

# Chapter 7: Planning Area Standards

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## 7.1 Introduction

Planning area standards implement the goals and policies of this plan and the Local Coastal Program. These standards are mandatory requirements that apply to new land uses and proposed development. Planning area standards apply in addition to the policies and standards of the Local Coastal Program Policy Document and the standards of the Coastal Zone Land Use Ordinance (CZLUO). Where a conflict exists between these standards and the CZLUO, the planning area standards shall prevail.

In addition to standards, this chapter includes guidelines, which are shown in italics. Guidelines provide further direction on how to implement the goals and policies of this plan. Guidelines are advisory, but are to be used in evaluating projects such as land divisions, Minor Use Permits and Development Plans. A variety of approaches may satisfy the intent of the guidelines.

## 7.2 Chapter Organization

The planning area standards are organized as follows:

**Section 7.3 Communitywide Standards.** These are standards that apply throughout the Los Osos urban area (within the Urban Reserve Line).

**Section 7.4 Combining Designation Standards.** These are standards that apply to areas with a special combining designation, such as a Sensitive Resource Area (SRA).

**Section 7.5 Land Use Category Standards.** These are standards that apply to specific land use categories (i.e. zoning) and specific areas or sites within those categories.

**Standards** (i.e. mandatory requirements) are written with standard text.

*Guidelines* (i.e. advisory guidance) are presented with italicized text.

## 7.3 Communitywide Standards

The following standards apply throughout the Los Osos urban area in all land use categories.

- A. **Advisory Council Referral.** Applications for land divisions, general plan amendments, Minor Use Permits, and Development Plans shall be referred to the Los Osos Community Advisory Council or its successor for review and comment.
- B. **Resource Capacity and Service Availability.**
  1. **Verification of water and sewer service.** All applications for land divisions and new development shall be accompanied by a letter from the applicable water purveyor and provider of sewer service indicating their willingness and intent to provide service to the new development.

2. **Water and Wastewater Service Capacity, Land Divisions.** New land divisions, other than condominium conversions, shall not be approved unless the Review Authority makes the following findings:

- a. The development can be accommodated by the sustainable yield of the Los Osos Groundwater Basin without causing seawater intrusion, as identified in the Basin Plan for the Los Osos Groundwater Basin: [and annual monitoring reports.](#)
- b. If within the sewer service area, the community sewer system is in operation and has sufficient capacity to serve the development.
- c. If outside the sewer service area, the on-site wastewater disposal system has been designed to comply with all requirements of the Regional Water Quality Control Board, including the Central Coast Basin Plan.

For the purposes of the above findings, the Review Authority shall consider not only the water and wastewater demands of the development being proposed, but also the water and wastewater demands from existing development and development of all vacant parcels within the Los Osos Urban Services Line.

C. **Fire Safety Clearance.** All applications for new development shall receive fire clearance from the applicable fire protection agency.

**D. Los Osos Groundwater Basin.**

1. ~~Basin Plan compliance.~~ **Non-residential Development.** Development of non-residential land uses that use water from the Los Osos Groundwater Basin shall be prohibited until the Board of Supervisors ~~determines that adopts a resolution certifying successful completion and implementation of specific programs identified in the Los Osos Basin Plan (“Basin Plan”) have occurred.~~ The following programs from the Basin Plan must be successfully completed and implemented to address existing resource constraints prior to development of new dwelling units 2015 Updated Basin Plan for the Los Osos Groundwater Basin, as amended or commercial uses adjusted through adaptive management described in annual monitoring reports:

- a. Program “M” - Groundwater Monitoring
- b. Program “E” - Urban Efficiency
- c. Program “U” - Urban Water Reinvestment
- d. Program “A” - Infrastructure Program A
- ~~e. Program “P” - Wellhead Protection~~
- ~~f. At least one of the following additional programs:~~
  - ~~• Program “B” - Infrastructure Program B~~
- ~~g. e. Program “C” - Infrastructure Program C~~
- ~~f. Program “P” - Wellhead Protection~~
  - ~~• Program “S” - Supplemental Water Program~~

~~Amendments to Title 26:~~

2. Residential Development. The Growth Management Ordinance, Title 26 of the County Code shall be amended to establish an annual growth rate for new residential units in the Los Osos Urban Area consistent with the available sustainable water supply. Residential units exempt from Title 26 are exempt from this standard (e.g.,

~~affordable housing, accessory dwelling units that use water from the Los Osos Groundwater basin shall be prohibited until 1) a growth limitation):~~

~~a. **Best Available Data.** The annual growth rate shall be established based on the best available data at the time, including the most recent annual monitoring report prepared for the Los Osos Groundwater Basin is established in Section 26.01.070.k of the Growth Management Ordinance to reflect current basin conditions~~Management Committee.

~~b. **Annual Review.** The adopted annual growth rate shall be reviewed on an annual basis and the successful completion of the programs identified in the updated as needed, as follows:~~

~~i. **New Implemented Basin Plan** and 2) the Board of Supervisors determines that the specific programs identified in the Basin Plan and required by these standards as a prerequisite for **Programs.** When additional development have been successfully completed and **Basin Plan programs are implemented** and are effective, as follows, the annual growth rate shall be updated to reflect the estimated increase in sustainable basin yield.~~

~~a. The **Basin Plan** program(s) shall be completed to the satisfaction of **Effectiveness.** If the data from the Director of Public Works, in consultation with the annual monitoring reports prepared for the Los Osos Groundwater Basin Watermaster:~~

~~ii. As part of the review for Basin Plan effectiveness, the County shall consider data collected as part of the Groundwater Monitoring program (Program "M"). If the data Management Committee indicate that completed Basin Plan programs have not been less or more effective in reducing groundwater demand, increasing the perennial safe yield, or facilitating seawater retreat as predicted in the Basin Plan, then the development of new residential units shall be limited accordingly or increased accordingly. Modifications made to the Basin Plan programs through the Plan's adaptive management provision shall also be considered.~~

~~b. As part of the review for Basin Plan effectiveness, the Board of Supervisors shall consider trends in commercial development and commercial water demand to ensure that such demand is not growing beyond a proportional relationship with the community's population.~~

~~2. **Growth limitation standards.** Development of new residential units that use water from the Los Osos Groundwater Basin shall be prohibited until successful implementation of all programs identified in Subsection D.1. Once this has been achieved, Section 26.01.070.k of the Growth Management Ordinance may be modified to allow development of new residential units as follows:~~

~~a. **Implementation of one additional program:**~~

~~(i) **Implementation of Program "B."** Upon successful implementation of Program "B," an additional 1,230 residential units may be constructed within the Los Osos Groundwater Basin.~~

~~(ii) **Implementation of Program "C."** Upon successful implementation of Program "C," an additional 680 residential units may be constructed within the Los Osos Groundwater Basin.~~

(iii) ~~Implementation of Program “S.”~~ Upon successful implementation of Program “S,” assuming groundwater desalination producing 250 acre-feet per year, 550 residential units may be constructed within the Los Osos Groundwater Basin.

2. ~~Implementation of more than one additional program.~~ In the event that more than one additional Basin Plan program is pursued, additional residential dwelling units may be constructed within the Los Osos Basin. The number of additional units allowed shall be as indicated in the following table, which are in addition to those indicated in Subsection 3a:

Previously Implemented Program	New Program(s) to Be Completed	Additional Dwelling Units
B	€	560
	€+D	1,030
	€+S	1,550
	€+D+G	3,020
	€+D+S	2,020
€	B	1,110
	B+D	1,580
	B+S	2,100
	B+D+G	3,570
	B+D+S	2,570
S (250 AFY)	Additional S (+500 AFY = 750 AFY)	1,590
	B+€	2,230
	B+€+D	2,700
	B+€+G	3,620

iii. Non-Residential Usage Trends. If the data from the Basin Plan annual monitoring reports, individual purveyors, or private wells, indicate a significant increase in water demand for non-residential uses (e.g., commercial, agricultural, public facilities) or for residential uses not subject to the growth limitation standards in Title 26 (e.g., affordable housing, accessory dwelling units) that the Basin Plan adaptive management is not mitigating, then the residential growth rate shall be decreased.

iv. Basin Model Updates. If updates are made to the basin model used by the Basin Management Committee, then the growth rate shall be updated to reflect the updated modeling data.

3. **Exemptions.** All development approved (pursuant to land use permits or entitlements) prior to the effective date of this standard that complies with Title 19 retrofit requirements shall be exempt from the provisions of these standards in Subsections D.1, 2 and 32.

**E. Resource Protection – Concentration of Development Required.**

1. **Applicability.** In the following locations or circumstances, development shall be clustered ~~or,~~ concentrated or setback, as described in Subsection E-62b, to protect identified sensitive features:

- b. Within a Sensitive Resource Area Combining Designation.
- c. Adjacent to wetland vegetation, riparian vegetation, coast live oak woodland, coastal sage scrub, maritime chaparral, or other significant stands of vegetation (whether or not identified as a Sensitive Resource Area Combining Designation).
- d. Cuesta Inlet (see Section 7.5.G.1 and Figure 7-4).
- e. Residential Rural – Creekside Area (see Section 7.5.H and Figure 7-20).
- f. Residential Suburban – Los Osos Creek/Eto Lake Corridor (see Section 7.5.M.2 and Figure 7-32).

[g. Within the Sea Level Rise and Inundation Zone \(Figure 7-1\)](#)

**2. Development Requirements.**

- a. **Application Content.** In addition to the application requirements of the Coastal Zone Land Use Ordinance or other sections of this Chapter, the applicant shall submit [an evaluation of projected sea level rise and impacts on a site for areas located within the Sea Level Rise and Inundation Zone FH overlay, based on the best available science, for the life of the project.](#) In addition, when required by the Coastal Zone Land Use Ordinance or the Director of Planning and Building, [the applicant shall submit](#) a biological or other applicable report that addresses identified sensitive feature(s). The report shall be prepared by a qualified professional approved by the Environmental Coordinator. The report shall make recommendations regarding compliance with the following standards b through e, as applicable, in addition to any applicable requirements of the Coastal Zone Land Use Ordinance.
- b. **Location.** Development shall be located away from identified sensitive features on or adjacent to the site, and in areas most suitable for development. Development on all proposed building sites shall result in no adverse impacts to environmentally and other sensitive areas, as verified by the required biological report.
- c. **Setbacks.** In order to comply with Subsection 5.b above, structures may need to be set back a distance greater than the applicable minimum setbacks required by the Coastal Zone Land Use Ordinance or other sections of this Chapter. [In addition, development should meet all required wetland vegetation setbacks, plus an additional distance to provide for inland migration of wetland resources based on a professional assessment of projected sea level rise, using the best available science.](#)
- d. **Arrangement of Open Space.** Where feasible, open space areas or parcels shall consist of larger, contiguous areas rather than smaller, disconnected pockets of open space. Where feasible, in order to protect biological resources and wildlife migration corridors, open space areas or parcels shall connect to adjacent open spaces areas.
- e. **Requirements for Land Divisions or Discretionary Land Use Permits.** The following standards apply to land divisions or discretionary land use permits, in addition to Subsections a through d:

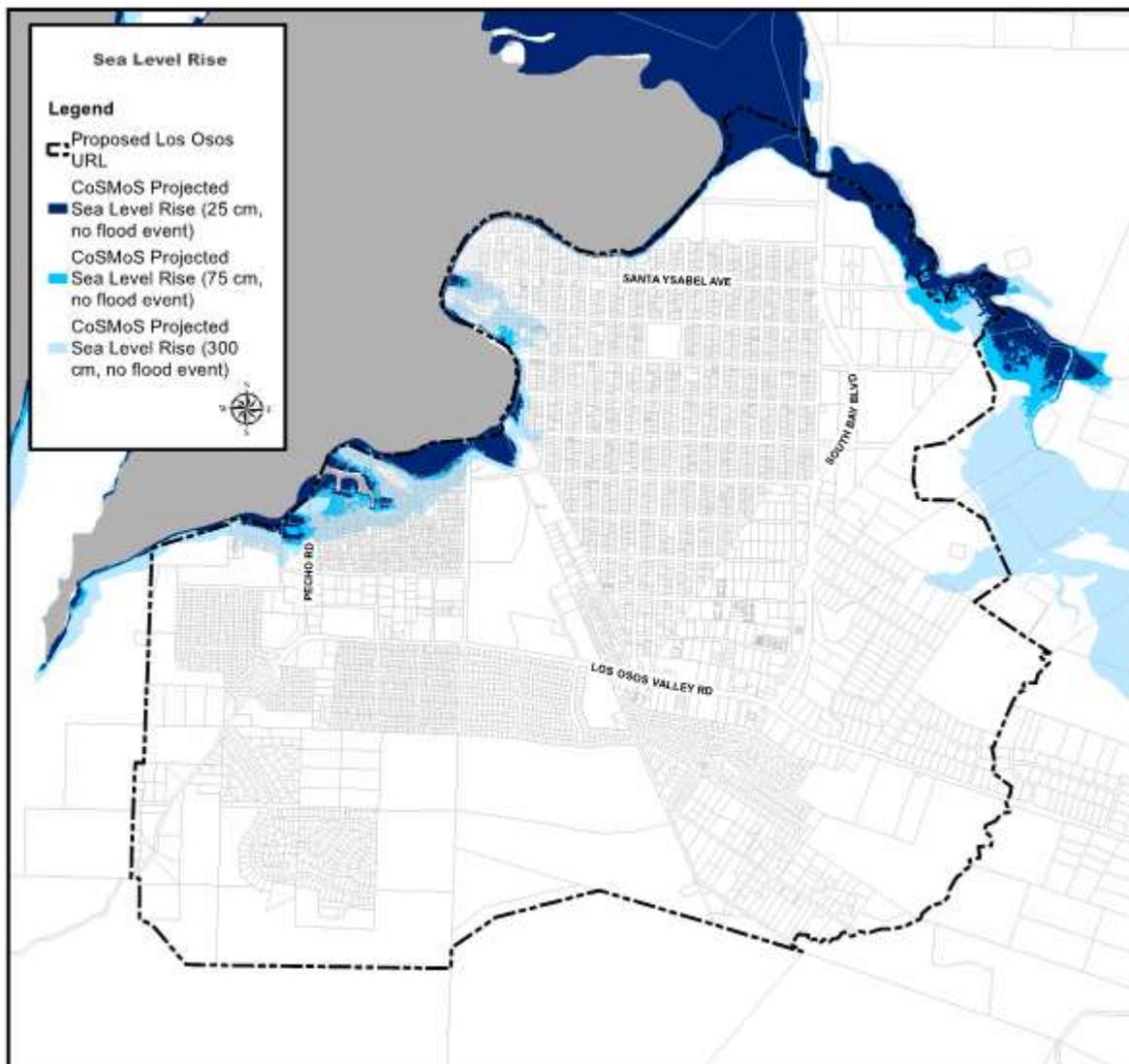
- f. **Extent and Intensity of Development.** If required by the Review Authority, the number of dwelling units, intensity of development and site coverage shall be reduced to protection of identified sensitive features on or adjacent to the site. [Creation of new lots that would be undevelopable with applicable wetland setbacks, taking into account 100 years of projected sea level rise, are prohibited unless the purpose is to put them into open space.](#)
  - g. **Protection of Sensitive Features.** Identified sensitive features shall be protected through building controls, mitigation agreements, easements, participation in a transfer of development credits (TDC) program, or other means, consistent with applicable legal requirements to allow reasonable use of the site.
  - h. **Visual Resources.** If applicable, building sites shall not be located on slopes or ridgetops so that structures are silhouetted against the sky as viewed from public roads, public beaches, the ocean, or the Morro Bay estuary.
  - i. **Setbacks for Fire Safety.** Where setbacks are required by the fire protection agency for fuel-breaks and vegetation or fuel modification, they shall be located adjacent to development and be in addition to the required setbacks for protection of the identified sensitive features.
  - j. **Required Finding.** The land division or discretionary land use permit shall not be approved unless the Review Authority first finds, in addition to other required findings, that development shall not significantly disrupt or cause significant adverse environmental impacts to the preceding sensitive features, and shall not diminish the long-term sustainability of the biological resources; [including taking into account projected sea level rise and related wetland retreat for the life of the project.](#)
- F. **Consistency with Circulation Element.** All proposed public and private development and circulation improvements shall be consistent with the Circulation Element, Chapter 5 of this plan—including recommended roadway, pedestrian, intersection, traffic calming, bikeway, and other improvements, and the circulation policies found in Chapter 2, Section 2.5.4 of this plan.
- G. **Coastal Access and Recreation.** Opportunities for public access to and along the coast shall be maximized as follows:
- 1. New development shall be required to provide public access and improvements to and along the coast; and shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization.
  - 2. Public access and improvements to and along the coast shall be consistent with the Circulation Element, Chapter 5 (and corresponding policies in Chapter 2) of this plan, and the coastal access policies in Chapter 2, Section 2.5.4 of this plan.
  - 3. Public access shall be consistent with protection of sensitive habitat and agriculture.
  - 4. Any existing free public access to recreational areas shall be maintained.
  - 5. New publicly-developed coastal access and recreation shall include requirements for resource monitoring and management, and provision of interpretive facilities at points of attraction, consistent with Chapter 23.04 of the Coastal Zone Land Use Ordinance.

6. The design, provision and maintenance of public accessways shall take into account projected sea level rise for at least 50 years.

7. Existing accessways vulnerable to coastal hazards shall be maintained through planned retreat or other appropriate measures.

**H. Light and Glare.** At the time of application for any land division, land use permit or coastal development permit, the applicant shall provide details on any proposed exterior lighting, if applicable. Except as necessary to support agricultural operations, all lighting fixtures shall be shielded so that neither the lamp nor the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark-colored.

**Figure 7-1: Sea Level Rise and Inundation Zone**



I. **Shoreline Development.** New development or expansion of existing uses proposed to be located on or adjacent to a beach or coastal bluff are subject to the following standards:

1. **Application Content.** In addition to the application requirements of the Coastal Zone Land Use Ordinance and other Estero Urban Area Plan Standards, applications for new development or expansion of existing uses proposed to be located on or adjacent to a [shoreline](#), beach [or in the Sea Level Rise Flooding and Inundation Zone FH as applicable](#), shall include the following:

- a. An analysis of beach erosion, wave run-up, inundation and flood hazards prepared by a licensed civil engineer with expertise in coastal engineering and a slope stability analysis, prepared by a licensed Certified Engineering Geologist and/or Geotechnical Engineer or Registered Civil Engineer with expertise in soils, in accordance with the procedures detailed by [Appendix G of the Estero Area Plan](#). [In addition, the report shall assess the impact of projected sea level rise on these hazards, for the life of the project, based on the best available science](#). The report shall include an alternatives analysis to avoid or minimize impacts to public access.
- b. On lots with a legally established shoreline protective device, the analysis shall describe the condition of the existing seawall; identify any impacts it may be having on public access and recreation, scenic views, sand supplies, and other coastal resources; and evaluate opportunities to modify or replace the existing armoring device in a manner that would eliminate or reduce these impacts. The analysis shall also evaluate whether the development, as proposed or modified, could be safely established on the property for a one-hundred-year period without a shoreline protective device [taking into account projected sea level rise](#).
- c. Measurements for the form, mass, scale, and roofing and yard features (such as fencing). To the maximum extent feasible, new development shall be compatible with the character of the surrounding neighborhood.
- d. Surveyed location of all property lines and the mean high tide line, [and projected MHT based on projected sea level rise for the life of the project](#) by a licensed surveyor [familiar with coastal processes and tidal boundaries](#) along with written evidence of full consent of any underlying land owner, including, but not limited to the County, State Parks, and State Lands. If application materials indicate that development may impact or encroach on tidelands or public trust lands, the County shall consult with Coastal Commission staff regarding the potential need for a Coastal Development Permit from the Coastal Commission. [Upon encroachment, developments shall be required to be removed from public tidelands unless otherwise allowed to remain by an amendment to the original coastal permit and authorization by the California State Lands Commission](#)
- e. A preliminary drainage, erosion, and sedimentation plan which demonstrates that no stockpiling of dirt or construction materials will occur on the beach; erosion, runoff, and sedimentation measures to be implemented at the end of each day's work; all construction debris will be removed from the beach daily and at the completion of development; and no machinery will be allowed in the intertidal zone. If there is no feasible way to keep machinery out of the intertidal zone, authorization from the Coastal Commission is required.

2. **Bluff Setbacks.** The bluff setback is to be determined by the engineering geology analysis required in Subsection I.1.a. above and shall be adequate to withstand bluff erosion and wave action for a period of 100 years, [taking into account projected sea](#)

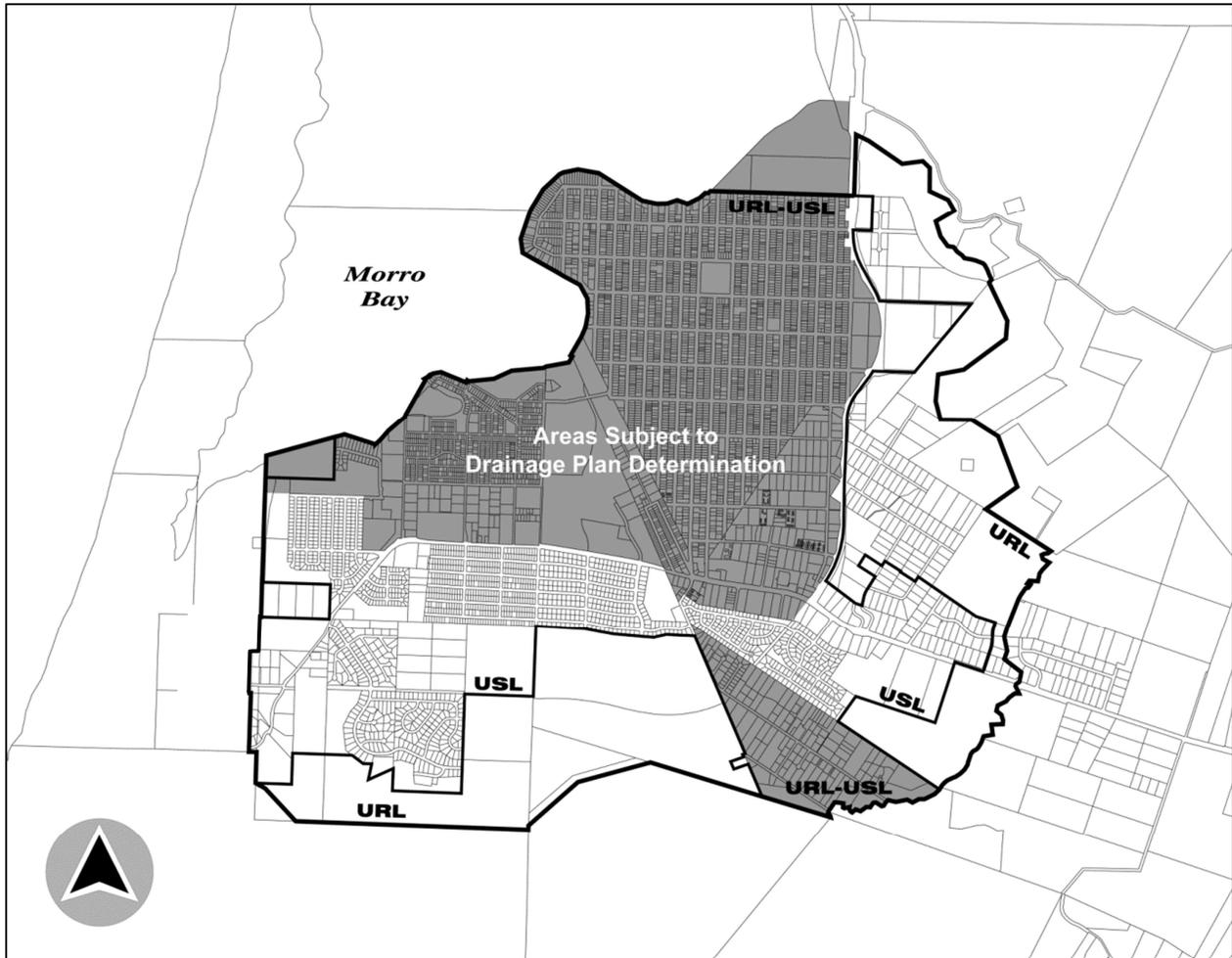
[level rise](#). In no case shall bluff setbacks be less than 25 feet. Alteration or additions to existing development that is non-conforming with respect to [wetland/bluff setbacks](#) that equals or exceeds 50 percent of the size of the existing structure, on a cumulative basis beginning July 10, ~~2008~~2020, shall not be authorized unless the entire structure is brought into conformance with this setback requirement and all other policies and standards of the LCP. On parcels with legally established shoreline protective devices, the setback distance may account for the additional stability provided by the permitted seawall, based on its existing design, condition, and routine repair and maintenance that maintain the seawall's approved design life. Expansion and/or other alteration to the seawall shall not be factored into setback calculations.

3. **Seawall Prohibition.** Shoreline and bluff protection structures shall not be permitted to protect new development. All permits for development on blufftop or shoreline lots that do not have a legally established shoreline protection structure shall be conditioned to require that prior to issuance of any grading or construction permits, the property owner record a deed restriction against the property that ensures that no shoreline protection structure shall be proposed or constructed to protect the development, and which expressly waives any future right to construct such devices that may exist pursuant to Public Resources Code Section 30235 and the San Luis Obispo County certified LCP. [The restriction shall also provide for the removal of the development if it is deemed uninhabitable by a public official due to coastal hazards risks, or if the development is otherwise in imminent danger. These restrictions shall be specifically disclosed in all real estate transactions.](#)
4. **Liability.** As a condition of approval of development on a beach or shoreline which is subject to wave action, erosion, flooding, landslides, or other hazards associated with development on a [shoreline](#), beach, or bluff, [taking into account projected sea level rise](#), the property owner shall be required to execute and record a deed restriction which acknowledges and assumes these risks and waives any future claims of damage or liability against the permitting agency and agrees to indemnify the permitting agency against any liability, claims, damages or expenses arising from any injury or damage due to such hazards.

