

# CHAPTER 4. STANDARDS FOR SPECIFIC DEVELOPMENT AND LAND USES

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## 4.10 Standards for Specific Development and Land Uses

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### Sections:

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### 4.10.010 Purpose and Applicability

- A. Purpose.** This Chapter provides site planning, development, and/or operating standards for certain land uses that are allowed by Chapter 2 (Zones and Allowable Land Uses) within individual or multiple zones, and for activities that require special standards to ensure their compatibility with surrounding uses.
- B. Applicability.** The land uses and activities covered by this Chapter shall comply with the provisions of the Sections applicable to the specific use, in addition to all other applicable provisions of this Development Code.
  1. **Where allowed.** The uses that are subject to the standards in this Chapter shall be located only where allowed by Chapter 2 (Zones and Allowable Land Uses).
  2. **Permit requirements.** The uses that are subject to the standards in this Chapter are allowed only when authorized by the development permit required by Chapter 2 (Zones and Allowable Land Uses), except where a development permit requirement is established by this Chapter for a specific use.
  3. **Development standards.** The standards for specific uses in this Chapter supplement and are required in addition to those in Chapter 2 (Zones and Allowable Land Uses) and Chapter 3 (Standards for All Development and Land Uses). In the event of any conflict between the requirements of this Chapter and those of Chapters 2 or 3, the requirements of this Chapter shall control.

#### 4.10.020 Accessory Retail and Service Uses

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

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#### 4.10.030 Accessory Structures

- A.** The following standards apply to accessory structures located in residential zones, where allowed by Chapter 2 (Zones and Allowable Land Uses).
  - 1. **Relationship to primary use.** An accessory structure shall be incidental in function and scale to the primary structures on the site.
  - 2. **Timing of installation.** An accessory structure shall only be constructed concurrent with or after the construction of a primary residence on the same site.
- B. Attached structures.** An accessory structure attached to the primary structure shall comply with the development standards of the applicable zone.
- C. Detached structures.** An accessory structure that is detached from the primary residence shall comply with the development standards of the applicable zone, except as follows:
  - 1. **Setback requirements.** An accessory structure not exceeding 120 square feet in floor area that does not require a building permit may be located on the rear half of the lot within the side or rear setback.
  - 2. **Height limits.** An accessory structure shall not exceed 14 feet or the height of the primary residence, whichever is less.

3. **Separation between structures.** An accessory structure shall maintain a minimum five-foot separation from other accessory structures and the primary residence.

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#### 4.10.040 Bed & Breakfast Inns

- A. **Purpose.** This Section establishes standards for the development and operation of Bed and Breakfast Inns (B&B) where allowed by Chapter 2 (Zones and Allowable Land Uses). The intent of these provisions is to ensure the compatibility between the B&B and surrounding residential uses.
- B. **Limitation on number.** In order to avoid the concentration of intensive, non-residential land uses in residential neighborhoods, maintain residential character, and compatibility with adjacent residential uses, no bed and breakfast shall be located within 300 feet of an existing bed and breakfast.
- C. **Exterior appearance.** The exterior appearance of a B&B shall maintain its residential character.
- D. **Limitation on services provided.** Service shall be limited to the rental of bedrooms or suites; and meal/beverage service shall be provided for registered guests only. Separate/additional kitchens for guests are not allowed. Additional services and special events may be allowed only as specifically provided by the Use Permit approval for the facility, where the Review Authority determines that the type and frequency of the approved services and events will not adversely affect the residential character of the neighborhood, or allow for a use more intensive than typically associated with a B&B.
- E. **Off-street parking.** Off-street parking shall be provided at a ratio of one space for each guest room, plus two spaces for the on-site owner/manager of the B&B. The Review Authority shall determine the appropriate location of the off-street parking.
- F. **Signs.** The Review Authority may approve one sign.

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#### 4.10.050 Caretaker's Residences

- A. **Purpose.** This Section provides standards for caretaker's residences established for providing continuous on-site care or security of the property.
- B. **Development Standards.** The following development standards shall apply to caretaker's residences:
  1. The maximum size for a one-bedroom caretaker's residences shall be 675 square feet.
  2. The maximum size for a two-bedroom caretaker's residences shall be 1,000 square feet. The following provisions shall apply only to a two-bedroom caretaker's residence:

- a. A minimum 300 square foot private yard area shall be provided with a minimum 10 foot width and depth.
- b. The private yard area shall not be located in the required front setback or within a retention basin.

