EXHIBIT NO. 7
APPLICATION NO.
CRC-MAJ-1-03 (LCP UPDATE)
COMPARISON OF EXISTING PROPOSED AND SUGGESTED TO BE MODIFIED IP STANDARDS

Ordinance as Proposed	Ordinance as Suggested to be Modified
Chapter 12.34 **PUBLIC TREES** **Sections:** **12.34.010 Purpose.** **12.34.020 Definitions.** **12.34.030 Landmark trees.** **12.34.040 Other City trees and landscaping**	[No modifications suggested.]
12.34.010 Purpose The purpose of this chapter is to provide for and protect those trees within the city limits which are located on public lands and identified by the City Council as public trees. The City of Crescent City contains species of trees of great beauty and of historic or cultural significance to the community which are located on public lands. Additionally, the City has chosen to place additional trees on public lands for the benefit of all residents and visitors and promotion of the community in genera. It is in the public interest and for the public welfare that the City establishes a program which provides for the designation and preservation of public trees in order to maintain the heritage and character of the City of Crescent City as well as preserve the beauty of the community. In doing so it is also the intent of the City to provide for and protect public facilities which also serve the community which may be impacted by such trees. (Ord. ____ (part), 200_).	[No modifications suggested.]
12.34.020 Definitions A. Street tree. is a tree placed by the City in a specially constructed tree planting well within street right of way areas, typically adjacent to the public walkway and/or street curb. B. Community memorial tree. is a tree which is planted on public land, with the permission of the public agency which is the landowner, as a community memorial to a person, persons, and/or event and which is marked at the planting site with a plaque, sign or other identification as a memorial. C. Public agency, is the City of Crescent City, County of Del Norte, any federal or state agency, or local district (such as the school district or harbor district) which owns property within the city limits. (Ord. ____ (part), 200_).	**12.34.020 Definitions** D. Street tree. is a tree placed by the City in a specially constructed tree planting well within street right of way areas, typically adjacent to the public walkway and/or street curb. E. Community memorial tree. is a tree which is planted on public land, with the permission of the public agency which is the landowner, as a community memorial to a person, persons, and/or event and which is marked at the planting site with a plaque, sign or other identification as a memorial. **Memorial plaques shall conform with the standards of Chapter 17.74 Signs.** F. Public agency, is the City of Crescent City, County of Del Norte, any federal or state agency, or local district (such as the school district or harbor district) which owns property within the city limits. (Ord. ____ (part), 200_).
12.34.030 Landmark trees A. Designation Criteria. A tree or group of trees shall be designated as a Landmark by action of the City Council based upon findings that the designated tree(s) meet the following criteria: 1. The tree is located upon land owned by a public agency, and 2. The tree is a species of such height, girth, form or beauty, either individually or as a group, as to be significant or unique in the community, or	[No modifications suggested.]

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3. The tree is of historic importance to the community, or 4. The tree has been placed and marked as a Community Memorial tree. B. Designated Species. Those trees which have been designated by the City as a species of such height, girth, form and beauty as to be significant and unique in the community include: 1. Any Monterey Cypress (Cupressus macrocarpa) tree located within the City which are owned by a public agency. C. Placement, removal or disturbance of Landmark Trees. 1. When a species of tree designated herein as a Landmark Tree is planted upon lands within the city limits owned by a public agency it shall be considered a Landmark Tree one year after its planting and be subject to the requirements of this Chapter. 2. Trees planted with the permission of the public agency landowner as a Community Memorial Tree shall be considered Landmark Trees. 3. Community Memorial Trees shall be placed upon City property only with the approval of the City Council. Those individual trees approved by the City for placement on city lands in memory of an individual without a community memorial identification shall not be considered landmark Trees unless they are of a designated species. 4. New Landmark Trees should be planted in locations so that, at maturity, their drip line does not encroach upon existing hard surface improvements such as sidewalks or parking lots. 5. Where preexisting paving, concrete or subsurface improvements are adjacent to a Landmark Tree, repair, replacement and/or upgrade of the improvements may be undertaken, however care shall be taken to preserve the tree substructure as much as feasible. 6. Where a Landmark Tree is proposed for removal by the public agency which owns it, replacement shall be provided as follows: a. When removed because it is found that the Landmark Tree is a hazard or is dying, one tree of the same species shall be planted in the same vicinity as the removed tree within 30 days of the removal. b. When removed for the purpose of establishment, expansion or maintenance of a public facility, two trees of the same species shall be planted in the same vicinity as the removed tree within 30 days of completion of construction. 7. It shall be unlawful for any person to break, injure, deface, mutilate, kill, destroy or caused to be removed any tree designated as a Landmark Tree, except where a dually appointed representative of the public agency owning such a tree is acting to manage the tree in an acceptable horticultural manner. (Ord. ____ (part), 200_).	
12.34.040 Other City trees and landscaping. A. It shall be unlawful for any person to break, injure, deface, mutilate kill, destroy or cause to be removed any Street Tree or other tree or vegetation placed by the City as landscaping on public lands, except where a dually appointed representative of	[No modifications suggested.]

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the City is acting to manage the tree in an acceptable horticultural manner. B. The City Public Works Department shall be responsible for placement, inspection, maintenance, removal, and replacement of Street Trees and other trees or vegetation planted on City lands or within City right-of-ways or easements as public landscaping. C. Any persons who intends to plant a tree upon City lands or within City right-of-ways or easements shall apply to the Public Works Department for a permit to do so. The application shall explain what is to be done, the number, kind and location of the trees, and how the tree will be cared for, including any improvements proposed such as irrigation. The Public Works Department may approve or deny any such permit. (Ord. ____ (part), 200_).	

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CHAPTER 12.36 **STORM WATER QUALITY MANAGEMENT**	**CHAPTER ~~12.36~~ 17.88** **STORM WATER QUALITY MANAGEMENT**
Sections:	**Sections:**
12.36.010 Title.	**~~12.36.010~~ 17.88.010 Title.**
12.36.020 Purpose and intent.	**~~12.36.020~~ 17.88.020 Purpose and intent.**
12.36.030 Definitions.	**~~12.36.030~~ 17.88.030 Definitions.**
12.36.040 Applicability.	**~~12.36.040~~ 17.88.040 Applicability.**
12.36.050 Responsibility for administration.	**~~12.36.050~~ 17.88.050 Responsibility for administration.**
12.36.060 Regulatory consistency.	**~~12.36.060~~ 17.88.060 Regulatory consistency.**
12.36.070 Ultimate responsibility of discharger.	**~~12.36.070~~ 17.88.070 Ultimate responsibility of discharger.**
12.36.080 Prohibition of illegal discharges.	**~~12.36.080~~ 17.88.080 Prohibition of illegal discharges.**
12.36.090 Prohibition of illicit connections.	**~~12.36.090~~ 17.88.090 Prohibition of illicit connections.**
12.36.100 Waste disposal prohibitions.	**~~12.36.100~~ 17.88.100 Waste disposal prohibitions.**
12.36.110 Discharges in violation of industrial or construction activity NPDES storm water discharge permit	**~~12.36.110~~ 17.88.110 Discharges in violation of industrial or construction activity NPDES storm water discharge permit**
12.36.120 Requirement to prevent control and reduce storm water pollutants.	**~~12.36.120~~ 17.88.120 Requirement to prevent control and reduce storm water pollutants.**
12.36.130 Requirement to eliminate illegal discharges.	**~~12.36.130~~ 17.88.130 Requirement to eliminate illegal discharges.**
12.36.140 Requirement to eliminate or secure approval for illicit connections.	**~~12.36.140~~ 17.88.140 Requirement to eliminate or secure approval for illicit connections.**
12.36.150 Watercourse protection.	**~~12.36.150~~ 17.88.150 Watercourse protection.**
12.36.160 Requirement to remediate.	**~~12.36.160~~ 17.88.160 Requirement to remediate.**
12.36.170 Requirement to monitor and analyze.	**~~12.36.170~~ 17.88.170 Requirement to monitor and analyze.**
12.36.180 Notification of spills.	**~~12.36.180~~ 17.88.180 Notification of spills.**
12.36.190 Authority to inspect.	**~~12.36.190~~ 17.88.190 Authority to inspect.**
12.36.200 Authority to sample, establish sampling devices, and test.	**~~12.36.200~~ 17.88.200 Authority to sample, establish sampling devices, and test.**
12.36.210 Notice of violation.	**~~12.36.210~~ 17.88.210 Notice of violation.**
12.36.220 Appeal.	**~~12.36.220~~ 17.88.220 Appeal.**

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12.36.230 Abatement by city. **12.36.240 Charging cost of abatement/liens.** **12.36.250 Urgency abatement.** **12.36.260 Violations.** **12.36.270 Compensatory action.** **12.36.280 Violations deemed a public nuisance.** **12.36.290 Acts potentially resulting in a violation of the federal Clean Water Act and/or California Porter-Cologne Act.**	~~**12.36.230**~~ **17.88.230 Abatement by City.** ~~**12.36.240**~~ **17.88.240 Charging cost of abatement/liens.** ~~**12.36.250**~~ **17.88.250 Urgency abatement.** ~~**12.36.260**~~ **17.88.260 Violations.** ~~**12.36.270**~~ **17.88.270 Compensatory action.** ~~**12.36.280**~~ **17.88.280 Violations deemed a public nuisance.** ~~**12.36.290**~~ **17.88.290 Acts potentially resulting in a violation of the federal Clean Water Act and/or California Porter-Cologne Act.** **17.88.300 Drainage facilities requirements – general provisions.** **17.88.310 Stormwater runoff management requirements.**
12.36.010 Title. This Chapter shall be known as the "Storm Water Quality Management Ordinance" of the City of Crescent City and may be so cited. (Ord. ____ (part), 200_).	~~12.36.010~~ 17.88.010 Title. This Chapter shall be known as the "Storm Water Quality Management Ordinance" of the City of Crescent City and may be so cited. (Ord. ____ (part), 200_).
12.36.020 Purpose and intent. The purpose and intent of this Chapter is to ensure the health, safety, and general welfare of citizens, and protect and enhance the water quality of watercourses and water bodies in a manner pursuant to and consistent with the Federal Clean Water Act (33 U.S.C. §1251 et seq.) by reducing pollutants in storm water discharges to the maximum extent practicable and by prohibiting non-storm water discharges to the storm drain system. (Ord. ____ (part), 200_).	~~**12.36.020**~~ **17.88.020 Purpose and intent.** The purpose and intent of this Chapter is to ensure the health, safety, and general welfare of citizens, and protect and enhance the water quality of watercourses and water bodies in a manner pursuant to and consistent with the Federal Clean Water Act (33 U.S.C. §1251 et seq.) by reducing pollutants in storm water discharges to the maximum extent practicable and by prohibiting non-storm water discharges to the storm drain system. (Ord. ____ (part), 200_).
12.36.030 Definitions. The terms used in this Chapter shall have the following meanings: A. Best Management practices: Activities, practices, and procedures to prevent or reduce the discharge of pollutants directly or indirectly to the municipal storm drain system and waters of the United States. Best Management Practices include but are not limited to: 1. Treatment facilities to remove pollutants from storm water 2. Operating and maintenance procedures; 3. Facility management practices to control runoff, spillage or leaks of non-storm water, waste disposal, and drainage from materials storage; 4. Erosion and sediment control practices; 5. The prohibition of specific activities and practices; and 6. Such procedures, facilities, design standards and such other provisions as the City Council determines by Resolution as appropriate for the control of pollutants. B. City: The City of Crescent City. C. Clean Water Act: The federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto. D. Construction Activity: Activities subject to NPDES Construction Permits. These include construction projects resulting in land disturbance of 1 acre or more. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.	~~**12.36.030**~~ **17.88.030 Definitions.** The terms used in this Chapter shall have the following meanings: A. Best Management practices: Activities, practices, and procedures to prevent or reduce the discharge of pollutants directly or indirectly to the municipal storm drain system and waters of the United States. Best Management Practices include but are not limited to: 1. Treatment facilities to remove pollutants from storm water 2. Operating and maintenance procedures; 3. Facility management practices to control runoff, spillage or leaks of non-storm water, waste disposal, and drainage from materials storage; 4. Erosion and sediment control practices; 5. The prohibition of specific activities and practices; and 6. Such procedures, facilities, design standards and such other provisions as the City Council determines ~~**by Resolution as**~~ appropriate for the control of pollutants. B. City: The City of Crescent City. C. Clean Water Act: The federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto. D. Construction Activity: Activities subject to NPDES Construction Permits. These include construction projects resulting in land disturbance of 1 acre or more. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

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E. Hazardous Materials: Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.	E. Hazardous Materials: Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.
F. Illegal Discharge: Any direct or indirect non-storm water discharge to the storm drain system, except as exempted in Section 12.36.080 of this chapter.	F. Illegal Discharge: Any direct or indirect non-storm water discharge to the storm drain system, except as exempted in Section 12.36.080 of this chapter.
G. Illicit Connections: An illicit connection is defined as either of the following: 1. Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including but not limited, to any conveyances which allow any non-storm water discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by a government agency; or 2. Any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by the City.	G. Illicit Connections: An illicit connection is defined as either of the following: 1. Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including but not limited, to any conveyances which allow any non-storm water discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by a government agency; or 2. Any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by the City.
H. Industrial Activity: Activities subject to NPDES Industrial Permits as defined in 40 CFR, Section 122.26 (b)(14)	H. Industrial Activity: Activities subject to NPDES Industrial Permits as defined in 40 CFR, Section 122.26 (b)(14)
I. National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permits: General, group, and individual storm water discharge permits which regulate facilities defined in federal NPDES regulations pursuant to the Clean Water Act The California Regional Water Quality Control Board, North Coast Region (hereinafter, Regional Board) and the State Water Resources Control Board have adopted general storm water discharge permits, including but not limited to the General Construction Activity and General Industrial Activity permits.	I. National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permits: General, group, and individual storm water discharge permits which regulate facilities defined in federal NPDES regulations pursuant to the Clean Water Act The California Regional Water Quality Control Board, North Coast Region (hereinafter, Regional Board) and the State Water Resources Control Board have adopted general storm water discharge permits, including but not limited to the General Construction Activity and General Industrial Activity permits.
J. Non-Storm Water Discharge: Any discharge to the storm drain system that is not composed entirely of storm water.	J. Non-Storm Water Discharge: Any discharge to the storm drain system that is not composed entirely of storm water.
K. Pollutant: Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: 1. Paints, varnishes, and solvents; 2. Oil and other automotive fluids; 3. Non-hazardous liquid and solid wastes and yard wastes; 4. Refuse, rubbish, garbage, litter, or other discarded or abandoned objects, articles, and accumulations; 5. Floatables; 6. Pesticides, herbicides, and fertilizers; 7. Hazardous substances and wastes; 8. Sewage, fecal coliform and pathogens; 9. Dissolved and particulate metals; 10. Animal wastes; 11. Wastes and residues that result from constructing a building or	K. Pollutant: Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: 1. Paints, varnishes, and solvents; 2. Oil and other automotive fluids; 3. Non-hazardous liquid and solid wastes and yard wastes; 4. Refuse, rubbish, garbage, litter, or other discarded or abandoned objects, articles, and accumulations; 5. Floatables; 6. Pesticides, herbicides, and fertilizers; 7. Hazardous substances and wastes; 8. Sewage, fecal coliform and pathogens; 9. Dissolved and particulate metals; 10. Animal wastes; 11. Wastes and residues that result from constructing a building or

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structure (including but not limited to sediments, slurries, and concrete rinsates); and 12. Noxious or offensive matter of any kind. L. Pollution: The human-made or human-induced alteration of the quality of waters by waste to a degree which unreasonably affects, or has the potential to unreasonably affect, either the waters for beneficial uses or the facilities which serve these beneficial uses (California Water Code §13050). M. Porter-Cologne Act: The Porter-Cologne Water Quality Control Act and as amended (California Water Code §13000 et seq.). N. Premises: Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips. O. Storm Drain System: Publicly-owned facilities operated by the City by which storm water is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures which are within the City. P. Storm Water: Any surface flow, runoff, and drainage consisting entirely of water from rain storm events. Q. Waters of the United States: Surface watercourses and water bodies as defined at 40 CFR § 122.2. including all natural waterways and definite channels and depressions in the earth that may carry water, even though such waterways may only carry water during rains and storms and may not carry storm water at and during all times and seasons. (Ord. ____ (part), 200_).	structure (including but not limited to sediments, slurries, and concrete rinsates); and 12. Noxious or offensive matter of any kind. L. Pollution: The human-made or human-induced alteration of the quality of waters by waste to a degree which unreasonably affects, or has the potential to unreasonably affect, either the waters for beneficial uses or the facilities which serve these beneficial uses (California Water Code §13050). M. Porter-Cologne Act: The Porter-Cologne Water Quality Control Act and as amended (California Water Code §13000 et seq.). N. Premises: Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips. O. Storm Drain System: Publicly-owned facilities operated by the City by which storm water is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures which are within the City. P. Storm Water: Any surface flow, runoff, and drainage consisting entirely of water from rain storm events. Q. Waters of the United States: Surface watercourses and water bodies as defined at 40 CFR § 122.2. including all natural waterways and definite channels and depressions in the earth that may carry water, even though such waterways may only carry water during rains and storms and may not carry storm water at and during all times and seasons. (Ord. ____ (part), 200_).
12.36.040 Applicability. This Chapter shall apply to all water entering the storm drain system generated on any developed and undeveloped lands lying within the City of Crescent City. (Ord. ____ (part), 200_).	**~~12.36.040~~ 17.88.040 Applicability.** This Chapter shall apply to all water entering the storm drain system generated on any developed and undeveloped lands lying within the City of Crescent City. (Ord. ____ (part), 200_).
12.36.050 Responsibility for administration. The Public Works Director of the City shall administer, implement, and enforce the provisions of this Chapter. Any powers granted or duties imposed upon the Public Works Director may be delegated in writing by the Public Works Director to persons or entities acting in the beneficial interest of or in the employ of the City. (Ord. ____ (part), 200_).	**~~12.36.050~~ 17.88.050 Responsibility for administration.** The Public Works Director of the City shall administer, implement, and enforce the provisions of this Chapter. Any powers granted or duties imposed upon the Public Works Director may be delegated in writing by the Public Works Director to persons or entities acting in the beneficial interest of or in the employ of the City. (Ord. ____ (part), 200_).
12.36.060 Regulatory consistency. This Chapter shall be construed to assure consistency with the requirements of the Clean Water Act and Porter-Cologne Act and acts amendatory thereof or supplementary thereto, or any applicable implementing regulations, (Ord. ____ (part), 200_).	**~~12.36.060~~ 17.88.060 Regulatory consistency.** This Chapter shall be construed to assure consistency with the requirements of the Clean Water Act and Porter-Cologne Act and acts amendatory thereof or supplementary thereto, or any applicable implementing regulations, (Ord. ____ (part), 200_).
12.36.070 Ultimate responsibility of discharger. The standards set forth herein and promulgated pursuant to this Chapter are minimum standards. Therefore this Chapter does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized	**~~12.36.070~~ 17.88.070 Ultimate responsibility of discharger.** The standards set forth herein and promulgated pursuant to this Chapter are minimum standards. Therefore this Chapter does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized

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discharge of pollutants into waters of the U.S. caused by said person. This Chapter shall not create liability on the part of the City of Crescent City, or any agent or employee thereof for any damages that result from any discharger's reliance on this Chapter or any administrative decision lawfully made thereunder. (Ord. ____ (part), 200_).	discharge of pollutants into waters of the U.S. caused by said person. This Chapter shall not create liability on the part of the City of Crescent City, or any agent or employee thereof for any damages that result from any discharger's reliance on this Chapter or any administrative decision lawfully made thereunder. (Ord. ____ (part), 200_).
12.36.080 Prohibition of illegal discharges. No person shall discharge or cause to be discharged into the City storm drain system or into any watercourse any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than storm water. The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows: A. Discharges from the following activities will not be considered a source of pollutants to the storm drain system and to waters of the US. when properly managed to ensure that no potential pollutants are present, and therefore they shall not be considered illegal discharges unless determined to cause a violation of the provisions of the Porter-Cologne Act, Clean Water Act, or this ordinance: 1. Potable water line flushing; 2. Uncontaminated pumped groundwater and other discharges from potable water sources; 3. Landscape irrigation and lawn watering; 4. Diverted stream flows; 5. Rising groundwater; 6. Groundwater infiltration to the storm drain system; 7. Uncontaminated foundation and footing drains; 8. Uncontaminated water from crawl space pumps; 9. Air conditioning condensation; 10. Uncontaminated non-industrial roof drains; 11. Springs; 12. Individual residential and occasional non-commercial car washing; 13. Flows from riparian habitats and wetlands; 14. Dechlorinated swimming pool discharges; 15. Street wash waters; and 16. Flows from fire fighting. B. The prohibition shall not apply to any non-storm water discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered by the State of California under the authority of the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted by the City for any discharge to the storm drain system. C. With written concurrence of the Regional Board, the City may exempt in writing other non-storm water discharges which are not a source of pollutants to the storm drain system nor waters of the U.S. (Ord. ____ (part), 200_).	**~~12.36.080~~ 17.88.080 Prohibition of illegal discharges.** No person shall discharge or cause to be discharged into the City storm drain system or into any watercourse any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than storm water. The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows: A. Discharges from the following activities will not be considered a source of pollutants to the storm drain system and to waters of the US. when properly managed to ensure that no potential pollutants are present, and therefore they shall not be considered illegal discharges unless determined to cause a violation of the provisions of the Porter-Cologne Act, Clean Water Act, or this ordinance: 1. Potable water line flushing; 2. Uncontaminated pumped groundwater and other discharges from potable water sources; 3. Landscape irrigation and lawn watering; 4. Diverted stream flows; 5. Rising groundwater; 6. Groundwater infiltration to the storm drain system; 7. Uncontaminated foundation and footing drains; 8. Uncontaminated water from crawl space pumps; 9. Air conditioning condensation; 10. Uncontaminated non-industrial roof drains; 11. Springs; 12. Individual residential and occasional non-commercial car washing; 13. Flows from riparian habitats and wetlands; 14. Dechlorinated swimming pool discharges; 15. Street wash waters; and 16. Flows from fire fighting. B. The prohibition shall not apply to any non-storm water discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered by the State of California under the authority of the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted by the City for any discharge to the storm drain system. C. With written concurrence of the Regional Board, the City may exempt in writing other non-storm water discharges which are not a source of pollutants to the storm drain system nor waters of the U.S. (Ord. ____ (part), 200_).
12.36.090 Prohibition of illicit connections.	**~~12.36.090~~ 17.88.090 Prohibition of illicit connections.**

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A. The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited. B. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection. (Ord. ____ (part), 200_).	A. The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited. B. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection. (Ord. ____ (part), 200_).
12.36.100 Waste disposal prohibitions. No person shall throw, deposit, leave, maintain, keep, or permit to be thrown, deposited, left, or maintained, in or upon any public or private property, driveway, parking area, street, alley, sidewalk, component of the storm drain system, or water of the U.S., any refuse, rubbish, garbage, litter, or other discarded or abandoned objects, articles, and accumulations, so that the same may cause or contribute to pollution. Wastes deposited in streets in proper waste receptacles for the purposes of collection are exempted from this prohibition. (Ord. ____ (part), 200_).	**~~12.36.100~~ 17.88.100 Waste disposal prohibitions.** No person shall throw, deposit, leave, maintain, keep, or permit to be thrown, deposited, left, or maintained, in or upon any public or private property, driveway, parking area, street, alley, sidewalk, component of the storm drain system, or water of the U.S., any refuse, rubbish, garbage, litter, or other discarded or abandoned objects, articles, and accumulations, so that the same may cause or contribute to pollution. Wastes deposited in streets in proper waste receptacles for the purposes of collection are exempted from this prohibition. (Ord. ____ (part), 200_).
12.36.110 Discharges in violation of industrial or construction activity NPDES storm water discharge permit. Any person subject to an industrial or construction activity NPDES storm water discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the Public Works Director prior to or as a condition of a subdivision map, site plan, building permit, or development or improvement plan; upon inspection of the facility; during any enforcement proceeding or action; or for any other reasonable cause. (Ord. ____ (part), 200_).	**~~12.36.110~~ 17.88.110 Discharges in violation of industrial or construction activity NPDES storm water discharge permit** Any person subject to an industrial or construction activity NPDES storm water discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the Public Works Director prior to or as a condition of a subdivision map, site plan, building permit, or development or improvement plan; upon inspection of the facility; during any enforcement proceeding or action; or for any other reasonable cause. (Ord. ____ (part), 200_).
12.36.120 Requirement to prevent control and reduce storm water pollutants. A. Authorization to Adopt and Impose Best Management Practices. The City Council may adopt, by Resolution, requirements identifying Best Management Practices for any activity, operation, or facility which may cause or contribute to pollution or contamination of storm water, the storm drain system, or waters of the U.S. Where Best Management Practices requirements are promulgated by the City or any federal, State of California, or regional agency for any activity, operation, or facility which would otherwise cause the discharge of pollutants to the storm drain system or water of the U.S., every person undertaking such activity or operation, or owning or operating such facility shall comply with such requirements. The Public Works Director shall maintain a record for public use of all Best Management Practices adopted by Resolution of the City Council. B. New Development. The City Council shall adopt by Resolution, requirements identifying appropriate Best Management Practices to control the volume, rate, and potential pollutant load of storm water runoff from all applicable new development projects, as determined by Resolution, as may be appropriate to minimize the generation, transport and discharge of pollutants. The City shall incorporate such requirements in any land use entitlement and construction or building related permit to	**~~12.36.120~~ 17.88.120 Requirement to prevent control and reduce storm water pollutants.** A. Authorization to Adopt and Impose Best Management Practices. The City Council may adopt~~, by Resolution,~~ requirements identifying Best Management Practices for any activity, operation, or facility which may cause or contribute to pollution or contamination of storm water, the storm drain system, or waters of the U.S. Where Best Management Practices requirements are promulgated by the City or any federal, State of California, or regional agency for any activity, operation, or facility which would otherwise cause the discharge of pollutants to the storm drain system or water of the U.S., every person undertaking such activity or operation, or owning or operating such facility shall comply with such requirements. The Public Works Director shall maintain a record for public use of all Best Management Practices adopted by ~~Resolution of~~ the City Council. B. New Development. The City Council shall adopt ~~by Resolution,~~ requirements identifying appropriate Best Management Practices to control the volume, rate, and potential pollutant load of storm water runoff from all applicable new development projects, ~~as determined by Resolution,~~ as may be appropriate to minimize the generation, transport and discharge of pollutants. The City shall incorporate such requirements in any land use entitlement and construction or building related permit to

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be issued relative to such development. The owner and developer shall comply with the terms, provisions, and conditions of such land use entitlements and building permits. C. Responsibility to Implement Best Management Practices. Notwithstanding the presence or absence of requirements promulgated pursuant to subsections A and B, any person engaged in activities or operations, or owning facilities or property which will or may result in pollutants entering storm water, the storm drain system, or waters of the U.S. shall implement Best Management Practices to the extent they are technologically achievable to prevent and reduce such pollutants. The owner or operator of a commercial or industrial establishment shall provide reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses. Facilities to prevent accidental discharge of prohibited materials or other wastes shall be provided and maintained at the owner or operator's expense. (Ord. ____ (part), 200_).	be issued relative to such development. The owner and developer shall comply with the terms, provisions, and conditions of such land use entitlements and building permits. C. Responsibility to Implement Best Management Practices. Notwithstanding the presence or absence of requirements promulgated pursuant to subsections A and B, any person engaged in activities or operations, or owning facilities or property which will or may result in pollutants entering storm water, the storm drain system, or waters of the U.S. shall implement Best Management Practices to the extent they are technologically achievable to prevent and reduce such pollutants. The owner or operator of a commercial or industrial establishment shall provide reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses. Facilities to prevent accidental discharge of prohibited materials or other wastes shall be provided and maintained at the owner or operator's expense. (Ord. ____ (part), 200_).
12.36.130 Requirement to eliminate illegal discharges. The Public Works Director may require by written notice that a person responsible for an illegal discharge immediately, or by a specified date, discontinue the discharge and, if necessary, take measures to eliminate the source of the discharge to prevent the occurrence of future illegal discharges. (Ord. ____ (part), 200_).	**~~12.36.130~~ 17.88.130 Requirement to eliminate illegal discharges.** The Public Works Director may require by written notice that a person responsible for an illegal discharge immediately, or by a specified date, discontinue the discharge and, if necessary, take measures to eliminate the source of the discharge to prevent the occurrence of future illegal discharges. (Ord. ____ (part), 200_).
Section 12.36.140 Requirement to eliminate or secure approval for illicit connections. A. The Public Works Director may require by written notice that a person responsible for an illicit connection to the storm drain system comply with the requirements of this Chapter to eliminate or secure approval for the connection by a specified date, regardless of whether or not the connection or discharges to it had been established or approved prior to the effective date of this Chapter. B. If, subsequent to eliminating a connection found to be in violation of this Chapter, the responsible person can demonstrate that an illegal discharge will no longer occur, said person may request City approval to reconnect. The reconnection or reinstallation of the connection shall be at the responsible person's expense. (Ord. ____ (part), 200_).	**~~12.36.140~~ 17.88.140 Requirement to eliminate or secure approval for illicit connections.** A. The Public Works Director may require by written notice that a person responsible for an illicit connection to the storm drain system comply with the requirements of this Chapter to eliminate or secure approval for the connection by a specified date, regardless of whether or not the connection or discharges to it had been established or approved prior to the effective date of this Chapter. B. If, subsequent to eliminating a connection found to be in violation of this Chapter, the responsible person can demonstrate that an illegal discharge will no longer occur, said person may request City approval to reconnect. The reconnection or reinstallation of the connection shall be at the responsible person's expense. (Ord. ____ (part), 200_).
12.36.150 Watercourse protection. Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property reasonably free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse. The owner or lessee shall not remove healthy bank vegetation beyond that actually necessary for maintenance, nor remove said vegetation in such a manner as to increase the vulnerability of the watercourse to erosion. The property owner shall be responsible for maintaining and	**~~12.36.150~~ 17.88.150 Watercourse protection.** Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property reasonably free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse. The owner or lessee shall not remove healthy bank vegetation beyond that actually necessary for maintenance, nor remove said vegetation in such a manner as to increase the vulnerability of the watercourse to erosion. The property owner shall be responsible for maintaining and

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stabilizing that portion of the watercourse that is within their property lines in order to protect against erosion and degradation of the watercourse originating or contributed from their property. (Ord. ____ (part), 200_).	stabilizing that portion of the watercourse that is within their property lines in order to protect against erosion and degradation of the watercourse originating or contributed from their property. (Ord. ____ (part), 200_).
12.36.160 Requirement to remediate. Whenever the Public Works Director finds that a discharge of pollutants is taking place or has occurred which will result in or has resulted in pollution of storm water, the storm drain system, or water of the U.S., the Public Works Director may require by written notice to the owner of the property and/or the responsible person that the pollution be remediated and the affected property restored within a specified time pursuant to the provisions of sections 12.36.210 through 12.36.240 herein. (Ord. ____ (part), 200_).	~~**12.36.160**~~ **17.88.160 Requirement to remediate.** Whenever the Public Works Director finds that a discharge of pollutants is taking place or has occurred which will result in or has resulted in pollution of storm water, the storm drain system, or water of the U.S., the Public Works Director may require by written notice to the owner of the property and/or the responsible person that the pollution be remediated and the affected property restored within a specified time pursuant to the provisions of sections 12.36.210 through 12.36.240 herein. (Ord. ____ (part), 200_).
12.36.170 Requirement to monitor and analyze. The Public Works Director may require by written notice that any person engaged in any activity and/or owning or operating any facility which may cause or contribute to storm water pollution, illegal discharges, and/or non-storm water discharges to the storm drain system or waters of the U.S., to undertake at said person's expense such monitoring and analyses and furnish such reports to the City as deemed necessary to determine compliance with this Chapter. (Ord. ____ (part), 200_).	~~**12.36.170**~~ **17.88.170 Requirement to monitor and analyze.** The Public Works Director may require by written notice that any person engaged in any activity and/or owning or operating any facility which may cause or contribute to storm water pollution, illegal discharges, and/or non-storm water discharges to the storm drain system or waters of the U.S., to undertake at said person's expense such monitoring and analyses and furnish such reports to the City as deemed necessary to determine compliance with this Chapter. (Ord. ____ (part), 200_).
12.36.180 Notification of spills. Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into storm water, the storm drain system, or water of the U.S. from said facility, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of a hazardous material said person shall immediately notify emergency response officials of the occurrence via emergency dispatch services (911) and the City Department of Public Works. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the City's Public Works Department within three business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years. (Ord. ____ (part), 200_).	~~**12.36.180**~~ **17.88.180 Notification of spills.** Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into storm water, the storm drain system, or water of the U.S. from said facility, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of a hazardous material said person shall immediately notify emergency response officials of the occurrence via emergency dispatch services (911) and the City Department of Public Works. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the City's Public Works Department within three business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years. (Ord. ____ (part), 200_).
12.36.190 Authority to inspect. Whenever necessary to make an inspection to enforce any provision of this Chapter, or whenever the Public Works Director has cause to believe that there exists, or potentially exists, in or upon any premises any condition which constitutes a violation of this Chapter, the Director may enter such premises at all reasonable times to inspect the same and to inspect and copy records related to storm water compliance. In the event the owner or occupant refuses entry after a request to enter and inspect has been make,	~~**12.36.190**~~ **17.88.190 Authority to inspect.** Whenever necessary to make an inspection to enforce any provision of this Chapter, or whenever the Public Works Director has cause to believe that there exists, or potentially exists, in or upon any premises any condition which constitutes a violation of this Chapter, the Director may enter such premises at all reasonable times to inspect the same and to inspect and copy records related to storm water compliance. In the event the owner or occupant refuses entry after a request to enter and inspect has been make,

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the City is hereby empowered to seek assistance from any court of competent jurisdiction in obtaining such entry. (Ord. ____ (part), 200 _).	the City is hereby empowered to seek assistance from any court of competent jurisdiction in obtaining such entry. (Ord. ____ (part), 200 _).
12.36.200 Authority to sample, establish sampling devices, and test. During any inspection as provided herein, the Public Works Director may take any samples and perform any testing deemed necessary to aid in the pursuit of the inquiry or to record site activities. (Ord. ____ (part), 200 _).	**~~12.36.200~~ 17.88.200 Authority to sample, establish sampling devices, and test.** During any inspection as provided herein, the Public Works Director may take any samples and perform any testing deemed necessary to aid in the pursuit of the inquiry or to record site activities. (Ord. ____ (part), 200 _).
12.36.210 Notice of violation. Whenever the Public Works Director finds that a person has violated a prohibition or failed to meet a requirement of this Chapter, the Director may order compliance by written notice of violation to the responsible person. Such notice may require without limitation: A. The performance of monitoring, analyses, and reporting; B. The elimination of illicit connections or discharges; C. That violating discharges, practices, or operations shall cease and desist; D. The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property; and E. The implementation or maintenance of source control or treatment practices. If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by the City or a contractor designated by the Public Works Director and the expense thereof shall be charged to the violator pursuant to Section 12.36.230 below. (Ord. ____ (part), 200 _).	**~~12.36.210~~ 17.88.210 Notice of violation.** Whenever the Public Works Director finds that a person has violated a prohibition or failed to meet a requirement of this Chapter, the Director may order compliance by written notice of violation to the responsible person. Such notice may require without limitation: A. The performance of monitoring, analyses, and reporting; B. The elimination of illicit connections or discharges; C. That violating discharges, practices, or operations shall cease and desist; D. The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property; and E. The implementation or maintenance of source control or treatment practices. If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by the City or a contractor designated by the Public Works Director and the expense thereof shall be charged to the violator pursuant to Section 12.36.230 below. (Ord. ____ (part), 200 _).
12.36.220 Appeal. Notwithstanding the provisions of Section 12.36.250, any person receiving a Notice of Violation under Section 12.36.210 may appeal the determination of the Public Works Director to the City Council. The notice of appeal must be received by the City Clerk within 7 calendar days from the date of the Notice of Violation. Hearing on the appeal before the City Council shall take place within 15 calendar days from the date of City's receipt of the notice of appeal. The decision of the City Council shall be final.	**~~12.36.220~~ 17.88.220 Appeal.** Notwithstanding the provisions of Section 12.36.250, any person receiving a Notice of Violation under Section 12.36.210 may appeal the determination of the Public Works Director to the City Council. The notice of appeal must be received by the City Clerk within 7 calendar days from the date of the Notice of Violation. Hearing on the appeal before the City Council shall take place within 15 calendar days from the date of City's receipt of the notice of appeal. The decision of the City Council shall be final.
12.36.230 Abatement by City. If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or, in the event of an appeal under section 12.36.220 within 10 days of the decision of the City Council upholding the decision of the Public Works Director, then the City or a contractor designated by the Public Works Director shall enter upon the subject private property and is authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the City or designated contractor to enter upon the premises for the purposes set forth above. (Ord.	**~~12.36.230~~ 17.88.230 Abatement by City.** If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or, in the event of an appeal under section 12.36.220 within 10 days of the decision of the City Council upholding the decision of the Public Works Director, then the City or a contractor designated by the Public Works Director shall enter upon the subject private property and is authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the City or designated contractor to enter upon the premises for the purposes set forth above. (Ord.

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____ (part), 200_).	____ (part), 200_).
12.36.240 Charging cost of abatement/liens. Within 30 days after abatement of the nuisance by the City, the Public Works Director shall notify the property owner of the property of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the amount of the assessment with the City Clerk within 15 days. The City Clerk shall set the matter for public hearing by the City Council. The decision of the City Council shall be set forth by resolution and shall be final. If the amount due is not paid within 10 days of the decision of the City Council or the expiration of the time in which to file an appeal under this Chapter, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment. A copy of the resolution shall be turned over to the County Auditor so that the auditor may enter the amounts of the assessment against the parcel as it appears on the current assessment roll, and the tax collector shall include the amount of the assessment on the bill for taxes levied against the parcel of land. (Ord. ____ (part), 200_).	~~**12.36.240**~~ **17.88.240 Charging cost of abatement/liens.** Within 30 days after abatement of the nuisance by the City, the Public Works Director shall notify the property owner of the property of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the amount of the assessment with the City Clerk within 15 days. The City Clerk shall set the matter for public hearing by the City Council. The decision of the City Council shall be ~~**set forth by resolution and shall be**~~ final. If the amount due is not paid within 10 days of the decision of the City Council or the expiration of the time in which to file an appeal under this Chapter, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment. A copy of the ~~**resolution**~~ **special assessment** shall be turned over to the County Auditor so that the auditor may enter the amounts of the assessment against the parcel as it appears on the current assessment roll, and the tax collector shall include the amount of the assessment on the bill for taxes levied against the parcel of land. (Ord. ____ (part), 200_).
12.36.250 Urgency abatement. The Public Works Director is authorized to require immediate abatement of any violation of this Chapter that constitutes an immediate threat to the health, safety or well-being of the public. If any such violation is not abated immediately as directed by the Public Works Director, the City is authorized to enter onto private property and to take any and all measures required to remediate the violation. Any expense related to such remediation undertaken by the City shall be fully reimbursed by the property owner and/or responsible party. Any relief obtained under this section shall not prevent City from seeking other and further relief authorized under this Chapter. (Ord. ____ (part), 200_).	~~**12.36.250**~~ **17.88.250 Urgency abatement.** The Public Works Director is authorized to require immediate abatement of any violation of this Chapter that constitutes an immediate threat to the health, safety or well-being of the public. If any such violation is not abated immediately as directed by the Public Works Director, the City is authorized to enter onto private property and to take any and all measures required to remediate the violation. Any expense related to such remediation undertaken by the City shall be fully reimbursed by the property owner and/or responsible party. Any relief obtained under this section shall not prevent City from seeking other and further relief authorized under this Chapter. (Ord. ____ (part), 200_).
12.36.260 Violations. It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Chapter. A violation of or failure to comply with any of the requirements of this Chapter shall constitute a misdemeanor. (Ord. ____ (part), 200_).	~~**12.36.260**~~ **17.88.260 Violations.** It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Chapter. A violation of or failure to comply with any of the requirements of this Chapter shall constitute a misdemeanor. (Ord. ____ (part), 200_).
12.36.270 Compensatory action. In lieu of enforcement proceedings, penalties, and remedies authorized by this Chapter, the Public Works Director may impose upon a violator alternative compensatory action, such as storm drain stenciling, attendance at compliance workshops, creek cleanup, etc. (Ord. ____ (part), 200_).	~~**12.36.270**~~ **17.88.270 Compensatory action.** In lieu of enforcement proceedings, penalties, and remedies authorized by this Chapter, the Public Works Director may impose upon a violator alternative compensatory action, such as storm drain stenciling, attendance at compliance workshops, creek cleanup, etc. (Ord. ____ (part), 200_).
12.36.280 Violations deemed a public nuisance. In addition to the enforcement processes and penalties hereinbefore provided, any condition caused or permitted to exist in violation of any of the provisions of this Chapter is a threat to public health, safety, and welfare, and is declared and deemed a	~~**12.36.280**~~ **17.88.280 Violations deemed a public nuisance.** In addition to the enforcement processes and penalties hereinbefore provided, any condition caused or permitted to exist in violation of any of the provisions of this Chapter is a threat to public health, safety, and welfare, and is declared and deemed a

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nuisance, and may be summarily abated or restored by the City at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken by the City. Acts Potentially Resulting in a Violation of the Federal Clean Water Act and/or California Porter-Cologne Act. Any person who violates any provision of this Chapter or any provision of any requirement issued pursuant to this chapter may also be in violation of the Clean Water Act and/or the Porter-Cologne Act and may be subject to the sanctions of those acts including civil and criminal penalties. Any enforcement action authorized under this Chapter shall also include written notice to the violator of such potential liability. (Ord. ____ (part), 200_).	nuisance, and may be summarily abated or restored by the City at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken by the City. Acts Potentially Resulting in a Violation of the Federal Clean Water Act and/or California Porter-Cologne Act. Any person who violates any provision of this Chapter or any provision of any requirement issued pursuant to this chapter may also be in violation of the Clean Water Act and/or the Porter-Cologne Act and may be subject to the sanctions of those acts including civil and criminal penalties. Any enforcement action authorized under this Chapter shall also include written notice to the violator of such potential liability. (Ord. ____ (part), 200_).
12.36.290 Acts potentially resulting in a violation of the federal Clean Water Act and/or California Porter-Cologne Act. Any person who violated any provision of this Chapter or any provision of any requirement issued pursuant to this chapter may also be in violation of the Clean Water Act and/or the Porter-Cologne Act and may be subject to the sanctions of those acts including civil and criminal penalties. Any enforcement action authorized under this Chapter shall also include written notice to the violator of such potential liability. (Ord. ____ (part), 200_).	**~~12.36.290~~ 17.88.290 Acts potentially resulting in a violation of the federal Clean Water Act and/or California Porter-Cologne Act.** Any person who violated any provision of this Chapter or any provision of any requirement issued pursuant to this chapter may also be in violation of the Clean Water Act and/or the Porter-Cologne Act and may be subject to the sanctions of those acts including civil and criminal penalties. Any enforcement action authorized under this Chapter shall also include written notice to the violator of such potential liability. (Ord. ____ (part), 200_).
EXHIBIT A **STORM WATER RUNOFF MANAGEMENT POLICY** **NEW DEVELOPMENT** Applicability The following Storm Water Runoff Management policy shall apply to all development in the Coastal Zone within the City of Crescent City requiring a Building Permit, Use Permit, or other entitlement issued by the City, except as specifically excluded herein. Development includes new construction, remodel, alterations and enlargements except as excluded herein. Exclusions A. Except where a clear identifiable drainage problem exists, as determined by the Public Works Director, the following types of development projects are excluded from the storm water runoff provisions of this policy: 1. A single family home on an existing single family zoned lot, 2. Additions and alterations to existing development where the total impervious area (roofs, pavement, etc.) added does not exceed 5000 square feet, B. The following types of projects are excluded from the storm water quality provisions of this policy: 1. A single family home on an existing single family zoned lot, 2. Multi-family developments, including subdivisions and apartments, of 4 units or less,	**17.88.300 Drainage facilities requirements - general provisions.** **A. Drainage structures, including storm drains, drop inlets, detention basins, etc., shall be installed by the developer, at his expense, where necessary to comply with the provisions herein and as additionally may be determined by the City Engineer. A California registered Civil Engineer shall design any such structures. The design shall be reviewed and approved by the City Engineer.** **B. Drainage facilities shall be designed to prevent flooding of public and private property and shall not substantially degrade water quality.** **C. Drainage facilities and structures shall be constructed in accordance with Crescent City standard plans or as approved by the City Engineer.** **17.88.310 Stormwater runoff management requirements.** **A. General provisions. Drainage facilities for all applicable development projects shall be designed using the methodology described in sub-sections B through D, or other methods of hydrology as approved by the City Engineer.** **B. Drainage conveyance volumetric thresholds. The runoff from all development projects shall be conveyed to the final point of disposal without flooding for the following conditions:** **1. "10-year storm", as a minimum, for any and all facilities,** **2. "100-year storm" for any building floor,** **3. "25-year storm" for minor streets and underground storm drains therein,** **4. "100-year storm" for major streets and underground storm drains therein.** **C. Use of public streets. Public streets may be used to convey runoff up to the "25-year storm" with the water surface below the top of curb. Any additional**

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3. New commercial and industrial developments requiring less than 25 parking spaces, where the total building area is 10,000 square feet or less, and the total lot area is less than 30,000 square feet,

4. Additions and alterations to existing developments where the total value of the addition or alteration is less than 25% of the assessed value, provided the addition or alteration does not exceed the limitations above.

