

PART 44 - DEVELOPMENT PERMITS AND REVOCATION OF PERMITS

Sec. 9144.1. Zoning Clearance.

Zoning clearance shall be required for all buildings and structures hereinafter erected, constructed, altered, repaired or moved within or into any District established by this Chapter and for the use of vacant land or for a change in the character of the use of land within any District established by this Chapter.

No Building Permit shall be issued until the Zoning clearance portion thereof has been completed by the Community Development Department and any required Administrative Use Permit, Architectural Approval, Temporary Use Permit, Use Permit or Variance has been issued and becomes effective.

Sec. 9144.2. Administrative Use Permit.

- (A) Purpose: The purpose of an Administrative Use Permit is to enable public review of land use proposals that are not of sufficient magnitude to warrant Planning Commission review. The Administrative Use Permit insures the proper integration into the community of land uses that because of their type or intensity may only be appropriate on particular sites or may only be appropriate if they are designed or laid out in a particular manner. The Administrative Use Permit process includes a public hearing before the Director of Community Development.
- (B) Before acting on any Administrative Use Permit application, the Director shall hold a hearing at which information and arguments may be presented. The applicant or his authorized agent shall be at the hearing in order to answer any questions that may arise.
- (C) Notice of the time, date, place, and purpose of the hearing shall be given by mailing to property owners within three hundred (300) feet of the project site at least ten (10) days prior to the hearing date.
- (D) Immediately after the conclusion of public testimony at the administrative hearing, the Director of Community Development shall:
 - (1) Announce the decision on the project, either approval, conditional approval, or denial; or
 - (2) Continue the hearing to a date certain to provide additional time to evaluate information obtained at the hearing prior to a final decision; and
 - (3) In the event final action is taken at the hearing, inform those present of the procedures by which the decision of the Director of Community Development may be appealed to the Planning Commission.

Sec. 9144.2a. City Council Review of Architectural Approvals, Use Permits, and Variances.

Any application for Architectural Approval, Use Permit or Variance that is accompanied by one or more components or actions that is subject to review by the City Council shall also be subject to review and consideration by the City Council. In the case of the required City Council review of an application for Architectural Approval, Use Permit, or Variance, the Planning Commission shall review and consider the application and make its recommendation to the City Council. (Ord. 06-02)

Sec. 9144.2b. Other Required City Council Approvals.

Any other project component or action required as part of a development permit application that requires City Council review and approval shall require that the complete application be subject to review and approval by the City Council. (Ord. 06-02)

Sec. 9144.3. Architectural Approval.

- (A) Applicability: Architectural Approval is required for any building or structure, or addition to any building or structure, in any commercial, industrial, or residential District, (except single family dwellings unless required by this Chapter), or if otherwise required by this Chapter. Said application shall be accompanied by architectural drawings or sketches showing the elevations of the proposed building or structure and site plans showing proposed landscape, parking, or other treatment of the grounds around such building or structure.
- (B) Purpose and Intent: Such drawings, sketches and site plans shall be considered by the Planning Commission in an effort to insure:
- (1) That the architectural and general appearance of such buildings or structures and grounds are in keeping with the character of the neighborhood.
 - (2) That the proposed design is not detrimental to the orderly and harmonious development of the City.
 - (3) That the development does not impair the desirability of investment or occupation in the neighborhood.
 - (4) That the proposal is consistent with any architectural guidelines or standards prepared for the area in which the project is located.
 - (5) That the project is consistent with the text and maps of the Grover Beach General Plan and this Chapter.
- (C) Application: Application for Architectural Approval shall be made in writing by the owners of the property, lessee, purchaser in escrow, optionee with the consent of the owners, or by a public utility company or other agency with the powers of eminent domain, on a form prescribed by the Community Development Department. The application shall be accompanied by a fee, set by the City Council, and plans as described in subsection (A) above.
- (D) Architectural Review Committee Appointment: The Planning Commission may appoint an Architectural Review Committee consisting of three (3) of its members which shall exercise the architectural considerations provided for in subsections (A) and (B) above. This Committee shall be appointed and conduct regular meetings whenever projects requiring architectural review are subjected to greater than a four (4) month period prior to being placed on a Planning Commission Agenda. (Ord. 90-4)
- (E) Architectural Approval Conformance: No building permit shall be issued in any case where architectural consideration is required until such drawings and sketches have been approved by the Architectural Committee, Planning Commission, or City Council, and all buildings, structures and grounds shall be constructed and improved in accordance with the approved drawings and sketches.

Sec. 9144.4. Temporary Use Permits.

- (A) Purpose and Intent: The Temporary Use Permit is intended to allow for the short-term placement (usually six months or less) of activities on privately or publicly owned property with appropriate regulations so that such activities will be compatible with the surrounding areas. A permit shall not be required for events that occur in theaters, meeting halls, or other permanent public assembly facilities. Temporary uses may be subject to additional permits, other City department approvals, licenses, and inspections, as required by any applicable laws or regulations.
- (B) Permitted Temporary Uses: The Director of Community Development is authorized to approve Temporary Use Permits for the following activities:
- (1) Parking lot and sidewalk sales on private property for businesses located within a commercially designated property. Such uses shall be subject to sign regulations contained in Chapter 4 of this Article.
 - (2) Outdoor art and craft shows and exhibits provided such uses are limited to two (2) days of operation or exhibition per 180-day period.
 - (3) Seasonal retail sale of agricultural products raised on the premises, provided such uses are limited to 120 days of operation per calendar year and when parking, access, and restroom facilities are provided to the satisfaction of the Director of Community Development. The applicant must comply with all County Health Department regulations.
 - (4) Christmas trees, pumpkin, or other seasonal product sales lots subject to the following guidelines and conditions:
 - (a) All such uses shall be limited to sixty (60) days of operation per calendar year.
 - (b) All lighting shall be directed away from and shielded from adjacent residential areas and streets.
 - (c) Adequate provisions for traffic circulation, off-street parking, and pedestrian safety shall be provided to the satisfaction of the Director of Community Development.
 - (d) Restroom facilities shall be provided on-site or at a nearby facility.
 - (e) All County Health Department regulations shall be followed.
 - (5) Circuses, carnivals, rodeos, pony riding, or similar traveling amusement enterprises subject to the following guidelines and conditions:
 - (a) All such uses shall be limited to not more than seven (7) days of operation in any 180-day period. Approval of a Use Permit, as set forth in Section 9144.5 is required to exceed this time limitation.
 - (b) All such activities shall have a minimum setback of 100 feet from any residential area.
 - (c) Adequate provisions for traffic circulation, off-street parking, and pedestrian safety shall be provided to the satisfaction of the Director of Community Development.
 - (d) Restrooms and security personnel shall be provided.
 - (e) Special, designated parking accommodations for amusement enterprise workers and support vehicles shall be provided.
 - (f) Noise attenuation for generators and carnival rides shall be provided to the satisfaction of the Director of Community Development.

- (g) Inspection and approval by the Building and Fire Departments is required.
- (6) Commercial coaches (defined in Health and Safety Code Section 18218) or mobilehomes on active construction sites, for use as a construction office or temporary living quarters for security personnel, or temporary residence of the subject property owner. The following restrictions shall apply:
 - (a) The Director of Community Development may approve a temporary trailer coach for the duration of the construction project or for a specified period, but in no event for more than two (2) years. If exceptional circumstances exist, a one (1) year extension may be granted, provided the building permit for the first permanent dwelling or structure on the same site has also been extended.
 - (b) Installation of trailer coaches may occur only after a valid building permit has been issued by the City Building Department.
 - (c) Trailer coaches permitted pursuant to this section shall not exceed a maximum gross square footage of 650 square feet in size (tongue not included).
 - (d) The trailer coach must have a valid California vehicle license and shall provide evidence of State Division of Housing approval as prescribed the Health and Safety Code of the State of California.
 - (e) The temporary trailer coach installation must meet all requirements and regulations of the County Department of Environmental Health Services and the City Building Department.
 - (f) Any permit issued pursuant to this Section, in conjunction with a construction project, shall become invalid upon cancellation, expiration of the building permit, or issuance of certificate of occupancy for the building which was issued a building permit.
- (7) Other similar temporary uses.

Sec. 9144.5. Use Permits.

Use Permits revocable, conditional and/or valid for a period of time, may be issued as provided in this Section for any of the uses or purposes for which such permits are required or permitted by the terms of this Chapter and may require tangible guarantees or evidence that such conditions are being or will be complied with.

- (B) Application: Application for Use Permits shall be made in writing by the owners of the property, lease, purchaser in escrow, optionee with the consent of the owners, or by a public utility company or other agency with the powers of eminent domain, on a forum prescribed by the Community Development Department. The application shall be accompanied by a fee, set by the City Council, and plans showing the details of the proposed use to be made of the land or building. The fee is used to defray the cost of processing the application and is not refundable once the item is heard by the Planning Commission
- (B) Approval: Upon receipt of the application for Use Permit, the Planning Commission shall determine whether or not the establishment, maintenance, or operation of the use applied for, under the circumstances of the particular case, will be:

- (1) detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, or
- (2) injurious or detrimental to property and improvements in the neighborhood of such proposed use or the general welfare of the City.

If the Planning Commission finds that the aforementioned conditions will not result from the particular use applied for, and the Planning Commission finds the use or development applied for will be consistent with the text and maps of the Grover Beach General Plan and this Chapter, it shall grant the Use Permit, or if required by Section 9144.2a., recommend the granting of the Use Permit to the City Council.

