ARTICLE 1: ENACTMENT, APPLICABILITY, AND ENFORCEMENT

CHAPTER 17.02. PURPOSE AND ENACTMENT, APPLICABILITY OF THE ZONING REGULATIONS, AND ENFORCEMENT

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.
This division of the provisions of Title 17 of the City of San Luis Obispo Municipal Code shall be known and cited as the "zoning regulations of the city." (Ord. 941 § 1 (part), 1982: prior code § 9201.1) "City of San Luis Obispo Zoning Regulations" or "Zoning Regulations."

17.02.020 – Purpose and Authority

A. Purpose.
These regulations are intended to guide the development of the city in an orderly manner, based on the adopted general plan, to implement the policies of the General Plan, protect and enhance the quality of the natural and built environment, and to promote the public health, safety and general welfare by regulating the use of land and buildings and the location and basic form of structures. (Ord. 941 § 1 (part), 1982: prior code § 9201.2), 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 these regulations, (Ord. 941 § 1 (part), 1982: prior code § 9201.5) in this Title 17.

17.02.040 – Relationship to Prior Ordinances and Other Codes

new
Article 1: Enactment

17.020.050 – General Plan Consistency – Regulations Interpretation and Application

The regulations codified in this title shall be interpreted and applied in a manner consistent with the general plan.

(Ord. 941 § 1 (part), 1982: prior code § 9204.1)

17.020.060 – Relationship to California Environmental Quality Act

The provisions of the Zoning Regulations, as they existed prior to the effective date of Ordinance No. XXXX, 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

17.02.000 – Prior Rights and Violations
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.

New

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 – Limitations on Use

New

17.02.110 — Severability, Partial Invalidation of the Zoning Regulations

New

17.02.120 – Enforcement

Chapter 17.72

ENFORCEMENT

Sections:
17.72.010 — Delegation of authority.
17.72.020 — Violations.

17.72.010 — Delegation of authority.
The director shall be responsible for enforcing these regulations and shall issue no permit in conflict with them. Any such permit issued shall be void. (Ord. 941 § 1 (part), 1982: prior code § 9204.6(A))

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:

17.04.020 Violations.
A. General Regulations and Requirements. The director shall enforce these regulations in accordance with provisions of this code and any other procedures as may be adopted by resolution of the council.

B. Revocation of Use Permits, Variances and Home Occupation Permits.

1. A use permit or variance shall be automatically revoked if not used within one year, unless a longer period is specified in the approval, or unless an extension is granted.

2. All types of permits and variances may be revoked by the body 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, including written notice to the permittee at least ten calendar days before the hearing. (Ord. 941 § 1 (part), 1982: prior code § 9204.6 (B))

CHAPTER 17.04. INTERPRETATION OF THE ZONING REGULATIONS

17.04.010 – Rules of Interpretation
17.04.040 – 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 shall interpret these regulations, subject to the appeal procedures of Chapter 17.66. Written requests for interpretation shall be responded to in writing within ten days and shall become part of the permanent files of the community development department. (Appeals).

B. Zone District Boundaries.

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

2. The location of boundaries which are not readily determined by inspection of the official zone map shall be determined by the director.

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

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

B.D. Internal Conflicts. Where provisions of indicated in this chapter 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 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

New

17.04.030 – Uses Not Classified
Article 1: Enactment

New

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 – Reserved

17.04.050 – Text Takes Precedence over Graphics

New

CHAPTER

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

17.06.010 – Purpose

New

Sections:
17.06.010 – Purpose
17.06.020 – Designation of Zones
17.06.010 — Designation of zones.

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

<table>
<thead>
<tr>
<th>Residential Zones:</th>
</tr>
</thead>
<tbody>
<tr>
<td>R-1 Low-density residential</td>
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<tr>
<td>R-2 Medium-density residential</td>
</tr>
<tr>
<td>R-3 Medium-high-density residential</td>
</tr>
<tr>
<td>R-4 High-density residential (includes former R-H zone)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Nonresidential Zones:</th>
</tr>
</thead>
<tbody>
<tr>
<td>C/OS Conservation/open space (formerly A/C)</td>
</tr>
<tr>
<td>O Office (formerly PO)</td>
</tr>
<tr>
<td>PF Public facility</td>
</tr>
<tr>
<td>C-N Neighborhood commercial</td>
</tr>
<tr>
<td>C-D Downtown commercial</td>
</tr>
<tr>
<td>C-R Retail commercial</td>
</tr>
<tr>
<td>C-T Tourist commercial</td>
</tr>
<tr>
<td>C-S Service commercial (formerly C-H)</td>
</tr>
<tr>
<td>I Industrial</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Overlay Zones:</th>
</tr>
</thead>
<tbody>
<tr>
<td>SP Specific plan</td>
</tr>
<tr>
<td>H Historical and architectural preservation</td>
</tr>
<tr>
<td>S Special considerations</td>
</tr>
<tr>
<td>PD Planned development</td>
</tr>
</tbody>
</table>

(Ord. 1437 § 1 (part), 2003; Ord. 941 § 1 (part), 1982; prior code § 9201.3)

17.06.030 – Official Zoning Map
17.06.020 — Areas within the city to be designated within a zone district—Zoning map to be a part of these regulations.
All areas within the city shall be designated within a zone district. The official zone map, which shall depict all duly adopted zone districts, is as much a part of these regulations as if it were fully contained in this document. The official zone map shall be maintained by and in the department of community development, and for convenience in more easily identifying zone boundaries may be divided into parts. (Ord. 941 § 1 (part), 1982: prior code § 9201.4)

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>
<thead>
<tr>
<th>Table 1-1: Zones Established</th>
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<tbody>
<tr>
<td><strong>Residential Zones</strong></td>
</tr>
<tr>
<td>R-1</td>
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<td>R-2</td>
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<td>R-3</td>
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<td>R-4</td>
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<tr>
<td><strong>Nonresidential Zones</strong></td>
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<td>AG</td>
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<td>C/OS</td>
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<td>C-N</td>
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<tr>
<td>C-C</td>
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<tr>
<td>C-D</td>
</tr>
</tbody>
</table>
### Table 1-1: Zones Established

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>C-R</td>
<td>Retail Commercial</td>
</tr>
<tr>
<td>C-T</td>
<td>Tourist Commercial</td>
</tr>
<tr>
<td>C-S</td>
<td>Service Commercial</td>
</tr>
<tr>
<td>M</td>
<td>Industrial</td>
</tr>
<tr>
<td>AO</td>
<td>Airport Overlay</td>
</tr>
<tr>
<td>D</td>
<td>Downtown Overlay</td>
</tr>
<tr>
<td>SP</td>
<td>Specific Plan</td>
</tr>
<tr>
<td>H</td>
<td>Historic Overlay</td>
</tr>
<tr>
<td>MU</td>
<td>Mixed Use Overlay</td>
</tr>
<tr>
<td>S</td>
<td>Special Considerations Overlay</td>
</tr>
<tr>
<td>S-F</td>
<td>Special Focus Overlay</td>
</tr>
<tr>
<td>PD</td>
<td>Planned Development Overlay</td>
</tr>
</tbody>
</table>

#### 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 Annexation and prezoning. – Classification of Annexed Lands and Unclassified Property

Any area annexed to the city shall be prezoned consistent with the general plan or classified C/OS until rezoned after annexation. (Ord. 941 § 1 (part), 1982; prior code § 9204.7(E))
Chapter 17.08. **Reserved**
ARTICLE 2: ZONES, ALLOWABLE USES, AND DEVELOPMENT AND DESIGN STANDARDS

CHAPTER 17.10. USE REGULATIONS

Section 17.10.010 – Use Regulations

Sections:

17.10.010 – Purpose and Application
17.10.020 – Use Regulations By Zone

17.10.010 – Uses allowed by 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. Status of Allowed Uses. Uses within zones shall be regulated as provided set forth in Table 92-1: Uses Allowed by Zone, subject to subsections B through J of this section. 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 92-1, symbols shall have these meanings:

- A: The use is allowed; as a matter of right.
- D: If the director approves an administrative use permit, as provided in Sections 17.58.020 through 17.58.070, the use may be established.
- MUP: The use requires a Minor Use Permit approved by the Director, as provided in Sections 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).
- PC: If the planning commission approves a use permit as provided in Sections 17.58.020 through 17.58.070, the use may be established.
- A/DM: The use is allowed above the ground floor. If only Subject to Minor Use Permit review, the director approves an administrative use permit, it may be established on the ground floor.

Special notes affecting the status of uses, indicated by number in Table 9, may be found at the end of the table. 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.
Article 2: Zones

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).

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

3. **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 principal primary uses. Accessory uses are allowed with principal uses only where a primary use is established. An accessory use may be allowed if it is not listed as an allowed use in Table 2-1 for the applicable zone.

D. **Public School Uses.** See Section 17.36.030. Airport Land Use Plan and Airport Overlay Zone. See Chapter 17.64 (Airport Overlay Zone) concerning uses which may be established within the Airport Overlay Zone.

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

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

1. RESERVED.

2. **Drive-Through Facilities.** Drive-through facilities are not allowed in any zone.

3. **Prohibition of Large-Scale Retail with over 140,000 square feet of gross floor area.

4. **Livestock Feed Lots.

5. **Mineral Extraction.** Commercial mining is prohibited in city limits.

6. **Onshore Support Facilities for offshore oil or gas development.

7. See also Section 17.86.160 (Homestay Rentals).
### Table 92-1: Uses Allowed By Zone

<table>
<thead>
<tr>
<th>Land Use</th>
<th>AG</th>
<th>C/OS</th>
<th>R1</th>
<th>R2</th>
<th>R3</th>
<th>R4</th>
<th>PF</th>
<th>O (4)</th>
<th>C-N</th>
<th>C-C</th>
<th>C-R</th>
<th>C-D</th>
<th>C-T</th>
<th>C-S</th>
<th>M</th>
<th>BP</th>
<th>Specific Use Regulations</th>
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<tbody>
<tr>
<td><strong>AGRICULTURE</strong></td>
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<td>Agricultral Accessory Structure</td>
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<td>Animal Husbandry and Grazing</td>
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<td>Community Garden</td>
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<td>MUP</td>
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<td>Crop production</td>
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<td>A</td>
<td>MUP</td>
<td>Permit required on second floor or above</td>
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<tr>
<td>Greenhouse/Plant Nursery, Commercial</td>
<td>CUP</td>
<td>CUP</td>
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<td>Livestock feedlot</td>
<td>RC</td>
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<td><strong>INDUSTRY, MANUFACTURING &amp; PROCESSING, WHOLESALING</strong></td>
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**Key:**
- A = Allowed
- MUP = Director’s Minor Use Permit approval required
- CUP = Planning Commission Conditional Use Permit approval required
- M/A = Director’s Minor Use Permit approval required on ground floor along street frontage, allowed on second floor or above

**Footnotes:**
- AGRICULTURE - See also Section XXX (Hazardous Materials)
## Article 2: Zones

### Lodging

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### Public and Quasi-Public Uses

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See Section 17.xx.xxx (Bed and Breakfast Establishments)

See also Section 17.36.030.C and 17.42.030.A


See Section 17.xx.xxx (Schools)

Note: Trade schools are not allowed on the ground floor.
### General Residential Housing Types

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### Mixed Uses

- Mixed-use project Development: A A A A A A A CUP MUP 17.08.120

### Commercial Uses

- Adult Entertainment Businesses: A A Chapter 17.95 and GC Section 65850.4
- Animal Care, Sales and Services: CUP M/P MUP MUP Outdoor runs and kennel areas shall be allowed only in the C-S zone. See also 17.XX.000 (Household Pets Boarding and Kennels)

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<td>Veterinary clinic/hospital, boarding Services, Small Animal, indoor</td>
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City of San Luis Obispo
Title 17 – Zoning Regulations

September 2018
### Article 2: Zones

#### Banks and Financial Institutions

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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>MUP</td>
<td>MUP</td>
<td>MUP</td>
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</tr>
<tr>
<td>Financial Services</td>
<td></td>
<td></td>
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<td></td>
<td></td>
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<td></td>
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</tbody>
</table>

See also Section 17.20.090.A (Offices in the C-S Zone) and Section 17.40.030.A (Offices in the M Zone).

#### Business Support Services

<table>
<thead>
<tr>
<th>Service</th>
<th>A</th>
<th>A</th>
<th>A</th>
<th>A</th>
<th>M/A</th>
<th>A</th>
<th>A</th>
<th>A</th>
<th>A</th>
<th>A</th>
<th>A</th>
<th>A</th>
<th>A</th>
<th>A</th>
</tr>
</thead>
<tbody>
<tr>
<td>Check Cashing Shops/Payday Loans</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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</tbody>
</table>

#### Cemetery, mausoleum, columbarium

<table>
<thead>
<tr>
<th>Service</th>
<th>MUP</th>
<th>MUP</th>
<th>MUP</th>
<th>MUP</th>
<th>MUP</th>
<th>MUP</th>
</tr>
</thead>
<tbody>
<tr>
<td>Business Support Services</td>
<td></td>
<td></td>
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<td></td>
</tr>
</tbody>
</table>

#### Copying and Quick Print Service

<table>
<thead>
<tr>
<th>Service</th>
<th>A</th>
<th>A</th>
<th>A</th>
<th>A</th>
<th>A</th>
<th>A</th>
<th>A</th>
<th>A</th>
<th>A</th>
<th>A</th>
<th>A</th>
<th>A</th>
<th>A</th>
<th>A</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commercial recreation facility - Outdoor</td>
<td>PC</td>
<td>PC</td>
<td>PC</td>
<td>PC</td>
<td>PC</td>
<td>PC</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commercial Recreation facility - Indoor, Large Scale</td>
<td>PC</td>
<td>PC</td>
<td>PC</td>
<td>PC</td>
<td>PC</td>
<td>PC</td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
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<td></td>
</tr>
</tbody>
</table>

See also Section 17.20.090.B (Commercial Recreation in the C-S zone) and 17.XX.XXX (Electronic Game Amusement Centers).

#### Fitness/health facility

<table>
<thead>
<tr>
<th>Service</th>
<th>MUP</th>
<th>MUP</th>
<th>MUP</th>
<th>MUP</th>
<th>A</th>
<th>A</th>
<th>A</th>
<th>M/A</th>
<th>M/J</th>
<th>M/J</th>
<th>M/J</th>
<th>M/J</th>
<th>M/J</th>
<th>M/J</th>
</tr>
</thead>
</table>

See also Section 17.XX.XXX (Day Care).

#### Eating and Drinking Establishments

<table>
<thead>
<tr>
<th>Service</th>
<th>MUP</th>
<th>MUP</th>
<th>MUP</th>
<th>MUP</th>
<th>MUP</th>
<th>MUP</th>
<th>D(14)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bars, Live Entertainment, and Taverns</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Night club</td>
<td>D</td>
<td>D</td>
<td>D</td>
<td>D</td>
<td>D</td>
<td>D</td>
<td>PC(14)</td>
</tr>
<tr>
<td>Outdoor BBQ/Gl, accessory to restaurant</td>
<td>D</td>
<td>D</td>
<td>D</td>
<td>D</td>
<td>D</td>
<td>D</td>
<td></td>
</tr>
<tr>
<td>Restaurant</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>D/A</td>
<td>M/J</td>
</tr>
<tr>
<td>Restaurant w ith late hour alcohol service</td>
<td>MUP</td>
<td>MUP</td>
<td>MUP</td>
<td>MUP</td>
<td>MUP</td>
<td>MUP</td>
<td>MUP</td>
</tr>
<tr>
<td>Wine tasting room - off site</td>
<td>D</td>
<td>D</td>
<td>D</td>
<td>D</td>
<td>D</td>
<td>D</td>
<td>D</td>
</tr>
</tbody>
</table>

See also Section 17.XX.XXX (Alcoholic Beverage Sales - Bar, Live Entertainment, Late Night Service) and Section 17.XX.XXX (Adult Entertainment Businesses).

#### Food and Beverage Sales

<table>
<thead>
<tr>
<th>Service</th>
<th>A</th>
<th>A</th>
<th>A</th>
<th>A</th>
<th>A</th>
<th>A</th>
<th>CUP</th>
</tr>
</thead>
<tbody>
<tr>
<td>Groceries, specialty foods, General Market</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Convenience Store</td>
<td>MUP</td>
<td>MUP</td>
<td>MUP</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
</tr>
<tr>
<td>Produce Stand</td>
<td>MUP</td>
<td>MUP</td>
<td>MUP</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
</tr>
<tr>
<td>Liquor Store/Alcohol Sales</td>
<td>MUP</td>
<td>MUP</td>
<td>MUP</td>
<td>MUP</td>
<td>MUP</td>
<td>MUP</td>
<td>CUP</td>
</tr>
</tbody>
</table>

See also Section 17.26.030.B.1 (General Markets and Convenience Stores) and Section 17.08.095 (General Markets and Convenience Stores).

#### Catering service

<table>
<thead>
<tr>
<th>Service</th>
<th>A</th>
<th>A</th>
<th>A</th>
<th>A</th>
<th>A</th>
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<th>A</th>
<th>A</th>
<th>A</th>
<th>A</th>
</tr>
</thead>
<tbody>
<tr>
<td>Catering service - Food Preparation</td>
<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
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</tbody>
</table>

#### Mortuary, Funeral Parlors and Internment Services

<table>
<thead>
<tr>
<th>Service</th>
<th>MUP</th>
<th>MUP</th>
<th>MUP</th>
<th>MUP</th>
<th>A</th>
<th>A</th>
<th>A</th>
<th>MUP</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mortuary, Funeral Parlors and Internment Services</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

#### Studio - Art, Dance, Martial Arts, Music, etc.

<table>
<thead>
<tr>
<th>Service</th>
<th>M/LP</th>
<th>CUP</th>
<th>M/LP</th>
<th>M/LP</th>
<th>M/LP</th>
<th>M/LP</th>
<th>A</th>
<th>A</th>
<th>A</th>
<th>A</th>
<th>A</th>
<th>A</th>
<th>A</th>
<th>A</th>
</tr>
</thead>
<tbody>
<tr>
<td>Instructional Services</td>
<td>M/LP</td>
<td>CUP</td>
<td>M/LP</td>
<td>M/LP</td>
<td>M/LP</td>
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<td>A</td>
<td>A</td>
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</table>

#### Maintenance and Repair Services - Service, client site services

<table>
<thead>
<tr>
<th>Service</th>
<th>A</th>
<th>A</th>
<th>A</th>
<th>A</th>
<th>A</th>
<th>A</th>
<th>A</th>
<th>A</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maintenance and Repair Services - Service, client site services</td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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</tr>
</tbody>
</table>

#### Repair service - Equipment, large appliances, etc.

<table>
<thead>
<tr>
<th>Service</th>
<th>A</th>
<th>A</th>
<th>A</th>
<th>A</th>
<th>A</th>
<th>A</th>
<th>A</th>
<th>A</th>
</tr>
</thead>
<tbody>
<tr>
<td>Repair service - Equipment, large appliances, etc.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

#### Office - Accessory

<table>
<thead>
<tr>
<th>Service</th>
<th>A</th>
<th>A</th>
<th>A</th>
<th>A</th>
<th>A</th>
<th>A</th>
<th>A</th>
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<tbody>
<tr>
<td>Office - Accessory</td>
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<td></td>
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<td></td>
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</table>

2-6 August 2018
### City of San Luis Obispo
### Title 17 – Zoning Regulations

#### Business and Professional Offices

<table>
<thead>
<tr>
<th>Category</th>
<th>Zoning</th>
<th>A</th>
<th>A</th>
<th>A</th>
<th>M/A</th>
<th>M/A</th>
<th>MUP</th>
<th>MUP</th>
</tr>
</thead>
<tbody>
<tr>
<td>Medical and Dental Offices - Doctor office</td>
<td>A</td>
<td>A</td>
<td>M/A</td>
<td>MUP</td>
<td>MUP</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Office - Business and service</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A/D</td>
<td>D(4)</td>
<td>D(4)</td>
<td>D</td>
<td></td>
</tr>
<tr>
<td>Office - Government</td>
<td>D</td>
<td>PC</td>
<td>A</td>
<td>A</td>
<td>PC</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Office - Processing</td>
<td>D</td>
<td>D</td>
<td>A</td>
<td>A</td>
<td>D(4)</td>
<td>D(4)</td>
<td>A</td>
<td></td>
</tr>
<tr>
<td>Office - Production and administrative</td>
<td>A</td>
<td>A/D</td>
<td>A/D</td>
<td>D(4)</td>
<td>D(4)</td>
<td>A</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Office - Professional</td>
<td>A</td>
<td>A/D</td>
<td>A/D</td>
<td>D</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Personal Services - Restricted</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>MUP</td>
<td>MUP</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Residential Support Services</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
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</table>

#### Retail Sales

<table>
<thead>
<tr>
<th>Category</th>
<th>Zoning</th>
<th>A</th>
<th>A</th>
<th>A</th>
<th>A</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building and landscape Materials sales and Services - Indoor</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
</tr>
<tr>
<td>Building and landscape Materials sales and Services - Outdoor</td>
<td>MUP</td>
<td>A</td>
<td>MUP</td>
<td>A</td>
<td>A</td>
</tr>
<tr>
<td>Equipment rental</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
</tr>
<tr>
<td>General retail - 2,000 sf or less</td>
<td>A(2)</td>
<td>D</td>
<td>A</td>
<td>A</td>
<td></td>
</tr>
<tr>
<td>General retail - More than 2,000 sf, up to 15,000 sf</td>
<td>D(3)</td>
<td>D</td>
<td>A</td>
<td>A</td>
<td></td>
</tr>
<tr>
<td>General retail - More than 15,000 sf, up to 45,000 sf</td>
<td>D(4)</td>
<td>D</td>
<td>A</td>
<td>A</td>
<td></td>
</tr>
<tr>
<td>General retail - More than 45,000 sf, up to 60,000 sf</td>
<td>D(4)</td>
<td>D</td>
<td>A</td>
<td>A</td>
<td></td>
</tr>
<tr>
<td>General retail - More than 60,000 sf, up to 140,000 sf</td>
<td>MUP</td>
<td>MUP</td>
<td>MUP</td>
<td>MUP</td>
<td>MUP</td>
</tr>
<tr>
<td>Extended hour retail</td>
<td>MUP</td>
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<td>A</td>
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<tr>
<td>General Retail</td>
<td>MUP</td>
<td>MUP</td>
<td>MUP</td>
<td>MUP</td>
<td>MUP</td>
</tr>
<tr>
<td>Large-Scale Retail</td>
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<td>MUP</td>
<td>MUP</td>
<td>MUP</td>
<td>MUP</td>
</tr>
<tr>
<td>Nurseries and Garden Centers</td>
<td>MUP</td>
<td>CUP</td>
<td>CUP</td>
<td>CUP</td>
<td>CUP</td>
</tr>
<tr>
<td>Farm supply and feed store</td>
<td>PC</td>
<td>PC</td>
<td>A</td>
<td>A</td>
<td></td>
</tr>
<tr>
<td>Furniture, furnishings, and appliance stores</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td></td>
</tr>
<tr>
<td>Photographer, photographic studio</td>
<td>A</td>
<td>A</td>
<td>A/D</td>
<td>PC</td>
<td>A</td>
</tr>
<tr>
<td>Warehouse stores - 45,000 sf or less gfa</td>
<td>D</td>
<td>D</td>
<td>D</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Warehouse stores - more than 45,000 sf gfa</td>
<td>PC</td>
<td>PC</td>
<td>PC</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Social service organization</td>
<td>D</td>
<td>A</td>
<td>D</td>
<td>A</td>
<td>A</td>
</tr>
</tbody>
</table>

In the C-S zone, a Minor Use Permit is required for office uses on the ground floor. See also Section 17.XX.XXX.B (Offices in the M Zone) and Section 17.xx.xxx (Offices in the M Zone).
### Article 2: Zones

#### Theater - Drive-In

<table>
<thead>
<tr>
<th>Only nonprofit theaters are allowed in the PF zone. See also Chapter 17.95: Adult Entertainment Businesses.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Theaters</td>
</tr>
<tr>
<td>Office-supporting retail, 2,000 sf or less</td>
</tr>
<tr>
<td>Office-supporting retail, More than 2,000, up to 5,000 sf</td>
</tr>
</tbody>
</table>

#### Vehicle Sales and Services

| Auto and Vehicle Sales and Rental | MUP | CUP | A | PC/MUP |
| Large Vehicle, Construction and Heavy Equipment Sales, Service, and Rental | | | | |
| Mobile home, RV, and boat sales | A | PC |
| Service/Fueling Stations (see also "vehicle services") | MUP | MUP | MUP | MUP | A |
| Auto parts sales, with installation | A | A | D | A | A |
| Auto parts sales, without installation | A | A | A | A | MUP |
| Vehicle services - Major Repair/Body Work | CUP | MUP | A | A | MUP |
| Vehicle services - Minor Repair/Maintenance | CUP | MUP | A | A | MUP |
| Vehicle services - Washing | MUP | MUP | CUP | MUP | MUP |

#### TRANSPORTATION, COMMUNICATIONS, & UTILITIES

| Airport | CUP |
| Antennas and Telecommunications Facilities | Wireless Telecommunications Facilities | MUP | MUP |
| Freight/Truck Terminals | A | A | MUP |
| Ambulance, taxi and/or limousine dispatch/Light Fleet-Based Services | A | MUP | MUP |
| Media Production |
| Backlot/outdoor facilities and Soundstages | A | A | MUP | MUP | MUP |
| Broadcast Studios | A | A | MUP | MUP | MUP |
| Parking facility |
| Parking structure facility - Multi-level | CUP | CUP | CUP | CUP | CUP |
| See also Section 17.xxx.xxx (Parking as a Principal Use) |
| Public Safety Facilities | CUP |
| Railroad facilities | D | A |
| Transit station or terminal | CUP | CUP | CUP | MUP | A |
| Transit stop | A | A | A | A | A | A |
| Public Utilities Facilities | PC |
| Facilities with on-site staff | CUP | CUP | CUP | CUP | CUP | CUP | CUP | CUP | CUP | CUP | CUP | CUP | CUP | CUP |
| Facilities with no on-site staff (unmanned) | 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 |
| Water and wastewater treatment plants and services | PC | PC |

*Ground-mounted equipment in residential zones shall be screened by landscaping to the satisfaction of the Director.*
### SPECIFIC AND TEMPORARY LAND USES

<table>
<thead>
<tr>
<th>Educational Conferences</th>
<th>Housing</th>
<th>MUP</th>
<th>MUP</th>
<th>MUP</th>
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<tbody>
<tr>
<td>Homestay Rentals</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>See Section 17.08.140</td>
</tr>
<tr>
<td>Home Occupation</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>See Section 17.08.090</td>
</tr>
<tr>
<td>Food Trucks</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>See Section 17.08.020</td>
</tr>
<tr>
<td>Office - Temporary</td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td>See Section 17.08.010.C</td>
</tr>
<tr>
<td>Outdoor temporary and/or seasonal sales</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>See Section 17.08.020</td>
</tr>
<tr>
<td>Parking facility - Temporary</td>
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<td>17.08.010</td>
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<tr>
<td>Safe Parking</td>
<td>PC</td>
<td>PC</td>
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<td>CUP</td>
<td>CUP</td>
<td>CUP</td>
</tr>
<tr>
<td>Special event</td>
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<td>MUP</td>
<td>MUP</td>
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<td>MUP</td>
</tr>
<tr>
<td>Vending machine</td>
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<td></td>
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</tr>
</tbody>
</table>

**Notes to Table 9:**

1. O-Zone – All Uses. A use permit is required for the conversion of residential structures to nonresidential uses. In order to approve a use permit, the director shall first find that:
   a. The location, orientation, height, and mass of new structures will not significantly affect privacy in nearby residential areas; and
   b. The project location or access arrangements will not significantly direct traffic to local streets in nearby residential areas; and
   c. The project includes landscaping and yards that adequately separate parking and pedestrian circulation areas from sites in nearby residential areas.

2. R-1 Zone – Multiple Dwellings. Except for condominiums, the construction of more than one dwelling on a parcel in the R-1 zone requires administrative use permit approval. R-1 density standards apply.

3. C-R Zone – Auto Sound System Installation. Auto sound installation services may be approved only as an accessory use to the retail sales of auto sound systems on the same site. Use permit review shall consider parking space displacement, noise from the operation, and the appearance and visibility of the installation area.

4. Religious Facilities:
   a. C-S Zone Requirements. Use permit review shall consider that the C-S zone is primarily intended to accommodate uses not generally suited to other commercial zones because of noise, truck traffic, visual impacts and similar factors. A use permit may be approved only when the religious facility will not likely cause unreasonable compatibility problems with existing or likely future service commercial uses in the vicinity. Use permit conditions may include measures to mitigate incompatibility.
   b. C-T and M Zone Requirements. A religious facility use may be allowed only inside an existing building.

5. PF Zone – Theaters. Only nonprofit theaters are permitted.

6. Day Care Centers. Allowed by right where accessory to a church or school, or where an employer provides on-site child care to fourteen or fewer children for the exclusive benefit of employees, providing the primary use meets city parking standards.

7. Night Club Use in the BP Zone. Night clubs shall be allowed only in the BP zone of the Airport Area Specific Plan. Refer to the Allowed uses, Table 4.3, of the Airport Area Specific Plan for more information.
Article 2: Zones

17.08.070 Mineral extraction.
Commercial mining is prohibited within city limits. (Ord. 1365 § 3 (part), 2000: Ord. 1265 § 2 Ex. A, 1994)

Chapter 17.92

ONSHORE SUPPORT FACILITIES

Sections:
17.92.010 Findings.
17.92.020 Prohibited.

17.92.010 Findings.
A. There is a strong likelihood that serious adverse effects will result from onshore processing, storage or related service facilities supporting offshore oil and gas development authorized by the federal and state governments.

B. Such facilities would threaten the community's vital economy and environmental quality. (Ord. 1071 § 2 (1) (part), 1986)

17.92.020 Prohibited.
No onshore support facility for offshore oil or gas development shall be allowed or permitted within the city until such time that the council proposes the inclusion of such uses in an appropriate zone district or districts, and such proposal has been approved by a vote of the people of the city. For the purpose of this chapter, the term "onshore support facility" means any activity or land use required to support directly the exploration, development, production, storage, processing, transportation or related aspects of offshore energy resource extraction. (Ord. 1071 § 2 (1) (part), 1986)

CHAPTER 17.12. AGRICULTURAL (AG) ZONE

Sections:
17.12.010 – Purpose and Application
17.33.020 – 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. It will be applied to areas designated on the general plan map as “conservation open space” and “interim open space” and where there has been a history of agricultural cultivation and keeping of livestock. (Ord. 1365 § 2 (part), 2000)
17.12.020 – Development Standards

17.33.020 Property development standards.

The general property development standards for the AG zone shall be as follows:

A. Maximum density: One dwelling per twenty acres; except, that each legal lot of record may have one dwelling.

B. Minimum parcel size: Five acres, or more as designated set forth in the zone suffix. (Table 2-2: AG-20 requires a minimum parcel size of twenty acres).

C. Minimum street yard: Twenty feet.

D. Minimum other yards: Twenty feet.

E. Maximum height: Thirty-five feet.

F. Maximum pavement and building area: Buildings and paved surfaces, such as parking and roads, shall not exceed five percent of site area for a parcel smaller than ten acres or three percent of site area for a parcel ten acres or larger.

G. Parking requirements: See also Section 17.16.060. (Ord. 1365 § 2 (part), 2000) for minimum lot dimensions.

<table>
<thead>
<tr>
<th>Table 2-2: AG Zone Development Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td>Development Standard</td>
</tr>
<tr>
<td>-----------------------</td>
</tr>
<tr>
<td>Maximum Residential Density</td>
</tr>
<tr>
<td>Minimum Parcel Size</td>
</tr>
<tr>
<td>Minimum Setback</td>
</tr>
<tr>
<td>Front</td>
</tr>
<tr>
<td>Side</td>
</tr>
<tr>
<td>Rear</td>
</tr>
<tr>
<td>Maximum Building Height</td>
</tr>
<tr>
<td>Maximum Impervious Surface Area</td>
</tr>
<tr>
<td>Parcel &lt;10 acres</td>
</tr>
<tr>
<td>Parcel ≥ 10 acres</td>
</tr>
</tbody>
</table>
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

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 hazard, 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. It will be applied as a permanent zone to areas designated “open space” or “park” on the general plan map. It may also be applied to areas designated “interim open space” where development is contingent on prerequisites identified in the general plan text. (Ord. 1346 § 2 (part), 1999; Ord. 941 § 1 (part), 1982: prior code § 9203.5(A))

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

Property development standards.

The general property development standards for the C/OS zone shall be as follows:

A. Maximum density: One dwelling per five or more acres, as indicated in the zone designation.

B. Minimum parcel size: Five or more acres, as noted in the number which is part of the zone designation (Table 2-3: C/OS 40 requires forty acres).

C. Minimum street yard: Twenty feet.

D. Minimum other yards: Twenty feet.

E. Maximum height: Thirty-five feet.

F. Standard Zone Development Standards. See also Section 16.18.030 (Subdivisions: Lot Dimensions).

   1. Minimum lot area: Five acres or more as required by zone.

   2. Minimum lot width: Two hundred feet.
3. Minimum lot depth: Two hundred feet.

4. Minimum street frontage: Twenty feet.

G. Maximum pavement and building area: Buildings and paved surfaces, such as parking and roads, shall not exceed five percent of site area for a parcel smaller than ten acres or three percent of site area for a parcel ten acres or larger.

H. Parking: See Section 17.16.060. (Ord. 1500 § 3 (part), 2007; Ord. 1365 § 3 (part), 2000; Ord. 941 § 1 (part), 1982; prior code § 5 9203.5(B))

### CHAPTER

<table>
<thead>
<tr>
<th>Table 2-3: C/OS Zone Development Standards</th>
<th>C/OS Zone</th>
<th>Additional Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Development Standard</strong></td>
<td><strong>C/OS Zone</strong></td>
<td><strong>Additional Regulations</strong></td>
</tr>
<tr>
<td>Maximum Residential Density</td>
<td>1 unit per parcel</td>
<td>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.</td>
</tr>
<tr>
<td>Minimum Parcel Size</td>
<td>5 acres</td>
<td>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.</td>
</tr>
<tr>
<td>Minimum Setback</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Front</td>
<td>20 feet</td>
<td></td>
</tr>
<tr>
<td>Side</td>
<td>20 feet</td>
<td></td>
</tr>
<tr>
<td>Rear</td>
<td>20 feet</td>
<td></td>
</tr>
<tr>
<td>Maximum Building Height</td>
<td>35 feet</td>
<td></td>
</tr>
<tr>
<td>Maximum Impervious Surface Area</td>
<td>&gt;10 acres</td>
<td>5%</td>
</tr>
<tr>
<td></td>
<td>10+ acres</td>
<td>3%</td>
</tr>
</tbody>
</table>
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 17.24.010 purpose R-1 zone provides for low-density residential development and application, 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 primarily to provide housing opportunities for people who want a private open space associated with individual dwellings. It is intended to preserve existing single-family unit neighborhoods, provide for compatible infill development in such areas, and prescribe the overall character of newly subdivided low-density areas. This zone shall be applied to areas designated “low-density residential” on the general plan map. (Ord. 941 § 1 (part), 1982: prior code § 9203.1(A))

17.16.020 – Development Standards

17.24.020 Property development standards.

The General Development Standards. The general property development standards for the R-1 zone shall be as follows:

A. Maximum density: Seven dwellings per net acre (see set forth in Table 2-4: R-1 Zone Development Standards. See also Section 17.16.010).

B. Yards: See Section 17.16.020.

C. Maximum height: Twenty-five feet; up to thirty-five feet if the director approves an administrative use permit. (See also Sections 17.16.020 and 17.16.040.)

D. Maximum coverage: Forty percent (see also Section 17.16.18.030).

E. Standard Lot Dimensions:

A. Minimum lot area: Six thousand square feet. dimensions.

<table>
<thead>
<tr>
<th>Table 2-4: R-1 Zone Development Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td>Development Standard</td>
</tr>
<tr>
<td>----------------------</td>
</tr>
<tr>
<td>Maximum Residential Density</td>
</tr>
<tr>
<td>Maximum FAR</td>
</tr>
<tr>
<td>Minimum Setbacks</td>
</tr>
</tbody>
</table>
Interior Side and Rear Setbacks. 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 Figure 2-1: Street Side Setback on Corner Lots.

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

---

2. Minimum lot width: Fifty feet.


4. Minimum street frontage: Twenty feet.

F. Parking requirements: See Section 17.16.060. (Ord. 1500 § 3 (part), 2007; Ord. 941 § 1 (part), 1982; prior code § 9203.1(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

<table>
<thead>
<tr>
<th>Maximum Building Height</th>
<th>Minimum Required Backset</th>
</tr>
</thead>
<tbody>
<tr>
<td>A point this high on the roof of a building:</td>
<td>Must be at least this far from the property line:</td>
</tr>
<tr>
<td>1 – 12 feet</td>
<td>5 feet (minimum setback)</td>
</tr>
<tr>
<td>13 – 15 feet</td>
<td>6 feet</td>
</tr>
<tr>
<td>16 – 17 feet</td>
<td>7 feet</td>
</tr>
<tr>
<td>18 – 19 feet</td>
<td>8 feet</td>
</tr>
<tr>
<td>20 – 22 feet</td>
<td>9 feet</td>
</tr>
<tr>
<td>23 – 24 feet</td>
<td>10 feet</td>
</tr>
<tr>
<td>25 feet</td>
<td>11 feet</td>
</tr>
</tbody>
</table>

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

B. **High-Occupancy Residential Use.** Refer to Chapter 17.148 (High-Occupancy Residential Use Regulations).
Chapter 17.18. MEDIUM-DENSITY RESIDENTIAL 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 for people who want 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. These areas will usually lie 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. This zone will be applied to areas designated “medium-density residential” on the general plan map. (Ord. 941 § 1 (part), 1982: prior code § 9203.2(A))

17.18.020 – Development Standards

General Development Standards: The general property development standards for the R-2 zone are as follows:

A. Maximum density: Twelve dwelling units per net acre (see Table 2-6: R-2 Zone Development Standards. See also Section 17.16.010). For a single-family residence (single unit on one lot) located in the medium-density residential zone (R-2), density unit values may be rounded up to the nearest one-half density unit (example: 1.37 = 1.5). Condominiums and common interest subdivisions shall conform to standard R-2 density requirements where maximum density is calculated by rounding to the nearest one-hundredth unit.

B. Yards: See Section 17.16.020.

C. Maximum height: Thirty-five feet (see also Sections 17.16.020 and 17.16.040).

D. Maximum coverage: Fifty percent (see also Section 17.16.030).

A. E. Standard Lot Dimensions: for minimum lot dimensions.

1. Minimum lot area: Five thousand square feet.
2. Minimum lot width: Fifty feet.
3. Minimum lot depth: Eighty feet.
4. Minimum street frontage: Twenty feet.
Article 2: Zones

F. Parking requirements: See Section 17.16.060. (Ord. 1553 § 20, 2010; Ord. 1500 § 3 (part), 2007; Ord. 941 § 1 (part), 1982: prior code § 9203.2(B))

17.18.030 – Recreational Vehicle Parking

New

CHAPTER 17.20. MEDIUM-HIGH DENSITY RESIDENTIAL (R-3) ZONE

<table>
<thead>
<tr>
<th>Table 2-6: R-2 Zone Development Standards</th>
<th>Additional Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Development Standard</td>
<td>R-2 Zone</td>
</tr>
<tr>
<td>Maximum Residential Density</td>
<td>12 units/net acre</td>
</tr>
<tr>
<td>Minimum Setbacks</td>
<td></td>
</tr>
<tr>
<td>Front</td>
<td>20 feet</td>
</tr>
<tr>
<td>Interior Side and Rear</td>
<td>See Section 17.18.020.B, Table 2-7: R-2 Zone Minimum Interior Side and Rear Setbacks.</td>
</tr>
<tr>
<td>Corner Lot - Street Side</td>
<td>10 feet. See Figure 2-3: Street Side Setback on Corner Lots.</td>
</tr>
<tr>
<td>Maximum Building Height</td>
<td>35 feet</td>
</tr>
<tr>
<td>Maximum Lot Coverage</td>
<td>50%</td>
</tr>
<tr>
<td>Minimum Lot Area</td>
<td>5,000 square feet</td>
</tr>
</tbody>
</table>

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.
### Table 2-7: R-2 Zone Minimum Interior Side and Rear Setbacks

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

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

17.18.030 – Additional Regulations

A. **High-Occupancy Residential Use.** Refer to Chapter 17.148 (High-Occupancy Residential Use 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
17.20.010 Purpose and application.

The R-3 zone is intended primarily to provide housing opportunities for smaller households desiring little attached dwellings with common outdoor areas and compact private open space and to provide various types of group housing. These areas are 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 and generally committed to this type of development. This zone will be applied to areas designated “medium-high-density residential” on the general plan map. (Ord. 941 § 1 (part), 1982; prior code § 9203.3(A)).

17.20.020 – Development Standards
17.20.020 Property development standards.

The A. General Development Standards. The general property development standards for the R-3 zone are as follows:

A. Maximum density: Eighteen dwelling units per net acre (see also Section 17.16.010), shall be as set forth in Table 2-8: R-3 Zone Development Standards. See B. Yards: See Section 17.16.020.

C. Maximum height: Thirty-five feet (see also Sections 17.16.020 and 17.16.040).

D. Maximum coverage: Sixty percent (see also Section 17.16.030) (Subdivisions; Lot Dimensions) for minimum lot dimensions.

<table>
<thead>
<tr>
<th>Table 2-8: R-3 Zone Development Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td>Development Standard</td>
</tr>
<tr>
<td>---------------------</td>
</tr>
<tr>
<td>Maximum Residential Density</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Minimum Setbacks</td>
</tr>
<tr>
<td>Front</td>
</tr>
<tr>
<td>Interior Side and Rear</td>
</tr>
<tr>
<td>Corner Lot - Street Side</td>
</tr>
<tr>
<td>Maximum Building Height</td>
</tr>
<tr>
<td>Maximum Lot Coverage</td>
</tr>
<tr>
<td>Minimum Lot Area</td>
</tr>
<tr>
<td>Edge Condition Requirements</td>
</tr>
</tbody>
</table>
B. E. Standard Lot Dimensions.

1. Minimum lot area: Five thousand square feet.
2. Minimum lot width: Fifty feet.
3. Minimum lot depth: Eighty feet.
4. Minimum street frontage: Twenty feet.

F. Parking requirements: See Section 17.16.060. (Ord. 1500 § 3 (part), 2007; Ord. 941 § 1 (part), 1982; prior code § 9203.3(B))

17.20.030 – Recreational Vehicle Parking

New

CHAPTER 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>
<thead>
<tr>
<th>Maximum Building Height</th>
<th>Minimum Required Setback</th>
</tr>
</thead>
<tbody>
<tr>
<td>A point this high on the roof of a building:</td>
<td>Must be at least this far from the property line:</td>
</tr>
<tr>
<td>1 – 13 feet</td>
<td>5 feet (minimum setback)</td>
</tr>
<tr>
<td>14 – 17 feet</td>
<td>6 feet</td>
</tr>
<tr>
<td>18 – 22 feet</td>
<td>7 feet</td>
</tr>
<tr>
<td>23 – 26 feet</td>
<td>8 feet</td>
</tr>
<tr>
<td>27 – 31 feet</td>
<td>9 feet</td>
</tr>
<tr>
<td>32 – 35 feet</td>
<td>10 feet</td>
</tr>
</tbody>
</table>

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 housing opportunities for smaller households desiring little for attached dwellings with common outdoor areas and compact private outdoor spaces, and to accommodate various types of group housing. It is further intended to allow for concentrations of 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. It will be applied to areas designated “high density residential” on the general plan map. (Ord. 941 § 1 (part), 1982: prior code § 9203.4(A))

17.22.020 – Development Standards

17.30.020 Property development standards.

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.

A. Maximum density: Twenty-four dwelling units per net acre (see also Section 17.16.010).

B. Yards: See Section 17.16.020.

C. Maximum height: Thirty-five feet (see also Sections 17.16.020 and 17.16.040).

D. Maximum coverage: Sixty percent (see also Section 17.16.030).

E. Standard Lot Dimensions.

   1. Minimum lot area: Five thousand square feet.
   2. Minimum lot width: Fifty feet.
   3. Minimum lot depth: Eighty feet.
   4. Minimum street frontage: Twenty feet.

F. Parking requirements: See Section 17.16.060. (Ord. 1500 § 3 (part), 2007; Ord. 941 § 1 (part), 1982: prior code § 9203.4(B))

17.22.030 – Recreational Vehicle Parking

17.30.030 – 17.30.040

Table 2-10: R-4 Zone Development Standards
Article 2: Zones

<table>
<thead>
<tr>
<th>Development Standard</th>
<th>R-4 Zone</th>
<th>Additional Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum Residential Density</td>
<td>24 units/net acre</td>
<td>See also Section 17.70.040 (Density). Regardless of the density calculation, at least four units shall be allowed on each parcel; except this shall not apply to common interest subdivisions.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Minimum Setbacks</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Front</td>
<td>10 feet</td>
<td>See also Section 17.76.030 (Front Yard Paving)</td>
</tr>
<tr>
<td>Interior Side and Rear</td>
<td>See Section 17.22.020.B, Table 2-11: R-4 Zone Minimum Interior Side and Rear Setbacks.</td>
<td></td>
</tr>
<tr>
<td>Corner Lot - Street Side</td>
<td>10 feet</td>
<td></td>
</tr>
</tbody>
</table>

| 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>
<thead>
<tr>
<th>Table 2-11: R-4 Zone Minimum Interior Side and Rear Setbacks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum Building Height</td>
</tr>
<tr>
<td>A point this high on the roof of a building:</td>
</tr>
<tr>
<td>1 – 13 feet</td>
</tr>
<tr>
<td>14 – 17 feet</td>
</tr>
<tr>
<td>18 – 22 feet</td>
</tr>
<tr>
<td>23 – 26 feet</td>
</tr>
<tr>
<td>27 – 31 feet</td>
</tr>
<tr>
<td>32 – 35 feet</td>
</tr>
</tbody>
</table>

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

17.24.010 – Purpose and Application

The O zone is intended to provide for offices and related functions close to medical facilities and the downtown, convenient to public transportation and related government and business services. 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. The O zone implements and is consistent with the office land use category of the general plan. (Ord. 1438 § 1 (part), 2003; Ord. 941 § 1 (part), 1982; prior code § 9203.6(A))

17.24.020 – Development Standards

The General Development Standards. The general property development standards for the O zone are as follows:

A. Maximum density: Twelve dwelling units per net acre (see set forth in Table 2-12: O Zone Development Standards. See also Section 17.16.010).

B. Yards: See Section 17.16.020.

C. Maximum height: Twenty-five feet; thirty-five feet with the approval of an administrative use permit in compliance with Section 17.22.010, Table 9, Footnote 1 (also see Sections 17.16.020 and 17.16.040).

D. Maximum coverage: Sixty percent (see also Section 17.16.18.030).

E. Maximum floor area ratio: The ratio of gross building floor area to site area shall not exceed 1.5.

F. Standard (Subdivisions: Lot Dimensions.

   A. 1. Minimum) for minimum lot area: Five thousand square feet dimensions.

      2. Minimum lot width: Fifty feet.

      3. Minimum lot depth: Eighty feet.

      4. Minimum street frontage: Twenty feet.
G. Parking requirements: See Section 17.16.060. (Ord. 1500 § 3 (part), 2007; Ord. 1365 § 3 (part), 2000; Ord. 1088 § 1 Ex. A(4), 1987; Ord. 941 § 1 (part), 1982; prior code § 9203.6(B))

CHAPTER 17.26. COMMERCIAL-NEIGHBORHOOD

<table>
<thead>
<tr>
<th>Table 2-12: O Zone Development Standards</th>
<th>O Zone</th>
<th>Additional Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Development Standard</td>
<td>O Zone</td>
<td>Additional Regulations</td>
</tr>
<tr>
<td>Maximum Residential Density</td>
<td>12 units/net acre</td>
<td>See also Section 17.70.040 (Density). Regardless of the density calculation, at least two units shall be allowed on each parcel; except this shall not apply to common interest subdivisions.</td>
</tr>
</tbody>
</table>

Minimum Setbacks

- Front 15 feet
- Interior Side and Rear Setbacks See Section 17.24.020.B, Table 2-13: O Zone Minimum Side and Rear Setbacks.
- Corner Lot - Street Side 15 feet
- 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>
<thead>
<tr>
<th>Table 2-13: O Zone Minimum Interior Side and Rear Setbacks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum Building Height</td>
</tr>
<tr>
<td>-------------------------</td>
</tr>
<tr>
<td>A point this high on the roof of a building;</td>
</tr>
<tr>
<td>1 – 13 feet</td>
</tr>
<tr>
<td>14 – 17 feet</td>
</tr>
<tr>
<td>18 – 22 feet</td>
</tr>
<tr>
<td>23 – 26 feet</td>
</tr>
<tr>
<td>27 – 31 feet</td>
</tr>
<tr>
<td>32 – 35 feet</td>
</tr>
</tbody>
</table>

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 provide accommodation 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, in small-scale, pedestrian-oriented developments. Individual, small-scale retail establishments should provide several types of merchandise (as in the example of a neighborhood market providing groceries, household items, magazines, etc.), as opposed to a business offering a wide selection of a single type of merchandise (for example, shoes, books, etc.). The C-N zone implements and is consistent with the neighborhood commercial land use category of the general plan. (Ord. 1438 § 1 (part), 2003: Ord. 941 § 1 (part), 1982: prior code § 9203.8(A)) to meet the frequent shopping needs of people living nearby.

17.26.020 – Development Standards

17.38.020 Property development standards.

General Development Standards. The general property development standards for the C-N zone shall be as follows:

A. Maximum density: Twelve units per net acre (see set forth in Table 2-14: C-N Zone Development Standards. See also Section 17.16.010).

B. Yards: See Section 17.16.020.

C. Maximum height: Thirty-five feet (see also Sections 17.16.020 and 17.16.040).

D. Maximum coverage: Seventy-five percent (see also Section 17.16.030).

E. Maximum floor area ratio: The ratio of gross building floor area to site area shall not exceed 2.0.

F. Standard (Subdivisions; Lot Dimensions.

A. 1. Minimum for minimum lot area: Six thousand square feet.

2. Minimum lot width: Sixty feet.


G. Parking requirements: See Section 17.16.060.

H. Maximum building size: No
### Table 2-14: C-N Zone Development Standards

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

### 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>
<thead>
<tr>
<th>Maximum Building Height</th>
<th>Minimum Required Setback</th>
</tr>
</thead>
<tbody>
<tr>
<td>A point this high on the roof of a building:</td>
<td>Must be at least this far from the property line:</td>
</tr>
<tr>
<td>1 – 13 feet</td>
<td>5 feet (minimum setback)</td>
</tr>
<tr>
<td>14 – 17 feet</td>
<td>6 feet</td>
</tr>
<tr>
<td>18 – 22 feet</td>
<td>7 feet</td>
</tr>
<tr>
<td>23 – 26 feet</td>
<td>8 feet</td>
</tr>
<tr>
<td>27 – 31 feet</td>
<td>9 feet</td>
</tr>
<tr>
<td>32 – 35 feet</td>
<td>10 feet</td>
</tr>
</tbody>
</table>

Note: See also Section 17.70.050.D.2 (Edge Conditions)
17.26.030 – Additional Regulations

A. Maximum Retail Sales Building Size in the C-N Zone. A retail establishment (commercial building) shall exceed forty-five thousand square feet of total gross floor area, unless excepted by Section 17.16.035. (Ord. 1500 § 3 (part), 2007; Ord. 1405 § 3 (part), 2001; Ord. 1365 § 3 (part), 2000; Ord. 941 § 1 (part), 1982; prior code § 9203.8(B))

3. C-N Zone – Limitations on Floor Area. A general retail sales use in the C-N zone shall not exceed a gross floor area of two thousand 2,000 square feet for each establishment, or a combined floor area of 15,000 square feet for all general retail sales establishments within a shopping center of twenty-five percent of the total floor area in a shopping center with a gross floor area of fifteen thousand square feet or more; and shall not exceed fifty percent of the total floor area in a shopping center with a gross floor area of less than fifteen thousand square feet. The administrative use permit may provide for exceptions to the floor area limitations above. For general retail uses up to a parcel not located within a shopping center, an administrative use permit shall be required to ensure consistency with policies of the General Plan Land Use Element and compatibility with surrounding uses.

10. Groceries, Liquor, Specialty Foods

B. Food and Beverage Sales in the C-N Zone. In the C-N zone, grocery, liquor and specialty food stores

1. General Markets and Convenience Stores. General Markets and Convenience Stores with a gross floor area under three thousand 3,000 square feet are allowed by right. Such uses with a gross floor area between three thousand and five thousand square feet are allowed with the approval of an administrative use permit. Stores between five thousand and ten thousand exceeding 3,000 square feet may be approved by planning commission use permit. In order for a use permit a Minor Use Permit.

2. Liquor Stores. Liquor stores shall be limited to be approved by the hearing officer or by the planning commission, the deciding body must find that the proposed use is compatible with surrounding uses and the surrounding neighborhood, and that the
Article 2: Zones

use is consistent with the purpose and intent of the neighborhood commercial designation as discussed in the general plan. **3,000** square feet of gross floor area, subject to a Minor Use Permit.
Chapter 17.28. Community Commercial (C-C) Zone

Sections:

17.28. COMMERCIAL RETAIL (C-R) ZONE

17.28.010 – Purpose and Application

17.28.020 – Development Standards

The C-R 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

<table>
<thead>
<tr>
<th>Development Standard</th>
<th>C-C Zone</th>
<th>Additional Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum Residential Density</td>
<td>36 units/net acre</td>
<td>See also Section 17.70.040 (Density).</td>
</tr>
<tr>
<td>Minimum Setbacks</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Front</td>
<td>5 feet</td>
<td></td>
</tr>
<tr>
<td>Interior Side and Rear</td>
<td></td>
<td>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.</td>
</tr>
<tr>
<td>Corner Lot - Street Side</td>
<td>9 feet</td>
<td></td>
</tr>
<tr>
<td>Maximum Building Height</td>
<td>35 feet</td>
<td>See also Section 17.70.080 (Height Measurement and Exceptions)</td>
</tr>
<tr>
<td>Maximum Lot Coverage</td>
<td>75%</td>
<td>See also Section 17.70.120 (Lot Coverage)</td>
</tr>
<tr>
<td>Maximum Floor Area Ratio</td>
<td>2.0</td>
<td>See also Section 17.70.060 (FAR Measurement and Exceptions)</td>
</tr>
<tr>
<td>Minimum Lot Area</td>
<td>6,000 square feet</td>
<td>See also Section 16.18.030 (Subdivisions; Lot Dimensions)</td>
</tr>
<tr>
<td>Edge Condition Requirements</td>
<td></td>
<td>See Section 17.70.050 (Edge Conditions)</td>
</tr>
</tbody>
</table>
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 some 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. The C-R zone implements and is consistent with the general retail land use category of the general plan, and is intended to be applied primarily to areas with more public exposure on arterial streets than those reserved for manufacturing. (Ord. 1438 § 1 (part), 2003: Ord. 941 § 1 (part), 1982: prior code § 9203.9(A))

17.30.020 – Development Standards

17.40.020 – Development Standards

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

A. Maximum density: Thirty-six units per net acre for all dwellings, including dwelling units in hotels and motels, but not including other hotel or motel units (see shall be as set forth in Table 2-17: C-R Zone Development Standards. See also Section 17.16.010).

B. Maximum street and other yards: See Section 17.16.020.

C. Maximum height: Forty-five feet (see also Sections 17.16.020 and 17.16.040).

D. Maximum coverage: One hundred percent.

E. Maximum floor area ratio: The ratio of gross building floor area to site area shall not exceed 3.0; except, that in the downtown as mapped in the general plan land use element, a site which receives transfer of development credit for open space protection shall have a ratio not to exceed 4.0.

F. Standard 18.030 (Subdivisions; Lot Dimensions.

1. Minimum lot area: Nine thousand square feet.

2. Minimum lot width: Sixty feet.

3. Minimum lot depth: One hundred feet.


G. Parking requirements: See Section 17.16.060.
H. Maximum building size:

<table>
<thead>
<tr>
<th>Table 2-17: C-R Zone Development Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td>Development Standard</td>
</tr>
<tr>
<td>-----------------------</td>
</tr>
<tr>
<td>Maximum Residential Density</td>
</tr>
<tr>
<td>Minimum Setbacks</td>
</tr>
<tr>
<td>Maximum Building Height</td>
</tr>
<tr>
<td>Maximum Lot Coverage</td>
</tr>
<tr>
<td>Maximum Floor Area Ratio</td>
</tr>
<tr>
<td>Minimum Lot Area</td>
</tr>
<tr>
<td>Edge Condition Requirements</td>
</tr>
</tbody>
</table>

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 sixty thousand 60,000 square feet of gross floor area, unless excepted by subsection (IC.2) of this section and Section 17.16.035 or for nonconforming structures per Chapter 17.92 (Nonconforming Structures).

I. A

2. An applicant may request a retail sales building larger than 60,000 square feet, but in no case larger than one hundred forty thousand 140,000 square feet through the Conditional Use Permit process. In granting a request for a retail sales establishment may be allowed of up to one hundred forty thousand 140,000 square feet of gross floor area, if the planning commission determines that it meets the Planning Commission shall be required to make all of the following standards 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. (Ord. 1500 § 3 (part), 2007; Ord. 1405 § 3 (part), 2001; Ord. 1365 § 3 (part), 2000; Ord. 1006 § 3 (part), 1984; Ord. 941 § 3 (part). 1982; prior code § 9203.9(B))
Article 2: Zones

17.30.010 – Purpose and Application
17.41
Chapter 17.32. Downtown Commercial (C-D) Zone

Sections:

17.32.010 — Purpose and Application

The C-D zone is intended to provide for a wide range of retail sales and personal services within the context of distinctive, pedestrian-oriented shopping centers that serve customers and clients from all over the city. The C-D zone implements and is consistent with the community commercial land use category of the general plan. (Ord. 1437 § 2 (part), 2003)

17.32.020 — Development Standards

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

A. Maximum density: Thirty-six units per net acre (see Section 17.16.010).

B. Yards: See Section 17.16.020.

C. Maximum height: Thirty-five feet (see also Sections 17.16.020 and 17.16.040).

D. Maximum coverage: Seventy-five percent (see also Section 17.16.030).

E. Maximum floor area ratio: The ratio of gross floor area to site area shall not exceed 2.0.

F. Standard lot dimensions.

1. Minimum lot area: Six thousand square feet.

2. Minimum lot width: Sixty feet.


G. Parking requirements: See Section 17.16.060. (Ord. 1500 § 3 (part), 2007; Ord. 1437 § 2 (part), 2003)

CHAPTER 17.32. COMMERCIAL-DOWNTOWN (C-D) ZONE

17.32.010 — Purpose and Application

The C-D zone is intended to accommodate a wide range of retail sales, service, and entertainment uses meeting 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 is intended to be applied within the city's pedestrian-oriented central business district, where the historical pattern of development creates limitations on building form and the ability for individual businesses to provide on-site parking. Ground-floor, street-fronting
uses are intended to be limited to those that attract frequent pedestrian traffic. The C-D zone is intended to maintain, enhance, and extend the desirable characteristics of the downtown, and also to accommodate carefully integrated new development. The C-D zone is consistent with and implements the general retail land use category of the general plan. (Ord. 1509 § 2 (part), 2007; Ord. 1438 § 1 (part), 2003; Ord. 1437 § 1 (part), 2003; Ord. 941 § 1 (part), 1982; prior code § 9203.10(A))

17.32.020 – Development Standards

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

A. Maximum density: Thirty-six units per acre, including dwelling units in hotels and motels, but not including other hotel or motel units (see Table 2-18: C-D Zone Development Standards. See also Section 17.16.010). (Subdivisions; Lot Dimensions) for minimum lot dimensions.

<table>
<thead>
<tr>
<th>Table 2-18: C-D Zone Development Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td>Development Standard</td>
</tr>
<tr>
<td>Maximum Residential Density</td>
</tr>
<tr>
<td>Minimum Setbacks</td>
</tr>
<tr>
<td>Front</td>
</tr>
<tr>
<td>Interior Side and Rear – Street Side</td>
</tr>
<tr>
<td>Corner Lot – Street Side</td>
</tr>
<tr>
<td>Maximum Building Height</td>
</tr>
<tr>
<td>Minimum Building Height</td>
</tr>
<tr>
<td>Maximum Lot Coverage</td>
</tr>
<tr>
<td>Maximum Floor Area Ratio</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Minimum Lot Area</td>
</tr>
<tr>
<td>Edge Condition Requirements</td>
</tr>
</tbody>
</table>

17.32.030 – Additional Regulations

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

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. Yards: See Section 17.16.020.

C. Maximum height: Fifty feet (see also Sections 17.16.020 and 17.16.040). Additional building height up to seventy-five feet may be approved as provided under subsections (C)(1), (2), (3) and (4) of this section.

1. Performance Standards for Ground-floor Offices. 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. Buildings Taller Than Fifty Feet (All Required).

a. 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 must include housing at a minimum residential density unit value of twenty-four (24) units per acre. The average floor area of dwellings within the project shall be one thousand two hundred (1,000) square feet or less. (Group housing projects must demonstrate that the proposed building meets or exceeds the population density that would otherwise be achieved by this standard).

b. For projects on sloping sites, the height limit on the downhill portion of the site shall be defined by a line seventy-five feet above the average between the highest and lowest points of the site grade prior to development, and seventy-five feet above the lowest point.

c. The applicant shall demonstrate that:
   i. The project will exceed Title 24 California Energy Efficiency Requirements by a minimum of fifteen percent; or
   ii. 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
   iii. The project is designed to achieve a minimum value of fifty (50) points on the SLO green build multifamily/multi-unit residential greenpoint checklist.

d. No more than thirty-three (33) percent of the site area at the storefront level may be used for private parking facilities.

e. Lots shall conform to the minimum size and dimension requirements provided in Title 16, Subdivisions.

f. The planning commission may grant minor exceptions to the specific requirements listed in this section, subject to a planning commission use permit and provided a finding is made that, despite the exception, the project is consistent with the intent of this chapter and LUE Policy 4.16.4.
2. The architectural review commission (ARC) may approve building height up to sixty feet if the ARC determines that the project includes at least two objectives from subsection (C)(3) of this section, with no two being from the same lettered subsection.

The planning commission may approve a use permit allowing maximum building height of seventy-five feet upon determining that at least two of the following policy objectives (with no two being from the same lettered subsection) are met, and at least one affordable and workforce housing objective must be chosen.

To approve a use permit the planning commission must

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 fifty feet proposed in the C-D zone include features that meet the specific policy objectives outlined for tall buildings in the city’s general plan (including, but not limited to, Land Use Element Chapter 4.0). A variety of objectives are listed to 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 decision-making body must determine that the overall project is consistent with the general plan, including goals and policies for view preservation, historical resource preservation, solar access, and architectural character.

a. **Affordable and Workforce Housing.**

i. 
   (1) The project provides affordable housing, per city standards, at the rate of five percent for low-income households, or ten percent for moderate-income households, as a percentage of the total number of housing units built (no in-lieu fee option).
   
ii. (2) The project qualifies for, and utilizes, a density bonus in compliance with the city’s affordable housing incentives (Chapter 17.90).

iii. (3) The project includes residential density greater than or equal to thirty-six units per acre and the average floor area of units is one thousand square feet or less. (Group housing projects must show that the proposed building meets or exceeds the population density that would otherwise be achieved by this objective).
b. _Pedestrian Amenities._

i. (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.

ii. (2) The project incorporates open space in the form of a significant public plaza, where the:

   (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 on-site (no in-lieu fee option).

c. _View Access and Preservation._

i. (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.

ii. (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 4.710 (Open Places and Program Views) and 4.20.4 (Building Height).

d. _Economic Vitality._ The project provides additional economic benefit to the city by providing retail sales or hospitality uses (subject to the city’s transient occupancy tax) on multiple levels. Total floor area dedicated to retail or hospitality uses must exceed one hundred fifty percent of the building footprint.

e. _Historic Preservation._

i. (Off Site). Where there are no historic resources on the project site, the project will provide for the permanent preservation of a building off-site within the downtown historic district or Chinatown historic district that is listed in the city’s inventory of historical resources through the recordation of a historic preservation agreement.

ii. The project provides for preservation or adaptive reuse of all buildings on the city’s inventory of historic resources located on the project site in a manner consistent with the Secretary of the Interior’s Standards for the Treatment of Historic Resources.
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. **Energy Efficiency.**
   i. The project is designed to meet the fossil fuel reduction standards established by the Architecture 2030 Challenge.
   ii. The project is designed to exceed the Title 24 Energy Efficiency Requirements by a minimum of thirty percent.

h. **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.

i. **Other Policy Objectives.** The project directly implements specific and identifiable city objectives as set forth in the general plan, the conceptual plan for the city's center, the downtown strategic plan, or other key policy document, to the approval of the planning commission.

4-6. **Application Requirements.** Planning applications submitted for new buildings over fifty feet tall shall include the following additional items to assist the city 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 ten a.m. and three p.m. on the winter solstice, summer solstice and vernal or autumnal equinox. The analysis shall compare shading caused by the project to the city's solar access standards (Conservation Open Space Element Table 2).

c. **Parking Demand Management – Trip Reduction Programs.** A verifiable parking demand management program and a trip reduction program to reduce resident/employee dependence on single-occupant vehicle trips, 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 Internet site.
e. **Solid Waste Management Plan.** A solid waste management plan to show how the project meets or exceeds the city's solid waste guidelines, 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 shall be provided to indicate how the project complies with performance standards for energy efficiency.

g. **Emergency Services Access Plan.** A written and graphic plan created in consultation with the city’s fire marshal to show how access to upper floors for emergency response personnel will be provided.

h. **Public Safety Plan.** A security plan created in consultation with the police department for all proposed buildings that include publicly accessible areas such as parking garages, courtyards, public stairways, elevators, and decks. The security plan will identify the locations of 911 capable phones in parking areas and will establish rules and regulations for public use of courtyards and decks, and establish time frames for private security patrols to be in place.

i. **Utilities Infrastructure Analysis.** An 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.

D. Maximum coverage: One hundred percent.

E. **Maximum Floor Area Ratio (FAR).**

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

1. 3.0 – maximum allowed for new buildings up to fifty feet tall;

2. 3.75 – maximum allowed for buildings approved above fifty feet tall;

3. 4.0 – maximum allowed for approved buildings over fifty feet tall with transfer of development credits for open space protection or historic preservation; or if a density bonus for affordable housing is granted.

F. **Standard Lot Dimensions:**

1. Minimum lot area: Three thousand square feet.

2. Minimum lot width: Twenty-five feet.

3. Minimum lot depth: Fifty feet.


G. **Vehicle Access.** Although residential uses are encouraged in the C-D zone, it is not the intent of the city to ensure that parking is provided on site for residential uses. Therefore, there is no guarantee of parking availability, either on
site or off site, for downtown residential projects. On-site parking may be considered inappropriate at certain
downtown locations where the pedestrian experience would be harmed by vehicle ingress and egress across the
sidewalk. In order to maintain pedestrian orientation and the continuity of sidewalks within the C-D zone, an
administrative use permit must be approved to permit the installation of new driveway approaches proposed after
the effective date of the ordinance codified in this chapter. When new driveway approaches are proposed in
conjunction with an application for architectural review, a separate planning application shall not be required. In
order to approve the new driveway approach, the approving body must make at least one of the following findings:

1. The proposed driveway approach will not harm the general health, safety and welfare of people living or
   working in the vicinity of the project site because the number of vehicles expected to use the driveway is
   limited (less than ten 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. include a visual study if the new The proposed driveway approach provides access to public parking.