General Provisions

A. Drainage structures, including storm drains, drop inlets, detention basins, etc., shall be installed by the developer, at his expense, where necessary to comply with the provisions herein and as additionally may be determined by the City Engineer. A California registered Civil Engineer shall design any such structures. The design shall be reviewed and approved by the City Engineer.

B. Drainage facilities shall be designed to prevent flooding of public and private property and shall not substantially degrade water quality.

C. Drainage facilities and structures shall be constructed in accordance with Crescent City standard plans or as approved by the City Engineer.

Storm Water Runoff Provisions

A. Drainage facilities for all applicable development projects shall be designed using the methodology described in Appendix A or other methods of hydrology as approved by the City Engineer.

B. The runoff from all development projects shall be conveyed to the final point of disposal without flooding for the following conditions:

1. "10-year storm", as a minimum, for any and all facilities,
2. "100-year storm" for any building floor,
3. "25-year storm" for minor streets and underground storm drains therein,
4. "100-year storm" for major streets and underground storm drains therein.

C. Public streets may be used to convey runoff up to the "25-year storm" with the water surface below the top of curb. Any additional runoff shall be conveyed by means of an underground storm drain system.

D. Drop inlets (catch basins) shall be located where determined by the City Engineer. Drop inlets shall be a standard CalTrans design.

E. Cross gutters or "valley gutters" may only be used at intersections where the traffic is stopped and if approved by the City Engineer.

F. Storm drains shall be 12 inch minimum diameter and shall be of a material approved by the City Engineer. The minimum grade (slope) and maximum length of storm drains shall be as follows:

Diameter	Min. Grade	Max. Length

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runoff shall be conveyed by means of an underground storm drain system.

D. Facility standards.

1. Drop inlets (catch basins) shall be located where determined by the City Engineer. Drop inlets shall be a standard CalTrans design.

2. Cross gutters or "valley gutters" may only be used at intersections where the traffic is stopped and if approved by the City Engineer.

3. Storm drains shall be 12 inch minimum diameter and shall be of a material approved by the City Engineer. The minimum grade (slope) and maximum length of storm drains shall be as follows:

Diameter	Min. Grade	Max. Length
12 inch	0.005 ft/ft	200 feet
15 inch	0.005 ft/ft	300 feet
18 inch	0.003 ft/ft	500 feet
24 inch	0.002 ft/ft	unlimited

4. Storm drain pipe shall be of adequate structural strength to support fill and wheel loads. Where possible storm drains shall have a minimum of 30 inches of cover from the top of the pipe to the finished grade above.

5. Storm drain systems shall have access by means of drop inlets and/or manholes spaced at intervals not to exceed 500 feet.

E. Stormwater quality.

All applicable projects shall treat storm water runoff to reduce suspended solids. The treatment shall be equal to that obtainable by the detention of the 24-hour design storm runoff. In addition to the requisite analyses, site design, and treatment methods to be incorporated into specific development project types identified in chapter 17.84B, the design storm for treatment facilities shall be the "85th percentile 24-hour storm" for volume based designs and the "85th percentile one-hour storm" for flow based designs. Surface water runoff shall be determined using the "Rational Method" with runoff coefficients and rainfall intensities as set forth below.

1. The runoff formula shall be:

Q = CiAwhere Q = flow (cubic feet/second)
C = runoff coefficient (dimensionless)
I = rainfall intensity (inches/hour)
A = contributing area

2. The following shall be used as the runoff coefficient (C) in the design of drainage facilities and structures:

a. For impervious areas (roofs, pavement, etc): 1.00

b. For pervious areas: 0.40

c. The rainfall intensity for a "10-year storm" shall be determined from the following formula: log I = 0.83 – 0.46(log t), where t = the time of concentration

d. The "25-year storm" is 29 percent larger than the "10-

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12 inch	0.005 ft/ft	200 feet
15 inch	0.005 ft/ft	300 feet
18 inch	0.003 ft/ft	500 feet
24 inch	0.002 ft/ft	unlimited

G. Storm drain pipe shall be of adequate structural strength to support fill and wheel loads. Where possible storm drains shall have a minimum of 30 inches of cover from the top of the pipe to the finished grade above.

H. Storm drain systems shall have access by means of drop inlets and/or manholes spaced at intervals not to exceed 500 feet.

Storm Water Quality

All applicable projects shall treat storm water runoff to reduce suspended solids. The treatment shall be equal to that obtainable by the detention of the 24-hour design storm runoff. The design storm for treatment facilities shall be the "85th percentile 24-hour storm" for volume based designs and the "85th percentile one-hour storm" for flow based designs.

APPENDIX A

Surface water runoff shall be determined using the "Rational Method" with runoff coefficients and rainfall intensities as set forth herein. The runoff formula shall be

$Q = CiA$ where Q = flow (cubic feet/second)
C = runoff coefficient (dimensionless)
I = rainfall intensity (inches/hour)

The following shall be used as the runoff coefficient (C) in the design of drainage facilities and structures:

For impervious areas (roofs, pavement, etc) 1.00
For pervious areas 0.40

The rainfall intensity for a "10-year storm" shall be determined from the following formula:

$\log I = 0.83 - 0.46(\log t)$, where t = the time of concentration

The "25-year storm" is 29 percent larger than the "10-year storm" and the "100-year storm" is 61 percent larger than the "10-year storm."

The time of concentration shall be determined by assuming that overland runoff travels at 1 foot/second on pervious surfaces and 2 feet/second on impervious surfaces. The runoff travel rate for flow in streets, storm drains, and other drainage structures shall be as determined by calculation.

For design of water quality related structures the "85th percentile 24-hour storm" shall

year storm" and the "100-year storm" is 61 percent larger than the "10-year storm."

e. The time of concentration shall be determined by assuming that overland runoff travels at 1 foot/second on pervious surfaces and 2 feet/second on impervious surfaces. The runoff travel rate for flow in streets, storm drains, and other drainage structures shall be as determined by calculation.

f. For design of water quality related structures the "85th percentile 24-hour storm" shall be 0.130 inches and the "85th percentile one-hour storm" shall be 0.2 inches with a factor of safety of 2x, for a total of 0.259 inches.

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be 1.1 inches and the "85th percentile one-hour storm" shall be 0.2 inches.	

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Chapter 17.59 **BED AND BREAKFAST ESTABLISHMENTS** **Sections:** **17.59.010 Purpose.** **17.59.020 Definitions.** **17.59.030 Allowable locations.** **17.59.040 Use permit.** **17.59.050 Architectural review.** **17.59.060 Business license.** **17.59.070 Size of establishment.** **17.59.080 Parking.** **17.59.090 Signs.** **17.59.100 Historic structures.** **17.59.110 Safety requirements.** **17.59.120 Meals.** **17.59.130 Owner or innkeeper on premises.** **17.59.140 Noise.**	**Chapter 17.59** **BED AND BREAKFAST ESTABLISHMENTS** **Sections:** **~~17.59.010~~ 17.73.010 Purpose.** **~~17.59.020~~ 17.73.020 Definitions.** **~~17.59.030~~ 17.73.030 Allowable locations.** **~~17.59.040~~ 17.73.040 Use permit.** **~~17.59.050~~ 17.73.050 Architectural review.** **~~17.59.060~~ 17.73.060 Business license.** **~~17.59.070~~ 17.73.070 Size of establishment.** **~~17.59.080~~ 17.73.080 Parking.** **~~17.59.090~~ 17.73.090 Signs.** **~~17.59.100~~ 17.73.100 Historic structures.** **~~17.59.110~~ 17.73.110 Safety requirements.** **~~17.59.120~~ 17.73.120 Meals.** **~~17.59.130~~ 17.73.130 Owner or innkeeper on premises.** **~~17.59.140~~ 17.73.140 Noise.**
17.59.010 Purpose. The purpose of this chapter is to provide for the control and regulation of bed and breakfast establishments in keeping with the safety, convenience and welfare of the general public, and for the following more specific reasons: A. To assist in allowing these sorts of visitor-serving uses, which benefit the local economy by encouraging destination tourism; B. To protect the residential character of the various zoning districts where bed and breakfast establishments are allowed; C. To ensure a fair process by which the location and operation of such establishments may be in the best interest of the entire community. (Ord. ____ (part), 200_).	**~~17.59.010~~ 17.73.010 Purpose.** The purpose of this chapter is to provide for the control and regulation of bed and breakfast establishments in keeping with the safety, convenience and welfare of the general public, and for the following more specific reasons: A. To assist in allowing these sorts of visitor-serving uses, which benefit the local economy by encouraging destination tourism; B. To protect the residential character of the various zoning districts where bed and breakfast establishments are allowed; C. To ensure a fair process by which the location and operation of such establishments may be in the best interest of the entire community. (Ord. ____ (part), 200_).
17.59.020 Definitions. For the purpose of this chapter certain abbreviations, terms, phrases, words and their derivatives shall be construed as specified in this section. A. "Bed and breakfast" means a residential dwelling occupied by a resident person or family, containing individual living quarters occupied on a transient basis for compensation, and in which a breakfast may be provided to guests. B. "Guest home or rest home" means a building or any portion thereof used for the housing of ambulatory well and able persons where lodging is provided for compensation. C. "Guest room" means a room which is designed and/or used by one or more	**~~17.59.020~~ 17.73.020 Definitions.** For the purpose of this chapter certain abbreviations, terms, phrases, words and their derivatives shall be construed as specified in this section. A. "Bed and breakfast" means a residential dwelling occupied by a resident person or family, containing individual living quarters occupied on a transient basis for compensation, and in which a breakfast may be provided to guests. B. "Guest home or rest home" means a building or any portion thereof used for the housing of ambulatory well and able persons where lodging is provided for compensation. C. "Guest room" means a room which is designed and/or used by one or more

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guests for sleeping purposes, but hi which no provision is made for cooking. D. "Home occupations" means a use customarily carried on in a dwelling by a resident thereof, which use is merely incidental to the residential use of the dwelling, and is carried on with the normal equipment customarily found in a dwelling; provided, that no assistants are employed and provided the use is conducted in the main dwelling and not in an accessory building. E. "Lodginghouse or roominghouse" means a building having no more than five guest rooms with a maximum occupancy of two persons per room, and where such lodging is provided for compensation. (Ord. ____ (part), 200_).	guests for sleeping purposes, but hi which no provision is made for cooking. D. "Home occupations" means a use customarily carried on in a dwelling by a resident thereof, which use is merely incidental to the residential use of the dwelling, and is carried on with the normal equipment customarily found in a dwelling; provided, that no assistants are employed and provided the use is conducted in the main dwelling and not in an accessory building. E. "Lodginghouse or roominghouse" means a building having no more than five guest rooms with a maximum occupancy of two persons per room, and where such lodging is provided for compensation. (Ord. ____ (part), 200_).
17.59.030 Allowable locations. Bed and breakfast establishments shall be allowed in all zones except O and CZ-O. (Ord. ____ (part), 200_).	**~~17.59.030~~ 17.73.030 Allowable locations.** Bed and breakfast establishments shall be allowed in all zones except ~~**O and**~~ CZ-O. **(Ord. ____ (part), 200_),** (Ord. ____ (part), 200_).
17.59.040 Use permit. Guest homes and bed and breakfast establishments must obtain a conditional use permit from the planning commission for their operation. The conditional use permit process requires a public hearing, allowing neighbors and/or other concerned citizens to voice their concerns about the proposed operations. In residential zones, the focus of the use permit process is on the commercial operation occurring in a residential zone. In commercial zones, the focus is on the required residential use by the on-site owner or manager in a commercial zone. (Ord. ____ (part), 200_).	**~~17.59.040~~ 17.73.040 Use permit.** Guest homes and bed and breakfast establishments must obtain a conditional use permit from the planning commission for their operation. The conditional use permit process requires a public hearing, allowing neighbors and/or other concerned citizens to voice their concerns about the proposed operations. In residential zones, the focus of the use permit process is on the commercial operation occurring in a residential zone. In commercial zones, the focus is on the required residential use by the on-site owner or manager in a commercial zone. (Ord. ____ (part), 200_).
17.59.050 Architectural review. Bed and breakfast establishments in the R3, RP, CZ-RP and all commercial zones are required to go through an architectural review. (Ord. ____ (part), 200_).	**~~17.59.050~~ 17.73.050** Architectural review. Bed and breakfast establishments in ~~**the R3, RP, CZ-RP and**~~ all commercial zones are required to go through an architectural review. (Ord. ____ (part), 200_).
17.59.060 Business license. A. A business license must be obtained by the proprietor through the city finance department before guests may be accommodated. B. Bed and breakfast establishments shall be subject to the transient occupancy tax as required under Title 3 of this code. (Ord. ____ (part), 200_).	**~~17.59.060~~ 17.73.060 Business license.** A. A business license must be obtained by the proprietor through the city finance department before guests may be accommodated. B. Bed and breakfast establishments shall be subject to the transient occupancy tax as required under Title 3 of this code. (Ord. ____ (part), 200_).
17.59.070 Size of establishment. A. A maximum of three guest rooms shall be permitted in the Rl, CZ-R1 and CZ-R1B zones. B. A maximum of five guest rooms shall be permitted in the R2 and CZ-R2 zones. C. The maximum number of guest rooms for bed and breakfast establishments shall be determined on a case-by-case basis during the use permit process for the R-3, RP and CZ-RP zones. D. Bed and breakfast establishments in the commercial zones shall be treated the same as hotels, motels and inns. (Ord. ____ (part), 200_).	**~~17.59.070~~ 17.73.070 Size of establishment.** A. A maximum of three guest rooms shall be permitted in the ~~**Rl,**~~ CZ-R1 and CZ-R1B zones. B. A maximum of five guest rooms shall be permitted in the ~~**R2 and**~~ CZ-R2 zones. C. ~~**The maximum number of guest rooms for bed and breakfast establishments shall be determined on a case-by-case basis during the use permit process for the R-3, RP and CZ-RP zones.**~~ ~~**D.**~~ Bed and breakfast establishments in the commercial zones shall be treated the same as hotels, motels and inns. (Ord. ____ (part), 200_).
17.59.080 Parking.	**~~17.59.080~~ 17.73.080 Parking.**

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A. One off-street parking space per guest room shall be required in addition to the two covered off-street spaces required for the residential use. B. The owner or manager's required residential use of a bed and breakfast establishment in a multi-family zone shall be treated as a single-family residence, and two covered off-street parking spaces shall be required for the on-site residence in addition to the one off-street parking space for each guest room. C. Parking requirements shall be the same as for hotels and motels in commercial zones. (Ord. ____ (part), 200_).	A. One off-street parking space per guest room shall be required in addition to the two covered off-street spaces required for the residential use. B. The owner or manager's required residential use of a bed and breakfast establishment in a multi-family zone shall be treated as a single-family residence, and two covered off-street parking spaces shall be required for the on-site residence in addition to the one off-street parking space for each guest room. C. Parking requirements shall be the same as for hotels and motels in commercial zones. (Ord. ____ (part), 200_).
17.59.090 Signs. A. In residential zones signs shall be no larger than the two-square-foot nameplates allowed for single-family residences, and shall be made of non-plastic material. B. Bed and breakfast signs in residential zones shall not be lighted at night. C. In commercial zones, signs for bed and breakfast establishments shall conform to the sign requirements for that zone. D. A sign permit shall be required for bed and breakfast signs in commercial zones. Nameplate signs of two square feet or less in residential zones shall conform to the requirements for such signs, and shall not require a permit. (Ord. ____ (part), 200_).	**~~17.59.090~~ 17.73.090 Signs.** A. In residential zones signs shall be no larger than the two-square-foot nameplates allowed for single-family residences, and shall be made of non-plastic material. B. Bed and breakfast signs in residential zones shall not be lighted at night. C. In commercial zones, signs for bed and breakfast establishments shall conform to the sign requirements for that zone. D. A sign permit shall be required for bed and breakfast signs in commercial zones. Nameplate signs of two square feet or less in residential zones shall conform to the requirements for such signs, and shall not require a permit. (Ord. ____ (part), 200_).
17.59.100 Historic structures. Any modifications, additions or remodels made to duly recognized historic structures being used or intended to be used as a bed and breakfast establishment shall go through the architectural review process. The purpose of the review shall be to ensure that all work done on the structure of the grounds be in keeping with the historic significance of the building, and shall reasonably conform to the original plan and appearance of the site. (Ord. ____ (part), 200_).	**~~17.59.100~~ 17.73.100 Historic structures.** Any modifications, additions or remodels made to duly recognized historic structures being used or intended to be used as a bed and breakfast establishment shall go through the architectural review process. The purpose of the review shall be to ensure that all work done on the structure of the grounds be in keeping with the historic significance of the building, and shall reasonably conform to the original plan and appearance of the site. (Ord. ____ (part), 200_).
17.59.110 Safety requirements. A. Smoke detectors and fire exit maps shall be required in all guest rooms. B. Fire extinguishers shall be required to be kept on the premises at all times. The extinguishers must be kept in good working order. C. The buildings and guest rooms must pass a fire inspection before the issuance of a business license, and once a year thereafter. D. The kitchen shall conform to the requirements for bed and breakfast operations set forth by the county health department. E. Kitchens, kitchenettes or other provision for the preparation of meals shall not be permitted in any guest room. (Ord. ____ (part), 200_).	**~~17.59.110~~ 17.73.110 Safety requirements.** A. Smoke detectors and fire exit maps shall be required in all guest rooms. B. Fire extinguishers shall be required to be kept on the premises at all times. The extinguishers must be kept in good working order. C. The buildings and guest rooms must pass a fire inspection before the issuance of a business license, and once a year thereafter. D. The kitchen shall conform to the requirements for bed and breakfast operations set forth by the county health department. E. Kitchens, kitchenettes or other provision for the preparation of meals shall not be permitted in any guest room. (Ord. ____ (part), 200_).
17.59.120 Meals. A. Breakfast shall be the only meal served, and may only be provided to registered guests. B. A food service permit must be obtained from the county health department before any meals are served. (Ord. ____ (part), 200_).	**~~17.59.120~~ 17.73.120 Meals.** A. Breakfast shall be the only meal served, and may only be provided to registered guests. B. A food service permit must be obtained from the county health department before any meals are served. (Ord. ____ (part), 200_).
17.59.130 Owner or innkeeper on premises.	**~~17.59.130~~ 17.73.130 Owner or innkeeper on premises.**

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A. The owner or manager of the bed and breakfast establishment must reside on the premises as their primary place of residence. B. The on-site owner or manager shall be responsible for ensuring that all the requirements of these regulations are met, and that the operation is conducted without unduly interfering with a surrounding residential neighborhood. (Ord. ____ (part), 200_).	A. The owner or manager of the bed and breakfast establishment must reside on the premises as their primary place of residence. B. The on-site owner or manager shall be responsible for ensuring that all the requirements of these regulations are met, and that the operation is conducted without unduly interfering with a surrounding residential neighborhood. (Ord. ____ (part), 200_).
17.59.140 Noise. A. In order to protect the residential character of a neighborhood, and to ensure the enjoyment of the other guests, no loud noises or loud parties shall be permitted after ten p.m. or before eight a.m. in residential zones. For the purpose of this regulation, loud noises shall mean noise above sixty decibels discernible at nearby residences after the specified hours. The on-site owner or manager shall be responsible for enforcing this regulation. B. In commercial zones with no nearby residential uses, the issue of maintaining quiet during the evening hours shall be at the discretion of the on-site owner or manager. (Ord. ____ (part), 200_).	**~~17.59.140~~ 17.73.140 Noise.** A. In order to protect the residential character of a neighborhood, and to ensure the enjoyment of the other guests, no loud noises or loud parties shall be permitted after ten p.m. or before eight a.m. in residential zones. For the purpose of this regulation, loud noises shall mean noise above sixty decibels discernible at nearby residences after the specified hours. The on-site owner or manager shall be responsible for enforcing this regulation. B. In commercial zones with no nearby residential uses, the issue of maintaining quiet during the evening hours shall be at the discretion of the on-site owner or manager. (Ord. ____ (part), 200_).

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Chapter 17.60 **COASTAL ZONE GENERAL PROVISIONS** **Sections:** **17.60.010 Purpose and objectives.** **17.60.020 Short title.** **17.60.030 Components.** **17.60.040 Interpretation.** **17.60.050 Application.** **17.60.060 Construction and definitions.**	[No modifications suggested.]
17.60.010 Purpose and objectives. These zoning regulations are adopted to preserve, protect and promote the public health, safety, peace, comfort, convenience, prosperity and general welfare. More specifically, the regulations are adopted to achieve the following objectives: A. To provide a plan to guide the physical development of the city in such a manner as to achieve progressively the general arrangement of land uses depicted in the coastal element of the general plan; B. To encourage a wholesome, serviceable, and pleasant living environment and to establish a stability of existing land uses which conform with the objectives, policies, principles and standards of the coastal element of the general plan; C. To prevent excessive population densities and overcrowding of land with structures; D. To promote a safe and effective traffic circulation system, adequate off-street	[No modifications suggested.]

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parking and truck loading facilities, and the appropriate location of community facilities; E. To promote and protect properly located commercial and industrial activities in order to preserve and strengthen the city's economic base; F. To enhance and protect real property values and the city's natural assets; G. To provide for the orderly development of new urban expansion that is logical, desirable, and in conformance with the objectives and policies of the coastal element of the general plan. (Ord. 587 (part), 1983).	
17.60.020 Short title. Chapters 17.60 through 17.86 shall be known as the coastal zone zoning regulations. (Ord. 587 (part), 1983).	[No modifications suggested.]
17.60.030 Components. The coastal zone zoning regulations shall consist of a zoning map designating certain districts, an appeal map describing appeal districts, and a set of regulations controlling the uses of land, and density of population, the uses and location of structures, the height and bulk of structures, the open spaces and yards about structures, the appearance of certain uses and structures, the areas and dimensions of sites, locations, size, illumination, and requirements for the provision of off-street parking and off-street loading facilities. (Ord. 587 (part), 1983).	[No modifications suggested.]
17.60.040 Interpretation. The interpretation and application of the provisions of these regulations are held to be minimum requirements except where expressly stated to be otherwise. No provision of these regulations is intended to abrogate, repeal, annul, impair, or interfere with any existing ordinance of the city, except as specifically repealed herein with deed restrictions, covenant, easements or other agreements between parties; provided, that where these regulations impose greater restrictions or regulations than are imposed or required by existing code, deed, restriction, covenant, easements or agreements between parties, these regulations shall control. (Ord. 587 (part), 1983).	[No modifications suggested.]
17.60.050 Application. These regulations shall apply to all property whether owned by private persons, firms, corporations, by the state or any of Its agencies or political subdivisions, by any county or city including the city, or any of its agencies or by any authority of the district organized under the state. (Ord. 587 (part), 1983).	[No modifications suggested.]
17.60.060 Construction and definitions. The definition of words for these regulations and the construction of the words and provisions thereof shall be as set forth in Chapter 17.61. Words used in the singular include the plural, and the plural the singular. Words used in the present tense shall include the future tense, and the words used in the masculine gender shall include the feminine and the feminine the masculine. (Ord. 587 (part), 1983).	[No modifications suggested.]

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Chapter 17.61		Chapter 17.61	
COASTAL ZONE DEFINITIONS		COASTAL ZONE DEFINITIONS	
Sections:		Sections:	
17.61.005	Scope.	17.61.005	Scope.
17.61.010	Accessory building.	17.61.010	Accessory building.
17.61.015	Accessory living quarters.	17.61.015	Accessory living quarters.
17.61.020	Accessory use.	17.61.020	Accessory use.
17.61.025	Advertising sign.	17.61.025	Advertising sign.
17.61.030	Advertising structure.	17.61.030	Advertising structure.
17.61.031	Aggrieved person.	17.61.031	Aggrieved person.
17.61.040	Alley.	17.61.040	Alley.
17.61.045	Apartment.	17.61.045	Apartment.
17.61.050	Apartment house.	17.61.050	Apartment house.
17.61.055	Area, building.	17.61.055	Area, building.
17.61.070	Basement or cellar.	17.61.070	Basement or cellar.
17.61.075	Block.	17.61.075	Block.
17.61.080	Boardinghouse.	17.61.077	Bluff line or edge.
17.61.085	Building.	17.61.080	Boardinghouse.
17.61.090	Building height.	17.61.085	Building.
17.61.095	Building, main.	17.61.090	Building height.
17.61.100	Building site.	17.61.095	Building, main.
17.61.103	Care Facility, Residential.	17.61.100	Building site.
17.61.105	Carport.	17.61.103	Care Facility, Residential.
17.61.115	Centerline.	17.61.105	Carport.
17.61.116	Coastal development permit.	17.61.115	Centerline.
17.61.117	Coastal zone.	17.61.116	Coastal development permit.
17.61.120	Common open space.	17.61.117	Coastal zone.
17.61.125	Community-use facility or center.	17.61.120	Common open space.
17.61.130	Court.	17.61.122	Commission.
17.61.131	Development.	17.61.124	Commission, Coastal.
17.61.140	District.	17.61.125	Community-use facility or center.
17.61.145	Dormitory.	17.61.127	Council.
17.61.150	Drive-ins.	17.61.130	Court.
17.61.155	Dwelling, multiple.	17.61.132	Department.
17.61.160	Dwelling, one-family.	17.61.~~131~~ 135	Development.
17.61.165	Dwelling, two-family.	17.61.137	Director.
17.61.170	Dwelling, group.	17.61.140	District.
17.61.175	Dwelling unit.	17.61.145	Dormitory.
17.61.176	Energy facility, major.	17.61.150	Drive-ins.
17.61.178	Environmentally sensitive habitat area.	17.61.155	Dwelling, multiple.
17.61.180	Essential service.	17.61.160	Dwelling, one-family.
17.61.185	Family.	17.61.165	Dwelling, two-family.
17.61.187	Fill.	17.61.170	Dwelling, group.

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17.61.190	Fraternity or sorority house.	17.61.175	Dwelling unit.
17.61.195	Frontage.	17.61.175.5	Emergency.
17.61.200	Front wall.	17.61.176	Energy facility, major.
17.61.205	Garage, private.	17.61.178	Environmentally sensitive habitat area.
17.61.210	Garage, public.	17.61.180	Essential service.
17.61.215	Garage, storage.	17.61.183	Executive Director.
17.61.220	Grade.	17.61.185	Family.
17.61.230	Guestroom.	17.61.187	Fill.
17.61.231	Harbor-related.	17.61.190	Fraternity or sorority house.
17.61.235	Home occupation.	17.61.195	Frontage.
17.61.240	Hospital, sanitarium, nursing or convalescent homes.	17.61.200	Front wall.
17.61.245	Hotel.	17.61.205	Garage, private.
17.61.250	Hotel, residential	17.61.210	Garage, public.
17.61.265	Kitchen.	17.61.215	Garage, storage.
17.61.275	Landowner.	17.61.220	Grade.
17.61.276	Land use plan.	17.61.230	Guestroom.
17.61.280	Loading space.	17.61.231	Harbor-dependent.
17.61.281	Local coastal plan.	~~17.61.231~~ 17.61.233	Harbor-related.
17.61.285	Lodginghouse or roominghouse.	17.61.235	Home occupation.
17.61.290	Lot.	17.61.240	Hospital, sanitarium, nursing or convalescent homes.
17.61.295	Lot area.	17.61.245	Hotel.
17.61.300	Lot, corner.	17.61.250	Hotel, residential
17.61.305	Lot, interior.	17.61.265	Kitchen.
17.61.310	Lot, key.	17.61.275	Landowner.
17.61.315	Lot line, front.	17.61.276	Land use plan.
17.61.320	Lot line, rear.	17.61.280	Loading space.
17.61.325	Lot line, side.	17.61.281	Local coastal plan.
17.61.330	Lot of record.	17.61.285	Lodginghouse or roominghouse.
17.61.335	Lot, reversed corner.	17.61.290	Lot.
17.61.340	Lot, through.	17.61.295	Lot area.
17.61.345	Lot width.	17.61.300	Lot, corner.
17.61.350	Marina.	17.61.305	Lot, interior.
17.61.365	Motel.	17.61.310	Lot, key.
17.61.375	Natural production use.	17.61.315	Lot line, front.
17.61.380	Nonconforming building.	17.61.320	Lot line, rear.
17.61.385	Nonconforming lot.	17.61.325	Lot line, side.
17.61.390	Nonconforming use.	17.61.330	Lot of record.
17.61.400	Parking area, public.	17.61.335	Lot, reversed corner.
17.61.405	Parking space, automobile.	17.61.340	Lot, through.
17.61.410	Patio, covered.	17.61.345	Lot width.
17.61.415	Place.	17.61.350	Marina.
17.61.425	Public works, major.	17.61.365	Motel.
17.61.430	Schools, elementary, middle, junior high or high.	17.61.375	Natural production use.
17.61.440	Service station.	17.61.380	Nonconforming building.
17.61.445	Setback.	17.61.385	Nonconforming lot.

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17.61.450 Sign. **17.61.455** Sign area. **17.61.460** Street. **17.61.465** Streetline. **17.61.470** Structural alteration. **17.61.475** Structure. **17.61.480** Townhouse or row house. **17.61.483** Unit. **17.61.487** Unit area. **17.61.490** Use. **17.61.495** Yard. **17.61.500** Yard, front. **17.61.505** Yard, rear. **17.61.510** Yard, side. **17.61.511** Wetlands.	**17.61.390** Nonconforming use. **17.61.400** Parking area, public. **17.61.405** Parking space, automobile. **17.61.410** Patio, covered. **17.61.415** Place. **17.61.425** Public works, major. **17.61.430** Schools, elementary, middle, junior high or high. **17.61.435** Sea. **17.61.440** Service station. **17.61.445** Setback. **17.61.450** Sign. **17.61.455** Sign area. **17.61.460** Street. **17.61.465** Streetline. **17.61.470** Structural alteration. **17.61.475** Structure. **17.61.480** Townhouse or row house. **17.61.483** Unit. **17.61.487** Unit area. **17.61.490** Use. **17.61.495** Yard. **17.61.500** Yard, front. **17.61.505** Yard, rear. **17.61.510** Yard, side. **17.61.511** Wetlands.
17.61.005 Scope. "Lot" includes the word "plot"; "building" includes the word "structure;" "occupied" includes the words "arranged or designed for" or "intended to be occupied;" "planning commission" means the planning commission of the city. (Ord. 587 (part), 1983).	**17.61.005** Scope. "Lot" includes the word "plot"; "building" includes the word "structure;" "occupied" includes the words "arranged or designed for" or "intended to be occupied;" "planning commission" means the planning commission of the city. (Ord. 587 (part), 1983).
17.61.010 Accessory building. "Accessory building" means the building or the part of the building, the use of which is subordinate or incidental to that of the main building on the lot. Construction of said structure may only commence upon the completion of construction of certain portions of the main building as prescribed in Sections 17.64.040, 17.65.040, and 17.66.040. (Ord. 587 (part), 1983).	**17.61.010** Accessory building. "Accessory building" means the building or the part of the building, the use of which is subordinate or incidental to that of the main building on the lot. Construction of said structure may only commence upon the completion of construction of certain portions of the main building as prescribed in Sections 17.64.040, 17.65.040, and 17.66.040. (Ord. 587 (part), 1983).
17.61.015 Accessory living quarters. "Accessory living quarters" means the living quarters within an accessory building for the sole use of persons employed on the premises, having no kitchen or cooking facilities and not rented or used as a separate dwelling. (Ord. 587 (part), 1983).	**17.61.015** Accessory living quarters. "Accessory living quarters" means the living quarters within an accessory building for the sole use of persons employed on the premises, having no kitchen or cooking facilities and not rented or used as a separate dwelling. (Ord. 587 (part), 1983).
17.61.020 Accessory use. "Accessory use" means a use incidental and subordinate to the principal use of a lot or	**17.61.020** Accessory use. "Accessory use" means a use incidental and subordinate to the principal use of a lot or

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building located upon the same lot. (Ord. 587 (part), 1983).	building located upon the same lot. (Ord. 587 (part), 1983).
17.61.025 Advertising sign. "Advertising sign" means any sign used primarily for advertising purposes. (Ord. 587 (part), 1983).	**17.61.025 Advertising sign.** "Advertising sign" means any sign used primarily for advertising purposes. (Ord. 587 (part), 1983).
17.61.030 Advertising structure. "Advertising structure" means any structure of any kind or character erected or maintained for advertising purposes upon which any advertising sign may be placed, including advertising statuary. (Ord. 587 (part), 1983).	**17.61.030 Advertising structure.** "Advertising structure" means any structure of any kind or character erected or maintained for advertising purposes upon which any advertising sign may be placed, including advertising statuary. (Ord. 587 (part), 1983).
17.61.031 Aggrieved person. "Aggrieved person" means any person who, in person or through a representative, appeared and spoke at a public hearing of the city in connection with the decision or action appealed, or who, by other appropriate means prior to a hearing, informed the city in writing of the nature of his or her concerns or who, for good cause, was unable to do either. (Ord. 587 (part), 1983).	**17.61.031 Aggrieved person.** "Aggrieved person" means any person who, in person or through a representative, appeared and spoke at a public hearing of the city in connection with the decision or action appealed, or who, by other appropriate means prior to a hearing, informed the city in writing of the nature of his or her concerns or who, for good cause, was unable to do either. (Ord. 587 (part), 1983).
17.61.040 Alley. "Alley" means a public way, not exceeding twenty feet in width for the use of pedestrians and/or vehicles which affords only a secondary means of access to the abutting property. (Ord. 587 (part), 1983).	**17.61.040 Alley.** "Alley" means a public way, not exceeding twenty feet in width for the use of pedestrians and/or vehicles which affords only a secondary means of access to the abutting property. (Ord. 587 (part), 1983).
17.61.045 Apartment. "Apartment" means a room, or suite of rooms, which is intended or designed to be occupied by one family for living, kitchen cooking, and sleeping purposes as a dwelling unit. (Ord. ____ (part), 200_ ; Ord. 587 (part), 1983)	**17.61.045 Apartment.** "Apartment" means a room, or suite of rooms, which is intended or designed to be occupied by one family for living, kitchen cooking, and sleeping purposes as a dwelling unit. (Ord. ____ (part), 200_ ; Ord. 587 (part), 1983)
17.61.050 Apartment house. For the definition of "apartment house," see "dwelling, multiple," Section 17.61.155. (Ord. 587 (part), 1983).	**17.61.050 Apartment house.** For the definition of "apartment house," see "dwelling, multiple," Section 17.61.155. (Ord. 587 (part), 1983).
17.61.055 Area, building. "Building area" means the aggregate of the maximum horizontal cross-section area of the main building on a lot, excluding cornices, eaves, gutters or chimneys projecting not more than four feet, steps, one-story open porches, bay windows not extending through more than one story and not projecting more than four feet, balconies and terraces. (Ord. 587 (part), 1983).	**17.61.055 Area, building.** "Building area" means the aggregate of the maximum horizontal cross-section area of the main building on a lot, excluding cornices, eaves, gutters or chimneys projecting not more than four feet, steps, one-story open porches, bay windows not extending through more than one story and not projecting more than four feet, balconies and terraces. (Ord. 587 (part), 1983).
17.61.070 Basement or cellar. "Basement" or "cellar" means a story partly or wholly underground, and having more than one-half of its height below the average level of the adjoining ground. A basement, when designed for dwelling or occupied by business or manufacturing, shall be considered a story. (Ord. 587 (part), 1983).	**17.61.070 Basement or cellar.** "Basement" or "cellar" means a story partly or wholly underground, and having more than one-half of its height below the average level of the adjoining ground. A basement, when designed for dwelling or occupied by business or manufacturing, shall be considered a story. (Ord. 587 (part), 1983).
17.61.075 Block.	**17.61.075 Block.**

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"Block" means that property abutting on one side of a street and lying between the two nearest intersecting or intercepting streets, or nearest intersection of intercepting streets and railroad right-of-way, waterway or natural barrier or unsubdivided acreage. (Ord. 587 (part), 1983).	"Block" means that property abutting on one side of a street and lying between the two nearest intersecting or intercepting streets, or nearest intersection of intercepting streets and railroad right-of-way, waterway or natural barrier or unsubdivided acreage. (Ord. 587 (part), 1983).
	17.61.077 Bluff line or edge. **"Bluff line" or "bluff edge" means the upper termination of a bluff, cliff, or seacliff. In cases where the top edge of the cliff is rounded away from the face of the cliff as a result of erosional processes related to the presence of the steep cliff face, the bluff line or edge shall be defined as that point nearest the cliff beyond which the downward gradient of the surface increases more or less continuously until it reaches the general gradient of the cliff. In a case where there is a steplike feature at the top of the cliff face, the landward edge of the topmost riser shall be taken to be the cliff edge. The termini of the bluff line, or edge along the seaward face of the bluff, shall be defined as a point reached by bisecting the angle formed by a line coinciding with the general trend of the bluff line along the seaward face of the bluff, and a line coinciding with the general trend of the bluff line along the inland facing portion of the bluff. Five hundred feet shall be the minimum length of bluff line or edge to be used in making these determinations. (Ord. 20 - § , 20)**
17.61.080 Boardinghouse. "Boardinghouse" means a building in which there is not more than one dining room and meals are provided by the week or month. (Ord. 587 (part), 1983).	**17.61.080 Boardinghouse.** "Boardinghouse" means a building in which there is not more than one dining room and meals are provided by the week or month. (Ord. 587 (part), 1983).
17.61.085 Building. "Building" means any structure built for the occupancy, shelter or enclosure of person, animal, chattels or personal property of any kind. (Ord. 587 (part), 1983).	**17.61.085 Building.** "Building" means any structure built for the occupancy, shelter or enclosure of person, animal, chattels or personal property of any kind. (Ord. 587 (part), 1983).
17.61.090 Building height. "Building height" means the vertical distance from the average ground level of the site to the highest point of structure. (Ord. 587 (part), 1983).	**17.61.090 Building height.** "Building height" means the vertical distance from the average ground level of the site to the highest point of structure. (Ord. 587 (part), 1983).
17.61.095 Building, main. "Main building" means a building in which is conducted the principal use of the lot upon which it is situated. In any residential district any dwelling shall be deemed to be the main building on the lot. (Ord. 587 (part), 1983).	**17.61.095 Building, main.** "Main building" means a building in which is conducted the principal use of the lot upon which it is situated. In any residential district any dwelling shall be deemed to be the main building on the lot. (Ord. 587 (part), 1983).
17.61.100 Building site. "Building site" means a lot or lots under one ownership or control, or such land area as may be required herein for building purposes. (Ord 587 (part), 1983).	**17.61.100 Building site.** "Building site" means a lot or lots under one ownership or control, or such land area as may be required herein for building purposes. (Ord 587 (part), 1983).
17.61.103 Care Facility, Residential. "Residential Care Facility" means a facility for habilitative, congregate, foster, group	**17.61.103 Care Facility, Residential.** "Residential Care Facility" means a facility for habilitative, congregate, foster, group

