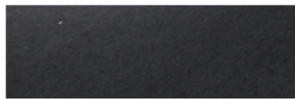




ZONING REGULATIONS

February 2022



CITY OF SAN LUIS OBISPO

COMMUNITY DEVELOPMENT DEPARTMENT

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.

Acknowledgements

CITY OF SAN LUIS OBISPO

The City of San Luis Obispo would like to thank and recognize the efforts of citizens who participated in the comprehensive update to the Zoning Regulations.

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Carlyn Christianson, Vice Mayor
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Amendments

The City of San Luis Obispo adopted their first City Zoning Regulations in 1947. The 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. The Zoning Regulations were repealed and replaced by City Council Ordinance No. 1650 (2018 Series) and became effective October 19, 2018.

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.

Ordinance No. 946 (1983 Series) - Amended Section 17.22.010 (currently Chapter 17.10 Table 2-1) of the Zoning Regulations concerning the regulation of electronic game amusement centers, effective 3/13/83.

Ordinance No. 1004 (1984 Series) - Added Section 17.21.010 (currently 17.86.020) 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 (currently Chapter 17.10 Table 2-1) 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 (currently 17.70.210) of the Zoning Regulations concerning intersection visibility, effective 5/17/84.

Ordinance No. 1016 (1984 Series) - Amended Section 17.36 (currently 17.86.240) 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 (currently 17.32.030) 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 (currently 17.86.020) 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 (currently 17.32.030) 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 (currently Chapter 17.10 Table 2-1) 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 (currently 17.32.030) 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 (currently 17.56) 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 (currently Chapter 17.10 Table 2-1, 17.36.30, and 17.40.030) 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 (currently Chapter 17.10 Table 2-1, and 17.24) 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 (currently 17.32.030) 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 (currently 17.86.030 and Chapter 17.10 Table 2-1) 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 (currently 17.70.160) to the Zoning Regulations concerning satellite dish antennas (CR 1307), effective 2/4/88.

Ordinance No. 1110 (1988 Series) - Amended Section 17.22.010 (currently Chapter 17.10 Table 2-1) 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 (currently Chapters 17.16 through 17.40) 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 (currently Chapter 17.48) of the Zoning Regulations regarding requirements for planned developments (R 1419), effective 2/2/89.

Ordinance No. 1154 (1989 Series) - Added Section 17.93 (repealed in 2021) 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 (currently Chapter 17.10 Table 2-1) 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 (currently Chapter 17.10 Table 2-1) 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 (currently Chapter 17.58) 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 (currently Chapter 17.10 Table 2-1, and Chapter 17.72) 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 (currently 17.86.100) 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 (currently 17.86.100) 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 – currently Chapter 17.10 Table 2-1) 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 – currently Chapter 17.10 Table 2-1) 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 (currently 17.96.020.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 – currently Chapter 17.10 Table 2-1) to allow various uses in the C-N zone, effective 4/15/94.

Ordinance No. 1258 (1994 Series) Amended the Zoning Regulations (Table 9 – currently Chapter 17.10 Table 2-1) 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 – currently Chapter 17.10 Table 2-1) 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 – currently Chapter 17.10 Table 2-1) 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 – currently Chapter 17.10 Table 2-1) 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 (currently 17.86.020), 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. 1500 (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 (currently Chapter 17.138) of the Zoning Regulations regarding resident selection process for inclusionary housing, effective 10/7/07.

Ordinance No. 1509 (2007 Series) Amended Section 17.42 (currently Chapter 17.32) 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 (currently 17.70.100) 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. 1547 (2010 Series) Repealing Chapter 13.20 and repealing and replacing Chapter 17.87 (currently 17.70.220) of the Zoning

Regulations establishing new water efficient landscape standards, effective January 1, 2010.

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 (currently Chapter 17.10 Table 2-1), 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.

Ordinance No. 1606 (2014 Series) Amended definitions for accessory structures, bedrooms, and guest houses (changed to guest quarters); and, renamed Chapter 17.21 (currently 17.86.020) to Accessory Spaces and established new regulations for Guest Quarters and Accessory Structures; and, revised Table 9 (currently Chapter 17.10 Table 2-1) to include 'Groceries, specialty foods,' 'Liquor store/Alcohol Sales,' and 'Restaurant with late hour alcohol service,' which were inadvertently omitted in the 2013 updates; and, revised section 17.70.020 (currently 17.124.020) to add the Planning Commission and Community Development Director to the list of authorities able to initiate zoning amendments, effective August 14, 2014.

Ordinance No. 1602 (2014 Series) Added Chapter 17.61 (currently 17.112) and amended Chapter 17.08.110 (currently 17.08.110) of the Municipal Code to provide a fair and reasonable procedure for disabled persons to request flexibility in the application of land use and zoning regulations, and reference to a Good Neighbor Policy that communicates community expectations and City commitments as it relates to the City's support of homeless services, effective June 10, 2014.

Ordinance No. 1610 (2014 Series) Added Chapter 17.57 (replaced with 17.10.020.D in 2021), Airport Overlay Zoning Regulations; and added the Special Focus Area (SF) Overlay Zone; and, amended zoning designations for Special Planning Areas consistent with adoption of the Land Use and Circulation Element Update, effective January 15, 2015.

Ordinance No. 1607 (2015 Series) Added Chapter 17.08.140 (currently 17.86.160) allowing owner-occupied homestay rentals with permit requirements and performance standards for owner occupancy, maximum number of guests, parking, responsible party and accessory structures, effective February 21, 2015.

Ordinance No. 1634 (2017 Series) Amending Title 17 of the Municipal Code to address Accessory Dwelling Units, effective July 14, 2017.

Ordinance No. 1647 (2018 Series) Amending Title 17 of the Municipal Code to establish zoning regulations for commercial cannabis businesses and personal cultivation, effective January 7, 2019.

Ordinance No. 1650 (2018 Series) Repealing and replacing Title 17 of the Municipal Code including complete re-organization, effective October 19, 2018.

Ordinance No. 1657 (2019 Series) Amending Title 17 to address Tiny Homes on Wheels, Accessory Dwelling Units, Electric Vehicle Parking, and several miscellaneous clean up items, effective March 7, 2019.

Ordinance No. 1679 (2020 Series) Amending Title 17 of the Municipal Code associated with Accessory Dwelling Units and introducing Junior Accessory Dwelling Units, effective April 2, 2020.

Ordinance No. 1681 (2020 Series) Amending Chapter 17.94 of Title 17 establishing provisions for the continuance of non-conforming uses existing at the time of annexation within the East Airport Area, effective May 7, 2020.

Ordinance No. 1685 (2020 Series) Amending Title 17 of the Municipal Code supporting the Clean Energy Choice Program, effective July 1, 2020.

Ordinance No. 1703 (2021 Series) Amending Title 17 (Zoning Regulations) of the municipal code with Objective Design Standards for qualifying residential projects, effective January 6, 2021.

Ordinance (1705 (2021 Series) Approving clarification of Bee Keeping Regulations (Title 6); and an update to the City's Zoning Regulations (Title 17) of the Municipal Code including amendments to implement several 6th cycle housing element policies to streamline development review processes for certain housing projects, provide consistency with the updated San Luis Obispo County Airport Land Use Plan, and additional miscellaneous clean-up items, effective February 25, 2022.

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ARTICLE 1: ENACTMENT, APPLICABILITY, AND ENFORCEMENT

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Chapter 17.02. Purpose and Applicability of the Zoning Regulations

Sections:

- 17.02.010 – Title
- 17.02.020 – Purpose and Authority
- 17.02.030 – General Requirements
- 17.02.040 – Relationship to Prior Ordinances and Other Codes
- 17.02.050 – General Relationship to Other Regulations
- 17.02.060 – Relationship to California Environmental Quality Act
- 17.02.070 – Relationship to Design Guidelines
- 17.02.080 – Relationship to Specific Plans
- 17.02.090 – Prior Rights and Violations
- 17.02.100 – Severability, Partial Invalidation of the Zoning Regulations

17.02.010 – Title

The provisions of Title 17 of the City of San Luis Obispo Municipal Code shall be known and cited as the "City of San Luis Obispo Zoning Regulations" or "Zoning Regulations."

17.02.020 – Purpose and Authority

- A. Purpose.** The Zoning Regulations are intended to guide the development of the City in an orderly manner, implement the policies of the General Plan, protect and enhance the quality of the natural and built environment, promote the public health, safety and general welfare by regulating the use of land and buildings and the location and basic form of structures, and provide the physical, environmental, economic, and social advantages that result from the orderly planned use of land resources.
- B. Authority.** The Zoning Regulations are enacted based on the authority vested in the City of San Luis Obispo and its Charter, and the State of California, including but not limited to the State Constitution, Planning and Zoning Law (California Government Code Section 65800 et seq.), and the California Health and Safety Code.

17.02.030 – General Requirements

Land or buildings may be used and structures may be erected or altered only in accordance with the regulations in this Title 17.

17.02.040 – Relationship to Prior Ordinances and Other Codes

The provisions of the Zoning Regulations, as they existed prior to the effective date of Ordinance No. 1650, are repealed and superseded as provided in the ordinance enacting this Title 17. No provision of the Zoning Regulations shall validate or legalize any land use or structure established, constructed, or maintained in violation of the Zoning Regulations as it existed prior to repeal by the ordinance enacting these Zoning Regulations, except as addressed by nonconformities created by the Zoning Regulations.

17.02.050 – General Relationship to Other Regulations

The regulations of this Title and requirements or conditions imposed pursuant to this Title shall not supersede any other regulations or requirements adopted or imposed by the City, the State of California, or any Federal agency that has jurisdiction by law over uses and development authorized by this Title. All uses and development authorized by this Title shall comply with all other such regulations and requirements. Where conflict occurs between the provisions of

this Title and any other City ordinance, Title, Chapter, Resolution, guideline or regulation, the more restrictive provisions shall control, unless otherwise specified.

17.02.060 – Relationship to California Environmental Quality Act

When a project application pursuant to the provisions of the Zoning Regulations is determined to be subject to the provisions of the California Environmental Quality Act (CEQA), the application shall be reviewed in accordance with the provisions of the Zoning Regulations, CEQA (Public Resources Code, Section 21000 et seq.), the CEQA Guidelines (Title 14, California Code of Regulations, Section 15000 et seq.), and any environmental guidelines and other applicable rules adopted by the City.

17.02.070 – Relationship to Design Guidelines

Any design guidelines adopted by the City shall be considered complementary to the development and design standards set forth in the Zoning Regulations. In the event of any conflict between adopted design guidelines and the provisions of the Zoning Regulations, the provisions of the Zoning Regulations shall govern.

17.02.080 – Relationship to Specific Plans

Specific Plans are designed to meet the requirements of the State Government Code and the City of San Luis Obispo General Plan. All uses, buildings, or structures located within a specific plan area shall comply with the provisions of the applicable Specific Plan. If such provisions conflict with the Zoning Regulations, the requirements of the adopted Specific Plan shall take precedence over the Zoning Regulations. In instances where the Specific Plan is silent, the Zoning Regulations shall prevail.

17.02.090 – Prior Rights and Violations

The enactment of the Zoning Regulations shall not terminate nor otherwise affect vested land use development permits, approvals, or agreements authorized under the provisions of any ordinance or resolution, nor shall violation of any prior ordinance or resolution be excused by the adoption of the Zoning Regulations.

17.02.100 – Severability, Partial Invalidation of the Zoning Regulations

If any portion of the Zoning Regulations is held to be invalid, unconstitutional, or unenforceable by a court of competent jurisdiction, such determination shall not affect the validity, constitutionality, or enforceability of the remaining portions of this Title. The Council hereby declares that this Chapter and each division, section, subsection, paragraph, subparagraph, sentence, clause, phrase, and portion thereof is adopted without regard to the fact that one or more portions of this Chapter may be declared invalid, unconstitutional, or unenforceable.

Chapter 17.04. Interpretation of the Zoning Regulations

Sections:

- 17.04.010 – Rules of Interpretation
- 17.04.020 – Procedures for Interpretation
- 17.04.030 – Uses Not Classified
- 17.04.040 – Text Takes Precedence over Graphics

17.04.010 – Rules of Interpretation

- A. **Ambiguity.** The Director is assigned the responsibility and authority to interpret these regulations, subject to the appeal procedures of Chapter 17.126 (Appeals).
- B. **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.
- C. **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.
- D. **Internal Conflicts.** Where provisions indicated in this Article conflict with provisions of other applicable laws, including these Zoning Regulations and other adopted Ordinances, the more restrictive provision shall prevail.
- E. **Terminology.** When used in this Chapter, the following rules apply to all provisions of the Zoning Regulations:
 1. **Language.** When used in the Zoning Regulations, the words "shall," "must," "will," "is to," and "are to" are mandatory. Regulations containing the word "should" are to be followed unless not doing so will result in better implementation of other Zoning Regulations or General Plan policies; with the overall objective of ensuring that the intent and spirit of the General Plan and Zoning Regulations are followed. "May" is permissive.
 2. **Tense.** The present tense includes the past and future tense, and the future tense includes the present.
 3. **Number.** The singular number includes the plural number, and the plural the singular, unless the natural construction of the words indicates otherwise.
 4. **Conjunctions.** "And" indicates that all connected items or provisions shall apply. "Or" indicates that the connected items or provisions may apply singly or in any combination. "Either...or" indicates that the connected items and provisions shall apply singly but not in combination. "Includes" and "including" shall mean "including but not limited to."
 5. **Local Reference.** "City" as used in the Zoning Regulations means the City of San Luis Obispo, and all public officials, bodies, and agencies referenced are those of the City unless otherwise stated.
 6. **Definitions.** All words and terms shall be as defined in the Zoning Regulations, Municipal Code, and/or as determined/interpreted by the Director.
 7. **State Law Requirements.** References to applicable provisions of State law (e.g., the California Government Code, Public Resources Code) shall be construed to refer to the applicable State law provisions, as they may be amended from time to time.
- F. **Number of Days.** Whenever the number of days is specified in the Zoning Regulations, or in any permit, condition of approval, or notice issued or given as provided in the Zoning Regulations, the number of days shall be construed

as calendar days, unless otherwise specified. When the last of the specified number of days falls on a weekend or City holiday, time limits shall extend to the end of the next working day.

- G. Fractions.** Except as otherwise provided, the fractional/decimal results of calculations of one-half (0.5) or greater shall be rounded up to the nearest whole number and fractions of less than one-half (0.5) shall be rounded down to the nearest whole number.
- H. Minimum Requirements.** When interpreting and applying the Zoning Regulations, all provisions shall be considered to be minimum requirements, unless specifically stated otherwise.

17.04.020 – Procedures for Interpretation

- A. Authority of Director to Interpret.** Whenever, in the opinion of the Director, or at the discretion of the Planning Commission, there is any question regarding the interpretation of the General Plan, a Specific Plan, or the provisions of the Zoning Regulations or its application to any specific case or situation that warrants formal interpretation, the Director shall interpret the relevant provision of the General Plan, Specific Plan, or Zoning Regulations by written decision or refer the question to the Planning Commission for determination.
- B. Appeals.** Any interpretation of the Zoning Regulations by the Director or Planning Commission may be appealed in compliance with Chapter 17.126 (Appeals).

17.04.030 – Uses Not Classified

- A. Use Not Listed Is Not Allowed.** If a use of land is not specifically listed in Chapter 17.10 (Use Regulations), the use shall not be allowed, except as provided below.
- B. Director's Determination.** Based on the authority granted in Section 17.04.020 (Procedures for Interpretation), the Director may determine that a land use that is not listed in Chapter 17.10 (Use Regulations) may be allowed. In making this determination, the Director shall first make all of the following findings:
 - 1. The characteristics of, and activities associated with, the use are equivalent to those of one or more of the uses listed in the zone as allowable, and will not involve a greater level of activity, population density, intensity, traffic generation, parking, dust, odor, noise, emissions, or similar impacts than the uses listed in the zone;
 - 2. The use will meet the purpose/intent of the zone that is applied to the location of the use; and
 - 3. The use will be consistent with the goals, objectives, and policies of the General Plan and/or any applicable specific plan or planned development.
- C. Applicable Standards and Permit Requirements.** When the Director determines that an unlisted land use is equivalent to a listed use, the unlisted use will be treated in the same manner as the listed use in determining where the use is allowed, what permits are required, and what other standards and requirements of the Zoning Regulations apply.
- D. Uses Not Permitted in the City.** Notwithstanding the above, prohibited uses listed in Section 17.10.020.F (Prohibited Uses), any use not expressly allowed by these Zoning Regulations, and any other uses determined by the Director to have equivalent characteristics and activities to these prohibited uses, shall not be treated as permitted or conditionally permitted uses in any zone of the City.

17.04.040 – Text Takes Precedence over Graphics

In case of a conflict between the Zoning Regulations text and any diagram, illustration, graphic, or image contained in the Zoning Regulations, the text shall take precedence.

Chapter 17.06. Zones Established and Zoning Map

Sections:

- 17.06.010 – Purpose
- 17.06.020 – Designation of Zones
- 17.06.030 – Official Zoning Map
- 17.06.040 – Uncertainty of Boundaries
- 17.06.050 – Classification of Annexed Lands and Unclassified Property

17.06.010 – Purpose

The purpose of this Chapter is to establish the zones applied to property within the City and to adopt the City’s zoning map.

17.06.020 – Designation of Zones

- A. General.** The City is divided into zones to allow for orderly, planned development and to implement the General Plan.
- B. Base Zone.** Every parcel shall have a base zone that establishes the primary type and intensity of land use permitted, along with development regulations for that particular type and intensity of land use.
- C. Overlay Zone.** An overlay zone supplements the base zone for the purpose of establishing special use or development regulations for a particular area in addition to the provisions of the underlying base zone. In the event of conflict between the base zone regulations and the overlay zone regulations, the provisions of the overlay zone shall apply.
- D. Zones Established.** All zones shall be listed and appropriately designated on the official zoning map. For purposes of the regulations set out in this Title, the following zones are created:

Table 1-1: Zones Established	
Residential Zones	
R-1	Low-Density Residential
R-2	Medium-Density Residential
R-3	Medium-High Density Residential
R-4	High-Density Residential
Nonresidential Zones	
AG	Agricultural
C/OS	Conservation/Open Space
O	Office
PF	Public Facility
C-N	Neighborhood Commercial
C-C	Community Commercial
C-D	Downtown Commercial
C-R	Retail Commercial

Table 1-1: Zones Established	
C-T	Tourist Commercial
C-S	Service Commercial
M	Industrial
BP	Business Park
Overlay Zones	
D	Downtown Overlay
SP	Specific Plan
H	Historic Overlay
MU	Mixed Use Overlay
S	Special Considerations Overlay
S-F	Special Focus Overlay
PD	Planned Development Overlay
CBZ	Cannabis Business Overlay Zone

17.06.030 – Official Zoning Map

All areas within the City shall be designated within a zone. The boundaries, designations, map symbols and locations of the zones established by the Zoning Regulations shall be shown upon the map(s) entitled "City of San Luis Obispo Zoning Map" and referred to in the Zoning Regulations as the Zoning Map. The official Zoning Map, which shall depict all duly adopted zones, is as much a part of these regulations as if it were fully contained in this document. The official Zoning Map shall be maintained by and in the Community Development Department, and for convenience in more easily identifying zone boundaries may be divided into parts.

17.06.040 – Uncertainty of Boundaries

- A. General.** Boundaries between zones 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, as when a street is abandoned. Zones which meet a street centerline shall not be considered "adjacent."
- B. Split Zoning.** A split-zoned parcel is a parcel to which two or more base zones apply (which does not include overlay zones). All applicable Zoning Regulations for each particular zone shall be applied separately for each portion of a parcel that is split-zoned. This includes the front, rear and side setback regulations, regardless of the standard setback definition provided in Chapter 17.158 (General Definitions), as well as any applicable lot coverage regulations.
- C. Determination.** The location of boundaries which are not readily determined by inspection of the official Zoning Map shall be determined by the Director.

17.06.050 – Classification of Annexed Lands and Unclassified Property

Any area annexed to the City shall be rezoned consistent with the General Plan or zoned C/OS until rezoned after annexation.

ARTICLE 2: ZONES, ALLOWABLE USES AND DEVELOPMENT AND DESIGN STANDARDS

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Chapter 17.10. Use Regulations

Sections:

- 17.10.010 – Purpose and Application
- 17.10.020 – Use Regulations By Zone

17.10.010 – Purpose and Application

This Chapter identifies those land uses that may be established in conjunction with any buildings, improvements, lots, or premises within the zones established by Chapter 17.06 (Zones Established and Zoning Map).

17.10.020 – Use Regulations By Zone

A. Allowed Uses. Uses within zones shall be regulated as set forth in Table 2-1: Uses Allowed by Zone, subject to subsections B through F of this Section and additional regulations specified in the Additional Regulations column of Table 2-1. Land uses are defined in Chapter 19.156 (Land Use Definitions). In Table 2-1, symbols shall have these meanings:

- A The use is allowed as a matter of right.
- MUP The use requires a Minor Use Permit approved by the Director, as provided in Section 17.110.030 (Procedure – Minor Use Permit).
- CUP The use requires a Conditional Use Permit approved by the Planning Commission, as provided in Section 17.110.030 (Procedure – Minor Use Permit).
- M/A The use is allowed above the ground floor only. Subject to Minor Use Permit review, the use may be established on the ground floor.

Variations to allowed uses in Table 2-1: Uses Allowed by Zone may be permitted or required by Chapter 17.50: Specific Plan (SP) Overlay Zone, Chapter 17.52: Special Focus Area (S-F) Overlay Zone, and Chapter 17.60: Special Considerations (S) Overlay Zone.

B. Interpretation of Use Listing.

1. **Director's Determination.** In cases where a specific land use or activity is not defined, the Director shall assign the land use or activity to a classification that is substantially similar in character per Section 17.04.030.B (Director's Determination). 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.
2. **Uses Not Listed and Not Substantially Similar.** Any use not expressly allowed by these Zoning Regulations is prohibited.

C. Primary and Accessory Uses. Listed uses are primary uses. Accessory uses are allowed only where a primary use is established, as defined in Section 17.158.046 (U Definitions). An accessory use may be allowed if it is not listed as an allowed use in Table 2-1 for the applicable zone. Bars and Taverns, Live Entertainment, or other uses or activities as identified in Article 4 (Regulations for Specific Land Uses and Activities), are not considered accessory uses, unless specifically defined as accessory in Article 4 (Regulations for Specific Land Uses and Activities) or Article 9 (Definitions).

D. Airport Land Use Plan. Uses within Airport Land Use Plan (ALUP) boundaries shall be consistent with ALUP Table 4-5 (Airport Land Use Compatibility Table) as identified in the Amended and Restated San Luis Obispo County Regional Airport (SBP) Airport Land Use Plan. Properties within Specific Plan areas which are also within the boundaries of the ALUP Airport Influence Area (AIA) shall be reviewed for conformance with the standards of

their respective Specific Plans which have received a determination of consistency with the ALUP from the Airport Land Use Commission.

E. Specific Plan Consistency. See Section 17.02.080 (Relationship to Specific Plans).

F. Prohibited Uses. The following uses are prohibited in all zones:

1. RESERVED.
2. Drive-Through Facilities
3. Large-Scale Retail with over 140,000 square feet of gross floor area
4. Livestock Feed Lots
5. Mineral Extraction and Commercial Mining
6. Onshore Support Facilities for offshore oil or gas development
7. Vacation Rentals. See also Section 17.86.160 (Homestay Rentals).

Table 2-1: Uses Allowed By Zone																	
Key:	A = Allowed; MUP = Minor Use Permit approval required; CUP = Conditional Use Permit approval required																
	M/A = Minor Use Permit approval required on ground floor along street frontage, allowed on second floor or above																
Land Use	Permit Requirement by Zoning District																Specific Use Regulations
	AG	C/OS	R-1	R-2	R-3	R-4	PF	O	C-N	C-C	C-R	C-D	C-T	C-S	M	BP	

AGRICULTURE

Agricultural Accessory Structure	A	A															
Animal Husbandry and Grazing	A	A															
Community Garden	A	MUP	A	A	A	A	A										
Crop Production	A	A					A							MUP	MUP		
Greenhouse/Plant Nursery, Commercial	CUP	CUP															

INDUSTRY, MANUFACTURING & PROCESSING, WHOLESALING

Fuel Dealer (propane, etc)														MUP	A		See also Sec. 17.74.060
Laboratory - Medical, Analytical, Research, Testing								CUP			A			A	A	A	See also Sec. 17.74.060
Manufacturing - Heavy															CUP	CUP	See also Sec. 17.74.060
Manufacturing - Light														A	A	A	See also Sec. 17.74.060
Recycling																	
Recycling - Collection Facility										MUP	MUP			MUP	A		
Recycling - Processing Facility															MUP		
Research and Development														A	MUP	A	See also Sec. 17.74.060
Salvage and Wrecking															MUP		
Warehousing, Storage, and Distribution																	
Outdoor Storage														MUP	MUP		
Personal Storage														A	A		
Warehousing and Indoor Storage														A	A	MUP	
Wholesaling and Distribution														A	A	MUP	

Table 2-1: Uses Allowed By Zone																	
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Land Use	Permit Requirement by Zoning District																Specific Use Regulations
	AG	C/OS	R-1	R-2	R-3	R-4	PF	O	C-N	C-C	C-R	C-D	C-T	C-S	M	BP	

LODGING

Bed and Breakfast Establishment	MUP				CUP	CUP					A	A	A				See Sec. 17.86.070
Homeless Shelter				A	A	A	A	A	A	A	A	A	A	A	A		See Sec. 17.86.150 and GC Sec. 65583(a)(4)
Hostel					CUP	CUP					A	A	A				
Hotels and Motels											A	A	A	CUP		CUP	
RV Parks													CUP				

PUBLIC AND QUASI-PUBLIC USES

Cultural Institutions							CUP				A	A	A	CUP				
Hospitals and Clinics																		
Clinic								MUP		MUP	A	MUP		MUP		MUP	See Sec. 17.36.030.C and Sec. 17.42.030.A	
Hospital							CUP	CUP										
Park and Recreation Facilities			A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	Parks and Recreation Commission review required.
Public Assembly Facilities							CUP	A		MUP	MUP	M/A	MUP	CUP				
Religious Assembly Facilities			CUP	MUP	MUP	MUP	MUP	A	MUP	MUP	A	M/A	MUP	MUP	MUP		See 42 U.S.C. §§ 2000cc, et seq.	
Schools - Colleges							CUP											
Schools - Primary and Secondary			CUP	CUP	MUP	MUP	CUP	CUP		CUP	MUP			CUP			See Sec. 17.86.240	
Schools - Trade Schools							CUP	MUP					CUP		MUP		MUP	In the C-D zone, Trade Schools are not allowed on the ground floor.
Sports and Entertainment Assembly Facility							CUP								CUP			

Table 2-1: Uses Allowed By Zone																
Key:	A = Allowed; MUP = Minor Use Permit approval required; CUP = Conditional Use Permit approval required															
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Land Use	Permit Requirement by Zoning District															Specific Use Regulations
	AG	C/OS	R-1	R-2	R-3	R-4	PF	O	C-N	C-C	C-R	C-D	C-T	C-S	M	

RESIDENTIAL USES

General Residential Housing Types																	
Single-Unit Dwellings, Detached	A	CUP	A	A	A	A		A									
Multi-Unit Residential				A	A	A		A									
Boarding House					CUP	CUP					MUP	MUP					
Caretaker Quarters	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	MUP	
Continuing Care Community			MUP	MUP	MUP	MUP		MUP			MUP	MUP					
Elderly and Long Term Care					MUP	MUP		MUP			M/A	M/A	MUP				
Family Day Care (Small and Large)	A		A	A	A	A		A	A	A	A	A	A	A	A		See Sec. 17.86.100 and H&SC 1597.40
Fraternities and Sororities					CUP	CUP											Section 17.86.130
Hospice In-Patient Facility				CUP	CUP	MUP	CUP	CUP			MUP						
Mobile Home Park			A	A	A	A											See GC Sec. 65852.7, 65863.7, 65863.8
Residential Care Facilities - 6 or Fewer Residents	A		A	A	A	A		A	M/A		M/A	M/A	MUP				Multiple state statutes
Residential Care Facilities - 7 or More Residents			MUP	MUP	MUP	MUP		MUP			MUP	MUP					Multiple state statutes
Supportive and/or Transitional Housing, with On or Off-Site Services			A	A	A	A	MUP	A	A	A	A	A	A	A	A		See GC Sec. 65583(a)(5)
Farmworker Housing	A	A															

MIXED USES

Mixed-use Development								A	A	A	A	A	A	A	A		See Sec. 17.70.130
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Table 2-1: Uses Allowed By Zone																
Key:	A = Allowed; MUP = Minor Use Permit approval required; CUP = Conditional Use Permit approval required															
	M/A = Minor Use Permit approval required on ground floor along street frontage, allowed on second floor or above															
Land Use	Permit Requirement by Zoning District															Specific Use Regulations
	AG	C/OS	R-1	R-2	R-3	R-4	PF	O	C-N	C-C	C-R	C-D	C-T	C-S	M	

COMMERCIAL USES

Adult Entertainment Businesses												A		A			See Sec. 17.86.030 and GC Section 65850.4	
Animal Care, Sales and Services																		
Animal Boarding/Kennels	CUP														MUP	MUP	Outdoor runs and kennel areas shall be allowed only in the C-S zone. See also Sec. 17.86.170.	
Animal Grooming									A	A	A	A			A	MUP		
Animal Retail Sales									MUP	A	A	A			A			
Veterinary Services, Large Animal	CUP														MUP	MUP		
Veterinary Services, Small Animal								A	A	A	A	M/A			A			
Banks and Financial Institutions																		
ATMs								A	A	A	A	A	A	A	A	A		
Banks and Credit Unions								A		A	A	A			MUP	MUP	MUP	See Sec. 17.36.030.B and Sec. 17.40.030.A
Check Cashing Shops/Payday Loans										MUP	MUP							
Business Services								A		A	A	M/A			A	A	A	
Cemetery		CUP	CUP	CUP	CUP	CUP	CUP				CUP		CUP	CUP	CUP			
Commercial Recreation - Large Scale							CUP			CUP	CUP	CUP	CUP	CUP	CUP	MUP	See Sec. 17.36.030.D and Sec. 17.86.110	
Commercial Recreation - Small Scale								MUP	MUP	A	A	A	A	A	A	MUP		
Day Care Center			MUP	MUP	MUP	MUP	MUP	A	A	A	A	M/A	MUP	MUP	MUP	MUP	See Sec. 17.86.100	

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Land Use	Permit Requirement by Zoning District																Specific Use Regulations	
	AG	C/OS	R-1	R-2	R-3	R-4	PF	O	C-N	C-C	C-R	C-D	C-T	C-S	M	BP		
Eating and Drinking Establishments																		
Bars and Taverns										MUP	MUP	MUP	MUP	MUP	MUP		See also Sec. 17.86.040 and Sec. 17.86.050	
Restaurant									A	A	A	A	A	A	MUP	MUP		
Restaurant with Late Hour Alcohol Service									MUP	MUP	MUP	MUP	MUP	MUP	MUP	MUP	See Sec. 17.86.040 and Sec. 17.86.050	
Food and Beverage Sales																		
General Market									A	A	A	A	CUP				See Sec. 17.26.030.B.1	
Convenience Store				MUP	MUP	MUP			A	A	A	A	A	MUP	MUP	MUP	See Sec. 17.26.030.B.1 and Sec. 17.86.090	
Produce Stand	MUP	MUP							A		A	A		A				
Liquor Store									MUP	MUP	MUP	MUP	CUP				See Sec. 17.26.030.B.2 and Sec. 17.86.040	
Food Preparation											A			A	A			
Funeral Parlors and Internment Services								MUP	MUP			A			MUP			
Instructional Services								MUP	CUP	MUP	M/A	A	M/A	CUP	A	MUP		
Maintenance and Repair Services														A	A	CUP		
Offices																		
Business and Professional Offices								MUP	A		A	A	M/A		M/A	MUP	MUP	In the C-S zone, a MUP is required for office uses on the ground floor. See also Sec. 17.36.030.B and Sec. 17.40.030.A.
Medical and Dental Offices									A		A	A	M/A		MUP		MUP	See Sec. 17.36.030.C
Personal Services										A	A	A	A	MUP	A		MUP	

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Land Use	Permit Requirement by Zoning District															Specific Use Regulations	
	AG	C/OS	R-1	R-2	R-3	R-4	PF	O	C-N	C-C	C-R	C-D	C-T	C-S	M		BP
Retail Sales																	See Sec. 17.26.030.A, 17.30.030.A, 17.32.030, and 17.34.034.A and 17.36.030.A
Building Materials and Services - Indoor										A	A	A		A	A		
Building Materials and Services - Outdoor										MUP	A	MUP		A	A		
Extended Hour Retail								MUP	MUP	MUP	MUP	MUP	MUP	MUP	MUP		
General Retail									MUP	A	A	A	MUP	MUP			
Large-Scale Retail										CUP	CUP	CUP					
Nurseries and Garden Centers											CUP			A	A		
Theaters								CUP			MUP	MUP	MUP			MUP	Only nonprofit theaters are allowed in the PF zone. See also Sec. 17.86.030.
Vehicle Sales and Services																	
Auto and Vehicle Sales and Rental											MUP		CUP	A	MUP		
Large Vehicle, Construction and Heavy Equipment Sales, Service, and Rental														MUP	A		
Service Stations									MUP	MUP	MUP		MUP	A			See Sec. 17.86.250, and Sec. 17.86.060.
Vehicle Services - Major Repair/Body Work														A	A	MUP	
Vehicle Services - Minor Repair/Maintenance										CUP	MUP			A	A	MUP	
Vehicle Services - Washing										MUP	MUP		CUP	MUP	MUP		

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Land Use	Permit Requirement by Zoning District																Specific Use Regulations
	AG	C/OS	R-1	R-2	R-3	R-4	PF	O	C-N	C-C	C-R	C-D	C-T	C-S	M	BP	

TRANSPORTATION, COMMUNICATIONS, & UTILITIES

Airport							CUP							CUP	CUP	MUP	
Wireless Telecommunications Facilities	MUP	MUP					MUP	MUP		MUP	MUP	MUP	MUP	MUP	MUP	MUP	See Sec. 17.86.290, 47 USC Sec. 332(c)(7) of the Telecommunications Act, Pub. Util. Code Sec. 7901 et seq., GC Sec. 65850.6
Freight/Truck Terminals														A	A	MUP	
Light Fleet-Based Services														A	MUP	MUP	
Media Production																	
Backlots and Soundstages														MUP	MUP	MUP	
Broadcast Studios								A			A	M/A		A	A	A	
Heliport							CUP	CUP						CUP	CUP		
Parking Facilities							CUP	CUP			CUP	CUP		CUP	CUP		See Sec. 17.86.200
Public Safety Facilities							CUP									CUP	
Transit Station or Terminal							CUP				CUP	CUP		MUP	A		
Utilities Facilities																	
Facilities with Onsite Staff	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	Ground-mounted equipment in residential zones shall be screened by landscaping to the satisfaction of the Director.
Facilities with No Onsite Staff (unmanned)	MUP	MUP	MUP	MUP	MUP	MUP	MUP	MUP	MUP	MUP	MUP	MUP	MUP	MUP	MUP	MUP	
Transmission Lines	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	

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Key:	A = Allowed; MUP = Minor Use Permit approval required; CUP = Conditional Use Permit approval required															
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Land Use	Permit Requirement by Zoning District															Specific Use Regulations
	AG	C/OS	R-1	R-2	R-3	R-4	PF	O	C-N	C-C	C-R	C-D	C-T	C-S	M	

CANNABIS ACTIVITY

Cannabis																	See Section 17.86.080	
Specialty Cultivator															MUP	MUP	MUP	
Small Cultivator															MUP	MUP	MUP	
Nursery															MUP	MUP	MUP	
Manufacturing															MUP	MUP	MUP	
Distributor															MUP	MUP	MUP	
Microbusiness											CUP				MUP/ CUP	MUP/ CUP	MUP/ CUP	See Sec. 17.86.080(E)(12) for specific requirements per zone.
Testing								CUP							A	A	A	Director's action required. See also Sec. 17.86.080(E)(9).
Retailer (Delivery)															MUP	MUP	MUP	
Retailer (Storefront)											CUP				CUP			

SPECIFIC AND TEMPORARY LAND USES

Educational Conferences						MUP	MUP											
Housing												MUP	MUP					
Homestay Rentals	See Sec. 17.86.160																	
Home Occupation	See Sec. 17.86.140																	
Food Trucks	See Sec. 17.86.120																	
Nightclubs and Live Entertainment											MUP	MUP	MUP	MUP	MUP	MUP		
Office - Temporary	See Chapter 17.113																	
Outdoor Temporary and/or Seasonal Sales	See Sec. 17.86.190 and Chapter 17.113																	
Parking Facility - Temporary							CUP	MUP	MUP	MUP	MUP	MUP	MUP	MUP	MUP	MUP		See Chapter 17.113
Safe Parking			CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP		See Sec. 17.86.230
Special Event							MUP	MUP	MUP	MUP	MUP	MUP	MUP	MUP	MUP			See Chapter 17.113
Vending Machine																		See Section 17.86.280

Chapter 17.12. Agricultural (AG) Zone

Sections:

17.12.010 – Purpose and Application

17.12.020 – Development Standards

17.12.010 – 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 and where there has been a history of agricultural cultivation and keeping of livestock.

17.12.020 – Development Standards

The general property development standards for the AG zone shall be as set forth in Table 2-2: AG Zone Development Standards. See also Section 16.18.030 (Subdivisions; Lot Dimensions) for minimum lot dimensions.

Table 2-2: AG Zone Development Standards		
Development Standard	AG Zone	Additional Regulations
Maximum Residential Density	1 unit/20 acres	Each legal lot of record, regardless of size, may have one dwelling.
Minimum Parcel Size	5 acres	The minimum parcel size may be required to be larger than 5 acres as designated by the zone suffix. For example, AG-20 requires a minimum parcel size of 20 acres.
Minimum Setback		
Front	20 feet	
Side	20 feet	
Rear	20 feet	
Maximum Building Height	35 feet	
Maximum Impervious Surface Area	Parcel <10 acres	5%
	Parcel ≥ 10 acres	3%

Chapter 17.14. Conservation/Open Space (C/OS) Zone

Sections:

- 17.14.010 – Purpose and Application
- 17.14.020 – Development Standards

17.14.010 – Purpose and Application

- A. General Application.** 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 hazards. Land and water areas in the C/OS zone remain in a predominantly natural or undeveloped state generally free of structures.
- B. Natural Hazards.** 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. Natural and Historic Resources.** The C/OS zone provides for the protection and preservation of the community's natural and historic resources, defines the urban boundary, and provides visual and physical relief from urban development.

17.14.020 – Development Standards

The general property development standards for the C/OS zone shall be as set forth in Table 2-3: C/OS Zone Development Standards. See also Section 16.18.030 (Subdivisions; Lot Dimensions) for minimum lot dimensions.

Development Standard	C/OS Zone		Additional Regulations
Maximum Residential Density	1 unit per parcel		The maximum density may be decreased based on presence and extent of environmental resources and/or hazards. Such density will be as indicated by the zone designation.
Minimum Parcel Size	5 acres		The minimum parcel size may be required to be larger than 5 acres as designated by the zone suffix. For example, C/OS-40 requires a minimum parcel size of 40 acres.
Minimum Setback			
Front	20 feet		
Side	20 feet		
Rear	20 feet		
Maximum Building Height	35 feet		
Maximum Impervious Surface Area	>10 acres	5%	
	10+ acres	3%	

Chapter 17.16. Low-Density Residential (R-1) Zone

Sections:

- 17.16.010 – Purpose and Application
- 17.16.020 – Development Standards
- 17.16.030 – Additional Regulations

17.16.010 – Purpose and Application

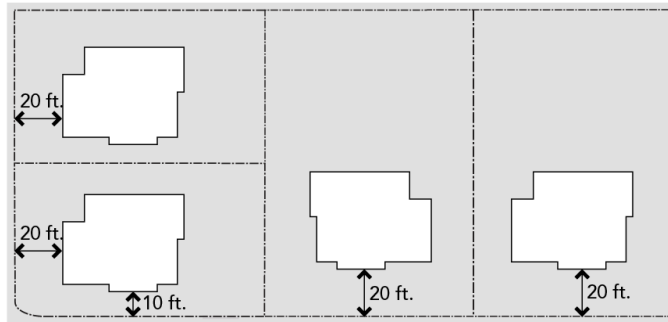
The R-1 zone provides for low-density residential development and supporting compatible uses that have locations and development forms that provide a sense of both individual identity and neighborhood cohesion, and that provide private outdoor space for the households occupying individual units. The R-1 zone is intended to preserve existing single-unit neighborhoods, provide for compatible infill development in such areas, and prescribe the overall character of newly subdivided low-density areas.

17.16.020 – Development Standards

- A. General Development Standards.** The general property development standards for the R-1 zone shall be as set forth in Table 2-4: R-1 Zone Development Standards. See also Section 16.18.030 (Subdivisions; Lot Dimensions) for minimum lot dimensions.

Table 2-4: R-1 Zone Development Standards		
Development Standard	R-1 Zone	Additional Regulations
Maximum Residential Density	7 units/net acre	See also Section 17.70.040 (Density)
Maximum FAR	0.4	Maximum FAR may be increased up to 0.50 if consistent with Section 17.16.030.A (Requirements and Findings for FAR Increase in R-1 Zone). See also Section 17.70.060 (FAR Measurement and Exceptions)
Minimum Setbacks		
Front	20 feet	See also Section 17.76.030 (Front Yard Paving)
Interior Side and Rear	See Section 17.16.020.B, Table 2-5: R-1 Zone Minimum Interior Side and Rear Setbacks.	
Corner Lot – Street Side	10 feet	See also Figure 2-1: Street Side Setback on Corner Lots.
Parking Spaces	20 feet	See Section 17.70.170.C.10 (Enclosed and Unenclosed Parking Spaces in Front and Street Side Setback Prohibited)
Maximum Building Height	25 feet	Roof pitches with a slope of at least 30 degrees above a horizontal plane may extend beyond the maximum height no more than 30 inches. See also Sections 17.16.020.B (Interior Side and Rear Setback Standards) and 17.70.080 (Height Measurement and Exceptions).
Maximum Lot Coverage	40%	See also Section 17.70.120 (Lot Coverage)
Minimum Lot Area	6,000 square feet	See also Section 16.18.030 (Subdivisions; Lot Dimensions)

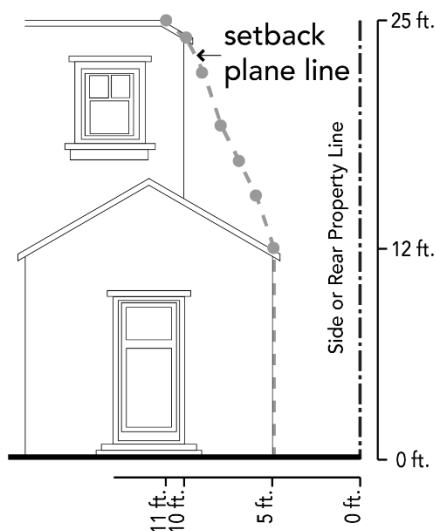
Figure 2-1: Street Side Setback on Corner Lots



B. Interior Side and Rear Setback Standards. The interior side and rear setback standards for the R-1 zone shall be as set forth in Table 2-5: R-1 Zone Minimum Interior Side and Rear Setbacks. See also Figure 2-2: R-1 Zone Minimum Interior Side and Rear Setbacks and Building Height.

Table 2-5: R-1 Zone Minimum Interior Side and Rear Setbacks	
Maximum Building Height	Minimum Required Setback
A point this high on the roof of a building:	Must be at least this far from the property line:
1 – 12 feet	5 feet (minimum setback)
13 – 15 feet	6 feet
16 – 17 feet	7 feet
18 – 19 feet	8 feet
20 – 22 feet	9 feet
23 – 24 feet	10 feet
25 feet	11 feet

Figure 2-2: R-1 Zone Minimum Interior Side and Rear Setbacks and Building Height



17.16.030 – Additional Regulations

- A. Requirements and Findings for FAR Increase in R-1 Zone.** These regulations are established to encourage development and additions that are compatible with neighborhood character in the R-1 zone. The maximum FAR may be increased from 0.4 to 0.5 if the building design incorporates one of the following:
1. **Single-Story.** Buildings limited to one story with a maximum height of 14 feet to top of a flat roof and 20 feet to the ridge or peak of a sloped roof (with otherwise permitted exceptions allowed). The allowed single story shall not include mezzanines or lofts.
 2. **Small Lots.** The property is located on a small lot that is less than 5,000 square feet in size.
 3. **Greater Setbacks.** A second-story step back (upper story building setback) of at least five feet along the front façade and second-story side setbacks that are at least three feet greater than the minimum required setback.
 4. **Garage Location.** Provide a detached garage located behind the main dwelling.

Chapter 17.18. Medium-Density Residential (R-2) Zone

Sections:

- 17.18.010 – Purpose and Application
- 17.18.020 – Development Standards
- 17.18.030 – Additional Regulations

17.18.010 – Purpose and Application

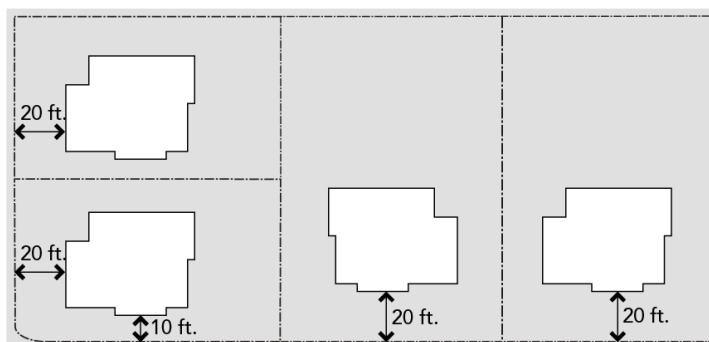
The R-2 zone is intended to provide housing opportunities that have locations and development forms that provide a sense of both individual identity and neighborhood cohesion for the households occupying them, but in a more compact arrangement than in the R-1 zone, and near commercial and public services. The R-2 zone generally will occur as a transition zone between zones of higher and lower residential density and/or adjacent to office (O) zones or neighborhood commercial (C-N) zones.

17.18.020 – Development Standards

- A. **General Development Standards.** The general property development standards for the R-2 zone shall be as set forth in Table 2-6: R-2 Zone Development Standards. See also Section 16.18.030 (Subdivisions; Lot Dimensions) for minimum lot dimensions.

Table 2-6: R-2 Zone Development Standards		
Development Standard	R-2 Zone	Additional Regulations
Maximum Residential Density	12 units/net acre	See also Section 17.70.040 (Density). Regardless of the density calculation, at least two density units shall be allowed on each parcel; except this shall not apply to common interest subdivisions.
Minimum Setbacks		
Front	20 feet	See also Section 17.76.030 (Front Yard Paving)
Interior Side and Rear	See Section 17.18.020.B, Table 2-7: R-2 Zone Minimum Interior Side and Rear Setbacks.	
Corner Lot - Street Side	10 feet	See also Figure 2-3: Street Side Setback on Corner Lots.
Parking Spaces	20 feet	See Section 17.70.170.C.10 (Enclosed and Unenclosed Parking Spaces in Front and Street Side Setback Prohibited)
Maximum Building Height	35 feet	See also Sections 17.18.020.B (Interior Side and Rear Setback Standards) and 17.70.080 (Height Measurement and Exceptions).
Maximum Lot Coverage	50%	See also Section 17.70.120 (Lot Coverage)
Minimum Lot Area	5,000 square feet	See also Section 16.18.030 (Subdivisions; Lot Dimensions)

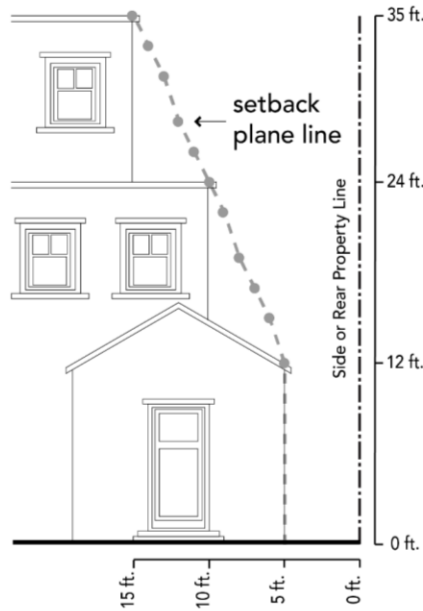
Figure 2-3: Street Side Setback on Corner Lots



B. Interior Side and Rear Setback Standards. The interior side and rear setback standards for the R-2 zone shall be as set forth in Table 2-7: R-2 Zone Minimum Interior Side and Rear Setbacks. See also Figure 2-4: R-2 Zone Minimum Interior Side and Rear Setbacks and Building Height.

Maximum Building Height	Minimum Required Setback
A point this high on the roof of a building:	Must be at least this far from the property line:
1 – 12 feet	5 feet (minimum setback)
13 – 15 feet	6 feet
16 – 17 feet	7 feet
18 – 19 feet	8 feet
20 – 22 feet	9 feet
23 – 24 feet	10 feet
25 – 26 feet	11 feet
27 – 28 feet	12 feet
29 – 31 feet	13 feet
32 – 33 feet	14 feet
34 – 35 feet	15 feet

Figure 2-4: R-2 Zone Minimum Interior Side and Rear Setbacks and Building Height



17.18.030 – Additional Regulations

Chapter 17.20. Medium-High Density Residential (R-3) Zone

Sections:

- 17.20.010 – Purpose and Application
- 17.20.020 – Development Standards

17.20.010 – Purpose and Application

The R-3 zone is intended primarily to provide housing opportunities for attached dwellings with common outdoor areas and compact private outdoor spaces. The R-3 zone is generally appropriate near employment centers and major public facilities, along transit corridors and nodes, and close to commercial and public facilities serving the whole community.

17.20.020 – Development Standards

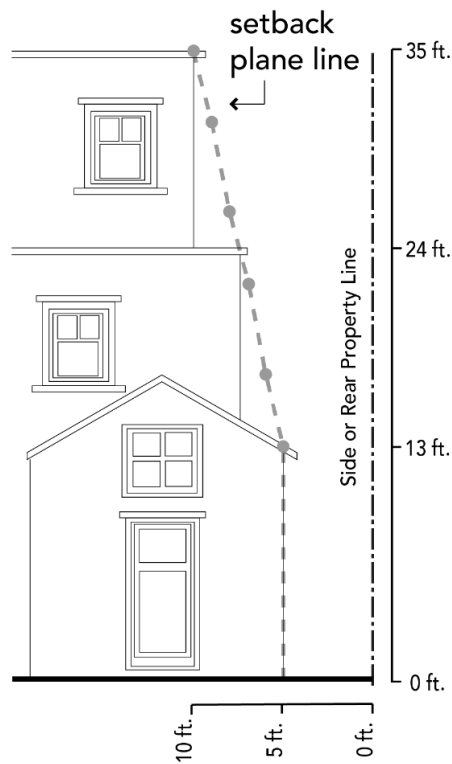
- A. General Development Standards.** The general property development standards for the R-3 zone shall be as set forth in Table 2-8: R-3 Zone Development Standards. See also Section 16.18.030 (Subdivisions; Lot Dimensions) for minimum lot dimensions.

Table 2-8: R-3 Zone Development Standards		
Development Standard	R-3 Zone	Additional Regulations
Maximum Residential Density	20 units/net acre	See also Section 17.70.040 (Density). Regardless of the density calculation, at least three density units shall be allowed on each parcel; except this shall not apply to common interest subdivisions.
Minimum Setbacks		
Front	10 feet	See also Section 17.76.030 (Front Yard Paving)
Interior Side and Rear	See Section 17.20.020.B, Table 2-9: R-3 Zone Minimum Interior Side and Rear Setbacks.	
Corner Lot - Street Side	10 feet	
Parking Spaces	20 feet	See Section 17.70.170.C.10 (Enclosed and Unenclosed Parking Spaces in Front and Street Side Setback Prohibited)
Maximum Building Height	35 feet	See also Sections 17.20.020.B (Interior Side and Rear Setback Standards) and 17.70.080 (Height Measurement and Exceptions).
Maximum Lot Coverage	60%	See also Section 17.70.120 (Lot Coverage)
Minimum Lot Area	5,000 square feet	See also Section 16.18.030 (Subdivisions; Lot Dimensions)
Edge Condition Requirements	See Section 70.050 (Edge Conditions)	

- B. Interior Side and Rear Setback Standards.** The interior side and rear setback standards for the R-3 zone shall be as set forth in Table 2-9: R-3 Zone Minimum Interior Side and Rear Setbacks. See also Figure 2-5: R-3 Zone Minimum Interior Side and Rear Setbacks and Building Height.

Table 2-9: R-3 Zone Minimum Interior Side and Rear Setbacks	
Maximum Building Height	Minimum Required Setback
A point this high on the roof of a building:	Must be at least this far from the property line:
1 – 13 feet	5 feet (minimum setback)
14 – 17 feet	6 feet
18 – 22 feet	7 feet
23 – 26 feet	8 feet
27 – 31 feet	9 feet
32 – 35 feet	10 feet
Note: See also Section 17.70.050.D.2 (Edge Conditions - Setbacks).	

Figure 2-5: R-3 Zone Minimum Interior Side and Rear Setbacks and Building Height



Chapter 17.22. High-Density Residential (R-4) Zone

Sections:

- 17.22.010 – Purpose and Application
- 17.22.020 – Development Standards

17.22.010 – Purpose and Application

The R-4 zone is intended primarily to provide for attached dwellings with common outdoor areas and compact private outdoor spaces, and to accommodate various types of group housing. Further, the R-4 zone intended to allow for dense housing close to concentrations of employment and college enrollment, in the Downtown core, along transit corridors and nodes, and in areas largely committed to high-density residential development.

17.22.020 – Development Standards

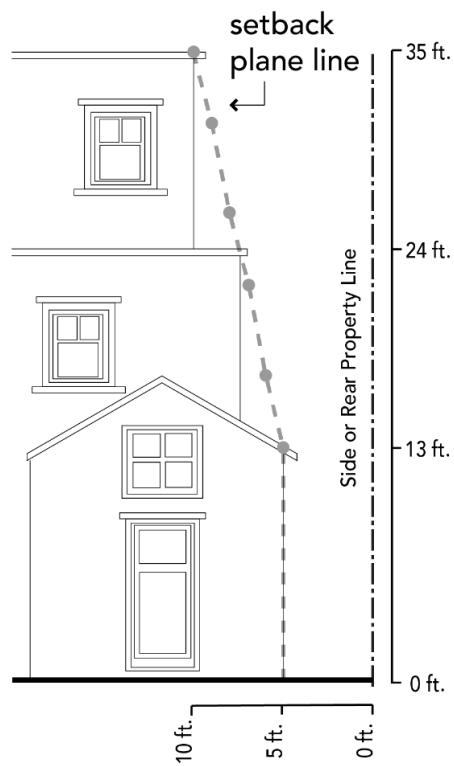
- A. General Development Standards.** The general property development standards for the R-4 zone shall be as set forth in Table 2-10: R-4 Zone Development Standards. See also Section 16.18.030 (Subdivisions; Lot Dimensions) for minimum lot dimensions.

Development Standard	R-4 Zone	Additional Regulations
Maximum Residential Density	24 units/net acre	See also Section 17.70.040 (Density). Regardless of the density calculation, at least four density units shall be allowed on each parcel; except this shall not apply to common interest subdivisions.
Minimum Setbacks		
Front	10 feet	See also Section 17.76.030 (Front Yard Paving)
Interior Side and Rear	See Section 17.22.020.B, Table 2-11: R-4 Zone Minimum Interior Side and Rear Setbacks.	
Corner Lot - Street Side	10 feet	
Parking Spaces	20 feet	See Section 17.70.170.C.10 (Enclosed and Unenclosed Parking Spaces in Front and Street Side Setback Prohibited)
Maximum Building Height	35 feet	See also Sections 17.22.020.B (Interior Side and Rear Setback Standards) and 17.70.080 (Height Measurement and Exceptions).
Maximum Lot Coverage	60%	See also Section 17.70.120 (Lot Coverage)
Minimum Lot Area	5,000 square feet	See also Section 16.18.030 (Subdivisions; Lot Dimensions)
Edge Condition Requirements	See Section 17.70.050 (Edge Conditions)	

- B. Interior Side and Rear Setback Standards.** The interior side and rear setback standards for the R-4 zone shall be as set forth in Table 2-11: R-4 Zone Minimum Interior Side and Rear Setbacks. See also Figure 2-6: R-4 Zone Minimum Interior Side and Rear Setbacks and Building Height.

Table 2-11: R-4 Zone Minimum Interior Side and Rear Setbacks	
Maximum Building Height	Minimum Required Setback
A point this high on the roof of a building:	Must be at least this far from the property line:
1 – 13 feet	5 feet (minimum setback)
14 – 17 feet	6 feet
18 – 22 feet	7 feet
23 – 26 feet	8 feet
27 – 31 feet	9 feet
32 – 35 feet	10 feet
Note: See also Section 17.70.050.D.2 (Edge Conditions - Setbacks).	

Figure 2-6: R-4 Zone Minimum Interior Side and Rear Setbacks and Building Height



Chapter 17.24. Office (O) Zone

Sections:

- 17.24.010 – Purpose and Application
- 17.24.020 – Development Standards

17.24.010 – Purpose and Application

The O zone is intended to provide for a diversity of office uses that meet the needs of private businesses and a range of public administration uses. The O zone is also intended to provide for the continuation of existing, legally established residential uses and the development of new residential uses where such residential uses will be compatible with neighboring offices.

17.24.020 – Development Standards

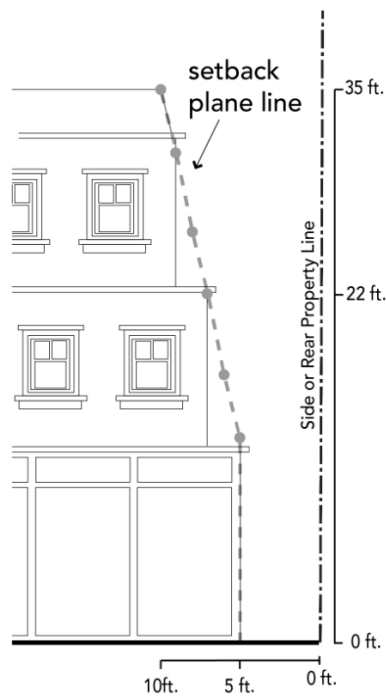
- A. General Development Standards.** The general property development standards for the O zone shall be as set forth in Table 2-12: O Zone Development Standards. See also Section 16.18.030 (Subdivisions; Lot Dimensions) for minimum lot dimensions.

Development Standard	O Zone	Additional Regulations
Maximum Residential Density	12 units/net acre	See also Section 17.70.040 (Density). Regardless of the density calculation, at least two density units shall be allowed on each parcel; except this shall not apply to common interest subdivisions.
Minimum Setbacks		
Front	15 feet	
Interior Side and Rear	See Section 17.24.020.B, Table 2-13: O Zone Minimum Side and Rear Setbacks.	
Corner Lot - Street Side	15 feet	
Parking Spaces	20 feet	See Section 17.70.170.C.10 (Enclosed and Unenclosed Parking Spaces in Front and Street Side Setback Prohibited)
Maximum Building Height	35 feet	See also Sections 17.24.020.B (Interior Side and Rear Setback Standards) and 17.70.080 (Height Measurement and Exceptions).
Maximum Lot Coverage	60%	See also Section 17.70.120 (Lot Coverage)
Maximum Floor Area Ratio	1.5	See also Section 17.70.060 (FAR Measurement and Exceptions)
Minimum Lot Area	5,000 square feet	See also Section 16.18.030 (Subdivisions; Lot Dimensions)
Edge Condition Requirements	See Section 17.70.050 (Edge Conditions)	

- B. Interior Side and Rear Setback Standards.** The interior side and rear setback standards for the O zone shall be as set forth in Table 2-13: O Zone Minimum Interior Side and Rear Setbacks. See also Figure 2-7: O Zone Minimum Interior Side and Rear Setbacks and Building Height.

Table 2-13: O Zone Minimum Interior Side and Rear Setbacks	
Maximum Building Height	Minimum Required Setback
A point this high on the roof of a building:	Must be at least this far from the property line:
1 – 13 feet	5 feet (minimum setback)
14 – 17 feet	6 feet
18 – 22 feet	7 feet
23 – 26 feet	8 feet
27 – 31 feet	9 feet
32 – 35 feet	10 feet
Note: See also Section 17.70.050.D.2 (Edge Conditions - Setbacks)	

Figure 2-7: O Zone Minimum Interior Side and Rear Setbacks and Building Height



Chapter 17.26. Neighborhood Commercial (C-N) Zone

Sections:

- 17.26.010 – Purpose and Application
- 17.26.020 – Development Standards
- 17.26.030 – Additional Regulations

17.26.010 – Purpose and Application

The C-N zone is intended to accommodate the establishment and operation of small-scale, pedestrian-oriented, and low-impact retail sales and personal services businesses primarily for the convenience of people in surrounding residential areas, to meet the frequent shopping needs of people living nearby.

17.26.020 – Development Standards

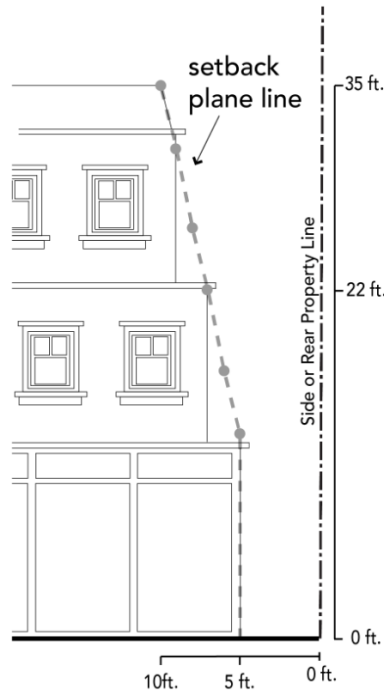
- A. General Development Standards.** The general property development standards for the C-N zone shall be as set forth in Table 2-14: C-N Zone Development Standards. See also Section 16.18.030 (Subdivisions; Lot Dimensions) for minimum lot dimensions.

Table 2-14: C-N Zone Development Standards		
Development Standard	C-N Zone	Additional Regulations
Maximum Residential Density	12 units/net acre	See also Section 17.70.040 (Density).
Minimum Setbacks		
Front	10 feet	
Interior Side and Rear	See Section 17.26.020.B, Table 2-15: C-N Zone Minimum Side and Rear Setbacks.	
Corner Lot - Street Side	10 feet	
Maximum Building Height	35 feet	See also Sections 17.26.020.B (Interior Side and Rear Setback Standards) and 17.70.080 (Height Measurement and Exceptions).
Maximum Lot Coverage	75%	See also Section 17.70.120 (Lot Coverage)
Maximum Floor Area Ratio	2.0	See also Section 17.70.060 (FAR Measurement and Exceptions)
Minimum Lot Area	6,000 square feet	See also Section 16.18.030 (Subdivisions; Lot Dimensions)
Edge Condition Requirements	See Section 17.70.050 (Edge Conditions)	

- B. Interior Side and Rear Setback Standards.** The interior side and rear setback standards for the C-N zone shall be as set forth in Table 2-15: C-N Zone Minimum Interior Side and Rear Setbacks. See also Figure 2-8: C-N Zone Minimum Interior Side and Rear Setbacks and Building Height.

Table 2-15: C-N Zone Minimum Interior Side and Rear Setbacks	
Maximum Building Height	Minimum Required Setback
A point this high on the roof of a building:	Must be at least this far from the property line:
1 – 13 feet	5 feet (minimum setback)
14 – 17 feet	6 feet
18 – 22 feet	7 feet
23 – 26 feet	8 feet
27 – 31 feet	9 feet
32 – 35 feet	10 feet
Note: See also Section 17.70.050.D.2 (Edge Conditions)	

Figure 2-8: C-N Zone Minimum Interior Side and Rear Setbacks and Building Height



17.26.030 – Additional Regulations

- A. Maximum Retail Sales Building Size in the C-N Zone.** A retail sales 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 15,000 square feet for all retail sales establishments within a shopping center. Exceptions to the floor area limitations above require Minor Use Permit approval to ensure consistency with policies of the General Plan Land Use Element and compatibility with surrounding uses.
- B. Food and Beverage Sales in the C-N Zone.**
 - 1. General Markets and Convenience Stores.** General Markets and Convenience Stores with a gross floor area under 3,000 square feet are allowed by right. Such uses with a gross floor area exceeding 3,000 square feet may be approved by a Minor Use Permit.
 - 2. Liquor Stores.** Liquor stores shall be limited to 3,000 square feet of gross floor area, subject to a Minor Use Permit.
- C. Number of Parking Spaces Required in the C-N Zone.** See Section 17.72.030.C (Required Parking).

Chapter 17.28. Community Commercial (C-C) Zone

Sections:

17.28.010 – Purpose and Application

17.28.020 – Development Standards

17.28.010 – Purpose and Application

The C-C zone is intended to accommodate a wide range of retail sales and personal services that serve community-wide needs within the context of distinctive, pedestrian-oriented shopping centers which may accommodate larger-scale uses not appropriate in the Downtown Core.

17.28.020 – Development Standards

The general property development standards for the C-C zone shall be as set forth in Table 2-16: C-C Zone Development Standards. See also Section 16.18.030 (Subdivisions; Lot Dimensions) for minimum lot dimensions.

Table 2-16: C-C Zone Development Standards		
Development Standard	C-C Zone	Additional Regulations
Maximum Residential Density	36 units/net acre	See also Section 17.70.040 (Density).
Minimum Setbacks		
Front	5 feet	
Interior Side and Rear	No setback required unless adjacent to zone with minimum setback requirement, in which case the adjoining setback shall be as provided in the zone of adjacent lot. Lots separated by streets or other rights-of-way are not considered adjacent. If more than one zone is adjacent, the largest setback shall be required.	
Corner Lot - Street Side	5 feet	
Maximum Building Height	35 feet	See also Section 17.70.080 (Height Measurement and Exceptions)
Maximum Lot Coverage	75%	See also Section 17.70.120 (Lot Coverage)
Maximum Floor Area Ratio	2.0	See also Section 17.70.060 (FAR Measurement and Exceptions)
Minimum Lot Area	6,000 square feet	See also Section 16.18.030 (Subdivisions; Lot Dimensions)
Edge Condition Requirements	See Section 17.70.050 (Edge Conditions)	

Chapter 17.30. Retail Commercial (C-R) Zone

Sections:

17.30.010 – Purpose and Application

17.30.020 – Development Standards

17.30.030 – Additional Regulations

17.30.010 – Purpose and Application

The C-R zone is intended to accommodate a wide range of retail sales, business, personal, and professional services, as well as recreation, entertainment, transient lodging, and limited residential uses. The land uses allowed in this zone will generally serve the entire community and the region, as well as tourists and travelers.

17.30.020 – Development Standards

The general property development standards for the C-R zone shall be as set forth in Table 2-17: C-R Zone Development Standards. See also Section 16.18.030 (Subdivisions; Lot Dimensions) for minimum lot dimensions.

Table 2-17: C-R Zone Development Standards		
Development Standard	C-R Zone	Additional Regulations
Maximum Residential Density	36 units/acre	See also Section 17.70.040 (Density)
Minimum Setbacks		
Front	No setback required unless adjacent to zone with minimum setback requirement, in which case the adjoining setback shall be as provided in the zone of adjacent lot. Lots separated by streets or other rights-of-way are not considered adjacent. If more than one zone is adjacent, the largest setback shall be required.	
Interior Side and Rear		
Corner Lot – Street Side		
Maximum Building Height	45 feet	See also Section 17.70.080 (Height Measurement and Exceptions)
Maximum Lot Coverage	100%	See also Section 17.70.120 (Lot Coverage)
Maximum Floor Area Ratio	3.0	In the Downtown, as mapped in the General Plan Land Use Element, a site that receives transfer of development credit for open space protection may have a FAR of up to 4.0. See also Section 17.70.060 (FAR Measurement and Exceptions)
Minimum Lot Area	9,000 square feet	See also Section 16.18.030 (Subdivisions; Lot Dimensions)
Edge Condition Requirements	See Section 17.70.050 (Edge Conditions)	

17.30.030 – Additional Regulations

A. Maximum Retail Sales Building Size in the C-R Zone.

1. No retail sales establishment (commercial building) shall exceed 60,000 square feet of gross floor area, unless excepted by subsection (C.2) of this Section or for nonconforming structures per Chapter 17.92 (Nonconforming Structures).
2. An applicant may request a retail sales building larger than 60,000 square feet, but in no case larger than 140,000 square feet through the Conditional Use Permit process. In granting a request for a retail sale establishment of up to 140,000 square feet of gross floor area, the Planning Commission shall be required to make all of the following findings:
 - 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 building in which the use is to be located is designed in discrete elements that respect the scale of development in the surrounding area; and
 - c. The new building is designed in compliance with the City’s Design Guidelines for large-scale retail projects.

Chapter 17.32. Downtown Commercial (C-D) Zone

Sections:

- 17.32.010 – Purpose and Application
- 17.32.020 – Development Standards
- 17.32.030 – Additional Regulations

17.32.010 – Purpose and Application

The C-D zone is intended to accommodate a wide range of retail sales, service, and entertainment uses that respond to community-wide and regional market demands, and to provide opportunities for a variety of housing types, including affordable workforce housing. The C-D zone applies to 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 onsite parking. Ground-floor, street-fronting uses generally will be 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 to accommodate carefully integrated new development.

17.32.020 – Development Standards

The general property development standards for the C-D zone shall be as set forth in Table 2-18: C-D Zone Development Standards. See also Section 16.18.030 (Subdivisions; Lot Dimensions) for minimum lot dimensions.

Development Standard	C-D Zone	Additional Regulations
Maximum Residential Density	36 units/net acre	See also Section 17.70.040 (Density)
Minimum Setbacks		
Front	No setback required unless adjacent to zone with minimum setback requirement, in which case the adjoining setback shall be as provided in the zone of adjacent lot. Lots separated by streets or other rights-of-way are not considered adjacent. If more than one zone is adjacent, the largest setback shall be required.	
Interior Side and Rear		
Corner Lot – Street Side		
Maximum Building Height	50 feet	Maximum height may be increased up to 75 feet with the provision of defined community benefits, as set forth in Section 17.32.030.E (Maximum Building Height in C-D Zone). See also Section 17.70.080 (Height Measurement and Exceptions)
Minimum Building Height	2 stories	The minimum building height shall be 2 stories adjacent to all street frontages.
Maximum Lot Coverage	100%	See also Section 17.70.120 (Lot Coverage)
Maximum Floor Area Ratio	3.0 – maximum allowed for buildings up to 50 feet in height 3.75 – maximum allowed for buildings approved greater than 50 feet in height 4.0 – maximum allowed for approved buildings over 50 feet in height with transfer of development credits for open space protection or historic preservation. See also Section 17.70.060 (FAR Measurement and Exceptions)	
Minimum Lot Area	3,000 square feet	See also Section 16.18.030 (Subdivisions; Lot Dimensions)
Edge Condition Requirements	See Section 17.70.050 (Edge Conditions)	

17.32.030 – Additional Regulations**A. Maximum Retail Sales Building Size in the C-D Zone.**

1. No retail sales establishment (commercial building) shall exceed 60,000 square feet of gross floor area, unless excepted by subsection (C.2) of this Section or for nonconforming structures per Chapter 17.92 (Nonconforming Structures).
2. An applicant may request a retail sales building larger than 60,000 square feet, but in no case larger than 140,000 square feet through the Conditional Use Permit process. In granting a request for a retail establishment of up to 140,000 square feet of gross floor area, the Planning Commission shall make all of the following findings:
 - 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 building in which the use is to be located is designed in discrete elements that respect the scale of development in the surrounding area; and
 - c. The new building is designed in compliance with the City's Design Guidelines for large-scale retail projects.

B. Limitations on New Driveways. Although residential uses are encouraged in the C-D zone, it is not the intent of the City to ensure that parking is provided onsite for residential uses. Therefore, there is no guarantee of parking availability, either onsite or off site, for downtown residential projects. Onsite 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, the installation of new driveway approaches is subject to the Director's Action. When new driveway approaches are proposed in conjunction with an application for review by the Architectural Review Commission, a separate planning application shall not be required. In order to approve the new driveway approach, the review authority shall 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 (fewer 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 nonarterial 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.

C. Residential Required. All new commercial developments in the C-D Zone shall include housing, unless the City makes one of the following findings:

1. Housing is likely to jeopardize the health, safety, or welfare of residents or employees; or
2. All of the findings listed for Variances in Section 17.114.040 (Required Findings).

