

Article 3. - Establishment of Districts

Sec. 9-4.301. - Established.

The districts established by the provisions of this chapter are hereby designated as follows:

- (a) Single-Family Residential District R-1
- (b) Two-Family Residential District R-2
- (c) Multiple-Family Residential District R-3
- (d) Multiple-Family Residential District R-3.1
- (e) Multiple-Family Residential Garden District R-3-G
- (f) High Rise Apartment District R-5
- (g) Neighborhood Commercial District C-1
- (h) Commercial Apartment District C-1-A
- (i) Community Commercial District C-2
- (j) Service Commercial District C-3
- (k) Professional Office District O
- (l) Commercial Recreation District C-R
- (m) Controlled Manufacturing District M-1
- (n) Industrial District M-2
- (o) Parking District P
- (p) Agricultural District A
- (q) Lot Size Overlay District B-
- (r) Public Facilities District P-F
- (s) Planned Development District P-D
- (t) Resource Management District R-M
- (u) Open Space District O-S
- (v) Multiple-Family/Low Density Residential District R-3/L.D
- (w) Single-Family Residential Hillside District R-1-H
- (x) Coastal Zone Combining District CZ
- (y) Special Area Combining District SA
- (z) Marijuana Operation Overlay District MO

Sec. 9-4.302. - Zoning map.

The designations, locations, and boundaries of the districts established are delineated upon the zoning map of the City of Pacifica, California, as amended, which map and all notations and information thereon are hereby made a part of this chapter. Any land within the City limits, now or in the future, not

designated or indicated as any district on the zoning map shall be immediately zoned pursuant to the Land Use Plan of the City.

The zoning map, for convenience, may be divided into section maps, and each such section map may be separately referred to or amended for the purposes of amending the zoning map. The zoning map and each of its section maps, and the notations, references, and other information shown thereon, shall be as much a part of this chapter as if the matters and information set forth by such maps were all fully described in this chapter.

Sec. 9-4.303. - Unclassified land.

Any land within the City limits, now or in the future, not otherwise classified on the zoning map shall be in the Unclassified or U District.

Article 4. - R-1 Single-Family Residential District

Sec. 9-4.401. - Permitted and conditional uses.

(a) *Permitted uses.* The following uses shall be permitted in the R-1 District:

- (1) One single-family dwelling per lot;
- (2) Accessory buildings and uses;
- (3) Child day care homes for twelve (12) children or less;
- (4) Special care facilities for six (6) or fewer persons; and
- (5) Manufactured homes consistent with Chapter 14 of Title 8 of this Code.

(6) Indoor or outdoor cultivation of marijuana for personal use as an accessory use to a primary dwelling unit, subject to the standards contained in Article 48 of this chapter.

(b) *Conditional uses.* Conditional uses allowed in the R-1 District, subject to obtaining a use permit, shall be as follows:

- (1) Churches and schools;
- (2) Parks and playgrounds;
- (3) Landscaped public or private parking lots when adjacent to any C District;
- (4) Crop and tree farming;
- (5) Mobile home parks;
- (6) Second dwelling units pursuant to Article 4.5 of this chapter;
- (7) Bed and breakfast inns with no more than three (3) guest rooms;
- (8) Clustered housing pursuant to Article 24 of this chapter; and
- (9) Special care facilities for more than six (6) persons consistent with the use criteria described in Section 9-4.2315.

Sec. 9-4.402. - Development regulations.

Development regulations in the R-1 District shall be as follows:

- (a) Minimum building site area: 5,000 square feet;
- (b) Minimum lot area per dwelling unit: 5,000 square feet;
- (c) Minimum lot width: fifty (50') feet;
- (d) Minimum front setback: fifteen (15') feet; however, the minimum front setback to a garage entrance shall be twenty (20') feet. The minimum setback entrance on the street side of a corner lot shall be twenty (20') feet. (For nonconforming lots, see Section 9-4.3002 and for garages as accessory buildings, see Section 9-4.2704).
- (e) Minimum side setback: five (5') feet; however, the minimum exterior side yard for corner lots shall be ten (10') feet. (For nonconforming lots, see Sec. 9-4.3002);

- (f) Minimum rear setback: twenty (20') feet;
- (g) Minimum setback for nondwelling accessory buildings: one and a half (1½') feet from the side or rear lot line within the rear setback, (See Sec. 9-4.2704, Accessory Buildings);
- (h) Maximum lot coverage by all structures: forty (40%) percent;
- (i) Minimum landscaped area: twenty (20%) percent. In addition, the front yard setback shall be landscaped and adequately maintained. Concrete and asphalt paving shall only be allowed on the driveways and pathways;
- (j) Maximum height: thirty-five (35') feet; however, the maximum height for a detached accessory building shall be twelve (12') feet;
- (k) In the case of conditional uses, additional regulations may be required;
- (l) Parking: as set forth in Article 28 of this chapter; and
- (m) Permits for site development: as set forth in Article 32 of this chapter.
- (n) Marijuana cultivation for personal use: as set forth in Article 48 of this chapter, including without limitation the prohibition on outdoor cultivation on any parcel directly abutting any School, Day Care Center, or Youth Center as those terms are defined.

Article 5. - R-2 Two-Family Residential District

Sec. 9-4.501. - Permitted and conditional uses.

(a) *Permitted uses.* The following uses shall be permitted in the R-2 District:

- (1) Single-family dwellings on parcels less than 5,800 square feet in area;
- (2) Two-family dwellings;
- (3) Accessory buildings and uses;
- (4) Child day care homes for twelve (12) children or less; and
- (5) Special care facilities for six (6) or fewer persons.

(6) Indoor or outdoor cultivation of marijuana for personal use as an accessory use to a primary dwelling unit, subject to the standards contained in Article 48 of this chapter.

(b) *Conditional uses.* Conditional uses allowed in the R-2 District, subject to obtaining a use permit, shall be as follows:

- (1) Two-family dwelling groups (more than one main building);
- (2) Child care day homes for more than twelve (12) children and special care facilities for more than six (6) persons;
- (3) Conditional uses allowed in the R-1 District; and
- (4) Single-family dwellings on parcels larger than 5,800 square feet in area.

Sec. 9-4.502. - Development regulations.

Development regulations in the R-2 District shall be as follows:

- (a) Minimum building site area: 5,000 square feet;
- (b) Minimum lot area per dwelling unit: 2,900 square feet;
- (c) Minimum lot width: fifty (50') feet;
- (d) Required minimum setback: same as R-1 standards;
- (e) Maximum height of structures: same as R-1 standards;
- (f) Maximum lot coverage by all structures: fifty (50%) percent;
- (g) Minimum landscaped area: twenty (20%) percent;
- (h) In the case of conditional uses, additional regulations may be required;
- (i) Parking: as set forth in Article 28 of this chapter; and
- (j) Permits for site development: as set forth in Article 32 of this chapter.

(k) Marijuana cultivation for personal use: as set forth in Article 48 of this chapter, including without limitation the prohibition on outdoor cultivation on any parcel directly abutting any School, Day Care Center, or Youth Center as those terms are defined.

Article 6. - R-3 Multiple-Family Residential District

Sec. 9-4.601. - Permitted and conditional uses.

(a) *Permitted uses.* The following uses shall be permitted in the R-3 District:

- (1) Duplexes and multiple-family dwellings;
- (2) Accessory buildings and uses;
- (3) Child day care homes for twelve (12) children or less; and
- (4) Special care facilities for six (6) or fewer persons.

(5) Indoor or outdoor cultivation of marijuana for personal use as an accessory use to a primary dwelling unit, subject to the standards contained in Article 48 of this chapter.

(b) *Conditional uses.* Conditional uses allowed in the R-3 District, subject to obtaining a use permit, shall be as follows:

- (1) Single-family dwellings;
- (2) Rooming houses and boardinghouses;
- (3) Lodges, clubs, clubrooms, and dormitories;
- (4) (Repealed by § V (B), Ord. 491-C.S., eff. October 28, 1987)
- (5) Conditional uses as allowed in the R-1 and R-2 Districts; and
- (6) Coastal access.

Sec. 9-4.602. - Development regulations.

Development regulations in the R-3 District shall be as follows:

- (a) Minimum site area: 5,000 square feet;
- (b) Minimum lot area per dwelling unit: 2,075 square feet;
- (c) Minimum lot width: fifty (50') feet;
- (d) Minimum setbacks: same as R-1 standards;
- (e) Maximum height of structures: same as R-1 standards;
- (f) Maximum lot coverage: sixty (60%) percent;
- (g) Minimum landscaped area: twenty (20%) percent;
- (h) Minimum usable open space: 400 square feet per unit;
- (i) In the case of conditional uses, additional regulations may be required;
- (j) Parking: as set forth in Article 28 of this chapter; and
- (k) Permits for site development: as set forth in Article 32 of this chapter.

(l) Marijuana cultivation for personal use: as set forth in Article 48 of this chapter, including without limitation the prohibition on outdoor cultivation on any parcel directly abutting any School, Day Care Center, or Youth Center as those terms are defined.

Article 6.5. - R-3/L.D. Multiple-Family Density Residential District

Sec. 9-4.651. - Permitted and conditional uses.

- (a) *Permitted uses.* The following uses shall be permitted in the R-3/L.D. District:
- (1) All uses permitted in the R-3 District.
- (b) *Conditional uses.* Conditional uses allowed in the R-3/L.D. District, subject to obtaining a use permit, shall be as follows:
- (1) Single-family dwellings;
 - (2) Clustered housing pursuant to Article 24 of this chapter;
 - (3) Child day care day homes for more than twelve (12) children and special care facilities for more than six (6) persons;
 - (4) Parks and playgrounds.