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#### 4.10.060 High Occupancy Residential Use

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

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#### 4.10.070 Large Family Day-Care Home

- A. Purpose.** This Section establishes standards for the operation of large family day-care homes where allowed by Chapter 2 (Zones and Allowable Land Uses). These standards apply in addition to the other provisions of this Development Code and requirements imposed by the California Department of Social Services (DSS). DSS Licensing is required for all facilities.
- B. Permit requirement.** An Administrative Use Permit shall be approved by the Director to ensure compliance with this Section.

- C. Development standards.** A Large Family Day Care Home shall comply with the following standards.
1. **Location requirements.** In order to avoid the concentration of intensive, non-residential land uses in residential neighborhoods, maintain residential character, and compatibility with adjacent residential uses, no large family day care home shall be located within 300 feet of an existing large family day care home.
  2. **Parking, drop-off area.**
    - a. A minimum of two off-street parking spaces shall be provided exclusively for dropping off and picking up children. Alternative parking and drop-off arrangements may be required by the Review Authority based on traffic and pedestrian safety considerations.
    - b. A home located on a street with a speed limit of 30 miles per hour or greater shall provide a drop-off/pick-up area designed to prevent vehicles from backing onto the street.

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#### 4.10.080 Live Entertainment

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

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#### 4.10.090 Live/Work Units

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

1. Adult businesses;
  2. Storage of flammable liquids or hazardous materials beyond that normally associated with a residential use;
  3. Welding, machining, or any open flame work; and
  4. Any other activity or use, as determined by the Director to not be compatible with residential activities and/or to have the possibility of affecting the health or safety of live/work unit residents, because of the potential for the use to create dust, glare, heat, noise, noxious gasses, odor, smoke, traffic, vibration, or other impacts, or would be hazardous because of materials, processes, products, or wastes.
- C. Density.** Live/work units in commercial zones shall not exceed the maximum density allowed in the applicable zone. Live/work units in industrial zones shall not exceed a maximum density of 10 units per acre.
- D. Occupancy requirement.** The residential space within a live/work unit shall be occupied by at least one individual employed in the business conducted within the live/work unit.
- E. Design standards.**
1. Floor area requirements. The minimum net total floor area of a live/work unit shall be 1,000 square feet.
  2. Separation and access. Each live/work unit shall be separated from other live/work units or other uses in the structure. Access to each live/work unit shall be provided from a public street, or common access areas, corridors, or halls. The access to each unit shall be clearly separate from other live/work units or other uses within the structure.
  3. Commercial Uses. In commercial zones the commercial area shall be adjacent and oriented to the primary street frontage to emphasize the commercial activity towards the street.
  4. Mixed occupancy structures. If a structure contains mixed occupancies of live/work units and other non-residential uses, occupancies other than live/work shall meet all applicable requirements for those uses, and proper occupancy separations shall be provided between the live/work units and other occupancies, as determined by the Building Official.
  5. Parking. Each live/work unit shall provide parking based on the area of commercial or industrial use, or a minimum of two spaces, whichever is greater. The Review Authority may modify this requirement for the use of existing structures with limited parking.
- F. Operating requirements.**
1. **Sale or rental of portions of unit.** No portion of a live/work unit may be separately rented or sold as a commercial or industrial space for any person not

living in the premises or as a residential space for any person not working in the same unit.