- (C) Conditions: Approval of the Use Permit may be subject to conditions reasonably related to the Use Permit applied for including, but not limited to, the following:
- (1) Issued for a specified time period.
 - (2) Reasonable requirements for landscaping.
 - (3) Construction of curbs, gutters and sidewalks.
 - (4) Dedication of property for utilities, street lighting, public right-of-way, etc.
 - (5) Installation of street trees.
 - (6) Completion of street paving to property line.
 - (7) Undergrounding of utility lines from property lines. (Am. Ord. 06-02)

Sec. 9144.6. Variances.

- (A) Applicability: Applications for Variances from the strict application of the terms of this Chapter may be made and Variances granted when the following circumstances are found to apply:
- (1) That any Variance granted shall be subject to conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and District in which the subject property is situated; and
 - (2) That because of special circumstances applicable to subject property including size, shape, topography, location or surroundings, the strict application of this Chapter is found to deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification.
- (C) For projects within the coastal zone, the granting of a Variance is consistent with the provisions of the Local Coastal Program

The use of lands or buildings not in conformity with the regulations specified for the District in which such land or buildings are located may not be allowed by the granting of a Variance from the strict application of the terms of this Chapter.

- (B) Application: Applications for Variance shall be made in writing by the property owner, lessee, purchaser in escrow, optionee with the consent of the owners, or by a public utility company or other agency with the powers of eminent domain, on a form prescribed by the Community Development Department of the City. The application shall be accompanied by a fee set by the City Council, a plan of the details of the Variance requested, and evidence showing:

- (1) That the granting of the Variance will not be contrary to the intent of this Chapter or to the public safety, health and welfare;
 - (2) That due to special circumstances or exceptional characteristics of the property, or its location, the strict application of this Chapter would result in practical difficulties and unnecessary hardship.
- (C) Approval: If the Planning Commission, and in the case the Variance is subject to the review provisions of Section 9144.2a., the City Council finds that the qualifications under Section 9144.6 (A) apply to the land or building for which Variance is sought, and that such Variance is in accordance with the intent of this Chapter, it may grant all or part of the Variance sought. (Am. Ord. 06-02)

Sec. 9144.7. Environmental Review.

No permit or approval shall be granted pursuant to this Chapter prior to completion and/or certification of applicable environmental documentation pursuant to the California Environmental Quality Act (CEQA) and the Grover Beach Rules and Procedures to Implement CEQA.

Sec. 9144.8. Time Limits for Approving Applications.

Action on projects that require the preparation and certification of an Environmental Impact Report, adoption of a Negative Declaration, or that are exempt from the provisions of the California Environmental Quality Act shall be taken within the time limits set forth in state law. An extension of the time limit for action on an application may be granted pursuant to applicable provisions of state law.

Sec. 9144.9. Planning Commission Public Hearing.

- (A) A public hearing before the Planning Commission, and in the case that the application is subject to the review provisions of Section 9144.2a., a public hearing before the City Council shall be held on any application for Use Permit or Variance. The applicant or his authorized agent shall be at the hearing in order to answer any questions which may arise.
- (B) Notice of such hearing shall be by publication in a newspaper of general circulation and by mailing, postage prepaid, a notice of the time and place of such hearing to all persons whose names and addresses appear on the latest adopted tax roll, or as known to the City Clerk, as owning property within a distance of three hundred (300) feet from the exterior boundaries of the area occupied, or to be occupied, by the use which is the subject of the hearing. Such notice shall set forth a general description of the property affected and the nature of the proposed use or Variance. (Am. Ord. 06-02)

Sec. 9144.10. Effective Date of Decision.

A final decision of the Planning Commission that is subject to appeal shall not become effective until five (5) working days have elapsed from the granting of the permit or approval by the appropriate decision-making body. If an appeal of a Planning Commission decision is filed, the permit or approval shall not be final until a decision is made by the City Council on such appeal. An application subject to City Council approval shall be final upon Council's review and consideration. (Am. Ord. 06-02)

Sec. 9144.11. Validity.

Any permit or approval shall not have any force and effect until the permittee acknowledges receipt thereof and acceptance of any conditions thereto.

Sec. 9144.12. Appeals.

- (A) Appeals to Planning Commission: In case the applicant or any other person is not satisfied with the action of the Director of Community Development on any Administrative Use Permit or Temporary Use Permit application, or any other action, an appeal may be filed in writing, within five (5) working days, to the Planning Commission.

Upon receipt of such appeal the Planning Commission shall set the matter for public hearing, notice thereof to be given as provided by state law.

The Planning Commission may affirm, reverse, or modify the decision of the Director of Community Development. The Planning Commission shall render its decision not more than forty-five (45) days after the close of the public hearing.

- (B) Appeals to City Council: In case the applicant or any other person is not satisfied with the action of the Planning Commission on any Architectural Approval, Use Permit or Variance application, or other action, an appeal may be filed in writing, within five (5) working days, to the City Council. The person appealing the Planning Commission action must have submitted written comments to the Planning Commission at, or before, the hearing or raised the issues at the Planning Commission hearing.

Upon receipt of such appeal the City Council shall set the matter for public hearing notice thereof to be given as provided by law. Notice shall also be given to the Community Development Department, which shall submit a report to the City Council setting forth the reasons for the action taken by the Planning Commission. Such report shall be submitted in writing and by representation at the hearing.

The City Council may affirm, reverse, or modify any decision of the Planning Commission or may refer the matter back to the Planning Commission for further study and recommendation to the Council. The City Council shall render its decision not more than forty-five (45) days after the close of the hearing.

Sec. 9144.13. Approval to Extend with Land or Applicant.

Unless otherwise specified, permits and approvals granted pursuant to this Chapter shall run with the land, and shall continue to be valid upon a change of ownership of the site or structure to which it applies, with the exception of Home Occupation Permits.

Sec. 9144.14. Expiration of Use Permits and Variances.

- (A) Excepting as provided in subsection (B) below, any Use Permit or Variance granted in accordance with the terms of this Section shall without further action become null and void if not used within two (2) years from the date of the approval thereof or within any shorter or longer period of time if so designated by the Planning Commission at the time the Use Permit or Variance is approved.
- (B) Use Permits and/or Variances required for condominiums, townhouses, planned developments, or similar type subdivision developments shall have concurrent expiration dates as the accompanying tentative subdivision map.
- (C) For the purpose of subsection (A), "used" shall mean that:
 - (1) A building permit has been issued and construction begun;
 - (2) A final subdivision map has been recorded for which the Use Permit or Variance was granted; or
 - (3) That all conditions for approval of said Use Permit or Variance have been met and the purpose for which the Use Permit or Variance was granted has been executed.

Sec. 9144.15. Revocation of Permits.

- (A) Findings: Any Use Permit or Variance granted in accordance with the terms of this Chapter may be revoked by the Planning Commission in the manner hereinafter set forth if any of the conditions or terms of such permits are violated, or if the following findings are made:
 - (1) In connection with Use Permits: The continuance of the use would be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such use or would be injurious or detrimental to the property and improvements in the neighborhood or to the general welfare of the City.
 - (2) In connection with Variances: Continued relief from the strict application of the terms of this Ordinance would be contrary to the public interest, safety, health and welfare.
- (B) Hearing Required: Before the Planning Commission considers revocation of any permit, the Planning Commission shall hold a hearing thereon after giving written notice thereof to the permittee at least ten (10) days in advance of such hearing. Within five (5) working days thereafter, the Commission shall transmit a report of its action on the revocation to the City Council.
- (C) Appeal of Revocation Decision: In the case an appeal is filed from the Planning Commission decision within five (5) working days of such action, the City Council shall hold a public hearing thereon and may uphold, modify, or reverse the action of the Planning Commission.

PART 45 - COASTAL DEVELOPMENT PERMIT PROCEDURES

Sec. 9145.1. Purpose.

This Part establishes the permit procedures for developments located in the coastal zone as defined in Section 30103 (f) of the Public Resources Code. This Part is based on the Local Coastal Program Implementation Regulations adopted by the California Coastal Commission pursuant to Public Resources Code Section 30620.6 and 30333, and as such shall constitute the minimum procedural requirements for review of developments in the coastal zone pursuant to Public Resources Code Section 30600 (d).

Sec. 9145.2. Definitions.

Refer to Sections 9148.1 and 9148.2 of this Chapter.

Sec. 9145.3. Requirements for Coastal Development Permits.

Except as provided in Section 9145.4 below, any applicant wishing to undertake a development in the coastal zone shall obtain a coastal development permit in accordance with the provisions of this Part, in addition to any other permit required by law. Development undertaken pursuant to a coastal development permit shall conform to the plans, specifications, terms and conditions approved in granting the permit. The procedures prescribed herein may be used in conjunction with other procedural requirements of the approving authority, provided that the minimum requirements as specified herein are assured.

Sec. 9145.4. Exemptions.

- (A) Occupancy permits.
- (B) Development exempted by Public Resources Code Section 30106 and 30610, except as otherwise specified by the Coastal Commission in Title 14 of the California Code of Regulations, Chapter 6, Section 13250, 13252, and 13253 and any amendments thereafter adopted.
- (C) Harvesting of agricultural crops.

Sec. 9145.5. Emergency Coastal Development Permits.