D. C-D Zone – Required Findings for Ground-floor Offices. These regulations recognize the City's objective to encourage a pedestrian-oriented and lively street front along all properties in the C-D zone, and that office uses on the ground-floor do not contribute to achieving this objective, given that office uses typically have more limited hours of operation than retail or dining establishments. Thus, no ground-floor office use in the C-D zone shall be permitted unless the review authority can make the following findings:

1. As conditioned, the proposed use will not be detrimental to the health, safety, or welfare of persons living or working at the site or in the vicinity because the proposed use will provide both retail sales and services consistent with surrounding uses.
2. The proposed use is consistent with the General Plan Policy 4.20.1 because the nature of the business includes an office that has frequent client visits which accommodate “walk-in” service for the community, and also provides visible retail merchandise, thereby benefiting from and contributing to pedestrian traffic.

E. Maximum Building Height in the C-D Zone.

1. **Intent of Allowing Height Increases in the C-D Zone.** These regulations are established to allow for buildings higher than 50 feet in the C-D zone to encourage creative building design, mixed-use developments, and accommodation of additional residential units in the Downtown Core, provided that such taller buildings, through discretionary review processes, contribute defined community benefits and further the goals of the Downtown Core as stated in the Land use Element of the General Plan.
2. **Requirements for All Buildings Higher Than 50 Feet.** All buildings in the C-D zone proposed to be higher than 50 feet shall comply with all of the following performance standards:
 - a. The project shall 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 1,000 square feet or less. Group housing projects shall demonstrate that the proposed building meets or exceeds the population density that would otherwise be achieved by this standard.
 - b. The applicant shall demonstrate that:
 - (1) 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
 - (2) The project is designed to achieve a minimum value of 50 points on the Green Point Rated New Home Multi-Family Checklist.
 - c. No more than 33 percent of the site area at the storefront level may be used for private parking facilities.
 - d. Lots shall conform to the minimum size and dimension requirements provided in Title 16, Subdivisions.
 - e. To approve an increase in height above 50 feet, the Planning Commission shall 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, mode split, historic preservation, and open space preservation to be especially important.
 - f. The Planning Commission may grant minor exceptions to the specific requirements listed in this Section, and provided a finding is made that, despite the exception, the project is consistent with the intent of this Chapter and Land Use Element Policy 4.20 (Design Principles).
3. **Additional Requirements for Buildings up to 60 Feet.** The Planning Commission may approve building height up to 60 feet if it determines that the project includes at least two community benefits from subsection F.5 of this Section (Community Benefits Policy Objectives), with no more than one being from the same lettered subsection. Of the community benefits, at least one affordable and workforce housing objective shall be chosen.
4. **Additional Requirements for Buildings up to 75 Feet.** The Planning Commission may approve building height up to 75 feet if it determines that the project includes at least three community benefits from subsection F.5 of this Section (Community Benefits Policy Objectives), with no more than one being from the same lettered subsection. Of the community benefits, at least one affordable and workforce housing objective shall be chosen.

- 5. Community Benefits Policy Objectives.** The intent of the following policy objectives is to ensure 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 General Plan (including, but not limited to, Land Use Element Chapter 4.0). A variety of objectives are listed to ensure 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 Planning Commission shall 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.

- (1) The project provides affordable housing, in compliance with City standards, at the rate of five percent for low-income households, or 10 percent for moderate-income households, as a percentage of the total number of housing units built (no in-lieu fee option).
- (2) The project qualifies for, and utilizes, a density bonus in compliance with the City's affordable housing incentives (Chapter 17.140).
- (3) 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 shall show that the proposed building meets or exceeds the population density that would otherwise be achieved by this objective.

b. Pedestrian Amenities.

- (1) 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.
- (2) The project provides open space in the form of a significant public plaza, where:
 - (a) The minimum area of any public plaza shall be 7,500 square feet; and
 - (b) The public plaza is owned, operated, and maintained by the developer or property manager in accordance with an approved maintenance plan to be reviewed and approved by the Director; and
 - (c) Each part of the public plaza shall be accessible from other parts of the open space without leaving the open space area; and
 - (d) The public plaza shall be on the ground level and directly accessible from the sidewalk, and be accessible to persons with disabilities; and
 - (e) The public plaza shall be open to the public, without charge, each day of the year, except for temporary closures for necessary maintenance or public safety; and
 - (f) At a minimum, the following elements shall be included within the open space: trees and landscaping, seating, bicycle racks, trash and recycling receptacles, and signage that include hours of operation; and
 - (g) The public art requirement is met by providing the art onsite (no in-lieu fee option).

c. View Access and Preservation.

- (1) 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.
- (2) 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 Policies 4.10 (Open Places and Views) and 4.20.4 (Building Height).

- d. **Historic Preservation (Off Site).** Where there are no historic resources on the project site, the project provides 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.
 - e. **Mode Split.** The project provides for the permanent mode shift towards alternative transportation for building occupants through a Transportation Demand Management Program that achieves modal split objectives of Circulation Element Policy 1.7.1 (Encourage Better Transportation Habits). Prior to the issuance of building permits, a covenant agreement shall be recorded that discloses the required Transportation Demand Management provisions. This agreement shall be recorded in the office of the County Recorder to provide constructive notice to all future owners of the property of any ongoing programmatic requirements.
 - f. **Open Space Preservation.** 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. **Zero Net Energy.** The project provides 100 percent of total building energy load measured as kilowatt per square foot through solar panels, wind turbines, or other renewable sources.
 - h. **Common Garbage Facility.** The project provides a common garbage storage and compacting facility of adequate size and in an appropriate location to accommodate the needs of the project and all adjacent properties or other grouping of users acceptable to the City.
 - i. **Other Policy Objectives.** The project directly implements specific and identifiable City objectives as set forth in the General Plan, the Downtown Concept Plan, or other key policy document, to the approval of the Planning Commission. (This subsection may be used to meet requirements for one policy objective.)
6. **Application Requirements.** Planning applications submitted for new buildings over 50 feet in height shall include the following additional items to assist the review authority 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 10:00 AM and 3:00 PM 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, subject 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 website.
 - e. **Solid Waste Management Plan.** A solid waste management plan to show how the project meets or exceeds the City's solid waste guidelines, subject 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 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, establish rules and regulations for public use of courtyards and decks, and establish time frames for private security patrols to be in place.
- i. Utilities Infrastructure Analysis.** A registered engineer's evaluation of existing utilities infrastructure and recommendations to ensure 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.

F. C-D Zone Visual Study – Buildings Higher than 30 Feet

- 1. Planning applications submitted for new buildings in the C-D zone shall include a visual study if the new building meets the following criteria:
 - a. The building is over 30 feet in height; and
 - b. The building is:
 - (1) Within 150 feet of existing or planned publicly owned gathering sites, and
 - (2) Within view of existing or planned publicly owned gathering sites or the building will be located at the intersection of public streets within the C-D Zone.
- 2. The visual study shall determine whether the project will:
 - a. Materially obstruct views of distant hills from surrounding properties; and/or
 - b. Create an adverse visual impact on existing or planned publicly owned gathering sites by materially obstructing views of nearby public open spaces, historic resources, City landmarks, or protected natural resources; and/or create adverse shade and shadow effects during times of the day when a gathering site is anticipated to be most used.
- 3. Should the study identify adverse impacts, the study shall identify measures to substantially reduce or eliminate these impacts.

G. Number of Parking Spaces Required in the C-D Zone. See Section 17.72.030.D (Required Parking).

Chapter 17.34. Tourist Commercial (C-T) Zone

Sections:

- 17.34.010 – Purpose and Application
- 17.34.020 – Development Standards
- 17.34.030 – Additional Regulations

17.34.010 – Purpose and Application

The C-T zone is intended to provide accommodations and services for the traveling public and implement General Plan Land Use Policies 3.6.1 and 3.6.2 to promote San Luis Obispo as an attractive place for short-term stays, as well as an attractive destination for long-term visitors, with conference and visitor-serving facilities that have a low impact upon the environment and upon existing land forms and landscapes, and that provide low-impact visitor activities and low-impact means of transportation. Integration of visitor-serving uses with other types of uses is encouraged. Visitor-serving uses are especially appropriate where such uses have already concentrated.

17.34.020 – Development Standards

The general property development standards for the C-T zone shall be as set forth in Table 2-19: C-T Zone Development Standards. See also Section 16.18.030 (Subdivisions; Lot Dimensions) for minimum lot dimensions.

Table 2-19: C-T Zone Development Standards		
Development Standard	C-T Zone	Additional Regulations
Maximum Residential Density	12 units/net acre	See also Section 17.70.040 (Density).
Minimum Setbacks		
Front	10 feet	
Interior Side and Rear	No setback unless adjacent to zone with minimum setback requirement, in which case the adjoining setback shall be as provided in zone of adjacent lot. Lots separated by streets or other rights-of-way are not considered adjacent. If more than one zone is adjacent, the largest setback shall be required.	
Corner Lot – Street Side	10 feet	
Maximum Building Height	45 feet	See also Section 17.70.080 (Height Measurement and Exceptions)
Maximum Lot Coverage	75%	See also Section 17.70.120 (Lot Coverage)
Maximum Floor Area Ratio	2.5	See also Section 17.70.060 (FAR Measurement and Exceptions)
Minimum Lot Area	9,000 square feet	See also Section 16.18.030 (Subdivisions; Lot Dimensions)
Edge Condition Requirements	See Section 17.70.050 (Edge Conditions)	

17.34.030 – Additional Regulations

- A. **Maximum Retail Sales Building Size in the C-T Zone.** No retail sales establishment (commercial building) shall exceed 45,000 square feet of total gross floor area, unless excepted for nonconforming structures by Chapter 17.92 (Nonconforming Structures).

Chapter 17.36. Service Commercial (C-S) Zone

Sections:

- 17.36.010 – Purpose and Application
- 17.36.020 – Development Standards
- 17.36.030 – Additional Regulations

17.36.010 – Purpose and Application

The C-S zone is intended to provide for a wide range of service and manufacturing uses to meet local needs and some demands of the region, including services, limited retail, and other business service uses that may be less appropriate in the City’s other commercial zones. The C-S zone is also intended to accommodate certain storage, transportation, wholesaling, and light manufacturing uses. The C-S zone is intended to be applied primarily to areas that have more public exposure on arterial streets than areas reserved for manufacturing uses.

17.36.020 – Development Standards

The general property development standards for the C-S zone shall be as set forth in Table 2-20: C-S Zone Development Standards. See also Section 16.18.030 (Subdivisions; Lot Dimensions) for minimum lot dimensions.

Table 2-20: C-S Zone Development Standards		
Development Standard	C-S Zone	Additional Regulations
Maximum Residential Density	24 units/net acre	See also Section 17.70.040 (Density)
Minimum Setbacks		
Front	Where no building adjoins, 5 feet (requirement for parking lots and signs) Buildings ≤ 20 feet in height: 10 feet Buildings > 20 feet in height: 15 feet	
Interior Side and Rear	No setback unless adjacent to zone with minimum setback requirement, in which case the adjoining setback shall be as provided in zone of adjacent lot. Lots separated by streets or other rights-of-way are not considered adjacent. If more than one zone is adjacent, the largest setback shall be required.	
Corner Lot - Street Side	Where no building adjoins, 5 feet (requirement for parking lots and signs) Buildings ≤ 20 feet in height: 10 feet Buildings > 20 feet in height: 15 feet	
Maximum Building Height	35 feet	See also Section 17.70.080 (Height Measurement and Exceptions)
Maximum Lot Coverage	75%	See also Section 17.70.120 (Lot Coverage)
Maximum Floor Area Ratio	1.5	See also Section 17.70.060 (FAR Measurement and Exceptions)
Minimum Lot Area	9,000 square feet	See also Section 16.18.030 (Subdivisions; Lot Dimensions)
Edge Condition Requirements	See Section 17.70.050 (Edge Conditions)	

17.36.030 – Additional Regulations

- A. **Maximum Retail Building Size in the C-S zone.** No retail establishment (commercial building) shall exceed 60,000 square feet of gross floor area, unless excepted for nonconforming structures per Chapter 17.92 (Nonconforming Structures).
- B. **Offices in the C-S Zone.** The approval of an office facility in the C-S zone shall require that the review authority find that:
 - 1. The project will be compatible with existing and allowed land uses in the area; and

2. The project will not preclude industrial or service commercial uses in areas especially suited for these uses when compared with offices.
- C. Medical Services in the C-S zone.** The approval of a Medical Office, Dental Office, or Clinic in the C-S zone shall require that the review authority find that:
1. The proposed medical service is compatible with surrounding land uses;
 2. The proposed medical service is located along a street designated as an arterial or commercial collector in the circulation element; and
 3. The project will not preclude service commercial uses in areas especially suited for these uses when compared with medical services.
- D. Commercial Recreational in the C-S zone.** The approval of a commercial recreational facility in the C-S zone shall require that the review authority to find that:
1. The proposed use will serve the community, in whole or in significant part;
 2. The project will be compatible with existing and allowed land uses in the area; and
 3. The project will not preclude other industrial or service commercial uses in areas especially suited for these uses when compared with recreational facilities.

Chapter 17.40. Manufacturing (M) Zone

Sections:

- 17.40.010 – Purpose and Application
- 17.40.020 – Development Standards
- 17.40.030– Additional Regulations

17.40.010 – Purpose and Application

The M zone is intended to provide for assembly, fabrication, and other manufacturing activities in addition to those allowed in the C-S zone, and for limited sales and services to local consumers. The M zone is intended to be applied primarily to areas served by, but with limited or no frontage on, arterial streets.

17.40.020 – Development Standards

The general property development standards for the M zone shall be as set forth in Table 2-21: M Zone Development Standards. See also Section 16.18.030 (Subdivisions; Lot Dimensions) for minimum lot dimensions.

Table 2-21: M Zone Development Standards		
Development Standard	M Zone	Additional Regulations
Maximum Residential Density	24 units/net acre	See also Section 17.70.040 (Density)
Minimum Setbacks		
Front	Where no building adjoins, 5 feet (requirement for parking lots and signs) Buildings ≤ 20 feet in height: 10 feet Buildings > 20 feet in height: 15 feet	
Interior Side and Rear	No setback unless adjacent to zone with minimum setback requirement, in which case the adjoining setback shall be as provided in zone of adjacent lot. Lots separated by streets or other rights-of-way are not considered adjacent. If more than one zone is adjacent, the largest setback shall be required.	
Corner Lot - Street Side	Where no building adjoins, 5 feet (requirement for parking lots and signs) Buildings ≤ 20 feet in height: 10 feet Buildings > 20 feet in height: 15 feet	
Maximum Height	35 feet	See also Section 17.70.080 (Height Measurement and Exceptions)
Maximum Lot Coverage	75%	See also Section 17.70.120 (Lot Coverage)
Maximum Floor Area Ratio	1.5	See also Section 17.70.060 (FAR Measurement and Exceptions)
Minimum Lot Area	9,000 square feet	See also Section 16.18.030 (Subdivisions; Lot Dimensions)
Edge Condition Requirements	See Section 17.70.050 (Edge Conditions)	

17.40.030– Additional Regulations

- A. **Offices in the M Zone.** The approval of an office facility in the M zone shall require that the review authority find that:
 1. The project will be compatible with existing and allowed land uses in the area; and
 2. The project will not preclude industrial or service commercial uses in areas especially suited for these uses when compared with offices.
- B. **Performance Standards.** See also Chapter 17.74: Performance Standards.

Chapter 17.42. Business Park (BP) Zone

Sections:

- 17.42.010 – Purpose and Application
- 17.42.020 – Development Standards
- 17.42.030 – Additional Regulations

17.42.010 – Purpose and Application

The BP zone is intended to provide for research and development, light manufacturing, and business services in a campus setting with high-quality design of public and private facilities. The BP zone standards apply to properties outside of specific plan areas. Where the Airport Area Specific Plan, Margarita Area Specific Plan, and any other specific plans apply to properties zoned BP, the applicable specific plan standards shall govern.

17.42.020 – Development Standards

The general property development standards for the BP zone shall be as set forth in Table 2-22: BP Zone Development Standards.

Table 2-22: BP Zone Development Standards		
Development Standard	BP Zone	Additional Regulations
Minimum Setbacks		
Front	Where no building adjoins, 10 feet (requirement for parking lots and signs) Buildings: 16 feet	
Interior Side and Rear	Where no building adjoins, 5 feet (requirement for parking lots and signs) No building setback unless adjacent to zone with minimum setback requirement, in which case the adjoining setback shall be as provided in zone of adjacent lot. Lots separated by streets or other rights-of-way are not considered adjacent. If more than one zone is adjacent, the largest setback shall be required.	
Corner Lot - Street Side	Where no building adjoins, 10 feet (requirement for parking lots and signs) Buildings: 16 feet	
Maximum Height	45 feet	See also Section 17.70.080 (Height Measurement and Exceptions)
Maximum Lot Coverage	75%	See also Section 17.70.120 (Lot Coverage)
Maximum Floor Area Ratio	Warehousing, Storage and Distribution Uses: 1.0 All Other Uses: 0.6	See also Section 17.70.060 (FAR Measurement and Exceptions)
Minimum Lot Area	9,000 square feet	See also Section 16.18.030 (Subdivisions; Lot Dimensions)
Edge Condition Requirements	See Section 17.70.050 (Edge Conditions)	

17.42.030 – Additional Regulations

- A. Medical Services in the BP zone.** The approval of a Medical Office, Dental Office, or Clinic in the BP zone shall require that the review authority find that:
1. The proposed medical service is compatible with surrounding land uses;
 2. The proposed medical service is located along a street designated as an arterial or commercial collector in the circulation element; and
 3. The project will not preclude service commercial uses in areas especially suited for these uses when compared with medical services.

Chapter 17.46. Public Facility (PF) Zone

Sections:

- 17.46.010 – Purpose and Application
- 17.46.020 – Development Standards
- 17.46.030 – Additional Regulations

17.46.010 – Purpose and Application

The PF zone is intended to provide for a wide range of public, cultural, and quasi-public uses that meet the needs of City and County residents. Public uses are those conducted by governmental or nonprofit agencies. However, the PF zone also accommodates compatible private and commercial uses which, within the overall guidance of the General Plan, provide a public benefit. The zone is further intended to protect neighboring private uses from potentially incompatible public uses.

17.46.020 – Development Standards

The general property development standards for the PF zone shall be as set forth in Table 2-23: PF Zone Development Standards. See also Section 16.18.030 (Subdivisions; Lot Dimensions) for minimum lot dimensions.

Table 2-23: PF Zone Development Standards		
Development Standard	PF Zone	Additional Regulations
Minimum Setback		
Front	No setback unless adjacent to zone with minimum setback requirement, in which case the adjoining setback shall be as provided in zone of adjacent lot. Lots separated by streets or other rights-of-way are not considered adjacent. If more than one zone is adjacent, the largest setback shall be required.	
Interior Side and Rear		
Corner Lot - Street Side		
Maximum Building Height	35 feet	Maximum height may be increased up to 50 feet for City-owned facilities, as set forth in Section 17.46.030 (Additional Regulations). See also Section 17.70.080 (Height Measurement and Exceptions)
Maximum Lot Coverage	60%	See also Section 17.70.120 (Lot Coverage)
Maximum Floor Area Ratio	For a parcel adjacent to a C-D zone: 2.0 For a parcel adjacent to any zone other than C-D: 1.0 See also Section 17.70.060 (FAR Measurement and Exceptions)	
Minimum Lot Area	6,000 square feet	See also Section 16.18.030 (Subdivisions; Lot Dimensions)
Edge Condition Requirements	See Section 17.70.050 (Edge Conditions)	

17.46.030 – Additional Regulations

- A. Maximum Building Height in PF Zone.** These regulations are established to allow for City buildings higher than 35 feet in the PF zone to encourage creative building design and meet critical community needs, provided that such taller buildings, through discretionary review processes, contribute defined community benefits and can be found to be compatible with adjacent buildings and the surrounding environment as a whole.
- B. Findings and Requirements to Approve Building Height Increase.** The approval of a building height above 35 feet shall require approval of Major Development Review (see Chapter 17.106: Development Review). In addition to the criteria associated with Major Development Review (Section 17.106.050: Application Review), the approval of a building height above 35 feet shall require that the review authority also find: 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 common parking facilities, economic vitality, historic preservation, and open space preservation to be especially important.

Chapter 17.48. Planned Development (PD) Overlay Zone

Sections:

- 17.48.010 – Purpose and Application
- 17.48.020 – Allowed Uses
- 17.48.030 – Development Standards
- 17.48.040 – Phasing
- 17.48.050 – Preliminary Development Plan Required
- 17.48.060 – Mandatory Project Features
- 17.48.070 – Process for Approval
- 17.48.080 – Final Development Plan
- 17.48.090 – Amendment to Final Development Plan
- 17.48.100 – Revocation of PD Zoning

17.48.010 – Purpose and Application

- A. Purpose.** The PD overlay zone is intended to provide for flexibility in the application of zoning standards for 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, affordable housing, and the more efficient use of resources, than would be achieved through conventional design practices and standards. Planned Development (PD) zoning shall be approved only in conjunction with derived long-term community benefits and where the project can help achieve the vision, goals, and policies of the General Plan.
- B. Application.** The requirements of this Chapter shall apply to all projects within the PD overlay zone.

17.48.020 – Allowed Uses

Any use or combination of uses allowed by Section 17.10.020 (Use Regulations By Zone) within the underlying zone 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 zone shall allow a land use that is not allowed in the underlying zone, or by the General Plan, or any applicable specific plan.

17.48.030 – Development Standards

- A. Minimum Lot Area Required.** The minimum lot area of a PD overlay zone shall be one-half of a contiguous acre.
- B. 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.
- C. Relationship of PD Overlay Zone to Underlying Zone.**
1. **Planning Permit Requirements.** Development and new uses within the PD overlay zone shall obtain the permits required by Section 17.10.020 (Use Regulations By Zone) for the underlying zone.
 2. **Site Planning and Project Development Standards.** Development and new land uses within the PD overlay zone shall comply with all applicable development standards of the underlying zone, except as specifically modified, waived, or augmented by the PD overlay zone.

- D. Deviation from Development Standards.** The application of the PD overlay zone to property may include the adjustment or modification, where necessary and justifiable, of any applicable development standard of this Title 17 (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 percent may be adjusted but shall not exceed the maximum density allowed in the average cross-slope category zero through 15 percent for the applicable zone.
- E. Qualifying Community Benefits.** Each proposed project shall comply with Section 17.48.080 (Mandatory Project Features).

17.48.040 – Phasing

- A. Timing of Rezoning.** Application of the PD overlay zone shall occur simultaneously with the approval of a specific project through the planned development process as set forth in Section 17.48.070 (Process for Approval).
- B. 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.

17.48.050 – Preliminary Development Plan Required

In addition to any application requirements set forth in Chapter 17.04 (Permit Application Filing and Processing), an 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; and
- 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; and
- H. Any additional information which may be required by the Director to evaluate the character and impact of the planned development.

17.48.060 – Mandatory Project Features

The Planning Commission may recommend, and the Council may approve, a rezoning to apply the PD overlay zone only for a project that incorporates a minimum of three of the following four features:

- A. A minimum of 25 percent of the residential units within the project are affordable to households of very low-, low, or moderate-income households. (See Municipal Code Chapter 17.140: Affordable Housing Incentives for incentives provided for affordable housing development, including density bonuses and possible fee waivers).
- B. 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 zero-net energy use.
- C. The project will preserve, enhance, and/or create a significant natural feature with a minimum open space area of one-quarter acre.
- D. 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.

17.48.070 – Process for Approval

- A. **Planning Commission Recommendation.** After giving notice as provided in Chapter 17.122 (Public Notices and Hearings), the Planning Commission shall hold a public hearing on the application. The Planning Commission may recommend approval, approval subject to certain modifications, or denial of 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 final development plan.
- B. **Actions of the Council.** After giving notice as provided in Chapter 17.122 (Public Notices and Hearings), 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.
- C. **Decision and Findings.** Following a public hearing, the Planning Commission may recommend, and the Council may approve or disapprove a rezoning to apply the PD overlay zone in compliance with this Section. The Council may approve a rezoning to apply the PD overlay zone only after first making all of the following findings:
 - 1. The project is consistent with the General Plan and any applicable specific plan;
 - 2. The proposed land use is allowed within the applicable underlying zone;
 - 3. The project complies with all applicable provisions of these Zoning Regulations other than those modified by the PD rezoning;

4. 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;
5. The project complies with all applicable City design guidelines;
6. All affected public facilities, services, and utilities are adequate to serve the proposed project;
7. 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;
8. The site is adequate for the project in terms of size, configuration, topography, and other applicable features;
9. The proposed community benefits directly implement objectives of the General Plan;
10. The community benefits proposed do not principally benefit the project or occupants of the project, but rather provide a district or area-wide benefit within San Luis Obispo;
11. The site 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
12. 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.

17.48.080 – 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/her 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 17.48.050 (Preliminary Development Plan Required) 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/she 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.
- E. No land division may be undertaken, and no construction begun within an area zoned PD until a final development plan has been approved.

17.48.090 – Amendment to Final Development Plan

- A.** Minor differences in substantial conformance between the approved development plan and construction plans may be allowed by the Director, as authorized and defined in Section 17.102.020.D (Legislative Actions) and Chapter 17.108 (Director's Action).
- 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 Chapter 17.122 (Public Notices and Hearings). 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 of this Section to allow changes in proposed use, provided 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.

17.48.100 – 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.

Chapter 17.50. Specific Plan (SP) Overlay Zone

Sections:

17.50.010 – Purpose and Application

17.50.020 – Allowed Uses and Development Standards

17.50.030 – Additional Regulations

17.50.010 – Purpose and Application

The Specific Plan (SP) overlay zone is established to implement Sections 65450 through 65457 of the California Government Code. As provided for in the Government Code, a Specific Plan is designed to provide for flexibility, innovative use of land resources and development, a variety of housing and other development types, and an effective and safe method of pedestrian and vehicular circulation. The SP overlay zone is intended to translate the provisions of an adopted specific plan into regulations for the subsequent development of land. The SP overlay zone 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.

17.50.020 – Allowed Uses and Development Standards

A. Allowed Uses.

1. **Prior to Specific Plan Adoption.** Prior to adoption of a specific plan, areas in the SP overlay zone shall comply with the use provisions of the C/OS zone.
2. **Post Specific Plan Adoption.** Once a specific plan has been adopted, uses shall be as provided in the applicable specific plan.

B. General Development Standards. Density, FAR, height, setbacks, lot coverage, parking, and any other listed development standards shall be as provided in the applicable specific plan. If the specific plan does not contain explicit provisions on these items, they shall be provided as required for the underlying zone.

17.50.030 – Additional Regulations

Other development features explicitly contained in the applicable specific plan, such as landscaping, building siting and form, and circulation, shall be as provided in the specific plan. Where a specific plan is silent with regard to particular development standards, the provisions of the underlying zone shall govern.

Chapter 17.52. Special Focus Area (S-F) Overlay Zone

Sections:

17.52.010 – Purpose and Application

17.52.020 – Allowed Uses

17.52.030 – Development Standards

17.52.010 – Purpose and Application

Special Focus (S-F) areas are those areas identified explicitly in the General Plan as areas that present opportunities for customized land use approaches and/or special design implementation to enhance the use and conditions in these areas and to achieve development potential consistent with General Plan land use policies. The S-F overlay zone is intended to translate the provisions of General Plan Land Use Element Chapter 8 (Special Focus Areas) into regulations for the subsequent development of land. The S-F overlay zone will be applied to areas identified in Chapter 8 as Special Focus Areas, where the General Plan Land Use Element calls for special design concepts.

17.52.020 – Allowed Uses

- A. **General.** All uses within the special planning areas shall adhere to the requirements of the underlying zone and the provisions for each of the respective special planning areas, as described in Chapter 8 of the Land Use Element.
- B. **Land Use Element Policies for Specific Uses.** New uses that the Director determines are consistent with and expressly allowed by the Land Use Element for a special focus area shall be considered allowed uses and not require a Use Permit in the applicable S-F overlay zone area.

17.52.030 – Development Standards

- A. **Development Objectives.** All development within any S-F overlay zone shall adhere to the requirements of the underlying zone and the provisions for each respective Special Focus planning area, as described in Chapter 8 of the Land Use Element. In addition, development objectives within each S-F overlay zone shall be interpreted by the review authority to achieve the development objectives of the applicable Special Focus Area. Where provisions of the underlying zone and Land Use Element Chapter 8 conflict, Land Use Element policies shall take precedence.
- B. **Adopted Area Plan.** Where an adopted area plan applies to an area with an S-F overlay zone, all projects shall comply with the provisions and regulations of the area plan.
- C. **Conflicts.** Development features explicitly contained in an applicable area plan or Land Use Element policy for a particular S-F overlay, such as landscaping, building siting and form, and circulation, shall be as provided in the applicable area plan or Land Use Element policy. Where the area plan or Land Use Element is silent with regard to particular development standards, the provisions of the underlying zone shall govern.

Chapter 17.54. Downtown (D) Overlay Zone

Sections:

17.54.010 – Purpose and Application

17.54.020 – Allowed Uses and Development Standards

17.54.030 – Required Findings

17.54.010 – Purpose and Application

- A. **Purpose.** The Downtown (D) overlay zone is intended to implement the vision of Downtown and the community's urban center as articulated in the General Plan Land Use Element, which serves as the cultural, social, entertainment, and political center of the City for its residents, as well as home to those who live in its historic neighborhoods.
- B. **Application.** Application of the D overlay zone may be initiated by the Council or Planning Commission and may only be applied to properties within the vicinity of the Downtown Core, as identified in the General Plan Land Use Element.

17.54.020 – Allowed Uses and Development Standards

- A. **Consistent with Underlying Zoning.** Where an application is consistent with the use and development standards of the underlying zone, no additional process or procedure beyond that which is generally required for the application shall apply.
- B. **Apply C-D Zoning Standards.** Within the D overlay zone, an applicant may request to apply C-D Zoning Regulations for the subject property. In granting a request to apply C-D Zoning Regulations within the D overlay zone, Major Development Review approval shall be required (see Chapter 17.106: Development Review).

17.54.030 – Required Findings

In addition to the criteria associated with Major Development Review (Section 17.106.050: Application Review), the approval of any project in the D overlay zone shall require that the review authority find:

- A. That the project conforms with the purpose, intent, and provisions of the Downtown Core as stated in the Land Use Element of the General Plan; and
- B. That the project conforms to the C-D zone development standards and consistent with applicable standards identified in the Downtown Design Chapter of the Community Design Guidelines; and
- C. The project furthers the vision, principles, and goals of the Downtown Concept Plan; and
- D. That the project's location, size, height, operations, and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety; and
- E. That the project provides for an arrangement of uses, buildings, structures, open spaces and other improvements that are compatible with the scale and character of the adjacent properties and surrounding neighborhood.

Chapter 17.56. Historical Preservation (H) Overlay Zone

Sections:

17.56.010 – Purpose and Application

17.56.020 – Allowed Uses

17.56.030 – Development Standards

17.56.040 – Review Procedures

17.56.010 – Purpose and Application

- A. Purpose.** The H overlay zone is established to identify parcels, areas, or structures that are architecturally or historically important, and (may be eligible for benefits offered through the City's historical preservation program.
- B. Application.** The H overlay 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 are good or excellent examples of pre-1941 architecture, were designed by eminent architects or designers, or 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.

17.56.020 – Allowed Uses

Uses shall be regulated as provided in the underlying zone.

17.56.030 – Development Standards

Property development standards shall be as established by the underlying zone.

17.56.040 – Review Procedures

Municipal Code Chapter 14.01 establishes the review procedures for development applications for properties within the H overlay zone.

Chapter 17.58. Mixed Use (MU) Overlay Zone

Sections:

- 17.58.010 – Purpose and Application
- 17.58.020 – Allowed Uses
- 17.58.030 – Development and Design Standards
- 17.58.040 – Additional Regulations

17.58.010 – Purpose and Application

- A. Purpose.** The Mixed Use (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 at the discretion of the property owner. The primary purpose of the MU overlay zone 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 and residential uses are located above or to the rear of a site. The MU overlay zone is intended to promote a compact city, to provide additional housing opportunities—including affordable housing opportunities—which is the first priority, and to reduce vehicle travel by providing services, jobs, and housing in proximity. The City desires the safety provided by having residential components in commercial areas.
- B. Application.**
1. **General.** The requirements of this Chapter shall apply to all new development projects, but shall not apply to additions to existing buildings, expansion of an existing use, or change of use.
 2. **Initiation.** Application of the MU overlay zone may be initiated by the 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.

17.58.020 – Allowed Uses

Each land use proposed on a site subject to the MU overlay zone shall be authorized in compliance with the permit requirements of Section 17.10.020 (Use Regulations By Zone) that apply to the underlying zone, except that new mixed-use projects that the Director determines are consistent with the standards of this Section shall not require a Minor or Conditional Use permit for mixed uses.

17.58.030 – Development and Design Standards

Property development standards shall be those of the underlying zone, except that the application of the MU overlay zone to a property may include establishing a higher height limit than the underlying zone to more effectively accommodate the residential component of a mixed-use project. Any such request for a higher height limit shall be set forth in the subject application and shall be reviewed by the applicable review authority as part of the overall application. Proposed development and new land uses shall also comply with all applicable provisions of Section 17.70.130 (Mixed-Use Development).

17.58.040 – Additional Regulations

- A. Ordinance Contents.** An ordinance adopting a MU overlay zone 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.

Chapter 17.60. Special Consideration (S) Overlay Zone

Sections:

17.60.010 – Purpose and Application

17.60.020 – Allowed Uses

17.60.030 – Development Standards

17.60.040 – Required Findings

17.60.010 – Purpose and Application

- A. Purpose.** The purpose of the S overlay zone is, in combination with any zone, to require additional discretionary review before particular uses may be established or development initiated, as identified in the adopting ordinance or plan for each individual S overlay zone. This requirement is intended to ensure compatibility of the use and development 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 historic resources, indigenous cultural resources, scenic or ecological sensitivity, wildlife habitat, or wildland fire hazard.
- B. Application.**
1. **S Overlay Zone Initiation.** Application of the S overlay zone may be initiated by the Council or Planning Commission to ensure that specific site features are considered during future project development, or by a property owner.
 2. **Ordinance Contents.** The ordinance adopting the S overlay zone shall specify the considerations to be addressed, which of the findings listed in Section 17.60.040 (Required Findings) will be required for project approval, and any additional findings or regulations. Each S Overlay shall have a unique name and identifying number. The overlay number indicated in the Ordinance shall be shown on the official zone map.

17.60.020 – Allowed Uses

- A. Where Adopting Ordinance Identifies Use.** Where an S overlay adopting ordinance identifies a particular land use of concern and directs approval of a Minor Use Permit for such particular use, upon change or establishment of such use, a Minor Use Permit shall be required for that use.
- B. Where Adopting Ordinance is Silent on Use.** Where the S overlay zone adopting ordinance is silent with regard to uses of concern, any allowed or conditionally allowed use in the underlying zone may be established.

17.60.030 – Development Standards

- A. Development Review.** Unless otherwise specified in the S overlay adopting ordinance, all new construction projects and additions to existing buildings shall be subject to Minor Development Review approval (see Chapter 17.106: Development Review).
- B. Conditions and Standards.** In order to fulfill the intent of these regulations, in approving a project within the S overlay zone, the review authority may establish conditions relating to improvements, building location, access, etc., which are more restrictive than provided in the underlying zone.

17.60.040 – Required Findings

- A. Primary Finding Required for All Projects.** In addition to the findings and criteria associated with a Minor Use Permit or Minor Development Review, as applicable, the review authority shall also find that the project is compliant with the adopting ordinance applicable to the relevant S overlay.
- B. Project-Specific Findings.** In addition to the finding required in subsection A (Primary Finding Required for All Projects) of this Section above, the review authority shall also make the related applicable findings listed in this Section. Not all findings listed in this Section shall apply for each overlay. In determining which findings from this list shall apply, the Director shall consider the language in the S overlay adopting ordinance, applicable plan, and General Plan Land Use Element policies.
1. **General Plan Policy.** Where the S overlay zone is applied to implement a specific General Plan policy, the approval of any project in the applicable S overlay zone shall require that the review authority find that the project conforms with the purpose, intent, and provisions of the General Plan policy for which the S overlay zone was applied.
 2. **Compatibility with Surroundings: Nonresidential Projects.** Where the S overlay zone is applied to ensure compatibility with surrounding uses, neighborhoods, or conditions, the approval of any project in the S overlay zone shall require that the review authority find:
 - a. That the project will enhance the built environment in the surrounding context or will perform a function or provide a service that is essential or beneficial to the community;
 - b. That the project's location, size, height, operations, and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety;
 - c. That the project provides for an arrangement of uses, buildings, structures, open spaces and other improvements that are compatible with the scale and character of the adjacent properties and surrounding neighborhood; and
 - d. That the project substantially conforms with the purpose, intent, and provisions of the General Plan, any applicable area plan or specific plan, and applicable Community Design Guidelines.
 3. **Compatibility with Surroundings: Residential and Mixed-Use Projects.** For all multi-unit residential housing and mixed-use developments where at least two-thirds of the square footage consists of residential, the use shall not be subject to subsection B.2 (Compatibility with Surroundings: Nonresidential Projects) of this Section. For such projects, the provisions of Section 17.110.070 (Required Findings) shall apply.
 4. **Noise Exposure.** Where the S overlay zone is applied to prevent exposure of sensitive receptors to harmful noise levels, the approval of any project in the S overlay zone shall require that the review authority find that the project demonstrates consistency with maximum interior and exterior noise limits as indicated in Chapter 9.12 (Noise Control) of the Municipal Code by providing noise analysis, construction details, or other information deemed necessary by the Director to verify conformance with maximum noise limits, or will adequately address potential impacts related to noise exposure.
 5. **Flood Hazard.** Where the S overlay zone is applied to minimize impacts from flood hazards, the approval of any project in the S overlay zone shall require that the review authority find that the project demonstrates avoidance of flood hazards or will adequately address potential impacts related to flood hazards.
 6. **Airport Hazard.** Where the S overlay zone is applied to ensure a project avoids significant airport hazards, the approval of any project in the S overlay zone shall require that the review authority find that the project demonstrates avoidance of airport hazards or will adequately address potential impacts related to airport hazards.

7. **Hillsides/Slope Instability.** Where the S overlay zone is applied to ensure development is appropriately designed in hillside areas, the approval of any project in the S zone shall require that the review authority find:
 - a. That the project is designed and will be developed to preserve to the greatest extent practicable the natural features of the land, including the existing topography and landscaping; and
 - b. That the project is designed and will be developed to be consistent with the Community Design Guidelines for hillside development.
8. **Historical or Cultural Resource Sensitivity.** Where the S overlay zone is applied to avoid significant impacts to historical resources, the approval of any project in the S zone shall require that the review authority find: that the project is designed and will be developed to be consistent with the Community Design Guidelines for historical resource preservation and applicable requirements of Municipal Code Chapter 14.01.
9. **Scenic or Ecological Sensitivity.** Where the S overlay zone is applied to avoid significant impacts to scenic or ecologically sensitive areas, the approval of any project in the S zone shall require that the review authority find:
 - a. That the project is designed and will be developed to preserve to the greatest extent practicable the natural features of the land, including the existing topography and habitats; and
 - b. That the project demonstrates avoidance of scenic or ecological sensitivity impacts or will adequately address potentially significant impacts related to scenic or ecological sensitivity.

ARTICLE 3: REGULATIONS AND STANDARDS APPLICABLE TO ALL ZONES

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Chapter 17.68. Purpose

The purpose of this Article is to prescribe development and site regulations that apply, except where specifically stated, to development in all zones. These standards shall be used in conjunction with the standards for each zone established in Article 2 (Zone, Allowable Uses, and Development and Design Standards). In any case of conflict, the standards specific to the zone shall override these regulations.

Chapter 17.69. Objective Design Standards for Qualifying Residential Projects

Sections:

- 17.69.010 – Purpose and Application
- 17.69.020 – Building and Site Design Standards
- 17.69.030 – Downtown Building Design Standards
- 17.69.040 – Additional Design Requirements

17.69.010 - Purpose and Application

- A. Purpose.** This Chapter is intended to provide objective standards for the design of residential and mixed-use projects (herein referred to as “residential projects”) that are eligible for ministerial approval to ensure compatibility with existing and planned development on the site and adjacent and nearby properties while also supporting the development of housing consistent with the City’s General Plan.
- B. Applicability.** The provisions of this chapter apply to all residential projects, in all zones, that qualify for streamlined, ministerial processing per Government Code Section 65913.4, or that are a “use by right” residential project. In addition, eligible residential projects must comply with all objective City policies, thresholds of significance, development standards, and design standards as established in, but not limited to, the General Plan, Zoning Regulations, City Standard Specifications and Engineering Standards, Active Transportation Plan, Transportation Impact Study Guidelines, Climate Action Plan, and the Municipal Code.

A “use by right” residential project is a residential project that includes at least 20 percent of the units as affordable to lower income households (low, very low, and extremely low) and does not require discretionary review or approval (ministerial review only) and residential projects that are otherwise deemed subject to ministerial processing per state or local law.

Residential projects seeking exceptions, waivers, or modifications to any development standards set forth in the City’s Zoning Regulations or the design standards set forth in this chapter, excluding modifications granted as part of density bonus concession, incentive, parking reduction, or waiver of development standards pursuant to State Density Bonus Law or the City’s density bonus regulations (Chapter 17.140), shall not be eligible for ministerial and/or streamlined processing contemplated by this chapter, and will be subject to the City’s discretionary development review process outlined in Chapter 17.106 of the Municipal Code.

Where these standards conflict with other state law or local code requirements (including but not limited to California Building Code and the City’s Standard Specifications and Engineering Standards) the more restrictive provision shall prevail.

17.69.020 - Building and Site Design

- A. Applicability.** This section shall apply to eligible residential projects (described in Section 17.69.010 above) in all zones, except for the Downtown Commercial (C-D) zone. Building and site design standards for eligible residential projects in the C-D zone are provided in Section 17.69.030 (Downtown Building Design) below. In addition to this section, mixed-use projects shall also comply with Section 17.70.130.D and F through H (Mixed-Use Development).
- B. Building Details.** Residential projects shall comply with the following building detail standards:
1. Buildings shall use exterior wall materials chosen from the list below.
 - a. Smooth or sand finished stucco
 - b. Cut stone

- c. Rusticated block (cast stone)
 - d. Precast concrete
 - e. Brick veneer
 - f. Ceramic or porcelain tiles
 - g. Fiber Cement board planks, panels, siding, board and bat, etc. (e.g., Hardi plank, Hardi panel)
 - h. Corrugated metal (within Commercial Zones (C-C, C-T, C-S, C-R, M), or as an accent material, covering no more than 15% on the exterior, within all other zones)
 - i. Metal paneling (only within Commercial Zones (C-C, C-T, C-S, C-R, M), or as an accent material, covering no more than 15% on the exterior, within all other zones)
 - j. Corten steel paneling (only within Commercial Zones (C-C, C-T, C-S, C-R, M), or as an accent material, covering no more than 15% on the exterior, within all other zones)
 - k. Wood plastic composite siding (e.g., Resysta products)
 - l. Wood siding
 - m. Burnished block (only within Commercial Zones (C-C, C-T, C-S, C-R, M))
2. Veneers shall turn corners and terminate into the inside corner of the building or be finished and not expose edges so that finish materials appear “thin” or artificial, as in the example of “brick” veneer applied to a single building face so that it is obviously only ½ -inch thick when viewed from the side.
 3. Exterior window shutters shall match the size and shape of adjacent window openings.
 4. Affordable units and market rate units in the same development shall be constructed of the same materials and details such that the units are not distinguishable from one another.
 5. Trim surrounds shall be provided at all exterior window and door openings. In-lieu of exterior window trim, windows can be recessed from wall plane by a minimum of two (2) inches.
 6. Structures (including garages and carports) shall not exceed one hundred fifty (150) feet in length.
 7. Detached garages and carports shall be designed to include a minimum of two (2) of the following from the main building(s): materials, detailing, roof materials, and colors.
 8. Stairs and stair wells that provide primary access to units on upper floors shall be covered and fully integrated into the principal and secondary building façades.
 9. Service access to the building for loading and maintenance functions shall not exceed twenty (20) percent of the project frontage on any facing street.
 10. Where windows are proposed within ten (10) feet of another building, the windows shall be offset horizontally at least 12 inches (edge to edge) or use clearstory windows, glass block or non-operable opaque windows so as not to have a direct line-of sight into adjacent units.
 11. Residential buildings shall include windows that overlook outdoor public or shared spaces.
- C. Roof Designs.** Residential projects shall comply with the following roof design standards:
1. Roof lines shall be varied to break up the mass of the building. A building with four (4) or more attached residential units or a residential building with a roofline longer than fifty (50) feet shall incorporate changes in roof heights of at least one (1) vertical elevation change of at least two (2) feet.
 2. Overhanging eaves shall extend twelve (12) inches or more past the supporting walls. This requirement does not apply to gable faces.

3. Steeply pitched (45 degrees or more) mansard roofs are prohibited.
4. Roof-mounted equipment shall not be visible from the public right of way and integrated within the architecture of the building.
5. Roof decks shall be prohibited in residential zones (R-1, R-2, R-3, R-4) and the Office (O) zone unless setback 15 feet or more from side and rear property lines and utilize solid walls or barriers at deck edges. All projects that include roof top uses shall comply with Section 17.70.150 (Rooftop Uses).
6. The termination of a parapet shall not be visible from the public right of way or adjacent property. The parapet shall wrap around the entire roof, return at least eight (8) feet around corners, or die into an adjacent, taller wall.
7. Cornices and parapets shall:
 - a. Be utilized to conceal flat roofs and screen any roof-mounted mechanical equipment from the public right-of-way and adjacent properties.
 - b. Match the building's primary façade exterior colors and materials.

D. Massing and Articulation. Residential projects shall comply with the following massing and articulation standards:

1. Any wall of any length on a building without doors or windows shall include the use of at least one of the following treatments:
 - a. Utilize at least two (2) different materials.
 - b. Utilize at least two (2) different paint colors.
 - c. Incorporate offsets. Offsets shall vary in depth and/or direction of at least twelve (12) inches, or be a repeated pattern of offsets, recesses, or projections of similar depth along the length of the wall.
 - d. Install landscaping that covers twenty-five (25) percent of the wall within ten (10) years.
2. Buildings shall have massing breaks (offsets, recesses, or projections) at least every fifty (50) feet along street frontage through the use of varying setbacks, building entries and recesses, or structural bays. Offsets, recesses, or projections shall vary in depth and/or direction of at least twelve (12) inches and a minimum width of four (4) feet.
3. Buildings three or more stories shall distinguish the first story from the upper stories by using a minimum of two (2) architectural details (e.g., arches, awnings, transom windows, columns, cornices, lintels, moldings, trellises) for every fifty (50) feet of the first story front elevation.
4. Mixed-use buildings three or more stories shall provide a first story elevation that is distinctive from the upper stories through a material change, change in color, or use of different architectural details such as reveals, course lines, decorative cornice, columns, etc.
5. The first floor of a mixed-use project within fifty (50) feet of the street frontage shall be taller than the floors above, with a minimum plate height of ten (10) feet.
6. Buildings three or more stories shall step-back the building mass a minimum of five (5) feet for fifty (50) percent of the building facade above the second story.
7. Every residential building shall incorporate two (2) or more of the following building massing and articulation techniques:
 - a. Vary building height by at least two (2) feet over twenty (20) percent of the main building (as viewed in plan view).
 - b. Vary the geometry or massing of the roof through changes in type, height, pitch, or orientation.

- c. Use offsets, recesses, (e.g., courtyards, entryways, alcoves, deep door and window recesses) and projections (e.g., stairs, towers, balconies, cantilevers, dormers, bay windows, awnings) to create a sense of depth.
- d. Provide a minimum two (2) foot roof eave on the front elevation.

E. Common and Private Spaces. Residential projects shall comply with the following common and private space standards:

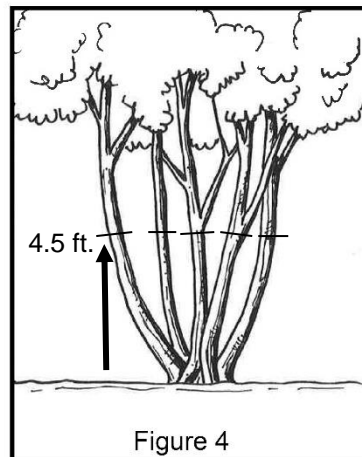
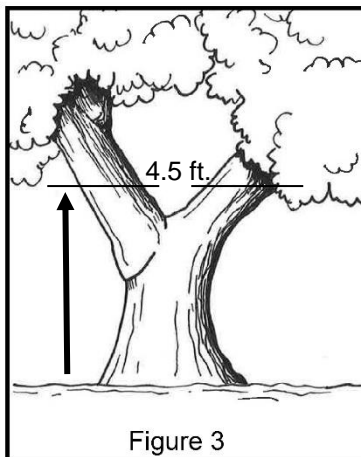
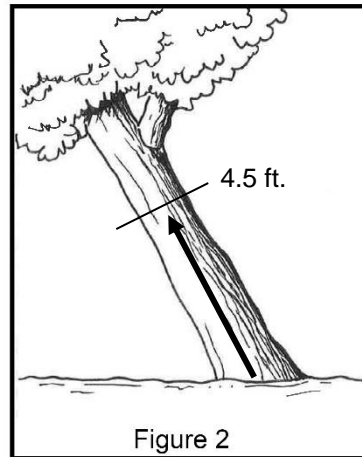
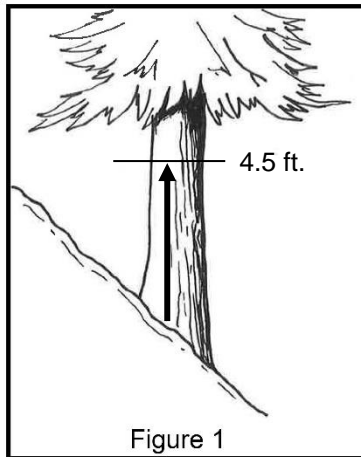
1. Residential projects within the R-2, R-3, and R-4 zones shall have a minimum of sixty-five (65) square feet of private outdoor space per unit for at least 60% of the units and provide a minimum of one hundred (100) square feet per unit, for all units in the project, to common space. Common space is recreation space provided inside or outside a residential building for the use of all the residents for recreation or social purposes and is readily accessible by all the residents. To qualify as private open space, the space must be private and directly accessible from the unit it serves and must have a minimum dimension in every direction of six (6) feet. To qualify as common space, individual spaces must have a minimum dimension in every direction of ten (10) feet.
2. Residential projects within the O, C-N, C-T C-R, C-C, C-S, and M zones shall provide a minimum of fifty (50) square feet per unit to common space. Common space is recreation space provided inside or outside a residential building for the use of all the residents for recreation or social purposes and is readily accessible by all the residents. To qualify as common space, individual spaces must have a minimum dimension in every direction of ten (10) feet.

F. Landscaping. Residential projects shall comply with the following landscape standards:

1. The landscape design plan shall be consistent with Section 17.70.220 (Water-efficient landscape standards), Section 12.38.090 (Landscaping standards), and include the following information:
 - a. Location, sizes, and species of all proposed groundcovers, shrubs, and trees with corresponding symbols for each plant material showing their specific locations on plans.
 - b. The location and description (e.g., colors, materials, etc.) of all hardscapes such as decks, patios, walkways or paths, artificial turf or other pervious or non-pervious materials.
2. All required front and street-facing side setbacks, except for areas used for exit, entry, or common outdoor space shall be landscaped. All projects shall landscape at least ten (10) percent of the project site.
3. Landscaping areas shall consist of any combination of the following: living trees, groundcover, shrubbery, turf, and related natural features such as rock, stone, or bark chips to adequately cover all designated landscaping areas.
4. Landscaping shall be top-dressed with three (3) inches of mulch. Mulch shall be maintained within planted areas and shall not migrate onto hard surfaces, such as sidewalks, patios, and parking lots.
5. Any trees removed from the residential project site shall be:
 - a. Replaced on-site with a 1:1 replanting with a minimum 15-gallon sized tree. Required street trees may be counted as part of the replacement plantings; or
 - b. Replaced off-site at a 2:1 ratio by: 1) planting trees off-site on private property within the City limits with a minimum 15-gallon sized tree, or 2) planting street trees off-site (only after required street trees for the project site has been satisfied);
 - c. Any street trees planted as a replacement shall be a minimum 24-inch box size.
6. Native tree species with a trunk ten (10) inches or larger in diameter or a non-native tree species (excluding blue gum eucalyptus (*Eucalyptus globulus*)) twenty (20) inches or larger in diameter or designated heritage trees (of any size) shall be retained and cannot be removed unless they are an imminent hazard to life or

property or are dead, dying, diseased or damaged beyond reclamation (see Section 12.24.030 for definitions of heritage tree, native tree, and non-native tree). Diameter shall be measured as follows:

- a. If the tree is growing on flat ground, the diameter is measured 4.5 feet from the ground.
- b. If the tree is growing on a slope, the diameter is measured 4.5 feet above the point halfway between the upper and lower side of the slope. (Figure 1)
- c. If the tree is leaning, the diameter is measured 4.5 feet above the high point of the trunk and perpendicular to the axis of the trunk. (Figure 2)
- d. If branches of trees fork below 4.5 feet above the ground or are multi-stemmed (branching at the ground) then each branch/stem diameter is measured individually at 4.5 feet above the ground and summed together for the total diameter. (Figure 3 & 4).



17.69.030 – Downtown Building Design

- A. **Applicability.** This section shall apply to eligible residential projects (described in Section 17.69.010 above) within the Downtown Commercial (C-D) zone. In addition to this section, mixed-use projects shall also comply with Section 17.70.130.D and F through H (Mixed-Use Development).
- B. **Building Details.** Residential projects shall comply with the following building detail standards:
 1. Buildings located within the Downtown (C-D zone) shall use exterior materials chosen from the list below.

- a. Smooth or sand finished stucco
 - b. Cut stone
 - c. Rusticated block (cast stone)
 - d. Precast concrete
 - e. Face-brick
 - f. Ceramic or porcelain tiles
 - g. Fiber Cement board planks, panels, siding, board and bat, etc. (e.g., Hardi plank, Hardi panel)
 - h. Wood plastic composite siding (e.g., Resysta products)
 - i. Wood siding
 - j. Metal paneling
 - k. Corten steel paneling
2. The following exterior finish materials and architectural elements are prohibited:
- a. Mirrored glass and heavily tinted glass
 - b. Windows with false divisions (i.e., a window where the glass continues uninterrupted behind a surface mounted mullion, interior mounted mullions (enclosed in glass), etc.)
 - c. Vinyl and aluminum siding
 - d. Rough “Spanish lace” stucco finish
 - e. Plywood siding (T 1-11)
 - f. Corrugated sheet metal
 - g. Corrugated fiberglass
 - h. Split face concrete block
 - i. Exposed concrete block without integral color
 - j. Exposed, untreated precision block walls
 - k. False fronts
 - l. Loading bays facing a street
 - m. Exposed roof drains and downspouts
3. New buildings shall use the same colors, materials, and detailing throughout all elevations. Street facing and the most visible elevations may use more detailed elevations, but colors and materials shall be the same on all elevations.
4. Veneers shall turn corners and terminate into the inside corner of the building or be finished and not expose edges so that finish materials appear “thin” or artificial, as in the example of “brick” veneer applied to a single building face so that it is obviously only ½ -inch thick when viewed from the side.
5. Trim surrounds shall be provided at all exterior window and door openings. In-lieu of exterior window trim, windows can be recessed from wall plane by a minimum of two (2) inches.
6. Barrel-shaped awnings shall be used over arched windows or doorways and square or rectangular awnings shall be used on square or rectangular windows and doorways.

7. Awnings shall not be internally illuminated, shall be at least four (4) feet wide, and awnings on a single building face shall use the same awning design and color on each building floor.
8. Permanent, fixed security grates or grilles in front of windows are prohibited. Any necessary security grilles shall be placed inside, behind the window display area.
9. Storefronts shall be framed by support piers and lintels.
10. Storefronts shall be primarily made of eighty (80) percent or more of clear glass.
11. Doorways shall be recessed.
12. Storefront windows shall sit above a base, commonly called a “bulkhead,” of eighteen (18) to thirty-six (36) inches in height. Bulkheads shall be designed as prominent and visible elements of the building facade and shall include the use of one or more of the following materials: ornamental glazed tile in deep rich hues, either plain or with patterns; dark or light marble panels; or pre-cast concrete.
13. Service access to the building for loading and maintenance functions shall not exceed twenty (20) percent of the project frontage on any facing street.
14. Where windows are proposed within ten (10) feet of another building, the windows shall be offset horizontally at least 12 inches (edge to edge) or use clearstory windows, glass block or non-operable opaque windows so as not to have a direct line-of sight into adjacent units.

C. Roof Designs. Residential projects shall comply with the following roof design standards:

1. Roof lines shall be varied to break up the mass of the building. A building with a roofline longer than fifty (50) feet shall incorporate changes in roof heights of at least one (1) vertical elevation change of at least two (2) feet.
2. Overhanging eaves shall extend twelve (12) inches or more past the supporting walls. This does not apply to gable faces.
3. Steeply pitched (45 degrees or more) mansard roofs are prohibited.
4. Roof-mounted equipment shall not be visible from the public right of way and integrated within the architecture of the building.
5. The termination of a parapet shall not be visible from the public right of way or adjacent property. The parapet shall wrap around the entire roof, return at least eight (8) feet around corners, or die into an adjacent, taller wall.
6. Cornices and parapets shall:
 - a. Be utilized to conceal flat roofs and screen any roof-mounted mechanical equipment from the public right-of-way and adjacent properties.
 - b. Match the building’s primary façade exterior colors and materials.
7. Rooflines shall be vertically articulated at least every fifty (50) feet along the street frontage, using two of the following architectural elements: parapets, varying cornices, reveals, clerestory windows, or varying roof height and/or form.

D. Massing and Articulation. Residential projects shall comply with the following massing and articulation standards:

1. Buildings shall be designed to reduce apparent mass by dividing façades into a series of smaller components. Components shall be distinguished from one another through two (2) or more of the following:
 - a. Variations in the geometry or massing of the roof or variations in roof height of two (2) feet or more.

- b. Changes in wall plane of one (1) foot or more.
 - c. Changes in texture, material, or surface colors.
 - d. Provide a minimum two (2) foot eave on the front elevation.
2. Buildings shall have massing breaks (offsets, recesses, or projections) at least every fifty (50) feet along street frontage through the use of varying setbacks, building entries and recesses, or structural bays. Offsets, recesses, or projections shall vary in depth and/or direction of at least twelve (12) inches and a minimum width of four (4) feet.
 3. The first floor of a mixed-use project within fifty (50) feet of the street frontage shall be taller than the floors above, with a minimum plate height of ten (10) feet.
 4. Buildings shall include horizontal lines that match established horizontal lines of adjacent buildings.
 5. Buildings in the downtown shall provide 80% of the building facade located at the back of the sidewalk unless space between the building and sidewalk is a part of a pedestrian feature such as plazas, courtyards, or outdoor eating areas.

17.69.040 – Additional Design Details

- A. **Applicability.** This section shall apply to eligible residential projects in all zones, including the Downtown Commercial (C-D) zone.
- B. **Parking Areas.** Residential projects shall comply with the following parking standards:
 1. Parking areas shall be designed consistent with Chapter 12.38 (Parking and Driveway standards).
 2. When parking lots are proposed along street frontages, they shall be screened by a wall, fence, hedge or raised planter. The chosen screening material shall be a minimum height of three (3) feet and consistent with Section 17.70.070 (Fence, Walls, and Hedges). A fence or wall shall include a minimum three-foot-wide landscaped area between the wall or fence and the street or sidewalk. The hedge and planter shall have a planting area width of three (3) feet. Screening provided near a driveway shall have a maximum height of 2.5 feet and screening at roadway intersections shall comply with Section 17.70.210 (Vision Clearance Triangle at Intersections).
 3. Parking lots shall be planted with shade trees. A minimum of one twenty-four (24) inch box specimen tree, shall be required for every ten (10) parking spaces, or portion thereof, planted in structural soil, and shall be located uniformly throughout the parking area, excluding parking areas covered by solar panels. Tree species shall include any of the following:
 - a. *Acer rubrum* (Red Maple)
 - b. *Ginkgo biloba* ('Fairmont' Ginkgo)
 - c. *Platanus racemosa* (California Sycamore)
 - d. *Platanus x acerifolia* (London Plane)
 - e. *Platanus occidentalis* (American Sycamore)
 - f. *Quercus agrifolia* (Coast Live Oak)
 - g. *Tilia cordata* (Littleleaf Linden)
 - h. *Ulmus parvifolia* ('Drake' Chinese Elm)
 - i. *Ulmus americana* (American Elm)
 - j. *Zelkova serrata* (Zelkova 'Green Vase')

- C. Bicycle Parking Areas.** Residential projects shall comply with the following bicycle parking standards:
1. Long term bicycle parking spaces shall be enclosed, lockable, and located within the residential building on the first floor unless the building includes elevator access to the upper floors.
 2. Long term bicycle parking spaces shall provide a minimum of one (1) outlet and an additional outlet per ten (10) bicycle parking spaces for charging electric bicycles.
 3. Long term bicycle parking racks shall be designed to allow the user to lock the bicycle to the rack and keep at least one bicycle wheel on the ground or provide a means for the user to roll the bicycle onto a rack and lift it up to a second level (example: the Two-Tier Double Docker Bike Rack by Ground Control Systems).
 4. Short-term bicycle racks shall be Hi-Lo racks (e.g. Peak Rack type racks).
- D. Pedestrian Access.** Residential projects shall comply with the following pedestrian access standards:
1. A system of pedestrian walkways shall connect all buildings on a site to each other, to onsite automobile and bicycle parking areas, and to any onsite open space areas or pedestrian amenities.
 2. An onsite walkway shall connect the principal building entry or entries to a public sidewalk on each street frontage.
- E. Lighting.** Residential projects shall comply with the following lighting standards:
1. Project exterior and parking lot lighting shall comply with Section 17.70.100 (Lighting and Night Sky Preservation).
- F. Fencing.** Residential projects shall comply with the following fencing standards:
1. Any proposed fencing shall be consistent with Section 17.70.070 (Fence, Walls, and Hedges).
 2. Chain link fencing is not allowed.
- G. Trash Enclosure Design.** Residential projects shall comply with the following trash enclosure design standards:
1. Trash enclosures shall accommodate for three (3) waste streams: trash, recycling, and organics and shall be designed consistent with Section 17.70.200.
 2. Trash enclosures shall be designed to include accent materials and colors that match the main residential building(s).
 3. Designs of trash enclosures shall comply with the City's engineering standards.
- H. Miscellaneous.** Residential projects shall comply with the following miscellaneous standards:
1. All ground mounted mechanical and electrical equipment shall be located internally within the proposed buildings. If equipment cannot be located internally due to code requirements, it shall be screened using a combination of at least two of the following: paint color, landscaping, fencing, or walls consistent with other City standards.
 2. Any required backflow preventer and double-check assembly shall be located inside the building within twenty (20) feet of the front property line. Where this is not possible, due to code requirements, the backflow preventer and double-check assembly shall be located in the street yard and screened using a combination of at least two of the following: paint color, landscaping, fencing or walls consistent with other City standards.
 3. Fire Department equipment required to be accessible by an exterior door shall be integrated into the exterior building design by using the same materials and colors.

Chapter 17.70. Site Development and General Development Standards

Sections:

- 17.70.010 – Accessory Structures
- 17.70.020 – Airport Land Use Plan Consistency
- 17.70.030 – Creek Setbacks
- 17.70.040 – Density
- 17.70.050 – Edge Conditions
- 17.70.060 – FAR Measurement and Exceptions
- 17.70.070 – Fences, Walls, and Hedges
- 17.70.080 – Height Measurement and Exceptions
- 17.70.090 – Hillside Development Standards
- 17.70.095 – Incentives Related to New All-Electric Buildings
- 17.70.100 – Lighting and Night Sky Preservation
- 17.70.110 – Lot Area
- 17.70.120 – Lot Coverage
- 17.70.130 – Mixed-Use Development
- 17.70.140 – Public Art Requirements for Private Development
- 17.70.150 – Rooftop Uses
- 17.70.160 – Satellite Dish Antenna
- 17.70.170 – Setbacks
- 17.70.180 – Showers, Lockers, and Changing Rooms
- 17.70.190 – Pools and Pool Equipment – Location
- 17.70.200 – Trash Enclosure Standards
- 17.70.210 – Vision Clearance Triangle At Intersection
- 17.70.220 – Water-Efficient Landscape Standards

17.70.010 – Accessory Structures

A. Purpose.

1. Regulations on accessory structures are established to provide a distinction between nonhabitable accessory structures (e.g., garage, storage shed, shop building) and accessory living spaces (e.g., secondary dwelling units, guest quarters, office, pool house, etc.). These regulations establish standards which prevent the conversion of accessory structures into unpermitted living space to ensure that such structures are not used as separate dwelling units.
2. Unpermitted conversion of accessory structures is detrimental to the public health, safety, and welfare of the community.

B. Applicability.

1. **Application.** This Section shall apply to:
 - a. **New Structures.** All new structures, as defined in the Building Code, located on the same site as the primary structure or use to which it is accessory, including, but not limited to, garages, carports, porte-cocheres, sheds, workshops, gazebos, greenhouses, cabanas, trellises, play structures, aviaries, covered patios, etc.
 - b. **Decks and Patios.** Decks and patios that are 30 inches above the ground elevation, excluding aboveground pools.

2. **Exclusion.** This Section shall not apply to legally established dwellings, accessory dwelling units as defined in Section 17.156.004 (A Definitions), and guest quarters as defined in Section 17.158.018 (G Definitions). Accessory structures that include habitable space, as defined by the California Building Code, shall be regulated by Section 17.86.020 (Accessory Dwelling Units and Guest Quarters).

C. Development Standards.

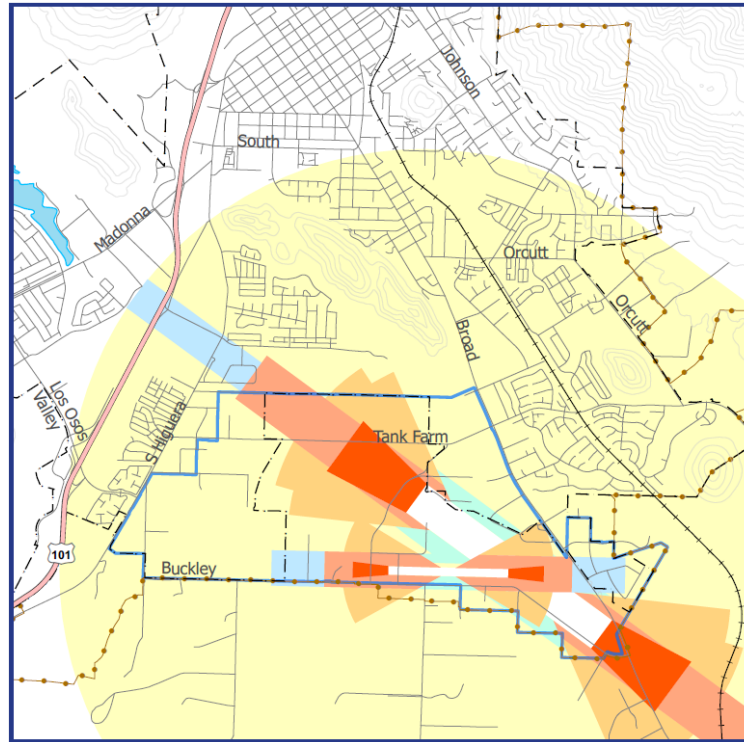
1. **General Development Standards.** Accessory structures shall conform to all applicable Zoning Regulations such as height, yards, parking, building coverage, etc.
2. **Incidental Use.** The use of an accessory structure is incidental, and subordinate to the use of the principle structure, or to the principle land use of the site.
3. **Form.** Accessory structures may consist of detached structures or additions to primary structures.
4. **No Bathing Facilities.** No bathing facilities (e.g., shower, bathtub) may be installed. Plans submitted for a building permit may not include spaces within a bathroom designed for the later addition of bathing facilities.
5. **Limit on Total Number in Residential Zones.** In residential zones, no more than three accessory structures shall be permitted per lot, only one of which may include a habitable accessory structure such as an accessory dwelling unit or guest quarters.

D. Process Requirements.

1. **Building Permit.** Development of an accessory structure shall require approval of a building permit from the City's Building Division.
2. **Design Review.** Plans submitted for a building permit shall be reviewed for consistency with the City's Community Design Guidelines and general development requirements of the Zoning Regulations.
3. **Owners Agreement with the City.** Prior to the issuance of construction permits, a covenant agreement shall be recorded that discloses the structure's approved floor plan and status as an "accessory structure" which cannot contain living space, including bathing facilities or a kitchen. This agreement shall be recorded in the office of the County Recorder to provide constructive notice to all future owners of the property. The covenant agreement also may contain authorization for annual inspections, and to allow the City upon reasonable time and notice to inspect the premises for compliance with the agreement and to verify continued compliance with requirements of this Section and Health and Safety Codes.

17.70.020 – Airport Land Use Plan Consistency

- A. **Requirement for Consistency.** All projects including but not limited to renovation, remodeling, new construction, or granting of any permits for land uses or other activities, shall be consistent with the height, use, noise, safety, and density criteria of the Amended and Restated San Luis Obispo County Regional Airport (SBP) Airport Land Use Plan (ALUP).
- B. **Applicability.** The requirement for consistency with the ALUP applies to all projects within the boundaries of the Airport Influence Area (AIA) within City limits. Properties within Specific Plan areas which are also within the boundaries of the ALUP AIA shall be reviewed for conformance with the standards of their respective Specific Plans which have received a determination of consistency with the ALUP from the Airport Land Use Commission.

Figure 3-1: Airport Land Use Plan Airport Influence Area (AIA)**17.70.030 – 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; and
5. Enable implementation of adopted City plans.

B. Waterways Subject to Setbacks. Creek setback requirements shall apply to all creeks as defined in the General Plan 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 3-2: Creek Setbacks). Top of bank determination shall be consistent with California Department of Fish and Wildlife where State or Federal jurisdictional areas apply. The Director or Natural Resources Manager 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 (e.g., 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 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 lot sizes and locations of existing structures for areas within the City in comparison with areas that 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 subsections E.3, E.4, and G of this Section. 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 subsection E.2 of this Section.
 - 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 Council provides a larger or smaller setback, consistent with the purpose of these Zoning Regulations and with General Plan policies:
 - a. 50-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; and Stenner Creek.
 - b. 35-Foot Setbacks.** The setback along the following shall be 35 feet: Prefumo Creek; Froom Creek; Brizzolari 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); and 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. 20-Foot Setbacks.** The setback along all creeks except those listed in subsections E.2.a and E.2.b of this Section shall be 20 feet. (Informational map is available in the Community Development Department.)
 - 3. Additional Upper Story Setbacks.** Where the zone allows more than two stories, an additional 10-foot step back (upper story building setback) shall be provided beginning at the third story level. The upper story step back shall be provided along all building elevations with creek-facing frontage.
 - 4. 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 subsections E.1 and E.2 of this Section, 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.
 - 5. Prior Approvals.** Where the City has explicitly approved a creek setback smaller than required by this Section prior to adoption of these regulations, that smaller setback shall remain in effect so long as the approval is in effect.
- F. Improvements Prohibited within Setbacks.** The following shall not be placed or constructed within a creek setback, except as provided in subsection G of this Section:
1. Structures larger than 120 square feet
 2. Paving
 3. Parking lots

4. Fire pits, barbeques, and other open flames
5. Mechanical equipment
6. In nonresidential zones, areas used for storing or working on vehicles, equipment, or materials

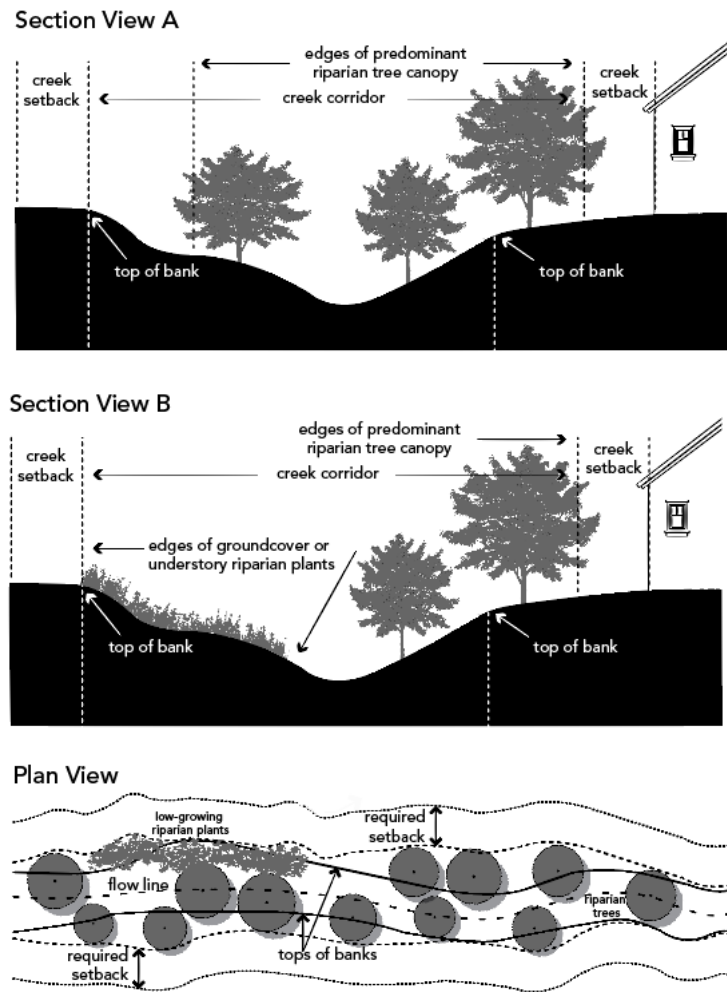
G. Exceptions to Creek Setbacks.

