Title 17

ZONING

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Chapter 17.02

GENERAL PROVISIONS*

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* Prior ordinance history: Ords. 77-10, 82-14 and 92-5.

17.02.010 Plan adopted.

There is adopted a zoning plan for the city, said zoning plan being a districting plan as provided by law. (Zoning ordinance dated 7/94 (part), 1994)

17.02.020 Title for citation.

This title shall be known and cited as "The Zoning Ordinance of the city of Marina." (Zoning ordinance dated 7/94 (part), 1994)

17.02.030 Purpose.

This zoning plan is adopted to promote and protect the public health, safety, peace, morale, comfort, convenience and general welfare, and for the accomplishment thereof and is adopted, among other purposes for the following more particularly specified purposes:

A. To assist in providing a definite plan of development for the city, and to guide, control and regulate the future growth of the city in accordance with said plan;

B. To protect the character and the social and economic stability of agricultural, residential, commercial, industrial, and other areas, within the city and to assure the orderly and beneficial development of such areas;

C. To implement the city's coastal program. (Zoning ordinance dated 7/94 (part), 1994)

17.02.040 Nature of zoning plan.

This zoning plan consists of the establishment of various districts within the incorporated area of the city within some, all or none of which it is unlawful to erect, construct, alter or maintain certain buildings or to carry on certain trades or occupations or to conduct certain uses of land or of buildings; within which the height and bulk of future buildings shall be limited; within which certain open spaces shall be required about future buildings and consisting further of appropriate regulations to be enforced in such districts, all as set forth in this title. (Zoning ordinance dated 7/94 (part), 1994)

17.02.050 Establishment and designation of districts.

The several districts established and into which the city is divided are designated as follows:

U	unclassified districts
O	open space districts
K	agricultural-residential districts
ST	special treatment districts
R-1	single-family residential districts
R-2	duplex residential districts
R-3	limited multiple-family residential districts
R-4	multiple-family residential districts
C-R	commercial multiple-family residential districts
C-1	retail business districts
PC	planned commercial districts
C-2	general commercial districts
L-M	limited industrial districts
M	industrial districts
T	transitional districts
P-F	public facilities districts
C-D	coastal conservation and development districts

(Zoning ordinance dated 7/94 (part), 1994)

17.02.060 Combining regulations.

In addition to the foregoing districts, certain combining districts are established and are designated as follows:

A	limited agricultural uses
X	camp districts
S	integrated districts
B-1	first building site area and yard regulations
B-2	second building site area and yard regulations
B-3	third building site area and yard regulations
B-4	fourth building site area and yard regulations
B-5	special building site area and yard regulations
B-6	second special building site area and yard regulations
C-P	coastal development permit district
SU	Coastal Zone secondary use combining district

(Zoning ordinance dated 7/94 (part), 1994)

17.02.070 District boundaries.

A. The designations, locations and boundaries of such districts are set forth on the city zoning map.

B. The aforesaid districts and certain combinations are established insofar as the designation, locations and boundaries thereof are set forth and indicated in the sections of this title which describe certain of said districts.

C. Where uncertainty exists as to the boundaries of any of the aforesaid districts as described as aforesaid or as shown on said sectional maps, the planning commission upon written application or upon its own motion, shall determine the location of such boundaries. (Zoning ordinance dated 7/94 (part), 1994)

17.02.080 Effect of establishment of districts.

A. Except as hereinafter otherwise provided:

1. No building shall be erected and no existing building shall be moved, altered, added to or enlarged, nor shall any land, building or premises be used, designated or intended to be used for any purpose, or in any manner other than is included among the uses hereinafter listed as permitted in the district in which such building, land or premises is located.

2. No building shall be erected, reconstructed or structurally altered to exceed in height the limit hereinafter designated for the districts in which such building is located.

3. No building shall be erected, nor shall any existing building be altered, enlarged or rebuilt, nor shall any open space be encroached upon or reduced in any manner, except in conformity to the yard, building site area and building location regulations hereinafter designated for the district in which such building or open space is located.

4. No yard or other open space provided about any building for the purpose of complying with provisions of this title shall be considered as providing a yard or open space for any other building, and no yard or other open space on one building site, shall be considered as providing a yard or open space for a building on any other building site.

B. No governmental unit whether city, county, district, state or federal shall be exempt from the provisions of this title. (Zoning ordinance dated 7/94 (part), 1994)

17.02.090 U districts.

All the territory of the city which is not included under the terms of this title in any other district, is designated and classified as constituting U districts. (Zoning ordinance dated 7/94 (part), 1994)

17.02.100 Suspension of time limits.

A. Whenever a time limit is prescribed by this title, the zoning ordinance of the city of Marina, or is imposed as a condition which is applicable to any permit or approval granted or any action taken pursuant to this title, any time during which the city is prevented due to circumstances beyond the control of the city from fulfilling a responsibility which is prerequisite to the applicant's accomplishment of the requirements to meet said time limit, the time during which said circumstances continue shall not be included as part of the time in which the condition or time limit established by ordinance must be fulfilled. "Circumstances beyond the control of the city" as used in this section is defined to include only actions by parties beyond the control of the city, including but not limited to inability or failure of persons other than the city to take actions which are prerequisite to the city's fulfillment of its responsibilities, the departure of key city personnel, appeals to the city council or to other responsible authorities, and lawsuits filed against the city to challenge an associated permit, approval granted or any other related city action. Subject time limits shall be suspended for those periods of time during which the city is prevented by circumstances beyond the control of the city from fulfilling what either are or would ultimately become its responsibilities should all other requirements precedent to the city taking action to fulfill these responsibilities be ultimately satisfied. No city responsibility can be created to bring about a time limit suspension relating to a particular project, permit, approval granted or any city action taken pursuant to this title as a result of actions or inactions by the beneficiaries of the project, permit,

approval granted or any city action taken pursuant to this title. This section shall apply to any unexpired time limits imposed prior to the effective date of this section as well as to such future time limits.

B. Upon request, the director of planning may be asked to determine whether there has been a delay caused by circumstances beyond the control of the city. The time limit suspension provided for by this section shall not come into effect for any specific time limit case unless such a request is made and the director of planning makes the administrative determination that there has been such a delay. If such a delay is determined, the Planning Director shall also determine the number of days during which applicable time limits have been suspended pursuant to this section and report the findings to the city manager, planning commission, and city council. Notice of said determinations shall be mailed to all persons having previously requested in writing to be notified of any city activities related to the original action to which the time limit conditions or ordinance provisions apply. Within seven calendar days of the director of planning's written notice of the determinations, any person may appeal to the city council the director of planning's determinations upon submission of a letter to the city clerk describing the reasons for the appeal accompanied by a fee equal to the lowest fee applicable to the class of action(s) to which the time limit applies. (Zoning ordinance dated 7/94 (part), 1994)

Chapter 17.04

DEFINITIONS*

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* Prior ordinance history Ords. 77-10, 79-11, 82-11 and 82-14.

17.04.010 Definitions generally.

A. All words used in the present tense shall include the future tenses; all words in the plural number shall include the singular; and all words in the singular number shall include the plural number, unless the natural construction of the wording indicates otherwise. The word "shall" is mandatory and not directory. The word "city" shall mean city of Marina, the words "city council" shall mean city council of Marina, the words "planning commission" shall mean the planning commission of Marina.

B. For the purpose of this title, certain terms used herein are defined as follows in this chapter. (Zoning ordinance dated 7/94 (part), 1994)

17.04.011 Access.

"Access" means an opening in a fence, wall or structure, or a walkway or driveway permitting pedestrian or vehicular approach to, or within, any structure or use. (Zoning ordinance dated 7/94 (part), 1994)

17.04.012 Access, lateral beach.

"Lateral access beach" means continuous access along the beach parallel to the mean high tide line. (Zoning ordinance dated 7/94 (part), 1994)

17.04.013 Access, vertical beach.

"Vertical access beach" means perpendicular access from the nearest public roadway to the sandy beach frontage and/or mean high tide lines. (Zoning ordinance dated 7/94 (part), 1994)

17.04.020 Agriculture.

"Agriculture" means the art or science of cultivating the ground, including harvesting of crops and rearing and management of livestock; tillage; husbandry; farming; horticulture; and forestry; the science and art of the production of plants and animals useful to man. (Zoning ordinance dated 7/94 (part), 1994)

17.04.030 Airport.

"Airport" means a place, either on land or on water, where aircraft may land and take off and where additional space may be provided to discharge or receive cargoes and passengers, make repairs or take in fuel. (Zoning ordinance dated 7/94 (part), 1994)

17.04.040 Alley.

"Alley" means a passage or way open to public travel, affording a secondary means of access to abutting lots and not intended for general traffic circulation. (Zoning ordinance dated 7/94 (part), 1994)

17.04.045 Amusement center or arcade.

"Amusement center or arcade" means any business, use or structure which contains three or more games of chance, skill or science and/or viewing machines which may or may not be coin operated and whether or not the operation of said games or machines is the main business conducted therein. (Zoning ordinance dated 7/94 (part), 1994)

17.04.050 Apartments.

"Apartment" means a room or suite of two or more rooms, which is designated for, intended for, or occupied by one family doing its cooking therein. (Zoning ordinance dated 7/94 (part), 1994)

17.04.060 Apartment building.

"Apartment building" means any structure containing more than two dwelling units. (Zoning ordinance dated 7/94 (part), 1994)

17.04.070 Auto court.

"Auto court" means a group of two or more buildings, containing guest rooms or apartments with automobile storage space serving such rooms or apartments provided in connection therewith, which group is designed and used primarily for the accommodation of transient automobile travelers (also includes motels). (Zoning ordinance dated 7/94 (part), 1994)

17.04.080 Block.

"Block" means that property abutting on one side of a street and lying between the two nearest intersecting or intercepting streets and railroad right-of-way, unsubdivided acreage, watercourse or body of water. (Zoning ordinance dated 7/94 (part), 1994)

17.04.090 Building.

"Building" means any structure built entirely of frame or more lasting type of construction, having a roof supported by columns or by walls and intended for the shelter, housing or enclosure of any person, animal or chattel, but not including any tent or trailer. (Zoning ordinance dated 7/94 (part), 1994)

17.04.100 Building, accessory.

"Accessory building" means a subordinate building, the use of which is incidental to that of a main building on the same building site. (Zoning ordinance dated 7/94 (part), 1994)

17.04.110 Building, main.

"Main building" means a building in which is conducted the principal use of the building site on which it is situated. In any residential district, any dwelling, except for a detached secondary dwelling unit, shall be deemed to be a main building, or part of a main building, on the building site on which the same is situated. (Ord. 2003-09 § 1 (part), 2003: zoning ordinance dated 7/94 (part), 1994)

17.04.120 Building site.

"Building site" means a parcel of land occupied or intended to be occupied by main buildings and accessory buildings and uses, including such open spaces as are provided or are intended to be used in connection therewith or are required by the regulations for the district wherein such parcel is located. (Zoning ordinance dated 7/94 (part), 1994)

17.04.130 Bungalow courts or grouped dwellings.

"Bungalow courts or grouped dwellings" means a combination or group of two or more detached or semi-detached dwellings or dwelling units and their accessory buildings occupying an integrally owned building site and used for nontransient living accommodations. (Zoning ordinance dated 7/94 (part), 1994)

17.04.131 Business service establishment.

"Business service establishment" means an establishment within a building that provides services to other businesses. Examples of these services include: blueprinting, computer-related services, copying and quick-printing, film processing and retail photofinishing, mailing and mailbox services, and security systems services. (Ord. 2006-03 § 1 (Exh. A (part)), 2006)

17.04.132 CEQA.

"CEQA" means the California Environmental Quality Act of 1970, setting forth requirements for governmental agencies at all levels to develop standards and procedures necessary to protect environmental quality, and setting forth regulations for environmental impact reports (EIR). (Zoning ordinance dated 7/94 (part), 1994)

17.04.140 Campgrounds.

"Campgrounds" means land or premises which is used or intended to be used, let or rented for occupancy by campers traveling by automobile or otherwise, or for occupancy by tents or similar quarters. (Zoning ordinance dated 7/94 (part), 1994)

17.04.150 Carport.

"Carport" means an accessible and usable covered parking space not less than nine feet by twenty feet for the storage of automobiles. (Zoning ordinance dated 7/94 (part), 1994)

17.04.160 Cattle feed yard.

"Cattle feed yard" means any premises on which cattle are held or maintained for the purpose of feeding and fattening for market and where sixty percent or more of the feed for such cattle is imported or purchased. (Zoning ordinance dated 7/94 (part), 1994)

17.04.170 Club.

"Club" means all clubs except those, the chief activity of which is a service customarily carried on as a business. (Zoning ordinance dated 7/94 (part), 1994)

17.04.171 Coastal appeal zone.

"Coastal appeal zone" means that geographical area between the sea and first public road paralleling the sea or within three hundred feet of the inland extent of any beach or within three hundred feet of the mean high tide lines of the sea where there is no beach, whichever is the greater distance. Furthermore, tidelands; submerged lands; public trust lands within one hundred feet of any wetland, estuary, stream, or within three hundred feet of the top of seaward face of any coastal bluff are also included. (Zoning ordinance dated 7/94 (part), 1994)

17.04.172 Coastal development permit.

"Coastal development permit" means a permit issued for development within the Coastal Zone as required by this chapter. (Zoning ordinance dated 7/94 (part), 1994)

17.04.173 Coastal scenic view corridor.

"Coastal scenic view corridor" means an area in which development is sited and designed to protect public views to the dunes and to and along the shorelines and, in scenic coastal areas in order to minimize the alteration of landforms so that new development will be visually compatible with the character of the surrounding areas. (Zoning ordinance dated 7/94 (part), 1994)

17.04.174 Coastal Zone.

"Coastal Zone" means that portion of the city of Marina defined by the California Public Resource Code Sections 30103 and 30160 as being in the Coastal Zone, generally State Highway Route 1, the area west of Highway 1 and portions of the area between Del Monte Boulevard and Highway 1 generally including coastal

dunes, vernal ponds and adjacent lands either undeveloped or under cultivation in 1979. (Zoning ordinance dated 7/94 (part), 1994)

17.04.176 Commercial recreation, indoors.

"Commercial recreation facility — indoor" means establishments providing indoor amusement and entertainment services for a fee or admission charge, including: bowling alleys, amusement and electronic game arcades, ice skating and roller skating rinks, pool and billiard rooms as a primary use.

This use does not include adult entertainment businesses, or night clubs, which are separately defined. Four or more electronic games or coin-operated amusements in any establishment, or a premise where fifty percent or more of the floor area is occupied by amusement devices, are considered an electronic game arcade as described above, three or fewer machines are not considered a land use separate from the primary use of the site. (Ord. 2006-03 § 1 (Exh. A (part)), 2006)

17.04.180 Condominium conversion.

"Condominium conversion" means the development or use of land and existing rental structures as a condominium/planned development project, regardless of whether any improvements have been made to such structures. (Ord. 2004-13 § 1 (part), 2004: zoning ordinance dated 7/94 (part), 1994)

17.04.190 Condominium/planned development project.

"Condominium/planned development project" means any or all of the following:

A. Two or more proposed condominiums, as defined in Section 783 of the California Civil Code;

B. The entire parcel of real property divided, or to be divided, into condominiums, including all existing or proposed structures therein;

C. A community apartment project, as defined in Section 11004 of the Business and Professions Code, containing two or more rights of exclusive occupancy;

D. A planned development, as defined in Section 11003 of the Business and Professions Code, containing two or more rights of exclusive occupancy;

E. A stock cooperative, as defined in Section 11003.2 of the Business and Professions Code, containing two or more rights of exclusive occupancy;

F. A residential subdivision development, containing two or more rights of exclusive occupancy. (Ord. 2004-13 § 1 (part), 2004: zoning ordinance dated 7/94 (part), 1994)

17.04.200 Contractor's yard.

"Contractor's yard" means any land and/or buildings used primarily for the storage of equipment, vehicles, materials or components used in the conduct of any building trades or craft. (Zoning ordinance dated 7/94 (part), 1994)

17.04.210 Courts.

"Courts" means an open, unoccupied space, other than a yard, on the same lot with a building or group of buildings and which is bounded on two or more sides by such building or buildings. (Zoning ordinance dated 7/94 (part), 1994)

17.04.211 Day care center, adult or child.

"Day care center, adult or child" means a commercial or nonprofit child or adult day care facility, other than a family day care home, that provides nonmedical care on less than a twenty-four hour basis for fifteen or more children or seven or more adults. Includes infant centers, preschools, school-age day care facilities, and facilities for adults who require supervision and care because of mental and/or physical condition. These may be operated in conjunction with a school, religious facility, business, or as an independent land use. (Ord. 2006-03 § 1 (Exh. A (part)), 2006)

17.04.212 Day care home, large family.

"Large family day care home" means a single-family dwelling in which the occupant provides care and supervision of between nine to fourteen children, inclusive, at any time for periods of less than twenty-four hours a day in accordance with a state license. Children under the age of ten years who reside in the home count as children served by the day care provider. (Ord. 2006-03 § 1 (Exh. A (part)), 2006)

17.04.213 Day care home, small family.

"Small family day care home" means a dwelling in which the occupant provides care and supervision for eight or fewer children or six or fewer adults for periods of less than twenty-four hours a day in accordance with a state license. Children under the age of ten years who reside in the home count as children served by the day care provider. (Ord. 2006-03 § 1 (Exh. A (part)), 2006)

17.04.220 Density.

"Density" means the ratio of family living units to acreage.
(Zoning ordinance dated 7/94 (part), 1994)

17.04.221 Development.

"Development" means, on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredge materials or waste; grading, removing, dredging, mining or extraction of any materials; change in the density or intensity of use of land including subdivision and any other division of land except where division occurs as a result of purchase by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition or alteration of the size of any structure; the removal or harvesting of major vegetation other than for agricultural purposes or kelp harvesting; and the civilian reuse of former United States military land. (Ord. 97-12 § 1 (part), 1997; zoning ordinance dated 7/94 (part), 1994)

17.04.222 Disturbed area.

"Disturbed area" means terrain that has been substantially altered by erosion, grading, mining, excavation or other natural or man-made causes to the extent that none or very little of the native vegetation and/or natural landform remains. (Zoning ordinance dated 7/94 (part), 1994)

17.04.230 Domestic animal.

"Domestic animal" means animals normally maintained in a home as pets.
(Zoning ordinance dated 7/94 (part), 1994)

17.04.240 Drive-in business.

"Drive-in business" means any primary or subsidiary business in which business is transacted while the consumer is seated in or on a motor vehicle. (Zoning ordinance dated 7/94 (part), 1994)

17.04.250 Drive-in restaurants.

"Drive-in restaurants" means a restaurant where food and beverages are sold and served to customers in motor vehicles and which are regularly and customarily consumed in motor vehicles on the premises. (Zoning ordinance dated 7/94 (part), 1994)

17.04.260 Duplex.

"Duplex" means a detached building, under one roof, designed for or occupied exclusively by, two families living independently of each other. (Zoning ordinance dated 7/94 (part), 1994)

17.04.265 Dwelling, efficiency or studio.

"Efficiency dwelling or studio" means a compact unit within a multiple-dwelling building having kitchen and bathroom facilities in compliance with the provisions of the California Uniform Building Code, Section 310.7. (Ord. 2006-03 § 1 (Exh. A (part)), 2006)

17.04.270 Dwelling group.

"Dwelling group" means a group of two or more detached or semidetached one-family, two-family or multiple-family dwellings occupying a parcel of land in one ownership and having any yard or court in common. (Zoning ordinance dated 7/94 (part), 1994)

17.04.280 Dwelling, multiple.

"Multiple dwelling" means a building or portion thereof, used or designed as a residence for three or more families living independently of each other, and doing their own cooking in said building, including apartment houses, apartment hotels and flats, but not including automobile courts. (Zoning ordinance dated 7/94 (part), 1994)

17.04.290 Dwelling, one-family.

"One-family dwelling" means a detached building designed for, or occupied exclusively by, one family with facilities for living, sleeping, cooking and eating, but containing only one kitchen. (Zoning ordinance dated 7/94 (part), 1994)

17.04.291 Dwelling unit, secondary.

"Secondary dwelling unit" means an attached or detached dwelling unit sited on the same parcel as the main building and which provides complete independent living facilities for one or two persons, including permanent provisions for living, sleeping, eating, cooking, sanitation and laundry hook-ups. (Ord. 2003-09 § 1 (part), 2003)

17.04.300 Family.

"Family" means one or more persons occupying a premises and living as a single nonprofit housekeeping unit, as distinguished from a group occupying a hotel, club, fraternity or sorority house. A family shall be deemed to include necessary servants. (Zoning ordinance dated 7/94 (part), 1994)

17.04.301 Feasible.

"Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors as they relate to the area or land under consideration. (Zoning ordinance dated 7/94 (part), 1994)

17.04.302 Fitness and health establishment.

"Fitness and health establishment" means commercial or nonprofit facilities, such as fitness centers and health and athletic clubs, oriented toward promoting physical health. Such facilities can include any of the following: gymnasium, swimming pool, exercise equipment, indoor sauna, spa or hot tub facilities; indoor tennis, handball, racquetball, and other indoor sports activities. (Ord. 2006-03 § 1 (Exh. A (part)), 2006)

17.04.303 Foster home or foster care home.

"Foster home or foster care home" means the residence of a family in which no more than six children of sixteen years of age or younger are cared for as foster children under a license of the county department of social services. (Ord. 2006-03 § 1 (Exh. A (part)), 2006)

17.04.310 Garage, private.

"Private garage" means an accessible and usable enclosed covered parking space not less than nine feet by twenty feet for the storage of automobiles. (Zoning ordinance dated 7/94 (part), 1994)

17.04.320 Garage, public.

"Public garage" means any premises, except those herein defined as a private or storage garage, used for the storage and/or repair of motor vehicles or where any such vehicles are equipped for operation or repair, or kept for remuneration, hire, or sale. (Zoning ordinance dated 7/94 (part), 1994)

17.04.330 Garage, storage.

"Storage garage" means any premises, except those herein defined as a private garage, used exclusively for the storage of motor vehicles. (Zoning ordinance dated 7/94 (part), 1994)

17.04.340 Golf course, practice fairway.

"Practice fairway golf course" means a practice and instructional facility for golf purposes. It shall not include any concessions or commercial sale of merchandise. (Zoning ordinance dated 7/94 (part), 1994)

17.04.350 Golf course, regulation.

"Regulation golf course" means a golf course whose minimum total length for nine holes is three thousand yards and for eighteen holes is six thousand yards. (Zoning ordinance dated 7/94 (part), 1994)

17.04.360 Golf course, short.

"Short golf course" means a golf course whose minimum total length is five thousand yards, with some holes over two hundred fifty yards. (Zoning ordinance dated 7/94 (part), 1994)

17.04.370 Golf course, three-par.

"Three-par golf course" means a golf course in which the longest hole does not exceed two hundred fifty yards. (Zoning ordinance dated 7/94 (part), 1994)

17.04.380 Guest house.

"Guest house" means a detached living quarters with permanent provisions for sleeping and sanitation, but without kitchens or cooking facilities, clearly subordinate and incidental to the main building on the same building site, and not to be rented, let or leased, whether compensation be direct or indirect. (Ord. 2003-09 § 1 (part), 2003: zoning ordinance dated 7/94 (part), 1994)

17.04.390 Guest room.

"Guest room" means a room which is intended, arranged or designed to be occupied or which is occupied by guests, but in which no provision is made for cooking, and not including dormitories for sleeping purposes. (Zoning ordinance dated 7/94 (part), 1994)

17.04.391 Habitat, primary.

This term includes all of the environmentally sensitive areas in Marina. These are as follows:

A. Habitat for all identified plant and animal species which are rare, endangered, threatened, or are necessary for the survival of an endangered species. These species will be collectively referred to as "rare and endangered";

B. Vernal ponds and their associated wetland vegetation. The Statewide Interpretive Guideline for Wetlands and Other Wet Environmentally Sensitive Habitat Areas (California Coastal Commission, February 14, 1981) contains technical criteria for establishing the inland boundary of wetland vegetation;

C. All native dune vegetation, where such vegetation is extensive enough to perform the special role of stabilizing Marina's natural sand dune formations. (Zoning ordinance dated 7/94 (part), 1994)

17.04.392 Habitat, secondary.

This term refers to areas adjacent to primary habitat areas within which development must be sited and designed to prevent impacts which would significantly degrade the primary habitat. The secondary habitat area will be presumed to include the following, subject to more precise determination upon individual site investigation:

A. The potential/known localities of rare and endangered plant species as shown on "Disturbed Vegetation" map in the Marina local coastal program;

B. The potential wildlife habitats as shown on "Potential Wildlife Habitats" map in the Marina local coastal program;

C. Any area within one hundred feet of the landward boundary of a wetland primary habitat area. (Zoning ordinance dated 7/94 (part), 1994)

17.04.400 Height of building.

"Height of building" means the vertical distance from natural grade at the average of the highest and lowest points of the building site covered by the building, to the topmost point of the roof. (Zoning ordinance dated 7/94 (part), 1994)

17.04.410 Hog ranch, commercial.

"Commercial hog ranch" means any premises on which hogs are raised or maintained and said hogs are fed by the purchase or import of swill, garbage, vegetables or fruit. (Zoning ordinance dated 7/94 (part), 1994)

17.04.421 Home occupation.

"Home occupation" means any gainful occupation carried out within, and by any occupant of a dwelling unit, including but not limited to: handicrafts and similar activities, office use for a variety of types of businesses and occupations; teaching when limited to attendance of one pupil at a time; sales and other like occupancies which meet all of the conditions specified in Section 17.06.110. (Ord. 2001-06 § 1 (part), 2001)

17.04.430 Hotel.

"Hotel" means establishments offering lodging to transient patrons. These establishments may provide additional services, such as conference and meeting rooms, restaurants, bars, or recreation facilities available to guests or to the general public. This classification includes, auto courts motor lodges, motels, hostels, extended-stay hotels, and tourist courts, but does not include rooming hotels, boarding houses, or residential hotels designed or intended to be used for sleeping for a period of thirty consecutive days or longer. This classification also excludes bed and breakfast facilities and similar accommodations that an occupant of single-family housing provides on the same premises incidental to the primary residential use of the property. (Ord. 2004-04 § 1 (Exh. 1 (part)), 2004: Ord. 2004-03 § 1 (part), 2004: zoning ordinance dated 7/94 (part), 1994)

17.04.431 Hotel, residential.

"Residential hotel" means those establishments offering rooms for rent to transient patrons and for semi-transient or permanent residents on a weekly or monthly basis and may include a kitchen or kitchenette. (Ord. 2004-04 § 1 (Exh. 1 (part)), 2004: Ord. 2004-03 § 1 (part), 2004)

17.04.440 Hotel, resort.

"Resort hotel," as distinguished from an auto court or motel, means a hotel designed primarily for the convenience of transient guests, with a minimum of ten percent of the total area maintained for landscaping, with accessory recreational components as well as service and/or other associated uses such as a full-service restaurant and meeting rooms, and which may include a vacation club and/or kitchen or kitchenette units not limited to a percentage of total units nor limited to three hundred fifty square feet or less of gross floor area for each such unit. (Ord. 96-7 § 1 (part), 1996: zoning ordinance dated 7/94 (part), 1994)

17.04.441 Interim housing.

"Interim housing" means shared living quarters, with or without separate kitchen and bathroom facilities for each room or unit, intended to meet short-term shelter and/or other immediate needs. Interim housing includes, but is not limited to, the following:

A. Homeless shelters;
B. Emergency shelters;
C. Dormitories;
D. Transitional housing;
E. Boarding houses;
F. Halfway houses.

Interim housing does not include residential care homes or facilities, convalescent hospitals, hotels or motels that may be used for residential purposes, or single-room occupancy housing. (Ord. 2006-03 § 1 (Exh. A (part)), 2006)

17.04.442 Junkyard.

"Junkyard" means the use of more than two hundred square feet of the area of any parcel, lot or contiguous lots, for the storage of junk, including scrap metals or other scrap materials, and/or for the dismantling or wrecking of automobiles or other vehicles or machinery. (Zoning ordinance dated 7/94 (part), 1994)

17.04.443 Live-work unit.

"Live-work unit" means an integrated housing unit and working space, occupied and utilized by a single household in a structure, either single-family or multifamily, that has been designed or structurally modified to accommodate joint residential occupancy and work activity, and which includes: (1) complete kitchen space and sanitary facilities in compliance with the city building code; and (2) working space reserved for and regularly used by one or more occupants of the unit. A live-work unit is intended to be occupied by business operators who live in the same building that contains the commercial activity. (Ord. 2006-03 § 1 (Exh. A (part)), 2006)

17.04.451 Local coastal implementation plan (LCIP).

"Local coastal implementation plan (LCIP)" means that report, adopted by the council and certified by the State Coastal Commission, which describes various administrative and legal procedures to be pursued to carry out the local coastal land use plan. (Zoning ordinance dated 7/94 (part), 1994)

17.04.452 Local coastal land use plan (LCLUP).

"Local coastal land use plan (LCLUP)" means that report, adopted by the council and certified by the State Coastal Commission, which, in response to the Coastal Act of 1976 contains maps, planning area text, public access component policies and guidelines for land use and public access within Marina's Coastal Zone. (Zoning ordinance dated 7/94 (part), 1994)

17.04.453 Local coastal program (LCP).

The city's local coastal program consists of the following documents: local coastal land use plan and local coastal implementation plan. (Zoning ordinance dated 7/94 (part), 1994)

17.04.455 Lot, corner.

"Corner lot" means a building site situated at the intersection of two or more streets, or a building site abutting on more than one part of the same street. (Ord. 2002-06 § 2 (part), 2002)

17.04.460 Lot, reverse frontage.

"Reverse frontage lot" means the first lot to the rear of a corner lot, the front line of which is a continuation of the side line of the corner lot exclusive of the width of any alley, and fronting on the street which intersects or intercepts the street upon which the corner lot fronts. (Zoning ordinance dated 7/94 (part), 1994)

17.04.463 Medical marijuana dispensary.

"Medical marijuana dispensary" means any commercial or industrial or home occupation facility or location where medical marijuana is distributed by a primary caregiver or a qualified patient, as such persons are defined in Sections 11362.7 through 11362.83 of the California Health and Safety Code, to more than three qualified patients, in accordance with California Health and Safety Code Sections 11362.7 through 11362.83. (Ord. 2007-03 § 1 (Exh. A), 2007)

17.04.465 Membership organization facilities.

"Membership organization facilities" mean permanent, headquarters-type and meeting facilities for organizations operating on a membership basis for the promotion of the interests of the members, including clubs, lodges, private meeting halls or similar facilities, for business associations, civic, social and fraternal organizations, labor unions and similar organizations, political organizations and professional membership organizations. (Ord. 2006-03 § 1 (Exh. A (part)), 2006)

17.04.470 Mobile home.

"Mobile home" means a vehicle designed and equipped for human habitation and for being drawn by a motor vehicle. (Zoning ordinance dated 7/94 (part), 1994)

17.04.480 Mobile home park.

"Mobile home park" means a parcel of land under one ownership which has been planned and improved for the placement of mobile homes for nontransient use. (Zoning ordinance dated 7/94 (part), 1994)

17.04.490 Nonconforming building.

"Nonconforming building" means a building, structure, or portion thereof, which does not conform to the regulations of this title, for the district in which it is situated and which lawfully existed at the time of the adoption of the ordinance codified in this title. (Zoning ordinance dated 7/94 (part), 1994)

17.04.500 Nonconforming use.

"Nonconforming use" means a building or land occupied by a use that does not conform to the regulations as to use for the district in which it is situated. (Zoning ordinance dated 7/94 (part), 1994)

17.04.510 One ownership.

"One ownership" means ownership of property (or possession thereof), under a contract to purchase or under a lease, the term of which is not less than ten years, by a person or persons, firm, corporation or partnership, individually, jointly, in common, or in any other manner whereby such property is under single or unified control. The term "owner" shall be deemed to mean the person, firm, corporation or partnership exercising one ownership as herein defined. (Zoning ordinance dated 7/94 (part), 1994)

17.04.515 Open space, common.

"Common open space" means an area on the ground, balcony, or deck that is available and accessible to the occupants of a building or building site for the purposes of active and/or passive recreation. This area includes the aggregate area of ground level areas, side and rear yards, (but not required front yards or exterior side yards), and patios, balconies and decks having a depth of not less than six feet and area of not less than sixty square feet. This area is exclusive of any area having a slope greater than ten percent, driveways, area for off-street parking and services, and ground level areas with a width of less than six feet or maximum dimension of under ten feet. Notwithstanding the general exclusion of driveways, on project sites with an average width of less than one hundred feet, the planning commission or the city council on appeal may allow minor driveways as defined in Section 17.54.020 of this title to be included within the definition of common open space. In multifamily residential developments of at least twenty units, indoor spaces of not less than three hundred square feet, designed and used for recreational purposes, can be included as part of a project's required common open space. (Ord. 2006-03 § 1 (Exh. A (part)), 2006: Ord. 2005-10 § 1 (Exh. A (part)), 2005: zoning ordinance dated 7/94 (part), 1994)

17.04.516 Open space, private.

"Private open space" means outdoor area either at ground level or on a balcony, deck, or atrium which is appurtenant to and contiguous with a dwelling unit and designed for the exclusive use of the occupants of that dwelling unit with a minimum horizontal dimension of not less than five feet except as otherwise required by this code. (Ord. 2006-03 § 1 (Exh. A (part)), 2006)

17.04.520 Parking space.

"Parking space" means an accessible and usable space on the building site at least nine feet by nineteen feet located on site for the parking of automobiles, not including the use of any required front or side yard setbacks. (Zoning ordinance dated 7/94 (part), 1994)

17.04.530 Poultry farms.

"Poultry farms" means the raising and/or keeping of more than five hundred chickens, ducks, geese, pigeons, pheasants, peafowl or guinea fowl. (Zoning ordinance dated 7/94 (part), 1994)

17.04.531 Rare and endangered species.

This term will apply to those plant and animal species which are rare, endangered, threatened, or are necessary for the survival of an endangered species. The environmental analysis report prepared for the Marina local coastal program identified such species in the dune habitat areas. While future scientific studies may result in addition or deletion of species, the list presently includes:

A. Smith's Blue Butterfly, Shijimiaeoides enoptes smithi;
B. Globose Dune Beetle, Coelus globosus;
C. Black Legless Lizard, Anneilla pulchra nigra;
D. Salinas Kangaroo Rat, Dipodomys Heermanni Goldmani;
E. Seaside Painted Cup, Castilleja latifolia ssp. latifolia;
F. Monterey Spine Flower, Chorizanthe pungens var. pungens;
G. Eastwood's Ericameria, fasciculata;
H. Coast Wallflower, Erysimum ammophilum;
I. Menzies' Wallflower, Erysimum menziesii;
J. Coastal Dunes Milk Vetch, Astragalus tener var. titi;
K. Dune Gilia, Gilia tenuiflora var. arenaria;
L. Wild Buckwheat, Eriogonum latifolium*;
M. Wild Buckwheat, Eriogonum parvifolium*;
N. Bush Lupine, Lupinus ssp.+.

* Only within the range of Smith's Blue Butterfly
\+ Only within the range of the Black Legless Lizard.

(Zoning ordinance dated 7/94 (part), 1994)

17.04.540 Refreshment stand.

"Refreshment stand" means an establishment or portion thereof, where prepared food and beverages are sold, substantial portions of which are sold on a self-service basis or are sold and served for consumption outside of buildings on the premises. (Zoning ordinance dated 7/94 (part), 1994)

17.04.542 Residential care home or residential care facility.

"Residential care home or residential care facility" means a dwelling unit or multiple-unit facility in which the occupant(s) is licensed by the state or county department of social services to provide twenty-four hour, primarily nonmedical care for children or adults in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual in a family-like environment. Examples of residential care facilities include, but are not limited to, facilities for developmentally or mentally disabled, substance abuse recovery, dependent and neglected children, physically disabled, and wards of the court.

Residential care homes do not include family day care, foster care or any medical services, including skilled nursing services, beyond that required by the residents of the facility for sustaining the activities of daily living.

Residential care homes are further defined as follows: (1) "Small residential care home" is a residence serving six or fewer clients; (2) "Large residential care home" is a facility serving seven or more clients. (Ord. 2006-03 § 1 (Exh. A (part)), 2006)

17.04.550 Restaurant.

"Restaurant" means a business devoted to the serving of prepared food to the public where the food is consumed on the premises while the customers are seated. (Zoning ordinance dated 7/94 (part), 1994)

17.04.560 Rest home.

"Rest home" means the rooming or boarding of any aged or convalescent persons, whether ambulatory or nonambulatory, for which a license is required by a county, state or federal agency. (Zoning ordinance dated 7/94 (part), 1994)

17.04.570 Rooming or boarding house.

"Rooming or boarding house" means a dwelling other than a hotel where lodging and/or meals for three or more persons are provided for compensation. (Zoning ordinance dated 7/94 (part), 1994)

17.04.580 Sign.

"Sign" means anything whatsoever placed, erected, constructed, posted, painted, printed, tacked, nailed, glued, stuck, carved, or otherwise fastened, affixed or made visible for out-of-door advertising purpose in any manner whatsoever, on the ground or on any tree, wall, bush, rock, post, fence, building structure, or thing whatsoever. For the purpose of this title, the advertising area of one side of a double-faced sign shall be used in determining the advertising area. (Zoning ordinance dated 7/94 (part), 1994)

17.04.590 Sign, appurtenant.

"Appurtenant sign" means a sign relating only to goods sold or services rendered upon the building site on which said sign is erected or maintained. (Zoning ordinance dated 7/94 (part), 1994)

17.04.600 Sign, directional and informational.

"Directional and informational sign" means any sign which is confined to the giving of directions to a community or population center, or which, in addition to such directions, also gives general information as to the services, products or facilities available therein, without, however, naming or otherwise identifying any particular establishment, purveyor of goods or services, or brand or manufacturer of products. (Zoning ordinance dated 7/94 (part), 1994)

17.04.610 Sign, outdoor advertising.

"Outdoor advertising sign" means any sign other than an appurtenant sign, or a directional and informational sign. (Zoning ordinance dated 7/94 (part), 1994)

17.04.612 Single-room occupancy (SRO) units.

"Single-room occupancy (SRO) units" means a multiple-family dwelling with units of a smaller size than normally found in multifamily dwellings, with kitchen and bathroom facilities that may be provided within the unit

or shared, and which are rented to a one- or two-person household on a long-term basis. (Ord. 2006-03 § 1 (Exh. A (part)), 2006)

17.04.615 Site coverage.

The percent of the site area covered by principal and accessory buildings. (Ord. 2002-03 § 1 (part), 2002)

17.04.620 Street line.

"Street line" means the boundary between a street and abutting property. (Zoning ordinance dated 7/94 (part), 1994)

17.04.630 Small livestock farming.

"Small livestock farming" means the raising and/or keeping of not more than twelve chicken hens or twelve pigeons, or twelve similar fowl and/or twelve rabbits, or twelve similar animals, or any roosters, quacking ducks, geese, guinea fowl, peafowl, goats, sheep or similar livestock, or the raising and/or keeping for commercial purposes of any cats or dogs; provided, that the term "small livestock farming" as used in this title shall not include commercial hog farming, dairying, or the raising and/or keeping of horses, mules, or similar livestock as determined by the planning commission. (Zoning ordinance dated 7/94 (part), 1994)

17.04.640 Story.

"Story" means that portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between the floor and the ceiling next above it. (Zoning ordinance dated 7/94 (part), 1994)

17.04.650 Street, public.

"Public street" means a street, road or way, but not an alley, owned by or maintained by a state, county or incorporated city. (Zoning ordinance dated 7/94 (part), 1994)

17.04.660 Structural alterations.

"Structural alterations" mean any change in the supporting members of a building such as bearing walls, columns, beams or girders. (Zoning ordinance dated 7/94 (part), 1994)

17.04.670 Structural walls.

"Structural walls" mean any bearing wall of a building. (Zoning ordinance dated 7/94 (part), 1994)

17.04.680 Structure.

"Structure" means anything constructed or erected, except fences under six feet in height, the use of which requires location on the ground or attachment to something having location on the ground but not including any trailer, tent or decks less than eighteen inches above the ground. (Zoning ordinance dated 7/94 (part), 1994)

17.04.690 Structure, outdoor advertising.

"Outdoor advertising structure" means any structure of any kind or character, erected or maintained for outdoor advertising sign purposes. (Zoning ordinance dated 7/94 (part), 1994)

17.04.695 Structure, portable personal recreation.

A structure, capable of being carried or moved by not more than two adults when fully assembled, located adjacent to and directly accessible from a dwelling unit, which is used solely for recreational purposes by the occupants of the dwelling unit and their guests. Said structures are classified as accessory structures and may include, but are not limited to: portable play structures, trampolines, swing sets, mobile barbeque grills. (Ord. 2002-03 § 1 (part), 2002)

17.04.696 Structure, non-portable personal recreation.

A structure, not capable of being carried or moved by only two adults, located adjacent to and directly accessible from a dwelling unit, which is used solely for the recreational purposes by the occupants of the dwelling unit and their guests. Said structures are classified as accessory structures and include, but are not limited to: swimming pools, tennis courts, hot tubs and spas, built in cooking facilities such as barbeque grills, pits and/or ovens. (Ord. 2002-03 § 1 (part), 2002)

17.04.697 Studio—Art, dance, martial arts, music, etc.

"Studio—art, dance, martial arts, music, etc." means small-scale facilities, typically accommodating one group of students at a time, in no more than one instructional space. Larger facilities are classified as "schools—specialized education." Examples of these facilities include individual and group instruction and training in the arts; production rehearsal; photography and the processing of photographs produced only by users of the studio facilities; martial arts training; gymnastics instruction, and aerobics and gymnastics studios with no other fitness facilities or equipment. (Ord. 2006-03 § 1 (Exh. A (part)), 2006)

17.04.700 Trailer.

"Trailer" means a vehicle designed and used for human habitation and with its wheels in place. (Zoning ordinance dated 7/94 (part), 1994)

17.04.710 Trailer camp.

"Trailer camp" means any area or tract of land where space is rented or held out for rent to two or more owners or users of trailers, or where the free use of such space is permitted owners or users of trailers for the purpose of securing their trade. (Zoning ordinance dated 7/94 (part), 1994)

17.04.720 Use.

"Use" means the purpose for which land or premises or a building thereon is designed, arranged or intended, or for which it is, or may be occupied or maintained. (Zoning ordinance dated 7/94 (part), 1994)

17.04.730 Use, accessory.

"Accessory use" means a use accessory to any permitted use and customarily a part thereof, which use is clearly incidental and secondary to the permitted use and which does not change the character thereof. (Zoning ordinance dated 7/94 (part), 1994)

17.04.745 Vacation club.

"Vacation club" means a program for marketing transient occupancy for hotel, and/or motel accommodations to the general public through a membership agreement. (Ord. 96-7 § 1 (part), 1996)

17.04.750 Wild animal.

"Wild animal" means any animal feral in nature, that is, any animal which must be reclaimed and made tame by art, industry or education, or which must be kept in confinement to be brought within the immediate power of the owner; it excludes any animal which has been brought into, or born in, restraint or captivity upon any farm or ranch for the purpose of cultivating or pelting its fur; bees, birds, frogs, fish, and any other animal kept for human consumption. (Zoning ordinance dated 7/94 (part), 1994)

17.04.760 Yard.

"Yard" means an open space on the same building site with a building, which open space is suitable for recreation, landscaping, gardens, or household service activities, such as clothes drying, but not including any portion of any street or alley or road right-of-way. (Ord. 2002-03 § 1 (part), 2002: zoning ordinance dated 7/94 (part), 1994)

17.04.770 Yard, front.

"Front yard" means a yard extending across the front of the lot between the side lot lines and to a depth required by the district in which said lot is situated; provided, however, that if any official plan line has been established for the street upon which the lot faces, then such measurement shall be taken from such official plan line to the nearest line of the building. (Zoning ordinance dated 7/94 (part), 1994)

17.04.780 Yard, rear.

"Rear yard" means a yard extending across the back of the lot between the side lines and to a depth required by the district in which said lot is situated. (Zoning ordinance dated 7/94 (part), 1994)

17.04.790 Yard, side.

"Side yard" means a yard between the sidelines of the lot and to a width required by the district in which said lot is situated; and extending from the front yard to the rear yard. (Zoning ordinance dated 7/94 (part), 1994)

Chapter 17.06

GENERAL ZONING REGULATIONS*

Sections:

17.06.010 Compliance with chapter.
17.06.020 Use regulations.
17.06.030 Private stables.
17.06.040 Secondary dwellings and guest houses.
17.06.050 Mobile home parks.
17.06.060 Height.
17.06.070 Yards.
17.06.080 Timeshare projects.
17.06.090 Satellite dish antennae.
17.06.100 Vacation clubs as a visitor-serving use in the Coastal Zone.
17.06.110 Home occupations.
17.06.120 Alternative development regulations for planned development in the C-R, C-1 and C-2 districts.
17.06.130 Criteria and standards for residential hotels conversions.
17.06.135 Large family day care and day care centers.
17.06.140 Single-room occupancy (SRO) housing.
17.06.150 Live-work units.

* Prior ordinance history Ords 77-10, 82-11, 82-14, 83-4, 84-9, 86-3, 92-6 and 93-2

17.06.010 Compliance with chapter.

The regulations specified in this title shall be subject to the general provisions and exceptions of this chapter. (Zoning ordinance dated 7/94 (part), 1994)

17.06.020 Use regulations.

A. No dancehall, roadhouse, nightclub, commercial club, establishment or business where alcoholic beverages are served or sold for off-sale consumption, commercial place of amusement or recreation, including but not limited to an amusement center or arcade, or place where entertainers are provided whether as social companions or otherwise, shall be established in any zoning district in the city unless a use permit is first secured in each case.

B. A finding of public convenience or necessity is required for an establishment or business where alcoholic beverages are served or sold for on- and/or off-sale consumption within an area of undue concentration. Such finding shall require that selling of alcohol for on- and/or off-sale consumption at the subject establishment of business:

1. Will not constitute a public nuisance;
2. Will not occur within five hundred feet of a park or school or place of public assembly;
3. Will not contribute to law enforcement problems associated with an undue concentration of on- and/or off-sale licenses in the vicinity of the subject business or establishment.

C. The following activities shall be permitted in any zoning district:

1. The excavation or removal of materials or trees during the normal construction of buildings, structures or underground facilities;

2. Cutting or removal of trees for the purpose of land clearing for public roads and rights-of-way;

3. The cutting or removal of Christmas trees.

D. Public utility distribution and transmission line towers and poles and underground facilities for distribution of gas, water, telephone, and electricity and telephone booths shall be allowed in all districts, and without limitations as to height, without the necessity of first obtaining a use permit therefor; provided, however, that the routes of proposed gas, water, telephone and electric transmission lines, and the proposed locations of telephone booths, shall be submitted to the planning commission for recommendation at any time prior to but at least thirty days in advance of the acquisition of rights-of-way for any such routes, or, in the case of telephone booths, in advance of the erection thereof except in the Coastal Zone, where the construction of utility lines shall be subject to first obtaining a coastal permit.

E. No accessory building or structure shall be constructed or placed, nor shall any accessory use be conducted on any property in any R district unless and until the main building is constructed or until a use permit, or in the Coastal Zone a coastal permit, is first obtained.

F. 1. No trailer or mobile home shall be used in any zoning district for any purpose other than a single-family residence or for residential or agricultural storage purposes unless a use permit, and in the Coastal Zone a coastal permit, are first secured in each case.

2. Trailers or mobile homes used as temporary construction offices are allowed without the securing of a use permit. Such use shall be permitted only during the period of construction.

3. Trailers or mobile homes used by public utility companies for temporary emergency equipment or supplies shall be allowed in any district without the securing of a use permit; provided, however, that such use shall not exceed ninety days duration.

G. Licensed residential care homes for aged persons of not more than six people, including any permitted rooming and boarding, may be allowed in any zoning district which allows residential uses.

H. Licensed nursery schools may be permitted in any zoning district upon first securing a use permit and in the Coastal Zone, a coastal permit in each case.

I. Mobile homes and trailers, used as living quarters, not located in mobile home parks or trailer camps shall be allowed only in conjunction with agricultural uses or for the purpose of twenty-four-hour watchman's quarters upon first securing a use permit and in the Coastal Zone, a coastal permit in each case which will be good for a maximum period of one year, after which time permanent living quarters shall be constructed. Existing mobile homes which have been granted use permits, and which do not comply with the provisions of this title, may be allowed to continue for as long as the planning commission may desire upon first securing a use permit and in the Coastal Zone, a coastal permit in each case. The following regulations shall apply in all cases where a use permit or a coastal permit is granted:

1. Skirting of fireproof material shall be provided around the perimeter of the mobile home or trailer;

2. The face of all cut-and-fill slopes shall be planted with a groundcover approved by the director of planning to protect the slopes against erosion;

3. All cut-and-fill slope landscaped areas shall be continuously maintained by the applicant in a litter-free, weed-free condition, and all plant materials shall be continuously maintained in a healthy, growing condition;

4. The planning commission may require compliance with any other conditions or requirements which it may deem reasonable and necessary to make the mobile home compatible with the surrounding neighborhood.

J. No person, firm or corporation shall hereafter, within the city, use any land or erect, construct or use any building, structure or enclosure for the purpose of maintaining a zoo or zoological garden for the purpose of raising, maintaining, keeping or exhibiting of any wild animal unless and until a use permit has been first secured. A use permit may be applied for in any district except for R-1, R-2, R-3 and R-4 districts. In the Coastal Zone such uses must be found consistent with the local coastal land use plan and a coastal permit shall be required for these uses.

K. 1. Water facilities, including wells and storage tanks, serving less than three domestic users are permitted in any zoning district.

2. Water facilities, including wells and storage tanks, serving three or four domestic users are permitted in any zoning district upon approval by the design review board as to the location, access, landscaping and color of storage tanks. In the Coastal Zone such uses shall be subject to a coastal permit.

3. Water facilities, including wells and storage tanks, serving five or more domestic users are permitted in any zoning district upon securing a use permit in each case, except in the Coastal Zone where such uses shall also be subject to first securing a coastal permit.

L. In the Coastal Zone the proposed use shall be consistent with the designation and policies of the general plan and local coastal land use plan.

M. No more than fifteen percent of the units in any motel or auto court may be provided with a kitchen or kitchenette. No unit in any motel or auto court containing a kitchen or kitchenette shall exceed three hundred fifty square feet of gross floor area. Each unit in a motel or auto court containing a kitchen or kitchenette shall be provided with one and one-half on-site parking spaces.

N. One on-site dwelling unit may be allowed subject to the following limitations:

1. The unit is to be occupied exclusively by a property owner, individual employed in the management of the property, or individual employed in the management of an on-site business, together with members of the family of said owner, property manager or business manager, and provisions are made to ensure such continued occupancy.

2. A use permit shall be obtained in each case.

3. The site is located in a commercial or business district.

4. Each building site is limited to one such unit with a maximum gross floor area not exceeding two thousand square feet and not exceeding two bedrooms.

5. Two parking spaces shall be required for the unit.

6. The total number of residential dwelling units including said owner's/manager's unit shall not exceed the number of residential dwelling units which would otherwise be allowed on the building site if some residential use is already or otherwise allowed on the site.

O. No person(s) shall locate or operate a medical marijuana dispensary within the city in any zone. (Ord. 2007-03 § 2 (Exh. B), 2007; Ord. 2007-02 § 1, 2007; Ord. 2003-01 § 1 (part), 2003; Ord. 2002-03 § 1 (part), 2002; zoning ordinance dated 7/94 (part), 1994)

17.06.030 Private stables.

The following regulations shall apply in all cases where a use permit has been issued for the maintenance of a private stable:

A. The minimum lot area upon which a horse may be kept is one acre and two horses may be kept on such area. One additional horse may be kept for each twenty thousand square feet by which the parcel of land exceeds one acre;

B. Stables shall be located midway between the side lot lines and in no case closer than twenty feet from the side lines, and not closer than fifty feet to the front lot line. Paddocks shall be located on the rear half of the

lot not closer than twenty feet to any property line nor closer than forty feet from any dwelling on the same or adjacent property;

C. Prior to the establishment of any stable in the Coastal Zone, the planning commission will be required to make a finding that such use is consistent with the local coastal program. Stables will also be required to first obtain a coastal permit. (Zoning ordinance dated 7/94 (part), 1994)

17.06.040 Secondary dwellings and guest houses.

A. One secondary dwelling or one guest house is allowed per building site subject to the following general requirements:

1. There is one and only one single-family dwelling and no other main buildings on the building site.

2. The building site is located in the R-1, R-2, R-3, or R-4 district and conforms to the minimum site area, minimum average lot width, and minimum lot depth requirements of the district in which it is located.

3. If located in the R-4 district, the building site is not in excess of seven thousand five hundred square feet.

4. The building site is not located within (a) a condominium or planned unit development project; or (b) in a mobile home or trailer park.

5. The building site abuts upon and takes direct access from a public street.

6. Maximum floor area shall not exceed whichever is less of: (a) ten percent of the site area, (b) two-thirds of the living area of the main building, or (c) nine hundred fifty square feet.

7. The guest house or secondary dwelling shall incorporate or continue architectural features that are similar to and/or compatible with the main building with respect to roof pitch and style, exterior building materials and colors.

8. Additional parking is not required, but any parking provided shall be in accordance with Chapter 17.44.

9. The secondary dwelling or guest house does not qualify as a housing unit and shall not be counted towards meeting a housing unit density requirement for a project site and shall not be counted towards meeting an inclusionary housing requirement.

B. Additional Regulations for Guest Houses. No guest house or any part thereof shall be rented, let or leased separately from the main residence.

C. Additional Regulations for Attached Secondary Dwellings.

1. Attached secondary dwellings shall be governed by the minimum yard and maximum height requirements for the main building as required by applicable provisions of Section 17.06.070 and the district in which it is located.

2. The entrances to attached secondary dwellings located on the second floor of the main building shall face the rear yard only.

D. Additional Regulations for Guest Houses and Detached Secondary Dwellings.

1. Guest houses and detached secondary dwellings shall subject to the following requirements, notwithstanding any district or general regulations to the contrary:

a. Located on the rear half of the building site and shall maintain a minimum rear yard of ten feet;

b. Located no closer than six feet from the nearest point of the main building;

c. Not to be located in required side yard in the district in which located; and

d. Not to exceed a maximum height of sixteen feet in the R-1, R-2 or R-3 district and not exceed a maximum height of twenty-five feet in the R-4 district.

2. Design of Openings. Entry doors, including sliding glass doors, access stairs, and decks shall be limited to the walls facing the primary residence, and/or interior of the rear yard. Exceptions to this standard may be approved only as follows and only then upon approval of the site and architectural design review board:

a. Where such openings would face any interior side lot line, said side yard for the secondary dwelling shall be increased to ten feet in accordance with Section 17.06.070(E).

b. Notwithstanding the provision of subsection A of this section, where such openings would face any rear lot line, said rear yard for the secondary dwelling or guest house shall be increased to fifteen feet.

3. Architectural Compatibility. The design of guest house or secondary dwelling sited on a corner lot, within thirty feet of an exterior side lot line and visible from the public street, shall be consistent with the street appearance of the existing residence.

E. Site and Architectural Design Review Board Appeal and Approval.

1. Referral to the site and architectural design review board may be requested by the applicant in those instances where an applicant wishes to appeal the planning director's determination regarding architectural compatibility pursuant to subsections (A)(7) and (D)(3) of this section. The design review board may affirm or modify the planning director's determination where the board determines that the design of the secondary dwelling or guest house, as affirmed or modified, enhances the overall appearance and character of the neighborhood in which it is located.

2. Where site and architectural design review board is requested or required pursuant to this section, abutting property owners shall be notified through the mailing of design review board meeting agendas. In all instances, the applicant shall be responsible for payment of applicable design review fees. (Ord. 2006-11 § 1, 2007: Ord. 2004-12 § 1, 2004; Ord. 2003-09 § 1 (part), 2003: zoning ordinance dated 7/94 (part), 1994)

17.06.050 Mobile home parks.

The following regulations shall apply in all cases where a use permit has been issued for a mobile home park, except otherwise prescribed by state law:

A. The minimum lot area for a mobile home park shall be five acres.

B. No mobile home park shall have commercial uses other than those used primarily by the residents of the park such as: coin-operated machines for laundry, soft drinks, cigarettes and similar uses on condition that the uses shall be located in the interior of the park.

C. The density of the mobile home park shall be limited to eight homes per acre with the minimum mobile home site to be not less than three thousand square feet.

D. Minimum yard setbacks from adjoining streets and properties shall be as follows: front yard setback, twenty feet; side yard setback, ten feet; and rear yard setback, ten feet, except otherwise prescribed by state law.

E. Landscaping and fences shall be provided and shall be designed to screen the mobile home park from the street and adjoining properties. Landscaping and fencing plans shall be approved by the director of planning.

F. All landscaped areas shall be continuously maintained by the applicant in a litter-free, weed-free condition and all plant material shall be continuously maintained in a healthy, growing condition.

G. No less than ten percent of the total area of the mobile home park shall be developed for recreational purposes.

H. For required parking see Section 17.44.020.

I. All utility distribution facilities, including but not limited to electric, communication and cable television lines installed for the purpose of supplying service within any mobile home park, shall be placed underground, except as follows: equipment appurtenant to underground facilities, such as surface-mounted transformers, pedestal mounted terminal boxes and meter cabinets, and concealed ducts, or such equipment when concealed by shrubbery, landscaping or other screening and approved by the director of planning. The planning commission may waive the requirements of this section if topographical, soil or other physical conditions make underground installation of such facilities unreasonable or impractical.

J. Notwithstanding the requirements in subsections C, D and G of this section, alternative regulations as described below shall apply to mobile home parks which meet these following criteria: (a) the mobile home park was legally established prior to the incorporation of the city of Marina, (b) it has not expanded by more than three new mobile home sites since incorporation, and (c) it has been and shall continue to be certified by the United States Department of Housing and Urban Development as a mobile home park providing housing for adults fifty-five years old or older. The alternative regulations which shall then apply in lieu of the requirements of subsections C, D and G of this section are that: (a) the density shall be limited to eleven homes per acre, (b) the minimum mobile home site area shall be two thousand four hundred square feet, and (c) no less than six percent of the total area of the mobile home park shall be developed for recreational purposes. (Ord. 99-04 § 1 (part), 1999: Ord. 96-8 § 1 (part), 1996: zoning ordinance dated 7/94 (part), 1994)

17.06.060 Height.

A. Chimneys, vents, cupolas, spires, and other architectural or mechanical appurtenances may be erected to a greater height than the limit established for the district in which the building is located except in the Coastal Zone where the height of such structures shall be subject to a coastal permit.

B. Towers, poles, water tanks, and similar structures may be erected to a greater height than the limit established for the district in which they are to be located, subject to securing a use permit and, in the Coastal Zone, a coastal permit in each case.

C. In any required front yard or in any required exterior side yard or any side yard abutting a street, separate fences and retaining walls shall not exceed three and one-half feet in height and fences combined with retaining walls shall not exceed a combined height of four and one-half feet with the retaining wall not exceeding one foot in height, all subject to definitions in subsection E and modifications in subsections G and H below.

D. NOTE: Retaining walls exceeding thirty inches in height are required to meet all Uniform Building Code (UBC) requirements. All persons planning to install a retaining wall should check with the Marina Build-

ing Division prior to installing a retaining wall. Retaining walls that exceed thirty inches in height above grade are required to install a thirty-six-inch (three foot) tall guardrail on top of the retaining wall for safety reasons. The Marina Building Department shall determine when a guardrail is required. This note is provided for informational purposes only. It is not a quote from the UBC.

E. In any required rear yard or in any required interior side yard or any required side yard not abutting a street, separate fences and separate retaining walls shall not exceed six feet in height and fences combined with retaining walls shall not exceed a combined height of nine feet with the retaining wall not exceeding three feet in height.

F. All heights referenced in subsections C and D above shall be measured from the finished ground elevation at the base of a separate fence and from the finished ground elevation at the base of the lower side of a separate retaining wall or a combined retaining wall and fence. A fence or a wall shall be considered a separate fence or a separate wall when the face of the fence and the face of the retaining wall are separated by a minimum three foot horizontal distance or are located on separate building sites.

G. The heights of fence columns may extend a maximum of six inches above the maximum height otherwise allowed by the height limitations described above. The height of arbors integrated into the design of a fence and incorporating a pedestrian opening in the fence may exceed the height limitations described above, provided the height of such an arbor does not exceed a height of twelve feet above the height of the finished ground elevation at the pedestrian opening.

H. Maximum height limitations as otherwise required above may be exceeded where determined necessary by the planning commission or the city council on appeal (1) to provide satisfactory visual or sound isolation of sensitive lands uses from commercial activities such as contractors yards, loading docks and similar commercial activities or (2) to provide reasonable security for areas approved for outdoor storage of equipment or material associated with approved contractor's yards to restrict unauthorized access to facilities that might be dangerous or hazardous.

I. Master fence plans for subdivisions of five units/lots or more shall be reviewed as part of the entitlement process. Master fence plans for minor subdivisions may, at the discretion of the applicant, be reviewed as part of the entitlement process. Master fence plans may deviate from the fence regulations stated herein if the design review board and/or planning commission makes findings that the proposed fences provide public safety, privacy or security and are aesthetically pleasing from the street side view (findings are listed in order of importance). The design review board or planning commission may require landscaping or other measures to mitigate the visual impacts of proposed fences and/or retaining walls or any combination thereof.

J. In the R-1 District, on a corner lot created after January 6, 1997, the heights of fences retaining walls or combinations thereof located in any required front yard or any required exterior side yard or any side yard abutting a street shall be regulated by limits set forth in subsection D rather than subsection C above in circumstances where: (a) said fence, wall or combination thereof is a minimum of ten feet back of a sidewalk constructed in accordance with plans approved by the City of Marina or in the absence of such a sidewalk, within ten feet of the probable location of a future sidewalk as determined by the director of public works, and/or (b) said fence, retaining wall or combinations thereof encloses an area of the site which is opposite from the front entrance to the main structure on the site for units where the front door faces the longer street side.

K. In the R-1 District, on a corner lot created prior to January 7, 1997, fences, retaining walls or combined retaining walls/fences are subject to the pre-January 7, 1997 fence regulations listed below:

1. Fences: maximum height of six feet measured from the lowest ground elevation at wall, fence or screen planting or one foot above the lowest ground elevation with a three foot horizontal distance from said wall, fence or screen planting, whichever measurement point results in the greater height;

2. Combined retaining wall/fence: maximum height of eight feet measured from the lowest ground elevation at wall, fence or screen planting or one-foot above the lowest ground elevation within a three-foot horizontal distance from said wall, fence or screen planting, whichever measurement point results in the greater height;

3. No required side yard fence setbacks.

(Ord. 2002-06 § 2 (part), 2002; Ord. 2002-01 § 1 (part), 2002; Ord. 98-5 § 1, 1998; Ord. 97-1 § 1, 1997: zoning ordinance dated 7/94 (part), 1994)

17.06.070 Yards.

A. In any case, where an official plan line has been established as a part of the street and highway master plan, the required yards on the street side shall be measured from such official plan lines and in no case shall the provisions of this title be construed as permitting any structures to extend beyond such building line.

B. Cornices, eaves, canopies, and similar architectural features may extend into any required yard not exceeding two and one-half feet.

C. Uncovered porches, or stairways, fire escapes or landing places may extend into any required front or rear yard not exceeding six feet, and into any required side yard not exceeding three feet. Covered porches on interior lots may extend into the required front yard not exceeding six feet and sixty square feet. Covered porches on corner lots may extend into any combination of the required front yard and the required exterior side yard not exceeding six feet and a total area of one hundred twenty square feet.

D. In any R or K district, where fifty percent or more of the building sites on any one block or portion thereof in the same district have been improved with buildings, the required front yard shall be of a depth equal to the average of the front yards of the improved building sites, to a maximum of that specified for the district in which such building site is located.

E. In case a dwelling is to be located so that the front or rear thereof faces any side lot line, such dwelling shall not be less than ten feet from such lot line.

F. In case a building site is less than sixty feet in width, side yards equal to ten percent of the lot width but not less than five feet shall be required, except in C or M districts.

G. In the case of a corner lot adjacent to a key lot, the required side yard on the street side for any building within twenty-five feet of the side line of the key lot shall be equal to the front yard required on the key lot, and if more than twenty-five feet from such side line, the required side yard shall be fifty percent of the front yard required on the key lot.

H. In case an accessory building is attached to the main building it shall be made structurally a part thereof and shall comply in all respects with the requirements of this title applicable to the main building.

I. Except as otherwise provided in subsection J of this section, detached accessory buildings not for living purposes shall not be located:

1. Within six feet from the main building;
2. Within fifty feet from the front property line;
3. Within six feet from the sidelines of the front one-half of the lot;
4. Within six feet of the sidelines of the front one-half of any adjacent lot;
5. Within one foot of any lot line of the rear one-half of the lot;
6. So as to encroach on any easement or right-of-way of record;
7. Within six feet of an alley from which the building has access.

J. Notwithstanding the limitations of subsection I above, detached accessory buildings with a projected roof area of less than one hundred twenty square feet as defined in the Marina building code, a height not exceeding eight feet, and on a building site used exclusively for single-family dwelling purposes in any residential district may be constructed or placed on the site as long as it is:

1. Located at least three feet from the main building or perimeter fence; and

2. Located within that portion of the site which is separated from the public way by the main building or by a minimum five feet high fence.

K. In case of a lot abutting upon two or more streets, the main building and accessory buildings shall not be erected so as to encroach upon the front yard or the exterior side yard required on any of the streets.

L. Notwithstanding any requirements in this section, in cases where the elevation of the front half of the lot at a point fifty feet from the centerline of the traveled roadway is seven feet above or below the grade of the centerline, a private garage attached or detached, may be built to within five feet of the front line of the lot.

M. Nothing contained in the general provisions shall be deemed to reduce special yard requirements as set forth in the regulations for any R or K districts.

N. Structures, except utility poles and utility equipment appurtenant thereto, shall not be located so as to encroach on any utility or road easement or right-of-way.

O. Notwithstanding the provisions of subsections B, C and H of this section, porches, decks and patios exceeding a height of eighteen inches and attached to the main building, and patio covers attached to the main building may extend into the required rear yard and together with other buildings on the lot may occupy an area greater than the maximum site coverage allowed in the district in which it is located, except as follows:

1. The structures shall not extend more than ten feet into the required rear yard and shall not occupy an area of the required rear yard exceeding two hundred square feet.

2. The finished floor surface shall not exceed five feet in height and the patio cover is a single story structure not exceeding sixteen feet in height.

3. If the structure is enclosed by walls, the walls may have any configuration, provided the open area of the longer wall and one additional wall is equal to at least sixty-five percent of the area of each respective wall below a minimum of six feet eight inches measured from the floor.

4. Wall openings may be enclosed with insect screening, plastic or glass. The plastic or glass shall be readily removable, translucent or transparent and not exceed a thickness provided by the current edition of the Uniform Building Code.

5. Patio covers shall be used only for recreational and outdoor living purposes and not as carports, garages, storage rooms, commercial or business space or habitable space as defined by the current edition of the Uniform Building Code. (Ord. 2004-10 § 1 (part), 2004; Ord. 2003-09 § 1 (part), 2003: Ord. 98-15 § 1 (part), 1998: zoning ordinance dated 7/94 (part), 1994)

17.06.080 Timeshare projects.

A. For the purposes of this code, timeshare projects shall be considered a visitor-serving use as are hotel/motel projects and shall be permitted as hotel/motel projects are permitted in this title.

B. Conversions of existing structures to timeshare projects shall not be permitted.

C. Timeshare projects shall be liable for the payment of transient occupancy taxes in accordance with the provisions of Title 3, Revenue and Finance, of this code.

D. Each timeshare unit shall have a minimum of three hundred fifty square feet gross floor area measured from inside of walls. (Zoning ordinance dated 7/94 (part), 1994)

17.06.090 Satellite dish and local television broadcast antennae.

Legislative Finding and Determination. The city council of the city of Marina does find, determine and declare as follows: that the use of satellite dish antennae is increasing throughout the city due to technological advances of such equipment; that although such equipment is large, cumbersome and can be aesthetically unattractive, it appears to be a necessary and desirable accessory use of property within the city; that at the present time the size, location and appearance of such equipment is not adequately addressed in the zoning regulations in ef-

fect in the city; that in the absence of regulation, the placement of unattractive equipment in residential and commercial locations would interfere with the use, possession and enjoyment of adjacent property; and that the public peace, health, safety and general welfare require enactment of this ordinance to regulate the use of satellite dish antennae rather than prohibit them.

A. Definitions. "Large satellite dish antennae," means any antennae or parabolic reflector established to receive transmissions directly from satellites, with minimum diameter in excess of one meter (39.37″), and which is designed to receive direct broadcast satellite service, including direct-to-home satellite service, or to receive or transmit fixed wireless signals via satellite. "Small satellite dish antennae" means any antennae which are one meter or less in diameter or diagonal measurement and are designed to receive video programming services via MMDS (multipoint microwave distribution system, multi-channel multi-point distribution system, or wireless cable), or to receive or transmit fixed wireless signals other than via satellite as well as to receive direct broadcast satellite service, including direct-to-home satellite service, or to receive or transmit fixed wireless signals via satellite. Neither large nor small satellite dish antennae include antennae established for the purpose of receiving transmissions from ground transmitters. "Local television broadcast antennae" means antennae which are designed to receive local television broadcast signals.

B. Satellite Dish Antennae Requirements—Residential Districts. In residential districts:

1. The site and architectural design review board shall be the primary reviewing body of applications to install satellite dish antennae. It shall ensure that each application is consistent with the provisions and intent of this chapter prior to approval.

2. Prior to installation of a satellite dish antennae, all appropriate permits shall be obtained from the building division.

3. Satellite dish antennae shall be considered accessory structures, and unless otherwise stated, shall comply with the height, setback and lot coverage requirements for buildings in the zone in which they are to be located.

4. All satellite dish antennae shall be located on the back half of the lot as ground-mounted units only.

C. Satellite Dish Antennae Requirements in All Other Districts:

1. A use permit or coastal development permit in the Coastal Zone approved by the planning commission shall be required for all satellite dish antennae.

2. Prior to installation of a satellite dish antennae, all appropriate permits must be obtained from the building division.

3. Antennae may be ground-mounted, roof-mounted or aboveground pole-mounted.

4. Roof-mounted and aboveground pole-mounted antennae shall not exceed the height of structures allowed in the district in which they are to be located.

5. Roof-mounted antennae shall be located on a flat portion of the roof with parapets and/or an architecturally matching screening plan.

6. No commercial advertising of any kind shall be allowed on large satellite dish antennae.

D. Development Standards for Satellite Dish Antennae.

1. The planning commission and/or site and architectural design review board may add any conditions to a permit necessary to achieve the compatibility of satellite dish antennae with its neighborhood.

2. All satellite dish antennae located in residential districts shall be located to minimize the visual impact on surrounding properties and from public rights-of-way and adjacent properties by use of screens, fences and/or landscaping without impeding the efficiency of the dish, to the satisfaction of the city council on appeal, the planning commission or site and architectural design review board.

3. Any readily visible satellite dish antennae shall be painted to blend with its surroundings and shall not be unnecessarily bright, shiny, garish or reflective.

4. Prior to installation of a satellite dish antennae, all appropriate permits must be obtained from the building division.

5. All proposals for roof-mounted antennae shall be designed by a registered architect, or civil or structural engineer.

6. The installation of all satellite dish antennae shall be subject to the design of footings, anchorage and fasteners by a California registered architect, civil or structural engineer, to meet the current Uniform Building Code as adopted by the city.

7. The electrical system shall be designed and installed in accordance with the National Electrical Code as adopted by the city.

8. All electrical wiring associated with antennae shall be installed underground.

9. A satellite dish antennae shall be maintained in a safe and aesthetically acceptable condition for the duration of the time it exists on the property.

E. Limitation. Certain parcels of land in the city may not be able to accommodate satellite dish antennae because of unique terrain problems and/or adverse effects on the surrounding neighborhood. In such instances, the site and architectural design review board or the planning commission may withhold approval to construct, install and/or maintain a satellite dish antennae.

F. Existing Antennae.

1. All owners of antennae installed or constructed prior to the effective date of the ordinance codified in this section shall apply to the planning commission for a use permit no later than July 1, 1987.

2. Within sixty days after such application, the planning commission shall:

a. Issue a use permit if the antennae conforms to the provisions of this chapter; or

b. Prior to the issuance of a use permit, require the owner to move the antennae, or to make structural and/or design changes to the antennae so that it conforms to the provisions of this chapter; or

c. Issue an exemption, if it determines that the antennae is installed or constructed in a safe manner and is in substantial compliance with the provisions and/or intent of this chapter.

3. In granting an exemption, the planning commission may add any conditions necessary to effectuate the purpose and intent of this chapter.

G. Appeals. Any action taken by the site and architectural design review board may be appealed, in writing, to the planning commission within ten days of said action. Any action taken by the planning commission may be appealed, in writing, to the city council within ten days of said action.

H. Local television broadcast antennae that are mounted on buildings such that the maximum height of the antennae exceeds fifteen feet above the roofline of the building are subject to approval by a conditional use permit.

I. Exemptions. All small satellite dish antennae mounted on buildings such that they do not protrude above the nearest roof eave are exempt from this title. All local television broadcast antennae that are mounted on a building such that the maximum height of the antennae does not exceed fifteen feet above the roofline of the building are also exempt from this title. (Ord. 2002-07 § 1, 2002: zoning ordinance dated 7/94 (part), 1994)

17.06.100 Vacation clubs as a visitor-serving use in the Coastal Zone.

A. Any proposal for a vacation club, as defined in Section 17.04.745, shall be considered a visitor-serving use in the Coastal Zone subject to the following finds made by the planning commission at a duly noticed public hearing as part of the development review process and shall not be considered a visitor-serving use in the Coastal Zone without such findings:

1. Membership of the proposed vacation club is sufficiently large to insure to broad opportunity for visitor use;

2. The purchase price and on-going maintenance fees for membership are reasonably affordable;

3. Membership in the club is easy to achieve and is documented in a membership program;

4. The membership is available to the general public; and

5. Permit requirements are established that will insure availability of transient accommodations to the general public who are not members of the club.

B. The record of proceedings on such a determination will require the applicant to provide sufficient information and program materials to demonstrate that the proposed vacation club use meets the findings noted above. The planning commission's determination shall include a written summary and analysis of this information and written findings of their decision. The planning commission may impose conditions as necessary to effect the purpose and intent of this section. All determinations by the commission are appealable as provided for under this title. (Ord. 97-7 § 1 (part), 1996)

17.06.110 Home occupations.

A home occupation, as defined in Section 17.04.421, may be permitted as an accessory use to a permitted residential use in a residential zoning district provided the following standards are met:

A. A business license is secured from the city finance department.

B. The use is clearly incidental and secondary to the use of the dwelling for dwelling purposes.

C. The business shall not require the installation of gas or electric power service in excess of normal dwelling requirements or place a load on garbage or sewer or community facilities beyond normal dwelling requirements.

D. The use does not change the character of dwelling or adversely affect the uses permitted in the residential district.

E. The use creates no significant additional vehicular or pedestrian traffic to the residence and requires no additional parking space or involves the repeated use of commercial vehicles for delivery of materials to or from the premises, beyond that normal to residential use.

F. No persons are employed in nor report to the home other than those necessary for domestic purposes.

G. Not more than twenty-five percent of the area of said dwelling is used for such use.

H. No internal or external alterations or construction features not customary in dwellings is involved.

I. No sign, which identifies or advertises the business, shall be displayed on the property.

J. There shall be no storage or display of materials or products used in the business that are visible from off of the property.

K. There shall be no external evidence of business activity, including odors, construction materials, smoke or other particulate matter, heat, humidity, glare, electronic interference, noises or vibrations.

L. The use can not occupy required parking spaces, which includes a two-car garage for a single-family home.

M. There shall be no process used in the home occupation which is hazardous to public health, safety or welfare. No toxic explosive, radioactive or other restrictive materials not normally used in a single-family dwelling shall be used or stored on the site.

N. The property owner must agree in writing to all proposed uses, if the applicant is a renter and not a property owner. (Ord. 2001-06 § 1 (part), 2001)

17.06.120 Alternative development regulations for planned development in the C-R, C-1 and C-2 districts.

Notwithstanding any minimum building site area, minimum front, side or rear yard, or parking requirements to the contrary, alternative development regulations may be established in the C-R, C-1, and C-2 districts

for a planned development on a total site area of not less than one-half acre, subject to the approval of a general development plan for said area as described and following procedures described in Chapter 17.31. Within said planned development area a general development plan may establish alternative individual building site areas, yard requirements, and parking requirements, all of which may vary from those otherwise required. However, such a plan shall establish alternative setbacks within the boundaries of the general development plan area which shall be landscaped and shall be permanently maintained as open space as follows: (a) setbacks as provided by the front yard requirement of said district abutting any public street frontage, and (b) a minimum ten-foot building setback and perimeter landscape planting strip measured from the boundary of the general development plan area not abutting a public street. Cornices, eaves, canopies, and similar architectural features, and uncovered porches, stairways, fire escapes, or landing places may extend into said open space as shown and clearly defined in general development plan. Also, parking spaces or driveways may encroach up to five feet into said open space not abutting a street as shown and clearly defined in the general development plan. Further, such a plan may establish alternative parking requirements where no individual tenant space constitutes more than twenty-five percent of the total floor area and where there is a mix of residential and commercial uses within said planned development. However, any reduction in the total number of parking spaces which might otherwise be required shall not be reduced to less than one parking space for each four hundred fifty square feet of floor area. The approval of any such general development plan shall be conditioned upon the provision of adequate assurances that said permanent landscaping shall be perpetually maintained and that all parking, with the exception of not more than two parking spaces for each residential unit, shall be made available for shared usage by all uses within the planned development. On planned development sites that abut lands in the same district, the planning commission may require that pedestrian and vehicular circulation facilities be extended from the planned development site to the boundary of general development plan area for connection with existing or future pedestrian and vehicular facilities on such abutting lands, and that provisions are incorporated into the project to ensure that necessary and appropriate cross easements will be obtained. (Ord. 2003-01 § 1 (part), 2003: Ord. 2001-02, 2001)

17.06.130 Criteria and standards for residential hotel conversions.

A. Purpose. The purpose of this section is to provide for the orderly conversion of existing hotels which have primarily nontransient occupants to residential hotels designed to allow long term, residential use for low to moderate income households and to provide needed affordable and transitional housing opportunities. The standards herein are established to ensure that such use shall provide a suitable living environment for the tenants of the residential hotels, be compatible with surrounding land uses and protect the public health, safety and general welfare.

B. Use Permit Required. Residential hotel conversions shall be permitted only for a hotel legally operating before January 1, 2000 which can demonstrate that it is no longer economically viable as a fully transient hotel in the R-4, or multifamily residential district and C-1, commercial or retail business district of the city. These conversions shall only be permitted in these underlying zones provided a use permit is first approved pursuant to the provisions of Chapter 17.06 of this title, a conversion agreement between the owner and the city is approved and executed, and compliance with the Uniform Building Codes (UBC) is achieved. The conversion agreement shall be designed to lessen the impact of the conversion removing visitor-serving units from the community, as set forth under subsections D through L in this section. For those hotels located in the C-1 zoned areas that have been constructed prior to January 1, 2000, residential hotels are conditionally permitted uses and are only allowed above the ground floor, except that, for such a hotel with only a single floor, a residential hotel is a conditionally permitted use which may occupy up to fifty percent of the square footage of the single floor.

C. Resident Manager. An on-site resident manager shall be required and shall be responsible for ensuring that applicable occupancy and income restrictions listed in the "Conversion Agreement" are enforced.

