

# CHAPTER 3. STANDARDS FOR ALL DEVELOPMENT AND LAND USES

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## 3.10 Standards for All Development and Land Uses

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### Sections:

- 3.10.010 - Purpose & Applicability
- 3.10.020 - Fences, Walls, and Screening
- 3.10.030 - Height Limitations and Exceptions
- 3.10.040 - Outdoor Lighting
- 3.10.050 - Performance Standards
- 3.10.060 - Reasonable Accommodations
- 3.10.070 - Setback Requirements and Exceptions

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### 3.10.010 Purpose & Applicability

- A. **Purpose.** This Chapter expands upon the zoning standards of Chapter 2 (Zones and Allowable Land Uses) by addressing additional details of site planning, project design, and the operation of land uses. The intent of these standards is to ensure that proposed development is compatible with existing and future development on neighboring properties, and produces an environment of desirable character, consistent with the General Plan.
- B. **Applicability.** The requirements of this Chapter shall apply to all proposed development and new land uses, except as specified in Section 7.40 (Nonconforming Uses, Structures, and Lots), and shall be considered in combination with the standards for the applicable zone in Chapter 2 (Zones & Allowable Land Uses) and those in Chapter 4 (Standards for Specific Development and Land Uses). If there is a conflict between any standards, the provisions of Chapter 3 control over Chapter 2, and the provisions of Chapter 4 control over Chapters 2 and 3. **Projects within the Coastal Zone shall comply with all standards in the Local Coastal Program. (Am. Ord. 14-04)**

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### 3.10.020 Fences, Walls, and Screening

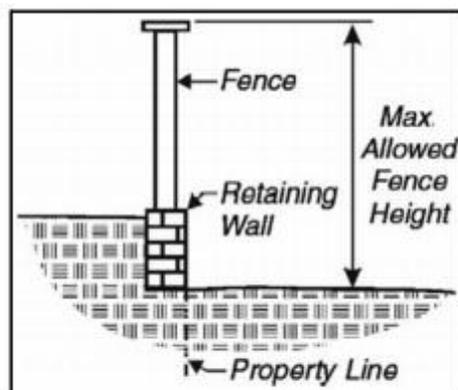
- A. **Applicability.** The requirements of this Section apply to all fences and walls unless otherwise stated.
- B. **Height limits.** Each fence or wall shall comply with the height limits shown in Table 3-1.

Location of Fence or Wall	Maximum Height
Within a front setback	3 feet <sup>1, 3</sup>
Within a street side setback	6 feet <sup>3</sup>
Within an interior side or rear setback	6 feet <sup>2</sup>
Notes:	
1. A fence or wall up to six feet in height is allowed when the portion above three	

- feet is 90% open and light emitting (e.g., wrought iron).
2. In non-residential zones, a solid fence or wall up to eight feet in height may be allowed for screening or security purposes subject to approval of an Administrative Development Permit.
  3. All fences and walls shall comply with Section 3.10.030.E. (Restrictions to height limits at street corners)

**C. Measurement of fence and wall height.**

1. Fence and/or wall height shall be measured as the vertical distance between the finished grade at the base of the fence and the top edge of the fence material.
2. In cases where elevation of the finished grade of the fence and/or wall differs from one side to the other (as when a fence is placed on top of a retaining wall), the height shall be measured from the side with the lowest natural grade; except that a safety fence with a maximum height of five feet shall be allowed in all cases.



**Figure 3-1 Fence Height Measurement**

**D. Specific fence and wall requirements.**

1. Fencing between different land uses. Fencing between different land uses shall be provided in compliance with Subsection F. (Screening).
2. Outdoor equipment, storage, and work areas. Non-residential outdoor equipment, storage and uses adjacent to a residential zone shall be fenced and/or screened in compliance with Subsection F. (Screening).
3. Swimming pools, spas, and similar features. Swimming pools/spas and other similar water features shall be fenced in compliance with the City's Building Code requirements, regardless of the other requirements of this Section.

**E. Prohibited materials.** The following fencing materials are prohibited in all zones except as follows.

1. Razor or concertina wire unless approved by a Use Permit.
2. Chain link fencing within a front or street side setback.

**F. Screening.** This Subsection establishes standards for the screening of non-residential uses when adjacent to residential zones at the lot boundary as follows:

1. The screen shall consist of a solid, decorative wall of masonry or similar durable material, six feet in height. The Review Authority may require a wall up to eight feet in height if necessary to screen the use from the residential use.
2. The decorative wall shall be architecturally treated on both sides, subject to the approval of the Review Authority.
3. In industrial zones, a minimum of 10 feet of dense landscaping shall be planted adjacent to residential zones.
4. In commercial zones, a minimum of five feet of dense landscaping shall be planted adjacent to residential zones.
5. The Review Authority may waive or approve a substitute for the requirements of this Subsection if the Review Authority determines that:
  - a. The relationship of the proposed uses make the required screening unnecessary;
  - b. The intent of this Subsection can be successfully met by means of alternative screening methods;
  - c. Physical constraints on the site make the required screening infeasible; or
  - d. The physical characteristics of the site or adjoining lots make the required screening unnecessary.

**G. Mechanical equipment, loading docks, and refuse areas.**

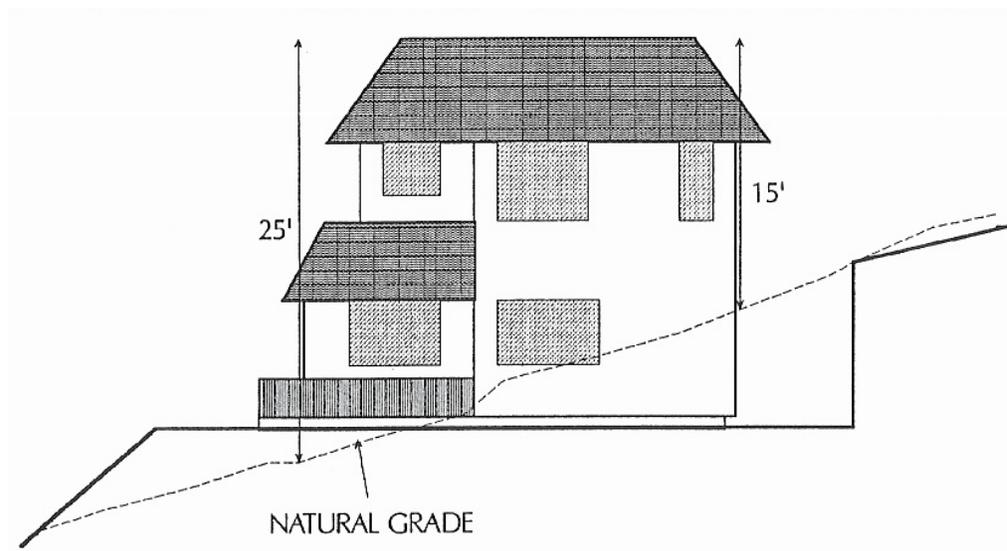
1. Roof or ground mounted mechanical equipment shall be screened from public view from adjoining public streets and adjoining areas zoned for residential uses. This equipment includes air conditioning, heating, ventilation ducts, and exhaust vents, loading docks, refuse storage areas, and utility services, electrical transformers, gas meters, etc.
2. The colors, materials, and architectural style of screening shall be architecturally compatible with other on-site development.

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### 3.10.030 Height Limits and Exceptions

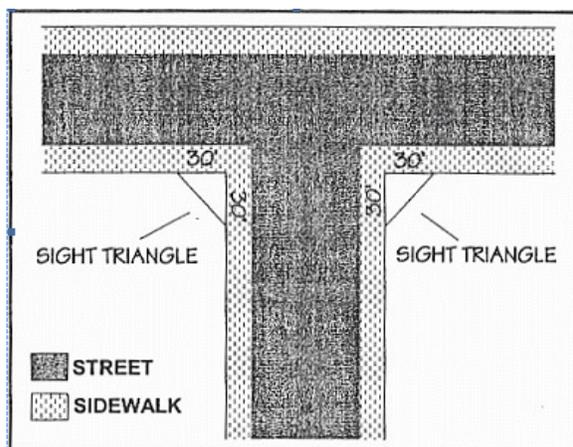
- A. **Purpose.** This Section describes the required methods for measuring the height of structures in compliance with the height limits established by this Development Code, and exceptions and restrictions to those height limits.
- B. **Maximum height of structures.** The height of each structure shall not exceed the height limit established for the applicable zone by Article 2 (Zones and Allowable Land Uses), except as otherwise provided by this Section.
- C. **Height measurement.** The maximum allowable height shall be measured as the vertical distance from the average level of the highest and lowest point, measured from natural grade, of that portion of the lot covered by the building to the topmost

point of the roof as shown in Figure 3-2. Natural grade shall be determined by the Director using the best available information.



**Figure 3.2 Height Measurement**

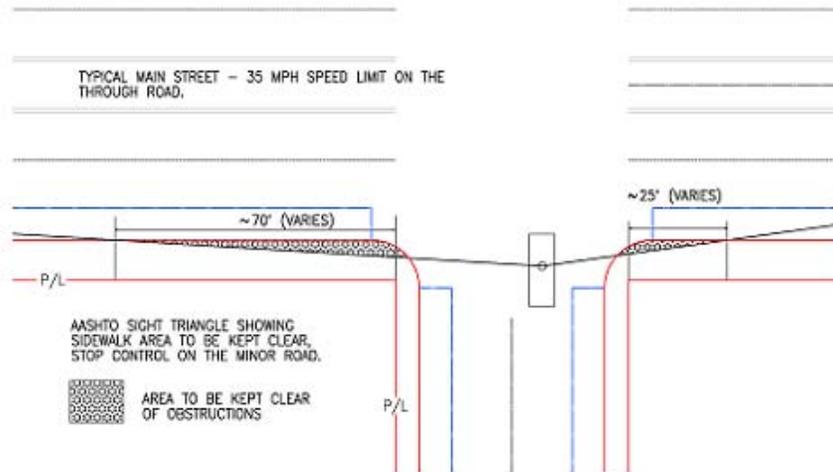
- D. **Exceptions to height limits.** The following structures and structural features may exceed the height limits of this Development Code as noted:
1. Architectural features. A chimney, cupola, monument, mechanical equipment, vent, or similar structure may exceed the height limit subject to approval of a Use Permit by the Review Authority; except a chimney or vent may exceed the maximum height of the applicable zone if required to meet Building Code requirements.
  2. Telecommunications facilities. The height of telecommunications facilities, including antennas, poles, towers, and necessary mechanical appurtenances shall comply with Section 4.40 (Telecommunications Facilities).
- E. **Restrictions to height limits at street corners.** Development adjacent to any public or private street shall be designed to provide a traffic safety visibility area or "sight triangle" for pedestrian and traffic safety. The restrictions to height limits are as follows:
1. Uncontrolled intersections: At uncontrolled street intersections, a sight triangle shall be required in order to maintain visibility. Such area shall consist of a triangular area with dimensions of 30 feet along the streets, measured at back of sidewalk as shown in Figure 3.3. Any solid wall, fence, building, or landscaping within this triangle may not exceed three feet in height.