1. **Replacement Structures.** Where a structure lawfully existed on or before October 3, 1996 within a creek setback required by this Section, the provisions of this Section 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 in compliance with subsection G.4 of this Section.
 - 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 17.70.170.D.1.b (Reduced Front or Street Side Setback for New Structure Providing Additional Creek Setback).
 - b. Additional floor area shall not be added to the encroaching part of the structure (e.g., 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 17.92.020 (Limits on Reconstruction – Exceptions) of these Zoning Regulations.
2. **Accessory Structures and Uses.** The following items may be located within the required creek setback without obtaining a discretionary exception unless otherwise noted, 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 in compliance with the City's flood damage prevention regulations; in total occupy not more than one-half of the total required creek setback area; and 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-unit dwelling: uncovered parking spaces.
 - c. Patios and pervious walkways. However, impervious pedestrian walkways and bicycle paths shall require a Director's Hearing as provided in subsection G.4. of this Section.
 - d. Decks, stairs, and landings that are no more than 30 inches in height, as measured from adjacent existing grade.
 - e. One-story, detached buildings used as tool and storage sheds, play houses, and similar uses, provided the projected roof area does not exceed 120 square feet. No more than one such building is allowed per parcel.
 - f. Garden structures such as trellises, arbors, and gazebos, provided they are constructed using an open lattice design and light-weight materials.
 - g. Picnic tables and benches.
 - h. Natural flood control and stormwater improvements, including vegetated buffers, bioswales, and rain gardens.
3. **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 heaters and related enclosures, and bay or other projecting windows that do not include usable floor space.

4. Director's Hearing for Exceptions.

- a. Intent.** The Director, through a Director's Hearing, may act to approve an exception to the creek setback requirements of this Section only where the applicant can provide clear and substantiated evidence that there is no practical way to comply with the provisions and that no other feasible alternatives will result in better implementation of other Zoning Regulations or General Plan policies while allowing reasonable use of sites subject to creek setbacks.
- b. Application Type.** A creek setback smaller than required by this Section may be approved by City action on a plan for public facilities approved by the Council or on a specific plan, development plan under planned development zoning, or 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 a Director's Hearing.
- c. Findings.** Each Director's Hearing or other discretionary application to grant an exception to a required creek setback shall be subject to each of the following findings, in addition to any other required findings associated with the project application under which the request is considered:
 - (1) 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
 - (2) 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
 - (3) The exception will not prevent the implementation of City-adopted plans, nor increase the adverse environmental effects of implementing such plans; and
 - (4) 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
 - (5) 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
 - (6) The exception will not be detrimental to the public welfare or injurious to other property in the area of the project or downstream; and
 - (7) Site development cannot be feasibly accomplished with a redesign of the project; and
 - (8) 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.
- d. Biological Survey.** A biological survey by a qualified, independent person shall be required for each creek setback exception request to provide the basis for making the required findings above, unless waived by the Director upon determining that no purpose would be served by such a survey because no biological resources could be affected by the exception.

Figure 3-2: Creek Setbacks



17.70.040 – Density

A. Determination of Allowed Development.

1. **Density Calculation – General.** Density Units are calculated based on the net area of a property subject to thresholds established per zone. In the AG, C/OS, R-1 zones, each single-unit dwelling counts as one density unit. In the other zones, different size dwellings have density unit values as follows:
 - a. Studio and one-bedroom dwellings less than 600 square feet = 0.50 unit;
 - b. One-bedroom dwellings between 601 and 1,000 square feet = 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. Maximum Development Density – Sloped Sites.

- a. **General.** In all zones, unless otherwise specified, the maximum development density allowed on a given lot or land area shall be based on the average cross-slope of the site (see Section 17.70.090.B: Average Cross-Slope Calculation) and as follows:

Average Cross-Slope in %	Maximum Density Allowed (units per net acre)				
	R-1	R-2, O, C-N, C-T	R-3	R-4	C/OS, AG, PF, C-R, C-D, C-C C-S, M
0 – 15	As allowed in the Zoning Regulations for that zone.				
16 – 20	4	6	10	12	As allowed in the Zoning Regulations for that zone.
21 – 25	2	4	7	8	As allowed in the Zoning Regulations for that zone.
26+	1	2	3	4	As allowed in the Zoning Regulations for that zone.

- b. **Exceptions.** The Director, through a Director’s Action, may act to approve an exception 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 percent slope for the appropriate zone. (See also Section 17.96.020.D, Nonconforming Lots – Regulations.)

- 3. **Maximum Residential Development Potential.** Maximum residential development potential shall be the net lot area (in whole and fractional acres), multiplied by the maximum density allowed (in density units per acre) according to Subsections A.1 through A.2, above. 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.

B. Density Transfer.

- 1. **PD Overlay Zone.** Development potential may be transferred within the area covered by a planned development (PD) overlay zone, in conformance with the requirements of Chapter 17.48: Planned Development (PD) Overlay Zone.
- 2. **C/OS Zone.** 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 very low, low, or moderate income, as defined in the Government Code, and as stipulated in Chapter 17.140: Affordable Housing Incentives of these regulations.

- E. **Density in Hotels.** For hotels and motels, maximum density includes dwelling units located in hotels and motels, but does not include other hotel or motel units/rooms.

17.70.050 – Edge Conditions

- A. **Purpose.** The edge conditions regulations support a buffer between low-density residential zones or open space areas and zones that permits development of higher intensity. Where multi-unit residential zones or commercial zones are adjacent to lower intensity residential or open space zones, development shall incorporate elements in the site design and building design to soften its impact and to result in a compatible transition to the sensitive zone.
- B. **Applicability.** The standards below apply to any portion of property located within any zone designated in Table 3-2: Edge Condition Zones as “Zones Providing Transition” that are adjacent to a parcel designated in Table 3-2: Edge Conditions Zones as “Zones Receiving Transition”. For the purposes of this Section, the term “adjacent” shall not include any properties separated by a street, alley, or other right-of-way, whether public or private.

Zones Receiving Transition	R-1, R-2
Zones Providing Transition	R-3, R-4, O, PF, C-N, C-C, C-D, C-R, C-T, C-S, M, BP

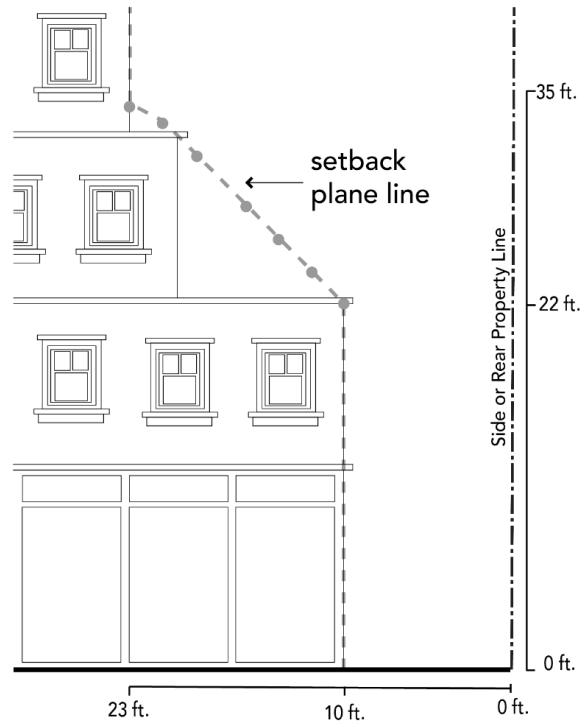
C. Exceptions.

1. Where a transition area abuts a zone receiving transition and all properties that would receive transition are developed with legally allowed nonresidential uses, the requirements of this Section shall not apply.
2. The requirements of this Section shall not apply to development of a wireless communications facility.

D. Standards.

1. **FAR Reduction.** The maximum floor area ratio for a property in a zone providing transition shall be 10 percent less than indicated in the Zoning Regulations for that zone (Chapters 17.12 through 17.60, inclusive).
2. **Setbacks.** The setback standards for a property in a zone providing transition shall be as set forth in Table 3-3: Edge Conditions Minimum Setbacks. See also Figure 3-3: Edge Conditions Interior Side and Rear Setbacks and Building Height.

Maximum Building Height	Minimum Required Setback
A point this high on the roof of a building in a zone providing transition:	Must be at least this far from the property line of a zone receiving transition:
1 – 22 feet	10 feet (minimum setback)
23 – 24 feet	12 feet
25 – 26 feet	14 feet
27 – 28 feet	16 feet
29 – 31 feet	19 feet
32 – 33 feet	21 feet
34+ feet	23 feet

Figure 3-3: Edge Conditions Interior Side and Rear Setbacks and Building Height

3. **Upper Level Open Space Orientation and Setbacks.** Balconies and terraces are prohibited above the first floor on the building side facing an adjacent zone receiving transition.
 4. **Rooftop Open Spaces.** The minimum required setback for any rooftop open space shall be increased by 10 feet on the building side facing an adjacent zone receiving transition. All such permitted rooftop open spaces and terraces shall incorporate features that guard against noise impacts on adjacent properties located within a zone receiving transition consistent with standards set forth in Chapter 9.12 (Noise Control) of the Municipal Code.
 5. **Windows.** All windows along any facade facing a property in a zone receiving transition shall, at the second story and above, be offset horizontally at least 12 inches (edge to edge) from any windows on buildings on an adjacent property in a zone receiving transition, with the intent of preserving privacy and avoiding having windows immediately opposite each other.
- E. Driveway Orientation.** All driveways and drive aisles shall be oriented such that glare from automobile headlights originating from the use does not point towards an adjacent zone receiving transition. Any driveways and drive aisles facing an adjacent zone receiving transition must be fully screened from the adjacent use.
- F. Trash and Recycling.**
1. **Collection Areas.** Areas for the collection and storage of trash, green waste, and recyclable materials shall be located on the subject site in a location that will avoid noise and odor impacts consistent with applicable City and other codes.
 2. **Containers.** All refuse and recycling containers shall be contained within structures enclosed on all four sides and utilize lids made of molded plastic or other sound buffering material.

- G. Hours of Operation.** A use that will operate outside of the hours from 7:00 AM to 8:00 PM shall require a Minor Use Permit to ensure that the use will not negatively impact the uses located in the zone receiving transition. Commercial hours of operation may be restricted upon evidence of a substantiated compliant or inadequate parking.
- H. Mechanical Service and Loading Areas.** Service and loading areas shall be screened from zones receiving transition. When located in proximity to residential uses in zones receiving transition, techniques such as block walls, enhanced setbacks, or enclosed loading or equipment shall be used to minimize adverse impacts from vehicular noise and noise from mechanical equipment.

17.70.060 – FAR Measurement and Exceptions

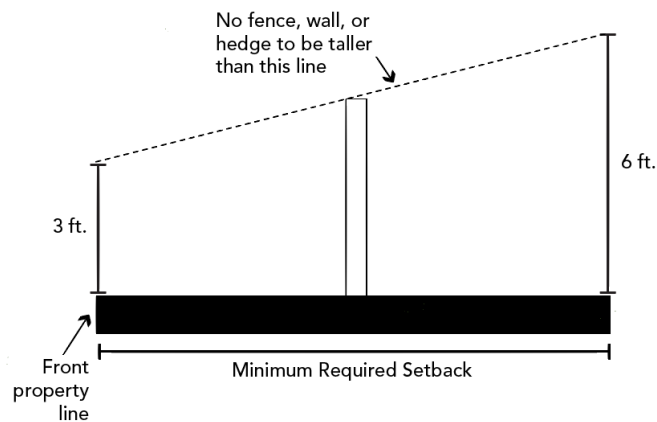
- A. Measurement – Generally.** Floor area ratio (FAR) maximums are applied to buildings in the R-1 zone and all nonresidential zones. The floor area of a building consists of the sum of the gross horizontal areas of all floors of a building or other enclosed structure, measured from the outside perimeter of the exterior walls and/or the centerline of interior walls. In a mixed-use building, floor area ratio maximums apply to both the residential and the nonresidential components of the development.
- B. Single-Unit Residential Floor Area.** The floor area for single-unit dwellings shall be measured as the total horizontal floor area of all the floors of a building from the outside walls. The total horizontal floor area shall include the residential floor area of any building(s) located on the lot including the main dwelling, detached accessory structures, all garage area except as exempted below, and enclosed patios. The following shall be excluded from floor area for the purposes of calculating floor area ratio:
1. Floor area shall exclude required parking spaces in a garage (with each required parking space not exceeding 250 square feet) but shall include any additional enclosed parking spaces provided in addition to the minimum requirements.
 2. Floor area shall exclude fully subterranean basements.
 3. Floor area shall exclude non-enclosed covered structures such as decks, patios, porches, and balconies enclosed on three or fewer sides.
 4. Floor area shall exclude legally allowed accessory dwelling units.
- C. Non-Residential Floor Area.** The floor area shall include the total horizontal floor area of all the floors of a building measured from the outside walls, exclusive of vents, shafts, courts, elevators, stairways, mechanical, electrical, and communications equipment, and similar facilities. Floor area shall include mezzanine and lofts. The following shall be excluded from floor area for the purposes of calculating floor area ratio.
1. Floor area shall exclude required parking areas in a garage (with each required parking space not exceeding 200 square feet) but shall include any additional enclosed parking spaces provided in addition to the minimum requirements.
 2. Floor area shall exclude fully subterranean garages and basements.
 3. Floor area shall exclude non-enclosed covered structures such as decks, patios, porches, and balconies enclosed on three or fewer sides.

17.70.070 – Fences, Walls, and Hedges

- A. Purpose.** The purpose of these regulations is to achieve a balance between concerns for privacy and public concerns for enhancement of the community appearance, visual image of the streetscape, overall character of neighborhoods, and to ensure the provision of adequate light, air, and public safety.

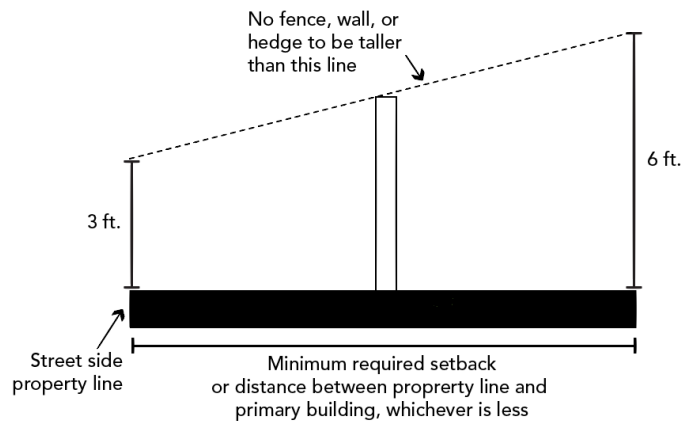
- B. Application.** These regulations apply to any type of visible or tangible obstruction that has the effect of forming a physical or visual barrier between properties or between property lines and the public right-of-way, including but not limited to: any type of artificially constructed barriers 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.
- C. Standards for Fences Located within Required Setbacks.** Fences, walls or hedges may be placed within required setbacks, provided they do not exceed maximum height limitations and comply with the following standards:
- 1. Fence Height within Front Setback.** The maximum height of a fence, wall, or hedge shall not exceed six feet; except within any front setback, the maximum fence, wall, or hedge height shall be as shown in Figure 3-4: Fence, Wall, and Hedge Height in Front Setbacks. See also Section 17.70.210 (Vision Clearance Triangle at Intersections).

Figure 3-4: Fence, Wall, and Hedge Maximum Height in Front Setbacks



- 2. Corner Lots Fence Height within Street Side Setbacks.** On corner lots, the maximum height of a fence, wall, or hedge shall not exceed six feet; except within in any street side setback, the maximum fence, wall, or hedge height shall be as shown in Figure 3-5: Fence, Wall, and Hedge Height in Street Side Setbacks (Corner Lots). See also Section 17.70.210 (Vision Clearance Triangle at Intersections).

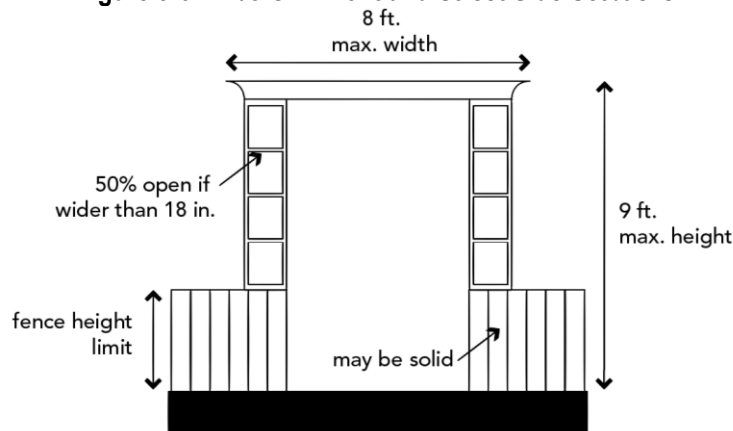
Figure 3-5: Fence, Wall, and Hedge Maximum Height in Street Side Setbacks (Corner Lots)



- 3. Driveway Gates.** In the R-1 zone, gates across driveways shall be set back a minimum of 10 feet behind the property line. In all other zones, gates across driveways shall allow for adequate space to queue vehicles entering the property consistent with Section 12.38.040 (Parking and Driveway Standards).

4. **Interior Side and Rear Setback Height.** The maximum height of a fence, wall, or hedge in any interior side or rear setback shall be six feet.
5. **Arbors, Trellises, and Ornamental Features.**
- General.** Arbors, trellises, and other similar ornamental features are allowed within a required setback subject to the same height limits that apply to fences, walls, and hedges, except as provided in subsection C.5.b of this Section, below.
 - Street Side and Front Setback.** Up to one arbor, trellis, or other similar ornamental feature per street frontage is allowed with a maximum height of nine feet, and an area of not more than forty 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 (see Figure 3-6: Arbors in Front and Street Side Setbacks.) Such features within required setbacks shall not be connected to another structure or building. For the purposes of this Section, the term “connected” shall include structures that are rigidly joined by structural components. Such features within required setbacks shall not be constructed of heavy materials such as masonry or metal. Such features within required setbacks comply with Section 17.70.210 (Vision Clearance Triangle at Intersections).

Figure 3-6: Arbors in Front and Street Side Setbacks



6. **Pilasters.** 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. **Standards for Fences Located Outside of Required Setback Areas.** Fences, walls, and arbors may be placed outside required setbacks, provided:
- The maximum fence, wall, arbor or hedge height is eight feet.
 - Where the fence, wall, or arbor is connected to and a part of a building, it may be any height allowed in the underlying zone.
- E. **Fence Height with Difference in Grade.** Fence height is measured from the adjacent grade along the lower side of the wall, fence, or hedge, directly at the base of the wall or fence.

F. 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 between each other to be considered separate structures for purposes of measuring overall height
2. Where fences are located on a berm or mound, the height of the 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 interior side or rear setbacks, fences shall not exceed six feet as measured from the uphill side if 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 that exceed six feet. 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 pursuant to Chapter 17.108 (Director's Action). For retaining walls in hillside areas, see also Section 17.70.090.C.3 (Retaining Walls).

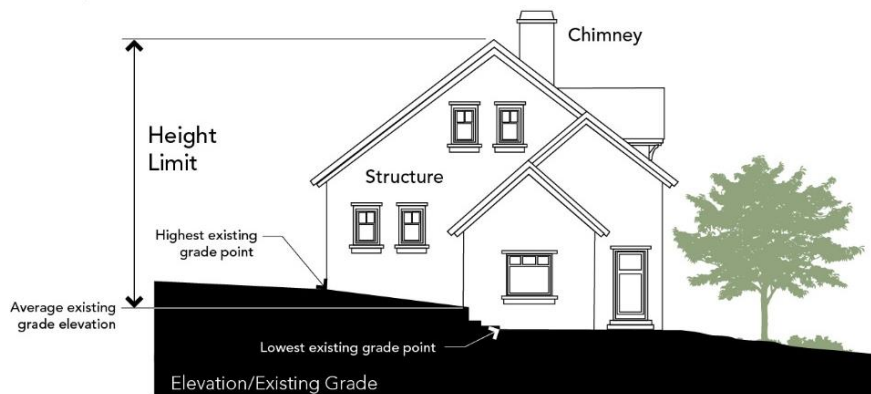
G. Intersection and Driveway Visibility. Notwithstanding other provisions of this Section, fences, walls, and hedges shall comply with Section 17.70.210 (Vision Clearance Triangle at Intersections).

H. Director's Action. The Director, through a Director's Action, may grant exceptions to standards of this Section as set forth in Chapter 17.108 (Director's Action) when there is no practical way to comply with the provisions and no other feasible alternatives will result in better implementation of other Zoning Regulations or General Plan policies while allowing reasonable use of sites. Circumstances where a Director's Action may be approved include, but are not limited to, issues related to topography and privacy.

17.70.080 – Height Measurement and Exceptions

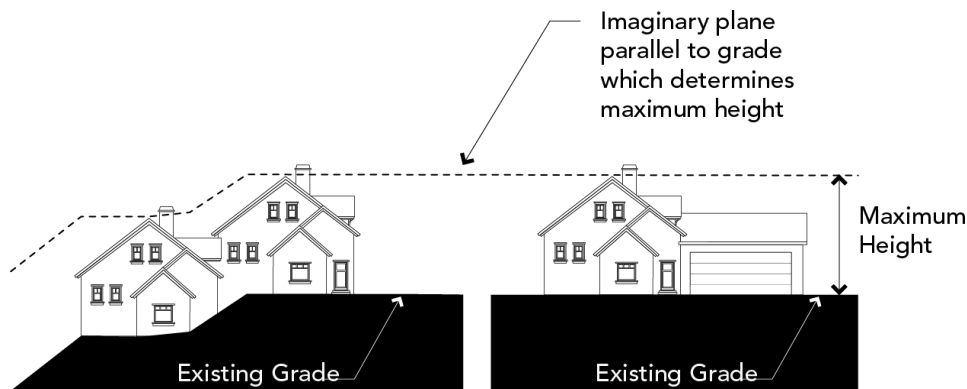
A. Residential and Nonresidential Building Height on Flat Lots. For flat lots and lots with an average (cross-parcel) slope of less than 16 percent, the height of a building or structure shall be measured as the vertical distance from the average level of highest and lowest existing grade of that portion of the site covered by the building to the topmost point of the roof, including parapets but excluding features outlined in subsection C of this Section. 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. Height measurements shall be based on existing topography of the site, before grading for proposed onsite improvements. (See Figure 3-7: Measurement of Structure Height: Flat Ground and Slopes of Less than 15 Percent.)

Figure 3-7: Measurement of Structure Height: Flat Ground and Slopes of Less than 15 Percent



- B. Building Height on Slopes with 16 Percent Grade or Greater.** For lots with an average (cross-parcel) slope of 16 percent or greater, the height of a building or structure shall be measured as the vertical distance from the adjacent existing grade to the topmost point of the roof, including parapets but excluding features outlined in subsection C of this Section. The maximum allowable height shall be measured as the vertical distance from the existing grade of the site to an imaginary plane located at the allowed height above and parallel to the grade. Height measurements shall be based on existing topography of the site, before grading for proposed onsite improvements. (See Figure 3-8 Measurement of Structure Height: Slopes of 16 Percent of Greater.)

Figure 3-8: Measurement of Structure Height: Slopes of 16 Percent or Greater



C. Exceptions.

1. **Setbacks and Building Heights.** See also Sections 17.16.020.B (R-1 Zone, Interior Side and Rear Setback Standards), 17.18.020.B (R-2 Zone, Interior Side and Rear Setback Standards), 17.20.020.B (R-3 Zone, Interior Side and Rear Setback Standards), 17.22.020.B (R-4 Zone, Interior Side and Rear Setback Standards), 17.24.020.B (O Zone, Interior Side and Rear Setback Standards), 17.26.020.B (C-N Zone, Interior Side and Rear Setback Standards), and Section 17.70.050.D.2 (Edge Conditions - Setbacks) for relationship of setbacks and building height.
 2. **Projections.** Components of solar energy systems, chimneys, elevator towers, screening for mechanical equipment that is not integral with building parapets, vents, antennas, and steeples shall extend not more than 10 feet above the maximum building height. See Section 17.70.160 (Satellite Dish Antennae) for restrictions on roof-mounted satellite antennae. See Section 17.86.290 (Wireless Telecommunications Facilities) pertaining to site development and performance standards for wireless communications facilities.
 3. **Exceptions.**
 - a. **Exceptions for Certain Zones.** Height exceptions may be permitted in the C-D and PF zones consistent with regulations in Section 17.32.030.E (Maximum Building Height in the C-D Zone) and Section 17.46.030 (Public Facility Zone, Additional Regulations), respectively.
 - b. **Affordable Housing Exceptions.** For height exceptions provided in exchange for affordable housing, see Chapter 17.140 (Affordable Housing Incentives).
 - c. **Other Exceptions.** Any other exception to the height limits requires approval of a Variance as provided in Chapter 17.114 (Variances).
- D. Signs.** For height limits of signs, see Chapter 15.40, Sign Regulations.

17.70.090 – Hillside Development Standards

A. Purpose and Application.

1. **Purpose.** The purpose of this Section is to implement goals of the Conservation and Open Space and Land Use Elements of the General Plan:
 - a. To protect and preserve scenic hillside areas and natural features such as the volcanic morros, ridge lines, plant communities, rock outcroppings and steep slope areas that function as landscape backdrops for the community;
 - b. To avoid encroachment into sensitive habitats or unique resources as defined in the Conservation and Open Space Element;
 - c. To protect the health, safety and welfare of community residents by directing development away from areas with hazards such as landslides, wildland fires, flooding and erosion; and
 - d. To protect the City's scenic setting.
2. **Application.** The provisions of this Section shall apply to all lots and sites that have an average cross slope of 16 percent or more (see Section 17.70.090.B: Average Slope Calculation). The Director may require a survey and slope analysis to determine whether the provisions of this Section apply to a specific property or development. Notwithstanding the requirements of this Section, a lot created pursuant to the Subdivision Map Act and Title 16 (Subdivisions) of the San Luis Obispo Municipal Code prior to the effective date of this division may be developed with a single unit structure in compliance with other applicable requirements of these Zoning Regulations.

B. Average Cross-Slope Calculation.

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.

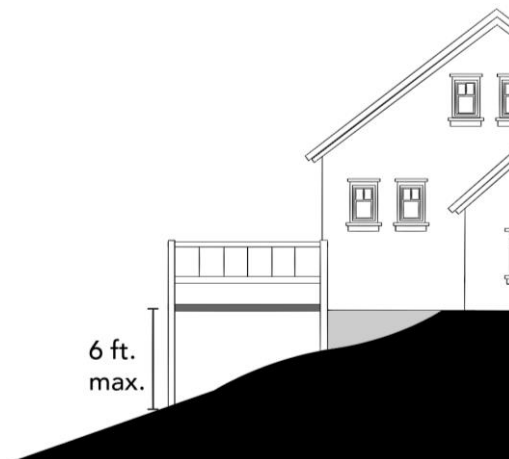
1. Where a site does not slope uniformly, average cross-slope is to be determined by proportional weighting of the cross-slopes of uniformly sloping subareas, as determined by the Director.
2. Cross-slope determinations shall be based on the existing topography of the net site area after subtracting the area for any future onsite grading necessary to accommodate proposed right-of-way improvements and other onsite improvements.
3. Cross-slope shall be calculated only for the net area as defined in Section 17.70.110 (Lot Area).

C. Hillside Development Standards.

1. **General Site Planning Standards.** To assist in maintaining a natural appearance for hillsides and ridgelines, each structure shall be located in the most accessible, least visually prominent, most geologically stable portion or portions of the site, at the lowest feasible elevation, and shall, at a minimum, meet the following requirements:
 - a. See Section 17.70.040.A.2 (Maximum Development Density – Sloped Sites) for maximum density in hillside areas.
 - b. See Section 17.70.090.B (Building Height on Slopes with 16 Percent Grade or Greater) for maximum height in hillside areas.
2. **Site Access and Driveways.** Each driveway shall not have a grade steeper than five percent within 10 feet of a garage or carport entry. Driveway finished grade shall not exceed an average of 15 percent, or 20 percent at any point.

3. **Retaining Walls.** Retaining walls that are 20 feet in length shall be limited to six feet in height (above ground/visible portion). Retaining walls longer than 20 feet shall be limited to four feet in height (above ground/visible portion). A minimum five-foot horizontal separation is required between retaining walls. For exceptions, see subsection D of this Section.
4. **Downhill Building Walls.** No single building wall on the downhill side of a house shall exceed 15 feet in height above grade. Additional building height on a downhill side are allowed in 15-foot increments, where each increment is stepped-back from the lower wall a minimum of 10 feet.
5. **Height of Lowest Floor Level, Decks, and Support Structures.** See Figure 3-9: Height Limit for Lowest Floor, Decks, and Support Structures.
 - a. **Lowest Floor Level.** The vertical distance between the lowest point where the foundation meets grade and the lowest floor line of the structure shall not exceed six feet.
 - b. **Decks.** No portion of the walking surface of a deck with visible underpinnings shall exceed a height of six feet above grade.
 - c. **Support Structures.** Support structures (e.g., columns, pilings, etc.) below the lowest floor on the downhill side of a house shall be enclosed unless visible structural members are an integral feature of the architectural design. Support structure wall surfaces shall not exceed six feet in height.

Figure 3-9: Height Limit for Lowest Floor, Decks, and Support Structures



6. **Exterior Wall Surfaces.**
 - a. Single-story and small-scale elements, setbacks, overhangs, roof pitches, and/or other means of horizontal and vertical articulation shall be used to create shade and shadow and break up otherwise massive forms to minimize the apparent size of exterior wall surfaces visible from public rights-of-way.
 - b. Large flat building planes are prohibited; the spatial arrangement of the building, including roof overhangs, shall be used to achieve alternating light and dark building surfaces that will blend with similar contrasts found in the surrounding natural vegetation.
7. **Mechanical Equipment.** Mechanical equipment may be placed on rooftops or below a deck only if the equipment is not visible from the public right-of-way or adjacent properties, except for solar collectors that are compatible with the roof line and architecturally integrated with the structure.
8. **Fencing.** Hillside area perimeter fencing that is visible from off-site vantages, except on side and rear yards that are directly adjacent to living areas on adjacent lots, shall be of a semitransparent, rather than solid

design. Semitransparent material includes, but is not limited to, wrought iron, split rail, and four-inch square welded wire. In side and rear yards between living areas on adjacent lots, solid, opaque fencing is allowed. However, the preference is for a more naturalistic approach to screening in the side yards, with semi-transparent fencing combined with landscaping, or landscaping alone.

D. Director's Action. The Director may grant exceptions to standards of this Section as set forth in Chapter 17.108 (Director's Action), subject the following additional findings:

1. **Intent.** The Director, through a Director's Action, may act to approve an exception to the hillside requirements of this Section only where the applicant can provide clear and substantiated evidence that there is no practical way to comply with the provisions and that no other feasible alternatives will result in better implementation of other Zoning Regulations or General Plan policies while allowing reasonable use of sites subject to hillside regulations.
2. **Application Type.** A hillside regulation less than required by this Section may be approved by City action on a plan for public facilities approved by the 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 a Director's Action.
3. **Findings.** Each Director's Action to grant an exception to a required hillside regulation shall be subject to each of the following findings, regardless of the type of project application under which the request is considered:
 - a. The proposed alternative complies with and furthers the intent of this Section; and
 - b. The proposed alternative provides a design solution that is equivalent to or better than the standards prescribed in this Section for quality, effectiveness, durability, and safety; and
 - c. The location and design of the feature receiving the exception will minimize impacts to scenic resources and will not hinder opportunities for wildlife habitation, rest, and movement; and
 - d. The exception will not prevent the implementation of City-adopted plans, nor increase the adverse environmental effects of implementing such plans; and
 - e. 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
 - f. 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
 - g. The exception will not be detrimental to the public welfare or injurious to other property in the area of the project; and
 - h. Site development cannot be feasibly accomplished with a redesign of the project or 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. Process Requirements.

1. **Minor Development Review.** Hillside development shall require approval of Minor Development Review from the City's Planning Division.
2. **Design Review.** Plans submitted for hillside development shall be reviewed for consistency with the City's Community Design Guidelines, this Section, and general development standards of the Zoning Regulations.

17.70.095 – Incentives Related to New All-Electric Buildings.

- A. Purpose.** The purpose of these regulations is to support the city's Clean Energy Choice program by providing temporary incentives in the application of site development standards, for the provision of all-electric buildings.
- B. Application.** This section shall apply to new all-electric buildings.
- C. Standards.** Site development standards included in this chapter for accessory structures; edge conditions; FAR; fences, walls and hedges; height measurement and exceptions; hillside development standards; lot coverage; mixed-use development; and setbacks may be exceeded to the minimum extent necessary to allow for equipment installations or similar improvements to accommodate all-electric buildings.
- D.** The director may grant incentives to site development standards of this chapter that are minor in nature without application for director action when all of the following circumstances apply:
1. The request directly relates to construction of an all-electric building and may include, but is not limited to, issues such as the installation of mechanical equipment;
 2. The request provides the minor flexibility needed to design a project with all-electric buildings and results in better implementation of other zoning regulations or general plan policies while allowing reasonable use of sites;
 3. The request is minor in nature and does not have the potential to cause a significant effect on the environment; and
 4. The findings in Section 17.108.040 are met.
- E. Term.** The provisions in this section shall apply to building permits with an application date after July 1, 2020, and prior to December 31, 2022. (Ord. 1685 § 3 (Exh. A (part)), 2020)

17.70.100 – Lighting and Night Sky Preservation.**A. Purpose.**

1. These outdoor lighting regulations are intended to encourage lighting practices and systems that will:
 - a. Permit reasonable uses of outdoor lighting for nighttime safety, utility, security, and enjoyment while preserving the ambience of night;
 - b. Curtail and reverse any degradation of the nighttime visual environment and the night sky;
 - c. Minimize glare and obtrusive light by limiting outdoor lighting that is misdirected, excessive, or unnecessary;
 - d. Help protect the natural environment from the damaging effects of night lighting;
 - e. Meet the minimum requirements of the California Code of Regulations for Outdoor Lighting and Signs (Title 24, Chapter 6).
2. 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.

B. Application Requirements.

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

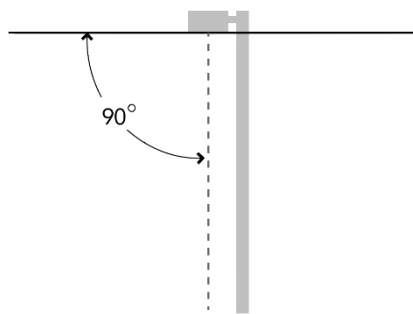
- a. A site plan indicating the proposed location of all outdoor lighting fixtures that are not exempted by subsection F of this Section.
 - b. A description of each illuminating device, fixture, lamp, support, and shield. This description may include, but is not limited to, manufacturer's catalog cuts and drawings (including sections where required), lamp types, and lumen outputs.
 - c. 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, and including impact on adjacent properties.
 - d. The project lighting plan shall be coordinated with any associated landscaping plan to prevent site planning conflicts.
 - e. Any other information the Director may determine is necessary to ensure compliance with the provisions of this Section.
2. The Director may waive any or all of these requirements if compliance can be determined based on available information.

C. Operational Standards.

1. 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.
2. All outdoor lighting shall conform to the following regulations:
 - a. **Orientation.** Outdoor lighting shall be directed downward and away from adjacent properties and public rights-of-way.
 - b. **Light Trespass in Residential Zones.** No lighting on private property shall produce an illumination level greater than two maintained horizontal foot-candles at grade on any property within a residential zone except on the site of the light source.
 - c. **Light Intensity on Residential Sites.** The maximum light intensity on a residential site shall not exceed a maintained value of 10 foot-candles, when measured at finished grade.
 - d. **Light Intensity on Nonresidential Sites.**
 - (1) **General.** The maximum light intensity on a nonresidential site, except auto sales lots and sports fields, shall not exceed a maintained value of 10 foot-candles, when measured at finished grade.
 - (2) **Auto Sales Lots.** The maximum light intensity on an auto sales lot shall not exceed a maintained value of 40 foot-candles, when measured at finished grade.
 - (3) **Athletic Fields.** The maximum light intensity on an athletic field shall not exceed a maintained value of 50 foot-candles when measured three feet above grade. Baseball field lighting and lighting for other recreational uses may be increased to a maintained value of 100 foot-candles with approval of a Director's Action (see Chapter 17.108: Director's Action).
 - e. **Hours of Operation.** 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).
 - f. **Prohibited Lighting.**
 - (1) **Flashing.** Outdoor lighting shall not blink, flash, or rotate.

- (2) **Projection above Horizontal Plane.** Outdoor flood light projection above the horizontal plane, as defined in subsection D.1. of this Section and shown in Figure 3-10 (Outdoor Lighting Horizontal Plane) is prohibited, unless exempted by subsection F of this Section.
 - (3) **Upward Sign Illumination.** All upward directed sign lighting, including illumination of billboards, is prohibited, unless exempted by subsection F of this Section.
 - (4) **Search Lights.** Search lights, laser source lights, or any similar high-intensity light are prohibited, unless exempted by subsection F of this Section.
- g. **Outdoor Athletic Fields Illumination Hours.** Outdoor athletic fields shall not be illuminated after 11:00 PM, except to conclude a scheduled recreational or sporting event in progress prior to 11:00 PM.
- D. **New Development.** In addition to required operational standards, new development projects shall incorporate the following regulations to minimize glare and light trespass and facilitate better vision at night. See also Community Design Guidelines for guidance on preferred fixture styles.
1. **Fully Shielded.** Outdoor lighting fixtures, including lighting for outdoor recreational facilities, shall be shielded with full cutoff or recessed fixtures designed and installed so that no emitted light will break a horizontal plane passing through the lowest point of the fixture (see Figure 3-10: Outdoor Lighting Horizontal Plane). Cutoff fixtures shall be installed using a horizontal lamp position.

Figure 3-10: Outdoor Lighting Horizontal Plane



2. **Design.** Lighting fixtures should be of a design that complements building design and landscaping and may require architectural review.
 3. **Height, Intensity, and Scale.** 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, measured from the adjacent grade to the bottom of the fixture.
 4. **Service Station Canopies.** 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. **Alternate Materials and Methods of Installation.** Designs, materials, or methods of installation not specifically prescribed by this Section may be approved by Director, subject to Director's Action. In approving such a request, the Director shall find that the proposed design, material, or method provides approximate equivalence to the specific requirements of this Section or is otherwise satisfactory and complies with the intent of these provisions.
- E. **Nonconforming Fixtures.** No outdoor lighting fixture that was installed prior to the enactment of this Title 17 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.

F. Exemptions. The following lighting fixtures are exempt from the requirements of this Section:

1. **Neon and Signage Lighting.** Neon and other low-intensity outdoor lighting fixtures used for signage or architectural decoration that are approved through architectural review.
2. **Public Rights-of-Way Lighting.** Outdoor lighting fixtures on public rights-of-way; provided that measures have been taken to reduce impacts on surrounding properties and the night sky.
3. **Emergency Aviation Lighting.** Emergency lighting operated by public agencies or for the purpose of aviation safety.
4. **Infrastructure Construction Lighting.** All temporary lighting used for the construction or repair of roadways, utilities, and other public infrastructure.
5. **Nonelectric Lighting.** Nonelectric lighting such as gas lamps or kerosene lanterns.
6. **Temporary and Seasonal Lighting.** Temporary lighting equipment and seasonal lighting equipment, provided that individual lamps are 10 watts or less. Temporary lighting that does not comply with the regulations contained in this Section is subject to the Director's review and approval of Director's Action. In granting a request for approval of temporary lighting that does not comply with these regulations, the Director shall make all of the following findings:
 - a. The purpose for which the lighting is proposed is not intended to extend beyond 30 days; and
 - b. The proposed lighting is designed in such a manner as to minimize light pollution and trespass as much as feasible.
7. **Accent Lighting.** Accent lighting for architectural features, national flags, statues, public art, signage or other objects of interest is subject to the Director's review and approval of Director's Action. In granting a request for approval of accent lighting, the Director shall make all of the following findings:
 - a. The fixture emits a very narrow cone of light for the purpose of confining the light to the object of interest; and
 - b. The fixture minimizes spill-light and glare.
8. **Search Lights.** Search lights, laser source lights, or any similar high-intensity light used for 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 (see Section 17.70.100.F.6: Temporary and Seasonal Lighting).
9. **Billboards.** Upgrades to existing lighting fixtures on outdoor advertising signs (billboards) that reduce light pollution are subject to the Director's review and approval of Director's Action. In granting a request for approval of accent lighting, the Director shall find that the level of illumination associated with the upgraded lighting fixture is not increased.
10. **Decorative Patio Lighting.** Low-level outdoor patio lighting, where individual lamps are 10 watts or less, used by commercial businesses to provide ambiance.

17.70.110 – Lot Area

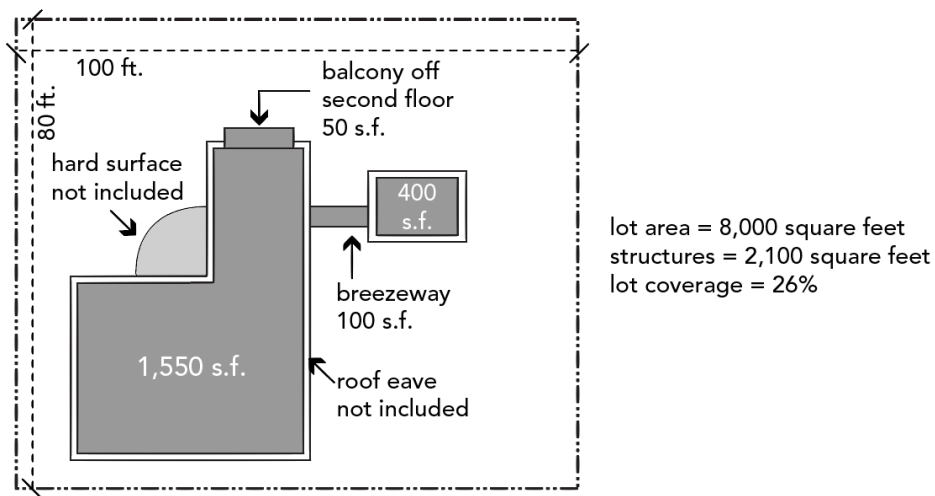
- A. **Purpose and Application.** As defined in Chapter 17.158 (General Definitions), lot area is the land area associated with a particular lot. Net lot area is used to calculate maximum density and/or floor area ratio.
- B. **Net Lot Area.** Net area is the total area within the property lines of the development site, excluding the following:
 1. Street rights-of-way;
 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 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.

17.70.120 – Lot Coverage

A. Purpose and Application. As defined in Chapter 17.158 (General Definitions), lot coverage is the ratio of the total area of a lot covered by the footprint of all structures to the net lot area, typically expressed as a percentage of the total lot area, including all buildings, decks, balconies, porches, accessory structures and accessory dwellings, and similar architectural features. Maximum coverage shall be as provided in the specific property development standards for the various zones in Chapters 17.12 through 17.60, inclusive.

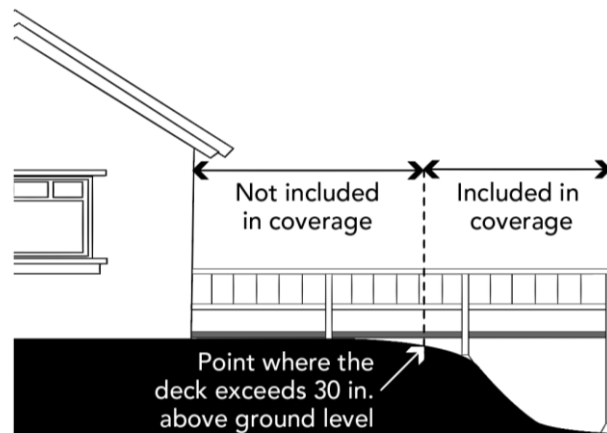
Figure 3-11: Lot Coverage



B. Excluded from Lot Coverage. The following structures shall be excluded from the lot coverage calculation:

1. Uncovered decks, porches, landings, balconies, and stairways that are 30 inches or less in height, as measured from the adjacent existing grade.

Figure 3-12: Decks Excluded from Coverage



2. Roof eaves which project 30 inches or less from the structure are not included in the determination of coverage.
3. Swimming pools and hot tubs that are not enclosed in roofed structures or decks.
4. One small, non-habitable accessory structure under 120 square feet and under seven feet high. Any additional structures above quantity of one shall be included in lot coverage.
5. Up to 800 square feet of an accessory dwelling unit. Any additional square footage of an accessory dwelling unit shall be included in lot coverage. (Ord. 1679 § 3, 2020)

17.70.130 – Mixed-Use Development

- A. **Purpose.** This Section provides standards for the design of mixed-use projects to be compatible with existing and planned development on the site and adjacent and nearby properties. Mixed-use projects provide an opportunity to locate housing, jobs, recreation, and other daily needs in close proximity to one another, thereby enhancing vitality and street life in San Luis Obispo and forwarding the City’s sustainability goals.
- B. **Allowed Uses.** A mixed-use project requires a combination of residential units with any other use or multiple uses allowed in the applicable zone by Section 17.10.020 (Use Regulations By Zone). Where a mixed-use project is proposed with a use required by Section 17.10.020 (Use Regulations By Zone) to have use permit approval in the applicable zone, the entire mixed-use project shall be subject to that use permit requirement.
- C. **Maximum Density.** The residential component of a mixed-use project shall comply with the maximum density requirements of the applicable zone, 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 zone and the following requirements:
 1. **Location of Units.**
 - a. **Ground Floor Limitations.** In the C-D zone, residential units shall not occupy any ground floor space. In all other zones, residential units shall not occupy more than 50 percent of the ground floor space within the first 50 feet of floor area measured from each building face adjacent to a street toward the rear of the building, with no more than 30 percent of the building frontage to be occupied by residential uses.
 - b. **Noise.** Residential units shall be located on the site to minimize adverse impacts from existing known noise sources in compliance with the City’s noise regulations. When a project is located adjacent to a known noise emission above the residential thresholds, a noise study shall be provided.
 2. **Mechanical Service and Loading Areas.** Service and loading areas shall be screened from residential areas and integrated with the design of the building. Special attention shall be given when designing loading and mechanical facilities in a location that is proximate to residential uses. Techniques such as block walls, enhanced setbacks, or enclosed loading or equipment shall be used to minimize adverse impacts to residents from vehicle and mechanical noise.
 3. **Trash and Recycling Areas.** Areas for the collection and storage of trash and recyclable materials shall be located on the site in locations that are convenient for both the residential and nonresidential uses. The location and design of trash enclosures shall reduce nuisances from odors and noise when residential uses might be impacted.
 4. **Limitations on Use.** The following uses and activities shall not be allowed within any mixed-use development:
 - a. Major vehicle/equipment repair (e.g., body or mechanical work, including boats and recreational vehicles, vehicle detailing and painting, upholstery, or any similar use);

- b. Storage of flammable liquids or hazardous materials beyond that normally associated with a residential use;
 - c. Manufacturing or industrial activities, including but not limited to welding, machining, or any open flame work; or
 - d. Any other activity or use, as determined by the review authority, to be incompatible with residential activities and/or to have the possibility of affecting the health or safety of mixed-use development residents due to the potential for the use to create dust, glare, heat, noise, noxious gases, odor, smoke, traffic, vibration, or other impacts, or would be hazardous because of materials, processes, products, or wastes.
- E. Design Standards.** A mixed-use project shall be designed to achieve the following objectives:
1. The design shall provide for internal compatibility between the different uses in terms of noise, hours of operation, vehicle and pedestrian circulation, access, use of open space, and similar operating characteristics.
 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 the 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 built environment in terms of scale, building design, color, exterior materials, roof styles, lighting, landscaping, and signage.
- F. Performance Standards.**
1. **Lighting.** Lighting for nonresidential uses shall be appropriately designed, located, and shielded to not negatively impact the residential units in the development or any adjacent residential uses and shall also comply with Section 17.70.100 (Lighting and Night Sky Preservation).
 2. **Noise.** All residential units shall be designed to minimize adverse impacts from nonresidential project noise and shall comply with Chapter 9.12 (Noise Control).
 3. **Air Quality and Odors.** All residential units shall be designed to minimize adverse impacts from mechanical equipment and operations of nonresidential project air pollutant emissions and odors in compliance with the Air Pollution Control District Air Quality Handbook and Chapter 8.22 (Offensive Odors).
 4. **Hours of Operation.**
 - a. **C-N and O Zones.** The commercial component of a mixed-use project shall be allowed to operate from 7:00 AM to 8:00 PM. Operation outside of these allowed hours shall require a Minor Use Permit to ensure that the commercial use will not negatively impact the residential uses within the project.
 - b. **All Other Zones that Allow Mixed-Use Projects.** The commercial component of a mixed-use project shall be allowed to operate from 7:00 AM to 8:00 PM. Operation outside of these allowed hours shall require a Minor Use Permit to ensure that the commercial use will not negatively impact the residential uses within the project.
 - c. **General.** Commercial hours of operation also may be restricted upon evidence of a substantiated compliant or inadequate parking.

5. **Residential Noise Notice.** Residents of new mixed-use projects, whether owners or tenants, shall be notified in writing before taking up residence that they will be living in an urban-type environment and that the noise levels may be higher than a strictly residential area.

G. Pedestrian Access. Onsite pedestrian circulation and access shall be provided per the following standards:

1. **Internal Connections.** A system of pedestrian walkways shall connect all buildings on a site to each other, to onsite automobile and bicycle parking areas, and to any onsite open space areas or pedestrian amenities.
2. **To Circulation Network.** Regular and convenient connections between onsite walkways and the public sidewalk and other existing or planned pedestrian routes, such as safe routes to school, shall be provided. An onsite walkway shall connect the principal building entry or entries to a public sidewalk on each street frontage.
3. **To Adjacent Areas.** Direct and convenient access shall be provided from mixed-use projects to adjoining residential and commercial areas to the maximum extent feasible while still providing for safety and security.
4. **To Transit.** Safe and convenient pedestrian connections shall be provided from adjacent transit stops to building entrances.
5. **Interior Pedestrian Walkway Design.**
 - a. Walkways shall have a minimum clear unobstructed width of six feet, be hard surfaced, and paved with concrete, stone, tile, brick, or comparable material.
 - b. Where a required walkway crosses driveways, parking areas, or loading areas, it must be clearly identifiable through the use of a raised crosswalk, a different paving material, or similar method.
 - c. Where a required walkway is parallel and adjacent to an auto travel lane, it must be raised or separated from the auto travel lane by a raised curb at least four inches high, bollards, or other physical barrier.

H. Objective Design Criteria

1. Building Orientation and Entrances.

- a. **Orientation.** The principal building of a development shall be oriented to face a public street. Building frontages shall be generally parallel to streets. For all residential, retail, and office uses, at least one primary entrance to a ground-floor use shall face the adjacent street right-of-way. Ground-related entrances include entrances to ground-floor uses, residential units, clusters of residential units, lobbies, or private courtyards.
- b. **Nonresidential Entrances.** Entries shall be clearly defined features of front façades and of a scale that is in proportion to the size of the building and number of units being accessed. Larger buildings shall have a more prominent building entrance, while maintaining a pedestrian scale.
- c. **Transitional Space at Residential Entries.** New residential buildings shall provide transitional spaces in the form of stoops, overhangs, and porches between public areas fronting the primary street and entrances. This type of element or equivalent shall be required for each unit or group of units, but no less than one of this type of element shall be provided.

2. **Building Articulation.** No street frontage wall may run in a continuous plane for more than 20 feet without an opening or offsets, or as approved by the review authority if the project is constrained by unusual parcel size, shape, use, or other features that the responsible review authority accepts as rendering this requirement infeasible. Openings fulfilling this requirement shall have transparent glazing and provide views into work areas, display areas, sales areas, lobbies, or similar active spaces. Offsets shall vary in depth and/or direction of at least 18 inches, or a repeated pattern of offsets, recesses, or projections of similar depth.

17.70.140 – Public Art Requirements for Private Development

A. Purpose and Application.

1. **Purpose.** The City wishes to enhance the cultural and aesthetic environment of San Luis Obispo 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.
2. **Application.** The program described in this Section 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 General Plan. The minimum requirements in this Section apply to:
 - a. All new nonresidential development, defined as commercial, office, and industrial projects, parking structures, and the nonresidential portion of mixed-use projects, having a total construction cost of \$100,000 or more, as calculated based on the most recent Building Valuation Data from the Uniform Building Code (UBC).
 - b. All expansion of, remodeling of, or tenant improvements to existing eligible buildings when any such work has a total construction cost of \$100,000 or more, as calculated based on the most recent Building Valuation Data from the Uniform Building Code (UBC).
3. **Exceptions.** The following development activities shall be exempt from the requirements of this Section:
 - 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.

B. Definitions. As used in this Section:

1. **"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.
2. **"Public Art Jury"** shall mean an appointed jury of no fewer 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.

C. Public Art Account. There shall be an account designated for public art, into which shall be deposited all fees paid in compliance with this Section. 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.

D. Public Art Contribution.

1. **Onsite Contribution.** The project applicant shall acquire and install public art approved by a public art jury in a public place on or in the vicinity of the development project site. A public place may include City-owned or privately-owned land or buildings that are open to the general public on a consistent basis and are of high visibility to the general public. The minimum cost of the public art, including installation, shall be determined by the following allocation:
 - a. An amount equal to one-half of one percent of that portion of the total construction costs in excess of \$100,000, for each building permit, computed using the latest Building Valuation Data as contained in the Uniform Building Code (UBC) unless, in the opinion of the City's Building Official, a different valuation measure should be used.

- b. 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.
 - c. In no event shall the required cost for public art under this program exceed \$50,000 per building permit.
2. **Offsite Contribution.** As an option, the project applicant may acquire and install public art, approved by a public art jury and accepted by the Council, in a City-owned public place not located on or in the vicinity of the development site. The art shall be installed in a location that is open to the general public on a consistent basis and also is of high visibility to the general public. Cost of the public art shall be determined by the allocations contained in subsection A of this Section. Such public art shall be considered a donation to the City.
 3. **In-Lieu Contribution.** 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 contained in subsection D.1 of this Section.

E. Application and Review Procedures for Placement of Required Public Art on Private Property.

1. **Application.** An application for placement of public art on private property shall be submitted as a Director's Action application 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 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 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.
2. **Review.**
 - a. The Director shall review the application for compliance with this Section.
 - b. The 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 Director and shall meet the findings required for a Director's Action (Chapter 17.108: Director's Action).
 - d. All approvals for placement of public art on private property shall be obtained prior to issuance of a building permit.

F. Application and Review Procedures for Acceptance of Public Art Donated to the City.

1. **Application.** 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 the artist's 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.

2. Review.

- a. Prior to the issuance of grading and building permits, the applicant shall submit to the Director an application for acceptance of public art donated to the City, in compliance with subsection D (Public Art Contribution) of this Section and subsection F.1 (Application) of this Section.
- b. The 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 public art application shall be reviewed by the Director.
- d. Upon the recommendation of the Director, the application shall be forwarded to the Council, which shall have the sole authority to accept, reject, or conditionally accept the donation.

G. Process.

1. **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 contained in subsection D.3 (In-Lieu Contribution) of this Section shall be paid prior to the issuance of a building permit.
2. **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 Building Official and the public art coordinator; or
 - (2) Donation of approved public art has been accepted by the 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) that 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.

H. Ownership of Public Art.

1. 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.
2. Maintenance of public art, as used in this Section, 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, the 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 Section is declared to be a public nuisance.

3. 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 shall become a lien against the real property.
4. All artwork donated to the City shall become the property and responsibility of the City upon acceptance by the Council.

I. Removal or Alteration of Public Art.

1. Public art installed on or integrated into a construction project in compliance with the provisions of this Section shall not be removed or altered without the approval of the Director.
2. If any public art provided on a development project in compliance with the provisions of this Section 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 that is of comparable value and approved by the Director. If this requirement is not met, the occupancy permit for the project may be revoked by the Director upon due notice and an opportunity to be heard. The City may, in addition, pursue any other available civil or criminal remedies or penalties.

17.70.150 – Rooftop Uses

A. Height. The height of any railings or parapets, exterior stairways, and other access features such as stairwells or elevators for access to roof decks shall not exceed the maximum allowable building height for the structure, except as allowed by Section 17.70.080 (Height Measurement and Exceptions).

B. Performance Standards.

1. **Lighting.** Lighting for rooftop uses shall be appropriately designed, located, and shielded to not negatively impact any adjacent residential uses. See also Section 17.70.100 (Lighting and Night Sky Preservation).
2. **Noise.** All rooftop decks shall be designed to minimize adverse impacts to surrounding properties in compliance with the City's noise regulations (Chapter 9.12: Noise Control).
3. **Hours of Operation.**
 - a. **C-N and O Zones.** Nonresidential rooftop uses shall be allowed to operate from 7:00 AM to 8:00 PM. Operation outside of these allowed hours shall require a Minor Use Permit to ensure that the commercial rooftop use will not negatively impact surrounding residential uses.
 - b. **All Other Nonresidential Zones.** Nonresidential rooftop uses shall be allowed to operate from 7:00 AM to 10:00 PM. Operation outside of these allowed hours shall require a Minor Use Permit to ensure that the commercial rooftop use will not negatively impact surrounding residential uses.
 - c. **General.** Commercial hours of operation for rooftop uses also may be restricted upon evidence of a substantiated complaint.

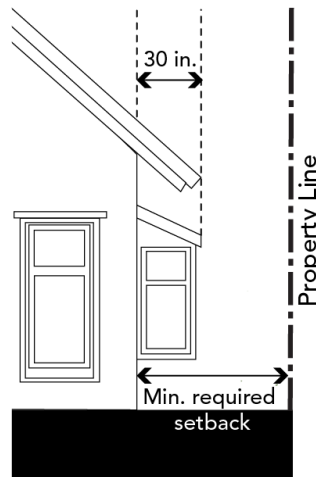
C. Edge Conditions. Where a rooftop deck is located on a property adjacent to a zone receiving transition, as defined in Section 17.70.050 (Edge Conditions), rooftop decks and activities shall also comply with Section 17.70.050.D.4 (Rooftop Open Spaces).

17.70.160 – Satellite Dish Antenna

- A. Purpose.** These regulations are established to regulate the installation of dish-type satellite antennas to help protect public safety and preserve view corridors and neighborhood character.
- B. Residential Performance Standards.** The installation of dish-type antennas may be allowed in all residential zones, subject to the following criteria. Dish-type satellite antenna installations that are less than one meter in diameter are exempt from these regulations unless proposed on a historic building.
- 1. Antenna size.** Maximum diameter shall be 10 feet.
 - 2. Setback.** No part of a satellite dish antenna may be located in any required setback area, any side yard area between a street and the primary residence, or any front yard area.
 - 3. Height.** Maximum antenna height shall be 13 feet.
 - 4. Roof-mounted.** Roof-mounted installations or pole-mounted installations attached to eaves are prohibited except by approval of a Director's Action.
 - 5. View Preservation.** Any antenna that may block significant views from neighboring buildings or from public areas, as determined by the Director, shall be subject to review by the Architectural Review Commission.
 - 6. Screening.** All satellite dishes higher than side or rear yard fences shall be screened from view from neighboring properties.
- C. Commercial Performance Standards.** The installation of dish-type satellite antennas may be allowed in the office, commercial, and industrial zones, subject to the following criteria:
- Installation shall be subject to architectural review in compliance with the adopted Architectural Review Commission ordinance and guidelines.
 - Installations shall not be allowed within setback area of any yard adjacent to a public street.
 - Installations shall be located to minimize visibility from adjoining properties and rights-of-way.
- D. Exceptions.**
- Dish-type satellite antenna installations that are less than one meter in diameter are exempt from these regulations unless proposed on a historic building. For proposed installations on historic buildings, review by the Architectural Review Commission shall be required.
 - Dish-type satellite antenna installations that cannot meet the performance standards included in subsections B and C of this Section may be considered through review by the Architectural Review Commission. Conditions imposed as part of the 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.
- E. Open Space/Conservation Standards.** The installation of dish-type satellite antennas may be allowed in the open space/conservation zone subject to architectural review in compliance with adopted Architectural Review Commission ordinances and guidelines.
- F. Building Permit Required.** All satellite dish installations require issuance of a building permit. This is to ensure 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.

17.70.170 – Setbacks

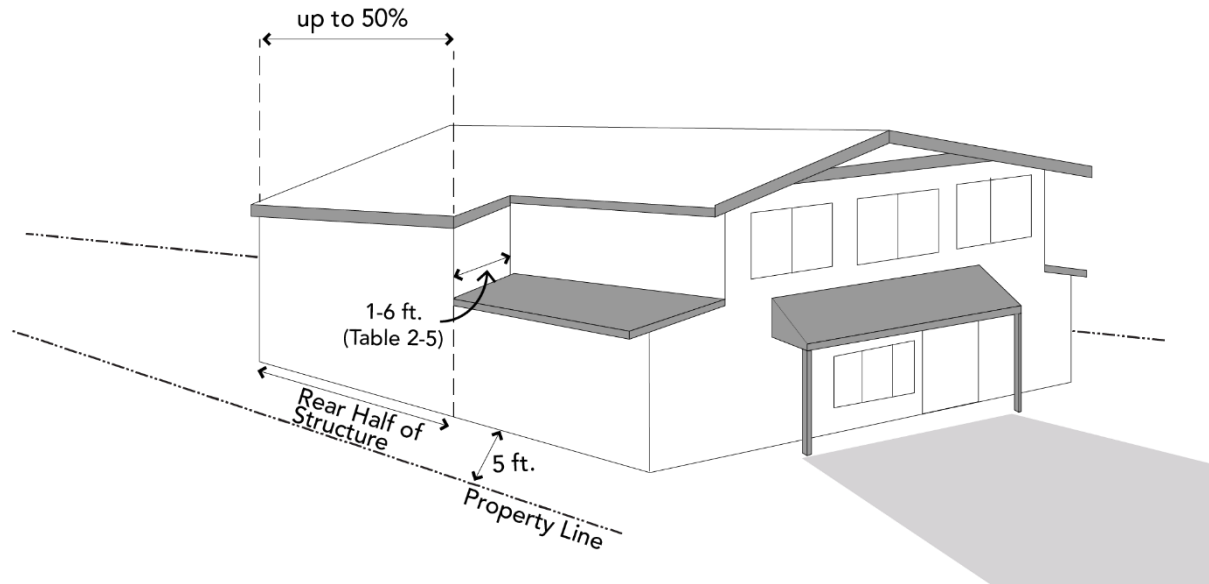
- A. Purpose.** This Section establishes standards for the measurement of setbacks and required setback areas. These provisions, in conjunction with other applicable provisions of the Zoning Regulations, are intended to help determine the pattern of building masses and open areas within neighborhoods. They also provide separation between combustible materials in neighboring buildings. Setback areas are further intended to help provide landscape beauty, air circulation, views, and exposure to sunlight for both natural illumination and use of solar energy.
- B. Measurement of Setbacks.**
- 1. General.** All setback distances shall be measured at right angles from the designated property line to the building or structure, and the setback line shall be drawn parallel to and at the specified distance from the corresponding front, side, or rear property line. Exception: Where the front property line is located beyond the curb (i.e., within a street or common driveway), the front setback is defined as the minimum distance between a structure and the edge of curb.
 - 2. Building Height and Setbacks.** The height of a building in relation to setback standards is the vertical distance from the ground to the top of the roof, measured at a point that is a specific distance (the setback distance) from the property line. Height measurements shall be based on the existing topography of the site before grading for proposed onsite improvements. Where building height is linked to a minimum setback, that setback shall apply to the building incrementally and shall not require a clear-to-sky setback for the entire building. Rather, the setback requirements allow the building to be stepped back incrementally consistent with the required setback distance based on building height.
 - 3. Sloped Lots.** For sloped lots, the measurement shall be made as a straight, horizontal line from the property line to the edge of the structure, not up or down the hill slope.
 - 4. Flag Lots.** For flag lots, the pole portion of the parcel shall not be used for defining setback lines.
- C. Allowed Projections into Required Setback Areas.** The following features are allowed projections into required setback areas:
- 1. Utility Structures.** Adequately screened components of public utility systems may be located within front and street side setbacks when approved by Director's Action.
 - 2. Fences, Walls, and Hedges.** Fences, walls, and hedges may occupy setbacks to the extent provided in Section 17.70.070 (Fences, Walls, and Hedges). Vegetation may also be controlled by the California Solar Shade Control Act.
 - 3. Arbors and Trellises.** Arbors and trellises may occupy setbacks subject to the extent provided in Section 17.70.070 (Fences, Walls, and Hedges). 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 (Sign Regulations) of the Municipal Code may occupy setbacks to the extent provided in that Chapter.
 - 5. Architectural Features.** The following and similar architectural features may extend into a required setback:
 - 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, may extend no more than 30 inches into a required setback (see Figure 3-13: Architectural Feature Projections into Required Setbacks).

Figure 3-13: Architectural Feature Projections into Required Setbacks

- b. Uncovered balconies, uncovered porches, and decks may extend into the required setback not more than four feet or one-half the required setback 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. Planters and similar features less than 30 inches in height may be located within the required setbacks.
- 6. Mechanical Equipment.** Mechanical equipment shall comply with required setbacks, with the following exceptions:
- a. Ground mounted heating and air conditioning equipment, and tankless water heaters shall be setback not less than 30 inches from the side and rear property lines and shall comply with Chapter 9.12 (Noise Control) of the Municipal Code.
 - b. Mechanical equipment serving swimming pools, spas, and water features shall be set back not less than three feet from a side or rear property line. All such equipment shall be acoustically shielded to comply with Chapter 9.12 (Noise Control) of the Municipal Code.
- 7. Trash Enclosures.** Enclosures that have been approved in conjunction with Development Review or a discretionary review process may be located within a required side or rear setback, provided no part of the enclosure is less than three feet from any right-of-way or adopted setback line.
- 8. Vehicle Parking.** Vehicle parking in front yard areas (as defined in Section 17.158.016: F Definitions) of residential properties shall conform to Section 17.76.040 (Front Yard Parking). No person shall stop, park, or leave standing any vehicle, whether attended or unattended, within any front or street side setback or upon any unpaved surface as defined in this Section and Section 12.38.040 (Parking and Driveway Standards).
- 9. Unenclosed Parking Spaces in Side and Rear Setbacks.** Unenclosed parking spaces and parking aisles may be located within side and rear setbacks. For residential properties, parking spaces may not be located within the front yard area unless consistent with Section 17.76.040 (Front Yard Parking).
- 10. Enclosed and Unenclosed Parking Spaces in Front and Street Side Setback Prohibited.** In no case shall 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 property line, except as provided in subsection D (Exceptions to Setback Requirements) of this Section, or as provided in Section 17.76.040.D (Single Car Garages and Single Car Parking). In no case shall a parking space encroach on a public sidewalk.
- 11. Landscaping in Setbacks.** Required setbacks with City-required landscape plans and stormwater facilities shall be landscaped and maintained in compliance with approved plans.

- 12. Second Story Setback in R-1 Zone.** Up to 50 percent of the upper story side wall may align with the lower floor wall, provided such alignment occurs within the rear half of the structure (see Figure 3-14: Second Story Setback Allowed Projection).

Figure 3-14: Second Story Setback Allowed Projection



D. Exceptions to Setback Requirements.

1. Exceptions Entitled to Property Due to Physical Circumstances.

- a. **Front and/or Street Side Setback Averaging in Developed Areas.** Where these Zoning Regulations require front and/or street side setbacks 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 front and/or street side setback shall be the average of the front and/or street side (as applicable) setback of the developed lots, but in no case less than 10 feet nor more than would otherwise be required. Averaging does not apply to enclosed parking structures.
- b. **Reduced Front or Street Side Setback for New Structure Providing Additional Creek Setback.** Where a new structure provides a rear or side creek setback larger than required by these Zoning Regulations, the required front and/or street side setback, respectively, shall be reduced by one foot for each one foot of additional creek setback, so long as the front and street side setback is at least one-half that required by the zone in which the property is located. Refer to the front and street side setback standards for each zone in Chapters 17.12 through 17.60, inclusive.
- c. **Setbacks Adjacent to an Alley.** The standards required for interior side and rear setbacks shall apply along alleys. However, zero setback is allowed for required surface parking spaces.
- d. **Rear Setback on Through Lots.** On through lots, the minimum rear setback shall be the equivalent to the minimum required front setback.

2. Discretionary Exceptions. Discretionary exceptions to setback requirements shall require a Director's Action and meet the findings required for a Director's Action (Chapter 17.108), as well as any findings indicated below for an individual exception.

- a. **Reduced Front and Street Side Setbacks.** Upon approval of a Director's Action, or in conjunction with tandem parking approval, the Director may allow front and/or street side setbacks to be reduced to zero for unenclosed parking spaces. Front and street side setbacks may be reduced to 10 feet for structures, including side-loaded carports and garages. However, no driveway shall be less than 18 feet six inches

- deep, as measured from the sidewalk to face of a garage, or where no sidewalk exists, the outer edge of the street, to accommodate a parked car in the driveway without overhanging onto the public right-of-way.
- b. Variable Front Setbacks in Subdivisions.** In new residential subdivisions, the review authority may approve variable front setbacks, to be noted on the approved map, provided the average of the front setbacks on a block is at least 15 feet and no front setback is less than 10 feet. Garages or carports that back directly onto the public right-of-way shall maintain a minimum setback of at least 18 feet six inches, as measured from the sidewalk or where no sidewalk exists, as measured from the outer edge of the public right-of-way, to accommodate a parked car in the driveway without overhanging onto the public right-of-way.
- c. Variable Side and Rear Setbacks in New Subdivisions.** In new residential subdivisions, the review authority may approve exceptions to the side and rear setback 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 setback 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 Setback Variations in Previously Subdivided Areas.** Upon approval of a Director's Action, the Director may allow side and rear setbacks to be reduced to zero under either of the following circumstances:
- (1) When there exists recorded agreement, to the satisfaction of the City Attorney, 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
 - (2) When the reduction is for either a minor addition to an existing legal structure that is nonconforming with regard to side and rear setback requirements or for a detached single-story accessory structure, provided that all such minor additions and new accessory structures shall comply with applicable provisions of Title 15, Building and Construction (see also Chapter 17.92, Nonconforming Structures) and the Director makes the following findings:
 - (a) In the case of a minor addition, that the minor addition is a logical extension of the existing nonconforming structure;
 - (b) In the case of a detached single-story accessory structure (either new or replacing a previously approved nonconforming structure), that the accessory structure is consistent with the traditional development pattern of the neighborhood and will have a greater front and/or street side setback than the main structure;
 - (c) That adjacent affected properties will not be deprived of reasonable solar exposure, and the development will comply with solar access standards of General Plan Conservation and Open Space Element Policy 4.5.1;
 - (d) That no useful purpose would be realized by requiring the full setback;
 - (e) That no significant fire protection, emergency access, privacy, or security impacts are likely from the addition; and
 - (f) That it is impractical to obtain a 10-foot separation easement in compliance with subsection (a) of this subsection, above.
- e. Side and Rear Setback Building Height Exceptions.** Upon approval of a Director's Action, the Director may allow exceptions to the side and rear setback standards provided in Article 2 for each zone. 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 setback required:

- (1) 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;
- (2) When the exception is of a minor nature, involving an insignificant portion of total available solar exposure;
- (3) When the properties at issue are within an area where use of solar energy is generally infeasible because of landform shading;
- (4) When adequate recorded agreement running with the land exists to protect established solar collectors and probable collector locations;
- (5) When the property to be shaded is a street;
- (6) Where no significant fire protection, emergency access, privacy or security impacts are likely to result from the exception.
- (7) The development will comply with solar access standards of General Plan Conservation and Open Space Element Policy 4.5.1.

Any other exception to the height limits requires approval of a variance as provided in Chapter 17.114 (Variances). For height limits of signs, see Chapter 15.40, Sign Regulations.