2. **Hours of operation.** The hours of operation of the business in a live/work unit shall be restricted to 7:00 a.m. to 10:00 p.m., except for passive activity that produces noise levels that are below the maximum acceptable levels in compliance with the City noise standards.
  3. **Work area.** All business operations shall be conducted within the building interior. No outdoor storage shall be allowed unless authorized by the Use Permit.
  4. **Notice to occupants.** The owner or developer of any structure containing live/work units shall provide written notice to all live/work occupants and users that the surrounding area may be subject to levels of dust, fumes, noise, or other effects associated with commercial and industrial uses at higher levels than would be expected in more typical residential areas. State and Federal health regulations notwithstanding, noise and other standards shall be those applicable to commercial or industrial properties in the applicable zone.
  5. **On-premises sales.** On premises sales of goods and services is limited to those produced within the live/work unit.
  6. **Nonresident employees.** Up to two persons who do not reside in the live/work unit may work in the unit, unless this employment is prohibited or limited by the Use Permit. The employment of three or more persons who do not reside in the live/work unit may be allowed, subject to Use Permit approval, based on an additional finding that the employment will not adversely affect parking in the immediate vicinity of the unit.
  7. **Client and customer visits.** Client and customer visits to live/work units are allowed subject to any applicable conditions of the Use Permit to ensure compatibility with adjacent commercial or industrial uses, or adjacent residentially zoned areas.
- G. Changes in use.** After approval, a live/work unit shall not be converted to either entirely residential use or entirely business use unless authorized through Use Permit approval.
- H. Required findings.** The approval of a Use Permit for a live/work unit shall require that the Review Authority make all of the following findings, in addition to those findings required for Use Permit approval (Section 6.20.090):
1. The proposed use of each live/work unit is compatible with residential activities and will not affect the health or safety of the live/work unit residents consistent with Subsection B. (Limitations on use); and
  2. The establishment of live/work units will not conflict with nor inhibit commercial or industrial uses in the area where the project is proposed.
  3. In industrial zones, a live/work project will not result in an overconcentration of residential dwellings that could potentially limit the available land for light manufacturing or other job generating uses.

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#### 4.10.100 Massage Establishments

**Permit requirements.** Prior to operating, the applicant shall comply with the requirements of Municipal Code Article III.

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#### 4.10.110 Mixed Use Projects

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

1. **Location of units.** Residential units shall not occupy ground floor street frontage on the primary street frontage. Residential units on the ground floor shall only be allowed behind the commercial space and on secondary street frontages. The ground floor street frontage space within a mixed use building shall be reserved for commercial uses, except for a lobby or other feature providing access to the residential units.
2. **Loading areas.** Commercial loading areas shall be located away from residential units and shall be screened from view from the residential portion of the project to the maximum extent feasible.
3. **Refuse and recycling areas.** Areas for the collection and storage of refuse and recyclable materials shall be located on the site in locations that are convenient for both the residential and commercial uses.

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#### 4.10.120 Multi-Family Developments

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

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

	R2	CR2	R3	CR3	Commercial zones
Ground floor units					
Studio Unit	100	100	100	100	100
1 bedroom Unit	120	120	120	120	120
2+ bedroom Unit	140	140	140	140	140
Second floor or above units					
Studio Unit	100	100	60	60	60
1 bedroom unit	120	120	72	72	72
2+ bedroom unit	140	140	84	84	84

#### 4.10.130 Outdoor Storage and Work Areas

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

1. **Development standards.** Outdoor cargo containers shall comply with the following standards:
  - a. **Location.** Outdoor storage containers shall not be visible from public streets and placed behind buildings when feasible. The cargo container shall not be placed in required parking spaces.
  - b. **Screening.** If adjacent to a residential zone, the screening requirements in Section 3.10.020 (Fences, Walls and Screening) shall apply.

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#### 4.10.140 Personal Storage Facilities

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

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#### 4.10.150 Recycling Facilities

- A. Purpose.** This Section establishes standards for the siting and operation of various types of commercial recycling facilities, where allowed by Article 2 (Zones and Allowable Land Uses).
- B. Reverse vending machines.** Reverse vending machines shall comply with the following standards.
  1. **Permit requirements.** An Administrative Development Permit shall be approved by the Director to ensure compliance with this Section.
  2. **Accessory use only.** Each machine shall be installed only as an accessory use to an allowed primary use.
  3. **Location requirements.** If located outside of a structure, a machine shall not occupy parking spaces required by the primary use.
  4. **Lighting.** Each machine shall be illuminated to ensure comfortable and safe operation if the machine is accessible between dusk and dawn. The light source shall be shielded so that glare and reflections are confined within the boundaries of the site.

