of development, and need not be a separate submittal. The Director shall determine the

extent to which any additional documentation of development plans is required. (Ord. 941 - 1 (part), 1982: prior code - 9204.4(F))

**17.50.090 Phasing.**

If the construction of the planned development is to occur in phases, the open space and common facilities shall be developed and made available in proportion to the number of dwelling units or nonresidential floor area occupied during any given stage. At no time during construction of the project shall the density of developed land exceed the overall density established in the final development plan

**17.50.100 Amendment of final development plan.**

- A. Minor differences between the approved development plan and construction plans may be allowed by the Director.
- B. Written requests for amendments to a final development plan may be approved by the Planning Commission after a public hearing, notice of which has been given as provided in Section 17.70.030. Amendments shall be limited to changes in the size and position of buildings; the number, area or configuration of lots; landscape treatment; phasing, and the like.
- C. Amendments may not include changes in proposed use, overall density, or overall configuration of the land uses and circulation features. Changes to these aspects may be accomplished only by reapplication and submittal of a new preliminary development plan.
- D. Amendments to large office PD ordinances approved by the Council prior to June 2003 may be approved under Subsection B. above to allow changes in proposed use as long as those uses are determined by the Planning Commission to be consistent with the General Plan.
- E. These procedures apply whether or not all or part of the development has been built. (Ord. 941 - 1 (part), 1982: prior code 9204.4.(H))

**17.50.110 Revocation of PD zoning.**

If a final development plan is not carried out in the time specified in the development plan or within an approved extension period, the Planning Commission and Council may remove the PD designation according to the usual procedure for city-initiated rezoning. (Ord. 941 - 1 (part), 1982: prior code 9204.4(l))

## **Chapter 17.52: Specific Plan (SP) Overlay Zone**

### **Sections:**

**17.52.010 Purpose and application.**

**17.52.020 Allowed uses.**

**17.52.030 Property development standards.**

### **17.52.010 Purpose and application.**

The SP zone is intended to translate the provisions of an adopted specific plan into regulations for the subsequent development of land. It will be applied to areas for which a specific plan has been adopted or where the general plan calls for a specific plan prior to development, generally within residential expansion areas. (Ord. 941 - 1 (part), 1982: prior code - 9203.15(A))

### **17.52.020 Allowed uses.**

Prior to adoption of a specific plan, areas in the SP zone may be used in conformance with the provisions of the C/OS zone. Once a specific plan has been adopted, uses shall be as provided in the specific plan. (Ord. 941 - 1 (part), 1982: prior code - 9203.15(B))

### **17.52.030 Property development standards.**

- A. Residential density shall be as provided in the specific plan.
- B. Height, yards, coverage and parking shall be as provided in the specific plan. If the specific plan does not contain explicit provisions on these items, they shall be provided in the underlying zone.
- C. Other development features explicitly contained in the specific plan, such as landscaping, building siting and form, and circulation, shall be as provided in the specific plan. (Ord. 941 - 1 (part), 1982: prior code - 9203.15(C))

## **Chapter 17.54: Historical Preservation (H) Zone**

### **Sections:**

**17.54.010 Purpose and Application.**

**17.54.020 Allowed Uses.**

**17.54.030 Property Development Standards.**

### **17.54.010 Purpose and application.**

- A. The H zone identifies parcels, areas or structures that (1) are architecturally or historically important and (2) may be eligible for benefits offered through the City's Historical Preservation Program.
- B. The H zone may be applied to areas with any of the following characteristics:
  1. The property is within an area where buildings with pre-1941 architectural styles create a recognizable character.
  2. The property or area contains structures which (a) are good or excellent examples of pre-1941 architecture, or (b) were designed by eminent architects or designers, or (c) are community architectural landmarks.
  3. The property or area contains structures that are included in the City's Master List of Historical Resources.
  4. The property, area or structure was owned or occupied by someone who had a significant role in the history of the city, region, state or nation. (Ord. 1086 - 1 Ex. A(part), 1987)

### **17.54.020 Allowed uses.**

Uses shall be as provided in the underlying zone. (Ord. 1086 - 1 Ex. A (part), 1987)

### **17.54.030 Property development standards.**

Property Development Standards shall be as established by the underlying zone. (Ord. 1086 - 1 Ex. A (part), 1987)



## **Chapter 17.55: Mixed Use (MU) Overlay Zone**

### **Sections:**

**17.55.010 Purpose.**

**17.55.020 Application and procedure.**

**17.55.030 Property development standards.**

### **17.55.010 - Purpose.**

The MU overlay zone, in combination with any other zone, requires a mix of residential and nonresidential uses on the same site, where mixed use development would otherwise be optional.

The primary purpose of the MU overlay is to provide a means for the City to identify areas where the public health, safety, and welfare will be enhanced by requiring that all allowed development be in the form of mixed use projects, where ground floor street frontages are occupied by retail, business or personal services uses with residential uses above, or to the rear of a site. The MU overlay is intended to promote a compact city, to provide additional housing opportunities (including affordable housing opportunities), which is the first priority, and to reduce auto travel by providing services, jobs, and housing in proximity. The City desires the safety provided by having residential components in commercial areas.

### **17.55.020 - Application and Procedure.**

- A. Application of the MU overlay may be initiated by the City Council or Planning Commission, to ensure that mixed residential and commercial uses will be included when certain parcels are developed or redeveloped, or by a property owner.
- B. An ordinance adopting an MU overlay shall specify the following items and may include any other standard that would further the purpose and intent of this chapter:
  1. The types of uses which are required or allowed to be combined;
  2. Any standards for the uses locations or their relationships to each other; and/or
  3. Any issues specific to the site or the intended combination of uses which must be resolved by the design of the project.
- C. Each land use proposed on a site subject to the MU overlay shall be authorized in compliance with the permit requirements of Section 17.22.010 (Uses Allowed by Zones) that apply to the underlying zone.

### **17.55.030 - Property Development Standards.**

Property development standards shall be those of the underlying zone, except that the application of the MU overlay to property may include establishing a higher height limit than the underlying zone, to more effectively accommodate the residential component of a mixed use project. Proposed development and new land uses shall also comply with all applicable provisions of Section 17.08.072 (Mixed Use Projects).

---

## **Chapter 17.56: Special Consideration (S) Zone**

### **Sections:**

**17.56.010 Purpose and application.**

**17.56.020 Allowed uses.**

**17.56.030 Property development standards.**

**17.56.040 Procedure - Subdivisions - Waiver of use permit requirement when property subject to subdivision map application.**

### **17.56.010 Purpose and application.**

The S zone has two purposes:

A. In combination with any zone, to require approval of an administrative use permit before any use may be established. The use permit requirement is intended to assure compatibility of the use with its surroundings or conformance with the general plan, or to determine if a proposed development solves problems such as noise exposure, flood hazard, airport hazard, or slope instability which are particularly severe on a given site. Such development review may also be used to protect areas of scenic or ecological sensitivity, wildlife habitat, or wildland fire hazard.

The ordinance adopting the S zone will specify the considerations to be addressed, and the ordinance number will be incorporated in the official zone map designation:

B. In combination with any other zone, to require a larger minimum parcel size than required by the underlying zone. In such cases it will be designated on the zone map as, for example, R-1-S-3, which indicates a minimum parcel size of three acres. (Ord. 941 - 1 (part), 1982: prior code - 9203.17(A))

### **17.56.020 Allowed uses.**

Subject to approval of an administrative use permit, any allowed or conditionally allowed use in the underlying zone may be established. (Ord. 941 - 1 (part), 1982: prior code - 9203.17(B))

### **17.56.030 Property development standards.**

As provided in Sections 17.58.020 through 17.58.080, the Administrative Hearing Officer may establish conditions relating to improvements, building location, access, and so on, which are more restrictive than provided in the underlying zone, in order to fulfill the intent of these regulations. (Ord. 941 - 1 (part), 1982: prior code - 9203.17(C))

### **17.56.040 Procedure - Subdivisions - Waiver of use permit requirement when property subject to subdivision map application.**

The Director may waive the requirement for a use permit when property proposed for development is the subject of a subdivision map application. (Ord. 941 - 1 (part), 1982: prior code - 9203.17(D))

## **Chapter 17.58: Use Permits**

### **Sections:**

- 17.58.010 Purpose and intent.**
- 17.58.020 Application form.**
- 17.58.030 Procedures.**
- 17.58.040 Findings.**
- 17.58.050 Conditions of approval.**
- 17.58.060 Criteria for approval.**
- 17.58.070 Requirement for and compliance with use permits.**

### **17.58.010 Purpose and intent.**

It is intended that use permits allow flexibility in providing for, regulating, or preventing various uses, so they will be compatible with existing or desired conditions in their neighborhoods. Use permit approval is required for certain uses so that their detrimental effects can be reduced or avoided and potential conflicts in land use can be prevented. This is necessary because of the wide variety of uses that are allowed within zone districts and because of the variety of existing sites and uses found in the community. (Ord. 941 - 1 (part), 1982: prior code - 9204.2(A))

### **17.58.020 Application form.**

Application shall be made to the Community Development Department in the form prescribed by the Director, including, as may be necessary, site plans, written descriptions of activities to be conducted, technical studies of site characteristics, and so on. (Ord. 941 - (part), 1982: prior code - 9204.2(B))

### **17.58.030 Procedures.**

#### **A. Administrative Use Permit.**

1. Before acting on any use permit application, the Director shall hold a hearing at which information and arguments may be presented. Notice of the time, date, place and purpose of the hearing shall be given by posting the property and by publishing an advertisement in a newspaper of general circulation at least five days before the hearing.
2. Decisions of the Director shall be rendered in writing within ten days of the hearing. They shall state the conditions of approval, if any, or the reasons for denial. The Director's decision shall be final unless appealed.
3. At his or her discretion, the Director may refer an administrative use permit to the Planning Commission, pursuant to the requirements in subsection B of this section, when he/she determines the application involves a major policy issue or public controversy that would be resolved more suitably by the Commission.

#### **B. Planning Commission Use Permits.**

1. Before acting on any use permit application, the Planning Commission shall hold a public hearing conducted according to its By-Laws. Notice of the time, date, place and purpose of the hearing shall be given by posting the property and publishing an advertisement in a newspaper of general circulation at least ten days before the hearing.

2. Decisions of the Planning Commission shall be rendered in writing within ten days of the hearing. They shall state the conditions of approval, if any, or the reasons for denial. The Planning Commission's decision shall be final unless appealed.
3. When a use permit or variance is before the Planning Commission, the Commission may act to impose additional or relax any property development standards capable of being so altered under relevant sections of these regulations (see Chapters 17.16 and 17.60). The intent of this provision is to enable the Commission to deal with various aspects of project design in a comprehensive way, without postponement of action on a project for separate hearings. Use permit and variance findings and procedures shall apply as provided in relevant sections of these regulations.
4. Public notice for use permit and variance applications, in order to fulfill the intent of this section, shall be sufficiently general so the public will be aware of the type of project proposed and the types of actions the Commission may take, without further notice, to approve or conditionally approve the project.
5. Likewise, on appeal, the Council may act to alter property development standards by variance or use permit if a variance or use permit application is under consideration, (Ord. 941 - 1 (part), 1982: prior code - 9204.2(C))

**C. Expiration of use permit.**

1. When a use that was allowed by approval of a use permit ceases operation for one year or such other time period as specified in the conditions of approval, then reinstatement of that use will be allowed only with approval of a new use permit.
2. The Community Development Director may extend the one-year limit stated in C.1, above, upon receipt of a written request, upon finding that circumstances have not changed significantly since the time the use ceased operation.

**17.58.040 Findings.**

In order to grant a use permit, the Director or Planning Commission, or on appeal, the Council, must find that the proposed use will not be detrimental to the health, safety or welfare of persons working or living at the site or within the vicinity. The Director, Planning Commission or Council may deny the proposal or attach conditions as deemed necessary to secure the purposes of these regulations. Actions on use permits shall be justified by written findings, based on substantial evidence in view of the whole record. (Ord. 1124 - 1 Ex. A (part), 1988; Ord. 941 - 1 (part), 1982: prior code - 9204.2(D))

**17.58.050 Conditions of approval.**

Conditions imposed by the Director, Planning Commission or Council may include, but are not limited to, the following:

- A. Modification or limitation to activities, including times and types of operation;
- B. Special yards or open spaces;
- C. Fences, walls or landscape screens;
- D. Provision and arrangement of parking and vehicular and pedestrian circulation;
- E. On-site or off-site street, sidewalk or utility improvements and maintenance agreements;
- F. Noise generation and attenuation;
- G. Dedication of right-of-way or easements or access rights;

- H. Arrangement of buildings and use areas on the site;
- I. Special hazard reduction measures, such as slope planting;
- J. Minimum site area;
- K. Other conditions which may be found necessary to address unusual site conditions.
- L. Establishment of an expiration date, after which the use must cease at that site.
- M. Recycling and solid waste plans.
- N. Conditions may not be imposed that restrict the use to a specific person or group. (Ord. 941 - 1 (part), 1982: prior code - 9204.2(E))

#### **17.58.060 Criteria for approval.**

In deciding whether a proposal is acceptable at a given location, the Director, Planning Commission and Council shall consider whether the proposal could be established and maintained without jeopardy to persons or property within or adjacent to the proposed site and without damage to the resources of the site and its surroundings. Appropriate criteria may be found in the following sources, without limitation:

- A. General plan elements (such as Land Use, Circulation, Housing, Noise, Seismic Safety, Public Safety, Open Space and Conservation):
- B. Specific plans and special studies;
- C. Standards and recommendations of agencies commenting on environmental documents for the proposal or for similar projects. (Ord. 941 - 1 (part), 1982: prior code - 9204.2(F))

#### **17.58.070 Requirement for and compliance with use permits.**

- A. When more than one use permit - including more than one type of use permit - is required by individual sections of these regulations, only one use permit application need be filed and acted upon. If both an administrative use permit or permits would simultaneously be required by separate sections, one Planning Commission use permit shall be processed to cover all requirements. If an administrative use permit for site development exceptions and/or requests for shared and mixed use parking reductions, and review by the Architectural Review Commission are required, then only the architectural review application need be filed. Use permit applications for land uses pursuant to Table 9, Chapter 17.22 may not be reviewed in conjunction with architectural review and require filing of a separate application and payment of fees.
- B. The modification or addition to a use requiring use-permit approval shall itself be subject to use-permit approval. The addition of an allowed use to a premises occupied by a conditionally allowed use shall require use-permit approval of the type required for the existing use. The Director shall determine when such an addition or change is of such a minor or incidental nature that the intent of these regulations can be met without further use permit control.
- C. Any conditions established pursuant to these regulations shall be met before the use is established, except that the Director, Planning Commission, or on appeal, the Council, may establish a schedule for certain conditions to be met after establishment of the use. Continuance of the use shall then be contingent on complying with the schedule for meeting deferred conditions.
- D. If a land use authorized by use permit is not established within one year of the date of approval or such longer time as may be stipulated as a condition of approval, the use permit shall expire. If a structure or associated site development authorized by use

permit is not issued building permits within three years of the date of approval, the use permit shall expire. Upon written request received prior to expiration, the Director may grant renewals of use permit approval for successive periods of not more than one year each. Approvals of such renewals shall be in writing and for a specific period. Renewals may be approved with new or modified conditions upon a finding that the circumstances under which the use permit was originally approved have substantially changed. Renewal of a use permit shall not require public notice or hearing, unless the renewal is subject to new or modified conditions. In order to approve a renewal, the Director must make the findings required for initial approval. (Ord. 941 - 1 (part), 1982: prior code - 9204.2(G))

## **Chapter 17.60: Variances**

### **Sections:**

**17.60.010 Intent.**

**17.60.020 Scope.**

**17.60.030 Procedure.**

**17.60.040 Findings.**

**17.60.050 Expiration.**

### **17.60.010 Intent.**

The variance procedure is intended to allow minor relaxation by the Director of certain standards that would otherwise prevent a property from being used in the same manner as other, similar property, where the intent of these regulations is not compromised by such minor relaxation. (Ord. 941 - 1 (part), 1982: prior code - 9204.3(A))

### **17.60.020 Scope.**

Yards, height limits, coverage and parking space requirements may be relaxed. No variance to use regulations or density standards may be granted. (Ord. 941 - 1 (part), 1982: prior code - 9204.3(B))

### **17.60.030 Procedure.**

- A. Application shall be in the form prescribed by the Director, shall state the precise nature of the grounds for the variance sought, and shall generally follow the form established for use permits.
- B. Notification requirements and actions of the Director shall be as provided for administrative use permits in Section 17.58.030A. (See also Section 17.58.030B3. (Ord. 941 - 1 (part), 1982: prior code - 9204.3(C))

### **17.60.040 Findings.**

In order to approve a variance, the Director, Planning Commission or Council must make each of the following findings:

- A. That there are circumstances applying to the site, such as size, shape or topography, which do not apply generally to land in the vicinity with the same zoning;
- B. That the variance will not constitute a grant of special privilege - an entitlement inconsistent with the limitations upon other properties in the vicinity with the same zoning;
- C. That the variance will not adversely affect the health, safety or general welfare of persons residing or working on the site or in the vicinity. (Ord. 941 - 1 (part), 1982: prior code - 9204.3(D))

### **17.60.050 Expiration.**

If building permits are not issued for site development authorized by variance within three years of the date of approval or such longer time as may be stipulated as a condition of approval, the variance shall expire. Upon written request received prior to expiration, the Director may grant renewals of variance approval for successive periods of not more than one year each. Approvals of such renewals shall be in writing and for a specific period.

Renewals may be approved with new or modified conditions upon a finding that the circumstances under which the variance was originally approved have substantially changed. Renewal of a variance shall not require public notice or hearing, unless the renewal is subject to new or modified conditions. In order to approve a renewal, the Director must make the findings required for initial approval. (Ord. 1006 - 1 (part), 1984: prior code - 9204.3(E))



## **Chapter 17.64: Repeat Applications**

### **Sections:**

**17.64.010** Waiting period of one year required when- Exceptions.

### **17.64.010** Waiting period of one year required when- Exceptions.

- A. When any application made pursuant to these regulations has been denied, no new application which is substantially the same shall be filed within one year of the date of the previous denial unless the Planning Commission or Council, for good cause, shall grant permission to do so. The Council or Planning Commission shall initiate such application based on whether the project was denied by the Commission or Council. If the decision to deny an application reviewed by the Planning Commission is finally determined on appeal by the City Council, the Council shall grant permission
- B. The Director shall determine when an application is substantially the same as a previous application, subject to the appeal procedures of Chapter 17.66. (Ord. 941 -1 (part), 1982: prior code - 9204.9)

## **Chapter 17.65: Inactive Applications**

### **Sections:**

**17.65.010 Applications Deemed withdrawn after 180 days of inactivity.**

**17.64.010 Applications deemed withdrawn after 180 days of inactivity.**

- A. An application will be classified as “inactive” when the applicant has not adequately responded within 180 days to submittal items required by staff for further processing as provided in an incomplete letter. The Director shall determine when an application is in an “inactive status” and 30 day extensions may be granted at the discretion of the Director. Any determination of inactive status is subject to appeal procedures of Chapter 17.66.

## **Chapter 17.66: Appeals**

### **Sections:**

**17.66.010 Standing to appeal.**

**17.66.020 Time limits.**

**17.66.030 Course of appeals.**

**17.66.040 Content of appeals.**

**17.66.050 Hearings and notice.**

### **17.66.010 Standing to appeal.**

Any person may appeal a decision of any official body, except that administrative decisions requiring no discretionary judgment, as provided in Chapter 1.20, may not be appealed. (Ord. 941 - 1 (part), 1982: prior code - 9204.8(A))

### **17.66.020 Time limits.**

Appeals must be filed within 10 calendar days of the rendering of a decision which is being appealed. If the tenth day is a Saturday, Sunday or holiday, the appeal period shall extend to the next business day. (Ord. 941 - 1 (part), 1982: prior code - 9204.8(B))

### **17.66.030 Course of appeals.**

- A. Decisions of the Director shall be appealed to the Planning Commission. Such appeals shall be filed with the Director.
- B. Decisions of the Planning Commission shall be appealed to the Council. Such appeals shall be filed with the City Clerk. (Ord. 941 - 1 (part), 1982: prior code - 9204.8(C))

### **17.66.040 Content of appeals.**

The appeal shall concern a specific action and shall state the grounds for appeal. (Ord. 941 - 1 (part), 1982: prior code - 9204.8(D))

### **17.66.050 Hearings and notice.**

- A. Action on appeals shall be considered at the same type of hearing and after the same notice that is required for the original decision.
- B. Once an appeal has been filed, it shall be scheduled for the earliest available meeting, considering public notice requirements, unless the appellant agrees to a later date. (Ord. 941 - 1 (part), 1982: prior code - 9204.8(E))

## **Chapter 17.68: Fees**

### **Sections:**

#### **17.68.010 Establishment authority.**

#### **17.68.010 Establishment authority.**

The Council may, by resolution, establish fees for applications and procedures required by these regulations, to the extent such fees have a reasonable relationship to the costs incurred in processing the applications and providing public notice. (Ord. 941 - 1 (part), 1982: prior code - 9204.10)

## **Chapter 17.70: Amendments**

### **Sections:**

- 17.70.010 Scope.**
- 17.70.020 Initiation.**
- 17.70.030 Planning Commission action.**
- 17.70.040 Council action.**
- 17.70.050 Annexation and prezoning.**
- 17.70.060 Other requirements.**

### **17.70.010 Scope.**

An amendment to these regulations which changes any property from one zone to another shall be adopted as set forth in Sections 17.70.020 through 17.70.060. Any other amendment to these regulations may be adopted as other ordinances and amendments to the Municipal Code are adopted. (Ord. 941 - 1 (part), 1982: prior code - 9204.7(A))

### **17.70.020 Initiation.**

An amendment to these regulations may be initiated by:

- A. A resolution of intention of the City Council

### **17.70.030 Planning Commission action.**

- A. Before taking any action on a proposed zone change, the Planning Commission shall hold a public hearing. Notice of the time, date, place and purpose of the hearing shall be given in each of the following ways at least 10 calendar days before the hearing:
  - 1. Publication in a newspaper of general circulation within the city;
  - 2. Posting each street frontage of the property to be rezoned, or the nearest street access if the property does not abut a dedicated street;
  - 3. First-class mail to owners of the property to be rezoned and of property within a radius of 300 feet, as listed in the most recent annual revision of the County Assessor's roll.
- B. Failure to post or notify by mail shall not invalidate any amendments duly adopted.
- C. If the Planning Commission approves a rezoning or denies a Council-initiated rezoning, its action shall be a written recommendation to the Council, including any findings required for approval.
- D. If the Planning Commission denies a rezoning which it or a private party has initiated, the action shall be final unless appealed. It shall be rendered in writing and shall state the reasons for denial. (Ord. 941 - 1 (part), 1982: prior code - 9204.7(C))

### **17.70.040 Council action.**

Before taking action on a recommendation of the Planning Commission, the Council shall hold a public hearing for which notice shall be given as provided in Section 17.70.030. (Ord. 941 - 1 (part), 1982: prior code - 9204.7(D))

### **17.70.050 Annexation and prezoning.**

Any area annexed to the city shall be prezoned consist with the general plan or classified

C/OS until rezoned after annexation. (Ord. 941 - 1 (part), 1982; prior code - 9204.7(E))

**17.70.060 Other requirements.**

Procedures for rezoning and adoption of urgency interim regulations shall be as provided in the California Government Code. Requirements for the scheduling of zoning hearings in relation to general plan amendments, reports from the Planning Commission to the Council upon referral, and all other matters not prescribed in greater detail in these regulations shall be as provided in the Government Code. (Ord. 941 - 1 (part), 1982: prior code - 9204.7(F))

## **Chapter 17.72: Enforcement**

### **Sections:**

**17.72.010 Delegation of authority.**

**17.72.020 Violations.**

### **17.72.010 Delegation of authority.**

The Director shall be responsible for enforcing these regulations and shall issue no permit in conflict with them. Any such permit issued shall be void. (Ord. 941 - 1 (part), 1982: prior code - 9204.6(A))

### **17.72.020 Violations.**

- A. General Regulations and Requirements. The Director shall enforce these regulations in accordance with provisions of this code and any other procedures as may be adopted by resolution of the Council.
- B. Revocation of Use Permits, Variances and Home Occupation Permits.
  1. A use permit or variance shall be automatically revoked if not used within one year, unless a longer period is specified in the approval, or unless an extension is granted.
  2. All types of permits and variances may be revoked by the body that originally approved them, upon determining that any of the conditions have been violated. Procedures for revocation shall be as prescribed for issuance of the permit, including written notice to the permittee at least 10 calendar days before the hearing. (Ord. 941 - 1 (part), 1982: prior code - 9204.6(B))

## **Chapter 17.74: Building Setback Lines**

### **Sections:**

- 17.74.010 Title.
- 17.74.020 Purpose—Adoption of building setback lines.
- 17.74.030 Purpose—Protection of master street and highway plan.
- 17.74.040 Designation on maps—Contents of maps.
- 17.74.050 City clerk to keep up-to-date copies of maps showing official building setback lines.
- 17.74.060 Adoption—Planning commission public hearing.
- 17.74.070 Adoption—Council public hearing.
- 17.74.080 Adoption—Maps to be a part of chapter provisions—Designation of official centerline.
- 17.74.090 Laurel Lane.
- 17.74.100 Foothill Boulevard.
- 17.74.110 South Street.
- 17.74.120 Johnson Avenue.
- 17.74.130 Broad Street (Monterey to SE City Limits).
- 17.74.140 Orcutt Road (Broad to Johnson).
- 17.74.150 California Boulevard and San Luis Drive.
- 17.74.160 South Higuera Street.
- 17.74.170 Higuera Street (Marsh to Madonna).
- 17.74.180 Santa Rosa Street (Monterey to Murray).
- 17.74.190 Higuera Street (Prado Road to south city limit).
- 17.74.200 Santa Rosa Street (Monterey to Marsh).
- 17.74.210 Osos Street (Monterey to Higuera).
- 17.74.215 Santa Barbara Avenue (High Street to Broad Street).
- 17.74.220 No new structures to be in setback area—Exceptions.
- 17.74.230 Appeals from Section 17.74.220 —Procedure.
- 17.74.240 Enforcement—Nonconforming buildings and structures declared unlawful and a nuisance—Abatement.