## J. Drainage

1. **Los Osos Lowland Areas--Drainage Plan Requirement.** In areas designated in Figure 7-~~1~~2, all permit applications for grading, new structures or additions to the ground floor of existing structures shall require drainage plan approval pursuant to Chapter 5 of the Coastal Zone Land Use Ordinance. Development shall not cause adverse impacts to downstream properties, wetlands or the Morro Bay estuary from runoff, sedimentation, or pollution.

**Figure 7-2: Los Osos Lowland Areas Drainage Plan Required**



**K. Habitat Conservation [Plan](#) and [Tree Protection Biological Resources](#)**

- 1. [Habitat Conservation Plan \(HCP\)](#).** All new development within the Los Osos Urban Reserve Line that results in site disturbance shall either 1) participate in the Los Osos Habitat Conservation Plan, or 2) otherwise comply with Federal Endangered Species Act and comply with all applicable Local Coastal Program standards for Environmentally Sensitive Habitats. [\(See Figure 7-3\)](#)
- 2. [Special Status Species Habitat Preservation and Enhancement](#).** [During the project permitting process, the County, including the entity overseeing LOHCP compliance, shall work with future applicants to encourage preservation or enhancement of habitat for special status species on parcels greater than 20,000 square feet that contain suitable habitat. This would be done in concert with LOHCP requirements to promote habitat preservation and enhancement efforts and regional habitat connectivity by ensuring that preserved or enhanced areas are connected to other preserved or enhanced areas and/or to other suitable habitat occurrences. Preservation of or enhancement of areas that are isolated should be discouraged unless they are determined to provide unique or unusually valuable habitat attributes. Isolated patches of native habitat on smaller lots less than 20,000 square feet are not expected](#)

to provide high quality habitat for special status CEQA species that is sustainable. Impacts to small patches of native habitat that could support low numbers of CEQA special status species such as CRPR plants or species of concern wildlife will be further mitigated through implementation of the LOHCP and payment of the mitigation fee. Habitat set aside outside urban areas will promote sustainable habitat for the range of special status species known to occur in the Plan area.

3. For all projects on undeveloped lots greater than 20,000 square feet in size that require issuance of a County land use development permit, project applicants shall retain a County-approved biologist to conduct a project-specific biological resources assessment (BRA) to document the existing biological resources within the project footprint on which development is proposed, as well as an appropriate buffer, to determine the potential impacts to those resources as part of the environmental review process. The BRA shall conform to the requirements presented in the County guidance document, Guidelines for Biological Resources Assessments - Guidelines for Biological Consultants.
4. If a BRA pursuant to Subsection K3 conducted on undeveloped lots greater than 20,000 square feet in size identifies potentially suitable habitat for any federal listed, state listed or California Rare Plant Rank 1B species plant species, focused floristic surveys that are seasonally timed to coincide with the blooming period of all species identified as potentially present in the project-specific BRA shall be conducted. Surveys shall follow current USFWS and CDFW protocols. If special status plants are identified on a site, the project shall be re-designed to avoid impacting these plant species, to the maximum extent feasible. Rare plant occurrences that are not within the immediate disturbance footprint, but are located within 50 feet of proposed disturbance limits shall be protected such as having bright orange protective fencing installed at least 30 feet beyond their extent, or other appropriate distance as determined by a County-approved biologist, to protect them from direct and indirect impacts.
5. If special status plant species cannot be completely avoided, and will be impacted by development, all impacts shall be mitigated at the current County-required ratio for the species (number of acres of habitat/individuals restored to number of acres of habitat/individuals impacted). A habitat restoration plan (also referred to as a mitigation and monitoring plan) shall be prepared and submitted to the County, and to other state or federal agencies as appropriate. The restoration/mitigation plan shall include, at a minimum, the following components:
  - Description of the responsible party(-ies), project site and impact area (by habitat type);
  - Goal(s) of the mitigation or restoration project including the types and area of habitat to be established, restored, enhanced, and/or preserved; specific functions and values of habitat type(s) to be established, restored, enhanced, and/or preserved;
  - Description of the proposed mitigation/restoration site (e.g., location, size, ownership status, existing functions and values, etc.);
  - Implementation plan for the mitigation/restoration site including rationale for expected success, responsible parties, schedule, site preparation and planting plan;
  - Maintenance activities during plan implementation and monitoring, including but not limited to weed abatement and adaptive management;
  - Monitoring plan for the mitigation/restoration site including no less than quarterly monitoring visits for the first year, and preparation of annual monitoring reports;

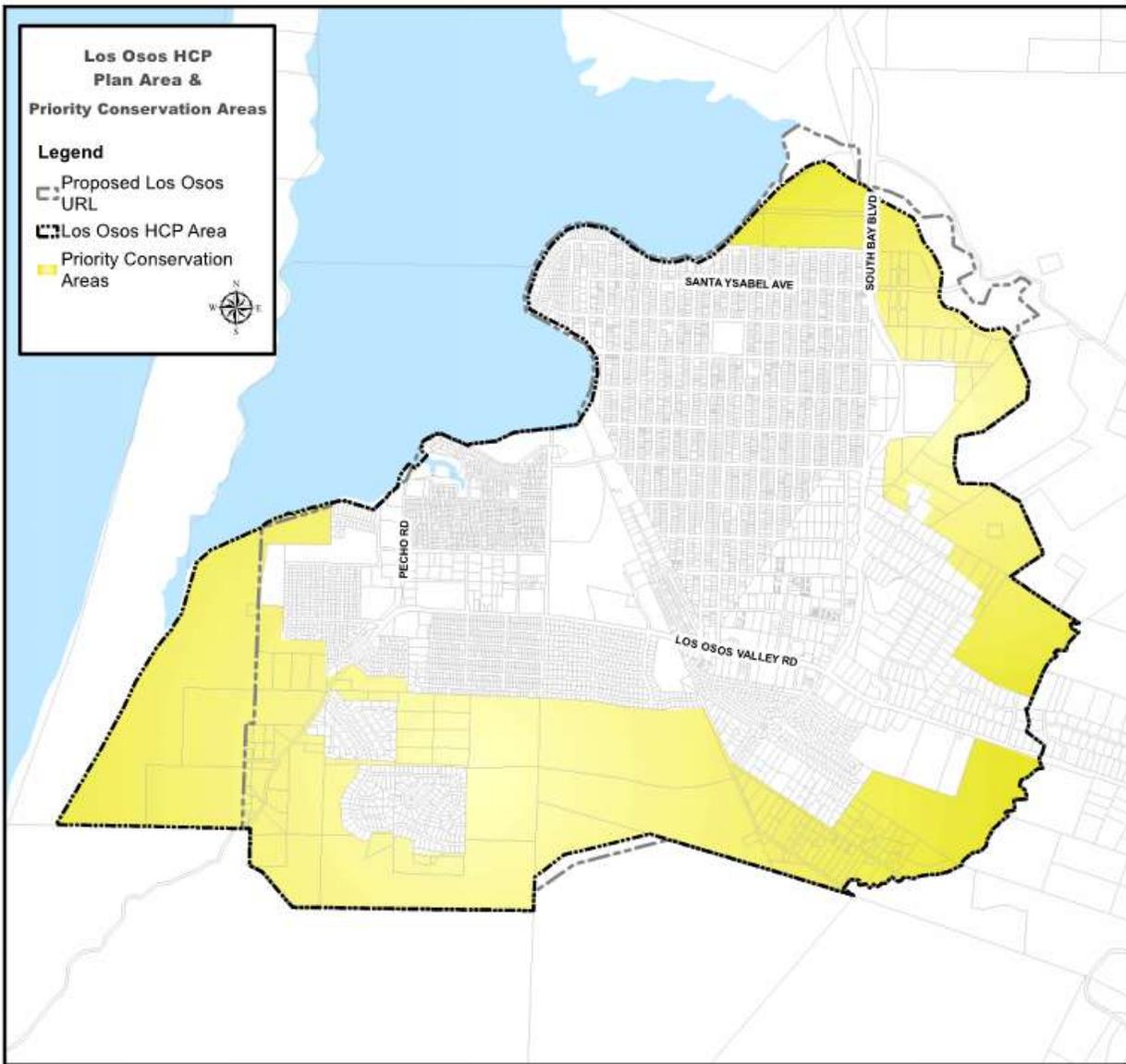
- Success criteria based on goals and measurable objectives, target functions and values, target areas to be established, restored, enhanced, and/or preserved; and
  - An adaptive management program and contingency measures to address shortcomings and the overall effort in meeting success criteria.
6. If a BRA pursuant to Subsection K3 identifies potentially suitable habitat for a special status wildlife species on a parcel larger than 20,000 square feet, appropriate levels of surveys to determine the presence or absence of the species shall be conducted. For federal listed species such as the Morro shoulderband snail, protocol level surveys or the appropriate compliance requirements of the future LOHCP shall be conducted.

Specific habitat assessments and protocol surveys have been established for several special status species (i.e., California red-legged frog and Morro shoulderband snail) found within the Plan Area. If the results of the BRA determine that suitable habitat may be present for any such species, protocol habitat assessments or surveys shall be completed in accordance with applicable CDFW, USFWS, and County protocols prior to issuance of any construction permits. If consultation with the CDFW and/or USFWS determines that protocol habitat assessments or surveys are not required, such consultation shall be documented in writing by the agency prior to issuance of any construction permits. The project applicant shall be responsible for retaining a biological consultant that is qualified to conduct any required protocol habitat assessments or surveys

Other special status wildlife that are not listed under CESA or FESA or covered in the LOHCP, shall have current mitigation requirements included in the developer's statement. For the Monarch butterfly, for instance, and projects located in eucalyptus woodland (including tree removal), a County-approved biologist shall conduct a habitat assessment to determine if suitable habitat for this species is present. If suitable habitat is present, then the biologist shall conduct seasonally-timed surveys to determine if Monarch butterflies currently use the site for overwintering activities. If an overwintering site is located, the County shall work with the applicant to protect the site and provide a sufficient buffer to avoid impacts to the species

As part of a project's conditions of approval, the County-approved biologist shall conduct pre-construction clearance survey(s) of the site to avoid impacts to special status wildlife. The biologist shall be present during all initial ground disturbing and vegetation clearing activities. Ground disturbance shall be limited to the minimum necessary to complete the project, and the limits of disturbance shall be flagged for identification. Areas of special biological concern within or adjacent to the limits of disturbance shall have highly visible orange construction fencing installed between said area and the limits of disturbance. Once initial ground disturbing and vegetation clearing activities have been completed, the biologist shall conduct additional surveys as appropriate during project construction activities, based on species habits, weather conditions, and LOHCP or protocol survey requirements.

**Figure 7-3: Habitat Conservation Plan Area**



7. For construction activities occurring during the nesting season (generally February 1 to September 15), where tree, grassland or shrub removal or disturbance would be considered, focused surveys for nesting birds covered by the California Fish and Game Code and the Migratory Bird Treaty Act shall be conducted by a County-approved biologist no more than 14 days prior to vegetation removal. Vegetation is defined as trees, shrubs, or grasslands. Dependent on the size of the parcel and proposed development footprint, the surveys shall include the entire disturbance footprint plus observation of any large trees within a 300-foot buffer around the lot with binoculars. If active nests are located, all construction work shall be conducted outside a buffer zone from the nest to be determined by the qualified biologist. The buffer shall be a minimum of 50 feet for non-raptor bird species and up to 300 feet for raptor species. Larger buffers may be required depending upon the status of the nest and the construction activities occurring in the vicinity of the nest. The buffer area(s) shall be closed to all construction personnel and equipment until the adults and young are no longer reliant on the nest site. A County-approved biologist shall confirm that

breeding/nesting is completed and young have fledged the nest prior to removal of the buffer. The results of the pre-construction survey shall be submitted to the County and construction shall not commence without authorization from the County.

8. If future development in the Plan Area is proposed within or adjacent to wetlands, marshes, drainages, riparian habitats, Los Osos Creek, unnamed tributary drainages, the Morro Bay estuary, or other areas that may fall under the jurisdiction of the Corps, CDFW, RWQCB, and California Coastal Commission, a County-approved biologist shall complete a jurisdictional delineation using the most current state and federal methodologies. The jurisdictional delineation shall determine the extent of wetlands or non-wetland waters subject to each of these agencies and shall be conducted in accordance with the requirements set forth by each agency. The result shall be a preliminary jurisdictional delineation report that shall be submitted to the County, Corps, RWQCB, CDFW, and CCC as appropriate, for review and approval. If jurisdictional areas are identified on a site, the project shall be designed to avoid impacting those areas. All unavoidable impacts to Corps jurisdictional waters and wetlands shall be mitigated at the ratio (area restored / created / enhanced to area lost), approved in the final Section 404 permit for the project. Additional mitigation at different ratios may be required to meet CDFW, RWQCB, or California Coastal Commission regulations. Mitigation shall occur on-site or as close to the impacted habitat as possible. A mitigation and monitoring plan consistent with current state and federal requirements shall be developed by a County-approved biologist.
9. All development in the Plan Area proposed within or adjacent to wetlands, marshes, drainages, riparian habitats, the Morro Bay estuary, Los Osos Creek and unnamed tributaries, or other jurisdictional areas must implement standard practices and measures to control and prevent erosion, sedimentation, or contamination of these areas. Best management practices shall follow current County requirements, and must include the following measures:
  - Access routes, staging, and construction areas shall be limited to the minimum area necessary to achieve the project goal and minimize impacts to other waters including locating access routes and construction areas outside of jurisdictional areas to the maximum extent feasible.
  - To control sedimentation during and after project implementation, appropriate erosion control materials shall be deployed to minimize adverse effects on jurisdictional areas in the vicinity of the project.
  - Project activities within the jurisdictional areas should occur during the dry season (typically between June 1 and November 1) in any given year to the extent practicable, or as otherwise directed by the regulatory agencies.
  - During construction, no litter or construction debris shall be placed within jurisdictional areas. All such debris and waste shall be picked up daily and properly disposed of at an appropriate site.
  - All project-generated debris, building materials, and rubbish shall be removed from jurisdictional areas and from areas where such materials could be washed into them.
  - Raw cement, concrete or washings thereof, asphalt, paint or other coating material, oil or other petroleum products, or any other substances which could be hazardous to aquatic species resulting from project-related activities, shall be prevented from contaminating the soil and/or entering jurisdictional areas.
  - All refueling, maintenance, and staging of equipment and vehicles shall occur at least 50 feet from bodies of water where possible, and in a location where a potential spill would not drain directly toward aquatic habitat (e.g., on a slope that drains away from the water source). Reduced distances shall be approved by the County. Prior to the onset of work activities, a plan must be in place for prompt

and effective response to any accidental spills. All workers shall be informed of the importance of preventing spills and of the appropriate measures to take should an accidental spill occur.

10. Outdoor lighting installed as part of any project shall be designed to be minimally disruptive to wildlife. This may be accomplished through the use of hoods to direct light away from natural habitat areas within or adjacent to the Plan Area, using low intensity lighting and as few lights as possible to achieve the goals of a project.

#### L. Tree Protection and Replacement

1. **Tree Protection.** Development shall be designed to protect and maintain stands of native trees, or tree stands that provide valuable habitat or scenic value to the maximum extent feasible, while allowing reasonable use of the property.

Monterey Pine Tree protection plans are required for any construction activity that occurs within twenty feet of the drip line of a native tree.

2. **Native Tree Retention and Replacement.** ~~Land divisions, Minor Use Permits and Development Plans~~ shall: a) be designed to retain healthy ~~Monterey pines~~ Native trees where feasible, except where removal is appropriate for habitat restoration or enhancement or where removal cannot be avoided; b) provide for replacement of diseased or ~~old Monterey pines~~ aging Native trees at a 2:1 ratio with other suitable Native tree species approved by the County that are drought tolerant, appropriate to the climate, resistant to disease, and compatible with the character of the area.

3. **Construction Practices.** Construction practices to protect trees shall be implemented. These construction practices are to include a minimum:

a. **Protective Measures.** Practices to protect trees shall include but not be limited to: installing orange construction fencing around protected areas shown on the site plan; protecting tree trunks and other vegetation from construction equipment by wood fencing or other barriers or wrapping with heavy materials; disposing of waste, paints, solvents, etc. off-site by approved environmental standards and best practices; and using and storing equipment carefully.

b. **Stockpiling of Materials.** Materials, including debris and dirt, shall not be stockpiled within 15 feet of any tree, and shall be minimized under tree driplines. Stockpiled materials shall be removed frequently throughout construction. All stockpiled materials shall be removed before final inspection.

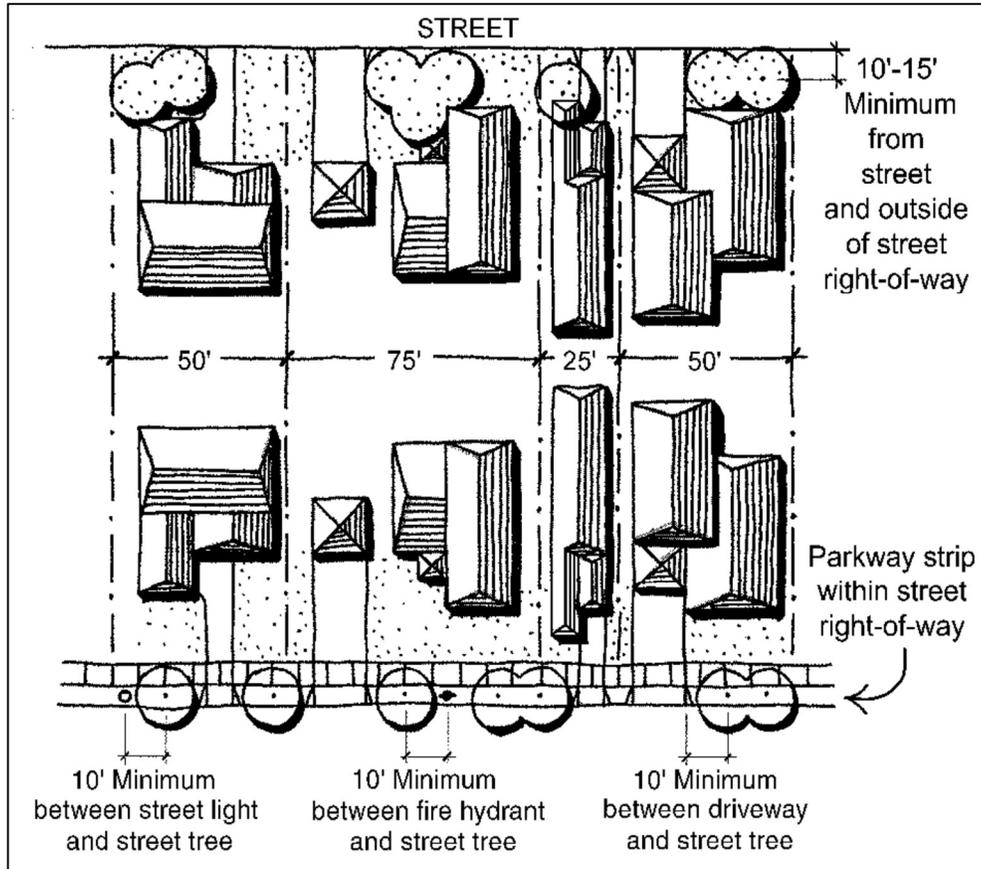
c. **Construction Practices.** Excavation work shall be planned to avoid root systems of all on-site trees and trees on abutting properties. Any trenching for utilities that may occur within the dripline of trees on the project site shall be hand dug to avoid the root system of the tree.

## L.M. Streets and Circulation

1. **Curb, Gutter and Sidewalk Improvement Requirements.** Requirements and exemptions for installation of curb, gutter, and sidewalk improvements are specified in Section 23.05.106 of the Coastal Zone Land Use Ordinance (Title 23). Alternative walkways are encouraged in place of standard concrete sidewalks, and may be approved by the Department of Public Works as an exception to the public improvement standards.
2. **South Bay Boulevard Extension.** New development and land divisions shall preserve, and where needed, include offers to dedicate a right-of-way easement of the South Bay Boulevard extension (see the Circulation map) for habitat conservation and potential trail uses only.
3. **Trees.** Planting of trees in the streetscape is required for all new land divisions and all construction of new dwellings and new non-residential development. Trees shall meet the following requirements; unless a streetscape-tree master plan has been approved by the County, in which case the requirements of that plan take precedence (see Figure 7-24):
  - a. **Size:** At least 15 gallon containers.
  - b. **Number:** An average of one tree per 25 feet of frontage. If that number is not feasible due to the following location requirements, the number of trees shall be the maximum that is consistent with those requirements.
  - c. **Location:** Outside of the street right-of-way and 10-15 feet behind the sidewalk or street (if no sidewalk); alternatively within the street right-of-way where an encroachment permit has been issued and establishes perpetual maintenance responsibilities. Trees may be grouped rather than equally spaced. Trees shall be planted at least 10 feet from driveways; 10 feet from street lights; 10 feet from fire hydrants; and in locations that maintain appropriate sight distances and that do not interfere with underground or overhead utilities.
  - d. **Characteristics:** Drought tolerant, appropriate to the climate, resistant to disease, compatible with the character of the area, consistent with the scale of the roadway, and of a size that will not impair major public view corridors to and along the coast.
4. **Public Street and Access Connections.** The following standards apply to land divisions, and Minor Use Permits and Development Plans for development of more than one dwelling unit.
  - a. **Public Access.** Except where infeasible, dedicate and improve public right-of-way easements for vehicular, bicycle, pedestrian, and equestrian connections to surrounding areas where they: (1) provide efficient and convenient links to adjacent neighborhoods, nearby schools, nearby recreational areas, and other nearby activity centers; (2) are shown on the Circulation Element map; or (c) are needed for adequate emergency access.

- b. **Street Extensions.** Where feasible and where no adverse impacts to environmentally sensitive areas will occur, dedicate and improve public right-of-way easements for streets in order to provide access to adjacent parcels and create an interconnected circulation system.

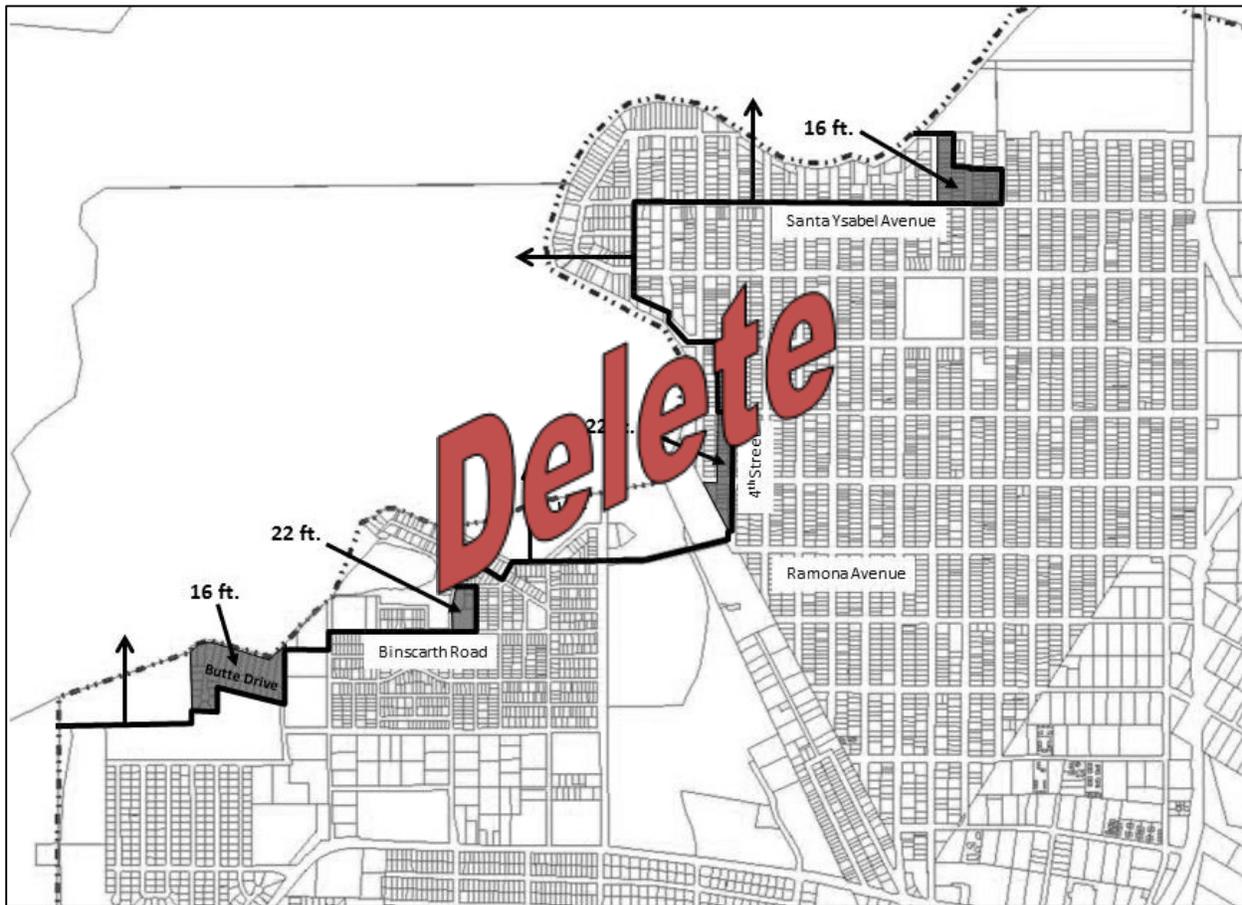
**Figure 7-4: Street Tree Location**



**M.N. Coastal Access and Bayfront Development.**

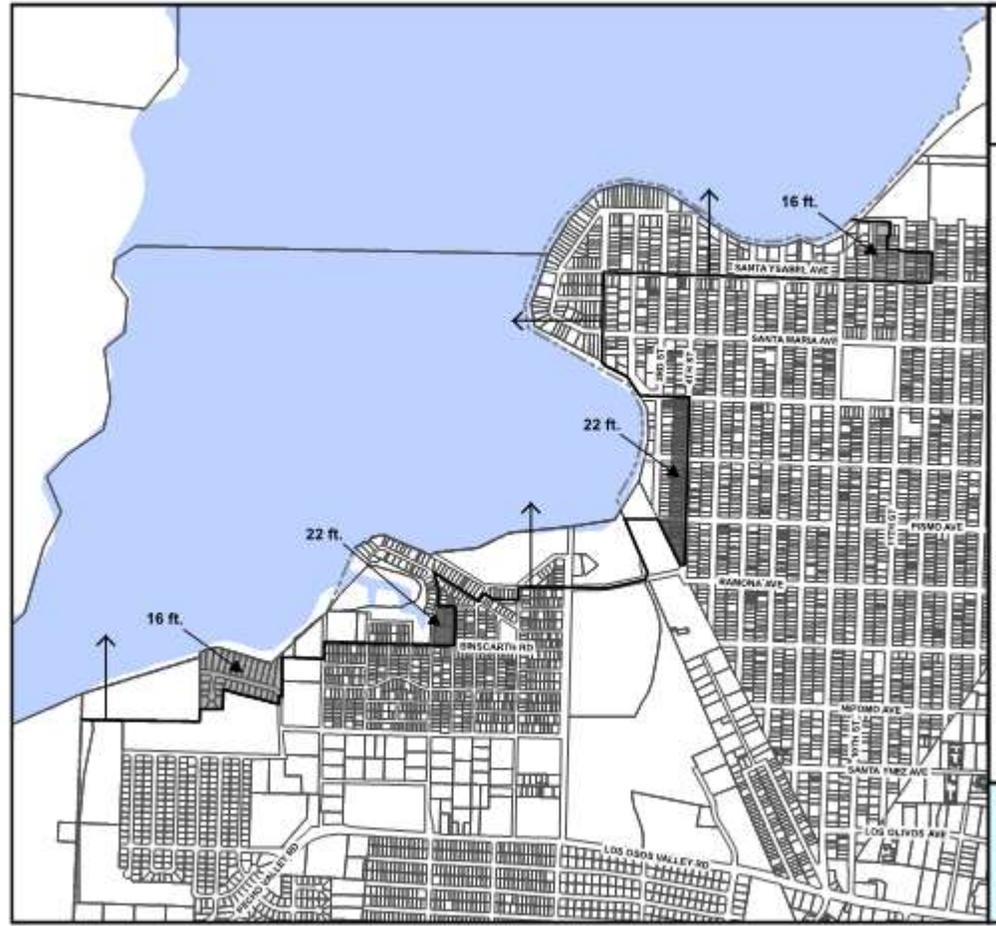
1. **Height.** Proposed structures on-sites that are bay-ward of the line shown on Figure 7-35 are limited to a maximum height of 14 feet, except where a greater height limit is noted.