- C. Small collection facilities.** A small collection facility shall comply with the following standards.
1. **Permit requirements.** An Administrative Development Permit shall be approved by the Director to ensure compliance with this Section.
  2. **Accessory use only.** A small collection facility shall only be allowed as an accessory use to an allowed primary use.
  3. **Location requirements.** A small collection facility shall:
    - a. Not be located within 50 feet of any lot zoned for residential use; and
    - b. Be set back a minimum of 10 feet from any public right-of-way, and not obstruct pedestrian or vehicular circulation.
  4. **Maximum size.** A small collection facility shall not occupy more than 350 square feet, not including space that would be periodically needed for the removal of materials or exchange of containers.
  5. **Appearance of facility.** Collection containers and site fencing shall be of a color and design that is compatible and harmonious with the surrounding uses.
  6. **Operating standards for small collection facilities.** Small collection facilities shall:
    - a. Not use power-driven processing equipment, except for reverse vending machines;
    - b. Accept only glass, metal, or plastic containers, paper, and reusable items;
    - c. Use containers that are constructed with durable waterproof materials, secured from unauthorized removal of material, and shall be of a capacity sufficient to accommodate materials collected and the collection schedule; and
    - d. Be screened where determined by the Review Authority to be necessary because of excessive visibility.
  7. **Signs.** Non-illuminated signs may be provided as follows:
    - a. Identification and directional signs may be approved by the Director if found necessary to facilitate traffic circulation, or if the facility is not visible from the public right-of-way.
  8. **Parking requirements.**
    - a. No additional parking space shall be required for customers of a small collection facility located in the established parking lot of the primary use.
- D. Processing facilities.** Processing facilities shall comply with the following standards.
1. **Permit requirements.** A Use Permit shall be approved by the Commission.
  2. **Location requirements.** The facility shall not abut a lot zoned for residential use.

3. **Limitation on activities.** Allowed activities are limited to baling, briquetting, compacting, crushing, grinding, shredding, and sorting of source-separated recyclable materials and repairing of reusable materials.
4. **Container location.** Containers provided for "after hours" donation of recyclable materials shall be permanently located at least 100 feet from any residential zone, be constructed of sturdy, materials, have sufficient capacity to accommodate materials collected, and be secured from unauthorized entry or removal of the materials; and
5. **Screening.** The facility shall be screened from public rights-of-way, by solid masonry walls or located within an enclosed structure;
6. **Outdoor storage.** Exterior storage of material shall be in sturdy containers or enclosures that are secured and maintained in good condition. Storage shall not be visible above the height of the required solid masonry walls;
7. **Operating standards.** Dust, fumes, odor, smoke, or vibration, above ambient levels, shall not be detectable on adjoining lots.

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#### 4.10.160 Resale Stores

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

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#### 4.10.170 Second Residential Dwelling

- A. **Purpose.** This Section establishes standards for second residential dwellings where allowed by Chapter 2 (Zones and Allowable land Uses).
- B. **Permit requirements.** An application that complies with the standards of this Section shall be approved ministerially.
- C. **Limitation on Use.** There shall be no more than one second dwelling unit per lot.
- D. **Timing of construction.** A second residential dwelling may be constructed simultaneously with, or after the primary residence. In addition, an existing residence that complies with the standards for a second residential dwelling in this Section may be considered a second residential dwelling, and a new primary residence constructed.
- E. **Owner Occupied.** Prior to building permit issuance, the property owner shall either sign a covenant to be recorded that requires the owner to occupy either the primary or second dwelling, or enter into an affordable housing agreement requiring that one of the dwellings be rented at the lower-income household. The restricted rental rate of one of the dwellings shall be for a period of 30 years. The Affordable Housing

Agreement may be rescinded if the owner agrees to record a covenant that one of the dwellings shall be owner occupied.

- F. Development standards:** A second residential dwelling shall comply with all development standards of the zone, except for density and as provided in this Section.
1. **Maximum Size.** The maximum area for a detached second dwelling unit shall not exceed 1,000 square feet. The maximum area for a second dwelling unit attached to the primary residence shall not exceed 30 percent of the existing living area.
  2. **Utilities.** Water and sewer services shall be adequate to serve the second unit.
  3. **Off-street parking.** In addition to the parking requirements for the primary residence in Section 3.30, the following parking is required;
    - a. One parking space per bedroom not to exceed two parking spaces.
    - b. Parking may be covered or uncovered, but shall not be permitted in the required front or side setback.
    - c. Tandem parking may be permitted on a case-by-case basis.
  4. **Design Standards.** The second residential dwellings shall be subordinate in size and appearance to the primary residence. The architectural design, materials, and color shall be compatible with the existing primary residence or a superior design.