Sec. 9-4.652. - Development regulations.

Development regulations in the R-3/L.D. District shall be as follows:

- (a) Minimum site area: 7,500 square feet;
 - (b) Minimum lot area per dwelling unit: 4,840 square feet;
 - (c) Minimum lot width: fifty (50') feet;
 - (d) Minimum setbacks: same as R-1 standards;
 - (e) Maximum height of structures: same as R-1 standards;
 - (f) Maximum lot coverage: fifty (50%) percent;
 - (g) Minimum landscaped area: twenty-five (25%) percent;
 - (h) Minimum usable open space: 450 square feet per unit;
 - (i) In the case of conditional uses, additional regulations may be required;
 - (j) Parking: as set forth in Article 28 of this chapter; and
 - (k) Permits for site development: as set forth in Article 32 of this chapter.
- (l) Marijuana cultivation for personal use: as set forth in Article 48 of this chapter, including without limitation the prohibition on outdoor cultivation on any parcel directly abutting any School, Day Care Center, or Youth Center as those terms are defined.

Article 7. - R-3-G Multiple-Family Residential Garden District*

Sec. 9-4.701. - Permitted and conditional uses.

- (a) *Permitted uses.* The following uses shall be permitted in the R-3-G District:
 - (1) All uses permitted in the R-3 District.
- (b) *Conditional uses.* Conditional uses allowed in the R-3-G District, subject to obtaining a use permit, shall be as follows:
 - (1) All conditional uses in the R-3 District.

Sec. 9-4.702. - Development regulations.

Development regulations in the R-3-G District shall be as follows:

- (a) Minimum site area: 7,500 square feet;
- (b) Minimum lot area per dwelling unit: 2,300 square feet;
- (c) Minimum lot width: sixty (60') feet;
- (d) Minimum setbacks: same as R-1 standards;
- (e) Maximum height of structures: same as R-1 standards;
- (f) Maximum lot coverage for all structures: fifty (50%) percent;
- (g) Minimum landscaped area: twenty-five (25%) percent;
- (h) Minimum usable open space: 450 square feet per unit;
- (i) Maximum height of structures: same as R-1 standards;
- (j) In the case of conditional uses, additional regulations may be required;
- (k) Parking: as set forth in Article 28 of this chapter; and
- (l) Permits for site development: as set forth in Article 32 of this chapter.
- (m) Marijuana cultivation for personal use: as set forth in Article 48 of this chapter, including without limitation the prohibition on outdoor cultivation on any parcel directly abutting any School, Day Care Center, or Youth Center as those terms are defined.

Article 10. - C-1 Neighborhood Commercial District*

Sec. 9-4.1001. - Permitted and conditional uses.

(a) *Permitted uses.* The following uses shall be permitted in the C-1 District:

- (1) Retail uses, including, but not limited to, food markets, drug stores, liquor stores and retail restaurants, but excluding firearms sales and any Marijuana Operation as defined in Article 48 of this chapter;
- (2) Personal services, such as professional offices, shoe repair, barber and beauty shops, laundries and dry cleaning establishments, banks and financial institutions, and massage establishments under six hundred forty (640) square feet of treatment floor space (see licensing requirements Title 5, Chapter 19);
- (3) Business and administrative offices when located entirely above the ground floor of any commercial structure;
- (4) Art galleries and instructional studios for dance and arts or crafts and craft production shops; and
- (5) In the Coastal Zone, visitor-serving commercial uses, as defined in Section 9-4.4302(av) of Article 43 of this chapter.

(b) *Conditional uses.* Conditional uses allowed in the C-1 District, subject to obtaining a use permit, shall be as follows:

- (1) Service stations;
- (2) Retail alcohol sales in conjunction with service stations;
- (3) Mini-markets and similar retail uses in conjunction with service stations;
- (4) Conversion of service stations from full service to self-service;
- (5) Motels and drive-in restaurants;
- (6) Veterinary hospitals and clinics (small animals);
- (7) Special care and child care facilities;
- (8) Business and administrative offices, if located on the ground floor;
- (9) Amusement machine arcades as a new or a part of an existing use;
- (10) Massage establishments with six hundred forty (640) square feet or larger of treatment floor space;
- (11) One or more dwelling units in the same building as a commercial use when located entirely above the ground floor. Density shall be controlled by a minimum lot area per dwelling unit of two thousand (2,000) square feet;
- (12) Restaurants and fast food restaurants; and
- (13) Pet care and sales establishments, including boarding and grooming.

Sec. 9-4.1002. - Development regulations.

Development regulations in the C-1 District shall be as follows:

- (a) Minimum building site: 5,000 square feet;

- (b) Minimum lot dimensions: fifty (50') foot width;
- (c) Setbacks: none, unless established by the site development permit;
- (d) Minimum landscape area: ten (10%) percent;
- (e) Maximum height: thirty-five (35') feet;
- (f) Parking: as set forth in Article 28 of this chapter;
- (g) Permits for site development: as set forth in Article 32 of this chapter;
- (h) All uses shall be conducted entirely within an enclosed structure, except as otherwise provided in Article 23 of this chapter;
- (i) A use permit shall be required for all new construction projects abutting an R District. A use permit may be required for any change of use when the site abuts an R District. The use permit determination process described below may be utilized for any change of use when a site abuts an R District if the use is a permitted use in the district and when hours are limited to 8:00 a.m. to 9:00 p.m. Within five (5) working days after the submittal of a written request for any new use set forth in this subsection, the Planning Administrator shall determine in writing whether a use permit shall be required. Such determination shall be based on an analysis of the compatibility of the proposed use with adjacent residential development, including, but not limited to, noise, traffic, circulation, odors, hours of operations, site design and improvements. In the event the Planning Administrator determines that no use permit is required, the decision shall be placed on the next Commission agenda as an administrative calendar item, and any two (2) Commissioners may request that a use permit be obtained. Existing individual shopping centers may apply for a use permit for a master list of uses permitted without further use permits; and
- (j) In the Coastal Zone, when a new use or a change of use is proposed, a use permit determination shall be required for all permitted uses other than visitor-serving commercial uses. The process for a use permit determination shall be as set forth in Section 9-4.1002(i). The determination of the Planning Administrator shall be based on an analysis of the balance of visitor-serving commercial uses with other commercial uses, and consistency with the individual neighborhood narratives and the plan conclusions and other relevant policies of the LCP Land Use Plan. The provisions of Section 9-4.4410 shall also apply.

Article 11. - C-2 Community Commercial District*

Sec. 9-4.1101. - Permitted and conditional uses.

(a) *Permitted uses.* The following uses shall be permitted in the C-2 District:

- (1) Retail stores and shops;
- (2) Personal and business service establishments, including financial institutions;
- (3) Offices;
- (4) Newspaper, printing, and lithography plants not exceeding 5,000 square feet in net usable area;
- (5) Retail restaurants, fast food restaurants, restaurants and bars;
- (6) Household appliance and furniture sales and service in conjunction with sales;
- (7) Veterinary hospitals and clinics; and
- (8) In the Coastal Zone, visitor-serving commercial uses, as defined in Section 9-4.4302(av) of Article 43 of this chapter.

(b) *Conditional uses.* Conditional uses allowed in the C-2 District, subject to obtaining a use permit, shall be as follows:

- (1) Social halls, clubs, theaters, and nightclubs;
- (2) Pet care and sales establishments, including boarding and grooming;
- (3) Vehicle and boat sales and service in conjunction with sales;
- (4) Plumbing, heating, electrical, and appliance repair, service, and supply shops;
- (5) Specialty auto service, such as oil changing facilities, not in conjunction with service stations;
- (6) Car washes;
- (7) All uses allowed as either a permitted or conditional use in the C-1 District and which are not listed as permitted uses in the C-2 District; and
- (8) Firearms sales, subject to the provisions of Section 9-4.2316.

(9) Marijuana Testing Operation, subject to the provisions of Article 48 of this chapter, including without limitation any restriction on the establishment of such use in certain locations.

Sec. 9-4.1102. - Development regulations.

Development regulations in the C-2 District shall be as follows:

- (a) Minimum building site: 5,000 square feet;
- (b) Minimum lot dimensions: fifty (50') foot width;
- (c) Required minimum setback: none, unless established by the site development permit;

- (d) Minimum landscaped area: ten (10%) percent;
- (e) Maximum allowable height: thirty-five (35') feet;
- (f) Parking: as set forth in Article 28 of this chapter;
- (g) Permits for site development: as set forth in Article 32 of this chapter;
- (h) All uses shall be conducted entirely within an enclosed structure, except as otherwise provided in Article 23 of this chapter;
- (i) A use permit may be required pursuant to the provisions of subsection (i) of Section 9-4.1002 of Article 10 of this chapter; and
- (j) In the Coastal Zone, when a new use or a change of use is proposed, a use permit determination shall be required for all permitted uses other than visitor-serving commercial uses. The process for a use permit determination shall be as set forth in Sections 9-4.1002(i) and (j).
- (k) A Marijuana Use Permit shall be required prior to establishment of a Marijuana Testing Operation, as provided in Article 48 of this chapter.

Article 12. - C-3 Service Commercial District*

Sec. 9-4.1201. - Permitted and conditional uses.

(a) *Permitted uses.* The following uses shall be permitted in title C-3 District:

- (1) Warehouses and storage facilities;
- (2) Shops, such as glass, welding, cabinetry, sheet metal work, paint mixing, upholstery, machine shops, and sign shops;
- (3) Large-scale crafts production, including the use of a heating source or chemicals for the production of goods;
- (4) Car washes and service stations; and
- (5) Retail sales in conjunction with any of the uses set forth in this subsection, except retail sales in conjunction with a Marijuana Operation as defined in Article 48 of this chapter.

