

# CHAPTER 9. DEFINITIONS

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## 9.10 Definitions

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### 9.10.010 Purpose

This Chapter provides definitions of terms and phrases used in this Development Code that are technical or specialized, or that may not reflect common usage. If any of the definitions in this Chapter conflict with definitions in other provisions of the Municipal Code, these definitions shall control for the purposes of this Development Code. If a word is not defined in this Chapter, or in other provisions of the City of Grover Beach Municipal Code, the Director shall determine the definition.

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### 9.10.020 Definitions of Specialized Terms and Phrases

**Abut.** Having property lines, street lines, and/or zoning lines in common.

**Accessory or Incidental Use.** A use customarily incidental to, related and clearly subordinate to a primary use on the same lot, which does not alter the primary use nor serve property other than the lot where the primary use is located.

**Accessory Structure.** A structure that is attached or detached from, secondary and incidental to, and commonly associated with a primary structure on the same site. Examples include sheds, covered patios, workshops, and detached garages. Does not include "Second Residential Dwelling" or detached living areas. Also see "Residential Accessory Uses and Structures".

**Administrative Development Permit.** A discretionary permit issued by the Director for certain construction and development projects. See Section 6.20.020 (Administrative Development Permit).

**Administrative Use Permit.** A discretionary permit issued by the Director for certain land uses. See Section 6.20.030 (Administrative Use Permit).

**Agent.** A person authorized in writing by the property owner to represent and act for a property owner in contacts with City employees, Commissions, and the Council, regarding matters regulated by this Development Code.

**Aggrieved person.** Anyone who, in person or through an explicitly identified representative, appeared at a public hearing before the Director, Commission, or Council in connection with the decision or appeal of any development, or who by other appropriate means before a hearing, informed the City of the nature of their concerns, unless for good cause was unable to do either.

**Alcoholic Beverage Sales.** The retail sale of beer, wine, and/or distilled spirits for on-premise or off-premise consumption.

**Alley.** A public or private roadway that provides vehicle access to the rear or side of lots having other public street frontage, which is not intended for general traffic circulation.

**Allowed (Allowed Use).** A land use identified by Chapter 2 as a permitted or conditional use that may be established with a development permit and/or building permit approval, subject to compliance with all applicable provisions of this Development Code.

**Animal Boarding or Kennel.** A commercial facility for the overnight keeping or boarding of household pets. Does not include uses where overnight boarding is an accessory use such as “Animal Care Facilities” and pet stores.

**Animal Care Facility.** Office and indoor medical treatment facility used by veterinarians for the care of household pets, where boarding is incidental to the primary use. If boarding is the primary use, see “Animal Boarding”.

**Applicant.** Any individual, firm, or any other entity that applies to the City for the applicable permits to undertake any land use, construction or development project within the City.

**Approval.** Includes both approval and approval with conditions.

**Automobile Service Station.** A building and/or lot or use having pumps and storage tanks where motor vehicle fuels, lubricating oil, grease, or accessories for motor vehicles are dispensed, sold, or offered for sale at retail only. Car washing and repair services are incidental to the primary use.

**Automated Teller Machine (ATM).** A computerized, self-service machine used by banking customers for financial transactions, including deposits, withdrawals and fund transfers, without face-to-face contact with financial institution personnel. The machines may be located at or within banks, or in other locations. Does not include drive-thru ATMs (drive-thru businesses are regulated separately).

**Bar/Tavern/Night Club.** A business which is not part of a larger restaurant where alcoholic beverages are sold for on-site consumption. Includes bars, taverns, pubs, and similar establishments. Food service is subordinate to the sale of alcoholic beverages. May also include beer brewing as part of a microbrewery. Entertainment must be authorized as part of the required Use Permit.

**Bed and Breakfast Inn (B&B).** The use of a single residential structure with up to five bedrooms that is used for the purpose of lodging transient guests. No meals may be prepared or sold to persons other than overnight guests.

**Boarding House.** A dwelling or part of a dwelling where lodging is furnished for compensation to three or more persons living independently from each other. Meals may also be included. Does not include “Residential Care Facilities” or “High Occupancy Residential Use”.

**Building.** See “Structure”.

**Building and Landscape Materials Sales.** A retail establishment selling hardware, tools, appliances, lumber and other building materials, plants and other landscaping materials. Includes paint, wallpaper, flooring, glass, fixtures, and similar products.

Includes these types of stores selling to the general public, even if contractor sales account for a major proportion of total sales. Establishments primarily selling electrical, plumbing, heating, and air conditioning equipment and supplies are classified in "Wholesaling and Distribution." Establishments primarily selling plants are classified as a "Plant Nursery".

**Building Height.** See Section 3.10.030 (Height Limits and Exceptions).

**Business Support Service.** An establishment that provides services to other businesses. Examples of these services include: blueprinting; computer-related service (rental, repair); copying, duplicating, quick printing service; courier, messenger, and delivery service (small scale without fleet vehicle storage); mailing, telegram, and mail box service; outdoor advertising service; and security services.

**California Environmental Quality Act (CEQA).** The California Environmental Quality Act (CEQA) and its implementing guidelines.

**Caretaker Residence.** A permanent residence that is accessory to the primary use of the property, and used for housing a caretaker on the site of a non-residential use where needed for security purposes or to provide 24-hour care or monitoring of people, plants, animals, equipment, or other conditions on the site.

**Catering Service.** A business that prepares food for consumption on the premises of a client and/or at their place of business.

**Child Day Care.** Facilities that provide non-medical care and supervision of minor children for periods of less than 24 hours. This land use includes the following types of facilities, all of which are required to be licensed by the California State Department of Social Services:

1. **Day Care Center.** Commercial or non-profit child day care facilities designed and approved to accommodate 15 or more children, or fewer than 15 children in a non-residential building. Includes infant centers, preschools, sick-child centers, child nurseries and school-age day care facilities. These may be operated in conjunction with a school or church facility, or as an independent land use.
2. **Large Family Day Care Home.** A day care facility located in a single-family residence where an occupant of the residence provides care and supervision for seven to 14 children. Children under the age of 10 years who reside in the home count as children served by the day care facility.
3. **Small Family Day Care Home.** A day care facility located in a single-family residence where an occupant of the residence provides care and supervision for either six or fewer children, or eight or fewer children provided that no more than two of the children are under the age of two and at least two of the children are over the age of six. Children under the age of 10 years who reside in the home count as children served by the day care facility.

**City.** The City of Grover Beach.

**City Council.** The City of Grover Beach City Council referred to in this Development Code as the "Council."

**Coastal Act.** The California Coastal Act of 1976, California Public Resources Code Sections 33000 et seq., as amended.

**Coastal Commission.** The California Coastal Commission.

**Coastal Development Permit.** A discretionary permit issued by the Commission or Director for certain construction and development projects. See Section 6.20.040 (Coastal Development Permit).

**Commercial recreation facilities, Indoor.** Establishments that provide amusement and services for a fee or admission charge. May also include related commercial facilities, including bars and restaurants. Examples include bowling alleys, card rooms, coin-operated amusement arcades, electronic game arcades (video games, etc), pool and billiard rooms (as primary use), and theaters (performing or cinema).

**Commercial recreation facilities, Outdoor.** Establishments that provide outdoor amusement and entertainment services for a fee or admission charge. May also include related commercial facilities, including bars and restaurants, video game arcades, etc. Examples include miniature golf, swim clubs, and aquariums.

**Communication Facilities.** See “Telecommunications Facilities”.

**Community Development Director.** See “Director”.

**Community Gardens.** A site used for growing plants for food, fiber, herbs, flowers, and others, which is shared and maintained by community residents.

**Density.** The number of dwellings per gross acre, unless otherwise stated. The calculation of gross acreage in residential zones shall include the adjacent right of ways to centerline of the street.

**Density Bonus.** As defined by Government Code Section 65915 et seq.

**Department.** The City of Grover Beach Community Development Department.

**Development Permit.** A discretionary permit issued by the Commission for certain construction and development projects. See Section 6.20.060 (Development Permit).

**Development Permits.** Authority granted by the City to use a specified site for a particular purpose. “Development Permits” includes Home Occupation Permit, Temporary Use Permit, Administrative Development Permit, Administrative Use Permit, Use Permit, Development Permit, Coastal Development Permit, and Variance, as established by Article 6.20 (Permit Review and Decisions) of this Development Code.

**Director.** The City of Grover Beach Community Development Director or his/her designee. Referred to in this Development Code as the “Director”.