H. Parking. See Section 17.16.060.

I. Maximum Building Size. No retail establishment (commercial building) shall exceed sixty thousand square feet of
gross floor area, unless excepted by subsection (J) of this section and Section 17.16.035.

J. A retail establishment may be allowed up to one hundred forty thousand square feet of gross floor area, if the
planning commission determines that it meets the following standards criteria:

1. The proposed use will serve the community, in whole or in significant part, and the nature of the use
   requires a larger size in order to function.

2. The building in which the use is to be located is designed in discrete elements that respect the scale of
development in the surrounding area.

3. The new building is designed in compliance with the city’s design guidelines for large-scale retail projects.
   (Ord. 1571 § 18, 2012; Ord. 1509 § 2 (part), 2007; Ord. 1500 § 3 (part), 2007; Ord. 1437 § 1 (part), 2003;
   Ord. 1405 § 3 (part), 2001; Ord. 1365 § 3 (part), 2000; Ord. 1346 § 2 (part), 1999; Ord. 1101 § 2, 1987;
   Ord. 1074 § 2, 1986; Ord. 1050 § 1 (part), 1985; Ord. 1023 § 1, 1984; Ord. 1006 § 1 (part), 1984; Ord. 941
   § 1 (part), 1982; prior code § 9203.10(B))

CHAPTER

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.
Chapter 17.34. COMMERCIAL-TOURIST 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. The C-T zone implements and is consistent with the tourist commercial land use category of the general plan. (Ord. 1438 § 1 (part), 2003: Ord. 941 § 1 (part), 1982: prior code § 9203.11(A))

17.34.020 – Development Standards

The general property development standards for the C-T zone shall be as follows:

A. Maximum density: Twelve units per net acre, including dwelling units set forth in hotels and motels, but not including other hotel or motel units (see Table 2-19: C-T Zone Development Standards. See also Section 17.16.010).

B. Yards: See Section 17.16.020.

C. Maximum coverage: Seventy-five percent (see also Section 17.16.030).

D. Maximum height: Forty-five feet (see also Sections 17.16.020 and 17.16.040).

E. Maximum floor area ratio: The ratio of gross building floor area to site area shall not exceed 2.5.

F. Standard 18.030 (Subdivisions; Lot Dimensions:

1. Minimum) for minimum lot area: Nine thousand square feet.

2. Minimum lot width: Sixty feet.

3. Minimum lot depth: One hundred feet.


G. Parking requirements: See Section 17.16.060.
### Table 2-19: C-T Zone Development Standards

<table>
<thead>
<tr>
<th>Development Standard</th>
<th>C-T Zone</th>
<th>Additional Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum Residential Density</td>
<td>12 units/net acre</td>
<td>See also Section 17.70.040 (Density).</td>
</tr>
<tr>
<td>Minimum Setbacks</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Front</td>
<td>10 feet</td>
<td></td>
</tr>
<tr>
<td>Interior Side and Rear</td>
<td>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.</td>
<td></td>
</tr>
<tr>
<td>Corner Lot – Street Side</td>
<td>10 feet</td>
<td></td>
</tr>
<tr>
<td>Maximum Building Height</td>
<td>45 feet</td>
<td>See also Section 17.70.080 (Height Measurement and Exceptions).</td>
</tr>
<tr>
<td>Maximum Lot Coverage</td>
<td>75%</td>
<td>See also Section 17.70.120 (Lot Coverage).</td>
</tr>
<tr>
<td>Maximum Floor Area Ratio</td>
<td>2.5</td>
<td>See also Section 17.70.060 (FAR Measurement and Exceptions).</td>
</tr>
<tr>
<td>Minimum Lot Area</td>
<td>9,000 square feet</td>
<td>See also Section 16.18.030 (Subdivisions; Lot Dimensions).</td>
</tr>
<tr>
<td>Edge Condition Requirements</td>
<td></td>
<td>See Section 17.70.050 (Edge Conditions).</td>
</tr>
</tbody>
</table>

### 17.34.030 – Additional Regulations

**A. Maximum building size: Retail Sales Building Size in the C-T Zone.** No retail sales establishment (commercial building) shall exceed forty-five thousand 45,000 square feet of total gross floor area, unless excepted by Section 17.16.035. (Ord. 1500 § 3 (part), 2007; Ord. 1405 § 3 (part), 2001; Ord. 1365 § 3 (part), 2000; Ord. 1006 § 1 (part), 1984; Ord. 941 § 1 (part), 1982; prior code § 9203.11(B)) for nonconforming structures by Chapter 17.92 (Nonconforming Structures).
Chapter 17.36. **COMMERCIAL-SERVICE** 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, as well as accommodating certain storage, transportation, wholesaling, and light manufacturing uses. The C-S zone implements and is consistent with the services and manufacturing land use category of the general plan, and The C-S zone is intended to be applied primarily to areas that have more public exposure on arterial streets than those reserved for manufacturing uses. (Ord. 1438 § 1 (part), 2003; Ord. 1346 § 2 (part), 1999; Ord. 941 § 1 (part), 1982: prior code § 9203.12(A))

**17.36.020** – Development Standards

**17.36.020** Property development standards. – Development Standards

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

A. Maximum density: Twenty-four units per net acre (see Section 17.16.010).

B. Yards. Minimum street yards shall be:

1. Where no building adjoins, five feet (requirement for parking lots and signs);
2. For buildings twenty feet and less as set forth in height, ten feet;
3. For buildings more than twenty feet in height, fifteen feet;
4. Other yards shall be as provided in the zone of any adjacent lot;

5. Table 2-20: C-S Zone Development Standards. See also Section 17.16.020.

C. Maximum height: Thirty-five feet (see also Section 17.16.020 and 17.16.040). 16.18.030 (Subdivisions; Lot Dimensions) for minimum lot dimensions.

D. Maximum coverage: Seventy-five percent (see also Section 17.16.030).

E. Maximum floor area ratio: The ratio of gross building floor area to site area shall not exceed 1.5.

F. Standard Lot Dimensions.

1. Minimum lot area: Nine thousand square feet.
2. Minimum lot width: Sixty feet.
Article 2: Zones

3. Minimum lot depth: One hundred feet.


G. Parking requirements: See Section 17.16.060.

I. Table 2-20: C-S Zone Development Standards

<table>
<thead>
<tr>
<th>Development Standard</th>
<th>C-S Zone</th>
<th>Additional Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum Residential Density</td>
<td>24 units/net acre</td>
<td>See also Section 17.70.040 (Density)</td>
</tr>
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</table>

<table>
<thead>
<tr>
<th>Minimum Setbacks</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Front</td>
<td>Where no building adjoins, 5 feet (requirement for parking lots and signs)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Buildings ≤ 20 feet in height: 10 feet</td>
<td></td>
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<tr>
<td></td>
<td>Buildings &gt; 20 feet in height: 15 feet</td>
<td></td>
</tr>
<tr>
<td>Interior Side and Rear</td>
<td>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.</td>
<td></td>
</tr>
<tr>
<td>Corner Lot - Street Side</td>
<td>Where no building adjoins, 5 feet (requirement for parking lots and signs)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Buildings ≤ 20 feet in height: 10 feet</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Buildings &gt; 20 feet in height: 15 feet</td>
<td></td>
</tr>
<tr>
<td>Maximum Building Height</td>
<td>35 feet</td>
<td>See also Section 17.70.080 (Height Measurement and Exceptions)</td>
</tr>
<tr>
<td>Maximum Lot Coverage</td>
<td>75%</td>
<td>See also Section 17.70.120 (Lot Coverage)</td>
</tr>
<tr>
<td>Maximum Floor Area Ratio</td>
<td>1.5</td>
<td>See also Section 17.70.060 (FAR Measurement and Exceptions)</td>
</tr>
<tr>
<td>Minimum Lot Area</td>
<td>9,000 square feet</td>
<td>See also Section 16.18.030 (Subdivisions; Lot Dimensions)</td>
</tr>
</tbody>
</table>

17.36.030 – Additional Regulations

A. Maximum building size: Retail Building Size in the C-S zone. No retail establishment (commercial building) shall exceed sixty thousand 60,000 square feet of gross floor area, unless excepted by Section 17.16.035. (Ord. 1500 § 3 (part), 2007: Ord. 1405 § 3 (part), 2001: Ord. 1365 § 3 (part), 2000: Ord. 941 § 1 (part), 1982: prior code § 9203.12(B)) for nonconforming structures per Chapter 17.92 (Nonconforming Structures).

B. C-S and M Zones – Required Findings for Offices, in the C-S Zone. The approval of an office facility in the C-S or M zone shall require that the review authority first find that:

1. The project will be compatible with existing and allowed land uses in the area; and
2. The project location or access arrangements will not significantly direct traffic to use local or collector streets in residential zones; and
3. The project will provide adequate mitigation to address potential impacts related to noise, light and glare, and loss of privacy, among others, imposed by commercial activities on nearby residential areas, by using methods such as setbacks, landscaping, berms and fencing;
4. The project will not preclude industrial or service commercial uses in areas especially suited for these uses when compared with offices; and
5. The project will not create a shortage of C-S or M zoned land available for service commercial or industrial development.

11. In order to approve a medical service in the C-S or BP zones, the hearing officer must make the following findings:

a. 
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 has convenient access to public transportation.
3. The proposed medical service will not significantly increase traffic or create parking impacts in residential neighborhoods.
4. The proposed medical service is consistent with the airport land use plan.
5. The project will not preclude service commercial uses in areas especially suited for these uses when compared with medical services.
6. The project site can accommodate the parking requirements of the proposed medical service and will not result in other lease spaces being underutilized because of a lack of available parking.

D. **Commercial Recreational Facilities.** Commercial indoor recreational uses in the C-S zone shall not include less than ten thousand square feet gross floor area per establishment. The approval of an indoor commercial recreational facility in the C-S zone shall require that the review authority first find that:

1. The proposed use will serve the community, in whole or in significant part, and the nature of the use requires a larger size in order to function;
2. The project will be compatible with existing and allowed land uses in the area; and
3. The project location or access arrangements will not significantly direct traffic to use local or collector streets in residential zones;
4. The project will not preclude other industrial or service commercial uses in areas especially suited for these uses when compared with recreational facilities.
Chapter 17.38. Reserved. The project will not create a shortage of C-S zoned land available for service commercial development.
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. Application

The M zone is intended to provide for assembly, fabrication, and other manufacturing activities in addition to those permitted in the C-S zone, and for limited sales and services to local consumers. The M zone implements and is consistent with the services and manufacturing land use category of the general plan, and is intended to be applied primarily to areas served by, but with limited or no frontage on, arterial streets. (Ord. 1438 § 1 (part), 2003: Ord. 941 § 1 (part), 1982: prior code § 9203.13(A))

17.40.020 – Development Standards

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

A. Maximum density: Twenty-four units per net acre (see Section 17.16.010).

B. Yards. Minimum street yards shall be:

1. Where no building adjoins, five feet (requirement for parking lots and signs);
2. For buildings twenty feet and less as set forth in height, ten feet;
3. For buildings more than twenty feet in height, fifteen feet;
4. Other yards shall be as provided in the zone of any adjacent lot;

5. Table 2-21: M Zone Development Standards. See also Section 17.16.020.

C. Maximum height: Thirty-five feet (see also Sections 17.16.020 and 17.16.040).

D. Maximum coverage: Seventy-five percent (see also Section 17.16.030).

E. Maximum floor area ratio: the ratio of gross building floor area to site area shall not exceed 1.5.

F. Standard for minimum lot dimensions.

1. Minimum lot area: Nine thousand square feet.
2. Minimum lot width: Sixty feet.
3. Minimum lot depth: One hundred feet.
G. Parking requirements: See Section 17.16.060.

### 4. C-S and M Zones — Required Findings for

<table>
<thead>
<tr>
<th>Table 2-21: M Zone Development Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td>Development Standard</td>
</tr>
<tr>
<td>Maximum Residential Density</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Minimum Setbacks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front</td>
</tr>
<tr>
<td>Buildings ≤ 20 feet in height</td>
</tr>
<tr>
<td>Buildings &gt; 20 feet in height</td>
</tr>
</tbody>
</table>

| 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 C-S or M zone shall require that the review authority first find that:

1. The project will be compatible with existing and allowed land uses in the area;
   a. The project location or access arrangements will not significantly direct traffic to use local or collector streets in residential zones;
   b. The project will provide adequate mitigation to address potential impacts related to noise, light and glare, and loss of privacy, among others, imposed by commercial activities on nearby residential areas, by using methods such as setbacks, landscaping, berming and fencing;

2. The project will not preclude industrial or service commercial uses in areas especially suited for these uses when compared with offices.
   a. The project will not create a shortage of C-S or M zoned land available for service commercial or industrial development.

(See also Chapter 17.18, Performance Standards.) (Ord. 1500 § 3 (part), 2007: Ord. 1365 § 3 (part), 2000: Ord. 1085 § 1 Ex. A (part), 1987: Ord. 941 § 1 (part), 1982: prior code § 9203.13(8))

**CHAPTER 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
17.42.010 – Purpose and Application
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 that are compatible in a campus setting with each other, high-quality design of public and airport operations, private facilities. The BP zone implements and is consistent with the business park land use category of 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 general plan applicable specific plan standards shall govern.

17.42.020 – Development Standards

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

A. Airport Area Specific Plan.

1. Yards. Setback distance between:
   a. Buildings and property lines along streets, sixteen feet;
   b. Parking lots and property lines along streets, ten feet;
   c. Buildings and property lines between adjacent parcels, zero;
   d. Parking lots and property lines between adjacent parcels, five feet.

2. Maximum Height.
   a. Occupied buildings, forty-five feet (not to exceed three stories);
   b. Nonoccupied architectural features, fifty-two feet.

3. Coverage.
   a. Maximum coverage by buildings, driveways, and parking shall not exceed eighty percent.
   b. Minimum landscape area (planning areas, water features, and hard surfaces used mainly by pedestrians) shall be at least twenty percent of site area.

4. Maximum Floor Area Ratio.
   a. Warehousing, storage, or automated manufacturing uses shall not exceed 1.0;
   b. All other uses shall not exceed 0.6.

Article 2: Zones

a. Minimum lot area: One-half acre;
b. Minimum lot width: One hundred feet;
c. Minimum lot depth: One hundred feet;
d. Maximum lot depth to width ratio shall be three to one;
e. Minimum street frontage: Fifty feet.

B. Margarita Area Specific Plan (Low-Rise Office).

1. Yards. Setback distance between:
   a. Buildings and property lines along streets, fifteen feet;
   b. Parking lots and property lines along streets, fifteen feet;
   c. Buildings and property lines between adjacent parcels, five feet;
   d. Parking lots and property lines between adjacent residential parcels, three feet;
   e. Parking lots and property lines between adjacent nonresidential parcels, zero.

2. Maximum Height.
   a. Occupied buildings, twenty-five feet;
   b. Single-story masonry area, one occupied level, not to exceed thirty-six feet.

3. Coverage: Minimum landscape area (planning areas, water features, and hard surfaces used mainly by pedestrians) shall be at least twenty percent of site area.

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

5. Standard lot dimensions: Same as office zone.

C. Margarita Area Specific Plan (General Business Park).

1. Yards. Setback distance between:
   a. Buildings and property lines along streets, twenty feet;
   b. Parking lots and property lines along streets, twenty feet;
   c. Buildings and property lines between adjacent parcels, zero;
   d. Parking lots and property lines between adjacent residential parcels, N/A;
   e. Parking lots and property lines between adjacent nonresidential parcels, zero.

2. Maximum Height.
   a. Occupied buildings, thirty-six feet;
   b. Nonoccupied architectural features such as towers may extend to forty-five feet.

3. Coverage: Minimum landscape area (planning areas, water features, and hard surfaces used mainly by pedestrians) shall be at least fifteen percent of site area.

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

5. Minimum land parcel size: One acre.

D. Parking: The parking requirements in the low-rise office and general business park areas are as follows:

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

Exceptions:
a. Medical offices may, but are not required to, provide parking at a ratio of one space per two hundred square feet.

b. For warehousing, parking will be provided at a rate of not less than one space per one thousand five hundred square feet of gross floor area, nor more than one space per one thousand square feet of gross floor area. (Ord. 1571 § 19 (part), 2012)

11. In order to approve a medical service in the C-S or BP zones, the hearing officer must make the following findings:

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

<table>
<thead>
<tr>
<th>Development Standard</th>
<th>BP Zone</th>
<th>Additional Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Setbacks</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Front</td>
<td>Where no building adjoins, 10 feet (requirement for parking lots and signs)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Buildings: 16 feet</td>
<td></td>
</tr>
<tr>
<td>Interior Side and Rear</td>
<td>Where no building adjoins, 5 feet (requirement for parking lots and signs)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>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.</td>
<td></td>
</tr>
<tr>
<td>Corner Lot - Street Side</td>
<td>Where no building adjoins, 10 feet (requirement for parking lots and signs)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Buildings: 16 feet</td>
<td></td>
</tr>
<tr>
<td>Maximum Height</td>
<td>45 feet</td>
<td>See also Section 17.70.080 (Height Measurement and Exceptions)</td>
</tr>
<tr>
<td>Maximum Lot Coverage</td>
<td>75%</td>
<td>See also Section 17.70.120 (Lot Coverage)</td>
</tr>
<tr>
<td>Maximum Floor Area Ratio</td>
<td>Warehousing, Storage and Distribution Uses: 1.0</td>
<td></td>
</tr>
<tr>
<td></td>
<td>All Other Uses: 0.6</td>
<td>See also Section 17.70.060 (FAR Measurement and Exceptions)</td>
</tr>
<tr>
<td>Minimum Lot Area</td>
<td>9,000 square feet</td>
<td>See also Section 16.18.030 (Subdivisions; Lot Dimensions)</td>
</tr>
<tr>
<td>Edge Condition Requirements</td>
<td>See Section 17.70.050 (Edge Conditions)</td>
<td></td>
</tr>
</tbody>
</table>

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 has convenient access to public transportation; and

3. The proposed medical service will not significantly increase traffic or create parking impacts in residential neighborhoods.

4. The proposed medical service is consistent with the airport land use plan.
e.  The project will not preclude service commercial uses in areas especially suited for these uses when compared with medical services.

f. The project site can accommodate the parking requirements of the proposed medical service and will not result in other lease spaces being under-utilized because of a lack of available parking.

CHAPTER
Chapter 17.44. Reserved
Chapter 17.46. **PUBLIC FACILITY** 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

A. The PF zone is intended to provide for a wide range of public, cultural, and quasi-public uses likely to be located on public property that meet the needs of City and County residents. Public uses are those conducted by governmental or nonprofit agencies. However, this PF zone will also accommodate private and commercial uses which, within the overall guidance of the General Plan, provide a public benefit.

B. The zone is further intended to protect neighboring private uses from potentially incompatible public uses. It will be applied to areas designated “public” and “park” on the general plan map. (Ord. 1346 § 2 (part), 1999; Ord. 1016 § 1 (part), 1984: Ord. 941 § 1 (part), 1982: prior code § 9203.7(A))

17.46.020 – Development Standards

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

A. Yards: See shall be as set forth in Table 2-23: PF Zone Development Standards. See also Section 17.16.020.

B. Maximum height: Thirty-five feet (see also Sections 17.16.020 and 17.16.040).

C. Maximum coverage: Sixty percent (see also Section 17.16.030).

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

1. For a parcel adjacent to a C-D zone: 2.0;

2. For a parcel not adjacent to a C-D zone: 1.0.

E. Standard (Subdivisions: Lot Dimensions.

1. Minimum lot area: Six thousand square feet.

2. Minimum lot width: Sixty feet.


F. Parking requirements: See Section 17.16.060. (Ord. 1500 § 3 (part), 2007; Ord. 1437 § 1 (part), 2003; Ord. 1365 § 3 (part), 2000; Ord. 1016 § 1 (part), 1984; Ord. 941 § 1 (part), 1982: prior code § 9203.7(B))
CHAPTER 17.52. PLANNED DEVELOPMENT (PD) OVERLAY ZONE

17.52 Table 2-23: PF Zone Development Standards

<table>
<thead>
<tr>
<th>Development Standard</th>
<th>PF Zone</th>
<th>Additional Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Setback</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Front</td>
<td>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.</td>
<td></td>
</tr>
<tr>
<td>Interior Side and Rear Corner Lot - Street Side</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maximum Building Height</td>
<td>35 feet</td>
<td>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)</td>
</tr>
<tr>
<td>Maximum Lot Coverage</td>
<td>60%</td>
<td>See also Section 17.70.120 (Lot Coverage)</td>
</tr>
<tr>
<td>Maximum Floor Area Ratio</td>
<td>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)</td>
<td></td>
</tr>
<tr>
<td>Minimum Lot Area</td>
<td>6,000 square feet</td>
<td>See also Section 16.18.030 (Subdivisions: Lot Dimensions)</td>
</tr>
<tr>
<td>Edge Condition</td>
<td>See Section 17.70.050 (Edge Conditions)</td>
<td></td>
</tr>
</tbody>
</table>

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.
Article 2: Zones

Chapter 17.48. Planned Development (PD) Overlay Zone

Sections:

17.48.010 – Purpose and Application
17.50.020 – 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 to proposed development. The purpose is to allow consideration of innovation in site planning and other aspects of project design, and more effective design responses to site features, land uses on adjoining properties, and environmental impacts than the development standards of the underlying zone would produce without adjustment. The city expects each planned development project to be of significantly higher design quality, including more effective and attractive pedestrian orientation, environmental sensitivity, energy efficiency, affordable housing, and the more efficient use of resources, than would be achieved through conventional design practices and standards. (Ord. 1438 § 4 (part), 2003) 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.

17.52.020 — Applicability

17.50.020 — Applicability.

A. Timing of Rezoning. PD rezoning shall occur simultaneously with the approval of a specific project through the planned development process (Application. The requirements of this Chapter 17.62).

B. Where Allowed. The PD zone may be applied to any parcel or contiguous parcels of at least one acre.

C. General Plan Compliance. The preparation, review, and approval of a PD overlay zone shall require strict compliance with the general plan and any applicable specific plan.

D. Relationship of PD Overlay to Primary Zoning District.


Any use or combination of uses allowed by Section 17.22.010 (Uses allowed by zones 10.020 (Use Regulations By Zone) within the underlying zoning district may be established within the PD overlay zone, subject to any additional limitations on specific land uses provided by the overlay as adopted. No PD overlay zone shall allow a land use that is not allowed in the primary zoning district, underlying zone, or by the general plan, 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 17.22.010 10.020 (Use Regulations By Zone) for the underlying zone.

3. 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 zoning regulation (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 fifteen percent for the applicable zoning district. (Ord. 1553 § 21, 2010; Ord. 1438 § 4 (part), 2003)

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 17.62.010 Preliminary development plan, 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;
Article 2: Zones

17.52.04048.060 – 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

17.62.020 Actions of the planning commission.

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

17.62.030 B. Actions of the council.

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

17.62.040 Required findings.

Repealed by Ord. 1438. (Ord. 1129 § 1 (part), 1988; Ord. 1087 § 1 Ex. A(2), 1987; Ord. 941 § 1 (part), 1982; prior code § 9204.4(D))

17.62.045 C. Decision and findings.

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

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

1. A minimum of twenty-five percent of the residential units within the project are affordable to households of very low, low or moderate income (See Municipal Code Chapter 17.90 for incentives provided for affordable housing development, including density bonuses and possible fee waivers);
2. The project will achieve greater energy efficiency than standard developments through the incorporation of green building techniques, scoring at least a silver rating on the LEED or other equivalent rating system, or achieving a minimum of thirty percent greater energy efficiency than the minimum required by California Code of Regulations Title 24;

3. The project will preserve, enhance, and/or create a significant natural feature with a minimum area of one-half acre; or

4. The project will provide a substantial public amenity, for example, a significant public plaza, a public park, or a similar improved open space feature, including provisions for guaranteed long-term maintenance not at the expense of the city.

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

1. The project is consistent with the general plan and any applicable specific plan, and the;

2. The proposed land use is allowed within the applicable primary zoning district 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, and;

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. (Ord. 1528* § 3 Ex. A (part), 2009; Ord. 1500 § 3 (part), 2007; Ord. 1438 § 4 (part), 2003) City.

*Code reviser’s note: Ordinance 1528 sets out amendments to Section 17.50.060, using the numbering of this section that existed prior to the amendments of Ordinance 1438.

48.080
17.52.050 – 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 17.62.01048.050 (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 thirty days of filing. He or 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.

*Code reviser’s note: Ordinance 1528 sets out amendments to Section 17.50.080, using the numbering of this section that existed prior to the amendments of Ordinance 1438.

17.62.050 Requirement for development plan.

E. No land division may be undertaken, and no construction begun within an area zoned PD until a final development plan has been approved. (Ord. 1528* § 3 Ex. A (part), 2009; Ord. 941 § 1 (part), 1982: prior code § 9204.4(E))

*Code reviser’s note: Ordinance 1528 sets out amendments to Section 17.50.070, using the numbering of this section that existed prior to the amendments of Ordinance 1438.

17.52.060 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.

*Code reviser’s note: Ordinance 1528 sets out amendments to Section 17.50.070, using the numbering of this section that existed prior to the amendments of Ordinance 1438.

17.52.070 Amendment to Final Development Plan

Notice of intent by the city or an owner shall be sufficient notice of the amendment.
Article 2: Zones

A. Minor differences in substantial conformance between the approved development plan and construction plans may be allowed by the director, 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 Section 17.70.030 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 as long as those uses are determined by the planning commission to be consistent with the general plan.

E. These procedures apply whether or not all or part of the development has been built. (Ord. 1438 § 4 (part), 2003; Ord. 941 § 1 (part), 1982: prior code § 9204.4(H))

17.52.080 Revocation of PD Zoning

17.62.090 Revocation of PD zoning.

If a final development plan is not carried out in the time specified in the development plan or within an approved extension period, the planning commission and council may remove the PD designation according to the usual procedure for city-initiated rezoning. (Ord. 941 § 1 (part), 1982: prior code § 9204.4(1))
Chapter 17.54. SPECIFIC PLAN Overlay Zone

17.54.010 – Purpose and Application

Sections:

17.50.010 – Purpose and Application
17.52.020 – 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. (Ord. 941 § 1 (part), 1982; prior code § 9203.15(A))

17.54.020 – 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/O/S zone.

2. Post Specific Plan Adoption. Once a specific plan has been adopted, uses shall be as provided in the applicable specific plan. (Ord. 941 § 1 (part), 1982; prior code § 9203.15)

B. General Development Standards

17.54.030 – General Development Standards

A. Residential density shall be as provided in the specific plan.

B. Height, yards, coverage and parking shall be as provided in the 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.

C. 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 17.56  SPECIAL FOCUS AREA 52. Special Focus Area (S-F) OVERLAY ZONE Overlay Zone

17.56.010 – Purpose and Application

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 planning areas, where the General Plan Land Use Element calls for special design concepts. (Ord. 1610 § 4 (part), 2014)

17.56.020 – Allowed Uses

17.56.030 – Development Standards

A. General. All development within the special planning areas shall adhere to the requirements of the underlying zone district and the provisions for each of the respective special planning areas, as described in Chapter 8 of the Land Use Element.

(MIG NOTE: this sentence is taken from the entry below since they overlap)

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 planning areas, where the General Plan Land Use Element calls for special design concepts. (Ord. 1610 § 4 (part), 2014)

17.52.020 – Allowed Uses

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 of the special planning areas S-F overlay zone shall be interpreted by the community development director or applicable advisory body or commission in order to achieve the development objectives of the special focus area. Planning commission review and approval are required for the following special focus areas:
Article 2: Zones

Foothill Boulevard/Santa Rosa, Caltrans Site, Madonna Inn Area, Sunset Drive-In Theater/Prado Road Area, LOVR Creekside Area as shown in the Land Use Element. (Ord. 1610 § 4 (part), 2014)

17.56.040 – Subsequent Amendments

17.53.030 Subsequent amendments.

Minor adjustments

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

To internal zone district boundaries within each of the special planning areas may be proposed or required during development review based on physical site conditions, environmental impacts and other factors, as deemed appropriate in order to best implement policies and programs contained in the general plan. (Ord. 1610 § 4 (part), 2014)

CHAPTER 17.58. HISTORICAL PRESERVATION (H) OVERLAY ZONE

17.58.010 – Purpose and Application

17.58.020 – Allowed Uses and Development Standards

17.58.030 – 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 (1) are architecturally or historically important, and (2) 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 (a) are good or excellent examples of pre-1941 architecture, or (b) were designed by eminent architects or designers, or (c) are community architectural landmarks.

3. The property or area contains structures that are included in the City’s Master List of Historical Resources.

4. The property, area, or structure was owned or occupied by someone who had a significant role in the history of the City, region, state, or nation. (Ord. 1086 § 1 Ex. A (part), 1987)

17.56.020 – Allowed Uses

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

17.56.030 – Development Standards

Property development standards shall be as established by the underlying zone. (Ord. 1086 § 1 Ex. A (part), 1987)
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 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 **optional**;

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 with residential uses 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 automobile travel by providing services, jobs, and housing in proximity. The city desires the safety provided by having residential components in commercial areas. (Ord. 1438 § 5 (part), 2003)

17.58.020 – Application and Procedure.

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.

C. Each land use proposed on a site subject to the MU overlay shall be authorized in compliance with the permit requirements of Section 17.22.010 (Uses allowed by zones) that apply to the underlying zone. (Ord. 1438 § 5 (part), 2003)

17.60.030—Development and Design Standards
17.55.030——Property development standards.
Chapter 17.60. Special Consideration (S) Overlay Zone

Sections:

Property development standards shall be those of the underlying zone, except that the application of the MU overlay to property may include establishing a higher height limit than the underlying zone, to more effectively accommodate the residential component of a mixed use project. Proposed development and new land uses shall also comply with all applicable provisions of Section 17.08.072 (Mixed use projects). (Ord. 1438 § 5 (part), 2003)

17.08.072 Mixed use projects.
This section provides standards for the design of mixed use projects.

B. Mix of Uses. A mixed use project requires a combination of residential units with any other use, or combination of uses allowed in the applicable zoning district by Section 17.22.010; provided, that where a mixed use project is proposed with a use required by Section 17.22.010 to have use permit approval in the applicable zoning district, the entire mixed use project shall be subject to that permit requirement.

C. Maximum Density. The residential component of a mixed use project shall comply with the maximum density requirements of the applicable zoning district, plus density bonuses where applicable.

D. Site Layout and Project Design Standards. Each proposed mixed use project shall comply with the property development standards of the applicable zoning district, and the following requirements.

   1. Location of Units. Residential units shall not occupy ground floor space within the first fifty feet of floor area measured from each building face adjacent to a street, or any ground floor space in the C-D zoning district.

   2. Loading Areas. Commercial loading areas shall be located as far as possible from residential units and shall be screened from view from the residential portion of the project to the extent feasible.

   3. Refuse and Recycling Areas. Areas for the collection and storage of refuse and recyclable materials shall be located on the site in locations that are convenient for both the residential and nonresidential uses.

17.60.040 – Design Considerations
17.08.072 Mixed use projects.

A. Design Considerations. A mixed use project shall be designed to achieve the following objectives:

   1. The design shall provide for internal compatibility between the different uses.

   2. Potential noise, odors, glare, pedestrian traffic, and other potentially significant impacts on residents shall be minimized to allow a compatible mix of residential and nonresidential uses on the same site.

   3. The design of the mixed use project shall take into consideration potential impacts on adjacent properties and shall include specific design features to minimize potential impacts.

   4. The design of a mixed use project shall ensure that the residential units are of a residential character, and that privacy between residential units and between other uses on the site is maximized.
5. The design of the structures and site planning shall encourage integration of the street pedestrian environment with the nonresidential uses through the use of plazas, courtyards, walkways, and street furniture.

6. Site planning and building design shall be compatible with and enhance the adjacent and surrounding residential neighborhood in terms of scale, building design, color, exterior materials, roof styles, lighting, landscaping, and signage.

17.60.050 – Performance Standards
17.08.072 Mixed use projects.

E. Performance Standards.

1. Lighting. Lighting for the commercial uses shall be appropriately shielded to not negatively impact the residential units.

2. Noise. All residential units shall be designed to minimize adverse impacts from nonresidential project noise, in compliance with the city’s noise regulations.

3. Hours of Operation. A mixed use project proposing a commercial component that will operate outside of the hours from eight a.m. to six p.m. shall require the director’s approval to ensure that the commercial use will not negatively impact the residential uses within the project.

17.60.060 – Requirements for Use Permit Projects
17.08.072 Mixed use projects.

F. Requirements for Use Permit Projects. A mixed use project that requires use permit approval in compliance with subsection B of this section, or that is located in the C S or M zoning districts is subject to the following requirements:

1. Property Development Standards. The approval of a use permit for a mixed use project may include:
   a. Conditions of approval that require provisions and standards in addition to, or instead of the property development standards of the applicable zoning district to ensure the compatibility of uses and surroundings; or
   b. Less restrictive standards than required by the applicable zoning district, to the extent allowed by use permit approval in other sections of these regulations, to make particular use combinations more feasible.

2. Mandatory Findings for Approval. The approval of a use permit for a mixed use project shall require that the review authority first make all of the following findings, as applicable:
   a. The project’s mixed uses are consistent with the general plan and are compatible with their surroundings, with neighboring uses, and with each other;
   b. The project’s design protects the public health, safety, and welfare; and
   c. The mixed uses provide greater public benefits than single-use development of the site. This finding must enumerate those benefits, such as proximity of workplaces and housing, automobile trip reduction, provision of affordable housing, or other benefits consistent with the purposes of this section.

3. Mandatory findings for more restrictive standards. To require property development standards more restrictive than those of the underlying zone, the review authority must make one of the following findings:
a. Site-specific property development standards are needed to protect all proposed uses of the site, in particular residential uses; or
b. Site-specific property development standards are needed to make the project consistent with the intent of these regulations; or
c. The preponderance of the development proposed for the site is of a type not normally permitted in the underlying zone, so property development standards for the zone where such development is normally found are appropriate. (Ord. 1553 § 6, 2010; Ord. 1500 § 3 (part), 2007; Ord. 1438 § 5 (part), 2003)

CHAPTER 17.62. SPECIAL CONSIDERATION (S) OVERLAY ZONE

17.62.010 – Purpose and Application
17.60.020 – Allowed Uses
17.60.030 – Development Standards
17.60.040 – Required Findings

17.60.010 – Purpose and application

Purpose. The purpose of the S overlay zone has two purposes:

A. In combination with any zone, to require approval of an administrative use permit, additional discretionary review, before any use particular uses may be established. The use permit, or development initiated, as identified in the adopting ordinance or plan for each individual S overlay zone. This requirement is intended to assure 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 the ordinance any additional findings or regulations. Each S Overlay shall have a unique name and identifying number will be incorporated in the. The overlay number indicated in the Ordinance shall be shown on the official zone map designation.

B. In combination with any other zone, to require a larger minimum parcel size than required by the underlying zone. In such cases it will be designated on the zone map as, for example, R-1-S-3, which indicates a minimum parcel size of three acres. (Ord. 1265 § 2 Ex. A, 1994; Ord. 941 § 1 (part), 1982; prior code § 9203.17(A))

17.60.020 – Allowed Uses
17.56.020 Allowed uses.
Subject

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 approval of an administrative use permit uses of concern, any allowed or conditionally allowed use in the underlying zone may be established. (Ord. 1265 § 2 Ex. A, 1994; Ord. 941 § 1 (part), 1982: prior code § 9203.17(B))

17.6260.030 – Development Standards

17.6260.030 Property development standards.

As provided in Sections 17.58.020 through 17.58.080, the planning commission.

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, and so on, etc., which are more restrictive than provided in the underlying zone, in order to fulfill the intent of these regulations. (Ord. 1265 § 2 Ex. A, 1994; Ord. 941 § 1 (part), 1982: prior code § 9203.17(C)).

17.6260.040 – Waiver of Required Findings

A. Primary Finding Required for All Projects. In addition to the findings and criteria associated with a Minor Use Permit Requirement with Subdivision Map 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. (Ord. 1265 § 2 Ex. A, 1994; Ord. 941 § 1 (part), 1982: prior code § 9203.17(D))

CHAPTER

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.
Chapter 17.62. Reserved
Chapter 17.64. Airport (AOZ) Overlay Zone

17.64.010 – Purpose and Intent
The purpose and intent of the airport overlay zoning district is to:

A. Implement the city's General Plan policies to ensure that all land uses within the airport overlay zone (AOZ) are consistent with the State Aeronautics Act, state law, Federal Aviation Administration Regulations, and guidance of the California Airport Land Use Planning Handbook.

B. Ensure that land uses and development within the airport overlay zone (AOZ) are compatible with existing and future airport operations.

C. Prohibit the establishment of incompatible uses and further expansion of incompatible uses which could detrimentally affect long-term economic vitality of the airport; and to avoid or minimize exposure of persons to potential hazards associated with current and future airport operations.

D. Prohibit development, uses, or any installations or activities which could represent a hazard to existing and future flight operations.

E. Recognize unique constraints and considerations which apply to properties potentially affected by airport operations by establishing regulations and review criteria for land use and development which apply specifically to properties within the airport overlay zone (AOZ).

F. Recognize the boundary of the San Luis Obispo County regional airport land use plan (ALUP) within the city limits by establishment of an airport overlay zone (AOZ). (Ord. 1610 § 5 (part), 2014)

17.64.020 – Applicability
Regulations in this chapter shall apply to all uses, activities, and existing and proposed development on properties within safety zones S-1b, S-1c, and S-2 designated in the ALUP. Should an override action be taken, the city shall ensure that development is consistent with direction in the State Aeronautics Act, the FAA regulations, and guidance provided in the Caltrans Division of Aeronautics Airport Land Use Planning Handbook. New development and land uses within the runway protection zone and S-1a ALUP safety zones shall be consistent with provisions of the ALUP.
A. **Specific Plans.** For properties located within the AOZ which also are located within specific plans, development regulations, standards, and policies shall be followed per respective specific plans. In cases where policies or standards are not provided within the specific plan, the policies and standards within this chapter will apply in addition to other applicable zoning regulations, general plan, or other standards and regulations which apply to the project or land use. In no case will a land use, activity, or development be allowed to violate airspace protection standards of Section 17.57.060. (Airspace Protection).

B. **Existing Development and Land Uses.** Non-conforming uses and structures shall comply with airspace protection standards of Section 17.57.060 (Airspace Protection), which prohibit any activities that pose a risk to flight operations within the airport overlay zone (AOZ). Existing land uses that are not consistent with the airport overlay zone (AOZ) are nonconforming uses and may continue, but may not expand more than ten percent beyond the permitted project size at the time of adoption of the AOZ. No increase in density for nonconforming residential land uses is permitted. Nonconforming uses shall comply with zoning regulations Chapters 17.10 (Nonconforming Structures) and 17.14 (Nonconforming Uses) provisions for expiration of nonconforming status and proposed changes in land use which do not conform to the AOZ.

Development or land uses shall be considered “existing” if one of the following conditions is met:

1. **A vesting tentative map has been approved and has not expired or all discretionary approvals have been obtained and have not expired.**

2. **Building permits have been issued and have not expired.**

3. **The structures and site development have been legally established and physically exist.** (Ord. 1610 § 5 (part), 2014)

### 17.64.030 – Procedures

#### 17.57.030 Procedures.

A. **Approval.** All ministerial and discretionary actions within the airport overlay zone shall be reviewed for consistency with this chapter prior to approval.

B. **Mandatory Findings for Approval.** When a project or activity is subject to discretionary actions requiring a public hearing or notice, the applicable review authority shall make all of the following findings, as applicable:

1. **The project or use complies with the noise compatibility policies of the airport overlay zone (AOZ).**

2. **The project or use complies with residential and nonresidential density standards in Table 10 of the airport overlay zone.**

3. **The project or use complies with the airspace protection policies of the airport overlay zone.**

4. **The project or use complies with the overflight policies of the airport overlay zone.**

C. **Amendments.** Other than general plan, specific plan, or zoning code changes addressed through a previous referral to the San Luis Obispo County regional airport land use commission (ALUC), or any action to overrule any determination of the ALUC, proposed general plan land use amendments, zoning amendments, and specific plan amendments that impact density or intensity of development within the airport.
overlay zone (AOZ) shall be referred to the airport land use commission for a determination of compatibility with the adopted airport land use plan.

D. **Overrule Provisions.** Should the San Luis Obispo County airport land use commission (ALUC) update the San Luis Obispo County regional airport land use plan (ALUP), the city council of the city of San Luis Obispo shall review the updated ALUP and either make changes to applicable general plan sections, zoning, and implementing ordinances, or the city council may, pursuant to Public Utilities Code Section 21676(b), overrule the ALUC. (Ord. 1610 § 5 (part), 2014)

**17.64.040 – Development Standards and Uses**

Development standards and uses.

Land use compatibility standards are intended to minimize the risk to people and property on the ground as well as to people in an aircraft in the event of an accident or emergency landing occurring outside the airport boundary.

A. **Allowable Uses and Nonresidential Density.** Table 102-24 lists the uses that are appropriate in the airport land use plan safety zones S-1b, S-1c and S-2. Table 102-24 includes maximum density standards for the safety zones listed above which shall be calculated in accordance with the following method:

1. **Nonresidential Density Calculation.** Calculations of nonresidential density shall be based on requirements of Section 17.060, 72.030 (Required Parking space requirements), with the assumption of 1.3 occupants per space and gross parcel size including adjacent roads to centerline of right-of-way.

   Nonresidential density shall be calculated prior to reductions for shared use, trip reduction, bicycle, etc. In determining allowed persons per acre, all fractions shall be rounded to the nearest whole number.

   Example—Proposed Development: Two office buildings, each two stories and containing twenty thousand square feet of floor area per building. Site size is three net acres. Counting the adjacent road to centerline of the right-of-way, three and one-half acres gross. The number of people on the property is assumed to equal 1.3 times the number of parking spaces.

   The average usage intensity would therefore be calculated as follows:

   (1) 40,000 sq. ft. floor area x 1.0 parking space per 300 sq. ft. = 134.

   (2) 134 parking spaces x 1.3 persons per space = 174 persons per acre.

   (3) 174 persons/3.5 acres gross site size = 50 persons per acre average for the site.

2. **Exceptions.** Subject to approval of an administrative use permit, the community development director may determine another method of density calculation is appropriate based on the particular characteristics of the proposed use and/or development. The method of calculation shall remain consistent with recommended methodologies of Appendix "G" of the California Airport Land Use Planning Handbook.

B. **Airport Land Use Plan and Airport Overlay Zone (AOZ).** Development and uses within airport land use plan safety zones S-1b, S-1c, and S-2 are subject to requirements of Chapter 17.64: Airport Overlay Zone (AOZ). Development and uses within the runway protection zone (RPZ) and ALUP area S-1a shall be consistent with provisions of the ALUP. Most areas within the airport overlay zone (AOZ) are located within specific plan areas. Areas within the AOZ which are located in specific plans designated with SP zoning shall follow regulations within their respective specific plans.
C. Interpretation of Use Listing. The community development director, subject to the appeal procedures of Chapter 17.66.126 (Appeals), shall determine whether uses which are not listed shall be deemed allowed or allowed subject to use permit approval in a certain zone that are consistent with the State Aeronautics Act with guidance from the California Airport Land Use Planning Handbook. This interpretation procedure shall not be used as a substitute for the amendment procedure as a means of adding new types of uses to Table 10.2-24.
### TABLE 2.24 - AIRPORT OVERLAY ZONE (AOZ) - MAXIMUM ALLOWED PERSONS

(Areas within ALUP and outside Specific Plan areas)

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Maximum Allowed Persons per Acre (ALUP - Figure 13)</th>
<th>Specific Use &amp; Noise Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>RPZ</td>
<td>S-1a</td>
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<td><strong>AGRICULTURE</strong></td>
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<td>ALUP</td>
<td>ALUP</td>
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<td>Grazing</td>
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<td>ALUP</td>
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<td>Community Gardens</td>
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<td>ALUP</td>
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<td>Livestock feed lot</td>
<td>ALUP</td>
<td>ALUP</td>
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<td><strong>INDUSTRY, MANUFACTURING &amp; PROCESSING, WHOLESALE</strong></td>
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<td>Furniture and fixtures manufacturing, cabinet shop</td>
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<td>Industrial research and development</td>
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<td>Laundry, dry cleaning plant</td>
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<td>ALUP</td>
</tr>
<tr>
<td>Recycling facilities - Scrap and dismantling yard</td>
<td>ALUP</td>
<td>ALUP</td>
</tr>
<tr>
<td>Recycling facilities - Small collection facility</td>
<td>ALUP</td>
<td>ALUP</td>
</tr>
<tr>
<td>Storage - Personal storage facility</td>
<td>ALUP</td>
<td>ALUP</td>
</tr>
<tr>
<td>Storage yard</td>
<td>ALUP</td>
<td>ALUP</td>
</tr>
<tr>
<td>Warehousing, indoor storage</td>
<td>ALUP</td>
<td>ALUP</td>
</tr>
<tr>
<td>Wholesaling and distribution</td>
<td>ALUP</td>
<td>ALUP</td>
</tr>
<tr>
<td><strong>LODGING</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bed and breakfast inn</td>
<td>ALUP</td>
<td>ALUP</td>
</tr>
<tr>
<td>Homeless shelter</td>
<td>ALUP</td>
<td>ALUP</td>
</tr>
<tr>
<td>Hostel</td>
<td>ALUP</td>
<td>ALUP</td>
</tr>
<tr>
<td>Hotel, motel</td>
<td>ALUP</td>
<td>ALUP</td>
</tr>
<tr>
<td>Recreational vehicle (RV) park accessory to hotel, motel</td>
<td>210</td>
<td>UZ</td>
</tr>
<tr>
<td>Vacation Rental</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Key:**
- **NSLU** = Noise Sensitive Land Use (if within 60 db CNEL contour - Figure 13 - See requirements of 17.84.070)
- **UZ** = as allowed in underlying Zone or Specific Plan
<table>
<thead>
<tr>
<th>Land Use</th>
<th>Maximum Allowed Persons per Acre (ALUP - Figure 13)</th>
<th>Specific Use &amp; Noise Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>RPZ</td>
<td>S-1a</td>
</tr>
<tr>
<td><strong>AGRICULTURE</strong></td>
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<tr>
<td>Crop production</td>
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</tr>
<tr>
<td>Grazing</td>
<td>ALUP</td>
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</tr>
<tr>
<td>Greenhouse/Plant Nursery, commercial</td>
<td>ALUP</td>
<td>ALUP</td>
</tr>
<tr>
<td>Community Gardens</td>
<td>ALUP</td>
<td>ALUP</td>
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<tr>
<td>Livestock feed lot</td>
<td>ALUP</td>
<td>ALUP</td>
</tr>
<tr>
<td><strong>INDUSTRY, MANUFACTURING &amp; PROCESSING, WHOLESALING</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bakery, wholesale</td>
<td>ALUP</td>
<td>ALUP</td>
</tr>
<tr>
<td>Furniture and fixtures manufacturing, cabinet shop</td>
<td>ALUP</td>
<td>ALUP</td>
</tr>
<tr>
<td>Industrial research and development</td>
<td>ALUP</td>
<td>ALUP</td>
</tr>
<tr>
<td>Laboratory - Medical, analytical, research, testing</td>
<td>ALUP</td>
<td>ALUP</td>
</tr>
<tr>
<td>Laundry, dry cleaning plant</td>
<td>ALUP</td>
<td>ALUP</td>
</tr>
<tr>
<td>Manufacturing - Heavy</td>
<td>ALUP</td>
<td>ALUP</td>
</tr>
<tr>
<td>Manufacturing - Light</td>
<td>ALUP</td>
<td>ALUP</td>
</tr>
<tr>
<td>Petroleum product storage and distribution</td>
<td>ALUP</td>
<td>ALUP</td>
</tr>
<tr>
<td>Photo and film processing lab</td>
<td>ALUP</td>
<td>ALUP</td>
</tr>
<tr>
<td>Printing and publishing</td>
<td>ALUP</td>
<td>ALUP</td>
</tr>
<tr>
<td>Recycling facilities - Collection and processing facility</td>
<td>ALUP</td>
<td>ALUP</td>
</tr>
<tr>
<td>Recycling facilities - Scrap and dismantling yard</td>
<td>ALUP</td>
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</tr>
<tr>
<td>Recycling facilities - Small collection facility</td>
<td>ALUP</td>
<td>ALUP</td>
</tr>
<tr>
<td>Storage - Personal storage facility</td>
<td>ALUP</td>
<td>ALUP</td>
</tr>
<tr>
<td>Storage yard</td>
<td>ALUP</td>
<td>ALUP</td>
</tr>
<tr>
<td>Warehousing, indoor storage</td>
<td>ALUP</td>
<td>ALUP</td>
</tr>
<tr>
<td>Wholesaling and distribution</td>
<td>ALUP</td>
<td>ALUP</td>
</tr>
<tr>
<td><strong>LODGING</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bed and breakfast inn</td>
<td>ALUP</td>
<td>ALUP</td>
</tr>
<tr>
<td>Homeless shelter</td>
<td>ALUP</td>
<td>ALUP</td>
</tr>
<tr>
<td>Hostel</td>
<td>ALUP</td>
<td>ALUP</td>
</tr>
<tr>
<td>Hotel, motel</td>
<td>ALUP</td>
<td>ALUP</td>
</tr>
<tr>
<td>Recreational vehicle (RV) park accessory to hotel, motel</td>
<td>ALUP</td>
<td>ALUP</td>
</tr>
<tr>
<td>Vacation Rental</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Key:
- **NSLU** = Noise Sensitive Land Use (if within 60 db CNEL contour - Figure 13 - See requirements of 17.57.070)
- **UZ** = as allowed in underlying Zone or Specific Plan
## Article 2: Zones

### TABLE 10 - AIRPORT OVERLAY ZONE (AOZ) - MAXIMUM ALLOWED PERSONS

(Areas within ALUP and outside Specific Plan areas - 17.02.010.B.)

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Maximum Allowed Persons per Acre (ALUP - Figure 13)</th>
<th>Specific Use &amp; Noise Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>RECREATION, EDUCATION, &amp; PUBLIC ASSEMBLY USES</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Club, lodge, private meeting hall</td>
<td>ALUP ALUP UZ UZ UZ</td>
<td>NSLU</td>
</tr>
<tr>
<td>Commercial recreation facility - indoor</td>
<td>ALUP ALUP ALUP UZ</td>
<td>NSLU</td>
</tr>
<tr>
<td>Commercial recreation facility - Outdoor</td>
<td>ALUP ALUP ALUP UZ</td>
<td>NSLU</td>
</tr>
<tr>
<td>Educational conferences</td>
<td>ALUP ALUP ALUP UZ</td>
<td>NSLU</td>
</tr>
<tr>
<td>Fitness/health facility</td>
<td>ALUP ALUP ALUP UZ</td>
<td>NSLU</td>
</tr>
<tr>
<td>Golf Course</td>
<td>ALUP ALUP ALUP UZ</td>
<td>NSLU</td>
</tr>
<tr>
<td>Library, museum</td>
<td>ALUP ALUP ALUP UZ</td>
<td>NSLU</td>
</tr>
<tr>
<td>Library, branch facility</td>
<td>ALUP ALUP ALUP UZ</td>
<td>NSLU</td>
</tr>
<tr>
<td>Night club</td>
<td>ALUP ALUP ALUP UZ</td>
<td>NSLU</td>
</tr>
<tr>
<td>Park, playground</td>
<td>ALUP ALUP ALUP UZ</td>
<td>NSLU</td>
</tr>
<tr>
<td>Park, playground</td>
<td>ALUP ALUP ALUP UZ</td>
<td>NSLU</td>
</tr>
<tr>
<td>Religious facility</td>
<td>ALUP ALUP ALUP UZ</td>
<td>NSLU</td>
</tr>
<tr>
<td>School - Boarding school, elementary, middle, secondary</td>
<td>ALUP ALUP ALUP UZ</td>
<td>NSLU</td>
</tr>
<tr>
<td>School - College, university campus</td>
<td>ALUP ALUP ALUP UZ</td>
<td>NSLU</td>
</tr>
<tr>
<td>School - College, university - Satellite classroom facility</td>
<td>ALUP ALUP ALUP UZ</td>
<td>NSLU</td>
</tr>
<tr>
<td>School - Elementary, middle, secondary</td>
<td>ALUP ALUP ALUP UZ</td>
<td>NSLU</td>
</tr>
<tr>
<td>School - Specialized education/training</td>
<td>ALUP ALUP ALUP UZ</td>
<td>NSLU</td>
</tr>
<tr>
<td>Sports and active recreation facility</td>
<td>ALUP ALUP ALUP UZ</td>
<td>NSLU</td>
</tr>
<tr>
<td>Sports and entertainment assembly facility</td>
<td>ALUP ALUP ALUP UZ</td>
<td>NSLU</td>
</tr>
<tr>
<td>Studio - Art, dance, martial arts, music, etc.</td>
<td>ALUP ALUP ALUP UZ</td>
<td>NSLU</td>
</tr>
<tr>
<td>Theater</td>
<td>ALUP ALUP ALUP UZ</td>
<td>NSLU</td>
</tr>
<tr>
<td>Theater - Drive-in</td>
<td>ALUP ALUP ALUP UZ</td>
<td>NSLU</td>
</tr>
</tbody>
</table>

### RESIDENTIAL USES

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Maximum Allowed Persons per Acre (ALUP - Figure 13)</th>
<th>Specific Use &amp; Noise Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Boarding/hosting house, dormitory</td>
<td>ALUP ALUP UZ UZ UZ</td>
<td>NSLU</td>
</tr>
<tr>
<td>Caretaker quarters</td>
<td>ALUP ALUP UZ UZ UZ</td>
<td>NSLU</td>
</tr>
<tr>
<td>Convents and monasteries</td>
<td>ALUP ALUP UZ UZ UZ</td>
<td>NSLU</td>
</tr>
<tr>
<td>Fraternity, sorority</td>
<td>ALUP ALUP UZ UZ UZ</td>
<td>NSLU</td>
</tr>
<tr>
<td>High occupancy residential use</td>
<td>ALUP ALUP UZ UZ UZ</td>
<td>NSLU</td>
</tr>
<tr>
<td>Home occupation</td>
<td>ALUP ALUP UZ UZ UZ</td>
<td>NSLU</td>
</tr>
<tr>
<td>Livewell units</td>
<td>ALUP ALUP UZ UZ UZ</td>
<td>NSLU</td>
</tr>
<tr>
<td>Mixed-use project</td>
<td>ALUP ALUP UZ UZ UZ</td>
<td>NSLU</td>
</tr>
<tr>
<td>Mobile home or temporary residence at building site</td>
<td>ALUP ALUP UZ UZ UZ</td>
<td>NSLU - 17.52.020.B.</td>
</tr>
<tr>
<td>Mobile home park</td>
<td>ALUP ALUP UZ UZ UZ</td>
<td>NSLU</td>
</tr>
<tr>
<td>Multi-family dwellings</td>
<td>ALUP ALUP UZ UZ UZ</td>
<td>NSLU - 17.52.020.B.</td>
</tr>
<tr>
<td>Residential care facilities - 6 or fewer residents</td>
<td>ALUP ALUP UZ UZ UZ</td>
<td>NSLU</td>
</tr>
<tr>
<td>Residential care facilities - 7 or more residents</td>
<td>ALUP ALUP UZ UZ UZ</td>
<td>NSLU</td>
</tr>
<tr>
<td>Residential hospice facility</td>
<td>ALUP ALUP UZ UZ UZ</td>
<td>NSLU</td>
</tr>
<tr>
<td>Rv home</td>
<td>ALUP ALUP UZ UZ UZ</td>
<td>NSLU</td>
</tr>
<tr>
<td>Single-family dwellings</td>
<td>ALUP ALUP UZ UZ UZ</td>
<td>NSLU - 17.52.020.B.</td>
</tr>
<tr>
<td>Secondary dwelling units</td>
<td>ALUP ALUP UZ UZ UZ</td>
<td>NSLU</td>
</tr>
<tr>
<td>Workforce units</td>
<td>ALUP ALUP UZ UZ UZ</td>
<td>NSLU</td>
</tr>
</tbody>
</table>

**Key:**
- **NSLU** = Noise Sensitive Land Use (8 within 60 db CNEEL contour - Figure 13: See requirements of 17.57.070)
- **UZ** = Uses not allowed within 10,000 feet from the end of primary runway 11-29 or a width of 1,000 feet on an extension of runway centerline; and are not allowed within 4000 feet from the end of the existing secondary runway 7-25 for a area 1000 ft wide on an extension of the runway centerline.
### TABLE 10 - AIRPORT OVERLAY ZONE (AOZ) - MAXIMUM ALLOWED PERSONS

(Areas within ALUP and outside Specific Plan areas - 17.22.010.B.)

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Maximum Allowed Persons per Acre (ALUP - Figure 13)</th>
<th>Specific Use &amp; Noise Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>RPZ</td>
<td>S-1a</td>
</tr>
<tr>
<td><strong>RETAIL SALES</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Auto and vehicle sales and rental</td>
<td>ALUP</td>
<td>ALUP</td>
</tr>
<tr>
<td>Auto parts sales, with installation</td>
<td>ALUP</td>
<td>ALUP</td>
</tr>
<tr>
<td>Auto parts sales, without installation</td>
<td>ALUP</td>
<td>ALUP</td>
</tr>
<tr>
<td>Bakery, retail</td>
<td>ALUP</td>
<td>ALUP</td>
</tr>
<tr>
<td>Bar/Tavern</td>
<td>ALUP</td>
<td>ALUP</td>
</tr>
<tr>
<td>Building and landscape materials sales, indoor</td>
<td>ALUP</td>
<td>ALUP</td>
</tr>
<tr>
<td>Building and landscape materials sales, outdoor</td>
<td>ALUP</td>
<td>ALUP</td>
</tr>
<tr>
<td>Construction and heavy equipment sales and rental</td>
<td>ALUP</td>
<td>ALUP</td>
</tr>
<tr>
<td>Convenience store</td>
<td>ALUP</td>
<td>ALUP</td>
</tr>
<tr>
<td>Extended hour retail</td>
<td>ALUP</td>
<td>ALUP</td>
</tr>
<tr>
<td>Farm supply and feed store</td>
<td>ALUP</td>
<td>ALUP</td>
</tr>
<tr>
<td>Fuel dealer (propane, etc.)</td>
<td>ALUP</td>
<td>ALUP</td>
</tr>
<tr>
<td>Furniture, furnishings, and appliance stores</td>
<td>ALUP</td>
<td>ALUP</td>
</tr>
<tr>
<td>General retail - 2,000 sf or less</td>
<td>ALUP</td>
<td>ALUP</td>
</tr>
<tr>
<td>General retail - More than 2,000 sf, up to 15,000 sf</td>
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<td>ALUP</td>
</tr>
<tr>
<td>General retail - More than 15,000 sf, up to 45,000 sf</td>
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<tr>
<td>General retail - More than 45,000 sf, up to 80,000 sf</td>
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<td>ALUP</td>
</tr>
<tr>
<td>General retail - More than 80,000 sf, up to 140,000 sf</td>
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<td>ALUP</td>
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<tr>
<td>Groceries, specialty foods</td>
<td>ALUP</td>
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</tr>
<tr>
<td>Liquor, Store/Alcohol Sales</td>
<td>ALUP</td>
<td>ALUP</td>
</tr>
<tr>
<td>Mobile home, RV, and boat sales</td>
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<td>ALUP</td>
</tr>
<tr>
<td>Office-supporting retail, 2,000 sf or less</td>
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<tr>
<td>Office-supporting retail, More than 2,000, up to 5,000 sf</td>
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<tr>
<td>Wine tasting room - off site</td>
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</tr>
<tr>
<td>Outdoor temporary and/or seasonal sales</td>
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<tr>
<td>Produce stand</td>
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<td>ALUP</td>
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<tr>
<td>Restaurant</td>
<td>ALUP</td>
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</tr>
<tr>
<td>Restaurant with late hour alcohol service</td>
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<td>ALUP</td>
</tr>
<tr>
<td>Outdoor BBQ/Grill, accessory to restaurant</td>
<td>ALUP</td>
<td>ALUP</td>
</tr>
<tr>
<td>Service station (see also &quot;vehicle services&quot;)</td>
<td>ALUP</td>
<td>ALUP</td>
</tr>
<tr>
<td>Vending machine</td>
<td>ALUP</td>
<td>ALUP</td>
</tr>
<tr>
<td>Warehouse stores - 45,000 sf or less gfa</td>
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<td>ALUP</td>
</tr>
<tr>
<td>Warehouse stores - more than 45,000 sf gfa</td>
<td>ALUP</td>
<td>ALUP</td>
</tr>
</tbody>
</table>

**Key:**
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### TABLE 10 - AIRPORT OVERLAY ZONE (AOZ) - MAXIMUM ALLOWED PERSONS

(Areas within ALUP and outside Specific Plan areas - 17.22.010.B.)

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Maximum Allowed Persons per Acre (ALUP - Figure 13)</th>
<th>Specific use &amp; Noise Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>RFZ</td>
<td>S-1s</td>
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<tr>
<td><strong>SERVICES - BUSINESS, FINANCIAL &amp; PROFESSIONAL</strong></td>
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<td></td>
</tr>
<tr>
<td>ATMs</td>
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</tr>
<tr>
<td>Banks and financial services</td>
<td>ALUP ALUP</td>
<td>200</td>
</tr>
<tr>
<td>Business support services</td>
<td>ALUP ALUP</td>
<td>200</td>
</tr>
<tr>
<td>Medical service - Clinic, laboratory, urgent care</td>
<td>ALUP ALUP</td>
<td>200</td>
</tr>
<tr>
<td>Medical service - Doctor office</td>
<td>ALUP ALUP</td>
<td>200</td>
</tr>
<tr>
<td>Medical service - Extended care</td>
<td>ALUP ALUP ALUP</td>
<td>UZ</td>
</tr>
<tr>
<td>Medical service - Hospital</td>
<td>ALUP ALUP ALUP</td>
<td>UZ</td>
</tr>
<tr>
<td>Convalescent hospital</td>
<td>ALUP ALUP ALUP</td>
<td>UZ</td>
</tr>
<tr>
<td>Office - Accessory</td>
<td>ALUP ALUP ALUP</td>
<td>UZ</td>
</tr>
<tr>
<td>Office - Business and service</td>
<td>ALUP ALUP ALUP</td>
<td>UZ</td>
</tr>
<tr>
<td>Office - Government</td>
<td>ALUP ALUP ALUP</td>
<td>UZ</td>
</tr>
<tr>
<td>Office - Processing</td>
<td>ALUP ALUP ALUP</td>
<td>UZ</td>
</tr>
<tr>
<td>Office - Production and administrative</td>
<td>ALUP ALUP ALUP</td>
<td>UZ</td>
</tr>
<tr>
<td>Office - Professional</td>
<td>ALUP ALUP ALUP</td>
<td>UZ</td>
</tr>
<tr>
<td>Office - Temporary</td>
<td>ALUP ALUP ALUP</td>
<td>UZ</td>
</tr>
<tr>
<td>Photographer, photographic studio</td>
<td>ALUP ALUP ALUP</td>
<td>UZ</td>
</tr>
<tr>
<td><strong>SERVICES - GENERAL</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Catering service</td>
<td>ALUP ALUP ALUP</td>
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</tr>
<tr>
<td>Cemetery, mausoleum, columbarium</td>
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<td>200</td>
</tr>
<tr>
<td>Copying and Quick Printer Service</td>
<td>ALUP ALUP ALUP</td>
<td>200</td>
</tr>
<tr>
<td>Day care - Day care center (child/adult)</td>
<td>ALUP ALUP ALUP</td>
<td>UZ</td>
</tr>
<tr>
<td>Day care - Family day care home (small/large)</td>
<td>ALUP ALUP ALUP</td>
<td>UZ</td>
</tr>
<tr>
<td>Equipment rental</td>
<td>ALUP ALUP ALUP</td>
<td>200</td>
</tr>
<tr>
<td>Food bank/packaged food distribution center</td>
<td>ALUP ALUP ALUP</td>
<td>200</td>
</tr>
<tr>
<td>Maintenance service, client site services</td>
<td>ALUP ALUP ALUP</td>
<td>200</td>
</tr>
<tr>
<td>Mortuary, funeral home</td>
<td>ALUP ALUP ALUP</td>
<td>200</td>
</tr>
<tr>
<td>Personal services</td>
<td>ALUP ALUP ALUP</td>
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</tr>
<tr>
<td>Personal services - Restricted</td>
<td>ALUP ALUP ALUP</td>
<td>200</td>
</tr>
<tr>
<td>Public safety facilities</td>
<td>ALUP ALUP ALUP</td>
<td>200</td>
</tr>
<tr>
<td>Public utility facilities</td>
<td>ALUP ALUP ALUP</td>
<td>200</td>
</tr>
<tr>
<td>Repair service - Equipment, large appliances, etc.</td>
<td>ALUP ALUP ALUP</td>
<td>200</td>
</tr>
<tr>
<td>Residential Support Services</td>
<td>ALUP ALUP ALUP</td>
<td>200</td>
</tr>
<tr>
<td>Social service organization</td>
<td>ALUP ALUP ALUP</td>
<td>200</td>
</tr>
<tr>
<td>Vehicle services - Repair and maintenance - Major</td>
<td>ALUP ALUP ALUP</td>
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</tr>
<tr>
<td>Vehicle services - Repair and maintenance - Minor</td>
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</tr>
<tr>
<td>Vehicle services - Cannibal</td>
<td>ALUP ALUP ALUP</td>
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<tr>
<td>Veterinary clinic/hospital, boarding, large animal</td>
<td>ALUP ALUP ALUP</td>
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</tr>
<tr>
<td>Veterinary clinic/hospital, boarding, small animal, indoor</td>
<td>ALUP ALUP ALUP</td>
<td>200</td>
</tr>
<tr>
<td>Veterinary clinic/hospital, boarding, small animal, outdoor</td>
<td>ALUP ALUP ALUP</td>
<td>200</td>
</tr>
</tbody>
</table>

**Key:**
- **NSLU** = Noise Sensitive Land Use (# within 50 db CNEL contour - Figure 13 - See requirements of 17.57.070)
- **UZ** = as allowed in underlying Zone or Specific Plan
### TABLE 10 - AIRPORT OVERLAY ZONE (AOZ) - MAXIMUM ALLOWED PERSONS

(Areas within ALUP and outside Specific Plan areas - 17.22.010.B.)