**Figure 3.3 Sight Triangle**

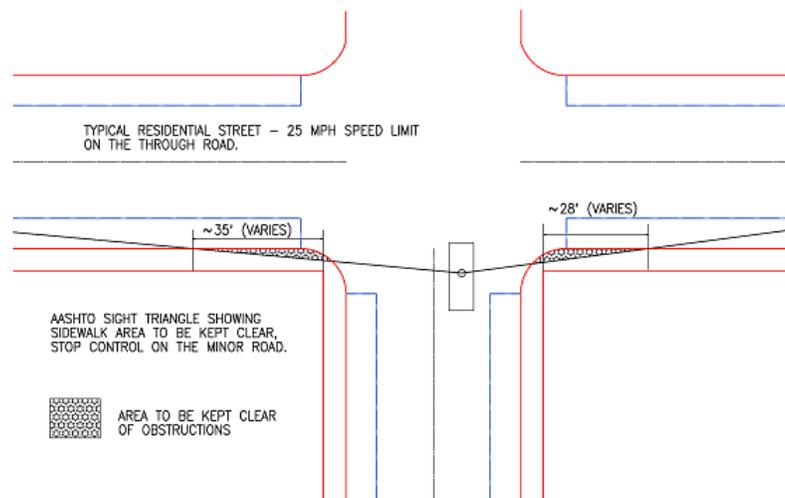
2. Intersections with One or More Traffic Controls.
  - a. Applicability: The Sight Distance Triangle requirements are applicable to every intersection of two or more public streets within the City, where at least one of the directions of travel on any of those streets is not controlled by a stop sign or a traffic signal.
  - b. Standards and Guidelines: At street intersections, a sight triangle shall be required in order to maintain visibility. The dimensions required depend on several factors. The speed of the vehicles on the major road and the location of the vehicle attempting to enter the intersection from the minor road are the two main factors. Other factors include, but are not limited to, the grade of the roadways, the angles of view, height of the driver's eye, and whether or not curbside parking is allowed. The American Association of State Highway and Transportation Officials (AASHTO) has provided procedures and guidelines for resolving these issues in their publication, A Policy on Geometric Design of Highway and Streets – Latest Edition. Intersections within the City shall comply with AASHTO recommendations insofar as the affected intersection areas shall be kept clear of all obstructions. All AASHTO guidelines shall be followed when feasible as determined by the City Engineer.
  - c. Approval Procedures: To ensure visibility, red curbing may be used to establish no parking zones related to the AASHTO guidelines. No parking shall be allowed along any red curbed frontage. Red curbing is also used to prohibit stopping at the curb for other purposes. Sight triangle examples are indicated in Figures 3.4 and 3.5. No visual obstructions shall be permitted within the required sight triangle. Each intersection is different and exact requirements shall be established by the City Engineer.
  - d. Sight Triangle Examples: Generally, only two of the intersection types identified by AASHTO exist in the City. Both are Type "B", with stop control installed on the minor road. The first type is a stop controlled intersection where the major road is multi-lane. The second type is a stop controlled

intersection where both roads are single-lane, such as a typical residential intersection. All other intersections within the City are 4-way stop controlled or signalized.



**Figure 3.4 Sight Triangle Example**

- e. This simplified example illustrates compliance with AASHTO recommendations. The required sight triangle would consist of 70 feet to the left and 25 feet to the right. Each intersection is different and exact requirements shall be established by the City Engineer.



**Figure 3.5 Sight Triangle Example**

- f. This simplified example illustrates compliance with AASHTO recommendations. The required sight triangle would consist of 35 feet to the left and 28 feet to the right. Each intersection is different and exact requirements shall be established by the City Engineer.

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### 3.10.040 Outdoor Lighting

- A. **Purpose.** The Section provides standards for outdoor lighting of non-residential uses to minimize light and glare on adjacent properties. The intent of these standards is that outdoor lighting be limited to the minimum necessary for safety and security.
- B. **Development standards.** New outdoor lighting on non-residential projects shall comply with the following requirements:
1. An outdoor light fixture shall be limited to a maximum height of 20 feet or the height of the nearest building, whichever is less. The Review Authority may approve a fixture in excess of 20 feet if it determines that the additional height will provide lighting that still complies with all other requirements of this Section.
  2. Outdoor lighting shall utilize energy-efficient (high pressure sodium, low pressure sodium, hard-wired compact florescent, or other lighting technology that is of equal or greater energy efficiency) fixtures/lamps.
  3. Lighting fixtures shall be shielded or recessed to minimize light bleed to adjoining properties, by ensuring that the light source (e.g., bulb, etc.) is not visible from off the site and confining glare and reflections within the boundaries of the site to the maximum extent feasible.
  4. Each light fixture shall be directed downward and away from adjoining properties and public rights-of-way, so that no on-site light fixture directly illuminates an area off the site.
  5. In the Coastal Zone, all lighting shall be designed to protect against impacts to coastal resources, including biological and visual resources, as required by the Local Coastal Program. (Am. Ord. 14-04)

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### 3.10.050 Performance Standards

- A. **Purpose.** This Section provides performance standards that are intended to minimize various potential operational impacts of land uses and development within the City, and promote compatibility with adjoining areas and land uses.
- B. **Applicability.** The provisions of this Section apply to all new and existing land uses, including permanent and temporary uses in all zones, unless an exemption is specifically provided. Uses existing on the effective date of this Section shall not be altered or modified thereafter to conflict with these standards.
- C. **Air emissions.** No visible dust, gasses, or smoke shall be emitted, except as permitted by the San Luis Obispo Air Pollution Control District or as necessary for the heating or cooling of structures, and the operation of motor vehicles on the site.
- D. **Combustibles and Explosives.** The use, handling, storage and transportation of combustibles and explosive materials shall comply with the City's Building and Fire codes, and all other applicable State and local regulations.

- E. **Dust.** Activities that may generate dust emissions (e.g., construction, grading, commercial gardening, and similar operations) shall be conducted to limit the emissions beyond the site boundary to the maximum extent feasible. Appropriate methods of dust management shall include the following, subject to approval by the Public Works Director.
- F. **Ground vibration.** No ground vibration shall be generated that is perceptible without instruments by a reasonable person at the property lines of the site, except for vibrations from temporary construction or demolition activities, and motor vehicle operations.
- G. **Liquid waste.** No liquid shall be discharged into a public or private body of water, sewage system, watercourse, or into the ground, except in compliance with applicable regulations of the Regional Water Quality Control Board.
- H. **Noise.** All uses shall comply with the City's noise standards in Municipal Code Article III.
- I. **Odors.** No obnoxious odor or fumes shall be emitted that are perceptible without instruments by a reasonable person at the property line of the site.
- J. **Radioactivity, electrical disturbance or electromagnetic interference.** None of the following shall be emitted:
  1. Radioactivity, in a manner that does not comply with all applicable State and Federal regulations; or
  2. Electrical disturbance or electromagnetic interference that interferes with normal radio or television reception or with the function of other electronic equipment beyond the property line of the site; or that does not comply with all applicable Federal Communications Commission (FCC) and other applicable State and Federal regulations.

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### 3.10.060 Reasonable Accommodation

#### A. Purpose

1. The Acts. This Section provides a procedure to request Reasonable Accommodation for persons with disabilities seeking equal access to housing under the California Fair Employment and Housing Act, the Federal Fair Housing Act, and the Americans with Disabilities Act (ADA) (also known as the Acts) in the application of zoning laws and other land use regulations, policies, and procedures.
2. Adjustment to physical design standards. A Reasonable Accommodation is typically an adjustment to physical design standards (e.g., setbacks) to accommodate the placement of wheelchair ramps or other exterior modifications to a dwelling in response to the needs of a disabled resident.

**B. Applicability**

1. Eligible applicants.
  - a. A request for Reasonable Accommodation may be made by any person with a Disability when the application of a development standard or other land use regulation, policy, or practice acts as a barrier to fair housing opportunities.
  - b. A person with a disability is a person who has a physical or mental impairment that limits or substantially limits one or more major life activities, anyone who is regarded as having this type of impairment, or anyone who has a record of this type of impairment.
  - c. This Section is intended to apply to those persons who are defined as disabled under the Acts.
2. Eligible request.
  - a. A request for Reasonable Accommodation may include a modification or exception to the practices, rules, and standards for the development, siting, and use of housing or housing-related facilities that would eliminate regulatory barriers and provide a person with a disability equal opportunity to housing of their choice. In addition, the applicant may request a reduction to the required parking standards based on a reduced need for parking.
  - b. The application shall include the information and materials specified in the Department handout for Reasonable Accommodation applications, together with the required fee in compliance with the Master Fee Schedule.
  - c. It is the responsibility of the applicant to provide evidence in support of the findings required in Subsection D.

C. **Permit Requirements.** An Administrative Development Permit shall be approved by the Director.

D. **Required findings.** The approval of an Administrative Development Permit shall require that the Director make the following findings:

1. Whether the housing, which is the subject of the request, will be used by an individual defined as disabled under the Acts;
2. Whether the request for Reasonable Accommodation is necessary to make specific housing available to an individual with a disability under the Acts;
3. Whether the requested Reasonable Accommodation would impose an undue financial or administrative burden on the City;
4. Whether the requested Reasonable Accommodation would require a fundamental alteration in the nature of a City program or law, including but not limited to land use and zoning;
5. Whether there are alternatives to the requested waiver or exception that could provide similar benefits to the applicant with less potential detriment to surrounding owners and occupants or to the general public;

6. Physical attributes of the property and structures; and
  7. Alternate Reasonable Accommodations that may provide an equivalent level of benefit.
- E. **Conditions of approval.** In approving a request for Reasonable Accommodation, the Director may impose conditions of approval deemed reasonable and necessary to ensure that the Reasonable Accommodation will comply with the findings required by Subsection D.
- F. **Rescission of Approval of Reasonable Accommodation**
1. An approval or conditional approval of an application made in compliance with this Section may be conditioned to provide for its rescission or automatic expiration under appropriate circumstances (e.g., the individual defined as disabled under the Acts vacates the subject site, etc.), unless allowed to remain in compliance with Subsection G (Discontinuance).
  2. If rescinded or is subject to automatic expiration, the improvement made in compliance with the originally approved Reasonable Accommodation shall be removed from the subject property in compliance with Section.
- G. **Discontinuance.**
1. A Reasonable Accommodation shall lapse if the exercise of rights granted by it is discontinued for at least 180 consecutive days.
  2. If the person(s) initially occupying a residence vacates, the Reasonable Accommodation shall remain in effect only if the Director first determines that:
    - a. The modification is physically integrated into the residential structure and cannot easily be removed or altered to comply with this Development Code; or
    - b. The accommodation is to be used by another qualifying individual with a disability.
  3. The Director may request the applicant or the successor(s)-in-interest to the property to provide documentation that subsequent occupants are qualifying persons with disabilities.
  4. Failure to provide the documentation within 30 days of the date of a request by the Director shall constitute grounds for discontinuance by the City of a previously approved Reasonable Accommodation.
  5. Discontinuance shall require that the improvement made in compliance with the originally approved Reasonable Accommodation shall be removed from the subject property.

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### 3.10.070 Setback Requirements and Exceptions

- A. **Purpose.** This Section provides standards for setbacks requirements and exceptions to the requirements. Setback standards provide open areas around structures for:

visibility and traffic safety; access to and around structures; access to natural light, ventilation and direct sunlight; separation between potentially conflicting activities; and space for privacy, landscaping and recreation.

**B. Setback requirements.**

1. Minimum setbacks for all structures. Each structure shall comply with the front, interior side, street side, and rear setback requirements of the applicable zone as established in Chapter 2 (Zones and Allowable Land Uses), except:
  - a. Where a different setback requirement is established for a specific land use by Chapter 4 (Standards for Specific Development and Land Uses);
  - b. As otherwise provided by this Section.
2. Exemptions from setback requirements. The minimum setback requirements of this Development Code do not apply to the following:
  - a. A projection into a required setback allowed by Subsection C.
  - b. Fences and walls as specified in Section 3.10.020.
  - c. Buildings or structures less than 120 square feet that do not require a building permit when located within an interior side or rear setback.
  - d. Small ornamental structures such as an arbor or trellis (e.g., a gateway) eight feet or less in height located within a front setback.
  - e. An architectural feature such as an awning, eave or balcony may encroach into the public right of way a maximum of 36 inches with a minimum clearance of eight feet. The Review Authority may approve a greater encroachment if a finding is made that the architectural feature will enhance the building design.
  - f. A sign in compliance with Section 3.60 (Signs).

- C. Allowed projections into setbacks.** An architectural feature attached to a primary structure may extend beyond the wall of the structure and into a required front, side, or rear setback in compliance with Table 3-2.