**Discretionary Permit.** A City land use review and entitlement process where the Review Authority exercises discretion in deciding to approve or disapprove the permit. Includes all “Development Permits” and Subdivision Maps.

**Drive-thru business.** Any business that either by design or operation provides services or products directly to occupants of a motor vehicle, except gasoline service stations.

**Dwelling, Dwelling Unit, or Unit.** A room or group of internally connected rooms that have sleeping, cooking, eating, and sanitation facilities, but not more than one kitchen, which constitute an independent housekeeping unit, occupied by or intended for one household on a long-term basis.

**Emergency Shelter.** A facility for the temporary overnight shelter of indigents operated by a public or non-profit agency.

**Equipment Rental.** A service establishment that may offer a wide variety of household and business equipment, furniture, and materials for rental. Does not include the rental of heavy construction equipment such as tractors. See "Wholesaling and Distribution".

**Extremely Low Income Household.** Extremely low income household as defined by State Health and Safety Code Section 50106 as 30% of county median income.

**Fence.** A constructed, un-roofed barrier of wood, metal, masonry, or other material as allowed by this Development Code, that is intended to enclose, separate, define, secure, protect, and/or screen one or more areas of a site.

1. **Open Fencing.** A barrier constructed of materials including rails, pickets, wrought iron, or wire, with the materials spaced to that leaves at least 90 percent of the surface area open, allowing visibility through the fence.
2. **Razor or Concertina Wire.** Sharp fencing materials that are designed to lacerate unauthorized persons attempting to climb or cross the fence through other than a gate.

**Financial Institutions.** Financial institutions including banks and trust companies, credit unions, and savings and loan. See also, "Automated Teller Machine." Does not include check cashing stores, which are defined under "Personal Services – Restricted".

**Finding.** A factual conclusion of the Review Authority based on the evidence presented during the approval process.

**Floor Area Ratio.** The Floor Area Ratio (FAR) is the ratio of floor area to total lot area. FAR restrictions are used to limit the maximum floor area allowed on a site. The maximum floor area of all structures on a site shall be determined by multiplying the FAR by the total net area of the site.

**Freight Terminal.** A transportation facility furnishing services incidental to air, motor freight, and rail transportation. Examples include: freight forwarding services; packing, crating, inspection and weighing services; freight terminal facilities; postal service bulk mailing distribution centers; joint terminal and service facilities; transportation arrangement services; overnight mail processing facilities; and trucking facilities, including transfer and storage.

**Fuel Dealer.** A retail trade establishment that sells fuel oil, butane, propane and liquefied petroleum gas (LPG), bottled or in bulk, to consumers.

**Garage or Carport.** Parking space and shelter for automobiles or other vehicles, where the size of the parking space complies with the provisions of Section 3.50 (Parking Regulations).

1. A garage is a completely enclosed attached or detached accessory structure, with an operational door.
2. A carport is an attached or detached accessory structure enclosed on no more than two sides.

**General Plan.** The City of Grover Beach General Plan, including all its elements and all amendments, as adopted by the City Council in compliance with Government Code Section 65300 et seq. and referred to in this Development Code as the “General Plan”.

**General Retail.** Stores and shops selling many lines of merchandise. Examples of these stores and lines of merchandise include: art galleries; bicycle sales, service, and rental; bookstores (except adult bookstores); apparel and accessories; bakeries; food stores (including convenience markets); furniture, home furnishings and appliances sales, service, and rental; and miscellaneous retail (including candy or ice cream stores, computer stores, drug stores, hobby or craft shops, jewelry stores, newsstands, pet stores, specialty shops, variety stores, or vehicle part sales).

Does not include “Resale Stores” or “Thrift Stores”, which are separately defined.

**Gross Lot Area.** See "Lot Area".

**Habitable Space.** Space within a dwelling unit for living, sleeping, eating, cooking, bathing.

**Health/Fitness Facility.** A fitness center, gymnasium, health and athletic club, which may include any of the following: sauna, spa or hot tub facilities; indoor tennis, handball, racquetball, and other indoor sports activities.

**Height.** See Section 3.10.030 (Height Limits and Exceptions).

**High Occupancy Residential Use.** Any dwelling with an occupancy of six or more adults. Does not include “Residential Care Facilities”.

**High Technology Uses.** Uses that incorporate high technology related to engineering, design, research and development, photonics/optics, computer assisted design, robotics research, numerical control equipment (CAD/CAM), prototype development, biotechnology lasers, medical research, materials testing, telecommunications, and related storage with limited assembly operations associated with the principal use. All activities shall be within a building. More intensive operations shall be classified as “Light Manufacturing/Processing”.

**Home Occupation Permit.** A discretionary permit issued by the Director for home businesses located in a dwelling. See Section 6.20.070 (Home Occupation Permit).

**Hotel or Motel.** See "Lodging".

**Kitchen.** A room or space within a building used or intended to be used for the cooking or preparation of food, which includes any of the following: stove, oven, range top, dishwasher, kitchen sink.

**Land Use.** The purpose for which land or a structure is designed, arranged, intended, occupied, or maintained.

**Live/Work Unit:** An integrated housing unit and working space, occupied and utilized by a single household in a structure that has been designed or structurally modified to accommodate joint residential occupancy and work activity, and which includes: Complete kitchen space and sanitary facilities in compliance with the City's Building Code; and working space reserved for and regularly used by one or more occupants of the unit.

**Live Entertainment.** See Section 4.10.080.

**Local Coastal Program (LCP).** The Local Coastal Program (LCP) specifies land use policies within the Coastal Zone.

**Lodging.** A facility with guest rooms or suites, with or without kitchen facilities, rented to the general public for transient lodging. Facilities include hotels, motels, and inns.

**Lot Area.**

1. **Gross area.** Gross lot area is the total area included within the lot lines of a lot, exclusive of adjacent dedicated street right of ways. For density calculations using gross acreage, see "Density".
2. **Net area.** Net lot area is the gross lot area, not including dedications for public right of ways.

**Lot or Parcel.** A recorded lot or parcel of real property under single ownership, lawfully created as required by applicable Subdivision Map Act and City ordinance requirements, including this Development Code. Types of lots include the following.

1. **Corner Lot.** A lot located at the intersection of two or more streets.
2. **Flag Lot.** A lot having access from the building site to a public street by means of private right-of-way strip that is owned in fee.
3. **Interior Lot.** A lot abutting only one street.
4. **Double frontage lot.** A lot with frontage on two generally parallel streets. The Review Authority shall determine which frontage is the front or the rear lot line.

**Lot Coverage or Building Coverage.** The portion of the lot that is covered by buildings or structures, excluding covered patio structures, covered entry ways or porches that are open on at least two sides, and swimming pools/hot tubs.

**Lot Depth.** The average linear distance between the front and the rear lot lines or the intersection of the two side lot lines if there is no rear line. The Director shall determine lot depth for lots of irregular configuration.

**Lot Frontage.** The boundary of a lot adjacent to a public street right-of-way.

**Lot Line or Property Line.** Any recorded boundary of a lot. Types of lot lines are as follows:

1. **Front Lot Line.** On an interior lot, the property line separating the lot from the street. The front lot line on a corner lot is the line with the shortest frontage. If the street fronting lot lines of a corner lot are equal or the difference is no greater than five feet, the front lot line shall be determined by the Director.

2. **Rear Lot Line.** A property line that does not intersect the front lot line, which is most distant from and most closely parallel to the front lot line.
3. **Side Lot Line.** Any lot line that is not a front or rear lot line.

**Lot Width.** The horizontal distance between the side lot lines, measured at right angles to the lot depth at a point midway between the front and rear lot lines. The Director shall determine lot width for lots of irregular shape.

**Lower Income Households.** Lower income households as defined by State Health and Safety Code Section 50079.5 as 80% of county median income.

**Maintenance Service – Client Site Services.** Base facilities for various businesses that provide services on the premises of their clients. Includes gardening, janitorial, pest control, water and smoke damage recovery, and similar services; and appliance, computer, electronics, elevator, equipment, HVAC, instrument, plumbing, security systems, and other maintenance and repair services not operating from a retail establishment that sells the products being maintained or repaired. When these services operate from a retail establishment that sells the products being maintained or repaired, they are instead considered part of the retail use.

**Manufacturing – Artisan.** An establishment that manufactures and/or assembles small products primarily by hand, including jewelry, pottery and other ceramics, as well as small glass and metal art and craft products. Also includes small scale wine production of less than 500 cases annually. Retail sales of the products are also allowed on-site.