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Maximum Allowed Persons per Acre</th>
<th>Specific Use &amp; Noise Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>RPZ</td>
<td>S-1a</td>
</tr>
<tr>
<td><strong>TRANSPORTATION &amp; COMMUNICATIONS</strong></td>
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<td></td>
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<tr>
<td>Airport</td>
<td>ALUP</td>
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<tr>
<td>Ambulance, taxi, and/or limousine dispatch</td>
<td>ALUP</td>
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<tr>
<td>facility</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Antennas and telecommunications facilities</td>
<td>ALUP</td>
<td>ALUP</td>
</tr>
<tr>
<td>Media Production - Broadcast studio</td>
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<td>ALUP</td>
</tr>
<tr>
<td>Media Production - Backlots/outdoor facilities</td>
<td>ALUP</td>
<td>ALUP</td>
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<tr>
<td>and soundstages</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Heliport</td>
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<td>ALUP</td>
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<tr>
<td>Parking facility</td>
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<tr>
<td>Parking facility - Multi-level</td>
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<td>Parking facility - Temporary</td>
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<tr>
<td>Railroad facilities</td>
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<td>ALUP</td>
</tr>
<tr>
<td>Transit station or terminal</td>
<td>ALUP</td>
<td>ALUP</td>
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<tr>
<td>Transit stop</td>
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<td>ALUP</td>
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<tr>
<td>Truck or freight terminal</td>
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</tr>
<tr>
<td>Water and wastewater treatment plants and</td>
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<td>ALUP</td>
</tr>
<tr>
<td>services</td>
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</tbody>
</table>

**Key:**
- NSLU = Noise Sensitive Land Use (if within 60 db CNEL contour - Figure 13 - See requirements of 17.57.070)
- UZ = as allowed in underlying Zone or Specific Plan

(Ord. 1610 § 5 (part), 2014)
**TABLE 2-24 - AIRPORT OVERLAY ZONE (AOZ) - MAXIMUM ALLOWED PERSONS**

(Areas within ALUP and outside Specific Plan areas)

<table>
<thead>
<tr>
<th>Land Use</th>
<th>ALUP</th>
<th>ALUP</th>
<th>ALUP</th>
<th>ALUP</th>
<th>UZ</th>
<th>UZ</th>
<th>NSLU</th>
</tr>
</thead>
<tbody>
<tr>
<td>RECREATION, EDUCATION, &amp; PUBLIC ASSEMBLY USES</td>
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<td></td>
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<td></td>
<td></td>
<td></td>
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<tr>
<td>Club, lodge, private meeting hall</td>
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<td>200</td>
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<td></td>
<td>NSLU</td>
</tr>
<tr>
<td>Commercial recreation facility - Indoor</td>
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<td>ALUP</td>
<td>UZ</td>
<td>UZ</td>
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</tr>
<tr>
<td>Commercial recreation facility - Outdoor</td>
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<tr>
<td>Educational conferences</td>
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</tr>
<tr>
<td>Fitness/health facility</td>
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<td>UZ</td>
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</tr>
<tr>
<td>Golf Course</td>
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<td>UZ</td>
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</tr>
<tr>
<td>Library, museum</td>
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<td>ALUP</td>
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<td>NSLU</td>
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<tr>
<td>Library, branch facility</td>
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<tr>
<td>Park, playground</td>
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<td>Religious facility</td>
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<tr>
<td>School - Boarding school, elementary, middle, secondary</td>
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<td>ALUP</td>
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<td>UZ</td>
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<td>NSLU</td>
</tr>
<tr>
<td>School - College, university campus</td>
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</tr>
<tr>
<td>School - College, university - Satellite classroom facility</td>
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<td>NSLU</td>
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<tr>
<td>School - Elementary, middle, secondary</td>
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<tr>
<td>School - Specialized education/training</td>
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<tr>
<td>Sports and active recreation facility</td>
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<td>Sports and entertainment assembly facility</td>
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<td>Studio - Art, dance, martial arts, music, etc.</td>
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<td>Theater - Drive-in</td>
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<td>NSLU</td>
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<td>RESIDENTIAL USES</td>
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<td>Boarding home/housing house, dormitory</td>
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<td>Caretaker quarters</td>
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<td>Convents and monasteries</td>
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<td>Fraternity, sorority</td>
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<td>High occupancy residential use</td>
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<td>Livework units</td>
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<td>Mixed-use project</td>
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<td>NSLU</td>
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<tr>
<td>Mobile home or temporary residence at building site</td>
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<td>Mobile home park</td>
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<tr>
<td>Multi-family dwellings</td>
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<td>UZ</td>
<td>UZ</td>
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<td>NSLU</td>
</tr>
<tr>
<td>Residential care facilities - 6 or fewer residents</td>
<td>ALUP</td>
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<td>UZ</td>
<td>UZ</td>
<td>UZ</td>
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<td>NSLU</td>
</tr>
<tr>
<td>Residential care facilities - 7 or more residents</td>
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<td>UZ</td>
<td>UZ</td>
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<td>NSLU</td>
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<td>Residential hospice facility</td>
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<td>Rest home</td>
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<td>NSLU</td>
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<td>Single-family dwellings</td>
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<td>UZ</td>
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<td>Secondary dwelling units</td>
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<td>NSLU</td>
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<td>Work/live units</td>
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<td>UZ</td>
<td>UZ</td>
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<td>NSLU</td>
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</tbody>
</table>

**Key:**
- **NSLU** = Noise Sensitive Use (within 65 dB CNEL contour - Figure 13). See requirements of 17.64.020.B.
- **UZ** = Uses allowed in underlying Zone or Specific Plan.
- **UZ 1** = Uses not allowed within 10,000 feet of the end of primary runway 1-20 or a width of 1,000 feet on an extension of runway centerline or are not allowed within 4,000 feet from the end of the existing secondary runway.
- **7-25** = An area 7,000 ft wide on an extension of the runway centerline.
<table>
<thead>
<tr>
<th>Land Use</th>
<th>Maximum Allowed Persons per Acre (ALUP - Figure 13)</th>
<th>Specific Use &amp; Noise Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>RPZ</td>
<td>S-1a</td>
</tr>
<tr>
<td><strong>RETAIL SALES</strong></td>
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<td></td>
</tr>
<tr>
<td>Auto and vehicle sales and rental</td>
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</tr>
<tr>
<td>Auto parts sales, with installation</td>
<td>ALUF</td>
<td>ALUF</td>
</tr>
<tr>
<td>Auto parts sales, without installation</td>
<td>ALUF</td>
<td>ALUF</td>
</tr>
<tr>
<td>Baker, retail</td>
<td>ALUF</td>
<td>ALUF</td>
</tr>
<tr>
<td>Bar/Tavern</td>
<td>ALUF</td>
<td>ALUF</td>
</tr>
<tr>
<td>Building and landscape materials sales, indoor</td>
<td>ALUF</td>
<td>ALUF</td>
</tr>
<tr>
<td>Building and landscape materials sales, outdoor</td>
<td>ALUF</td>
<td>ALUF</td>
</tr>
<tr>
<td>Construction and heavy equipment sales and rental</td>
<td>ALUF</td>
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</tr>
<tr>
<td>Convenience store</td>
<td>ALUF</td>
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<tr>
<td>Extended hour retail</td>
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</tr>
<tr>
<td>Farm supply and feed store</td>
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<tr>
<td>Fuel dealer (propane, etc)</td>
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</tr>
<tr>
<td>Furniture, furnishings, and appliance stores</td>
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</tr>
<tr>
<td>General retail - 2,000 sf or less</td>
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<tr>
<td>General retail - More than 2,000 sf, up to 15,000 sf</td>
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<tr>
<td>General retail - More than 15,000 sf, up to 45,000 sf</td>
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<td>General retail - More than 45,000 sf, up to 60,000 sf</td>
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<tr>
<td>General retail - More than 60,000 sf, up to 140,000 sf</td>
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<tr>
<td>Groceries, specialty foods</td>
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<tr>
<td>Liquor, Store/Alcohol Sales</td>
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<tr>
<td>Mobile home, RV, and boat sales</td>
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<tr>
<td>Office-supporting retail, 2,000 sf or less</td>
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<tr>
<td>Office-supporting retail, More than 2,000, up to 5,000 sf</td>
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<tr>
<td>Wine tasting room - off site</td>
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<tr>
<td>Outdoor temporary and/or seasonal sales</td>
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<tr>
<td>Produce stand</td>
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<td>Restaurant</td>
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<tr>
<td>Restaurant with late hour alcohol service</td>
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<tr>
<td>Outdoor BBQ/Grill, accessory to restaurant</td>
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<tr>
<td>Service station (see also “vehicle services”)</td>
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<tr>
<td>Vending machine</td>
<td>ALUF</td>
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<tr>
<td>Warehouse stores - 45,000 sf or less gfa</td>
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<tr>
<td>Warehouse stores - more than 45,000 sf gfa</td>
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</tbody>
</table>

**Key:**
- **MSLU** = Noise Sensitive Land Use (if within 60 db CNEL contour - Figure 13 - See requirements of 17.64.070)
- **UZ** = as allowed in underlying Zone or Specific Plan
## Table 2.24 - Airport Overlay Zone (AOZ) - Maximum Allowed Persons

(Areas within ALUP and outside Specific Plan areas)

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Maximum Allowed Persons per Acre (ALUP - Figure 13)</th>
<th>Specific Use &amp; Noise Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>RPZ</td>
<td>S-1a</td>
</tr>
<tr>
<td><strong>SERVICES - BUSINESS, FINANCIAL &amp; PROFESSIONAL</strong></td>
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<tr>
<td>ATMs</td>
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<tr>
<td>Banks and financial services</td>
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<tr>
<td>Business support services</td>
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<tr>
<td>Medical service - Clinic, laboratory, urgent care</td>
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</tr>
<tr>
<td>Medical service - Doctor office</td>
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<tr>
<td>Medical service - Extended care</td>
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<tr>
<td>Medical service - Hospital</td>
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<tr>
<td>Convalescent hospital</td>
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<td>ALUP</td>
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<tr>
<td>Office - Accessory</td>
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<td>ALUP</td>
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<tr>
<td>Office - Business and service</td>
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<td>ALUP</td>
</tr>
<tr>
<td>Office - Government</td>
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<tr>
<td>Office - Processing</td>
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<tr>
<td>Office - Production and administrative</td>
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<tr>
<td>Office - Professional</td>
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<td>ALUP</td>
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<tr>
<td>Office - Temporary</td>
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<td><strong>SERVICES - GENERAL</strong></td>
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<td>Catering service</td>
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<td>Cemetery, mausoleum, columbarium</td>
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<td>Coping and Quick Finisher Service</td>
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<td>Day care - Day care center (child/adult)</td>
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<td>Day care - Family day care home (small/large)</td>
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<td>Mortuary, funeralhome</td>
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<td>Residential Support Services</td>
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<td>Veterinary clinic/hospital, boarding, small animal, outdoor</td>
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Key:

- **NSLU** = Noise Sensitive Land Use (if within 60 dB CNEL contour - Figure 9 - See requirements of 17.64.070)
- **UZ** = as allowed in underlying Zone or Specific Plan
CITY OF SAN LUIS OBISPO
Title 17 – ZONING REGULATIONS

17.64.050 – Airport Overlay Zone
The safety zone boundaries described within the airport overlay zone are consistent with the adopted San Luis Obispo County regional airport land use plan. (Ord. 1610 § 5 (part), 2014)

17.64.060 – Airspace protection

A. Airspace Protection. Airspace protection standards are intended to reduce the risk of harm to people and property resulting from an aircraft accident by preventing the creation of land use features and prohibition of any activities that can pose hazards to the airspace used by aircraft in flight. Airspace protection standards regarding obstruction and hazards to air navigation are defined in the airport land use plan and apply to land uses and development within the airport overlay zone as summarized below:

1. Objects Affecting Navigable Airspace. Federal Aviation Regulation (FAR Part 77) and Public Utility Code (PUC) Section 21659 require that structures not penetrate the airspace protection surfaces of the airport without a permit from the California Department of Transportation or a determination by the Federal Aviation
Article 2: Zones

Administration (FAA) that the object does not constitute a hazard to air navigation or would not create an unsafe condition for air navigation. The airspace surrounding an airport is divided into segments called “imaginary surfaces,” which identify height limits for objects that require further study by the FAA to avoid creating hazards to air navigation. Structures that have the potential to be considered an obstruction by the FAA shall be subject to the provisions listed in subsections (A)(1)(a) through (c) of this section:

a. Proponents of a project shall file a notice of construction or alteration (Form 7460-1) with the Federal Aviation Administration (FAA) if a proposed structure is more than two hundred 200 feet above ground level or may exceed one foot in height for every one hundred 100 feet from the edge of the nearest point on the runway for a distance up to twenty thousand 20,000 feet. Filing Form 7460-1 with the FAA will initiate an aeronautical study that will ensure a proposed structure does not constitute a hazard to air navigation or would not create an unsafe condition for air navigation, including impeding any en route or terminal (airport) instrument procedures as per the United States Standard for Terminal Instrument Procedures (TERPS) described in FAA Order 8260.3B (Code of Federal Regulations Section 77.29, Evaluating Aeronautical Effect).

b. Approvals for such projects may include the requirement for an avigation easement, marking or lighting of the structure, or modifications to the structure. The avigation easement shall be consistent with the form and content of Exhibit H1 in Appendix H of the California Airport Land Use Planning Handbook.

c. Building permits shall not be issued for a project until a determination of no hazard has been issued by the FAA and any conditions in that determination are met.

2. Other Flight Hazards Prohibited. Any activities within the airport overlay zone (AOZ) which could pose a hazard to flight operations, including but not limited to the following:

a. Glare or distracting lights that could be mistaken for airport lights;

b. Sources of dust, heat, steam, or smoke that may impair pilot vision, or light shows, or laser shows or spotlights;

c. Any emissions that may cause thermal plumes or other forms of unstable air that generate turbulence within the flight path;

d. Sources of electrical interference with aircraft communications or navigation;

e. Features that create an increased attraction for wildlife that may be hazardous to airport operations such as attraction of birds to the extent of creating a significant hazard of bird strikes (examples are outdoor storage or disposal of food or grain, or large, artificial water features; this provision is not intended to prevent enhancement or protection of existing wetlands or the mitigation of wetlands impacts). Features which may pose these risks shall be reviewed for consistency with the FAA’s Advisory Circular 150/5200-33B, Hazardous Wildlife Attractants on or Near Airports; and

f. Entails installation, construction, or enlargement of a structure that constitutes an obstruction to air navigation through penetration of FAA Part 77 surfaces except as may be approved by the Federal Aviation Administration (FAA). (Ord. 1610 § 5 (part), 2014)

17.64.070 – Noise

17.57.070 Noise.
A. **Airport Related Noise.** Noise compatibility standards are intended to prevent the establishment of noise-sensitive land uses in portions of the airport environment that are exposed to significant levels of aircraft noise. Where permitted within the airport overlay zone (AOZ), the following noise-sensitive land uses shall comply with applicable noise exposure criteria:

1. **Noise analysis from the Airport Master Plan Environmental Impact Report (2006), or subsequent noise analysis used to update the airport master plan, shall be used for mapping of the long-term noise impact of the airport’s aviation activity, which includes future planned facilities development depicted in the FAA-approved airport layout plan. These noise contours are shown in Figure 13.2-9 (Airport Noise Contours).**

   a. **New Residential Development.** New residential uses within the 60 dB CNEL contour as depicted in Figure 13.2-9 (Airport Noise Contours) shall demonstrate consistency with maximum noise levels by providing noise analysis, construction details, or other information deemed necessary by the community development director to verify conformance with maximum interior noise levels.

2. **Interior Noise Levels Not to Exceed 45 dB CNEL.** For the following noise-sensitive land uses, aircraft-related, interior noise levels shall not exceed 45 dB CNEL (with windows closed):

   a. Living or sleeping areas of single or multifamily residences;
   b. Hotels and motels;
   c. Hospitals and nursing homes;
   d. Places of worship, meeting halls, and mortuaries; and
   e. Schools, libraries and museums.

3. **Interior Noise Levels Not to Exceed 50 dB CNEL.** For the following noise-sensitive land uses, aircraft-related, interior noise levels shall not exceed 50 dB CNEL (with windows closed):

   a. Office environments;
   b. Eating and drinking establishments; and
   c. Other miscellaneous commercial facilities. (Ord. 1610 §.5 (part), 2014)

17.64.080 — Overflight Notice

17.5764.080 — Overflight notice. Aircraft overflight standards are intended to provide overflight notification for land uses near the San Luis Obispo County regional airport. It shall be the responsibility of all owners of property offered for sale or for lease within the airport overlay zone (AOZ) to provide a disclosure prior to selling or leasing property in San Luis Obispo as specified in the airport land use plan.

All discretionary actions shall include a condition of approval requiring all owners of property offered for sale or for lease within the airport overlay zone to provide the aforementioned disclosure prior to selling or leasing property. For new residential land uses, the overflight notification shall be recorded and appear with the property deed. (Ord. 1610 §.5 (part), 2014)
17.64.090 – Open Land

17.57.090 Open land.

A. Open Land. Open land areas are intended to increase the chances of a pilot successfully landing an aircraft in an emergency situation where they are unable to reach the runway. The city has identified properties to contain open land areas as follows:

1. Airport area specific plan: two hundred fifty acres on the Chevron property with two areas specifically improved to meet ALUC standards; and a three-hundred-foot-wide strip adjacent to Buckley Road (twenty-four acres) on the Avila Ranch site.

2. Margarita area specific plan: two open land areas amid clustered development.

3. Laguna Lake public park open area: outside of AOZ but within the approach surface.

4. Brughelli property easement south of Buckley Road.

5. San Luis Ranch specific plan area, west of Highway 101 and south of Dalidio Drive.

6. City open space areas within the airport overlay zone.

Where open space or conservation easements have been obtained and the topography supports it, the city shall not allow uses to be established that conflict with their availability to be used as a landing option in the event of an emergency. Where easements have yet to be obtained, the city shall explore opportunities to incorporate the requirement for open land as part of the discretionary approval process. Open land areas shall be consistent with ALUP direction for size, orientation, and topography.
Figure 2-29: Airport Noise Contours
Article 2: Zones

(Ord. 1610 § 5 (part), 2014)
(Ord. 1610 § 5 (part), 2014)
Chapter 17.66. Reserved
ARTICLE 3: REGULATIONS AND STANDARDS APPLICABLE TO ALL ZONES

CHAPTER 17.XX. SITE DEVELOPMENT AND GENERAL DEVELOPMENT STANDARDS

ARTICLE 3: REGULATIONS AND STANDARDS APPLICABLE TO ALL ZONES

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 17.70. Site Development and General Development Standards

Sections:

17.70.010 – Accessory Structures
17.70.020 – Reserved
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
17.70.100 – Lighting and Night Sky Preservation
17.70.110 – Lot Area

Applicability of Other Provisions in the Zoning Regulations

17.16.005 – Applicability of other provisions:

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

1. Fire prevention code, Chapter 15.08;
2. Building regulations, Chapter 15.04;
3. Demolition and moving of buildings, Chapter 15.36;
4. Subdivision regulations, Title 16;
5. Building setback line (plan line), Chapter 17.74;
6. Street right-of-way dedication and improvement, Chapter 17.76;
Article 3: Regulations Applicable to All Zones

7. Grading regulations, Section 15.04.040;
8. Architectural review commission, Chapter 2.48;
9. General plan amendment regulations, Chapter 17.80;
10. Sign regulations, Chapter 15.40;
11. Condominium development and conversion regulations, Chapter 17.82;
12. Flood damage prevention regulations, Chapter 17.84;
13. Downtown housing conversion permits, Chapter 17.86;
14. Growth management regulations, Chapter 17.88;
15. Resource deficiency, Chapter 2.44;
17. Affordable housing incentives, Chapter 17.90;
18. On-shore support facilities, Chapter 17.92;
19. Development agreements, Chapter 17.94.

(Ord. 1265 § 2 Ex. A, 1994)

17.70.120 – Lot Coverage

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

1. Solid waste disposal, Chapter 8.04.
2. Hazardous weeds and debris, Chapter 8.08.
3. Nighttime parking of large vehicles, Section 10.36.150.
5. Uniform codes (building regulations), Chapter 15.04.
6. Fire prevention code, Chapter 15.08.

17.70.140 – Public Art Requirements for Private Development
17.70.150 – Rooftop Uses
17.70.160 – Satellite dish antenna, Section 17.16.110.Dish Antenna
B. Where provisions of this chapter conflict with provisions of other applicable laws, including this code, the more restrictive provision shall prevail. (Ord. 1277 § 2 Ex. A, 1995)

Accessory Structures in Residential Zones
17.10.030 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. Structures

A. Purpose and Intent.

1. The purpose of this section is to establish regulations for the development of accessory structures such as a garage, storage shed, or shop building as an approved accessory use.

2. 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.

3. Unpermitted conversion of accessory structures is detrimental to the public health, safety, and welfare of the community.

B. Applicability.

1. This section applies to accessory structures as defined in Section 17.100.010, “Accessory structures,” and provided below:

a. Accessory Application. This Section shall apply to:

   a. New Structures. “Accessory All new structures” are, as defined in the Building Code, located upon 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 may consist of detached structures or additions to primary 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. “Accessory structures” that include habitable space, as defined by the California Building Code, shall be no larger than four hundred fifty square feet. Accessory structures shall comply with the requirements of this section.

2. This section does not apply to legally established dwellings, or secondary dwelling units and guest quarters which are separately defined in Sections 17.21.010 and 17.21.020 respectively.

3. This section does not apply to legally established accessory structures permitted prior to the effective date of the ordinance codified in this chapter (August 14, 2014).

3. **Form.** Accessory structures may consist of detached structures or additions to primary structures.

**C. General Requirements.**

1. Accessory structures shall conform to all applicable zoning regulations such as height, yards, parking, building coverage, etc., and shall be subject to the following provisions:

4. **a. 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. Procedure Process Requirements.**

1. **1. Building Permit.** Development of an accessory structures shall require approval of a building permit from the city’s building division.

2. **2. Design Review.** Plans submitted for a building permit shall be reviewed for consistency with the city’s community design guidelines and architectural review ordinance and general development requirements of the Zoning Regulations.

2. **Additional Requirements.**

3. **a. Owners Agreement with the City.** Prior to the issuance of construction permits, a covenant agreement shall be recorded which 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.

E. **Appeal.** Appeal procedures for this section shall be as provided by Chapter 17.66 (Appeals). (Ord. 1606 § 6 (part), 2014)

17.70.020 – Reserved
17.70.030 – Creek Setbacks
17.16.025 – Creek setbacks.
A. _Purpose._ Creek setbacks are intended to:

1. Protect scenic resources, water quality, and natural creekside habitat, including opportunities for wildlife habitation, rest, and movement;

2. Further the restoration of damaged or degraded habitat, especially where a continuous riparian habitat corridor can be established;

3. Allow for natural changes that may occur within the creek corridor;

4. Help avoid damage to development from erosion and flooding; 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 open space element and shown on that element’s creek map, and only to those creeks.

C. _Measurement of Creek Setbacks._ Creek setbacks shall be measured from the existing top of bank (or the future top of bank resulting from a creek alteration reflected in a plan approved by the city), or from the edge of the predominant pattern of riparian vegetation, whichever is farther from the creek flow line (Figure 5). 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 (for example, the director will not base the setback line on individual trees or branches extending out from the channel or on small gaps in vegetation extending toward the channel). Where riparian vegetation extends over a public street, no creek setback is required on property which is on the side of the street away from the creek.

D. _Plan Information._ The location of top of bank and of riparian vegetation shall be shown on all project plans subject to city approval. The location of these features is subject to confirmation by the community development director, based on observation of actual conditions and, as needed, the conclusions of persons with expertise in hydrology, biology, or geology.

E. _Creek Setback Dimensions._ Different setback dimensions are established in recognition of different parcel sizes and locations of existing structures for areas within the city in comparison with areas 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 twenty 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 twenty 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 city council provides a larger or smaller setback, consistent with the purpose of these regulations and with general plan policies:

   a. Fifty
Article 3: Regulations Applicable to All Zones

1. **50-Foot Setbacks.** The setback along the following shall be **fifty** 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.

2. **Thirty-Five (35)-Foot Setbacks.** The setback along the following shall be **thirty-five** feet: Prefumo Creek; Froom Creek; Brizziolari 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.

3. **Twenty (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 **twenty** 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 this section, by action on a tract or parcel map (whether or not a vesting map), architectural review application, use permit, planned development zoning, or special considerations zoning these regulations, that smaller setback shall remain in effect so long as the approval is in effect.

F. **Items Prohibited within Setbacks.** The following shall not be placed or constructed within a creek setback, except as provided in subsection G of this section: structures; paving; parking lots; in nonresidential zones, areas used for storing or working on vehicles, equipment, or materials.

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 chapter, the following 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 pursuant to 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 17.16.020(E)(D.1)(d)).

   b. **Additional Front or Street Side Setback for New Structure Providing Additional Creek Setback.**

   c. The part of a structure which is nonconforming due solely to the creek setback encroachment may be remodeled without regard to the limits of Section 17.14.020(B) and (C) of this title and Section 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:

   a. **Walls or fences,** provided that in combination with buildings they enclose not more than one-half of the setback area on any development site.

   b. **For a single-family unit dwelling:** uncovered parking spaces, patios.

   c. **Patios and pervious walkways.** (Pedestrian paths however, impervious pedestrian walkways and bicycle paths shall require a discretionary exception as provided in subsection (G)(4) of this section.)

   d. **Decks, stairs, and landings** which are no more than thirty 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 one hundred twenty 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.
Article 3: Regulations Applicable to All Zones

3. **Entitled** Architectural Features. The following architectural features may extend into the setback up to thirty inches: cornices, canopies, eaves, buttresses, chimneys, solar collectors, shading louvers, water heaters and related enclosures, and bay or other projecting windows that do not include usable floor space.

4. **Discretionary** 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 subsection E of this section may be approved by city action on a plan for public facilities approved by the city council or on a specific plan, development plan under planned development zoning, 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 an administrative use permit or a Director’s Hearing.

   c. **Public Notice.** Public notice for a project involving a creek setback exception, regardless of application type, shall include a clear description of the feature or features proposed to receive the exception, and the extent of the exception.

   d. **Findings.** Each 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, regardless of the type of application to which the request is considered:

      i. The location and design of the feature receiving the exception will minimize impacts to scenic resources, water quality, and riparian habitat, including opportunities for wildlife habitation, rest, and movement; and

      ii. The exception will not limit the city’s design options for providing flood control measures that are needed to achieve adopted flood policies; and

      iii. The exception will not prevent the implementation of city-adopted plans, nor increase the adverse environmental effects of implementing such plans; and

      iv. There are circumstances applying to the site, such as size, shape, or topography, which do not apply generally to land in the vicinity with the same zoning, that would deprive the property of privileges enjoyed by other property in the vicinity with the same zoning; and

      v. The exception will not constitute a grant of special privilege—an entitlement inconsistent with the limitations upon other properties in the vicinity with the same zoning; and

      vi.
(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.)

e. Biological Survey. A biological survey by a qualified, independent person shall be required for each discretionary creek setback exception request, to provide the basis for making the finding in subsection (G)(4)(d)(i) of this section required findings above, unless waived by the community development director upon determining that no purpose would be served by such a survey because no biological resources could be affected by the exception.

f. Application Contents. In addition to any other information required for a project application, a request for a creek setback exception shall include the following:

i. A description of the feature or features proposed for exception and the extent of the exception.

ii. A description of potential design changes for the project which would eliminate or reduce the need for the exception.

iii. A statement why an exception is deemed necessary by the applicant.

iv. Mitigation proposed to offset any harmful effects of the exception.

Figure 5
Article 3: Regulations Applicable to All Zones
17.70.040 – Density

A. Determination of Allowed Development.

1. “Density” is the number of dwellings per net acre, measured in density units.  Density Calculation – General. In the AG, C/OS, and R-1 zones, each single-family unit dwelling counts as one density unit. In the other zones, different size dwellings have density unit values as follows:

   a. Studio apartment, 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 = 0.66 unit;
   d. Two-bedroom dwelling = 1.00 unit;
Article 3: Regulations Applicable to All Zones

**d.** Three-bedroom dwelling, = 1.50 units;

**e.** Dwelling with four or more bedrooms, = 2.00 units.

2. The following procedure shall be used to determine 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:

- **i.** Determine the Average Cross-Slope of the Site. “Average cross-slope” is the ratio, expressed as a percentage of the difference in elevation to the horizontal distance between two points on the perimeter of the area for which slope is being determined. The line along which the slope is measured shall run essentially perpendicular to the contours.

<table>
<thead>
<tr>
<th>Average Cross-Slope in %</th>
<th>Maximum Density Allowed (units per net acre)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>R-1</td>
</tr>
<tr>
<td></td>
<td>R-3</td>
</tr>
<tr>
<td>0 – 15</td>
<td></td>
</tr>
<tr>
<td>16 – 20</td>
<td>4</td>
</tr>
<tr>
<td>21 – 25</td>
<td>2</td>
</tr>
<tr>
<td>26+</td>
<td>1</td>
</tr>
</tbody>
</table>

**b. Exceptions.** i. Where a site does not slope uniformly, average cross-slope is to be determined by proportional weighting of the cross-slopes of uniformly sloping subareas, as determined by the community development director.

- **ii.** Cross-slope determinations shall be based on the existing topography of the net site area after subtracting the area for any future on-site grading necessary to accommodate proposed right-of-way improvements and other on-site improvements.

- **iii.** Cross-slope shall be calculated only for the net area as defined in subsection (A)(2)(b) of this section.

- **iv.** When the calculation of cross slope results in a fractional number, it shall be rounded to the next highest whole number if the fraction is one-half or more; otherwise it shall be rounded down to the next lowest whole number.

- **v.** No slope rated density reduction is required in the C/OS, C-R, C-C or PF zones.

- **vi.** The maximum development allowed for each average cross-slope category is as follows:
### Table 1: Maximum Residential Density for Cross-Slope Categories

<table>
<thead>
<tr>
<th>Average Cross-Slope in %</th>
<th>Maximum Density Allowed (density units per net acre)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>R-1</td>
</tr>
<tr>
<td>0–15</td>
<td>7</td>
</tr>
<tr>
<td>16–20</td>
<td>4</td>
</tr>
<tr>
<td>21–25</td>
<td>2</td>
</tr>
<tr>
<td>26+</td>
<td>1</td>
</tr>
</tbody>
</table>

*R-2 zone, see subsection (A)(2)(d)(i) of this section.*

**By approving an administrative use permit, the director may grant 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 **fifteen** percent slope for the appropriate zone. (See also Section 17.1296.020(D), Nonconforming Lots – Regulations.)

**b. Determine the Net Area of the Site.** “Net area” is all the area within the property lines of the site, excluding the following:

i. Street right-of-way dedicated and proposed to be dedicated to the city;
ii. Area between the tops of banks of creeks shown on the open space element creeks map;
iii. Habitat occupied by species listed as endangered or threatened by the U.S. Fish and Wildlife Service or the California Department of Fish and Game, or as plants of highest priority by the California Native Plant Society, unless the community development director determines there is no practical alternative as defined by the general plan;
iv. Area within the drip line of heritage trees designated by the city.

**c. Multiply the resulting area (in whole and fractional acres), multiplied by the maximum density allowed (in density units per acre) according to Table Subsections A.1 of this section.** 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.

i. For a single-family residence (single unit on one lot) located in the medium-density residential zone (R-2), density unit values may be rounded up to the nearest one-half density unit (example: 1.37 = 1.5). Condominiums and common interest subdivisions shall conform to standard R-2 density requirements where maximum density is calculated by rounding to the nearest one-hundredth unit.

**B. Density Transfer.**

**1. 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 17.5048: 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 17.90140: 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.

<table>
<thead>
<tr>
<th>Table 3-2: Edge Condition Zones</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zones Receiving Transition</td>
</tr>
<tr>
<td>Zones Providing Transition</td>
</tr>
</tbody>
</table>

C. **Exceptions.**

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

   1. All construction must conform to current building codes, zoning regulations, and architectural guidelines, except that the previously existing number of dwelling units and size of buildings will be allowed.

   2. A building permit for the replacement structure(s) must be obtained within three years of the date of the damage or destruction.

   3. Notwithstanding the above provisions, application for replacement structures of the same density and size may be denied if the community development director makes one of the following findings:
a. The reconstruction, restoration, or rebuilding will be detrimental or injurious to the health, safety, or general welfare of persons living or working in the neighborhood. 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 17.64, 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 3-2: Edge Conditions Interior Side and Rear Setbacks and Building Height.

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

b. The reconstruction, restoration, or rebuilding will be detrimental or injurious to property and improvements in the neighborhood.

c. The existing nonconforming use of the building or structure would be more appropriately moved to a zone in which the use is permitted.

d. There no longer exists a zone in which the existing nonconforming use is permitted. (Ord. 1571 § 4, 2012; Ord. 1553 § 8, 2010; Ord. 1528 § 3 Ex. A (part), 2009; Ord. 1500 § 3 (part), 2007; Ord. 1437 § 1 (part), 2003; Ord. 1365 § 3 (part), 2000; Ord. 1346 §§ 2 (part), 3 (part), 1999; Ord. 1265 § 2 Ex. A, 1994; Ord. 1310 § 2, 1996)

Fences, Walls, and Hedges

17.16.050 Fences, walls and hedges.

A. Purpose and Application.

A. 1. The purpose of these regulations is to achieve a balance between concerns for privacy and public concerns for enhancement of the community appearance, visual image of the streetscape, overall character of neighborhoods, and to ensure the provision of adequate light, air, and public safety.

B. 2. Application. These regulations apply to any type of visible or tangible obstruction which has the effect of forming a physical or visual barrier between properties or between property lines and the public right-of-way, including but not limited to: any type of artificially constructed barriers of wood, metal, or concrete posts connected by boards, rails, panels, wire or mesh, and any type of natural growth such as hedges and screen plantings.

B.C. Standards for Fences Located within Required Setbacks. Fences, walls or hedges may be placed within required yard setbacks, provided:

Figure 9

1. The maximum height in any street yard shall be as shown in Figure 9; and comply with the following

2. The maximum height in any other yard shall be six feet.
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 3-3: Fence, Wall, and Hedge Height in Front Setbacks. See also Section 17.70.210 (Vision Clearance Triangle at Intersections).

![Figure 3-3: Fence, Wall, and Hedge Maximum Height in Front Setbacks](image)

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 any street side setback, the maximum fence, wall, or hedge height shall be as shown in Figure 3-4: Fence, Wall, and Hedge Height in Street Side Setbacks (Corner Lots). See also Section 17.70.210 (Vision Clearance Triangle at Intersections).

![Figure 3-4: Fence, Wall, and Hedge Maximum Height in Street Side Setbacks (Corner Lots)](image)

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.

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.

a. General. Arbors, trellises, and other similar ornamental features are allowed within a required yard 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.

b. 4. Arbors. Street Side and Front Setback. Up to one such arbor, trellis, or other similar ornamental feature per street frontage may be 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 eighteen 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 fifty percent of the structure to the depth of the required street yard. (See Figure 9.3-5: Arbors in Front and Street Side Setbacks.) Such features within required yard setbacks shall not be connected to another structure or building and. 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 intersection visibility requirements of Section 17.16.020(E)(2) (Vision Clearance Triangle at Intersections).

Figure 9.3-5: 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
C.-D. Standards for Fences Located Outside of Required Setback Areas. Fences, walls, and arbors may be placed outside required yard setbacks, provided:

1. The maximum fence, wall, arbor or hedge height is eight feet.

2. Where the fence, wall or arbor is connected to and a part of the house or building, it may be any height allowed in the underlying zone.

D.-E. Fence Height with Difference in Grade. Fence height is measured from the adjacent grade along the lower side of the wall or fence, directly at the base of the wall or fence.

E.-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 other yards or setbacks, fences shall not exceed six feet as measured from the uphill side may be erected or replaced on top of the retaining walls, and the combined fence and retaining wall height shall not exceed nine feet from the lower side, provided no modification of grade has occurred from the original subdivision improvements and/or design approvals. A building permit is required for the combined fence and retaining wall height exceeding 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).

F. The director may grant exceptions to these standards subject to a finding that no public purpose would be served by strict compliance with these standards.

G. A public notice shall be posted at the site of each proposed fence height exception. If anyone informs the community development department of a reasonable objection concerning the proposed fence height exception within five days of the posting, the director shall schedule a hearing for the application as provided for administrative use permits. If no questions or objections are received by the community development department within five days after posting, the director may issue a letter of approval upon submission of all required information and without further notice or public hearing. (Ord. 1571 §§ 9—12, 2012; Ord. 1553 § 12, 2010; Ord. 1500 § 3 (part), 2007; Ord. 1265 § 2 Ex. A, 1994)
17.16.040 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 the ground under 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. (See Figure 8.) Height measurements shall be based on existing topography of the site, before grading for proposed on-site improvements. (See Figure 3-6: Measurement of Structure Height: Flat Ground and Slopes of Less than 15 Percent.)

![Figure 3-6: Measurement of Structure Height: Flat Ground and Slopes of Less than 15 Percent](image)

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 on-site improvements. (See Figure 3-7 Measurement of Structure Height: Slopes of 16 Percent of Greater.)

![Figure 8](image)
Table 5.5: Maximum Height by Zone

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

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

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

3. **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 17.60.114 (Variances).

D. **Signs.** For height limits of signs, see Chapter 15.40, Sign Regulations. (Ord. 1571 § 8, 2012)
Night Sky Preservation
Chapter 17.23

NIGHT SKY PRESERVATION
Sections:
17.23.010 – 17.70.090 – Hillside Development Standards

Purpose.
17.23.020 – Definitions.
A. 17.23.030 – and Application requirements.

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 17.2370.110 (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 17.70.0.40 Operational.A.2 (Maximum Development Density – Sloped Sites) for maximum density in hillside areas.

b. See Section 17.70.0.90.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 3-8: 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 3-8: Height Limit for Lowest Floor, Decks, and Support Structures](image-url)
   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 semitransparent 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:

Intent. 17.23.050 New development standards.
17.23.060 Temporary lighting.
17.23.070 Nonconforming fixtures.
17.23.080 Exemptions.

1. 17.23.010 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.

D. **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.

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

A. **Purpose.**
To establish ** These outdoor lighting regulations that 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. (Ord. 1527 § 2 Ex. A (part), 2009)

### 17.23.020 Definitions.

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

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

- **Low intensity** means lighting designed to accent architectural features or signs that does not produce glare, such as tubular neon or LED rope lighting. (Ord. 1527 § 2 Ex. A (part), 2009)

### 17.23.030 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 chapter. 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.
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3. Any other information the community development director may determine is necessary to ensure compliance with the provisions of this chapter.

The director may waive any or all of these requirements if compliance can be determined based on available information. (Ord. 1527 § 2 Ex. A (part), 2009)

17.23.040. 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. 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 footcandles at grade on any property within a residential zoning district 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 ten footcandles, 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 ten footcandles, 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 forty footcandles, when measured at finished grade.

      (3) Athletic Fields. The maximum light intensity on a sports field shall not exceed a maintained value of fifty footcandles when measured three feet above grade. Baseball field lighting and lighting for other recreational uses may be increased to a maintained value of one hundred footcandles with approval of the community development director.

   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 is prohibited, unless exempted by subsection F of this Section.
J. (3) Upward Sign Illumination. All upward directed sign lighting, including illumination of billboards, is prohibited, unless exempted by subsection F of this Section 17.23.080.

K. (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 sports Athletic Fields Illumination Hours. Outdoor athletic fields shall not be illuminated after eleven p.m. 11:00 PM, except to conclude a scheduled recreational or sporting event in progress prior to eleven p.m. (Ord. 1553 § 19, 2010; Ord. 1527 § 2 Ex. A (part), 2009) 11:00 PM.

17.23.050D. New development standards.
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.

A.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 10)-3-9: Outdoor Lighting Horizontal Plane. Cutoff fixtures must be installed using a horizontal lamp position. Lighting fixtures should be of a design that complements building design and landscaping, and may require architectural review.

2. Design. Lighting fixtures should be fully shielded or recessed (see Figure 11) of a design that complements building design and landscaping and may require architectural review.
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C.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 twenty-one (21) feet, and wall-mounted lights shall not exceed a height of fifteen (15) feet, measured from the adjacent grade to the bottom of the fixture.
The architectural review commission can approve an exception to these height standards based on specific extenuating circumstances.

**D.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.

**E.** Search lights, laser source lights, or any similar high-intensity light shall be prohibited, except, in emergencies, by police and/or fire personnel, or at their direction, or for purposes of gathering meteorological data. Exceptions may be granted in conjunction with approved temporary lighting. (Ord. 1527 § 2 Ex. A (part), 2009)

**17.23.060 Temporary lighting.**

The community development director may approve temporary lighting that is an exception to the regulations contained in this chapter. The director must make the following findings:

A. The purpose for which the lighting is proposed is not intended to extend beyond thirty days; and

B. The proposed lighting is designed in such a manner as to minimize light pollution and trespass as much as feasible. (Ord. 1527 § 2 Ex. A (part), 2009)

**17.23.070 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 chapter 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 chapter. (Ord. 1527 § 2 Ex. A (part), 2009)

**17.23.080 F. Exemptions.**

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

A. **Neon and Signage Lighting.** Neon and other low-intensity outdoor lighting fixtures used for signage or architectural decoration that are approved through architectural review.

B. **Public Rights-of-Way Lighting.** Outdoor lighting fixtures on public rights-of-way; provided, that measures have been taken to mitigate impacts on surrounding properties and the night sky.

C. **Emergency Aviation Lighting.** Emergency lighting operated by public agencies or for the purpose of aviation safety.

D. **Infrastructure Construction Lighting.** All temporary lighting used for the construction or repair of roadways, utilities, and other public infrastructure.

E. **Nonelectric Lighting.** Nonelectric lighting such as gas lamps or kerosene lanterns.
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F.6. **Temporary and Seasonal Lighting.** Temporary lighting equipment and seasonal lighting equipment, provided, that individual lamps are ten 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.

G. **Accent Lighting.** Accent lighting for architectural features, national flags, statues, public art, signage or other objects of interest provided 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 minimizing spill-light and glare. Accent lighting is subject to the director's approval; and

b. The fixture minimizes spill-light and glare.

H. **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, provided 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 and subject to the director's approval. (Ord. 1527 § 2 Ex. A (part), 2009).

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

17.16.030 Coverage.

A. **Purpose and Application.** As defined in Chapter 17.158 (General Definitions), lot coverage is the ratio of the total

A. **Definition.** "Coverage" means the area of a lot covered by the footprint of all structures, as well as 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, expressed as a percentage of the total lot area. Uncovered decks or porches which are thirty inches or less from the ground shall not be included in the determination of coverage.

![Figure 6]

B. **Application and Exception.** Maximum coverage shall be as provided in the specific property development standards for the various zones in Chapters 17.24 and 17.56 inclusive, except that the planning commission may grant exceptions to maximum coverage for churches, synagogues, temples, etc., in any zone, subject to approval of a use permit through 17.64, inclusive.

![Figure 7]
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 3-11: 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.

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 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 unless the review authority finds that the project enhances the pedestrian environment in the surrounding area or will perform a function or provide a service that is essential or beneficial to the community or City.
   
   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

Chapter 17.98

PUBLIC ART REQUIREMENTS FOR PRIVATE DEVELOPMENT

Sections:
  17.98.010
  A. Purpose.
  17.98.020 — Definitions.
  17.98.030 — Public art account.
  17.98.040 — Applicability.
  17.98.050 — Exceptions.
  17.98.060 — Public art contribution.
  17.98.070 — and Application procedures for placement of required public art on private property.
  17.98.080 — Approval for placement of public art on private property.
  17.98.090 — Application procedure for acceptance of public art donated to the city.
  17.98.100 — Review of application for acceptance of public art donated to the city.
  17.98.110 — Payment of art in-lieu fee.
  17.98.120 — Certificate of occupancy.
  17.98.130 — Ownership of public art.
17.98.140 Removal or alteration of public art.

17.98.010 Purpose.

The City of San Luis Obispo wishes to enhance the cultural and aesthetic environment of the city and to encourage creativity and an appreciation of the arts and our cultural heritage. Through the establishment of a program of public art funded by private development, the City will promote the general welfare through balancing the community’s physical growth and revitalization with its cultural and artistic resources. (Ord. 1372 § 1 (part), 2000)

17.98.020 Definitions.

As used in this chapter:

A. “Art in public places” shall mean public art installed either on or off site, as part of new development, in conformance with the standards set forth in this chapter.

B. “Nonresidential development” shall mean the construction of commercial, mixed use, office and industrial projects, which are not intended for residential purposes.

C. “Public art” shall include, but not be limited to, sculpture, monuments, murals, frescoes, bas-relief, mobiles, drawings, paintings, graphic arts, mosaics, photographs, fountains, decorative arts, ceramics, carving and stained glass located in or on a public place. It does not include landscaping, paving, architectural ornamentation or signs as defined by Chapter 15.40 of this code.

D. “Public art coordinator” shall mean that city employee designated by the city administrative officer to be responsible for the city’s visual arts in public places program.

E. “Public art jury” shall mean an appointed jury of no less than five city residents including, but not limited to, a board member from the San Luis Obispo County arts council, an artist, a business representative, an educator/historian and a city or advisory body representative.

F. “Public place” shall mean city or privately owned land or buildings which are open to the general public on a consistent basis and which are also places of high visibility to the general public.

G. “Total construction costs” shall mean the valuation of the proposed structures or improvements, as calculated based on the most recent Building Valuation Data from the Uniform Building Code (UBC). (Ord. 1372 § 1 (part), 2000)

17.98.030 Public art account.

There shall be an account designated for public art, into which shall be deposited all fees paid pursuant to this chapter. This account shall be maintained by the city finance director and shall be used for the acquisition, installation, and improvement of public art in the city. (Ord. 1372 § 1 (part), 2000)

17.98.040 Applicability.

2. Application. The program described in this chapter is a mandatory program, and the standards specified are minimum standards for compliance. Participation in the program by itself does not qualify project applicants for consideration of increased project density/intensity as discussed in the land use element of the...
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city of San Luis Obispo general plan, Land Use Element of the General Plan. The minimum requirements in this Section apply to:

a. This chapter shall apply to all new nonresidential development, as defined in this chapter, as commercial, office, and industrial projects, parking structures, and the nonresidential portion of mixed-use projects, having a total construction cost of one hundred thousand dollars ($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).

17.98.050
3. Exceptions.

The following development activities shall be exempt from the requirements of this Section 17.98.040:

a. Construction, repair, or alteration of buildings to carry out rehabilitation of private property if that rehabilitation is primarily financed with public funds.

b. Construction, repair, or alteration of buildings to meet City-mandated seismic rehabilitation or fire lateral replacement.

B. (Ord. 1372 § 1 (part), 2000)
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. 17.98.060 Public art contribution.

A. Public Art Contribution.

1. Onsite Contribution. The project applicant shall acquire and install public art approved by a public art jury and the architectural review commission in a public place on or in the vicinity of the development project site. 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 contained in the Uniform Building Code (UBC) unless, in the opinion of the city’s chief 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.

B. Offsite Contribution. As an option, the project applicant may acquire and install public art, approved by a public art jury and the architectural review commission and accepted by the city council, in a city-owned public place not located aton 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 of San Luis Obispo.

C. 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 AD of this section. (Ord. 1372 § 1 (part), 2000)

17.98.080 Approval for placement of public art on private property.

A. Applications completed in accordance with Section 17.98.070 shall be submitted to the community development director 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 and the architectural review commission to adequately evaluate the location of the artwork in relation to the proposed development and its compatibility to the proposed development, including compatibility with the character of adjacent conforming developed parcels and existing neighborhoods.

d. A narrative statement to be submitted to the community development director to demonstrate that the public art will be displayed in an area open and freely available to the general public, or that public accessibility will be provided in an equivalent manner based on the characteristics of the artwork or its placement on the site. (Ord. 1372 § 1 (part), 2000)
Article 3: Regulations Applicable to All Zones

a. 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 architectural review commission and 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. (Ord. 1372 § 1 (part), 2000)

17.98.090 F. Application procedure 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. (Ord. 1372 § 1 (part), 2000)

17.98.100 Review of application for acceptance of public art donated to the city.

A. Prior to the issuance of grading and building permits, the applicant shall submit an application for acceptance of public art donated to the city, pursuant to City, in compliance with subsection D (Public Art Contribution) of this Section and subsection F.1 (Application) of this Section.

b. The community development director shall forward the application to the public art coordinator, who shall convene a public art jury to review the proposed public art, using adopted public art evaluation criteria.

c. Upon the recommendation of the public art jury, the public art application shall be forwarded to the architectural review commission for review by the Director.

d. Upon the recommendation of the architectural review commission, the application shall be forwarded to the city council, which shall have the sole authority to accept, reject, or conditionally accept the donation. (Ord. 1372 § 1 (part), 2000)

17.98.110 G. Process.
1. Payment of art in-lieu fee.

Fee. If the payment of an art in-lieu fee is voluntarily elected, the payment, in an amount equal to the program allocation set forth in subsection D.3 (In-Lieu Contribution) of this Section 17.98.060(C), shall be paid prior to the issuance of a building permit. (Ord. 1372 § 1 (part), 2000)

17.98.120 Certificate of occupancy.

Occupancy. The following requirements must be met prior to the city’s issuance of occupancy permits.

a. A. Full compliance with one of the following:

(1) 1. The approved public art has been placed on the site of the approved project, in a manner satisfactory to the chief building official and the public art coordinator, or

(2) 2. Donation of approved public art has been accepted by the city council; or

(3) 3. In-lieu art fees have been paid.

b. B. If public art has been placed on the site of the approved project, the applicant must execute and record with the county recorder covenants, conditions, and restrictions (CC&Rs), which require the property owner, successor in interest, and assigns to:

(1) 1. Maintain the public art in good condition as required by the city’s public art guidelines;

(2) 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) 3. Maintain liability insurance, including coverage and limits as may be specified by the city’s risk manager. (Ord. 1372 § 1 (part), 2000)

17.98.130 Ownership of public art.

A. All public art placed on the site of an applicant’s project shall remain the property of the applicant; the obligation to provide all maintenance necessary to preserve the public art in good condition shall remain with the owner of the site.

B. Maintenance of public art, as used in this chapter, shall include without limitation, preservation of the artwork in good condition to the satisfaction of the city, protection of the public art against physical defacement, mutilation, or alteration; and securing and maintaining fire and extended coverage insurance and vandalism coverage in an amount to be determined by the city’s risk manager. Prior to placement of approved public art, 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 chapter is declared to be a public nuisance.

C. In addition to all other remedies provided by law, in the event the owner fails to maintain the public art, upon reasonable notice, the city may perform all necessary repairs and maintenance or secure insurance, and the costs shall become a lien against the real property.
Article 3: Regulations Applicable to All Zones

D. 4. All artwork donated to the city shall become the property and responsibility of the city upon acceptance by the city council. (Ord. 1372 § 1 (part), 2000)

17.08.140. Removal or alteration of public art.

A. 1. Public art installed or integrated into a construction project pursuant to the provisions of this chapter shall not be removed or altered without the approval of the city council. If any public art provided on a development project pursuant to the provisions of this chapter is knowingly removed by the property owner without prior approval, the property owner shall contribute funds equal to the development project’s original public art requirement to the city’s public art in-lieu account, or replace the removed artwork with one of comparable value and approved by the city council. If this requirement is not met, the occupancy permit for the project may be revoked by the city upon due notice and an opportunity to be heard. The city may, in addition, pursue any other available civil or criminal remedies or penalties. (Ord. 1372 § 1 (part), 2000)

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, including exceptions allowed by Section 17.060 (Height Measurement and Exceptions).

B. 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.

B. Exceptions.

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. (Ord. 1277 § 2 Ex. A, 1995) All such furniture and accessories located on a roof deck shall be secured as necessary to prevent wind damage or dislocation.

C. 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 compliant.

D. 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
17.16.110 Satellite dish antenna.

A. Purpose. To establish these regulations which are established to regulate the installation of dish-type satellite antennas to help protect public safety and preserve view corridors and neighborhood character.

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

C. Residential Performance Standards. The installation of dish-type antennas may be permitted allowed in all residential zones, subject to the following criteria:

1. Antenna size: Maximum diameter to be ten feet.

2. Setback: No part of a satellite dish antenna may be located in any required street or other yard. Antennas located outside a street yard setback but between the residence and the street are prohibited.

3. Height: Maximum antenna height to be thirteen feet. All satellite dishes higher than side or rear yard fences shall be screened from neighboring properties. Roof-mounted installations or pole-mounted installations attached to eaves are prohibited except by use permit. Any antenna that may block significant views from neighboring buildings or from public areas shall be subject to architectural review.

4. Number: One dish-type satellite antenna is allowed per site, in addition to normal television and radio antennas.

D. Commercial Performance Standards. The installation of dish-type satellite antennas may be permitted in the office, commercial and industrial zones, subject to the following criteria:

1. Installation shall be subject to architectural review in accordance with the adopted architectural review commission ordinance and guidelines.

2. Installations shall not be permitted within street yard.

3. Installations shall be located so as to minimize visibility from adjoining properties and rights-of-way.

E. Exceptions.

1. Dish-type satellite antenna installations that are less than one meter in diameter are exempt from these regulations unless proposed on a historic building.
Article 3: Regulations Applicable to All Zones

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:

1. Installation shall be subject to architectural review in compliance with the adopted Architectural Review Commission ordinance and guidelines.

2. Installations shall not be allowed within setback area of any yard adjacent to a public street.

3. Installations shall be located to minimize visibility from adjoining properties and rights-of-way.

D. **Exceptions.**

1. Dish-type satellite antenna installations that are less than one meter in diameter are exempt from these regulations unless proposed on a historic building. For proposed installations on historic buildings, review by the Architectural Review Commission shall be required.

2. Dish-type satellite antenna installations that cannot meet the performance standards included in subsections CB and DC of this section may be considered if an administrative use permit is obtained as outlined through review by Chapter 17.58, the Architectural Review Commission. Conditions imposed as part of the use permit would typically include requirements to minimize the visibility of the installation, including blockage of significant public and private views of hillsides, city vistas, or open space areas. Acceptable techniques to reduce the visibility of dish installations include use of alternative materials (wire mesh instead of solid surface), painting the dish in a subdued or natural color, and landscaped screening.

F. **Open Space/Conservation Standards.** The installation of dish-type satellite antennas may be permitted in the open space/conservation zone subject to architectural review in accordance with the adopted ARC ordinances and guidelines.

G. **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. (Ord. 1528 § 3 Ex. A (part), 2009; Ord. 1265 § 2 Ex. A, 1994)
Yards
17.16.020 Yards, 17.170 - Setbacks

A. Definitions and Purpose.
1. A "yard" is an area along a property line within which no structures, parking spaces or parking backup spaces may be located, except as otherwise provided in these regulations. Yards

2. These regulations provide for two types of yards:
   a. "Street yard" means a yard adjacent to a local street, state highway or adopted setback line. Frontages on Highway 101 are not street yards.
   b. An “other yard” is any yard other than a street yard (i.e., side and rear yards).

B. Measurement of 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. Street yards shall be measured from the right-of-way line or adopted setback line to the nearest point of the wall of any building.

3. Other yards shall be measured from the property line to the nearest point of the wall of any building.

C. Yard Standards.
1. Street yards Where building height is linked to a minimum setback, that setback shall comply 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 following:

<table>
<thead>
<tr>
<th>Zone</th>
<th>Minimum Street Yard</th>
</tr>
</thead>
<tbody>
<tr>
<td>R-1</td>
<td>20-feet</td>
</tr>
<tr>
<td>R-2</td>
<td>20-feet</td>
</tr>
<tr>
<td>R-3</td>
<td>15-feet</td>
</tr>
</tbody>
</table>
Article 3: Regulations Applicable to All Zones

Table 2: Minimum Street Yards

<table>
<thead>
<tr>
<th>Zone</th>
<th>Minimum Street Yard</th>
</tr>
</thead>
<tbody>
<tr>
<td>R-4</td>
<td>15 feet</td>
</tr>
<tr>
<td>C/QS</td>
<td>20 feet</td>
</tr>
<tr>
<td>O</td>
<td>15 feet</td>
</tr>
<tr>
<td>PF</td>
<td>As provided in zone of adjacent lot*</td>
</tr>
<tr>
<td>C-N</td>
<td>10 feet</td>
</tr>
<tr>
<td>C-C</td>
<td>As provided in zone of adjacent lot*</td>
</tr>
<tr>
<td>C-D</td>
<td>As provided in zone of adjacent lot*</td>
</tr>
<tr>
<td>C-R</td>
<td>As provided in zone of adjacent lot*</td>
</tr>
<tr>
<td>C-T</td>
<td>10 feet</td>
</tr>
<tr>
<td>C-S</td>
<td>See Chapter 17.46</td>
</tr>
<tr>
<td>M</td>
<td>See Chapter 17.48</td>
</tr>
<tr>
<td>BP</td>
<td>See Chapter 17.49</td>
</tr>
</tbody>
</table>

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

2. Other yards shall comply with the following:

Table 3: Minimum Other Yards in R 1 and R 2 Zones

<table>
<thead>
<tr>
<th>Maximum Building Height*</th>
<th>Minimum Required Yard**</th>
</tr>
</thead>
<tbody>
<tr>
<td>A point this high on the roof of a building</td>
<td>Must be at least this far from the property line:</td>
</tr>
<tr>
<td>(feet)</td>
<td>(feet)</td>
</tr>
<tr>
<td>1–12</td>
<td>5.0 (min. in R 1 &amp; R 2)</td>
</tr>
<tr>
<td>13</td>
<td>5.5</td>
</tr>
<tr>
<td>14–15</td>
<td>6.0</td>
</tr>
<tr>
<td>16–17</td>
<td>7.0</td>
</tr>
<tr>
<td>18–19</td>
<td>8.0</td>
</tr>
<tr>
<td>20</td>
<td>8.5</td>
</tr>
<tr>
<td>21–22</td>
<td>9.0</td>
</tr>
</tbody>
</table>
Table 3: Minimum Other Yards in R 1 and R-2 Zones

<table>
<thead>
<tr>
<th>Maximum Building Height*</th>
<th>Minimum Required Yard**</th>
</tr>
</thead>
<tbody>
<tr>
<td>23–24</td>
<td>10.0</td>
</tr>
<tr>
<td>25</td>
<td>10.5</td>
</tr>
<tr>
<td>26</td>
<td>11.0</td>
</tr>
<tr>
<td>27</td>
<td>11.5</td>
</tr>
<tr>
<td>28</td>
<td>12.0</td>
</tr>
<tr>
<td>29</td>
<td>12.5</td>
</tr>
<tr>
<td>30–31</td>
<td>13.0</td>
</tr>
<tr>
<td>32</td>
<td>13.5</td>
</tr>
<tr>
<td>33</td>
<td>14.0</td>
</tr>
<tr>
<td>34</td>
<td>14.5</td>
</tr>
<tr>
<td>35</td>
<td>15.0</td>
</tr>
</tbody>
</table>

* Building heights shall be rounded to the nearest whole foot.
** Yards shall be rounded to the nearest 0.5 foot.

Table 4: Minimum Other Yards in R-3, R-4, O and C-N Zones

<table>
<thead>
<tr>
<th>Maximum Building Height*</th>
<th>Minimum Required Yard**</th>
</tr>
</thead>
<tbody>
<tr>
<td>A point this high on the roof of a building</td>
<td>Must be at least this far from the property line:</td>
</tr>
<tr>
<td>(feet)</td>
<td>(feet)</td>
</tr>
<tr>
<td>1–13</td>
<td>5 (min. yard)</td>
</tr>
<tr>
<td>14–15</td>
<td>5.5</td>
</tr>
<tr>
<td>16–17</td>
<td>6</td>
</tr>
<tr>
<td>18–20</td>
<td>6.5</td>
</tr>
<tr>
<td>21–22</td>
<td>7</td>
</tr>
<tr>
<td>23–24</td>
<td>7.5</td>
</tr>
<tr>
<td>25–26</td>
<td>8</td>
</tr>
<tr>
<td>27–29</td>
<td>8.5</td>
</tr>
<tr>
<td>30–31</td>
<td>9</td>
</tr>
<tr>
<td>32–33</td>
<td>9.5</td>
</tr>
<tr>
<td>34–35 (max. height)</td>
<td>10</td>
</tr>
</tbody>
</table>
Table 4: Minimum Other Yards in R-3, R-4, O and C-N Zones

<table>
<thead>
<tr>
<th>Maximum Building Height*</th>
<th>Minimum Required Yard**</th>
</tr>
</thead>
</table>

*—Building heights shall be rounded to the nearest whole foot.
**—Yards shall be rounded to the nearest 0.5 foot.

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

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

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

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

17.16.020—Yards.

D. What May Occupy Yards.

1. 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.** Components of public utility systems may be located within front and street yard setbacks when approved by the architectural review commission Director's Action.

2. **Fences, Walls, and Hedges.** Fences, walls, and hedges may occupy yard setbacks to the extent provided in Section 17.16.050. Vegetation may also be controlled by the California Solar Shade Control Act.

3. **Arbors and Trellises.** Arbors and trellises may occupy yard setbacks subject to the extent provided in Section 17.16.050. Arbor 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 yard setbacks to the extent provided in those regulations that Chapter.

5. **Architectural Features.** The following and similar architectural features may extend into a required yard setback no more than thirty inches:
   a. Cornices, canopies, eaves, buttresses, chimneys, solar collectors, shading louvers, reflectors, water heater enclosures, and bay or other projecting windows that do not include usable floor space (Figure 1 see Figure 12: Architectural Feature Projections into Required Setbacks).
Uncovered balconies, uncovered porches, or deck extensions may extend into the required yard setback not more than four feet or one-half the required yard 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.

Planters and similar features less than thirty inches above grade in height may be located within the required yard setbacks.

**6. Mechanical Equipment.** Mechanical equipment shall comply with required setbacks, with the following exceptions:

a. Tankless water heaters may encroach into the required side and rear setbacks by 30 inches.

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.

c. All ground-mounted heating and air conditioning equipment shall be set back not less than five feet from any side or rear property line and shall comply with Chapter 9.12 (Noise Control) of the Municipal Code.

**7. Trash Enclosures.** Trash enclosures which have been approved by the architectural review commission process may be located within a required yard 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 of residential properties shall conform to Section 17.055.76.040 (Front Yard Parking). No person shall stop, park, or leave standing any vehicle, whether attended or unattended, within any front or street yard setback or upon any unpaved surface as defined in this section and Section 12.38.040. (Parking and Driveway Standards).
8. Unenclosed Parking Spaces in Other Yards. Side and Rear Setbacks. Unenclosed parking spaces and parking aisles may be located within other yards, side and rear set backs. For residential properties, parking spaces may not be located within the “front yard” area unless consistent with Section 17.17.055.

9. Unenclosed Tandem 76.040 (Front Yard Parking Spaces. For single dwellings required parking may be approved by the director to be in tandem where safe and compatible with the surrounding neighborhood.)

10. Enclosed and Unenclosed Parking Spaces in Front and Street Yard 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 twenty (20) feet from the street right­of­way or setback property line, except as provided in subsection (E)(2)D (Exceptions to Setback Requirements) of this section, or as provided in Section 17.17.055(D). 76.040.D (Single Car Garages and Single Car Parking). In no case shall a parking space encroach on a public sidewalk.

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

11. Landscaping in Setbacks. Required setbacks with City­required 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 3-13: Second Story Setback Allowed Projection).

D. Exceptions to Setback Requirements.

1. Exceptions Entitled to Property May Be Entitled To Due to Physical Circumstances.
Front and/or Street Yards on Corner Lots Recorded Before April 1, 1965. On corner lots in the R-1 and R-2 zones, recorded before April 1, 1965, the street yard along the lot frontage having the longer dimension shall be not less than ten feet, as in Figure 2.

Figure 2

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

Figure 3

c. Street Yard Side Setback Averaging (in Developed Areas). Where these regulations require front and/or street yardside 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 yardside setback shall be the average of the front and/or street yardside setback of the developed lots, but in no case less than ten feet nor more than would otherwise be required. Averaging does not apply to enclosed parking structures.

d. Reduced Front or Street Yardside 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 yardside setback, respectively, shall be reduced by one foot for each one foot of additional creek setback, so long as the front and street yardside setback is at least one-half 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 17.64, 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.

2. Discretionary Exceptions.

a. Reduced Front and Street Yardside Setbacks. Upon approval of a use permit or in conjunction with tandem parking approval, the Director may allow front and/or street yardside
setbacks to be reduced to zero for unenclosed parking spaces. Street yard reductions are not intended to allow for garage conversions. Street yards Front and street side setbacks may be reduced to ten 10 feet for structures, including side-loaded carports. Reductions may be approved for garages where the . However, no driveway in the driveway without overhanging onto the public right-of-way.

b. Variable Street Yards Front Setbacks in Subdivisions. In new residential subdivisions, the entity approving the subdivision review authority may approve variable street yards front setbacks, to be noted on the approved map, provided the average of the yards front setbacks on a block is at least fifteen 15 feet and no yard front setback is less than ten 10 feet. Garages or carports which back directly onto the public right-of-way shall maintain a minimum setback so that 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 doesn't overhang the sidewalk (eighteen and one-half feet) in the driveway without overhanging onto the public right-of-way.

c. Variable Other Yards in Side and Rear Setbacks in New Subdivisions. In new residential subdivisions, the entity approving the subdivision map review authority may approve exceptions to the other yard side and rear setback standards, with the exceptions to be noted on the map, provided a separation of at least ten 10 feet between buildings on adjacent lots will be maintained and an acceptable level of solar exposure will be guaranteed by alternative yard 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 Yard Variations in Previously Subdivided Areas. Upon approval of a use permit Director’s Action, the director Director may allow other yards side and rear setbacks to be reduced to zero under either of the following circumstances:

1. When there exists adequate recorded agreement, to the satisfaction of the City Attorney, running with the land to maintain at least ten 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 which is nonconforming with regard to yard 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 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 yard setback than the main structure;
Article 3: Regulations Applicable to All Zones

(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 yard 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 ten-foot separation easement pursuant to subsection (E)(2)(d)(ii) of this section, above.

All such minor additions and new accessory structures shall comply with applicable provisions of Title 15, Building and Construction (see also Chapter 17.14, Nonconforming Structures).

e. Other Yard Building Height Exceptions. Upon approval of a use permit, the director may allow exceptions to the side and rear setback standards provided in Tables 3, 4, and 5 of subsection (C)(2) of this section, 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 yard 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 17.60114 (Variances). For height limits of signs, see Chapter 15.40, Sign Regulations. 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

17.08.120 Location of pools and pool equipment.

A. A swimming pool shall not be located in a required front or side yard setback area nor in any part of a front yard visible from a public street.
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B. A swimming pool shall not be located within five feet of a property line.

C. Pool equipment shall not be located in a required front yard setback area or that portion of side yard setback area located between the front lot line and the rearmost portion of the main principal building. To minimize the potential impact of noise, equipment shall be located not less than ten feet from any window or other opening into a dwelling or other habitable building on an adjacent property.

D. Pool equipment shall be enclosed or screened from street and adjoining property view 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.
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
17.16.020 Yards (Section E.2.f)

A. Intersection Visibility. At the roadway intersections not controlled by a stop sign or traffic signal, no plant, structure, or other solid object over three feet high which would obstruct visibility may be located within the area indicated in Figure 4.3-14: Intersection Visibility. At controlled intersections, the city engineer may determine visibility requirements for proper sight distance. (Note: Yard requirements may also be modified by variance, Chapter 17.60; planned development, Chapter 17.62; specific plan, Chapter 17.52; or special consideration zone, Chapter 17.56.)

Figure 43-14: Intersection Visibility

17.70.220 – Water-Efficient Landscape Standards
Chapter 17.87
WATER-EFFICIENT LANDSCAPE STANDARDS
Sections:
17.87.010 Definitions.

A. “Certificate of completion” means the document required under Section 17.87.040(C)(1).

B. “Common interest developments” means community apartment projects, condominium projects, planned developments, and stock cooperatives per Civil Code Section 1351.

C. “Ecological restoration project” means a project where the site is intentionally altered to establish a defined, indigenous, historic ecosystem.

D. “Estimated total water use” (ETWU) means the total water used for the landscape.

E. “Homeowner-provided landscaping” means any landscaping either installed by a private individual for a single-family 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.

F. “Hydrozone” means a portion of the landscaped area having plants with similar water needs that are served by a valve or set of valves with the same irrigation schedule.