- (A) Application:
 - (1) Notification to City: In case of emergency, applications shall be made by letter to the Community Development Director, or in person or by telephone, if time does not allow.
 - (2) Application Information: The following information should be included in the request:
 - (a) Nature of the emergency;
 - (b) Cause of the emergency, insofar as this can be established;
 - (c) Location of the emergency;

- (d) The remedial, protective, or preventive work required to deal with the emergency; and
 - (e) The circumstances during the emergency that appeared to justify the action taken, including the probable consequences of failing to take action.
- (B) Verification of Emergency: The Community Development Director shall verify the facts including the existence and the nature of the emergency, as time allows.
- (C) Criteria for Granting Emergency Permit:
 - (1) Public Notice: The Community Development Director shall provide public notice of the emergency work, with the extent and type of notice determined on the basis of the nature of the emergency.
 - (2) Community Development Director's Findings: The Community Development Director may grant an emergency permit if an emergency exists as defined in Section 9148.2 of this Chapter. If granted, the permit shall be subject to reasonable terms and conditions, including language indicating that the work accomplished under an emergency permit is considered temporary until a regular permit is issued for the work, an expiration date of the emergency permit, and a condition specifying the necessity for the submittal of a regular permit application within 30 days of the effective date of the emergency permit. The emergency permit may be granted if the Community Development Director finds that:
 - (a) An emergency exists that requires action more quickly than permitted by the procedures for administrative permits and the work can and will be completed within 30 days unless otherwise specified by the terms of the permit;
 - (b) Public comment on the proposed emergency action has been reviewed, if time allows;
 - (c) The work proposed would be consistent with the requirements of the certified Local Coastal Program; and
 - (d) The emergency permit shall be followed up with a regular Coastal Development application within 30 days of issuance of the emergency permit. The emergency permit, if not exercised or if the emergency ceases to exist, shall become null and void within seven (7) days of issuance of the permit.
- (D) Report of Emergency Permits to City Council:
 - (1) Timing, Content, and Distribution: The Community Development Director shall report, in writing to the City Council, at its first scheduled meeting after the emergency permit has been issued, the nature of the emergency and the work involved. Copies of this report shall be available at the meeting and shall be mailed to the Executive Director of the Coastal Commission and to all persons who have requested such notification in writing.
 - (2) Director's Discretion: The report of the Director shall be information only; the decision to issue an emergency permit is solely at the discretion of the Director, subject to the provision of this Chapter.

Sec. 9145.6. Notice of Appealable Developments.

Within ten (10) calendar days of accepting an application for an appealable coastal development permit or at least seven (7) calendar days prior to the first public hearing on a development proposal, the City shall provide notice by First Class Mail of a pending application for appealable development. This notice shall be provided to each applicant, to all persons who have requested to be on the mailing list for that development project or for coastal decisions within the City, to all property owners of record in the latest assessor's roll book within three hundred (300) feet of the perimeter of the parcel on which the development is proposed, to all residents within one hundred (100) feet of the perimeter of the parcel on which the development is proposed; be posted in three (3) public places; be published at least once in a newspaper of general circulation; and be sent to the Regional Commission or the Commission. Costs of notice shall be borne by the applicant through application fees. The notice shall contain the following information:

- (A) A statement that the development is within the coastal zone.
- (B) The date of filing of the application and the name of the applicant.
- (C) The number assigned to the application.
- (D) A description of the development and its proposed location.
- (E) The date, time and place at which the application will be heard by the local governing body or hearing officer.
- (F) A brief description of the general procedure of local government concerning the conduct of hearing and local actions.
- (G) The system for local and Coastal Commission appeals, including any local fees required.

Sec. 9145.7. Public Hearing on Appealable Developments.

- (A) Unless otherwise provided in subsection (B) below, at least one public hearing shall be held on each application for an appealable development, thereby affording any persons the opportunity to appear at the hearing and inform the City of the nature of their concerns regarding the project. Such hearing shall occur no earlier than seven (7) calendar days following the mailing of the notice required in Section 9145.6. The public hearing may be conducted in accordance with existing local procedures or in any other manner reasonably calculated to give interested persons an opportunity to appear and present their viewpoints, either orally or in writing.
- (B) The Director of Community Development Director may waive the requirement for a public hearing on a coastal development permit application for a minor development only if both of the following occur:
 - (1) Is consistent with the certified Local Coastal Program;
 - (2) Requires no discretionary approval other than a coastal development permit; and
 - (3) Has no adverse effect either individually or cumulatively on coastal resources or public access to the shoreline or along the coast.

The Community Development Director may waive the requirement for a public hearing on a coastal development permit application for a minor development only if both of the following occur:

- (1) Notice that a public hearing shall be held upon request by any person is provided to all persons who would otherwise be required to be notified of a public hearing as well as any other persons known to be interested in receiving notice.
- (2) No request for public hearing is received by the Community Development Department within fifteen (15) working days from the date of sending the notice pursuant to paragraph (1).

The notice shall include a statement that failure by a person to request a public hearing may result in the loss of that person's ability to appeal to the Coastal Commission any action taken by the City on a coastal development permit application.

Sec. 9145.8. Notice of Local Government Action Where Hearing Continued.

If a decision on a development permit is continued by the City to a time which is neither (a) previously stated in the notice provided pursuant to Section 9145.6 or, (b) announced at the hearing as being continued to a time certain, the City shall provide notice of the further hearings (or action on the proposed development) in the same manner, and within the same time limits as established in Section 9145.6.

Sec. 9145.9. Notice of Non-Appealable Developments that Require a Public Hearing: Conditional Use.

Notice of such developments shall be given at least ten (10) calendar days before a hearing in the following manner:

- (A) Notice in the manner prescribed in Section 9145.6; or
- (B) Notice as prescribed hearing:
 - (1) If the matter is heard by the Planning Commission, notice shall be published in a newspaper of general circulation; or if there is none, posted in at least three (3) public places in the local jurisdiction;
 - (2) Notice by first class mail to any person who has filed a written request therefore;
 - (3) Notice by first class mail to property owners within three hundred (300) feet;
 - (4) Notice by first class mail to the Commission;
 - (5) The Notice shall contain a statement that the proposed development is within the coastal zone.

Sec. 9145.10. Notice of Non-Appealable Developments that Do Not Require a Public Hearing: Permitted Uses.

Notice of such development shall be given in the manner prescribed in Section 9145.9 above.

Sec. 9145.11. Determination of Applicable Notice and Hearing Procedures.

The determination of whether a development is categorically excluded, non-appealable, or appealable for purposes of notice, hearing and appeals shall be made by the City at the time the application for development is submitted.

This determination shall be made with reference to the certified designations, and zoning ordinances adopted as a part of the certified Local Coastal Program. Where an applicant, interested person, or the City has a question as to the appropriate procedures, the following procedures shall be followed:

- (A) The City shall make its determination as to what type of development is being proposed (i.e. exempt, categorically excluded, appealable, non-appealable) and shall inform the applicant of the notice and hearing requirements for that particular development. The local determination may be made by any designated approving authority.
- (B) If the determination of the City is challenged by the applicant or an interested person, or if the City wishes to have a Commission determination as to the appropriate designation, the City shall notify the Commission by telephone of the dispute/question and shall request an Executive Director's opinion.
- (C) The Executive Director shall within two (2) working days of the City's request, (or upon completion of a site inspection where such an inspection is warranted), transmit a determination as to whether the development is exempt, categorically excluded, non-appealable or appealable.
- (D) Where, after the Executive Director's investigation, the Executive Director's determination is not in accordance with the City's determination, the Commission shall hold a hearing for the purpose of determining the appropriate designation for the area. The Commission shall schedule the hearing on the determination for the next Commission meeting in the appropriate geographic region following the City's request.

Sec. 9145.12. Finality of City Action.

A local decision on an application for a development shall be deemed final when (1) the local decision on the application has been made and all required findings have been adopted, including specific factual findings supporting the legal conclusions that the proposed development is or is not in conformity with the certified Local Coastal Program, and where applicable, with the Public Access and Recreation Policies of Chapter 3 of the Coastal Act; and (2) when all local rights of appeal have been exhausted as defined in Section 9145.16 of this Chapter, or when the final local period for appeal has passed and no appeal has been filed by the City.

Sec. 9145.13. Final City Action - Notice.

Within seven (7) calendar days of a final decision on an application for any development (except categorically excluded or exempt developments) the City shall provide notice of its action by first class mail to the Commission and to any persons who specifically requested notice of such final action by submitting a self-addressed, stamped envelope to the City, (or where required, who paid a reasonable fee to receive such notice.) Such notice shall include conditions of approval and written findings and the procedures for appeal to the Coastal Commission. No notice of final City action shall be mailed to the Commission until all applicable local appeal periods have been exhausted.

Sec. 9145.14. Failure to Act - Notice.

- (A) Notification by Applicant: If the City has failed to act on an application within the time limits set forth in Government Code Section 65950-65957.1, thereby approving the development by operation of law, the person claiming a right to proceed pursuant to Government Code Sections 65950-65957.1 shall notify, in writing, the City and the Commission of his or her claim that the development has been approved by operation of law. Such notice shall specify the application which is claimed to be approved.
- (B) Notification by City: When the City determines that the time limits established pursuant to Government Code Sections 65950-65957.1 have expired, the City shall, within seven (7) calendar days of such determination, notify any person entitled to receive notice pursuant to Section 00186 (a) that it has taken final action by operation of law pursuant to Government Code Sections 65950-65957.1. The appeal period for projects approved by operation of law shall begin to run only upon the receipt of the City's notice in the Commission's Office. (This Section shall apply equally to a City determination that the project has been approved by operation of law and to a judicial determination that the project has been approved by operation of law).

Sec. 9145.15. Local Government Action - Effective Date.

- (A) Non-appealable Coastal Development Permits: A final decision on an application for a coastal development permit for projects that are not appealable to the Commission shall become effective after the City's ten (10) day appeal period has expired without an appeal being filed with the City, and the notice to the Commission of final action is adequate. For non-appealable projects approved by the City Council, the decision is final and effective as of the date of Council action.
- (B) Appealable Coastal Development Permits: A final decision of the City on an application for an appealable development shall become effective after the ten (10) working day appeal period to the Commission has expired unless any of the following occur:
 - (1) An appeal is filed in accordance with the Commission's regulations.
 - (2) The notice of final local government action does not meet the requirements of Section 9145.13 and 9145.14.