### **17.74.010 Title.**

This chapter shall be known and cited as the "Official Building Setback Line Ordinance" of the city. (Prior code § 9300.8)



**17.74.020 Purpose—Adoption of building setback lines.**

This chapter is enacted to enable adoption of official building setback lines for the city, and to provide for the designation, recording, enforcement of and appeal from such official building setback lines. (Prior code § 9300)

**17.74.030 Purpose—Protection of master street and highway plan.**

The purpose of this chapter is to protect the master street and highway plan adopted by the city. The street and highway plan is being adopted in order to:

- A. Serve as a general guide for the development of streets and highways;
- B. Promote the public welfare, safety and convenience;
- C. Provide a comprehensive guide for capital outlay on street and highway improvements in the city;
- D. Provide an authentic source of information for residents and investors in the city;
- E. To obviate the menace to the public safety and the damage to property values resulting from inadequate provision of traffic thoroughfares. (Prior code § 9300.1)

**17.74.040 Designation on maps—Contents of maps.**

- A. Official building setback lines shall be designated on maps drawn up by the city engineer at the request of the council or at the request of the city planning commission, acting through the council.
- B. The official building setback maps shall show all buildings adjacent to the street, or proposed street, at a scale of one inch equals fifty feet, and they shall show the existing right-of-way widths, if any, as well as any proposed changes in the street. The maps shall be titled "Official Building Setback Lines of (name of street or highway)." There shall be statements of adoption by the planning commission and the council on each map. (Prior code § 9300.2)

**17.74.050 City clerk to keep up-to-date copies of maps showing official building setback lines.**

- A. The city clerk is instructed to keep up-to-date maps which shall show the streets or portions of streets upon which official building setback lines have been established.
- B. The maps shall not be recorded. (Prior code § 9300.3)

**17.74.060 Adoption—Planning commission public hearing.**

In order to adopt any additional building setback line maps, the city planning commission shall be in receipt of the map from the city engineer and shall hold at least one public hearing thereon. Notice of the hearing shall be given in a newspaper of general circulation in the city at least ten days in advance of the first of such hearings. The city planning

commission shall submit its findings in writing to the council within ninety days after the notice of the hearing. (Prior code § 9300.4.1)

**17.74.070 Adoption—Council public hearing.**

Upon receipt of the report from the city planning commission, the council shall set a date for at least one public hearing and give public notice of the hearing as prescribed by law. At such time as the hearing is concluded by the council, it may adopt the official building setback line map as an amendment to Section 17.74.080, or resubmit the map to the planning commission for further study. (Prior code § 9300.4.2)

**17.74.080 Adoption—Maps to be a part of chapter provisions—  
Designation of official centerline.**

Official building setback line maps and all the notations thereon are made a part of this chapter at the time of their adoption by the council, and the maps constitute sections under this chapter. The centerline shown on any building setback line map is designated as the official centerline of the street. (Prior code § 9300.4.3)

**17.74.090 Laurel Lane.**

The map adopted by Ordinance 48, 1957 Series, is designated as the "Official Building Setback Lines of Laurel Lane," dated July 15, 1957, and the building setback line is forty-three feet in commercial and manufacturing land use districts, and thirty-eight feet in residential land use districts, on both sides of the centerline shown on the map. (Prior code § 9300.4.4)

**17.74.100 Foothill Boulevard.**

The map adopted by Ordinance No. 56, 1957 Series, is designated as the "Official Building Setback Lines of Foothill Boulevard," and the building setback line is forty-three feet in the commercial and manufacturing land use districts, and thirty-eight feet in residential land use districts, on both sides of the centerline shown on the map, except on Sheets 2A and 3A as amended by Ordinance No. 346, 1966 Series. (Prior code § 9300.4.5)

**17.74.110 South Street.**

The map adopted by Ordinance 85, 1958 Series, is designated as the "Official Building Setback Lines of South Street," and the building setback line is forty-three feet in commercial and manufacturing land use districts, and thirty-eight feet in residential land use districts, on both sides of the centerline shown on the map. (Prior code § 9300.4.6)

**17.74.120 Johnson Avenue.**

The map adopted by Ordinance 130, 1959 Series, is designated as the "Official Building Setback Lines of Johnson Avenue," and the building setback line is forty-three feet in commercial and manufacturing land use districts, on both sides of the centerline shown on the map. (Prior code § 9300.4.7)

**17.74.130 Broad Street (Monterey to SE City Limits).**

An official building setback line is established on both sides of Broad Street, from Higuera Street to the southeasterly city limit line excepting therefrom that portion from Pismo Street to High Street, for forty feet from the existing centerline of said portion of Broad Street. (Ord. 1057 § 2, 1986; prior code § 9300.4.8)

**17.74.140 Orcutt Road (Broad to Johnson).**

An official building setback line is established on both sides of Orcutt Road, between Broad Street and Johnson Avenue, in accordance with the official map designated "Official Building Setback Line for Orcutt Road between Broad Street and Johnson Avenue" dated November 4, 1963, as amended by the city council by ordinance on February 16, 1982, and as amended by the city council by ordinance on August 16, 1994, on file in the office of the city clerk. Provided, that the setback line may be amended in the event that the city, in its sole discretion, chooses to construct, or cause to be constructed, improvements which require a reduced area. (Ord. 1269 § 2, 1994; Ord. 921 § 2, 1982; prior code § 9300.4.9)

**17.74.150 California Boulevard and San Luis Drive.**

The map adopted by Ordinance 313, 1965 Series, is designated as the "Official Building Setback Line of California Boulevard and San Luis Drive," said map being dated May 17, 1965. (Prior code § 9300.4.11)

**17.74.160 South Higuera Street.**

The map adopted by Ordinance No. 313, 1965 Series, is designated as the "Official Building Setback Line of South Higuera Street," said map being dated June 7, 1965. (Prior code § 9300.4.12)

**17.74.170 Higuera Street (Marsh to Madonna).**

The official building setback line is established on the west side of Higuera Street from Marsh Street to Madonna Road, in accordance with the official map designated "Official Building Setback Line for South Higuera Street, between Marsh Street and Madonna Road," dated September 7, 1965, as amended by the city council by ordinance on April 21, 1981, and as amended by the city council by ordinance on September 18, 2001, on file in the office of the city clerk. (Ord. 1399 § 2, 2001; prior code § 9300.4.13)

**17.74.180 Santa Rosa Street (Monterey to Murray).**

An official building setback line is established along both sides of Santa Rosa Street from Monterey Street to Murray Street and shall be forty-five feet from the centerline of the Santa Rosa Street. No person shall erect or construct, or cause to be erected or constructed, or begin to erect or construct any building, wall, fence, sign or other structure within the space between the setback lines described in this section, and the line of the street in front of the property on which the setback lines exist. (Prior code § 9300.4.14)

**17.74.190 Higuera Street (Prado Road to south city limit).**

An official building setback line is established along both sides of Higuera Street from Prado Road to the southerly city limits in accordance with the map dated January 20, 1969, on file in the office of the city clerk, and the line shall be forty-two feet from the centerline on both sides of Higuera Street. (Prior code § 9300.4.15)

**17.74.200 Santa Rosa Street (Monterey to Marsh).**

An official building setback line is established along both sides of Santa Rosa Street between Monterey Street and Marsh Street in accordance with the map dated January 20, 1969, on file in the office of the city clerk and the line shall be forty feet from the centerline on both sides of Santa Rosa Street. (Prior code § 9300.4.16)

**17.74.210 Osos Street (Monterey to Higuera).**

An official building setback line is established along both sides of Osos Street between Monterey Street and Higuera Street, in accordance with the official map dated November 3, 1969, on file in the office of the city clerk, and the line shall be twenty-nine feet from the centerline on both sides of Osos Street. (Prior code § 9300.4.17)

**17.74.215 Santa Barbara Avenue (High Street to Broad Street).**

An official building setback line is established at thirty-seven feet easterly of the existing centerline of Santa Barbara Avenue, from High Street to Broad Street (State Highway 227), along with seventeen-foot radius property returns at the High Street and Roundhouse Avenue intersections, in accordance with the map dated November 6, 2001, on file in the office of the city clerk. (Ord. 1401 § 2, 2001)

**17.74.220 No new structures to be in setback area—Exceptions.**

- A. No building permit shall be issued for and no building or structure shall hereafter be erected or placed within the official building setback line of streets or highways established by this chapter, nor within the yard areas designated under Division 1 of Title 17 of this code, measured from the official setback lines established by this chapter, except as provided for under Section 17.74.230.
- B. All buildings or structures as they are presently located and built along streets named in this chapter, and for which setback lines have been or are hereby established, are expressly excepted from the effects hereof. (Prior code § 9300.5)

**17.74.230 Appeals from Section 17.74.220 — Procedure.**

- A. The council, upon receipt of a recommendation from the city planning commission, shall hear and decide appeals for variances in the strict application of Section 17.74.220, or for the elimination of the setback ordinance from any property damaged thereby.

- B. The owner of any property affected by established official building setback lines may appeal the strict interpretation of Section 17.74.220, or seek to be excluded from the effect thereof. The appeal shall be made in writing to the city planning commission.
- C. In order to make a recommendation contrary to the provisions stated in Section 17.74.220, or to recommend that any property be completely excepted from the building setback line restrictions, the city planning commission must find:
  - 1. That the property of which the official building setback line is a part of such nature that the owner of the land will be substantially damaged by the refusal to grant the permit or exception therefrom;
  - 2. That the property will not earn a fair return on the owner's investment unless the construction involved is authorized;
  - 3. That the granting of the application is necessary for the preservation of substantial property rights.
- D. Upon receipt of the report from the city planning commission, or upon expiration of sixty days from the time the applicant filed his or her appeal with the city planning commission, the council shall set a date for a public hearing thereon with notices as required by law. At the conclusion of the public hearings the council may grant the applicant a variance from the provisions of Section 17.74.220 or completely except the applicant's land from the effect of the official building setback line.
- E. In order to grant a variance or exception contrary to Section 17.74.220, the council must find:
  - 1. That the property of which the official building setback line is a part is of such nature that the owner of the land will be substantially damaged by the refusal to grant the permit or exception; or
  - 2. That the property will not earn a fair return on the owner's investment unless the construction involved is authorized; or
  - 3. That the granting of the application is necessary for the preservation of substantial property rights.
- F. If property which, by the appeal process, has been excepted from the official building setback line otherwise fronting thereon, is sought to be used for improvements which would have been prevented by the effect of the particular building setback line, no building permit shall be granted without the council having first been given sixty days within which it may choose, by resolution, to acquire such of the property as is necessary for future street widening purposes. If the council chooses not to acquire the property, the council shall then determine whether a permit should be granted the applicant. (Prior code § 9300.6)

**17.74.240 Enforcement—Nonconforming buildings and structures declared unlawful and a nuisance—Abatement.**

- A. It shall be the duty of the city official vested with the authority of issuing building permits to enforce this chapter. The official shall not issue any such permit in conflict with the

terms of this chapter, and any such permit or license issued in conflict with the provisions of this chapter shall be null and void.

- B. Any building or structure erected or moved contrary to the provisions of this chapter shall be and the same is declared to be unlawful and a public nuisance; and the city attorney shall, upon order of the council, immediately commence action or proceedings for the abatement and removal and enjoinder thereof in the manner provided by law, and shall take such other steps and shall apply to such courts as may have jurisdiction to grant such relief as will abate and remove such building or structure. (Prior code § 9300.7)

## **Chapter 17.76: Street Right-of-Way Dedication and Improvement**

### **Sections:**

**17.76.010 Purpose.**

**17.76.020 General requirements and procedures.**

**17.76.030 Special requirements.**

**17.76.060 Appeal.**

### **17.76.010 Purpose.**

This chapter establishes requirements and procedures for the purchase, dedication and improvement of the street right-of-way specified in Chapter 17.74 and in the circulation element of the general plan. (Prior code § 9310)

### **17.76.020 General requirements and procedures.**

- A. The city engineer shall establish setback lines and grades for the purchase, dedication or improvement of any street right-of-way specified in Chapter 17.74. The city engineer shall also resolve any uncertainty regarding these setback lines and grades.
- B. If purchase or dedication of property creates nonconforming conditions, the city shall record this nonconformity with the county recorder for the information of future property owners.
- C. When feasible, the city shall ensure that overhead utility lines along the proposed right-of-way are placed underground prior to completion of the street widening.
- D. When funds are available, the city shall ensure that inadequate or deficient public facilities (water, sewer, fire hydrant, storm drain) are replaced prior to completion of the street widening.
- E. When funds are available, the city shall ensure that street trees are planted in conjunction with the street widening. Under specified conditions, the city may require property owners to plant required trees.
- F. Replaced private signs shall conform to the current sign ordinance codified in Chapter 15.40.
- G. The city cannot guarantee a permanent right to curbside parking.
- H. Any person required to dedicate property or make improvements under the provisions of this chapter, including any resolutions adopted pursuant to Section 17.76.030, may appeal any determination made by the city engineer or any application of these provisions to his or her property. The appeal shall be to the council pursuant to the procedures set forth in Chapter 1.20. If as part of the appeal a request is made to vary from aforementioned provisions, the appeal shall be granted only upon a finding that imposing the provision appealed from creates an undue hardship which does not apply to other properties similarly situated.

- I. Notwithstanding the provisions of this chapter, new subdivisions shall adhere to the requirements stated in Title 16 of this code. (Prior code § 9310.1)

**17.76.030 Special requirements.**

The council shall adopt a resolution establishing requirements under the following conditions:

- A. Where the city initiates construction of a street widening and purchases property lying within a proposed right-of-way;
- B. Where a property owner applies to improve property;
- C. Where a property owner applies for a use permit;
- D. Where a property owner voluntarily dedicates property lying within a proposed right-of-way (Prior code § 9310.2)

**17.76.060 Appeal.**

Any person required to dedicate land or make improvements under the provisions of this chapter may appeal to the council, in writing, any determination made by the city engineer or the application of these provisions to his or her property. The appeal must be filed prior to execution of the agreement to make the dedication and/or improvements and must set forth any grounds of undue hardship which does not apply to other property owners affected by this chapter. Upon finding by the council of such undue hardship, the council may make such modifications in the dedication and improvements as the council deems just. (Prior code § 9310.3)



## **Chapter 17.80: General Plan Amendment Regulations**

### **Sections:**

- 17.80.010 Title.
- 17.80.020 Amendments to be made in manner provided in this chapter.
- 17.80.030 Purpose.
- 17.80.040 Initiation of amendments—Applications.
- 17.80.050 Schedule for amendments.
- 17.80.060 Planning commission actions.
- 17.80.070 City council actions.
- 17.80.080 Coordination of plan amendments.

### **17.80.010 Title.**

This chapter shall be known and may be cited as the "general plan amendment regulations of the city." (Prior code § 9600)

### **17.80.020 Amendments to be made in manner provided in this chapter.**

The general plan or any part or element thereof shall be amended in the manner provided in this chapter. (Prior code § 9601)

### **17.80.030 Purpose.**

It is the purpose of this chapter to provide for the orderly processing of general plan amendments in a manner consistent with the overall goals of the community's planning program and the requirements of the California law. In particular, this chapter is intended to:

- A. Assure that the general plan is amended for good reason and with due consideration of community-wide interests;
- B. Help achieve and maintain internal consistency of general plan elements and conformance between the plan and implementing techniques, such as zoning; and
- C. Establish rights and assign responsibilities for the persons and agencies involved in general plan administration so each can perform fairly and effectively. (Prior code § 9602)

### **17.80.040 Initiation of amendments—Applications.**

- A. Initiation of Amendment by the City Council.** The City Council may initiate general plan amendments at any time by directing staff to prepare the necessary analysis and scheduling the proposed amendment for consideration at a hearing, as provided in Section 17.80.050.

**B. Applications to Initiate Amendments.** Any person may request an amendment of the general plan by filing an application with the department of community development. Such application shall include:

1. A description of the proposed amendment, including, as may be necessary, additions or modifications to the text and graphics of adopted general plan elements or reports;
2. A statement explaining how the proposed change will better reflect community desires as expressed in general plan goals and policies;
3. If the amendment involves change of a basic goal or policy, why the change is warranted by new information or reevaluation of community needs;
4. An analysis of how the proposed change will beneficially and detrimentally affect adjacent areas or shared resources. This analysis may take the form of a draft environmental impact report;
5. A description of how the amendment of one policy may reinforce or conflict with related policies, including those in other elements;
6. Such other supporting data as the director may require to enable evaluation of the proposal;
7. A fee sufficient to cover the expected costs incurred in processing the application, to be established by resolution of the council. (Ord. 1346 § 2 (part), 1999; Ord. 1108 § 1 Ex. A (part), 1987: prior code § 9603)

#### **17.80.050 Schedule for amendments.**

Any element of the general plan may be amended not more than four times each year. Each amendment may include more than one change to the general plan. Such amendments may be scheduled at any time deemed necessary or convenient. The planning commission may review individual amendments as often as necessary, but the city council must consider them in no more than four batches per year, so that cumulative effects of such amendments can be considered. (Ord. 1346 § 2 (part), 1999; Ord. 1108 § 1 Ex. A (part), 1987: prior code § 9604)

#### **17.80.060 Planning commission actions.**

**A. Public Hearings—Notice.** The planning commission shall hold at least one public hearing before taking action on any general plan amendment. Notice of the date, time and place of the hearing shall be given at least ten calendar days before the hearing by publication of the notice, describing the nature of the proposed amendment(s), in a newspaper of general circulation within the city.

**B. Resolution.** The approval of the planning commission of any amendment to the general plan shall be by resolution of the commission adopted by the affirmative vote of not less than a majority of its total voting members.

- C. Transmittal to Council.** Upon approval by the planning commission of any general plan amendment or denial of a city council initiated amendment, it shall be transmitted to the council with the planning commission's report and recommendation.
- D. Appeals.** Any denial by the planning commission may be appealed to the city council.
- E. Other Situations.** When neither a majority of the commission recommends approval nor a majority of a quorum recommends denial, the planning commission may transmit the amendment to the council with a report explaining the situation and stating the recommendations of the individual commissioners. (Ord. 1108 § 1 Ex. A (part), 1987: prior code § 9605)

#### **17.80.070 City council actions.**

- A. Public Hearings—Notice.** Upon transmittal from the planning commission or upon appeal from the applicant, the council shall hold at least one public hearing on proposed general plan amendments. Notice of the time, place and subject of the hearing shall be given as provided in Section 17.80.060(A).
- B. Resolution.** Any amendment of the general plan shall be adopted by resolution of the council adopted by the affirmative vote of not less than three of its members.
- C. Referral of Council Changes.** In adopting any general plan amendment which has been approved by the planning commission, the council shall not make any substantive changes or additions involving issues not considered by the planning commission in their review, until the proposed change or addition has been referred to the planning commission for a report and the report has been filed with the council. Failure of the planning commission to report within forty calendar days after the referral, or such longer period as may be designated by the council, shall be deemed to be approval of the change or addition. (Ord. 1108 § 1 Ex. A (part), 1987: prior code § 9606)

#### **17.80.080 Coordination of plan amendments.**

Changes in policy or land use designations which involve more than one element shall be made as concurrent amendments to the related elements in order to maintain internal plan consistency. (Ord. 1108 § 1 Ex. A (part), 1987)

**Chapter 17.82: Residential Condominium  
Development and Conversion**

(Repealed by Ord. 1490)

## **Chapter 17.84: Floodplain Management Regulations\***

### **Sections:**

**17.84.010 Statutory authorization, findings of fact and purpose and methods.**

**17.84.020 Definitions.**

**17.84.030 General provisions.**

**17.84.040 Administration.**

**17.84.050 Provisions for flood hazard reduction.**

**17.84.060 Variance procedure.**

\*Prior history: Prior code §§ 9800—9816; Ords. 1093 and 1259.

### **17.84.010 Statutory authorization, findings of fact and purpose and methods.**

**A. Statutory Authorization.** The Legislature of the State of California has in Government Code Sections 65302, 65560, and 65800 conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the city council of the city of San Luis Obispo does hereby adopt the following floodplain management regulations.

#### **B. Findings of Fact.**

1. The flood hazard areas of the city of San Luis Obispo are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
2. These flood losses are caused by uses that are inadequately elevated, floodproofed, or protected from flood damage. The cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities also contributes to flood losses.

**C. Statement of Purpose.** It is the purpose of this chapter to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by legally enforceable regulations applied uniformly throughout the community to all publicly and privately owned land within flood-prone, mudslide [i.e., mudflow] or flood-related erosion areas. These regulations are designed to:

1. Protect human life and health;
2. Minimize expenditure of public money for costly flood control projects;
3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

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

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

1. Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or flood heights or velocities;
2. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
3. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel floodwaters;
4. Control filling, grading, dredging, and other development which may increase flood damage;
5. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas; and
6. These regulations take precedence over any less restrictive conflicting local laws, ordinances and codes. (Ord. 1494 § 1, 2006)

#### **17.84.020 Definitions.**

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

A zone. See "Special flood hazard area (SFHA)."

"Accessory structure" means a structure that is:

1. Solely for the parking of no more than two cars; or

2. A small, low-cost shed for limited storage, less than one hundred fifty square feet and one thousand five hundred dollars in value.

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

"Alluvial fan" means a geomorphologic feature characterized by a cone or fan-shaped deposit of boulders, gravel, and fine sediments that have been eroded from mountain slopes, transported by flood flows, and then deposited on the valley floors, and which is subject to flash flooding, high velocity flows, debris flows, erosion, sediment movement and deposition, and channel migration.

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

"Appeal" means a request for a review of the floodplain administrator's interpretation of any provision of this chapter.

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

Area of special flood hazard. See "Special flood hazard area (SFHA)."

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

"Base flood elevation (BFE)" means the elevation shown on the flood insurance rate map for zones AE, AH, A1-30, VE and V1-V30 that indicates the water surface elevation resulting from a flood that has a one percent or greater chance of being equaled or exceeded in any given year.

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

Building. See "Structure."

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

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

"Existing manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities,

the construction of streets, and either final site grading or the pouring of concrete pads) is completed before February 20, 1979.

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

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

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

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

"Flood insurance study" means the official report provided by the Federal Insurance Administration that includes flood profiles, the flood insurance rate map, the flood boundary and floodway map, and the water surface elevation of the base flood.

"Floodplain or flood-prone area" means any land area susceptible to being inundated by water from any source. See "Flood, flooding or floodwater."

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

"Floodplain management" means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

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

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



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

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

"Fraud and victimization" as related to Section 17.84.060, means that the variance granted must not cause fraud on or victimization of the public. In examining this requirement, the city council will consider the fact that every newly constructed building adds to government responsibilities and remains a part of the community for fifty to one hundred years. Buildings that are permitted to be constructed below the base flood elevation are subject during all those years to increased risk of damage from floods, while future owners of the property and the community as a whole are subject to all the costs, inconvenience, danger, and suffering that those increased flood damages bring. In addition, future owners may purchase the property, unaware that it is subject to potential flood damage, and can be insured only at very high flood insurance rates.

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

"Governing body" is the local governing unit, i.e., county or municipality, that is empowered to adopt and implement regulations to provide for the public health, safety and general welfare of its citizenry.

"Hardship" as related to Section 17.84.060 means the exceptional hardship that would result from a failure to grant the requested variance. The city council requires that the variance be exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

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

"Historic structure" means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or

4. Individually listed on the city's master list of historic structures or contributing properties list\_provided this local inventory is consistent with state-approved or certified historic preservation programs as determined by the Secretary of the Interior or directly by the Secretary of the Interior in states without approved programs.

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

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

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

1. An unfinished or flood resistant enclosure below the lowest floor that is usable solely for parking of vehicles, building access or storage in an area other than a basement area, is not considered a building's lowest floor, provided it conforms to applicable nonelevation design requirements, including, but not limited to:
  - a. The flood openings standard in Section 17.84.050(A)(3);
  - b. The anchoring standards in Section 17.84.050 (A)(1);
  - c. The construction materials and methods standards in Section 17.84.050(A)(2); and
  - d. The standards for utilities in Section 17.84.050(B).
2. For residential structures, all subgrade enclosed areas are prohibited as they are considered to be basements (see "Basement" definition). This prohibition includes below-grade garages and storage areas.

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

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

"Market value" is defined in the city of San Luis Obispo substantial improvement and damage procedures. See Section 17.84.040(B)(2).

"Mean sea level" means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's flood insurance rate map are referenced.

"New construction," for floodplain management purposes, means structures for which the "start of construction" commenced on or after February 20, 1979, and includes any subsequent improvements to such structures.

"New manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after February 20, 1979.

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

One-hundred-year flood. See "Base flood."

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

"Public safety and nuisance" as related to Section 17.84.060, means that the granting of a variance must not result in anything which is injurious to safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

"Recreational vehicle" means a vehicle which is:

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

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

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

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

Sheet flow area. See "Area of shallow flooding."

"Special flood hazard area (SFHA)" means an area in the floodplain subject to a one percent or greater chance of flooding in any given year. It is shown on an FHBM or FIRM as zone A, AO, A1-A30, AE, A99, or AH and includes all areas designated in the city's waterway management plan as being in the one-hundred-year floodplain.

"Start of construction" includes substantial improvement and other proposed new development and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty days from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

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

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

"Substantial improvement" means:

1. Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost (cumulatively within any ten-year period) of which equals or exceeds fifty percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed.
2. Any reconstruction, rehabilitation or other improvement of a foundation for a structure which equals or exceeds twenty-five percent of the foundation.
3. Any reconstruction, rehabilitation or other improvement which, by nature of the work, will necessitate raising the structure off the foundation to complete the work.

The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations or state or local health, sanitary, or safety code specifications which have been identified by

the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

2. Any alteration of a "historic structure;" provided, that the alteration will not preclude the structure's continued designation as a "historic structure."

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

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

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

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

"XB zone" means the area between the limits of the one percent flooding and the 0.2 percent flooding indicated as an X zone in the maps and formerly as a B zone in the maps. (Ord. 1494 § 1, 2006)

#### **17.84.030 General provisions.**

**A. Lands to Which This Chapter Applies.** This chapter shall apply to all areas of special flood hazards, and where specifically identified, XB zones, within the jurisdiction of the city of San Luis Obispo.

**B. Basis for Establishing the Areas of Special Flood Hazard.** The areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in the "Flood Insurance Study (FIS) for the City of San Luis Obispo, California in San Luis Obispo County" dated October 1978, with accompanying flood insurance rate maps (FIRMs) and flood boundary and floodway maps (FBFMs), dated April 1979, and all subsequent amendments and/or revisions, are hereby adopted by reference and declared to be a part of this chapter. This FIS and attendant mapping is the minimum area of applicability of this chapter and may be supplemented by studies for other areas, including local experience and historical data, which allow implementation of this chapter and which are recommended to the city council by the floodplain administrator to be included in the regulated area. The study, FIRMs and FBFMs are on file at the Department of Public Works, 919 Palm Street.

**C. Compliance.** No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this chapter and other applicable regulations. Violation of the requirements (including violations of conditions and safeguards) shall constitute a misdemeanor. Nothing herein shall prevent the city council from taking such lawful action as is necessary to prevent or remedy any violation.

- D. Abrogation and Greater Restrictions.** This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
- E. Interpretation.** In the interpretation and application of this chapter, all provisions shall be:
1. Considered as minimum requirements;
  2. Liberally construed in favor of the governing body; and
  3. Deemed neither to limit nor repeal any other powers granted under state statutes.
- F. Warning and Disclaimer of Liability.** The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the city council, any officer or employee thereof, the state of California, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder.
- G. Severability.** This chapter and the various parts thereof are hereby declared to be severable. Should any section of this chapter be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the chapter as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid. (Ord. 1494 § 1, 2006)

#### **17.84.040 Administration.**

- A. Designation of the Floodplain Administrator.** The director of public works or their designee is hereby appointed to administer, implement, and enforce this chapter by granting or denying development permits in accord with its provisions.
- B. Duties and Responsibilities of the Floodplain Administrator.** The duties and responsibilities of the floodplain administrator shall include but not be limited to the following:
1. **Permit Review.** Review all development permits to determine:
    - a. Permit requirements of this chapter have been satisfied, including determination of substantial improvement and substantial damage of existing structures;
    - b. The applicant was advised other local, state or federal permits may be required;
    - c. The site is reasonably safe from flooding;

- d. The proposed development does not adversely affect the carrying capacity of areas where base flood elevations have been determined but a floodway has not been designated. This means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than one foot at any point within the city of San Luis Obispo;
- e. If the proposed development is within a designated in-fill area, special floodplain management zone, or the Mid-Higuera Specific Plan Area as defined by the Drainage Design Manual, that the more stringent requirements of the manual have been met; and
- f. All letters of map revision (LOMRs) for flood control projects are approved prior to the issuance of building permits. Building permits must not be issued based on conditional letters of map revision (CLOMRs). Approved CLOMRs allow construction of the proposed flood control project and land preparation as specified in the "start of construction" definition.

**2. Development of Substantial Improvement and Substantial Damage Procedures.**

- a. Using FEMA publication FEMA 213, "Answers to Questions About Substantially Damaged Buildings," develop detailed procedures for identifying and administering requirements for substantial improvement and substantial damage, to include defining "market value."
- b. Assure procedures are coordinated with other departments/divisions and implemented by community staff.

**3. Review, Use and Development of Other Base Flood Data.** When base flood elevation data has not been provided in accordance with Section 17.84.030(B), the floodplain administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal or state agency, or other source, in order to administer Section 17.84.050.

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

**4. Notification of Other Agencies.**

**a. Alteration or Relocation of a Watercourse.**

- i. Notify adjacent communities and the California Department of Water Resources prior to alteration or relocation;
- ii. Submit evidence of such notification to the Federal Emergency Management Agency; and
- iii. Assure that the flood carrying capacity within the altered or relocated portion of said watercourse is maintained.

**b. Base Flood Elevation Changes Due to Physical Alterations.**

- i. Within six months of information becoming available or project completion, whichever comes first, the floodplain administrator shall submit or assure that the permit applicant submits technical or scientific data to FEMA for a letter of map revision (LOMR).
- ii. All LOMRs for flood control projects are approved prior to the issuance of building permits. Building permits must not be issued based on conditional letters of map revision (CLOMRs). Approved CLOMRs allow construction of the proposed flood control project and land preparation as specified in the "start of construction" definition.

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

- c. Changes in Corporate Boundaries. Notify FEMA in writing whenever the corporate boundaries have been modified by annexation or other means and include a copy of a map of the community clearly delineating the new corporate limits.

**5. Documentation of Floodplain Development.** Obtain and maintain for public inspection and make available as needed the following:

- a. Certification required by Sections 17.84.050 (A)(3) and 17.84.050(D) (lowest floor elevations);
- b. Certification required by Section 17.84.050 (A)(3) (elevation or floodproofing of nonresidential structures);
- c. Certification required by Section 17.84.050 (A)(3) (wet floodproofing standard);
- d. Certification of elevation required by Section 17.84.050(C)(1) (subdivisions and other proposed development standards);



- e. Certification required by Section 17.84.050 (F)(2) (floodway encroachments); and
  - f. Maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its biennial report submitted to the Federal Emergency Management Agency.
- 6. Map Determination.** Make interpretations, where needed, as to the exact location of the boundaries of the areas of special flood hazard where there appears to be a conflict between a mapped boundary and actual field conditions. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in subsection (D) of this section.
- 7. Remedial Action.** Take action to remedy violations of this chapter as specified in Section 17.84.030(C).
- 8. Biennial Report.** Complete and submit biennial report to FEMA.
- 9. Planning.** Assure community's general plan is consistent with floodplain management objectives herein.
- 10. Nonconversion of Enclosed Areas Below the Lowest Floor.** To ensure that the areas below one foot above the BFE shall be used solely for parking vehicles, limited storage, or access to the building and not be finished for use as human habitation without first becoming fully compliant with the floodplain management ordinance in effect at the time of conversion, the floodplain administrator shall:
- a. Determine which applicants for new construction and/or substantial improvements have fully enclosed areas below the lowest floor that are five feet or higher;
  - b. Obtain a "Conversion Agreement for Construction Within Flood Hazard Areas" or equivalent between the property owner and the city of San Luis Obispo. The agreement shall be recorded with the County of San Luis Obispo recorder as a deed restriction. The conversion agreement shall be in a form acceptable to the floodplain administrator and city attorney; and
    - i. Condition the property that there shall be no conversion of enclosed areas below the lowest floor elevation without first becoming fully compliant with this chapter and other city requirements.
    - ii. Have the authority granted to the city to inspect any area of a structure below the base flood elevation to ensure compliance upon prior notice of at least seventy-two hours.
- C. Development Permit.** A development permit shall be obtained before any construction or other development, including manufactured homes, within any area of special flood hazard established in Section 17.84.030(B). Application for a development permit shall be made on forms furnished by the city of San Luis Obispo. The applicant shall provide the following minimum information:
- 1. Plans in duplicate, drawn to scale, showing:

- a. Location, dimensions, and elevation of the area in question, existing or proposed structures, storage of materials and equipment and their location;
  - b. Proposed locations of water supply, sanitary sewer, and other utilities;
  - c. Grading information showing existing and proposed contours, any proposed fill, and drainage facilities;
  - d. Location of the regulatory floodway when applicable;
  - e. Base flood elevation information as specified in Sections 17.84.030(B) or subsection (B)(3) of this section;
  - f. Proposed elevation in relation to mean sea level, of the lowest floor (including basement) of all structures; and
  - g. Proposed elevation in relation to mean sea level to which any nonresidential structure will be floodproofed, as required in Section 17.84.050 (A)(3) and detailed in FEMA Technical Bulletin TB 3-93.
2. Certification from a registered civil engineer or architect that the nonresidential floodproofed building meets the floodproofing criteria in Section 17.84.050(A)(3).
  3. For a crawlspace foundation, location and total net area of foundation openings as required in Section 17.84.050(A)(3) and detailed in FEMA Technical Bulletins 1-93 and 7-93.
  4. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
  5. All appropriate certifications listed in subsection (B)(5) of this section.