G. “Irrigation efficiency” means the measurement of the amount of water beneficially used, which is the amount of water stored in the root zone, divided by the amount of water applied. Irrigation efficiency is derived from measurements and estimates of irrigation system characteristics and management practices.

H. “Maximum applied water allowance” (MAWA) means 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 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.

I. “Project applicant” means the individual or entity submitting a landscape and irrigation plan required under this chapter. A project applicant may be the property owner or his or her designee.

J. “Rehabilitated landscape” means 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. (Ord. 1547 § 2 (part), 2010)

17.87.020 Applicability.

A. Applicability.

The provisions of this chapter shall apply to the following landscape projects:
a. New residential, commercial, institutional, and multifamily residential development projects with an aggregate landscape area equal to or greater than five hundred square feet subject to a building permit, plan check, or development review.

b. Rehabilitated landscapes for residential, institutional, commercial, and multifamily residential development projects with a landscape area equal to or greater than two thousand five hundred 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 arboreta 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. C. Projects that fall under the applicable thresholds cited shall submit the following:

   1. Landscape design plan which meets the maximum applied water allowance calculation and design criteria in the city engineering standards uniform design criteria for landscaping and irrigation.
   2. Irrigation design plan which meets the design criteria in the city engineering standards uniform design criteria for landscaping and irrigation. (Ord. 1626 § 1, 2015; Ord. 1547 § 2 (part), 2010)
Article 3: Regulations Applicable to All Zones

...design and irrigation efficiency criteria as described in the city engineering standards uniform design criteria City Engineering Standards Uniform Design Criteria for landscaping and irrigation.

C-3. **Soils Management Report.** In order 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 City Engineering Standards Uniform Design Criteria for landscaping and irrigation.

D-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 City Engineering Standards Uniform Design Criteria for landscaping and irrigation.

E-5. **Stormwater Management.** Stormwater best management practices minimize runoff and increase infiltration, which recharges groundwater and improves water quality. Implementing stormwater best management practices shall be implemented within the landscape and grading design plans to minimize runoff and to increase on-site retention and infiltration are required. Project applicants shall refer to Chapter 12.08 and the city engineering standards City Engineering Standards for stormwater quality requirements. (Ord. 1547 § 2 (part), 2010)

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.

17.87.040D. **Implementation procedures.**

A. 1. **Development Review Application.** For projects that require development review (tentative parcel map, tentative tract, development plan or conditional use permit) Development Review, project applicants shall submit the following documentation:

   a. 1. A completed maximum applied water allowance for the conceptual landscape design.

   b. 2. A conceptual landscape design plan which demonstrates that the landscape will meet the landscape design specifications of the city engineering standards uniform design criteria City Engineering Standards Uniform Design Criteria for landscaping and irrigation.

   c. 3. A conceptual irrigation design plan which describes the irrigation methods and design actions that will be employed to meet the irrigation specifications of the city engineering standards uniform design criteria City Engineering Standards Uniform Design Criteria for landscaping and irrigation.

   d. 4. A grading plan which demonstrates the landscape will meet the specifications of the city engineering standards uniform design criteria City Engineering Standards Uniform Design Criteria for landscaping and irrigation.

B. 2. **Building Application.** Prior to the issuance of a building permit, project applicants shall submit the following:

   a. 1. A completed maximum applied water allowance form (including appendices, city engineering standards and City Engineering Standards) based on the final landscape design plan.
b. 2. A final landscape design plan that includes all the criteria required in the City Engineering Standards Uniform Design Criteria for landscaping and irrigation.

c. 3. A final irrigation plan that includes all the criteria required in the City Engineering Standards Uniform Design Criteria for landscaping and irrigation.

d. 4. 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. 5. A final grading plan that includes all the criteria required in the City Engineering Standards Uniform Design Criteria for landscaping and irrigation.

6. A hydrozone table (appendices, city engineering standards).

C. 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. 1. A certification of completion (including appendices, city engineering standards 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 which has received an approval through the provisions of this chapter Section.

b. 2. 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 City Engineering Standards Uniform Design Criteria for landscaping and irrigation.

c. 3. 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. (Ord. 1547 § 2 (part), 2010)
Chapter 17.72 Parking and Loading

17.72.010 – Purpose and Application

Sections:
17.16.060
17.72.010 – Purpose and Application
17.72.020 – General Provisions
17.72.030 – Required Parking Space Requirements
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

A. Intent. This section is intended to ensure provision of:

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. It is, and to avoid the city’s intent, where 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, to consolidate parking and to minimize the area devoted exclusively to parking and drives when typical demands may be satisfied more efficiently by shared facilities;

B. Shared Parking Reduction. Where two or more uses share common parking and loading areas, the total number of parking spaces required may be reduced by up to ten percent, with approval of an administrative use permit. Where shared parking is located on more than one parcel, affected parties must record an agreement governing the shared parking, to the satisfaction of the director.

C. Mixed-Use Parking Reduction. By approving an administrative use permit, the director may reduce the parking requirement for projects sharing parking by up to twenty percent, in addition to the shared parking reduction, for a total maximum parking reduction of thirty percent, upon finding that the times of maximum parking demand from various uses will not coincide.

D. Mechanical Parking Lifts. In commercial zones and multifamily developments, by approving an administrative use permit, mechanical parking lifts may be used to satisfy all or a portion of vehicle parking requirements. Additional surface parking up to twenty-five percent of the required minimum amount of spaces may be required 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 effectively 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 in a manner compatible with the character of onsite and surrounding development; and, in new developments, mechanical lift parking shall comply with community design guidelines and be compatible and appropriately considered with overall building and site design.

3. Mechanical lift parking systems shall comply with all development standards including but not limited to height and setback requirements, and parking and driveway standards with the exception of minimum parking stall sizes which are established by lift specifications.

4. There exists land uses; Ensure that adequate agreement running with the land that mechanical parking systems will be safely operated and maintained in continual operation with the exception of limited periods of maintenance.

5. There are no circumstances of the site or development, or particular model or type of mechanical lift system, which could result in significant impacts to those living or working on the site or in the vicinity.

5. E. Automobile Trip Reduction. By approving an administrative use permit, the director may reduce the parking requirement for projects implementing non-auto travel, particularly for commuting, when it can be demonstrated that reduction of on-site parking will be safe, and will not be detrimental to the surrounding area or cause a decline in quality of life. The applicant shall provide reasonable justification for the reduction, including innovative project design, transportation demand management (TDM), or incentives, which will reduce single-occupant vehicle travel to and from the site. These may include, but are not limited to, programs such as carsharing, employer-paid transit passes, cashouts (i.e., trip reduction incentive plans), or off-peak work hours.

F. Off-Site Parking. The director may, by approving an administrative use permit, allow some or all of the required parking to be located on a site different from the use. Such off-site parking shall be within a zone where the use is allowed or conditionally allowed, or within an office, commercial or manufacturing zone. It shall be within three 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.

G. Bicycle and Motorcycle Spaces. Each use or development which requires ten or more spaces shall provide facilities for parking bicycles and motorcycles as follows:

1. Motorcycle Spaces. Parking for motorcycles shall be provided at the rate of one space for each twenty car spaces. Projects that provide more motorcycle spaces than required may reduce the required car spaces at the rate of one car space for each five motorcycle spaces, up to a ten percent reduction, subject to the approval of the community development director.

2. Bicycle Spaces. Parking for bicycles shall be provided in accordance with Table 6.5. All bicycle spaces shall be located at the ground floor level. Additional city standards and guidelines for bicycle parking can be found in the city's engineering standards, community design guidelines, and bicycle transportation plan. Projects which provide more bicycle and/or motorcycle spaces than required may reduce the required car spaces at the rate of one car space for each five bicycle spaces, up to a ten percent
reduction, subject to the approval of the community development director. All bicycle parking that exceeds the required number of spaces shall be apportioned between short-term and long-term bicycle spaces as stipulated by Table 6.5. Any additional bicycle parking provided for residential uses shall be covered.

H. Downtown Core. Within the downtown-commercial (C-D) zone, the following parking standards and incentives shall apply:

1. Parking space reductions noted in subsections B through F of this section shall not be applicable in the C-D zone, as the reduced parking rates established herein are intended to provide flexibility in meeting parking requirements and rely on the consolidation of parking.

2. Restaurants, sandwich shops, take out food, bars, taverns, night clubs, other food service or entertainment establishments, theaters, auditoriums, convention halls, and churches: One-half that required in Table 6; provided, however, that in no case the requirement shall exceed one space per three hundred fifty square feet gross floor area.

3. Dwellings, motels, hotels and bed and breakfast inns: One-half that required in Table 6. In order to support and encourage residential uses in the C-D zone, additional options for meeting parking requirements for residential uses are available as listed in subsection (H)(7) of this section.

4. All other uses: One space per five hundred square feet gross floor area.

5. In determining the total number of required spaces, all fractions shall be rounded to the nearest whole number. Fractions of one-half or greater shall be rounded to one; fractions less than one-half shall be rounded to zero.

6. For existing buildings, only the parking needed for additions thereto or for changes in occupancy which increase parking requirement relative to prior uses shall be required.

7. The parking space requirement may be met by:
   a. Providing the required spaces on the site occupied by the use.
   b. The director may, by approving an administrative use permit, allow some or all of the parking to be located on a site different from the use. Such off-site parking shall not be within a residential zone. It shall be within reasonable walking distance and no greater than five 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.
   c. Participating in a commonly held and maintained off-site parking lot where other businesses maintain their required spaces.
   d. Participating in a parking district that provides parking spaces through a fee or assessment program.
   e. Participating in an in-lieu fee program as may be established by the city council. Any parking agreement approved prior to adoption of the parking standards contained in subsections (H)(1) through (3) of this section may be adjusted to conform with those standards, subject to approval by the community development director and city attorney.
   f. In order to facilitate housing development in the downtown, the director may reduce the parking requirement for any residential element of a project in the C-D zone by ten percent or one space, whichever is greater. In allowing this reduction, the director may require a vehicle trip reduction plan be submitted for approval and such other conditions deemed necessary to reduce parking demand. Requests for parking reductions greater than ten percent shall be reviewed by the planning commission and shall require a use permit. In granting such additional reduction, the commission must find that the increased demand for parking in the downtown resulting from the
project is not significant due to such considerations as the project’s design, location, size or other features. The commission may require a trip reduction plan and other conditions deemed necessary to reduce parking demand.

6. I. 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 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 section, the indicated minimum number of off-street parking spaces located on the site of the use shall be provided.

The right to occupy and use any premises shall be contingent on preserving the required parking and maintaining its availability to the intended users, including residents, staff, and/or customers. In no case may required parking spaces for a use be rented or leased to off-site uses or used for other purposes, unless allowed by subsection D (Unbundling Parking) of this Section.

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

J-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, and that decision may be appealed to the Planning Commission.

K-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. When 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 calculation of required onsite parking results in a fractional number, it spaces and loading spaces shall be rounded equal to the next highest whole sum of the requirements calculated separately for each use unless a reduction is approved pursuant to Section 17.72.050 (Parking Reductions).

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 if the fraction is of onsite parking spaces stated in this Section and Table 3-4: Parking Requirements by Use.

<table>
<thead>
<tr>
<th>Type of Land Use</th>
<th>Number of Off-Street Parking Spaces Required</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>AGRICULTURE</strong></td>
<td></td>
</tr>
<tr>
<td>Agricultural Accessory Structure</td>
<td>No requirement</td>
</tr>
<tr>
<td>Animal Husbandry and Grazing</td>
<td>No requirement</td>
</tr>
<tr>
<td>Community Garden</td>
<td>No requirement</td>
</tr>
<tr>
<td>Crop production</td>
<td>No requirement</td>
</tr>
<tr>
<td>Greenhouse/Plant Nursery, Commercial</td>
<td>No requirement</td>
</tr>
<tr>
<td>Livestock feed lot</td>
<td>As provided in approved use permit.</td>
</tr>
<tr>
<td><strong>INDUSTRY, MANUFACTURING &amp; PROCESSING, WHOLESALING</strong></td>
<td></td>
</tr>
<tr>
<td>Bakery, wholesale</td>
<td>Same as Manufacturing – Light</td>
</tr>
<tr>
<td>Fuel Dealer (propane, etc.)</td>
<td>One per 500 square feet indoor sales/storage area plus one space per 1,000 square feet outdoor sales/storage area</td>
</tr>
<tr>
<td>Furniture and fixtures manufacturing, cabinet shop</td>
<td>Same as Manufacturing – Light</td>
</tr>
<tr>
<td>Handicraft Manufacturing</td>
<td>1 space per 1,000 sf</td>
</tr>
<tr>
<td>Laboratory - Medical, Analytical, Research, Testing</td>
<td>One space per 300 square feet gross floor area 1 space per 1,000 sf of combined laboratory and office space</td>
</tr>
<tr>
<td>Laundry, dry cleaning plant</td>
<td>One space per 500 square feet gross floor area</td>
</tr>
<tr>
<td>Category</td>
<td>Requirement</td>
</tr>
<tr>
<td>----------------------------------------------</td>
<td>--------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Manufacturing - Heavy</td>
<td>One space per 500 square feet gross floor area.</td>
</tr>
<tr>
<td>Manufacturing - Light</td>
<td>One space per 300 square feet accessory, office area plus one space per 300 square feet to 600 square feet manufacturing floor area, to be determined by Director according to employment characteristics of each use, plus one per 1,500 square feet outdoor manufacturing area, one space per 1,000 sf, plus any required spaces for dedicated office area.</td>
</tr>
<tr>
<td>Petroleum product storage and distribution</td>
<td>One space per 300 square feet office area plus one space per 500 square feet indoor storage area one space per 2,000 square feet outdoor storage area.</td>
</tr>
<tr>
<td>Photo and film processing lab</td>
<td>One space per 300 square feet gross floor area.</td>
</tr>
<tr>
<td>Printing and publishing</td>
<td>One space per 300 square feet gross floor area.</td>
</tr>
<tr>
<td>Recycling</td>
<td></td>
</tr>
<tr>
<td>Recycling - Small Collection Facility</td>
<td>None required</td>
</tr>
<tr>
<td>Industrial Research and development</td>
<td>As provided in approved use permit</td>
</tr>
<tr>
<td>Recycling facilities – Scrap and dismantling yard Salvage and Wrecking</td>
<td>One space per 500 square feet gross floor area plus one space per 10,000 square feet outdoor storage area, but in no case less than 4 spaces one space per 500 sf of office space, plus 1 space per 0.5 acre of gross outdoor use area.</td>
</tr>
<tr>
<td>Warehousing, Storage, and Distribution</td>
<td></td>
</tr>
<tr>
<td>Storage Yard Outdoor Storage</td>
<td>One space per 2,000 square feet gross floor area one space per 1,500 sf of outdoor storage area.</td>
</tr>
<tr>
<td>Storage – Personal Storage facility</td>
<td>As provided in approved use permit</td>
</tr>
<tr>
<td>Warehousing and Indoor Storage</td>
<td>One space per 300 square feet office area plus one space per 1,500 square feet indoor storage area one space per 1,500 sf of combined storage area and office space.</td>
</tr>
<tr>
<td>Wholesaling and distribution</td>
<td>One space per 300 square feet office area plus one space per 1,000 square feet indoor sales/storage area plus one space per 2,000 square feet outdoor sales area one space per 1,000 sf of combined storage area and office space.</td>
</tr>
<tr>
<td>Food bank/packaged food distribution center</td>
<td>One space per 300 square feet of office plus one space per 1,500 square feet of indoor storage.</td>
</tr>
<tr>
<td>LODGING</td>
<td></td>
</tr>
<tr>
<td>Bed and Breakfast Inn</td>
<td>One per room or group of rooms to be occupied as a suite, plus two for resident manager’s quarters, one space per room.</td>
</tr>
<tr>
<td>Homeless shelter</td>
<td>Two spaces for the facility plus one space for each six occupants at maximum allowed occupancy.</td>
</tr>
<tr>
<td>Hostel</td>
<td>One space per five beds, plus one for manager. When the hostel is part of a residence, one space per five beds, in addition to two spaces for the residence, 1 space per lodging room.</td>
</tr>
<tr>
<td>Hotels and Motels</td>
<td>One per room or group of rooms to be occupied as a suite, plus two for resident manager’s quarters, plus eating/assembly area requirements, 1 space per room, plus any spaces required for conference/meeting facilities and dining facilities.</td>
</tr>
<tr>
<td>Recreational vehicle (RV) park accessory to hotel, motel, RV Parks</td>
<td>As provided in approved use permit.</td>
</tr>
<tr>
<td>PUBLIC AND ASSEMBLY USES</td>
<td></td>
</tr>
<tr>
<td>Club, lodge, private meeting hall</td>
<td>One space per 300 square feet office area plus one space per four fixed seats or one space per 40 square feet seating area without fixed seats, in the largest assembly room.</td>
</tr>
<tr>
<td>Library, museum Cultural Institutions</td>
<td>One space per 500 square feet storage/display area plus government office and meeting room requirements live Theater: 1 space per 100 sf, all other uses 1 space per 400 sf of public assembly area.</td>
</tr>
<tr>
<td>Library, branch facility</td>
<td>As provided in approved use permit</td>
</tr>
<tr>
<td>Hospitals and Clinics</td>
<td></td>
</tr>
<tr>
<td>Clinic, laboratory, urgent care</td>
<td>Medical, dental, and other health services: one per 200 square feet gross floor area, one space per room.</td>
</tr>
<tr>
<td>Hospital</td>
<td>One space per bed.</td>
</tr>
</tbody>
</table>
# Article 3: Regulations Applicable to All Zones

<table>
<thead>
<tr>
<th>Medical service - Extended care</th>
<th>One space per four beds (adult), one space per five juvenile occupants.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Convalescent hospital</td>
<td>Same as Medical service - Extended care.</td>
</tr>
<tr>
<td>Park, playground, Park and Recreation Facilities</td>
<td>One space per 250 square feet spaces per acre of park space and one space per 200 sf indoor recreational facilities.</td>
</tr>
<tr>
<td>Public Assembly Facilities</td>
<td>One space per four fixed seats (one space per 40 square feet of assembly area without fixed seats) or one space per 100 sf.</td>
</tr>
<tr>
<td>Religious Assembly Facilities</td>
<td>One space per four fixed seats (one space per 40 square feet of seating area without fixed seats) in largest assembly room, one space per 100 sf.</td>
</tr>
<tr>
<td>School - Boarding school, elementary, middle, secondary</td>
<td>As provided in approved use permit.</td>
</tr>
<tr>
<td>Schools - Colleges, university campus</td>
<td>As provided in approved use permit 2 spaces per classroom plus 1 space per 300 sf of assembly or common area.</td>
</tr>
<tr>
<td>School - College, university - Satellite classroom facility</td>
<td>One space per 50 square feet per classroom floor area.</td>
</tr>
<tr>
<td>Schools - Primary and Middle elementary, middle</td>
<td>As provided in approved use permit 2 spaces per classroom plus 1 space per 300 sf of assembly or common area.</td>
</tr>
<tr>
<td>Secondary, High School</td>
<td>5 spaces per classroom plus 1 space per 300 sf of assembly or common area.</td>
</tr>
<tr>
<td>Schools - Specialized Education/Training</td>
<td>Schools - Trade Schools One space per 50 square feet per classroom floor area; 2 spaces per classroom plus 1 space per 300 sf of assembly or common area.</td>
</tr>
<tr>
<td>Special Event</td>
<td>One space per 500 square feet or as provided in approved use permit.</td>
</tr>
<tr>
<td>Sports and active recreation facility</td>
<td>One space per 100 square feet of play surface.</td>
</tr>
<tr>
<td>Sports and entertainment assembly facility</td>
<td>As provided in approved use permit.</td>
</tr>
</tbody>
</table>

## RESIDENTIAL USES

<table>
<thead>
<tr>
<th>General Residential Housing Types</th>
<th>One space per 0.75 bedrooms per dwelling, one space for every two employees providing on-site services to residents.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-Unit Dwellings, Detached</td>
<td>One space per 0.75 spaces per bedroom (no requirement for Accessory Dwelling Units), plus 1 guest parking space per 5 units in a tract development.</td>
</tr>
<tr>
<td>Multi-family Unit Residential-dwellings</td>
<td>One space per bedroom plus 0.5 space per each additional bedroom in a unit, plus 1 guest parking space per 5 units.</td>
</tr>
<tr>
<td>Caretaker quarters</td>
<td>Two spaces per dwelling.</td>
</tr>
<tr>
<td>Continuing Care Community</td>
<td>Same as dwelling type, plus 2 spaces for every two employees providing on-site services to residents.</td>
</tr>
<tr>
<td>Convents and Monasteries</td>
<td>One space per five occupants.</td>
</tr>
<tr>
<td>Elderly and Long-Term Care</td>
<td>2 spaces for the owner-manager plus 1 for every 5 beds and 1 for each nonresident employee.</td>
</tr>
<tr>
<td>Daycare - Family Day Care Home (Small)</td>
<td>Small family day care – same as for “Dwellings.” Large family day care – One space plus required residential parking.</td>
</tr>
<tr>
<td>Daycare - Family Day Care Home (Small and Large)</td>
<td>Same as dwelling type, plus 1 space for every two employees providing on-site services to residents, as applicable.</td>
</tr>
<tr>
<td>Fraternities and Sororities</td>
<td>Same as for “Dwellings.” Large family day care – One space plus required residential parking.</td>
</tr>
<tr>
<td>Residential Hospice In-Patient Facility</td>
<td>Same as dwelling type, plus 1 space for every two employees providing on-site services to residents.</td>
</tr>
<tr>
<td>High-occupancy residential use</td>
<td>The parking requirement shall be greater of: (1) the number of spaces required for dwellings, or (2) one 1 off-street parking space per adult occupant, less one.</td>
</tr>
<tr>
<td>Live/work units</td>
<td>Two spaces per unit.</td>
</tr>
<tr>
<td>Mobile Home Park</td>
<td>1.5 to 1.25 spaces per unit; one space to be with each unit.</td>
</tr>
<tr>
<td>Residential Care Facilities - 6 or fewer residents</td>
<td>Same as Rest home None in addition to what is required for the residential use.</td>
</tr>
<tr>
<td>Residential Care Facilities - 7 or more residents</td>
<td>Same as Rest home 2 spaces for the owner-manager plus 1 for every 5 beds and 1 for each nonresident employee.</td>
</tr>
<tr>
<td>USE</td>
<td>Parking Requirements</td>
</tr>
<tr>
<td>-------------------------</td>
<td>--------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td><strong>Rest home</strong></td>
<td>One space per four beds (adult), one space per five juvenile occupants</td>
</tr>
<tr>
<td>Supportive and/or Transitional Housing, with On or Off-Site Services</td>
<td>Same as dwelling type, plus 1 space for every two employees providing off-site services to residents</td>
</tr>
<tr>
<td><strong>Work/live units</strong></td>
<td>Two spaces per unit</td>
</tr>
</tbody>
</table>

**MIXED USES**

| Mixed-use project Development | Same as Multi-family dwellings As required for each separate use in the mixed-use development |

**COMMERCIAL USES**

<p>| 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 clinic/hospital/boardingServices, Large Animal | One space per 500 square feet gross floor area                                      |
| Veterinary clinic/hospital/boardingServices, Small Animal, indoor | One space per 300 square feet gross floor area                                      |
| Veterinary clinic/hospital/boarding, small animal, outdoor     | One space per 300 square feet gross floor area                                      |
| Banks and Financial Institutions |                                                                                   |
| ATMs                          | No requirement                                                                    |
| Banks and Credit Union financial services | One space per 300 square feet gross floor area                                        |
| Check Cashing Shops/Payday Loans | One space per 200 square feet gross floor area                                        |
| Business Support Services     | One space per 300 square feet gross floor area                                      |
| Cemetery, mausoleum, columbarium | One space per 500 square feet of building area, 1 space per 4 acres                 |
| Commercial recreation facility - Outdoor | One space per 500 square feet outdoor use area                                   |
| Commercial Recreation facility - Indoor Large Scale | One space per 300 square feet gross floor area, 1 space per 200 sf of indoor space, 1 space per 500 sf of outdoor space |
| Fitness/health facility, Commercial Recreation - Small Scale | 1 space per 200 sf of indoor space, 1 space per 500 sf of outdoor space             |
| Day Care Center (child/adult) | Two spaces plus one per 14 clients, 1 space per 500 sf of indoor space              |
| Eating and Drinking Establishments |                                                                                   |
| Bars, Nightclubs, and Taverns | One space per 100 square feet customer use area or commercial sales area per 100 square feet of food preparation area, 1 space per 100 sf, including any food preparation/service and entertainment area |
| Nightclub                     | One space per 200 square feet gross floor area                                      |
| Restaurant                    | One space per 60 square feet customer-use area, including waiting, seating, counter service areas and dancing areas, plus one space per 100 square feet food preparation area, including counter space, pantry, storage and dishwashing areas. Walls, halls, restrooms, and dead storage areas do not count as either customer use or food preparation area, 1 space per 100 sf of total restaurant area, including any food preparation/service area |
| Restaurant with late hour alcohol service | Same as Restaurant                                                                   |
| Wine-tasting room – off-site   | One space per 200 square feet gross floor area                                      |</p>
<table>
<thead>
<tr>
<th>Classification</th>
<th>Description</th>
<th>Minimum Space Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Food and Beverage Sales</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Groceries, specialty foods General Market</td>
<td>One space per 200 square feet gross floor area</td>
<td>1 space per 250 sf</td>
</tr>
<tr>
<td>Convenience Store</td>
<td>Two spaces for employee parking, plus one space per 500 square feet of gross floor area and a minimum of five bicycle parking spaces shall be provided per business</td>
<td>1 space per 250 sf</td>
</tr>
<tr>
<td>Produce Stand</td>
<td>One space per 300 square feet gross floor area</td>
<td></td>
</tr>
<tr>
<td>Liquor Store/Alcohol Sales</td>
<td>One space per 200 square feet gross floor area</td>
<td>1 space per 250 sf</td>
</tr>
<tr>
<td>Catering services Food Preparation (no on-site sales or service)</td>
<td>One space per 100 square feet food preparation area</td>
<td>1 space per 1,500 sf</td>
</tr>
<tr>
<td>Mortuary, Funeral Parlors and Internment Services</td>
<td>One space per four fixed seats or one space per 40-80 square feet of assembly area, whichever is greater</td>
<td></td>
</tr>
<tr>
<td>Studio - Art, Dance, Martial Arts, Music, etc. Instructional Services</td>
<td>One space per 200 square feet gross floor area</td>
<td>1 space per 300 sf</td>
</tr>
<tr>
<td>Maintenance and Repair Services service, client site services</td>
<td>One space per 300 square feet gross floor area</td>
<td>1 space per 600 sf, plus 1 space for each vehicle</td>
</tr>
<tr>
<td>Repair service - Equipment, large appliances, etc.</td>
<td>One space per 500 square feet gross floor area</td>
<td></td>
</tr>
<tr>
<td>Office - Accessory</td>
<td></td>
<td>As required for principal use</td>
</tr>
<tr>
<td>Offices</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Office - Business and service Business and Professional Offices</td>
<td>One space per 300 square feet gross floor area</td>
<td>1 space per 300 sf</td>
</tr>
<tr>
<td>Medical and Dental Offices service - Doctor office</td>
<td></td>
<td>1 space per 300 sf</td>
</tr>
<tr>
<td>Office - Government</td>
<td>One space per 300 square feet gross floor area</td>
<td>Meeting rooms: one per four fixed seats or one per 40 square feet of seating area, whichever is greater</td>
</tr>
<tr>
<td>Office - Processing</td>
<td>One space per 200 square feet gross floor area</td>
<td></td>
</tr>
<tr>
<td>Office - Production and administrative</td>
<td>One space per 300 square feet gross floor area</td>
<td></td>
</tr>
<tr>
<td>Office - Professional</td>
<td>Medical, dental and other health services: one per 200 square feet gross floor area. All others: one space per 300 square feet gross floor area.</td>
<td></td>
</tr>
<tr>
<td>Personal Services</td>
<td>One space per 200 square feet gross floor area</td>
<td>1 space per 300 sf</td>
</tr>
<tr>
<td>Residential Support Services</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Retail Sales</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Building and landscape Materials sales and Services - Indoor</td>
<td>One space per 300 square feet office area plus one space per 500 square feet indoor sales area plus one space per 2,000 square feet warehouse area</td>
<td>1 space per 1,000 sf of indoor space</td>
</tr>
<tr>
<td>Building and landscape Materials sales and Services - Outdoor</td>
<td>One space per 300 square feet office area plus one space per 500 square feet indoor sales area plus one space per 2,000 square feet warehouse or outdoor sales area</td>
<td>1 space per 1,500 sf of outdoor space</td>
</tr>
<tr>
<td>Equipment rental</td>
<td>One space per 300 square feet office area plus one space per 500 square feet indoor display/storage plus one per 2,000 square feet outdoor display/storage</td>
<td></td>
</tr>
<tr>
<td>General retail — More than 2,000 sf, up to 15,000 sf</td>
<td>One space per 300 square feet gross floor area</td>
<td></td>
</tr>
<tr>
<td>General retail — More than 15,000 sf, up to 45,000 sf</td>
<td>One space per 300 square feet gross floor area</td>
<td></td>
</tr>
<tr>
<td>General retail — More than 45,000 sf, up to 60,000 sf</td>
<td>A maximum of one space per 200 square feet gross-floor area, with the exception for more spaces if structured multilevel parking is used</td>
<td></td>
</tr>
<tr>
<td>Extended hour retail</td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Retail — 2,000 sf or less</td>
<td>One space per 300 square feet gross floor area</td>
<td>1 space per 300 sf</td>
</tr>
<tr>
<td>Large-Scale Retail</td>
<td>General retail — More than 60,000 sf, up to 140,000 sf</td>
<td>A maximum of one space per 200 square feet gross-floor area, with the exception for more spaces if structured multilevel parking is used</td>
</tr>
<tr>
<td>Farm supply and feed store Nurseries and Garden Centers</td>
<td>One space per 500 square feet indoor sales/storage area plus one space per 2,000 square feet outdoor sales/storage area</td>
<td>1 space per 500 sf of floor area, plus 1 space per 2,000 sf of outdoor display area</td>
</tr>
<tr>
<td>Furniture, furnishings, and appliance stores</td>
<td>One space per 300 square feet gross floor area</td>
<td></td>
</tr>
<tr>
<td>Photographer, photographic studio</td>
<td>One space per 200 square feet gross floor area</td>
<td></td>
</tr>
<tr>
<td>Warehouse stores — 45,000 sf or less gfa</td>
<td>Minimum one space per 300 square feet gross floor area</td>
<td></td>
</tr>
<tr>
<td>Warehouse stores — more than 45,000 sf gfa</td>
<td>A maximum of one space per 200 square feet gross floor area, with the exception for more spaces if structured multilevel parking is used</td>
<td></td>
</tr>
<tr>
<td>Social Service Organization</td>
<td>One space per 300 square feet gross floor area</td>
<td></td>
</tr>
<tr>
<td>-----------------------------</td>
<td>-----------------------------------------------</td>
<td></td>
</tr>
<tr>
<td>Theaters</td>
<td>One space per four seats; 1 space per 100 sf</td>
<td></td>
</tr>
<tr>
<td>Theater - Drive-In</td>
<td>No requirement</td>
<td></td>
</tr>
<tr>
<td>Office-Supporting Retail, 2,000 sf or less</td>
<td>One space per 300 square feet gross floor area</td>
<td></td>
</tr>
<tr>
<td>Office-Supporting Retail, More than 2,000, up to 5,000 sf</td>
<td>One space per 300 square feet gross floor area</td>
<td></td>
</tr>
<tr>
<td>Vehicle Sales and Services</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Auto and Vehicle Sales and Rental</td>
<td>One space per 300 square feet office area, plus one space per 2,000 square feet outdoor sales area</td>
<td></td>
</tr>
<tr>
<td>Large Vehicle, Construction and Heavy Equipment Sales, Service</td>
<td>One space per 300 square feet office area plus one space per 500 square feet parts sales service area plus one space per 2,000 square feet outdoor sales area</td>
<td></td>
</tr>
<tr>
<td>Mobile Home, RV, and Boat Sales</td>
<td>One space per 300 square feet office area plus one space per 500 square feet parts sales service area plus one space per 2,000 square feet outdoor sales area</td>
<td></td>
</tr>
<tr>
<td>Service/Fueling Stations (see also &quot;Vehicle services&quot;)</td>
<td>One space per 300 square feet office area plus one space per 500 square feet parts sales service area plus one space per 2,000 square feet outdoor sales area</td>
<td></td>
</tr>
<tr>
<td>Auto Parts Sales, With Installation</td>
<td>One space per 500 square feet gross floor area</td>
<td></td>
</tr>
<tr>
<td>Auto Parts Sales, Without Installation</td>
<td>One space per 500 square feet gross floor area</td>
<td></td>
</tr>
<tr>
<td>Vehicle Services - Major Repair/Body Work</td>
<td>One space per 500 square feet gross floor area; 1 space per 500 sf of non-service bay floor area and 2 spaces per service bay</td>
<td></td>
</tr>
<tr>
<td>Vehicle Services - Minor Repair/Maintenance</td>
<td>One space per 500 square feet gross floor area; 1 space per 500 sf of non-service bay floor area and 2 spaces per service bay</td>
<td></td>
</tr>
<tr>
<td>Vehicle Services - Washing</td>
<td>Two 1 spaces plus sufficient waiting line(s) or two 2 spaces plus washing area(s)</td>
<td></td>
</tr>
<tr>
<td>Freight/Truck Terminals</td>
<td>One space per 300 square feet office plus one space per 1,000 square feet garage/warehouse area and 1 space per 1,500 sf of indoor space</td>
<td></td>
</tr>
<tr>
<td>Ambulance, Taxi and/or Limousine Dispatch, Night Fleet-Based Services</td>
<td>Three spaces per emergency vehicle; 1 space per 1,000 square feet of indoor space, plus any required spaces for dedicated office area and 1 space for each fleet vehicle</td>
<td></td>
</tr>
<tr>
<td>Media Production</td>
<td>As provided in approved use permit</td>
<td></td>
</tr>
<tr>
<td>Backlots, Outdoor Facilities and Soundstages</td>
<td>As provided in approved use permit</td>
<td></td>
</tr>
<tr>
<td>Broadcast Studios</td>
<td>One space per 300 square feet gross floor area; 1 space per 300 sf</td>
<td></td>
</tr>
<tr>
<td>Heliport</td>
<td>As provided in approved use permit</td>
<td></td>
</tr>
<tr>
<td>Parking Facility</td>
<td>No requirement</td>
<td></td>
</tr>
<tr>
<td>Public Safety Facilities</td>
<td>One space per 500 square feet gross floor area</td>
<td></td>
</tr>
<tr>
<td>Railroad Facilities</td>
<td>One space per 300 square feet office or waiting room</td>
<td></td>
</tr>
<tr>
<td>Transit Stop</td>
<td>One space per 300 square feet office waiting area plus one space per 1,000 square feet garage/warehouse area</td>
<td></td>
</tr>
<tr>
<td>Public Utilities Facilities</td>
<td>One space per 300 square feet office area plus one space per 1,600 square feet warehouse/service area plus space for fleet vehicles</td>
<td></td>
</tr>
<tr>
<td>Transmission Lines with on-site staff</td>
<td>1 space per 1,500 sf of indoor area</td>
<td></td>
</tr>
<tr>
<td>Transmission Lines with no on-site staff (unattended)</td>
<td>No requirement</td>
<td></td>
</tr>
<tr>
<td>Water and Wastewater Treatment Plants and Services</td>
<td>One space per 300 square feet office plus one space per 1,000 square feet warehouse/service area</td>
<td></td>
</tr>
<tr>
<td>As provided in approved use permit+C192</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**TRANSPORTATION, COMMUNICATIONS, & UTILITIES**

<table>
<thead>
<tr>
<th>Airport</th>
<th>To be determined when use permit is approved</th>
</tr>
</thead>
<tbody>
<tr>
<td>Antennas and Telecommunications Facilities</td>
<td>Wireless Telecommunications</td>
</tr>
<tr>
<td>Freight/Truck Terminals</td>
<td>No requirement</td>
</tr>
<tr>
<td>Ambulance, taxi and/or limousine dispatch, Night Fleet-Based Services</td>
<td></td>
</tr>
<tr>
<td>Media Production</td>
<td></td>
</tr>
<tr>
<td>Backlots, Outdoor Facilities and Soundstages</td>
<td></td>
</tr>
<tr>
<td>Broadcast Studios</td>
<td></td>
</tr>
<tr>
<td>Heliport</td>
<td></td>
</tr>
<tr>
<td>Parking Facility</td>
<td></td>
</tr>
<tr>
<td>Public Safety Facilities</td>
<td></td>
</tr>
<tr>
<td>Railroad Facilities</td>
<td></td>
</tr>
<tr>
<td>Transit Stop</td>
<td></td>
</tr>
<tr>
<td>Public Utilities Facilities</td>
<td></td>
</tr>
<tr>
<td>Transmission Lines</td>
<td></td>
</tr>
<tr>
<td>Water and Wastewater Treatment Plants and Services</td>
<td></td>
</tr>
</tbody>
</table>
B. **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.

C. **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. **or more:** 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.

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Number of Total Required Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2-10</td>
</tr>
<tr>
<td></td>
<td>11-15</td>
</tr>
<tr>
<td></td>
<td>16-20</td>
</tr>
<tr>
<td></td>
<td>More than 20</td>
</tr>
<tr>
<td>Multi-unit Residential with 4 or more units</td>
<td>1 EV space minimum</td>
</tr>
<tr>
<td></td>
<td>2 EV spaces minimum</td>
</tr>
<tr>
<td></td>
<td>2 EV spaces minimum</td>
</tr>
<tr>
<td></td>
<td>10% of parking spaces (rounded up)</td>
</tr>
<tr>
<td>Nonresidential – Commercial, Office, and Mixed Use</td>
<td>1 EV space minimum</td>
</tr>
<tr>
<td></td>
<td>2 EV spaces minimum</td>
</tr>
<tr>
<td></td>
<td>3 EV spaces minimum</td>
</tr>
<tr>
<td></td>
<td>10% of parking spaces (rounded up)</td>
</tr>
<tr>
<td>Industrial</td>
<td>0 EV space minimum</td>
</tr>
<tr>
<td></td>
<td>1 EV space minimum</td>
</tr>
<tr>
<td></td>
<td>2 EV spaces minimum</td>
</tr>
<tr>
<td></td>
<td>8% of parking spaces (rounded up)</td>
</tr>
</tbody>
</table>

B. All electric vehicle spaces shall be equipped with electric vehicle charging equipment, as defined in this Title, the use of which the property owner or operator may require payment, at his/her discretion.

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. Electric vehicle charging equipment shall be provided for all new developments and whenever a substantial addition to and existing development is proposed.
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 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. Reduction Rates. The review authority may consider the following rates for parking reductions associated with a parking demand study:

   a. One car space for each five motorcycle spaces provided in excess of required parking.

   b. One car space for each five bicycle spaces provided in excess of required parking. 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 covered.
4. **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.

L. **Tandem Parking.**

1. For residential uses, when parking spaces are identified for the exclusive use of occupants of a designated dwelling, required spaces may be arranged in tandem (that is, one space behind the other) subject to approval of the community development director. Tandem parking is intended to allow for needed flexibility on constrained lots or where tandem parking is consistent with the existing neighborhood pattern. Tandem parking shall not be used to provide for the conversion of garage spaces.

2. Hotel and Restaurant Projects (New and Existing). Tandem parking may be used for hotel and restaurant development in the downtown commercial (C-D) zone where parking service is provided, subject to the approval of a parking management plan by the public works and community development directors. A parking management plan is a document that outlines how site parking will be regulated and includes provisions to reduce parking demand, including but not limited to availability of transit in close proximity, access to a car share program and access to information regarding alternative transportation programs.

3. Tandem parking may be considered in office development if all of the following requirements are satisfied:
   a. With review of the location and design by the architectural review commission, where adequate maneuverability and access arrangements are provided; and
   b. When the tandem spaces are set aside for the exclusive use of on-site employees; and
   c. Where the total number of tandem spaces does not exceed thirty percent of the total parking provided for projects that require ten vehicle parking spaces or less, and fifteen percent of the total parking provided for projects that require eleven or more vehicle parking spaces; and
   d. With the approval of a parking management plan 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. For existing office development where there is a desire to upgrade or modify the parking layout to increase efficiency or better meet standards, and review by the architectural review commission would not be required, the approval of new tandem parking spaces would require the approval of an administrative use permit, where adequate maneuverability and access arrangements are provided.

M. **Elderly Housing Parking.** Housing occupied exclusively by persons aged sixty-two or older may provide one-half space per dwelling unit or one space per four occupants of a group quarters.

N. **Low-Income Housing Parking.** Housing occupied exclusively by very low or low-income households, as defined by the state, may provide one car and one bicycle space per dwelling unit.

O. **Additions and Changes in Use for Existing Uses or Structures Which Do Not Meet Current Parking Standards.**
Article 3: Regulations Applicable to All Zones

1. Minor Additions. Minor additions 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.

17.72.060 – Nonconforming Parking.

For additions to or changes in use for existing legal uses or structures or uses, which are nonconforming because they do not meet current parking standards, may be permitted if they meet the following requirements:

a. The parking spaces required for the addition are provided in conformance with this chapter, in addition to all parking spaces already provided for the existing use or structure; and
b. All existing parking shall be in substantial compliance with parking and driveway standards; and

c. The addition is not more than twenty-five percent of the existing gross floor area or one thousand square feet, whichever is greater; and

d. For residential projects, at

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 no 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).

2. Larger Additions. Existing legal structures or uses which have not met the total parking demand from existing legal uses that are nonconforming because they do not meet current parking standards may be expanded more than twenty-five percent of the existing gross floor area or one thousand square feet, subject to the following:

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

<table>
<thead>
<tr>
<th>Increase in gross floor area</th>
<th>Parking provided for addition in addition to existing parking</th>
<th>Parking provided for existing use or structure is at least</th>
</tr>
</thead>
<tbody>
<tr>
<td>25–49%</td>
<td>100%</td>
<td>50%</td>
</tr>
<tr>
<td>50–74%</td>
<td>100%</td>
<td>75%</td>
</tr>
<tr>
<td>&gt;75%</td>
<td>100%</td>
<td>100%</td>
</tr>
</tbody>
</table>

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

3. Use Changes. Changes in use, which increase the total parking demand from existing legal uses which are nonconforming because they do not meet current parking requirements, may be permitted so long as the number of spaces equal to the difference between the number required by the previous
use and the number required by the new use is provided, in addition to all spaces already provided for the previous use. 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.

2. The provisions of this Section shall not apply to:
   a. Single-unit residential dwellings, or accessory dwelling units.
   b. Any site where there is less than 2,500 square feet of gross building area.

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.

<table>
<thead>
<tr>
<th>Table 3-6: Required Bicycle Parking</th>
<th>Land Use</th>
<th>Example</th>
<th>Standard (Number of Bicycle Parking Spaces)</th>
<th>Short Term</th>
<th>Long Term</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>Crop production and grazing</td>
<td>All residential housing types</td>
<td>No requirement 2 per unit, plus 1 guest per every 5 units</td>
<td>Guest spaces</td>
<td>2 per unit</td>
</tr>
<tr>
<td>-Residential - Group living</td>
<td>Greenhouse, commercial</td>
<td>Fraternity/sorority, co-op housing</td>
<td>No requirement 1 per bed</td>
<td>25%</td>
<td>75%</td>
</tr>
<tr>
<td>-Lodging</td>
<td>Livestock feed lot Hotel, motel, homeless shelters</td>
<td>As provided in approved use permit 1 per 10 guest rooms</td>
<td>50%</td>
<td>50%</td>
<td></td>
</tr>
<tr>
<td>Restaurant - Quick serve</td>
<td>Deli, coffee shop, bar/tasting rooms</td>
<td>1 per 150 sf</td>
<td>75%</td>
<td>25%</td>
<td></td>
</tr>
</tbody>
</table>
### Table 6: Parking Requirements by Use

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Example</th>
<th>Standard (Number of Bicycle Parking Spaces)</th>
<th>Short Term</th>
<th>Long Term</th>
</tr>
</thead>
<tbody>
<tr>
<td>-Restaurant - sit down</td>
<td>Bakery, wholesale Restaurant, accessory dining areas</td>
<td>Same as Manufacturing — Light 1 per 500 sf</td>
<td>75%</td>
<td>25%</td>
</tr>
<tr>
<td>-Furniture and fixtures manufacturing, cabinet shop</td>
<td>General Retail and Personal Services</td>
<td>Same as Manufacturing — Light 1 per 1,000 sf</td>
<td>75%</td>
<td>25%</td>
</tr>
<tr>
<td>-Office and Financial Institutions</td>
<td>Industrial General office, medical, clinic, research and development, banks</td>
<td>One space per 300 square feet office or laboratory area, plus one space per 500 square feet indoor assembly or fabrication area, plus one space per 1,500 square feet outdoor work area or indoor warehouse area 1 per 1,500 sf</td>
<td>75%</td>
<td>25%</td>
</tr>
<tr>
<td>-Food and beverage manufacturing, woodworking</td>
<td></td>
<td>One space per 300 square feet gross floor area 1 per 2,000 sf</td>
<td>25%</td>
<td>75%</td>
</tr>
<tr>
<td>-Large Scale Commercial Retail and Services</td>
<td>Laundry, dry cleaning plant Garden supply, furniture stores, repair shops, auto dealership</td>
<td>One space per 2,500 square feet gross floor area sf</td>
<td>75%</td>
<td>25%</td>
</tr>
<tr>
<td>-Industrial and Hospitals</td>
<td>Manufacturing — Heavy Warehousing, manufacturing, hospitals</td>
<td>One space per 7,500 square feet gross floor area sf</td>
<td>25%</td>
<td>75%</td>
</tr>
<tr>
<td>-Shopping Center</td>
<td>Manufacturing — Light Mix of personal services, retail, restaurants, offices</td>
<td>One space per 300 square feet accessory office area plus one space per 300 square feet to 500 square feet manufacturing floor area, to be determined by director according to employment characteristics of each use, plus one per 1,500 square feet outdoor manufacturing area 20% of motor vehicle spaces required</td>
<td>75%</td>
<td>25%</td>
</tr>
<tr>
<td>Petroleum product storage and distribution</td>
<td></td>
<td>One space per 300 square feet office area plus one space per 500 square feet indoor storage area plus one space per 2,000 square feet</td>
<td>20% of motor vehicle spaces required</td>
<td></td>
</tr>
</tbody>
</table>
### Table 6: Parking Requirements by Use

#### Table 3-6: Required Bicycle Parking

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Example</th>
<th>Standard (Number of Bicycle Parking Spaces)</th>
<th>Short Term</th>
<th>Long Term</th>
</tr>
</thead>
<tbody>
<tr>
<td>outdoor storage area, library or museum, places of public or religious assembly</td>
<td>Photo and film processing lab 40% of motor vehicle spaces required</td>
<td>One space per 300 square feet gross floor area</td>
<td>25%</td>
<td></td>
</tr>
<tr>
<td>Theatre, health clubs, gymnastics, yoga, martial arts, etc.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Educational Facilities</td>
<td>Printing and publishing schools, day care</td>
<td>One space per 300 square feet gross floor area</td>
<td>As determined by the Director</td>
<td></td>
</tr>
<tr>
<td>- Transportation Facilities</td>
<td>Recycling facilities – Collection and processing facility parking structures, transit stations/terminals</td>
<td>One space per 500 square feet of gross floor area plus one space per 10,000 square feet outdoor storage area, but in no case less than 4 spaces</td>
<td>As determined by the Director</td>
<td></td>
</tr>
<tr>
<td>- Outdoor Recreation</td>
<td>Recycling facilities – Scrap and dismantling yard parks, sports fields, community gardens</td>
<td>One space per 500 square feet of gross floor area plus one space per 10,000 square feet outdoor storage area, but in no case less than 4 spaces</td>
<td>As determined by the Director</td>
<td></td>
</tr>
<tr>
<td>- Downtown (C-D) Zone</td>
<td>Recycling facilities – Small collection facility includes all non-residential land use types</td>
<td>As provided in approved use permit</td>
<td>Apply same standards for land uses above when feasible. Facilities may be shared or expanded in close proximity, as determined by the Director.</td>
<td></td>
</tr>
</tbody>
</table>

**Notes:**
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 tenant. Alternative compliance may supersede this requirement.
3. Mixed-use and common indoor facilities 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 one space for every five storage units that do not have direct drive-up vehicle access. Long-term percentages listed in this table are intended as guidelines subject to a final determination by the Director.

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Example</th>
<th>Standard (Number of Bicycle Parking Spaces)</th>
<th>Short Term</th>
<th>Long Term</th>
</tr>
</thead>
<tbody>
<tr>
<td>Storage yard</td>
<td>One space per 2,000 square feet gross floor area</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Warehousing, indoor storage</td>
<td>One space per 300 square feet office area plus one space per 1,500 square feet indoor storage area</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wholesaling and distribution</td>
<td>One space per 300 square feet office area plus one space per 1,000 square feet indoor sales/storage area, plus one space per 2,000 square feet outdoor sales area</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>LODGING</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bed and breakfast inn</td>
<td>One per room or group of rooms to be occupied as a suite, plus two for resident manager’s quarters</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hostel</td>
<td>One space per five beds, plus one for manager. When the hostel is part of a residence: one space per five beds, in addition to two spaces for the residence</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### Article 3: Regulations Applicable to All Zones

<table>
<thead>
<tr>
<th>Use Type</th>
<th>Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Hotel, motel</strong></td>
<td>One per room or group of rooms to be occupied as a suite, plus one for resident manager’s quarters, plus eating/assembly area requirements</td>
</tr>
<tr>
<td><strong>Recreational vehicle (RV) Park accessory to hotel, motel</strong></td>
<td>As provided in approved use permit</td>
</tr>
<tr>
<td><strong>RECREATION, EDUCATION &amp; PUBLIC ASSEMBLY USES</strong></td>
<td></td>
</tr>
<tr>
<td>Bar/tavern</td>
<td>One space per 60 square feet of customer use area plus one space per 100 square feet of food preparation area</td>
</tr>
<tr>
<td>Club, lodge, private meeting hall</td>
<td>One space per 300 square feet office area plus one space per four fixed seats or one space per 40 square feet seating area without fixed seats, in the largest assembly room</td>
</tr>
<tr>
<td>Commercial recreation facility – Indoor</td>
<td>One space per 300 square feet gross floor area</td>
</tr>
<tr>
<td>Bowling alleys</td>
<td>Two spaces per lane plus one space per four seats spectator/eating area</td>
</tr>
<tr>
<td>Commercial recreation facility – Outdoor</td>
<td>One space per 500 square feet outdoor use area</td>
</tr>
<tr>
<td>Educational conferences</td>
<td>As provided in approved use permit</td>
</tr>
<tr>
<td>Fitness/health facility</td>
<td>One space per 300 square feet gross floor area</td>
</tr>
<tr>
<td>Library, branch facility</td>
<td>As provided in approved use permit</td>
</tr>
<tr>
<td>Library, museum</td>
<td>One space per 500 square feet storage/display area plus government office and meeting room requirements</td>
</tr>
<tr>
<td>Night club</td>
<td>One space per 60 square feet floor or outdoor ground area for customer use, including seating and dancing areas, plus one space per 100 square feet food preparation area</td>
</tr>
<tr>
<td>Off-site wine tasting room</td>
<td>One space per 200 square feet gross floor area</td>
</tr>
<tr>
<td>Park, playground</td>
<td>One space per 500 square feet</td>
</tr>
<tr>
<td>Public assembly facility</td>
<td>One space per four fixed seats or one space per 40 square feet of assembly area without fixed seats</td>
</tr>
<tr>
<td>Religious facility</td>
<td>One space per four fixed seats (one space per 40 square feet seating area without fixed seats) in largest assembly room</td>
</tr>
<tr>
<td>School – Boarding school, elementary, middle, secondary</td>
<td>As provided in approved use permit</td>
</tr>
<tr>
<td>Use Type</td>
<td>Requirement</td>
</tr>
<tr>
<td>----------</td>
<td>-------------</td>
</tr>
<tr>
<td>School—College, university—Campus</td>
<td>As provided in approved use permit</td>
</tr>
<tr>
<td>School—College, university—Satellite classroom facility</td>
<td>One space per 50 square feet per classroom floor area</td>
</tr>
<tr>
<td>School—Elementary, middle, secondary</td>
<td>Two spaces per classroom plus one space per 300 square feet one office, assembly or common area</td>
</tr>
<tr>
<td>School—Specialized education/training</td>
<td>One space per 50 square feet per classroom floor area</td>
</tr>
<tr>
<td>Special Event</td>
<td>One space per 500 square feet or as provided in approved use permit</td>
</tr>
<tr>
<td>Sports and active recreation facility</td>
<td>One space per 100 square feet of play surface</td>
</tr>
<tr>
<td>Sports and entertainment assembly facility</td>
<td>As provided in approved use permit</td>
</tr>
<tr>
<td>Studio—Art, dance, martial-arts, music, etc.</td>
<td>One space per 200 square feet gross floor area</td>
</tr>
<tr>
<td>Theater</td>
<td>One space per four seats</td>
</tr>
<tr>
<td>Theater—Drive-in</td>
<td>No requirement</td>
</tr>
</tbody>
</table>

### Residential Uses

<table>
<thead>
<tr>
<th>Use Type</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Boarding/rooming house, dormitory</td>
<td>One space per 1.5 occupants or 1.5 spaces per bedroom, whichever is greater</td>
</tr>
<tr>
<td>Caretaker quarters</td>
<td>Two spaces per dwelling</td>
</tr>
<tr>
<td>Convents and monasteries</td>
<td>One space per five occupants</td>
</tr>
<tr>
<td>Fraternity, sorority</td>
<td>One space per 1.5 occupants or 1.5 spaces per bedroom, whichever is greater</td>
</tr>
<tr>
<td>High occupancy residential use</td>
<td>The parking requirement shall be greater of: (1) the number of space required for dwellings, or (2) one off-street parking space per adult occupant, less one</td>
</tr>
<tr>
<td>Home occupation</td>
<td>See Section 17.09.090</td>
</tr>
<tr>
<td>Live/work units</td>
<td>Two spaces per unit</td>
</tr>
<tr>
<td>Mixed use project</td>
<td>Same as Multifamily dwellings</td>
</tr>
<tr>
<td>Mobile home park</td>
<td>1.5 spaces per unit: one space to be with unit</td>
</tr>
</tbody>
</table>
| Multifamily dwellings | One per studio apartment; 1.5 for each additional bedroom in a unit, plus one for each five
### Article 3: Regulations Applicable to All Zones

#### Residential care facilities

<table>
<thead>
<tr>
<th>Facility Type</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>6 or fewer residents</td>
<td>Same as Rest home</td>
</tr>
<tr>
<td>7 or more residents</td>
<td>Same as Rest home</td>
</tr>
<tr>
<td>Residential hospice facility</td>
<td>Same as Rest home</td>
</tr>
<tr>
<td>Rest home</td>
<td>One space per four beds (adult): one space per five juvenile occupants</td>
</tr>
<tr>
<td>Single-family dwellings</td>
<td>Two spaces per dwelling. In the R-1 and C/OS zones, one space must be covered</td>
</tr>
<tr>
<td>Work/live units</td>
<td>Two spaces per unit</td>
</tr>
</tbody>
</table>

#### RETAIL SALES

<table>
<thead>
<tr>
<th>Category</th>
<th>Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Auto and vehicle sales and rental</td>
<td>One space per 300 square feet office area plus one space per 500 square feet parts sales service area, plus one space per 2,000 square feet outdoor sales area</td>
</tr>
<tr>
<td>Auto parts sales, with installation</td>
<td>One space per 500 square feet gross floor area</td>
</tr>
<tr>
<td>Auto parts sales, without installation</td>
<td>One space per 500 square feet gross floor area</td>
</tr>
<tr>
<td>Bakery, retail</td>
<td>One space per 200 square feet gross floor area</td>
</tr>
<tr>
<td>Building and landscape materials sales, indoor</td>
<td>One space per 300 square feet office area plus one space per 500 square feet indoor sales area plus one space per 2,000 square feet warehouse area</td>
</tr>
<tr>
<td>Building and landscape materials sales, outdoor</td>
<td>One space per 300 square feet office area plus one space per 500 square feet indoor sales area plus one space per 2,000 square feet warehouse or outdoor sales area</td>
</tr>
<tr>
<td>Construction and heavy equipment sales and rental</td>
<td>One space per 300 square feet office area plus one space per 500 square feet parts sales service area plus one space per 2,000 square feet outdoor sales area</td>
</tr>
<tr>
<td>Convenience store</td>
<td>Two spaces for employee parking, plus one space per 500 square feet of gross floor area and a minimum of five bicycle parking spaces shall be provided per business</td>
</tr>
<tr>
<td>Extended hour retail</td>
<td>Same as specific type of retail</td>
</tr>
<tr>
<td>Farm supply and feed store</td>
<td>One per 500 square feet indoor sales/storage area plus one space per 2,000 square feet outdoor sales/storage area</td>
</tr>
<tr>
<td>Florists and photofinishing (retail)</td>
<td>One space per 500 square feet floor area</td>
</tr>
<tr>
<td>-------------------------------------</td>
<td>-----------------------------------------</td>
</tr>
<tr>
<td>Fuel dealer (propane, etc.)</td>
<td>One per 500 square feet indoor sales/storage area plus one space per 2,000 square feet outdoor sales/storage area</td>
</tr>
<tr>
<td>Furniture, furnishings, and appliance stores</td>
<td>One space per 500 square feet gross floor area</td>
</tr>
<tr>
<td>General retail – 2,000 sf or less</td>
<td>One space per 300 square feet gross floor area</td>
</tr>
<tr>
<td>General retail – More than 2,000 sf, up to 15,000 sf</td>
<td>One space per 300 square feet gross floor area</td>
</tr>
<tr>
<td>General retail – More than 15,000 sf, up to 45,000 sf</td>
<td>One space per 300 square feet gross floor area</td>
</tr>
<tr>
<td>General retail – More than 45,000 sf, up to 60,000 sf</td>
<td>A maximum of one space per 200 square feet gross floor area, with the exception for more spaces if structured multilevel parking is used</td>
</tr>
<tr>
<td>General retail – More than 60,000 sf, up to 140,000 sf</td>
<td>A maximum of one space per 200 square feet gross floor area, with the exception for more spaces if structured multilevel parking is used</td>
</tr>
<tr>
<td>Groceries, specialty foods</td>
<td>One space per 200 square feet gross floor area</td>
</tr>
<tr>
<td>Liquor store/alcohol sales</td>
<td>One space per 200 square feet gross floor area</td>
</tr>
<tr>
<td>Mobile home, RV, and boat sales</td>
<td>One space per 300 square feet office area plus one space per 500 square feet parts sales service area, plus one space per 2,000 square feet outdoor sales area</td>
</tr>
<tr>
<td>Office-supporting retail, 2,000 sf or less</td>
<td>One space per 300 square feet gross floor area</td>
</tr>
<tr>
<td>Office-supporting retail, more than 2,000 sf, up to 5,000 sf</td>
<td>One space per 300 square feet gross floor area</td>
</tr>
<tr>
<td>Outdoor temporary and/or seasonal sales</td>
<td>See Section 17.08.020</td>
</tr>
<tr>
<td>Produce-stand</td>
<td>One space per 300 square feet gross floor area</td>
</tr>
<tr>
<td>Restaurant</td>
<td>One space per 60 square feet customer use area, including waiting, seating, counter service areas and dancing areas, plus one space per 100 square feet food preparation,</td>
</tr>
<tr>
<td><strong>Article 3: Regulations Applicable to All Zones</strong></td>
<td></td>
</tr>
<tr>
<td>------------------------------------------------</td>
<td></td>
</tr>
</tbody>
</table>

| **Restaurant with late-hour alcohol service** | Same as Restaurant |
| **Retail sales and repair of bicycles** | One space per 500 square feet floor area |
| **Service station (see also Vehicle services)** | One space for attendant booth plus two per service bay plus one space per four fuel pumps |
| **Warehouse stores – 45,000 sf or less gfa** | Minimum one space per 300 square feet gross floor area |
| **Warehouse stores – More than 45,000 sf gfa** | A maximum of one space per 200 square feet gross floor area, with the exception for more spaces if structured multilevel parking is used |

## SERVICES – BUSINESS, FINANCIAL & PROFESSIONAL

<p>| <strong>ATMs</strong> | No requirement |
| <strong>Banks and financial services</strong> | One space per 300 square feet gross floor area |
| <strong>Business support services</strong> | One space per 300 square feet gross floor area |
| <strong>Convalescent hospital</strong> | Same as Medical service – Extended care |
| <strong>Medical service – Clinic, laboratory, urgent care</strong> | Medical, dental, and other health services: one per 200 square feet gross floor area |
| <strong>Medical service – Doctor office</strong> | Medical, dental, and other health services: one per 200 square feet gross floor area |
| <strong>Medical service – Extended care</strong> | One space per four beds (adult): one space per five juvenile occupants |
| <strong>Medical service – Hospital</strong> | One space per bed |
| <strong>Office – Accessory</strong> | As required for principal use |
| <strong>Office – Business and service</strong> | One space per 300 square feet gross floor area |
| <strong>Office – Government</strong> | Offices: one per 300 square feet gross floor area. Meeting rooms: one per four fixed seats or one per 40 square feet of seating area without fixed seats |
| <strong>Post offices</strong> | One space per 300 square feet office, sorting, customer service area plus one space per 500 square feet bulk handling |</p>
<table>
<thead>
<tr>
<th>Activity</th>
<th>Space Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Office—Processing</td>
<td>One space per 200 square feet gross floor area</td>
</tr>
<tr>
<td>Office—Production and administrative</td>
<td>One space per 300 square feet gross floor area</td>
</tr>
<tr>
<td>Office—Professional</td>
<td>Medical, dental and other health services: one per 200 square feet gross floor area. All others: one space per 300 square feet gross floor area</td>
</tr>
<tr>
<td>Office—Temporary</td>
<td>See Section 17.08.010(C)</td>
</tr>
<tr>
<td>Photographer, photographic studio</td>
<td>One space per 200 square feet gross floor area</td>
</tr>
<tr>
<td><strong>SERVICES—GENERAL</strong></td>
<td></td>
</tr>
<tr>
<td>Catering service</td>
<td>One space per 100 square feet food preparation area</td>
</tr>
<tr>
<td>Cemetery, mausoleum, columbarium</td>
<td>One space per 500 square feet of building area</td>
</tr>
<tr>
<td>Day care—Day care center (child/adult)</td>
<td>Two spaces plus one per 14 clients</td>
</tr>
<tr>
<td>Day care—Family day care home (small/large)</td>
<td>Small family day care—same as for “Dwellings.” Large family day care—One space plus required residential parking</td>
</tr>
<tr>
<td>Equipment rental</td>
<td>One space per 300 square feet office area plus one per 500 square feet indoor display/storage plus one per 1,000 square feet outdoor display/storage</td>
</tr>
<tr>
<td>Food bank(packaged food distribution center)</td>
<td>One space per 300 square feet of office plus one space per 1,500 square feet of indoor storage</td>
</tr>
<tr>
<td>Homeless shelter</td>
<td>Two spaces for the facility plus one space for each six occupants at maximum allowed occupancy</td>
</tr>
<tr>
<td>Maintenance service, client-site services</td>
<td>One space per 300 square feet gross floor area</td>
</tr>
<tr>
<td>Mortuary, funeral home</td>
<td>One space per four fixed seats or one per 40 square feet assembly area, whichever is greater</td>
</tr>
<tr>
<td>Personal services</td>
<td>One space per 200 square feet gross floor area</td>
</tr>
<tr>
<td>Public safety facilities</td>
<td>One space per 500 square feet gross floor area</td>
</tr>
<tr>
<td>Public utility facilities</td>
<td>One space per 300 square feet office area plus one space per 1,500 square feet warehouse/service area plus space for fleet vehicles</td>
</tr>
</tbody>
</table>
### Article 3: Regulations Applicable to All Zones

<table>
<thead>
<tr>
<th>Category</th>
<th>Space Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Repair service—Equipment, large appliances, etc.</td>
<td>One space per 500 square feet gross floor area</td>
</tr>
<tr>
<td>Repair services—Small appliances, shoes, etc.</td>
<td>One space per 300 square feet</td>
</tr>
<tr>
<td>Self service laundry/dry cleaner</td>
<td>One space per each four washers or dryers</td>
</tr>
<tr>
<td>Service stations</td>
<td>One space for attendant booth plus two per service bay plus one space per four fuel pumps</td>
</tr>
<tr>
<td>Social service organization</td>
<td>One space per 300 square feet gross floor area</td>
</tr>
<tr>
<td>Vehicle services—Repair and maintenance—Major</td>
<td>One space per 500 square feet gross floor area</td>
</tr>
<tr>
<td>Vehicle services—Repair and maintenance—Minor</td>
<td>One space per 500 square feet gross floor area</td>
</tr>
<tr>
<td>Vehicle services—Carwash</td>
<td>Two spaces plus sufficient waiting line(s) or two spaces plus washing area(s)</td>
</tr>
<tr>
<td>Veterinary clinic/hospital, boarding, large animal</td>
<td>One space per 500 square feet gross floor area</td>
</tr>
<tr>
<td>Veterinary clinic/hospital, boarding, small animal, indoor</td>
<td>One space per 300 square feet gross floor area</td>
</tr>
<tr>
<td>Veterinary clinic/hospital, boarding, small animal, outdoor</td>
<td>One space per 300 square feet gross floor area</td>
</tr>
</tbody>
</table>

**TRANSPORTATION & COMMUNICATIONS**

<table>
<thead>
<tr>
<th>Category</th>
<th>Space Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Airport</td>
<td>To be determined when use permit is approved</td>
</tr>
<tr>
<td>Ambulance, taxi, and/or limousine dispatch facility</td>
<td>One space per 300 square feet office area plus one space per 1,000 square feet garage/warehouse area</td>
</tr>
<tr>
<td>Ambulance services</td>
<td>Three spaces per emergency vehicle</td>
</tr>
<tr>
<td>Broadcast studio</td>
<td>One space per 300 square feet gross floor area</td>
</tr>
<tr>
<td>Heliport</td>
<td>As provided in approved use permit</td>
</tr>
</tbody>
</table>
CITY OF SAN LUIS OBISPO
Title 17 – ZONING REGULATIONS

<table>
<thead>
<tr>
<th>Facility Type</th>
<th>Required Spaces Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Railroad facilities</td>
<td>One space per 300 square feet office or waiting room</td>
</tr>
<tr>
<td>Transit station or terminal</td>
<td>One space per 300 square feet office/waiting area plus one space per 1,000 square feet house/garage area</td>
</tr>
<tr>
<td>Truck or freight terminal</td>
<td>One space per 300 square feet office plus one space per 1,000 square feet garage/warehouse area</td>
</tr>
<tr>
<td>Water and wastewater treatment plants and services</td>
<td>One space per 300 square feet office plus one space per 1,000 square feet warehouse/service area</td>
</tr>
<tr>
<td>Water and wastewater treatment plants</td>
<td>As provided in approved use permit</td>
</tr>
</tbody>
</table>

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.
### Table 6.5: Bicycle Parking Space Requirements

<table>
<thead>
<tr>
<th>Zone</th>
<th>Number of bicycle spaces as a percentage of required auto spaces</th>
<th>Minimum short-term bicycle spaces</th>
<th>Minimum long-term bicycle spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>R-2, R-3, R-4</td>
<td>5%</td>
<td>100%</td>
<td>—</td>
</tr>
<tr>
<td>C-C, C-R, C-N, C-D</td>
<td>15%</td>
<td>50%</td>
<td>40%</td>
</tr>
<tr>
<td>O, BP</td>
<td>15%</td>
<td>10%</td>
<td>80%</td>
</tr>
<tr>
<td>C-T</td>
<td>5%</td>
<td>10%</td>
<td>80%</td>
</tr>
<tr>
<td>C-S, M</td>
<td>15%</td>
<td>10%</td>
<td>80%</td>
</tr>
<tr>
<td>PF (schools, junior high to college)</td>
<td>1 space per 3 students</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Park &amp; ride lots</td>
<td>10%</td>
<td>—</td>
<td>100%</td>
</tr>
</tbody>
</table>

a. All parking shall be provided on site.

b. Requirements apply to uses that require ten or more vehicle parking spaces. When less than one-half space is calculated, one space is required.

c. Short-term bicycle parking is used by visitors to multifamily housing and by patrons of commercial and institutional uses. Bicycle racks are used to satisfy this need.

d. Long-term bicycle parking is used by employees of commercial and institutional uses and by residents. Fully enclosed lockers are used to satisfy this need. Lockable rooms reserved for bicycle storage and secured parking areas managed by attendants are other acceptable forms. Bicycles shall be parked vertically or horizontally with at least the rear tire resting at floor level.

e. In addition to short- and long-term parking required for commercial uses, residential uses in all zones, including the downtown commercial (C-D) zone, shall provide bicycle lockers or interior space within each dwelling or accessory structure (e.g., garages) for the storage of at least two bicycles per unit regardless of the number of automobile parking spaces provided.