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#### 4.10.180 Senior Housing

- A. Purpose:** This Section establishes flexible development standards to promote and encourage senior housing development where allowed by Chapter 2 (Zones and Allowable Land Uses).
- B. Development Standards:** Residential development exclusively for seniors has operating characteristics which differ from those of typical multi-family dwellings. Therefore, the strict application of development standards may not be appropriate to apply to senior housing projects. Accordingly, the Review Authority may approve exceptions to off-street parking, open space, and other development standards as may be appropriate if the findings in Subsection D can be made. Senior projects with affordable units are eligible for up to a 35 percent density bonus consistent with Government Code Section 65915. The Council may consider a density bonus of up to 50 percent for a project that provides affordable units and is determined to be a superior design.
- C. Design standards.** Senior housing shall provide adequate amenities (e.g., shopping, services, recreation, public transit, etc.) on-site or within close proximity.
- D. Required findings.** The Review Authority may approve exceptions to the development standards of the applicable zone if the following findings can be made:

1. The project provides a living environment that is conducive to seniors and will support their lifestyles.
2. Exceptions to development standards would not create greater adverse impacts on surrounding properties than would be expected if the site was developed to its maximum intensity of the applicable zone.

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#### 4.10.190 Sidewalk Seating

- A. Purpose:** This Section establishes standards for outdoor dining in the public right-of-way where allowed by Chapter 2 (Zones and Allowable Land Uses). The purpose is to enhance the pedestrian ambiance by allowing outdoor seating.
- B. Permit Required.** An Administrative Development Permit shall be approved by the Director. In addition, an encroachment permit shall be required from the Public Works Department.
- C. Development Standards.** Sidewalk cafes shall comply with the following standards:
1. A minimum four-foot wide unobstructed pedestrian travel way shall be maintained at all times.
  2. Sidewalk seating is not allowed within 15 feet of the corner.
  3. Awnings or umbrellas may be used but shall maintain a minimum clearance of six-foot eight-inches.
  4. A barrier surrounding the sidewalk seating area may be required by the Alcohol Beverage Control Board or the Public Works Director.
- D. Parking.** No additional off-street parking is required for sidewalk seating in compliance with this Section.
- E. Standards of Operation:**
1. The applicant shall be responsible for maintaining the sidewalk seating area.
  2. All furniture and fixtures shall be removed each night.
  3. All items associated with the sidewalk seating area shall be removed when not in use.
  4. The hours of operation for the sidewalk seating may be more restrictive than the normal hours of operation.
  5. The City retains the right to revoke the Administrative Development Permit/Encroachment Permit upon 24 hour written notice to the applicant for any cause, regardless of compliance with the conditions of the Permit.

#### 4.10.200 Single Room Occupancy Facilities

- A. Purpose.** This Section establishes regulations for single room occupancy facilities where allowed by Chapter 2 (Zones and Allowable Land Use). Single room occupancy facilities shall comply with the standards of this Section to provide affordable, long-term housing for extremely low, very low, and low income households.
- B. Development Standards.** Single-room occupancy facilities shall comply with the following standards:
1. The floor area per room shall be a minimum of 150 square feet including a bathroom and kitchen facilities.
  2. The maximum room occupancy shall be one person.
  3. A minimum of one parking space per three rooms. The Review Authority may increase or decrease the parking standards based on the type of tenant, location, and the anticipated parking demand.
  4. A common area with a minimum of 250 square feet shall be provided.
  5. A manager's unit shall be provided and may exceed the maximum allowable square feet per room.
- C. Operating Standards.**
1. Occupancy shall be limited to a minimum of 30 days.
  2. On-site management shall be provided 24 hours a day. The manager shall be accessible to residents, law enforcement personnel, and any other individuals who need to establish communication upon or about the premises. The manager also shall have the authority to exercise control over the premises to ensure that the use of the premises does not result in littering, nuisance activities, noise, or other activities that adversely impact surrounding properties.
  3. Cleaning services shall be provided.
- D. Density Standards.** The density shall be calculated based on the applicable zone with one room equivalent to one-half of a dwelling.
- E. Design Guidelines.** The following design guidelines are intended to be interpreted with some flexibility in their application to each project:
1. Living units should have amenities sufficient to sustain daily living, including, but not limited to, furnishings designed for smaller spaces, built-in cabinets, closets, miscellaneous storage and individually controlled heating and ventilation.
  2. Living units should be pre-wired for both telephone and cable television service.
  3. Laundry facilities should be provided.
- F. Affordability.** A minimum of 50 percent of the living units shall be affordable and available to extremely low, very low, and low income households.