**Manufacturing/Processing, Heavy.** The manufacturing, assembling, processing, storing, or packaging of products involving: 1) chemicals, petroleum, heavy agricultural products, or other hazardous materials; 2) vehicle-dismantling or scrap and waste yards; or 3) primary production of raw materials. Examples of heavy intensity manufacturing uses include the following.

1. **Chemical Product Manufacturing.** An establishment that produces or uses basic chemicals, and other establishments creating products predominantly by chemical processes. Examples of these products include: basic chemicals, including acids, alkalies, salts, and organic chemicals; chemical products to be used in further manufacture, including synthetic fibers, plastic materials, dry colors, and pigments; and finished chemical products to be used for ultimate consumption, including drugs/pharmaceuticals, cosmetics, and soaps; or to be used as materials or supplies in other industries including paints, fertilizers, and explosives. Also includes sales and transportation establishments handling the chemicals described above, except as part of retail trade.
2. **Glass Product Manufacturing.** An establishment that manufactures glass and/or glass products by melting silica sand or cullet, including the production of flat glass and other glass products that are pressed, blown, or shaped from glass produced in the same establishment. Artisan and craftsman type operations are instead “Manufacturing – Artisan”.
3. **Lumber and Wood Product Manufacturing.** Manufacturing, processing, and sales involving the milling of forest products to produce rough and finished lumber and

other wood materials for use in other manufacturing, craft, or construction processes. Includes the following processes and products: containers, pallets and skids trusses and structural beams manufactured and modular homes turning and shaping of wood products matches (wood) wholesaling of basic wood products milling operations wood product assembly.

4. **Paving and Roofing Materials Manufacturing.** The manufacture of various common paving and petroleum-based roofing materials, including bulk asphalt, paving blocks made of asphalt, creosote wood, and various compositions of asphalt and tar.
5. **Plastics, other Synthetics, and Rubber Product Manufacturing.** The manufacture of rubber products including: tires, rubber footwear, mechanical rubber goods, heels and soles, flooring, and other rubber products from natural, synthetic, or reclaimed rubber. Also includes establishments engaged primarily in manufacturing tires; products from recycled or reclaimed plastics or Styrofoam; molding primary plastics for other manufacturers, manufacturing miscellaneous finished plastics products, fiberglass manufacturing, and fiberglass application services.
6. **Primary Metal Industries.** An establishment engaged in: the smelting and refining of ferrous and nonferrous metals from ore, pig, or scrap; the rolling, drawing, and alloying of metals; the manufacture of castings, forgings, stampings, extrusions, and other basic metal products; and the manufacturing of nails, spikes, and insulated wire and cable. Also includes merchant blast furnaces and by-product or beehive coke ovens.
7. **Pulp and Pulp Product Manufacturing.** An establishment that manufactures pulp, paper, or paperboard. Includes pulp, paper, and paperboard mills. Does not include establishments primarily engaged in converting paper or paperboard without manufacturing the paper or paperboard, including envelope manufacturing, converted paper products, paper coating and glazing, paper bags, assembly of paperboard boxes, wallpaper which are classified as “Manufacturing/Processing – Light”.
8. **Scrap or Dismantling Yard.** Outdoor establishments primarily engaged in assembling, breaking up, sorting, and the temporary storage and distribution of recyclable or reusable scrap and waste materials, including auto wreckers engaged in dismantling automobiles for scrap, and the incidental wholesale or retail sales of parts from those vehicles.
9. **Textile and Leather Product Manufacturing.** An establishment that converts basic fibers (natural or synthetic) into a product, including yarn or fabric, that can be further manufactured into usable items (“Manufacturing – Light – Clothing and Fabric Product Manufacturing”), and industries that transform hides into leather by tanning or curing. Includes: coating, waterproofing, or otherwise; treating fabric; manufacturing of woven fabric, carpets, and rugs from yarn; dressed and dyed furs preparation of fiber and subsequent manufacturing of yarn, threads, braids, twine cordage; dyeing and finishing fiber, yarn, fabric, and knit apparel; scouring and combing plants; leather-tanned, curried, and finished; upholstery manufacturing;

manufacture of knit apparel and other finished products from yarn; yarn and thread mills; manufacture of felt goods, lace goods, non-woven fabrics and miscellaneous textiles.

**Manufacturing/Processing, Light.** A facility accommodating manufacturing processes involving and/or producing: apparel; food and beverage products; electronic, optical, and instrumentation products; ice; jewelry; and musical instruments. Light manufacturing also includes other establishments engaged in the assembly, fabrication, and conversion of already processed raw materials into products, where the operational characteristics of the manufacturing processes and the materials used are unlikely to cause significant impacts on surrounding land uses or the community. Examples of light manufacturing/processing uses include the following.

1. **Clothing and Fabric Product Manufacturing.** An establishment that assembles clothing, draperies, and/or other products by cutting and sewing purchased textile fabrics, and related materials including leather, rubberized fabrics, plastics and furs. Does not include custom tailors and dressmakers not operating as a factory and not located on the site of a clothing store (see "Personal Services"). See also, "Manufacturing/Processing, Heavy - Textile and Leather Product Manufacturing".
2. **Electronics, Equipment, and Appliance Manufacturing.** An establishment that manufactures equipment, apparatus, and/or supplies for the generation, storage, transmission, transformation and use of electrical energy, including: appliances including stoves/ovens, refrigerators, freezers, laundry equipment, fans, vacuum cleaners, sewing machines; optical instruments and lenses; aviation instruments; photographic equipment; computers, computer components, peripherals; radio and television receiving equipment; electronic components and accessories; surgical, medical and dental instruments, equipment, and supplies; semiconductors, integrated circuits, related devices; storage media, blank and pre-recorded, including magnetic, magneto-optical, and optical products such as compact disks (CDs), computer electrical welding apparatus diskettes and hard drives, digital versatile disks (DVDs), magnetic tape products, phonograph records, etc.; lighting and wiring equipment such as lamps and fixtures, wiring devices, vehicle lighting; surveying and drafting instruments; instruments for measurement, testing, analysis and control, associated sensors and accessories; switch gear and switchboards; miscellaneous electrical machinery, equipment and supplies such as x-ray apparatus and tubes, electromedical and electrotherapeutic apparatus, electrical equipment for internal combustion engines; telephone and telegraph apparatus; motors and generators; watches and clocks. Does not include research and development facilities separate from manufacturing (see "High Technology").
3. **Furniture and Fixtures Manufacturing, Cabinet Shop.** A business that manufactures wood and metal household furniture and appliances; bedsprings and mattresses; all types of office furniture, and partitions, shelving, lockers and store furniture; and miscellaneous drapery hardware, window blinds and shades. Includes furniture re-upholstering businesses, wood and cabinet shops.

4. **Laboratory - Medical, Analytical.** A facility for testing, analysis, and/or research. Examples of this use include medical labs, soils and materials testing labs, and forensic labs.
5. **Metal Products Fabrication, Machine or Welding Shop.** An establishment engaged in the production and/or assembly of metal parts, including the production of metal cabinets and enclosures, cans and shipping containers, doors and gates, duct work, forgings and stampings, hardware and tools, plumbing fixtures and products, tanks, towers, and similar products. Examples of these uses include: blacksmith and welding shops; sheet metal shops; plating, stripping, and coating shops; and machine shops and boiler shops.
6. **Paper Product Manufacturing.** An establishment that converts pre-manufactured paper or paperboard into boxes, envelopes, paper bags, wallpaper, etc., and/or that coats or glazes premanufactured paper. Does not include the manufacturing of pulp, paper, or paperboard (see " Manufacturing/Processing, Heavy - Pulp and Pulp Product Manufacturing").
7. **Photo/Film Processing Lab.** A facility that provides high volume and/or custom processing services for photographic negative film, transparencies, and/or prints, where the processed products are delivered to off-site retail outlets for customer pick-up. Does not include small scale photo processing machines accessory to other retail businesses.
8. **Winemaking.** A facility engaged in the large scale production of wine involving more than 500 cases annually. For production of less than 500 cases annually, see "Manufacturing – Artisan".

**Manufacturing/Processing - Medium.** A facility accommodating manufacturing processes that involve and/or produce building materials, fabricated metal products, machinery, and/or transportation equipment, where the intensity and/or scale of operations is greater than those classified under "Manufacturing - Light," but where impacts on surrounding land uses or the community can typically be mitigated to acceptable levels. Examples of medium intensity manufacturing uses include the following.