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home or daycare uses as a health care, community care or recovery care use.(Ord. ____ (part), 200_).	home or daycare uses as a health care, community care or recovery care use.(Ord. ____ (part), 200_).
17.61.105 Carport. "Carport" means a permanent roofed structure used or intended to be used for automobile shelter and storage. (Ord. 587 (part), 1983).	**17.61.105 Carport.** "Carport" means a permanent roofed structure used or intended to be used for automobile shelter and storage. (Ord. 587 (part), 1983).
17.61.115 Centerline. "Centerline" means the right-of-way centerline of a street as established by the city engineer, by the county surveyor, by the State Division of Highways, or subdivision map or if such centerline has not been established, the planning commission shall designate the centerline. (Ord. 587 (part), 1983).	**17.61.115 Centerline.** "Centerline" means the right-of-way centerline of a street as established by the city engineer, by the county surveyor, by the State Division of Highways, or subdivision map or if such centerline has not been established, the planning commission shall designate the centerline. (Ord. 587 (part), 1983).
17.61.116 Coastal development permit. "Coastal development permit" means the permit for any development within the coastal zone that is required pursuant to Section 30600(a) of the California Coastal Act of 1976. (Ord. 587 (part), 1983).	**17.61.116 Coastal development permit.** "Coastal development permit" means the permit for any development within the coastal zone that is required pursuant to Section 30600(a) of the California Coastal Act of 1976. (Ord. 587 (part), 1983).
17.61.117 Coastal zone. "Coastal zone" means that land and water area of the state from the Oregon border to the border of the Republic of Mexico, specified on the maps identified and set forth in Section 17 of that chapter of the Statutes of the 1975-76 Regular Session enacting this division, extending seaward to the state's outer limits of jurisdiction, including all offshore islands, and extending inland generally one thousand yards from the mean high tide line of the sea. In significant coastal estuarine, habitat, and recreational areas it extends inland to the first major ridgeline paralleling the sea or five miles from the mean high tide line of the sea, whichever is less; and in developed urban areas the zone generally extends inland less than one thousand yards. (Ord. 587 (part), 1983).	**17.61.117 Coastal zone.** "Coastal zone" means that land and water area of the state from the Oregon border to the border of the Republic of Mexico, specified on the maps identified and set forth in Section 17 of that chapter of the Statutes of the 1975-76 Regular Session enacting this division, extending seaward to the state's outer limits of jurisdiction, including all offshore islands, and extending inland generally one thousand yards from the mean high tide line of the sea. In significant coastal estuarine, habitat, and recreational areas it extends inland to the first major ridgeline paralleling the sea or five miles from the mean high tide line of the sea, whichever is less; and in developed urban areas the zone generally extends inland less than one thousand yards. (Ord. 587 (part), 1983).
17.61.120 Common open space. "Common open space" means a parcel or parcels of land, water, or land and water included in a planned unit development and designed and intended for the use of all residents thereof. Common open space may contain complimentary recreational structures and improvements designed and intended for the benefit and enjoyment of the residents of the planned unit development. (Ord. 587 (part), 1983).	**17.61.120 Common open space.** "Common open space" means a parcel or parcels of land, water, or land and water included in a planned unit development and designed and intended for the use of all residents thereof. Common open space may contain complimentary recreational structures and improvements designed and intended for the benefit and enjoyment of the residents of the planned unit development. (Ord. 587 (part), 1983).
	17.61.122 Commission. "Commission" means the Planning Commission of the City of Crescent City.
	17.61.124 Commission, Coastal. **"Coastal Commission" means the California Coastal Commission.**
17.61.125 Community-use facility or center. "Community-use facility or center" means a multipurpose building, group of buildings or area which is owned and operated by a public agency or nonprofit organization, open to the public and designed to accommodate public gatherings or meetings for the purposes of recreational, educational or cultural endeavors. Single-purpose offices or	**17.61.125 Community-use facility or center.** "Community-use facility or center" means a multipurpose building, group of buildings or area which is owned and operated by a public agency or nonprofit organization, open to the public and designed to accommodate public gatherings or meetings for the purposes of recreational, educational or cultural endeavors. Single-purpose offices or

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agencies operated by nonprofit organizations such as, but not limited to, the Red Cross. United Crusade, Family Service Agency, Blood Bank, etc., shall not constitute a community-use facility or center. (Ord. 587 (part), 1983).	agencies operated by nonprofit organizations such as, but not limited to, the Red Cross, United Crusade, Family Service Agency, Blood Bank, etc., shall not constitute a community-use facility or center. (Ord. 587 (part), 1983).
	17.61.127 Council. **"Council" means the City Council of the City of Crescent City California.**
17.61.130 Court. "Court" means an open area other than a yard, on the same lot with a building or buildings, bounded on two or more sides by such building or buildings. (Ord. 587 (part). 1983).	**17.61.130 Court.** "Court" means an open area other than a yard, on the same lot with a building or buildings, bounded on two or more sides by such building or buildings. (Ord. 587 (part). 1983).
	17.61.132 Department. **"Department" means the City of Crescent City Department of Planning.**
17.61.131 Development. "Development" means, on land, in or under water, the placement or erection of any solid material or structure, discharge or disposal of any dredged material or of any gaseous, liquid, solid or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting and timber operations, which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'Berg-Nejedly Forest Practice Act of 1973 (commencing with Section 4511). (Ord. 587 (part), 1983).	**17.61.~~131~~ 135 Development.** "Development" means, on land, in or under water, the placement or erection of any solid material or structure, discharge or disposal of any dredged material or of any gaseous, liquid, solid or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto**, including limitations on time of use or increases in use fees or parking fees, which affect the intensity of use**; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting and timber operations, which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'Berg-Nejedly Forest Practice Act of 1973 (commencing with Section 4511). (Ord. 587 (part), 1983).
	17.61.137 Director. **"Director" means the Director of the City of Crescent Planning Department.**
17.61.140 District. "District" means a portion of the territory of the city within which certain regulations and requirements or various combinations thereof apply under the provisions of these regulations. (Ord. 587 (part), 1983).	**17.61.140 District.** "District" means a portion of the territory of the city within which certain regulations and requirements or various combinations thereof apply under the provisions of these regulations. (Ord. 587 (part), 1983).
17.61.145 Dormitory. "Dormitory" means a ~~room~~ place where one or more rooms are provided in a non-profit institutional setting, to be occupied for sleeping purposes by more than two persons not members of the same family and where independent cooking facilities are not provided. (Ord. ____ (part), 200_; Ord. 587 (part), 1983).	**17.61.145 Dormitory.** "Dormitory" means a ~~room~~ place where one or more rooms are provided in a non-profit institutional setting, to be occupied for sleeping purposes by more than two persons not members of the same family and where independent cooking facilities are not provided. (Ord. ____ (part), 200_; Ord. 587 (part), 1983).

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17.61.150 Drive-ins. "Drive-ins" means any premises with off-street parking facilities thereon, upon which premises are located restaurants, eating or food establishments from which establishments prepared food or drink, capable of being consumed by patrons or customers in automobiles on the premises. (Ord. 587 (part), 1983).	**17.61.150 Drive-ins.** "Drive-ins" means any premises with off-street parking facilities thereon, upon which premises are located restaurants, eating or food establishments from which establishments prepared food or drink, capable of being consumed by patrons or customers in automobiles on the premises. (Ord. 587 (part), 1983).
17.61.155 Dwelling, multiple. "Multiple dwelling" means a building with three or more dwelling units designed to be occupied by three or more families, each living independently as a separate housekeeping unit, including apartment houses, or courts, apartment hotels and flats, but not including motels.	**17.61.155 Dwelling, multiple.** "Multiple dwelling" means a building with three or more dwelling units designed to be occupied by three or more families, each living independently as a separate housekeeping unit, including apartment houses, or courts, apartment hotels and flats, but not including motels.
17.61.160 Dwelling, one-family. "One-family dwelling" means a detached building which is a dwelling unit designed to be occupied by one family exclusively. (Ord. ____ (part), 200_ ; Ord. 587 (part), 1983).	**17.61.160 Dwelling, one-family.** "One-family dwelling" means a detached building which is a dwelling unit designed to be occupied by one family exclusively. (Ord. ____ (part), 200_ ; Ord. 587 (part), 1983).
17.61.165 Dwelling, two-family. "Two-family dwelling" means a building with two dwelling units designed to be occupied by two families exclusively, living independently of each other. (Ord. ____ (part), 200_ ; Ord. 587 (part), 1983).	**17.61.165 Dwelling, two-family.** "Two-family dwelling" means a building with two dwelling units designed to be occupied by two families exclusively, living independently of each other. (Ord. ____ (part), 200_ ; Ord. 587 (part), 1983).
17.61.170 Dwelling, group. "Group dwelling" means a group or row of detached or semidetached dwellings occupying a parcel of land in one ownership and having a yard, court or place in common, including bungalow courts and apartment courts, but not including motels. (Ord. 587 (part), 1983).	**17.61.170 Dwelling, group.** "Group dwelling" means a group or row of detached or semidetached dwellings occupying a parcel of land in one ownership and having a yard, court or place in common, including bungalow courts and apartment courts, but not including motels. (Ord. 587 (part), 1983).
17.61.175 Dwelling unit. "Dwelling unit" means a building or portion thereof used and/or designed for occupancy by one family for living or sleeping purposes and having one kitchen and one separate toilet facility. (Ord. 587 (part), 1983).	**17.61.175 Dwelling unit.** "Dwelling unit" means a building or portion thereof used and/or designed for occupancy by one family for living or sleeping purposes and having one kitchen and one separate toilet facility. (Ord. 587 (part), 1983).
	17.61.175.5 Emergency. **"Emergency" means a sudden, unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property, or essential public services. (Ord. 20 - § , 20)**
17.61.176 Energy facility, major. "Major energy facility" means any public or private processing, producing, generating, storing, transmitting, or recovering facility for electricity, natural gas, petroleum, coal, or other source of energy valued at fifty thousand dollars or more in January, 1981 (with an automatic annual increase based upon the Engineering News Record Construction Cost Index). (Ord. 587 (part), 1983).	**17.61.176 Energy facility, major.** "Major energy facility" means any public or private processing, producing, generating, storing, transmitting, or recovering facility for electricity, natural gas, petroleum, coal, or other source of energy valued at fifty thousand dollars or more in January, 1981 (with an automatic annual increase based upon the Engineering News Record Construction Cost Index). (Ord. 587 (part), 1983).
17.61.178 Environmentally sensitive habitat area.	**17.61.178 Environmentally sensitive habitat area.**

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"Environmentally sensitive habitat area" means any area in which plant or animal life, or their habitats, are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments. (Ord. 587 (part), 1983).	"Environmentally sensitive habitat area" means any area in which plant or animal life, or their habitats, are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments. (Ord. 587 (part), 1983).
17.61.180 Essential service. "Essential service" means the erection, construction, alteration or maintenance by public utilities or municipal departments or commissions of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith, including buildings reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions or for the public health or safety or general welfare. (Ord. 587 (part), 1983).	**17.61.180 Essential service.** "Essential service" means the erection, construction, alteration or maintenance by public utilities or municipal departments or commissions of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith, including buildings reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions or for the public health or safety or general welfare. (Ord. 587 (part), 1983).
	17.61.183 Executive Director. **"Executive Director" meaning the executive director of the California Coastal Commission. (Ord. 20 - § , 20)**
17.61.185 Family. "Family" means a household of one or more persons ~~related by common ancestry or marriage, of a group of not more than five persons (excluding servants) not related by blood or marriage,~~ occupying a premises and living together as a single nonprofit housekeeping unit, as distinguished from a group occupying a hotel, club, fraternity or sorority house ~~in a dwelling unit~~. (Ord. ____ (part), 200_ ; Ord. 587 (part), 1983).	**17.61.185 Family.** "Family" means a household of one or more persons ~~related by common ancestry or marriage, of a group of not more than five persons (excluding servants) not related by blood or marriage,~~ occupying a premises and living together as a single nonprofit housekeeping unit, as distinguished from a group occupying a hotel, club, fraternity or sorority house ~~in a dwelling unit~~. (Ord. ____ (part), 200_ ; Ord. 587 (part), 1983).
17.61.187 Fill. "Fill" means earth or any other substance ormaterial, including pilings placed for the purposes of erecting structures thereon, placed in a submerged area. (Ord. 587 (part), 1983).	**17.61.187 Fill.** "Fill" means earth or any other substance ormaterial, including pilings placed for the purposes of erecting structures thereon, placed in a submerged area. (Ord. 587 (part), 1983).
17.61.190 Fraternity or sorority house. "Fraternity house" or "sorority house" means a dwelling maintained exclusively for members affiliated with an academic or professional college or university or other recognized institution of higher learning. (Ord. 587 (part), 1983).	**17.61.190 Fraternity or sorority house.** "Fraternity house" or "sorority house" means a dwelling maintained exclusively for members affiliated with an academic or professional college or university or other recognized institution of higher learning. (Ord. 587 (part), 1983).
17.61.195 Frontage. "Frontage" means the property abutting on one side of a street between two streets intersecting it (crossing or terminating) measured along the street line. (Ord. 587 (part), 1983).	**17.61.195 Frontage.** "Frontage" means the property abutting on one side of a street between two streets intersecting it (crossing or terminating) measured along the street line. (Ord. 587 (part), 1983).
17.61.200 Front wall. "Front wall" means the wall of a building or other structure nearest to the street upon	**17.61.200 Front wall.** "Front wall" means the wall of a building or other structure nearest to the street upon

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which the building faces, excluding cornices, canopies, eaves or any other architectural embellishments extending up to, but not in excess of, thirty inches beyond said front wall. (Ord. 587 (part), 1983).	which the building faces, excluding cornices, canopies, eaves or any other architectural embellishments extending up to, but not in excess of, thirty inches beyond said front wall. (Ord. 587 (part), 1983).
17.61.205 Garage, private. "Private garage" means an accessory building or portion of the main building designed and/or used for the shelter or storage of vehicles by the occupants of the main building. (Ord. 587 (part), 1983).	**17.61.205 Garage, private.** "Private garage" means an accessory building or portion of the main building designed and/or used for the shelter or storage of vehicles by the occupants of the main building. (Ord. 587 (part), 1983).
17.61.210 Garage, public. "Public garage" means any building, other than a private or storage garage, used for the storage, care or repair of motor vehicles or where the vehicles are kept for hire or sale. (Ord. 587 (part), 1983).	**17.61.210 Garage, public.** "Public garage" means any building, other than a private or storage garage, used for the storage, care or repair of motor vehicles or where the vehicles are kept for hire or sale. (Ord. 587 (part), 1983).
17.61.215 Garage, storage. "Storage garage" means any building other than a public or private garage used exclusively for the storage of motor vehicles. (Ord. 587 (part), 1983).	**17.61.215 Garage, storage.** "Storage garage" means any building other than a public or private garage used exclusively for the storage of motor vehicles. (Ord. 587 (part), 1983).
17.61.220 Grade. "Grade" means the elevation of the finished surface of the ground adjacent to the exterior walls of the building; except that where the exterior walls are within five feet of a street line, the elevation of the sidewalk at the center of such exterior wall or walls shall be taken as the grade. (Ord. 587 (part), 1983).	**17.61.220 Grade.** "Grade" means the elevation of the finished surface of the ground adjacent to the exterior walls of the building; except that where the exterior walls are within five feet of a street line, the elevation of the sidewalk at the center of such exterior wall or walls shall be taken as the grade. (Ord. 587 (part), 1983).
17.61.225 Guest home or rest home. "Guest home" or "rest home" means a building or any portion thereof used for the housing of ambulatory or aged persons where lodging is provided for compensation. (Ord. 587 (part), 1983).	**17.61.225 Guest home or rest home.** "Guest home" or "rest home" means a building or any portion thereof used for the housing of ambulatory or aged persons where lodging is provided for compensation. (Ord. 587 (part), 1983).
17.61.230 Guestroom. "Guest room" means a room designed and/or used by one or more guests for sleeping purposes, but in which no provision is made for cooking. (Ord. 587 (part), 1983).	**17.61.230 Guestroom.** "Guest room" means a room designed and/or used by one or more guests for sleeping purposes, but in which no provision is made for cooking. (Ord. 587 (part), 1983).
	17.61.231 Harbor-dependent. **"Harbor-dependent" means any development or use which requires a site on or adjacent to the waters of Crescent City Harbor to be able to function at all. (Ord. 20 (part), 20).**
17.61.231 Harbor-related. "Harbor-related" means that area and use which is primarily dependent upon immediate access to the harbor to function effectively; however, it may also include those uses which do not have to depend upon the coast or harbor to function. (Ord. 587 (part), 1983).	~~**17.61.231**~~ **17.61.233 Harbor-related.** "Harbor-related" means that area and use which is primarily dependent upon immediate access to the harbor to function effectively; however, it may also include those uses which do not have to depend upon the coast or harbor to function. (Ord. 587 (part), 1983).
17.61.235 Home occupation.	**17.61.235 Home occupation.**

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The purpose of Home Occupation is to provide Crescent City residents with the opportunity to have a combined living and working environment, thereby providing an affordable lifestyle and an incentive to remain in Crescent City. It is intended to implement the applicable provisions of the general plan and to promote compatible living and working conditions within a safe and health environment on property zoned residential. It is also the intent of a Home Occupation use to ensure that resident's live/work projects are compatible with surrounding land uses, are designed to avoid potential land use conflicts and negative impacts to both live/work occupants and occupants of neighboring properties, and to ensure that the project density will be no greater than the density otherwise allowed in the underlying zone. "Home occupation" ~~means a use~~ shall mean an activity customarily ~~carried on~~ conducted entirely within in a residential dwelling by a ~~resident thereof~~ person residing in the dwelling unit, which use is ~~merely~~ clearly a secondary and incidental ~~to the residential~~ use of ~~the dwelling and is carried on with the normal equipment customarily found in a~~ such dwelling~~; provided, that no assistants are employed and provided the use is conducted in the main dwelling and not in an accessory building~~ as a residence. The use must not change the residential character of the dwelling or area and shall meet the following conditions: a. The use shall not generate vehicular traffic in excess of that normally associated with the residential use. b. There shall be no exterior indication of the home occupation except an unlighted sign that conforms to sign restrictions applicable to the zone in which the Home Occupation is located. Any outside storage of materials, products, equipment or vehicles other than the personal transport vehicle(s) of the resident business owner(s) is prohibited. c. No noise, odor, dust fumes, vibration, smoke, electrical interference or other interference with the residential use of adjacent properties shall be created. d. No persons other than residents in the home shall be employed in the conduct of the home occupation. e. Living and working spaces shall not be rented or sold separately. f. In addition, the home Occupation use at the location shall not significantly: 1. Cause an adverse affect to the health, safety or welfare of persons residing or working in the surrounding area; 2. Impair the use and enjoyment of surrounding property in the vicinity of the site. (Ord. ____ (part), 200_; Ord. 587 (part), 1983).	The purpose of Home Occupation is to provide Crescent City residents with the opportunity to have a combined living and working environment, thereby providing an affordable lifestyle and an incentive to remain in Crescent City. It is intended to implement the applicable provisions of the general plan and to promote compatible living and working conditions within a safe and health environment on property zoned residential. It is also the intent of a Home Occupation use to ensure that resident's live/work projects are compatible with surrounding land uses, are designed to avoid potential land use conflicts and negative impacts to both live/work occupants and occupants of neighboring properties, and to ensure that the project density will be no greater than the density otherwise allowed in the underlying zone. "Home occupation" ~~means a use~~ shall mean an activity customarily ~~carried on~~ conducted entirely within in a residential dwelling by a ~~resident thereof~~ person residing in the dwelling unit, which use is ~~merely~~ clearly a secondary and incidental ~~to the residential~~ use of ~~the dwelling and is carried on with the normal equipment customarily found in a~~ such dwelling~~; provided, that no assistants are employed and provided the use is conducted in the main dwelling and not in an accessory building~~ as a residence. The use must not change the residential character of the dwelling or area and shall meet the following conditions: a. The use shall not generate vehicular traffic in excess of that normally associated with the residential use. b. There shall be no exterior indication of the home occupation except an unlighted sign that conforms to sign restrictions applicable to the zone in which the Home Occupation is located. Any outside storage of materials, products, equipment or vehicles other than the personal transport vehicle(s) of the resident business owner(s) is prohibited. c. No noise, odor, dust fumes, vibration, smoke, electrical interference or other interference with the residential use of adjacent properties shall be created. d. No persons other than residents in the home shall be employed in the conduct of the home occupation. e. Living and working spaces shall not be rented or sold separately. f. In addition, the home Occupation use at the location shall not significantly: 1. Cause an adverse affect to the health, safety or welfare of persons residing or working in the surrounding area; 2. Impair the use and enjoyment of surrounding property in the vicinity of the site. (Ord. ____ (part), 200_; Ord. 587 (part), 1983).
17.61.240 Hospital, sanitarium, nursing or convalescent homes. ~~"Hospital," "sanitarium," "nursing home," or "convalescent home" means~~ "Hospital, sanitarium, nursing or convalescent homes" mean a building or any portion thereof used or designed for the housing of sick, mentally ill, injured, convalescent or infirm persons for the purpose of medical treatment; provided, that this definition shall not include rooms in any one-~~family~~, two-~~family~~, or three-family dwelling, hotel, ~~or~~ apartment hotel not ordinarily intended to be occupied by said persons. (Ord. ____ (part), 200_; Ord. 587 (part), 1983).	**17.61.240 Hospital, sanitarium, nursing or convalescent homes.** ~~"Hospital," "sanitarium," "nursing home," or "convalescent home" means~~ "Hospital, sanitarium, nursing or convalescent homes" mean a building or any portion thereof used or designed for the housing of sick, mentally ill, injured, convalescent or infirm persons for the purpose of medical treatment; provided, that this definition shall not include rooms in any one-~~family~~, two-~~family~~, or three-family dwelling, hotel, ~~or~~ apartment hotel not ordinarily intended to be occupied by said persons. (Ord. ____ (part), 200_; Ord. 587 (part), 1983).

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17.61.245 Hotel. "Hotel" means a building containing six or more ~~sleeping rooms~~ guestrooms used by six or more guests, with or without meals, where such lodging is provided for compensation for thirty days or less, and no provision is made for ~~cooking~~ kitchen facilities in any individual room or suite, but excluding hospitals and buildings where ~~persons~~ human beings are housed and detained under legal restraint. (Ord. ____ (part), 200_; Ord. 587 (part), 1983).	**17.61.245 Hotel.** "Hotel" means a building containing six or more ~~sleeping rooms~~ guestrooms used by six or more guests, with or without meals, where such lodging is provided for compensation for thirty days or less, and no provision is made for ~~cooking~~ kitchen facilities in any individual room or suite, but excluding hospitals and buildings where ~~persons~~ human beings are housed and detained under legal restraint. (Ord. ____ (part), 200_; Ord. 587 (part), 1983).
17.61.247 Hotel, residential "Residential hotel" means a building containing six or more guestrooms used by six or more guests, with or without meals, where such lodging is provided for compensation for the purpose of occupancy longer than thirty days. and no provision is made for kitchen facilities in any individual room or suite. (Ord. ____ (part), 200_)	**17.61.247 Hotel, residential** "Residential hotel" means a building containing six or more guestrooms used by six or more guests, with or without meals, where such lodging is provided for compensation for the purpose of occupancy longer than thirty days. and no provision is made for kitchen facilities in any individual room or suite. (Ord. ____ (part), 200_)
17.61.265 Kitchen. "Kitchen" means any room, all or any part of which is designed or used for cooking and preparation of food. The use of a portable microwave oven or mini-refrigerator appliance utilizing 110 volt plugs for the purpose of incidental wet-bar or snack bar purpose without a food storage, cook stove or preparation/clean-up area shall not constitute a kitchen. (Ord. ____ (part), 200_; Ord. 587 (part), 1983).	**17.61.265 Kitchen.** "Kitchen" means any room, all or any part of which is designed or used for cooking and preparation of food. The use of a portable microwave oven or mini-refrigerator appliance utilizing 110 volt plugs for the purpose of incidental wet-bar or snack bar purpose without a food storage, cook stove or preparation/clean-up area shall not constitute a kitchen. (Ord. ____ (part), 200_; Ord. 587 (part), 1983).
17.61.275 Landowner. "Landowner" means the legal or beneficial owner or owners of all of the land included in or proposed to be included in any individual parcel of land. (Ord. 587 (part), 1983).	**17.61.275 Landowner.** "Landowner" means the legal or beneficial owner or owners of all of the land included in or proposed to be included in any individual parcel of land. (Ord. 587 (part), 1983).
17.61.276 Land use plan. "Land use plan" means the city's local coastal element of the general plan which is detailed to indicate kinds, locations, and intensity of land uses, and the applicable resource protection and development policies. (Ord. 587 (part), 1983).	**17.61.276 Land use plan.** "Land use plan" means the city's local coastal element of the general plan which is detailed to indicate kinds, locations, and intensity of land uses, and the applicable resource protection and development policies. (Ord. 587 (part), 1983).
17.61.280 Loading space. "Loading space" means an off-street space or berth on the same lot with a building or contiguous to a group of buildings for the temporary parking of a commerical vehicle while loading or unloading merchandise or materials, and which abuts upon a street, alley or other appropriate means of access. (Ord. 587 (part), 1983).	**17.61.280 Loading space.** "Loading space" means an off-street space or berth on the same lot with a building or contiguous to a group of buildings for the temporary parking of a commerical vehicle while loading or unloading merchandise or materials, and which abuts upon a street, alley or other appropriate means of access. (Ord. 587 (part), 1983).
17.61.281 Local coastal plan. "Local coastal plan" consists of the land use plan, zoning ordinances, zoning district maps, and implementing actions, which when all taken together meet the requirements of the Coastal Act of 1976. (Ord. 587 (part), 1983).	**17.61.281 Local coastal plan.** "Local coastal plan" consists of the land use plan, zoning ordinances, zoning district maps, and implementing actions, which when all taken together meet the requirements of the Coastal Act of 1976. (Ord. 587 (part), 1983).
17.61.285 Lodging or roominghouse. ~~"Lodginghouse" or "rooming house"~~ "Lodging or roominghouse" means a building having no more than five guest rooms with a maximum ~~occupancy~~ of two persons per	**17.61.285 Lodging or roominghouse.** ~~"Lodginghouse" or "rooming house"~~ "Lodging or roominghouse" means a building having no more than five guest rooms with a maximum ~~occupancy~~ of two persons per

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room, ~~and~~ where ~~such~~ lodging is provided for compensation. For time periods of one month or longer. Communal meals may or may not be provided in a single dining facility however no guestroom shall have separate kitchen facilities. (Ord. ____ (part), 200_; Ord. 587 (part), 1983).	room, ~~and~~ where ~~such~~ lodging is provided for compensation. For time periods of one month or longer. Communal meals may or may not be provided in a single dining facility however no guestroom shall have separate kitchen facilities. (Ord. ____ (part), 200_; Ord. 587 (part), 1983).
17.61.290 Lot. "Lot" means land occupied or available to be occupied by a use, building or a unit group of buildings, accessory buildings or uses, together with such yards, open spaces, lot width and area as required by this title, and having its principal frontage upon a street. For the definition of "unit," see Section 17.61.483. (Ord. 749 (part), 2009; Ord. 587 (part), 1983).	**17.61.290 Lot.** "Lot" means land occupied or available to be occupied by a use, building or a unit group of buildings, accessory buildings or uses, together with such yards, open spaces, lot width and area as required by this title, and having its principal frontage upon a street. For the definition of "unit," see Section 17.61.483. (Ord. 749 (part), 2009; Ord. 587 (part), 1983).
17.61.295 Lot area. "Lot area" means the total horizontal area included within lot lines of a lot. For the definition of "unit area," see Section 17.61.487. (Ord. 749 (part), 2009; Ord. 587 (part), 1983).	**17.61.295 Lot area.** "Lot area" means the total horizontal area included within lot lines of a lot. For the definition of "unit area," see Section 17.61.487. (Ord. 749 (part), 2009; Ord. 587 (part), 1983).
17.61.300 Lot, corner. "Corner lot" means land situated at the intersection of two or more streets, or bounded on two or more adjacent sides by street lines. (Ord. 587 (part), 1983).	**17.61.300 Lot, corner.** "Corner lot" means land situated at the intersection of two or more streets, or bounded on two or more adjacent sides by street lines. (Ord. 587 (part), 1983).
17.61.305 Lot, interior. "Interior lot" means a lot other than a corner lot. (Ord. 587 (part), 1983).	**17.61.305 Lot, interior.** "Interior lot" means a lot other than a corner lot. (Ord. 587 (part), 1983).
17.61.310 Lot, key. "Key lot" means the first interior lot to the rear of a reversed corner lot, the. front line of which is a continuation of the side line of the reversed corner lot, exclusive of the width of any alley, and fronting on the street which intersects or intercepts the street upon which the comer lot fronts. (Ord. 587 (part), 1983).	**17.61.310 Lot, key.** "Key lot" means the first interior lot to the rear of a reversed corner lot, the. front line of which is a continuation of the side line of the reversed corner lot, exclusive of the width of any alley, and fronting on the street which intersects or intercepts the street upon which the comer lot fronts. (Ord. 587 (part), 1983).
17.61.315 Lot line, front. "Front lot line" means a line on an interior lot separating the lot from a street or place; either side of a corner lot or reversed corner lot which faces a street may be designated and used as the front of the lot. (Ord. 587 (part), 1983).	**17.61.315 Lot line, front.** "Front lot line" means a line on an interior lot separating the lot from a street or place; either side of a corner lot or reversed corner lot which faces a street may be designated and used as the front of the lot. (Ord. 587 (part), 1983).
17.61.320 Lot line, rear. "Rear lot line" means a line which is opposite and most distant from the front lot line, and, in case of an irregular, triangular or goreshaped lot, a line within a lot ten feet in length, parallel to and at the maximum distance from the front lot line. (Ord. 587 (part), 1983).	**17.61.320 Lot line, rear.** "Rear lot line" means a line which is opposite and most distant from the front lot line, and, in case of an irregular, triangular or goreshaped lot, a line within a lot ten feet in length, parallel to and at the maximum distance from the front lot line. (Ord. 587 (part), 1983).
17.61.325 Lot line, side. "Side lot line" means any lot lines other than the front or rear lot lines. (Ord. 587 (part), 1983).	**17.61.325 Lot line, side.** "Side lot line" means any lot lines other than the front or rear lot lines. (Ord. 587 (part), 1983).
17.61.330 Lot of record.	**17.61.330 Lot of record.**

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"Lot of record" means land held in separate ownership as shown on the records of the County Recorder at the time of the passage of this title. (Ord. 587 (part), 1983).	"Lot of record" means land held in separate ownership as shown on the records of the County Recorder at the time of the passage of this title. (Ord. 587 (part), 1983).
17.61.335 Lot, reversed corner. "Reversed corner lot" means a corner lot which rears upon the side of another lot, whether or not across an alley. (Ord. 587 (part), 1983).	**17.61.335 Lot, reversed corner.** "Reversed corner lot" means a corner lot which rears upon the side of another lot, whether or not across an alley. (Ord. 587 (part), 1983).
17.61.340 Lot, through. "Through lot" means a lot having frontage on two parallel or approximately parallel streets. (Ord. 587 (part), 1983).	**17.61.340 Lot, through.** "Through lot" means a lot having frontage on two parallel or approximately parallel streets. (Ord. 587 (part), 1983).
17.61.345 Lot width. "Lot width" means the average horizontal distance between side lot lines measured at right angles to the lot depth. (Ord. 587 (part), 1983).	**17.61.345 Lot width.** "Lot width" means the average horizontal distance between side lot lines measured at right angles to the lot depth. (Ord. 587 (part), 1983).
17.61.350 Marina. "Marina" means a recreational use consisting of a small harbor or boat basin providing dockage, supplies and services, including but not limited to office space for management, sale of boats, marina supplies and incidental refreshments and marine insurance for a small pleasure craft. Nothing in this chapter shall be construed as to prohibit the dry-land storage of small craft, trailers or appurtenances required for the operation of such craft but does not include the major repair and overhaul of such crafts. (Ord. 587 (part), 1983).	**17.61.350 Marina.** "Marina" means a recreational use consisting of a small harbor or boat basin providing dockage, supplies and services, including but not limited to office space for management, sale of boats, marina supplies and incidental refreshments and marine insurance for a small pleasure craft. Nothing in this chapter shall be construed as to prohibit the dry-land storage of small craft, trailers or appurtenances required for the operation of such craft but does not include the major repair and overhaul of such crafts. (Ord. 587 (part), 1983).
17.61.353 Mixed use development. "Mixed use" development means development upon one property which consists of both residential and non-residential commercial business, retail, office, or service uses. (Ord. ____ (part), 200_).	**17.61.353 Mixed use development.** "Mixed use" development means development upon one property which consists of both residential and non-residential commercial business, retail, office, or service uses. (Ord. ____ (part), 200_).
17.61.355 Mobile home. "Mobile home" means a vehicle designed to be drawn by a motor vehicle and to be used for human habitation or for carrying persons or property, including trailer coaches, house trailers, and self-propelled vehicles used for human habitation. (Ord. 587 (part), 1983).	**17.61.355 Mobile home.** "Mobile home" means a vehicle designed to be drawn by a motor vehicle and to be used for human habitation or for carrying persons or property, including trailer coaches, house trailers, and self-propelled vehicles used for human habitation. (Ord. 587 (part), 1983).
17.61.365 Motel. "Motel" means a building or group of two or more detached, ~~or semidetached~~ semi-detached or attached buildings containing guest rooms or apartments with automobile storage space provided in connection therewith, which building or group is designed, intended, or used primarily for the accommodation of automobile travelers visiting 30 days or less; including groups designated as auto cabins, motor courts, motels and similar designations. Where apartments are provided they shall constitute less than 50% of the total number of rooms and apartments in the facility. (Ord. ____ (part), 200_; Ord. 587 (part), 1983).	**17.61.365 Motel.** "Motel" means a building or group of two or more detached, ~~or semidetached~~ semi-detached or attached buildings containing guest rooms or apartments with automobile storage space provided in connection therewith, which building or group is designed, intended, or used primarily for the accommodation of automobile travelers visiting 30 days or less; including groups designated as auto cabins, motor courts, motels and similar designations. Where apartments are provided they shall constitute less than 50% of the total number of rooms and apartments in the facility. (Ord. ____ (part), 200_; Ord. 587 (part), 1983).

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17.61.375 Natural production use. "Natural production use" means any of the following uses: Agriculture, mining production, storage or distribution of water supplies, forestry cutting and splitting of wood, extraction of minerals, and other natural materials. (Ord. 587 (part), 1983).	**17.61.375 Natural production use.** "Natural production use" means any of the following uses: Agriculture, mining production, storage or distribution of water supplies, forestry cutting and splitting of wood, extraction of minerals, and other natural materials. (Ord. 587 (part), 1983).
17.61.380 Nonconforming building. "Nonconforming building" means a building or portion thereof lawfully existing at the date of passage of the ordinance establishing the district in which such building is located, and which does not conform to the use regulation of the district, or which does not conform to all the height or area regulations required in said district. (Ord. 587 (part), 1983).	**17.61.380 Nonconforming building.** "Nonconforming building" means a building or portion thereof lawfully existing at the date of passage of the ordinance establishing the district in which such building is located, and which does not conform to the use regulation of the district, or which does not conform to all the height or area regulations required in said district. (Ord. 587 (part), 1983).
17.61.385 Nonconforming lot. "Nonconforming lot" means a lot which does not conform to the area and width regulations of the district in which it is located or which does not conform to the subdivision regulations. (Ord. 587 (part), 1983).	**17.61.385 Nonconforming lot.** "Nonconforming lot" means a lot which does not conform to the area and width regulations of the district in which it is located or which does not conform to the subdivision regulations. (Ord. 587 (part), 1983).
17.61.390 Nonconforming use. "Nonconforming use" means a use which occupied a building or land at the date of passage of the ordinance establishing the district in which such building or land is located, and which does not conform to the use regulation of the said district. (Ord. 587 (part), 1983).	**17.61.390 Nonconforming use.** "Nonconforming use" means a use which occupied a building or land at the date of passage of the ordinance establishing the district in which such building or land is located, and which does not conform to the use regulation of the said district. (Ord. 587 (part), 1983).
17.61.395 Nursery, day. "Day nursery" means a use wherein day care is afforded children under the age of six years. (Ord. 587 (part), 1983).	**17.61.395 Nursery, day.** "Day nursery" means a use wherein day care is afforded children under the age of six years. (Ord. 587 (part), 1983).
17.61.400 Parking area, public. "Public parking area" means an open area, other than a street, used for the temporary parking of more than four automobiles and available for public use, whether free, for compensation, or as an accommodation for clients or customers. (Ord. 587 (part), 1983).	**17.61.400 Parking area, public.** "Public parking area" means an open area, other than a street, used for the temporary parking of more than four automobiles and available for public use, whether free, for compensation, or as an accommodation for clients or customers. (Ord. 587 (part), 1983).
17.61.405 Parking space, automobile. "Automobile parking space" means space within a public or private parking area of a building for the temporary parking or storage of one automobile. (Ord. 587 (part), 1983).	**17.61.405 Parking space, automobile.** "Automobile parking space" means space within a public or private parking area of a building for the temporary parking or storage of one automobile. (Ord. 587 (part), 1983).
17.61.410 Patio, covered. "Covered patio" means an area which is covered partially or completely by a solid or open roof which is supported by upright support, columns, pillars, posts or walls. (Ord. 587 (part), 1983).	**17.61.410 Patio, covered.** "Covered patio" means an area which is covered partially or completely by a solid or open roof which is supported by upright support, columns, pillars, posts or walls. (Ord. 587 (part), 1983).
17.61.415 Place.	**17.61.415 Place.**

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"Place" means an open occupied space, other than a street, permanently reserved as the principal means of access to abutting property including courts of access. (Ord. 587 (part), 1983).	"Place" means an open occupied space, other than a street, permanently reserved as the principal means of access to abutting property including courts of access. (Ord. 587 (part), 1983).
17.61.420 Planned unit development. "Planned unit development" means an area of land controlled by a landowner, which is, has been, or is proposed to be developed as a single entity for a number of dwelling units, the plan for which need not conform in lot size, bulk or type of dwelling, number of structures per lot, height or yard regulations established for the affected district or districts by any other chapters of this title. Such development will be permitted only after a planned unit permit is secured. (Ord. 587 (part), 1983).	**17.61.420 Planned unit development.** "Planned unit development" means an area of land controlled by a landowner, which is, has been, or is proposed to be developed as a single entity for a number of dwelling units, the plan for which need not conform in lot size, bulk or type of dwelling, number of structures per lot, height or yard regulations established for the affected district or districts by any other chapters of this title. Such development will be permitted only after a planned unit permit is secured. (Ord. 587 (part), 1983).
17.61.425 Public works, major. "Major public works" means projects valued at fifty thousand dollars or more in January, 1981 (with an automatic annual increase in accordance with the Engineering News Record Construction Cost Index) which include the following: A. All production, storage, transmission and recovery facilities for water, sewerage, telephone and other similar utilities owned or operated by any public agency or by any utility subject to the jurisdiction of the Public Utilities Commission, except for energy facilities; B. All public transportation facilities, including streets, roads, highways, public parking lots and structures, ports, harbors, airports, railroads and mass transit facilities and stations, bridges, trolley wires, and other related facilities; C. All publicly financed recreational facilities, all projects of the State Coastal Conservancy, and any development by a special district; D. All community college facilities. (Ord. 587 (part), 1983).	**17.61.425 Public works, major.** "Major public works" means projects valued at fifty thousand dollars or more in January, 1981 (with an automatic annual increase in accordance with the Engineering News Record Construction Cost Index) which include the following: A. All production, storage, transmission and recovery facilities for water, sewerage, telephone and other similar utilities owned or operated by any public agency or by any utility subject to the jurisdiction of the Public Utilities Commission, except for energy facilities; B. All public transportation facilities, including streets, roads, highways, public parking lots and structures, ports, harbors, airports, railroads and mass transit facilities and stations, bridges, trolley wires, and other related facilities; C. All publicly financed recreational facilities, all projects of the State Coastal Conservancy, and any development by a special district; D. All community college facilities. (Ord. 587 (part), 1983).
17.61.430 Schools, elementary, middle, junior high or high. "Elementary school," "middle school," "junior high school" or "high school" means public or private facilities devoted primarily to academic instruction, excluding trade schools, vocational schools and business schools. (Ord. 587 (part), 1983).	**17.61.430 Schools, elementary, middle, junior high or high.** "Elementary school," "middle school," "junior high school" or "high school" means public or private facilities devoted primarily to academic instruction, excluding trade schools, vocational schools and business schools. (Ord. 587 (part), 1983).
	17.61.435 Sea. **"Sea" means the Pacific Ocean and all harbors, bays, channels, estuaries, salt marshes, sloughs, and other areas subject to tidal action through any connection with the Pacific Ocean, excluding nonestuarine rivers, streams, tributaries, creeks, and flood control and drainage channels. (Ord. 20 - § , 20)**
17.61.440 Service station. "Service station" means any building, structure, premises or other place used primarily for the retail sale and dispensation of motor fuels, lubricants and motor vehicle accessories, and the rendering of minor services and repairs to such vehicles, but not including painting or body and fender repairs. (Ord. 587 (part), 1983).	**17.61.440 Service station.** "Service station" means any building, structure, premises or other place used primarily for the retail sale and dispensation of motor fuels, lubricants and motor vehicle accessories, and the rendering of minor services and repairs to such vehicles, but not including painting or body and fender repairs. (Ord. 587 (part), 1983).
17.61.445 Setback.	**17.61.445 Setback.**

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"Setback" means the minimum horizontal distance from the building to the property line as prescribed by this title. (Ord. 587 (part), 1983).	"Setback" means the minimum horizontal distance from the building to the property line as prescribed by this title. (Ord. 587 (part), 1983).
17.61.450 Sign. "Sign" means any words, letters, figures, numerals, emblems, designs or other marks shown on any card, cloth, paper, metal, painted glass, wooden, plaster, stone or other sign or device of any kind or character by which anything is made known and used to attract attention for advertising purposes. (Ord. 587 (part), 1983).	**17.61.450 Sign.** "Sign" means any words, letters, figures, numerals, emblems, designs or other marks shown on any card, cloth, paper, metal, painted glass, wooden, plaster, stone or other sign or device of any kind or character by which anything is made known and used to attract attention for advertising purposes. (Ord. 587 (part), 1983).
17.61.455 Sign area. "Sign area" is determined as follows: A. Where the lettered or illustrative material of a sign is placed upon a sign board or other part of a sign structure, whether framed or un-framed, and having a continuous or essentially continuous surface or face (whether flat, curved, spherical, cylindrical, angulated or otherwise), the sign area is the area of the surface or face of the board or sign structure upon which it is placed. Building walls shall not be considered to be sign structures for the purposes of this subsection. B. Where the lettered or illustrative material comprising a sign is not placed in the manner described in subsection A of this section, the sign area is the area which whould [*sic*] be encompassed within a frame extending two inches beyond the outermost boundaries of the lettered or illustrative material. This subsection shall be used for, but shall not be limited to, determining the sign area of signs painted or otherwise placed directly upon building walls. (Ord. 587 (part), 1983).	**17.61.455 Sign area.** "Sign area" is determined as follows: A. Where the lettered or illustrative material of a sign is placed upon a sign board or other part of a sign structure, whether framed or un-framed, and having a continuous or essentially continuous surface or face (whether flat, curved, spherical, cylindrical, angulated or otherwise), the sign area is the area of the surface or face of the board or sign structure upon which it is placed. Building walls shall not be considered to be sign structures for the purposes of this subsection. B. Where the lettered or illustrative material comprising a sign is not placed in the manner described in subsection A of this section, the sign area is the area which whould be encompassed within a frame extending two inches beyond the outermost boundaries of the lettered or illustrative material. This subsection shall be used for, but shall not be limited to, determining the sign area of signs painted or otherwise placed directly upon building walls. (Ord. 587 (part), 1983).
17.61.460 Street. "Street" means a public thoroughfare dedicated as such or condemned for use as such, other than an alley, which affords the principal means of access to abutting property. (Ord. 587 (part), 1983).	**17.61.460 Street.** "Street" means a public thoroughfare dedicated as such or condemned for use as such, other than an alley, which affords the principal means of access to abutting property. (Ord. 587 (part), 1983).
17.61.465 Streetline. "Streetline" means the boundary line between a street and abutting property. (Ord. 587 (part), 1983).	**17.61.465 Streetline.** "Streetline" means the boundary line between a street and abutting property. (Ord. 587 (part), 1983).
17.61.470 Structural alteration. "Structural alteration" means any change in the supporting members of a structure such as the bearing walls or partitions, columns, beams or girders. (Ord. 587 (part), 1983).	**17.61.470 Structural alteration.** "Structural alteration" means any change in the supporting members of a structure such as the bearing walls or partitions, columns, beams or girders. (Ord. 587 (part), 1983).
17.61.475 Structure. "Structure" means anything constructed or erected, the use of which requires location on or under the ground or attached to something having a permanent location on the ground, including but not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line and electrical power transmission and distribution line, and excepting awnings, benches, statuary, fish ponds, or any similar objects. (Ord. 587 (part), 1983).	**17.61.475 Structure.** "Structure" means anything constructed or erected, the use of which requires location on or under the ground or attached to something having a permanent location on the ground, including but not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line and electrical power transmission and distribution line, and excepting awnings, benches, statuary, fish ponds, or any similar objects. (Ord. 587 (part), 1983).