D. Low and Moderate Income, Affordability and Residency. As a condition of approval of any use permit and prior to the issuance of any building permits for such project, the owner(s) of the property shall be required to execute and record a notice against the property in a form approved by the city attorney agreeing to restrict occupancy of the residential hotel lodging units to low and moderate income households. The term "low to moderate income households" as used in this section shall mean households having an income not exceeding one hundred twenty percent of the median family income for the county of Monterey. Minimum affordability standards shall require that rents for these units shall not exceed thirty percent of the applicable maximum income level of said low to moderate income households with Consumer Price Indexes (CPI) increases on an annual basis at any time during the life of the project.

E. Conversion Agreement. The property owner(s) will be required to execute and record a conversion agreement with the city of Marina designed to lessen the impact on the city of the conversion eliminating visitor units, to include the following:

1. Payment of a mitigation fee to amortize the change in use;

2. Limitations relating to provisions to ensure that the rooms remain available for lower income households, which may include compensation for reasonable expenses of the city or an alternative agency delegated by the city for monitoring compliance with these provisions, and other provisions of the agreement and entitlements;

3. In order to avoid overcrowding and impacts on services, limitations on the maximum size and occupancy of each unit.

F. Site Development Standards. This chapter recognizes residential hotels as a special class of residential development to provide needed affordable and transitional housing opportunities. In order to provide a living environment consistent with the needs of the tenants of the residential hotels and in order to preserve locally recognized values of community appearance, the following site development standards shall apply, along with minimum common area facilities determined through the city's normal process of hearings and consideration.

G. Minimum Lot Area. The minimum lot area shall not be less than sixteen thousand square feet.

H. Maximum Size of Each Unit. The maximum size of each dwelling unit shall be not more than five hundred square feet as per the UBC.

I. Open Space. Projects having thirty or more units shall be required to provide a total minimum of one thousand square feet of common usable open space.

J. Private Storage Space. Each unit within the project shall have at least fifty cubic feet of enclosed, weatherproofed and lockable storage space at a single location. This space shall be in addition to interior closet space provided within a unit.

K. Parking. For every dwelling unit there shall be no less than one parking space. The use and assignment of these parking spaces shall be clearly defined in the conversion agreement and lease agreement. Provisions for guest parking and bicycle parking/racks shall be required as part of the conversion agreement.

L. Site Design Review. Residential hotels in Marina shall be subject to site and architectural design review approval pursuant to zoning ordinance Chapter 17.50. (Ord. 2004-04 § 1 (Exh. 2), 2004: Ord. 2004-03 § 1 (part), 2004)

17.06.135 Large family day care and day care centers.

A. Large family day care homes and day care centers shall comply with the following standards:

1. Location and Concentration. Large family day care and day care centers shall have vehicular access from a public street or a private street improved to city standards. No large family day care or day care center shall be located within a three hundred foot radius of an existing large family day care home or child day care center. This requirement may be waived by the community development director (for large family day care

homes) or by the planning commission (for child day care centers) if it can be determined that certain physical conditions exist and if the waiver would not be detrimental to the public peace, health, safety and comfort of the affected neighborhood. Examples of physical conditions that may warrant granting of a waiver include the presence of major nonresidential structures or uses between child care facilities or the presence of an arterial between the facilities.

2. Parking—Drop-off Area. At least two parking spaces for passenger loading/unloading must be available either on-street or off-street. If on-street, there shall be at least twenty-two feet of legally permitted parking along the frontage of the parcel. If on-site, an existing driveway may be used for this purpose. Such parking must not restrict access to neighboring residences. A home located on an arterial shall provide a drop-off/pick-up area designed to prevent vehicles from backing onto the street (e.g., circular driveway).

3. Noise. Outdoor activities shall be limited to the hours between eight a.m. and eight p.m. in residential zone districts and between seven a.m. and eight-thirty p.m. in all other zones.

4. Health and Safety. Each large family day care home and day care center shall comply with applicable building and fire codes, as well as with licensing requirements of the state social services department, and shall receive clearance from the fire and building divisions for use of the residential structure as a large family day care home.

B. Large family day care homes shall comply with the following additional standards:

1. Conforming Use and Building. The residence must be in compliance with the development standards for the zone, including, but not limited to, minimum building site area, lot coverage, parking, and fencing.

2. Occupancy Requirement/Property Owner Authorization. The day care home shall be the principal residence of the provider. If the provider is not the owner of the principal residence, a letter authorizing the use of the residence and site for large day care use shall be obtained from the property owner.

3. Residential Use. The facility shall be operated in a manner so as not to appear as a commercial operation. No structural changes shall be approved that will alter the character of the building as a residence.

C. Day care centers shall comply with the following additional standard:

1. Employee Parking. Off-street parking shall be a minimum of one space per employee on the largest shift, plus one space for each ten children authorized by the state license. Exceptions to this parking requirement may be approved where the community development director determines that the exception will not result in potentially unsafe conditions for either pedestrians or motorists. (Ord. 2006-03 § 1 (Exh. A (part)), 2006)

17.06.140 Single-room occupancy (SRO) housing.

A. Purpose.

1. Provide affordable and long-term housing for small households and for people with special needs;

2. Provide high density housing in close proximity to transportation and commercial services; and

3. Provide the highest possible livability standards of design, environment, conform and security given the constraints of limited living space and the need to maintain affordability.

B. Development Regulations.

1. Floor Area. Minimum of one hundred fifty square feet per unit, including bathrooms. Maximum of three hundred fifty square feet per living unit, including bathrooms.

2. Kitchen. Each unit shall contain kitchen facilities including a sink, cooking apparatus and refrigerator.

3. Bathroom. Each unit shall contain a bathroom with toilet, sink and shower or tub.

4. Entryways. Units shall not have separate external entryways.

5. Common Area. Fifty square feet per unit, designed and furnished for the use and comfort of all residents. No common area shall be less than five hundred square feet in size. Common areas shall not include storage rooms, laundry facilities, common kitchens, dining rooms or hallways.

6. Maximum Occupancy. Two persons per unit.

7. Manager's Unit. A manager's unit shall be provided in a central location; such unit may exceed the maximum floor area and occupancy limitations in this section.

8. Telephone/Cable Television. Units shall be pre-wired for both telephone and cable television service. (Ord. 2006-03 § 1 (Exh. A (part)), 2006)

17.06.150 Live-work units.

A. Limitation on Uses. A live-work unit shall not be established or used in conjunction with any of the following uses or activities:

1. Adult businesses;

2. Vehicle maintenance or repair (e.g., body or mechanical work, including boats and recreational vehicles), vehicle detailing and painting, upholstery, etc.;

3. Storage of flammable liquids or hazardous materials beyond that normally associated with a residential use;

4. Welding, machining, or any open flame work; and

5. Any other activity or use, as determined by the planning commission, to be incompatible with residential activities and/or to have the possibility of affecting the health or safety of live-work unit residents, because of the potential for the use to create dust, glare, heat, noise, noxious gasses, odor, smoke, traffic, vibration or other impacts, or would be hazardous because of materials, processes, products, or wastes.

B. Sale or Rental of Portions of Unit. No portion of a live-work unit shall be separately rented or sold as a commercial space for any person not living in the premises or as a residential space for any person not working in the same unit.

C. Nonresident Employees. Up to two persons who do not reside in the live-work unit can work in the unit. The employment of three or more persons who do not reside in the live-work unit can be permitted subject to use permit approval, based on additional findings that the employment will not adversely affect traffic and parking conditions in the site vicinity.

D. Client and Customer Visits. Client and customer visits to live-work units are permitted subject to any applicable conditions of the use permit.

E. Design Standards. A live-work unit shall be designed to accommodate commercial uses as evidenced by the provision of ventilation, interior storage, flooring, and/or other physical improvements of the type commonly found in exclusively commercial facilities permitted in the C-R district. (Ord. 2006-03 § 1 (Exh. A (part)), 2006)

Chapter 17.08

U OR UNCLASSIFIED DISTRICT*

Sections:

17.08.010 Generally.
17.08.020 Conditional uses.
17.08.030 Other regulations.

* Prior ordinance history: Ord. 77-10.

17.08.010 Generally.

The following regulations of this chapter shall apply in all unclassified districts and shall be subject to the provisions of Section 17.06.020. (Zoning ordinance dated 7/94 (part), 1994)

17.08.020 Conditional uses.

Uses permitted in the unclassified districts subject to first obtaining a use permit in each case, shall be as follows: any uses. (Zoning ordinance dated 7/94 (part), 1994)

17.08.030 Other regulations.

Building height limits, minimum yard requirements, and other regulations for any use requiring a use permit shall be as specified by such permit. (Zoning ordinance dated 7/94 (part), 1994)

Chapter 17.10

O OR OPEN SPACE DISTRICT*

Sections:

17.10.010 Generally.
17.10.020 Lands to be included.
17.10.030 Permitted uses.
17.10.040 Conditional uses.
17.10.050 Reclassification.

* Prior ordinance history: Ords. 77-10 and 82-14.

17.10.010 Generally.

The purpose of the O district is to promote a rural atmosphere in an otherwise urban or semi-urban development, to hold for future generations open space in which trees and plants can grow. The regulations of this chapter shall apply in all O districts. (Zoning ordinance dated 7/94 (part), 1994)

17.10.020 Lands to be included.

All lands designated as park and open space in the local coastal land use plan shall be included in the open space district and all lands designated as open space in the open space element of the Marina general plan may be included in the O district. Such lands may include, but are not limited to the following:

A. Crop and tree farming, grazing of sheep, cattle and goats;

B. Public parks and playgrounds, and public recreation facilities;

C. Private school grounds and church grounds of a predominantly open character;

D. Sandy beaches and beach accesses, sensitive habitat areas and vernal ponds and wetland setback areas;

E. Golf courses and country clubs;

F. Privately and jointly owned open spaces reserved for open space use as a part of planned development;

G. Land which because of geophysical or similar hazard is unsuitable for development;

H. Any other publicly or privately owned open space which in the opinion of the planning commission functions as a part of the open space system of the city and is included in the open space element of the general plan;

I. Open space as a reserve for seismic safety, erosion protection, protection of view or similar appropriate purpose. (Zoning ordinance dated 7/94 (part), 1994)

17.10.030 Permitted uses.

Permitted uses in the O district shall be crop and tree farming and grazing of horses and cattle, sheep and goats. (Zoning ordinance dated 7/94 (part), 1994)

17.10.040 Conditional uses.

Uses permitted subject to first securing a use permit and in the Coastal Zone a coastal permit:

A. Buildings and structures accessory to any permitted use;

B. Educational and cultural uses including any structures incidental to such uses existing at the time of inclusion in the O district;

C. Uses and buildings normally incidental and accessory to the above principal uses: except in the Coastal Zone, structures shall be permitted only where they are ancillary to public recreational use or necessary to protect existing development or uses;

D. Beach access and, where suitable, beach access parking;

E. Any addition to an existing structure which will increase the coverage of the structure, or any new structure, except minor recreation or horticultural structures, such as playground equipment, trellises, fences and the like;

F. Shoreline erosion protection structures. (Zoning ordinance dated 7/94 (part), 1994)

17.10.050 Reclassification.

The procedure for the reclassification of land set forth in Chapter 17.58 shall apply to property in the O districts, subject to the following modifications:

A. Following a public hearing, the planning commission shall determine whether it is in the public's interest of the city to retain the subject property in open space use as against permitting its reclassification to the use applied for and whether the proposed reclassification is consistent with the general plan and all applicable portions of the local coastal land use plan. The decision on this question shall be made by resolution and shall be transmitted to the city council together with a report setting forth reasons for said decision.

B. Following receipt of the recommendation of the planning commission the city council shall hold a public hearing. Following such hearing the council may decide by resolution either to:

1. Seek means to retain the property in question in open space use; or
2. Permit a reclassification of the subject property.

C. Should the council's decision be the first alternative as listed in subsection (B)(1) of this section, all further proceedings for the reclassification of the property shall be halted for a period of not to exceed ninety days from the date of council action, during which time the city council shall actively seek to negotiate arrangements, which may include purchase or other acceptable means to retain the property in open space use. The period set forth herein may be extended by mutual agreement of the council and the applicant for reclassification. If at the end of the ninety days, or such longer period as may be agreed upon, no satisfactory arrangement has been concluded, the matter shall be remanded to the planning commission for consideration of the reclassification applied for. The commission shall thereafter proceed in accordance with the provisions of Chapter 17.58.

D. Should the council's decision be the second alternative as listed in subsection (B)(2) of this section, the matter shall be returned to the planning commission which shall consider the reclassification applied for in accordance with the procedure set forth in Chapter 17.58.

E. In areas not designated in the local coastal land use plan for open space, reclassification of property in the Coastal Zone shall not become effective until an amendment to the local coastal program has been certified by the State Coastal Commission. (Zoning ordinance dated 7/94 (part), 1994)

Chapter 17.11

PF OR PUBLIC FACILITY DISTRICT*

Sections:

17.11.010 Uses permitted.
17.11.020 Conditional uses.
17.11.030 Development regulations.

* Prior ordinance history: Ord. 82-14.

17.11.010 Uses permitted.

The following uses are permitted in the PF district:

A. None. (Zoning ordinance dated 7/94 (part), 1994)

17.11.020 Conditional uses.

Uses permitted subject to first obtaining a use permit or in the Coastal Zone a coastal development permit in each case:

A. Public and private schools;

B. Government offices and support facilities including public safety facilities;

C. Utility installations;

D. Public recreation facilities;

E. One single family residence in the Coastal Zone only as provided for in the Marina local coastal land use plan;

F. Uses which in the opinion of the planning commission are similar to those listed above. (Zoning ordinance dated 7/94 (part), 1994)

17.11.030 Development regulations.

As specified in the use permit or coastal permit. (Zoning ordinance dated 7/94 (part), 1994)

Chapter 17.12

K OR AGRICULTURAL-RESIDENTIAL DISTRICT*

Sections:

17.12.010 Generally.
17.12.020 Permitted uses.
17.12.030 Conditional uses.
17.12.040 Building height.
17.12.050 Site area.
17.12.060 Site width.
17.12.070 Site coverage.
17.12.080 Front yard.
17.12.090 Side yard.
17.12.100 Rear yard.
17.12.110 Special yards.

* Prior ordinance history: Ords. 77-10, 82-14 and 83-11.

17.12.010 Generally.

The following regulations shall apply in all K districts and shall be subject to the provisions of Chapter 17.06. (Zoning ordinance dated 7/94 (part), 1994)

17.12.020 Permitted uses.

Uses permitted in the K districts shall be as follows:

A. One-family dwellings;

B. All agricultural uses including crop and tree farming, livestock farming, and animal husbandry;

C. Rooming and boarding of not over two persons;

D. Accessory buildings and accessory uses including barns, stables, and other farm outbuildings, quarters for farm labor and/or servants employed on the premises. (Zoning ordinance dated 7/94 (part), 1994)

17.12.030 Conditional uses.

Uses permitted in the K districts subject to first securing a use permit or in the Coastal Zone a coastal development permit in each case:

A. One noncommercial guest house (see Section 17.06.040);

B. Frog farms;

C. Commercial hog and turkey raising;

D. Cattle feed yards;

E. Fertilizer plants or yards except in the Coastal Zone;

F. Animal sales yards except in the Coastal Zone;

G. Dairies;

H. Agricultural processing plants except in the Coastal Zone;

I. Storage, rental and sales of irrigation equipment except in the Coastal Zone;

J. Stands for sale of agricultural products grown on the premises;

K. Airports, heliports or landing strips for aircraft except in the Coastal Zone;

L. Art galleries except in the Coastal Zone;

M. Tract offices except in the Coastal Zone;

N. Country clubs except in the Coastal Zone;

O. Golf courses with standard length fairways except in the Coastal Zone;

P. Practice fairway golf courses; provided, that the use is established on a minimum of ten acres of property usable for said purpose except in the Coastal Zone;

Q. Kennels for dogs or cats;

R. Public or quasi-public uses, including churches, firehouses, parks and playgrounds, schools (public and parochial) and schools accredited to the state school system, public utility uses, and parking lots;

S. Riding academies and public stables;

T. Labor camps except in the Coastal Zone;

U. Animal hospitals;

V. Poultry farms;

W. Storage and sale of hay and grain, not grown on the premises; provided, that the use is established on a minimum of five acres except in the Coastal Zone;

X. Riding and roping arena operations of a minimum of ten acres;

Y. Water well drilling business except in the Coastal Zone;

Z. Commercial nurseries, greenhouses and bulb ranches. (Zoning ordinance dated 7/94 (part), 1994)

17.12.040 Building height.

Maximum building height limit in the K districts shall be thirty-five feet except in the Coastal Zone where maximum height shall be twenty-five feet. (Zoning ordinance dated 7/94 (part), 1994)

17.12.050 Site area.

Building site area required in the K districts shall be ten thousand square feet, except where combined with any B district. (Zoning ordinance dated 7/94 (part), 1994)

17.12.060 Site width.

Average building site width required in the K districts shall be sixty feet. (Zoning ordinance dated 7/94 (part), 1994)

17.12.070 Site coverage.

Percentage of building site coverage permitted in the K districts shall be thirty-five percent. (Zoning ordinance dated 7/94 (part), 1994)

17.12.080 Front yard.

Minimum front yard required in the K districts shall be twenty feet, except where combined with any B district. (Zoning ordinance dated 7/94 (part), 1994)

17.12.090 Side yard.

Minimum side yard required in the K districts shall be six feet, except where combined with any B district. (Zoning ordinance dated 7/94 (part), 1994)

17.12.100 Rear yard.

Minimum rear yard required in the K districts shall be twenty feet. (Zoning ordinance dated 7/94 (part), 1994)

17.12.110 Special yards.

Accessory buildings used as guest houses or as barns, stables, or farm outbuildings, shall be not less than twenty feet from any side or rear property line and not less than fifty feet from the front property line nor less than twenty feet from any dwelling unit on the property. (Zoning ordinance dated 7/94 (part), 1994)

Chapter 17.13

MHR OR MARINA HEIGHTS RESIDENTIAL DISTRICT

Sections:

17.13.010 **Generally.**
17.13.020 **Permitted uses.**
17.13.030 **Site area.**
17.13.040 **Site width, site depth and setbacks.**
17.13.050 **Site coverage.**
17.13.060 **Building height.**
17.13.070 **Parking.**
17.13.080 **Open space.**
17.13.090 **Townhome/condominium.**
17.13.100 **Site and architectural review.**

17.13.010 Generally.

The regulations in this chapter shall apply in all MHR districts and shall be subject to the provisions of Chapter 17.06. (Ord. 2004-05 § 1 (part), 2004)

17.13.020 Permitted uses.

Uses permitted in the MHR district shall be as follows:

A. Residential units, either attached or detached, including single-family dwellings, duplexes, row houses, townhouses, and condominiums.

B. Community recreational facilities, including but not limited to tennis courts, swimming pools, playgrounds and parks for the private use of the residents of the development and/or public, provided such facilities are not operated for remuneration.

C. Uses, nonhabitable buildings and structures incidental, accessory and subordinate to permitted uses. (Ord. 2004-05 § 1 (part), 2004)

17.13.030 Site area.

The minimum lot size for the MHR district shall be as follows:

A.	Townhomes	5,000 square feet
B.	Detached cottages	2,500 square feet
C.	Single-family dwelling	5,000 square feet

(Ord. 2004-05 § 1 (part), 2004)

17.13.040 Site width, site depth and setbacks.

The minimum site width, site depth, and setbacks for the MHR district shall be as follows:

Regulation	Single-Family	Cottages	Townhomes
Minimum site size	5,000 sq. ft.	2,500 sq. ft.	5,000 sq. ft.
Minimum site width	50 ft.	35 ft.	50 ft.
Minimum site depth		Two times the minimum width	

Regulation	Single-Family	Cottages	Townhomes
Front setback	10 ft. min. 20 ft. max.	10 ft. min. 20 ft. max.	10 ft. min. 20 ft. max.
Interior side setback	5 ft. min.	5 ft. min. except may be reduced to zero for garages to allow for an additional uncovered parking space	5 ft. min. 10 ft. adjacent to estate, single-family or cottage-homes
Street side setback	10 ft. min.	10 ft. min.	10 ft. min.
Rear setback[1]	20 ft. min. unless alley loaded in which case 5 ft. to right-of-way or 15 ft. to centerline of alley	5 ft. to right-of-way or 15 ft. to centerline of alley	5 ft. to right-of-way or 15 ft. to centerline of alley

(Ord. 2004-05 § 1 (part), 2004)

17.13.050 Site coverage.

The percentage of building site coverage permitted in the MHR district shall be as follows:

Building Coverage	Total Building Coverage
Single-family	60%
Cottages	60%
Townhomes	75%

(Ord. 2004-05 § 1 (part), 2004)

17.13.060 Building height.

No habitable building or structure shall exceed two stories and a height of thirty-five feet. No nonhabitable building or structure shall exceed twenty-five feet.

Structures on lots adjoining lots that front on Bayer Drive shall not be sited and of a height so as to be within the view shed horizon of existing homes on Bayer Drive as measured from a point measured twenty feet back from the rear property line, five-foot six inches above existing grade, and a twenty-four degree angle and a point six feet above the existing rear property line. (Ord. 2004-05 § 1 (part), 2004)

17.13.070 Parking.

See Section 17.44.020.
(Ord. 2004-05 § 1 (part), 2004)

17.13.080 Open space.

Total amount of useable open space shall be no less than ten percent of the site area.
(Ord. 2004-05 § 1 (part), 2004)

17.13.090 Townhome/condominium.

In the MHR district, development standards for townhomes/condominiums shall be those in Chapter 17.54, Condominium Guidelines of the zoning ordinance with the exception of parking (Section 17.54.030), open space

(Section 17.54.060), minimum lot area per unit (Section 17.54.120), minimum unit size (Section 17.54.130) and setbacks (Section 17.54.140) standards which shall be superseded by the standards of the MHR district. (Ord. 2004-05 § 1 (part), 2004)

17.13.100 Site and architectural review.

In the MHR district, the development of individual lots shall be subject to site and architectural design review procedures in Sections 17.50.030 through 17.50.060 of the Marina zoning ordinance. (Ord. 2004-05 § 1 (part), 2004)

Chapter 17.14

R-1 OR SINGLE-FAMILY RESIDENTIAL DISTRICT*

Sections:

17.14.010 Generally.
17.14.020 Permitted uses.
17.14.030 Conditional uses.
17.14.040 Accessory buildings, structures and uses.
17.14.045 Public utility buildings and uses.
17.14.050 Building height.
17.14.060 Site area.
17.14.070 Site width.
17.14.080 Site depth.
17.14.090 Site coverage.
17.14.100 Front yard.
17.14.110 Side yard.
17.14.120 Rear yard.
17.14.130 Parking.

* Prior ordinance history Ords 77-10, 79-11, 82-14, 83-11, 84-7 and 93-2

17.14.010 Generally.

The regulations in this chapter shall apply in all R-1 districts and shall be subject to the provisions of Chapter 17.06. (Ord. 2006-03 § 1 (Exh. A (part)), 2006: zoning ordinance dated 7/94 (part), 1994)

17.14.020 Permitted uses.

Uses permitted in the R-1 districts shall be as follows:

A. One single-family dwelling per lot;

B. One guest house or secondary dwelling pursuant to the provisions of Section 17.06.040, except in the Coastal Zone where this provision shall not be effective unless and until approved by the California Coastal Commission;

C. Small residential care homes;

D. Large family day care homes pursuant to Section 17.06.135 of this code;

E. Home occupations pursuant to Section 17.06.110 of this code;

F. Other uses accessory and incidental to residential use pursuant to Section 17.14.040, including but not limited to: small family day care and foster home care; rooming and boarding of not more than two persons; and the keeping of not more than four dogs and/or cats. (Ord. 2006-03 § 1 (Exh. A (part)), 2006: Ord. 2003-09 § 1 (part), 2003: zoning ordinance dated 7/94 (part), 1994)

17.14.030 Conditional uses.

Uses permitted, subject to first securing a use permit in each case or in the Coastal Zone, a coastal permit in the R-1 districts shall be as follows:

A. Public and quasi-public uses and buildings, including churches, firehouses, hospitals, parks and playgrounds, community or recreational centers, schools (public and parochial), or schools accredited to the state school system and public utility buildings and uses exclusive of corporate, storage or repair yards;

B. Private stables, subject to Section 17.06.030;

C. Large residential care homes for the elderly;

D. Condominium and/or planned development projects, subject to the provisions of Chapter 17.54. (Ord. 2006-03 § 1 (Exh. A (part)), 2006: Ord. 2004-13 § 1 (part), 2004; Ord. 2003-09 § 1 (part), 2003: zoning ordinance dated 7/94 (part), 1994)

17.14.040 Accessory buildings, structures and uses.

Accessory buildings not intended for living purposes and accessory structures and uses permitted in the R-1 districts shall be on the same building site with, and of a nature customarily incidental and subordinate to, the principal use, structure or building including, but not limited to:

A. Portable recreation structures;

B. Detached sheds, garages, workrooms, and other outbuildings in compliance with the limitations contained in Section 17.06.070 of the zoning ordinance;

C. Non-portable recreation structures located in a yard area screened from public and private streets. (Ord. 2006-03 § 1 (Exh. A (part)), 2006: Ord. 2003-09 § 1 (part), 2003: Ord. 2002-03 § 1 (part), 2002; zoning ordinance dated 7/94 (part), 1994)

17.14.045 Public utility buildings and uses.

Lot design restrictions shall not apply to public utility buildings and uses.
(Ord. 2007-01 § 1 (part), 2007)

17.14.050 Building height.

A. Maximum building height limit in the R-1 districts shall be thirty feet for main buildings and sixteen feet for accessory buildings not intended for living purposes, except that approval by the site and architectural design review board shall be obtained prior to the construction of any accessory building over twelve feet in height, or if any portion within five feet of any lot line is over ten feet in height. Any action taken by the site and architectural design review board may be appealed, in writing, to the planning commission within ten days of such action. Any action taken by the planning commission may be appealed, in writing, to the city council within ten days of such action.

B. The maximum building heights for secondary dwelling units and guest houses shall be governed by the provisions of Section 17.06.040.

C. The maximum building heights for public and quasi-public uses and buildings, including churches, firehouses, hospitals, parks and playgrounds, community or recreational centers, schools (public and parochial), or schools accredited to the state school system and public utility buildings and uses exclusive of corporate, storage or repair yards is forty feet. (Ord. 2006-17 § 1 (part), 2006; Ord. 2003-09 § 1 (part), 2003: Ord. 98-15 § 1 (part), 1998: zoning ordinance dated 7/94 (part), 1994)

17.14.060 Site area.

Minimum building site area required in the R-1 districts shall be six thousand square feet, seven thousand square feet for a corner lot, except where combined with any B district, and except that building site area for all lots created by an infill subdivision as defined in the subdivision ordinance shall be a minimum of six thousand square feet. (Ord. 2001-07 § 1, 2001: zoning ordinance dated 7/94 (part), 1994)

17.14.070 Site width.

Average building site width required in the R-1 districts shall be sixty feet, and except for building sites created by an infill subdivision as defined in the subdivision ordinance where minimum average site width shall be fifty feet. (Ord. 2001-07 § 1, 2001: zoning ordinance dated 7/94 (part), 1994)

17.14.080 Site depth.

Maximum building site depth allowed in the R-1 districts shall average not to exceed three times building site width. (Zoning ordinance dated 7/94 (part), 1994)

17.14.090 Site coverage.

Percentage of building site coverage permitted in the R-1 districts shall be thirty-five percent. However, for building sites limited exclusively to single-story structures, the percentage of building site coverage permitted shall be forty percent. (Zoning ordinance dated 7/94 (part), 1994)

17.14.100 Front yard.

Minimum front yard required in the R-1 districts shall be twenty feet, except where combined with any B district. (Zoning ordinance dated 7/94 (part), 1994)

17.14.110 Side yard.

Minimum side yards required in the R-1 districts shall be six feet, except where combined with any B district, and except where the side yard abuts a street. A side yard which abuts a street shall have a width which is no smaller than the lesser of the minimum required front yard or twenty percent of the site width, but in no case less than fourteen feet. (Zoning ordinance dated 7/94 (part), 1994)

17.14.120 Rear yard.

Minimum rear yard required in the R-1 districts shall be twenty feet, except where combined with any B district. However, a portion of the main building may extend into the required rear yard not exceeding a horizontal distance of five feet, not exceeding one hundred square feet of gross floor area, not exceeding one story and not exceeding a height of sixteen feet. (Zoning ordinance dated 7/94 (part), 1994)

17.14.130 Parking.

See Section 17.44.020(A).
(Zoning ordinance dated 7/94 (part), 1994)

Chapter 17.16

R-2 OR DUPLEX RESIDENTIAL DISTRICT*

Sections:

17.16.010	**Generally.**
17.16.020	**Permitted uses.**
17.16.030	**Conditional uses.**
17.16.040	**Accessory buildings, structures and uses.**
17.16.050	**Building height.**
17.16.060	**Site area.**
17.16.070	**Site width.**
17.16.080	**Site depth.**
17.16.090	**Site coverage.**
17.16.100	**Front yard.**
17.16.110	**Side yard.**
17.16.120	**Rear yard.**
17.16.130	**Parking.**

* Prior ordinance history Ords 77-10, 83-11 and 84-7.

17.16.010 Generally.

The regulations of this chapter shall apply in all R-2 districts and shall be subject to the provisions of Chapter 17.06. (Ord. 2006-03 § 1 (Exh. A (part)), 2006: zoning ordinance dated 7/94 (part), 1994)

17.16.020 Permitted uses.

Uses permitted in the R-2 districts shall be as follows:

A. Single-family dwellings;

B. One guest house or secondary dwelling pursuant to the provisions of Section 17.06.040;

C. Small residential care homes;

D. Large family day care homes pursuant to Section 17.06.135 of this code;

E. Home occupations pursuant to Section 17.06.110 of this code;

F. Other uses accessory and incidental to residential use pursuant to Section 17.16.040, including but not limited to: small family day care and foster home care; rooming and boarding of not more than two persons; and the keeping of not more than four dogs and/or cats. (Ord. 2006-03 § 1 (Exh. A (part)), 2006: Ord. 2003-09 § 1 (part), 2003: zoning ordinance dated 7/94 (part), 1994)

17.16.030 Conditional uses.

Uses permitted, subject to first securing a use permit in each case, in the R-2 districts shall be as follows:

A. Large residential care homes, retirement homes, and extended care medical facilities including convalescent facilities and other skilled nursing facilities;

B. Public and quasi-public uses and buildings, including churches, firehouses, parks and playgrounds, community or recreational centers, schools (public and parochial) or schools accredited to the state school system, and public utility buildings and uses exclusive or corporate, storage or repair yards;

C. Day care centers;

D. Condominium and/or planned unit development projects subject to the provisions of Chapter 17.54. (Ord. 2006-03 § 1 (Exh. A (part)), 2006: Ord. 2003-09 § 1 (part), 2003: zoning ordinance dated 7/94 (part), 1994)

17.16.040 Accessory buildings, structures and uses.

Accessory buildings not intended for living purposes and accessory structures and uses permitted in the R-2 districts shall be on the same building site with, and of a nature customarily incidental and subordinate to, the principal use, structure or building including, but not limited to:

A. Portable recreation structures;

B. Detached sheds, garages, workrooms, and other outbuildings, in compliance with the limitations contained in Section 17.06.070 of the zoning ordinance;

C. Non-portable recreation structures located in a yard area screened from public and private streets. (Ord. 2006-03 § 1 (Exh. A (part)), 2006: Ord. 2003-09 § 1 (part), 2003: Ord. 2002-03 § 1 (part), 2002: zoning ordinance dated 7/94 (part), 1994)

17.16.050 Building height.

A. Maximum building height limit in the R-2 districts shall be thirty feet for main buildings and sixteen feet for accessory buildings not intended for living purposes, except that approval by the site and architectural design review board shall be obtained prior to the construction of any accessory building over twelve feet in height, or if any portion within five feet of any lot line is over ten feet in height. Any action taken by the site and architectural design review board may be appealed, in writing, to the planning commission within ten days of such action. Any action taken by the planning commission may be appealed, in writing, to the city council within ten days of such action.

B. The maximum building heights for secondary dwelling units and guest houses shall be governed by the provisions of Section 17.06.040. (Ord. 2003-09 § 1 (part), 2003: Ord. 98-15 § 1 (part), 1998: zoning ordinance dated 7/94 (part), 1994)

17.16.060 Site area.

Minimum building site area required in the R-2 districts shall be six thousand square feet or seven thousand square feet for a corner lot except where combined with any B district. (Zoning ordinance dated 7/94 (part), 1994)

17.16.070 Site width.

Average building site width required in the R-2 districts shall be sixty feet.
(Zoning ordinance dated 7/94 (part), 1994)

17.16.080 Site depth.

Maximum building site depth permitted in the R-2 districts shall average not to exceed three times building site width. (Zoning ordinance dated 7/94 (part), 1994)

17.16.090 Site coverage.

Percentage of building site coverage permitted in the R-2 districts shall be forty percent.
(Zoning ordinance dated 7/94 (part), 1994)

17.16.100 Front yard.

Minimum front yard required in the R-2 districts shall be twenty feet except where combined with any B district. (Zoning ordinance dated 7/94 (part), 1994)

17.16.110 Side yard.

Minimum side yard required in the R-2 districts shall be six feet, except where combined with any B district, except where the side yard abuts a street in which case such side yard shall be the same as the front yard. (Zoning ordinance dated 7/94 (part), 1994)

17.16.120 Rear yard.

Minimum rear yard required in the R-2 districts shall be twenty feet, except where combined with any B district. (Zoning ordinance dated 7/94 (part), 1994)

17.16.130 Parking.

See Section 17.44.020(B).
(Zoning ordinance dated 7/94 (part), 1994)

Chapter 17.18

R-3 OR LIMITED MULTIPLE-FAMILY RESIDENTIAL DISTRICT*

Sections:

17.18.010	**Generally.**
17.18.020	**Permitted uses.**
17.18.030	**Conditional uses.**
17.18.040	**Accessory buildings, structures and uses.**
17.18.050	**Building height.**
17.18.060	**Site area.**
17.18.070	**Site width.**
17.18.080	**Site depth.**
17.18.090	**Lot coverage.**
17.18.100	**Front yard.**
17.18.110	**Side yard.**
17.18.120	**Rear yard.**
17.18.130	**Special yards.**
17.18.140	**Parking.**

* Prior ordinance history Ords 77-10, 83-11 and 84-7

17.18.010 Generally.

The regulations in this chapter shall apply in all R-3 districts and shall be subject to the provisions of Chapter 17.06. (Ord. 2006-03 § 1 (Exh. A (part)), 2006: zoning ordinance dated 7/94 (part), 1994)

17.18.020 Permitted uses.

Uses permitted in the R-3 districts shall be the following:

A. Single-family dwellings;

B. One guest house or secondary dwelling pursuant to the provisions of Section 17.06.040;

C. Small residential care homes;

D. Large family day care homes pursuant to Section 17.06.135 of this code;

E. Home occupations pursuant to Section 17.06.110 of this code;

F. Other uses accessory and incidental to residential use pursuant to Section 17.18.040, including but not limited to: small family day care and foster home care, rooming and boarding of not more than two persons, the keeping of not more than two dogs and/or cats, and on-site property management. (Ord. 2006-03 § 1 (Exh. A (part)), 2006: Ord. 2003-09 § 1 (part), 2003: zoning ordinance dated 7/94 (part), 1994)

17.18.030 Conditional uses.

Uses permitted, subject to first securing a use permit in each case, in the R-3 districts shall be the following:

A. Rooming and boarding houses;

B. Extended care medical facilities including convalescent facilities and other skilled nursing facilities;

C. Day care centers and large residential care homes or facilities;

D. Public and quasi-public uses and buildings, including churches, firehouses, parks and playgrounds, community or recreational centers, schools (public and parochial) or schools accredited to the state school system, and public utility buildings and uses exclusive of corporate, storage or repair yards;

E. Condominium and/or planned unit development projects subject to the provisions of Chapter 17.54. (Ord. 2006-03 § 1 (Exh. A (part)), 2006: zoning ordinance dated 7/94 (part), 1994)

17.18.040 Accessory buildings, structures and uses.

Accessory buildings, not intended for living purposes and accessory structures and uses permitted in the R-3 districts shall be on the same building site with, and of a nature customarily incidental and subordinate to, the principal use, structure or building including, but not limited to:

A. Portable recreation structures;

B. Detached sheds, garages, workrooms, and other outbuildings, in compliance with the limitations contained in Section 17.06.070 of the zoning ordinance;

C. Non-portable recreation structures located in a yard area screened from public and private streets. (Ord. 2006-03 § 1 (Exh. A (part)), 2006: Ord. 2003-09 § 1 (part), 2003: Ord. 2002-03 § 1 (part), 2002: zoning ordinance dated 7/94 (part), 1994)

17.18.050 Building height.

Maximum building height limit in the R-3 districts shall be thirty-five feet.
(Zoning ordinance dated 7/94 (part), 1994)

17.18.060 Site area.

Building site area required in the R-3 districts shall be six thousand square feet, except where combined with any B district, but not less than two thousand five hundred square feet of land area for each living unit in any multiple dwelling or dwelling group and not less than one thousand square feet of land area for each guest room in any rooming house, boardinghouse or similar establishment. (Zoning ordinance dated 7/94 (part), 1994)

17.18.070 Site width.

Average building site width required in the R-3 districts shall be sixty feet.
(Zoning ordinance dated 7/94 (part), 1994)

17.18.080 Site depth.

Maximum building site depth allowed in the R-3 districts shall average not to exceed three times building site width. (Zoning ordinance dated 7/94 (part), 1994)

17.18.090 Lot coverage.

Maximum percentage of lot coverage permitted in the R-3 districts shall be sixty percent.
(Zoning ordinance dated 7/94 (part), 1994)

17.18.100 Front yard.

Minimum front yard required in the R-3 districts shall be twenty feet except where combined with any B district. (Zoning ordinance dated 7/94 (part), 1994)

17.18.110 Side yard.

Minimum side yard required in the R-3 districts shall be five feet except where combined with any B district, except where the side yard abuts a street, in which case such side yard shall be the same as the front yard. (Zoning ordinance dated 7/94 (part), 1994)

17.18.120 Rear yard.

Minimum rear yard required in the R-3 district shall be twenty feet, except where combined with any B district. (Zoning ordinance dated 7/94 (part), 1994)

17.18.130 Special yards.

Special yards required for dwelling groups in the R-3 districts shall be as follows:

A. In case the buildings of the group are so located on the lot that the rear of the building which faces the street is faced by the front of a building to the rear (i.e., in a front to back series), no such building shall be closer than twenty feet to any other such building and the side yard providing access shall not be less than eight feet;

B. In case the buildings of the group are so located on the lot that the rears thereof abut upon one side yard and the fronts thereof abut upon the other side (i.e., in a single row "side to side" series) the side yard providing access shall have a width of not less than twelve feet;

C. In case the buildings of a group are so located on the lot that the rears thereof abut upon each side yard and the fronts thereof face a court (i.e., in a double row "side to side" series) the court shall have a width of not less than twenty feet;

D. In no case shall any separate building of a group be closer to any other building of the group than a distance of ten feet;

E. No building in any group shall be so located on the lot that the rear thereof abuts on any street line;

F. Distances required between buildings on the same lot and as yards and courts for dwelling groups shall be increased by two feet for each story that the height of any building or dwelling group exceeds two stories. (Zoning ordinance dated 7/94 (part), 1994)

17.18.140 Parking.

See Section 17.44.020(D).

(Zoning ordinance dated 7/94 (part), 1994)

Chapter 17.19

CRITERIA AND STANDARDS FOR LOW INCOME SENIOR CITIZENS' APARTMENT PROJECTS*

Sections:

17.19.010 Purpose.
17.19.020 Conditional use permit required.
17.19.030 Occupancy.
17.19.040 Low income, affordability and residency.
17.19.050 Required finding of accessibility to services.
17.19.060 Site development standards.
17.19.070 Minimum lot area.
17.19.080 Minimum building site area per dwelling unit and minimum number of units.
17.19.090 Building height.
17.19.100 Maximum lot coverage.
17.19.110 Minimum floor area.
17.19.120 Setbacks and special yards.
17.19.130 Special regulations.
17.19.140 Open space.
17.19.150 Indoor recreational—Leisure space.
17.19.160 Parking.

* Prior ordinance history: Ords. 88-11 and 94-2.

17.19.010 Purpose.

The purpose of this chapter is to provide for and encourage the orderly development of apartment projects designed expressly for low income senior citizens and further to maintain and enhance those living and environmental characteristics consistent with established community values and the particular needs of senior citizens. The following standards are established to ensure that such use shall provide a suitable living environment for senior citizens, be compatible with surrounding land uses and protect the public health, safety and general welfare. (Zoning ordinance dated 7/94 (part), 1994)

17.19.020 Conditional use permit required.

Low income senior citizens' apartment projects shall be permitted only in the R-4, or multifamily residential district, and C-R, or commercial residential district, ("underlying zones") of the city and shall be only permitted in these underlying zones provided a conditional use permit is first approved pursuant to the provisions of Chapter 17.48 of this title. As a condition of approval of any such conditional use permit and prior to the issuance of any building permits for such project, the owner(s) of the property shall be required to execute and record covenants, conditions and restrictions ("covenants") against the property in a form approved by the city attorney agreeing to restrict occupancy of all senior citizens' dwelling units within such project to households at least one member of which is a senior citizen who is at least sixty-two years of age. Notwithstanding the provisions of Section 17.19.030, said covenants shall also allow for limited occupancy by handicapped persons under sixty-two years should a proposed project be involved in a government program which requires the low income senior citizen project to be open to handicapped persons. However, the conditional use permit

and covenants required by this section may include provisions to provide that in the event that a sale in foreclosure should occur due to legitimate, normal and noncollusive defaults on a loan for a low income senior citizens' housing project, the terms of the age restrictions required in this section will change from sixty-two years of age to fifty-five years of age, but with preference still to be given to those at least sixty-two years of age when otherwise qualifying prospective tenants at least sixty-two years of age are available. (Zoning ordinance dated 7/94 (part), 1994)

17.19.030 Occupancy.

Occupancy, residency and use of any senior citizens' dwelling unit within a low income senior citizens' apartment project shall be limited and restricted as follows:

A. Not more than two persons, at least one of whom must be a senior citizen and at least sixty-two years of age, shall reside in any one-bedroom unit.

B. Not more than one senior citizen, at least sixty-two years of age, shall reside in any studio unit.

C. The age and occupancy restrictions set forth in subsections A, B and D of this section shall be included in the covenants required to be recorded against the property pursuant to Section 17.19.020 hereof. The provisions of subsection E of this section may be included in the covenants should the property owner wish to do so.

D. An on-site resident manager shall be required for all low income senior citizens' apartment projects and shall be responsible for insuring that applicable age, occupancy and income restrictions listed in the covenants are enforced. The minimum age requirements listed in Section 17.19.150 shall not apply to the resident manager of the complex.

E. Notwithstanding the foregoing provisions of this section, the terms of the age restrictions required by this section shall change from sixty-two years of age to fifty-five years of age in the event that a sale in foreclosure should occur due to legitimate, normal and noncollusive defaults on a loan for a low income senior citizens' housing project. (Zoning ordinance dated 7/94 (part), 1994)

17.19.040 Low income, affordability and residency.

As a condition of approval of any conditional use permit for any senior citizens' apartment project, and prior to issuance of any building permits thereof, the property owner(s) shall include as part of the covenants, that all of the units shall be affordable to low income households. The term "low income households" as used in this chapter shall mean households having an income not exceeding eighty percent of the median family income for the county of Monterey. Minimum affordability standards shall require that rents for these units shall not exceed thirty percent of the applicable maximum income level of said "low income households" at any time during the life of the project. However, the property owner(s) may be required by conditions of project approval to execute and record an agreement with the city and/or other government agencies requiring that some or all of the apartment units in a particular project be limited to Marina residents and/or to tenants with lower incomes and/or at lower rents than the minimum standards listed in this section. Any said agreement shall be in a form approved by the city attorney. Notwithstanding the foregoing provisions of this section, the conditional use permit and covenants required by Section 17.19.020 may include provisions to provide that in the event that a sale in foreclosure should occur due to legitimate, normal and noncollusive defaults on a loan for a low income senior citizens' housing project, the project no longer need be occupied exclusively by nor remain affordable to low income households. However, if the optional provision in the immediately preceding sentence is included within the covenants, those covenants shall further provide that preference will still be given to low income households when otherwise qualifying prospective tenants who are low income households have applied for units to be rented. (Zoning ordinance dated 7/94 (part), 1994)

17.19.050 Required finding of accessibility to services.

Any proposal for a senior citizens' apartment project shall include adequate consideration and information as to the location of the site in relation to the proximity and accessibility to necessary services, including grocery stores, transit, medical facilities and banks. Prior to approving a conditional use permit for any low income senior citizens' apartment project, the approving body shall find that the evidence presented shows that said project is reasonably accessible to the services identified in this section. (Zoning ordinance dated 7/94 (part), 1994)

17.19.060 Site development standards.

This chapter recognizes senior citizens' apartment projects as a special class of residential development because of unique characteristics related to locational, affordability, social, architectural and building safety considerations. In order to provide a living environment consistent with the needs of the elderly population and in order to preserve locally recognized values of community appearance, the following site development standards shall apply in addition to, and where inconsistent therewith shall supersede, any regulations of the underlying zone. (Zoning ordinance dated 7/94 (part), 1994)

17.19.070 Minimum lot area.

The minimum lot area shall be not less than sixteen thousand square feet. (Zoning ordinance dated 7/94 (part), 1994)

17.19.080 Minimum building site area per dwelling unit and minimum number of units.

The minimum building site area shall be at least one thousand square feet of net land area per unit. Furthermore, no fewer than sixteen units shall be considered as a low income senior citizens' apartment project. (Zoning ordinance dated 7/94 (part), 1994)

17.19.090 Building height.

The maximum height of any structure shall be as required in the underlying zone. (Zoning ordinance dated 7/94 (part), 1994)

17.19.100 Maximum lot coverage.

The maximum lot coverage by all residential and accessory structures shall be as permitted in the underlying zone. (Zoning ordinance dated 7/94 (part), 1994)

17.19.110 Minimum floor area.

The minimum floor area of any low income senior citizen dwelling unit shall be not less than as provided herein:

A. Studio units: three hundred fifty square feet;

B. One-bedroom units: five hundred square feet;

C. No two-bedroom units shall be allowed. (Zoning ordinance dated 7/94 (part), 1994)

17.19.120 Setbacks and special yards.

A. For low income senior citizens' apartment projects with from sixteen to twenty dwelling units, the minimum setbacks and special yards shall be as required in the underlying zone.

B. For low income senior citizens' apartment projects with more than twenty dwelling units, the minimum front, side, rear and special yard requirements of the underlying district and the locational requirements for

accessory buildings in the general zoning regulations shall be superseded by a requirement of a minimum ten-foot setback around the periphery of the project site; provided however, that nothing contained in this section shall limit the authority of the planning commission or the city council on appeal, to require a greater setback. Encroachments of up to five feet into said ten-foot perimeter may be approved by the planning commission or the city council on appeal, as follows:

1. Encroachments shall be limited to surface parking spaces, open or covered decks or patios, portions of buildings which are single-story and do not exceed sixteen feet in height, or portions of two-story structures where the use of the second-story space is limited to passive living activities, i.e., sleeping or bathing areas of a dwelling.

2. No encroachments shall be allowed adjacent to public street rights-of-way. (Zoning ordinance dated 7/94 (part), 1994)

17.19.130 Special regulations.

The special regulations shall be as required in the underlying zone. (Zoning ordinance dated 7/94 (part), 1994)

17.19.140 Open space.

The area of usable open space for senior housing projects shall be as required by the underlying zone. (Zoning ordinance dated 7/94 (part), 1994)

17.19.150 Indoor recreational-leisure space.

At least thirty square feet per dwelling unit shall be provided in a common indoor recreational-leisure area which is readily accessible from all dwelling units. This area shall be deducted from the required usable open space area to a maximum of two thousand square feet. Indoor recreational-leisure space shall be provided in a multipurpose or recreational room with at least five hundred square feet of floor area. (Zoning ordinance dated 7/94 (part), 1994)

17.19.160 Parking.

At least .8 parking spaces shall be provided for each one-bedroom or studio unit, eighty percent of which shall be covered. Furthermore, space should be reserved on-site to provide at least .2 additional parking spaces per unit should the need arise. During the use permit consideration, the planning commission or city council on appeal shall have the discretion to reduce or increase the amount of reserved parking area required. Also, the planning commission or the city council on appeal shall consider on-street parking congestion and availability in the neighborhood of a proposed project in order to determine whether greater off-street parking shall be required than the minimum standards listed in this section. (Zoning ordinance dated 7/94 (part), 1994)

Chapter 17.20

R-4 OR MULTIPLE-FAMILY RESIDENTIAL DISTRICT*

Sections:

17.20.010 Generally.
17.20.020 Permitted uses.
17.20.030 Conditional uses.
17.20.040 Open space, common and private.
17.20.050 Accessory buildings, structures and uses.
17.20.060 Building height.
17.20.070 Minimum building site area.
17.20.075 Residential density limitations.
17.20.080 Site width.
17.20.090 Site depth.
17.20.100 Site coverage.
17.20.110 Front yard.
17.20.120 Side yard.
17.20.130 Rear yard.
17.20.140 Special yards.
17.20.150 Parking.
17.20.160 Inclusionary housing requirement.
17.20.170 Density bonuses.
17.20.180 Special regulations.
17.20.190 Alternative regulations for small lot single-family dwellings.

* Prior ordinance history Ords. 77-10, 83-11, 87-4, 93-6, 2000-13, 2002-03, 2003-09, 2004-10, 2004-13 and zoning ordinance dated 7/94

17.20.010 Generally.

The regulations in this chapter shall apply in all R-4 districts and shall be subject to the provisions of Chapter 17.06. (Ord. 2006-03 § 1 (Exh. A (part)), 2006)

17.20.020 Permitted uses.

Uses permitted in the R-4 districts shall be as follows:

A. Single-family dwellings constructed prior to January 1, 2005;

B. Multiple dwellings and dwelling groups not exceeding twenty-five units per acre;

C. One guest house or secondary dwelling pursuant to the provisions of Section 17.06.040;

D. Small residential care homes;

E. Large family day care homes and day care centers pursuant to Section 17.06.135 of this code;

F. Home occupations pursuant to Section 17.06.110 of this code;

G. Other uses accessory and incidental to residential use pursuant to Section 17.20.050, including, but not limited to:

1. Small family day care and foster home care,
2. Rooming and boarding of not more than two persons,
3. On-site property management, and

4. The keeping of not more than two cats and/or dogs per unit.
(Ord. 2006-03 § 1 (Exh. A (part)), 2006)

17.20.030 Conditional uses.

Uses permitted, subject to first securing a use permit in each case, in the R-4 districts shall be as follows:

A. Single-room occupancy housing;

B. Extended care medical facilities, including convalescent homes and other skilled nursing facilities;

C. Public and quasi-public buildings and uses including churches, firehouses, parks and playgrounds, community or recreational centers, schools (public and parochial) or schools accredited the state school system, and public utility buildings and uses exclusive of corporate, storage or repair yards;

D. Mobile home parks pursuant to Section 17.06.050;

E. Multiple dwellings and dwelling groups exceeding a density of twenty-five units per acre;

F. Condominium and/or planned development projects subject to the provisions of Chapter 17.54;

G. Single-family dwellings subject to compliance with the provisions of Section 17.20.190 of this chapter;

H. Large residential care homes or facilities; and

I. Interim housing.
(Ord. 2006-03 § 1 (Exh. A (part)), 2006)

17.20.040 Open space, common and private.

A. Total Open Space Required. The minimum area of open space required for multiple-family dwellings or three or more single-family dwellings on a building site in the R-4 district shall be three hundred square feet per efficiency apartment three hundred fifty square feet per one-bedroom unit, and fifty additional square feet for each additional bedroom. A portion or all of the required usable open space shall be private as provided by this section; otherwise it shall be shared in common.

B. Private Open Space. A minimum of eighty square feet for ground floor units and forty square feet for units located on second levels and above. (Ord. 2006-03 § 1 (Exh. A (part)), 2006)

17.20.050 Accessory buildings, structures and uses.

Accessory buildings not intended for living purposes and accessory structures and uses permitted in the R-4 districts shall be on the same building site with, and of a nature customarily incidental and subordinate to, the principal use, structure or building including, but not limited to:

A. Portable recreation structures;

B. Detached sheds, garages, workrooms, and other outbuildings, in compliance with the limitations contained in Section 17.06.070 of the zoning ordinance;

C. Non-portable recreation structures located in a yard area screened from public and private streets.
(Ord. 2006-03 § 1 (Exh. A (part)), 2006)

17.20.060 Building height.

Maximum building height limit in the R-4 districts shall be forty-two feet and three stories.
(Ord. 2006-03 § 1 (Exh. A (part)), 2006)

17.20.070 Minimum building site area.

Building site area required in the R-4 districts shall be six thousand square feet. (Ord. 2006-03 § 1 (Exh. A (part)), 2006)

17.20.075 Residential density limitations.

A. Minimum density requirement: fifteen units per acre for any residential dwellings constructed after January 1, 2005.

B. Maximum density limitation: thirty-five units per acre for conditionally permitted residential uses.

C. A maximum of forty-three units or bedrooms per acre for boarding houses and single-room occupancy dwellings and for affordable senior multiple dwellings developed pursuant to Chapter 17.19. (Ord. 2006-03 § 1 (Exh. A (part)), 2006)

17.20.080 Site width.

Average building site width required in the R-4 districts shall be sixty feet. (Ord. 2006-03 § 1 (Exh. A (part)), 2006)

17.20.090 Site depth.

Maximum building site depth permitted in the R-4 districts shall average not to exceed three times building site width. (Ord. 2006-03 § 1 (Exh. A (part)), 2006)

17.20.100 Site coverage.

Percentage of building site coverage permitted in the R-4 districts shall be sixty percent. (Ord. 2006-03 § 1 (Exh. A (part)), 2006)

17.20.110 Front yard.

Minimum front yard required in the R-4 districts shall be twelve feet. The front yard shall be measured from the front property line or the edge of easement for private roadway whichever is less. (Ord. 2006-03 § 1 (Exh. A (part)), 2006)

17.20.120 Side yard.

Minimum side yard required in the R-4 districts shall be five feet except where the side yard abuts a street or any site in the R-1 or R-2 district. The minimum side yard abutting a street shall be twelve feet. For sites abutting any R-1 or R-2 district, the setback shall be increased an additional five feet for each story above two stories. The side yard shall be measured from the side property line or the edge of easement for private roadway whichever is less. (Ord. 2006-03 § 1 (Exh. A (part)), 2006)

17.20.130 Rear yard.

Minimum rear yard required in the R-4 districts shall be ten feet except where the rear yards abuts any lot in the R-1 or R-2 district in which case the required rear yard shall be twenty feet. (Ord. 2006-03 § 1 (Exh. A (part)), 2006)

17.20.140 Special yards.

Special yards required for dwelling groups in the R-4 districts shall be as follows:

A. In case the buildings of the group are so located on the lot that the rears thereof abut upon one side yard and the fronts thereof abut upon the other side (i.e., in a single row "side to side" series), the side yard providing pedestrian access shall have a width of not less than twelve feet;

B. No building in any group shall be so located on the lot that the rear thereof abuts on any street line;

C. Distances required between buildings on the same lot and as yards and courts for dwelling groups shall be increased by two feet for each story that the height of any building or dwelling group exceeds two stories. (Ord. 2006-03 § 1 (Exh. A (part)), 2006)

17.20.150 Parking.

See Section 17.44.020.

(Ord. 2006-03 § 1 (Exh. A (part)), 2006)

17.20.160 Inclusionary housing requirement.

Inclusionary housing in conformance with the Marina General Plan Housing Element and the Marina Municipal Code shall be provided for all residential developments or projects, including condominium conversions, with at least twenty dwelling units. (Ord. 2006-03 § 1 (Exh. A (part)), 2006)

17.20.170 Density bonuses.

Density bonuses may be requested pursuant to Sections 65915 through 65918 of the California Government Code and in conformance with the Marina General Plan Housing Element and the Marina Municipal Code. (Ord. 2006-03 § 1 (Exh. A (part)), 2006)

17.20.180 Special regulations.

A. Minimum Requirement for Larger Units. In multiple-family residential developments of at least ten units, exclusive of dwellings for seniors, at least forty percent of the total number of multiple-family units shall consist of two or more bedrooms. In addition, at least ten percent of the total number of multiple dwelling units shall have at least three bedrooms. (Ord. 2006-03 § 1 (Exh. A (part)), 2006)

17.20.190 Alternative regulations for small lot single-family dwellings.

Alternative regulations for single-family dwellings allowed by use permit pursuant to Section 17.20.030(G) of this chapter shall comply with the following:

A. Building site area shall be a minimum of two thousand square feet and said minimum site area shall exclude any portion of the lot which is narrower than the minimum site width as specified by subsection B of this section.

B. Site width shall be a minimum of forty feet where two side by side parking spaces are provided on the building site with access from the front of building site, twenty-five feet where two tandem parking spaces are provided on the building site with access from the front of building site, and twenty feet where parking spaces are provided on the building site with access from the rear of the building site, i.e., from an alley or a private roadway. The minimum width specified herein shall not apply to that portion of the building site used principally to provide access to the buildable portion of the site. The required minimum lot width for a corner lot shall be increased to accommodate the required twelve-foot setback from the side lot line abutting a street without reducing the buildable width of the site that would otherwise be available for an interior lot, but in no case shall be less than thirty-two feet.

C. Site depth shall be a maximum of one hundred twenty feet and a minimum of sixty-five feet excluding area located within a roadway easement.

D. Side yard not abutting a street shall be minimum of three feet except that such side yards may be completely eliminated where agreement provides for common wall maintenance or easement allows for access to abutting property for necessary maintenance. Side yard abutting a street shall be a minimum of twelve feet.

E. Private open space shall be provided at the rate of ten percent of each dwelling's habitable floor area or one hundred twenty square feet, whichever is greater, on patios, decks, balconies, atriums or other outdoor private areas contiguous with and directly accessible from the unit, with a minimum width of six feet and at least one dimension of not less than ten feet. Developments approved pursuant to Section 17.20.190 prior to the effective date of the ordinance codified in this chapter shall be considered conforming to this section.

F. The minimum building site area or the minimum site width in subsections A and B, respectively, of this section shall be increased as determined necessary by the advisory agency or the city council to compensate for any loss in usability of the building site due to topography or easements within the boundary of the building site. (Ord. 2006-03 § 1 (Exh. A (part)), 2006)

Chapter 17.21

C-R OR COMMERCIAL/MULTIPLE-FAMILY RESIDENTIAL DISTRICT*

Sections:

17.21.010	**Generally.**
17.21.020	**Permitted uses.**
17.21.030	**Conditional uses.**
17.21.035	**Limitation on allowable uses.**
17.21.040	**Accessory uses and buildings.**
17.21.050	**Minimum building site area.**
17.21.060	**Residential density limitations.**
17.21.070	**Building height.**
17.21.080	**Site width.**
17.21.090	**Open space.**
17.21.100	**Front yard.**
17.21.110	**Side yard.**
17.21.120	**Rear yard.**
17.21.130	**Special yards.**
17.21.140	**Floor area ratio.**
17.21.150	**Inclusionary housing requirement.**
17.21.160	**Density bonuses.**
17.21.170	**Development standards—Mixed use developments.**
17.21.180	**Parking.**

* Prior ordinance history: Ords 85-4, 94-3, 2004-13 and zoning ordinance dated 7/94

17.21.010 Generally.

The regulations in this chapter shall apply in all C-R districts and shall be subject to the provisions of Chapter 17.06. (Ord. 2006-03 § 1 (Exh. A (part)), 2006)

17.21.020 Permitted uses.

Uses permitted in the C-R districts shall be as follows:

A. Retail stores and shops conducted within a building, including appliance stores, bakeries (retail only), bookstores, florist shops, food stores, and furniture and millinery shops when incidental to the retail sales of such items; radio sales, shoe shops, hardware stores, department stores, drugstores, nursery or horticulture, photography studios, and other uses which are of similar character to those enumerated and which will not be detrimental or obnoxious to the neighborhood in which they are to be located;

B. Offices other than medical establishments;

C. Personal service establishments conducted within a building, including banks, barbershops, beauty parlors, tailor shops, tanning salons, and other establishments of similar character providing services to individuals as a primary use;

D. Studios—acting, music, dance, martial arts, etc.;

E. Small residential care homes;

F. Large family day care homes and day care centers pursuant to Section 17.06.135 of this code;

G. Home occupations pursuant to Section 17.06.110 of this code.

(Ord. 2006-03 § 1 (Exh. A (part)), 2006)

17.21.030 Conditional uses.

Uses permitted, subject to first securing a use permit in each case, in the C-R districts shall be as follows:

A. Single-room occupancy housing, hotels, and motels;

B. Public and quasi-public uses and buildings, including schools and churches, parks and playgrounds, community or recreational centers, and public utility buildings and uses exclusive of corporate, storage or repair yards;

C. Restaurants, refreshment stands, theaters, pet shops, launderettes, undertaking establishments, used or secondhand goods, professional or trade schools, cleaning and drying establishments, convalescent and skilled nursing facilities, medical/dental clinics and offices, veterinary clinics, business-service establishments, and other uses of a similar nature which will not be detrimental to the neighborhood in which they are located;

D. Indoor commercial recreation facilities;

E. Research-and-development activities when conducted within an office type of environment;

F. Arts and crafts studios;

G. Live-work units subject to the provisions of Section 17.06.150;

H. Residential dwellings, including condominium and/or planned development projects subject to the provisions of Chapter 17.54;

I. Multiple-family residential dwellings as part of a mixed use development on a building site;

J. Large residential care homes or facilities; and

K. Interim housing.

(Ord. 2006-03 § 1 (Exh. A (part)), 2006)

17.21.035 Limitation on allowable uses.

A. If residential use is existing or approved for a site, only those commercial uses identified in Section 17.21.020(A), "Permitted uses," be allowed on the same site, subject to the approval of the community development director, and those conditional uses listed in this chapter shall not be permitted on said site.

B. Only building sites of less than one acre can be developed for exclusively residential use.

(Ord. 2006-03 § 1 (Exh. A (part)), 2006)

17.21.040 Accessory uses and buildings.

Accessory uses and accessory buildings permitted in the C-R districts shall be appurtenant to any permitted use, including small family day care, foster home care, rooming and boarding of not more than two persons, and on-site property management. (Ord. 2006-03 § 1 (Exh. A (part)), 2006)

17.21.050 Minimum building site area.

Minimum building site area required in the C-R district shall be six thousand square feet.

(Ord. 2006-03 § 1 (Exh. A (part)), 2006)

17.21.060 Residential density limitations.

A. A maximum of twenty-five units per acre for mixed use developments.

B. Twenty to thirty-five units per acre for developments that are exclusively residential.

C. A maximum of forty-three units or bedrooms per acre for building sites developed for hotels, motels, boarding houses, single-room occupancy housing, affordable senior multiple dwellings pursuant to Chapter 17.19, or for similar establishments. (Ord. 2006-03 § 1 (Exh. A (part)), 2006)

17.21.070 Building height.

Maximum building height limit in the C-R districts shall be fifty feet and four stories except any portion of a building within twenty feet of any lot in an R-1, R-2 or R-3 districts shall be limited to a maximum height of thirty-five feet. (Ord. 2006-03 § 1 (Exh. A (part)), 2006)

17.21.080 Site width.

Average building site width required in the C-R districts shall be sixty feet.
(Ord. 2006-03 § 1 (Exh. A (part)), 2006)

17.21.090 Open space.

A. Total Open Space Required. The minimum area of common and private open space required for multiple-family dwellings or three or more single-family dwellings on a building site in the C-R district shall be two hundred fifty square feet per single-room occupancy unit, three hundred square feet per efficiency or one-bedroom unit, and fifty additional square feet for each additional bedroom. A portion or all of the required open space shall be private; otherwise it shall be shared in common.

B. Minimum Private Open Space Required. Eighty square feet for ground floor units and forty square feet for second story units and above. (Ord. 2006-03 § 1 (Exh. A (part)), 2006)

17.21.100 Front yard.

Minimum front yard required in the C-R districts shall be ten feet, all of which shall be landscaped except for driveways and pedestrian walkways. (Ord. 2006-03 § 1 (Exh. A (part)), 2006)

17.21.110 Side yard.

Minimum side yard required in the C-R districts shall be five feet except where the side yard abuts a street, in which case, the required side yard shall be ten feet. (Ord. 2006-03 § 1 (Exh. A (part)), 2006)

17.21.120 Rear yard.

Minimum rear yard required in the C-R districts shall be ten feet, except where the rear yard abuts any lot in the R-1 or R-2 district, in which case the required rear yard shall be twenty feet. (Ord. 2006-03 § 1 (Exh. A (part)), 2006)

17.21.130 Special yards.

Special yards required for dwelling groups in the C-R districts shall be as follows:

A. In case the buildings of the group are so located on the lot that the rears thereof abut upon one side yard and the fronts thereof abut upon the other side (i.e., in a single row "side to side" series) the side yard providing pedestrian access shall have a width of not less than twelve feet;

B. No building in any group shall be so located on the lot that the rear thereof abuts on any street line;

C. Distances required between buildings on the same lot and as yards and courts for dwelling groups shall be increased by two feet for each story that the height of any building or dwelling group exceeds two stories. (Ord. 2006-03 § 1 (Exh. A (part)), 2006)

17.21.140 Floor area ratio.

Floor area ratio in the C-R district shall not exceed 0.90 and shall not be less than 0.25. (Ord. 2006-03 § 1 (Exh. A (part)), 2006)

17.21.150 Inclusionary housing requirement.

Inclusionary housing in conformance with the Marina General Plan Housing Element and the Marina Municipal Code shall be provided for all residential developments or projects, including condominium conversions, with at least twenty dwelling units. (Ord. 2006-03 § 1 (Exh. A (part)), 2006)

17.21.160 Density bonuses.

Density bonuses may be requested pursuant to Sections 65915 through 65918 of the California Government Code and in conformance with the Marina General Plan Housing Element and the Marina Municipal Code. (Ord. 2006-03 § 1 (Exh. A (part)), 2006)

17.21.170 Development standards—Mixed use developments.

A. Siting. Residential units located within mixed use developments shall be sited either: (1) within the same building as commercial uses on the site and located above said commercial uses; or (2) within a separate building located to the rear of approved commercial building(s) and uses but located on the same building site as said commercial uses.

B. Residential Floor Area Limitation. Floor area for residential use shall not exceed seventy percent of the total gross floor area of a mixed use development.

C. Reduced Parking. Notwithstanding the parking requirements of Chapter 17.44, no covered or guest parking shall be required for residential uses that are part of a mixed use development.

D. Site and Architectural Design Review. The design review approval of mixed use projects shall be based upon the following criteria:

1. Promoting internal compatibility between the different uses on the same site;

2. Minimizing effects potentially detrimental to on-site or neighboring residential use such as, but not limited to, potential noise, glare and odors;

3. Ensuring that the design of residential units of a mixed use development is of a residential character, and that privacy between residential units and between other uses on the site is maximized through careful siting and design;

4. Encouraging integration of the street pedestrian environment with retail commercial uses on the site through the use of plazas, courtyards, walkways, and street furniture. (Ord. 2006-03 § 1 (Exh. A (part)), 2006)

17.21.180 Parking.

Parking in the C-R district shall be as provided in Chapter 17.44, except as otherwise provided herein and by Section 17.21.170 of this chapter:

A. Off-street parking can be reduced to a rate of 0.8 parking space per unit upon approval by the planning commission for residential dwellings restricted to seniors sixty-two years of age or older, for dwelling units affordable to lower income households over and above that required to meet a development's inclusionary requirement, and for housing for disabled persons.

B. Off-street parking for residential dwellings with a density of at least twenty-five units per acre may be reduced to a rate of one parking space per unit if the building site is located within one-fourth mile of a transit

center, or if the combination of commercial and residential uses supports shared parking as supported by a parking demand study submitted in conjunction with the entitlement application. (Ord. 2006-03 § 1 (Exh. A (part)), 2006)

Chapter 17.22

C-1 OR RETAIL BUSINESS DISTRICT*

Sections:

17.22.010	**Generally.**
17.22.020	**Permitted uses.**
17.22.030	**Conditional uses.**
17.22.040	**Building height.**
17.22.050	**Minimum building site area.**
17.22.060	**Site width.**
17.22.070	**Front yard.**
17.22.080	**Side yard.**
17.22.090	**Rear yard.**
17.22.100	**Floor area ratio.**
17.22.110	**Inclusionary housing requirement.**
17.22.120	**Development standards—Mixed use developments.**
17.22.130	**Parking.**

* Prior ordinance history: Ords 77-10, 83-11, 86-1, 94-3, 97-4, 2002-01, 2003-03, 2004-01, 2005-02, 2005-09 and zoning ordinance dated 7/94.

17.22.010 Generally.

The regulations in this chapter shall apply in all C-1 districts and shall be subject to the provisions of Chapter 17.06. (Ord. 2006-03 § 1 (Exh. A (part)), 2006)

17.22.020 Permitted uses.

Uses permitted in the C-1 districts shall be as follows:

A. Retail stores conducted within a building, including appliance stores, bakeries (retail only), bookstores, florist shops, food stores, furniture and millinery shops when incidental to the retail sales of such items, radio sales, restaurants, shoe shops, hardware stores and other uses which are of similar character to those enumerated and which will not be detrimental or obnoxious to the neighborhood in which they are to be located;

B. Professional and medical offices;

C. Personal service establishments conducted within a building, including banks, barbershops, beauty parlors, tailor shops, tanning salons, and other establishments of similar character providing services to individuals as a primary use;

D. Studios—art, dance, martial arts, music, etc.; and

E. Fitness and health establishments.

(Ord. 2006-03 § 1 (Exh. A (part)), 2006)

17.22.030 Conditional uses.

Uses permitted, subject to first securing a use permit in each case, in the C-1 districts shall be as follows:

A. Hotels and motels;

B. Public and quasi-public uses including schools and churches, and public utility buildings and uses;

C. Animal hospitals, auto repair shops, auto sales, service stations, drive-in restaurants, refreshment stands, theaters, amusement centers, pet shops, launderettes, undertaking establishments, used car sales, used or secondhand goods, business, specialized education, professional or trade schools, membership organization facilities, and other uses which are of a similar character;

D. Storage warehouses when incidental to a use allowed in this district;

E. Multiple-family residential dwellings when part of a mixed use development on a building site;

F. Buildings and building appurtenances extending into the required front yard or the required side yard abutting a public street consistent with a build-to line established for the building site by the planning commission or the city council on appeal. Said build-to line may entirely eliminate the said yard requirements for the location of buildings on building sites located within the retail core area identified in the general plan. Said build-to line may reduce said yard requirements for the location of buildings on building sites located outside said retail core area to no less than five feet;

G. Day care centers.

(Ord. 2006-03 § 1 (Exh. A (part)), 2006)

17.22.040 Building height.

Maximum building height limit in the C-1 districts shall be fifty feet except any portion of a building within twenty feet of any lot in an R-1, R-2, R-3, or K districts shall be limited to a maximum height of thirty-five feet. (Ord. 2006-03 § 1 (Exh. A (part)), 2006)

17.22.050 Minimum building site area.

Minimum building site area required in the C-1 districts shall be two thousand square feet.
(Ord. 2006-03 § 1 (Exh. A (part)), 2006)

17.22.060 Site width.

Average building site width required in the C-1 districts shall be twenty-five feet.
(Ord. 2006-03 § 1 (Exh. A (part)), 2006)

17.22.070 Front yard.

Minimum front yard required in the C-1 districts shall be ten feet all of which shall be landscaped with the exception of pedestrian accessways and driveways for ingress and egress. (Ord. 2006-03 § 1 (Exh. A (part)), 2006)

17.22.080 Side yard.

No minimum side yards are required in the C-1 districts, except where the side yard abuts a street. A side yard which abuts a street shall have a minimum width of ten percent of the average site width, but in no case more than ten feet or less than five feet. (Ord. 2006-03 § 1 (Exh. A (part)), 2006)

17.22.090 Rear yard.

The rear yards required in the C-1 districts shall be five feet, except where the lot abuts any lot in an R or K district, in which case the abutting rear yard shall not be less than twenty feet. (Ord. 2006-03 § 1 (Exh. A (part)), 2006)

17.22.100 Floor area ratio.

A. Floor area ratio in the C-1 district shall not exceed 0.55 nor be less than 0.25.

B. Notwithstanding this limitation, allowable floor area ratio can be increased up to 0.90 upon planning commission approval of a use permit for such increase, based upon findings that: (1) the development has provided common open space at the rate of one square foot of such open space for each five square feet of gross building floor area, and (2) off-street parking is screened from view and is located toward the rear of the building site. Such common open space areas can consist of landscaped areas, pedestrian plazas, walkways, and covered exterior spaces on the site that are freely usable and accessible by the public. Where an agreement for public access is approved by the city council, enclosed spaces can be included as part of the required common open space. (Ord. 2006-03 § 1 (Exh. A (part)), 2006)

17.22.110 Inclusionary housing requirement.

Inclusionary housing in conformance with the Marina General Plan Housing Element and the Marina Municipal Code shall be provided for all residential developments or projects, including condominium conversions, with at least twenty dwelling units. (Ord. 2006-03 § 1 (Exh. A (part)), 2006)

17.22.120 Development standards—Mixed use developments.

A. Siting. Residential units located within mixed use developments shall be sited within the same building as commercial uses on the site, and located above said commercial uses;

B. Size and Bedroom Limitations. Multiple-family dwellings located within mixed use developments shall not exceed one thousand one hundred square feet of living area. The number of two-bedroom units shall not exceed one-third of the total number of approved dwelling units on a building site.

C. Residential Maximum Density and Floor Area Limitation. Residential dwellings are permitted a maximum density of twenty-five units per acre as part of a mixed use development. Floor area for residential use shall not exceed fifty percent of the total gross floor area of a mixed use development within the "core area" as defined by the Marina General Plan, and shall not exceed seventy percent outside this "core area." Notwithstanding this limitation, residential floor areas can be increased to sixty percent within the "core area," where at least fifteen percent of the total dwellings are targeted as affordable to lower and moderate income households, in addition to any affordable housing that may be required pursuant to a development's inclusionary housing requirement.

D. Reduced Parking. Notwithstanding the parking requirements of Chapter 17.44, no covered or guest parking shall be required for residential uses that are part of a mixed use development.

E. Site and Architectural Design Review. The design review approval of mixed use projects shall be based upon the following criteria:

1. Promoting internal compatibility between the different uses on the same site;

2. Ensuring that the design of residential units of a mixed use development is of a residential character, and that privacy between residential units and between other uses on the site is maximized through careful siting and design;

3. Encouraging integration of the street pedestrian environment with retail commercial uses on the site through the use of plazas, courtyards, walkways, and street furniture. (Ord. 2006-03 § 1 (Exh. A (part)), 2006)

17.22.130 Parking.

Parking in the C-1 district shall be as provided in Chapter 17.44, except as otherwise provided herein and by Section 17.22.120 of this chapter:

A. Off-street parking can be reduced to a rate of 0.8 parking space per unit upon approval by the planning commission for dwelling units restricted to seniors sixty-two years of age or older, for dwelling units affordable to lower income households over and above that required to meet a development's inclusionary requirement, and for housing for disabled persons.

B. Off-street parking for residential dwellings may be reduced to a rate of one parking space per unit if the building site is located within one-fourth mile of a transit center, or if the combination of commercial and residential uses supports shared parking as supported by a parking demand study submitted in conjunction with the entitlement application. (Ord. 2006-03 § 1 (Exh. A (part)), 2006)

Chapter 17.24

C-2 OR GENERAL COMMERCIAL DISTRICT*

Sections:

17.24.010	**Generally.**
17.24.020	**Permitted uses.**
17.24.030	**Conditional uses.**
17.24.040	**Accessory uses and buildings.**
17.24.050	**Building height.**
17.24.060	**Site area.**
17.24.070	**Site width.**
17.24.080	**Front yard.**
17.24.090	**Side yard.**
17.24.100	**Rear yard.**
17.24.110	**Parking.**

* Prior ordinance history: Ords. 77-10, 83-11, 86-10 and 94-3.

17.24.010 Generally.

The regulations in this chapter shall apply in all C-2 districts and shall be subject to the provisions of Chapter 17.06. (Zoning ordinance dated 7/94 (part), 1994)

17.24.020 Permitted uses.

Uses permitted in the C-2 districts shall be as follows:

A. Retail stores and shops of light commercial character and conducted within a building, including appliance stores, bakeries (retail only), banks, barbershops, beauty parlors, bookstores, cleaner or laundry agents, dress shops, drugstores, florist shops, food stores, restaurants, furniture and millinery shops when incidental to the retail sales of such items, hardware stores, offices, radio sales, shoe shops, studios, tailor shops, personal service establishments, and other uses which are of similar character to those enumerated and which will not be detrimental or obnoxious to the neighborhood in which they are to be located;

B. Auto laundries, auto repair shops, auto sales (except used cars), boarding kennels, bottling works, carpenter shops, dancing academies, lumber yards, pet shops, paint, paperhanging and decorator shops, plumbing shops, service stations (except those requiring a use permit under Section 17.24.030), storage of household goods, tinsmith shops, undertaking establishments, wholesale stores or storage (except those requiring a use permit under Section 17.24.030). (Ord. 2002-09 § 1, 2002; zoning ordinance dated 7/94 (part), 1994)

17.24.030 Conditional uses.

Uses permitted, subject to first securing a use permit in each case, in the C-2 districts shall be as follows:

A. Hotels, motels, clubs and lodges;

B. Public and quasi-public uses, including schools, churches and public utility buildings;

C. Drive-in banks, open air retail and wholesale sales, drive-in restaurants, refreshment stands, theaters, laundries, development laboratories, used car sales, used or secondhand goods, and other uses which are of similar character;

D. Wholesale distributors of petroleum products, contractors' yards, welding shops and other uses of a similar character;

E. Manufacture of clothing, handicraft products, printing, lithographing, and other light manufacturing or industrial uses of a similar character;

F. Airports, heliports, and landing strips for aircraft;

G. Single-family, duplex and multiple-family residential dwellings limited to studio and one-bedroom units with a minimum of five hundred twenty-five square feet and a maximum of nine hundred square feet to a maximum density of one unit per five thousand square feet of lot area within the same building as commercial uses on the site and located above those commercial uses. Such residential uses shall be permitted subject to site and architectural design review approval. However, if residential use is existing or approved for a site, only those uses identified in Section 17.24.020(A) of this chapter shall be allowed on the same site and all other permitted uses and all conditional uses listed in this chapter shall not be permitted on the site. (Ord. 2005-02 § 1 (Exh. A (part)), 2005; zoning ordinance dated 7/94 (part), 1994)

17.24.040 Accessory uses and buildings.

Accessory uses and buildings permitted in the C-2 districts shall be accessory uses and buildings appurtenant to any permitted use. (Zoning ordinance dated 7/94 (part), 1994)

17.24.050 Building height.

Maximum building height limit in the C-2 districts shall be thirty-five feet.
(Zoning ordinance dated 7/94 (part), 1994)

17.24.060 Site area.

Minimum building site area required in the C-2 districts shall be two thousand square feet.
(Zoning ordinance dated 7/94 (part), 1994)

17.24.070 Site width.

Average building site width required in the C-2 districts shall be twenty-five feet.
(Zoning ordinance dated 7/94 (part), 1994)

17.24.080 Front yard.

Minimum front yard required in the C-2 district shall be ten feet all of which shall be landscaped save and excepting therefrom driveways for ingress and egress. (Ord. 2002-01 § 1 (part), 2002; zoning ordinance dated 7/94 (part), 1994)

17.24.090 Side yard.

No minimum side yards are required in the C-2 districts, except where the side yard abuts a street. A side yard which abuts a street shall have a minimum width of ten percent of the average site width, but in no case more than ten feet or less than five feet. (Ord. 2002-01 § 1 (part), 2002: Ord. 97-11 § 1 (part), 1997: zoning ordinance dated 7/94 (part), 1994)

17.24.100 Rear yard.

Minimum rear yards required in the C-2 districts shall be five feet, except where the lot abuts any lot in an R or K district, in which case the abutting rear yard shall not be less than twenty feet. (Zoning ordinance dated 7/94 (part), 1994)

17.24.110 Parking.

For parking requirements in the C-2 districts, see Chapter 17.44. (Zoning ordinance dated 7/94 (part), 1994)

Chapter 17.25

C-D OR COASTAL CONSERVATION AND DEVELOPMENT DISTRICT*

Sections:

17.25.010 Generally.
17.25.020 Uses permitted.
17.25.030 Conditional uses.

* Prior ordinance history: Ord. 82-14.