1. **Food and Beverage Product Manufacturing.** Manufacturing establishments producing or processing foods and beverages for human consumption, and certain related products. Examples of these uses include: bottling plants; fats and oil product manufacturing (not animal rendering); breweries; fruit and vegetable canning; confectionery products; grain mill products and by-products; manufacturing; meat, poultry, and seafood canning, curing, byproduct processing; soft drink production; miscellaneous food item preparation from raw products; dairy products manufacturing. Does not include: bakeries or beer brewing as part of a brew pub, bar or restaurant.
2. **Laundry, Dry Cleaning Plant.** A service establishment engaged primarily in high volume laundry and garment services, including: carpet and upholstery cleaners; diaper services; dry cleaning and garment pressing; commercial laundries; linen supply. These facilities may include accessory customer pick-up facilities. These

facilities do not include laundromats or dry cleaning/laundry pick-up stores with limited processing equipment, which are instead under "Personal Services".

3. **Machinery Manufacturing.** An establishment that makes or processes raw materials into finished machines or parts for machines. Does not include the manufacture of electronics, equipment, or appliances ("Manufacturing/Processing, Light - Electronics, Equipment, and Appliance Manufacturing").
4. **Motor Vehicles and Transportation Equipment.** Manufacturers of equipment for transporting passengers and cargo by land, air and water, including motor vehicles, aircraft, spacecraft, ships, boats, railroad and other vehicles such as motorcycles, bicycles and snowmobiles.
5. **Stone and Cut Stone Product Manufacturing.** An establishment that cuts, shapes, and/or finishes marble, granite, slate, and/or other stone for construction and miscellaneous uses.
6. **Structural Clay and Pottery Product Manufacturing.** An establishment that produces brick and structural clay products, including pipe, china plumbing fixtures, vitreous china articles, and/or fine earthenware and porcelain products. Does not include products made primarily by hand (see "Manufacturing – Artisan").

**Massage Establishment.** A massage establishment as defined in Section 3900 of the Grover Beach Municipal Code.

**Media Production.** Facilities for motion picture, television, video, sound, computer, and other communications media production.

**Medical Services – Clinic or Urgent Care.** A facility other than a hospital where medical, mental health, surgical and other personal health services are provided on an outpatient basis. Examples of these uses include: medical offices with 5 or more licensed practitioners and/or medical specialists; out-patient care facilities; urgent care facilities; and other allied health services.

These facilities may also include incidental medical laboratories. Counseling services by other than medical doctors or psychiatrists are included under "Office".

**Medical Services – Doctor's Office.** A facility other than a hospital where medical, dental, mental health, surgical, and/or other personal health care services are provided on an outpatient basis. Includes dental, medical, optical, and x-ray lab offices. Counseling services by other than medical doctors or psychiatrists are included under "Office-Professional".

**Medical Services - Extended Care.** Residential facilities providing nursing and health-related care as a primary use with in-patient beds. Examples of these uses include: board and care homes; convalescent hospitals; congregate living health facilities; rest homes; and skilled nursing facilities. Long-term personal care facilities that do not emphasize medical treatment are included under "Residential Care" And "Residential Care for the Elderly".

**Meeting facility, public or private.** A facility for public or private meetings, including religious assembly facilities (e.g., churches, mosques, synagogues, etc.), auditoriums,

grange halls, union halls, and meeting halls for clubs and other membership organizations. Also includes functionally related internal facilities that are clearly incidental to the primary use such as kitchens, multi-purpose rooms, and storage. Related on-site facilities such as day care centers and schools are separately defined.

**Mixed Use Project:** A project that combines both residential and commercial uses on the same site. Does not include "Live/work Unit", which is separately defined.

**Mobile Home.** A trailer, transportable in one or more sections, that is certified under the National Manufactured Housing Construction and Safety Standards Act of 1974, which is over eight feet in width and 40 feet in length, with or without a permanent foundation and not including recreational vehicle, commercial coach or factory-built housing. A mobile home on a permanent foundation is included under the definition of "Single Dwellings".

**Mobile Home Park.** Any site that is planned and improved to accommodate two or more mobile homes used for residential purposes, or on which two or more mobile home lots are rented, leased, or held out for rent or lease, or were formerly held out for rent or lease and later converted to a subdivision, cooperative, condominium, or other form of resident ownership, to accommodate mobile homes used for residential purposes.

**Moderate Income Household.** Moderate income household as defined by State Health and Safety Code Section 50093 as 120% of county median income.

**Mortuary, Funeral Home.** Funeral homes and parlors, where deceased are prepared for burial or cremation, and funeral services may be conducted. Does not include on-site cremation.

**Motel.** See "Lodging".

**Multi-family Dwelling.** A structure containing two or more dwelling units. Multi-unit dwellings include: duplexes, triplexes, fourplexes (buildings under one ownership with two, three or four dwelling units, respectively, in the same structure); apartments (five or more units under one ownership in a single building); townhouse and rowhouse development (three or more attached dwellings where no unit is located over another unit); and other building types containing multiple dwelling units (for example, condominiums, courtyard housing, stacked flats, etc.).

**Net Lot Area.** See "Lot Area".

**Nonconforming Lot.** A lot that was legally created before the adoption or amendment of this Development Code, but does not comply with the current area, width, depth, or other applicable requirements of this Development Code.

**Nonconforming Parking.** A parking arrangement (e.g., drive aisle widths) or the number of parking spaces that was legally constructed before the adoption or amendment of this Development Code, but does not comply with the current standards of Section 3.50 (Parking Regulations), or other applicable requirements of this Development Code or City Standards and Specifications.,

**Nonconforming Structure.** A structure that was legally constructed before the adoption or amendment of this Development Code, but does not comply with the current area, width, depth, or other applicable requirements of this Development Code.

**Nonconforming Use.** A use of land and/or a structure (either conforming or nonconforming) that was legally established and maintained before the adoption or amendment of this Development Code, but does not conform to the current Development Code requirements for allowable land uses within the applicable zone.

**Off-Site.** An activity or accessory use that is related to a specific primary use, but is not located on the same site as the primary use.

**Office.** This Development Code distinguishes between the following types of offices. These do not include medical offices (see "Medical Service – Clinic/Urgent Care," and "Medical Service - Doctor Office.").

1. **Accessory.** An office facility for business administration, and/or on-site business and operations management, which is incidental and accessory to another business, sales, and/or service activity on the same site that is the primary use. These are permitted in all zones.
2. **Business/Service.** An establishment providing direct services to consumers. Examples of this use include employment agencies, elected official satellite offices, insurance agent offices, real estate offices, travel agencies, utility company offices, vehicle rental/sale offices with no vehicles on site, etc. Does not include "Financial Institutions," which are separately defined.
3. **Processing.** An office-type facility characterized by high employee density, and occupied by businesses engaged in information processing, and other computer-dependent and/or telecommunications-based activities. Examples of these uses include: reservation centers, insurance claim processing, mail order and electronic commerce transaction processing, consumer credit reporting, data processing services, and telemarketing offices.
4. **Professional.** An office facility occupied by a business that provides professional services, administrative services, or is engaged in the production of intellectual property. Examples of this use include: accounting, auditing and bookkeeping services; advertising agencies; attorneys; business associations, chambers of commerce; construction contractors (office facilities only); counseling services (for medical doctors see "Medical Services- Doctor Offices"); design services including architecture, engineering, landscape architecture; educational, scientific and research organizations; financial management and investment counseling; management and public relations services; media post production services; photographers and photography studios; political campaign headquarters; psychologists; travel agencies; and, security and commodity brokers.

**On-Site.** An activity or accessory use that is related to a specific primary use, which is located on the same site as the primary use.

**Park, Playground.** A public outdoor recreation facility that may provide a variety of recreational opportunities including community center, playground equipment, open space areas for passive recreation and picnicking, and sport facilities.

**Parking Facility.** Private parking lots when contiguous to a non-residential zone.

**Pedestrian Orientation.** A physical structure or place with design qualities and elements that contribute to an active, inviting and pleasant place for pedestrians that typically includes most of the following elements:

1. Building facades that are highly articulated at the street level, with interesting uses of material, color, and architectural detailing, located directly behind the sidewalk;
2. Visibility into buildings at the street level;
3. A continuous sidewalk, with a minimum of intrusions into pedestrian right-of-way;
4. Continuity of building facades along the street with few interruptions in the progression of buildings and stores;
5. Signs oriented and scaled to the pedestrian rather than the motorist. Pedestrian orientation may also include: design amenities related to the street level, such as awnings, paseos, and arcades; landscaping and street furniture.