#### 4.10.210 Thrift Stores

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

## 4.20 Adult Businesses

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Sections:

- 4.20.010 - Purpose
- 4.20.020 - Permit Requirements
- 4.20.030 - Required Findings
- 4.20.040 - Permits Nontransferable; Use Specific

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### 4.20.010 Purpose

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

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

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### 4.20.020 Permit Requirements

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

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

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#### 4.20.030 Required Findings

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

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

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

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

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

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#### 4.20.040 Permits Nontransferable; Use Specific

- A. No Adult Business permit may be sold, transferred, or assigned by any permittee, or by operation of law, to any other person, group, partnership, corporation or any other entity. Any sale, transfer, or assignment or attempted sale, transfer, or assignment shall be deemed to constitute a voluntary surrender of such permit, and the permit shall be thereafter null and void. A Use Permit held by an individual in a corporation or partnership is subject to the same rules of transferability as contained above. Any change in the nature or composition of the Adult Business from one element of an Adult Business use to another element of an Adult Business shall also render the permit null and void. A Use Permit for an Adult Business shall only be valid for the exact location specified on the permit.
- B. Violation and Penalty**
  - 1. Every person, whether acting as an individual owner, employee of the owner, permittee, or operator or employee of the permittee, or whether acting as a mere helper for the owner, permittee, employer, or operator, or whether acting as a participant or worker in any way, who operates or conducts an activity referred to in this Section without first obtaining a Use Permit from the City shall be guilty of a misdemeanor. Except as provided herein, and as provided by the penal code, no violation of this Section shall be criminally punished.

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

**C. Enforcement and Revocation**

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

## 4.30 Residential Common Area Developments

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Sections:

- 4.30.010 - Purpose
- 4.30.020 - Permit Requirements
- 4.30.030 - Definitions
- 4.30.040 - Development Standards
- 4.30.050 - Design Standards
- 4.30.060 - Conversions

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### 4.30.010 Purpose

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

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### 4.30.020 Permit Requirements

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

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### 4.30.030 Definitions

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

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

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

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

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

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

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

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

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

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

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

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

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#### 4.30.040 Development Standards

- A. The following development standards shall apply to each dwelling.
1. Minimum lot size shall be 3,500 square feet per unit.
  2. Lot coverage shall not exceed 35 percent of the total lot area.
  3. Open Space area shall be a minimum of 35 percent of the total lot area.
  4. Off street parking shall be an attached two-car garage per dwelling, together with one guest parking space per dwelling. The garage shall have minimum interior dimensions 20 feet by 20 feet and the guest parking spaces shall be 10 feet by 20 feet.
  5. Private yard area shall mean each dwelling shall have attached or contiguous to it, a patio, balcony, or private open area. For all dwelling units, 1,000 square feet or less, the minimum private open space shall be 300 square feet. For all dwelling units in excess of 1,000 square feet, an additional 30 square feet of private open space shall be added to the above minimum for each additional 100 square feet of dwelling or part thereof. The "usability" of the total open space system shall be an overriding concern of this Section in addition to meeting the minimum requirements. Yard easements may be used when in addition to the minimum requirements. They may not be used in order to meet the minimum requirement.

6. The minimum setbacks shall be met for the applicable zone. Additionally, within the project, there shall be a minimum of 10 feet separation between structures for detached projects.
  7. All condominium units shall be one bedroom or more, and the minimum gross floor area of units shall be as follows: One bedroom - 700 square feet; two bedroom - 900 square feet; three bedroom - 1,100 square feet; and for each bedroom in excess of three, an additional 200 square feet shall be added to the minimum dwelling size.
  8. Each dwelling shall have a laundry area to accommodate a washer and dryer. Common laundry facilities are prohibited.
  9. Each unit shall have a minimum of 200 cubic feet of exterior storage, which shall be weather-proofed and designed to provide reasonable security. Storage within a garage shall be located above the hood line.
  10. All garage doors shall be roll-up type and have electric openers.
  11. All common driveways shall be marked as fire lanes.
  12. All perimeter fences shall be concrete or masonry, or a combination of wood and masonry. Fencing shall be provided along interior property lines and around any private or restricted patio areas in compliance with Section 3.10.020.
  13. Individual trash cans shall be used for each dwelling and stored in the garage or in a screened side or rear yard.
- B.** The organization documents for any project shall include the following:
1. Reasonable provision for access by City personnel for fire and police protection and control purposes;
  2. Right of authorized City personnel to enter onto all common areas for purposes of inspection to determine compliance with development permit requirements and City building and fire codes; provided, that such right shall not be deemed to give any right of entry to private living units except as otherwise allowed by law;
  3. Continuing jurisdiction of the City to enforce provisions of covenants, conditions and restrictions with respect to compliance with requirements of subdivision approval and conditional Use Permit, landscaping maintenance, safety, architectural control, property maintenance, parking, and drainage maintenance; such enforcement rights to include power of the City on behalf of the homeowners association to levy and collect special assessments for the cost of bringing the project into compliance.
  4. Provision for resolution of impasses within homeowners association by arbitration.
  5. Reasonable provisions protecting rights of unit owners and association to install and use solar energy facilities in accordance with commonly accepted engineering and design standards.
  6. Prohibition against amendment of any portions of organizational documents affecting City jurisdiction, without City approval.