**D. Appeals.** The city council of the city of San Luis Obispo shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the floodplain administrator in the enforcement or administration of this chapter. (Ord. 1494 § 1, 2006)

#### **17.84.050 Provisions for flood hazard reduction.**

**A. Standards of Construction.** In all areas of special flood hazards the following standards are required:

1. **Anchoring.** All new construction and substantial improvements of structures, including manufactured homes, shall be adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
2. **Construction Materials and Methods.** All new construction and substantial improvements of structures, including manufactured homes, shall be constructed:

- a. With flood resistant materials, and utility equipment resistant to flood damage for areas below the base flood elevation;
- b. Using methods and practices that minimize flood damage;
- c. With electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding; and
- d. Within zones AH or AO, so that there are adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.

**3. Elevation and Floodproofing.**

- a. Residential Construction.** All new construction or substantial improvements of residential structures shall have the lowest floor, including basement:
- i. In AE, AH, A1-30 zones, elevated one foot above the base flood elevation.
  - ii. In an AO zone, elevated above the highest adjacent grade to a height one foot above the depth number specified in feet on the FIRM, or elevated at least three feet above the highest adjacent grade if no depth number is specified.
  - iii. In an A zone, without BFEs specified on the FIRM [unnumbered A zone], elevated one foot above the base flood elevation; as determined under Section 17.84.040(B)(3).
  - iv. In an XB zone, above the base flood elevation.

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

- b. Nonresidential Construction.** All new construction or substantial improvements of nonresidential structures shall either be elevated to conform with subsection (A)(3) of this section or:
- i. Be floodproofed, together with attendant utility and sanitary facilities, below the elevation recommended under subsection (A)(3) of this section, so that the structure is watertight with walls substantially impermeable to the passage of water;
  - ii. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
  - iii. Be certified by a registered civil engineer or architect that the standards of subsection (A)(3) of this section are satisfied. Such certification shall be provided to the floodplain administrator.
- c. Flood Openings.** All new construction and substantial improvements of structures with fully enclosed areas below the lowest floor (excluding basements) that are usable solely for parking of vehicles, building access or storage, and which are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement must meet the following minimum criteria:
- i. For nonengineered openings:

- (a) Have a minimum of two openings on different sides having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
  - (b) The bottom of all openings shall be no higher than one foot above grade;
  - (c) Openings may be equipped with screens, louvers, valves or other coverings or devices; provided, that they permit the automatic entry and exit of floodwater; and
  - (d) Buildings with more than one enclosed area must have openings on exterior walls for each area to allow floodwater to directly enter; or
- ii. Be certified by a registered civil engineer or architect.
- d. Manufactured Homes.**
- i. Manufactured homes located outside of manufactured home parks or subdivisions shall meet the elevation and floodproofing requirement in subsection (A)(3) of this section.
  - ii. Manufactured homes placed within manufactured home parks or subdivisions shall meet the standards in subsection (D) of this section. Additional guidance may be found in FEMA Technical Bulletins TB 1-93 and TB 7-93.
- e. Garages and Low-Cost Accessory Structures.**
- i. Attached Garages.**
    - (a) A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for the automatic entry of floodwaters. See subsection (A)(3) of this section. Areas of the garage below the BFE must be constructed with flood-resistant materials. See subsection (A)(2) of this section.
    - (b) A garage attached to a nonresidential structure must meet the above requirements or be dry floodproofed. For guidance on below-grade parking areas, see FEMA Technical Bulletin TB-6.
  - ii. Detached Garages and Accessory Structures.**
    - (a) Accessory structures used solely for parking (two-car detached garages or smaller) or limited storage (small, low-cost sheds), as defined in Section 17.84.020, may be constructed such that its floor is below the base flood elevation (BFE), provided the structure is designed and constructed in accordance with the following requirements:
      - (i) Use of the accessory structure must be limited to parking or limited storage;

- (ii) The portions of the accessory structure located below the BFE must be built using flood-resistant materials;
  - (iii) The accessory structure must be adequately anchored to prevent flotation, collapse and lateral movement;
  - (iv) Any mechanical and utility equipment in the accessory structure must be elevated or floodproofed to or above the BFE;
  - (v) The accessory structure must comply with floodplain encroachment provisions in subsection (F) of this section; and
  - (vi) The accessory structure must be designed to allow for the automatic entry of floodwaters in accordance with subsection (A)(3) of this section.
- (b) Detached garages and accessory structures not meeting the above standards must be constructed in accordance with all applicable standards in subsection (A) of this section.

**B. Standards for Utilities.**

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

**C. Standards for Subdivisions and Other Proposed Development.**

1. All new subdivisions proposals and other proposed development, including proposals for manufactured home parks and subdivisions, greater than fifty lots or five acres, whichever is the lesser, shall:
  - a. Identify the special flood hazard areas (SFHA) and base flood elevations (BFE).
  - b. Identify the elevations of lowest floors of all proposed structures and pads on the final plans.
  - c. If the site is filled above the base flood elevation, the following as-built information for each structure shall be certified by a registered civil engineer or licensed land surveyor and provided as part of an application for a letter of map revision based on fill (LOMR-F) to the floodplain administrator:

- i. Lowest floor elevation.
  - ii. Pad elevation.
  - iii. Lowest adjacent grade.
2. All subdivision proposals and other proposed development shall be consistent with the need to minimize flood damage.
3. All subdivision proposals and other proposed development shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
4. All subdivisions and other proposed development shall provide adequate drainage to reduce exposure to flood hazards.

- D. Standards for Manufactured Homes Within Manufactured Home Parks or Subdivisions.** All manufactured homes in special flood hazard areas shall meet the anchoring standards in subsection (A)(1) of this section, construction materials and methods requirements in subsection (A)(2) of this section, flood openings requirements in subsection (A)(3) of this section, and garages and low-cost accessory structure standards in subsection (A)(3) of this section.

Note: Manufactured homes located outside of manufactured home parks or subdivisions shall meet the elevation and floodproofing requirement in subsection (A)(3) of this section.

1. All manufactured homes that are placed or substantially improved on sites located:  
(1) in a new manufactured home park or subdivision; (2) in an expansion to an existing manufactured home park or subdivision; or (3) in an existing manufactured home park or subdivision on a site upon which a manufactured home has incurred "substantial damage" as the result of a flood shall within zones A1-30, AH, and AE on the community's flood insurance rate map, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated one foot above the base flood elevation and be securely fastened to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
2. All manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within zones A1-30, AH, and AE on the community's flood insurance rate map that are not subject to the provisions of subsection (D)(1) of this section will be securely fastened to an adequately anchored foundation system to resist flotation, collapse, and lateral movement, and be elevated so that either the:
  - a. Lowest floor of the manufactured home is at least one foot above the base flood elevation; or
  - b. Manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six inches in height above grade.

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

**E. Standards for Recreational Vehicles.**

1. All recreational vehicles placed in zones A1-30, AH, and AE will either:
  - a. Be on the site for fewer than one hundred eighty consecutive days; or
  - b. Be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect-type utilities and security devices, and has no permanently attached additions; or



- c. Meet the permit requirements of Section 17.84.040(C) and the elevation and anchoring requirements for manufactured homes in subsection (D)(1) of this section.

**F. Floodways.** Since floodways are extremely hazardous areas due to the velocity of floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

1. Until a regulatory floodway is adopted, no new construction, substantial development, or other development, including fill, shall be permitted within zones A1-30 and AE, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other development, will not increase the water surface elevation of the base flood more than one foot at any point within the city of San Luis Obispo.
2. If the proposed development is within a designated in-fill area, special floodplain management zone, or the Mid-Higuera Specific Plan Area as defined by the Drainage Design Manual, the more stringent requirements of the manual apply.
3. Within an adopted regulatory floodway, the city of San Luis Obispo shall prohibit encroachments, including fill, new construction, substantial improvements, and other development, unless certification by a registered civil engineer is provided demonstrating that the proposed encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge.
4. If subsections (F)(1) and (2) of this section are satisfied, all new construction, substantial improvement, and other proposed new development shall comply with all other applicable flood hazard reduction provisions of this subsection. (Ord. 1494 § 1, 2006)

#### **17.84.060 Variance procedure.**

**A. Nature of Variances.** The issuance of a variance is for floodplain management purposes only. Insurance premium rates are determined by statute according to actuarial risk and will not be modified by the granting of a variance.

The variance criteria set forth in this section of the chapter are based on the general principle of zoning law that variances pertain to a piece of property and are not personal in nature. A variance may be granted for a parcel of property with physical characteristics so unusual that complying with the requirements of this chapter would create an exceptional hardship to the applicant or the surrounding property owners. The characteristics must be unique to the property and not be shared by adjacent parcels. The unique characteristic must pertain to the land itself, not to the structure, its inhabitants, or the property owners.

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

to screen out those situations in which alternatives other than a variance are more appropriate.

**B. Conditions for Variances.**

1. Generally, variances may be issued for new construction, substantial improvement, and other proposed new development to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing that the procedures of Sections 17.84.040 and 17.84.050 of this chapter have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.
2. Variances may be issued for the repair or rehabilitation of "historic structures" (as defined in Section 17.84.020) upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
3. Variances shall not be issued within any mapped regulatory floodway if any increase in flood levels during the base flood discharge would result.
4. Variances shall only be issued upon a determination that the variance is the "minimum necessary," considering the flood hazard, to afford relief. "Minimum necessary" means to afford relief with a minimum of deviation from the requirements of this chapter. For example, in the case of variances to an elevation requirement, this means the city council need not grant permission for the applicant to build at grade, or even to whatever elevation the applicant proposes, but only to that elevation which the city council believes will both provide relief and preserve the integrity of the this chapter.
5. Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that:
  - a. The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as twenty-five dollars for one hundred dollars of insurance coverage, and
  - b. Such construction below the base flood level increases risks to life and property. It is recommended that a copy of the notice shall be recorded by the floodplain administrator in the Office of the County of San Luis Obispo recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.
6. The floodplain administrator will maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its biennial report submitted to the Federal Emergency Management Agency.

**C. Appeal Board.**

1. In passing upon requests for variances, the city council shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and the:
  - a. Danger that materials may be swept onto other lands to the injury of others;

- b. Danger of life and property due to flooding or erosion damage;
  - c. Susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the existing individual owner and future owners of the property;
  - d. Importance of the services provided by the proposed facility to the community;
  - e. Necessity to the facility of a waterfront location, where applicable;
  - f. Availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
  - g. Compatibility of the proposed use with existing and anticipated development;
  - h. Relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
  - i. Safety of access to the property in time of flood for ordinary and emergency vehicles;
  - j. Expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters expected at the site; and
  - k. Costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water system, and streets and bridges.
2. Variances shall only be issued upon a:
- a. Showing of good and sufficient cause;
  - b. Determination that failure to grant the variance would result in exceptional hardship to the applicant; and
  - c. Determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create a nuisance (see "Public safety and nuisance" in Section 17.84.020), cause fraud and victimization of the public, or conflict with existing local laws or ordinances.
3. Variances may be issued for new construction, substantial improvement, and other proposed new development necessary for the conduct of a functionally dependent use; provided, that the provisions of subsections (C)(1) through (C)(4) of this section are satisfied and that the structure or other development is protected by methods that minimize flood damages during the base flood and does not result in additional threats to public safety and does not create a public nuisance.
4. Upon consideration of the factors of subsection (B)(1) of this section and the purposes of this chapter, the city council may attach such conditions to the granting

of variances as it deems necessary to further the purposes of this chapter. (Ord. 1494 § 1, 2006)

---

## **Chapter 17.86: Downtown Housing Conversion Regulations\***

### **Sections:**

- 17.86.010 Purpose and intent.**
- 17.86.020 Area of application.**
- 17.86.030 Definitions.**
- 17.86.040 Land uses affected.**
- 17.86.050 No net housing loss.**
- 17.86.060 Exceptions.**
- 17.86.070 Findings required.**
- 17.86.080 Conditions of approval.**
- 17.86.090 Public hearing—Notification.**

\*Prior history: Prior code §§ 9900—9906.

### **17.86.010 Purpose and intent.**

It is the desire and intent of the city to preserve housing in the central business district and surrounding downtown planning area. It is also the intent of the city to preserve housing that is affordable to very low-, low- and moderate-income households and to encourage mixed residential and commercial uses, where appropriate, to implement general plan goals. The provisions of this chapter are intended to achieve these goals by regulating the conversion of downtown housing to nonresidential uses. (Ord. 1460 § 3 (part), 2004)

### **17.86.020 Area of application.**

Provisions of this chapter shall apply to the downtown planning area shown in Figure 1. (Ord. 1460 § 3 (part), 2004)

### **17.86.030 Definitions.**

Where not defined herein, terms shall be as defined in the zoning regulations, Title 17 of the Municipal Code.

- A. Downtown Core.** That central downtown area of the city zoned "C-D" (Downtown Commercial) in the most recently adopted zoning map.
- B. Conversion.** A change in the primary use of at least fifty-one percent of the floor area of a legally permitted dwelling or building from residential to nonresidential use, or physical change in design of fifty-one percent of an individual dwelling's or building's floor area to accommodate nonresidential uses.
- C. Development Project.** Any public or private action for which a city construction permit or planning approval is required, including architectural review, use permit, variance, subdivision or other approval.

- D. Downtown Planning Area.** The central part of the city, generally bounded by Highway 101, the railroad, and High Street, including the commercial core and surrounding neighborhoods, as shown in Figure 1.
- E. Net Housing Loss.** Where the number of residential units removed through demolition, remodeling or conversion to nonresidential uses exceeds the number of dwellings added through new construction, additions, remodeling, or relocation within the downtown core, or in the area outside the downtown core but within the downtown planning area. The cumulative number of dwellings added and residential units removed based on city final building inspections, within each of the above areas, shall be determined separately, and shall be based on the number of dwellings existing on March 30, 2004, as determined by the director.
- F. Replacement Unit.** A dwelling which is built, moved, or remodeled to replace a residential unit lost through demolition or remodeling or conversion to nonresidential use.
- G. Residential Use.** A land use which includes "dwellings," "boarding/rooming house," "dormitory," "residential care facilities," "caretakers' quarters," "hotel/motel," "hostel," "bed and breakfast inn," "fraternity (or sorority) house," or "live-work unit," as defined by the zoning regulations and listed in Table 9, Chapter 17.22 of the Municipal Code.
- H. Residential Unit.** A structure which is on a permanent foundation, with provisions for sleeping and sanitation, and which is permanently connected to utilities. A residential unit may or may not contain provisions for cooking, and may be single, detached or in a multiple unit, attached configuration.
- I. Subarea.** The geographic area corresponding to either the downtown core, or the area outside the downtown core but within the downtown planning area, as shown in Figure 13. (Ord. 1460 § 3 (part), 2004)

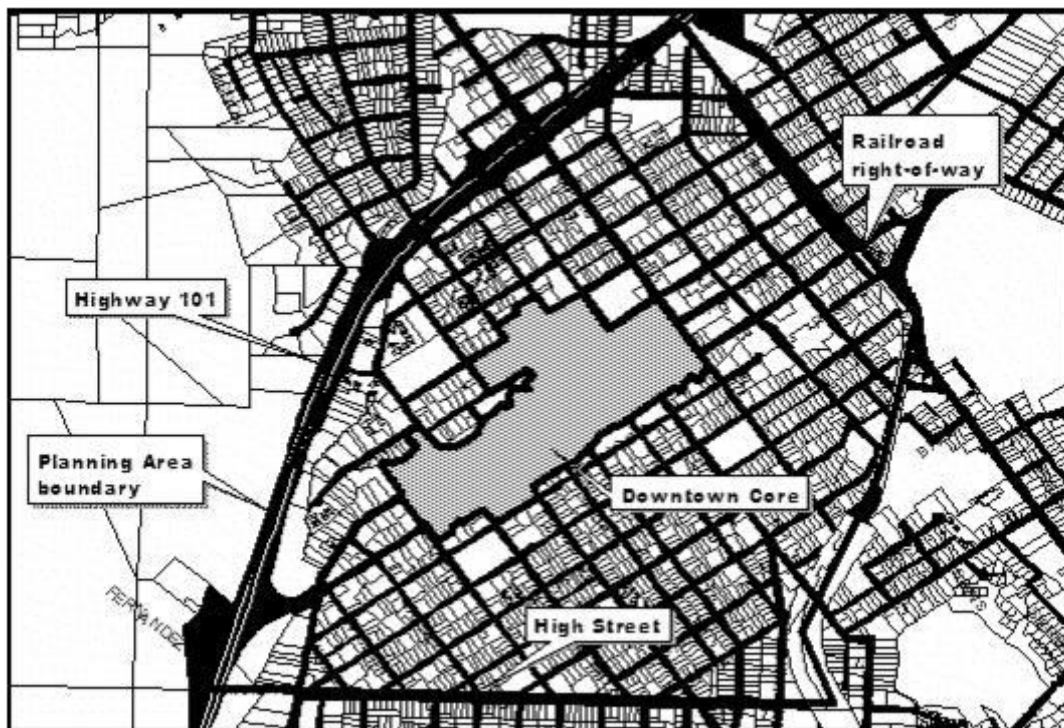


Figure 13 – Downtown Planning Area

**17.86.040 Land uses affected.**

Provisions of this chapter shall apply to properties that contain one or more dwelling units and to all group housing, including "boarding or rooming houses" or "dormitories," "residential care facilities" or "caretakers' quarters," "hotels and motels" or "hostel" or "bed and breakfast inn," "fraternity (or sorority) houses" which have one or more individual rooms for rent, and to "live-work units," as defined by the zoning regulations and listed in Table 9, Chapter 17.22 of the Municipal Code. (Ord. 1460 § 3 (part), 2004)

**17.86.050 No net housing loss.**

Development projects within the downtown planning area shall not result in a net housing loss. If the director determines that a development project would result in a net housing loss, the developer shall replace residential units to be removed, whether the units to be removed are occupied or not. Residential units shall be replaced on a one-for-one basis, and shall be built concurrently with the development project. Replacement units may be of any size, type, or tenure, consistent with zoning regulations and as approved by the architectural review commission or the director. Replacement units shall be located within the same subarea as the units removed, but need not be located on the same site as previously existed. Development projects shall meet the following standards, to the approval of the director:

- A. Vacation of Unit.** Each tenant shall have the right to remain not less than sixty days from the date of city approval of a development project exception. The director or



- council may grant an extension to this right to remain for a period of time not to exceed an additional thirty days.
- B. No Increase in Rent.** A tenant's rent shall not be increased during the period provided in subsection A of this section.
  - C. Affordability of Units.** The development project shall include dwelling units affordable to low and moderate income persons, at rents or sales prices that meet the city's affordable housing standards. The number of dwellings to be rented or sold at affordable levels shall equal the maximum number of affordable dwellings that existed within the twenty-four-month period immediately prior to the application for the conversion permit, but in no case less than that required under the inclusionary housing affordable housing requirement in the general plan housing element.
  - D. Tenant Relocation Assistance.** For very low-, low-, or moderate-income residents displaced by the development project, the developer shall provide relocation assistance, to the approval of the director. Such assistance may include, but is not limited to: giving tenants the first right of refusal to purchase or rent affordable replacement units, reimbursement of moving costs, and/or providing rental. (Ord. 1460 § 3 (part), 2004)

#### **17.86.060 Exceptions.**

The city council may grant exceptions to the provisions of this chapter, subject to the findings listed in Section 17.86.070. In granting an exception, the city council may establish conditions to ensure the intent of general plan policies is met, as described in Section 17.86.080. The application requirements and procedures shall be as required for a planning commission use permit as provided in Chapter 17.58. (Ord. 1460 § 3 (part), 2004)

#### **17.86.070 Findings required.**

To grant an exception, the city council must make each of the following findings:

Findings:

- A. Approval of an exception is consistent with the San Luis Obispo general plan and specifically, with housing element policies regarding no net housing loss, affordable housing, and mixed uses in the downtown planning area.
- B. Granting the exception will not adversely affect affordable housing opportunities for very low-, low-, or moderate-income persons, either individually or cumulatively.
- C. The proposed project will not result in a significant loss of housing when compared with the total number of existing dwellings in the downtown core or downtown planning area outside the core.
- D. Granting the exception will further the achievement of other community goals, such as removing substandard or dangerous housing, improving physical accessibility, rehabilitating a historic structure, or downtown beautification.

- E. It is physically infeasible to rehabilitate or relocate the housing to be removed or converted.
- F. No public purpose would be served by the strict enforcement of the no net loss policy due to mitigating factors (include specific mitigating factors). (Ord. 1460 § 3 (part), 2004)

**17.86.080 Conditions of approval.**

The city council may establish conditions of approval which provide for the general health, safety and welfare of residents displaced by the proposed development, and to achieve the intent of general plan housing conservation policies and mitigate the loss of housing. (Ord. 1460 § 3 (part), 2004)

**17.86.090 Public hearing—Notification.**

Prior to acting on an exception request, the city council shall hold a public hearing, and notice of the time, date, place and purpose of the hearing shall be given to the residents of the proposed conversion and to owners and residents within three hundred feet of the affected property. Said property shall be posted, and an advertisement shall be published in a newspaper of general circulation, at least ten days before the public hearing. (Ord. 1460 § 3 (part), 2004)

## **Chapter 17.87: Water Efficient Landscape Standards**

### **Sections:**

**17.87.010 Definitions.**

**17.87.020 Procedures.**

**17.87.030 Submittal Requirements.**

**17.87.040 Landscape Standards.**

### **17.87.010 Definitions.**

For the purposes of this Chapter, the following words and phrases shall have the meaning set forth below:

- A. "Anti-drain valve" or "check valve" means a valve located under a sprinkler head to hold water in the system so it minimizes drainage from the lower elevation sprinkler heads.
- B. "Application rate" means the depth of water applied to given area, usually measured in inches per hour.
- C. "Automatic controller" means a mechanical or solid state timer, capable of operating valve stations to set the days and length of time of a water application.
- D. "Backflow prevention device" means a safety device used to prevent pollution or contamination of the water supply due to the reverse flow of water from the irrigation system.
- E. "Emitter" means drip irrigation fittings that deliver water slowly from the system to the soil.
- F. "Infiltration rate" means the rate of water entry into the soil expressed as a depth of water per unit of time (inches per hour).
- G. "Establishment period" means the first year after installing the plant in the landscape.
- H. "Hydrozone" means a portion of the landscaped area having plants with similar water needs that are served by a valve or set of valves with the same irrigation schedule.
- I. "Irrigation efficiency" means the measurement of the amount of water beneficially used, which is the amount of water stored in the root zone, divided by the amount of water applied. Irrigation efficiency is derived from measurements and estimates of irrigation system characteristics and management practices.
- J. "Mulch" means any organic material such as leaves, bark, or straw which is applied to the soil surface to reduce evaporation and erosion.
- K. "Overspray" means the water which is delivered outside of planted areas, wetting pavements, walks, structures, or other planted areas.
- L. "Rain-sensing device" means a system which automatically shuts off the irrigation system when it rains.
- M. "Runoff" means water which is not absorbed by the soil or landscape to which it is

applied and flows from the area and across property lines.

- N. "Station" means planted area served by one valve or by a set of valves that operate simultaneously.
- O. "Water conservation concept statement" means a one-page checklist and a narrative summary of the project. (Ord. 1209 § 2, 1992)

#### **17.87.020 Procedures.**

- A. There are three categories of landscape standards. All development will fall under one or more of the categories, depending on its size and type of city review required. For example, basic landscape requirements are listed in category I and apply to all projects. Larger, more complex projects, where potential for water saving is greater, must meet the additional requirements listed under categories II and III.
  - 1. Category I – All new development projects including those which are exempt from architectural review, such as individually built, single-family houses and duplexes.
  - 2. Category II – Projects requiring architectural review, such as new houses on sensitive sites, the construction of three or more dwellings on a lot, and new commercial buildings.
  - 3. Category III – Commercial or industrial projects on sites of twenty thousand square feet or more, and residential projects of ten or more units.
- B. Where a project is reviewed by the architectural review commission (ARC), the ARC shall evaluate it for compliance with these standards. For projects which are exempt from architectural review, the community development director shall determine conformance with the standards during building permit plan check. Development projects shall conform to these standards prior to building permit issuance.
- C. Decisions of the community development director are appealable to the ARC, and decisions of the ARC are appealable to the City Council, subject to the appeal provisions of Chapter 17.66 of the Municipal Code. (Ord. 1209 § 2, 1992)

#### **17.87.030 Submittal Requirements.**

- A. Required for All Projects (Category I): A landscape documentation package consisting of the following elements, which are described in 17.87.030 (D):
  - 1. Water conservation checklist.
  - 2. Landscape design plan.
  - 3. Irrigation design plan.
  - 4. Certificate of substantial compliance.

- B. Required for Projects Subject to ARC Review (Category II):
1. The landscape documentation package described in part A above.
  2. Planting notes and water conservation concept statement describing the water conservation measures taken and how the landscape design meets the esthetics or functional requirements of the site and of the proposed land use, including screening, solar access, climate modification, and erosion control.
  3. Section/elevation view through the site showing the relationships between planting design, buildings, site improvements, and design.
- C. Required for Large or Complex Project (Category III), in Addition to the Information Listed Above in Part B:
1. The landscape and irrigation plans shall be prepared by a landscape architect or other qualified professional;
  2. Planting and irrigation details showing planting, irrigation, staking, and other pertinent details which explain the landscape design and/or conservation measures; and 3. A maintenance program describing general maintenance procedures, including: frequency and responsibilities for watering; replanting; pruning; irrigation equipment repair and programming; weed control; and fertilizing.
- D. The landscape documentation package shall include:
1. Water conservation checklist and concept statement, a cover sheet which serves as a checklist to verify that the elements of the landscape documentation package have been completed including a narrative summary of the project. Category I projects are not required to provide a water conservation concept statement.
  2. Landscape design plan, showing scale, north arrow, property lines, existing and proposed structures, streets, major natural features such as creeks and rock outcroppings; location, size, type, and quantity of proposed plants; existing trees to be removed or retained, noted by type, location, trunk diameter and height, overall condition and expected life span; statistics listing total paved area, designation of hydrozones, and percentage of total site area devoted to irrigated turf.
  3. Irrigation design plan, showing scale, north arrow, property lines, existing and proposed structures, streets, and existing trees to remain and major natural features; below-ground utilities. The location, size, and type of irrigation system components, including automatic controllers, main and lateral lines, sprinkler heads, emitters, backflow prevention devices, and rain-sensing devices if utilized.
  4. Certification by a licensed landscape architect or contractor, certified irrigation designer, or other licensed or certified professional in a landscape related field that planting and irrigation as built complies with city approved plans. The certificate shall be submitted in writing to the city and the owner of record prior to the issuance of the building permit.

After the project is completed, the person certifying shall conduct a final field observation and shall provide a certificate of substantial completion to the city. The certificate shall include a list of any observed deficiencies and recommended correction measures. (Ord. 1209 § 2, 1992)

### **17.87.040 Landscape Standards.**

#### A. Landscape Design Criteria

1. Irrigated turf areas shall not exceed twenty percent of the site's total area. The ARC may allow larger turf areas where special water conservation measures are used, and where their primary purpose is for recreation rather than esthetics, as in parks, playgrounds, and private rear yards. If a project is exempt from the ARC review process, the community development director may allow larger turf areas using these criteria.
2. Water-conserving turf varieties or turf substitutes (groundcovers) shall be used where appropriate.
3. Planter and turf areas will be designed for maximum water efficiency and ease of maintenance. Turf shall not be used in narrow planters, raised beds, and other relatively small planters as determined by the community development director. Turf planting on slopes over fifteen percent causes excess irrigation runoff, and will not be allowed.
4. Use decorative paving and alternative ground covers such as pathway bark, crushed rock, wood chippings, concrete, brick, or wood pavers to attractively landscape pathways, service areas, or areas difficult to maintain.
5. Plants shall be selected appropriately according to their suitability to the climatic, geologic, and topographical conditions of the site. Protection and preservation of native species and natural areas is encouraged.
6. Plants having similar water use shall be grouped together in distinct hydrozones and irrigated by a separate valve.
7. Plant selection shall clearly emphasize the use of drought-tolerant and water-conserving plants.
8. Curbs, headerboards, pavers, and other decorative materials should be used to define the edges of planters to reduce irrigation runoff into nonplanted areas, and to defined turf areas.
9. Water features will be designed and maintained to use water efficiently. Pools, ponds, decorative fountains, and other similar ornamental water features will use recirculating water. Water features will be of a design, shape, and size that minimizes water loss through evaporation.
10. Parking lots should be adequately landscaped to prevent large, uninterrupted expanses of paving.
11. Planted areas will have a two-inch-thick layer of mulch at planting to reduce soil moisture evaporation and discourage weed growth.
12. Use erosion control measures on planted slopes of 3:1 (thirty-three percent) or steeper. Where runoff and erosion are likely, planted slopes shall have jute mesh, straw matting, or comparable biodegradable material to reduce erosion and allow

plants to become established.

B. Irrigation Design Criteria

1. Runoff and Overspray. Soil types and infiltration rates shall be considered when designing irrigation systems. All irrigation systems shall be designed to avoid runoff, low-head drainage, overspray, or other similar conditions where water flows onto adjacent property, nonirrigated areas, walks, roadways, or structures. Proper irrigation equipment and schedules, including features such as repeat cycles, shall be used to closely match application rates to infiltration rates, to minimize or eliminate runoff.
2. Irrigation Efficiency. Irrigation systems shall be designed, maintained, and managed using such techniques as low-precipitation heads, drip irrigation, moisture-sensors, check valves, and other water-conserving techniques where appropriate.
3. Use temporary irrigation for open space or hydroseeded areas. These systems should be removed after the establishment period.