**Pedestrian Oriented Use.** A land use that is intended to encourage walk-in customers and that generally does not limit the number of customers by requiring appointments or otherwise excluding the general public. A pedestrian oriented use provides spontaneous draw from sidewalk and street due to visual interest, high customer turnover, and/or social interaction.

**Person.** Any individual, firm, partnership, corporation, company, association, joint stock association; city, county, state, or district; and includes any trustee, receiver, assignee, or other similar representative thereof.

**Personal Services.** Establishments providing non-medical services to individuals as a primary use. Examples of these uses include: barber and beauty shops; dressmaking and tailor shops; dry cleaning/laundry pick-up stores with limited equipment; laundromats (self-service laundries); locksmiths; pet grooming (no overnight boarding); computer and small electronic equipment repair; shoe repair shops; and tanning salons. These uses may also include accessory retail sales of products related to the services provided.

**Personal Services - Restricted.** Establishments providing non-medical services to individuals as a primary use. Examples of these uses include: bail bonds, check cashing services, drug paraphernalia business (as defined in Municipal Code Section 3220), hookah bars, fortune telling and related practices (reference Municipal Code Section 3600 for permit requirements), buying gold/precious metals as a primary use, pawn shops, and tattoo and/or piercing parlors.

**Planning Commission.** The City's Planning Commission, referred to in this Development Code as the Commission.

**Plant Nursery.** A commercial establishment engaged solely in the retail sale of ornamental plants and related products. Does not include the wholesale and/or retail establishments for the production and propagation of ornamental plants.

**Primary Structure.** A structure that accommodates the primary use of the site.

**Primary Use.** The main purpose for which a site is developed and occupied.

**Printing and Publishing.** An establishment engaged in printing by letterpress, lithography, gravure, screen, offset, or electrostatic (xerographic) copying; and other establishments serving the printing trade such as bookbinding, typesetting, engraving, photoengraving and electrotyping. This use also includes establishments that publish newspapers, books and periodicals; establishments manufacturing business forms and binding devices. "Quick printing" services are included in the definition of "Business Support Services."

**Property Line.** See "Lot Line".

**Public and Quasi-Public.** Includes public, semi-public, and private schools; government, civic, and community buildings and uses; public utility buildings and uses; museums and libraries; and similar uses. Does not include "Specialized Education/Training".

**Public Works Director.** The City of Grover Beach Public Works Director or his/her designee. (Am. Ord. 13-04)

**Recreational Vehicle (RV).** A motor home, travel trailer, truck camper, carryall, or camp trailer, house car, with or without motive power, originally designed for human habitation for recreational, emergency, or other occupancy, which:

1. Contains less than 320 square feet of internal living room area, excluding built-in equipment, including wardrobe, closets, cabinets, kitchen units or fixtures, and bath or toilet rooms;
2. Contains 400 square feet or less of gross area measured at maximum horizontal projections;
3. Is built on a single chassis; and
4. Is either self-propelled, truck-mounted, or permanently towable on the highways without a towing permit.

Also includes boats, boat trailers, other types of trailers, golf carts, and busses.

**Recreational Vehicle (RV) Park.** Any area or tract of land where one or more lots are rented for relatively short-term occupancy to owners or users of recreational vehicles or travel trailers. Recreational vehicle parks may include public restrooms, water, sewer, and electric hookups to each lot. May include accessory retail uses where they are clearly incidental and intended to serve RV park patrons only.

**Recycling Facility.** A center for the collection and/or processing of recyclable materials. A "certified" recycling or processing facility is certified by the California Department of Conservation as meeting the requirements of the California Beverage Container Recycling and Litter Reduction Act of 1986.

1. **Large Collection Facility.** Large collection facilities which occupy an area of more than 350 square feet and/or include permanent structures.
2. **Processing Facility.** A structure or enclosed space used for the collection and processing of recyclable materials for shipment, or to an end-user's specifications, by such means as baling, briquetting, cleaning, compacting, crushing, flattening, grinding, mechanical sorting, remanufacturing and shredding.

3. **Recycling or Recyclable Material.** Reusable domestic containers and other materials which can be reconstituted, re-manufactured, or reused in an altered form, including glass, metals, paper and plastic. Recyclable material does not include refuse or hazardous materials.
4. **Reverse Vending Machine.** An automated mechanical device which accepts at least one or more types of empty beverage containers and issues a cash refund or a redeemable credit slip with a value not less than the container's redemption value, as determined by State law. These vending machines may accept aluminum cans, glass and plastic bottles, and other containers.
5. **Small Collection Facility.** A center where the public may donate, redeem or sell recyclable materials, which occupies an area of 350 square feet or less and may include a mobile unit or reverse vending machines, where allowed by the applicable zone.

**Remodel or Altered.** Physical change in the internal arrangement of rooms or the supporting members of a structure, or a change in the external appearance of any structure, not including painting.

**Repair Service – Large Equipment.** A service facility where various types of electrical, electronic, and mechanical equipment, and home and business appliances are repaired and/or maintained away from the site of the equipment owner. Does not include "Vehicle Repair & Services", the repair of small electronic equipment, which is included under "Personnel Services", maintenance and repair activities that occur on the client's site, which are included under "Maintenance Service - Client Site Services", or repair services of small equipment, which are classified as "Repair Service – Small Equipment".

**Repair Service – Small Equipment.** A service facility where various types of small home appliances and household items are repaired at the business location. Examples include: vacuum and sewing machine repair, home electronics repair, and lawnmower repair.

**Resale Store.** A retail store that buys, sells, trades, accepts for sale on consignment, or accepts for auction (e.g., eBay) used products including clothing, collectibles (e.g., coins, stamps, baseball cards), household goods, jewelry, machinery and equipment, musical instruments, or any goods that have a resale market. The products or goods include tangible personal property as defined by the U.S. Department of Justice or other used goods. Does not include "Thrift Stores" and pawn shops (see "Personal Services - Restricted", which are defined separately).

**Residential Care.** A single dwelling or multi-unit facility licensed or supervised by a Federal, State, or local health/welfare agency that provides 24-hour nonmedical care of unrelated persons who are handicapped and in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual in a family-like environment. This use includes transitional housing or supportive housing. Does not include day care facilities, which are separately defined.

**Residential Care Facility for the Elderly (RCFE).** A housing arrangement chosen voluntarily by the residents, or the residents' guardians, conservators or other responsible

persons; where 75 percent of the residents are at least 62 years of age, or, if younger, have needs compatible with other residents; and where varying levels of care and supervision are provided, as agreed to at the time of admission or as determined necessary at subsequent times of reappraisal (definition from California Code of Regulations Title 22, Division 6, Chapter 6, Residential Care Facilities for the Elderly). RCFE projects may include basic services and community space. RCFE projects include assisted living facilities, congregate housing, independent living centers/senior apartments, and life care facilities as defined below.

1. **Assisted Living Facility.** A residential building or buildings that also provide housing, personal and health care, as permitted by the Department of Social Services, designed to respond to the daily, individual needs of the residents. Assisted Living Facilities may include kitchenettes (small refrigerator, sink and/or microwave oven) within individual rooms. Assisted Living Facilities are required to be licensed by the California Department of Social Services, and do not include skilled nursing services.
2. **Independent Living Center/Senior Apartment.** Independent living centers and senior apartments and are multi-family residential projects reserved for senior citizens, where common facilities may be provided (for example, recreation areas), but where each dwelling unit has individual living, sleeping, bathing, and kitchen facilities.
3. **Life Care Facility.** Sometimes called Continuing Care Retirement Communities, or Senior Continuum of Care Complex, these facilities provide a wide range of care and supervision, and also provide health care (skilled nursing) so that residents can receive medical care without leaving the facility. Residents can expect to remain, even if they become physically incapacitated later in life. Life Care Facilities require multiple licensing from the State Department of Social Services, the State Department of Health Services, and the State Department of Insurance.

**Restaurant.** A retail business where the primary activity is selling food prepared on site for on- or off-premise consumption. These include eating establishments where customers are served from a walkup counter and establishments where customers are served food at their tables. Examples include: cafes, coffee shops, donut shops, ice cream parlors, delicatessens, etc. The sale of alcoholic beverages is allowed as an accessory use when the restaurant is a bona fide eating place which maintains a suitable kitchen facility and shall make actual and substantial sales of meals prepared for consumption on the premises. However, if the sale of alcoholic beverages becomes the primary use and/or the kitchen facilities are not suitable and/or meals prepared for consumption on the premises are not substantial, the use shall be classified as a "Bar/Tavern/Night Club".