7. Declaration of covenants, conditions and restrictions shall be subject to City approval, which approval shall be indicated on the recorded original thereof.

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#### 4.30.050 Design Standards

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

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#### 4.30.060 Conversions

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

## 4.40 Telecommunications Facilities

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Sections:

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

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### 4.40.010 Purpose

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

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### 4.40.020 Applicability

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

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### 4.40.030 Permit Requirements

**A. Use Permit or Administrative Development Permit.** Use Permit approval is required for all communication facilities subject to this Section, except for the following, which shall require approval of an Administrative Development Permit. The Director shall ensure through the Administrative Development Permit approval that each of the following facilities complies with all applicable requirements of this Section. The Director may also choose to defer action and refer any of the following facilities to the Commission for consideration as a Use Permit application.

1. An antenna that is installed, placed, and maintained under the roofline of an existing structure, or above, behind, and below an existing approved roof screen and does not extend above the highest point of the structure, or is camouflaged within an existing structure so as not to be visible from a public right-of-way or other property.

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

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

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

**C. Coastal Development Permit.** Unless preempted by federal law, a Coastal Development Permit (CDP) is required for all communication facilities located in the Coastal Zone that constitute development as defined in Section 9.10 (Definitions) and are not otherwise exempt from CDP requirements pursuant to Section 30610 of the Coastal Act and Section 6.20.040 (Coastal Development Permits).

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

1. Consistent with all limitations imposed by Federal law, certification by a licensed engineer that is acceptable to the Director that the proposed facility will at all times meet standards set by the Federal Communication Commission (FCC) and

comply with all applicable health requirements and standards pertaining to electromagnetic and/or radio frequency emissions.

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

- i. Proposed landscaping and/or non-vegetative screening (including required safety fencing) plan for all aspects of the facility.
- 5. **Licenses:** Documentation certifying the applicant has obtained all applicable licenses or other approvals required by the Federal Communication Commission to provide the services proposed in connection with the application.
- 6. **Master Use Permit.** A service provider who intends to establish multiple wireless Telecommunications Facilities within the City is encouraged to apply for the approval of all facilities under a Master Use Permit. Under this approach, all proposed facilities requiring a Use Permit may be acted upon by the City as a single Use Permit application, ensuring feasibility of long range company projections.
- E. Communications consultant may be required.** In the event that the City needs assistance in understanding the technical aspects of a particular proposal, the services of a communications consultant may be requested to determine the engineering or screening requirements of establishing a specific wireless communications facility. This service will be provided at the applicant's expense.
- F. Required findings for Use Permit approval.** The approval of a Use Permit or Administrative Development Permit for a communication facility shall require that the Review Authority make the following findings, in addition to those required for Use Permit approval by Section 6.20.080 (Use Permit):
  - 1. The communication facility complies with all applicable requirements of this Section; and
  - 2. The communication facility will not adversely impact the character and aesthetics of any public right-of-way.
- G. Required findings for Coastal Development Permit approval.** The approval of a Coastal Development Permit for a communication facility shall require that the Review Authority find that the communication facility complies with Section 6.20.040 (Coastal Development Permit) and that the communication facility complies with all requirements of this Section applicable to coastal development permits.
- H. Co-location required.** A new communication facility shall be co-located with existing facilities and with other planned new facilities whenever feasible, and whenever determined by the Review Authority to be aesthetically desirable. A service provider shall co-locate a new communication facility with non-communications facilities (e.g., light standards, water tanks, and other utility structures) where the Review Authority determines that this collocation will minimize the overall visual impact.
  - 1. A service provider shall exhaust all reasonable measures to co-locate their communications facilities on existing towers or with or within existing ancillary support equipment facilities before applying for a new communication facility site.
  - 2. Each service provider shall provide the City with evidence that they have contacted all other potential providers who have, or who are reasonably likely to be installing facilities within the vicinity of the proposed facility and have offered to participate in a joint installation project on reasonable terms.