C. Standards for Large or Complex Projects (Category III).

1. Developers will provide owner design/maintenance guidelines for residential and commercial subdivisions. The guidelines shall be included in a package of landscape water conservation information provided and distributed by the subdivider to owners, and shall include, as a minimum, recommended plant types and sample designs for water conservation, suggested watering and maintenance schedules, horticultural measures to reduce landscape water use, and financial and/or other incentives to encourage appropriate and timely installation of water saving landscapes.
2. Where model homes are included, the subdivider will install at least two units or model homes with water conserving landscapes and include signs explaining design strategies and plant materials for water conservation. (Ord. 1209 § 2, 1992)

D. Standards for Parking Lots.

1. In all parking lots, planting areas shall generally be provided after each six parking spaces in any row and at the ends of each row of parking spaces in order to encourage the use of trees in parking areas. Landscape areas shall have a minimum dimension of 4 feet; except, those areas with trees shall have a minimum dimension of 8 feet. Landscape areas shall be defined by concrete curbing designed to minimize damage to pavement caused by irrigation of landscaping. Landscape areas defining ends of rows shall extend to the minimum inside turn radius, shall not conflict with an aisle or back-up area, nor be less than 4 feet in width. Exceptions to this provision may be granted by the Community Development Department or the ARC.
2. In order to prevent large expanses of pavement, parking lots shall have at least 5 percent of their surface devoted to landscaping (exclusive of setbacks) arranged in an appropriate and effective manner. Additional landscape area may be required by the Community Development Department or the ARC.

## **Chapter 17.88: Residential Growth Management Regulations**

### **Sections:**

**17.88.010 Purpose and justification.**

**17.88.020 Allocations.**

**17.88.030 Periodic city council review and consideration of revisions.**

### **17.88.010 Purpose and justification.**

- A. The regulations codified in this chapter are intended to assure that the rate of population growth will not exceed the city's ability to assimilate new residents and to provide municipal services, consistent with the maximum growth rates established in the general plan. Also, these regulations are to assure that those projects which best meet the city's objectives for affordable housing, infill development, open space protection, and provision of public facilities will be allowed to proceed with minimum delay.
- B. San Luis Obispo is a charter city, empowered to make and enforce all laws concerning municipal affairs, subject only to the limitations of the city charter and the constitution and laws of the state. Regulation of the rate of residential development is a reasonable extension of municipal authority to plan overall development, in furtherance of the public health, safety and general welfare.
- C. According to the general plan land use element, the city should achieve a maximum annual average population growth rate of one percent. The reserve of developable land within the city and the capacity of proposed annexations could sustain growth rates which would exceed the objectives of the general plan.
- D. The growth rate policies of the general plan reflect the city's responsibility to accommodate a reasonable share of expected state and regional growth.
- E. To avoid further imbalance between the availability of jobs and of housing within the city, the general plan also manages expansion of growth-inducing activities. The burdens of growth management are not being placed solely on the residential sector, since it largely responds to demands caused by other sectors.
- F. Considering the likely levels of housing demand and construction throughout the housing market area, nearly coinciding with San Luis Obispo County, these regulations are not expected to affect the overall balance between housing supply and demand in the market area. These regulations will not impede and may help meet the needs of very low-, low- and moderate-income households. (Ord. 1459 § 3 (part), 2004; Ord. 1359 § 3 (part), 1999)



**17.88.020 Allocations.**

- A. Each Specific Plan shall adopt a phasing schedule that allocates timing of potential residential construction, including phasing of required improvements, consistent with the general plan and with these regulations.
- B. The limitations on residential development established by these regulations apply to new residential construction within certain areas that have been annexed to the city or that will be annexed to the city. Development in such areas is subject to development plans or specific plans, which shall contain provisions consistent with these regulations.
- C. Allocations shall be implemented by the timing of issuance of building permits.
- D. Dwellings affordable and enforceably restricted to residents with extremely low, very low, low or moderate incomes, as defined in the city's general plan housing element, and new dwellings in the downtown core (C-D zone as shown in the most official zoning map) shall be exempt from these regulations. Enforceably restricted shall mean dwellings that are subject to deed restrictions, development agreements, or other legal mechanisms acceptable to the city to ensure long-term affordability, consistent with city affordable housing standards. In expansion areas, the overall number of units built must conform to the city-approved phasing plan.
- E. It shall not be necessary to have dwellings allocated for a particular time interval or location to process and approve applications for general plan amendment, zone change or other zoning approval, subdivision, or architectural review. (Ord. 1459 § 3 (part), 2004; Ord. 1359 § 3 (part), 1999)

**17.88.030 Periodic city council review and consideration of revisions.**

- A. The Community Development Department shall provide status updates to the city council concerning implementation of these regulations, coordinated with the annual report on the general plan. The status update will describe actual construction levels and suggest if revisions are necessary to maintain the City's one percent growth rate.

---

## **Chapter 17.90: Affordable Housing Incentives**

### **Sections:**

- 17.90.010 Purpose.**
- 17.90.020 Definitions.**
- 17.90.030 Application process for incentives**
- 17.90.040 Standard incentives for housing projects.**
- 17.90.050 Standard incentives for conversion of apartments to condominium projects.**
- 17.90.060 Alternative or additional incentives.**
- 17.90.070 Relationship to other city procedures.**
- 17.90.080 Agreements for affordable housing.**
- 17.90.090 Fees.**
- 17.90.100 Affordability standards.**
- 17.90.110 Occupant screening.**

### **17.90.010 Purpose.**

The purpose and intent of this chapter is to encourage housing projects which incorporate units affordable to very-low, lower, and moderate income households, and qualifying seniors or the donation of land for affordable housing within the city, and which conform to city development policies and standards, by providing density bonuses, or other equivalent incentives, as required by California Government Code Section 65915, et seq. (Ord. 1282 § 2, 1995; Ord. 1035 § 1 (part), 1985) This chapter is a summary of California Government Code Section 65915-65918. Where there is a conflict between the State density bonus law and the zoning regulations, the State density bonus law shall prevail.

### **17.90.20 Definitions.**

- A. "Affordable" shall mean residential rent costs or sales prices which conform to the standards issued by the director and updated periodically to reflect state and/or federal housing cost indices. (Ord. 1282 § 2, 1995; Ord. 1035 § 1 (part), 1985)\_
- B. "Common interest development" means any of the following: a community apartment project, a condominium project, a planned development, a stock cooperative set forth in Civil Code Section 1351.
- C. "Density" means residential density as defined in Section 17.16.010 of this code. As an example, a two-bedroom dwelling = 1.00 density units.
- D. "Density bonus" means a density increase over the maximum density otherwise allowable under the Zoning Regulations and Land Use Element of the General Plan.
- E. "Director" means the community development director or his or her authorized representative.

- F. "Housing development" means a development project for five (5) or more residential units, also includes a subdivision or common interest development.
- G. "Lower income households" shall have the meaning set forth in California Health and Safety Code, Section 50079.5; provided the income of such persons and families whose incomes exceed fifty (50) percent but are less than or equal to eighty (80) percent of the median income within the county.
- H. "Maximum allowable residential density" means the maximum density allowed under the Zoning Regulations and Land Use Element of the General Plan.
- I. "Moderate income households" shall have the meaning set for in California Health and Safety Code Section 50093; provided the income of such persons and families whose incomes exceed eighty (80) percent but are less than or equal to one hundred twenty (120) percent of the median income within the county.
- J. "Senior citizen housing development" means a residential development developed, substantially rehabilitated, or substantially renovated for senior citizens (55 years or older) that has at least thirty-five (35) dwelling units.
- K. "Very-low income households" shall have the meaning set forth in California Health and Safety Code, Section 50105; provided the income of such persons and families whose incomes exceed thirty (30) percent but are less than or equal to fifty (50) percent of the median income within the county.

#### **17.90.030 Application process for incentive**

- A. The developer may submit a preliminary proposal for the development of affordable housing prior to the submittal of any formal requests for general plan amendments, zoning amendments or subdivision map approvals. The city council shall, within ninety days of receiving a written preliminary proposal, notify the housing developer in writing of the procedures under which the city will comply with this chapter.
- B. Any request for a density bonus or other incentives shall be in writing, and shall include the following information, as well as any additional information required by the director:
  - 1. The name of the developer;
  - 2. The location of the proposed project;
  - 3. The density allowed under the zoning regulations, as well as the proposed density;
  - 4. The number and type (bedroom count) of dwellings and identification of those dwellings which are to be affordable to each household income category;
  - 5. Whether the dwellings will be offered for sale or for rent;
  - 6. The proposed sales price, financing terms, rental rates or other factors which will make the dwellings affordable to very-low, lower and moderate income households. (Ord. 1282 § 2, 1995; Ord. 1035 § 1 (part), 1985)

**17.90.040 Standard incentives for housing projects.**

- A. This section shall apply only to housing projects consisting of five (5) or more dwelling units. Per state law, projects that provide affordable housing are allowed up to a 35% density bonus based on the tables outlined below for the respective affordability levels. In addition, the City Council may approve a density bonus in excess of 35% at the request of the developer as well as other concessions and incentives outlined in sections 17.90.060.
- B. All density calculations resulting in fractional units shall be rounded up to the next whole number.
- C. For the purpose of this section, “total units” or “total dwelling units” does not include units added by a density bonus awarded pursuant to this section or any local law granting a greater density bonus.
- D. **Ten Percent Low Income Dedication.** When a developer agrees to construct ten (10) percent of the total units of a housing development for persons or families of lower income, the director shall grant the developer, upon the developer’s request, a density bonus, the density bonus shall be calculated as follows:

Percentage Low-Income Units	Percentage Density Bonus
10	20
11	21.5
12	23
13	24.5
14	26
15	27.5
17	30.5
18	32
19	33.5
20	35

- E. **Five Percent Very-Low Income Dedication.** When a developer agrees to construct at least five (5) percent of the total units of a housing development for very-low income households, the director shall grant the developer, upon the developer’s request, a density bonus, the density bonus shall be calculated as follows:

Percentage Very Low-Income Units	Percentage Density Bonus
5	20
6	22.5
7	25
8	27.5
9	30
10	32.5
11	35

- F. **Twenty Percent Senior Citizen Housing Development Dedication.** When a developer agrees to construct a senior citizen housing development, or mobile home park that limits residency based on age requirements for housing for older persons, the director shall grant the developer, upon the developer’s request, a density bonus, the density bonus shall be twenty (20) percent of the number of senior housing units.
- G. **Ten Percent Common Interest Development for Moderate Income Dedication.** If a developer agrees to construct ten (10) percent of the total dwelling units in a common interest development for persons or families of moderate income, provided that all units in the development are offered to the public for purchase, the director shall grant the developer, upon the developer’s request, a density bonus, the density bonus shall be calculated as follows:

Percentage Moderate-Income Units	Percentage Density Bonus
10	5
11	6
12	7
13	8
14	9
15	10
16	11
17	12
18	13
19	14
20	15
21	16
22	17
23	18
24	19
25	20
26	21
27	22
28	23
29	24
30	25
31	26
32	27
33	28
34	29
35	30
36	31
37	32
38	33
39	34
40	35

- H. **Land Donation Dedication.** If a developer for a tentative subdivision map, parcel map, or other residential development approval donates land to the city for affordable

housing in accordance with this chapter and the provisions set forth in California Government Code Section 65915-65918, the applicant shall be entitled to a fifteen (15) percent increase above the otherwise maximum allowable residential density for the entire development, the director shall grant the applicant, upon the applicant's request, a density bonus, the density bonus shall be calculated as follows:

Percentage Very Low-Income Units	Percentage Density Bonus
10	15
11	16
12	17
13	18
14	19
15	20
16	21
17	22
18	23
19	24
20	25
21	26
22	27
23	28
24	29
25	30
26	31
27	32
28	33
29	34
30	35

- I. An applicant may elect to accept a lesser percentage of density bonus.
- K. **Parking Requirements.** Upon the request of the developer, parking ratios of a development meeting the criteria of this section, inclusive of handicapped and guest parking, shall be as follows:
  - 1. Studio to one bedroom: one onsite parking space.
  - 2. Two to three bedrooms: two onsite parking spaces.
  - 3. Four or more bedrooms: two and one-half parking spaces.
- a. If the total number of parking spaces required for a development is other than a whole number, the number shall be rounded up to the next whole number.

- b. For purposes of this section, a development may provide onsite parking through tandem or uncovered parking, but not through on street parking.
- c. An applicant may request additional parking incentives or concessions beyond those provided in this section, subject to section 17.90.060.

**17.90.050 Standard incentives for conversion of apartments to condominium projects.**

- A. For the purposes of this section, “other incentives of equivalent financial value” shall not be construed to require the city to provide cash transfer payments or other monetary compensations but may include the reduction or waiver of requirements which the city might otherwise apply as conditions of conversion approval.
- B. For purposes of this section, “density bonus” means an increase in units of twenty-five percent over the number of apartments, to be provided within the existing structure or structures proposed for conversion.
- C. When an applicant for approval to convert apartments to condominium units agrees to provide at least thirty-three percent of the total units of the proposed condominium project to persons and families of low or moderate income, or fifteen percent of the total units of the proposed condominium project to lower income households, and agrees to pay for the reasonable, necessary administrative costs incurred by the city pursuant to this section, the director shall grant a density bonus or provide other incentives of equivalent financial value as it finds appropriate.
- D. Nothing in this section shall be construed to require the city to approve a proposal to convert apartments to condominiums.
- E. An applicant shall not be eligible for a density bonus under this section if the apartments proposed for conversion constitute a housing development for which a density bonus or other incentives were provided under Sections 17.90.040 or 17.90.060 of this chapter.
- F. The city shall grant the developer’s request for development incentive(s) unless the city council makes written findings of fact that the additional incentive(s) are not required to achieve affordable housing objectives as defined in Section 50062.5 of the Health and Safety Code, or to ensure that sales prices for the targeted dwelling units will be set and maintained in conformance with city affordable housing standards. (Ord. 1282 § 2, 1995; Ord. 1035 § 1 (part), 1985)

**17.90.060 Alternative or additional incentives.**

- A. When a developer agrees to construct housing for households of very-low, lower or moderate income households, or for qualifying senior households, and desires an incentive other than a density bonus as provided in Section 17.90.040 of this chapter, or when an applicant for approval to convert apartments to a condominium project agrees to provide housing for households of very low, lower, or moderate income, or for qualifying senior households, the developer shall receive the following number of incentives or concessions:
  - 1. One incentive or concession for housing developments that include at least ten (10) percent of the total units for lower income households, at least five (5) percent

for very-low income households, or at least ten (10) percent for persons and families of moderate income in a common interest development.

2. Two incentives or concessions for housing developments that include at least twenty (20) percent of the total units for lower income households, at least ten (10) percent for very-low income households, or at least twenty (20) percent for persons and families of moderate income in a common interest development.
  3. Three incentives or concessions for housing developments that include at least thirty (30) percent of the total units for lower income households, at least fifteen (15) for very-low income households, or at least thirty (30) percent for persons and families of moderate income in a common interest development.
- B. Alternative incentive proposals shall include information set forth in Section 17.90.030 (B) as well as a description of the requested incentive, an estimate of the incentive's financial value in comparison with the financial value of the density bonus allowed in Section 17.90.040, as well as the basis for the comparison estimate. Alternative incentive proposals shall be considered by the council and may include but are not limited to one or more of the following:
1. A reduction in site development standards or modification of zoning code requirements or architectural design requirements that exceeds the minimum building standards approved by the California Building Standards Commission as provided in Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code, including, but not limited to, a reduction in setback and square footage requirements and in the ratio of vehicular parking spaces that would otherwise be required that results in identifiable, financially sufficient, and actual cost reductions.
  2. Approval of mixed use zoning in conjunction with the housing project if commercial, office, industrial, or other land use will reduce the cost of the housing development and if the commercial, office, industrial, or other land uses are compatible with the housing project and the existing or planned development in the area where the proposed housing project will be located.
  3. Density bonus in excess of that provided in Section 17.90.040;
  4. Waiver of application and development review processing fees;
  5. Waiver of utility connection or park land in-lieu fees or park land dedication requirement;
  6. City funded installation of off-site improvements which may be required for the project, such as streets or utility lines;
  7. Write-down of land costs;
  8. Direct subsidy of construction costs or construction financing costs;
  9. Other regulatory incentives or concessions proposed by the developer or the city



that result in identifiable, financially sufficient, and actual cost reductions shall also include provisions for assuring continued availability of designated units at affordable rents or sales prices for a period of not less than thirty (30) years, or as otherwise required by state law.

- C. Proposals for approval to convert apartments to a condominium project shall include those relevant items set forth in Section 17.90.030.(B) plus the requested incentive, an estimate if the incentive's financial value in comparison with the financial value of the density bonus as set forth in Section 17.90.050, and the basis for the comparison estimate. Nothing in this section shall be construed to require the city to provide cash transfer payments or other monetary compensation. The city may reduce or waive requirements which the city might otherwise apply as conditions of conversion approval.
- D. Nothing in this section shall be construed to require the council to approve any alternative incentive or concession. The council shall approve the requisite number of incentives or concessions afforded by Section 17.90.060. However, the details surrounding the incentives or concessions shall be at the discretion of the council.
- E. The council action on any alternative incentive proposal shall be by resolution. Any such resolution shall include findings relating to the information required in subpart B or D of this section.

#### **17.90.070 Relationship to other city procedures.**

- A. Projects incorporating affordable housing and receiving density bonuses, incentives, or alternative incentives as provided in this chapter shall receive high priority processing, to the extent allowed by law. Operation of Sections 17.90.040 or 17.90.050, or approval of alternative incentives as provided in Section 17.90.060 shall not be construed as a waiver of standard development review procedures or an exemption of the project from city development standards other than those explicitly listed in the approving resolution. Should a project fail to receive any required city approval, the density bonus or alternative incentive granted under this chapter shall be null and void.
- B. Applications of Sections 17.90.040 and 17.90.050 to projects shall be ministerial acts for purposes of environmental review. Environmental documents need not be filed solely for recordation of agreements concerning the density bonus and provision of affordable housing. Normal environmental review procedures shall apply to the project applications.
- C. If the council approves an alternative incentive as provided in Section 17.90.060, such approval shall be subject to and conditioned upon an environmental determination being made for the project in the usual manner. The community development department shall outline for the council any probable, significant environmental effects which would result from the proposed incentive. (Ord. 1282 § 2, 1995; Ord. 1035 § 1 (part), 1985)

#### **17.90.080 Agreements for affordable housing.**

Prior to the issuance of construction permits for any project incorporating a density bonus or other incentive as provided in this chapter, the city and the project owner(s) shall enter into an agreement in a form acceptable to the city attorney, to be recorded in the office of

the county recorder. The agreement shall specify mechanisms or procedures to assure the continued affordability and availability of the specified number of dwelling units to very-low, lower, and moderate income households and/or qualifying seniors. The agreement shall also set forth those items required by Section 17.90.030.(B). of this chapter or any alternative incentives granted pursuant to Section 17.90.060 of this chapter. The agreement shall run with the land and shall be binding upon all heirs, successors or assigns of the project or property owner, and shall ensure affordability for a period of not less than thirty years, or as otherwise required by state law. (Ord. 1282 § 2, 1995; Ord. 1035 § 1 (part), 1985)

**17.90.090 Fees.**

- A. No fee in addition to normal project application fees shall be charged for a request for a density bonus pursuant to the provisions of Sections 17.90.040 or 17.90.050, except for reasonable, necessary administrative costs incurred by the city pursuant to Section 17.90.050.
- B. A fee not to exceed the amount charge for "pre-application concept review" may be charged for proposals submitted pursuant to the provisions of Section 17.90.060. (Ord. 1282 § 2, 1995; Ord. 1035 § 1 (part), 1985)

**17.90.100 Affordability standards.**

- A. The community development department shall publish and revise as needed a schedule of rental rates and sales prices for dwellings which will be affordable to households with incomes as provided in this chapter. The schedule shall substantially conform with the affordability standards as established by state or federal law.
- B. The maximum rental rates and sales prices as revised, generally on an annual basis, shall remain in effect for projects receiving density bonuses or additional incentives under this chapter as provided in the affordable housing agreement, but in no case less than the minimum term required by state law. (Ord. 1282 § 2, 1995; Ord. 1035 § 1 (part), 1985)

**17.90.110 Occupant screening.**

- A. The affordable dwellings developed pursuant to this chapter shall be available to qualified occupants without regard to race, religion, national origin, sex, occupation or other affiliation. Occupants may be screened on the basis of age only to qualify those occupants seeking housing designed for the elderly.
- B. The city housing authority or other third party acceptable to the Community Development Director shall screen prospective occupants so that dwellings developed pursuant to this chapter shall be occupied by households with the appropriate qualifying incomes or ages. Owners of projects shall enter into agreements with the housing authority for such screening services.
- C. Preference in occupant screening shall be given to those employed within or residing within the city or the immediately surrounding area, to the extent that this provision does not conflict with state or federally funded housing assistance programs which may

apply to a particular project, or other applicable law. This section is to insure that those households having the greatest difficulty obtaining housing at market rates within the city shall be able to occupy affordable housing made available pursuant to this chapter. (Ord. 1282 § 2, 1995; Ord. 1035 § 1 (part), 1985).

---

## **Chapter 17.91: Inclusionary Housing Requirements**

### **Sections:**

- 17.91.000 Title.
- 17.91.010 Purpose.
- 17.91.020 Definitions.
- 17.91.030 Applicability and exclusions.
- 17.91.040 General standards.
- 17.91.050 Procedures.
- 17.91.060 In-lieu housing fee.
- 17.91.070 Affordable housing fund established.
- 17.91.080 Real property dedication.
- 17.91.090 Incentives.
- 17.91.100 Project application.
- 17.91.110 Conditions of development approval.
- 17.91.120 Program requirements.
- 17.91.130 Eligibility screening.
- 17.91.140 Affordability restrictions.
- 17.91.150 Shared equity purchase program.
- 17.91.151 Early resale of shared equity properties.
- 17.91.160 Management and monitoring.
- 17.91.170 Enforcement and appeals.
- 17.91.180 Severability.

### **17.91.000 Title.**

The provisions of this chapter shall be known collectively as the inclusionary housing requirement of the city of San Luis Obispo. (Ord. 1458 § 3 (part), 2004: Ord. 1348 § 2 (part), 1999)

### **17.91.010 Purpose.**

The purpose and intent of this chapter is to promote the public welfare by increasing the production and availability of affordable housing units, and to establish an inclusionary housing requirement which implements general plan policies guiding land use and housing development. (Ord. 1458 § 3 (part), 2004: Ord. 1348 § 2 (part), 1999)

### **17.91.020 Definitions.**

For the purposes of this chapter, the following words and phrases shall have the meaning set forth below:

- A. "Affordable" means housing which can be purchased or rented by a household with very low-, low-, or moderate-income, as described in the city's affordable housing standards.
- B. "Affordable housing agreement" shall mean a written agreement between the developer, city and possibly additional parties which specifies the terms and conditions under which affordable housing requirements are to be met.
- C. "Affordable housing fund" means a fund established and administered by the city, containing in-lieu fees and other funds held and used exclusively to increase and improve the supply of affordable housing.
- D. "Affordable housing project" shall mean a development project in which one hundred percent of the dwellings to be built will be sold or rented in conformance with the city's affordable housing standards.
- E. "Building valuation" shall mean the total value of all construction work for which a construction permit is required, as determined by the chief building official using the Uniform Building Code.
- F. "Commercial project" means a development project involving primarily nonresidential uses, including retail, office, service-commercial, light-industrial, neighborhood-commercial, tourist-commercial, and manufacturing uses as further described in the zoning regulations.
- G. "Density" means residential density as defined in Section 17.16.010 of this code.
- H. "Density bonus" means a density increase of at least twenty-five percent over the maximum density otherwise allowable under the zoning regulations.
- I. "Development project" shall mean an activity for which a subdivision map or construction permit is required, including new buildings and building additions or remodels as described in Section 17.91.030, but not including changes in ownership, occupancy, management or use.
- J. "Director" means the community development director or his or her authorized representative.
- K. "Equity build-up" shall mean a property's sales price at first resale, less the initial purchase price and less the city's equity share as described in Section 17.91.150.
- L. "Expansion area" means a land area proposed for annexation to the city or annexed after the adoption date of the ordinance codified in this chapter.
- M. "Inclusionary housing unit" means a dwelling which is built under the provisions of this chapter, and which meets the city's affordable housing standards.
- N. "In-lieu fee" means a fee paid to the city as an alternative to the production of inclusionary housing, to be used in the acquisition, construction, or rehabilitation of affordable housing.

- O. "Low-" or "lower-income households" shall have the meaning set forth in California Health and Safety Code Section 50079.5; provided the income of such persons and families shall not exceed eighty percent of the median income within the county.
- P. "Market value" shall mean the highest price a willing buyer would pay and a willing seller would accept, both being fully informed and in an open market, as determined by an appraiser or other qualified professional.
- Q. "Mixed use development project" shall mean a development project which combines residential and nonresidential uses on the same lot, pursuant to city zoning regulations.
- R. "Moderate-income households" shall include those persons and families whose incomes exceed eighty percent but are less than or equal to one hundred twenty percent of the median income within the county.
- S. "Real property" shall mean land and improvements, if any, including anything permanently affixed to the land, such as buildings, walls, fences, and paved areas.
- T. "Residential project" shall mean development projects which result in the subdivision of land and/or the construction or conversion of dwellings, including, but not limited to, single-family detached homes, apartments, condominiums, live/work studios, mobile homes, and group housing.
- U. "Very low income" shall have the meaning set forth in California Health and Safety Code Section 50105; provided that such income level shall not exceed fifty percent of median income within the county. (Ord. 1458 § 3 (part), 2004: Ord. 1348 § 2 (part), 1999)

**17.91.030 Applicability and exclusions.**

- A. This chapter shall apply to development projects consisting of five or more lots or new dwelling units, and to commercial development projects consisting of two thousand five hundred square feet of gross floor area or larger.
- B. The following types of development projects are excluded:
  - 1. Residential developments of four units or less;
  - 2. New commercial developments of less than two thousand five hundred square feet gross floor area;
  - 3. Residential and commercial building additions, repairs or remodels; provided, that such work does not increase the number of existing dwellings by four or more units, or result in an increase in gross floor area of two thousand five hundred square feet;
  - 4. The conversion of less than five dwelling units to condominiums within any five-year period;

5. Commercial condominium conversions which do not result in the creation of new dwellings;
6. Affordable housing projects;
7. Emergency projects, or projects which the city council determines are necessary to protect public health and safety;
8. Development projects which the city council determines are essentially noncommercial or nonresidential in nature, which provide educational, social or related services to the community and which are proposed by public agencies, nonprofit agencies, foundations and other similar organizations;
9. Projects which replace or restore a structure damaged or destroyed by fire, flood, earthquake or other disaster within three years prior to the application for the new structure(s);
10. Projects for which an approved tentative map or vesting tentative map exists, or for which a construction permit was issued prior to the effective date of the ordinance codified in this chapter and which continue to have unexpired permits. (Ord. 1458 § 3 (part), 2004; Ord. 1348 § 2 (part), 1999)

#### **17.91.040 General standards.**

**A. Methods of Meeting Requirements.** New development projects shall satisfy the inclusionary housing requirements, as specified in Tables 2 and 2A of the general plan housing element, which provide that all nonexempt development projects shall contribute toward the production of affordable housing by constructing at least one affordable dwelling unit or paying an in-lieu fee. To meet the requirements, the developer shall comply with one or more of the following methods:

1. Construct the required number of affordable dwelling units, as specified in Table 2, as adjusted by Table 2A; or
2. Pay an in-lieu fee as described in Table 2, as adjusted by Table 2A. For development projects in which the adjustment factor under Table 2A equals zero ("0"), the minimum adjustment factor shall be 0.25 (resulting in a minimum in-lieu fee of 1.25 percent of the building valuation for in-city development projects and commercial developments in expansion areas, and 3.75 percent of building valuation for residential developments in expansion areas); or
3. Dedicate real property for affordable housing; or
4. Use a combination of the above methods, to the approval of the city council.

**B. Affordable Housing Standards.** Affordable dwelling units constructed must meet city affordable housing standards, and must be consistent with affordability policies in the general plan housing element.

**C. Concurrent Development.** The required inclusionary units shall be constructed concurrently with market rate units unless the developer and the city council agree

within an affordable housing agreement to an alternative development schedule. (Ord. 1458 § 3 (part), 2004; Ord. 1348 § 2 (part), 1999)

#### **17.91.050 Procedures.**

- A. Fractional Numbers.** In determining the number of dwellings that are required to be built pursuant to Table 2, fractional units less than 0.50 shall be rounded down to the first whole number unit, and fractional units of 0.50 or greater shall be rounded up to the next higher whole number unit, as calculated by the director.
- B. Determining Adjustment Factor Using Project Density and Average Unit Size.** To determine the adjustment factor in Table 2A, project density shall be calculated by dividing the total number of density units proposed (including density bonus where applicable) by the development project site's net area. Average floor area shall be calculated by dividing the total gross floor area of all dwellings (excluding garages) within the development project by the total number of dwellings. Dedicated open space shall not be included in a site's net area.
- C. Mixed Use Development Projects.** For mixed-use development projects with five or more dwellings, the inclusionary housing requirement is determined by: (1) using Table 2 to calculate the base inclusionary requirement for the commercial use, and (2) using Table 2A to adjust the base requirement based on project density and average unit size, as described in subsection B of this section. For mixed use development projects with less than five dwellings, the base inclusionary housing requirement for the commercial use shall apply.
- D. Timing.** The inclusionary housing requirement shall be met prior to issuance of a certificate of occupancy for the first unit in a building, or the first building in a complex to be constructed or remodeled; or for subdivisions, prior to final map approval; or prior to building permit issuance, for projects for which a certificate of occupancy is not issued; or as otherwise agreed to by the city council as part of tentative map, rezoning, conditional use permit or other development approval.
- E. Affordable Housing Agreement.** To meet the requirement, the developer may enter into an agreement with the city, the city's housing authority, nonprofit housing provider, or other qualified housing provider approved by the city council to construct, refurbish, convert, operate and maintain the required affordable housing. Such affordable housing agreements shall be to the approval of the director and shall be in a form approved by the city attorney. (Ord. 1458 § 3 (part), 2004; Ord. 1348 § 2 (part), 1999)

#### **17.91.060 In-lieu housing fee.**

- A. Payment of In-Lieu Fee.** Developer may, at his or her discretion, choose to pay a fee to the city or dedicate real property in lieu of constructing affordable dwellings to meet this requirement.
- B. Amount and Method of Payment.** The dollar amount and method of payment of the in-lieu fee shall be as described in Table 2, and where applicable, as adjusted by Table 2A of the general plan housing element, as further described in Section 17.91.040(A)(2), to the approval of the director. For subdivisions in which the construction valuation is not known, the director shall estimate the average construction



valuation based on lot area, land value, and applicable city development standards. Developer shall use the estimated average construction valuation to determine the amount of in-lieu fees.