17.25.010 Generally.

The following regulations shall apply in all C-D districts and shall be subject to the provisions of Chapter 17.06. (Zoning ordinance dated 7/94 (part), 1994)

17.25.020 Uses permitted.

None. (Zoning ordinance dated 7/94 (part), 1994)

17.25.030 Conditional uses.

Uses subject to first obtaining a coastal development permit in each case:

A. Coastal research and educational uses; developed public access and other coastally dependent recreation uses; coastal-dependent industrial uses including but not limited to marine agriculture (mariculture), dredge pond, surf zone and offshore sand extraction; in severely disrupted areas and those portions of parcels currently subject to dune mining activity, dune mining; and on parcels combined with the Coastal Zone secondary use combining district or SU districts, visitor-serving uses such as visitor accommodations;

B. Regulations for coastal conservation and development uses shall be specified in the coastal development permit. The permit-issuing body may approve permit applications if the following factors, where relevant are found to apply:

1. There is adequate protection and/or provision of public access from the nearest roadway to the ocean, and uninterrupted lateral access,
2. Development is limited to already disturbed areas,
3. Rare and endangered plant and animal habitats are adequately protected,
4. Grading and roadway construction are the minimum necessary for the development,
5. Views from the State Highway and from the ocean edge are protected,
6. There are sufficient provisions for public safety,
7. All significant adverse environmental effects are either avoided or adequately mitigated,
8. All major and minor subdivisions of land shall provide for sufficient size and configuration to allow for coastally dependent uses or where none are feasible visitor-serving commercial uses consistent with the local coastal land use plan. All parcels must contain sufficient shoreline frontage. (Zoning ordinance dated 7/94 (part), 1994)

Chapter 17.26

PC OR PLANNED COMMERCIAL DISTRICT*

Sections:

17.26.010 Generally.
17.26.020 Planning commission approval.
17.26.030 Permitted uses.
17.26.050 Conditional uses.
17.26.060 Height.
17.26.070 Site coverage.
17.26.080 Parking.
17.26.090 Landscaping.
17.26.100 Zoning permit—Application—Fee.
17.26.110 Zoning permit—Planning commission action.
17.26.120 Zoning permit—Appeal.
17.26.130 Zoning permit—Revocation.
17.26.140 Zoning permit—Effect.

* Prior ordinance history: Ords. 77-10, 80-13, 82-14, 88-16, 90-1 and 94-3.

17.26.010 Generally.

The purpose of the PC district is to design and promote the orderly development of a business area as primarily a retail shopping and employment facility to serve present and future needs of coastal visitors and the residential community, with emphasis on preserving and expanding the characteristics of the area in which the commercial use is proposed. The regulations in this chapter shall apply in all PC districts and shall be subject to the provisions of Chapter 17.06. (Zoning ordinance dated 7/94 (part), 1994)

17.26.020 Planning commission approval.

A. Prior to the establishment of any use or the construction of any building in a PC district the planning commission may adopt the proposed plan or any part thereof in such form as deemed advisable.

B. The planning commission shall submit a report of its findings and recommendations with respect to the proposed plan to the city council; the city council may adopt the proposed plan or any part thereof in such form as said council may deem advisable.

C. The adoption of a general development plan does not allow the establishment of any use, but shall be the general guide for the development of the PC district. (Zoning ordinance dated 7/94 (part), 1994)

17.26.030 Permitted uses.

Uses permitted in the PC district, subject to first securing a zoning permit in each case, shall be as follows:

A. Retail stores and shops of light commercial character and conducted within a building, including appliance stores, banks, barbershops, beauty parlors, bookstores, cleaner or laundry agents, dress shops, drugstores, food stores, furniture shops, millinery shops, offices, radio sales, restaurants, shoe shops, studios and tailor shops, and other uses which are of similar character to those enumerated and which will not be detrimental or obnoxious to the neighborhood in which they are located;

B. Hotels, clubs, lodges, churches, and public and quasi-public uses and buildings, public utility uses and buildings, service stations, drive-in banks, dancing academies, retail plant nurseries, drive-in restaurants, undertaking establishments, and other uses which are of similar character to those enumerated and which will not be detrimental or obnoxious to the neighborhood in which they are to be located;

C. In the Coastal Zone the uses permitted shall be determined by the local coastal land use plan and a coastal development permit shall be required. Such uses shall include but not be limited to visitor-oriented retail and service uses, and accommodations and public access. (Zoning ordinance dated 7/94 (part), 1994)

17.26.050 Conditional uses.

The following conditional uses may be permitted when found by the planning commission and the city council to be, by reason of sensitive planning and attractive design, consistent with the purposes and objectives of the planned commercial zone; provided, however, that such uses will not be permitted within the Coastal Zone.

A. Laboratories, research or development installations, specialized light manufacturing institutions, and administrative or executive offices related to such uses, when of a non-nuisance type;

B. Residential uses not exceeding ten percent of total floor area of all uses in the district. (Zoning ordinance dated 7/94 (part), 1994)

17.26.060 Height.

Maximum allowable height in the PC district shall be thirty-five feet except in the Coastal Zone where the maximum height shall be thirty-five feet unless the structure is located in a coastal view corridor where a lesser maximum may be established in a coastal development permit. (Zoning ordinance dated 7/94 (part), 1994)

17.26.070 Site coverage.

A. Maximum building site coverage by buildings or structures in the PC district shall be thirty percent of the gross area of the building site for all uses specified under Section 17.26.030 except in the Coastal Zone where the maximum building site coverage shall be twenty-five or a lesser percentage may be established to comply with the provision of the local coastal program. In the Coastal Zone east of Highway 1 specific building site coverage shall comply with land use plan provisions.

B. Maximum building site coverage by buildings or structures in the PC district shall be thirty-five percent of the gross area of the site for all uses specified under Section 17.26.050. (Zoning ordinance dated 7/94 (part), 1994)

17.26.080 Parking.

For parking requirements in the PC district, see Chapter 17.44. (Zoning ordinance dated 7/94 (part), 1994)

17.26.090 Landscaping.

Landscaping required in the PC district shall be as follows: landscaping plans showing a minimum of ten percent of the gross area of the building site shall be submitted for approval of the planning director. (Zoning ordinance dated 7/94 (part), 1994)

17.26.100 Zoning permit—Application—Fee.

Application fees for a zoning permit in the PC district shall be as follows:

A. An application for a zoning permit in a PC district shall be submitted to the planning commission accompanied by drawings showing the size and dimensions of the property of the applicant; the location and dimensions of proposed buildings and signs; distances to front, side and rear property lines from the buildings; elevations of the buildings, proposed parking layout and location, landscaping plans, and the location of buildings on adjacent property, within one hundred feet of the property of the applicant.

B. The fee for a zoning permit shall be established by resolution of the city council from time to time hereinafter enacted. (Zoning ordinance dated 7/94 (part), 1994)

17.26.110 Zoning permit—Planning commission action.

A. The planning commission shall consider such application to determine its conformity to the general development plan adopted for the PC district in which the applicant's property is located. The planning commission may require such changes in the proposed use and plans of proposed buildings, structures and other improvements as they may deem necessary to insure conformity to the general development plan and to secure the purposes of this section. In the Coastal Zone, the planning commission shall find that the application conforms to the local coastal land use plan.

B. The planning commission may designate such conditions in the zoning permit as they deem necessary to secure the purposes of this section. Such conditions may include, but are not limited to, architectural and site approval, time limitations, street dedications, and street and drainage improvement. The planning commission may require such bonds and other guarantees as deemed necessary to insure compliance with conditions of the zoning permit. (Zoning ordinance dated 7/94 (part), 1994)

17.26.120 Zoning permit—Appeal.

A. An appeal may be taken by the applicant to the city council from the decision of the planning commission. The appeal shall be in writing and must be filed with the city clerk within ten days after written notice of the decision has been mailed to the applicant. The appeal shall set forth the grounds for the appeal and shall describe any asserted error or abuse of discretion.

B. Upon receipt of the notice of appeal, the city council shall set a date for public hearing thereon. After the hearing, the city council may reverse, affirm or may modify, in whole or in part, the decision appealed from. (Zoning ordinance dated 7/94 (part), 1994)

17.26.130 Zoning permit—Revocation.

A. Where the conditions of the granting of a zoning permit have not been or are not being complied with, the planning commission may, following a hearing thereon, revoke or modify such zoning permit. Ten days written notice of such hearing shall be given to the permittee prior to the hearing.

B. Appeals from such revocation or modification may be taken in the same manner as provided in Section 17.26.120. (Zoning ordinance dated 7/94 (part), 1994)

17.26.140 Zoning permit—Effect.

A. No building permit shall be issued, nor any use conducted, other than in accordance with the conditions and terms of the zoning permit granted or after granting of such zoning permit by the city council in the event of appeal.

B. All zoning permits issued by the planning commission shall be valid until the date of expiration stated on the permit. If no date of expiration is stated, unless otherwise specified by the planning commission

all such permits shall expire one year from the date of granting said permit unless construction on, or use of, the subject property, pursuant to the zoning permit, has started within this period. (Zoning ordinance dated 7/94 (part), 1994)

Chapter 17.27

ADULT BUSINESSES AND MASSAGE THERAPISTS*

Sections:

17.27.010 Legislative findings and determination.
17.27.020 Definitions.
17.27.030 Location of adult businesses.
17.27.040 Use permit for adult businesses.
17.27.050 Use permit and location of massage therapist businesses.

* Prior ordinance history: Ord. 89-3.

17.27.010 Legislative findings and determination.

The city council makes the following findings regarding the establishment of adult businesses:

A. Certain uses of real property, variously described as adult bookstores, adult motion picture facilities, figure model studios, adult cabarets, adult motels and massage parlors have serious objectionable characteristics which, if such uses were allowed to become concentrated in certain areas of the city, may have adverse effects upon the character of such areas and adjacent neighborhoods.

B. Permitting the concentration of adult businesses may tend to create and foster a skid-row atmosphere in neighborhoods and areas within the city.

C. Permitting the concentration of such adult businesses in residential zones, or in zones adjacent to schools, churches, or public recreational areas, or within close proximity of such uses, may expose minors to such facilities and this may adversely affect such minors due to their immaturity.

D. Special regulation of adult business uses is necessary to insure that such uses do not become incompatible land uses and, further, will not contribute to the blighting or downgrading of zones in which they are permitted, therefore, adversely affecting property values and deterring or interfering with the development and operation of other businesses within the city.

E. There is a higher incidence of crime, especially crimes against the person, in areas in which adult businesses are permitted to cluster or become concentrated, and that such crimes and the incidence thereof increase in the late evening and night hours, requiring increased effort on the part of the public safety personnel to police such activities, with resultant costs to the city. (Zoning ordinance dated 7/94 (part), 1994)

17.27.020 Definitions.

For the purpose of this chapter, the following definitions shall apply, unless the context otherwise requires:

"Adult bookstore" means an establishment in which fifty percent or more of either its floor area, inventory or monthly sales is devoted to stock, books, magazines, or other periodicals, films, videotapes, video discs, or other such electronic, magnetic, or other means of creating a moving image upon any screen, television, or other device, peep shows or other similar devices designed for use in individual viewing of films on the premises, which books, magazines, periodicals, films, videotapes, video discs, or other means, peep shows or similar devices are substantially devoted to the depiction of specified sexual activities or specified anatomical areas as defined herein.

"Adult businesses" means adult bookstore, adult motion picture facility, figure model studio, adult motel, adult cabaret, or massage establishment. However, a massage therapist business as defined in this section shall be excluded from the definition of adult businesses.

"Adult cabaret" means an establishment which features topless-bottomless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators, or similar entertainers.

"Adult motels" means any establishment designated as or having the characteristics of a hotel, motel, or other transient lodging facility which has or proposes to have as a feature or service offered to its customers the presentation or entertainment in the form of motion picture film, videotape, closed circuit television, or any other similar means or device which is substantially similar thereto and provided for the purpose of displaying, showing or depicting specified anatomical areas, as defined in this section for observation or viewing by persons who are customers of such establishments. This section shall apply whether charge is made or consideration exchanged for the use of rooms within such establishments for overnight accommodations or for short-term admission to view the material above described.

"Adult motion picture facility" means a facility used for presenting, whether by way of motion picture projection or television or video equipment, or peep show device, material distinguished or characterized by an emphasis on matter depicting, describing or related to specified sexual activities or specified anatomical areas for observation by patrons therein, whether in one or more auditoriums, drive-in theaters, booths or rooms within such facility.

"Figure model studio" means any premises where there is conducted the business of furnishing, providing or procuring figure models who pose for the purpose of being observed, conversed with, or viewed by any person or of being sketched, painted, drawn, sculptured, photographed, or otherwise similarly depicted in the nude or seminude for persons who pay a fee, or other consideration, compensation or gratuity, for the right or opportunity to converse with or so depict a figure model, or for admission to, or for permission to remain, or as a condition of remaining, upon the premises. Figure model studio does not include, for purposes of this definition, any studio which is operated by any state college, junior or community college, public or private school, or any governmental agency wherein the person, firm, association, partnership or corporation so operating has met the requirements established by the state for the issuance or conferring of, and is in fact authorized thereunder to issue and confer, a diploma or honorary diploma.

"Massage" means any method of pressure on, or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating or stimulating, the external parts of the human body with the hands or other parts of the body, with or without the aid of any mechanical or electrical apparatus or appliance, or with or without supplementary aids such as rubbing alcohol, liniments, antiseptics, oils, powders, creams, lotions, ointments or other similar preparations commonly used in the practice of massage. Exemptions listed in Section 5.36.100 of this code are excluded from this definition of massage.

"Massage establishment" means any establishment having a fixed place of business where any individual, firm, association, partnership or corporation engages in, conducts, carries on or permits to be engaged in, conducted or carried on, for any form of consideration whatsoever, "massages" as defined in this section.

"Massage therapist" means a person who can submit a diploma or certificate of graduation from a five hundred-hour resident course of instruction from a recognized school of massage as defined in this section or who can submit diplomas, certificates, or other evidence demonstrating five hundred hours of cumulative education consisting of a three hundred-hour resident course of instruction from a recognized school of massage and two hundred additional hours of resident instruction from an existing school or institution of learning outside the state of California together with a copy of the school's approval by its State Board of Education and a certified transcript of the applicant's school records showing date of enrollment, hours of instruction and graduation from a course having at least a minimum requirement prescribed by Title 5, Division 21, of the California Administrative Code; wherein the theory, method, profession and work of massage is taught.

"Massage therapist business" means a massage establishment in which all massage practitioners have demonstrated to the city that they qualify and meet the definition of massage therapist in this section.

"Recognized school of massage" means any school or institution of learning which teaches the theory, ethics, practice, profession or work of massage, which has been approved pursuant to the California Education Code. Schools offering a correspondence course not requiring attendance shall not be deemed a recognized school. The city shall have a right to confirm that the applicant has actually attended class in a recognized school.

"Specified anatomical areas" means:

1. Less than completely and opaquely covered:

a. Mature human genitals,

b. Mature human buttock, and

c. Mature human female breast below a point immediately above the top of the areola;

2. Human male genitals in a discernibly turgid state, even if completely or opaquely covered.

"Specified sexual activities" means:

1. Mature human genitals in a state of sexual stimulation or arousal;

2. Acts of human masturbation, sexual intercourse or sodomy;

3. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast. (Zoning ordinance dated 7/94 (part), 1994)

17.27.030 Location of adult businesses.

Adult businesses, as defined in this chapter, shall only be permitted in the C-2, general commercial zoning district, and in that district shall only be permitted subject to first obtaining a use permit. In all other zoning districts, adult businesses are a prohibited use.

A. No adult business shall be located within a radius of one thousand feet from any parcel of real property upon which is located any of the following:

1. A public or private school attended primarily by minors;

2. A church which conducts religious education classes for minors;

3. A public park or recreation facility frequented or utilized by minors, including but not limited to public parks, beaches and recreation centers.

B. No adult business shall be located within four hundred feet of any residential zone in the city.

C. No adult business shall be located within one thousand feet of any other adult business. (Zoning ordinance dated 7/94 (part), 1994)

17.27.040 Use permit for adult businesses.

Any adult business, the location of which is otherwise permitted under this chapter, shall be a use subject to first obtaining a use permit, as defined in Chapter 17.48 of code, subject to the following criteria:

A. That the proposed use will not be contrary to the public health, peace, safety, morals, comfort and general welfare of persons residing or working in the zone or district in which the use is proposed;

B. That the proposed use will not result in creating a skid-row atmosphere in zones or districts in which it is proposed;

C. That the proposed use will not be contrary to any program of neighborhood conservation, nor interfere with any economic development program of urban renewal in the zones or districts in which it is proposed. (Zoning ordinance dated 7/94 (part), 1994)

17.27.050 Use permit and location of massage therapist businesses.

Any massage therapist business shall be a use subject to first obtaining a use permit, as defined in Chapter 17.48 of this code. Said businesses shall be permitted in the C-2 zone subject to the planning commission or city council on appeal making the required findings for and granting a use permit. However, said businesses may also be permitted in the C-1 and PC zones should the planning commission or city council on appeal still be able to make the required findings for and grant a use permit upon a greater level of scrutiny than would be applied in the C-2 zone. (Zoning ordinance dated 7/94 (part), 1994)

Chapter 17.28

AIRPORT DISTRICT

Sections:

17.28.010	**Intent.**
17.28.020	**Permitted uses and facilities.**
17.28.030	**Building and site standards.**
17.28.040	**Parking, loading, service areas and screening service areas, and screening.**
17.28.050	**Landscaping.**
17.28.060	**Signage.**
17.28.070	**Utilities.**
17.28.080	**Lighting.**
17.28.090	**Definitions.**

17.28.010 Intent.

A. The development standards set forth in this chapter shall apply to those zoning districts within the Marina Municipal Airport and Business Park (zones A-1, A-2, and A-3). Airport and business park zoning standards are intended to promote the following objectives:

1. Encourage quality development that protects the investments made in the areas by the city, other public entities, and private enterprises.

2. Encourage functionally and aesthetically compatible relationships among existing and future uses located within the Airport and Business Park.

3. Reserve land adjoining aircraft operating areas for aviation-related uses.

4. Provide opportunities for non-aviation related uses providing goods or services desired by tenants in the aviation-related zones and their clients and visitors to locate close to the airport.

5. Provide opportunities, and appropriate sites and environment for a broad range of commercial and industrial uses.

6. Maintain an overall level of development consistent with existing and planned capacity of city streets and utilities.

7. Contribute to an attractive landscape appearance for the entire area and an appropriate setting for individual buildings and uses through the combination of height controls and building setbacks.

8. Ensure there is sufficient off-street parking to accommodate the parking needs of the permitted uses and employees, customers, and clients.

9. Make adequate allowances for truck deliveries and pickup, taking into consideration the number, frequency, and type of vehicle involved.

10. Promote an attractive appearance for the entire Airport and Business Park.

11. Contribute to public safety and efficient traffic movement by providing sufficient on-site areas for maneuvering and parking motor vehicles that are attracted to or generated by the Airport and Business Park.

12. Ensure adequate street capacity to meet the transportation needs of the Marina Municipal Airport and uses planned for the associated Business Park.

13. Provide for an easily understandable and memorable circulation pattern that will enable even casual visitors to the area to easily find their desired destinations.

14. Create an attractive image for the entire area, both as experienced upon entering and traveling within the area, that promotes the city's economic objectives for the area.

15. Contribute to an overall appearance that will attract desired uses and enhance the area's short and long-term economic viability.

16. Create a coherent and positive identity for the entire area.

17. Create an appearance and identity for each zone that is in keeping with the function of the zone.

18. Preserve and integrate existing oak groves into the overall landscape of the area.

19. Create compatible relationships among the respective zones and adjoining UC MBEST Center.

20. Encourage landscaping that articulates the major approaches and entrances to the area and defines the function of individual streets.

21. Conserve water through the use of drought-tolerant plant species for landscaping.

22. Provide adequate identification for all commercial and public establishments.

23. Encourage signs that quickly and clearly inform both motorists approaching the area and persons upon their arrival by air, transit, or bicycle of their destination.

24. Encourage signs that are in scale with and do not dominate the site or buildings on which they are located.

25. Encourage signs that contribute to the visual interest and vitality of the area and help distinguish differences in the function and character of the respective development zones.

26. Ensure that the installation of utilities does not detract from the appearance of the Marina Municipal Airport and Business Park nor interfere with pedestrian and vehicular use of public rights-of-way.

27. Ensure that the lighting within the Business Park does not cause interference with aircraft in flight.

B. The development standards set forth in this chapter shall govern the following:

1. Permitted uses;
2. Intensity of development;
3. Parcel size;
4. Building height;
5. Building setbacks from property lines;
6. Parking and loading area;
7. Landscaping requirements;
8. Signage; and
9. Utilities. (Ord. 2003-06 § 1 (part), 2003: Ord. 2000-10 § 1 (part), 2000)

17.28.020 Permitted uses and facilities.

This section identifies uses permitted and uses that may be conditionally permitted with appropriate findings within zones A-1, A-2 and A-3.

A. Use Groups. Section 17.28.090 defines the twenty-seven commercial "use groups" shown in subsection C of this section. Determination shall be made by the director of planning and the airport manager as to whether a proposed use is a permitted, conditionally permitted, or prohibited use and as to which use group is applicable. Use groups are broken into two major categories:

1. Aviation-Related Zone (zone A-1). Zone A-1 accommodates two types of aviation-related uses: (a) those uses requiring direct access to aircraft operating areas and apron sites, that is, sites immediately adjoining and accessible to aircraft operating areas; and (b) uses, which though not needing a site contiguous to the aircraft operating area, rely upon local air transportation or provide services and facilities required by other aviation-related uses.

2. Non-Aviation Uses (zones A-2 and A-3) are those uses which require neither access to aircraft operating areas, nor are required to provide services to facilities for aviation related uses, and therefore need not occupy sites with access or proximity to aircraft operating areas.

B. Lease Agreements for Apron Front Sites. If it can be demonstrated there are sufficient apron front sites to accommodate the projected five-year demand for such sites; lease of such sites in zone A-1 west of taxiway "A" as shown on the 1998 Airport Layout Plan for the Marina Municipal Airport for uses not requiring direct access to the aircraft operating areas shall be allowed and limited to five years unless extended by the city; and lease of such sites in zone A-1 north and east of taxiway "A" as shown on the 1998 Airport Layout Plan for the Marina Municipal Airport for uses not requiring direct access to the aircraft operating areas may be provided with FAA approval. In these instances, all costs associated with termination of the use or removal of related facilities shall be the sole responsibility of the lessee. One year prior to expiration of the lease the city shall seek leases from qualifying aviation related uses. If the city is unable to lease the site to such uses within six months, it may elect to renew the lease of the current lessee for an additional five years with FAA approval.

C. Table 1—Permitted Uses by Zone.

USE GROUP	**ZONES**		
Aviation Related	**A-1**	**A-2**	**A-3**
Aircraft storage - Type 1	P		
Aircraft storage - Type 2	P		
Fixed base operations	P	P	
Aircraft repair and maintenance	P	C	C
Aircraft sales and leasing	P	P	P
Aviation fuel facilities	P		
Airport terminal facilities	P		
Aviation-related manufacturing/assemblage/research	P	P	P
Air freight operations	P	P	P
Airport serving transportation services	P	P	P
Aviation-based services, supplies, retail	P	P	P
Airport serving public parking	P	P	P
Non-Aviation Related	**A-1**	**A-2**	**A-3**
Restaurants, beverage and other food sales	C	P	P
Convenience consumer sales and services	C	P	P
Gasoline sales	C	C	
General office	C-1**	P	P
Business support services	C	P	P
Construction services	C	C	C
Research and development	C	P	P
Warehousing and distribution	C	P	P
Light-impact manufacturing, assemblage, processing	C	P	P
Commercial recreation		C	C
Automobile rental	P	P	P
Lodging			P
Public parking	C	P	P
Temporary storage	C	C	C
Transportation services	C	C	C

P = Permitted Use C = Conditional Use

General Notes

1. Above-ground storage of large quantities of flammable materials or other hazardous materials is prohibited in the portion of Zone A-1 north of the runway
2. Non-residential development within Zone A-1 north of the runway shall not exceed a density of one hundred fifty persons/acre
3. Uses that may cause a hazard to aircraft in flight, such as electrical interference, high intensity lighting, bird attractions, and activities that may produce smoke, dust or glare are prohibited.

Footnote

**C-1 Only on second floor spaces originally constructed by the army.

(Ord. 2003-06 § 1 (part), 2003: Ord. 2000-10 § 1 (part), 2000)

17.28.030 Building and site standards.

A. General Standards.

1. The applicable standards are set forth in accompanying Table 2 by zone. Standards are specified for building height, allowable floor area ratio (FAR), minimum parcel size, minimum lot width, building setbacks, and common open space to be provided on individual building sites.

2. Floor area ratio (FAR) is the ratio of total floor area of a building or buildings on a parcel to the area of the parcel occupied by the building or buildings. For purposes of these calculations the floor area of any enclosed park is excluded.

3. All front yard setbacks are measured from the adjoining public right-of-way. In the absence of a dedicated public right-of-way, front yard setbacks shall be measured from which ever of the following is closest: (a) the inner face of the adjoining sidewalk; (b) curb of a driveway; (c) other paved surface intended for vehicular movement; or (d) parking area.

4. All other setbacks shall be measured from the property line or in the case of leased parcels from the designated line defining the leasehold.

Table 2
Development Standards

Zone	FAR[1]	Height (ft.)[2]	Minimum Parcel Size (sq. ft.)	Minimum Parcel Width (ft.)	Front Setback (ft)[5]	Side Setback (ft)	Rear Setback (ft)[3]	Common Open Space
A-1 (See Gen. Note)	7	56	5,000 within aviation fence, 15,000 outside fence	100	10	10 or 0[6]	10	na
A-2	.5	56	15,000	120	20[4]	10	10 or 0[7]	6%
A-3	.6	56	40,000	160	20	10	15	6%

General Note

In Zone A-1, no setbacks or minimum parcel widths are required within individual lease parcels inside the aviation operations area inside the aviation fence area

Footnotes

1. Site area for purposes of calculating FAR consists of land included in lease agreement excluding non-contiguous land used solely for parking.
2. Maximum permitted height unless otherwise controlled by more stringent FAA height restrictions. Airport control towers, airport hangars, and other airport related buildings, facilities or appurtenances may be erected to a height in excess of fifty-six feet, subject to first securing a use permit in each case. Also, the maximum height for buildings adjacent to the UC MBEST Center shall be fifty feet to coordinate with heights allowed in the MBEST Center.
3. No setback required for structures that adjoin a taxilane or taxiway and are used for aviation related purposes other than those required by FAA regulations (FAA A/C 150/5300-13).
4. New surface parking may be located within ten feet of adjoining street right-of-way Older surface parking may remain where originally constructed.

5 Applies to all street frontages except those specifically identified as pedestrian-oriented frontages requiring placement of buildings at the front property line
6 The setback will be ten feet except that it can be reduced to zero feet in cases of coordinated development across property lines
7 The setback will be ten feet except that it can be reduced to zero feet for parcels south of Neeson Road

(Ord. 2003-06 § 1 (part), 2003: Ord. 2000-10 § 1 (part), 2000)

17.28.040 Parking, loading, service areas and screening service areas, and screening.

A. General Standards.

1. Unless otherwise specified all parking standards and other requirements contained in Chapter 17.44 of this title shall apply.

2. Required parking may be located within a required front or side yard setback if consistent with other standards and guidelines of the Airport Guidelines.

3. Required parking for aviation related uses shall be calculated as follows:

a. One space for each four private aircraft occupying a hanger space or tie-down space.

b. One space per three hundred fifty square feet of office-type space.

c. One space per one thousand square feet of space devoted to aircraft maintenance activities.

d. One space per five hundred square feet of space used for manufacturing, assemblage, or research activities.

4. Required parking may be located either on the building site or off-site provided that: (a) off-site parking spaces are within seven hundred feet of the site; and (b) use of the off-site spaces is reserved for exclusive use of the site tenants and their visitors, clients, and customers; and (c) the site tenant has entered into a legally binding contract assuring availability of the required space as long as the permitted use is in operation.

5. Loading areas for new buildings shall face the side or rear property line and shall be designed to be an integral part of the building architecture. The rear property line for apron sites shall be the line adjoining the aircraft operating side.

6. Where side loading occurs for new buildings it shall be screened from the street by a wall with a minimum height of eight feet and a maximum height of ten feet for freestanding walls.

7. For buildings within the A-2 district which were in existence on January 1, 2003, loading areas within three hundred feet of the right-of-way of either Imjin or Neeson Roads shall be screened if and as determined necessary by the site and architectural design review board or the appropriate appellate body under Section 17.50.060. Other loading areas for buildings which were in existence on January 1, 2003, are not required to be screened.

8. Minimum dimensions for truck loading areas serving buildings with industrial or research functions shall be twelve feet wide, forty-five feet long, and have fourteen and one-half foot vertical clearance.

9. Loading and service areas shall be designed so that the loading and serving operation occurs within the confines of the building site.

10. All service areas with exterior storage of materials or equipment shall be located at the rear of the building and be totally screened from view by a wall with a minimum height of eight feet or a combination of fencing and dense vegetation of equivalent height forming a visual barrier comparable to a solid wall. The maximum height of a freestanding wall shall be ten feet.

B. Landscape Screening. The recommended method of screening of outdoor storage area, refuse collection facilities, and loading areas is by means of building siting and use of walls architecturally integrated into the overall building architecture. If landscape materials are used for purposes of screening such facilities, landscaping should adhere to the following standards.

1. Areas Requiring Screening. Screening of storage and utility areas is required as follows:

a. Open storage areas, including refuse collection and storage, recycling storage, and loading areas generally involving less activity than service areas, each visible from adjacent properties and not separated by a public right-of-way, shall be enclosed by a screen at least six feet but not more than ten feet in height. Items stored within one hundred feet of a street or adjoining parcel shall not be stacked higher than the required screen. All dumpsters shall be closed with tight-fitting lids to minimize bird attractant hazards.

b. Exterior electrical cage enclosures, cooling, heating, ventilating, other mechanical equipment, and storage tanks shall be screened from view and directed away from adjacent public rights-of-way.

2. Materials. Screens shall include the installation and maintenance of at least one or a combination of the following materials:

a. Dense vegetation;

b. Solid fencing combined with dense vegetation; or

c. Walls.

3. Opacity. When plants are used for screening they shall be:

a. Of a variety that will provide a year-round barrier at the required height;

b. Planted at a spacing and plant size to achieve a minimum seventy-five percent opacity within two years and one hundred percent within five years;

c. Supplemented or replaced with other dense landscaping or a fence or wall if the landscape screen fails to achieve or retain the required opacity. (Ord. 2003-06 § 1 (part), 2003: Ord. 2000-10 § 1 (part), 2000)

17.28.050 Landscaping.

A. General Requirements.

1. Applicable Area. Landscaping is not required on the air side of the airport security fence.

2. Required Plans. Landscape plans are required for all projects and shall provide sufficient detail to enable the city to determine whether the plans comply with this section.

3. Existing Vegetation. Existing oak groves shall be retained and integrated into development sites. Individual trees may be removed or relocated upon granting of a tree removal permit as per Chapter 17.51 of this title to facilitate site development. Use of low retaining walls or walls of adjoining structures to retain vegetated slopes and minimal removal of native vegetation is encouraged. Adjoining newly landscaped area should be planted with compatible native materials to achieve an integrated and unified landscape appearance.

4. Landscaping of Unpaved Areas. All areas which are not paved or on which buildings are not located shall be retained in natural vegetation or landscaped.

5. Erosion Control. During and after construction, areas where grading or vegetation removal has occurred, which are not paved or on which buildings are not located, shall be stabilized to prevent erosion. Stabilization may be achieved by planting ground cover or shrubs or by other means demonstrated by the applicant to be effective means of erosion control.

6. Irrigation. Automatic irrigation shall be provided in all landscaped areas. For those areas landscaped with drought tolerant materials, temporary installations may be used until such time that the plant materials are firmly established.

7. Landscape materials shall be limited to native species or other species well adaptable to local climate and soils. Drought tolerant plant materials not requiring irrigation after being firmly established shall be used for the majority of the landscaped areas.

8. Use of invasive plant species is prohibited and use of exotic species in required front setbacks or other areas highly visible from the public rights-of-ways should be avoided.

9. Except where other direction is provided in the airport guidelines, landscaping shall comply with all other provisions of the city landscape guidelines, including provision for installation of reclaimed water irrigation systems.

10. Soil amendments and possibly other means should be used in all landscaping to make most efficient use of irrigation water and improve the success of initial plantings.

11. Landscaping shall be designed by landscape professionals with experience in local plants, soils, and climatic conditions.

B. Public Safety. All provisions of this section shall meet the public safety requirements set forth below:

1. The height, spread, and growth habits of all plants shall not interfere with or obstruct ease of movement or impede a public right-of-way.

2. Trees located adjacent to a public street shall be pruned such that no branches extend lower than fourteen feet above the curb line.

3. Trees located adjacent to a public sidewalk or path shall be pruned such that no branches extend lower than seven feet above the walk or path.

4. All landscaping and screening, excluding trees, located at the intersection of two public streets shall comply with Chapter 10.70 of this code, Visibility at Intersections.

5. All landscaping located within fifteen feet of the intersection of a driveway and public street shall not exceed a height of three feet.

C. Street Landscaping. Street landscaping provisions encompass the landscaping of areas within the street right-of-way, medians and parkways, and front setbacks of adjoining parcels. Landscaping shall be provided within all street rights-of-way and front setbacks in accordance with the guidelines listed in Table 3 and provisions set forth below. The employment of planting provisions and species listed in this table should be coordinated with the UC MBEST Center for those street segments adjoining the UC MBEST Center.

1. Street Tree Size. At time of installation, street trees shall have a minimum height of eight feet and a minimum caliper of two inches measured six inches above the ground level.

2. Groundcover/Shrub Coverage. Landscape materials used for street medians, parkways and adjoining street front setbacks should maintain a unified, integrated appearance along the entire street frontage. Variations from the prevailing landscape materials should be limited to applications which highlight important site access features such as major entrances to buildings or building complexes and major parking areas. Groundcovers and shrubs should be designed, installed and maintained to achieve one hundred percent coverage within three years of planting.

3. Street Tree Species. Table 3 shows the proposed planting provisions and suggested species of street trees. Plant materials not included in Table 3 may be used if they are similar in shape, rate of growth, and adaptability to local climatic and soil conditions. Species that might attract large flocks of birds during any time of the year are to be avoided.

D. Parking Area Landscaping. Landscaping should be provided along the perimeter of parking areas to spatially distinguish and partially screen parking areas from adjoining streets, buildings, and landscaped areas. The interior of multi-bay parking areas should be landscaped to minimize the visibility of paved surfaces and provide shade and rain protection.

1. Landscape Standard. Parking areas shall be landscaped consistent with the following standards or by other means demonstrated by the applicant that achieve the same visual and functional objectives.

a. Use suggested species shown in Table 3 or species with similar characteristics.

b. Plant trees at a regular spacing of thirty feet or less on center along the perimeter of parking area.

c. Provide a minimum of one tree for each ten non-perimeter parking spaces and plant in a regular pattern as shown in the adjoining diagram. Provide the necessary dimension to accommodate the proposed landscaping, with a minimum four-foot dimension, on all sides of planting boxes.

d. Separate parking spaces at the end of parking bays from adjoining access aisle by landscaped areas with appropriate widths to accommodate the proposed landscaping and a minimum width of four feet, and length equal to the length of adjoining parking spaces. Plant a minimum of two trees per planting area.

E. Useable Landscaped Areas. Where useable outdoor space is required for use and enjoyment of employees, at least one-third of the required area shall have an attractive and durable surface (such as paving, or crushed rock) to permit daily use of the area. Additional provision shall be made for seating within this area.

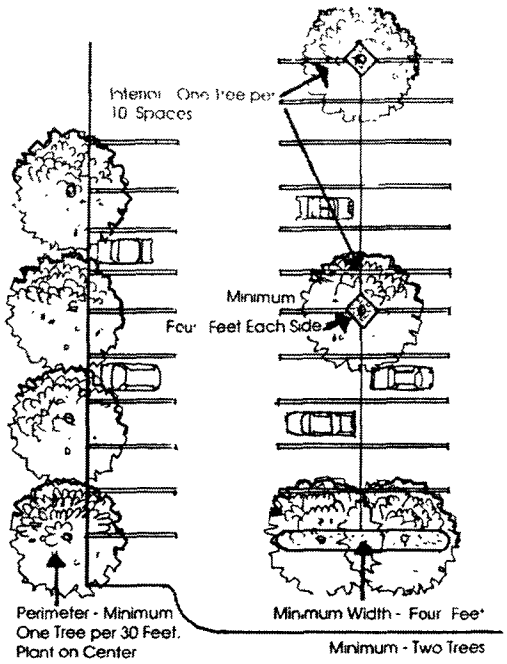
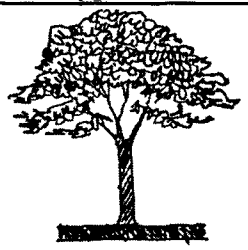
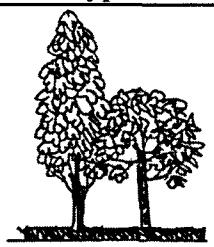
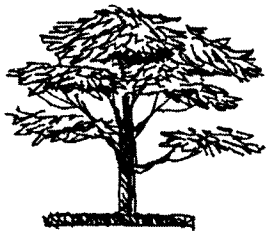
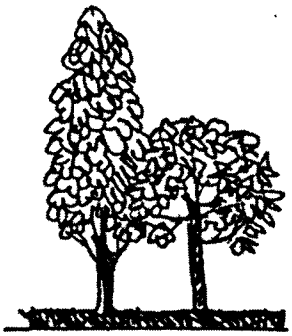
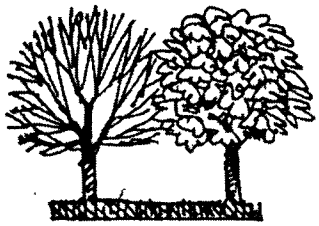
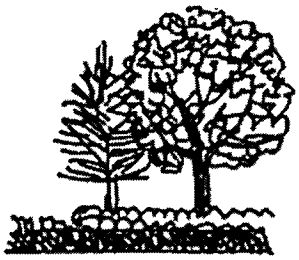


Table 3
Streetscape Guide

Application	Tree Type	Planting Provisions	Suggested Species
Imjin Road Entrance (See Section A & B)	 Round-headed, wide spreading, 30′ – 60′.	Curbside planting strips from 8 to 16 feet width with 20 foot median in southern portion. Plant in informal pattern, mass to form well-defined approach to airport.	Quercuus agriffolla, (California Live Oak), Aesculus california, (California Buckeye), Platanus racemosa. (Western Sycamore), Arbutus marina.

Application	Tree Type	Planting Provisions	Suggested Species
Neeson Road (See Section C & D)	 Tall, columnar + Round Headed, 35′ – 70′.	Curbside planting strip of 6 to 9 feet. Combine tall Columnar and Round-headed species to provide strong definition of southern edge of zones 1 and 2.	Platanus racemosa, (Western Sycamore), Fraxinus oregeona, (Oregon Ash), Lyonothamus floribundus, (Catalina Ironwood).
North Airport Road (See Section L)	 Tall, Spreading, 35′ – 70′.	Curbside planting strips of 7 feet with 14-foot median. Plant in informal, closely spaced pattern to produce windbreak appearance. Augment with similar plantings along adjoining golf course and business park frontage. Tree types should be substituted if needed to ensure root growth will not damage pavement and/or root guards should be installed.	Cupressus macrocarpa, (Monterey Cypress).
Zone 1 – Interior Roads (See Section K)	Round-headed or pyramidal, 25′ – 35′.	4-foot curbside planting. Plant in formal, evenly spaced pattern, 25 to 35 feet on center.	Celtis, (Hackberry), Prunus ilicifolia, (Hollyleaf Cherry). Pyrus Calleryana, (Bradford Pear), Arbutus marina.
Central Quads fronting streets and related street frontage (See Section E)	Round-headed or pyramidal, 25′ – 35′.	4-foot curbside planting strip. Formal placement 25 to 35 feet on center. Train to branch 10′ – 12′ from ground.	Pyrus Calleryana, (Bradford Pear), Arbutus marina.

Application	Tree Type	Planting Provisions	Suggested Species
Interior roads – Zones 3 (See Section H)	Round-headed, fan-shaped deciduous trees.	4-foot curbside planting strip; plant 25′ – 35′ on center. Trim to branch 12′ to 14′ from ground.	Celtis occidentaails, (common Hackberry); Carpenus belulus, (European Hornbeam).
North & Central Entrance Roads from Blanco Road (See Section I & J)	Round-headed pyramidal, 35′ – 50′.	6-foot curb side planting strip each side plus 20 foot median.	Quercus agriffolia, (coastal Live Oak); Platanus racemosa, (Western Sycamore).
South Entrance Road from Blanco (along common boundary with MBEST Center (See Section G)	 Tall, Columnar + Medium, Round-headed, 35′ – 60′.	11-foot curb side planting strip each side plus 22 median. Use tall, columnar trees to define this major entrance. Complement with medium height and flowering trees. (To be coordinated with MBEST).	Prevailing species B Lyonothamus floribundus, (Catalina Ironwood); Platanus raacemosa, (Western Sycamore); Fraxinus oregona, (Oregon Ash).
Off-Street Parking Areas	 Round-headed, broad-leafed evergreen and deciduous trees 25′ – 50′.	Plant at a maximum distance of 40′ on center. Train to form canopy and branch at 12′.	Pyrus calleryana, (Bradford Pear); Umbellularia California, (California Laurel) Arbutus marina.

Application	Tree Type	Planting Provisions	Suggested Species
15 foot or greater front setback	 Grasses and low ground cover plus evergreen and deciduous trees, 15' — 50'.	Plant trees consistent with adjoining parkway, i.e. formal or informal placement.	Use same species as adjoining parkway. Complement with ornamental, flowering species, e.g., Malus floribunda, (Crabapple), Arbutus marina.
10 foot front setback	Lawn or low ground cover, 4" — 18".	Maintain ground cover consistent with adjoining parkway. Maintain consistent ground cover along entire block frontage.	Drought-tolerant, dense ground covers.

(Amended during 2/07 supplement; Ord. 2003-06 § 1 (part), 2003: Ord. 2000-10 § 1 (part), 2000)

17.28.060 Signage.

Where provisions of this section differ from those of Chapter 17.59 of this title, provisions of this chapter shall apply. Signage shall comply with all other provisions of Chapter 17.59.

A. General Standards and Guidelines. The following standards and those within Chapter 17.59 shall not apply to FAA required airport operational signs in the airport operational areas, e.g. near runways, taxilanes and/or ramps. Instead, such signs shall be governed by FAA requirements.

1. Legibility. To ensure legibility, the copy area of a sign shall not exceed thirty percent of the total background area of the sign.

2. Materials. Signs shall be constructed of permanent durable and color-fast materials.

3. Illumination. All illuminated signs shall be designed and illuminated so that no direct light falls on adjacent properties or is directed toward the sky.

4. Public Safety. No sign shall be permitted that, by virtue of the intensity, direction or color of its lighting or the placement of the sign, interferes with the operation of, or causes confusion to operation of aircraft or motor vehicles on adjoining roads.

5. Maintenance. Permanent signs shall be maintained in a safe, attractive, and orderly condition.

6. Removal. Upon termination of the lease of a use or vacation of a facility, signs related to that use or facility shall be removed.

7. Prohibited signs. All signs other than those explicitly permitted in subsection D of this section, Permitted Signs, are prohibited.

8. Design Compatibility. All signs on a given site shall have a consistent, integrated design that employs the same or complementary materials, colors, and type fonts. Signs shall be well coordinated with site landscaping, lighting and building architecture.

9. All signage on the air side of site or structures shall comply with FAA standards.

B. Definitions. Unless otherwise specified the following definitions shall apply to all signs within the Marina Municipal Airport and Airport Business Park.

"Applied letter sign" means a sign consisting of copy only (letters and symbols) with no frame or border in which the copy is either painted or applied directly in the form of cut-outs to the building exterior.

"Awning sign" means a sign integral with an awning.

"Background area of a sign" means the entire background area of a sign upon which copy could be placed." In computing the background area of a sign, only the face seen from any one direction at a time shall be counted.

"Building complex sign" means a sign located on an access road or entrance drive, identifying groups of buildings served by that road or drive.

"Building identification sign" means a sign identifying the name and/or number of an individual building.

"Comprehensive signage program" means a program establishing the design characteristics of a coordinated set of signs for a single project or area.

"Copy area of sign" means the actual area of the sign copy applied to any background. In computing copy area, straight lines drawn closest to the copy extremities encompassing individual letters, words, or symbols shall be used.

"Directional sign" means a sign designed to guide or direct motorist or pedestrian traffic and identifying vehicular and pedestrian ingress and egress, internal circulation, and location and limitations of parking.

"Directory sign" means a sign identifying either the location of individual building in a complex of buildings or the tenants of a specific building.

"Monument sign" means a freestanding sign having either no supporting base or a supporting base with a minimum dimension of at least one-third of the maximum horizontal dimension of the sign and a vertical dimension of less than twenty percent of the maximum height of the sign.

"Sign area" means for applied letter signs, the copy area; for all other signs; the background area.

"Tenant identification sign" means a sign identifying the business occupants of a building or space within a building.

"Wall sign" means a sign affixed in any manner to the exterior wall of a building which does not project more than eight inches from the wall surface and does not extend above the parapet, eaves, or building facade to which it is attached.

"Window sign" means a sign affixed or applied to either the interior or exterior of a glazed surface such that the sign background remains transparent and the sign copy is visible from areas accessible to the public.

C. Comprehensive Signage Program.

1. A comprehensive signage program shall be prepared and submitted in conjunction with each project application involving either a multi-tenant structure or a number of buildings associated as one complex. The program submitted shall address all signs to be used, including but not limited to signs identified in subsection D of this section, Permitted Signs, below. The comprehensive signage program shall conform to all provisions of this section. For all signs, the size, placements, materials, colors, illumination, and other design characteristics not specified in this section shall be determined at time of approval of the comprehensive signage program by the architectural and site design review board. The comprehensive signage program shall contain the following:

a. A site plan and building elevations identifying the location of all signs.

b. Design drawings for each sign or type of sign, specifying the dimensions, materials, type of construction, illumination, size of sign copy, and details necessary to determine the appropriateness of the signage.

2. Once a comprehensive signage program is approved, all signs in that project shall conform to the program.

3. Specific dimensional limitations specified in the following conditions may be waived upon determination by the architectural and site design review board that the submitted sign(s) meet the intent of the standards and guidelines and result in a both a functionally and aesthetically superior design.

D. Permitted Signs.

1. Temporary signs. All temporary signs including real estate, construction and special events signs shall be consistent with the Chapter 17.59 of this title.

2. Directional Signs. Provision and positioning of directional signs is essential to ensure safe vehicular and pedestrian movements. The city shall conduct a careful analysis of vehicular and pedestrian traffic. This analysis shall identify locations at which traffic movement decisions must be made are to be identified and assign appropriate signage provided at these decision points. The directional signs shall conform to the following conditions:

a. Have a height not greater than fifty-four inches nor less than thirty-six inches and width not greater than forty inches;

b. Be illuminated if the on-site facilities will be used during non-daylight hours; and

c. Be consistent in lettering size and font, color, and materials and complimentary to the streetscape, landscaping, and street furniture within the public right-of-way.

3. Building Complex Sign. One monument sign serving as a building complex sign shall be permitted at the entrance or approach to building complexes or other major public facilities and shall conform to the following conditions:

a. The height of the sign shall not exceed sixty-six inches from finished grade;

b. The maximum width of any one vertical surface shall not exceed eight feet;

c. The letters should not be less than eight inches in order to be legible to approaching motorist;

d. Sign copy shall be limited to the name and/or logo of the complex or major facility;

e. Sign should be perpendicular to approaching traffic with clear line-of-sight from approach road, except that a sign may be placed at a forty-five degree angle to the road at limited appropriate locations, such as a four way intersection;

f. Sign copy may be placed on all surfaces of the sign; and

g. Sign may be illuminated, either from the exterior or interior, and the source of illumination concealed from view.

4. Motorists Directory Sign for Building Complex. Sites with two or more buildings may have a monument sign, identifying by name or number buildings, major tenants. Sign shall comply with the following conditions:

a. The height of the sign shall not exceed sixty inches from finished grade;

b. The maximum width of any one vertical surface shall not exceed six feet;

c. Sign copy shall be limited to thirty percent or less of the sign area; and

d. Letter height shall not exceed five inches and copy should be designed to be legible to motorists entering the site.

5. Building Identification and Pedestrian Directory Sign. Each building may have one wall sign and one monument sign, each containing the building name or number and logo, and one monument or wall sign serving as a directory sign shall comply with the following conditions:

a. Wall sign serving as a building identification sign shall not exceed one percent of the surface area of the facade to which it is attached except in Zone A-1, which is governed by subsection (D)(7) of this section;

b. Wall sign serving as a directory sign shall maintain a scale consistent with the building to which it is attached and in no case exceed a total of sign area of ten square feet; and

c. Monument sign serving as building identification sign shall not have height exceeding sixty inches from finished grade or a width greater than sixty inches.

6. Tenant Identification Signs.

a. Each ground-level tenant in a multi-tenant building shall be permitted one wall sign or awning sign consistent with the following conditions:

i. Sign area is not greater than three percent of the area of the first floor portion of the facade occupied by the establishment; and

ii. Sign shall be located at a height no greater than eight feet from finished grade.

b. Additionally, establishments providing retail goods, personal and professional services, or restaurant accommodations to the general public are permitted one window sign with a sign area not greater than eight square feet.

c. An establishment located above the ground floor shall be permitted one identification sign consisting of either a wall sign or awning sign provided that:

i. The sign is located on the first floor portion of the building facade; and

ii. The sign is within ten feet of the street level entrance serving the establishment.

7. Wall Signs in Zone A-1. Applied signs with a sign copy not exceeding fifteen percent of the exterior wall to which the letters or symbols are affixed are permitted in Zone A-1. Sign copy is limited to the building name, building number, logo of the primary tenant or combinations thereof. Such signs are permitted on all exterior surfaces. Use of bold and simple san-serif letters and intense colors are encouraged.

8. Public-Serving Directional Signs. Permanent monument signs at approaches and entrances to the Marina Municipal Airport and Business Park identifying the airport and/or major destinations, areas, and significant tenants and providing supplementary directional information. Such signs shall be permitted in public rights-of-way at locations identified in the directional sign analysis (see subsection (D)(2) of this section) pursuant to the following provisions:

a. Sign copy shall be limited to the words "Marina Municipal Airport" or other title selected by the city to identify the municipal airport and associated business park, a specific logo designed for the airport, and the names of major facilities, areas, or significant tenants.

b. Such sign may be either: (i) a monument sign not exceeding sixty-six inches in height from the finished grade or a width greater than twelve feet or (ii) a pilaster sign with a height not greater than twelve feet and width not greater than thirty percent of the height when viewed from any one direction.

c. Letter height shall be scaled to be legible to approaching motorist taking into account differences in travel speed on the various approach routes.

d. Sign copy shall not exceed thirty percent of sign area to promote legibility.

e. All other public street identification, directional, and traffic control signage shall be consistent with a common design for similar signage throughout the city. Sign lettering font, color, and materials shall be consistent with other directional signage within the airport and business park. (Ord. 2003-06 § 1 (part), 2003: Ord. 2000-10 § 1 (part), 2000)

17.28.070 Utilities.

General standards and guidelines:

A. All new utility connections and services for electricity, gas, telephone, television, and other line carried forms of communication shall be located underground.

B. All related equipment pertaining to the above utilities such as transformers shall be located back of the street sidewalks and provided with landscape or other form of screening. (Ord. 2003-06 § 1 (part), 2003: Ord. 2000-10 § 1 (part), 2000)

17.28.080 Lighting.

General standards:

A. All new exterior lighting within the airport planning area shall be designed so as to create no glare or interference with aircraft in flight. Such lighting shall be constructed and located so that only the intended area is illuminated and off-site glare is fully controlled. The lighting shall be arrayed in such a manner that it cannot be mistaken for airport approach or runway lights by pilots. Project lighting plans shall be approved by the airport manager or his/her designee.

B. Exterior lighting should accomplish a generally subdued and uniform lighting pattern with a minimum potential for glare with combinations of multiple indirect lighting sources as opposed to fewer, more powerful direct lighting sources.

C. Where direct lighting sources cannot be avoided, such as on pole mounted fixtures in parking lots, diffusers shall be incorporated into the design of the fixture and the lighting source as well as the diffuser shall be mounted above or flush with an opaque fixture housing.

D. General site and parking lot lighting should tend towards warmer color spectrum which is typical of incandescent and sodium-vapor lighting sources.

E. Light sources which tend towards more white, daylight, or cooler colors in light spectrum should be limited to locations where a more accurate color rendition is important such as at building entrances and exits (for security reasons), or the lighting of signs, or the lighting of unique or special building or site features.

F. The lighting plan should be considered together with the landscaping plan and the effect of proposed planting, particularly the impact of proposed trees upon the effectiveness of proposed lighting.

G. Landscape plantings and solid fencing at the perimeter of the project site should be incorporated into the design of the lighting plan as an additional means of limiting light related impacts on surrounding property, particularly light-sensitive land uses such as residential areas and native habitat.

H. Street lighting shall be installed pursuant to a set of common design standards approved by the city council. (Ord. 2003-06 § 1 (part), 2003: Ord. 2000-10 § 1 (part), 2000)

17.28.090 Definitions.

A. Use Group Definitions—Aviation Related.

"Air freight operations" means uses engaged primarily in the transportation of goods by air and requiring on-site-enclosed storage facilities and docking and parking facilities accommodations for associated ground transportation vehicles.

"Aircraft repair and maintenance" means uses providing repair and maintenance services of aircraft or aircraft parts. For sites with direct access to aircraft operating areas such uses shall be those requiring direct aircraft access.

"Aircraft sales and leasing" means uses engaged in the sale and/or leasing of aircraft or aircraft parts and equipment.

"Airport ground support safety and operation services" means uses include fire fighting and aeronautical operations and other similar operations required for the safety of airport users and tenants.

"Airport-serving public parking" means parking facilities available for general public with no more than ten percent of the spaces provided reserved for specific airport tenants.

"Airport-serving transportation services" means uses engaged in transportation of persons or goods to or from the Marina Municipal Airport or other regional airports and related facilities such as parking, storage of transport vehicles, and incidental maintenance of such vehicles inside a building. Facilities for the storage or warehousing of goods for transportation are excluded except where incidental to the use.

"Airport terminal facilities" means facilities including offices for administration of airport related activities, lounges for general public and transient users of the airport, distribution of airport related information or providing other similar services to airport users and visitors.

"Aviation-based services" means aviation based services are those which rely on aircraft for services such as aerial photography, flight instruction, aerial ambulance services, aviation retail sales and require apron front sites or close proximity to such sites.

"Aviation fuel facilities" means facilities for the storage, sale of fuel and oil for aircraft use, and the refueling of aircraft.

"Aviation-related manufacturing, assemblage, research" means uses including manufacturing, fabrication, assemblage of aircraft or aircraft parts or components and research and development activities related to the design, manufacturing, or operation of aircraft.

"Aviation storage - type 1" means T-hangers accommodating small aircraft. Typically hanger modules are approximately forty feet by forty-two feet.

"Aviation storage - type 2" means box hanger accommodating small to medium sized private and corporate aircraft. Box hangers need only a taxi lane on one side with hanger modules ranging from sixty feet by sixty feet to one hundred feet by one hundred feet.

"Fixed base operation (FBO, includes comprehensive and limited service)" means a duly licensed commercial aviation business authorized written agreement with the airport owner to provide aeronautical activities at the airport. An FBO can provide aviation services to based and transient aircraft including, but not limited to, aircraft fueling, flight training, sales, air taxi, charter servicing. By definition, an FBO has a "fixed base" of operations, i.e. a hangar or shop on the airport, approved for commercial operations. (Note: Certain FBO's do not require direct aviation access – some office uses for aviation FBO operations can be located in non-aviation land use areas.)

B. Use Group Definitions—Non Aviation Related.

"Automobile rental" means uses consisting of rental of automobiles to private individuals or businesses on a daily or weekly basis and associated maintenance activities and parking. Uses are to be primary provided for the convenience of air travelers using the Marina Municipal Airport or tenants of the Marina Business Park and UC MBEST Center and their clients or visitors.

"Business support services" means uses include the provision, primarily to firms rather than individuals, of services of clerical, employment, protection, or minor processing nature including multi-copy and blueprint service.

"Commercial recreation" means uses including recreational activities conducted indoors or outdoors including athletic clubs, swimming pools, tennis and other court games and performance types of recreation associated with public assemblage such as cinemas and live theaters.

"Construction services" means services typically performed off-premises by construction contractors or any trades involved in building construction or maintenance including plumbing, electrical, painting, roofing, carpentry with on-site-enclosed storage of materials.

"Convenience consumer sales and services" means retail outlets engaged in provision of frequently or reoccurring needed personal items or shops providing services to individuals employed or visiting the Airport and Business Park and immediate environs. Uses includes small grocery, drug, sundries stores, small shops selling food and/or beverages to be consumed off-site and services such as barber and beauty shops, photo processing, and repair of small articles such as shoes, watches, and apparel, and banking and real estate operations. Uses excludes repair of major appliances and business equipment.

"Gasoline sales" means uses primarily engaged in the retail sale of petroleum products with incidental sale of tires, batteries and automotive replacement parts, lubricating services and minor repair services.

"General Office" means facilities accommodating office type operations including administrative services, and professional services such as those by engineers, lawyers, architects, and accountants.

"Light-impact manufacturing, assemblage, processing" means uses such as small-scale light manufacturing, fabrication, processing, assembling, packaging or treatment of specialized goods, custom equipment or components, including, but not limited to custom equipment and machinery, nontoxic computer equipment, scientific instruments, art objects, and handcrafted goods whose operations do not produce noise, vibration, dust, or other emissions which would adversely impact adjoining properties or uses.

"Lodging" means hotel or motels guest rooms and associated services including restaurant and other food services, meeting rooms and conference space, and indoor and outdoor recreation facilities intended primary for use by guests.

"Public parking" means indoor or outdoor parking available to the general public with or without a fee and operated by either a public or commercial entity.

"Research and development" means primary research, development and/or controlled production or testing of high-technology electronic, biological, industrial or scientific products, or processes, which may include information technology.

"Restaurants, beverage and other food sales" means uses including the sale of food and beverages in a ready-to-consume state, provided the foods or beverages are served and consumed within the building or in a designated outdoor dining area on the same site. Uses providing prepared foods primarily for consumption off-site are excluded.

"Temporary storage" means storage of such items as construction equipment, building materials, and vehicles with construction or placement of buildings limited to temporary structures without permanent foundations, and screened consistent with the intent of Section 17.28.040(B).

"Transportation services" means uses engaged in commercial transportation of persons not necessarily associated with the Marina Municipal Airport, and related facilities such as parking, storage of transport vehicles, and incidental maintenance of such vehicles inside a building. Facilities for the storage or warehousing of goods for transportation are excluded except where incidental to the use.

"Warehousing and distribution" means uses including storage and distribution of finished goods, foodstuffs, semi-refined products requiring further processing or fabrication to retailers, wholesalers or manufacturers. Self-storage warehouses rented to individuals are excluded. (Ord. 2003-06 § 1 (part), 2003: Ord. 2000-10 § 1 (part), 2000)

Chapter 17.29

BP OR BUSINESS PARK DISTRICT*

Sections:

17.29.010	**Generally.**
17.29.020	**Permitted uses.**
17.29.030	**Conditional uses.**
17.29.040	**Accessory uses and buildings.**
17.29.050	**Building height.**
17.29.060	**Site area.**
17.29.070	**Lot coverage.**
17.29.080	**Front yard.**
17.29.090	**Side yard.**
17.29.100	**Rear yard.**
17.29.110	**Special regulations.**
17.29.120	**Parking.**

* Prior ordinance history Ords 93-8 and 93-9

17.29.010 Generally.

The regulations in this chapter shall apply in all BP districts and shall be subject to the provisions of Chapter 17.06. (Ord. 95-12 § 1 (part), 1995: zoning ordinance dated 7/94 (part), 1994)

17.29.020 Permitted uses.

Uses permitted in the BP district shall be as follows:

A. Light industry such as the fabrication of ties, shirts, hats, and other articles of clothing or upholstery; household effects such as lamps, rugs, draperies and woven fabrics; shops for the assembling and completion of finished products, such as interior decorating and picture framing; craft shops for the manufacture of art, jewelry, silverware, ceramics, leather goods, toys; cartography; book binding, editorial and designing, printing, lithography; other light industries of similar character;

B. Offices;

C. Research laboratories;

D. Nurseries and greenhouses;

E. Trade schools conducted within an enclosed building;

F. Storage warehouses;

G. Retail and wholesale sales;

H. Additional uses approved by zoning permit following procedures for zoning permit in Chapter 17.26, either when the BP district is combined with the P district and the additional uses are consistent with the approved general development plan for such P district or when the additional uses are consistent with an approved airport land use plan. (Ord. 95-12 § 1 (part), 1995: zoning ordinance dated 7/94 (part), 1994)

17.29.030 Conditional uses.

Uses permitted, subject to first securing a use permit in each case, in the BP districts shall be as follows:

A. Furniture manufacturing, finished paper products from finished paper stock and other light manufacturing of similar character;

B. Public and quasi-public uses and buildings including schools, public utility buildings and uses;

C. Airports, heliports and landing strips for aircraft;

D. Carpentry shops, paint, paperhanging and decorator's shops, plumbing shops, tinsmith shops, and other uses of similar nature; provided, that all activity is conducted within a building;

E. Contract service establishments including contractor's offices with related storage of equipment and vehicles, when conducted within a completely enclosed building;

F. Propane distributorship and sales and service of appliances, and related equipment, provided all equipment is stored within a building or screened by adequate fencing and landscaping;

G. Prototype production including machine shops;

H. Commercial recreation;

I. Additional uses approved by zoning permit with use permit required following procedures for zoning permit in Chapter 17.26, either when the BP district is combined with the P district and the additional uses are consistent with the approved general development plan for such P district, or when the additional uses are consistent with an approved airport land use plan;

J. Additional uses located on city-owned property that are subject to a lease agreement with the city. (Ord. 2006-02 § 2 (Exh. B), 2006: Ord. 95-12 § 1 (part), 1995: zoning ordinance dated 7/94 (part), 1994)

17.29.040 Accessory uses and buildings.

Accessory uses and buildings permitted in the BP district shall be accessory uses and buildings permitted appurtenant to any permitted use. (Ord. 95-12 § 1 (part), 1995: zoning ordinance dated 7/94 (part), 1994)

17.29.050 Building height.

Maximum building height limit in the BP district shall be fifty-six feet, except that airport control towers, airport hangars and other airport-related buildings, facilities or appurtenances may be erected to a height in excess of fifty-six feet, subject to first securing a use permit in each case. Maximum building height limit in the BP district when combined with the P or business park and planned industrial small lot combining district shall be thirty-five feet. (Ord. 2005-05 § 1 (Exh. A), 2005: Ord. 95-12 § 1 (part), 1995: zoning ordinance dated 7/94 (part), 1994)

17.29.060 Site area.

Building site area required in the BP district shall be one acre.
(Zoning ordinance dated 7/94 (part), 1994)

17.29.070 Lot coverage.

Maximum percentage of lot coverage permitted in the BP district shall be forty percent. However, should landscaping plans showing a minimum of fifteen percent of the building site area as landscaped area be submitted for approval of the planning director the maximum percentage of lot coverage permitted in the BP district shall be forty-five percent. (Ord. 96-12 § 1 (part), 1996: Ord. 95-12 § 1 (part), 1995: zoning ordinance dated 7/94 (part), 1994)

17.29.080 Front yard.

Minimum front yard required in the BP district shall be fifty feet.
(Ord. 95-12 § 1 (part), 1995: zoning ordinance dated 7/94 (part), 1994)

17.29.090 Side yard.

Minimum side yard required in the BP district shall be ten percent of average width with a maximum of twenty-five feet. (Ord. 95-12 § 1 (part), 1995: zoning ordinance dated 7/94 (part), 1994)

17.29.100 Rear yard.

Minimum rear yard required in the BP district shall be thirty feet. (Ord. 95-12 § 1 (part), 1995: zoning ordinance dated 7/94 (part), 1994)

17.29.110 Special regulations.

Special regulations in the BP district shall be as follows:

A. All loading and unloading operations shall be provided for on the premises. Off-street parking and loading facilities may be located within required yard and setback areas except for a ten-foot deep landscaping strip adjacent to side and rear property lines and a thirty-foot deep area to be landscaped adjacent to front property lines.

B. Manufacturing and Storage Areas. All manufacturing and fabrication operations shall be conducted within buildings. All equipment and material storage areas shall be screened by solid walls, fences, or by adequate plantings of not less than six feet or more than eight feet in height and no materials or equipment shall be stored to a height greater than such screening, fencing or screen planting. Such fencing and screening shall conform to all yard requirements.

C. Uses shall not produce undue odor, dust, smoke, noise, or other objectionable effects. (Ord. 95-12 § 1 (part), 1995: zoning ordinance dated 7/94 (part), 1994)

17.29.120 Parking.

For parking requirements in the BP districts, see Chapter 17.44. (Ord. 95-12 § 1 (part), 1995: zoning ordinance dated 7/94 (part), 1994)

Chapter 17.30

M OR INDUSTRIAL DISTRICT*

Sections:

17.30.010 Generally.
17.30.020 Permitted uses.
17.30.030 Conditional uses.
17.30.040 Performance standards.
17.30.050 Accessory buildings and uses.
17.30.060 Height limit.
17.30.070 Building site area.
17.30.080 Building site width.
17.30.090 Front yard.
17.30.100 Side yard.
17.30.110 Rear yard.
17.30.120 Parking.
17.30.130 Special regulations and yards.
17.30.140 Landscaping.
17.30.150 Outside storage areas.

* Prior ordinance history: Ords. 83-7 and 83-11.

17.30.010 Generally.

The regulations in this chapter shall apply in all M districts and shall be subject to the provisions of Chapter 17.06. (Zoning ordinance dated 7/94 (part), 1994)

17.30.020 Permitted uses.

Uses permitted in the M districts:

A. Within a completely enclosed building the following uses shall be permitted: animal hospitals, dancing academies or halls, wholesale stores or storage, undertaking establishments, carpenter shops, welding shops, plumbing shops, public utility buildings and uses, manufacturing of clothing, electronic equipment and handicraft products, printing and lithography shops, light industrial and manufacturing uses and other uses of a similar nature producing none of the deleterious or undesirable impacts specified in Section 17.30.040 of this code. (Zoning ordinance dated 7/94 (part), 1994)

17.30.030 Conditional uses.

Uses permitted, subject to obtaining a use permit, in the M districts shall be as follows:

A. All uses specified in Section 17.30.020 of this code that are located outside or partially outside a completely enclosed building.

B. Auto sales, auto repair, contractor's yards, food processing, lumberyards, bottling works, manufacture of cement, electric power, fireworks, fertilizer, glue, gypsum, agricultural uses, public and quasi-public uses and other uses of a similar nature. (Zoning ordinance dated 7/94 (part), 1994)

17.30.040 Performance standards.

The following performance standards shall be applicable to all uses in the M district:

A. Air Pollution. All land uses that may be objectionable by reason of the production or emission of odor, smoke, dust or any other air contaminants shall submit estimates of the maximum quantities and types of each air contaminant which might be emitted under normal and maximum operating conditions on an hourly and daily (twenty-four-hour) basis as part of any application for any entitlement granted by the city. The information required above shall be referred to the Monterey Bay unified air pollution control district (MBUAPCD) for a report on the following matters:

1. Whether the proposed construction, expansion and operation of the facilities would result in an emission of harmful quantities of air contaminants, including but not limited to oxides of sulfur, oxides of nitrogen, hydrocarbons, particulate matter and toxic air pollutants;

2. An estimated quantity of air contaminants that would be emitted and the relation thereof to the air quality of the area;

3. Recommended and required emission limits of air contaminants, provided further, that no action shall be taken upon any application for a period of thirty days after the above mentioned information has been referred to the MBUAPCD; and provided, further that any entitlement for such use shall be granted only where the planning commission, or the city council on appeal, has found that the applicant has proven to the satisfaction of said planning commission, or city council, by plant example, plans, specification, new equipment and technical advances in the particular industry that the applicant's particular use will not be detrimental to surrounding property or to any portion of the city; and provided, further, that said entitlement shall be conditional, and conditions attached thereto shall include a condition that the use of the property pursuant to the entitlement shall not violate any of the regulations of the MBUAPCD; and provided, further, that the entitlement shall contain a condition that the recipient of the entitlement shall not exceed those emission limits which are more stringent than those specified in the Rules and Regulations of the MBUAPCD which are determined by the planning commission or city council to be applicable except under nonrecurring and unusual circumstances.

B. Radioactivity or Electric Disturbances. No activities shall be permitted which emit radioactivity at any point which is dangerous to human beings. Devices which radiate radio-frequency energy shall be so operated as not to cause interference with any activity carried on beyond the boundary line of the property upon which the device is located.

C. Fire and Explosion Hazard. All activities involving, and all storage of, flammable and explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion, and adequate firefighting and fire suppression equipment and devices standard in the industry. Burning of waste materials in open fire is prohibited. The relevant provisions of federal, state and local laws and regulations shall also apply. Where questions arise due to differences in regulations, standards or requirements, the most stringent regulation, standard or requirement shall prevail.

D. Vibration. No vibration shall be permitted so as to cause a noticeable tremor measurable without instruments at the lot line.

E. Glare. No direct or reflected glare, whether produced by floodlights, high temperature processes such as combustion or welding, or other processes so as to be visible from any boundary line of property on which the same is produced shall be permitted. Sky-reflected glare from buildings or portions thereof shall be so controlled by such reasonable means as are practical to the end that said sky-reflected glare will not inconvenience or annoy persons or interfere with the use and enjoyment of property in and about the area where it occurs.

F. Liquid or Solid Waste. Compliance shall be maintained with all applicable laws and regulations concerning the discharge, disposal or storage of wastewater, liquid or solid wastes, including federal, state and local laws and regulations. This shall include, but not be limited to, obtaining a wastewater discharge permit from the

Marina County water district. Where questions arise due to differences in regulations, standards or requirements, the most stringent regulation, standard or requirement shall prevail.

G. Toxic or Corrosive Materials. All activities involving, and all storage of, toxic or corrosive materials shall be provided with adequate safety devices against the hazard of spillage or leakage into the environment, particularly the groundwater supply. Compliance shall be maintained with the relevant provisions of federal, state and local laws and regulations. Where questions arise due to differences in regulations, standards or requirements, the most stringent regulation, standard or requirement shall prevail.

H. Noise.

1. At the lot or property line, the noise generated by any use or operation (other than transportation facilities or temporary construction work) shall not exceed:

a. The noise standard for that land use as specified in Table 17.30.040 for a cumulative period of more than thirty minutes in any hour;

b. The noise standard plus five decibels for a cumulative period of more than five minutes in any hour;

c. The noise standard plus ten decibels for a cumulative period of more than five minutes in any hour;

d. The noise standard plus fifteen decibels for a cumulative period of more than one minute in any hour;

e. The noise standard plus twenty decibels or the maximum measured ambient level, for any period of time.

2. The noise measurements shall be performed using a sound level meter which meets or exceeds the requirements for type S2A meters in American National Standards Institute specifications for sound level meters, S1.4-1971, or the most recent revision thereof.

3. If the measured ambient level differs from that permissible within any of the first four noise limit categories above, the allowable noise exposure standard shall be adjusted in five-decibel increments in each category as appropriate to encompass or reflect said ambient noise level.

4. In the event the ambient noise level exceeds the fifth noise limit category, the maximum allowable noise level under this category shall be increased to reflect the maximum ambient noise level.

5. If possible, the ambient noise level shall be measured at the same location along the property line with the alleged offending noise source inoperative. If for any reason the alleged offending noise source cannot be shut down, the ambient noise must be estimated by performing a measurement in the same general area of the source but at a sufficient distance such that the noise from the source is at least ten decibels below the ambient in order that only the ambient level be measured.

6. In the event the alleged offensive noise contains a steady, audible tone such as whine, screech or hum, or is a repetitive noise such as hammering or riveting, or contains music or speech conveying information content, the standard limits set forth in Table 17.30.040 shall be reduced by five decibels.

Table 17.30.040

EXTERIOR NOISE LIMITS

Levels Not to Be Exceeded More Than Thirty Minutes in Any Hour

Receiving Land Use Category	Time Period	Noise Level (db)
One- and two-family residential	10 p.m. — 7 a.m.	45
	7 a.m. — 10 p.m.	55
Multiple-dwelling residential	10 p.m. — 7 a.m.	50
	7 a.m. — 10 p.m.	55
Limited commercial, some multiple dwellings	10 p.m. — 7 a.m.	55
	7 a.m. — 10 p.m.	60
Commercial	10 p.m. — 7 a.m.	60
	7 a.m. — 10 p.m.	65
Light industrial	Anytime	70
Heavy industrial	Anytime	75

(Zoning ordinance dated 7/94 (part), 1994)

17.30.050 Accessory buildings and uses.

Accessory uses, structures and buildings shall be permitted subject to the terms and requirements contained herein. (Zoning ordinance dated 7/94 (part), 1994)

17.30.060 Height limit.

Maximum permitted height limit shall be thirty-five feet provided, however, that a maximum height limit of seventy-five feet may be permitted subject to obtaining a use permit from the planning commission or the city council on appeal and further provided that such use permit shall not be granted unless the planning commission or city council on appeal shall make special findings, over and above the normally required use permit findings, that adequate fire protection facilities have been designed into the project and that the project site utilization plan is sensitive to contiguous land uses. (Zoning ordinance dated 7/94 (part), 1994)

17.30.070 Building site area.

Minimum building site area required shall be one acre; provided, however that any lawfully created parcel of land in existence prior to January 1, 1983, shall remain a building site notwithstanding the minimum building site area specified herein. (Zoning ordinance dated 7/94 (part), 1994)

17.30.080 Building site width.

Average building site width required in the M districts shall be one hundred fifty feet. (Zoning ordinance dated 7/94 (part), 1994)

17.30.090 Front yard.

Minimum front yard required in the M districts shall be thirty feet which shall be landscaped to the satisfaction of the site and architectural design review board. (Zoning ordinance dated 7/94 (part), 1994)

17.30.100 Side yard.

Minimum side yard required in the M districts shall be ten feet which shall be landscaped to the satisfaction of the site and architectural design review board. (Zoning ordinance dated 7/94 (part), 1994)

17.30.110 Rear yard.

Minimum rear yard required in the M districts shall be twenty feet which shall be landscaped to the satisfaction of the site and architectural design review board. (Zoning ordinance dated 7/94 (part), 1994)

17.30.120 Parking.

For parking requirements in M districts see Chapter 17.44. (Zoning ordinance dated 7/94 (part), 1994)

17.30.130 Special regulations and yards.

A thirty-foot yard shall be provided along any property line adjacent to or abutting any residential zoning district notwithstanding any provisions contained herein. Said thirty-foot yard shall be heavily landscaped, in addition, sound attenuation or deadening devices or structures shall be provided as deemed necessary by the director of planning, the site and architectural design review board, the planning commission or city council. The purpose of this section is to protect residential areas located adjacent to zoning districts from deleterious or objectionable impacts that may be associated with uses which could locate in the M zoning district. (Zoning ordinance dated 7/94 (part), 1994)

17.30.140 Landscaping.

All required landscaping in the M district shall be subject to the following regulations:

A. All landscaped areas shall be accessible for purposes of maintenance to the satisfaction of the site and architectural design review board.

B. All landscaped areas shall be provided with a fully automatic sprinkler system.

C. Landscape plans shall provide for a compatible mix of groundcovers, shrubs and trees. (Zoning ordinance dated 7/94 (part), 1994)

17.30.150 Outside storage areas.

A. Where outside storage of equipment, goods, machinery or materials is permitted, such storage areas shall be screened from view from any adjacent street by a six- to eight-foot masonry, combination wood and masonry, ornamental screen or fence or adequate planting. Nothing in this subsection shall be construed to permit outside storage in any required front, side, rear or special yard.

B. All outside storage areas shall be permanently surfaced with asphalt, concrete or any other comparable materials that meet city standards for permanent surfaces. (Zoning ordinance dated 7/94 (part), 1994)

Chapter 17.31

P OR BUSINESS PARK AND PLANNED INDUSTRIAL SMALL LOT COMBINING DISTRICT*

Sections:

17.31.010 **Establishment of P, or business park and planned industrial small lot combining district.**
17.31.020 **Building site area and general development plan.**
17.31.030 **Lot coverage.**
17.31.040 **Architectural design.**
17.31.050 **Front yard.**
17.31.060 **Interior side yard.**
17.31.070 **Exterior side yard.**
17.31.080 **Rear yard.**
17.31.090 **District boundary buffer.**
17.31.100 **Outside storage areas.**
17.31.110 **Off-street truck maneuvering.**

* Prior ordinance history: Ords. 89-7, 93-2, 93-8 and 93-9.