Sec. 9145.16. Exhaustion of Local Appeals and Appeals to the Coastal Commission.

- (A) An appellant shall be deemed to have exhausted local appeals for purposes of filing an appeal under the Commission's regulations and be an aggrieved person where the appellant has pursued his appeal to the City Council as required by this Chapter; except that exhaustion of all local appeals shall not be required if any of the following occur:
- (1) The City requires an appellant to appeal to more local appellate bodies than have been certified as appellate bodies for permits in the coastal zone, in the implementation section of the Local Coastal Program;
 - (2) An appellant was denied the right of the initial local appeal by a local ordinance which restricts the class of persons who may appeal a local decision;
 - (3) An appellant was denied the right of local appeal because local notice and hearing procedures for the development did not comply with the provisions of this Article;
 - (4) The local government jurisdiction charges an appeal fee for the filing or processing of appeals.
- (B) Where a project is appealed by any two (2) members of the Commission, there shall be no requirement of exhaustion of local appeals. Provided, however, that the City may provide, by ordinance, that notice of Commission appeals may be transmitted to the local appellate body (which considers appeals from the local body that rendered the final decision), and the appeal to the Commission may be suspended pending a decision on the merits by that local appellate body. If the decision of the local appellate body modified or reversed the previous decision, the Commissioners shall be required to file a new appeal from that decision.
- (C) Appealable Development: As set forth in Public Resources Code Section 30603(a), a decision by the City on a permit application for any of the following projects may be appealed to the Coastal Commission:
- (1) Developments approved between the ocean and the first public road parallel to the ocean, or within 300 feet of the inland extend of any beach, whichever is the greater distance, as shown on the adopted post-certification appeals map.
 - (2) Approved developments no included in subsection (C)(1) of this section that are proposed to be located on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, or stream, as shown on the adopted post-certification appeals map.
 - (3) Developments approved in areas not identified in subsections (C)(1) or (C)(2) above that are located in a Sensitive Coastal Resource Area as defined in Section 9148.2.
 - (4) Any development that constitutes a Major Public Works Project or Major Energy Facility. "Major Public Works Project" or "Major Energy Facility" shall mean any proposed public works project or energy facility exceeding \$100,000 in estimated construction cost, pursuant to Section 13012, Division 5.5, Title 14 of the California Code of Regulations.
- (D) Grounds for Appeal: As required by Section 30603 of the Public Resources Code, appeals to the Coastal Commission shall use only the following grounds for appeal and no others:

- (1) For approval of developments including in (C)(1), (C)(2), and (C)(3) above, that the development does not conform to the standards set forth in the certified local coastal program or the public access policies set forth in Chapter 3 of the Coastal Act.
 - (2) For denial of developments included in (C)(4) above, that the development conforms to the standards set forth in the certified local coastal program and the public access policies set forth in Chapter 3 of the Coastal Act.
- (E) Time for Appeal to the Coastal Commission: An appeal of a City final action on an appealable project must be received in the appropriate Commission office no later than 5:00 p.m. on the 10th working day after receipt, in the appropriate Commission office, of an adequate notice of final action from the City. Any final action by the City on an appealable development shall become effective after the 10-working day appeal period to the Coastal Commission has ended.
- (F) The effect of a City-approved permit appealed to the Coastal Commission is stayed pending the action of the Commission on the appeal. If the Commission finds that no substantial issue is raised by the appeal, the City's approval stands. If the Commission finds that substantial issue is raised, the permit then comes under the jurisdiction of the Coastal Commission and the City's coastal development permit is void. Any amendment of a permit that has come under the jurisdiction of the Coastal Commission shall require approval by the Commission or the Executive Director of the Commission, as appropriate.

Sec. 6145.17. Expiration of the Coastal Development Permit.

A notice to issue a coastal development permit shall be valid for two (2) years from the date of this final City action upon the application. Each notice to issue or each permit shall contain a statement that any request for an extension of the time of commencement shall be applied for prior to expiration of the permit.

Sec. 9145.18. Permit Extension.

The term for coastal development permits may be extended by the Community Development Director for up to three (3) one year periods. An applicant shall generally submit a request for a time extension at least sixty (60) days prior to the expiration date of the permit; however, the Director may accept requests for time extensions at any time prior to expiration of the permit. A permit extension request accepted prior to the expiration of the permit shall stay the expiration while the extension request is under consideration. Such request shall be in writing and shall be accompanied by a fee set by the City Council. The Director shall review the proposal for consistency with all applicable ordinances and policies effective at the time of the request for extension and shall consider any changed circumstances in the law, at the project site, and in community resources necessary to support the project that have occurred since the time of the original approval or previous extension, as applicable. Provision of notice, level of hearing, and appeals shall be the same as for the original permit.

Extension requests for coastal development permits approved by the Coastal Commission on appeal shall be submitted to the Coastal Commission for processing consistent with California Regulations, Title 14, Section 13169.

Sec. 9145.19. Permit Amendment.

Upon application by the permittee, a permit may be amended by the approving authority. Application for and action on an amendment shall be accomplished in the same manner as specified by this Chapter for initial approval. Amendments to coastal development permits approved by the Coastal Commission on appeal shall be submitted to the appropriate office of the Coastal Commission for processing.

Sec. 9145.20. Open Space Dedication Procedures.

RE: Local Coastal Program Regulations, Title 14, Division 5.5, Section 13574

All coastal development permits subject to conditions of approval pertaining to public access and open space or conservation easements shall be subject to the following procedures. The Executive Director of the Commission shall review and approve all legal documents specified in the conditions of approval of a coastal development permit for public access and conservation/open space easements.

- (A) Upon completion of permit review by the local government and prior to the issuance of the permit, the Community Development Director shall forward a copy of the permit conditions and findings of approval and copies of the legal documents to the Executive Director of the Commission for review and approval of the legal adequacy and consistency with the requirements of potential accepting agencies.
- (B) The Executive Director of the Commission shall have fifteen (15) working days from receipt of the documents in which to complete the review and notify the applicant of recommended revisions if any.
- (C) The City may issue the permit upon expiration of the fifteen (15) working day period if notification of inadequacy has not been received by the City within that time period.
- (D) If the Executive Director has recommended revisions to the applicant and to the City, the permit shall not be issued until the deficiencies have been resolved to the satisfaction of the Executive Director.

PART 46 - AMENDMENTS

Sec. 9146.1. General.

Except as otherwise provided in this Chapter, any amendment to this Chapter shall be initiated and adopted as other ordinances are amended or adopted.

Sec. 9146.2. Initiation.

- (A) Any amendment to this Chapter which changes any property from one (1) District to another District, or imposes any regulation upon property not theretofore imposed, or removes or modifies any such regulation, shall be initiated and adopted as hereinafter set forth in this Chapter.
- (B) Any amendment of the nature specified subsection (A) may be initiated by:
 - (1) Filing with the City Planning Commission of a Resolution of Intention of the City Council of the City of Grover Beach;
 - (2) Passage of a Resolution of Intention by the Planning Commission; or
 - (3) Filing with the Planning Commission of an application by one (1) or more record owners of property which is the subject of the proposed amendment or their authorized agents. Such application for amendment shall be on a form designated therefore by the Community Development Department and shall be accompanied by a fee as set by the City Council.

Sec. 9146.3. Planning Commission Public Hearing.

- (A) Upon receipt of an application or Resolution of Intention of Amendment the Planning Commission shall set a date for a public hearing hereon but not later than forty-five (45) days after certification or adoption of any associated environmental document.
- (B) Public Notice:
 - (1) Notice of public hearing shall be given as required by Section 919144.9 of this Chapter and as provided by state law.
 - (2) Additional notice of the time and place of such hearing and the purpose thereof shall be given by posting at least three (3) public notices thereof not less than ten (10) days prior to such hearing along the streets upon which the property proposed to be affected abuts. Each such notice shall consist of the words "Notice of Proposed Zoning Change" in letters not less than one (1) inch in height and, in addition thereto, a statement in small letters setting forth a general description of the property proposed to be affected, the time and place of the public hearing thereon, and such other information as the Planning Commission deems to be necessary.

(3) Any failure to post public notices as aforesaid shall not invalidate any proceedings for the amendment of this Zoning Ordinance.

(C) After the close of the public hearing or continuations thereof, the Planning Commission shall make a report of its recommendation and reasons therefore with respect to the proposed amendment. The Commission's report shall include a list of persons who testified at the hearing, a summary of the facts adduced at the hearing, and copies of any maps or data and/or documentary evidence submitted in connection with the proposed amendment. A copy of such recommendation shall be transmitted to the City Council within ninety (90) days after the notice of hearing thereon provided, however, that such time may be extended with the consent of the City Council or the petitioner for such amendment.

Sec. 9146.4. City Council Action.

Subject to the provisions of Section 9146.6, upon receipt of the recommendation of the Planning Commission, the City Council shall hold a public hearing thereon after giving notice thereof as required by law. After the conclusion of such hearing the City Council, within one (1) year, may approve, modify, or disapprove the recommendation of the Planning Commission.

Sec. 9146.5. Referral Back to Planning Commission.

Any modification of the proposed amendment as recommended by the Planning Commission shall first be referred to the Planning Commission for report and recommendation. The Planning Commission need not hold a public hearing thereon. Failure of the Planning Commission to report to the City Council within forty (40) days of the date of reference shall be deemed to be approval of the proposed modification.