Projecting Feature	Allowed Projection into Specified Setback	
	Front & Rear Setback	Side Setback
Bay window, or similar projecting feature	36 inches	24 inches <sup>1</sup>
Chimney/fireplace, 6 ft. or less in breadth	36 inches	24 inches <sup>1</sup>
Cornice, eave, awning, roof overhang, or similar feature	36 inches	24 inches <sup>1</sup>

Notes: 1. Feature may project no closer than 36 inches to any side property line.

- D. Setback requirements for swimming pool, hot tub, etc.** A swimming pool, hot tub, or spa and any related mechanical equipment shall be set back a minimum of five feet from side and rear property lines, and shall not be located within a front setback.

- E. **Setback requirements for Meadow Creek.** All structures adjacent to Meadow Creek shall have a minimum 50 foot setback.
- F. **Setback requirements for ESHA.** All structures adjacent to Environmentally Sensitive Habitat Areas (ESHA) shall have a minimum 50 foot setback. **(Am. Ord. 14-04)**

## 3.20 Affordable Housing Density Bonuses and Concessions/Incentives

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### Sections:

3.20.010 - Purpose

3.20.020 - General Affordable Housing Provisions

3.20.030 - Applicability: Affordable Housing Density Bonuses and Concessions/Incentives

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### 3.20.010 Purpose

- A. Implement the policies of the Housing Element for developing affordable housing for households with very low, low and moderate incomes.
- B. Encourage affordable housing units to be provided throughout the community and designed to be consistent with the surrounding neighborhood.
- C. Implement the provisions of State Government Code Section 65915.
- D. Increase affordable housing opportunities by offering incentives for smaller proposed housing projects that are less than the State's threshold of five residential units as set forth in State Government Code Section 65915.

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### 3.20.020 General Affordable Housing Provisions

- A. **Availability.** All designated affordable housing units shall be made available to qualified occupants at the same time as the market-rate housing units are made available within the same project.
- B. **Median Income Levels.** For the purpose of determining the income levels for Households under this Section, the City shall use the San Luis Obispo County income limits found in Title 25, Section 6932 of the California Code of Regulations, and regularly updated and published by the State Department of Housing and Community Development, or other income limits adopted by the City Council.
- C. **Density Bonus.** The granting of a density bonus shall not, in and of itself, be interpreted to require an Amendment to the General Plan, Local Coastal Program or Development Code, or other discretionary approval.
- D. **Affordable Housing Agreement.** The owner of the affordable unit shall sign an Affordable Housing Agreement with the City, agreeing to the term, affordability, resale and any other topic deemed appropriate by the City.
- E. **Applicability.** This ordinance is applicable to mixed use development projects that include a housing component. The concessions/incentives available herein apply to the entire project and are not limited to the residential component.

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**3.20.030 Applicability: Affordable Housing Density Bonuses and Concessions/Incentives**

- A. In application for projects meeting the State minimum threshold of five units or more, the provisions dealing with State Government Code Section 65915, as amended from time to time, shall apply, pursuant to State Government Code Section 65915.
- B. In application for projects not meeting the State minimum threshold of five units, the applicant may request specific incentives and/or concessions that would contribute significantly to the economic feasibility of providing affordable units as set forth below:
  - 1. One or more units for Moderate Income. One incentive may be requested from the following:
    - a. Reduce minimum outdoor and/or private usable open space requirements in total square feet. (Up to 20 percent reduction).
    - b. Reduced minimum outdoor and/or private usable open space requirements in dimension. (Up to 20 percent reduction).
  - 2. One or more units for Low Income. Two incentives may be requested from the following:
    - a. Any incentive listed under "Moderate Income" Subsection B1.
    - b. Increased maximum lot coverage. (Up to percentage permitted in the applicable zone).
    - c. Increased in the allowable first to second floor square footage ratio from 80 to 100 percent.
    - d. Allowance for required guest parking requirement to be located in tandem to the garage or in a required setback.
  - 3. One or more units for Very Low Income. Three incentives may be requested from the following:
    - a. Any incentive listed under "moderate income" and "low income" Subsections B.1 and B.2.
    - b. Reduce minimum building setbacks from property lines and building separation requirements that exceed minimum building code and fire code standards.
    - c. Reduce minimum lot sizes and/or dimensions.
- C. Parking may be reduced by the City's Air Quality Provisions from the City-required parking standards on a case-by-case basis and shall not be considered as a development incentive. Granting of such reductions shall be by the Review Authority. A parking/traffic study may be required to ensure the parking reduction will not be detrimental to the surrounding area.

- D. It is the intent of this Section to insure that all projects applying for the concessions and incentives of this Section provide for affordable housing units that are comparable in size, design and quality to the market units in the same project. The Director shall have the discretion and authority to enforce this provision during the application process.
- E. Within the Coastal Zone, the Review Authority may approve a density bonus only after making all of the following findings:
  - a. The proposed increased density is consistent with Coastal Act Section 30604(f); and
  - b. The project is found to be in conformity with the Local Coastal Program (including but not limited to sensitive habitat, public viewshed, public services, public recreational access and open space protections), with the exception of the density standards. (Am. Ord. 14-04)

## 3.30 Landscaping Standards

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### Sections:

- 3.30.010 - Purpose
- 3.30.020 - Applicability
- 3.30.020 - Landscape and Irrigation Plans
- 3.30.030 - Landscape Standards
- 3.30.040 - Landscape Location Requirements
- 3.30.050 - Landscape Requirements
- 3.30.060 - Maintenance of Landscaped Areas

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### 3.30.010 Purpose

This Section establishes requirements for landscaping to enhance the appearance of public street frontages and development projects, conserve water, control soil erosion and provide screening where necessary. California natives, drought tolerant, and low water usage plants are strongly encouraged to reduce water usage.

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### 3.30.020 Applicability

The provisions of this Section shall apply to all land uses as follows:

- A. **New Projects.** All new development projects shall provide landscaping in compliance with this Section.
- B. **Existing development.** The approval of a development application for minor additions (e.g., 25 percent or less of the existing floor area) and/or a change in use within an existing development may include conditions of approval requiring compliance with specific requirements of this Section.
- C. **Timing of Installation.** Required landscape and irrigation improvements shall be installed prior to the final building inspection.
- D. **Alternatives to requirements.** The Review Authority may modify the standards of this Section to accommodate alternatives to required landscape materials or methods, where the Review Authority determines that the proposed alternative will be equally or more effective in achieving the purposes of this Section.

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### 3.30.030 Landscape and Irrigation Plans

- A. **Conceptual Landscape Plan.** A conceptual landscape plan shall be submitted as part of the development application for all new development, additions or redevelopment of an existing use, as determined by the Director, except for a single family dwelling on an existing lot.

- B. **Final Landscape Plan.** A final landscape and irrigation plan shall be submitted as part of the building permit application. The Director shall approve the final landscape plan if it is in substantial compliance with the approved conceptual landscape plan. All irrigation systems shall be designed to maximize water conservation.
- C. **Compliance with State Model Water Efficient Landscape Ordinance.** All projects with greater than 2,500 square feet of landscaping shall comply with Government Code Section 65591 et seq. to provide water conservation.

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### 3.30.040 Landscape Standards

- A. **Purpose.** All projects shall meet the minimum landscape coverage for lot area as established in Chapter 2 (Zones and Allowable Land Uses).
- B. **Exceptions:** The minimum landscape coverage requirements may be reduced by the Review Authority as follows:
  - 1. In commercial and industrial zones if a finding is made that it is impractical or infeasible to meet the minimum standards and the proposed landscaping is in compliance with the purpose of this Section.
  - 2. In residential zones for non-residential uses (e.g., churches) if a finding is made that the proposed landscaping is in compliance with the purpose of this Section.
- C. **Determination of Landscape Coverage Areas.** Landscape coverage area shall include all areas not covered by structures, driveways, parking lots and hardscape materials. Landscape areas may include setback areas, drainage basins, and natural areas. In residential zones, patios, decks, walkways, and other hardscape materials may be included as landscape area if incorporated into the site landscaping as determined by the Review Authority.
- D. **Maximum amount of paving allowed in front and street side setback areas in residential zones.** Paving shall be limited to a maximum of 50 percent of the front or street side setback areas in order to limit the amount of hardscape paving in these areas; except that the Review Authority may allow an increase for irregularly shaped or small lot that lacks sufficient area for adequate driveway and pedestrian access.

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### 3.30.050 Landscape Requirements

- A. **Purpose.** Parking areas for all non-residential uses shall be landscaped in compliance with this Section.
- B. **Adjacent to streets.**
  - 1. Parking areas adjacent to a public street shall have a minimum landscaped area of 10 feet.
  - 2. Landscaping shall be designed and maintained to screen parking areas from public streets. Screening materials may include a combination of plant materials,

earth berms, fences/walls, raised planters, or other screening devices that are determined by the Review Authority to meet the intent of this requirement.

3. Plant materials, signs, or structures within a traffic safety visibility area of a driveway shall comply with Section 3.10.030 (Restrictions to height limits at street corners).

**C. Interior parking lot landscaping.**

1. Amount of landscaping. The minimum landscape area within a parking area shall be 10 percent of the gross parking lot area. The Review Authority may approve a reduction for small in-fill parking lots where compliance with this standard is not feasible without significantly reducing the number of parking spaces. Trees shall be planted within the parking lot at a minimum ratio of one tree for each six parking spaces.
2. Location of landscaping. Landscaping shall be dispersed throughout the parking area and include interior landscape planters with trees and perimeter landscaping. The Review Authority may approve a reduction for small in-fill parking lots where compliance with this standard is not feasible without significantly reducing the number of parking spaces,
3. Tree height. Trees within the parking lot interior shall reach a mature height of at least 20 feet.

- D. Groundwater recharge.** The design of parking lot landscape areas shall consider and may be required to include provisions for the on-site detention of stormwater runoff, pollutant cleansing, and groundwater recharge.

**E. Plant material.** Required landscape shall include trees, shrubs, and ground covers.

1. Size at time of planting. Plant materials shall be sized and spaced to achieve immediate effect and shall not be less than a 15-gallon container for trees, and one-gallon container for shrubs, perennials, vines, and mass planting, unless otherwise approved by the Review Authority on the basis that the alternate size will achieve the desired immediate and/or long-term effect equally well.
2. Trees. Tree planting shall comply with the following standards.
  - a. Trees in landscape planters less than 10 feet in width or located closer than five feet from a permanent structure shall be planted with root barriers or root barrier panels to prevent damage to adjacent structures or pavement.
  - b. Street trees in non-residential zones shall be a minimum of 24-inch box size and provided along all public frontages as specified in Section 5.30 and the City Standards and Specifications.
  - c. Street trees in residential zones shall be a minimum of 15 gallon size and provided along all public and private street frontages as specified in Section 5.30 and the City Standards and Specifications.

3. Groundcover and shrubs. The majority of areas required to be landscaped shall be covered with groundcover, shrubs, turf, or other types of plants.
  - a. Groundcover shall be provided throughout the landscaped area and shall be spaced to achieve full coverage within one year, except where the Review Authority approves an alternative such as crushed rock, stones, pebbles, or similar materials.
  - b. Excessive use of turf is discouraged.
  - c. Landscaped areas shall be top dressed with a bark chip mulch or approved alternative to avoid exposed bare soil.

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### **3.30.060 Maintenance of Landscaped Areas**

#### **A. Maintenance required.**

1. All landscaping (e.g., ground cover, hedges, lawns, shrubs, and trees) shall be maintained in a healthful and thriving condition at all times.
2. Irrigation systems and their components shall be maintained in a fully functional manner.
3. The landscaping shall regularly be kept clean and free of debris, litter, and weeds.
4. All dead or decaying material shall be replaced with new material within 30 days upon notice of the Department.
5. All fences and walls which have been incorporated into an approved landscaping plan shall regularly be maintained in an attractive and safe manner.