(b) *Conditional uses.* Conditional uses allowed in the C-3 District, subject to obtaining a use permit, shall be as follows:

- (1) Processing, manufacture, or assembly plants or plants for the production of goods or the performance of services for wholesale distribution;
 - (2) Auto body repair, paint, and upholstery;
 - (3) Auto wrecking;
 - (4) Refuse operations and recycling centers;
 - (5) Full service or specialty auto repair not in conjunction with service stations;
 - (6) Wholesale nurseries and lumber yards; ~~and~~
 - (7) Marijuana Manufacturing Operation, subject to the provisions of Article 48 of this chapter, including without limitation any restriction on the establishment of such use in certain locations.
- ~~(8)~~ All uses allowed as permitted or conditional uses in the C-1 and C-2 Districts, unless otherwise permitted in the C-3 District, and except residential uses.

Sec. 9-4.1202. - Development regulations.

Development regulations in the C-3 District shall be as follows:

- (a) Minimum building site: 5,000 square feet;
- (b) Minimum lot dimensions: fifty (50') foot width;
- (c) Required minimum setback: none, unless required by the site development permit;
- (d) Minimum landscaped area: ten (10%) percent;
- (e) Maximum allowable height: thirty-five (35') feet;
- (f) Parking: as set forth in Article 28 of this chapter;

- (g) Permits for site development: as set forth in Article 32 of this chapter;
- (h) All uses shall be conducted entirely within an enclosed structure, unless otherwise specified in an approved use permit or pursuant to Article 23 of this chapter;
- (i) All uses abutting an R District shall require a use permit; and
- (j) Marine oriented or coastal dependent industrial uses shall be permitted in the coastal area, except where such uses abut an R District, in which case a use permit shall be required.
- (k) A Marijuana Use Permit shall be required prior to establishment of a Marijuana Manufacturing Operation or Marijuana Testing Operation, as provided in Article 48 of this chapter.

Article 19. - Agricultural District (A)

Sec. 9-4.1901. - Uses permitted: Restrictions (A).

Subject to all other regulations set forth in this chapter, the following uses shall be permitted, and the following regulations shall apply in the Agricultural District (A).

Uses Permitted: None but the following uses, or uses which in the opinion of the Commission are similar, shall be permitted:	Use Permitted Required	Site Development Permit Required	Maximum Height in Feet (Also see Article 26)	Minimum Building Site in Square Feet (Also see Article 26)	Minimum Lot Width in Feet Also see Section 9-4.2706)	Maximum Coverage	Minimum Front Setback in Feet* (Also see Article 27)	Minimum Side Setback in Feet (Also see Article 27)	Minimum Rear Setback in Feet (Also see Article 27)	Minimum Lot Area per Dwelling Unit
(a) All agricultural uses, <u>except cultivation of marijuana as that term is defined in Article 48 of this chapter, and</u> except hog ranches ₁₇ and ₁ ranch and farm dwellings appurtenant to the agricultural	No	No	36'	As specified in the B District with which the A District is combined	As specified in the B District with which the A District is combined	As specified in the B District with which the A District is combined	As specified in the B District with which the A District is combined	As specified in the B District with which the A District is combined	As specified in the B District with which the A District is combined	As specified in the B District with which the A District is combined

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(b) In addition to the uses specified in any such district, animal husbandry and small livestock farming provided not more than one animal is kept for each 16,000 square feet on the building site; crop and tree farming <u>except cultivation of marijuana as that term is defined in Article 48 of this chapter</u> ; viticulture; home occupations; and the keeping of up to twenty-four (24) chickens	No	No	36'	As specified in the B District with which the A District is combined	As specified in the B District with which the A District is combined	As specified in the B District with which the A District is combined	As specified in the B District with which the A District is combined	As specified in the B District with which the A District is combined	As specified in the B District with which the A District is combined	As specified in the B District with which the A District is combined	As specified in the B District with which the A District is combined

or similar birds or rabbits or similar animals										
(c) Additional animals or birds on land exceeding two (2) acres in area; labor camps for labor employed on the premises; dog and cat kennels; sales of products produced on the premises; riding academies, and trout farms	Yes	Yes	36'	As specified in the "B" District with which the "A" District is combined	As specified in the "B" District with the "A" District is combined	As specified in the "B" District with which the "A" District is combined	As specified in the "B" District with which the "A" District is combined	As specified in the "B" District with which the "A" District is combined	As specified in the "B" District with which the "A" district is combined	As specified in the "B" District with which the "A" District is combined
(d) Conditional uses allowed in the Agricultural District, subject to obtaining a use permit and site development plan										

pursuant to this title, shall be as follows:										
(1) One single-family dwelling unit with the development standards as specified in the "B" District with which the "A" District is combined;										
(2) One second residential unit as defined in Article 4.5 of Chapter 4 of this title.										
(e) Public parks shall be a permitted use in the Agricultural District.										

* Unless otherwise indicated on the zoning map

Sec. 9-4.1902. - Additional requirements (A).

No livestock shall be housed or concentrated in an enclosure located nearer than 100 feet from any adjoining dwelling. No livestock, other than small livestock, shall be housed or concentrated in an enclosure located within 1000 feet of any residential district boundary or within 150 feet of any adjoining dwelling.

Article 22. - Planned Development District (P-D)

Sec. 9-4.2201. - Scope (P-D).

Subject to all other regulations set forth in this chapter, uses shall be permitted and regulations shall apply in the Planned Development District (P-D) as set forth in this article; however, for properties zoned both P-D and Special Area (SA), both zoning designations shall apply and the provisions of the SA District shall prevail in the event of any conflict between the provisions of the SA District and P-D District.

Sec. 9-4.2202. - Purpose (P-D).

The purpose of the Planned Development District (P-D) is to allow diversification of the relationships of various buildings, structures and open spaces in planned building groups, while insuring substantial compliance with the district regulations and other provisions of this chapter, in order that the intent of this chapter that adequate standards related to the public health, safety, and general welfare shall be observed without unduly inhibiting the advantage of large scale site planning for residential, commercial, or industrial purposes. The amenities and compatibilities of the P-D District shall be insured through the adoption of a development plan and specific plans showing proper orientation, desirable design character, and compatible land uses. To this end, the use of the Planned Development District (P-D) is encouraged.

Sec. 9-4.2203. - Uses permitted (P-D).

The uses permitted in the Planned Development District (P-D) shall be the uses designated on the approved development plan; provided, however, in the event such approved usage does not conform to the General Plan of the City, the General Plan shall be amended to conform to the development plan simultaneously with the amending of the Zoning map classifying the parcel P-D.

(a) A Marijuana Operation may be allowed within any portion of a Planned Development District (P-D) where the approved development plan specifies a commercial use upon approval of a Marijuana Use Permit, and further subject to the standards contained in Article 48 of this chapter. An amendment to the approved development plan shall not be required. In cases where the details of the original development plan are not available, the Planning Administrator may determine that the development plan specified commercial activity for an area based on the existing development pattern and nature of existing uses in the area.

(a)(b) Indoor or outdoor cultivation of marijuana for personal use as an accessory use to a primary dwelling unit may be allowed within any portion of a Planned Development District (P-D) where the approved development plan specifies a residential use subject to the standards contained in Article 48 of this chapter. An amendment to the approved development plan shall not be required. In cases where the details of the original development plan are not available, the Planning Administrator may determine that the development plan specified residential use for an area based on the existing development pattern and nature of existing uses in the area. Outdoor marijuana

cultivation shall not be permitted on any parcel directly abutting any School, Day Care Center, or Youth Center as those terms are defined in Article 48 of this chapter.

Sec. 9-4.2204. - Development standards (P-D).

The following provisions shall apply in the Planned Development District (P-D), which district shall also be subject to the other provisions of this chapter; provided, however, where conflicts in regulations occur, the regulations set forth in this section or in the development plan or specific plans approved pursuant to the provisions of this section shall apply:

- (a) *Size.* The minimum size of any parcel for which an application for a P-D District will be accepted shall be five (5) contiguous acres, except as otherwise provided for the Hillside Preservation District in this subsection. The entire parcel shall be in one ownership, or the application shall be made by, or with the written authorization for such action on behalf of, all property owners concerned and the applicant, together with a statement signed by interested owners that they agree to be bound by the regulations and conditions which shall be effective within the district. All properties under common ownership or control shall be planned as a single unit within which incremental or phased development may be permitted. Any parcel of land, regardless of size, in the Hillside Preservation District (HPD) shall meet the requirements and provisions of the HPD regulations, except as otherwise set forth in this chapter. The five (5) acre minimum standard for the P-D District shall not apply to the Hillside Preservation District.
- (b) *Other Regulations.* Regulations for area, coverage, density, yards, parking, height, and open ground area for P-D District users shall be guided by the regulations of the residential, commercial, or industrial zoning districts most similar in nature and function to the proposed P-D District uses as determined by the Commission and the Council. Regulations for public improvements and subdivisions shall be governed by applicable laws of the City. Exceptions to such regulations by the Commission and the Council shall be permitted when the Commission and Council find that such exceptions encourage a desirable environment and are warranted in terms of the proposed development, or units thereof, in accordance with the regulations and limitations set forth in this article.

Sec. 9-4.2205. - Development plans: Applications: Fees (P-D).