Sec. 9146.6. Planning Commission Disapproval.

If the Planning Commission has recommended against an amendment which would change property from one zoning District to another, the City Council need not take further action thereon unless an interested party shall request a public hearing. Such request shall be filed with the City Clerk not more than five (5) working days after the Planning Commission has filed its recommendations with the City Council. The City Council shall then proceed as provided in Section 9146.4 and 9146.5.

Sec. 9146.7. City Final Action on LCP Amendment.

In no event shall the City's final action on an amendment to this chapter, which affects property within the Coastal Zone, or any part of the City's certified Local Coastal Program occur sooner than six (6) weeks after notice of public review sessions, availability of review drafts, studies, or other relevant documents or actions pertaining to the preparation of an amendment.

Sec. 9146.8. Effective Date of LCP Amendment.

No amendment to this Chapter, which affects property within the Coastal Zone, or any other part of the certified Local Coastal Program shall be effective until after the amendment has been submitted to and approved by the Coastal Commission pursuant to Sections 13551 et seq, Division 5.5, Title 14, California Code of Regulations.

PART 47 - INTERPRETATION

Sec. 9147.1. Conflicts and Clarification.

Except as specifically provided herein this Chapter shall not be interpreted to repeal, abrogate, annul, or in any way affect any existing provision of any law or ordinance or regulations or permits previously adopted or issued relating to the erection, construction, moving, alteration or enlargement of any building or improvement provided, however, in any instances where this Chapter imposes greater restrictions upon the erection, construction, establishment, moving, alteration or improvement of buildings or the use of any building or structure or land than is imposed or required by an existing law, ordinance or regulation, the provisions of this Chapter shall control.

Sec. 9147.2. Determinations.

Whenever the Planning Commission of the City of Grover Beach is called upon to determine whether or not the use of land or any structure in any District is similar in character to the particular uses allowed in a District, the Commission shall consider the following factors as criteria for their determination:

- (A) Effect upon the public health, safety and general welfare of the neighborhood involved and the City at large.
- (B) Effect upon traffic conditions.
- (C) Effect upon the orderly development of the area in question and the City at large in regard to the City's General Plan.

Sec. 9147.3. Appeals of Interpretation.

- (A) The Planning Commission shall have the power to hear and decide appeals based on the enforcement or interpretation of the provisions of this Chapter.
- (B) In case the applicant is not satisfied with the action of the Planning Commission on the appeal, an appeal may be filed in writing, within five (5) working days, to the City Council.
 - (1) Notice shall be given to the Planning Commission of such appeal and a report shall be submitted by the Community Development Department to the City Council setting forth the reasons for the action taken by the Commission. Such report shall be submitted in writing or by representation at the hearing.
 - (2) The City Council shall render its decision within forty-five (45) days after the filing of such appeal.

PART 48 - DEFINITIONS

Sec. 9148.1. Definitions.

For the purpose of this Chapter certain terms are hereby defined. Words used in the present tense shall include the future; words used in the singular shall include the plural; the word "shall" is mandatory; and the word "may" is permissive.

Definitions of the terms used in this Chapter are set forth as follows:

Abut: To physically touch or border upon; or to share a common property line but not overlap.

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.) (Ord. 04-02)

Adult Business:

- (a) 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 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 which does not opaquely cover specified anatomical areas. "Adult Business" does not include those uses or activities, the regulation of which is preempted by state law.
- (b) For the purposes of this subsection, a business establishment or concern has established the provision of products, merchandise, services or entertainment characterized by an emphasis on matters depicting, describing or relating to specified sexual activities or specified anatomical areas as a regular and substantial course of conduct when one or more of the following conditions exist:
 - (1) The area devoted to adult merchandise and/or sexually-oriented material exceeds 25 percent of the total display or floor space area open to the public;
 - (2) The business establishment or concern presents any type of live entertainment which is characterized by an emphasis on specified sexual activity or specified anatomical areas at least four times in any month in any given year;

- (3) The regular and substantial course of conduct of the business consists of or involves the

sale, trade, display or presentation of services, products, or entertainment which are characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas. (Ord. 04-02)

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. (Ord. 04-02)

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. (Ord. 04-02)

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. (Ord. 04-02)

Adult Theater: 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. (Ord. 04-02).

Alley: A public or private thoroughfare which affords only a secondary means of access to abutting property.

Antique Store: A retail store in which at least sixty (60) percent of the floor area of the portion of the building that is open to the public is devoted solely to works of art, furniture, jewelry, or handicrafts that are over one hundred (100) years old.

Apartment: Any building or portion thereof which is designed and built for occupancy of four (4) or more families.

Block: All property fronting upon one (1) side of a street between intersecting and intercepting streets, or between a street and a railroad right-of-way, waterway, dead-end street or unsubdivided land. An intercepting street shall determine only the boundary of the block on the side of the street which it intercepts.

Boarding House: A dwelling other than a hotel where lodging for three (3) or more persons is provided for compensation.

Body Painting Studio: Any establishment or business that provides the service of applying paint or any other substance, whether transparent or not, to or on the human body when the body is displaying whole or partial nudity of specified anatomical areas. (Ord. 04-02)

Building: Any structure having a roof supported by columns or by walls and designed for the shelter or housing of any person, animal, or chattel and having a fixed location upon the ground.

Building, Accessory: A subordinate building, including shelters of pools, the use of which is incidental to that of the main building.

Building, Main: A building in which is conducted the principal use of the lot and/or building site on which it is situated.

Building Site: A lot or parcel of land, in single or joint ownership, and occupied or to be occupied by a main building and accessory buildings, or by a dwelling and its accessory buildings, together with such open spaces as are required by the terms of this Chapter and having its principal frontage on a street, road, highway or waterway.

Business, Retail: The retail sale of any article, substance, or commodity, within a building, but not including the sale of lumber or other building materials.

Business, Wholesale: The wholesale handling of any article, substance, or commodity, but not including the handling of lumber or other building materials or the outside storage or sale of any material or commodity, and not including the processing or manufacture of any product or substance.

Caretaker's Residence: A dwelling unit accessory to a principal use on a site and intended for occupancy on the same site, as a caretaker, security guard, servant, or similar position generally requiring residence on the site.

Club: A group of people organized for a common non-profit purpose to pursue common goals, interests, or activities and usually characterized by certain membership qualifications, payment of fees or dues, regular meetings, and a constitution or bylaws.

Combining District: Any District in which the general District regulations are combined with those special Districts defined in Section 9102.2 hereof for the purpose of additional special regulations.

Congregate Living Health Facility: A residential home with a capacity of no more than six (6) beds, which provides inpatient care in a noninstitutional, homelike environment, including the following basic services: medical supervision, 24-hour skilled nursing and supportive care, pharmacy, dietary, social recreational, and at least one type of the following services:

- (a) Services for persons who are mentally alert and physically disabled, who may be ventilator dependent.
- (b) Services for persons who have a diagnosis of terminal illness. Terminal illness means the individual has a life expectancy of six (6) months or less as stated in writing by his or her attending physician or surgeon.
- (c) Services for persons who are catastrophically and severely disabled. A catastrophically and severely disabled person means a person whose origin of disability was acquired through trauma or nondegenerative neurologic illness, for whom it has been determined that active rehabilitation would be beneficial and to whom these services are being provided. Service offered by a congregate living health facility to a catastrophically disabled person shall include, but not be limited to, speech, physical, and occupational therapy.

Contiguous Parcels: Adjacent parcels of land even if separated by roads, streets, alleys, utility easements, or railroad rights-of-way.

Convenience Store: A small-scale retail establishment offering for sale prepackaged food products, household items, newspapers and magazines, and sandwiches and other freshly prepared foods, such as salads, for off-site consumption.

Corner Lots, Side and Front of: For the purpose of this Chapter, the narrowest frontage of a corner lot facing the street is the front, and the longest frontage facing the intersecting street is the side, irrespective of the direction in which the dwelling faces.

Court: An open, unoccupied space, other than a yard, which is bound on two (2) or more sides by a building or buildings on the same lot.

Dance Hall: A business establishment wherein patrons thereof may dance with another person for a fee other than a price of admission to such establishment.

District: A portion of the City within which certain uses of land and buildings are permitted or prohibited and within which certain yards and other open spaces are required and certain height limits are established for buildings, all as set forth and specified in this Chapter.

Drug Paraphernalia Business: An establishment having as a substantial or significant portion of its stock in trade items specified in Section 3220 of the City of Grover Beach Municipal Code.

Drugstore: A store where the primary business is the filling of medical prescriptions and the sale of drugs, medical devices and supplies, and nonprescription medicines but where nonmedical products, such as candy, cards, and cosmetics, may be sold as well.

Dwelling: A building or portion thereof designed exclusively for residential occupancy, including one-family, two-family, three-family dwellings and apartments, multiple-family dwellings, but not including hotels, motels or boarding houses.

Dwelling, Single-Family: A building containing not more than one (1) kitchen and designed for or used to house not more than one (1) family, including all necessary employees of such family.

Dwelling, Two-Family or Duplex: A building containing not more than two (2) kitchens, designed and/or used to house not more than two (2) families, living independently of each other, including all necessary employees of each such family.

Dwelling, Three-Family or Triplex: A building containing not more than three (3) kitchens, designed and/or used to house not more than three (3) families, living independently of each other, including all necessary employees of each such family.

Dwelling, Multiple: A building or portion thereof, used and designed as a residence for four (4) or more families living independently of each other and doing their own cooking in said building, including apartment houses, apartment hotels and flats, but not including motels, boarding houses or hotels.