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17.61.480 Townhouse or row house. "Townhouse" or "row house" means one of a group of no less than four attached dwelling units, held in either fee simple title or in common interest ownership, such as with condominium projects, community apartment projects, stock cooperatives, or other forms of common interest housing developments, where each dwelling is located on either a separate lot or within an exclusive use residential unit, with or without collectively owned portions of the project structures and/or common open space areas. (Ord. 749 (part), 2009; Ord. 587 (part), 1983).	**17.61.480 Townhouse or row house.** "Townhouse" or "row house" means one of a group of no less than four attached dwelling units, held in either fee simple title or in common interest ownership, such as with condominium projects, community apartment projects, stock cooperatives, or other forms of common interest housing developments, where each dwelling is located on either a separate lot or within an exclusive use residential unit, with or without collectively owned portions of the project structures and/or common open space areas. (Ord. 749 (part), 2009; Ord. 587 (part), 1983).
17.61.483 Unit. "Unit" means the spatial portion of a townhouse, row house, condominium project, apartment collective, or stock cooperative intended for exclusive and individual use by its owner or owners, separate and apart from commonly owned portions of the structure(s) or project site(s). (Ord. 749 (part), 2009).	**17.61.483 Unit.** "Unit" means the spatial portion of a townhouse, row house, condominium project, apartment collective, or stock cooperative intended for exclusive and individual use by its owner or owners, separate and apart from commonly owned portions of the structure(s) or project site(s). (Ord. 749 (part), 2009).
17.61.487 Unit area. "Unit area" means the physical three-dimensional interior area of a unit within townhouse, row house, condominium, project, apartment collective, or stock cooperative, as bounded by its walls, floor, and ceiling. (Ord. 749 (part), 2009).	**17.61.487 Unit area.** "Unit area" means the physical three-dimensional interior area of a unit within townhouse, row house, condominium, project, apartment collective, or stock cooperative, as bounded by its walls, floor, and ceiling. (Ord. 749 (part), 2009).
17.61.490 Use. "Use" means the purpose for which land or a building is arranged, designed or intended, or for which either land or building is or may be occupied or maintained. Uses described within this title are more specifically defined in the latest edition of the Standard Industrial Classification Manual. (Ord. 587 (part), 1983).	**17.61.490 Use.** "Use" means the purpose for which land or a building is arranged, designed or intended, or for which either land or building is or may be occupied or maintained. Uses described within this title are more specifically defined in the latest edition of the Standard Industrial Classification Manual. (Ord. 587 (part), 1983).
17.61.495 Yard. "Yard" means an open space other than a court, on the same lot with a building, unoccupied and unobstructed from the ground upward except as otherwise provided in this title. (Ord. 587 (part), 1983).	**17.61.495 Yard.** "Yard" means an open space other than a court, on the same lot with a building, unoccupied and unobstructed from the ground upward except as otherwise provided in this title. (Ord. 587 (part), 1983).
17.61.500 Yard, front. "Front yard" means an area extending across the front of the lot between the side lot lines, the depth of which is the minimum horizontal distance from the front line of the lot to the nearest line of the main building. (Ord. 587 (part), 1983).	**17.61.500 Yard, front.** "Front yard" means an area extending across the front of the lot between the side lot lines, the depth of which is the minimum horizontal distance from the front line of the lot to the nearest line of the main building. (Ord. 587 (part), 1983).
17.61.505 Yard, rear. "Rear yard" means an area extending across the full width of the lot between the main building and the rear lot line; depth of the required rear yard to be measured horizontally from the nearest part of a main building toward the nearest point of the rear lot line. (Ord. 587 (part), 1983).	**17.61.505 Yard, rear.** "Rear yard" means an area extending across the full width of the lot between the main building and the rear lot line; depth of the required rear yard to be measured horizontally from the nearest part of a main building toward the nearest point of the rear lot line. (Ord. 587 (part), 1983).
17.61.510 Yard, side. "Side yard" means an area between a main building and the side lot line, extending from	**17.61.510 Yard, side.** "Side yard" means an area between a main building and the side lot line, extending from

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the front yard, or front lot line to the rear yard; width of the required side yard to be measured horizontally from the nearest point of the side lot line toward the nearest part of the main building. (Ord. 587 (part), 1983).	the front yard, or front lot line to the rear yard; width of the required side yard to be measured horizontally from the nearest point of the side lot line toward the nearest part of the main building. (Ord. 587 (part), 1983).
17.61.511 Wetlands. "Wetlands" means lands which may be covered periodically or permanently with shallow water and include saltwater marshes, open or closed brackish water marshes, freshwater marshes, swamps, mudflats and fens. (Ord. 587 (part), 1983).	**17.61.511 Wetlands.** "Wetlands" means lands which may be covered periodically or permanently with shallow water and include saltwater marshes, open or closed brackish water marshes, freshwater marshes, swamps, mudflats and fens. **Wetlands shall be defined as land where the water table is at, near, or above the land surface long enough to promote the formation of hydric soils or to support the growth of hydrophytes, and shall also include those types of wetlands where vegetation is lacking and soil is poorly developed or absent as a result of frequent and drastic fluctuations of surface water levels, wave action, water flow, turbidity or high concentrations of salts or other substances in the substrate. Such wetlands can be recognized by the presence of surface water or saturated substrate at some time during each year and their location within, or adjacent to, vegetated wetlands or deep-water habitats. For purposes of this definition, the upland limit of a wetland shall be defined as co-terminus with either: (1) the boundary between land with predominantly hydrophytic cover and land with predominantly mesophytic or xerophytic cover; (2) the boundary between soil that is predominantly hydric and soil that is predominantly nonhydric; or (3) in the case of wetlands without vegetation or soils, the boundary between land that is flooded or saturated at some time during years of normal precipitation, and land that is not. For the purposes of this definition, the term "wetlands" shall not include wetland habitat created by the presence of and associated with agricultural ponds and reservoirs where: (1) the pond or reservoir was in fact constructed by a farmer or rancher for agricultural purposes; and (2) there is no evidence (e.g., aerial photographs, historical survey, etc.) showing that wetland habitat pre-dated the existence of the pond or reservoir. Areas with drained hydric soils that are no longer capable of supporting hydrophytes shall not be considered wetlands. (Ord. 20 (part), 20 ;** Ord. 587 (part), 1983).

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Chapter 17.62 **COASTAL ZONE ADMINISTRATION** **17.62.010 - Director to administer and enforce provisions.** **17.62.020 - Certificate of occupancy required.** **17.62.030 - Schedule of fees.** **17.62.040 - Complaints regarding violations.** **17.62.050 - Violations—Penalties.**	[No modifications suggested.]
17.62.010 - Director to administer and enforce provisions. Except as otherwise provided in these regulations, the planning director and director of	[No modifications suggested.]

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public works, or their designated representative shall administer and enforce these regulations, including the receiving of applications, the inspection of premises, and the issuance of building permits. A building permit or certificate of occupancy shall only be issued for those projects complying with the provisions of these regulations. (Ord. 587 (part), 1983).	
17.62.020 - Certificate of occupancy required. A. Land shall only be occupied or used, or a building erected, altered or extended or changed in use upon the issuance of a certificate of occupancy by the director of public works stating that the building or proposed use complies with provisions of these regulations. B. Nonconforming uses shall not be maintained, renewed, changed, or extended without a certificate of occupancy having first been issued by the director of public works. C. All certificates of occupancy shall be applied for at the same time as the application for a building permit; such certificates shall be issued at the time the erection or alteration is approved. D. The director of public works shall maintain a record of all certificates, and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the building affected. E. A permit for excavation for, or the erection or alteration of, or repairs to, any building shall only be issued after an application has been made for a certificate of occupancy. F. Under such rules and regulations as may be established by the director of public works, a temporary certificate of occupancy for not more than thirty days for a part of the building may be issued by the director of public works.	[No modifications suggested.]
17.62.030 - Schedule of fees. Fees for the application of: A. Amendments to the title, B. Planned unit development, C. Rezoning, D. Use permits, E. Special use permits, F. Temporary use permits, G. Variances, H. Site plan and architectural review, I. Signs, J. Appeals to the city council, and K. Other planning or development functions shall be established by the city council from time to time by resolution. Such resolution shall stipulate all fees applicable to these regulations at the time stipulated in the adopting regulation.	[No modifications suggested.]
17.62.040 - Complaints regarding violations. When a violation of these regulations occurs or is alleged to have occurred, any person may file a written or oral complaint with the director of public works or planning director, stating fully the causes and basis of the complaint. The director shall record promptly such complaint and immediately investigate and take action thereon as	[No modifications suggested.]

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provided by these regulations.	
17.62.050 - Violations—Penalties. Penalties for violation of these regulations are described in Chapter 1.16 of this code and Public Resources Code Section 30800 et seq.	[No modifications suggested.]

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Chapter 17.63 **COASTAL ZONE DISTRICT CLASSIFICATIONS** **Sections:** **17.63.010 Established.** **17.63.020 Boundaries.** **17.63.030 Zoning districts.** **17.63.040 Changes.** **17.63.050 Zoning of vacated or abandoned streets, rights-of-way and easements.** **17.63.060 Zoning of annexed areas.** **17.63.070 Prezoning of unincorporated territory.** **17.63.080 Restrictions except as otherwise provided.**	[No modifications suggested.]
17.63.010 Established. The city is divided into zones or districts as described on the official zoning map and the coastal zone zoning map for the city. (Ord. 587 (part), 1983).	[No modifications suggested.]
17.63.020 Boundaries. The boundaries of the zones or districts are established as described on the map entitled the "coastal zoning map" of the city and as certified by state's Coastal Commission, which map with all explanatory matters thereon shall be deemed to accompany, be, and is made a part of these regulations and such map shall be the final authority as to the current zoning status of land, buildings and other structures in the city's coastal zone. Where uncertainty exists with respect to the boundaries of the various districts, as described on the coastal zoning map and made a part of these regulations, the following rules shall apply: A. The district boundaries are either streets or alleys unless otherwise stated, and where the districts designated on the accompanying map and made a part of these regulations are bounded approximately by streets or alley lines, said street or alley shall be construed to be the boundary of such district. B. Where the district boundaries are not otherwise indicated and where the property has not been or may hereafter be divided into blocks or lots, the district boundaries shall be construed to be the lot line, and where the districts designated on the accompanying map made a part of these regulations are bounded approximately by lot lines, said lot lines shall be construed to be the boundary of such district.	[No modifications suggested.]

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C. In unsubdivided property, the district boundary lines on the accompany map made a part of these regulations shall be determined by the use of the scale continued on such map. D. The districts aforesaid and the boundaries of such districts are shown upon the map attached to the ordinance codified in this chapter and on file with the city council, the same being designated as the coastal zoning map, which said map is referred to and by this reference said map and all notations, references and other information shown thereon are made a part of this title as if the matters and the information set forth thereon were all fully described in this chapter. (Ord. 587 (part), 1983).	
17.63.030 Districts. The districts established by the title are designated as follows: CZ- Rl ~~Single-family~~ Coastal Zone Low Density Residential district; CZ-R1B ~~Single-family beach~~ Coastal Zone Low Density Residential Beach district; ~~CZ-R2 Two-family district;~~ ~~CZ-RP Residential-professional district;~~ CZ-C2 ~~General business~~ Coastal Zone General Business district; CZ-HS ~~Highway service~~ Coastal Zone Highway Service district; CZ-O ~~Open space~~ Coastal Zone Open space district; CZ-HR Harbor-related Coastal Zone Harbor-Related district; CZ-HD Coastal Zone Harbor dependent district; CZ-CW Coastal Zone Commercial Waterfront district; CZ-NR Coastal Zone Natural Resources district. (Ord. ____ (part), 200_; Ord. 587 (part), 1983).	[No modifications suggested.]
17.63.040 Changes. If, in accordance with the provisions of these regulations and state statutes, changes are made hi the district boundaries or other matters portrayed on the official coastal zoning map, such changes shall be made on the official coastal zoning map promptly after the amendment has been approved by the city council and the state's Coastal Commission. The planning director is authorized to make such changes and shall, from time to time, republish said map as the coastal map of the city for zoning purposes. Upon completion of the redrafting of the map, the planning director shall, under his signature, file said map with the city council. Such filed map will constitute the official coastal zoning map of the city. No changes of any nature shall be made in the official coastal zoning map or matters shown thereon except in conforming with the procedure set forth in these regulations. Any unauthorized change whatsoever by any person shall be considered a violation and punishable as provided under Section 17.62.050. (Ord. 632 Exh. A (part), 1989; Ord. 587 (part), 1983).	[No modifications suggested.]
17.63.050 Zoning of vacated or abandoned streets, rights-of-way and easements. Unless otherwise established in accordance with procedures set forth in these regulations for rezoning of property, whenever property has been vacated or abandoned	[No modifications suggested.]

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as a street, alley, or other public right-of-way, the boundaries of the district shall be determined in accordance with the following rules: A. Wherever contiguous lands lie in one district, property which has been vacated or abandoned shall be deemed to be located in that same district. B. Whenever the underlying fee to all or any portion of the property which has been vacated or abandoned is invested in an owner of contiguous land, such vacated or abandoned property or portion thereof shall be deemed to be included in the same district as the land which is both contiguous thereto and held in the same ownership. C. Whenever contiguous lands lie in two or more districts and the underlying fee to all or any portion of the property vacated or abandoned is invested in a person other than an owner of contiguous land, determination of the district in which such vacated or abandoned property is to be included shall be in accordance with procedures set forth in these regulations for rezoning of property. (Ord. 587 (part), 1983).	
17.63.060 Zoning of annexed areas. Except as provided herein, any property which is annexed to or consolidated with the city shall be deemed to be classified, except for dedicated streets and roads, as lying and being in the zone decided in accordance with Section 17.63.070. (Ord. 587 (part), 1983).	[No modifications suggested.]
17.63.070 Prezoning of unincorporated territory. The city may prezone unincorporated territory adjoining the city for the purpose of determining the zoning that will apply to such property in the event of subsequent annexation to the city. The method of accomplishing such prezoning shall be as provided for rezoning in Chapter 17.81. Such zoning shall become effective at the same time that the annexation becomes effective, provided that California Coastal Commission concurrence of the local coastal plan amendment has been approved. (Ord. 587 (part), 1983).	[No modifications suggested.]
17.63.080 Restrictions except as otherwise provided. A. A building shall only be erected, converted, reconstructed, or structurally altered, and any building or land shall only be used for any purpose as permitted in the district in which such building or land is located. B. A building shall only be erected, reconstructed, or structurally altered which complies with the height or bulk limits established in these regulations for the district in which such building is located. C. The lot area shall be so preserved that the yards or other open spaces shall be as prescribed in these regulations. D. Yard or open space provided with any building for the purpose of complying with the provisions of these regulations shall not be considered as providing a yard or open space for any other building; provided further, that no yard or open space or an adjoining property shall be considered as providing a yard or open space on the lot whereon a building is to be erected. E. Every building hereafter erected shall be located on a lot as defined, and in no case shall there be more than one building on one lot, except as provided herein.	[No modifications suggested.]

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F. The conversion of any building into a dwelling or conversion of any dwelling so as to accommodate an increased number of families shall be permitted only within a district in which a new building or similar use would be permitted under these regulations, and only when the remodeled building will comply with the requirements governing new construction in such district with respect to the required lot area, lot area per family, percentage of lot coverage, dimensions of yards and other open spaces and off-street parking. Each conversion shall be subject also to such other further requirements as may be specified hereinafter in the regulations applying to such district. G. On a corner lot in any residential district nothing shall be erected, placed, planted or allowed to grow in such a manner as to materially impede vision above the height of two and one-half feet above the centerline grades of the intersecting streets in the area bounded by the lot lines of such corner lots in a line joining points along such lot lines twenty feet from the point of intersection. (Ord. 587 (part), 1983).	

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Chapter 17.64 **CZ-R-1 COASTAL ZONE** **~~SINGLE-FAMILY~~ LOW DENSITY RESIDENTIAL DISTRICT** **Sections:** **Purpose.** **~~Uses permitted~~ Principal Permitted Use.** **~~Height and area regulations~~ Uses permitted subject to a use permit.** **~~Building placement~~ Property development standards.** **~~General provisions~~ Building placement.** **General provisions.**	[No modifications suggested.]
17.64.010 Purpose. A. The purpose of the CZ-R1 district is to provide living areas within the coastal zone where development is limited to low-density concentrations of single-family dwellings and where regulations are designed to: promote and encourage a suitable environment for family life; provide space for community facilities needed to compliment urban residential areas; provide for the safety, health and general welfare of its inhabitants; and implement the local coastal plan of the city. ~~The only permitted uses for any building or land, or any building to be erected or structurally altered in the CZ-R1 district are described in Section 17.64.020, unless otherwise provided in these regulations.~~ B. No land, building or structure shall be used, nor shall any building or structure be constructed, erected, altered, added to, enlarged or moved for any purpose or in any manner except in compliance with these regulations. (Ord. ____ (part), 200_; Ord. 587 (part), 1983).	[No modifications suggested.]
17.64.020 ~~Uses permitted~~ Principal Permitted Use. ~~Uses~~ The principal permitted use in the CZ-R-1 district ~~include~~ is a single family	[No modifications suggested.]

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residential use which includes: A One-family ~~dwellings occupied by not more than one family and not more than two boarders or roomers~~ dwelling; B. ~~Foster homes, limited to those licensed by the state or county, and accommodation not more than six guests~~ Accessory buildings; C. ~~Day nurseries accommodating a maximum of five children in number~~ Home Occupations; and D. ~~Accessory buildings;~~ Residential Care Facilities serving six or fewer clients. E. ~~Any of the following uses provided a use permit is secured~~ Where a one-family dwelling exists, a second one-family dwelling may be established where all of the following criteria are met: ~~1~~a. ~~Churches~~ The lot size provides for second unit density under the General Plan in that it is twice that of the minimum lot area per dwelling unit set forth in Section 17.64.040; and ~~2~~b. ~~Guest homes for six or less guests~~ Separate water and sewer connections are available and provided to the units; and ~~3~~c. ~~Home occupations~~ The Property Development Standards of Section 17.640.040 are met; and 4d. ~~Parking lots;~~ One off-street parking space is provided for each bedroom of the second unit in addition to the minimum two spaces required for the first dwelling by Chapter 17.76. ~~5. Public utility substations.~~ (Ord. ____ (part), 200_; Ord. 587 (part), 1983).	
17.64.030 ~~**Height and area regulations**~~ **Uses permitted subject to a use permit.** ~~In the coastal zone R-1 district, the height of buildings and the maximum dimensions of yards and lots shall be as follows~~ The following uses may be permitted subject to the granting of a conditional use permit: A. ~~Height. Maximum building height shall be thirty-five feet.~~ Churches and religious institutions and parochial and private schools; B. ~~Area and Yards.~~ ~~1. Front Yard. Twenty feet;~~ ~~2. Side Yard. Minimum five feet for interior and corner lots. Reverse corner lots on the street side shall have a side yard equal to one-half the required front yard of the lots abutting the rear of such reversed corner lots;~~ ~~3. Rear Yard. Minimum twenty feet;~~ ~~4. Lot Area. Minimum six thousand square feet unless previously legally subdivided or a planning commission approved lot split or parcel map;~~ ~~5. Lot Area Per Dwelling Unit. Same as lot area;~~ ~~6. Lot Coverage. Maximum for all buildings, accessory buildings, structures and covered patios, not greater than fifty percent.~~ Bed and Breakfast Establishments subject to the provisions of Chapter 17.59;	[No modifications suggested.]

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C. Parking lots; D. Publicly owned buildings and structures (such as schools and public utility substations) except as noted in section 17.02.050. (Ord. ____ (part), 200_; Ord. 587 (part), 1983).	
17.64.040 ~~Building placement~~ **Property development standards.** ~~Building placement requirements for the CZ-R1 district shall be as follows~~ The following property development standards shall apply to all land and structures in the CZ-R-1 zone: ~~A.~~ Any building, accessory building, structure or covered patio shall not occupy any portion of a required front, side or rear yard except as herein provided. ~~Building Height. No new building, additions to existing buildings or structures in this zone shall have a height greater than thirty-five (35) feet when measured from the finished or natural grade, whichever is more restrictive.~~ B. ~~Coverage of the rear yard by accessory buildings, structures or covered patios shall be limited to fifty percent of the required yard area.~~ Area and Yards. 1. Front yard: Each lot shall maintain a front yard or front yards of not less than twenty (20) feet. 2. Side yard: The side yard width shall be a not less than five (5) feet for interior and corner lots. Reverse corner lots on the street side shall have a side yard equal to one-half the required front yard of the lots abutting the rear of such reversed corner lots. 3. Rear yards: Each lot shall maintain a rear yard of not less than twenty (20) feet. 4. Lot area: Each lot shall have a minimum area of six thousand (6000) square feet unless previously legally subdivided or a planning commission approved lot split or parcel map. 5. Lot area per dwelling unit: Each lot shall have a minimum area of six thousand (6000) square feet for each dwelling unit unless previously legally subdivided or a planning commission approved lot split or parcel map; provided however, that subject to the conditional use permit provisions of 17.64.030(F), there shall be no more than one dwelling on any one lot. 6. Lot coverage: Site coverage for all habitable enclosed building space, accessory buildings, structures, covered off-street parking and covered patios shall not exceed fifty percent. ~~C. Accessory buildings, structures, or covered patios may be located anywhere within the required rear yard provided all building and fire prevention code requirements are met, and a five-foot passage from one side yard to the area to the rear of the main building, to the other side yard shall be maintained. This passage shall provide ready access around the main building. Further, construction on accessory buildings may only be started after the main building on the lot has been roofed and has the siding constructed.~~ ~~D. Accessory buildings, structures, covered patios and garages shall not exceed thirteen feet in height at their highest point.~~	**17.64.040** ~~Building placement~~ **Property development standards.** ~~Building placement requirements for the CZ-R1 district shall be as follows~~ The following property development standards shall apply to all land and structures in the CZ-R-1 zone: ~~A.~~ Any building, accessory building, structure or covered patio shall not occupy any portion of a required front, side or rear yard except as herein provided. ~~Building Height. No new building, additions to existing buildings or structures in this zone shall have a height greater than thirty-five (35) feet when measured from the finished or natural grade, whichever is more restrictive.~~ B. ~~Coverage of the rear yard by accessory buildings, structures or covered patios shall be limited to fifty percent of the required yard area.~~ Area and Yards. 1. Front yard: Each lot shall maintain a front yard or front yards of not less than twenty (20) feet. 2. Side yard: The side yard width shall be a not less than five (5) feet for interior and corner lots. Reverse corner lots on the street side shall have a side yard equal to one-half the required front yard of the lots abutting the rear of such reversed corner lots. 3. Rear yards: Each lot shall maintain a rear yard of not less than twenty (20) feet. 4. ~~Lot~~ **Minimum lot** area: Each lot shall have a minimum area of six thousand (6000) square feet unless previously legally subdivided or a planning commission approved lot split or parcel map. **5. Maximum lot area: A maximum of twenty-one thousand, seven hundred, eighty (21,780) square feet;** ~~5~~**6**. Lot area per dwelling unit: Each lot shall have a minimum area of six thousand (6000) square feet for each dwelling unit unless previously legally subdivided or a planning commission approved lot split or parcel map; provided however, that subject to the conditional use permit provisions of 17.64.030(F), there shall be no more than one dwelling on any one lot. ~~6~~**7**. Lot coverage: Site coverage for all habitable enclosed building space, accessory buildings, structures, covered off-street parking and covered patios shall not exceed fifty percent. ~~C. Accessory buildings, structures, or covered patios may be located anywhere within the required rear yard provided all building and fire prevention code requirements are met, and a five-foot passage from one side yard to the area to the rear of the main building, to the other side yard shall be maintained. This passage shall provide ready access around the main building. Further, construction on accessory buildings may only be started after the main building on the lot has been roofed and has the siding constructed.~~

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~~E. The main building may project into the required rear yard with the following restrictions:~~ ~~1. The portion of the main building which projects into the required rear yard shall maintain the same side yard as required for the main building not in the required rear yard;~~ ~~2. The main building shall not be located closer than ten feet to the rear property line; and 3. The area covered by the main building in the rear yard shall be counted as part of the permitted rear yard coverage.~~ ~~F. On corner lots or reverse corner lots no accessory building, structure or covered patio shall be located closer to the street side property line than a distance equal to the required side yard on the street side.~~ ~~G. On reverse corner lots accessory buildings, structures or covered patios located in the required rear yard within twenty-five feet of the street side property line shall be set back five feet from the rear property line.~~ ~~H. Garages on interior lots may occupy side yards to a point not to exceed twenty-five feet from rear property lines. Garages on corner or reverse corner lots shall not be built closer than twenty feet to any street side property line. (Ord. ____ (part), 200_; Ord. 587 (part), 1983).~~	~~D. Accessory buildings, structures, covered patios and garages shall not exceed thirteen feet in height at their highest point.~~ ~~E. The main building may project into the required rear yard with the following restrictions:~~ ~~1. The portion of the main building which projects into the required rear yard shall maintain the same side yard as required for the main building not in the required rear yard;~~ ~~2. The main building shall not be located closer than ten feet to the rear property line; and 3. The area covered by the main building in the rear yard shall be counted as part of the permitted rear yard coverage.~~ ~~F. On corner lots or reverse corner lots no accessory building, structure or covered patio shall be located closer to the street side property line than a distance equal to the required side yard on the street side.~~ ~~G. On reverse corner lots accessory buildings, structures or covered patios located in the required rear yard within twenty-five feet of the street side property line shall be set back five feet from the rear property line.~~ ~~H. Garages on interior lots may occupy side yards to a point not to exceed twenty-five feet from rear property lines. Garages on corner or reverse corner lots shall not be built closer than twenty feet to any street side property line. (Ord. ____ (part), 200_; Ord. 587 (part), 1983).~~
17.64.050 ~~General provisions~~ **Building placement.** General provisions for the CZ-R1 district shall be as follows: ~~A. Parking. A minimum of two covered off-street spaces. See Chapter 17.76 for complete regulations and standards for required off-street parking. No building, accessory building, structure or covered patio shall occupy any portion of a required front, side or rear yard except as herein provided.~~ B. ~~Fencing. See Chapter 17.75 for complete fencing regulations.~~ Coverage of the rear yard by accessory buildings or covered patios shall be limited to fifty percent of the required rear yard area. In addition, no portion of the main building shall extend into the rear yard twenty-foot setback. C. ~~Signs. Maximum sign of two square feet bearing only the name of occupant. Signs for the sale or lease of the property shall be limited to twelve square feet and illuminated only by reflected light and so erected that the light source is not visible from outside the premises. See Chapter 17.74 for signs permitted other than provided for in this chapter.~~ Accessory buildings, structures for covered patios, may be located anywhere within the required rear yard provided all building and fire prevention code requirements are met and a five foot passage from one side yard, to the area to the rear of the main building, to the other side yard shall be maintained. This passage shall provide ready access around the main building. Further, that construction on accessory buildings may only be started after the main building on the lot has been roofed and has had the siding constructed. D. Accessory buildings, structures, covered patios and garages shall not exceed thirteen feet in height at their highest point. E. On corner lots or reverse corner lots no accessory building, structure or	[No modifications suggested.]

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covered patio shall be located closer to the street side property line than a distance equal to the required side yard on the street side. F. On reverse corner lots accessory buildings, structures or covered patios located in the required rear yard within twenty-five feet of the street side property line shall be set back five feet from the rear property line. G. Garages on interior lots may occupy side yards to a point not to exceed twenty-five feet from rear property lines. Garages on corner or reverse corner lots shall not be built closer than twenty feet to any street side property line. H. Where a lot size is twice the minimum lot area the location of all new structures upon the lot shall be such to facilitate future subdivision of the lot to provide for the maximum dwelling unit potential. (Ord. ____ (part), 200_; Ord. 587 (part), 1983).	
17.64.060 General provisions. General provisions for the R-l district shall be as follows: A. Parking. Such off-street parking as may required under the provisions of Chapter 17.76 of the Crescent City Municipal Code, from time to time amended or supplanted. B. Fencing. Such fencing as may be permitted under the provisions of Chapter 17.75 of the Crescent City Municipal Code, from time to time amended or supplanted. C. Signs. Such signs as may be permitted under the provisions of Chapter 17.74 of the Crescent City Municipal Code, from time to time amended or supplanted. (Ord. ____ (part), 200_).	[No modifications suggested.]

Ordinance as Proposed	Ordinance as Suggested to be Modified
Chapter 17.65 **CZ- R-lB COASTAL ZONE** **~~SINGLE FAMILY~~ LOW-DENSITY RESIDENTIAL–BEACH DISTRICT** **Sections:** **17.65.010 Purpose.** **17.65.020 ~~Uses~~ Principal Permitted Use.** **17.65.030 ~~Height and area regulations~~ Uses permitted subject to a use permit.** **17.65.040 ~~Building placement~~ Property development standards.** **17.65.050 ~~General provisions~~ Building placement.** **17.65.060 General provisions.**	[No modifications suggested.]
17.65.010 Purpose. A. The purpose of the CZ-R1B district is ~~a~~ to supplement ~~to~~ the ~~single family~~ low density residential district for those areas which lie along a shoreline ~~and consist exclusively~~ within the coastal zone where regulations are designed to provide greater open space and visibility, while still permitting equal opportunities for developers of residential ~~properties~~ property similar to others within the community. ~~The purpose of~~	[No modifications suggested.]

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~~this chapter is to increase the restrictions placed on CZ-R1 property for the purpose of providing greater open space and visibility, while still permitting equal opportunities for developers of residential property similar to others within the community.~~ B. No land, building or structure shall be used, nor shall any building or structure be constructed, erected, altered, added to, enlarged or moved for any purpose or in any manner except in compliance with these regulations. (Ord. _____ (part), 200_; Ord. 667 § 4 (part), 1994: Ord. 587 (part), 1983).	
17.65.020 ~~**Uses permitted**~~ **Principal Permitted Use.** ~~Uses permitted~~ The principal permitted use in the CZ-R-1B district ~~include~~ is a single family residential use which includes: A. One-family ~~dwellings~~ dwelling; B. Accessory buildings; C. ~~Any of the following uses, provided a use permit is secured:~~ ~~1. Bed and breakfast establishments.~~ Home Occupations; and D. Residential Care Facilities serving up to six clients. (Ord. _____ (part), 200_; Ord. 667 § 4 (part), 1994: Ord. 587 (part), 1983).	[No modifications suggested.]
17.65.030 ~~**Height and area regulations**~~ **Uses permitted subject to a use permit.** ~~In the CZ-R1B district the height of buildings and the minimum dimensions of yards and lots shall be as follows:~~ ~~A. Height. Maximum building height shall be twenty-five feet.~~ ~~B. Areas and Yards.~~ ~~1. Front Yard. Twenty feet;~~ ~~2. Side Yard. Minimum ten feet for interior and corner lots. Reverse corner lots on the street side shall have a side yard equal to one-half of the required front yard of the lots abutting the rear of such reversed corner lots;~~ ~~3. Rear Yard. Minimum twenty feet. Where back yards face upon the ocean side of the property no rear yard will be required;~~ ~~4. Lot Area. A minimum of seventy-five feet of lot frontage is required and a minimum of six thousand square feet, unless the lot was previously legally subdivided;~~ ~~5. Lot Area Per Dwelling Unit. Same as lot area;~~ ~~6. Lot Coverage. Maximum for all buildings, accessory building structures and covered patios, not greater than fifty percent.~~ The following uses may be permitted subject to the granting of a conditional use permit: A. Bed and Breakfast Establishments subject to the provisions of Chapter 17.59; B. A second one-family dwelling where the lot size is twice that of the minimum lot area per dwelling unit and lot coverage limitations are not exceeded. (Ord. ____ (part), 200_; Ord. 587 (part), 1983).	**17.65.030** ~~**Height and area regulations**~~ **Uses permitted subject to a use permit.** ~~In the CZ-R1B district the height of buildings and the minimum dimensions of yards and lots shall be as follows:~~ ~~A. Height. Maximum building height shall be twenty-five feet.~~ ~~B. Areas and Yards.~~ ~~1. Front Yard. Twenty feet;~~ ~~2. Side Yard. Minimum ten feet for interior and corner lots. Reverse corner lots on the street side shall have a side yard equal to one-half of the required front yard of the lots abutting the rear of such reversed corner lots;~~ ~~3. Rear Yard. Minimum twenty feet. Where back yards face upon the ocean side of the property no rear yard will be required;~~ ~~4. Lot Area. A minimum of seventy-five feet of lot frontage is required and a minimum of six thousand square feet, unless the lot was previously legally subdivided;~~ ~~5. Lot Area Per Dwelling Unit. Same as lot area;~~ ~~6. Lot Coverage. Maximum for all buildings, accessory building structures and covered patios, not greater than fifty percent.~~ The following uses may be permitted subject to the granting of a conditional use permit: A. Bed and Breakfast Establishments subject to the provisions of Chapter ~~**17.59**~~ **17.89**; B. A second one-family dwelling where the lot size is twice that of the minimum lot area per dwelling unit and lot coverage limitations are not exceeded; **C. Publicly owned buildings and structures (such as schools and public utility substations);**

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	D. Small neighborhood commercial uses, such as owner/resident grocery shops, that do not detract from the primary intended residential character of the district and are compatible with surrounding neighborhoods. (Ord. (part), 20 ; Ord. (part), 200 ; Ord. 587 (part), 1983).
17.65.040 ~~**Building placement**~~ **Property development standards**. ~~All requirements of the CZ-R1 single-family district shall be required in the CZ-R1B district as it relates to building placement (see Section 17.64.040).~~ The following property development standards shall apply to all land and structures in the CZ-R-1B zone: ~~A. Building Height. No new building, additions to existing buildings or structures in this zone shall have a height greater than twenty-five (25) feet when measured from the finished or natural grade, whichever is more restrictive.~~ B. Area and Yards. 1. Front yard: Each lot shall maintain a front yard or front yards of not less than twenty (20) feet. 2. Side yard: The side yard width shall be a not less than ten (10) feet for interior and corner lots. Reverse corner lots on the street side shall have a side yard equal to one-half the required front yard of the lots abutting the rear of such reversed corner lots. 3. Rear yards Minimum twenty feet. Where back yards face upon the ocean side of the property no rear yard will be required; 4. Lot area: A minimum of seventy-five feet of lot frontage is required and a minimum of six thousand (6000) square feet, unless the lot was previously legally subdivided; 5. Lot area per dwelling unit: Each lot shall have a minimum area of six thousand (6000) square feet for each dwelling unit unless previously legally subdivided or a planning commission approved lot split or parcel map; provided however, that subject to the conditional use permit provisions of 17.64.030(F), there shall be no more than one dwelling on any one lot. 6. Lot coverage: Site coverage for all habitable enclosed building space, accessory buildings, structures, covered off-street parking and covered patios shall not exceed fifty percent. (Ord. (part), 200 ; Ord. 587 (part), 1983)	**17.65.040** ~~**Building placement**~~ **Property development standards**. ~~All requirements of the CZ-R1 single-family district shall be required in the CZ-R1B district as it relates to building placement (see Section 17.64.040).~~ The following property development standards shall apply to all land and structures in the CZ-R-1B zone: ~~A. Building Height. No new building, additions to existing buildings or structures in this zone shall have a height greater than twenty-five (25) feet when measured from the finished or natural grade, whichever is more restrictive.~~ B. Area and Yards. 1. Front yard: Each lot shall maintain a front yard or front yards of not less than twenty (20) feet. 2. Side yard: The side yard width shall be a not less than ten (10) feet for interior and corner lots. Reverse corner lots on the street side shall have a side yard equal to one-half the required front yard of the lots abutting the rear of such reversed corner lots. 3. Rear yards Minimum twenty feet. Where back yards face upon the ocean side of the property no rear yard will be required; 4. ~~**Lot**~~ **Minimum** area: A minimum of seventy-five feet of lot frontage is required and a minimum of six thousand (6000) square feet, unless the lot was previously legally subdivided; **5. Maximum lot area: A maximum of twenty-one thousand, seven hundred, eighty (21,780) square feet;** 5. Lot area per dwelling unit: Each lot shall have a minimum area of six thousand (6000) square feet for each dwelling unit unless previously legally subdivided or a planning commission approved lot split or parcel map; provided however, that subject to the conditional use permit provisions of 17.64.030(F), there shall be no more than one dwelling on any one lot. 6. Lot coverage: Site coverage for all habitable enclosed building space, accessory buildings, structures, covered off-street parking and covered patios shall not exceed fifty percent. (Ord. (part), 200 ; Ord. 587 (part), 1983)
17.65.050 ~~**General provisions**~~ **Building placement.** ~~General provisions for the CZ-R1B district shall be as follows:~~ ~~A. Parking. A minimum of two covered off-street parking spaces for single-family residences.~~ ~~1. Bed-and-breakfast establishments shall provide one off-street parking space per guest room in addition to the two covered off-street parking spaces required for the single-family residence. See Chapter 17.76 for complete regulations and standards for required off-street parking.~~	**17.65.050** ~~**General provisions**~~ **Building placement.** ~~General provisions for the CZ-R1B district shall be as follows:~~ ~~A. Parking. A minimum of two covered off-street parking spaces for single-family residences.~~ ~~1. Bed-and-breakfast establishments shall provide one off-street parking space per guest room in addition to the two covered off-street parking spaces required for the single-family residence. See Chapter 17.76 for complete regulations and standards for required off-street parking.~~

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~~B. Fencing. No hedges, shrubs or fences between houses may exceed four feet in height in the side yard setback. Front yard fences may not exceed two and one-half feet in height.~~ ~~C. Signs.~~ ~~1. Maximum nameplate sign of two square feet bearing only the name of the occupant.~~ ~~2. Signs for bed-and-breakfast establishments shall be limited to wall signs, hanging signs or ground signs, shall be no more than two square feet in size, made of a nonplastic material and must have the approval of the planning department. In residential zones, bed and breakfast establishment signs shall not be lighted at night.~~ ~~3. Signs for the sale or lease of the property shall conform to the regulations set forth in the Crescent City sign ordinance, Chapter 17.38 of this code.See Chapter 17.74 for signs permitted other than provided for in this chapter.~~ ~~D. Bed and Breakfast Establishments. See Chapter 17.59 for further regulations governing bed and breakfast establishments.~~ All requirements of the CZ-R1 single-family district shall be required in the CZ-R1B district as it relates to building placement (Ord. ____ (part), 200_;Ord. 667 § 4 (part), 1994: Ord. 587 (part), 1983).	~~B. Fencing. No hedges, shrubs or fences between houses may exceed four feet in height in the side yard setback. Front yard fences may not exceed two and one-half feet in height.~~ ~~C. Signs.~~ ~~1. Maximum nameplate sign of two square feet bearing only the name of the occupant.~~ ~~2. Signs for bed-and-breakfast establishments shall be limited to wall signs, hanging signs or ground signs, shall be no more than two square feet in size, made of a nonplastic material and must have the approval of the planning department. In residential zones, bed and breakfast establishment signs shall not be lighted at night.~~ ~~3. Signs for the sale or lease of the property shall conform to the regulations set forth in the Crescent City sign ordinance, Chapter 17.38 of this code.See Chapter 17.74 for signs permitted other than provided for in this chapter.~~ ~~D. Bed and Breakfast Establishments. See Chapter 17.59 for further regulations governing bed and breakfast establishments.~~ All requirements of the CZ-R1 single-family district shall be required in the CZ-R1B district as it relates to building placement (Ord. ____ (part), 200_;Ord. 667 § 4 (part), 1994: Ord. 587 (part), 1983).
17.65.060 General provisions. General provisions for the R-l district shall be as follows: A. Parking. A minimum of two covered off-street parking spaces for single-family residences. 1. Bed-and-breakfast establishments shall provide one off-street parking space per guest room in addition to the two covered off-street parking spaces required for the single-family residence. See Chapter 17.76 for complete regulations and standards for required off-street parking. B. Fencing. No hedges, shrubs or fences between houses may exceed four feet in height in the side yard setback. Front yard fences may not exceed two and one-half feet in height. C. Signs. 1. Maximum nameplate sign of two square feet bearing only the name of the occupant. 2. Signs for bed-and-breakfast establishments shall be limited to wall signs, hanging signs or ground signs, shall be no more than two square feet in size, made of a non-plastic material and must have the approval of the planning department. In residential zones, bed and breakfast establishment signs shall not be lighted at night. 3. Signs for the sale or lease of the property shall conform to the regulations set forth in the Crescent City sign ordinance, Chapter 17.38 of this code. See Chapter 17.74 for signs permitted other than provided for in this chapter. D. Bed and Breakfast Establishments. See Chapter 17.59 for further regulations	[No modifications suggested.]