- (a) Simultaneously with an application to classify a parcel to the Planned Development District (P-D), the applicant shall submit a development plan containing the following elements:
 - (1) The circulation pattern, indicating both public and private streets;
 - (2) All parks, playgrounds, school sites, public buildings, open space, and other such uses;
 - (3) The land uses, indicating the approximate areas to be used for various purposes, the acreage and percentage of total area in each land use, the population densities, the lot area per dwelling unit (excluding public street area), the percentage of area covered by buildings, pavement, and grading, and land uses on adjacent parcels;
 - (4) A map showing the topography of the proposed district at one foot contour intervals in areas of cross slope of less than five (5%) percent, at two (2') foot contour intervals in

areas of five (5%) percent through ten (10%) percent cross slope, and at five (5') foot contour intervals in areas exceeding ten (10%) percent cross slope;

- (5) The following studies of the proposed development:
 - (i) A cost revenue analysis for any residential or institutional project,
 - (ii) A market analysis for proposed commercial developments;
 - (iii) A completed environmental information form in accordance with CEQA Guidelines to allow the City to make a determination that the project is categorically exempt, that a negative declaration be prepared, or that an environmental impact report is necessary. If an environmental impact report is necessary, the applicant shall deposit the necessary funds with the City for the completion of such report;
 - (iv) A general list of price ranges (both sale and rental) for proposed residential developments; and
 - (v) A geological and soils analysis which shall contain an adequate description of the soils and geology of the site and conclusions and recommendations regarding the effect of the soil and geological conditions on potential grading, excavations, street and utility improvements, and structures.

For any development proposal within the Hillside Preservation District which is less than five (5) acres, the provisions of subsections (i) and (ii) of this subsection shall be required, unless conditions warrant the waiver of said provisions by the Commission;

- (6) Plans showing the Concepts for:
 - (i) Building siting and configuration;
 - (ii) Architectural character, and
 - (iii) Grading, tree removal, and other alterations to the natural condition of the land;
 - (7) A development schedule indicating the approximate date on which the construction of the project can be expected to begin, the anticipated rate of development, and the completion date. There also shall be included, if applicable, a delineation of units or segments to be constructed in progression;
 - (8) Proof of ownership of the properties proposed for reclassification or written approval from the owners of record to seek development plan approval and reclassification; and
 - (9) Other information as indicated on the prescribed form by the Planning Administrator.
- (b) Development plans and, thereafter, specific plans shall be approved by the City before building or grading permits may be issued or trees removed for areas classified P-D for which development plans have not been approved prior to the adoption of the provisions of this chapter. The procedure for the approval of such plans shall be as set forth in subsection (a) of this section and Section 9-4.2208 of this article.
 - (c) Each application for the classification and/or approval of development plans shall be accompanied by a fee as set forth in Article 37 of this chapter. Separate fees shall be required for the reclassification and the development plan.

In addition to the fee set forth in Article 37 of this chapter and prior to the issuance of building permits for an area classified P-D, the developer shall be responsible for the payment of the following fees:

- (1) The developer of an area classified P-D shall be responsible for the payment of planned drainage facilities fees in accordance with the schedule set forth in Article 1 of Chapter 4 of Title 7 of this Code. A per acreage fee shall be paid for any portion of the P-D which is contained within the areas defined on the "Pacifica Drainage Master Plan—Watersheds".
- (2) The developer of an area classified P-D shall be responsible for the dedication of park and recreational lands in accordance with the requirements set forth for subdivisions in Article 8 of Chapter 1 of Title 10 of this Code.

Sec. 9-4.2206. - Development plans: Hearings: Approval (P-D).

The Commission, after a public hearing, may recommend the establishment of a Planned Development District (P-D), and the Council, after a public hearing, by ordinance, may establish a P-D District provided they find that the facts presented at the hearings establish that:

- (a) The proposed P-D District can be substantially completed within the time schedule submitted by the applicant;
- (b) Each unit of the development, as well as the total development, can exist as an independent development capable of creating an environment of sustained desirability and stability or adequate assurance that such objective will be attained;
- (c) The land uses proposed will not be detrimental to the present or potential surrounding uses but will have a beneficial effect which would not be achieved through other districts;
- (d) The streets and thoroughfares proposed are suitable and adequate to carry anticipated traffic, and in-creased densities will not generate traffic in such amounts as to overload the street network outside the P-D District;
- (e) Any proposed commercial development can be justified economically at the location proposed and will provide adequate commercial facilities for the area;
 - (1) Any exception from the standard district requirement is warranted by the design of the project and amenities incorporated in the development plan;
- (g) The area surrounding the development can be planned and zoned in coordination and substantial compatibility with the proposed development, and the P-D District uses proposed are in conformance with the General Plan and, where applicable, the Local Coastal Plan, or that changes in the General Plan or Local Coastal Plan are justified;
- (h) The project is consistent with the City's adopted Design Guidelines; and
- (i) The project is consistent with the City's General Plan and, if applicable, Local Coastal Plan.

Sec. 9-4.2207. - Development plans: Denial: Approval with conditions (P-D).

- (a) If, from the facts presented, the Commission or the Council is unable to make the necessary findings, the application to establish a P-D District shall be denied.

- (b) The Commission may recommend the disapproval of the development plan as submitted or may recommend the approval of such plan, subject to specified amendments and modifications. No amendment or modification to the development plan shall be recommended or made without the consent of the applicant. If the applicant does not agree to the suggested changes, the Commission shall recommend disapproval of the development plan.
- (c) The Commission shall not make a favorable recommendation to the Council, nor shall the Council adopt an ordinance classifying parcel P-D, without coincidentally or previously having approved the development plan.
- (d) The approved development plan shall be adopted by ordinance and shall become a part of the zoning map, subject to the provisions of subsection (e) of this section, as provided in Section 9-4.302 of Article 3 of this chapter. All modifications or amendments to the development plan shall be made in accordance with the procedures set forth for the amendment of this chapter. If, in the opinion of the Commission or the Council, the development in a P-D District is failing or has failed to meet the requirements of the development plan, or any part thereof, the Commission or Council may initiate proceedings to reclassify the property to another zoning district.
- (e) Development plans approved in accordance with the provisions of this article shall become null and void if a specific plan, or the first of multiphase specific plans, is notified with the Commission within one year after the effective date of the ordinance adopting the approved development plan. The provisions of this subsection shall be subject to reasonable extensions of such time upon a showing by the applicant of extraordinary or uncontrollable circumstances warranting such extensions.

Sec. 9-4.2208. - Specific plans: Submission (P-D).

Prior to the issuance of a building permit in any parcel zoned P'-D or within a defined Hillside Preservation District, the owner or applicant shall submit the following:

- (a) A tentative subdivision map (when either parcelization of the property or a condominium project is proposed);
- (b) Proposed landscaping and irrigation plans;
- (c) Proposed engineering plans, including site grading, street improvements, drainage, and other public utilities, which plans, when approved by the Commission shall not be construed to mean that the plans will constitute the final improvement plans for the subdivision. The City Engineer, after detailed design studies, may require modifications and/or additional plans and specifications. Such additional requirements requested by the City Engineer after the design studies may be made without a public hearing if such additional requirements clearly follow the spirit and intent of the approved specific plan;
- (d) For proposed developments within the Hillside Preservation District, a proposed grading plan based on the following criteria:
 - (1) The front boundary;
 - (2) Streets;
 - (3) Lots;
 - (4) Storm drainage systems;

- (5) Existing and proposed contours;
- (6) Slope ratios for heavy grading;
- (7) The location of easements for drainage;
- (8) The location of benches on slopes;
- (9) Retaining walls; and
- (10) Cross-sections of critical slope areas;
- (e) Proposed building plans, including floor plans and exterior elevations indicating the materials, color schemes, and treatment of surfaces;
- (f) Proposed plans for recreational facilities;
- (g) Proposed parking plans;
- (h) Proposed plot plans, showing building locations on each lot, building setbacks, and lot dimensions;
- (i) Where applicable, as a result of findings on site conditions and detailed site planning, supplemental information or revisions to the environmental impact report prepared pursuant to the provisions of the State and City EIR guidelines; and
- (j) Other information as indicated on the prescribed form by the Planning Administrator.
- (k) A specific plan application shall be submitted concurrently with the development plan application. A specific plan application may be submitted subsequent to approval of the development plan if the Planning Commission finds that the later submittal will provide for the implementation of the development plan and is warranted in terms of the proposed development, or units thereof, in accordance with the regulations and limitations set forth in this article.

Sec. 9-4.2209. - Specific plans: Findings (P-D).

The Commission shall approve a specific plan only upon making the following findings:

- (a) That the specific plan is consistent with the approved development plan; and
- (b) That the specific plan is consistent with the City's adopted Design Guidelines.

Sec. 9-4.2210. - Specific plans: Hearing: Commission action (P-D).

- (a) The Commission may approve, approve conditionally, or disapprove the specific plans as presented. No grading, subdivision, or development shall be permitted in the P-D District, or any unit thereof, until specific plans for such district, or unit thereof, have been approved or approved conditionally by the Commission.
- (b) Prior to taking action on the specific plans submitted, the Commission shall conduct a public hearing in accordance with the procedures set forth in Section 9-4.3303 of Article 33 of this chapter.

- (c) The owner or developer may submit specific plans for a portion or unit of the parcel zoned P-D provided the development plan indicated the intention of the development of such parcel by units and established a time schedule for such development.
- (d) Specific plans shall expire two (2) years after approval, unless extended or otherwise provided by the Commission.

Sec. 9-4.2211. - Modification of regulations (P-D).

- (a) Regulations for the lot area, coverage, density, yard requirements, parking, building height, fences, and landscaping for the P-D District shall be as for the residential, commercial, or other zoning district most similar in nature and function to the proposed P-D District land uses, as determined by the Commission.