17.70.180 – Showers, Lockers, and Changing Rooms

- A. **Purpose.** The purpose of this Section is to encourage bicycling, transit use, walking, carpooling, and other modes of transportation (other than by motor vehicle) that can move the City toward achieving modal split goals in the General Plan Circulation Element.
- B. **Application.** New nonresidential developments of 10,000 square feet or larger and nonresidential buildings that expand the floor area by 10 percent or more and exceed 10,000 square feet shall provide shower and clothes locker facilities in compliance with the standards of this Section.
- C. **Standards.**
 1. **Shower and Dressing Areas.** A minimum of one shower facility shall be provided in new nonresidential developments with a gross floor area between 10,000 and 24,999 square feet, two showers in projects between 25,000 square feet and 124,999 square feet, and four showers for any project over 125,000 square feet. Dressing areas and lockers shall be provided in close proximity to shower facilities.
 2. **Floor Area Exemption.** Floor area dedicated to showers, dressing areas, and clothes lockers shall not be included in the floor area for calculating the parking requirement or for total floor area for the project.
 3. **Tenant Improvements.** Required showers, lockers, and changing areas shall not be removed during tenant improvements or through subsequent remodeling without the approval of the Director.
- D. **Alternative Compliance.** Alternative compliance, as established in this subsection, may be applied to all land use classifications.
 1. Upon written request by the applicant, the Director may approve alternative compliance from the provisions of this Section through an approved Director's Action, which may include, but is not limited to, a reduction or deviation in the number, type, or location of the required bicycle parking, and may include a waiver of the requirement.

2. Considerations used in the determination may include, but are not limited to:
 - a. Physical site planning constraints
 - b. Projects that cannot be classified into the provided land use categories
 - c. Provision of enhanced shower facilities within the development or use
 - d. Inclusion of the site within a larger development for which adequate showers, dressing areas, and clothes lockers are already provided
 - e. Projects that exhibit unusual operational characteristics associated with a particular use.
 - f. Unforeseen circumstances or individual land use changes

17.70.190 – Pools and Pool Equipment – Location

- A. A swimming pool shall not be located in a required front setback area nor in any part of a front yard visible from a public street.
- 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 setback area or that portion of side setback area located between the front lot line and the rearmost portion of the principal building. To minimize the potential impact of noise, equipment shall be located not less than 10 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 and acoustically shielded to ensure compliance with Chapter 9.12 (Noise Control) of the Municipal Code.

17.70.200 – Trash Enclosure Standards

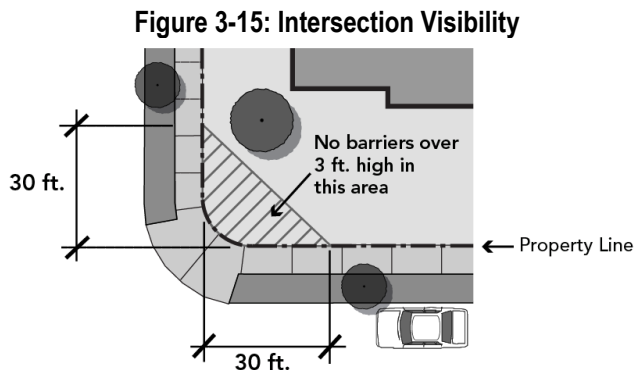
- A. **Purpose and Applicability.** This Section establishes standards for the location, development, and operations of trash enclosures to ensure that the storage of trash, green waste, and recyclable materials do not have significant adverse health consequences and do minimize adverse impacts on surrounding properties.
- B. **When Required.** All new and expanded commercial and industrial projects with a floor area exceeding 500 square feet, all intensifications of commercial and industrial uses, all new multi-unit residential projects located in any zone, and all new mixed-use projects shall be required to provide and maintain at least one trash enclosure. Trash enclosures may be located indoors or outdoors to meet the requirements of this Section.
- C. **Location.**
 1. **Residential.** Outdoor trash enclosures required under this Section for residential projects shall not be located within any required front or street side yard.
 2. **General.** No outdoor trash enclosures shall be located within any public right-of-way, or in any location where it would obstruct pedestrian walkways, vehicular ingress and egress, reduce motor vehicle sightline, or in any way create a hazard to health and safety.
- D. **Maintenance.** Outdoor trash enclosures required shall be maintained in the following manner:
 1. There shall be the prompt removal of visible signs of overflow of garbage, smells emanating from enclosure, graffiti, pests, and vermin.
 2. Trash enclosure covers shall be closed when not in use.
 3. Trash enclosures shall be easily accessible for garbage and recyclables collection.
 4. Trash enclosures shall be regularly emptied of garbage.

E. Design of Enclosure Area.

1. Each trash enclosure shall be of a material and colors that complement the architecture of the buildings they serve or shall have exterior landscape planting that screens the walls.
2. The interior dimensions of the trash and recyclables enclosure shall provide convenient and secure access to the containers to prevent access by unauthorized persons and minimize scavenging, while allowing authorized persons access for disposal and collection of materials.
3. All outdoor trash enclosures shall have full roofs to reduce stormwater pollution and to screen unsightly views. The design of the roof and the materials used shall be compatible with the onsite architecture, with adequate height clearance to enable ready access to any containers.
4. Designs, materials, or methods of installation not specifically prescribed by this Section may be approved by Director, subject to Director's Action. In approving such a request, the Director shall find that the proposed design, material, or method provides approximate equivalence to the specific requirements of this Section or is otherwise satisfactory and complies with the intent of these provisions.

17.70.210 – Vision Clearance Triangle At Intersections

- A. Intersection Visibility.** At roadway intersections not controlled by a stop sign or traffic signal, no plant, structure, or other solid object over three feet high that would obstruct visibility may be located within the area indicated in Figure 3-15: Intersection Visibility. At controlled intersections, the Director shall determine visibility requirements for proper sight distance.

**17.70.220 – Water-Efficient Landscape Standards****A. Applicability.**

1. The provisions of this Section shall apply to the following landscape projects:
 - a. New residential, commercial, institutional, and multi-unit residential development projects with an aggregate landscape area equal to or greater than 500 square feet subject to a building permit, plan check, or Development Review.
 - b. Rehabilitated landscapes for residential, institutional, commercial, and multi-unit residential development projects with a landscape area equal to or greater than 2,500 square feet which are otherwise subject to a building permit or Development Review.
2. Homeowners associations and common interest developments' architectural guidelines (i.e., CC&Rs) shall not prohibit or include conditions that have the effect of prohibiting the use of low water-using plants as a group. Furthermore, the guidelines shall not prohibit the removal of turf nor restrict or prohibit the reduction of turf in lieu of more water-efficient alternatives (California Civil Code Section 1353.8).

3. This Section shall not apply to:
 - a. Registered local, State or Federal historical sites;
 - b. Ecological restoration projects that do not require a permanent irrigation system; or
 - c. Plant collections that are part of botanical gardens and arboretums open to the public.
4. Words or phrases used in this Section shall be interpreted so as to give them the meaning they have in common usage and to give this Section its most reasonable application, and as defined in Chapter 17.158 (General Definitions) under “Water-Efficient Landscape Standards.”

B. Submittal Requirements.

1. **Landscape Design Plan.** For the efficient use of water, a landscape shall be designed and planned for the intended function of the project. For each landscape project subject to this Section, applicants shall submit a landscape design plan that meets the maximum applied water allowance calculation (Section 17.158.050 – W Definitions) and design criteria in the City Engineering Standards Uniform Design Criteria for landscaping and irrigation.
2. **Irrigation Design Plan.** The irrigation system and its related components shall be planned and designed to allow for proper installation, management, and maintenance. For each landscape project subject to this Section, applicants shall submit an irrigation design plan that is designed and installed to meet design and irrigation efficiency criteria as described in the City Engineering Standards Uniform Design Criteria for landscaping and irrigation.
3. **Soils Management Report.** To reduce runoff and encourage healthy plant growth, soil amendment, mulching, and soil conditioning recommendations shall be prepared by a licensed landscape architect, licensed landscape contractor, licensed civil engineer, or licensed architect as described in the City Engineering Standards Uniform Design Criteria for landscaping and irrigation.
4. **Grading Design Plan.** For the efficient use of water, grading of a project site shall be designed to minimize soil erosion, runoff, and water waste as described in the City Engineering Standards Uniform Design Criteria for landscaping and irrigation.
5. **Stormwater Management.** Stormwater best management practices minimize runoff and increase infiltration, which recharges groundwater and improves water quality. Stormwater best management practices shall be implemented within the landscape and grading design plans to minimize runoff and to increase onsite retention and infiltration. Project applicants shall refer to Chapter 12.08 and the City Engineering Standards for stormwater quality requirements.

- C. **MAWA calculation.** Based upon the area’s reference evapotranspiration, the ET adjustment factor, and the size of the landscaped area. The estimated total water use shall not exceed the maximum applied water allowance (MAWA). Special landscape areas, including recreation areas, areas permanently and solely dedicated to edible plants such as orchards and vegetable gardens, and areas irrigated with recycled water are subject to the MAWA with an ETAF not to exceed 1.0.

D. Implementation Procedures.

1. **Development Review Application.** For projects that require Development Review, project applicants shall submit the following documentation:
 - a. A completed maximum applied water allowance for the conceptual landscape design.
 - b. A conceptual landscape design plan that demonstrates that the landscape will meet the landscape design specifications of the City Engineering Standards Uniform Design Criteria for landscaping and irrigation.

- c. A conceptual irrigation design plan that describes the irrigation methods and design actions that will be employed to meet the irrigation specifications of the City Engineering Standards Uniform Design Criteria for landscaping and irrigation.
 - d. A grading plan that demonstrates the landscape will meet the specifications of the City Engineering Standards Uniform Design Criteria for landscaping and irrigation.
- 2. Building Application.** Prior to the issuance of a building permit, project applicants shall submit the following:
- a. A completed maximum applied water allowance form (including appendices and City Engineering Standards) based on the final landscape design plan.
 - b. A final landscape design plan that includes all the criteria required in the City Engineering Standards Uniform Design Criteria for landscaping and irrigation.
 - c. A final irrigation plan that includes all the criteria required in the City Engineering Standards Uniform Design Criteria for landscaping and irrigation.
 - d. A soils management report that includes at a minimum the criteria required in the City Engineering Standards Uniform Design Criteria for landscaping and irrigation.
 - e. A final grading plan that includes all the criteria required in the City Engineering Standards Uniform Design Criteria for landscaping and irrigation.
- 3. Project Completion.** Upon completion of the installation of the landscape and irrigation system and prior to the issuance of the certificate of occupancy, the project applicant shall submit the following:
- a. A certification of completion (including appendices and City Engineering Standards) signed by the professional of record for the landscape and irrigation design certifying that the project was installed in compliance with the City-approved landscape design, irrigation and grading plans and meets or exceeds an average landscape irrigation efficiency of 0.71. The City reserves the right to inspect and audit any irrigation system that has received an approval through the provisions of this Section.
 - b. The project applicant shall develop and provide to the owner or owner representative and the City an irrigation schedule that assists in the water management of the project and utilizes the minimum amount of water required to maintain plant health. Irrigation schedules shall meet the criteria in the City Engineering Standards Uniform Design Criteria for landscaping and irrigation.
 - c. A regular maintenance schedule shall be submitted by the project applicant with the certificate of completion that includes: routine inspections, adjustment and repairs to the irrigation system, aerating and dethatching turf areas, replenishing mulch, fertilizing, pruning, and weeding. The maintenance schedule will be provided to the owner or owner representative.

Chapter 17.72. Parking and Loading

Sections:

- 17.72.010 – Purpose and Application
- 17.72.020 – General Provisions
- 17.72.030 – Required Parking Spaces
- 17.72.040 – Parking for Electric Vehicles
- 17.72.050 – Parking Reductions
- 17.72.060 – Nonconforming Parking
- 17.72.070 – Bicycle Parking Standards
- 17.72.080 – Motorcycle Parking Standards
- 17.72.090 – Parking and Driveway Design and Development Standards
- 17.72.100 – Onsite Loading Standards

17.72.010 – Purpose and Application

A. Purpose. The purposes of this Chapter are to:

1. Ensure that adequate off-street parking is provided for new land uses and major alterations to existing uses, considering the demands likely to result from various uses, combinations of uses, and settings, and to avoid the negative impacts associated with spillover parking into adjacent neighborhoods and districts;
2. Minimize the negative environmental and urban design impacts that can result from parking lots, driveways, and drive aisles within parking lots;
3. Offer flexible means of minimizing the amount of area devoted to vehicle parking by allowing reductions in the number of required spaces in transit-served locations, shared parking facilities, and other situations expected to have lower vehicle parking demand;
4. Where possible, consolidate parking and minimize the area devoted exclusively to parking and driveways when typical demands may be satisfied more efficiently by shared facilities;
5. Ensure that parking and loading areas are designed to operate efficiently and effectively and in a manner compatible with onsite and surrounding land uses; Ensure that adequate off-street bicycle parking facilities are provided;
6. Promote parking lot designs that offer safe and attractive pedestrian routes;
7. Encourage bicycling, transit use, walking, carpooling, and other modes of transportation (other than by motor vehicle) that can move the City toward achieving modal split goals in the General Plan Circulation Element; and
8. Accommodate and encourage increased use of alternative fuel and zero-emissions vehicles.

B. Applicability. The minimum off-street parking spaces established in this Section shall be provided for new construction or intensification of use, and for the enlargement or increased capacity and use of land.

17.72.020 – General Provisions

- #### A. Requirements by Type of Use. Except as otherwise provided in these Zoning 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 Chapter, 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 shall required parking spaces for a use be rented or leased to off-site uses or used for other purposes, unless allowed by subsection D (Unbundling Parking) of this Section.

Additional parking or alternative parking development standards, may be required as a condition of use permit approval.

B. Uses Not Listed. The Director shall determine the parking requirement for uses that are not listed in Table 3-4: Parking Requirements by Use. The Director's determination shall be based on similarity to listed uses; that decision may be appealed to the Planning Commission.

C. Parking Calculations.

1. **Floor Area.** The parking requirement calculation shall be based on the gross floor area of the entire use, unless stated otherwise.
2. **Sites with Multiple Uses.** If more than one use is located on a site (including a mix of uses or a mixed-use development), the number of required onsite parking spaces and loading spaces shall be equal to the sum of the requirements calculated separately for each use unless a reduction is approved pursuant to Section 17.72.050 (Parking Reductions).
3. **Accessory Uses.** If a primary use includes accessory uses that generate higher parking requirements than the primary use, such as an accessory bar or tasting room to a brewery or other uses or activities as identified in Article 4 (Regulations for Specific Land Uses and Activities), the Director may require that the accessory activity provide parking in accordance with Table 3-4 (Parking Requirements by Use) in addition to the parking required for the primary use. Accessory offices shall not require additional parking, unless stated otherwise.

D. Unbundling Parking. This section authorizes the separating, or “unbundling”, of parking areas from the use or uses the parking is intended to serve by leasing those spaces separately from such residential unit or nonresidential use. The purpose of allowing for unbundled parking is to move toward the City's goal of encouraging travel mode shift away from single-user private motor vehicles.

1. **Residential Uses.** Residential projects may unbundle the parking from the residential uses with approval of a Director's Action (Chapter 108: Director's Action), and the following rules shall apply to the sale or rental of onsite parking spaces unless waived by the Director as infeasible:
 - a. All off-street parking spaces shall be leased or sold separately from the rental or purchase fees for dwelling units for the life of the dwelling units, such that potential renters or buyers have the option of renting or buying a residential unit at a price lower than would be the case if there were a single price for both the residential unit and the parking space.
 - b. Renters or buyers of onsite inclusionary affordable units shall have an equal opportunity to rent or buy a parking space on the same terms and conditions as offered to renters or buyers of other dwelling units.
2. **Nonresidential Uses.** Nonresidential projects may unbundle the parking from nonresidential use with approval of a Director's Action (Chapter 17.108: Director's Action), and the following rule shall apply to the sale or rental of onsite parking spaces unless waived by the Director as infeasible: All off-street parking spaces shall be leased or sold separately from the rental or purchase fees for each nonresidential space for the life of the space, such that potential tenants or buyers have the option of renting or buying the nonresidential square footage at a price lower than would be the case if there were a single price for both the floor area and the parking space.

17.72.030 – Required Parking Spaces

A. Minimum Number of Spaces Required Outside of Downtown Core. Each land use shall be provided at least the number of onsite parking spaces stated in this Section and Table 3-4: Parking Requirements by Use.

Table 3-4: Parking Requirements by Use	
Type of Land Use	Number of Off-Street Parking Spaces Required
AGRICULTURE	
Agricultural Accessory Structure	No requirement
Animal Husbandry and Grazing	No requirement
Community Garden	No spaces required when on-street parking is available immediately adjacent to the garden. If no on-street parking is available, then a minimum of two spaces.
Crop Production	No requirement
Greenhouse/Plant Nursery, Commercial	No requirement
INDUSTRY, MANUFACTURING & PROCESSING, WHOLESALING	
Fuel Dealer (propane, etc.)	1 space per 1,000 sf of outdoor sales/storage area
Laboratory - Medical, Analytical, Research, Testing	1 space per 1,000 sf of combined laboratory and office space
Manufacturing - Heavy	1 space per 1,000 sf of manufacturing space, plus any required spaces for dedicated office area
Manufacturing - Light	1 space per 1,000 sf, plus any required spaces for dedicated office area
Recycling	
Recycling - Collection Facility	None required
Recycling - Processing Facility	As provided in approved use permit
Research and Development	1 space per 1,000 sf of combined assembly/fabrication space (indoor and outdoor) and office space
Salvage and Wrecking	1 space per 500 sf of office space, plus 1 space per 0.5 acre of gross outdoor use area
Warehousing, Storage, and Distribution	
Outdoor Storage	1 space per 1,500 sf of outdoor storage area
Personal Storage	1 space per 6,000 sf of combined storage space and business/sales office
Warehousing and Indoor Storage	1 space per 1,500 sf of combined storage area and office space
Wholesaling and Distribution	1 space per 1,000 sf of combined storage area and office space
LODGING	
Bed and Breakfast Inn	1 space per room
Homeless Shelter	2 spaces for the facility plus one space for each six occupants at maximum allowed occupancy

Table 3-4: Parking Requirements by Use	
Type of Land Use	Number of Off-Street Parking Spaces Required
Hostel	1 space per lodging room
Hotels and Motels	1 space per room, plus any spaces required for conference/meeting facilities and restaurants open to the public
RV Parks	As provided in approved use permit
PUBLIC AND ASSEMBLY USES	
Cultural Institutions	Live Theater: 1 space per 100 sf; all other uses 1 space per 400 sf of public assembly area
Hospitals and Clinics	
Clinic	1 space per 200 sf
Hospital	1 space per bed
Park and Recreation Facilities	4 spaces per acre of park space and 1 space per 200 sf indoor recreational facilities
Public Assembly Facilities	1 space per 100 sf
Religious Assembly Facilities	1 space per 100 sf in largest assembly room
Schools - Colleges	2 spaces per classroom plus 1 space per 300 sf of assembly or common area
Schools - Primary and Middle	2 spaces per classroom plus 1 space per 300 sf of assembly or common area
Schools - Secondary, High School	5 spaces per classroom plus 1 space per 300 sf of assembly or common area
Schools - Trade Schools	2 spaces per classroom plus 1 space per 300 sf of assembly or common area
Sports and Entertainment Assembly Facility	As provided in approved use permit
RESIDENTIAL USES	
General Residential Housing Types	
Single-Unit Dwellings, Detached	2 parking spaces for the first four bedrooms, 0.75 space per each additional bedroom (no requirement for Accessory Dwelling Units), plus 1 guest parking space per 5 units in a tract development
Multi-Unit Residential	0.75 space per bedroom (no less than 1 space per dwelling unit), plus 1 guest parking space per 5 units
Boarding House	1 space per 1.5 occupants or 1.5 spaces per bedroom, whichever is greater
Caretaker quarters	Two spaces per dwelling
Continuing Care Community	Same as dwelling type, plus 1 space for every two employees providing on-site services to residents
Elderly and Long-Term Care	2 spaces for the owner-manager plus 1 for every 5 beds and 1 for each nonresident employee.
Family Day Care - Small	None in addition to what is required for the residential use.
Family Day Care - Large	Same as dwelling type, plus 1 space for every two employees providing day care services

Table 3-4: Parking Requirements by Use	
Type of Land Use	Number of Off-Street Parking Spaces Required
Fraternities and Sororities	1 space per 1.5 occupants or 1.5 spaces per bedroom, whichever is greater
Hospice In-Patient Facility	Same as dwelling type, plus 1 space for every two employees providing on-site services to residents
High-occupancy residential use	The parking requirement shall be greater of: (1) the number of spaces required for dwellings, or (2) 1 off-street parking space per adult occupant, less 1
Mobile Home Park	1.25 spaces per unit: one space to be with each unit
Residential Care Facilities - 6 or fewer residents	None in addition to what is required for the residential use.
Residential Care Facilities - 7 or more residents	2 spaces for the owner-manager plus 1 for every 5 beds and 1 for each nonresident employee.
Supportive and/or Transitional Housing, with On or Off-Site Services	Same as dwelling type, plus 1 space for every two employees providing on-site services to residents
MIXED USES	
Mixed-use Development	As required for each separate use in the mixed-use development
COMMERCIAL USES	
Adult Entertainment Businesses	As required for the primary type of use (for example, retail sales or assembly)
Animal Care, Sales and Services	
Animal Boarding/Kennels	1 space per 1,000 sf of indoor area
Animal Grooming	1 space per 250 sf
Animal Retail Sales	1 space per 250 sf
Veterinary Services, Large Animal	1 space per 500 sf of indoor area
Veterinary Services, Small Animal	1 space per 300 sf of indoor area
Banks and Financial Institutions	
ATMs	No requirement
Banks and Credit Unions	1 space per 300 sf
Check Cashing Shops/Payday Loans	1 space per 300 sf
Business Services	1 space per 300 sf
Cemetery	1 space per 4 acres
Commercial Recreation - Large Scale	1 space per 200 sf of indoor space, 1 space per 500 sf of outdoor space
Commercial Recreation - Small Scale	1 space per 200 sf of indoor space, 1 space per 500 sf of outdoor space
Day Care Center	1 space per 500 sf of indoor space
Eating and Drinking Establishments	
Bars, Nightclubs, and Taverns	1 space per 100 sf, including any food preparation/service and entertainment areas

Table 3-4: Parking Requirements by Use	
Type of Land Use	Number of Off-Street Parking Spaces Required
Restaurant	1 space per 100 sf of total restaurant area, including any food preparation/service area
Food and Beverage Sales	
General Market	1 space per 250 sf
Convenience Store	1 space per 250 sf
Produce Stand	1 space per 300 sf gross floor area
Liquor Store	1 space per 250 sf
Food Preparation	1 space per 1,500 sf
Funeral Parlors and Internment Services	1 space per four fixed seats or one space per 80 sf assembly area, whichever is greater
Instructional Services	1 space per 200 sf
Maintenance and Repair Services	1 space per 600 sf, plus 1 space for each fleet vehicle
Offices	
Business and Professional Offices	1 space per 300 sf
Medical and Dental Offices	1 space per 200 sf
Personal Services	1 space per 300 sf
Retail Sales	
Building Materials and Services - Indoor	1 space per 1,000 sf of indoor space
Building Materials and Services - Outdoor	1 space per 1,500 sf of outdoor space
General Retail	1 space per 300 sf
Large-Scale Retail	1 space per 250 sf
Nurseries and Garden Centers	1 space per 500 sf of floor area, plus 1 space per 2,000 sf of outdoor display area
Theaters	1 space per 100 sf
Vehicle Sales and Services	
Auto and Vehicle Sales and Rental	1 space per 300 square feet office area, plus 1 space per 500 square feet parts sales service area, plus 1 space per 2,000 square feet outdoor sales area
Large Vehicle, Construction and Heavy Equipment Sales, Service, and Rental	1 space per 500 sf of floor area, plus 1 space per 2,000 outdoor sales area
Service/Fueling Stations	No parking required for fueling operations. See "convenience store" or "vehicle services" if applicable.
Vehicle services - Major Repair/Body Work	1 space per 500 sf of non-service bay floor area and 2 spaces per service bay
Vehicle services - Minor Repair/Maintenance	1 space per 500 sf of non-service bay floor area and 2 spaces per service bay
Vehicle services - Washing	1 spaces plus sufficient waiting line(s) or 2 spaces plus washing area(s)

Table 3-4: Parking Requirements by Use	
Type of Land Use	Number of Off-Street Parking Spaces Required
TRANSPORTATION, COMMUNICATIONS, & UTILITIES	
Airport	To be determined when use permit is approved
Wireless Telecommunications Facilities	No requirement
Freight/Truck Terminals	1 space per 1,500 sf of indoor space
Light Fleet-Based Services	1 space per 1,000 sf of indoor space, plus any required spaces for dedicated office area and 1 space for each fleet vehicle
Media Production	
Backlots and Soundstages	As provided in approved use permit
Broadcast Studios	1 space per 300 sf
Heliport	As provided in approved use permit
Parking facility	No requirement
Public Safety Facilities	1 space per 500 square feet gross floor area
Transit station or terminal	1 space per 300 sf office/waiting area plus 1 space per 1,000 sf house/garage area
Utilities Facilities	
Facilities with on-site staff	1 space per 1,500 sf of indoor area
Facilities with no on-site staff (unmanned)	No requirement
Transmission Lines	No requirement

B. 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.

C. Minimum Number of Spaces Required in the C-N Zone. Within the neighborhood-commercial (C-N) zone, the following parking standards shall apply for the specific land uses identified below:

1. Eating and Drinking Establishments, and Food and Beverage Sales shall provide one-half that required in Table 3-4: Parking Requirements by Use. Parking space reductions permitted by Section 17.72.050.B (Shared Parking Reductions) shall not be applicable in conjunction with this provision, as the reduced parking rates established here are intended to provide flexibility in meeting parking requirements and rely on the consolidation of parking; however, Section 17.72.050.C (Other Parking Reductions) may apply.

D. Minimum Number of Spaces Required in Downtown Core. Within the downtown-commercial (C-D) zone, the following parking standards and incentives shall apply:

1. Parking space reductions permitted by Section 17.72.050.B (Shared Parking Reductions) shall not be applicable in the Downtown Parking District, as the reduced parking rates established here are intended to provide flexibility in meeting parking requirements and rely on the consolidation of parking; however, Section 17.72.050.C (Other Parking Reductions) may apply.

2. Eating and drinking establishments, theaters, cultural institutions, public assembly facilities, and religious assembly facilities: One-half that required in Table 3-4: Parking Requirements by Use; provided, however, that in no case shall the requirement exceed one space per 350 square feet of gross floor area.
3. Residential uses, hotels and motels, and bed and breakfast inns: One-half that required in Table 3-4: Parking Requirements by Use.
4. All other uses: One space per 500 square feet gross floor area.
5. 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.
6. Options to Comply. 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 a Director’s Action (Chapter 17.108: Director’s Action), allow some or all of the parking to be located on a site different from the use and within the Downtown Parking District area. Such off-site parking shall not be located 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 Council. Any parking agreement approved prior to adoption of the parking standards contained in subsections C.1 through C.3 of this Section may be adjusted to conform with those standards, subject to approval by the Director and City Attorney.

17.72.040 – Parking for Electric Vehicles

- A. Parking spaces for electric vehicles shall be provided for all uses as indicated in Table 3-5: Electric Vehicle (EV) Parking or in accordance with the requirements of the California Green Building Standards Code and any local amendments thereto, whichever yields the greater number of spaces. All such spaces shall count toward the minimum required parking spaces before applying any parking reductions. These requirements do not apply in the Downtown zone or within an in-lieu fee district.

Table 3-5: Electric Vehicle (EV) Parking				
Land Use	Number of Total Required Spaces			
	5-10	11-15	16-25	More than 25
Multi-unit Residential with 5 or more units	1 EV ready space minimum, plus 25% EV capable	2 EV ready spaces minimum, plus 50% EV capable	3 EV ready spaces minimum, plus 50% EV capable	10% EV ready spaces, plus 50% EV capable
Nonresidential – Commercial, Office, Industrial, and Mixed Use	1 EV space minimum, plus 25% EV capable	2 EV ready spaces minimum, plus 50% EV capable	3 EV ready spaces minimum, plus 50% EV capable	10% EV ready spaces, plus 25% EV capable

- B. All EV ready spaces, as defined in this Title, shall be equipped with full electric vehicle charging equipment, as defined in this Title, including an electric vehicle charging station, the use of which the property owner or operator

may require payment, at his/her discretion. All EV capable spaces, as defined in this Title, shall be served by an empty raceway to supply power for future EV charging stations at any given time.

- C. Any charging or similar equipment shall not be placed within the required parking space dimensions and shall not obstruct any pedestrian path of travel.
- D. EV ready and EV capable spaces and the associated electric vehicle charging equipment shall be provided for all new developments and whenever a substantial addition to and existing development is proposed, as defined by Section 17.106.020B (Enlargements and Modifications).
- E. Where an existing legal, nonconforming parking condition exists, the EV spaces requirement shall be based on the existing number of parking spaces, not the required number of parking spaces.

17.72.050 – Parking Reductions

- A. **Affordable Housing Developments.** See Chapter 17.140: Affordable Housing Incentives.
- B. **Shared Parking Reduction.** Where a shared parking facility serving more than one use will be provided, the total number of required parking spaces may be reduced by up to 20 percent with Director approval via Director's Action (Chapter 17.108), if the Director finds that:
 - 1. The peak hours of use will not overlap or coincide to the degree that peak demand for parking spaces from all uses or projects will be greater than the total supply of spaces;
 - 2. The proposed shared parking provided will be adequate to serve each use and/or project;
 - 3. A parking demand study conducted and prepared under procedures set forth by the Director supports the proposed reduction; and
 - 4. In the case of a shared parking facility that serves more than one property, a parking agreement has been prepared and recorded with the Office of the County Recorder, requiring the parking to be operated on a nonexclusive basis, to be open and available to the public for shared use, short-term parking during normal business hours.
- C. **Other Parking Reductions.** Required parking for any use may be reduced by up to 10 percent through Director approval of a Director's Action. Required parking may be reduced by more than 10 percent through Planning Commission approval. However, no reduction shall be made in addition to any reductions for shared parking permitted through subsection B (Shared Parking Reduction) of this Section, above.
 - 1. **Criteria for Approval.** The review authority may only approve a request for reduced parking if it finds that:
 - a. Special conditions, including but not limited to, the nature of the proposed operation; proximity to frequent transit service; proximity to a general market, transportation characteristics of persons residing, working, or visiting the site; or because the applicant has undertaken a transportation demand management program that provides justification of innovative design components and strategies to reduce single-occupant vehicle travel to and from the site and will reduce parking demand at the site
 - b. The use will adequately be served by the proposed onsite parking; and
 - c. Parking demand generated by the project will not exceed the capacity of or have a detrimental impact on the supply of on-street parking in the surrounding area.
 - 2. **Parking Demand Study.** In order to evaluate a proposed project's compliance with the above criteria, a parking demand study shall be conducted and prepared under procedures set forth by the Director that substantiates the basis for granting a reduced number of spaces.

- 3. Vehicle Trip Reduction Plan.** Based on the parking study, the Director may require implementation of a vehicle trip reduction plan and such other conditions deemed necessary to reduce parking demand.
- D. Reductions and Common Parking.** 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 residential and mixed-use projects, required residential parking may be reserved, but commercial parking must be made available for guests or overflow from residences.
- E. Off-Site Parking.** The Director may, by approving a Director's Action (Chapter 17.108), 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 hundred 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.
- F. Bicycle and Motorcycle Parking Reduction Rates.** The review authority may consider the following rates for parking reductions:
1. One car space for each five motorcycle spaces provided in excess of required parking spaces, up to a 10 percent reduction, reductions greater than 10 percent shall comply with subsection C of this section.
 2. One car space for each five bicycle spaces provided in excess of required parking, up to a 10 percent reduction, reductions greater than 10 percent shall comply with subsection C of this section. 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 3-6: Required Bicycle Parking. Any additional bicycle parking provided for residential uses shall be provided for long-term storage.

17.72.060 – Nonconforming Parking

For additions or changes in use for existing uses or structures that do not meet current parking standards, the following standards shall apply.

- A. Nonresidential Additions and Reconstruction.** When expansion of floor area creates an increase of 10 percent or more in the number of required onsite parking spaces in an existing nonresidential building, additional onsite parking shall be provided for such addition and not for the entire building or site. Additional parking spaces are not required for the reconstruction of an existing building when there is less than 10 percent increase in floor area.
- B. Residential Additions.** At least one legally conforming space shall be provided for each existing unit, in addition to all parking required for the addition itself, unless otherwise exempted for an approved Accessory Dwelling Unit or through an approved parking reduction, as authorized by Section 17.72.050 (Parking Reductions).
- C. Use Changes.** Changes in use that increase the total parking demand from existing legal uses that are nonconforming because they do not meet current parking requirements may be allowed 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. The existing parking shall be maintained. If the number of existing parking spaces is greater than the requirements for such use, the number of spaces in excess of the prescribed minimum may be counted toward meeting the parking requirements for the addition, enlargement, or change in use. A change in occupancy is not considered a change in use unless the new occupant is in a different use classification than the former occupant.

17.72.070 – Bicycle Parking Standards.

A. Applicability.

1. The provisions of this Section shall apply to:
 - a. New multi-unit residential developments, non-residential developments, and community and institutional facilities.
 - b. Existing nonresidential developments that involve a change in use. A change in occupancy is not considered a change in use unless the new occupant is in a different use classification than the former occupant.
 - c. Existing multi-unit residential and nonresidential developments that involve expansion, intensification, addition, or any other changes to the site requiring planning approval or a building permit.

B. Required Bicycle Spaces. Parking for bicycles shall be provided in accordance with Table 3-6: Required Bicycle Parking, unless exempted through subsection D (Alternative Compliance) of this Section.

Land Use	Example	Standard (Number of Bicycle Parking Spaces)	Short Term	Long Term
Residential	All residential housing types	2 per unit, plus 1 guest per every 5 units	Guest spaces	2 per unit
Residential - Group living	Fraternity/sorority, co-op housing	1 per bed	25%	75%
Lodging	Hotel, motel, homeless shelters	1 per 10 guest rooms	50%	50%
Restaurant - Quick serve	Deli, coffee shop, bar/tasting rooms	1 per 150 sf	75%	25%
Restaurant - sit down	Restaurant, accessory dining areas	1 per 500 sf	75%	25%
General Retail and Personal Services	Grocery store, hardware store, personal services, handicraft	1 per 1,000 sf	75%	25%
Office and Financial Institutions	General office, medical, clinic, research and development, banks	1 per 1,500 sf	75%	25%
Food and beverage manufacturing, woodworking		1 per 2,000 sf	25%	75%
Large Scale Commercial Retail and Services	Garden supply, furniture stores, repair shops, auto dealership	1 per 2,500 sf	75%	25%
Industrial and Hospitals	Warehousing, manufacturing, hospitals	1 per 7,500 sf	25%	75%
Shopping Center	Mix of personal services, retail, restaurants, offices	20% of motor vehicle spaces required	75%	25%
Civic, Cultural, Public and Religious Assembly	Library or museum, places of public or religious assembly	20% of motor vehicle spaces required	75%	25%
Theater, health clubs, gymnastics, yoga, martial arts, etc.		40% of motor vehicle spaces required	75%	25%
Educational Facilities	Schools, day care	As determined by the Director		
Transportation Facilities	Parking Structures, Transit Stations/Terminals	As determined by the Director		

Land Use	Example	Standard (Number of Bicycle Parking Spaces)	Short Term	Long Term
Outdoor Recreation	Parks, sports fields, community gardens	As determined by the Director		
Downtown (C-D) Zone	Includes all non-residential land use types	Apply same standards for land uses above when feasible. Facilities may be shared or expanded in close proximity, as determined by the Director.		
<p>Notes:</p> <ol style="list-style-type: none"> 1. sf = square feet of gross floor area 2. Minimum requirements. All nonresidential uses shall provide a minimum of two bicycle parking spaces per site. In the case of multi-tenant nonresidential buildings, minimum required bicycle parking shall be two spaces per unit. Alternative compliance may supersede this requirement. 3. Mixed-use and Mix of Uses. When there are two or more separate primary uses on a site, the required bicycle parking for the site is the sum of the required parking for the individual primary uses. 4. Short-term and long-term percentages listed in this table are intended as guidelines subject to a final determination by the Director. 				

C. Required Bicycle Parking Location and Standards.

1. **General.** All bicycle parking spaces shall be provided on the same parcel as the building or use to which such spaces are required, unless the City has established programs allowing for shared parking arrangements at bicycle corrals. All short-term bicycle spaces shall be located at the ground-floor level and near or within visual site distance of building entrances.
2. **Downtown Parking District—All Nonresidential Uses.** Businesses and developments within the Downtown Parking District are not required to provide bicycle parking on site if adequate onsite space is not available, as determined by the Director. The City shall permit required bicycle parking within the public right-of-way for the Downtown Parking District area in locations and amounts determined by the Director. Downtown multi-unit residential developments shall comply with the requirements of this Section.

D. Alternative Compliance. Alternative compliance, as established in this subsection, may be applied to all land use classifications.

1. Upon written request by the applicant, the Director may approve alternative compliance from the provisions of this Section through an approved Director’s Action (Chapter 17.108: Director’s Action), which may include, but is not limited to, a reduction or deviation in the number, type, or location of the required bicycle parking, and may include a waiver of the requirement.
2. Considerations used in the determination may include, but are not limited to:
 - a. Physical site planning constraints
 - b. Proximity to existing bicycle parking
 - c. Projects that cannot be classified into the provided land use categories
 - d. Provision of enhanced bicycle facilities provided in the development
 - e. Inclusion of the site within a larger development for which adequate bicycle parking is already provided
 - f. Unforeseen circumstances or individual land use changes

17.72.080 – Motorcycle Parking Standards.

Each use or development that requires 10 or more motor vehicle parking spaces shall provide facilities for parking motorcycles at the rate of one space for each 20 car spaces.

17.72.090 – Parking and Driveway Design and Development Standards.

A. Requirements. Parking and driveway design and requirements shall be as provided in the parking standards adopted by Council resolution.

B. Location of Parking.

- 1. Residential Uses.** Required parking spaces serving residential uses shall be located on the same lot as the use they serve or in an off-site parking facility as provided in subsection B.3 (Off-Site Parking Facilities) of this Section. If located in an off-site parking facility, a parking agreement shall be filed as provided in subsection B.3.b (Parking Agreement) of this Section. Refer to Section 17.76.040 (Front Yard Parking) for additional residential parking location regulations associated with single-unit residential dwellings and accessory dwelling units.
- 2. Nonresidential Uses.** Required parking spaces serving nonresidential uses shall be located on the same lot as the use they serve or in an off-site parking facility as provided in subsection B.3 (Off-Site Parking Facilities) of this Section.
- 3. Off-Site Parking Facilities.** Parking facilities for uses other than single-unit dwellings, duplexes, and accessory dwelling units may be provided off site with approval of a Minor Use Permit, provided the following conditions are met:
 - a. Location.**
 - (1) Residential Uses. Any off-site parking facility must be located within 100 feet, along a pedestrian route, of the unit or use served.
 - (2) Nonresidential Uses. Any off-site parking facility must be located within 400 feet, along a pedestrian route, of the primary entrance containing the use(s) for which the parking is required.
 - b. Parking Agreement.** A written agreement between the landowner(s) and the City in a form satisfactory to the City Attorney shall be executed and recorded in the Office of the County Recorder. The agreement shall include:
 - (1) A guarantee among the landowner(s) for access to and use of the parking facility; and
 - (2) A guarantee that the spaces to be provided will be maintained and reserved for the uses served for as long as such uses are in operation.

C. Tandem Parking.

- 1. Residential Uses.** 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 Director's review and approval of Director's Action (Chapter 17.108: Director's Action). Tandem parking is intended to allow for needed flexibility on constrained lots or where tandem parking is consistent with the existing neighborhood pattern and allows for deviations from minimum parking space size regulations of subsection A (Requirements) of this Section. For single-unit dwellings, required parking may be provided in tandem configuration where safe and compatible with the surrounding neighborhood.
- 2. Hotel and Restaurant Projects (New and Existing) in the C-D Zone.** Tandem parking may be used for hotel and restaurant development in the C-D zone where parking service is provided, subject to approval of a Director's Action (Chapter 17.108: Director's Action) and a parking management plan approved by the Director.
- 3. New Office Uses.** Tandem parking may be considered for office development if all of the following requirements are satisfied:

- a. With review of the location and design by the Director's Action, where adequate maneuverability and access arrangements are provided; and
 - b. When the tandem spaces are set aside for the exclusive use of onsite employees; and
 - c. Where the total number of tandem spaces does not exceed 30 percent of the total parking provided for projects that require 10 vehicle parking spaces or less, and 15 percent of the total parking provided for projects that require 11 or more vehicle parking spaces; and
 - d. With a parking management plan approved by the Public Works and Community Development Directors to ensure that proper management and oversight of the use of the proposed tandem spaces will occur.
- 4. Existing Office Uses.** 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 new tandem parking spaces would be subject to Director's review and approval of Director's Action, and the additional finding that adequate maneuverability and access arrangements are provided.
- D. Mechanical Parking Lifts.** In commercial zones and multi-unit developments and subject to Director's review and approval of Director's Action, mechanical parking lifts may be used to satisfy all or a portion of vehicle parking requirements. Up to 25 percent of the required minimum amount of spaces may be required to be provided as non-mechanical parking for lift systems unable to accommodate a range of vehicles, including trucks, vans, SUVs, or large sedans. Application 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, except for 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 except for limited periods of maintenance.
 5. There are no circumstances of the site or development or particular model or type of mechanical lift system that could result in significant impacts to those living or working on the site or in the vicinity.
- E. Exceptions.** Subject to Director's review and approval of Director's Action, 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 allowed upon the applicant's property.

17.72.100 – Onsite Loading Standards

- A. Required Loading Spaces in Certain Zones.** In the C-R, C-C, C-S, M, and BP zones, every new building and every building enlarged by more than 5,000 square feet of gross floor area that is to be occupied by a manufacturing – heavy establishment; manufacturing – light establishment; warehousing, storage, and distribution facility; retail sales; eating and drinking establishment; general market; hotel; hospital; funeral parlor and internment service; or other use similarly requiring the receipt or distribution by vehicles or trucks of material or merchandise, shall provide off-street loading and unloading areas as follows:

Table 3-7: Loading Spaces Required by Gross Floor Area	
Gross Floor Area of Building	Number of Spaces Required
1,000 to 9,999	None
10,000 to 29,999	1
30,000 to 99,999	2
100,000 and more	3

- B. Reduction in Number of Loading Spaces Required.** The loading space requirement may be waived by Director’s Action if the Director finds that the applicant has satisfactorily demonstrated that, due to the nature of the proposed use, such loading space will not be needed.
- C. Additional Loading Spaces Required.** The required number of loading spaces may be increased to ensure that trucks will not be loaded, unloaded, or stored on public streets. Such requirement shall be based on the anticipated frequency of truck pick-ups and deliveries and of the truck storage requirements of the use for which the onsite loading spaces are required.
- D. Loading Space Location.** All required loading berths shall be located on the same site as the use served. No loading berth for vehicles over two-ton capacity shall be closer than 50 feet to any property in a residential district unless completely enclosed by building walls, or a uniformly solid fence or wall, or any combination thereof, not less than six feet in height. No permitted or required loading berth shall be located within 25 feet of the nearest point of any street intersection.
- E. Minimum Size.** Each onsite loading space required by this Section shall not be less than 10 feet wide, 25 feet long, and 14 feet high, exclusive of driveways for ingress and egress, maneuvering areas and setbacks. The minimum size requirement may be modified by Director’s Action if the Director finds that the applicant has satisfactorily demonstrated that, due to the nature of the proposed use, such size will not be needed.
- F. Driveways for Ingress and Egress and Maneuvering Areas.** Each onsite loading space required by this Section shall be provided with driveways for ingress and egress and maneuvering space of the same type and meeting the same criteria required for onsite parking spaces. Truck-maneuvering areas shall not encroach into required parking areas, travelways, or street rights-of-way. This requirement may be modified by Director’s Action if the Director finds that sufficient space is provided so that truck-maneuvering areas will not interfere with traffic and pedestrian circulation.

Chapter 17.74. Performance Standards

Sections:

- 17.74.010 – Purpose and Application
- 17.74.020 – General Standard and Special Conditions
- 17.74.030 – Air Contaminants
- 17.74.040 – Discharges to Water or Public Sewer System
- 17.74.050 – Energy Conservation
- 17.74.060 – Hazardous Materials
- 17.74.070 – Heat and Humidity
- 17.74.080 – Light and Glare
- 17.74.090 – Noise
- 17.74.100 – Solid Waste
- 17.74.110 – Vibration

17.74.010 – Purpose and Application

- A. Purpose.** This Chapter establishes performance standards intended to guard against the use of any property or structure in any zone in any manner which would create any dangerous, injurious, noxious, or otherwise objectionable condition or element that adversely affects the health and safety of residents, the community, and the surrounding area and adjoining premises.
- B. Applicability.** The minimum requirements in this Chapter apply to all land uses in all zones, unless otherwise specified.
- C. Exceptions.** Compliance may be waived by the review authority if a condition created under prior Ordinances physically precludes the reasonable application of the standards. Additional categorical exemptions from compliance with the performance standards are as follows.
 - 1. Temporary Activity.** Festivals and other special events with approved temporary use permits or other required permits, where such activities otherwise comply with other applicable provisions of these Zoning Regulations.
 - 2. Emergency Activities.** Any emergency activity on the part of the City, any other government agency, or a private party.
 - 3. Construction Activity.** Temporary construction activity is exempted except where such activity is explicitly regulated by other regulations of the Municipal Code.

17.74.020 – General Standard and Special Conditions

- A.** Land or buildings shall not be used or occupied in a manner creating any dangerous, injurious, or noxious fire, explosive, or other hazard that would adversely affect the surrounding area.
- B.** These performance standards are general requirements and shall not be construed to prevent the review authority from imposing, as part of project approval, specific conditions that may be more restrictive, in order to meet the intent of these Regulations.

17.74.030 – 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.

17.74.040 – Discharges to Water or Public Sewer System

- A. Discharges to groundwater or waterways, whether direct or indirect, shall conform with the requirements of the City's Stormwater Quality Ordinance contained in Chapter 12.08 and City Standards, as well as requirements of the State and Regional Water Quality Control Boards, the California Department of Fish and Wildlife, and any other regulatory agency with jurisdiction over the activity.
- B. Discharges to the City sewer system shall conform to Article II of Chapter 13.08 of this Code.

17.74.050 – 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.

17.74.060 – Hazardous Materials

The use, handling, storage and transportation of hazardous and extremely hazardous materials shall require a Minor Use Permit and shall comply with the provisions of the California Hazardous Materials Regulations and the California Fire and Building Codes, as well as the laws and regulations of the California Department of Toxic Substances Control and the County Environmental Health Agency. Activities, processes, and uses shall not generate or emit any fissionable or radioactive materials into the atmosphere, a sewage system, or onto the ground.

17.74.070 – Heat and Humidity

- A. **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.
- B. **Humidity.** Every existing or proposed use, activity, or process or portion thereof producing humidity in the form of steam or moist air shall be carried on in such a manner that the humidity caused is not perceptible at or beyond any property line. The presence of humidity in the form of steam or moist air within the boundaries of a property shall not in itself constitute a violation of this Section.

17.74.080 – Light and Glare

- A. **Shielding.** Every existing or proposed use, activity, or process or portion thereof producing glare shall be shielded in such a manner that the glare is not perceptible at or beyond any property line.
- B. **Reflective Materials.** Highly reflective wall surface material and mirror glass is prohibited if located within view of vehicles in the public right-of-way.

17.74.090 – Noise

No use shall be established nor any activity conducted which violates the standards of Chapter 9.12: Noise Control.

17.74.100 – 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 onsite sorting and collection of recyclables.

17.74.110 – Vibration

Subject to the exceptions in Section 9.12.100 (Exceptions), no activity shall be conducted that causes ground vibrations perceptible without the aid of instruments by a reasonable person at the property line.

Chapter 17.76. Property Maintenance Standards

Sections:

- 17.76.010 – Purpose
- 17.76.020 – General Requirements
- 17.76.030 – Front Yard Paving
- 17.76.040 – Front Yard Parking
- 17.76.050 – Fences, Walls, and Hedges
- 17.76.060 – Neighborhood Preservation
- 17.76.070 – Prohibited Acts
- 17.76.080 – Private Cause of Action
- 17.76.090 – Rooftop Uses
- 17.76.100 – Screening

17.76.010 – 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.

17.76.020 – General Requirements

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

17.76.030 – Front Yard Paving

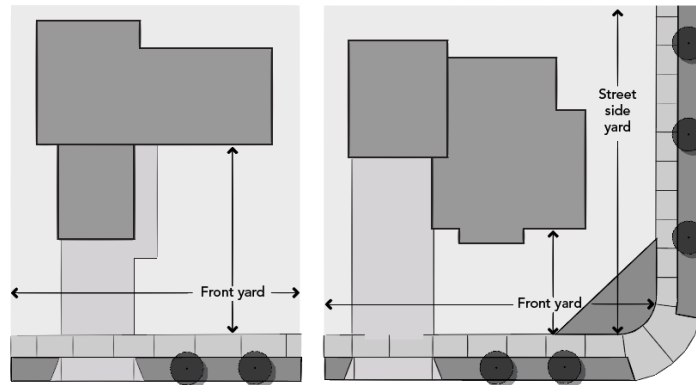
No more than 40 percent of any residential front yard (see definition of “front yard” in Section 17.158.016 – F Definitions), not to exceed 26 feet in width, may be covered by concrete or other impervious material, including driveways, patio areas, walkways, and other landscape features.

17.76.040 – 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 (see definition of “front yard” in Article 9) 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 that are intended to remain as open areas within neighborhoods.
2. These regulations apply to vehicle parking within the front yard areas as defined in in Section 17.158.016 – F Definitions and shown in Figure 3-16: Front Yard, including the street side yard on corner lots. No person shall stop, park, or leave standing any vehicle, whether attended or unattended, unless consistent with the provisions of this Section.

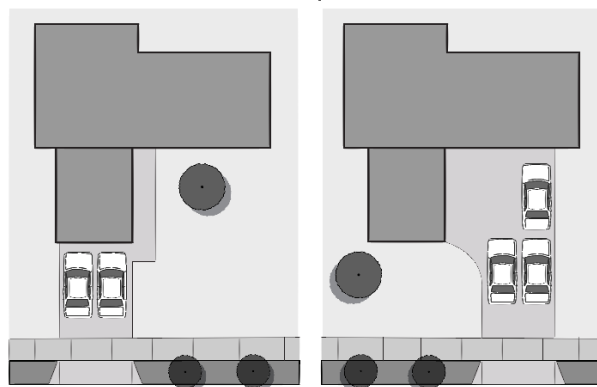
Figure 3-16: Front Yard



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 allowed on driveways leading to garage parking or on other approved off-street parking pads and 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, or on an approved off-street parking pad as allowed by subsection D (Single Car Garages and Single Car Parking) of this Section. Vehicles shall be parked completely within the driveway or parking pad 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.

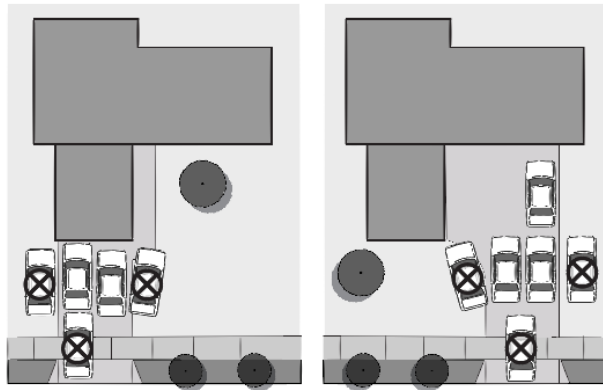
Figure 3-17: Allowed Front Yard Parking



C. Prohibited Front Yard Parking.

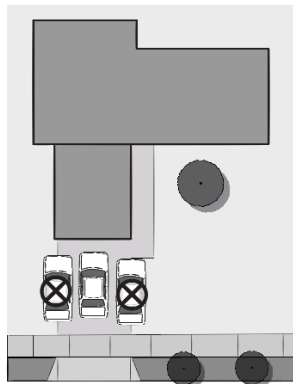
1. Vehicles shall not be parked outside the driveway width area leading to approved garage or parking spaces or other approved parking pad or in any other manner inconsistent with subsection B (Allowed Front Yard Parking) of this Section. (See Figure 3-18: Prohibited Front Yard Parking.)

Figure 3-18: Prohibited Front Yard Parking



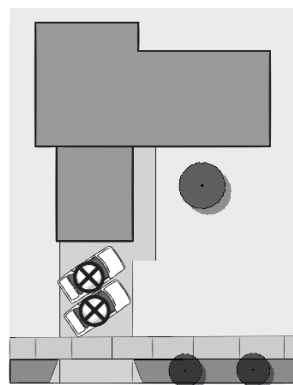
2. Parking where vehicles are “straddling” or are partially on the driveway or parking pad and partially on an unpaved or paved surface next to the driveway is prohibited. (See Figure 3-19: Vehicles Straddling Driveway Prohibited.)

Figure 3-19: Vehicles Straddling Driveway Prohibited



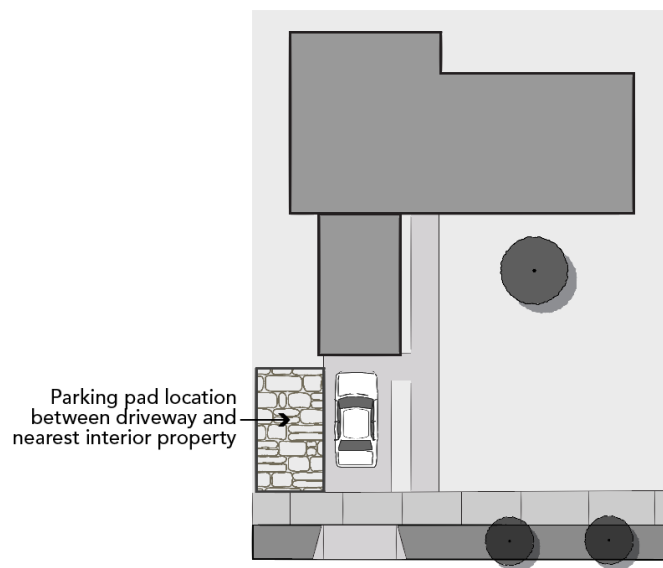
3. Vehicles shall not be parked diagonally or in any other configuration that would require vehicle circulation outside the width of the driveway area, except as provided in Section 17.72.090.C (Tandem Parking). (See Figure 3-20: Diagonally Parked Vehicles Prohibited.)

Figure 3-20: Diagonally Parked Vehicles Prohibited



- D. Single Car Garages and Single Car Parking.** Residential properties that have parking configurations of a single car garage or single car surface parking similar to Figure 3-21: Single Car Driveway may establish an additional parking pad between the driveway and the nearest 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 and one-half 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 3-21: Single Car Driveway



- E. Legal Non-Conforming Front Yard Parking.** In cases where permits have been granted prior to allow parking in the front yard area that is not in conformance with subsection B of this Section; Or, in cases where evidence has been provided that the pavement surfacing has been constructed for the purposes of parking a vehicle in compliance with Section 12.38.040 (Parking and Driveway Standards) prior to the adoption of Ordinance No. 941 (1982 Series) establishing Section 17.70.170.C, such parking shall be considered a legal non-conforming use, and may continue.

17.76.050 – Fences, Walls, and Hedges

All fencing and walls that are visible from a public right-of-way shall be maintained so that fencing materials and support are structurally sound, with no missing materials. Where hedges are used as screening, trimming or pruning shall be

employed as necessary to maintain the maximum allowed height. Fences and walls shall be maintained and shall stand upright and shall not lean.

17.76.060 – Neighborhood Preservation

- A. Generally.** 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 conditions described in this Section are found to exist.
- B. Trash Receptacles.** Trash, green waste, and recycling receptacles shall not be within the front yard (see definition of “front yard” in Section 17.158.016 – F Definitions) area except as provided in Chapter 8.04, and as stated below:
- Trash and garbage containers shall not be placed adjacent to the street for pickup more than 24 hours before pickup time, and such containers shall be removed within the 12-hour period following pickup. Trash and recycling containers shall not be placed adjacent to the street for pickup before 5:00 PM or the close of business on the day preceding pickup, whichever is later. Such containers located within the C-D zone shall be removed before 10:00 AM following pickup.
- 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 allowed by zoning and building codes. Multi-unit residential developments that are approved for individual waste wheelers shall remove waste wheelers from the common area visible from the public right-of-way in compliance with this Section. Multi-unit residential developments with shared bin service shall utilize approved enclosure locations consistent with project approvals.
- C. Abandoned Buildings.** Buildings that are abandoned partially destroyed or damaged or left in an unreasonable state of partial construction, and 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 12 months or more. A partially destroyed or damaged building means any building or structure in which 25 percent or more of the structure has been destroyed or damaged and not repaired or replaced for a period of 12 months 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 years or more, and the condition of this unfinished building or structure or accumulation of construction materials substantially detracts from the appearance of the immediate neighborhood.
- D. Paint and Finish Materials.** 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 percent of the exterior surface area visible from the public right-of-way or adjacent properties, or 500 square feet, whichever is less, including but not limited to, chipping, curling, damaged, or missing paint. Exterior surfaces shall include gutters, downspouts, trim, doors, windows, fences, and walls.
- E. Structures and Machines.** 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.

- F. Parking Areas.** Parking lots, driveways, paths, or other paved surfaces, except when located in a rear or side yard of a single unit dwelling, which contain substantial cracks, potholes, or other deficiencies posing a substantial risk of harm to the public.
- G. Vegetation.** 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 inches 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.
- H. Graffiti.** 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.
- I. Violations.** Any violation of the provisions of a Minor Use Permit, Conditional Use Permit, planned development permit, architectural review approval, Variance, or other land use entitlement or land use permit.
- J. Public Nuisance.** 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.

17.76.070 – Prohibited Acts

- A. Unlawful Acts.** It is unlawful for any person, firm, or corporation that owns, occupies, or controls property in the City to maintain or fail to maintain such property in violation of this Chapter.
- B. Type of Offense.** Any person who violates Section 17.76.100 (Screening), 17.76.030 (Front Yard Paving), 17.76.040 (Front Yard Parking), 17.70.150.B (Furniture), 17.76.050 (Fences, Walls, and Hedges), 17.76.060.B (Trash Receptacles) or 17.76.060.D through H (Neighborhood Preservation) shall be guilty of an infraction. Violations shall be punishable as contained in Chapter 1.12. 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.

17.76.080 – 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 in compliance with Section 8.24.020(B) of the City’s 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 City’s Municipal Code.

17.76.090 – Roofs

- A. Furniture.** 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. All such furniture and accessories located on a roof deck shall be secured as necessary to prevent wind damage or dislocation.

17.76.100 – Screening

- A. Screening of Visible Storage and Maintenance.** Parking, storage, stockpiling, or maintenance of any of the following items on private property shall be screened from view from any public right-of-way, except as otherwise provided in this Chapter. Objects and activities will be considered “screened” when they are either not visible from a public right-of-way or behind a solid six-foot-high fence, wall, or hedge where such fence, wall, or hedge is otherwise allowed by zoning and building codes.
- 1. 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.
 - 2. Materials.** Building materials, including but not limited to packing boxes, lumber, dirt piles, wood, landscape materials, or debris.
 - 3. Recreational Vehicles and Related Devices.**
 - a.** Any airplane or other aircraft, or any parts thereof.
 - b.** Special mobile equipment or parts thereof, such as tar wagons, water trailers, and similar devices as defined in Section 575 of the Vehicle Code.
 - c.** Boats, trailers, camper shells, recreational vehicles, jet skis or similar devices, or parts from any of these items, unless exempted by Section 17.86.210 (Recreational Vehicles: Use as Dwelling; Parked on a Private Lot).
 - 4. Exceptions.** The following may be allowed in front yards under the noted circumstances:
 - a.** Waste haulers and recycling containers may be placed for pickup in compliance with Chapter 8.04 and Section 17.76.060 (Neighborhood Preservation).
 - b.** 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.
 - c.** Building materials, vehicles, equipment, or construction tools may be placed in yards during construction with a valid building permit.
 - d.** 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.
 - e.** 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 compliance with all other limitations on that business.
 - f.** Barbecues and furniture that is designed and intended for outdoor use (“Outdoor Furniture” as defined in Section 17.158) may remain on a porch or in a walled front patio where the walls are designed in compliance with fence height regulations. Recreational furniture, including but not limited to, gaming tables such as ping-pong tables, billiards tables, and foosball tables, are not to remain in front yards when not actively being used, even if designed and intended for outdoor use.
 - g.** Recreational vehicles and trailers with current licenses may be parked in driveways consistent with Section 17.86.210 (Recreational Vehicles: Use as Dwelling; Parked on a Private Lot).
 - h.** Parking of personal, operable vehicles may be parked in compliance with Section 17.76.040 (Front Yard Parking).
- B. Screening of Mechanical and Electrical Equipment.** All exterior mechanical and electrical equipment shall be screened or incorporated into the design of buildings so as not to be visible from the public right-of-way or adjacent

residential zones. Equipment to be screened includes, but is not limited to, all roof-mounted equipment, air conditioners, heaters, utility meters, cable equipment, telephone entry boxes, backflow preventions, irrigation control valves, electrical transformers, pull boxes, and all ducting for air conditioning, heating, and blower systems. Screening materials shall be consistent with the exterior colors and materials of the building. Exceptions to this Section are subject to the Director's review and approval via Director's Action (Chapter 17.108: Director's Action). In granting a request for an exception, the Director shall find screening is infeasible due to health and safety or utility requirements.

- C. Screening of Outdoor Sales and Storage.** Screening shall be required for all outdoor sales and storage as set forth in subsection A (Screening of Visible Storage and Maintenance) of this Section.

Chapter 17.78 Flood Damage Prevention

Sections:

- 17.78.010 – Statutory Authorization, Findings of Fact, Purpose, and Methods
- 17.78.020 – Definitions
- 17.78.030 – General Provisions
- 17.78.040 – Administration
- 17.78.050 – Provisions for Flood Hazard Reduction
- 17.78.060 – Variance Procedure for Floodplains

17.78.010 – Statutory Authorization, Findings of Fact, Purpose, and Methods

- A. Statutory Authorization.** The Legislature of the State has in Government Code Sections 65302, 65560, and 65800 conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Council does hereby adopt these floodplain management regulations.
- B. Findings of Fact.**
1. The flood hazard areas of the City are subject to periodic inundation, which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
 2. These flood losses are caused by uses that are inadequately elevated, floodproofed, or protected from flood damage. The cumulative effect of obstructions in areas of special flood hazards that 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), and/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.** To accomplish its purposes, this Chapter includes regulations to:
1. Restrict or prohibit uses that are dangerous to health, safety, and property due to water or erosion hazards, or that result in damaging increases in erosion or flood heights or velocities;

2. Require that uses vulnerable to floods, including facilities that 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 that may increase flood damage;
5. Prevent or regulate the construction of flood barriers that will unnaturally divert floodwaters or that may increase flood hazards in other areas; and
6. These regulations take precedence over any less restrictive conflicting local laws, ordinances, and codes.

17.78.020 – Definitions

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, and as defined in Chapter 17.158 (General Definitions) under “Floodplain Management Regulations.”

17.78.030 – 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.
- 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 are the minimum areas 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 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 here shall prevent the 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 human-made or natural causes. This Chapter does not imply that land outside the areas of special flood hazards or uses allowed within such areas will be free

from flooding or flood damages. This Chapter shall not create liability on the part of the Council, any officer or employee thereof, the State, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this Chapter or any administrative decision lawfully made hereunder.

17.78.040 – Administration

- A. Designation of the Floodplain Administrator.** The Public Works Director or his/her 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;
 - e. If the proposed development is within a designated infill 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. Ensure procedures are coordinated with other departments/divisions and implemented by Community Development Department staff.
 - 3. Review, Use, and Development of Other Base Flood Data.** When base flood elevation data has not been provided in compliance with Section 17.78.030.B (Basis for Establishing the Areas of Special Flood Hazard), 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 17.78.050 (Provisions for Flood Hazard Reduction).

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

4. **Notification of Other Agencies.**
 - a. **Alteration or Relocation of a Watercourse.**
 - (1) Notify adjacent communities and the California Department of Water Resources prior to alteration or relocation;
 - (2) Submit evidence of such notification to the Federal Emergency Management Agency; and
 - (3) Ensure that the flood carrying capacity within the altered or relocated portion of the watercourse is maintained.
 - b. **Base Flood Elevation Changes Due to Physical Alterations.**
 - (1) Within six months of information becoming available or project completion, whichever comes first, the floodplain administrator shall submit or ensure that the permit applicant submits technical or scientific data to FEMA for a letter of map revision (LOMR).
 - (2) 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 17.78.050.A.3 and 17.78.050.D (lowest floor elevations);
 - b. Certification required by Section 17.78.050.A.3 (elevation or floodproofing of nonresidential structures);
 - c. Certification required by Section 17.78.050.A.3 (wet floodproofing standard);
 - d. Certification of elevation required by Section 17.78.050.C.1 (subdivisions and other proposed development standards);
 - e. Certification required by Section 17.78.050.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 FEMA.
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 17.78.030.C (Compliance).
8. **Biennial Report.** Complete and submit biennial report to FEMA.
9. **Planning.** Ensure the General Plan is consistent with floodplain management objectives here.
10. **Nonconversion of Enclosed Areas Below the Lowest Floor.** To ensure that the areas below one foot above the base flood elevation (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. 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:
 - (1) 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.
 - (2) 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 72 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 17.78.030.B (Basis for Establishing the Areas of Special Flood Hazard). Application for a development permit shall be made on forms furnished by the City. The applicant shall provide the following minimum information:
1. Plans in duplicate, drawn to scale, showing:
 - a. Location, dimensions, and elevation of the area in question, existing or proposed structures, storage of materials and equipment and their 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 17.78.030.B (Basis for Establishing the Areas of Special Flood Hazard) or subsection B.3 (Review, Use, and Development of Other Base Flood Data) 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 17.78.050.A.3 (Elevation and Floodproofing) 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 17.78.050.A.3 (Elevation and Floodproofing).
 3. For a crawlspace foundation, location and total net area of foundation openings as required in Section 17.78.050.A.3 (Elevation and Floodproofing) 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 (Documentation of Floodplain Development) of this Section.
- D. Appeals.** The Council 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.

17.78.050 – 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.* 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 Building Official to be properly elevated. Such certification and verification shall be provided to the floodplain administrator. All new construction or substantial improvements of residential structures shall have the lowest floor, including basement:
 - (1) In AE, AH, A1-30 zones, elevated one foot above the base flood elevation.
 - (2) 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.
 - (3) 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 17.78.040.B.3 (Review, Use, and Development of Other Base Flood Data).
 - (4) In an XB zone, above the base flood elevation.
 - b. *Nonresidential Construction.* All new construction or substantial improvements of nonresidential structures shall either be elevated to conform with subsection A.3 (Elevation and Floodproofing) of this Section or:
 - (1) Be floodproofed, together with attendant utility and sanitary facilities, below the elevation recommended under subsection A.3 (Elevation and Floodproofing) of this Section, so that the structure is watertight with walls substantially impermeable to the passage of water;
 - (2) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
 - (3) Be certified by a registered civil engineer or architect that the standards of subsection A.3 (Elevation and Floodproofing) 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:

- (1) 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
 - (2) Be certified by a registered civil engineer or architect.
- d. *Manufactured Homes.*
- (1) Manufactured homes located outside of manufactured home parks or subdivisions shall meet the elevation and floodproofing requirement in subsection A.3 (Elevation and Floodproofing) of this Section.
 - (2) Manufactured homes placed within manufactured home parks or subdivisions shall meet the standards in subsection D (Standards for Manufactured Homes Within Manufactured Home Parks or Subdivisions) 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.*
- (1) Attached Garages.
 - (a) A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for the automatic entry of floodwaters. See subsection A.3 (Elevation and Floodproofing) of this Section. Areas of the garage below the BFE must be constructed with flood-resistant materials. See subsection A.2 (Construction Materials and Methods) 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.
 - (2) 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 17.158.016 – F Definitions, under Floodplain Management Regulations, may be constructed such that its floor is below the base flood elevation (BFE), provided the structure is designed and constructed in compliance 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 (Floodways) of this Section; and
 - (vi) The accessory structure must be designed to allow for the automatic entry of floodwaters in compliance with subsection A.3 (Elevation and Floodproofing) of this Section.
- (b) Detached garages and accessory structures not meeting the above standards must be constructed in compliance with all applicable standards in subsection A (Standards of Construction) 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. Onsite waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

C. Standards for Subdivisions and Other Proposed Development.

1. All new subdivisions proposals and other proposed development, including proposals for manufactured home parks and subdivisions, greater than 50 lots or 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:
 - (1) Lowest floor elevation.
 - (2) Pad elevation.
 - (3) Lowest adjacent grade.
2. All subdivision proposals and other proposed development shall be consistent with the need to minimize flood damage.
3. All subdivision proposals and other proposed development shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
4. All subdivisions and other proposed development shall provide adequate drainage to reduce exposure to flood hazards.

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 (Anchoring) of this Section, construction materials and methods requirements in subsection A.2 (Construction Materials and Methods) of this Section, flood openings requirements in subsection A.3 (Elevation and Floodproofing) of this Section, and garages and low-cost accessory structure standards in subsection A.3 (Elevation and Floodproofing) of this Section. 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: (a) in a new manufactured home park or subdivision; (b) in an expansion to an existing manufactured home park or subdivision; or (c) 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, shall 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 shall 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 36 inches in height above grade.

Upon the completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered civil engineer or licensed land surveyor, and verified by the Building Official, 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 shall either:
 - a. Be on the site for fewer than 180 consecutive days; or
 - b. Be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect-type utilities and security devices, and has no permanently attached additions; or
 - c. Meet the permit requirements of Section 17.78.040.C (Development Permit) 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 that 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 allowed 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.
2. If the proposed development is within a designated infill 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 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 F.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.

17.78.060 – Variance Procedure for Floodplains

- A. Nature of Floodplain 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 contained 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 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, provided that the procedures of Sections 17.78.040 (Administration) and 17.78.050 (Provisions for Flood Hazard Reduction) 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 Chapter 158: General Definitions, under Floodplain Management Regulations) 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 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 Council believes will both provide relief and preserve the integrity of this Chapter.
5. Any applicant to whom a Variance is granted shall be given written notice over the signature of the floodplain administrator that:
 - a. The issuance of a Variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as 25 dollars for 100 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 shall maintain a record of all Variance actions, including justification for his/her issuance, and report such variances issued in its biennial report submitted to the Federal Emergency Management Agency.
- C. Authority to Grant Variances.** Notwithstanding the provisions of Chapter 17.114 (Variances) of these Zoning Regulations, the Council shall be responsible for conducting public hearings on Variances pertaining to the provisions of this Chapter and for acting upon such Variance applications.
1. In acting upon requests for Variances, the Council shall consider all technical evaluations, all relevant factors and 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 General 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 public nuisance, cause fraud and victimization of the public, or conflict with existing local laws or ordinances.
 3. Variances may be issued for new construction, substantial improvement, and other proposed new development necessary for the conduct of a functionally dependent use, provided that the provisions of subsections 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 of this Section and the purposes of this Chapter, the Council may attach such conditions to the granting of Variances as it deems necessary to further the purposes of this Chapter.

Chapter 17.80. Street Regulations

Sections:

17.80.010 – Building Setback Lines For Master Plan of Streets

17.80.020 – Street Right-of-Way Dedication and Improvement

17.80.010 – Building Setback Lines For Master Plan of Streets

- A. Title.** This Section shall be known and cited as the “Official Building Setback Line Ordinance” of the City.
- B. Purpose—Adoption of Building Setback Lines.** This Section 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.
- C. Purpose—Protection of Master Street and Highway Plan.** The purpose of this Section is to protect the master street and highway plan adopted by the City. The street and highway plan has been adopted in order to:
1. Serve as a general guide for the development of streets and highways;
 2. Promote the public welfare, safety, and convenience;
 3. Provide a comprehensive guide for capital outlay on street and highway improvements in the City;
 4. Provide an authentic source of information for residents and investors in the City;
 5. Obviate the menace to the public safety and the damage to property values resulting from inadequate provision of traffic thoroughfares.
- D. Designation on Maps—Contents of Maps.**
1. **City Engineer.** 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 Planning Commission, acting through the Council.
 2. **Scale.** The official building setback maps shall show all buildings adjacent to the street, or proposed street, at a scale of one inch equals 50 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.
- E. City Clerk to Keep Up-to-date Copies of Maps.**
1. **Up-to-Date Maps.** 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.
 2. **Not Recorded.** The maps shall not be recorded.
- F. Planning Commission Public Hearing.** In order to adopt any additional building setback line maps, the 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 as set forth in Chapter 17.122 (Public Notices and Hearings). The Planning Commission shall submit its findings in writing to the Council within 90 days after the notice of the hearing.
- G. Council Public Hearing.** Upon receipt of the report from the Planning Commission, the Council shall set a date for at least one public hearing and give public notice of the hearing as prescribed in Chapter 17.122 (Public Notices and Hearings). At such time as the hearing is concluded by the Council, it may adopt the official building setback

line map as an amendment to subsection H (Maps Are Part of Section Provisions) of this Section, or resubmit the map to the Planning Commission for further study.