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governing bed and breakfast establishments. (Ord. ____ (part), 200_)	

Ordinance as Proposed	Ordinance as Suggested to be Modified
Chapter 17.66 **CZ-R2 COASTAL ZONE TWO-FAMILY DISTRICT** ~~**Sections:**~~ ~~**17.66.010 Purpose.**~~ ~~**17.66.020 Uses permitted.**~~ ~~**17.66.030 Height and area regulations.**~~ ~~**17.66.040 Building placement.**~~ ~~**17.66.050 General provisions.**~~	[No modifications suggested.]
~~**17.66.010 Purpose.**~~ ~~A. The purpose of the CZ-R2 district is to provide living areas within the city where regulations are designed to be equal to those of a single-family district, except as to the concentrations of dwelling units and ancillary compatible uses.~~ ~~B. The only permitted uses for any building or land, and any building to be erected or structurally altered in this district are described in Section 17.66.020, except where otherwise provided in these regulations. (Ord. 587 (part), 1983)~~	[No modifications suggested.]
~~**17.66.020 Uses permitted.**~~ ~~Uses permitted in the CZ-R2 district include:~~ ~~A. One-family dwellings occupied by not more than one family and not more than two boarders or roomers;~~ ~~B. Two-family dwellings;~~ ~~C. Foster homes limited to those licensed by the state or county, and accommodating not more than six guests;~~ ~~D. Day nurseries accommodating not more than five children in number;~~ ~~E. Accessory buildings;~~ ~~F. Any of the following uses, provided a use permit is secured:~~ ~~1. Churches,~~ ~~2. Day nurseries accommodating a maximum of twenty children, when there is provided on the lot a play lot of at least six hundred square feet in area and further provided that only one single-family residence exists on the lot,~~ ~~3. Guest homes for ten or less guests,~~ ~~4. Home occupations,~~ ~~5. Parking lots,~~ ~~6. Public utility substations. (Ord. 587 (part) 1983.)~~	[No modifications suggested.]
~~**17.66.030 Height and area regulations.**~~ ~~In the CZ-R2 district the height of buildings and the minimum dimensions of yards and lots shall be as follows:~~ ~~A. Building, accessory buildings, structures or covered patios shall not occupy~~	[No modifications suggested.]

Ordinance as Proposed	Ordinance as Suggested to be Modified
~~any portion of a required front, side or rear yard except as herein provided.~~ ~~B. Coverage of the rear yard by accessory buildings, structures or covered patios shall be limited to fifty percent of the required rear yard area.~~ ~~C. Accessory building, structures or covered patios may be located anywhere within the required rear yard provided all building and fire prevention code requirements are met and a five-foot passage from one side yard, to the area to the rear of the main building, to the other side yard shall be maintained. This passage shall provide ready access around the main building. Further, that construction on accessory buildings may only be started after the main building on the lot has been roofed and has had the siding constructed.~~ ~~D. Accessory buildings, structures, covered patios and garages shall not exceed thirteen feet in height at their highest point.~~ ~~E. The main building may project into the required rear yard with the following restrictions:~~ ~~1. The portion of the main building which projects into the required rear yard shall maintain the same side yard as required for the main building not in the required rear yard;~~ ~~2. The main building shall not be located closer than ten feet to the rear; and~~ ~~3. The area covered by the main building in the rear yard shall be counted as part of the permitted rear yard coverage.~~ ~~F. On corner lots or reverse corner lots, no accessory building, structure or covered patio shall be located closer to the street side property line than a distance equal to the required side yard on the street side.~~ ~~G. On reverse corner lots accessory buildings, structures or covered patios located on the required rear yard within twenty five feet from rear property lines. Garages on corner or reverse corner lots shall not be built closer than twenty feet to any street side property line. (Ord. 587 (part), 1983).~~	
~~**17.66.050 General provisions.**~~ ~~General provisions for the CZ-R2 two-family district shall be as follows:~~ ~~A. Parking. A minimum of one covered and one uncovered off-street parking space for each dwelling unit. See Chapter 17.76 for complete regulations and standards for required off-street parking.~~ ~~B. Fencing. See Chapter 17.75 for complete fencing regulations.~~ ~~C. Signs. Maximum sign of two square feet bearing only the name of the occupants. Signs for sale or lease of property shall be limited to twelve square feet and illuminated only by reflected light and so erected that the light source is not visible from outside the premises. See Chapter 17.74 for signs permitted other as provided for in this section. (Ord. 587 (part), 1983).~~ Repealed, (Ord. ____ (part), 200_).	[No modifications suggested.]

Ordinance as Proposed	Ordinance as Suggested to be Modified
Chapter 17.67 **CZ-RP COASTAL ZONE RESIDENTIAL-PROFESSIONAL DISTRICT** ~~**Sections:**~~ ~~**17.67.010 Purpose.**~~ ~~**17.67.020 Uses permitted.**~~ ~~**17.67.030 Height and area regulations.**~~ ~~**17.67.040 Building placement.**~~ ~~**17.67.050 General requirements.**~~ ~~**17.67.060 Site plan and architectural review.**~~	[No modifications suggested.]
~~**17.67.010 Purpose.**~~ ~~The CZ-RP district is intended to provide opportunities for the location of professional and commercial offices in close relationship to one another outside of commercial districts, and to protect such uses from the noise, disturbances, traffic hazards and other objectionable influences which would adversely affect professional and business practices being carried on. This district is also intended for application to those areas of the city where it is necessary and desirable to encourage the full development of properties which lie between existing residential and nonresidential districts and which, because of existing conditions, cannot be practically included within residential districts as provided by this title. (Ord. 587 (part), 1983).~~	[No modifications suggested.]
~~**17.67.020 Uses permitted.**~~ ~~Uses permitted in the CZ-RP district include:~~ ~~A. Business and professional offices such as doctors, dentists, lawyers, accountants and other professional offices;~~ ~~B. One-family dwellings, occupied by not more than one family and not more than two boarders or roomers;~~ ~~C. Two-family dwellings;~~ ~~D. Multiple family dwellings;~~ ~~E. Accessory buildings;~~ ~~F. Day nurseries accommodating not more than five children in number;~~ ~~G. Foster homes limited to those licensed by the state or county, and accommodating not more than six guests;~~ ~~H. Motels and hotels, except for associated sales of food or drink;~~ ~~I. Private clubs;~~ ~~J. Roominghouses;~~ ~~K. Townhouses (row houses);~~ ~~L. Real estate and insurance offices;~~ ~~M. Any of the following uses provided a use permit is secured:~~ ~~1. Churches,~~ ~~2. Day nurseries,~~ ~~3. Dormitories for schools and colleges,~~	[No modifications suggested.]

Ordinance as Proposed	Ordinance as Suggested to be Modified
~~4. Guest homes,~~ ~~5. Homes for the aged,~~ ~~6. Home occupations,~~ ~~7. Nonprofit organizations devoted to charitable, philanthropic or special purposes. Such uses shall not engage in the processing, repairing, refinishing, treatment, fabrication, manufacture or sale of materials or objects except that the sale of new works of art created or produced on the premises from raw materials by the patrons or members of nonprofit organizations may be permitted, if it is incidental and accessory to the principal use of the property,~~ ~~8. Orphanages,~~ ~~9. Parking lots,~~ ~~10. Public utility substations. (Ord. 602, 1985: Ord. 587 (part), 1983).~~	
~~**17.67.030 Height and area regulations.**~~ ~~In the CZ-RP district, the height of buildings and the minimum dimensions of yards and lots shall be as follows:~~ ~~A. Height. Maximum building height shall be thirty-five feet.~~ ~~B. Yards and Areas.~~ ~~1. Front Yards. Twenty feet for residential uses, ten feet for nonresidential uses;~~ ~~2. Side Yards. Minimum five feet for interior and corner lots. Reverse corner lots shall have a side yard equal to one-half the required front yard of the lots abutting the rear of such reversed comer lots;~~ ~~3. Rear Yards. Ten feet;~~ ~~4. Lot Area. Minimum six thousand square feet for residential uses. No minimum for non-residential uses;~~ ~~5. Lot Area Per Dwelling Unit. A minimum of fifteen hundred square feet per dwelling unit, except that single-family uses shall conform to the CZ-R1 requirements and duplexes shall conform to the CZ-R2 requirements;~~ ~~6. Lot Coverages. For nonresidential uses, no requirements. For residential uses, coverage shall be the same as required in the most restrictive zone in which they are first permitted. (Ord. 587 (part), 1983).~~	[No modifications suggested.]
~~**17.67.040 Building placement.**~~ ~~Building placement requirements for the CZ-RP district shall be as follows: None required except for residential uses; in such cases they shall conform to requirements as specified in the zone they are first permitted. (Ord. 587 (part), 1983).~~	[No modifications suggested.]
~~**17.67.050 General requirements.**~~ ~~General requirements for the CZ-RP district shall be as follows:~~ ~~A. Parking. See Chapter 17.76 for parking requirements.~~ ~~B. Fencing. See Chapter 17.75 for fencing requirements.~~ ~~C. Signs. See Chapter 17.74 for sign regulations. (Ord. 587 (part), 1983).~~	[No modifications suggested.]
~~**17.67.060 Site plan and architectural review.**~~	[No modifications suggested.]

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~~All uses except those permitted in the CZ-R1 and CZ-R2 districts and those uses requiring a use permit shall be subject to an approval of a site plan and architectural review. Procedures for such submittal and approval are found in Chapter 17.79. (Ord. 587 (part), 1983).~~ Repealed. (Ord. ____ (part), 200_).	

Ordinance as Proposed	Ordinance as Suggested to be Modified
Chapter 17.68 **CZ-C2 COASTAL ZONE GENERAL COMMERCIAL DISTRICT** **Sections:** **17.68.010 Purpose** **17.68.020 ~~Uses~~ Principal Permitted Use.** **17.68.030 ~~Height and area regulations~~ Property development standards.** **17.68.040 Building placement** **17.68.050 General requirements** **17.68.060 Site plan and architectural review** **17.68.070 General regulations**	**Chapter 17.68** **CZ-C2 COASTAL ZONE GENERAL COMMERCIAL DISTRICT** **Sections:** **17.68.010 Purpose** **17.68.020 ~~Uses~~ Principal Permitted Use.** **17.68.025 Uses permitted subject to a use permit.** **17.68.030 ~~Height and area regulations~~ Property development standards.** **17.68.040 Building placement** **17.68.050 General requirements** **17.68.060 Site plan and architectural review** **17.68.070 General regulations**
17.68.010 Purpose. The coastal zone general commercial district is intended to serve as the public utilities area of the city within the coastal zone. The only permitted uses for any building, or land, or any building to be erected or structurally altered in this district are described in Section 17.68.020, unless otherwise provided in these regulations. (Ord. 587 (part), 1983).	[No modifications suggested.]
17.68.020 ~~Uses~~ Principal permitted **use.** ~~Uses~~ The principal permitted use in the CZ-C2 district ~~include~~ coastal zone general commercial district is public utilities use which includes: ~~1. Congeneration energy facilities~~ A. Wastewater treatment facilities. ~~2. Wastewater treatment facilities.~~ B. Co-generation energy facilities. (Ord. ____ (part), 200_; Ord. 587 (part) 1983).	**17.68.020 ~~Uses~~ Principal** permitted **use.** ~~Uses~~ The principal permitted use in the CZ-C2 district ~~include~~ coastal zone general commercial district is public utilities use which includes: ~~1. Congeneration energy facilities~~ A. **~~Wastewater~~ In Public Facility planned areas, wastewater** treatment facilities. ~~2. Wastewater treatment facilities.~~ B. **~~Co-generation~~ In Public Facility planned areas, public or private co-generation** energy facilities. (Ord. ____ (part), 200_; Ord. 587 (part) 1983).
	17.68.025 Uses permitted subject to a use permit. **The following uses may be permitted subject to the granting of a conditional use permit:** **A. In Public Facility planned areas, regional public facilities.** **B. In General Commercial planned areas, assisted care facilities, secondhand stores, nonprofit organizations' professional offices and service centers, indoor recreation and entertainment facilities such as specialty attractions, theatres, and sports activities including equipment rentals and sales, and residential uses on upper floors as a mixed use to the primary general commercial use.** **C. In Visitor Serving Commercial and General Commercial planned areas,**

Ordinance as Proposed	Ordinance as Suggested to be Modified
	residential uses on upper floors as a mixed use to the primary visitor-serving or general commercial use, respectively, at a density not exceeding twelve (12) dwelling units per acre. (Ord. (part), 200)
17.68.030 ~~Height and area regulations~~ Property development standards. A. Height. The maximum building height shall be forty-five feet. B. Yards and areas. 1. Front Yard. None required except where adjacent properties abutting upon the CZ-C2 use are in a zone of greater requirements, then the front yard shall conform to the more restrictive zone: 2. Side Yard. None required, except where the side yard of the CZ-C2 use abuts upon the side yard of a residential or a CZ-RP use, and the side yard shall be five feet; 3. Rear Yards. Maximum ten feet 4. Lot Area. No minimum 5. Lot Coverage. No maximum. (Ord. (part), 200 ; Ord. 632 Exh. A (part), 1989; Ord. 587 (part), 1983).	**17.68.030 ~~Height and area regulations~~ Property development standards.** C. Height. The maximum building height shall be forty-five feet. D. Yards and areas. 1. Front Yard. None required except where adjacent properties abutting upon the CZ-C2 use are in a zone of greater requirements, then the front yard shall conform to the more restrictive zone: 2. Side Yard. None required, except where the side yard of the CZ-C2 use abuts upon the side yard of a residential or a CZ-RP use, and the side yard shall be five feet; 3. Rear Yards. Maximum ten feet 4. Lot Area. No minimum 5. Lot Coverage. **~~No maximum~~ Maximum fifty percent (50%) of lot area. (Ord. (part), 200 ;** Ord. (part), 200 ; Ord. 632 Exh. A(part), 1989; Ord. 587 (part), 1983).
17.68.040 Building placement. Whenever property classified for a CZ-C2 use is separated from adjacent residential property by a permanent open space or parking area of no less than twenty-five feet in width, the required front yard or side yard setback shall not be required. (Ord. 587 (part), 1983).	[No modifications suggested.]
17.68.050 General requirements. General requirements for the CZ-C2 district shall be a follows: A. Parking. See Chapter 17.76 for parking requirements. B. Fencing. See Chapter 17.75 for fencing requirements. C. Signs. See Chapter 17.74 for sign requirements. (Ord. 587 (part), 1983).	[No modifications suggested.]
17.68.060 Site plan and architectural review. All uses permitted in the CZ-C2 district shall be subject to, and approval of, a site plan and architectural review. Procedures for such submittal and approval are in Chapter 17.79. (Ord. 587 (part), 1983).	[No modifications suggested.]
17.68.070 General regulations General regulations for the CZ-C2 district shall be as follows: A. All uses permitted in this district shall be conducted wholly within enclosed facilities except parking lots. Material storage shall be confined behind a six-foot solid wall or fence. B. Accessory uses shall be permitted only to the extent necessary to the limited uses permitted under this chapter. C. The uses and operational products in this section shall not be objectionable due to odor, dust, smoke, noise, vibration or other similar causes. (Ord. 587 (part), 1983).	[No modifications suggested.]

Ordinance as Proposed	Ordinance with Suggested Modifications
Chapter 17.69 **CZ-HS COASTAL ZONE HIGHWAY SERVICE DISTRICT** **Sections:** **17.69.010 Purpose ~~and intent~~.** **17.69.020 Principal Permitted ~~Uses~~ Use.** **17.69.025 Uses permitted subject to a Use Permit.** **17.69.027 Uses prohibited.** **17.69.030 ~~Height and area regulations~~ Property development standards.** **~~17.69.040 Building placement.~~** **17.69.050 General requirements.** **17.69.060 General regulations.** **17.69.070 Site ~~plan~~ Plan and ~~architectural~~ Architectural review.**	[No modifications suggested.]
17.69.010 Purpose ~~and intent~~. A. The coastal zone highway service district is intended ~~primarily~~ for application to areas along the major highway ~~entrances~~ entrance to the ~~city providing~~ City adjacent to the harbor to provide a transition between harbor services and conveniences to ~~patrons~~ visitors traveling the highway. ~~The uses generally are of a personal service or recreational in nature and are limited in function.~~ It is intended that ~~these service centers be of~~ this area be developed to the highest quality to make ~~an~~ a positive impression upon those visiting the community, while providing for transitional businesses and convenient services to the ~~traveller and the tourist to the district~~ traveler. B. No land, building or structure shall be used, nor shall any building or structure be constructed, erected, altered, added to, enlarged or moved for any purpose or in any manner except in compliance with these regulations. (Ord. ____ (part), 200_; Ord. 587 (part), 1983).	[No modifications suggested.]
17.69.020 Principal Permitted ~~Uses~~ Use. ~~A. Permitted uses in the CZ-HS district, ranked by priority include:~~ ~~1. All recreational uses;~~ ~~2. Local transit and interurban highway passenger transportation;~~ ~~3. Motels and hotels;~~ ~~4. Restaurants and drinking places;~~ ~~5. Retail, limited to the following uses:~~ ~~a. Drug stores,~~ ~~b. Food stores,~~ ~~c. Liquor stores,~~ ~~d. Gift shops;~~ ~~6. Service stations;~~ ~~7. Drive-in restaurants.~~ ~~B. Uses permitted in the CZ-HS district with use permit include:~~	**17.69.020 Principal Permitted ~~Uses~~ Use.** ~~A. Permitted uses in the CZ-HS district, ranked by priority include:~~ ~~1. All recreational uses;~~ ~~2. Local transit and interurban highway passenger transportation;~~ ~~3. Motels and hotels;~~ ~~4. Restaurants and drinking places;~~ ~~5. Retail, limited to the following uses:~~ ~~a. Drug stores,~~ ~~b. Food stores,~~ ~~c. Liquor stores,~~ ~~d. Gift shops;~~ ~~6. Service stations;~~ ~~7. Drive-in restaurants.~~ ~~B. Uses permitted in the CZ-HS district with use permit include:~~

~~1. Automobile repair garages;~~ ~~2. Business services;~~ ~~3. Laundromats;~~ ~~4. Parking lots;~~ ~~5. Personal services;~~ ~~6. Residences for owners or managers of permitted uses and uses permitted- with use permit.~~ The principal permitted use in the CZ-HS coastal zone highway service district is a highway services use which includes: A. Visitor-serving facilities such as: hotels and motels, indoor and outdoor eating and drinking places (including drive-thru services), grocery shops, liquor stores, or indoor specialty shops such as gifts, art, antiques, pawn or collectibles; B. Transportation services such as gas stations, auto repair or public transportation stops; C. Indoor recreation and entertainment facilities such as specialty attractions, theatres, and sports activities including equipment rentals and sales; D. One residential unit for the owner or manager of an existing on-site permitted use; and E. Visitor oriented public recreation facilities such as public parks, trails, rest areas and parking lots. (Ord. ____ (part), 200_; Ord. 587 (part), 1983).	~~1. Automobile repair garages;~~ ~~2. Business services;~~ ~~3. Laundromats;~~ ~~4. Parking lots;~~ ~~5. Personal services;~~ ~~6. Residences for owners or managers of permitted uses and uses permitted- with use permit.~~ The principal permitted use in the CZ-HS coastal zone highway service district is a highway services use which includes: A. Visitor-serving facilities such as: hotels and motels, indoor and outdoor eating and drinking places (including drive-thru services), grocery shops, liquor stores, or indoor specialty shops such as gifts, art, antiques, pawn or collectibles; B. Transportation services such as gas stations, auto repair or public transportation stops; C. ~~**Indoor recreation and entertainment facilities such as specialty attractions, theatres, and sports activities including equipment rentals and sales**~~ **Aquaria;** D. One residential unit for the owner or manager of an existing on-site permitted use; and ~~**E.**~~ **D.** Visitor oriented public recreation facilities such as public parks, trails, rest areas and parking lots. (Ord. ____ (part), 200_; Ord. 587 (part), 1983).
17.69.025 Uses permitted subject to a Use Permit The following uses may be permitted subject to the granting of a conditional use permit: A. New timeshare resort hotels which provide at least one recreational facility (pool, court, playground, picnic area, trail, etc) to which the general public has access. B. Recreational Vehicle Parks, not including mobilehome or manufactured home spaces, excepting one unit for a manager. C. Fishing and visitor service support activities which are indoors such as ice manufacturing, fish processing, equipment and boat services, or interior storage facilities. D. Car, boat or other vehicle washing facilities. E. Public utility pumping stations, power stations, equipment buildings and installations, drainage ways, storage tanks and transmission lines found by the planning commission to be necessary for the public health, safety or welfare and designed to minimize any visual, hearing and/or air quality impacts. (Ord. ____ (part), 200_).	**17.69.025 Uses permitted subject to a Use Permit** The following uses may be permitted subject to the granting of a conditional use permit: A. New timeshare resort hotels which provide at least one recreational facility (pool, court, playground, picnic area, trail, etc) to which the general public has access. B. Recreational Vehicle Parks, not including mobilehome or manufactured home spaces, excepting one unit for a manager. C. Fishing and visitor service support activities which are indoors such as ice manufacturing, fish processing, equipment and boat services, or interior storage facilities. D. Car, boat or other vehicle washing facilities. E. Public utility pumping stations, power stations, equipment buildings and installations, drainage ways, storage tanks and transmission lines found by the planning commission to be necessary for the public health, safety or welfare and designed to minimize any visual, hearing and/or air quality impacts. (Ord. ____ (part), 200_).
17.69.027 Uses prohibited. The following uses are prohibited in the CZ-HS district: A. Truck and heavy equipment repair shops. B. Any manufacturing use not specifically defined herein. C. Outdoor recreation or entertainment facilities which generate excessive noise, dust or glare. D. Communication and television towers. (Ord. ____ (part), 200_).	**17.69.027 Uses prohibited.** The following uses are prohibited in the CZ-HS district: A. Truck and heavy equipment repair shops. B. Any manufacturing use not specifically defined herein. C. Outdoor recreation or entertainment facilities which generate excessive noise, dust or glare. D. Communication and television towers. (Ord. ____ (part), 200_).
17.69.030 ~~**Height and area regulations**~~ **Property development standards.**	**17.69.030** ~~**Height and area regulations**~~ **Property development standards.**

In the HS district the height of buildings and the maximum dimensions of yards and lots shall be as follows:

A. Height. Maximum building height shall be thirty-five feet.

B. Yards and Areas.

1. Front Yard. A minimum of ~~a~~ thirty-five foot setback for all structures~~.~~; ~~Front~~ front yards may be used for off-street parking ~~in compliance~~ complying with the parking section of this ~~code~~ title;

2. Side Yards. None required ~~except where the side yard of a CZ-HS use abuts the side yard of a residential or a CZ-RP use, then the side yard shall be five feet;~~ for interior lot lines. The street side of corner and reverse corner lots shall have a side yard equal to one-half the required front yard.

3. Rear Yards. Minimum five feet.

4. Lot Area. No minimum;

5. Lot Coverage. ~~No maximum~~ Site coverage for the total building square footage shall not exceed fifty percent (50%) of the size of the lot. Parking areas shall not be counted as building square footage. Residential units which are on the ground floor (existing or new) shall be counted, however residential units above the ground floor shall not be counted in the square footage. (Ord. ____ (part), 200_; Ord. 587 (part), 1983).

17.69.040 Building placement.

~~Whenever property classified for CZ-HS use is separated from adjacent residential property of CZ-RP property by a permanent open space or poking area of no less than twenty-five feet in width, the required side yard setback shall not be required. (Ord. 587 (part), 1983).~~ Repealed. (Ord. ____ (part), 200_).

17.69.050 General requirements.

~~General requirements for the CZ-HS district shall be as follows:~~

A. Parking. See Chapter 17.76 for parking requirements.

B. Fencing. See Chapter 17.75 for fencing requirements.

C. Signs. See Chapter 17.74 for sign requirements. (Ord. ____ (part), 200_; Ord. 587 (part), 1983).

17.69.060 General regulations.

~~General regulations for the CZ-HS district shall be as follows:~~

A. All uses shall be conducted wholly within a building except for such uses as gasoline service stations and other enterprises customarily conducted in the open. Outdoor uses shall be subject to the provision of landscaping and/or solid screen fencing relative to the type of use. Material and equipment storage and automobiles awaiting service overnight or longer shall be confined behind a six-foot solid wall or fence.

B. There shall be no display of goods outside of the structure except for those uses customarily conducted in the open.

C. Accessory uses shall be permitted only to the extent necessary to the limited

In the HS district the height of buildings and the maximum dimensions of yards and lots shall be as follows:

A. Height. Maximum building height shall be thirty-five feet.

B. Yards and Areas.

1. Front Yard. A minimum of ~~a~~ thirty-five foot setback for all structures~~.~~; ~~Front~~ front yards may be used for off-street parking ~~in compliance~~ complying with the parking section of this ~~code~~ title;

2. Side Yards. None required ~~except where the side yard of a CZ-HS use abuts the side yard of a residential or a CZ-RP use, then the side yard shall be five feet;~~ for interior lot lines. The street side of corner and reverse corner lots shall have a side yard equal to one-half the required front yard.

3. Rear Yards. Minimum five feet.

4. Lot Area. No minimum;

5. Lot Coverage. ~~No maximum~~ Site coverage for the total building square footage shall not exceed fifty percent (50%) of the size of the lot. Parking areas shall not be counted as building square footage. Residential units which are on the ground floor (existing or new) shall be counted, however residential units above the ground floor shall not be counted in the square footage. (Ord. ____ (part), 200_; Ord. 587 (part), 1983).

17.69.040 Building placement.

~~Whenever property classified for CZ-HS use is separated from adjacent residential property of CZ-RP property by a permanent open space or poking area of no less than twenty-five feet in width, the required side yard setback shall not be required. (Ord. 587 (part), 1983).~~ Repealed. (Ord. ____ (part), 200_).

17.69.050 General requirements.

~~General requirements for the CZ-HS district shall be as follows:~~

A. Parking. See Chapter 17.76 for parking requirements.

B. Fencing. See Chapter 17.75 for fencing requirements.

C. Signs. See Chapter 17.74 for sign requirements. (Ord. ____ (part), 200_; Ord. 587 (part), 1983).

17.69.060 General regulations.

~~General regulations for the CZ-HS district shall be as follows:~~

A. All uses shall be conducted wholly within a building except for such uses as gasoline service stations and other enterprises customarily conducted in the open. Outdoor uses shall be subject to the provision of landscaping and/or solid screen fencing relative to the type of use. Material and equipment storage and automobiles awaiting service overnight or longer shall be confined behind a six-foot solid wall or fence.

B. There shall be no display of goods outside of the structure except for those uses customarily conducted in the open.

C. Accessory uses shall be permitted only to the extent necessary to the limited

uses permitted under this ~~chapter~~ part. D. ~~Where~~ For new development, where required~~,~~ the front yard setback and the side yards and rear yards shall be landscaped by an area of no less than five feet in width along property lines and along street frontages, except for entrances and exit driveways. Said landscaped areas shall be planted and well maintained in good condition. E. All exterior lighting shall be shielded and directed downward on the property to prevent upward glare and glare at adjacent properties. F. The above highway service uses shall not be objectionable due to odor, dust, smoke, noise vibration, or other similar causes beyond the level of the ordinary neighborhood retail establishment. (Ord. ____ (part), 200_; Ord. 587 (part), 1983).	uses permitted under this ~~chapter~~ part. D. ~~Where~~ For new development, where required~~,~~ the front yard setback and the side yards and rear yards shall be landscaped by an area of no less than five feet in width along property lines and along street frontages, except for entrances and exit driveways. Said landscaped areas shall be planted and well maintained in good condition. E. All exterior lighting shall be shielded and directed downward on the property to prevent upward glare and glare at adjacent properties. F. The above highway service uses shall not be objectionable due to odor, dust, smoke, noise vibration, or other similar causes beyond the level of the ordinary neighborhood retail establishment. (Ord. ____ (part), 200_; Ord. 587 (part), 1983).
17.69.070 Site plan and architectural review. All uses permitted in the HS district shall be subject to approval of a site plan and architectural review. Procedures for such submittal and approval ~~are described in~~ will be found under Chapter 17.79. (Ord. ____ (part), 200_; Ord. 587 (part), 1983).	**17.69.070 Site plan and architectural review.** All uses permitted in the HS district shall be subject to approval of a site plan and architectural review. Procedures for such submittal and approval ~~are described in~~ will be found under Chapter 17.79. (Ord. ____ (part), 200_; Ord. 587 (part), 1983).

Ordinance as Proposed	Ordinance as Suggested to be Modified
Chapter 17.70 **HARBOR-RELATED DISTRICT** **CZ-HR COASTAL ZONE** **Sections:** **17.70.010 Purpose ~~and application~~.** **17.70.020 ~~Permitted uses~~ Principal permitted use.** **17.70.030 ~~Height and area requirements~~ Uses permitted subject to a Use Permit.** **17.70.040 ~~General provisions~~ Property development standards.** **17.70.050 General Requirements.** **17.70.060 Site Plan and Architectural Review.**	[No modifications suggested.]
17.70.010 Purpose. A. The CZ-HR coastal zone harbor related district is intended ~~primarily for those areas adjacent to the Crescent City Harbor that are not zoned open space. This district is intended primarily for uses that are dependent upon immediate access to the harbor, it is also intended for those uses which do not have to depend upon the coast or harbor to function effectively.~~ to provide for public and private areas for commercial and light industrial uses which are not dependent upon immediate access to the harbor but benefit from a harbor location. B. No land, building or structure shall be used, nor shall any building or structure be constructed erected, altered, added to, enlarged or moved for any purpose or in any manner except in compliance with these regulations. (Ord. ____ (part), 200_; Ord. 587 (part), 1983).	[No modifications suggested.]
17.70.020 ~~Permitted uses~~ Principal permitted use.	**17.70.020 ~~Permitted uses~~ Principal permitted use.**

Ordinance as Proposed	Ordinance as Suggested to be Modified
~~A. Permitted uses in the CZ-HR district include:~~ ~~1. Commercial fishing berths;~~ ~~2. Fish processing plants;~~ ~~3. Boat building and repair.~~ ~~B. Permitted uses in the CZ-HR district with a use permit, ranked by priority, include:~~ ~~1. Energy facilities, provided that such facilities have proper protection devices to prevent crude oil, gas, petroleum or other hazardous substances from being spilled or from contaminating areas beyond the project site;~~ ~~2. Recreational facilities, including but not limited to, recreational vehicle parks and buildings necessary to that operation;~~ ~~3. Restaurants;~~ ~~4. Museums, specifically those dealing with coastal activities.~~ The principal permitted use in the CZ-HR coastal zone harbor related district is the harbor related use which includes: A. Visitor serving facilities such as: hotels and motels, indoor and outdoor eating and drinking places with a harbor theme (but not including drive-thru services), specialty retail shops including marine curio manufacture and sales, recreational facilities such as trails, beach access and picnic areas. B. Fishing support services such as boat brokerage offices, net manufacturing, repair and sales, welding and machine repair shops for marine products, boat or vehicle washing facilities, and marine equipment storage. (Ord. ____ (part), 200_; Ord. 587 (part), 1983).	~~A. Permitted uses in the CZ-HR district include:~~ ~~1. Commercial fishing berths;~~ ~~2. Fish processing plants;~~ ~~3. Boat building and repair.~~ ~~B. Permitted uses in the CZ-HR district with a use permit, ranked by priority, include:~~ ~~1. Energy facilities, provided that such facilities have proper protection devices to prevent crude oil, gas, petroleum or other hazardous substances from being spilled or from contaminating areas beyond the project site;~~ ~~2. Recreational facilities, including but not limited to, recreational vehicle parks and buildings necessary to that operation;~~ ~~3. Restaurants;~~ ~~4. Museums, specifically those dealing with coastal activities.~~ The principal permitted use in the CZ-HR coastal zone harbor related district ~~is~~ **the are those** harbor related ~~use~~ **uses** which ~~includes~~ **are dependent upon a harbor related use including**: ~~**A. Visitor serving facilities such as: hotels and motels, indoor and outdoor eating and drinking places with a harbor theme (but not including drive-thru services), specialty retail shops including marine curio manufacture and sales, recreational facilities such as trails, beach access and picnic areas.**~~ ~~**B.**~~ Fishing support services such as boat brokerage offices, net manufacturing, repair and sales, welding and machine repair shops for marine products, boat or vehicle washing facilities, and marine equipment storage. (Ord. ____ (part), 200_; Ord. 587 (part), 1983).
17.70.030 ~~**Height and area requirements**~~ **Uses permitted subject to a Use Permit.** ~~In the CZ-HR district, no minimum or maximum dimensions of yards, lot or heights are established, except as required by the planning commission.~~ The following uses may be permitted subject to the granting of a conditional use permit: A. Museums. B. Indoor or outdoor recreational facilities such as arcades, theatres or ball courts. C. Recreational Vehicle Parks including one residential unit for a resident manager. D. Residential uses, up to 15 units per acre density, when located above the ground floor as a secondary use. E. Small public facilities such as public utility substations. F. Fuel sales and bulk fuel storage. G. Maintenance dredging and dredge spoils placement at approved sites. (Ord. ____ (part), 200_; Ord. 587 (part), 1983).	**17.70.030** ~~**Height and area requirements**~~ **Uses permitted subject to a Use Permit.** ~~In the CZ-HR district, no minimum or maximum dimensions of yards, lot or heights are established, except as required by the planning commission.~~ The following uses may be permitted subject to the granting of a conditional use permit: A. Museums **with a coastal resources, maritime history, or nautical theme**. B. Indoor or outdoor recreational facilities such as arcades, theatres or ball courts. ~~**C. Recreational Vehicle Parks including one residential unit for a resident manager.**~~ ~~**D. Residential uses, up to 15 units per acre density, when located above the ground floor as a secondary use.**~~ ~~**E.**~~ **C,** Small public facilities such as public utility substations. ~~**F.**~~ **D,** Fuel sales and bulk fuel storage. ~~**G.**~~ **E,** Maintenance dredging and dredge spoils placement at approved sites. (Ord. ____ (part), 200_; Ord. 587 (part), 1983).
17.70.040 ~~**General provisions**~~ **Property development standards.** ~~A. Parking. Parking shall be required as established by the parking regulations hi Chapter 17.76.~~ ~~B. Signs. Signs required for the direction of traffic shall be considered as part of~~	[No modifications suggested.]

Ordinance as Proposed	Ordinance as Suggested to be Modified
~~the use permit procedures in the issuing of such use permits. No off-site signs or advertising structures other than identification and information for the public shall be permitted.~~ The following property development standards shall apply to all land and structures in the CZ-HR coastal zone harbor dependent district. A. Height. The maximum building height shall be thirty-five (35) feet except that hotels and mixed-use residential/commercial structures may be permitted a higher height not to exceed fifty (50) feet. B. Yard and Areas 1. Front Yard. None required except that: A. Where a portion of the street frontage of the block in which the site is located is in a zone of greater requirements, the front yard of the CZ-HR zone shall conform to the minimum requirements of the more restrictive zone. B Where the site is located at a street corner sight distance clearance requirements shall be met. 2. Side Yard. None required. 3. Rear Yard. None required. 4. Lot Area. No minimum except that adequate provision shall be made for the permitted use and on-site parking. 5. Lot Coverage. Site coverage for the total building square footage shall not exceed fifty- five percent (55%) of the size of the lot. Parking areas shall not be counted as building square footage. Residential units which are above the ground floor shall not be counted in the square footage. (Ord. ____ (part), 200_; Ord. 587 (part), 1983).	
17.70.050 General Requirements. A. Parking. Parking shall be required as established by the parking regulations in Chapter 17.76. B. Fencing. See Chapter 17.75 for fencing requirements. C. Signs. See Chapter 17.74 for sign requirements. (Ord. ____ (part), 200_).	[No modifications suggested.]

Ordinance as Proposed	Ordinance as Suggested to be Modified
Chapter 17.70A **CZ-HD COASTAL ZONE HARBOR DEPENDENT DISTRICT** **Sections:** **17.70A.100 Purpose** **17.70A.020 Principal permitted use.** **17.70A.030 Uses permitted subject to a Use Permit** **17.70A.035 Uses prohibited** **17.70A.040 Property development standards** **17.70A.050 General Requirements** **17.70A.060 Site Plan and Architectural Review**	[No modifications suggested.]

Ordinance as Proposed	Ordinance as Suggested to be Modified
17.70A.010 Purpose A. The CZ-HD coastal zone harbor dependent district is intended to provide areas for harbor dependent uses, which include harbor dependent commercial and harbor dependent recreational activities that must be dependent upon the activities at or products generated by the Crescent City harbor. B. No land, building or structure shall be used, nor shall any building or structure be constructed erected, altered, added to, enlarged or moved for any purpose or in any manner except in compliance with these regulations. (Ord. ____ (part), 200 _).	[No modifications suggested.]
17.70A.020 Principal permitted use. The principal permitted use in the CZ-HD coastal zone harbor dependent district is harbor dependent use which includes: A, Publicly owned support facilities such as: boat basins, docking and launching facilities, marine terminals, dredge spoils storage areas, net drying facilities, harbor district offices, Coast Guard stations and quarters, and public parking lots; B. Commercial and recreational Fisheries activities and support activities including: fishing and fish farming, storage, supplies including retail fuel sales, seafood processing, ice facilities, buyers facilities and fisherman's organization facilities; C. Public viewing and recreation areas including: beach access, parking, walkways and boardwalks, plazas and related recreation equipment rental. (Ord. ____ (part), 200 _).	[No modifications suggested.]
17.70A.030 Uses permitted subject to a Use Permit. The following uses may be permitted subject to the granting of a conditional use permit. A. Dredging and/or filling for new development. B. Bulk oil and fuel storage. C. Marine electronic repair shops. D. Restaurants and cafes oriented towards harbor products and activities. (Ord. ____ (part), 200 _).	**17.70A.030 Uses permitted subject to a Use Permit.** The following uses may be permitted subject to the granting of a conditional use permit. A. Dredging and/or filling for new development. B. Bulk oil and fuel storage. C. ~~**Marine electronic repair shops.**~~ ~~**D. Restaurants**~~ **Commercial uses incidental to the principal harbor dependent uses, including small convenience stores, restaurants,** and cafes ~~**oriented towards harbor products and activities**~~ **intended primarily to support harbor workers and occupants. (Ord. ____ (part), 20__;** Ord. ____ (part), 200 _).
17.70A.035 Uses prohibited The following uses are prohibited in the CZ-HD district. A. Commercial activities not dependent upon the fishing process other than as identified above. B. Truck and heavy equipment repair shops. C. Communication and television towers other than that secondary to a permitted use. (Ord. ____ (part), 200 _).	[No modifications suggested.]
17.70A.040 Property development standards The following property development standards shall apply to all land and structures in the CZ-HD coastal zone harbor dependent district.	[No modifications suggested.]

Ordinance as Proposed	Ordinance as Suggested to be Modified
A. Height. The Maximum building height shall be 50 feet. B. Yard and Areas 1. Front Yard. None required except that: a. Where a portion of the street frontage of the block in which the site is located is in a zone of greater requirements, the front yard of the CZ-HD zone shall conform to the minimum requirements of the more restrictive zone. b. Where the site is located at a street corner sight distance clearance requirements shall be met. 2. Side Yard. None required. 3. Rear Yard. None required. 4. Lot Area. No minimum except that adequate provision shall be made for the permitted use and on-site parking for any non-public (e.g., commercial) uses. 5. Lot Coverage. Site coverage for the total building square footage shall not exceed fifty percent (50%) of the size of the lot or leaseholding. (Ord. ____ (part), 200_).	
17.70A.050 General Requirements. A. Parking. See Chapter 17.76 for parking requirements. B. Fencing. See Chapter 17.75 for fencing requirements. C. Signs. See Chapter 17.74 for sign requirements. (Ord. ____ (part), 200_).	[No modifications suggested.]
17.70A.060. Site plan and architectural review. All uses permitted in the CZ-HD district, except those requiring a use permit, shall be subject to the approval of a site plan and architectural review. Procedure for such submittal and approval will be found under Chapter 17.79. (Ord. ____ (part), 200_).	[No modifications suggested.]