Dwelling Group: A group of two (2) or more detached or semi-detached, one-family, two-family, three-family, or multiple dwellings occupying a parcel of land in one (1) ownership and having any yard or court in common, but not including automobile courts.

Establish: With reference to an adult bookstore, adult motion picture theater, adult cabaret, or other adult business:

- (a) Opening or commencement of operation as a new business.
- (b) Conversion of an existing business to an adult business.
- (c) Addition of an adult business to an existing business, whether or not adult, if the addition results in enlarging the place of business. For purposes of this definition, "Enlargement" means an increase in the size of the building or area in which the business is conducted by either construction or use of an adjacent building or any portion thereof, whether located on the same or an adjacent lot. (Ord. 04-02)

Family: A group of individuals living together in a dwelling unit as a single housekeeping unit under a common housekeeping management plan based on an intentionally structured relationship providing organization and stability. A family shall be deemed to include necessary servants.

Family Day Care Home: A home in which regularly provides care, protection, and supervision of twelve (12) or fewer children, in the provider's own home, for periods of less than 24 hours per day, while the parents or guardians are away, unless otherwise provided in Section 1597.41 of the State Health and Safety Code.

Fence: Any structural device, other than a wall of a building, forming a physical barrier by means of hedge, wood, mesh, metal, chain, brick, stake, plastic or other similar materials.

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. (Ord. 04-02)

Garage or Carport: Accessible and usable covered space of not less than ten (10) feet wide x twenty (20) feet deep interior dimensions for storage of automobiles.

Gasoline Service Station: An occupancy which provides for the retail sales of gasoline or petroleum products by means of pump or metering device and complies with applicable provisions of the Municipal Code. A gasoline service station may also provide servicing of motor vehicles and operations incidental thereto if limited to:

- (a) retail sale of petroleum products and automotive accessories.
- (b) automobile washing by hand or machine.
- (c) waxing and polishing of automobiles.
- (d) tire changing and repairing (excluding re-capping).
- (e) battery service, charging and replacement, not including repair and rebuilding.
- (f) radiator cleaning and flushing, excluding steam cleaning and repair.
- (g) installation of accessories.
- (h) convenience goods, such as snack food, tobacco, drinks, and newspapers.

A gasoline service station may also include the following operations if conducted within a building:

- (a) lubrication of motor vehicles
- (b) brake servicing, limited to servicing and replacement of brake cylinders and brake shoes; wheel balancing
- (c) the testing, adjustment and replacement of carburetors, coils, condensers, distributor caps, fan belts, filters, generators, points, rotors, spark plugs, voltage regulators, water and fuel pumps, water hoses and wiring; smog checking.

Guest Quarters: Living quarters, of a permanent type of construction and without kitchens or cooking facilities, located either in an accessory building or attached to the main dwelling unit on a lot, and where no compensation in any form is received or paid.

Health Facility: Any facility, place, or building which is organized, maintained, and operated for the diagnosis, care, prevention, and treatment of human illness, physical or mental, including convalescence and rehabilitation and including care during and after pregnancy, or for one or more of these purposes, for one or more persons, to which the persons are admitted for a 24- hour stay or longer.

Height of Building: 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 excluding elevator rooms, chimneys, ventilating and air conditioning equipment, unless otherwise specified in this Chapter. Natural grade shall be determined by the Community Development Department through the use of the best available information.

High Occupancy Residential Use: Any dwelling, other than a residential care facility as defined in Section 9148.2 of this code or a group home operated by a non-profit organization for the elderly, disabled, single parents, or battered spouses, in the R-A, C-R-A, R-1, C-R-1, or C-P-R-1 Zoning Districts when the occupancy of the dwelling consists of six or more adults.

Home Occupation: Any business activity carried out for gain by a resident and conducted as a customary, incidental, and accessory use in the resident's dwelling unit.

Hotel: A single building or a group of detached or semi-detached buildings containing guest rooms or apartments, which group is designed and used primarily for the accommodation of transient travelers.

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. (Ord. 04-02)

Intermediate Care Facility: A health facility which provides inpatient care to ambulatory or nonambulatory patients who have recurring need for skilled nursing supervision and need supportive care, but who do not require availability of continuous skilled nursing care.

Junk Yard: More than one hundred (100) square feet of the area of any lot used for the storage of junk, including scrap metals, salvage or other scrap materials, or for the dismantling or wrecking of automobiles or other vehicles or machinery whether for sale or storage.

Kennels: Any premises where four (4) or more dogs, cats, or fowl are maintained for breeding purposes, boarded or cared for, or are kept there for the purposes of sale.

Kitchen: Any room other than a garage that contains a refrigeration unit and running water.

Large Family Day Care Home: A home that provides family day care to 7 to 12 children, inclusive, including children under the age of 10 years who reside at the home, unless otherwise provided in Section 1597.41 of the State Health and Safety Code.

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

- (a) There is conducted a program of instruction involving the drawing, photographing, or sculpting of live models exposing specified anatomical areas;
- (b) Instruction is offered in a series of at least two classes;
- (c) The instruction is offered indoors;
- (d) An instructor is present in the classroom while any participants are present; and
- (e) Preregistration is required t least 24 hours in advance of participation in the class. (Ord. 04-02)

Live Entertainment: Any existent display by a human being which is characterized by an emphasis on specified anatomical areas or specified sexual activities. (Ord. 04-02)

Live/Work Unit: An integrated housing unit and working space, occupied and utilized by a single household in a structure, (may include several attached units) that has been designed or structurally modified to accommodate joint residential occupancy and work activity, and shall comply with Section 9137.17a, Live/Work Units, of this Code. (Ord. 02-08; Am. Ord. 04-12)

Lodge: The place where members of a local chapter of a non-profit association or fraternal, cultural, or religious organization hold their meetings.

Lot: See "Building Site".

Lot Coverage: The portion of the lot that is covered by buildings or structures, excluding any covered patio structure that is used solely for general open use, gazebos, covered entry ways or porches that are open on at least two side, and swimming pools. (See Figure 7.)

Lot Depth: The average horizontal distance between the front and rear lot lines, measured in the direction of the side lot lines.

Lot, Flag: A lot predominantly situated behind another lot and having access to a street by means of a narrow portion of the flag lot extending out to the street.

Lot Line: A line separating the front yard from a street, the side yard from a street or adjoining property; the rear yard or side yard from an alley or street or adjoining property.

Lot Line, Front: The shortest dimension of a lot fronting on a street.

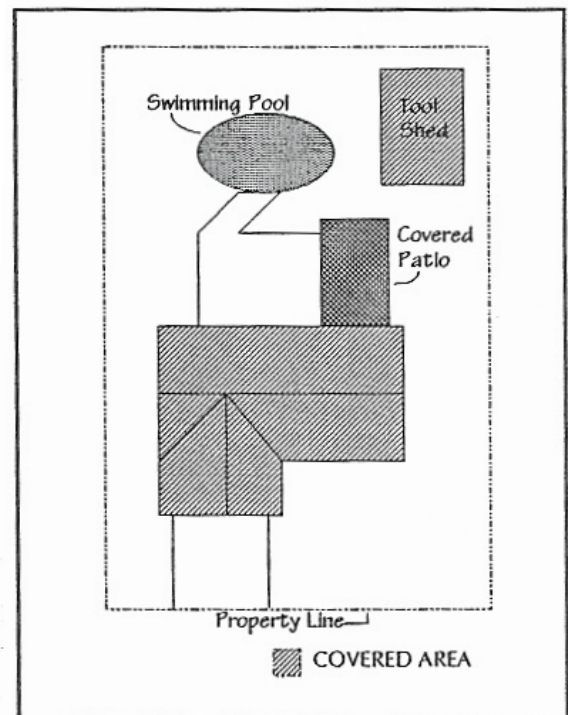


Figure 7: Lot Coverage

Lot Line, Rear: The lot boundary opposite, or approximately opposite the front lot line; in the case of a triangular or gore-shaped lot, a line ten (10) feet in length, within the lot, parallel to and at the maximum distance from the front line of the lot.

Lot Line, Side: Any lot boundary not a front or rear lot line.

Lot, Through: A lot having frontage on two (2) parallel or approximately parallel streets.

Lot, Width: The horizontal distance between the side lot lines measured at right angles to the lot depth, at the required front yard setback line.

Massage Parlor: A massage establishment as defined in Section 3900 et. seq. of the Grover Beach Municipal Code.

Mixed Use Development: The development of a lot or building with two or more different land uses, such as residential, commercial, industrial, or public.

Mobilehome: A vehicle other than a motor vehicle which is: (a) designed to be used for human habitation; (b) designed so that it can be drawn by a motor vehicle. Not included are travel trailers as defined herein.

Mobilehome Parks: Any tract of land where one (1) or more mobilehome lots are rented or leased to accommodate mobilehomes.

Motel: See "Hotel"

Nonconforming Lot: A lot, the area, dimensions, or location of which was lawful prior to the adoption, revision, or amendment of this Chapter, but that fails to conform to the present requirements of this Chapter by reason of such adoption, revision, or amendment.

Nonconforming Parking: A parking arrangement, which was lawful prior to the adoption, revision, or amendment of this Chapter, but that fails to conform to the number of parking spaces for a use or the parking design standards of this Chapter by reason of such adoption, revision, or amendment.

Nonconforming Structure: A structure, which lawfully existed prior to the adoption, revision, or amendment of this Chapter, but does not comply with one or more of the property development standards of this Chapter by reason of such adoption, revision, or amendment.

Nonconforming Use: A use of land or building, which use was lawful prior to the adoption, revision, or amendment of this Chapter, but that fails to conform to the present requirements of this Chapter by reason of such adoption, revision, or amendment.