3. In order to facilitate collocation, Use Permit and Coastal Development Permit conditions of approval for a new facility shall require each service provider to cooperate in the siting of equipment and antennas to accommodate the maximum number of operators at a given site where determined by the Review Authority to be feasible and aesthetically desirable.
- I. City-owned property.** Consistent with all limitations imposed by Federal law, a communication facility shall not adversely affect the public health, safety or welfare. In order to best benefit the citizens of Grover Beach from this necessary community impact, the Review Authority shall always consider City-owned sites as the highest priority for the location of communication facilities.

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#### 4.40.040 Facility Design and Development Standards

- A.** Each proposed communication facility shall comply with the following standards:
1. **Facility placement.**
    - a. A roof-mounted antenna on a structure that complies with applicable height limits shall be set back from the nearest roof edge the equivalent of the height of the tower or a minimum of 10 feet, whichever is greater.
    - b. A ground-mounted communication facility (including towers and antennas) shall be located as far as possible from all property boundaries, and set back from the property line at a ratio of 1.5 horizontal feet for every one foot of height, where feasible unless a location closer to property boundaries reduces visual impacts as viewed from public areas.
    - c. A tower or antenna shall be set back from any site boundary or public right-of-way by a minimum of 25 feet, if feasible. No part of any tower shall extend into a required setback or beyond a property line of the site.
    - d. Communication facilities other than towers and antennas shall be located either within a structure, underground, in a rear yard (not visible from a public right-of-way) or on a screened roof top area. A ground-mounted facility that is located within a front or side setback or within a public right-of-way shall be underground so that the facility will not detract from the image or appearance of the City.
  2. **Height limitations.**
    - a. All ground mounted communication equipment, antennas, poles, or towers shall be of a minimum functional height.
    - b. The height of a tower located on the ground shall not exceed 60 feet, except the Review Authority may grant an exception to allow towers of up to 80 feet where it determines that the increased height is necessary for adequate coverage, and the tower will co-locate service providers.
    - c. The height of a communications facility located on a structure other than a dedicated support tower shall not exceed 20 feet above the highest point of the

structure and shall at no time exceed the height allowed by the applicable zone unless approved with a Use Permit.

- d. An antenna mounted on the side of a structure shall not extend above the structure's parapet so that it is visible from below against the sky.
- 3. **Colors and materials.** All antennas, poles, towers, or equipment, including ancillary support equipment, shall have a non-reflective finish and shall be painted or otherwise treated to match or blend with the primary background and minimize visual impacts. Antennas attached to a structure shall be painted or otherwise treated to match the exterior of the structure or the antenna's background color. All ground-mounted equipment shall be covered with a clear anti-graffiti type material of a type approved by the Director or shall be adequately secured to prevent graffiti.
- 4. **Screening, landscaping.** All ground mounted equipment, antennas, poles, or towers shall be sited to be screened by existing development, topography, or vegetation. Ground mounted facilities shall be located within structures, underground, or in areas where substantial screening by existing structures or vegetation can be achieved. Additional new vegetation or other screening may be required by the Review Authority. The applicant shall use the smallest and least visible antennas possible to accomplish the owner/operator's coverage objectives.
- 5. **Additional screening and landscaping.** As part of project review, the Review Authority may require additional screening and/or landscaping, undergrounding, an alternative color scheme, or relocation of a tower or ancillary equipment to a less obtrusive area of the site where it would have a less prominent visual presence due to slope, topography, size, or relationship to public right-of-ways.
- 6. **Power lines.** All power lines to and within a communication facility site shall be underground.
- 7. **Backup power supplies.** Backup generators shall only be operated during periods of power outages
- B. All building and roof-mounted wireless telecommunications facilities and antennae shall be designed to appear as an integral part of the structure where feasible and located to minimize visual impacts.
- C. The placement of new antennae and facilities shall not be physically obstructive or visually intrusive and shall be designed to be visually compatible with the character of the surrounding area.

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#### 4.40.050 Operation and Maintenance Standards

- A. **Contact and site information.** The owner or operator of any facility shall submit and maintain current at all times basic contact and site information. The applicant shall notify the City of any changes to the information submitted within 30 days of any change, including change of the name or legal status of the owner or operator. This information shall include the following:

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

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#### 4.40.060 Discontinuance and Site Restoration

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