17.31.010 Establishment of P, or business park and planned industrial small lot combining district.

The P district may be combined with the BP, or business park district, and with the M, or industrial district. When combined with the BP district, the title of the P combining district shall be "P, or business park small lot combining district." When combined with the M, or industrial district, the title of the P combining district shall be "P, or planned industrial small lot combining district." The minimum area for designation as a district shall be eight acres, except that lots containing one and one-half acres or less which existed prior to the enactment of the ordinance creating the P district zoning designation (June 20, 1989) shall also be eligible to be zoned P. No more than half of the acreage within a P district shall be developed with lots of two or more acres. (Ord. 95-8 § 3 (part), 1995: zoning ordinance dated 7/94 (part), 1994)

17.31.020 Building site area and general development plan.

The minimum building site area shall be the same as the underlying district. However, should the P district be combined with the BP district and a general development plan integrating parking, loading, landscaping and/or related facilities is approved for the entire district, the minimum building site area shall be one-half acre. A general development plan shall be approved following the procedures of Chapter 17.50, Site and Architectural Design Review, except that building elevations may not be required. When a general development plan is required for a P district, all design review approvals for developments within the district shall be compatible with an adopted general development plan. (Ord. 95-8 § 3 (part), 1995: zoning ordinance dated 7/94 (part), 1994)

17.31.030 Lot coverage.

Maximum percentage of lot coverage permitted in the P district shall be forty percent. However, should landscaping plans showing a minimum of fifteen percent of the building site area as landscaped area be submitted for approval of the planning director the maximum percentage of lot coverage permitted in the P district shall be forty-five percent. (Ord. 96-12 § 1 (part), 1996: Ord. 95-8 § 3 (part), 1995: zoning ordinance dated 7/94 (part), 1994)

17.31.040 Architectural design.

Prior to the development of any property within a P district, design review approval shall be obtained regarding a conceptual architectural design theme and/or written design guidelines to be applied to eventual site development within the entire district. Site development compliance with an approved theme and/or design guidelines shall be a condition of designation of the district in order to insure architectural compatibility of eventual development projects within the district. Determinations of development architectural compatibility shall be made by the planning commission or city council upon appeal during their project site and architectural design review. All roof-mounted equipment shall be screened from ground view by materials compatible with the architectural treatment of the building. (Ord. 95-8 § 3 (part), 1995: zoning ordinance dated 7/94 (part), 1994)

17.31.050 Front yard.

Minimum front yard setbacks for buildings required in the P district shall be ten percent of the average lot depth with a minimum of fifteen feet required and a maximum of thirty feet required. However, as an alternative to the minimum setbacks for buildings as provided above in this section and as provided in Section 17.31.070, the building setbacks for buildings adjacent to a public street may be established on approved subdivision map recorded in the office of the recorder of the county or by an approved general development plan. Said alternative building setbacks shall show or describe both minimum and maximum building setbacks adjacent to all public streets in accordance with the approved general development plan. Such alternatives shall only be granted to accomplish specific urban design objectives defined by the project proponent and approved by the site and architectural design review board. (Ord. 96-12 § 1 (part), 1996: Ord. 95-8 § 3 (part), 1995: zoning ordinance dated 7/94 (part), 1994)

17.31.060 Interior side yard.

In the P district, side yards which are not adjacent to a public street shall be required to be a minimum of five percent of the average lot width with the smallest acceptable required yard being equal to one-half the height of the adjacent building wall and the largest required yard being twenty feet. All portions of the required yard without driveways, parking or loading areas shall be landscaped to the satisfaction of the design review board. However, in the case of a lot under one acre, one interior side yard or rear yard shall be allowed to have a zero-foot setback. (Ord. 95-8 § 3 (part), 1995: zoning ordinance dated 7/94 (part), 1994)

17.31.070 Exterior side yard.

Minimum exterior side yard setbacks for buildings required in the P district shall be ten percent of the average lot depth with a minimum of fifteen feet required and a maximum of thirty feet required. However, as an alternative to the minimum setbacks for buildings as provided above in this section and as provided in Section 17.31.050, the building setbacks for buildings adjacent to a public street may be established on approved subdivision map recorded in the office of the recorder of the county or by an approved general development plan. Said alternative building setbacks shall show or describe both minimum and maximum

building setbacks adjacent to all public streets in accordance with the approved general development plan. Such alternatives shall only be granted to accomplish specific urban design objectives defined by the project proponent and approved by the site and architectural design review board. (Ord. 96-12 § 1 (part), 1996: Ord. 95-8 § 3 (part), 1995: zoning ordinance dated 7/94 (part), 1994)

17.31.080 Rear yard.

Minimum rear yard required in the P district shall be five percent of the average lot depth with the smallest acceptable required yard being equal to one-half the height of the adjacent building wall and the largest required yard being twenty feet. That portion of the yard which is five or more feet from the lot line may be used for required parking. All portions of the required yard without parking shall be landscaped to the satisfaction of the design review board. (Ord. 95-8 § 3 (part), 1995: zoning ordinance dated 7/94 (part), 1994)

17.31.090 District boundary buffer.

When the district buffer coincides with other yards required in the P district, the provisions of this section shall control except where the district boundary is adjacent to property planned for industrial uses. Minimum distance from the P district boundary to any building within the district shall be twenty feet, all of which shall be landscaped to the satisfaction of the design review board. However, when the district boundary line is adjacent to a railroad right-of-way, only the first four feet adjacent to the right-of-way shall be required to be landscaped. Further, when the approved general development plan orients outdoor parking and truck loading facilities away from the district boundary, the planning commission may reduce the width of the landscaped area within the district boundary buffer to as little as ten feet total width when deemed necessary by the planning commission to accomplish landscape screening to the satisfaction of the design review board. (Ord. 95-8 § 3 (part), 1995: zoning ordinance dated 7/94 (part), 1994)

17.31.100 Outside storage areas.

In addition to the standards for outside storage areas established by Section 17.29.110, or Section 17.30.150 as applicable, proposed outdoor storage shall be permitted only if it is determined through site and architectural design review by the planning commission or city council upon appeal that the location, screening and type of equipment and materials to be stored are such that there will be no significant adverse visual impact on any adjacent property or other property within the P district. (Ord. 95-8 § 3 (part), 1995: zoning ordinance dated 7/94 (part), 1994)

17.31.110 Off-street truck maneuvering.

Parking and loading areas shall be designed so that all maneuvering of trucks in or out of parking and loading spaces shall be conducted on the building site and out of the public right-of-way. (Ord. 95-8 § 3 (part), 1995: zoning ordinance dated 7/94 (part), 1994)

Chapter 17.32

A OR LIMITED AGRICULTURAL USES COMBINING DISTRICT*

Sections:

17.32.010 Generally.
17.32.020 Accessory permitted uses.
17.32.030 Conditional accessory uses.

* Prior ordinance history: Ord. 77-10.

17.32.010 Generally.

The regulations in this chapter shall apply in all districts with which are combined A districts in addition to the regulations hereinbefore specified therefor, and shall be subject to the provisions of Chapter 17.06; provided, however, that if any of the regulations specified in this chapter differ from any of the corresponding regulations specified in this title for any district with which is combined an A district, then in such case, the provisions of this chapter shall govern. (Zoning ordinance dated 7/94 (part), 1994)

17.32.020 Accessory permitted uses.

Additional accessory uses permitted in the A districts shall be as follows:

A. All uses permitted in the respective district with which the A district is combined;

B. Animal husbandry and small livestock farming; provided, that not more than one horse, mule, cow, or steer or similar livestock shall be kept for each twenty thousand square feet of area to a maximum of three such animals on land under one ownership;

C. Crop farming, tree farming and viticulture. (Zoning ordinance dated 7/94 (part), 1994)

17.32.030 Conditional accessory uses.

Additional accessory uses permitted subject to first securing a use permit in each case, in the A districts shall be as follows:

A. Additional animals may be allowed on land area exceeding two acres;

B. Dog and cat kennels;

C. Sales of products produced on the premises;

D. Riding academies;

E. Art galleries. (Zoning ordinance dated 7/94 (part), 1994)

Chapter 17.34

ST OR SPECIAL TREATMENT DISTRICT*

Sections:

17.34.010 Generally.
17.34.020 Permitted uses.
17.34.030 Conditional uses.
17.34.040 Accessory buildings and uses.
17.34.050 Building height.
17.34.060 Site area.
17.34.070 Site width.
17.34.080 Site depth.
17.34.090 Site coverage.
17.34.100 Front yards.
17.34.110 Side yards.
17.34.120 Rear yards.
17.34.130 Parking.

* Prior ordinance history: Ord. 77-10.

17.34.010 Generally.

The regulations in this chapter shall apply in all ST districts and shall be subject to the provisions of Chapter 17.06. (Zoning ordinance dated 7/94 (part), 1994)

17.34.020 Permitted uses.

Uses permitted in the ST district shall be as follows:

A. Agriculture and grazing of cattle, horses or sheep;

B. Single-family residences. (Zoning ordinance dated 7/94 (part), 1994)

17.34.030 Conditional uses.

Uses permitted, subject to securing a use permit in each case, in the ST districts shall be as follows:

A. If the size of a parcel is five acres in one ownership or contiguous properties in individual ownership who have formed a legal corporation for the purpose of development within the special treatment zone, single-family residences and multiple residence to the designated density (e.g., ST max. 4/AC) may be considered for special treatment as demonstrated by a plot plan of the entire plot to be developed. The plot plan shall show:

1. The area to be developed completely dimensioned to a scale which will clearly show size and details of development including roads and parking,
2. Contours as existing and as they will be after development,
3. Other outstanding topography including all trees over six inches in diameter or groves of trees where grouped. Trees which will be removed by proposed development shall be so marked,
4. Location of all proposed buildings with those for immediate construction so designated,
5. Areas reserved for open space shall be defined and boundaries clearly shown,
6. Character, materials, color to show development design,

7. Elevations and perspectives to show relationship of building heights to surrounding topography;

B. Any addition to or development of buildings on parcels of less than five acres, if sold as a portion of a development approved by the planning commission in an ST district;

C. Any addition to or development of buildings on parcels of less than five acres, if ownership is established prior to the effective date of the applicable ST district;

D. Public and quasi-public uses. (Zoning ordinance dated 7/94 (part), 1994)

17.34.040 Accessory buildings and uses.

Accessory buildings and accessory uses permitted in the ST district shall be accessory buildings and accessory uses when appurtenant to any permitted uses on a parcel of five acres or more. (Zoning ordinance dated 7/94 (part), 1994)

17.34.050 Building height.

Maximum building height limit in the ST district shall be none except as shown on approved plan. (Zoning ordinance dated 7/94 (part), 1994)

17.34.060 Site area.

Minimum building site area required in the ST district shall be five acres, except under conditions specified in subsections B and C of Section 17.34.030. (Zoning ordinance dated 7/94 (part), 1994)

17.34.070 Site width.

Average building site width required in the ST district shall be none except as shown on approved plan. (Zoning ordinance dated 7/94 (part), 1994)

17.34.080 Site depth.

Maximum building site depth allowed in the ST district shall be none except as shown on approved plan. (Zoning ordinance dated 7/94 (part), 1994)

17.34.090 Site coverage.

Percentage of building site coverage permitted in the ST district shall be the maximum determined by density designation shown on map for the particular ST district (e.g., ST 2/AC). (Zoning ordinance dated 7/94 (part), 1994)

17.34.100 Front yards.

Minimum front yards required in the ST district shall be none except as shown on approved plan. (Zoning ordinance dated 7/94 (part), 1994)

17.34.110 Side yards.

Minimum side yards required in the ST district shall be none on interior development; ten feet along property line adjoining another ownership. (Zoning ordinance dated 7/94 (part), 1994)

17.34.120 Rear yards.

Minimum rear yards required in the ST district shall be none on interior development; twenty feet along rear property line adjacent to another ownership. (Zoning ordinance dated 7/94 (part), 1994)

17.34.130 Parking.

For parking requirements in ST districts, see Chapter 17.44. (Zoning ordinance dated 7/94 (part), 1994)

Chapter 17.36

S OR INTEGRATED COMBINING DISTRICT*

Sections:

17.36.010 Generally.
17.36.020 Permitted uses.
17.36.030 Conditional uses.

* Prior ordinance history: Ord. 77-10.

17.36.010 Generally.

The regulations in this chapter shall apply in all districts with which are combined S districts, in addition to the regulations hereinbefore specified therefor, and shall be subject to the provisions of Chapter 17.06; provided, however, that if any of the regulations specified in this chapter differ from any of the corresponding regulations specified in this title for any district with which is combined an S district, then in such case, the provisions of this chapter shall govern. (Zoning ordinance dated 7/94 (part), 1994)

17.36.020 Permitted uses.

Uses permitted in the S districts shall be all uses permitted in the respective district with which the S district is combined. (Zoning ordinance dated 7/94 (part), 1994)

17.36.030 Conditional uses.

Uses permitted, subject to first securing a use permit in each case, in the S districts shall be duplexes, multiple dwellings and dwelling groups, if they comply with the following regulations:

A. The foregoing dwelling uses shall provide front, side and rear yards as required in the R-4 districts;

B. Minimum building site area required: one acre;

C. Dwelling density required: as specified on the zoning map designating any such districts. (Zoning ordinance dated 7/94 (part), 1994)

Chapter 17.38

X OR CAMP COMBINING DISTRICT*

Sections:

17.38.010 Generally.
17.38.020 Permitted uses.
17.38.030 Conditional uses.

* Prior ordinance history: Ord. 77-10.

17.38.010 Generally.

The regulations in this chapter shall apply in all districts with which are combined X districts, in addition to the regulations hereinbefore specified therefor, and shall be subject to the provisions of Chapter 17.06; provided, however, that if any of the regulations specified in this chapter differ from any of the corresponding regulations specified in this title for any district with which is combined an X district, then in such case the provisions of this chapter shall govern. (Zoning ordinance dated 7/94 (part), 1994)

17.38.020 Permitted uses.

Uses permitted in the X districts shall be all uses permitted in the respective district with which the X district is combined. (Zoning ordinance dated 7/94 (part), 1994)

17.38.030 Conditional uses.

Uses permitted in the X districts, subject to first securing a use permit in each case, and subject to maintaining the density as specified on the zoning maps designating any such districts, shall be as follows:

A. Campgrounds;
B. Tent camps;
C. Trailer camps;
D. Automobile courts;
E. Trout farms;
F. Other uses which are of the same general character as those above enumerated;
G. Mobile home parks. (Zoning ordinance dated 7/94 (part), 1994)

Chapter 17.40

B OR SITE AND YARD AREA COMBINING DISTRICT*

Sections:

17.40.010 Regulations.

* Prior ordinance history: Ord. 77-10.

17.40.010 Regulations.

The following regulations shall apply in all districts which are combined with B districts and shall be applied in lieu of the building site area required, the front yard required, and side yards required, in the combined district, except that in no case shall yard requirements be less than specified in R-1 districts, and shall be subject to the provisions of Chapter 17.06:

Combining Designation	Building Site Area	Front Yard Depths Required	Side Yard Widths Required	Rear Yard Depths Required
B-1	8,000 sq. ft.	25 feet	10% with maximum of 10 feet	10 feet
B-2	10,000 sq. ft.	25 feet	10% with maximum of 10 feet	10 feet
B-3	20,000 sq. ft.	30 feet	10% with maximum of 15 feet	15 feet
B-4	One acre	30 feet	10% with maximum of 20 feet	20 feet

B-5 As specified on the zoning maps designating any such district, except that in no case shall these regulations be less than those required under the B-4 regulations.

B-6 Building site area as shown on a lot in a minor or standard subdivision which has been approved by the city and said final subdivision map or parcel map resulting from the approved minor subdivision is on record in the office of the recorder of the county of Monterey.

Front yard, side yards and rear yards to be not less than B-4 regulations unless otherwise indicated on the subdivision map or parcel map.

(Zoning ordinance dated 7/94 (part), 1994)

Chapter 17.41

COASTAL ZONING

Sections:

17.41.010	**Introduction.**
17.41.020	**Beach access.**
17.41.030	**Vertical accessways.**
17.41.040	**Vernal pond accessways.**
17.41.050	**Lateral access.**
17.41.060	**Standards for coastal protection structures.**
17.41.070	**Habitat protection.**
17.41.080	**Housing.**
17.41.090	**Administrative procedures for coastal permits.**
17.41.100	**Minimum habitat mitigation/restoration plan requirements.**
17.41.110	**Definitions.**
17.41.120	**General coastal zoning regulations.**
17.41.130	**O or open space district.**
17.41.140	**PF or public facilities district.**
17.41.150	**R-1 or single-family residential district.**
17.41.160	**C-D or coastal conservation and development district.**
17.41.170	**K or agricultural residential district.**
17.41.180	**PC or planned commercial district.**
17.41.190	**SU or Coastal Zone secondary use combining district.**
17.41.200	**C-P or coastal development permit combining district.**
17.41.210	**Parking requirements.**
17.41.220	**Variances.**
17.41.230	**Use permits.**
17.41.240	**Site and architectural design review.**
17.41.250	**Nonconforming uses.**
17.41.260	**Surface mining and reclamation standards.**
17.41.270	**Appeals.**
17.41.280	**Amendments.**
17.41.290	**Signs.**
17.41.300	**Enforcement, legal procedures, penalties.**
17.41.310	**Repealing.**
17.41.320	**Validity.**
17.41.330	**Reference.**
17.41.340	**Enactment.**

17.41.010 Introduction.

As provided by the California Coastal Act of 1976, a local coastal program consists of two major parts: the land use plan, and the implementation measures needed to carry it out. Accordingly, the Marina local coastal implementation plan (LCIP) describes the various measures needed to carry out the Marina local coastal land use

plan (LCLUP). Together, the LCLUP and LCIP comprise the local coastal program (LCP) for the city of Marina. (Ord. 2007-11 § 3 (Exh. A (part)), 2007)

17.41.020 Beach access.

One purpose of the local coastal implementation plan is to identify those measures needed to carry out the access component of the LCP. The California Coastal Act requires that access be provided both to and along the coast. These two kinds of access are:

A. Vertical, perpendicularly from the nearest public road to the sandy beach frontage; and

B. Lateral, along the sandy beach frontage parallel to the water's edge.

C. A third type of access discussed in the Marina local coastal land use plan is vernal pond access. (Ord. 2007-11 § 3 (Exh. A (part)), 2007)

17.41.030 Vertical accessways.

A. There are three vertical access points recommended in the Marina local coastal land use plan; two are located on property owned by the California Department of Parks and Recreation. These two beach accesses now exist at Lake Court and Reservation Road. The plan proposes that they be improved by the State Department of Parks and Recreation. Timing of this improvement is dependent upon available funding. Expectations of the type and level of development at these accessways is outlined in Marina's local coastal land use plan. Since any development on this site by the State Department of Parks and Recreation will require a coastal development permit, issued by the city of Marina, standards and expectations expressed in the plan will be complied with.

B. The third vertical access discussed in the plan is located on private property adjacent to the west side of Dunes Drive. Three privately-owned parcels have frontage on the west side of the existing portion of Dunes Drive. If the road is extended, additional properties will be served and will share the proposed access. The Monterey Sand Company's dragline can obstruct nonpedestrian lateral beach access in the area. The Dunes Drive access is proposed to be the only equestrian beach access in the city; horseback riding is prohibited on the state beach to the south of the dragline. The Dunes Drive beach access needs to be located on the north side of the dragline.

C. The accessway easement should be at least ten feet wide and should extend from Dunes Drive to the mean high water line. Title to the land and improvements within the easement area may be retained by the property owner. Only the access rights need be conveyed to a public agency.

D. The primary access objective in the Dunes Drive area is for one improved access. This access may be provided by cooperation among property owners potentially required to provide access. If no cooperation occurs, at the time of development each property owner must grant an access easement to the city. The city may in turn determine at the time it issues the coastal development permit, which easement or easements should be developed and which retained for future access needs. If a developed access already exists at the time a development proposal is filed, the property owner may pay a fee in lieu of providing an access easement providing the fee is determined by the city to be appropriate. These fees will be deposited into a restricted fund established by the city council to be used for access improvement, maintenance and beach parking.

E. An environmental assessment should precede siting and improvement of a beach accessway in this area. At a minimum, the study should address the possible impacts on rare and endangered plant and animal species, geophysical effects of construction and use, public safety, maintenance and alternative locations within the area, management and mitigation measures.

F. When private property owners are required by the subdivision ordinance and/or local plans to provide developed coastal vertical accessways, it is important that the facilities actually are put in place. To insure construction, the planning department shall make a prefinal field check to verify compliance with accessway conditions of the local coastal development permit. The prefinal inspection should not be approved

conditions of the local coastal development permit. The prefinal inspection should not be approved and utility connection to the proposed development should not be allowed until access structures are in place and easements are recorded or in-lieu fees have been paid to the city. (Ord. 2007-11 § 3 (Exh. A (part)), 2007)

17.41.040 Vernal pond accessways.

A. A unique aspect of Marina's Coastal Zone are the vernal ponds. Most of these seasonal lakes support wetlands which provide wildlife habitat during the migration and breeding season of various species. Two of these ponds are in public ownership and protected by fences against human intrusion. One of the ponds, Number Three, has no marsh. Number Four, west of Dunes Drive, and Number Two, on the north side of Reservation Road, have potential for nature observation facilities. However, before such use should be considered an environmental assessment should be undertaken to determine what level of use, if any, the habitat and pond itself can sustain. Since these vernal ponds are unique in California in their geologic character and proximity to the ocean, use even for nature observation should not be encouraged unless it can be demonstrated that it will not have an unmitigatable adverse effect on the area.

B. Because these areas are defined as wetlands in the California Coastal Act, a one hundred-foot protective setback will be required from the outer edge of the wetlands and any coastal permit issued for development, including walkways for observation, will have to comply with the policies and recommendations laid out in the local coastal land use plan (see conclusions section of the LCLUP and habitats section of the LCIP). These ponds, their wetlands and one hundred-foot setbacks will also be included in the city of Marina's coastal permit appeal zone. Therefore any local decision regarding development within this area will be appealable to the State Coastal Commission. (See Appeals section). (Ord. 2007-11 § 3 (Exh. A (part)), 2007)

17.41.050 Lateral access.

A. Lateral access, or access parallel to the water line on the sandy beach frontage, is presently virtually uninterrupted in Marina. The only obstruction is the Monterey Sand Company's dragline. When it is not operating, a pedestrian can easily step between the cables. As consistent with the Coastal Act, a balance between public access and operation of a coastal dependent use should be planned so that the needs of both are compatible.

B. About one-third of Marina's sandy beach frontage is already in state ownership as a part of Marina state beach. The remaining two-thirds is in a number of private ownerships, several of these are very large.

C. It shall be the city's intent to require that continuous public lateral access shall be maintained along the shoreline. Lateral access easements or dedications should extend inland from the water line to include the inland edge of the sandy beach frontage. The depth and extent of this area may vary along the beach, but it can easily be identified by a qualified professional. Therefore, the depth of these easements shall be determined by the city at the time alternative use or development is proposed for a site. Sand mining companies are currently extracting sand from or across this area. In accordance with the LCLUP all beach front parcels that are used for sand mining may satisfy the requirement for lateral access by the recordation of a deed restriction on the property. The deed restriction shall consist of a covenant executed by the property owner which shall be recorded on the title to the property and shall bind all successors-in-interest and shall run with the land until such time as a use other than sand mining is approved. The deed restrictions shall contain provisions limiting public access to protect the safety of the public and to ensure that use of the property for sand mining is not inhibited, but only to the extent that such limitations are reasonable and necessary for the safe conduct of the sand mining operations. At such time as a use other than sand mining is approved the property owner shall execute and record an irrevocable offer to dedicate a lateral access easement.

D. Lateral access easements may be dedicated to the city or to the state. The coastal commission has established a process whereby such easements can be offered to state agencies. An offer to dedicate to the state

would relieve the city of any potential liability for adjacent property damage as well as placing the operation and maintenance responsibility for this area with the state. (Ord. 2007-11 § 3 (Exh. A (part)), 2007)

17.41.060 Standards for coastal protection structures.

A. Except for a few facilities associated with sand mining, there currently is little capital investment to be threatened by erosion along Marina's shoreline. The face of the dunes is subject to wave erosion, so future development shall be placed beyond the area vulnerable both to wave erosion and tsunami hazard. This setback shall be great enough to protect the economic life of the proposed development (at least fifty years) and be east of the tsunami hazard zone. The exact extent of this setback shall be determined by a qualified geologist, selected from an approved list compiled and maintained by the city. Because of variation from site to site, the setback line shall be determined at the time development of a site or parcel is proposed.

B. Protective structures are not recommended in Marina; however, if they should ever be necessary, standards shall be established to insure that the type of protection, location, design and other factors are considered. In determining if it is suitable to issue a coastal permit for a shoreline structure, the following shall be addressed: (1) alternatives to a protective structure shall be determined and evaluated by appropriate specialists first; and (2) an EIR/EIS shall be required on the proposed structure. The EIR/EIS shall address specific issues of Local Coastal Land Use Plan concern, construction and maintenance. The environmental evaluation and mitigations shall be prepared by qualified specialists and shall address at a minimum the following specific issues and design considerations.

C. Specific Issues.

1. Demonstrate the need for a protective structure, review alternatives and determine why each alternative is unsuitable.

2. Evaluate the impact on sand migration and replenishment, potential changes in erosion rates elsewhere along the coast resulting from the proposed construction, removal of dune vegetation, drainage, etc.

3. Evaluate the impact of the protective structure on beach use (does it block or obstruct the sandy beach, etc.; what will the shoreline look like from land and sea, etc.?)

4. Determine the effect of the structures presence on recreation uses.

5. Determine the effect of the structure on access to and along the beach or shoreline; determine that level of access provided will be consistent with the city's local coastal policies.

6. Determine effects of protective structure on rare and endangered species in the foredune and dune area.

D. Design Considerations.

1. Mitigate identified environmental impacts, particularly with respect to sand migration patterns, additional shoreline and wind erosion problems which might result from the project, and loss of habitat for rare and endangered plant and animal species.

2. Safe public access shall be designed into the protective structure, so that movement along the beach parallel to the water will remain possible at all water levels. If the proposed structure will cross a vertical access corridor identified by the access component of the LCLUP, access from the nearest public road to the shoreline across the protective structure shall also be provided.

3. Surfaces creating an uneven, rugged or textured appearance to break the force of the water should be used as much as feasible.

4. Structures shall be designed to physically and visually blend into the area protected. Consideration shall be given to texture, materials, color, view from and to the sea, etc.

5. Drainage from land to sea shall be evaluated and necessary structural accommodations made.

E. Mitigations for these effects and others identified in the EIR/EIS for each proposed shoreline structure shall be required to be met by the project prior to issuing a coastal permit for construction. (Ord. 2007-11 § 3 (Exh. A (part)), 2007)

17.41.070 Habitat protection.

A. Much of the Marina Coastal Zone either is environmentally sensitive because of the presence of rare and endangered species or has the potential for supporting a rare and endangered species. In Marina, environmentally sensitive habitats include, but are not limited to areas of undisturbed native dune vegetation, vernal ponds and vernal pond wetlands. The potential habitat map in the LCLUP reveals areas where such plant and animal habitats are to be found. The precise limits of such habitats shall be confirmed by professional on-site evaluation at the time development is proposed and before a coastal development permit is issued.

B. In addition to indicating the location of primary habitat areas for rare and endangered plant and animal species (which are to be protected), the evaluation shall address protective measures, such as setbacks, restoration of habitat areas where natural dune landform remains, and limitations to uses in secondary and/or support areas which are necessary to the health of the identified primary habitat area. Because of the variety of plants and animals involved, the secondary or support area will have to be individually identified and specifically protected on a site-by-site or case-by-case basis. For this reason, it is important that the city establish a list of biologists qualified to prepare habitat evaluation reports within the city's Coastal Zone. Developers may then choose specialists from these lists.

C. In the case of wetlands, the biologists will have to determine the extent and landward boundary of the wetland. The biologist will then establish a one hundred-foot setback line from the boundary of the wetland. This entire area, pond, wetland and setback, will be subject to coastal development permit requirements as well as being in the coastal permit appeal zone.

D. In the case of dune habitat areas, the environmental analysis report prepared for this plan identified a number of plant and animal species which are locally or generally rare, endangered, threatened, or are necessary for the survival of an endangered species. The habitats of these species, collectively referred to throughout this plan as "rare and endangered," warrant protection as environmentally sensitive.

E. While future scientific studies may result in addition or deletion of species, the list presently includes:

1. Smith's Blue Butterfly (Shijimiaeoides enoptes smithi);
2. Globose Dune Beetle (Coelus globosus);
3. Black Legless Lizard (Anniella pulchra nigra);
4. Salinas Kangaroo Rat (Dipodomys Heermanni Goldmani);
5. Seaside Painted Cup (Castilleja latifolia ssp. latifolia);
6. Monterey Spine Flower (Chorizanthe pungens var. pungens);
7. Eastwood's Ericameria (Ericameria fasciculata);
8. Coast Wallflower (Erysimum ammophilum);
9. Menzies' Wallflower (Erysimum menziesii);
10. Coastal Dunes Milk Vetch (Astragalus tener var. titi);
11. Dune Gilia (Gilia tenuiflora var. arenaria);
12. Wild Buckwheat (Eriogonum latifolium)*;
13. Wild Buckwheat (Eriogonum parvifolium)*;
14. Bush Lupine (Lupinus ssp.)+.

(Ord. 2007-11 § 3 (Exh. A (part)), 2007)

* only within the range of Smith's Blue Butterfly.
\+ only within the range of the Black Legless Lizard

17.41.080 Housing.

A. Residential uses in the Marina Coastal Zone are limited to the area east of Highway 1, adjacent to the vernal ponds. Residential densities of four to eight dwelling units to the acre are proposed. Since public purchase of all the vernal ponds, their wetlands and their protective setbacks (at least one hundred feet) is unlikely, the LCLUP provides that residential uses in this area be clustered on portions of sites which would least affect the wetlands and would protect other environmentally sensitive or visually significant attributes of the sites, as described in the LCLUP.

1. Clustering would also provide economies of construction which would encourage moderately priced, energy saving housing.

2. The city is currently in the process of approving and submitting to the state its housing element. This element includes a locally recognized fair-share obligation and an action program committing the city to housing programs which will enable them to achieve their regional fair-share obligation.[1]

3. The housing element applies to the entire city. So the action programs requiring dispersal of housing by value, rehabilitation, conservation of lower income housing will apply to the Coastal Zone as well as the rest of the city.

4. Because of the small number anticipated in the Coastal Zone (about one hundred), the overall lower density required to protect environmentally sensitive areas, and the need to dedicate environmentally sensitive areas and support areas, no special housing regulations are necessary beyond those in the city's certified housing element.

B. Condominiums and Stock Cooperatives.

1. There are no existing multiple-family residential structures in the Marina Coastal Zone. Therefore the issue of conversion of lesser cost rentals and possibly substandard units to condominiums and/or stock cooperatives does not presently exist.

2. New construction in R-1 zones as modified by the city's condominium guidelines could include townhouse construction (common wall), zero lot line options and other types of clustering. Condominiums are possible, but they would have to meet the standards of the city's condominium guidelines. Clustering of various types would allow the double advantage of reducing the construction cost per unit and protecting the sensitive environment. No additional regulation appears necessary. (Ord. 2007-11 § 3 (Exh. A (part)), 2007)

[1] The State Housing Element Guidelines require each jurisdiction to have a housing element which distributes the regional low and very low income housing need proportionately to all jurisdictions within the region (fair-share) The guidelines go on to require that each jurisdiction develop a program to achieve construction of their fair-share of the regional need for affordable units within an established time frame Currently, over forty percent of Marina's housing is affordable to low income households and over one-third of the city's population is qualified for this type of housing

17.41.090 Administrative procedures for coastal permits.

One of the primary objectives of local coastal planning is to transfer to each local coastal jurisdiction the responsibility for issuing the coastal development permit. After LCP certification the city of Marina will be authorized to issue these permits (currently issued by the State or Regional Coastal Commission). An important part of this responsibility is integrating coastal development permit application processing with the normal planning procedures of the city in order to reduce, as much as possible, unnecessary delay on development proposals.

A. Overall Planning Procedure. The planning procedure flow chart (Figure 1) indicates the major steps in Marina's processing of planning applications. The major milestones for coastal permits have been added to the chart to indicate where they fit into the existing process and what time frame is anticipated. The intent is to integrate coastal development permit requirements into the existing procedure in order to minimize additional processing time. The major coastal permit milestones in the planning procedure flow chart indicate some of the modifications in the procedure that would be necessary.

1. During the first visit to the planning department the applicant would be advised of the project's relationship with the coastal land use plan and whether or not a coastal development permit is required. (See sections on categorical exclusion) and if the development is located within the coastal permit appeal zone.

2. If a coastal development permit is required[2] the procedure would not take less than thirty days and would be integrated with other review and hearings before the planning commission. (See coastal development permit procedure section and coastal permit appeal procedure)

3. After planning commission approval, the coastal development permit would be issued. (If the action is located within the permit appeal zone and appealed to the State Coastal Commission, the city would not issue the permit until the state has acted on the appeal).

4. It should be noted that the planning procedure flow chart is only a basic graphic depiction of the planning process. These steps are subject to modification pursuant to changes in state and case law and administrative streamlining processes implemented pursuant to any such modifications in state and case law.

B. Coastal Development Permit Procedure. The Coastal Development Permit Procedure Flow Chart (Figure 2) indicates the steps and notification requirements in issuing coastal development permits. On the face of it, the requirements and mechanics of this procedure are similar to many others in the city; however, the details for coastal development permits vary from other permits as follows:

1. Permit-issuing Responsibilities. The planning commission shall be responsible for issuing coastal development permits. When site development is determined by an overall plan, as in the combination of R-1/B-6 or planned commercial development, the coastal development permit shall be considered in conjunction with the other project review obligations of the planning commission.

2. It should be noted that the coastal development permit procedure flow chart is only a basic graphic depiction of the major steps in the coastal planning process. These steps are subject to modification pursuant to changes in state and case law and administrative streamlining processes implemented pursuant to any such modifications in state and case law.

C. Exclusions. Any project or activity categorically excluded by the California Coastal Commission shall be excluded from coastal development permit requirements in Marina. It is irrelevant whether the project or activity categorically excluded is located within the coastal permit appeal zone or not. It is the responsibility of the planning director each quarter to report excluded projects to the State Coastal Commission staff.

D. Time Line on Coastal Permit Application.

1. Ten days prior to a public hearing on any coastal permit, the city shall provide public notice by publication in a newspaper of general circulation and by first class mail. The mailed notice shall be provided to all persons who submit a written request for such notice along with a stamped self-addressed envelope. The mailed notice shall also be provided to the State Coastal Commission, all property owners and tenants within one hundred feet of the project site.[3]

2. Within seven days of the planning commission action on any coastal permit, the city shall provide written notice to the State Coastal Commission and all persons who have submitted written request for such notice along with a stamped self-addressed envelope. The planning commission's decision on any coastal permit may be appealed to the city council within seven days of the planning commission's action.[4]

Ten days prior to any city council appeal hearing on a coastal permit decision the city shall provide notice of such hearing by first class mail to the State Coastal Commission and all persons who have submitted written request for such notice along with a stamped self-addressed envelope. In addition, notice of such hearing shall be published in a newspaper of general circulation at least ten days prior to the hearing.

3. Within five days of any final city council action on an appeal of a coastal permit the city shall notify, by first class mail, the State Coastal Commission and all persons who have submitted a written: request for such notice along with a stamped self-addressed envelope.[5]

4. Within twenty-one days of final city council action on a coastal permit with the appeal zone, resulting in approval of a coastal permit, an appeal of such decision may be filed by an aggrieved party with the State Coastal Commission or an appeal may be filed by the State Coastal Commission. Therefore, within the appeal zone, twenty-one days must lapse from the date of an affirmative local decision on a coastal permit before such action can be deemed final. After this twenty-one day period expires the coastal permit/notice of permit decision may be issued to the applicant.

5. The city of Marina may charge a fee for a coastal permit and appeal of such permit. This fee will be based on administrative costs and will be reviewed periodically by the city council. The fee shall be established in the same manner as other city fees. If the city council determines to charge a fee for a coastal permit appeal it will then become possible to appeal any affirmative planning commission decision on a coastal permit (within the appeal zone) directly to the coastal commission.

E. Eligibility for Coastal Permit Appeal.

1. Any zoning or subdivision action within the Coastal Zone may be appealed to the city council. Only applications for property within the local coastal permit appeal zone may be appealed to the State Coastal Commission. Specific criteria exist in law to define this appeal zone:[6]

a. Location between the sea and first public road paralleling the sea or within three hundred feet of the inland extent of any beach or three hundred feet of the mean high tide line of the sea where there is no beach, whichever is the greater distance;

b. Location on tidelands, submerged lands, public trust lands, within one hundred feet of any wetland, estuary, stream or within three hundred feet of the top of seaward face of any coastal bluff and not included in subsection (E)(1)(a) of this section.

2. Development outside the specifically designated permit appeal zone may be appealed only if:

a. The development constitutes a major public works project or major energy facility.

3. All applicable projects, including major public works projects or major energy facilities may be appealed by an applicant, any two members of the State Coastal Commission or an "aggrieved person." An "aggrieved person" is legally defined in the Public Resources Code, Section 30801. The definition covers:

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

F. Grounds for Appeal.

1. Not only do the coastal commission's local coastal program regulations define the coastal permit appeal zone, they also clearly set out the grounds for appeal of local permit decisions within Area 1 of the coastal permit appeal zone.[7] (Section 00192): Appeals "shall be limited to the following":

a. Development fails to provide adequate physical access or public or private commercial use or interferes with such uses.

b. Development fails to protect public views from any public road or from a recreation area to and along the coast.

c. Development is not compatible with the established physical scale of the area.

d. Development may significantly alter existing landforms.

e. Development does not comply with shoreline erosion and geologic setback requirements.

2. Overriding these grounds for appeal is the consideration of whether or not the development is in conformity with the certified local coastal program.

3. Appeals to the coastal commission must follow at least one local action on the application. If Marina charges a local appeal fee, coastal development permits approved by the planning commission may be appealed directly to the state.

4. Whether an appeal and appellant meet these criteria will be determined by the executive director of the State Coastal Commission during the first two working days after the ten working days required for notification of the decision from the local jurisdiction to the state. After State Coastal Commission action the city will receive a notice of permit decision. If it is affirmative the city will be able to issue a coastal development permit consistent with the findings of the State Coastal Commission on the appeal.

G. Categorical Exclusion.

1. The State Coastal Commission has the authority, on a jurisdiction-by-jurisdiction basis, to exempt certain kinds of development from coastal permit requirements. This action is called a categorical exclusion and must be requested by the jurisdiction. The city may seek a categorical exclusion for categories of existing development or types of actions within its Coastal Zone. In Marina's case, there is little existing development since most of the land is undeveloped or subject to reuse. However, future structures may be subject to coastal permit regulation. Areas categorically excluded are also exempt from the coastal appeal process if located within the coastal permit appeal zone.

2. Although no categorical exclusions are recommended for the initial local coastal program, as areas of the city's Coastal Zone become developed and established, the city may wish to apply to the State Coastal Commission for a categorical exclusion, (for example, to exclude areas zoned and developed R-1). If the state takes such an action, then all properties in the designated area will remain exempt from the requirement of getting a coastal permit until or unless the use of the property is changed.

3. The city may find the categorical exclusion an efficient way to reduce the administrative workload associated with the Coastal Zone and its regulatory process. (Ord. 2007-11 § 3 (Exh. A (part)), 2007)

[2] A coastal development permit will be required of all development located within Marina's Coastal Zone as defined by the State Legislature in 1979, unless, in the future, a type of development or developed areas are categorically excluded by action of the State Coastal Commission at the request of the city

[3] Information required to be included in this notice is outlined in the local coastal program regulations November 18, 1980 and includes statement that the development is within the Coastal Zone, the date of filing of the application and the name of the applicant, a description of the development and its proposed location, the date, time and place at which the application will be heard by the local government body, a brief description of the general procedure of local government concerning the conduct of the hearing and local actions, the system for local and coastal commission appeals, including any local fees required.

[4] Information required to be included in this notice is outlined in the local coastal program regulations November 18, 1980 and includes statement that the development is within the Coastal Zone, the date of filing of the application and the name of the applicant, a description of the development and its proposed location, the date, time and place at which the application will be heard by the local government body, a brief description of the general procedure of local government concerning the conduct of the hearing and local actions, the system for local and coastal commission appeals, including any local fees required

[5] Information required to be included in this notice is outlined in the local coastal program regulations November 18, 1980 and includes statement that the development is within the Coastal Zone, the date of filing of the application and the name of the applicant, a description of the development and its proposed location, the date, time and place at which the application will be heard by the local government body, a brief description of the general procedure of local government concerning the conduct of the hearing and local actions, the system for local and coastal commission appeals, including any local fees required

[6] Section 30603 of the California Coastal Act of 1976

[7] Area 1 is defined in the California Coastal Act Section 30603 as "Location between the sea and first public road paralleling the sea or within three hundred feet of the inland extent of any beach or three hundred feet of the mean high tide line of the sea where there is no beach, whichever is the greater distance."

17.41.100 Minimum habitat mitigation/restoration plan requirements.

All direct and potential impacts to primary and secondary habitats shall be fully mitigated. Appropriate acreage replacement/restoration ratios for any unavoidable direct impacts to habitat areas and buffer areas shall be applied to fully protect identified habitat. Habitat restoration plans shall be prepared and approved prior to issuance of any grading or building permits.

A. Habitat Restoration Plan Requirement.

1. All habitat restoration, enhancement, and/or buffering plans shall be prepared by a qualified biologist and where appropriate, with the assistance of a qualified hydrologist. Plans shall be developed in consultation with the Department of Fish and Game and U.S. Fish and Wildlife Service in cases where these agencies have jurisdiction. The plans and the work encompassed in the plans shall be authorized by a coastal development permit. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the city. No changes to the approved final plans shall occur without a city-approved amendment.

2. The elements of such a plan shall include, at a minimum:

a. A detailed site plan of the entire habitat and buffer area with a topographic base map;

b. A baseline ecological assessment of the habitat buffer area, including but not limited to, assessment of biological, physical, and chemical criteria for the area;

c. The goals, objectives, performance standards, and success criteria for the site, including specific coverage and health standards for any areas to be planted. At a minimum, explicit performance standards for vegetation, hydrology, sedimentation, water quality and wildlife, and a clear schedule and procedure for determining whether they are met shall be provided. Any such performance standards shall include identification of minimum goals for each herbaceous species, by percentage of total plantings and by percentage of total cover when defined success criteria are met; and specification of the number of years active maintenance and monitoring will continue once success criteria are met. All performance standards shall state in quantifiable terms the level and extent of the attributes necessary to reach the goals and objectives. Sustainability of the attributes shall be a part of every standard. Each performance standard shall identify: (1) the attribute to be achieved; (2) the condition of level that defines success; and (3) the period over which success must be sustained. The performance standards must be specific to provide for the assessment of habitat performance over time through the measurement of habitat attributes and functions including, but not limited to, wetland vegetation, hydrology, and wildlife abundance;

d. The final design, installation, and management methods that will be used to ensure the mitigation site achieves the defined goals, objectives and performance standards;

e. Provisions for the full restoration of any impacts that are identifiable as temporary necessary to install the restoration or enhancement elements;

f. Provisions for submittal, within thirty days of completion of initial (and subsequent phases, if any) of restoration work, of "as built" plans demonstrating that the restoration and enhancement has been established in accordance with the approved design and installation methods;

g. Provisions for a detailed monitoring program to include, at a minimum, provisions for assessing the initial biological and ecological status of the site. The assessment shall include an analysis of the attributes that will be monitored pursuant to the program, with a description of the methods for making that evaluation;

h. Provisions to ensure that the site will be promptly remediated if monitoring results indicate that the site does not meet the goals, objectives and performance standards identified in the approved mitigation programs and provisions for such remediation. If the final report indicates that the mitigation project has been unsuccessful, in part, or in whole, based on the approved performance standards, the applicant shall submit a revised or supplemental mitigation program to compensate for those portions of the original program that did not meet the approved performance standards;

i. Provisions for submission of annual reports of monitoring results to the city of the first five years after all restoration and maintenance activities have concluded (including but not limited to watering and weeding, unless weeding is part of an ongoing long-term maintenance plan) and periodic monitoring after that time, beginning the first year after submission of the "as-built" assessment. Each report shall include a "Performance

Evaluation" section where information and results from the monitoring program are used to evaluate the status of the project in relation to the performance standards. (Ord. 2007-11 § 3 (Exh. A (part)), 2007)

17.41.110 Definitions.

A. All words used in the present tense shall include the future tenses; all words in the plural number shall include the singular; and all words in the singular number shall include the plural number, unless the natural construction of the wording indicates otherwise. The word "shall" is mandatory and not directory. The word "city" shall mean city of Marina, the words "city council" shall mean city council of Marina, the words "planning commission" shall mean the planning commission of Marina.

B. For the purpose of this title, certain terms used herein are defined as follows in this chapter.

"Access" means an opening in a fence, wall or structure, or a walkway or driveway permitting pedestrian or vehicular approach to, or within, any structure or use.

"Accessory building" means a subordinate building, the use of which is incidental to that of a main building on the same building site.

"Accessory use" means a use accessory to any permitted use and customarily a part thereof, which use is clearly incidental and secondary to the permitted use and which does not change the character thereof.

"Agriculture" means the art or science of cultivating the ground, including harvesting of crops and rearing and management of livestock; tillage; husbandry; farming; horticulture; and forestry; the science and art of the production of plants and animals useful to man.

"Airport" means a place, either on land or on water, where aircraft may land and take off and where additional space may be provided to discharge or receive cargoes and passengers, make repairs or take in fuel.

"Alley" means a passage or way open to public travel, affording a secondary means of access to abutting lots and not intended for general traffic circulation.

"Apartment" means a room or suite of two or more rooms, which is designated for, intended for, or occupied by one family doing its cooking therein.

"Apartment building" means any structure containing more than two dwelling units.

"Appurtenant sign" means a sign relating only to goods sold or services rendered upon the building site on which said sign is erected or maintained.

"Auto court" means a group of two or more buildings, containing guest rooms or apartments with automobile storage space serving such rooms or apartments provided in connection therewith, which group is designed and used primarily for the accommodation of transient automobile travelers (also includes motels).

"Block" means that property abutting on one side of a street and lying between the two nearest intersecting or intercepting streets and railroad right-of-way, unsubdivided acreage, watercourse or body of water.

"Building" means any structure built entirely of frame or more lasting type of construction, having a roof supported by columns or by walls and intended for the shelter, housing or enclosure of any person, animal or chattel, but not including any tent or trailer.

"Building site" means a parcel of land occupied or intended to be occupied by main buildings and accessory buildings and uses, including such open spaces as are provided or are intended to be used in connection therewith or are required by the regulations for the district wherein such parcel is located.

"Bungalow courts or grouped dwellings" means a combination or group of two or more detached or semidetached dwellings or dwelling units and their accessory buildings occupying an integrally owned building site and used for nontransient living accommodations.

"Campgrounds" means land or premises which is used or intended to be used, let or rented for occupancy by campers traveling by automobile or otherwise, or for occupancy by tents or similar quarters.

"Carport" means an accessible and usable covered parking space not less than nine feet by twenty feet for the storage of automobiles.

"Cattle feed yard" means any premises on which cattle are held or maintained for the purpose of feeding and fattening for market and where sixty percent or more of the feed for such cattle is imported or purchased.

"CEQA" means the California Environmental Quality Act of 1970, setting forth requirements for governmental agencies at all levels to develop standards and procedures necessary to protect environmental quality, and setting forth regulations for environmental impact reports (EIR).

"Club" means all clubs except those, the chief activity of which is a service customarily carried on as a business.

"Coastal appeal zone" means that geographical area between the sea and first public road paralleling the sea or within three hundred feet of the inland extent of any beach or within three hundred feet of the mean high tide lines of the sea where there is no beach, whichever is the greater distance. Furthermore, tidelands; submerged lands; public trust lands within one hundred feet of any wetland, estuary, stream, or within three hundred feet of the top of seaward face of any coastal bluff are also included.

"Coastal development permit" means a permit issued for development within the Coastal Zone as required by this chapter.

"Coastal scenic view corridor" means an area in which development is sited and designed to protect public views to the dunes and to and along the shorelines and, in scenic coastal areas in order to minimize the alteration of landforms so that new development will be visually compatible with the character of the surrounding areas.

"Coastal Zone" means that portion of the city of Marina defined by the California Public Resource Code Sections 30103 and 30160 as being in the Coastal Zone, generally State Highway Route 1, the area west of Highway 1 and portions of the area between Del Monte Boulevard and Highway 1 generally including coastal dunes, vernal ponds and adjacent lands either undeveloped or under cultivation in 1979.

"Commercial hog ranch" means any premises on which hogs are raised or maintained and said hogs are fed by the purchase or import of swill, garbage, vegetables or fruit.

"Contractor's yard" means any land and/or buildings used primarily for the storage of equipment, vehicles, materials or components used in the conduct of any building trades or craft.

"Courts" means an open, unoccupied space, other than a yard, on the same lot with a building or group of buildings and which is bounded on two or more sides by such building or buildings.

"Density" means the ratio of family living units to acreage.

"Development" means, on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredge materials or waste; grading, removing, dredging, mining or extraction of any materials; change in the density or intensity of use of land including subdivision and any other division of land except where division occurs as a result of purchase by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition or alteration of the size of any structure; the removal or harvesting of major vegetation other than for agricultural purposes or kelp harvesting.

"Directional and informational sign" means any sign which is confined to the giving of directions to a community or population center, or which, in addition to such directions, also gives general information as to the services, products or facilities available therein, without, however, naming or otherwise identifying any particular establishment, purveyor of goods or services, or brand or manufacturer of products.

"Disturbed area" means terrain that has been substantially altered by erosion, grading, mining, excavation or other natural or man-made causes to the extent that none or very little of the native vegetation and/or natural landform remains.

"Domestic animal" means animals normally maintained in a home as pets.

"Drive-in business" means any primary or subsidiary business in which business is transacted while the consumer is seated in or on a motor vehicle.

"Drive-in restaurants" means a restaurant where food and beverages are sold and served to customers in motor vehicles and which are regularly and customarily consumed in motor vehicles on the premises.

"Duplex" means a detached building, under one roof, designed for or occupied exclusively by, two families living independently of each other.

"Dwelling group" means a group of two or more detached or semidetached one-family, two-family or multiple-family dwellings occupying a parcel of land in one ownership and having any yard or court in common.

"Family" means one or more persons occupying a premises and living as a single nonprofit housekeeping unit, as distinguished from a group occupying a hotel, club, fraternity or sorority house. A family shall be deemed to include necessary servants.

"Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors as they relate to the area or land under consideration.

"Front yard" means a yard extending across the front of the lot between the side lot lines and to a depth required by the district in which said lot is situated; provided, however, that if any official plan line has been established for the street upon which the lot faces, then such measurement shall be taken from such official plan line to the nearest line of the building.

"Guest house" means a detached living quarters with permanent provisions for sleeping and sanitation, but without kitchens or cooking facilities, clearly subordinate and incidental to the main building on the same building site, and not to be rented, let or leased, whether compensation be direct or indirect.

"Guest room" means a room which is intended, arranged or designed to be occupied or which is occupied by guests, but in which no provision is made for cooking, and not including dormitories for sleeping purposes.

"Height of building" means the vertical distance from natural grade at the average of the highest and lowest points of the building site covered by the building, to the topmost point of the roof.

"Hotel" means establishments offering lodging to transient patrons. These establishments may provide additional services, such as conference and meeting rooms, restaurants, bars, or recreation facilities available to guests or to the general public. This classification includes, auto courts motor lodges, motels, hostels, extended-stay hotels, and tourist courts, but does not include rooming hotels, boarding houses, or residential hotels designed or intended to be used for sleeping for a period of thirty consecutive days or longer. This classification also excludes bed and breakfast facilities and similar accommodations that an occupant of single-family housing provides on the same premises incidental to the primary residential use of the property.

"Junkyard" means the use of more than two hundred square feet of the area of any parcel, lot or contiguous lots, for the storage of junk, including scrap metals or other scrap materials, and/or for the dismantling or wrecking of automobiles or other vehicles or machinery.

"Lateral access beach" means continuous access along the beach parallel to the mean high tide line.

"Local coastal implementation plan (LCIP)" means that report, adopted by the council and certified by the State Coastal Commission, which describes various administrative and legal procedures to be pursued to carry out the local coastal land use plan.

"Local coastal land use plan (LCLUP)" means that report, adopted by the council and certified by the State Coastal Commission, which, in response to the Coastal Act of 1976 contains maps, planning area text, public access component policies and guidelines for land use and public access within Marina's Coastal Zone.

"Local coastal program" consists of the following documents: local coastal land use plan and local coastal implementation plan.

"Main building" means a building in which is conducted the principal use of the building site on which it is situated. In any residential district, any dwelling, except for a detached secondary dwelling unit, shall be deemed to be a main building, or part of a main building, on the building site on which the same is situated.

"Mobile home" means a vehicle designed and equipped for human habitation and for being drawn by a motor vehicle.

"Mobile home park" means a parcel of land under one ownership which has been planned and improved for the placement of mobile homes for nontransient use.

"Multiple dwelling" means a building or portion thereof, used or designed as a residence for three or more families living independently of each other, and doing their own cooking in said building, including apartment houses, apartment hotels and flats, but not including automobile courts.

"Nonconforming building" means a building, structure, or portion thereof, which does not conform to the regulations of this title, for the district in which it is situated and which lawfully existed at the time of the adoption of the ordinance codified in this title.

"Nonconforming use" means a building or land occupied by a use that does not conform to the regulations as to use for the district in which it is situated.

"One ownership" means ownership of property (or possession thereof), under a contract to purchase or under a lease, the term of which is not less than ten years, by a person or persons, firm, corporation or partnership, individually, jointly, in common, or in any other manner whereby such property is under single or unified control. The term "owner" shall be deemed to mean the person, firm, corporation or partnership exercising one ownership as herein defined.

"One-family dwelling" means a detached building designed for, or occupied exclusively by, one family with facilities for living, sleeping, cooking and eating, but containing only one kitchen.

"Outdoor advertising sign" means any sign other than an appurtenant sign, or a directional and informational sign.

"Outdoor advertising structure" means any structure of any kind or character, erected or maintained for outdoor advertising sign purposes.

"Parking space" means an accessible and usable space on the building site at least nine feet by nineteen feet located on site for the parking of automobiles, not including the use of any required front or side yard setbacks.

"Poultry farms" means the raising and/or keeping of more than five hundred chickens, ducks, geese, pigeons, pheasants, peafowl or guinea fowl.

"Practice fairway golf course" means a practice and instructional facility for golf purposes. It shall not include any concessions or commercial sale of merchandise.

"Primary habitat" means and includes all of the environmentally sensitive habitat areas in Marina. These are as follows:

a. Habitat for all identified plant and animal species which are rare, endangered, threatened, or are necessary for the survival of an endangered species. These species will be collectively referred to as "rare and endangered";

b. Vernal ponds and their associated wetland vegetation. The Statewide Interpretive Guideline for Wetlands and Other Wet Environmentally Sensitive Habitat Areas (California Coastal Commission, February 14, 1981) contains technical criteria for establishing the inland boundary of wetland vegetation;

c. All native dune vegetation, where such vegetation is extensive enough to perform the special role of stabilizing Marina's natural sand dune formations;

d. Areas otherwise defined as secondary habitat that have an especially valuable role in an ecosystem for sensitive plant or animal life, as determined by a qualified biologist approved by the city.

"Private garage" means an accessible and usable enclosed covered parking space not less than nine feet by twenty feet for the storage of automobiles.

"Public garage" means any premises, except those herein defined as a private or storage garage, used for the storage and/or repair of motor vehicles or where any such vehicles are equipped for operation or repair, or kept for remuneration, hire, or sale.

"Public street" means a street, road or way, but not an alley, owned by or maintained by a state, county or incorporated city.

"Rare and endangered species" applies to those plant and animal species which are rare, endangered, threatened, or are necessary for the survival of an endangered species. The environmental analysis report prepared for the Marina local coastal program identified such species in the dune habitat areas. While future scientific studies may result in addition or deletion of species, the list presently includes:

a. Smith's Blue Butterfly, Shijimiaeoides enoptes smithi;
b. Globose Dune Beetle, Coelus globosus;
c. Black Legless Lizard, Anneilla pulchra nigra;
d. Salinas Kangaroo Rat, Dipodomys Heermanni Goldmani;
e. Seaside Painted Cup, Castilleja latifolia ssp. latifolia;
f. Monterey Spine Flower, Chorizanthe pungens var. pungens;
g. Eastwood's Ericameria, fasciculata;
h. Coast Wallflower, Erysimum ammophilum;
i. Menzies' Wallflower, Erysimum menziesii;
j. Coastal Dunes Milk Vetch, Astragalus tener var. titi;
k. Dune Gilia, Gilia tenuiflora var. arenaria;
l. Wild Buckwheat, Eriogonum latifolium*;
m. Wild Buckwheat, Eriogonum parvifolium*;
n. Bush Lupine, Lupinus ssp.+.

"Rear yard" means a yard extending across the back of the lot between the side lines and to a depth required by the district in which said lot is situated.

"Refreshment stand" means an establishment or portion thereof, where prepared food and beverages are sold, substantial portions of which are sold on a self-service basis or are sold and served for consumption outside of buildings on the premises.

"Regulation golf course" means a golf course whose minimum total length for nine holes is three thousand yards and for eighteen holes is six thousand yards.

"Resort hotel," as distinguished from an auto court or motel, means a hotel designed primarily for the convenience of transient guests, and with a minimum of ten percent of the total area maintained for landscaping, with accessory recreational components as well as service and/or other associated uses such as a full-service restaurant and meeting rooms, and which may include a vacation club and/or kitchen or kitchenette units not limited to a percentage of total units nor limited to three hundred fifty square feet or less of gross floor area for each such unit.

"Rest home" means the rooming or boarding of any aged or convalescent persons, whether ambulatory or nonambulatory, for which a license is required by a county, state or federal agency.

"Restaurant" means a business devoted to the serving of prepared food to the public where the food is consumed on the premises while the customers are seated.

"Reverse frontage lot" means the first lot to the rear of a corner lot, the front line of which is a continuation of the side line of the corner lot exclusive of the width of any alley, and fronting on the street which intersects or intercepts the street upon which the corner lot fronts.

"Rooming or boarding house" means a dwelling other than a hotel where lodging and/or meals for three or more persons are provided for compensation.

"Secondary habitat" refers to areas adjacent to primary habitat areas within which development must be sited and designed to prevent impacts which would significantly degrade the primary habitat. The secondary habitat area will be presumed to include the following, subject to more precise determination upon individual site investigation:

a. The potential/known localities of rare and endangered plant species as shown on "Disturbed Vegetation" map in the Marina local coastal program;

b. The potential wildlife habitats as shown on "Potential Wildlife Habitats" map in the Marina local coastal program;

c. Any area within one hundred feet of the landward boundary of a wetland primary habitat area.

"Short golf course" means a golf course whose minimum total length is five thousand yards, with some holes over two hundred fifty yards.

"Side yard" means a yard between the sidelines of the lot and to a width required by the district in which said lot is situated; and extending from the front yard to the rear yard.

"Sign" means anything whatsoever placed, erected, constructed, posted, painted, printed, tacked, nailed, glued, stuck, carved, or otherwise fastened, affixed or made visible for out-of-door advertising purpose in any manner whatsoever, on the ground or on any tree, wall, bush, rock, post, fence, building structure, or thing whatsoever. For the purpose of this title, the advertising area of one side of a double-faced sign shall be used in determining the advertising area.

"Small livestock farming" means the raising and/or keeping of not more than twelve chicken hens or twelve pigeons, or twelve similar fowl and/or twelve rabbits, or twelve similar animals, or any roosters, quacking ducks, geese, guinea fowl, peafowl, goats, sheep or similar livestock, or the raising and/or keeping for commercial purposes of any cats or dogs; provided, that the term "small livestock farming" as used in this title shall not include commercial hog farming, dairying, or the raising and/or keeping of horses, mules, or similar livestock as determined by the planning commission.

"Storage garage" means any premises, except those herein defined as a private garage, used exclusively for the storage of motor vehicles.

"Story" means that portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.

"Street line" means the boundary between a street and abutting property.

"Structural alterations" means any change in the supporting members of a building such as bearing walls, columns, beams or girders.

"Structural walls" means any bearing wall of a building.

"Structure" means anything constructed or erected, except fences under six feet in height, the use of which requires location on the ground or attachment to something having location on the ground but not including any trailer, tent or decks less than eighteen inches above the ground.

"Three-par golf course" means a golf course in which the longest hole does not exceed two hundred fifty yards.

"Trailer" means a vehicle designed and used for human habitation and with its wheels in place.

"Trailer camp" means any area or tract of land where space is rented or held out for rent to two or more owners or users of trailers, or where the free use of such space is permitted owners or users of trailers for the purpose of securing their trade.

"Use" means the purpose for which land or premises or a building thereon is designed, arranged or intended, or for which it is, or may be occupied or maintained.

"Vacation club" means a program for marketing transient occupancy for hotel, and/or motel accommodations to the general public through a membership agreement.

"Vertical access beach" means perpendicular access from the nearest public roadway to the sandy beach frontage and/or mean high tide lines.

"Wild animal" means any animal feral in nature, that is, any animal which must be reclaimed and made tame by art, industry or education, or which must be kept in confinement to be brought within the immediate power of the owner; it excludes any animal which has been brought into, or born in, restraint or captivity upon any farm or ranch for the purpose of cultivating or pelting its fur; bees, birds, frogs, fish, and any other animal kept for human consumption.

"Yard" means an open space other than a court on the same building site with a building, which open space is suitable for recreation, landscaping, gardens, or household service activities, such as clothes drying, but not including any portion of any street or alley or road right-of-way. (Ord. 2007-11 § 3 (Exh. A (part)), 2007)

* Only within the range of Smith's Blue Butterfly
+ Only within the range of the Black Legless Lizard

17.41.120 General coastal zoning regulations.

A. Compliance with this Chapter. The regulations specified in this title shall be subject to the general provisions and exceptions of this chapter.

B. Use Regulations.

1. No dancehall, roadhouse, nightclub, commercial club, establishment where alcoholic beverages are served, commercial place of amusement or recreation, including but not limited to an amusement center or arcade, or place where entertainers are provided whether as social companions or otherwise, shall be established in any zoning district in the city unless a use permit is first secured in each case.

2. The following activities shall be permitted in any zoning district:

a. The excavation or removal of materials or trees during the normal construction of buildings, structures or underground facilities;

b. Cutting or removal of trees for the purpose of land clearing for public roads and rights-of-way;

c. The cutting or removal of Christmas trees.

3. Public utility distribution and transmission line towers and poles and underground facilities for distribution of gas, water, telephone, and electricity and telephone booths shall be allowed in all districts, after first obtaining a coastal permit.

4. No accessory building or structure shall be constructed or placed, nor shall any accessory use be conducted on any property in any R district unless and until the main building is constructed or until a coastal permit is first obtained.

5. No trailer or mobile home shall be used in any zoning district for any purpose other than a single-family residence or for residential or agricultural storage purposes unless a coastal permit is first secured in each case.

6. Trailers or mobile homes used as temporary construction offices are allowed without the securing of a use permit. Such use shall be permitted only during the period of construction.

7. Trailers or mobile homes used by public utility companies for temporary emergency equipment or supplies shall be allowed in any district without the securing of a use permit; provided, however, that such use shall not exceed ninety days duration.

8. Licensed residential care homes for aged persons of not more than six people, including any permitted rooming and boarding, may be allowed in any zoning district which allows residential uses.

9. Licensed nursery schools may be permitted in any zoning district upon first securing a coastal permit in each case.

10. Mobile homes and trailers, used as living quarters, not located in mobile home parks or trailer camps shall be allowed only in conjunction with agricultural uses or for the purpose of twenty-four-hour watchman's quarters upon first securing a coastal permit in each case which will be good for a maximum period of one year, after which time permanent living quarters shall be constructed. Existing mobile homes which have been granted use permits, and which do not comply with the provisions of this title, may be allowed to continue for as long as the planning commission may desire upon first securing a coastal permit in each case. The following regulations shall apply in all cases where a coastal permit is granted:

a. Skirting of fireproof material shall be provided around the perimeter of the mobile home or trailer;

b. The face of all cut-and-fill slopes shall be planted with a groundcover approved by the director of planning to protect the slopes against erosion;

c. All cut-and-fill slope landscaped areas shall be continuously maintained by the applicant in a litter-free, weed-free condition, and all plant materials shall be continuously maintained in a healthy, growing condition;

d. The planning commission may require compliance with any other conditions or requirements which it may deem reasonable and necessary to make the mobile home compatible with the surrounding neighborhood.

11. No person, firm or corporation shall hereafter, within the city, use any land or erect, construct or use any building, structure or enclosure for the purpose of maintaining a zoo or zoological garden for the purpose of raising, maintaining, keeping or exhibiting of any wild animal unless and until a coastal permit has been first secured. A coastal permit may be applied for in any district except for R-1, R-2, R-3 and R-4 districts. Such uses must be found consistent with the local coastal land use plan.

12. Water Facilities.

a. Water facilities, including wells and storage tanks, serving less than three domestic users are permitted in any zoning district.

b. Water facilities, including wells and storage tanks, serving three or four domestic users are permitted in any zoning district upon approval by the design review board as to the location, access, landscaping and color of storage tanks. Such uses shall be subject to a coastal permit.

c. Water facilities, including wells and storage tanks, serving five or more domestic users are permitted in any zoning district upon securing a coastal permit in each case.

13. The proposed use shall be consistent with the designation and policies of the general plan and local coastal land use plan.

14. No more than fifteen percent of the units in any motel or auto court may be provided with a kitchen or kitchenette. No unit in any motel or auto court containing a kitchen or kitchenette shall exceed three hundred fifty square feet of gross floor area. Each unit in a motel or auto court containing a kitchen or kitchenette shall be provided with one and one-half on-site parking spaces.

C. Private Stables. The following regulations shall apply in all cases where a use permit has been issued for the maintenance of a private stable:

1. The minimum lot area upon which a horse may be kept is one acre and two horses may be kept on such area. One additional horse may be kept for each twenty thousand square feet by which the parcel of land exceeds one acre;

2. Stables shall be located midway between the side lot lines and in no case closer than twenty feet from the side lines, and not closer than fifty feet to the front lot line. Paddocks shall be located on the rear half of the lot not closer than twenty feet to any property line nor closer than forty feet from any dwelling on the same or adjacent property;

3. Prior to the establishment of any stable, the planning commission will be required to make a finding that such use is consistent with the local coastal program. Stables will also be required to first obtain a coastal permit.

D. Secondary Dwelling Units and Guesthouses. The following regulations shall apply to all guest houses in "K" and "R" districts:

1. Guest House. Detached living quarters of a permanent type of construction, without kitchen or cooking facilities, clearly subordinate and incidental to the main building, on the same building site, and not be rented, lot of leased, whether compensation be direct or indirect.

2. No guest house shall be erected or enlarged and no existing accessory building shall be converted into a guest house without first obtaining a coastal permit in each case.

3. There shall be but one guest house on any one building site. No kitchen or cooking facilities shall be permitted in any such guest house.

4. All guest houses shall be located on the rear half of the building site and shall not be built closer than six feet from the nearest property line, both sides and rear. It shall not be closer than six feet from the nearest point of the main residence.

5. The guest house together with the other accessory buildings shall not exceed thirty percent of the rear yard on which it is built.

6. A guest house shall not exceed a height of sixteen feet.

7. No guest house or any part thereof shall be rented, let or leased separate from the main residence.

E. Mobile Home Parks. The following regulations shall apply in all cases where a use permit has been issued for a mobile home park, except otherwise prescribed by state law:

1. The minimum lot area for a mobile home park shall be five acres.

2. No mobile home park shall have commercial uses other than those used primarily by the residents of the park such as: coin-operated machines for laundry, soft drinks, cigarettes and similar uses on condition that the uses shall be located in the interior of the park.

3. The density of the mobile home park shall be limited to eight homes per acre with the minimum mobile home site to be not less than three thousand square feet.

4. Minimum yard setbacks from adjoining streets and properties shall be as follows: front yard setback, twenty feet; side yard setback, ten feet; and rear yard setback, ten feet, except otherwise prescribed by state law.

5. Landscaping and fences shall be provided and shall be designed to screen the mobile home park from the street and adjoining properties. Landscaping and fencing plans shall be approved by the director of planning.

6. All landscaped areas shall be continuously maintained by the applicant in a litter-free, weed-free condition and all plant material shall be continuously maintained in a healthy, growing condition.

7. No less than ten percent of the total area of the mobile home park shall be developed for recreational purposes.

8. For required parking see Section 17.41.210.

9. All utility distribution facilities, including but not limited to electric, communication and cable television lines installed for the purpose of supplying service within any mobile home park, shall be placed underground, except as follows: equipment appurtenant to underground facilities, such as surface-mounted transformers, pedestal mounted terminal boxes and meter cabinets, and concealed ducts, or such equipment when concealed by shrubbery, landscaping or other screening and approved by the director of planning. The planning commission may waive the requirements of this section if topographical, soil or other physical conditions make underground installation of such facilities unreasonable or impractical.

F. Height.

1. Chimneys, vents, cupolas, spires, and other architectural or mechanical appurtenances may not be erected to a greater height than the limit established for the district in which the building is located without first securing a coastal permit.

2. Towers, poles, water tanks, and similar structures may not be erected to a greater height than the limit established for the district in which they are to be located without first securing a coastal permit in each case.

G. Yards.

1. In any case, where an official plan line has been established as a part of the street and highway master plan, the required yards on the street side shall be measured from such official plan lines and in no case shall the provisions of this title be construed as permitting any structures to extend beyond such building line.

2. Cornices, eaves, canopies, and similar architectural features may extend into any required yard not exceeding two and one-half feet.

3. Uncovered porches, or stairways, fire escapes or landing places may extend into any required front or rear yard not exceeding six feet, and into any required side yard not exceeding three feet.

4. In any R or K district, where fifty percent or more of the building sites on any one block or portion thereof in the same district have been improved with buildings, the required front yard shall be of a depth equal to the average of the front yards of the improved building sites, to a maximum of that specified for the district in which such building site is located.

5. In case a dwelling is to be located so that the front or rear thereof faces any side lot line, such dwelling shall not be less than ten feet from such lot line.

6. In case a building site is less than sixty feet in width, side yards equal to ten percent of the lot width but not less than five feet shall be required, except in C districts.

7. In the case of a corner lot adjacent to a key lot, the required side yard on the street side for any building within twenty-five feet of the side line of the key lot shall be equal to the front yard required on the key lot, and if more than twenty-five feet from such side line, the required side yard shall be fifty percent of the front yard required on the key lot.

8. In case an accessory building is attached to the main building it shall be made structurally a part thereof and shall comply in all respects with the requirements of this title applicable to the main building.

9. Except as otherwise provided in subsections (G)(10) and (G)(11) of this section, detached accessory buildings not for living purposes shall not be located:

a. Within six feet from the main building;

b. Within fifty feet from the front property line;

c. Within six feet from the sidelines of the front one-half of the lot;

d. Within six feet of the sidelines of the front one-half of any adjacent lot;

e. Within one foot of any lot line of the rear one-half of the lot;

f. So as to encroach on any easement or right-of-way of record.

10. Detached accessory buildings used as guest houses or as living or sleeping quarters of any kind shall not be located within six feet from the rear and side property lines.

11. Detached accessory buildings which have access from an alley shall not be located within six feet of the alley.

12. In case of a lot abutting upon two or more streets, the main building and accessory buildings shall not be erected so as to encroach upon the front yard or the exterior side yard required on any of the streets.

13. Notwithstanding any requirements in this section, in cases where the elevation of the front half of the lot at a point fifty feet from the centerline of the traveled roadway is seven feet above or below the grade of the centerline, a private garage attached or detached, may be built to within five feet of the front line of the lot.

14. Nothing contained in the general provisions shall be deemed to reduce special yard requirements as set forth in the regulations for any R or K districts.

15. Structures, except utility poles and utility equipment appurtenant thereto, shall not be located so as to encroach on any utility or road easement or right-of-way.

I. Satellite Dish Antennae. Legislative Finding and Determination. The city council of the city of Marina does find, determine and declare as follows: that the use of satellite dish antennae is increasing throughout the city due to technological advances of such equipment; that although such equipment is large, cumbersome and can be aesthetically unattractive, it appears to be a necessary and desirable accessory use of property within the city; that at the present time the size, location and appearance of such equipment is not adequately addressed in the zoning regulations in effect in the city; that in the absence of regulation, the placement of unattractive equipment in residential and commercial locations would interfere with the use, possession and enjoyment of adjacent property; and that the public peace, health, safety and general welfare require enactment of this chapter to regulate the use of satellite dish antennae rather than prohibit them.

1. Definitions. "Satellite dish antennae" means any antennae or parabolic reflector established to receive transmissions directly from satellites, but does not include antennae established for the purpose of receiving transmissions from ground transmitters.

2. Satellite Antennae Requirements—Residential Districts. In residential districts:

a. The site and architectural design review board shall be the primary reviewing body of applications to install satellite dish antennae. It shall ensure that each application is consistent with the provisions and intent of this chapter prior to approval.

b. Prior to installation of a satellite dish antennae, all appropriate permits shall be obtained from the building division.

c. Satellite dish antennae shall be considered accessory structures, and unless otherwise stated, shall comply with the height, setback and lot coverage requirements for buildings in the zone in which they are to be located.

d. All satellite dish antennae shall be located on the back half of the lot as ground-mounted units only.

3. Satellite Antennae Requirements in All Other Districts.

a. A coastal development permit approved by the planning commission shall be required for all satellite dish antennae.

b. Prior to installation of satellite dish antennae, all appropriate permits must be obtained from the building division.

c. Antennae may be ground-mounted, roof-mounted or aboveground pole-mounted.

d. Roof-mounted and aboveground pole-mounted antennae shall not exceed the height of structures allowed in the district in which they are to be located.

e. Roof-mounted antennae shall be located on a flat portion of the roof with parapets and/or an architecturally matching screening plan.

f. No commercial advertising of any kind shall be allowed on large satellite dish antennae.

4. Development Standards.

a. The planning commission and/or site and architectural design review board may add any conditions to a permit necessary to achieve the compatibility of satellite dish antennae with its neighborhood.

b. All satellite dish antennae located in residential districts shall be located to minimize the visual impact on surrounding properties and from public rights-of-way and adjacent properties by use of screens, fences

and/or landscaping without impeding the efficiency of the dish, to the satisfaction of the city council on appeal, the planning commission or site and architectural design review board.

c. Any readily visible satellite dish antennae shall be painted to blend with its surroundings and shall not be unnecessarily bright, shiny, garish or reflective.

d. Prior to installation of satellite dish antennae, all appropriate permits must be obtained from the building division.

e. All proposals for roof-mounted antennae shall be designed by a registered architect, or civil or structural engineer.

f. The installation of all satellite dish antennae shall be subject to the design of footings, anchorage and fasteners by a California registered architect, civil or structural engineer, to meet the current Uniform Building Code as adopted by the city.

g. The electrical system shall be designed and installed in accordance with the National Electrical Code as adopted by the city.

h. All electrical wiring associated with antennae shall be installed underground.

i. Satellite dish antennae shall be maintained in a safe and aesthetically acceptable condition for the duration of the time it exists on the property.

5. Limitation. Certain parcels of land in the city may not be able to accommodate satellite dish antennae because of unique terrain problems and/or adverse effects on the surrounding neighborhood. In such instances, the site and architectural design review board or the planning commission may withhold approval to construct, install and/or maintain a satellite dish antennae.

6. Existing Antennae.

a. All owners of antennae installed or constructed prior to the effective date of the ordinance codified in this chapter shall apply to the planning commission for a use permit no later than July 1, 1987.

b. Within sixty days after such application, the planning commission shall:

i. Issue a use permit if the antennae conforms to the provisions of this chapter; or

ii. Prior to the issuance of a use permit, require the owner to move the antennae, or to make structural and/or design changes to the antennae so that it conforms to the provisions of this chapter; or

iii. Issue an exemption, if it determines that the antennae is installed or constructed in a safe manner and is in substantial compliance with the provisions and/or intent of this chapter.

c. In granting an exemption, the planning commission may add any conditions necessary to effectuate the purpose and intent of this chapter.

7. Appeals. Any action taken by the site and architectural design review board may be appealed, in writing, to the planning commission within ten days of said action. Any action taken by the planning commission may be appealed, in writing, to the city council within ten days of said action.

J. Vacation Clubs as a Visitor-Serving Use in the Coastal Zone.

1. Any proposal for a vacation club, as defined in Section 17.41.110, shall be considered a visitor-serving use in the Coastal Zone subject to the following findings made by the planning commission at a duly noticed public hearing as part of the development review process and shall not be considered a visitor-serving use in the Coastal Zone without such findings:

a. Membership of the proposed vacation club is sufficiently large to insure to broad opportunity for visitor use;

b. The purchase price and on-going maintenance fees for membership are reasonably affordable;

c. Membership in the club is easy to achieve and is documented in a membership program;

d. The membership is available to the general public; and

e. Permit requirements are established that will insure availability of transient accommodations to the general public who are not members of the club.

The record of proceedings on such a determination will require the applicant to provide sufficient information and program materials to demonstrate that the proposed vacation club use meets the findings noted above. The planning commission's determination shall include a written summary and analysis of this information and written findings of their decision. The planning commission may impose conditions as necessary to effect the purpose and intent of this section. All determinations by the commission are appealable as provided for under this title. (Ord. 2007-11 § 3 (Exh. A (part)), 2007)

17.41.130 O or open space district.

A. Generally. The purpose of the O district is to promote a rural atmosphere in an otherwise urban or semi-urban development, to hold for future generations open space in which trees and plants can grow. The regulations of this chapter shall apply in all O districts.

B. Lands to be Included. All lands designated as park and open space in the local coastal land use plan shall be included in the open space district and all lands designated as open space in the open space element of the Marina general plan may be included in the O district. Such lands may include, but are not limited to the following:

1. Crop and tree farming, grazing of sheep, cattle and goats;
2. Public parks and playgrounds, and public recreation facilities;
3. Private school grounds and church grounds of a predominantly open character;
4. Sandy beaches and beach accesses, sensitive habitat areas and vernal ponds and wetland setback areas;
5. Golf courses and country clubs;
6. Privately and jointly owned open spaces reserved for open space use as a part of planned development;
7. Land which because of geophysical or similar hazard is unsuitable for development;
8. Any other publicly or privately owned open space which in the opinion of the planning commission functions as a part of the open space system of the city and is included in the open space element of the general plan;
9. Open space as a reserve for seismic safety, erosion protection, protection of view or similar appropriate purpose.

C. Permitted Uses. Permitted uses in the O district shall be crop and tree farming and grazing of horses and cattle, sheep and goats.

D. Conditional Uses. Uses permitted subject to first securing a coastal permit:

1. Buildings and structures accessory to any permitted use;
2. Educational and cultural uses including any structures incidental to such uses existing at the time of inclusion in the O district;
3. Uses and buildings normally incidental and accessory to the above principal uses: except in the Coastal Zone, structures shall be permitted only where they are ancillary to public recreational use or necessary to protect existing development or uses;
4. Beach access and, where suitable, beach access parking;
5. Any addition to an existing structure which will increase the coverage of the structure, or any new structure, except minor recreation or horticultural structures, such as playground equipment, trellises, fences and the like;
6. Shoreline erosion protection structures.

E. Reclassification. The procedure for the reclassification of land set forth in Section 17.41.280 shall apply to property in the O districts, subject to the following modifications:

1. Following a public hearing, the planning commission shall determine whether it is in the public's interest of the city to retain the subject property in open space use as against permitting its reclassification to the use applied for and whether the proposed reclassification is consistent with the general plan and all applicable portions of the local coastal land use plan. The decision on this question shall be made by resolution and shall be transmitted to the city council together with a report setting forth reasons for said decision.

2. Following receipt of the recommendation of the planning commission the city council shall hold a public hearing. Following such hearing the council may decide by resolution either to:

a. Seek means to retain the property in question in open space use; or

b. Permit a reclassification of the subject property.

3. Should the council's decision be the first alternative as listed in subsection (E)(2)(a) of this section, all further proceedings for the reclassification of the property shall be halted for a period of not to exceed ninety days from the date of council action, during which time the city council shall actively seek to negotiate arrangements, which may include purchase or other acceptable means to retain the property in open space use. The period set forth herein may be extended by mutual agreement of the council and the applicant for reclassification. If at the end of the ninety days, or such longer period as may be agreed upon, no satisfactory arrangement has been concluded, the matter shall be remanded to the planning commission for consideration of the reclassification applied for. The commission shall thereafter proceed in accordance with the provisions of Section 17.41.280.

4. Should the council's decision be the second alternative as listed in subsection (E)(2)(b) of this section, the matter shall be returned to the planning commission which shall consider the reclassification applied for in accordance with the procedure set forth in Section 17.41.280.

5. In areas not designated in the local coastal land use plan for open space, reclassification of property in the Coastal Zone shall not become effective until an amendment to the local coastal program has been certified by the State Coastal Commission. (Ord. 2007-11 § 3 (Exh. A (part)), 2007)

17.41.140 PF or public facilities district.

A. Uses Permitted. The following uses are permitted in the PF district:

1. None.

B. Conditional Uses. Uses permitted subject to first obtaining a coastal development permit in each case:

1. Public and private schools;
2. Government offices and support facilities including public safety facilities;
3. Utility installations;
4. Public recreation facilities;
5. One single-family residence only as provided for in the Marina local coastal land use plan;
6. Uses which in the opinion of the planning commission are similar to those listed above.