Figure 7-3: Los Osos Height Limits



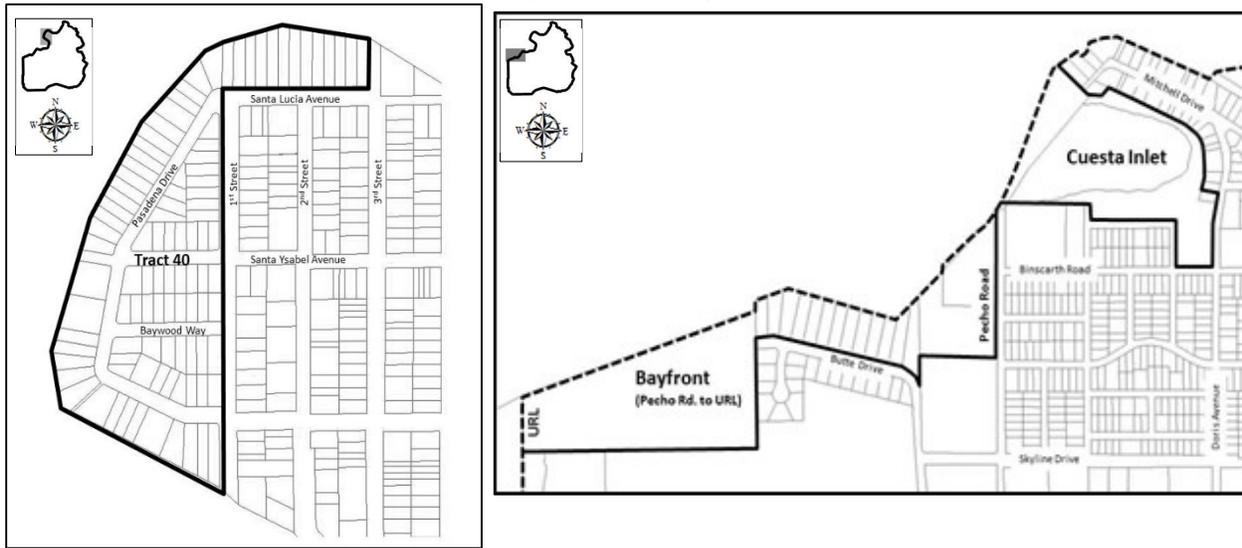
2. **Vegetation Protection.** Sensitive vegetation shall be preserved whenever possible. Grading shall be minimized and limited to the building pad and driveway, road and other required improvements.
3. **Fences.** Fences shall not be constructed that would restrict public views of the bay from public roads or preclude lateral public access. Fences on the bayfront side of development shall not interfere with the movement or migration of native wildlife.
4. **Retain existing public access.** Any existing free public access to public recreational areas shall be maintained.
5. **Parking.** New development or other actions shall not result in a net loss of public parking that serves coastal access or recreation.

Figure 7-5: Los Osos Height Limits



6. **Access and Improvements.** New development in the following areas shall include the specified access and improvements.
  - a. **Tract 40 Bayfront Development (see Figure 7-46):** Provide a minimum 30-foot wide lateral easement extending from the inland extent of wetland vegetation, primarily for habitat protection and secondarily for public access.
  - b. **Cuesta Inlet (see Figure 7-46):** Provide opportunities for coastal recreation, and provide maximum public access to and along the shoreline in this visitor-serving priority area with the intent of the Circulation Element maps (see Chapter 5) and protection of sensitive habitat.
  - c. ~~Bayfront From Pecho Road Westward to Urban Reserve Line (see Figure 7-4): New bayfront development from Pecho Road westward to the Urban Reserve Line shall provide an offer to dedicate a lateral easement. An improved lateral pedestrian trail and signs are to be provided consistent with prescriptive rights and protection of wetland habitat.~~

**Figure 7-46: Bayfront Access**



**N.O. Building Height.** Exceptions to height limitations pursuant to Chapter 23.04 of the Coastal Zone Land Use Ordinance shall not apply to any planning area standards that specify maximum building height or building face height. Solar panels may extend an additional 2 feet above the ridgeline.

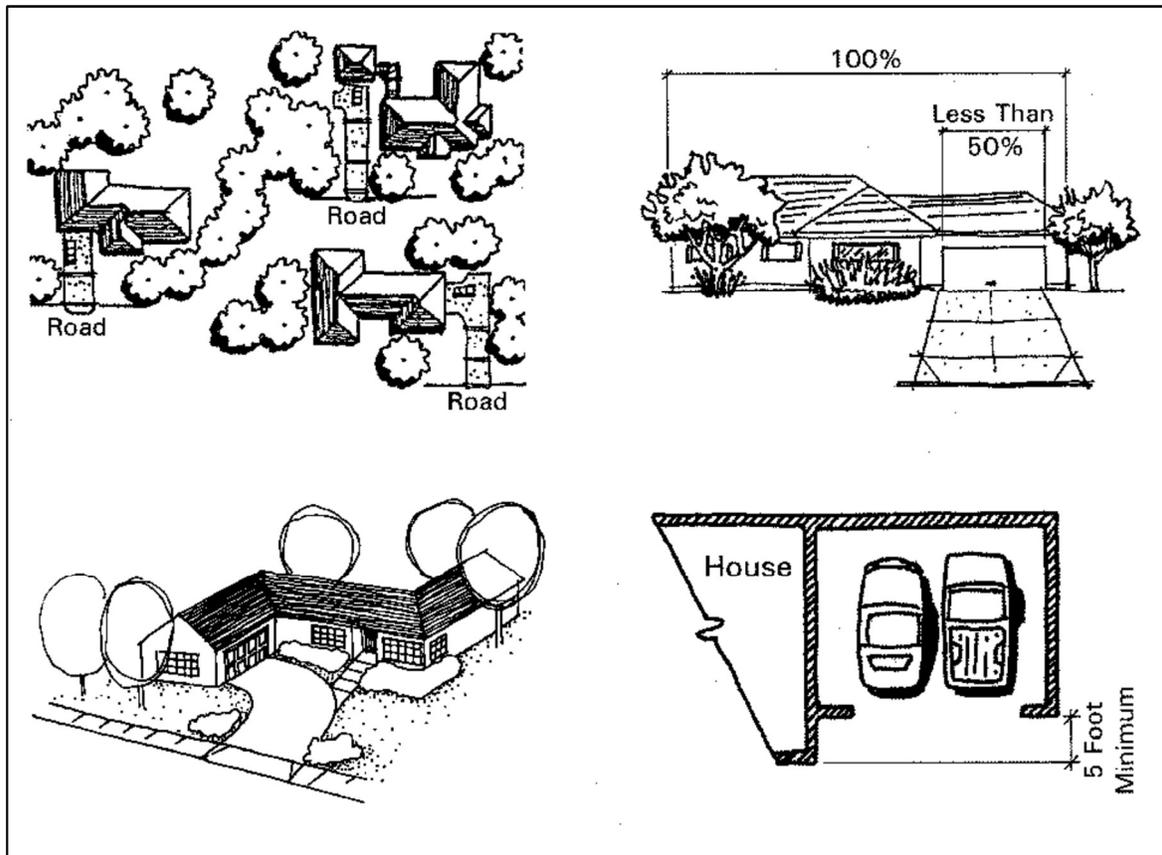
**O.P. Affordable Housing.** New or replacement affordable housing units required by Section 23.04.092 of the Coastal Zone Land Use Ordinance shall, if feasible, be located on the same site as the other new, demolished or converted housing units, provided that all other requirements of the Coastal Zone Land Use Ordinance allow for such development. If such location is infeasible, the new or replacement affordable housing units shall be located within the Los Osos urban area.

**P.Q. Residential Garage Size and Location.** The following standards apply to land divisions, Minor Use Permits and Development Plans for new development that is located on lots less than one acre in area. The intent of the following standards is for garages to not dominate the structure as viewed from the fronting street (see Figure 7-57). Garages shall be located as follows:

1. On the rear portion of the site, or
2. On the front portion of the lot as follows:
  - a. The garage door shall not be directly visible from and face the fronting street (e.g., a side entrance garage), or
  - b. Where the garage door is directly visible from and faces the fronting street, its width shall not exceed 50 percent of the total width of the street-facing building facade. If the parcel width is too narrow to comply with this standard, the following alternatives may be approved by the review authority:
    - (i) Stacked or tandem parking, or

- (ii) A garage setback of at least five feet from the front plane of the residential portion of the building (the individual garage bays may be staggered if there is at least a five-foot setback between the rear-most bay and the front plane of the residential portion of the building), or
- (iii) If the preceding alternatives are not feasible, other design or decorative measures that accomplish the intent of this standard may be approved by the review authority.

**Figure 7-57: Residential Garage Size and Location**



**R. Construction Projects: Air Quality**

**1. Construction Equipment Emissions Reductions.** Construction projects shall implement the following emissions control measures so as to reduce diesel particulate matter in accordance with SLOAPCD requirements:

- Maintain all construction equipment in proper tune according to manufacturer’s specifications;
- Fuel all off-road and portable diesel powered equipment with a CARB certified motor vehicle diesel fuel (non-taxed version suitable for use off-road);
- Use diesel construction equipment meeting the CARB’s Tier 2 certified engines or cleaner off-road heavy-duty diesel engines, and comply with the State Off-Road Regulation;

- Use on-road heavy-duty trucks that meet the CARB's 2007 or cleaner certification standard for on-road heavy-duty diesel engines, and comply with the State On-Road Regulation;
  - Construction or trucking companies with fleets that do not have engines in their fleet that meet the engine standard identified in the above two measures (e.g., captive or NO<sub>x</sub> exempt area fleets) may be eligible by providing alternative compliance;
  - All on and off-road diesel equipment shall not idle for more than 5 minutes. Signs shall be posted in the designated queuing areas and or jobs sites to remind drivers and operators of the 5 minute idling limit;
  - Diesel idling within 1,000 feet of sensitive receptors is not permitted;
  - Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors;
  - Electrify equipment when feasible;
  - Substitute gasoline-powered in place of diesel-powered equipment, where feasible; and
  - Use alternatively fueled construction equipment on-site where feasible, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane, or biodiesel.
2. **Fugitive Dust Control Measures.** Construction projects shall implement the following dust control measures so as to reduce PM10 emissions in accordance with SLOAPCD requirements:
- Reduce the amount of the disturbed area where possible;
  - Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Water shall be applied as soon as possible whenever wind speeds exceed 15 miles per hour. Reclaimed (nonpotable) water should be used whenever possible;
  - All dirt-stock-pile areas shall be sprayed daily as needed;
  - Permanent dust control measures shall be identified in the approved project revegetation and landscape plans and implemented as soon as possible following completion of any soil disturbing activities;
  - Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading shall be sown with a fast-germinating native grass seed and watered until vegetation is established;
  - All disturbed soil areas not subject to revegetation shall be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the SLOAPCD;
  - All roadways, driveways, sidewalks, etc., to be paved shall be completed as soon as possible. In addition, building pads shall be laid as soon as possible after grading unless seeding or soil binders are used;
  - Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;
  - All trucks hauling dirt, sand, soil or other loose materials shall be covered or shall maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114;

- Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site; and
- Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water shall be used where feasible.
- All of these fugitive dust mitigation measures shall be shown on grading and building plans; and
- The contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20 percent opacity, and to prevent transport of dust off-site. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the SLOAPCD Compliance Division prior to the start of any grading, earthwork or demolition.

## S. Historical Resources

1. **Historical Resources Evaluation.** Prior to issuance of permits for demolition or development, the County shall ensure that buildings or structures erected prior to 1970 on the subject parcel or any adjoining parcel are documented according to professional standards and their historical significance is evaluated. No permits shall be issued for any demolition, development, or other activity that would adversely affect the integrity of an officially designated Historic Landmark, historical buildings or structures eligible for the CRHR, or identified historical districts.
2. **Secretary of Interior's Standards and Guidelines.** Projects that that would adversely affect the integrity of an officially designated Historic Landmark, historical buildings or structures eligible for the CRHR, or identified historical district shall be designed to comply with the Secretary of Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings. The applicant shall retain a qualified professional architectural historian to conduct design review and ensure compliance with the Standards and Guidelines.

## T. Paleontological Resources

1. **Paleontological Surveys.** If individual projects in areas of high paleontological sensitivity (i.e., the Pismo Formation; Figure 7-8) require grading, excavation, or trenching that would result in ground disturbance within previously undisturbed sediments, the following measures shall apply:
  - the applicant shall retain a qualified professional paleontologist to perform a pre-construction paleontological survey to visually inspect the ground surface for exposed fossils or traces thereof and to further evaluate geologic exposures for their potential to contain preserved fossil material at the subsurface.
  - The qualified Paleontologist shall have a Master's Degree or equivalent work experience in paleontology, shall have knowledge of the local geology and

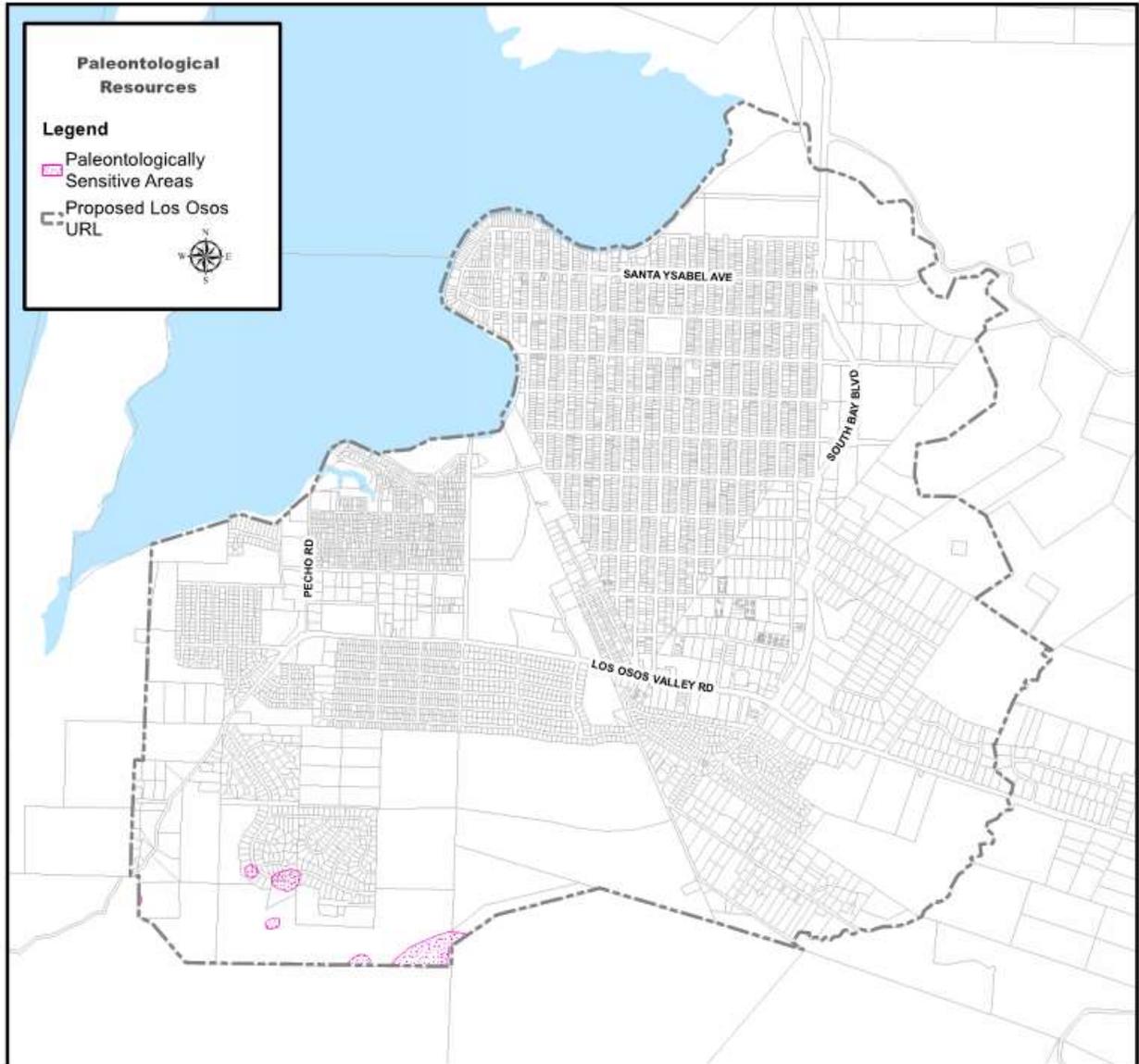
paleontology, and shall be familiar with paleontological procedures and techniques.

- All fossil occurrences observed during the course of fieldwork shall be adequately documented and recorded during the survey. The data collected for each fossil occurrence shall include, at minimum, the following information: Universal Transverse Mercator (UTM) coordinates, approximate elevation, description of taxa, lithologic description, and stratigraphic context (if known). In addition, each locality shall be photographically documented with a digital camera.
- The paleontologist shall assess the significance of any identified fossil resources, and all significant or potentially significant fossils shall be collected at the time they are observed in the field.
- If the fossil discovery is too large to collect during the survey (e.g., a whale skeleton or bone bed) and requires a large-scale salvage effort, then it shall be documented immediately and the paleontologist shall consult with the County regarding a strategy for preservation or recovery.

**2. Paleontological Monitoring.** If a pre-construction survey identifies significant fossil resources, or if a qualified paleontologist determines the need for monitoring during construction, the following measures shall apply:

- a qualified paleontologist shall observe excavation, grading, and/or trenching.
- If a paleontological resource is discovered during monitoring, the paleontologist shall have the authority to temporarily divert the construction equipment around the find until it is assessed for scientific significance and collected if appropriate. The paleontologist shall notify the County within 24 hours of any such discovery, and the location shall be protected from further impact until the significance evaluation and any necessary recovery is completed. Work may not resume without approval of the paleontologist and County.
- All significant fossils collected shall be prepared for curation in a properly equipped paleontology laboratory. Preparation shall include the careful removal of excess matrix from fossil materials and stabilizing and repairing specimens, as necessary.
- Following laboratory work, all fossils specimens shall be identified to the lowest taxonomic level, cataloged, analyzed, and delivered to an accredited museum repository for permanent curation and storage.
- The paleontologist shall prepare a technical report describing the results of the paleontological mitigation efforts, including a summary of the field and laboratory methods, an overview of the project area geology and paleontology, a list of taxa recovered, an analysis of fossils recovered and their scientific significance, and recommendations. A copy of the report shall be submitted to the County and the designated museum repository. The cost of fossil recovery, analysis, and curation shall be the responsibility of the individual Project proponent.

[Figure 7-8 Paleontological Resources](#)



[U. Noise](#)

- [1. Noise and Vibration Reduction Plan.](#) Projects that involve grading, demolition, and/or construction on lots adjacent to occupied residential structures shall

implement the following applicable performance standards to ensure that sensitive receptors are not adversely impacted by construction related noise:

- a) Notify existing residences within 1,000 feet of the site boundary concerning the construction schedule;
- b) Shield especially loud pieces of stationary construction equipment;
- c) Locate portable generators, air compressors, etc. away from sensitive noise receptors;
- d) Limit grouping major pieces of equipment operating in one area to the greatest extent feasible; and
- e) Use newer equipment that is quieter and ensure that all equipment items have the manufacturers' recommended noise abatement measures, such as mufflers, engine covers, and engine vibration isolators intact and operational. Internal combustion engines used for any purpose on or related to the job shall be equipped with a muffler or baffle of a type recommended by the manufacturer.

**2. Noise Compatibility:** Where noise sensitive development such as residential uses is proposed within the projected 60 CNEL noise contours distances for Los Osos Valley Road and South Bay Boulevard, a site-specific noise study shall be conducted to demonstrate compliance with the County's noise and land use compatibility standards (60 CNEL). This study shall be completed for noise sensitive uses located within the following distances of the identified segments of Los Osos Valley Road and South Bay Boulevard:

<u>Roadway</u>	<u>Segment</u>	<u>Distance to (feet) 60 CNEL</u>
<u>Los Osos Valley Road</u>	<u>east of Los Osos Creek</u>	<u>175</u>
<u>Los Osos Valley Road</u>	<u>east of South Bay Boulevard</u>	<u>127</u>
<u>Los Osos Valley Road</u>	<u>west of South Bay Boulevard</u>	<u>83</u>
<u>Los Osos Valley Road</u>	<u>east of 9th Street</u>	<u>77</u>
<u>Los Osos Valley Road</u>	<u>west of Bush Drive</u>	<u>69</u>
<u>Los Osos Valley Road</u>	<u>west of Palisades Avenue</u>	<u>66</u>
<u>Los Osos Valley Road</u>	<u>east of Doris Avenue</u>	<u>63</u>
<u>Los Osos Valley Road</u>	<u>east of Pecho Drive</u>	<u>62</u>
<u>South Bay Boulevard</u>	<u>north of Los Osos Valley Road</u>	<u>171</u>
<u>South Bay Boulevard</u>	<u>south of Santa Ysabel Avenue</u>	<u>149</u>
<u>South Bay Boulevard</u>	<u>north of Santa Ysabel Avenue</u>	<u>156</u>

This study shall contain recommendations to mitigate any noise levels that exceed the County's standard of 60 CNEL. At the program level, the specific attenuation methods cannot be definitively determined. Noise reduction measure could include, but are not limited to, the following:

- Construction of a berm or wall;
- Design of individual homes such that structures block the line-of-sight from useable backyards to the noise source;
- For homes with backyards not blocked by intervening structures, backyard fencing of sufficient height to block line-of sight to the noise source; or

- Placement of exterior use areas and balconies away from the noise source, as applicable.

3. Noise Study. Where new commercial and industrial development would be located adjacent to residential uses, a site-specific noise study should be conducted to demonstrate compliance with the County noise standards in the Land Use Ordinance (Section 22.10.120). For the purpose of this measure, "adjacent" is assumed to include properties immediately bordering the existing use where the existing structures are within 50 feet of the project site. This study shall determine the area of impact and present appropriate mitigation measures. The mitigation measures required as a result of the noise study may include, but are not limited to the following:

- For new commercial uses, require the placement of loading and unloading areas so that buildings shield nearby residential land uses from noise generated by loading dock and delivery activities or such that there is an open space separation large enough to attenuate noise levels below the threshold.
- Require the placement of all commercial HVAC machinery to be placed within mechanical equipment rooms wherever feasible. If such mechanical equipment is to be outdoors and would expose adjacent residences to equipment noise, provide a noise study to confirm that standards applicable to stationary noise sources in the County Noise Element and Land Use Ordinance will be met.