- C. Timing.** In-lieu fees shall be paid prior to release of occupancy of the first dwelling within a residential development; or for residential subdivisions to be built out by others, prior to final subdivision map approval; or prior to occupancy for new commercial buildings or remodels; or prior to building permit issuance, for projects for which a certificate of occupancy is not issued; or as otherwise provided by written agreement between the developer and city, to the approval of the director. (Ord. 1458 § 3 (part), 2004; Ord. 1348 § 2 (part), 1999)

#### **17.91.070 Affordable housing fund established.**

The city hereby establishes an affordable housing fund. Said fund shall be administered by the finance director and shall be used exclusively to provide funding for the provision of affordable housing and for reasonable costs associated with the development of affordable housing, at the discretion of the city council.

- A. In-Lieu Fees.** In-lieu fees collected shall be deposited into the affordable housing fund, to the satisfaction of the finance director. (Ord. 1458 § 3 (part), 2004; Ord. 1348 § 2 (part), 1999)

#### **17.91.080 Real property dedication.**

- A. Irrevocable Offer to Dedicate Real Property.** At the discretion of the city council, an irrevocable offer to dedicate real property equal or greater in value to the in-lieu fee which would otherwise be required may be offered to the city, or to a housing provider designated by the city, instead of providing the required number of affordable dwellings or paying in-lieu fees. In considering an offer to dedicate real property, the city council must find that the dedication of real property will provide equal or greater public benefit than constructing affordable units or paying in-lieu fees, based on the following criteria:

1. Valuation of the land and/or improvements to be dedicated relative to other methods of meeting the requirement;
2. Suitability of the land and/or improvements for housing, including general plan conformity, size, shape, topography, and location; and
3. Feasibility of developing affordable housing, including general plan consistency, and availability of infrastructure.

- B. Real Property Valuation.** The valuation of real property offered in-lieu shall be determined by the director, based upon an appraisal made by a qualified appraiser mutually agreed to by the developer and the city. Costs associated with the appraisal, title insurance and transfer, recordation and related costs shall be borne by the developer.

- C. Agreement and Timing.** The real property dedication shall be by deed or other instrument acceptable to the city, and shall be completed by recordation with the recorder of the county of San Luis Obispo prior to occupancy release of the first residential unit or commercial building in the development; or prior to building permit

issuance, for projects for which a certificate of occupancy is not issued; or as otherwise provided by written agreement between the developer and the city. (Ord. 1458 § 3 (part), 2004: Ord. 1348 § 2 (part), 1999)

#### **17.91.090 Incentives.**

- A. Eligibility for Incentives.** The developer may be eligible to receive or to request development incentives in return for constructing affordable housing in connection with a development project, pursuant to the affordable housing incentives (Chapter 17.90), as part of a city planning application. Incentives or other forms of financial assistance may be offered by the city to the extent that resources are available for this purpose and to the degree that such incentives or assistance will help achieve the city's housing goals.
- B. Affordable Housing Agreement.** Any incentives provided by the city, beyond those incentives to which a developer may be automatically entitled to under Chapter 17.90 of this code, shall require city council approval and shall be set out in an affordable housing agreement. The form and content of such agreement shall be to the approval of the city attorney and the director. Developers are further encouraged to utilize other local, state or federal assistance, when available, to meet the affordable housing standards. (Ord. 1458 § 3 (part), 2004: Ord. 1348 § 2 (part), 1999)

#### **17.91.100 Project application.**

- A. Method of Application.** An applicant/developer proposing a project for which affordable housing is required shall submit a statement with the standard planning application, describing the inclusionary housing proposal. The developer's statement shall include:
1. A brief description of the proposal, including the method chosen to meet the inclusionary housing requirement; number, type and location of affordable units; term of affordability; preliminary calculation of in-lieu fees; or offer of land dedication;
  2. How the proposal meets general plan policies and inclusionary housing requirements;
  3. Plans and other exhibits showing preliminary site layout, grading, building elevations, parking and other site features, location of affordable dwelling units, and (where applicable) market-rate dwelling units;
  4. Description of incentives requested, including exceptions from development standards, density bonuses, fee waivers or other incentives; and
  5. Other information which the director determines necessary to adequately evaluate the proposal, including but not limited to the method proposed to award occupancy of the affordable units.
- B. Director Response.** After receiving a complete planning application, including an affordable housing proposal, the director shall respond to the applicant or developer's

affordable housing proposal. The city response shall identify: (1) affordable housing issues and concerns; (2) incentives which the director can support when making a recommendation to the decision-making body; and (3) procedures which will need to be followed to comply with the inclusionary housing requirements. (Ord. 1458 § 3 (part), 2004; Ord. 1348 § 2 (part), 1999)

### **17.91.110 Conditions of development approval.**

**A. Submittal of an Affordable Housing Agreement.** Applicants and developers for development projects subject to this chapter shall, as a condition of development approval, prepare and submit an affordable housing agreement for city approval. The draft agreement shall be reviewed by the director and city attorney for compliance with project approvals, city policies and standards, and applicable codes. Following approval and signing of the agreement by the parties, the final agreement shall be recorded and relevant terms and conditions shall be recorded as a deed restriction on those lots or affordable units subject to affordability requirements. The affordable housing agreement shall be binding to all future owners and successors in interest.

**B. Agreements for Constructing Affordable Units.** For development projects meeting their inclusionary requirement through construction of affordable dwelling units, the affordable housing agreement shall specify:

1. The number and location of affordable units;
2. The size (square footage), number of bedrooms, and design of the affordable units;
3. Terms of affordability;
4. Schedule for construction of the affordable units;
5. Incentives or other assistance to be provided by the city;
6. Where applicable, the procedures to be used for qualifying tenants or buyers, setting rental/sales costs, renting or selling units, filling vacancies, and managing the units; and
7. Mechanisms or procedures to assure that the selection of potential residents takes place via an open, public process including but not limited to a lottery, selection by the housing authority or other non-profit 3rd party, or by other means that insure (qualified) members of the community have an equal chance at participation. The agreement shall also specify the mechanism or procedures used to assure the continued affordability and availability of the specified number of dwelling units to very-low, lower, and moderate income households and/or qualifying seniors.
8. Other terms or conditions requested by city.

**C. Agreements for Real Property Dedication.** For development projects meeting their inclusionary housing requirement through real property dedication, the agreement shall specify:

1. The method of conveyance, schedule, and appraised value of the proposed dedication;

2. Calculation of housing in-lieu fees otherwise applicable to the project at the time of recordation;
3. Title report and insurance;
4. Description of location, condition, improvements, and other relevant factors applying to the property; and
5. Other information required by the city.

**D. Payment of In-Lieu Fees.** An affordable housing agreement shall not be required for projects which meet their inclusionary housing requirement through the payment of in-lieu fees. (Ord. 1458 § 3 (part), 2004: Ord. 1348 § 2 (part), 1999)

#### **17.91.120 Program requirements.**

Only households qualifying as very low-, low- or moderate-income, pursuant to the affordable housing standards, shall be eligible to rent, purchase or occupy inclusionary units developed or funded in compliance with this requirement. For sale inclusionary housing units shall be owner-occupied for the term of the affordable housing agreement. (Ord. 1458 § 3 (part), 2004: Ord. 1348 § 2 (part), 1999)

#### **17.91.130 Eligibility screening.**

The city, its housing authority, or other housing provider designated by the city shall screen prospective renters or buyers of affordable units. Renters or buyers of affordable units shall enter into an agreement with the city, its housing authority or other housing provider to comply with the affordable housing standards. Occupants must be selected by means of an open, public process which ensures that individuals of a group of interested participants have equal probability of selection. Private selection of individuals by project owners is not permitted except for any affordable units provided in excess of the required inclusionary units. (Ord. 1458 § 3 (part), 2004: Ord. 1348 § 2 (part), 1999)

#### **17.91.140 Affordability restrictions.**

Developers of affordable units for sale shall specify the type of affordability restriction to be applied. The developer shall choose to either: (1) participate in a shared equity purchase program, as described in Section 17.91.150, or (2) enter into an affordable housing agreement to ensure that affordability is maintained for the longest period allowed or required by state law, but not less than thirty years. Affordable rental units shall be affordable for the longest period allowed or required by state law, but not less than thirty years. (Ord. 1348 § 2 (part), 1999)

#### **17.91.150 Shared equity purchase program.**

- A. Under this program, the qualified buyer of a designated affordable dwelling unit shall enter into a shared equity agreement with the city. Said agreement shall be recorded as a second trust deed against the purchased property, at no interest, securing and stating the city's equity share in the property. The city's equity share shall be calculated

by the director, and shall be the decimal percentage of the property's value resulting from:

- 1. The difference between the property's market value and the actual price paid by the homeowner, divided by the market value; and/or when applicable,
  - 2. The amount of subsidy provided by the city to the homeowner to purchase the property, divided by the property's market value.
- B. Upon sale, the city's equity share shall be repaid to the city from the proceeds of the sale, less the city's percentage share of title insurance, escrow fees and documentary transfer taxes, at the close of escrow. (Ord. 1458 § 3 (part), 2004: Ord. 1348 § 2 (part), 1999)

**17.91.151 Early resale of shared equity properties.**

In the event of "early resale," owners of properties subject to the shared equity purchase program shall either: (1) pay an equity recapture fee to the city as described in the schedule below, in addition to the city's equity share, or (2) sell the property to another eligible household. "Early resale" shall mean the sale, lease or transfer of property in within five years of the initial close of escrow. If the owner chooses to pay the equity recapture fee, the recapture fee shall be paid to the city upon resale at close of escrow, based on the following schedule:

Year	% of Equity Build-up Recaptured
0-2	100%
3	75%
4	50%
5	25%
6 and after	0%

The recapture amount shall be determined prior to the calculation of escrow closing costs. (Ord. 1458 § 3 (part), 2004: Ord. 1348 § 2 (part), 1999)

**17.91.160 Management and monitoring.**

Inclusionary rental units shall be managed and operated by the property owner, or the owner's agent, for the term of the affordable housing agreement. Sufficient documentation shall be submitted to ensure compliance with this chapter, to the satisfaction of the director. (Ord. 1458 § 3 (part), 2004: Ord. 1348 § 2 (part), 1999)

**17.91.170 Enforcement and appeals.**

- A. **Enforcement.** No final subdivision map shall be approved, nor building permit issued, nor shall any other development entitlement be granted for a development project

which does not meet these requirements. No inclusionary unit shall be rented or sold except in accordance with these requirements and the affordable housing standards.

- B. Appeals.** The director shall administer and interpret these requirements, subject to applicable codes and city procedures. Decisions of the director are appealable; subject to the zoning regulations appeal provisions (Chapter 17.66). (Ord. 1458 § 3 (part), 2004; Ord. 1348 § 2 (part), 1999)

**17.91.180 Severability.**

If any provision of this chapter or the application thereof to any person or circumstances is held invalid, the remainder of the chapter and the application of the provision to other persons or situations shall not be affected thereby. (Ord. 1458 § 3 (part), 2004; Ord. 1348 § 2 (part), 1999)

## **Chapter 17.92: Onshore Support Facilities**

### **Sections:**

**17.92.010 Findings.**

**17.92.020 Prohibited.**

### **17.92.010 Findings.**

- A. There is a strong likelihood that serious adverse effects will result from onshore processing, storage or related service facilities supporting offshore oil and gas development authorized by the federal and state governments.
- B. Such facilities would threaten the community's vital economy and environmental quality. (Ord. 1071 § 2 (1) (part), 1986)

### **17.92.020 Prohibited.**

No onshore support facility for offshore oil or gas development shall be allowed or permitted within the city until such time that the council proposes the inclusion of such uses in an appropriate zone district or districts, and such proposal has been approved by a vote of the people of the city. For the purpose of this chapter, the term "onshore support facility" means any activity or land use required to support directly the exploration, development, production, storage, processing, transportation or related aspects of offshore energy resource extraction. (Ord. 1071 § 2 (1) (part), 1986)

## **Chapter 17.93: High-Occupancy Residential Use Regulations**

### **Sections:**

- 17.93.010 Purpose.**
- 17.93.020 Definitions.**
- 17.93.030 General requirements.**
- 17.93.040 Performance standards.**
- 17.93.050 Administration.**
- 17.93.060 Periodic review, violations and enforcement.**

### **17.93.010 Purpose.**

This chapter is intended to promote the quality of life in low-density and medium-density residential neighborhoods by ensuring that dwellings provide adequate support facilities. (Ord. 1154 § 1 (part), 1990)

### **17.93.020 Definitions.**

- A. "Adult" means a person eighteen years of age and older.
- B. "High-occupancy residential use" means any dwelling, other than a "residential care facility" as defined in Section 17.100.180, in the R-1 or R-2 zones when the occupancy of the dwelling consists of six or more adults.
- C. "Tandem parking" means the arrangement of parking where no more than two cars are arranged in tandem, one in front of the other. (Ord. 1154 § 1 (part), 1990)

### **17.93.030 General requirements.**

- A. **Applicability.** A high-occupancy residential use is allowed in the R-1 and R-2 zones subject to the performance standards set forth in Section 17.93.040.
- B. **Relation to Zone Standards.** Where this chapter does not contain a particular type of standard or procedure, conventional zoning standards shall apply.
- C. **Exceptions or Variances.** Nothing in this section prohibits applicants from requesting exceptions or variances from the strict interpretation of zoning regulations to the extent allowed by said regulations for any use. (Ord. 1154 § 1 (part), 1990)

### **17.93.040 Performance standards.**

- A. Upon approval of an administrative use permit, as defined by Chapter 17.58, a high-occupancy residential use may be established with occupancy of six or more adults. The purpose of the use permit is to ensure compliance with the performance standards described in this section, and to ensure the compatibility of the use at particular locations.



1. The dwelling must contain a minimum three hundred square feet of gross floor area, less garage area, per adult.
2. The parking requirement shall be the greater of:
  - a. The number of spaces required for dwellings as described in Section 17.16.060; or
  - b. One off-street parking space per adult occupant, less one.
3. The parking of one vehicle within a required street yard or setback is allowed. Parking in other yards is prohibited.
4. Each required parking space shall be of an all-weather surface.
5. Upon approval of the community development director, parking may be provided in tandem.
6. There shall be a minimum of one bathroom provided for every three adult occupants.
7. The dwelling must meet all current building, health, safety and fire codes and have been built with all required permits. (Ord. 1154 § 1 (part), 1990)

#### **17.93.050 Administration.**

- A. Permit Requirement. For high-occupancy residential uses with six or more adult occupants, the applicant shall apply for and obtain an administrative use permit as defined by zoning regulations. The applicant shall submit and certify the following information as part of the application for an administrative use permit:
  1. Address of dwelling;
  2. A site plan which shows:
    - a. The entire boundary of the site as well as adjacent structures within twenty feet;
    - b. The number and location of off-street parking spaces;
    - c. The gross floor area of the dwelling in square feet;
    - d. The floor plan for the dwelling with the rooms clearly labeled;
  3. The number of proposed adult occupants;
  4. Owner's signature;
  5. Any other information deemed necessary by the community development director. (Ord. 1154 § 1 (part), 1990)

**17.93.060 Periodic review, violations and enforcement.**

- A. Period Review.** High-occupancy residential uses shall be reviewed annually to ensure compliance with the provisions of this chapter. The use permit shall be reviewed annually for compliance with this chapter. It shall be the responsibility of the property owner to initiate the review and pay applicable fees.
- B. Violations.** Violation of any of the provisions of this chapter shall be the basis for enforcement action by the city which may include revocation of a previously approved use permit. (Ord. 1154 § 1 (part), 1990)

## **Chapter 17.94: Development Agreements**

### **Sections:**

- 17.94.010 Purpose and scope.
- 17.94.020 Authority.
- 17.94.030 Initiation of hearings.
- 17.94.040 Applications—Legal interest.
- 17.94.050 Fees.
- 17.94.060 Preapplication review.
- 17.94.070 Application—Contents.
- 17.94.080 Public notice.
- 17.94.090 Failure to receive notice.
- 17.94.100 Planning commission hearing and recommendation.
- 17.94.110 City council hearing.
- 17.94.120 City council action.
- 17.94.130 Development agreement—Contents.
- 17.94.140 Development agreement—Adoption by ordinance—Execution of contract.
- 17.94.150 Recordation of executed agreement.
- 17.94.160 Ordinances, regulations and requirements applicable to development.
- 17.94.170 Subsequently enacted state and federal laws.
- 17.94.180 Enforcement—Continuing validity.
- 17.94.190 Amendment—Time extension—Cancellation.
- 17.94.200 Review for compliance—Director's authority.
- 17.94.210 Violation of agreement—Council review and action.
- 17.94.220 Modification or termination for violations.
- 17.94.230 Consequences of termination.
- 17.94.240 Irregularity in proceedings.
- 17.94.250 Coordination of approvals.

### **17.94.010 Purpose and scope.**

Development agreements specify the rights and responsibilities of the city and developers. Used in conjunction with subdivision approval, annexation, rezoning, or architectural approval, development agreements establish the terms and conditions under which development projects may proceed. Development agreements are best used for large, complex or phased projects which require extended construction time and which involve numerous public improvements such as streets, utilities, flood improvements, schools, parks and open space and other improvements of community-wide benefit. Under a development agreement, projects may proceed under the rules, standards, policies and regulations in effect at the time of original project approval. (Ord. 1134 § 1 (part), 1989)

**17.94.020 Authority.**

This chapter establishes procedures and requirements for development agreements. The purposes specified in and as authorized by Article 2.5, Chapter 4, Title 7 of the Government Code, Sections 65864 et seq. The planning commission may recommend and the city council may enter into a development agreement for the development of real property with any person having a legal or equitable interest in such property, as provided below. At its sole discretion, the council may, but is not required to, approve a development agreement where a clear public benefit or public purpose can be demonstrated. (Ord. 1134 § 1 (part), 1989)

**17.94.030 Initiation of hearings.**

Hearings on a development agreement may be initiated: (A) upon the filing of an application as provided below; or (B) by the council by a simple majority vote. (Ord. 1134 § 1 (part), 1989)

**17.94.040 Applications—Legal interest.**

Any person having a legal or equitable interest in real property or such other interest as specified in subsection (AX3)(b) of Section 17.94.070 may apply for a development agreement, except that a person may not file, and the director shall not accept, an application which is the same as, or substantially the same as, an application which was denied within the previous year, unless the application is initiated by the council. (Ord. 1134 § 1 (part), 1989)

**17.94.050 Fees.**

The council shall establish, and from time to time may amend, a schedule of fees to cover the city's costs of processing applications for development agreements. (Ord. 1134 § 1 (part), 1989)

**17.94.060 Preapplication review.**

Before submitting an application and support materials, applicants shall discuss the proposal with the community development director. At such review, the applicant should present a preliminary site plan and show basic features of the proposed project, including its public purposes and/or benefits. For large or complex projects, the applicant may request council review of the preliminary concept. Such a review shall be at the council's sole discretion, and would allow the council to review and comment on a proposal early in the review process. (Ord. 1134 § 1 (part), 1989)

**17.94.070 Application—Contents.**

A. A development agreement application shall include the following information:

1. A planning application and processing fee;

2. The names and addresses of the applicant and of all persons having a legal or equitable interest in all or a part of the property proposed to be used;
  3. Evidence that the applicant:
    - a. Has a legal or equitable interest in the property involved, or
    - b. Has written permission from a person having a legal or equitable interest to make such application;
  4. Location of the subject property by address and vicinity map;
  5. Legal description of the property, including a statement of total area involved;
  6. A plan showing the location of all property included in the request for action, existing and proposed land uses, property lines and dimensions, topography, significant natural features, setbacks, the location of all highways, streets, alleys and the location and dimensions of all lots or parcels of land within a distance of three hundred feet from the exterior boundaries of the property described in the application;
  7. Mailing list including addresses of all tenants occupying the subject property and properties within three hundred feet from the subject property boundaries; and a mailing list of owners of adjacent properties within three hundred feet from the subject property boundaries, as shown on the county assessor's latest available assessment roll;
  8. The proposed development agreement, together with all explanatory text, plans, maps, drawings, pictures and other information as may be required to evaluate such proposal, and as further described in Section 17.94.130;
  9. Such other information as the director may require.
- B. The director may waive the filing of one or more of the above items where the required information is filed with an application for a rezoning, use permit, variance, subdivision approval or other development entitlement to be considered concurrently with the development agreement.
1. The director may reject any application that does not supply the required information, or may reject incomplete applications.
  2. The accuracy of all information, maps and lists submitted shall be the responsibility of the applicant. (Ord. 1134 § 1 (part), 1989)

#### **17.94.080 Public notice.**

- A. Director Action.** When the director certifies that the application is complete, the item shall be scheduled for commission hearing; and the director shall give notice of the public hearing, as provided below.
- B. Manner of Giving Public Notice.** Public notice requirements shall be met by:

1. Mailing or delivery to the applicant and to all owners of real property within three hundred feet of the property included in the development agreement;
2. Mailing or delivery to all tenants of property within three hundred feet of the property included in the development agreement;
3. Mailing to any person who has filed a written request for such notice with the planning director, and
4. Publication at least once in a newspaper of general circulation published and circulated in the city. Said notice shall be published at least ten days before the hearing date, and shall include: (a) the time and place of the public hearing, and (b) a general explanation of the development agreement, including the property location, proposed land uses and applicant's name. (Ord. 1134 § 1 (part), 1989)

**17.94.090 Failure to receive notice.**

The failure to receive notice by any person entitled thereto by law or this chapter does not affect the authority of the city to enter into a development agreement. (Ord. 1134 § 1 (part), 1989)

**17.94.100 Planning commission hearing and recommendation.**

The commission shall consider the proposed development agreement and shall make its recommendation to the council. The recommendation shall include whether or not the proposed development agreement meets the following findings:

- A. The proposed development agreement is consistent with the general plan and any applicable specific plan;
- B. The proposed development agreement complies with zoning, subdivision and other applicable ordinances and regulations;
- C. The proposed development agreement promotes the general welfare, allows more comprehensive land use planning, and provides substantial public benefits or necessary public improvements, making it in the city's interest to enter into the development agreement with the applicant; and
- D. The proposed project and development agreement:
  1. Will not adversely affect the health, safety or welfare of persons living or working in the surrounding area;
  2. Will be appropriate at the proposed location and will be compatible with adjacent land uses; or
  3. Will not have a significant adverse impact on the environment. (Ord. 1134 § 1 (part), 1989)

**17.94.110 City council hearing.**

After the recommendation of the planning commission, the director shall give notice of a public hearing the city council in the manner provided for in Section 17.94.080. (Ord. 1134 § 1 (part), 1989)

**17.94.120 City council action.**

- A. Referral. After it completes the public hearing and considers the commission's recommendation, the council may approve, conditionally approve, modify or disapprove the proposed development agreement. The council may refer matters not previously considered by the commission during its hearing back to the commission for review and recommendation.
- B. Approval. The development agreement may be approved if the city council makes the findings for approval listed in Section 17.94.100 above. (Ord. 1134 § 1 (part), 1989)

**17.94.130 Development agreement—Contents.**

- A. Development agreements shall include the following:
  - 1. The duration of the agreement, including a specified termination date if appropriate;
  - 2. The uses to be permitted on the property;
  - 3. The density or intensity of use permitted;
  - 4. The maximum height, size and location of buildings permitted;
  - 5. The reservation or dedication of land for public purposes to be secured, including, but not limited to, rights-of-way, open space preservation, and public access easements;
  - 6. Proposed exceptions from zoning regulations or other development standard, and findings where required;
  - 7. The time schedule established for periodic review as required by Section 17.94.200.
- B. Development agreements may also include additional terms, conditions and restrictions in addition to those listed in subsection A of this section. These additional terms may include, but are not limited to:
  - 1. Development schedules providing that construction of the proposed development as a total project or in phases be initiated and/or completed within specified time periods;
  - 2. The construction of public facilities required in conjunction with such development, including but not limited to vehicular and pedestrian rights-of-way, public art and other landscape amenities, drainage and flood-control facilities, parks and other recreational facilities, and sewers and sewage treatment facilities;

3. Method of financing such improvements and, where applicable, reimbursement to developer or city,
4. Prohibition of one or more uses normally listed as permitted, accessory, subject to director's review or subject to use permit in the zone normally allowed by right;
5. Limitations on future development or special terms or conditions under which subsequent development approvals not included in the agreement may occur,
6. The requirement of a faithful performance bond where deemed necessary to and in an amount deemed sufficient to guarantee the faithful performance of specified terms, conditions, restrictions and/or requirements of the agreement. In lieu of a bond, the applicant may deposit with the city clerk certificates of deposit or other security acceptable to the finance director,
7. Specific design criteria for the exteriors of buildings and other structures, including colors and materials, landscaping and signs;
8. Special yards, opens spaces, trails, staging areas, buffer areas, fences and walls, public art, landscaping and parking facilities, including vehicular and pedestrian ingress and egress;
9. Performance standards regulating such items as noise, vibration, smoke, dust, din, odors, gases, garbage, heat and the prevention of glare or direct illumination of adjacent properties;
10. Limitations on operating hours and other characteristics of operation which the council determines could adversely affect the reasonable use and enjoyment of surrounding properties. (Ord. 1134 § 1 (pan), 1989)

**17.94.140 Development agreement—Adoption by ordinance—  
Execution of contract.**

- A. The development agreement shall be approved by the adoption of an ordinance. Upon the adoption of the ordinance, the city shall enter into the development agreement by the execution thereof by the city administrative officer.
- B. No ordinance shall be finally adopted and the city administrative officer shall not execute a development agreement until it has been executed by the applicant and all other parties to the agreement. If the applicant has not executed the agreement or agreement as modified by the city council, and returned the executed agreement to the city clerk within sixty days following council approval, the approval shall be deemed withdrawn, and the council shall not finally adopt such ordinance, nor shall the city administrative officer execute the agreement.
- C. Such sixty-day time period may be extended upon approval of the council. (Ord. 1134 § 1 (part), 1989)



**17.94.150 Recordation of executed agreement.**

Following the execution of a development agreement by the city administrative officer, the city clerk shall record the executed agreement with the county recorder. (Ord. 1134 § 1 (part), 1989)

**17.94.160 Ordinances, regulations and requirements applicable to development.**

Development projects covered by a development agreement shall comply with the general plan, zoning and subdivision regulations, and other applicable codes, ordinances, rules, regulations and official policies in effect on the date of execution of the development agreement by the city administrative officer, provided, however, that a development agreement shall not:

- A. Be construed to prevent the application of later adopted or amended ordinances, rules, regulations and policies which do not conflict with such existing ordinances, rules, regulations and policies under the development agreement;
- B. Prevent the approval, conditional approval or denial of subsequent development applications pursuant to such existing or later adopted or amended ordinances, rules, regulations and policies; or
- C. Preclude the city from adopting and implementing emergency measures regarding water or sewer deficiencies when the council determines that such action is necessary to protect public health and safety. If such action becomes necessary, the council reserves the right to suspend water or sewer service on an equitable basis until such deficiencies are corrected. (Ord. 1134 § 1 (part), 1989)

**17.94.170 Subsequently enacted state and federal laws.**

In the event that state or federal laws or regulations enacted after execution of a development agreement prevent or preclude compliance with one or more provisions of such agreement, the provisions of such agreement shall be deemed modified or suspended to the extent necessary to comply with such laws or regulations. (Ord. 1134 § 1 (part), 1989)

**17.94.180 Enforcement—Continuing validity.**

- A. Unless and until amended or canceled in whole or in part as provided in Sections 17.94.190 or 17.94.210, a development agreement shall be enforceable by any party to the agreement, regardless of any change in regulations which alters or amends the regulations applicable to the project covered by a development agreement, except as specified in Sections 17.94.160 and 17.94.170.
- B. The development agreement shall be binding upon, and the benefits of the agreement shall inure to, all successors in interest to the parties to the agreement. (Ord. 1134 § 1 (part), 1989)

**17.94.190 Amendment—Time extension—Cancellation.**

A development agreement may be amended, extended or canceled in whole or in part, by mutual consent of all parties to the agreement or their successors in interest. Procedures for amendment, time extensions or cancellation of the development agreement by mutual consent shall be the same as provided for initiation and consideration of such agreement. (Ord. 1134 § 1 (part), 1989)

**17.94.200 Review for compliance—Director’s authority.**

- A. Every development agreement entered into by the city council shall provide for director review of compliance with the development agreement at time intervals as specified in the agreement, but not less than once every twelve months.
- B. The director shall determine whether the applicant or his or her successor in interest has or has not complied with the agreement. If the director determines that the terms or conditions of the agreement are not being met, all parties to the agreement shall be notified by registered or certified mail, also indicating that failure to comply within a period specified may result in legal action to enforce compliance, termination or modification of the agreement.
- C. It is the duty of the applicant or his or her successor in interest to provide evidence of good faith compliance with the agreement to the director’s satisfaction at the time of the director’s review. Refusal by the applicant or his or her successor in interest to provide the required information shall be prima facie evidence of violation of such agreement.
- D. If at the end of the time period established by the director, the applicant or his or her successor in interest has failed to comply with the terms of the agreement or has not submitted evidence substantiating such compliance, the director shall notify the city council of his or her findings, recommending such action as he or she deems appropriate, including legal action to enforce compliance or to terminate or modify the agreement. (Ord. 1134 § 1 (part), 1989)

**17.94.210 Violation of agreement—Council review and action.**

- A. When the director notifies the council that a development agreement is being violated, a public hearing shall be scheduled before the council to consider the matter. Procedures for conduct of such hearing shall be the same as provided for initiation and consideration of a development agreement.
- B. If the council determines that the applicant or his or her successor in interest is in violation of a development agreement, it may take one of the following actions:
  - 1. Schedule the matter for council hearing for modification or possible termination of the agreement. Procedures for hearing notice shall be the same as provided in Section 17.94.080; or
  - 2. Continue the matter for further consideration. (Ord. 1134 § 1 (part), 1989)

**17.94.220 Modification or termination for violations.**

After the hearing required by Section 17.94.210 (A), the council may terminate or modify the agreement upon finding that

- A. 1. Terms, conditions and obligations of any party to the development agreement have not been met;
  - 2. The scope, design, intensity or environmental effects of a project were represented inaccurately;
  - 3. The project has been or is being built, operated or used in a manner that differs significantly from approved plans, permits or other entitlements; or
  - 4. Parties to the agreement have engaged in unlawful activity, or have used bad faith in the performance of or the failure to perform their obligations under the agreement.
- B. Modifications. Such remedial action may include, but is not limited to, changes to project design or uses, operating characteristics, or necessary on-site or off-site improvements which are determined to be reasonably necessary to protect public health, safety or welfare, and to correct problems caused by or related to noncompliance with the terms of the agreement. (Ord. 1134 § 1 (part), 1989)

**17.94.230 Consequences of termination.**

Upon termination of the development agreement, the owner shall otherwise comply with city codes, regulations, development standards and other applicable laws in effect at the time of termination of the agreement. (Ord. 1134 § 1 (part), 1989)

**17.94.240 Irregularity in proceedings.**

No action, inaction or recommendation regarding the proposed development agreement shall be held void or invalid or be set aside by a court by reason of any error, irregularity, informality, neglect or omission as to any matter pertaining to the application, notice, finding, record, hearing, report, recommendation, or any other matters of procedure whatsoever unless, after an examination of the entire record, the court is of the opinion that the error was prejudicial and that a different result would have been probable if the error had not occurred or existed. (Ord. 1134 § 1 (part), 1989)

**17.94.250 Coordination of approvals.**

- A. **Public Hearings.** Where an application for a development agreement is concurrently filed with an application for a zone change, use permit, variance, minor subdivision or tract map, or annexation and the applications may be feasibly processed together, public hearings may be concurrently held.
- B. **Zoning or Subdivision Exceptions.** Yards, building height, coverage, parking requirements, density, and other design standards may be modified or relaxed during consideration of a development agreement. The council may modify or relax development or subdivision standards when: (1) such modification or relaxation is

otherwise allowed by this municipal code, (2) the council makes findings as required by zoning and subdivision regulations, and (3) the council determines that such modification or relaxation of standards is consistent with the general plan, and reasonably necessary to allow the safe, efficient or attractive development of the subject property. (Ord. 1134 § 1 (part), 1989)

## **Chapter 17.95: Adult Entertainment Businesses**

### **Sections:**

- 17.95.010 Purpose and intent.**
- 17.95.020 Definitions.**
- 17.95.030 Location of adult entertainment businesses.**
- 17.95.040 Design and performance standards.**
- 17.95.050 Severance clause.**
- 17.95.060 Violations.**

### **17.95.010 Purpose and intent.**

The purpose and intent of this chapter is to regulate adult businesses which, unless closely regulated, tend to have serious secondary effects on the community, including, but not limited to, the following: depreciation of property values; increase in vacancies in residential and commercial areas in the vicinity of adult businesses; interference with residential property owner's enjoyment of their properties when such properties are located in the vicinity of adult businesses, as a result of increases in crime, litter, noise, and vandalism; higher crime rates in the vicinity of adult businesses; and blight conditions such as inadequate maintenance of commercial premises and parking lots, which thereby have a deleterious effect upon adjacent areas. Special regulation of these businesses is necessary to prevent these adverse effects and the blighting or degradation of the neighborhoods in the vicinity of adult businesses.