Such regulations may be modified, as provided in subsection (b) of this section, in the P-D District when the following conditions have been determined by the Commission to exist:

- (1) There is improved site design utilizing progressive concepts of building groupings;
 - (2) Provisions have been made for substantial usable open space (maximum slope ten (10%) percent) for the use of the occupants of the area or the general public;
 - (3) The unsightliness of cut and fill areas has been reduced by the planting of trees, shrubs, and ground covers;
 - (4) A better community environment or improved public safety has been created by the dedication of public areas or space; and
 - (5) Utility and all other service distribution lines will be put underground.
- (b) Upon making the findings set forth in subsection (a) of this section, the regulations set forth in said subsection (a) may be modified to the following limits:
 - (1) For each square foot of reduction in lot size, equal amounts of land shall be dedicated to the City and be improved for open spaces for park, recreation, and related uses or be permanently set aside for the private recreational use of the development under a plan which will assure the City of the continued availability of such land and the development and maintenance thereof for the purpose proposed.
 - (2) Front, side, and rear yards may be reduced to zero; provided, however, where single-family dwellings are proposed, and where no side yards are proposed (row houses), there shall be no more than five (5) dwelling units in any contiguous group. In such cases, the rear yard depths shall be twenty-five (25') feet, except where the lot or lots abut a park or open space.
 - (3) The reduction in public rights-of-way and/or the requirement for the installation of sidewalks may be made subject to the requirement of providing comparable open space as set forth in subsection (1) of this subsection.
 - (4) The gross population density and building intensity of any area proposed for development shall remain unchanged and conform to the basic overall density and building intensity requirements of the zoning district most closely conforming to the proposed development, as determined by the Commission. However, lot dimensions, building setbacks, and areas shall not be required to meet the specific requirements of this chapter provided a more functional and desirable use of the property is made.

- (5) Height limitations may be removed, permitting highrise construction, provided such additional stories to dwelling structures shall not increase gross population densities, as set forth in the approved development plan, and such heights shall mean appropriate reduction in building coverage and adherence to the objectives set forth in this section and in Section 9-4.2252 of Article 22.5 of this chapter.

Sec. 9-4.2212. - Grading and excavation permits (P-D).

No grading or excavation permit shall be issued by the City for any location in the P-D District or Hillside Preservation District, unless the permit has the approval of the Planning Administrator and the City Engineer who shall ensure that the issuance of the permit will not result in effects inconsistent with the purposes of this article or the defined Hillside Preservation District. The approval of such permits shall be contingent upon the following conditions:

- (a) The grading plan and work shall be directly related to an approved specific plan;
- (b) Any grading and excavation shall be necessary for the establishment or maintenance of an approved specific plan;
- (c) The design, scope, and location of the grading and excavation will cause minimum disturbance of the terrain and natural features of the land commensurate with the purpose of the grading and excavation work;
- (d) All persons performing any grading and excavation operation shall put into effect all necessary safety precautions to minimize erosion, protect any watercourse and other natural feature, protect the health and welfare of all persons, and protect private and public property from damage of any kind; and
- (e) The City shall place certain conditions on time limits and necessary site restoration, and shall undertake measures to assure the fulfillment of such conditions, for any grading and excavation work.

Sec. 9-4.2213. - Specific plan amendments.

It shall be unlawful and a violation of the provisions of this chapter for any person to construct, erect, alter, or modify any structure except in conformity with the approved specific plan. Minor amendments to approved specific plans (such as greenhouses and decks) may be approved by the Planning Administrator if the changes are consistent with the Design Guidelines as determined during the plan check process by the Administrator. Substantial amendments to specific plans shall be approved by the Commission; the process for application, public hearing, and findings shall be the same as for a new specific plan.

In cases where the details of the original specific plan are not available, all interior modifications, minor exterior alterations (such as window, door and deck modifications, architectural details, and exterior material changes) and any expansion of floor area of less than fifty (50%) percent, excluding the garage, may be approved administratively by the Administrator. All other modifications, including third-story additions, must be approved by the Commission as amendments to the specific plan.

Requests for modifications to buildings which are part of in any area with a homeowners' association shall be referred to as the homeowners' association for comment prior to submittal

to the City. The applicant shall provide documentation to the City that such notice has been provided.

Article 23. - General Provision and Exceptions

Sec. 9-4.2301. - Scope.

The regulations provided for in this chapter shall be subject to the general provisions and exceptions set forth in this article.

Sec. 9-4.2302. - Temporary commercial promotional events and temporary amusements.

(a) *Commercial promotional events.* Sidewalk sales lasting more than three (3) days, flea markets, rummage sales, festivals, bazaars, or other similar temporary activities not lasting more than two (2) weeks, the primary purpose of which is to promote proposed or existing businesses, may be established on public or private property within any C District. No person or group shall undertake or establish such activities without first securing written approval from the Zoning Administrator as follows:

- (1) Any individual or group requesting approval pursuant application to the Zoning Administrator not less than thirty (30) days prior to the date of the activities for which approval is requested.
- (2) Applications made pursuant to this subsection (a), where applicable, shall be accompanied by the following:
 - (i) Evidence of legal interest in the property upon which such activities are proposed or written authorization for the activities proposed from the individual holding such interest;
 - (ii) A plat map showing any property within 300 feet of the site, accompanied by a list of property owners and corresponding addresses of such property owners typed on mailing labels; and
 - (iii) A detailed, complete description of all events directly related to the activity proposed accompanied by maps, plans or other appropriate graphic materials.
- (3) Prior to approving or denying any application submitted pursuant to this subsection, the Zoning Administrator shall solicit written comments and recommendations concerning the event for which approval is requested from the Department of Fire Services, Department of Police Services, Department of Community Development and Services, and any other department or agency as deemed necessary by the Zoning Administrator. Such recommendations may be required as conditions of approval for the permit requested.
- (4) Prior to approving or denying an application for a permit to this subsection, the Zoning Administrator shall make written findings as follows: that the establishment, maintenance, or operation of the use or building applied for will not, under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort, and general welfare of the persons residing or working in the neighborhood of such proposed use or be injurious or detrimental to property and improvements in the neighborhood or to the general welfare of the City.

- (5) Notice of any permit approval pursuant to this subsection shall be mailed to property owners and residents pursuant to subsection (ii) of subsection (2) of this subsection.
- (6) Appeals filed by any person aggrieved by this decision of the Zoning Administrator shall be taken in the manner set forth in Section 9-4.3804 of Article 38 of this chapter.
- (b) *Temporary amusements.* Circuses, carnivals, parades, amusement parks, public dances, or similar temporary establishments involving large assemblages of people, excluding those uses set forth in subsection (a) of this section, may be established in any C District, on any public street or facility, or in isolated or undeveloped areas of any district provided a use permit is first secured as set forth in Article 33 of this chapter and in Chapter 3 of Title 5 of this Code for the establishment, maintenance, operation, and removal of such uses.
- (c) No event or activity described in subsection (a) or (b) shall include a Marijuana Operation as that term is defined in Article 48 of this chapter or any activity involving marijuana or marijuana products.

Sec. 9-4.2303. - Public utility facilities.

In any district where public utility facilities are not expressly permitted, such facilities may be permitted upon securing a use permit therefor as set forth in Article 33 of this chapter; provided, however, the provisions of this section shall not be construed as permitting the establishment of public utility pole yards or service yards in residential districts.

Sec. 9-4.2304. - Public utility distribution and transmission lines.

Public utility distribution and transmission lines, both overhead and underground, shall be permitted in all districts without limitation as to height and without the necessity of first obtaining a use permit; provided, however, the routes of proposed electric transmission lines shall be submitted to the Commission for approval, and such approval shall be received prior to the acquisition of rights-of-way therefor and any construction thereon.

Sec. 9-4.2305. - Temporary uses.

- (a) The Commission may grant temporary uses for a period of up to six (6) months in developed areas and up to one year in undeveloped areas by using the procedure set forth in Article 33 of this chapter governing the granting of use permits.
- (b) The temporary use of vacant lots or parcels for the parking of motor homes, trailers, or mobile homes as construction offices, or for the storage of equipment or materials, or for security purposes may be permitted by the Planning Administrator provided the parking is in conjunction with construction on the same lot or building site and meets the following conditions:
 - (1) Building plans for the new construction shall be submitted and a building permit issued before the occupancy of the motorhome, trailer, or mobile home.
 - (2) The occupancy shall not exceed twelve (12) months after the issuance of a building permit, unless otherwise extended by the Commission.

- (3) The temporary use of mobile homes during the construction of individual single-family dwellings may only be permitted as described in this subsection (b) if the project is constructed by an owner/builder.

(c) No temporary use described in this section shall include a Marijuana Operation as that term is defined in Article 48 of this chapter or any activity involving marijuana or marijuana products.

Sec. 9-4.2306. - Special use permit procedures.

- (a) Purpose. The purpose of this section is to prescribe the procedure for the accommodation, in any zoning district and general plan designation, of uses with special site or design requirements, operating characteristics, or potential adverse effects on surroundings through the review and imposition of special conditions of approval. For the purposes of this section, a special use shall include the following:
 - (1) Heliports;
 - (2) Convalescent homes and nursing homes;
 - (3) Hospitals and convalescent hospitals;
 - (4) Institutions of a philanthropic or charitable nature;
 - (5) Sanitary landfill sites, solid waste transfer stations, and materials recovery facilities;
 - (6) Organized off-road vehicle parks;
 - (7) Ambulance facilities;
 - (8) Lodges and clubhouses;
 - (9) Churches;
 - (10) Civic Center facilities;
 - (11) Mortuaries and cemeteries; and
 - (12) Wastewater treatment and reclamation facilities.
- (b) *Applications.* Applications for special use permits shall be filed with the Commission on the prescribed forms, together with the materials required therein and as indicated by the Planning Administrator. Such application shall be accompanied by a fee as set forth in Article 37 of Chapter 4 of Title 9 of this Code.
- (c) *Procedure for consideration.* An application for a special use permit shall be reviewed by the Commission.
 - (1) *Relation to Hillside Preservation District regulations.* Hillside Preservation District regulations shall be followed; however, planned development zoning shall not be required.
 - (i) Coverage limitations shall not apply to recreational trail systems or ungraded, unpaved, temporary parking areas associated with organized off-road vehicle parks.
 - (ii) Neither grading nor coverage limitations shall apply to any sanitary landfill proposal.