## 3.40 Mobile Home Park Conversion Process

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### Sections:

- 3.40.010 - Authority and Short Title
- 3.40.020 - Definitions
- 3.40.030 - Conversion Impact Report Requirement
- 3.40.040 - Pre-Conversion Questionnaire
- 3.40.050 - Relocation Specialist
- 3.40.060 - Conversion Impact Report Content
- 3.40.070 - Public Hearing Regarding Conversion Impact Report
- 3.40.080 - Decision Regarding Conversion Impact Report
- 3.40.090 - Application for Exemption from Relocation Assistance Obligations
- 3.40.100 - Certificate of Acceptance
- 3.40.110 - Performance of Mitigation Measures
- 3.40.120 - Modification of Conversion Impact Report
- 3.40.130 - Expiration of Conversion Impact Report
- 3.40.140 - Nullification of Impact Report
- 3.40.150 - Right of First Refusal
- 3.40.160 - Appeal
- 3.40.170 - Processing Fees
- 3.40.180 - Building Permits
- 3.40.190 - Exemption

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### 3.40.010 Authority and Short Title

This Section is enacted pursuant to the City's police power and authority of California Government Code Section 65863.7, 65863.8 and 66427.4; and pursuant to the City's adopted General Plan. Housing Element Policy 5.2.1 discourages the removal of affordable housing unless it achieves General Plan objectives and provides for replacement housing that is affordable or corrects unsafe or blighted conditions. In addition, Housing Element Policy 5.3.1 indicates the City will require a developer to assist displaced residents to find affordable housing when affordable housing is removed. This Section, which shall be known and may be cited as the "Grover Beach Mobile Home Park Conversion Ordinance," implements General Plan policies related to affordable housing and mobile home parks specifically.

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### 3.40.020 Definitions

**Absentee Owner** means a person who owns a mobile home in a mobile home park and does not reside at such mobile home.

**Affected Mobile Home Owners and Residents** means absentee owners, resident owner and resident tenants whose mobile home will be displaced by the conversion of a mobile home park.

**Applicant** means a mobile home park owner who proposes to perform a mobile home park conversion.

**Certificate of Acceptance** means a written declaration expressing an Applicant's acceptance of the conditions imposed by the City in connection with approval of a conversion impact report.

**Comparable Housing** means housing within a 25 mile radius of the park to be converted that is equivalent (or better) in terms of amenities, condition, location, price and size (floor area and number of bedrooms) to the mobile home to which comparison is being made.

**Comparable Mobile Home Park** means a mobile home park within a 25 mile radius of the park to be converted that is equivalent (or better) in terms of amenities, condition, location and rental price to the mobile home park to which comparison is being made.

**Conversion Impact Report** means a report, meeting the requirements of this Section, describing (i) the impacts of a mobile home park conversion on affected mobile home owners and residents; and (ii) the measures that will be taken to mitigate adverse impacts of such conversion on affected mobile home owners and residents.

**Immediate Family Member** means the spouse, registered domestic partner, parents, grandparents, children, or siblings, by blood, marriage, domestic partnership or adoption, of a mobile home owner, or any other person claimed and allowed as a dependent of the mobile home owner for the purposes of federal income taxes.

**Mobile Home** means a "Mobile Home" as such term is defined in the Mobile Home Residency Law. "Mobile Home" also means camping trailers, motor homes, slide-in campers, park model recreational vehicles and travel trailers when used as the occupant's primary place of residence as established by nine months continuous residency.

**Mobile Home Improvements** means carports, earthquake bracing, landscaping, new roofs, patios, porches and similar amenities and major repairs.

**Mobile Home Park** means a "Mobile Home Park" as such term is defined in the Mobile Home Residency Law.

**Mobile Home Park Conversion** means (i) the conversion of a mobile home park or any part thereof to another use; (ii) the closure of a mobile home park or any part thereof; and (iii) the cessation of use of land as a mobile home park.

**Mobile Home Residency Law** means California Civil Code Section 798 et seq. as such statute exists at the time of enactment of this Section or is subsequently amended.

**Resident Owner** means a person who owns a mobile home in a mobile home park and resides at such mobile home as the person's primary residence or maintains such mobile home as a primary residence for an immediate family member, who occupied the mobile home as a primary residence prior to receiving any notification of the filing of a development applicant or a request for approval for closure or conversion. This definition also shall include persons subletting their mobile homes pursuant to California Civil Code Section 798.23.5.

**Resident Tenant** means a person who rents or leases a mobile home in a mobile home park and resides at such mobile home as the person's primary residence.

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### 3.40.030 Conversion Impact Report Requirements

- A. Each conversion impact report submitted for City approval shall contain the following:
1. Legal description of the mobile home park.
  2. The purchase price paid by the Applicant to acquire the mobile home park.
  3. Current sale value of the mobile home park property as a mobile home park and as all other uses permitted by the zoning designation of the property, as demonstrated by a professional appraisal completed within the six months preceding the application.
  4. Description of any use proposed to replace the mobile home park.
  5. Any offers to sell or purchase the mobile home park, including offer dates.
  6. Timetable for the proposed mobile home park conversion.
  7. Number of spaces in the mobile home park and the current rental rate for each space (in the event of units owned by the mobile home park owner, the combined rental rate for space and unit shall be provided).
  8. Name, mailing address, age and disability status of each affected mobile home owner and resident having a mobile home in the mobile home park and whether the mobile home constitutes such person's primary place of residence.
  9. Name and mailing address of each absentee owner having a mobile home in the mobile home park.
  10. Name and mailing address of each lender having an interest in a mobile home in the mobile home park.
  11. Manufacture date, size, length of occupancy and the appraised on-site fair market value of each mobile home in the mobile home park. "Fair market value" shall be determined assuming the continuation of the mobile home park in a safe, sanitary and well-maintained condition. The appraisal shall be performed by an appraiser selected by the Director. The Applicant shall pay all costs and expenses associated with the appraisal, including any appraisal fees.
  12. Estimated from two moving companies, chosen by the Applicant with the Director's approval, as to the cost of moving mobile homes, relocatable mobile home improvements, and personal property. The estimates shall include tear-down and set-up costs to establish the mobile home in the new location in substantially the same condition as prior to relocation. "Set-up costs" include the cost of connecting utilities at the new location and the cost of any upgrades required to comply with applicable laws. No estimate of mobile home relocation and associated set-up and tear-down costs shall be required for any park-owned units.
  13. Estimates from two temporary lodging facilities, chosen by the Applicant with the Director's approval, as to the cost of providing temporary lodging for resident

owners and resident tenants who are unable to complete relocation within one day.

14. Itemization of available mobile home spaces within comparable mobile home parks within a fifty mile radius within the County or, if no such spaces are available, itemization of spaces available within a 50 mile radius, but outside the County. Such itemization shall indicate the rental rate for each space and whether the owner of that mobile home park has agreed in writing to accept affected mobile home owners and residents that are displaced by the mobile home park conversion.
  15. Itemization of available comparable housing within a 25 mile radius within the County, if no such spaces are available, itemization of spaces available within a 50 mile radius, but outside the County. Such itemization shall indicate the purchase price for each equivalent (or better) mobile home or condominium, as well as the rental rate for each equivalent (or better) mobile home, condominium or apartment.
  16. Completed pre-conversion questionnaires.
  17. Proposed measures to mitigate the adverse impacts of the mobile home park conversion on affected mobile home owners and residents.
  18. A copy of any agreement reached with any resident or owner relating to the purchase or relocation or a resident/owner or provision of other relocation assistance. This requirement may be waived by the Director at Director's discretion.
- B. The Director may require an Applicant to include information in the conversion impact report in addition to that specified in Subsection A above.

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### **3.40.040 Pre-Conversion Questionnaire**

- A. Prior to filing a conversion impact report for City approval, an Applicant shall distribute a pre-conversion questionnaire to affected mobile home owners and residents. The affected mobile home owners and residents shall have no less than 30 days from the date of certified mailing to complete the pre-conversion questionnaire.
- B. The Director shall provide a standard pre-conversion questionnaire for use by Applicants. At a minimum, the pre-conversion questionnaire shall include questions requesting the affected mobile home owners and residents to provide the following information:
  1. The purchase date and purchase price for the mobile home.
  2. The amount and terms of any outstanding mortgage obligation for the mobile home.
  3. Any mobile home improvements that have been paid for by the affected mobile home owner or tenant and the costs of such improvements.

4. Any circumstances, including but not limited to job location, disability status if any, medical circumstances or other relevant information, which restrict potential relocation areas.
  5. Manufacturing date, purchase date and size of the mobile home.
  6. Any available housing opportunities known to the affected mobile home owners and /or residents that would be acceptable as a relocation option.
  7. Any other information that the Director may deem necessary to facilitate the Planning Commission's consideration of appropriate conditions to mitigate the adverse impacts of proposed conversion on affected mobile home owners and residents.
- C. Neither the completed pre-conversion questionnaire form nor any personal information provided in response thereto shall be considered public information and the City shall not publicly disclose any such information, except as necessary to facilitate the evaluation of the adequacy of the report herein or as may be required by law.

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### **3.40.050 Relocation Specialist**

The Director shall require an Applicant to hire a relocation specialist to assist in: providing notification to mobile home owners and residents regarding any application under this Chapter; developing conversion impact report, including relocation proposals for affected mobile home owners and residents; assisting in finding alternate housing for affected mobile home owners and residents and any other function necessary to assist those affected by the process as determined by the Director. The Applicant shall choose the relocation specialist with the Director's approval. The Applicant shall pay all costs and expenses incurred by the relocation specialist.

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### **3.40.060 Conversion Impact Report Content**

- A. Each conversion impact report submitted for City approval shall contain the following:
1. Legal description of the mobile home park.
  2. The purchase price paid by the Applicant to acquire the mobile home park.
  3. Current sale value of the mobile home park property as a mobile home park and as all other uses permitted by the zoning designation of the property, as demonstrated by a professional appraisal completed within the six months preceding the application.
  4. Description of any use proposed to replace the mobile home park.
  5. Any offers to sell or purchase the mobile home park, including offer dates.
  6. Timetable for the proposed mobile home park conversion.

7. Number of spaces in the mobile home park and the current rental rate for each space (in the event of units owned by the mobile home park owner, the combined rental rate for space and unit shall be provided).
8. Name, mailing address, age and disability status of each affected mobile home owner and resident having a mobile home in the mobile home park and whether the mobile home constitutes such person's primary place of residence.
9. Name and mailing address of each absentee owner having a mobile home in the mobile home park.
10. Name and mailing address of each lender having an interest in a mobile home in the mobile home park.
11. Manufacture date, size, length of occupancy and the appraised on-site fair market value of each mobile home in the mobile home park. "Fair market value" shall be determined assuming the continuation of the mobile home park in a safe, sanitary and well-maintained condition. The appraisal shall be performed by an appraiser selected by the Director. The Applicant shall pay all costs and expenses associated with the appraisal, including any appraisal fees.
12. Estimate from two moving companies, chosen by the Applicant with the Director's approval, as to the cost of moving mobile homes, relocatable mobile home improvements, and personal property. The estimates shall include tear-down and set-up costs to establish the mobile home in the new location in substantially the same condition as prior to relocation. "Set-up costs" include the cost of connecting utilities at the new location and the cost of any upgrades required to comply with applicable laws. No estimate of mobile home relocation and associated set-up and tear-down costs shall be required for any park-owned units.
13. Estimates from two temporary lodging facilities, chosen by the Applicant with the Director's approval, as to the cost of providing temporary lodging for resident owners and resident tenants who are unable to complete relocation within one day.
14. Itemization of available mobile home spaces within comparable mobile home parks within a fifty mile radius within the County or, if no such spaces are available, itemization of spaces available within a 50 mile radius, but outside the County. Such itemization shall indicate the rental rate for each space and whether the owner of that mobile home park has agreed in writing to accept affected mobile home owners and residents that are displaced by the mobile home park conversion.
15. Itemization of available comparable housing within a 25 mile radius within the County, if no such spaces are available, itemization of spaces available within a 50 mile radius, but outside the County. Such itemization shall indicate the purchase price for each equivalent (or better) mobile home or condominium, as well as the rental rate for each equivalent (or better) mobile home, condominium or apartment.