It is neither the intent nor the effect of these regulations to impose limitations or restrictions on the content of any communicative material. Similarly, it is neither the intent nor the effect of these regulations to restrict or deny access by adults to communicative materials or to deny access by the distributors or exhibitors of adult business to their intended lawful market.

Nothing in these regulations is intended to authorize, legalize, or permit the establishment, operation, or maintenance of any business, building, or use which violates any city ordinance or any statute of the state of California regarding public nuisances, unlawful or indecent exposure, sexual conduct, lewdness, obscene or harmful matter or the exhibition or public display thereof. (Ord. 1286 § 1, 1995)

### **17.95.020 Definitions.**

For the purposes of this chapter the following terms shall be defined as follows:

- A. "Adult entertainment business" shall mean those businesses as defined as follows:
  - 1. Adult bookstore, adult novelty store, or adult video store is an establishment with more than twenty-five percent of: (a) its floor area devoted to; or (b) stock-in-trade consisting of; or (c) gross revenues derived from, and offering for sale for any form of consideration, any one or more of the following:
    - a. Books, magazines, periodicals or other printed matter, photographs, drawings, motion pictures, slides, films, tapes, video cassettes, records, or other visual or

audio representations which are characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas."

- b. Instruments, devices or paraphernalia which are designed to be used in connection with "specified sexual activities;" or c. Goods which are replicas of, or which simulate "specified anatomical areas," or goods which are designed to be placed on or in "specified anatomical areas" or to be used in conjunction with "specified sexual activities."
2. "Adult live entertainment theater" means any place, building, enclosure or structure, partially or entirely used for "live adult entertainment" performances or presentations characterized by an emphasis on depicting, exposing, displaying, describing or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons or customers therein.

"Live adult entertainment" means any physical human body activity, whether performed or engaged in alone or with other persons, including but not limited to singing, walking, speaking, dancing, acting, posing, simulating, wrestling or pantomiming, in which the performer or performers expose to public view without opaque covering "specified anatomical areas" for entertainment value for any form of consideration.

3. "Adult motion picture or video arcade" means any business wherein coin, paper, note, or token operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to four or fewer persons per machine, at any one time, and where the predominant character or theme of the images so displayed is distinguished or characterized by its emphasis on matter depicting, or relating to "specified sexual activities" or "specified anatomical areas."
4. "Adult motion picture theater" means any business, other than a hotel or motel which provides closed circuit viewing to each individual room as a secondary service to its motel customers, with the capacity for five or more persons where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions in which the predominant character and theme is distinguished or characterized by its emphasis on matter depicting or relating to "specified sexual activities" or "specified anatomical areas" as defined in this section. This includes, without limitation, showing any such slides, motion pictures or videos by means of any video tape system which has a display, viewer, screen, or a television set.
5. "Exceptions." An "adult entertainment business" shall not include:
  - a. Bona fide medical establishments operated by properly licensed and registered medical and psychological personnel with appropriate medical or professional credentials for the treatment of patients.
  - b. Persons depicting "specified anatomical areas" in a modeling class operated:

- (1) By a college, junior college, or university supported entirely or partly by public revenue;
  - (2) By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by public revenue; or
  - (3) In a structure operated either as a profit or not-for-profit facility:
    - (a) which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing; and
    - (b) where, in order to participate in a class a student must enroll at least three days in advance of the class.
- c. The practice of massage in compliance with Chapter 5.56 of this Code.
- B. "Establish." "Establish" shall mean and include any of the following:
1. The opening or commencement of any adult entertainment business as defined in this section; or
  2. The conversion of an existing business, whether or not an adult entertainment business, to any adult entertainment business as defined in this Section; or
  3. The relocation of any adult entertainment business; or
  4. The addition of any of the "adult entertainment businesses" defined herein to any other existing adult entertainment business.
- C. "Specified anatomical areas." "Specified anatomical areas" shall include the following:
1. Less than completely and opaquely covered human genitals, pubic region, buttock, anus, and/or the female breast below a point immediately above the top of the areola; and
  2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- D. "Specified sexual activities." "Specified sexual activities" shall include the following:
1. Actual or simulated sexual intercourse, oral copulation and intercourse, oral-anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of sexual relationship, or the use of excretory functions in the context of a sexual relationship, and any of the following sexually oriented acts or conduct: anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellation, necrophilia, pederasty, pedophilia, piquerism, sapphism, zooerasty; or
  2. Clearly depicted human genitals in a state of sexual stimulation, arousal or tumescence; or

3. Human or animal masturbation, sodomy, oral copulation, coitus, ejaculation; or
  4. Fondling or touching of nude human genitals, pubic region, buttocks or female breast; or
  5. Masochism, erotic or sexually oriented torture, beating or the infliction of pain; or
  6. Erotic or lewd touching, lewd fondling or other lewd contact with an animal by a human being; or
  7. Human excretion, urination, menstruation, vaginal or anal irrigations.
- E. "Operate." "Operate" shall mean to own, lease (as lessor or lessee), rent (as landlord or tenant or as agent for the purpose of representing a principal in the management, rental or operation of the property of such principal), manage, conduct, direct, or be employed in an adult entertainment business.
- F. "Operator." "Operator" shall mean and include the owner, custodian, manager or person in charge of any adult entertainment business.
- G. "Parcel of land." "Parcel of land" means any quantity of land capable of being described with such definiteness that its location and boundaries may be established, which is designated by its owner or developer as land to be used or developed as a unit or which has been used or developed as a unit.
- H. "Person." "Person" shall mean an individual, proprietorship, partnership, corporation, association, or other legal entity.
- I. "Religious institution." "Religious institution" shall mean any church, synagogue, mosque, temple, or building which used primarily for religious worship, religious education incidental thereto and related religious activities.
- J. "Residential zone." "Residential zone" shall mean property which has a zoning designation of R-1, R-2, R-3, R-4 or such other residential zones as may be created by ordinance, or a mobilehome park as defined in this Code.
- K. "School." "School" shall mean any public or private educational facility primarily attended by minors, including but not limited to, large family day care homes, nursery schools, preschools, kindergartens, elementary schools, primary schools, intermediate schools, junior high schools, middle schools, high schools, secondary schools, continuation schools, and special education schools, and includes school grounds.
- L. "Sensitive uses." "Sensitive uses" shall include religious institutions, residential zones and schools. (Ord. 1286 § 1, 1995)

**17.95.030 Location of adult entertainment businesses.**

- A. No person shall operate or establish an "adult entertainment business," as defined in this Code, in any area of the city, except the retail-commercial (C-R) zone or the tourist commercial (C-T) zone.



- B. No building permit or zoning clearance, business license, or other permit or entitlement for business use shall be legally valid if issued by any adult entertainment business proposed to operate or be established in any area of the city except the retail-commercial (C-R) zone or the tourist-commercial (C-T) zone.
- C. Any adult entertainment business proposed to be operated or established in the retail-commercial (C-R) zone or the tourist commercial (C-T) zone shall be subject to the following restrictions:
  - 1. The establishment or operation of an adult entertainment business shall be subject to the locational criteria setting forth minimum distances from the sensitive uses and zones as follows:
    - a. Seven hundred feet from any parcel of land which is located in a residential zone.
    - b. Seven hundred feet from any parcel of land upon which a religious institution or school is located.
  - 2. For the purpose of this chapter, all distances shall be measured in a straight line, without regard for intervening structures, using the closest property lines of the parcels of the land involved. (Ord. 1286 § 1, 1995)

#### **17.95.040 Design and performance standards.**

The establishment or operation of an adult entertainment business shall comply with the applicable fees and site development standards, including, but not limited to, parking and design review, and the requirements of the Uniform Codes adopted pursuant to Chapter 15.04 of the San Luis Obispo Municipal Code. An adult entertainment business shall comply with the applicable city business tax requirements. In addition, adult entertainment businesses shall comply with the following design and performance standards:

- A. Signs, advertisements, displays, or other promotional materials depicting or describing "specified anatomical areas" or "specified sexual activities" or displaying instruments, devices, or paraphernalia which are designed for use in connection with "specified sexual activities" shall not be shown or exhibited so as to be discernible by the public beyond the walls of the building or portion thereof in which the adult entertainment business is conducted.
- B. Each adult entertainment business shall have a business entrance separate from any other nonadult business located in the same building.
- C. All building openings, entries, and windows for an adult entertainment business shall be located, covered or screened in such a manner as to prevent a view into the interior of an adult entertainment business from any area open to the general public.
- D. No adult entertainment business shall be operated in any manner that permits the observation by the public of any material or activity depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas" from any public way or from any location beyond the walls of the building or portion thereof in which the adult entertainment business is conducted.

- E. The building entrance to the adult entertainment business shall be clearly and legibly posted with a notice indicating that minors are precluded from entering the premises.
- F. No loudspeakers or sound equipment shall be used by adult entertainment businesses for amplification of sound to a level discernible by the public beyond the walls of the building or portion thereof in which the adult entertainment business is conducted.
- G. Each adult entertainment business shall be provided with a manager's station which shall be used for the purpose of supervising activities within the business. A manager shall be on the premises during all times that the adult entertainment business is open to the public.
- H. The interior of the adult entertainment business shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the adult entertainment business to which any patron is permitted access for any purpose, excluding restrooms. If the adult entertainment business has two or more manager's stations designated, then the interior of the adult entertainment business shall be configured in such a manner that there is an unobstructed view of each area of the adult entertainment business to which any patron is permitted access for any adult purpose, excluding restrooms, from at least one of the manager's stations. The view required in this subsection must be by direct line of sight from the manager's station.
- I. No individual viewing area may be occupied by more than one person at any one time. "Individual viewing area" shall mean a viewing area designed for occupancy by one person. Individual viewing areas of the adult entertainment business shall be operated and maintained without any hole or other opening or means of direct communication or visual or physical access between the interior space of two or more individual viewing areas.
- J. Off-street parking shall be provided for the adult entertainment business as specified in accordance with the parking provisions of San Luis Obispo Municipal Code Section 17.16.060.
- K. An off-site security program shall be prepared and implemented including the following items:
  - 1. All off-street parking areas and building entries serving the adult entertainment business shall be illuminated during all hours of operation with a lighting system which provides a minimum maintained horizontal illumination of one footcandle (ten luxes) (one candlepower) of light on the parking surface and/or walkway.
  - 2. All interior portions of the adult entertainment business, except those areas devoted to mini-motion or motion pictures, shall be illuminated during all hours of operation with lighting system which provides a minimum maintained horizontal illumination of not less than two footcandles (twenty luxes) (two candlepower) of light on the floor surface. (Ord. 1286 § 1, 1996)

**17.95.050 Severance clause.**

If any section, subsection, paragraph, subparagraph or provision of this chapter or the application thereof to any person, property or circumstance is held invalid, the remainder of

the chapter and the application of such to other persons, properties or circumstances shall not be affected thereby. (Ord. 1286 § 1, 1995)

**17.95.060 Violations.**

It shall be unlawful to establish or operate an adult entertainment business in violation of this chapter. Any person who violates any provision of this chapter shall be guilty of a misdemeanor. Nothing in this chapter shall be deemed or constituted to prevent the city from commencing any civil proceeding otherwise authorized by law for the declaration or abatement of a public nuisance. (Ord. 1286 § 1, 1995)

## **Chapter 17.98: Public Art Requirements for Private Development**

### **Sections:**

- 17.98.010 Purpose.**
- 17.98.020 Definitions.**
- 17.98.030 Public art account.**
- 17.98.040 Applicability.**
- 17.98.050 Exceptions.**
- 17.98.060 Public art contribution.**
- 17.98.070 Application procedures for placement of required public art on private property.**
- 17.98.080 Approval for placement of public art on private property.**
- 17.98.090 Application procedure for acceptance of public art donated to the city.**
- 17.98.100 Review of application for acceptance of public art donated to the city.**
- 17.98.110 Payment of art in-lieu fee.**
- 17.98.120 Certificate of occupancy.**
- 17.98.130 Ownership of public art.**
- 17.98.140 Removal or alteration of public art.**

### **17.98.010 Purpose.**

The city of San Luis Obispo wishes to enhance the cultural and aesthetic environment of the city, and to encourage creativity and an appreciation of the arts and our cultural heritage. Through the establishment of a program of public art funded by private development, the city will promote the general welfare through balancing the community's physical growth and revitalization with its cultural and artistic resources. (Ord. 1372 § 1 (part), 2000)

### **17.98.020 Definitions.**

As used in this chapter:

- A. "Art in public places" shall mean public art installed either on or off site, as part of new development, in conformance with the standards set forth in this chapter.
- B. "Nonresidential development" shall mean the construction of commercial, mixed use, office and industrial projects, which are not intended for residential purposes.
- C. "Public art" shall include, but not be limited to, sculpture, monuments, murals, frescoes, bas-relief, mobiles, drawings, paintings, graphic arts, mosaics, photographs, fountains, decorative arts, ceramics, carving and stained glass located in or on a public place. It does not include landscaping, paving, architectural ornamentation or signs as defined by Chapter 15.40 of this code.

- D. "Public art coordinator" shall mean that city employee designated by the city administrative officer to be responsible for the city's visual arts in public places program.
- E. "Public art jury" shall mean an appointed jury of no less than five city residents including, but not limited to, as appropriate, a board member from the San Luis Obispo County arts council, an artist, a business representative, an educator/historian and a city or advisory body representative.
- F. "Public place" shall mean city or privately owned land or buildings which are open to the general public on a consistent basis and which are also places of high visibility to the general public.
- G. "Total construction costs" shall mean the valuation of the proposed structures or improvements, as calculated based on the most recent Building Valuation Data from the Uniform Building Code (UBC). (Ord. 1372 § 1 (part), 2000)

**17.98.030 Public art account.**

There shall be an account designated for public art, into which shall be deposited all fees paid pursuant to this chapter. This account shall be maintained by the city finance director and shall be used for the acquisition, installation, and improvement of public art in the city. (Ord. 1372 § 1 (part), 2000)

**17.98.040 Applicability.**

The program described in this chapter is a mandatory program and the standards specified are minimum standards for compliance. Participation in the program by itself does not qualify project applicants for consideration of increased project density/intensity as discussed in the land use element of the city of San Luis Obispo general plan.

- A. This chapter shall apply to all new nonresidential development, as defined in this chapter, having a total construction cost of one hundred thousand dollars or more, as calculated based on the most recent Building Valuation Data from the Uniform Building Code (UBC).
- B. This chapter shall apply to all expansion of, remodeling of or tenant improvements to existing eligible buildings when any such work has a total construction cost of one hundred thousand dollars or more, as calculated based on the most recent Building Valuation Data from the Uniform Building Code (UBC). (Ord. 1372 § 1 (part), 2000)

**17.98.050 Exceptions.**

The following development activities shall be exempt from the requirements of Section 17.98.040:

- A. Construction, repair or alteration of buildings to carry out rehabilitation of private property if that rehabilitation is primarily financed with public funds.
- B. Construction, repair or alteration of buildings to meet city-mandated seismic rehabilitation or fire lateral replacement. (Ord. 1372 § 1 (part), 2000)

**17.98.060 Public art contribution.**

- A. The project applicant shall acquire and install public art approved by a public art jury and the architectural review commission in a public place on or in the vicinity of the development project site. The minimum cost of the public art, including installation, shall be determined by the following allocation:
1. An amount equal to one-half of one percent of that portion of the total construction costs in excess of one hundred thousand dollars, for each building permit, computed using the latest Building Valuation Data as set forth in the Uniform Building Code (UBC) unless, in the opinion of the city's chief building official, a different valuation measure should be used.
  2. Should a project consist of multiple buildings with separate building permits, at the city's option, arrangements may be made to combine the public art requirements in an appropriate manner.
  3. In no event shall the required cost for public art under this program exceed fifty thousand dollars per building permit.
- B. As an option, the project applicant may acquire and install public art, approved by a public art jury and the architectural review commission and accepted by the city council, in a city-owned public place not located at the development site. Cost of the public art shall be determined by the allocations set forth in subsection A of this section. Such public art shall be considered a donation to the city of San Luis Obispo.
- C. In lieu of placement of approved public art, the applicant may pay as a voluntary alternative, to a public art in-lieu account an amount equal to the program allocation set forth in subsection A of this section. (Ord. 1372 § 1 (part), 2000)

**17.98.070 Application procedures for placement of required public art on private property.**

An application for placement of public art on private property shall be submitted to the community development director and shall include:

- A. Preliminary sketches, photographs or other documentation of sufficient descriptive clarity to indicate the nature of the proposed public art;
- B. An appraisal or other evidence of the value of the proposed public artwork, including acquisition and installation costs;
- C. Preliminary plans containing such detailed information as may be required by a public art jury and the architectural review commission to adequately evaluate the location of the artwork in relation to the proposed development and its compatibility to the proposed development, including compatibility with the character of adjacent conforming developed parcels and existing neighborhoods;
- D. A narrative statement to be submitted to the community development director to demonstrate that the public art will be displayed in an area open and freely available to

the general public, or that public accessibility will be provided in an equivalent manner based on the characteristics of the artwork or its placement on the site. (Ord. 1372 § 1 (part), 2000)

**17.98.080 Approval for placement of public art on private property.**

- A. Applications completed in accordance with Section 17.98.070 shall be submitted to the community development director for review and approval of the public art in accordance with this chapter.
- B. The community development director shall forward the completed application to the public art coordinator who shall convene a public art jury to review the proposed public art using adopted public art evaluation criteria.
- C. Upon recommendation of the public art jury, the public art application shall be reviewed by the architectural review commission.
- D. All approvals for placement of public art on private property shall be obtained prior to issuance of a building permit. (Ord. 1372 § 1 (part), 2000)

**17.98.090 Application procedure for acceptance of public art donated to the city.**

An application for acceptance of public art to be donated to the city shall include:

- A. Preliminary sketches, photographs, models or other documentation of sufficient descriptive clarity to indicate the nature of the proposed public art;
- B. An appraisal or other evidence of the value of the proposed public art, including acquisition and installation costs;
- C. A written agreement executed by or on behalf of the artist who created the public art which expressly waives his or her rights under the California Art Preservation Act or other applicable law;
- D. Other information as may be required by the public art coordinator to adequately evaluate the proposed donation of public art. (Ord. 1372 § 1 (part), 2000)

**17.98.100 Review of application for acceptance of public art donated to the city.**

- A. Prior to the issuance of grading and building permits, the applicant shall present to the community development director for review, an application for acceptance of public art donated to the city, pursuant to Section 17.98.060(B).
- B. The community development director shall forward the application to the public art coordinator who shall convene a public art jury to review the proposed public art, using adopted public art evaluation criteria.

- C. Upon the recommendation of the public art jury, the application shall be forwarded to the architectural review commission for review.
- D. Upon the recommendation of the architectural review commission, the application shall be forwarded to the city council, which shall have the sole authority to accept, reject or conditionally accept the donation. (Ord. 1372 § 1 (part), 2000)

**17.98.110 Payment of art in-lieu fee.**

If the payment of an art in-lieu fee is voluntarily elected, the payment, in an amount equal to the program allocation set forth in Section 17.98.060(C), shall be paid prior to the issuance of a building permit. (Ord. 1372 § 1 (part), 2000)

**17.98.120 Certificate of occupancy.**

The following requirements must be met prior to the city's issuance of occupancy permits.

- A. Full compliance with one of the following:
  - 1. The approved public art has been placed on the site of the approved project, in a manner satisfactory to the chief building official and the public art coordinator; or
  - 2. Donation of approved public art has been accepted by the city council; or
  - 3. In-lieu art fees have been paid.
- B. If public art has been placed on the site of the approved project, the applicant must execute and record with the county recorder covenants, conditions and restrictions (CC&Rs), which require the property owner, successor in interest and assigns to:
  - 1. Maintain the public art in good condition as required by the city's public art guidelines;
  - 2. Indemnify, defend and hold the city and related parties harmless from any and all claims or liabilities from the public art, in a form acceptable to the city attorney;
  - 3. Maintain liability insurance, including coverage and limits as may be specified by the city's risk manager. (Ord. 1372 § 1 (part), 2000)

**17.98.130 Ownership of public art.**

- A. All public art placed on the site of an applicant's project shall remain the property of the applicant; the obligation to provide all maintenance necessary to preserve the public art in good condition shall remain with the owner of the site.
- B. Maintenance of public art, as used in this chapter, shall include without limitation, preservation of the artwork in good condition to the satisfaction of the city, protection of the public art against physical defacement, mutilation or alteration and securing and maintaining fire and extended coverage insurance and vandalism coverage in an



- amount to be determined by the city's risk manager. Prior to placement of approved public art, applicant and owner of the site shall execute and record a covenant, in a form approved by the city, requiring maintenance of the public art. Failure to maintain the public art as provided in this chapter is declared to be a public nuisance.
- C. In addition to all other remedies provided by law, in the event the owner fails to maintain the public art, upon reasonable notice, the city may perform all necessary repairs and maintenance or secure insurance, and the costs therefore shall become a lien against the real property.
  - D. All artwork donated to the city shall become the property and responsibility of the city upon acceptance by the city council. (Ord. 1372 § 1 (part), 2000)

#### **17.98.140 Removal or alteration of public art.**

- A. Public art installed on or integrated into a construction project pursuant to the provisions of this chapter shall not be removed or altered without the approval of the city council.
- B. If any public art provided on a development project pursuant to the provisions of this chapter is knowingly removed by the property owner without prior approval, the property owner shall contribute funds equal to the development project's original public art requirement to the city's public art in-lieu account, or replace the removed artwork with one which is of comparable value and approved by the city council. If this requirement is not met, the occupancy permit for the project may be revoked by the city council upon due notice and an opportunity to be heard. The city may, in addition, pursue any other available civil or criminal remedies or penalties. (Ord. 1372 § 1 (part), 2000)

## **Chapter 17.100: Definitions**

### **A. Definitions, "A."**

**Accessory.** "Accessory" means clearly subordinate or incidental and directly related to a permitted use or structure. "Accessory use" includes active or passive solar heating systems and cogeneration facilities.

**Accessory structures,** "Accessory structures" are located upon the same site as the structure or use to which it is accessory. Accessory structures consist of detached structures or additions to primary structures if the addition's floor plan does not include primary interior access from the main dwelling unit through a hallway or common use room. The use of an accessory structure is incidental, and subordinate to the use of the principle structure, or to the principle land use of the site. "Accessory structures" that include habitable space, as defined by the California Building Code, shall be no larger than 450 square feet.

**Airport.** An area approved by the Federal Aviation Administration (FAA) for the take-off and landing of aircraft, including appurtenant areas for airport buildings, aircraft operations, and related facilities, aprons and taxiways, control towers, hangers, safety lights, navigation and air traffic control facilities and structures. These may also include facilities for aircraft manufacturing, maintenance, repair, and reconditioning. Where approved, an airport may also include aircraft sales and dealerships, car rental establishments, gift shops, hotels and motels, personal services, restaurants and bars, tobacco and newsstands, and other similar commercial uses serving the air-traveling public and airport employees.

**Ambient entertainment.** Acoustic or recorded music, or live readings of books or poetry, which is clearly incidental, that allows for normal conversation levels, and for which no cover fee or ticket is required.

**Ambulance, Taxi, or Limousine Dispatch Facility.** A base facility from which taxis and limousines are dispatched, and/or where ambulance vehicles and crews stand by for emergency calls. Does not include a dispatch office facility on a site separate from the location where the vehicles used by the business are parked or stored between calls, which is instead included under the definition of "Office - Production or Administration."

**Antenna/Telecommunications Facility.** Public, commercial and private electromagnetic and photoelectrical transmission, broadcast, repeater and receiving stations for radio, television, telegraph, telephone, data network, and wireless communications, including commercial earth stations for satellite-based communications. Includes antennas, commercial satellite dish antennas, and equipment buildings. Does not include telephone, telegraph and cable television transmission facilities utilizing hard-wired or direct cable connections.

**Arbor/Trellis.** Arbors and trellises are ornamental landscape features designed to display and support landscape plantings. They typically consist of an open, lattice-work design constructed of wood, metal, or other lightweight material.

**Auto and Vehicle Sales/Rental.** A retail establishment selling and/or renting automobiles, trucks and vans, motorcycles, and bicycles (bicycle sales are also included under "General Retail"). May also include repair shops and the sales of parts

and accessories, incidental to vehicle dealerships. Does not include: the sale of auto parts/accessories separate from a vehicle dealership (see "Auto Parts Sales"); mobile home, recreational vehicle, or watercraft sales (see "Mobile Home, RV and Boat Sales"); tire recapping establishments (see "Vehicle Services"); businesses dealing exclusively in used parts, (see "Recycling - Scrap and Dismantling Yards"); or "Service Stations," which are separately defined.

**Auto Parts Sales.** A store that sells new automobile parts, tires, and accessories. May also include minor parts installation (see also "Vehicle Services"). Does not include tire recapping establishments, which are found under "Vehicle Services" or businesses dealing exclusively in used parts, which are included under "Recycling - Scrap and Dismantling Yards."

**Automated Teller Machine (ATM).** A computerized, self-service machine used by banking customers for financial transactions, including deposits, withdrawals and fund transfers, without face-to-face contact with financial institution personnel. These machines may be located at or within banks, or in other locations.

## B. Definitions, "B."

**Bakery, Retail.** An establishment primarily engaged in the retail sale of baked products. The products may be prepared either on or off site.

**Bakery, Wholesale.** A place for preparing, cooking, baking, and selling of products for off-premise distribution. Over the counter or other retail dispensing of baked goods on-premise is prohibited.

**Banks and Financial Services.** Financial institutions including:

- banks and trust companies
- credit unions
- holding (but not primarily operating) companies
- home loan services
- lending and thrift institutions
- mortgage brokers
- other investment companies
- securities/commodity
- contract brokers and dealers
- security and commodity exchanges
- vehicle finance (equity) leasing

See also, "Automated Teller Machine," above.

**Bar/Tavern.** A business where alcoholic beverages are sold for on-site consumption, which are not part of a larger restaurant. Includes bars, taverns, pubs, and similar establishments where any food service is subordinate to the sale of alcoholic beverages. May also include beer brewing as part of a microbrewery, and other beverage tasting facilities. Does not include adult entertainment businesses.