**Review Authority.** The individual or official City body (Director, Planning Commission, or City Council) identified by this Development Code as having the responsibility and authority to review, and approve or disapprove the development permit applications described in Chapter 6 (Procedures).

**Second Hand Store.** See "Resale Store".

**Second Residential Dwelling.** A second permanent dwelling that is accessory to a primary dwelling on the same site. A second residential dwelling provides complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, sanitation, and parking. A carriage house is a second residential dwelling located on an upper floor above a detached garage.

**Second-Story Roof Deck.** A platform designed for use located at or above a second story of a two-story, single-family residential structure.

**Setback.** The distance by which a structure, parking area or other development feature must be separated from a lot line, other structure or development feature. The setback area is as follows:

1. **Front Setback.** An area extending across the full width of the lot between the front lot line and the applicable setback measurement.
2. **Rear Setback.** An area extending the full width of the lot between a rear lot line and the applicable setback measurement.
3. **Interior Side Setback.** An area between a side lot line and the applicable setback measurement extending between the front and rear setbacks.
4. **Street Side Setback.** An area between a side lot line adjacent to the street and the applicable setback measurement extending from the front setback line to the rear lot line.

**Single Family Dwelling.** A building designed for and/or occupied exclusively by one family. Also includes factory-built, modular housing units, constructed in compliance with the Uniform Building Code (UBC), and mobile homes/manufactured housing units that comply with the National Manufactured Housing Construction and Safety Standards Act of 1974, placed on permanent foundation systems.

**Single Room Occupancy (SRO) Facility.** A structure with one room residential rental units often with cooking facilities. May have private or shared bathroom facilities.

**Site.** A lot or adjoining lots under single ownership or single control, considered a unit for the purposes of development or other use.

**Specialized Education/Training.** A school that provides education and/or training, including vocational training, in limited subjects. Examples of these schools include: establishments providing courses by mail, language school, business, secretarial, and vocational schools, computers and electronics schools, and religious/ ministry training facility.

**Specific Plan.** A detailed plan for the systematic implementation of the General Plan, for all or part of the area covered by the General Plan, as authorized by Government Code Sections 65450 et seq.

**Storage - Outdoor.** The storage of various materials outside of a structure either as an accessory or primary use.

**Storage – Personal Storage Facility.** A structure containing generally small, individual compartments, stalls or lockers rented as individual storage spaces and characterized by low parking demand.

**Storage - Vehicle.** A facility for the storage of operative cars and other fleet vehicles, trucks, buses, recreational vehicles, and other motor vehicles. Includes facilities for the storage and/or servicing of fleet vehicles. Does not include commercial parking lots, or "Scrap or Dismantling Yards" (See Manufacturing/Processing - Heavy).

**Storage - Warehouse.** Facilities for the indoor storage of furniture, household goods, or other commercial goods of any nature. Includes cold storage. Does not include: warehouse, storage or mini-storage facilities offered for rent or lease to the general public ("Storage - Personal Storage Facility"); warehouse facilities primarily used for wholesaling and distribution (see "Wholesaling and Distribution"); or terminal facilities for handling freight (see "Freight Terminal").

**Story.**

1. The segment of a building between the following levels:
  - a. Upper surface of a floor.
  - b. Upper surface of the floor or roof directly above.
2. For floors other than the top floor, a story is measured in one of the following ways:
  - a. From top to top of successive tiers of beams.
  - b. From top to top of successive tiers of finished floor surfaces.
3. For the top floor, a story is measured as follows:
  - a. From top of finished floor to top of ceiling joints where there is a ceiling.
  - b. From top of finished floor to top of roof rafters where there is no ceiling.

**Street.** A public or private thoroughfare which affords principal means of access to abutting property, including avenue, street, place, way, court, drive, land, boulevard, highway, road, or any other thoroughfare except an alley as defined herein.

**Structure or building.** Anything constructed or erected, the use of which requires attachment to the ground, attachment to something located on the ground, or placement on the ground. For the purposes of this Development Code, the term "structure" includes "buildings,"

**Structure, Primary.** See "Primary Structure".

**Studio - Art, Dance, Martial Arts, etc.** Small scale facilities typically accommodating a few groups of students at a time. Examples of these facilities include: individual and group instruction and training in the arts; production rehearsal; photography, and the processing of photographs produced only by users of the studio facilities; yoga studios; martial arts training studios; gymnastics instruction, and aerobics and gymnastics studios with no other fitness facilities or equipment. Also includes production studios for individual musicians, painters, sculptors, photographers, and other artists.

**Studio Unit.** A residential unit where living and sleeping space is combined in a single room.

**Supportive Housing.** See "Transitional Housing".

**Tandem parking.** The arrangement of parking where no more than two cars are arranged in tandem, one in front of the other.

**Telecommunications Facilities.** Public, commercial and private electromagnetic and photoelectrical transmission, broadcast, repeater and receiving stations for radio, television, telegraph, telephone, data network, and wireless communications, including commercial earth stations for satellite-based communications. Includes antennas, commercial satellite dish antennas, and equipment buildings. Does not include telephone, telegraph and cable television transmission facilities utilizing hard-wired or direct cable connections.

**Temporary Use Permit.** A discretionary permit issued by the Director, which allows the use of land that is properly designed, operated and occupies a site for a limited time. See Section 6.20.080 (Temporary Use Permit).

**Thrift Store.** A retail store devoted primarily to the sale of used goods normally consisting of household discards. Also see "Resale Stores".

**Transitional and Supportive Housing.** Transitional housing is defined in Section 50675.2 of the Health and Safety Code as rental housing for stays of at least six months but where the units are recirculated to another program recipient after a set period. Transitional housing may be designed for homeless individuals or family transitioning to permanent housing. Supportive housing is defined in Section 50675.14 of the Health and Safety Code and has no limit on the length of stay, is linked to onsite or offsite services, and is occupied by a target population as defined in the Health and Safety Code.

**Use Permit.** A discretionary permit issued by the Commission for certain land uses and/or construction and development projects. See Section 6.20.090 (Use Permit).

**Use, Primary.** See "Primary Use."

**Variance.** A discretionary permit issued by the Commission granting relief from the requirements of this Development Code that permits construction in a manner that would otherwise be prohibited by this Development Code. See Section 6.20.100 (Variance).

**Vehicle Rental.** A retail establishment renting automobiles, light trucks, boats, campers, and/or motorcycles where vehicles are kept on site.

**Vehicle Repair and Services.** The repair, servicing, alteration, restoration, towing, painting, cleaning, or finishing of automobiles, trucks, recreational vehicles, boats and other vehicles as a primary use, including the incidental wholesale and retail sale of vehicle parts as an accessory use.

**Vehicle Sales.** A retail or wholesale establishment selling automobiles, light trucks, boats, campers, and/or motorcycles. Vehicles for sale may be displayed outdoors or indoors. May also include repair shops and the sales of parts and accessories, incidental to vehicle sales. Does not include the sale of auto parts/accessories separate from a vehicle dealership.

**Vehicle Storage.** See "Storage – Vehicle".

**Very Low Income Household.** Very low income household as defined by State Health and Safety Code Section 50105 as 50% of county median income.

**Warehouse.** See "Storage - Warehouse".

**Wholesaling and Distribution.** An establishment engaged in selling and/or renting merchandise to retailers; to contractors, industrial, commercial, institutional, farm, or professional business users; to other wholesalers; or acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies. Examples of these establishments include: agents, merchandise or commodity brokers, and commission merchants, merchant wholesalers, assemblers, buyers and associations engaged in the cooperative marketing of farm products, stores primarily selling electrical, plumbing, heating and air conditioning supplies and equipment. Also includes storage, processing, packaging, and shipping facilities for mail order and electronic-commerce retail establishments.

**Wine Tasting.** A retail sales facility where customers may taste and purchase wine and/or other food products.

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### 9.10.030 Coastal Act Definitions

Definitions of the terms used in the Coastal Act, which can be found in Section 30100 et. Seq. of the Public Resources Code of the State of California and apply to properties within the Coastal Zone, have been reprinted and are set forth as follows:

**Aggrieved Person.** Any person who, in person or through a representative, appeared at a public hearing of the City in connection with the decision or action appealed, or who, by other appropriate means prior to a hearing, informed the City of the nature of his concerns or who for good cause was unable to do either.