16. Completed pre-conversion questionnaires.
  17. Proposed measures to mitigate the adverse impacts of the mobile home park conversion on affected mobile home owners and residents.
  18. A copy of any agreement reached with any resident or owner relating to the purchase or relocation or a resident/owner or provision of other relocation assistance. This requirement may be waived by the Director at Director's discretion.
- B. The Director may require an Applicant to include information in the conversion impact report in addition to that specified in Subsection A.

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### **3.40.070 Public Hearing Regarding Conversion Impact Report**

- A. No less than 15 days prior to the first public hearing regarding the adequacy of the conversion impact report, the Applicant shall conduct an informational meeting for the residents of the mobile home park. The meeting shall be conducted on the premises of the park, or other noticed location approved by the Director. The relocation specialist and a representative from City staff shall be present at such meeting. A copy of a conversion impact report shall be provided to each resident and owner prior to the meeting. The meeting shall address the proposed conversion or closure, the content of the conversion report and approval process, the project application process, if a replacement project is proposed, and the proposed relocation assistance for displaced mobile home owners and residents. The Applicant shall make the relocation specialist available for individual meetings with residents and owners to discuss issues and needs unique to the individual resident or owner.
- B. Upon the filing of a complete conversion impact report for City review, the Director shall schedule a public hearing before the Planning Commission. Notice of the public hearing shall be provided in accordance with Subsection C.
- C. At least 30 days prior to the hearing date, the Director shall perform the following actions:
  1. Mail a notice of the public hearing and a copy of conversion impact report to affected mobile home owners and residents, to the owners of properties within a 300-foot radius of the Applicant's property, and to each lender having an interest in a mobile home in the mobile home park. The notice shall contain a general explanation of the matters to be considered by the Planning Commission. The copy of the conversion impact report shall not include the completed pre-conversion questionnaires, which will be considered private information of each responding individual and not subject to public disclosure, but shall include the appraisal of the mobile home owned or resided in by that particular notice recipient.
  2. Inform the Applicant in writing of the provisions of Civil Code Section 798.56 regarding the Applicant's duty to notify affected mobile home owners and residents of the proposed conversion. Such writing shall specify the manner in

which the Applicant shall verify that affected mobile home owners and residents have been notified of the proposed conversion. Notify the Applicant of the requirement for an informational meeting in accordance with Subsection A above.

- D. The Planning Commission shall conduct a public hearing on the conversion impact report at the time and place set forth in the hearing notice. Such hearing shall not be held before the Applicant has satisfactorily verified that affected mobile home owners and residents have been notified of the proposed conversion pursuant to Civil Code Section 798.56.
- E. The Applicant shall pay all costs associated with providing notice, including any publishing and postage expenses.

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### **3.40.080 Decision Regarding Conversion Impact Report**

- A. After the conclusion of the public hearing, the Planning Commission shall adopt a resolution approving or rejecting a proposed conversion impact report. The Planning Commission shall approve or conditionally approve a conversion impact report if it finds that the conversion impact report contains, or has been conditioned to contain, reasonable measures to mitigate the adverse impacts of the mobile home park conversion on affected mobile home owners and residents.
- B. Subject to Subsection C, the Planning Commission may impose conditions in connection with its approval of a conversion impact report. Such conditions may include, but are not limited to, lump sum payments to affected mobile home owners and residents to mitigate the following expenses as applicable to each particular absentee owner, resident owner and resident tenant having a mobile home in the mobile home park:
  - 1. The expense of relocating the mobile home to a comparable mobile home park. The amount of such payment shall be based upon consideration of moving, tear-down and set-up costs. "Moving costs" include the cost of moving the mobile home and the cost of moving associated relocatable mobile home improvements. "Set-up costs" include the cost of connecting utilities at the replacement mobile home park and the cost of any upgrades required to comply with applicable laws. Assistance with these expenses shall be payable only to a resident or absentee owner of a mobile home in the mobile home park.
  - 2. The expense of forfeiting the mobile home. The amount of such payment shall be based upon consideration of: (i) the on-site fair market value of the mobile home and associated mobile home improvements; and (ii) any outstanding mortgage obligation of the owner. "Fair market value" shall be determined assuming the continuation of the mobile home park in a safe, sanitary and well-maintained condition. Assistance with these expenses shall be payable only to a resident owner of a mobile home in the mobile home park.
  - 3. The expense of assuming tenancy in a comparable mobile home park. The amount of such payment shall be based upon consideration of: (i) moving costs;

- (ii) first month's rent, last month's rent and security deposit at the replacement mobile home park; (iii) differential between rental rates at the mobile home park being converted and the replacement mobile home park during the first year of relocation; and (iv) if necessary, the cost of purchasing an equivalent mobile home in the replacement mobile home park. Assistance with these expenses shall be payable only to a resident or absentee owner who are relocating their homes and resident tenants.
4. The expense of assuming tenancy in comparable housing. The amount of such payment shall be based upon consideration of: (i) moving costs; (ii) first month's rent, last month's rent, and security deposit at the replacement housing; and (iii) differential between the rental rate at the mobile home park being converted and the replacement housing during the first year of relocation. Assistance with these expenses shall be payable only to resident tenants.
  5. The expense of purchasing comparable housing. The amount of such payment shall be based upon consideration of: (i) moving costs; (ii) down payment for the replacement housing; and (iii) differential between the rental rate at the mobile home park being converted and the mortgage payment for the replacement housing during the first year of relocation. Assistance with these expenses shall be payable only to an affected resident owner of a mobile home in a mobile home park as an alternative to the assistance available pursuant to Subsection (B)(2).
- C. The conditions imposed in connection with approval of a conversion impact report shall not exceed the reasonable costs of relocation. Conditions shall only be imposed in order to ensure that the Applicant adequately mitigates adverse impacts of the mobile home park conversion on affected mobile home owners and residents. In imposing conditions, the City shall interpret and apply this Chapter in a manner consistent with all applicable laws and shall not require cumulative forms of relocation assistance from the above options that result in costs to the applicant in excess of the reasonable costs of relocation in light of the circumstances of each affected resident or owner.

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### **3.40.090 Application for Exemption from Relocation Assistance Obligations**

- A. Any Applicant for change of use of a mobile home park may, simultaneous with such application, file an application for total or partial exemption from the obligation to provide relocation assistance.
- B. If such application is filed, notice of such application, with the information contained therein, and distribution thereof to the owners and residents of the mobile home park shall be provided with the application for change of use.
- C. Any such application shall establish that it is made on either or both of the following bases:
  1. That provision for relocation assistance would eliminate substantially all reasonable use or economic value of the property. Such basis may only be

established if it is demonstrated that the imposition of such obligations would eliminate the reasonable use or economic value of the property for alternate uses, and that continued use of the property as a mobile home park would eliminate substantially all reasonable use or economic value of the property for reasons not caused or contributed by the park owner or Applicant.

2. That a court of competent jurisdiction has determined in connection with a proceeding in bankruptcy that the closure or cessation of use of said property as a mobile home park is necessary, and that such court has taken further action which would prohibit or preclude payment of relocation assistance benefits, in whole or in part.
- D. Any such application made pursuant to Subsection (C)(1) shall contain, at a minimum, the following information:
1. Statements of profit and loss from the operations of the mobile home park for the most recent five-year period of the date of the application or request, certified by a certified public accountant. All such statements shall be maintained in confidence as permitted by the California Public Records Act.
  2. A statement to support the Applicant's assertion that continued use of the property as a mobile home park necessitates repairs or improvements or both, that are not the result of the park owner or Applicant's negligent failure to properly maintain the property, and that the costs thereof make continuation of the park economically infeasible. This statement must be made under penalty of perjury by a general contractor licensed as such pursuant to the laws of the State of California to certify that such contractor has thoroughly inspected the entire mobile home park; that such contractor has determined that certain repairs and improvements must be made to the park to maintain the park in decent, safe and sanitary condition, and that those certain repairs are not the result of the park owner or Applicant's negligent failure to properly maintain said property; the minimum period of time in which such improvements or repairs must be made; and itemized statement of such improvements and repairs; and the estimated cost thereof of repairs and improvements, if any, due to deferred maintenance separately identified. The Applicant shall also submit a statement verified by a certified public accountant as to the necessary increase in rental rates of mobile home spaces within the park within the next five years necessary to pay for such repairs or improvements that are not the result of the park owner or Applicant's negligent failure to properly maintain said property. If the Director requires an analysis of the information submitted by the general contractor, the Director may procure services of another such licensed general contractor to provide such written analysis, and the cost thereof shall be billed to and payment therefore shall be required from the Applicant.
  3. The estimated total cost of relocation assistance which would otherwise be required to be provided pursuant to this chapter, which shall be based upon documented surveys, included with the application, of the available mobile home spaces within 25 miles of the mobile home park, residents of the park who are

willing to relocate and those who would elect to sell their mobile homes, and the value of the mobile homes in the park.

4. An estimate of the value of the mobile home park by a qualified real estate appraiser if the park were permitted to be developed for the change of use proposed in the application for redevelopment of the park, and an estimate of the value of such park by such appraiser if use of the property as a mobile home park is continued.
  5. Such other information which the Applicant believes to be pertinent, or which may be required by the Director.
- E. Any such application filed pursuant to Subsection (C)(2) shall be accompanied by adequate documentation as to the title, case number, and court in which the bankruptcy proceeding was held, and copies of all pertinent judgments, orders, and decrees of such court.

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### **3.40.100 Certification of Acceptance**

Upon City approval of a conversion impact report, the Applicant shall record a certificate of acceptance on the title of the mobile home park property. City approval of a conversion impact report shall not be effective until proof of recordation of a certificate of acceptance has been delivered to the Director. The Director shall provide the certificate of acceptance form for use by Applicants.

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### **3.40.110 Performance of Mitigation Measures**

The Applicant shall fully perform the mitigation measures set forth in, and the conditions imposed in connection with, the approved conversion impact report and such performance shall also be a condition of approval of any concurrent or subsequent development application proposing an alternate or replacement use of the mobile home park property. No affected mobile home owner or resident shall be required to vacate a mobile home space unless the Applicant has performed all mitigation measures and conditions of approval applicable to such owner or resident.

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### **3.40.120 Modification of Conversion Impact Report**

- A. The Planning Commission may, upon request of Applicant and after holding a public hearing, modify the provisions of an approved conversion impact report. A modification may be approved where the Planning Commission finds that there has been a change in circumstances, or there is new information that could not have reasonably been known or considered at the time of the original hearing on approval of the conversion impact report.

- B. The Planning Commission may impose additional conditions as deemed necessary to mitigate any adverse impacts resulting from a modification of an approved conversion impact report.
- C. Upon City approval of modification of an approved conversion impact report with additional conditions, the Applicant shall record a certificate of acceptance on the title of the mobile home park property. City approval of modification of an approved conversion impact report shall not be effective until proof of recordation of a certificate of acceptance has been delivered to the Director.

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### **3.40.130 Expiration of Conversion Impact Report**

- A. An approved conversion impact report shall expire: (i) the 30th day after adoption of the resolution of approval, unless proof of recordation of a certificate of acceptance is delivered to the Director prior to such date; or (ii) one year after delivery to the Director of proof of recordation of a certification of acceptance, unless an extension is granted prior to such date pursuant to this Section.
- B. The Planning Commission may, upon request of the Applicant and after holding a public hearing, extend the term of an approved conversion impact report. An extension may be granted where the Planning Commission finds that expiration of the conversion impact report would constitute an undue economic hardship to the Applicant.
- C. The Planning Commission may impose additional conditions as deemed necessary to mitigate any adverse impacts resulting from an extension. The Planning Commission may grant multiple extensions of an approved conversion impact report but no single extension shall have a duration in excess of one year.
- D. Upon City approval of an extension of an approved conversion impact report with additional conditions, the Applicant shall record a certificate of acceptance on the title of the mobile home park property. City approval of an extension of an approved conversion impact report shall not be effective until proof of recordation of a certificate of acceptance has been delivered to the Director.