- H. Maps Are Part of Section Provisions.** Official building setback line maps and all the notations on the maps are made a part of this Section at the time of their adoption by the Council, and the maps constitute subsections under this Sections. The centerline shown on any building setback line map is designated as the official centerline of the street.
- I. 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 43 feet in nonresidential zones and 38 feet in residential land use districts, on both sides of the centerline shown on the map.
- J. 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 43 feet in nonresidential zones and 38 feet in residential zones, on both sides of the centerline shown on the map, except on Sheets 2A and 3A as amended by Ordinance No. 346, 1966 Series.
- K. 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 43 in nonresidential zones and 38 feet in residential zones, on both sides of the centerline shown on the map.
- L. 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 43 feet in commercial and manufacturing land use districts, on both sides of the centerline shown on the map.
- M. Broad Street - Marsh to Southeast City Limits.** An official building setback line is established on both sides of Broad Street, from Marsh Street to the southeasterly City limit line, excepting therefrom that portion from Pismo Street to High Street, for 40 feet from the existing centerline of this portion of Broad Street.
- N. 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 compliance 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 Council by ordinance on February 16, 1982, and as amended by the Council by ordinance on August 16, 1994, on file in the office of the City Clerk. The setback line may be amended in the event that the City, at its sole discretion, chooses to construct, or cause to be constructed, improvements which require a reduced area.
- O. 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,” this map being dated May 17, 1965.
- P. South Higuera Street.** The map adopted by Ordinance No. 313, 1965 Series, is designated as the “Official Building Setback Line of South Higuera Street,” this map being dated June 7, 1965.
- Q. 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 compliance 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 Council by ordinance on April 21, 1981, and as amended by the Council by ordinance on September 18, 2001, on file in the office of the City Clerk.
- R. 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 45 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.

- S. **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 compliance with the map dated January 20, 1969, on file in the office of the City Clerk, and the line shall be 42 feet from the centerline on both sides of Higuera Street.
- T. **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 compliance with the map dated January 20, 1969, on file in the office of the City Clerk and the line shall be 40 feet from the centerline on both sides of Santa Rosa Street.
- U. **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 compliance with the official map dated November 3, 1969, on file in the office of the City Clerk, and the line shall be 29 feet from the centerline on both sides of Osos Street.
- V. **Santa Barbara Avenue - High Street to Broad Street.** An official building setback line is established at 37 feet easterly of the existing centerline of Santa Barbara Avenue, from High Street to Broad Street (State Highway 227), along with 17-foot radius property returns at the High Street and Roundhouse Avenue intersections, in compliance with the map dated November 6, 2001, on file in the office of the City Clerk.
- W. **No New Structures to Be in Setback Area—Exceptions.**
 - 1. **Building Setbacks.** 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 Section, nor within the setback areas designated under Article 2 of these Zoning Regulations, measured from the official setback lines established by this Section, except as provided for under subsection X (Appeals from Section 17.80.010) of this Section.
 - 2. **Exception for Existing Structures.** All buildings or structures as they are presently located and built along streets named in this Section, and for which setback lines have been or are hereby established, are expressly excepted from the effects hereof.
- X. **Appeals from Section 17.80.010**
 - 1. **Council Decision and Findings.**
 - a. **Variance Required.** The Council shall hear and decide appeals through the Variance procedures from the strict application of Section 17.80.010 for the modification of street setback standards or elimination of the setback ordinance from any property damaged thereby.
 - b. **Planning Commission Findings.** In order to make a recommendation contrary to the provisions stated in subsection W (No New Structures to Be in Setback Area—Exceptions) of this Section, or to recommend that any property be completely excepted from the building setback line restrictions, 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 therefrom; 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.

2. **Council Hearing for Building Permit.** 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 that 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 60 days within which it may choose, by resolution, to acquire such 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 to the applicant.

Y. Enforcement—Nonconforming Buildings and Structures Declared Unlawful and a Nuisance—Abatement.

1. **Building Official.** It shall be the duty of the Building Official to enforce this Section. The Building Official shall not issue any such permit in conflict with the terms of this Section, and any such permit or license issued in conflict with the provisions of this Section shall be null and void.
2. **Public Nuisance.** Any building or structure erected or moved contrary to the provisions of this Section 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.

17.80.020 – Street Right-of-Way Dedication and Improvement

- A. Purpose.** This Section establishes requirements and procedures for the purchase, dedication, and improvement of the street right-of-way specified in Section 17.80.010 (Building Setback Lines for Master Plan of Streets) and in the Circulation Element of the General Plan.

B. General Requirements and Procedures.

1. **City Engineer Responsibilities.** The City Engineer shall establish setback lines and grades for the purchase, dedication, or improvement of any street right-of-way specified in Section 17.80.010 (Building Setback Lines for Master Plan of Streets). The City Engineer shall also resolve any uncertainty regarding these setback lines and grades.
2. **Recordation of Nonconformities.** 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.
3. **Undergrounding of Utilities.** 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.
4. **Public Facilities.** 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.
5. **Street Trees.** 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.
6. **Private Signs.** Replaced private signs shall conform to the sign ordinance codified in Chapter 15.40.
7. **Curbside Parking.** The City cannot guarantee a permanent right to curbside parking.
8. **Subdivisions.** Notwithstanding the provisions of this Chapter, new subdivisions shall adhere to the requirements stated in Title 16 of this Municipal Code.

- C. Special Requirements.** The Council shall adopt a resolution establishing requirements under the following conditions:

1. Where the City initiates construction of a street widening and purchases property lying within a proposed right-of-way;

2. Where a property owner applies to improve property;
 3. Where a property owner applies for a use permit;
 4. Where a property owner voluntarily dedicates property lying within a proposed right-of-way.
- D. 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 the property. The appeal must be filed prior to execution of the agreement to make the dedication and/or improvements. 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 that does not apply to other properties similarly situated. 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.

ARTICLE 4: REGULATIONS FOR SPECIFIC LAND USES AND ACTIVITIES

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Chapter 17.86. Regulations For Specific Land Uses and Activities

Sections:

- 17.86.010 – Purpose and Applicability
- 17.86.020 – Accessory Dwelling Units and Guest Quarters
- 17.86.030 – Adult Entertainment Businesses
- 17.86.040 – Alcoholic Beverage Sales - Deemed Approved Regulations and Standards
- 17.86.050 – Alcoholic Beverage Sales – Bar, Live Entertainment, Late Night Service
- 17.86.060 – Alcoholic Beverages and Motor Fuel – Concurrent Sales
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- 17.86.260 – Temporary and Intermittent Uses
- 17.86.270 – Utilities Facilities
- 17.86.280 – Vending Machines
- 17.86.290 – Wireless Telecommunications Facilities

17.86.010 – Purpose and Applicability

The purpose of this Article 4 is to establish standards for the location, site planning, development, and operations of certain land uses that are allowed within individual or multiple zones, as set forth in Chapter 17.10 (Use Regulations), and for activities that require special standards to reduce their potential adverse impacts.

17.86.020 – Accessory Dwelling Units, Junior Accessory Dwelling Units, and Guest Quarters.

- A. Purpose and Applicability.** The purpose of this chapter is to prescribe development and site regulations that apply, except where specifically stated, to accessory dwelling units, and junior accessory dwelling units, and guest quarters, as defined in Chapter 17.156 (Land Use Definitions).
- B. Accessory Dwelling Units.** The provisions in this subsection shall apply to accessory dwelling units as defined in Chapter 17.156 (Land Use Definitions) and where allowed in compliance with Chapter 17.10 (Use Regulations).
 - 1. Purpose.** The purpose of this chapter is to provide for the creation of accessory dwelling units in a manner that is consistent with requirements identified in Government Code Section 65852.2, as amended from time

to time. Implementation of this section is meant to expand housing opportunities by increasing the number of smaller units available within existing neighborhoods.

2. General Requirements.

- a. **Application.** Where this section does not contain a particular type of standard or procedure, conventional zoning standards and procedures shall apply.
- b. **No Subdivision of Property.** No subdivision of property shall be allowed where an accessory dwelling unit has been established and the resulting subdivision does not maintain the primary residence on the same lot as the accessory dwelling unit(s).
- c. **Sale of Property.** This section shall apply to new owners of property where an accessory dwelling unit has been established. All conditions of director's action (if applicable), restrictive covenants and other contractual agreements with the city shall apply to the property and the new owners, except as allowed or prohibited by state law.
- d. **Applicability of Building Codes.** Accessory dwelling units shall conform to all applicable building and construction codes.

3. Specific Requirements and Standards

- a. **Zones Where Allowed.** An accessory dwelling unit can be created in the AG, C/OS, R-1, R-2, R-3, R-4, or O (Office) zone on lots with an existing or proposed residential structure. For the purposes of this section, structures that contain both commercial and residential uses are not considered residential structures.
- b. **Size of Accessory Dwelling Unit.** The gross floor area of an accessory dwelling unit shall be no less than 150 square feet and shall not exceed 850 square feet for a studio or one-bedroom unit, or 1,000 square feet for a unit containing at least two bedrooms.
 - (1) The director may authorize an exception to the square footage standards to allow an accessory dwelling unit up to 1,200 square feet through the director's action process. In the R-1 zone, this exception can only be approved on lots that are at least 12,000 square feet in area. In all other zones, exceptions shall be based on compatibility with the development pattern of the neighborhood.
- c. **Limitation on Number.** Only one accessory dwelling unit is permitted per lot.
- d. **Design Standards.** Accessory dwelling units shall conform to all applicable development standards of the underlying zone, including but not limited to height, setback area, parking, and building coverage, unless otherwise stated in this section or prohibited by state law.
 - (1) No passageway, defined as a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit, shall be required in conjunction with the construction of an accessory dwelling unit.
 - (2) No setback shall be required for an existing permitted structure that is converted to an accessory dwelling unit, or for an accessory dwelling unit that is constructed in replacement of an existing permitted structure, provided it is in the same location and has the same dimensions including height.
 - (3) A setback of no more than four feet from the side and rear lot lines are required for an accessory dwelling unit.
 - (4) Accessory dwelling units that include the creation of new square footage shall be limited to sixteen feet in height. Up to one hundred fifty square feet of new square footage may be exempted from this requirement in connection to a conversion of existing upper floor square footage, but only as needed to accommodate ingress and egress.

- i. In order to provide additional design options for accessory dwelling units, units that include the creation of new square footage can be constructed up to twenty-five feet in height if consistent with the setback standards provided in Article 2 (Zones, Allowable Uses and Development and Design Standards).
 - (5) Architectural style and form shall match the style and form of the primary residential structure(s) on the property.
 - (6) The materials of the accessory dwelling unit shall match the materials of the primary residential structure(s) on the property.
 - (7) The minimum required setback for any balcony or terrace above the first floor shall be increased by 10 feet from the adjacent property line(s). Upper level private or common open space areas provided as accessory to an accessory dwelling unit shall not exceed an aggregate area of 50 square feet. Roof decks or rooftop open spaces are prohibited.
 - (8) Exceptions to these design standards can be approved by the director, through director's action, subject to required findings (Section 17.108.040).
 - e. **Fire Sprinklers.** Accessory dwelling units shall not be required to provide fire sprinklers if fire sprinklers are not required for the primary residence.
 - f. **Parking Requirements.** No additional parking spaces shall be required for an accessory dwelling unit. If a garage or car port is converted or removed to accommodate an accessory dwelling unit, replacement parking is not required.
 - g. **Historic Resources.** Accessory dwelling units on listed historic properties and in historic districts shall be consistent with the historic preservation ordinance, including historic preservation guidelines and Secretary of the Interior Standards for the treatment of historic properties.
 - h. **Utility Connection Fees.** Where an accessory dwelling unit is created within an existing structure (primary or accessory), no new utility connection or payment of impact fees shall be required. For all other accessory dwelling units, a new utility connection for the accessory dwelling unit and payment of impact fees may be required if the accessory dwelling unit is seven hundred fifty square feet or more. New accessory dwelling units located in sewer capacity constrained areas are subject to Municipal Code Section 13.08.396 (Wastewater Flow Offset).
 - i. **Additional Accessory Dwelling Unit Types.** Accessory dwelling units that are consistent with Government Code Section 65852.2(e) will receive ministerial approval. The provisions of Government Code Section 65852.2(e) cannot be combined with other accessory dwelling unit provisions of Section 17.86.020 and no exceptions are available for projects subject to Section 65852.2(e). Building Permit applications to create accessory dwelling units consistent with Government Code Section 65852.2(e) shall clearly be labeled as such (e.g., "ADU-e"). In connection to the provision of Government Code Section 65852.2(e), multifamily dwelling structures shall be defined in accordance with Government Code Section 65589.5(h)(2).
4. **Procedure Requirements.** An accessory dwelling unit that meets the standards contained in this section shall be subject to ministerial review (building permit) and approval without discretionary review (i.e., use permit, architectural review, etc.) or public hearing.
- a. Within sixty days of receiving a complete application, the city shall approve any such application which complies with all applicable requirements and development standards identified in this chapter. When an accessory dwelling unit is proposed within a new residential structure, this sixty-day requirement shall only apply once all other aspects of the permit are approved.

- b. Building permit applications for accessory dwelling units on lots containing an existing primary dwelling or dwellings shall not include other changes or improvements to the property unless those improvements are required to facilitate the creation of the accessory dwelling unit.
 - 5. **No Short-Term Rental.** An accessory dwelling unit cannot be rented for a period of less than thirty days. Homestay use of an accessory dwelling unit is prohibited.
 - 6. **Violations.** Violation of any of the provisions shall be subject to basic code enforcement action as provided in Title 1.
- C. **Junior Accessory Dwelling Units.** The provisions in this subsection shall apply to junior accessory dwelling units as defined in Chapter 17.156 (Land Use Definitions) and where allowed in compliance with Chapter 17.10 (Use Regulations).
 - 1. **Purpose.** The purpose of this chapter is to provide for the creation of junior accessory dwelling units in a manner that is consistent with requirements identified in Government Code Section 65852.22, as amended from time to time. Implementation of this section is meant to expand housing opportunities by increasing the number of smaller units available within existing neighborhoods.
 - 2. **General Requirements.**
 - a. **Application.** Where this section does not contain a particular type of standard or procedure, conventional zoning standards and procedures shall apply.
 - b. **Areas Where Junior Accessory Dwelling Units Are Allowed.** Upon meeting the requirements of this section, junior accessory dwelling units may be established in any zone where the use of the property is a single-unit dwelling, either existing or proposed.
 - c. **Sale of Property.** A junior accessory dwelling unit shall not be sold independently of the primary dwelling on the parcel.
 - d. **Location.** A junior accessory dwelling unit must be created within the walls of a proposed or existing primary dwelling.
 - (1) Conversion of an existing garage into a junior accessory dwelling unit shall only be permitted if replacement parking is provided consistent with Sections 17.70.170 (Setbacks) and 17.76.040 (Front Yard Parking). No setback exception shall be approved to accommodate replacement parking.
 - e. **Size of Junior Accessory Dwelling Unit.** The gross floor area of a junior accessory dwelling unit shall not exceed five hundred square feet.
 - f. **Limitation on Number.** Only one junior accessory dwelling unit may be located on any residentially zoned lot. A junior accessory dwelling unit may only be located on a lot which contains one permitted single-family structure or in connection to the construction of a single-family structure. A junior accessory dwelling unit may be located on the same lot as an accessory dwelling unit under one of the following circumstances:
 - (1) The accessory dwelling unit was constructed at the same time as the single-family residence.
 - (2) The accessory dwelling unit was created through the conversion of existing space within a single-family residence or accessory structure.
 - (3) The accessory dwelling unit, either new or existing is a detached unit, and the detached accessory dwelling unit is no larger than 800 square feet, no taller than sixteen feet in height, and has setbacks of no less than four feet from side and rear lot lines.
 - g. **Applicability of Building Codes.** Junior accessory dwelling units shall conform to all applicable building and construction codes.
 - 3. **Performance Standards and Compatibility.**

- a. **Design Standards.** Junior accessory dwelling units shall conform to all applicable development standards of the underlying zone, including but not limited to height, setback area, parking, and building coverage and shall be subject to the provisions below. A junior accessory dwelling unit that conforms to this section shall not be considered a dwelling unit for the purpose of calculating density.
 - (1) A separate exterior entry shall be provided to serve a junior accessory dwelling unit.
 - (2) The interior connection to the main living area may be maintained or removed.
 - (3) At a minimum, junior accessory dwelling units shall include an efficiency kitchen, which shall contain a cooking facility, food preparation counter, and storage cabinets.
 - (4) Junior accessory dwelling units shall not be required to provide fire sprinklers if fire sprinklers are not required for the primary residence.
 - (5) No additional parking spaces shall be required for a junior accessory dwelling unit.
 - b. **Utility Connection Fees.** Where a junior accessory dwelling unit is created no new utility connection or payment of impact fees shall be required.
 - c. **Fire and Life Protection.** For purposes of any fire or life protection ordinance or regulation, a junior accessory dwelling unit shall not be considered a separate or new dwelling unit.
4. **Procedure Requirements.** A junior accessory dwelling unit that meets the standards contained in this section shall be subject to ministerial review (building permit) and approval without discretionary review (i.e., use permit, architectural review, etc.) or public hearing.
- a. Within sixty days of receiving a complete application, the city shall approve any such application which complies with all applicable requirements of this section.
 - b. Building permit applications for junior accessory dwelling units on lots containing an existing single-family residence shall not include other changes or improvements to the property unless those improvements are required to facilitate the creation of the junior accessory dwelling unit
5. **Owner Occupancy.** The owner of the property shall occupy either the primary residence or the junior accessory dwelling unit.
6. **Covenant Agreement.** Prior to the issuance of building permits for a junior accessory dwelling unit, a covenant agreement shall be recorded which discloses the structure’s approved floor plan and status as a “junior accessory dwelling unit” and agreeing that the owner of the property will occupy either the primary residence or the junior accessory dwelling unit. This agreement shall be recorded in the office of the county recorder to provide constructive notice to all future owners of the property.
7. **No Short-Term Rental.** A junior accessory dwelling unit cannot be rented for a period of less than thirty days. Homestay use of a junior accessory dwelling unit is prohibited.
8. **Violations.** Violation of any of the provisions shall be subject to basic code enforcement action as provided in Title 1.
- D. Guest Quarters.**
- 1. **Purpose and Intent.** The purpose of this section is to establish regulations for the development of guest quarters as an approved accessory use to a primary residential unit in accordance with Section 17.70.010 (Accessory Structures).
 - 2. **Applicability.** This section does not apply to legally established dwellings or accessory dwelling units, or accessory structures which are separately defined in Chapter 17.158 (General Definitions).
 - 3. **General Requirements.** Guest quarters shall conform to all applicable zoning regulations such as height, yards, parking, building coverage, etc., and shall be subject to the following provisions:

- a. **Accessory to Primary Residence.** Guest quarters may only be used in conjunction with a primary residence that contains a kitchen and may consist of detached structures or additions to primary structures. Only one guest quarters may be permitted per property.
 - b. **Size.** Guest quarters shall be no larger than four hundred fifty square feet.
 - c. **Density and Development Standards.** Guest quarters shall be consistent with density provisions and development standards of the underlying zone. For the purposes of calculating density in multi-unit residential zones, guest quarters will be considered an additional bedroom, accessory to the primary unit. The structure may not exceed four hundred fifty square feet and shall remain in an open floor plan (studio configuration).
 - d. **Zones in Which Guest Quarters May Be Allowed.** Upon meeting the requirements in this section, guest quarters 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-unit residential dwelling.
 - e. **Areas Prohibited.** Guest quarters 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. Guest quarters shall not be allowed on lots with an existing accessory dwelling unit.
 - f. **Owner Occupancy.** The property must be occupied by the property owner as the owner's primary place of residence. If a property can no longer be occupied as the owner's primary place of residence, the guest quarters may continue to be used as habitable space (e.g., office, pool house, art studio) but can no longer be used as overnight sleeping quarters.
 - g. **No Separate Rental.** Guest quarters may not be rented separately from the primary dwelling unit.
 - h. **No Kitchen Facilities.** No facilities meeting the definition of a "kitchen" as defined in Chapter 17.158 (General Definitions) may be installed and plumbing shall be provided for bathroom use only. No plumbing may be provided to "wet bars," dishwashers, or any features that could be used for a kitchen. Plans approved for construction of guest quarters shall not include countertops or plumbing designed for subsequent installation of sinks, dishwashers, garbage disposals, or any other features consistent with the definition of a "kitchen."
4. **Procedure Requirements.** Prior to filing building plans with the city building division, the following shall be met:
- a. **Design Review.** All requests shall be reviewed for consistency with the city's community design guidelines and this section. 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 the Interior Standards for treatment of a historic property.
 - b. **Owner's Agreement with the City.** Prior to the issuance of construction permits, a covenant agreement shall be recorded that discloses the structure's approved floor plan and status as "guest quarters," which cannot be used as an independent dwelling unit, and may only be used in conjunction with the primary residence that contains a kitchen. This agreement shall be recorded in the office of the county recorder to provide constructive notice to all future owners of the property. The covenant agreement also may contain authorization for annual inspections, and to allow the city upon reasonable time and notice to inspect the premises for compliance with the agreement and to verify continued compliance with requirements of this section and health and safety codes. If a property can no longer be occupied as the owner's primary place of residence, the guest quarters may continue to be used as habitable space (e.g., office, pool house, art studio) but shall no longer be used as overnight sleeping quarters.
 - c. **Conversion of Guest Quarters to an Accessory Dwelling Unit.** A legally established guest quarters may either be retained in its configuration or be converted to an accessory dwelling unit in compliance with the provisions of this chapter. (Ord. 1679 § 3, 2020; Ord. 1657 § 17, 2019; Ord. 1650 § 3 (Exh. B), 2018)

17.86.030 – Adult Entertainment Businesses

- A. 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 regarding public nuisances, unlawful or indecent exposure, sexual conduct, lewdness, obscene or harmful matter or the exhibition or public display thereof.

B. Definitions.

1. "Adult entertainment business" shall mean those businesses as defined as follows:

- a. 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:
- (1) 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."
 - (2) Instruments, devices or paraphernalia which are designed to be used in connection with "specified sexual activities;" or
 - (1) 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."
- b. "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.

- c. "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.”

- d. “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.
- e. **Exceptions.** An “adult entertainment business” shall not include:
 - (1) 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.
 - (2) Persons depicting “specified anatomical areas” in a modeling class operated:
 - (a) By a college, junior college, or university supported entirely or partly by public revenue; or
 - (b) 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
 - (c) In a structure operated either as a profit or not-for-profit facility:
 - (i) 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
 - (ii) where, in order to participate in a class, a student must enroll at least three days in advance of the class.
 - (3) The practice of massage in compliance with Chapter 5.56 of this Code.
- 2. **“Specified anatomical areas.”** “Specified anatomical areas” shall include the following:
 - a. 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
 - b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- 3. **“Specified sexual activities.”** “Specified sexual activities” shall include the following:
 - a. 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
 - b. Clearly depicted human genitals in a state of sexual stimulation, arousal or tumescence; or
 - c. Human or animal masturbation, sodomy, oral copulation, coitus, ejaculation; or
 - d. Fondling or touching of nude human genitals, pubic region, buttocks or female breast; or
 - e. Masochism, erotic or sexually oriented torture, beating or the infliction of pain; or
 - f. Erotic or lewd touching, lewd fondling or other lewd contact with an animal by a human being; or
 - g. Human excretion, urination, menstruation, vaginal or anal irrigations.

4. **“Individual viewing area.”** “Individual viewing area” shall mean a viewing area designed for occupancy by one person.
5. **“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.
6. **“Operator.”** “Operator” shall mean and include the owner, custodian, manager or person in charge of any adult entertainment business.
7. **“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.
8. **“Person.”** “Person” shall mean an individual, proprietorship, partnership, corporation, association, or other legal entity.
9. **“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.
10. **“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 mobile home park as defined in this Code.
11. **“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.
12. **“Sensitive uses.”** “Sensitive uses” shall include religious institutions, residential zones and schools.

C. Location of Adult Entertainment Businesses.

1. 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.
2. 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.
3. 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:
 - a. 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:
 - (1) 700 feet from any lot of land which is locate in a residential zone.
 - (2) 700 feet from any lot of land upon which a religious institution or school is located.
 - b. 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 lots of the land involved.

- D. **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 in compliance with 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:

1. 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.
2. Each adult entertainment business shall have a business entrance separate from any other nonadult business located in the same building.
3. 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.
4. 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.
5. 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.
6. 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.
7. 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.
8. 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 allowed 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 allowed access for any adult purpose, excluding restrooms, from at least one of the manager’s stations. The view required in this subsection shall be by direct line of sight from the manager’s station.
9. No individual viewing area may be occupied by more than one person at any one time. 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.
10. Off-street parking shall be provided for the adult entertainment business in compliance with the parking provisions of San Luis Obispo Municipal Code Chapter 17.72 (Parking and Loading).
11. An off-site security program shall be prepared and implemented including the following items:
 - a. 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 foot candle (10 luxes) (one candlepower) of light on the parking surface and/or walkway.
 - b. 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 foot candles (20 luxes) (two candlepower) of light on the floor surface.

- E. **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.
- F. **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.

17.86.040 – Alcoholic Beverage Sales - Deemed Approved Regulations and Standards

- A. **Title of Deemed Approved Alcoholic Beverage Sale Regulations.** The provisions of this Section shall be known as the “Alcoholic Beverage Sales - Deemed Approved Regulations.”
- B. **Purpose of Alcoholic Beverage Sales - Deemed Approved 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 Minor Use Permit or Conditional Use Permit approval prior to the effective date of the deemed approved alcoholic beverage sale regulations comply with the deemed approved performance standards of subsection G of this Section and to achieve all of 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 Section 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; and
 6. To monitor that deemed approved activities do not substantially change in mode or character of operation.
- C. **Applicability of Alcoholic Beverage Sales - Deemed Approved Regulations.** This Section shall apply to the following alcoholic beverage sales commercial activities within the City which have been established without approval prior to the effective date of the ordinance codified in this Section and as defined in Chapter 17.156 (Land Use Definitions): 1) Eating and Drinking Establishments – Bars, Nightclubs, and Taverns, 2) Eating and Drinking Establishments – Restaurant with late hour alcohol service, and 3) Food and Beverage Sales – Liquor Stores.
- D. **Duplicated Regulation.** Whenever any provision of this Section and any other provision of law, whether identified in this Code, or in any other law, ordinance, or resolution of any kind, impose 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 this Section.
- E. **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 subsection 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.

F. Definitions. The meaning and construction of words and phrases in this Section shall be consistent with Article 9 (Definitions).

G. Alcoholic Beverage Sales - Deemed Approved Performance Standards.

1. **Title and Purpose.** The provisions of this subsection 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 Section.
2. **Standards.** These standards shall apply to the following alcoholic beverage sales commercial uses listed in Table 2-1: Uses Allowed by Zone, under the category “Eating and Drinking Establishments – Bars, Nightclubs, and Tavern” and “Eating and Drinking Establishments – Restaurant with late-hour alcohol service”, and “Food and Beverage Sales – Liquor Store,” as defined in Chapter 17.156 (Land Use Definitions). This Section is applicable to these uses under the following circumstances:
 - a. Alcoholic beverage commercial uses which have been established without approval prior to the effective date of the ordinance, June 18, 2012, codified in this Section.
 - b. Alcoholic beverage commercial uses which are inconsistent with Table 2-1: Uses Allowed by Zone of this Title and have been established prior to the effective date of the ordinance codified in this Section.
3. **Performance Standards and Deemed Approved Activities.** An activity shall retain its deemed approved status only if it conforms with all of the following deemed approved performance standards:
 - a. That it does not result in adverse effects to the health, peace or safety of persons residing or working in the surrounding area;
 - b. That it does not result in jeopardizing or endangering the public health or safety of persons residing or working in the surrounding area;
 - c. 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 between the hours of 12:00 midnight and 7:00 AM, traffic violations, curfew violations, lewd conduct, or police detentions and arrests;
 - d. That it does not result in violations to any applicable provision of any other City, State, or Federal regulation, ordinance or statute; and
 - e. 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.

H. Deemed Approved Status Procedure.

1. **Deemed Approved Status Procedure.** The provisions of this Section shall be known as the “Alcoholic Beverage Sales - Deemed Approved Status Procedure.” The purposes of these provisions are to: (1) provide notice of deemed approved status upon alcoholic beverage sales commercial activities applicable to this Section; (2) prescribe the procedure for the imposition of conditions of approval upon these activities; and (3) prescribe the procedure for appealing conditions of approval or the revocation of a deemed approved status.

2. **Automatic Deemed Approved Status.** All alcoholic beverage sales commercial activities applicable to this Section in compliance with subsection G of this Section shall automatically become deemed approved activities as of the effective date of the ordinance codified in this Section. Each such deemed approved activity shall retain its deemed approved status as long as it complies with the deemed approved performance standards in subsection G of this Section.
3. **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 or similar method providing proof of delivery and shall include a copy of the performance standards of subsection G of this Section, 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 this Chapter. Should the notice be returned, then the notice shall be sent via regular U.S. mail.
4. **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 subsection G of this Section, 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 Director 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.
 - (1) 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.
 - (2) 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 thirty 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 in compliance with this Section, or in compliance with procedures established by the City, shall not constitute grounds to cancel the public hearing or invalidate the actions for which the notice was given.

- (3) 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 or on the premises. At the public hearing, the administrative hearing officer shall determine whether the deemed approved activity conforms to the deemed approved performance standards identified in subsection G of this Section 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 10 calendar days after the date of decision unless appealed to the Planning Commission in compliance with Chapter 17.126 (Appeals).
5. **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 identified subsection G of this Section, 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 subsection G of this Section. 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 10 calendar days after the date of decision unless appealed to the Planning Commission in compliance with subsection H.6 of this Section. The decision of the Planning Commission shall be final unless appealed to the Council in compliance with subsection H.7 of this Section.
6. **Appeal to Planning Commission.** Appeals of the decisions of the administrative hearing officer may be filed in compliance with Chapter 17.126 (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.
7. **Appeal to Council.** Appeals of the decisions of the Planning Commission may be filed in compliance with Chapter 17.126 (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 deny 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.
- I. **Enforcement Procedure.**
1. **Applicability.** The provisions of this subsection shall apply to the enforcement of this Section.
 2. **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, this Section.
 3. **Infractions.** Any person who violates, causes, or permits another person to violate any provision of this Section is guilty of an infraction unless otherwise provided.

4. **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 this Section is committed, continued, allowed, or caused by such violator and shall be punishable accordingly.
5. **Any Violation a Public Nuisance.** In addition to the penalties provided in this subsection, any use or condition caused or allowed to exist in violation of any of the provisions of this Section shall be and is declared to be a public nuisance and may be summarily abated as such by the City.
6. **Injunction as Additional Remedy.** Any violation of any provision of this Section 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.
7. **Penalties.** Any person convicted of an infraction under the provisions of this subsection shall be punishable by a fine to the maximum allowed 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 allowed under State law.
8. **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.
9. **Enforcement.** The City shall designate the appropriate personnel to enforce the provisions of these regulations.

17.86.050 – Alcoholic Beverage Sales – Bars and Restaurants with Late Night Alcohol Service

- A. **Purpose and Applicability.** The provisions in this Section shall apply to Eating and Drinking Establishments - Bars and Taverns, and Eating and Drinking Establishments – Restaurant with Late-Night Alcohol Service as defined in Chapter 17.156 (Land Use Definitions) and where allowed in compliance with Chapter 17.10 (Use Regulations). The purpose of this Section is to protect and promote the public health, safety, comfort, convenience, prosperity, and general welfare, and to ensure operations are compatible with surrounding neighborhoods.
- B. **Alcohol Outlet Operational Requirements.** The following standards shall apply to all Alcohol Outlets:
 1. **Noise.** The proposed use shall operate in conformance with the City Noise Ordinance (M.C. Chapter 9.12, Noise Control) to maintain compatibility with the nearby residences and businesses. The applicant shall make reasonable efforts to minimize the potential for adverse noise and crowd impacts on adjacent establishments and nearby residences, including, but not limited to, ensuring that all windows and doors are closed no later than 10:00 PM, nightly.
 2. **Hours of Operation.** Hours of operation for the alcohol services shall not be outside the hours from 8:00 AM until 11:00 PM each day of the week, unless otherwise specified by a Use Permit.
 3. **Menu Service.** Full food service shall be available at all times alcohol is served, unless otherwise specified by the Use Permit. The restaurant shall have full meals and restaurant service available during all hours of operation, consistent with the approved hours of operation for the proposed use, unless otherwise specified by the Use Permit.
 4. **Events.** Tables, chairs, and the general floor plan layout shall remain consistent with approved plans and may not be removed or modified for late night operation or special events to create a performance stage, dance floor, or similar area for performance/assembly unless approved by a separate City-issued permit.
 5. **Entertainment.** Entertainment shall maintain an ambient level, which is clearly incidental, that allows for normal conversation levels, and for which no cover fee or ticket is required. Live or amplified entertainment that meets the definition of a Live Entertainment shall not be allowed without the approval of a Live

Entertainment Permit. Upon review of a Live Entertainment Permit, the hours of operation may be re-evaluated or restricted.

6. **Employee Training.** All employees shall attend ABC LEAD Training or equivalent training. The property management shall be responsible for on-going security/safety training to accommodate changes in personnel. The property management is responsible at all times for verifying the legal age of patrons, for monitoring patrons' onsite alcohol consumption, and for declining to serve alcohol to patrons who demonstrate signs of intoxication or impairment associated with alcohol consumption, based on training provided to all staff. The property management shall not permit its patrons to leave the licensed premises with any alcoholic beverage or to consume alcoholic beverages on any property adjacent to the licensed premises under the control of the licensee(s).
 7. **Security.** The applicant shall submit a security plan for approval by the Police Department. The applicant shall maintain and operate a video recording system that records activity at all entrances and exits during all business hours. The video shall be of a quality suitable for later identification of customers and staff. It will be recorded in a manner that may be retrieved and provided to police immediately upon demand. Video data shall be retained for a minimum of 72 hours or as otherwise required by law.
 8. **Alcohol License.** Business shall be conducted in a manner that will not violate any provisions of the California Alcoholic Beverage Control Act, prohibiting the sale of alcohol to minors; maintaining the public health, morals, convenience, and safety; and taking reasonable steps to correct any objectionable conditions on the premises and immediately adjacent to the premises.
- C. Required Findings.** In order to grant approval of a Minor Use Permit or Conditional Use Permit, the review authority shall make the following findings in addition to findings contained in Section 17.110.070 (Required Findings):
1. The use shall be consistent with the Zoning Regulations and the 2012 Alcohol Outlet Regulations to reduce public safety problems associated with alcoholic beverage sales and provide for properly maintained alcohol outlets so that negative impacts generated by these activities are not harmful to the surrounding environment.
 2. The use will not result in adverse effects to the health, peace, or safety of persons residing or working in the surrounding area;
 3. The use will not result in jeopardizing or endangering the public health or safety of persons residing or working in the surrounding area;
 4. The use will not result in violations to any applicable provision of any other City, State, or Federal regulation, ordinance or statute; and
 5. The use is compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood.
- D. Restrictive Conditions.** The review authority is allowed to impose conditions to satisfy the requirements of the Municipal Code and to impose more restrictive conditions than outlined in C above prior to approving an Alcohol Outlet.

17.86.060 – Alcoholic Beverages and Motor Fuel – Concurrent Sales

- A. General Prohibition.** Concurrent sales of motor fuel and alcoholic beverages at a service/fueling station other than beer or wine are prohibited. For purposes of this Section, "Alcoholic Beverages and Motor Fuel – Concurrent Sales" 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/fueling station that permits a customer to pay for motor fuel and beer or wine at the same location or utilizing a single financial transaction, is engaging in concurrent sales of motor fuel and beer or wine and shall be subject to this Section.

- B. Permit Requirement and Use Regulations.** The concurrent sales of motor fuel and beer or wine at a service/fueling station shall be subject to the approval of a Minor Use Permit or Conditional Use Permit per the provisions of the applicable zone as set forth in Chapter 17.10 (Use Regulations), in addition to the following:
1. There shall be no sales of beer or wine for onsite consumption;
 2. Beer or wine may be sold only in conjunction with selling groceries and other sundries and convenience items;
 3. There shall be no advertisement or display of beer or wine visible from off the premises;
 4. No beer or wine shall be displayed within five feet of the cash register or front door;
 5. 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;
 6. No sales of beer or wine shall be made from a drive-in window;
 7. No display or sales of beer or wine shall be made from an ice tub;
 8. Employees on duty between the hours of 10:00 PM and 2:00 AM who sell beer or wine shall be at least 21 years of age.
- C. Required Findings.** In order to grant approval of a Use Permit, the review authority shall make the following findings in addition to findings contained in Section 17.110.070 (Required Findings):
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, and particularly, 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/fueling station is otherwise allowed within the same zone at this location and the sale of beer or wine concurrent with motor fuel would not result in the expansion of a nonconforming use.

17.86.070 – Bed and Breakfast Establishments

- A. Purpose and Applicability.** The provisions in this Section shall apply to bed and breakfast establishments, as defined in Chapter 17.156 (Land Use Definitions) and where allowed in compliance with Chapter 17.10 (Use Regulations). The purpose is 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 are consistent with or does not negatively affect the character or function of the neighborhood and surroundings.
- B. Applications and Approvals Required.** In addition to the applicable permit requirements identified in Chapter 17.10 (Use Regulations), 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 establishment.
- C. General Standards.** The following standards apply to all bed and breakfast establishments in the R-3, R-4, and AG zone districts:
1. The principal building of the bed and breakfast establishment shall 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. A bed and breakfast establishment shall comply with all other provisions of the zone in which it is located and shall comply with all other ordinances of the City.
 4. A business license issued by the City is required and remittance of transient occupancy tax is required.

5. The home shall not be used by the public or paying guests for the hosting of receptions, private parties involving persons other than paying guests, or the like.
6. Meals, if provided, shall be served only to residents and overnight guests of the bed and breakfast establishment.
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 to allow for a bed and breakfast establishment, nor shall such a structure be removed to provide parking for such a use.

D. Site Development and Performance Standards in the R-3 and R-4 Zones. These additional standards apply to bed and breakfast establishments in the R-3 and R-4 zones:

1. The minimum parking setback for guest/employee spaces shall be 15 feet from the front property line and any street side yard and five feet from the rear and side property lines. The parking area shall be screened from direct view of the public right-of-way by a completely planted visual barrier.
2. 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.
3. The number of guest rooms allowed 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 rooms. The manager's quarters shall be valued based on number of bedrooms but in no case shall be less than 1.0 density unit. Other factors used in determining the appropriate number of guest rooms that may be allowed in any location shall include the relationship of the site to parking, access, character, size, and scale of surrounding uses.
4. Sites with historic structures shall balance outdoor space for guest use with space required for off-street parking needs, as determined by the Planning Commission.
5. Any other conditions deemed essential and desirable by the Planning Commission may be imposed on such a use.

E. Site Development and Performance Standards in the Agriculture (AG) Zone. These additional standards apply to bed and breakfast establishments in the agriculture (AG) zone:

1. The establishment of a bed and breakfast establishment shall not result in the conversion of land in agricultural production.
2. Factors used in determining the appropriate number of guest rooms that may be allowed 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 allowed exceed 15.

F. Findings Required. In approving a bed and breakfast establishment and in addition to the findings required for the applicable Use Permit, the review authority shall make all of the following findings:

1. The establishment of the bed and breakfast establishment is consistent with the General Plan.
2. The establishment of the bed and breakfast establishment 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 establishment does not constitute undue concentration of such establishments that would negatively affect the appearance and/or function of the surrounding neighborhood.
4. The establishment of the bed and breakfast establishment is compatible with and will not be detrimental to the character of the neighborhood and surrounding land use.

17.86.080 – Cannabis

- A. Purpose.** The purpose of this section is to protect the public health, safety, and welfare, enact strong and effective regulatory and enforcement controls in compliance with state of California law, protect neighborhood character, and minimize potential for negative impacts on people, communities, and the environment within the city of San Luis Obispo by establishing land use requirements and development standards for cannabis activities. Cannabis activity, as defined in Section 17.156.008 (C Definitions), includes the cultivation, possession, manufacturing, processing, storing, laboratory testing, labeling, transporting, distribution, delivery, or sale of cannabis or a cannabis product for either personal or commercial use. Therefore, this section recognizes that cannabis activities require land use controls due to state legal constraints on cannabis activity, and the potential environmental and social impacts associated with cannabis activity. Nothing in this section is intended to affect or alter federal law, which identifies marijuana (cannabis) as a Schedule I controlled substance.
- B. Applicability.** Nothing in this section shall be construed to allow any conduct or activity relating to the cultivation, distribution, dispensing, sale, or consumption of cannabis that is otherwise illegal under local or state law, statute, rule or regulation. It is neither the intent nor the effect of this chapter to condone or legitimize the illegal use, consumption or cultivation of cannabis under state or local law and nothing herein is intended to interpret, alter, interfere with or in any way affect otherwise applicable federal law.
- C. Definitions.** See Chapter 17.156, Land Use Definitions (Table 2-1: Uses Allowed by Zone). Terms used in this section that are defined terms under state cannabis statutes or regulations shall have the same meaning as the respective state definition, as now defined or as the definition may be amended by the state in the future, except as otherwise specifically provided in Chapter 17.156, Land Use Definitions (Table 2-1: Uses Allowed by Zone), or Chapter 9.10, Cannabis Regulations.
- D. Personal Cultivation.**
- 1. Indoor Personal Cultivation.** Indoor personal cultivation of cannabis does not require a permit and is allowed in all private residences subject to all the following minimum performance standards:
 - a.** All indoor personal cultivation shall occur only inside a private residence or fully enclosed and secure accessory building or structure to a private residence. Accessory building or structure for indoor personal cultivation of cannabis does not include a greenhouse or hoop structure.
 - b.** Structures and equipment used for indoor cultivation, such as indoor grow lights, shall comply with all applicable building, electrical and fire code regulations as adopted by the city.
 - c.** All accessory buildings and structures used for indoor cultivation shall comply with the city's zoning regulations and building codes.
 - d.** Indoor personal cultivation of cannabis may occur inside a dwelling and/or an accessory building or structure, subject to the following restrictions:
 - i.** The cumulative cultivation for cannabis shall not exceed six cannabis plants per private residence.
 - ii.** All personal cultivation shall be conducted by persons twenty-one years of age or older, and the cumulative total of cannabis plants per private residence, indoor and outdoor, shall not exceed six cannabis plants, regardless of the number of persons residing on the property.
 - e.** Personal cultivation of cannabis shall not interfere with the primary occupancy of the building or structure, including regular use of kitchen(s) or bathroom(s).
 - f.** Cannabis cultivation must be concealed from public view at all stages of growth and there shall be no exterior evidence of cannabis cultivation occurring at the property visible with normal unaided vision from any public place, or the public right-of-way. Personal cultivation of cannabis shall be shielded to confine light and glare to the interior of the structure.

- g. Nothing in this section is intended, nor shall it be construed, to preclude any landlord from limiting or prohibiting personal cultivation of cannabis by tenants.
 - h. Nothing in this section is intended, nor shall it be construed, to authorize commercial cultivation of cannabis at a private residence.
 - i. Personal cultivation of cannabis shall not create: offensive odors or excessive dust, heat, noise, light, glare, smoke, traffic, or hazards due to the use or storage of materials, processes, products or wastes, or other unreasonable impacts to persons of normal sensitivity who are living, working or lawfully present in the vicinity of the personal cultivation.
 - j. Cannabis cultivation areas in a private residence shall be locked at all times when the cultivator is not present.
- 2. Outdoor Personal Cultivation.** Outdoor personal cultivation of cannabis does not require a permit and is allowable at all private residences, subject to all of the following minimum performance standards:
- a. Outdoor personal cultivation of cannabis is not permitted in the front yard between the public right-of-way and the private residence. Outdoor personal cultivation is only permitted in a rear or side yard that is entirely enclosed by a solid, opaque fence that is associated with a private residence used for residential purposes.
 - b. The cannabis plants shall be placed at a minimum setback of five feet from the edge of canopy to the property line.
 - c. Cannabis cultivation must be concealed from public view at all stages of growth and there shall be no exterior evidence of cannabis cultivation occurring at the property visible by normal unaided vision from a public place or the public right-of-way. Cultivation may occur within a greenhouse or hoop structure (as long as it complies with the performance standards), but mixed light cultivation is prohibited.
 - d. All outdoor personal cultivation shall be conducted by persons twenty-one years of age or older.
 - e. The cumulative total of cannabis plants cultivated outdoor shall not exceed six cannabis plants per parcel containing a private residence, regardless of the number of persons residing on the property, and regardless of the number of private residences on the parcel.
 - f. Nothing in this section is intended, nor shall it be construed, to preclude any landlord from limiting or prohibiting cannabis cultivation by tenants.
 - g. Nothing in this section is intended, nor shall it be construed, to authorize commercial cultivation of cannabis at a private residence outdoors.
 - h. Outdoor personal cultivation of cannabis shall not create: offensive odors or excessive dust, heat, noise, light, glare, smoke, traffic, or hazards due to the use or storage of materials, processes, products or wastes, or other unreasonable impacts to people of normal sensitivity living, working or lawfully present in the vicinity of the personal cultivation.

E. Commercial Cannabis Businesses.

1. Commercial Cannabis Operator Permit.

- a. No person or entity shall operate or conduct a commercial cannabis activity or commercial cannabis business without first obtaining both a commercial cannabis operator permit from the city pursuant to Chapter 9.10, Cannabis Regulations, and a use permit from the city pursuant to this chapter to conduct the commercial cannabis activity at a specific location. Any permit authorizing commercial cannabis activity pursuant to this chapter shall be conditioned upon the holder obtaining and maintaining a city commercial cannabis operator permit and the appropriate state license for the activity.

- b. A commercial cannabis activity pursuant to this chapter may be transferred, assigned, or bequeathed, by operation of law or otherwise as described in Section 9.10.120.
 - c. The commercial cannabis operator permit must be renewed each year.
 - d. Expiration of the use permit shall be consistent with Section 17.104.070.
2. **No Vested Right to Operate.** No person shall have any entitlement or vested right to operate a cannabis business solely by virtue of licensing under these regulations. Operation of cannabis activity(ies) requires both the approval of a conditional use permit and a commercial cannabis operator permit under Chapter 9.10, which is a revocable privilege and not a right in the city. The applicant bears the burden of proving that all qualifications for licensure have been satisfied and continuously maintained prior to conducting a cannabis business at an otherwise allowed location within the city.
3. **State Application Required.** Filing a local application for cannabis activity(ies) with the city does not constitute an application with the state of California. A separate state application and license process must be followed through with the state.
4. **Application Requirements.** All commercial cannabis activities require qualification through the commercial cannabis operator selection approval process in Chapter 9.10, Cannabis Regulations, a state license and a use permit for a specific location pursuant to this chapter. The application for a use permit shall include the following information:
- a. Site plan, floor plans, and a general description of the nature, square-footage, parking and type of cannabis activity(ies) being requested.
 - b. An operations plan including:
 - i. A security plan to the approval of the chief of police, pursuant to criteria approved by resolution of the city council, including but not limited to on-site security measures both physical and operational and, if applicable, security measures for the delivery of cannabis associated with the commercial cannabis business and payment of taxes and fees;
 - ii. Plan for restriction of access by minors;
 - iii. Employee safety and training plan;
 - iv. Odor, noise and light management plan;
 - v. Estimated energy usage and energy efficiency plan;
 - vi. Estimated water usage and water efficiency plans;
 - vii. Waste management plan; and
 - viii. For retail sales, provide an educational material dissemination plan.
 - c. Proposed signage:
 - i. Must comply with city's sign regulations for size, area and type of sign, no exceptions allowed.
 - ii. Internal illumination of signs is prohibited.
 - iii. No portion of the cannabis plant may be used in any sign visible from the public right-of-way.
 - iv. Provide sign size, height, colors, and design of any proposed signage at the site.
 - v. Must include a sign inside the premises that states: "Smoking, ingesting, vaping, eating or consuming cannabis or cannabis products on this site or in a public place is prohibited."
 - vi. Must include a sign at each entrance of a retail storefront that prohibits persons under twenty-one years of age from entering.

- d. An analysis that demonstrates neighborhood compatibility and a plan for addressing potential compatibility issues.
 - e. Applications for retail storefronts shall include a vicinity map showing at least one thousand feet of surrounding area and the distances to the following uses: any preschool, elementary school, junior high school, high school, public park or playground, six hundred feet from any licensed daycare center, and three hundred feet from a residentially zoned area. Youth centers do not require a buffer. Distance shall be measured from the nearest point of the property line of the site that contains the commercial cannabis activity to the nearest point of the property line of the enumerated use using a direct straight-line measurement.
 - f. Proof of ownership, option to purchase, (or lease agreement or option to lease with landowner's express written consent to the proposed commercial cannabis activity(ies) to be conducted on the premises) or other proof of right to apply for the permit at the location.
 - g. A list of all other uses on the property.
5. **Commercial Cannabis Development Standards.** Each cannabis business is required to meet the following standards:
- a. Qualification through the Chapter 9.10, Cannabis Regulations, commercial cannabis operator selection process to apply for a commercial cannabis operator permit. Submittal of a use permit application to conduct the commercial cannabis business within the zones specified for each type of commercial activity listed below.
 - b. Commercial cannabis facilities shall be allowed in areas demarcated with CAN overlay zoning and as allowed in the underlying zone for each type of commercial cannabis activity.
 - c. All commercial cannabis facilities shall be sited and/or operated in a manner that prevents cannabis odors from being detected off site. Commercial cannabis activities shall not create offensive or excessive odors, dust, heat, noise, light, glare, smoke, traffic, or hazards due to the use or storage of materials, processes, products or wastes, or other unreasonable impacts to people of normal sensitivity living, working or lawfully present in the vicinity of the commercial facility.
 - d. All commercial cannabis operations must be concealed from public view at all times and there shall be no exterior evidence of cannabis or cannabis products occurring at the property visible with normal unaided vision from any public place, or the public right-of-way. Commercial manufacturing of cannabis or cannabis products shall be shielded to confine light and glare to the interior of the structure.
 - e. All commercial cannabis facilities shall include adequate measures that address enforcement priorities for commercial cannabis activities, including restricting access to the public and to minors and ensuring that cannabis and cannabis products are only obtained from and supplied to other permitted licensed sources within the state and not distributed out of state.
 - f. The use permit to be issued under this chapter shall include, but is not limited to, the following conditions:
 - i. The obtaining and maintaining of the commercial cannabis operator permit and appropriate state license.
 - ii. Payment of all applicable current and future state and local taxes and all applicable commercial cannabis fees and related penalties established by the city council, including but not limited to application, administrative review, inspection, etc.
 - iii. The commercial cannabis operator permit or a controlling interest in the permit may not be assigned, transferred or bequeathed, by operation of law or otherwise, unless permitted as described in Chapter 9.10, and the permit shall terminate automatically on such event.

- iv. Any commercial cannabis operator permit issued pursuant to this chapter and Chapter 9.10 expires after one year, unless renewed.
- v. Prohibition of on-site consumption of cannabis at: (A) at a commercial cannabis business or commercial cannabis activity location; (B) any other business, club or cooperative or event, regardless if open to the public or only to members; and (C) anywhere an entry or other fee is charged to attendees or the host or thing of value or consideration is received or exchanged.
- vi. Prohibition of the possession, storage, sale, distribution or consumption of alcoholic beverages on the premises, or the holding of license from the State Division of Alcoholic Beverage Control for the sale of alcoholic beverages, or operating a business that sells alcoholic beverages on or adjacent to the commercial cannabis activity site.
- vii. No cannabis products or cannabis accessories may be displayed in windows or visible from the public right-of-way or from places accessible to the general public.
- viii. Prohibition of minors and persons under the age of twenty-one on the premises, even if accompanied by a parent or guardian.
- ix. Outdoor storage of cannabis or cannabis products is prohibited.

6. Commercial Cultivation.

- a. **Commercial Cannabis Cultivation.** Commercial cannabis cultivation may be conditionally permitted indoors only, subject to the requirements of this section and the obtaining and maintaining of a commercial cannabis operator permit pursuant to Chapter 9.10, Cannabis Regulations, and appropriate state license, in the following zones:
 - i. Service commercial (C-S);
 - ii. Manufacturing (M);
 - iii. Business park (BP).
- b. A maximum of seventy thousand square feet of cumulative canopy area (includes total canopy of either horizontal or vertical growing situations) for cultivation and nurseries shall be allowed for indoor commercial cannabis cultivation in the city within the zones identified above, including microbusinesses under subsection (E)(12) of this section.
- c. Outdoor commercial cannabis cultivation, including but not limited to cultivation in greenhouses, hoop structures, and by mixed light (part daylight/part artificial light), is prohibited. All commercial cannabis cultivation shall be conducted only inside a fully enclosed, legally permitted structure that meets all applicable building and other codes.
- d. Commercial cannabis cultivation conditional permits include the following:
 - i. **Specialty Cultivator.** A maximum of no more than five thousand square feet of canopy of indoor cultivation (either in horizontal or vertical growing situations) and includes processing.
 - ii. **Small Cultivator.** A maximum of no more than ten thousand square feet of canopy of indoor cultivation (either in horizontal or vertical growing situations) and includes processing.
 - iii. **Nursery, Cannabis.** A maximum of no more than ten thousand square feet of indoor propagation area (either in horizontal or vertical growing situations).
- e. **Development Standards.**
 - i. Compliance with subsection (E)(5) of this section, Commercial Cannabis Development Standards.

- ii. Canopy areas shall be easily identifiable for inspection and measurement. Each unique area included in the total canopy calculation shall be separated by an identifiable boundary such as an interior wall or by at least ten feet of open space (see “Canopy” definition in Chapter 17.156).
 - iii. All indoor cannabis cultivation shall be designed to accomplish zero net energy use from the start of the operation.
 - iv. Pesticides and fertilizers shall be properly labeled, stored, and applied to avoid and prevent contamination through erosion, leakage, or inadvertent damage from rodents, pests, or wildlife.
- 7. Manufacturing.**
- a. **Manufacturing (Nonvolatile) Permissible.** Nonvolatile cannabis or cannabis products manufacturing may be conditionally permitted indoors only, subject to the requirements of this section and the obtaining and maintaining of a commercial cannabis operator permit pursuant to Chapter 9.10, Cannabis Regulations, and appropriate state license, in the following zones:
 - i. Service commercial (C-S);
 - ii. Manufacturing (M);
 - iii. Business park (BP).
 - b. **Manufacturing (Volatile) Prohibited.** Cannabis or cannabis products manufacturing involving volatile solvents, processes, compounds or substances is prohibited.
 - c. **Development Standards.**
 - i. Compliance with subsection (E)(5) of this section, Commercial Cannabis Development Standards.
 - ii. Outdoor manufacturing of cannabis or cannabis products is prohibited.
 - iii. A complete description of all products used in the manufacturing process including the cannabis supply chain, liquids, solvents, agents, and processes.
 - iv. Storage protocol and hazard response plan.
 - v. Employee safety and training equipment plan, plus materials safety data sheet requirements, if any.
- 8. Distribution.**
- a. Commercial cannabis distribution may be conditionally permitted, subject to the requirements of this section and the obtaining and maintaining of a commercial cannabis operator permit pursuant to Chapter 9.10, Cannabis Regulations, and appropriate state license, in the following zones:
 - i. Service commercial (C-S);
 - ii. Manufacturing (M);
 - iii. Business park (BP);
 - b. **Development Standards.**
 - i. Compliance with subsection (E)(5) of this section, Commercial Cannabis Development Standards.
- 9. Testing Laboratory.**
- a. Commercial cannabis testing may be conditionally permitted, subject to the requirements of this section and the obtaining and maintaining of a commercial cannabis operator permit pursuant to Chapter 9.10, Cannabis Regulations, and appropriate state license, in the following zones:
 - i. Service commercial (C-S);
 - ii. Manufacturing (M);

- iii. Business park (BP);
 - iv. Office (O).
- b. Development Standards.**
- i. Compliance with subsection (E)(5) of this section, Commercial Cannabis Development Standards.
 - ii. The cannabis testing laboratory, as proposed, will comply with all the requirements of the state for the testing of cannabis, including dual licensure and participation in an authorized track-and-trace program.
 - iii. The owners, investors, permittees, operators, and employees of the cannabis testing laboratory will not be associated with, nor have any financial interest in, any other form of commercial cannabis activity.
 - iv. The cannabis testing laboratory is accredited by an appropriate accrediting agency as approved by the state and further described in Health and Safety Code Section 5238 and as it may be amended.
 - v. The cannabis testing laboratory operating plan demonstrates proper protocols and procedures for statistically valid sampling methods and accurate certification of cannabis and cannabis products for potency, purity, pesticide residual levels, mold, and other contaminants according to adopted industry standards.

10. Retail—Storefront.

- a. Commercial cannabis storefront retail may be conditionally permitted, subject to the requirements of this section and the obtaining and maintaining of a commercial cannabis operator permit, and the appropriate state license, in the following zones:
 - i. Retail commercial (C-R);
 - ii. Service commercial (C-S);
- b. Development Standards.**
- i. Compliance with subsection (E)(5) of this section, Commercial Cannabis Development Standards.
 - ii. Only three retail storefronts, which must front arterial streets, will be allowed within the city. Selection of the retail commercial cannabis operator will be selected from qualified commercial cannabis operators as set forth in Chapter 9.10, Cannabis Regulations. One of the retail storefronts shall have a medicinal license and may also have an adult use license.
 - iii. Retail storefronts shall be located at least one thousand feet from any preschool, elementary school, junior high school, high school, public park or playground, six hundred feet from any licensed day care center, and three hundred feet from any residentially zoned area. Youth centers do not require a buffer. Distance shall be measured from the nearest point of the property line to the nearest point of the property line of the enumerated use using a direct straight-line measurement.
 - iv. Retail storefronts must be separated from each other by at least one thousand feet.
 - v. Hours of operation shall be limited between nine a.m. to eight p.m.
 - vi. Must include a sign at each entrance of a retail storefront that prohibits persons under twenty-one years of age from entering.

11. Retail—Non-Storefront (Delivery Services).

- a. Commercial cannabis non-storefront retail may be conditionally permitted, subject to the requirements of this section and the obtaining and maintaining of a commercial cannabis operator permit pursuant to Chapter 9.10, Cannabis Regulations, and the appropriate state license, in the following zones:

- i. Service commercial (C-S);
 - ii. Manufacturing (M);
 - iii. Business park (BP).
- b. Development Standards.**
- i. Compliance with subsection (E)(5) of this section, Commercial Cannabis Development Standards.
 - ii. Hours of delivery shall be limited between six a.m. to ten p.m.
- 12. Microbusiness.**
- a.** Microbusinesses fall into two groups as described below and may be conditionally permitted, subject to the requirements of this section and the obtaining and maintaining of a commercial cannabis operator permit pursuant to Chapter 9.10, Cannabis Regulations, and the appropriate state license, in the following zones:
- i. Microbusinesses with no more than fifty percent of the gross receipts being from cultivation, distribution and manufacturing are allowed in the following zones:
 - (a) Retail commercial (C-R).
 - ii. Microbusinesses with no more than fifty percent of the gross receipts being from storefront retail sales are allowed in the following zones:
 - (a) Manufacturing (M);
 - (b) Business park (BP).
 - iii. Microbusinesses located in the service commercial (C-S) zone are not limited by gross sales receipts from cultivation, distribution, manufacturing or retail sales.
- b.** Microbusinesses are subject to the seventy thousand square feet of canopy cultivation citywide limitation (either in horizontal or vertical growing situations) and the limit of three retail storefronts fronting arterial streets citywide set forth in subsection (E)(10) of this section.
- c. Development Standards.**
- i. Compliance with subsection (E)(5) of this section, Commercial Cannabis Development Standards.
 - ii. A maximum of seventy thousand square feet of cumulative canopy for cultivation and nurseries shall be allowed for indoor cultivation in the city within the allowed land use zones.
 - iii. All indoor cannabis cultivation shall be designed to accomplish zero net energy use from the start of the operation.
 - iv. Pesticides and fertilizers shall be properly labeled, stored, and applied to avoid and prevent contamination through erosion, leakage, or inadvertent damage from rodents, pests, or wildlife.
 - v. Only three retail storefronts, which must front arterial streets, will be allowed within the city. Selection of the retail commercial cannabis operator will be selected from qualified commercial cannabis operators as set forth in Chapter 9.10, Cannabis Regulations. One of the retail storefronts shall have a medicinal license and may also have an adult use license.
 - vi. Any microbusiness with a retail storefront shall require a planning commission use permit.
 - vii. Retail storefronts shall be located at least one thousand feet from any preschool, elementary school, junior high school, high school, public park or playground, six hundred feet from any licensed day care center, and three hundred feet from any residentially zoned area. Youth centers do not require

a buffer. Distance shall be measured from the nearest point of the property line to the nearest point of the property line of the enumerated use using a direct straight-line measurement.

- viii. Retail storefronts must be separated from each other by at least one thousand feet.
- ix. Hours of retail shall be limited to between nine a.m. to eight p.m. and delivery shall be limited to between six a.m. to ten p.m.
- x. Must include a sign at each entrance of a retail storefront that prohibits persons under twenty-one years of age from entering. (Ord. 1647 § 5 (Exh. B), 2018)

17.86.090 – Convenience Stores

A. Purpose and Intent. It is a goal of the City to allow for the establishment of small-scale, low impact, locally oriented and easily accessible commercial enterprises near or within residential areas to serve the day-to-day needs of neighborhood residents and to promote walking, biking, and other forms of non-motorized transportation for local trips. The standards in this Section are intended to ensure convenience stores will serve persons who live or work in nearby neighborhoods, and who will normally not need a vehicle to get to the market. The standards are aimed to ensure such stores 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 are necessary to guard against such stores from becoming a nuisance to the neighborhood.

B. Standards. The following standards shall apply to all convenience stores:

1. **Maximum Size.** Gross floor area shall not exceed 4,500 square feet per business. Floor area for any accessory residential use shall not be counted toward the allowed store floor area.
2. **Height, Setback, and Lot Coverage.** Convenience stores shall comply with the height, setback, and coverage requirements for the underlying zone, except that stores 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 shall be allowed only between the hours of 8:00 AM and 9:00 PM.
4. **Hours of Operation.** Convenience stores shall open for business no earlier than 7:00 AM and shall close no later than 10:00 PM, and close no later than 8:00 PM in residential zones, unless otherwise specified by use permit.
5. **Alcohol Sales.** Convenience stores within residential zones may sell beer and wine but shall be prohibited from selling distilled spirits of any kind.
6. **Performance Standards.** Convenience stores shall comply with Article 3 (Regulations and Standards Applicable to All Zones). 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.** Convenience stores shall be compatible with neighboring structures in terms of scale, massing, architectural style or character, colors and materials, access, exterior lighting, and landscaping.
8. **Required Findings.** In acting to approve a convenience store in a residential zone, the review authority shall be required to make the following findings:
 - a. That the convenience store is located on a site that is of sufficient size to accommodate the use proposed and any required site improvements;
 - b. That the property will be developed and used in a manner that encourages and supports pedestrian, bicycle, and other forms of non-motorized vehicle access by customers; and
 - c. That the convenience store will not result in any adverse public health, safety, and general welfare impacts and in particular, that noise, traffic, lighting, odor control, and litter control impacts are sufficiently addressed.

17.86.100 – Day Care

- A. Intent.** The provisions identified 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.
- B. Permits Required.**
1. Adult day care facilities serving six or fewer clients onsite at one time and small family day care homes for eight or fewer children are considered residential uses for the purposes of Zoning Regulations. They may be established in all zones where dwellings are allowed. No discretionary permit is required.
 2. Adult day care facilities serving seven to 12 clients onsite 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 Director as a Director's Action. 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:
 - a. Complies with all applicable provisions of the fire code regarding health and safety;
 - b. Complies with property development standards contained in Chapter 17.70 (Site Development and General Development Standards) of this Title and with City sign regulations;
 - c. Has been issued a day care license from the State Department of Social Services; and
 - d. 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 discretionary review consistent with Table 2-1: Uses Allowed by Zone.
 4. **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 onsite 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.
- 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 Chapter 9.12 (Noise Regulations) of the 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 AM.
 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.
- D. Exceptions.** Nothing in this Section shall prohibit applicants from requesting a Director's Action or Variance from the strict interpretation of the Zoning Regulations to the extent allowed by said regulations.

17.86.120 – Food Trucks (Mobile Food Vendors)

- A. Purpose and Applicability.** The purpose of this Section is to ensure that off-street food trucks, as defined in Chapter 17.156 (Land Use Definitions) and where permitted in Chapter 17.10 (Use Regulations), are compatible with surrounding and adjacent uses and does not create an adverse impact on adjacent properties by reason of noise, parking, and litter.
- B. Permit and Licenses Required.** In addition to obtaining a Temporary Use Permit pursuant to Chapter 17.113 (Temporary Use Permits), operators of food trucks shall comply with the provisions of Chapter 5.16 (Solicitors and Peddlers) of the Municipal Code and the following.

1. **Health Permit Required.** The food truck operator must have a valid permit issued by the County Department of Health. All required County Health permits must be in the possession of the food truck operator at all times during operations within the City.
 2. **Business License Required.** The food truck operator must have a valid business license issued by the City. As part of its application for a business license, the food truck operator shall furnish to the City evidence of insurance, as deemed acceptable in the reasonable discretion of the City, against liability for death or injury to any person as a result of ownership, operation, or use of its vending vehicles.
 3. **Hours of Operation.** No food truck shall operate before 6:00 AM or after 11:00 PM, including set up and clean up.
 4. **Written Approval of Owner.** The written approval of the owner of the location shall be obtained. A copy of this approval shall be provided to the Director prior to operating at the location. The food truck operator shall maintain proof of the owner's approval in the vehicle. The person operating the food truck shall present this proof upon the demand of a peace officer or City employee authorized to enforce these provisions.
 5. **Consolidation.** At the discretion of the Director, the following requests may be reviewed and permitted as a single, consolidated operation: requests to operate more than one food truck by the same applicant or food truck business owner, multiple requests for mobile food vending vehicle on a private property, or in conjunction with a Temporary Use Permit for a larger event.
- C. **Operational Requirements.** Food truck operators operating on private property shall comply with the following requirements:
1. **Parking Location.** The vehicle shall only be stopped, standing, or parked on surfaces paved with concrete, asphalt, or another all weathered material.
 2. **Staffing.** A minimum of one person shall attend a food truck during the permitted hours of operations.
 3. **Food.** Only the sale of food items for immediate consumption is permitted. Sale of food items in glass containers is prohibited.
 4. **Vehicle Types.** No food may be sold from a vehicle used a dwelling or recreational vehicle. Only commercial vehicles with current registration with the State are allowed to operate food trucks.
 5. **Litter Removal.** The food truck and surrounding property shall be maintained in a safe and clean manner at all times. The food truck operator must remove litter caused by its products from any public and private property within a 25-foot radius of the vending vehicle's location.
 6. **No Discharge of Liquid.** The food truck operator shall not discharge any liquid (e.g., water, grease, oil, etc.) onto or into City streets, storm drains, catch basins, or sewer facilities. All discharges shall be contained and properly disposed of by the food truck operator.
 7. **Noise.** The food truck operator shall be subject to the noise provisions set forth in Chapter 9.12 (Noise Control) of the Municipal Code. The operation shall at all times be conducted in a manner not detrimental to surrounding properties or residents by reason of lights, noise, activities, parking or other actions. The operator shall prohibit loitering at the site and shall control noisy patrons onsite and those leaving the premises. No amplified music or loudspeakers shall be permitted.
- D. **Additional Conditions and Requirements.** This Section permits the Director or designee to exercise the discretion to review and request additional information, take authorized action, and impose additional conditions that are more restrictive than allowed in this Section.

17.86.130 – Fraternities and Sororities

A. Applicability. The provisions in this Section shall apply to “Fraternities and Sororities,” as defined in Chapter 156 (Land Use Definitions) and where permitted in Chapter 17.10 (Use Regulations). This Section is intended to promote the quality of life in residential neighborhoods by ensuring that dwelling units housing multiple persons who are members of a fraternity or sorority provide adequate support facilities for the intensity of associated use, and that such uses are operated in a manner that is not detrimental to the neighborhood in which they are located due to excessive noise, inadequate off-street parking, general property maintenance, and similar conditions. The following standard conditions shall apply to all fraternities and sororities.

1. Occupancy shall be limited to not more than one resident per 60 square feet of building area. The landlord shall allow the City to verify occupancy by allowing an inspection of the records or by a visual inspection of the premises. Any inspection shall be at a reasonable time and shall be preceded by a 24-hour notice to the residents.
2. The maximum number of persons allowed onsite for routine meetings and gatherings shall not exceed the limit established by the applicable Conditional Use Permit.
3. The fraternity or sorority shall remain affiliated and in good standing with the Interfraternity Council of Student Life and Leadership at California Polytechnic University, San Luis Obispo. If the fraternity or sorority becomes unaffiliated or no longer held in good standing with California Polytechnic University, the Conditional Use Permit shall be revoked.
4. The landlord shall provide names and telephone numbers of responsible persons to the Community Development Department and SLOPD Neighborhood Services Manager on an annual basis. Responsible persons shall be available during all events and at reasonable hours to receive and handle complaints.

B. Required Findings. In acting to approve a Conditional Use Permit for a fraternity or sorority, the review authority shall be required to make the following findings:

1. As conditioned, the project will not be detrimental to the health, safety, and welfare of persons living or working at the site or in the vicinity because conditions have been included that place limits on the number of persons allowed onsite, restricts activities, provides adequate parking, and limits potential disturbances to neighboring properties. The project will be compatible with site constraints and the character of the neighborhood.
2. The proposed project is consistent with General Plan Land Use policy and 2.6.5 and Housing Element policy 8.6 to locate student housing projects, fraternities, and sororities in close proximity to the Cal Poly campus and other student-oriented uses and housing.
3. As conditioned, the proposed use is consistent with the Zoning Regulations because the number of residents is consistent with the group housing maximum occupancy limits and the parking configuration is consistent with neighboring properties and results in an adequate number of parking spaces for residents.

17.86.140 – Home Occupations

A. Purpose and Applicability. The provisions set forth in this Section are intended to allow the conduct of businesses in residential dwellings which are incidental to and compatible with surrounding residential uses, and includes the definition of Live/Work.

B. Permit Required.

1. The conduct of a 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.

2. Upon receipt of a completed application for a home occupation use, a public notice shall be posted at the site of each proposed home occupation as required for a Director's Action, Chapter 17.108 (Director's Action). If any person 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 in Chapter 17.110 (Minor Use Permits and Conditional 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.
3. State-licensed small-family child day care operations for six or fewer children are exempt from home occupation regulations (see State Health and Safety Code, Section 1529.5).
4. The provisions in this Section shall apply to cottage food operations, as defined by Section 113758 of the State Health and Safety Code and subject to prior issuance of a permit for a cottage food operation from the County Health Agency, as required by Health and Safety Code Section 114365.

C. General Requirements.

1. Home occupations shall not have characteristics which would reduce residents' enjoyment of their neighborhoods. The peace and quiet of residential areas shall be maintained.
2. A home occupation use shall not allow any clients or customers without prior appointments and shall not allow more than six appointments or clients in any one day.
3. Businesses with customer access shall maintain at least one onsite customer parking space in addition to the 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.
4. Activities shall be conducted entirely within the dwelling unit or an enclosed accessory building. The appearance of all buildings shall be residential in nature. Horticultural activities may be conducted outdoors.
5. Sales and rental activities may be conducted on premises, provided that storage and display area shall not occupy more than 500 square feet of the principal building and any permitted accessory structure.
6. There shall be no advertising of the home occupation by street address, except that street addresses may be included on business cards and business correspondence originating from the home.
7. For a home occupation use in a residential zone, no vehicle larger than a van or longer than 20 feet 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 square feet of advertising. Licensed vehicles and trailers used in connection with a home occupation are limited to one additional vehicle and/or trailer.
8. The home occupation use and associated activities shall not encroach on any required parking, setback area, or open space area.
9. 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.
10. No use shall create or cause noise, dust, vibration, smell, smoke, glare, electrical interference, or other hazard or nuisance.
11. No more than one employee other than residents of the dwelling shall be allowed to work onsite within a residential district, and no more than two employees within a nonresidential district. Babysitters or domestic servants are not considered employees of a home occupation.