- (2) *Hearings and notices required.* A public hearing before the Commission shall be held on each special use permit application. Notice of such hearing shall be made by publication in a newspaper of general circulation within the City at least ten (10) days prior to the hearing and by mailing a notice not less than ten (10) days prior to the date of the hearing to the owners of the property within a radius of 300 feet of the exterior boundaries of the property which is the subject of the application, using for such purpose the last known name and address of such owners as shown upon the Assessor's roll of the County. The failure of any person to receive such notice shall not invalidate the special use permit proceedings.
 - (3) *Review criteria and schedule.* The Commission shall decide whether the proposal conforms to the special use permit criteria set forth in subsection (d) of this section and may approve or deny the proposed use or impose such conditions of approval as are necessary, in its judgment, to insure conformity.
 - (4) *Effective date and appeals.* Decisions of the Commission shall become final ten (10) days after the date of decision, unless appealed to the Council in accordance with Article 36 of Chapter 4 of Title 9 of this Code and, in the Coastal Zone, Article 40 of Chapter 4 of Title 9 of this Code.
- (d) *Special use permit review criteria.* The request for a special use permit shall be considered in its relationship to the General Plan and to the intent and purposes of this chapter. Approval of a special use permit confers consistency with the zoning and General Plan designations of the subject property. The approval of a special use may be granted only if the proposal conforms to all of the following criteria and to any special conditions which may be applied:
- (1) That the proposed use will be of such size, design, and operating characteristics as will tend to keep it compatible with permitted uses in the district under consideration with respect to bulk, scale, coverage, density, noise, and the generation of traffic;
 - (2) That the proposed development will enhance the successful operation of the community or will provide a service to the community;
 - (3) That particular attention is given to the provision of buffering of uses from the surrounding neighborhood;
 - (4) That the project conforms with the setback, coverage, landscaping, and other zoning regulations of the district where a use is proposed; and
 - (5) That the project is consistent with the goals and policies of the General Plan and Local Coastal Plan and with the adopted Design Guidelines.
- (e) *Time limits, renewal, and revocation of special use permits.* The time limits, renewal, and revocation of special use permits shall be as specified in Article 33 of Chapter 4 of Title 9 of this Code.

Sec. 9-4.2307. - Animal hospitals and clinics.

Animal hospitals or clinics shall be permitted in the Neighborhood Commercial (C-1), General Commercial (C-2), Service Commercial (C-3), and Professional Office (O) Districts provided a use permit shall have been obtained as set forth in Article 33 of this chapter and provided:

- (a) All animals shall be kept within an enclosed soundproof structure;
- (b) Plans and specifications shall bear the certification of acoustical engineer verifying that the proposed structure will prevent sounds emanating from the building from going beyond the property lines of the parcel on which the use is located;
- (c) The hospital or clinic shall be so designed that no odor will be discernible beyond the property lines of the parcel on which the use is located; and
- (d) The boarding of animals, except for the short-term treatment of accident, surgical, or disease cases incidental to the use therein, shall be prohibited.

Sec. 9-4.2308. - Commercial and industrial uses outside structures.

- (a) All commercial and industrial uses conducted in any C or M District shall be conducted entirely within an enclosed structure unless a permit is obtained, as set forth in Article 33 of this chapter, except as otherwise provided in this section.
- (b) Sidewalk sales, not including peddlers, on public or private property, not lasting more than three (3) days, shall be permitted in any C District. Other temporary outdoor commercial uses may be established in any C District pursuant to Section 9-4.2302 of this article. Sidewalk sales permitted pursuant to this section shall be conducted in a manner sufficient to allow safe pedestrian and wheelchair passage onto or along the sidewalk where such activity is being conducted.
- (c) The sale, display, and storage of Christmas trees and accessories therefor may be authorized by the Planning Administrator on vacant lots or other open areas in commercial districts or undeveloped areas for a temporary period of time between Thanksgiving and December 26 of any year provided such use is not injurious to the public welfare. Temporary structures, including mobile structures, and other facilities, such as electrical service or utilities, shall be erected in accordance with the Building, Electrical, and Plumbing Codes of the City. A bond for the removal of debris shall be deposited by each applicant within the City in the form of a cash deposit in the amount of Five Hundred and no/100ths (\$500.00) Dollars which shall be refunded upon compliance with the provisions of this subsection.

If, after five (5) days' notice, the applicant has not complied with the provisions of this subsection, the City may have a free agent do what is required to comply with the provisions of this subsection, and the applicant's cash bond shall be applied to the cost thereof, and any excess shall become immediately due and payable upon billing to the applicant.

- (d) The sale, display, and storage of fireworks may be authorized in accordance with Article 2 of Chapter 3 of Title 4 of this Code. No use permit shall be required.
- (e) Outdoor sales, displays, and the storage of pumpkins as provided in subsection (c) of this section shall be permitted between October 1 and November 5 of any year.
- (f) If not located within an enclosed building, mobile recycling units, reverse vending machines, and other outdoor storage of materials to be recycled shall be subject to the issuance of a site development permit and use permit.

(g) No use described in this section shall include a Marijuana Operation as that term is defined in Article 48 of this chapter or any activity involving marijuana or marijuana products.

Sec. 9-4.2309. - Child care facilities.

(§ 5.09, Ord. 363, as added by § I, Ord. 435; repealed by § IV, Ord. 440-85, eff. March 13, 1985)

Sec. 9-4.2310. - Boarding home facilities for elderly and mentally ill persons.

(§ 5.10, Ord. 363, as added by § 1, Ord. 435; repealed by § IV, Ord. 440-85, eff. March 13, 1985)

Sec. 9-4.2311. - Barbed wire fences.

(a) Barbed wire fences. It shall be unlawful for any person to place, or allow to be placed, or to maintain a fence made wholly or partially of barbed wire in any district.

Exception. Barbed wire may be used in fencing when necessary to contain horses and other livestock. This exception shall only apply to fences constructed in accordance with the approval of the Building Official for animal control purposes.

(b) Fencing material. Fencing material shall be either solid or of other substantial construction including but not limited to wood, chain link, wire (nonbarbed), or other similar material. Exception. Plastic mesh fencing and/or canvas tarp fencing material or similar material shall be allowed only on a temporary basis during construction.

Sec. 9-4.2312. - Rounding of numbers in calculating density.

Fractional numbers derived from density calculations shall be rounded as follows:

- (a) From .1 through .4: Round down to the next whole number; and
- (b) From .5 through .9: Round up to the next whole number.

Sec. 9-4.2313. - Minimum dwelling unit sizes.

(a) *Purpose*. The purpose of this section is to ensure that the health, safety, comfort, and general welfare of persons residing within the residential districts of the City will not be adversely affected.

(b) *Minimum dwelling unit standards*. Single-family dwellings shall contain a minimum gross floor area of 850 square feet.

Two-family and multiple-family dwelling units and condominiums shall contain the following minimum gross floor area:

- (1) Bachelor or studio units, 450 square feet;
- (2) One bedroom units, 600 square feet;
- (3) Two (2) bedroom units, 800 square feet;
- (4) Three (3) bedroom units, 850 square feet; and

(5) Each additional bedroom in excess of three (3), 100 additional square feet.

Bachelor or studio units shall be those units which have one room for the purposes of eating and sleeping.

(c) *Exceptions.* Second residential units, as defined in Section 9-4.452 of Article 4.5 of this chapter, and multiple-family housing developed for senior citizens shall not be regulated by the minimum dwelling unit standards of this article.

Sec. 9-4.2314. - Adult businesses.

Adult businesses may be allowed in the C Districts as conditional uses requiring a use permit; provided, however, the property upon which the proposed business is located shall be a minimum of 500 feet from any of the following: a residential zoning district, a residential use, an adult business, a school primarily attended by minors, a church, a public beach, or a public park.

Sec. 9-4.2315. - Special care facilities.

(a) *Purpose.* This section is intended to regulate special care facilities, as defined in Section 9-4.273.1, with more than six (6) residents not including staff. Special care facilities serving six (6) or fewer residents not including staff, are permitted in all zoning districts that permit single-family residences and shall not be required to meet any requirement of this section. Any lot developed or used pursuant to this section shall not thereafter be used for any purpose other than a special care facility unless and until the City Planner has certified in writing that the alternate use satisfies all applicable and then existing land use regulations pertaining to the classification of the lot.

(b) *Special care facilities use criteria.* When the proposed use meets the requirements of this chapter including the conditions set forth in Section 9-4.3303 and all the following criteria, residential care facilities serving more than six (6) persons in addition to caregivers may be permitted by approval of a use permit in all residential and commercial zoning districts, as identified in this chapter.

(1) There are no other special care facilities serving more than six (6) persons not including staff within 500 radial feet of the perimeter of the subject property. If proposed facilities are located within the 500-foot minimum horizontal distance, the Planning Commission may determine facility overconcentration if impacts in the area are considered significant.

(2) The proposed use shall be conducted in a manner and with facilities that comply with Federal, State and local law and such compliance will be a condition of all use permits issued pursuant to this section. The operator of the facility shall give written notice of any suspension or revocation of its State license to the City Manager within seven (7) days of said suspension or revocation.