Ordinance as Proposed	Ordinance as Suggested to be Modified
Chapter 17.71 **CZ-O COASTAL ZONE OPEN SPACE DISTRICT** **Sections:** **17.71.010 Purpose ~~and application~~.** **17.71.020 ~~Permitted uses~~ Principal permitted use—Public property.** **17.71.025 Uses subject to use permit—Public property.** **17.71.030 ~~Permitted uses~~ Principal permitted use—Private property.** **17.71.035 Uses subject to use permit—Private property.** **17.71.040 ~~Height and area regulations~~ Building placement.** **17.71.050 General provisions.**	[No modifications suggested.]
17.71.010 Purpose ~~and application~~. A. The CZ-O coastal zone open space district is intended ~~primarily where it is~~ to	[No modifications suggested.]

Ordinance as Proposed	Ordinance as Suggested to be Modified
provide permanent open spaces which are necessary ~~and desirable~~ to safeguard the health, safety and welfare of the people, and to provide ~~permanent open~~ spaces ~~which are necessary to safeguard the health, safety and welfare of the people, and to provide spaces~~ for the location and preservation of unusual land masses, historical sites and areas which provide energy, water and recreational activities. The district is also intended to set aside areas to be used for wind or weather screens and for visual effect. B. No land, building or structure shall be used, nor shall any building or structure be constructed, erected, altered, added to, enlarged or moved for any purpose or in any manner except in compliance with these regulations. (Ord. ____ (part), 200_; Ord. 587 (part), 1983).	
17.71.020 ~~Permitted uses~~ Principal permitted use~~—~~Public property. ~~A. There are no permitted uses without a use permit Any of the following uses are allowable, provided a use permit is first obtained:~~ ~~1. Parks and playgrounds;~~ ~~2. Vista areas;~~ ~~3. General open spaces;~~ ~~4. Beaches;~~ ~~5. Water reservoirs, watersheds and recharging basins;~~ ~~6. Wildlife preserves;~~ ~~7. Geological feature preservation;~~ ~~8. Historical and cultural sites;~~ ~~9. Publicly operated recreational establishments;~~ ~~10. Public buildings and facilities; and~~ ~~11. Nonprofit marine mammal rehabilitation centers.~~ ~~B. The following uses are subject to the provisions of the land use plan, and more specifically, to the diking, dredging and filling of shoreline structures:~~ ~~1. Drainage canals and channels;~~ ~~2. Flood control devices; and~~ ~~3. Marinas.~~ The principal permitted use on public property in the Coastal Zone Open Space district is general open space use which includes: A. Continued use, maintenance and upgrade of existing public parks and playgrounds, trails and related facilities such as parking lots, picnic areas and restrooms; B. Harbor activities such as fishing, passive recreation and related facilities such as piers and parking; C. Beaches, beach accessways and vista areas; D. Preservation of geological features and historic and cultural sites; E. Wildlife preserves. (Ord. ____ (part), 200_; Ord. 649 § 5, 1990)	[No modifications suggested.]
17.71.025 Uses permitted subject to a use permit – public property. The following uses may be permitted subject to the granting of a conditional use permit: A. Development of new parks, playgrounds, or public recreation facilities; B. Water reservoirs, watersheds and recharging basins;	[No modifications suggested.]

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C. Public buildings and facilities; and D. Nonprofit marine mammal rehabilitation centers. E. Subject to the provisions of the land use plan, and more specifically, to the policies regarding diking, dredging and filling of shoreline structures the following may also be considered: 1. Drainage canals and channels; 2. Flood control devices; and 3. Public marinas. (Ord. ____ (part), 200_).	
17.71.030 ~~Permitted uses~~ Principal permitted use—Private property. ~~The following uses are permitted on privately owned properties within the CZ-O zone:~~ The principal permitted use on private property in the Coastal Zone Open Space district is general open space which includes: A. Farming; ~~B. Commercial recreation;~~ ~~C. Energy production;~~ ~~D. Transmission corridors;~~ ~~E. Mineral production;~~ ~~F. Cemeteries;~~ ~~G. Water production;~~ ~~H. Marinas.~~ (Ord. ____ (part), 200_; Ord. 587 (part), 1983).	[No modifications suggested.]
17.71.035 Uses permitted subject to a use permit–private property. The following uses may be permitted subject to the granting of a conditional use permit: A. Commercial recreation facilities; B. Energy production; C. Transmission corridors; D. Mineral production; E. Cemeteries; F. Water production; G. Marinas. (Ord. ____ (part), 200_).	[No modifications suggested.]
17.71.040 ~~Height and area regulations~~ Building placement. In the CZ-O district, on public property, no minimum or maximum dimensions of yards, lots or heights are established, except as follows. No more than ten percent of the property may be covered with buildings, accessory buildings or structures, and no more than ten percent of the property may be placed in pavement, exclusive of required access roads. On private property the regulations of the CZ-HS zoning district shall apply. (Ord. ____ (part), 200_; Ord. 587 (part), 1983).	[No modifications suggested.]
17.71.050 General provisions. General provisions for the CZ-O district shall be as follows: A. Parking. Parking shall be required as established by the parking regulations	[No modifications suggested.]

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under Chapter 17.76. B. Signs. Signs required for the direction of traffic and for the identification of the site in question shall be considered as part of the use permit procedures in the issuing of such use permits. No off-site signs or advertising structures other than identification and information for the public in general shall be permitted. (Ord. 587 (part), 1983).	

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Chapter 17.72 **CZ-NR COASTAL ZONE NATURAL RESOURCES DISTRICT** **Sections:** **17.72.010 Purpose and application.** **17.72.020 ~~Permitted uses~~ Principal permitted use.** **17.72.030 ~~General provisions~~ Uses permitted subject to a use permit.** **17.72.040 General provisions.** **17.72.050 Conservation incentive density bonus.**	[No modifications suggested.]
17.72.010 Purpose and application. A. The purpose of the coastal zone natural resources district is to protect those coastal areas in the city that have been identified as ~~wetlands~~ sensitive riparian or wetland habitat which could easily be degraded by human activities and developments and to provide for a buffer zone to protect the wetlands. The uses of ~~wetlands and wetland buffers~~ natural resource areas are limited to those in accordance with the designated coastal zone-natural resource policies of the ~~coastal element of the~~ general plan. Further, the ~~natural resource policies provide the~~ procedures to follow in order to specify the boundaries of any ~~wetlands in~~ riparian or wetland habitat and incentives to direct development away from such areas are provided by this district. B. No land, building or structure shall be used, nor shall any building or structure be constructed, erected, altered, added to, enlarged or moved for any purpose or in any manner except in compliance with these regulations. (Ord. ____ (part), 200_; Ord. 600 (part), 1984).	**17.72.010 Purpose and application.** A. The purpose of the coastal zone natural resources district is to protect those coastal areas in the city that have been identified as ~~wetlands~~ **containing environmentally** sensitive **habitat areas (ESHA), including but not limited to** riparian or wetland habitat**,** which **plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and** could easily be degraded by human activities and developments**,** and to provide for a buffer zone to protect the wetlands. The uses of ~~wetlands and wetland buffers~~ natural resource areas are limited to those in accordance with the designated coastal zone-natural resource policies of the ~~coastal element of the~~ **general coastal land use** plan. Further, the ~~natural resource policies provide the~~ procedures to follow in order to specify the boundaries of any ~~wetlands in~~ **~~riparian or wetland~~ environmentally sensitive** habitat and incentives to direct development away from such areas **and to establish adequately protective buffer areas around such areas** are provided by this district. B. No land, building or structure shall be used, nor shall any building or structure be constructed, erected, altered, added to, enlarged or moved for any purpose or in any manner except in compliance with these regulations. (Ord. ____ (part), 200_; Ord. 600 (part), 1984).
17.72.020 ~~Permitted uses~~ Principal permitted use. ~~A. The permitted uses in wetland indicated on the city's zoning map are:~~ ~~1. Fish and wildlife management;~~ ~~2. Nature study; and~~ ~~3. Wetlands restoration.~~ ~~B. Permitted Uses With a Use Permit~~ ~~1. In wetlands as defined in Section 17.61.511 and which are present in~~	**17.72.020 ~~Permitted uses~~ Principal permitted use.** ~~A. The permitted uses in wetland indicated on the city's zoning map are:~~ ~~1. Fish and wildlife management;~~ ~~2. Nature study; and~~ ~~3. Wetlands restoration.~~ ~~B. Permitted Uses With a Use Permit~~ ~~1. In wetlands as defined in Section 17.61.511 and which are present in~~

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~~this district and indicated on the city's zoning map, the permitted uses with a use permit are:~~ ~~a. Incidental public service purposes, including but not limited to burying cables and pipes or inspection of piers and maintenance of existent intake and outfall lines;~~ ~~b. Aquaculture.~~ ~~C. Specific Standards for Granting Use Permits. In addition to the requirements of Chapter 17.82, the following specific standards will apply to the granting of use permits in any identified wetlands in this district:~~ ~~1. The diking, filling or dredging of open coastal waters, freshwater wetlands, estuaries and lakes shall be permitted where there is no feasible, less environmentally damaging, alternative and where feasible mitigation measures have been provided to minimize adverse environmental effects;~~ ~~2. The dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge spoils suitable for beach replenishment shall be transported for such purposes to appropriate beaches or into suitable longshore current systems as identified in the coastal element of the city's general plan, more specifically those guidelines concerning diking, dredging and filling of shoreline structures;~~ ~~3. The diking, filling or dredging of existing estuaries and/or wetlands shall maintain or enhance the functional capacity of the wetland or estuary.~~ The principal permitted use in the Coastal Zone Natural Resource district is resource dependent use which includes: A. Fish and wildlife management such as nature study and fishing or aquaculture, which may include the development of minor facilities constructed or placed by hand such as blinds, lookouts, interpretive panels, fences and trails. B. Maintenance and repair of existing public facilities such as: flood-control and drainage channels, roads or road crossings, and utilities. C. Removal of windblown trees which threaten existing structures. (Ord. ____ (part), 200_; Ord. 600 (part), 1984).	~~this district and indicated on the city's zoning map, the permitted uses with a use permit are:~~ ~~a. Incidental public service purposes, including but not limited to burying cables and pipes or inspection of piers and maintenance of existent intake and outfall lines;~~ ~~b. Aquaculture.~~ ~~C. Specific Standards for Granting Use Permits. In addition to the requirements of Chapter 17.82, the following specific standards will apply to the granting of use permits in any identified wetlands in this district:~~ ~~1. The diking, filling or dredging of open coastal waters, freshwater wetlands, estuaries and lakes shall be permitted where there is no feasible, less environmentally damaging, alternative and where feasible mitigation measures have been provided to minimize adverse environmental effects;~~ ~~2. The dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge spoils suitable for beach replenishment shall be transported for such purposes to appropriate beaches or into suitable longshore current systems as identified in the coastal element of the city's general plan, more specifically those guidelines concerning diking, dredging and filling of shoreline structures;~~ ~~3. The diking, filling or dredging of existing estuaries and/or wetlands shall maintain or enhance the functional capacity of the wetland or estuary.~~ The principal permitted use in the Coastal Zone Natural Resource district is resource dependent use which includes: A. Fish and wildlife management such as nature study ~~**and fishing or aquaculture**~~, which may include the development of minor facilities constructed or placed by hand such as blinds, lookouts, interpretive panels, fences and trails. B. Maintenance and repair of existing public facilities such as: flood-control and drainage channels, roads or road crossings, and utilities. C. Removal of windblown trees which threaten existing structures. (Ord. ____ (part), 200_; Ord. 600 (part), 1984).
17.72.030 ~~**General provisions**~~ **Uses permitted subject to a use permit.** ~~A. Wetland Buffer. A buffer area of fifty feet shall be maintained around all identified wetlands. The only allowable uses within this buffer area shall be those uses as provided for in Section 30240 of the California Coastal Act of 1976, as cited in the coastal element of the general plan. More specifically, development shall not occur within fifty feet of the landward edge of any identified wetlands except for access paths, fences necessary to protect the area, and similar uses which have either beneficial or no significant adverse effects on the environmentally sensitive habitat areas. The required rear, front and side yard setbacks of a parcel may be located within the buffer area; however, no development other than that specified above may take place within that portion of the yard setbacks located within the buffer area. Buffer areas for wetlands~~	[No modifications suggested.]

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~~shall be measured landward from the edge of the identified wetlands.~~ ~~B. Determination of the Wetland Boundaries. Wetlands may be generally portrayed on the city's coastal zone map and those areas as purchased by the Department of Fish and Game, or as modified using the criteria of Sensitive Habitat Policy 3 of the coastal element of the general plan.~~ ~~C. Street Improvements. Streets indicated in the McNamara-Gillespie annexation area have not been developed; their development is subject to LCP policies and permit requirements.~~ The following uses may be permitted subject to the granting of a conditional use permit: A. In all habitat areas, those recreational facilities included in a publicly adopted State Park and Recreation or Department of Fish and Game Master Plan. B. In all habitat areas, wetland or stream restoration programs. C. In riparian habitat areas and wetland buffer areas, recreational trails. D. In riparian habitat areas, new roads where crossings shall be limited, when feasible, to right angle crossing of streams and stream corridors. E. In all habitat areas, fences and access trails necessary to protect the area map be placed. F. In all habitat areas, one single-family residence and appurtenant structure when denial of such would otherwise substantially deny all reasonable use of the parcel , including use of incentive density, and where such development will be sited and designed to prevent impacts which would significantly degrade the environmentally sensitive habitat area. Height limits shall be as in the R-1 district. (Ord. ____ (part), 200_ ; Ord. 600 (part), 1984).	
17.72.040 General provisions. A. The General Plan land use map identifies the locations of environmentally sensitive natural resource areas (wetlands and riparian habitat areas). Where question or dispute arise over the location of a habitat boundary the applicant shall provide the following information: 1. A base map delineating topographic lines, adjacent roads, and the location of all dikes, levees, flood control channels, tide gates, streams, rivers water bodies and wetlands located on the site; 2. A map of soils classifications on the site ; 3. A vegetation habitat map of the site; and 4. A professional biologists report which shall include an adequate description of the flora, fauna, fish, birds, mammals, or other wildlife which occupy the site or are habitually found thereon, setting forth with detail those areas where federal or state listed plant and animal species or their habitats may be found on the site. The report shall include the findings of a site visit, discussion of soils and habitat classifications at the site, and any conclusions, recommendations and/or mitigating circumstances which address the boundary issue. 5. Any other information pertinent to the particular project which might be necessary for the review of the project requested by the City	**17.72.040 General provisions.** A. The General Plan land use map identifies the locations of environmentally sensitive natural resource areas (wetlands and riparian habitat areas). Where question or dispute arise over the location of a habitat boundary the applicant shall provide the following information: 1. A base map delineating topographic lines, adjacent roads, and the location of all dikes, levees, flood control channels, tide gates, streams, rivers water bodies and wetlands located on the site; 2. A map of soils classifications on the site ; 3. A vegetation habitat map of the site; and 4. A professional biologists report which shall include an adequate description of the flora, fauna, fish, birds, mammals, or other wildlife which occupy the site or are habitually found thereon, setting forth with detail those areas where federal or state listed plant and animal species or their habitats may be found on the site. The report shall include the findings of a site visit, discussion of soils and habitat classifications at the site, and any conclusions, recommendations and/or mitigating circumstances which address the boundary issue. 5. Any other information pertinent to the particular project which might be necessary for the review of the project requested by the City

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Planning department. The definitions of wetlands and riparian vegetation within the General Plan and consultation with the California Department of Fish and Game and the U.S. Army Corps of Engineers, shall be utilized for determinations. B. Wetland Buffer. Where a wetland habitat is not within a designated riparian vegetation corridor, a buffer area of 100 feet shall be maintained in a natural condition along the upland limits of all identified wetlands, to be measured landward of the wetland edge. A buffer of less than 100 feet may be utilized where it can be determined by the City that there is no adverse impact on the wetland. A determination to utilize a buffer area of less than 100 feet shall be made in cooperation with the California Department of Fish and Game. The City's determination shall be based upon specific findings as to the adequacy of the proposed buffer to protect the identified resource. The required rear, front and side yard setbacks of a parcel may be located within the buffer area; however, no development other than that specified by this chapter may take place within that portion of the yard setbacks located within the buffer area. C. Riparian Vegetation Corridor. Native vegetation along any river, stream or creek shall be maintained from the top of highest bank to the top of highest bank to provide bank stabilization, water quality and wildlife habitat. Additional setback from top of highest bank may be required for geologic or flooding safety. Within this top of bank/safety area 80% of the native vegetation canopy shall be retained. Native trees which canopy the watercourse shall be retained unless an existing structure is immediately threatened or a permitted use activity is approved. Where such a new permitted activity occurs native riparian vegetation shall be replaced and maintained on-site, in kind with native species. Where non-native vegetation is removed it shall be replaced and maintained on-site, in-kind with native species. D. Any dredging and/or spoils disposal undertaken as part of the maintenance and repair of existing public facilities (such as flood-control and drainage channels, roads or road crossings or utilities) shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. (Ord. ____ (part), 200_).	Planning department. The definitions of wetlands and riparian vegetation within the General Plan and consultation with the California Department of Fish and Game and the U.S. Army Corps of Engineers, shall be utilized for determinations. B. ~~Wetland~~ **ESHA** Buffer. ~~Where a wetland habitat is not within a designated riparian vegetation corridor, a~~ **A** buffer area of 100 feet **in width** shall be maintained in a natural condition along the upland limits of all identified ~~wetlands~~ **ESHA**, to be measured ~~landward of the wetland edge~~ **from the outer boundary of such environmentally sensitive area**. A buffer of less than 100 feet may be utilized where it can be determined by the City that there is no adverse impact on the ~~wetland~~ **ESHA**. A determination to utilize a buffer area of less than 100 feet shall be made in cooperation with the California Department of Fish and Game. The City's determination shall be based upon specific findings as to the adequacy of the proposed buffer to protect the identified resource. The required rear, front and side yard setbacks of a parcel may be located within the buffer area; however, no development other than that specified by this chapter may take place within that portion of the yard setbacks located within the buffer area. C. Riparian Vegetation Corridor. Native vegetation along any river, stream or creek shall be maintained from the top of highest bank to the top of highest bank **on the opposite bank** to provide bank stabilization, water quality and wildlife habitat. Additional setback from top of highest bank ~~may~~ **shall** be required for geologic or flooding safety. Within this top of bank/safety area**,** ~~80% of~~ the native vegetation canopy shall be retained. Native trees which canopy the watercourse shall be retained unless an existing structure is immediately threatened or a permitted use activity is approved. Where such a new permitted activity occurs**,** native riparian vegetation shall be replaced and maintained on-site, in kind with native species. Where non-native vegetation is removed**,** it shall be replaced and maintained on-site, in-kind with native species. D. Any dredging and/or spoils disposal undertaken as part of the maintenance and repair of existing public facilities (such as flood-control and drainage channels, roads or road crossings or utilities)**,** shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. (Ord. ____ (part), 200_).
17.72.040 Conservation incentive density bonus. Where the property owner chooses, they may offer to the City or another public agency an easement, the ownership or another acceptable method of open space dedication for that portion of their property designated as NR Natural Resources. In such cases the City shall provide the property owner with a development agreement, in such form and content as may be acceptable to the City, which provides for residential development density credit, above that permitted by the General Plan, on the immediately adjacent non-NR area of the subject parcel. This provision shall be subject to meeting all of the following criteria: 1) The offered lands within the Natural Resources zone district shall be substantially in a natural undisturbed state; and 2) The offer for dedication and development agreement shall be	~~**17.72.040 Conservation incentive density bonus.**~~ ~~**Where the property owner chooses, they may offer to the City or another public agency an easement, the ownership or another acceptable method of open space dedication for that portion of their property designated as NR Natural Resources. In such cases the City shall provide the property owner with a development agreement, in such form and content as may be acceptable to the City, which provides for residential development density credit, above that permitted by the General Plan, on the immediately adjacent non-NR area of the subject parcel. This provision shall be subject to meeting all of the following criteria:**~~ ~~**1) The offered lands within the Natural Resources zone district shall be substantially in a natural undisturbed state; and**~~

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negotiated with the City and approved by the City Council prior to recordation of the dedication. The development agreement shall be recorded at the same time as the dedication: and, 3) The residential density bonus shall be calculated based only on the geometric area zoned NR which is to be dedicated; and 4) The density bonus granted shall not exceed one-third of the density which would be permitted if the Natural Resources zone were designated the same land use as the adjacent area. Where the adjacent area is designated for residential use its density shall be used. If the adjacent area is designated for commercial use, up to twelve or fifteen units per acre shall be used, as specified for the commercial area density by the General Plan. Where two designations are adjacent the lower density shall be used as typical; however the additional units may be located in either area; and 5) The development agreement bonus units shall be located only on immediately adjacent lands owned by the same property owner which are not in the resource conservation area. The units may not be applied to lands not adjacent nor to lands owned by another party. However, provision may be made in the development agreement permitting the right to the additional units to transfer with property title if the owner wished to sell at a later date. (Ord. ____ (part), 200_).	~~2) The offer for dedication and development agreement shall be negotiated with the City and approved by the City Council prior to recordation of the dedication. The development agreement shall be recorded at the same time as the dedication: and,~~ ~~3) The residential density bonus shall be calculated based only on the geometric area zoned NR which is to be dedicated; and~~ ~~4) The density bonus granted shall not exceed one-third of the density which would be permitted if the Natural Resources zone were designated the same land use as the adjacent area. Where the adjacent area is designated for residential use its density shall be used. If the adjacent area is designated for commercial use, up to twelve or fifteen units per acre shall be used, as specified for the commercial area density by the General Plan. Where two designations are adjacent the lower density shall be used as typical; however the additional units may be located in either area; and~~ ~~5) The development agreement bonus units shall be located only on immediately adjacent lands owned by the same property owner which are not in the resource conservation area. The units may not be applied to lands not adjacent nor to lands owned by another party. However, provision may be made in the development agreement permitting the right to the additional units to transfer with property title if the owner wished to sell at a later date. (Ord. ____ (part), 200_).~~

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Chapter 17.73 **CZ-CW COASTAL ZONE WATERFRONT COMMERCIAL DISTRICT** **Sections:** **17.73.010 Purpose.** **17.73.020 Principal permitted use.** **17.73.030 Uses permitted subject to a use permit.** **17.73.035 Uses prohibited.** **17.23.040 Property development standards.** **17.23.050 Building placement.** **17.23.060 General requirements.** **17.23.070 Site plan and architectural review.** **17.23.080 General regulations.**	[No modifications suggested.]
17.73.010 Purpose. A. The CZ-CW coastal zone waterfront commercial district is intended to provide for a mixture of shop, service, recreation and accommodation uses for visitors uses in the Battery Point area adjacent to Beachfront Park and Crescent City's harbor.	**17.73.010 Purpose.** A. The CZ-CW coastal zone waterfront commercial district is intended to provide for a mixture of shop, service, recreation and accommodation uses for visitors uses in the Battery Point area ~~adjacent to~~, and in Visitor Serving Commercial areas

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B. No land, building or structure shall be used, nor shall any building or structure be constructed, erected, altered, added to, enlarged or moved for any purpose or in any manner except in compliance with these regulations. (Ord. 686 Exh. A, 2000).	**adjoining harbor dependent and/or harbor related designated areas in the vicinity of** Beachfront Park and Crescent City's harbor. B. No land, building or structure shall be used, nor shall any building or structure be constructed, erected, altered, added to, enlarged or moved for any purpose or in any manner except in compliance with these regulations. (Ord. 686 Exh. A, 2000).
17.73.020 Principal permitted use. The principal permitted use in the CZ-CW coastal zone waterfront commercial district is visitor serving commercial use, which includes: A. Visitor facilities such as: hotels and motels, indoor and outdoor eating and drinking places (but not including drive- thru services); B. Specialty shops such as books, gifts, jewelry, collectibles, clothing, antiques or art galleries; C. Visitor services located inside a building such as: Automatic Teller Machines, laundries, beauty services and spas, and photo processing,. D. Entertainment and recreational facilities such as: theatres, sports activities including equipment rentals and sales or public access. (Ord. 686 Exh. A, 2000).	**17.73.020 Principal permitted use.** The principal permitted use in the CZ-CW coastal zone waterfront commercial district is visitor serving commercial use, which includes: A. Visitor facilities such as: hotels and motels, indoor and outdoor eating and drinking places (but not including drive- thru services); B. ~~**Specialty shops such as books, gifts, jewelry, collectibles, clothing, antiques or art galleries;**~~ ~~C.~~ Visitor services located inside a building such as: Automatic Teller Machines, laundries, beauty services and spas, and photo processing,. ~~D.~~ **C.** Entertainment and recreational facilities such as: theatres, sports activities including equipment rentals and sales or public access. (Ord. 686 Exh. A, 2000).
17.73.030 Uses permitted subject to a use permit. The following uses may be permitted subject to the granting of a conditional use permit. A. Outdoor accessory uses and structures located on the same site as a permitted use such as storage, but not including recreation facilities included as part of a hotel/motel such as swimming pools. B. New timeshare resort hotels, which provide at least one recreational facility. C. Conference centers or meeting halls when separate from a hotel or restaurant facility. D. Private parking facilities, including fee parking facilities, not required by code for another use. E. Bed and Breakfast. F. Residential uses, up to 15 units per acre density when located above the ground floor as a secondary use. G. Public utility service pumping stations, power stations, equipment buildings and installations, drainage ways, storage tanks and transmission lines found by the planning commission to be necessary for the public health, safety or welfare and designed to minimize any visual, hearing and/or air quality impacts. (Ord. 686 Exh. A, 2000).	**17.73.030 Uses permitted subject to a use permit.** The following uses may be permitted subject to the granting of a conditional use permit. A. Outdoor accessory uses and structures located on the same site as a permitted use such as storage, but not including recreation facilities included as part of a hotel/motel such as swimming pools. B. New timeshare resort hotels, which provide at least one recreational facility. C. Conference centers or meeting halls when separate from a hotel or restaurant facility. D. Private parking facilities, including fee parking facilities, not required by code for another use. E. Bed and Breakfast. F. **Specialty shops such as books, gifts, jewelry, collectibles, clothing, antiques or art galleries. ¶** ~~F.~~ **G.** Residential uses, up to 15 units per acre density when located above the ground floor as a secondary use. ~~G.~~ **H.** Public utility service pumping stations, power stations, equipment buildings and installations, drainage ways, storage tanks and transmission lines found by the planning commission to be necessary for the public health, safety or welfare and designed to minimize any visual, hearing and/or air quality impacts. (Ord. 686 Exh. A, 2000).
17.73.035 Uses prohibited. The following uses are prohibited in the CZ-CW district: A. Truck and heavy equipment repair shops: B. Any manufacturing use not specifically defined herein. C. Communication and television towers. (Ord. 686 Exh. A, 2000).	[No modifications suggested.]

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17.73.040 Property development standards. The following property development standards shall apply to all land and structure in the CZ-CW waterfront commercial district: A. Height. The maximum building height shall be thirty-five feet. B. Yard and Areas. 1. Front Yard. None required except that where a portion of the street frontage of the block in which the site is located is in a zone of greater requirements, the front yard of the CW zone shall conform to the minimum requirements of the more restrictive zone; 2. Side Yard. None required except that where the side yard of the CW use abuts upon the side or rear yard of a residential zone the side yard shall be five feet; 3. Rear Yard. Minimum of ten feet; 4. Lot Area. No minimum; 5. Lot Coverage. Site coverage for the total building square footage shall not exceed fifty percent (50%) of the size of the lot. Parking areas shall not be counted as building square footage. Residential units, which are above the ground floor, shall not be counted in the square footage. (Ord. 689, 2001; Ord. 686 Exh. A, 2000).	[No modifications suggested.]
17.73.050 Building placement. Whenever property classified for a CZ-CW use is separated from adjacent residentially zoned property by a permanent open space or parking area of no less than twenty-five feet in width, the required front yard or side yard setback shall not be required. (Ord. 686 Exh. A, 2000).	[No modifications suggested.]
17.73.080 General regulations. A. Those outdoor uses, which are permitted, shall be subject to the provision of landscaping and/or solid screen fencing relative to the type of use. Outside storage and refuse containers shall be confined behind a six-foot solid wall or fence. B. There shall be no manufacture compounding, processing, or treatment of products other than that which is clearly incidental and essential to a retail store or business and where such completed products are sold at retail on the premises. C. Accessory uses shall be permitted only to the extent necessary to the uses permitted under this part. D. The display of goods outside of the structure may be placed in the covered area of a porch or on a public sidewalk only when placed in a manner as to retain a minimum six- (6) foot passable walkway. E. The above waterfront commercial uses shall not be objectionable due to odor, dust, smoke, noise vibration, or other similar causes beyond the level of the ordinary neighborhood retail establishment. (Ord. 686 Exh. A, 2000).	[No modifications suggested.]

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Chapter 17.74	

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COASTAL ZONE SIGNS **Sections:** **17.74.010** Purpose ~~and intent~~. **17.74.020** ~~Definitions~~ Applicability. **17.74.030** ~~Generally~~ Definitions. **17.74.040** ~~Exempt signs~~ Types—Generally. **17.74.050** ~~Prohibited signs~~ Special provisions. **17.74.060** ~~Illumination~~ Sign permits. **17.74.070** ~~Special provisions~~ Temporary permit required when. **17.74.080** ~~Coastal regulations for specific uses and districts~~ Prohibited signs. **17.74.090** ~~On-site signs along limited access highways, expressways, and freeways~~ Variances. **17.74.100** Appeals. **17.74.110** ~~Types—Generally~~ Residential zones. ~~**17.74.120** Signs having double faces.~~ **17.74.130** ~~Projecting signs~~ Coastal Zone Commercial-waterfront (CZ-CW) zones. **17.74.140** ~~Wall signs~~ Coastal zone general commercial (CZ-C2), coastal zone highway services (CZ-HS), coastal zone harbor-related (CZ-HR) and coastal zone harbor-dependent (CZ-HD). **17.74.150** ~~Marquee signs~~ Illumination. **17.74.160** ~~Pole or freestanding sign~~ Community promotion signs. **17.74.170** ~~Architecturally controlled signs~~ Exempt signs. **17.74.180** ~~Subdivision signs~~ Historical signs. **17.74.190** ~~Temporary construction signs~~ Enforcement. **17.74.200** ~~Real estate signs~~ Matrix of regulations. ~~**17.74.210** Street banners.~~ ~~**17.74.220** Sign permits—Generally.~~ ~~**17.74.230** Sign permit—Application.~~ ~~**17.74.250** Sign permit—Appeal.~~ ~~**17.74.260** Sign permit—Revocation.~~ ~~**17.74.270** Appeals to city council.~~ ~~**17.74.280** Use of nonconforming signs—Exemptions.~~	[No modifications suggested.]
17.74.010 Purpose. ~~The purpose of these regulations is to provide for the control of outdoor advertising within the coastal zone in keeping with the safety, convenience and welfare of the general public, and for the following more specific reasons:~~ ~~A. To assist in providing a more uniform method of advertising various businesses, services and opportunities;~~ ~~B. To protect the various zoning districts against indiscriminate use of outdoor advertising and promote an orderly and pleasing means of attracting the general public~~	[No modifications suggested.]

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~~to the advertiser.~~ A. The surroundings of the city are possessed of natural beauty having both giant redwoods and the Pacific Ocean at the disposal of its citizens. The city's economy is dependent on a vigorous local business economy, spawned in part by tourism and its residential environment. The purpose of this chapter is to regulate signs in the city. Signs have an obvious impact on the character, quality and economic health of the city. As a prominent part of the scenery, signs may attract the viewing public, affect the safety of vehicular and pedestrian traffic, and help set the tone of the community. B. It is the intent of the city that this chapter emphasize the importance of business activity to the economic vitality of the city, help improve the ability of business owners and operators to identify their businesses to the community to enhance the furtherance of commerce, foster varied and interesting places of trade and promote public safety by making business signing visible to the passing public. This chapter is further intended to encourage the use of signs that: 1. Protect and enhance the architectural character, harmony and natural beauty of the community, its buildings and its various neighborhoods and districts; 2. Protect commercial districts from sign clutter; 3. Protect the public's ability to identify users and premises without confusion; 4. Eliminate unnecessary distractions which may jeopardize pedestrian or vehicular traffic safety; 5. Are as small in size and few in number as is consistent with their purpose of communicating identification and essential information; 6. Protect the right of the public to be directed, warned, advised and informed; 7. Possess a satisfactory aesthetic effect and pleasing elements of design that relates to the form, proportion, material, surface treatment and position; 8. Assure the maintenance of signs; 9. Implement the community design objectives expressed in the general plan; 10. Prohibit political signs on public utility or street sign poles because it is necessary to prevent visual distractions to motorists that create traffic hazards, prevent the obstruction of road hazards and road signs, and to prevent eyesores from proliferating along public streets; 11. Regulate the size of political signs because it is necessary for safety and aesthetic reasons, specifically that the strong winds common in the city would remove the signs, creating hazards and accumulation of debris, and extremely large or illuminated signs would create a distraction to motorists. C. The general sign usage provisions and regulations of this chapter shall apply. The additional sign usage authorized hereunder shall be strictly construed in its application. (Ord. ____ (part), 200_ ; Ord. 587 (part), 1983).	
17.74.020 ~~**Definitions**~~ **Applicability**.	

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~~The following abbreviations, terms, phrases, words and their derivatives shall be construed as specified in this section for this chapter. Words used in the singular include the plural, and the plural the singular. Words used in the present tense shall include the future tense, and the words used in the masculine gender shall include the feminine and the feminine the masculine.~~ ~~1. "Animated" means having the appearance of action or motion by use of color changes or lighting position, having no change in intensity or flashing appearance, requiring electrical energy, electronic or manufactured sources of supply. This definition does not include public service signs such as time and temperature units.~~ ~~2. "Architecturally-controlled sign" means any medium or structure designed to attract attention to a business and/or its products which is submitted as part of or related to the design of a building or group of buildings constructed for commercial purposes.~~ ~~3. "Beacon" means a rapidly rotating fixed light giving appearance of a flashing light.~~ ~~4. "Billboard" means a freestanding, off-site sign including, but not limited to, painted, poster, and multicopy display surfaces.~~ ~~5. "Code enforcement official" means the officer or other person charged with, the administration and enforcement of these regulations.~~ ~~6. "Canopy" means a permanent covering over a walkway or driveway wholly supported on each side by posts or walls or partially supported by posts or a wall and an adjacent building.~~ ~~7. "Combination sign" means any sign incorporating any combination of the features of pole (freestanding), projecting, and roof signs.~~ ~~8. "Curbline" means the line at the face of the curb nearest to the street or roadway. In the absence of a curb, the curbline shall be established by the public works director.~~ ~~9. "Display surface" means the area made available by the sign structure, including background area, for the purpose of displaying the advertising message.~~ ~~10. "Double-faced sign" means two faces back-to-back, and not less than three hundred forty-five degrees between display surfaces.~~ ~~11. "Electric sign" means any sign containing electrical wiring, but not including signs illuminated exclusively by an exterior light source.~~ ~~12. "Flashing" means breaking forth perodically or like a sudden flash or flare; appearing suddenly or rapidly.~~ ~~13. "Ground sign" means a sign which is supported by two or more uprights, poles, or braces, in or upon the ground other than a combination sign or pole (freestanding) sign, as defined by this section.~~ ~~14. "Horizontal sign" means a projecting sign having its greatest dimension in a horizontal direction.~~ ~~15. "Legal setback line" means a line established by ordinance on the street or roadside on which no building may be built.~~ ~~16. "Luminescence" means an emission of light produced by electrical action.~~ ~~17. "Marquee" means a permanent roofed structure attached to and supported by~~	[No modifications suggested.]

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~~the building and projecting over public property.~~ ~~18. "Nonstructural trim" means the molding, battens, caps, nailing strips, latticing, cutouts or letters and walkways which are attached to the sign structure.~~ ~~19. "Off-site sign" means an advertising structure which is located on property other than that occupied by the business, products or services advertised, including billboards.~~ ~~20. "On-site sign" means an advertising structure which is located on the property or building occupied by the business, product, or services advertised.~~ ~~21. "Painted sign" means any sign the subject matter of which is painted directly on the surface of a building, structure, or temporary display surface.~~ ~~22. "Pole sign" means any sign wholly supported by one or more poles or posts free of braces or cables in the ground or in a concrete base.~~ ~~23. "Portable display surface" means a display surface which can be temporarily fixed to a standardized advertising structure and which can be regularly moved from structure to structure.~~ ~~24. "Projecting sign" means a sign other than a wall sign which projects from and is supported by a wall of a building or structure.~~ ~~25. "Projecting" means the distance by which a sign extends over or beyond the building line.~~ ~~26. "Revolving sign" means signs which revolve no more than six revolutions per minute.~~ ~~27. "Right-of-way line" means a line parallel to the centerline of a road or street, a specified distance therefrom equal to one-half of the deeded width or one-half the maintained width of the road where there is no deeded right-of-way.~~ ~~28. "Roof height" means the vertical distance measured from the average level of the highest and lowest point of that portion of the lot covered by the building to the highest point of the roof, ridge, or parapet wall.~~ ~~29. "Roof sign" means a sign erected upon or above a roof or parapet of a building or structure.~~ ~~30. "Rotating" means turning about an axis or center, revolving.~~ ~~31. "Sign" means any medium, including its structures and component parts, which is used or intended to be used to attract attention to the business or subject matter for advertising or informational purposes.~~ ~~32. "Sign area" means and is determined as follows:~~ ~~a. Where the lettered or illustrative material of a sign is placed upon a signboard or other part of a sign structure, whether framed or unframed, and having a continuous or essentially continuous surface or face (whether flat, curbed, spherical, cylindrical, angulated or otherwise), the sign area is the area of the surface or face of the board or sign structure upon which it is placed. Building walls shall not be considered to be sign structures for the purpose of this subsection.~~ ~~b. Where the lettered or illustrative material comprising a sign is not placed in the manner described in subdivision (a) of this subsection, the sign area is the area which would be encompassed within a frame extending two inches beyond the outermost boundaries of the lettered or illustrative material. This subsection shall be used for, but~~	

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~~shall not be limited to, determining the sign area of signs painted or otherwise placed directly upon building walls.~~ ~~33. "Sign height" means the vertical distance from the average grade at the base of the sign structure to the uppermost point of the sign. Superficial ornamentation trim, or column caps shall not be included in the height of the sign.~~ ~~34. "Sign structure" means any structure which supports or is capable of supporting any sign as defined in this section. A sign structure may be a single pole, several poles, frame structure, or may be an integral part of the building.~~ ~~35. "Structure" means that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner, but not including fences or walls used as fences three feet or less in height.~~ ~~36. "Temporary sign" means a sign limited in time of use under the terms of the sign permit or this title.~~ ~~37. "Vertical sign" means a projecting sign having its greatest dimension in a vertical direction.~~ ~~38. "Wall sign" means a sign using for its advertising surface a nonprojecting integral wall of a building or sign attached entirely to such wall.~~ ~~39. "Vehicle sign" means any sign affixed to a vehicle.~~ A. This chapter shall apply to on-premises advertising displays which meet any of the following criteria: 1. On-premises advertising displays placed or constructed on or after January 1, 2003; 2. Any on-premises advertising display placed or constructed on or before January 1, 2003 that was not in compliance with all ordinances and regulations in effect at the time of its construction and erection or use; 3. Any on-premises advertising display which was lawfully erected, but whose use has ceased, or the structure upon which the display has been abandoned by its owner, for a period of not less than ninety days; 4. Any on-premises advertising display which has been more than fifty percent destroyed, and the destruction is other than facial copy replacement, and the display cannot be repaired within thirty days of the date of its destruction; 5. Any on-premises advertising display whose owner, outside of a change of copy, requests permission to remodel and remodels that advertising display, or expand or enlarge the building or land use upon which the advertising display is located, and the display is affected by the construction, enlargement or remodeling, or the cost of construction, enlargement or remodeling of the advertising display exceeds fifty percent of the cost of reconstruction of the building; 6. Any on-premises advertising display for which there has been an agreement between the sign permit holder and the city for its	

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removal as of any given date; 7. Any on-premises advertising display which is a temporary sign; 8. Any on-premises advertising display which is or may become a danger to the public or is unsafe; 9. Any on-premises advertising display which constitutes a traffic hazard not created by relocation of streets or highways or by acts of any city or county; 10. Except where the provisions of this chapter provide for earlier sign removal, on-premises advertising displays located in redevelopment project areas created pursuant to Community Redevelopment Law of Division 24 of the California Health and Safety Code, shall be removed or made to conform within sixty days after written notice by the community development department, in accordance with the following schedule:	

Amortization Period	Original Value of Sign
One Year	Less than $500.00
Two years	$500.00 to 999.00
Four years	$1,000.00 to $2,999.00
Eight years	More than $6,000.000

The permit holder of a redevelopment area sign shall, upon written request of the community development department, furnish acceptable proof of the initial cost in the form of: (a) an original bill of sale, or (b) a depreciation schedule from state or federal income tax returns, or (c) a written appraisal by a sign manufacturer;

11. Advertising displays located in areas listed or eligible for listing on the National Register of Historic Places;
12. Advertising displays located in areas registered by the California Department of Parks and Recreations as a state landmark of historical interest pursuant to Section 5021 of the California Public Resources Code;
13. Advertising displays located in areas created as historic zones or individually registered properties by the city pursuant to Article 12 of Chapter 1 of Division 1 of Title 5 of the California Government Code.