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. (Ord. 04-02)

Office, General: A business establishment for rendering of service or administration, but excluding retail sales.

Office, Professional: An office for the conduct of any one of the following uses: accountant, architect, attorney, broker, business consulting, chiropractor, collection agency, counseling office, dentist, doctor, engineer, insurance office, optician, private detective, surveyor, or any other similar use which the Planning Commission finds to be consistent with the uses and intensity of the uses set out above.

Outdoor Sales: Sales of items of merchandise which are regularly stored or displayed outside of a building where any of such items are visible from a point on public right-of-way.

Outdoor Storage: The keeping, in an unenclosed area, of any goods, junk, material, merchandise, or vehicles in the same place for more than twenty-four (24) hours.

Parking Space: An accessible and usable space on the building site, or adjacent lot, with the minimum dimensions set forth in the City Standards and Specifications, for the parking of one (1) automobile.

Pasties: An article of clothing that opaquely covers the nipple and areola of the female breast. (Ord. 04-02)

Performer: Any dancer, entertainer, model, or other person who performs specified sexual activities or displays specified anatomical areas in an adult business. (Ord. 04-02)

Person: Includes any individual, city, county, or city and county, partnership, corporations, cooperatives,

association, trust or any other legal entities, including the State of California and the Federal Government.

Pharmacy: A place where drugs and medicines are prepared and dispensed.

Recovery or Treatment Facility: Any premises, place, or building that provides 24-hour residential nonmedical services to adults who are recovering from problems related to alcohol, drug, or alcohol and drug misuse or abuse, and who need alcohol, drug, or alcohol and drug recovery treatment or detoxification services.

Recreational Vehicle: Any motor vehicle which is designed for human habitation. Included are trucks on which a camping facility has been installed, either permanently or temporarily.

Refreshment Stand: An establishment where food and/or beverages are sold in a form ready for consumption, where all or a significant portion of the consumption takes place or is designed to take place outside the confines of the establishment, and where ordering and pickup of food takes place by pedestrians.

Religious Institution: A building which is used primarily for religious worship and related religious activities. (Ord. 04-02)

Residential Care Facility: Any family home, group care facility, or similar facility for 24-hour non-medical care of persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual.

Residentially Zoned Properties: Property in the R-A, R-1, R-2, R-3, C-P-R-1, C-R-1, C-R-2, C-R-3, or M-H Zones (with or without planned development overlay) within the City of Grover Beach. (Ord. 04-02)

Restaurant: A retail business where the primary activity is selling food prepared on site along with the sale of beverages for consumption with such food. (Ord. 03-01)

Rooming House: See "Boarding House"

Salvage Yard: Any premises where machinery, vehicles, structures, fabricated parts, or other materials are stored, wrecked or disassembled in any manner.

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

Second-Story Roof Deck: A platform designed for use located at or above a second story of a two-story,

single-family residential structure. (Ord. 04-10)

Second Hand Store: A retail store devoted primarily to the sale of used goods normally consisting of household discards. This definition does not apply to specialty stores such as book stores, antique stores, jewelry stores, or stamp and coin shops.

Service Buildings: Buildings which are customarily and regularly found within mobilehome parks and travel trailer and recreation vehicle parks. Included are recreational buildings, laundries, offices, storage buildings, bathhouses, garages and carports.

Service Yard: An occupancy which is for the purpose of storage of construction materials or equipment outside of a building.

Setback Lines: A line established by this Chapter to govern the placement of buildings or structures with respect to lot lines, streets or alleys.

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. (Ord. 04-02)

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. (Ord. 04-02)

Sight Triangle: A triangular-shaped portion of land established at street intersections in which nothing is erected, placed, or planted, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.

Signs: See Article IX, Chapter 4 of the Municipal Code.

Single Housekeeping Unit: Two or more persons who, except for bedrooms, have common use and access to all portions of the building, garages, driveways, yard areas, and storage compartments of a dwelling unit.

Skilled Nursing Facility: A health facility which provides skilled nursing care and supportive care to patients whose primary need is for availability of skilled nursing care on an extended basis.

Specialized Food Store: A retail store specializing in a specific type or class of foods, such as an appetizer store, bakery, butcher (with no slaughtering of animals), delicatessen, fish market, gourmet shop, or produce store.

Specified Anatomical Areas:

- (a) 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
- (b) Human male genitals in a discernibly turgid state, even if completely and opaquely covered. (Ord. 04-02)

Specified Sexual Activities:

- (a) 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
- (b) Clearly depicted human genitals in a state of sexual stimulation, arousal or tumescence; or
- (c) Use of human or animal ejaculation, sodomy, oral copulation, coitus, or masturbation; or
- (d) Fondling or touching of clothed or unclothed human genitals, pubic region, buttocks or female breast; or
- (e) Masochism, erotic or sexually oriented torture, beating or the infliction of pain; or
- (f) Erotic or lewd touching, fondling or other sexually oriented contact with an animal by a human being; or
- (g) Human excretion, urination, menstruation, vaginal or anal irrigation; or
- (h) 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. (Ord. 04-02)

Storage Yard: Any premises where there is the storage of discarded, used or manufactured apparatus, lumber, building materials, equipment, motor vehicles, automobile parts, scrap metals, appliances, paper, crockery, furniture, or other manufactured or assembled items, whether or not for purposes of sale. Any of the practices or operations set forth in this Section carried on entirely within a walled and roofed building shall be exempted from the definition of a "storage yard."

Story:

- (a) The segment of a building between the following levels:
 - 1. Upper surface of a floor.
 - 2. Upper surface of the floor or roof directly above.
- (b) For floors other than the top floor, a story is measured in one of the following ways:
 - 1. From top to top of successive tiers of beams.
 - 2. From top to top of successive tiers of finished floor surfaces.
- (c) For the top floor, a story is measured as follows:
 - 1. From top of finished floor to top of ceiling joists where there is a ceiling.
 - 2. From top of finished floor to top of roof rafters where there is no ceiling. (Ord. 04-10)

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.

Street Line: The boundary between a street right-of-way and property.

Structure: Anything constructed or erected, the use of which requires location on or in the ground.

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

Travel Trailer: A vehicle, other than a motor vehicle, which is designed to be used for human habitation and for travel or recreational purposes having a length of not to exceed forty (40) feet. It must be designed to be drawn by a motor vehicle and pulled upon a public highway without a special permit or a chauffeur's license in accordance with the Vehicle Code of the State of California.

Travel Trailer and Recreation Vehicle Park: Any area or tract of land where one (1) or more lots are rented for a relatively short-term occupancy to owners or users of travel trailers or recreation vehicles.

Use: The purpose for which land or a building is designed, arranged, or intended or for which either land or building is or may be occupied or maintained.

Use, Accessory: An accessory use is one that is customarily incidental to that of the main building or to the main use of the land. It is located in the same zone as the main building or use or in a less restrictive zone and is on the same lot with the building or use.

Veterinary Hospital or Veterinary Clinic: Any premises used for the care, treatment, or boarding of large or small animals, including, but not limited to dogs, cats, horses, cattle and fowl.

Wet bar: A room within a residence that contains a refrigeration unit not in excess of 4.5 cubic feet in capacity and a single sink not in excess of 960 cubic inches in volume.

Yard: An open space that lies between the principal building or buildings and the nearest lot line. The minimum required yard as set forth in this Chapter is unoccupied and unobstructed from the ground upward, except as otherwise permitted in this Chapter.

Yard, Front: A yard extending across the front of the lot between the side lot lines and measured from the front line of the lot to the nearest line of the main building. (See Figure 8.)

Yard, Rear: A yard extending across the full width of the lot and measured between the rear line of the lot and the nearest line of the main building. (See Figure 8.)

Yard, Side: Any yard between the side line of the lot and the nearest line of the building and extending from the front yard to the rear yard. (See Figure 8.)

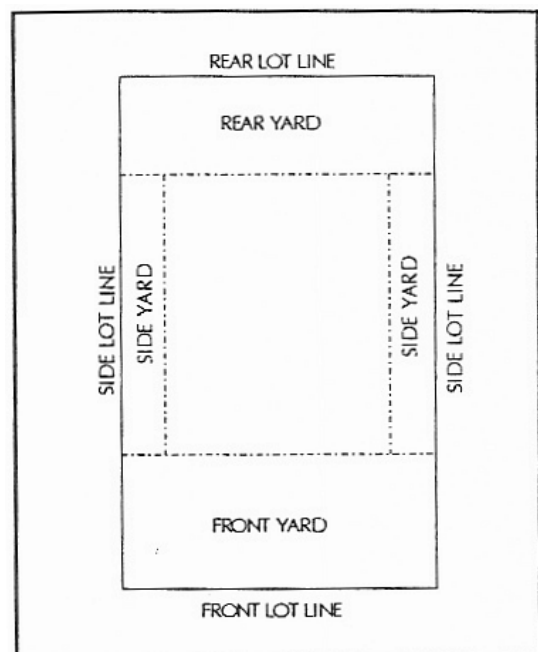


Figure 8: Yards

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:

- (a) 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.
- (b) Developments 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.
- (c) 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.

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 Area: 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.

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:

- (a) Is consistent with the certified local coastal program, as defined in Public Resources Code Section 30108.6.
- (b) Requires no discretionary approvals other than a coastal development permit.
- (c) 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 nonestuarine 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:

- (a) Special marine and land habitat areas, wetlands, lagoons, and estuaries as mapped and designated in Part 4 of the coastal plan.
- (b) Areas possessing significant recreational value.
- (c) Highly scenic areas.
- (d) Archaeological sites referenced in the California Coastline and Recreation Plan or as designated by the State Historic Preservation Officer.
- (e) Special communities or neighborhoods which are significant visitor destination areas.
- (f) Areas that provide existing coastal housing or recreational opportunities for low- and moderate-income persons.
- (g) 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.