(3) Special care facilities shall include a common dining area as well as common living areas and amenities to facilitate program activities.

(4) There shall be a minimum of 100 square feet of usable open space area per resident, not including staff. Indoor common living areas and amenities to facilitate program

activities may be counted towards this requirement up to a maximum of seventy-five (75%) percent of the total open space area required.

- (5) Outdoor areas shall be designed to provide amenities and recreational areas compatible with the needs of the residents, such as pathways and sitting areas, gardens, putting greens and similar recreation areas.
 - (6) Where additional stories prohibit easy access to open space areas on the ground floor, open roof decks, balconies or lanais shall be provided in an amount, dimension, area and location as determined to be adequate by the Planning Commission.
- (c) *Hearings and notices required.* Special care facilities serving more than six (6) residents, not including staff, may be permitted in those zoning districts enumerated in this chapter upon securing a use permit and complying with all hearing and notice requirements as set forth in Article 33 of this chapter, except as otherwise provided in this section.

Sec. 9-4.2316. - Firearms sales.

- (a) *Purpose.* The purpose of this section is to provide for the appropriate location of firearms sales activity and to regulate such activity through the permitting process.
- (b) *Definitions.*
 - (1) For the purposes of this article, "firearm" shall be defined as specified in Section 5-14.01 of the Pacifica Municipal Code, and shall also include any device, designed to be used as a weapon or modified to be used as a weapon, from which is expelled through a barrel a projectile by the force of explosion or other means of combustion.
 - (2) "Firearms sales" shall be defined to mean the sale, transfer or lease or advertising for sale, transfer or lease of any firearm.
- (c) *Permit required.* Except as provided in California Penal Code Section 12070(b), as may be amended from time to time, it shall be unlawful for any person to engage in firearms sales activity unless a use permit has been obtained pursuant to Article 33 of this chapter and as further specified below. Subject to the restrictions listed below, firearms sales activity may be allowed in the C-2 or C-3 zoning districts with an approved use permit. Firearms sales activity shall be prohibited in all other zoning districts.
- (d) *Location.* A use permit for firearms sales activity shall not be approved if the proposed business premises are located within 1,000 feet of any property upon which a legally operating public or private elementary, middle or high school is located or upon which a legally operating pre-school is located, or within 500 feet of another person engaged in firearms sales activity with a current and lawful use permit.
- (e) *Conditions.* An approved use permit shall not be effective until the applicant satisfies, in addition to any conditions imposed by the Planning Commission, the following terms and conditions:
 - (1) Possession of all licenses and permits required by federal, state, and local law;
 - (2) Compliance with the requirements of the City of Pacifica's Building Code, Fire Code, and other technical codes and regulations that govern the use, occupancy, maintenance, construction or design of the subject building or structure;

- (3) Final inspection from the Chief Building Official demonstrating code compliance prior to the commencement of business at the subject location; and
- (4) Possession of a valid City of Pacifica business license.

Article 27. - Projections into Yards

Sec. 9-4.2701. - Scope.

The provisions of this article shall be in addition to, and shall not constitute a waiver of, any other provision of this chapter.

Sec. 9-4.2702. - Cornices, eaves, canopies, and similar architectural features.

Architectural features, such as cornices, eaves, canopies, fireplaces, bay windows, and similar architectural structures, may not be constructed closer than thirty (30") inches to any side lot line nor project more than six (6') feet into any required front or rear yard.

Sec. 9-4.2703. - Porches, landings, and outside stairways.

Open porches, landings, and outside stairways may project not closer than four (4') feet to any side lot line and not exceeding six (6') feet into any front or rear setback; provided, that the area is unenclosed (a roof and partial walls may be allowed within the front setback). On-grade stairways are permitted closer to the property line to provide a necessary connection between the street and a structure. Decks and other projections less than thirty (30") inches above grade are permitted within required setbacks.

Sec. 9-4.2704. - Accessory buildings.

- (a) In the event an accessory building is attached to the main building, such accessory building shall be made structurally a part of the main building, and comply in all respects with the requirements of this chapter applicable to the main building. Unless so attached, the following regulations shall apply to accessory buildings in all residential districts:
- (1) All portions of the accessory building shall be located at least five (5') feet from any building existing or under construction on the same lot; a building is considered attached to another building when there is a common wall, common roof or a horizontal connection thirty (30") inches above grade such as a deck. Retaining walls and/or decking between buildings that are less than thirty (30") inches above grade are not considered a connection.
 - (2) No accessory building shall be located within any required front or side setback except as permitted below, nor within five (5') feet of any alley;
 - (3) An accessory building may be located within the rear setback provided that:
 - (i) Only nondwelling uses (i.e., garage, storage) are proposed,
 - (ii) At least a one-and-one-half (1½) foot setback is provided from the side and/or rear lot line,
 - (iii) At least fifty (50%) percent of the structure is located within the rear setback,

- (iv) If building coverage is thirty-five (35%) percent or more, any driveway leading to a garage shall be surfaced with alternative paving (i.e. turfblock or landscaped strips between paving) subject to approval by the City Engineer and Fire Marshal,
 - (v) In the case of corner lots, the accessory building may not project beyond the front setback required or existing on the adjacent lot, and
 - (vi) Building height shall not exceed twelve (12') feet;
 - (4) Except for a detached garage, every accessory building shall be located behind the main structure;
 - (5) No accessory building shall be constructed until a main building is constructed on the site;
 - (6) The total area covered by detached nondwelling accessory structures located in the rear setback of a lot may not exceed 600 square feet.
- (b) Where the slope of the front half of any residential lot is greater than one foot rise or fall in a horizontal distance of four (4') feet from the established street elevation of the lot at the front street line (twenty-five (25%) percent), or where the elevation of the lot at the front street line is six (6') feet above or below the established street elevation, a private garage or carport, attached or detached, may be built to within ten (10') feet of the front lot line if such reduction will not interfere with existing or proposed public utilities or established setback lines; provided, however, such garage or carport shall maintain the side yard setbacks required for the main building. An additional reduction in the front yard setback may be permitted if the property is located on an improved public road where a curb has been constructed or an official street improvement plan has been established. The additional reduction in the front yard setback which may be permitted shall be one foot for each two (2') feet from the property line to the face of the curb. The maximum permitted reduction shall be four (4') feet. Such reduction shall not be permitted if it will interfere with any established plan line for road improvements or widening.

Sec. 9-4.2705. - Yard and inner court requirements.

- (a) Where forty (40%) percent or more of the lots in a block have been improved with buildings, the minimum required front yard shall be the average of the improved lots if less than the requirements of this chapter.
- (b) On any parcel of land which qualifies as a building site, the width of each side yard may be reduced to ten (10%) percent of the width of such parcel but in no case to less than three (3') feet.

Sec. 9-4.2706. - Replacement of yard requirements by building lines.

(§ 9.10, Ord. 363; repealed by § XI (D), Ord. 491-C.S., eff. October 28, 1987)

Sec. 9-4.2707. - Encroachment of yards on official plan lines.

Whenever an official plan line has been established for any street, the required yards shall be measured from such line, and in no event shall the provisions of this chapter be construed as permitting any encroachment upon any official plan line.

Sec. 9-4.2708. - Encroachment of swimming pools and decks or other structures.

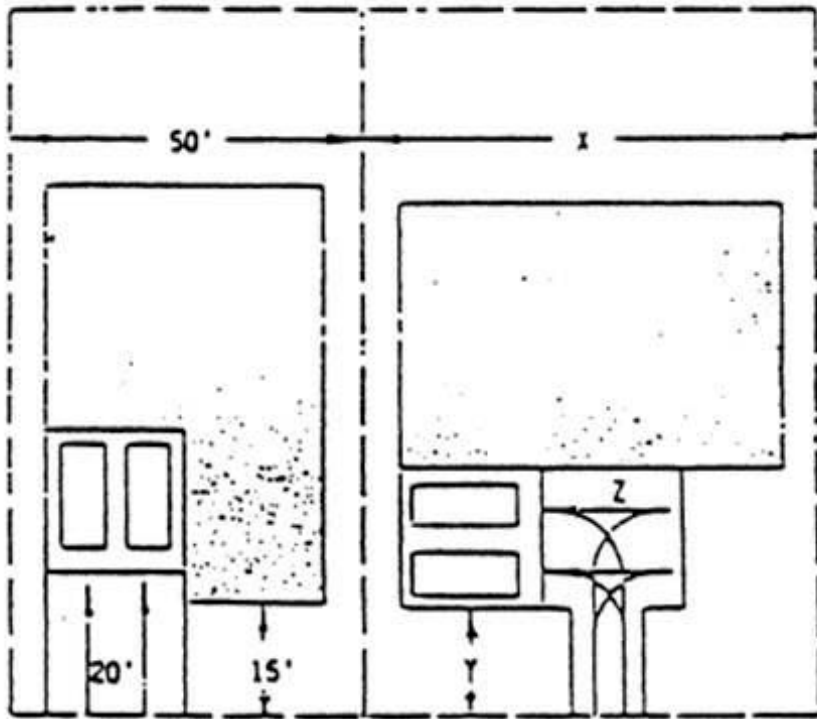
Swimming pools and decks or other structures less than thirty (30") inches above the grade may be permitted in required yards.

Sec. 9-4.2709. - Reduction of front yard setbacks.