#### V. Critical Viewsheds:

1. Pecho Valley Road. Pecho Valley Road from Rodman Drive to the boundary of Montana de Oro State Park is a Critical Viewshed. Development along this corridor shall be subject to the Visual Resource standards included in the Coastal Zone Land Use Ordinance Section 23.04.210.

2. South Bay Boulevard and Los Osos Valley Road. South Bay Boulevard, and Los Osos Valley Road east of South Bay Boulevard, are designated as a Critical Viewsheds. Development along these corridors shall be subject to the Visual Resource standards included in the Coastal Zone Land Use Ordinance Section 23.04.210.

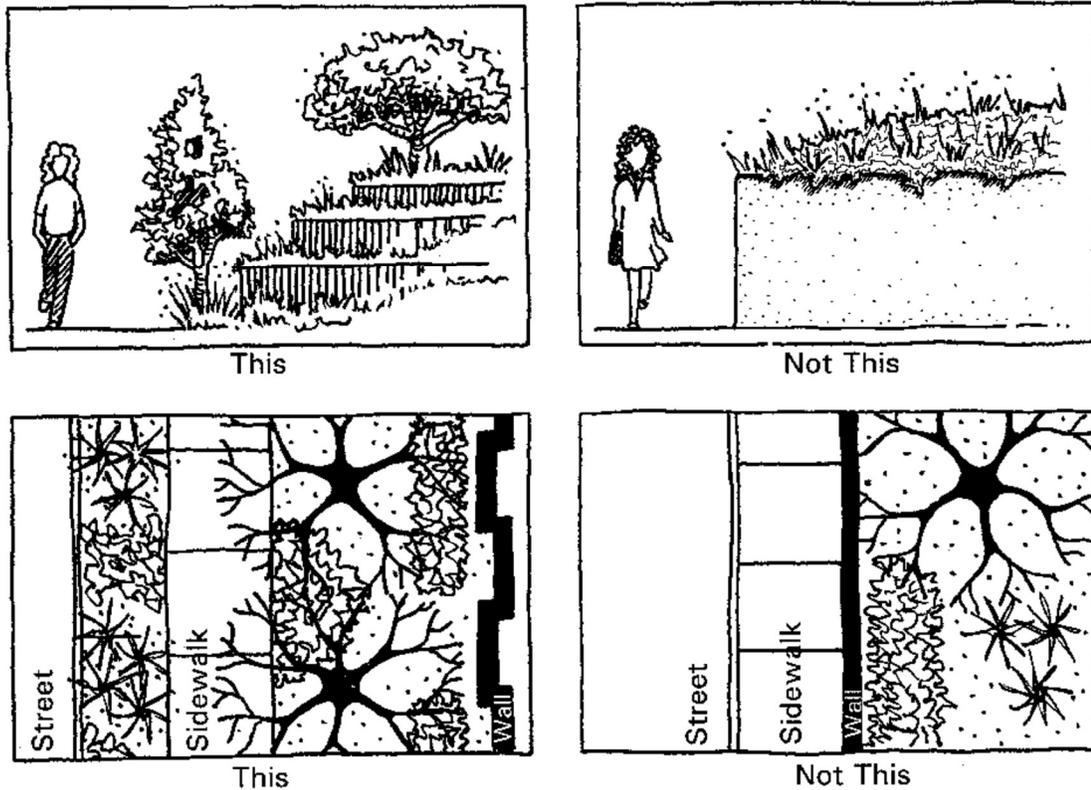
#### Q.W. Residential Development and Design Guidelines

*The following guidelines apply to proposed new land divisions, Minor Use Permits and Development Plans in all residential categories (see also design standards for particular categories in this section).*

1. **Diversity in Appearance.** *New land divisions, and Minor Use Permit and Development Plan applications for development of more than one dwelling unit should provide diversity in appearance, such as:*
  - a. *A variety of exterior colors.*



Figure 7-69: Wall and Fence Design



## 7.4 Combining Designation Standards

The following standards apply to lands in the [Sensitive Resource Area \(SRA\)](#) [Local Coastal Plan \(LCP\)](#), combining designations, as listed below. [If specific standards are not listed, the standards of Chapter 23.07 of the Coastal Zone Land Use Ordinance apply to the respective combining designations.](#)

[Designation of properties in the Sensitive Resource combining designation does not in and of itself convey or imply any right of public use, access, trespass or violation of privacy. The same is true when the LUE/LCP identifies a need for open space preservation through easement, contract or other instrument.]

### A. Morro Bay Shoreline (SRA)

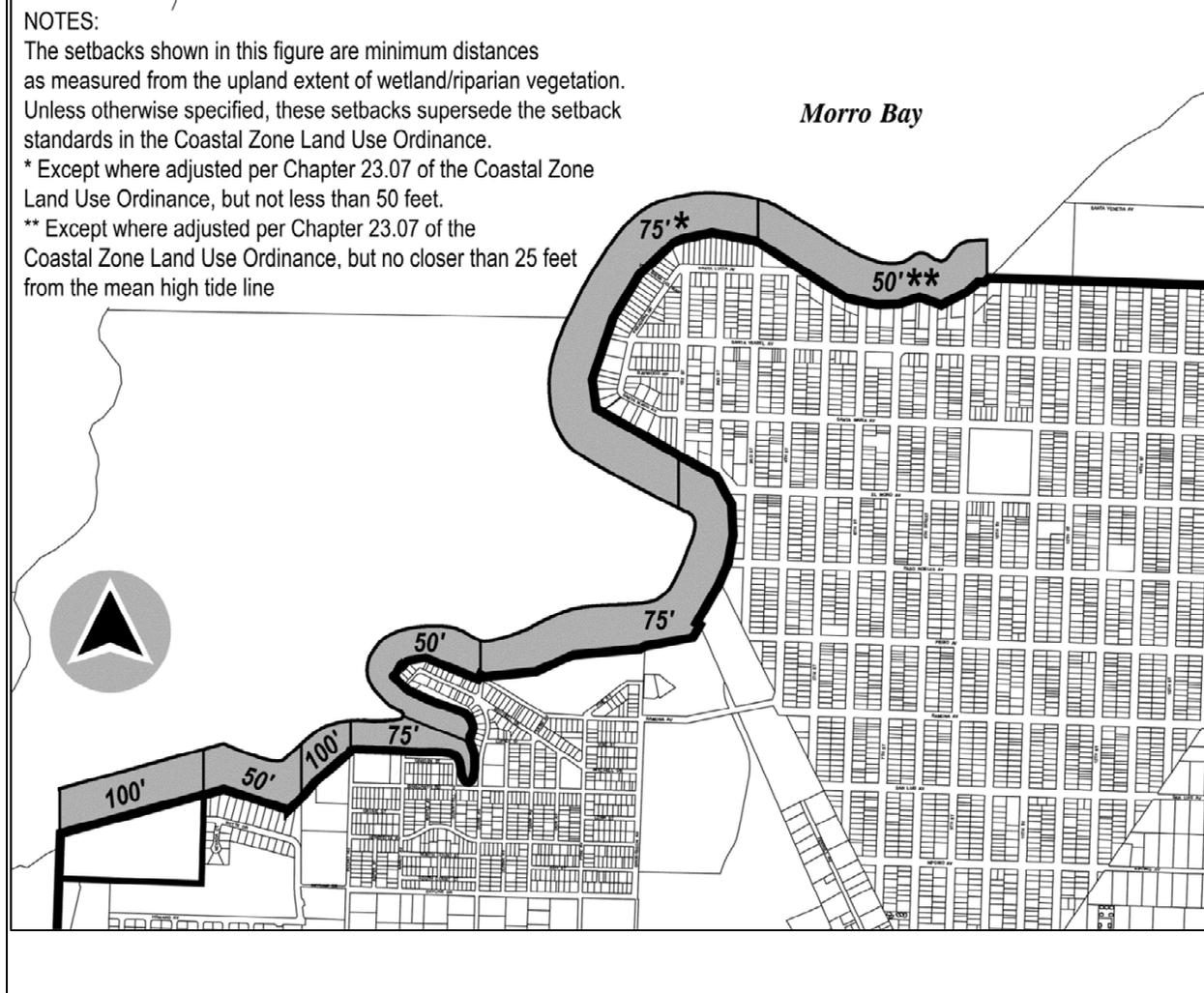
1. **Residential Density, New Land Divisions.** Density shall be computed on the gross site area minus the portion that is identified as wetland.
2. **Wetland Setbacks.** New development shall be set back from the upland extent of wetland vegetation as shown in Table 7-1 and Figure 7-710. A biological survey performed consistent with Chapter 23.07 of the Coastal Zone Land Use Ordinance shall be used to determine the upland extent of wetland vegetation.

**Table 7-1: Required Wetland Setbacks**

LOCATION (See Figure 7-10)	MINIMUM SETBACK (FT.) <sup>1</sup>
West of Tract 316 (Butte Drive Residential Single Family)	100
Tract 316 (Butte Drive Residential Single Family category)	50
Butte Drive to Pecho Road	100
Pecho Road to Doris Avenue (south half of Cuesta inlet) Blocks 4 and 5 , Cuesta-by-the-Sea Tract)	75
North half of Cuesta inlet (blocks 13,14, and 35 Cuesta-by-the-Sea Tract)	50
Doris Avenue to Tract 40 near (1st street.)	75
Tract 40 (Along Pasadena Drive, Santa Lucia Ave.)	75 (may be adjusted <sup>2</sup> but to no less than 50 feet)
East of 3 <sup>rd</sup> Street	50 (may be adjusted <sup>2</sup> but no closer than 25 feet from the mean high tide line)

1. The required setbacks are minimum distances as measured from the upland extent of wetland/riparian vegetation.
2. Section 23.07.172 of the Coastal Zone Land Use Ordinance.

**Figure 7-710: Wetland Setbacks**



**B. Los Osos Ecosystem (SRA), Required Finding.** For sites located within the Los Osos Ecosystem (SRA), in order to ensure the long-term preservation of the rare and sensitive Los Osos Ecosystem habitat (Figure 7-11), new development shall comply with the following standards:

- 1. Habitat Conservation Standards.** These provisions are intended to ensure the long-term preservation of the rare and sensitive Los Osos Ecosystem habitat (much of which is an Environmentally Sensitive Habitat), recognizing that habitat in the "Los Osos Ecosystem SRA-TH" area is of relative high quality compared to that on smaller, isolated, undeveloped lots.
- 2. Los Osos Ecosystem Habitat (SRA).** The following provisions are intended to ensure the long-term preservation of the rare and sensitive Los Osos Ecosystem habitat (which is an Environmentally Sensitive Habitat). Such habitat is of relative high quality compared to that on smaller, isolated, undeveloped lots. Following are the specific objectives:
  - Preserve, maintain, and protect rare and specific endangered species;

- Preserve, maintain, and enhance the following environmentally sensitive areas: Los Osos Ecosystem habitat, and 2) natural land forms that are barren or covered with non-native plants and that are potentially restorable to native plant cover such as shown in Figure 7-8 approval Morro manzanita and Indian Knob mountainbalm;
- Eliminate any incentives for the illegal or inappropriate removal of Los Osos Ecosystem habitat;
- Ensure that all new development is compatible with and sensitive to Los Osos Ecosystem habitat;
- Subordinate all public and private development to the protection of critical natural areas

**Los Osos Ecosystem Development Standards.** The following standards apply to new development within the areas designated "Los Osos Ecosystem SRA-TH" except where the Planning Director determines that the proposed activity is otherwise sufficiently minor that no adverse effects on habitat can result. Within this area, the highest conservation priority is avoiding disturbance of sensitive Los Osos Ecosystem habitat.

- a Required Findings.** Approval of a land use permit shall not occur unless the ~~Review Authority~~ review authority first finds that, in addition to the required findings for Environmentally Sensitive Habitats specified in Chapter 23.077 of the Coastal Zone Land Use Ordinance, the project incorporates all feasible and reasonable means of maintaining ~~Coastal Sage Scrub, Maritime Chaparral, and Coast Live Oak Woodland~~ habitats as described in Chapter 4, Section 4.5.6.F of this plan. ~~Los Osos Ecosystem habitats.~~
- b Resource Maintenance and Restoration Plan and Biological Survey.** Land use permit applications shall include a resource maintenance and restoration plan and biological survey prepared by a qualified biologist approved by the Environmental Coordinator. The recommendations of this plan and survey shall be incorporated into the project design and conditions at the discretion of the Planning Director.
- (i) Required contents. The resource maintenance and restoration plan and biological survey shall recommend design, construction, restoration/enhancement, maintenance, and monitoring measures for the entire site, as applicable, to achieve the preceding specified purposes of the Los Osos Ecosystem SRA.
- (ii) Survey methodology. Biological survey methodology shall at a minimum comply with California Department of Fish and Wildlife and U.S. Fish and Wildlife Service guidelines.
- (iii) Monitoring. The monitoring measures recommended in the resource maintenance and restoration plan may include frequent monitoring during and soon after the completion of initial habitat restoration and/or enhancement activities, and less frequent monitoring after plants are well-established.

- c Landscaping Plan. A landscaping plan in accordance with Chapter 23.04 of the Coastal Zone Land Use Ordinance shall be required where development will disturb existing or potential native dune plant habitat. The landscaping plan shall include restoration planting on the site, including areas to be permanently protected, as recommended by the required resource maintenance and restoration plan. Invasive, non-native plants, including Pampas grass, Acacia, Genista, and non-native iceplants, pose a threat to the indigenous plant community and shall not be approved as part of proposed landscaping. The use of other non-native plants shall be limited to the outdoor living space immediately adjacent to the proposed development (i.e., within the defined building envelope) and shall not be used within a conservation easement or other area to be set aside for permanent protection.
- d Conservation Instruments. If proposed development will disturb sensitive habitat supporting or potentially supporting Morro manzanita, Indian Knob mountainbalm, or other rare or endangered species, as determined by the required resource management and restoration plan and biological survey, all portions of the property beyond the maximum area of site disturbance specified in this standard shall be permanently protected by agreements, easement controls, or other appropriate instrument, consistent with applicable legal requirements to allow reasonable use of the site.
- e Long-term maintenance and monitoring. When areas to be permanently protected through conservation instruments are to remain in private ownership, the owner shall enter into a long-term maintenance and monitoring agreement with the county prior to issuance of building permits. The agreement and any easement shall provide for, but not be limited to, all of the following.
- (i) The ongoing maintenance of remaining Los Osos Ecosystem habitat in a natural state.
  - (ii) The restoration of native plants, as recommended by the approved resource maintenance and restoration plan, and as shown in the approved landscape plan.
  - (iii) The long-term monitoring of rare and endangered plants and the maintenance of supporting habitat, as recommended by the approved resource maintenance and restoration plan.
  - (iv) Requirements for financial security, including guarantees to cover the cost of:
    - (a) The proper completion of restoration measures (for example, plant installation and the eradication of non-nativespecies) within a specified time; and
    - (b) The proper maintenance of restored and undisturbed areas over a specified time (for example, five years), and the monitoring of those efforts. These requirements may also include penalty provisions such as extensions of the monitoring period, in addition to the forfeit of funds

provided, in response to a failure to perform as agreed.

f Site Disturbance. This standard is intended to provide maximum preservation of Los Osos Ecosystem and its associated habitat of rare and endangered species. New development causing site disturbance shall ensure protection of habitat for Morro manzanita, Indian Knob mountainbalm, or any other rare or endangered species determined to be present on the site. However, limitations on the amount of site disturbance shall be consistent with applicable legal requirements to allow reasonable use of the site.

Site disturbance includes disturbance of the following areas: areas disturbed by structures, roads, utility trenching, and pavement; areas on which grading, or removal of native vegetation occurs. Site disturbance does not include activities that are consistent with the restoration and maintenance of native plant habitats as guaranteed by project approval.

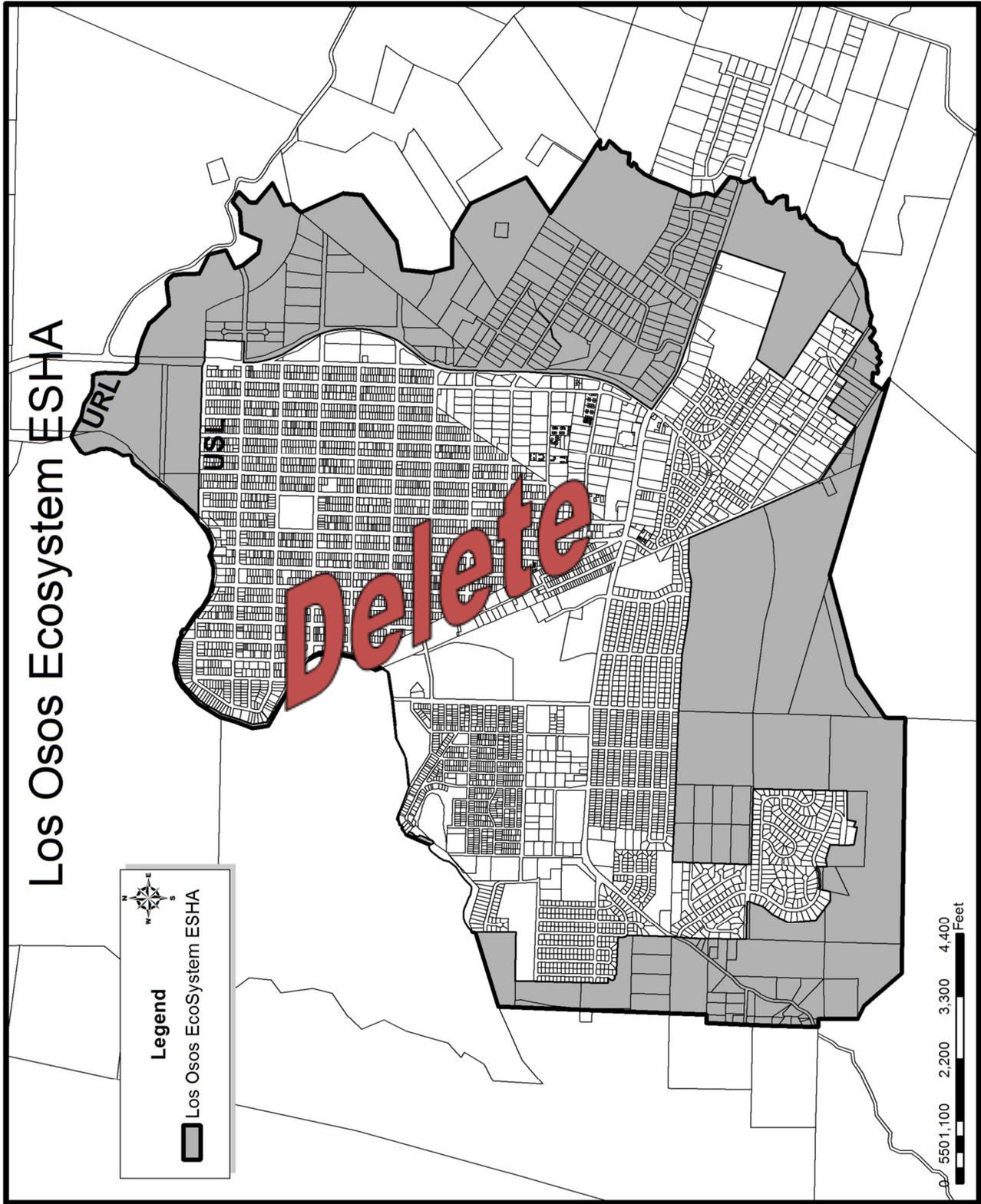
g Resource Protection During Construction. Habitat containing Morro manzanita, Indian Knob mountainbalm, and other rare and endangered species shall be protected from disturbance by construction activities. Temporary wire mesh fencing shall be placed around such habitat prior to construction, and protected areas shall not be used by workers or for the storage of machinery or materials.

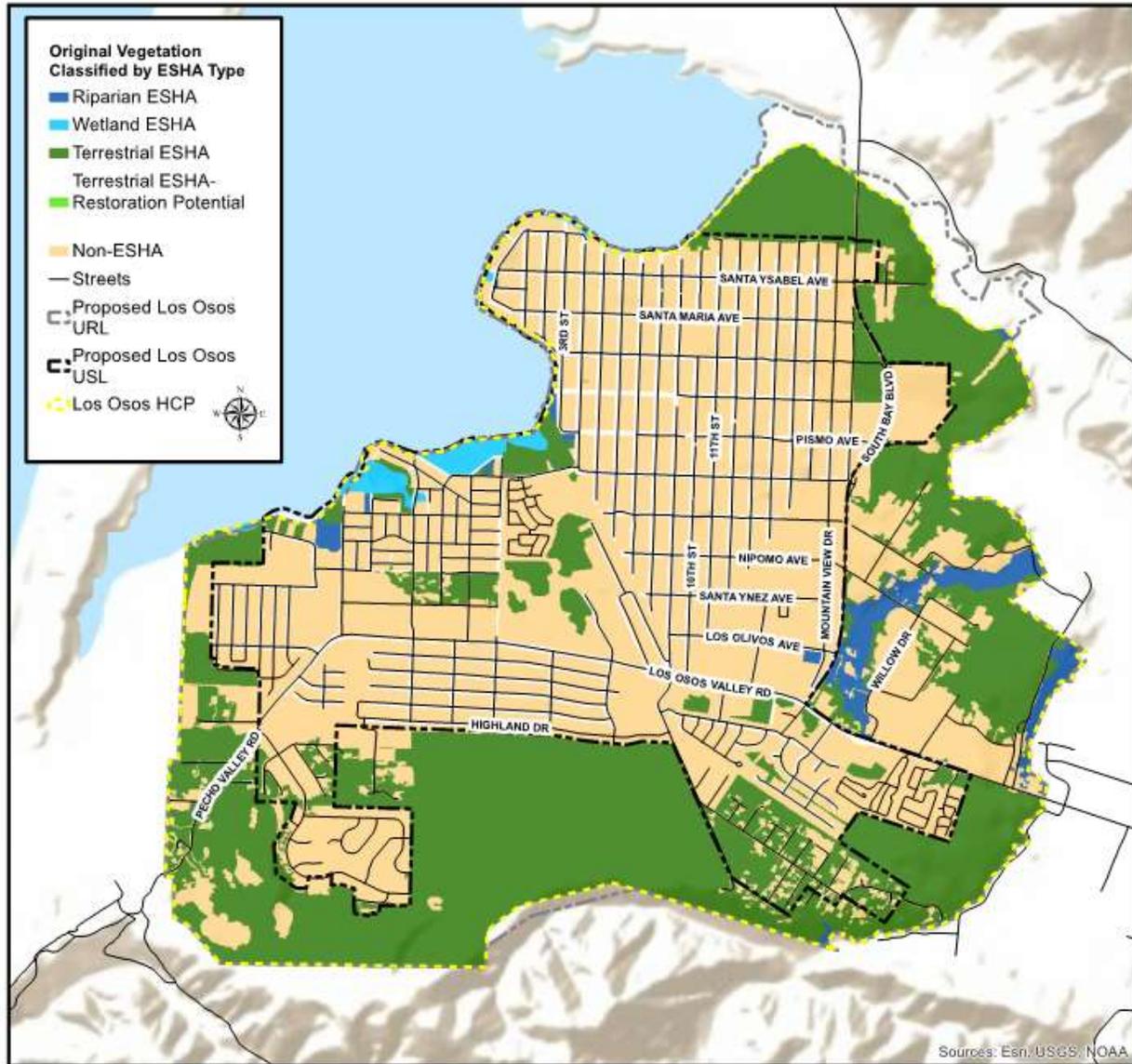
h Permanent Fencing. Permanent fencing shall be restricted to that which will not impact the free passage of native wildlife and shall employ design and materials determined by the review authority to be compatible with the open space character of the Los Osos Ecosystem habitats.

i Utilities. Where feasible, utility connections shall be installed in a single corridor, and shall avoid surface disturbance of conservation easements or other areas to be set aside for permanent protection of sensitive habitat.

i Destroyed Structures. Where a dwelling has been destroyed pursuant to Coastal Zone Land Use Ordinance Section 23.09.033a, it may be restored or a new dwelling rebuilt within the existing footprint without having to comply with the preceding Los Osos Ecosystem Habitat standards b(1) – b(9). ("Los Osos Ecosystem Development Standards")

Figure 7-811: Los Osos Ecosystem SRA (ESHA)

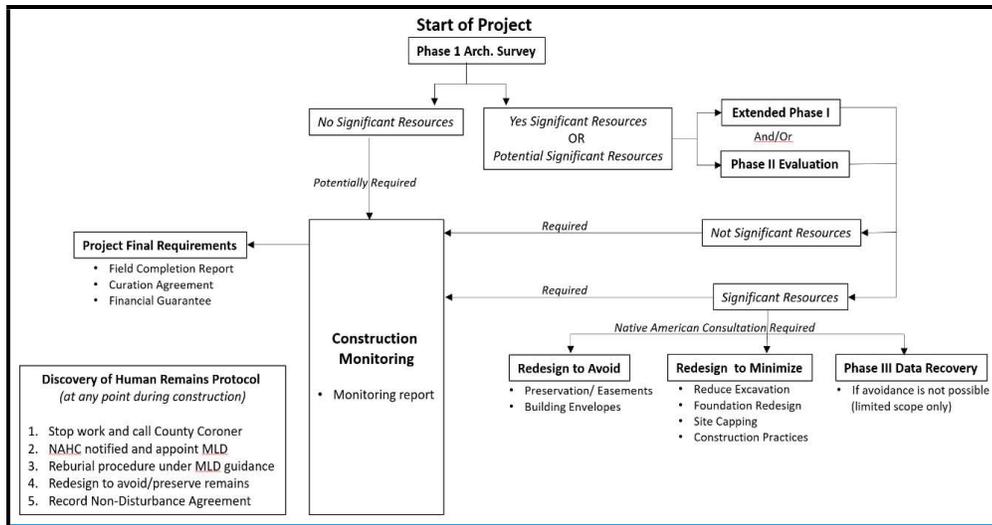




[C. Archaeological Sensitive Areas.](#) The Archaeological Sensitive Area (ASA) map in Los Osos has been revised to identify areas updated with highly sensitive cultural resources. The purpose of this updated map (Figure 7-12) and the application of the following procedures and requirements set forth in this section below is to streamline permit requirements for future developments and ensure the maintenance and protection of the County’s archeological and tribal cultural resources in Los Osos.