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### **3.40.140 Nullification of Impact Report**

- A. The Planning Commission may, upon request of the Director and after holding a public hearing, order an approved conversion impact report null and void. No nullification shall be ordered unless the Planning Commission makes either of the following findings:
  - 1. Approval of the conversion impact report was obtained fraudulently.
  - 2. The Applicant has failed to comply with the mitigation measures set forth in, or the conditions imposed in connection with, the approved conversion impact report.

- B. If a conversion impact report is nullified, then the Applicant shall not be entitled to perform the mobile home park conversion until a new conversion impact report is approved in accordance with this Section.

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### **3.40.150 Right of First Refusal**

An Applicant shall afford affected mobile home owners and residents a right of first refusal to purchase, lease or rent housing that is constructed for sale, lease or rental on the site of the mobile home park proposed to be converted.

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### **3.40.160 Appeal**

Any Planning Commission decision pursuant to this Section may be appealed to the City Council in accordance with Section 7.20 (Appeals).

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### **3.40.170 Processing Fees**

Each Applicant seeking City approval, modification or extension of a conversion impact report shall pay a nonrefundable application deposit in an amount established by City Council resolution. In addition, the Applicant shall reimburse the City for all costs, including staff time and attorney's fees, incurred in processing and reviewing the Applicant's conversion impact report.

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### **3.40.180 Building Permits**

No building permit shall be issued for conversion of a mobile home park property until the Applicant has filed with the Director a written statement confirming full performance of the mitigation measures set forth in, and the conditions imposed in connection with, the approved conversion impact report. Such statement shall specify in itemized form the name of each affected mobile home owner and resident and the date and type of relocation assistance provided to such person. The statement shall be executed under penalty of perjury.

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### **3.40.190 Exemption**

This Section shall not apply to any mobile home park conversion or closure resulting from an adjudication of bankruptcy.

## 3.50 Parking Regulations

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### Sections:

- 3.50.010 - Purpose
- 3.50.020 - Parking Requirements by Land Use
- 3.50.030 - Location of Parking
- 3.50.040 - Dimensions of Parking Spaces
- 3.50.050 - Maintenance of Off-Street Parking Facilities
- 3.50.060 - Parking Reduction
- 3.50.070 - Parking Districts

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### **3.50.010 Purpose**

The requirements of this Section are intended to ensure that adequate off-street parking and loading facilities are provided for all uses and developments and that the facilities are properly designed, attractive, and located to be unobtrusive while meeting the needs of the specific use.

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### **3.50.020 Parking Requirements by Land Use**

- A. Each land use shall provide the minimum number of off-street parking spaces required in Table 3.3. A land use not specifically listed in Table 3.3 shall provide parking as required by the Review Authority. The Review Authority shall use the requirements in Table 3.3 as a guide in determining the appropriate number of parking spaces required for the use (e.g., similar uses and/or, similar parking demands) or request a parking study be prepared.

Table 3.3 Parking Requirements by Land Use	
USES	PARKING REQUIREMENT
<b>Residential:</b>	
Single-family dwelling – 4 bedrooms or less	2 car garage per dwelling
Single-family dwelling – 5 bedrooms or more	3 car garage per dwelling
Planned Unit Developments	2 car garage per dwelling, plus 1 uncovered space per dwelling for guest parking
Multi-family dwellings (3 or less)	1 car garage and 1 uncovered space per dwelling, plus 1 uncovered space per 2 dwellings for guest parking
Multi-family dwellings (4 or more)	2 uncovered spaces per dwelling, plus 1 space per 2 dwellings for guest parking
Mobilehome parks	2 covered spaces per dwelling, plus 1 space per 4 dwellings for guest parking
Recreation vehicle parks	1 parking space per dwelling plus 1 additional space per 4 dwellings for guest parking
Boarding Houses	1 parking space per bed or guest
Second residential unit	1 uncovered space per bedroom, not to exceed 2 parking spaces.
Caretaker's Residence	2 parking spaces per bedroom
Residences within Mixed Use Projects	1.5 uncovered spaces per unit
Senior Housing	1 uncovered space per dwelling, plus 1 space per 2 dwellings for guest parking
Lodging	1 parking space per room, plus 2 spaces per Manager's unit, and 1 additional space for each 20 rooms
Live/Work Units	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.
<b>Public/Semi-Public Uses:</b>	
Administrative Public Building	1 parking space per employee, plus 1 per 400 square feet of floor area
Public Safety Facilities	1 parking space per employee, plus 1 per 500 square feet of gross floor area
Auditoriums and Public Assembly Areas	1 parking space per 4 seats but not less than 1 per 30 square feet of the largest meeting hall
Churches, lodges, clubs, community centers, chapels	1 parking space per 4 seats or 1 per 30 square feet of gross floor area
Convalescent hospitals, residential or community care facilities of more than 6 persons	1 parking space per 3 beds, plus 1 space per employee
Schools, public, private or commercial	Nursery/Daycare: 1 parking space per 300 square feet of gross floor area Grade Schools: 1 parking space per classroom, plus 1 space per office High Schools: 1 parking space per classroom and 1 space per office for staff, and 5 spaces per classroom for students
Parks	1 parking space per 500 square feet of building floor area or group use area

Table 3.3 Parking Requirements by Land Use		
USES	PARKING REQUIREMENT	
Post Office	3 parking spaces per service window and 1 per 500 square feet of gross floor area other than customer area	
<b>Commercial Uses:</b>		
General Retail stores, services and offices in any zone	1 parking space per 250 square feet of gross leasable area; parking may be off-site within 300 feet when approved by the Commission	
Restaurants, bars, cocktail lounges	1 space per 3 seats but not less than 1 space per 200 feet of gross floor area	
Drive-thru restaurant	1 space for each car to be served, plus 1 space for each 3 seats	
Gasoline/Service stations	2 spaces for each working bay, plus 1 space per fuel pump, plus 1 space per employee	
Animal Care Facilities	1 parking space per 250 square feet of gross floor area	
Barber Shops and Beauty Salons	1 parking space per 200 square feet of gross floor area	
Recreational Facilities	Bowling Alley	6 parking spaces per lane, plus 1 space per 2 employees
	Pool Halls	2 parking spaces per table, plus 1 space per 2 employees
	Public Swimming Pools	1 parking space per 100 square feet of pool surface, plus 1 space per 300 square feet of deck area
	General	1 parking space per 250 square feet of gross floor area
Vehicle Sales	1 parking space per 300 square feet of indoor area, plus 2 spaces per service bay, plus 1 space per 2,000 square feet of outdoor sales area	
Carwash	Self-Service	2 parking spaces, plus 1 space per washing area
	Full-Service	2 parking spaces, plus sufficient waiting line, plus 1 space per each employee on the largest shift
Furniture and Large Appliance Sales	1 parking space per 500 square feet of gross floor area	
Laundromats and Dry Cleaners	Self-Service	1 parking space per 3 washers
	Dry Cleaners	1 parking space per 300 square feet of gross floor area
Nurseries, Hardware and Lumber Yards	1 parking space per 300 square feet of office and indoor sales area, plus 1 space per 1,500 square feet of outdoor sales area	
Medical and Dental Offices	1 parking space per 250 square feet of gross floor area	
Health & Fitness Facilities	1 parking space per 200 square feet of gross floor area, plus 1 space per employee	
Equipment Rental	1 parking space per 500 square feet of indoor floor area, plus 1 space per 2,000 square feet of outdoor use area	
Financial Institutions	4 parking spaces per teller window, plus 3 spaces per service desk, but not less than 1 space per 300 square feet of gross floor area	
Vehicle Repair and Related Services	1 parking space per 450 square feet of gross floor area	
<b>Warehousing and Industrial Uses:</b>		
Self-Service Storage Facilities	1 space for each 100 storage units; plus 2 spaces for caretaker's residence; plus 1 space for each 50 storage units when access to said storage units is limited to pedestrian traffic only	
Warehousing	1 parking space per 1,000 square feet of gross floor	

Table 3.3 Parking Requirements by Land Use	
USES	PARKING REQUIREMENT
Wholesale Stores	1 parking space per 1,000 square feet of indoor floor area, plus 1 space per 2,000 square feet of outdoor use area
Manufacturing, heavy industrial uses, heavy commercial uses	1 parking space per 500 square feet of use area within the building, plus 1 space per 1,000 square feet of indoor storage area, plus 1 space per 2,000 square feet of outdoor use area, plus 1 space per 5,000 square feet of outdoor storage area

- B. **Bicycle parking.** Bicycle parking shall be required for the uses as shown in Table 3.4. Major employers are encouraged to provide showers and changing facilities. Bicycle parking shall be located near the main entrance.

Table 3.4 Bicycle Parking Requirements by Land Use	
USES	BICYCLE PARKING REQUIREMENT
Commercial Uses	5% of vehicle requirement
Office Uses	7.5% of vehicle requirement
Industrial Uses	7.5% of vehicle requirement

- C. **Nonconforming Parking.** A use or structure with nonconforming off-street parking may be physically changed or undergo a change in use in compliance with the following provisions.
1. Residential uses.
    - a. Additions to existing residences which are less than 40 percent of the existing square footage, or 500 square feet, whichever is greater, shall be required to retain the number and type (covered or uncovered) of existing parking spaces, but are not required to meet the parking standards of this Section. The Review Authority may require additional uncovered off-street parking spaces, if feasible.
    - b. For additions of 40 percent or greater, the Review Authority may make minor exceptions for parking space dimensions if it can be demonstrated that it is unreasonable or impractical.
  2. Non-residential uses.
    - a. When the floor area of an existing structure is increased, the number of parking spaces shall be increased by the difference between the requirements for the new size and the requirements for the previous size in compliance with this Section, even if the previous parking was nonconforming as to the number of off-street spaces provided before the increase.

3. Coastal Visitor Serving and Central Business zones. No additional off-street parking shall be required for a change in use of an existing structure in the Coastal Visitor Serving and Central Business zones, provided that for locations within the Coastal Zone, any adverse impacts to public access are appropriately mitigated. (Am. Ord. 14-04)
4. Coastal Commercial zone. In the Coastal Commercial zone, the Review Authority may reduce the parking requirements in this Section if a finding is made that the existing structure location and/or lot size render the requirement unreasonable or impractical (e.g., a portion of the building would need to be removed), and any adverse impacts to public access are mitigated. (Am. ORd. 14-04)

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### 3.50.030 Location of Parking

- A. All off-street parking spaces, whether in a garage or uncovered, shall be located as to be accessible and usable for the parking of motor vehicles.
- B. Parking lots with more than four spaces shall be designed so that vehicles will not back onto public streets.
- C. Parking spaces shall not be located within required setback areas except as otherwise noted in this Development Code. The Review Authority may also allow parking in side and rear setback areas in multi-family residential zones.
- D. Boats, recreational vehicles and trailers may be parked in residential zones in compliance with Municipal Code Article V.

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### 3.50.040 Dimensions of Parking Spaces

- A. **Covered parking.** Each parking space within a garage or carport shall have a minimum inside dimension of 10 feet in width and 20 feet in length.
- B. **Uncovered parking spaces.** The standard stall size is nine feet in width and 18 feet in length, exclusive of drives and aisles. Stalls shall be designed in accordance with the City's Standards and Specifications. Spaces adjacent to a building, wall, fence, or other obstruction shall have a minimum width of 10 feet. Up to 30 percent compact spaces may be allowed without Review Authority approval, with minimum dimensions of eight feet by 16 feet.
- C. **Handicapped parking.** The number and size of handicapped spaces shall be provided in accordance with state and federal standards.
- D. **Bumper guards.** Concrete bumper guards or wheel stops shall be provided where required by the Review Authority.