**Bed and Breakfast Inn (B&B).** A building or group of buildings providing 15 or fewer bedrooms or suites that are rented for overnight lodging, with a common eating area for guests. Does not include room rental, which is separately defined (see Boarding/Rooming House).

**Bedroom.** A room within a dwelling unit that is designed for sleeping and consists of at least 70-square feet in area, has light, ventilation and egress consistent with Building Code requirements and has less than a 50% open wall area with an adjoining room.

**Block Front.** Block front means all the properties fronting on one side of a street, between intersecting streets or a street and a railroad, waterway, cul-de-sac, or unsubdivided land. (Ord. 941 - 1 (part), 1982: prior code - 9204.11 (part))

**Boarding/Rooming House.** A dwelling or part of a dwelling where lodging is furnished for compensation to more than three persons living independently from each other. Meals may also be included. Does not include fraternities, sororities, convents, or monasteries, which are separately defined.

**Building.** "Building" means any structure used or intended for sheltering or supporting any use or occupancy. (Ord. 941 - 1 (part), 1982: prior code - 9204.11 (part))

**Building Envelope** (see also *Development Envelope* and *Coverage*). The building envelope is the three dimensional space enclosed by the exterior surfaces of a building or structure.

**Building Footprint.** The building footprint is that portion of a lot covered by a building or structure measured at the surface level, measured on a horizontal plane.

**Building and Landscape Materials Sales.** Retail establishments selling hardware, lumber and other large building materials, where most display and sales occur indoors. Includes paint, wallpaper, glass, fixtures. Includes all these stores selling to the general public, even if contractor sales account for a major proportion of total sales. Establishments primarily selling electrical, plumbing, heating, and air conditioning equipment and supplies are classified in "Wholesaling and Distribution."

**Business Support Service.** An establishment within a building that provides services to other businesses. Examples of these services include:

- blueprinting
- computer-related services (rental, repair)
- copying and quick printing services
- film processing and photofinishing (retail)
- mailing and mail box services
- outdoor advertising services
- protective services (other than office related)
- security systems services

### C. Definitions, "C."

**Caretaker Dwelling.** A permanent residence that is secondary or accessory to the primary use of the property, and used for housing a caretaker employed on the site of any non-residential use where needed for security purposes or to provide 24-hour care or monitoring of people, plants, animals, equipment, or other conditions on the site.

**Catering Service.** An establishment that serves and supplies food to be consumed off premises.

**Cemetery, Mausoleum, Columbarium.** Interment establishments engaged in subdividing property into cemetery lots and offering burial plots or air space for sale. Includes mausoleum, crematorium, and columbarium operations; and full-service mortuaries and funeral parlors accessory to a cemetery or columbarium.

**Club, Lodge, Private Meeting Hall.** Permanent, headquarters-type and meeting facilities for organizations operating on a membership basis for the promotion of the interests of the members, including facilities for:

business associations  
civic, social and fraternal orgs.  
labor unions and similar orgs.  
political organizations  
professional membership orgs.  
other membership organizations

**Commercial Recreation Facility - Indoor.** Establishments providing indoor amusement and entertainment services for a fee or admission charge, including:

bowling alleys  
coin-operated amusement arcades  
electronic game arcades  
ice skating and roller skating  
pool and billiard rooms as primary uses

This use does not include adult entertainment businesses, or night clubs, which are separately defined. Four or more electronic games or coin-operated amusements in any establishment, or a premises where 50 percent or more of the floor area is occupied by amusement devices, are considered an electronic game arcade as described above, three or less machines are not considered a land use separate from the primary use of the site.

**Commercial Recreation Facility - Outdoor.** Facilities for various outdoor recreational activities, where a fee is charged for use. Examples include:

amusement and theme parks  
fairgrounds  
go-cart tracks  
golf driving ranges  
miniature golf courses  
roller skating, hockey, skateboarding  
water slides

May also include commercial facilities customarily associated with the above outdoor commercial recreational uses, including bars and restaurants, video game arcades, etc.

**Community Garden.** "Community garden" means a site used for growing plants for food, fiber, herbs, flowers, and others, which is shared and maintained by community residents.

**Construction/Heavy Equipment Sales and Rental.** Retail establishments selling or renting construction, farm, or other heavy equipment. Examples include cranes, earth moving equipment, tractors, combines, and other motorized farming equipment, heavy trucks, etc.

**Convalescent hospital.** "Convalescent hospital" means any place, structure, or institution providing for skilled nursing and allied professional health care, or for chronic or convalescent care for one or more persons, exclusive of relatives, in which nursing, dietary or other personal services are rendered to convalescents, invalids, or aged persons, who, by reason of advanced age, chronic illness, or physical infirmity are unable to properly care for themselves, but not including persons suffering from contagious or mental diseases, alcoholism, or drug addiction, and in which surgery is not performed and primary treatment, such as customarily is given in hospitals or sanitariums, is not provided. Convalescent hospital includes "nursing home" but does

not include "rest home," "hospital," or "residential care facility." (Ord. 941 - 1 (part), 1982: prior code - 9204.11 (part) Ord. 1346 (1999 Series))

**Convenience Store.** A retail establishment with not more than 4,500 square feet of gross floor area, offering for sale prepackaged food products, household items, newspapers and magazines, and sandwiches and other freshly prepared foods, such as salads, for off-site consumption. Sale of alcoholic beverages is limited to beer and wine only (ABC License Type 20).

**Convent or Monastery.** A housing facility where residents are limited to members of a specific religious order.

**Coverage.** The area of a structure on or above the ground including upper level projections and living areas, as well as covered or uncovered decks, balconies, porches and similar architectural features expressed as a percentage of the total lot area. Uncovered decks, balconies, and porches which are 30 inches or less from the ground shall not be included in the determination of coverage. See figures 5 & 6, Section 17.16.030. Roof eaves which project 30 inches or less from the structure are not included in the determination of coverage. For roof eaves which exceed 30 inches from the structure, the first 30 inches shall not be included in lot coverage and the remaining length shall be included in the determination of coverage.

**Creek.** "Creek" is a waterway or portion of waterway designated as a creek on the Open Space Element Creek Map. A drainage ditch, concrete swale, underground culvert, or storm drain (as indicated on the Creek Map) is not a creek. Creeks located outside the urban reserve line are as designated by the USGS 7.5 Minute series quadrangle maps or San Luis Obispo County data. (Ord. 1225 (1992))

**Crop Production.** Commercial agricultural production field and orchard uses, including the production of the following or similar, primarily in the soil on the site and not in containers:

Field crops;

Flowers and seeds;

Fruits;

Grains;

Melons;

Ornamental crops;

Tree nuts;

Trees and sod;

Vegetables;

Wine and table grapes.

Also includes associated crop preparation services and harvesting activities, such as mechanical soil preparation, irrigation system construction, spraying, and crop processing, not including sales sheds, which are instead defined under "Produce stand." Does not include greenhouses or containerized crop production which are instead defined under "Greenhouse/Plant Nursery Commercial". Does not include non-commercial home gardening, which is allowed as an accessory residential use allowed without City approval.

**D. Definitions, "D."**

**Day Care.** Facilities that provide non-medical care and supervision of adults or minor children for periods of less than 24 hours. These facilities include the following, all of which are required to be licensed by the California State Department of Social Services.

1. **Child Day Care Center.** Commercial or non-profit child day care facilities designed and approved to accommodate 15 or more children. Includes infant centers, preschools, sick-child centers, and school-age day care facilities. These may be operated in conjunction with a school or church facility, or as an independent land use.
2. **Large Family Day Care Home.** As provided by Health and Safety Code Section 1596.78, a home that regularly provides care, protection, and supervision for seven to 14 children, inclusive, including children under the age of 10 years who reside in the home, for periods of less than 24 hours per day, while the parents or guardians are away.
3. **Small Family Day Care Home.** As provided by Health and Safety Code Section 1596.78, a home that provides family day care for eight or fewer children, including children under the age of 10 years who reside in the home.
4. **Adult day care facility.** A day care facility providing care and supervision for adult clients.

**Den (or "family room,")** means a room which is open on at least one side, does not contain a wardrobe, closet or similar facility, and which is not designed for sleeping. (See also "Loft" definition) (Ord. 941 - 1 (part), 1982: prior code - 9204.11 (part)).

**Demolition.** The act of reconstructing, removing, taking down or destroying all or portions of an existing building or structure, or making extensive repairs or modifications to an existing building or structure, if such changes involve removal or replacement of 50 percent or more of both the structural framing and cladding or of the exterior walls within a 24-month period. When determining whether a building or structure is demolished, the following applies:

- A. The nonconforming portions of any wall is counted as removed or taken down, even when retention of these portions is proposed.
- B. Any continuous run of remaining exterior wall surfaces measuring 10 feet or less in length are counted as removed or replaced.

**Development Envelope.** (see also *building envelope* and *coverage*) That area on a lot that encompasses all development including but not limited to excavation, fill, grading, storage, demolition, structures, building heights, decks, roof overhangs, porches, patios, terraces, pools, and any areas of disturbance including access ways, and parking. Approved plantings of landscape materials on natural grade and approved walkways and driveways may occur outside of a development envelope.

**Director.** "Director" means the Director of the Community Development Department, or someone designated by him to act on his behalf. (Ord. 941 - 1 (part), 1982: prior code - 9204.11 (part))

**Dormitory.** A building used as group quarters for students, as an accessory use for a college, university, boarding school, or other similar institutional use.

**Drive-through facility.** "Drive-through facility" means one in which vehicles line up for service at definite spots and where customers are served without leaving their vehicles. (Ord. 941-1 (part), 1982: prior code - 9204.11 (part))

**Dwelling.** "Dwelling" means a building or mobile home on a permanent foundation with provisions for sleeping, cooking and sanitation, and with permanent connections to utilities, providing independent living space. Ord. 1006 - 1 (part), 1984: Ord. 941 - 1 (part), 1982: prior code - 9204.11 (part)) (Ord. 1365 (2000 Series)(part))

**E. Definitions, "E."**

**Educational facilities.**

- A. "Adult school," "business school" or "trade school" means a professional, recreational or vocational school providing a continuous program of instruction primarily for adults, as a business.
- B. "College" means a facility providing a continuous academic program primarily for students 17 years of age or older.
- C. "Elementary school" means a facility providing a continuous program of instruction for students generally aged five through 12.
- D. "High school" means a facility providing a continuous program of instruction for students generally aged 16 through 18.
- E. "Junior high school" means a facility providing a continuous program of instruction for students generally aged 13 through 15.
- F. "Nursery school and preschool" see Day Care. (Ord. 1225, 1992 (part))

**Electronic game /Electronic game amusement center.** "Electronic game" means a coin-operated machine or device offered to the public as a game or amusement, the object of which is to achieve a high or low score based on the skill of the player. "Electronic game amusement center" means any premises having thereon available four or more electronic games, when the games are a primary good or service offered by the establishment. See also Chapter 5.52, electronic game amusement centers. (Ord. 946 - 3. 1983: prior code - 9204.11 (part))

**Existing topography.** "Existing topography" means the natural unaltered topography or the topography resulting from grading activity legally permitted in conjunction with subdivision improvements, right-of-way improvements, or previous on-site building improvements. (Ord. 1365 (2000 Series)(part))

**Extended Hour Retail.** A business that is open to the public between the hours of 2 a.m., and 6 a.m.

**F. Definitions, "F."**

**Festival (or carnival or fair).** "Festival" (or "carnival" or "fair") means a temporary public or commercial gathering where entertainment, food, crafts, and the like are offered for viewing or sale. Gatherings on public property under the sponsorship or control of the city are excluded. (Ord. 941 - 1 (part), 1982: prior code - 9204.11 (part))

**Fitness/Health Facility.** Fitness centers, gymnasiums, health and athletic clubs including any of the following: indoor sauna, spa or hot tub facilities; indoor tennis, handball, racquetball, archery and shooting ranges and other indoor sports activities.

**Floor area ratio.** The gross floor area of a building or buildings on a lot divided by the lot area. (Ord. 1365 (2000 Series)(part)). Floor area ratio does not include below grade or subterranean parking garages and basements or similar non-conditioned floor space.

**Food bank/package food distribution center.** A use where goods are received and/or stored for delivery to the ultimate customer.



**Fraternity house (or sorority house).** "Fraternity house" (or "sorority house") means residence for college or university students who are members of a social or educational association which is affiliated and in good standing with California Polytechnic State University and where such an association holds meetings or gatherings. (Ord. 941 - 1 (part), 1982: prior code - 9204.11 (part))

**Front Yard.** The area of a residential lot that lies between the street property line and the walls of any residences that face the street. (Ord. 1277, 1995) The front yard area includes the entire yard extending across the full width of a site, the depth of which contains all areas between the front property line back to the walls of the building which are parallel or generally face the front property line.

**Fuel Dealer.** A retail trade establishment that sells fuel oil, butane, propane and liquefied petroleum gas (LPG), bottled or in bulk, to consumers, as the primary use of the site. Does not include the sale of these fuels as an accessory use to a service station.

**Furniture/Fixtures Manufacturing, Cabinet Shop.** Manufacturers producing: wood and metal household furniture and appliances; bedsprings and mattresses; all types of office furniture and public building furniture and partitions, shelving, lockers and store furniture; and miscellaneous drapery hardware, window blinds and shades. Includes wood and cabinet shops, but not sawmills or planing mills, which are instead included under "Manufacturing - Heavy."

**Furniture, Furnishings and Appliance Store.** A store that primarily sells the following products and related services, that may also provide incidental repair services:

- |  |   |
|--|---|
| computers and computer equipment           | large musical instruments                     |
| draperies                                  | lawn furniture                                |
| floor coverings                            | movable spas and hot tubs                     |
| furniture                                  | office furniture                              |
| glass and chinaware                        | other household electrical and gas appliances |
| home appliances                            | outdoor furniture                             |
| home furnishings                           | refrigerators                                 |
| home sound systems                         | stoves  |
| interior decorating materials and services | televisions                                   |

**G. Definitions, "G."**

**General Retail.** Stores and shops selling many lines of merchandise. Examples of these stores and lines of merchandise include:

- |   |  |
|---|--|
| art galleries, retail                               | florists and houseplant stores (indoor sales only, outdoor sales are "Building and Landscape Materials Sales") |
| artists' supplies                                   |  |
| auction rooms                                       | hobby materials  |
| bicycles (also included under Auto & Vehicle Sales) | jewelry  |
| books   | luggage and leather goods musical  |

cameras and photographic supplies	instruments, parts and accessories
clothing and accessories	orthopedic supplies
collectibles (cards, coins, comics, stamps, etc.)	religious goods
department stores	small wares
drug and discount stores	specialty shops
dry goods	sporting goods and equipment
fabrics and sewing supplies	stationery
	toys and games
	variety store

**Golf Course.** Golf courses, and accessory facilities and uses including: clubhouses with bar and restaurant, locker and shower facilities; driving ranges; "pro shops" for on-site sales of golfing equipment; and golf cart storage and sales facilities.

**Grazing.** "Grazing" means the keeping of hoofed animals where food grown on the premises is the principal food of the livestock. (Ord. 941 - 1 (part), 1982: prior code - 9204.11 (part))

**Greenhouse/Plant Nursery Commercial.** A commercial agricultural establishment engaged in the production of ornamental plants and other nursery products, grown under cover either in containers or in the soil on the site, or outdoors in containers. The outdoor production of ornamental plants in the soil on the site is instead included under "Crop production". Also includes establishments engaged in the sale of these products (e.g., wholesale and retail nurseries) and commercial-scale greenhouses (home greenhouses are accessory residential uses).

**Grocery Store and Specialty Foods.** A retail business where the majority of the floor area open to the public is occupied by food products packaged for preparation and off-site consumption.

**Gross floor area.** "Gross floor area" means the total area enclosed within a building, including closets, stairways, and utility and mechanical rooms, measured from the interior face of the walls. (Ord. 941 - 1 (part), 1982: prior code - 9204.11 (part))

**Guest House.** A separate "accessory structure", that is designed, occupied, or intended for occupancy as sleeping and bathing quarters only, that does not contain a kitchen, and is intended to be used in conjunction with a primary residence that contains a kitchen. A guest house shall be no larger than 450 square feet.

#### H. Definitions, "H."

**Hedge.** A barrier or boundary formed by a dense row of shrubs or low trees.

**Heliport.** A designated, marked area on the ground or the top of a structure where helicopters may land at any time.

**High Occupancy Residential Use.** A "High Occupancy Residential Use" is any dwelling other than a residential care facility as defined in section 17.04.340 of this code, in the R-1 or R-2 zones when the occupancy of the dwelling consists of six or more adults. (Ord. 1154 - 1 Ex. A (part), 1989)

**Home Occupation.** The conduct of a business within a dwelling unit or residential site, employing only the occupants of the dwelling, with the business activity being subordinate to the residential use of the property.

**Homeless Shelter.** A church, public building, or quasi-public facility that provides emergency or temporary shelter for more than thirty (31) days in any six month period to homeless individuals and/or groups. These accommodations may include temporary lodging, meals, laundry facilities, bathing, counseling, and other basic support services.

**Hospital.** "Hospital" means a facility housing and providing a full range of medical care, including acute care, for patients who require such care on the premises. (Ord. 941 - 1 (part), 1982: prior code - 9204.11 (part))

**Hostel.** Inexpensive lodging that caters primarily, but not exclusively, to travelers who arrive by bicycle, train, or other non-automotive vehicles.

**Hotel, Motel.** A facility with guest rooms or suites, with or without kitchen facilities, rented to the general public for transient lodging. Hotels typically include a variety of services in addition to lodging; for example, restaurants, meeting facilities, personal services, etc. Also includes accessory guest facilities such as swimming pools, tennis courts, indoor athletic facilities, accessory retail uses, etc.

**I. Definitions, "I."**

**Impervious surface.** A surface that is incapable of being penetrated by water.

**Industrial Research and Development (R&D).** A facility for scientific research, and the design, development and testing of electrical, electronic, magnetic, optical and computer and telecommunications components in advance of product manufacturing, and the assembly of related products from parts produced off-site, where the manufacturing activity is secondary to the research and development activities. Includes pharmaceutical, chemical and biotechnology research and development. Does not include soils and other materials testing laboratories (see "Laboratories"), or medical laboratories (see "Medical Service - Clinic, Laboratory, Urgent Care").

**K. Definitions, "K."**

**Kitchen.** "Kitchen" means any area within any structure including one or more of the following facilities that are capable of being used for the preparation or cooking of food: oven/microwave oven, stove, hotplate, refrigerator exceeding six cubic feet, dishwasher, garbage disposal, sink having a drain outlet larger than 1 ½ inch in diameter, and cabinets, counter space, or other areas for storing food.

**L. Definitions, "L."**

**Laboratory - Medical, Analytical, Research, Testing.** A facility for testing, analysis, and/or research. Examples of this use include medical labs, soils and materials testing labs, and forensic labs. This type of facility is distinguished from Industrial Research and Development in its orientation more toward testing and analysis than product development or prototyping; an Industrial Research and Development facility may typically include this type of lab. The "medical lab" subset of this land use type is oriented more toward specimen analysis and processing than direct blood drawing and specimen collection from patients (see "Medical Service - Clinic, Laboratory, Urgent Care"), but may also include incidental specimen collection.

**Laundries and Dry Cleaning Plants.** Service establishments engaged primarily in high volume laundry and garment services, including: carpet and upholstery cleaners; diaper services; dry cleaning and garment pressing; commercial laundries; linen supply. These facilities may include accessory customer pick-up facilities. These

facilities do not include coin-operated laundries or dry cleaning pick-up stores without dry cleaning equipment; see "Personal Services."

**Libraries and Museums.** Public or quasi-public facilities, examples of which include: aquariums, arboretums, art galleries and exhibitions, botanical gardens, historic sites and exhibits, libraries, museums, planetariums, and zoos. May also include accessory retail uses such as a gift/book shop, restaurant, etc.

**Live/Work Unit, Work/Live Unit.** An integrated housing unit and working space, occupied and utilized by a single household in a structure, either single-family or multi-family, that has been designed or structurally modified to accommodate joint residential occupancy and work activity, and which includes:

1. Complete kitchen space and sanitary facilities in compliance with the City building code; and
2. Working space reserved for and regularly used by one or more occupants of the unit.

The difference between live/work and work/live units is that the "work" component of a live/work unit is secondary to its residential use, and may include only commercial activities and pursuits that are compatible with the character of a quiet residential environment, while the work component of a work/live unit is the primary use, to which the residential component is secondary.

**Liquor Store/Alcohol Sales.** Any business selling alcoholic beverages as a primary use including beer, wine, distilled spirits, or hard liquor, or any other alcoholic beverages. Liquor/Alcohol Sales does not include grocery stores, convenience stores, warehouse stores, or other alcohol sales authorized as part of an off-site wine tasting room or food and beverage product manufacturing.

**Loft (or Mezzanine).** "Loft" or "Mezzanine" means a partial or intermediate level of a building interior containing floor area without enclosing interior walls or partitions and not separated or partitioned from the floor level below or access way (stairs and/or landing) leading to the loft from the floor below by a wall or any other partitions. Spaces designated as lofts which do not fully conform to this definition shall be deemed a "bedroom". (See also 17.100.B.)

**Lot.** "Lot" means:

- A. A parcel of real property with a distinct designation delineated on an approved survey map, tract map, or parcel map filed in the Office of the County Recorder and abutting at least one public street; or
- B. A parcel of real property containing at least the area required for the zone district in which it is located, abutting at least one public street or other access approved by the council, and held under separate ownership from adjoining property. (Ord. 941 - 1 (part), 1982: prior code - 9204.11 (part))

#### **M. Definitions, "M."**

**Maintenance Service, Client Site Services.** Base facilities for various businesses that provide services on the premises of their clients. Includes gardening, janitorial, pest control, water and smoke damage recovery, and similar services; and appliance, computer, electronics, elevator, equipment, HVAC, instrument, plumbing, and other maintenance and repair services not operating from a retail establishment that sells the products being maintained or repaired. When these services operate from a retail establishment that sells the products being maintained or repaired, they are instead

considered part of the retail use. Does not include office-only facilities with no storage of the equipment and/or vehicles used by the service, which are included under "Office - Production and Administrative."

**Manufacturing - Heavy.** A facility accommodating manufacturing processes that involve and/or produce basic metals, building materials, chemicals, fabricated metals, paper products, machinery, textiles, and/or transportation equipment, where the intensity and/or scale of operations may cause impacts on surrounding land uses or the community. Examples of heavy manufacturing uses include the following.

1. **Chemical Product Manufacturing.** An establishment that produces or uses basic chemicals, and other establishments creating products predominantly by chemical processes. Examples of these products include: basic chemicals, including acids, alkalies, salts, and organic chemicals; chemical products to be used in further manufacture, including synthetic fibers, plastic materials, dry colors, and pigments; and finished chemical products to be used for ultimate consumption, including drugs/pharmaceuticals, cosmetics, and soaps; or to be used as materials or supplies in other industries including paints, fertilizers, and explosives. Also includes sales and transportation establishments handling the chemicals described above, except as part of retail trade.
2. **Concrete, Gypsum, and Plaster Product Manufacturing.** An establishment that produces bulk concrete, concrete building block, brick, and/or other types of precast and prefabricated concrete products. Also includes ready-mix concrete batch plants, lime manufacturing, and the manufacture of gypsum products, including plasterboard. A retail ready-mix concrete operation as an incidental use in conjunction with a building materials outlet is defined under "Building and Landscape Materials Sales."
3. **Glass Product Manufacturing.** An establishment that manufactures glass and/or glass products by melting silica sand or cullet, including the production of flat glass and other glass products that are pressed, blown, or shaped from glass produced in the same establishment. Artisan and craftsman type operations of a larger scale than home occupations are instead included under (Manufacturing - Light - Handcraft Industries and Small-Scale Manufacturing).
4. **Lumber and Wood Product Manufacturing.** Manufacturing, processing, and sales involving the milling of forest products to produce rough and finished lumber and other wood materials for use in other manufacturing, craft, or construction processes. Includes the following processes and products:
  - containers, pallets and skids
  - matches (wood)
  - milling operations
  - trusses and structural beams
  - turning and shaping of wood products
  - wholesaling of basic wood products
  - wood product assembly

Does not include craft-type shops ("Handcraft Industries and Small-Scale Manufacturing"); other wood and cabinet shops ("Furniture and Fixture Manufacturing, Cabinet Shops"); or the entirely indoor retail sale of building materials, construction tools and equipment ("Building and Landscape Materials Sales").
5. **Machinery Manufacturing.** An establishment that makes or processes raw materials into finished machines or parts for machines. Does not include the manufacture of

electronics, equipment, or appliances ("Electronics, Equipment, and Appliance Manufacturing").

- 6. Metal Products Fabrication, Machine and Welding Shops.** An establishment engaged in the production and/or assembly of metal parts, including the production of metal cabinets and enclosures, cans and shipping containers, doors and gates, duct work, forgings and stampings, hardware and tools, plumbing fixtures and products, tanks, towers, and similar products. Examples of these uses include:

blacksmith and welding shops  
plating, stripping, and coating shops  
sheet metal shops  
machine shops and boiler shops

- 7. Motor Vehicles and Transportation Equipment.** Manufacturers of equipment for transporting passengers and cargo by land, air and water, including motor vehicles, aircraft, spacecraft, ships, boats, railroad and other vehicles such as motorcycles, bicycles and snowmobiles. Includes manufacture of motor vehicle parts and accessories; trailers and campers for attachment to other vehicles; self-contained motor homes; and van conversions. Does not include mobile home and modular home assembly (listed under "Lumber and Wood Products").
- 8. Paving and Roofing Materials Manufacturing.** The manufacture of various common paving and petroleum-based roofing materials, including bulk asphalt, paving blocks made of asphalt, creosote wood, and various compositions of asphalt and tar. Does not include the manufacture of wood roofing materials (shingles, shakes, etc.) ("Lumber and Wood Product Manufacturing").
- 9. Petroleum Refining and Related Industries.** Industrial plants for purifying petroleum, and the compounding of lubricating oils and greases from purchased materials. Also includes oil or gas processing facilities, liquefied natural gas (LNG) facilities, the manufacture of petroleum coke and fuel briquettes, tank farms, and terminal facilities for pipelines. Does not include petroleum pipeline surge tanks and pump stations ("Public Utility Facilities"), or petroleum product distributors ("Petroleum Product Storage and Distribution").
- 10. Plastics, other Synthetics, and Rubber Product Manufacturing.** The manufacture of rubber products including: tires, rubber footwear, mechanical rubber goods, heels and soles, flooring, and other rubber products from natural, synthetic, or reclaimed rubber. Also includes establishments engaged primarily in manufacturing tires; products from recycled or reclaimed plastics or Styrofoam; molding primary plastics for other manufacturers, manufacturing miscellaneous finished plastics products, fiberglass manufacturing, and fiberglass application services. Does not include establishments engaged primarily in recapping and retreading automobile tires ("Vehicle Services - Major Repair/Body Work").
- 11. Primary Metal Industries.** An establishment engaged in: the smelting and refining of ferrous and nonferrous metals from ore, pig, or scrap; the rolling, drawing, and alloying of metals; the manufacture of castings, forgings, stampings, extrusions, and other basic metal products; and the manufacturing of nails, spikes, and insulated wire and cable. Also includes merchant blast furnaces and by-product or beehive coke ovens.
- 12. Pulp and Pulp Product Manufacturing.** An establishment that manufactures pulp, paper, or paperboard. Includes pulp, paper, and paperboard mills. Does not include establishments primarily engaged in converting paper or paperboard without manufacturing the paper or paperboard, including envelope manufacturing, converted

- paper products, paper coating and glazing, paper bags, assembly of paperboard boxes, wallpaper (Manufacturing, Light Manufacturing, Paper Product Manufacturing).
- 13. Stone and Cut Stone Product Manufacturing.** An establishment that cuts, shapes, and/or finishes marble, granite, slate, and/or other stone for construction and miscellaneous uses. Does not include establishments engaged primarily in buying or selling partly finished monuments and tombstones (see "Handcraft Industries and Small Scale Manufacturing").
- 14. Structural Clay and Pottery Product Manufacturing.** An establishment that produces brick and structural clay products, including pipe, china plumbing fixtures, vitreous china articles, and/or fine earthenware and porcelain products. Does not include artist/craftsman uses (see "Handcraft Industries and Small Scale Manufacturing," "Home Occupations").
- 15. Textile and Leather Product Manufacturing.** An establishment that converts basic fibers (natural or synthetic) into a product, including yarn or fabric, that can be further manufactured into usable items (see "Handcraft Industries and Small Scale Manufacturing), and industries that transform hides into leather by tanning or curing. Includes:
- coating, waterproofing, or otherwise treating fabric
  - dressed and dyed furs
  - dyeing and finishing fiber, yarn, fabric, and knit apparel
  - leather-tanned, curried, and finished
  - manufacture of knit apparel and other finished products from yarn
  - manufacture of felt goods, lace goods, non-woven fabrics and miscellaneous textiles
  - manufacturing of woven fabric, carpets, and rugs from yarn
  - preparation of fiber and subsequent manufacturing of yarn, threads, braids, twine
  - scouring and combing plants
  - upholstery manufacturing
  - yarn and thread mills
- Manufacturing - Light.** A facility accommodating manufacturing processes involving and/or producing: apparel; food and beverage products; electronic, optical, and instrumentation products; ice; jewelry; and musical instruments. Light manufacturing also includes other establishments engaged in the assembly, fabrication, and conversion of already processed raw materials into products, where the operational characteristics of the manufacturing processes and the materials used are unlikely to cause significant impacts on surrounding land uses or the community. Examples of light manufacturing uses include the following.
- 1. Clothing and Fabric Product Manufacturing.** An establishment that assembles clothing, draperies, and/or other products by cutting and sewing purchased textile fabrics, and related materials including leather, rubberized fabrics, plastics and furs. Does not include custom tailors and dressmakers not operating as a factory and not located on the site of a clothing store (see "Personal Services"). See also, "Manufacturing - Heavy - Textile and Leather Product Manufacturing."
  - 2. Electronics, Equipment, and Appliance Manufacturing.** An establishment that manufactures equipment, apparatus, and/or supplies for the generation, storage, transmission, transformation and use of electrical energy, including:

appliances such as stoves/ovens, refrigerators, freezers, laundry equipment, fans, vacuum cleaners, sewing machines	equipment and supplies such as batteries, X-ray apparatus and tubes, electromedical and electrotherapeutic apparatus, electrical equipment for internal combustion engines
aviation instruments	motors and generators
computers, computer components, peripherals	optical instruments and lenses
electrical transmission and distribution equipment	photographic equipment and supplies
electronic components and accessories,	pre-recorded magnetic tape
semiconductors, integrated circuits, related devices	radio and television receiving equipment such as television and radio sets, phonograph records and surgical, medical and dental instruments, equipment, and supplies
electrical welding apparatus	surveying and drafting instruments
lighting and wiring equipment such as lamps and fixtures, wiring devices, vehicle lighting	telephone and telegraph apparatus
industrial apparatus	transformers, switch gear and switchboards
industrial controls	watches and clocks
instruments for measurement, testing, analysis and control, associated sensors and accessories	Does not include testing laboratories (soils, materials testing, etc.) (see "Business Support Services"), or research and development facilities separate from manufacturing (see "Research and Development").
miscellaneous electrical machinery,	

**3. Food and Beverage Product Manufacturing.** Manufacturing establishments producing or processing foods and beverages for human consumption, and certain related products. Examples of these uses include:

bottling plants	grain mill products and by-products
breweries	meat, poultry, and seafood canning, curing, byproduct processing
candy, sugar and confectionery products manufacturing	soft drink production
catering services separate from stores or restaurants	miscellaneous food item preparation from raw product
coffee roasting	Does not include: bakeries, which are separately defined; or beer brewing as part of a brew pub, bar or restaurant (see "Bar/Tavern," and "Night Club").
dairy products manufacturing	
fats and oil product manufacturing	
fruit and vegetable canning, preserving, related processing	



4. **Handcraft Industries, Small-Scale Manufacturing.** Establishments manufacturing and/or assembling small products primarily by hand, including jewelry, pottery and other ceramics, as well as small glass and metal art and craft products. Also includes manufacturing establishments producing small products not classified in another major manufacturing group, including: brooms and brushes; buttons, costume novelties; jewelry; musical instruments; pens, pencils, and other office and artists' materials; sporting and athletic goods; toys; etc.
5. **Paper Product Manufacturing.** An establishment that converts pre-manufactured paper or paperboard into boxes, envelopes, paper bags, wallpaper, etc., and/or that coats or glazes pre-manufactured paper. Does not include the manufacturing of pulp, paper, or paperboard (see ■Manufacturing - Heavy - Pulp and Pulp Product Manufacturing").