17.16.070 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 exceptions.

A. Parking and driveway design and requirements for permits shall be as provided in the parking standards adopted by council resolution.

B. Location of Parking.

1. Residential 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. 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.
Article 3: Regulations Applicable to All Zones

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.** The director 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.
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 permitted upon his/her property. (Ord. 1265 § 2 Ex. A, 1994)

17.72.100 – Onsite Loading. Standards

H. C-S Zone Off street loading requirements:

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 interment 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>
<thead>
<tr>
<th>Gross Floor Area of Building</th>
<th>Number of Spaces Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>1,000 to 9,999</td>
<td>none</td>
</tr>
<tr>
<td>10,000 to 29,999</td>
<td>1</td>
</tr>
<tr>
<td>30,000 to 99,999</td>
<td>2</td>
</tr>
<tr>
<td>100,000 and more</td>
<td>3</td>
</tr>
</tbody>
</table>

H. M Zone Off street loading requirements:

<table>
<thead>
<tr>
<th>Gross Floor Area of Building</th>
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<td>2</td>
</tr>
<tr>
<td>100,000 and more</td>
<td>3</td>
</tr>
</tbody>
</table>

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:**

Chapter 17.18
PERFORMANCE STANDARDS*

**Sections:**

17.18.010 Purpose and Application
17.18.020 General Standard and Special Conditions
17.18.030 Air Contaminants
17.18.040 Discharges to Water or Public Sewer System
17.18.050 Energy Conservation
17.18.060 Hazardous Materials
17.18.070 Heat and Humidity
17.18.080 Light and Glare
17.18.090 Noise
17.18.100 Solid Waste
17.18.110 Vibration

A. adopted June 21, 1994, amended former . Purpose. This Chapter 17.18, §§ 17.18.010 — 17.18.080, pertaining to establishes performance standards intended to guard against the use of any property or structure in its entirety 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 herein set out:

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 former Chapter 17.18 derived from Ord. 1102 § 1 Ex. A (13), 1987; Ord. 941 § 1 (these Zoning Regulations.

2. Emergency Activities. Any emergency activity on the part of any other government agency, or a private party.

A.—Applicability
Article 3: Regulations Applicable to All Zones

3. Construction Activity. Temporary construction activity is exempted except where such activity is explicitly regulated by other regulations of the Municipal Code.

17.18.090 — General Standard and special conditions. 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 director, council, planning commission, or architectural review commission from imposing, as part of project approval, specific conditions that may be more restrictive, in order to meet the intent of these regulations. (Ord. 1265 § 2 Ex. A, 1994)

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. (Ord. 1265 § 2 Ex. A, 1994)

B. Uses shall be conducted to prevent dust or other airborne material from crossing property lines. (Ord. 1265 § 2 Ex. A, 1994)

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 storm water quality ordinance, set forth 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 Game, 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. (Ord. 1543 § 8, 2010; Ord. 1265 § 2 Ex. A, 1994)

D. — Energy Conservation

17.18.050 — 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. (Ord. 1265 § 2 Ex. A, 1994)

E. — 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 New
070 –

F. Heat and Cold

17.18.060
Heat.

A. No activity shall be conducted which causes radiant heat or a stream of heated air resulting in a temperature increase of more than twenty degrees Fahrenheit at any property line or any public right-of-way. (Ord. 1265 § 2 Ex. A, 1994)

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 G. Illumination

17.18.030 Illumination.

No lighting or illuminated device shall be operated so as to create glare which creates a hazard or nuisance on other property. (Ord. 1265 § 2 Ex. A, 1994)

H. 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

17.18.010 Noise.

No use shall be established nor any activity conducted which violates the standards of the noise ordinance (Chapter 9.12 of this code). (Ord. 1265 § 2 Ex. A, 1994). Noise Control.

I. 17.74.100 – Solid Waste

17.18.070 Solid waste.

Solid wastes shall be handled and stored so as to prevent nuisances, health, and fire hazards, and to facilitate recycling. Suitable containers shall be provided to prevent blowing or scattering of trash by animals. Suitable space and containers shall be provided to encourage on-site sorting and collection of recyclables. (Ord. 1265 § 2 Ex. A, 1994)

J. 17.74.110 – Vibration

17.18.020 Vibration.

Subject to the exceptions in Section 17.18.010(G). 9 12.100 (Exceptions), no activity shall be conducted which causes ground vibrations perceptible without the aid of instruments by a reasonable person at the property line. (Ord. 1265 § 2 Ex. A, 1994)
Chapter 17.76. Property Maintenance Standards

Sections:

Chapter

17.17

PROPERTY MAINTENANCE STANDARDS

Sections:

17.17.010 — Purpose.

17.17.020 — Applicability of other provisions.

17.17.030 — General requirements.

17.17.040 — Visible storage or maintenance—Storage and maintenance to be screened.

17.17.050 — Front yard paving.

17.17.055 — Front yard parking.

17.17.060 — Roofs.

17.17.070 — Fences, Walls, and Hedges.

17.17.075 — Neighborhood preservation.

17.17.080 — Prohibited acts.

17.17.090 — Private cause of action.

17.76.010 — 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. (Ord. 1277 § 2 Ex. A, 1995)

17.17.030 — General requirements.

The provisions of this chapter apply to all zones in the city, except as otherwise specified. (Ord. 1277 § 2 Ex. A, 1995)

17.17.050 — Front yard paving.

No more than fifty percent of any residential front yard (see definition of “front yard” in Section 17.158.016 – F Definitions), not to exceed twenty-six feet in width, may be covered by concrete or other impervious material, including driveways, patio areas, walkways, and other landscape features. Exceptions to this standard can be granted through the administrative use permit process should the proposed paving be compatible with the neighborhood. (Ord. 1528 § 3 Ex. A (part), 2009: Ord. 1412 § 2 (part), 2002: Ord. 1277 § 2 Ex. A, 1995)

17.17.055 — Front yard parking.

A. Purpose and Application.

1. The purpose of these regulations is to preserve the residential character of streetscapes in the city’s neighborhoods. The expansion of parking in front yard areas off driveways interferes with the pattern of building masses and open areas within neighborhoods, creates vehicle clutter, and results in excessive vehicle parking, which has the effect of creating small parking lots in front yard areas which are intended to remain as open areas within neighborhoods.
2. These regulations apply to vehicle parking within the front yard areas as defined in Section 17.100.060.0158.016 – F Definitions and shown in Figure 9.7a-15: 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.

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

1. Vehicle parking is permitted on driveways leading to garage parking, or 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. Vehicle parking on pavement, or other surfacing added outside the driveway area does not meet the definition of a driveway. (See Figure 9.7b for examples of allowed front yard parking.)
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 9.7b 3.16: Allowed Front Yard Parking**

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

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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 of this section. Vehicle parking next to driveways, whether paved or unpaved, is prohibited. (See Figures 9.7c and 9.7d [Allowed Front Yard Parking] of this Section. (See Figure 3-17: Prohibited Front Yard Parking.)
2. Examples of prohibited front yard parking for typical two-car garage and side-loaded two-car garage. Vehicles next to driveway and over sidewalk are illegally parked.

2. Parking where vehicles are “straddling” or are partially on the driveway or parking pad and partially on an unpaved or paved surface next to the driveway is prohibited. (See Figure 9.7d: Vehicles Straddling Driveway Prohibited.)
3. Vehicles parked partially on driveway (straddling) are illegally parked.

Vehicles shall not be parked diagonally or in any other configuration which would require vehicle circulation outside the width of the driveway area, except as provided in subsection (B)(3) of this section (tandem parking). (See Figure 9.7e.)

Figure 9.7e

- Diagonally parked vehicles are illegally parked. (Parked Vehicles Prohibited.)

Figure 3-19: Diagonally Parked Vehicles Prohibited

D. Single Car Garages and Single Car Parking. Residential properties having single car garages or single car surface parking similar to Figure 9.7f may establish an additional parking pad between the driveway and the nearest interior property line upon approval of a construction permit and conformance with the following requirements:
1. The parking pad shall meet minimum parking space dimensions of parking and driveway standards to ensure adequate space for vehicle parking on the driveway and adjacent parking pad.

2. The parking pad shall meet minimum depth requirements of the parking and driveway standards (typically eighteen 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 9.7F.3-20: Single Car Driveway

- E. Legal Nonconforming 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 pavement surfacing has been constructed to provide parking in conformance with Section 17.16.020(D)(8) (parking in “other yards”) prior to the adoption of this section, such parking shall be considered a legal nonconforming use, and may continue. Vehicle parking on pavement or other surfacing added outside the driveway area to access such parking in “other yards” does not meet the definition of a driveway per subsection B of this section and shall not be deemed a nonconforming use. (Ord. 1579 § 5, 2012)

17.17.070——Fences.
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.

17.17.075 – 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 following conditions are found to exist thereon:

A. Refuse

Trash, green waste, and recycling receptacles shall be completely screened from public view from the public right-of-way that abuts the front yard by a fence, landscaping, or wall that is otherwise permitted by zoning and

Parking pad location between driveway and nearest interior property
building codes. **Multifamily developments, condominium projects, and other common interest** developments that are approved for individual waste wheelers shall remove waste wheelers from the common area visible from the public right-of-way in accordance with this section. **Multi-unit residential developments** with shared bin service shall utilize approved enclosure locations consistent with project approvals.

**B.C. Abandoned Buildings** which, 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 one year or more. A partially destroyed or damaged building means any building or structure in which twenty-five percent or more of the structure has been destroyed or damaged and not repaired or replaced for a period of one year or more. An unreasonable state of partial construction is defined as any unfinished building or structure that has been in the course of construction for two years or more, and the condition of unfinished building or structure or accumulation of construction materials substantially detracts from the appearance of the immediate neighborhood.

**C.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 twenty-five 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.

**D.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.

**E.F. Parking Areas.** Parking lots, driveways, paths, or other paved surfaces, except when located in a rear or side yard of a single family unit dwelling, which contain substantial cracks, potholes, or other deficiencies posing a substantial risk of harm to the public.

**E.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 twelve 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.

**G.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 conditional use permit, Minor Use Permit, Conditional Use Permit, planned development permit, architectural review approval, variance, or other land use entitlement or land use permit.
I.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. (Ord. 1579 § 6, 2012; Ord. 1571 § 16, 2012; Ord. 1553 § 17, 2010; Ord. 1412 § 3 (part), 2002)

17.17.000 — 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 of San Luis Obispo to maintain or fail to maintain such property in violation of Section 17.17.040, 17.17.050, 17.17.055, 17.17.060, 17.17.070, or 17.17.075 this Chapter.

B. **Type of Offense.** Any person who violates Section 17.17.040, 17.17.050, 17.17.055, 17.17.060, 17.17.070, or 17.17.075 (D through H Neighborhood Preservation) shall be guilty of an infraction. Violations shall be punishable as set forth 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. (Ord. 1579 § 7, 2012; Ord. 1412 § 2 (part), 2002; Ord. 1277 § 2 Ex. A, 1995)

17.17.090 — 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, pursuant to Section 8.24.020(B) of the San Luis Obispo'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 San Luis Obispo's Municipal Code. (Ord. 1277 § 2 Ex. A, 1995)

17.76.090 — **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, including exceptions allowed by Section 17.70.080 (Height Measurement and Exceptions).

B. **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.

C. **Performance Standards.**

1. **Lighting.** Lighting for rooftop uses shall be appropriately designed, located, and shielded to not negatively impact any adjacent residential uses.

2. **Noise.** All rooftop decks shall be designed to minimize adverse impacts to surrounding properties in compliance with the City's noise regulations.
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. Rooftop decks and activities shall also comply with restrictions for development subject to Edge Conditions regulations (Section 17.70.050: Edge Conditions). Commercial hours of operation for rooftop uses also may be restricted upon evidence of a substantiated compliant.

17.76.100 – Screening

A. Screening of Visible storage or maintenance—Storage and maintenance to be screened.

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

A-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.

A-2. Materials. Building materials, including but not limited to packing boxes, lumber, dirt piles, wood, landscape materials, or debris.


1. a. Any airplane or other aircraft, or any parts thereof.

2. 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.

3. c. Boats, trailers, camper shells, recreational vehicles, jet skis or similar devices, or parts from any of these items, unless exempted in subsection (D)(7) of this section by Section 17.86.210 (Recreational Vehicles: Use as Dwelling; Parked on a Private Lot).

D-4. Exceptions. The following may be allowed in front yards under the noted circumstances:

1. a. Waste haulers and recycling containers may be placed for pickup in accordance compliance with Chapter 8.04 and Section 17.17.050.76.060 (Neighborhood Preservation).

2. 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.
Building materials, vehicles, equipment, or construction tools may be placed in yards during construction with a valid building permit.

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 seventy-two hours.

Storage, repair, and maintenance of vehicles or other equipment may be allowed in commercial or agricultural areas visible from a public right-of-way, where these activities are an integral part of the commercial business and are conducted in accordance with all other limitations on that business.

Barbecues and furniture that is designed and intended for outdoor use may remain on a porch or in a walled front patio, where the walls are designed in accordance with fence height regulations.

Recreational vehicles and trailers with current licenses may be parked in driveways consistent with Section 17.17.055. (Ord. 1579 § 4, 2012; Ord. 1571 § 15, 2012; Ord. 1529 § 3 Ex. A (part), 2009; Ord. 1277 § 2 Ex. A, 1995) 86.210 (Recreational Vehicles: Use as Dwelling; Parked on a Private Lot).

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. Such screening shall consist of a solid fence, wall or mature hedge or other screen planting at least six feet high. The community development director may waive the screening requirement when the use customarily is not screened from public view, such as auto sales or displays at service stations. The community development director may defer the screening requirement where the sales or storage is adjacent to vacant land and where it is not visible from a public street. Such waiver or deferral may be by approval of whatever type of use permit may be required for the use. If no use permit is required, the waiver or deferral shall be in writing and shall as set forth the circumstances justifying the action. (Ord. 1265 § 2 Ex. in subsection A, 1994) (Screening of Visible Storage and Maintenance) of this Section.
Chapter 17.78 Flood Damage Prevention

Sections:
Chapter 17.84

FLOODPLAIN MANAGEMENT REGULATIONS*

Sections:
17.8478.010 – Statutory authorization, findings
17.8478.020 – Definitions.
17.8478.030 – General provisions.
17.8478.040 – Administration.
17.8478.050 – Provisions for flood hazard reduction.
17.8478.060 – Variance procedure.

*Prior history: Prior code §§ 9800—9816; Ords. 1093 and 1259.

17.8478.010 – Statutory authorization, findings

A. Statutory Authorization. The Legislature of the State of California has in Government Code Sections 65302, 65560, and 65800 conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the city council of the city of San Luis Obispo does hereby adopt the following floodplain management regulations.

B. Findings of Fact.

1. The flood hazard areas of the city of San Luis Obispo are subject to periodic inundation, which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

2. These flood losses are caused by uses that are inadequately elevated, floodproofed, or protected from flood damage. The cumulative effect of obstructions in areas of special flood hazards 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. In order to accomplish its purposes, this chapter includes regulations to:

1. Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or flood heights or velocities;

2. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

3. Control the alteration of natural flood plains, stream channels, and natural protective barriers, which help accommodate or channel floodwaters;

4. Control filling, grading, dredging, and other development which may increase flood damage;

5. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas; and

6. These regulations take precedence over any less restrictive conflicting local laws, ordinances, and codes.

(Ord. 1494 § 1, 2006)

17.8478.020 – Definitions.

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application; and as defined in Chapter 17.158 (General Definitions) under “Floodplain Management Regulations.”

A zone. See “Special flood hazard area (SFHA).”

“Accessory structure” means a structure that is:

1. Solely for the parking of no more than two cars; or

2. A small, low-cost shed for limited storage, less than one hundred fifty square feet and one thousand five hundred dollars in value.

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

“Alluvial fan” means a geomorphologic feature characterized by a cone or fan-shaped deposit of boulders, gravel, and fine sediments that have been eroded from mountain slopes, transported by flood flows, and
then deposited on the valley floors, and which is subject to flash flooding, high velocity flows, debris flows, erosion, sediment movement and deposition, and channel migration.

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

“Appeal” means a request for a review of the floodplain administrator’s interpretation of any provision of this chapter.

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

Area of special flood hazard. See “Special flood hazard area (SFHA).”

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

“Base flood elevation (BFE)” means the elevation shown on the flood insurance rate map for zones AE, AH, A1-30, VE and V1-V30 that indicates the water surface elevation resulting from a flood that has a one percent or greater chance of being equaled or exceeded in any given year.

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

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

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

“Existing manufactured home park or subdivision” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before February 20, 1979.

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

“Flood, flooding, or floodwater” means a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters; the unusual and rapid accumulation or runoff of surface waters from any source; and/or mudslides (i.e., mudflows); and the condition resulting from flood-related erosion.

“Flood boundary and floodway map (FBFM)” means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the floodway.
“Flood insurance rate map (FIRM)” means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

“Flood insurance study” means the official report provided by the Federal Insurance Administration that includes flood profiles, the flood insurance rate map, the flood boundary and floodway map, and the water surface elevation of the base flood.

“Floodplain or flood-prone area” means any land area susceptible to being inundated by water from any source. See “Flood, flooding or floodwater.”

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

“Floodplain management” means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

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

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

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

“Floodway fringe” is that area of the floodplain on either side of the regulatory floodway where encroachment may be permitted.

“Fraud and victimization” as related to Section 17.84.060, means that the variance granted must not cause fraud on or victimization of the public. In examining this requirement, the city council will consider the fact that every newly constructed building adds to government responsibilities and remains a part of the community for fifty to one hundred years. Buildings that are permitted to be constructed below the base flood elevation are subject during all those years to increased risk of damage from floods, while future owners of the property and the community as a whole are subject to all the costs, inconvenience, danger, and suffering that those increased flood damages bring. In addition, future owners may purchase the property, unaware that it is subject to potential flood damage, and can be insured only at very high flood insurance rates.

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

“Governing body” is the local governing unit, i.e., county or municipality, that is empowered to adopt and implement regulations to provide for the public health, safety and general welfare of its citizenry.

“Hardship” as related to Section 17.84.060 means the exceptional hardship that would result from a failure to grant the requested variance. The city council requires that the variance be exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one’s neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

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

“Historic structure” means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or

4. Individually listed on the city’s master list of historic structures, provided this local inventory is consistent with state-approved or certified historic preservation programs as determined by the Secretary of the Interior or directly by the Secretary of the Interior in states without approved programs.

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

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

“Lowest floor” means the lowest floor of the lowest enclosed area, including basement (see “Basement” definition):

1. An unfinished or flood resistant enclosure below the lowest floor that is usable solely for parking of vehicles, building access or storage in an area other than a basement area, is not considered a building’s lowest floor, provided it conforms to applicable nonelevation design requirements, including, but not limited to:
   a. The flood openings standard in Section 17.84.050(A)(3);
   b. The anchoring standards in Section 17.84.050 (A)(1);
c. The construction materials and methods standards in Section 17.84.050(A)(2); and

d. The standards for utilities in Section 17.84.050(B).

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

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

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

"Market value" is defined in the city of San Luis Obispo substantial improvement and damage procedures. See
Section 17.84.040(B)(2).

"Mean sea level" means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical
Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's flood
insurance rate map are referenced.

"New construction," for floodplain management purposes, means structures for which the "start of construction"
commenced on or after February 20, 1979, and includes any subsequent improvements to such structures.

"New manufactured home park or subdivision" means a manufactured home park or subdivision for which the
construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including
at a minimum, the installation of utilities, the construction of streets, and either final site grading or the
pouring of concrete pads) is completed on or after February 20, 1979.

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

One-hundred-year flood. See “Base flood.”

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

"Public safety and nuisance" as related to Section 17.84.060, means that the granting of a variance must not
result in anything which is injurious to safety or health of an entire community or neighborhood, or any
considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner,
of any navigable lake, or river, bay, stream, canal, or basin.

"Recreational vehicle" means a vehicle which is:

1. Built on a single chassis;

2. Four hundred square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently tovable by a light duty truck; and

4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

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

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

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

Sheet flow area. See “Area of shallow flooding.”

“Special flood hazard area (SFHA)” means an area in the floodplain subject to a one percent or greater chance of flooding in any given year. It is shown on an FHBM or FIRM as zone A, AO, A1-A30, AE, A99, or AH and includes all areas designated in the city’s waterway management plan as being in the one-hundred-year floodplain.

“Start of construction” includes substantial improvement and other proposed new development and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty days from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

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

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

“Substantial improvement” means:

1. Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost (cumulatively within any ten-year period) of which equals or exceeds fifty percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage,” regardless of the actual repair work performed.
2. Any reconstruction, rehabilitation or other improvement of a foundation for a structure which equals or exceeds twenty-five percent of the foundation.

3. Any reconstruction, rehabilitation or other improvement which, by nature of the work, will necessitate raising the structure off the foundation to complete the work.

The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations or state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

2. Any alteration of a “historic structure,” provided, that the alteration will not preclude the structure’s continued designation as a “historic structure.”

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

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

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

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

“XB zone” means the area between the limits of the one percent flooding and the 0.2 percent flooding indicated as an X zone in the maps and formerly as a B zone in the maps. (Ord. 1494 § 1, 2006)

17.84.030 General provisions.

A. 17.84.030 – General Provisions

A. Lands to Which This Chapter Applies. This chapter shall apply to all areas of special flood hazards, and where specifically identified, XB zones, within the jurisdiction of the city of San Luis Obispo.

B. Basis for Establishing the Areas of Special Flood Hazard. The areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in the “Flood Insurance Study (FIS) for the City of San Luis Obispo, California in San Luis Obispo County” dated October 1978, with accompanying flood insurance rate maps (FIRMs) and flood boundary and floodway maps (FBFMs), dated April 1979, and all subsequent amendments and/or revisions, are hereby adopted by reference and declared to be a part of this chapter. This FIS and attendant mapping is the minimum area of applicability of this chapter and may be supplemented by studies for other areas, including local experience and historical data, which allow implementation of this chapter and which are recommended to the city council by the floodplain administrator to be
Article 3: Regulations Applicable to All Zones

included in the regulated area. The study, FIRMs, and FBFMs are on file at the Department of Public Works, 919 Palm Street.

C. Compliance. No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this chapter and other applicable regulations. Violation of the requirements (including violations of conditions and safeguards) shall constitute a misdemeanor. Nothing herein shall prevent the city council from taking such lawful action as is necessary to prevent or remedy any violation.

D. Abrogation and Greater Restrictions. This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

E. Interpretation. In the interpretation and application of this chapter, all provisions shall be:

1. Considered as minimum requirements;

2. Liberally construed in favor of the governing body; and

3. Deemed neither to limit nor repeal any other powers granted under state statutes.

F. Warning and Disclaimer of Liability. The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted allowed within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the city council, any officer or employee thereof, the state of California, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder.

G. Severability. This chapter and the various parts thereof are hereby declared to be severable. Should any section of this chapter be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the chapter as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid. (Ord. 1494 § 1, 2006)

17.8478.040 Administration.

A. Designation of the Floodplain Administrator. The director of public works or their designee is hereby appointed to administer, implement, and enforce this chapter by granting or denying development permits in accord with its provisions.

B. Duties and Responsibilities of the Floodplain Administrator. The duties and responsibilities of the floodplain administrator shall include but not be limited to the following:

1. Permit Review. Review all development permits to determine:

   a. Permit requirements of this chapter have been satisfied, including determination of substantial improvement and substantial damage of existing structures;

   b. The applicant was advised other local, state or federal permits may be required;
c. The site is reasonably safe from flooding;

d. The proposed development does not adversely affect the carrying capacity of areas where base flood elevations have been determined but a floodway has not been designated. This means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than one foot at any point within the city of San Luis Obispo;

e. If the proposed development is within a designated in-fill area, special floodplain management zone, or the Mid-Higuera Specific Plan Area as defined by the Drainage Design Manual, that the more stringent requirements of the manual have been met, and

f. All letters of map revision (LOMRs) for flood control projects are approved prior to the issuance of building permits. Building permits must not be issued based on conditional letters of map revision (CLOMRs). Approved CLOMRs allow construction of the proposed flood control project and land preparation as specified in the “start of construction” definition.

2. Development of Substantial Improvement and Substantial Damage Procedures.

a. Using FEMA publication FEMA 213, “Answers to Questions About Substantially Damaged Buildings,” develop detailed procedures for identifying and administering requirements for substantial improvement and substantial damage, to include defining “market value.”

b. Ensure procedures are coordinated with other departments/divisions and implemented by community staff.

3. Review, Use, and Development of Other Base Flood Data. When base flood elevation data has not been provided in accordance with Section 17.8478.030(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 17.8478.050. (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.


a. Alteration or Relocation of a Watercourse.

i. Notify adjacent communities and the California Department of Water Resources prior to alteration or relocation;

ii. Submit evidence of such notification to the Federal Emergency Management Agency; and

iii. 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.
   i. 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).
   ii. All LOMRs for flood control projects are approved prior to the issuance of building permits. Building permits must not be issued based on conditional letters of map revision (CLOMRs). Approved CLOMRs allow construction of the proposed flood control project and land preparation as specified in the “start of construction” definition.

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

c. Changes in Corporate Boundaries. Notify FEMA in writing whenever the corporate boundaries have been modified by annexation or other means and include a copy of a map of the community clearly delineating the new corporate limits.

5. Documentation of Floodplain Development. Obtain and maintain for public inspection and make available as needed the following:
   a. Certification required by Sections 17.8478.050(A)(3) and 17.8478.050(D) (lowest floor elevations);
   b. Certification required by Section 17.8478.050(A)(3) (elevation or floodproofing of nonresidential structures);
   c. Certification required by Section 17.8478.050(A)(3) (wet floodproofing standard);
   d. Certification of elevation required by Section 17.8478.050(C)(1) (subdivisions and other proposed development standards);
   e. Certification required by Section 17.8478.050(F)(2) (floodway encroachments); and
   f. Maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its biennial report submitted to the Federal Emergency Management Agency.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 17.8478.030(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 of San Luis Obispo 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 City Attorney and:

i. (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 Chapter and other city City
requirements.

ii. (2) Have the authority granted to the city City to inspect any area of a structure below the base flood
elevation to ensure compliance upon prior notice of at least seventy-two 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 17.8478.030(B).
(Basis for Establishing the Areas of Special Flood Hazard). Application for a development permit shall be made
on forms furnished by the city of San Luis Obispo 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 17.8478.030(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 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 17.8478.050(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 17.8478.050(A)(3 Elevation and Floodproofing).

3. For a crawlspace foundation, location and total net area of foundation openings as required in Section
17.8478.050(A)(3 Elevation and Floodproofing) and detailed in FEMA Technical Bulletins 1-93 and 7-93.
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4. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

5. All appropriate certifications listed in subsection (B)(5) of this section.

D. Appeals. The city council of the city of San Luis Obispo shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the floodplain administrator in the enforcement or administration of this chapter.

17.8478.050 Provisions for flood hazard reduction

A. Standards of Construction. In all areas of special flood hazards, the following standards are required:

1. Anchoring. All new construction and substantial improvements of structures, including manufactured homes, shall be adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

2. Construction Materials and Methods. All new construction and substantial improvements of structures, including manufactured homes, shall be constructed:
   a. With flood-resistant materials, and utility equipment resistant to flood damage for areas below the base flood elevation;
   b. Using methods and practices that minimize flood damage;
   c. With electrical, heating, ventilation, plumbing and air conditioning equipment, and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding; and
   d. Within zones AH or AO, so that there are adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.

3. Elevation and Floodproofing.
   a. Residential Construction. All new construction or substantial improvements of residential structures shall have the lowest floor, including basement:
      i. In AE, AH, A1-30 zones, elevated one foot above the base flood elevation.
      ii. In an AO zone, elevated above the highest adjacent grade to a height one foot above the depth number specified in feet on the FIRM, or elevated at least three feet above the highest adjacent grade if no depth number is specified.
      iii. In an A zone, without BFEs specified on the FIRM, elevated one foot above the base flood elevation; as determined under Section 17.84.040(B)(3).
      iv. In an XB zone, above the base flood elevation.

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

(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:

i. 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;

ii. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

iii. Be certified by a registered civil engineer or architect that the standards of subsection (A)(3) (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:

i. For nonengineered openings:

   (a) Have a minimum of two openings on different sides having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;

   (b) The bottom of all openings shall be no higher than one foot above grade;

   (c) Openings may be equipped with screens, louvers, valves or other coverings or devices; provided, that they permit the automatic entry and exit of floodwater; and

   (d) Buildings with more than one enclosed area must have openings on exterior walls for each area to allow floodwater to directly enter; or

   (2) Be certified by a registered civil engineer or architect.

d. Manufactured Homes.
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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) 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 17.84.020158.016 – 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 accordance with the following requirements:

      i. Use of the accessory structure must be limited to parking or limited storage;

      ii. The portions of the accessory structure located below the BFE must be built using flood-resistant materials;

      iii. The accessory structure must be adequately anchored to prevent flotation, collapse, and lateral movement;

      iv. Any mechanical and utility equipment in the accessory structure must be elevated or floodproofed to or above the BFE;

      v. The accessory structure must comply with floodplain encroachment provisions in subsection (F) (Floodways) of this section; and

      vi. The accessory structure must be designed to allow for the automatic entry of floodwaters in accordance with subsection (A)(3) (Elevation and Floodproofing) of this section.

   b. Detached garages and accessory structures not meeting the above standards must be constructed in accordance with all applicable standards in subsection (A) (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. On-site waste disposal systems shall be located to avoid impairment to them, or contamination from them during flooding.

C. Standards for Subdivisions and Other Proposed Development.

1. All new subdivisions proposals and other proposed development, including proposals for manufactured home parks and subdivisions, greater than fifty-five or five acres, whichever is the lesser, shall:
   a. Identify the special flood hazard areas (SFHA) and base flood elevations (BFE).
   b. Identify the elevations of lowest floors of all proposed structures and pads on the final plans.
   c. If the site is filled above the base flood elevation, the following as-built information for each structure shall be certified by a registered civil engineer or licensed land surveyor and provided as part of an application for a letter of map revision based on fill (LOMR-F) to the floodplain administrator:
      i. Lowest floor elevation.
      ii. Pad elevation.
      iii. Lowest adjacent grade.

2. All subdivision proposals and other proposed development shall be consistent with the need to minimize flood damage.

3. All subdivision proposals and other proposed development shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.

4. All subdivisions and other proposed development shall provide adequate drainage to reduce exposure to flood hazards.

D. Standards for Manufactured Homes Within Manufactured Home Parks or Subdivisions.

All manufactured homes in special flood hazard areas shall meet the anchoring standards in subsection (A)(1) (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.

Note: Manufactured homes located outside of manufactured home parks or subdivisions shall meet the elevation and floodproofing requirement in subsection (A)(3) of this section.
Article 3: Regulations Applicable to All Zones

1. All manufactured homes that are placed or substantially improved on sites located: (1a) in a new manufactured home park or subdivision; (2b) in an expansion to an existing manufactured home park or subdivision; or (3c) 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 thirty-six inches in height above grade.

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

E. Standards for Recreational Vehicles.

1. All recreational vehicles placed in zones A1-30, AH, and AE will either:
   a. Be on the site for fewer than one hundred eighty consecutive days; or
   b. Be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect-type utilities and security devices, and has no permanently attached additions; or
   c. Meet the permit requirements of Section 17.8478.040 (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 which carry debris, potential projectiles, and erosion potential, the following provisions apply:

1. Until a regulatory floodway is adopted, no new construction, substantial development, or other development, including fill, shall be permitted within zones A1-30 and AE unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other development, will not increase the water surface elevation of the base flood more than one foot at any point within the city of San Luis Obispo 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 of San Luis Obispo shall prohibit encroachments, including fill, new construction, substantial improvements, and other development, unless certification by a registered civil engineer is provided demonstrating that the proposed encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge.

4. If subsections (F)(1) and (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. (Ord. 1494 § 1, 2006)

17.8478.060 – Variance procedure. 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 set forth 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 17.8478.040 (Administration) and 17.8478.050 (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 Section 17.84.020 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 city council need not grant permission for the applicant to build at grade, or even to whatever elevation the applicant proposes, but only to that elevation which the city council believes will both provide relief and preserve the integrity of the 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 twenty-five dollars for one hundred dollars of insurance coverage; and

b. Such construction below the base flood level increases risks to life and property. It is recommended that a copy of the notice shall be recorded by the floodplain administrator in the Office of the County of San Luis Obispo recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

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

C. Appeal Board.

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 passing upon requests for variances, the city 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 comprehensive plan and floodplain management program for that area;

i. Safety of access to the property in time of flood for ordinary and emergency vehicles;
j. Expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters expected at
the site; and

k. Costs of providing governmental services during and after flood conditions, including maintenance and
repair of public utilities and facilities such as sewer, gas, electrical, and water system, and streets and
bridges.

2. Variances shall only be issued upon a:

a. Showing of good and sufficient cause;

b. Determination that failure to grant the variance would result in exceptional hardship to the applicant; and

c. Determination that the granting of a variance will not result in increased flood heights, additional threats
to public safety, or extraordinary public expense, create a nuisance (see “Public safety and nuisance” in
Section 17.84.020), 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)(1) of this section and the purposes of this chapter,
the city council may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter. (Ord. 1494 § 1, 2006)

Building Setback Lines
Chapter 17.7480. Street Regulations

BUILDING SETBACK LINES

Sections:

17.74.010  Title.

17.80.010 – Building Setback Lines For Master Plan of Streets

A. 17.74.120  Johnson Avenue.
17.74.130  Broad Street (Marsh to SE city limits).
17.74.140  Orcutt Road (Broad to Johnson).
17.74.150  California Boulevard and San Luis Drive.
17.74.160  South Higuera Street.
17.74.170  Higuera Street (Marsh to Madonna).
17.74.180  Santa Rosa Street (Monterey to Murray).
17.74.190  Higuera Street (Prado Road to south city limit).
17.74.200  Santa Rosa Street (Monterey to Marsh).
17.74.210  Osos Street (Monterey to Higuera).
17.74.215  Santa Barbara Avenue (High Street to Broad Street).
17.74.220  No new structures to be in setback area—Exceptions.
17.74.230  Appeals from Section 17.74.220—Procedure.
17.74.240  Enforcement—Nonconforming buildings and structures declared unlawful and a nuisance—Abatement.

17.74.010  Title.

This chapter shall be known and cited as the “Official Building Setback Line Ordinance” of the city. (Prior code § 9300.8) City.

B. 17.74.020  Purpose—Adoption of building setback lines.

Building Setback Lines. This chapter is enacted to enable adoption of official building setback lines for the city, and to provide for the designation, recording, enforcement of, and appeal from such official building setback lines. (Prior code § 9300)

C. 17.74.030  Purpose—Protection of master street and highway plan.
Highway Plan. The purpose of this chapter 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. 
   A-Serve as a general guide for the development of streets and highways;

2. 
   B-Promote the public welfare, safety, and convenience;

3. 
   C-Provide a comprehensive guide for capital outlay on street and highway improvements in the City;

D-Provide an authentic source of information for residents and investors in the City;

E-To obviate the menace to the public safety and the damage to property values resulting from inadequate provision of traffic thoroughfares. (Prior code § 9300.1)

17.74.040 D. Designation on maps—Contents of maps.

A. 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 city planning commission, acting through the council.

B. Scale. The official building setback maps shall show all buildings adjacent to the street, or proposed street, at a scale of one inch equals fifty feet, and they shall show the existing right-of-way widths, if any, as well as any proposed changes in the street. The maps shall be titled “Official Building Setback Lines of (name of street or highway).” There shall be statements of adoption by the planning commission and the council on each map. (Prior code § 9300.2)

17.74.050 E. City clerk to keep up-to-date copies of maps showing official building setback lines.

A. 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.

B. Not Recorded. The maps shall not be recorded. (Prior code § 9300.3)

17.74.060 F. Planning commission public hearing.

Commission Public Hearing. In order to adopt any additional building setback line maps, the city planning commission shall be in receipt of the map from the city engineer and shall hold at least one public hearing thereon. Notice of the hearing shall be given as set forth in a newspaper of general circulation in the city at least ten days in advance of the first of such hearings. The city planning commission shall submit its findings in writing to the council within ninety days after the notice of the hearing. (Prior code § 9300.4.1)
Public Hearing. Upon receipt of the report from the city planning commission, the council shall set a date for at least one public hearing and give public notice of the hearing as prescribed by law 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 17.74.080 Provisions) of this Section, or resubmit the map to the planning commission for further study. (Prior code § 9300.4.2)

17.74.080 Adoption—H. Maps to be a part of chapter provisions—Designation of official centerline.

Section Provisions. Official building setback line maps and all the notations thereon on the maps are made a part of this chapter at the time of their adoption by the council, and the maps constitute sections under this chapter. The centerline shown on any building setback line map is designated as the official centerline of the street. (Prior code § 9300.4.3)

17.74.090 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 forty-three feet in commercial nonresidential zones and manufacturing land use districts, and thirty-eight feet in residential land use districts, on both sides of the centerline shown on the map. (Prior code § 9300.4.4)

17.74.100 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 forty-three feet in commercial nonresidential zones and manufacturing land use districts, and thirty-eight feet in residential land use districts, on both sides of the centerline shown on the map, except on Sheets 2A and 3A as amended by Ordinance No. 346, 1966 Series. (Prior code § 9300.4.5)

17.74.110 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 forty-three feet in commercial nonresidential zones and manufacturing land use districts, and thirty-eight feet in residential land use districts, on both sides of the centerline shown on the map. (Prior code § 9300.4.6)

17.74.120 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 forty-three feet in commercial and manufacturing land use districts, on both sides of the centerline shown on the map. (Prior code § 9300.4.7)

17.74.130 M. Broad Street (Marsh to SE city limits).

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 forty feet from the existing centerline of said this portion of Broad Street. (Ord. 1529 § 2, 2010; Ord. 1957 § 2, 1986; prior code § 9300.4.8)
17.74.140  
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 accordance with the official map designated "Official Building Setback Line for Orcutt Road between Broad Street and Johnson Avenue" dated November 4, 1963, as amended by the city council by ordinance on February 16, 1982, and as amended by the city council by ordinance on August 16, 1994, on file in the office of the city clerk. 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. (Ord. 1269 § 2, 1994; Ord. 921 § 2, 1982; prior code § 9300.4.9)

17.74.150  
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,” said map being dated May 17, 1965. (Prior code § 9300.4.11)

17.74.160P. South Higuera Street.

The map adopted by Ordinance No. 313, 1965 Series, is designated as the “Official Building Setback Line of South Higuera Street,” said map being dated June 7, 1965. (Prior code § 9300.4.12)

17.74.170Q. Higuera Street (Marsh to Madonna).

The official building setback line is established on the west side of Higuera Street from Marsh Street to Madonna Road, in accordance with the official map designated "Official Building Setback Line for South Higuera Street, between Marsh Street and Madonna Road," dated September 7, 1965, as amended by the city council by ordinance on April 21, 1981, and as amended by the city council by ordinance on September 18, 2001, on file in the office of the city clerk. (Ord. 1399 § 2, 2001; prior code § 9300.4.13)

17.74.180R. Santa Rosa Street (Monterey to Murray).

An official building setback line is established along both sides of Santa Rosa Street from Monterey Street to Murray Street and shall be forty-five feet from the centerline of the Santa Rosa Street. No person shall erect or construct, or cause to be erected or constructed, or begin to erect or construct, any building, wall, fence, sign, or other structure within the space between the setback lines described in this section and the line of the street in front of the property on which the setback lines exist. (Prior code § 9300.4.14)

17.74.190S. Higuera Street (Prado Road to south city limit).

South City Limit. An official building setback line is established along both sides of Higuera Street from Prado Road to the southerly city limits in accordance with the map dated January 20, 1969, on file in the office of the city clerk, and the line shall be forty-two feet from the centerline on both sides of Higuera Street. (Prior code § 9300.4.15)

17.74.200T. Santa Rosa Street (Monterey to Marsh).

An official building setback line is established along both sides of Santa Rosa Street between Monterey Street and Marsh Street in accordance with the map dated January 20, 1969, on file in the office of the city
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clerkCity Clerk and the line shall be forty 40 feet from the centerline on both sides of Santa Rosa Street. (Prior code § 9300.4.16)

17.74.210U. Osos Street (- Monterey to Higuera).

An official building setback line is established along both sides of Osos Street between Monterey Street and Higuera Street, in accordance compliance with the official map dated November 3, 1969, on file in the office of the city clerkCity Clerk, and the line shall be twenty-nine 29 feet from the centerline on both sides of Osos Street. (Prior code § 9300.4.17)

17.74.215V. Santa Barbara Avenue (- High Street to Broad Street).

An official building setback line is established at thirty-seven 37 feet easterly of the existing centerline of Santa Barbara Avenue, from High Street to Broad Street (State Highway 227), along with seventeen 17-foot radius property returns at the High Street and Roundhouse Avenue intersections, in accordance compliance with the map dated November 6, 2001, on file in the office of the city clerk. (Ord. 1401 § 2, 2001)

17.74.220W. No new structuresNew Structures to be in setback area--Exceptions.

A.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 chapterSection, nor within the yardsetback areas designated under Division 1Article 2 of Title 17 of this codeZoning Regulations, measured from the official setback lines established by this chapterSection, except as provided for under subsection X (Appeals from Section 17.74.23080.010) of this Section.

B.2. Exception for Existing Structures. All buildings or structures as they are presently located and built along streets named in this chapterSection, and for which setback lines have been or are hereby established, are expressly excepted from the effects hereof. (Prior code § 9300.5)

17.74.230X. Appeals from Section 17.74.220--Procedure.80.010


a. Variance Required. The council shall hear and decide appeals for variances in the through the Variance procedures from the strict application of Section 17.74.220, or for the modification of street setback standards of the setback ordinance from any property damaged thereby.

B. The owner of any property affected by established official building setback lines may appeal the strict interpretation of Section 17.74.220, or seek to be excluded from the effect thereof. The appeal shall be made in writing to the city planning commission.

b. Planning Commission Findings. In order to make a recommendation contrary to the provisions stated in Section 17.74.220 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 city planning commissionCouncil 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
That the property will not earn a fair return on the owner's investment unless the construction involved is authorized; or

That the granting of the application is necessary for the preservation of substantial property rights.

D. Upon receipt of the report from the city planning commission, or upon expiration of sixty days from the time the applicant filed his or her appeal with the city planning commission, the council shall set a date for a public hearing thereon with notices as required by law. At the conclusion of the public hearings the council may grant the applicant a variance from the provisions of Section 17.74.220 or completely except the applicant's land from the effect of the official building setback line.

E. In order to grant a variance or exception contrary to Section 17.74.220, the council must find:

1. That the property of which the official building setback line is a part is of such nature that the owner of the land will be substantially damaged by the refusal to grant the permit or exception; or

2. That the property will not earn a fair return on the owner's investment unless the construction involved is authorized; or

3. That the granting of the application is necessary for the preservation of substantial property rights.

F. 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 sixty days within which it may choose, by resolution, to acquire such of the property as is necessary for future street widening purposes. If the council chooses not to acquire the property, the council shall then determine whether a permit should be granted to the applicant. (Prior code § 9300.6)

17.74.240 Y. Enforcement—Nonconforming buildings and structures declared unlawful and a nuisance—Abatement.

A. 1. Building Official. It shall be the duty of the city official vested with the authority of issuing building permits to enforce this chapter. The official shall not issue any such permit in conflict with the terms of this chapter, and any such permit or license issued in conflict with the provisions of this chapter shall be null and void.

B. 2. Public Nuisance. Any building or structure erected or moved contrary to the provisions of this chapter shall be and the same is declared to be unlawful and a public nuisance; and the city attorney shall, upon order of the council, immediately commence action or proceedings for the abatement and removal and enjoinder thereof in the manner provided by law, and shall take such other steps and shall apply to such courts as the same may have jurisdiction to grant such relief as will abate and remove such building or structure. (Prior code § 9300.7)

17.80.020 – Street Right-of-Way Dedication and Improvement

Chapter 17.76
STREET RIGHT-OF-WAY DEDICATION AND IMPROVEMENT
Sections: 17.76.010
Article 3: Regulations Applicable to All Zones

A. Purpose.
17.76.020 General requirements and procedures.
17.76.030 Special requirements.
17.76.060 Appeal.

17.76.010 Purpose.

This chapter establishes requirements and procedures for the purchase, dedication, and improvement of the street right-of-way specified in Chapter 17.74 (Building Setback Lines for Master Plan of Streets) and in the circulation element of the general plan. (Prior code § 9310) General Plan.

B. 17.76.020 General requirements and procedures.

1. City Engineer Responsibilities.
   A. The city engineer shall establish setback lines and grades for the purchase, dedication, or improvement of any street right-of-way specified in Chapter 17.74 (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 current sign ordinance codified in Chapter 15.40.

7. Curbside Parking. The city cannot guarantee a permanent right to curbside parking.

H. Any person required to dedicate property or make improvements under the provisions of this chapter, including any resolutions adopted pursuant to Section 17.76.030, may appeal any determination made by the city engineer or any application of these provisions to his or her property. The appeal shall be to the council pursuant to the procedures set forth in Chapter 1.20. If as part of the appeal a request is made to vary from aforementioned provisions, the appeal shall be granted only upon a finding that imposing the provision appealed from creates an undue hardship which does not apply to other properties similarly situated.

I. 17.76.030 Special requirements.

17.76.030 Special requirements.
C. Requirements. The council shall adopt a resolution establishing requirements under the following conditions:

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

B. Where a property owner applies to improve property;

C. Where a property owner applies for a use permit;

D. Where a property owner voluntarily dedicates property lying within a proposed right-of-way. (Prior code § 9310.2)

17.76.060—Appeal.

D. Any person required to dedicate land or make improvements under the provisions of this chapter may appeal to the council, in writing, any determination made by the city engineer or the application of these provisions to his or her property. The appeal must be filed prior to execution of the agreement to make the dedication and/or improvements and must set forth any grounds. If as part of the appeal a request is made to vary from aforementioned provisions, the appeal shall be granted only upon a finding that imposing the provision appealed from creates an undue hardship which does not apply to other property owners affected by this chapter. Upon finding by the council of such undue hardship, the council may make such modifications in the dedication and improvements as the council deems just. (Prior code § 9310.3)

Chapter 17.82. Reserved

Chapter 17.84. Reserved
ARTICLE 4: REGULATIONS FOR SPECIFIC LAND USES AND ACTIVITIES

Chapter 17.86. Regulations for Specific Land Uses and Activities

Sections:

17.16.070 – 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
17.86.070 – Bed and Breakfast Establishments
17.86.080 – Reserved
17.86.090 – Convenience Stores
17.86.100 – Day Care
17.86.110 – Electronic Game Amusement Centers
17.86.120 – Food Trucks (Mobile Food Vendors)
17.86.130 – Fraternities and Sororities
17.86.140 – Home Occupations
17.86.150 – Homeless Shelters
17.86.160 – Homestay Rentals
17.86.170 – Household Pets Boarding and Kennels – Outdoor Areas
17.86.180 – Manufacturing
17.86.190 – Outdoor Sales on Commercial and Residential Lots
17.86.200 – Parking as a Primary Use
17.86.210 – Recreational Vehicles: Use as Dwelling; Parked on a Private Lot
17.86.220 – Recycling Facilities
17.86.230 – Safe Parking
17.86.240 – Schools
17.86.250 – Service/Fueling Stations
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 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 guest quarters, as defined in Chapter 17.156 (Land Use Definitions).
A. **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).

**Purpose.**

1. The purpose of this chapter is to provide for the creation of accessory dwelling units in a manner that is consistent with requirements set forth in California Government Code Section 65852.2, as amended from time to time.

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

B. **Definitions.** For the purpose of this section, the following words and phrases have the meanings given them in this section:

1. “Accessory dwelling unit” means an attached or detached dwelling unit which provides complete independent living facilities for one or more persons and complies with all provisions of this section. It shall include permanent provisions for living, sleeping, eating, cooking and sanitation on the same parcel as the primary unit. An accessory dwelling unit also includes the following:
   a. An efficiency unit, as defined in California Health and Safety Code Section 17958.1.
   b. A manufactured home, as defined in California Health and Safety Code Section 18007.

2. “Director” means the director of the community development department or his designate.

3. “Director’s action” means the required submittal of an administrative approval application and review by the community development director.

4. “Passageway” means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit. Passageways are not required for detached accessory dwelling units.

5. “Primary unit” means the existing single-family residential structure on the site.

C. **General Requirements.**

1. **Application.** Where this section does not contain a particular type of standard or procedure, conventional zoning standards and procedures shall apply.

2. **Areas Where Accessory Dwelling Units Are Allowed.** Upon meeting the requirements of this section, accessory dwelling units may be established in the following zones: R-1, R-2, R-3, R-4, and O any zone that allows single-unit residential dwellings, when the primary use on the site is an existing or proposed single-family residential dwelling. The existing or proposed single-unit residential dwelling is referred to as “primary unit” in this Section.

3. **Areas Prohibited.** Accessory dwelling units shall not be established in any condominium, common interest development or planned development project unless specifically addressed in the planned development ordinance as adopted or amended; or any mobile home subdivision; or trailer park.

4. **No Subdivision of Property.** No subdivision of property shall be allowed where an accessory dwelling unit has been established unless the subdivision meets all requirements of zoning and subdivision regulations.
5. e. **Sale of Property.** This section shall also apply to new owners of property where an accessory dwelling unit has been established. All conditions of director's action Director's Action to allow exceptions to maximum unit size (if applicable), restrictive covenants, and other contractual agreements with the city shall apply to the property and the new owners.

6. f. **Unit Types Allowed.** An accessory dwelling unit may be either attached or detached from the primary single-family dwelling on the lot.
   a. (1) An attached accessory dwelling unit shall be defined as either attached to (by a minimum of one shared wall), or completely contained within, the primary existing space of the single-family dwelling unit or existing accessory structure.
   b. (2) A detached accessory dwelling unit shall be defined as new residential square footage not attached or sharing any walls with the primary existing single-family dwelling unit.

7. g. **Size of Accessory Dwelling Unit.** The gross floor area of an accessory dwelling unit shall be no less than an efficiency unit, a 150 square feet and shall not exceed the lesser of fifty percent of the primary unit's existing living area or eight hundred square feet. The director may authorize an exception to this standard to allow an accessory dwelling unit up to one thousand two hundred square feet by a director's action, defined above through the Director's Action process.

8. h. **Limitation on Number.** Accessory dwelling units are limited to one unit per property.

D. 3. **Performance Standards and Compatibility.**

1. a. **Design Standards.** Accessory dwelling units shall conform to all applicable development standards included in the underlying zone such as height, yards, setback area, parking, and building coverage, etc. An accessory dwelling unit that conforms to this chapter shall not be considered to exceed the allowable density of a dwelling unit for the lot upon which it is located, and shall be deemed to be a residential use that is consistent with the existing general plan and zoning designations for the lot purpose of calculating density.
   a. (1) Accessory dwelling units shall conform to all applicable building and construction codes.
   b. (2) 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 a detached accessory dwelling unit.
   c. (3) No setback shall be required for an existing garage that is converted to an accessory dwelling unit, and a setback of no more than five feet from the side and rear lot lines shall be required for an accessory dwelling unit that is constructed above a garage.
   d. (4) Accessory dwelling units shall not be required to provide fire sprinklers if fire sprinklers are not required for the primary residence.
   e. (6) No additional parking spaces shall be required for an accessory dwelling unit.
b. **Replacement of Required Parking for Primary Unit.** When a garage, carport, or covered parking structure is demolished or converted in conjunction with the construction of an accessory dwelling unit, replacement parking spaces may be located in any configuration on the same lot as the accessory dwelling unit, 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.

c. **Historic Resources.** Accessory dwelling units on listed historic properties and in historic districts shall be found consistent with the historic preservation ordinance, including historic preservation guidelines and Secretary of the Interior standards for the treatment of historic properties.

d. **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 shall be required.

2. e. **Architectural Compatibility.** Accessory dwelling units shall be architecturally and functionally compatible with the primary residence. The accessory dwelling unit shall comply with the following design standards:

   a. (1) **Architectural Style and Form.** Architectural style and form shall match or be compatible with the style and form of the primary residence on the property.

   b. (2) **Materials.** The materials of the accessory dwelling unit shall match or be compatible with the materials of the primary residence on the property.

Compliance with these design standards shall be reviewed ministerially and be performed during the building permit application process.

**E. 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. All applications shall be permitted within one hundred twenty days of submission of a complete application, the City shall approve any such application which complies with all applicable requirements and development standards as set forth in this chapter.

Any application for an accessory dwelling that exceeds the lesser of fifty percent of the primary unit's existing living area or eight hundred square feet may apply for a director's action, defined above, in which the community development director may authorize an exception to that standard.

**F. 5. Owner-Occupancy.** The owner of the property shall occupy either the primary residence or the accessory dwelling unit. The director may waive this requirement in one-year increments, not to exceed a total of five consecutive years, based on a showing of a hardship. A hardship shall include, but not be limited to, inheritance of property with an accessory dwelling unit.

**G. 6. Covenant Agreement.** Prior to the issuance of building permits for an accessory dwelling unit, a covenant agreement shall be recorded which discloses the structure's approved floor plan and status as an "accessory dwelling unit" 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.
H.7. Violations. Violation of any of the provisions shall be subject to basic code enforcement action as provided in Title 1. (Ord. 1634 § 4, 2017) of the Municipal Code.

17.16.060 – C. Guest Quarters.
17.21.020 Guest quarters.

A. Purpose and Intent.

1. 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.

2. Regulations on guest quarters are established to prevent conversion of guest quarters into unpermitted living space to ensure that such structures are not used as separate dwelling units.

3. Unpermitted conversion of guest quarters could result in effects detrimental to the public health, safety, and welfare of the community, including but not limited to fire and life safety threats, adverse neighborhood parking, traffic congestion and noise impacts, and creation of nuisances related to increased, unpermitted residential density without appropriate permit conditions and mitigations, and the maintenance of unsafe or unsanitary permanent living quarters not permitted or intended to support primary residential uses.

B. Applicability.

1. This section applies to guest quarters as defined in Section 17.100.070, “Guest quarters,” and provided below:

2. a. Guest Quarters. A separate does not apply to legally established dwellings or accessory space, attached or detached, 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. Guest quarters shall be no larger than four hundred fifty square feet. Guest quarters shall comply with the requirements of this section.

   2. This section does not apply to legally established dwellings, or secondary dwelling units and accessory structures which are separately defined in Sections 17.21.010 and 17.21.030 respectively.

   3. This section does not apply to legally established guest quarters (previously titled guest houses) permitted prior to the effective date of the ordinance codified in this chapter (August 14, 2014).

C. General Requirements.

1. Size. 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. Guest quarters shall be no larger than four hundred fifty square feet.
c. **Density and Size.** The structure must be consistent with density provisions and development standards of the underlying zone. For the purposes of calculating density in multifamily, 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).

b. **Areas Where**

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-family, unit residential dwelling.

c. **Areas Prohibited.** Guest quarters shall not be allowed on nonconforming lots. 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.

d. **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.

e. **No Separate Rental.** Guest quarters may not be rented separately from the primary dwelling unit.

f. **No Kitchen Facilities.** No facilities meeting the definition of a “kitchen” as defined in Section 17.100.110 (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 which 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.”

D. 4. **Procedure Requirements.** Prior to filing building plans with the city building division, the following shall be met:

1. a. **Architectural Review Required.** All requests shall be reviewed for consistency with the city’s community design guidelines and architectural review ordinance. The director shall determine, upon receiving a complete application, whether the project shall be forwarded to the architectural review commission for review. All new development projects within historic districts or within properties that contain designated historic structures shall be referred to the cultural heritage committee to be reviewed for consistency with Secretary of Interior standards for treatment of a historic property.

2. b. **Application Contents.** A guest quarters permit shall be approved by the director prior to the submittal of documents requesting construction approval. No additional application fees for architectural review shall be required.

3. **Additional Requirements.**

a. **Owners Agreement with the City.** Prior to the issuance of construction permits, a covenant agreement shall be recorded which 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.

E. Appeal. Appeal procedures for this section shall be as provided by Chapter 17.66 (Appeals). (Ord. 1606 § 6 (part), 2014)

5. 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; however, only one accessory dwelling unit or guest quarters is allowed per property.

17.86.030 – Adult Entertainment Businesses

Chapter 17.95
ADULT ENTERTAINMENT BUSINESSES
Sections:
17.95.010
A. Purpose and intent.
17.95.020 Definitions.
17.95.030 Location of adult entertainment businesses.
17.95.040 Design and performance standards.
17.95.050 Severance clause.
17.95.060 Violations.

17.95.010 Purpose and intent.

Intent. The purpose and intent of this chapter is to regulate adult businesses which, unless closely regulated, tend to have serious secondary effects on the community, including, but not limited to, the following: depreciation of property values; increase in vacancies in residential and commercial areas in the vicinity of adult businesses; interference with residential property owner's enjoyment of their properties when such properties are located in the vicinity of adult businesses, as a result of increases in crime, litter, noise, and vandalism; higher crime rates in the vicinity of adult businesses; and blight conditions such as inadequate maintenance of commercial premises and parking lots, which thereby have a deleterious effect upon adjacent areas. Special regulation of these businesses is necessary to prevent these adverse effects and the blighting or degradation of the neighborhoods in the vicinity of adult businesses.

It is neither the intent nor the effect of these regulations to impose limitations or restrictions on the content of any communicative material. Similarly, it is neither the intent nor the effect of these regulations to restrict or deny access by adults to communicative materials or to deny access by the distributors or exhibitors of adult business to their intended lawful market.

Nothing in these regulations is intended to authorize, legalize, or permit the establishment, operation, or maintenance of any business, building, or use which violates any city ordinance or any statute of the state of California regarding public nuisances, unlawful or indecent exposure, sexual conduct, lewdness, obscene or harmful matter or the exhibition or public display thereof. (Ord. 1286 § 1, 1995)

17.95.020B Definitions.
Article 4: Regulations for Specific Land Uses

For the purposes of this chapter the following terms shall be defined as follows:

1. 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:
   b. Books, magazines, periodicals or other printed matter, photographs, drawings, motion pictures, slides, films, tapes, video cassettes, records, or other visual or audio representations which are characterized by an emphasis upon the depiction or description of “specified sexual activities” or “specified anatomical areas.”
   b. Instruments, devices or paraphernalia which are designed to be used in connection with “specified sexual activities;” or c.
   (3) 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. 2. “Adult live entertainment theater” means any place, building, enclosure or structure, partially or entirely used for “live adult entertainment” performances or presentations characterized by an emphasis on depicting, exposing, displaying, describing or relating to “specified sexual activities” or “specified anatomical areas” for observation by patrons or customers therein.
   “Live adult entertainment” means any physical human body activity, whether performed or engaged in alone or with other persons, including but not limited to singing, walking, speaking, dancing, acting, posing, simulating, wrestling or pantomiming, in which the performer or performers expose to public view without opaque covering “specified anatomical areas” for entertainment value for any form of consideration.
   b. 3. “Adult motion picture or video arcade” means any business wherein coin, paper, note, or token operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to four or fewer persons per machine, at any one time, and where the predominant character or theme of the images so displayed is distinguished or characterized by its emphasis on matter depicting, or relating to “specified sexual activities” or “specified anatomical areas.
   c. 4. “Adult motion picture theater” means any business, other than a hotel or motel which provides closed circuit viewing to each individual room as a secondary service to its motel customers, with the capacity for five or more persons where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions in which the predominant character and theme is distinguished or characterized by its emphasis on matter depicting or relating to “specified sexual activities” or “specified anatomical areas” as defined in this section. This includes, without limitation, showing any such slides, motion pictures or videos by means of any video tape system which has a display, viewer, screen, or a television set.
   e. 5. “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.

b. (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.

c. (3) The practice of massage in compliance with Chapter 5.56 of this Code.

B. “Establish.” “Establish” shall mean and include any of the following:

1. The opening or commencement of any adult entertainment business as defined in this section; or

2. The conversion of an existing business, whether or not an adult entertainment business, to any adult entertainment business as defined in this Section; or

3. The relocation of any adult entertainment business; or

4. The addition of any of the “adult entertainment businesses” defined herein to any other existing adult entertainment business.

C. “Specified anatomical areas.” “Specified anatomical areas” shall include the following:

1.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

2.b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

D. “Specified sexual activities.” “Specified sexual activities” shall include the following:

1.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

2.b. Clearly depicted human genitals in a state of sexual stimulation, arousal or tumescence; or
Article 4: Regulations for Specific Land Uses

3. Human or animal masturbation, sodomy, oral copulation, coitus, ejaculation; or

4. Fondling or touching of nude human genitals, pubic region, buttocks or female breast; or

5. Masochism, erotic or sexually oriented torture, beating or the infliction of pain; or

6. Erotic or lewd touching, lewd fondling or other lewd contact with an animal by a human being; or

7. Human excretion, urination, menstruation, vaginal or anal irrigations.

E. “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.

F. “Operator.” “Operator” shall mean and include the owner, custodian, manager or person in charge of any adult entertainment business.

G. “Parcel of land.” “Parcel of land” means any quantity of land capable of being described with such definiteness that its location and boundaries may be established, which is designated by its owner or developer as land to be used or developed as a unit or which has been used or developed as a unit.

H. “Person.” “Person” shall mean an individual, proprietorship, partnership, corporation, association, or other legal entity.

I. “Religious institution.” “Religious institution” shall mean any church, synagogue, mosque, temple, or building which is used primarily for religious worship, religious education incidental thereto and related religious activities.

J. “Residential zone.” “Residential zone shall mean property which has a zoning designation of R-1, R-2, R-3, R-4 or such other residential zones as may be created by ordinance, or a mobile home park as defined in this Code.

K. “School.” “School” shall mean any public or private educational facility primarily attended by minors including but not limited to, large family day care homes, nursery schools, preschools, kindergartens, elementary schools, primary schools, intermediate schools, junior high schools, middle schools, high schools, secondary schools, continuation schools, and special education schools, and includes school grounds.

L. “Sensitive uses.” “Sensitive uses” shall include religious institutions, residential zones and schools.

17.95.030 Location of adult entertainment businesses

A. No person shall operate or establish an “adult entertainment business,” as defined in this Code, in any area of the city except the retail-commercial (C-R) zone or the tourist commercial (C-T) zone.

B. No building permit or zoning clearance, business license, or other permit or entitlement for business use shall be legally valid if issued by any adult entertainment business proposed to operate or be established in any area of the city except the retail-commercial (C-R) zone or the tourist-commercial (C-T) zone.
C-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:

1. 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 parcel of land which is located in a residential zone.
   (2) 700 feet from any parcel of land upon which a religious institution or school is located.

2. 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 parcels of the land involved. (Ord. 1286 § 1, 1995)

17.95.040D. Design and performance standards.

Performance Standards. The establishment or operation of an adult entertainment business shall comply with the applicable fees and site development standards, including, but not limited to, parking and design review, and the requirements of the Uniform Codes adopted pursuant to Chapter 15.04 of the San Luis Obispo Municipal Code. An adult entertainment business shall comply with the applicable business tax requirements. In addition, adult entertainment businesses shall comply with the following design and performance standards:

A. 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.

B. 2. Each adult entertainment business shall have a business entrance separate from any other nonadult business located in the same building.

C. 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.

D. 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.

E. 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.

F. 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.
G. Each adult entertainment business shall be provided with a manager’s station which shall be used for the purpose of supervising activities within the business. A manager shall be on the premises during all times that the adult entertainment business is open to the public.

H. The interior of the adult entertainment business shall be configured in such a manner that there is an unobstructed view from a manager’s station of every area of the adult entertainment business to which any patron is permitted access for any purpose, excluding restrooms. If the adult entertainment business has two or more manager’s stations designated, then the interior of the adult entertainment business shall be configured in such a manner that there is an unobstructed view of each area of the adult entertainment business to which any patron is permitted access for any adult purpose, excluding restrooms, from at least one of the manager’s stations. The view required in this subsection must be by direct line of sight from the manager’s station.

I. No individual viewing area may be occupied by more than one person at any one time. “Individual viewing area” shall mean a viewing area designed for occupancy by one person. Individual viewing areas of the adult entertainment business shall be operated and maintained without any hole or other opening or means of direct communication or visual or physical access between the interior space of two or more individual viewing areas.

J. Off-street parking shall be provided for the adult entertainment business as specified in accordance with the parking provisions of San Luis Obispo Municipal Code Chapter 17.16.060.72 (Parking and Loading).

K. An off-site security program shall be prepared and implemented including the following items:

1–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 footcandle (ten luxes) of light on the parking surface and/or walkway.

2–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 footcandles (twenty luxes) (two candlepower) of light on the floor surface. (Ord. 1286 § 1, 1996)

17.05.050F. Severance clause. If any section, subsection, paragraph, subparagraph or provision of this chapter or the application thereof to any person, property or circumstance is held invalid, the remainder of the chapter and the application of such to other persons, properties or circumstances shall not be affected thereby. (Ord. 1286 § 1, 1995)

17.05.060F. Violations. It shall be unlawful to establish or operate an adult entertainment business in violation of this chapter. Any person who violates any provision of this chapter shall be guilty of a misdemeanor. Nothing in this chapter shall be deemed or constituted to prevent the city from commencing any civil proceeding otherwise authorized by law for the declaration or abatement of a public nuisance. (Ord. 1286 § 1, 1995)
DEEMED APPROVED ALCOHOLIC BEVERAGE SALE REGULATIONS

Sections:
17.11.010 Title, purpose, and applicability. Standards
17.11.020 Definitions.
17.11.030 Deemed approved performance standards.
17.11.040 Deemed approved status procedure.
17.11.050 Enforcement procedure.

17.11.010 Title, purpose, and applicability.

A. Title of Deemed Approved Alcoholic Beverage Sale Regulations. The provisions of this chapter shall be known as the “deemed approved alcoholic beverage sale regulations.”