B. Legal Nonconforming Signs.

1. Legal nonconforming signs shall be removed or made to conform with the provisions of this chapter within sixty days after written notice by the community development department, when:
   a. The use of the premises changes and the exterior of the building or other site conditions are to be altered; or
   b. A sign is damaged or destroyed by any cause, to the extent that the cost of repairing or replacing it would be more than fifty percent of its value immediately prior to the damage; or
   c. In accordance with the provisions for abatement outlined in

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Section 17.74.190. 2. Except as otherwise provided in this chapter, nonconforming on-premises signs shall be made to conform to the provisions of this chapter upon the change of a name of any business, the relocation of any business, or an application for a sign for any business. 3. General Provisions. A legal nonconforming sign may not be: a. Changed to another nonconforming sign; or b. Structurally altered to extend its useful life; or c. Expanded, moved or relocated; or d. Re-established after damage or destruction of more than fifty percent of the dollar value of the sign as determined by the community development director. 4. Ordinary repair and maintenance may be made to a legal nonconforming sign provided that such maintenance and repair does not exceed twenty-five percent of the actual dollar value of the sign in any one year. 5. Exceptions to the provisions of this section may be granted, in the form of a variance, by the planning commission upon the application of any owner of a sign who presents substantial evidence showing the following: a. There are exceptional circumstances applicable to the property on which the nonconforming sign is located, including size, shape, topography, location or surroundings which make it practically impossible to identify effectively the property to the public if strict application of all the provisions of these regulations are required; or b. The sign possesses unique features which make it a significant part of the community character of the area in which it is located. (Ord. ____ (part), 200_; Ord. 587 (part), 1983).	
17.74.030 ~~Generally~~ Definitions. ~~The regulations specified in this chapter shall be subject to the general provisions and exceptions set forth in Sections 17.74.040 through 17.74.280.~~ As used in this chapter: "Abandoned sign" means any sign or advertising display remaining in place or not maintained for a period of ninety days which no longer advertises or identifies an ongoing business, product or service available on the business premises where the sign or display is located. "Advertising display" means the same as "sign." "A-frame" means a sandwich board sign. "Architecturally controlled sign" means any sign that is submitted as part of, or related to, the design of a building, or group of buildings, constructed for commercial purposes, and that has gone through an approved process of design review. "Awning/canopy sign" means any sign that is a part of or attached to an awning, canopy or other fabric, plastic, or nonpermanent structural protective cover over the	[No modifications suggested.]

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doorway, window, patio or other part of the exterior of a building. A marquee is not an awning or a canopy. "Balloon" means a nonporous bag containing a gas lighter than air causing it to rise and float above the ground. "Banner" means a sign made of flexible materials such as cloth, canvas, plastic or cardboard. "Beacon" means a rapidly rotating fixed light giving the appearance of a flashing light. "Bed and breakfast establishment" means a residential dwelling occupied by a resident person or family, containing individual living quarters occupied on a transient basis for compensation, and in which a breakfast may be provided to the guests. "Billboard" means a sign structure which is made available for lease or rent for the purpose of off-site advertising. "Changeable copy sign" means a sign that is designed so that characters, letters or illustrations can be changed or rearranged without altering the face of the sign. "Community event" means an occasion or activity sponsored by either a governmental or quasi-governmental agency (such as the harbor district, city of Crescent City, Del Norte County, the Crescent City business and parking improvement district, or chamber of commerce) or by a not-for-profit organization (such as a church or a civic organization), the purpose of which is to benefit the community as a whole, either by raising funds through a specific event to address a specific issue (such as the United Way Ball), by publicizing the area to visitors (such as street fairs) or for the purpose of a community-wide celebration (such as the fourth of July). "Construction signs" means a temporary sign erected on the premises on which construction is taking place identifying the names of the persons or companies involved in the project. "Curbline" means the line at the face of the curb nearest to the street or roadway. In the absence of a curb, the curbline shall be established by the public works director. "Directional sign" means an accessory sign designed to guide or direct pedestrian or vehicular traffic. "Display surface" means the area made available by the sign structure, including the background area, for the purpose of displaying an advertising message. "Double-faced sign" means a sign with two faces only, with each face oriented one hundred eighty degrees from the other. Such sign may be a pole, projecting, hanging or roof sign. "Enforcement officer" means the public employee or officer designated by the legislative body of the city to perform the duties imposed by these regulations. "Flag" means a usually rectangular piece of fabric of distinctive design that is used as a symbol or as an attracting or signaling device. Corporate flags contain the name or logo of an incorporated business or organization. Governmental flags are duly recognized symbols of a city, state or nation. "Flashing" means sudden bursts of light. In certain uses it appears to simulate movement. "Freestanding sign" means a sign not attached to any building and having its own support structure, such as a pole or a monument-style base. "Frontage" means the distance in feet of a lot measured along a street right-of-way.	

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"General advertising sign" is a sign which directs attention to a business, commodity, industry or other activity which is sold, offered or conducted elsewhere than on the premises upon which such sign is located, or to which it is affixed, and which is sold, offered or conducted on such premises only incidentally if at all. "Grand opening" means the first thirty business days of a new business. "Ground sign" means the same as "monument sign." "Hanging sign" means a sign that is suspended from the underside of a horizontal plane surface, such as a marquee, awning or canopy, or from a bracket, and which is supported by that surface or bracket. "Holiday decorations" means wording, symbols or pictures of a noncommercial nature which may be erected or displayed in reference to a specific seasonal, political or religious holiday. Sale announcements are not holiday decorations. "Horizontal sign" means a projecting sign having its greatest dimension in a horizontal direction. "Identification" means a sign giving the name, nature, logo, trademark or other identifying symbol of an establishment. "Institutional use" means a nonprofit, public or quasi-public use or institution such as a church, library, public or private school, hospital, or municipally owned or operated building, structure or land used for a public purpose. "Legal nonconforming signs" means on-premises advertising displays which do not conform to the provisions of this chapter but which lawfully existed and were maintained prior to January 17, 1996. "Luminescence" means an emission of light produced by electrical action. "Mansard roof means a roof having two slopes on each side, with the lower slope steeper than the upper one. "Marquee" means any permanent-roofed structure made of a nonflexible material, which is attached to and supported by a building, and which projects over public property. "Monument/ground sign" means any sign other than a pole sign, placed upon or supported by the ground independent of any other structure. "Mural" means a decorative scene or graphic design painted on and made an integral part of a wall surface, and making no reference to a specific business or brand of product offered for sale on the premises. "Nameplate" means a small sign stating only the name and/or address of the occupant(s), and his or her profession or specialty. However, in the case of bed and breakfast establishments, only, nameplate additionally means a sign displaying the name of the establishment. "On-premises advertising display" has the same definition as California Business and Professions Code Section 5490(b) as amended or supplanted. Paper Signs. Paper signs tacked or otherwise fastened to a side of a building or bulletin board, or outside of a window are temporary signs unless enclosed in a frame with a glass, Plexiglas or equivalent cover. "Parapet" means the extension of the main walls of a building above the roof level, such as a false front. Parapet walls are often used to shield mechanical equipment or vents from view.	

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"Pennant" means a flag which tapers to one or two points. "Pennants" also refers to strings of small flags or strips which can be hung either attached to a building or across an open parking area. "Placard" means a nonpermanent announcement or sign in the form of a small card, such as a poster or plaque. "Pole sign" means a freestanding sign that is wholly supported by one or more posts or poles, free of braces or cables, either in the ground or in a concrete base. "Portable sign" means a sign that is not permanently attached to the ground or to a structure. "Projecting sign" means a sign other than a wall sign or awning sign which projects out from and is supported by a wall of a building or structure. "Projection" means the distance by which a sign extends over or beyond the edge of a building. "Public right-of-way (RoW)" means a public street, sidewalk or accessway. "Real estate sign" means a sign of any size advertising real property for sale or lease, including "open house" signs. "Revolving sign" means a sign whose face(s) turn round on an axis, usually a pole of any height. "Right-of-way (RoW)" means the same as "public right-of-way." "Roof height" means the vertical distance measured from the average grade level of the building (the ground) to the highest point of the roof, ridge or parapet wall. "Roof sign" means a sign erected upon or above a roof or parapet of a building or structure. "Sandwich board sign" means a portable sign consisting of two hinged boards designed to stand alone for display, and which may be folded and moved from place to place. Also known as an "A-frame. "Setback" means the minimum horizontal distance from the building to the property line as prescribed by this title. "Sign" means any writing, pictorial representation, symbol, banner, or other figure of similar character of any material that is used to identify, announce, direct attention to, communicate, inform or advertise. "Sign area" means the area in square feet of the smallest rectangle enclosing the total exterior surface of a sign, or of one face of a double-faced sign. "Sign height" means the vertical distance from the average grade at the base of the sign structure to the uppermost point of the sign. "Sign structure" means any structure that supports, or is capable of supporting any sign as defined in this chapter. A sign structure may be a single pole, several poles, frame structure, or solid base, or may be an integral part of a building. "Spinner" means any advertising or attention-getting device which includes a part or parts which turn, gyrate or revolve rapidly. "Streamer" means any long wavy strip, either free-floating or attached at both ends, as alongside a building or over a parking lot or other open area. "Structure" means that which is built or constructed; an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined in some definite manner; but not including fences, or walls used as fences that are three feet in height or less.	

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"Suspended sign" means the same as "hanging sign." "Temporary sign" means any sign or advertising display constructed of fabric, canvas, paper, plywood or other such light material, not permanently erected, and constructed, created, intended or engineered to have a useful life of less than fifteen years. Temporary signs may include, but are not limited to vehicle and trailer signs, banners, balloons, sandwich boards and paper signs. "Time and temperature device" means any device which displays the current time and temperature, usually in the form of a clock and thermometer or an electronic digital display unit. Often such devices include the name or logo of the business upon whose premises the device is located. "Trailer sign" means any sign mounted on a trailer or cart so as to be movable by being pulled about. "Twirler" means the same as "spinner." "Vehicle sign" means any sign which is painted or mounted on an operating or nonoperating vehicle, which is parked on or adjacent to any property, the principal purpose of which is to attract attention to any business, service, product or an activity, or to convey a message for which other avenues of expression are readily available. For the purpose of this chapter, vehicle sign regulations shall not apply to business vehicles on which the business name or logo is painted or attached, and which are driven in the normal course of business activity. "Vertical sign" means a projecting sign having its greatest dimension in a vertical direction. "Wall sign" means a single-faced sign painted on or attached parallel to a building or wall. "Window sign" means a sign maintained in or painted upon a window so that its message can be seen from the exterior of the structure. Window signs do not include holiday decorations. (Ord. ____ (part), 200_; Ord. 587 (part), 1983).	
17.74.040 ~~**Exempt signs**~~ **Types—Generally.** ~~The following types of nonilluminated signs are exempt from all provisions of this chapter, exclusive of construction, maintenance, public nuisance, and safety regulations:~~ ~~A. Small Signs. Signs not exceeding two square feet in display surface which indicate the name and occupation of building tenants, and which are attached flat against the building;~~ ~~B. Public Signs. Signs of a public, noncommercial nature, which shall include safety signs, danger signs, and signs indicating scenic or historical points of interest;~~ ~~C. Room, Board and Rental Signs. Signs not exceeding four square feet in area on the premises of an occupied dwelling announcing room and board, room, or apartment for rent;~~ ~~D. Traffic Directing Signs. Directional signs not exceeding three square feet for each sign indicating traffic movement onto or within a premises. No more than one such sign shall be permitted at each entrance or exit;~~ ~~E. Construction Period Signs. Signs announcing the names of architects, engineers, and/or contractors of a building under construction, alteration or repair and~~	[No modifications suggested.]

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~~signs announcing the character of the building enterprise or the purpose for which the building is intended may be placed on the property or attached to the outside of such building during the period of time when the contractor is actively engaged in such work, provided such signs shall not exceed thirty-two square feet in display surface and are on private property. Larger signs of this type may be permitted provided a sign permit is first secured. See Section 17.38.190;~~ ~~F. Real Estate Signs. In CZ-R1B, CZ-R1, CZ-R2 and CZ-RP districts, one unlighted sign not more than six square feet in area may be placed in the yard or attached to the outside of a building, stating that the site is for rent or for sale by the named owner or agent and giving information regarding price and terms. If the sign is in a yard area, the top of the sign must not be more than three and one-half feet above the ground level. In all other districts, such signs shall not exceed twelve square feet in area, and shall be so located on the property that traffic sight distance at intersection is not impaired;~~ ~~G. Political Campaign Signs. Signs or posters not exceeding ten square feet in display surface, announcing candidates seeking political office. Such signs shall be located on private property and shall be removed within two weeks after the election for the office sought;~~ ~~H. Portable Signs. Signs mounted on legs which rest directly on the ground by means of "A" frames, "T" frames, or pedestals. Such signs shall be limited to a maximum of fifteen square feet for each display surface and shall be spaced no closer than fifty feet apart with a maximum of two such signs per establishment. Such signs shall be limited to zones or uses specified in the various use districts;~~ ~~I. Barber Pole Signs. Barber poles projecting not over eighteen inches from the face of the building in which is located a barber shop;~~ ~~J. Trespassing Signs. Signs not over four square feet in area indicating limitation on use of private property by other than the owners;~~ ~~K. Pennants and Spinners. Banners, posters, pennants, ribbons, streamers, or spinners advertising an opening or special event may be used on site for a period not to exceed two weeks.~~ The types of signs set forth in this section will be permitted for the various uses allowed in Sections 17.74.110 through 17.74.140 and must be limited to the restrictions set forth in Section 17.74.020, in addition to those required in Sections 17.74.050 through 17.74.080. Additional special use signs are also listed in this section. A. Signs having Double Faces. Pole signs, revolving signs and projecting signs may have double faces. Where such signs and marquees have double faces, and are included in the total sign area, the area of only one face need be included in the total area allowed. Where the two faces are of different areas, the larger of the two must be counted as part of the total sign area. B. Projecting Signs. Projecting signs identifying a business located on the premises shall be located no less than nine feet above the sidewalk, may not project above the roofline of a wall or building, and shall project into public property no more than thirty-six inches from the side of the building. The area of such sign shall be included in the total allowable aggregate sign area as provided in this chapter.	

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C. Wall Signs. 1. Flat wall sign(s) identifying each business conducted on the premises may be painted on the surface of the building or attached to the face of the building, no point of which shall project over eighteen inches from the face of the building. Wall signs shall not occupy more than fifty percent of the building surface envelope excluding window areas, and shall not project above the top of the wall or above the roofline of the building to which they are attached. The area of such sign shall be included in the total allowable aggregate sign area as provided in this chapter. 2. On buildings which are two or more stories in height, but which are occupied above the first floor by other than the ground floor business, the first floor envelope shall extend to the bottom of the second floor window line. The second floor envelope shall extend from the bottom of the second floor window line to the bottom of the above floor window line, or to a line one and one-half feet below the roofline or top of the wall. D. Marquee Signs. 1. For purposes of computing sign area, signs on the face of a marquee which is parallel to the front wall of a building shall be considered as part of the flat wall sign envelope, and signs on other faces of the marquee shall be considered as a double-faced projecting sign. 2. Single-faced or double-faced signs placed under marquees or canopies shall be limited to a maximum size of eighteen inches high and sixty inches long, and shall be not less than nine feet from the sidewalk to the bottom of the sign. Only one side of these signs shall be used in computing total aggregate sign area. E. Pole or Freestanding Signs. Provisions for pole or freestanding signs shall be as follows: 1. Minimum height in a vehicular area: fourteen feet to the bottom of the sign; 2. Minimum height over a public pedestrian area: ten feet to the bottom of the sign; 3. Maximum height: thirty feet to the top of the sign absent a variance; 4. Minimum setback from the right-of-way line: one-half the distance from the road right-of-way line to the legal setback line; 5. Only one pole sign shall be permitted per parcel where allowed; 6. The minimum ground area of two feet around the perimeter of the base of all freestanding signs shall be landscaped. The community development director may exempt certain freestanding signs from this requirement where it is demonstrated by the applicant that the landscaping would unduly interfere with pedestrian or vehicular traffic, or where this requirement would be impossible to meet without compromising the stability of the sign structure. F. Monument or Ground Signs. Monument or ground signs shall not exceed five	

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or ten feet in height, depending upon the regulations for the zone in which the sign is being placed, unless a variance for a higher sign has first been approved by the planning commission. Such signs shall not impede vehicle sight distance. G. Canopy or Awning Signs. Signage shall only be permitted on the valance of the canopy or awning, or as hanging signs suspended below the canopy. Hanging signs suspended below canopies shall not exceed eighteen inches in height or sixty inches in length, and shall be hung at a height not less than nine feet measured from the sidewalk to the bottom of the sign. Sign area shall be computed using only one face of the hanging sign. H. Architecturally Controlled Signs. Architecturally controlled signs for a special development of an unusual nature or size may be reviewed and approved if acceptable by the planning commission for their conformance with the intent of this chapter, with the goals of the general plan, and for their appropriateness to the type of development to which they are related. The determination that such a review is desired may be made by the community development director. (Ord. ____ (part), 200_; Ord. 587 (part), 1983).	
17.74.050 ~~Prohibited signs~~ Special provisions. ~~Signs and advertising structures are not permitted under the following conditions:~~ ~~A. Advertising structures shall not endanger the health or safety by causing distraction to operators of motor vehicles on streets, highways, expressways, or freeways.~~ ~~B. Red, green or amber lights or illuminated signs shall not be placed in such a position that they could reasonably be expected to interfere with, or be confused with any official traffic control device or traffic signal or official directional guide sign.~~ ~~C. Signs shall not bear the words, STOP, GO, SLOW, CAUTION, DANGER, WARNING, or similar words in such a manner as to imitate or be confused with public traffic control signs.~~ ~~D. Signs shall not be erected so as to hide from view any traffic or street sign or signal.~~ ~~E. Signs shall not bear or contain statements, words, or pictures, of an obscene, indecent, or immoral character, such as will offend public morals or decency.~~ ~~F. Signs shall not be erected or operated in such a manner as to be a nuisance to adjoining uses.~~ ~~G. Signs shall not be maintained or permitted to remain on any premises which advertises or publicizes any activity, business, product or service permanently discontinued.~~ ~~H. Signs or businesses shall not use banners, posters, pennants, ribbons, streamers, or spinners other than those permitted in Section 17.74.210 for a period longer than two weeks unless prior approval has first been obtained from the city.~~ ~~I. Signs shall not be displayed without being permanently fixed to the ground by a sign structure unless it is a temporary sign or a vehicle sign.~~ ~~J. Signs shall not be erected or placed on a vehicle which is nonoperable or unlicensed, or not in normal use.~~ The following provisions shall apply to all signs generally permitted by this title:	[No modifications suggested.]

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A. A sign permit must be issued before the display of any signs other than exempt signs. B. The use of any sign that is obnoxious in character or location or which is architecturally undesirable in the judgment of the community development director can be denied even though such sign complies with all other provisions of this title. The decision of the community development director is appealable to the planning commission. A fee may be charged to cover the cost of bringing the appeal before the planning commission. . C. Materials used in the construction of signs and sign structures and the construction thereof shall comply with the Underwriters Laboratory and the latest adopted edition of the Uniform Sign Code, Uniform Building Code, National Electric Code, and other applicable laws and ordinances. D. Once constructed, the front and back of all signs and sign structures shall be fully painted and shall be maintained in a safe condition and neat appearance. E. Signs that tend to attract motorists to a roadway-oriented business shall not be lighted except during hours that the merchandise or services are available. F. Sign structures not used for signage purposes for more than twelve months shall be considered a nuisance and shall be removed. (Ord. ____ (part), 200_; Ord. 587 (part), 1983).	
17.74.060 ~~**Illumination**~~ **Sign permits.** ~~All signs shall be subject to the following illumination requirements:~~ ~~A. Light from an illuminated sign shall be so shaded, shielded, or directed that the light intensity or brightness will not be objectionable to surrounding areas and uses.~~ ~~B. Except for animated signs and public service signs such as time and temperature units, flashing lights, beacons or other interrupted illuminating devices shall not be permitted.~~ A. Terms. Sign permits may be revocable, conditional or valid for a term period, and may be issued only for the construction and display of signs as outlined in these provisions. B. Permits Required. A sign shall not hereafter be erected, re-erected, constructed, altered or maintained, except as provided by this code and only then after a permit for the same has been issued by the community development department. A separate permit shall be required for a sign or signs for each business entity, and a separate permit shall be required for each group of signs on a single supporting structure. In addition, electrical permits shall be obtained for electrical signs. Each application for a sign permit shall be reviewed by the city building inspector who is authorized to determine if a building permit shall additionally be required as a condition to the issuance of a sign permit. A building permit shall be required when the proposed sign's erection, re-erection, construction, alteration or maintenance may potentially adversely affect the public's health, safety or welfare. Sign permits may be issued to any person with a possessory or estatehold interest in the real property where the sign is sought to be placed or to a contractor licensed by the Department of	[No modifications suggested.]

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Consumer Affairs and employed by such person to perform the sign's erection, re-erection, construction, alteration or maintenance. C. Application for Permit. 1. Application for a sign permit shall be made in writing upon forms furnished by the community development department. Such application shall contain the location by street and number of the proposed sign structure, as well as the name and address of the applicant and properly identify the applicant's interest in the real property where the sign is sought to be placed or as a contractor licensed by the Department of Consumer Affairs employed to perform the sign's erection, re-erection, construction, alteration or maintenance. The application must be accompanied by plans and specifications for all signs to be constructed. Such plans and specifications shall specify: a. The materials of which the sign and its structure shall be constructed; and b. The sign's location on the property; and c. The type of construction to be used in the sign; and d. The message and pictorial representations which will appear on the sign(s); and e. The dimensions of its size; and f. Any other existing signage or display already on the property. 2. Standard plans may be filed with the community development department. 3. The application will be reviewed by the city ' s building and community development departments, and must be approved by each prior to the issuance of any sign permit. The applicant shall submit any additional information required by the city's building and community development departments. D. Fees. The sign permit application shall be accompanied by fees as established by resolution of the city council. In addition, signs subject to building and electrical permits shall be subject to the fees required for the issuance of those permits. E. Public Hearing. The planning commission may hold public hearings to discuss sign permit applications whenever it determines that such a hearing is in the public interest. The planning commission may, through the public hearing process, designate such conditions as it deems necessary to ensure compliance with the purposes of this chapter, and may require a guarantee or bond to be posted to that effect. F. Issuance. Within thirty days of receiving a complete application for a permit which is not contingent upon any action by the planning commission or on the issuance of any other permits, the application shall, in writing, be approved, conditionally approved or denied. Conditions imposed may only be such as will assure compliance with the provisions of these regulations. G. Inspections. All signs for which a building permit is required shall be subject	

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to inspection as required by the building official. All signs may be reinspected at the discretion of the building official. H. Revocation. 1. In any case where the conditions set forth in the approval of a sign permit have not been met, the permittee shall be noticed by certified mail, sent to the address shown on the sign permit application at least ten days prior to a hearing at which the status of the conditions are to be discussed. At the conclusion of the hearing, the planning commission may revoke the permit. 2. In any case where an approved sign permit has not been used within six months after the date of approval, then, without further action by the city council or planning commission, the sign permit granted shall become null and void. (Ord. ____ (part), 200_; Ord. 587 (part), 1983).	
17.74.070 ~~**Special provisions**~~ **Temporary permit required when.** ~~The following provisions shall apply to all signs generally permitted by these regulations:~~ ~~A. All signs other than exempt signs permitted by Section 17.74.040 shall require a sign permit issued pursuant to Sections 17.74.220 et seq.~~ ~~B. All individual signs in excess of one hundred square feet in surface area per face shall have the written approval of the planning director prior to the issuance of a sign permit.~~ ~~C. The use of any sign which is obnoxious in character or location, or which is architecturally undesirable in the judgment of the planning director and the planning commission can be denied even though such sign complies with all other provisions of the title.~~ ~~D. Materials used in the construction of signs and sign structures and the construction thereof shall comply with Underwriters Laboratory and the latest adopted edition of the Uniform Sign Code, Uniform Building Code, Electrical Safety Order, and other applicable laws and ordinances.~~ ~~E. Once constructed, all the front and back of all signs and sign structures shall be fully painted and shall be maintained in a safe condition and neat appearance.~~ ~~F. Signs which tend to attract motorists to a roadway-oriented business shall not be lighted except during hours that merchandise or services are available.~~ The following types of signs and advertising devices are permitted with the issuance of a temporary permit from the community development department. The permit may impose conditions on the size, placement, structure, color, copy, conditions of removal or any other aspect of the display at the discretion of the community development director. Balloons may also be subject to approval by the building inspector, at his or her recommendation. A fee may be charged by the building department if an inspection of the balloon attachment is required. Any one commercial establishment may obtain a temporary sign permit under these regulations no more than three times in one calendar year. A. Grand Opening Signs, Banners or Balloons. Pennants, signs, banners and/or balloons for the promotion of the grand opening of a new business for a period of not	[No modifications suggested.]

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more than the first thirty business days of a new business. A use permit must be granted by the planning commission in order to display such devices for any longer than thirty days; B. Promotional Signs, Banners or Balloons. Signs, banners, balloons, pennants or other advertising devices for the promotion of special sales or other business events lasting for a period of up to five days not more than three times in one calendar year. (Ord. ____ (part), 200_; Ord. 632 Exh. A (part), 1989; Ord. 587 (part), 1983).	
17.74.080 ~~Coastal regulations for specific uses and districts~~ Prohibited signs. ~~Coastal regulations for specific uses and districts shall be as follows:~~ (~~Table 17.74.080~~) ~~The above regulations shall apply to the uses and districts specified in this chapter, and shall not be subject to those regulations given in previous sections of this chapter.~~ In addition to any sign or advertising display device not specifically allowed by these provisions, the following signs are prohibited. A. Signs having one or a combination of the following characteristics: 1. Obscene or Offensive to Morals. Containing statements, words or pictures of an obscene, indecent or immoral character which, taken as a whole, appeal to the prurient interest in sex, and which signs are patently offensive and, when taken as a whole, do not have serious literary, artistic, political or scientific value, 2. Imitative of Official Signs. Signs (other than when used for traffic direction) which contain the words stop, go, slow, caution, danger, warning or similar words, or signs which imitate or may be construed as other public notices, such as zoning violations, building permits, business licenses and the like; B. Moving signs having one or a combination of the following characteristics: 1. Flashing lights or changing of color intensity, 2. Wind-blown devices such as streamers, balloons, flares, pennants, propellers and similar attention-getting displays or devices with the exception of the following: a. National, state and/or local government flags properly displayed and maintained upon a permanently mounted flagpole or bracket, b. One corporate or logo flag of a size not to exceed any governmental flag displayed upon the same premises, c. Twirlers or spinners, provided a use permit has first been obtained from the planning commission, d. Holiday decorations, in season, displayed for an aggregate period not exceeding sixty days in any one calendar year, except no advertising of the business or products shall be permitted,	[No modifications suggested.]

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3. Where there is any production of smoke, sound or other substances; C. Portable or temporary signs, including sandwich boards, except as permitted only for grand openings or special promotions; D. Obstructive to Use or Visibility—Hazardous Locations. No sign shall be erected in any manner which, in whole or in part, would create a hazardous condition to pedestrians or traffic alike, either by creating visual distraction, being color, sounds or glare, or by representing a traffic-control device; and E. Signs in one or more of the following locations: 1. Within Public Places. a. Within any public street, sidewalk, public parking lot, or right-of-way, unless they shall maintain a minimum clearance of fourteen feet above the adjoining grade level and after acquiring an encroachment permit from the Department of Public Works, except marquee signs as defined by this chapter, unless specifically provided for in this chapter, b. Furthermore, no person except a duly authorized public officer or employee shall erect, construct, maintain, paste, print, nail, tack or otherwise fasten or affix any card, banner, flag, pennant, handbill, campaign sign, poster, sign, advertisement, or notice of any kind, or cause or suffer the same to be done, on any curbstone, lamppost, driveway, roadway, parkway, sidewalk, street, light standard, fire hydrant, bench, electrical light pole, power pole, telephone pole, traffic signal, bridge, wall, tree, parking meter, or on any other public property, except as may be required or permitted by ordinance or law; provided, that this provision shall not prohibit the placement, use and maintenance of warning signs designating street construction or repair and/or the location of underground utility lines, c. Any flags, pennants, sign, handbill, campaign sign, poster or notice of any kind that is placed upon a public street or public property in violation of this subsection is declared to be a public nuisance and may be summarily abated in addition to other remedies provided by this code, 2. Roof signs, except mansard roof signs, 3. Projecting. Signs projecting more than thirty-six inches from the face of a building shall not be allowed except for awning or canopy signs, 4. Signs on Vehicles. No vehicle may be used as a platform or substitute for a billboard, freestanding sign or movable sign, whether parked on private property or the public right-of-way. The parking of any such vehicle on any street or on public or private property, or the movement of any such vehicle in and/or along any street for the sole or primary purpose of displaying advertising matter is declared to be a nuisance and a violation of this Section. The following exceptions	

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are permissible under these regulations: a. The driving, operation and movement of vehicles displaying political campaign advertisements for candidates for public office or for ballot measures, provided the same is not otherwise prohibited by this section, b. The identification of a business enterprise upon a vehicle used primarily for the purpose of and in the usual business of the owner for transporting or servicing goods or persons for commercial or other business purposes, provided that the identification is painted on or otherwise affixed so as not to project from the usual profile of the vehicle, c. The incidental display of noncommercial stickers, plates, license plate brackets and the like; or of customary small identifications on license plate brackets or elsewhere, of vehicle manufacturers, models or types of vehicles, or dealers or entities from whom vehicles bearing the same were purchased or otherwise obtained, d. A single isolated movement of a sign or sign equipment or materials from one place to another within the city, e. Vehicles located on construction sites that are directly involved with ongoing construction, 5. Miscellaneous Temporary Signs and Posters. The tacking, posting or otherwise affixing of signs of a miscellaneous character, visible from a public way, located on the walls of buildings, barns or sheds, on trees, poles, posts, fences, or other structures shall be prohibited, unless specifically permitted by this chapter; F. Abandoned Signs. 1. In addition to the other requirements imposed by this chapter, signs advertising an activity, business, product or service no longer conducted on the premises on which the sign is located, or sign frames, structural members or supporting poles remaining unused for twelve months or longer, shall be removed from the site. Signs will be considered abandoned or dilapidated where the sign or any element of it is excessively weathered or structurally unsound or where the copy can no longer be seen or understood by a person with normal eyesight under normal viewing conditions, 2. This provision may be waived for set periods of time at the discretion of the community development director; G. General advertising signs. (Ord. ____ (part), 200_; Ord. 587 (part), 1983).	
17.74.090 ~~**On-site signs along limited access highways, expressways, and freeways**~~ **Variances.** ~~A. Signs may be placed on property visible from limited access highways, expressways, and freeways if such signs:~~ ~~1. Advertise the sale or lease of the property upon which they are~~	[No modifications suggested.]

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~~located; or~~ ~~2. Name the owner or occupant or identify the premises.~~ ~~B. All signs shall be wholly located on private property.~~ ~~C. Each commercial activity may have one major single-faced or double-faced identity sign not less than nine feet above the ground where there is vehicle or pedestrian traffic. Such signs shall not exceed two hundred square feet for one face nor more than four hundred square feet for two or more faces. This sign shall be an entity and not part of any other sign allowed on the property. Where freestanding signs are adjacent to the highway, such signs may be located between the highway right-of-way and the setback line provided a sign permit has been approved by the planning commission for the location of the sign.~~ ~~D. The total area of all other signs on the property shall not exceed one square foot for each linear foot of building street frontage or one hundred feet per sign with a maximum number of four signs per building.~~ A. Generally. When practical difficulties, unnecessary hardships or results inconsistent with the general intent and stated purpose of this chapter occur by reason of the strict application of the standards set forth in these regulations, a sign variance may be requested. B. Application. 1. A request for a sign variance shall be made by submitting a completed permit application form and appropriate filing fee to the community development department, along with all supporting documentation pertinent to the situation, such as maps, photographs or sketches. 2. The request for variance shall be set for public hearing on the earliest available meeting date of the planning commission. The appellant shall be notified in writing of the meeting date. Notice of the hearing shall be published in a newspaper of general local circulation at least ten days prior to the hearing. The hearing may be continued from time to time. C. Required Findings. The planning commission must make the following findings in order to approve a sign variance: 1. The strict application of the standards contained in this chapter deprives the appellant's property of privileges enjoyed by other property owners in the same vicinity and under identical use classification due to special circumstances applicable to the property including size, shape, topography, location or surroundings; and 2. The variance does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity with the same use classifications as the subject property. D. Variance Allowed. 1. The planning commission may, upon approval of a variance sign permit, allow: a. An increase in allowed height; and/or	

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b. An increase in size of not more than fifty percent; and/or c. A reduction in the required setbacks. 2. Variances may not be granted to allow signs to meet the same standards as legal nonconforming signs in the same vicinity or use classification, and/or which may be competing for the same business patrons. (Ord. ____ (part), 200_; Ord. 587 (part), 1983).	
17.74.100 Appeals. A. Appeals. Any person aggrieved by an action of the planning commission, or by city staff, may make an appeal of that decision. Appeals of decisions made by the planning department staff shall be submitted to the planning commission. Appeals of decisions made by the planning commission shall be submitted to the city clerk for review by the city council. Decisions of the city council are final, with the exception of coastal zone appealable areas. Decisions of approval for sign development(s) within the coastal zone appealable area may be appealed to the California Coastal Commission. Decisions of denial for development within such zones are final. B. Application for Appeal. Application for appeal is made by filing a written request for appeal, along with any required appeal filing fee, within ten days of the action. The request must specify: 1. The person making the appeal, and their place of residence; and 2. The location of the proposed sign(s); and 3. The specific items of appeal and all supporting documentation; and 4. The basis for the appeal, and any information substantiating that basis (for example, failure to comply with the city's general plan or with state or local laws, or reasons why the action would adversely affect surrounding property, the neighborhood or the city); and 5. The relief of action sought. C. Appeal Process. 1. Who May Appeal. In case the applicant or any other person is not satisfied with any decision to approve or deny a sign permit, they may appeal such decision as provided in this subsection. 2. Appeal Letter Requirements. The appeal letter shall specify: a. The person making the appeal; b. The specific items of appeal and all supporting documentation; c. The basis for such appeal and information substantiating the basis for appeal (e.g., failure to comply with the city's general plan, state or local laws or stating reasons why the action of the planning director or the planning commission would adversely affect surrounding property, the neighborhood, and/or the city); d. The relief of action sought. 3. Where and How to Appeal. a. Decisions of the planning director may be appealed to the planning commission, and decisions of the planning	[No modifications suggested.]

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commission may be appealed to the city council. Any appeal must be submitted in writing within ten calendar days of the decision and shall be accompanied by an appeal filing fee. Appeals of decisions of the planning director shall be submitted to the planning commission. Appeals of decisions of the planning commission shall be submitted to the city clerk. The appeal shall be agendized for consideration on the earliest available meeting date as determined by the city, but no later than thirty days from receipt of the appeal and filing fee. The appellant shall be notified in writing of the meeting date. In an appeal, the burden of proof is upon the appellant. b. The appropriate reviewing authority shall consider the appeal and the record upon which the action appealed from was taken, and may, at its own discretion, cause the matter to be set for a public hearing. c. If the appropriate reviewing authority causes the matter to be set for a public hearing, notice of the hearing shall be given by publication in a newspaper of general circulation, printed and published in the city, at least ten days before the hearing. The hearing may be continued from time to time. d. Within thirty days of the filing of the notice of appeal, the appropriate reviewing authority shall render its decision on the matter. Failure of the appropriate reviewing authority to render its decision on the matter within thirty days of the filing of the notice of appeal shall be deemed to be denial of the appeal and an affirmation of the action of the planning commission. The decision of the city council upon appeal is final and conclusive as to all things involved in the matter. (Ord. ____ (part), 200_).	
The following signs are permitted in the city's residentially zoned districts (CZ-R1, CZ-R1B): A. 1. Institutional uses such as churches, schools, libraries, hospitals, community centers and/or public agency buildings such as f ire or police stations may have wall, ground or monument signs with an area not to exceed one-half square foot of sign area for each linear foot of street frontage. 2. For parcels with multiple street frontages the allowable sign area shall be one-half square foot for each linear foot of the longest street frontage plus one-quarter square foot for each additional linear foot of frontage. 3. A sign permit shall be required for these uses, unless the entity or agency is categorically exempt. B. Apartment complexes with four or more units may have one monument sign per street frontage not to exceed twenty-four square feet of area and five feet in height. A sign permit shall be required. C. Approved and licensed home occupations, including day care homes, shall be allowed one name-plate not to exceed two square feet in size, stating the occupant's	[No modifications suggested.]

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name, address and/or profession. A sign permit shall not be required for the nameplate. D. Bed and Breakfast Establishments. Bed and breakfast establishments within residential zones may be permitted one sign per establishment. The sign may be one of the following: 1. One sign not to exceed twenty square feet in size. The sign may be a wall sign, hanging sign, or ground or monument sign not to exceed five feet in height. The sign shall be constructed of nonplastic materials, and only low-level lighting exterior illumination to light the sign shall be permitted. The sign must have approval of the community development department, and a sign permit shall be required. 2. One nameplate sign, made of nonplastic materials, not to exceed two square feet in size. The name-plate may bear the proprietor's name, address, and/or the name of the establishment. A sign permit shall not be required for the nameplate. E. Exempt signs (no permit required). (Ord. ____ (part), 200_; Ord. 587 (part), 1983).	
~~**17.74.120 Signs having double faces.**~~ ~~Pole signs, revolving signs, projecting sign under canopy, and roof signs may have double faces. Where such signs and marquees have double faces and are included in total sign area, the area of one face only need be included in the total area allowed. Where the two faces are different areas, the larger of the two must be counted as part of the total sign area. (Ord. 587 (part), 1983).~~	[No modifications suggested.]
17.74.130 ~~Projecting signs~~ Coastal zone-commercial-waterfront (CZ-CW) zone. ~~Projecting identity signs identifying the business conducted on the premises shall be located at least nine feet above the sidewalk, no more than three feet above the roofline at the wall or parapet line of the building, and shall not project into public property by more than one-third of the distance to the curbline, with a maximum projection of four feet. The area of such sign shall be included in the total allowable aggregate sign area provided in these regulations.~~ A. Sign Types Permitted. The following signs are permitted for licensed businesses in the city's coastal zone commercial-waterfront zoning districts (CZ-CW): 1. Wall signs; 2. Canopy signs; 3. Marquee signs; 4. Monument or ground signs not to exceed five feet in height; 5. Institutional uses such as churches, schools, libraries, hospitals, community centers and/or public agency buildings such as fire or police stations may have a ground or monument sign. A sign permit is required for these uses; 6. Hanging signs; 7. Projecting signs;	[No modifications suggested.]

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8. Window signs; 9. Exempt signs. No permit required. B. Sign Types Prohibited. The following types of signs are prohibited in the Cl and CW zoning districts: 1. Pole signs, unless 'no other option is available to meet state requirements, such as for gasoline price signs; 2. Roof signs. C. Allowable Sign Area. 1. The allowable sign area for nonresidential uses is not to exceed one square foot of sign area for each linear foot of street frontage. 2. For parcels with multiple street frontages the allowable sign area shall be one square foot for each linear foot of the longest street frontage plus one-half square foot for each additional linear foot of frontage. 3. No sign for any business shall exceed one hundred square feet, nor shall any business be restricted to less than twenty square feet of total sign area. 4. Buildings with over thirty thousand square feet of floor area shall be allowed to have one one-hundred-fifty-square-foot wall sign. Such sign shall be included in the total sign area for the parcel. (Ord. ____ (part), 200_; Ord. 587 (part), 1983).	
17.74.140 ~~Wall signs~~ Coastal Zone General Commercial (CZ-C2), Coastal Zone Highway Services (CZ-HS), Coastal Zone Harbor–Related (CZ-HR) and Coastal Zone Harbor–Dependent (CZ-HD). ~~A. Flat wall signs identifying each business conducted on the premises may be painted on the surface of the building or attached to the face of the building, no point of which shall project over eighteen inches from the face of the building. Wall signs shall not occupy more than twenty percent of the area of the building surface envelope from not less than nine feet above the sidewalk to three feet above the roof line at the face of the building or to the top of the parapet, whichever is higher. The area of such sign shall be included in the total allowable aggregate sign area as provided above.~~ ~~B. On buildings which are two or more stories in height, but which are occupied above the first floor by other than the ground floor business, the first floor envelope, shall extend to the bottom of the above-floor window line. The second floor envelope shall extend from the bottom of the second floor window line to the bottom of the above-floor window line, or to three feet above the roofline at the wall line, or to the top of the parapet, whichever is higher.~~ A Sign Types Permitted. The following signs are permitted for licensed businesses in the city's coastal zone general commercial (CZ-C2), coastal zone highway services (CZ-HS), coastal zone harbor-related (CZ-HR) and coastal zone harbor dependent (CZ-HD) zoning districts: 1. Wall signs; 2. Awning or canopy signs; 3. Marquee signs; 4. Monument or ground signs not to exceed ten feet in height;	[No modifications suggested.]