- (a) *Scope and purpose.* The provisions of this section shall apply to front yard setback reductions for garages based upon improved parking areas in Single-Family Residential District (R-1). The purpose of this section is to encourage varied front yard setbacks in the Single-Family Residential District (R-1) while providing for necessary parking areas.
- (b) *Site development permits required.* A site development permit shall be required for each application for the reduction of a front setback for a garage as provided in this section. The Commission, as a condition of the site development permit, may require landscape planting, or fencing, or that other conditions be met in order to assure the satisfaction intent of this section.
- (c) *Standards.*
 - (1) "Swing" type parking access may be employed as denoted in the following schematic drawing:

Setback Reduction Based upon Improved Parking Area in the Single-Family Residential District (R-1)

Minimum Standard Lot



LEGEND		
X	Minimum Width of Building Site	
Y	Minimum Front Yard Setback from Property Line	
Z	Back Up Area	
LOT WIDTH	FRONT YARD	BACK UP
X	Y	Z
50 to 70 feet	10 feet	25 feet
More than 70 feet	5 feet	25 feet

(2) The front yard setback reductions which may be permitted shall be as follows:

Minimum Width of Building Site	Minimum Front Yard Setback
50 feet to 70 feet	10 feet
More than 70 feet	5 feet

(3) When "swing" type parking is employed, a fifteen (15') foot setback to the side of the garage may be permitted administratively.

(d) *Conversion of garages to living areas.* No living area shall be located closer than fifteen (15') feet to the front property line.

- (e) *Interpretation.* The provisions of this section shall not be construed to preclude the Commission granting setback variations as provided in Article 34 of this chapter.
- (f) *Delegation.* The Commission may authorize the Planning Administrator to approve site development permits pursuant to this section.

Sec. 9-4.2710. – Outdoor cultivation of marijuana in residential areas.

Subject to the standards contained in Article 48 of this chapter, including without limitation any setback requirements or limitations on the number of plants which may be cultivated.

Article 31. - Home Occupation Permits*

Sec. 9-4.3101. - Definitions.

For the purposes of this article, "home occupation" shall mean an occupation carried on by the occupants of a dwelling unit as a secondary use to the customary residential purpose or an occupation carried on by a renter with the written consent of the landlord or his agent, which consent shall be attached to the application for a permit. The following criteria shall be determinative of a valid home occupation:

- (a) It shall not unreasonably generate pedestrian or vehicular traffic beyond that normal to the zone in which it is located. No more than three (3) people per day, including customers and sales persons shall come to and from the dwelling in conjunction with the home occupation. Music teachers and other teachers may be permitted additional commercial clientele upon approval by the Planning Administrator and conformance with conditions limiting the number of hours of commercial activity. In such case, adjacent owners and residents shall be notified prior to approval of the home occupation.
- (b) It shall not involve the use of commercial vehicles for the delivery of materials to or from the premises (vehicles not over three-fourths ($\frac{3}{4}$) ton carrying capacity excepted). No vehicle over three-fourths ($\frac{3}{4}$) ton carrying capacity shall be used for home occupation purposes. All commercial vehicles associated with the home occupation shall be parked on site in accordance with all applicable parking regulations; such commercial vehicles shall not be parked or stored on the street. No more than two (2) commercial vehicles that are associated with the home occupation may be parked on the site.
- (c) It shall only allow signs as expressly permitted by Section 9-4.3111 of this article.
- (d) It shall not involve more than two hundred (200') square feet of the dwelling floor area, whether the home occupation use is conducted within the dwelling, or in an accessory building, or a combination of both.
- (e) Stock-in-trade may be used or kept within a home occupation permitted area provided the stock-in-trade or any commodity or product manufactured off the premises is not brought on the premises for resale purposes there. Not more than 100 square feet shall be used for storing stock-in-trade.
- (f) In no way shall the appearance of the structure or premises be so altered, or the conduct of the occupation within the structure or premises be such, that the structure or the premises may be reasonably recognized as serving a nonresidential use (either by color, materials, construction, lighting, noise, vibration, or the like). In particular, a home occupation shall not cause any adverse impacts such as offensive odors or excessive noise, lighting, or traffic which are incompatible with the residential area, or in violation of the provisions of any applicable laws or regulations.
- (g) No mechanical or electrical equipment shall be used or stored which causes undue noise or electrical interference.
- (h) A home occupation may be conducted only within an enclosed building, whether the building constitutes part of the main building or is an accessory building. A home occupation may not be conducted within an accessory building which is located within

a required setback area, unless storage is the only proposed use. The Zoning Administrator, after a notice to adjoining landowners located within two hundred (200') feet of the subject property, may authorize a home occupation in other than an enclosed building upon the determination that the home occupation will not damage neighboring properties.

- (i) A home occupation may be conducted in a garage provided the home occupation does not unreasonably conflict with the required parking for such residential structure.
- (j) A home occupation shall not involve the employment of help other than resident members of the family within the residence. No provision of this article shall be deemed to prohibit service occupations carried on off the premises, nor to prohibit the employment of persons off the premises. Where special conditions exist and are disclosed on the application, the Zoning Administrator may modify this requirement.
- (k) A home occupation which involves the handling, processing, packaging, or repackaging of foodstuff or involves other elements of food preparation may be permitted by the Planning Administrator; provided that all County Health Department permits, inspections, or approvals are obtained and the home occupation will not adversely effect surrounding residential uses.
 - (1) A home occupation shall not involve the storage or sale of firearms, other weapons, explosives, or ammunition.

(l) It shall not involve a Marijuana Operation as that term is defined in Article 48 of this chapter or any activity involving marijuana or marijuana products.

Sec. 9-4.3102. - Home occupation permits.

No person shall commence or carry on any home occupation, as set forth in Section 9-4.3101 of this article, within the City without first having procured a permit from the Zoning Administrator. The Zoning Administrator shall issue a permit when the applicant shows that the home occupation meets all the requirements of Section 9-4.3101 of this article. Every home occupation shall fully comply with all City, County, and State Codes, ordinances, rules, and regulations.

Sec. 9-4.3103. - Permit applications: Form and content.

Applications for home occupation permits, as set forth in Section 9-4.3102 of this article, shall be filed, in writing, with the Zoning Administrator by the person who intends commencing or carrying on a home occupation. The application shall be upon a form furnished by and in the manner prescribed by the Zoning Administrator.

Sec. 9-4.3104. - Permits not transferable.

No home occupation permit issued pursuant to the provisions of Section 9-4.3102 of this article shall be transferred or assigned, nor shall the permit authorize any person, other than the person named therein, to commence or carry on the home occupation for which the permit was issued.

Sec. 9-4.3105. - Notices and appeals.

Within ten (10) working days after the filing of an application for a home occupation permit, the Zoning Administrator shall either issue or deny the permit and shall serve a notice of such action upon the applicant by mailing a copy of such notice to the applicant at the address appearing on the application. Any person aggrieved by the action of the Zoning Administrator upon an application for such permit may appeal such action by filing a written notice of appeal with the Zoning Administrator within ten (10) days after the date of the mailing of the notice of such action. The Zoning Administrator shall refer all appeals to the Commission, and the Commission will consider the appeal at the earliest available meeting. The applicant shall be given notice of the time and date set for such consideration.

An appeal of the decision of the Commission may be made by filing a notice of appeal with the City Clerk. The appeal shall be determined according to the procedures set forth in Chapter 4 of Title 1 of this Code, except that the notice of appeal shall be filed within ten (10) days after the decision of the Commission.

Sec. 9-4.3106. - Suspension, revocation, and appeals.

Any home occupation permit issued pursuant to the provisions of Section 9-4.3102 of this article may be suspended or revoked when it appears that the home occupation authorized by the permit has been or is being conducted in violation of any City, County, and/or State Code, ordinance, rule, or regulation, including the provisions of this article, or in a disorderly manner, or to the detriment of the general public, or when the home occupation being carried on is different from that for which the permit was issued. Any home occupation permit which has been issued shall not be revoked or suspended unless a hearing shall first have been held by the Zoning Administrator. Written notice of the time and place of such hearing shall be served upon the permittee at least ten (10) days prior to the date set for such hearing. The notice shall contain a brief statement of the grounds for revoking or suspending the permit. The notice shall be served by mailing, by registered mail, a copy of such notice to the person to be notified at the address appearing on the permit. Any person aggrieved by the action of the Zoning Administrator may appeal to the Commission by filing a written notice of appeal with the Zoning Administrator within ten (10) days after the date of the mailing of the Zoning Administrator's action. Appeals shall be processed as set forth in Section 9-4.3105 of this article.

Sec. 9-4.3107. - Inspection fees.

(§ 1, Ord. 55-C.S., eff. July 26, 1972; repealed by § 1, Ord. 319-C.S., eff. February 10, 1982)

Sec. 9-4.3108. - Business licenses required.

Every home occupation permittee shall obtain a business license. If the business license is not renewed annually, the home occupation permit shall automatically expire.

Sec. 9-4.3109. - Business license exceptions.

(Repealed by § 8, Ord. 583-C.S., eff. February 12, 1992)

Sec. 9-4.3110. - Exceptions.

The provisions of this article shall not apply to the deaf or blind or to other cases of severe physical disability.

Sec. 9-4.3111. - Signs.

Interior window signs shall be permitted for home occupations as follows:

(a) *Standards.* Signs for home occupations shall meet the following criteria:

- (1) The maximum size for such signs shall be four (4) square feet or twenty-five (25%) percent of the window area, whichever is less.
- (2) No more than one home occupation sign shall be allowed.
- (3) Such signs may identify the name of the business, the type of the business, and the telephone number of the business.
- (4) Such signs may not be illuminated.

(b) *Application process.* Applicants for home occupation signs shall submit their requests to the Planning Administrator in writing, accompanied by a dimensioned drawing of the sign and its location. The Planning Administrator shall notify abutting property owners and residents of the application. Decisions of the Planning Administrator may be appealed to the Commission.