C. Development Regulations. As specified in the coastal permit.

(Ord. 2007-11 § 3 (Exh. A (part)), 2007)

17.41.150 R-1 or single-family residential district.

A. Generally. The regulations in this chapter shall apply in all R-1 districts and shall be subject to the provisions of Section 17.41.120.

B. Permitted Uses. Uses permitted in the R-1 districts shall be as follows:

1. One single-family dwelling per lot, not including tents or trailers;
2. Rooming and boarding of not over two persons;
3. The keeping of not to exceed two cats and/or dogs.

C. Conditional Uses. Uses permitted, subject to first securing a coastal permit in the R-1 districts shall be as follows:

1. Private nurseries and private greenhouses used only for the propagating and cultivating of plants;
2. Tract offices;
3. Country clubs and golf courses with standard lengths fairways, but not permitting miniature golf courses;
4. Servants quarters, without kitchen facilities for servants employed on the premises;
5. Public and quasi-public uses including churches, firehouses, hospitals, parks and playgrounds, schools (public and parochial), or schools accredited to State School System and public utility buildings and uses;
6. Private stables, subject to Section 17.41.120(C) of this chapter;
7. Off-street parking when appurtenant to any permitted use in the district, or when adjacent to any "C" or "M" district.

E. Building Height.

1. Maximum building height limit in the R-1 districts shall be thirty feet for main buildings and sixteen feet for accessory buildings.

F. Site Area. Minimum building site area required in the R-1 districts shall be six thousand square feet, seven thousand square feet for a corner lot, except where combined with any B district.

G. Site Width. Average building site width required in the R-1 districts shall be sixty feet.

H. Site Depth. Maximum building site depth allowed in the R-1 districts shall average not to exceed three times building site width.

I. Site Coverage. Percentage of building site coverage permitted in the R-1 districts shall be thirty-five percent.

J. Front Yard. Minimum front yard required in the R-1 districts shall be twenty feet, except where combined with any B district.

K. Side Yard. Minimum side yards required in the R-1 districts shall be six feet, except where combined with any B district, and except where the side yard abuts a street, in which case such side yard shall be the same as the front yard.

L. Rear Yard. Minimum rear yard required in the R-1 districts shall be twenty feet, except where combined with any B district. (Ord. 2007-11 § 3 (Exh. A (part)), 2007)

17.41.160 C-D or coastal conservation and development district.

A. Generally. The following regulations shall apply in all C-D districts and shall be subject to the provisions of Chapter 17.06.

B. Uses Permitted. None.

C. Conditional Uses. Uses subject to first obtaining a coastal development permit in each case:

1. Coastal research and educational uses; developed public access and other coastally dependent recreation uses; coastal-dependent industrial uses including but not limited to marine agriculture (mariculture), dredge pond, surf zone and offshore sand extraction; in severely disrupted areas and those portions of parcels currently subject to dune mining activity, dune mining; and on parcels combined with the Coastal Zone secondary use combining district or SU districts, visitor-serving uses such as visitor accommodations;

2. Regulations for coastal conservation and development uses shall be specified in the coastal development permit. The permit-issuing body may approve permit applications if the following factors, where relevant are found to apply:

a. There is adequate protection and/or provision of public access from the nearest roadway to the ocean, and uninterrupted lateral access,

b. Development is limited to already disturbed areas,

c. Rare and endangered plant and animal habitats are adequately protected,

d. Grading and roadway construction are the minimum necessary for the development,

e. Views from the State Highway and from the ocean edge are protected,

f. There are sufficient provisions for public safety,

g. All significant adverse environmental effects are either avoided or adequately mitigated,

h. All major and minor subdivisions of land shall provide for sufficient size and configuration to allow for coastally dependent uses or where none are feasible visitor-serving commercial uses consistent with the local coastal land use plan. All parcels must contain sufficient shoreline frontage. (Ord. 2007-11 § 3 (Exh. A (part)), 2007)

17.41.170 K or agricultural residential district.

A. Generally. The following regulations shall apply in all K districts and shall be subject to the provisions of Chapter 17.06.

B. Permitted Uses. Uses permitted in the K districts shall be as follows:

1. One-family dwellings;

2. All agricultural uses including crop and tree farming, livestock farming, and animal husbandry;

3. Rooming and boarding of not over two persons;

4. Accessory buildings and accessory uses including barns, stables, and other farm outbuildings, quarters for farm labor and/or servants employed on the premises.

C. Conditional Uses. Uses permitted in the K districts subject to first securing a coastal development permit in each case:

1. One noncommercial guest house (see Section 17.06.040);

2. Frog farms;

3. Commercial hog and turkey raising;

4. Cattle feed yards;

5. Dairies;

6. Stands for sale of agricultural products grown on the premises;

7. Kennels for dogs or cats;

8. Public or quasi-public uses, including churches, firehouses, parks and playgrounds, schools (public and parochial) and schools accredited to the state school system, public utility uses, and parking lots;

9. Riding academies and public stables;

10. Animal hospitals;

11. Poultry farms;

12. Riding and roping arena operations of a minimum of ten acres;

13. Commercial nurseries, greenhouses and bulb ranches.

D. Building Height. Maximum building height limit in the K districts shall be twenty-five feet.

E. Site Area. Building site area required in the K districts shall be ten thousand square feet, except where combined with any B district.

F. Site Width. Average building site width required in the K districts shall be sixty feet.

G. Site Coverage. Percentage of building site coverage permitted in the K districts shall be thirty-five percent.

H. Front Yard. Minimum front yard required in the K districts shall be twenty feet, except where combined with any B district.

I. Side Yard. Minimum side yard required in the K districts shall be six feet, except where combined with any B district.

J. Rear Yard. Minimum rear yard required in the K districts shall be twenty feet.

K. Special Yards. Accessory buildings used as guest houses or as barns, stables, or farm outbuildings, shall be not less than twenty feet from any side or rear property line and not less than fifty feet from the front property line nor less than twenty feet from any dwelling unit on the property. (Ord. 2007-11 § 3 (Exh. A (part)), 2007)

17.41.180 PC or planned commercial district.

A. Generally. The purpose of the PC district is to design and promote the orderly development of a business area as primarily a retail shopping and employment facility to serve present and future needs of coastal visitors and the residential community, with emphasis on preserving and expanding the characteristics of the area in which the commercial use is proposed. The regulations in this chapter shall apply in all PC districts and shall be subject to the provisions of Section 17.41.120.

B. Planning Commission Approval.

1. Prior to the establishment of any use or the construction of any building in a PC district the planning commission may adopt the proposed plan or any part thereof in such form as deemed advisable.

2. The planning commission shall submit a report of its findings and recommendations with respect to the proposed plan to the city council; the city council may adopt the proposed plan or any part thereof in such form as said council may deem advisable.

3. The adoption of a general development plan does not allow the establishment of any use, but shall be the general guide for the development of the PC district.

C. Permitted Uses.

1. Uses permitted in the PC district, subject to first securing a zoning permit and a coastal development permit in each case, shall include but not be limited to visitor-oriented retail and service uses, and accommodations and public access.

D. Conditional Uses.

1. None.

E. Height. Maximum allowable height in the PC district shall be thirty-five feet unless the structure is located in a coastal view corridor where a lesser maximum may be established in a coastal development permit.

F. Site Coverage.

1. Maximum building site coverage by buildings or structures in the PC district shall be twenty-five or a lesser percentage may be established to comply with the provision of the local coastal program. In the Coastal Zone east of Highway 1 specific building site coverage shall comply with land use plan provisions.

G. Parking. For parking requirements in the PC district, see Section 17.41.210.

H. Landscaping. Landscaping required in the PC district shall be as follows: landscaping plans showing a minimum of ten percent of the gross area of the building site shall be submitted for approval of the planning director.

I. Zoning Permit—Application—Fee. Application fees for a zoning permit in the PC district shall be as follows:

1. An application for a zoning permit in a PC district shall be submitted to the planning commission accompanied by drawings showing the size and dimensions of the property of the applicant; the location and dimensions of proposed buildings and signs; distances to front, side and rear property lines from the buildings; elevations of the buildings, proposed parking layout and location, landscaping plans, and the location of buildings on adjacent property, within one hundred feet of the property of the applicant.

2. The fee for a zoning permit shall be established by resolution of the city council from time to time hereinafter enacted.

J. Zoning Permit—Planning Commission Action.

1. The planning commission shall consider such application to determine its conformity to the general development plan adopted for the PC district in which the applicant's property is located. The planning commission may require such changes in the proposed use and plans of proposed buildings, structures and other improvements as they may deem necessary to insure conformity to the general development plan and to secure the purposes of this section. The planning commission shall find that the application conforms to the local coastal land use plan.

2. The planning commission may designate such conditions in the zoning permit as they deem necessary to secure the purposes of this section. Such conditions may include, but are not limited to, architectural and site approval, time limitations, street dedications, and street and drainage improvement. The planning commission may require such bonds and other guarantees as deemed necessary to insure compliance with conditions of the zoning permit.

K. Zoning Permit—Appeal.

1. An appeal may be taken by the applicant to the city council from the decision of the planning commission. The appeal shall be in writing and must be filed with the city clerk within ten days after written notice of the decision has been mailed to the applicant. The appeal shall set forth the grounds for the appeal and shall describe any asserted error or abuse of discretion.

2. Upon receipt of the notice of appeal, the city council shall set a date for public hearing thereon. After the hearing, the city council may reverse, affirm or may modify, in whole or in part, the decision appealed from. Within the Coastal Zone, coastal permit approvals may also be appealed to the State Coastal Commission.

L. Zoning Permit—Revocation.

1. Where the conditions of the granting of a zoning permit have not been or are not being complied with, the planning commission may, following a hearing thereon, revoke or modify such zoning permit. Ten days written notice of such hearing shall be given to the permittee prior to the hearing.

2. Appeals from such revocation or modification may be taken in the same manner as provided in subsection K of this section.

M. Zoning Permit—Effect.

1. No building permit shall be issued, nor any use conducted, other than in accordance with the conditions and terms of the zoning permit granted or after granting of such zoning permit by the city council in the event of appeal.

2. All zoning permits issued by the planning commission shall be valid until the date of expiration stated on the permit. If no date of expiration is stated, unless otherwise specified by the planning commission all such permits shall expire one year from the date of granting said permit unless construction on, or use of, the subject property, pursuant to the zoning permit, has started within this period. (Ord. 2007-11 § 3 (Exh. A (part)), 2007)

17.41.190 SU or Coastal Zone secondary use combining district.

A. Generally. The following regulations shall apply in all districts which are combined with the SU combining district. At such time as it has been determined by the planning commission, after considering the evidence submitted, that the continuation, establishment or re-establishment of coastally dependent use is not feasible (as defined under Section 17.41.110) on any such property combined with the SU district, the following regulations shall become effective and be in full force and effect:

1. Any and all such regulations specified in this code under the PC planned commercial zoning district regulations shall govern the use of property combined with the SU district.

2. The interpretation of the PC regulations as they pertain to the use of property combined with the SU district shall be liberally interpreted to carry out the spirit and intent of the Marina local coastal program.

3. In the event that an applicant makes an initial showing (at a noticed public hearing before the planning commission), based on substantial evidence, that coastal-dependent uses are not feasible; and in the event that the planning commission affirms this finding, any opponent or any interested party to such application must then demonstrate, by substantial evidence by the next regularly scheduled planning commission meeting that there is a feasible coastal-dependent use for the specific parcel taking into account such factors as the fair market value of the land, its size, location, shape and public access requirements. The planning commission at said next regularly scheduled planning commission meeting or any continuation thereof shall make a final determination, based on substantial evidence, as to the feasibility of coastal-dependent uses. The planning commission's determination may be appealed to the city council, in writing, within five days of said final determination. (Ord. 2007-11 § 3 (Exh. A (part)), 2007)

17.41.200 C-P or coastal development permit combining district.

A. Generally.

1. The coastal development permit district is an overlay district to be combined with the districts designated in this chapter. In case of conflict between the coastal permit district and the underlying district with which it is combined, the coastal permit district regulations shall prevail.

2. The coastal development permit district regulations shall be applied to the area within Marina's Designated Coastal Zone except those areas and classes of development categorically excluded by actions of the California Coastal Commission.

3. The purpose of the coastal development permit is to allow proper consideration of the local coastal land use and implementation plans in order to implement said plans by achieving consistency between the plans and developments within the C-P district.

B. Uses Permitted. None.

C. Conditional Uses. Uses permitted subject to first securing a coastal development permit in each case: any uses on private land or land held by the city, other municipality or public agency, or on state lands other than tidelands, which are permitted or conditional uses in the zoning district with which the C-P district is combined and which are consistent with the Marina general plan and local coastal land use plan and coastal zoning ordinance are conditional uses in the C-P district. Conditional uses may be authorized by planning commission approval of a coastal development permit.

D. Development Regulations. Development regulations for the C-P district shall be as specified in the district with which the C-P district is combined, with whatever additional regulations the planning commission may add as conditions of the coastal development permit in order for the application to be consistent with the local coastal land use and implementation plans. If necessary or desirable in order to achieve consistency with the LCLUP, the underlying district regulations, such as setbacks, may be modified.

E. Coastal Development Permits.

1. Issuance, Hearing.

a. Coastal development permits may be issued as provided in this section for any of the uses or purposes for which such permits are required or permitted by this title upon conditions designated by the planning commission.

b. The planning commission may impose such conditions as it deems necessary to secure the purpose of this title and may impose such requirements and conditions with respect to location, construction, maintenance and operation, site planning, traffic control and time limits for the coastal development permit as it deems necessary for the protection of adjacent properties, the public interest and the implementation of the LCLUP and coastal zoning ordinance. The commission may require tangible guarantees or evidence that such conditions are being, or will be, complied with.

c. A public hearing shall be held on each application for a coastal development permit; notices of such hearings shall be given to persons designated and in the manner prescribed in Section 65854 et seq. of the California Government Code.

2. Form of Application, Fee, Plans. Application for a coastal development permit shall be made in writing by the owner of the property, or by lessee, purchaser in escrow or optionee with the consent of the owner, on a form prescribed by the city. The application shall be accompanied by a fee, set by the city council, and plans showing the details of the proposed use.

3. Granting. In considering an application for a coastal development permit the planning commission shall consider and give due regard to the Marina general plan and local coastal land use and implementation plans. The planning commission shall determine whether or not the establishment, maintenance and operation of the use applied for will, under the circumstances of the particular case, be consistent with the general plan and local coastal land use and implementation plans, based upon the following findings that the project will:

a. Not impair major view corridors towards the sea from Highway 1 parallel to the sea, including the planning guidelines listed in the LCLUP;

b. Be subject to approval of the site and architectural design review board, including the planning guidelines listed in the LCLUP;

c. Guarantee that appropriate legal action is taken to insure vertical and lateral coastal access or fees paid in-lieu thereof as required in the LCLUP and coastal zoning ordinance access components. Required improvements shall be completed, or a bond adequate to guarantee their completion shall be posted with the city, prior to issuance of a certificate of occupancy;

d. Be adequately set back from the shoreline to withstand erosion to the extent that the reasonable economic life of the use would be guaranteed without need for shoreline protection structures;

e. Protect least disturbed dune habitat areas, primary habitat areas and provide protection measures for secondary habitat areas consistent with the LCLUP and coastal zoning ordinance;

f. Be consistent with beach parking standards, as established in the LCLUP access component;

g. Included feasible mitigating measures which substantially reduce significant impacts of the project as prescribed in any applicable EIR;

h. Not interfere with public access along the beach;

i. Comply with the access, shoreline structure and habitat protection standards included in the local coastal land use and implementation plans;

j. Comply with the housing element and housing recommendations of the local coastal land use and implementation plans;

k. In the case of demolition of a residential structure, except to abate a nuisance, not detrimentally alter the character or housing mix of the neighborhood. The structure shall be moved, if capable of providing compa-

rable housing opportunities at another location. The demolition and replacement structure shall comply with applicable local coastal land use plan policies;

l. In the case of new surf zone or beach sand mining operations, comply with all standards regarding such operations specified in the LCLUP including standards for significant adverse impacts on shoreline erosion, either individually or cumulatively.

4. Effective Date Outside the Coastal Appeals Zone. The coastal permit shall be effective the seventh day after planning commission approval unless the commission action is appealed to the city council, in which case, the permit shall not be effective until the city council has acted upon the appeal.

5. Coastal Commission Appeal. Any coastal development permit decision of the city council within the local coastal appeal zone is subject to appeal to the State Coastal Commission within twenty-one days after the local decision, and will not become effective until after resolution of the appeal.

F. Determination of Permit Requirement.

1. The director of planning shall have the authority to determine whether or not any development proposed in the Coastal Zone is exempt from a coastal development permit pursuant to subsection G of this section.

2. Any person wishing such determination shall submit to the planning department all plans, applications and information deemed necessary by the planning department to assess the development.

3. After review, the director of planning shall notify the applicant in writing that the development is:

a. Exempt and state the category of exemption; or

b. That a coastal development permit is required and, if so, whether or not it is appealable to the California Coastal Commission.

c. Notice of such decision shall also be submitted to the coastal commission.

3. If the determination of the city is challenged by the applicant or an interested person, or if the city wishes to have a coastal commission determination as to the appropriate designation, the city shall notify the coastal commission by telephone of the dispute/question and shall request an executive director's opinion which shall be made pursuant to Section 13569 of the coastal commission's regulations.

G. Exemptions. The types of projects listed below shall be exempt from the requirement for a coastal development permit. Requirements for any other permits are unaffected by this section.

1. Improvements to Existing Single-Family Residences. The maintenance, alteration or addition to existing single-family dwellings which comply with the underlying district regulations, including the establishment or expansion of nonhabitable accessory structures normally associated with residential uses such as garages, decks, workshops, landscaping, storage sheds, pools, fences, gazebos, patios, greenhouses, driveway paving and similar improvements but not including guest houses or self-contained residential units. However, the following classes of development shall require a permit because they involve a risk of adverse environmental impact:

a. Improvements to a single-family structure on a beach or wetland; seaward of the mean high tide line or where the residence or proposed improvement would encroach within fifty feet of the edge of a coastal bluff. Wetland is defined in Section 30121 of the Coastal Act as:

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

Specific wetlands are mapped in the land use plan,

b. Any significant alteration of landforms including removal or placement of vegetation, on a beach, wetland or sand dune, or within fifty feet of the edge of a coastal bluff. "Coastal bluff" is defined in the California Administrative Code Section 13577(h),

c. The expansion or construction of water wells or septic systems,

d. On property located between the sea and the first public road paralleling the sea or within three hundred feet of the inland extent of any beach or of the mean high tide of the sea where there is no beach, whichever is the greater distance, or in the Highway 1 scenic road corridor, improvement that would result in an increase of ten percent or more of internal floor area of an existing structure, or an additional improvement of ten percent or less where an improvement to the structure has previously been undertaken pursuant to this section or a coastal permit, increase in height by more than ten percent of an existing structure, the construction of an additional story (including lofts) in an existing structure, and/or any significant nonattached structure such as garages, fences, shoreline protective works, docks or trees or satellite dishes,

e. In areas determined to have critically short water supply that must be maintained for the protection of coastal resources or public recreational use, the construction of any specified major water-using development not essential to residential use including but not limited to swimming pools, or construction or extension of any landscaping irrigation system,

f. Additions or expansions to developments which, by conditions of previous permit issued by the city or Coastal Commission, require development permits for such addition or expansion;

2. Improvements to existing structures other than single-family residences or a public works facility. The maintenance, alteration or addition to existing structures other than single-family dwellings and public works facilities including all fixtures and structures directly attached to the structure and landscaping on the lot; however, the following classes of development shall require a permit because they involve a risk of adverse environmental effect, adversely affect public access or involve a change in use contrary to the certified LCP:

a. Improvements to any structure on a beach, wetland, stream or lake, seaward of the mean high tide line or where the structure or proposed improvement would encroach within fifty feet of the edge of a coastal bluff. (For the purposes of this chapter, "beach" shall be as defined in California Administrative Code Section 13577(g); "wetland" shall be as defined in Coastal Act Section 30121; and "stream" shall be as defined in California Administrative Code Section 13577(a)),

b. Any significant alteration of landforms including removal or placement of vegetation, on a beach, wetland or sand dune, or within one hundred feet of the edge of a coastal bluff, vernal pond or stream or in areas of natural vegetation designated as a sensitive habitat,

c. The expansion or construction of water wells or septic systems,

d. On property located between the sea and the first public road paralleling the sea or within three hundred feet of the inland extent of any beach or of the mean high tide of the sea where there is no beach, whichever is the greater distance, or in the Highway 1 scenic road corridors an improvement that would result in an increase of ten percent or more of internal floor area of the existing structure, or constitute an additional improvement of ten percent or less where an improvement to the structure has previously been undertaken pursuant to this section or a coastal permit, and/or the increase in height by more than ten percent or construction of an additional story (including lofts) in an existing structure, or satellite dishes,

e. In areas determined to have critically short water supply that must be maintained for the protection of coastal recreation or public recreational use, the construction of any specified major water-using development including but not limited to swimming pools or the construction or extension of any landscaping irrigation system,

f. Any improvement to a structure which changes the intensity of use of the structure,

g. Any improvement made pursuant to a conversion of an existing structure from a multiple-unit rental use or visitor-serving commercial use to a use involving a fee ownership or long-term leasehold including but not limited to a condominium conversion, stock cooperative conversion or motel/hotel time-sharing conversion,

h. Additions or expansions to developments which by conditions of a previous permit issued by the city or coastal commission require development permits for such addition or expansion;

3. Maintenance dredging of existing navigation channels or moving dredged material from such channels to a disposal area outside the Coastal Zone, pursuant to a permit from the United States Army Corps of Engineers;

4. Repair or maintenance activities and safety improvements that do not result in an addition to, or enlargement or expansion of, the object of such repair or maintenance activities; however, the following classes of repair and maintenance shall require a permit because they involve a risk of adverse environmental impact:

a. Any method of repair or maintenance of a seawall, revetment, bluff retaining wall, breakwater, groin, culvert, outfall or similar shoreline work that involves:

i. Repair or maintenance involving substantial alteration of the foundation of the protective work including pilings and other surface or subsurface structures,

ii. The placement, whether temporary or permanent, of riprap, artificial berms or sand or other beach materials, or any other forms of solid materials, on a beach or in coastal waters, waters, streams, wetlands, estuaries and lakes or on a shoreline protective work,

iii. The replacement of twenty percent or more of the materials of an existing structure with materials of a different kind, or

iv. The presence, whether temporary or permanent, of mechanized construction equipment or construction materials on any sand area or bluff or within twenty feet of coastal water or streams,

b. Any repair or maintenance to facilities or structures or work located in an environmentally sensitive habitat area as defined by Coastal Act Section 30107.5, any sand area, within fifty feet of the edge of a coastal bluff or environmentally sensitive habitat area, or within twenty feet of coastal waters or streams that includes:

i. The placement or removal, whether temporary or permanent, of riprap, rocks, sand or other beach materials or any other forms of solid materials,

ii. The presence, whether temporary or permanent, of mechanized equipment or construction materials;

5. Any category of development requested by the city as a categorical exclusion pursuant to Section 13241 of the coastal commission's regulations and approved by the coastal commission pursuant to Coastal Act Section 13241 of the Regulations;

6. The installation, testing and placement in service or the replacement of any necessary utility connection between an existing service facility and any development approved pursuant to this chapter or previously granted a permit by the coastal commission; provided that the city may, where necessary, require reasonable conditions to mitigate any adverse impact on coastal resources, including scenic resources;

7. The replacement of any structure, other than a public works facility, destroyed by natural disaster. Such replacement structure shall conform to applicable existing zoning requirements, shall be for the same use as the destroyed structure, shall not exceed either the floor area, height, or bulk of the destroyed structure by more than ten percent and shall be sited in the same location on the affected property as the destroyed structure.

a. As used in this subsection, "natural disaster" means any situation in which the force or forces which destroyed the structure to be replaced were beyond the control of its owner.

b. As used in this subsection, "bulk" means total interior cubic volume as measured from the exterior surface of the structure.

c. As used in this subsection, "structure" means and includes landscaping and any erosion control structure or device which is similar to that which existed prior to the occurrence of the disaster;

8. Harvesting of agricultural crops;

9. Land division brought about in connection with the purchase of land by a public agency for public recreational use;

10. Any project undertaken by a federal agency;

11. Any project which has a valid permit from the coastal commission;

12. Tree removal (which is not major vegetation), except as precluded by other section of this chapter;

13. Abatement of dangerous buildings;

14. Repair and maintenance activities, and safety improvements on public roads and traffic-control devices that do not result in an addition to, or enlargement or expansion of the object of such repair or maintenance activities;

15. Routine maintenance of existing public parks is exempt including repair or modification of existing public facilities where the level or type of public use or the size of structures will not be altered;

16. All interior remodeling, residential and nonresidential, except where use is being converted to a more intensive use;

17. Any activity anywhere in the Coastal Zone that involves the conversion of any existing multiple-unit residential structure to a timeshare project, estate or use, as defined in Section 11003.5 of the Business and Professional Code. If any improvement to an existing structure is otherwise exempt from the permit requirements of this division, no coastal development permit shall be required for that improvement on the basis that it is to be made in connection with any conversion exempt pursuant to this subdivision. The division of a multiple-unit residential structure into condominiums, as defined in Section 783 of the Civil Code, shall not be considered a timeshare project, estate or use for purposes of this subsection.

H. Determination of Excluded Projects. (Section not effective until action by California Coastal Commission.)

I. Excluded Projects. (Section not effective until action by California Coastal Commission.)

J. Issuance of administrative coastal development permit by the director of planning.

1. Definition. An administrative coastal development permit is a coastal permit issued by the director of planning which does not become effective until its issuance is reported to the city council. If one-third of the members of the city council so request, issuance of the administrative permit shall not become effective and, at the applicant's request, the application shall be considered as a regular coastal development permit at the next regularly scheduled meeting of the city council.

2. Applicability.

a. Following the review of a coastal permit application by the director of planning, said official shall have the authority to issue a coastal permit by virtue of Section 30624 of the California Coastal Act for the following nonemergency developments;

i. Improvements to any existing structure,

ii. Any single-family dwelling,

iii. Any other developments not in excess of one hundred thousand dollars, other than any division of land,

iv. Any development of four dwelling units or less that does not require demolition. However, said authority of the director of planning shall not apply to that development which is within the coastal commission's continuing permit jurisdiction pursuant to Coastal Act Section 30519 or appealable to the coastal commission pursuant to Coastal Act Section 30603 or any division of land. Such permit for nonemergency development shall not be effective until after reasonable public notice and adequate time for the review of such issuance has been provided, as specified in subsection K of this section.

b. If the planning director receives an application that is asserted to be for improvements or other development within the criteria established in subsection (J)(2)(a) of this section and if the planning director finds that the application does not qualify as such, he or she shall notify the applicant that the permit application cannot be processed administratively and must comply with procedures for coastal development permits provided in subsection E of this section. The planning director, with the concurrence of the applicant, may accept

subsection E of this section. The planning director, with the concurrence of the applicant, may accept the application for filing as a regular permit and shall adjust the application fees accordingly.

c. In the case of any development involving a structure or similarly integrated physical construction which lies partly within and partly outside the coastal commission's appeal area, the entire structure or similar integrated physical construction must be subject to at least one public hearing and may not be processed as an administrative permit.

3. Action. The planning director may deny, approve or conditionally approve applications for administrative coastal development permits on the same grounds as contained in subsection E of this section for an ordinary CDP application and may include reasonable terms and conditions necessary to bring the project into consistency with the certified LCP.

4. Administrative Permit Deemed Final. A decision on an administrative permit shall not be deemed final and effective until:

a. The decision on the application has been made, the city council review of the permit is complete, and all required findings have been adopted, including specific factual findings supporting the legal conclusions that the proposed development is or is not in conformity with the certified LCP and, when applicable, the public access and recreation policies of Chapter 3 of the Coastal Act; and

b. When all rights of appeal under city ordinances have been exhausted.

J. Effective Date of Short Form Permits. Any administrative permit or waiver authorization issued by the director of planning pursuant to the provisions of this section shall be scheduled on the agenda of the city council at its first scheduled meeting after that permit has been issued. The planning director shall prepare a report in writing with sufficient description of the work authorized to allow the city council to understand the development to be undertaken. Such report shall be available at the meeting and for administrative permits shall be mailed to all persons wishing to receive such notification at the time of the regular mailing of notice for the meeting and any person who requested to be on the mailing list for the project meeting and any person who requested to be on the mailing list for the project as in subsection K below. If, at the meeting, one-third of the appointed members of that governing body so request, the permit or authorization issued by the director of planning shall not go into effect and, if the applicant wishes to pursue the application, the application for a coastal development permit shall be processed by the city pursuant to standard coastal permit procedures listed in this chapter. Unless the city council indicates otherwise, the failure to object to issuance of any waiver or administrative permit shall be presumed to be based upon the findings set forth and adopted.

K. Public Notice. Prior to scheduling any short form permit for city council review, with the exception of categorically excluded projects, the director of planning shall comply with the following public notice procedures:

1. At the time the permit application is submitted the applicant must post, at a conspicuous place, easily read by the public and on the site, or as close as possible to the site, of the proposed development, notice that an application for the proposed development has been submitted to the city using a standardized form(s) provided by the planning director. The notice shall contain a general description of the nature of the proposed development. If the applicant fails to post and keep posted the completed notice form until the waiver or administrative permit becomes effective, the planning director shall refuse to file the application or shall withdraw the application from filing if it has already been filed when he or she learns of such failure. The city shall enforce the administrative permit or waiver authorization pursuant to procedures set forth in Chapter 17.60 if it determines that the administrative permit or waiver authorization was granted without proper notice having been given, and the failure of the noticing may have caused the planning director to act differently in issuing said permit.

2. Within ten calendar days of filing an application for a coastal development permit or at least ten calendar days prior to the first public hearing or to city council review of the planning director's action on the de-

velopment proposal, the local government shall provide notice by first class mail of pending application for development.

3. This notice shall be provided to each applicant, to all persons who have requested to be on the mailing list for that development project or for coastal decisions within the local jurisdiction, to all property owners and residents within one hundred feet of the perimeter of the parcel on which the development is proposed, to the coastal commission; and in cases where public hearings are required under other provisions of Marina's ordinances to property owners within three hundred feet of the perimeter of the parcel on which the development is proposed, and shall also be published in a newspaper of general circulation. The notice shall contain the following information:

a. A statement that the development is within the Coastal Zone;

b. The date of filing of the application and the name of the applicant;

c. The number assigned to the application;

d. A description of the development and its proposed location;

e. The date, time and place at which the application will be heard by the local governing body or hearing officer;

f. A brief description of the general procedure of local government concerning the conduct of hearing and local actions, including the general procedure concerning the submission of public comments either in writing or orally prior to the decision;

g. A statement that a public comment period of sufficient time to allow for the submission of comments by mail will be held prior to the decision;

h. The system for local approvals and appeals, including any local fees required;

A description of the general procedures concerning administrative permits and/or waiver authorizations. (Ord. 2007-11 § 3 (Exh. A (part)), 2007)

17.41.210 Parking requirements.

A. Generally. All uses permitted by this title shall provide minimum parking in accordance with the formulas in this chapter.

B. Residential. Parking requirements for residential use shall be as follows:

1. Single-family Dwellings. Two spaces which shall be in a garage;

2. Duplex Dwellings. Two spaces, per dwelling unit, one of which shall be covered;

3. Guest Houses. One space;

4. Multiple Dwellings.

a. One-bedroom units and efficiencies: one space for each dwelling unit which shall be covered plus one additional space for each five dwelling units or fraction thereof,

b. Two-bedroom units: one and one-half spaces for each dwelling unit, one of which shall be covered plus one additional space for each five dwelling units or fraction thereof,

c. Three or more bedroom units: two spaces for each dwelling unit, one of which shall be covered plus one additional space for each five dwelling units or fraction thereof,

d. General Note. All required on-site parking spaces shall be uniformly distributed throughout the development to the satisfaction of the site and architectural design review board,

e. General Note. Twenty percent of all required parking spaces, but in no case less than one space, shall be kept unreserved and available for visitor parking. Visitor parking spaces shall be identified by a sign or other means and shall be uniformly distributed throughout the development to the satisfaction of the site and architectural design review board;

5. Rooming and boarding houses: one covered parking space for each bedroom;

6. Hotel, resort hotel, motel and auto court accommodations: one space for each unit; one space for the manager and one and one-half spaces for any unit in a hotel, resort hotel, motel or auto court containing a kitchen or kitchenette. Separate parking requirements remain applicable to other uses which may be associated with such complexes, such as restaurants, conference centers or public coastal access;

7. Mobile home parks: two parking spaces for each mobile home site plus two additional spaces for each five mobile home sites or fraction thereof;

8. Recreational Vehicle Park. One parking space for each six recreational vehicle sites.

C. Commercial.

1. Medical and dental offices: one parking space for each three hundred square feet of gross floor area plus one space for each office unit;

2. Veterinary hospitals and offices: one parking space for each three hundred square feet of gross floor area;

3. Service establishments, banks, offices: one parking space for each three hundred square feet of gross floor area;

4. Restaurants: one parking space for each sixty square feet of dining area;

5. Taverns: one parking space for each four seats;

6. Retail stores: one parking space for each two hundred seventy-five square feet of gross floor area;

7. General commercial (nursery, building materials yard, etc.): one parking space for each three regular employees on the largest shift and not less than one parking space for each two thousand square feet of gross floor area;

8. Take-out food establishment: eight parking spaces plus one space for each one hundred square feet of gross floor area;

9. Loading space: one loading space for each five thousand square feet of store floor area.

D. Recreational Facilities. Recreational facilities parking requirements shall be as follows:

1. Ballparks, stadiums, outdoor recreation centers: one parking space for each eight seats;

2. Bowling alleys: five parking spaces for each alley;

3. Swimming pools: one parking space for each one hundred square feet of pool area.

E. Public Buildings. Public building parking requirements shall be as follows:

1. Theaters, churches, indoor sports arenas, assembly halls, auditoriums, and similar places of public assemblage: one parking space for each four seats, and not less than one parking space for each two hundred square feet of gross floor area;

2. Libraries, museums, art galleries: one parking space for each three hundred square feet of gross floor area;

3. Hospitals: one parking space per bed plus one parking space for each three employees, and not less than one parking space for each three hundred square feet of gross floor area.

F. General Requirements. General requirements shall be as follows:

1. Any off-street parking space, whether or not required by the terms of this title for any building or use wherein more than two automobile parking spaces are required, shall be designed so as to provide for maneuvering of the vehicles on the building site in such a way that they may leave the building site to enter any public or private road in a forward direction;

2. Required parking shall not be permitted in front or side setback areas;

3. All required parking areas and driveway surfaces shall be permanently paved and maintained to the satisfaction of the city engineer;

4. As defined by this title, a required parking space shall be a minimum of nine feet by nineteen feet. (Ord. 2007-11 § 3 (Exh. A (part)), 2007)

17.41.220 Variances.

A. Generally. Variances to the yard, height, coverage and area regulations of this title may be authorized by a variance permit granted in accordance with the provisions of this chapter.

B. Authority. The planning commission shall hear and decide all applications for variance permits.

C. Application and Fees. Application for a variance shall be made in writing on a form prescribed by the planning commission and shall be accompanied by a fee to be established by resolution of the city council from time to time hereinafter enacted, and by statements, plot plans, and other evidence showing:

1. That because of special circumstances applicable to subject property, including size, shape, topography, location or surroundings, the strict application of this title is found to deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification;

2. That the grant of a variance permit would not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which subject property is situated; and

3. That any variance granted is found to be consistent with all applicable local coastal land use plan recommendations and requirements.

D. Public Hearing. A public hearing shall be held after filing application, and not less than ten calendar days prior thereto the planning commission shall give notice of hearing thereon by one publication in a newspaper of general circulation. In addition, the planning commission may also give notice of such hearing by mailing postage prepaid a notice of the time and place of such hearing to all persons owning property adjacent to the exterior boundaries of the area actually occupied or to be occupied by the use for which the variance was applied. Addresses shall be used from the last equalized assessment roll, or alternatively, from such other records of the assessor or the tax collector as contain more recent addresses.

E. Action by Planning Commission. After conclusion of the public hearing, the planning commission shall make it's decision in writing, which decision shall include findings of fact as to whether the qualifications under Section 17.21.220(C)(1) and (C)(2) apply to the land, building or use of which variance is sought. The planning commission may include such conditions in connection with the variance as they deem reasonable and necessary under the circumstances to preserve the integrity and character of the district and to secure the general purposes of this title. Such conditions may include, but are not limited to architectural and site approval, time limitations, street dedications, and street and drainage improvements. The planning commission may also require such bonds and guarantees as they deem appropriate to assure the compliance of the conditions.

F. Appeal.

1. An appeal to the city council may be filed by any person aggrieved by a decision of the planning commission. Such appeal shall be in writing and shall be filed with the city clerk within ten days after written notice of the decision has been mailed to the applicant. At the time of the filing of the appeal, the appellant other than the applicant, shall pay a filing fee to be established by resolution of the city council from time to time hereinafter enacted. An appeal shall set forth specifically the points at issue, the reasons for the appeal, and wherein the appellant believes there was an error or abuse of discretion by the planning commission.

2. Upon receipt of the notice of appeal, the city council shall set a date for public hearing thereon, giving notice thereof pursuant to Section 17.21.220(D). The city council may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as should be made, and such action shall be final.

G. Revocation.

1. Where one or more of the conditions of the granting of a variance have not been, or are not being complied with, or when a variance was granted on the basis of false material information, written or oral, given wilfully or negligently by the applicant, the planning commission may revoke or modify such variance following a hearing thereon. Notice of such hearing shall be given in writing to the permittee at least ten days prior to said

hearing. Notice of such hearing shall also be given as described in Section 17.21.220(D). Following the hearing, the planning commission may revoke or modify the variance.

2. An appeal may be taken from such revocation or modification in the same manner as described in Section 17.46.060.

3. All variances issued by the planning commission shall be valid until the date of expiration stated on the permit, or if no date of expiration is stated, or unless otherwise specified by the planning commission, all such permits shall expire one year from the date of granting said permit unless construction on, or use of, the subject property has started within this period.

H. Effects. No building permit shall be issued nor any use conditions and terms of the variance granted, until ten days after the mailing of notice of granting of such variance by the planning commission or after granting of such variance by the city council in the event of appeal. (Ord. 2007-11 § 3 (Exh. A (part)), 2007)

17.41.230 Use permits.

A. Generally.

1. Use permits, revocable, conditional, or valid for a term period may be issued for any of the uses or purposes for which such permits are required or permitted by the terms of this title.

2. The planning commission shall have the power to hear and decide applications for, and issue use permits, for all uses for which a use permit is required or permitted.

3. As used in this chapter, the words "appropriate authority" means the planning commission when the application for a use permit is one which is within its power to issue.

B. Application and Fees.

1. Application for a use permit shall be made to the appropriate authority in writing on a form prescribed by it, and shall be accompanied by statement, plans and elevations necessary to show the detail of the proposed use or building.

2. Such application shall be accompanied by a fee to be established by resolution of the city council from time to time hereinafter enacted, no part of which shall be returnable to the applicant.

C. Public Hearing. A public hearing shall be held after filing of application, and after the determination of the planning commission that the information submitted by the applicant is sufficient to consider the matter, and not less than ten calendar days prior thereto the appropriate authority shall give notice of hearing thereon by one publication in a newspaper of general circulation. In addition, the appropriate authority may also give notice of such hearing by mailing postage prepaid notice of the time and place of such hearing to all persons owning property adjacent to the exterior boundaries of the area actually occupied or to be occupied by the use for which the use permit was applied. Addresses shall be used from the last equalized assessment roll, or alternatively, from such other records of the assessor or the tax collector as contain more recent addresses in the opinion of the appropriate authority.

D. Action by Appropriate Authority.

1. In order to grant any use permit, the findings of the appropriate authority shall be 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 health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the city; and the use is consistent with all applicable local coastal land use plan recommendations and requirements.

2. The appropriate authority may designate such conditions in connection with the use permit as it deems necessary to secure the purposes of this title. Such conditions may include, but are not limited to, architectural and site approval, time limitations, street dedication, and street and drainage improvements. The appro-

priate authority may also require such bonds and guarantees as it deems appropriate to assure the compliance of the conditions.

E. Appeal.

1. An appeal to the city council may be filed by any person aggrieved by a decision of the appropriate authority. Such appeal shall be in writing and shall be filed with the city clerk within ten days after written notice of the decision has been mailed to the applicant. At the time of the filing of the appeal, the appellant shall pay a filing fee to be established by resolution of the city council from time to time hereinafter enacted. An appeal shall set forth specifically the points at issue, the reasons for the appeal, and wherein the appellant believes there was an error or abuse of discretion by the appropriate authority.

2. Upon receipt of the notice of appeal, the city council shall set a date for public hearing thereon, giving notice thereof pursuant to subsection C of this section. The city council may reverse or affirm, wholly or partly, or may modify the order, make such order, requirements, decision, or determination as should be made, and such action shall be final.

F. Revocation.

1. Where one or more of the conditions of the granting of a use permit have not been, or are not being complied with, or when a use permit was granted on the basis of false material information, written or oral, given wilfully or negligently by the applicant, the appropriate authority may revoke or modify such use permit following a hearing thereon. Notice of such hearing shall be given in writing to the permittee at least ten days prior to said hearing. Notice of such hearing shall be given as described in subsection C of this section. Following the hearing, the appropriate authority may revoke or modify the use permit.

2. An appeal may be taken from such revocation or modification in the same manner as described in Section 17.48.050.

3. All use permits issued by the appropriate authority shall be valid until the date of expiration stated on the permit, or if no date of expiration is stated, or unless otherwise specified by the appropriate authority, all such permits shall expire one year from the date of granting said permit unless construction on, or use of the subject property has started within this period.

G. Effect. No building permit shall be issued, nor any use conducted, otherwise than in accordance with the conditions and terms of the use permit granted, nor until ten days after the mailing of notice of granting of such use permit by the appropriate authority, or, after granting of such use permit by the city council, in the event of appeal. (Ord. 2007-11 § 3 (Exh. A (part)), 2007)

17.41.240 Site and architectural design review.

A. Site and Architectural Design Review Board—Approval Required When. The Marina planning commission shall appoint a site and architectural design review board, hereinafter referred to as the board, as a subcommittee of the Marina planning commission. The board shall have the power to review and make recommendations to the planning commission regarding all applications for developments in the city. A building permit shall not be issued for any of the following uses until site and architectural design approval has been obtained: public buildings and grounds; public and private schools; colleges, libraries, art galleries, and museums; public and private hospitals and other institutions; churches and other religious buildings and grounds; clubs, lodges, mortuaries, meeting halls, and other places of public assembly; motels and hotels; office buildings; all commercial and industrial uses; mobile home parks; parking lots; public utility structures and installations, except poles and towers carrying overhead lines; and more than one dwelling unit on a single parcel.

B. Application and Fees.

1. Applications for site and architectural design review shall be accompanied by drawings showing front, side and rear elevations of the proposed building, structure signs, fences, developments, or improvements

or additions thereto. The applicant shall also submit plans or drawings showing in reasonable detail, proposed building or structural locations, topography, existing vegetation, proposed parking layout and location, proposed landscaping plans and proposed color schemes.

2. Such applications shall be accompanied by a fee to be established by resolution of the city council from time to time hereinafter enacted, no part of which shall be returnable to the applicant.

C. Board Action. The board shall consider all necessary plans, drawings and statements in an endeavor to encourage buildings, structures, or other improvements to be designed and constructed, and so located, that they will not be unsightly, undesirable or obnoxious in appearance to the extent that they will hinder the orderly and harmonious development of the city, impair the desirability of residence or investment or occupation in the city, limit the opportunity to obtain the optimum use and value of the land and improvements, impair the desirability of living conditions on or adjacent to the subject site, conform with the standards included in the local coastal land use plan and/or otherwise adversely affect the general welfare of the community.

1. Preliminary Design Review. The board shall suggest any changes in plans of such proposed buildings, structures, or other improvements, as it may deem necessary to accomplish the purposes of this section, and shall not recommend to the commission approval of any such plans until it is satisfied that such purposes will be accomplished thereby.

D. Planning Commission Action. The planning commission shall review the preliminary design review recommendation of the board in acting upon the site and architectural design approval. All improvements which have received site and architectural design approval shall be constructed substantially in accordance with the approved plans, and no change shall be made subsequently without the review and approval of the planning director.

E. Appeal. If the applicant is not satisfied with the action of the planning commission, said person may file an appeal with the city council in writing within ten days after written notice of the decision of the planning commission has been mailed to the applicant. The appeal shall set forth specifically the points of issue, the reason for the appeal, and wherein the appellant believes there was an error or abuse of discretion by the appropriate authority. The city council shall hold a hearing on said appeal and shall render its decision thereon within thirty days after filing thereof. The city council may reverse or affirm or modify the decision of the planning commission and such action shall be final. (Ord. 2007-11 § 3 (Exh. A (part)), 2007)

17.41.250 Nonconforming uses.

A. General Guidelines. The lawful use of land, existing at the time any provisions of the ordinance codified in this title becomes applicable to such land, although such use does not conform to such provision, may be continued, except that:

1. No such use shall be enlarged or increased, nor extended to occupy a greater area than that occupied by such use at the time such provision became applicable, and except that if any such use ceases, as hereinafter provided, any subsequent use of such land shall be in conformity with the regulations specified by this title for the district in which such land is located.

2. All nonconforming outdoor advertising signs and outdoor advertising structures shall be removed entirely on or before January 1, 1979, except those in U districts and those in C-1, C-2 and M districts for which a use permit has been obtained.

3. All nonconforming outdoor advertising signs and outdoor advertising structures located on property in a U district shall be removed entirely within five years from the date such property is reclassified into some other zoning district, unless the reclassification is to be a C-1, C-2 or M district and a use permit has been obtained within such five-year period.

4. All nonconforming wrecking yards and junkyards shall be enclosed by a solid board or masonry fence at least six feet in height for fire prevention and prevention of the spread of litter and debris, except that no junk, dismantled cars or machinery shall be stacked higher than the fence. Wrecking yards and junkyards shall comply with these special regulations.

B. Continuance of Nonconformity. The lawful use of a building existing at the time any provisions of the ordinance codified in this title becomes applicable thereto may be continued, although such building and/or use does not conform to such provision.

C. Uses Requiring a Coastal Permit. Any use for which a coastal permit is required by the terms of this title shall be considered a nonconforming use unless and until a coastal permit is obtained in accordance with Section 17.41.090.

D. Damaged Buildings. If at any time any building is in existence at the time any provision of the ordinance codified in this title becomes applicable to it, which does not conform to such provision, is damaged or destroyed by fire, explosion, act of God, or act of public enemy, to the extent to more than seventy-five percent of the assessed value thereof, as shown on the latest Monterey County assessment roll, prior to such destruction, the land and building shall be subject to all the regulations specified by this title for the district in which such land and building are located; provided such building may be rebuilt to a total floor area not exceeding that of the building destroyed and may continue as herein provided for nonconforming uses, if a coastal permit is first secured.

E. Abandonment. If the actual operation of a nonconforming use of a building or land ceases for a continuous period of six months, it shall be presumed that such use has been abandoned; and without further action by the planning commission, the said building or land shall be subject to all the regulations specified by this title for the district in which such building and land are located.

F. Nonconforming Buildings. The following additional regulations shall apply to nonconforming buildings:

1. The nonconforming use of a building may be changed to a use of the same or more restricted nature provided that in each case a coastal permit is first secured.

2. The nonconforming use of a portion of a building may be extended throughout the building provided that in each case a coastal permit is first secured.

3. The enlargement, extension, reconstruction or structural alteration of a nonconforming building may be permitted in circumstances and in accordance with the limitations as described below:

a. Nonconforming building, nonconforming only as to height and yard regulations, may be permitted said additions or improvements, if said additions or improvements conform to all the regulations of the district in which they are located.

4. Ordinary maintenance and repairs may be made to any nonconforming building, provided no structural alterations are made and provided that such work does not exceed twenty-five percent of the assessed value in any one-year period.

5. No nonconforming building, structure or sign shall be moved in whole or in part to any other location unless every portion of such building, structure or sign which is moved is made to conform to all the regulations of the district in which it is located.

G. Start of Construction Before Effective Date. Nothing contained in this title shall be deemed to require any change in the plans, construction or designated use of any building upon which actual construction was lawfully begun prior to the effective date of the ordinance codified in this title. "Actual construction" is defined to be: the actual placing of construction materials in their permanent position, fastened in a permanent manner; actual work in excavating a basement, or the demolition or removal of an existing structure begun preparatory to

rebuilding; provided, that in all cases actual construction work shall be diligently carried on until the completion of the building or structure involved.

H. Changing of Districts. The foregoing provisions shall also apply to nonconforming uses in districts hereinafter changed.

I. Nonconforming Parcels. A parcel of land which does not comply with the size, shape, dimension or frontage requirements of the district in which it is located shall be deemed a lawful building site if:

1. Such parcel was a lawful building site immediately prior to the time said requirements became applicable to it; and

2. At the time said requirements became applicable to it, the owner or owners thereof owned no adjoining land, unless said parcel is:

a. A lot in a minor subdivision which has been approved by the city and when all conditions of said minor subdivision have been complied with, or

b. A lot in a subdivision which has been approved by the city, with the exception of lots twenty-five feet or less in width. (Ord. 2007-11 § 3 (Exh. A (part)), 2007)

17.41.260 Surface mining and reclamation standards.

A. Purpose and Intent.

1. This chapter is adopted pursuant to the California Surface Mining and Reclamation Act of 1975, Chapter 9, Public Resources Code.

2. The city council finds and declares that the extraction of minerals is essential to the continued economic well-being of the city and to the needs of society, and that the reclamation of mined lands is necessary to prevent or minimize adverse effects on the environment and to protect the public health and safety.

3. The city council further finds that the reclamation of mined lands as provided in this chapter will permit the continued mining of minerals and will provide for the protection and subsequent beneficial use of the mined and reclaimed land.

4. The city council further finds that surface mining takes place in areas where the geologic, topographic, climatic, biological and social conditions are different and that reclamation operations and the specifications therefore may vary accordingly.

B. Definitions. As used in this chapter:

"Environmental assessment" means the study of the environment of an area proposed to be mined including the flora, fauna, geologic, erosion potential and other factors deemed to be important by qualified experts of appropriate disciplines.

"Environmental impact report" means a report on the environmental effects of a project prepared according to the standards and provisions of the California Environmental Quality Act (CEQA).

"Exploration" or "prospecting" means the search for minerals by geological, geophysical, geochemical or other techniques, including, but not limited to, sampling, assaying, drilling, or any surface or underground works needed to determine the type, extent or quality of minerals present.

"General plan" means the adopted general plan for the city of Marina.

"Local coastal program" means the adopted local coastal land use and implementation plans for the city as certified by the California Coastal Commission.

"Mined lands" means and includes the surface, subsurface and groundwater of an area in which surface mining operations will be, are being, or have been conducted, including private ways and roads appurtenant to any such area, land excavations, workings, mining waste, and areas in which structures, facilities, equipment, machines, tools, or other materials or property which result from, or are used in, surface mining operations are located.

"Minerals" means any naturally occurring chemical element or compound or groups of elements and compounds, formed from inorganic processes and organic substances, including, but not limited to, sand, but excluding geothermal resources, natural gas and petroleum.

"Mining waste" means and includes the residual of soil, rock, mineral liquid, vegetation, equipment, machines, tools or other materials or property directly resulting from, or displaced by, surface mining operations.

"New mining" means and includes any significant increase in the rate of extraction or change in location.

"Operator" means any person who is engaged in surface mining operations, himself, or who contracts with others to conduct operations on his behalf.

"Overburden" means soil, rock or other materials that lie above a natural mineral deposit or in between deposits, before or after their removal, by surface mining operations.

"Permit" means any formal authorization from or approval by, the city without which surface mining operations cannot occur.

"Person" means any individual, firm, association, corporation, organization or partnership, or any city, county, district or the state or any department or agency thereof.

"Reclamation" means the process of land treatment that minimizes water degradation, air pollution, damage to aquatic or wildlife habitat, flooding, erosion, and other adverse effects from surface mining operations, including adverse surface effects incidental to underground mines, so that mined lands are reclaimed to a usable condition which is readily adaptable for alternate land uses and create no danger to public health or safety. The process may extend to affected lands surrounding mined lands, and may require backfilling, grading, resoiling, revegetation, soil compaction, stabilization, or other measures.

"State board" means State Mining and Geology Board in the Department of Conservation, state of California.

"State geologist" means the individual holding office as structured in Section 677 of Article 3, Chapter 2 of Division 1 of the Public Resources Code.

"Surface mining operations" means all or any part of the process involved in the mining of minerals on mined lands by removing overburden and mining directly from the mineral deposits, open-pit mining of minerals naturally exposed, mining by the auger method, dredging and quarrying, or surface work incidental to an underground mine. Surface mining operations shall include, but are not limited to: (1) in-place distillation, retorting or leaching; (2) the production and disposal of mining waste; and (3) prospecting and exploratory activities.

C. Scope.

1. The provisions of this chapter shall apply to the incorporated areas of the city.

2. The provisions of this chapter are not applicable to:

a. Excavations or grading conducted for farming or on-site construction or for the purpose of restoring land following a flood or natural disaster;

b. Such other mining operations that the city determines to be of an infrequent nature, and which involve only minor surface disturbances and are categorically identified by the State Board pursuant to Sections 2714(d) and 2758(c), California Surface Mining and Reclamation Act of 1975 (SMARA).

D. Permit, Reclamation Plan and Reporting Requirements.

1. Reclamation Plan Requirements. Reclamation plans as defined in this chapter shall be required of all mining operations undertaken since January 1, 1976. Any person who proposes to engage in new mining operations as defined in this chapter shall also be required to prepare a reclamation plan prior to commencing new mining operations.

a. Existing Mining Operations. A person who has obtained a vested right to conduct surface mining operations prior to January 1, 1976 shall submit and receive city approval of a reclamation plan within two years from the effective date of the ordinance codified in this chapter for all mining operations conducted after January

1, 1976. Nothing in this chapter shall be construed as requiring the filing of a reclamation plan for, or the reclamation of, mined lands on which surface mining operations were lawfully conducted prior to, but not after January 1, 1976.

b. Reclamation Plan Review. Approved reclamation plans shall be reviewed by the planning commission at least every five years. It shall be the sole responsibility of the operator to submit a written request to the planning commission prior to the expiration of each five-year period. Operator shall provide the planning commission with ample evidence that compliance is being maintained with the provisions of the approved reclamation plan. The planning commission retains the right subsequent to reclamation plan review to modify the terms of any reclamation plan to assure continuing compliance with the local coastal program. Furthermore, the planning commission may consider and approve modification of any reclamation plan requested by the operator so long as it finds that the reclamation plan is in compliance with the local coastal program.

2. Permit Requirements. The planning commission shall issue a mining permit for any new surface mining operation, which the planning commission finds is in conformance with the local coastal program. No new mining activity shall take place prior to the issuance of a mining permit by the planning commission.

a. Existing Mining Operations. Existing mining operations are required to obtain a mining permit from the city in accordance with the requirements of this chapter within two years from the date of adoption of the ordinance codified in this chapter except as provided in subsection (D)(2)(d) of this section.

b. Mining Permit Review. The planning commission shall review mining permits issued pursuant to this chapter every five years. It shall be the sole responsibility of the operator to submit a written request to the planning commission prior to the expiration of each five-year period. Operator shall provide the planning commission with ample evidence that compliance is being maintained with the local coastal program and the approved reclamation plan for the site. The planning commission retains the right subsequent to mining permit review to modify the terms of any mining permit required to assure continuing compliance with the local coastal program. Furthermore, the planning commission may consider and approve modifications of any mining permits so long as it finds that any such modification is in compliance with the local coastal program and reclamation plan.

c. Review Period Adjustment. It is the intent of the city to review mining permits concurrent with reviewing reclamation plans, whenever possible, for any individual mining operation. In order to assure that the city's intent is realized the planning commission may permit reasonable adjustments in the timing of mining permit review.

d. Permit Limitations. No person who has obtained a legal vested right to conduct a surface mining operation prior to January 1, 1976 shall be required to secure a mining permit pursuant to the provisions of this chapter so long as such vested right continues, provided that no substantial change is made in that operation except in accordance with the provisions of this chapter.

e. Mining Permit Revocation. Mining permits may be revoked by the planning commission following a hearing. Operator shall be notified in writing at least ten days prior to such hearing. Grounds for revocation shall be noncompliance with the provisions of this chapter, the approved reclamation plan, coastal development permit (if applicable) and the local coastal program (if applicable).

f. Notification of State Geologist. The State Geologist shall be notified of the filing of all permit applications.

g. Periodic Review. This chapter shall be reviewed and revised, as necessary to ensure that it is consistent with the state policy for mined lands reclamation and the city's local coastal plan and general plan.

3. Reporting Provision. In order to establish reference base data for the purpose of determining whether or not any particular mining activity constitutes new mining activity and to monitor shoreline erosion it is required that all operators of existing mining operations submit to the planning department a brief written statement specifying the approximate annual volume of sand being removed and an accurate cronaflex ortho-

topographic map, at a scale of one inch equals two hundred feet with two-foot contour intervals, preferably prepared by a licensed photogrammetric engineer. All elevations on said map shall be based on city datum. Said maps may also be prepared by a licensed surveyor or civil engineer. All areas being mined shall be clearly and accurately outlined on said topographic map. The information specified above shall be certified for accuracy and be submitted by the operator to the city.

a. Initial Submittal. Initial submittal of the reference base data shall be completed by existing operators within six months from the effective date of the ordinance codified in this chapter.

b. Subsequent Resubmittal. Updated reference base data shall be resubmitted to the planning department by January 1, 1984 and every January 1st thereafter.

c. New Mining Operations. New mining operations will be required to submit reference base data concurrent with the application for a mining permit and reclamation plan approval and shall also be required to resubmit updated reference base data every January 1st thereafter. If initial submittal of reference base material takes place after July 1st in any given year operator shall be exempted for resubmitting updated reference base information the following January 1st but shall be required to resubmit updated reference base material every January 1st thereafter.

4. Permit and Reclamation Plan Fee. A fee shall be established by the city council and shall be paid to the city at the time of filing a permit application or reclamation plan.

5. Reclamation Plan Requirements. The planning commission shall review reclamation plans and find that they include the following:

a. The name and address of the operator and the names and addresses of any persons designated by him as his agent for the service of process;

b. The anticipated quantity and type of materials for which the surface mining operation is to be conducted;

c. The proposed dates for the initiation and termination of such operation;

d. The maximum anticipated depth and area of the surface mining operation;

e. The size and the legal description of the land, that will be affected by such operation, a map that includes the boundaries and topographic details of such lands, a description of the geology of the area in which surface mining is to be conducted; a line indicating the tsunami run-up line; the location of all rare and endangered plant and animal species and their habitat in the area where surface mining is to be conducted; the location of all streams, roads, railroads and utility facilities within, or adjacent to such lands; the location of all proposed access roads to be constructed in conducting such operation; and the names and address of the owners of all surface and mineral interests of such lands;

f. A description of the type of surface mining to be employed and a time schedule that will provide for the completion of surface mining on each segment of the mined lands so that the reclamation can be initiated at the earliest possible time on those portions of the mined lands that will not be subject to further disturbance by the surface mining operation;

g. A description of the proposed use or potential uses of the land after reclamation and evidence that all owners of a possessory interest in the land have been notified of the proposed use or potential uses;

h. A description of the manner in which reclamation adequate for the proposed use or potential uses will be accomplished, including:

i. A description of the manner in which contaminants will be controlled, and mining waste will be disposed, and

ii. A description of the manner in which rehabilitation of affected natural habitat areas to their original condition will occur, and

iii. A description of the manner in which the tsunami run-up zone will be preserved to protect the public safety of the community;

i. An assessment of the effect of implementation of the reclamation plan on future mining in the area;

j. A statement that the person submitting the plan accepts responsibility for reclaiming the mined lands in accordance with the reclamation plan; and acknowledgement that the obligations of the plan transfer from one operator to another on a site;

k. An environmental assessment of the area to be mined executed by at least a qualified biologist and a qualified geologist selected from the city's list;

l. If in the environmental assessment, any rare and endangered species habitats and/or shoreline erosion are found to be present on the site, an environmental impact report must be completed and all mitigations, including those for rare and endangered species and/or shoreline erosion, included in the proposed reclamation plan;

m. Compliance and conformance with the Marina local coastal program and city's general plan, zoning ordinance and any other pertinent city ordinances and regulations;

n. Map of all areas mined prior to January 1, 1976;

o. Any other information which the planning commission may require as pertinent to the determination of the adequacy of the proposed plan.

6. Time Limits. Time limits for the approval of a reclamation plan or mining permit for existing operations may be extended for a period of up to one year by the planning commission or city council on appeal subject to the following conditions:

a. Written request is provided by the operator prior to expiration of initial two-year time period.

b. Operator shall submit evidence to planning commission or city council showing good cause for the extension request.

7. Transferability. Whenever one operator succeeds to the interest of another in any uncompleted surface mining operation by sale, assignment, conveyance, exchange, or other means, the successor shall be bound by the provisions of the approved reclamation plan and the provisions of this chapter.

E. Review Procedure. The planning commission shall review the permit application and the reclamation plan and shall schedule a public hearing within thirty days of accepting the completed application. The public hearing will be held for the purpose of considering a permit or reclamation plan for the proposed surface mining operation.

F. Performance Bond. Upon a finding by the planning commission that a supplemental guarantee for the reclamation of the mined land is necessary, and upon the determination by the city planner of the cost of the reclamation of the mined land according to the reclamation plan, a surety bond, lien, or other security guarantee conditioned upon the faithful performance of the reclamation plan shall be filed with the city. Such surety shall be executed in favor of the city and reviewed and revised, as necessary. Such surety shall be maintained in an amount to complete the remaining reclamation of the site as prescribed in the approved or amended reclamation plan during the succeeding two-year period, or other reasonable term.

G. Public Record. Reclamation plans, reports, applications and other documents submitted pursuant to this chapter are public records unless it can be demonstrated to the satisfaction of the city that the release of such information, or part thereof, would reveal production, reserves, or rate of depletion entitled to protection as proprietary information. The city shall identify such proprietary information as a separate part of each application. A copy of all permits, reclamation plans, reports, applications, and other documents submitted pursuant to this chapter, including proprietary information, shall be furnished upon request of the district geologist of the State Division of Mines and Geology by the city. Proprietary information shall be made available to persons other than the mine owner in accordance with Section 2778, California Surface Mining and Reclamation Act of 1975.

H. Amendments.

1. Amendments to an approved reclamation plan may be submitted to the city at any time, detailing proposed changes from the original plan. Substantial deviations from the original plan shall not be undertaken until such amendment has been filed with, and approved by, the city.

2. Amendments to an approved reclamation plan shall be approved by the same procedure as is prescribed for approval of a reclamation plan.

I. Variance. Variances from an approved reclamation plan may be allowed upon request of the operator and applicant, if they are not one and the same, upon findings by the planning commission that each requested variance is necessary to achieve the prescribed or higher use of the reclaimed land and is consistent with the Marina local coastal program.

J. Appeal. Any person aggrieved by an act or determination of the planning commission in exercise of the authority granted herein shall have the right to appeal to the city council. Any appeal must be filed, on forms provided, within ten working days after the rendition, in writing, of the decision.

K. Enforcement. The provisions of this chapter shall be enforced by any authorized member of the planning department or such other persons as may be designated by the city council.

L. Separability. If any section, subsection, sentence, clause or phrase of this chapter is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, it shall not affect the remaining portions of this chapter. (Ord. 2007-11 § 3 (Exh. A (part)), 2007)

17.41.270 Appeals.

A. Planning Commission Authority. The planning commission shall have the power to hear and decide appeals based on the enforcement of this title or the interpretation of the provisions thereof.

B. Application. Application for appeal or interpretation shall be made in writing to the planning commission.

C. Action by Planning Commission. The planning commission shall consider application and render its decision within sixty days after the receipt thereof.

D. Appeal. In case the applicant is not satisfied with the decision of the planning commission, he may, within ten days, appeal in writing to the city council. A copy of such appeal shall be submitted by the applicant to the planning commission. The city council shall render its decision within sixty days after receipt by said council and the planning commission of such appeal. (Ord. 2007-11 § 3 (Exh. A (part)), 2007)

17.41.280 Amendments.

A. Procedure Generally. This title may be amended by changing the boundaries of districts or by changing any other provision thereof whenever the public necessity and convenience and the general welfare require such amendment by following the procedure of this chapter.

B. Initiation. An amendment may be initiated by:

1. The verified petition of one or more owners of property affected by the proposed amendment, which petition shall be filed with the planning commission and shall be accompanied by a fee to be established by resolution of the city council from time to time hereinafter enacted, no part of which shall be returnable to the petitioner; or by

2. Resolution of intention by the city council;

3. Resolution of intention by the planning commission.

C. Public Hearings.

1. The planning commission shall hold at least one public hearing on any proposed amendment. At least ten days prior to the first public hearing, said planning commission shall give notice thereof by at least one publication in a newspaper of general circulation within the city of such public hearing.

2. In case the proposed amendment consists of a change of the boundaries of any district so as to reclassify the property from any district to any other district, the planning commission shall give additional notice of the time and place of such hearing and on the purpose thereof by mailing a notice of the time and place of such hearing to all persons owning real property within three hundred feet of the property which is the subject of the proposed zoning change.

3. Following the aforesaid hearing, the planning commission shall make a report of its findings and recommendations with respect to the proposed amendment and shall file with the city council an attested copy of such report.

4. Upon receipt of such report from the planning commission, when the planning commission has recommended a proposed amendment, the city council shall set the matter for public hearing and shall give notice thereof by one publication in a newspaper of general circulation within the city at least ten days prior to such hearing. After conclusion of the hearing, the city council may adopt the proposed amendment or any part thereof in such form as said council may deem advisable.

5. When the planning commission recommendation is to disapprove the proposed amendment, the matter shall not be set for public hearing and no further action shall be taken unless the amendment was initiated by the adoption of a resolution of intention by the city council, or unless or until the applicant requests such hearing. Such request shall be made by filing with the city clerk of the city council and with the planning commission, within ten days after written notice of the decision has been mailed, a written request for hearing before the city council. The planning commission shall thereupon forthwith transmit to the city council all of the papers constituting the record upon which the recommended action was taken. Upon receipt of such request, the city council shall set a date for public hearing thereon, giving notice thereof pursuant to this section. After the conclusion of the hearing, the city council may adopt the proposed amendment or any part hereof in such form as said council deems advisable.

6. Upon the consent of the planning commission, any petition for an amendment may be withdrawn upon the written application of a majority of all the persons who sign such petition.

7. The city council or the planning commission, as the case may be, may by resolution of intention abandon any proceedings for an amendment initiated by its own resolution of intention; provided, that such abandonment may be made only when such proceedings are before such body for consideration and provided that any hearing of which public notice has been given shall be held.

D. Conditions. The city council may impose conditions to the zoning reclassification of property where it finds that said conditions must be imposed so as not to create problems inimical to the public health, safety and general welfare of the city. Any amendment which changes the zoning within the Coastal Zone or changes in any manner the allowed uses or development regulations within the Coastal Zone shall not be effective until approved by the State Coastal Commission. (Ord. 2007-11 § 3 (Exh. A (part)), 2007)

17.41.290 Signs.

A. Purpose and Intent.

1. It is the purpose and intent of this chapter to provide the city with a viable and practical set of sign regulations that will promote the orderly growth of the community; facilitate the continual upgrading of the community; preserve the natural beauty of Marina while simultaneously protecting the rights of property and business owners to display signs and the right of individuals to live, work and visit a city that is free from the usual blight that would result from under or nonregulation of signs.

2. These sign regulations, pursuant to the provisions of the Marina general plan, set forth the minimum acceptable standards necessary to protect and safeguard the life, peace, health, safety, property and general welfare of the public by regulating among other things the location, placement, size, number, area, type, illumination and maintenance of signs and sign structures.

3. In addition to the standards specified above, it is set forth that a primary goal of these regulations shall be to insure that signs and sign structures are considered in light of the architectural and landscape design of the buildings and properties along with individual setting or location of the buildings and properties.

B. Application. No sign shall be placed, displayed, painted, posted, printed, tacked, fastened, erected, relocated, constructed or otherwise except as provided in this chapter.

C. Responsibility. It shall be the sole responsibility of the person making application to place, construct, erect, alter, relocate, tack, fasten, paint, post or display any sign in the city to obtain the necessary authorization from the owner or lessee of the property.

D. Design Review Board Approval Required.

1. Design review board (site and architectural design review board) approval shall be required of all signs unless otherwise specified in this chapter. A fee shall be collected by the planning department prior to consideration of any sign by the site and architectural design review board. The fee shall be established from time to time by resolution of the city council.

2. In order to facilitate the site and architectural design review, board review and approval process, any person seeking to obtain site and architectural design review board approval shall submit accurate plans, drawings, color boards, examples of materials or any such other information specified by the director of planning showing the size, shape, location, color, materials and physical relationship to the site of the sign and sign structure. Any decision of the site and architectural design review board may be appealed, in writing, to the planning commission within ten days of the decision. Any decision of the planning commission may likewise be appealed to the city council. Written appeals shall be filed with the planning department no later than ten days after the decision of the site and architectural design review board or the planning commission.

3. During the course of review and approval, the site and architectural design review board or the planning commission on appeal or the council on appeal may approve, disapprove, conditionally approve or modify the plans as submitted in order to insure compliance with the spirit and intent of this chapter.

E. Sign Permit Required.

1. In order to insure that the building department is provided with an opportunity to review the placement, construction, erection, relocation or alteration of any and all signs in the city, it is required, unless otherwise specified herein, that a sign permit shall be obtained from the building department prior to the placement, construction, erection, relocation, alteration or otherwise of the sign.

2. Any person seeking to obtain a sign permit shall provide the building department with any and all necessary plans, drawings or other materials or information required by the building department along with written evidence that the site and architectural design review board approval has been obtained for the sign. Following a review of the materials submitted, the building department may issue the sign permit or as an alternative may require that a building permit be obtained pursuant to the provisions of the Uniform Building Code (UBC) in lieu of a sign permit. A fee shall be collected by the building department prior to the issuance of any sign or building permit. The fee for a sign permit shall be established from time to time by resolution of the city council. The fee for a building permit shall be as specified in the UBC.

F. Enforcement. The regulations contained in this chapter shall be enforced as are other zoning, building and safety regulations as set forth in this code.

G. Remedies. Notwithstanding the procedures for enforcement set forth in this code, the city is authorized to proceed in any other fashion, way or procedure permitted by law.

H. Exemptions. The provisions and regulations of this chapter shall not apply to the following signs provided, however, that the following signs shall be subject to all safety provisions contained in this chapter:

1. Traffic signs as may be approved or authorized by the city council;

2. Professional nameplates not exceeding three square feet in area;

3. Temporary signs of a directional nature approved by the director of planning;

4. Legal notices, railroad crossing signs, public safety and service signs, danger or other such temporary, emergency, or other temporary nonadvertising signs as approved by the city council;

5. Memorial signs on tablets, names and dates of buildings when cut into any masonry surface or when flush mounted and constructed of bronze or other noncombustible materials.

I. Nonconforming Signs.

1. Any permanent sign lawfully existing prior to the adoption of this chapter and not conforming to the provisions contained in this chapter is declared to be a lawfully nonconforming sign and may remain as such.

2. No such nonconforming sign shall in any way be altered, relocated, replaced or reworded unless the sign can be made to conform to all provisions of this chapter. Nothing in this section shall be construed to prohibit the normal maintenance and repair of lawfully nonconforming signs.

J. Maintenance and Construction Provisions. The appropriate sections of the Uniform Building Code, (UBC) the Uniform Electric Code (UEC) or any amendment thereto adopted by the city shall apply to the construction, placement or display of signs in the city. All signs having internal or built-in illumination shall be constructed wholly of noncombustible materials or other such fire resistive materials as approved by the building department. Guy wires or exposed strut like sign structures shall not be utilized. Signs and sign structures shall at all times be maintained in a state of good repair including all braces, bolts, structural parts, supporting frames and fastenings.

K. Safety Provisions. In addition to all other maintenance and construction provisions contained in this chapter, all signs within the city shall comply with the following provisions:

1. Obstructions to Doors, Windows or Fire Escapes. No sign shall be erected, relocated, altered, maintained or otherwise so as to prevent ingress to or egress from any door, window or fire escape. No sign shall be attached to a standpipe, gutter, drain or fire escape, except signs referring specifically to the standpipe, gutter, drain or fire escape to which it is attached.

2. Signs not to Obstruct Traffic Signals. No sign regulated by this chapter shall be erected at any location where, by reason of its position, it will obstruct or confuse the view of any authorized traffic sign, signal or device.

3. Exterior of Signs. On all signs which are erected within five feet of a public street or sidewalk, no nails, tacks or wires shall be permitted to protrude therefrom. All structural trim maintained in conjunction with, attached to, or superimposed upon any sign shall be safely and securely built or attached to the sign structure.

L. Abandoned Signs and Abatement Thereof.

1. No person shall maintain or permit to be maintained on any premises owned or controlled by said person any sign which has been abandoned. Any such sign shall be promptly abated. Any sign which is located on property which becomes vacant for a period of six months or more and any sign which was erected for an occupant or business unrelated to the present occupant or his business and any sign which pertains to a time, event or purpose which no longer obtains, shall be presumed to have been abandoned.

2. Unless some other form of abatement is approved by the director of planning in writing, abatement of abandoned signs shall be accomplished in the following manner:

a. Signs painted on buildings, walls, fences, structures shall be abated by removal of the paint constituting the sign or by painting over the sign in such a way that the sign shall not thereafter become visible.

b. Other types of signs may be abated by removal of the sign including its dependent structures and supports, unless the sign conforms to the provisions contained in this chapter in which case all faces of the sign shall be screened from view in a manner satisfactory to the director of planning.

M. Illumination of Signs. All illuminated signs in the city shall comply with the following standards:

1. The use of high intensity, unshielded or undiffused lights shall not be permitted.

2. Lights or illumination shall be shielded, oriented or diffused so as to eliminate undue glare onto adjacent properties.

3. Lights shall be shielded or diffused in such a manner as to eliminate the possibility of conflict with safe traffic movement.

4. The site and architectural design review board or planning commission and city council, on appeal, shall retain the right to require reduction in the intensity of illumination after the installation of any illuminated sign if said illumination creates any undue glare, annoyance or hazard.

N. Abatement of Signs on Public Property and Signs Presenting Health or Safety Hazards.

1. Signs on Private Property Presenting Health or Safety Hazards. No sign may be placed upon any privately owned property in a manner which creates a public health or safety hazard. Any sign placed on, above or adjacent to any street, sidewalk or right-of-way which creates a health or safety hazard through obstructing vision or use of such street, sidewalk or right-of-way may be summarily removed by the public safety, public works or planning directors or their respective delegates. Any sign so removed shall be returned to the owner upon payment of the costs of removal and storage. Any sign placed on or about private property which creates a health or safety hazard, including obstructing vision in the public right-of-way, may be removed by the public safety, public works or planning directors or their respective delegates to a position on the private property where it does not create a health or safety hazard.

2. Signs on Public Property. Any sign, temporary or otherwise placed on public property in violation of any provision of this chapter which does not present a public health or safety hazard, shall be tagged by the planning or building directors or their respective delegates and the owner, if known, shall be notified of the violation by mail. If the sign is not removed, or the violation corrected within seventy-two hours of posting or mailing, whichever occurs last, or if the owner has not shown cause to the planning or building director within said period as to why the sign should not be removed, then the sign shall be removed by the planning or building director or their respective delegates. Any sign so removed may be redeemed by the owner upon payment of the cost of removal and storage. Both the tag and the written notice shall contain information in the preceding sentence and subsection (N)(3) below.

3. Impounded Signs. Any sign impounded under the provisions of subsection (N)(1) or (N)(2) of this section shall be stored for a period of not less than thirty days at which time the signs may be salvaged, sold or destroyed in order to defray the costs of removal and storage.

O. Definitions. As used in this chapter:

"Primary business frontage" means that frontage of a building containing the primary or most important entrance to the occupancy thereon. In such cases where there are multiple entrances, the director of planning shall determine which frontage is the primary frontage. In no case shall more than one primary business frontage be permitted.

"Secondary business frontage" means that frontage of a building containing any entrance other than a primary business frontage. In no case shall more than two secondary business frontages be permitted.

"Service station" means a business which is primarily in the business of providing service to vehicles such as gasoline, oil, tire, mechanical assistance, parts, etc., and not including convenience markets that sell gasoline, diesel fuel or oil.

"Shopping center" means commercial and retail buildings and associated facilities which have been designed and developed as an integrated unit containing more than five separately owned and operated businesses which function as an integral unit and which utilize common off-street parking.

"Sign" means any letters, figures, design, symbol, trademark or illuminating device intended to attract attention to any person, partnership, corporation or unincorporated association, or any place, subject, public performance, article, machine or merchandise, whatsoever, and painted, printed, constructed, erected or displayed in any manner whatsoever.

"Sign area" means that area enclosed by a square, rectangle, triangle or other shape which connects the extreme points or edges of the sign, excluding the supporting structure which does not form part of the sign proper. The area of a sign composed of characters, words or individual letters attached directly to a surface, shall be the smallest shape that encloses the whole group. Sign area shall include only one face of any double-faced sign and shall include all faces of any multi-faced sign containing more than two faces. For the purpose of this definition, the faces of a double-faced sign shall be parallel.

"Sign area allotment" means the maximum area of signs that may be displayed on any site, premises, business, building, parcel, lot or otherwise not including signs specifically exempted in this chapter.

"Uniform Building Code, Uniform Electrical Code, Uniform Mechanical Code" means those codes which are currently in full force and effect as adopted by the city council including any amendments or additions thereto adopted from time to time by the city council.

P. Prohibited Signs. The following signs shall be prohibited in the city. Definitions and descriptions of these signs are included in this section. Additional definitions pertaining to this chapter are contained in subsections O and Q of this section.

1. Portable Signs. Signs such as A-board or other such signs capable of standing without support or attachment to a structure or the ground.

2. Animated Signs. Signs that involve animation, rotation, flashing, projections, scintillation, or any type of movement not including barber pole signs or time, date and temperature signs.

3. Billboard Signs. Off-site advertising signs that are designed to direct attention to a business, commodity, service or entertainment, sold or offered elsewhere than on the premises or property on which the sign is located, not including temporary signs or banners that are approved by the city council and which are to be used for the purpose of advertising an event of general civic interest or that are to be used as temporary off-site directional signs as approved by the planning commission.

4. Vehicle Signs. Signs that are attached to, painted on or placed on top of any vehicle, trailer or other means of conveyance, for the purpose of advertising a commercial enterprise not including signs attached to or painted on a vehicle for the primary purpose of identifying the ownership or use of the vehicle.

5. Roof Signs. Signs that are attached to, supported by, mounted on or project above a roof or other architectural feature including, but not limited to mansards, parapets and the like.

6. Projecting Signs. Signs that are suspended from or that are supported by a wall, building or structure and project more than three feet outward therefrom or signs that project into the public right-of-way. No provision contained herein shall be construed to prohibit the display or construction of freestanding signs.

7. Characterization Signs. Signs characterizing a person, object, place, etc.

Q. Permitted Signs. The following signs shall be permitted in the city subject to the provisions contained in this section and this chapter. Definitions of permitted signs are included in this section. Additional definitions pertaining to this chapter are contained in subsections O and P of this section.

1. Accessory Signs. A sign of a secondary nature, e.g., savings stamp signs, credit card signs not exceeding one square foot. Such signs are not included in the maximum sign area allotment. Site and architectural design review board approval is not required. A sign permit is not required.

2. Barber Pole Signs. A striped pole characteristic of barbershops. Such signs may rotate. One such sign may be permitted per business in addition to any other signs permitted by this chapter. Site and architectural design review board approval is required. A sign permit is required.