[1. Applicability of Standards.](#) The standards set forth in this section apply to all uses requiring a land use permit or construction permit located within the mapped ASA areas inside the urban reserve line as shown in Figure 7-12.

**2. Permit and Processing Requirements.** The land use permit requirements established by Chapters 23.03 (Permit Requirements), and 23.08 (Special Uses) are modified to include additional requirements for the ASA combining designation as follows:



**a. Initial Submittal:** The type of land use permit application to be submitted is to be as required by Chapter 23.03 (Permit Requirements), Chapter 23.08 (Special Uses), or by Planning Area standards

**I.** Development proposed within the boundaries of a known archeological site shall require a Minor Use Permit/ Coastal Development Permit (MUP/CDP).

**II.** If no land use permit is required, the following standards in this section are still applicable for a construction permit application.

**a. Application Content:** Land use and construction permit applications for projects within the ASA shall include the following Archeological Resource Assessment report(s) as applicable, and evidence of measures proposed to protect the sensitive resources as outlined in Subsection i in this section.

**i. Archeological Resource Report.** Written reports shall be prepared consistent with the report format requirements contained in the State Office of Historic Preservation Archeological Resource Management Reports (ARMR): Recommended Contents and Format guidelines. A single report may incorporate more than one Phase where appropriate to minimize redundancy and expense. All reports shall be filed with appropriate State information center.

The report(s) shall be prepared, at the applicant's expense, by a qualified archaeologist, either from the County's list of archaeological consultants or by a member of the Register of Professional Archaeologists, meeting the Secretary of the Interior's Professional Qualification Standards, who is familiar with California Central Coast archaeology. The applicant shall also be responsible for paying for the costs of data recovery and curation of recovered materials, if applicable.

If the assessment determines that a proposed development may have significant effects on existing, known, or suspected archeological resources, a mitigation plan shall be prepared by a qualified archeologist. The purpose of the plan is to protect the resource and highest priority shall be given to avoiding disturbance of sensitive resources. The mitigation plan shall be submitted to and approved by the Environmental Coordinator and considered in the evaluation of the development.

Submittal of the listed report(s) below, to the Environmental Coordinator, is required prior to a land use permit application being deemed completed. These report(s) are also required at the time of construction permit application in order to determine the applicability and/or requirement for a MUP/CDP before continued processing of the construction permit.

a. **Phase I Archeological Resource Assessment (Required).** All project applications shall include at minimum, a Phase I Archeological Resource Assessment which is a preliminary site survey and record search with Central Coast information Center (CCIC). The survey shall be conducted by a County-qualified archaeologist knowledgeable in local Native American culture. The County will provide pertinent project information to the Native American tribal groups.

1. *If the site survey findings are negative, no further review is necessary. However, monitoring maybe required at the discretion of the County to ensure no impacts to potential resources during construction.*

2. *If the site survey reveals information indicating the presence or proximity to archeological resources or it is determined by the County there is a likelihood for the site to contain archeological resources, an Extended Phase I or Phase II Evaluation shall be required unless either of the following apply:*

(i) *There is substantial evidence (such as existing evaluations that adequately characterize the resource), absent the Phase II, that the project will have a significant impact on archaeological resources and those impacts cannot be avoided pursuant to Section C of this section, in which case a Phase III Data Recovery Plan may be prepared without a Phase II Evaluation; or*

(ii) *The Phase I survey provided reasonable determination of the resource location(s) and all development is located to avoid impacts to those identified resources, in which case no further archaeological evaluation is necessary. Monitoring may still be required at the discretion of the County to ensure no impacts to potential resources during construction.*

b. **Phase II Evaluation of Archaeological Resources.** A Phase II Evaluation shall be prepared with the goal of determining site extent and spatial variability (both vertical and horizontal), evaluating the site's significance pursuant to California Code of Regulations, Title 14,

State CEQA Guidelines, 15064.5, and evaluating resource protection measures pursuant to Subsection C of this section, as applicable. A Phase II Evaluation may include test excavations when adequate data from previous reports are not available to assess a site's significance; however, prior to recovering any archaeological materials for testing and/or carbon dating, the archaeologist shall consider the appropriate disposition of materials in consultation with the Planning Director and the property owner.

1. If no significant archeological resources found, no further reports are necessary unless the Planning Director determines that there is substantial evidence in the record that significant resources may be affected by the project. Conditions recommended by the archaeologist and the Native American tribal groups through the consultation process shall be applied to the project as appropriate.
2. If significant archeological resources are found, the Phase II Evaluation plan shall include consideration of the avoidance measures required in Subsection C.1. If significant resources cannot be avoided, a Phase III Data Recovery Plan will be required.
3. The Planning Director reserves the right to decide, based on substantial evidence, that non-significant archaeological resources can be significant tribal cultural resources pursuant to PRC Section 21074. In making such a determination, the Planning Director shall consider input from, and the importance of the resource to, the Native American tribal groups.

c. **Phase III Data Recovery Plan.** A Phase III Data Recovery Plan shall be prepared to evaluate a project's unavoidable impacts on significant archaeological resources and shall set forth the reasons, based on substantial evidence, why avoidance and impact minimization measures required in Subsection C are not feasible. Data recovery excavation shall not incur additional impacts to the archeological resources and if applicable, previous data collected for Phase II may be credited towards the overall sampling required. Impacts to an archeological site and significant resources shall not exceed 10% of the cultural site area on a project site in order to qualify for a typical proportional sampling mitigation in Phase III.

1. *Report Guidelines.* The plan shall incorporate results of Phase II study with detailed information considering proportional sample size related to the extent of impact, existing body of documentation and significance of the resource. The Phase III Plan shall include treatment of resources with cultural appropriate dignity taking into account the tribal cultural values and meanings, including but not limited to protection of the cultural character, integrity, traditional use and confidentiality of the resource.

2. *Content:* A Data Recovery Plan shall include at minimum: dates of fieldwork and personnel qualifications, level and location(s) of excavation needed, laboratory processing and analysis protocol, detailed notes, photographs and drawings of all excavation and soil samples, curation and cost estimates.

3. *Timing:* The Data Recovery Plan shall be submitted and approved by Environmental Coordinator before fieldwork can begin. All excavation and recovery activities shall require Native American monitoring. Curation or a financial guarantee for data analysis filing and curation must be demonstrated to the County before land use permit approval, or prior to final building inspection, to allow the project to move forward.

ii. **Monitoring Plan.** A monitoring plan shall be submitted to the County prior to issuance of construction permit, prepared by a County-approved archaeologist, for review and approval by the Environmental Coordinator. The intent of this Plan is to outline monitoring guidelines and protocol for all earth-disturbing activities in areas identified as potentially sensitive for cultural resources. The monitoring plan shall include at a minimum:

a. List of personnel involved in the monitoring activities;

b. Inclusion of involvement of the Native American community, as appropriate;

c. Description of how the monitoring shall occur;

d. Description of frequency of monitoring (e.g., full-time, part time, spot checking);

e. Description of what resources are expected to be encountered;

f. Description of circumstances that would result in the halting of work at the project site (e.g., What is considered “significant” archaeological resources?);

g. Description of procedures for halting work on the site and notification procedures; and

h. Description of monitoring reporting procedures; and:

i. Description of provisions defining education of the construction crew and establishing protocol for treating unanticipated findings. This training will include a description of the types of resources that may be found in the project area, the protocols to be used in the event of an unanticipated discovery, the importance of cultural resources to the Native American community, and the laws protecting significant archaeological and historical sites.

b. **Environmental Determination:** Pursuant to CEQA Section 15183, projects complying with all standards set forth in this section will be consistent with the community plan certified EIR. Failure to meet all the standards will require additional environmental review necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site.

c. **Required Findings:** Any land use permit application within the ASA shall be approved only where the Review Authority can make one of the following required findings.

**3. Development Standards.** All new development shall be considered compliant with the community plan when they incorporate all site planning and design features necessary to demonstrate (in order of priority); avoidance of impacts to sensitive resources, minimization of impacts through careful siting, considerate design and construction practices if avoidance is not possible, and as a last resort, excavation and recovery of those resources as mitigation for unavoidable impacts.

All development within ASA shall include the following minimum standards:

**a. Resource Protection:** Impacts to significant archaeological resources and tribal cultural resources shall be avoided to the extent feasible. In all cases where significant archaeological resources or tribal cultural resources are identified, the following avoidance measures shall be considered:

**i. Avoidance/ Preservation in Place.** These protection measures include but not limited to, revising the project design or location to avoid the resources entirely. Avoidance means relocation of all development, including grading, utilities, foundations, drainage facilities, and major landscaping. Pools, basements, or any project feature requiring extensive excavation that would impact significant cultural resources is not allowed. No land division of a parcel containing archaeological resources shall be permitted unless all proposed building sites are located entirely outside of the archaeological site.

**ii. Protection of Resources.** If full avoidance is not feasible, sensitive areas shall be placed under culturally appropriate protection and management criteria such as permanent conservation easements or other interests in real property. Public access and site disturbance work including habitat or site restoration and revegetation work shall be kept to a minimum. Other feasible methods of avoidance and protection of the resource shall be considered and approved by the Environmental Coordinator.

**iii. Minimize Impacts to Significant Resources.** If full avoidance, preservation or protection in place is not feasible, project redesign may be required to reduce impacts to less than significant level. Project redesigns shall include and not limited to, any of the following:

**1. Reduce Excavation.** Moving foundation elements, designing spanning foundations, reducing proposed excavation volumes, and altering proposed utility lines and connection alignments.

**2. Foundation Redesign.** Foundation design may need to be altered to minimize site disturbance. "Side-by-side" comparisons of disturbance and calculations of volume of cultural materials affected will be submitted to show the revised foundation design will result in the least disturbance. The approved redesign(s) shall be verified by the County prior to construction work.

3. Site Capping. Where project must encroach within the identified cultural resource(s), incorporation of fill shall be considered. Only sufficient fill shall be placed over the site so as to allow native soils to remain undisturbed (e.g. 18 inches for residential footings, 6-8 inches for driveway construction). Clean, sterile fill, consisting of a layer of other conspicuous material (e.g. fill of a noticeable different color and texture than native soil) shall be placed over the native soil prior to placement of any other clean fill material. Native soils shall not be disturbed or compacted (or compacted to the most limited extent necessary) within the cultural resource areas. The use of fill shall be the minimum necessary to protect the resource. Additional height (up to 24") shall be allowed as follows:

<u>Fill</u>	<u>Additional Height Allowed</u>
<u>12"</u>	<u>6"</u>
<u>18"</u>	<u>12"</u>
<u>24"</u>	<u>18"</u>

iv. Phase III Data Recovery Plan. Where development is likely to adversely impact any important or unique archeological resources and it is not feasible to avoid or preserve resources, total and partial recovery through excavation may be considered the only feasible mitigation measure. A Data Recovery Plan shall be prepared per the guidelines set in Section 2b(iii) and submitted to the Environmental Coordinator for review and approval before work can continue.

b. Construction Practices. Projects with potential impacts to identified archeological resources shall include the following into the construction documentation submittal.

i. Project Limit Area. Plans submitted shall clearly show a 'project limit area' established in a manner that avoids impacts to resources to the maximum extent possible, located on the least sensitive portion of the site, and safeguards the resources on site. The project limit area shall include all areas on and off site where ground disturbance will occur including access road grading, utility trenching or similar works related to the project.

ii. Construction Methodology. Specific construction methods may need to be employed that provide for maximum protection of resources. This may include and not limited to:

iii. Construction Monitoring. During all ground disturbing construction activities, the applicant shall retain a qualified archaeologist (approved by the Environmental Coordinator) and Native American Representative to monitor all earth disturbing activities including offsite grading /trenching work for access and utilities per the approved monitoring plan. If any significant archaeological resources or human remains are found during monitoring, work shall stop within the immediate vicinity of the resource (precise area to be determined by the archaeologist in the field) until such time as the resource can be evaluated by an archaeologist and any other appropriate individuals. The applicant

shall implement the mitigation as required by the Environmental Coordinator.

iv. **Changes to Design.** If significant archaeological resources are identified on site, the applicant's construction drawings shall demonstrate incorporation of all revised design and/or mitigation measures approved by the Environmental Coordinator to avoid significant impacts or reduce to a less than significant level. If construction is underway, all work shall stop until a redesign is reviewed and approved via After-Issuance Change' permit from the County

c. **Project Final Requirements.** After the completion of construction monitoring and any Phase III data recovery excavations, the applicant shall submit the following to the Environmental Coordinator prior to final inspection or occupancy (whichever comes first):

i. **Field Completion Report.** Archeologist-prepared report summarizing all monitoring and/or mitigation measures conducted, field findings, and construction compliance. The report shall be provided in ARMR format describing field tasks by date, location, and results. The report shall include field methods, results and photographs, artifact analysis and interpretation, updated site maps and/or appropriate State site record forms. The final report shall be submitted electronically to the County, the property owner, and the State site record/information center.

ii. **Financial Guarantee.** If the analysis included in the Phase III Data Recovery Plan or inadvertent findings is not complete at this milestone, the applicant shall provide to the County proof of obligation to complete the required analysis and file final reports.

4. **Consultation with Native American Tribal Groups.** Consistent with Section 15183, the incorporation of standards set forth in this section are intended to streamline the review of projects within the ASA combining designation in Los Osos. Pursuant to PRC Section 21080.3.1, AB52 consultation with Native American tribal groups are considered fulfilled when a project complies with all standards set forth herein. In addition to the archeological report(s) and development standards set in this section, the Director of Planning can provide notifications to the California Native American tribe(s) that may be traditionally and culturally affiliated with the project area(s) to initiate additional consultation when any of the following below occurs:

a. The project's Phase I Archeological Assessment reports a positive finding and additional Phase II and/or Phase III is warranted

b. There is inadvertent finding during project development i.e. human remains, significant cultural resource or similar

c. The project has to incorporate *additional* mitigation measures to avoid and/or minimize impacts to identified significant archeological resources

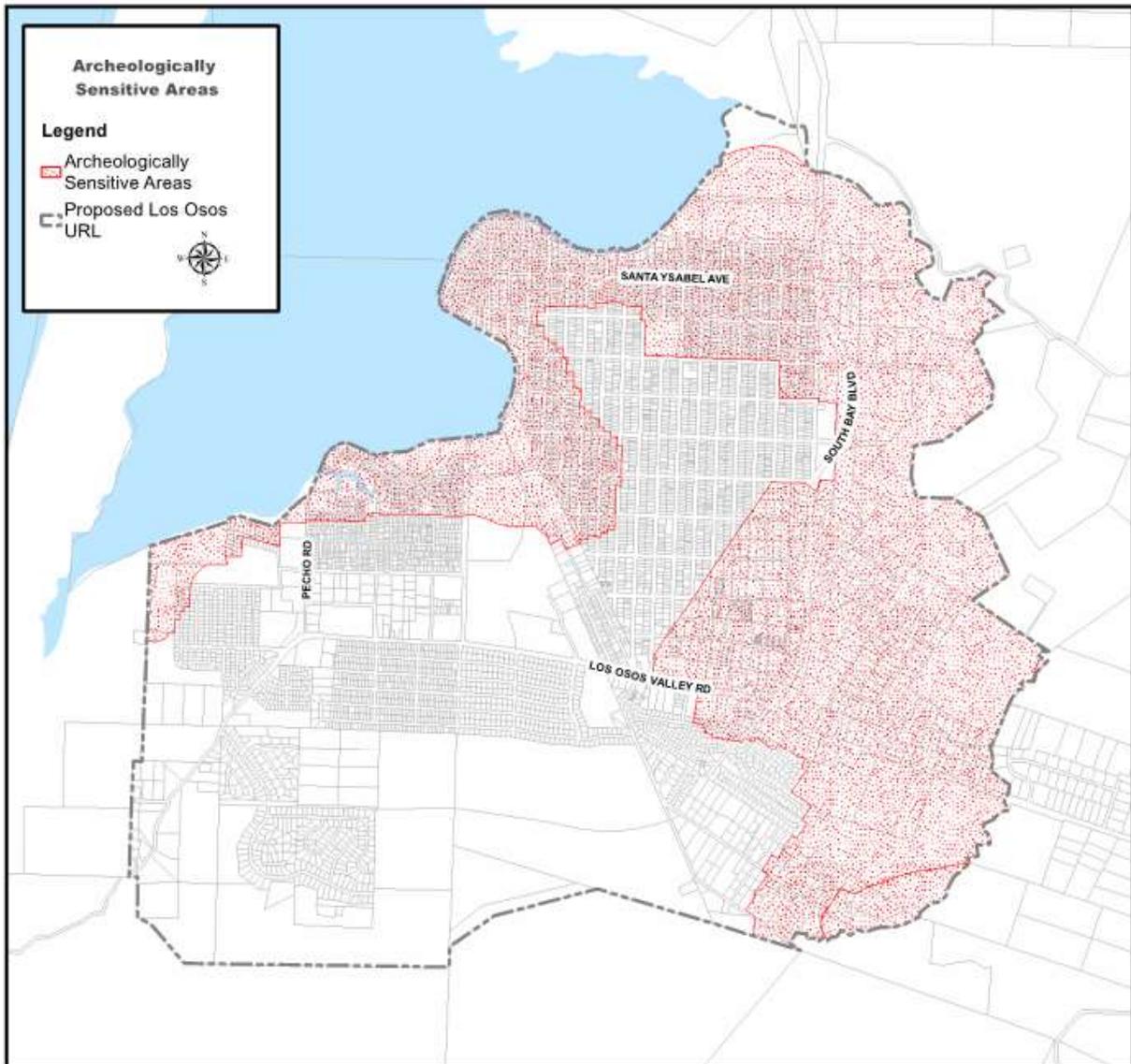
d. The Planning Director decides, based on substantial evidence, that a non-significant archeological resource can be significant tribal cultural resources pursuant to PRC Section 21074

5. Discovery of Human Remains. If human remains are encountered during construction, the procedures outlined by the Native American Heritage Commission (NAHC), in accordance with Section 7050.5 of the California Health and Safety Code (HSC) and Section 5097.98 of the Public Resources Code (PRC), would be followed, as well as the provisions of the CZLUO 23.05.150. A general summary of these provisions and best practices are as follows:

If it is determined or suspected that a discovery includes human remains:

- a. Work in the immediate vicinity of the find would cease.
- b. The San Luis Obispo County Coroner shall be contacted immediately.
- c. In addition, the County Environmental Coordinator shall be notified as soon as possible. The County will also issue a "Stop Work" for any construction activities that have the potential to disturb the resource or for all activities on a site if additional resources are suspected to be present and to insure compliance with CZLUO 23.05.150.
- d. As a courtesy, the archaeologist should also notify the NAHC.
- e. The remains should be secured immediately with steel plating cover, or similar. No work is to proceed in the discovery area until consultation procedures are complete, procedures to avoid or recover the remains have been implemented, and the "Stop Work" has been lifted and the owner/developer has been notified that all County and State required provisions have been satisfied.
- f. The Coroner has 2 working days to examine the remains after being notified in accordance with HSC Section 7050.5. If the coroner determines that the remains are Native American and are not subject to the to the coroner's authority, the coroner has 24 hours to notify the NAHC of the discovery.
- g. The NAHC should immediately designate and notify the Native American Most Likely Descendent (MLD), who has 48 hours after being granted access to the location of the remains to inspect and make recommendations for proper treatment of the remains.
- h. The archeologist and Native American MLD should meet with the owner /developer, other design professionals, as well as with County staff, to plan for and implement the recommended treatment, which may include design and construction modifications to avoid further impacts.
- i. A Covenant of Non-Disturbance of Native American Heritage Site may be required by the County to prevent future disturbance of the remains identified.

Figure 7-12 Archaeological Sensitive Area



## 7.5 Land Use Category Standards

### A. Commercial Retail (CR)

The following standards apply only to lands within the Commercial Retail land use category in the specified areas.

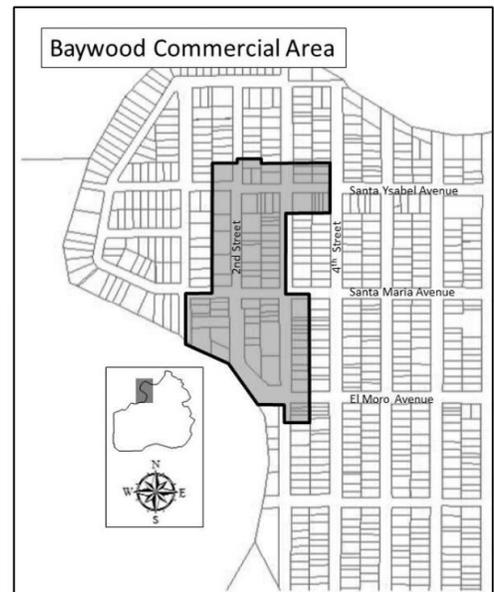
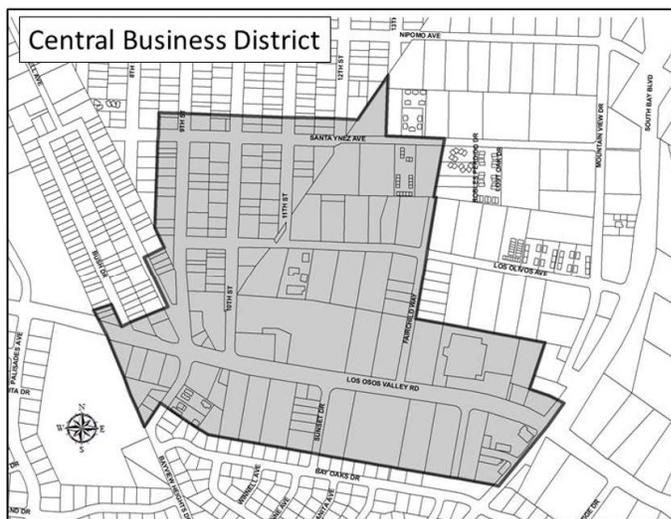
1. **Drive-Through Facilities.** No new drive-through facilities shall be established.
2. **Central Business District and Baywood Commercial Area, Permit Requirement.** Notwithstanding the requirements of the Coastal Zone Land Use Ordinance, new development may be authorized in the Central Business District and Baywood Commercial Area (see Figure 7-913) through Minor Use Permit approval in lieu of a

Development Plan when the project complies with applicable planning area standards and design guidelines, except in any of the following circumstances:

- a. When modifications or waivers from Coastal Zone Land Use Ordinance standards are required.
- b. When a Development Plan is specifically required by the Planning Area Standards.

This standard shall not be construed to require Minor Use Permit approval where the Coastal Zone Land Use Ordinance otherwise allows ministerial approval through the Plot Plan or Zoning Clearance process.

**Figure 7-913: Los Osos Central Business District and Baywood Commercial Area**



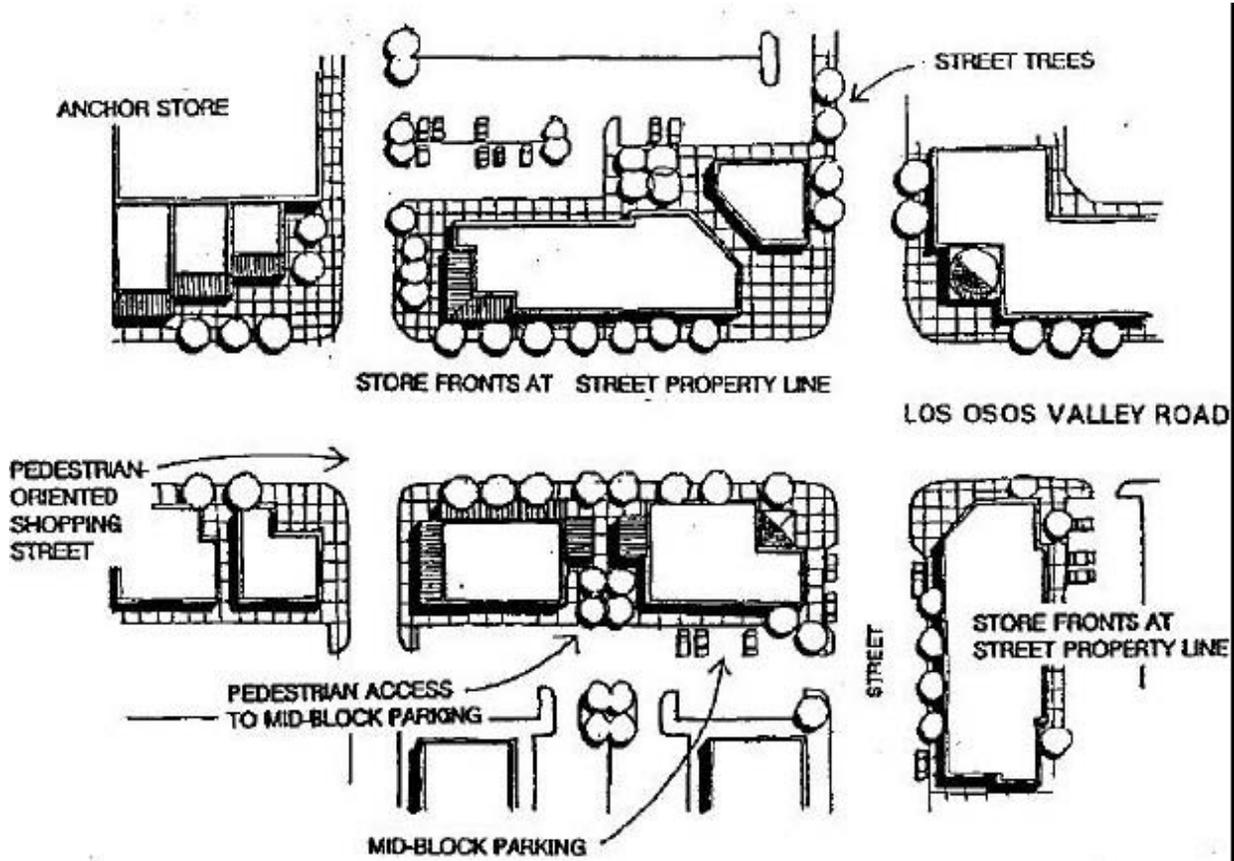
3. **Central Business District and Baywood Commercial Area, Parking.** (see Figure 7-913), the number of on-site parking spaces provided shall be no more than that required by Chapter 23.04 of the Coastal Land Use Ordinance. Community parking areas within a 1/4-mile radius and on-street parking within the same block may be used to satisfy parking requirements.
4. **Central Business District.** The following standards apply within the central business district, as shown in Figure 7-913:
  - a. **Height.** Maximum building height shall be ~~30~~35 feet.
  - b. **Mixed-Use Development.** This standard is intended to encourage provision of a mixture of residential and non-residential uses on the same site, to encourage provision of affordable and senior housing in close proximity to shopping and services, and to increase economic and social activity downtown.