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### 3.50.050 Maintenance of Off-Street Parking Facilities

#### A. Additional Parking Requirements

1. **Surface.** All off-street parking shall be improved to the requirements of the City's Standards and Specifications or as otherwise approved by the Review Authority to the extent consistent with the Local Coastal Program. (Am. Ord. 14-04)
2. **Driveways.** All driveways shall meet the requirements of the City's Standards and Specifications or as determined by the City Engineer.
3. **Drainage** Parking and circulation areas shall be provided with adequate drainage as approved by the City Engineer.
4. **Maintenance.** All parking areas shall be kept clean and free of dust, mud, or trash; pavement shall be maintained in a continuous state of good repair.
5. **Lighting.** See Section 3.10.040 (Outdoor Lighting).
6. **Miscellaneous.** Additional requirements and guidelines for parking facility safety, including design, internal layout, acceptable turning radii, pavement slope, vehicular and pedestrian circulation, and other design features may be approved by the City Engineer when determined to be appropriate.

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### 3.50.060 Parking Reductions

- A. **Purpose.** The Review Authority may approve reductions to the required number of parking spaces in compliance with this Section.
- B. **Shared parking adjustment.** Where two or more non-residential uses share common parking areas, the total number of parking spaces may be reduced by the Review Authority at a rate of five percent for each separate non-residential use, up to a maximum of 20 percent; however, the total number of spaces shall not be less than the number of spaces required by Section 3.50.020 for the single use that generates the highest parking demand. Where shared parking is located on more than one lot, affected parties shall record an agreement governing the shared parking, to the satisfaction of the Director.
- C. **Shared peak-hour parking.** Where two or more uses have distinct and differing traffic usage periods (e.g., a theater and a bank), the required number of parking spaces may be reduced, in addition to the parking reduction allowed by Subsection B. The most remote spaces in the parking lots shall be located no more than 300 feet from the pedestrian entrance to each use that the parking spaces serve (as measured along the most direct pedestrian path). The total number of spaces required for all uses sharing the parking may be reduced to no less than the number of spaces required by Section 3.50.020 for the single use among those proposed that generates the highest parking demand.

- D. **Air Quality Incentives.** In accordance with the Clean Air Plan adopted by the San Luis Obispo County Air Pollution Control District, parking reductions may be allowed as follows:
1. Multi-family projects: A project within 500 feet of a transit center or station may have parking reduced by one space per dwelling.
  2. Non-residential projects:
    - a. A 20 percent reduction may be approved if a trip reduction plan prepared by the applicant is approved by the Review Authority; and
    - b. A 10 percent reduction may be approved if any of the following apply to the development:
      - (1) 50 percent of the parking for the project is located within or beneath the structures.
      - (2) The development is located within 300 feet of a transit route.
      - (3) The development is located within 1,000 feet of a bikeway.

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### **3.50.070 Parking Districts**

Parking required in any Commercial or Industrial zone may be reduced below the stated requirements in any portion of such zone included within a public parking district or assessment district for financing off-street parking facilities in proportion to the amount of assessment on each property owner. Cost of each parking space provided by the district shall be computed by dividing the number of such spaces into the total assessment levied against the property within the District. The assessment against individual property shall be divided by this cost per space to determine the nearest whole number by which the parking requirements on said property may be reduced.

## 3.60 Sign Regulations

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### Sections:

- 3.60.010 - Title
- 3.60.020 - Purpose
- 3.60.030 - Scope
- 3.60.040 - Definitions
- 3.60.050 - Sign Regulations-Permit Required
- 3.60.060 - Exempt Signs
- 3.60.070 - Prohibited Signs
- 3.60.080 - Abatement of Prohibited Signs
- 3.60.090 - Sign Permit-Applications
- 3.60.100 - Building Permits
- 3.60.110 - Action of the Director
- 3.60.120 - Sign Standards
- 3.60.130 - Residential Zones
- 3.60.140 - Commercial Zones
- 3.60.150 - Industrial Zones
- 3.60.160 - General Standards
- 3.60.170 - Abatement of Nonconforming Signs
- 3.60.180 - Amortization of Nonconforming Signs
- 3.60.190 - Notice to Owners of Nonconforming Signs
- 3.60.200 - Noncurrent Signs
- 3.60.210 - Unsafe Signs

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### **3.60.010 Title**

This Section shall be known and cited as the “Sign Regulations.”

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### **3.60.020 Purpose**

- A. These regulations are intended to:
1. Protect and enhance the character and natural beauty of the community and its various neighborhoods and districts;
  2. Protect those uses which are adequately and appropriately identified from too many and too large signs in their environs;
  3. Protect commercial zones from sign clutter;
  4. Protect the public’s ability to identify uses and premises without confusion;
  5. Eliminate unnecessary distractions which may jeopardize pedestrian or vehicular traffic safety;
  6. Assure the maintenance of signs.

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### 3.60.030 Scope

It is unlawful for any person to construct, maintain, display, or alter or cause to be constructed, maintained, displayed, or altered, a sign within the City except in conformance with this Section.

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### 3.60.040 Definitions

As used in this Section, the following terms and phrases shall have the indicated meanings:

**Area of sign** means the number of square feet of the smallest rectangle within which a sign face can be enclosed.

**Billboard** means a sign structure which is made available for lease or rent.

**Billboard face** means the whole of a building visible in an elevation of the building excluding sloped roof surfaces.

**Bulletin board** means a sign which accommodates changeable copy and which displays information on activities and events on the premises.

**Church sign** means a sign indicating the location of churches, not to exceed 18 inches in width and 24 inches in height.

**Directory sign** means a sign identifying the location of occupants of a building or group of buildings which are divided into rooms or suites used as separate offices or studios.

**Exterior-illuminated sign** means any sign any part of which is illuminated from an exterior artificial light source mounted on the sign, another structure, or the ground.

**Free-standing sign** means a sign not attached to any building and having its own support structure.

**Group quarters** means a residential facility in which residents do not occupy individual dwelling units.

**Identification sign** means any sign identifying an occupant, apartment, residence, school, church, or certain business uses and not advertising any product or service.

**Interior-illuminated sign** means a sign any part of which has characters, letters, figures, or any portion of the sign face or outline thereof illuminated from an interior light source.

**Height of sign** means the vertical distance from average adjacent ground level to the top of the sign including the support structure and any design elements.

**Lot frontage** or **frontage** means the horizontal distance along a lot line adjacent to a public street or the side of a lot adjacent to a public street.

**Marquee sign** means a sign placed on the face of a permanent roofed structure projecting over the building entrance, which is an integral part of the building.

**Monument sign** means a sign which is completely self supporting, has its base on the ground, and is generally rectangular in form.

**Mural** means application of pictures or other graphic art forms onto exterior walls, either full or portions of walls.

**Non-illuminated sign** means a sign with no internal or external artificial light source and only incidentally illuminated by ambient light conditions.

**Non-residential zone** means any zone other than a residential zone.

**Off-premise sign** means any sign which directs attention to a business, service, product, or entertainment not sold or offered on the premises on which the sign is located.

**Person** means any individual, partnership, corporation, association or government or any other legal entity.

**Planned Development Overlay Zone** means a use developed in accordance with Section 2.90.

**Political sign** means a sign intended to draw attention to or communicate a position on any issue, candidate, or measure in any national, state, or local election.

**Premises** is a building or unified complex of buildings on one lot or on two or more contiguous lots under common ownership.

**Price sign** means a sign on the premises of a service station, which contains information on the cost and type or grade of motor fuel only.

**Projecting sign** means a sign which extends out from a building face or wall so that the sign face is perpendicular or at an angle to the building face or wall.

**Roof sign** means any sign located on or attached to and extending above the roof of a building.

**Shopping center** means five or more stores with a minimum area of 50,000 square feet, 300 feet of frontage and common off-street parking.

**Second story** means the highest point of the second floor of a building.

**Sign** means any visual device or representation designed or used for the purpose of communicating a message or identifying or attracting attention to a premises, product, service, person, organization, business or event, with or without the use of words, visible from outside the premises on which such device is located.

**Sign area:** see "Area of sign."

**Sign face** means the visible sign proper including all characters and symbols (excluding essential structural elements which are not an integral part of the display) and including nonstructural frame.

**Suspended sign** means a sign attached to and located below any permanent cave, roof or canopy.

**Temporary sign** means any sign which remains in use not more than 60 days or such other period limited to the duration of a condition or activity specified in this Section. In the case of political signs, no signs shall be allowed to be posted more than 60 days prior to the date of the election to which it pertains and shall be removed within seven days after such election.

**Wall sign** means a single faced sign painted on or attached to a building or wall, no part of which extends out from or above a wall more than six inches.

**Window sign** means a sign displayed within a building or attached to the interior of a window but visible through a window or similar opening for the primary purpose of exterior visibility.

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### 3.60.050 Sign Regulations-Permit Required

No sign shall be constructed, maintained, displayed or altered within the City except pursuant to a sign permit obtained as provided in this Section, unless the sign is specifically exempted from permit requirements. Within the Coastal Zone new signs shall be of a size, location, and appearance so as not to detract from scenic areas or views from public roads and other public viewing points. A Coastal Development Permit is required for any sign that could impact public recreational access, including parking opportunities near beach access points or parklands, including any changes in parking timing and availability, and any signage indicating no public parking, no trespassing, and/or no public coastal access allowed. Coastal Development Permits for signs shall be consistent with all applicable Local Coastal Program standards. (Am. Ord. 14-04)

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### 3.60.060 Exempt Signs

- A. The following signs shall be allowed without a sign permit and shall not be included in the determination of type, number or area of signs allowed in each zone: (Under certain circumstances temporary signs and other exempt signs may require a building, plumbing, or electrical permit in compliance with Section 3.60.100.) However, any sign listed below that requires a Coastal Development Permit as provided in Section 3.60.050 shall not be exempt. (Am. Ord. 14-04)
1. Official federal state or local government flag, emblems and historical markers;
  2. Official federal, state or local government traffic, directional and informational signs and notices issued by any court, person or officer in performance of a public duty;
  3. Temporary signs warning of construction, excavation, or similar hazards so long as the hazard exists;
  4. One temporary sign not exceeding 16 square feet used to indicate owner, builder, architect and pertinent data regarding building construction on the building site during construction only. (Larger signs of this nature are subject to Commission approval and shall not exceed 64 square feet.) As it pertains to maximum allowable area, square footage measurements for all temporary signs under this Section shall be based on the actual dimension of each sign without regard for whether the sign is one or two-sided;
  5. Temporary holiday decorations;

6. One temporary political sign per each candidate, ballot, proposition or issue. In residential zones, such sign shall not exceed three square feet for each property. In non-residential zones, such sign shall not exceed 10 square feet for each property;
7. Temporary signs indicating that the property on which the sign is located is for sale, rent, or lease. Only one such sign is permitted to face on each street adjacent to the property. Such signs may be single or double faced and are limited to six square feet or less on property in residential zones and 10 square feet or less on property in non-residential zones;
8. "No Trespassing" signs each not more than one square foot in size placed at each corner and entrance to property and at intervals of not less than 100 feet or in compliance with the requirements of law;
9. Identification signs for residences limited to not more than two square feet for each residence;
10. Parking lot and other private traffic directional signs each not exceeding five square feet in area and limited to guidance of pedestrian or vehicular traffic within the premises on which they are located;
11. Miscellaneous permanent information signs in non-residential zones, with an aggregate area not to exceed three square feet at each public entrance nor 10 square feet total, indicating address, hours and days of operation, whether a business is open or closed, credit information and emergency address and telephone numbers;
12. For each service station pricing and grade signs as required by the State of California;
13. Bulletin boards not over 24 square feet in area and six feet in height, for public, charitable or religious institutions;
14. Temporary window signs;
15. Church signs as defined in Section 3.60.040 of these sign regulations;
16. Miscellaneous temporary information signs in residential zones are permitted with an aggregate area not to exceed three square feet at each public access indicating address, hours, and time of operation to be limited strictly to daylight on holidays, Saturdays, and Sundays, and to be located on private property;
17. Signs on bus benches installed under Council authorized programs designed to provide a general community benefit and subject to review and approval of design and colors by the Director including the submission of a sign drawing with a twenty foot radius showing the area where the bus bench is to be located;
18. The placement of any sign for the purpose of raising funds that benefit the public is permitted on city or private property subject to an agreement with the city.