B. Purpose of Alcoholic Beverage Sale - 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 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 chapter are not the source of undue public nuisances in the community;

5. To provide for properly maintained alcoholic beverage sale establishments so that negative impacts generated by these activities are not harmful to the surrounding environment in any way; and

6. To monitor that deemed approved activities do not substantially change in mode or character of operation.

C. Applicability of Deemed Approved Alcoholic Beverage Sale - Deemed Approved Regulations. This chapter shall apply to the following alcoholic beverage commercial activities within the city which have been established without use permit approval prior to the effective date of the ordinance codified in this chapter and as defined in Chapter 17.100: bars/taverns, restaurants, liquor stores and nightclubs.

1-D. Duplicated Regulation. Whenever any provision of this chapter and any other provision of law, whether set forth 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...
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provision which is more restrictive or imposes higher standards shall control, except as otherwise expressly provided in this chapter.

D. E. Administrative Hearing Officer. There is created an alcoholic beverage sales 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. (Ord. 1578 § 3 (part), 2012)

17.11.020 Definitions.

A. Title, Purpose, and Applicability. The provisions of this section shall be known as the definitions. The purpose of these provisions is to promote consistency and precision in the interpretation of this chapter. The meaning and construction of words and phrases as hereinafter set forth shall apply throughout this chapter, except where the context of such words or phrases clearly indicates a different meaning or construction. in this Section shall be consistent with Article 9 (Definitions).

As used in this chapter:

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

“Condition of approval” means a requirement which must be carried out by the activity in order to retain its deemed approved status.

“Deemed approved activity” means operation of the stated uses applicable to this chapter as defined.

“Deemed approved status” means the status conferred upon a deemed approved activity.

“Illegal activity” means an activity which has been finally determined to be in noncompliance with the deemed approved performance standards in Section 17.11.030. Such an activity shall lose its deemed approved status and shall no longer be considered a deemed approved activity.

“Performance standards” means regulations prescribed in the deemed approved performance standards in Section 17.11.030.

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

“Restaurant” means an eating establishment as defined in Section 17.100.180. (Ord. 1578 § 3 (part), 2012)

17.11.030 Deemed approved performance standards.

A. 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 chapter, Section.

**B. Applicability.**

2. **Standards.** These standards shall apply to the following alcoholic beverage sales commercial uses listed in Section 17.11.020 and Chapter 17.100: bar/tavern, restaurant, 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, liquor store/alcohol sales, and nightclub,” and “Food and Beverage Sales – Liquor Store,” as defined in Chapter 17.100.156 (Land Use Definitions). This section is applicable to these uses under the following circumstances:

   a. 1. Alcoholic beverage commercial uses which have been established without use permit approval prior to the effective date of the ordinance, June 18, 2012, codified in this chapter.

   b. 2. Alcoholic beverage commercial uses which are inconsistent with Table 9 (2-1: Uses Allowed by Zone) of this title and have been established prior to the effective date of the ordinance codified in this chapter.

**C. 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:

1. a. That it does not result in adverse effects to the health, peace or safety of persons residing or working in the surrounding area;

2. b. That it does not result in jeopardizing or endangering the public health or safety of persons residing or working in the surrounding area;

3. 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 in the late night or early morning hours of 12:00 midnight and 7:00 AM, traffic violations, curfew violations, lewd conduct, or police detentions and arrests;

4. d. That it does not result in violations to any applicable provision of any other city, state, or federal regulation, ordinance or statute; and

5. 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. (Ord. 1578 § 3 (part), 2012)
B.2. Automatic Deemed Approved Status. All alcoholic beverage sales commercial activities applicable to this chapter per Section 17.11.030(B) 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 chapter. 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 17.11.030(C).

C.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 17.11.030(C), 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.

D.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 17.11.030(C), and once it is determined by the city that violations appear to be occurring, then a public hearing will be scheduled before the administrative hearing officer, as follows:

1. The administrative hearing officer will provide the complainant, the business owner of the deemed approved activity, the property owner, and other interested parties with at least thirty 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 thirty-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.

a. (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.

b. (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 pursuant to compliance with this chapter Section, or pursuant to 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. c. 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.

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 set forth 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 upon the evidence before the officer. The decision of the administrative hearing officer shall be based upon information compiled by staff and evidence and testimony from the complainant, the business owner, the property owner if not the same, and all other interested parties. New conditions of approval shall be made a part of the deemed approved status and the deemed approved activity shall be required to comply with these conditions. The determination of the administrative hearing officer shall become final ten calendar days after the date of decision unless appealed to the city planning commission Planning Commission in accordance with Chapter 17.66.126 (Appeals).

E-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 set forth in Sections 17.11.010 through 17.11.030 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 Sections 17.11.010 through 17.11.030 exist 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 ten calendar days after the date of decision unless appealed to the city planning commission Planning Commission in accordance with subsection FH.6 of this section. The decision of the planning commission Planning Commission shall be final unless appealed to the city council in accordance with subsection GH.7 of this section.

F-6. Appeal to Planning Commission. Appeals of the decisions of the administrative hearing officer may be filed in accordance with Chapter 17.66.126 (Appeals.). In considering the appeal, the planning commission Planning Commission shall determine whether the established use conforms to the applicable deemed approved performance standards and may continue or revoke a deemed approved status; or require such changes in the existing use or impose such reasonable conditions of approval as are, in its judgment, necessary to ensure conformity to said performance standards. The decision of the planning commission on the appeal to the conditions of approval imposed by the administrative hearing officer shall be final.

G-7. Appeal to City Council. Appeals of the decisions of the planning commission Planning Commission may be filed in accordance with Chapter 17.66.126 (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 disapprove the revocation or require such changes therein or impose such reasonable conditions of approval as are in its judgment necessary to ensure conformity to said standards. (Ord. 1578 § 3 (part), 2012)

17.11.050. Enforcement procedure.

A. Applicability. The provisions of this section shall apply to the enforcement of this chapter.

B. Official Action. All officials, departments, and employees of the city vested with the authority to issue permits, certificates, or licenses shall adhere to, and require conformance with, this chapter.

C. Infractions. Any person who violates, causes, or permits another person to violate any provision of this chapter is guilty of an infraction unless otherwise provided.

D. Separate Offenses for Each Day. Any violator shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this chapter is committed, continued, permitted, or caused by such violator and shall be punishable accordingly.

E. Any Violation a Public Nuisance. In addition to the penalties provided in this section, any use or condition caused to exist in violation of any of the provisions of this chapter shall be and is declared to be a public nuisance and may be summarily abated as such by the city.

F. Injunction as Additional Remedy. Any violation of any provision of this chapter shall be and is declared to be contrary to the public interest and shall, at the discretion of the city, create a cause of action for injunctive relief.

G. Penalties. Any person convicted of an infraction under the provisions of this section shall be punishable by a fine under state law. Any violation beyond the second conviction within a one-year period may be charged by the attorney as a misdemeanor, and the penalty for conviction shall be punishable by a fine or imprisonment to the maximum permitted under state law.

H. Liability for Expenses. In addition to the punishment provided by law, a violator is liable for such costs, expenses, and disbursements paid or incurred by the city or any of its contractors in correction, abatement, and prosecution of the violation.

I. Enforcement. The city shall designate the appropriate personnel to enforce the provisions of these regulations.

17.86.050 – Alcoholic Beverage Sales – Bar, Live Entertainment, Late Night Service

A. Purpose and Applicability. The provisions in this Section shall apply to Eating and Drinking Establishments - Bars, Live Entertainment 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 and shall be incorporated into conditions of approval of the associated Minor Use Permit or Conditional Use Permit.
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. 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 venue 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
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properly maintained alcohol outlets so that negative impacts generated by these activities are not harmful to the surrounding environment.

2. **Motor Fuel and** 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
17.08.040 Concurrent sales of motor fuel and alcoholic beverages.

A. **General Prohibition.** Concurrent sales of motor fuel and alcoholic beverages at a service/fueling station other than beer or wine are prohibited. The 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 at a service station and shall be subject to the approval of an administrative use permit and the following:

1. There shall be no sales of beer or wine for on-site 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. H. Employees on duty between the hours of ten p.m. 10:00 PM and two a.m. 2:00 AM who sell beer or wine shall be at least twenty-one 21 years of age.

1. For purposes of this section, "concurrent sales of motor fuel and beer or wine" shall mean the ability to purchase motor fuel and beer or wine at the same time or at the same place. More specifically, a service station that permits a customer to pay for motor fuel and beer or wine: (1) at the same location, or (2) utilizing a single financial transaction, is engaging in concurrent sales of motor fuel and beer or wine and shall be subject to this section.

C. J. Required Findings. In order to grant approval of a use permit Use Permit, the hearing officer must review authority shall make the following findings in addition to findings contained in Section 17.58.040:110.070 (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, e.g., 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 zoning district 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. (Ord. 1553 § 3 (part), 2010; Ord. 1446 § 3, 2004; Ord. 1265 § 2 Ex. A, 1994)

17.86.070 – Bed and Breakfast Establishments

Purpose and Applicability. The provisions in this Section shall apply to bed and breakfast establishments, as defined in Chapter 17.19

BED AND BREAKFAST ESTABLISHMENTS

Sections:
17.19.010 Purpose.
17.19.020 (Land Use Definitions.
17.19.030 Applications and approvals required.
17.19.040 General standards.
17.19.050 Site development and performance standards in the R-3 and R-4 zones.
17.19.060 Site development and performance standards in the agriculture zone.
17.19.070 Findings required.
17.19.080 Revocation of a permit.

17.19.010 Purpose.

A. Towhere 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 City upon conforming to set criteria and conditions. The intent of these standards is to ensure that the location, concentration, and design of bed and breakfast establishments is are consistent with or does not negatively affect the character or function of the neighborhood and surroundings. (Ord. 1429 § 3 (part), 2003)

17.19.020 Definitions.

“Bed and breakfast inn” means a building or group of buildings providing up to fifteen rooms or suites for the accommodation of travelers, with a common eating area for guests. (Ord. 1429 § 3 (part), 2003)
17.19.030 Applications and approvals required.

B. A bed and breakfast inn is allowed as specified in Chapter 17.22 of the San Luis Obispo Municipal Code. Approvals Required. In addition to the applicable use 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 inn. (Ord. 1429 § 3 (part), 2003)

17.19.040 General standards.

C. These standards apply to all bed and breakfast establishments in the R-3, R-4, and AG zone districts:

A. The use permit is subject to review at any time and may be revoked after a hearing by the planning commission and a finding by the planning commission that the use has become detrimental to the surrounding neighborhood;

B. 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.

C. 4. A city business license issued by the City is required and remittance of transient occupancy tax is required.

D. Any other conditions deemed essential and desirable by the planning commission may be imposed on such a use;

E. 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;

F. 6. Meals, if provided, shall be served only to residents and overnight guests of the bed and breakfast establishment.

G. 7. There shall be no separate or additional kitchen facility for the guests;

H. 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;

I. 9. No historical structure shall be removed in order to allow for a bed and breakfast home or inn, nor shall such a structure be removed in order to provide parking for such a use;

J. One non-externally illuminated sign may be erected on the property not to exceed ten square feet in size per street frontage. Lighting level shall comply with city sign regulations for the zone district. The sign shall complement the nature of the use; i.e., historic structures should have an historic style sign. The sign shall contain no information other than identification of the premises as the named bed and breakfast home. (Ord. 1429 § 3 (part), 2003)
17.19.050 Site development and performance standards in the R-3 and R-4 zones.

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

A. The main building of the bed and breakfast establishment must be the “primary residence” of the “owner” or “manager” of the bed and breakfast use;

B. Accessory buildings and structures may also be used for bed and breakfast guest rooms;

C. Generally, the minimum parking setback for guest/employee spaces shall be fifteen feet from the front property line and any street side yard and five feet from an “other yard” (yards as defined in Section 17.16.020). The parking area shall be screened from direct view of the public right-of-way by a completely planted visual barrier;

D. 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;

E. In general, the number of guest rooms permitted should be based on the city’s density unit calculation, with a rental room counting as a studio, and shall in no case exceed fifteen 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. The maximum density unit value, less the value of the manager’s quarters shall generally determine the maximum number of guest rooms. Other factors used in determining the appropriate number of guest rooms that may be permitted in any location shall include the relationship of the site to parking, access, character, size, and scale of surrounding uses;

F. Sites with historic structures shall balance outdoor space for guest use with space required for off-street parking needs. (Ord. 1429 § 3 (part), 2003), as determined by the Planning Commission.

17.19.060 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 zone.

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

A. The main building establishment of the bed and breakfast establishment must be the “primary residence” of the owner or manager of the bed and breakfast use;

B. Accessory buildings and structures may also be used for bed and breakfast guest rooms;

C. The establishment of a bed and breakfast use shall not result in the conversion of land in agricultural production;

D. Factors used in determining the appropriate number of guest rooms that may be permitted in any location shall include the relationship of the site to parking, access, character, size, and scale of surrounding uses, and in no case shall the number of guest rooms permitted exceed fifteen. (Ord. 1429 § 3 (part), 2003).
17.19.070F. Findings required.

Required. In approving a use permit for a bed and breakfast inn, the planning commission must make all of the following findings:

A. The establishment of the bed and breakfast establishment is consistent with the General Plan.

B. The establishment of the bed and breakfast inn will not be detrimental to a building, structure or feature of significant aesthetic, cultural, or historical interest or value.

C. The establishment of the bed and breakfast inn does not constitute undue concentration of such establishments that would negatively affect the appearance and/or function of the surrounding neighborhood.

D. The establishment of the bed and breakfast inn is compatible with and will not be detrimental to the character of the neighborhood and surrounding land use.

These findings shall be in addition to those required for the applicable Use Permit.

17.86.080 – Convenience Stores

Purpose and Intent. It is a goal of the City to allow for the approval of use permits contained in Section 17.58.040. (Ord. 1429 § 3 (part), 2003)

17.19.080 Revocation of a permit.

The owner and/or manager of a bed and breakfast establishment shall fully comply with all conditions related to small-scale, low impact, locally oriented and easily accessible commercial enterprises near or within residential areas. Failure to comply with any condition shall constitute grounds for revocation of a permit. If a condition is not remedied within a reasonable period, the community development director may schedule a public hearing before the planning commission to consider revocation of the permit. (Ord. 1429 § 3 (part), 2003)

Convenience Stores

17.08.095 Neighborhood grocery markets.

A. A. Intent. The standards in this section are intended to ensure that convenience stores will serve persons who live or work in nearby neighborhoods, and who will normally not need an automobile to get to the market. The standards should be aimed to ensure that 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 will prevent such stores from becoming a nuisance to the neighborhood.

B. 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 are permitted only between the hours of eight a.m. (8:00 AM) and nine p.m. (9:00 PM).

4. **Hours of Operation.** Convenience stores shall open for business no earlier than seven-thirty a.m. (7:00 AM), and shall close no later than ten p.m. (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 Chapter 17.18, Performance 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. Exterior changes shall require architectural review, as provided in Chapter 2.48 of this code.

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**Day Care – Large Family (Seven to 14 children)**

17.08.100 – Child and adult day care.

A. **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 set forth 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 of California.

B. **Permits Required.**

1. Adult day care facilities serving six or fewer clients on-site at one time and small family day care homes for eight or fewer children are considered residential uses for the purposes of zoning regulation.
Regulations. They may be established in all zones where dwellings are allowed. No use discretionary permit is required.

2. Adult day care facilities serving seven to twelve12 clients on-site at one time and large family day care homes for children may be established in any zone where dwellings are allowed, subject to performance standards listed below. These facilities require written approval by the community development director, consistent with the following review procedures: Director as a ministerial 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:

- Complies with all applicable provisions of the fire code regarding health and safety:
  - Public Notice. Mailed notice of the proposed use shall be given to all property owners within no more than a one-hundred-foot radius of the exterior boundaries of the proposed facility site, no fewer than ten days prior to the director's action to approve or deny an application for a day care facility serving seven to twelve adults or nine to fourteen children. If no written request for hearing is received by the community development department within ten days from the mailing of these notices, the director may approve the requested use upon submission of all required information and without further notice or public hearing.
  - Public Hearing. A public hearing shall be required if requested in writing by the applicant or any other affected person.
  - Approval. The director is authorized to approve day care facilities serving seven to twelve adults or nine to fourteen children, subject to the appeal provisions of Chapter 17.66 of this title. In accordance with applicable sections of the California Health and Safety Code, the director shall approve the use when he or she determines that the proposed facility:
    - Complies with all applicable provisions of the fire code regarding health and safety; and
    - Complies with property development standards contained in Chapter 17.16 (Low Density Residential [R-1 Zone] of this title and with city sign regulations; and
    - Has been issued a day care license from the state of California State Department of Social Services; and
    - Will satisfy performance standards of this section relating to noise, traffic, and parking.

3. Day care facilities serving more than twelve12 adults or more than fourteen14 children require approval of an administrative use permit where not otherwise allowed or prohibited, consistent with Section 17.22.010, Table 2-1: Uses Allowed by Zone, and Chapter 17.58, Use Permits. These facilities are subject to the performance standards outlined below.

C. Performance Standards for Day Care Facilities Serving More Than Six Adults or More Than Eight Children.

1. Noise. The day care facility shall be subject to all applicable provisions of the Noise Ordinance (Chapter 9.12 of this code), 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 nine a.m. 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.

3. Parking.
Day care facilities with seven to twelve adults or nine to fourteen children: one on-site parking space is required, in addition to parking required for the residence, except when the director finds that adequate on-street parking exists for dropping off and picking up clients.

Day care centers with more than twelve adults or more than fourteen children must provide two spaces per facility and one space for each twelve day care clients (based on the facility’s license), rounded to the nearest whole number, in addition to any spaces required for the residential use if the center is located in a home. See Section 17.16.060 of this title.

D. Day Care as an Accessory Use. When day care facilities are accessory to another use requiring a permit, only one permit application need be filed and acted on. As accessory uses to schools and churches, and where an employer provides on-site child care to fourteen or fewer children for the exclusive use of employees, day care is allowed by right, providing the primary use meets city parking standards.

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

17.86.110 –
1. The modification is in accordance with the intent and purpose of the zoning regulations, and consistent with city day care policy.

F. Nonconforming Status. All day care facilities licensed by the state at the time of ordinance adoption (1992) shall be considered legal nonconforming uses, consistent with Chapter 17.10 of this code; except, that nonconforming day care facilities may not be changed to another nonconforming use. (Ord. 1365 § 3 (part), 2000; Ord. 1265 § 2 Ex. A, 1994)

Day Care – Small Family (Eight or fewer children)
See 17.08.100 above

Day Care Centers – Adult and Children
See 17.08.100 above

Electronic Game Amusement Centers
17.08.060 Electronic game amusement centers.

During the processing of the required use permit for an

A. Purpose and Applicability. The purpose of this Section is to ensure that electronic game amusement centers defined in Chapter 156 (Land Use Definitions) as a Commercial Recreation Use – Small Scale and where permitted in Chapter 17.10 (Use Regulations) are compatible with surrounding and adjacent uses and do not create an adverse impact on adjacent properties by reason of noise, parking, and litter.

B. Licenses Required. No electronic game amusement center (see Section 17.100.050, Definitions, “E”), the appropriateness of the proposed location and possible land use conflicts created by the use shall be evaluated permitted without filing for and receiving approval of a license subject to the provisions of Chapter 5.52 (Electronic Games Amusement Center) of the Municipal Code.

C. Electronic Operational Requirements. Electronic game amusement centers (hereinafter referred to in this section as “centers”) shall be licensed in accordance with Chapter 5.52 of this code and shall comply with the following requirements and restrictions:
Article 4: Regulations for Specific Land Uses

A. Centers shall comply with all applicable laws and conditions of use permit approval.

B. No center shall be allowed:
   1. Within one thousand feet of the exterior limits of any public or private elementary school, junior high school, or high school;
   2. Within five hundred feet of the exterior limits of a PF district zone or any district zone where residential use is the principal permitted use;
   3. Within five hundred feet of the exterior limits of any premises whereon the principal business is the sale or consumption of alcoholic beverages, including, but not limited to, bars, taverns and liquor stores;
   4. Within one thousand feet of the exterior limits of any other premises occupied by another center;

C. No person under eighteen years of age may enter, be, or remain in a center during such time as the San Luis Coastal Unified School District is conducting its regular daytime education program.

D. Centers shall have at least one responsible adult supervisor on duty at all times, whose primary responsibility shall be supervision of electronic game play.

E. Noise attenuation measures shall be taken as required by conditions of use permit approval.

F. No person under eighteen years of age may play electronic games at a center located at a place of business where alcoholic beverages are sold, served or consumed.

G. Bicycle racks shall be provided within a reasonable distance of any center and shall provide at least one bicycle stall for each electronic game in the center.

H. Centers shall be closed from two a.m. to six a.m. and for such time as required by conditions of the use permit or Conditional Use Permit.

I. Adequate space shall be provided for each electronic game so as to allow its use without overcrowding.

J. Parking shall be as required by the use permit for a center.

D. Facility and Operation Exceptions. Exceptions to any of the requirements listed in this section may be considered during the use permit review process, provided all of the following findings can be made:

1. The requested exception to the facility and operation requirements will not affect the ability of the electronic game amusement center to be compatible with surrounding land uses.

2. The requested exception to the facility and operation requirements will not encourage school-age children from frequenting the electronic game amusement center while the San Luis Coastal Unified School District is conducting its regular daytime education program.
3. The purpose and intent of the facility and operation requirements are still met with the approval of the requested exception. (Ord. 1265 § 2 Ex. A, 1994)

Home Occupations

17.08.090 Home occupations.

A. Intent 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. Duration and Hours of Operation. No food truck shall operate for more than two consecutive days in the same location, and 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 as 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 home enterprises/businesses in residential dwellings which are incidental to and compatible with surrounding residential uses. A “home occupation” is gainful employment engaged in by the occupants of a dwelling, 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. 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 administrative use permits 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 of 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 involve customer access or have characteristics which would reduce residents’ enjoyment of their neighborhoods. The peace and quiet of residential areas shall be maintained.
Article 4: Regulations for Specific Land Uses

2. There shall be no customers or clients except for: 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.
   a. Private instruction, such as education tutoring, music, or art, on an individual basis, provided there are not more than six students in any one day.
   b. Physical therapists, including massage, or other therapists, who shall have no more than one client on-site at any time and no more than six clients in any one day.
   c. Attorneys, accountants and other low visitation consultants.

3. Businesses with customer access shall maintain at least one on-site customer parking space in addition to the required residential parking. For the purposes of this section, parking in a driveway that has a minimum depth of twenty (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, and shall not alter the appearance of such structures. Horticultural activities may be conducted outdoors.

5. Sales and rental or display activities may be conducted on the premises (Internet, provided that storage and phone sales okay).

6. There shall be no signs other than address and names of residents. Displays shall not occupy more than 500 square feet of the principal building and any permitted accessory structure.

7. No vehicle larger than a van or three-quarter-ton truck 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, yard setback area, or open space area.

9. Parking for vehicles used in connection with the home occupation shall be provided in addition to parking required for the residence.

10. Activities conducted and equipment or materials used shall not change the fire safety or occupancy classifications of the premises, nor use utilities in amounts greater than normally provided for residential use.

11. No use shall create or cause noise, dust, vibration, smell, smoke, glare, or electrical interference, or other hazard or nuisance.

12. No employees other than residents of the dwelling shall be allowed to work on-site. Babysitters or domestic servants are not considered employees of a home occupation.
D. Prohibited Uses. The following uses by their operation or nature may interfere with residential welfare and diminish the convenience intended for commercial zones, and therefore shall not be permitted as home occupations; however, off-site work is permitted:

1. Automotive repair (body or mechanical), or detailing, upholstery or painting of automobiles, when performed on the same site as the home occupation;

2. Personal services, such as beauticians and estheticians (see zoning regulations, Chapter 17.100);

3. Carpentry or cabinet making;

4. Welding or machining;

5. Medical offices, clinics, and laboratories, except that counseling is permitted when no more than one client visit or group session is held at one time;

6. Appliance, radio, or television repair;

7. Print shops or photograph development; digital photo production is permitted.

8. Gun or ammunition sales, including off-site work and by mail order. (Ord. 1500 § 3 (part), 2007; Ord. 1265 § 2 Ex. A, 1994)

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
17.08.110 – Homeless shelters.

A. Purpose. The requirements of this section apply only to homeless shelters within the PF zone which may be established without a discretionary permit review. Homeless shelters in other zones, which require use permit 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. A. 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 on-site supervisor at all times, plus one attendant for each fifty occupants.

3. No new homeless shelter shall not be approved when another homeless shelter exists within three hundred feet of the proposed site. This requirement 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 ten beds, and one secured bicycle parking area designed to accommodate up to one bicycle per ten beds.

6. Each homeless shelter shall be limited to a maximum occupancy of two hundred fifty 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

17.08.140 Homestay rentals.

A. Purpose and Intent. The purpose of these regulations is to allow owner-occupied homestay rentals in the city 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. Definitions.

1. Bed and Breakfast Inn. A building or group of buildings providing less than fifteen bedrooms or suites that are rented for overnight lodging, with a common eating area for guests.

2. Homestay. An owner-occupied dwelling unit where bedrooms are provided for compensation for fewer than thirty consecutive days with a maximum of four adult overnight guests.

3. Owner Occupancy. A lawfully permitted 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.

4. Responsible Party. A person over the age of eighteen who is designated by the owner of the property as a point of contact for the homestay rental in the event the owner-occupier is not on the property at all times during the rental to answer for the maintenance of the property and conduct and acts of homestay.
guests. The responsible party’s contact information must be provided to homestay guests and adjacent neighbors and stated on the application.

5. Vacation Rental. A dwelling or part of a dwelling where lodging is furnished for compensation for fewer than thirty consecutive days without concurrently being occupied by the property owner. Vacation rentals are not allowed in the city of San Luis Obispo.

B. **Permit Required.** The operation of a homestay requires a homestay permit through an administrative approval of a Homestay Permit by the community development director, who may add, delete, or modify additional conditions to further the intent of the ordinance codified in this section. Any request to waive or modify subsection (D)(4) of this section shall require an administrative use permit. 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 San Luis Obispo Municipal Code.

3. The operator of the homestay must annually provide verification of primary residence through the homeowner’s property tax exemption or other appropriate documentation.

4. The operator of the homestay must provide a site plan with at least one on-site parking space in addition to their required residential parking. Parking in a driveway that has a minimum depth of twenty feet from the back of sidewalk and is made available during rentals shall meet the definition of a parking space.

4. The operator of the homestay must 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 listed in Chapters 17.18 (Zones, Allowable Uses) and 17.19 (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 must be within a fifteen-minute drive of the property. The owner or responsible party shall be available via telephone twenty-four hours a day, seven days a week, to respond to complaints regarding the homestay. Contact information for the owner and responsible party must 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 sixty (60) days of the transfer. Failure to submit a new application as required within sixty (60) days shall result in the termination of the existing permitted use.

6. The homestay shall be limited to only the owner-occupied dwelling unit on the property.

7. Homestays are not permitted in guest houses or guest quarters.

8. Any advertisements for the homestay shall include the business license number. On-site 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 community development director upon receipt of substantiated written complaints from any citizen, code enforcement officer, Code Enforcement Officer, or police department officer, Police Department Officer, which includes information and/or evidence supporting a conclusion that a violation of the permit, or 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.

G. Appeal. Appeal procedures for this section shall be as provided by Chapter 17.66 (Appeals). (Ord. 1611 § 4, 2015)

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

E. Production and Sales.

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

17.86.190 – Outdoor Sales on Commercial and Residential Lots

A.

A. Sales of Christmas Trees and Other Agricultural Products. Upon written approval of a Temporary Use Permit by the director, premises within nonresidential zones may be used for the sale of Christmas trees, pumpkins, flowers, or 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, and other temporary structures, and signs shall be kept behind a ten-foot setback from all street rights-of-way, and they shall be removed within ten days after the close of the sale. Trash and recycling receptacles shall be provided in a convenient location for customers.

4. A camper or trailer for overnight security may be parked on-site for the duration of the permit, if kept more than ten days. Any such camper or trailer shall be set back at least ten feet from the street right-of-way.

5. A sign permit shall be obtained for any proposed signage. Maximum sign area shall not exceed thirty-two square feet. No bunting strips, banners, flags, whirligigs, or other attention-getting devices shall be displayed on-site without director approval.

6. When the use is temporary or intermittent, the applicant may be required to post a refundable deposit, set by the director, with the community development department to assure site clean-up, if necessary. Deposit shall be in the form of a cashier’s check and shall be made prior to occupying the site.

7. Outdoor sales lots are subject to all fire safety measures, including location of fire extinguishers, as required by the Fire Marshal.

8. Any Christmas trees sold for use in public facilities shall be flame-proofed with a state Fire Marshal-approved material by a state-licensed application.

9. Applicant shall obtain a city business tax certificate. A copy of the director’s approval and the business tax certificate shall be posted in a conspicuous location at all times when the use is in operation.
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10. The applicant shall secure a building permit for any structure requiring a permit, associated with the use. The plan shall show the proposed vehicular circulation pattern, parking layout, and location of structures. Plans shall also demonstrate compliance with Title 24 requirements for handicap accessibility.

10. The use shall comply with all requirements of the County Health Agency.

11. Restroom facilities shall be provided either on-site 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.

14. Upon written receipt of complaints from the public or the police department, the director’s approval may be scheduled for administrative hearing review. At the public hearing, the hearing officer may add, delete, or modify conditions of approval, or may revoke the approval.

B. Other Outdoor Sales.

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

C. Garage and Yard Sales.

1. Each garage or yard sale shall not exceed three consecutive days.

2. Each unit within multifamily 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, property owner, or approved property manager.

3. Items shall consist of normally accumulated household items (clothing, furniture, etc.). Items offered for sale may not include items acquired for resale.

4. One on-site sign not to exceed four square feet shall be permitted during the sale. No other signs are permitted in the area and no signs may be displayed in the public right-of-way. On-site signs shall be consistent with applicable sign regulations.

5. Garage and yard sales are not permitted on vacant lots. (Ord. 1591 §§ 10, 11, 2013; Ord. 1265 § 2 Ex. A, 1994)
17.86.200 – Parking as a Principal Use

Notes from
Where parking as a primary use is permitted in compliance with Table 9

6. Parking as a Principal Use – Use 2-1: Uses Allowed by Zone or Table 2-24: Airport Overlay Zone – Maximum Allowed Persons, discretionary permit approval may include deviations to/from otherwise applicable setback requirements and building height limits. A multi-level parking facility shall require the approval of a use permit by the planning commission development standards.

Public Utilities
17.08.080 Public utilities.

A. Distribution facilities may be located in any zone; provided, that equipment on the ground in residential zones shall be screened by landscaped visual barriers.

B. Transmission lines may be located in any zone, provided the route is approved by the planning commission.

C. Other unmanned public utility structures may be located in any zone, provided an administrative use permit is approved by the director. (Ord. 1265 § 2 Ex. A, 1994)

17.86.210 – Recreational Vehicle Vehicles: Use as Dwelling Unit—Limitations; Parked on a Private Lot
17.16.015 Recreational vehicle as dwelling unit.

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 17.08.010(C)(4) et seq. 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. (Ord. 1592 § 4, 2013: Ord. 1584 § 3, 2012: Ord. 1484 § 14, 2005: Ord. 1277 § 5, 1995)

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.


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).

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.

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17.86.230 – Safe Parking

17.08.115 Safe parking.

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

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13. **Safe Parking.** Safe parking

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 as accessory to a public assembly use, such as a club, lodge, private meeting hall 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 zoning districts on properties that contain residential uses as the primary use.

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B. **Definitions.**

1. “Safe parking” means a parking program, operated on property located outside of the public right-of-way and managed by a social service provider that provides individuals and families with vehicles a safe place to park overnight while working towards a transition to permanent housing.

2. “Social service provider” means 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 with housing and related services.
families achieve economic self-sufficiency and self-determination through a comprehensive array of programs and actions.

3. “Case management” means a system for arranging and coordinating care and services whereby a case manager assesses the needs of the client and client’s family and arranges, coordinates, monitors, and advocates for services to meet the client’s needs.

4. “Self-sufficiency program” means a program designed to assist individuals and families in meeting their basic needs and address any substance dependency and mental health issues so that they do not need to rely on emergency public or private assistance.

5. “Background check” means a criminal records check from a variety of public sources that would provide information regarding an individual’s possible criminal history.

C. Permit Required.

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

D. Application Requirements. Whenever a social service provider (or, if the social service provider is not the property owner, a property owner who is affiliated with or can qualify as a social service provider) submits a planning commission use permit application for consideration, as a part of said 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 planning commission 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 set forth in this chapter.

6. Any other information the community development director may determine is necessary to ensure compliance with the provisions of this section.

E. Performance Standards.
1. **Social Service Provider.** Safe parking facilities shall be managed by a qualified social service provider, subject to the approval of the community development director.

2. **Case Management.** Participants must be paired with a case manager and enrolled in a self-sufficiency program to facilitate the transition to permanent housing.

3. **Background Check.** Prospective participants shall submit to a criminal history background check. Participant exclusion shall be determined by the social service provider on a case-by-case basis.

4. **Restroom, Water and Trash Facilities.** Restroom, water and trash facilities shall be provided, maintained, and accessible to participants during safe parking facility hours.

5. **Residency Preference.** Social service provider shall give preference to those with proof of residency in San Luis Obispo County for a minimum period of six months within the last two years. Evidence of residency may include, but not limited to, items such as rental agreements, mortgage, utility, hotel and medical facility bills, paystubs, and intake from homeless service programs.

6. **Buffer from Residential Use.** Participant vehicles shall maintain a minimum buffer of fifty feet from any property that contains a residential use. Buffers less than fifty feet may be permitted through the use permit review process on a case-by-case basis when determined to be compatible with the neighborhood. Buffers greater than fifty feet may be necessary for neighborhood compatibility, which will be determined on a case-by-case basis as part of the use permit review process.

7. **Authorized Vehicles Only.** Social service provider shall ensure that only vehicles registered in the program are parked overnight during program hours. A parking permit shall be provided to all participants to be displayed in vehicle windows in a form to be approved by the public works director.

8. **Participant Information.** At all times, the social service provider shall maintain a roster of the names and vehicle license numbers of each participant who is authorized to park overnight.

9. **Written Agreement with Participants.** Only participants who have entered into a written agreement with a social service provider shall be allowed to use parking spaces overnight. The written agreement between the social service provider and participant must include, but not limited to, the following terms and conditions:

   a. Only one vehicle is allowed per participant.

   b. At least one participant per vehicle shall possess a current driver’s license, vehicle registration, and insurance for the vehicle that will be parked overnight. 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 permitted.

   g. No music may be played that is audible outside participants’ vehicles.
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h. No cooking or food preparation shall be performed outside of the participants’ vehicles. Cooking inside vehicles is prohibited unless the vehicle was manufactured with cooking appliances.

i. Camping tarps or equipment beyond the participant’s vehicle are prohibited.

j. Participants shall maintain control of animals. Animals shall be kept on a leash at all times and animal waste shall be picked up immediately and disposed of properly.

k. Participants shall not dump sewage or other waste fluids or solids, deposit excreta outside a vehicle, or park vehicles that leak excessive fluids (i.e., gasoline, transmission or radiator fluid, or engine oil).

F. Use Permit Considerations. Items to be determined by the planning commission as part of the use permit review process on a case-by-case basis shall include, but are not limited to, the following:

1. Number of Vehicles Allowed. The total number of vehicles allowed at each safe parking facility location.

2. Hours of Operation. The days and hours of safe parking facility operation.

3. Separation between Facilities. Sufficient distance between existing and proposed safe parking facilities.

4. Neighborhood Relations Plan. A neighborhood relations plan shall be provided for each safe parking facility location to address any complaints in a timely manner, including consistency with any adopted good neighbor policy.

5. Monitoring and Oversight. Monitoring and oversight shall be provided during safe parking facility hours.

6. Restroom, Water and Trash Facility Plan. A restroom, water and trash facility plan shall be provided and include the location, hours of availability and maintenance program for site facilities.

G. Revocation of a Permit. The use permit can be referred to the planning commission for reconsideration if determined by the community development director upon receipt of substantiated written complaints from any citizen, code enforcement officer, or police department officer, which includes information and/or evidence supporting a conclusion that a violation of the use permit or city ordinances or regulations applicable to the property or operation of the facility, has occurred. At the time of use permit review, to ensure compliance with applicable laws and conditions of the use permit, conditions of approval may be added, deleted, modified, or the use permit may be revoked. (Ord. 1592 § 3, 2013)

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 the zone in which the school is located.

D. Public school tenant uses

A. 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 9 (Section 17.22.010) of these regulations 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. The director may act to extend all temporary permits, regardless of the type of permit.

B. Uses Allowed by Public School Tenant Permit. The director approves public school tenant permits subject to the standards in subsection (F) of this section. The director may establish conditions to further the intent of this section. A public notice shall be posted at the site of each proposed school tenant use. If anyone informs the community development department of a question or objection concerning the proposed school use that cannot be resolved by staff to the satisfaction of the complainant, within five days of the posting, the director shall schedule a hearing for the application as provided for administrative use permits. If no questions or objections are received by the community development department that cannot be resolved, the director may issue the permit upon submission of
all required information and without further notice or public hearing. The following uses may be established by
school tenant permits within public schools in the PF zone:

1. 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.

2. Telephone answering or paging service;

3. Stenographic, court reporting, typing, graphic design, editing and translating services;

4. Child day care.

C. Uses Allowed with Administrative Conditional Use Permit Approval. If the director approves an
administrative use permit, as provided in Sections 17.58.020 through 17.58.080, subject to the standards in
subsection (F) of this section, the following uses may be established within public schools in the PF zone:

1. Office—Business and service;

2. Government agency administrative offices with infrequent visitation;

3. Social service organizations;

4. Studio—Art, dance, martial arts, music, etc.;

5. Clothing repair or alteration 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 similar items;

6. Office for equipment sales or repair, excluding on-site sales or vehicle repair;

7. Processing offices;

8. Maintenance service, client site services.

D. Uses Allowed with Planning Commission Approval. If the planning commission approves a use permit, as
provided in Section 17.58.080, subject to the standards in subsection (F) of this section, the following uses
may be established within public schools in the PF zone:C of this Section.
1. a. Business support services; Support Services.

2. Library, museum.

E. b. Cultural Institutions.

4. Other Uses Allowed. Other uses may be allowed, or allowed with administrative or planning commission approval. The community development director must via 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 that whether the use is similar in character and impacts on its surroundings to one of those listed in subsections (B), (C) or (D) of this section 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.

F. 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 use permit should be approved for a specific use in a specific location:

1. a. Parking as required by Section Chapter 17.16.06072 (Parking and Loading) shall be provided.

2. There will be adequate 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.

3. c. The use will not require structural changes to the school building, inconsistent with future school use of the building, unless there is written guarantee is provided by the permittee that the building will be restored for school use upon termination of the lease or permit.

4. There will be minimal d. Minimal customer, client, or delivery traffic will occur, to the satisfaction of the review authority;

5. e. Clients or customers shall not visit the leased space between eleven p.m. 11:00 PM and seven a.m. 7:00 AM.

6. There will be minimal f. Minimal employee activity will occur at night and on weekends, to the satisfaction of the review authority.

7. 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 (F)(3c) of this subsection.

8. h. No vehicle larger than a three-quarter-ton truck may be used by the any tenant at the lease site.

9. 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.

10. j. No use shall cause noise, dust, vibration, offensive smell, smoke, glare or electrical interference, or other hazard or nuisance.
11-K. All uses must meet Fire Department standards for access, hydrant locations, and fire flow prior to occupancy. (Ord. 1500 § 3 (part), 2007; Ord. 1016 § 1 (part), 1984; Ord. 941 § 1 (part), 1982; prior code § 9203.7(C))

17.86.250 – Service/Fueling Stations

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

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 17.16.050, 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 on the sidewalk.

3. Bells or other sound signals shall be turned off between ten p.m. and seven a.m. if the station is adjacent to a residential zone.

4. Pump islands shall be located at least fifteen 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 it is not visible from off the premises. (See also Chapter 17.18, 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

Temporary uses.

A. Purpose and Intent. The provisions codified in this chapter 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. The director shall determine the extent to which any permanent on-site parking and other facilities may satisfy the requirements for the proposed use. A temporary use approval is not intended to allow a land use that is not allowed in the primary zoning district, other than in the specific cases listed in subsection CB of this section.

The director may refer any proposed temporary or intermittent use to an administrative hearing or to the planning commission for action.

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

C. Specific Cases.

1. Real Estate Sales Office in Tract. A temporary real estate sales office may be established in a residential development for the initial sale of property in that development, upon written approval by the director 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 eighteen months.

   b. An administrative use permit is required to allow a mobile home as a temporary construction office when the mobile home is not located on the same property as the construction site. The same time limitations as stipulated above for an on-site mobile home would apply, with approvals for extensions of the use made by the director.

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

4. Recreational Vehicle as Temporary Dwelling. A recreational vehicle may be parked in a residential parking space or driveway for periods not to exceed seven days, for the purpose of housing guests of on-site residents only. Such recreational vehicle shall not be parked so as to prevent residents of any other dwellings on the site from using their assigned parking spaces, nor shall it discharge waste or sewage into...
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17.08.050 Vending machines.

A. A “vending machine” is a device which dispenses a product or service, either for sale or for free, and which is activated entirely by the receiver of the product or service, including ice machines, cigarette machines, food vending machines, and newspaper racks and the like. Vending machine does not include a motor fuel pump.

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. Indoor vending machines. All such facilities shall be secured to prevent unauthorized access.

C. Where utility facilities are accessory to allowed uses, 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 (“C”) zones subject to the following standards.

1. A. Vending machines shall be located along the face of a building or against a structure designed to accommodate them;

2. B. Vending machines shall be visible from access drives or public streets;

3. C. Vending machines shall occupy not more than ten percent of the length of the wall facing the street or access drive, or twenty feet, whichever is less;

4. D. Vending machines shall not obstruct private pedestrian walkways. A minimum of forty-four inches shall be kept clear of obstructions, or more if pedestrian traffic volume warrants. They

E. Vending machines are not allowed on public sidewalks. (Ord. 1266 § 2 Ex. A, 1994)

17.86.290 – Wireless Telecommunications Facilities

17.16.120 Wireless telecommunication 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 architectural review and discretionary permit processing to address site-specific conditions.

B. Definitions.

1. “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.

2. “Co-location” is the practice of two or more wireless telecommunication service providers sharing one support structure or building for the location of their antennas and equipment.

3. “Stealthing” means improvements or treatments added to a wireless 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.

C. 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 set forth in Section 17.16.100 et al. 70.160 (Satellite Dish Antenna) of the zoning ordinance this Title.
Article 4: Regulations for Specific Land Uses

4. Any facility specifically exempted under federal or state law.

D-C. Planning Applications and Approvals Required.

1. Installation of a new wireless telecommunication facility or significant modification, as determined by the director, or of an existing installation, as determined by the Director, shall require administrative use permit approval and architectural review.

2. The co-location of a new wireless telecommunication facility with an existing approved installation, or minor modification of an existing installation, shall only require Director’s Action for architectural review.

3. The applicant shall submit application materials and fees as required by the community development department.

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 zoning district.

2. Height. The height of any antenna or support equipment shall be determined as part of the use permit approval on a case-by-case basis. All facilities shall be designed to the minimum necessary functional height.

3. Site Access. Telecommunication facilities should use existing roads and parking whenever possible. New and existing access roads and parking shall be improved and surfaced where necessary to the satisfaction of the community development director.

4. Aesthetics and Visibility. Facilities shall be creatively designed to minimize the visual impact to the greatest extent possible by means of placement, screening, and camouflage. The applicant shall use the smallest and least visible antennas possible to accomplish the coverage objectives. Each installation shall be designed to blend into its surroundings so that the antenna(s) and equipment are not apparent to the casual observer.

   a. Building-mounted facilities shall appear as an integral part of the structure. Equipment and antennas shall be compatible and in scale with existing architectural elements, building materials and site characteristics. Wall-mounted antennas shall be integrated architecturally with the style and character of the structure. If possible, antennas and equipment shall be located entirely within an existing or newly created architectural feature so as to be effectively unnoticeable.

   b. Ground-mounted support equipment shall be undergrounded or otherwise screened from view so as to be effectively unnoticeable.

   c. All connections and conduits between the base of the antenna(s) and support equipment shall be undergrounded. Connections and conduit above ground shall be fully enclosed to the satisfaction of the community development director. Electrical and telephone service to the support equipment shall be undergrounded.
d. Ground-mounted antennas, poles, structures, equipment, or other parts of a 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 pursuant to Federal Aviation Administration rules, shall be unlit, except when authorized personnel are actually present at night, and except for exempt facilities.

6. Historic Buildings. Any wireless facility located on or adjacent to a historic building or site shall be designed to ensure consistency with the Secretary of Interior standards for remodeling and rehabilitation.

7. Equipment Upgrades. It shall be the responsibility of the owner/operator of a 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 community development director. Unused or obsolete equipment or towers shall be removed from the site within ninety days after their use has ceased.

8. Number of Facilities Per Site. The city shall retain the authority to limit the number of antennas with related equipment and providers to be located at any site and adjacent sites in order to prevent negative visual impacts associated with multiple facilities.

9. Noise. Each facility shall be operated in a manner that minimizes any possible disruption caused by noise to people working and living in the vicinity. At no time shall equipment noise from any source exceed an exterior noise level of fifty-five dB at the property line or within twenty feet of such equipment, whichever is less. This requirement may be modified at the discretion of the community development director where typical ambient noise levels exceed fifty-five dB. Outdoor noise-producing construction activities shall take place only on weekdays between the hours of eight a.m. and five p.m. unless a different schedule is approved as part of the use permit. 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 eight a.m. and five p.m. unless a different schedule is approved as part of the use permit. Backup Generators shall only be tested on weekdays between the hours of eight a.m. and five p.m.

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. Any facility found to be interfering with municipal radio communication shall cease operation immediately upon notice from the city and shall be subject to use permit review and possible revocation. Testing shall be done prior to any permanent installation and frequencies shall be monitored at regular intervals after installation established by the use permit. Testing and maintenance shall only take place on weekdays between the hours of eight a.m. and five p.m. unless a different schedule is approved as part of the use permit. Testing and maintenance shall only take place on weekdays between the hours of eight a.m. and five p.m. unless a different schedule is approved as part of the use permit.

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
Article 4: Regulations for Specific Land Uses

planning area shall be referred to the airport manager or the airport land use commission for a determination of consistency with airport area standards.


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 RF radiation emitted by the proposed facility. The radio frequency radiation report shall compare proposed project levels to levels allowed by the FCC and shall show output of the proposed facility in combination with other facilities located or proposed in the vicinity.

b. The city may require one or more post-construction RFR reports as a condition of project approval, to verify that the actual levels of RFR emitted by the approved facilities, operating alone or in combination with other approved facilities, substantially conform to the pre-approval RFR report and do not exceed current standards for permissible human exposure to RFR as adopted by the FCC.

15. Signs. Explanatory warning signs shall be posted at all access points to cellular telecommunication facilities in compliance with the American National Standards Institute (ANSI) C95.2 color, symbol, and content conventions.

16. Nuisance. Facility generators, mechanical equipment, construction, testing and maintenance shall be operated or performed in such a manner that no nuisance results. At the discretion of the director, upon receipt of written complaints, the use permit allowing a telecommunication facility may be scheduled for public review. At the hearing, conditions of approval may be added, deleted, or modified, or the use permit may be revoked.

17. Interference with Public Services and Facilities. Telecommunication facilities within public parks shall not interfere with park operations or limit public use of park facilities. Installations in conjunction with other public facilities shall be held to a similar standard.

18. City Inspection. The city shall have the right to access facilities after twenty-four hours written or verbal notice.

G. 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 thirty days prior to ceasing operation. Any wireless telecommunication facility that is not operated for a continuous period of ninety days shall be removed within ninety days of the date upon which the operation ceased.

H. Revocation of a Permit. Wireless telecommunication service providers shall fully comply with all conditions related to any permit or approval granted under this section. Failure to comply with any condition shall constitute grounds for revocation. If a condition is not remedied within a reasonable period, the community development director may schedule a public hearing before the hearing officer to consider revocation of the permit.

Chapter 17.88. Reserved
ARTICLE 5: NONCONFORMITIES

CHAPTER 17.XX92. NONCONFORMING STRUCTURES

Sections:

17.92.010 – Intent
17.1492.020 – 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 division, but which does not comply with one or more of the property development standards for the zone in which it is located, is a “nonconforming structure.” This chapter is intended to provide for the correction or removal of such structures as soon as practical, but not unduly encumber maintenance and continued use of otherwise sound structures. (Ord. 1500 § 3 (part), 2007: Ord. 941 § 1 (part), 1982: prior code § 9202.4(A))

Regulations

17.1492.020 – Regulations. – Limits on Reconstruction – Exceptions

A. A nonconforming structure that is involuntarily damaged to an extent of one-half 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. However, 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 allowed to be restored at the original density and up to the same size, even if the density and size do not follow the following circumstances:

1. All construction must conform to current regulations (see Section 17.16.010(E)) 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. 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.

d. There no longer exists a zone in which the existing nonconforming use is permitted.

C. Changes to structural elements, 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.
Article 5: Nonconformities

D. Replacement costs shall be determined by the chief building official, whose decision may be appealed to the council.

E. Exceptions to this chapter may be granted by the director for historic structures designated as such in any list or plan element adopted by the city, or for buildings that are over fifty years old where the existing building and any proposed additions or modifications are compatible with the surrounding neighborhood, as determined by the Director.

F. Exceptions to this chapter may be granted to allow additions to nonconforming structures occupied by conforming uses, subject to a finding of consistency with the intent of this chapter as follows:

1. Conforming additions to residential structures may be approved by the director without public hearing.

2. Upon approval of the Director, through a use permit, the director may allow other setbacks to be reduced to zero in some instances for minor additions to existing legal nonconforming structures (see Section 17.16.020(E)(2)(d)).

3. The value of additions allowed pursuant to subsections (E)(1) and (2) of this section shall be excluded from calculation of replacement cost of the nonconforming structure.

17.16.035 – 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 establishments.

A. Large-scale commercial buildings shall not exceed the retail size limits established for each commercial zone, see Sections 17.38.020, 17.40.020, 17.42.020, 17.44.020 and 17.46.020.

B. Exceptions to Retail Building Size Limits. 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.

(Ord. 1405 § 4, 2001)
CHAPTER 17.XX94. 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 these regulations but which is not now an allowed or conditionally allowed use in the zone in which it is located. The intent of these regulations is to prevent the expansion of nonconforming uses, establish the circumstances under which they may be continued, and provide for their removal or change to a conforming use as soon as practical. (Ord. 941 § 1 (part), 1982; prior code § 9202.2(A))

17.94.020 – 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 six months shall lose its nonconforming status and the premises on which the nonconforming use was located shall from then on be used for conforming uses.

2. A nonconforming use may be replaced with another, provided, that an administrative nonconforming use permit is approved through 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-family dwelling used as a residence may be continued without limitation by this section, and if involuntarily damaged or destroyed, may be reconstructed or replaced with a new structure added to consistent with the same footprint and height, in compliance with current California Building Standards Code requirements 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, provided an administrative use permit is approved. (See Sections 17.58.020 through 17.58.080.) (Ord. 1438 § 8 (part), 2003; Ord. 941 § 1 (part), 1982; prior code § 9202.2(B)) via the Director’s Hearing process.

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
17.12.020 – 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. (Ord. 1265 § 2 Ex. A, 1994)

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 subsection 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 eighty percent of the minimum required in the subdivision regulations (Title 16 of this code).

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

D. Property development standards of the applicable zone shall apply to nonconforming lots, except that, however, density standards shall not prevent construction of a single dwelling unit where otherwise permitted by this chapter. (Ord. 1365 § 3 (part), 2000; Ord. 1346 § 2 (part), 1999; Ord. 1265 § 2 Ex. A, 1994)
ARTICLE 6: PERMIT PROCEDURES

Chapter 17.102: General Provisions

Sections:

CHAPTER XX: GENERAL PROVISIONS

17.102.010 – Purpose and Intent

17.102.020 – Discretionary Actions and Permits

Exemptions from Permit Requirements

Additional Permits May Be Required

17.102.040 – Burden of Proof and Precedence

CHAPTER XX: PERMIT APPLICATION FILING AND PROCESSING

102.010 – Purpose and Intent

Authority for Land Use and Zoning Decisions

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 in Table 6-1: Review Authority.

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 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 one 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 as set forth in Table 6-1 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).


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 as set forth in Table 6-1 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).

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<th>Type of Action</th>
<th>Applicable Code Section</th>
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<td>Director</td>
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<td><strong>Director’s Action</strong></td>
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### Table 6-1: Review Authority

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<tr>
<td>- Two or more single-unit homes on lot in R-1 zone</td>
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<tr>
<td>- Vehicle access in C-D zone</td>
<td></td>
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<tr>
<td>- Other (for development actions specified in these</td>
<td></td>
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</tr>
<tr>
<td></td>
<td>Zoning Regulations as requiring a Director’s Action)</td>
<td></td>
</tr>
<tr>
<td>Home Occupation Permits</td>
<td>Sec. 17.86.140</td>
<td>Decision</td>
</tr>
<tr>
<td>Reasonable Accommodation</td>
<td>Ch. 17.112</td>
<td>Decision</td>
</tr>
<tr>
<td>PD Overlay Zone – Minor Amendments to Final Development Plan</td>
<td>Ch. 17.48</td>
<td>Decision</td>
</tr>
<tr>
<td>Temporary Use Permits</td>
<td>Sec. 17.86.260 and Ch. 17.113</td>
<td>Decision(3)</td>
</tr>
<tr>
<td>Zoning Regulations Interpretations</td>
<td>Ch. 17.04</td>
<td>Decision</td>
</tr>
<tr>
<td><strong>Director’s Hearing</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Development Review – Moderate</td>
<td>Ch. 17.106</td>
<td>Decision</td>
</tr>
<tr>
<td>Director’s Hearing</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Building height exceptions (except in C-D zone, which requires Planning Commission review)</td>
<td>Arts. 2, 3, and 4</td>
<td>Decision</td>
</tr>
<tr>
<td>- Creek setback exceptions</td>
<td></td>
<td></td>
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<tr>
<td>- Dish-type satellite antenna exceptions</td>
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</tbody>
</table>
## Table 6-1: Review Authority

<table>
<thead>
<tr>
<th>Type of Action</th>
<th>Applicable Code Section</th>
<th>Role of Review Authority (^{(1)}) (^{(2)})</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Director</td>
</tr>
<tr>
<td>Grocery store floor area limitation exception</td>
<td>Ch. 17.142</td>
<td>Decision</td>
</tr>
<tr>
<td>Height exception – Office zone</td>
<td></td>
<td></td>
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<tr>
<td>Lot coverage requirement exceptions</td>
<td></td>
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<tr>
<td>Parking as a primary use</td>
<td></td>
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<tr>
<td>Parking reductions for mixed-use development</td>
<td></td>
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<tr>
<td>Performance Standards exceptions</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Residential conversion to nonresidential use</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Retail store floor area limitation exception</td>
<td></td>
<td></td>
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<tr>
<td>Revocation of Director’s Hearing approvals</td>
<td></td>
<td></td>
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<tr>
<td>Telecommunications facilities nuisances</td>
<td></td>
<td></td>
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<tr>
<td>Yard setback exceptions</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Downtown Housing Conversions</td>
<td>Ch. 17.142</td>
<td>Decision</td>
</tr>
<tr>
<td>High Occupancy Residential Use</td>
<td>Ch. 17.148</td>
<td>Decision</td>
</tr>
<tr>
<td>Minor Use Permits and MUP Revocations</td>
<td>Ch. 17.110</td>
<td>Decision</td>
</tr>
<tr>
<td>Variances</td>
<td>Ch. 17.114</td>
<td>Decision</td>
</tr>
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</table>

### Planning Commission Review

<table>
<thead>
<tr>
<th>Type of Action</th>
<th>Applicable Code Section</th>
<th>Role of Review Authority</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building Setback Lines</td>
<td>Ch. 17.80</td>
<td>Recommend</td>
</tr>
<tr>
<td>Conditional Use Permits</td>
<td>Ch. 17.110</td>
<td>Recommend</td>
</tr>
<tr>
<td>Development Review – Major</td>
<td>Ch. 17.106</td>
<td>Recommend</td>
</tr>
<tr>
<td>Downtown Commercial (C-D) Zone – Adjustments to Standards</td>
<td>Ch. 17.32</td>
<td>Recommend</td>
</tr>
<tr>
<td>Downtown Commercial (C-D) Zone – Significant additions and new construction of principal buildings</td>
<td>Ch. 17.32</td>
<td>Recommend</td>
</tr>
<tr>
<td>Downtown housing conversion exceptions</td>
<td>Ch. 17.142</td>
<td>Recommend</td>
</tr>
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</table>
### Table 6-1: Review Authority

<table>
<thead>
<tr>
<th>Type of Action</th>
<th>Applicable Code Section</th>
<th>Role of Review Authority (1) (2)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Director</td>
</tr>
<tr>
<td>Parking reductions in C-D zone</td>
<td>Sec. 17.72.050</td>
<td>Recommend</td>
</tr>
<tr>
<td>Parking Reductions in all other zones – More than 10% reduction</td>
<td>Sec. 17.72.050</td>
<td>Recommend</td>
</tr>
<tr>
<td>PD Overlay Zone – Major Amendments to Final Development Plan</td>
<td>Ch. 17.48</td>
<td>Recommend</td>
</tr>
<tr>
<td>Revocation of prior Planning Commission action</td>
<td>N/A</td>
<td>Recommend</td>
</tr>
<tr>
<td>Safe Parking</td>
<td>Sec. 17.86.230</td>
<td>Recommend</td>
</tr>
<tr>
<td>SF Overlay Zone – Review Authority in Specific Focus Areas</td>
<td>Ch. 17.52</td>
<td>Recommend</td>
</tr>
</tbody>
</table>

### Legislative Actions - Council Review

<table>
<thead>
<tr>
<th>Development Agreements and Amendments</th>
<th>Ch. 17.128</th>
<th>Recommend</th>
<th>Recommend</th>
<th>Decision</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Plan Amendments</td>
<td>Ch. 17.130</td>
<td>Recommend</td>
<td>Recommend</td>
<td>Decision</td>
</tr>
<tr>
<td>Planned Developments</td>
<td>Ch. 17.48</td>
<td>Recommend</td>
<td>Recommend</td>
<td>Decision</td>
</tr>
<tr>
<td>Specific Plans and Amendments</td>
<td>Ch. 17.50</td>
<td>Recommend</td>
<td>Recommend</td>
<td>Decision</td>
</tr>
<tr>
<td>Zoning Map Amendments</td>
<td>Ch. 17.124</td>
<td>Recommend</td>
<td>Recommend</td>
<td>Decision</td>
</tr>
<tr>
<td>Zoning Regulations Amendments</td>
<td>Ch. 17.124</td>
<td>Recommend</td>
<td>Recommend</td>
<td>Decision</td>
</tr>
</tbody>
</table>

**Notes:**
(1) "Recommend" means that the review authority makes a recommendation to a higher decision-making body; "Decision" means that the review authority makes the final decision subject to Appeal Procedures outlined in Chapter 17.126 (Appeals).

(2) The review authority may defer action and refer the request to the higher level review authority for consideration and final decision.

(3) Director’s decision may be appealed to the City Manager.

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, as otherwise required by Table 6-1: Review Authority.

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:
New

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. Table 6-1: Review Authority identifies the review authority responsible for reviewing and making decisions on each type of application required by these Zoning Regulations.

C. 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 so on. (Ord. 1265 § 2 Ex. A, 1994; Ord. 941 § 1 (part), 1982; prior code § 9204.2(B))(any other materials set forth on the application form or otherwise prescribed by City policy.

17.104.030 – Application Fees

Chapter 17.68

Sections:
17.68.010 Establishment authority.

17.68.010 Establishment authority.

The Council may, by resolution, establish fees for applications and procedures required by these regulations, to the extent such fees have a reasonable relationship to the costs incurred in processing the applications and providing public notice. (Ord. 941 § 1 (part), 1982; prior code § 9204.10)

17.104.040 – Applicant Indemnification

New
Article 6: Permit Procedures

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

New

Project Evaluation and Staff Reports

New

A. Environmental Review

New

Reapplication for Denied Permit Application Completeness.

Chapter 17.64
REPEAT APPLICATIONS
Sections:

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.

Environmental 17.64.010 Waiting period of one year required when—Exceptions.

4. 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 – 17.64.010 Waiting period of one year required when—Exceptions.

A. When any application made pursuant to these regulations has been denied, no new application which is substantially the same shall be filed within one year of the date of the previous denial unless the planning commission or council, for good cause, shall grant permission to do so. The council or planning commission shall initiate such application based on whether the project was denied by the commission or council. If the decision to deny an application reviewed by the planning commission is finally determined on appeal by the city council, the council shall grant permission.

B. The director shall determine when an application is substantially the same as a previous application, subject to the appeal procedures of Chapter 17.66. (Ord. 1591 § 25, 2013: Ord. 941 § 1 (part), 1982: prior code § 9204.9)

Inactive Applications

Chapter 17.65
INACTIVE APPLICATIONS

Sections:

17.65.010 Applications deemed withdrawn after one hundred eighty days of inactivity.

An application will be classified as “inactive” when the applicant has not adequately responded within one hundred eighty days to submit items required by staff for further processing as provided in an incomplete letter. The director shall determine when an application is in an “inactive status and thirty-
day extensions may be granted at the discretion of the director. Any determination of inactive status is subject to appeal procedures of Chapter 17.66. (Ord. 1553 § 24, 2010) 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:
CHAPTER XX: Administrative and Planning Commission USE PERMITS

17.106.010  – Purpose and Intent

The purpose of this Chapter is to provide a process for the appropriate review of development projects that do not require any discretionary permits or other types of review, and 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.

B. Enlargements and Modifications. For the purposes of this Chapter, the term “significantly enlarge or modify” shall be measured from the size 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 equal to or exceeding 25 percent of the existing gross floor area of the structure before the construction.

3. **Mixed Use Development.** Mixed use development enlargement, modification, reconstruction, rehabilitation, or remodel equal to or exceeding 25 percent of the existing gross floor area of the structure before the construction.

**C. Exception – Accessory Structures.** Accessory structures less than 500 square feet in size shall not be subject to Development Review.

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 additions to an existing single-unit residence where:
   
   a. Architectural review is required as a condition of a subdivision approval, use permit, or other discretionary entitlement;
   
   b. The developer proposes to construct three or more units not defined to be a “small residential development project” per Chapter 2.48 (Architectural Review Commission);
   
   c. The Director determines that the site is a “sensitive site” as set forth in the Architectural Review Commission’s procedures manual;
   
   d. A covered required parking space or spaces are proposed to be converted to another use and replacement parking is proposed, except in conjunction with an accessory dwelling unit application;
   
   e. The project site is within or along a creek or waterway, as defined by the City’s floodplain management policy;
   
   f. The scale and character of the proposed dwelling contrasts significantly with adjacent or neighboring structures.

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. Building addition or remodel, that is considered minor or incidental to a larger, previously approved project, as determined by the Director.

**C. Moderate.** Moderate Development Review is a discretionary Director-level review process that includes public notice with a public hearing conducted as required by the applicable advisory body or review authority, including but not limited to:
1. Multi-unit residential developments up to 10 units;

2. New single-unit subdivisions up to 10 units;

3. Nonresidential development with up to 10,000 gross square feet of new construction;

4. A project is located on a property included on the City’s Inventory of Historic Resources, or is near a historic resource where the development might adversely impact the historic resource;

5. All development located on hillsides having a natural slope gradient of 20 percent or greater when no other discretionary review is required;

6. Building addition or remodel, that 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 developments with more than 10 units;

2. New single-unit subdivisions with more than 10 units;

3. Nonresidential 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 project for which an EIR 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 forward its recommendations to 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
17.108.020 – Applicability
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 in Table 6-1 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.

17.108.020 – Applicability

The Director is authorized to act administratively on the following applications and take the following actions.

A. Interpretation of these Zoning Regulations, as set forth in Chapter 17.04 (Interpretation of the Zoning Regulations).
B. Determination of parking requirements for uses not listed in Table 3-4.
C. Parking approvals for expansion of uses with nonconforming parking, as set forth in Chapter 17.72 (Parking and Loading).
D. Reasonable Accommodations, as set forth in Chapter 17.112 (Reasonable Accommodation).
E. Home Occupation Permits, as set forth in Section 17.86.140 (Home Occupations).
F. Temporary Use Permits, as set forth in Section 17.86.26 (Temporary and Intermittent Uses).
G. Minor modifications to the following specific development standards:

1. Antenna Height. Additional height for satellite dish antenna in a residential zone by up to 10 percent.
2. Bicycle Parking. The required type of bicycle parking facilities and required location of bicycle parking facilities may be modified based upon the type of use proposed and/or the configuration of a development site.
3. C-D Zone Limitation on New Driveways. 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 review and approval of Director’s Action, as set forth in Section 17.32.030(B) (Limitation on New Driveways).
4. C-D Zone Residential Parking. A reduction in parking spaces based on a project-specific parking study prepared per City specifications.
5. Fence and Wall Heights. Up to a 10 percent increase in the maximum required fence or wall height. A public notice shall be posted at the site of each proposed fence height exception. If no questions or objections are received by the Community Development Department within five days after posting, the Director may
issue a letter of approval upon submission of all required information and without further notice or public hearing. If anyone informs the Community Development Department of an objection concerning the proposed fence or wall height exception within five days of the posting, the Director shall schedule a hearing for the application as provided for Minor Use Permits. In granting any such exception, the Director shall make the finding that no public purpose would be served by strict compliance with applicable fence and wall standards.


a. Accent Lighting. All accent lighting to ensure compliance with the provisions of Section 17.70.100 (Lighting and Night Sky Preservation).

b. Athletic Fields. Athletic field lighting of intensity greater than 50 foot-candles but not more than 100 foot-candles.

c. Billboards – Upgrades. Upgrades to existing lighting fixtures on outdoor advertising signs (billboards) that reduce light pollution, provided the illumination is not increased.

d. Temporary. Any temporary lighting that does not meet the requirements of Section 17.70.100 (Lighting and Night Sky Preservation), subject to the findings set forth in that Chapter for temporary lighting.

e. Alternate Materials and Methods of Installation. As set forth in Section 17.70.100 (Lighting and Night Sky Preservation).

7. Parking and Driveway Design Standards. As set forth in Chapter 17.72 (Parking and Loading).


9. Screening Requirements for Mechanical and Electrical Equipment. As set forth in Article 2 and Section 17.76.100 (Screening).

10. Screening Requirements for Outdoor Sales and Storage. As set forth in Article 2 and Section 17.76.100 (Screening).

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, 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
17.109.020 – Applicability
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.

17.109.020 – Applicability

The Director is authorized to act administratively on the applications and take the actions set forth in Table 6-1: Review Authority.

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 various 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. This is necessary because of the wide variety of uses that are allowed within zone districts and because of the variety of existing sites and uses found in the community. (Ord. 1265 § 2 Ex. A, 1994; Ord. 941 § 1 (part), 1982; prior code § 9204.2(A))

Procedure – Administrative

17.58.030 Procedures. (MIG note: excludes text on PC use Permits—see section below—section C is the same for both)

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

1. Before acting on any 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 director’s responsibility of the applicant to provide evidence in 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 by posting the property and by publishing an advertisement in a newspaper of general circulation at least five days before the hearing in compliance with Chapter 17.122 (Public Notices and Hearings).

2. Decisions of the Director shall be rendered in writing within ten days of the final hearing. They shall state the conditions of approval, if any, or the reasons for denial. The director’s decision shall be final unless appealed.
3. At his or her discretion, the director may refer an administrative use permit to the planning commission, pursuant to the requirements in subsection B of this section, when he/she determines the application involves a major policy issue or public controversy that would be resolved more suitably by the commission.