- (i) **Residential Uses.** Residential development shall be subject to the standards in Chapter 8 of the Coastal Zone Land Use Ordinance--Residential Uses in Office and Professional or Commercial Categories--except that where those standards conflict with the following standards, the following standards shall prevail.
- (ii) **Site Coverage.** Residential development, excluding garages, shall comprise no more than 50 percent of the total floor area of the entire mixed-use site (residential and non-residential), and no more than 60 percent of the total floor area of the entire mixed-use site for development that meets the housing affordability standards in Chapter 23.04 of the Coastal Zone Land Use Ordinance.
- (iii) **Floor and Open Area.** The maximum floor area and minimum open area requirements in Chapter 4 of the Coastal Zone Land Use Ordinance shall not apply. Instead, the land use permit shall require an amount of private open space and common area for privacy, recreation, light, and air that is appropriate for the nature of the project.
- (iv) **Residential Density.** Maximum residential density shall be 15 dwelling units per acre, calculated using the acreage of the entire mixed use site. The density of senior citizen housing shall be as specified in the following Subsection (vi).
- (v) **Detached Residential Development.** Residential development that is not attached to the non-residential use may be approved only if all of the following are satisfied, in addition to the preceding standards for mixed-use development:
  - (a) **Location.** Residential development shall be located mainly behind or on the second floor of the primary non-residential use(s) on the same site.
  - (b) **Site Coverage - Separate Parcel.** If residential uses are developed on a separate parcel, that parcel shall comprise no more than 50 percent of the parcel area of the total mixed use site.
  - (c) **Agreement for Non-Residential Use - Separate Parcel.** Residential uses may be developed on a parcel that is separate from the one developed with non-residential uses. In this circumstance, the owner of the parcel to be developed with non-residential uses shall enter into an agreement with the County to prohibit any future residential development on that parcel.
  - (d) **Side and Rear Setbacks.** Where the side or rear yard of residential development is adjacent to a non-residential land use category, the minimum setback for the residential development shall be as specified in Chapter 4 of the Coastal Zone Land Use Ordinance for side and rear setbacks, as applicable, in Commercial and Industrial categories adjacent to a residential category/residential use.
  - (e) **Pedestrian Connections.** Mixed use development shall include, where possible, convenient pedestrian connections between residential and retail commercial uses on the site.

- (vi) **Senior Citizen Housing.** Senior citizen housing is subject to the following standards, in addition to the preceding mixed-use development standards. Senior citizen housing consists of either a) residential development that is specifically designed to meet the physical and social needs of persons aged 62 and over; or b) residential development consisting of at least 35 dwellings specifically designed to meet the physical and social needs of persons aged 55 and over.
  - (a) **Residential Density.** Maximum residential density shall be 19 dwelling units per acre calculated using the acreage of the entire mixed use site.
  - (b) **Parking.** Parking spaces shall be provided at a ratio of 0.75 space per dwelling unit in accommodations for independent living, and 1 space per 3 dwelling units in assisted living accommodations.
  - (c) **Design.** Projects shall be sensitively designed to meet the special needs of senior citizens, especially with regard to: general safety; safe and convenient pedestrian access on gentle slopes, both within the project and connecting to community services and facilities; recreational choices; environmental amenities; social interaction; and integration with the larger community
- (vii) **Site Design.** New development shall facilitate pedestrian movement and activities and bicycle travel through design of buildings, parking areas, landscaping, and streetscapes. Design measures shall include the following and are conceptually illustrated in Figure 7-1 [40](#):
  - (a) Locate building entry facades primarily adjacent to, but no more than 5 feet from the sidewalk along front and street-corner side property lines, or adjacent to interior pedestrian spaces with access to streets.
  - (b) Landscape all pedestrian spaces. Provide public gathering spaces with benches on the site. Provide conveniently located bicycle racks throughout the site.
  - (c) Encourage shared parking among businesses.
  - (d) Locate landscaped parking areas to the rear or side of non-residential buildings, and design the parking areas to be integral with (not dominating) the buildings.
  - (e) Provide convenient connections between parking areas, businesses and adjoining properties through pedestrian-oriented and scaled spaces.
  - (f) The number, location and design of driveways shall function in accordance with the planned center median on Los Osos Valley Road as recommended in Chapter 5 of this plan.
  - (g) No building service facades shall face Los Osos Valley Road.

- (h) Where feasible and where adequate right-of-way exists, sidewalks shall provide a clear walking lane at least eight feet wide, not including any areas needed for street trees, street furniture, newspaper racks, and the curb.

Figure 7-1014: Pedestrian-Oriented Design Concept



- (viii) **Drainage Basins.** Drainage basins in new development shall be placed either a) underground; or b) on the surface if designed for recreational or other public use and attractively landscaped.

c. **Design Guidelines - Central Business District**

Ground Floor Uses

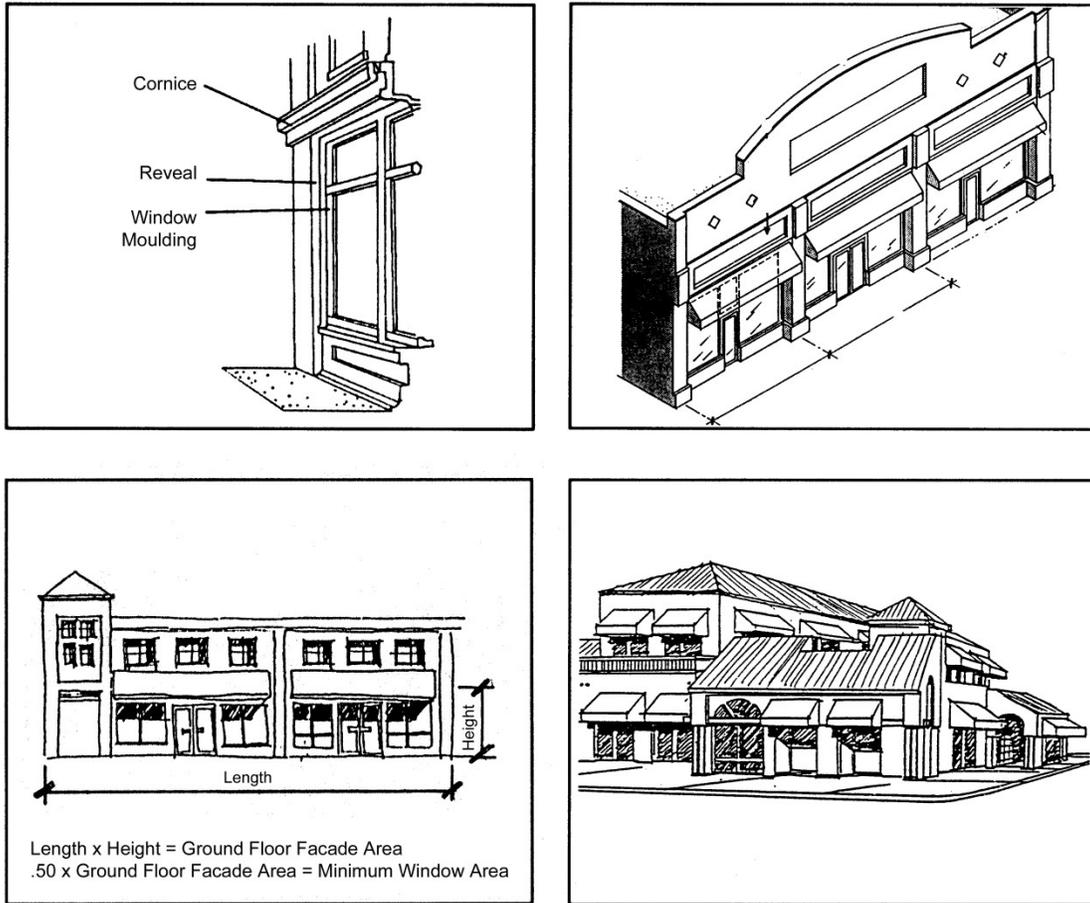
*In order to attract customers and promote pedestrian activity, retail uses are encouraged on the ground floor fronting the street, while office, residential and other non-retail uses should be located on the upper floors or on the rear portion of the site.*

### Building Design

*The design of new construction shall be pedestrian-oriented and have a human scale that is compatible with the scale of existing development in the Central Business District. Preferred design measures include the following:*

- *Articulation of building facades to create relief and visual interest by using architectural elements such as awnings and projections, trellises, detailed parapets, and arcades.*
- *Locations of building entries within recessed entry bays to create transitional spaces between the street and buildings.*
- *Use of overhangs and awnings. Use of balconies over transitional spaces.*
- *Use of transparent glass windows or doors that together comprise more than 50 percent of the entry facade at ground level in order to allow pedestrians to see inside.*
- *Placement of store entrances/display windows at frequent intervals such as 25 feet in order to maintain visual interest for pedestrians. (see Figure 7-1 [5+](#)).*
- *Building facades or public spaces should occupy most or all of the site frontage, except where infeasible due to sensitive vegetation or other physical or environmental constraints.*
- *Sidewalks along Los Osos Valley Road shall be in accordance with County public improvement standards. Recommended materials for pathways and areas outside the public right-of-way are brick, concrete pavers and concrete.*

Figure 7-115: Example of Façade Building Design



5. **Baywood Commercial Area (Special Community).** The following standards apply within the Baywood Commercial Area as shown in Figure 7-162.
  - a. **Limitation on Use.** All allowable uses are permitted in accordance with Coastal Table O, Part I of the Land Use Element, except as follows: auto, mobile home and vehicle dealers and supplies; and food and kindred products as a primary use.
  - b. **Height.** Maximum building height shall 25-feet, except where a lower height limit is established (see Section 7.3.N.1 and Figure 7-53).
  - c. **Signs.** Freestanding signs, other than monument signs, are not permitted. Monument signs shall not exceed a height of six feet and a sign area of 20 square feet.
  - d. **Sidewalks on 2<sup>nd</sup> Street.** Sidewalks shall include a minimum clear walking lane of six feet in width, and a minimum four-foot wide parkway between curb and sidewalk.

Figure 7-1216: Baywood Commercial Area



e. **Sidewalks on Other Streets.**

- (i) On street frontages other than 2<sup>nd</sup> Street, sidewalks shall be a minimum four feet wide, with a minimum four-foot wide parkway between curb and sidewalk.
- (ii) Additional width may be needed to accommodate proposed street furniture, or as needed to comply with the requirements of the Americans with Disabilities Act (ADA).
- (iii) These requirements for sidewalk or parkway width may be modified at the discretion of the review authority in consultation with the Department of Public Works through a Minor Use Permit (unless a Development Plan is otherwise required), based upon site-specific right-of-way and topographic constraints.

f. **Setbacks and Parking Location, 2<sup>nd</sup> Street and Street-Corner Sites.** Locate building entry facades primarily adjacent to, but no more than five feet from the sidewalk along front and street-corner side property lines adjacent to 2<sup>nd</sup> Street, or adjacent to interior plazas with access to streets. Locate landscaped parking areas to the rear or side of nonresidential buildings. Design the parking areas to be integral with (not dominating) the buildings.

- g. **Bay Access.** New development adjacent to the bay shall provide improved public access to the bay where feasible and consistent with protection of natural resources.
- h. **Mixed Use.** Single-family and multi-family dwellings are allowable on the same site as non-residential development as follows:
  - (i) Mixed-use projects shall be in accordance with the standards in Chapter 23.08 of the Coastal Zone Land Use Ordinance for Residential Uses in Office and Professional or Commercial Categories, except that maximum residential density is 15 dwelling units per acre, calculated using the acreage of the entire mixed use site (residential plus non-residential).
  - (ii) **Additional standards applicable to Area “A” as shown in Figure 7-162.** The following standards supersede any conflicting standards of Chapter 23.08 of the Coastal Zone Land Use Ordinance:
    - (a) **Location.** Residential development shall be located on the upper floor(s) above a non-residential use or in the rear of the site behind a non-residential use.
    - (b) **Density.** Maximum residential density is 15 dwelling units per acre, calculated using the acreage of the entire mixed use site (residential plus non-residential).
    - (c) **Parking.** Notwithstanding any other provisions of this plan, the number of parking spaces shall be as required by the Coastal Zone Land Use Ordinance, and shall be provided on the site.
    - (d) **Existing single family residences.** Residential uses existing prior to adoption of the Los Osos Community Plan and located on properties may continue and be expanded or remodeled as a primary use without the limitations imposed by Section 23.09.026 Nonconforming Uses of Land and without being required to include commercial development.
- i. **Residential multi-family development as a principle use in Area “B” as shown in Figure 7-162.** Multi-family dwellings are allowable as a principal use in accordance with applicable Coastal Zone Land Use Ordinance standards for multi-family development, except as follows:
  - (i) **Chapter 23.08, Coastal Zone Land Use Ordinance.** The standards for residential uses in Office and Professional and Commercial categories shall not apply.
  - (ii) **Density.** Maximum density shall be 15 dwelling units per acre.
  - (iii) **Side and Rear Setbacks.** Where the side or rear yard of residential development is adjacent to a non-residential land use category, the minimum setback shall be as specified in Chapter 23.04 of the Coastal Zone Land Use Ordinance for side and rear setbacks, as applicable, in Commercial and Industrial categories adjacent to a residential category/residential use.

**j. Baywood Design Guidelines**

*New development should apply the following design principles. An example of how these principles might be applied is illustrated in the Baywood Commercial Area Design Concept shown in Appendix B, Figure B-2.*

- Design streets, streetscapes, landscaping, parking lots, and buildings to encourage pedestrian use and activities and bicycle travel.*
- Provide building facades or public spaces that occupy most or all of the site frontage, except where infeasible due to sensitive vegetation or other physical or environmental constraints.*
- Landscape all pedestrian spaces, which should be inter-connected by a network of walkways and plazas. Encourage shared parking among businesses.*
- Encourage the use of modifications to the parking standards in the Coastal Zone Land Use Ordinance to allow, where appropriate, the use of on-street parking spaces to help satisfy requirements for the number of on-site parking spaces.*
- Provide convenient connections between parking areas and businesses through pedestrian-oriented and scaled spaces. Fences and other barriers between non-residential development should be avoided, especially on 2nd Street.*
- Design new development to emphasize the importance of public spaces.*

**B. Commercial Service (CS)**

The following standards apply only to land within the Commercial Service land use category.

**1. Height.** Maximum building height shall be 350 feet.

**1.2.2. Compatibility.** All commercial development subject to discretionary approval shall incorporate measures to assure compatibility with nearby residences (including on-site caretaker units), with regard to impacts associated with, but not limited to, noise, vibration, odor, light, glare, hazardous materials, truck traffic, exhaust, unsightliness, or hours of operation. Land use permit applications shall include a description of activities that may be incompatible with residential neighbors and measures to avoid or mitigate those incompatibilities. This may require the applicant to submit special studies, such as a noise study, to address the issue(s). The size, scale, and design of such facilities must be consistent with the existing small-town character of Los Osos and compatible with adjacent residential and retail development. Land use compatibility shall be based on Planning Commission review of a commercial project's impacts to nearby

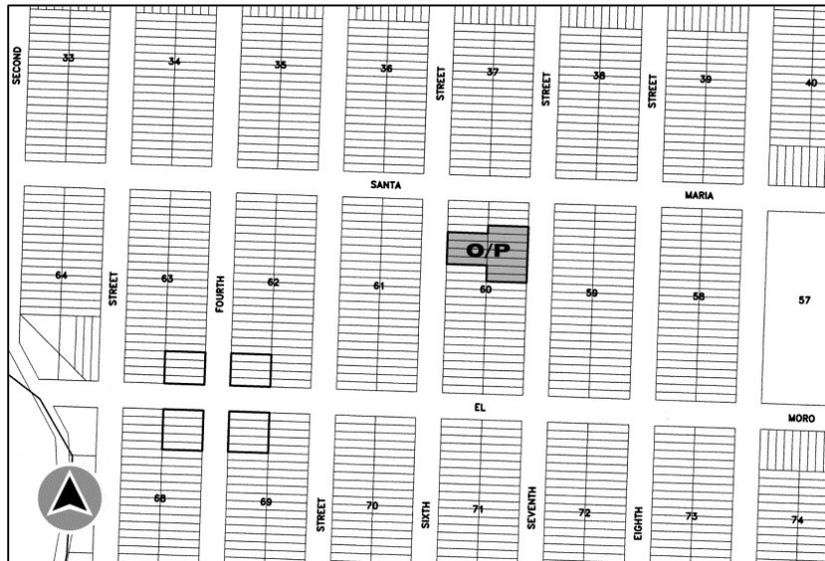
[residences related to noise, lighting, air quality, and traffic, based on technical studies associated with such projects, as determined to be appropriate by the Department of Planning and Building.](#)

### C. Office and Professional (OP)

The following standards apply only to lands within the Office and Professional land use category in the specified areas.

1. **Central Business District, Parking (See Figure 7-139).** The number of on-site parking spaces provided shall be no more than that required by Chapter 23.04 of the Coastal Land Use Ordinance. Community parking areas within a 1/4-mile radius and on-street parking within the same block may be used to satisfy parking requirements.
2. **Height, Central Business District.** Maximum building height in the central business district shall be ~~30~~35 feet.
3. **West Side of 7th Street Between El Moro and Santa Maria Avenues.** The following standards apply only to the property shown in Figure 7-~~13~~17.
  - a. **Limitation on Use.** Uses identified in Coastal Table O, Part I of the Land Use Element/Local Coastal Plan as "A", "S" or "P" uses are limited to: churches, schools - pre to secondary, caretaker residence, residential care, membership organization facilities, and residential accessory uses.
  - b. **Site Design Criteria.** All new development shall resemble the size, character and scale of the surrounding residences, and shall provide landscaping between the new development and the frontage of the nearest public road. Pedestrian sidewalk(s) shall be provided between new development and the nearest public road. All outdoor lighting, play areas, and new parking spaces shall be located away from the adjacent residential property lines or shall be separated by a minimum 10-foot wide landscaping screen.
4. [Existing single-family residences. Residential uses existing prior to adoption of the Los Osos Community Plan and located on properties may continue and be expanded or remodeled as a primary use without the limitations imposed by Section 23.09.026 Nonconforming Uses of Land and without being required to include commercial development.](#)

Figure 7-1317: O/P Category on West Side of 7th Street  
Between El Moro and Santa Maria Avenues



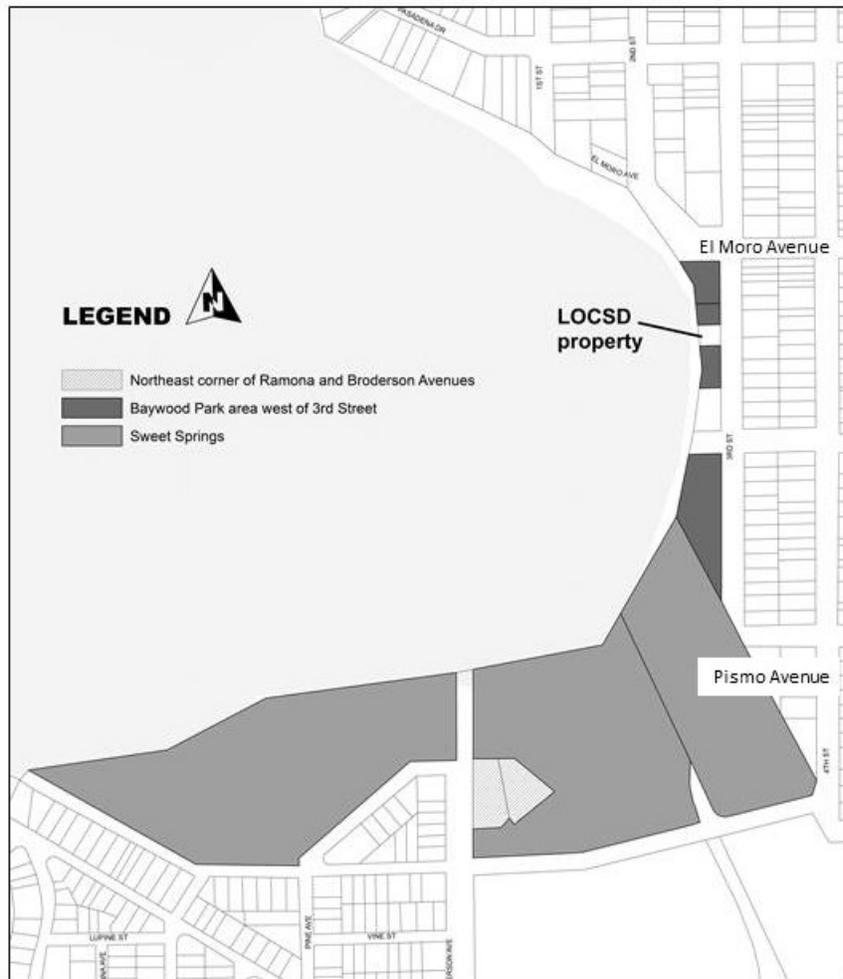
#### D. Open Space (OS)

The following standard applies only to lands within the Open Space land use category in the specified area.

[Designation of properties in the Open Space land use category does not in and of itself convey or imply any right of public use, access, trespass or violation of privacy. The same is true when the LUE/LCP identifies a need for open space preservation through easement, contract or other instrument.]

1. **Sweet Springs Preserve, Limitation on Use.** Allowable uses in the Sweet Springs area as shown in Figure 7-1418 are limited to coastal accessways and passive recreation.

Figure 7-1418: Sweet Springs Area and Baywood Park Area West of 3rd Street



#### E. Public Facilities (PF)

The following standards apply only to lands within the Public Facilities land use category in the specified areas.

1. **Broderson Site, Limitation on Use.** Allowable uses shall be limited to passive recreation and public utility facilities on the approximately 40-acre area south of Highland Drive and west of an extension of Broderson Avenue, as shown in Figure 7-195.

**Figure 7-1519: Broderson Site**



**2. Limitation on Site Disturbance, LOCS D Property.**

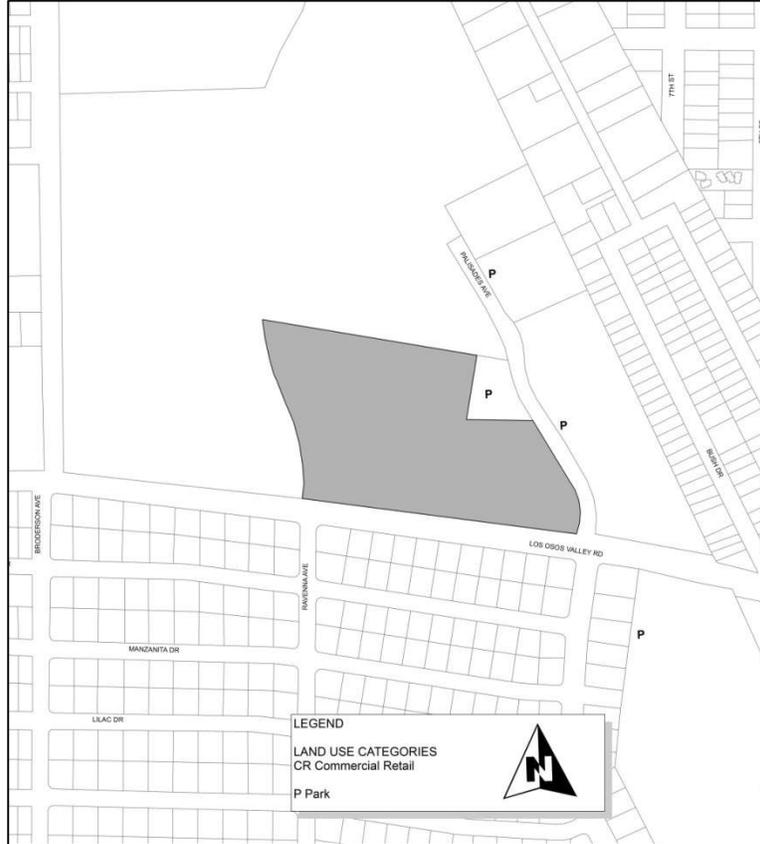
- a. New development on the Los Osos Community Services District property in the Baywood Park Area West of 3rd Street, as shown in Figure 7-184, shall be limited to the area of disturbance of the existing well site.
- b. **Development Limitations.** Development shall follow appropriate setback and building standards to avoid future coastal hazards for the life of the proposed development without the use of shoreline protective devices.