3. Directional and Public Service Signs. Public service signs including time and temperature devices and signs indicating the location or direction of a place or area on the premises upon which the sign is located. Such signs are not included in the maximum sign area allotment if they are deemed necessary and appropriate by the director of planning. Site and architectural design review board approval is not required. A sign permit is not required.

4. Freestanding Signs. Freestanding signs of a permanent nature not attached to any portion of a building and not projecting over or through a roof, eaves of a building or any public right-of-way. Such signs may be placed within required yard or setback areas. Site and architectural design review board approval is required. A sign permit is required.

5. Awning Signs. A sign attached to the face of or supported by an awning. (Awning: a roof-like cover, usually of canvas extending over or before a place). Such signs must be parallel to the face to which attached and must not hang lower or project above the face to which attached. Site and architectural design review board approval is required. A sign permit is required.

6. Marquee or Canopy Signs. A sign attached to or supported by a marquee or canopy. Such signs must be parallel to the face to which they are attached and may not be made of cloth, canvas or other material of a similar nature nor shall such signs hang lower or project above the face to which attached. Site and architectural design review board approval is required. A sign permit is required.

7. Nameplates. Professional nameplates and occupation signs exceeding three square feet in area. Site and architectural design review board approval is required. A sign permit is required.

8. Readerboard Signs. A sign with detachable or interchangeable letters. Site and architectural design review board approval is required. A sign permit is required.

9. Under Canopy Signs. A sign attached to the underside of a canopy. The canopy must be of a permanent nature attached to and supported by a building. Such signs that do not exceed four square feet will not be included in the maximum sign area allotment. Any such sign exceeding four square feet shall be included in the maximum sign area allotment. Such signs shall have a minimum clearance of seven feet six inches above the sidewalk. Site and architectural design review board approval is required. A sign permit is required.

10. Wall Signs. A sign of either solid face construction or individual letters placed against the exterior wall of any building or structure. Such signs shall not extend more than one foot beyond the wall. Site and architectural design review board approval is required. A sign permit is required.

11. Window Signs—Temporary. Signs that are painted, placed, taped, displayed or otherwise suspended within three feet of any window that are visible from outside the place of business and that are designed to be displayed for a maximum of thirty days. Such signs are permitted to cover no more than fifty percent of the area of the window. Such signs may not be displayed more than thirty days. Such signs are not included in the maximum sign area allotment. Site and architectural design review board approval is not required. A sign permit is not required.

12. Window Signs—Permanent. Signs that are painted, placed, taped, displayed or otherwise suspended within three feet of any window that are visible from outside the place of business and that are designed to be displayed for more than thirty days. Such signs are permitted to cover no more than ten percent of the area of the window. Such signs are not included in the maximum sign area allotment. Site and architectural design review board approval is not required. A sign permit is not required.

13. Monument Sign. A low profile freestanding sign incorporating the design and building materials and accenting the architectural theme of buildings within the same development. Such signs shall be considered the same as a freestanding sign.

14. Real Estate Signs. Real estate signs shall be permitted as specified in subsection V of this section.

15. Signs in General. Any sign which is not listed under permitted or prohibited signs (subsection P and this section, respectively) shall be considered individually by the planning commission who shall determine whether the sign falls in the permitted or prohibited category. If the planning commission determines that such sign falls in the permitted category, permission to display such sign, signs or signing program shall be granted subject to any and all conditions the planning commission may find necessary to achieve the spirit, purpose and intent of this chapter. The conditions of approval may include but not be limited to requiring site and architectural design review board approval and a sign permit.

R. Sign Regulations for PC Districts. Sign Area. One and one-half square feet are permitted for every foot of primary business frontage to a maximum of two hundred square feet per business. One-half square foot is permitted for every foot of secondary business frontage to a maximum of twenty-five square feet for each secondary business frontage.

1. Number of Signs. No more than four signs may be permitted per business. Under canopy signs are not counted for the purposes of this section.

2. Type of Sign. Any sign specified under subsection Q of this section, may be displayed in accordance with the provisions of this chapter.

3. General Provisions. All signs and signing programs specified below shall be subject to review and approval by the site and architectural design review board and shall require a sign permit.

a. Shopping centers may be permitted to erect a freestanding identification sign which may also indicate the principal tenant and other services available on the site. Said sign shall be located adjacent to the principal street frontage and shall not exceed one hundred square feet in area or twenty-five feet in height. If the shopping center has more than one principal street frontage, two such signs may be permitted. The sign area and sign height specified in this section are the maximum limits and the site and architectural design review board reserves the right to approve lesser sign area or height.

b. Shopping centers containing more than twenty-five acres approved under a single development permit shall be permitted to erect two freestanding identification signs which may also indicate the principal tenants along with other pertinent information deemed appropriate by the site and architectural design review board. Such signs shall not exceed two hundred fifty square feet in area nor fifty feet in height. The sign area and height specified in this section are the maximum limits and the site and architectural design review board reserves the right to approve lesser sign area or height.

c. Industrial parks containing more than four buildings designed to be architecturally compatible, whether or not on the same parcel of land, shall be permitted to place monument signs along, at, or adjacent to principal entrances to the park. Such signs shall not exceed two hundred square feet or ten feet in height. The actual size, height and number of signs shall be specified by the site and architectural design review board.

d. Real estate signs shall be permitted subject to the provisions of subsection V of this section.

5. Master Signing Program Approval Required.

a. Any and all commercial, office or industrial developments designed to contain more than four occupancies, businesses or buildings are required to obtain approval of a master signing program from the site and architectural design review board. Said master signing program plans must be prepared, reviewed and approved by the site and architectural design review board prior to the issuance of any occupancy permit in the development. Plans for the master signing program shall include specifications, descriptions and locations of all signs to be displayed on the site including but not limited to advertising, identification, directional and public service

signs. The site and architectural design review board may approve, conditionally approve or modify said plans in order to insure that the master signing program is in accordance with the purpose, spirit and intent of this chapter. Any decision of the site and architectural design review board on a master signing program may be appealed to the planning commission. Appeals shall be in writing and shall be filed with the planning department within ten days of the decision. Any decision of the planning commission may be appealed to the city council in the same manner as decisions of the site and architectural design review board are appealed.

b. Approved master signing programs may be modified from time to time by the site and architectural design review board or by the planning commission or city council through the appeal process.

S. Sign Regulations for R-1 Districts.

1. Single-Family Dwellings. One nameplate not exceeding three square feet per dwelling. Site and architectural design review board approval is not required. A sign permit is not required.

2. Church Signs. A maximum of two signs, each containing a maximum of thirty square feet. Site and architectural design review board approval is required. A sign permit is required.

3. Public, Quasi-Public, Halls, Organizations, Clubs, Lodges and All Similar Uses. Same as subsection (S)(2) of this section.

4. Nonresidential uses not otherwise specified herein including but not limited to hotels, motels, professional offices and other nonresidential uses that may be permitted in residential zoning districts. Signs for such uses shall be regulated by subsection R of this section.

5. Real Estate Signs. Real estate signs shall be permitted subject to the provisions of subsection W of this section.

6. All signs not permitted by subsections (S)(1) through (S)(6) of this section are prohibited.

T. Sign Regulations for K Districts. All signs, other than real estate signs which are regulated in subsection V of this section, shall require approval by the site and architectural design review board or the planning commission or city council through the appeal process. Appeals may be made of any decision of the site and architectural design review board or planning commission as specified in subsection D of this section. No sign shall be approved unless and until a finding is made that the proposed sign is consistent with the purpose, spirit and intent of this chapter.

U. Additional Sign Regulations.

1. Sign regulations for coastal conservation and development (CD), CD/secondary combining district (CD/SU), and planned commercial (PC).

a. The maximum total composite sign area per site for all signs shall be limited to one hundred thirty-five square feet. The maximum size per freestanding sign shall be sixty-five square feet. Only those properties that are contiguous to the Highway 1 right-of-way may develop signs sited and oriented to attract Highway 1 motorists and only one freestanding (monument) sign may be so oriented. The maximum height of freestanding signs shall be fifteen feet without exception. For purposes of the Coastal Zone Highway 1 viewshed, flags and banners shall be considered signs.

The use of the term "site" in this section shall apply to each separate ownership as defined in Zoning Code Section 17.04.510 which was under a single or unified control as it existed at the time of approval of this section by the California Coastal Commission and was graphically shown on the zoning map certified by the Commission in December 1983.

b. Signing must be consistent with and subordinate to the scenic qualities of the area and a lesser sign area may be required by design review board, planning commission, or city council on appeal.

c. No private or advertising signs shall be visible from the beach. Pedestrian-scale public safety, natural resource interpretive signing, public access and directional signing are allowed. Such signing will not be calculated into allowable sign area footage.

2. Sign Regulations for the Brown Bulb Ranch.

a. Sign Area. One and one-half square feet are permitted for every foot of primary business frontage to a maximum of two hundred square feet per business. One-half square foot is permitted for every foot of secondary business frontage to a maximum of twenty-five square feet for each secondary business frontage.

b. Number of Signs. No more than four signs may be permitted per business. Under canopy signs are not counted for the purposes of this section.

c. Type of Sign. Any sign specified under subsection Q of this section, may be displayed in accordance with the provisions of this chapter.

d. General Provisions. All signs and signing programs specified below shall be subject to review and approval by the site and architectural design review board and shall require a sign permit.

i. Shopping centers may be permitted to erect a freestanding identification sign which may also indicate the principal tenant and other services available on the site. Said sign shall be located adjacent to the principal street frontage and shall not exceed one hundred square feet in area or twenty-five feet in height. If the shopping center has more than one principal street frontage, two such signs may be permitted. The sign area and sign height specified in this section are the maximum limits and the site and architectural design review board reserves the right to approve lesser sign area or height.

3. Sign Regulations for Coastal Zone Public Facilities District.

a. In public facilities district, no private or advertising signs shall be erected. Department of Transportation signing shall be sized at the minimum required to provide effective directional and advisory information and to be consistent with sound safety practices.

4. Sign Regulations for Coastal Zone Open Space District.

a. In the open space district, no private or advertising signs shall be erected. One identification sign not larger than twelve square feet in area located on the site of the use shall be permitted. Pedestrian-scale public safety, natural resource interpretive signing, public access and directional signing are allowed. Such signing will not be calculated into allowable footage.

V. Real Estate Signs. The following regulations shall apply to real estate signs in the city:

1. Sale, Rental or Lease Signs. Except as provided in subsection (V)(4) of this section any property being advertised for sale, rent or lease may have one such sign on the property. Such sign shall not exceed twelve square feet in area. Site and architectural design review board approval is not required. A sign permit is not required.

2. Subdivision Signs. In the subdivision of land, the land being subdivided may have no more than two signs posted upon it advertising the subdivision. Each sign shall not exceed thirty-two square feet in area. Site and architectural design review board approval is not required. A sign permit is required.

3. Under Construction Signs. Under construction signs shall not exceed twenty square feet in area. No more than one such sign shall be permitted. Site and architectural design review board approval is not required. A sign permit is required. Such signs shall be removed prior to the issuance of the final occupancy permit.

4. Portable, Temporary Signs Displayed on Private Property. In advertising a property for sale, rental or lease, a portable sign, not exceeding six square feet in area may be placed off the site on private property for the purpose of advertising that the subject property is open for inspection. One additional such sign may be displayed on the premises that is open for inspection. Such signs shall only be displayed when the premises are open for inspection. Site and architectural design review board approval is not required. A sign permit is not required.

5. Model Home Signs. Signs identifying model homes may be displayed on the property upon which the model homes are located. Such signs shall be located adjacent to the entrance of the model home. Such signs

shall not exceed eight square feet in area nor three feet in height. Site and architectural design review board approval is not required. A sign permit is not required.

6. General Provision. Any signs not specifically permitted under the provisions of this section are prohibited unless and until a use permit is secured from the planning commission.

W. Signs Expressing a Political, Sociological or Religious Viewpoint.

1. General Provisions. The following provisions apply to all signs expressing a political, religious or sociological viewpoint, including elections signs:

a. No such sign shall be located upon any public street, alley, sidewalk, right-of-way, easement, or other governmental property.

b. All such signs shall be erected, altered and maintained in accordance with the Uniform Building Code and the safety provisions set forth in subsection K of this section.

c. All such signs must be stationary and unlighted.

d. Such signs may be either attached to the outside of a window or wall of a building or may be freestanding. Any freestanding sign shall be located at least five feet from any property line.

e. The posting of any sign regulated by this section shall not in any way affect a property owner's right to erect signs permitted by other provisions of this chapter.

f. Site and Architectural Design Review Board Approval is Not Required. A sign permit is not required.

2. Election Signs.

a. Defined. Election signs are those pertaining to a general or special election.

b. Zoning. Notwithstanding any other section of this code, election signs may be erected pursuant to the provisions of this section.

c. Area of Signs. No election sign may be posted without the consent of the owner or lawful occupant of the premises on which the sign is posted.

i. The total area of all such signs on any one property shall not exceed thirty square feet of sign area.

d. Time Limitations. Election signs may be posted not more than sixty days prior to the election to which they pertain. All election signs must be removed within five days after the election to which they pertain.

e. Responsibility for Removal. It shall be the property owner's responsibility to remove all election signs within the time limitations specified above, whether or not he has consented to the posting or construction of such signs.

3. Other signs expressing a political, sociological or religious viewpoint.

a. Zoning. Notwithstanding any other section of this chapter, other signs expressing a political, sociological or religious viewpoint may be erected pursuant to the provisions of this subsection.

b. In all zoning districts such signs are permitted on the premises of any residence or business; however, no sign may be posted without consent of the owner or legal occupant of the premises. The total area of all such signs on any one property shall not exceed twelve square feet.

4. Greater Sign Area Allowable Pursuant to Sign Permit and Design Review Board Approval.

a. Upon application to the planning commission for a use permit, a sign area greater than otherwise allowed by this section may be allowed so long as the planning commission finds, after receiving a recommendation from the site and architectural design review board, that:

i. The sign will not materially conflict with the character of the neighborhood in which it will be displayed; and

ii. The value of property in the zone will not be significantly decreased by the erection or maintenance of the sign.

b. Use permits for such signs shall be granted for a period of not more than one year.

X. Neighborhood Signs. Signs identifying a neighborhood or development not exceeding fifty square feet in area, may be permitted. Site and architectural design review board approval is required. A sign permit is required.

Y. Service Stations. In addition to the signing permitted under subsection R, service stations may be permitted to display two additional signs each of which shall not exceed sixteen square feet. Such signs shall be permanently affixed to the ground or a structure. Site and architectural design review board approval is required. A sign permit is required.

Z. Highway Signs. Commercially zoned properties having frontage on Highway 1 are declared to be sites of special significance and any and all signs and signing programs shall be approved by the planning commission or the city council on appeal. The site and architectural design review board shall act in an advisory capacity to the planning commission. The site and architectural design review board shall review, consider and make a recommendation to the planning commission concerning all such signs and signing programs. In considering a sign or signing program for a site of special significance, the following items shall be considered: the signing needs of the proposed use; and the location of the site in relation to the freeway access; the responsibility of the city to protect and preserve the natural beauty of Highway 1 while balancing the city's need for a healthy highway-oriented visitor-serving industry. Any decision of the planning commission concerning a site of special significance may be appealed, in writing, within ten days of the decision of the planning commission.

AA. Signs for Advertising Purposes. Unless otherwise provided in this chapter, no permanent sign shall be erected, constructed, placed, tacked, fastened, displayed, painted, posted, printed or otherwise where more than twenty-five percent of the area of such sign is used for advertising purposes. Seventy-five percent of the area of such signs shall be used solely for naming, designating or identifying the enterprise or calling.

BB. Billboard Signs. (Reserved).

CC. Severability. If any section, subsection, sentence, clause, phrase or portion of this chapter is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion is a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion hereof.

DD. Repeal Provision. Any and all other sign regulations contained in this title, of the Marina Municipal Code are repealed. (Ord. 2007-11 § 3 (Exh. A (part)), 2007)

17.41.300 Enforcement, legal procedures, penalties.

A. Conformance Required. All departments, officials and public employees of the city which are vested with the duty or authority to issue permits or licenses, shall conform to the provisions of this title, and shall issue no such permits or licenses for uses, building or purposes where the same would be in conflict with the provisions of this title, and any such permits or licenses, if issued in conflict with the provisions of this title, shall be null and void.

B. Enforcement. It shall be the duty of the planning commission to enforce the provisions of this title pertaining to the erection, construction, reconstruction, moving, conversion, alteration or addition to any building or structure. It shall be the duty of the police department of the city and all officers of said city herein and/or otherwise charged by law with the enforcement of this title, to enforce this title, and all the provisions of the same.

C. Violation Deemed Misdemeanor—Penalty. Any person, firm or corporation, whether as principal, agent, employee, or otherwise, violating or causing or permitting the violation of any of the provisions of this title, shall be guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not more than five hundred dollars or by imprisonment in the city jail. Such persons, firms or corporations shall be deemed to be guilty of a separate offense for each and every day during any portion of which any violation of this title is committed, continued or permitted by such person, firm, or corporation, and shall be punishable as herein provided.

D. Unlawful Structures—Abatement. Any building or structure set up, erected, constructed, altered, enlarged, converted, moved or maintained, contrary to the provisions of this title, and/or any use of any land, building or premises, established, conducted, operated or maintained contrary to the provisions of this title, is unlawful and a public nuisance, and the city attorney shall, upon order of the city council, immediately commence action or proceedings for the abatement and removal and enjoinment thereof in the manner provided by law, and shall take such other steps and shall apply to such court or courts as may have jurisdiction, to grant such relief as will abate and remove such building or structure, and restrain and enjoin any person, firm or corporation, from setting up, erecting, building, maintaining or using any such building or structure or using any property contrary to the provisions of this title.

E. Remedies to be Cumulative. The remedies provided for herein shall be cumulative and not exclusive. (Ord. 2007-11 § 3 (Exh. A (part)), 2007)

17.41.310 Repealing.

All ordinances and part of ordinances of said city in conflict with this chapter, to the extent of such conflict and not further, are repealed. (Ord. 2007-11 § 3 (Exh. A (part)), 2007)

17.41.320 Validity.

If any section, subsection, sentence, clause or phrase of this chapter, is for any reason held by a court or competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portion of this chapter. The city council declares that it would have passed this chapter and such section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid. (Ord. 2007-11 § 3 (Exh. A (part)), 2007)

17.41.330 Reference.

This title shall be known and cited as "The Zoning Ordinance of the City of Marina."
(Ord. 2007-11 § 3 (Exh. A (part)), 2007)

17.41.340 Enactment.

This title shall be and is declared to be in full force and effect from and after thirty days of its passage. (Ord. 2007-11 § 3 (Exh. A (part)), 2007)

Chapter 17.42

T OR TRANSITIONAL DISTRICT*

Sections:

17.42.010	**Generally.**
17.42.020	**Permitted uses.**
17.42.030	**Conditional uses.**
17.42.040	**Height.**
17.42.050	**Site area.**
17.42.060	**Site width.**
17.42.070	**Site coverage.**
17.42.080	**Front yard.**
17.42.090	**Rear yard.**
17.42.100	**Special yards.**

* Prior ordinance history Ords 77-10 and 83-11

17.42.010 Generally.

A. The transitional district shall be considered as a holding district until more detailed land use studies can be made and more precise zoning adopted for the area covered by said transitional district.

B. The regulations of this chapter shall apply in all T districts and shall be subject to the provisions of Chapter 17.06. (Zoning ordinance dated 7/94 (part), 1994)

17.42.020 Permitted uses.

Uses permitted in the T districts shall be as follows:

A. One-family dwellings;

B. All agricultural uses including crop and tree farming, livestock farming and animal husbandry;

C. Rooming and boarding of not over two persons;

D. Nameplates not over two square feet, appurtenant to any permitted use, not to be illuminated;

E. Accessory buildings and accessory uses including barns, stables, and other farm outbuildings, quarters for farm labor and/or servants employed on the premises. (Zoning ordinance dated 7/94 (part), 1994)

17.42.030 Conditional uses.

Uses permitted, subject to first securing a use permit in each case, in the T districts shall be as follows:

A. One noncommercial guest house (see Section 17.06.040);

B. Frog farms;

C. Commercial hog and turkey raising;

D. Cattle feed yards;

E. Fertilizer plants or yards;

F. Animal sales yards;

G. Dairies;

H. Agricultural processing plants;

I. Storage, rental and sales of irrigation equipment;

J. Stands for sale of agricultural products grown on the premises;

K. Airports, heliports or landing strips for aircraft;

L. Art galleries;

M. Tract offices;

N. Country clubs;

O. Golf courses with standard length fairways;

P. Practice fairway golf course; provided, that the use is established on a minimum of ten acres of property usable for said purpose;

Q. Kennels for dogs or cats;

R. Public or quasi-public uses, including churches, firehouses, parks and playgrounds, schools (public and parochial) and schools accredited to the state school system, public utility uses and parking lots;

S. Riding academies and public stables;

T. Labor camps;

U. Animal hospitals;

V. Poultry farms;

W. Storage and sale of hay and grain, not grown on the premises; provided, that the use is established on a minimum of five acres;

X. Riding and roping arena operations on a minimum of ten acres;

Y. Water well drilling business;

Z. Recreational vehicle parking and camp facilities where such use does not exceed a continuous period of five days and does not involve construction of permanent structures. (Zoning ordinance dated 7/94 (part), 1994)

17.42.040 Height.

Maximum building height limit in the T district shall be thirty-five feet. (Zoning ordinance dated 7/94 (part), 1994)

17.42.050 Site area.

Building site area required in the T district shall be ten thousand square feet, except where combined with any B district. (Zoning ordinance dated 7/94 (part), 1994)

17.42.060 Site width.

Average building site width required in the T district shall be sixty feet. (Zoning ordinance dated 7/94 (part), 1994)

17.42.070 Site coverage.

Percentage of building site coverage permitted in the T districts shall be thirty-five percent. (Zoning ordinance dated 7/94 (part), 1994)

17.42.080 Front yard.

Minimum front yards required in the T districts shall be twenty feet, except where combined with any B district. (Zoning ordinance dated 7/94 (part), 1994)

17.42.090 Rear yard.

Minimum rear yards required in the T district shall be twenty feet. (Zoning ordinance dated 7/94 (part), 1994)

17.42.100 Special yards.

Special yards and distances between buildings required in the T districts shall be as follows: Accessory buildings used as guest houses or as barns, stables, or farm outbuildings, shall be not less than twenty feet from any side or rear property line and not less than fifty feet from the front property line and not less than twenty feet from any dwelling unit on the property. (Zoning ordinance dated 7/94 (part), 1994)

Chapter 17.44

PARKING REQUIREMENTS*

Sections:

17.44.010 **Generally.**
17.44.020 **Residential.**
17.44.030 **Commercial and mixed commercial and residential use.**
17.44.040 **Recreational facilities.**
17.44.050 **Public buildings.**
17.44.060 **Industrial.**
17.44.070 **General requirements.**

* Prior ordinance history Ords 77-10, 84-7, 86-1, 86-8, 87-5 and 93-6

17.44.010 Generally.

All uses permitted by this title shall provide minimum parking in accordance with the formulas in this chapter. (Zoning ordinance dated 7/94 (part), 1994)

17.44.020 Residential.

Parking requirements for residential use, excluding residential use approved by use permit as pursuant to Section 17.22.030 or 17.24.030 of this title, shall be as follows:

A. Single-family dwellings: two spaces which shall be in a garage, except single-family dwellings in the R-4 district may as an alternative have one space or two tandem spaces, one of which shall be in a garage as determined by the planning commission and subject to obtaining a use permit;

B. Duplex dwellings: two spaces, per dwelling unit, one of which shall be covered;

C. Secondary dwelling units and guest houses in conformance with Section 17.06.040 of this title, no additional parking required;

D. Multiple Dwellings.

1. One-bedroom units and efficiencies: one space for each dwelling unit which shall be covered plus one additional space for each five dwelling units or fraction thereof,

2. Two-bedroom units: one and one-half spaces for each dwelling unit, one of which shall be covered plus one additional space for each five dwelling units or fraction thereof,

3. Three or more bedroom units: two spaces for each dwelling unit, one of which shall be covered plus one additional space for each five dwelling units or fraction thereof,

4. General Note. All required on-site parking spaces shall be uniformly distributed throughout the development to the satisfaction of the site and architectural design review board,

5. General Note. Twenty percent of all required parking spaces, but in no case less than one space, shall be kept unreserved and available for visitor parking. Visitor parking spaces shall be identified by a sign or other means and shall be uniformly distributed throughout the development to the satisfaction of the site and architectural design review board;

E. Dwellings Approved Under Chapter 17.54 of this Code.

1. One-bedroom units and efficiencies: one space for each dwelling unit which shall be enclosed plus two additional spaces for each five dwelling units or fraction thereof,

2. Two or more bedroom units: two spaces for each dwelling unit which shall be enclosed plus two additional spaces for each five dwelling units or fraction thereof,

3. General Note. All required on-site parking spaces shall be uniformly distributed throughout the development to the satisfaction of the site and architectural design review board,

4. General Note. Twenty percent of all required parking spaces, but in no case less than one space, shall be kept unreserved and available for visitor parking. Visitor parking spaces shall be identified by a sign or other means and shall be uniformly distributed throughout the development to the satisfaction of the site and architectural design review board;

F. Rooming and boarding houses: one covered parking space for each bedroom;

G. Hotel, resort hotel, motel and auto court accommodations: one space for each unit; one space for the manager and one and one-half spaces for any unit in a hotel, resort hotel, motel or auto court containing a kitchen or kitchenette. Separate parking requirements remain applicable to other uses which may be associated with such complexes, such as restaurants, conference centers or public coastal access;

H. Mobile home parks: two parking spaces for each mobile home site plus two additional spaces for each five mobile home sites or fraction thereof, except that where a mobile home park has been and continues to be certified by the United States Department of Housing and Urban Development as a mobile home park providing housing for adults fifty-five years old or older, two parking spaces for each mobile home site which may be tandem spaces plus one additional parking space for each six mobile home site or fraction thereof are required. Further, in mobile home parks with more than fifty mobile home sites, an area or areas shall be provided for the storage of boat trailers and recreational vehicles with a total area of not less than twenty square feet per mobile home site;

I. Recreational vehicle park: one parking space for each six recreational vehicle sites;

J. Transitional housing for homeless persons: parking shall be provided at the rates as required elsewhere in this section except that the planning commission or city council on appeal, may grant a use permit or amendment to an existing use permit, for a lesser number of parking spaces associated with transitional housing for homeless persons under the federal McKinney Act on the basis of adequate evidence of a lesser parking demand and the application of any appropriate conditions determined necessary to meet the general purposes of the zoning ordinance as listed in Section 17.02.030 of this title. Among the conditions applied in each case shall be a requirement that the applicant establish and maintain a program of monitoring parking usage, including submitting periodic reports of such monitoring to the city and that the planning commission or city council on appeal may, after a noticed public hearing, require modifications to the parking provided on the site if the city finds that such modifications are warranted. (Ord. 2005-02 § 1 (Exh. A (part)), 2005: Ord. 2003-09 § 1 (part), 2003: Ord. 99-04 § 1 (part), 1999; Ord. 96-24 § 1, 1996: Ord. 96-7 § 1 (part), 1996; zoning ordinance dated 7/94 (part), 1994)

17.44.030 Commercial and mixed commercial and residential use.

Parking requirements for commercial use and residential use approved by use permit as pursuant to Section 17.22.030 or 17.24.030 of this title, shall be as follows:

A. Medical and dental offices: one parking space for each three hundred square feet of gross floor area plus one space for each office unit;

B. Veterinary hospitals and offices: one parking space for each three hundred square feet of gross floor area;

C. Service establishments, banks, offices: one parking space for each three hundred square feet of gross floor area;

D. Restaurants: one parking space for each sixty square feet of dining area;

E. Taverns: one parking space for each four seats;

F. Retail stores: one parking space for each two hundred seventy-five square feet of gross floor area;

G. General commercial (nursery, building materials yard, etc.): one parking space for each three regular employees on the largest shift and not less than one parking space for each two thousand square feet of gross floor area;

H. Take-out food establishment: eight parking spaces plus one space for each one hundred square feet of gross floor area;

I. Loading space: one loading space for each five thousand square feet of store floor area;

J. Furniture and major appliance stores: one parking space per five hundred square feet of gross floor area;

K. One space per residential unit.

(Ord. 2005-02 § 1 (Exh. A (part)), 2005: zoning ordinance dated 7/94 (part), 1994)

17.44.040 Recreational facilities.

Recreational facilities parking requirements shall be as follows:

A. Ballparks, stadiums, outdoor recreation centers: one parking space for each eight seats;

B. Bowling alleys: five parking spaces for each alley;

C. Swimming pools: one parking space for each one hundred square feet of pool area;

D. Private community centers: one parking space for each four hundred square feet of area provided that a use permit is granted with findings that members of the community center generally live or work in close proximity to the center and are well served by transit and/or a network of walking and bicycling trails to access the center. (Ord. 2006-17 § 1 (part), 2006; zoning ordinance dated 7/94 (part), 1994)

17.44.050 Public buildings.

Public building parking requirements shall be as follows:

A. Theaters, churches, indoor sports arenas, assembly halls, auditoriums, and similar places of public assemblage: one parking space for each four seats, and not less than one parking space for each two hundred square feet of gross floor area;

B. Libraries, museums, art galleries: one parking space for each three hundred square feet of gross floor area;

C. Hospitals: one parking space per bed plus one parking space for each three employees, and not less than one parking space for each three hundred square feet of gross floor area. (Zoning ordinance dated 7/94 (part), 1994)

17.44.060 Industrial.

Industrial, manufacturing and warehousing parking requirements shall be as follows:

A. Industrial, manufacturing, warehousing: one parking space for each three employees on the largest shift, and not less than one parking space for each one thousand square feet of gross floor area;

B. Office space in conjunction with permitted uses: one parking space for each two hundred square feet of floor area;

C. Truck loading and truck parking spaces: one space for each establishment and not less than one parking space for each five thousand square feet of gross floor area to a maximum of four spaces;

D. Other uses shall provide parking as determined by the planning commission.

(Zoning ordinance dated 7/94 (part), 1994)

17.44.070 General requirements.

General requirements shall be as follows:

A. Any off-street parking space, whether or not required by the terms of this title for any building or use wherein more than two automobile parking spaces are required, shall be designed so as to provide for maneuvering of the vehicles on the building site in such a way that they may leave the building site to enter any public or private road in a forward direction;

B. Off-street parking spaces shall not be permitted in the required front nor the required side yard and driveways shall not be permitted in the required front yard nor the required side yard abutting a street except as necessary for ingress and egress from the street. However, off-street parking spaces for handicapped persons as required by federal or state law may be located in the required front yard or the required side yard abutting a street;

C. All parking areas and driveway surfaces shall be permanently paved and maintained to the satisfaction of the city engineer;

D. As defined by this title, a required parking space shall be a minimum of nine feet by nineteen feet.

E. Parking Demand Management Program. Parking shall be provided at the rates as required elsewhere in this chapter and parking shall have minimum dimensions as defined by subsection D, except that the planning commission or the city council on appeal, may grant a use permit or amendment to an existing use permit, to allow 1) a given parking space or spaces to be counted towards the parking requirements for two or more uses, 2) a lesser number of parking spaces, and 3) minimum dimensions of less than defined in said subsection; subject to the implementation of an ongoing and continuous parking demand management program as described below and determined necessary to meet the general purposes of the zoning ordinance as listed in Section 17.02.030.

1. A given parking space or parking spaces may be counted towards parking requirements for two or more uses in circumstances where a parking demand management program identifies specific parking spaces to be shared by two or more uses having peak parking demands occurring at different times of the day or week. Such shared parking spaces may serve two or more uses on separate lots where any permanent and non-revocable agreements bind the property owners and operators of the uses to share parking as described in an approved parking demand management program. The parking demand management program shall identify specific parking spaces to be shared, the times of the day and days of the week each parking space will be available for each use to be served, and the proximity and ease of access of shared parking spaces to uses to be served. Any such shared parking space shall be located within three hundred feet of site proposed to be served.

2. A lesser number of parking spaces may be approved in circumstances where a parking demand management program for employment sites with over fifty employees or places of assembly with more than fifty seats in one assembly location defines and implements permanent transportation programs to the employment site or the assembly location, respectively. Said transportation programs shall provide transportation to work or place of assembly by bus, van or car pools, bicycles or other alternative forms of transportation to the private automobile.

3. Lesser parking space dimensions may be approved in circumstances where a parking demand management program for places of assembly with fifty or more seats in one assembly location defines and permanently implements a program of staffed valet parking during all times of assembly.

F. Landscaped planting areas shall be incorporated into the design of all parking areas in accordance with adopted city design guidelines and standards. (Ord. 2003-03 § 1 (part), 2003: Ord. 2001-08 § 1, 2001; zoning ordinance dated 7/94 (part), 1994)

Chapter 17.45

AFFORDABLE HOUSING

Sections:

17.45.010	**Purpose and intent.**
17.45.020	**Definitions.**
17.45.030	**Inclusionary housing.**
17.45.040	**Density bonus.**
17.45.050	**Types of incentives and concessions allowed.**
17.45.060	**Affordable housing standards.**
17.45.070	**Affordable housing plan.**
17.45.080	**Affordable housing agreement.**
17.45.090	**Affordable housing trust fund.**
17.45.100	**Administration fees.**
17.45.110	**Enforcement and monitoring.**
17.45.120	**Waivers of inclusionary housing requirement.**

17.45.010 Purpose and intent.

It is the intent of the city of Marina to attain a jobs-housing balance through economic development that generates a substantial number of high-quality jobs and through the construction of a diverse mix of housing types to accommodate a broad range of life styles and income levels, especially with respect to matching the needs of the city's current and projected workforce. This Chapter 17.45 of the zoning ordinance is intended to facilitate the development of housing affordable to all income segments of the community through discretionary policies and regulatory incentives. (Ord. 2006-14 § 2 (Exh. A (part)), 2007)

17.45.020 Definitions.

Whenever the following terms are used in this chapter, they shall have the meaning established in this section:

"Adjusted for household size appropriate for the unit" means a household of one person in the case of a studio unit, two persons in the case of a one-bedroom unit, three persons in the case of a two-bedroom unit, four persons in the case of a three-bedroom unit, five persons in the case of a four-bedroom unit and six persons in a six-bedroom unit.

"Affordable housing agreement" means a legally binding, written agreement between the city and a developer, in form and substance satisfactory to the city attorney and approval body, ensuring the compliance of the requirements of this chapter, whether through the provision of inclusionary units, density bonus target units, or through an alternative method.

"Affordable housing plan" means the plan referenced in Section 17.45.070, which sets forth the manner in which the requirements of this chapter will be implemented for a particular residential development.

"Approval body" means the person, board, commission, or council given the final authority to review and approve or disapprove a development or building permit application.

"Childcare facility" means a child day care facility other than a family day care home, including, but not limited to, infant center, preschool, extended day care facility, and school-age child care center.

"Common interest development" means any of the following as defined in Section 1351 of the California Civil Code:

1. A community apartment project;
2. A condominium project;
3. A planned development;
4. A stock cooperative.

"Density bonus" means a density increase over the otherwise maximum allowable residential density as specified by this chapter.

"Density bonus target units" means, in exchange for a density bonus, the housing units within a residential development that are required to be reserved for sale or rent to, and made available at affordable housing costs to very low, low, or moderate income households, or is a unit in a senior housing development.

"Density bonus units" means the residential units granted pursuant to the provisions of this chapter, which exceed the maximum residential density for the development site.

"Developer" means any person, firm, partnership, association, joint venture, corporation, or any entity or combination of entities, which seeks city approvals for all or part of a residential development. The term "developer" also means the owner for any such property for which such approvals are sought.

"Director" means the community development director of the city of Marina or his/her designee.

"Discretionary approval" means any entitlement or approval pursuant to this chapter and the subdivision ordinance, including but not limited to general plan amendments, zoning ordinance amendments, specific plans, use permit, variance, design review, and subdivision map and other legislative approvals.

"Inclusionary units" means housing units developed pursuant to an affordable housing agreement that will be offered for rent or sale to very low, low, moderate, and middle income households, at an affordable housing cost, pursuant to this chapter.

"Low income households" means households whose income does not exceed the lower income limits applicable to Monterey County, as published and periodically updated by the California Department of Housing and Community Development pursuant to Section 50079.5 of the California Health and Safety Code.

"Low income units" means housing units restricted to occupancy by low income households at affordable housing cost.

"Lower income households" means the inclusion of both low income and very low income households.

"Market-rate units" means housing units where the rental rates or sales prices are not restricted either by this chapter or by requirements imposed through other local, state, or federal affordable housing programs.

"Maximum residential density" means the maximum number of residential units permitted by the Marina General Plan, applicable to the subject property at the time an application for the construction of a residential development or redevelopment is deemed complete by the city, excluding the density bonus units permitted by this chapter.

"Median income" means the median family income of the county of Monterey, as annually estimated by the United States Department of Housing and Urban Development pursuant to Section 8 of the United States Housing Act of 1937. Median income limits, as adjusted for household size, are revised annually and published by the State Department of Housing and Community Development.

"Middle income households" means households whose gross household income is between one hundred twenty-one and one hundred fifty percent of the median income for Monterey County, adjusted for household size. Housing affordable to middle income households created as a result of provisions in this chapter is intended to address the workforce housing needs in Marina.

"Middle income units" means housing units restricted to occupancy by middle income households at affordable housing cost.

"Moderate income households" means households whose income does not exceed the moderate income limits applicable to Monterey County, as published and periodically updated by the California Department of Housing and Community Development pursuant to Section 50079.5 of the California Health and Safety Code.

"Moderate income units" means housing units restricted to occupancy by moderate income households at affordable housing cost.

"Monterey County area median income" means the annual median income for Monterey County, adjusted for household size, as published in the California Code of Regulations, Title 25, Section 6932, or its successor provision.

"Redevelopment agency" means the redevelopment agency of the city of Marina.

"Regulatory agreement" means one or more legally binding written agreements to ensure continued affordability of the unit to a very low, low, moderate or middle income household, in form and substance satisfactory to the city attorney and approval body, executed and recorded against the residential development at the time of the final map recordation pursuant to the terms of this chapter and may include a deed restriction, resale restriction or regulatory agreement.

"Residential development" means one or more groups of projects for residential units constructed in the city. Residential development also includes a subdivision or common interest development approved by the city and consists of residential units or unimproved residential lots and either a project to substantially rehabilitate and convert an existing commercial building to residential use or the substantial rehabilitation of an existing multifamily project, where the result of the rehabilitation would be a net increase in available units. For purposes of this chapter, residential development shall not include a residential care facility as that term is defined in the zoning ordinance.

"Senior housing" means a residential development that has been "designed to meet the physical and social needs of senior citizens," and which otherwise qualifies as "housing for older persons," as that phrase is used in the Federal Fair Housing Amendments Act of 1988 and its implementing regulations, and as that phrase is used in California Civil Code Section 51.3 and the California Fair Employment and Housing Act.

"Substantial rehabilitation" or "substantially rehabilitated" means the rehabilitation of a dwelling unit that has substantial building and other code violations, such that the unit is returned to the city's housing supply as decent and safe housing, and the cost of such work exceeds twenty-five percent of the after rehabilitation value or thirty thousand dollars, whichever is less.

"Total housing costs" means the total monthly or annual recurring expenses required of a household to obtain shelter. For a rental unit, total housing costs include the monthly rent payment and reasonable utilities and all mandatory fees charged for use of the property. For an ownership unit, total housing costs include the mortgage payment (principal and interest), utilities, homeowner's association dues, homeowner's insurance, property taxes and assessments, maintenance costs, mortgage insurance and any other related assessments.

"Very low income households" means households whose income does not exceed the very low income limits applicable to Monterey County, as published and periodically updated by the State Department of Housing and Community Development pursuant to Section 50105 of the California Health and Safety Code.

"Very low income units" means housing units restricted to occupancy by very low income households at affordable housing cost. (Ord. 2006-14 § 2 (Exh. A (part)), 2007)

17.45.030 Inclusionary housing.

A. Purpose and Intent. It is the intent of this Section 17.45.030 to establish standards and procedures that facilitate the development of housing affordable to a range of households with varying income levels as mandated by State Law California Government Code Section 65580. The purpose of this section is to encourage the development and availability of such housing by ensuring that the addition of affordable housing units to the city's housing stock is in proportion with the overall increase in housing units.

opment. An election to dedicate land in lieu of compliance with other provisions of this chapter shall be allowed only if:

i. The value of the lot or lots to be dedicated is sufficient to make development of the otherwise required inclusionary units economically feasible, and financing or a viable financing plan is in place for at least the required number of inclusionary units,

ii. The lot or lots are suitable for construction of affordable housing at a feasible cost, appropriately zoned, served by utilities, streets and other infrastructure and there are no hazardous material or other material constraints on development of affordable housing on the lot or lots, including liens or other encumbrances that would prevent the development of affordable housing on the lot or lots, and

iii. All city approvals necessary for construction of inclusionary units on the lots or lots to be dedicated have been obtained prior to dedication;

b. Acquisition and rehabilitation of affordable units at the same level of affordability as required for the inclusionary units. Any such units acquired and rehabilitated must be subject to a regulatory agreement ensuring the long-term affordability of the inclusionary units, and must not currently be subject to a regulatory agreement requiring long-term affordability;

c. Preservation of publicly assisted rental units at risk of converting to market-rate housing;

d. Conversion of a sufficient number of existing market-rate units to inclusionary units to provide the same number of affordable units as would be required on-site;

e. Construction of special needs housing (shelters, transitional housing, etc.) meeting the housing needs for special needs groups as identified in the housing element;

f. Acquisition/rehabilitation of affordable housing, preservation of at-risk housing, and conversion of market-rate units to affordable units shall comply with the requirements of Section 65583.1 of the California Government Code in addition to the standards and affordability controls specified in this chapter;

g. For residential developments with five hundred or more dwelling units developed pursuant to a specific plan or development agreement, the city council may approve an affordable housing program consistent with the housing element of the general plan that is tailored to the development and may differ from the provisions set forth in this chapter;

h. Such other alternative as may be approved by the city council subject to the required findings set forth in subsection (D)(1) of this section.

E. Procedures.

1. At the times and in accordance with the standards and procedures set forth in Section 17.45.070, a developer shall:

a. Submit an affordable housing plan for review by the director, setting forth in detail the manner in which the provisions of this section will be implemented for the proposed residential development;

b. Execute and record an affordable housing agreement with the city of Marina;

c. Execute and record a regulatory agreement against each inclusionary unit.

2. No discretionary approval (or building permit, if discretionary approval is not required) shall be issued for all or any portion of a residential development or redevelopment subject to this section until the developer has submitted an affordable housing plan. If discretionary approval is not required, an affordable housing plan shall be submitted at the time of building permit application.

3. No building permit or final or parcel map shall be issued for the residential development, or any portion thereof, subject to this section unless the approval body has approved the affordable housing plan and the affordable housing agreement, if required, is recorded.

4. No final inspection shall be conducted for the residential development, or any portion thereof, subject to this section unless the approved affordable housing plan and/or regulatory agreement, has been fully imple-

mented. The time requirements set forth in this subsection for final inspection for nonrestricted units may be modified to accommodate phasing schedules, model variations, or other factors in a residential project, if the city determines that this will provide greater public benefit and an affordable housing agreement acceptable to the approval body so provides. (Ord. 2006-14 § 2 (Exh. A (part)), 2007)

17.45.040 Density bonus.

A. Intent and Purpose. The purpose of this Section 17.45.040 is to provide incentives for the production of housing for very low income, lower income, moderate income, and senior households in accordance with Government Code Sections 65915 through 65918. In enacting this section, it is the intent of the city of Marina to facilitate the development of affordable housing and to implement the goals, objectives and policies of the housing element of the city's general plan.

B. Applicability. This section applies to any residential development of five or more units when the written request of an applicant proposes density beyond the maximum residential density in exchange for an agreement that a portion of the total housing units in the proposed development is reserved for very low income or low income households, seniors, or moderate income households in a common interest development.

C. Density Bonus Requirements. The city shall grant a density bonus and additional incentives to a developer of a residential development who agrees to provide one of the following:

1. Very Low Income Units. Designate at least five percent of the total units of a residential development as density bonus target units affordable to very low income households;

2. Lower Income Units. Designate at least ten percent of the total units of a residential development as density bonus target units affordable to lower income households; or

3. Moderate Income Units in a Common Interest Development. Designate at least ten percent of the total units of a common interest development as density bonus target units affordable to moderate income households, provided that all units in the development are offered to the public for purchase;

4. Any senior housing development;

5. Donation of land pursuant to Government Code Section 65915(h).

D. Calculation of Density Bonus. In determining the number of density bonus units to be granted pursuant to this section, the maximum residential density for the site shall be computed as follows and summarized in Table 17.45.040-1:

1. Very Low Income Households. The maximum allowable residential density for the site shall be increased by twenty percent provided, however, that for each additional one percent increase above the minimum five percent of units affordable to very low income households, the density bonus shall be increased by 2.5 percent up to a maximum of thirty-five percent.

2. Lower Income Households. The maximum allowable residential density for the site shall be increased by twenty percent provided, however, that for each additional one percent increase above the minimum ten percent of units affordable to lower income households, the density bonus shall be increased by 1.5 percent up to a maximum of thirty-five percent.

3. Moderate Income Common Interest Development. The maximum allowable residential density for the site shall be increased by five percent provided, however, that for each additional one percent increase above the minimum ten percent of units affordable to moderate income households, the density bonus shall be increased by one percent up to a maximum of thirty-five percent.

4. Senior Housing Development. The maximum allowable residential density for the site shall be increased by twenty percent.

Table 17.45.040-1
Summary of Density Bonus

Target Group	Minimum % Target Units	Bonus Granted	Additional Bonus for Each 1% Increase in Target Units	% Target Units Required for Maximum 35% Bonus
Very Low Income	5%	20%	2.5%	11%
Lower Income	10%	20%	1.5%	20%
Moderate Income (Common Interest Development Only)	10%	5%	1%	40%
Senior Citizen Housing Development	100%	20%	—	—

5. In calculating the required number of density bonus target units, fractional units of 0.50 or above will be rounded up to a whole unit. When calculating the number of permitted density bonus units, any calculations resulting in fractional units shall be rounded to the next larger integer. The density bonus shall not be included when determining the percentage of density bonus target units.

6. The developer can request a lesser density bonus than the project is entitled to, but no reduction shall be permitted in the number of required density bonus target units pursuant to subsection C.

7. Each residential development is entitled to only one density bonus, which may be selected based on the percentage of either very low income density bonus target units, lower income density bonus target units, or moderate income density bonus target units, or the project's status as a senior housing development. Density bonuses from more than one category may not be combined.

8. In accordance with state law, neither the granting of a concession or incentive nor the granting of a density bonus shall be interpreted, in and of itself, to require a general plan amendment, zoning change, or other discretionary approval.

9. Example. The following example in Table 17.45.040-2 illustrates the calculation of density bonus in conjunction with the inclusionary housing requirements pursuant to subsection C.

Table 17.45.040-2
Calculation of Density Bonus

	For Sale
Initial Project Size Proposed	100 units
Inclusionary Housing Requirements	6% very low 7% low 7% moderate
Maximum Density Bonus Qualified	For providing 6% very low income units: 20% + 1*2.5% = 22.5% density bonus (5% very low income units qualify for 20% density bonus; each additional 1% very low income units is eligible for 2.5% density bonus)

	For Sale
Total Project Units	123 units
Income Distribution of Project Units	6 very low 7 low 7 moderate 103 market-rate

E. Incentives or Concessions. When a developer seeks a density bonus, the city shall grant incentives or concessions listed as follows and summarized in Table 17.45.040-3:

1. One incentive or concession for projects that include at least five percent of the total units for very low income households, at least ten percent for lower income households, or at least ten percent for moderate income households in a common interest development;

2. Two incentives or concessions for projects that include at least ten percent for very low income households, at least twenty percent of the total units for lower income households, or at least twenty percent for moderate income households in a common interest development;

3. Three incentives or concessions for projects that include at least fifteen percent for very low income households, at least thirty percent of the total units for lower income households, or at least thirty percent for moderate income households in a common interest development;

4. Refer to Section 17.45.050 for types of incentives and concessions that may be considered by the city.

Table 17.45.040-3
Number of Incentives and Concessions

Target Group	Target Units		
Very Low Income	5%	10%	15%
Lower Income	10%	20%	30%
Moderate Income (Condo or PD only)	10%	20%	30%
Maximum Incentives/Concessions	1	2	3

5. Application Requirements for Incentives, Concessions, Waivers, Modifications.

a. Economic Feasibility. Any development incentive granted shall be needed to make the project economically feasible and shall result in identifiable, financially sufficient and actual cost reductions.

b. Rate of Return Analysis. A developer seeking an incentive, concession, waiver or modification of development or zoning standards shall demonstrate in a financial analysis that the incentive, concession, waiver or modification is necessary to make the residential development economically feasible assuming a reasonable rate of return (e.g., at a minimum, an application shall include itemized accounting of projected costs and revenues of the development).

c. Revenue. Project revenues shall include moneys from the sale or rental of all units, including the density bonus units.

d. Costs. Projected costs:

i. Shall not include the "lost opportunity" cost of the density bonus target units (e.g., the amount that would have been generated had the density bonus target units been rented or sold at market rate);

ii. May include items that are required solely because of the inclusion of the density bonus units and would not have been required without the density bonus target units.

e. Developers proposing waivers and modifications shall also show that the development standard being waived would otherwise preclude development at the densities or with the incentives and concessions permitted.

F. Land Donation.

1. When a developer of a residential development donates land to the city as provided for in this section, the developer shall be entitled to a fifteen-percent increase above the otherwise maximum allowable residential density under the land use element of the general plan for the entire development. For each one percent increase above the minimum ten percent land donation, the density bonus shall be increased by one percent, up to a maximum of thirty-five percent. This increase shall be in addition to any increase in density allowed by subsection D, up to a maximum combined density bonus of thirty-five percent if a developer seeks both the increase required pursuant to this subsection and subsection D. When calculating the number of permitted density bonus units, any calculations resulting in fractional units shall be rounded to the next larger integer.

2. A residential development shall be eligible for the density bonus described in this section if the city makes all of the following findings:

a. The developer will donate and transfer the land no later than the date of approval of the final subdivision map, parcel map, or development application for the residential development.

b. The developable acreage and zoning classification of the land being transferred are sufficient to permit construction of units affordable to very low income households in an amount not less than ten percent of the number of residential units of the proposed development, or will permit construction of a greater percentage of units if proposed by the developer.

c. The transferred land is at least one acre in size or of sufficient size to permit development of at least forty units, has the appropriate general plan designation, is appropriately zoned for development as very low income housing, and is now or at the time of construction will be served by adequate public facilities and infrastructure. No later than the date of approval of the final subdivision map, parcel map, or development application for the residential development, the transferred land will have all of the permits and approvals, other than building permits, necessary for the development of the very low income housing units on the transferred land.

d. The transferred land and the very low income units constructed on the land will be subject to a deed restriction ensuring continued affordability of the units consistent with this section, which restriction will be recorded on the property at the time of dedication.

e. The land will be transferred to the city of Marina redevelopment agency or to a housing developer approved by the city. The city reserves the right to require the developer to identify a developer of the very low income units and to require that the land be transferred to that developer.

f. The transferred land is within the boundary of the proposed residential development. The transferred land may be located within one-quarter mile of the boundary of the proposed housing development if the city so approves.

G. Child Care Facilities.

1. When a developer proposes to construct a residential development that includes density bonus target units as specified in subsection D and includes a child care facility that will be located on the premises of, as part of, or adjacent to the residential development, the city shall grant either of the following if requested by the developer:

a. An additional density bonus for residential space that is equivalent or greater than the amount of square feet in the child care facility;

b. An additional concession or incentive that contributes significantly to the economic feasibility of the construction of the child care facility.

2. A residential development shall be eligible for the density bonus or concession described in this subsection if the city makes all of the following findings:

a. The child care facility will remain in operation for a period of time that is as long as or longer than the period of time during which the density bonus target units are required to remain affordable pursuant to Section 17.45.060.

b. Of the children who attend the child care facility, the percentage of children of very low income households, lower income households, or moderate income households shall be equal to or greater than the percentage of dwelling units that are proposed to be affordable to very low income, low income, or moderate income households.

3. Notwithstanding any requirement of this section, the city shall not be required to provide a density bonus or concession for a child care facility if it finds, based upon substantial evidence, that the community already has adequate child care facilities.

H. Condominium Conversions.

1. The city shall grant either a density bonus or other incentives of equivalent financial value if the applicant for a conversion of existing rental apartments to condominiums agrees to provide thirty-three percent of the total units of the proposed condominium project as density bonus target units affordable to low or moderate income households, or to provide fifteen percent of the total units in the condominium conversion project as density bonus target units affordable to lower income households. All such target units shall remain affordable for the period specified in Section 17.45.060.

2. For purposes of this specific subsection, a "density bonus" means an increase in units of twenty-five percent over the number of apartments to be provided within the existing structure or structures proposed for conversion.

3. No condominium conversion shall be eligible for a density bonus if the apartments proposed for conversion constitute a residential development for which a density bonus or other incentives were previously provided pursuant to this section.

I. Parking Standards.

1. Upon request of the applicant for any residential development qualifying for a density bonus under subsections (C)(1), (2) and (3), the following maximum parking standards shall apply, inclusive of handicapped and guest parking, for the entire residential development:

a. One on-site parking space per dwelling unit that has up to one bedroom;

b. Two on-site parking spaces per dwelling unit that has up to three bedrooms;

c. Two and one-half parking spaces per dwelling unit that has more than three bedrooms.

2. All parking calculations for the development resulting in a fraction shall be rounded up to the next whole number.

3. Parking may be provided by tandem parking and need not be covered or garaged, but may not be on-street parking.

J. Procedures.

1. An affordable housing plan serving as an application for a density bonus, incentive, concession, waiver, modification, or revised parking standard pursuant to this section shall be submitted with the first application for approval of a residential development and processed concurrently with all other applications required for the residential development.

2. Before approving an application for a density bonus, incentive, concession, waiver, or modification, the approval body shall make the following findings:

a. If the density bonus is based all or in part on donation of land, the findings included in subsection F;

b. If the density bonus, incentive, or concession is based all or in part on the inclusion of a child care facility, the findings included in subsection G;

c. If the incentive or concession includes mixed use development, the finding included in subsection (E)(3);

d. If an incentive or concession is requested, the developer has shown that it results in identifiable, financially sufficient and actual cost reductions;

e. If a waiver or modification is requested, the developer has shown that the waiver or modification is necessary to make the housing units economically feasible and that the development standard being waived would otherwise preclude development at the densities or with the incentives and concessions permitted.

3. If a request for a concession or incentive is not otherwise consistent with this section, the approval body may deny a concession or incentive if it makes a written finding, based upon substantial evidence, of either of the following:

a. The concession or incentive is not required to provide for affordable rents or affordable ownership costs.

b. The concession or incentive would have a specific adverse impact upon public health or safety or the physical environment or on any real property that is listed in the California Register of Historical Resources, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low and moderate income households. For the purpose of this subsection, "specific adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, written public health or safety standards, policies, or conditions as they existed on the date that the application was deemed complete.

4. If a request for a waiver or modification is not otherwise consistent with this section, the approval body may deny a waiver or modification only if it makes a written finding, based upon substantial evidence, of either of the following:

a. The waiver or modification would have a specific adverse impact upon health, safety, or the physical environment, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low and moderate income households. For the purpose of this subsection, "specific adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, written public health or safety standards, policies, or conditions as they existed on the date that the application was deemed complete.

b. The waiver or modification would have an adverse impact on any real property that is listed in the California Register of Historical Resources. (Ord. 2006-14 § 2 (Exh. A (part)), 2007)

17.45.050 Types of incentives and concessions allowed.

The allocation of incentives in exchange of inclusionary for-sale housing for middle income households or a density bonus shall be determined on a case-by-case basis by the director or the approval body in approving the affordable housing plan. The incentives include one of the following:

A. Additional density provided the density bonus received for the entire residential development does not exceed thirty-five percent;

B. A reduction in site development standards or a modification of the requirements of this chapter, which exceed the minimum building standards provided in Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code. The incentives include one or more of the following:

1. Reduced minimum lot sizes and/or dimensions,

2. Reduced minimum lot setbacks,

3. Reduced minimum outdoor and/or private outdoor open space,
4. Increased maximum lot coverage,
5. Increased maximum building height,
6. Reduced on-site parking standards,
7. Reduced minimum building separation requirements,
8. Other site or construction conditions applicable to a residential development;

C. Mixed use zoning to allow the residential development to include nonresidential uses and/or allow the residential development within a nonresidential zone, if other land uses will reduce the cost of the residential development, and the other land uses are compatible with the residential development and the existing or planned development in the area;

D. A developer may seek a waiver or modification of development standards that will have the effect of precluding the construction of a residential development meeting the criteria of subsection D at the densities or with the concessions or incentives permitted by this subsection. The developer shall show that the waiver or modification is necessary to make the housing units economically feasible, and that the standards would preclude development with the densities, concessions and incentives proposed. (Ord. 2006-14 § 2 (Exh. A (part)), 2007)

17.45.060 Affordable housing standards.

A. Affordable Housing Costs. The total housing costs paid by a qualifying household, which shall not exceed a specified fraction of their gross income, adjusted for household size appropriate for the unit, as follows:

1. Very low income households, rental units: thirty percent of fifty percent of the Monterey County median income;
2. Very low income households, for-sale units: thirty percent of fifty percent of the Monterey County median income;
3. Low income households, rental units: thirty percent of sixty percent of the Monterey County median income;
4. Low income households, for-sale units: thirty percent of seventy percent of the Monterey County median income;
5. Moderate income households, rental units: thirty percent of one hundred ten percent of the Monterey County median income;
6. Moderate income households, for-sale units: thirty-five percent of one hundred ten percent of the Monterey County median income;
7. Middle income households, for-sale units: thirty-five percent of one hundred thirty-five percent of the Monterey County median income.

B. Development Standards.

1. All inclusionary units and density bonus target units shall be reasonably dispersed throughout the residential development; and shall be comparable with the market-rate units in terms of the design, infrastructure (including sewer, water and utilities), construction quality, exterior appearance, exterior materials and finished quality.
2. The bedroom mix of the inclusionary and density bonus target units shall be equivalent to the bedroom mix of the market-rate units of the residential development, except that the developer may include a higher proportion of inclusionary and density bonus target units with more bedrooms, unless both the approval body and developer agree within the affordable housing agreement to an alternative bedroom mix for the inclusionary and density bonus target units.

3. All inclusionary units and density bonus target units in a residential development shall be constructed concurrently with or prior to the construction of the market-rate units, unless both the approval body and developer agree within the affordable housing agreement to an alternative schedule for construction.

C. Length of Affordability.

1. Inclusionary Units.

a. Inclusionary units shall be reserved for very low, low, and moderate income households at the ratios established in Table 17.45.030-1, and shall be provided at the applicable affordable housing cost.

b. All affordable units provided through the inclusionary requirement shall be retained in perpetuity if permitted by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program applicable to the residential development. If not permitted by the affordable housing funding programs, then affordable rental units shall be reserved for income-eligible households for a minimum of fifty-five years, while affordable owner-occupied units shall be reserved for income-eligible households for a minimum of forty-five years, with the forty-five year time restriction beginning again at the time of resale.

c. Notwithstanding anything to the contrary in this subsection, no inclusionary rental unit shall be rented for an amount which exceeds ninety percent of the actual rent charged for a comparable market unit in the same development, if any.

d. After the initial sale of the inclusionary for-sale units at a price affordable to the required income level group, inclusionary for-sale units shall remain affordable to subsequent income-eligible buyers pursuant to a resale restriction with a term of forty-five years.

2. Density Bonus Target Units.

a. Density bonus target units used to also fulfill the city's inclusionary housing requirements shall adhere to the affordability requirements of the inclusionary housing provisions as set forth in subsection (C)(1) and the duration requirements for affordability set forth in this subsection (C)(2).

b. Density target units provided above and beyond the inclusionary requirements shall adhere to the following affordability requirements:

i. Density bonus target units offered for rent to low income and very low income households shall remain restricted and affordable to the designated income group for a minimum period of thirty years.

ii. Density bonus target units offered for sale to very low, low, or moderate income households shall be sold at an affordable sales price and reserved for income-eligible households for a minimum of thirty years, with the thirty-year time restriction beginning again at the time of resale.

iii. A longer affordability period may be specified if required by any construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program applicable to the residential development.

c. Notwithstanding anything to the contrary in this subsection, no density bonus target unit designated as a rental unit shall be rented for an amount which exceeds ninety percent of the actual rent charged for a comparable market unit in the same development, if any. (Ord. 2006-14 § 2 (Exh. A (part)), 2007)

17.45.070 Affordable housing plan.

A. Concurrent with the developer's first application for a discretionary approval (or building permit, when discretionary approval is not required) for a residential development or redevelopment, the developer shall submit to the director an affordable housing plan for review. The affordable housing plan shall be accompanied by a processing fee in an amount prescribed by resolution of the city council. No discretionary approval (or building permit) shall be granted without submission of the affordable housing plan.

B. The affordable housing plan shall contain the following information:

1. A brief description of the residential development, including the number of market-rate units, inclusionary units, and density bonus target units proposed, and the basis for the calculation of the number of inclusionary and density bonus target units;

2. The unit mix, location, structure type (attached or detached), size of the market-rate, inclusionary, and density bonus target units, and a statement as to whether the residential development is an ownership or rental project. A site plan or floor plan depicting the location of the inclusionary and target units shall be provided;

3. The income levels of the inclusionary and density bonus target units and an acknowledgment that city will verify tenant and homebuyer incomes to maintain the affordability of the inclusionary and target units;

4. In the event the developer proposes a phased project, a phasing plan that provides for the timely development of the inclusionary and density bonus target units as the residential development is built out shall be required. The phasing plan shall provide for development of the inclusionary and density bonus target units prior to or concurrently with the market-rate units;

5. A description of the specific incentives, concessions, waivers or modifications being requested of the city for provision of inclusionary units for middle income households or in conjunction of a density bonus, if any.

a. If a density bonus or concession is requested for a land donation, the affordable housing plan shall show the location of the land to be dedicated and provide evidence that each of the findings included in Section 17.45.040(F) can be made.

b. If a density bonus or concession is requested for a child care facility, the affordable housing plan shall show the location and square footage of the child care facilities and provide evidence that each of the findings included in Section 17.45.040(G) can be made.

6. Any other information reasonably requested by the director and the approval body to assist with the evaluation of the affordable housing plan.

C. Review and Approval of Affordable Housing Plan.

1. The director shall review the affordable housing plan for completeness within forty-five days from the date the application for the discretionary approval is deemed complete. If the affordable housing plan is rejected for incompleteness or if the director requires further information, the affordable housing plan shall be returned to the developer along with a list of the deficiencies or additional information required.

2. In the case of substantial rehabilitation where discretionary approval is not required, the director shall approve, conditionally approve or reject the affordable housing plan within forty-five days from the date the application for the building permit is submitted.

3. For residential development requiring discretionary action, the approval body shall approve, conditionally approve, or reject affordable housing plan as part of the development review process. At any time during the review process, the approval body may require additional information from the developer.

4. Approval of the affordable housing plan by the approval body in accordance with this section shall be a condition of approval of any discretionary approval or building permit for the residential development. (Ord. 2006-14 § 2 (Exh. A (part)), 2007)

17.45.080 Affordable housing agreement.

A. General Provisions.

1. Developers subject to this chapter shall demonstrate compliance with this chapter by executing an affordable housing agreement prepared by the city attorney and approved by the approval body.

2. Following the approval and execution by all parties, the affordable housing agreement with approved entitlement shall be recorded against the entire residential development, including market-rate units and the relevant terms and conditions filed and subsequently recorded as a separate deed restriction or regulatory agreement on the individual inclusionary or density bonus target units.

3. The approval and execution of the affordable housing agreement shall take place prior to final map approval and shall be recorded upon final map recordation or, where a map is not being processed, prior to the issuance of building permits. The affordable housing agreement shall bind all future owners and successors in interest for the term of years specified therein.

4. An affordable housing agreement shall establish, but not be limited to, the following:

a. The number of inclusionary and density bonus target units proposed;

b. The unit size and number of bedrooms of the inclusionary and density bonus target units;

c. The proposed location of the inclusionary and density bonus target units;

d. Level and tenure of affordability for the inclusionary and density bonus target units;

e. Schedule for production of the inclusionary and density bonus target units;

f. Approved incentives, if any, provided by the city;

g. Where applicable, requirements for other documents to be approved by the city, such as marketing, leasing and management plans; financial assistance/loan documents; resale agreements; and monitoring and compliance plans. (Ord. 2006-14 § 2 (Exh. A (part)), 2007)

17.45.090 Affordable housing trust fund.

A. There is established a separate fund of the city, to be known as the affordable housing trust fund. All moneys collected in compliance with Section 17.45.110 (Enforcement and monitoring), shall be deposited in the affordable housing trust fund.

B. Moneys recovered pursuant to Section 17.45.110 (Enforcement and monitoring) shall be distributed to the affected tenants or buyers, to the extent the tenants or buyers are very low, low, or moderate income households eligible to occupy the inclusionary and density bonus target units and made payments in excess of the applicable affordable housing cost or sales price. (Ord. 2006-14 § 2 (Exh. A (part)), 2007)

17.45.100 Administration fees.

The city council may by resolution establish reasonable fees and deposits for the administration of this chapter. (Ord. 2006-14 § 2 (Exh. A (part)), 2007)

17.45.110 Enforcement and monitoring.

A. The provisions of this chapter shall apply to all developers and their agents, successors and assigns proposing a residential development governed by this chapter. No building permit or occupancy permit shall be issued, nor any entitlement granted, for a project which is not exempt and does not meet the requirements of this chapter. This chapter shall be administered in accordance with administrative policies and procedures adopted by the city council and amended from time to time. The administrative policies and procedures may address policies and procedures such as the process for random drawings and waiting lists to select renters and homebuyers, documentation of employment and residence eligibility, annual certification and monitoring, refinancing and resale procedures, and ongoing homeowner educations requirements.

B. All inclusionary units and density bonus target units shall be rented or owned in accordance with this chapter.

C. The city attorney shall be authorized to enforce the provisions of this chapter and all affordable housing agreements, regulatory agreements, covenants, resale restrictions, promissory notes, deeds of trust and other

requirements placed on inclusionary units and density bonus target units by civil action and any other proceeding or method permitted by law. The city may, at its discretion, take such enforcement action as is authorized under the Marina Municipal Code and/or any other action authorized by law or by any regulatory document, restriction or agreement executed under this chapter. The city shall be entitled to all attorneys' fees arising out of any action or proceeding to ensure compliance.

D. Any individual who sells or rents an inclusionary or density bonus target unit in violation of the provisions of this chapter shall be required to forfeit all monetary amounts so obtained. Any individual who violated the terms of this chapter or any regulatory agreement may be forced to vacate or sell the unit to an eligible participant.

E. The remedies provided for herein shall be cumulative and not exclusive and shall not preclude the city from any other remedy or relief to which it otherwise would be entitled under law or equity. (Ord. 2006-14 § 2 (Exh. A (part)), 2007)

17.45.120 Waivers of inclusionary housing requirement.

A. Notwithstanding any other provision of this chapter, the inclusionary housing requirements of Section 17.45.030 of this chapter may be waived, adjusted, or reduced if an applicant shows, based on substantial evidence, that there is not reasonable relationship between the impact of a proposed residential development and the requirements of this section or that applying the requirements of this chapter would take property in violation of the United States or California Constitution.

B. Any request for a wavier, adjustment, or reduction under this section shall be submitted concurrently with the affordable housing plan required by Section 17.45.070. The request for a waiver, reduction, or adjustment shall set forth in detail the factual and legal basis for the claim.

C. The request for a waiver, adjustment, or reduction shall be revised and considered in the same manner and at the same time as the affordable housing plan. In making a determination on an application for waiver, adjustment or reduction, the applicant shall bear the burden of presenting substantial evidence to support the claim. The city may assume each of the following when applicable:

1. That the applicant will provide the most economically inclusionary units feasible meeting the requirements of this chapter;

2. That the applicant is likely to obtain housing subsidies when such funds are reasonably available;

3. The extent to which the applicant will benefit from inclusionary incentives under Section 17.45.050.

D. The waiver, adjustment, or reduction may be approved only to the extent necessary to avoid an unconstitutional result, after adoption of written findings, based on substantial evidence, supporting the determinations required by this section. (Ord. 2006-14 § 2 (Exh. A (part)), 2007)

Chapter 17.46

VARIANCES*

Sections:

17.46.010 Generally.
17.46.020 Authority.
17.46.030 Application and fees.
17.46.040 Public hearing.
17.46.050 Action by planning commission.
17.46.060 Appeal.
17.46.070 Revocation.
17.46.080 Effects.

* Prior ordinance history: Ords. 77-10 and 82-14.

17.46.010 Generally.

Variances to the yard, height, coverage and area regulations of this title may be authorized by a variance permit granted in accordance with the provisions of this chapter. (Zoning ordinance dated 7/94 (part), 1994)

17.46.020 Authority.

The planning commission shall hear and decide all applications for variance permits. (Zoning ordinance dated 7/94 (part), 1994)

17.46.030 Application and fees.

Application for a variance shall be made in writing on a form prescribed by the planning commission and shall be accompanied by a fee to be established by resolution of the city council from time to time hereinafter enacted, and by statements, plot plans, and other evidence showing:

A. That because of special circumstances applicable to subject property, including size, shape, topography, location or surroundings, the strict application of this title is found to deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification; and

B. That the grant of a variance permit would not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which subject property is situated;

C. That any variance granted for development in the Coastal Zone is found to be consistent with all applicable local coastal land use plan recommendations and requirements. (Zoning ordinance dated 7/94 (part), 1994)

17.46.040 Public hearing.

A public hearing shall be held after filing application, and not less than ten calendar days prior thereto the planning commission shall give notice of hearing thereon by one publication in a newspaper of general circulation. In addition, the planning commission may also give notice of such hearing by mailing postage prepaid a notice of the time and place of such hearing to all persons owning property adjacent to the exterior boundaries of the area actually occupied or to be occupied by the use for which the variance was applied. Addresses shall be used from the last equalized assessment roll, or alternatively, from such other records of the assessor or the tax collector as contain more recent addresses. (Zoning ordinance dated 7/94 (part), 1994)

17.46.050 Action by planning commission.

After conclusion of the public hearing, the planning commission shall make it's decision in writing, which decision shall include findings of fact as to whether the qualifications under subsections A and B of Section 17.46.030 apply to the land, building or use of which variance is sought. The planning commission may include such conditions in connection with the variance as they deem reasonable and necessary under the circumstances to preserve the integrity and character of the district and to secure the general purposes of this title. Such conditions may include, but are not limited to architectural and site approval, time limitations, street dedications, and street and drainage improvements. The planning commission may also require such bonds and guarantees as they deem appropriate to assure the compliance of the conditions. (Zoning ordinance dated 7/94 (part), 1994)

17.46.060 Appeal.

A. An appeal to the city council may be filed by any person aggrieved by a decision of the planning commission. Such appeal shall be in writing and shall be filed with the city clerk within ten days after written notice of the decision has been mailed to the applicant. At the time of the filing of the appeal, the appellant other than the applicant, shall pay a filing fee to be established by resolution of the city council from time to time hereinafter enacted. An appeal shall set forth specifically the points at issue, the reasons for the appeal, and wherein the appellant believes there was an error or abuse of discretion by the planning commission.

B. Upon receipt of the notice of appeal, the city council shall set a date for public hearing thereon, giving notice thereof pursuant to Section 17.46.040. The city council may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as should be made, and such action shall be final. (Zoning ordinance dated 7/94 (part), 1994)

17.46.070 Revocation.

A. Where one or more of the conditions of the granting of a variance have not been, or are not being complied with, or when a variance was granted on the basis of false material information, written or oral, given wilfully or negligently by the applicant, the planning commission may revoke or modify such variance following a hearing thereon. Notice of such hearing shall be given in writing to the permittee at least ten days prior to said hearing. Notice of such hearing shall also be given as described in Section 17.46.040. Following the hearing, the planning commission may revoke or modify the variance.

B. An appeal may be taken from such revocation or modification in the same manner as described in Section 17.46.060.

C. All variances issued by the planning commission shall be valid until the date of expiration stated on the permit, or if no date of expiration is stated, or unless otherwise specified by the planning commission, all such permits shall expire one year from the date of granting said permit unless construction on, or use of, the subject property has started within this period. (Zoning ordinance dated 7/94 (part), 1994)

17.46.080 Effects.

No building permit shall be issued nor any use conditions and terms of the variance granted, until ten days after the mailing of notice of granting of such variance by the planning commission or after granting of such variance by the city council in the event of appeal. (Zoning ordinance dated 7/94 (part), 1994)

Chapter 17.48

USE PERMITS*

Sections:

17.48.010 Generally.
17.48.020 Application and fees.
17.48.030 Public hearing.
17.48.040 Action by appropriate authority.
17.48.050 Appeal.
17.48.060 Revocation.
17.48.070 Effect.

* Prior ordinance history: Ords. 77-10 and 82-14.

17.48.010 Generally.

A. Use permits, revocable, conditional, or valid for a term period may be issued for any of the uses or purposes for which such permits are required or permitted by the terms of this title.

B. The planning commission shall have the power to hear and decide applications for, and issue use permits, for all uses for which a use permit is required or permitted.

C. As used in this chapter, the words "appropriate authority" means the planning commission when the application for a use permit is one which is within its power to issue. (Zoning ordinance dated 7/94 (part), 1994)

17.48.020 Application and fees.

A. Application for a use permit shall be made to the appropriate authority in writing on a form prescribed by it, and shall be accompanied by statement, plans and elevations necessary to show the detail of the proposed use or building.

B. Such application shall be accompanied by a fee to be established by resolution of the city council from time to time hereinafter enacted, no part of which shall be returnable to the applicant. (Zoning ordinance dated 7/94 (part), 1994)

17.48.030 Public hearing.

A public hearing shall be held after filing of application, and after the determination of the planning commission that the information submitted by the applicant is sufficient to consider the matter, and not less than ten calendar days prior thereto the appropriate authority shall give notice of hearing thereon by one publication in a newspaper of general circulation. In addition, the appropriate authority may also give notice of such hearing by mailing postage prepaid notice of the time and place of such hearing to all persons owning property adjacent to the exterior boundaries of the area actually occupied or to be occupied by the use for which the use permit was applied. Addresses shall be used from the last equalized assessment roll, or alternatively, from such other records of the assessor or the tax collector as contain more recent addresses in the opinion of the appropriate authority. (Zoning ordinance dated 7/94 (part), 1994)

17.48.040 Action by appropriate authority.

A. In order to grant any use permit, the findings of the appropriate authority shall be 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 health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the city; and in the Coastal Zone the use is consistent with all applicable local coastal land use plan recommendations and requirements.

B. The appropriate authority may designate such conditions in connection with the use permit as it deems necessary to secure the purposes of this title. Such conditions may include, but are not limited to, architectural and site approval, time limitations, street dedication, and street and drainage improvements. The appropriate authority may also require such bonds and guarantees as it deems appropriate to assure the compliance of the conditions. (Zoning ordinance dated 7/94 (part), 1994)

17.48.050 Appeal.

A. An appeal to the city council may be filed by any person aggrieved by a decision of the appropriate authority. Such appeal shall be in writing and shall be filed with the city clerk within ten days after written notice of the decision has been mailed to the applicant. At the time of the filing of the appeal, the appellant shall pay a filing fee to be established by resolution of the city council from time to time hereinafter enacted. An appeal shall set forth specifically the points at issue, the reasons for the appeal, and wherein the appellant believes there was an error or abuse of discretion by the appropriate authority.

B. Upon receipt of the notice of appeal, the city council shall set a date for public hearing thereon, giving notice thereof pursuant to Section 17.48.030. The city council may reverse or affirm, wholly or partly, or may modify the order, make such order, requirements, decision, or determination as should be made, and such action shall be final. (Zoning ordinance dated 7/94 (part), 1994)

17.48.060 Revocation.

A. Where one or more of the conditions of the granting of a use permit have not been, or are not being complied with, or when a use permit was granted on the basis of false material information, written or oral, given wilfully or negligently by the applicant, the appropriate authority may revoke or modify such use permit following a hearing thereon. Notice of such hearing shall be given in writing to the permittee at least ten days prior to said hearing. Notice of such hearing shall be given as described in Section 17.48.030. Following the hearing, the appropriate authority may revoke or modify the use permit.

B. An appeal may be taken from such revocation or modification in the same manner as described in Section 17.48.050.

C. All use permits issued by the appropriate authority shall be valid until the date of expiration stated on the permit, or if no date of expiration is stated, or unless otherwise specified by the appropriate authority, all such permits shall expire one year from the date of granting said permit unless construction on, or use of the subject property has started within this period. (Zoning ordinance dated 7/94 (part), 1994)

17.48.070 Effect.

No building permit shall be issued, nor any use conducted, otherwise than in accordance with the conditions and terms of the use permit granted, nor until ten days after the mailing of notice of granting of such use permit by the appropriate authority, or, after granting of such use permit by the city council, in the event of appeal. (Zoning ordinance dated 7/94 (part), 1994)

Chapter 17.50

SITE AND ARCHITECTURAL DESIGN REVIEW*

Sections:

17.50.010 Site and architectural design review board—Approval required when.
17.50.020 Appointment to board.
17.50.030 Application and fees.
17.50.040 Board action.
17.50.050 Planning commission action.
17.50.060 Appeal.

* Prior ordinance history: Ords 77-10, 82-14, 86-2 and 94-1.

17.50.010 Site and architectural design review board—Approval required when.

The Marina planning commission shall appoint a site and architectural design review board, hereinafter referred to as the board, as a subcommittee of the Marina planning commission. The board shall have the power to review and make recommendations to the planning commission regarding all applications for developments in the city. A building permit shall not be issued for any of the following uses until site and architectural design approval has been obtained: public buildings and grounds; public and private schools; colleges, libraries, art galleries, and museums; public and private hospitals and other institutions; churches and other religious buildings and grounds; clubs, lodges, mortuaries, meeting halls, and other places of public assembly; motels and hotels; office buildings; all commercial and industrial uses; mobile home parks; parking lots; public utility structures and installations, except poles and towers carrying overhead lines; and more than one dwelling unit on a single parcel; and one dwelling unit on a single parcel where said parcel abuts upon and has legal access to two or more non-intersecting public streets. Also, no occupancy permit shall be issued pursuant to Municipal Code Title 15 for civilian reuse projects on former United States military land until site and architectural design approval has been obtained. (Ord. 2001-07 § 1 (part), 2001: Ord. 97-12 § 1 (part), 1997: zoning ordinance dated 7/94 (part), 1994)

17.50.020 Appointment to board.

The board members shall be appointed and the board shall operate in accordance with Chapter 2.12 and in the following prescribed manner:

A. The board shall be established and appointed on an annual basis by a majority vote of the city council upon a recommendation from the planning commission.

B. The board shall consist of five members plus one alternate as follows:

1. Members 1 through 3: At least three board members shall be members of the public-at-large. One public-at-large member may reside outside the city. All other public-at-large members shall be residents of the city. All public-at-large members should preferably have a background, or some knowledge, of planning, real estate, engineering, architecture, contracting, or any related field.

2. Member 4: One board member shall be a member of the tree committee.

3. Member 5: One board member shall be a member of the planning commission.

4. Alternate: The alternate board member shall be a member of the planning commission.

C. The board should include at least:

1. Two architects/design professionals; and

2. One landscape architect/landscape contractor/nurseryman.

D. The board shall not include more than one member of any firm.

E. A quorum shall consist of any three members of the board.

F. The board shall yearly appoint a chairman and vice-chairman. Term of chair shall not exceed two successive years. Elections shall be held every January. The chair shall preside at all meetings of the board, make appointments to any subcommittees and shall perform all the duties necessary or incidental to the office. The vice-chair shall serve as chair in the absence or inability of the chair to serve.