C. Expiration of use permit.

17.110.040 –

1. When a use, that was allowed by approval of a use permit, ceases operation for one year or such other time period as specified in the conditions of approval, then reinstatement of that use will be allowed only with approval of a new use permit.

2. The community development director may extend the one-year limit stated in C.1, above, upon receipt of a written request, upon finding that circumstances have not changed significantly since the time the use ceased operation. (Ord. 1265 § 2 Ex. A, 1994; Ord. 941 § 1 (part), 1982; prior code § 9204.2(c))

Procedure – Planning Commission Conditional Use Permit

17.58.030 Procedures. (MIG note: excludes text on Admin Permits – see above – section C is the same for both)

B. Planning Commission Use Permits.

1. A. Hearing and Decision.

1. Before acting on any use permit application, the planning commission shall hold a public hearing conducted according to its bylaws. Notice of the time, date, place, and purpose of the hearing shall be given by posting the property and publishing an advertisement in a newspaper of general circulation at least ten days before the hearing, in compliance with Chapter 17.122 (Public Notices and Hearings).

2. Decisions of the planning commission shall be rendered in writing within ten days of the final hearing. They shall state the conditions of approval, if any, or the reasons for denial. The planning commission's decision shall be final unless appealed.

3. When a use permit or variance is before the planning commission, the commission may act to impose additional or relax any property development standards capable of being so altered under relevant sections of these regulations. The intent of this provision is to enable the commission to deal with various aspects of project design in a comprehensive way, without postponement of action on a project for separate hearings. Findings and procedures shall be as provided in relevant sections of these regulations.

Public notice for use permit and variance applications, in order to fulfill the intent of this section, shall be sufficiently general so the public will be aware of the type of project proposed and the types of actions the commission may take, without further notice, to approve or conditionally approve the project.
Likewise, on appeal, the council may act to alter property development standards by variance or use permit if a variance or use permit application is under consideration.

C. Expiration of use permit.

17.110.050 –

1. When a use, that was allowed by approval of a use permit, ceases operation for one year or such other time period as specified in the conditions of approval, then reinstatement of that use will be allowed only with approval only with approval of a new use permit.

2. The community development director may extend the one-year limit stated in C.1, above, upon receipt of a written request, upon finding that circumstances have not changed significantly since the time the use ceased operation. (Ord. 1265 § 2 Ex. A, 1994; Ord. 941 § 1 (part), 1982; prior code § 9204.2(c))

Conditions of Approval

17.58.050

A. Conditions of approval.

Allowed. Conditions imposed by the director, planning commission or council may include, but are not limited to, the following:

A.  Modification or limitation to activities, including times and types of operations;

B.  Special yards or open spaces;

C.  Fences, walls, or landscape screens;

D.  Provision and arrangement of parking and vehicular and pedestrian circulation;

E.  On-site or off-site street, sidewalk or utility improvements, and maintenance agreements;

F.  Noise generation and attenuation;

G.  Dedication of right-of-way or easements or access rights;

H.  Arrangement of buildings and use areas on the site;

I.  Special hazard reduction measures, such as slope planting;

J.  Minimum site area;

K.  Other conditions which may be found necessary to address unusual site conditions;

L.  Establishment of an expiration date, after which the use must cease at that site;

M.  Recycling and solid waste plans;

N.B. Limitation. Conditions may not be imposed that restrict the use to a specific person or group. (Ord. 1528 § 3 Ex. A (part), 2009; Ord. 1265 § 2 Ex. A, 1994; Ord. 941 § 1 (part), 1982; prior code § 9204.2(E))

17.110.060 – Criteria for Approval

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17.58.060 Criteria for approval.

In deciding whether a proposal is acceptable at a given location, the director, planning commission, and council shall consider whether the proposal could be established and maintained without jeopardy to persons or property within or adjacent to the proposed site and without damage to the resources of the site and its surroundings. Appropriate criteria may be found in the following sources, without limitation:

A. General Plan elements (such as land use, circulation, housing, noise, seismic safety, public safety, open space and conservation);

B. Specific plans and special studies;

C. 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. (Ord. 1528 § 3 Ex. A (part), 2009; Ord. 1265 § 2 Ex. A, 1994; Ord. 941 § 1 (part), 1982; prior code § 9204.2(F))

17.110.070 – Required Findings

17.58.040 Findings.

A. In order to grant a use permit or Conditional Use Permit, the director or planning commission, or on appeal, the council, shall find that the following findings:

1. The proposed use is consistent with the General Plan and any applicable Specific Plan;

2. The proposed use is 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 or living in the site 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 use permits and Conditional Use Permits shall be justified by written findings, based on substantial evidence in view of the whole record. (Ord. 1265 § 2 Ex. A, 1994; Ord. 1124 § 4 Ex. A (part), 1988; Ord. 941 § 1 (part), 1982: prior code § 9204.2(D))

17.110.080 – Requirement for and Compliance with Use Permits

A. When more than one use permit, including more than one type of use permit, is required by individual sections of these regulations, only one use permit application need be filed and acted upon. If both an administrative use permit or permits would simultaneously be required by separate sections, one planning commission use permit shall be processed to cover all requirements. If an administrative use permit for site development exceptions and/or requests for shared and mixed use parking reductions, and review by the architectural review commission are required, then only the architectural review application need be filed. Use permit applications for land uses pursuant to Table 9, Chapter 17.22, may not be reviewed in conjunction with architectural review and require filing of a separate application and payment of fees.

B. The modification or addition to a use requiring use permit approval shall itself be subject to use permit approval.

A. The modification or addition to a use requiring Use Permit approval shall itself be subject to Use Permit approval. The addition of an allowed use to a premises occupied by a conditionally allowed use shall require use permit approval of the type required for the existing use. The director shall determine when such an addition or change is of such a minor or incidental nature that the intent of these regulations can be met without further use permit control.

C. Any conditions established pursuant to these regulations shall be met before the use is established, except that the director, planning commission or, on appeal, the council may establish a schedule for certain conditions to be met after establishment of the use. Continuance of the use shall then be contingent on complying with the schedule for meeting applicable conditions.

D. If a structure or associated site development authorized by use permit is not issued building permits within three years of the date of approval, the use permit shall expire. Upon written request received prior to expiration, the director may grant renewals of use permit approval for successive periods of not more than one year each. Approvals of such renewals shall be in writing and for a specific period. Renewals may be approved with new or modified conditions upon a finding that the circumstances under which the use permit was originally approved have substantially changed. Renewal of a use permit shall not require public notice or hearing, unless the renewal is subject to new or modified conditions. In order to approve a renewal, the director must make the findings required for initial approval. (Ord. 1553 § 22, 2010: Ord. 1528 § 3 Ex. A (part), 2009: Ord. 1265 § 2 Ex. A, 1994; Ord. 941 § 1 (part), 1982: prior code § 9204.2(G))

Modification of Use Permit

New

Permit to Run with the Land

New

CHAPTER XX: REASONABLE ACCOMMODATION

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. (Ord. 1602 § 3 (part), 2014)

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 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. (Ord. 1602 § 3 (part), 2014)
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. (Ord. 1602 § 3 (part), 2014)

Review Authority
17.61.030 Review authority.
17.112.040 – Process for Approval

A. Director’s Action. Requests for reasonable accommodation shall be reviewed by the community development director if no approval is sought other than the request for reasonable accommodation. The community development 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. (Ord. 1602 § 3 (part), 2014)

17.112.050 – Conditions of Approval
17.61.080 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 district.
H. Other conditions necessary to protect the public health, safety, and welfare. (Ord. 1602 § 3 (part), 2014)

17.112.060 – Required Findings
17.61.060 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. (Ord. 1602 § 3 (part), 2014)

17.112.070 – Occupancy Requirement
17.61.070 Performance standard.

A. Occupancy.
A modification approved under this chapter is considered a personal accommodation for the individual applicant and does not run with the land. (Ord. 1602 § 3 (part), 2014)

CHAPTER XX: VARIANCES
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 Intent. – 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.

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 by the **director** 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. (Ord. 941 § 1 (part), 1982: prior code § 9204.3(A))

17.60.020 Scope.

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. (Ord. 941 § 1 (part), 1982: prior code § 9204.3(B))

17.114.020 – Procedure

17.60.030 Procedure.

A. **Application.** An application shall be in the form prescribed by the **director** and shall state the precise nature of the grounds for the **variance** sought, and shall generally follow the form established for use permits be accompanied by any required fees.

B. **Notification requirements and actions of the director.** The **director** shall be as provided for **administrative use permits** in Section 17.58110.030 (Procedure – Minor Use Permit).

17.114.030 (A) (See also Section 17.58.030(B)(3)). (Ord. 941 § 1 (part), 1982: prior code § 9204.3(C))

– Burden of Proof

**New**

**Required Findings**

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

17.60114.040 – Required Findings.

In order to approve a **variance**, the **director**, **planning commission**, **Director or council**, 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

C-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. (Ord. 941 § 1 (part), 1982; prior code § 9204.3(D))

Expiration
17.60.050 — Expiration.
If building permits are not issued for site development authorized by variance within three years of the date of approval or such longer time as may be stipulated as a condition of approval, the variance shall expire. Upon written request received prior to expiration, the director may grant renewals of variance approval for successive periods of not more than one year each. Approvals of such renewals shall be in writing and for a specific period. Renewals may be approved with new or modified conditions upon a finding that the circumstances under which the variance was originally approved have substantially changed. Renewal of a variance shall not require public notice or hearing, unless the renewal is subject to new or modified conditions. In order to approve a renewal, the director must make the findings required for initial approval. (Ord. 1553 § 23, 2010; Ord. 1006 § 1 (part), 1984; prior code § 9204.3(E))

Modification of Use Permit
New

Permit to Run with the Land
New
ARTICLE 7: ADMINISTRATION OF ZONING REGULATIONS

CHAPTER XX: ADMINISTRATIVE RESPONSIBILITY

ARTICLE 7: ADMINISTRATION OF ZONING REGULATIONS

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
17.120.050 – 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 Table 6-1: Review Authority, 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.

17.120.050 – 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 Table 6-1: Review Authority 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).
Article 7: Administration

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. Cross reference to Chapter 2.48

City Council
New

CHAPTER XX: AMENDMENTS – ZONING REGULATIONS AND ZONING MAP

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

An amendment to these regulations which changes any property from one zone to another shall be adopted as set forth in Sections 17.70.020 through 17.70.060, this Chapter. Any other amendment to these regulations may be adopted as other ordinances and amendments to the municipal code are adopted. (Ord. 941 § 1 (part), 1982: prior code § 9204.7(A))

17.124.020 – 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 planning commission;
B. A resolution of intention of the city council;
C. An application by the director or any other person or agency in the form prescribed by the director. (Ord. 1606 § 8, 2014: Ord. 1591 § 26, 2013: Ord. 941 § 1 (part), 1982: prior code § 9204.7(B))

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

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 ten calendar days before the hearing:

1. Publication in a newspaper of general circulation within the city;
2. Posting each street frontage of the property to be rezoned, or the nearest street access if the property does not abut a dedicated street; and
3. c. First-class mail to owners of the property to be rezoned and of property within a radius of three hundred feet, as listed in the most recent annual revision of the county assessor's roll.

B. 2. Failure to post or notify by mail shall not invalidate any amendments duly adopted.

C. If the planning commission approves or denies a council-initiated rezoning, its action shall be a written recommendation to the council, including any findings required for approval.

D. If the planning commission denies a rezoning which it or a private party has initiated, the action shall be final unless appealed. It shall be rendered in writing and shall state the reasons for denial. (Ord. 941 § 1 (part), 1982; prior code § 9204.7(C))

17.70.040 Council action.

Action. Before taking action on a recommendation of the planning commission, the council shall hold a public hearing for which notice shall be given as provided in Section 17.70.030. (Ord. 941 § 1 (part), 1982; prior code § 9204.7(D))

CHAPTER XX: GENERAL PLAN AMENDMENTS

Purpose

17.80.010 Title.

This chapter shall be known and may be cited as the “general plan amendment regulations of the city.” (Prior code § 9600)

17.80.020 Amendments to be made in manner provided in this chapter.

The general plan or any part or element thereof shall be amended in the manner provided in this chapter. (Prior code § 9601)

17.80.030 Purpose.

It is the purpose of this chapter to provide for the orderly processing of general plan amendments in a manner consistent with the overall goals of the community’s planning program and the requirements of the California law. In particular, this chapter is intended to:

A. Assure that the general plan is amended for good reason and with due consideration of community-wide interests;

B. Help achieve and maintain internal consistency of general plan elements and conformance between the plan and implementing techniques, such as zoning; and

C. Establish rights and assign responsibilities for the persons and agencies involved in general plan administration so each can perform fairly and effectively. (Prior code § 9602)

Authority to Initiate an Amendment
17.80.040 Initiation of amendments—Applications.

A. Initiation of Amendment by the City Council. The city council may initiate general plan amendments at any time by directing staff to prepare the necessary analysis and scheduling the proposed amendment for consideration at a hearing, as provided in Section 17.80.050.

B. Applications to Initiate Amendments. Any person may request an amendment of the general plan by filing an application with the department of community development. Such application shall include:

1. A description of the proposed amendment, including, as may be necessary, additions or modifications to the text and graphics of adopted general plan elements or reports;

2. A statement explaining how the proposed change will better reflect community desires as expressed in general plan goals and policies;

3. If the amendment involves change of a basic goal or policy, why the change is warranted by new information or reevaluation of community needs;

4. An analysis of how the proposed change will beneficially and detrimentally affect adjacent areas or shared resources. This analysis may take the form of a draft environmental impact report;

5. A description of how the amendment of one policy may reinforce or conflict with related policies, including those in other elements;

6. Such other supporting data as the director may require to enable evaluation of the proposal;

7. A fee sufficient to cover the expected costs incurred in processing the application, to be established by resolution of the council. (Ord. 1591 § 27, 2013; Ord. 1346 § 2 (part), 1999; Ord. 1108 § 1 Ex. A (part), 1987: prior code § 9603)

Schedule for and Coordination of Amendments
17.80.050 Schedule for amendments.

Any element of the general plan may be amended not more than four times each year. Each amendment may include more than one change to the general plan. Such amendments may be scheduled at any time deemed necessary or convenient. The planning commission may review individual amendments as often as necessary, but the city council must consider them in no more than four batches per year, so that cumulative effects of such amendments can be considered. (Ord. 1346 § 2 (part), 1999; Ord. 1108 § 1 Ex. A (part), 1987: prior code § 9604)

17.80.080 Coordination of plan amendments.

Changes in policy or land use designations which involve more than one element shall be made as concurrent amendments to the related elements in order to maintain internal plan consistency. (Ord. 1108 § 1 Ex. A (part), 1987)

Processing Notice. Chapter 17.122 (Public Notices and Hearings).
Chapter 17.80.060 — Planning commission actions.

A. Public Hearings — Notice. The planning commission shall hold at least one public hearing before taking action on any general plan amendment. Notice of the date, time and place of the hearing shall be given at least ten calendar days before the hearing by publication of the notice, describing the nature of the proposed amendment(s), in a newspaper of general circulation within the city.

B. Resolution. The approval of the planning commission of any amendment to the general plan shall be by resolution of the commission adopted by the affirmative vote of not less than a majority of its total voting members.

C. Transmittal to Council. Upon approval by the planning commission of any general plan amendment or denial of a city council initiated amendment, it shall be transmitted to the council with the planning commission’s report and recommendation.

D. Appeals. Any denial by the planning commission may be appealed to the city council.

E. Other Situations. When neither a majority of the commission recommends approval nor a majority of a quorum recommends denial, the planning commission may transmit the amendment to the council with a report explaining the situation and stating the recommendations of the individual commissioners. (Ord. 1108 § 1 Ex. A (part), 1987: prior code § 9605)

17.80.070 — City council actions.

A. Public Hearings — Notice. Upon transmittal from the planning commission or upon appeal from the applicant, the council shall hold at least one public hearing on proposed general plan amendments. Notice of the time, place and subject of the hearing shall be given as provided in Section 17.80.060(A).

B. Resolution. Any amendment of the general plan shall be adopted by resolution of the council adopted by the affirmative vote of not less than three of its members.

Sections:

17.126.010 – Standing to appeal. 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. 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. (Ord. 941 § 1 (part), 1982; prior code § 9204.8(A))

17.126.020 – Time to File Appeal
17.66.020 Time limits.

Appeals must be filed within ten calendar days of the rendering of a decision which is being appealed. If the tenth day is a Saturday, Sunday, or holiday, the appeal period shall extend to the next business day. (Ord. 941 § 1 (part), 1982; prior code § 9204.8(B))

17.126.030 – Content of Appeal Filing
17.66.040 Content of appeals.

The appeal shall concern a specific action and shall state the grounds for appeal. (Ord. 941 § 1 (part), 1982; prior code § 9204.8(D)) Applicable fees for the appeal shall be paid as established by Council resolution.

17.126.040 – Course of Appeals
17.66.030 Course of appeals.

A. Decisions of the director shall be appealed to the planning commission. Such appeals shall be filed with the director.

B. Decisions of the planning commission shall be appealed to the council. Such appeals shall be filed with the city clerk. (Ord. 941 § 1 (part), 1982; prior code § 9204.8(C))

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
17.66.050 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. (Ord. 941 § 1 (part), 1982; prior code § 9204.8(E))

CHAPTER XX: PUBLIC NOTICES AND HEARINGS
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 of
17.128.090 – Failure to Receive Notice
17.128.100 – Planning Commission Hearing

Scheduling of Hearing

Hearing Procedure

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 Planning Commission

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 Commission for Compliance – Director’s Authority

Cross reference to Chapter 2.48.

Recommendation by Architectural

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 Multiple Appeals on Single Application

Approvals

New

Effective Date of Decision

New

CHAPTER XX: DEVELOPMENT AGREEMENTS
Article 7: Administration

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. (Ord. 1134 § 1 (part), 1989)

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 city council may enter into a development agreement for the development of real property with any person having a legal or equitable interest in such property, as provided 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. (Ord. 1553 § 25, 2010: Ord. 1134 § 1 (part), 1989)

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. (Ord. 1134 § 1 (part), 1989)

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 17.94128.070(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. (Ord. 1134 § 1 (part), 1989)

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

Preapplication review.
Before submitting an application and support materials, applicants shall discuss the proposal with the community development director. At such review, the applicant should present a preliminary site plan and show basic features of the proposed project, including its public purposes and/or benefits. For large or complex projects, the applicant may request council review of the preliminary concept. Such a review shall be at the council's sole discretion, and would allow the council to review and comment on a proposal early in the review process.

(Ord. 1134 § 1 (part), 1989)

17.128.070 – 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 three hundred feet from the exterior boundaries of the property described in the application;

7. Mailing list including addresses of all tenants occupying the subject property and properties within three hundred feet from the subject property boundaries; and a mailing list of owners of adjacent properties within three hundred feet from the subject property boundaries, as shown on the county assessor's latest available assessment roll;

8. The proposed development agreement together with all explanatory text, plans, maps, drawings, pictures and other information as may be required to evaluate such proposal, and as further described in Section 17.94.128.130; 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. (Ord. 1134 § 1 (part), 1989)

17.128.080 – Public Notice

17.94.080 – Public notice.

A. Director Actions. When the director certifies that the application is complete, the item shall be scheduled for commission hearing, and the director shall give notice of the public hearing, as provided below.

B. Manner of Giving Public Notice. Public notice requirements shall be met by:

1. Mailing or delivery to the applicant and to all owners of real property within three hundred feet of the property included in the development agreement;

2. Mailing or delivery to all tenants of property within three hundred feet of the property included in the development agreement;

3. Mailing to any person who has filed a written request for such notice with the planning director, and Chapter 17.122 (Public Notices and Hearings).

4. Publication at least once in a newspaper of general circulation published and circulated in the city. Said notice shall be published at least ten days before the hearing date, and shall include: (a) the time and place of the public hearing, and (b) a general explanation of the development agreement, including the property location, proposed land uses and applicant's name. (Ord. 1134 § 1 (part), 1989)

17.128.090 – Failure to Receive Notice

17.94.090 Failure to receive notice.

The failure to receive notice by any person entitled thereto by law or this chapter does not affect the authority of the city to enter into a development agreement. (Ord. 1134 § 1 (part), 1989)

17.128.100 – Planning Commission Hearing and Recommendation

17.94.100 Planning commission hearing and recommendation.

The commission shall consider the proposed development agreement and shall make its recommendation to the council. The recommendation shall include whether or not the proposed development agreement meets the following findings:

A. The proposed development agreement is consistent with the general plan and any applicable specific plan;

B. The proposed development agreement complies with zoning, 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; or.

17.128.110 – 3. Will not have a significant adverse impact on the environment. (Ord. 1134 § 1 (part), 1989)

City Council Hearing

17.94.110 City council hearing.

After the recommendation of the planning commission, the director shall give notice of a public hearing before the city council in the manner provided for in Section 17.94.080. (Ord. 1134 § 1 (part), 1989)

17.128.120 City Council Action

17.94.120 City council action.

A. Referral. After it completes the public hearing and considers the commission's recommendation, the council may approve, conditionally approve, modify, or disapprove the proposed development agreement. The council may refer matters not previously considered by the commission during its hearing back to the commission for review and recommendation.

B. Approval. The development agreement may be approved if the city council makes the findings for approval listed in Section 17.94.100 above. (Ord. 1134 § 1 (part), 1989)

17.128.130 Development Agreement—Contents

17.94.130 Development agreement—Contents.

A. Development agreements shall include the following:

1. The duration of the agreement, including a specified termination date if appropriate;

2. The uses to be permitted on the property;

3. The density or intensity of use permitted;

4. The maximum height, size, and location of buildings permitted 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 17.94.128.200.

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 review or subject to use permit in the zone normally allowed by right;

5. Limitations on future development or special terms or conditions under which subsequent development approvals not included in the agreement may occur;

6. The requirement of a faithful performance bond where deemed necessary to and in an amount deemed sufficient to guarantee the faithful performance of specified terms, conditions, restrictions and/or requirements of the agreement. In lieu of a bond, the applicant may deposit with the city clerk certificates of deposit or other security acceptable to the finance director;

7. Specific design criteria for the exteriors of buildings and other structures, including colors and materials, landscaping, and signs;

8. Special 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, odors, gases, garbage, heat, and the prevention of glare or direct illumination of adjacent properties;

10. Limitations on operating hours and other characteristics of operation which the council determines could adversely affect the reasonable use and enjoyment of surrounding properties. (Ord. 1134 § 1 (pan), 1989)

11. Incorporate or reference any environmental mitigation measures to reduce potentially significant environmental impacts, if applicable.
A. The development agreement shall be approved by the adoption of an ordinance. Upon the adoption of the ordinance, the city shall enter into the development agreement by the execution thereof by the city administrative officer.

B. No ordinance shall be finally adopted and the city administrative officer shall not execute a development agreement until it has been executed by the applicant and all other parties to the agreement. If the applicant has not executed the agreement as modified by the city council, the council shall not finally adopt such ordinance, nor shall the city administrative officer execute the agreement.

C. Such sixty-day time period may be extended upon approval of the council.

17.128.150 – Recordation of Executed Agreement

Following the execution of a development agreement, the city administrative officer, the city clerk shall record the executed agreement 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 and subdivision regulations, and other applicable codes, ordinances, rules, regulations, and official policies in effect on the date of execution of the development agreement by the city administrative officer. 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 17.94.128.190 or 17.94.128.210, 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 17.94.128.160 and 17.94.128.170.

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. (Ord. 1134 § 1 (part), 1989)

17.128.190 – Amendment – Time Extension – Cancellation

A development agreement may be amended, extended, or canceled in whole or in part, by mutual consent of all parties to the agreement or their successors in interest. Procedures for amendment, time extensions, or cancellation of the development agreement by mutual consent shall be the same as provided for initiation and consideration of such agreement. (Ord. 1134 § 1 (part), 1989)

17.128.200 – Review for Compliance – Director’s Authority

A. Every development agreement entered into by the city council shall provide for director review of compliance with the development agreement at time intervals as specified in the agreement, but not less than once every twelve months.

B. The director shall determine whether the applicant or his or her successor in interest has or has not complied with the agreement. If the director determines that the terms or conditions of the agreement are not being met, all parties to the agreement shall be notified by registered or certified mail 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 city council of his or her findings, recommending such action as he or she deems appropriate, including legal action to enforce compliance or to terminate or modify the agreement. (Ord. 1134 § 1 (part), 1989)

17.128.210 – 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 17.04.228; or

2. Continue the matter for further consideration. (Ord. 1134 § 1 (part), 1989)

17.128.220 – Modification or Termination for Violations

17.94.220 Modification or termination for violations.

A. After the hearing required by Section 17.04.210 (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. (Ord. 1134 § 1 (part), 1989)

B. Modifications. Such remedial action may include, but is not limited to, changes to project design or uses, operating characteristics, or necessary on-site or off-site improvements which are determined to be reasonably necessary to protect public health, safety, or welfare, and to correct problems caused by or related to noncompliance with the terms of the agreement. (Ord. 1134 § 1 (part), 1989)

17.128.230 – Consequences of Termination

17.94.230 Consequences of termination.

Upon termination of the development agreement, the owner shall otherwise comply with city codes, regulations, development standards, and other applicable laws in effect at the time of termination of the agreement. (Ord. 1134 § 1 (part), 1989)

17.128.240 – Irregularity of Proceedings

17.94.240 Irregularity in proceedings.

No action, inaction, or recommendation regarding the proposed development agreement shall be held void or invalid or be set aside by a court by reason of any error, irregularity, informality, neglect, or omission
as to any matter pertaining to the application, notice, finding, record, hearing, report, recommendation, or any other matters of procedure whatsoever unless, after an examination of the entire record, the court is of the opinion that the error was prejudicial and that a different result would have been probable if the error had not occurred or existed. (Ord. 1134 § 1 (part), 1989)

17.128.250 – Coordination of Approvals
17.94.250 Coordination of approvals.

A. Public Hearings. Where an application for a development agreement is concurrently filed with an application for a zone change, use permit, variance, minor subdivision or tract map, or annexation and the applications may be feasibly processed together, public hearings may be concurrently held.

B. Zoning or Subdivision Exceptions. Yards, building 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. (Ord. 1134 § 1 (part), 1989)
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.
ARTICLE 8: HOUSING-RELATED REGULATIONS

CHAPTER XX: INCLUSIONARY HOUSING REQUIREMENTS

Chapter 17.138: Inclusionary Housing Requirements

Sections:

17.138.010 – Purpose
17.138.020 – Applicability and Exclusions
17.138.030 – Definitions
17.138.040 – General Standards
17.138.050 – Procedures
17.138.060 – In-Lieu Housing Fee
17.138.070 – Affordable Housing Fund Established
17.138.080 – Real Property Dedication
17.138.090 – Incentives
17.138.100 – Project Application
17.138.110 – Required Agreements
17.138.120 – Program Requirements
17.138.130 – Eligibility Screening
17.138.140 – Affordability Restrictions
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, and; 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. (part), 2007. 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. Definitions

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.

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. “Affordable housing agreement” shall mean a written agreement between the developer, city and possibly additional parties which specifies the terms and conditions under which affordable housing requirements are to be met.

C. “Affordable housing fund” means a fund established and administered by the city, containing in-lieu fees and other funds held and used exclusively to increase and improve the supply of affordable housing.

D. “Affordable housing project” shall mean a development project in which one hundred percent of the dwellings to be built will be sold or rented in conformance with the city’s affordable housing standards.

E. “Building valuation” shall mean the total value of all construction work for which a construction permit is required, as determined by the Chief Building Official using the Uniform Building Code.

F. “Commercial project” means a development project involving primarily nonresidential uses, including retail, office, service commercial, light industrial, neighborhood commercial, tourist commercial, and manufacturing uses as further described in the zoning regulations.

G. “Density” means residential density as defined in Section 17.16.010.

H. “Density bonus” means a density increase of at least twenty-five percent over the maximum density otherwise allowable under the zoning regulations.

I. “Development project” shall mean an activity for which a subdivision map or construction permit is required, including new buildings and building additions or remodels as described in Section 17.91.030, but not including changes in ownership, occupancy, management, or use.

J. “Director” means the community development director or his or her authorized representative.

K. “Equity build-up” shall mean a property’s sales price at first resale, less the initial purchase price and less the city’s equity share as described in Section 17.91.150.

L. “Expansion area” means a land area proposed for annexation to the city or annexed after the adoption date of the ordinance codified in this chapter.

M. “Housing Authority” refers to the Housing Authority of San Luis Obispo (HASLO).

N. “Inclusionary housing unit” means a dwelling which is built under the provisions of this chapter, and which meets the city’s affordable housing standards.

O. “In-lieu fee” means a fee paid to the city as an alternative to the production of inclusionary housing, to be used in the acquisition, construction, or rehabilitation of affordable housing.
Article 8: Housing-Related Regulations

H. “Low-” or “lower-income households” shall have the meaning set forth in California Health and Safety Code Section 50079.5; provided the income of such persons and families shall not exceed eighty (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. “Mixed use development project” shall mean a development project which combines residential and nonresidential uses on the same lot, pursuant to city zoning regulations.

K. “Moderate-income households” shall include those persons and families whose incomes exceed eighty (80) percent but are less than or equal to one hundred twenty (120) percent of the median income within the county.

L. “Real property” shall mean land and improvements, if any, including anything permanently affixed to the land, such as buildings, walls, fences, and paved areas.

M. “Residential project” shall mean development projects which result in the subdivision of land and/or the construction or conversion of dwellings, including, but not limited to, single-family, attached or detached homes, apartments, condominiums, live/work studios, mobile homes, and group housing.

N. “Very low-income” shall have the meaning set forth in California Health and Safety Code Section 50105; provided, that such income level shall not exceed fifty percent of median income within the county. (Ord. 1508 § 4, 2007)

Applicability, defined as “persons and Exclusions

A. This chapter shall apply to development projects consisting of five or more lots or new dwelling units, and to commercial development projects consisting of two thousand five hundred square feet of gross floor area or larger.

B. The following types of development projects are excluded:

1. Families whose incomes 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 creation of new dwellings; California Administrative Code.

M. 5. Commercial condominium conversions which 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 creation of new dwellings; California Administrative Code.

6. Affordable housing projects;
17.138.040 –
7. Emergency projects, or projects which the city council determines are necessary to protect public health and safety;

8. Development projects which the city council determines are essentially noncommercial or nonresidential in nature, which provide educational, social or related services to the community and which are proposed by public agencies, nonprofit agencies, foundations and other similar organizations;

9. Projects which replace or restore a structure damaged or destroyed by fire, flood, earthquake or other disaster within three years prior to the application for the new structure(s);

10. Projects for which an approved tentative map or vesting tentative map exists, or for which a construction permit was issued prior to the effective date of the ordinance codified in this chapter and which continue to have unexpired permits. (Ord. 1508 § 4 (part), 2007)

General Standards
17.91.040 General standards.

A. Methods of Meeting Requirements. New development projects shall satisfy the inclusionary housing requirements, as specified in Tables 2 and 2A of the general plan housing element, which provide 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 in-city development projects and commercial developments in expansion areas, and 3.75 percent of building valuation for residential developments in expansion areas); or

3. Dedicate real property for affordable housing; or

4. 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 city council.Director.

<table>
<thead>
<tr>
<th>Housing Element Table 2 – Inclusionary Housing Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Location</strong></td>
</tr>
<tr>
<td>In City Limits</td>
</tr>
</tbody>
</table>

|  |  | pay in-lieu fee equal to 5% of building valuation.⁴ | pay in-lieu fee equal to 5% of building valuation |
### Article 8: Housing-Related Regulations

| Expansion Area | Build 5% low² - 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

<table>
<thead>
<tr>
<th>Project Density (Density Units/Net Acre)</th>
<th>Inclusionary Housing Requirement Adjustment Factor&lt;sup&gt;2&lt;/sup&gt;</th>
<th>Average Unit Size (square feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Up to 1,100</td>
<td>1,101 – 1,500</td>
</tr>
<tr>
<td></td>
<td>1,501 – 2,000</td>
<td>2,001 – 2,500</td>
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<tr>
<td></td>
<td>2,501 – 3,000</td>
<td>&gt;3,000</td>
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<tr>
<td>36 or more</td>
<td>0</td>
<td>0.75</td>
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<tr>
<td>24 – 35.99</td>
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<td>1.0</td>
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<tr>
<td>12 – 23.99</td>
<td>0.25</td>
<td>1.25</td>
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<tr>
<td>7 – 11.99</td>
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</tr>
<tr>
<td>&lt;7</td>
<td>0.5</td>
<td>2.0</td>
</tr>
</tbody>
</table>

**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. General Plan Housing Element.

C. **Concurrent Development.** The required inclusionary units shall be constructed concurrently with market rate value units unless the developer and the city council agree within an affordable housing agreement to an alternative development schedule. (Ord. 1508 § 4 (part), 2007)

17.138.050 – Procedures

17.91.050 Procedures.

A. **Fractional Numbers.** In determining the number of dwellings that are required to be built pursuant to Table 2, fractional units less than 0.50 shall be rounded down to the nearest whole number unit, and fractional units of 0.50 or greater shall be rounded up to the next higher whole number unit, as calculated by the director.

B. **Determining Adjustment Factor Using Project Density and Average Unit Size.** To determine the adjustment factor in Table 2A, project density shall be calculated by dividing the total number of density units proposed (including density bonus where applicable) by the development project site's net area. Average floor area shall be calculated by dividing the total gross floor area of all dwellings (excluding garages) within the development project by the total number of dwellings. Dedicated open space shall not be included in a site's net area.

C. **Mixed-Use Development Projects.** For mixed-use development projects with five or more dwellings, the inclusionary housing requirement is determined by: (1) using Table 2 to calculate the base inclusionary requirement for the commercial use, and (2) using Table 2A to adjust the base requirement based on project density and average unit size, as described in subsection (B) of this section. For mixed-use development projects with less than five dwellings, the base inclusionary housing requirement for the commercial use shall apply.

D. **Timing.** The inclusionary housing requirement shall be met prior to issuance of a certificate of occupancy for the first unit in a building, or the first building in a complex to be constructed or remodeled; or for subdivisions, prior to final map approval; or prior to building permit issuance, for projects for which a certificate of occupancy is not issued; or as otherwise agreed to by the city council, as part of tentative map, rezoning, conditional use permit, or other development approval.
E. **Affordable Housing Agreement.** To meet the requirement, the developer may enter into an agreement with the city, the city’s housing authority, 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. (Ord. 1508 § 4 (part), 2007)

**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 of the general plan housing element, as further described in Section 17.91.040(A)(2), 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. (Ord. 1508 § 4 (part), 2007)

**17.138.070 – Affordable Housing Fund Established**

A. **In-Lieu Fees.** In-lieu fees collected shall be deposited into the affordable housing fund, to the satisfaction of the finance director. (Ord. 1508 § 4 (part), 2007)

**17.138.080 – Real Property Dedication**

A. **Irrevocable Offer to Dedicate Real Property.** At the discretion of the city council, an irrevocable offer to dedicate real property equal or greater in value to the in-lieu fee which would otherwise be required may be offered to the city, or to 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 that the in-lieu fee to achieve an equitable dedication. In considering an offer to dedicate real property, the city council must find that the dedication of real property will provide equal or greater public benefit than constructing affordable units or paying in-lieu fees, based on the following criteria: 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 county Office of San Luis Obispo 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. (Ord. 1508 § 4 (part), 2007)

### 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 the *affordable housing incentives* (Chapter 17.90140 (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 under Chapter 17.90140 (Affordable Housing Incentives) shall require city council approval and shall be set out in an affordable housing agreement. The form and content of such agreement shall be to the approval of the city attorney City Attorney and the director. Developers are further encouraged to utilize other local, state or federal assistance, when available, to meet the affordable housing standards. (Ord. 1508 § 4 (part), 2007)

### 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 rate dwelling units;
4. Description of incentives requested, including exceptions from development standards, density bonuses, fee waivers or other incentives; and

5. Other information which the director determines necessary to adequately evaluate the proposal, including but not limited to the method proposed to award occupancy of the affordable units.

B. Director Response. After receiving a complete planning application, including an affordable housing proposal, the director shall respond to the applicant or developer’s affordable housing proposal. The city response shall identify: (1) affordable housing issues and concerns; (2) incentives which the director can support when making a recommendation to the decision-making body; and (3) procedures which will need to be followed to comply with the inclusionary housing requirements. (Ord. 1508 § 4 (part), 2007)

Conditions of Approval

17.91138.110 Conditions of development approval. – 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, prepare and submit an affordable housing agreement for city approval 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. Agreements for Constructing Affordable Units. For development projects meeting their inclusionary requirement through construction of affordable dwelling units, the affordable housing agreement shall specify:

1. The number and location of affordable units;

2. The size (square footage), number of bedrooms, and design of the affordable units;

3. Terms of affordability;

4. Schedule for construction of the affordable units;

5. Incentives or other assistance to be provided by the city;

6. Where applicable, the procedures to be used for qualifying tenants or buyers, setting rental/sales costs, renting or selling units, filling vacancies, and managing the units;

7. Mechanisms or procedures to assure that the selection of potential residents takes place via an open, public process including but not limited to a lottery, selection by the housing authority or other nonprofit third party, or by other means that ensure (qualified) members of the community have an equal chance at participation. The agreement shall also specify the mechanism or procedures used to assure the continued affordability and availability of the specified number of dwelling units to very low-, lower-, and moderate-income households and/or qualifying seniors; and

8. Other terms or conditions requested by city.
C. Agreements for Real Property Dedication. For development projects meeting their inclusionary housing requirement through real property dedication, the agreement shall specify:

1. The method of conveyance, schedule, and appraised value of the proposed dedication;
2. Calculation of housing in-lieu fees otherwise applicable to the project at the time of recordation;
3. Title report and insurance;
4. Description of location, condition, improvements, and other relevant factors applying to the property; and
5. Other information required by the city.

D. Payment of In-Lieu Fees. An affordable housing agreement shall not be required for projects which meet their inclusionary housing requirement through the payment of in-lieu fees. (Ord. 1508 § 4 (part), 2007)

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. (Ord. 1508 § 4 (part), 2007)

17.138.130 – Eligibility Screening

The city, its housing authority, Housing Authority or other housing provider designated by the city shall screen prospective renters or buyers of affordable units. Renters or buyers of affordable units shall enter into an agreement with the city, its housing authority or other housing provider to comply with the affordable housing standards. Occupants must be selected by means of an open, public process which ensures that individuals of a group of interested participants have equal probability of selection. Private selection of individuals by project owners is not permitted except for any affordable units provided in excess of the required inclusionary units. (Ord. 1508 § 4 (part), 2007)

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: (A) participate in a shared equity purchase program, as described in Section 17.91.138.150, or (B) enter into an affordable housing agreement to ensure that affordability is maintained for the longest period allowed or required by law, but not less than thirty years. Affordable rental units shall be affordable for the longest period allowed or required by law, but not less than thirty years. (Ord. 1508 § 4 (part), 2007)

17.138.150 – Shared Equity Purchase Program

Under this program, the qualified buyer of a designated affordable dwelling unit shall enter into a shared equity agreement with the city. Said agreement shall be recorded as a second trust deed against the purchased property, at no interest, securing and stating the city’s equity share in the property. The city’s equity
Article 8: Housing-Related Regulations

share shall be calculated by the director, and shall be the decimal percentage of the property's value resulting from:

1. The difference between the property's market value and the actual price paid by the homeowner, divided by the market value; and/or, when applicable,

2. The amount of subsidy provided by the city to the homeowner to purchase the property, divided by the property's market value.

B. Upon sale, the city's equity share shall be repaid to the city from the proceeds of the sale, less the city's percentage share of title insurance, escrow fees, and documentary transfer taxes, at the close of escrow. (Ord. 1508 § 4 (part), 2007) 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
17.91.151 Early resale of shared equity properties.

In the event of "early resale," owners of properties subject to the shared equity purchase program shall either: (A1) pay an equity recapture fee to the city as described in the schedule below, in addition to the city's equity share, or (B2) sell the property to another eligible household. "Early resale" shall mean the sale, lease, or transfer of property within five years of the initial close of escrow. If the owner chooses to pay the equity recapture fee, the recapture fee shall be paid to the city upon resale at close of escrow, based on the following schedule:

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<th>Year</th>
<th>% of Equity Build-up Recaptured</th>
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The recapture amount shall be determined prior to the calculation of escrow closing costs. (Ord. 1508 § 4 (part), 2007)

17.138.170 – Management and Monitoring
17.91.160 Management and monitoring.

Inclusionary rental units shall be managed and operated by the property owner, or the owner's agent, for the term of the affordable housing agreement. Sufficient documentation shall be submitted to ensure compliance with this chapter, to the satisfaction of the director. (Ord. 1508 § 4 (part), 2007)

17.138.180 – Enforcement and Appeals
17.91.170 Enforcement and appeals.

A. Enforcement. No final subdivision map shall be approved, nor building permit issued, nor shall any other development entitlement be granted for a development project which does not meet these requirements. No inclusionary unit shall be rented or sold except in accordance with these requirements and the affordable housing standards.
B. Appeals. The director shall administer and interpret these requirements, subject to applicable codes and city procedures. Decisions of the director are appealable, subject to the zoning regulations appeal provisions (Zoning Regulations Chapter 17, 6). (Ord. 1508 § 4 (part), 2007)

17.138.190 – Severability
17.91.180 Severability.

If any provision of this chapter or the application thereof to any person or circumstances is held invalid, the remainder of the chapter and the application of the provision to other persons or situations shall not be affected thereby. (Ord. 1508 § 4 (part), 2007)

CHAPTER XX: AFFORDABLE HOUSING INCENTIVES
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 California Government Code Section 65915 et seq. This chapter is a summary of California 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. (Ord. 1591 § 20 (part), 2013)

17.140.020 – Definitions

For the purposes of this chapter, the following words and phrases shall have the meanings set forth below:

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 17.16.010. As an example, a two-bedroom dwelling equals 1.00 density unit.

D. “Density bonus” means a density increase over the maximum density otherwise allowable under the zoning regulations and land use element of the general plan.

E. “Director” means the community development director or his or her authorized representative.

F. “Housing development” means a development project for five or more residential units; also includes a subdivision or common interest development.
G. “Lower income households” shall have the meaning set forth in California Health and Safety Code Section 50079.5; provided the income of such persons and families whose incomes exceed fifty percent but are less than or equal to eighty percent of the median income within the county.

H. “Maximum allowable residential density” means the maximum density allowed under the zoning regulations and land use element of the general plan.

I. “Moderate income households” shall have the meaning set forth in California Health and Safety Code Section 50093; provided the income of such persons and families whose incomes exceed eighty percent but are less than or equal to one hundred twenty percent of the median income within the county.

J. “Senior citizen housing development” means a residential development developed, substantially rehabilitated, or substantially renovated for senior citizens (fifty-five years or older) that has at least thirty-five dwelling units.

K. “Very-low income households” shall have the meaning set forth in California Health and Safety Code Section 50105; provided the income of such persons and families whose incomes exceed thirty percent but are less than or equal to fifty percent of the median income within the county. (Ord. 1591 § 20 (part), 2013)

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 amendments, zoning amendments, or subdivision map approvals. The city council shall, within ninety days of receiving a written preliminary proposal, notify the housing developer in writing of the procedures under which the city will comply with this chapter.

B. Any request for a density bonus or other incentives shall be in writing, and shall include the following information, as well as any additional information required by the director:

1. The name of the developer;
2. The location of the proposed project;
3. The density allowed under the zoning regulations, as well as the proposed density;
4. The number and type (bedroom count) of dwellings and identification of those dwellings which are to be affordable to each household income category;
5. Whether the dwellings will be offered for sale or for rent;
6. The proposed sales price, financing terms, rental rates or other factors which will make the dwellings affordable to very-low-, lower-, and moderate-income households. (Ord. 1591 § 20 (part), 2013)

17.140.040 – Standard Incentives for Housing Projects

A. This section shall apply only to housing projects consisting of five or more dwelling units. Per state law, projects that provide affordable housing are allowed up to a thirty-five percent density bonus based on the tables outlined below for the respective affordability levels. In addition, the city council may approve a density bonus in excess of thirty-five percent at the request of the developer, as well as other concessions and incentives outlined in Section 17.90.060.
B. All density calculations resulting in fractional units shall be rounded up to the next whole number.

C. For the purpose of this section, “total units” or “total dwelling units” does not include units added by a density bonus awarded pursuant to this section or any local law granting a greater density bonus.

D. Ten Percent Low Income Dedication. When a developer agrees to construct 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:

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<th>Percentage Low Income Units</th>
<th>Percentage Density Bonus</th>
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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:

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<th>Percentage Very-Low Income Units</th>
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F. _Twenty Percent Senior Citizen Housing Development Dedication._ When a developer agrees to construct a senior citizen housing development, or mobile home park that limits residency based on age requirements for housing for older persons, the director shall grant the developer, upon the developer’s request, a density bonus; the density bonus shall be twenty percent of the number of senior housing units.

G. _Ten Percent Common Interest Development for Moderate Income Dedication._ If a developer agrees to construct ten 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:

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

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<th>Percentage Moderate Income Units</th>
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H. Land Donation Dedication. If a developer for a tentative subdivision map, parcel map, or other residential development approval donates land to the City for affordable housing in accordance with this chapter and the provisions set forth in California Government Code Sections 65915 through 65918, the applicant shall be entitled to a fifteen 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

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<th>Percentage Very Low-Income Units</th>
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Table 8-5: Density Bonus for Land Donation Dedication for Affordable Housing

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<th>Percentage Very Low-Income Units</th>
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I. Housing for Transitional Foster Youth, Disable Veterans, and Homeless Persons. If a developer agrees to construct at 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. An applicant may elect to accept a lesser percentage of density bonus.

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 on-site parking space per unit.

   b. Two to three bedrooms: two on-site 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. 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.

3. For purposes of this section, a development may provide on-site parking through tandem or uncovered parking, but not through on-street parking.

4. 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. (Ord. 1591 § 20 (part), 2013)

- Standard Incentives for Conversion of Apartments to Condominium Projects

17.90.050 Standard incentives for conversion of apartments to condominium projects.

A. For the purposes of this section, “other incentives of equivalent financial value” shall not be construed to require the city to provide cash transfer payments or other monetary compensations but may include the reduction or waiver of requirements which the city might otherwise apply as conditions of conversion approval.

B. For purposes of this section, “density bonus” means an increase in units of twenty-five percent over the number of apartments, to be provided within the existing structure or structures proposed for conversion.

C. When an applicant for approval to convert apartments to condominium units agrees to provide at least thirty-three percent of the total units of the proposed condominium project to persons and families of low or moderate income, or fifteen percent of the total units of the proposed condominium project to lower income households, and agrees to pay for the reasonable, necessary administrative costs incurred by the city pursuant to this section, the director shall grant a density bonus or provide other incentives of equivalent financial value as it finds appropriate.

D. Nothing in this section shall be construed to require the city to approve a proposal to convert apartments to condominiums.

E. An applicant shall not be eligible for a density bonus under this section if the apartments proposed for conversion constitute a housing development for which a density bonus or other incentives were provided under Section 17.90.040, 17.140.050, or 17.90.060-140.070.

F. The city shall grant the developer’s request for development incentive(s) unless the city council makes written findings of fact that the additional incentive(s) are not required to achieve affordable housing objectives as defined in Section 50062.5 of the Health and Safety Code, or to ensure that sales prices for the targeted dwelling units will be set and maintained in conformance with city affordable housing standards. (Ord. 1591 § 20 (part), 2013)

17.140.070 – Alternative or Additional Incentives

17.90.060 – Alternative or additional incentives.

A. When a developer agrees to construct housing for households of very-low, lower, or moderate income households, or for qualifying senior households, or for qualifying transitional foster youth, disabled veterans, or homeless persons, and desires an incentive other than a density bonus as provided in Section 17.90.040, (Standard Incentives for Housing Projects), or when an applicant for approval to convert apartments to condominium project agrees to provide housing for households of very-low, lower, or moderate income, or for qualifying senior households, the developer shall receive the following number of incentives or concessions:

1. One incentive or concession for housing developments that include at least ten percent of the total units for lower income households, at least five percent for very-low income households, or at least ten percent for persons and families of moderate income in a common interest development, or at least ten percent for qualifying transitional foster youth, disabled veterans, or homeless persons.
2. Two incentives or concessions for housing developments that include at least twenty \( \frac{20}{100} \) percent of the total units for lower income households, at least ten \( \frac{10}{100} \) percent for very-low income households, or at least twenty \( \frac{20}{100} \) percent for persons and families of moderate income in a common interest development, or at least twenty \( \frac{20}{100} \) percent for qualifying transitional foster youth, disabled veterans, or homeless persons.

3. Three incentives or concessions for housing developments that include at least thirty \( \frac{30}{100} \) percent of the total units for lower income households, at least fifteen \( \frac{15}{100} \) percent for very-low income households, or at least thirty \( \frac{30}{100} \) percent for persons and families of moderate income in a common interest development, or at least thirty \( \frac{30}{100} \) percent for qualifying transitional foster youth, disabled veterans, or homeless persons.

B. Alternative incentive proposals shall include information set forth in Section 17.90140.030 \( \text{(Application Process)} \), as well as a description of the requested incentive, an estimate of the incentive’s financial value in comparison with the financial value of the density bonus allowed in Section 17.90.040, as well as the basis for the comparison estimate. Alternative incentive proposals shall be considered by the councilPlanning Commission and may include but are not limited to one or more of the following:

1. A reduction in site development standards or modification of zoning codeTitle 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, financially sufficient, 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 17.90140.040;

4. Waiver_Deferral of application and development review\textit{Development Review} processing fees;

5. Waiver of utility connection or Deferral of park land in-lieu fees or park land dedication requirement; and

6. City funded installation of off-site improvements which may be required for the project, such as streets or utility lines;

7. Write-down of land costs;

8. Direct subsidy of construction costs or construction financing costs;

9. Other regulatory incentives or concessions proposed by the developer or the cityCity that result in identifiable, financially sufficient, and actual cost reductions shall also include provisions for assuring continued availability of designated units at affordable rents or sales prices for a period of not less than thirty years, or as otherwise required by stateState law.

C. Proposals for approval to convert apartments to a condominium project shall include those relevant items set forth in Section 17.90140.030(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 17.90.050\textit{140.060}, and the basis for the comparison estimate. Nothing in this section\textit{Section} shall be construed to require the cityCity to provide
cash transfer payments or other monetary compensation. The city may reduce or waive requirements which the city might otherwise apply as conditions of conversion approval.

D. Nothing in this section shall be construed to require the council to approve any alternative incentive or concession. The council shall approve the requisite number of incentives or concessions afforded by this section. However, the details surrounding the incentives or concessions shall be at the discretion of the council.

E. The council action on any alternative incentive proposal shall be by resolution. Any such resolution shall include findings relating to the information required in subsection B or C of this section. (Ord. 1591 § 20 (part), 2013)

Relationship to Other City Procedures

17.90.070 Relationship to other city procedures.

A. Projects incorporating affordable housing and receiving density bonuses, incentives, or alternative incentives as provided in this chapter shall receive high priority processing, to the extent allowed by law. Operation of Section 17.90.040 or 17.90.050, or approval of alternative incentives as provided in Section 17.90.060, shall not be construed as a waiver of standard development review procedures or an exemption of the project from city development standards other than those explicitly listed in the approving resolution. Should a project fail to receive any required city approval, the density bonus or alternative incentive granted under this chapter shall be null and void.

B. Applications of Sections 17.90.040 and 17.90.050 to projects shall be ministerial acts for purposes of environmental review. Environmental documents need not be filed solely for recordation of agreements concerning the density bonus and provision of affordable housing. Normal environmental review procedures shall apply to the project applications.

C. If the council approves an alternative incentive as provided in Section 17.90.060, such approval shall be subject to and conditioned upon an environmental determination being made for the project in the usual manner. The community development department shall outline for the council any probable, significant environmental effects which would result from the proposed incentive. (Ord. 1591 § 20 (part), 2013)

140.080 – Agreements for Affordable Housing

17.90.080 Agreements for affordable housing.

Prior to the issuance of construction permits for any project incorporating a density bonus or other incentive as provided in this chapter, the city and the project owner(s) shall enter into an agreement in a form acceptable to the city attorney, to be recorded in the office of the county recorder. The agreement shall specify mechanisms or procedures to assure the continued affordability and availability of the specified number of dwelling units to very-low, lower, and moderate income households, and/or qualifying seniors, and/or qualifying transitional foster youth, disabled veterans, or homeless persons. The agreement shall also set forth those items required by this Section or any alternative incentives granted pursuant to Section 17.90.060. 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 of not less than thirty years, or as otherwise required by state law. (Ord. 1591 § 20 (part), 2013)

Fees

17.90.090 Fees.
A. No fee in addition to normal project application fees shall be charged for a request for a density bonus pursuant to
the provisions of Sections 17.90.040, 17.140.050, or 17.90.050, except for reasonable, necessary administrative costs incurred by the city pursuant to Section 17.90.050.

B. A fee not to exceed the amount charged for “preapplication concept review” may be charged for proposals submitted pursuant to the provisions of Section 17.90.060.(Ord. 1591 § 20 (part), 2013)

17.140.100 – Affordability Standards
17.90.100 Affordability standards.

A. The community development department shall publish and revise as needed a schedule of rental rates and sales prices for dwellings which will be affordable to households with incomes as provided in this chapter. The schedule shall substantially conform with the affordability standards as established by state or federal law.

B. The maximum rental rates and sales prices as revised, generally on an annual basis, shall remain in effect for projects receiving density bonuses or additional incentives under this chapter as provided in the affordable housing agreement, but in no case less than the minimum term required by state law. (Ord. 1591 § 20 (part), 2013)

17.140.110 – Occupant Qualifications
17.90.110 Occupant screening.

A. The affordable dwellings developed pursuant to this chapter shall be available to qualified occupants without regard to race, religion, national origin, sex, occupation or other affiliation. Occupants may be screened on the basis of age only to qualify those occupants seeking housing designed for the elderly.

B. The city housing authority or other third party acceptable to the city 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 or residing within the city or the immediately surrounding area, to the extent that this provision does not conflict with state or federally funded housing assistance programs which may apply to a particular project, or other applicable law. This section is to ensure that those households having the greatest difficulty obtaining housing at market rates within the city shall be able to occupy affordable housing made available pursuant to this chapter. (Ord. 1591 § 20 (part), 2013)
Chapter 17.142: Downtown Housing Conversion Regulations

Sections:

17.142.010 – Purpose and Intent
17.86142.020 – 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 central business district and surrounding 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. (Ord. 1460 § 3 (part), 2004)

Area of Applicability

17.86.020 – Area of application.

Provisions of this chapter shall apply to the downtown planning area shown in Figure 1. (Ord. 1460 § 3 (part), 2004)

Definitions

17.86.030 – Definitions.

Where not defined hereinbelow, terms shall be as defined in the zoning regulations Article 9 (Definitions) of this Title 17 of the Municipal Code.

A. Downtown Core. That central downtown area of the city zoned “C-D” (Commercial) in the most recently adopted zoning map shown in Figure 8-1: Downtown Planning Area and Downtown Core.

B. Conversion. A change in the primary use of at least fifty-one percent of the floor area of a legally permitted dwelling or building from residential to nonresidential use, or physical change in design of fifty-one percent of an individual dwelling’s or building’s floor area to accommodate nonresidential uses.

C. Development Project. Any public or private action for which a city construction permit or planning approval is required, including architectural review, use permit, variance, subdivision or other approval.

D. Downtown Planning Area. The central part of the city, generally bounded by Highway 101, the railroad, and High Street, including the commercial core and surrounding neighborhoods, as shown in Figure 1.

E. No 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.

G. Residential Use. A land use which includes “dwellings,” “boarding/rooming house,” “dormitory,” “residential care facilities,” “caretakers’ quarters,” “hotel/motel,” “hostel,” “bed and breakfast inn,” “fraternity (or sorority) house,” or “live-work unit,” as defined by the zoning regulations and listed in Table 9, Chapter 17.22 of the Municipal Code.

H. Residential Unit. A structure which is on a permanent foundation, with provisions for sleeping and sanitation, and which is permanently connected to utilities. A residential unit may or may not contain provisions for cooking, and may be single, detached or in a multiple unit, attached configuration.

I. Subarea. The geographic area corresponding to either the downtown core, or the area outside the downtown core but within the downtown planning area, as shown in Figure 1. (Ord. 1460 § 3 (part), 2004)

E. Figure 1—Downtown Planning Area, as shown in Figure 8-1.
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 or rooming houses,” “dormitories,” “residential care facilities” or “caretakers’,” “caretaker quarters,” “lodging, hotels and motels,” “hostel,” “bed and breakfast inn,” “fraternity (or sorority) houses” and “fraternities and sororities” which have one or more individual rooms for rent, and to “live-work units,” as defined by the zoning regulations in Article 9 (Definitions) and listed in Table 9, Chapter 17.222-1: Uses Allowed by Zone of the Municipal Code. (Ord. 1460 § 3 (part), 2004) 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 zoning regulations and as approved by the architectural review commission ministerial or discretionary requirements of this Title 17 for the director. Replacement units shall be located within the same subarea as the units to be removed, but need not be located on the same site as previously existed. Development projects shall meet the following standards, subject to the approval of the director;

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 for a period of time not to exceed an additional thirty (30) days from the date of City approval of a development project exception application. The Director or Council may grant an extension to this right to remain for a period of time not to exceed an additional thirty (30) days.

2. No Increase in Rent. A tenant’s rent shall not be increased during the period provided in subsection A 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 twenty-four (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.

Exceptions

The City Council may grant exceptions to the provisions of this chapter, subject to the findings listed in Section 17.86.070, paragraph B, below. In granting an exception, the City Council may establish conditions to ensure the intent of general plan policies is met, as described in Section 17.86.080 (Conditions of Approval). The application requirements and procedures for an exception shall be as required for a planning commission use permit, as provided in Chapter 17.58. (Ord. 1460 § 3 (part), 2004)

Public Hearing Required

17.86.090 Public hearing—Notification.

A. Prior to acting on an exception request, the City Council shall hold a public hearing, and notice of the time, date, place and purpose of the hearing shall be given to the residents of the proposed conversion and to owners and residents within three hundred feet of the affected property. Said property shall be posted, and an advertisement shall be published in a newspaper of general circulation, at least ten days before the public hearing. (Ord. 1460 § 3 (part), 2004)

Conditions of Approval

17.86.080 Conditions of approval.

The City Council may establish conditions of approval which provide for the general health, safety and welfare of residents displaced by the proposed development, and to achieve the intent of general plan housing conservation policies and mitigate the loss of housing. (Ord. 1460 § 3 (part), 2004)

Required Findings

17.86.070 Findings required.

B. To grant an exception, the City Council must make each of the following findings:

Findings:
Article 8: Housing-Related Regulations

A.
1. Approval of an exception is consistent with the San Luis Obispo General Plan and specifically, with Housing Element policies regarding no net housing loss, affordable housing, and mixed uses in the Downtown Planning Area.

B.
2. Granting the exception will not adversely affect affordable housing opportunities for very low-, low-, or moderate-income persons, either individually or cumulatively.

C.
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.

D.
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.

E.
5. It is physically infeasible to rehabilitate or relocate the housing to be removed or converted.

F.
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). (Ord. 1460 § 3 (part), 2004)

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. (Ord. 1550 § 1, 2010: Ord. 1459 § 3 (part), 2004: Ord. 1359 § 3 (part), 1999)

17.144.020 – Allocations

A. Each specific plan shall adopt a phasing schedule that allocates timing of potential residential construction, including phasing of required improvements, consistent with the general plan and with these regulations.

B. The limitations on residential development established by these regulations apply to new residential construction within certain areas that have been annexed to the city or that will be annexed to the city. Development in
such areas is subject to development plans or specific plans which shall contain provisions consistent with these regulations.

C. Allocations shall be implemented by the timing of issuance of building permits.

D. Dwellings affordable and enforceably restricted to residents with extremely low, very low, low, or moderate incomes, as defined in the city’s general plan housing element, and new dwellings in the downtown core (C-D zone as shown on the most 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 the city’s affordable housing standards. In expansion areas, the overall number of units built must conform to the city’s approved phasing plan.

E. It shall not be necessary to have dwellings allocated for a particular time interval or location to process and approve applications for general plan amendment, zone change or other zoning approval, subdivision, or architectural review. (Ord. 1550 § 2, 2010: Ord. 1459 § 3 (part), 2004: Ord. 1359 § 3 (part), 1999) 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

A. The community development department shall provide status updates to the city council concerning implementation of these regulations, coordinated with the annual report on the general plan. The status update will describe actual construction levels and suggest if revisions are necessary to maintain the city’s one percent growth rate.
Article 8: Housing-Related Regulations

B. Repealed by Ord. 1550.

C. Repealed by Ord. 1550.

D. Repealed by Ord. 1550.

E. Repealed by Ord. 1550. (Ord. 1550 § 4, 2010; Ord. 1450 § 3 (part), 2004; Ord. 1359 § 3 (part), 1999. Formerly 17.88.040)

Interim Urgency Regulations
Chapter 17.20 (MIG note: This section may be adjusted to ensure compliance with federal fair housing laws.)

RESIDENTIAL OCCUPANCY STANDARDS

Sections:
17.20.010 Group housing—Permitted upon approval of use permit.
17.20.020 Group housing—Occupancy limits.

*Ord. 1265 § 2 Ex. A, adopted June 21, 1994, amended former Chapter 17.20 §§ 17.20.010 — 17.20.020, pertaining to similar subject matter, in its entirety to read as herein set out. The provisions of former Chapter 17.20 derived from Ord. 1102 § 1 Ex. A (13), 1987; Ord. 941 § 1 (part), 1982; and prior code § 9202.6 (A) — (H).

17.20.010 Group housing—Permitted upon approval of use permit.

17.20.020 Group housing—Occupancy limits.

Group housing (such as dormitory, rest home, boardinghouse or fraternity) which is

17.146.010 – Purpose and Applicability

17.146.010 – Purpose and Applicability

A. Applicability. The provisions in this Section shall apply to boarding houses as defined in Article 9 (Definitions) and where permitted in Article 2 (Zones, Allowable Uses, and Development and Design Standards), and as may otherwise be regulated by State law. The purpose of this Chapter is to regulate boarding houses in the City. Residential care facilities or day cares as defined in Article 9 (Definitions) are exempt from the provisions of this Section.

B. Permit Required. Boarding houses occupied by six or more individuals may be permitted upon approval of whatever type of use permit is required by the zone district provisions. (Ord. 1265 § in Article 2 Ex. A, 1994) (Zones, Allowable Uses, and Development and Design Standards).

17.20.020 Group housing — Occupancy limits.

Limits. Use permits for group housing boarding houses shall stipulate a maximum occupancy. For purposes of this section, residential care facilities will not be considered “group housing.” The occupancy limits shall reflect habitable space within buildings and available parking and shall not exceed the following standards based on the general plan General Plan:
TABLE 8
MAXIMUM POPULATION DENSITY
FOR EACH ZONE

<table>
<thead>
<tr>
<th>Zone</th>
<th>Maximum Population Density (persons per net acre)</th>
</tr>
</thead>
<tbody>
<tr>
<td>R-1</td>
<td>2120</td>
</tr>
<tr>
<td>R-2, O, C-N, C-T</td>
<td>25</td>
</tr>
<tr>
<td>R-3</td>
<td>40</td>
</tr>
<tr>
<td>R-4, C-R, C-C, C-D</td>
<td>55</td>
</tr>
</tbody>
</table>

(Ord. 1500 § 3 (part), 2007; Ord. 1437 § 1 (part), 2003; Ord. 1265 § 2 Ex. A, 1994)

17.70.060 Other requirements.

Procedures for prezoning and adoption of urgency interim regulations shall be as provided in the California Government Code. Requirements for the scheduling of zoning hearings in relation to general plan amendments, reports from the planning commission to the council upon referral, and all other matters not prescribed in greater detail in these regulations shall be as provided in the Government Code. (Ord. 941 § 1 (part), 1982; prior code § 9204.7(F))
Chapter 17.93.148. High-Occupancy Residential Use Regulations

HIGH-OCUPANCY RESIDENTIAL USE REGULATIONS
(MIG note: This section may be adjusted to ensure compliance with federal fair housing laws.)

Sections:

17.93.148.010 – Purpose, and Applicability
17.93.148.020 – Definitions. Permit Requirements
17.93.148.030 – General requirements.
17.93.040 – Performance standards. Standards
17.93.050 – Administration.
17.93.060 – Periodic review, violations and enforcement.

17.93.020 Definitions.

A. “Adult” means a person eighteen years of age and older.

B. “High-occupancy residential use” means any dwelling, other than a “residential care facility” as defined in Section 17.100.180, in the R-1 or R-2 zones when the occupancy of the dwelling consists of six or more adults.

C. “Tandem parking” means the arrangement of parking where no more than two cars are arranged in tandem, one in front of the other. (Ord. 1154 § 1 (part), 1990)

17.93.030 General requirements.

A. Applicability. A high-occupancy residential use is allowed in the R-1 and R-2 zones subject to the performance standards set forth in Section 17.93.040.148.030.

B. Relation to Zone Standards. Where this chapter does not contain a particular type of standard or procedure, conventional zoning standards shall apply.

C. Exceptions. Nothing in this section prohibits applicants from requesting exceptions or variances to the strict interpretation of these Zoning Regulations to the extent allowed by said regulations for any use. (Ord. 1154 § 1 (part), 1990)

17.148.020 – Permit Requirements

In addition to any requirements of the Minor Use Permit, an applicant for a High Occupancy Residential Use shall submit and certify the following information as part of the application:

A. Address of dwelling;
B. A site plan which shows:

1. The entire boundary of the site as well as adjacent structures within 20 feet;
2. The number and location of off-street parking spaces;
3. The gross floor area of the dwelling in square feet;
4. The floor plan for the dwelling with the rooms clearly labeled;

C. The number of proposed adult occupants;

D. Owner’s signature; and

E. Any other information deemed necessary by the Director.

17.148.030 – Performance standards. Standards

A. Upon approval of an administrative use permit, as defined by Chapter 17.58, a
A. A high-occupancy residential use may be established with occupancy of six or more adults. The purpose of the
use permit is to ensure shall operate in compliance with the following performance standards described in this
section, and to ensure the compatibility of the use at particular locations.

1. The dwelling must contain a minimum three hundred square feet of gross floor area, less garage area,
per adult.

2. The parking requirement shall be the greater of:
   a. The number of spaces required for dwellings as described in Section 17.16.060;72.030 (Required
      Parking Spaces), or
   b. One off-street parking space per adult occupant, less one.

3. The parking of one vehicle within a required street yard or setback is allowed. Parking in other yards is
   prohibited.

4. Each required parking space shall be of an all-weather surface.

5. Upon approval of the community development director Director, parking may be provided in tandem.

6. There shall be a minimum of one bathroom provided for every three adult occupants.

7. The dwelling must meet all current building, health, safety, and fire codes and have been built with pursuant
to all required permits. (Ord. 1154 § 1 (part), 1990)
17.93.050 Administration.

A. Permit Requirement. For high occupancy residential uses with six or more adult occupants, the applicant shall apply for and obtain an administrative use permit as defined by zoning regulations. The applicant shall submit and certify the following information as part of the application for an administrative use permit:

1. 
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A. Address of dwelling;

A. 2. A site plan which shows:
   a. The entire boundary of the site as well as adjacent structures within twenty feet;
   b. The number and location of off-street parking spaces;
   c. The gross floor area of the dwelling in square feet;
   d. The floor plan for the dwelling with the rooms clearly labeled;

3. The number of proposed adult occupants;

4. Owner’s signature;

5. Any other information deemed necessary by the community development director. (Ord. 1154 § 1 (part), 1990)

17.93.060 — Periodic review, violations and enforcement.