12. Clients or customers shall not visit the home occupation between the hours of 8:00 pm and 7:00 am.
 13. If the home occupation is to be conducted from rental property, the property owner's authorization for the proposed use shall be obtained.
 14. No delivery or commercial pick-up shall be by vehicles larger than a typical delivery van (FedEx, UPS, etc.).
- 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 allowed as home occupations.
1. Automotive repair (body or mechanical), or detailing, upholstery or painting of automobiles, when performed on the same site as the home occupation.
 2. Carpentry or cabinet making.
 3. Welding or machining.
 4. Medical offices, clinics, and laboratories, except that counseling is allowed when no more than one client visit or group session is held at one time.
 5. Appliance, radio, or television repair.
 6. Print shops or photograph development; digital photo production is allowed.
 7. Gun or ammunition sales, including off-site work and by mail order.
 8. 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 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.

17.86.150 – Homeless Shelters

- A. Purpose.** The requirements of this Section apply only to homeless shelters in the PF zone which may be established without a discretionary permit. Homeless shelters in other zones subject to discretionary review will be reviewed in the context of the City's Good Neighbor Policy adopted in Council Resolution No. 10525 (2014 Series) and may be subject to conditions of approval with requirements that vary from these standards.
- B. Standards.** The following standards shall apply to all homeless shelters.
1. The shelter shall be operated by a responsible agency or organization with experience in managing or providing social services.
 2. The shelter shall provide at least one qualified onsite supervisor at all times, plus one attendant for each 50 occupants.
 3. No new homeless shelter shall be established within 300 feet of an existing homeless shelter. This restriction may be modified by an Administrative Use Permit.
 4. 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.
 5. 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.
 6. Each homeless shelter shall be limited to a maximum occupancy of 250 persons (in total), including warming shelters and daytime facilities.

7. A management plan shall be required to address how the immediate sheltering needs of individuals who may be turned away from the shelter will be handled. The management plan shall establish a maximum length of time for which clients may be accommodated.

17.86.160 – Homestay Rentals

- A. Purpose and Intent.** The purpose of this Section is to allow owner-occupied homestay rentals as defined in Chapter 17.156 (Land Use Definitions) and where permitted in Chapter 17.10 (Use Regulations) with reasonable standards to preserve neighborhood character and quality of life.
- B. Permit Required.** The conduct of a homestay rental requires the approval of a Homestay Permit by the Director, who may establish additional conditions to further the intent of this Section. If anyone informs the Community Development Department of a reasonable objection concerning the proposed homestay within the public notification period, the Director may schedule a hearing for the application pursuant to the requirements of a Minor Use Permit.
- C. Application Requirements.**
 1. Operators of homestays in all zones are required to obtain a homestay permit and a business license.
 2. The operator of the homestay shall pay transient occupancy tax and tourism business improvement district tax as required by the Municipal Code.
 3. The operator of the homestay shall annually provide verification of primary residence through the homeowner's property tax exemption or other appropriate documentation.
 4. The operator of the homestay shall provide the name and contact information of a responsible party in the application if the owner-occupier anticipates he or she may not be on the premises at all times during the homestay rental.
- D. Performance Standards.**
 1. Homestays shall comply with the property development and performance standards set forth in Article 2 (Zones, Allowable Uses, and Development and Design Standards) and Article 3 (Regulations and Standards Applicable to All Zones).
 2. All building and fire code regulations shall be met.
 3. The number of overnight guests shall be limited to four adults. Bedrooms shall meet the minimum size requirements as defined in the Building Code.
 4. At all times when a homestay rental is occurring, the owner or responsible party shall be within a 15-minute drive of the property. The owner or responsible party shall be available via telephone 24 hours a day, seven days a week, to respond to complaints regarding the homestay. Contact information for the owner and responsible party shall be provided to homestay guests, adjacent neighbors and stated on the application.
 5. Upon sale or transfer of the home for which a homestay permit has been granted, a new homestay application shall be required within 60 days of the transfer. Failure to submit a new application as required within 60 days shall result in the termination of the existing allowed use.
 6. The homestay shall be limited to only the owner-occupied dwelling unit on the property. Homestays shall not be permitted within Recreational Vehicles or within Accessory Dwelling Units.
 7. Any advertisements for the homestay shall include the business license number. Onsite advertising of the homestay is prohibited.

E. Revocation of a Permit.

1. Violation of these requirements and standards shall constitute grounds for revocation of the homestay permit.
2. At any time, the permit can be referred to an administrative review hearing if determined by the Director upon receipt of substantiated written complaints from any resident, Code Enforcement Officer, or Police Department Officer, which includes information and/or evidence supporting a conclusion that a violation of the permit, or of City ordinances or regulations applicable to the property or operation of the homestay, has occurred. At the time of the permit review, to ensure compliance with applicable laws and conditions of permit, conditions of approval may be added, deleted or modified, or the permit may be revoked.

17.86.170 – Household Pets Boarding and Kennels – Outdoor Areas

- A. Purpose and Applicability.** The provisions in this Section shall apply to animal boarding/kennels and similar household pet board and care facilities, as defined in Chapter 17.156 (Land Use Definitions) and where allowed in compliance with Chapter 17.10 (Use Regulations). The purpose of this Section is to implement a humane policy that accommodates the comfort and convenience of caring for household pets by their humans within commercial facilities and ensures that operations are compatible with surrounding neighborhoods.
- B. Permit Required.** In addition to the permits required in Section 17.10.020 (Use Regulations by Zone), no person shall carry on the business of keeping household pets for breeding purposes or for medical treatment of household pets, or caring for household pets for hire, without first obtaining a permit pursuant to Chapter 6.20 (Animal Control Regulations) of the Municipal Code.
- C. Outdoor Facilities Standards.** Outdoor facilities shall function as recreational and instructional areas for the dogs accepted in the kennel. Kennels with an outdoor facility for household pets shall not be allowed in any residential or mixed-use project, and shall comply with the following standards:
 1. Outdoor facilities are to be allowed only as an accessory use and structure to an allowed kennel.
 2. Outdoor facilities shall be located outside of any required setback area or street frontage area. A minimum 10-foot setback for outdoor facilities shall be required for zones where a setback area is not defined.
 3. Outdoor facilities are only allowed when an allowed kennel is in operation. In no event shall an outdoor facility operate between the hours of 7:00 PM to 8:00 AM.
 4. All outdoor facilities shall be properly screened with walls and/or fencing.

17.86.180 – Manufacturing

Where manufacturing is allowed, accessory sale of items made on the premises is allowed.

17.86.190 – Outdoor Sales on Commercial and Residential Lots

- A. Sales of Christmas Trees and Other Agricultural Products.** Upon approval of a Temporary Use Permit by the Director, premises within nonresidential zones may be used for the sale of Christmas trees, pumpkins, flowers, seasonal produce, and the like, subject to the following requirements and any other conditions that the Director deems necessary:
 1. Sales shall be limited to Christmas trees, pumpkins, flowers, seasonal produce and the like 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 26th. 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 signs 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 onsite for the duration of the permit. Any such camper or trailer shall be set back at least 10 feet from the street right-of-way.
5. The applicant may be required to post a refundable deposit, set by the Director, with the Community Development Department to ensure site clean-up. Deposit shall be in the form of a cashier's check and shall be made prior to occupying the site.
6. Outdoor sales lots are subject to all fire safety measures, including location of fire extinguishers, as required by the Fire Marshal.
7. 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.
8. Applicants 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.
9. 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.
10. The use shall comply with all requirements of the County Health Agency.
11. Restroom facilities shall be provided either onsite or on a nearby property to the satisfaction of the Chief Building Official.
12. No sales or display shall take place in the public right-of-way.

B. Other Outdoor Sales.

1. 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) of the Municipal Code.
2. Other outdoor sales require Director's Action approval. Parking requirements, setbacks to sales or storage areas, safety and aesthetic screening, and other development standards usually related to buildings shall be established by permit approval.

C. Garage and Yard Sales. On any residentially developed lot, garage or yard sales are allowed a maximum of four times within a 12-month period, subject to the following requirements:

1. Each garage or yard sale shall not exceed three consecutive days.
2. Each unit within multi-unit apartment or condominium project and common interest subdivisions may have up to four garage/yard sales in approved common areas with the permission of the homeowners' association (for sales within common areas), property owner, or 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 onsite sign not to exceed four square feet shall be allowed during the sale. No other signs are allowed in the area and no signs may be displayed within a public right-of-way.
5. Garage and yard sales are not allowed on vacant lots.

17.86.200 – Parking as a Primary Use

Where parking as a primary use is permitted in compliance with Table 2-1: Uses Allowed by Zone or Table 2-24: Airport Overlay Zone – Maximum Allowed Persons, discretionary permit approval may include deviations from otherwise applicable development standards.

17.86.210 – Recreational Vehicles: Use as Dwelling; Parked on a Private Lot

- A. Use for Living or Sleeping Prohibited on Private Property.** 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 17.86.230 (Safe Parking) and as otherwise provided in this Section.
- B. Overnight Camping Prohibited on Specified Public Properties.** 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.
- C. Exception: 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 in any one-month period for the purpose of housing guests of onsite 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.
- D. Recreational Vehicle Parking – Where Permitted.**
1. Recreational vehicles and trailers with current licenses may be parked in driveways consistent with Section 17.76.040 (Front Yard Parking).
 2. Unregistered and unlicensed boats, trailers, camper shells, recreational vehicles, jet skis, and similar devices, and parts of these items, may be parked in any side or rear yard outside of any required setback area. However, any such device or part so parked must be screened from any public right-of-way as set forth in Section 17.76.100 (Screening).
- E. Recreational Vehicles as Tiny Houses in Residential Zones.** Moveable tiny houses shall be considered an additional type of accessory structure, allowed as an accessory use to single-unit residential dwelling unit, however, moveable tiny houses are not identified as accessory dwelling units and are not subject to the provisions of Government Code, Section 65852.2. A moveable tiny house that meets the definition in this subsection may be built and occupied as accessory to a single-unit residence, subject to the Director's review and approval of a Director's Action application if it complies with the standards of this subsection.
1. **Development Standards.** Moveable tiny houses shall conform with the requirements under Section 17.70.010 (Accessory Structures), including but not limited to setbacks, height, and other applicable zoning requirements of the zone in which the site of the proposed moveable tiny house is located, except as modified by this subsection.
 - a. **Number.** No parcel may contain more than one moveable tiny house at a time. No parcel may contain both a moveable tiny house and a conventional accessory dwelling unit.
 - b. **Renewal.** The approval of a movable tiny home shall expire after five years from the date of approval, unless the property owner submits a time extension application prior to the expiration of the permit. The Director may renew the approval of a movable tiny home for a period of up to five years upon receipt of a complete application and completion of an inspection by the City to confirm continued compliance with the standards in this section.

- c. **Maintenance.** The site shall be maintained as set forth in Chapter 17.76 (Property Maintenance Standards).
 - d. **Location.** The moveable tiny house shall be located toward the rear of the property.
 - e. **Size.** The maximum square footage or habitable floor space for a moveable tiny house shall be 400 square feet, as measured by exterior wall dimensions (lofts shall not be counted toward the maximum square footage). The moveable tiny house shall have at least 100 square feet of first floor interior living space.
 - f. **Replacement Parking.** Where a moveable tiny house occupies a required parking space, a replacement parking space is required. A replacement parking space may be located in any configuration on the same lot as the moveable tiny house, including but not limited to covered spaces, uncovered spaces, or tandem spaces. Parking shall be permitted only in those locations specified in these Zoning Regulations.
 - g. **Design.** The design of a tiny house shall resemble the general appearance, siding, and roofing of a traditional home.
 - h. **Energy Efficiency.** Applications submitted for tiny houses shall demonstrate that the tiny home has been constructed to exceed ANSI energy standards through one of the following methods:
 - i. Include insulation with values of R13 for the walls and R19 for the floor and ceiling; or
 - ii. Ensure that the stud/joist/rafter space in the walls, floors and ceiling are completely filled with insulation.
2. **Parking Spaces.** Moveable tiny houses shall not require additional parking.
 3. **Mechanical Equipment.** All mechanical equipment for a moveable tiny house shall be incorporated into the structure and shall not be located on the roof, except for solar panels.
 4. **Utility Connections and Requirements.** Moveable tiny houses shall not require separate utility meters from the primary unit. Moveable tiny houses may be off-grid and not connected to one or more utility systems, but only if the applicant provides sufficient proof, to the satisfaction of the Director and the Building Official, that the moveable tiny house has adequate, safe, and sanitary utility systems providing water, sewer, heating, cooling, and electric power. Gas connections and use of propane tanks are prohibited.
 5. **Addresses.** Moveable tiny houses shall not have separate street addresses from the primary unit.
 6. **Foundation Requirements.** Once sited on the parcel of the primary unit, moveable tiny houses shall meet the following foundation requirements:
 - a. The moveable tiny house shall not have its wheels removed, and all wheels and leveling/support jacks shall sit on a concrete, paved, or compacted gravel surface sufficient to support its weight.
 7. **Emergency and Rescue Openings.** Moveable tiny houses shall meet the requirements of Section R310 of the California Building Code for emergency escape and rescue openings. Egress roof access windows in lofts used as sleeping rooms shall be deemed to meet this requirement if installed such that the bottom of the opening is not more than 44 inches above the loft floor, provided the egress roof access window complies with the minimum opening area requirements of California Building Code Section R310.2.1.
 8. **Procedural Requirements.** A Director's Action application shall be required to establish a moveable tiny house, an applicant for a moveable tiny house shall submit proof that:
 - a. The proposed moveable tiny house is licensed and registered with the California Department of Motor Vehicles;
 - b. The proposed moveable tiny house has been certified by a qualified third-party inspector as meeting ANSI, 119.2 or 119.5 requirements or comparable standards, or was built to meet ANSI 119.2 or 119.5 requirements as demonstrated by sufficient evidence satisfactory to the Director; at a minimum this

inspection shall verify that the unit is in good working order for living, sleeping, eating, cooking, and sanitation, including the absence of any exterior shell water leaks;

- c. The applicant is the property owner, or has sufficient written permission from the property owner, of the intended location of the proposed moveable tiny house;
- d. Prior to the issuance of building permits, a covenant agreement shall be recorded which discloses the structure's approved floor plan and status as a movable tiny home and agreeing that the property will be owner-occupied. This agreement shall be recorded in the office of the County Recorder to provide constructive notice to all future owners of the property. The covenant agreement also may contain authorization for annual inspections for compliance with the agreement and to verify continued compliance with requirements of this Section and health and safety codes. If a property can no longer be occupied as the owner's primary place of residence, the movable tiny home shall no longer be used as overnight sleeping quarters.

17.86.220 – Recycling Facilities

A. Purpose and Applicability. The provisions in this Section shall apply to recycling facilities, as defined in Chapter 17.156 (Land Use Definitions) and where allowed in compliance with Chapter 17.10 (Use Regulations).

B. Reverse Vending Machines.

- 1. **Accessory Use.** Reverse vending machines may be installed as an accessory use to an allowed or conditionally allowed primary use on the same site.
- 2. **Location.** Machines shall be located adjacent or as near as feasibly possible to the entrance of the commercial host use and shall not obstruct pedestrian or vehicular circulation. Machines can be located against a wall but not in parking areas.
- 3. **Identification.** Machines shall be clearly marked to identify the type of material to be deposited, operating instructions, and the identity and phone number of the operator or responsible person to call if the machine is inoperative.
- 4. **Trash Receptacle.** The owner or operator of the property shall provide a minimum 40-gallon garbage can for non-recyclable materials located adjacent to the reverse vending machine.

C. Recycling Collection Facilities.

- 1. **Size.** Recycling collection facilities shall not exceed a building site footprint of 350 square feet.
- 2. **Equipment.** No power-driven processing equipment, except for reverse vending machines, shall be used.
- 3. **Location.** Facilities shall be located at least 75 feet away from properties zoned for residential use and cannot occupy parking spaces required for the main use unless a parking study shows available capacity during the hours of recycling facility operation.
- 4. **Setback.** Facilities shall not be located within a required setback.
- 5. **Containers.** Containers shall be constructed of durable waterproof and rustproof materials and secured from unauthorized removal of material.
- 6. **Identification.** Containers shall be clearly marked to identify the type of accepted material, the name and telephone number of the facility operator, and the hours of operation.
- 7. **Site Maintenance.** Recycling facility sites shall be maintained clean, sanitary, and free of litter and any other undesirable materials.

D. Recycling Processing Facilities.

1. **Location.** Facilities shall be at least 1,000 feet from properties zoned for residential use.
2. **Screening.** The facility shall be screened from public rights-of-way by solid masonry walls or located within an enclosed structure.
3. **Outdoor Storage.** Exterior of material shall be in sturdy containers or enclosures that are secured and maintained in good condition. Storage shall not be visible above the height of the required solid masonry walls.
4. **Identification.** Facilities shall be clearly marked with the name and phone number of the facility operator and hours of operation.
5. **Vector, Odor, and Noise Control.** Operations shall comply with all City and County codes regarding vector, odor, and noise control.

E. Composting and Waste Disposal Facilities.

1. **Maintenance—Pest Infestation Prohibited.** Waste disposal facilities shall be maintained in such a manner that vermin and pest infestation cannot take place.
2. **Covering or Wetting to Prevent Dust.** The owner, proprietor, or caretaker of any composting facility or solid waste landfill shall use a tarp or covering or wet down the waste disposal facility with water or chemical stabilizers at intervals sufficiently frequent to control dust.

17.86.230 – Safe Parking

- A. Purpose and Intent.** Safe parking provides homeless individuals and families with vehicles a safe place to temporarily park overnight to facilitate the transition to permanent housing. The provisions contained in this Section enable safe parking in certain zones 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. Permit Required.** The establishment of a safe parking use shall require a Conditional Use Permit approval where allowed, consistent with Table 2-1: Uses Allowed by Zone.
- C. Accessory Use in Residential Zones.** If located in the R-1, R-2, R-3, and R-4 zones, safe parking is only allowed when accessory to a public assembly or religious assembly facility. Safe parking is prohibited as a primary use in the R-1, R-2, R-3, and R-4 zones and in all applicable zones on properties that contain residential uses as the primary use.
- 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 service provider) submits a Conditional Use Permit application for consideration, as a part of the 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 Conditional Use Permit 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 identified in this Chapter.
6. Any other information the Director may determine is necessary to ensure compliance with the provisions of this Section.

E. Performance Standards.

1. **Social Services Provider.** Safe parking facilities shall be managed by a qualified social service provider, subject to the approval of the Director.
2. **Case Management.** Participants shall 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 the 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 allowed 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 Conditional 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 shall 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. The 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 allowed.

- 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 Conditional 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 Conditional Use Permit can be referred to the Planning Commission for reconsideration if determined by the 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 Conditional Use Permit, or of City ordinances or regulations applicable to the property or operation of the facility, has occurred. At the time of review, to ensure compliance with applicable laws and conditions of Conditional Use Permit, conditions of approval may be added, deleted, modified, or the Conditional Use Permit may be revoked.

17.86.240 – Schools

- A. Purpose and Applicability.** The purpose of this Section is to ensure that schools as defined in Chapter 17.156 (Land Use Definitions) and where permitted in Chapter 17.10 (Use Regulations) are compatible with surrounding and adjacent uses and do not create adverse impacts on adjacent properties.
- B. Location – Schools.** No school shall be located:
- 1. Within 1,000 feet of any business licensed for retail sale of cannabis or cannabis products;
 - 2. Within 1,000 feet of any business which, as determined by the review authority, would pose a significant health risk to the school due to the presence of hazardous materials or conditions; or
 - 3. Any area identified in the Airport Land Use Plan as prohibiting such school use.
- C. Schools – Primary and Secondary (Private).** Unless otherwise regulated through a Minor Use Permit or Conditional Use Permit, the following regulations shall apply:

1. **Pick-up/Drop-off Plan.** A plan and schedule for the pick-up and drop-off of children or clients shall be provided for review and approval by the Director. The plan shall demonstrate that adequate parking and loading are provided onsite to minimize congestion and conflict points on travel aisles and public streets. The plan shall also demonstrate that increased traffic will not cause traffic levels to exceed those levels customary in residential neighborhoods except for somewhat higher traffic levels during the morning and evening commute. The plan shall include an agreement for each parent or client to sign which includes, at minimum:
 - a. A scheduled time for pick-up and drop-off with allowances for emergencies.
 - b. Prohibitions of double-parking, blocking driveways of neighboring houses, or using driveways of neighboring houses to turn around.
2. **Recreational Open Space.** If open space is not required as part of the minimum requirements of the zone in which a private school of general education is located, private schools of general education shall also provide:
 - a. 200 square feet of usable outdoor recreation area for each child in grades K-3 that may use the space at any one time; and
 - b. 430 square feet of usable outdoor recreation area for each child in grades 4-12 that may use the space at any one time.
3. **Noise.** Compliance with Chapter 9.12 (Noise Control) of the Municipal Code shall be required for zone in which the school is located.

D. Public School Tenant Uses.

1. **Purpose, Scope, and Duration.** In order to allow more complete use of space made available by declining student enrollment in public schools, certain commercial activities may be established in public schools not being used for public school purposes due to temporary or permanent school closure, in addition to the uses listed in Table 2-1: Uses Allowed by Zone as allowed within the PF zone. 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.
2. **Uses Allowed with Minor Use Permit Approval.** The following uses may be established within public school buildings subject to approval of a Minor Use Permit, as provided in Chapter 17.110 (Minor Use Permits and Conditional Use Permits) and subject to the standards in subsection F of this Section.
 - a. 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.
 - b. Storage of furnishings and records.
 - c. Day Care Centers for children.
 - d. Business and Professional Offices.
 - e. Instructional Services.
 - f. Maintenance and Repair Services.
3. **Uses Allowed with Conditional Use Permit Approval.** The following uses may be established on public school properties subject to approval of a Conditional Use Permit, as provided Chapter 17.110 (Minor Use Permits and Conditional Use Permits), and subject to the standards in subsection C.5 of this Section.
 - a. Business Support Services.
 - b. Cultural Institutions.
4. **Other Uses Allowed.** Other uses may be allowed via by Minor Use Permit or by Conditional Use Permit. Upon receipt of an application for a use not listed in subsections C.2 or C.3 above, the Director shall determine

whether the use is similar in character and impacts on its surroundings to one of those listed in subsections C.2 or C.3 above and shall determine the permit process required or shall determine that the use does not meet the intent of this Section and therefore is not allowed.

- 5. Development and Performance Standards.** The following standards shall be conditions of approval for all types of permits. Whether these standards can reasonably be met shall be considered by the review authority when deciding if a permit should be approved for a specific use in a specific location:
- a. Parking as required by Chapter 17.72 (Parking and Loading) shall be provided.
 - b. Adequate space for the function itself and supporting activities such as parking shall be provided, in addition to all other activities previously established at the school.
 - c. The use will not require structural changes to the school building inconsistent with future school use of the building, unless written guarantee is provided by the permittee that the building will be restored for school use upon termination of the lease or permit.
 - d. Minimal customer, client, or delivery traffic will occur, to the satisfaction of the review authority;
 - e. Clients or customers shall not visit the leased space between 11:00 PM and 7:00 AM.
 - f. Minimal employee activity will occur at night and on weekends, to the satisfaction of the review authority.
 - g. 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 subsection (c) of this subsection.
 - h. No vehicle larger than a three-quarter-ton truck shall be used by any tenant at the lease site.
 - i. 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.
 - j. No use shall cause noise, dust, vibration, offensive smell, smoke, glare or electrical interference, or other hazard or nuisance.
 - k. All uses shall meet Fire Department standards for access, hydrant locations, and fire flow prior to occupancy.

17.86.250 – Service/Fueling Stations

- A. Purpose and Applicability.** The purpose of this Section is to ensure that vehicle services - service/fueling stations as defined in Chapter 17.156 (Land Use Definitions) and where permitted in Chapter 17.10 (Use Regulations) are compatible with surrounding and adjacent uses and do not create adverse impacts on adjacent properties.
- B. Standards.** Service/fueling stations are subject to the following standards:
1. Premises adjoining residential zones shall be screened from such zones by a minimum six-foot-high landscaped visual barrier, subject to the limitations of Section 17.70.070 (Fences, Walls, and Hedges).
 2. Street frontage between driveways shall have a low wall or other landscape barrier to prevent vehicles from being driven or parked on the sidewalk.
 3. Bells or other sound signals shall be turned off between 10:00 PM and 7:00 AM if the station is adjacent to a residential zone.
 4. 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.

5. Repair work shall be performed and dismantled vehicles shall be stored inside a building or area screened so that such area is not visible from off the premises.
6. Compliance with Chapter 17.74 (Performance Standards) and Chapter 5.36 (Service Stations) is required.

C. Additional Conditions and Requirements. This Section permits the Director to exercise the discretion to review, request from applicants' additional information, take authorized action, and impose additional conditions that are more restrictive than allowed in this Section.

17.86.260 – Temporary and Intermittent Uses

A. Purpose and Intent. The provisions codified in this Section provide for certain temporary and intermittent uses as defined in Chapter 17.156 (Land Use Definitions) and where permitted in Chapter 17.10 (Use Regulations). It establishes standards and procedures to ensure 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. All such uses shall require issuance of a Temporary Use Permit. The Director shall determine the extent to which any permanent onsite 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 zone, other than in the specific cases listed in subsection B of this Section.

B. 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 approval via Director's Action. 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 deemed 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 18 months, by the Chief Building Official.
 - b. A Director's Action 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 onsite mobile home would apply, with approvals for extensions of the use made by the Director. Also, with the Chief Building Official'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 ensured.
3. **Educational Conferences.** Student housing complexes normally occupied for part of the year may be used during their vacant periods for educational conferences, provided a Minor Use Permit is approved. The occupancy of such facilities during educational conferences shall not exceed the maximum established by any prior City approval for residential occupancy.
4. **Parades, Carnivals, Fairs, Festivals.** Use of privately owned property for parades, carnivals, fairs, and festivals requires approval of an Temporary Use Permit. Where these events involve public property, coordination with the City Clerk's office is required.
5. **Other Temporary or Intermittent Uses and Special Events.** Upon approval of a Temporary 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 Director's Action, without a public hearing.

17.86.270 – Utilities Facilities

Utilities facilities, not including wireless telecommunication facilities, shall be established and maintained in accordance with the following standards, in addition to any conditions that may be imposed via the discretionary review process.

- A. Utilities transmission stations and substations shall be screened from view from private properties and public rights-of-way by decorative block walls, landscaping, or a combination of walls and landscaping.
- B. All such facilities shall be secured to prevent unauthorized access.
- C. Where utility facilities are proposed to be placed on a sidewalk or other pedestrian or bicycle travel path within a public right-of-way, sufficient clearance, as determined by the Director, shall be provided to allow for safe pedestrian and bicycle travel.
- D. Aboveground utilities facilities shall be painted or otherwise have an exterior treatment that is neutral in color. Alternatively, the review authority may authorize the painting of artwork on such facilities, consistent with any such program or guidelines the City may establish.

17.86.280 – Vending Machines

Outdoor vending machines are allowed in all commercial zones subject to the following standards.

- A. Vending machines shall be located along the face of a building or against a structure designed to accommodate them.
- B. Vending machines shall be visible from access drives or public streets.
- C. Vending machines shall occupy not more than 10 percent of the length of the wall facing the street or access drive, or 20 feet, whichever is less.
- D. Vending machines shall not obstruct private pedestrian walkways. A minimum of 44 inches shall be kept clear of obstructions, or more if pedestrian traffic volume warrants.
- E. Vending machines are not allowed on public sidewalks.

17.86.290 – Wireless Telecommunications Facilities

- A. **Purpose.** These regulations are established for the development, siting, and installation of wireless telecommunication facilities consistent with Federal Telecommunications Act of 1996, as amended; to protect and promote public health, safety, and welfare; and to preserve view corridors and avoid adverse visual and environmental impacts. These standards are not intended to be all-inclusive. Projects may be subject to additional standards deemed appropriate through discretionary permit processing to address site-specific conditions.
- B. **Exempt Facilities.** The following wireless telecommunication facilities are exempt from the requirements of this Section:
 1. Government-owned communication 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 identified in Section 17.70.160 (Satellite Dish Antenna) of this Title.
4. Any facility specifically exempted under Federal or State law.
5. A Collocation, or Modification of a Pole, Tower or Support Structure or Replacement of a Pole, for Collocation of a Communications Facility, that qualifies as an "Eligible Facilities Request." An "Eligible Facilities Request" means an eligible facilities request as set forth in 47 C.F.R. Section 1.40001(b)(3).

C. Planning Applications and Approvals Required.

1. Installation of a new wireless telecommunication facility or significant modification of an existing installation, as determined by the Director, shall require Minor Use Permit approval.
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 Director's Action for architectural review.

D. Building Permit Required. Wireless communication facilities shall not be constructed, installed, or modified prior to obtaining a City building permit.

E. Site Development and Performance Standards.

1. **Setbacks.** All facility towers and accessory structures shall comply with the setback requirements of the applicable zone.
2. **Height.** The height of any antenna or support equipment shall be determined as part of the Administrative 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 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 Director. Electrical and telephone service to the support equipment shall be undergrounded.
 - d. Ground-mounted antennas, poles, structures, equipment, or other parts of a telecommunication 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 in compliance with 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 telecommunication 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 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.** Operations of wireless communications facilities shall comply with the requirements of Chapter 9.12 (Noise Control) for the zone in which they are located.
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 facilities 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 Minor 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 Minor Use Permit, at the expense of the facility owner/operator.
13. **Airport Operations.** Wireless communication 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 Frequency and Electromagnetic Exposure.**
 - a. Wireless telecommunication facilities operating alone or in conjunction with other telecommunication 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 RFR 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 Minor Use Permit allowing a telecommunication facility may be scheduled for public review. At the hearing, conditions of approval may be added, deleted, or modified, or the Minor 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.
- F. **Abandonment.** It shall be the responsibility of the owner/operator of a telecommunication facility to provide the City with a notice of intent to vacate the site a minimum of 30 days prior to ceasing operation. Any wireless telecommunication facility that is not operated for a continuous period of 90 days shall be removed within 90 days of the date upon which the operation ceased.
- G. **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 Director may schedule a public hearing before the hearing officer to consider revocation of the permit.

ARTICLE 5: NONCONFORMITIES

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Chapter 17.92. Nonconforming Structures

Sections:

17.92.010 – Intent

17.92.020 – Limits on Reconstruction – Exceptions

17.92.030 – Large-scale Retail Establishments

17.92.010 – Intent

A structure which lawfully existed on the effective date of applicable sections of the ordinance codified in this Title, 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.

17.92.020 – Limits on Reconstruction – Exceptions

- A. A nonconforming structure that is involuntarily damaged to an extent of 75 percent or more of its replacement cost immediately prior to such damage, as determined by the Chief Building Official, may be restored only if made to conform.
- B. Notwithstanding paragraph A, above, nonconforming residences in the R-1, R-2, R-3, R 4, O, C-N, C-C, C-R, C-T, C-D, and C/OS zones that have been involuntarily damaged to an extent of 75 percent or more of its replacement value cost immediately prior to such damage, as determined by the Chief Building Official, 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 design 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. Exceptions to the above provisions 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 consistent with the Historic Preservation Guidelines and Community Design Guidelines, as determined by the Director.
 4. Notwithstanding the above provisions, application for replacement structures of the same density and size may be denied if the 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. There no longer exists a zone in which the existing nonconforming use is permitted.
- C. Changes to interior partitions or other nonstructural improvements and repairs may be made to a nonconforming building. However, demolition, as defined in Section 17.158.012 (D Definitions), and reconstruction shall be permitted only if the structure is made to conform.
- D. The value of additions allowed pursuant to subsections (F)(1) and (2) of this Section shall be excluded from calculation of replacement cost of the nonconforming structure.

- E. Decisions of the Chief Building Official regarding replacement cost may be appealed to the Council.
- F. Additions to nonconforming structures that further the intent of this Chapter may be permitted through a Director's Action, subject to a finding of consistency with the intent of this Chapter as follows:
 - 1. Additions conform to current building codes, Zoning Regulations, and design guidelines, where the addition and associated modifications do not result in demolition of the existing structure, as defined in Section 17.158.012 (D Definitions).
 - 2. The Director may allow certain setbacks to be reduced to zero in some instances for minor additions to existing legal nonconforming structures (see Section 17.70.170(D)(2)(d)).

17.92.030 – Large-scale Retail Establishments

Sections 17.26.030, 17.30.030, 17.32.030, 17.34.030, and 17.36.030 of this Title establish limits on the size of large-scale retail commercial buildings. When an otherwise lawful retail establishment existed on the effective date of the size limits, such structure shall be considered a development nonconformity 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.

Chapter 17.94. Nonconforming Uses

Sections:

- 17.94.010 – Definition and Intent
- 17.94.020 – Regulations
- 17.94.030 – Nonconforming Parking

17.94.010 – Definition and Intent

A nonconforming use is one which was legally established on the effective date of applicable sections of this Title 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.

17.94.020 – 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 12 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 nonconforming use through approval a Director's Hearing process. In granting such approval, the Director shall 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-unit dwelling used as a residence may be continued and added to consistent with the standards of the R-1 zone, including establishment of an accessory dwelling unit.
- C. A lot occupied by a nonconforming use may be further developed by the addition of conforming uses and structures via the Director's Hearing process.
- D. For uses located in the East Airport Annexation Area of the Airport Area Specific Plan, "Office-Government" uses in existence at the time of annexation will not be subject to the provisions of Sections 17.94.020.B.1 and the Community Development Director may permit a similar nonconforming "Office-Government" use to be established even if the prior nonconforming use has ceased for more than 12 months, subject to the process and findings set for the in Section 17.94.020.B.2

17.94.030 – Nonconforming Parking

Nonconforming parking is addressed in Section 17.72.060 (Nonconforming Parking) of this Title.

Chapter 17.96. Nonconforming Lots

Sections:

17.96.010 – Intent

17.96.020 – Regulations

17.96.010 – Intent

A lot having less area, width, depth, or frontage than required by the Subdivision Regulations, as set forth in Title 16 of the Municipal 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.

17.96.020 – 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 resubdivided in conjunction with the contiguous property to create one or more conforming parcels or one parcel which more nearly conforms.
- B. In an R-1 or R-2 zone, the merger or resubdivision requirements set forth in paragraph A of this Section 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 percent of the minimum required in the Subdivision Regulations (Title 16).
- 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 of the applicable zone shall apply to nonconforming lots. However, the density standards shall not prevent construction of a single dwelling unit where otherwise permitted by this Chapter.

ARTICLE 6: PERMIT PROCEDURES

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Chapter 17.102: General Provisions

Sections:

- 17.102.010 – Purpose and Intent
- 17.102.020 – Discretionary Actions and Permits
- 17.102.030 – Additional Permits May Be Required
- 17.102.040 – Burden of Proof and Precedence

17.102.010 – Purpose and Intent

This Article 6 establishes the overall structure for the application, review, and action on City-required permit and project review applications and identifies and describes those discretionary permits and other approvals required by these Zoning Regulations.

17.102.020 – Discretionary Actions and Permits

- A. Director's Actions.** Except when combined with legislative actions or other non-administrative actions defined in this Division, the Director, also defined in these Zoning Regulations as the designee of the Director, is the designated review authority for the following quasi-judicial permits and actions, which are generally limited to interpretation of policy or relatively minor adjustments of Zoning Regulations standards. Additionally, the Director has primary administrative authority over certain activities which require the determination of compliance with applicable Zoning Regulations provisions. The Director, at the Director's sole discretion, may elevate the level of review to a higher review process and/or authority.
1. **Affordable Housing Incentives.** An action authorizing a residential density bonus that includes an alternative or additional incentive in compliance with Chapter 17.140 (Affordable Housing Incentives).
 2. **Development Review – Minor.** An administrative action providing for the review of and action on certain development applications identified in Chapter 17.106 (Development Review).
 3. **Director's Action on Exceptions.** An administrative action granting exception (modification or deletion) to certain specified development standards of these Zoning Regulations in cases where strict compliance would result in a hardship, as specified in and processed in compliance with Chapter 17.108 (Director's Action).
 4. **Home Occupation Permits.** An administrative permit authorizing the operation of a specified home-based occupation in a particular location in compliance with the provisions of these Zoning Regulations and in compliance with procedures specified in Article 4, Section 17.86.140 (Home Occupations).
 5. **Reasonable Accommodation.** An administrative permit authorizing limited modifications to properties to accommodate a person with physical or mental impairments that substantially limit on or more major life activities in compliance with specific criteria and performance standards and in compliance with procedures specified in Chapter 17.112 (Reasonable Accommodation).
 6. **Temporary Use Permits.** An administrative permit authorizing specific limited term uses in compliance with specified conditions and performance criteria specified in Article 4, Section 17.86.260 (Temporary and Intermittent Uses).
 7. **Zoning Regulations Interpretations.** An administrative interpretation of certain provisions of these Zoning Regulations in an effort to resolve conflict or ambiguity in the regulations and to ensure their consistent application in compliance with Chapter 17.04 (Interpretation of the Zoning Regulations).
- B. Director's Hearing.** Except when combined with legislative actions, the Director, via a public hearing process, is the designated review authority for the following quasi-judicial permits and actions. A public hearing is required for the following quasi-judicial actions in compliance with Chapter 17.109 (Director's Hearing).
1. **Development Review - Moderate.** An administrative action providing for the review of and action on certain development applications identified in Chapter 17.106 (Development Review).

2. **Director’s Hearing on Exceptions.** An administrative action granting exception (modification or deletion) to certain specified development standards of these Zoning Regulations in cases where strict compliance would result in a hardship, as specified in and processed in compliance with Chapter 17.109 (Director’s Hearing), and other than those exceptions cited in Chapter 17.108 (Director’s Action).
 3. **Director’s Hearing on Various Permits.** A quasi-judicial action authorizing the construction or alteration of specific development projects and as otherwise called for in these Zoning Regulations for projects subject to a Director’s Hearing. A public hearing is required in compliance with Chapter 17.122 (Public Notices and Hearings).
 4. **Minor Use Permits.** A permit authorizing the operation of a specific use of land or a structure in a particular location in compliance with the provisions of these Zoning Regulations and in compliance with procedures specified in Chapter 17.110 (Minor Use Permits and Conditional Use Permits).
 5. **Revocation of Director’s Hearing Actions and Minor Use Permits.** A judicial process providing for the review of potential violations of conditions of approval for an authorized use or structure, and for the revocation of such approval based upon findings set forth in Chapters 17.108 and 17.109.
 6. **Variances.** An action granting exception to the development standards of these Zoning Regulations in cases where strict compliance would result in a unique hardship in compliance with Chapter 17.114 (Variances).
- C. **Planning Commission Permits and Actions.** Except when combined with legislative actions, the Planning Commission is the designated review authority for the following quasi-judicial permits and actions. Additionally, the Planning Commission may review administrative permits and actions referred by the Director. A public hearing is required for the following quasi-judicial actions in compliance with Chapter 17.122 (Public Notices and Hearings).
1. **Adjustments to Standards in the Downtown-Commercial (C-D) Zone.** A process for making adjustments, on a project-specific basis, to the development standards applicable to development in the C-D zone, as specified in Chapter 17.32 (Downtown-Commercial [C-D] Zone).
 2. **Building Setback Lines.** A process for adoption of official building setback lines, as specified in Chapter 17.80 (Street Regulations).
 3. **Conditional Use Permits.** A permit authorizing the operation of a specific use of land or a structure in a particular location in compliance with the provisions of these Zoning Regulations and the procedures specified in Chapter 17.110 (Minor Use Permits and Conditional Use Permits).
 4. **Development Review – Major.** A process providing for the review of and action on certain development applications identified in Chapter 17.106 (Development Review).
 5. **PD Overlay Zone – Amendments to Final Development Plan.** A process for reviewing proposed amendments to an adopted Planned Development Overlay (PD) Zone or final development plan as specified in Chapter 17.48 (Planned Development [PD] Overlay Zone).
 6. **Planning Commission Hearing on Various Exceptions and Special Development Projects.** A quasi-judicial action authorizing an exception (modification or deletion) to certain specified development standards of these Zoning Regulations and for the construction or alteration of specific development projects and as otherwise called for in these Zoning Regulations. A public hearing is required in compliance with Chapter 17.122 (Public Notices and Hearings).
 7. **Revocation of Conditional Use Permits.** A judicial process providing for the review of potential violations of conditions of approval for an authorized use or structure, and for the revocation of such approval based upon findings set forth in Chapter 17.110.
- D. **Legislative Actions.** The designated review authority for all legislative actions is the City Council, based on recommendations provided by the Planning Commission. A public hearing is required for the following legislative actions in compliance with Chapter 17.122 (Public Notices and Hearings).

1. **Development Agreements and Amendments.** An agreement between the City and a party with legal or equitable interest in the real property relating to the development of property in compliance with Chapter 17.128 (Development Agreements).
2. **General Plan Text/Map Amendments.** An action authorizing either a text amendment to the General Plan or a map amendment changing the General Plan land use designation of particular property in compliance with Chapter 17.130 (General Plan Amendments).
3. **Specific Plan and Amendments.** A regulatory document prepared in compliance with Government Code Section 65450 et seq. for the systematic implementation of the General Plan for a particular area as specified in Chapter 17.48 (Specific Plan Overlay Zone).
4. **Zoning Regulations Text/Zoning Map Amendments.** An action authorizing either a text amendment to these Zoning Regulations or a map amendment changing the zoning designation of particular property in compliance with Chapter 17.124 (Amendments – Zoning Regulations and Zoning Map).

E. Multiple Permit Applications.

1. **Concurrent Filing.** An applicant for a development project that requires the filing of more than one application (e.g., Conditional Use Permit, Tentative Map, etc.), shall file all related applications concurrently, together with all required application fees, unless these requirements for concurrent filing are waived by the Director.
2. **Concurrent Processing.** Multiple applications for the same project shall be processed concurrently and shall be reviewed and acted upon by the highest review authority designated by these Zoning Regulations for any of the applications. For example, a project for which applications for Moderate Development Review project and a Conditional Use Permit are filed shall have both applications decided by the Planning Commission, instead of the Director being the final decision-making authority for the Moderate Development Review project.

17.102.030 – Additional Permits May Be Required

- A. A land use on property that complies with the permit requirement or exemption provisions of these Zoning Regulations shall also comply with the permit requirements of other Municipal Code provisions and any permit requirements of other agencies before construction or use of the property is commenced. All necessary permits shall be obtained before starting work or establishing a new use, with the exception that a demolition permit may be obtained and demolition work carried out prior to starting work or establishing a new use. Nothing in these Zoning Regulations shall eliminate the need to obtain any permits required by:
 1. Any other Municipal Code provisions, including building, grading, or other construction permits; a Business License in compliance with Municipal Code Title 5 (Licenses, Permits, and Regulations), if required, or subdivision approval if required by Title 16 (Subdivisions); or
 2. Any applicable County, regional, State, or Federal regulations.
- B. Grading shall not be commenced, and no structure shall be altered, enlarged, erected, moved, or rebuilt subject to the provisions of this Section, except in compliance with the approved permit and the conditions imposed.

17.102.040 – Burden of Proof and Precedence

- A. **Burden of Proof.** The burden of proof to establish the evidence in support of the required finding(s) for any permit or approval in compliance with these Zoning Regulations is the responsibility of the applicant.
- B. **Precedence.**
 1. Each permit or approval shall be evaluated on a case-by-case basis.
 2. The granting of a prior permit or approval, or the denial of a permit, either on the subject property or any other property within the City does not create a precedent and is not justification for the granting or denial of a new permit under current review.

Chapter 17.104: Permit Application Filing and Processing

Sections:

- 17.104.010 – Purpose and Authority for Land Use and Planning Decisions
- 17.104.020 – Application Preparation and Filing
- 17.104.030 – Application Fees
- 17.104.040 – Applicant Indemnification
- 17.104.050 – Initial Application Review
- 17.104.060 – Inactive Applications
- 17.104.070 – Expiration

17.104.010 – Purpose and Authority for Land Use and Planning Decisions

- A.** This Chapter provides procedures and requirements for the preparation, filing, and initial processing of the land use permit applications and legislative actions required by the City and specified in these Zoning Regulations.
- B.** The Architectural Review Commission has the authority to review and make recommendations to either the Director or the Planning Commission, depending upon the type of project application, regarding compliance with applicable design guidelines. Municipal Code Section 2.48.050 (Projects Subject to Architectural Review) establishes the types of projects subject to architectural review.

17.104.020 – Application Preparation and Filing

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 any other materials set forth on the application form or otherwise prescribed by City policy.

17.104.030 – Application Fees

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.

17.104.040 – Applicant Indemnification

A. Applicant Agreement.

1. At the time of submitting an application for a discretionary land use approval, the applicant shall agree as part of the application, to defend (with legal counsel of City's selection), indemnify, and hold harmless the City and its agents, attorneys, employees, and officers from any action, claim, or proceeding brought against the City or its agents, employees, and officers to annul, attack, set aside, or void a discretionary land use approval of the City.
2. The required indemnification shall include damages awarded against the City, if any, costs of suit, attorney's fees, and other costs and expenses incurred in connection with the action.

B. City Notification of Applicant. In the event that an action, claim, or proceeding referred to in subsection A of this Section above is brought, the City shall promptly notify the applicant of the existence of the action, claim, or proceeding and shall cooperate fully in the defense of the action, claim, or proceeding.

C. City Participation in Defense. Nothing in this Section shall prohibit the City from participating in the defense of any action, claim, or proceeding if the City elects to bear its own attorney's fees and costs and defends the action in good faith.

17.104.050 – Initial Application Review

A. Review for Completeness.

1. **Criteria for Review.** The Director shall review each application for completeness and accuracy before it is accepted as being complete and officially filed. The Director's determination of completeness shall be based on the City's list of required application contents and related additional written instructions provided to the applicant in any pre-application conference and/or during the initial application review period.
2. **Notification of Applicant.** As required by Government Code Section 65943, within 30 calendar days of application filing, the applicant shall be informed, in writing, either that the application is complete and has been accepted for processing, or that the application is incomplete and that additional information, specified in the Director's letter, shall be provided. This requirement shall not apply to any legislative actions.
3. **Submittal of Additional Information.**
 - a. When the Director determines that an application is incomplete, the time used by the applicant to submit the required additional information shall not be considered part of the time within which the determination of completeness shall occur.
 - b. The additional specified information shall be submitted in writing or electronically, as required by the Director.
 - c. The Director's review of any information resubmitted by the applicant shall be accomplished in compliance with Subparagraph A. 1., above, along with another 30-day period of review for completeness for each resubmittal necessary.
4. **Environmental Information.** Upon review of an initial application or after an application has been accepted as complete, the Director may require the applicant to submit additional information needed for the environmental review of the project in compliance with the California Environmental Quality Act (CEQA) and the CEQA guidelines.

B. Referral of Application. At the discretion of the Director, or where otherwise required by these Development Regulations or State or Federal law, an application may be referred to any public agency that may be affected by or have an interest in the proposed project.

C. Multi-unit Residential and Mixed-Use Developments. Where a multi-unit residential development or mixed-use development in which at least two-thirds of the square footage consists of residential use, and where such developments qualify for streamlined processing pursuant to Government Code Section 65400 et seq., the provisions of Government Code Sections 65400 et seq. shall apply.

D. Wireless Communications Facilities. The provisions of paragraphs A and B above shall not apply to wireless communications facilities. The review for completeness and the processing of such applications shall comply with applicable Federal Communication Commission regulations.

17.104.060 – Inactive Applications

An application will be classified as "inactive" when the applicant has not responded within 180 days to submit items required by staff for further processing as provided in an incomplete letter. The applicant shall have the ability to otherwise demonstrate to the satisfaction of the Director that progress is being made toward compliance. The Director shall determine when an application is in an "inactive status" and deemed to be withdrawn.

17.104.070 – Expiration

If building permits are not issued for site development authorized by a discretionary permit within one year of the date of approval or such longer time as may be stipulated as a condition of approval, the permit shall expire with the building permit application. Upon written request received prior to expiration, the Director may grant renewals of an approval for successive periods of not more than one year each, up to a total of three years. Requests beyond three years are subject to review by the Planning Commission. 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 permit was originally approved have substantially changed. Renewal of a 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, or Planning Commission as applicable, must make the findings required for initial approval.

Chapter 17.106: Development Review

Sections:

- 17.106.010 – Purpose and Intent
- 17.106.020 – Applicability
- 17.106.030 – Levels of Development Review
- 17.106.040 – Recommendations from Advisory Bodies
- 17.106.050 – Application Review
- 17.106.060 – Conditions of Approval

17.106.010 – Purpose and Intent

The purpose of this Chapter is to provide a process for the appropriate review of development projects to ensure that all approved site and structural development:

- A. Is compatible with the physical and environmental characteristics of the site and surrounding properties to minimize conflicts;
- B. Provides for safe and convenient access and circulation for pedestrians and vehicles;
- C. Exemplifies the best professional high-quality design practices;
- D. Allows for and encourages individual identity for specific uses and structures;
- E. Encourages the maintenance of a distinct neighborhood and/or community identity;
- F. Minimizes or eliminates negative or undesirable visual impacts;
- G. Provides for the adequate dedication of land for public purposes and the provision of public infrastructure associated with the subject development; and
- H. Implements General Plan policies, applicable design guidelines, and any other applicable City planning-related documents.

17.106.020 – Applicability

- A. **Development Review Required.** No one shall construct any structure, or relocate, rebuild, or significantly enlarge or modify any existing structure or site until Development Review has been completed and approved in compliance with this Chapter.
 - 1. **Cultural Heritage Committee Review.** Notwithstanding subsection C of this section and Section 17.106.030 (Levels of Development Review) certain projects may require review by the Cultural Heritage Committee in accordance with Municipal Code Section 14.01 (Historic Preservation).
- B. **Enlargements and Modifications.** For the purposes of this Chapter, the term “significantly enlarge or modify” shall be measured from the increase in gross floor area of the original approval and be defined as follows:
 - 1. **Residential Enlargement or Modification.** Residential enlargements or modifications larger than 1,000 square feet or 25 percent of the existing gross floor area before the addition, whichever is less.
 - 2. **Nonresidential Enlargement or Modification.** Nonresidential enlargement, modification, reconstruction, rehabilitation, or remodel resulting in an increase in gross floor area equal to or exceeding 25 percent of the existing gross floor area of the structure or more than 2,500 square feet, whichever is less, before the construction.
 - 3. **Mixed Use Development.** Mixed use development enlargement, modification, reconstruction, rehabilitation, or remodel resulting in increase in gross floor area equal to or exceeding 25 percent of the existing gross floor area of the structure or more than 2,500 square feet, whichever is less, before the construction.

C. Exceptions. The following types of projects are exempt from the Levels of Development Review:

1. Accessory Structures as defined in Section 17.70.010 (Accessory Structures);
2. Accessory Dwelling Units and Guest Quarters as defined in Section 17.86.020 (Accessory Dwelling Units and Guest Quarters);
3. Housing development projects which qualify under Chapter 17.69 (Objective Design Standards for Qualifying Residential Projects);
4. Single-Unit Dwellings as defined in Section 17.156.038 (S Definitions) and minor or significant additions or modifications to existing single-unit dwellings, except as identified in Section 17.106.030.B.1 of this Chapter;
5. Small residential development projects that consist of the construction, rehabilitation or remodel of less than five dwellings, where the gross floor area of each individual dwelling does not exceed one thousand two hundred square feet, except as identified in Section 17.106.030.B.1 of this Chapter;
6. Aesthetically insignificant projects which include modifications, additions, reconstruction, rehabilitation, or remodel of existing structures or other site features, that are not defined as a significant enlargement or modification, and have no potential for conflict with the objectives of development review as identified in Section 17.106.010 (Purpose and Intent).

17.106.030 – Levels of Development Review

A. Three Levels. Three levels of Development Review are hereby established, and the thresholds set forth below shall apply to Development Review.

B. Minor. Minor Development Review is a staff-level review process with public notice provided, with no public hearing required. The following projects shall be subject to Minor Development Review, including but not limited to;

1. New single-unit residence and significant additions to an existing single-unit residence as described in Section 17.106.020 (Enlargements and Modifications), or small residential development projects where:
 - a. Architectural review is required as a condition of a subdivision approval, use permit, or other discretionary entitlement;
 - b. The Director determines that the site is a “sensitive site” as set forth in the Architectural Review Commission’s procedures manual;
 - c. The project site is within or along a creek or waterway, as identified in the City’s General Plan Open Space Element;
 - d. The project site is located on a parcel having an average natural slope gradient of 16 percent or more;
2. Projects that include a public or private roof top deck, or upper level balconies or open space on a third-floor or above.
3. Multi-unit residential/mixed-use developments ten units or less, which are not defined to be a “small residential development project”;
4. Nonresidential/Mixed-use development with less than 2,500 gross square feet of new construction;
5. Minor or incidental building addition or remodel, which is not considered exempt under Section 17.106.020.C and is not considered a significant enlargement or modification to a previously approved project, as described in Section 17.106.020 (Enlargements and Modifications).

- C. Moderate.** Moderate Development Review is a discretionary Director-level review process that includes public notice with a public hearing before the Architectural Review Commission, including but not limited to;
1. Multi-unit residential/mixed-use developments between 11 and 49 units;
 2. New single-unit developments between 11 and 49 units;
 3. Nonresidential/mixed-use development with 2,500 to 10,000 gross square feet of new construction;
 4. Building addition or remodel, that is not considered minor or incidental or is considered a significant enlargement or modification to a previously approved project, as described in Section 17.106.020 (Enlargements and Modifications).
- D. Major.** Major Development Review is a discretionary Planning Commission review process that includes public notice with a public hearing conducted as is required for all Planning Commission actions.
1. Multi-unit residential/mixed-use developments with 50 units or more;
 2. New single-unit developments with 50 units or more;
 3. Nonresidential/mixed-use development with more than 10,000 gross square feet of new construction;
 4. Significant additions and new construction of principal buildings in the C-D zone;
 5. Any development project for which an Environmental Impact Report is required.

17.106.040 – Recommendations from Advisory Bodies

- A.** For each level of Development Review, an advisory body may provide a recommendation to the review authority as applicable or required. In particular, review of an application subject to the Architectural Review Commission as set forth in Section 2.48.090 (Architectural Review Procedures) shall occur:
1. For Moderate Development Review, the Architectural Review Commission shall conduct a public hearing and forward its recommendations to the Director. The Director shall consider the recommendations but shall not be bound by them in taking final action on the application.
 2. For Major Development Review, the Architectural Review Commission shall conduct a public hearing and make a recommendation to the Planning Commission by forwarding its recommendation through the Director. The Director shall have the authority to either:
 - a. Incorporate the Architectural Review Commission's recommendation into the staff report prepared for the public hearing by the Planning Commission; or
 - b. Modify the Architectural Review Commission's recommendation and forward that modified recommendation, together with the original recommendation, in the staff report prepared for the public hearing by the Planning Commission.

17.106.050 – Application Review

- A.** Each application for Development Review shall be reviewed to ensure that the application is consistent with the purpose of this Chapter, applicable development standards and regulations of these Zoning Regulations, and adopted Design Guidelines and policies that may apply.
- B.** The following criteria shall be considered during the review of a Development Review application, including but not limited to:
1. Compliance with these Zoning Regulations and all other applicable City regulations and policies;
 2. Efficient site layout and design;

3. Applicable Environmental review;
 4. Compatibility with neighboring properties and developments with regard to setbacks, building heights, massing, location of parking facilities, and similar site design and building design features that shape how a property appears within a broader, definable neighborhood or zone context;
 5. Efficiency and safety of public access and parking and loading facilities;
 6. The compatibility in scale and aesthetic treatment of proposed structures with public areas;
 7. The adequacy of proposed driveways, landscaping, parking spaces, onsite and off-site parking, pedestrian improvements;
 8. The placement and use of private open spaces;
 9. The use of design techniques such as façade articulation, use of varied building finishes and materials, varied rooflines, and stepped-back stories to break up building massing;
 10. Privacy considerations with regard to the placement and orientation balconies and windows;
 11. Appropriate open space and use of water-efficient landscaping both to enhance overall site design and to provide privacy screening;
 12. Consistency with the General Plan and any applicable specific plan; and
 13. Consistency with any adopted Design Guidelines, policies, and standards applicable to the property.
- C. Onsite Inspection.** An application for Development Review may require that the Director perform an onsite inspection of the subject parcel before confirming that the request complies with all of the applicable criteria and provisions.

17.106.060 – Conditions of Approval

- A. Project Conditions.** In approving a Development Review application, the review authority may impose conditions deemed reasonable and necessary to ensure that the approval would be in compliance with this Section and the required findings.
- B. Requirements for Dedication and Infrastructure.** The conditions may include requirements for the offers of adequate dedication of land for public purposes and the provision of public infrastructure to the extent necessitated by the development.

Chapter 17.108: Director's Action

Sections:

- 17.108.010 – Purpose and Intent
- 17.108.030 – Application Filing, Processing, and Review
- 17.108.040 – Required Findings
- 17.108.050 – Conditions of Approval

17.108.010 – Purpose and Intent

The purpose of this Chapter is to authorize the Director to act on certain applications on an administrative basis, without a public hearing, due to the minor nature of a proposed improvement, use of land, or allowed deviation from specified development standards and as further described in this Chapter. Notwithstanding these provisions, the Director shall have the authority to refer any application subject to this Chapter to a Director's Hearing or to the Planning Commission for consideration.

17.108.030 – Application Filing, Processing, and Review

- A. Application Filing.** An application for a Director's Action shall be filed and processed in compliance with Chapter 17.104 (Permit Application Filing and Processing). The application shall include the information and materials specified in the Department handout for Director's Action applications, together with the required fee. It is the responsibility of the applicant to provide evidence in support of the findings required by Section 17.108.040 (Required Findings).
- B. Application Review.** Each application for a Director's Action shall be reviewed to ensure that the application is consistent with the purpose of this Chapter and applicable development standards and regulations of these Zoning Regulations, and any adopted design guidelines and policies that may apply.
 1. A Director's Action is initiated when the Department receives a complete application package, including the required information and materials specified in the Department handout and any additional information required to conduct a thorough review of the proposed project or request.
 2. Upon receipt of a complete application, the Director shall review the location, design, configuration, and the effect of the proposed project or action on adjacent properties, streets, and alleys by comparing the application materials to applicable standards in these Zoning Regulations and determining whether the findings required in Section 17.108.040 (Required Findings) can be made.
 3. Within 30 days after the Director's Action application has been deemed complete, the Director shall either approve or deny the application and, if approved, may impose conditions deemed reasonable and necessary to protect the public health, safety, and general welfare and ensure compliance with this Chapter and all applicable City regulations and policies.
- C. Onsite Inspection.** An application for a Director's Action may require that the Director perform an onsite inspection of the subject parcel before confirming that the request complies with all of the applicable criteria and provisions identified in this Chapter.

17.108.040 – Required Findings

- A Required Findings.** The Director may approve a Director's Action application only after first making all of the following findings. The proposed interpretation, determination, or modification to standards:
 1. Is consistent with the intent of these Zoning Regulations and applicable General Plan policies;

2. Is consistent with or an improvement to the character of the neighborhood or zone;
3. Provides adequate consideration of and measures to address any potential adverse effects on surrounding properties such as, but not limited to, traffic, vehicular and pedestrian safety, noise, visual and scale, and lighting.

With regard to cases of granting exceptions to the strict application of development standards, the following additional finding shall be made:

4. While site characteristics or existing improvements make strict adherence to the Zoning Regulations impractical or infeasible, or the project nonetheless conforms with the intent of these Regulations.

B. Failure to Make Findings. The Director shall deny the application if any one or more of the required findings cannot be made.

17.108.050 – Conditions of Approval

In approving a Director's Action application, the Director may impose conditions deemed reasonable and necessary to ensure that the approval would be in compliance with the findings required by Section 17.108.040 (Required Findings).

Chapter 17.109: Director's Hearing

Sections:

- 17.109.010 – Purpose and Intent
- 17.109.030 – Application Filing, Processing, and Review
- 17.109.040 – Required Findings
- 17.109.050 – Conditions of Approval

17.109.010 – Purpose and Intent

The purpose of this Chapter is to authorize the Director to act on certain applications via a public hearing as described in this Chapter. Notwithstanding these provisions, the Director shall have the authority to refer any application subject to this Chapter to the Planning Commission for consideration.

17.109.030 – Application Filing, Processing, and Review

- A. Application Filing.** An application for a Director's Hearing shall be filed and processed in compliance with Chapter 17.104 (Permit Application Filing and Processing). The application shall include the information and materials specified in the Department handout for Director's Hearing applications, together with the required fee. It is the responsibility of the applicant to provide evidence in support of the findings required by Section 17.109.040 (Required Findings).
- B. Application Review.** Each application for a Director's Hearing shall be reviewed to ensure that the application is consistent with the purpose of this Chapter and applicable development standards and regulations of these Zoning Regulations, and any adopted design guidelines and policies that may apply.
 1. A Director's Hearing shall be scheduled when the Department receives a complete application package, including the required information and materials specified in the Department handout and related additional information required to conduct a thorough review of the proposed project or request.
 2. Upon receipt of a complete application, the Director shall review the location, design, configuration, and the effect of the proposed project or action on adjacent properties, streets, and alleys by comparing the application materials to applicable standards in these Zoning Regulations and determining whether the findings required in Section 17.109.040 (Required Findings) can be made.
- C. Onsite Inspection.** An application for a Director's Hearing may require that the Director perform an onsite inspection of the subject parcel before confirming that the request complies with all of the applicable criteria and provisions identified in this Chapter.
- D. Public Hearing.**
 1. Before acting on any Director's Hearing 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 in compliance with Chapter 17.122 (Public Notices and Hearings).
 2. Decisions of the Director shall be rendered in writing within 10 days of the final hearing at which action is taken. The decision shall state the conditions of approval, if any, or the reasons for denial. The Director's decision shall be final unless appealed.

17.109.040 – Required Findings

- A Required Findings.** The Director may approve a Director's Hearing application only after first making all of the following findings. The proposed application and project:

1. Are consistent with the intent of these Zoning Regulations and applicable General Plan policies;
2. Are consistent with or an improvement to the character of the neighborhood or zone;
3. Provide adequate consideration of and measures to address any potential adverse effects on surrounding properties such as, but not limited to, traffic, vehicular and pedestrian safety, noise, visual and scale, and lighting.

B. Failure to Make Findings. The Director shall deny the application if any one or more of the required findings cannot be made.

17.109.050 – Conditions of Approval

In approving a Director's Hearing application, the Director may impose conditions deemed reasonable and necessary to ensure that the approval would be in compliance with the findings required by Section 17.109.040 (Required Findings).

Chapter 17.110: Minor Use Permits and Conditional Use Permits

Sections:

- 17.110.010 – Purpose and Intent
- 17.110.020 – Application Requirements
- 17.110.030 – Procedure – Minor Use Permit
- 17.110.040 – Procedure – Conditional Use Permit
- 17.110.050 – Conditions of Approval
- 17.110.060 – Criteria for Approval
- 17.110.070 – Required Findings
- 17.110.080 – Requirement for and Compliance with Use Permits
- 17.110.090 – Permit to Run with the Land

17.110.010 – Purpose and Intent

The purpose of this Section is to provide two distinct procedures for reviewing land uses that may be appropriate in the applicable zone, but whose effects on a site and its surroundings cannot be determined without discretionary review and consideration of the site context. Use permits allow flexibility in providing for, regulating, or preventing particular uses so they will be compatible with existing or desired conditions in their neighborhoods or zones. 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.

Where the term Use Permit is used in this Chapter, it shall mean and encompass Minor Use Permit and Conditional Use Permit.

17.110.020 – Application Requirements

An application for a Minor Use Permit or Conditional Use Permit shall be filed and processed in compliance with Chapter 17.104 (Permit Application Filing and Processing). It is the responsibility of the applicant to provide evidence in support of the findings required by Section 17.110.070 (Required Findings).

17.110.030 – Procedure – Minor Use Permit

A. Hearing, Decision, and Referral.

1. Before acting on any Minor 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 in compliance with Chapter 17.122 (Public Notices and Hearings).
2. Decisions of the Director shall be rendered in writing within 10 days of the final hearing at which action is taken. The decision 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 a Minor Use Permit to the Planning Commission when he/she determines the application involves a major policy issue or public controversy that would be resolved more suitably by the Planning Commission.

17.110.040 – Procedure – Conditional Use Permit

A. Hearing and Decision.

1. Before acting on any use permit application, the Planning Commission shall hold a public hearing conducted according to its procedure. Notice of the time, date, place, and purpose of the hearing shall be given in compliance with Chapter 17.122 (Public Notices and Hearings).

2. Decisions of the Planning Commission shall be rendered in writing within 10 days of the final hearing at which action is taken. The decision 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 Conditional Use Permit is before the Planning Commission, the Planning Commission may act to impose additional or relax any property development standards capable of being so altered under relevant sections of these regulations. The intent of this provision is to enable the Planning Commission to deal with various aspects of project design in a comprehensive way, without postponement of action on a project for separate hearings. Conditional Use Permit findings and procedures shall apply as provided in relevant sections of these regulations.

17.110.050 – Conditions of Approval

- A. Conditions Allowed.** Conditions imposed by the Director, Planning Commission, or Council may include, but are not limited to, the following:
1. Modification or limitation to activities, including times and types of operations;
 2. Special yards or open spaces;
 3. Fences, walls, or landscape screens;
 4. Provision and arrangement of parking and vehicular and pedestrian circulation;
 5. Onsite or off-site street, sidewalk or utility improvements, and maintenance agreements;
 6. Noise generation and attenuation;
 7. Dedication of right-of-way or easements or access rights;
 8. Arrangement of buildings and use areas on the site;
 9. Special hazard reduction measures, such as slope planting;
 10. Minimum site area;
 11. Other conditions which may be found necessary to address unusual site conditions;
 12. Establishment of an expiration date, after which the use must cease at that site;
 13. Recycling and solid waste plans.
- B. Limitation.** Conditions may not be imposed that restrict the use to a specific person or group.

17.110.060 – 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. Community Design Guidelines;
- D. Compliance with applicable environmental mitigation measures; and
- E. Standards and recommendations of agencies commenting on environmental documents for the proposal or for similar projects.

17.110.070 – Required Findings

- A. In order to grant a Minor Use Permit or Conditional Use Permit, the Director or Planning Commission, or on appeal, the Council, shall be required to make the following findings:
1. The proposed use is consistent with the General Plan and any applicable Specific Plan;
 2. The proposed use is allowed or conditionally allowed within the applicable zone and complies with all other applicable provisions of these Zoning Regulations and the Municipal Code;
 3. The design, location, size, and operating characteristics of the proposed activity will be compatible with the existing and future land uses in the vicinity;
 4. The site is physically suitable in terms of:
 - a. Its design, location, shape, size, and operating characteristics of the proposed use;
 - b. Traffic generation and the provision of public and emergency vehicle (e.g., fire and medical) access;
 - c. Public protection services (e.g., fire protection, police protection, etc.); and
 - d. The provision of utilities (e.g., potable water, schools, solid waste collection and disposal, storm drainage, wastewater collection, treatment, and disposal, etc.).
 5. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use.
- B. 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 Minor Use Permits and Conditional Use Permits shall be justified by written findings, based on substantial evidence in view of the whole record.

17.110.080 – Requirement for and Compliance with Use Permits

- A. The modification or addition to a use requiring Use Permit approval shall itself be subject to Use Permit approval. 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.
- B. 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 applicable conditions.

17.110.090 – Permit to Run with the Land

A Minor Use Permit or Conditional Use Permit approved in compliance with the provisions of this Chapter shall run with the land and continue to be valid upon a change of ownership of the business, parcel, service, structure, or use that was the subject of the permit application in the same area, configuration, and manner as it was originally approved in compliance with this Chapter. If the operation of the use for which the Use Permit was issued ceases for a continuous period of one year, the provisions of this Section shall not apply, and a new application shall be required for any new owner or operator.

Chapter 17.112: Reasonable Accommodation

Sections:

- 17.112.010 – Purpose and Intent
- 17.112.020 – Requests for Reasonable Accommodation
- 17.112.030 – Application Requirements
- 17.112.040 – Process for Approval
- 17.112.050 – Conditions of Approval
- 17.112.060 – Required Findings
- 17.112.070 – Occupancy Requirement
- 17.112.080 – Appeals

17.112.010 – Purpose and Intent

The Reasonable Accommodation provisions allow for flexibility in the application of regulations and procedures to ensure equal access to housing. The provisions set forth in this Chapter provide a procedure under which a disabled person may request a reasonable accommodation in the application of zoning requirements. This Chapter is based on requirements of the Federal and State fair housing laws and is designed to eliminate barriers to housing opportunities.

17.112.020 – Requests for Reasonable Accommodation

- A. Request.** A request for Reasonable Accommodation in the application of land use and Zoning Regulations may be made by a disabled person, his or her representative, or a developer or provider of housing for individuals with disabilities. A request for Reasonable Accommodation may include a modification or exception to the siting, development, and use of housing or housing related facilities that would eliminate regulatory barriers. A Reasonable Accommodation cannot waive a requirement for a Minor Use Permit or Conditional Use Permit when otherwise required or result in approval of uses otherwise prohibited by the City's land use and Zoning Regulations.
- B. Assistance.** If an applicant needs assistance in making the request, the Planning Division will endeavor to provide the assistance necessary to ensure that the process is available to the applicant.
- C. Balancing Rights and Requirements.** The City will attempt to balance the privacy rights and reasonable request of an applicant for confidentiality with the land use requirements for notice and public hearing, factual findings, and rights to appeal in the City's request for information, considering an application, preparing written findings, and maintaining records for a request for reasonable accommodation.

17.112.030 – Application Requirements

Whenever a request for Reasonable Accommodation is submitted for consideration, as a part of the application, sufficient information shall be submitted to the Community Development Department to determine whether the Reasonable Accommodation request complies with the provisions of this Chapter. In addition to the required Director's Action application checklist items, the application shall include the following:

- A.** The basis for the claim that the individual is considered disabled under the fair housing laws. Identification and description of the disability which is the basis for the request for accommodation, including current, written medical certification, and description of disability and its effects on the person's medical, physical, or mental limitations.
- B.** The rule, policy, practice, and/or procedure of the City for which the request for accommodation is being made, including the zoning code regulation from which reasonable accommodation is being requested.
- C.** Type of accommodation sought.
- D.** The reason(s) why the accommodation is reasonable and necessary for the needs of the disabled person(s). Where appropriate, include a summary of any potential means and alternatives considered in evaluating the need for the accommodation.

17.112.040 – Process for Approval

- A. Director's Action.** Requests for Reasonable Accommodation shall be reviewed by the Director if no approval is sought other than the request for Reasonable Accommodation. The Director may refer the matter to any advisory commission or committee, as appropriate and authorized by these Zoning Regulations.
- B. Other Review Authority.** Requests for Reasonable Accommodation submitted for concurrent review with another discretionary land use application shall be reviewed by the authority responsible for reviewing the other application.

17.112.050 – Conditions of Approval

Conditions imposed by the Director or other review authority may include, but are not limited to, the following:

- A.** Inspection of the property periodically, as specified, to verify compliance with this Chapter and any conditions of approval.
- B.** Removal of the improvements, where removal would not constitute an unreasonable financial burden, when the need for which the accommodation was granted no longer exists.
- C.** Time limits and/or expiration of the approval if the need for which the accommodation was granted no longer exists.
- D.** Recordation of a deed restriction requiring removal of the accommodating feature once the need for it no longer exists.
- E.** Measures to reduce the impact on surrounding uses.
- F.** Measures in consideration of the physical attributes of the property and structures.
- G.** Other reasonable accommodations that may provide an equivalent level of benefit and/or that will not result in an encroachment into required setbacks, exceedance of maximum height, lot coverage, or floor area ratio requirements specified for the zone.
- H.** Other conditions necessary to protect the public health, safety, and welfare.

17.112.060 – Required Findings

The approval of a Reasonable Accommodation shall require that the Director or other review authority first find that:

- A.** The housing will be used by a disabled person;
- B.** The requested accommodation is necessary to make housing available to a disabled person;
- C.** The requested accommodation would not pose an undue financial or administrative burden on the City; and
- D.** The requested accommodation would not require a fundamental alteration in the nature of a City program or law, including but not limited to land use and zoning.

17.112.070 – Occupancy Requirement

A modification approved under this Chapter is considered a personal accommodation for the individual applicant and does not run with the land.

17.112.080 – Appeals

The Director shall administer and interpret these requirements, subject to the applicable codes and City procedures. Decisions of the Director or other review authority are appealable subject to the Zoning Regulations appeal provisions (Chapter 17.126).

Chapter 17.113: Temporary Use Permits

Sections:

- 17.113.010 – Purpose and Applicability
- 17.113.020 – Procedure
- 17.113.030 – Findings
- 17.113.040 – Conditions of Approval

17.113.010 – Purpose and Applicability

- A. Purpose.** The purpose of this Chapter is to allow for those short-term and intermittent activities set forth in Section 17.86.260 (Temporary and Intermittent Uses) that would be compatible with adjacent and surrounding uses when conducted in compliance with this Chapter.
- B. Applicability.** Those uses identified in Section 17.86.260 (Temporary and Intermittent Uses) shall require a Temporary Use Permit pursuant to the provisions of this Chapter. The following temporary uses are exempt from the requirement for a Temporary Use Permit.
 1. Onsite contractor's construction/storage uses in conjunction with an approved construction project on the same site.
 2. Emergency public health and safety facilities and uses, as determined by the Director.
 3. Garage and yard sales involving the sale of personal property conducted in a residential zone consistent with Section 17.86.190.C (Garage and Yard Sales).