**Media Production.** Fixed-base facilities for motion picture, television, video, sound, computer, and other communications media production. These facilities include the following types.

1. **Backlots/outdoor facilities and soundstages.** Outdoor sets, backlots, and other outdoor facilities and warehouse-type facilities providing space for the construction and use of indoor sets, including supporting workshops and craft shops.
2. **Broadcast studios.** Workplace where movies, television shows, or radio programs are produced and recorded, including administrative and technical production, administrative and production support offices, post-production facilities (editing and sound recording studios, Foley stages, etc.), optical and special effects units, film processing laboratories, etc.

**Medical Service - Doctor Office.** A facility other than a hospital where medical, dental, mental health, surgical, and/or other personal health care services are provided on an outpatient basis, and that accommodates no more than five licensed primary practitioners (for example, chiropractors, medical doctors, psychiatrists, etc.). Counseling services by other than medical doctors or psychiatrists are included under "Offices - Professional." Does not include sports therapy that provides on-site fitness equipment, which is instead included under "Fitness/Health Facility."

**Medical Service - Clinic, Laboratory, Urgent Care.** A facility other than a hospital where medical, mental health, surgical and other personal health services are provided on an outpatient basis. Examples of these uses include:

- medical and dental laboratories
  - medical offices with six or more licensed practitioners and/or medical specialties
  - out-patient care facilities
  - urgent care facilities
  - other allied health services
- Counseling services by other than medical doctors or psychiatrists are included under "Offices - Professional."

**Medical Service - Extended Care.** Residential facilities providing nursing and health-related care as a primary use with in-patient beds. Examples of these uses include: board and care homes; convalescent and rest homes; extended care facilities; and skilled nursing facilities. Long-term personal care facilities that do not emphasize medical treatment are included under "Residential Care."

**Medical Service - Hospital.** Hospitals and similar facilities engaged primarily in providing diagnostic services, and extensive medical treatment, including surgical and other hospital services. These establishments have an organized medical staff, inpatient beds, and equipment and facilities to provide complete health care. May

include on-site accessory clinics and laboratories, accessory retail uses and emergency heliports (see the separate definition of "Accessory Retail and Services").

**Minor Addition.** Additions comprising less than 50% increase in total building area, constructed in compliance with current regulations.

**Minor Nonconforming Addition.** Extension of the nonconforming feature of an existing building by no more than 50%.

**Mixed Use Project.** A project that combines both non-residential and residential uses, where the residential component is typically located above or behind the commercial.

**Mobile Home, RV, and Boat Sales.** Retail establishments selling both mobile home dwelling units and/or various vehicles and watercraft for recreational uses. Includes the sales of boats, campers and camper shells, jet skis, mobile homes, motor homes, and travel trailers.

**Mobile Home Park.** A parcel of land under one or more ownerships that has been planned and improved for the placement of two or more mobile homes, as the term "mobile home" is defined in California Civil Code Section 798.3 or successor provision of the California Mobilehome Residency Law, for nontransient use.

**Mortuaries and Funeral Homes.** Funeral homes and parlors, where deceased are prepared for burial or cremation, funeral services may be conducted, and cremation may occur.

**Multi-Family Dwelling.** A dwelling unit that is part of a structure containing one or more other dwelling units, or a non-residential use. An example of the latter is a mixed-use project where, for example, one or more dwelling units are part of a structure that also contains one or more commercial uses (retail, office, etc.). Multi-family dwellings include: duplexes, triplexes, fourplexes (buildings under one ownership with two, three or four dwelling units, respectively, in the same structure); apartments (five or more units under one ownership in a single building); and townhouse development (three or more attached dwellings where no unit is located over another unit). Does not include secondary units, which are defined in Chapter 17.21.

**N. Definitions, "N."**

**Night Club.** A facility providing entertainment, examples of which include live or recorded music and/or dancing, comedy, disc jockeys, etc., which may also serve alcoholic beverages for on-site consumption. Does not include ambient music, which is defined separately.

**O. Definitions, "O."**

**Office.** These Zoning Regulations distinguish between the following types of offices. These do not include medical offices (see "Medical Service - Clinic, Laboratory, Urgent Care," and "Medical Service - Doctor Office.")

1. **Accessory.** An office facility that is incidental and accessory to another business or sales activity that is the primary use.

2. **Business and Service.** An establishment providing direct services to consumers. Examples of these uses include:

employment agencies

insurance agent offices (small-scale customer service offices, not administrative, see item 5. below)

real estate offices

travel agencies

utility company payment offices (not administrative, see item 4. below)

This use does not include Banks and Financial Services, which are separately defined.

3. **Government.** Administrative, clerical, or public contact and/or service offices of a city, other local, state, or federal government agency or service facilities. Includes post offices, but not bulk mailing distribution centers, which are under "Truck and Freight Terminals."

4. **Processing.** An office-type facility characterized by high employee density, with little or no public visitation, and occupied by a business engaged in information processing, or other computer-dependent and/or telecommunications-based activities. Examples of these uses include:

airline, lodging chain, and rental car company reservation centers

computer software and hardware design and development

consumer credit reporting

data processing services

health management organization (HMO) offices where no medical services are provided

insurance claim processing

mail order and electronic commerce transaction processing

telecommunications facility design and management

telemarketing

5. **Production and administrative.** An office-type facility used for administrative purposes, and/or occupied by a business engaged in the production of intellectual property. Examples of these uses include:

advertising agencies

commercial art and design services

construction contractors (office facilities only)

design services including architecture, engineering, landscape architecture, urban planning

educational, scientific and research organizations  
media postproduction services  
news services  
photography studios  
utility company administrative offices  
writers and artists offices

**6. Professional.** An office-type facility occupied by a business providing professional services. Examples of these uses include:

accounting, auditing and bookkeeping services  
attorneys  
counseling services  
court reporting services  
detective agencies and similar services  
financial management and investment counseling  
literary and talent agencies  
management and public relations services  
psychologists  
secretarial, stenographic, word processing, and temporary clerical employee services  
security and commodity brokers

**7. Temporary.** A mobile home, recreational vehicle or modular unit used as a temporary office facility. Temporary Offices may include: construction supervision offices on a construction site or off-site construction yard; a temporary on-site real estate office for a development project; or a temporary business office in advance of permanent facility construction.

**8. Temporary Real Estate.** The temporary use of a dwelling unit within a residential development project as a sales office for the units on the same site, which is converted to residential use at the conclusion of its office use.

**Office-Supporting Retail.** A retail store that carries one or more types of merchandise that will typically be of frequent interest to and/or needed by the various businesses listed under the definition of "Office," and/or the employees of those businesses. Examples of these types of merchandise include:

Computer equipment  
Office supplies, stationery  
News stands  
Photographic supplies and cameras

**One-bedroom dwelling.** "One-bedroom dwelling" means a one-bedroom dwelling unit with not more than 1,000 square feet of gross floor area. The floor area in a loft is included as part of the gross floor area calculation.

**Outdoor sales.** "Outdoor sales" means the sale of items regularly stored or displayed outside a building, where such items are visible from a public right-of-way or neighboring property. (Ord. 941 - 1 (part), 1982: prior code - 9204.11 (part))

**Overlay zone.** "Overlay zone" means a zone applied in combination with other zone districts in order to impose additional restrictions or to allow greater variety than is possible with the underlying zone. (Ord. 941 - 1 (part), 1982: prior code - 9204.11 (part))

**P. Definitions, "P."**

**Parking Facility.** A surface parking lot or parking structure that is a primary use of a site.

**Park, Playground.** Public parks, play lots, and playgrounds, providing non-commercial facilities for active and/or passive recreation for neighborhood or community use. These facilities may also include any listed under the definition of Sports and Active Recreation Facility.

**Personal Services.** Establishments providing non-medical services to individuals as a primary use. Examples of these uses include:

- barber and beauty shops
- clothing rental
- dry cleaning pick-up stores with limited equipment
- home electronics and small appliance repair
- laundromats (self-service laundries)
- massage (licensed, therapeutic, non-sexual)
- shoe repair shops
- tailors
- tanning salons
- pet grooming (indoor use only, no overnight boarding)

These uses may also include accessory retail sales of products related to the services provided.

**Personal Services - Restricted.** Personal services that may tend to have a blighting and/or deteriorating effect upon surrounding areas and which may need to be dispersed to minimize their adverse impacts. Examples of these uses include:

- check cashing
- fortune tellers, psychics
- palm and card readers
- tattoo and body piercing services

**Photo and Film Processing Lab.** A facility that provides high volume and/or custom processing services for photographic negative film, transparencies, and/or prints, where the processed products are delivered to off-site retail outlets for customer pick-up. Does not include: small-scale photo processing machines accessory to other retail businesses, which are allowed as part of those businesses; or small-scale retail photofinishing services that provide over-the-counter processing services to individual customers, which are included in the definition of "Business Support Services."

**Printing and Publishing.** Establishments engaged in printing by letterpress, lithography, gravure, screen, offset, or electrostatic (xerographic) copying; and other

establishments serving the printing trade such as bookbinding, typesetting, engraving, photoengraving and electrotyping. This use also includes establishments that publish newspapers, books and periodicals; establishments manufacturing business forms and binding devices. "Quick printing" services are included in the definition of "Business Support Services."

**Private club (or lodge).** "Private club" (or "lodge") means a premises accommodating bona fide members and their guests only, for social, cultural or educational activities, and only incidentally used for gatherings of other than the club's members. (Ord. 941 - 1 (part), 1982: prior code - 9204.11 (part))

**Produce Stand.** A temporary facility for selling seasonal goods such as fruits, vegetables, and plants.

**Public Assembly Facility.** An indoor facility for public assembly and group entertainment, other than sporting events. Examples of these facilities include:

community centers  
exhibition and convention halls  
public and semi-public auditoriums  
similar public assembly uses

**Public Safety Facility.** Facilities operated by public agencies including fire stations, other fire prevention and firefighting facilities, police and sheriff substations and headquarters, including interim incarceration facilities.

**Public Utility Facility.** Fixed-base structures and facilities serving as junction points for transferring electric utility services from one transmission voltage to another or to local distribution and service voltages, and similar facilities for water supply and natural gas distribution. This use type may also include administrative and customer service offices (also included under "Offices"), and includes any of the following that are not exempted from land use permit requirements by Government Code Section 53091:

corporation and maintenance yards.  
electrical substations and switching stations  
natural gas regulating and distribution facilities  
public water system wells, treatment plants and storage  
telephone switching facilities  
wastewater treatment plants, settling ponds and disposal fields

## R. Definitions, "R."

**Recreational vehicle.** Any trailer, camper, motor home or other vehicle designed and intended for traveling and recreational purposes.

**Recycling Facilities.** This land use type includes a variety of facilities involved with the collection, sorting and processing of recyclable materials.

1. **Collection facility.** A center where the public may donate, redeem or sell recyclable materials, which may include the following, where allowed by the applicable zoning district:

- a. Reverse vending machines;
- b. Small collection facilities which occupy an area of 350 square feet or less and may include:
  - (1) A mobile unit;

- (2) Bulk reverse vending machines or a grouping of reverse vending machines occupying more than 50 square feet; and
  - (3) Kiosk-type units which may include permanent structures.
- c. Large collection facilities which occupy an area of more than 350 square feet and/or include permanent structures.
- 2. Mobile recycling unit.** An automobile, truck, trailer, or van used for the collection of recyclable materials, carrying bins, boxes, or other containers.
- 3. Processing facility.** A structure or enclosed space used for the collection and processing of recyclable materials for shipment, or to an end-user's specifications, by such means as baling, briquetting, cleaning, compacting, crushing, flattening, grinding, mechanical sorting, re-manufacturing and shredding. Processing facilities include the following types, both of which are included under the definition of "Scrap and Dismantling Yards," below:
- a. Light processing facility occupies an area of under 45,000 square feet of collection, processing and storage area, and averages two outbound truck shipments each day. Light processing facilities are limited to baling, briquetting, compacting, crushing, grinding, shredding and sorting of source separated recyclable materials sufficient to qualify as a certified processing facility. A light processing facility shall not shred, compact, or bale ferrous metals other than food and beverage containers; and
  - b. A heavy processing facility is any processing facility other than a light processing facility.
- 4. Recycling facility.** A center for the collection and/or processing of recyclable materials. A "certified" recycling or processing facility is certified by the California Department of Conservation as meeting the requirements of the California Beverage Container Recycling and Litter Reduction Act of 986. A recycling facility does not include storage containers located on a residentially, commercially or industrially designated site used solely for the recycling of material generated on the site. See "Collection Facility" above.
- 5. Recycling or recyclable material.** Reusable domestic containers and other materials which can be reconstituted, re-manufactured, or reused in an altered form, including glass, metals, paper and plastic. Recyclable material does not include refuse or hazardous materials.
- 6. Reverse vending machine.** An automated mechanical device which accepts at least one or more types of empty beverage containers and issues a cash refund or a redeemable credit slip with a value not less than the container's redemption value, as determined by State law. These vending machines may accept aluminum cans, glass and plastic bottles, and other containers.
- A bulk reverse vending machine is a reverse vending machine that is larger than 50 square feet, is designed to accept more than one container at a time, and issues a cash refund based on total weight instead of by container.
- 7. Scrap and dismantling yards.** Outdoor establishments primarily engaged in assembling, breaking up, sorting, and the temporary storage and distribution of recyclable or reusable scrap and waste materials, including auto wreckers engaged in dismantling automobiles for scrap, and the incidental wholesale or retail sales of parts from those vehicles. Includes light and heavy processing facilities for recycling (see the definitions above). Does not include: places where these activities are conducted entirely within buildings; pawn shops, and other secondhand stores; the sale of operative used cars; or landfills or other waste disposal sites.

**Religious Facility.** Facilities operated by religious organizations for worship, or the promotion of religious activities, including churches, mosques, synagogues, temples, etc.; and accessory uses on the same site, including living quarters for ministers and staff, child day care facilities and religious schools where authorized by the same type of land use permit required for the religious facility itself. May also include fund-raising sales, bazaars, dinners, parties, or other outdoor events on the same site. Other establishments maintained by religious organizations, including full-time educational institutions, hospitals and other related operations, are classified according to their respective activities.

**Repair Services.** Establishments providing repair services for large equipment and appliances primarily serving businesses. Repair services for individuals are separately defined under "Personal Services".

**Rest home.** "Rest home" means a residential facility for six or more elderly or infirm persons, all of whom are independently mobile and do not require confinement or regular nursing or medical care on the premises. Rest home differs from a "convalescent hospital" in that it is expected to provide comfort, safety, social participation, and the maintenance of health and activity, but do not provide skilled nursing care for the ill. (Ord. 941 - 1(part), 1982: prior code 9204.11 (part) Ord. 1346 (1999 Series)

**Residential Care.** A single dwelling unit or multiple-unit facility licensed or supervised by any Federal, State, or local health/welfare agency that provides 24-hour non-medical care of unrelated persons who are handicapped and in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual in a family-like environment.

**Residential Hospice Facility.** Residential facilities licensed or supervised by any Federal, State, or local health/welfare agency that provide 24-hour medical and/or non-medical services for patients under the care of a licensed, Medicare Certified Hospice Agency.

**Residential Support Services.** An establishment with a gross floor area no greater than 3,000 square feet that provides services to residences and residential home offices. Examples of these services include:

- computer-related services (rental, repair)
- copying and quick printing services
- mailing and mail box services

**Restaurant.** A retail business selling ready-to-eat food for on- or off-premise consumption- which does not include alcohol service after 11:00 p.m. These include eating establishments where customers are served from a walk-up ordering counter for either on- or off-premise consumption, establishments where most customers are served food at tables for on-premise consumption, but may also provide food for take-out, and establishments that provide food for off-premise consumption only. Includes coffee houses, donut shops, delicatessens, etc. Does not include restaurants with drive-through ordering or service. "Restaurant" means a place which is regularly and in a bona fide manner used and kept open for the serving of meals to guests for compensation and which has suitable kitchen facilities connected therewith, containing conveniences for cooking an assortment of foods which may be required for such meals.

**Restaurant with Late-Hour Alcohol Service.** A restaurant which provides alcohol service after 11:00 p.m.



**Riparian Vegetation.** "Riparian vegetation" means those herbaceous plants, shrubs, and trees which are naturally associated with stream side environments, and with roots and branches extending in or over a creek channel. (A list of riparian vegetation is available at the Community Development Department.)

**S. Definitions, "S."**

**Safe Parking.** A parking program, operated on property located outside of the public right-of-way and managed by a social service provider, that provides individuals and families with vehicles a safe place to park overnight while working towards a transition to permanent housing

**School.** Public and private educational institutions, including:

boarding schools

business, secretarial, and vocational schools

community colleges, colleges and universities

elementary, middle, and junior high schools

establishments providing courses by mail

high schools

military academies

professional schools (law, medicine, etc.)

seminaries/religious ministry training facilities

Also includes specialized schools offering instruction in the following:

art

ballet and other dance

computers and electronics

drama

driver education

language

music

Also includes facilities, institutions and conference centers that offer specialized programs in personal growth and development, such as arts, environmental awareness, communications, and management. Does not include pre-schools and child day care centers (see " Day Care "). See also the definition of "Studios - Art, Dance, Music, Photography, etc." for smaller-scale facilities offering specialized instruction.

**Service Station.** "Service station" means any business where motor fuel is offered for retail sale, whether or not in conjunction with minor retail uses such as mini markets and similar ancillary uses. "Service station" includes the sale and installation of tires, batteries and automotive accessories; lubrications; and the testing, adjustment and repair of motor parts, brakes, tires and accessories. It also includes accessory sales of fuel oil, butane, propane, and liquefied petroleum gas (LPG). Service station does not include steam cleaning, mechanical car washing, tire recapping, body or chassis repair or painting, which are instead included under "vehicle services;" or the sale, rental or storage of motor vehicles, trailers or other equipment, which are included under "auto and vehicle sales/rental." Service Station does not include separate retail or other non-

related commercial uses on the same property that have independent points of sale separated from the motor fuel point of sale by a distance of at least 250 feet. A point of sale shall be defined as the actual location of the transaction including, but not limited to, a cash register or automated payment station.

**Setback line.** "Setback line" means an officially adopted line determining the extent of a future street or other public right-of-way. (Ord. 941 - 1 (part), 1982: prior code - 9204.11 (part))

**Shopping center.** "Shopping center" means a development consisting of at least five separate establishments with a minimum area of 50,000 square feet, a site with a minimum of 300 feet of frontage and shared common drives and off-street parking. (Ord. 1103 - 1 A(2), 1987: Ord. 1008 - 1, 1984)

**Single-Family Dwelling.** A building designed for and/or occupied exclusively by one family, or one or more persons occupying premises and living as a single housekeeping unit which is not attached to or located on a lot with commercial uses. Single-family dwellings contain one dwelling on one lot. Single family dwellings may also include approved secondary dwelling units. Also includes factory-built, modular housing units, constructed in compliance with the Uniform Building Code (UBC), and mobile homes/manufactured housing units that comply with the National Manufactured Housing Construction and Safety Standards Act of 1974, placed on permanent foundations.

**Social Service Organization.** A public or quasi-public establishment providing social and/or rehabilitation services, examples of which include counseling centers, employment agencies, job counseling and training centers, vocational rehabilitation agencies, and welfare offices. These organizations serve the unemployed, persons with social or personal problems, persons requiring special services, the handicapped, or otherwise disadvantaged. Includes organizations soliciting funds to be used directly for these and related services, and establishments engaged in community improvement and neighborhood development. Does not include day-care services, homeless shelters, or residential care, which are separately defined.

**Specific plan.** "Specific plan" means a plan for a designated area within the city, based on the general plan, but containing more detailed regulations and programs as provided in Section 65450 and following of the California Government Code. (Ord. 941 - 1 (part), 1982: prior code - 9204.11 (part))

**Sports and Entertainment Assembly.** A large-scale indoor or outdoor facility accommodating spectator-oriented sports, concerts, and other entertainment activities. Examples of this land use include amphitheatres, race tracks, stadiums and coliseums. May also include commercial facilities customarily associated with the above uses, including bars and restaurants, gift shops, video game arcades, etc.

**Sports and Active Recreation Facility.** Public and private facilities for various outdoor sports and other types of recreation, where the facilities are oriented more toward participants than spectators. Examples include:

- athletic/sport fields (e.g., baseball, football, softball, soccer)
- health and athletic club outdoor facilities
- skateboard parks
- swimming pools
- tennis and other sport courts (e.g., handball, squash)

Does not include golf courses, which are separately defined.

**Storage - Accessory.** The storage of materials accessory and incidental to a primary use is not considered a land use separate from the primary use.

**Storage - Personal Storage Facility.** Structures containing generally small, individual, compartmentalized stalls or lockers rented as individual storage spaces and characterized by low parking demand.

**Storage Yard.** The storage of various materials outside of a structure other than fencing, either as an accessory or principal use.

**Street.** "Street" means a public right-of-way providing vehicular access to abutting property. (Ord. 941 - 1 (part), 1982: prior code - 9204.11 (part))

**Structure.** "Structure" means anything assembled or constructed on the ground, or attached to anything with a foundation on the ground. (Ord. 941 - 1 (part), 1982: prior code - 9204.11 (part))

**Studio apartment.** "Studio apartment" means a one-room dwelling unit with not more than 450 square feet of gross floor area, designed for occupancy by not more than two people. The floor area in a loft is included as part of the gross floor area calculation. (Ord. 1085 - 1 Ex. A (part), 1987: Ord. 941 - 1 (part), 1982: prior code - 9204.11 (part))

**Studio - Art, Dance, Martial Arts, Music, etc.** Small scale facilities, typically accommodating one group of students at a time, in no more than one instructional space. Larger facilities are included under the definition of "Schools - Specialized education and training." Examples of these facilities include: individual and group instruction and training in the arts; production rehearsal; photography, and the processing of photographs produced only by users of the studio facilities; martial arts training studios; gymnastics instruction, and aerobics and gymnastics studios with no other fitness facilities or equipment.

#### T. Definitions, "T."

**Theater.** An indoor facility for public assembly and group entertainment, other than sporting events. Examples of these facilities include:

civic theaters, and facilities for "live" theater and concerts  
movie theaters

See also "Public Assembly Facility," and "Sports and Entertainment Assembly."

**Top of bank.** "Top of bank" means the line where the naturally eroded ground slope, or the slope resulting from a creek alteration, flattens to conform with the ground which has not been cut by water flow within the creek channel. If the bank is terraced, the top of bank is the highest step.

**Transit Station or Terminal.** A facility or location with the primary purpose of transfer, loading, and unloading of passengers and baggage, May include facilities for the provision of passenger services such as ticketing, restrooms, lockers, waiting areas, passenger vehicle parking and bus bays, for layover parking, and interior bus cleaning and incidental repair.

**Transit Stop.** A facility located within the public right-of-way at selected points along transit routes for passenger pickup, drop off, or transfer, but excluding areas for vehicle repair or storage, passenger ticketing and parking, which are defined as a transit station or terminal.

**Truck or Freight Terminal.** A transportation facility furnishing services incidental to air, motor freight, and rail transportation. Examples of these facilities include:

delivery and courier services  
freight forwarding services  
freight terminal facilities  
joint terminal and service facilities  
overnight mail processing facilities  
packing, crating, inspection and weighing services  
postal service bulk mailing distribution centers  
transportation arrangement services  
trucking facilities, including transfer and storage

**U. Definitions, "U."**

**Use.** "Use" means the activity for which land or buildings are designed, occupied or maintained. (Ord. 941 - 1 (part), 1982: prior code - 9204.11 (part))

**Utility Infrastructure.** Pipelines for water, natural gas, and sewage collection and disposal; and facilities for the transmission of electrical energy for sale, including transmission lines for a public utility company. Also includes telephone, telegraph, cable television and other communications transmission facilities utilizing direct physical conduits. Does not include offices or service centers (see "Offices - Business and Service"), or distribution substations (see "Public Utility Facility").

**V. Definitions, "V."**

**Vacation Rental.** A dwelling or part of a dwelling where lodging is furnished for compensation for fewer than thirty consecutive days. Does not include fraternities, sororities, convents, monasteries, hostels, bed & breakfast inns, hotels, motels, or boarding/rooming houses, which are separately defined.

**Vehicle Services - Auto Repair and Service.** The repair, servicing, alteration, restoration, towing, painting, cleaning (including self-service and attended car washes), or finishing of automobiles, trucks, recreational vehicles, boats and other vehicles as a primary use, including the incidental wholesale and retail sale of vehicle parts as an accessory use. This use includes the following categories.

- 1. Major Repair/Body Work.** Repair facilities dealing with entire vehicles. These establishments provide towing, collision repair, other body work, and painting services; and also include tire recapping establishments.
- 2. Minor Maintenance/Repair.** Minor facilities specialize in limited aspects of repair and maintenance (e.g., muffler and radiator shops, quick-lube, etc.).

Does not include automobile parking (see "Parking Facilities"), repair shops that are part of a vehicle dealership on the same site (see "Vehicle Sales/Rental," and "Mobile Home, Recreational Vehicle and Boat Sales and Rental"); gas stations, which are separately defined; or dismantling yards, which are included under "Recycling - Scrap and Dismantling Yards."

**Veterinary Clinics, Animal Hospitals, Kennels.** Office and indoor medical treatment facilities used by veterinarians, including large and small animal veterinary clinics, and animal hospitals. Kennels and boarding operations are commercial facilities for the keeping, boarding or maintaining of four or more dogs four months of age or older, or four or more cats, except for dogs or cats in pet shops.

**W. Definitions, "W."**

**Warehouse Store.** A retail store that emphasizes the packaging and sale of products in large quantities or volumes, some at discounted prices, where products are typically displayed in their original shipping containers. Sites and buildings are usually large and industrial in character. Patrons may be required to pay membership fees.

**Warehouses, Wholesaling and Distribution.** These facilities include:

- 1. Warehouses.** Facilities for the storage of furniture, household goods, or other commercial goods of any nature, including moving company warehouses. Includes cold storage, and moving companies. Does not include: warehouse, storage or mini-storage facilities offered for rent or lease to the general public (see "Storage, Personal Storage Facilities"); warehouse facilities in which the primary purpose of storage is for wholesaling and distribution (see "Wholesaling and Distribution"); or terminal facilities for handling freight (see "Truck and Freight Terminals").
- 2. Wholesaling and Distribution.** Establishments engaged in selling merchandise to retailers; to contractors, industrial, commercial, institutional, farm, or professional business users; to other wholesalers; or acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies. Examples of these establishments include:
  - agents, merchandise or commodity brokers, and commission merchants
  - assemblers, buyers and associations engaged in the cooperative marketing of farm products
  - merchant wholesalers
  - stores primarily selling electrical, plumbing, heating and air conditioning supplies and equipment.Also includes storage, processing, packaging, and shipping facilities for mail order and e-commerce retail establishments.

**Wine tasting room – off site.** A satellite wine tasting room associated with a licensed winery serving only those wines it produces in 1-ounce tastes or an amount approved by Alcohol and Beverage Control for tasting purposes. Only one satellite wine tasting room is permitted per licensed winery. Wine tasting establishments serving wines from multiple wineries are separately defined as a Bar/Tavern.

**Work/Live Unit.** See "Live/Work Unit, Work/Live Unit."

**Z. Definitions, "Z."**

**Zone (or district or zone district).** "Zone" (or "district" or "zone district") means an area of the city delineated on the official zoning map, designated by name or abbreviation as provided in the regulations codified in this division. (Ord. 941 - 1 (part), 1982: prior code - 9204.11 (part))