**Allowable Use.** Any use allowed by right which does not require a public hearing or any discretionary or non-discretionary permit of the approving authority.

**Appealable Development.** In accordance with Public Resources Code Section 30603 (2), any of the following:

1. Developments approved by the local government between the sea and the first public road paralleling the sea or within 300 feet of the inland extend of any beach or of the mean high tide line of the sea where there is no beach, whichever is greater distance.
2. Development approved by the local government not included within paragraph (a) of this section, located on tidelands, submerged lands, public trust lands, within one hundred (100) feet of any wetland, estuary, stream or within three hundred (300) feet of the top of the seaward face of any coastal bluff.
3. Any development which constitutes a major public works project or a major energy facility. The phrase "major public works project or a major energy facility" as used in Public Resources Code Section 30603 (a) (5) and these regulations shall mean any proposed public works project as defined by Section 13012 of the Coastal Commission Regulations (Title 14 California Administrative Code, Division 5.5) or energy facility as defined by Public Resources Code Section 30107.

**Appellant.** Any person who may file an appeal and includes an applicant or any aggrieved person.

**Applicant.** The person, partnership, corporation, state or local government agency applying for a coastal development permit.

**Approving Authority.** The City Officer, Planning Commission or Council approving a coastal development permit.

**Categorically Excluded Development.** A development (upon request of the city, public agency, or other person) by which the Coastal Commission has determined pursuant to Section 30610 (e) of the Public Resources Code to have no potential for significant adverse environmental effects and, therefore, has issued an exclusion in accordance with the applicable restrictions.

**Coastal Commission.** "Commission" means the California Coastal Commission. Whenever the term California Coastal Zone Conservation Commission appears in any law, it means the California Coastal Commission.

**Coastal-Dependent Development or Use:** Any development or use which requires a site on, or adjacent to, the sea to be able to function at all.

**Coastal Development Permit.** A letter or certificate issued; by the City in accordance with the provisions of this chapter, after the applicant has submitted all necessary supplementary documentation required to satisfy the conditions precedent in the notice to issue a coastal development permit.

**Coastal Plan.** The California Coastal Zone Conservation Plan prepared and adopted by the California Coastal Zone Conservation Commission and submitted to the Governor and the Legislature on December 1, 1975, pursuant to the California Coastal Zone Conservation Act of 1972 (commencing with Section 27000). Pursuant to Public Resources Code Section 30103, "Coastal Zone" means that land and water area of the State of California from the Oregon border to the border of the Republic of Mexico, specified in the maps identified and set forth in Section 17 of that chapter of the Statutes of the 1975-76 Regular Session enacting this division, extending seaward to the state's outer limit of jurisdiction, including offshore islands, and extending inland generally 1,000 yards, from the mean high tide line of the sea. In significant coastal estuarine, habitat, and recreational areas it extends inland to the first major ridgeline paralleling the sea or five miles from the mean high tide line of the sea, whichever is less, and in developed urban areas the zone generally extends inland less than 1,000 yards. The Coastal Zone does not include the area of jurisdiction of the San Francisco Bay Conservation and Development Commission, established pursuant to Title 7.2 (commencing with Section 66600) of the Government Code, nor any area contiguous thereto, including any river, stream, tributary, creek, or flood control drainage channel flowing into such area.

**Coastal-Related Development.** Any use that is dependent on a coastal-dependent development or use.

**Coastal Resources.** Include, but are not limited to, public access and public access facilities and opportunities, recreation areas and recreational facilities and opportunities (including for recreational water-oriented activities), public views, natural landforms, marine resources, watercourses (e.g., rivers, streams, creeks, etc.) and their related corridors, waterbodies (e.g. wetlands, estuaries, lakes, etc.) and their

related uplands, ground water resources, biological resources, environmentally sensitive habitat areas, agricultural lands, and archaeological or paleontological resources. (Am. Ord. 14-04)

**Conditional Use.** Any use which requires a public hearing.

**Development.** On land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973 (commencing with Section 4511). As used in this section, "structure" includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line

**Emergency.** A sudden unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property, or essential public services.

**Energy Facility.** Any public or private processing, producing, generating, storing, transmitting, or recovering facility for electricity, natural gas, petroleum, coal, or other source of energy.

**Environmentally Sensitive Habitat Area (ESHA).** Any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments. (Am. Ord. 14-04)

**Feasible.** Capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.

**Fill.** Earth or any other substance or material, including pilings placed for the purposes of erecting structures thereon, placed in a submerged area.

**Implementing Actions.** The ordinances, regulations, or programs which implement either the provisions of the certified Local Coastal Program or the policies of this division and which are submitted pursuant to Section 30502.

**Land Use Plan.** The relevant portion of a local government's general plan, or local coastal element which is sufficiently detailed to indicate the kinds, location, and intensity of land uses, the applicable resources protection and development policies and, where necessary, a listing of implementing actions.

**Local Coastal Element.** That portion of a general plan applicable to the coastal zone

which may be prepared by local government pursuant to this division, or such additional elements of the local government's general plan prepared pursuant to subdivision (k) of Section 65303 of the Government Code, as such local government deems appropriate.

**Local Coastal Program.** The City's land use plan, zoning ordinances, zoning maps, and other implementing actions certified by the Coastal Commission as meeting the requirements of the California Coastal Act of 1976.

**Local Government.** Any chartered or general law city, chartered or general law county, or any city and county.

**Minor Development.** A development which a local government determines satisfies all of the following requirements:

1. Is consistent with the certified local coastal program, as defined in Public Resources Code Section 30108.6.
2. Requires no discretionary approvals other than a coastal development permit.
3. Has no adverse effect either individually or cumulatively on coastal resources or public access to the shoreline or along the coast.

**Notice to Issue Coastal Development Permit.** A letter or certificate issued by the City in accordance with the provisions of this Chapter, approving a development subject to fulfillment of conditions prior to issuance of a coastal development permit, but if such conditions are fulfilled, as being in conformance with an adequate to carry out the Local Coastal Program

**Permit.** Any license, certificate, approval, or other entitlement for use granted or denied by any public agency which is subject to the provisions of this division.

**Permitted Use.** Any use allowed by right which does not require a public hearing, but does require a discretionary or non-discretionary permit (e.g. building permit) to be issued by the approving authority.

**Person.** Any individual, organization, partnership, or other business association or corporation including any utility, and any federal, state, local government, or special district or any agency thereof.

**Prime Agricultural Land.** Those lands defined in Section 51201 of the Government Code.

**Public Works.** All production, storage, transmission, and recovery facilities for water, sewerage, telephone, and other similar utilities owned or operated by any public agency or by any utility subject to the jurisdiction of the Public Utilities Commission, except for energy facilities. All public transportation facilities, including streets, roads, highways, public parking lots and structures, ports, harbors, airports, railroads, and mass transit facilities and stations, bridges, trolley wires, and other related facilities. For purposes of this division, neither the Ports of Hueneme, Long Beach, Los Angeles, nor San Diego Unified Port District nor any of the developments within these ports, shall be considered public works. All publicly financed recreational facilities, or projects of the State Coastal Conservancy, and any development by a special district. All community college facilities.

**Sea.** The Pacific Ocean and all harbors, bays, channels, estuaries, salt marshes, sloughs, and other areas subject to tidal action through any connection with the Pacific Ocean, excluding non-estuarine rivers, streams, tributaries, creeks, and flood control and drainage channels. "Sea" does not include the area of jurisdiction of the San Francisco Bay Conservation and Development Commission, established pursuant to Title 7.2 (commencing with Section 666000) of the Government Code, including any river, stream, tributary, creek, or flood control or drainage channel flowing directly or indirectly into such area.

**Sensitive Coastal Resource Areas.** Those identifiable and geographically bounded land and water areas within the coastal zone of vital interest and sensitivity. "Sensitive coastal resource areas" include the following:

1. Special marine and land habitat areas, wetlands, lagoons, and estuaries as mapped and designated in Part 4 of the coastal plan.
2. Areas possessing significant recreational value.
3. Highly scenic areas.
4. Archaeological sites referenced in the California Coastline and Recreation Plan or as designated by the State Historic Preservation Officer.
5. Special communities or neighborhoods which are significant visitor destination areas.
6. Areas that provide existing coastal housing or recreational opportunities for low- and moderate-income persons.
7. Areas where divisions of land could substantially impair or restrict coastal access.