17.113.020 – Procedure

- A.** An application shall be in the form prescribed by the Director, shall state the precise nature of proposed temporary or intermittent use, and shall be accompanied by any required fees.
- B.** The application shall be filed with the Department at least 30 days before the date that the proposed temporary use is scheduled to take place.
- C.** It shall be the responsibility of the applicant to establish evidence in support of the findings required by Section 17.113.040 (Findings).
- D.** Following receipt of a completed application, the Director shall investigate the facts necessary for action consistent with the purpose of this Chapter.
- E.** The Director, through a Director's Action, may approve a Temporary Use Permit, deny the application, or defer action and refer to the application to the Planning Commission for review and final decision.
- F.** Given the abbreviated time frame between the action of the Director on an application for conducting a proposed temporary or intermittent use and the date for such use, the action by the Director may be appealed to the City Manager.

17.113.030 – Findings

The Director may approve a Temporary Use Permit application, with or without conditions, only if he/she first makes all of the following findings:

- A.** The operation of the requested temporary use at the location proposed, within the time period specified, and subject to appropriate conditions will not jeopardize, endanger, or otherwise constitute a menace to the public convenience, health, safety, or general welfare;
- B.** The proposed site is adequate in size and shape to accommodate the temporary use without material detriment to the use and enjoyment of other properties located adjacent to and in the vicinity of the site;

- C. The proposed site is adequately served by streets or highways having sufficient width and improvements to accommodate the kind and quantity of traffic that the temporary use will or could reasonably be expected to generate;
- D. Adequate temporary parking to accommodate vehicular traffic to be generated by the temporary use will be available either onsite or at alternate locations acceptable to the Director;
- E. The location for the proposed temporary use would not adversely interfere with existing uses on the subject property, and would not impede or adversely impact pedestrian access ways and/or vehicular circulation patterns; and
- F. The applicant agrees in writing to comply with any and all of the conditions imposed in the approval of the Temporary Use Permit.

17.113.040 – Conditions of Approval

- A. **May Impose Conditions.** In approving a Temporary Use Permit application, the Director may impose conditions that are deemed reasonable and necessary to ensure that the permit would be in compliance with this Chapter, Section 17.86.260 (Temporary and Intermittent Uses), and the findings required by Section 17.113.030 (Findings), above.
- B. **Appropriate Conditions.** The conditions may address any pertinent factors affecting the operation of the temporary activity or use, and may include the following:
 1. **Fixed Period of Time.** Unless otherwise stated in the permit, a provision for a fixed period of time.
 2. **Operating Hours and Days.** Regulation of operating hours and days, including limitation of the duration of the temporary use.
 3. **Temporary Pedestrian and Vehicular Circulation.** Provision for adequate temporary pedestrian and vehicular circulation, parking facilities (including vehicular ingress and egress), and public transportation, if applicable;
 4. **Regulation of Nuisance Factors.** Regulation of nuisance factors including prevention of glare or direct illumination on adjacent parcels, dirt, dust, gases, heat, noise, odors, smoke, trash, and vibration.
 5. **Regulation of Temporary Structures.** Regulation of temporary structures and facilities, including their number, placement, height and size, location of equipment and open spaces, including buffer areas and other yards;
 6. **Sanitary and Medical Facilities.** Provision for sanitary and medical facilities, as appropriate.
 7. **Waste Collection, Recycling, and/or Disposal.** Provision for solid, hazardous, and toxic waste collection, recycling, and/or disposal.
 8. **Police/Security and Safety Measures.** Provision for police/security and safety measures, as appropriate.
 9. **Outdoor Lighting.** Regulation of outdoor lighting.
 10. **Special Sales.** If special sales are proposed, limitations on the location where sales may occur, the number of vendors, and the scope of goods to be sold.
 11. **Food Sales.** If food sales are involved, obtainment of all appropriate health permits.
 12. **Performance Bond.** Submission of a performance bond or other security measures satisfactory to the Director to ensure that any temporary structures and facilities used will be removed from the site within a reasonable time following the activity and that the property will be restored to its former condition, or better, as determined by the Director.
 13. **Other Conditions.** Other conditions that would ensure the operation of the proposed temporary use in an orderly and efficient manner, and in full compliance with the purpose of this Section.

Chapter 17.114: Variances

Sections:

17.114.010 – Purpose and Applicability

17.114.020 – Procedure

17.114.030 – Burden of Proof

17.114.040 – Required Findings

17.114.010 – Purpose and Applicability

- A. **Purpose.** The Variance procedure is intended to allow minor relaxation of certain standards by the Director 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.
- B. **Applicability.** Yards, height limits, lot coverage, floor area ratio, and parking space requirements may be relaxed. No Variance to land use regulations or density standards may be granted.

17.114.020 – Procedure

- A. An application shall be in the form prescribed by the Director, shall state the precise nature of the grounds for the Variance sought, and shall be accompanied by any required fees.
- B. Notification requirements and actions of the Director shall be as provided for Minor Use Permits in Section 17.110.030 (Procedure – Minor Use Permit).

17.114.030 – Burden of Proof

It shall be the responsibility of the applicant to provide evidence in support of the findings required in Section 17.114.040 (Required Findings).

17.114.040 – Required Findings

In order to approve a Variance, the Director or, on appeal, the 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 be in conflict with the purpose and intent of these Zoning Regulations, the General Plan, or any applicable specific plan;
- C. 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; and
- D. 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.

ARTICLE 7: ADMINISTRATION OF ZONING REGULATIONS

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Chapter 17.120: Administrative Responsibility

Sections:

- 17.120.010 – Purpose
- 17.120.020 – Community Development Director
- 17.120.030 – Planning Commission
- 17.120.040 – Architectural Review Commission
- 17.120.045 – Cultural Heritage Committee
- 17.120.050 – City Council

17.120.010 – Purpose

The purpose of this Chapter is to describe and establish the authority and responsibilities of the Director, Planning Commission, Architectural Review Commission, and Council in the administration of these Zoning Regulations.

17.120.020 – Community Development Director

A. Definition of the Term "Director." When used in these Zoning Regulations or any permit or condition approved in compliance with these Zoning Regulations, the term "Director" shall be as defined in Chapter 8 (Definitions) and shall include designee(s) of the Director.

B. Duties and Authority. The Director shall:

1. Have the responsibility to perform all of the functions designated by State law, including, but not limited to the following:
 - a. Annual report related to implementation of the General Plan in compliance with Government Code Section 65400;
 - b. Review of public works projects for conformity to the General Plan in compliance with Government Code Section 65401; and
 - c. Review of acquisition of property for conformity to the General Plan in compliance with Government Code Section 65402.
2. Perform the duties and functions prescribed in these Zoning Regulations, including the review of administrative development projects, in compliance with these Zoning Regulations, Government Code Section 65901 et seq., and the California Environmental Quality Act (CEQA);
3. Perform other responsibilities assigned by the Council or City Manager; and
4. Delegate the responsibilities of the Director to Community Development Department staff under the supervision of the Director.

17.120.030 – Planning Commission

The Planning Commission shall have the duties and authority as established in Chapter 2.12 (Planning Commission) of the Municipal Code.

17.120.040 – Architectural Review Commission

The Architectural Review Commission shall have the duties and authority as established in Chapter 2.48 (Architectural Review Commission) of the Municipal Code.

17.120.045 – Cultural Heritage Committee

The Cultural Heritage Committee shall have the duties and authority as established in Chapter 14.01.030 (Historic Preservation Ordinance) of the Municipal Code.

17.120.050 – City Council

The City Council, referred to in these Zoning Regulations as the Council, in matters related to the City's planning process shall perform the duties and functions prescribed in the Municipal Code and these Zoning Regulations, which include the following:

- A. Review Authority on Specified Planning Matters.** Final decisions on Development Agreements, Zoning Regulation amendments, General Plan amendments, specific plans and amendments, Zoning Map amendments, environmental documents related to any of the forgoing, and other applicable policy or regulatory matters related to the City's planning process as specified in the City Charter, the Municipal Code, and these Zoning Regulations;
- B. Appeals.** The review of appeals filed from Planning Commission decisions; and
- C. Compliance.** The above-listed functions shall be performed in compliance with these Zoning Regulations, and the California Environmental Quality Act (CEQA).

Chapter 17.122: Public Notices and Hearings

Sections:

- 17.122.010 – Purpose
- 17.122.020 – Notice of Hearing
- 17.122.030 – Scheduling of Hearing
- 17.122.040 – Hearing Procedure
- 17.122.050 – Effective Date of Decision

17.122.010 – Purpose

This Chapter provides procedures for public hearings required by these Zoning Regulations. When a public hearing is required, advance notice of the hearing shall be given, and the hearing shall be conducted, in compliance with this Chapter.

17.122.020 – Notice of Hearing

- A. Generally.** When these Zoning Regulations require a public hearing before a decision on a permit or other discretionary entitlement, the public shall be provided notice of the hearing in compliance with Government Code Sections 65090, 65091, 65094, 65096, and 66451.3; Public Resources Code 21000 et seq.; and as required by this Chapter.
- B. Content of Notice.** Notice of a public hearing shall include all of the following information, as applicable.
- 1. Hearing Information.** The date, time, and place of the hearing and the name of the review authority; a brief description of the City's general procedure concerning the conduct of hearings and decisions (e.g., the public's right to appear and be heard); and the phone number, street address, and email or website address of the City Community Development Department where an interested person could call or visit to obtain additional information.
 - 2. Project Information.** The date of filing and the name of the applicant; the City's file number assigned to the application; a general explanation of the matter to be considered; and a general description, in text or by diagram, of the location of the property that is the subject of the hearing.
 - 3. Statement on Environmental Document.** If a proposed Negative Declaration, Mitigated Negative Declaration, final Environmental Impact Report, or statement of exemption from the requirements of California Environmental Quality Act (CEQA) has been prepared for the project in compliance CEQA, the hearing notice shall include a statement that the review authority will also consider approval (or recommendation of adoption/approval for an application requiring Council action) of the proposed Negative Declaration, Mitigated Negative Declaration, certification of the final Environmental Impact Report, or statement of exemption.
 - 4. Statement Regarding Challenges of City Actions.** A notice substantially stating all of the following: "If you challenge the (nature of the proposed action) in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the (public entity conducting the hearing) at, or before, the public hearing" in compliance with Government Code Section 65009(b)(2).
 - 5. Statement Regarding Commission's Recommendations.** For Council items that involve a recommendation from the Planning Commission, the notice shall contain the Planning Commission's recommendations.

- C. Method of Notice Distribution.** Notice of a public hearing required by this Chapter, and any other type of notice specified in Article 6 (Permit Processing Procedures), shall be given as follows, as required by Government Code Sections 65090 and 65091.
1. **Mailing.** Notice shall be mailed or delivered not less than five days before the scheduled hearing to the following:
 - a. **Project Site Owners, Agent(s), and Applicant.** The owners of the property being considered in the application, the owners' agent(s), and the applicant, in addition to the owner(s) of any mineral rights for maps in compliance with Government Code Section 65091(a)(2);
 - b. **Local Agencies.** Each local agency expected to provide roads, schools, sewage, streets, water, or other essential facilities or services to the property which is the subject of the application, whose ability to provide those facilities and services may be significantly affected;
 - c. **Affected Owners.** All owners of real property as shown on the latest assessment rolls of the City or of the County, located within a radius of 300 feet, or a different radius as specified in the actual permit requirements of Division 6 (Permit Processing Procedures), of the exterior boundaries of the parcel that is the subject of the hearing; and any other person whose property might, in the judgment of the Director, be affected by the proposed project;
 - d. **Affected Occupants.** All occupants/tenants of owners at addresses located within a radius of 300 feet, or a different radius as specified in the actual permit requirements of Division 6 (Permit Processing Procedures), of the exterior boundaries of the parcel that is the subject of the hearing; and
 - e. **Persons Requesting Notice.** Any person who has filed a written request for notice with the Director or City Clerk.
 2. **Alternative to Mailing.** If the number of property owners to whom notice would be mailed in compliance with subparagraph C. 1., above is more than 1,000, the Director may choose to provide the alternative notice allowed by Government Code Section 65091(a)(3).
 3. **Additional Notice.** In addition to the types of notice required above, the Director may require any additional notice with content or using a distribution method (e.g., posting on the City's web site) as the Director determines is necessary or desirable, including posting a notice on the property.

17.122.030 – Scheduling of Hearing

After the completion of any environmental document required by CEQA and a Community Development Department staff report, a matter requiring a public hearing shall be scheduled on the next available agenda (Director, Planning Commission, or Council, as applicable) reserved for public hearings, but no sooner than any minimum time period established by State law.

17.122.040 – Hearing Procedure

- A. **Time and Place of Hearing.** A hearing shall be held at the date, time, and place for which notice was given.
- B. **Continued Hearing.** Any hearing may be continued from time to time without further notice, provided that the chair of the hearing body announces the date, time, and place to which the hearing will be continued before the adjournment or recess of the hearing.
- C. **Deferral of Final Decision.**
 1. The review authority may announce a tentative decision and defer its action on a final decision until appropriate findings and/or conditions of approval have been prepared.

2. The date of the final action shall be as described in the motion, ordinance, or resolution that incorporates the findings and/or conditions.
- D. Summary Information.** A summary of all pertinent testimony offered at a public hearing, together with the names and addresses of all persons testifying, shall be recorded and made a part of the permanent files of the case.
- E. Formal Rules of Evidence or Procedure Not Applicable.** Formal rules of evidence or procedure applicable in judicial actions and proceedings shall not apply in any proceeding subject to these Zoning Regulations, except as otherwise required by the City Charter or the Municipal Code, in compliance with Government Code Section 65010.

17.122.050 – Effective Date of Decision

- A. Director’s or Planning Commission’s Decision.** The decision of the Director or Planning Commission is final and effective after 5:00 PM on the 10th day following the actual date the final decision is rendered if no appeal of that decision has been filed in compliance with Chapter 17.126 (Appeals).
- B. Council’s Decision.**
1. **Adopted by Ordinance.** A decision of the Council adopted by ordinance is final and shall become effective on the 31st day following the date the ordinance is actually adopted by the Council, unless otherwise provided in the adopting ordinance. For example, an ordinance adopted on October 1st will actually be effective on November 1st.
 2. **Adopted by Resolution.** A decision of the Council adopted by resolution is final and shall be effective on the date the decision is rendered.
 3. **Contingent on Future Date or Event.** The Council may take a final action and make it contingent on a future date or event.

Chapter 17.124: Amendments - Zoning Regulations and Zoning Map

Sections:

- 17.124.010 – Scope
- 17.124.020 – Authority to Initiate an Amendment to the Zoning Regulations
- 17.124.030 – Authority to Initiate a Change of Zone
- 17.124.040 – Processing, Notice, and Hearings
- 17.124.050 – Other Requirements

17.124.010 – Scope

An amendment to these Zoning Regulations which changes any property from one zone to another shall be adopted as set forth in this Chapter. Any other amendment to these Zoning Regulations may be adopted as other ordinances and amendments to the Municipal Code are adopted.

17.124.020 – Authority to Initiate an Amendment to the Zoning Regulations

An amendment to these regulations may be initiated by:

- A. A resolution of intention of the Council;
- B. An application by the Director or any other person or agency in the form prescribed by the Director.

17.124.030 – Authority to Initiate a Change of Zone

An application to change the zone of a property or properties from one zone to another may be initiated by:

- A. Any owner of real property in the City or his/her authorized agent;
- B. A resolution of intention of the Council;
- C. The Director.

17.124.040 – Processing, Notice, and Hearings

A. Planning Commission Action.

1. 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:
 - a. Publication in a newspaper of general circulation within the City;
 - b. Posting each street frontage of the property to be rezoned, or the nearest street access if the property does not abut a dedicated street; and
 - c. 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.
2. Failure to post or notify by mail shall not invalidate any amendments duly adopted.
3. The Planning Commission shall make a recommendation to approve or deny a zone change application. Its action shall be a written recommendation to the Council, including any required findings.

- B. 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 Chapter 17.122 (Public Notices and Hearings).

17.124.050 – Other Requirements.

Procedures for pre-zoning 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.

Chapter 17.126: Appeals

Sections:

- 17.126.010 – Standing to Appeal
- 17.126.020 – Time to File Appeal
- 17.126.030 – Content of Appeal Filing
- 17.126.040 – Course of Appeals
- 17.126.050 – Hearings and Notice

17.126.010 – 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 of the Municipal Code, may not be appealed.

17.126.020 – Time to File Appeal

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.

17.126.030 – Content of Appeal Filing

The appeal shall concern a specific action and shall state the grounds for appeal. Applicable fees for the appeal shall be paid as established by Council resolution.

17.126.040 – 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.
- C. The Director or City Clerk, as applicable, shall have the authority to combine multiple appeal filings for a single public hearing.

17.126.050 – Hearings and Notice

- A. Action on appeals shall be “de novo” review and 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 and scheduled hearings, unless the appellant agrees to a later date.

Chapter 17.128: Development Agreements

Sections:

- 17.128.010 – Purpose and Scope
- 17.128.020 – Authority
- 17.128.030 – Initiation of Hearings
- 17.128.040 – Applications – Legal Interest
- 17.128.050 – Fees
- 17.128.060 – Preapplication Review
- 17.128.070 – Application – Contents
- 17.128.080 – Public Notice
- 17.128.090 – Failure to Receive Notice
- 17.128.100 – Planning Commission Hearing and Recommendation
- 17.128.110 – City Council Hearing
- 17.128.120 – City Council Action
- 17.128.130 – Development Agreement – Contents
- 17.128.140 – Development Agreement – Adoption by Ordinance – Execution of Contract
- 17.128.150 – Recordation of Executed Agreement
- 17.128.160 – Ordinance, Regulations, and Requirements Applicable to Development
- 17.128.170 – Subsequently Enacted State and Federal Laws
- 17.128.180 – Enforcement – Continuing Validity
- 17.128.190 – Amendment – Time Extension – Cancellation
- 17.128.200 – Review for Compliance – Director’s Authority
- 17.128.210 – Violation of Agreement – Council Review and Action
- 17.128.220 – Modification or Termination for Violations
- 17.128.230 – Consequences of Termination
- 17.128.240 – Irregularity of Proceedings
- 17.128.250 – Coordination of Approvals

17.128.010 – 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.

17.128.020 – Authority

This Chapter establishes procedures and requirements for Development Agreements for 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 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 in this Chapter. 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.

17.128.030 – 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.

17.128.040 – Applications – Legal Interest

Any person having a legal or equitable interest in real property or such other interest as specified in Section 17.128.070(A)(3)(b) 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 or otherwise authorized by the Council.

17.128.050 – 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 and conducting an annual review as required by the Government Code.

17.128.060 – Preapplication Review

Before submitting an application and support materials, applicants shall discuss the proposal with the 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.

17.128.070 – 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 300 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 300 feet from the subject property boundaries; and a mailing list of owners of adjacent properties within 300 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 17.128.130; and

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.

17.128.080 – Public Notice

- A. **Director Responsibilities.** When the Director certifies that the application is complete, the item shall be scheduled for Planning Commission hearing, and the Director shall give notice of the public hearing, as provided below.
- B. **Manner of Giving Public Notice.** Public notice shall be provided in compliance with Chapter 17.122 (Public Notices and Hearings).

17.128.090 – 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.

17.128.100 – Planning Commission Hearing and Recommendation

The Planning 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 these Zoning Regulations, the subdivision ordinance, 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; and
 2. Will be appropriate at the proposed location and will be compatible with adjacent land uses.

17.128.110 – City Council Hearing

After the recommendation of the Planning Commission, the City Clerk shall give notice of a public hearing before the Council in the manner provided for in Chapter 17.122 (Public Notices and Hearings).

17.128.120 – City Council Action

- A. **Referral.** After it completes the public hearing and considers the Planning 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 Planning Commission during its hearing back to the Planning Commission for review and recommendation.

- B. Approval.** The Development Agreement may be approved if the Council makes the findings for approval listed in Section 17.128.100.

17.128.130 – 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, as well as other pertinent development standards;
 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 17.128.200.
- 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 Action or subject to a Minor Use Permit or Conditional 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 setbacks, 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.

11. Incorporate or reference any environmental mitigation measures to reduce potentially significant environmental impacts, if applicable.

17.128.140 – 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 Mayor or City Manager.
- B. No ordinance shall be finally adopted 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 Council and returned the executed agreement to the City Clerk within 60 days following Council approval, the approval shall be deemed withdrawn, and the Council shall not finally adopt such ordinance, nor shall the City Manager execute the agreement.
- C. Such 60-day time period may be extended upon approval of the Council.

17.128.150 – Recordation of Executed Agreement

Following the execution of a Development Agreement, the City Clerk shall cause the executed agreement to be recorded with the County Recorder.

17.128.160 – Ordinance, Regulations, and Requirements Applicable to Development

Development projects covered by a Development Agreement shall comply with the General Plan, Zoning Regulations, subdivision ordinance, and other applicable codes, ordinances, rules, regulations, and official policies in effect on the date of execution of the Development Agreement, 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.

17.128.170 – 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.

17.128.180 – Enforcement – Continuing Validity

- A. Unless and until amended or canceled in whole or in part as provided in Sections 17.128.190 or 17.128.210, 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 17.128.160 and 17.128.170.

- 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.

17.128.190 – Amendment – Time Extension – Cancellation

A Development Agreement may be amended, extended, or cancelled, 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.

17.128.200 – Review for Compliance – Director’s Authority

- A. Every Development Agreement entered into by the 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 12 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 or other method guaranteeing proof of delivery, 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 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.

17.128.210 – 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 17.128.080; or
 - 2. Continue the matter for further consideration.

17.128.220 – Modification or Termination for Violations

- A.** After the hearing required by Section 17.128.210 (A), the Council may terminate or modify the agreement upon finding that:
1. Terms, conditions, and obligations of any party to the Development Agreement have not been met; or
 2. The scope, design, intensity, or environmental effects of a project were represented inaccurately; or
 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.** Such remedial action may include, but is not limited to, changes to project design or uses, operating characteristics, or necessary onsite 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.

17.128.230 – 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.

17.128.240 – Irregularity of 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.

17.128.250 – 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, permit 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, and/or attractive development of the subject property.

Chapter 17.130: General Plan Amendments

Sections:

- 17.130.010 – Purpose
- 17.130.020 – Authority to Initiate an Amendment
- 17.130.030 – Schedule for and Coordination of Amendments
- 17.130.040 – Processing, Notice, and Hearings

17.130.010 – Purpose

The purpose of this Chapter is 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.

17.130.020 – Authority to Initiate an Amendment

- A. **Initiation of Amendment by the City Council.** The 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 17.130.030 (Schedule for and Coordination of Amendments).
- B. **Applications to Initiate Amendments.** Any person may request an amendment of the General Plan by filing an application with the Community Development Department. 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.
- C. **Early Council Consideration of an Application.** The Director shall have the authority, prior to processing a General Plan Amendment application in conformance with the provisions of this Chapter, to forward any such application to the Council for early policy consideration to allow the Council to determine whether the proposed

amendment is consistent with overall policy direction in the General Plan. The Council, upon making specific findings in reference to specific General Plan provisions, may direct the Director to reject the application as inconsistent with overall General Plan policy direction.

17.130.030 – Schedule for and Coordination of Amendments

- A. Limited to Four Times Annually.** 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 Council must consider them in no more than four batches per year so that cumulative effects of such amendments can be considered.
- B. Coordination of 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.

17.130.040 – Processing, Notice, and Hearings

A. Planning Commission Actions.

- 1. 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 10 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.
- 2. Resolution.** The recommendation for approval of the Planning Commission of any amendment to the General Plan shall be by resolution of the Planning Commission adopted by the affirmative vote of not less than a majority of its total voting members.
- 3. Transmittal to Council.** The Planning Commission's recommendation shall be transmitted to the Council in the form of a resolution with findings.
- 4. Other Situations.** When neither a majority of the Planning 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.

B. City Council Actions.

- 1. Public Hearings—Notice.** Upon transmittal of the resolution from the Planning Commission, 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 Chapter 17.122 (Public Notices and Hearings).
- 2. Resolution.** Any amendment of the General Plan shall be adopted by resolution of the Council, adopted by the affirmative vote of not less than a majority of the total membership of the Council.
- 3. 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 40 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.

Chapter 17.132: Enforcement

Sections:

- 17.132.010 – Delegation of Authority
- 17.132.020 – Violations

17.132.010 – Delegation of Authority

The Director shall be responsible for enforcing these Zoning Regulations and shall issue no permit in conflict with them. Any such permit issued shall be void.

17.132.020 – Violations

- A. General Regulations and Requirements.** The Director shall enforce these Zoning Regulations in accordance with provisions of this Code and any other procedures as may be adopted by resolution of the Council. The provisions of Municipal Code Chapter 1.12 (General Penalty) shall apply to violations of these Zoning Regulations.
- B. Time Limits for and Revocation of Use Permits, Variances, and Home Occupation Permits.**
 - 1. A Director's Action, Minor Use Permit, Conditional 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 approvals, permits, and Variances may be revoked by the body which 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 or Variance, including written notice to the permittee at least 10 calendar days before the hearing.

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Chapter 17.138: Inclusionary Housing Requirements

Sections:

- 17.138.010 – Purpose
- 17.138.020 – Applicability and Exclusions
- 17.138.030 – Definitions
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- 17.138.150 – Shared Equity Purchase Program
- 17.138.160 – Early Resale of Shared Equity Properties
- 17.138.170 – Management and Monitoring
- 17.138.180 – Enforcement and Appeals
- 17.138.190 – Severability

17.138.010 – Purpose

The purpose and intent of this Chapter are: 1) to promote the public welfare by increasing the production and availability of affordable rental housing units; 2) to establish an inclusionary housing requirement which implements General Plan policies guiding land use and housing development; and 3) to ensure that affordable housing units established pursuant to the provisions of this Chapter are located in a manner that provides for their integration with market rate units.

17.138.020 – Applicability and Exclusions

- A. This Chapter shall apply to development projects consisting of five or more residential lots or new dwelling units, and to commercial development projects consisting of 2,500 square feet or more of gross floor area.
- B. The following types of development projects are excluded:
 1. Residential developments of four units or less;
 2. New commercial developments of less than 2,500 square feet of 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 2,500 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 in which 100 percent of the dwellings to be built will be sold or rented in conformance with the City's affordable housing standards;
 7. Emergency projects or projects which the Council determines are necessary to protect public health and safety;
 8. Development projects which the Director 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 the permittee has performed substantial work and incurred substantial liabilities and which continue to have unexpired permits.

17.138.030 – Definitions

For the purposes of this Chapter, the following words and phrases shall have the meaning set forth below. For all other definitions, the provisions of Article 9 (Definitions) of this Title shall apply.

- 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. “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.
- C. “Density bonus” means a density increase over the maximum density otherwise allowable under the Zoning Regulations.
- D. “Development project” shall mean an activity for which a subdivision map or construction permit is required, including new buildings and building additions or remodels, but not including changes in ownership, occupancy, management, or use.
- E. “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.
- F. “Housing Authority” refers to the Housing of Authority of San Luis Obispo (HASLO).
- G. “Inclusionary housing unit” means a dwelling which is built under the provisions of this Chapter, and which meets the City’s affordable housing standards.
- H. “Low-” or “lower-income households” shall have the meaning set forth in Health and Safety Code Section 50079.5; provided the income of such persons and families shall not exceed 80 percent of the median income within the County.
- I. “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.
- J. “Moderate-income households” shall include those persons and families whose incomes exceed 80 percent but are less than or equal to 120 percent of the median income within the County.
- K. “Real property” shall mean land and improvements, if any, including anything permanently affixed to the land, such as buildings, walls, fences, and paved areas.
- L. “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-unit attached or detached homes, apartments, condominiums, live/work studios, mobile homes, and group housing.
- M. “Very low-income” shall have the meaning set forth in Health and Safety Code Section 50105, defined as “persons and families whose incomes do not exceed the qualifying limits for very low-income families as established and amended from time to time in compliance with Section 8 of the United States Housing Act of 1937, and as published in the California Administrative Code.”

17.138.040 – 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 (also included below) which require 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 of the Housing Element, as adjusted by Table 2A of the Housing Element; 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 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. Provide for the rehabilitation of existing housing units that are vacant and in poor physical condition or are otherwise uninhabitable; or
5. Use a combination of the above methods, to the approval of the Director.

Housing Element Table 2 – Inclusionary Housing Requirement			
Type of Housing Development			
		Residential – Adjust Requirements per Table 2A below	Commercial
Location	In City Limits	Build 3% low ⁵ or 5% moderate income Affordable Dwelling Units (ADUs ²), but not less than 1 ADU per project; or ³ pay in-lieu fee equal to 5% of building valuation. ⁴	Build 2 ADUs per acre, but not less than 1 ADU per project; or ³ pay in-lieu fee equal to 5% of building valuation
	In Expansion Area	Build 5% low ⁵ - and 10% moderate income ADUs, but not less than 1 ADU per project; or pay in-lieu fee equal to 15% of building valuation.	Build 2 ADUs per acre, but not less than 1 ADU per project; or pay in-lieu fee equal to 5% of building valuation.

Notes:

1. Residential developments of four or less dwellings, and commercial developments of 2,500 gross square feet of floor area or less are exempt from these requirements.
2. Affordable Dwelling Units must meet City affordability criteria listed in Goal 2.1 of the Housing Element.
3. Developer may build affordable housing in the required amounts, pay in-lieu fee based on the above formula, or dedicate real property, or a combination of these, to City approval.
4. "Building valuation" shall mean the total value of all construction work for which a permit would be issued, as determined by the Chief Building Official.
5. Low income includes the subsets of extremely low and very low-income categories.

Housing Element Table 2A – Inclusionary Housing Adjustment Factors						
Project Density (Density Units/Net Acre) ¹	Inclusionary Housing Requirement Adjustment Factor ²					
	Average Unit Size (square feet)					
	Up to 1,100	1,101 – 1,500	1,501 – 2,000	2,001 – 2,500	2,501 – 3,000	>3,000
36 or more	0	0	0.75	1.0	1.25	1.5
24 – 35.99	0	0	0.75	1.0	1.25	1.5
12 – 23.99	0	0.25	1.0	1.25	1.5	1.75
7 – 11.99	0	0.5	1.0	1.25	1.5	1.75
<7	0	0.5	1.25	1.5	1.75	2.0

Notes:

1. Including allowed density bonus, where applicable.
2. Multiply the total base Inclusionary Housing Requirement (either housing or in-lieu percentage) by the adjustment factor to determine requirement. At least one enforceably restricted affordable unit is required per development of five or more units.

- 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 value units unless the developer and the Director agree within an affordable housing agreement to an alternative development schedule.

17.138.050 – Procedures

- A. Fractional Numbers.** In determining the number of dwellings that are required to be built pursuant to Table 2, fractional units shall be rounded up to the next higher whole number unit.
- 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 fewer 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 Director as part of tentative map, rezoning, Minor Use Permit, 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 Housing Authority of San Luis Obispo (HASLO), nonprofit housing provider, or other qualified housing provider approved by the Director 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.

17.138.060 – In-Lieu Housing Fee

- A. Payment of In-Lieu Fee.** The developer may, at his or her discretion, choose to pay a fee to the City 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 of Appendix N of the General Plan Housing Element, and where applicable, as adjusted by Table 2A in Appendix N of the General Plan Housing Element, 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. The 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. For mixed-use developments, these regulations shall apply to whichever occupancy release is first issued.

17.138.070 – Affordable Housing Fund Established

The City hereby establishes an Affordable Housing Fund. The 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 Council. In-lieu fees collected shall be deposited into the Affordable Housing Fund, to the satisfaction of the Director of Finance.

17.138.080 – Real Property Dedication

- A. Irrevocable Offer to Dedicate Real Property.** At the discretion of the 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 an affordable housing provider designated by the City, instead of providing the required number of affordable dwellings or paying in-lieu fees. The City shall have the option of negotiating with the applicant regarding dedications of properties with greater value than the in-lieu fee to achieve an equitable dedication. In considering an offer to dedicate real property, the 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 and additional criteria set forth in Government Code Section 65915(g)(2)(A-H):
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 through of the Office of County Clerk-Recorder 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.

17.138.090 – 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 Chapter 17.140 (Affordable Housing Incentives), 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 17.140 (Affordable Housing Incentives) shall require approval by the appropriate review authority 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.

17.138.100 – 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 value 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.

17.138.110 – Required Agreements

- A. Submittal of an Affordable Housing Agreement.** Applicants and developers for development projects subject to this Chapter shall, as a condition of development approval, submit an affordable housing agreement on forms provided by the City. 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. Exemption for In-Lieu Fees Payment.** An affordable housing agreement shall not be required for projects which meet their inclusionary housing requirement through the payment of in-lieu fees.

17.138.120 – 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.

17.138.130 – Eligibility Screening

The 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. 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 for any affordable units.

17.138.140 – 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 17.138.150, or (2) enter into an affordable housing agreement to ensure that affordability is maintained for the longest period allowed or required by State law.

17.138.150 – 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 lien 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. The proceeds from the sale shall be deposited into the City’s Affordable Housing Fund and shall be used for the purposes set forth in Health and Safety Code § 33334.2(e).

17.138.160 – 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 within seven 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 – 3	100%
4	75%
5	50%
6	25%
7 and after	0%

The recapture amount shall be determined prior to the calculation of escrow closing costs.

17.138.170 – 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.

17.138.180 – 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 Chapter 17.126 (Appeals).

17.138.190 – 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.

Chapter 17.140: Affordable Housing Incentives

Sections:

- 17.140.010 – Purpose
- 17.140.020 – Definitions
- 17.140.030 – Application Process
- 17.140.040 – Standard Incentives for Housing Projects
- 17.140.050 – Standard Incentives for Mixed Use Projects
- 17.140.060 – Standard Incentives for Conversion of Apartments to Condominium Projects
- 17.140.070 – Alternative or Additional Incentives
- 17.140.080 – Agreements for Affordable Housing
- 17.140.090 – Fees
- 17.140.100 – Affordability Standards
- 17.140.110 – Occupant Qualifications

17.140.010 – Purpose

The purpose and intent of this Chapter are 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 Government Code Section 65915 et seq. This Chapter is a summary of Government Code Sections 65915 through 65918. Where there is a conflict between the State Density Bonus Law and the Zoning Regulations, the State Density Bonus Law shall prevail.

17.140.020 – Definitions

For the purposes of this Chapter, the following words and phrases shall have the meanings set forth below. For all other definitions, the provisions of Article 9 (Definitions) of this Title shall apply.

- 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.
- B. “Common interest development” means any of the following: a community apartment project, a condominium project, a planned development, or a stock cooperative set forth in Civil Code Section 1351.
- C. “Density” means residential density as defined in Section 17.70.040 (Density).
- 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. “Housing development” means a development project for five or more residential units; also includes a subdivision or common interest development.
- F. “Maximum allowable residential density” means the maximum density allowed under the Zoning Regulations and Land Use Element of the General Plan.
- G. “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 35 dwelling units.

17.140.030 – Application Process

- 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.

- 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.

17.140.040 – Standard Incentives for Housing Projects

- A. This Section shall apply only to housing projects consisting of five or more dwelling units, including mixed-use developments. Per State law, projects that provide affordable housing are allowed up to a 50percent density bonus based on the tables outlined below for the respective affordability levels. In addition, the Director may approve a density bonus in excess of 50percent at the request of the developer, as well as other concessions and incentives outlined in Section 17.140.070.
- 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 at least 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:

Table 8-2: Density Bonus for Percentage of Low Income Dedicated Units	
Percentage Low Income Units	Percentage Density Bonus
10	20
11	21.5
12	23
13	24.5
14	26
15	27.5
16	29
17	30.5
18	32
19	33.5

Table 8-2: Density Bonus for Percentage of Low Income Dedicated Units	
Percentage Low Income Units	Percentage Density Bonus
20	35
21	38.75
22	42.5
23	46.25
24	50

- E. Five Percent Very-Low Income Dedication.** When a developer agrees to construct at least five 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:

Table 8-3: Density Bonus for Percentage of Very-Low Income Dedicated Units	
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
12	38.75
13	42.5
14	46.25
15	50

- 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 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 at least 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:

Table 8-4: Density Bonus for Percentage of Moderate Income Dedicated Units	
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

Table 8-4: Density Bonus for Percentage of Moderate Income Dedicated Units	
Percentage Moderate Income Units	Percentage Density Bonus
41	38.75
42	42.5
43	46.25
44	50

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 Government Code Sections 65915 through 65918, the applicant shall be entitled to a 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:

Table 8-5: Density Bonus for Land Donation Dedication for Affordable Housing	
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

Table 8-5: Density Bonus for Land Donation Dedication for Affordable Housing	
Percentage Very Low-Income Units	Percentage Density Bonus
29	34
30	35

I. Housing for Transitional Foster Youth, Disable Veterans, and Homeless Persons. If a developer agrees to construct as least 10 percent of the total dwelling units in a housing development for transitional foster youth, as defined in Education Code Section 66025.9, or for disabled veterans, as defined in Government Code Section 18451, or for homeless persons, as defined in the Federal McKinney-Vento Homeless Assistance Act, the Director shall grant the developer, upon the developer’s request, a density bonus of 20 percent. The units shall be subject to a recorded affordability restriction of 55 years and shall be provided at the same affordability level as very-low-income units.

J. An applicant may elect to accept a lesser percentage of density bonus.

K. Parking Requirements.

1. 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:
 - a. Studio to one bedroom: one onsite parking space per unit.
 - b. Two to three bedrooms: two onsite parking spaces per unit.
 - c. Four or more bedrooms: two and one-half parking spaces per unit.
 - d. Senior housing: 0.5 spaces per bedroom
2. Housing developments occupied exclusively by extremely low, very low, or low-income households, as defined by the State, may provide one car and one bicycle space per dwelling unit.
3. 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.
4. For purposes of this Section, a development may provide onsite parking through tandem or uncovered parking, but not through on-street parking.
5. An applicant may request additional parking incentives or concessions beyond those provided in this Section.

17.140.050 – Standard Incentives for Mixed Use Projects

When an applicant for a commercial development partners with a housing developer proposing to provide affordable housing, the City shall grant to the commercial developer a development bonus pursuant to Government Code Section 65915.7 (Commercial development incentives for affordable housing.)

17.140.060 – 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 25 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 33 percent of the total units of the proposed condominium project to persons and families of low or moderate income, or 15 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 17.140.040, 17.140.050, or 17.140.070.
- F. The City shall grant the developer’s request for development incentive(s) unless the Review Authority 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.

17.140.070 – 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, or for qualifying transitional foster youth, disabled veterans, or homeless persons, and desires an incentive other than a density bonus as provided in Section 17.140.040 (Standard Incentives for Housing Projects), 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 10 percent of the total units for lower income households, at least five percent for very-low income households, at least 10 percent for persons and families of moderate income in a common interest development, or at least 10 percent for qualifying transitional foster youth, disabled veterans, or homeless persons,
 - 2. Two incentives or concessions for housing developments that include at least 20 percent of the total units for lower income households, at least 10 percent for very-low income households, at least 20 percent for persons and families of moderate income in a common interest development, or at least 20 percent for qualifying transitional foster youth, disabled veterans, or homeless persons,
 - 3. Three incentives or concessions for housing developments that include at least 30 percent of the total units for lower income households, at least 15 for very-low income households, at least 30 percent for persons and families of moderate income in a common interest development, or at least 30 percent for qualifying transitional foster youth, disabled veterans, or homeless persons.
- B. Alternative incentive proposals shall include information set forth in Section 17.140.030 (Application Process), as well as a description of the requested incentive. Alternative incentive proposals shall be considered by the Review Authority and may include but are not limited to one or more of the following:
 - 1. A reduction in site development standards or modification of Title 17 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 and actual cost reductions to provide for affordable housing costs;
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 17.140.040;
 4. Deferral of application and Development Review processing fees;
 5. Deferral of park land in-lieu fees or park land dedication requirement; and
 6. 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 as required by State law.
- C. Proposals for approval to convert apartments to a condominium project shall include those relevant items set forth in Section 17.140.030(B), plus the requested incentive, an estimate of the incentive's financial value in comparison with the financial value of the density bonus as set forth in Section 17.140.060, 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. Proposals to construct a housing development that includes affordable units and includes a child care facility that will be located on the premises of, as part of, or adjacent to the housing development, it shall comply with Government Code Section 65915 (h)(1).
- E. The Review Authority shall approve the requisite number of incentives or concessions afforded by this Section. The Review Authority shall grant the specific concession or incentive requested by the applicant unless it can make a written finding, based upon substantial evidence, that the incentive or concession doesn't result in cost reductions, or would have a specific adverse impact upon public health and safety or the environment or on historical properties that can't be mitigated, or would be contrary to state or federal law (Government Code 65915(d)(1)).
- F. The Review Authority's action on any alternative incentive proposal shall be by resolution. Any such resolution shall include findings relating to the information required in subsection B or C of this Section.

17.140.080 – Agreements for Affordable Housing

Prior to the issuance of construction permits for any project incorporating a density bonus or other concession or 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, and/or qualifying transitional foster youth, disabled veterans, or homeless persons, The agreement shall also set forth those items required by this Section. 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 the maximum period established by State law.

17.140.090 – 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 17.140.040, 17.140.050, or 17,140.060, except for reasonable, necessary administrative costs incurred by the City.

- B. A fee not to exceed the amount charge for “preapplication concept review” may be charged for proposals submitted pursuant to the provisions of Section 17.140.070.

17.140.100 – Affordability Standards

- A. The City 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.

17.140.110 – Occupant Qualifications

- 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, ages, or other qualifying status. 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 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 ensure that those households having the greatest difficulty obtaining housing at market value within the City shall be able to occupy affordable housing made available pursuant to this Chapter.

Chapter 17.142: Downtown Housing Conversion Regulations

Sections:

- 17.142.010 – Purpose and Intent
- 17.142.020 – Definitions
- 17.142.030 – Land Uses Affected
- 17.142.040 – No Net Housing Loss
- 17.142.050 – Exceptions
- 17.142.060 – Public Hearing Required
- 17.142.070 – Conditions of Approval

17.142.010 – Purpose and Intent

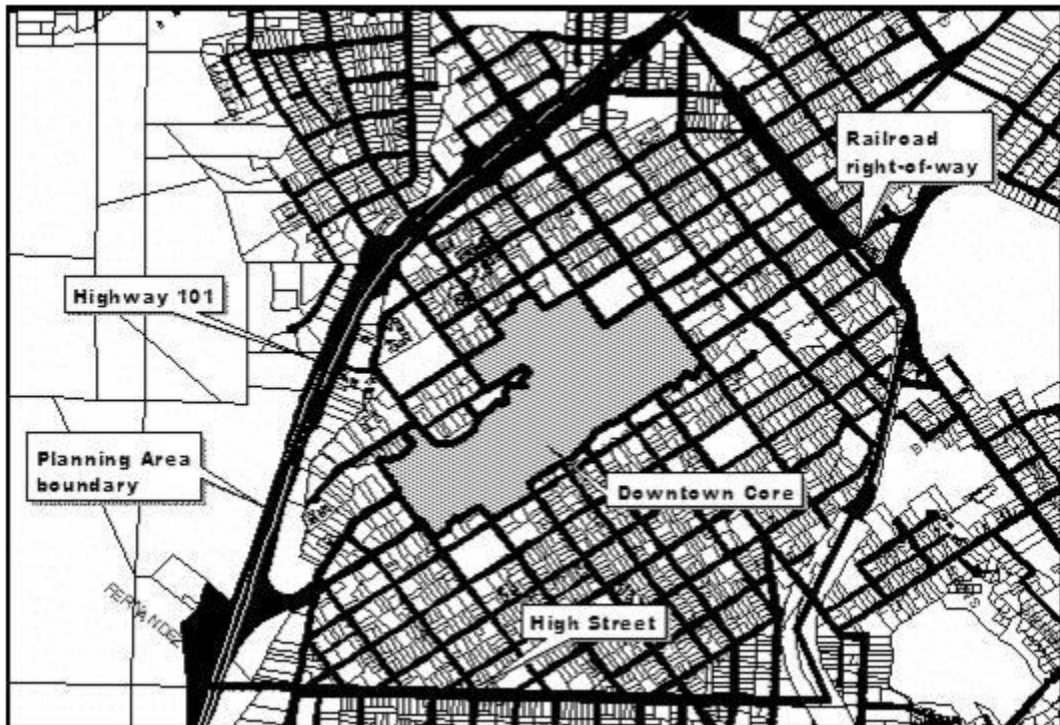
It is the desire and intent of the City to preserve housing in the Downtown Planning Area shown in Figure 8-1. It is also the intent of the City to preserve housing that is affordable to very-low, low, and moderate income households and to encourage mixed residential and commercial uses, where appropriate, 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.

17.142.020 – Definitions

Where not defined below, terms shall be as defined in Article 9 (Definitions) of this Title 17.

- A. “Downtown Core.” As shown in Figure 8-1: Downtown Planning Area and Downtown Core.
- B. “Conversion.” A change in the primary use of at least 51 percent of the floor area of a legally permitted dwelling or building from residential to nonresidential use, or physical change in design of 51 percent of an individual dwelling’s or building’s floor area to accommodate nonresidential uses.
- C. “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.
- D. “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.
- E. “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 8-1.

Figure 8-1: Downtown Planning Area and Downtown Core



17.142.030 – 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 house,” “residential care facilities,” “caretaker quarters,” “lodging - hotels and motels,” “bed and breakfast inn,” and “fraternities and sororities” which have one or more individual rooms for rent, as defined in Article 9 (Definitions) and listed in Table 2-1: Uses Allowed by Zone of Article 2 (Zones, Allowable Uses, and Development Standards)

17.142.040 – No Net Housing Loss

- A.** 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 within the Downtown Planning Area and shall be built concurrently with the development project. Replacement units may be of any size, type, or tenure, consistent with this Title 17 and as approved consistent with the ministerial or discretionary requirements of this Title 17 for the units to be built. Replacement units shall be located within the same subarea as the units remove, but need not be located on the same site as previously existed.
- B.** Development projects shall meet the following standards, subject to the approval of the Director:
- 1. Vacation of Unit.** Each tenant shall have the right to remain no fewer than 60 days from the date of City approval of a development project application. The Director or Council may grant an extension to this right to remain for a period of time not to exceed an additional 30 days.
 - 2. No Increase in Rent.** A tenant’s rent shall not be increased during the period provided in subsection 1 of this Section.

3. **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 24-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.
4. **Tenant Relocation Assistance.** For very low-, low-, or moderate-income residents displaced by the development project, the developer shall provide relocation assistance, subject 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 assistance.

17.142.050 – Exceptions

- A. The Council may grant exceptions to the provisions of this Chapter, subject to the findings listed in paragraph B, below. In granting an exception, the Council may establish conditions to ensure the intent of General Plan policies is met, as described in Section 17.142.070 (Conditions of Approval). The application requirements and procedures for an exception shall be as required for a Conditional Use Permit, as provided in Chapter 17.110 (Minor Use Permits and Conditional Use Permits).
- B. To grant an exception, the City Council must make each of the following findings:
 1. Approval of an exception is consistent with the General Plan and specifically, with Housing Element policies regarding no net housing loss, affordable housing, and mixed uses in the Downtown Planning Area.
 2. Granting the exception will not adversely affect affordable housing opportunities for very low-, low-, or moderate-income persons, either individually or cumulatively.
 3. 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.
 4. 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.
 5. It is physically infeasible to rehabilitate or relocate the housing to be removed or converted.
 6. No public purpose would be served by the strict enforcement of the no net loss policy due to mitigating factors (include specific mitigating factors).

17.142.060 – Public Hearing Required

Prior to acting on an Exception request, the City Council shall hold a public hearing. 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 300 feet of the affected property. The affected property shall be posted, and an advertisement shall be published in a newspaper of general circulation at least 10 days before the public hearing.

17.142.070 – 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.

Chapter 17.144: Residential Growth Management Regulations

Sections:

17.144.010 – Purpose and Justification

17.144.020 – Allocations

17.144.030 – Periodic City Council Review and Consideration of Revisions

17.144.010 – 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 accommodate 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.

17.144.020 – Allocations

- A. Each Specific Plan that authorizes residential development 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, new dwellings in the downtown core (C-D zone as shown on the official zoning map), and legally established accessory dwelling units 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, Zoning Regulations Amendment, or other zoning action, Subdivision application, or Architectural Review.

17.144.030 – Periodic City Council Review and Consideration of Revisions

The Community Development Department shall provide status updates to the 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.

ARTICLE 9: DEFINITIONS

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Chapter 17.154: Definitions, Purpose, and Organization

Sections:

17.154.002 – Purpose and Applicability

17.154.004 – Organization

17.154.006 – Other Definition Sections

17.154.002 – Purpose and Applicability

This Article provides definitions of the technical and other terms and phrases used in Title 17 (Zoning Regulations) as a means of providing consistency in its interpretation. Where any definition in this Article may conflict with definitions in other Titles of the Municipal Code, these definitions shall prevail for the purposes of this Code, except for as specified in Section 17.090.010.C (Other Definition Sections). If a word is not defined in this Chapter or in other provisions of the Municipal Code, the most common dictionary definition in the American Heritage Dictionary is presumed to be correct.

17.154.004 – Organization

This Article is subdivided into the following Chapters.

- A.** Chapter 17.156 (Land Use Definitions) applies to land uses and activities identified in Table 2-1: Uses Allowed By Zone of Section 17.10.020 (Use Regulations By Zone).
- B.** Chapter 17.158 (General Definitions) applies to all other terms used in Title 17.
- C.** Chapter 17.160 (Previous Land Use Definitions) applies to land use classification identified in project approvals prior to the 2018 Zoning Regulations Update and land use classification identified within existing Specific Plans or Area Plans.

17.154.006 – Other Definition Sections

In addition to the definitions provided in this Chapter, definitions are contained in the following Sections of Title 17. Where any definition of this subsection may conflict with definitions in other Titles of the Municipal Code, these definitions shall prevail.

- A.** Section 17.70.140 (Public Art Requirements for Private Development).
- B.** Section 17.86.030 (Adult Business Uses).
- C.** Chapter 17.138 (Inclusionary Housing Requirements).
- D.** Chapter 17.140 (Affordable Housing Incentives).
- E.** Chapter 17.142 (Downtown Housing Conversion Regulations).

Chapter 17.156: Land Use Definitions (Table 2-1: Uses Allowed by Zone)

Sections:

- 17.156.002 – Purpose and Applicability
- 17.156.004 – A Definitions
- 17.156.006 – B Definitions
- 17.156.008 – C Definitions
- 17.156.010 – D Definitions
- 17.156.012 – E Definitions
- 17.156.014 – F Definitions
- 17.156.016 – G Definitions
- 17.156.018 – H Definitions
- 17.156.020 – I Definitions
- 17.156.022 – J Definitions
- 17.156.024 – K Definitions
- 17.156.026 – L Definitions
- 17.156.028 – M Definitions
- 17.156.030 – N Definitions
- 17.156.032 – O Definitions
- 17.156.034 – P Definitions
- 17.156.035 – Q Definitions
- 17.156.036 – R Definitions
- 17.156.038 – S Definitions
- 17.156.040 – T Definitions
- 17.156.042 – U Definitions
- 17.156.044 – V Definitions
- 17.156.046 – W Definitions
- 17.156.048 – X Definitions
- 17.156.050 – Y Definitions
- 17.156.052 – Z Definitions

17.156.002 – Purpose and Applicability

This Chapter provides definitions of the Land Uses and Activities identified in Table 2-1: Uses Allowed by Zone of Section 17.10.020 (Use Regulations by Zone).

17.156.004 – A Definitions

Accessory Dwelling Unit (ADU). An attached or detached dwelling unit that is no more than 1,200 square feet in size, provides complete independent living facilities for one or more persons, and is located on a lot with a proposed or existing primary residence. An ADU includes permanent provisions for living, sleeping, eating, cooking and sanitation on the same lot as a single-family or multifamily structure is or will be situated. An ADU may be structured as one efficiency unit, as defined in of the Health and Safety Code Section 17958.1, and/or (2) a manufactured home, as defined in of the Health and Safety Code Section 18007, among other formats.

Accessory Use. See “Use, Accessory.”

Adult Entertainment Businesses. See Section 17.86.030 (Adult Business Uses).

Agricultural Accessory Structure. Incidental and accessory structures and uses located on the same site with a permitted agricultural use including farm offices, barns, stables, coops, tank houses, storage tanks, wind machines, windmills, silos and other farm outbuildings, private garages and carports, storehouses, garden structures, produce stands, greenhouses, recreation rooms, private swimming pools, and tennis courts for the use of the persons residing on the site.

Airport. An area approved by the Federal Aviation Administration (FAA) for the take-off and landing of aircraft, which may include appurtenant areas for airport buildings, aircraft operations, and related facilities, aprons and taxiways, control towers, hangars, 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.

Animal Care, Sales and Services.

Animal Boarding/Kennels. The commercial provision of shelter and care for dogs, cats, other household animals, and horses (where allowed), including activities associated with such shelter and care (e.g., feeding, exercising, grooming, and incidental medical care) of four or more dogs four months of age or older, or four or more cats, except for dogs or cats in pet shops.

Animal Grooming. The commercial provision of bathing and trimming services for dogs, cats, and other household animals permitted by the Municipal Code. Overnight boarding is not included with this use (see “Animal Boarding/Kennels”).

Animal Retail Sales. The retail sales of household animals within an entirely enclosed building. These uses include grooming, if incidental to the retail use, but specifically excludes boarding of animals other than those for sale (see “Animal Boarding/Kennels”).

Veterinary Services, Large Animal. Veterinary services for livestock, farm animals, and other large animals. This classification allows 24-hour accommodation of animals receiving medical services.

Veterinary Services, Small Animal. Veterinary services for household pets. This classification allows 24-hour accommodation of animals receiving medical services, but does not include kenneling of animals not receiving medical services (see “Animal Boarding/Kennels”).

Animal Husbandry and Grazing. Raising and breeding of animals or production of animal products. Typical uses include grazing, ranching, dairy farming, poultry farming, beekeeping, and enclosed fisheries, but excludes slaughterhouses and feedlot operations. Does not include animal sales, boarding, and grooming (see “Animal Care, Sales and Services”).

Auto Repair. See “Vehicle Repair and Service.”

Auto Sales and Rental. See “Vehicle Repair and Service.”

17.156.006 – B Definitions

Backlots and Soundstages. See “Media Production – Backlots and Soundstages.”

Banks and Financial Institutions.

Automated teller machines (ATMs). An unstaffed computerized, self-service machine used by banking customers for financial transactions, including deposits, withdrawals, and fund transfers. These machines may be located at or within banks, or in other locations.

Banks and Credit Unions. Financial institutions providing retail banking services. This classification includes only those institutions engaged in the onsite circulation of money, including credit unions, but does not include “Check Cashing Shops/Payday Loans.”

Check Cashing Shops/Payday Loans. A commercial land use that generally includes some or all of a variety of financial services, including cashing of checks, warrants, drafts, money orders, or other commercial paper serving the same purpose; deferred deposit of personal checks whereby the check casher refrains from depositing a personal check written by a customer until a specific date pursuant to a written agreement; money transfers; payday advances; issuance of money orders; making consumer or auto-title loans; and similar uses. This category does not include State or Federally chartered banks, savings associations, credit unions, or industrial loan companies. It also does not include retail sellers that are primarily engaged in the business of selling consumer goods, such as consumables to retail buyers, and that cashes checks or issues money orders as a service to its customers (for a fee not exceeding two dollars) incidental to their main purpose or business.

Bar. See “Eating and Drinking Establishments – Bars, Live Entertainment, and Taverns.”

Bed and Breakfast Establishment. See “Lodging – Bed and Breakfast Establishment.”

Boarding House. A boarding house is a residence or dwelling, other than a motel or hotel, wherein two or more rooms, with or without individual or group cooking facilities, are rented to six or more individuals under separate rental agreements or leases, either written or oral, whether or not an owner, agent or rental manager is in the residence. Meals may also be included. This use type includes convents, monasteries, and student dormitories, but does not include “Fraternities and Sororities,” which are separately defined, nor does it include a fraternity or sorority that is not in good standing with the California Polytechnic University. Notwithstanding this definition, no single-unit dwelling operated as a group home pursuant to the Community Care Facilities Act, which is otherwise exempt from local Zoning Regulations, shall be considered a boarding house.

Broadcast Studios. See “Media Production – Broadcast Studios.”

Building Materials Sales and Services. See “Retail Sales – Building Materials and Services.”

Business Services. Establishments providing goods and services to other businesses on a fee or contract basis, including printing and copying, blueprint services, advertising and mailing, equipment rental and leasing, office security, custodial services, photo finishing, model building, taxi, or delivery services with two or fewer fleet vehicles onsite.

17.156.008 – C Definitions

Cannabis. “Cannabis” or “cannabis product” means all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, whether growing or not; the seeds thereof, the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. “Cannabis” also means the separated resin, whether crude or purified, obtained from cannabis plants. “Cannabis” does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. For the purpose of this division, “cannabis” does not mean “industrial hemp” as defined by Section 11018.5 of the Health and Safety Code.

Cannabis accessories. Any equipment, products or materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, smoking, vaporizing, or

containing marijuana, or for ingesting, inhaling, or otherwise introducing cannabis or cannabis products into the human body.

Cannabis Activity. Any activity involving cannabis or cannabis products, except for possession or use, which are regulated under state law. Includes commercial cannabis activity as well as personal non-commercial cultivation, processing, storing, labeling, or delivery for personal adult recreational or medicinal use.

Canopy. “Canopy” means all of the following:

1. The totality of an individual plant’s aboveground parts, including branches, stems, leaves, and flowering structures;
2. The designated area(s) at a licensed premise that will contain mature plants at any point in time;
3. Canopy shall be calculated in square feet and measured using clearly identifiable boundaries of all area(s) that will contain mature plants at any point in time, including all the space(s) within the boundaries;
4. Canopy may be noncontiguous, but each unique area included in the total canopy calculation shall be separated by an identifiable boundary such as an interior wall or by at least 10 feet of open space; and
5. If mature plants are being cultivated using a shelving or stacking system, the surface area of each level shall be included in the total canopy calculation.

Car Wash. See “Vehicle Sales and Services – Vehicle Services, Washing.”

Caretaker Quarters. “Caretaker dwelling” means 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 nonresidential 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.

Cemetery. Establishments primarily engaged in operating sites or structures reserved for the interment of human or animal remains, including mausoleums, burial places, and memorial gardens.

Check Cashing Shops. See “Banks and Financial Institutions – Check Cashing Shops/Payday Loans.”

Commercial Cannabis Activity. The cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, delivery or sale of cannabis and cannabis products as provided for in this division.

Commercial Mining. See “Mineral Extraction.”

Commercial Recreation. Recreational facilities where visitors are participant actors rather than spectators. Examples include outdoor facilities such as amusement and theme parks, water parks, swimming pools; driving ranges, golf courses, miniature golf courses, riding stables; and indoor facilities such as large fitness centers, gymnasiums, handball, badminton, racquetball, dance hall and tennis club facilities; ice or roller skating rinks; trampoline and bounce house establishments; bowling alleys; pool and billiards lounges; and electronic game and amusement centers. This classification may include snack bars and other incidental food and beverage services to patrons. Bars or restaurants with alcohol sales shall be treated as a separate use and shall be regulated accordingly, even when operated in conjunction with the entertainment and recreation use.

Commercial Recreation, Large-Scale. Larger recreational facilities (greater than 20,000 square feet).

Commercial Recreation, Small-Scale. Smaller and primarily indoor (although some facilities may be outdoor) facilities that are less than 20,000 square feet.

Community Garden. A site used for growing plants for food, fiber, herbs, flowers, and others which is shared and maintained by community residents, either as an accessory or primary use.

Continuing Care Community. A residential facility that combines independent living, assisted living, skilled nursing, memory care) on one development site.

Concentrated Cannabis. The separated resin, whether crude or purified, obtained from cannabis.

Convenience Store. See “Food and Beverage Sales – Convenience Store.”

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; 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 (see “Food and Beverage Sales – Produce Stand”). Does not include greenhouses or containerized crop production (See “Greenhouse/Plant Nursery, Commercial”). Does not include noncommercial home gardening, which is considered an accessory use to an allowed residential use. Does not include cannabis, which is addressed separately.

Cultivation. Any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis.

Cultivation, Indoor. Any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis enclosed within a structure using artificial lighting. These structures do not have any part open to the outside.

Cultivation, Outdoor. Any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis not within an enclosed structure such as open fields, greenhouses, hoop structures, etc.

Cultivation, Personal. Cultivation of cannabis conducted by an individual strictly for that individual’s personal use, possession, processing, transporting, or giving away without any compensation whatsoever in accordance with this Code and State law, including but not limited to Health and Safety Code sections 11362.1 and 11362.2, as may be amended. Except as herein defined, personal cultivation does not include, and shall not authorize, any cultivation conducted as part of a business or commercial activity, including cultivation for compensation or retail or wholesale sales of cannabis.

Cultural Institutions. A nonprofit institution displaying or preserving objects of interest in one or more of the arts or sciences. This use includes libraries, museums, and art galleries. May also include accessory retail uses such as a gift/book shop, restaurant, etc.

17.156.010 – D Definitions

Day Care Centers. Establishments providing non-medical care for persons on a less than 24-hour basis other than “Family Day Care.” This classification includes nursery schools, preschools, and day care facilities for children or adults, and any other day care facility licensed by the State.

Delivery. The commercial transfer of cannabis or cannabis products to a customer. “Delivery” also includes the use by a retailer of any technology platform owned and controlled by the retailer.

Distribution. The procurement, sale, and transport of cannabis and cannabis products between licensees.

Drive-Through or Drive-Up Facilities. An establishment that sells products or provides services to occupants in vehicles, including drive-in or drive-up windows and drive-through services. Examples include fast food restaurants, banks, and pharmacies. Does not include “click and collect” facilities in which an online order is picked up in a stationary retail business without use of a drive-in service (see “Retail Sales – General Retail”). Does not include drive-in theaters or “Vehicle Services - Washing.”

17.156.012 – E Definitions

Eating and Drinking Establishments. Businesses primarily engaged in serving prepared food and/or beverages for consumption on or off the premises.

Bars and Taverns. Any establishment that sells or serves alcoholic beverages for consumption on the premises and is holding or applying for a public premise license from the State Department of Alcoholic Beverages and in which persons under 21 years of age are restricted from the premises. References to the establishment shall include any immediately adjacent area that is owned, leased, or rented, or controlled by the licensee. This use includes wine tasting rooms and micro-breweries where alcoholic beverages are sold and consumed onsite and any food service is subordinate to the sale of alcoholic beverages. Does not include adult entertainment businesses.

Restaurant. Establishments where food and beverages may be consumed on the premises, taken out, or delivered.

Restaurant with late-hour alcohol service. A restaurant that provides alcohol service after 11:00 PM.

Edible Product. Cannabis product that is intended to be used, in whole or in part, for human consumption, including, but not limited to, chewing gum, but excluding products set forth in Division 15 (commencing with Section 32501) of the Food and Agricultural Code. An edible cannabis product is not considered food, as defined by Section 109935 of the Health and Safety Code, or a drug, as defined by Section 109925 of the Health and Safety Code

Educational Conferences Housing. Student housing complexes normally occupied for part of the year by university students used during their vacant periods for educational conferences.

Elderly and Long-Term Care. Establishments that provide 24-hour medical, convalescent, or chronic care to individuals who, by reason of advanced age, chronic illness, or infirmity, are unable to care for themselves, and is licensed as a skilled nursing facility by the State, including but not limited to rest homes and convalescent hospitals. Does not include “Residential Care Facilities,” “Hospitals,” or “Clinics.”

Extended Hour Retail. See “Retail Sales, Extended Hour Retail”.

17.156.014 – F Definitions

Family Day Care. A day-care facility licensed by the State that is located in a single-unit residence or other dwelling unit where a resident of the dwelling provides care and supervision for children under the age of 18 for periods of fewer than 24 hours a day.

Small. A facility that provides care for eight or fewer children, including children who reside at the home and are under the age of 10. See Health and Safety Code Section 1596.78.

Large. A facility that provides care for nine to 14 children, including children who reside at the home and are under the age of 10. See Health and Safety Code Section 1596.78.

Farm and Feed Stores. See “Nurseries and Garden Centers.”

Farmworker Housing. Housing accommodation developed for and/or provided to farmworkers and shall consist of any living quarters, dwelling, boarding house, tent, barracks, bunkhouse, maintenance-of-way car, mobile home, manufactured home, recreational vehicle, travel trailer, or other housing accommodation maintained in one or more buildings and on one or more sites. Farmworker housing includes:

Farmworker Dwelling Unit – Housing for up to six farmworkers or one farmworker and his or her household.

Farmworker Housing Complex – Either housing that (1) contains group style housing, such as barracks or a bunkhouse, with a maximum of thirty-six (36) beds and is occupied exclusively by farmworkers; or (2) contains a maximum of twelve (12) residential units occupied exclusively by farmworkers and their households.

Food and Beverage Sales. Retail sales of food and beverages for off-site preparation and consumption.

General Market. Retail food markets of food and grocery items for off-site preparation and consumption. Typical uses include supermarkets, neighborhood grocery stores, and specialty food stores, such as retail bakeries; candy, nuts, and confectionary stores; meat or produce markets; vitamin and health food stores; cheese stores; and delicatessens. This classification may include small-scale specialty food production such as pasta shops with retail sales.

Convenience Store. A retail establishment with not more than 4,500 square feet of gross floor area, offering for-sale products including but not limited to; fresh food and produce, prepackaged food, 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 in conjunction with an ABC License Type 20.

Produce Stand. A temporary facility for selling seasonal goods such as fruits, vegetables and plants.

Liquor Store. Any business selling alcoholic beverages as a primary use, including beer, wine, distilled spirits, hard liquor, and/or any other alcoholic beverages. 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.

Food Preparation. Businesses preparing and/or packaging food for off-site consumption, excluding those of an industrial character in terms of processes employed, waste produced, water used, and traffic generation. Typical uses include catering kitchens, bakeries with onsite retail sales, and small-scale specialty food production. Food Preparation may also be considered accessory to allowed restaurant uses.

Food Trucks. Any self-propelled, motorized device or vehicle by which any person or property may be propelled or moved upon a highway or street, excepting a device moved exclusively by human power, or which may be drawn or towed by a self-propelled, motorized vehicle, from which food or food products are sold, offered for sale, displayed, bartered, exchanged, or otherwise given.

Fraternities and Sororities. Residence for college or university students who are members of a social or educational association that is affiliated and in good standing with the California Polytechnic State University and where such an association also holds meetings or gatherings.

Freight/Truck Terminals. Transportation facilities furnishing services incidental to freight, courier, and postal services by truck, airplane, or rail. This classification does not include local messenger and local delivery services (see “Light Fleet-Based Services”).

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/fueling station or other retail establishment.

Funeral Parlors and Internment Services. An establishment primarily engaged in the provision of services involving the care, preparation, or disposition of human remains and conducting memorial services. Typical uses include crematories, columbaria, mausoleums, mortuaries, funeral chapels, and funeral homes.

17.156.016 – G Definitions

General Retail. See “Retail Sales, General Retail.”

Greenhouse. A fully enclosed permanent or temporary structure that is clad in transparent material that may contain climate control, such as heating and/or ventilation capabilities, and/or supplemental artificial lighting, and/or use of both natural and artificial lighting (mixed light) for cultivation. Cannabis cultivation within a greenhouse is considered outdoor cultivation.

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 plants in the soil on the site is instead included under “crop production.” Also includes establishments engaged in the sale of these products (wholesale) and commercial-scale greenhouses. Does not include noncommercial home gardening in greenhouses and “Nurseries and Garden Centers”.

Grocery Store. See “Food and Beverage Sales, General Market.”

17.156.018 – H Definitions

Heliport/Helipad. Any landing area used for landing or taking off private helicopters for the purpose of picking up and discharging of passengers or cargo.

Home Occupation. A commercial use conducted on residential property by the inhabitants of the subject residence, which is incidental and secondary to the residential use of the property.

Homeless Shelters. See “Lodging – Homeless Shelters.”

Homestay Rentals. An owner-occupied dwelling unit where bedrooms are provided for compensation for fewer than 30 consecutive days with a maximum of four adult overnight guests.

Hoop Structure. A readily removable plastic or fabric covered hoop structure without in-ground footings or foundations. Cannabis cultivation within hoop structures is considered outdoor cultivation.

Hospice In-Patient Facility. Residential facility licensed or supervised by any Federal, State, or local health/welfare agency that provide 24-hour medical and/or nonmedical services for patients under the care of a licensed Medicare certified hospice agency.

Hospitals and Clinics. State-licensed facilities providing medical, surgical, psychiatric, or emergency medical services to sick or injured persons. This classification includes facilities for inpatient or outpatient treatment, including substance-abuse programs as well as training, research, and administrative services for patients and employees. This classification excludes veterinaries and animal hospitals (see “Animal Care, Sales, and Services”).

Clinic. A facility providing medical, psychiatric, or surgical service for sick or injured persons exclusively on an out-patient basis, including emergency treatment, diagnostic services, administration, and related services to patients who are not lodged overnight. Services may be available without a prior appointment. This classification includes licensed facilities such as blood banks and plasma centers, and emergency medical services offered exclusively on an outpatient basis such as urgent care centers. This classification does not include private medical and dental offices that typically require appointments and are usually smaller scale, see “Medical and Dental Offices.”

Hospital. A facility providing medical, psychiatric, or surgical services for sick or injured persons primarily on an in-patient basis, and including ancillary facilities for outpatient and emergency treatment, diagnostic services, training, research, administration, and services to patients, employees, or visitors.

Hotels and Motels. See “Lodging – Hotels and Motels.”

17.156.020 – I Definitions

Instructional Services. Commercial establishments that offer specialized programs in personal growth and development provided on an individual or group setting. Typical uses include classes or instruction in music, fitness, art, or academics. Instructional Services also include rehearsal studios as an accessory use.

17.156.022 – J Definitions

Junior Accessory Dwelling Unit (JADU). A unit that is no more than 500 square feet in size and contained entirely within a single-family residence. A junior accessory dwelling unit may include separate sanitation facilities or may share sanitation facilities with the existing structure.

17.156.024 – K Definitions

Reserved.

17.156.026 – L Definitions

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 (see “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 “Hospitals” and “Clinics”), but may also include incidental specimen collection.

Light Fleet-Based Services. Passenger transportation services, local delivery services, medical transport, and other businesses that rely on fleets of three or more vehicles with rated capacities less than 10,000 pounds. This classification includes parking, dispatching, and offices for taxicab and limousine operations, ambulance services, non-emergency medical transport, local messenger and document delivery services, home cleaning services, and similar businesses. This classification does not include towing operations or taxi or delivery services with two or fewer fleet vehicles onsite (see “Business Services”). 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 (see “Office – Business and Professional”).

Liquor Stores. See “Food and Beverage Sales – Liquor Stores.”

Live Entertainment. A facility providing entertainment, examples of which include, but are not limited to, amplified live or recorded music and/or dancing, comedy, disc jockeys, etc., or for which a cover fee or ticket may be required, which may also serve alcoholic beverages for on-site consumption. Does not include activities that are defined as ambient (see “Ambient Music”). Does not include facilities that provide entertainment as a primary use (see “Sports and Entertainment Assembly Facility”). Does not include adult entertainment businesses which is separately defined, see Section 17.86.030 (Adult Business Uses).

Live Plants. Living cannabis flowers and plants, including seeds, immature plants, and vegetative stage plants

Livestock Feed Lot. A type of animal feeding operation which is used in intensive animal farming for finishing livestock, notably beef cattle, but also swine, horses, sheep, turkeys, chickens or ducks, prior to slaughter.

Lodging. An establishment providing overnight accommodations to transient patrons for payment for periods of fewer than 30 consecutive calendar days.

Bed and Breakfast Establishment. 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 House”).

Homeless Shelter. A church, public building, or quasi-public facility that provides emergency or temporary shelter for more than 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.

Hostels. An establishment with guest rooms or suites that may be private or common which are rented to the general public for overnight lodging to transient patrons. Hostels cater primarily, but not exclusively, to travelers who arrive by bicycle, train, or other nonautomotive vehicles, and are generally an inexpensive form of lodging.

Hotels and Motels. An establishment with a group of guest rooms or suites, with or without kitchen facilities, rented to the general public for overnight lodging to transient patrons. These establishments may provide additional services, such as conference and meeting rooms, restaurants, bars, personal services, retail services, or recreational facilities available to guests or to the general public. This use classification does not include boarding or rooming housings (see “Boarding Houses”) or bed and breakfasts (see “Bed and Breakfast Establishment”), or hostels (see “Hostels”) which are separately defined and regulated. Any single hotel room that is not part of a group of hotel rooms is considered a “Vacation Rental.”

Recreational Vehicle (RV) Park. A form of lodging designed to specifically accommodate travelers with and temporary overnight parking for recreational vehicles (RV) and/or trailers as a primary use of the property.

Low Barrier Navigation Centers. Low-barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing (see “Transitional Housing and Supportive Housing”).