**PART 49: AFFORDABLE HOUSING DENSITY BONUSES AND
CONCESSIONS/INCENTIVES**

Sec. 9149.1. Purpose.

The purposes of this Chapter are to:

- (A) Implement the policies of the General Plan's 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 (5) residential units as set forth in State Government Code Section 65915. (Ord. 07-06)

Sec. 9149.2. 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 Chapter, 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 a General Plan amendment, local coastal plan amendment, zoning change, 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. (Ord. 07-06)

Sec. 9149.3. Applicability-Affordable Housing Density Bonuses and Concessions/Incentives.

- (A) In application for projects meeting the State minimum threshold of five (5) 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 (5) 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 (1) or more units for Moderate Income. One (1) incentive may be requested from the following:
 - (a) Reduced 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 (1) or more units for Low Income. Two (2) incentives may be requested from the following:
 - (a) Any incentive listed under "Moderate Income" subsection (9149.3(B)(1)).
 - (b) Increased maximum lot coverage. (Up to percentage permitted in underlying zoning district).
 - (c) Increase in the allowable 1st to 2nd floor square footage ratio from 80% to 100%.
 - (d) Allowance for required guest parking requirement to be located in tandem to the garage or in a required setback.
 - (e) Residential to Commercial ratio.
 - (i) In zones where the residential portion is limited to a specific percentage of the total project, the percentage may be increased up to 50 percent.
 - (ii) In zones where the residential portion is restricted to a certain number of units, the specific number of units allowed may be increased up to 20 units/acre.
 - (3) One (1) or more units for Very Low Income. Three (3) incentives may be requested from the following:
 - (a) Any incentive listed under "moderate income" and "low income" subsections (9149.3(B)(1) and (2)).
 - (b) Reduced minimum building setbacks from property lines and building separation requirements that exceed minimum building code standards and fire code standards.
 - (c) Reduced 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 Planning Commission and/or City Council. 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 Community Development Director or his/her designee shall have the discretion and authority to enforce this provision during the application process. (Ord. 07-06)

PART 50 – WEST GRAND AVENUE CORRIDOR PLANNED DEVELOPMENT OVERLAY

Sec. 9150.1. Purpose.

- (A) The primary purpose of the proposed West Grand Avenue Corridor PD Overlay District is to promote flexible and relaxed standards, beyond what is permitted in the underlying zoning district. In addition, innovative site planning and other aspects of project design are encouraged which will facilitate the development of small parcels in the area by allowing for consideration of more effective design responses to site features, land uses and environmental impacts than the development standards of the underlying zoning district would allow.
- (B) The intent of the Grand Avenue PD Overlay District is to allow the following adjustments in the development standards for qualifying projects:
 - (1) Reducing front, rear and sideyard setbacks;
 - (2) Increasing Residential Floor Area Ratio to total building area in mixed-used development projects;
 - (3) Reducing on-site parking requirements; and
 - (4) Increasing building heights for affordable housing projects that provide very low and low-income household units. (Ord. 08-01)

Sec. 9150.2. Applicability.

- (A) Location of PD Overlay District. The West Grand Avenue PD Overlay District comprises an area bounded by Ramona Avenue on the north and Rockaway Avenue on the south, paralleling Grand Avenue between Hwy 1 on the west and Oak Park Boulevard on the east, as shown in Exhibit A. All measurements are to the centerline of the streets referenced above.
- (B) General Plan Compliance. All proposed projects shall be consistent with the City's adopted General Plan, Local Coastal Plan, specific plan or master plan adopted by the City Council.
- (C) Relationship of the PD Overlay to the Underlying Zoning District.
 - (1) Allowable land uses: Any use or combination of uses allowed within the base zoning district may be established within the PD Overlay zone. The underlying zoning district shall determine permitted or conditional uses of land within the PD Overlay District, including maximum permitted residential density.
 - (2) Planning Permit Requirements: Proposed projects within the PD Overlay District shall obtain applicable permits as required for the underlying zone in accordance with provisions set out in Parts 14, 17, 18, 19 and 20.
 - (3) Site Planning and Project Development Standards: Proposed projects within the PD Overlay District shall comply with applicable development standards of the underlying zone, except as specifically modified, waived, or augmented by the PD Overlay zoning process outlined herein.
- (D) Time of Rezoning. The PD Overlay will encompass the entire area defined in Section 9150.2(A). The PD Overlay will be applicable for individual projects that avail themselves of this PD Overlay option, subject to the requirements set forth in this section of the Municipal Code. (Ord. 08-01)

Sec. 9150.3. Development Permit Application.

Applications for development under the PD Overlay must be made to the Community Development Department by filing a Development Permit Application in accordance with existing code provisions applicable to the underlying zone. (Ord. 08-01)

Sec. 9150.4. Actions of the Planning Commission.

- (A) Subject to public notification and in accordance with this Code and State law, the Planning Commission shall hold a public hearing on the Development Permit Application. Upon receiving public input and at the conclusion of the public hearing, the Planning Commission may approve, deny, or recommend approval to the City Council of the Development Permit Application.
- (B) All projects approved by or recommended for approval by the Planning Commission pursuant to the PD Overlay shall be subject to the required findings outlined in Sec. 9150.7 of this Chapter. Recommendations of approval from the Planning Commission to the City Council shall be in the form of a Resolution that states all modifications or conditions to be reflected in the approved Development Permit.
- (C) Applications processed under Part 50 are subject to the provisions of Grover Beach Municipal Code Sections 9144.2a and 9144.2b. (Ord. 08-01)

Sec. 9150.5. Actions of the City Council.

- (A) Subject to public notification and in accordance with this Code and State law, the City Council shall hold a public hearing on the Development Permit Application and the recommendations of the Planning Commission. Upon receiving public input and at the conclusion of the public hearing, the City Council may approve, approve subject to certain modifications or conditions, or deny the Development Permit Application. No approval or approval subject to certain modifications or conditions may be made by the City Council unless it makes the required findings outlined in Sec. 9150.7 of this Chapter. The decision of the City Council shall be in the form of a Resolution that states all modifications or conditions to be reflected in the approved Development Plan.
- (B) When a Development Permit Application is denied, a new application which is substantially the same as the one which was denied, shall not be filed within one (1) year of the previous denial. The Community Development Director or his/her designee shall determine when an application is substantially the same as a previous application. (Ord. 08-01)

Sec. 9150.6. Mandatory Project Features.

Proposed Development Permit Applications in order to qualify for benefits of the PD Overlay shall incorporate one of the following project design features:

- (A) A minimum of twenty-five (25) percent of the residential units within a mixed-use commercial-residential project shall be designated as affordable to households of very low, low or moderate income.

- (B) The project will achieve greater efficiency than standard developments through the incorporation of green building techniques, scoring at least a Silver rating on the LEED or other equivalent rating system. The project will also provide a peer review of that efficiency by an independent licensed professional with the experience required to be able to certify energy efficiency and sustainable design performance over and above standards.
- (C) The project shall provide a substantial amenity made available for public use and access, suitable to the scale and character of the overall project, for example, a plaza, a park, display of public art, or similar improved open space feature, which would be subject to provisions for guaranteed long-term maintenance, not at the expense of the City. (Ord. 08-01; Am. Ord. 08-06)

Sec. 9150.7. Required Findings for Approval.

Approval of Development Permit Applications for projects that are processed under provisions of Part 50 shall be subject to the required findings listed below as determined by the Planning Commission and/or City Council.

- (A) The project is consistent with the City's General Plan, Local Coastal Plan, and any applicable specific plan or master plan.
- (B) The proposed land use is allowed within the applicable underlying zoning district and complies with all applicable provisions of the City's Zoning Regulations other than those specifically modified by the application of the PD Overlay District.
- (C) Deviations and/or modifications of development requirements and standards of the underlying zone are warranted and will allow for an orderly and harmonious development, and maintain compatibility with adjacent existing and known future land uses.
- (D) The location, size, site planning, building design features, and operating characteristics of the project are highly suited to the characteristics of the site, surrounding neighborhood, and will be compatible with the site, adjacent land uses and development intended for the surrounding neighborhood by the City General Plan.
- (E) The site is adequate for the project in terms of the size, configuration, topography, and other applicable site features.
- (F) The site has appropriate access to public streets with adequate capacity to accommodate the quantity and type of vehicular traffic to be generated.
- (G) The proposed project provides adequate parking for its use and will not adversely affect existing or future neighborhood parking capacity.
- (H) The establishment, maintenance, or operation of the proposed project: (a) will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity of the proposed use, or to the general welfare of the City, and (b) will not have a detrimental or injurious effect to property and improvements in the adjacent neighborhood. (Ord. 08-01)

Sec. 9150.8. Phasing.

If the construction of the planned development is to occur in phases, the open space, and the required affordable housing component do not need to be developed and made available until the project is complete. Phasing of the development shall be specifically approved as part of the Development Permit Application. (Ord. 08-01)

Sec. 9150.9. Revocation of PD Overlay.

If a development is not issued building permits or commences and continues to show progress on the construction of the development within the time period specified in the Development Permit, or in an approved extension by the Planning Commission, the Development Permit shall expire and the zoning for the parcel(s) shall revert back to the base zoning district. If the PD Overlay zoning is revoked, development utilizing these criteria may be accomplished only by reapplication and submittal of a new Development Permit Application, subject to Section 9150.5(B). (Ord. 08-01)