**Special District.** Any public agency, other than a local government as defined in this chapter, formed pursuant to general law or special act for the local performance of governmental or proprietary functions within limited boundaries. "Special District" includes, but is not limited to, a county service area, a maintenance district area, an improvement district or improvement zone, or any other zone or area, formed for the purpose of designating an area within which a property tax rate will be levied to pay for a service or improvement benefitting that area.

**Special Treatment Area.** An identifiable and geographically bounded forested area within the coastal zone that constitute a significant habitat area, area of special scenic significance, and any land where logging activities could adversely affect a public recreation area or the biological productivity or any wetland, estuary, or stream especially valuable because of its role in a coastal ecosystem.

**Treatment Works.** Treatment works shall have the same meaning as set forth in the Federal Water Pollution Control Act (33 U.S.C. 1251, et. seq.) and any other federal act which amends or supplements the Federal Water Pollution Control Act.

**Wetland.** Lands within the coastal zone which may be covered periodically or permanently with shallow water and include saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats, and fens.

**Zoning Ordinance.** An ordinance authorized by Section 65850 of the Government Code or, in the case of a charter city, a similar ordinance enacted pursuant to the authority of its charter.

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## 9.10.040 Adult Business Definitions

Definitions of terms related to Adult Businesses in Section 4.20:

**Adult.** A person 18 years of age and older.

**Adult Bookstore.** Any establishment, which as a regular and substantial course of conduct, displays and/or distributes adult merchandise, books, periodicals, magazines, photographs, drawings, sculptures, motion pictures, videos, DVDs, CD ROMs, slides, films, or other written, oral or visual representations which are distinguished or characterized by an emphasis on a matter depicting, describing or relating to specified sexual activities or specified anatomical areas. (See "Adult Business" for definition of regular and substantial portion of its business.)

**Adult Cabaret.** A nightclub, bar, lounge, restaurant or similar establishment or concern which features as a regular and substantial course of conduct, any type of live entertainment, films, motion pictures, videos, slides, other photographic reproductions, or other oral, written, or visual representations which are characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

**Adult Entertainment Business.** Any business establishment or concern which as a regular and substantial course of conduct performs as an adult bookstore, adult theater, adult motion picture arcade, adult cabaret, stripper, adult model studio or adult hotel/motel (but not clothing optional hotel/motel); any business establishment or concern which as a regular and substantial course of conduct sells or distributes sexually oriented merchandise or sexually oriented material; or any other business establishment or concern which as a regular and substantial course of conduct offers to its patrons products, merchandise, services or entertainment characterized by an emphasis on matters depicting, describing or relating to specified sexual activities or specified anatomical parts. "Adult Entertainment Business" shall also include any business establishment or concern which, as a regular and substantial course of conduct provides or allows performers, models, actors, actresses, or employees to appear in any place in attire that does not opaquely cover specified anatomical areas. "Adult Entertainment Business" does not include those uses or activities, the regulation of which is preempted by state law.

**Adult Hotel or Motel.** A hotel or motel which, as a regular and substantial course of conduct provides to its patrons, through the provision of rooms equipped with closed-circuit television or other medium, material which is distinguished or characterized by the emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas and/or which rents, leases, or lets any room for less than a 12-hour period and/or rents, leases or lets any room more than once in a 24-hour period and/or which advertises the availability of any of the above. (Ord. 04-02)

**Adult Model Studio.** Any premises where there is furnished, provided or procured a figure model or models who pose in any manner which is characterized by its emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas where such model(s) is being observed or viewed by any person for the purpose of being sketched, painted, drawn, sculptured, photographed, filmed, or videotaped for a fee, or any other thing of value, as a consideration, compensation, or gratuity for the right or opportunity to so observe the model or remain on the premises. "Adult Model Studio" shall not include any live art class or any studio or classroom which is operated by any public agency, or any private educational institution authorized to issue and confer a diploma or degree under Section 94300 et seq. of the Education Code of the State of California.

**Adult Motion Picture Arcade.** Any business establishment or concern containing currency, coin or slug operated or manually or electronically controlled still, motion picture or video machines, projectors, or other image producing devices that are maintained to display images to an individual in individual viewing areas when those images are distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas. **Adult Theatre.** A business establishment or concern which, as a regular and substantial course of conduct, presents live entertainment, motion pictures, videos, slide photographs, or other pictures or visual reproductions which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas.

**G-string.** An article of clothing that opaquely covers the buttocks at least one inch on either side of the natal cleft and covers the entirety of the genitalia and pubis.

**Individual Viewing Area.** Any area used for viewing live performances, pictures, movies, videos or other presentations which has a potential maximum occupancy of ten persons or less as determined by the Building Official under the adopted Uniform Building Code.

**Live Art Class.** Any premises on which all of the following occur:

1. There is conducted a program of instruction involving the drawing, photographing, or sculpting of live models exposing specified anatomical areas;
2. Instruction is offered in a series of at least two classes;
3. The instruction is offered indoors;
4. An instructor is present in the classroom while any participants are present ; and
5. Preregistration is required at least 24 hours in advance of participation in the class.

**Live Entertainment.** Any existent display by a human being which is characterized by an emphasis on specified anatomical areas or specified sexual activities.

**Nude, Nudity, or State of Nudity.** The showing of the human male or female genitals, pubic area, vulva, anus, or anal cleft with less than a fully opaque covering, the showing of the female breast with less than fully opaque covering of any part of the nipple, or the showing of the covered male genitals in a discernibly turgid state.

**Pasties.** An article of clothing that opaquely covers the nipple and areola of the female breast.

**Performer.** Any dancer, entertainer, model, or other person who performs specified sexual activities or displays specified anatomical areas in an adult business.

**Religious Institution.** A building which is used primarily for religious worship and related religious activities.

**Residentially Zoned Properties.** Properties in the R-1, R-2, R-3, C-P-R-1, C-R-1, C-R-2, and C-R-3 zones (with or without planned development overlay).

**School.** An institution of learning for minors, whether public or private which is maintained pursuant to standards set by the State Board of Education and made applicable to the particular type of school (For example, it is recognized that curriculum standards that are applicable to public schools are not applicable to private schools. Accordingly, a private school is not disqualified from being considered a “school” simply because it does not comply with curriculum standards applicable to public schools.) This definition includes a nursery school, kindergarten, elementary school, junior high school, senior high school, or any special institution of learning under the jurisdiction of the State Department of Education, but does not include a vocational or professional institution or an institution of higher education including a community or junior college, college, or university.

**Sexually Oriented Material.** Any element of any merchandise, including but not limited to any book, periodical, magazine, photograph, slides, drawing, sculpture, motion picture film, videos, DVDs, CD ROMs, compact disks, other types of photographic reproductions, or other written, oral, or visual representation or presentation which, for purposes of sexual arousal, provides depictions which are characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas.

**Sexually Oriented Merchandise.** Sexually oriented implements and paraphernalia, including, but not limited to: dildos, auto sucks, sexually oriented vibrators, edible underwear, benwa balls, inflatable orifices, anatomical balloons with orifices, simulated and battery-operated vaginas, and similar sexually oriented devices which are designed or marketed primarily for the stimulation of human genital organs or sadomasochistic activity.

**Specified Anatomical Area.**

1. Less than completely and opaquely covered human genitals, pubic region, buttocks, and female breast below a point immediately above the top of the areola; and
2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

**Specified Sexual Activities.**

1. Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral anal copulation, bestiality, direct physical stimulation of clothed or unclothed genitals, flagellation or torture in the context of a sexual relationship, or the use of excretory

function in the context of a sexual relationship, any of the following depicted sexually oriented acts or conduct: anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, zooerastia; or

2. Clearly depicted human genitals in a state of sexual stimulation, arousal or tumescence; or
3. Use of human or animal ejaculation, sodomy, oral copulation, coitus, or masturbation; or
4. Fondling or touching of clothed or unclothed human genitals, pubic region, buttocks or female breast; or
5. Masochism, erotic or sexually oriented torture, beating or the infliction of pain; or
6. Erotic or lewd touching, fondling or other sexually oriented contact with an animal by a human being; or
7. Human excretion, urination, menstruation, vaginal or anal irrigation; or
8. The presence of any person who performs, or appears in attire where specified anatomical parts are either not opaquely covered or minimally covered with devices commonly referred to as pasties and g-strings or any other opaque covering over the nipple and areola of the female breast, and, while covering the cleft between the buttocks and pubic area, covers less than one inch on either side of the entire length of the cleft between the buttocks and two inches across the pubic area.