### 3.60.070 Prohibited Signs

- A. In addition to any sign not specifically in accordance with this Section, the following signs are prohibited:
1. Any sign which simulates or imitates in size, color, lettering or design any traffic sign or signal or which makes use of words, symbols or characters in such a manner to interfere with, mislead or confuse pedestrian or vehicular traffic;
  2. Any sign, except as may be required by other code or ordinance, placed or maintained so as to interfere with free ingress to or egress from any door, window or fire escape;
  3. Private signs, other than permitted projecting signs, located on or extending over public property, including any public right-of-way, without a valid encroachment permit;
  4. Signs erected without the permission of the owner, or his agent, of the property on which such sign is located;
  5. Highly reflective and florescent painted signs;
  6. Any sign which does not conform with the following power line clearance requirements, provided that further restrictions adopted by the California Public Utilities Commission shall be followed:

	Less Than 750 Volts	Greater Than or Equal 750 Volts
Vertical Clearance		
Above Sign	3 feet	8 feet
Below Sign	3 feet	Prohibited
Horizontal Clearance		
From Conductors	3 feet	6 feet
From Poles	4 feet	6 feet

7. Off premises signs including billboards (existing billboards will be abated when legally permitted by the State);
8. Any other visual device which does not in the discretion of the Director, comply with the purposes of this Section or the intended interpretation of these standards.

### 3.60.080 Abatement of Prohibited Signs

Any sign, including its supporting structure, which is installed, placed or maintained on public property or public right-of-way without an encroachment permit, or otherwise in violation of this Section, may be summarily removed by the City.

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### **3.60.090 Sign Permit Applications**

Any person desiring to construct, maintain or display a sign for which permits are required shall submit an application to the Department. Such application shall include plans, drawings, and other descriptive materials sufficient to depict the sign proposal, as well as all other proposed or existing signing on the same property, and to enable evaluation of the proposal's conformance with the sign regulations. Authorization of the property owner of record shall be required to submit a sign permit application.

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### **3.60.100 Building Permits**

Sign permit application shall be routed to the building inspector when, in his determination, a separate building, electrical or plumbing permit is required, the applicant shall be notified and the sign permit shall not be issued until such other permits are obtained from the Department.

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### **3.60.110 Action of the Director**

Within 30 days of receiving a proper application for a sign permit which is not contingent upon action by the Commission or the issuance of other permits, the Director shall in writing approve, conditionally approve, or deny the application. The Director may impose only such conditions as will assure compliance with the provisions of this Section.

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### **3.60.120 Sign Standards**

For individual sign proposals not subject to Commission review, all signs shall conform to the following standards for the zone in which they are located. For new construction or major remodeling, signs approved shall be constructed, maintained, and displayed as indicated in the plans approved by the Commission. The Commission may impose more restrictive requirements in order to fulfill the purposes of this Section; it may also, upon demonstration of exceptional circumstances, approve signs which exceed these standards.

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### **3.60.130 Residential Zones**

- A. The following signs are permitted within all residential zones:
1. One sign not exceeding six square feet advertising the sale of products grown on the premises;
  2. One sign not exceeding six square feet per frontage, unlighted pertaining only to the sale, lease or rental on the property upon which the sign is located;
  3. One identification sign, unlighted, not exceeding 10 square feet for each frontage of an apartment or condominium complex, subject to Commission approval.

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**3.60.140 Commercial Zones**

- A. In all commercial zones, signs for residential uses as provided in Section 3.60.130.A are permitted
- B. The following signs are permitted within the Central Business (CB), Central Business-Open (CBO), Coastal Visitor Serving (CVS), and Visitor Serving (VS) zones:
  - 1. One suspended sign for each business or tenant, not to exceed 12 square feet subject to Director approval, and 24 square feet subject to obtaining a Use Permit;
  - 2. One wall sign for each business or tenant, not to exceed 10 percent of the building face and subject to Director approval, and 40 percent subject to obtaining a Use Permit, for each frontage, interior illuminated;
  - 3. One freestanding sign at each premises not to exceed 25 square feet in area or 12 feet in height, interior illuminated, and subject to Director approval, or 100 square feet or 25 feet in height with a Use Permit;
  - 4. One projecting sign to each business or tenant not to exceed 24 square feet subject to Director approval, and 48 square feet subject to obtaining a Use Permit;
  - 5. One roof sign at each premises, used instead of a freestanding sign, not to exceed 100 square feet and subject to obtaining a Use Permit.
- C. The following signs are permitted within the Coastal Commercial (CC), Office Professional (OP) and Neighborhood Commercial (NC) zones:
  - 1. One freestanding sign at each premises not to exceed 25 square feet in area or 12 feet in height, for uses not located within a shopping center, interior illuminated, subject to Use Permit approval;
  - 2. One wall sign per business or tenant for each frontage or building face having a public entrance not to exceed five percent, to be approved by the Director, of the building face area occupied by the business or tenant, illuminated. May be increased to 15 percent subject to obtaining Use Permit approval;
  - 3. One directory sign at each premises, not exceeding one square foot for each business or tenant;
  - 4. One projecting sign for each business or tenant not to exceed 24 square feet subject to Director approval, and 48 square feet subject to obtaining a Use Permit;
  - 5. One roof sign at each premises, used instead of a freestanding sign, not to exceed 100 square feet and subject to obtaining a Use Permit.
- D. The following signs are permitted within the Retail Commercial (RC) zone:
  - 1. One wall sign per business or tenant not to exceed 15 percent of the building face to be approved by the Director, or 40 percent subject to obtaining a Use Permit;

2. One suspended sign for each business or tenant, not to exceed 12 square feet to be approved by the Director or 24 square feet subject to Use Permit approval;
3. One freestanding sign, not to exceed 50 square feet in area or 20 feet in height to be approved by the Director, but may be increased to 150 square feet or 35 feet in height subject to obtaining a Use Permit;
4. One projecting sign for each business or tenant not to exceed 24 square feet subject to Director approval, and 48 square feet subject to obtaining a Use Permit;
5. One roof sign at each premises, used instead of a freestanding sign, not to exceed 100 square feet and subject to obtaining a Use Permit.

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### 3.60.150 Industrial Zones

- A. The following signs are permitted within Industrial (I), Coastal Industrial (CI) and Coastal Industrial Commercial (CIC) zones:
  1. One wall sign for each business or tenant, not to exceed 10 percent of the building face to be approved by the Director, but may be increased to 40 percent subject to obtaining a Use Permit;
  2. One freestanding sign at each premises not to exceed 12 feet in height or 50 square feet in area, interior illuminated, subject to Director approval or 25 feet in height and 100 square feet in area subject to Use Permit;
  3. One projecting sign for each business or tenant not to exceed 24 square feet subject to Director approval, and 48 square feet subject to obtaining a Use Permit;
  4. One roof sign at each premises, used instead of a freestanding sign, not to exceed 100 square feet and subject to obtaining a Use Permit.

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### 3.60.160 General Standards

- A. **Architectural Design Review:** The following criteria describe general characteristics of signs that are encouraged by the City in all zones:
  1. Design Compatibility: Signs -- their materials, size, color, lettering, location and arrangement -- must be an integral part of the site and building design and must be compatible with their surroundings.
  2. Consistency: Signing should be consistent in location and design throughout a development. This includes shopping centers.
  3. Restraint: Signing should be simple, restrained and subordinate to the overall project design.
  4. The message: Text should be kept to a minimum. Location, size, materials and other features of a sign should be selected to achieve appropriate visibility.

5. Types: Wall signs, graphic symbol signs, monument signs, and low-profile freestanding signs are encouraged. Distinctive architectural features, landscaping, window displays and merchandise can be used to communicate some of the image and identity traditionally conveyed by signs.
  6. Lighting: Lighting for signs should be in harmony with the sign's and project's design. If outside lighting is used, it should be arranged so the light source is shielded from view.
  7. Pedestrians: Signing for pedestrians should be provided where appropriate.
- B. **Shopping Center Identification Signs:** With Commission approval, in addition to the signs permitted for individual tenants or businesses, shopping centers may have one identification sign not to exceed 35 feet in height or 150 square feet in area. Such shopping center signs shall not be included in the dimensional or area calculations for individual tenants or businesses.
- C. **Illuminated Signs:** Lighting for illuminated signs shall be so arranged that it does not create a hazardous glare for pedestrians or vehicles either in a public street or on any private premises.
- D. **Freestanding and Monument signs:** Monument signs may be used where freestanding signs are permitted by the provisions of this Section. Such monument signs shall have the same area limitations as freestanding signs. Monument signs and freestanding signs shall not be placed so as to obstruct visibility necessary for safe vehicular and pedestrian circulation, but may be placed in required street yard and/or setback areas. However, both types of signs shall be a minimum of four feet back from the property line.
- E. **Projecting and Suspended Signs:** Projecting signs, including marquee signs and suspended signs, shall conform to the following requirements:
1. The minimum clearance between the lowest point of a sign and the grade immediately below shall be eight feet.
  2. The maximum projection over a public sidewalk shall be two feet.
- F. Search lights subject to approval of an Administrative Development Permit.
- G. Rotating, moving, and flashing signs when approved by a Use Permit.

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### 3.60.170 Abatement of Nonconforming Signs

- A. Signs which do not conform to the provisions of this Section but which lawfully existed and were maintained prior to the adoption date of this ordinance shall be removed or made to conform within 60 days after written notice by the Department, when:
1. The use of the premises changes and the exterior of the building or other site conditions are to be altered; or

2. A sign is damaged by any cause it may be replaced or repaired to its original size and shape; or
3. In accordance with the amortization schedule outlined in Section 3.60.180.A.

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### 3.60.180 Amortization of Nonconforming Signs

- A. Signs which do not conform to the provisions of these regulations but which lawfully existed and were maintained prior to the adoption of Ordinance No. 81-2, shall be removed or made to conform within 60 days after written notice by the Department, in accordance with the following schedule:

Table 3.5 Amortization Schedule	
Original Value of Sign	Amortization Period
Less than \$500	One year
\$500 to \$999	Two years
\$1000 to \$2999	Four years
\$3000 to \$5999	Eight years
More than \$6000	Ten years

- B. The time periods in the above schedule shall commence at the end of a 10-year period beginning on the operative date of this ordinance or with a change in business type or ownership.
- C. If more than one sign on a premises is or becomes nonconforming, the original cost of all such nonconforming signs shall be aggregated for the purpose of determining the amortization period.
- D. The owner or user of a nonconforming sign shall, upon written request of the Department, furnish acceptable proof of the initial cost in the form of (1) an original bill of sale, (2) a depreciation schedule from state or federal income tax returns, or (3) a written appraisal by a sign manufacturer.

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### 3.60.190 Notice to Owners of Nonconforming Signs

Within one year of the effective date of this ordinance the Department shall give written notice to the owners of signs which do not conform to the provisions of these regulations informing them of the nature of the nonconformity, their responsibilities and of the City's intent to enforce Section 3.60.180 of these regulations.

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### 3.60.200 Noncurrent Signs

Any sign including its supporting structure, which no longer identified the current occupant or which otherwise fails to serve its original purpose after a lapse of three months shall be deemed to be a public nuisance and shall be removed by the owner of the property on which it is located upon 30 days written notice by the Director.

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**3.60.210 Unsafe Signs**

Any sign that, in the opinion of the Building Official, is unsafe or insecure, shall be deemed a public nuisance and shall be corrected or removed, together with any supporting structure, by the owner of the property on which the sign is located, within 30 days written notice by the Director.