G. The board shall not include more than one member of any firm.

H. The board shall yearly appoint a chairman and vice-chairman.

(Ord. 2006-19 § 1 (part), 2006: zoning ordinance dated 7/94 (part), 1994)

17.50.030 Application and fees.

A. Applications for site and architectural design review shall be accompanied by drawings showing front, side and rear elevations of the proposed building, structure signs, fences, developments, or improvements or additions thereto. The applicant shall also submit plans or drawings showing in reasonable detail, proposed building or structural locations, topography, existing vegetation, proposed parking layout and location, proposed landscaping plans and proposed color schemes.

B. Such applications shall be accompanied by a fee to be established by resolution of the city council from time to time hereinafter enacted, no part of which shall be returnable to the applicant. (Zoning ordinance dated 7/94 (part), 1994)

17.50.040 Board action.

The board shall consider all necessary plans, drawings and statements in an endeavor to encourage buildings, structures, or other improvements to be designed and constructed, and so located, that they will not be unsightly, undesirable or obnoxious in appearance to the extent that they will hinder the orderly and harmonious development of the city, impair the desirability of residence or investment or occupation in the city, limit the opportunity to obtain the optimum use and value of the land and improvements, impair the desirability of living conditions on or adjacent to the subject site, conform with the standards included in the local coastal land use plan and/or otherwise adversely affect the general welfare of the community.

A. Preliminary Design Review. The board shall suggest any changes in plans of such proposed buildings, structures, or other improvements, as it may deem necessary to accomplish the purposes of this section, and shall not recommend to the commission approval of any such plans until it is satisfied that such purposes will be accomplished thereby.

B. Final Design Review. In those situations where the site and architectural design approval by the planning commission as described in Section 17.50.050 of this chapter or by city council on appeal as described in Section 17.50.060 requires additional review by the board, the board shall review submitted final plans and other required final review submittal materials for conformance with the site and architectural design review approval. (Zoning ordinance dated 7/94 (part), 1994)

17.50.050 Planning commission action.

The planning commission shall review the preliminary design review recommendation of the board in acting upon the site and architectural design approval. All improvements which have received site and architectural design approval shall be constructed substantially in accordance with the approved plans, and no change shall be made subsequently without the review and approval of the planning director. (Zoning ordinance dated 7/94 (part), 1994)

17.50.060 Appeal.

A. If the applicant or any person who has participated in the process by personal attendance at meetings, testimony at meetings or other reasonable means is not satisfied with the action of the planning commission, said person may file an appeal with the city council in writing within ten days after written notice of the decision of the planning commission has been mailed to the applicant. The appeal shall set forth specifically the points of issue, the reason for the appeal, and wherein the appellant believes there was an error or abuse of discretion by the appropriate authority. The city council shall hold a hearing on said appeal and shall render its decision thereon within thirty days after filing thereof. The city council may reverse or affirm or modify the decision of the planning commission and such action shall be final.

B. If the applicant or any person who has participated in the process by personal attendance at meetings, testimony at meetings or other reasonable means is not satisfied with the action of the design review board relative to final design review, or the decision of the planning director or the design review board with respect to any proposed plan modification, said individual may file an appeal with the city clerk in writing within ten days after the said action or decision. The appeal shall set forth specifically the points of issue, the reason for the appeal, and wherein the appellant believes there was an error or abuse of discretion by the appropriate authority. The appeal shall be considered by the planning commission unless the city council granted design review approval on appeal in which case the appeal shall be considered by the city council. Said appeal body shall hold a hearing on said appeal and shall render its decision thereon within thirty days after filing thereof. Said body may reverse or affirm or modify the decision of the design review board or the decision or interpretation of the planning director and such action shall be final. (Zoning ordinance dated 7/94 (part), 1994)

Chapter 17.51

TREE REMOVAL, PRESERVATION AND PROTECTION*

Sections:

17.51.010 Purpose and intent.
17.51.020 Definitions.
17.51.030 Unlawful actions upon trees.
17.51.040 General exemptions.
17.51.050 Exemptions for governmental entities.
17.51.060 Tree removal permit.
17.51.070 Landmark trees.
17.51.080 Fees relating to landmark trees.
17.51.090 Tree committee.

* Prior ordinance history: Ords 96-3 and 97-3

17.51.010 Purpose and intent.

A. The city recognizes that the maintenance and new growth of healthy trees facilitates drainage, combats soil erosion, reduces global warming, adds real property and aesthetic values, and provides habitat for wildlife. To enhance the beauty of the city, while at the same time recognizing individual rights to develop private property, the city council adopts this chapter, establishing basic standards and measures to preserve and maintain existing trees and to encourage new tree planting.

B. It is the intent of the city by the adoption of these regulations to limit and restrict the removal of healthy and desirable trees in the city. However, regarding single-family residential properties which cannot be further subdivided, the intent is to limit and restrict only the removal of landmark trees. (Ord. 2006-19 § 1 (part), 2006)

17.51.020 Definitions.

As used in this chapter:

"Compensation plan" means a site plan outlining the planting location and species of replacement trees.

"Damage" means any action undertaken which causes or may cause death or significant injury, or which places the tree in a hazardous condition or in an irreversible state of decline. This includes, but is not limited to, cutting, topping, girdling, poisoning, trenching or excavating within the dripline or setting a tree on fire or allowing a tree or any portion of a tree to burn.

"DBH" or "diameter at breast height in inches" means the diameter of a tree measured at four and one-half feet above the ground while standing on the high side of the tree. The diameter may be calculated by use of the following formula: diameter equals circumference divided by 3.142.

"Development proposal" means and includes:

1. Proposed land subdivisions;
2. Proposed building projects for uses requiring site and architectural design approval by Section 17.50.010; and
3. Government and utility company construction projects.

"Drip line" means the greater of the outermost edge of the tree's canopy or fifteen times DBH measured from the center point of the tree.

Land, City. "City land" means and includes all publicly owned land including, but not limited to, parks, beaches, street right-of-way and parts of any public right-of-way devoted to plantings or park-like use.

"Person" means any individual, firm, association, corporation or other legal entity and agents, employees or representatives thereof.

"Tree" means any living woody perennial plant having a single stem of six inches or more DBH or a multistemmed plant having an aggregate diameter of ten inches or more measured at DBH and any living woody perennial plant which was planted in accordance with requirements of an approved compensation plan or was planted as part of a landscaping plan approved by the city.

Tree, City. "City tree" means any tree with more than one-half of either its trunk or branches on or above city-owned land, including any street right-of-way.

"Tree expert" means professional forester or certified arborist.

Tree, Healthy. "Healthy tree" means a tree that is continuing to thrive and is not in decline as determined by a tree expert.

Tree, Landmark. "Landmark tree" means any tree which has been identified by resolution of the planning commission as a landmark tree pursuant to Section 17.51.070.

Tree, Public Nuisance. "Public nuisance tree" means any tree or shrub growing or standing on city land or private property so its roots damage curbs, street paving or sidewalks in the public right-of-way or so it restricts the flow of traffic or visibility of any person using such streets and public rights-of-way shall constitute a public nuisance.

"Tree removal permit" means an authorization by the city for the removal of a tree or trees.

"Tree replacement" means any tree planted in accordance with requirements of an approved compensation plan.

Tree Stand, Landmark. "Landmark tree stand" means any grouping of two or more trees which has been identified by resolution of the planning commission as a landmark tree stand unless subsequently excluded by resolution of the planning commission.

Tree, Street. "Street tree" means any city tree with more than one-half of either its trunk or branches on or above any street right-of-way. (Ord. 2006-19 § 1 (part), 2006)

17.51.030 Unlawful actions upon trees.

Unless otherwise exempted, it is unlawful for any person to:

A. Remove, damage or relocate or cause to be removed, damaged or relocated any tree within the city without first obtaining a tree removal permit following the provisions of Section 17.04.060, unless said removal, damage or relocation is exempted by Section 17.04.040 or 17.04.050;

B. Conduct construction activities within the drip line of any tree unless these activities are conducted in compliance with tree protection guidelines adopted by resolution of the planning commission. (Ord. 2006-19 § 1 (part), 2006)

17.51.040 General exemptions.

A tree removal permit is not required in order to remove or relocate a tree under any of the following listed circumstances:

A. When removing, damaging or relocating nonlandmark trees or conducting construction activities within the drip line of nonlandmark trees on a property in the R-1, or single-family district, which is developed with one single-family residential dwelling unit and the size and shape of the property or the location of the dwelling on said property is such that the property may not be subdivided into two or more lots in conformance with Marina's zoning and subdivision ordinances;

B. When performing normal maintenance, trimming and pruning for trees located on private property or for a street tree abutting said property when authorized by the owner of said property;

C. When removing a tree which (1) was planted as part of an approved compensation plan when such removal and the replacement of said tree are accomplished in accordance with the conditions of an existing tree removal permit as determined by the community development director or designee or (2) was planted as part of a landscaping plan approved by the city when such removal is accomplished in accordance with a modified landscaping plan approved by the community development director or designee;

D. In the event of an emergency whereby immediate action is required because of danger to life or property, any tree may be removed upon approval of the community development director or designee. Upon authorization of such removal, the community development director or designee shall file a report with the planning commission describing the facts and circumstances constituting the emergency and said report shall be provided to the tree committee. (Ord. 2006-19 § 1 (part), 2006)

17.51.050 Exemptions for governmental entities.

A tree removal permit is not required in order to remove or relocate a tree by a governmental entity under any of the following listed circumstances. However, removal of a city tree shall be accompanied by the removal of the stump to a level no higher than two inches below the adjoining finish grade elevation:

A. When removal is determined necessary by fire department personnel actively engaged in fighting a fire;

B. When trees are injured by and determined to be dangerous by a peace officer or firefighter in their official capacity;

C. When trees are unintentionally damaged during the conduct of a drill by an agency of federal, state or city government, to train for emergency or public safety operations, provided the drill is approved in advance by the city. In the case of a drill, all possible effort will be made to protect existing trees;

D. When the city performs normal maintenance, trimming and pruning of city trees;

E. Up to three trees when corrective measures are taken to control or remove trees deemed detrimental to public health, safety or general welfare under the provisions of the Street and Highway Code. Such corrective measures shall be accomplished in the least intrusive manner. The removal of more than three trees in this manner shall require a tree removal permit;

F. Up to three trees when the location of a nonlandmark street tree conflicts with the construction of street or sidewalk improvements, storm drain, traffic signals or signs. The removal of more than three trees in this manner shall require a tree removal permit;

G. When corrective measures are taken to control or remove nonlandmark public nuisance trees. (Ord. 2006-19 § 1 (part), 2006)

17.51.060 Tree removal permit.

A. Application. A person who desires to remove or relocate any tree on any property unless exempted by Section 17.51.040 or 17.51.050 shall first secure a tree removal permit from the city. An application for such a permit shall be made on an application form provided by the city accompanied by fees established pursuant to action by the city council. The application shall contain the following:

1. The number, species, size, location of each tree proposed for removal and that may potentially be affected by the proposed development;

2. A statement on the reason for the requested action; and

3. Any other pertinent information determined necessary by the community development director or designee, such as an arborist report, prepared by a tree expert, that includes the following:

a. Physical identification of each tree on-site that is addressed by the report, either by number or colored tag that is attached to each tree and keyed to the report,

b. A site plan that identifies the location of each tree on-site that is addressed by the report, its root zone and canopy in relation to proposed development,

c. Size, species, health, and impacts anticipated by the proposed development, and

d. Whether the tree is proposed for preservation or removal;

4. A site plan that identifies all existing and proposed site improvements and the location, root zone drip line, and canopy of each tree in the arborist report.

B. Review Process. The community development director or designee, upon review and recommendation by the tree committee, may approve, deny or conditionally approve a request for removal. If the request is a part of a development proposal that requires review by the site and architectural design review board, the minor subdivision committee, and/or the planning commission, the community development director or designee shall refer the application together with a recommendation for action thereon to the appropriate reviewing body.

C. Required Findings for Approval of Tree Removal Permit. The following findings are required prior to approval or conditional approval of a tree removal permit:

1. The tree is in poor condition and is in danger of falling within proximity to existing structures, high pedestrian traffic areas such as parking lots, playgrounds and pedestrian walkways, or interference with utility services that cannot be controlled or remedied through reasonable preservation and/or preventive procedures and practices; or

2. The tree is host to a plant, or insect, or other parasitic organism which endangers other adjacent healthy trees; or

3. The location of more than three trees conflicts with the construction of street or sidewalk improvements, storm drain, traffic signals or signs; or

4. The number of trees on the site is in excess of the number of healthy trees the site is able to support, based on such considerations as tree species, growth characteristics, general health of the stand, tree age, solar orientation and soil condition; or

5. The applicant outlines other clearly documented and compelling reasons for the removal or relocation of a tree which do not include the elimination of falling leaves or shade, or improving a view; and

6. The tree does not serve as part of a windbreak system, or assist in drainage or in the avoidance of soil erosion, or serve as a component of a wildlife habitat, or otherwise play a prominent role in maintaining the existing urban forest; and

7. Due to the tree's contribution to the aesthetic beauty of the area, the removal would not have a substantial detrimental effect on neighboring property values; and

8. If the removal request is concurrent with development plans for the property and the development plans indicate that it is necessary to remove or relocate the tree to enable reasonable and conforming use of the property which is otherwise prevented by the location of the tree.

D. Conditions of Approval. If it is determined by the appropriate approval authority that adverse effects of tree removal can be mitigated, conditions shall be imposed on the removal including, but not limited to, one or more of the following:

1. Tree Removal and Protection Plan. Tree removal information shall be provided on the grading permit prior to issuance. All tree protection shall be installed and approved by the grading inspector prior to removal or retention of any trees. The tree removal and protection plan shall include:

a. Trees approved for removal;

b. Trees required to be preserved or relocated; and

c. Tree protection guideline notes to include an objectively observable maintenance and care plan and program to be implemented to insure the continued health and care of other trees on the property during construction in accordance with tree protection guidelines adopted by resolution of the planning commission.

2. Compensation Plans. Requiring the replacement or placement of additional trees on the property and/or the payment to the city to fund the purchase, the planting and the maintenance of off-site replacement trees by the city pursuant to a city-adopted public tree planting plan. Such replacement trees and/or payment shall be based upon having the combined DBH of the replacement trees equal to the combined DBH of the healthy trees to be removed unless the compensation plan is appealed, in which case the city council may approve tree replacement at a lesser rate. However, until such time as said public tree planting plan is adopted, such replacement trees and/or payment shall be based upon the replacement of the healthy trees to be removed on a minimum two-for-one basis or multiplied by three for each tree removed in violation of this chapter, unless the compensation plan is appealed, in which case the city council may approve tree replacement at a lesser rate.

3. Site Restoration Plan. Requiring restoration of ground surface area in the vicinity of tree removals. Such restoration shall include but not be limited to the removal of tree stumps and the filling of any holes left by the tree removals.

E. Public Notice.

1. In the event that the tree removal request is associated with a development proposal, the public shall be informed of said request following the noticing procedures for said development proposals pursuant to Marina's subdivision and zoning ordinances.

2. In the event that the tree removal request is not associated with a development proposal and the city manager or designee grants a tree removal permit, a notice of such action shall be posted on the site together with information relative to appeal rights.

F. Display of Tree Removal Permit. Prior to and during the removal of any tree approved for removal, a copy of the tree removal permit shall be displayed on-site. If no tree removal permit is displayed, the city will issue a stop work order and commence the city's administrative fine process. (Ord. 2006-19 § 1 (part), 2006)

17.51.070 Landmark trees.

This section establishes criteria for designation of landmark tree(s) and landmark tree stand(s) and establishes a process for conferring such a designation upon a tree or stand of trees.

A. Minimum Criteria. To be eligible for consideration as a landmark tree or landmark tree stand, trees or a group of trees must meet the following minimum criteria:

1. Prominently visible from public streets, public parking areas, parks or open space, from a minimum distance of one hundred feet;

2. Indicate at least a seventy percent chance of surviving more than ten years, and be able to be maintained without excessive threat to the public health, safety and welfare.

B. Additional Criteria. Landmark trees shall meet at least one of the following additional criteria:

1. Possesses special beauty, or horticultural or historic interest;

2. Is of such substantial size or prominence that it has significant visibility from city streets, parks or open space;

3. Is of such substantial size that it makes a significant contribution to the forested skyline of the city;

4. Is a rare or unusual species for this area;

5. Is a particularly outstanding representative of the species.

C. The designation or removal of such designation of landmark trees pursuant to this section shall be by resolution of the planning commission. The tree committee shall review nominations for landmark tree and landmark tree stand designations and removal of such designation and make recommendations to the planning commission for final action upon such designations. Prior to review of designation or removal of such designation of landmark trees by the tree committee and the planning commission, the owner of the property or the city council, in the case of trees on city property or right-of-way, and owners of property adjacent to the trees pro-

posed for designation shall be provided with ten days' written notice of the action under consideration and the opportunity to provide comments on the proposed designation or removal of such designation; said period for comments to the tree committee or planning commission shall be extended upon good cause being provided to the community development director or designee.

D. Landmark Tree Map. The location of all designated landmark trees and all designated landmark tree stands shall be shown on one or more drawings or maps maintained by the city manager or designee. (Ord. 2006-19 § 1 (part), 2006)

17.51.080 Fees relating to landmark trees.

No fee or charge shall be assessed against any member of the public for any application or appeal regarding the designation of landmark trees or landmark tree stands or for the removal of such designation except an owner of property upon which the tree or trees are located when such application or appeal is associated with an application for use or development under the subdivision or zoning ordinance. (Ord. 2006-19 § 1 (part), 2006)

17.51.090 Tree committee.

The committee members shall be appointed and the committee shall operate according to Chapter 2.12 and in the following prescribed manner:

A. The committee shall be established and appointed on an annual basis by a majority vote of the city council upon a recommendation from the planning commission.

B. The committee shall consist of five members plus one alternate as follows:

1. Members 1 through 3: At least three committee members shall be members of the public-at-large. One public-at-large member may reside outside the city. All other public-at-large members shall be residents of the city. All public-at-large members should preferably have a background, or some knowledge, of planning, landscaping, and/or trees, or any related field.

2. Member 4: One committee member shall be a member of the site and architectural review board.

3. Member 5: One member of the committee shall be a member of the planning commission.

4. Alternate: The alternate committee member shall be a member of the planning commission.

C. A quorum shall consist of any three members of the committee.

D. The committee shall not include more than one member of any firm.

E. The committee shall yearly appoint a chairman and vice-chairman. Term of chair shall not exceed two successive years. Elections shall be held every January. The chair shall preside at all meetings of the committee, make appointments to any subcommittees and shall perform all the duties necessary or incidental to the office. The vice-chair shall serve as chair in the absence or inability of the chair to serve.

F. The committee shall meet regularly to:

a. Review required tree removal permit application materials and provide recommendation to staff or to the planning commission on removal, mitigation measures, and conditions of approval;

b. Review landmark tree designation proposals and provide recommendation to the planning commission;

c. Review projects for consistency with tree preservation ordinance;

d. Review and possibly prepare lists of preferred species for street trees and trees to be included in required landscape plans; and

e. Support purpose and intent of the tree ordinance.

(Ord. 2006-19 § 1 (part), 2006)

Chapter 17.52

NONCONFORMING USES*

Sections:

17.52.010 General guidelines.
17.52.020 Continuance of nonconformity.
17.52.030 Uses requiring a use permit.
17.52.040 Damaged buildings.
17.52.050 Abandonment.
17.52.060 Nonconforming buildings.
17.52.070 Start of construction before effective date.
17.52.080 Changing of districts.
17.52.090 Nonconforming parcels.

* Prior ordinance history Ord 77-10

17.52.010 General guidelines.

The lawful use of land, including lands of former Fort Ord that are conveyed from the federal government, existing at the time any provisions of the ordinance codified in this title becomes applicable to such land, although such use does not conform to such provision, may be continued, except that:

A. No such use shall be enlarged or increased, nor extended to occupy a greater area than that occupied by such use at the time such provision became applicable, and except that if any such use ceases, as hereinafter provided, any subsequent use of such land shall be in conformity with the regulations specified by this title for the district in which such land is located.

B. All nonconforming outdoor advertising signs and outdoor advertising structures shall be removed entirely on or before January 1, 1979, except those in U districts and those in C-1, C-2 and M districts for which a use permit has been obtained.

C. All nonconforming outdoor advertising signs and outdoor advertising structures located on property in a U district shall be removed entirely within five years from the date such property is reclassified into some other zoning district, unless the reclassification is to be a C-1, C-2 or M district and a use permit has been obtained within such five-year period.

D. All nonconforming wrecking yards and junkyards shall be enclosed by a solid board or masonry fence at least six feet in height for fire prevention and prevention of the spread of litter and debris, except that no junk, dismantled cars or machinery shall be stacked higher than the fence. Wrecking yards and junkyards shall comply with these special regulations. (Ord. 2005-12 § 1 (Exh. A (part)), 2005; Ord. 96-23 § 1 (part), 1996: zoning ordinance dated 7/94 (part), 1994)

17.52.020 Continuance of nonconformity.

The lawful use of a building existing at the time any provisions of the ordinance codified in this title becomes applicable thereto may be continued, although such building and/or use does not conform to such provision. (Zoning ordinance dated 7/94 (part), 1994)

17.52.030 Uses requiring a use permit.

Any use for which a use permit is required by the terms of this title shall be considered a nonconforming use unless and until a use permit is obtained in accordance with Chapter 17.48. (Zoning ordinance dated 7/94 (part), 1994)

17.52.040 Damaged buildings.

If at any time any building is in existence at the time any provision of the ordinance codified in this title becomes applicable to it, which does not conform to such provision, is damaged or destroyed by fire, explosion, act of God, or act of public enemy, to the extent to more than seventy-five percent of the assessed value thereof, as shown on the latest Monterey County assessment roll, prior to such destruction, the land and building shall be subject to all the regulations specified by this title for the district in which such land and building are located; provided such building may be rebuilt to a total floor area not exceeding that of the building destroyed and may continue as herein provided for nonconforming uses, if a use permit is first secured. (Zoning ordinance dated 7/94 (part), 1994)

17.52.050 Abandonment.

If the actual operation of a nonconforming use of a building or land ceases for a continuous period of six months, it shall be presumed that such use has been abandoned; and without further action by the planning commission, the said building or land shall be subject to all the regulations specified by this title for the district in which such building and land are located. (Zoning ordinance dated 7/94 (part), 1994)

17.52.060 Nonconforming buildings.

The following additional regulations shall apply to nonconforming buildings:

A. The nonconforming use of a building may be changed to a use of the same or more restricted nature provided that in each case a use permit is first secured.

B. The nonconforming use of a portion of a building may be extended throughout the building provided that in each case a use permit is first secured.

C. The enlargement, extension, reconstruction or structural alteration of a nonconforming building may be permitted in circumstances and in accordance with the limitations as described below:

1. Nonconforming building, nonconforming only as to height and yard regulations, may be permitted said additions or improvements, if said additions or improvements conform to all the regulations of the district in which they are located.

2. In the R-1 district, additions or improvements conforming to all other regulations of the district may be allowed under either of the following circumstances for single-family residences which do not meet the parking requirements of Sections 17.44.020(A) and 17.44.070(D):

a. The garage for the residence has one parking space as defined by Section 17.44.070(D) plus one nonstandard parking space defined for this section as a space with a minimum of seven feet by seventeen feet, and the building is nonconforming only as a result of Ordinance No. 84-7 adopted on October 16, 1984 to require two parking spaces in a garage.

b. Said additions or improvements will not increase the number of bedrooms, and the garage for the residence has one parking space as defined by Section 17.44.070(D) provided in an originally constructed and unmodified garage.

D. Ordinary maintenance and repairs may be made to any nonconforming building, provided no structural alterations are made and provided that such work does not exceed twenty-five percent of the assessed value in any one-year period.

E. No nonconforming building, structure or sign shall be moved in whole or in part to any other location unless every portion of such building, structure or sign which is moved is made to conform to all the regulations of the district in which it is located. (Ord. 2000-14 § 1, 2000; Ord. 96-23 § 1 (part), 1996: Ord. 95-16 § 1, 1995: zoning ordinance dated 7/94 (part), 1994)

17.52.070 Start of construction before effective date.

Nothing contained in this title shall be deemed to require any change in the plans, construction or designated use of any building upon which actual construction was lawfully begun prior to the effective date of the ordinance codified in this title. "Actual construction" is defined to be: the actual placing of construction materials in their permanent position, fastened in a permanent manner; actual work in excavating a basement, or the demolition or removal of an existing structure begun preparatory to rebuilding; provided, that in all cases actual construction work shall be diligently carried on until the completion of the building or structure involved. (Zoning ordinance dated 7/94 (part), 1994)

17.52.080 Changing of districts.

The foregoing provisions shall also apply to nonconforming uses in districts hereinafter changed. (Zoning ordinance dated 7/94 (part), 1994)

17.52.090 Nonconforming parcels.

A parcel of land which does not comply with the size, shape, dimension or frontage requirements of the district in which it is located shall be deemed a lawful building site if:

A. Such parcel was a lawful building site immediately prior to the time said requirements became applicable to it; and

B. At the time said requirements became applicable to it, the owner or owners thereof owned no adjoining land, unless said parcel is:

1. A lot in a minor subdivision which has been approved by the city and when all conditions of said minor subdivision have been complied with, or

2. A lot in a subdivision which has been approved by the city, with the exception of lots twenty-five feet or less in width. (Zoning ordinance dated 7/94 (part), 1994)

Chapter 17.54

DEVELOPMENT STANDARDS FOR CONDOMINIUM/PLANNED DEVELOPMENT PROJECTS AND CONDOMINIUM CONVERSIONS*

Sections:

17.54.010 Purpose.
17.54.020 Driveways and walkways.
17.54.030 Parking.
17.54.040 Public safety.
17.54.050 Landscaping/landscape irrigation.
17.54.060 Open space.
17.54.070 Private storage space.
17.54.080 Rubbish collection.
17.54.090 Laundry facilities.
17.54.100 Building code requirements.
17.54.110 Property owners association or association of separate interest.
17.54.120 Density standard.
17.54.130 Minimum unit size.
17.54.140 Setbacks.
17.54.150 Condominium conversions.

* Prior ordinance history Ords 77-10, 79-11, 83-13, 93-1, 93-4 and 94-7.

17.54.010 Purpose.

A. The intent of the development standards for condominium/planned development projects is to permit greater flexibility and, consequently, more creative and imaginative design of the development of residential areas than generally is possible under conventional zoning regulations. The development standards are intended to promote more economical and efficient use of the land while providing a harmonious variety of housing choice, a higher level of amenities, as well as to preserve and create useable open space for the residents of the city. While flexibility in lot sizes, setbacks and building coverage are permitted to accommodate a master-planned project with unique design features and topography, the project must meet the standards for average density of the underlying zoning district. Such flexibility can be approved through the use permit process to ensure that open space and/or amenities are otherwise provided to compensate for such flexibility and the density requirements are met.

B. Also, although Section 17.54.150 regarding condominium conversions provides for some flexibility within the zoning ordinance due to the separate unique circumstances of each individual condominium conversion proposal, it is the intent of this chapter that such condominium conversion projects meet all sections of this chapter applying to new condominium construction as closely as the planning commission or the city council on appeal determines is possible. To achieve this, the bodies should limit the number and extent of deviations allowed pursuant to Section 17.54.150 to be the minimum necessary to make a condominium conversion project physically and economically feasible while still meeting the intent of this chapter and its component standards to achieve quality condominium projects. However, nothing in this section shall be construed in any manner as establishing an intent on the part of the city to approve any particular subsequent condominium conversion project which may hereafter be presented to it. (Ord. 2006-17 § 1 (part), 2006; Ord. 2004-13 § 1 (part), 2004)

17.54.020 Driveways and walkways.

A. Principal Driveways.

1. A "principal driveway" is defined as a private road or driveway serving more than four units, exceeding a length of one hundred feet or exceeding an alternative length as may be determined by the fire chief under subsection (B)(1) of this section.

2. All principal driveways shall be designed with two traffic lanes over the entire length and shall be a loop, cul-de-sac, or hammerhead design, or have other provisions for turning vehicles, such as a garbage or fire truck as approved by the fire chief.

3. Where no on-street parking is permitted, principal driveways shall be a minimum of twenty feet wide curb to curb, or if gutters are required, lip-to-lip of gutters. Where parking is permitted on one side, the width shall be increased to twenty-eight feet curb to curb and with parking on both sides the width shall be increased to thirty-two feet curb to curb. The minimum centerline radius of curvature shall be twenty-five feet. The maximum grade shall be seven percent within twenty feet of a garage or carport and fifteen percent elsewhere. The maximum length of a cul-de-sac principal driveway shall be four hundred feet.

4. The structural section for principal driveways shall be designed on the basis of "R Value" of base soil and a calculated traffic index if not less than 4.5.

5. Principal driveways shall be bordered with a concrete curb or flush concrete edging on each side. Vertical concrete curbs and gutters or concrete valley gutters shall be used where stormwater runoff is involved. Alternates providing pavement edge protection and drainage conveyance structures will be considered by the public works department. Vertical curbs or alternatives may be required where necessary to protect landscaping or buildings from damage by vehicles.

6. Connections of principal driveways to public streets shall be designed to provide for safe and efficient movement of the expected traffic volumes. Driveway width, curb return radii, control of turning movement and similar features shall be subject to approval of the department of public works.

7. Backfill of all trenches in all principal driveways shall meet city public street standards for trench backfill.

B. Minor Driveways.

1. A "minor driveway" is defined as a private road or driveway serving four or less units and not exceeding a length of one hundred feet, unless additional length approved by the fire chief.

2. A minor driveway shall be at least twelve feet wide from edge to edge and shall have a maximum grade of seven percent within twenty feet of a garage or carport and fifteen percent elsewhere. The minimum centerline radius of curvature shall be twenty-five feet. The structural section for minor driveways shall be designed on the basis of "R Value" of base soil and a calculated traffic index of not less than four.

3. Minor driveways shall be bordered with redwood or pressure-treated headers, concrete curbs or flush concrete edging.

C. Pedestrian Walkways. Public sidewalks shall be provided along both sides of any public street within the boundary of the project and along any public street abutting the project site in accordance with city standards. An internal pedestrian walkway system shall be provided which connects each unit and each building with the project with public sidewalk system in accordance with a plan reviewed and approved by the design review board and in accordance with adopted design guidelines. A minor driveway may serve purposes of a walkway system for the connection of up to four units. (Ord. 2005-10 § 1 (Exh. A (part)), 2005: Ord. 2004-13 § 1 (part), 2004)

17.54.030 Parking.

For every dwelling unit there shall be no less than two parking spaces, one of which must be a private garage. The use and assignment of these parking spaces shall be clearly defined in the conditions, covenants and restrictions. Screened and protected areas for boat trailer and recreational vehicle storage are desirable and shall be required by the city unless such vehicles are prohibited by any private restrictive covenants. Such areas shall be allocated at not less than one hundred square feet per unit. (Ord. 2004-13 § 1 (part), 2004)

17.54.040 Public safety.

A. Fire Protection.

1. Access Roads for Firefighting Purposes.

a. When any part of a structure is more than one hundred fifty feet from a public street, access roads shall be provided for firefighting purposes. Access roads may serve as driveways for the residents of the development, or may be provided solely for public safety access.

b. All access roads required by this section shall meet the following requirements:

i. Roads shall be a hard-surfaced material capable of supporting a weight of sixteen tons at all times;

ii. Required width shall be not less than twelve feet at the narrowest point;

iii. All buildings, building projections or other obstructions (including trees or wires) over access driveways, shall have not less than thirteen and one-half feet vertical clearance from the finished driveway surface and such obstructions shall not be closer than one and one-half feet from the edge of the roadway;

iv. No grade shall exceed fifteen percent;

v. Access roads or driveways exceeding one hundred feet in length shall be provided with a turnaround for fire trucks;

vi. All turns, including turnaround, shall have a minimum outside turning radius of thirty-five feet at curb height and thirty-nine feet above curb height to a minimum height of thirteen and one-half feet, inside radius of fifteen feet or other provisions for turning fire trucks.

2. Access to Buildings.

a. Any single-story building shall be located so that the farthest point from an approved access road shall not exceed one hundred fifty feet.

b. For each additional story in height, the above distance shall be reduced twenty feet per floor.

3. On-Site Protection—Hydrants.

a. Fire hydrants shall be located on the public streets at the entry to the private vehicle accessways as required by the director of public safety;

b. Any premises where buildings or portions of buildings are located more than one hundred fifty feet from a public street providing access to such premises, additional hydrants shall be provided as required by the director of public safety;

c. Hydrants required by subsection (A)(3)(b) of this section shall provide a fire flow to the satisfaction of the director of public safety;

d. Type of hydrant, location and method of installation shall be approved by the director of public safety prior to installation;

e. When approved by the director of public safety, other built-in fire protection devices such as automatic sprinkler systems and automatic fire detection systems may be used to reduce the required flow.

4. General Information Required. A site plan shall be provided to the director of public safety with submission of the final subdivision map showing the location of all buildings and the following additional information:

a. Size of mains supplying on-site hydrants, location of all valves, meters and locations of connection to Marina County water district;

b. Location of portable fire extinguishers, with type of extinguisher to be indicated;

c. Location of any fire alarm equipment and main control panel;

d. Location of wet or dry standpipes or other fire protection appliances, and any fire department connection supplying such systems;

e. Numbering system of units.

B. Security Provisions. Security provisions shall be provided to the satisfaction of the director of public safety. Safety lighting shall be provided to the satisfaction of the director of public safety and shall be directed towards the illumination of private vehicle accessways, bikeways, pedestrian walkway facilities, and along abutting public streets as required by the city. Individual illuminated unit identification will be required to the satisfaction of the director of public safety. (Ord. 2004-13 § 1 (part), 2004)

17.54.050 Landscaping/landscape irrigation.

Plans for landscaping and landscape irrigation of all common open space shall be approved by the design review board in accordance with adopted design guidelines. Landscaping and landscape irrigation system shall be installed and maintained in compliance with approved plans to the satisfaction of the planning director. No change shall be made subsequently without the review and approval of the planning director. (Ord. 2004-13 § 1 (part), 2004)

17.54.060 Open space.

A. Common Open Space. Common open space shall be provided at the rate of four hundred square feet per one bedroom, four hundred fifty square feet per two bedroom and five hundred square feet for three or more bedroom units.

B. Private Open Space. Each unit shall have an appurtenant private patio, deck, balcony, atrium, or other outdoor private area contiguous with the unit and having not less than fifteen percent of the unit floor area or not less than one hundred eighty square feet, whichever is less.

C. Recreation. Projects having thirty or more units shall be required to provide structured recreation facilities in conjunction with the common usable open space as determined necessary by the planning commission. (Ord. 2006-03 § 1 (Exh. A (part)), 2006: Ord. 2004-13 § 1 (part), 2004)

17.54.070 Private storage space.

Each unit within the project shall have at least three hundred cubic feet of enclosed, weatherproofed and lockable storage space at a single location. This space shall be in addition to interior closet space provided within the unit. Such space shall have a minimum interior dimension of four feet with a ceiling height of no less than seven and one-half feet and no more than ten feet. (Ord. 2004-13 § 1 (part), 2004)

17.54.080 Rubbish collection.

Plans for the storage and screening of trash and recycled materials shall be reviewed and approved by the design review board in accordance with adopted design guidelines. Unless alternatively approved by the planning commission, said plans shall provide for use of individual containers for the trash and recycled materials for each unit. (Ord. 2004-13 § 1 (part), 2004)

17.54.090 Laundry facilities.

Each unit shall be designed and plumbed for its own washing and drying machine facilities. (Ord. 2004-13 § 1 (part), 2004)

17.54.100 Building code requirements.

A. Sound Transmission. A descriptive report shall be required containing acoustical test data which indicates the noise attenuation characteristics of existing party walls and ceilings after complying with the sound transmission class and impact insulation class ratings required by the current Uniform Building Code and to the

satisfaction of the chief building official. This report shall be compiled by a qualified person experienced in the fields of acoustical testing and engineering.

B. Smoke Detectors. Compliance shall be maintained with the current requirements of the Uniform Building Code to the satisfaction of the chief building official.

C. Energy Requirements. Compliance shall be maintained with the requirements of the Uniform Building Code and the California Administrative Code to the satisfaction of the chief building official.

D. Condominium Conversion Report. A condominium conversion report prepared by a licensed architect or structural, mechanical or electrical engineer, describing the condition and remaining useful life of the foundations, roofs, and the mechanical, electrical, structural and plumbing elements of all buildings and structures shall be submitted to and approved by the chief building official.

E. Building Inspection Report. A building inspection report prepared by the department of building inspection of the city describing the condition of the building and listing all relevant code violations, if any, which are detrimental to the health, safety and welfare of the public, of the owners, or the occupants of the building shall be accomplished to the satisfaction of the building director. Such inspections shall be made for a fee based upon the building inspection fee schedule.

F. Structural Pest Report. A structural pest report prepared by a licensed pest control operator describing any pest-related damage and listing all improvements necessary to correct such damage, if any, shall be submitted to the building division.

G. Public Utility Facilities and Hookups. All utilities shall be undergrounded to the satisfaction of the city engineer. Public utility facilities and hookups, including, but not limited to, water, sewer, gas and electric, shall be independently metered and charged to each unit. Public utility facilities serving individual units shall not cross property lines other than the living unit which they serve. In condominium conversions water may be on a common meter if approved by the water purveyor and if provisions for maintenance, repair and liability satisfactory to the city are included in the covenants, conditions and restrictions. All condominium conversion projects where any public utility facilities cross property lines or where public utility facilities, by necessity, are used by more than one unit shall include within the covenants, conditions and restrictions provisions for maintenance, repair and liability satisfactory to the city. All condominium conversion projects where any units are connected to common meters for water service shall include a disclosure statement to that fact within the covenants, conditions and restrictions to the satisfaction of the city. (Ord. 2004-13 § 1 (part), 2004)

17.54.110 Property owners association or association of separate interest.

A. For all condominium/planned development projects, a property owners association shall be established by recordation of the following:

1. Articles of incorporation of the association;
2. Declaration of covenants, conditions and restrictions;
3. Bylaws of the association.

B. Notwithstanding subsection A of this section and as an alternative to the requirements of said subsection, residential subdivision developments, containing two or more rights of exclusive occupancy, may establish an association of owners of separate interest by the recordation of a declaration of restrictions and maintenance agreement subject to the approval of the city. The approval of the use of such an alternative shall be at the sole discretion of the city and shall be limited to developments not exceeding twenty-five dwelling units.

C. Included in the recorded document or documents shall be provisions for, at least, but not limited to, the following:

1. Any amendment or modification to the documents, as approved by the city, must have the approval of the city prior to completion of the amendment or modification;

2. The maintenance of the common areas and exterior of all structures and walls of any such project by the city in the event of default in the maintenance of such areas by individual owners of the units and for reimbursement to the city for any costs incurred thereby, by collection as a property tax assessment shared on a pro rata basis by all parcels;

3. Each individual unit owner's exclusive right to the use of specifically designated covered parking space for each unit and joint use of all common parking areas;

4. Except where maintained by a public utility agency, all on-site property improvements, including common areas, vehicular accessways, sewers, storm drains, street lighting, and fire prevention water systems including fire alarms, fire extinguishers and the like, shall be maintained at the expense of the association;

5. During a one year minimum warranty period, commencing from the date of the last building occupancy permit issued by the city, the developer shall fulfill all responsibilities of the association for maintenance of all facilities which may require maintenance during the warranty period. The expiration of the warranty period shall not limit or relieve the developer from satisfactory performance of any agreement executed with the city;

6. A sinking fund shall be established for the maintenance and repair of all commonly owned structures, mechanical equipment, open space and landscaped areas. (Ord. 2004-13 § 1 (part), 2004)

17.54.120 Density standard.

All projects shall be subject to the density standards set forth in the underlying zone districts. (Ord. 2006-03 § 1 (Exh. A (part)), 2006: Ord. 2004-13 § 1 (part), 2004)

17.54.130 Minimum unit size.

All units shall be subject to the following minimum gross floor areas, exclusive of parking areas, open decks and patios:

	Single Story	Two or More Stories
A. One-bedroom dwelling	700 sq. ft.	850 sq. ft.
B. Two-bedroom dwelling	850 sq. ft.	1,000 sq. ft.
C. Three-bedroom dwelling	1,100 sq. ft.	1,250 sq. ft.
D. For each additional bedroom in excess of three	100 sq. ft.	100 sq. ft.

(Ord. 2006-03 § 1 (Exh. A (part)), 2006: Ord. 2004-13 § 1 (part), 2004)

17.54.140 Setbacks.

A minimum ten-foot building setback and a minimum four-foot wide landscape area shall be provided around the periphery of the project site; provided, however, that nothing contained in this section shall limit the authority of the planning commission, or the city council on appeal, to require a greater setback. On project sites with an average site width of less than one hundred feet, the planning commission or city council on appeal may reduce the minimum ten-foot building setback from the interior side yard of the project site from ten feet to the minimum side yard setback of district in which the project is located. (Ord. 2005-10 § 1 (Exh. A (part)), 2005: Ord. 2004-13 § 1 (part), 2004)

17.54.150 Condominium conversions.

A. Within the context of Section 17.54.010, the planning commission or the city council on appeal may adjust the requirements of Sections 17.54.020, 17.54.030, 17.54.040, 17.54.060, 17.54.070, 17.54.080, 17.54.090, 17.54.130 and 17.54.140 of this chapter for condominium conversions of apartment buildings and complexes completed and occupied prior to the effective date of this section with the following limitations:

1. Parking. Parking shall not be reduced to less than what is required by Section 17.44.020.

2. Public Safety. Fire protection and security provisions shall not be modified without approval of the fire commander or the director of public safety, as appropriate.

3. Common Open Space. Common open space combined with private open space shall not be reduced to less than what is required by the requirements for open space of the district in which the property is located.

4. Private Open Space. Private open space shall not be reduced to less than fifty square feet for each condominium unit with a minimum horizontal dimension of not less than four feet.

5. Private Storage Space. Private storage space shall not be reduced to less than eighty cubic feet with a minimum interior dimension of two feet for those condominium units where the private storage space is to be provided in an existing carport or garage. Further, such space shall not be reduced to less than two hundred cubic feet with a minimum interior dimension of three feet for those condominium units where the private storage space is to be provided in a proposed carport or garage.

6. Minimum Unit Size. Minimum unit size for each category shall not be reduced to less than eighty-five percent of that which would otherwise be required by Section 17.54.130.

7. Perimeter Setback. Perimeter building setback shall not be reduced to a setback which is less than the yard requirements of the district in which the condominium conversion is located.

B. The adjustments described above may be approved only by individual and separate action of the planning commission based upon their findings that approved adjustments are necessary to meet other provisions of this chapter including Section 17.54.010 or that the approved adjustments will accomplish other specific project design objectives enumerated by the planning commission. Any adjustments approved by the city council as provided by in this section shall be generally described in a disclosure statement in the covenants, conditions and restrictions satisfactory to the city. Adjustments not described above may only be accomplished as provided by Chapter 17.46. (Ord. 2004-13 § 1 (part), 2004)

Chapter 17.55

SURFACE MINING AND RECLAMATION STANDARDS*

Sections:

17.55.010	**Purpose and intent.**
17.55.020	**Definitions.**
17.55.030	**Scope.**
17.55.040	**Permit, reclamation plan and reporting requirements.**
17.55.050	**Review procedure.**
17.55.060	**Performance bond.**
17.55.070	**Public record.**
17.55.080	**Amendments.**
17.55.090	**Variance.**
17.55.100	**Appeal.**
17.55.110	**Enforcement.**
17.55.120	**Separability.**

* Prior ordinance history Ord 82-14

17.55.010 Purpose and intent.

A. This chapter is adopted pursuant to the California Surface Mining and Reclamation Act of 1975, Chapter 9, Public Resources Code.

B. The city council finds and declares that the extraction of minerals is essential to the continued economic well-being of the city and to the needs of society, and that the reclamation of mined lands is necessary to prevent or minimize adverse effects on the environment and to protect the public health and safety.

C. The city council further finds that the reclamation of mined lands as provided in this chapter will permit the continued mining of minerals and will provide for the protection and subsequent beneficial use of the mined and reclaimed land.

D. The city council further finds that surface mining takes place in areas where the geologic, topographic, climatic, biological and social conditions are different and that reclamation operations and the specifications therefore may vary accordingly. (Zoning ordinance dated 7/94 (part), 1994)

17.55.020 Definitions.

"Environmental assessment" means the study of the environment of an area proposed to be mined including the flora, fauna, geologic, erosion potential and other factors deemed to be important by qualified experts of appropriate disciplines.

"Environmental impact report" means a report on the environmental effects of a project prepared according to the standards and provisions of the California Environmental Quality Act (CEQA).

"Exploration" or "prospecting" means the search for minerals by geological, geophysical, geochemical or other techniques, including, but not limited to, sampling, assaying, drilling, or any surface or underground works needed to determine the type, extent or quality of minerals present.

"Local coastal program" means the adopted local coastal land use and implementation plans for the city as certified by the California Coastal Commission.

"General plan" means the adopted general plan for the city of Marina.

"Mined lands" includes the surface, subsurface and groundwater of an area in which surface mining operations will be, are being, or have been conducted, including private ways and roads appurtenant to any such area, land excavations, workings, mining waste, and areas in which structures, facilities, equipment, machines, tools, or other materials or property which result from, or are used in, surface mining operations are located.

"Minerals" means any naturally occurring chemical element or compound or groups of elements and compounds, formed from inorganic processes and organic substances, including, but not limited to, sand, but excluding geothermal resources, natural gas and petroleum.

"Mining waste" means and includes the residual of soil, rock, mineral liquid, vegetation, equipment, machines, tools or other materials or property directly resulting from, or displaced by, surface mining operations.

"New mining" means and includes any significant increase in the rate of extraction or change in location.

"Operator" means any person who is engaged in surface mining operations, himself, or who contracts with others to conduct operations on his behalf.

"Overburden" means soil, rock or other materials that lie above a natural mineral deposit or in between deposits, before or after their removal, by surface mining operations.

"Permit" means any formal authorization from or approval by, the city without which surface mining operations cannot occur.

"Person" means any individual, firm, association, corporation, organization or partnership, or any city, county, district or the state or any department or agency thereof.

"Reclamation" means the process of land treatment that minimizes water degradation, air pollution, damage to aquatic or wildlife habitat, flooding, erosion, and other adverse effects from surface mining operations, including adverse surface effects incidental to underground mines, so that mined lands are reclaimed to a usable condition which is readily adaptable for alternate land uses and create no danger to public health or safety. The process may extend to affected lands surrounding mined lands, and may require backfilling, grading, resoiling, revegetation, soil compaction, stabilization, or other measures.

"State board" means State Mining and Geology Board in the Department of Conservation, State of California.

"State geologist" means the individual holding office as structured in Section 677 of Article 3, Chapter 2 of Division 1 of the Public Resources Code.

"Surface mining operations" means all or any part of the process involved in the mining of minerals on mined lands by removing overburden and mining directly from the mineral deposits, open-pit mining of minerals naturally exposed, mining by the auger method, dredging and quarrying, or surface work incidental to an underground mine. Surface mining operations shall include, but are not limited to: (1) in-place distillation, retorting or leaching; (2) the production and disposal of mining waste; and (3) prospecting and exploratory activities. (Zoning ordinance dated 7/94 (part), 1994)

17.55.030 Scope.

A. The provisions of this chapter shall apply to the incorporated areas of the city.

B. The provisions of this chapter are not applicable to:

1. Excavations or grading conducted for farming or on-site construction or for the purpose of restoring land following a flood or natural disaster;

2. Such other mining operations that the city determines to be of an infrequent nature, and which involve only minor surface disturbances and are categorically identified by the State Board pursuant to Sections 2714(d) and 2758(c), California Surface Mining and Reclamation Act of 1975 (SMARA). (Zoning ordinance dated 7/94 (part), 1994)

17.55.040 Permit, reclamation plan and reporting requirements.

A. Reclamation Plan Requirements. Reclamation plans as defined in this chapter shall be required of all mining operations undertaken since January 1, 1976. Any person who proposes to engage in new mining operations as defined in this chapter shall also be required to prepare a reclamation plan prior to commencing new mining operations.

1. Existing Mining Operations. A person who has obtained a vested right to conduct surface mining operations prior to January 1, 1976 shall submit and receive city approval of a reclamation plan within two years from the effective date of the ordinance codified in this chapter for all mining operations conducted after January 1, 1976. Nothing in this chapter shall be construed as requiring the filing of a reclamation plan for, or the reclamation of, mined lands on which surface mining operations were lawfully conducted prior to, but not after January 1, 1976.

2. Reclamation Plan Review. Approved reclamation plans shall be reviewed by the planning commission at least every five years. It shall be the sole responsibility of the operator to submit a written request to the planning commission prior to the expiration of each five-year period. Operator shall provide the planning commission with ample evidence that compliance is being maintained with the provisions of the approved reclamation plan. The planning commission retains the right subsequent to reclamation plan review to modify the terms of any reclamation plan to assure continuing compliance with the local coastal program. Furthermore, the planning commission may consider and approve modification of any reclamation plan requested by the operator so long as it finds that the reclamation plan is in compliance with the local coastal program.

B. Permit Requirements. The planning commission shall issue a mining permit for any new surface mining operation, which the planning commission finds is in conformance with the local coastal program. No new mining activity shall take place prior to the issuance of a mining permit by the planning commission.

1. Existing Mining Operations. Existing mining operations are required to obtain a mining permit from the city in accordance with the requirements of this chapter within two years from the date of adoption of the ordinance codified in this chapter except as provided in subsection (B)(4) of this section.

2. Mining Permit Review. The planning commission shall review mining permits issued pursuant to this chapter every five years. It shall be the sole responsibility of the operator to submit a written request to the planning commission prior to the expiration of each five-year period. Operator shall provide the planning commission with ample evidence that compliance is being maintained with the local coastal program and the approved reclamation plan for the site. The planning commission retains the right subsequent to mining permit review to modify the terms of any mining permit required to assure continuing compliance with the local coastal program. Furthermore, the planning commission may consider and approve modifications of any mining permits so long as it finds that any such modification is in compliance with the local coastal program and reclamation plan.

3. Review Period Adjustment. It is the intent of the city to review mining permits concurrent with reviewing reclamation plans, whenever possible, for any individual mining operation. In order to assure that the city's intent is realized the planning commission may permit reasonable adjustments in the timing of mining permit review.

4. Permit Limitations. No person who has obtained a legal vested right to conduct a surface mining operation prior to January 1, 1976 shall be required to secure a mining permit pursuant to the provisions of this chapter so long as such vested right continues, provided that no substantial change is made in that operation except in accordance with the provisions of this chapter.

5. Mining Permit Revocation. Mining permits may be revoked by the planning commission following a hearing. Operator shall be notified in writing at least ten days prior to such hearing. Grounds for revocation

shall be noncompliance with the provisions of this chapter, the approved reclamation plan, coastal development permit (if applicable) and the local coastal program (if applicable).

6. Notification of State Geologist. The State Geologist shall be notified of the filing of all permit applications.

7. Periodic Review. This chapter shall be reviewed and revised, as necessary to ensure that it is consistent with the state policy for mined lands reclamation and the city's local coastal plan and general plan.

C. Reporting Provision. In order to establish reference base data for the purpose of determining whether or not any particular mining activity constitutes new mining activity and to monitor shoreline erosion it is required that all operators of existing mining operations submit to the planning department a brief written statement specifying the approximate annual volume of sand being removed and an accurate cronaflex ortho-topographic map, at a scale of one inch equals two hundred feet with two-foot contour intervals, preferably prepared by a licensed photogrammetric engineer. All elevations on said map shall be based on city datum. Said maps may also be prepared by a licensed surveyor or civil engineer. All areas being mined shall be clearly and accurately outlined on said topographic map. The information specified above shall be certified for accuracy and be submitted by the operator to the city.

1. Initial Submittal. Initial submittal of the reference base data shall be completed by existing operators within six months from the effective date of the ordinance codified in this chapter.

2. Subsequent Resubmittal. Updated reference base data shall be resubmitted to the planning department by January 1, 1984 and every January 1st thereafter.

3. New Mining Operations. New mining operations will be required to submit reference base data concurrent with the application for a mining permit and reclamation plan approval and shall also be required to resubmit updated reference base data every January 1st thereafter. If initial submittal of reference base material takes place after July 1st in any given year operator shall be exempted for resubmitting updated reference base information the following January 1 but shall be required to resubmit updated reference base material every January 1st thereafter.

D. Permit and Reclamation Plan Fee. A fee shall be established by the city council and shall be paid to the city at the time of filing a permit application or reclamation plan.

E. Reclamation Plan Requirements. The planning commission shall review reclamation plans and find that they include the following:

1. The name and address of the operator and the names and addresses of any persons designated by him as his agent for the service of process;

2. The anticipated quantity and type of materials for which the surface mining operation is to be conducted;

3. The proposed dates for the initiation and termination of such operation;

4. The maximum anticipated depth and area of the surface mining operation;

5. The size and the legal description of the land, that will be affected by such operation, a map that includes the boundaries and topographic details of such lands, a description of the geology of the area in which surface mining is to be conducted; if, in the Coastal Zone, a line indicating the tsunami run-up line; the location of all rare and endangered plant and animal species and their habitat in the area where surface mining is to be conducted; the location of all streams, roads, railroads and utility facilities within, or adjacent to such lands; the location of all proposed access roads to be constructed in conducting such operation; and the names and address of the owners of all surface and mineral interests of such lands;

6. A description of the type of surface mining to be employed and a time schedule that will provide for the completion of surface mining on each segment of the mined lands so that the reclamation can be initiated at the earliest possible time on those portions of the mined lands that will not be subject to further disturbance by the surface mining operation;

7. A description of the proposed use or potential uses of the land after reclamation and evidence that all owners of a possessory interest in the land have been notified of the proposed use or potential uses;

8. A description of the manner in which reclamation adequate for the proposed use or potential uses will be accomplished, including:

a. A description of the manner in which contaminants will be controlled, and mining waste will be disposed, and

b. A description of the manner in which rehabilitation of affected natural habitat areas to their original condition will occur, and

c. A description of the manner in which the tsunami run-up zone will be preserved to protect the public safety of the community;

9. An assessment of the effect of implementation of the reclamation plan on future mining in the area;

10. A statement that the person submitting the plan accepts responsibility for reclaiming the mined lands in accordance with the reclamation plan; and acknowledgement that the obligations of the plan transfer from one operator to another on a site;

11. An environmental assessment of the area to be mined executed by at least a qualified biologist and a qualified geologist selected from the city's list;

12. If in the environmental assessment, any rare and endangered species habitats and/or shoreline erosion are found to be present on the site, an environmental impact report must be completed and all mitigations, including those for rare and endangered species and/or shoreline erosion, included in the proposed reclamation plan;

13. Compliance and conformance with the Marina local coastal program and city's general plan, zoning ordinance and any other pertinent city ordinances and regulations;

14. Map of all areas mined prior to January 1, 1976;

15. Any other information which the planning commission may require as pertinent to the determination of the adequacy of the proposed plan.

F. Time Limits. Time limits for the approval of a reclamation plan or mining permit for existing operations may be extended for a period of up to one year by the planning commission or city council on appeal subject to the following conditions:

1. Written request is provided by the operator prior to expiration of initial two-year time period.

2. Operator shall submit evidence to planning commission or city council showing good cause for the extension request.

G. Transferability. Whenever one operator succeeds to the interest of another in any uncompleted surface mining operation by sale, assignment, conveyance, exchange, or other means, the successor shall be bound by the provisions of the approved reclamation plan and the provisions of this chapter. (Zoning ordinance dated 7/94 (part), 1994)

17.55.050 Review procedure.

The planning commission shall review the permit application and the reclamation plan and shall schedule a public hearing within thirty days of accepting the completed application. The public hearing will be held for the purpose of considering a permit or reclamation plan for the proposed surface mining operation. (Zoning ordinance dated 7/94 (part), 1994)

17.55.060 Performance bond.

Upon a finding by the planning commission that a supplemental guarantee for the reclamation of the mined land is necessary, and upon the determination by the city planner of the cost of the reclamation of the mined land according to the reclamation plan, a surety bond, lien, or other security guarantee conditioned upon the faithful performance of the reclamation plan shall be filed with the city. Such surety shall be executed in favor of the city and reviewed and revised, as necessary. Such surety shall be maintained in an amount to complete the remaining reclamation of the site as prescribed in the approved or amended reclamation plan during the succeeding two-year period, or other reasonable term. (Zoning ordinance dated 7/94 (part), 1994)

17.55.070 Public record.

Reclamation plans, reports, applications and other documents submitted pursuant to this chapter are public records unless it can be demonstrated to the satisfaction of the city that the release of such information, or part thereof, would reveal production, reserves, or rate of depletion entitled to protection as proprietary information. The city shall identify such proprietary information as a separate part of each application. A copy of all permits, reclamation plans, reports, applications, and other documents submitted pursuant to this chapter, including proprietary information, shall be furnished upon request of the District Geologist of the State Division of Mines and Geology by the city. Proprietary information shall be made available to persons other than the mine owner in accordance with Section 2778, California Surface Mining and Reclamation Act of 1975. (Zoning ordinance dated 7/94 (part), 1994)

17.55.080 Amendments.

A. Amendments to an approved reclamation plan may be submitted to the city at any time, detailing proposed changes from the original plan. Substantial deviations from the original plan shall not be undertaken until such amendment has been filed with, and approved by, the city.

B. Amendments to an approved reclamation plan shall be approved by the same procedure as is prescribed for approval of a reclamation plan. (Zoning ordinance dated 7/94 (part), 1994)

17.55.090 Variance.

Variances from an approved reclamation plan may be allowed upon request of the operator and applicant, if they are not one and the same, upon findings by the planning commission that each requested variance is necessary to achieve the prescribed or higher use of the reclaimed land and is consistent with the Marina local coastal program if property is located within the Coastal Zone. (Zoning ordinance dated 7/94 (part), 1994)

17.55.100 Appeal.

Any person aggrieved by an act or determination of the planning commission in exercise of the authority granted herein shall have the right to appeal to the city council. Any appeal must be filed, on forms provided, within ten working days after the rendition, in writing, of the decision. (Zoning ordinance dated 7/94 (part), 1994)

17.55.110 Enforcement.

The provisions of this chapter shall be enforced by any authorized member of the planning department or such other persons as may be designated by the city council. (Zoning ordinance dated 7/94 (part), 1994)

17.55.120 Separability.

If any section, subsection, sentence, clause or phrase of this chapter is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, it shall not affect the remaining portions of this chapter. (Zoning ordinance dated 7/94 (part), 1994)

Chapter 17.56

APPEALS*

Sections:

17.56.010 Planning commission authority.
17.56.020 Application.
17.56.030 Action by planning commission.
17.56.040 Appeal.

* Prior ordinance history: Ord. 77-10.

17.56.010 Planning commission authority.

The planning commission shall have the power to hear and decide appeals based on the enforcement of this title or the interpretation of the provisions thereof. (Zoning ordinance dated 7/94 (part), 1994)

17.56.020 Application.

Application for appeal or interpretation shall be made in writing to the planning commission. (Zoning ordinance dated 7/94 (part), 1994)

17.56.030 Action by planning commission.

The planning commission shall consider application and render its decision within sixty days after the receipt thereof. (Zoning ordinance dated 7/94 (part), 1994)

17.56.040 Appeal.

In case the applicant is not satisfied with the decision of the planning commission, he may, within ten days, appeal in writing to the city council. A copy of such appeal shall be submitted by the applicant to the planning commission. The city council shall render its decision within sixty days after receipt by said council and the planning commission of such appeal. (Zoning ordinance dated 7/94 (part), 1994)

Chapter 17.58

AMENDMENTS*

Sections:

17.58.010 Procedure generally.
17.58.020 Initiation.
17.58.030 Public hearings.
17.58.040 Conditions.

* Prior ordinance history: Ords. 77-10 and 82-14.

17.58.010 Procedure generally.

This title may be amended by changing the boundaries of districts or by changing any other provision thereof whenever the public necessity and convenience and the general welfare require such amendment by following the procedure of this chapter. (Zoning ordinance dated 7/94 (part), 1994)

17.58.020 Initiation.

An amendment may be initiated by:

A. The verified petition of one or more owners of property affected by the proposed amendment, which petition shall be filed with the planning commission and shall be accompanied by a fee to be established by resolution of the city council from time to time hereinafter enacted, no part of which shall be returnable to the petitioner; or by

B. Resolution of intention by the city council;

C. Resolution of intention by the planning commission. (Zoning ordinance dated 7/94 (part), 1994)

17.58.030 Public hearings.

A. The planning commission shall hold at least one public hearing on any proposed amendment. At least ten days prior to the first public hearing, said planning commission shall give notice thereof by at least one publication in a newspaper of general circulation within the city of such public hearing.

B. In case the proposed amendment consists of a change of the boundaries of any district so as to reclassify the property from any district to any other district, the planning commission shall give additional notice of the time and place of such hearing and on the purpose thereof by mailing a notice of the time and place of such hearing to all persons owning real property within three hundred feet of the property which is the subject of the proposed zoning change.

C. Following the aforesaid hearing, the planning commission shall make a report of its findings and recommendations with respect to the proposed amendment and shall file with the city council an attested copy of such report.

D. 1. Upon receipt of such report from the planning commission, when the planning commission has recommended a proposed amendment, the city council shall set the matter for public hearing and shall give notice thereof by one publication in a newspaper of general circulation within the city at least ten days prior to such hearing. After conclusion of the hearing, the city council may adopt the proposed amendment or any part thereof in such form as said council may deem advisable.

2. When the planning commission recommendation is to disapprove the proposed amendment, the matter shall not be set for public hearing and no further action shall be taken unless the amendment was initiated

by the adoption of a resolution of intention by the city council, or unless or until the applicant requests such hearing. Such request shall be made by filing with the city clerk of the city council and with the planning commission, within ten days after written notice of the decision has been mailed, a written request for hearing before the city council. The planning commission shall thereupon forthwith transmit to the city council all of the papers constituting the record upon which the recommended action was taken. Upon receipt of such request, the city council shall set a date for public hearing thereon, giving notice thereof pursuant to this section. After the conclusion of the hearing, the city council may adopt the proposed amendment or any part hereof in such form as said council deems advisable.

3. Upon the consent of the planning commission, any petition for an amendment may be withdrawn upon the written application of a majority of all the persons who sign such petition.

4. The city council or the planning commission, as the case may be, may by resolution of intention abandon any proceedings for an amendment initiated by its own resolution of intention; provided, that such abandonment may be made only when such proceedings are before such body for consideration and provided that any hearing of which public notice has been given shall be held. (Zoning ordinance dated 7/94 (part), 1994)

17.58.040 Conditions.

The city council may impose conditions to the zoning reclassification of property where it finds that said conditions must be imposed so as not to create problems inimical to the public health, safety and general welfare of the city. Any amendment which changes the zoning within the Coastal Zone or changes in any manner the allowed uses or development regulations within the Coastal Zone shall not be effective until approved by the State Coastal Commission. (Zoning ordinance dated 7/94 (part), 1994)

Chapter 17.59

SIGNS*

Sections:

17.59.010	**Purpose and intent.**
17.59.020	**Application.**
17.59.030	**Responsibility.**
17.59.040	**Design review board approval required.**
17.59.050	**Sign permit required.**
17.59.060	**Enforcement.**
17.59.070	**Remedies.**
17.59.080	**Exemptions.**
17.59.090	**Nonconforming signs.**
17.59.100	**Maintenance and construction provisions.**
17.59.110	**Safety provisions.**
17.59.120	**Abandoned signs and abatement thereof.**
17.59.130	**Illumination of signs.**
17.59.140	**Abatement of signs on public property and signs presenting health or safety hazards.**
17.59.150	**Definitions.**
17.59.160	**Prohibited signs.**
17.59.170	**Permitted signs.**
17.59.180	**Sign regulations for commercial and industrial districts.**
17.59.190	**Sign regulations for residential districts.**
17.59.200	**Sign regulations for districts other than commercial, industrial and residential.**
17.59.210	**Real estate signs.**
17.59.220	**Signs not otherwise regulated.**
17.59.230	**Neighborhood signs.**
17.59.240	**Service stations.**
17.59.250	**Highway signs.**
17.59.260	**Signs for advertising purposes.**
17.59.270	**Signs in the Coastal Zone.**
17.59.280	**Billboard signs.**
17.59.290	**Severability.**

* Prior ordinance history: Ords. 83-11, 86-9 and 91-1.

17.59.010 Purpose and intent.

A. It is the purpose and intent of this chapter to provide the city with a viable and practical set of sign regulations that will promote the orderly growth of the community; facilitate the continual upgrading of the community; preserve the natural beauty of Marina while simultaneously protecting the rights of property and business owners to display signs and the right of individuals to live, work and visit a city that is free from the usual blight that would result from under or nonregulation of signs.

B. These sign regulations, pursuant to the provisions of the Marina general plan, set forth the minimum acceptable standards necessary to protect and safeguard the life, peace, health, safety, property and general welfare of the public by regulating among other things the location, placement, size, number, area, type, illumination and maintenance of signs and sign structures.

C. In addition to the standards specified above, it is hereby set forth that a primary goal of these regulations shall be to insure that signs and sign structures are considered in light of the architectural and landscape design of the buildings and properties along with individual setting or location of the buildings and properties. (Zoning ordinance dated 7/94 (part), 1994)

17.59.020 Application.

No sign shall be placed, displayed, painted, posted, printed, tacked, fastened, erected, relocated, constructed or otherwise except as provided in this chapter. (Zoning ordinance dated 7/94 (part), 1994)

17.59.030 Responsibility.

It shall be the sole responsibility of the person making application to place, construct, erect, alter, relocate, tack, fasten, paint, post or display any sign in the city to obtain the necessary authorization from the owner or lessee of the property. (Zoning ordinance dated 7/94 (part), 1994)

17.59.040 Design review board approval required.

A. Design review board (site and architectural design review board) approval shall be required of all signs unless otherwise specified in this chapter. A fee shall be collected by the planning department prior to consideration of any sign by the site and architectural design review board. The fee shall be established from time to time by resolution of the city council.

B. In order to facilitate the site and architectural design review board review and approval process, any person seeking to obtain site and architectural design review board approval shall submit accurate plans, drawings, color boards, examples of materials or any such other information specified by the director of planning showing the size, shape, location, color, materials and physical relationship to the site of the sign and sign structure. Any decision of the site and architectural design review board may be appealed, in writing, to the planning commission within ten days of the decision. Any decision of the planning commission may likewise be appealed to the city council. Written appeals shall be filed with the planning department no later than ten days after the decision of the site and architectural design review board or the planning commission.

C. During the course of review and approval, the site and architectural design review board or the planning commission on appeal or the council on appeal may approve, disapprove, conditionally approve or modify the plans as submitted in order to insure compliance with the spirit and intent of this chapter. (Zoning ordinance dated 7/94 (part), 1994)

17.59.050 Sign permit required.

A. In order to insure that the building department is provided with an opportunity to review the placement, construction, erection, relocation or alteration of any and all signs in the city, it is required, unless otherwise specified herein, that a sign permit shall be obtained from the building department prior to the placement, construction, erection, relocation, alteration or otherwise of the sign.

B. Any person seeking to obtain a sign permit shall provide the building department with any and all necessary plans, drawings or other materials or information required by the building department along with written evidence that the site and architectural design review board approval has been obtained for the sign. Following a review of the materials submitted, the building department may issue the sign permit or as an

alternative may require that a building permit be obtained pursuant to the provisions of the Uniform Building Code (UBC) in lieu of a sign permit. A fee shall be collected by the building department prior to the issuance of any sign or building permit. The fee for a sign permit shall be established from time to time by resolution of the city council. The fee for a building permit shall be as specified in the UBC. (Zoning ordinance dated 7/94 (part), 1994)

17.59.060 Enforcement.

The regulations contained in this chapter shall be enforced as are other zoning, building and safety regulations as set forth in this code. (Zoning ordinance dated 7/94 (part), 1994)

17.59.070 Remedies.

Notwithstanding the procedures for enforcement set forth in this code, the city is authorized to proceed in any other fashion, way or procedure permitted by law. (Zoning ordinance dated 7/94 (part), 1994)

17.59.080 Exemptions.

The provisions and regulations of this chapter shall not apply to the following signs provided, however, that the following signs shall be subject to all safety provisions contained in this chapter:

A. Official signs and notices, public utility signs, public directional signs;

B. Professional nameplates not exceeding three square feet in area;

C. Temporary signs of a directional nature approved by the director of planning;

D. Emergency, public service or other temporary nonadvertising signs as approved by the city council;

E. Memorial signs on tablets, names and dates of buildings when cut into any masonry surface or when flush mounted and constructed of bronze or other noncombustible materials;

F. Rural mailboxes designating the name and address of the person serviced by the mailbox;

G. Signs placed by the city on the pedestrian overpass over Del Monte Boulevard at intersection with Palm Avenue. (Ord. 95-10 § 1 (part), 1995: zoning ordinance dated 7/94 (part), 1994)

17.59.090 Nonconforming signs.

A. Any permanent sign lawfully existing prior to the adoption of this chapter and not conforming to the provisions contained in this chapter is declared to be a lawfully nonconforming sign and may remain as such.

B. No such nonconforming sign shall in any way be altered, relocated, replaced or reworded unless the sign can be made to conform to all provisions of this chapter. Nothing in this section shall be construed to prohibit the normal maintenance and repair of lawfully nonconforming signs. (Zoning ordinance dated 7/94 (part), 1994)

17.59.100 Maintenance and construction provisions.

The appropriate sections of the Uniform Building Code, (UBC) the Uniform Electric Code (UEC) or any amendment thereto adopted by the city shall apply to the construction, placement or display of signs in the city. All signs having internal or built-in illumination shall be constructed wholly of noncombustible materials or other such fire resistive materials as approved by the building department. Guy wires or exposed strut like sign structures shall not be utilized. Signs and sign structures shall at all times be maintained in a state of good repair including all braces, bolts, structural parts, supporting frames and fastenings. (Zoning ordinance dated 7/94 (part), 1994)

17.59.110 Safety provisions.

In addition to all other maintenance and construction provisions contained in this chapter, all signs within the city shall comply with the following provisions:

A. Obstructions to Doors, Windows or Fire Escapes. No sign shall be erected, relocated, altered, maintained or otherwise so as to prevent ingress to or egress from any door, window or fire escape. No sign shall be attached to a standpipe, gutter, drain or fire escape, except signs referring specifically to the standpipe, gutter, drain or fire escape to which it is attached.

B. Signs Not to Obstruct Traffic Signals. No sign regulated by this chapter shall be erected at any location where, by reason of its position, it will obstruct or confuse the view of any authorized traffic sign, signal or device.

C. Exterior of Signs. On all signs which are erected within five feet of a public street or sidewalk, no nails, tacks or wires shall be permitted to protrude therefrom. All structural trim maintained in conjunction with, attached to, or superimposed upon any sign shall be safely and securely built or attached to the sign structure. (Zoning ordinance dated 7/94 (part), 1994)

17.59.120 Abandoned signs and abatement thereof.

A. No person shall maintain or permit to be maintained on any premises owned or controlled by said person any sign which has been abandoned. Any such sign shall be promptly abated. Any sign which is located on property which becomes vacant for a period of six months or more and any sign which was erected for an occupant or business unrelated to the present occupant or his business and any sign which pertains to a time, event or purpose which no longer obtains, shall be presumed to have been abandoned.

B. Unless some other form of abatement is approved by the director of planning in writing, abatement of abandoned signs shall be accomplished in the following manner:

1. Signs painted on buildings, walls, fences, structures shall be abated by removal of the paint constituting the sign or by painting over the sign in such a way that the sign shall not thereafter become visible.

2. Other types of signs may be abated by removal of the sign including its dependent structures and supports, unless the sign conforms to the provisions contained in this chapter in which case all faces of the sign shall be screened from view in a manner satisfactory to the director of planning. (Zoning ordinance dated 7/94 (part), 1994)

17.59.130 Illumination of signs.

All illuminated signs in the city shall comply with the following standards:

A. The use of high intensity, unshielded or undiffused lights shall not be permitted.

B. Lights or illumination shall be shielded, oriented or diffused so as to eliminate undue glare onto adjacent properties.

C. Lights shall be shielded or diffused in such a manner as to eliminate the possibility of conflict with safe traffic movement.

D. The site and architectural design review board or planning commission and city council, on appeal, shall retain the right to require reduction in the intensity of illumination after the installation of any illuminated sign if said illumination creates any undue glare, annoyance or hazard. (Zoning ordinance dated 7/94 (part), 1994)

17.59.140 Abatement of signs on public property and signs presenting health or safety hazards.

A. Signs on Private Property Presenting Health or Safety Hazards. No sign may be placed upon any privately owned property in a manner which creates a public health or safety hazard. Any sign placed on, above or adjacent to any street, sidewalk or right-of-way which creates a health or safety hazard through obstructing vision or use of such street, sidewalk or right-of-way may be summarily removed by the public safety, public works or planning directors or their respective delegates. Any sign so removed shall be returned to the owner upon payment of the costs of removal and storage. Any sign placed on or about private property which creates a health or safety hazard, including obstructing vision in the public right-of-way, may be removed by the public safety, public works or planning directors or their respective delegates to a position on the private property where it does not create a health or safety hazard.

B. Signs on Public Property. No sign may be placed in or upon any public right-of-way, the exterior of any public building, any public grounds or property thereon, any public utility pole or appurtenance thereof, wherever located, or any tree on public property. Any such sign may be summarily removed and impounded by the public safety, public works or planning director or their respective delegates.

C. Impounded Signs. Any sign impounded under the provisions of subsections A or B of this section shall be stored for a period of not less than thirty days at which time the signs may be salvaged, sold or destroyed in order to defray the costs of removal and storage. The person responsible for the placement of such sign shall be liable for the cost incurred in the removal and storage of the sign and the departments of public safety and public works are authorized to effect the collection of said cost.

D. Noticing Sign Owners. If the person who owns a sign which has been removed pursuant to this section can be identified, the city official who has removed said sign shall notify that person of the reasons the sign has been removed, the location of the sign and the procedures for the return of the sign. (Ord. 95-10 § 1 (part), 1995: zoning ordinance dated 7/94 (part), 1994)

17.59.150 Definitions.

As used in this chapter:

"Official signs and notices" means signs and notices placed by public officers or public agencies within their territorial or zoning jurisdiction and pursuant to and in accordance with direction or authorization contained in federal, state or local law for the purposes of carrying out an official duty or responsibility. Historical markers authorized by state law and placed by state or local government agencies or nonprofit historical societies shall be considered as official signs.

"Primary business frontage" means that frontage of a building containing the primary or most important entrance to the occupancy thereon. In such cases where there are multiple entrances, the director of planning shall determine which frontage is the primary frontage. In no case shall more than one primary business frontage be permitted.

"Public directional signs" means signs containing directional information about public places owned or operated by federal, state or local governments or their agencies; publicly owned natural phenomena, historic, cultural, scientific and educational sites; and publicly owned or operated areas of natural scenic beauty or naturally suited for outdoor recreation, deemed to be in the interest of the traveling public.

"Public utility signs" means warning signs, informational signs, notices or markers which are customarily placed by public or private utilities, as essential to their operations.

"Secondary business frontage" means that frontage of a building containing any entrance other than a primary business frontage. In no case shall more than two secondary business frontages be permitted.

"Service station" means a business which is primarily in the business of providing service to vehicles such as gasoline, oil, tire, mechanical assistance, parts, etc., and not including convenience markets that sell gasoline, diesel fuel or oil.

"Shopping center" means commercial and retail buildings and associated facilities which have been designed and developed as an integrated unit containing more than five separately owned and operated businesses which function as an integral unit and which utilize common off-street parking.

"Sign" means any letters, figures, design, symbol, trademark or illuminating device intended to attract attention to any person, partnership, corporation or unincorporated association, or any place, subject, public performance, article, machine or merchandise, whatsoever, and painted, printed, constructed, erected or displayed in any manner whatsoever.

"Sign area" means that area enclosed by a square, rectangle, triangle or other shape which connects the extreme points or edges of the sign, excluding the supporting structure which does not form part of the sign proper. The area of a sign composed of characters, words or individual letters attached directly to a surface, shall be the smallest shape that encloses the whole group. Sign area shall include only one face of any double-faced sign and shall include all faces of any multi-faced sign containing more than two faces. For the purpose of this definition, the faces of a double-faced sign shall be parallel.

"Sign area allotment" means the maximum area of signs that may be displayed on any site, premises, business, building, parcel, lot or otherwise not including signs specifically exempted in this chapter.

"Uniform Building Code, Uniform Electrical Code, Uniform Mechanical Code" means those codes which are currently in full force and effect as adopted by the city council including any amendments or additions thereto adopted from time to time by the city council. (Ord. 95-10 § 1 (part), 1995: zoning ordinance dated 7/94 (part), 1994)

17.59.160 Prohibited signs.

The following signs shall be prohibited in the city. Definitions and descriptions of these signs are included in this section. Additional definitions pertaining to this chapter are contained in Sections 17.59.150 and 17.59.170.

A. Portable Signs. Signs such as A-board or other such signs capable of standing without support or attachment to a structure or the ground.

B. Animated Signs. Signs that involve animation, rotation, flashing, projections, scintillation, or any type of movement not including barber pole signs or time, date and temperature signs.

C. Billboard Signs. Off-site advertising signs that are designed to direct attention to a business, commodity, service or entertainment, sold or offered elsewhere than on the premises or property on which the sign is located, not including temporary signs or banners that are approved by the city council and which are to be used for the purpose of advertising an event of general civic interest or that are to be used as temporary off-site directional signs as approved by the planning commission.

D. Vehicle Signs. Signs that are attached to, painted on or placed on top of any vehicle, trailer or other means of conveyance, for the purpose of advertising a commercial enterprise not including signs attached to or painted on a vehicle for the primary purpose of identifying the ownership or use of the vehicle.

E. Roof Signs. Signs that are attached to, supported by, mounted on or project above a roof or other architectural feature including, but not limited to mansards, parapets and the like.

F. Projecting Signs. Signs that are suspended from or that are supported by a wall, building or structure and project more than three feet outward therefrom or signs that project into the public right-of-way. No provision contained herein shall be construed to prohibit the display or construction of freestanding signs.

G. Characterization Signs. Signs characterizing a person, object, place, etc. (Zoning ordinance dated 7/94 (part), 1994)

17.59.170 Permitted signs.

The following signs shall be permitted in the city subject to the provisions contained in this section and this chapter. Definitions of permitted signs are included in this section. Additional definitions pertaining to this chapter are contained in Sections 17.59.150 and 17.59.160.

A. Accessory Signs. A sign of a secondary nature, e.g., savings stamp signs, credit card signs not exceeding one square foot. Such signs are not included in the maximum sign area allotment. Site and architectural design review board approval is not required. A sign permit is not required.

B. Barber Pole Signs. A striped pole characteristic of barbershops. Such signs may rotate. One such sign may be permitted per business in addition to any other signs permitted by this chapter. Site and architectural design review board approval is required. A sign permit is required.

C. Directional and Public Service Signs. Public service signs including time and temperature devices and signs indicating the location or direction of a place or area on the premises upon which the sign is located. Such signs are not included in the maximum sign area allotment if they are deemed necessary and appropriate by the director of planning. Site and architectural design review board approval is not required. A sign permit is not required.

D. Freestanding Signs. Freestanding signs of a permanent nature not attached to any portion of a building and not projecting over or through a roof, eaves of a building or any public right-of-way. Such signs may be placed within required yard or setback areas. Site and architectural design review board approval is required. A sign permit is required.

E. Awning Signs. A sign attached to the face of or supported by an awning. (Awning: a roof-like cover, usually of canvas extending over or before a place). Such signs must be parallel to the face to which attached and must not hang lower or project above the face to which attached. Site and architectural design review board approval is required. A sign permit is required.