**F. Recreation, Public Facilities (REC, PF)**

The following standards apply only to lands within the Public Facilities and Recreation land use categories in the specified area. The following standards apply to the County-owned site, as shown in Figure 7-20.

1. **Limitation on Use.** Allowable uses shall be limited to passive recreation, pipelines and transmission lines, and pump or lift stations consistent with the approved communitywide sewer project. The following additional uses shall be allowed only in the event that the CDP for the communitywide sewer (CDP A-3-SLO-09-055/069) is amended to replace sensitive habitat offsite and allow additional uses: outdoor sports and recreation, public assembly and entertainment, temporary events, water wells and impoundments, outdoor retail sales, offices.
2. **Lighting and Nighttime Use.** Future park and community facilities at this location must include appropriately scaled lighting that does not adversely affect nearby residents. The site shall be primarily for daytime use.

**Figure 7-20: Midtown Site (Los Osos Valley Road at Palisades Avenue)**



**F.G. Recreation (REC)**

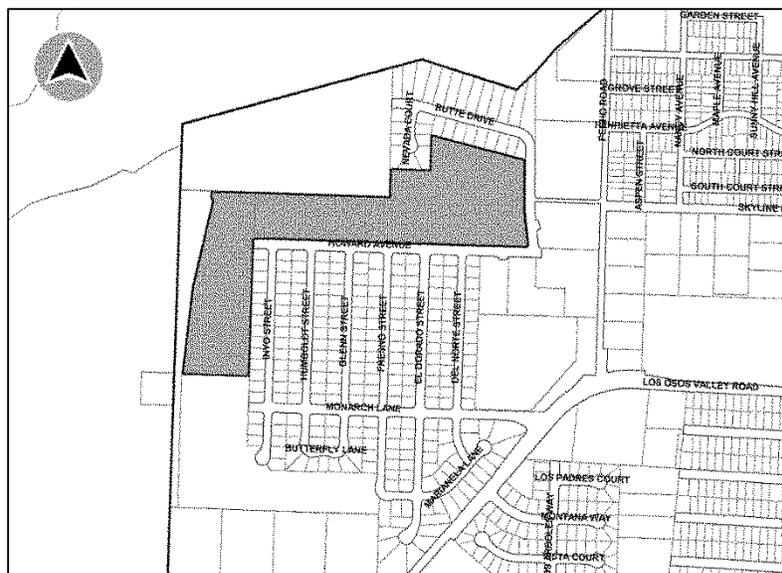
The following standards apply only to lands within the Recreation land use category in the specified areas.

Designation of properties in the Recreation land use category does not in and of itself convey or imply any right of public use, access, trespass or violation of privacy. The same is true when the LUE/LCP identifies a need for open space preservation through easement, contract or other instrument.

1. **Cuesta Inlet.** The following standard applies within the Cuesta Inlet area (visitor-serving priority area) as shown in Figure 7-46.
  - a. **Limitation on Use.** Allowable uses shall be limited to passive recreation (including a boat launching ramp and parking areas), one single-family dwelling or one mobilehome.
  - b. **Density.** The maximum development potential shall be one dwelling unit. Development shall be concentrated or clustered in accordance with Section 7.3.E.

- c. **Public Access.** Maximum public access shall be provided to the shoreline in this visitor-serving priority area, consistent with the intent of the Circulation Element maps (see Chapter 5) and protection of sensitive habitat.
  - d. **Application Content.** All applications for development shall document the location of state tidelands in relation to this site and resolve any questions about ownership of this property.
2. **Baywood Park Area West of 3<sup>rd</sup> Street.** The following standards apply to the bayfront area between Pismo and El Morro Avenues (see Figure 7-1418).
- a. **Limitation on of Use - West of 3<sup>rd</sup> Street.** For the bayfront area between Pismo and El Morro Avenues, allowable uses are limited to one single family dwelling per legal parcel, residential accessory structures, home occupations, animal raising and keeping, coastal accessways, and passive recreation (hiking and nature trails and nature study).
  - b. **Land Divisions Prohibited.** No further land divisions are allowed due to environmentally sensitive habitats and lack of appropriate building sites on these bayfront properties.
  - c. **Development Limitations.** Development shall follow appropriate setback and building standards to avoid future coastal hazards for the life of the proposed development without the use of shoreline protective devices.
3. **Golf Course North of Howard Avenue, Limitation on Use.** Allowable uses on the existing golf course north of Howard Avenue in the northern portion of the West of Pecho area, as shown in Figure 7-1721, shall be limited to coastal accessways, water wells and impoundments, and the existing uses on the site: golf course with eating and drinking places (restaurant), hotels, motels, wireless telecommunications facilities, and resort type uses.

**Figure 7-1721: Golf Course North of Howard Avenue**



4. ~~Portion of Tract 1646 West of Pecho Road.~~ The following standards apply to the approximately 2.7-acre area located at the southwest corner of Pecho Road and Skyline Drive, as shown in Figure 7-18:

- a. ~~Limitation on Use.~~ Allowable uses are limited to those that are allowable only in both the Residential Single Family and Recreation land use categories per Table O, Coastal Framework for Planning. Bed and breakfast facilities, hotels, and motels are also allowable.

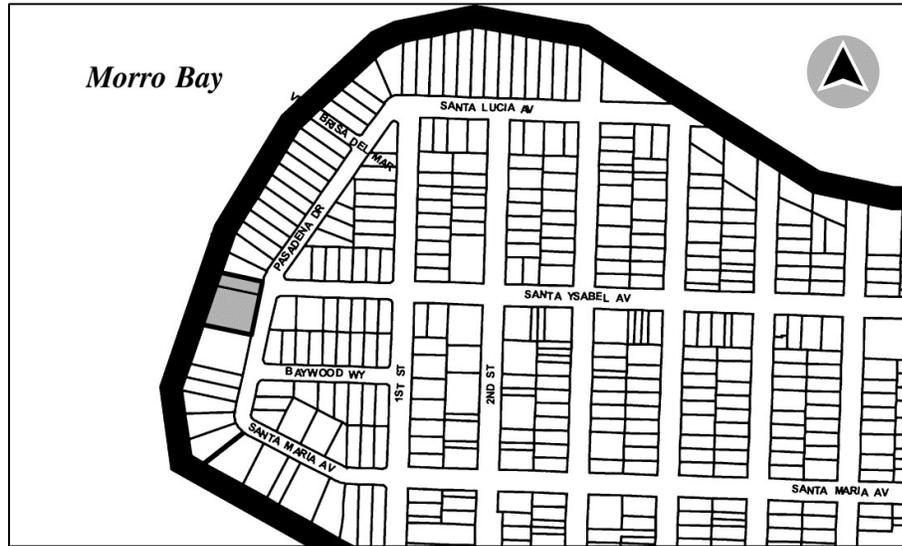
~~Lodging Design and Height Limitation.~~ All buildings shall be residential in scale and shall have a maximum height of 28 feet.

Figure 7-18: 2.7-Acre Area at Southwest Corner of Pecho Road and Skyline Drive



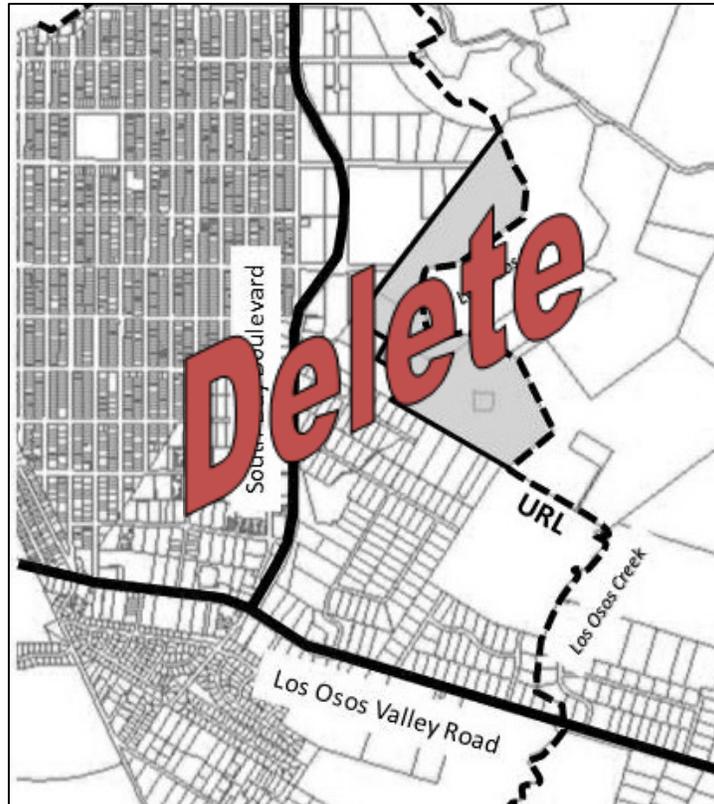
- 4. **Santa Ysabel Avenue Coastal Access, Limitation on Use.** Allowable uses on the County-managed coastal access at the westerly terminus of Santa Ysabel Avenue, west of Pasadena Drive, as shown in Figure 7-1922, are limited to coastal accessways and passive recreation.

Figure 7-2219: Santa Ysabel Avenue Coastal Access



**G.H.** Residential Rural (RR) – Creekside Area. The following standards apply only to lands within the Residential Rural land use category in the Creekside Area as shown in Figure 7-2023.

Figure 7-20: RR – Creekside Area



- a. **Clustered Development.** Minimize site disturbance and concentrate or cluster development in accordance with Section 7.3.E. This is intended to protect riparian and wetland habitat; rare, endangered or threatened species--such as the Morro Bay Kangaroo Rat and the Morro Shoulderband snail--and their habitat; the Morro Bay estuary; and other sensitive features described in Section 7.3.E.
- b. **Setbacks.** New development shall be set back at least 100 feet from the following sensitive features: wetland vegetation, the upland extent of riparian vegetation, and areas of habitat that support rare, endangered or threatened species.
- c. ~~Secondary dwellings. Secondary dwellings shall only be allowed on sites over ten acres in size.~~

**Figure 7-23: RR - Creekside Area**



#### **H.I. Residential Multi-Family (RMF)**

The following standards apply only to lands within the Residential Multi-Family land use category.

## 1. Residential Density--New Projects

- a. **Maximum Density.** Except for senior citizen housing (see Subection I.3.) maximum density shall be 15 dwelling units per acre on properties less than one acre and 26 dwelling units per acre on properties of one acre or more.
- b. **Minimum Density.** In all Residential Multi-Family categories, except in the Morro Shores Mixed Use Area as shown in Figure 7-264 and the West of Pecho area as shown in Figure 7-247, if physically feasible and if environmental impacts can be mitigated, the *minimum* overall density on parcels of 10,000 square feet and larger shall be 10 dwelling units per acre. Refer to the standards for the Morro Shores Mixed Use Area (Section J) for minimum densities in that area.

**2. Height Limitation.** Maximum height shall be 28 feet, except for bayfront areas (see Figures 7-5).

**2.3. Senior Citizen Housing.** Senior citizen housing defined: a project that consists of either a) residential development that is specifically designed to meet the physical and social needs of persons aged 62 and over, or b) residential development consisting of at least 35 dwellings specifically designed to meet the physical and social needs of persons aged 55 and over. Senior citizen housing may include accommodations for independent living and/or assisted living. Senior citizen developments are subject to the following:

- a. **Residential Density.** Within a ½ mile distance of the Central Business District, as shown in Figure 7-25, the maximum residential density shall be 38 dwelling units per acre.

Figure 7-247: RMF West of Pecho Road

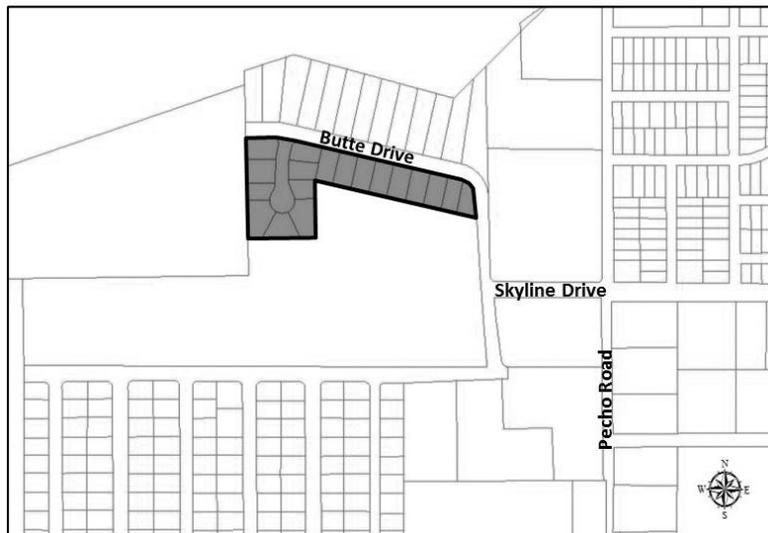
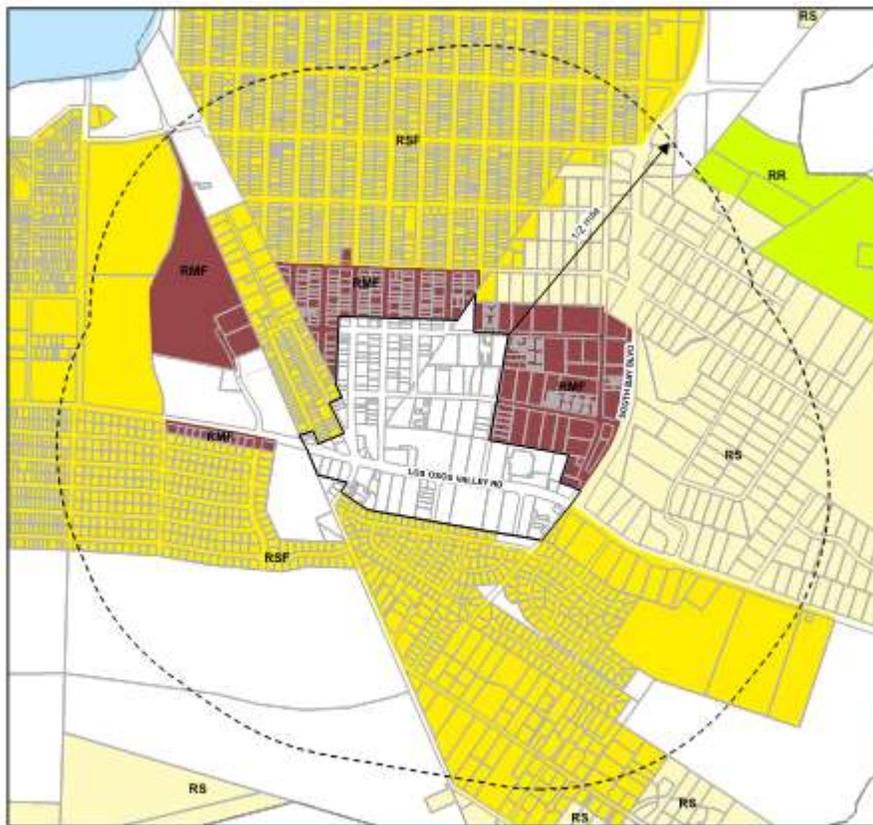
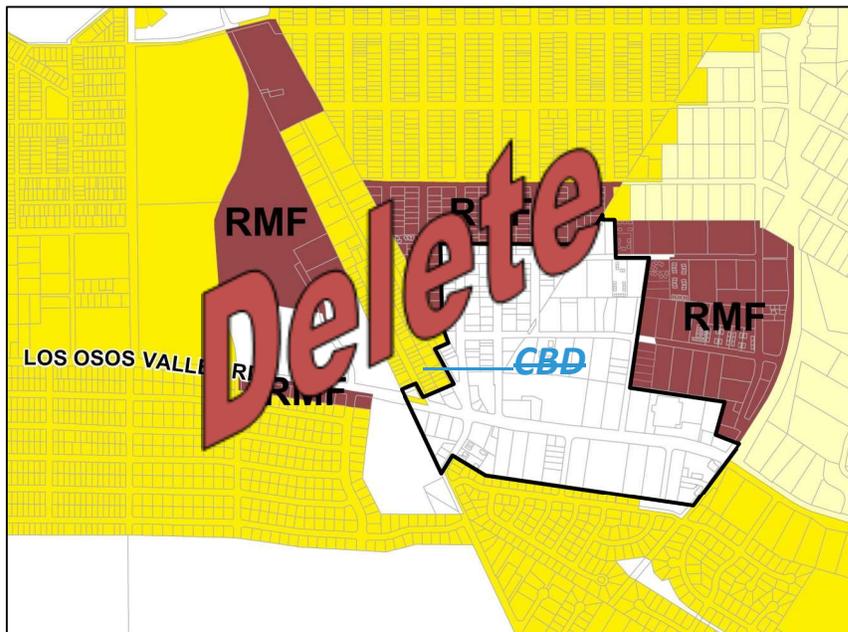


Figure 7-22: RMF within ½ Mile from CBD



- b. **Floor and Open Area.** The land use permit shall require an amount of private open space and common area for privacy, recreation, light, and air that is appropriate for the nature of the project. There is no maximum floor area limitation; however,

in no case shall the minimum open area fall below 40 percent of the site area, as defined in Chapter 23.04 of the Coastal Zone Land Use Ordinance.

- c. **Parking, Design.** Parking and design shall comply with the standards for senior citizen housing listed in the Commercial Retail land use category for the central business district – Section 7.5.A.4.b(vi)(b).

1. Northwest Corner of Mountain View Drive and Santa Ynez Avenue, Residential Development. On the approximately three-acre parcel located at the northwest corner of Mountain View Drive and Santa Ynez Avenue, as shown in Figure 7-23, a maximum of one dwelling unit is allowable in accordance with an existing deed restriction that limits residential development.

**Figure 7-23: Northwest Corner of Mountain View Drive and Santa Ynez Avenue**  
**Figure 7-25: RMF within ½ Mile from CBD**



**1.J. Morro Shores Mixed Use Area RMF, RSF, CS.**

The following standards apply to the Morro Shores Mixed-Use Area in the RMF, RSF, CS categories (see Figure 7-2426).

Figure 7-2426: Morro Shores Mixed Use





1. **Height.** The maximum building height for residential, ~~transient lodgings~~, and accessory uses shall be 28 feet.
2. **Habitat corridor.** Development shall provide a permanently protected habitat corridor that extends from the southern part of the site to Ramona Ave. This corridor shall be designed so that future circulation connections can be made to Los Osos Valley Road and through Area 1 (see Figure 7-2426) to Broderson Ave.
3. **Circulation connections.** Development shall provide public vehicular, bicycle, pedestrian, and equestrian links to adjacent neighborhoods, commercial areas, schools, parks, the bay, and the community center.

#### 4. Medium to High Density Residential.

- a. **Development Potential.** A maximum of 200 (250 with a senior citizen housing bonus) dwelling units are allowable within Area 42 (see Figure 7-2426) if physically feasible and if environmental impacts can be mitigated.
- b. **Housing Types.** A variety of housing types are encouraged: single family, multi-family, attached, detached, or zero lot-line units. Creative lot designs are also encouraged, such as "Z" lots, courtyard lots, and others.
- c. **Densities.** If physically feasible and if environmental impacts can be mitigated, the *minimum* density shall be 10 dwelling units per acre within the development area. The maximum density within the development area shall be 26 dwelling units per acre.
- d. **Senior Citizen Housing.**
  - (i) **Incentive.** Senior citizen housing as defined Subsection H is encouraged, but not required. If at least 100 senior housing units are provided, a bonus of 50 additional residential units with a density of at least 10 dwelling units per acre (up to a maximum total of 250 units) shall be granted if physically feasible and if environmental impacts can be mitigated.
  - (ii) **Density.** The maximum density of senior citizen housing shall be 38 dwelling units per acre within the development area.
  - (iii) **Other Development Standards.** Development shall comply with the floor and open area, parking, and design standards for senior citizen housing in the Residential Multi-Family land use category listed in Subsection I.

#### 5. Multi-Use Business/ Commerce Park standards: A multi-use business park that is characterized by high quality architecture and design is encouraged. The business park shall not occupy more than 51.5 acres, and shall be planned as an integrated, multi-use, employment-generating business park that complies with the following criteria. The Business Park is allowable in Areas 1 and 42, as shown in Figure 7-2426.

- a. **Permit Requirement.** A Development Plan shall be required to establish business/commerce park uses.
- b. **Character.** The multi-use business park shall have landscaped open spaces in a campus-like character that provides an attractive environment and respects the natural environment. It shall be compatible with surrounding neighborhoods and the community.
- c. **Encouraged Uses and Features.** The following uses and features are encouraged:
  - "Business incubators" (an organization of various services that helps young businesses get started until they can survive on their own)
  - Employee amenities such as child day care, fitness center
  - Industry clusters and businesses (as allowed in the CS land use category):
    - Agricultural services, and food processing
    - Technology industries

- Telecommunications
  - Development services (contractors, engineering, finance, real estate)
  - Manufacturing of medical instruments and supplies
  - Offices
  - Supporting warehousing and distribution
  - Supporting retail, service and recreational uses
- d. **Location of Operations.** Manufacturing and assembly operations shall occur entirely within enclosed buildings.
- e. **Work Bays.** Work bays shall be oriented away from residential categories, and unless screened, away from collector and arterial streets.
- f. **Circulation.** The business park shall include a system of pedestrian/bicycle paths that connect to parking areas, buildings, open space, recreation area(s), transit, and where feasible, adjacent neighborhoods and public facilities.
- g. **Drainage.** Where feasible, drainage shall be conveyed in above-ground, naturalized channels and basins that serve as attractive, open space/recreational features.
- h. **Open space.** Open space and recreation area(s) shall be provided for use by employees. Public use of open space is encouraged.
- i. **Parking Lot Design.** Large parking lots should be avoided by providing smaller lots separated by landscaping or structures.
- j. **Height.** Maximum building height shall be 30 feet.
- k. **Other Criteria.** Criteria shall be developed that address the following:
- (i) Lot sizes and dimensions.
  - (ii) Location design, and screening of service areas and truck loading and unloading areas, especially adjacent to residential categories; hours when truck loading and unloading is permitted.
  - (iii) Setbacks/buffers from residential categories and streets.
  - (iv) Building heights that are compatible with the community.
  - (v) Screening of: outdoor storage; waste disposal; and mechanical, electrical and other equipment.
  - (vi) High quality building design and flexible designs conducive to a variety of tenants.
  - (vii) Minimum and maximum parking ratios.
  - (viii) A coordinated landscaping, screening and fencing program, including a required percentage of landscaped area.
  - (ix) Outdoor lighting.

- (x) A sign program with a unifying theme.
  - (xi) Public art.
6. **Neighborhood Commercial.** Up to 3.5 acres are allowable for commercial uses intended to serve the surrounding neighborhood and employees of the adjacent business park.
7. **Future Community Services Center.** Up to 3.5 acres may be planned for a future community services center that could include a community hall, a substantially expanded library, a sheriff's substation, and medical and social services.
8. **Low Density Residential.** ~~Up to 95 low density residential parcels, including any such parcels in the western portion of Tract 1643 (see Area 1 of Figure 7-24), are allowable on up to 30.5 acres.~~
- ~~a. **Area 2: 8.8-Acre Property Fronting on Ramona Avenue (see Figure 7-24).**~~
  - ~~b.a. **Limitation on Use.** Allowable uses shall be limited to all uses allowable 1: **30.5-Acres in the Residential Multi-Family category per Coastal Table O, Part 1 western portion of the Land Use Element; Hotels, Motels; and accessory Eating and Drinking Places. site (see Figure 7-26).**~~
    - ~~(i) **Residential Development Potential.** A maximum of 70 dwelling units are allowable in Area 2. A variety of housing types are encouraged: single family, multi-family, attached, detached, or zero lot-line units. Creative lot designs are also encouraged, such as "Z" lots, courtyard lots, and others.~~
    - ~~(ii) **Compatibility.** Non-residential development shall be sited, designed, and landscaped to be compatible with surrounding residential areas. Several smaller buildings are preferred to fewer, more massive ones.~~

(i) A maximum of 95 low density residential parcels are allowable in area 1.

**c.b. Area 3: 2.5-Acre Property East of Palisades Avenue (see Figure 7-2426).**

- (i) **Limitation on Use.** Allowable uses shall be limited to all uses allowable in the Residential Multi-Family category per Coastal Table O, Part I of the Land Use Element.
- (ii) **Residential Development Potential.** A maximum of 2025 dwelling units are allowable in Area 3. A variety of housing types are encouraged: single family, multi-family, attached, detached, or zero lot-line units. Creative lot designs are also encouraged, such as "Z" lots, courtyard lots, and others.