A. Period Review. High-occupancy residential uses shall be reviewed annually to ensure compliance with the provisions of this chapter. The use permit shall be reviewed annually for compliance with this chapter. It shall be the responsibility of the property owner to initiate the review and pay applicable fees.

B. Violations. Violation of any of the provisions of this chapter shall be the basis for enforcement action by the city which may include revocation of a previously approved use permit. (Ord. 1154 § 1 (part), 1990)
ARTICLE 9: DEFINITIONS

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 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 17.60 (AOZ Land Use Definitions) applies to land uses and activities identified in Table 2-24: Airport Overlay Zone – Maximum Allowed Persons of Section 17.64.040 (Development Standards and Uses).

C. Chapter 17.158 (General Definitions) applies to all other terms used in Title 17.

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
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17.156.002 – Purpose and Applicability

**THIS ARTICLE 9: DEFINITIONS**

**CHAPTER xxx: definitions**

A
17.100.010 [Definitions, “A.”]

“Accessory” means clearly subordinate or incidental and directly related to a permitted use or structure. “Accessory use” includes active or passive solar heating systems and cogeneration facilities.

“Accessory structures” are located upon the same site as the structure or use to which they are 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 principal land use of the site. “Accessory structures” that include habitable space, as defined by the California Building Code, shall be no larger than four hundred fifty square feet. Accessory structures shall comply with the requirements of Section 17.21.030.
“Airport” means an area approved by the Federal Aviation Administration (FAA) for the take-off and landing of aircraft, including appurtenant areas for airport buildings, aircraft operations, and related facilities, aprons and taxiways, control towers, 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.

**Accessory Dwelling Unit (ADU).** An attached or detached dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with another primary, single-unit dwelling. An ADU includes permanent provisions for living, sleeping, eating, cooking and sanitation on the same lot as the primary unit. 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 Dwelling Unit, Attached.** An ADU that is either attached to (by a minimum of one shared wall), or completely contained within, the primary existing space of the single-unit dwelling unit or existing accessory structure.

**Accessory Dwelling Unit, Detached.** An ADU that provides new residential square footage not attached or sharing any walls with the primary existing single-unit dwelling.

**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, 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, including 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 cashier 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 three 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

**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 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.

**Continuing Care Community.** A residential facility that combines independent living, assisted living, skilled nursing, memory care) on one development site.

**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.

**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.

**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.

**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, Live Entertainment, 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.

**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”.

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**Footnotes:**

- 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.

**Administrative Code:**

- 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.”
  - Drive-Through or Drive-Up Facilities. An establishment that sells products or provides services to occupants in vehicles.
- 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, Live Entertainment, and Taverns. Any establishment that sells or serves alcoholic beverages for consumption on the premises.
  - Restaurant. Establishments where food and beverages may be consumed on the premises.
  - Restaurant with late-hour alcohol service. A restaurant that provides alcohol service after 11:00 PM.
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."

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/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**

**Handicraft Manufacturing.** Establishments primarily engaged in onsite production of goods by hand manufacturing or artistic endeavor, which involves only the use of hand tools or small mechanical equipment. Handicraft Manufacturing uses shall include the accessory direct retail sale to consumers of only those goods produced onsite. Typical uses include ceramic studios, candle making shops, woodworking, and custom jewelry manufacturers. For handicraft manufacturing uses without a retail component, see “Manufacturing - Light.” For retail uses with an accessory manufacturing component, see “Retail Sales – General Retail.”

**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.

**High-occupancy residential use.** Any dwelling in the R-1 or R-2 zones when the occupancy of the dwelling consists of six or more persons over the age of 18. Does not include “Residential Care Facilities.”

**High occupancy residential use.** Any dwelling in the R-1 or R-2 zones when the occupancy of the dwelling consists of six or more adults.

**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.
**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 served 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**

**Reserved.**

**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. “Ambient entertainment” means acoustic or recorded music, or live readings of books or poetry, which is clearly incidental, that allows for normal conversation levels, and for which no cover fee or ticket is required.

“Ambulance, taxi, or limousine dispatch facility” means a base facility from which taxis and limousines are dispatched, and/or where ambulance vehicles and crews stand by for emergency calls. 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, which is instead included under the definition of “office – production or administration.” (see “Office – Business and Professional”).

Liquor Stores. See “Food and Beverage Sales – Liquor Stores.”

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.

“Antenna/telecommunications facility” means public, commercial and private electromagnetic and photoelectrical transmission, broadcast, repeater and receiving stations for radio, television, telegraph, telephone, data network, and wireless communications, including commercial earth stations for satellite-based communications. Includes antennas, commercial satellite dish antennas, and equipment buildings. Does not include telephone, telegraph and cable television transmission facilities utilizing hard-wired or direct cable connections.

   “Arbors” and “trellises” are ornamental landscape features. 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.
**Maintenance and Repair Services.** Establishments engaged in the maintenance or repair of office machines, household appliances, furniture, and similar items. This classification excludes maintenance and repair of vehicles or boats (see “Vehicle Sales and Services”) 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.

**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.

**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-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 consist of an open, lattice-work 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 on a site or lot, which does not include an accessory dwelling unit. 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 “Eating and Drinking Establishments – Bars, Live Entertainment, and Taverns.”

Nurseries and Garden Centers. See “Retail – Nurseries and Garden Centers.”

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.”

**Produce Stand.** See “Food and Beverage Sales – Produce Stand.”

**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 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.


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.

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 amphitheaters, 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.

**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.

**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. “Auto and vehicle sales/rental” means 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 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 the sale of auto parts/accessories separate from a vehicle dealership (see “auto parts sales”); mobile home, recreational vehicle, or watercraft sales (see “mobile home, RV”); Heavy Equipment Sales, Services, and Rental”; tire recapping establishments (see “vehicle services”); businesses dealing exclusively in used parts, (see “recycling – scrap”) and dismantling yards; “Wrecking”; or “service 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, tires, and accessories. May also include minor parts installation (see also “vehicle services”); 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 establishments.

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...
Article 9: Definitions

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 are found under “vehicle services” or businesses dealing 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 in used parts, which are 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 under “recycling — scrap and dismantling yards” 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.

“Automated teller machine (ATM)” means a computerized, self-service machine used by banking customers for financial transactions, including deposits, withdrawals and fund transfers, without face to face contact with financial institution personnel. These machines may be located at or within banks, or in other locations. (Ord. 1606 § 3, 2014; Ord. 1591 §§ 3, 4, 2013; Ord. 1553 § 26, 2010; Ord. 1528 § 3 Ex. A (part), 2009; Ord. 1500 § 3 (part), 2007; Ord. 1438 § 2 (part), 2003)

B. 17.100.020 – 156.050 – Y Definitions, “B.”

“Bakery, retail” means an establishment primarily engaged in the retail sale of baked products. The products may be prepared either on or off site.

“Bakery, wholesale” means a place for preparing, cooking, baking, and selling of products for off-premises distribution. Over the counter or other retail dispensing of baked goods on premises is prohibited.

“Banks” and “financial services” means financial institutions including:

A. Banks and trust companies;

B. Credit unions;

C. Holding (but not primarily operating) companies;

D. Home loan services;

E. Lending and thrift institutions;

F. Mortgage brokers;

G. Other investment companies;

H. Securities/commodity contract brokers and dealers;

I. Security and commodity exchanges;

J. Vehicle finance (equity) leasing.
See also “automated teller machine (ATM).”

“Bar/tavern” means a business where alcoholic beverages are sold for on-site consumption, which is not part of a larger restaurant. Includes bars, taverns, pubs, and similar establishments where any food service is subordinate to the sale of alcoholic beverages. May also include beer brewing as part of a microbrewery, and other beverage tasting facilities. Does not include adult entertainment businesses.

“Bed and breakfast inn (B&B)” means a building or group of buildings providing fifteen or fewer bedrooms or suites that are rented for overnight lodging, with a common eating area for guests. Does not include room rental, which is separately defined (see “boarding/rooming house”).

Reserved.

17.156.052 – Z Definitions

Reserved.
Chapter 17.158. General Definitions

Sections:

17.158.002 – Purpose and Applicability
17.158.004 – Abbreviations
17.158.006 – A Definitions
17.158.008 – B Definitions
17.158.010 – C Definitions
17.158.012 – D Definitions
17.158.014 – E Definitions
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17.158.002 – Purpose and Applicability

Chapter 17.158 (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.
Article 9: Definitions

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.

**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 seventy 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 are not considered bedrooms:

| Table 9-1: Rooms and Common Spaces Not Considered Bedrooms |
|-----------------------------------------------|-----------------|
| Hallway                                       | Den (see definition, Section 17.100.040) |
| Bathroom                                      | Loft/Mezzanine  |
| Kitchen/breakfast nook                       | Laundry room    |
| Living room, family room, dining room         |                 |

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 fifty 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.

“Block front” means all the properties fronting on one side of a street, between intersecting streets or a street and a railroad, waterway, cul-de-sac, or unsubdivided land.

“Boarding/rooming house” means a dwelling or part of a dwelling where lodging is furnished for compensation to more than three persons living independently from each other. Meals may also be included. Does not include fraternities, sororities, convents, or monasteries, which are separately defined.

“Building” means any structure used or intended for sheltering or supporting any use or occupancy.

“Building and landscape materials sales” means retail establishments selling hardware, lumber and other large building materials, where most display and sales occur indoors. Includes paint, wallpaper, glass and fixtures. Includes all these stores selling to the general public, even if contractor sales account for a major proportion of total sales. Establishments primarily selling electrical, plumbing, heating, and air conditioning equipment and supplies are classified in “wholesaling and distribution.”
“Building envelope” (see also “development envelope” and “coverage”) is the 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” is that portion of the horizontal area, as seen in plan view, of a lot covered by a building or structure, measured at the surface level, measured on a horizontal plane.

“Business support service” means an establishment within a building that provides services to other businesses. Examples from the outside of these services include: exterior walls and supporting columns, excluding eaves.

A. Blueprinting;

B. Computer-related services (rental, repair);

C. Copying and quick printing services;

D. Film processing and photofinishing (retail);

E. Mailing and mail box services;

F. Outdoor advertising services;

G. Protective services (other than office related);


**C Building Official.** City of San Luis Obispo Chief Building Official, or someone designated by him or her to act on his or her behalf.

17.100.030 158.010 – C Definitions, “C.”

“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 twenty-four-hour care or monitoring of people, plants, animals, equipment, or other conditions on the site.

“Catering service” means an establishment that serves and supplies food to be consumed off premises.

“Cemetery,” “mausoleum,” or “columbarium” means interment establishments engaged in subdividing property into cemetery lots and offering burial plots or air space for sale. Includes mausoleum, crematorium, and columbarium operations; and full-service mortuaries and funeral parlors accessory to a cemetery or columbarium.

“Club,” “lodge,” or “private meeting hall” means permanent, headquarters type and meeting facilities for organizations operating on a membership basis for the promotion of the interests of the members, including facilities for:
A. Business associations;
B. Civic, social and fraternal organizations;
C. Labor unions and similar organizations;
D. Political organizations;
E. Professional membership organizations;
F. Other membership organizations.

“Commercial recreation facility – indoor” means establishments providing indoor amusement and entertainment services for a fee or admission charge, including:

A. Bowling alleys;
B. Coin-operated amusement arcades;
C. Electronic game arcades;
D. Ice skating and roller skating;
E. Pool and billiard rooms as primary uses.

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
This use does not include adult entertainment businesses, or night clubs, which are separately defined. Four or more electronic games or coin operated amusements in any establishment, or a premises where fifty percent or more of the floor area is occupied by amusement devices, are considered an electronic game arcade as described above. three or less machines are not considered a land use separate from the primary use of the site.

“Commercial recreation facility – outdoor” means facilities for various outdoor recreational activities, where a fee is charged for use. Examples include:

A. Amusement and theme parks;
B. Fairgrounds;
C. Go-cart tracks;
D. Golf driving ranges;
E. Miniature golf courses;
F. Roller skating, hockey, skateboarding;
G. Water slides.
May also include commercial facilities customarily associated with the above outdoor commercial recreational uses, including bars and restaurants, video game arcades, etc.

“Community garden” means a site used for growing plants for food, fiber, herbs, flowers, and others, which is shared and maintained by community residents.

“Construction/heavy equipment sales and rental” means retail establishments selling or renting construction, farm, or other heavy equipment. Examples include cranes, earth moving equipment, tractors, combines, and other motorized farming equipment, heavy trucks, etc.

“Convalescent hospital” means any place, structure, or institution providing for skilled nursing and allied professional health care, or for chronic or convalescent care for one or more persons, exclusive of relatives, in which nursing, dietary or other personal services are rendered to convalescents, invalids, or aged persons, who, by reason of advanced age, chronic illness, or physical infirmity are unable to properly care for themselves, but not including persons suffering from contagious or mental diseases, alcoholism, or drug addiction, and in which surgery is not performed and primary treatment, such as customarily is given in hospitals or sanitariums, is not provided. Convalescent hospital includes “nursing home” but does not include “rest home,” “hospital,” or “residential care facility.”

“Convenience store” means a retail establishment with not more than four thousand five hundred square feet of gross floor area, offering for sale prepackaged food products, household items, newspapers and magazines, and sandwiches and other freshly prepared foods, such as salads, for off site consumption. Sale of alcoholic beverages is limited to beer and wine only (ABC License Type 20).

“Convent” or “monastery” means a housing facility where residents are limited to members of a specific religious order.

“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 means the area of a structure. 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. Uncovered decks, balconies, and porches which are thirty inches or less from the ground shall not be included in the determination of coverage. See Figures 5 and 6 in Section 17.16.030. Roof eaves which project thirty
inches or less from the structure are not included in the determination of coverage. For roof eaves which exceed thirty inches from the structure, the first thirty inches shall not be included in lot coverage and the remaining length shall be included in the determination of coverage. For exceptions to lot coverage calculations.

“Creek” is a waterway or portion of waterway designated in the General Plan as a creek on the open space element creek map. A drainage ditch, concrete swale, underground culvert, or storm drain (as indicated on the creek map 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 San Luis Obispo County data.

“Crop production” means commercial agricultural production field and orchard uses, including the production of the following or similar, primarily in the soil on the site and not in containers:

- Field crops;
- Flowers and seeds;
- Fruits;
- Grains;
- Melons;
- Ornamental crops;
- Tree nuts;
- Trees and sod;
- Vegetables;
- Wine and table grapes.

Also includes associated crop preparation services and harvesting activities, such as mechanical soil preparation, irrigation system construction, spraying, and crop processing, not including sales sheds, which are instead defined under “produce stand.” Does not include greenhouses or containerized crop production which are instead defined under “greenhouse/plant nursery, commercial.” Does not include noncommercial home gardening, which is allowed as an accessory residential use allowed without city approval. (Ord. 1591 §§ 12, 13, 2013; Ord. 1578 § 6, 2012; Ord. 1553 § 28, 2010; Ord. 1528 § 3 Ex. A (part), 2009; Ord. 1438 § 2 (part), 2003)

D

17.100.040 — 158.012 – D Definitions, “D.”

“Day care” means facilities that provide nonmedical care and supervision of adults or minor children for periods of less than twenty-four hours. These facilities include the following, all of which are required to be licensed by the California State Department of Social Services:

A. “Child day care center” means a commercial or nonprofit child day care facility designed and approved to accommodate fifteen or more children. Includes infant centers, preschools, sick-child centers, and school-age day care facilities. These may be operated in conjunction with a school or church facility, or as an independent land use.

B. “Large family day care home” means as provided by Health and Safety Code Section 1596.78, a home that regularly provides care, protection, and supervision for seven to fourteen children, inclusive, including children under the age of ten years who reside in the home, for periods of less than twenty-four hours per day, while the parents or guardians are away.

C. “Small family day care home” means as provided by Health and Safety Code Section 1596.78, a home that provides family day care for eight or fewer children, including children under the age of ten years who reside in the home.

D. “Adult day care facility” means a day care facility providing care and supervision for adult clients.

“Deck. A platform, either freestanding or attached to a building, that is supported by pillars or posts. See also “Balcony”.
Article 9: Definitions

Demolition means 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 fifty percent or more of both the structural framing and cladding or of the exterior walls within a twenty-four-month period. When determining whether a building or structure is demolished, the following applies:

A. The nonconforming portions of any wall is counted as removed or taken down, even when retention of these portions is proposed.

B. Any continuous run of remaining exterior wall surfaces measuring ten feet or less in length are counted as removed or replaced.

Dem means a 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. (See also “loft” definition.)

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”) means that An area on 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 means a Person. A person who has a medical, physical, or mental condition that limits a major life activity, as those terms are defined in California 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. (MIG note: from 17.61.020—Definitions)

Director means the director of the community development department, or someone designated by him or her to act on his or her behalf.

Dormitory means a building used as group quarters for students, as an accessory use for a college, university, boarding school, or other similar institutional use.
"Drive-through facility" means one in which vehicles line up for service at definite spots and where customers are served without leaving their vehicles.

"Driveway." An accessway that provides vehicular access between a street and the parking or loading facilities located on an adjacent property.

"Dwelling" means a building or mobile home on a permanent foundation with provisions for sleeping, cooking and sanitation, and with permanent connections to utilities, providing independent living space for owner occupancy, rental, or lease on a monthly or longer basis. (Ord. 1591 § 5, 2013; Ord. 1553 § 29, 2010; Ord. 1500 § 3 (part), 2007; Ord. 1438 § 2 (part), 2003)

17.100.050 — 158.014 — E Definitions, “E.”

E. “Educational facilities” includes the following:

A. “Adult school,” “business school” or “trade school” means a professional, recreational or vocational school providing a continuous program of instruction primarily for adults, as a business.

B. “College” means a facility providing a continuous academic program primarily for students seventeen years of age or older.

C. “Elementary school” means a facility providing a continuous program of instruction for students generally aged five through twelve.

D. “High school” means a facility providing a continuous program of instruction for students generally aged sixteen through eighteen.

E. “Junior high school” means a facility providing a continuous program of instruction for students generally aged thirteen through fifteen.

F. “Nursery school and preschool.” See “day care.”

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.

Electronic game" means a coin-operated 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.
Article 9: Definitions

"Electronic game amusement center" means any 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. See also Chapter 5.52, Electronic Game Amusement Centers.

"Existing topography" means the 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 on-site building improvements.

"Extended hour retail" means a business that is open to the public between the hours of two a.m. and six a.m. (Ord. 1500 § 3 (part), 2007; Ord. 1438 § 2 (part), 2003)

F

"Fair housing laws" means 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. (MIG note: from 17.61.020 Definitions)

17.100.060 Definitions, “F.”

"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") means a 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.

"Fitness/health facility" means fitness centers, gymnasiums, health and athletic clubs including any of the following: indoor sauna, spa or hot tub facilities; indoor tennis, handball, racquetball, archery and shooting ranges and other indoor sports activities.

"Floor area ratio" means the gross floor area of a building or buildings on a lot divided by the lot area.

"Food bank/packaged food distribution center" means a use where goods are received and/or stored for delivery to the ultimate customer.

"Fraternity house" (or "sorority house") means a residence for college or university students who are members of a social or educational association which is affiliated and in good standing with California Polytechnic State University and where such an association holds meetings or gatherings.

"Front yard" means 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.

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 safe living conditions; or

2. “Fuel dealer” means a retail trade establishment that sells fuel oil, butane, propane and liquefied petroleum gas (LPG), bottled or in bulk, to consumers, as the primary use of the site. Does not include the sale of these fuels as an accessory use to a service station.

“Furniture/fixtures manufacturing” or “cabinet shop” means manufacturers producing wood and metal household furniture and appliances; bedsprings and mattresses; all types of office furniture and public building furniture and partitions, shelving, lockers and store furniture; and miscellaneous drapery hardware, window blinds and shades. Includes wood and cabinet shops, but not sawmills or planing mills, which are instead included under “manufacturing—heavy.”
“Furniture, furnishings and appliance store” means a store that primarily sells the following products and related services, that may also provide incidental repair services:

A. Computers and computer equipment;
B. Draperies;
C. Floor coverings;
D. Furniture;
E. Glass and chinaware;
F. Home appliances;
G. Home furnishings;
H. Home sound systems;
I. Interior decorating materials and services;
J. Large musical instruments;
K. Lawn furniture;
L. Movable spas and hot tubs;
M. Office furniture;
N. Other household electrical and gas appliances;
O. Outdoor furniture;
P. Refrigerators;
Q. Stoves;

**G**

17.100.070 Definitions, “G.”

“General retail” means stores and shops selling many lines of merchandise. Examples of these stores and lines of merchandise include:

A. Art galleries, retail;
B. Artists’ supplies;
C. Auction rooms;
D. Bicycles (also included under auto and vehicle sales);
E. Books;
F. Cameras and photographic supplies;
G. Clothing and accessories;
H. Collectibles (cards, coins, comics, stamps, etc.);
I. Department stores;
J. Drug and discount stores;
K. Dry goods;
L. Fabrics and sewing supplies;
M. Florists and houseplant stores (indoor sales only, outdoor sales are “building and landscape materials sales”);
N. Hobby materials;
O. Jewelry;
P. Luggage and leather goods;
Q. Musical instruments, parts and accessories;
R. Orthopedic supplies;
S. Religious goods;
T. Small wares;
U. Specialty shops;
V. Sporting goods and equipment;
W. Stationery;
X. Toys and games;
Y. Variety store.

“Golf course” means golf courses, and accessory facilities and uses including clubhouses with bar and restaurant, locker and shower facilities; driving ranges; pro shops for on-site sales of golfing equipment; and golf cart storage and sales facilities.

“Grazing” means the keeping of hoofed animals where food grown on the premises is the principal food of the livestock.
“Greenhouse/plant nursery, commercial” means a commercial agricultural establishment engaged in the production of ornamental plants and other nursery products, grown under cover either in containers or in the soil on the site, or outdoors in containers. The outdoor production of ornamental plants in the soil on the site is instead included under “crop production.” Also includes establishments engaged in the sale of these products (e.g., wholesale and retail nurseries) and commercial-scale greenhouses (home greenhouses are accessory residential uses).

“Grocery store and specialty foods” means a retail business where the majority of the floor area open to the public is occupied by food products packaged for preparation and off-site consumption.

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. Floor area” means 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.


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, attached or detached, which contains bathroom facilities including toilets, bathing facilities, showers, or sinks but does not contain a kitchen (see “kitchen” definition in Section 17.100.110). 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. Guest quarters shall be no larger than four hundred fifty square feet. Guest quarters shall comply with the requirements of Section 17.21.020. (Ord. 1606 § 5, 2014; Ord. 1591 § 14, 2013; Ord. 1578 § 7, 2012; Ord. 1528 § 3 Ex. A (part), 2009; Ord. 1500 § 3 (part), 2007; Ord. 1438 § 2 (part), 2003) 158.050: K Definitions).

H

17.100.080 — 158.020 — H Definitions, “H.”

“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”.

Heliport. A designated, marked area on the ground or the top of a structure where helicopters may land at any time.

“High occupancy residential use” means any dwelling other than a residential care facility as defined in Section 17.100.180 of this code, in the R-1 or R-2 zones when the occupancy of the dwelling consists of six or more adults.

“Home occupation” means the conduct of a business within a dwelling unit or residential site, employing only the occupants of the dwelling, with the business activity being subordinate to the residential use of the property.

“Homeless shelter” means a church, public building, or quasi-public facility that provides emergency or temporary shelter for more than thirty-one days in any six-month period to homeless individuals and/or groups.
These accommodations may include temporary lodging, meals, laundry facilities, bathing, counseling, and other basic support services.

“Hospital” means a facility housing and providing a full range of medical care, including acute care, for patients who require such care on the premises.

“Hostel” means inexpensive lodging that caters primarily, but not exclusively, to travelers who arrive by bicycle, train, or other nonautomotive vehicles.

“Hotel” or “motel” means a facility with guest rooms or suites, with or without kitchen facilities, rented to the general public for transient lodging. Hotels typically include a variety of services in addition to lodging; for example, restaurants, meeting facilities, personal services, etc. Also includes accessory guest facilities such as swimming pools, tennis courts, indoor athletic facilities, accessory retail uses, etc. (Ord. 1571 § 20, 2012; Ord. 1553 § 30, 2010; Ord. 1438 § 2 (part), 2003)

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
17.100.090  Definitions, “I.”

“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 means a surface. A surface that is incapable of being penetrated by water, including buildings and paved surfaces such as parking, sidewalks, and roads.

Industrial research and development (R&D) means 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 medical laboratories (see “medical service—clinic, laboratory, urgent care”). (Ord. 1438 § 2 (part), 2003)

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 90 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
17.100.100  Definitions, “J.”
Article 9: Definitions

Reserved.

Reserved.

17.100.110 — Definitions, “K.”

“Kitchen” means 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. (Ord. 1500 § 3 (part), 2007)

17.100.120 — Definitions, “L.”

“Laboratory – medical, analytical, research, testing” means a facility for testing, analysis, and/or research. Examples of this use include medical labs, soils and materials testing labs, and forensic labs. This type of facility is distinguished from industrial research and development in its orientation more toward testing and analysis than product development or prototyping; an industrial research and development facility may typically include this type of lab. The “medical lab” subset of this land use type is oriented more toward specimen analysis and processing than direct blood drawing and specimen collection from patients (see “medical service – clinic, laboratory, urgent care”), but may also include incidental specimen collection.

“Laundries” and “dry cleaning plants” means service establishments engaged primarily in high volume laundry and garment services, including carpet and upholstery cleaners; diaper services; dry cleaning and garment pressing; commercial laundries; linen supply. These facilities may include accessory customer pick-up facilities. These facilities do not include coin-operated laundries or dry cleaning pick-up stores without dry cleaning equipment; see “personal services.”

“Libraries” and “museums” means public or quasi-public facilities, examples of which include aquariums, arboretums, art galleries and exhibitions, botanical gardens, historic sites and exhibits, libraries, museums, planetariums, and zoos. 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. May also include accessory retail uses such as a gift/book shop, restaurant, etc.

“Liquor store/alcohol sales” means any business selling alcoholic beverages as a primary use, including beer, wine, distilled spirits, or hard liquor, or any other alcoholic beverages. Liquor/alcohol sales does not include grocery stores, convenience stores, warehouse stores, or other alcohol sales authorized as part of an off-site wine tasting room or food and beverage product manufacturing.

“Live/work unit” and “work/live unit” mean an integrated housing unit and working space, occupied and utilized by a single household in a structure, either single-family or multifamily, that has been designed or structurally modified to accommodate joint residential occupancy and work activity, and which includes:

A. Complete kitchen space and sanitary facilities in compliance with the city building code; and
B. Working space reserved for and regularly used by one or more occupants of the unit.

The difference between live/work and work/live units is that the “work” component of a live/work unit is secondary to its residential use, and may include only commercial activities and pursuits that are compatible with the character of a quiet residential environment, while the work component of a work/live unit is the primary use, to which the residential component is secondary. 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” or “mezzanine” means a 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.
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.
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 loft mezzanine from the floor below by a wall or any other partitions. Spaces designated as lofts which or mezzanines that do not fully conform to this definition shall be deemed a “bedroom.” (See also Section 17.100.020.)

“Lot” means:

A. A parcel of real property with a distinct designation delineated on an approved survey map, tract map, or parcel map filed in the office of the county recorder and abutting at least one public street; or
B. A parcel of real property containing at least the area required for the zone district in which it is located, abutting at
least one public street or other access approved by the council, and held under separate ownership from adjoining
property. (Ord. 1591 § 6, 2013; Ord. 1578 § 8, 2012; Ord. 1438 § 2 (part), 2003)

M

Minor Addition. See “Addition”.


17.100.130 — 158.032 – N Definitions, “M.”

“Maintenance service” and “client site services” mean base facilities for various businesses that provide services on
the premises of their clients. Includes gardening, janitorial, pest control, water and smoke damage recovery, and
similar services; and appliance, computer, electronics, elevator, equipment, HVAC, instrument, plumbing, and other
maintenance and repair services not operating from a retail establishment that sells the products being maintained or
repaired. When these services operate from a retail establishment that sells the products being maintained or
repaired, they are instead considered part of the retail use. Does not include office-only facilities with no storage of the
equipment and/or vehicles used by the service, which are included under “office—production and administrative.”

“Manufacturing—heavy” means a facility accommodating manufacturing processes that involve and/or produce basic
metals, building materials, chemicals, fabricated metals, paper products, machinery, textiles, and/or transportation
equipment, where the intensity and/or scale of operations may cause impacts on surrounding land uses or the
community. Examples of heavy manufacturing uses include the following:

A. “Chemical product manufacturing” means an establishment that produces or uses basic chemicals, and other
establishments creating products predominantly by chemical processes. Examples of these products include basic
chemicals, including acids, alkalies, salts, and organic chemicals; chemical products to be used in further
manufacture, including synthetic fibers, plastic materials, dry colors, and pigments; and finished chemical products
to be used for ultimate consumption, including drugs/pharmaceuticals, cosmetics, and soaps; or to be used as
materials or supplies in other industries including paints, fertilizers, and explosives. Also includes sales and
transportation establishments handling the chemicals described above, except as part of retail trade.

B. “Concrete, gypsum, and plaster product manufacturing” means an establishment that produces bulk concrete,
concrete building block, brick, and/or other types of precast and prefabricated concrete products. Also includes
ready mix concrete batch plants, lime manufacturing, and the manufacture of gypsum products, including
plasterboard. A retail ready-mix concrete operation as an incidental use in conjunction with a building materials
outlet is defined under “building and landscape materials sales.”

C. “Glass product manufacturing” means an establishment that manufactures glass and/or glass products by melting
silica sand or cullet, including the production of flat glass and other glass products that are pressed, blown, or
shaped from glass produced in the same establishment. Artisan and craftsman type operations of a larger scale
than home occupations are instead included under “manufacturing—light—handcraft industries, small-scale
manufacturing.”

D. “Lumber and wood product manufacturing” means manufacturing, processing, and sales involving the milling of
forest products to produce rough and finished lumber and other wood materials for use in other manufacturing, craft,
or construction processes. Includes the following processes and products:

1. Containers, pallets and skids;

2. Matches (wood);

3. Milling operations;
4. Trusses and structural beams;

5. Turning and shaping of wood products;

6. Wholesaling of basic wood products;

7. Wood product assembly.
   Does not include craft-type shops ("handcraft industries and small-scale manufacturing"); other wood and cabinet shops ("furniture and fixture manufacturing, cabinet shops"); or the entirely indoor retail sale of building materials, construction tools and equipment ("building and landscape materials sales").

E. “Machinery manufacturing” means an establishment that makes or processes raw materials into finished machines or parts for machines. Does not include the manufacture of electronics, equipment, or appliances ("electronics, equipment, and appliance manufacturing").

F. “Metal products fabrication, machine and welding shops” means establishments engaged in the production and/or assembly of metal parts, including the production of metal cabinets and enclosures, cans and shipping containers, doors and gates, duct work, forgings and stampings, hardware and tools, plumbing fixtures and products, tanks, towers, and similar products. Examples of these uses include:

1. Blacksmith and welding shops;

2. Plating, stripping, and coating shops;

3. Sheet metal shops;

4. Machine shops and boiler shops.

G. “Motor vehicles and transportation equipment” means manufacturers of equipment for transporting passengers and cargo by land, air and water, including motor vehicles, aircraft, spacecraft, ships, boats, railroad and other vehicles such as motorcycles, bicycles and snowmobiles. Includes manufacture of motor vehicle parts and accessories; trailers and campers for attachment to other vehicles; self-contained motor homes; and van conversions. Does not include mobile home and modular home assembly (listed under “lumber and wood product manufacturing”).

H. “Paving and roofing materials manufacturing” means the manufacture of various common paving and petroleum-based roofing materials, including bulk asphalt, paving blocks made of asphalt, creosote wood, and various compositions of asphalt and tar. Does not include the manufacture of wood roofing materials (shingles, shakes, etc.) ("lumber and wood product manufacturing").

I. “Petroleum refining and related industries” means industrial plants for purifying petroleum, and the compounding of lubricating oils and greases from purchased materials. Also includes oil or gas processing facilities, liquefied natural gas (LNG) facilities, the manufacture of petroleum coke and fuel briquettes, tank farms, and terminal facilities for pipelines. Does not include petroleum pipeline surge tanks and pump stations ("public utility facilities"), or petroleum product distributors ("petroleum product storage and distribution").

J. “Plastics, other synthetics, and rubber product manufacturing” means the manufacture of rubber products including tires, rubber footwear, mechanical rubber goods, heels and soles, flooring, and other rubber products from natural, synthetic, or reclaimed rubber. Also includes establishments engaged primarily in manufacturing tires; products from recycled or reclaimed plastics or styrofoam; molding primary plastics for other manufacturers; manufacturing miscellaneous finished plastics products, fiberglass manufacturing, and fiberglass application services. Does not include establishments engaged primarily in recapping and retreading automobile tires ("vehicle services—major repair/body work").
K. “Primary metal industries” means establishments engaged in the smelting and refining of ferrous and nonferrous metals from ore, pig, or scrap; the rolling, drawing, and alloying of metals; the manufacture of castings, forgings, stampings, extrusions, and other basic metal products; and the manufacturing of nails, spikes, and insulated wire and cable. Also includes merchant blast furnaces and byproduct or beehive coke ovens.

L. “Pulp and pulp product manufacturing” means an establishment that manufactures pulp, paper, or paperboard. Includes pulp, paper, and paperboard mills. Does not include establishments primarily engaged in converting paper or paperboard without manufacturing the paper or paperboard, including envelope manufacturing, converted paper products, paper coating and glazing, paper bags, assembly of paperboard boxes, wallpaper (“manufacturing, light manufacturing, paper product manufacturing”).

M. “Stone and cut stone product manufacturing” means an establishment that cuts, shapes, and/or finishes marble, granite, slate, and/or other stone for construction and miscellaneous uses. Does not include establishments engaged primarily in buying or selling partly finished monuments and tombstones (“handcraft industries, small-scale manufacturing”).

N. “Structural clay and pottery product manufacturing” means an establishment that produces brick and structural clay products, including pipe, china plumbing fixtures, vitreous china articles, and/or fine earthenware and porcelain products. Does not include artist/craftsman uses (see “handcraft industries, small-scale manufacturing,” “home occupations”).

O. “Textile and leather product manufacturing” means an establishment that converts basic fibers (natural or synthetic) into a product, including yarn or fabric, that can be further manufactured into usable items (“fabric product manufacturing”), and industries that transform hides into leather by tanning or curing. Includes:

1. Coating, waterproofing, or otherwise treating fabric;
2. Dressed and dyed furs;
3. Dyeing and finishing fiber, yarn, fabric, and knit apparel;
4. Leather—tanned, curried, and finished;
5. Manufacture of knit apparel and other finished products from yarn;
6. Manufacture of felt goods, lace goods, nonwoven fabrics and miscellaneous textiles;
7. Manufacturing of woven fabric, carpets, and rugs from yarn;
8. Preparation of fiber and subsequent manufacturing of yarn, threads, braids, twine cordage;
9. Scouring and combing plants;
10. Upholstery manufacturing;
11. Yarn and thread mills.

“Manufacturing—light” means a facility accommodating manufacturing processes involving and/or producing: apparel; food and beverage products; electronic, optical, and instrumentation products; ice; jewelry; and musical instruments. Light manufacturing also includes other establishments engaged in the assembly, fabrication, and conversion of already-processed raw materials into products, where the operational characteristics of the manufacturing processes and the materials used are unlikely to cause significant impacts on surrounding land uses or the community. Examples of light manufacturing uses include the following.
A. “Clothing and fabric product manufacturing” means an establishment that assembles clothing, draperies, and/or other products by cutting and sewing purchased textile fabrics, and related materials including leather, rubberized fabrics, plastics and furs. Does not include custom tailors and dressmakers not operating as a factory and not located on the site of a clothing store (see “personal services”). See also “manufacturing—heavy—textile and leather product manufacturing.”

B. “Electronics, equipment, and appliance manufacturing” means an establishment that manufactures equipment, apparatus, and/or supplies for the generation, storage, transmission, transformation and use of electrical energy, including:
1. Appliances such as stoves/ovens, refrigerators, freezers, laundry equipment, fans, vacuum cleaners, sewing machines;
2. Aviation instruments;
3. Computers, computer components, peripherals;
4. Electrical transmission and distribution equipment;
5. Electronic components and accessories, semiconductors, integrated circuits, related devices;
6. Electrical welding apparatus;
7. Lighting and wiring equipment such as lamps and fixtures, wiring devices, vehicle lighting;
8. Industrial apparatus;
9. Industrial controls, instruments for measurement, testing, analysis and control, associated sensors and accessories;
10. Miscellaneous electrical machinery, equipment and supplies such as batteries, X-ray apparatus and tubes, electromedical and electrotherapeutic apparatus, electrical equipment for internal combustion engines;
11. Motors and generators;
12. Optical instruments and lenses;
13. Photographic equipment and supplies;
14. Pre-recorded magnetic tape;
15. Radio and television receiving equipment such as television and radio sets, phonograph records and surgical, medical and dental instruments, equipment, and supplies;
16. Surveying and drafting instruments;
17. Telephone and telegraph apparatus;
18. Transformers, switch gear and switchboards;
19. Watches and clocks.
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Does not include testing laboratories (soils, materials testing, etc.) (see “business support services”), or research and development facilities separate from manufacturing (see “research and development”).

C. “Food and beverage product manufacturing” means manufacturing establishments producing or processing foods and beverages for human consumption, and certain related products. Examples of these uses include:

1. Bottling plants;
2. Breweries;
3. Candy, sugar and confectionery products manufacturing;
4. Catering services separate from stores or restaurants;
5. Coffee roasting;
6. Dairy products manufacturing;
7. Fats and oil product manufacturing;
8. Fruit and vegetable canning, preserving, related processing;
9. Grain mill products and byproducts;
10. Meat, poultry, and seafood canning, curing, byproduct processing;
11. Soft drink production;
12. Miscellaneous food item preparation from raw products.

Does not include bakeries, which are separately defined; or beer brewing as part of a brew pub, bar or restaurant (see “bar/tavern,” and “night club”).

D. “Handcraft industries, small-scale manufacturing” means establishments manufacturing and/or assembling small products primarily by hand, including jewelry, pottery and other ceramics, as well as small glass and metal art and craft products. Also includes manufacturing establishments producing small products not classified in another major manufacturing group, including brooms and brushes; buttons, costume novelties; jewelry; musical instruments; pens, pencils, and other office and artists’ materials; sporting and athletic goods; toys; etc.

E. “Paper product manufacturing” means an establishment that converts pre-manufactured paper or paperboard into boxes, envelopes, paper bags, wallpaper, etc., and/or that coats or glazes pre-manufactured paper. Does not include the manufacturing of pulp, paper, or paperboard (see “manufacturing—heavy—pulp and pulp product manufacturing”).

“Media production” means fixed-base facilities for motion picture, television, video, sound, computer, and other communications production. These facilities include the following types:
1. **Backlots/Outdoor Facilities and Soundstages.** Outdoor sets, backlots, and other outdoor facilities and warehouse-type facilities providing space for the construction and use of indoor sets, including supporting workshops and craft shops.

2. **Broadcast Studios.** 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 service – doctor office” means a facility other than a hospital where medical, dental, mental health, surgical, and/or other personal health care services are provided on an outpatient basis, and that accommodates no more than five licensed primary practitioners (for example, chiropractors, medical doctors, psychiatrists, etc.). Counseling services by other than medical doctors or psychiatrists are included under “offices – professional.” Does not include sports therapy that provides on-site fitness equipment, which is instead included under “fitness/health facility.”

“Medical service – clinic, laboratory, urgent care” means a facility other than a hospital where medical, mental health, surgical and other personal health services are provided on an outpatient basis. Examples of these uses include:

A. Medical and dental laboratories;

B. Medical offices with six or more licensed practitioners and/or medical specialties;

C. Outpatient care facilities;

D. Urgent care facilities;

E. Other allied health services.

Counseling services by other than medical doctors or psychiatrists are included under “offices – professional.”

“Medical service – extended care” means residential facilities providing nursing and health-related care as a primary use with inpatient beds. Examples of these uses include board and care homes; convalescent and rest homes; extended care facilities; and skilled nursing facilities. Long-term personal care facilities that do not emphasize medical treatment are included under “residential care.”

“Medical service – hospital” means hospitals and similar facilities engaged primarily in providing diagnostic services, and extensive medical treatment, including surgical and other hospital services. These establishments have an organized medical staff, inpatient beds, and equipment and facilities to provide complete health care. May include onsite accessory clinics and laboratories, accessory retail uses and emergency heliports (see the separate definition of “accessory retail and services”).

“Minor addition” means additions comprising less than fifty percent increase in total building area, constructed in compliance with current regulations.

“Minor nonconforming addition” means extension of the nonconforming feature of an existing building by no more than fifty percent.

“Mixed use project” means a project that combines both nonresidential and residential uses, where the residential component is typically located above or behind the commercial.
“Mobile home, RV, and boat sales” means retail establishments selling both mobile home dwelling units and/or various vehicles and watercraft for recreational uses. Includes the sales of boats, campers and camper shells, jet skis, mobile homes, motor homes, and travel trailers.

“Mobile home park” means a parcel of land under one or more ownerships that has been planned and improved for the placement of two or more mobile homes, as the term “mobile home” is defined in California Civil Code Section 798.3 or successor provision of the California Mobilehome Residency Law, for nontransient use.

“Mortuaries” and “funeral homes” means funeral homes and parlors, where deceased are prepared for burial or cremation, funeral services may be conducted, and cremation may occur.

“Multifamily dwelling” means a dwelling unit that is part of a structure containing one or more other dwelling units, or a nonresidential use. An example of the latter is a mixed use project where, for example, one or more dwelling units are part of a structure that also contains one or more commercial uses (retail, office, etc.). Multifamily dwellings include duplexes, triplexes, fourplexes (buildings under one ownership with two, three or four dwelling units, respectively, in the same structure); apartments (five or more units under one ownership in a single building); and townhouse development (three or more attached dwellings where no unit is located over another unit). Does not include secondary units, which are defined in Chapter 17.21. (Ord. 1528 § 3 Ex. A (part), 2009: Ord. 1500 § 3 (part), 2007: Ord. 1438 § 2 (part), 2003)

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 17.100.140 92 (Nonconforming Structures).

Nonconforming Use. See Chapter 17.94 (Nonconforming Uses).

“Night club” means a facility providing entertainment, examples of which include live or recorded music and/or dancing, comedy, disc jockeys, etc., which may also serve alcoholic beverages for on-site consumption. Does not include ambient music, which is defined separately. (Ord. 1528 § 3 Ex. A (part), 2009: Ord. 1500 § 3 (part), 2007: Ord. 1438 § 2 (part), 2003)

An “office,” in these zoning regulations, is distinguished between the following types of offices. These do not include medical offices (see “medical service – clinic, laboratory, urgent care,” and “medical service – doctor office.”)

A. “Accessory” means an office facility that is incidental and accessory to another business or sales activity that is the primary use.
B. “Business and service” means an establishment providing direct services to consumers. **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 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.

**Examples of these uses include:**

1. Employment agencies;
2. Insurance agent offices (small-scale customer service offices, not administrative, see subsection E of this definition);
3. Real estate offices;
4. Travel agencies;
5. Utility company payment offices (not administrative, see subsection E of this definition).

This use does not include banks and financial services, which are separately defined.

C. “Government” means administrative, clerical, or public contact and/or service offices of a city, other local, state, or federal government agency or service facilities. Includes post offices, but not bulk mailing distribution centers, which are under “truck and freight terminals.”

D. “Processing” means an office-type facility characterized by high employee density, with little or no public visitation, and occupied by a business engaged in information processing, or other computer-dependent and/or telecommunications-based activities. Examples of these uses include:

1. Airline, lodging chain, and rental car company reservation centers;
2. Computer software and hardware design and development;
3. Consumer credit reporting;
4. Data processing services;
5. Health management organization (HMO) offices where no medical services are provided;
6. Insurance claim processing;
7. Mail order and electronic commerce transaction processing;
8. Telecommunications facility design and management;
E. “Production and administrative” means an office-type facility used for administrative purposes, and/or occupied by a business engaged in the production of intellectual property. Examples of these uses include:

1. Advertising agencies;
2. Commercial art and design services;
3. Construction contractors (office facilities only);
4. Design services including architecture, engineering, landscape architecture, urban planning;
5. Educational, scientific and research organizations;
6. Media postproduction services;
7. News services;
8. Photography studios;
9. Utility company administrative offices;
10. Writers’ and artists’ offices.

F. “Professional” means an office-type facility occupied by a business providing professional services. Examples of these uses include:

1. Accounting, auditing and bookkeeping services;
2. Attorneys;
3. Counseling services;
4. Court reporting services;
5. Detectives and similar services;
6. Financial management and investment counseling;
7. Literary and talent agencies;
8. Management and public relations services;
9. Psychologists;
10. Secretarial, stenographic, word processing, and temporary clerical employee services;
11. Security and commodity brokers.

G. “Temporary” means 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.
temporary on-site real estate office for a development project; or a temporary business office in advance of permanent facility construction.

H. “Temporary real estate” means the temporary use of a dwelling unit within a residential development project as a sales office for the units on the same site, which is converted to residential use at the conclusion of its office use.

“Office-supporting retail” means a retail store that carries one or more types of merchandise that will typically be of frequent interest to and/or needed by the various businesses listed under the definition of “office,” and/or the employees of those businesses. Examples of these types of merchandise include:

A. Computer equipment;
B. Office supplies, stationery;
C. Newsstands;
D. Photographic supplies and cameras.

“One-bedroom dwelling” means a one-bedroom dwelling unit with not more than one thousand square feet of gross floor area. The floor area in a loft is included as part of the gross floor area calculation.

“Outdoor sales” means the sale of items regularly stored or displayed outside a building, where such items are visible from a public right-of-way or neighboring property.

“Overlay zone” means a zone applied in combination with other zone districts in order to impose additional restrictions or to allow greater variety than is possible with the underlying zone. (Ord. 1591 § 16, 2013; Ord. 1528 § 3 Ex. A (part), 2009; Ord. 1438 § 2 (part), 2003)

Parcel. See "Lot".

Parking facility means an area of a surface parking lot or parking structure that is a primary use of a site.

“Park, playground” means public parks, play lots, and playgrounds, providing noncommercial facilities for active and/or passive recreation for neighborhood or community use. These facilities may also include any listed under the definition of “sports and active recreation facility.”

“Personal services” means establishments providing nonmedical services to individuals as a primary use. Examples of these uses include: barber and beauty shops; clothing rental; dry cleaning pick-up stores with limited equipment; home electronics and small appliance repair; laundromats (self-service laundries); massage (licensed, therapeutic, nonsexual); shoe repair shops; tailors; tanning salons; pet grooming (indoor use only, no overnight boarding). These uses may also include accessory retail sales of products related to the services provided.

“Personal services – restricted” means personal services that may tend to have a blighting and/or deteriorating effect upon surrounding areas and which may need to be dispersed to minimize their adverse impacts. Examples of these uses include:

A. Check-cashing;
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B. Fortune tellers, psychics;
C. Palm and card readers;
D. Tattoo and body piercing services.

“Photo and film processing lab” means a facility that provides high volume and/or custom processing services for photographic negative film, transparencies, and/or prints, where the processed products are delivered to off-site retail outlets for customer pick-up. Does not include small-scale photo processing machines accessory to other retail businesses, which are allowed as part of those businesses; or small-scale retail photofinishing services that provide over-the-counter processing services to individual customers, which are included in the definition of “business support services.”

“Printing and publishing” means establishments engaged in printing by letterpress, lithography, gravure, screen, offset, or electrostatic (xerographic) copying; and other establishments serving the printing trade such as bookbinding, typesetting, engraving, photoengraving and electrotyping. This use also includes establishments that publish newspapers, books and periodicals; establishments manufacturing business forms and binding devices. “Quick printing” services are included in the definition of “business support services.”

“Private club” (or “lodge”) means a premises accommodating bona fide members and their guests only, for social, cultural or educational activities, and only incidentally used for gatherings of other than the club’s members.

“Produce stand” means a temporary facility for selling seasonal goods such as fruits, vegetables and plants.

“Public assembly facility” means an indoor facility for public assembly and group entertainment, other than sporting events. Examples of these facilities include:
A. Community centers;
B. Exhibition and convention halls;
C. Public and semi-public auditoriums;
D. Similar public assembly uses.

“Public safety facility” means a facility operated by public agencies, including fire stations, other fire prevention and fire fighting facilities, police and sheriff substations and headquarters, including interim incarceration facilities, driveways, which is designed for and the primary purpose of which is to provide for the temporary storage of operable motor vehicles.

“Public utility facilities” means fixed-base structures and facilities serving as junction points for transferring electric utility services from one transmission voltage to another or to local distribution and service voltages, and similar facilities for water supply and natural gas distribution. This use type may also include administrative and customer service offices (also included under “offices”), and includes any of the following that are not exempted from land use permit requirements by Government Code Section 53091:
A. Corporation and maintenance yards;
B. Electrical substations and switching stations;
C. Natural gas regulating and distribution facilities;
D. Public water system wells, treatment plants and storage;

E. Telephone switching facilities;

F. Wastewater treatment plants, settling ponds and disposal fields. (Ord. 1553 § 31, 2010; Ord. 1528 § 3 Ex. A (part), 2009; Ord. 1500 § 3 (part), 2007; Ord. 1438 § 2 (part), 2003)

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.

Person. Any individual, firm, association, organization, partnership, business trust, company, or corporation.


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 art, 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 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

17.100.170 – Definitions, “Q.”
Article 9: Definitions

Reserved.

R

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 means providing accommodation to 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 land use and zoning program. (Ord. 1602 § 3 (part), 2014) (MIG note: from 17.61.020 Definitions) City's Zoning Regulations.

17.100.180 — Definitions, “R.”

Recreational vehicle means any trailer, camper, motor home or other vehicle designed and intended for traveling and recreational purposes.

Recycling facilities means a land use type that includes a variety of facilities involved with the collection, sorting and processing of recyclable materials.

A. “Collection facility” means a center where the public may donate, redeem or sell recyclable materials, which may include the following, where allowed by the applicable zoning district:

1. Reverse vending machines;

2. Small collection facilities which occupy an area of three hundred fifty square feet or less and may include:
   a. A mobile unit;
   b. Bulk reverse vending machines or a grouping of reverse vending machines occupying more than fifty square feet; and
   c. Kiosk-type units which may include permanent structures.

3. Large collection facilities which occupy an area of more than three hundred fifty square feet and/or include permanent structures.

B. “Mobile recycling unit” means an automobile, truck, trailer, or van used for the collection of recyclable materials, carrying bins, boxes, or other containers.

C. “Processing facility” means a structure or enclosed space used for the collection and processing of recyclable materials for shipment, or to an end-user's specifications, by such means as baling, briquetting, cleaning, compacting, crushing, flattening, grinding, mechanical sorting, remanufacturing and shredding. Processing facilities include the following types, both of which are included under the definition of “scrap and dismantling yards,” below.
1. Light processing facility occupies an area of under forty-five thousand square feet of collection, processing and storage area, and averages two outbound truck shipments each day. Light processing facilities are limited to baling, briquetting, compacting, crushing, grinding, shredding and sorting of source separated recyclable materials sufficient to qualify as a certified processing facility. A light processing facility shall not shred, compact, or bale ferrous metals other than food and beverage containers; and

2. A heavy processing facility is any processing facility other than a light processing facility.

D. “Recycling facility” means a center for the collection and/or processing of recyclable materials. A “certified” recycling or processing facility is certified by the California Department of Conservation as meeting the requirements of the California Beverage Container Recycling and Litter Reduction Act of 1986. A recycling facility does not include storage containers located on a residentially, commercially or industrially designated site used solely for the recycling of material generated on the site. See “collection facility” above.

E. “Recycling or recyclable material” means reusable domestic containers and other materials which can be reconstituted, remanufactured, or reused in an altered form, including glass, metals, paper and plastic. Recyclable material does not include refuse or hazardous materials.

F. “Reverse vending machine” means an automated mechanical device which accepts at least one or more types of empty beverage containers and issues a cash refund or a redeemable credit slip with a value not less than the container’s redemption value, as determined by state law. These vending machines may accept aluminum cans, glass and plastic bottles, and other containers.

A bulk reverse vending machine is a reverse vending machine that is larger than fifty square feet, is designed to accept more than one container at a time, and issues a cash refund based on total weight instead of by container.

G. “Scrap and dismantling yards” means outdoor establishments primarily engaged in assembling, breaking up, sorting, and the temporary storage and distribution of recyclable or reusable scrap and waste materials, including auto wreckers engaged in dismantling automobiles for scrap, and the incidental wholesale or retail sales of parts from those vehicles. Includes light and heavy processing facilities for recycling (see the definitions above). Does not include places where these activities are conducted entirely within buildings; pawn shops, and other secondhand stores; the sale of operative used cars; or landfills or other waste disposal sites.

“Religious facility” means a facility operated by religious organizations for worship, or the promotion of religious activities, including churches, mosques, synagogues, temples, etc.; and accessory uses on the same site, including living quarters for ministers and staff, child day care facilities and religious schools where authorized by the same type of land use permit required for the religious facility itself. May also include fund-raising sales, bazaars, dinners, parties, or other outdoor events on the same site. Other establishments maintained by religious organizations, including full-time educational institutions, hospitals and other related operations, are classified according to their respective activities.

“Repair services” means establishments providing repair services for large equipment and appliances primarily serving businesses. Repair services for individuals are separately defined under “personal services.”

“Residential care” means a single dwelling unit or multiple-unit facility licensed or supervised by any federal, state, or local health/welfare agency that provides twenty-four hour nonmedical care of unrelated persons who are handicapped and in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual in a family-like environment.

“Residential hospice facility” means residential facilities licensed or supervised by any federal, state, or local health/welfare agency that provide twenty-four-hour medical and/or nonmedical services for patients under the care of a licensed Medicare certified hospice agency.
“Residential support services” means an establishment with a gross floor area no greater than three thousand square feet that provides services to residences and residential home offices. Examples of these services include:

A. Computer-related services (rental, repair);

B. Copying and quick printing services;

C. Mailing and mail box services.

“Rest home” means a residential facility for six or more elderly or infirm persons, all of whom are independently mobile and do not require confinement or regular nursing or medical care on the premises. Rest home differs from a “convalescent hospital” in that it is expected to provide comfort, safety, social participation, and the maintenance of health and activity, but does not provide skilled nursing care for the ill.

“Restaurant” means a retail business selling ready-to-eat food for on- or off-premises consumption, which does not include alcohol service after eleven p.m. This includes eating establishments where customers are served from a walk-up ordering counter for either on- or off-premises consumption, establishments where most customers are served food at tables for on-premises consumption, but may also provide food for take-out, and establishments that provide food for off-premises consumption only. Includes coffee houses, donut shops, delicatessens, etc. Does not include restaurants with drive-through ordering or service. “Restaurant” means a place which is regularly and in a bona fide manner used and kept open for the serving of meals to guests for compensation and which has suitable kitchen facilities connected therewith, containing conveniences for cooking an assortment of foods which may be required for such meals.

“Restaurant with late-hour alcohol service” means a restaurant which provides alcohol service after eleven p.m.

“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.

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 means those herbaceous plants, shrubs, and trees which are naturally associated with stream side environments, and with roots and branches extending in or over a creek channel. (A list of riparian vegetation is available at the community development department.) (Ord. 1578 §§ 9, 10, 2012; Ord. 1528 § 3 Ex. A (part), 2009; Ord. 1438 § 2 (part), 2003)

S

Roof Deck. See “Deck.” See also Section 17.100.190 70.150 (Rooftop Uses).

17.158.042 – S Definitions, “S.”

“Safe parking” means a parking program, operated on property located outside of the public right-of-way and managed by a social service provider, that provides individuals and families with vehicles a safe place to park overnight while working towards a transition to permanent housing.

“School” means public and private educational institutions, including:
A. Boarding schools;
B. Business, secretarial, and vocational schools;

C. Community colleges, colleges and universities;

D. Elementary, middle, and junior high schools;

E. Establishments providing courses by mail;

F. High schools;

G. Military academies;

H. Professional schools (law, medicine, etc.);

I. Seminaries/religious ministry training facilities;

J. Also includes specialized schools offering instruction in the following:
   1. Art;
   2. Ballet and other dance;
   3. Computers and electronics;
   4. Drama;
   5. Driver education;
   6. Language;

Also includes facilities, institutions and conference centers that offer specialized programs in personal growth and development, such as arts, environmental awareness, communications, and management. Does not include preschools and child day care centers (see "day care"). See also the definition of "studios – art, dance, music, photography, etc." for smaller-scale facilities offering specialized instruction.

Service Station. “Service station” means any business where motor fuel is offered for retail sale, whether or not in conjunction with minor retail uses such as mini markets and similar ancillary uses. “Service station” includes the sale and installation of tires, batteries and automotive accessories; lubrications; and the testing, adjustment and repair of motor parts, brakes, tires and accessories. It also includes accessory sales of fuel oil, butane, propane, and liquefied petroleum gas (LPG). Service station does not include steam cleaning, mechanical car washing, tire recapping, body or chassis repair or painting, which are instead included under “vehicle services”; or the sale, rental or storage of motor vehicles, trailers or other equipment, which are included under “auto and vehicle sales/rental.” “Service station” does not include separate retail or other nonrelated commercial uses on the same property that have independent points of sale separated from the motor fuel point of sale by a distance of at least two hundred fifty feet. A point of sale shall be defined as the actual location of the transaction including, but not limited to, a cash register or automated payment station.

“Setback line” means a 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" means a development consisting of at least five separate establishments with a minimum area of fifty thousand square feet, a site with a minimum of three hundred feet of frontage and shared common drives and off-street parking.

"Single-family dwelling" means a building designed for and/or occupied exclusively by one family or one or more persons occupying premises and living as a single housekeeping unit, which is not attached to or located on a lot with commercial uses. Single-family dwellings contain one dwelling on one lot. Single-family dwellings may also include approved accessory dwelling units. Also includes factory-built, modular housing units, constructed in compliance with the Uniform Building Code (UBC), and mobile homes/manufactured housing units that comply with the National Manufactured Housing Construction and Safety Standards Act of 1974, placed on permanent foundations.

"Social service organization" means a public or quasi-public establishment providing social and/or rehabilitation services, examples of which include counseling centers, employment agencies, job counseling and training centers, vocational rehabilitation agencies, and welfare offices. These organizations serve the unemployed, persons with social or personal problems, persons requiring special services, the handicapped, or otherwise disadvantaged. Includes organizations soliciting funds to be used directly for these and related services, and establishments engaged in community improvement and neighborhood development. Does not include day care services, homeless shelters, or residential care, which are separately defined.

"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** means a plan for a designated area within the city, based on the general plan, but containing more detailed regulations and programs as provided in Section 65450 and following of the California Government Code. Section 65450 et seq.

“Sports and entertainment assembly” means a large-scale indoor or outdoor facility accommodating spectator-oriented sports, concerts, and other entertainment activities. Examples of this land use include amphitheaters, race tracks, stadiums and coliseums. May also include commercial facilities customarily associated with the above uses, including bars and restaurants, gift shops, video game arcades, etc.

“Sports and active recreation facilities” means public and private facilities for various outdoor sports and other types of recreation, where the facilities are oriented more toward participants than spectators. Examples include:

A. Athletic/sport fields (e.g., baseball, football, softball, soccer);

B. Health and athletic club outdoor facilities;

C. Skateboard parks;

D. Swimming pools;

E. Tennis and other sport courts (e.g., handball, squash).

Does not include golf courses, which are separately defined.

**State.** The State of California.

“Storage – accessory” means the storage of materials accessory and incidental to a primary use and is not considered a land use separate from the primary use.

“Storage – personal storage facility” means structures containing generally small, individual, compartmentalized stalls or lockers rented as individual storage spaces and characterized by low parking demand.

“Storage yard” means the storage of various materials outside of a structure other than fencing, either as an accessory or principal 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** means 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-apartment” means a one-room, A dwelling unit with not more than four hundred fifty square feet of gross area, 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 for occupancy by not more than two people. The floor area in a loft is included as part of the gross floor area calculation, 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 permanent 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.

“Studio — art, dance, martial arts, music, etc.” means small-scale facilities, typically accommodating one group of students at a time, in no more than one instructional space. Larger facilities are included under the definition of “schools — specialized education and training.” Examples of these facilities include individual and group instruction and training in the arts; production rehearsal; photography, and the processing of photographs produced only by users of the studio facilities; martial arts training studios; gymnastics instruction, and aerobics and gymnastics studios with no other fitness facilities or equipment. (Ord. 1634 § 3, 2017; Ord. 1592 § 5, 2013; Ord. 1553 § 32, 2010; Ord. 1528 § 3 Ex. A (part), 2009; Ord. 1446 § 4, 2004; Ord. 1438 § 2 (part), 2003)

T

17.100.200 — Definitions, “T.”

“Theater” means an indoor facility for public assembly and group entertainment other than sporting events. Examples of these facilities include:

A. Civic theaters, and facilities for “live” theater and concerts;
Article 9: Definitions

B. Movie theaters.

See also “public assembly facility” and “sports and entertainment assembly.”

“Top of bank” means the line where the naturally eroded ground slope, or the slope resulting from a creek alteration, flattens to conform with the ground which has not been cut by water flow within the creek channel. If the bank is terraced, the top of bank is the highest step.

“Transit station or terminal” means a facility or location with the primary purpose of transfer, loading, and unloading of passengers and baggage. May include facilities for the provision of passenger services such as ticketing, restrooms, lockers, waiting areas, passenger vehicle parking and bus bays, for layover parking, and interior bus cleaning and incidental repair.

“Transit stop” means a 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.

“Truck or freight terminal” means a transportation facility furnishing services incidental to air, motor freight, and rail transportation. Examples of these facilities include:

A. Delivery and courier services;
B. Freight forwarding services;
C. Freight terminal facilities;
D. Joint terminal and service facilities;
E. Overnight mail processing facilities;
F. Packing, crating, inspection and weighing services;
G. Postal service bulk mailing distribution centers;
H. Transportation arrangement services;
I. Trucking facilities, including transfer and storage. (Ord. 1553 § 33, 2010; Ord. 1438 § 2 (part), 2003)

U

17.100.210 – U Definitions, “U.”

“Use” means the activity. The purpose for which land or buildings are 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.
“Utility infrastructure” means pipelines for water, natural gas, and sewage collection and disposal; and facilities for the transmission of electrical energy for sale, including transmission lines for a public utility company. Also includes telephone, telegraph, cable television and other communications transmission facilities utilizing direct physical conduits. Does not include offices or service centers (see “offices – business and service”), or distribution substations (see “public utility facility”). (Ord. 1438 § 2 (part), 2003)

V
17.100.220 Definitions, “V.”

“Vacation rental” means a dwelling or part of a dwelling where lodging is furnished for compensation for fewer than thirty consecutive days. Does not include fraternities, sororities, convents, monasteries, hostels, bed and breakfast inns, homestays, hotels, motels, or boarding/rooming houses, which are separately defined.

“Vehicle services – auto repair and service” means the repair, servicing, alteration, restoration, towing, painting, cleaning (including self-service and attended car washes), or finishing of automobiles, trucks, recreational vehicles, boats and other vehicles as a primary use, including the incidental wholesale and retail sale of vehicle parts as an accessory use. This use includes the following categories:

A. “Major repair/body work” means repair facilities dealing with entire vehicles. These establishments provide towing, collision repair, other body work, and painting services; and also include tire recapping establishments.

B. “Minor maintenance/repair” means minor facilities specializing in limited aspects of repair and maintenance (e.g., muffler and radiator shops, quick-lube, etc.).

Does not include automobile parking (see “parking facilities”), repair shops that are part of a vehicle dealership on the same site (see “vehicle sales/rental,” and “mobile home, recreational vehicle and boat sales and rental”); gas stations, which are separately defined; or dismantling yards, which are included under “recycling – scrap and dismantling yards.”

“Veterinary clinics,” “animal hospitals,” and “kennels” means office and indoor medical treatment facilities used by veterinarians, including large and small animal veterinary clinics, and animal hospitals. Kennels and boarding operations are commercial facilities for the keeping, boarding or maintaining of four or more dogs four months of age or older, or four or more cats, except for dogs or cats in pet shops. (Ord. 1611 § 5, 2015; Ord. 1500 § 3 (part), 2007; Ord. 1438 § 2 (part), 2003)

W
17.100.230 Definitions, “W.”

“Warehouse store” means a retail store that emphasizes the packaging and sale of products in large quantities or volumes, some at discounted prices, where products are typically displayed in their original shipping containers. Sites and buildings are usually large and industrial in character. Patrons may be required to pay membership fees.

“Warehouses,” “wholesaling and distribution” facilities include:

A. “Warehouses” means facilities for the storage of furniture, household goods, or other commercial goods of any nature, including moving company warehouses. Includes cold storage, and moving companies. Does not include warehouse, storage or mini-storage facilities offered for rent or lease to the general public (see “storage, personal storage facilities”); warehouse facilities in which the primary purpose of storage is for wholesaling and distribution (see “wholesaling and distribution”); or terminal facilities for handling freight (see “truck and freight terminals”).

B. “Wholesaling and distribution” means establishments engaged in selling merchandise to retailers; to contractors, industrial, commercial, institutional, farm, or professional business users; to other wholesalers; or acting as agents
or brokers in buying merchandise for or selling merchandise to such persons or companies. Examples of these establishments include:

1. Agents, merchandise or commodity brokers, and commission merchants;
2. Assemblers, buyers and associations engaged in the cooperative marketing of farm products;
3. Merchant wholesalers;
4. Stores primarily selling electrical, plumbing, heating and air conditioning supplies and equipment.

Also includes storage, processing, packaging, and shipping facilities for mail order and e-commerce retail establishments.

“Wine tasting room—off site” means a satellite wine tasting room associated with a licensed winery serving only those wines it produces in one-ounce tastes or an amount approved by Alcohol and Beverage Control for tasting purposes. Only one satellite wine tasting room is permitted per licensed winery. Wine tasting establishments serving wines from multiple wineries are separately defined as a “bar/tavern.”

Work/Live Unit. See “live/work unit,” “work/live unit.” (Ord. 1591 § 17, 2013; Ord. 1438 § 2 (part), 2003)

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.

17.100.240 158.052 – X Definitions
Reserved.

17.158.054 – Y Definitions, “X.”

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.

Reserved.

Y

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).

17.100.250 158.056 – Z Definitions, “Y.”
Reserved.

Z

17.100.260 Definitions, “Z.”

"
Article 9: Definitions

Zone (or “district” or “zone district” or “zone district”) means an area of the City delineated on the official zoning map, designated by name or abbreviation as provided in the regulations codified in this division. (Ord. 1438 § 2 (part), 2003) Title.

Chapter 17.160: Airport Overlay Zone Land Use Definitions (Table 2-24)

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.”


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.”


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.”


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/packaged 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.”
Article 9: Definitions

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.”

**Heliport.** See Section 17.156.018 – H Definitions: “Helipad/Heliport.”

**High occupancy residential use.** See Section 17.156.018 – H Definitions: “High occupancy residential use.”

**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.”


Office.


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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.”


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.”


Rest home. See Section 17.156.036 – R Definitions: “Residential Care Facilities.”


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.”


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.”
Article 9: Definitions


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.


  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.”


Water and wastewater treatment plants and services. See Section 17.156.042 – U Definitions: “Utility Facilities.”


Work/live units. See Section 17.156.026 – M Definitions: “Mixed-Use Development.”