F. Marquee or Canopy Signs. A sign attached to or supported by a marquee or canopy. Such signs must be parallel to the face to which they are attached and may not be made of cloth, canvas or other material of a similar nature nor shall such signs hang lower or project above the face to which attached. Site and architectural design review board approval is required. A sign permit is required.

G. Nameplates. Professional nameplates and occupation signs exceeding three square feet in area. Site and architectural design review board approval is required. A sign permit is required.

H. Readerboard Signs. A sign with detachable or interchangeable letters. Site and architectural design review board approval is required. A sign permit is required.

I. Under Canopy Signs. A sign attached to the underside of a canopy. The canopy must be of a permanent nature attached to and supported by a building. Such signs that do not exceed four square feet will not be included in the maximum sign area allotment. Any such sign exceeding four square feet shall be included in the maximum sign area allotment. Such signs shall have a minimum clearance of seven feet six inches above the sidewalk. Site and architectural design review board approval is required. A sign permit is required.

J. Wall Signs. A sign of either solid face construction or individual letters placed against the exterior wall of any building or structure. Such signs shall not extend more than one foot beyond the wall. Site and architectural design review board approval is required. A sign permit is required.

K. Window Signs—Temporary. Signs that are painted, placed, taped, displayed or otherwise suspended within three feet of any window that are visible from outside the place of business and that are designed to be displayed for a maximum of thirty days. Such signs are permitted to cover no more than fifty percent of the area of the window. Such signs may not be displayed more than thirty days. Such signs are not included in the maximum sign area allotment. Site and architectural design review board approval is not required. A sign permit is not required.

L. Window Signs—Permanent. Signs that are painted, placed, taped, displayed or otherwise suspended within three feet of any window that are visible from outside the place of business and that are designed to be displayed for more than thirty days. Such signs are permitted to cover no more than ten percent of the area of the window. Such signs are not included in the maximum sign area allotment. Site and architectural design review board approval is not required. A sign permit is not required.

M. Monument Sign. A low profile freestanding sign incorporating the design and building materials and accenting the architectural theme of buildings within the same development. Such signs shall be considered the same as a freestanding sign.

N. Real Estate Signs. Real estate signs shall be permitted as specified in Section 17.59.210 of this chapter.

O. Signs in General. Any sign which is not listed under permitted or prohibited signs (Section 17.59.160 and this section, respectively) shall be considered individually by the planning commission who shall determine whether the sign falls in the permitted or prohibited category. If the planning commission determines that such sign falls in the permitted category, permission to display such sign, signs or signing program shall be granted subject to any and all conditions the planning commission may find necessary to achieve the spirit, purpose and intent of this chapter. The conditions of approval may include but not be limited to requiring site and architectural design review board approval and a sign permit. (Zoning ordinance dated 7/94 (part), 1994)

17.59.180 Sign regulations for commercial and industrial districts.

C-1, C-2, P-C, L-M and M Districts.

A. Sign Area. One and one-half square feet are permitted for every foot of primary business frontage to a maximum of two hundred square feet per business. One-half square foot is permitted for every foot of secondary business frontage to a maximum of twenty-five square feet for each secondary business frontage.

B. Number of Signs. No more than four signs may be permitted per business. Under canopy signs are not counted for the purposes of this section.

C. Type of Sign. Any sign specified under Section 17.59.170, may be displayed in accordance with the provisions of this chapter.

D. General Provisions. All signs and signing programs specified below shall be subject to review and approval by the site and architectural design review board and shall require a sign permit.

1. Shopping centers may be permitted to erect a freestanding identification sign which may also indicate the principal tenant and other services available on the site. Said sign shall be located adjacent to the principal street frontage and shall not exceed one hundred square feet in area or twenty-five feet in height. If the shopping center has more than one principal street frontage, two such signs may be permitted. The sign area and sign height specified in this section are the maximum limits and the site and architectural design review board reserves the right to approve lesser sign area or height.

2. Shopping centers containing more than twenty-five acres approved under a single development permit shall be permitted to erect two freestanding identification signs which may also indicate the principal tenants along with other pertinent information deemed appropriate by the site and architectural design review board. Such signs shall not exceed two hundred fifty square feet in area nor fifty feet in height. The sign area and height specified in this section are the maximum limits and the site and architectural design review board reserves the right to approve lesser sign area or height.

3. Industrial parks containing more than four buildings designed to be architecturally compatible, whether or not on the same parcel of land, shall be permitted to place monument signs along, at, or adjacent to principal entrances to the park. Such signs shall not exceed two hundred square feet or ten feet in height. The actual size, height and number of signs shall be specified by the site and architectural design review board.

4. Real estate signs shall be permitted subject to the provisions of Section 17.59.210.

E. Master Signing Program Approval Required.

1. Any and all commercial, office or industrial developments designed to contain more than four occupancies, businesses or buildings are required to obtain approval of a master signing program from the site and architectural design review board. Said master signing program plans must be prepared, reviewed and approved by the site and architectural design review board prior to the issuance of any occupancy permit in the development. Plans for the master signing program shall include specifications, descriptions and locations of all signs to be displayed on the site including but not limited to advertising, identification, directional and public service signs. The site and architectural design review board may approve, conditionally approve or modify said plans in order to insure that the master signing program is in accordance with the purpose, spirit and intent of this chapter. Any decision of the site and architectural design review board on a master signing program may be appealed to the planning commission. Appeals shall be in writing and shall be filed with the planning department within ten days of the decision. Any decision of the planning commission may be appealed to the city council in the same manner as decisions of the site and architectural design review board are appealed.

2. Approved master signing programs may be modified from time to time by the site and architectural design review board or by the planning commission or city council through the appeal process. (Zoning ordinance dated 7/94 (part), 1994)

17.59.190 Sign regulations for residential districts.

R-1, R-2, R-3, R-4 and S-T Districts.

A. Single-Family Dwellings, Duplexes, Triplexes, and Fourplexes. One nameplate not exceeding three square feet per dwelling. Site and architectural design review board approval is not required. A sign permit is not required.

B. Multiple-Family Dwellings. Dwellings containing more than four dwelling units may be permitted a maximum of two signs, each containing a maximum of thirty square feet. Site and architectural design review board approval is required. A sign permit is required.

C. Church Signs. Same as subsection B of this section.

D. Public, Quasi-Public, Halls, Organizations, Clubs, Lodges and All Similar Uses. Same as subsection B of this section.

E. Nonresidential uses not otherwise specified herein including but not limited to hotels, motels, professional offices and other nonresidential uses that may be permitted in residential zoning districts. Signs for such uses shall be regulated by Section 17.59.180.

F. Real Estate Signs. Real estate signs shall be permitted subject to the provisions of Section 17.59.210.

G. All signs not permitted by subsections A through F of this section are prohibited. (Zoning ordinance dated 7/94 (part), 1994)

17.59.200 Sign regulations for districts other than commercial, industrial and residential.

U, O, K and T Districts. All signs, other than real estate signs which are regulated in Section 17.59.210, shall require approval by the site and architectural design review board or the planning commission or city council through the appeal process. Appeals may be made of any decision of the site and architectural design review board or planning commission as specified in Section 17.59.040. No sign shall be approved unless and until a finding is made that the proposed sign is consistent with the purpose, spirit and intent of this chapter. (Zoning ordinance dated 7/94 (part), 1994)

17.59.210 Real estate signs.

The following regulations shall apply to real estate signs in the city:

A. Sale, Rental or Lease Signs. Except as provided in subsection D of this section any property being advertised for sale, rent or lease may have one such sign on the property. Such sign shall not exceed twelve square feet in area. Site and architectural design review board approval is not required. A sign permit is not required.

B. Subdivision Signs. In the subdivision of land, the land being subdivided may have no more than two signs posted upon it advertising the subdivision. Each sign shall not exceed thirty-two square feet in area. Site and architectural design review board approval is not required. A sign permit is required.

C. Under Construction Signs. Under construction signs shall not exceed twenty square feet in area. No more than one such sign shall be permitted. Site and architectural design review board approval is not required. A sign permit is required. Such signs shall be removed prior to the issuance of the final occupancy permit.

D. Portable, Temporary Signs Displayed on Private Property. In advertising a property for sale, rental or lease, a portable sign, not exceeding six square feet in area may be placed off the site on private property for the purpose of advertising that the subject property is open for inspection. One additional such sign may be displayed on the premises that is open for inspection. Such signs shall only be displayed when the premises are open for inspection. Site and architectural design review board approval is not required. A sign permit is not required.

E. Model Home Signs. Signs identifying model homes may be displayed on the property upon which the model homes are located. Such signs shall be located adjacent to the entrance of the model home. Such signs shall not exceed eight square feet in area nor three feet in height. Site and architectural design review board approval is not required. A sign permit is not required.

F. General Provision. Any signs not specifically permitted under the provisions of this section are prohibited unless and until a use permit is secured from the planning commission. (Zoning ordinance dated 7/94 (part), 1994)

17.59.220 Signs not otherwise regulated.

A. General Provisions. The following provisions apply to all signs not otherwise regulated by this chapter, including but not limited to those expressing a political, religious or sociological viewpoint, including elections signs:

1. No such sign shall be located upon any public street, alley, sidewalk, right-of-way, easement, or other governmental property.

2. All such signs shall be erected, altered and maintained in accordance with the Uniform Building Code and the safety provisions set forth in Section 17.59.110 of this chapter.

3. All such signs must be stationary and unlighted.

4. Any freestanding sign shall be located at least five feet from any right-of-way line and may not encroach upon required parking or driveways.

5. The posting of any sign regulated by this section shall not in any way effect a property owner's right to erect signs permitted by other provisions of this chapter.

6. Site and architectural design review board approval is not required. A sign permit is not required.

7. Consent of Owner or Occupant. No sign regulated by this section may be posted without the consent of the owner or legal occupant of the premises on which the sign is posted.

8. Area of Signs. No sign regulated by this section shall exceed thirty-two square feet of sign area, except that in the R-1 district the total sign area shall not exceed eight square feet.

9. Signs in the R-1 District. The total area of all signs regulated by this section on any one property in the R-1, single-family residential district shall not exceed eight square feet. However, in this district, the number of such signs on any one property is not limited, provided the total area of all signs does not exceed eight square feet. All signs shall be freestanding, or attached to buildings, fences or windows of buildings.

10. Signs in All Districts Other than the R-1 District. In all zoning districts except the R-1 district, signs regulated by this section shall be freestanding or attached to buildings, fences or windows of buildings. Any freestanding sign shall be placed only upon those vacant portions of a property which are not covered by structures, landscaping, parking areas or driveways. The total area of all signs on any one property which includes at least four thousand square feet of such vacant area shall be limited to not more than one square foot of sign area for each one hundred twenty-five square feet of such vacant area. For properties which include less than four thousand square feet of vacant area, each such property shall still be allowed up to thirty-two square feet of total sign area with no limitation upon the number of signs composing the thirty-two square feet.

11. Time Limitations. Signs regulated by this section may be posted not more than sixty days prior to an event to which they pertain. All such signs must be removed within five days after the event to which they pertain or within sixty-five days of their initial posting, whichever occurs first.

12. Responsibility for Removal. It shall be the property owner's responsibility to remove all signs regulated by this section within the time limitations specified above, whether or not the owner has consented to the posting or construction of such signs.

B. Greater Sign Area and Time Limitations Allowable Pursuant to Use Permit and Design Review Board Approval.

1. Upon application to the planning commission for a use permit, a sign area greater than otherwise allowed by this section may be allowed so long as the planning commission finds, after receiving a recommendation from the site and architectural design review board, that:

a. The sign will not materially conflict with the character of the neighborhood in which it will be displayed; and

b. The value of property in the zone will not be significantly decreased by the erection or maintenance of the sign.

2. Use permits for such signs shall be granted for a period of not more than one year. (Ord. 98-6 § 1, 1998)

17.59.230 Neighborhood signs.

Signs identifying a neighborhood or development not exceeding fifty square feet in area, may be permitted. Site and architectural design review board approval is required. A sign permit is required. (Zoning ordinance dated 7/94 (part), 1994)

17.59.240 Service stations.

In addition to the signing permitted under Section 17.59.180, service stations may be permitted to display two additional signs each of which shall not exceed sixteen square feet. Such signs shall be permanently affixed to the ground or a structure. Site and architectural design review board approval is required. A sign permit is required. (Zoning ordinance dated 7/94 (part), 1994)

17.59.250 Highway signs.

Commercially zoned properties having frontage on Highway 1 are declared to be sites of special significance and any and all signs and signing programs shall be approved by the planning commission or the city council on appeal. The site and architectural design review board shall act in an advisory capacity to the planning commission. The site and architectural design review board shall review, consider and make a recommendation to the planning commission concerning all such signs and signing programs. In considering a sign or signing program for a site of special significance, the following items shall be considered: the signing needs of the proposed use; and the location of the site in relation to the freeway access; the responsibility of the city to protect and preserve the natural beauty of Highway 1 while balancing the city's need for a healthy highway-oriented visitor-serving industry. Any decision of the planning commission concerning a site of special significance may be appealed, in writing, within ten days of the decision of the planning commission. (Zoning ordinance dated 7/94 (part), 1994)

17.59.260 Signs for advertising purposes.

Unless otherwise provided in this chapter, no permanent sign shall be erected, constructed, placed, tacked, fastened, displayed, painted, posted, printed or otherwise where more than twenty-five percent of the area of such sign is used for advertising purposes. Seventy-five percent of the area of such signs shall be used solely for naming, designating or identifying the enterprise or calling. (Zoning ordinance dated 7/94 (part), 1994)

17.59.270 Signs in the Coastal Zone.

Notwithstanding any provision contained herein, all signs to be erected, constructed, placed, tacked, fastened, displayed, painted, posted, printed or otherwise in the Coastal Zone shall comply first and foremost with the provisions of the Marina local coastal program (LCP) along with the spirit and intent of this chapter. In the case of any conflicts between the documents, the provisions of the LCP shall prevail. It is anticipated that signs and signing programs will be considered as a part of the coastal permit process. (Zoning ordinance dated 7/94 (part), 1994)

17.59.280 Billboard signs.

(Reserved). (Zoning ordinance dated 7/94 (part), 1994)

17.59.290 Severability.

If any section, subsection, sentence, clause, phrase or portion of this chapter is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion is a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion hereof. (Zoning ordinance dated 7/94 (part), 1994)

Chapter 17.60

ENFORCEMENT—PENALTIES*

Sections:

17.60.010 Conformance required.
17.60.020 Enforcement.
17.60.030 Violation deemed misdemeanor—Penalty.
17.60.040 Unlawful structures—Abatement.
17.60.050 Remedies to be cumulative.

* Prior ordinance history: Ord. 77-10.

17.60.010 Conformance required.

All departments, officials and public employees of the city which are vested with the duty or authority to issue permits or licenses, shall conform to the provisions of this title, and shall issue no such permits or licenses for uses, building or purposes where the same would be in conflict with the provisions of this title, and any such permits or licenses, if issued in conflict with the provisions of this title, shall be null and void. (Zoning ordinance dated 7/94 (part), 1994)

17.60.020 Enforcement.

It shall be the duty of the planning commission to enforce the provisions of this title pertaining to the erection, construction, reconstruction, moving, conversion, alteration or addition to any building or structure. It shall be the duty of the police department of the city and all officers of said city herein and/or otherwise charged by law with the enforcement of this title, to enforce this title, and all the provisions of the same. (Zoning ordinance dated 7/94 (part), 1994)

17.60.030 Violation deemed misdemeanor—Penalty.

Any person, firm or corporation, whether as principal, agent, employee, or otherwise, violating or causing or permitting the violation of any of the provisions of this title, shall be guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not more than five hundred dollars or by imprisonment in the city jail. Such persons, firms or corporations shall be deemed to be guilty of a separate offense for each and every day during any portion of which any violation of this title is committed, continued or permitted by such person, firm, or corporation, and shall be punishable as herein provided. (Zoning ordinance dated 7/94 (part), 1994)

17.60.040 Unlawful structures—Abatement.

Any building or structure set up, erected, constructed, altered, enlarged, converted, moved or maintained, contrary to the provisions of this title, and/or any use of any land, building or premises, established, conducted, operated or maintained contrary to the provisions of this title, is unlawful and a public nuisance, and the city attorney shall, upon order of the city council, immediately commence action or proceedings for the abatement and removal and enjoinment thereof in the manner provided by law, and shall take such other steps and shall apply to such court or courts as may have jurisdiction, to grant such relief as will abate and remove such building or structure, and restrain and enjoin any person, firm or corporation, from setting up, erecting, building, maintaining

or using any such building or structure or using any property contrary to the provisions of this title. (Zoning ordinance dated 7/94 (part), 1994)

17.60.050 Remedies to be cumulative.

The remedies provided for herein shall be cumulative and not exclusive. (Zoning ordinance dated 7/94 (part), 1994)

Title 18

TRANSPORTATION MANAGEMENT

Chapters:

18.04 Travel Demand Management and Trip Reduction
18.06 Definitions
18.08 Employer Trip Reductions
18.10 Facilities Trip Reductions
18.12 Enforcement and Penalties
18.14 Appeals

Chapter 18.04

TRAVEL DEMAND MANAGEMENT AND TRIP REDUCTION

Sections:

18.04.010 Purpose and intent.

18.04.010 Purpose and intent.

A. The purpose of this title is to comply with the adopted congestion management plan for Monterey County which requires the city to take measures to relieve congestion and air pollution. This title sets standards and establishes required processes for employers and their employees, and for existing and proposed developments to achieve the goals of congestion management.

B. The intent of this title is to achieve the following goal by July 1997:

1. A 1.6 percent trip reduction per year; or
2. An average vehicle ridership (AVR) of 1.35; or
3. A drive-alone rate of sixty percent. (Ord. 93-5 § 1 (part), 1993)

Chapter 18.06

DEFINITIONS

Sections:

18.06.010 **Alternative transportation modes.**
18.06.030 **Applicable development.**
18.06.040 **Average vehicle ridership (AVR).**
18.06.050 **Buspool.**
18.06.060 **Carpool.**
18.06.070 **Commercial developer.**
18.06.090 **Complex.**
18.06.110 **Congestion management program (CMP).**
18.06.120 **Developer.**
18.06.160 **Facility(ies).**
18.06.180 **Mixed-use development.**
18.06.190 **Monterey Bay unified air pollution control district (MBUAPCD).**
18.06.200 **Park-and-ride lot.**
18.06.205 **Parking cash-out.**
18.06.230 **Residential developer.**
18.06.240 **Site development plan/permit.**
18.06.270 **Telecommuting.**
18.06.290 **Transportation demand management (TDM).**
18.06.300 **Transportation management association.**
18.06.320 **Trip reduction.**
18.06.330 **Trip reduction checklist.**
18.06.380 **Vanpool.**
18.06.390 **Vehicle trip.**

18.06.010 Alternative transportation modes.

"Alternative transportation modes" means any mode of travel that serves as an alternative to the single-occupant vehicle. This can include all forms of ridesharing such as carpooling or vanpooling, public transit, bicycling, walking or telecommuting. (Ord. 93-5 § 1 (part), 1993)

18.06.030 Applicable development.

"Applicable development" means any new development project that is determined to meet or exceed the fifty-employee threshold or any existing development that applies to increase its floor areas by twenty-five thousand gross square feet. Applicable developments include complexes exceeding the fifty-employee threshold. The following factors shall be applied to determine employment at the applicable development:

Land Use Category	Number of Employees
Commercial (regional, community or neighborhood)	1/500 gross sq. ft.
Office/professional	1/250 gross sq. ft.
Industrial	1/525 gross sq. ft.
Hotel/motel	0.8 per room
Mixed use	Sum of individual figures for each use
Restaurant	1 per 10 seats
Hospital/other medical	1 per 4 beds

Locally generated figures using springtime (January to May) employment may be approved by the transportation agency for Monterey County (TAMC). (Ord. 93-5 § 1 (part), 1993)

18.06.040 Average vehicle ridership (AVR).

"Average vehicle ridership" (AVR) means the figure derived by dividing the number of employees (including those telecommuting) at a regulated work site who commute to and from work between six a.m. to nine a.m. Monday through Friday, by the number of vehicles driven by these employees between home and the work site over that five-day period. The methodology for calculating AVR is contained in Appendix 2, set out at the end of this title. (Ord. 93-5 § 1 (part), 1993)

18.06.050 Buspool.

"Buspool" means a heavy duty vehicle occupied by at least sixteen passengers and the routing/scheduling for which is arranged between employer(s) and transit operators. (Ord. 93-5 § 1 (part), 1993)

18.06.060 Carpool.

"Carpool" is a light-duty motor vehicle occupied by at least two but not more than six employees traveling together. (Ord. 93-5 § 1 (part), 1993)

18.06.070 Commercial developer.

"Commercial developer" means a developer of a commercial project that falls under the definition of "applicable development" above. (Ord. 93-5 § 1 (part), 1993)

18.06.090 Complex.

"Complex" means any business park, shopping center or mixed use development in separate or common ownership, which can be identified by two or more of the following characteristics:

A. It is known by a common name given to the project by its developer.

B. It is governed by a common set of covenants, conditions and restrictions.

C. It was approved, or is to be approved as an entity by the city.

D. It is covered by a single tentative or final subdivision map or has been represented to the city as a single site and development.

E. It is located on a single assessor's parcel. At the discretion of the city, a complex may also include the central business district and/or strip commercial areas. (Ord. 93-5 § 1 (part), 1993)

18.06.110 Congestion management program (CMP).

"Congestion management program (CMP)" is the countywide program developed in accordance with California Government Code Sections 65088 et seq., requiring local jurisdictions and congestion management agencies to adopt and implement a trip reduction and travel demand element. The CMP law also requires designation of a CMP principal arterial network, a transit network, a land use impact analysis program, a deficiency plan and level of service monitoring system, and a seven-year capital improvement program. (Ord. 93-5 § 1 (part), 1993)

18.06.120 Developer.

"Developer" means the individual or company who is responsible for the planning, design and/or construction of an applicable development project. The developer is the individual who signs all permit applications on behalf of the property owner. (Ord. 93-5 § 1 (part), 1993)

18.06.160 Facility(ies).

"Facility(ies)" means the total of all buildings, structures and grounds that encompass a development site, at either single or multiple locations, that comprise or are associated with an applicable development project. (Ord. 93-5 § 1 (part), 1993)

18.06.180 Mixed-use development.

"Mixed-use development" means any development projects that combine residential with any one of these land uses: day care, office, commercial, light industrial, retail and business park. (Ord. 93-5 § 1 (part), 1993)

18.06.190 Monterey Bay unified air pollution control district (MBUAPCD).

"Monterey Bay unified air pollution control district (MBUAPCD)" is the regional governmental body responsible for the development and enforcement of regulations for control of air pollution within the counties of Monterey, Santa Cruz and San Benito. (Ord. 93-5 § 1 (part), 1993)

18.06.200 Park-and-ride lot.

"Park-and-ride lot" means a parking lot located near a residential area or along a highway which is served by a transit route or can be used by commuters as a staging area for carpool formation or for catching a bus. A park-and-ride lot may also be used by visitors as a staging area for tourist shuttle buses. Parking is free for commuters or visitors using a park-and-ride lot. (Ord. 93-5 § 1 (part), 1993)

18.06.205 Parking cash-out.

"Parking cash-out" means an employer-funded, tax deductible program where employers provide a cash allowance to an employee equivalent to the parking subsidy the employer would otherwise provide. Cities and counties are required to grant appropriate parking requirement reductions for developments that implement parking cash-out programs. (Ord. 93-5 § 1 (part), 1993)

18.06.230 Residential developer.

"Residential developer" shall mean an individual, group or designee responsible for the development of single-family or multiple-family housing units in which twenty-five or more housing units will be constructed as a part of a single application. (Ord. 93-5 § 1 (part), 1993)

18.06.240 Site development plan/permit.

"Site development plan/permit" means a precise plan of development that may be subject to a public hearing before the planning commission, or that may or may not be subject to a discretionary permit. (Ord. 93-5 § 1 (part), 1993)

18.06.270 Telecommuting.

"Telecommuting" means a method of conducting work without leaving one's residence and thereby eliminating the commute roundtrip. (Ord. 93-5 § 1 (part), 1993)

18.06.290 Transportation demand management (TDM).

"Transportation demand management" (TDM) means the implementation of programs, plans or policies designed to encourage changes in individual travel behavior. TDM can include the following:

A. An emphasis on alternative travel modes to the single-occupant vehicle (SOV) such as carpools, vanpools and transit;

B. Reduction or elimination of vehicle trips, or shifts in the time of vehicle commutes to other than the peak period;

C. A listing of TDM techniques is included as the Appendix 1, set out at the end of this title. (Ord. 93-5 § 1 (part), 1993)

18.06.300 Transportation management association.

"Transportation management association" means a group of employers or other uses joining together in a formal association with the intent to reduce trips. (Ord. 93-5 § 1 (part), 1993)

18.06.320 Trip reduction.

"Trip reduction" means reducing the number of trips made in single occupant vehicles. (Ord. 93-5 § 1 (part), 1993)

18.06.330 Trip reduction checklist.

"Trip reduction checklist" is the mechanism to be used by developers to outline TDM measures they will implement to reduce trips. (Ord. 93-5 § 1 (part), 1993)

18.06.380 Vanpool.

"Vanpool" means seven or more persons traveling to work in one vehicle. (Ord. 93-5 § 1 (part), 1993)

18.06.390 Vehicle trip.

"Vehicle trip" means a point to point journey or trip in one direction utilizing a motorized vehicle. For example, an employed mother driving a car and dropping off two children at two day care facilities and then going to an instant cash facility on the way to her job, makes a total of four vehicle trips. (Ord. 93-5 § 1 (part), 1993)

Chapter 18.08

EMPLOYER TRIP REDUCTIONS

Sections:

18.08.010 Implementation.

18.08.010 Implementation.

The transportation agency, local jurisdictions, AMBAG, MST and the private sector will implement a two-year voluntary trip reduction demonstration program focused on areas experiencing traffic congestion, LOS deficiencies, and/or parking congestion. The trip reduction demonstration program will begin on July 1, 1993. Preparatory work to begin the trip reduction demonstration program will begin upon TAMC approval of this paragraph and will utilize AB 2766 funds. The effectiveness of the demonstration program will be evaluated by TAMC and summarized at the end of the two-year program. Program evaluations will also be performed by TAMC as specific programs are implemented so that programs can be fine-tuned as needed. (Ord. 96-17 § 1, 1996; Ord. 93-5 § 1 (part), 1993)

Chapter 18.10

FACILITIES TRIP REDUCTIONS

Sections:

18.10.010 Purpose.
18.10.020 Applicability.
18.10.030 Compliance.
18.10.040 Responsibilities of residential developers and developments.
18.10.050 Responsibilities of tourist-oriented developers and developments.
18.10.060 Provisions for commercial developers and developments.
18.10.070 Implementation.
18.10.080 Reporting requirements.

18.10.010 Purpose.

A. The purpose of this section is to outline the requirements for facilities trip reductions and includes residential, tourist-oriented and commercial land use considerations to assist in achieving the overall goals shown in Section 18.04.010 of this title.

B. The intent is to insure that new development, redevelopment, and expansion of existing development contains the needed infrastructure and programs to both reduce the need to travel, and encourage alternative transportation mode usage. (Ord. 93-5 § 1 (part), 1993)

18.10.020 Applicability.

This title shall apply to all developers and applicable developments. (Ord. 93-5 § 1 (part), 1993)

18.10.030 Compliance.

The city shall determine compliance of applicable developments as part of the development review process. The city shall exercise whatever action is necessary to achieve compliance with conditions of approval of applicable developments. (Ord. 93-5 § 1 (part), 1993)

18.10.040 Responsibilities of residential developers and developments.

A. All developers of applicable new residential developments with twenty-five or more units must submit a trip reduction checklist as part of the plan check process prior to the issuance of a development permit. The checklist shall identify proposed design elements and facilities that encourage alternative transportation usage by residents of the development.

B. The city shall consider the nature and size of the project when reviewing the trip reduction checklist and determine the necessary programs as part of the permit approval process. After review of the trip reduction checklist prepared by the developer, the city may require, but not be limited to, one or more of the following programs:

1. Provide ridesharing, public transportation and nearby licensed child care facility information to tenants/buyers as part of move-in materials;
2. Print transit scheduling information on all promotional material;
3. Install bicycle facilities, such as bicycle racks and bicycle lanes, paths or routes, where appropriate;

4. Provide bus pull-outs, pedestrian access, transit stops, shelters and amenities as part of the project site plan, as described in the MST Development Review Guidebook or subsequent documents if the development is on a current or proposed transit route;

5. Provide locked and secure transportation information centers or kiosks with bus route/schedule information, as part of common areas if the development is on a current or proposed transit route;

6. Provide pedestrian facilities linking transit stops and common areas;

7. Provide resources for site amenities that reduce vehicular tripmaking;

8. Provide park-and-ride facilities;

9. Provide on-site child care facilities;

10. Implement local TSM improvements defined as shuttle bus services/buspools or improved transit service as part of the development;

11. Include facilities to encourage telecommuting;

12. Assess trip generation fees with proceeds to go toward provision of transit service, transportation management associations, ridesharing services and other alternative transportation services;

13. Encourage mixed land use projects designed to reduce the length and number of vehicle trips;

14. Improve pedestrian and bicycle systems;

15. Encourage transit and pedestrian-oriented design;

16. The city may require other measures to be added to or substituted for any or all of the above to achieve the intent of this chapter. (Ord. 93-5 § 1 (part), 1993)

18.10.050 Responsibilities of tourist-oriented developers and developments.

A. All developers of applicable new tourist-oriented developments must submit a trip reduction checklist as part of the plan check process prior to the issuance of a development permit or a special event permit. The checklist shall identify proposed design elements and facilities that encourage alternative transportation use by visitors to the development.

B. The city shall consider the nature and size of the project when reviewing the trip reduction checklist and determine the necessary programs as part of the permit approval process and in consultation with the transit operator. After review of the trip reduction checklist prepared by the tourist-oriented developer or special event promoter, the city may require, but not be limited to, one or more of the following programs:

1. Provide park-and-ride, public transportation shuttles and associated marketing to special event ticket purchasers as part of the special event promotion or site/business promotion;

2. Print transit scheduling information on all promotional materials;

3. Install bicycle facilities, such as bicycle racks and bicycle lanes, paths or routes, where appropriate, and at intermodal connection points;

4. Provide bus pull-outs, pedestrian access, transit stops, shelters and amenities as part of the project site plan, as described in the MST Development Review Guidebook or subsequent documents if the development is on a current or proposed transit route;

5. Provide locked and secure transportation information centers or kiosks with bus route/schedule information as part of common areas and at intermodal connection points;

6. Provide pedestrian facilities linking transit stops and common areas and at intermodal connection points;

7. Provide resources for site amenities that reduce vehicular tripmaking;

8. Provide park-and-ride facilities;

9. Implement local TSM improvements defined as shuttle bus services/buspools or improved transit service as part of a proposed development;

10. Assess trip generation fees with proceeds to go toward provision of transit service, transportation management associations, ridesharing services and other alternative transportation services;

11. Encourage mixed land use development designed to reduce the length and number of vehicle trips;

12. Provide pedestrian and bicycle system improvements;

13. Provide alternative transportation from the airport, provide airport information displays, contribute to the marketing or fare promotions of transit service and transit passes, provide concierges as sources of tourist transit promotion, rent bicycles to visitors, and provide transit information displays;

14. Implement educational and marketing strategies designed to induce tourists to reduce their vehicular trips;

15. Programs and projects to provide alternatives to automobile transportation into Monterey County;

16. The city may require other measures to be added to or substituted for any or all of the above to achieve the intent of this chapter. (Ord. 93-5 § 1 (part), 1993)

18.10.060 Provisions for commercial developers and developments.

A. All developers of applicable new commercial developments must submit a trip reduction checklist as part of the plan check process prior to the issuance of a development permit. The checklist shall identify proposed design elements and facilities that encourage alternative transportation usage.

B. The city shall consider the nature and size of the project when reviewing the trip reduction checklist and determine the necessary programs as part of the permit approval process. After review of the trip reduction checklist prepared by the developer, the city may impose trip reduction requirements to mitigate the impacts of the proposed development, except that any employee trip reduction program to be implemented by an employer shall be voluntary, not mandatory. Available trip reduction programs include, but are not limited to, the following:

1. Provide ridesharing, public transportation and nearby child care facility information to employees as part of orientation materials;

2. Provide on-site day care for customers and employees;

3. Provide on-site banking ATMs, restaurants, dry cleaners, grocery, and other typically needed services to reduce the need to travel. Link these uses with convenient pedestrian-oriented paths. Provide transit access that allows bus passengers convenient access to uses with a minimum of walking distance;

4. Locate building entrances close to bus stops with access uninterrupted by parking lots, parking aisles or interior roadways. Place parking at the rear of the development and the transit stop at the front of the development near the main entrance;

5. Provide employees with transit information with their paychecks. Provide on-site transit information displays;

6. Install bicycle racks and lanes, paths or routes;

7. Provide bus pull-outs, pedestrian access, transit stops, shelters and amenities as part of the development as described in the MST Development Review Guidebook or subsequent documents if development is on a current or proposed transit route;

8. Provide locked and secure alternative mode information kiosks;

9. Offer a parking cash-out program for employees;

10. Provide park-and-ride facilities within the development which are not limited to the site's customers or employees;

11. Provide preferential parking for employees who rideshare;

12. Provide local TSM improvements defined as shuttle bus services/buspools or improved transit service as part of the development;

13. Provide facilities and policies to encourage telecommuting;

14. Provide pedestrian, bicycle and transit system improvements;

15. The city may require other measures to be added to or substituted for any or all of the above. (Ord. 96-17 § 2, 1996; Ord. 93-5 § 1 (part), 1993)

18.10.070 Implementation.

A. Appropriate development-related ordinances will be reviewed and considered for measures and amenities in support of this title.

B. This title will be implemented through application of the city's zoning ordinances, subdivision ordinances and development standards whenever a developer is seeking a specific permit including but not limited to use permits, zoning permits, and tentative and final subdivision maps. (Ord. 93-5 § 1 (part), 1993)

18.10.080 Reporting requirements.

A. As part of the annual conformance process of the congestion management program, the city shall provide the TAMC with material and documentation as needed. Compliance shall be ascertained also by reviewing tourist shuttle implementation, special event transportation shuttles and parking programs, park-and-ride lot development, provisions for bicyclists and pedestrians, and other parking, pricing, marketing efforts, and educational strategies to induce reduced trips.

B. The TAMC staff will from time to time audit the implementation of the trip reduction program in order to assure that it is being implemented. In addition, feedback from the transit operator(s) will be obtained to ascertain whether the operator's needs are being met by the development standards in place. The TAMC will from time to time monitor the effectiveness of various TRO implementation programs and provide reports and information on effectiveness to the city and other interested parties. (Ord. 93-5 § 1 (part), 1993)

Chapter 18.12

ENFORCEMENT AND PENALTIES

Sections:

18.12.020 Violations.
18.12.030 Enforcement.
18.12.040 Fines.

18.12.020 Violations.

A. The following actions are considered violations of this title:

1. Failure to submit the trip reduction checklist, for an applicable development, or implement provisions of an approved checklist as set forth in the permit conditions;
2. Falsifying information on project plans;
3. Failure to implement items on the checklist or approved project plans;
4. Failure to provide surveys and trip logs to the city TRO program manager or TAMC.

B. Failure to achieve the 1.35 AVR, sixty percent drive-alone rate or the 1.6 percent trip reduction goals of this title does not constitute a violation of this title and no developer, property owner or tenant shall be subject to any fines based on lack of attainment. (Ord. 93-5 § 1 (part), 1993)

18.12.030 Enforcement.

For purposes of ensuring that the provisions of this title are fully adhered to, the city shall, following written notice, initiate enforcement action(s) against the appropriate parties which may include, but not be limited to, the following:

A. Withhold approval of development permits;
B. Issue stop work order;
C. Initiate proceedings to revoke the development and land use permits;
D. Withhold issuance of a certificate of occupancy;
E. Prosecute the violation. (Ord. 93-5 § 1 (part), 1993)

18.12.040 Fines.

Violation(s) of this title shall be prosecuted as infractions. Revenues received from fines shall be used to support alternative transportation programs. Each and every day that a provision(s) of this title or the terms and conditions or any approved worksite trip reduction plan is violated, shall constitute a separate offense. (Ord. 93-5 § 1 (part), 1993)

Chapter 18.14

APPEALS

Sections:

18.14.010 Appeals.

18.14.010 Appeals.

A. Any decision regarding the application of this title to a site may be appealed to the city council who may affirm, reverse or modify the decision.

B. A developer or property owner required to revise a submittal pursuant to this title may, within thirty days and upon notice to the city, appeal such action to the city council. The hearing shall be held before the city council within sixty days of receipt of the notice of appeal. (Ord. 93-5 § 1 (part), 1993)

Appendix 1

TRANSPORTATION DEMAND MANAGEMENT (TDM) TECHNIQUES:

TDM techniques may include the following:

1. Ridesharing.
   a. Carpool/vanpool matching;
   b. Preferential parking for carpools and vanpools;
   c. Carpool/vanpool financial subsidies or rewards;
   d. Employer-provided vehicle for carpools/vanpools;
   e. Employer-sponsored vanpools;
   f. Rideshare marketing campaigns;
   g. Financial subsidy of vanpool liability insurance.
2. Transit.
   a. Work site transit ticket sales;
   b. Transit ticket financial subsidies;
   c. Transit route maps and schedules distributed and displayed on-site at the workplace;
   d. Shuttle to transit lines.
3. Trip Elimination.
   a. Compressed work weeks;
   b. Work-at-home programs;
   c. Telecommuting.
4. Parking Pricing.
   a. Establishing monetary fees for employee parking;
   b. Elimination of any employer parking financial subsidy;
   c. Transition from employer parking financial subsidy to general transportation monetary allowance for all employees;
   d. Reduced parking rates for carpools and vanpools;
   e. Parking cash-out.
5. Bicycle and Pedestrian.
   a. Bicycling financial subsidies or rewards;
   b. Financial subsidy to employees for the purchase of bicycles for commute trip use;
   c. Bicycle lockers or other secure, weather-protected bicycle parking facilities;
   d. Bicycle access to building interior;
   e. Bicycle and/or walking route information;
   f. On-site bicycle registration.
6. On-Site Facilities/Services.
   a. Employee shower facilities and clothes lockers;
   b. Site modifications that would encourage walking, transit, carpool, vanpool and bicycle use;
   c. On-site services to reduce mid-day vehicle trips, e.g., direct deposit of payroll, cafeteria, automatic teller machines, apparel cleaning, etc.;
   d. On-site transportation fair to promote commute alternatives.

7. Other.
   a. Membership in a transportation management association that provides services and incentives;
   b. Establishment of employee committee to help design, develop and monitor the trip reduction program;
   c. Guaranteed ride home program;
   d. Financial subsidies or rewards for using walking and other nonmotorized transportation modes, transit or carpools;
   e. Shuttles between multiple work sites;
   f. Providing child day care at/near work site;
   g. Enhanced trip reduction efforts.
8. Any additional techniques not listed which have potential to achieve the desired reductions in vehicle trips.

Appendix 2

AVERAGE VEHICLE RIDERSHIP (AVR) CALCULATION METHODOLOGY

Average Vehicle Ridership Methodology (AVR) Survey Week.

The averaging period used for the survey week cannot contain a holiday and shall represent a normal work week situation so that a representative projection of the AVR is obtained. For vehicle use during the survey week, bicycle, transit vehicles, buses serving several work sites, and cars stopping en route to other work sites shall be excluded from the vehicles counted, as shall low emission vehicles as approved by the MBUAPCD.

The AVR for a work site shall be calculated by dividing the total "employee-days" for the survey week by the total "vehicle trip-days" for the survey week.

Employee-Days. "Employee-days" are the total number of employees reporting or assigned to a work site during the peak period each work day of the survey week. The following procedures are used in totaling employee-days:

1. Employees who telecommute or are off due to a compressed work week schedule are counted as reporting to the work site in calculating the total employee-days.
2. The following employees are not included in the employee-days total:

a. Employees not working because of vacation, sickness or other time off;
b. Employees who report to a different work site or an off-site work-related activity;
c. Disabled employees.

Vehicle Trip-Days. The total number of vehicles used by employees in reporting to the work site each work day of the survey week. A vehicle trip-day is based on the means of transportation used for the greatest distance of an employee's home to work commute trip. The following numerical values are used in calculating vehicle trip-days:

1. Single-occupant vehicle (drive alone) equals one;
2. Employee dropped off via vehicle by nonworking person equals one;
3. Carpool equals one divided by the number of employees in the carpool, regardless of whether or not the other employee(s) in the carpool work for the employer or at the work site;
4. Vanpool equals one divided by the number of employees in the vanpool, regardless of whether or not the other employee(s) in the carpool work for the employer or at the work site;
5. Motorcycle, moped, scooter or motor bike equals one;
6. The following all equal zero vehicle trip-days:

a. Public transit,
b. Private buspool,
c. Bicycle,
d. Walking and other nonmotorized transportation modes,
e. Employees who telecommute (only on the days those employees work at home for the entire day),
f. Employees who work a compressed work week schedule (only on their compressed day(s) off),
g. Disabled employee vehicles at all times.

Sample Calculation: What is the AVR for an employer with one hundred employees all commuting to and from work, on weekdays between six a.m. and ten a.m. and between three p.m. and six p.m.?

Employees reporting to work during the survey week:

Monday	100
Tuesday	100
Wednesday	100
Thursday	100
Friday	100
Total:	500

Number of vehicles driven to the work site by these employees:

Monday	77
Tuesday	79
Wednesday	72
Thursday	68
Friday	74
Total:	370

AVR is derived from dividing the number of employees reporting to work during the hours of six a.m. to ten a.m. during the week (e.g., 500) by the number of vehicles driven to the work site between the same hours (e.g., 370):

$$\frac{500 \text{ Employees}}{370 \text{ Vehicles}} = 1.35 \text{ Average Vehicle Ridership (AVR)}$$

STATUTORY REFERENCES
FOR
CALIFORNIA CITIES

The statutory references listed below refer the code user to state statutes relevant to California cities. They are up to date through July, 2007.

General Provisions

Code adoption
Gov. Code §§ 50022.1—50022.10

Ordinances
Gov. Code § 36900 et seq.

Penalties for ordinance violations
Gov. Code §§ 36900 and 36901

Imprisonment
Gov. Code §§ 36903 and 36904

Citations for misdemeanors
Penal Code §§ 853.5—853.85

Administrative fines and penalties
Gov. Code § 53069.4

Judicial review of city decisions
Code of Civil Procedure § 1094.6

Expedited judicial review of First Amendment cases
Code of Civil Procedure § 1094.8

Elections
Gov. Code §§ 34050 and 36503 and Elections Code §§ 1301, 9200 et seq. and 10100 et seq.

Classification of cities
Gov. Code §§ 34100—34102

General powers
Gov. Code § 37100 et seq. and Cal. Const. Art. 11 § 7

Conflict of Interest Code
Gov. Code § 87100 et seq.

Eminent domain
Code of Civil Procedure § 1230.010 et seq.

Administration and Personnel

City officers generally
Gov. Code § 36501 et seq.

Legislative body
Gov. Code § 36801 et seq.

Election of legislative body by districts
Gov. Code § 34870 et seq.

Meetings
Gov. Code § 54950 et seq.

Mayor
Gov. Code § 40601 et seq.

City clerk
Gov. Code § 40801 et seq.

City treasurer
Gov. Code § 41001 et seq.

City assessor
Gov. Code § 41201 et seq.

Chief of police
Gov. Code § 41601 et seq.

City attorney
Gov. Code § 41801 et seq.

Alternative forms of government
Gov. Code § 34851 et seq.

City manager
Gov. Code §§ 34851—34859

Elective mayor
Gov. Code §§ 34900—34906

City records
Gov. Code §§ 34090—34090.7 et seq.

Removal from office
Gov. Code § 3000 et seq.

Political activities of public employees
Gov. Code § 3201 et seq.

Local planning agencies
Gov. Code § 65100 et seq.

Emergency services
Gov. Code § 8550 et seq.

Fire department
Gov. Code § 38611

Peace officer standards and training
Penal Code § 13520 et seq.

Personnel system
Gov. Code § 45000 et seq.

Retirement systems
Gov. Code § 45341 et seq.

Revenue and Finance

Financial powers
Gov. Code § 37201 et seq.

Transfer of tax function to county
Gov. Code § 51500 et seq.

Property tax assessment, levy and collection
Gov. Code § 43000 et seq.

Sales and use tax
Rev. and Tax. Code § 7200 et seq.

Transient occupancy tax
Rev. and Tax. Code §§ 7280 through 7283

Real property transfer tax
Rev. and Tax. Code § 11901 et seq.

Unclaimed property
Civil Code § 2080 et seq.

Local agency service fees and charges
Gov. Code § 66013 et seq.

Public works and public purchases
Gov. Code § 4000 et seq.

Contracting by local agencies
Pub. Contracts Code § 20100 et seq.

Uniform Public Construction Cost Accounting Act
Pub. Contracts Code § 22000 et seq.

Claims against public entities
Gov. Code § 900 et seq.

Development fees
Gov. Code § 66000 et seq.

Business Licenses, Taxes and Regulations

Authority to license businesses
Gov. Code § 37101, Bus. and Prof. Code § 16000 et seq. and Const. Art. II, § 2

Bingo
Penal Code § 326.5

Community antenna TV systems
Gov. Code § 53066

Charitable solicitations
Bus. and Prof. Code § 17510 et seq.

Commercial filming
Gov. Code § 65850.1

Private investigators
Bus. and Prof. Code § 7512 et seq.

Taxicabs
Vehicle Code §§ 16500 et seq., 21100, 21112 and Gov. Code § 53075.5

Gambling establishments
Bus. and Prof. Code § 19800 et seq.

Massage parlors
Gov. Code § 51030 et seq.

Automatic checkout systems
Civil Code § 7100 et seq.

Telecommunications facilities
Gov. Code § 50030

Animals

Animals generally
Food and Agric. Code § 16301 et seq.

Dogs
Gov. Code § 38792 and Food and Agric. Code § 30501 et seq.

Potentially dangerous and vicious dogs
Food and Agric. Code § 31601 et seq.

Rabies control
Health and Saf. Code § 121575 et seq.

Cruelty to animals
Penal Code § 597 et seq.

Health and Safety

Garbage and refuse collection and disposal
Public Resources Code §§ 49300 and 49400

Nuisance abatement
Gov. Code § 38771 et seq. and Penal Code § 373a

Weed and rubbish abatement
Gov. Code § 39501 et seq.

Littering
Penal Code § 374 et seq.

Smoking
Labor Code § 6404.5

Graffiti abatement
Gov. Code § 38772

Fire prevention
Health and Saf. Code § 13000 et seq.

Fireworks
Health and Saf. Code § 12500 et seq.

Noise control
Health and Saf. Code § 46000 et seq. and Gov. Code § 65302(f)

Hospitals
Gov. Code § 37600 et seq.

Public Peace, Morals and Welfare

Crimes against public justice
Penal Code § 92 et seq.

Crimes against the person
Penal Code § 187 et seq.

Crimes against public decency and good morals
Penal Code § 261 et seq.

Crimes against the public peace
Penal Code § 403 et seq.

Crimes against property
Penal Code § 450 et seq.

Weapons
Penal Code § 12000 et seq.

Vehicles and Traffic

Local traffic rules and regulations
Vehicle Code § 21100 et seq.

Traffic signs, signals and markings
Vehicle Code § 21350 et seq.

Turning movements
Vehicle Code §§ 22100-22113

Speed limits
Vehicle Code § 22348 et seq.

One-way street designations
Vehicle Code § 21657

Stopping, standing and parking
Vehicle Code § 22500 et seq.

Through highways
Vehicle Code §§ 21101, 21353, 21354

Curb markings
Vehicle Code § 21458

Weight limits
Vehicle Code § 35700 et seq.

Pedestrians
Vehicle Code § 21949 et seq.

Establishment of crosswalks
Vehicle Code § 21106

Bicycles
Vehicle Code §§ 21100, 21206 and 39000 et seq.

Penalties
Vehicle Code § 40000.1 et seq.

Streets, Sidewalks and Public Places

Improvement Act of 1911
Str. and Hwys. Code § 5000 et seq.

Construction of sidewalks and curbs
Str. and Hwys. Code § 5870 et seq.

Underground utility districts
Str. and Hwys. Code § 5896.1 et seq.

Obstructions and encroachments on public ways
Gov. Code § 38775

Municipal parks
Public Res. Code § 5181 et seq.

Tree planting
Str. and Hwys. Code § 22000 et seq.

Landscaping and Lighting Act of 1972
Str. and Hwys. Code § 22500 et seq.

Charitable solicitations
Bus. and Prof. Code § 17510 et seq.

Advertising displays
Bus. and Prof. Code §§ 5230 and 5231

Public Services

Municipal water systems
Gov. Code § 38730 et seq.

Municipal sewers
Gov. Code § 38900 et seq. and Health and Saf. Code § 5470 et seq.

Water wells
Water Code § 13800 et seq.

Buildings and Construction

Authority to regulate buildings and construction
Gov. Code §§ 38601 and 38660

State Housing Law
Health and Saf. Code § 17910 et seq.

Adoption of construction codes
Health and Saf. Code §§ 17922 and 17958

Mobile homes
Health and Saf. Code § 18200 et seq.

Signs
Gov. Code §§ 38774 and 65850; Bus. and Prof. Code § 5200 et seq.

Inspection warrants
Civil Pro. Code § 1822.50 et seq.

Development fees
Gov. Code § 66000 et seq.

Subdivisions

Subdivision Map Act
Gov. Code § 66410 et seq.

Zoning

Local planning generally
Gov. Code § 65000 et seq.

Local authority to regulate land use
Gov. Code § 65850

Local zoning administration
Gov. Code § 65900 et seq.

Open-space zoning
Gov. Code § 65910 et seq.

Family day care homes
Health and Saf. Code § 1597.30 et seq.

Environmental Protection

Environmental Quality Act
Public Res. Code § 21000 et seq.

Noise Control Act
Health and Saf. Code § 46000 et seq.

ORDINANCE LIST AND DISPOSITION TABLE

Ordinance Number	
75-1	Continues effect of county ordinances (Not codified)
75-2	Council meeting time and location (2.04)
75-3	Imprisonment in county jail (1.08)
75-4	Establishes special gas tax street improvement fund (Not codified)
75-5	Establishes sales and use tax (3.04)
75-6	Establishes planning commission (Repealed by 95-13)
75-7	Interpretation of county ordinances (Not codified)
75-8	Establishes city manager (2.08)
75-9	Council expense reimbursement (2.04)
76-1	Pacific Gas and Electric Company franchise (Special)
76-2	Pacific Gas and Electric Company franchise (Special)
76-3	Establishes real property sale documentary stamp tax (3.08)
76-4	Purchase procedures (3.16)
76-5	Adopts by reference Monterey County Ordinances 346, 499, 548, 834, 911, 1010, 1035, 1134, 1138, 1162, 1172, 1201, 1235, 1241, 1314, 1343, 1390, 1511, 1640, 1671, 1713, 1732, 1836, 1936, 1954, 1967, 2120 and 2134 (5.64, 8.10, 12.20, 13.12)
76-6	Establishes parks and recreation commission (Repealed by 95-13)
76-7	Establishes transient occupancy tax (3.12)
76-8	Animal control (6.04)
76-9	Adopts and amends uniform codes (15.04—15.28)
76-10	Establishes various funds (3.20)
76-11	Garbage regulations (8.04)
76-12	Authorizes contract with California Public Employees Retirement System board of administration (Special)
76-13	Bingo regulations (Not codified)
76-14	Acceptance of penal code standards for law enforcement training (2.32)
76-15	Amends County Ord. 911 as adopted by Ord. 76-5 as follows: adds § 33 and subsection (c) to § 20; amends §§ 11, 56(a) and (b), 17(k), 18(k) and (1), 19(b)(1), (e), (k) and (m), 20(b)(1) and (k), 21(a) (2)(a) and (b)(1), 21.1(c)(1), (g), (h) and (i), 22(a)(3)(a) and (b) (1), 22.1(b)(3), 23(a)(6)(a), (a)(2) and (b)(1), 31(b), (c) and (e), 32(a), (b) and (d), and 36(a)(1) and (b)(2); deletes §§ 19(b)(3), 20(b)(3) and (m)(2), 21(b)(7), 23(a)(1) and (b)(6) and 25, zoning (Not codified)
76-16	Amends County Ord. 1713 as adopted by Ord. 76-5 as follows: amends §§ 1.3, 1.3(a), 5.1(f), 6.5(b) and (d), 6.7(b), 6.8, 8.6 and 7.2; deletes § 6.6, subdivisions (Repealed by 2007-08)
76-17	Establishes speed limit on certain road (Not codified)
76-18	Fire prevention; adopts and amends Uniform Fire Code (Repealed by 2007-14)
76-19	Pacific Gas and Electric Company franchise (Special)
76-20	Pacific Gas and Electric Company franchise (Special)
76-21	Emergency organization; repeals adoption of Monterey County Ord. 1732 (2.20)
76-22	Amends portion of Ord. 76-5, streets and highways plan (Special)
76-23	Rezone (Special)

76-24	Establishes speed limit on certain roads (Not codified)
76-25	Amends County Ord. 911 as adopted by Ord. 76-5 as follows: amends § 30(a)(12); deletes § 30(a)(8), mobile home regulations (Not codified)
77-1	Repeals and replaces § 5(i) of county Ord. 1235 as adopted by Ord. 76-5, CATV rates (Special)
77-2	Repeals and replaces § 4(a) of County Ord. 1235 as adopted by Ord. 76-5, CATV license payments (Special)
77-3	Drive-in theater regulations (9.04)
77-4	Adds items 18—26 to § 19A of county Ord. 1134 as adopted by Ord. 76-5, bus loading zones designated (Repealed by 79-15)
77-5	Amends §§ 3, 6 and 12c of Ord. 75-6, planning commission (Repealed by 95-13)
77-6	Amends portions of Ord. 76-6, parks and recreation commission (Repealed by 95-13)
77-7	Rezone (Special)
77-8	Temporary moratorium on permit issuance for adult entertainment (Special)
77-9	Bingo regulations; repeals Ord. 76-18, bingo (5.28)
77-10	Adopts city zoning ordinance (17.02, 17.04, 17.06, 17.08, 17.10, 7.12, 17.14, 17.16, 17.18, 17.20, 17.22, 17.24, 17.26, 17.32, 17.34, 17.36, 17.38, 17.40, 17.42, 17.44, 17.46, 17.48, 17.50, 17.52, 17.54, 17.56, 17.58, 17.60)
77-11	Establishes business license taxes (5.04—5.24)
78-1	Not sent
78-2	Massage licensing and regulations (5.36)
78-3	Adopts standards for public works construction (13.04)
78-4	Public dance licensing and regulation (5.40)
78-5	Required public improvement installations with new construction (15.36)
78-6	Removal of trees on undeveloped private property (Repealed by 96-3)
78-7	Tree maintenance in public rights-of-way (Repealed by 96-3)
78-8	Amends portions of §§ 2 and 6 of Ord. 76-6, parks and recreation commission (Repealed by 95-13)
78-9	No. not used
78-10	Rezone (Special)
78-11	Rezone (Special)
78-12	Amends § 1 of Ord. 75-2, council meetings (2.04)
78-13	Rezone (Special)
78-14	Adds subsection (8) to § 2.1 of Ord. 76-9; amends § 1.7 and portions of §§ 2.1, 3.1, 4.1, 5.1, 6.1 and 7.1 of Ord. 76-9, uniform building codes (15.08, 15.12, 15.16, 15.20, 15.24, 15.28)
78-15	Installation of underground utility facilities in underground utility districts (13.08)
78-16	Rezone (Special)
78-17	Rezone (Special)
78-18	Commercial vehicle parking weight limits (Repealed by 79-15)
78-19	Amends item (4) of § 2.1 of Ord. 76-9, uniform building codes (15.08)
79-1	Repeals and replaces § 21 of Ord. 77-11, business licenses (5.16)
79-2	Smoking in public places (Repealed by 92-2)
79-3	Amends § 2.1 of Ord. 76-18, fire code (Repealed by 2007-14)
79-4	Taxicabs (Repealed by 2003-10)
79-5	Amends § 11 and certain language in Ord. 75-6, planning commission (Repealed by 95-13)

79-6	Interim condominium conversion prohibition (Special)
79-7	Cardroom regulations (5.32)
79-8	Disposition of unclaimed personal property (2.28)
79-9	Amends Ord. 76-5, county ordinance adoption (Not codified)
79-10	Off-street parking (Not codified)
79-11	Amends §§ 9, 14 and 17 of Ord. 77-10; adds § 41 to Ord. 77-10, zoning (17.04, 17.14, 17.54)
79-12	City council salaries (Not codified)
79-13	Campaign expenditure limitations (Repealed by 80-2)
79-14	Amends contract between city and California Public Employees' Retirement Association (Special)
79-15	Traffic; repeals Ords. 78-18, 77-4 and § 1d of 76-5, traffic (Title 10)
79-16	General provisions (1.04)
79-17	Amends § 4c of Ord. 79-4, taxicabs (Repealed by 2003-10)
79-18	Amends § 4b of Ord. 79-4, taxicabs (Repealed by 2003-10)
80-1	Amends Ord. 77-9 §§ 9 and 12, bingo (5.28)
80-2	Repeals Ord. 79-13 (Repealer)
80-3	Adds Ch. 9.08, police canine program (9.08)
80-4	Adds Ch. 5.24, item price marking (Repealed by 96-25)
80-5	Adds chapter to Title 9 on drinking in public (9.12)
80-6	Amends County Ord. 1713, as adopted by Ord. 76-5, as follows: repeals and replaces § 3.61(a)(14), subdivisions (Repealed by 2007-08)
80-7	Repeals and replaces § 10.32.040, riding animals on sidewalk (10.32)
80-8	Speed limit on certain street (Repealed by 91-5)
80-9	Speed limit on nonresidential streets (Repealed by 91-5)
80-10	Amends County Ord. 1713, as adopted by Ord. 76-5, as follows: repeals and replaces § 14(b), subdivisions (Not codified)
80-11	Amends Ord. 76-11 § 21, garbage regulations (8.04)
80-12	Rezone (Special)
80-13	Amends Ord. 77-10 § 20, zoning (17.26)
81-1	Interim ordinance prohibiting permits for building applications (Special)
81-2	Adds §§ 15.08.011, 15.10.010, 15.10.011, 15.12.011, 15.16.011, 15.20.011, 15.24.011, 15.28.011, 15.30.010, 15.30.011, 15.30.020 and 15.32.035; repeals and replaces §§ 15.04.050, 15.08.010, 15.08.050, 15.12.010, 15.12.030, 15.16.010, 15.20.010, 15.24.010, 15.24.050, 15.28.010, 15.28.020, 15.32.030, uniform codes (15.04, 15.08, 15.10, 15.16, 15.20, 15.24, 15.28, 15.30)
81-3	Authorizes industrial development authority (2.36)
81-4	Adds Ch. 5.20, drug paraphernalia (Repealed by 96-25)
81-5	Extension of interim Ordinance 81-1 (Special)
81-6	Code adoption (1.01)
81-7	Amends zoning regulations in accordance with pages 20—35 of Local Program Implementation Plan of Local Coastal Program (Not codified)
81-8	Adds Ch. 15.40, residential property inspection program (15.40)
81-9	Adds Ch. 15.44, smoke detectors (15.44)
81-10	Authorizes amendment to contract with Public Employees' Retirement System (Not codified)
81-11	(Rejected by voters)

81-12	Amends § 5.32.120(G), cardrooms (5.32)
81-13	Adds Ch. 2.06, municipal elections (2.06)
81-14	(Rejected by voters)
82-1	Adds Ch. 12.12, city parks and playgrounds (12.12)
82-2	Authorizes amendment to contract with Public Employees' Retirement System (Not codified)
82-3	Adds chapter to Title 12 on street improvement reimbursement fees (12.16)
82-4	Amends § 2.12.060, planning commission (Repealed by 95-13)
82-5	Amends § 2.16.020, parks and recreation commission (Repealed by 95-13)
82-6	Authorizes issuance of mortgage revenue bonds (Special)
82-7	Repeals and replaces Ch. 1.08, code violations—penalties; repeals §§ 1.12.030, 3.04.150, 3.12.140, 5.24.020, 6.04.240 and 17.60.030 (1.08)
82-8	(Rejected by voters)
82-9	(Rejected by voters)
82-10	Amends § 3.12.030, transient occupancy tax (3.12)
82-11	Adds § 17.04.045; amends § 17.06.020(A), zoning (17.04, 17.06)
82-12	Adds Ch. 5.52, CATV systems (Repealed by 98-09)
82-13	Amends § 5.28.130D, bingo (5.28)
82-14	Amends zoning, subdivision and grading regulations (17.02, 17.04, 17.06, 17.10, 17.11, 17.12, 17.14, 17.25, 17.26, 17.46, 17.48, 17.50, 17.55, 17.58)
83-1	Amends Ord. 80-6 subdivisions (Not codified)
83-2	Rezone (Special)
83-3	Rezone (Special
83-4	Adds § 17.06.080, zoning (17.06)
83-5	Rezone (Special)
83-6	Rezone (Special)
83-7	Repeals and replaces Ch. 17.30, zoning (17.30)
83-8	Adopts Government Code section prohibiting second dwellings (Special)
83-9	Amends §§ 3.12.020 and 3.12.030, transient occupancy tax (3.12)
83-10	Amends § 15.08.010, building code (Repealed by 95-17)
83-11	Adds Ch. 17.59, zoning; repeals existing sign provisions (17.12, 17.14, 17.16, 17.18, 17.20, 17.22, 17.24, 17.30, 17.42, 17.59)
83-12	Adds Ch. 16.60, subdivisions (Repealed by 2007-08)
83-13	Adds § 17.54.140, zoning (17.54)
83-14	Amends § 5.44.010, taxicabs (Repealed by 2003-10)
83-15	Amends §§ 5.52.010 and 5.52.050, CATV systems (Repealed by 98-09)
83-16	Amends § 5.36.090(B)(12), massage businesses (5.36)
83-17	Amends § 3.04.120, sales and use tax (3.04)
83-18	Adds Ch. 8.12, hazardous materials storage and registration (8.12)
84-1	Adds Ch. 5.48, towing vehicles from private property (5.48)
84-2	Adds Ch. 2.19, historical commission (2.19)
84-3	Amends § 2.16.020, parks and recreation commission (Repealed by 95-13)
84-4	Adds Ch. 8.22, parking and storage of motor vehicles and parts in residential zones (8.22)
84-5	Interim ordinance relating to proposed developments (Special)
84-6	Adds Ch. 8.20, abandoned vehicles (8.20)
84-7	Amends § 17.44.020, zoning (17.44)

84-8	Adds Ch. 10.60 [10.70], visibility at intersections (10.70)
84-9	Adds § 17.06.020(L), zoning (17.06)
84-10	Adds subsections (U) and (V) to § 8.12.020 and reletters subsections (T), (U) and (V) to be (W), (Z) and (Y), respectively; adds subsections (D), (E) and (F) to § 8.12.030; adds subsection (A) to § 8.12.040 and reletters subsequent subsections (A) through (G) to be (B) through (H); adds § 8.12.040(I); amends §§ 8.12.020(G) and (M), 8.12.030(A), 8.12.030(G) and 8.12.110, hazardous materials storage and registration (8.12)
85-1	Adds § 5.32.120(H); amends § 5.32.100, cardrooms (5.32)
85-2	Rezone (Special)
85-3	Salaries (Not codified)
85-4	Adds Ch. 17.21, commercial/multiple family residential district; rezones certain property (17.21)
85-5	Rezone (Special)
85-6	Adds Ch. 2.44, redevelopment agency (2.44)
85-7	Deletes subsection (G) from § 5.32.120, cardrooms (5.32)
85-8	Amends Ord. 85-3, salaries (Not codified)
85-9	Adds Ch. 2.22, improvement commission (Repealed by 95-13)
85-10	Rezone (Special)
86-1	Amends §§ 17.22.070 and 17.44.030, zoning (17.22, 17.44)
86-2	Amends § 17.50.020, zoning (17.50)
86-3	Adds § 17.06.090, zoning (17.06)
86-4	Amends § 2.19.020, historical commission (2.19)
86-5	Repeals and replaces § 12.16.060, street improvement reimbursement fees (12.16)
86-6	Compensation of council members (Not codified)
86-7	Amends Ord. 82-3 to add Ch. 12.16 instead of 12.12 (Not codified)
86-8	Deletes subsection (D) from § 17.44.070, zoning (17.44)
86-9	Amends §§ 17.59.180(A) and (D)(1), zoning (17.59)
86-10	Amends § 17.24.080, zoning (17.24)
86-11	Redevelopment plan (Special)
86-12	Adds § 5.32.120(G); amends § 5.32.130, cardrooms (5.32)
86-13	Moratorium on applications for multifamily residential structures (Not codified)
86-14	Extends Ord. 86-13, moratorium on applications for multifamily residential structures (Not codified)
86-15	Amends §§ 15.08.011, 15.10.011, 15.12.011, 15.16.011, 15.20.011, 15.24.011, 15.28.011, 15.30.011 and 15.32.031, uniform codes (15.08, 15.10, 15.16, 15.20, 15.24, 15.30)
87-1	Repeals and replaces §§ 1.08.010, 1.08.020 and 1.08.030, general penalty (1.08)
87-2	Adds § 15.04.070; amends § 15.04.010, buildings and construction (15.04)
87-3	Amends § 3.12.030, transient occupancy tax (3.12)
87-4	Amends §§ 17.20.030 and 17.20.070, zoning (17.20)
87-5	Adds § 17.44.030(J), zoning (17.44)
87-6	Extends moratorium on applications for multifamily residential structures (Not codified)
87-7	Prohibits camping and parking on certain streets on certain days (Not codified)
87-8	Adds Ch. 12.24, bicycles and skateboards (12.24)
87-9	Rezone (Special)
88-1	Adds Ch. 3.24, fee and service charge revenue-to-cost determination system (Repealed by 99-14)

88-2	Adds Ch. 15.48, flood damage prevention (Repealed by 92-4)
88-3	Amends § 5.32.100, cardrooms (Repealed by 96-18)
88-4	Adds Ch. 1.10, civil enforcement (1.10)
88-5	Adds Ch. 8.24, security and fire alarm systems (8.24)
88-6	Amends subdivision ordinance (Repealed by 2007-08)
88-7	Urgency ordinance requiring use permits for operation of massage businesses (Not codified)
88-8	Moratorium on applications for multifamily residential structures (Not codified)
88-9	Repeals and replaces § 2.16.060, parks and recreation commission (Repealed by 95-13)
88-10	Rezone (Special)
88-11	Adds Ch. 17.19, criteria and standards for low income senior citizens apartment projects (17.19)
88-12	Extends moratorium on applications for multifamily residential structures (Not codified)
88-13	Extends Ord. 88-7, urgency ordinance requiring use permits for operation of massage businesses (Not codified)
88-14	Rezone (Special)
88-15	Amends § 3.24.040, fee and service charge revenue-to-cost determination system (Repealed by 99-14)
88-16	Amends § 17.26.070(A), zoning (17.26)
88-17	Amends Ch. 17.43, coastal development permit combining district (Repealed by 2007-11)
88-18	Repeals and replaces § 12.12.030, city parks and playgrounds (Repealed by 90-3)
88-19	Adds Ch. 17.27, adult businesses and massage therapists (17.27)
88-20	Bond issuance (Special)
88-21	Bond issuance (Special)
89-1	Extends Ord. 88-19, adult businesses and massage therapists (Not codified)
89-2	Adds Ch. 15.34, minimum building security standards (15.34)
89-3	Adds Ch. 17.27, adult businesses and massage therapists (17.27)
89-4	Adds Ch. 15.50, park facilities improvement fee (Repealed by 91-9)
89-5	Adds Ch. 9.06, regulation of display of reading material (9.06)
89-6	Extends moratorium on applications for multifamily residential structures (Not codified)
89-7	Adds Ch. 17.31, planned industrial small lot combining district (17.31)
89-8	Rezone (Special)
89-9	Bond issuance (Special)
89-10	Adds § 1.08.035, arrest and citation procedure (1.08)
89-11	Establishes certain speed limit (10.60)
90-1	Amends zoning ordinance (17.26)
90-2	Interim ordinance prohibiting permits or applications for multifamily residential structures (Not codified)
90-3	Repeals and replaces §§ 6.04.080 and 12.12.030, animals (6.04, 12.12)
90-4	Repeals and replaces subsection (N) of § 6.04.010, animals (6.04)
90-5	Moratorium on permits or applications for multifamily residential development exceeding ten units per acre (Not codified)
90-6	Amends zoning ordinance (17.19)
90-7	Extends Ord. 90-5, moratorium on permits or applications for multifamily residential development exceeding ten units per acre (Not codified)
90-8	Amends Ords. 79-12, 85-3 and 86-6, compensation of council members (Not codified)

90-9	Repeals and replaces § 10.52.020, commercial vehicle restrictions (Repealed by 97-6)
90-10	Adds § 16.04.040; amends § 16.04.020; repeals subsections (A) and (B) from § 16.04.030, subdivisions (Repealed by 2007-08)
91-1	Amends § 17.59.220(B), zoning (17.59)
91-2	Amends § 10.60.010(C), speed limits (Repealed by 91-5)
91-3	Adds Ch. 8.30, parades and assemblies (8.30)
91-4	Amends § 3.12.020(A), transient occupancy tax (3.12)
91-5	Repeals and replaces Ch. 10.60, speed limits (10.60)
91-6	Rezone (Special)
91-7	Extends Ord. 90-7, moratorium on permits or applications for multifamily residential development exceeding ten units per acre (Not codified)
91-8	Adds § 10.40.150, stopping, standing and parking (10.40)
91-9	Repeals and replaces Ch. 15.50, park facilities improvement fees (Repealed by 2005-13)
91-10	Amends Ch. 15.50, park facilities improvement fees (Repealed by 2005-13)
92-1	Adds Ch. 8.14, smoking in restaurants (Repealed by 95-7)
92-2	Amends Ch. 8.08, smoking in city facilities (Repealed by 95-7)
92-3	Amends § 2.12.110, planning commission (Repealed by 95-13)
92-4	Repeals and replaces Ch. 15.48, flood damage prevention (15.48)
92-5	Adds § 17.02.100, zoning (17.02)
92-6	Adds subsection (P) to § 17.06.070, zoning (17.06)
92-7	Amends §§ 3.16.040 and 3.16.060, purchasing system (3.16)
93-1	Amends Ch. 17.54, condominium guidelines (17.54)
93-2	Adds §§ 17.28.020(F) and 17.28.030(K); amends §§ 17.06.060(C), 17.14.090, 17.14.110, 17.14.120, 17.31.050, 17.31.070 and 17.31.090, zoning; rezones certain property (17.06, 17.14, 17.28, 17.31)
93-3	Adds §§ 8.20.180, 8.20.190, 8.20.200 and 8.20.210; amends §§ 8.20.010 and 8.20.150, abandoned vehicles (8.20)
93-4	Amends § 17.54.150, zoning (17.54)
93-5	Adds Title 18, transportation management (18.04, 18.06, 18.08, 18.10, 18.12, 18.14)
93-6	Amends Chs. 16.08, 17.20 and 17.44, subdivisions and zoning (17.20, 17.44)
93-7	Adds Ch. 3.14, utility tax (3.14)
93-8	Adds Ch. 17.29; amends Ch. 17.31, zoning; rezones certain property (17.29, 17.31)
93-9	Extends provisions of Ord. 93-8, zoning (17.29, 17.31)
93-10	Amends § 2.22.060(C), improvement commission (2.22)
93-11	Adds §§ 6.04.001, 6.04.054, 6.04.154 and 6.04.240; repeals and replaces §§ 6.04.050 and 6.04.180, animal control (6.04)
93-12	Amends § 1 of Ord. 79-10, off-street parking (Not codified)
93-13	Adds §§ 10.40.160 and 10.40.170, stopping, standing and parking (10.40)
94-1	Amends Ch. 17.50, site and architectural design review (17.50)
94-2	Amends § 17.19.120, zoning (17.19)
94-3	Amends Chs. 17.21, 17.22, 17.24 and 17.26, zoning (17.21, 17.22, 17.24, 17.26)
94-4	Repeals and replaces § 3.14.170, utility tax (Repealed by 96-15)
94-5	Interim ordinance prohibiting any use on portions of Fort Ord within the city limits (Not codified)
94-6	Rezone (Special)

94-7	Interim ordinance prohibiting any use on portions of Fort Ord within the city limits (Not codified)
94-8	Adds Ch. 12.28, graffiti (12.28)
94-9	Amends schedule in Ch. 3.24, fee and service charge revenue-to-cost determination system (Repealed by 99-14)
94-10	Renumbers Ch. 10.60 to be Ch. 10.70 (10.70)
94-11	Rezone (Special)
94-12	Adds Ch. 9.24, noise regulations (9.24)
94-13	Adds § 6.04.250, animal control (6.04)
94-14	Adds § 12.12.050, city parks and playgrounds (12.12)
94-15	Amends redevelopment plan (Special)
95-1	Amends §§ 10.70.020 and 10.70.030, visibility at intersections (10.70)
95-2	Amends Ord. 94-15, redevelopment plan (Special)
95-3	Amends § 8.04.120(A), garbage disposal (8.04)
95-4	Adds Ch. 2.50, airport commission (2.50)
95-5	Adds Ch. 15.54, occupancy of buildings on Fort Ord (15.54)
95-6	Adds § 8.22.060; repeals and replaces § 8.22.040, parking and storage of motor vehicles and parts (8.22)
95-7	Repeals and replaces Ch. 8.08, smoking in city facilities; repeals Ch. 8.14 (8.08)
95-8	Amends Chs. 17.29 and 17.31, zoning; repeals Ch. 17.28 (17.29, 17.31)
95-9	Repeals and replaces Ch. 5.68, fortunetelling and related practices (5.68)
95-10	Amends §§ 17.59.080, 17.59.140 and 17.59.150, zoning (17.59)
95-11	Rezone (Special)
95-12	Amends Ch. 17.29, business park district (17.29)
95-13	Repeals and replaces Chs. 2.12 and 2.16, administration; repeals Chs. 2.19 and 2.22 (2.16)
95-14	Amends Ch. 3.24, fee and service charge revenue-to-cost determination system (Repealed by 99-14)
95-15	Adds §§ 5.32.104 and 5.32.124; amends §§ 5.32.050, 5.32.100 and 5.32.120, cardrooms (5.32)
95-16	Amends § 17.52.060, zoning (17.52)
95-17	Repeals and replaces §§ 15.08.010 and 15.08.011, building code (Repealed by 2007-14)
96-1	Establishes rules and regulations governing Marina municipal airport and operation of aeronautical activities (13.22)
96-2	Adds § 10.40.160, stopping, standing and parking; amends Ch. 3.24, fee and service charge revenue-to-cost determination system (10.40)
96-3	Repeals and replaces Ch. 12.04, tree removal, preservation and protection; repeals Ch. 12.08 (12.04)
96-4	Rezone (Special)
96-5	Amends Ord. 96-2 to adds § 10.40.180 instead of § 10.40.160, stopping, standing and parking (10.40)
96-6	Adds § 5.32.102 and subsection (I) to § 5.32.120, cardrooms (5.32)
96-7	Adds §§ 17.04.745 and 17.06.100; amends §§ 17.04.440 and 17.44.020(G), zoning (17.04, 17.06, 17.44)
96-8	Amends § 17.06.050, zoning (17.06)
96-9	Amends § 3.16.040, purchasing of supplies and equipment (3.16)

99-06	Interim urgency ordinance extending regulations of certain temporary uses within lands conveyed from former Fort Ord (Special)
99-07	Interim urgency ordinance prohibiting certain uses or developments on a defined portion of Marina municipal airport (Special)
99-08	Adds Ch. 13.02, local hiring for public works (13.02)
99-09	Adds § 3.16.070, preference for local suppliers (3.16)
99-10	Adds § 13.04.100, specified volunteer projects (13.04)
99-11	Interim urgency ordinance extending provisions of Ord. 99-07 (Special)
99-12	Adds Ch. 3.28, authorization for the use of mail ballot elections (3.28)
99-13	Interim urgency ordinance regulating uses within area of community park conveyance (Special)
99-14	Repeals and replaces Ch. 3.24, fees and service charges revenue-to-cost determination system (Repealed by 2007-07)
99-15	Interim urgency ordinance regulating uses within area of community park conveyance (Special)
99-16	Interim urgency ordinance prohibiting certain uses or developments on a defined portion of Marina municipal airport (Special)
99-17	Amends §§ 15.32.070, 15.32.090 and 15.32.100, fire code (Repealed by 2007-14)
99-18	Interim urgency ordinance extending provisions of Ord. 99-16 (Special)
99-19	Amends § 2.12.130, commissions (Repealed by 2006-05)
99-20	Amends § 5.32.130; repeals and replaces § 5.32.060, cardrooms (5.32)
99-21	Adopts redevelopment plan for former Fort Ord project area number three (Special)
2000-01	Interim urgency ordinance prohibiting uses which may conflict with the proposed general plan land use designations of certain areas (Special)
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2000-06	Amends § 15.32.070, uniform fire code (Repealed by 2007-14)
2000-07	Repeals and replaces § 2.12.010, city commissions (Repealed by 2006-05)
2000-08	Amends § 5.32.120(D) and (G), cardrooms (5.32)
2000-09	Interim urgency ordinance regulating uses of certain areas in former Fort Ord (Special)
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2002-06	Adds §§ 16.06.165 [16.06.155] and 17.04.465 [17.04.455]; amends § 17.06.060, subdivisions, zoning (17.04, 17.06)
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2004-06	Approves final development agreement (Special)
2004-07	Adds Ch. 12.25, skate park rules and regulations (12.25)
2004-08	Amends § 15.32.120, adoption of the uniform fire code (Repealed by 2007-14)
2004-09	Amends §§ 16.04.020, 16.06.275, 16.08.040 and 16.08.058, subdivisions (Repealed by 2007-08)
2004-10	Adds § 17.20.170; amends §§ 17.06.070, 17.20.030, 17.20.040, 17.20.070—17.20.090, 17.20.110—17.20.140 and 17.20.160, zoning (17.06, 17.20)
2004-11	Repeals and replaces §§ 3.14.160 and 3.14.170, utility tax (3.14)
2004-12	Amends § 17.06.040, zoning (17.06)
2004-13	Amends §§ 17.04.180, 17.04.190, 17.14.030, 17.20.030, 17.21.080 [17.21.030] and Ch. 17.54, zoning (17.04, 17.14, 17.20, 17.21, 17.54)
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2006-04	Amends zoning map (Special)
2006-05	Repeals and replaces Ch. 2.12, commissions (2.12)
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2006-07	Interim ordinance extending a moratorium prohibiting the issuance of permits, entitlements, licenses and approvals of medical marijuana dispensaries (Special)
2006-08	Local coastal program amendments (Not codified)
2006-09	Adds Ch. 1.12, administrative fines (1.12)
2006-10	Amends Ch. 8.22, parking and storage of vehicles, boats and parts in residential areas (8.22)
2006-11	Amends § 17.06.040, zoning (17.06)
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2006-14	Adds Ch. 17.45, affordable housing (17.45)
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2007-01	Adds § 17.14.045; amends § 16.08.040, subdivision and zoning (17.14)
2007-02	Amends § 17.06.020, zoning (17.06)
2007-03	Adds § 17.04.463; amends § 17.06.020, zoning (17.04, 17.06)
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2007-05	Approves and adopts the description of agency's real property acquisition program for the project area (Special)
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2007-09	Authorizes levy of special tax (3.32)
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2007-14	Repeals and replaces Ch. 15.32 and §§ 15.04.010, 15.08.010, 15.08.100, 15.08.110, 15.12.010, 15.12.011, 15.24.010—15.24.030, 15.28.010, 15.28.011, 15.30.010 and 15.30.030, buildings and construction (15.04, 15.08, 15.12, 15.24, 15.28, 15.30, 15.32)

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