**J.—West of South Bay Boulevard RMF, REC**

~~The following standards apply only to the area west of South Bay Boulevard, as shown in Figure 7-25:~~

~~1.—**Limitation on Use.** Allowable uses are limited to: single family dwellings, multi-family dwellings, food and beverage retail sales, and general merchandise, office, and all uses listed as "A," "S," or "P" uses in both the Residential Single-Family category and the Recreation land use category in Table O, Coastal Framework for Planning:~~

~~2.—**Residential Density.** Maximum development potential shall be equivalent to an overall residential density of 7 dwelling units per acre. In order to provide opportunities for a variety of housing types, maximum net density on portions of the site shall be 15 units per acre or for the following housing, 26 units per acre:~~

~~a.—Senior housing that complies with the standards for such housing as specified for the Commercial Retail land use category, Central Business District—Subsection A.4.b.(vi):~~

~~b.—Affordable housing projects that comply with the housing affordability standards in Section 23.04.094 of the Coastal Zone Land Use Ordinance:~~

~~3.—**Neighborhood Commercial Uses.** Neighborhood commercial uses are limited to 2.5 acres and 8,000 square feet of floor area. Neighborhood commercial uses are limited to food and beverage retail sales, general merchandise, and personal care uses:~~

~~4.—**Guidelines: Development Concept.** Development of this area is encouraged to achieve the following objectives. An example of how these objectives may be achieved is illustrated in the design concept shown in Appendix B, Figure B-3:~~

- ~~• Plan the entire site as an integrated project~~
- ~~• Promote mixed use~~
- ~~• Provide small-scale neighborhood commercial uses within walking distance of nearby neighborhoods~~
- ~~• Provide senior and affordable housing that is integrated into the overall development~~
- ~~• Provide an area for a park and recreational uses~~
- ~~• Make development attractive and compatible with the surrounding neighborhood~~
- ~~• Provide convenient pedestrian and bicycle connections throughout the project, to the surrounding neighborhood, and to the junior high school~~

- Keep development below the ridgeline at the northern end of the site
- Take advantage of solar energy and energy conservation measures

Figure 7-25: South Bay Boulevard Site

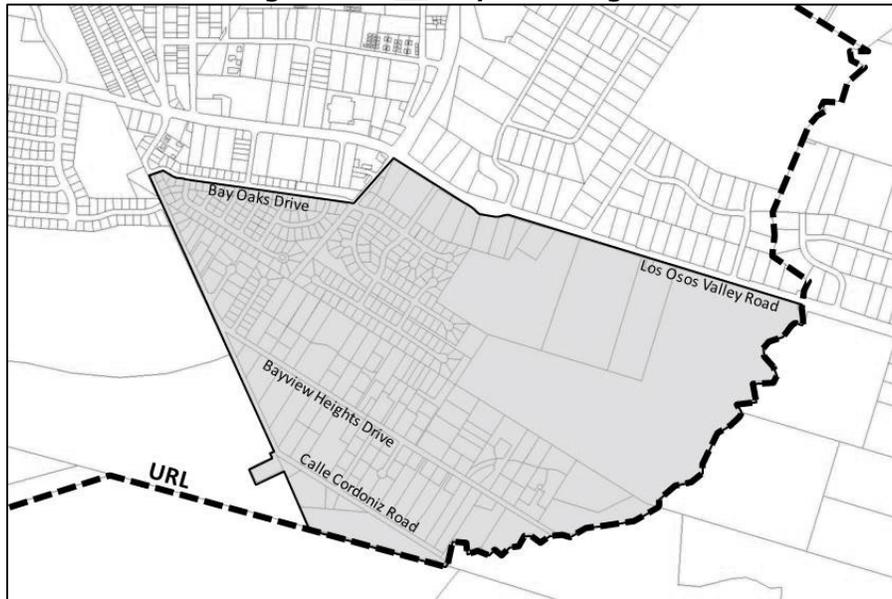


#### K. Residential Single Family (RSF)

The following standards apply only to lands within the Residential Single Family land use category in the specified areas.

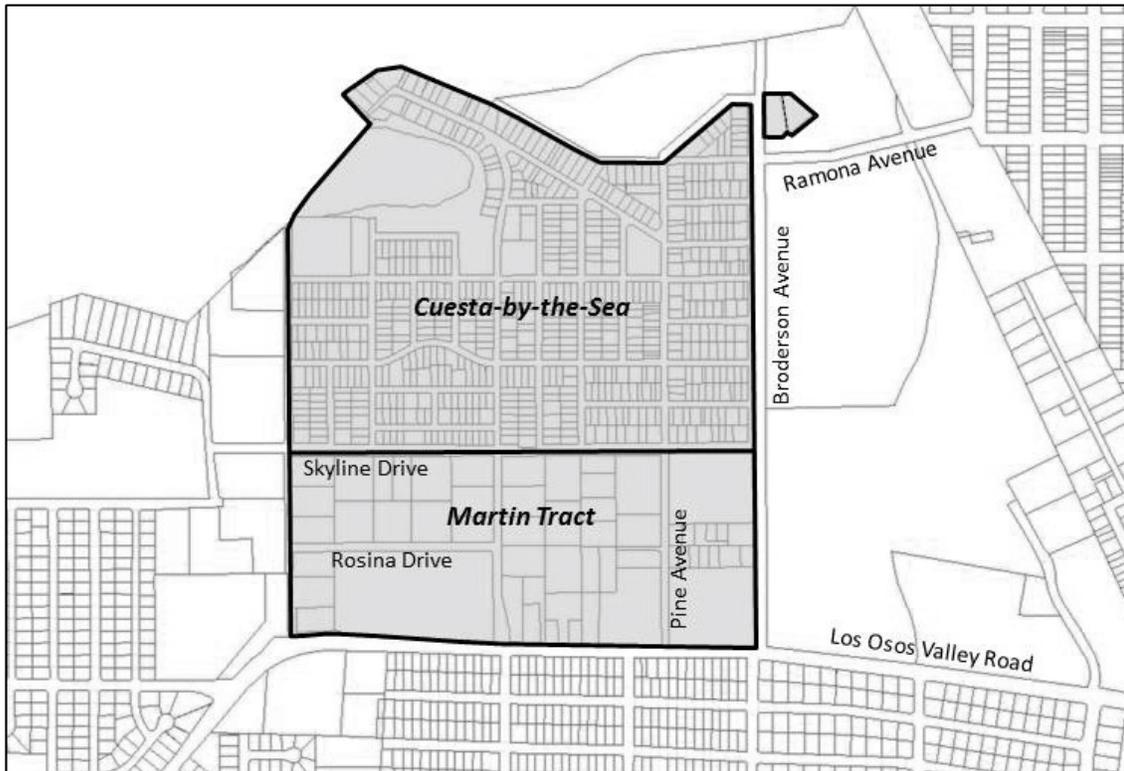
1. **Height Limitations.** Maximum height shall be 28 feet except where other applicable planning area standards establish other specific height limits (see Figures 7-35).
2. **Bayview Heights Area, New Land Divisions.** The following standards apply only to the Bayview Heights area (see Figure 7-2627).
  - a. **Parcel Size:** Minimum parcel size for new land divisions shall be one acre.
  - b. **Access - New Land Divisions.** New land divisions south of Bayview Heights Drive are to be designed to provide through-street access between Bayview Heights Drive and Calle Cordoniz Road.

Figure 7-2627: Bayview Heights



3. **Martin Tract.** The following standards apply only to the Martin Tract as shown in Figure 7-2728.
  - a. **Land Divisions.** The minimum parcel size for new land divisions is one acre, except that the number of parcels for new land divisions on ~~the parcels at the northeast corner of Pine Avenue and Los Osos Valley Road~~ connected to the Los osos Recycling Facility shall be one per ~~106~~,000 square feet (gross site area).
  - b. **Access - Los Osos Valley Road.** Where alternative access is available, lots fronting on Los Osos Valley Road shall not use Los Osos Valley Road for access.
  - c. **Access - New Lots Adjacent to Rosina Drive.** Proposed land divisions south of Rosina Drive are to be designed to have cul-de-sac access from Rosina Drive.
4. **Cuesta-by-the-Sea.** The following standards apply only to Cuesta-by-the-Sea as shown in Figure 7-2728.
  - a. **Setbacks.** Minimum setbacks for new construction are as follows, except that new construction proposed on bayfront properties is to be set back from the Morro Bay wetlands according to wetland setback requirements in Section 7.4.A.2. Front: 15 feet, Side: 3 feet, Corner side: 10 feet, Rear: 10 feet.

Figure 7-2728: Cuesta-by-the-Sea, Martin Tract, Ramona/Broderson Avenues



5. **Sweet Springs Area Northeast Corner of Ramona and Broderson Avenues.** The following standards apply to the two residential parcels near the northeast corner of Ramona and Broderson Avenues in the Sweet Springs Area (see Figure 7-2728).
  - a. **Minimum Site Area.** The minimum site area is 20,000 square feet. The existing parcels shall not be further subdivided.
  - b. **Density.** Each parcel may be developed with a maximum of one dwelling unit (no secondary dwellings permitted).
  - c. **Tree Protection.** Retain trees to the maximum extent feasible.
  - d. **Storm Water.** Surface water/storm drainage shall be maintained on-site or directed in such a manner to protect the marsh and wetlands habitat.
  - e. **Development Limitations.** Development shall follow appropriate setback and building standards to avoid coastal hazards for the life of the proposed development without the use of shoreline protective devices.
6. **Baywood Park Area.** The following standards apply to the Baywood Park area (see Figure 7-2829).
  - a. **Lot Coverage.** Maximum lot coverage on a single 25-foot lot shall be 60 percent. On lots of 6,000 square feet or more, maximum lot coverage shall be 40 percent, excluding patios, driveway, walks, etc.

- b. **Tract 40 (Small-Scale Neighborhood).** In Tract 40, as shown in Figure 7-2829, street lights shall not be installed and shall not be required with new development.

Figure 7-2829: Baywood Park Area



7. **Southwestern Hillside - Cabrillo Estates.** The following standards apply only to Cabrillo Estates (see Figure 7-2930).

**Figure 7-2930: Cabrillo Estates**



- a. **Land Divisions.** The minimum parcel size for new land divisions shall be 20,000 square feet, unless a larger parcel size is otherwise required by Section 23.04.028 of the Coastal Zone Land Use Ordinance.
- b. **Architectural Control Committee.** Prior to issuance of building permits the applicant shall provide the Department of Planning and Building certification that the Architectural Control Committee (ACC) for Cabrillo Estates has reviewed pertinent plans. The ACC shall have thirty (30) days to make a recommendation. The review authority is not bound by any decision of the committee, and may grant permits and approvals under these provisions.
- c. **Limitation on Use.** Uses shall be limited to: single family dwellings, mobilehomes, residential accessory uses, temporary dwellings, home occupations, schools-preschool to secondary (limited to day care centers), and water wells and impoundments.
- d. **Setbacks.** Minimum setbacks are as shown in Table 7-2.

- e. **Height Limitation.** The maximum height of all structures shall be 15 feet above the highest point of the lot as measured from the highest point of the roof, not to exceed 28 feet at all points as measured continuously through the building footprint from existing grade (prior to the proposed development) to the highest point of the roof.

<b>Table 7-2: Minimum Setbacks – Cabrillo Estates</b>		
<b>Setback Location</b>	<b>Setbacks for Dwellings</b>	<b>Setbacks for Detached Accessory Structures</b>
<b>Front</b>	25 feet	25 feet
<b>Rear</b>	20 feet	8 feet
<b>Side</b>	5 feet	3 feet
<b>Corner Side</b>	10 feet	10 feet

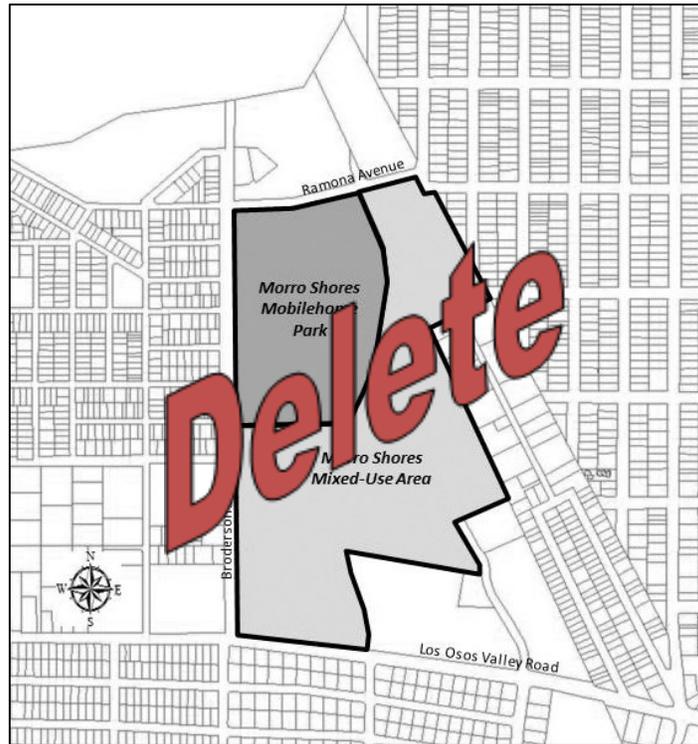
- 8. **Morro Shores (see Figure 7-3031), Expansion of Mobilehome Park.** Expansion of existing mobilehome park development shall incorporate conditions so that roofing

materials (non-glare) reduce visibility from upland areas and landscaping screens structures.

**Figure 7-31: Morro Shores Area**



Figure 7-3031: Morro Shores Area



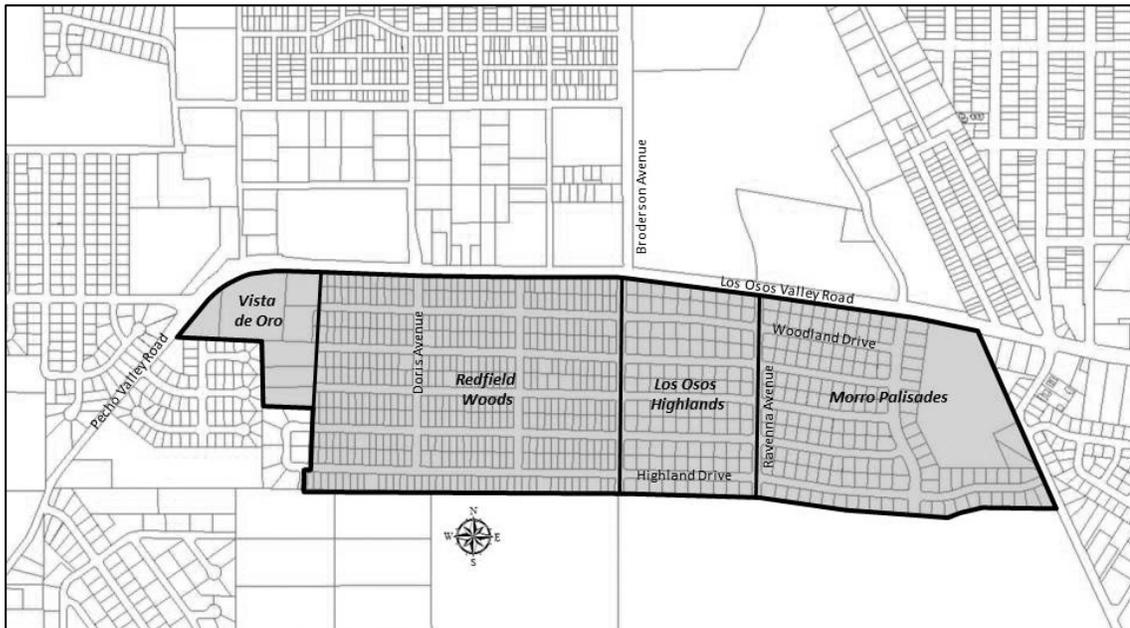
9. **Morro Shores Mixed-Use Area (RMF, RSF, CS)** (see Figure 7-3031). The standards for this area are listed in Subsection J.

10. **Redfield Woods, Los Osos Highlands (Tract 84) and Morro Palisades (Tract 122) Areas (Figure 7-3132).** Minimum setbacks for new structures are as shown in Table 7-3.

Table 7-3: Minimum Setbacks – Redwood Fields, Los Osos Highlands (Tract 84), Morro Palisades (Tract 122)				
	Front	Rear	Side	Corner Side
<b>Tract No. 84</b>	20 feet	10 feet	10 feet	15 feet
<b>Tract No. 122</b>	20 feet	10 feet	5 feet	15 feet
<b>Redfield Woods</b>	20 feet	5 feet	5 feet	5 feet

11. **Land Divisions, Vista de Oro Area.** For the Vista de Oro area shown in Figure 7-3132, the minimum parcel size for new land divisions shall be one acre.

**Figure 7-3132: Highlands Neighborhoods**



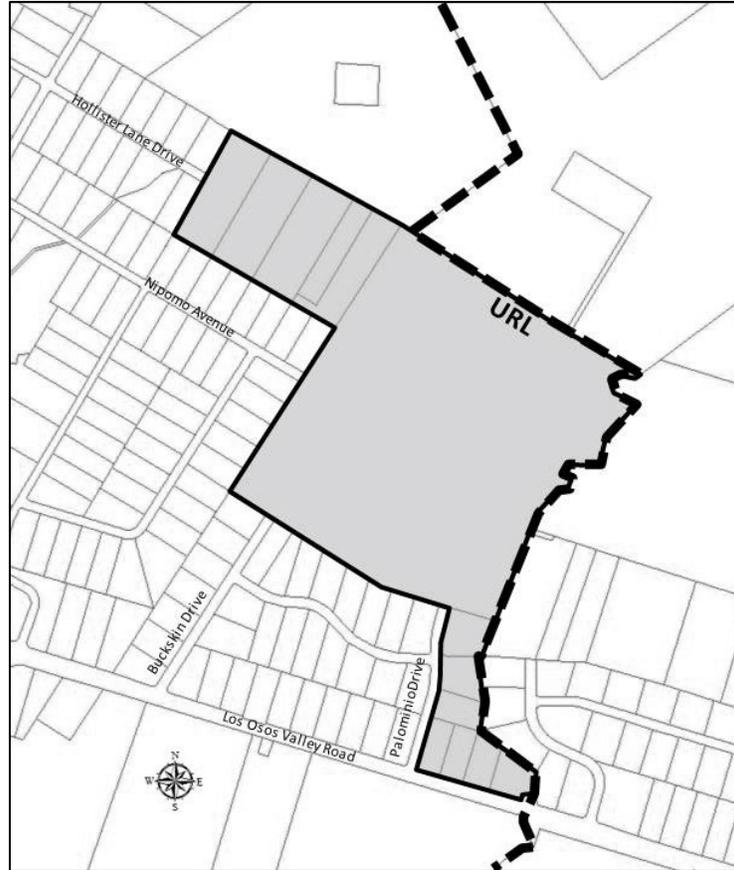
**L. Residential Suburban (RS)**

The following standards apply only to lands within the Residential Suburban land use category in the specified areas.

1. **Land Divisions.** The maximum number of parcels shall be one per five acres of gross site area.

2. **Los Osos Creek/Eto Lake Corridor.** The following standards apply to all parcels adjacent to Eto Lake and Los Osos Creek and its riparian vegetation, as shown in Figure 7-3233.

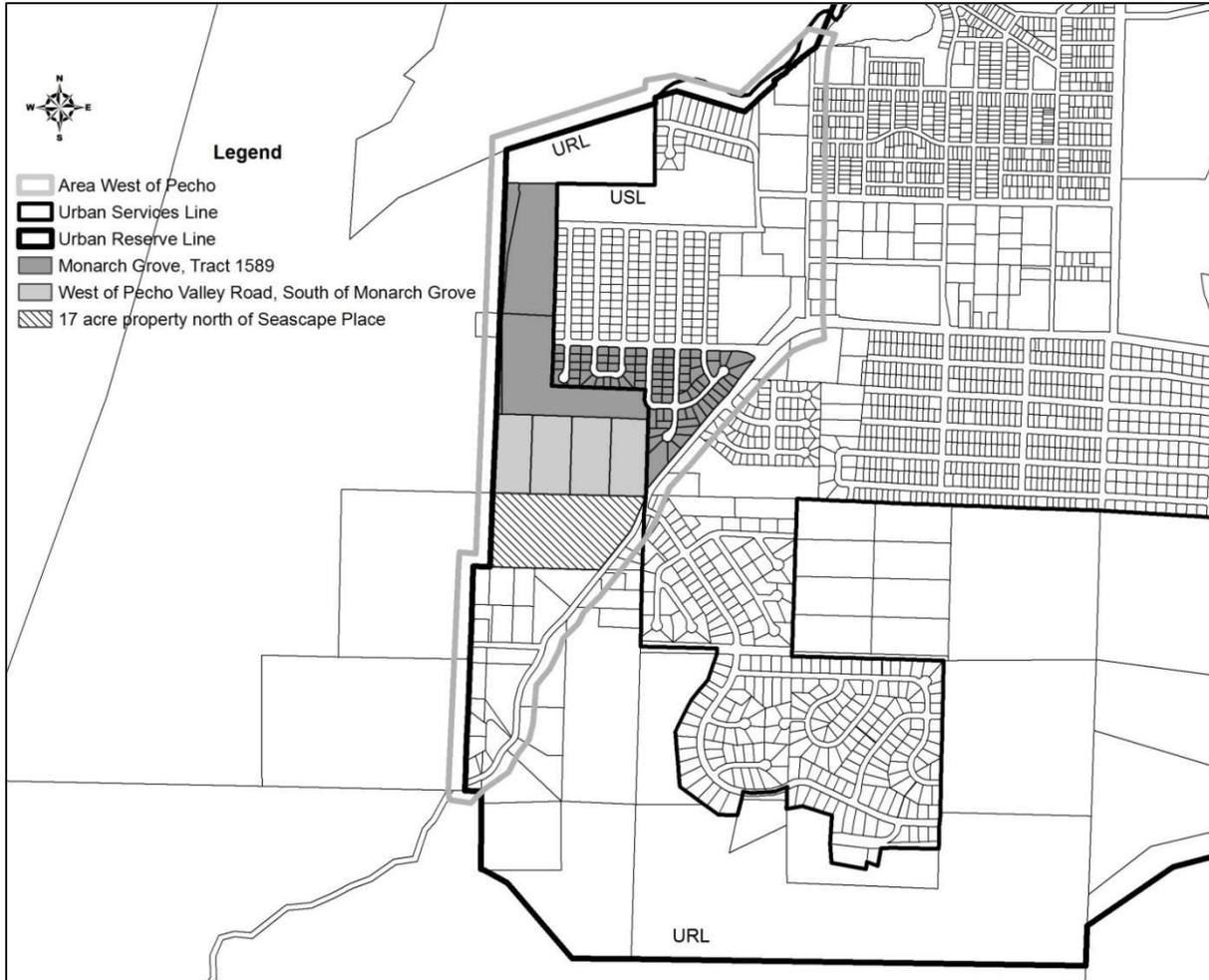
Figure 7-3233: RS – Los Osos Creek/Eto Lake Corridor



- a. **Clustered Development.** Minimize site disturbance and concentrate or cluster development in accordance with Section 7.3.E.
- b. **Setbacks.**
- (i) **All Areas Except Existing Parcels Adjacent to Palomino Drive.** New development shall be set back at least 100 feet from the following sensitive features: wetland vegetation, the upland extent of riparian vegetation, and significant areas of habitat that support rare, endangered or threatened species as defined in the Resource Protection standards in Section E of the Communitywide Standards.
  - (ii) **Existing Parcels Adjacent to Palomino Drive.** New development shall be set back at least 50 feet from the sensitive features described above in Subsection a (i).
  - (iii) **Adjustments.** The preceding setbacks may be adjusted as follows:

- (a) **Riparian and Wetland Setbacks.** As provided in Chapter 23.07 of the Coastal Zone Land Use Ordinance.
  - (b) **Setback from Habitat that Supports Rare, Endangered or Threatened Species.** As provided in Chapter 23.05 of the Coastal Zone Land Use Ordinance in the standards for grading adjacent to Environmentally Sensitive Habitats.
- 3. **West of Pecho Area.** The following standards apply to the areas shown in Figure 7-~~3334~~ that are in the Residential Suburban land use category.
  - a. **Access – Pecho Valley Road.** Where alternative access is available, lots fronting on Pecho Valley Road shall not use Pecho Valley Road for access.
  - b. **West of Pecho Valley Road, South of Monarch Grove.**
    - (i) **Building Height.** Maximum building height shall be 22 feet.
    - (ii) **Limitation on Use.** This standard applies only to the area west of Pecho Valley Road and south of Monarch Grove (Tract 1589), not including the 17-acre property north of Seascape Place (see subsequent standards for that area). All special uses (identified as "S" uses in Coastal Table O, Part I of the Land Use Element) are prohibited except for: animal raising and keeping, home occupations, mobilehomes, residential accessory uses, ~~secondary dwellings~~accessory dwelling units, temporary dwellings, pipelines and transmission lines, coastal accessways, water wells and impoundments, and public utility facilities.
  - c. **17-acre Property North of Seascape Place.**
    - (i) **Limitation on Use.** This standard applies to the 17-acre property fronting on Pecho Valley Road as shown in Figure 7-~~3334~~. Allowable uses are limited to single family dwellings, coastal accessways, residential accessory uses, home occupations, mobilehome, and water wells and impoundments.

Figure 7-34: West of Pecho Area



4. **Southwestern Hillside.** The following standards apply to the Southwestern Hillside as shown in Figure 7-3435 in the subareas specified.

Figure 7-34: Southwestern Hillside: Subareas



- (i) **Building Design, All Areas.** In the entire Southwestern Hillside as shown in Figure 7-3435, all buildings shall have 1) low profiles that architecturally follow and adapt to the natural slope and 2) subdued colors that blend with the natural environment.
- (ii) **Access, East of Pecho Valley Road.** This standard applies only to parcels that front on the east side of Pecho Valley Road within Subarea C, as shown in Figure 7-3435. Where alternative access is available, lots fronting on Pecho Valley Road shall not use Pecho Valley Road for access.

Figure 7-35: Southwestern Hillside: Subareas



- (iii) **Land Divisions, Cabrillo Estates (Subarea A).** New land divisions shall require a road to be offered for dedication and improved to the western property line to enable access to the adjacent property to the west in Subarea B, as shown in Figure 7-3435.
- (iv) **Clustered Development Subarea B.** At least 60 percent of the site shall be permanently protected as open space for habitat.