17.156.028 – M Definitions

Maintenance and Repair Services. Establishments engaged in the maintenance or repair of office machines, household appliances, furniture, and similar items. This classification includes base facilities for various businesses that provide services on the premises of their clients such as gardening, janitorial, pest control, water and smoke damage recovery, and appliance services (computer, electronic, elevator, equipment, plumbing, and other maintenance and repair services not operating from a retail establishment that sells the products being maintained or repaired. This classification excludes maintenance and repair of vehicles or boats (see “Vehicle Sales and Services”), office-only facilities with no storage of the equipment that is serviced (see “Offices”), and personal apparel (see “Personal Services”).

Manufacturing - Heavy. Manufacturing of products from extracted or raw materials or recycled or secondary materials, or bulk storage and handling of such products and materials. This classification includes operations such as biomass energy conversion; textile mills; leather and allied product manufacturing; wood product manufacturing; paper manufacturing; chemical manufacturing; plastics and rubber products manufacturing; nonmetallic mineral product manufacturing (such as sand, gravel, or clay into products for intermediate or final consumption); primary metal manufacturing; fabricated metal product manufacturing; petroleum refining and related industries; and automotive, ship, aircraft, and heavy equipment manufacturing. Includes accessory office uses associated with the onsite use. This classification does not include recycling (see “Recycling”) or the processing of animals.

Manufacturing - Light. A use engaged in the manufacture, predominately from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, and treatment packaging, taking place primarily within enclosed buildings and producing minimal impacts on nearby properties. Includes accessory wholesale and/or direct retail sale to consumers of only those goods produced onsite. Includes accessory office uses associated with the onsite use. Examples of light industrial uses include but are not limited to the manufacture of electronic instruments, equipment, and appliances; brewery and alcohol production, pharmaceutical manufacturing; and production apparel manufacturing.

Manufacturing (Volatile). The production, preparation, propagation, or compounding of cannabis or cannabis products either directly or indirectly or by extraction methods, or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis, using volatile organic compounds, at a fixed location, that packages or repackages cannabis or cannabis products, or labels or relabels its containers.

Manufacturing (Non-volatile). The production, preparation, propagation, or compounding of cannabis or cannabis products either directly or indirectly or by extraction methods, or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis, using non-volatile organic or inorganic compounds (see Cannabis Manufacturing (Volatile)), at a fixed location, that packages or repackages cannabis or cannabis products, or labels or relabels its containers.

Marijuana. See “Cannabis.”

Market, General. “See Food and Beverage Sales – General Market.”

Media Production. Fixed-base facilities for motion picture, television, video, sound, computer, and other communications production. These facilities include the following types:

Backlots 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.

Broadcast Studios. Workplaces 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 Marijuana. See “Medicinal Cannabis.”

Medicinal Cannabis or Medicinal Cannabis Product. Cannabis or a cannabis product, respectively, intended to be sold for use pursuant to the Compassionate Use Act of 1996 (Proposition 215), found at Section 11362.5 of the Health and Safety Code, by a medicinal cannabis patient in California who possesses a physician’s recommendation.

Medical Office. “See Office – Medical and Dental Offices.”

Microbusiness. Allows a single business to integrate cultivation, manufacturing, distribution and retail sales.

Mineral Extraction. The commercial surface mining or quarrying operations for aggregates (sand and gravel) or other surface or subsurface minerals and materials from the earth.

Mixed-light Cultivation. Cultivation of cannabis using a combination of natural and supplemental artificial lighting (e.g. a greenhouse using natural light during the day and artificial light during the night). Mixed-light cultivation is not allowed.

Mixed-Use Development. A development that combines both nonresidential and residential uses, where the residential component may be live/work as defined in Section 17.158.028 and is typically located above or behind the commercial. (See also Section 17.70.130: Mixed-Use Development.)

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 Civil Code Section 798.3 or successor provision of the State Mobile home Residency Law, for nontransient use.

Multi-Unit Dwellings. Two or more dwelling units attached or detached, not including any Accessory Dwelling Units, on a site or lot. Types of multiple unit dwellings include a duplex, townhouses, common interest subdivisions, garden apartments, senior housing developments, and multistory apartment buildings. Multi-unit dwellings may also be combined with non-residential uses as part of a Mixed-Use Development.

17.156.030 – N Definitions

Nightclubs. See “Live Entertainment.”

Nurseries and Garden Centers. See “Retail – Nurseries and Garden Centers.”

Nursery (Cannabis). A site that produces only clones, immature plants, seeds, or other agricultural products used specifically for the planting, propagation, and cultivation of cannabis. Cultivation as a cannabis nursery shall be indoor only (see Cultivation, Indoor).

17.156.032 – O Definitions

Offices.

Business and Professional Offices. Offices of firms or organizations providing professional, executive, management, or administrative services, such as accounting, architectural, computer software design, engineering, graphic design, interior design, legal offices, and tax preparation offices, but excluding banks and savings and loan associations (see “Banks and Financial Institutions”).

Medical and Dental Offices. Office use providing consultation, diagnosis, therapeutic, preventive, or corrective personal treatment services by doctors, dentists, chiropractors, acupuncturists, optometrists, and similar medical professionals, medical and dental laboratories within medical office buildings but excluding clinics or independent research laboratory facilities and hospitals (see “Hospitals” and “Clinics”), and similar practitioners of medical and healing arts for humans licensed for such practice by the State of California. Incidental medical and/or dental research within the office is considered part of the office use, where it supports the onsite patient services.

Temporary Offices. 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 onsite real estate office for a development project, or a temporary business office in advance of permanent facility construction.

Onshore Support Facilities. Any activity or land use required to support directly the exploration, development, production, storage, processing, transportation, or related aspects of offshore energy resource extraction.

Outdoor Temporary and/or Seasonal Sales. The temporary outdoor use of property for retail sales.

17.156.034 – P Definitions

Parking Facility. A surface parking lot or parking structure that is a primary use of a site.

Parking Facility – Temporary. The temporary use of property for the parking of vehicles.

Park and Recreation Facilities. Parks with playgrounds and recreation facilities, all of which are noncommercial and intended for neighborhood or community use. This classification also includes noncommercial playing fields, courts, gymnasiums, public swimming pools, picnic facilities, tennis courts, and golf courses, as well as related food concessions or community centers within the facilities.

Personal Services. Provision of recurrently needed services of a personal nature. This classification includes barber shops and beauty salons, seamstresses, tailors, day spas, massage services where all persons engaged in the practice of massage are certified pursuant to the Business and Professions Code Section 4612, dry cleaning agents (excluding large-scale bulk cleaning plants), shoe repair shops, self-service laundries, tattoo and body piercing services, video rental stores, photocopying, photo finishing services, and travel agencies mainly intended for the consumer.

Primary Use. See “Use – Primary.”

Private residence. A house, an apartment unit, a mobile home, or other similar dwelling.

Produce Stand. See “Food and Beverage Sales – Produce Stand.”

Product. See “Cannabis” and “Edible Product” and “Topical Product”.

Public Assembly Facilities. A facility for public or private assembly and meetings, exclusive of “Religious Assembly Facilities,” which is defined separately. Examples of these uses include:

1. banquet rooms
2. civic and private auditoriums
3. community centers
4. conference/convention facilities
5. meeting halls for clubs and other membership organizations

Public Assembly Facilities do not include gymnasiums or other “Sports and Entertainment Assembly” facilities, or “Day Care Centers” or “Schools,” which are all separately classified and regulated.

Public Safety Facility. A facility operated by public agencies including fire stations, other fire prevention and firefighting facilities, police and sheriff substations and headquarters, including interim incarceration facilities.

17.156.035 – Q Definitions

Reserved.

17.156.036 – R Definitions

Recycling. A facility for receiving, temporarily storing, transferring and/or processing materials for recycling, reuse, or final disposal. This use classification does not include facilities that deal with animal matter nor does it include waste transfer facilities that operate as materials recovery, recycling, and solid waste transfer operations, which are classified as utilities.

Collection Facility. A facility available for the general public for the recycling of California Redemption Value (CRV) products such as glass, aluminum cans, and plastic beverage containers as defined by the State's Department of Resources Recycling and Recovery. Also includes reverse vending machines, where an automated mechanical device that accepts, sorts, and processes recyclable materials and issues a cash refund or a redeemable credit slip. Processing and sorting is not conducted onsite.

Processing Facility. A facility that receives, sorts, stores and/or processes recyclable materials.

Religious Assembly Facilities. Any facility specifically designed and used to accommodate the gathering of persons for the purposes of fellowship, worship, or similar conduct of religious practices and activities. This definition includes functionally related internal facilities (i.e., kitchens, multi-purpose rooms, storage, etc.) and residences for clergy. Other establishments maintained by religious organizations, including full-time educational institutions, hospitals and other related operations, are classified according to their respective activities.

Research and Development. 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 "laboratory – medical, analytical, research, testing"), or blood drawing and specimen collection from patients (see "Hospitals and Clinics – Clinic"), or testing of computer software (see "Office"). Includes assembly of related products from parts produced off-site where the manufacturing activity is secondary to the research and development activities.

Residential Care Facilities. Facilities that are licensed by the State to provide permanent living accommodations and 24-hour primarily non-medical care and supervision for persons in need of personal services, supervision, protection, or assistance for sustaining the activities of daily living. Living accommodations are shared living quarters with or without separate kitchen or bathroom facilities for each room or unit. This classification includes facilities that are operated for profit as well as those operated by public or not-for-profit institutions, including hospices, nursing homes, convalescent facilities, and group homes for minors, persons with disabilities, and people in recovery from alcohol or drug addictions. This use classification excludes "Transitional Housing and Supportive Housing."

Restaurants. See "Eating and Drinking Establishments – Restaurants."

Retail (Cannabis). Includes storefront and non-storefront (delivery) sale of cannabis and cannabis products.

Retail Sales.

Building Materials and Services. Retail sales or rental of building supplies or equipment. This classification includes lumber yards, tool and equipment sales or rental establishments, and includes establishments devoted principally to taxable retail sales to individuals for their own use. This classification includes the accessory retail sale of nursery and garden products, as defined under "Nursery and Garden Centers".

Indoor. Storage and display of commercial goods or materials entirely within an enclosed building.

Outdoor. Storage and display of commercial goods or materials in open lots, outside of a structure other than fencing, either as an accessory or primary use.

Extended Hour Retail. A business that is open to the public between the hours of 2:00 AM. and 6:00 AM.

General Retail. The retail sale or rental of merchandise not specifically listed under another use classification. This classification includes retail establishments with 60,000 square feet or less of sales area, including department stores, clothing stores, furniture stores, pet supply stores, hardware stores, and businesses retailing the following goods: toys, hobby materials, handcrafted items, jewelry, cameras, photographic supplies and services (including portraiture and retail photo processing), medical supplies and equipment,

pharmacies, electronic equipment, sporting goods, kitchen utensils, hardware, appliances, antiques, art galleries, art supplies and services, paint and wallpaper, carpeting and floor covering, office supplies, bicycles, and new automotive parts and accessories (excluding vehicle service and installation). Retail sales may be combined with other services such as office machine, computer, electronics, and similar small-item repairs. For facilities greater than 60,000 square feet, see “Large-Scale Retail”.

Large-Scale Retail. General retail establishments (over 60,000 square feet of sales area, but less than 140,000 square feet) that sell merchandise and bulk goods for individual consumption, including membership warehouse clubs.

Nurseries and Garden Centers. Establishments primarily engaged in retailing nursery and garden products—such as trees, shrubs, plants, seeds, bulbs, and sod—that are predominantly grown elsewhere. These establishments may sell a limited amount of a product they grow themselves. Fertilizer and soil products are stored and sold in package form only. This classification includes wholesale and retail nurseries offering plants for sale. This classification also includes farm supply and feed stores.

Recreational Vehicle Park. See “Lodging – Recreational Vehicle Park.”

17.156.038 – S Definitions

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.

Sale/Sell/To Sell. Any transaction whereby, for any consideration, title to cannabis is transferred from one person to another, and includes the delivery of cannabis or cannabis products pursuant to an order placed for the purchase of the same and soliciting or receiving an order for the same, but does not include the return of cannabis or cannabis products by a licensee to the licensee from whom such cannabis or cannabis product was purchased.

Salvage and Wrecking. Storage and dismantling of vehicles and equipment for sale of parts, as well as their collection, storage, exchange or sale of goods including, but not limited to, any used building materials, used containers or steel drums, used tires, and similar or related articles or property.

Schools – Colleges. Institutions of higher education providing curricula of a general, religious, or professional nature, typically granting recognized degrees, including conference centers and academic retreats associated with such institutions. This classification includes universities and junior colleges, but excludes trade schools and personal instructional services such as music lessons and tutoring (see “Instructional Services”).

Schools - Primary and Secondary. Facilities for primary or secondary education, including public schools, charter schools, and private and parochial schools having curricula comparable to that required in the public schools of the State.

Schools – Trade Schools. Public or private post-secondary schools (other than a community college or four-year college) providing occupational or job skills training for specific occupations, including business and computer schools, management training, and technical training schools. Excludes personal instructional services such as music lessons and tutoring (see “Instructional Services”).

Self-Storage. See “Warehousing, Storage, and Distribution – Personal Storage.”

Single-Unit Dwelling. A dwelling unit designed for occupancy by one household which is not attached to or located on a lot with commercial uses or other dwelling units, other than an accessory dwelling unit. For the purpose of accounting for housing units pursuant to Chapter 17.144 (Residential Growth Management Regulations), a single-unit

dwelling may also include, as an accessory use, one legally established accessory dwelling unit. This definition also includes individual manufactured housing units installed on a foundation system pursuant to Health and Safety Code Section 18551.

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.

Special Event. A temporary and short-term activity.

Sports and Entertainment Assembly Facility. 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, and drive-in theaters. May also include commercial facilities customarily associated with the above uses, including bars and restaurants, gift shops, video game arcades, etc.

Supportive and/or Transitional Housing. The term Supportive Housing (per Government Code Section 65582[f], as may be amended) shall mean a dwelling unit occupied by a target population, with no limit on length of stay, that is linked to onsite or off-site services that assist the supportive housing resident(s) in retaining the housing, improving their health status, and maximizing their ability to live and, when possible, work in the community. A target population means persons with low incomes having one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health conditions, or individuals eligible for services provided under the Lanterman Developmental Disabilities Services Act (Welfare and Institutions [W&I] Code Section 4500) and may include—among other populations—adults, emancipated youth, families, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people.

The term Transitional Housing (per Government Code Section 65582[h], as may be amended) shall mean buildings configured as rental housing developments, but operated under program requirements that require the termination of assistance and recirculating of the assisted unit to another eligible program recipient at a predetermined future point in time that shall be no less than six months from the beginning of assistance.

Supportive and/or transitional housing may be designed as a residential group living facility or as a regular residential use and includes both facilities that provide onsite and off-site services.

17.156.040 – T Definitions

Temporary Use. A use allowed for less than one year consisting of activities that represent a variation from the normal business operations. Examples include, but are not limited to, parking lot sales, benefits, and special events.

Testing Laboratory. A facility, entity, or site in the State of California that offers or performs tests of cannabis or cannabis products and that is both of the following: 1) Accredited by an accrediting body that is independent from all other persons involved in the cannabis industry in the State, and 2) Licensed by the bureau.

Theaters. Facilities for indoor display of films, motion pictures, or dramatic, musical, or live performances. This classification may include incidental food and beverage services to patrons.

Topical Product. Cannabis product that is intended to be used for external use. A topical cannabis product is not considered a drug as defined by Chapter 109925 of the California Health and Safety Code.

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. Includes rail and bus terminals, but does not include terminals serving airports or heliports

Transitional Housing. See “Supportive and/or Transitional Housing.”

17.156.042 – U Definitions

Use. See 17.158.046 (U Definitions) under General Definitions below.

Utilities Facilities. A structure or improvement built or installed above ground for the purpose of providing utility services, communications services, and materials transfer to more than one lot. Generating plants; electric substations; solid waste collection, including transfer stations and materials recovery facilities; solid waste treatment and disposal; water or wastewater treatment plants; and similar facilities of public agencies or public utilities, including corporation and maintenance yards.

Facilities with onsite staff. Utilities facilities that include office and/or working space for employees, and/or that require employees to be located onsite for general operation of the facility.

Facilities with no onsite staff (unmanned). Utilities facilities that do not include office and/or working space for employees, and where onsite staff are required intermittently only for maintenance and/or infrequent monitoring.

Transmission Lines. A specialized cable or other structure designed to conduct communications and electrical power. This definition also includes attached utility poles and substations where transmission lines are connecting with the facility.

17.156.044 – V Definitions

Vacation Rentals. A dwelling or part of a dwelling or recreational vehicle, where lodging is furnished for compensation for fewer than 30 consecutive days. Does not include fraternities, sororities, convents, monasteries, hostels, bed and breakfast establishments, homestay rentals, hotels, motels, or boarding/rooming houses, which are separately defined.

Vehicle Sales and Services.

Auto and Vehicle Sales and 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 mobile home, recreational vehicle, or watercraft sales (see “Large Vehicle and Heavy Equipment Sales, Services, and Rental”); tire recapping establishments (see “Vehicle Services”); businesses dealing exclusively in used parts, (see “Salvage and Wrecking”); or “Service/Fueling Stations,” which are separately defined.

Large Vehicle, Construction, and Heavy Equipment Sales, Service, and Rental. Sales, servicing, rental, fueling, and washing of large trucks, trailers, tractors, and other heavy equipment used for construction, moving, agricultural, or landscape gardening activities, as well as boats, mobile homes, and recreational vehicle/campers. Examples include cranes, earth moving equipment, tractors, combines, heavy trucks, etc. Includes large vehicle operation training facilities. Sales of new or used automobiles are excluded from this classification (see “Auto and Vehicle Sales and Rental”).

Service/Fueling Stations. An establishment engaged in the retail sale of vehicle fuels or the retail sale of these fuels in combination with activities, such as providing minor vehicle repair services; selling automotive oils, replacement parts, and accessories; and/or ancillary retail and grocery sales. Does not include body and fender work or “heavy” repair of trucks or other motor vehicles (see “Vehicle Services - Major”).

Vehicle Services. The service and repair of motor vehicles in an enclosed building, including the repair or replacement of engines and transmissions, body and fender repair, and the installation of nonfactory-installed products.

Major (Major Repair/Body Work). Major repair of automobiles, motorcycles, recreational vehicles, or trucks including light-duty trucks (i.e., gross vehicle weights of less than 10,000 pounds) and heavy-duty trucks (i.e., gross vehicle weights of more than 10,000 pounds). Examples of uses include full-service motor vehicle repair garages; body and fender shops; brake shops; machine shops, painting shops; towing services, and transmission shops. Does not include vehicle dismantling or salvage (see “Salvage and Wrecking”) and tire retreading or recapping.

Minor (Minor Repair/Maintenance). Minor repair of automobiles, motorcycles, recreational vehicles, or light trucks, vans or similar size vehicles (i.e., vehicles that have gross vehicle weights less than 10,000 pounds) including installation of electronic equipment (e.g., alarms, audio equipment, etc.); servicing of cooling and air conditioning, electrical, fuel and exhaust systems; brake adjustments, relining and repairs; oil and air filter replacement; wheel alignment and balancing; tire sales, service, and installation shops; shock absorber replacement; chassis lubrication; smog checks; engine tune-ups; and installation of window film, and similar accessory equipment.

Washing. Washing, waxing, detailing, or cleaning of automobiles or similar light vehicles, including self-serve washing facilities.

Vending Machine. An automated mechanical device which ejects consumer products, including but not limited to snack food items, non-alcoholic beverages, electronic devices, and movies, and that accepts cash, debit, and/or credit.

Veterinary Services. See “Animal Care, Sales, and Services.”

17.156.046 – W Definitions

Warehousing, Storage, and Distribution. Storage and distribution facilities without sales to the public onsite or direct public access except for public storage in small individual spaces exclusively and directly accessible to specific tenants.

Outdoor Storage. Storage of vehicles or commercial goods or materials in open lots, outside of a structure other than fencing, either as an accessory or primary use. Building materials stored outside and associated with a Building Materials and Services establishment is defined separately under “Building Materials and Services.” Garden and nursery products stored outside and associated with a “Nurseries and Garden Centers” use or as accessory to a “Building Materials and Services” use is defined separately by those respective classifications and not included in the classification “Outdoor Storage.”

Personal Storage. Facilities offering enclosed storage with individual access for personal effects and household goods including mini-warehouses and mini-storage. This use excludes workshops, hobby shops, manufacturing, and commercial activity.

Warehousing and Indoor Storage. Storage within an enclosed building of commercial goods prior to their distribution to wholesale and retail outlets and the storage of industrial equipment, products and materials including, but not limited to, automobiles, feed, and lumber. Also includes cold storage, draying or freight, moving and storage, and warehouses. This classification excludes the storage of hazardous chemical, mineral, and explosive materials.

Wholesaling and Distribution. Indoor storage and sale of goods to other firms for resale, storage of goods for transfer to retail outlets of the same firm, or storage and sale of materials and supplies used in production or operation, including janitorial and restaurant supplies. Wholesalers are primarily engaged in business-to-business sales, but may sell to individual consumers through mail or internet orders. They normally operate

from a warehouse or office having little or no display of merchandise, and are not designed to solicit walk-in traffic.

Wireless Telecommunication Facilities. Wireless telecommunication facilities consist of commercial wireless communication 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. The following are definitions used in association with the regulation of wireless telecommunications facilities.

Co-location. The practice of two or more wireless telecommunication service providers sharing one support structure or building for the location of their antennas and equipment.

Satellite dish antenna. 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.

Stealthing. Improvements or treatments added to a wireless telecommunication 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.

17.156.048 – X Definitions

Reserved.

17.156.050 – Y Definitions

Reserved.

17.156.052 – Z Definitions

Reserved.

Chapter 17.158. General Definitions

Sections:

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17.158.002 – Purpose and Applicability

Chapter 17.X158 (General Definitions) applies to general (non-land use) terms used in Title 17 except as specifically excluded per Section 17.154.006 (Other Definition Sections).

17.158.004 – Abbreviations

- ALUC.** San Luis Obispo County regional airport land use commission.
- ALUP.** San Luis Obispo County regional airport land use plan.
- CNEL.** Community Noise Equivalent Level.
- dB.** Decibel.
- FAA.** Federal Aviation Administration.
- FAR.** Floor Area Ratio.
- UZ.** Underlying Zoning.

17.158.006 – A Definitions

Abutting, Adjoining, or Adjacent. Having a common property or zone line, or separated only by an alley, path, private street, or easement.

Accessory Buildings. See Buildings, Accessory.

Accessory Structures. See Structures, Accessory.

Addition. Attached to and used in conjunction with.

Minor Addition. Any addition to a building or structure that comprises less than 25 percent 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 fifty percent.

Significant Addition. Any addition to a building or structure that comprises 25 percent or more increase in total building area, constructed in compliance with current regulations. See also Section 17.106.020.B (Enlargements and Modifications).

Affordable housing agreement. A written agreement between the developer, the City, and possibly additional parties that specifies the terms and conditions under which affordable housing requirements are to be met.

Affordable housing fund. 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.

Alcoholic Beverage. 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.

All-Electric Building. An all-electric building is a building that has no natural gas plumbing installed within the building and that uses electricity as the source of energy for all space heating, water heating, cooking appliances, and clothes drying appliances. An All-Electric Building may be plumbed for the use of natural gas as fuel for appliances in a commercial kitchen.

Alley. A public way permanently reserved primarily for secondary vehicular service access to the rear or side of properties otherwise abutting on a street.

Allowed Use. Any use or structure that is allowed in a zone without a requirement for approval of a Use Permit, but subject to any restrictions applicable to that zone.

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.

Applicant. The property owner, the owner's agent, or any person, corporation, partnership, or other legal entity that has a legal or equitable title to land that is the subject of a development proposal or is the holder of an option or contract to purchase such land or otherwise has an enforceable proprietary interest in such land and has submitted an entitlement or building permit application to the City.

Arbors. Ornamental landscape features that are substantially open to the passage of light and air on all sides. "Substantially open" sides and roof of the structure shall be a minimum of 50 percent open at any point across the entire side. Generally designed with an open, lattice-work design constructed of wood, metal, or other lightweight material. Includes trellises.

Average cross-slope. 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.

17.158.008 – B Definitions

Balcony. A platform that projects from the wall of a building thirty inches or more above grade that is accessible from the building’s interior, is not accessible from the ground and is not enclosed by walls on more than two sides. See also “Deck”.

Basement. A nonhabitable space beneath the first or ground floor of a building the ceiling of which does not extend more than four feet above finished grade.

Bedroom. Any space in a dwelling unit which contains a minimum of 70 square feet of floor area unless it is one of the below listed rooms or common spaces. The “bedroom” definition does not include garages, attic space, or similar spaces which are not habitable such as foyers, storage closets, utility rooms, or unfinished attics and basements.

The following rooms/common spaces that are adjacent and open to common areas are not considered bedrooms:

Hallway	Den (see definition, Section 17.158.012)
Bathroom	Mezzanine (see definition for requirements, Section 17.158.030)
Kitchen/breakfast nook	Laundry room
Living room, family room, dining room	Junior Accessory Dwelling Units (see definition, Section 17.156.022)

The Director shall determine whether spaces which do not clearly meet the definition of a “bedroom” meet the intent of this regulation or need to be forwarded to the Planning Commission for Conditional Use Permit review.

Spaces (i.e., not bedrooms) established prior to August 14, 2014, using the previous bedroom definition (greater than or equal to 50 percent open wall area with an adjoining room) may remain and will not be considered bedrooms consistent with floor plans approved with a building permit.

Bicycle Parking Space. The volume of space that is used to accommodate the storage of one locked bicycle. Bicycle parking spaces are to be designed and spaced in a way that accommodates for typical two-wheel bicycles and/or alternative bicycles.

Alternative Bicycle. Non-traditional bicycles with larger parking space requirements, including but not limited to, cargo bikes, bikes with trailers, recumbent bikes, fat tire or wide-framed tricycle bikes, etc.

Long-term Bicycle Parking. Bicycle parking spaces designed for employees, residents, public transit users, and other long-term users that need to park their bike for several hours or more. Long-term bicycle parking typically offers increased levels of security in lit and covered (weather protected) locations. Common examples of long-term bike parking are storage lockers, internal lockable rooms or enclosures reserved for bicycle storage, or secured parking areas managed by attendants.

Short-term Bicycle Parking. Bicycle parking spaces is used by visitors, customers, and other short-term users of residential, commercial, and institutional uses. Bicycle racks compliant with City standards are used to satisfy this need.

Block Front. 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.

Building. Any structure used or intended for sheltering or supporting any use or occupancy.

Building, Accessory. A detached subordinate building used only as incidental to the principal building on the same lot.

Building, Principal. A building in which the primary use of the lot is conducted on which it is situated.

Building Division. City of San Luis Obispo Building and Safety Division.

Building Envelope. The three-dimensional space enclosed by the exterior surfaces of a building or structure.

Building Footprint. The horizontal area, as seen in plan view, of a building or structure, measured at the surface level from the outside of exterior walls and supporting columns, excluding eaves.

Building Official. City of San Luis Obispo Chief Building Official, or someone designated by him or her to act on his or her behalf.

17.158.010 – C Definitions

Canopy. A roofed shelter projecting over a sidewalk, driveway, entry, window, or similar area that may be wholly supported by a building or may be wholly or partially supported by columns, poles, or braces extending from the ground.

Carport. An accessible and usable covered space enclosed on not more than two sides, designed, constructed and maintained for the parking or storage of one or more motor vehicles.

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.

City. The City of San Luis Obispo.

Common Interest Development. Any of the following: a community apartment project, a condominium project, a planned development, or a stock cooperative identified in Civil Code Section 1351.

Community Development Department. The City of San Luis Obispo Community Development Department.

Conditionally Permitted. Allowed subject to approval of a Use Permit.

Construction. Building, erection, enlargement, alteration, conversion or movement of any building, structures, or land together with any scientific surveys associated therewith.

County. The County of San Luis Obispo.

Council. The City of San Luis Obispo City Council.

Coverage. The portion of a lot that is covered by structures, including principal and accessory buildings located 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. See Section 17.70.120 (Lot Coverage) for exceptions to lot coverage calculations.

Creek. A waterway or portion of waterway designated in the General Plan as a creek. A drainage ditch, concrete swale, underground culvert, or storm drain (as indicated on the General Plan) is not a creek. Creeks located outside the urban reserve line are as designated by the USGS 7.5 Minute series quadrangle maps or County data.

17.158.012 – D Definitions

Deck. A platform, either freestanding or attached to a building, that is supported by pillars or posts. See also “Balcony”.

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:

1. The nonconforming portions of any wall is counted as removed or taken down, even when retention of these portions is proposed.
2. Any continuous run of remaining exterior wall surfaces measuring 10 feet or less in length are counted as removed or replaced.

Den (or “family room”). 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.

Density. The number of dwellings per net acre, measured in density units.

Designee. Personnel of the City sanctioned to act on behalf of a review authority, as authorized by Title 17.

Department. The Community Development Department of the City of San Luis Obispo.

Development. Any public or private action for which a City construction permit or planning approval pursuant to the provision of Title 17 is required.

Development Agreement. An agreement between the City and any person having a legal or equitable interest in real property for the development of such property and which complies with the applicable provisions of the Government Code for such development agreements.

Development Envelope (see also “building envelope” and “coverage”). An area of 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. The Director of the City of San Luis Obispo Community Development Department, or someone designated by him or her to act on his or her behalf.

Disabled Person. A person who has a medical, physical, or mental condition that limits a major life activity, as those terms are defined in State Government Code Section 12926, anyone who is regarded as having such a condition or anyone who has a record of having such a condition. It includes a person or persons, or an authorized representative of a disabled person. The term “disabled person” does not include a person who is currently using illegal substances, unless he or she has a separate disability.

Driveway. An accessway that provides vehicular access between a street and the parking or loading facilities located on an adjacent property.

Dwelling. 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 for owner occupancy, rental, or lease on a monthly or longer basis.

17.158.014 – E Definitions

Easement. A portion of land created by grant or agreement for specific purpose; an easement is the right, privilege or interest which one party has in the land of another.

Ecological Restoration Project. A project where the site is intentionally altered to establish a defined, indigenous, historic ecosystem.

Efficiency Unit. As defined in Health and Safety Code Section 17958.1.

Electric Vehicle Charging Equipment. Any level of electric vehicle supply equipment station that is designed and built in compliance with Article 625 of the California Electrical Code and delivers electricity from a source outside an electric vehicle into a plug-in electric vehicle. Also referred to as charging station or charging equipment.

Electric Vehicle Capable Space. A parking space constructed with empty raceway (i.e., pathway for future electrical wiring, usually in enclosed walls or pavement) to supply power for future EV charging stations at any given time.

Electric Vehicle Ready Space. A parking space constructed with full electrical circuits (e.g., junction box, conduit, receptacle, overprotecting devices, wiring, etc.) that are ready for connection with an operational EV charging station at any given time.

Electronic Game. A machine or device offered to the public as a game or amusement, whether remuneration is required or not, the object of which is to achieve a high or low score based on the skill of the player.

Electronic Game Amusement Center. Any premises having thereon available four or more electronic games, when the games are a primary good or service offered by the establishment.

Existing Topography. The natural unaltered topography or the topography resulting from grading activity legally permitted in conjunction with subdivision improvements, right-of-way improvements, or previous onsite building improvements.

17.158.016 – F Definitions

Façade. The exterior wall of a building exposed to public view or that wall viewed by persons not within the building. The portion of any exterior elevation of a building extending vertically from the grade to the top of a parapet wall or eave, and horizontally across the entire width of the building elevation.

Fair Housing Laws. The following legislation: (1) the Federal Fair Housing Act (42 USC Section 3601 and following) and (2) the California Fair Employment and Housing Act (Government Code Section 12955 and following), including amendments to them.

Feasible. Capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors.

Fences. Horizontal and vertical structures that are intended to separate properties, retain soil materials, and provide security; or as defined by the Building Official. Fences may also be walls, hedges and screen planting.

Festival (or “Carnival” or “Fair”). 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.

Floodplain Management Regulations. The following terms shall apply for the purpose of Chapter 17.78 (Floodplain Management Regulations):

A zone. See “Special flood hazard area (SFHA).”

Alluvial fan. 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. 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.

Base flood. A flood which has a one percent chance of being equaled or exceeded in any given year (also called the “100-year flood”).

Base flood elevation (BFE). 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.

Encroachment. 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. 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. 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. 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). 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). 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. 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. Any land area susceptible to being inundated by water from any source. See “Flood, flooding or floodwater.”

Floodplain administrator. The community official designated by Title to administer and enforce the floodplain management regulations.

Floodplain management. 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. 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. 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. The channel of a river or other watercourse and the adjacent land areas that shall 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. The area of the floodplain on either side of the regulatory floodway where encroachment may be permitted.

Functionally dependent use. 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.

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

Historic structure. Any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a State inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
4. Individually listed on the City’s master list of historic structures, provided this local inventory is consistent with State-approved or certified historic preservation programs as determined by the Secretary of the Interior or directly by the Secretary of the Interior in states without approved programs.

Levee. 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. 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. The lowest floor of the lowest enclosed area, including basement as separately defined. See also “Basement”.

Mean sea level. 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. 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. A defect in a community’s floodplain management regulations or administrative procedures that impairs effective implementation of those floodplain management regulations.

Regulatory floodway. 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.

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

Special Flood Hazard Area (SFHA). 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. 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.

Substantial Damage. 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.

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 ensure 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.”

Violation. The failure of a structure or other development to be fully compliant with Chapter 17.78: Flood Damage Prevention. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Chapter 17.78: Flood Damage Prevention is presumed to be in violation until such time as that documentation is provided.

Water surface elevation. 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. 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. 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.

Floor Area, Gross. The total area enclosed within a building, including closets, stairways, and utility and mechanical rooms, measured from the inside face of the walls.

Floor Area, Net. The gross floor area less areas stipulated by Section 17.70.060 (FAR Measurement and Exceptions).

Floor Area Ratio (FAR). The net floor area of a building or buildings on a lot divided by the lot area.

Footcandle. 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.

Front Yard. The area of a residential lot that lies between the front property line and the walls of any residences that face the street. 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.

17.158.018 – G Definitions

Garage. A building or portion thereof, containing accessible and usable enclosed space designed, constructed, and maintained for the parking or storage of one or more motor vehicles.

General Plan. City of San Luis Obispo’s adopted General Plan.

Glare. The effect produced by a light source within the visual field that is sufficiently brighter than the level to which the eyes are adapted, such as to cause annoyance, discomfort or loss of visual performance and ability.

Government Code. The Government Code of the State of California.

Grade. The location of the ground surface.

Grade, Adjacent. The lowest elevation of ground surface immediately adjacent to the building exterior wall.

Grade, Average. The average level of the highest and lowest existing grade elevation points. See Section 17.70.080 (Height Measurement and Exceptions).

Grade, Existing. The surface of the ground or pavement at a stated location as it exists before disturbance in preparation for a project regulated by these Zoning Regulations.

Grade, Finished. The lowest point of elevation of the finished surface of the ground, paving, or sidewalk adjacent to the building at the completion of a project regulated by these Zoning Regulations.

Gross Floor Area. See “Floor Area.”

Ground Floor. The first floor of a building other than a cellar or basement that is closest to finished grade.

Guest Quarters. A separate accessory space that does not provide direct access to living space of the primary residence (such as kitchen facilities), which may be attached or detached, and may contain bathroom facilities including toilets, bathing facilities, showers, or sinks but does not contain a kitchen (see “kitchen” definition in Section 17.158.050: K Definitions).

17.158.020 – H Definitions

Hazardous Materials. Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Hedge. A barrier or boundary formed by a dense row of shrubs or low trees. See also “Fence”.

Household. One or more persons living together in a single dwelling unit, with common access to, and common use of, all living and eating areas and all areas and facilities for the preparation and storage of food; who share living expenses, including rent or mortgage payments, food costs and utilities; and who maintain a single mortgage, lease, or rental agreement for all members of the household.

17.158.022 – I Definitions

Illegal Use. Any use of land or building that does not have the currently required permits and was originally constructed and/or established without permits required for the use at the time it was brought into existence.

Impervious Surface. A surface that is incapable of being penetrated by water, including buildings and paved surfaces such as parking, sidewalks, and roads.

In-lieu fee. Monetary payment to City established through ordinance that may be required of an owner or developer as a substitute for a dedication of land or portion of land.

Intermittent use. A Temporary Use (see “Temporary Use”) that occurs no more than 120 days in a year, but which may continue from year to year.

Irrigation Efficiency. 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.

17.158.024 – J Definitions

Reserved.

17.158.026 – K Definitions

Kitchen. An 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: ovens/microwave ovens, stoves, hotplates, refrigerators exceeding six cubic feet, dishwashers, garbage disposals, sinks having a drain outlet of larger than one and one-half inches in diameter, and cabinets, counter space, or other areas for storing food.

17.158.028 – L Definitions

Landscape Area. Landscape area means all the planting areas, turf areas, and water features in a landscape design plan. The landscape area does not include footprints of buildings or structures, sidewalks, driveways, parking lots, decks, patios, gravel or stone walks, artificial turf, other pervious or non-pervious hardscapes, and other non-irrigated areas designated for non-development (e.g., open spaces and existing native vegetation).

Landscape, Rehabilitated. Any re-landscaping project that requires a building permit or design review where the modified landscape area is equal to or greater than 2,500 square feet.

Light Pollution. The night sky glow caused by the scattering of artificial light in the atmosphere.

Live/Work. An integrated housing unit and working space, occupied and utilized by a single household in a structure, either single-unit or multi-unit, and may include only commercial activities and pursuits that are compatible with the character of a quiet residential environment. May be 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. See also Building Code definitions of live/work.

Loft. See “Mezzanine” when referring to an interior floor space of an occupiable or habitable structure.

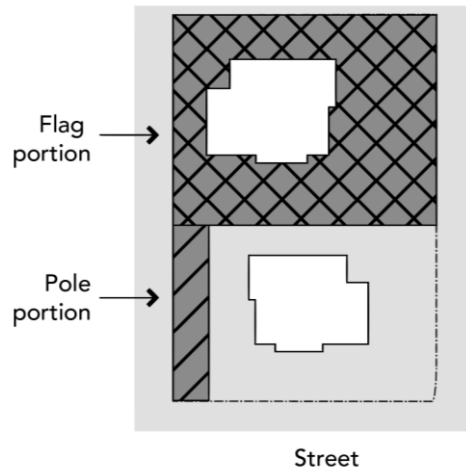
Lot. A parcel of real property with a distinct designation delineated on an approved survey map, tract map, or parcel map filed in the office of the County Recorder and abutting at least one public street; or a parcel of real property containing at least the area required for the zone in which it is located, abutting at least one public street or other access approved by the Council, and held under separate ownership from adjoining property.

Lot, Abutting. A lot having a common property line or separated by a public path or lane, private street, or easement to the subject lot.

Lot, Corner. A lot or parcel bounded on two or more sides by street lines that have an angle intersection that is not more than 135 degrees.

Lot, Flag. As defined in Chapter 16.26: Definitions. See Figure 9-1: Flag Lot.

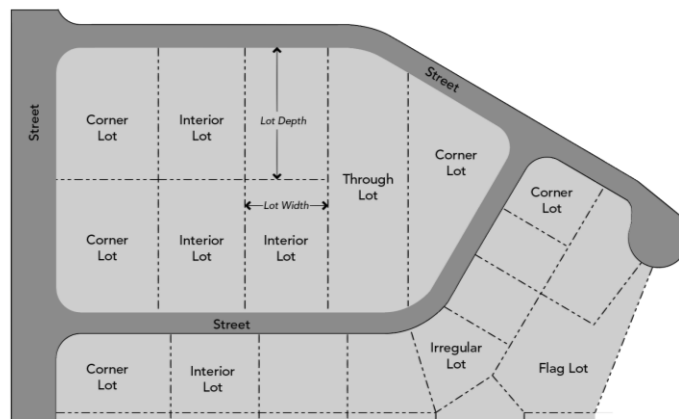
Figure 9-1: Flag Lot



Lot, Interior. A lot bounded on one side by a street line and on all other sides by lot lines between adjacent lots or that is bounded by more than one street with an intersection greater than one hundred thirty-five degrees.

Lot, Through. A lot having frontage on two parallel or approximately parallel streets.

Figure 9-2: Lot Types



Lot Area. The horizontal land area within a lot expressed in square feet, acres, or other area measurement.

Lot Area, Net. See Section 17.70.110 (Lot Area).

Lot Coverage. See “Coverage.”

Lot Line. The boundary between a lot and other property or the public right-of-way.

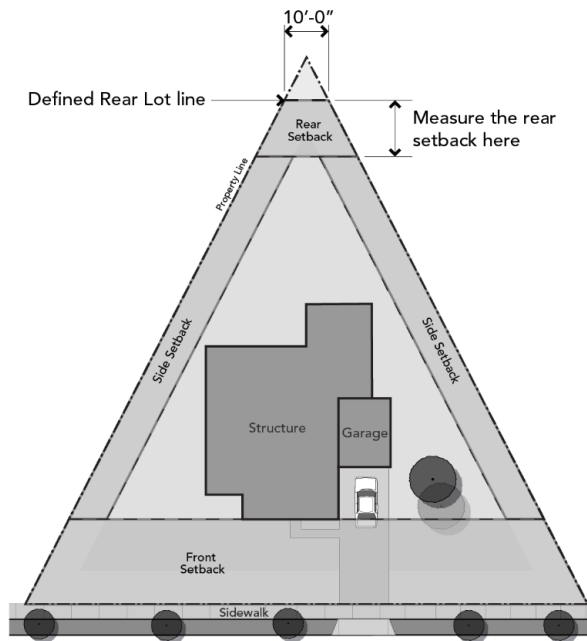
Lot Line, Front. On an interior lot, the line separating the lot from the street or lane. On a corner lot, the shorter lot line abutting a street or lane. On a through lot, the lot line abutting the street or lane providing the primary access to the lot. On a flag or panhandle lot, the interior lot line most parallel to and nearest the street or lane from which access is obtained. Where no lot line is within forty-five degrees of being parallel to the rear lot line, a line ten feet in length within the lot, parallel to and at the maximum possible distance from the rear lot line, will be deemed the front lot line for the purpose of establishing the minimum front yard (see Figure 9-3: Irregular Lots).

Lot Line, Rear. The lot line that is opposite and most distant from the front lot line. Where no lot line is within forty-five degrees of being parallel to the front lot line, a line ten feet in length within the lot, parallel to and at the maximum possible distance from the front lot line, will be deemed the rear lot line for the purpose of establishing the minimum rear yard (see Figure 9-3: Irregular Lots).

Lot Line, Side. Any lot line that is not a front or rear lot line.

Lot Line, Street Side. A side lot line of a corner lot that is adjacent to a street.

Figure 9-3: Irregular Lots



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

17.158.030 – M Definitions

Market Value. 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.

Maximum Applied Water Allowance (MAWA). The upper limit of annual applied water for the established landscaped area in Section 17.87.020. It is based upon the area's reference evapotranspiration, the ET adjustment factor, and the size of the landscaped area. The estimated total water use for the landscape shall not exceed the maximum applied water allowance. Special landscape areas, including recreation areas, areas permanently and solely dedicated to edible plants such as orchards and vegetable gardens, and areas irrigated with recycled water are subject to the MAWA with an ETAF not to exceed 1.0.

Mezzanine. 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 mezzanine from the floor below by a wall or any other partitions. Spaces designated as lofts or mezzanines that do not fully conform to this definition shall be deemed a "bedroom." (See also Section 17.158.008.)

Minor Addition. See "Addition".

Municipal Code. The City of San Luis Obispo Municipal Code.

17.158.032 – N Definitions

Nonconforming. A use, structure, or lot, which was lawfully erected, altered, maintained or formed, but which, because of the application of this Title to it, no longer conforms to the specific regulations applicable to the zone in which it is located.

Nonconforming Building. See “Nonconforming Structure”.

Nonconforming Lot. See Chapter 17.96 (Nonconforming Lots).

Nonconforming Parking. See Section 17.72.060 (Nonconforming Parking).

Nonconforming Structure. See Chapter 17.92 (Nonconforming Structures).

Nonconforming Use. See Chapter 17.94 (Nonconforming Uses).

17.158.034 – O Definitions

Onsite. Located on the lot that is the subject of discussion.

Owner Occupancy. A lawfully allowed dwelling that is occupied by the owner(s) named on the property deed as their primary residence and is occupied by them for the major portion of the year.

Outdoor Furniture. Furniture such as chairs, tables, settees or loungers, suited for use on an open porch or patio, i.e. furniture that is designed and intended for outdoor use such that it is weather proof or weather resistant and generally will not be damaged by exposure to rain, sun or other outdoor elements.

Outdoor Storage. The keeping, in an unroofed area, of any goods, junk, material, merchandise, or vehicles in the same place for more than twenty-four hours, except for the keeping of building materials reasonably required for construction work on the premises pursuant to a valid and current building permit issued by the City.

Overlay Zone. A zone applied in combination with other zones to impose additional restrictions or to allow greater variety than is possible with the underlying zone.

17.158.036 – P Definitions

Parcel. See "Lot".

Parking Area. An area of a lot, structure, or any other area, including driveways, which is designed for and the primary purpose of which is to provide for the temporary storage of operable motor vehicles.

Parking, Bicycle. A covered or uncovered area equipped with a rack or racks designed and usable for the secure, temporary storage of bicycles.

Parking Management Plan. 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.

Patio. An outdoor space paved with concrete, rock, bricks, or other pavers that adjoins a residence and is designed and intended for standing, sitting, dining or recreation.

Person. Any individual, firm, association, organization, partnership, business trust, company, or corporation.

Planning Commission. City of San Luis Obispo Planning Commission.

Porch. A covered deck, landing or platform adjoining an entrance to a residence or other building.

Preexisting. In existence prior to the effective date of the ordinance codified in this Title.

Primary Unit. The existing single-unit residential structure on the site when used in the application of accessory dwelling unit regulations.

Principal Building. See Building, Principal.

Project. Any proposal for a new or changed use or for new construction, alteration, or enlargement of any structure, that is subject to the provisions of this ordinance. This term includes, but is not limited to, any action that qualifies as a “project” as defined by the California Environmental Quality Act.

Project Applicant. The individual or entity submitting entitlement plans required under this Title. A project applicant may be the property owner or the property owner’s designee.

Public Art. Work of art installed either on or off site, as part of new development, in conformance with the standards identified in Section 17.70.140 (Public Art Requirements for Private Development). The definitions of “work of 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. Public Art does not include landscaping, paving, architectural ornamentation, or signs.

Public Place. Land or buildings owned by the City or others which are accessible to the general public.

Public Resources Code. The Public Resources Code of the State of California.

Public Works Department. City of San Luis Obispo Public Works Department.

Public Works Director. City of San Luis Obispo Public Works Director, or someone designated by him or her to act on his or her behalf.

17.158.038 – Q Definitions

Reserved.

17.158.040 – R Definitions

Real Property. Land and improvements, if any, including anything permanently affixed to the land, such as buildings, walls, fences, and paved areas.

Reasonable Accommodation. Providing disabled persons flexibility in the application of land use and Zoning Regulations and procedures, or even waiving certain requirements, when necessary to eliminate barriers to housing opportunities. It may include adjustments to standards such as yard area modifications for ramps, handrails or other such accessibility improvements; hardscape additions, such as widened driveways, parking area or walkways; building additions for accessibility; tree removal; or reduced off-street parking where the disability clearly limits the number of people operating vehicles. Reasonable accommodation does not include an accommodation which would (1) impose

an undue financial or administrative burden on the City or (2) require a fundamental alteration in the nature of the City's Zoning Regulations.

Recreational Vehicle. Any trailer, camper, motor home or other vehicle designed and intended for traveling and recreational purposes.

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.

Review Authority. The body responsible for making decisions on zoning and related applications as specified in Section 17.102.020 (Discretionary Action and Permits).

Right-of-way. A strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied or occupied by a road, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer or other similar use.

Riparian Vegetation. 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.

Roof Deck. See "Deck." See also Section 17.70.150 (Rooftop Uses).

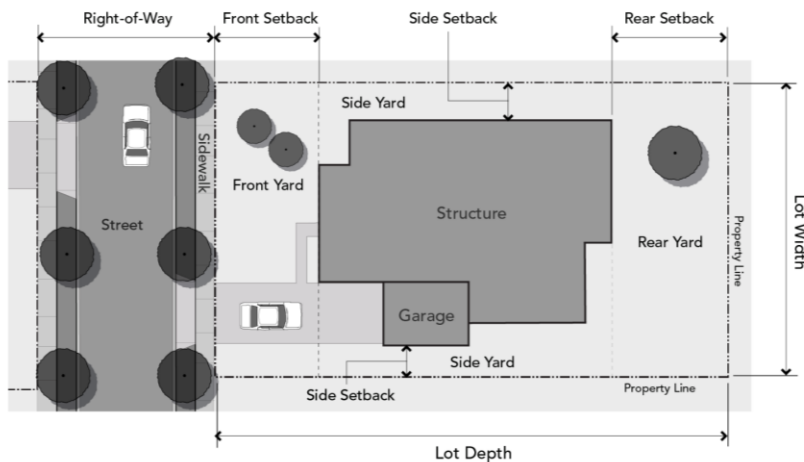
17.158.042 – S Definitions

Screening. A wall, fence, hedge, informal planting, or berm, provided for the purpose of buffering a building or activity from neighboring areas or from the street.

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.

Setback. The distance from which a structure, parking area, or other development feature must be separated from a prescribed lot line, easement, or other feature (see Figure 9-4: Setbacks), and as specified in the development regulations of each zone. See also Section 17.70.170 (Setbacks).

Figure 9-4: Setbacks

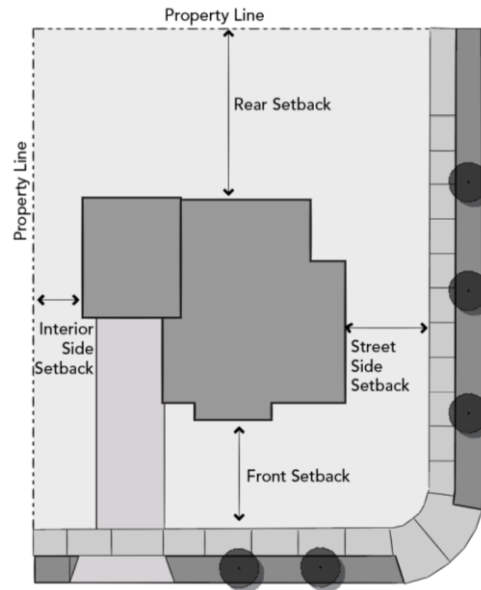


Setback, Front. The minimum distance required between a structure and the front property line.

Setback, Side. The minimum distance required between a structure and a side property line. Also referred to as “interior side setback”.

Setback, Street Side. On a corner lot, the minimum distance required between a structure and the property line along the side lot line that is adjacent to a street. See Figure 9-5: Street Side Setback.

Figure 9-5: Street Side Setback



Setback, Rear. The minimum distance required between a structure and the rear property line.

Setback Line. An officially adopted line determining the extent of a future street or other public right-of-way.

Shopping center. 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.

Sidewalk. A paved, surfaced, or leveled area, paralleling and usually separated from the street, used as a pedestrian walkway.

Site. A lot, or group of contiguous lots, that is proposed for development in accordance with the provisions of this Title and is in a single ownership or under unified control.

Slope. An inclined ground surface the inclination of which is expressed as a ratio of horizontal distance to vertical distance (i.e. 2:1 or 1:1) or as a percentage (i.e. 50% or 100%).

Slope, Average. For the purpose of the hillside development standards, the term "average slope" shall be defined as the relationship between the change in elevation (rise) of the land and the horizontal distance (run) over which that change in elevation occurs.

Specific Plan. A plan for a designated area within the City, based on the General Plan, but containing more detailed regulations and programs as provided in Government Code Section 65450 et seq.

State. The State of California.

Storage – Accessory. The storage of materials accessory and incidental to a primary use and is not considered a land use separate from the primary use.

Story. The portion of a building included between the upper surface of any floor and the upper surface of the next floor above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling above.

Street. A public or private right-of-way providing vehicular access to abutting property.

Structure. Anything assembled or constructed on the ground, or attached to anything with a foundation on the ground.

Structure, Accessory. A structure that is located upon the same site as the structure or use to which it is accessory. Accessory structures may consist of detached structures or additions to primary structures. The use of an accessory structure is incidental and subordinate to the use of the principal structure, or to the primary land use of the site. Does not include habitable accessory structures such as accessory dwelling units (ADUs). See also Building, Accessory.

Structure, Principal (Structure, Main; Structure, Primary). A structure housing the primary use of a site or functioning as the primary use.

Structure, Temporary. A structure without any foundation or footings and which is intended to be removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.

Studio. A dwelling unit characterized by an open floor plan, with no interior walls separating spaces into separate rooms.

17.158.044 – T Definitions

Tandem Parking. The arrangement of parking spaces where no more than two cars are arranged in tandem, such that one or more spaces must be driven across in order to access another space or spaces.

Tiny House - Moveable. A residential dwelling unit that is accessory to a principal residential dwelling unit located on the same parcel of land, which provides complete independent living quarters for one household, and meets the following conditions:

1. Is towable by a bumper hitch, frame-towing hitch, or fifth-wheel connection and is designed not to and cannot move under its own power;
2. Is no larger than allowed by California State law for movement on public highways;
3. Is a detached self-contained residential dwelling unit which includes facilities and functional areas for living, sleeping, eating, cooking, and sanitation.

Top of Bank. 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.

Through Lot. See “Lot, Through”.

Trellis. See “Arbor”.

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.

17.158.046 – U Definitions

Use. The purpose for which land or the premises of a building, structure, or facility thereon is designed, arranged, or intended, or for which it is or may be occupied or maintained.

Use, Accessory. A use that is customarily associated with, and is incidental and subordinate to, the primary use and located on the same parcel as the primary use. Accessory Use includes active or passive solar heating systems and cogeneration facilities.

Use, Primary. A primary, principal, or dominant use established, or proposed to be established, on a parcel.

Unbundle Parking. To separate parking from general rent or purchase costs in new residential, nonresidential, or mixed-use buildings.

Use Permit. A discretionary permit, such as a Minor Use Permit or Conditional Use Permit, which may be granted by the appropriate City of San Luis Obispo to provide for the accommodation of land uses with special site or design requirements, operating characteristics, or potential adverse effects on surroundings, which are not permitted as of right but which may be approved upon completion of a review process and, where necessary, the imposition of special conditions of approval by the permit granting authority.

17.158.048 – V Definitions

Vehicle. Any vehicle, as vehicle is defined by the California Vehicle Code, including any automobile, camper, camp trailer, trailer, trailer coach, motorcycle, house car, boat, or similar conveyance.

17.158.050 – W Definitions

Water-Efficient Landscape Standards.

Ecological restoration project. A project where the site is intentionally altered to establish a defined, indigenous, historic ecosystem.

Estimated total water use (ETWU). The total water used for the landscape.

Homeowner-provided landscaping. Any landscaping either installed by a private individual for a single-unit residence or installed by a licensed contractor hired by a homeowner. A homeowner, for purposes of this Chapter, is a person who occupies the dwelling he or she owns. This excludes speculative homes, which are not owner-occupied dwellings.

Hydrozone. 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.

Irrigation efficiency. 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.

Maximum applied water allowance (MAWA). The upper limit of annual applied water for the established landscaped area.

Rehabilitated landscape. Any relandscaping project that requires a building permit or design review where the modified landscape area is equal to or greater than two thousand five hundred square feet.

17.158.052 – X Definitions

Reserved.

17.158.054 – Y Definitions

Yard. 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 and zones.

Yard, Front. The area of a residential lot that lies between the street property line and the walls of any residences that face the street. 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.

Yard, Street. A yard adjacent to a local street, State highway (except frontages on Highway 101), or adopted setback line.

Yard, Other. Any yard other than a street yard (i.e., side and rear yards).

17.158.056 – Z Definitions

Zone (or “district” or “zone district”). An area of the City delineated on the official zoning map, designated by name or abbreviation as provided in the regulations codified in this Title.

Chapter 17.160: Previous Land Use Definitions

Airport. See Section 17.156.004 – A Definitions: “Airport.”

Ambulance, taxi, and/or limousine dispatch facility. See Section 17.156.026 – L Definitions: “Light Fleet-Based Services.”

Antennas and telecommunications facilities. See Section 17.156.046 – W Definitions: “Wireless Telecommunication Facilities.”

ATMs. See Section 17.156.006 – B Definitions: “Banks and Financial Institutions” – “Automated Teller Machines (ATMs).”

Auto and vehicle sales and rental. See Section 17.156.044 – V Definitions: “Vehicle Sales and Services” – “Auto and Vehicle Sales and Rental.”

Auto parts sales, with installation. See Section 17.156.044 – V Definitions: “Vehicle Sales and Services” – “Vehicle Services.”

Auto parts sales, without installation. See Section 17.156.044 – V Definitions: “Vehicle Sales and Services” – “Vehicle Services.”

Bakery.

Retail. See Section 17.156.036 – R Definitions: “Retail Sales” – “General Retail.”

Wholesale. See Section 17.156.028 – M Definitions: “Manufacturing – Light.”

Banks and financial services. See Section 17.156.006 – B Definitions: “Banks and Financial Institutions.”

Bar/Tavern. See Section 17.156.012 – E Definitions: “Eating and Drinking Establishments” – “Bars, Live Entertainment, and Taverns.”

Bed and breakfast inn. See Section 17.156.026 – L Definitions: “Lodging” – “Bed and Breakfast Establishment.”

Boarding/rooming house, dormitory. See Section 17.156.006 – B Definitions – “Boarding House.”

Building and landscape materials sales.

Indoor. See Section 17.156.036 – R Definitions: “Retail Sales” – “Building Materials and Services.”

Outdoor. See Section 17.156.036 – R Definitions: “Retail Sales” – “Building Materials and Services.”

Business support services. See Section 17.156.006 – B Definitions: “Business Services.”

Caretaker quarters. See Section 17.156.008 – C Definitions: “Caretaker Quarters.”

Catering service. See Section 17.156.014 – F Definitions: “Food Preparation.”

Cemetery, mausoleum, columbarium. See Section 17.156.008 – C Definitions: “Cemetery.”

Club, lodge, private meeting hall. See Section 17.156.034 – P Definitions: “Public Assembly Facilities.”

Commercial recreation facility.

Indoor. See Section 17.156.008 – C Definitions: “Commercial Recreation” – “Commercial Recreation, Small-Scale.”

Outdoor. See Section 17.156.008 – C Definitions: “Commercial Recreation” – “Commercial Recreation, Large-Scale.”

Community Garden. See Section 17.156.008 – C Definitions: “Community Garden.”

Construction and heavy equipment sales and rental. See Section 17.156.044 – V Definitions: “Vehicle Sales and Services” – “Large Vehicle, Construction, and Heavy Equipment Sales, Services, and Rental.”

Convalescent hospital. See Section 17.156.012 – E Definitions: “Elderly and Long-Term Care.”

Convenience store. See Section 17.156.014 – F Definitions: “Food and Beverage Sales” – “Convenience Store.”

Convents and monasteries. See Section 17.156.006 – B Definitions: “Boarding House.”

Copying and Quick Printer Service. See Section 17.156.006 – B Definitions: “Business Services.”

Crop Production. See Section 17.156.008 – C Definitions: “Crop Production.”

Day care.

Day care center (child/adult). See Section 17.156.010 – D Definitions: “Day Care Centers.”

Family day care home (small/large). See Section 17.156.014 – F Definitions: “Family Day Care.”

Educational conferences. See Section 17.156.012 – E Definitions: “Educational Conferences Housing.”

Equipment rental. See Section 17.156.006 – B Definitions: “Business Services.”

Extended hour retail. See Section 17.156.036 – R Definitions: “Retail Sales” – “Extended Hour Retail.”

Farm supply and feed store. See Section 17.156.036 – R Definitions: “Retail Sales” – “Nurseries and Garden Centers.”

Fitness/health facility. See Section 17.156.008 – C Definitions: “Commercial Recreation” – “Commercial Recreation, Small-Scale.”

Food bank/package food distribution center. See Section 17.156.046 – W Definitions: “Warehousing, Storage, and Distribution.”

Fraternity, sorority. See Section 17.156.014 – F Definitions: “Fraternities and Sororities.”

Fuel dealer (propane, etc). See Section 17.156. – F Definitions: “Fuel Dealer.”

Furniture and fixtures manufacturing, cabinet shop. See Section 17.156.036 – R Definitions: “Building Materials and Services.”

Furniture, furnishings, and appliance stores. See Section 17.156.036 – R Definitions: “Retail Sales” – “Building Materials and Services.”

Grazing. See Section 17.156.004 – A Definitions: “Animal Husbandry and Grazing.”

General retail.

2,000 sf or less. See Section 17.156.036 – R Definitions: “Retail Sales” – “General Retail.”

More than 2,000 sf, up to 15,000 sf. See Section 17.156.036 – R Definitions: “Retail Sales” – “General Retail.”

More than 15,000 sf, up to 45,000 sf. See Section 17.156.036 – R Definitions: “Retail Sales” – “General Retail.”

More than 45,000 sf, up to 60,000 sf. See Section 17.156.036 – R Definitions: “Retail Sales” – “General Retail.”

More than 60,000 sf, up to 140,000 sf. See Section 17.156.036 – R Definitions: “Retail Sales” – “Large-Scale Retail.”

Golf Course. See Section 17.156.008 – C Definitions: “Commercial Recreation” – “Commercial Recreation, Large-Scale.”

Greenhouse/Plant Nursery, Commercial. See Section 17.156.016 – “Greenhouse/Plant Nursery: Commercial.”

Groceries, specialty foods. See Section 17.156.014 – F Definitions: “Food and Beverage Sales” – “General Market.”

Helipad. See Section 17.156.018 – H Definitions: “Helipad/Heliport.”

High occupancy residential use. Repealed under Ordinance 1705 (2021 Series).

Home occupation. See Section 17.156.018 – H Definitions: “Home Occupation.”

Homeless Shelter. See Section 17.156.026 – L Definitions: “Lodging” – “Homeless Shelters.”

Hostel. See Section 17.156.026 – L Definitions: “Lodging” – “Homeless Shelters.”

Hotel, Motel. See Section 17.156.026 – L Definitions: “Lodging” – “Hotels and Motels.”

Industrial research and development. See Section 17.156.036 – R Definitions: “Research and Development.”

Laboratory – Medical, analytical, research, testing. See Section 17.156.026 – L Definitions: “Laboratory” – “Medical, Analytical, Research, Testing.”

Laundry, dry cleaning plant. See Section 17.156.034 – P Definitions: “Personal Services.”

Library.

Branch facility. See Section 17.156.008 – C Definitions: “Cultural Institutions.”

Museum. See Section 17.156.008 – C Definitions: “Cultural Institutions.”

Liquor, Store/Alcohol Sales. See Section 17.156.014 – F Definitions: “Food and Beverage Sales” – “Liquor Store.”

Live/work units. See Section 17.156.026 – M Definitions: “Mixed-Use Development.”

Livestock feed lot. See Section 17.156.026 – L Definitions: “Livestock Feed Lot.”

Maintenance service, client site services. See Section 17.156.028 – M Definitions: “Maintenance and Repair Services.”

Manufacturing.

Heavy. See Section 17.156.028 – M Definitions: “Manufacturing – Heavy.”

Light. See Section 17.156.028 – M Definitions: “Manufacturing – Light.”

Media Production.

Backlots/outdoor facilities and soundstages. See Section 17.156.028 – M Definitions: “Media Production” – “Backlots and Soundstages.”

Broadcast studio. See Section 17.156.028 – M Definitions: “Media Production – Broadcast Studios.”

Medical Service.

Clinic, laboratory, urgent care. See Section 17.156.018 – H Definitions: “Hospitals and Clinics.”

Doctor office. See Section 17.156.032 – O Definitions: “Offices” – “Medical and Dental Offices.”

Extended care. See Section 17.156.012 – E Definitions: “Elderly and Long-Term Care.”

Hospital. See Section 17.156.018 – H Definitions: “Hospitals and Clinics” – “Hospital.”

Mixed-use project. See Section 17.156.026 – M Definitions: “Mixed-Use Development.”

Mobile home.

Mobile home as temporary residence at building site. See Section 17.158.040 – R Definitions: “Recreational Vehicle.”

Mobile home park. See Section 17.156.028 – M Definitions: “Mobile Home Park.”

Mobile home, RV, and boat sales. See Section 17.156.044 – V Definitions: “Large Vehicle, Construction, and Heavy Equipment Sales, Service, and Rental.”

Mortuary, funeral home. See Section 17.156.014 – F Definitions: “Funeral Parlors and Internment Services.”

Multi-family dwellings. See Section 17.156.028 – M Definitions: “Multi-Unit Dwellings.”

Night club. See Section 17.156.026 – L Definitions: “Live Entertainment”

Office.

Accessory. See Section 17.156.032 – O Definitions: “Offices” – “Business and Professional Offices.”

Business and service. See Section 17.156.032 – O Definitions: “Offices” – “Business and Professional Offices.”

Government. See Section 17.156.032 – O Definitions: “Offices” – “Business and Professional Offices.”

Processing. See Section 17.156.032 – O Definitions: “Offices” – “Business and Professional Offices.”

Production and administrative. See Section 17.156.032 – O Definitions: “Offices” – “Business and Professional Offices.”

Professional. See Section 17.156.032 – O Definitions: “Offices” – “Business and Professional Offices.”

Temporary. See Section 17.156.032 – O Definitions: “Offices” – “Business and Professional Offices” – “Temporary Offices.”

Office-supporting retail.

2,000 sf or less. See Section 17.156.036 – R Definitions: “Retail Sales” – “General Retail.”

More than 2,000, up to 5,000 sf. See Section 17.156.036 – R Definitions: “Retail Sales” – “General Retail.”

Outdoor BBQ/Grill, accessory to restaurant. See Section 17.156.012 – E Definitions: “Eating and Drinking Establishments” – “Restaurant.”

Outdoor temporary and/or seasonal sales. See Section 17.156.032 – O Definitions: “Outdoor Temporary and/or Seasonal Sales.”

Park, playground. See Section 17.156.034 – P Definitions: “Park and Recreation Facilities.”

Parking facility.

Multi-level. See Section 17.156.034 – P Definitions: “Parking Facility.”

Temporary. See Section 17.156.034 – P Definitions: “Parking Facility – Temporary.”

Personal services. See Section 17.156.034 – P Definitions: “Personal Services.”

Personal services – Restricted. See Section 17.156.034 – P Definitions: “Personal Services.”

Petroleum product storage and distribution. See Section 17.156.046 – W Definitions: “Warehousing, Storage, and Distribution.”

Photo and film processing lab. See Section 17.156.034 – P Definitions: “Personal Services.”

Photographer, photographic studio. See Section 17.156.036 – R Definitions: “Retail Sales” – “General Retail.”

Printing and publishing. See Section 17.156.006 – B Definitions: “Business Services.”

Produce stand. See Section 17.156.014 – F Definitions: “Food and Beverage Sales” – “Produce Stand.”

Public assembly facility. See Section 17.156.034 – P Definitions: “Public Assembly Facilities.”

Public safety facilities. See Section 17.156.034 – P Definitions: “Public Safety Facility.”

Public utility facilities. See Section 17.156.042 – U Definitions: “Utilities Facilities.”

Railroad facilities. See Section 17.156.040 – T Definitions: “Transit Station or Terminal.”

Recreational vehicle (RV) park accessory to hotel, motel. See Section 17.156.026 – L Definitions: “Lodging” – “Recreational Vehicle (RV) Park.”

Recycling facilities.

Collection and processing facility. See Section 17.156.036 – R Definitions: “Recycling – Processing Facility.”

Recycling facilities – Scrap and dismantling yard. See Section 17.156.038 – S Definitions: “Salvage and Wrecking.”

Recycling facilities – Small collection facility. See Section 17.156.036 – R Definitions: “Recycling” – “Collection Facility.”

Religious facility. See Section 17.156.036 – R Definitions: “Religious Assembly Facilities.”

Repair service – Equipment, large appliances, etc. See Section 17.156.028 – M Definitions: “Maintenance and Repair Services.”

Residential care facilities.

6 or fewer residents. See Section 17.156.036 – R Definitions: “Residential Care Facilities.”

7 or more residents. See Section 17.156.036 – R Definitions: “Residential Care Facilities.”

Residential hospice facility. See Section 17.156.018 – H Definitions: “Hospice In-Patient Facility.”

Residential Support Services. See Section 17.156.034 – P Definitions: “Personal Services.”

Rest home. See Section 17.156.036 – R Definitions: “Residential Care Facilities.”

Restaurant. See Section 17.156.012 – E Definitions: “Eating and Drinking Establishments” – “Restaurant.”

Restaurant with late hour alcohol service. See Section 17.156.012 – E Definitions: “Eating and Drinking Establishments” – “Restaurant with late-hour alcohol service.”

School.

Boarding school, elementary, middle, secondary. See Section 17.156.038 – S Definitions: “Schools” – “Primary and Secondary.”

College, university campus. See Section 17.156.038 – S Definitions: “Schools” – “Colleges.”

College, university - Satellite classroom facility. See Section 17.156.038 – S Definitions: “Schools” – “Colleges.”

Elementary, middle, secondary. See Section 17.156.038 – S Definitions: “Schools” – “Primary and Secondary.”

Specialized education/training. See Section 17.156.020 – I Definitions: “Instructional Services.”

Secondary dwelling units. See Section 17.156.004 – A Definitions: “Accessory Dwelling Unit (ADU).”

Service station (see also "Vehicle services"). See Section 17.156.044 – V Definitions: “Vehicle Sales and Services” – “Service/Fueling Station.”

Single-family dwellings. See Section 17.156.039 – S Definitions: “Single-Unit Dwelling.”

Social service organization. See Section 17.156.032 – O Definitions: Offices – “Business and Professional Offices.”

Special event. See Section 17.156.038 – S Definitions: “Special Event.”

Sports and active recreation facility. See Section 17.156.008 – C Definitions: “Commercial Recreation.”

Sports and entertainment assembly facility. See Section 17.156.038 – S Definitions: “Sports and Entertainment Assembly Facility.”

Storage – Personal storage facility. See Section 17.156.046 – W Definitions: “Warehousing, Storage and Distribution” – “Personal Storage.”

Storage Yard. See Section 17.156.046 – W Definitions: “Warehousing, Storage, and Distribution” – “Outdoor Storage.”

Studio – Art, dance, martial arts, music, etc. See Section 17.156.020 – I Definitions: “Instructional Services.”

Theater. See Section 17.156.020 – T Definitions: “Theaters.”

Theater – Drive-in. See Section 17.156.008 – C Definitions: “Commercial Recreation” – “Large-Scale.”

Transit station or terminal. See Section 17.156.040 – T Definitions: “Transit Station or Terminal.”

Transit stop. See Section 17.156.040 – T Definitions: “Transit Station or Terminal.”

Truck or freight terminal. See Section 17.156.014 – F Definitions: “Freight/Truck Terminals.”

Vacation Rental. See Section 17.156.044 – V Definitions: “Vacation Rentals.”

Vehicle services.

Carwash. See Section 17.156.044 – V Definitions: “Vehicle Services” – “Washing.”

Repair and maintenance – Major. See Section 17.156.044 – V Definitions: “Vehicle Services” – “Major (Major Repair/Body Work).”

Repair and maintenance – Minor. See Section 17.156.044 – V Definitions: “Vehicle Services” – “Minor (Minor Repair/Maintenance).”

Vending machine. See Section 17.156.044 – V Definitions: “Vending Machine.”

Veterinary clinic/hospital.

Boarding, large animal. See Section 17.156.004 – A Definitions: “Animal Care, Sales and Services” – “Veterinary Services, Large Animal.”

Boarding, small animal, indoor. See Section 17.156.004 – A Definitions: “Animal Care, Sales and Services” – “Veterinary Services, Small Animal.”

Boarding, small animal, outdoor. See Section 17.156.004 – A Definitions: “Animal Care, Sales and Services” – “Animal Boarding/Kennels.”

Warehouse stores.

45,000 sf or less gfa. See Section 17.156.036 – R Definitions: “Retail Sales” – “General Retail.”

More than 45,000 sf gfa. See Section 17.156.036 – R Definitions: “Retail Sales” – “Large-Scale Retail.”

Warehousing, Indoor Storage. See Section 17.156.046 – W Definitions: “Warehousing, Storage, and Distribution” – “Warehousing and Indoor Storage.”

Water and wastewater treatment plants and services. See Section 17.156.042 – U Definitions: “Utility Facilities.”

Wholesaling and Distribution. See Section 17.156.046 – W Definitions: “Warehousing, Storage, and Distribution” – “Wholesaling and Distribution.”

Wine tasting room – off site. See Section 17.156.012 – E Definitions: “Eating and Drinking Establishments” – “Bars, Live Entertainment, and Taverns.”

Work/live units. See Section 17.156.026 – M Definitions: “Mixed-Use Development.”