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5. Institutional uses such as churches, schools, libraries, hospitals, community centers and/or public agency buildings such as fire or police stations may have a ground or monument sign. A sign permit is required for these uses; 6. Hanging signs; 7. Projecting signs; 8. Window signs; 9. Changeable copy signs; 10. Pole signs; 11. Banners. One promotional banner per street frontage. The banner must be mounted flat against the building, and must be maintained in a good condition. Tattered or torn banners must be removed; 12. Exempt signs. No permit required. B. Use Permit Required. Twirlers or spinners are prohibited in these zones unless a use permit has first been approved by the planning commission. C. Allowable Sign Area. 1. The allowable sign area for businesses in the coastal zone general commercial (CZ-C2), coastal zone highway services (CZrHS), coastal zone harbor-related (CZ-HR) and coastal zone harbor dependent (CZ-HD) districts is not to exceed one and one-half square feet of sign area for each linear foot of street frontage. 2. Every business shall be permitted at least twenty square feet of sign area. No sign may exceed one hundred fifty square feet of sign area, with the exception of buildings of greater than thirty thousand square feet in size, which are permitted to have one wall sign of two hundred square feet. (Ord. ____ (part), 200_; Ord. 587 (part), 1983).	
17.74.150 ~~**Marquee signs**~~ **Illumination.** ~~A. For purposes of computing sign area, signs on the face of a marquee which is parallel to the front wall of a building shall be considered as part of the flat wall sign envelope and signs on other faces of a marquee shall be considered as a double-faced projecting sign.~~ ~~B. Single or double-faced signs placed under marquees or canopies shall be limited to a maximum size of eighteen inches high and sixty inches long, and shall be not less than nine feet from the sidewalk line to the bottom of the sign. Only one side of these signs shall be used in computing total aggregate sign area.~~ All signs shall be subject to the following restrictions upon illumination: A. Light from any illuminated sign shall be shaded, shielded or directed so that its intensity or brightness shall not be objectionable to surrounding areas and uses. B. Except for public service signs such as time and temperature units and official traffic signs, no flashing lights, beacons or other interrupted illuminating devices shall be permitted. C. Illuminated signs are prohibited except in commercial districts. D. Illuminated signs shall not be lighted at night unless the service or product is	[No modifications suggested.]

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available at that time. (Ord. ____ (part), 200_; Ord. 587 (part), 1983).	
17.74.160 ~~**Pole or freestanding sign**~~ **Community promotion signs.** ~~Provisions for pole or freestanding signs shall be as follows:~~ ~~A. Minimum height over vehicular area — fourteen feet to bottom of sign;~~ ~~B. Minimum height over public pedestrian areas — nine feet to bottom of sign;~~ ~~C. Maximum height — thirty feet to top of sign unless a sign permit for a higher sign has first been approved by the planning commission;~~ ~~D. Minimum setback from right-of-way line — one-half the distance from the road right-of-way line to the legal setback line.~~ A. Murals. Murals with no commercial message shall be allowed in all nonresidential zones, and on commercial use buildings in the residential-professional zones. The design must have the approval of the architectural review committee. All murals shall be maintained in a clean and tidy condition. B. Vertical Banners. Decorative banners with no commercial message, designed to enhance the community's appearance, may be erected by not-for-profit agencies on the city's street light poles. Such banners may also be displayed by private businesses on poles located on private property. Approval must first be granted by the city council who may ask to see a sample banner before making their decision. The banners must be maintained in a good condition, with any torn or tattered banners being removed or repaired promptly. The city reserves the right to have any such banner(s) removed if it is felt that it no longer contributes to the aesthetic enhancement of the community. C. Horizontal Banners. Street banners advertising public entertainment, community events or celebrations, or fund-raising events by community-oriented not-for-profit organizations may be installed if approved by the public works department at locations designated by the public works director. The banners may be installed fourteen days before the event begins, and must be removed no later than seven days after the end of the event. A Cal-Trans encroachment permit must be obtained if the banner will encroach upon a state highway. (Ord. ____ (part), 200_; Ord. 587 (part), 1983).	[No modifications suggested.]
17.74.170 ~~**Architecturally controlled signs**~~ **Exempt signs.** ~~Signs for a special development of an unusual nature or size may be reviewed and approved if acceptable by the planning commission for their conformance with the intent of this chapter and their appropriateness to the type of development to which they are related.~~ Except for the regulation relating to construction, maintenance, public nuisance and safety the following types of nonilluminated signs shall be allowed without a sign permit and shall not be included in the determination of the type, number or area of signs allowed per business or parcel, or by zoning district: A. Nameplates. Nameplate signs not exceeding two square feet in display surface, and which are attached flat against the building. One per residential dwelling unit, office or business; B. Public Signs. Signs of a public, noncommercial nature which are placed by a duly recognized governmental agency, including, but not limited to directional signs,	[No modifications suggested.]

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safety signs, handicapped parking signs and signs identifying places of scenic or historical interest; C. Rental, or Room and Board Signs. One sign per frontage, not exceeding four square feet in area, announcing room and board, room, apartment or other dwelling unit for rent; D. Directional Signs. One sign not to exceed three square feet per entrance or exit, indicating traffic movement onto, from or within a premises; E. Construction Signs. Signs identifying the names of the architects, engineers, contractors or other involved professionals of a building, development or subdivision under construction, alteration, repair or formation. The signs may also identify the character of the enterprise or the purpose for which the building or development is intended. Such signs may be placed on the property or attached to the outside of the building or on-site construction office only during the period of time when the project is actively under construction. Such signs may not exceed thirty-two square feet in any commercial zone, or nine square feet in any residential zone, except as required by any governmental entity. The sign(s) must be removed before a certificate of occupancy will be issued; F. Real Estate and Subdivision Signs. One unlighted sign per frontage stating that the site is for rent or sale by the owner or named agent and giving information regarding size, price and terms. Such signs may be placed in the yard or attached to the outside of the building. Freestanding real estate signs may not exceed three and one-half feet in height from the ground level to the top of the sign. Real estate signs may not exceed nine square feet in area. Real estate signs larger than nine square feet will require a building permit; G. Political Campaign Signs. 1. It is the intent of this code to exempt campaign signs from the regulations of this chapter relative to the placement of general advertising signs in all zones of the city, and to thereby encourage participation by the electorate in political activity during the period of political campaigns, but to permit such uses subject to regulations that will assure that political signs will be located, constructed and removed in a manner so as to assure the public safety and general welfare and to avoid the creation of a public nuisance caused by the proliferation of political advertising which would be offensive to the senses and would interfere with the comfort and enjoyment of life or property. It is the purpose of the council, in adopting this chapter to provide such regulations as will contribute to the public safety and general welfare and insure the right of political expression to all members of the community, 2. Signs or posters announcing candidates seeking elective office, or encouraging a particular stance on a measure before the popular vote. Each sign located on private property, shall be placed only with the permission of the property owner or tenant, and posted in such a way as to not constitute a public nuisance or safety hazard, and may not block the views of vehicular traffic or obstruct the public right-	

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of-way, 3. Campaign Signs in a Public Right-of-Way. Notwithstanding any other provision of this code, a campaign sign may be placed in the public right-of-way adjacent to a public street in commercially or industrially zoned areas or along prime or major arterials in residentially zoned areas subject to the following restrictions: a. No sign shall be attached to any utility pole, public structure, pole or structure supporting a traffic-control sign or device, or hydrant, b. No sign shall be placed on any tree or shrub by any nail, tack, spike or other method that will cause physical harm to the tree or shrub, c. No sign shall be placed in such a manner as to obstruct the public use of the sidewalk or interfere with the visibility of persons operating motor vehicles or constitute a hazard to persons using the public road or right-of-way, d. No sign shall be placed in the roadway or on the sidewalk, e. No sign shall be placed in that portion of the public right-of-way or easement past the sidewalk without the consent of the adjoining property owner or person in possession if different from the owner, 4. No political sign shall be posted more than forty-five days prior to, or ten days following an election; H. No Trespassing Signs. One sign per street frontage, not to exceed four square feet in area indicating limitation on the use of private property by other than the owners. If more than one sign per frontage is needed the property owner or business person may apply to the planning commission for a use permit; I. Customer or Tenant Parking Only Signs. One sign per street frontage, not to exceed four square feet in area. The sign shall contain any of the following appropriate restrictions: 1. Customer parking only, 2. Tenant parking only, or 3. Private property, no parking. The sign shall also contain the telephone number of the city police department. The lettering on the sign must contrast with the background of the sign and be at least two inches high, and made with a one-half inch stroke. The sign shall also contain the words "Violators May Be Towed." If more than one sign per frontage is needed the property owners or business person may apply for a use permit; J. Window signs; K. Awning or canopy signs; L. Corporate flags and governmental flags; M. Garage Sale, Moving Sale, or Yard Sale Signs. Signs announcing the date(s) and location of a garage sale, moving sale or yard sale. Such signs shall not be posted in a manner which will block a public right-of-way, or which will block the vision of	

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vehicular traffic. The signs must be removed once the date of the sale is passed; N. Banners. One banner advertising products or services for sale on the premises per street frontage per business; O. Barbershop Poles. Barber poles projecting not over eighteen inches from the face of the building where the barbershop is located or not projecting into the public right-of-way; P. Holiday Decorations. Displays of a decorative, noncommercial nature for the purpose of celebrating a seasonal, political or religious holiday or a recognized community celebration, in season, for an aggregate period of not more than sixty days in one calendar year; Q. Temporary or Seasonal Sales Booths. Signs including, but not limited to fireworks stands, pumpkin sales, Christmas tree lots, community crafts fairs and temporary certified farmer's markets; R. Community or Special Event Signs, Including Banners. Signs and banners for noncommercial promotional events of a civic, charitable, educational, religious or community service organizations provided any applicable encroachment permit has been obtained from other governmental entities having jurisdiction. The signs or banners must be removed within fourteen days after the event. (Ord. ____ (part), 200_; Ord. 587 (part), 1983).	
17.74.180 ~~**Subdivision signs**~~ **Historical signs.** ~~In new subdivisions in all districts a maximum of three signs, not exceeding sixty-four square feet of area per face of each sign, may be erected. Such signs shall be located within the subdivision at a minimum distance of three hundred feet apart. Said signs shall be placed and maintained only pursuant to a permit issued by the city building department upon the deposit of a cash bond in the amount fixed as the estimated cost of removal of the signs.~~ Signs which have historical significance to the community but do not conform to the provisions of these regulations may be issued a permit to remain provided the planning commission makes the following findings: A. The sign has historical significance for the community. B. The sign does not create a traffic hazard. C. The sign does not create a visual nuisance to the character of the community. D. The sign is properly maintained and structurally sound, or can be made so as part of an historical designation or preservation process. E. The sign does not adversely affect adjacent properties. (Ord. ____ (part), 200_; Ord. 587 (part), 1983).	[No modifications suggested.]
~~**17.74.190 Temporary construction signs.**~~ ~~In any district, an unlighted sign not more than sixty-four square feet in area, bearing only the name, address and telephone number of any duly licensed contractor who is engaged in the construction of a building, may be placed on the property or attached to the outside of such building during the period of time when the contractor is actively engaged in such work, after a sign permit has first been obtained from the building department. (Ord. 587 (part), 1983).~~	[No modifications suggested.]

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17.74.200 ~~Real estate signs~~ Matrix of regulations. ~~Real estate signs up to sixty-four square feet in area, advertising the sale or lease of property in commercial districts may be constructed on such properties after a sign permit has first been obtained from the building department.~~	[No modifications suggested.]

SIZE REGULATIONS	Single Family Res. Zones (CZ-R1, CZ-R1B)	Apts. of 4 or more units	Commcl Watrfrnt. (CZ-CW)	General Com and Hwy Services (CZ-C2, CZ-HS)	Coastal Zone Harbor (CZ-HR, CZ-HD)	Bed and Breakfast Establish-ments
Nameplates, 2 sq. ft. of sign area, non-illuminated	X	X				X
½ sq. ft. of sign area for each linear ft. of frontage plus ¼ sq. ft of sign area for each ft. of frontage for multiple frontages	X	X				
1 sq. ft. of sign area for each linear ft. of frontage			X			
1 sq. ft. of sign area for each linear ft. of frontage plus ½ sq. ft. of sign area for each ft. of frontage for multiple frontages			X			
1 and ½ sq. ft. of sign area for each linear ft. of frontage				X	X	
Projecting sign extending not more than 36 inches from building			X	X	X	
One sign not to exceed 20 sq. ft. in area						X
Maximum sign area 100 sq. ft. per face			X			
Maximum sign area 150 sq. ft. per face				X		
Construction signs not to exceed 32 sq. ft. in area			X	X	X	
Construction signs not to exceed 9 sq. ft. in area	X	X				X
Real estate signs not to exceed 9 sq. ft. in area and 3-1/2 ft. in height	X	X	X	X	X	X
HEIGHT REGULATIONS:						
30 foot maximum to top of pole sign				X	X	
14 ft. minimum to bottom of pole sign in a vehicular area				X	X	
10 ft. minimum to bottom of pole sign in a pedestrian/landscaped area				X	X	
Ground or monument sign not to exceed 5 ft. in height and 20 sq. ft in area						X
Ground of monument sign not to exceed 5 ft. in height and 24 sq. ft. in area		X				
Ground or monument sign not to exceed 5 ft. in height			X			
Ground or monument sign not to exceed 10 ft. in height				X	X	

LOCATION REGULATIONS	Single Family Res.Zones (CZ-R1, CZ-R1B)	Apts. of 4 or more units	Comm. Waterfront (CZ-CW)	General Comm. and Hwy Services (CZ-C2, CZ-HS)	Coastal Zone Harbor (CZ-HR, CZ-HD)	Bed and Breakfast Establish-ments
One pole sign per parcel				X	X	
SIGN TYPE REGULATIONS						
Wall signs			X	X	X	
Awning or canopy signs			X	X	X	
Marquee signs			X	X	X	
Monument or ground signs		X	X	X	X	
Hanging signs			X	X	X	

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Window signs			X	X	X	
Changeable copy signs				X	X	
Pole signs				X	X	
Banners				X	X	
Nameplate signs	X	X	X	X	X	X
Illuminated signs			X	X	X	

(Ord. ____ (part), 200_; Ord. 587 (part), 1983).

~~**17.74.210 Street banners.**~~ ~~Street banners advertising a public entertainment event may be installed if approved by the public works director at locations designated by the director for fourteen days before the first performance and until four days after the last performance.~~ Repealed (Ord. ____ (part), 200_).	[No modifications suggested.]
~~**17.74.220 Sign permits-Generally.**~~ ~~Sign permits may be revocable, conditional, or valid for a term period, and may only be issued for any of the uses or purposes for which such permits are required or permitted by the terms of these regulations.~~ Repealed (Ord. ____ (part), 200_).	[No modifications suggested.]
~~**17.74.230 Sign permit-Application.**~~ ~~A. Application for a sign permit shall be made to the planning department in writing on a form provided by the planning commission and shall be accompanied by plans and specifications for all signs to be constructed. Such plans and specifications shall specify the materials, location on property, and type of construction to be used in the sign and shall be approved by the building department prior to the issuance of the sign permit.~~ ~~B. The sign permit application shall be accompanied by a fee established by city council resolution. In addition, signs subject to building and electrical codes shall also be subject to additional fees as determined by the city.~~ ~~C. Upon receipt of a complete sign permit application, the planning director and public works director shall issue a sign permit for those signs complying with these regulations.~~ Repealed (Ord. ____ (part), 200_).	[No modifications suggested.]
~~**17.74.260 Sign permit - Revocation.**~~ ~~A. In any case where the conditions of granting of a sign permit have not, or are not complied, with, the planning commission shall give notice to the permittee by certified mail sent to the address shown on the application for the sign permit at least ten days prior to a hearing thereon. At the conclusion of the hearing the planning commission may revoke such permit. Such revocation shall be subject to the right of appeal in the same manner as set forth in Section 17.74.270.~~ ~~B. In any case where a sign permit has not been used within six months after the date of granting thereof, then, without further action by the planning commission or city council, the sign permit granted shall be null and void.~~ Repealed (Ord. ____ (part), 200_).	[No modifications suggested.]
~~**17.74.270 Appeals to city council.**~~	[No modifications suggested.]

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~~A. Any person aggrieved by an action of the planning commission may take an appeal to the city council by filing a notice of appeal with the clerk of the city council and with the planning commission within ten days of the action of the planning commission.~~ ~~B. The city council shall consider the appeal and the record upon which the action appealed from was taken, and may, at its own discretion, cause the matter to be set for a public hearing.~~ ~~C. If the city council causes the matter to be set for a public hearing, notice of the hearing shall be given by publication in a newspaper of general circulation, printed and published in the city, at least ten days prior to the hearing. The hearing may be continued from time to time.~~ ~~D. Within thirty days of the filing of the notice of appeal, the city council shall render its decision on the matter. Failure of the city council to render its decision on the matter within thirty days of the filing of the notice of appeal shall be deemed to be a denial of the appeal and an affirmation of the action of the planning commission. The decision of the city council upon appeal is final and conclusive as to all things involved in the matter.~~ Repealed (Ord. ____ (part), 200_).	
~~**17.74.280 Use of nonconforming signs Exemptions.**~~ ~~The types of signs existing on the date of the passage of the ordinance codified in this chapter which do not conform to the regulations of this title will constitute nonconforming signs and may continue to be used even though such signs are nonconforming, except for the following:~~ ~~A. If the actual use of a nonconforming sign ceases for a period of thirty days or more for a year-round business or for a period of six months or more for a seasonal business, the sign shall be removed. Such sign shall be removed within a period thirty days after the termination of the need for the sign.~~ ~~B. Any flashing sign, animated sign, beacon, or signs containing interrupted lights as defined and prohibited by this chapter, which are in existence at the time the ordinance set out in this chapter is codified shall be a nonconforming sign and will be required to be removed within five years from the date the ordinance set out in this chapter is codified.~~ ~~C. Any sign destroyed by fire, wind or accident to the extent of fifty percent of its physical value as determined by the city building inspector must be replaced by a sign conforming to the requirements of this part.~~ ~~D. Nonconforming signs which have been neglected to the point where the building department or planning commission feels that the sign becomes a public nuisance shall be required to be removed or be replaced by new signs in conformance with this chapter.~~ Repealed (Ord. ____ (part), 200_).	[No modifications suggested.]

Ordinance as Proposed	Ordinance as Suggested to be Modified
Chapter 17.75 **COASTAL ZONE FENCES**	[No modifications suggested.]

Ordinance as Proposed	Ordinance as Suggested to be Modified
Sections: **17.75.010 Purpose.** **17.75.020 In residential districts.** **17.75.030 Exceptions—Corner and key lots.** **17.75.040 Parking lots or nonresidential development.** **17.75.050 General provisions.** **17.75.060 Appeal.**	
17.75.010 Purpose. Fences are permissible for all residential districts under conditions and restrictions as stated in this chapter. Fences are mandatory for specific uses and shall be erected as required. For those uses already existing, which do not have the required fencing, they shall be considered nonconforming and may continue in operation for an indefinite period of time as prescribed by the section on nonconforming uses. When such uses are proposed for remodeling, enlargement or extension of use, then they shall be required to conform to this section. For the purposes of definition, "fence" means a structure made of wire, wood, metal, masonry or other materials, and includes a hedge which is further defined as a barrier formed by branches, shrubs or small trees growing close together in a line with interwoven branches. (Ord. 587 (part), 1983).	[No modifications suggested.]
17.75.020 In residential districts. Regulations for fences in residential districts shall include the following: A. Front yards, maximum height above grade not to exceed thirty-six inches except that the fence may be erected to a maximum height of forty-eight inches; provided, that any fence which exceeds thirty-six inches is uniformly open to the extent of thirty-three and one-third percent. "Uniformly open" means that the interstices between the solid material of the fence are evenly spaced so as to make vision through the fence possible; B. Rear yards, maximum height eight feet above grade; C. Side yards, maximum height six feet above grade; D. On a corner lot in any residential district, no fence shall be erected or plants permitted to grow in such a manner as to materially impede vision between the height of two and one-half and ten feet above the centerline grades of the intersecting streets in the area bounded by the lot lines of such comer lots in a line joining points along such lot lines twenty feet from the point of intersection. (Ord. 587 (part), 1983).	[No modifications suggested.]
17.75.030 Exceptions—Corner and key lots. A. Corner Lots. On corner lots which are not reversed corner lots, no fence or hedge exceeding thirty-six inches in height shall be permitted closer than five feet to the side street lot line. B. Reversed Comer Lots. On reversed corner lots, no fence or hedge exceeding thirty-six inches in height shall be permitted closer than ten feet to the side street lot line. C. Key Lots. In the front yard of a key lot on the side which abuts the rear yard of	[No modifications suggested.]

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a reversed corner lot, a fence may be erected or a hedge permitted to grow to a maximum height of six feet up to a point of ten feet from the front property line. (Ord. 587 (part), 1983).	
17.75.040 Parking lots or nonresidential development. A. Parking Lots. A solid fence of six feet shall be maintained on the rear and side lot lines where said parking lot abuts or rears on property which is used or zoned for residential purposes and said parking lot is in an ownership separate from the adjacent properties. Fencing or screening for the street side property lines shall be in accordance with the development standards for parking lots in Section 17.76.120. B. Nonresidential Development. The development of any property of a nonresidential nature shall include a minimum six-foot solid fence along the rear and side property lines when such property abuts or rears on property zoned or used for residential purposes. (Ord. 587 (part). 1983).	[No modifications suggested.]
17.75.050 General provisions. A. Electrically charged fences shall be prohibited in the city. B. Barbed wire or other sharp pointed material shall be prohibited in the construction of a fence unless said material is over six feet above grade. C. Fences which enclose school grounds, public playgrounds, tennis courts, public swimming pools or other public areas which are used for athletic purposes may be erected to a height in excess of six feet. D. Corner lots must maintain the present requirements for visibility at intersections. (See subsection G. of Section 17.63.080). (Ord. 587 (part), 1983).	[No modifications suggested.]
17.75.060 Appeal. Any person aggrieved by the provisions of this chapter may appeal to the planning commission. The appeal procedures are described in Chapter 17.82. (Ord. 587 (part), 1983).	[No modifications suggested.]

Ordinance as Proposed	Ordinance as Suggested to be Modified
Chapter 17.76 **COASTAL ZONE OFF-STREET PARKING** **Sections:** **17.76.010 Purpose.** **17.76.020 When required.** **17.76.030 Computation of number of spaces required.** **17.76.040 Residential parking space requirements.** **17.76.050 Business parking space–requirements generally.** **17.76.060 Business parking space–number required.** **17.76.070 Manufacturing parking space requirements.** **17.76.080 Loading space requirements.**	[No modifications suggested.]

Ordinance as Proposed	Ordinance as Suggested to be Modified
17.76.090 **Location of required parking.** **17.76.100** **Parking area in residential districts.** **17.76.110** **Joint use.** **17.76.120** **Development, operation and maintenance of parking spaces.** **17.76.130** **Provision for reduction or waiver of parking regulations.** **17.76.140** **Assessment districts for parking.** **17.76.150** **Compact cars.** **17.76.160** **Appeal.** **17.76.170** **Parking lot requirements.**	
17.76.010 **Purpose.** The purpose of these off-street parking and loading regulations is to relieve congestion and provide for safe movement of traffic along public streets, to promote the general welfare and convenience and prosperity of residential, commercial and manufacturing developments which depend upon the availability of off-street parking facilities, and to protect adjacent residential neighborhoods from vehicular traffic and parking congestion generated by commercial and industrial uses. It is unlawful for any person, firm or corporation who owns, leases, or controls a building or structure to fail, neglect or refuse to provide and maintain off-street parking and loading facilities as required in this chapter. (Ord. 641 § 5 (part), 1990).	[No modifications suggested.]
17.76.020 **When required.** A. Off-street parking spaces, covered parking spaces and loading areas shall be provided as specified in this chapter. 1. For construction of new buildings ~~except where a new building is proposed to replace an existing building at the exact location and to the same or lesser dimensions and bulk~~; 2. For the floor area proposed for expansion to an existing building; 3. Whenever a change of use creates an increase in number of parking spaces required~~.~~; 4. When a use is no longer considered nonconforming pursuant to Chapter 17.80. B. No certificate of occupancy shall be issued for the use of any building nor a building permit issued for the erection or alteration of any building unless such use or building complies with the regulations of this chapter. This shall not be interpreted to interfere with the nonconforming use of any structure in compliance with the provisions of Chapter 17.80. C. No parking space, covered parking space or loading area required for compliance with this chapter shall be discontinued, reduced or altered in any manner below the requirements established in this chapter unless otherwise provided or unless equivalent parking spaces, covered parking space or loading area is provided elsewhere in compliance with this chapter. (Ord. ____ (part), 200_ ; Ord. 641 § 5 (part), 1990).	[No modifications suggested.]
17.76.030 **Computation of number of spaces required.** In computation of the number of off-street parking spaces required, a fractional space of 0.5 space or more shall be counted as one space. (Ord. 641 § 5 (part), 1990).	[No modifications suggested.]

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17.76.040 Residential parking space requirements. A. One-family dwellings shall be provided with two covered parking spaces for each unit. B. Two-family dwellings shall be provided with one covered parking space and one uncovered parking space for each dwelling unit. Covered parking spaces may be converted for living purposes provided a replacement parking space is available within the lot line. C. Three or more family dwellings and dwelling groups shall be provided with one and one-half spaces per dwelling unit. D. Fraternities, sororities, dormitories, lodging, rooming and boarding houses shall be provided with one off-street parking space for each two adult occupants and each employee. E. ~~Motels and hotels shall be provided with one and one tenth parking space for each unit.~~ Planned-unit residential developments shall be provided parking commensurate with the type and number of residential units as required in A and B above and, where applicable, with parking for commercial uses as outlined in 17.76.060. For residential projects exceeding five units in size additional parking for recreational vehicle storage at a minimum ratio of one space per five units. F. ~~Bed-and-breakfasts shall provide one parking space per guestroom.~~ Residential care facilities: one space for the first six client beds and one space for every four beds thereafter with an additional one space for each employee or staff member. G. ~~Mobilehome parks shall be provided with two parking spaces for each mobilehome.~~ Bed and breakfasts shall provide one parking space per guest room. H. Mobilehome parks shall be provided with two parking spaces for each mobilehome. (Ord. ____ (part), 200_ ; Ord. 641 § 5 (part), 1990).	[No modifications suggested.]
17.76.050 Business parking space—Requirements generally. A. The number of required off-street parking spaces shall be calculated from the square footage of the entire structure or use, including storage areas, mechanical equipment rooms, basements and similar areas unless otherwise designated in this chapter. B. In the case of a building or group of buildings under one ownership but containing different uses with different parking requirements, the total parking to be provided shall be based on the sum of the requirements for each separate use. C. If parking requirements for a use are not specifically listed in this section, parking shall be required on the same basis as the most comparable listed use as determined by the planning commission. (Ord. 641 § 5 (part), 1990).	[No modifications suggested.]
17.76.060 Business parking space—Number required. The type of use, size and number of required parking spaces shall be as follows: A. Transportation. Railroad, bus, air, marine terminal, one parking space for each five seats in waiting terminal. B. Trade. 1. Wholesale, one parking space for each two employees based on largest shift, plus one space for each company vehicle.	[No modifications suggested.]

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C. Commercial Use. 1. Retail store not otherwise specified herein, one space per two hundred fifty square feet of floor area; 2. Bank, business or professional office, unless otherwise specified, one space per five hundred square feet of floor area; 3. Retail, handling bulky merchandise such as furniture or automobile, one space per five hundred square feet of floor area; 4. Medical or dental clinic or office, one space per two hundred square feet of floor area; 5. Shopping centers, one space per two hundred fifty square feet of floor area~~.~~; 6. Motels and hotels shall be provided with one and one-tenth parking space for each unit. D. Commercial Food Uses. 1. Restaurants, one space per ~~one hundred square feet of floor area~~ four seats maximum occupancy and one per employee on the largest shift; 2. Taverns, one space per one hundred square feet of floor area. Taverns offering dancing or live entertainment, one space per seventy-five square feet of floor area, 3. Fast food establishments, one space per fifty square feet of floor area. E. Food Stores. 1. Convenience stores (mini-marts), one space per one hundred square feet of floor area; 2. Grocery stores, one space per two hundred fifty square feet of floor area. F. Personal Services. 1. Self-service laundry and dry cleaning, one parking space for each three machines; 2. Beauty shops, three parking spaces per operator; 3. Barbershops, two parking spaces per chair. G. Business Services. 1. Advertising and duplicating, employment agencies, same for professional offices; 2. Warehousing, one parking space for each two employees based on largest shift, plus one space for each company vehicle. H. Repair Services (wearing apparel, motor vehicles, appliances and furniture). 1. Zero to three thousand square feet of floor area, five spaces; 2. In excess of three thousand square feet of floor area, five spaces, plus one additional space for each eight hundred square feet of floor area in excess of three thousand square feet. I. Professional Services. 1. General hospitals, for all bed capacities, one parking space for each two beds; 2. Convalescent hospitals, nursing homes, guesthomes, foster homes, one parking space for each three beds; 3. Residential facilities for the elderly, 1.25 spaces per unit; 4. Veterinary hospitals, six parking spaces, plus one space for each two hundred fifty square feet of floor area in excess of one thousand	

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square feet; 5. Contract construction, one parking space for each two employees based on largest shift, plus one space for each company vehicle. J. Educational Services. 1. Child care nursery, one parking space per employee, plus three spaces; 2. Elementary schools, one parking space per employee; 3. High schools, one parking space per employee, plus one space per seven students: a. Plus additional parking for stadium or sports arenas as required in subsection (L)(l) of this section; 4. College or university, one parking space per employee, plus one space per three students: a. Plus additional parking for stadium or sports arenas as required in subsection (L)(l) of this section; 5. Trade, vocation or business schools, one parking space per employee, plus one space per two students. K. Miscellaneous Services. 1. Churches, for all seating capacity in sanctuary or seating hall: a. In residential zones, one parking space for each five seats, b. In commercial zones, one parking space for each ten seats; 2. Private clubs, lodges and union halls, for floor area devoted to public assembly, one parking space for each fifty square feet of floor area. L. Entertainment and Recreation. 1. Theaters, auditoriums and sports arenas or stadiums, including school auditoriums and stadiums, for all fixed seating capacity (eighteen linear inches of bench equals one seat), one parking space for each five seats; 2. Skating rinks, dancehalls, exhibition halls, without fixed seats, for floor area devoted to public assembly or activity, one parking space for each fifty square feet of floor area; 3. Bowling alleys, four parking spaces for each alley; 4. Billiard parlor, two parking spaces for each table; 5. Parks, recreation areas and pools, golf courses, as determined by the planning commission. 6. Exercise gymnasiums or clubs: one parking space for each equipment workstation, two parking spaces for small court activities such as racquetball or squash, 1 parking space per fifty square feet of dance, classroom or team court area and one parking space per employee. M. Parking Requirements For Uses Not Specified.. The parking space requirements of buildings and uses not set forth herein shall be determined by the planning director, and such determination shall be based upon requirements for the most comparable building or use specified herein, or where no such use is comparable, such space which would appear necessary to provide adequate parking for the use. (Ord. ____ (part), 200_ ; Ord. 641 § 5 (part), 1990).	
17.76.070 Manufacturing parking space requirements.	

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In connection with the use of and for manufacturing, warehousing, wholesaling, contractors or distributive industries, off-street parking space shall be provided as follows: A. One off-street parking space for each two employees computed on the basis of the maximum number of employees which can be employed on the largest shift at any one time plus one space for each company vehicle. (Ord. 641 § 5 (part), 1990).	[No modifications suggested.]
17.76.080 Loading space requirements. On the same land therewith, every structure or part thereof erected or occupied for manufacturing, storage warehouse, wholesaling, department store, food store, hotel, hospital, funeral home, laundry, or dry cleaning plants or other uses involving the receipt or distribution by vehicle of materials or merchandise incidental to carrying on such activity, shall be provided with sufficient space for standing, loading and unloading vehicles to avoid undue interference with the public use of streets and alleys. Such space shall be no less than ten feet by twenty-five feet for every ten thousand square feet of floor area with a four-teen-foot minimum height clearance, but shall not be a part of any area used for off-street parking purposes. (Ord. 641 § 5 (part), 1990).	[No modifications suggested.]
17.76.090 Location of required parking. A. Specific Distances. Required off-street parking spaces shall be located within the distances hereinafter specified. For parking spaces not located on the same lot as the use they are intended to serve, the distance shall be measured along the nearest public right-of-way available for pedestrian use. 1. For one-family, two-family and three-family dwellings: on the same lot as the building the parking is intended to serve; 2. For multiple-family dwellings: on the same lot and not more than two hundred feet from the building they are intended to serve; 3. All uses other than those specified above: not over three hundred feet from the building they are intended to serve except that parking spaces to be located in a residential zone shall be adjacent to the use they intend to serve. B. Legal Requirement For Parking Provided Under Separate Ownership. 1. If a use requiring parking space is in one ownership and the required parking space provided is in another ownership partially or wholly, the property owners involved shall submit a legal agreement approved by the city attorney as to form and content, guaranteeing that said required parking spaces shall be maintained so long as the use requiring parking is in existence or unless the required parking is provided elsewhere in accordance with the provisions of this section. 2. The approved agreement guaranteeing maintenance shall be recorded by the property owner in the office of the county recorder and a copy thereof filed with the building department of the city. (Ord. 641 § 5 (part), 1990).	[No modifications suggested.]
17.76.100 Parking area in residential districts. A parking area exclusively for passenger automobiles may be permitted in residential districts	[No modifications suggested.]

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(R-l, R-2 and R-3) if authorized by the planning commission through approval of a use permit Said parking area shall be subject to the following minimum requirements in addition to those elsewhere specified in this chapter A. Accessibility of Parking Area. The parking area shall be accessory to and for use of one or more uses permitted in an abutting commercial or industrial district. B. To be Used Only For Parking Passenger Automobiles. The parking area shall be used solely for the parking of passenger automobiles. C. Signs. No signs of any kind, other than signs designating entrance, exits and conditions of use, shall be maintained on such parking areas. Such signs shall not exceed four square feet in size and the number and location shall be approved by the planning commission prior to installation. D. Fencing. The parking area shall be fenced along all interior property lines by a solid fence of wood, masonry or other materials approved by the planning commission. The height of such fence shall be the maximum permitted by this chapter, or to a lesser height as approved by the planning commission. E. Landscaping, Screening, and Maintenance. Landscaping and screening along the street side property line shall be installed and maintained as required in the "Development, Operation and Maintenance of Parking Spaces" provisions of Section 17.76.120. F. Additional Requirements or Conditions. In addition to the above requirements, such parking lot shall comply with such further requirements or conditions as may be prescribed by the planning commission for the protection of the residential district in which such parking lot is to be located. G. Overnight Parking Prohibited — Exception. Overnight parking is prohibited unless said parking lot is completely enclosed by an approved barrier and is locked and limited to passenger automobiles. (Ord. 641 § 5 (part), 1990).	
17.76.110 Joint use. The joint use of off-street parking areas may be authorized by use permit for the following uses or activities under the following conditions: A. Up to fifty percent of the off-street parking for nighttime uses, such as theaters, bowling alleys, bars, or restaurants, may be supplied by the parking area provided for daytime uses, such as banks, offices, retail and personal service establishments. B. Up to fifty percent of the off-street parking for daytime uses may be supplied by the parking area provided by a nighttime use. C. Up to fifty percent of the parking for churches or auditoriums may be supplied by the parking facilities provided by daytime uses. D. The parking area shall be located within three hundred feet of the use intended to be served measured along the normal walking distance along a public right-of-way; E. The applicant shall submit sufficient data to indicate that there is no conflict in the principal operating hours of the uses proposing to make use of the joint parking facilities; F. The property owners involved in the joint use of off-street parking facilities shall submit a legal agreement approved by the city attorney as to form and content. Such instrument, when approved as conforming to the provisions of this section, shall	[No modifications suggested.]

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be recorded by the property owner in the office of the county recorder and a copy thereof filed with the building department of the city. (Ord. 641 § 5 (part), 1990).	
17.76.120 Development, operation and maintenance of parking spaces. A. For the purpose of this chapter, parking spaces shall be developed in accordance with standards as adopted from time to time by resolution of the city council. B. All off-street parking spaces, whether required or not, shall be developed and maintained in accordance with the regulations contained in this chapter. C. Approval of the location and development plan shall be secured from the planning director prior to the installation or use of any area for parking purposes which is not covered under the use permit provisions of this chapter. D. Parking spaces and access driveways thereto shall be graded, drained and surfaced in accordance with city standards. E. Each off-street parking space shall be designed so it can function independently of any other parking space and no space shall be approved which cannot function properly due to obstructions, restricted access, restricted turning radius or which require excessive maneuvering. F. Whenever a parking area for commercial or industrial uses abuts the side or rear of a parcel located in a residential zone, the development plan for such parking area shall be reviewed and approved by the planning director to assure compliance with all regulations and requirements for the proper consideration and protection of the abutting residential property. G. No sale, storage, repair work, dismantling or servicing of any kind shall be permitted on required parking spaces. H. Ingress and egress across public sidewalks shall be made possible without the necessity of backing over the same except for property devoted exclusively to one-family, two-family or three-family dwellings. This requirement may be waived by the planning commission upon a showing of hardship and a finding that such waiver will not create a hazardous condition. I. Required side yards and rear yards may be used for parking purposes. J. Posts, bumpers, wheel stops or other acceptable devices shall be provided on all parking spaces located along property lines. K. Wherever a parking area is lighted, such lighting shall be arranged so that it is directed onto the parking area and reflected away from any residential property. L. Public alleys may be used to satisfy a portion of the required back-up space where the planning commission determines use of said alley for such purpose will not prove detrimental to traffic circulation or access to adjacent properties. M. All parking areas ~~having five or more spaces~~ shall be developed to the following minimum standards: 1. Landscaping shall be provided along all street side property lines not occupied by driveways as follows: a. A planter no less than ~~thirty six~~ sixty inches in width shall be provided with an acceptable irrigation system and planted and maintained with evergreen shrubs,	[No modifications suggested.]

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b. One tree for every five spaces, ~~said~~ or fraction thereof, shall be provided. Said trees ~~being~~ shall be a minimum ~~¾~~ 1½ inch caliper in size and a minimum of six feet tall at time of planting, placed in tree wells at least ~~four~~ five feet by ~~four~~ five feet in size, provided with a means of irrigation and maintained in a living condition. Where two or more tress are provided half shall be of an evergreen species. (Ord. ____ (part), 200_; Ord. 641 § 5 (part), 1990).	
17.76.130 Provision for reduction or waiver of parking regulations. A. Reasonable and justifiable reductions or waivers may be made to these parking regulations by the planning commission as hereinafter provided. B. Such reductions or waivers shall be judged upon: 1. The effect on present and future traffic; 2. The effect on neighborhoods; 3. The effect on the stability and adequacy of the site to accommodate the proposed use; and 4. Any other conditions hereinafter specified. (Ord. 641 § 5 (part), 1990).	[No modifications suggested.]
17.76.140 Assessment districts for parking. A. Exemptions. Whenever, pursuant to the provisions of this chapter, public off-street parking facilities are established by means of a special assessment district, or by any other means which the city council may determine, all existing buildings and uses, and all buildings erected or uses established thereafter within the special assessment district, or other district which the city council may have determined, shall be exempt from the requirements of this section for privately supplied off-street parking facilities except as provided. B. Additional Off-Street Parking Facilities. The planning commission may require additional off-street parking facilities in connection with the occupancy or use of a building in an area which was included in a special assessment district, or in any other district which the city council may have determined to be served by public off-street parking facilities in the following cases: 1. Where the use of a building which was erected after the levying of the special assessment in such an area, or after the establishment of public off-street parking facilities creates the need for an unusual or exceptional amount of off-street parking; 2. Where alterations, expansion or change in use of a building, after levying of a special parking assessment in such an area, or the establishment of public off-street parking facilities, creates a need for off-street parking spaces in excess of the spaces required for such a building or use before the alteration, expansion or change in use. (Ord. 641 § 5 (part), 1990).	[No modifications suggested.]
17.76.150 Compact cars. Up to thirty percent of all required and non-required vehicle parking spaces, excluding handicapped spaces, may be sized for compact cars. Compact car spaces shall meet the following minimum dimensions and shall be clearly marked "Compact Cars":	[No modifications suggested.]

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Table 17.76.150 Maneuvering Width (Ord. 641 § 5 (part), 1990).	

	Type	Stall Width	Stall Depth	One Aisle	Two Aisle
1.	90 degree	7.5 feet	16 feet	25 feet	24 feet
2.	60 degree	7.5 feet	18 feet	1 9 feet	18 feet
3.	45 degree	7.5 feet	17 feet	13 feet	12 feet
4.	30 degree	7.5 feet	14 feet	12 feet	12 feet

17.76.160 Appeal. Any decision of the planning commission regarding any matters contained in Sections 17.76.010 through 17.76.150, is subject to appeal in the manner provided for in Chapter 17.84. (Ord. 641 § 5 (part), 1990).	[No modifications suggested.]
17.76.170 Parking lot requirements. A. In order to prevent backing over sidewalk, backing into street and congestion at lot entrance, no stall may be within ten feet of the property line and/or sidewalk adjacent to the street. See Table 17.76.170A. B. In single-entrance ninety degree parking lots, provisions for adequate egress from rear stalls shall be made. (See Table 17.76.170B.) C. Two-way driveways shall have a minimum width of twenty feet. D. All new parking lots shall be surfaced with asphalt or concrete. All stalls shall be marked and maintained. E. Driveway openings shall be aligned with parking lot aisles. F. Parking lot designs shall be drawn to scale with dimensions and parking angle indicated. (See Table 17.76.170F.) G. The minimum driveway widths shown below apply to all access driveways serving required off-street parking both between the street and the parking as well as between separate parking areas within the development:	[No modifications suggested.]

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Chapter 17.77 **COASTAL ZONE SPECIFIC PLANS AND REGULATIONS** **Sections** **17.77.010 Procedure.** **17.77.020 Initiation.** **17.77.030 Planning commission action.** **17.77.040 Appeal to city council.**	[No modifications suggested.]

Ordinance as Proposed	Ordinance as Suggested to be Modified
17.77.050 Recommendation and adoption. **17.77.060 Withdrawal, renewal and fees.** **17.77.070 Measurement of required yard areas.** **17.77.080 Setback space or required yard area.**	
17.77.010 Recommendation and adoption. Whenever the public peace, health, safety, convenience, interest, or general welfare may require, the planning commission shall recommend, and the city council shall adopt, specific plans and regulations, including setback lines, based on the general plan. (Ord. 587 (part), 1983).	[No modifications suggested.]
17.77.020 Procedure. Specific plans and regulations shall be adopted and amended in accordance with the provisions of the Government Code of the state, except as modified by these regulations, and shall be certified by the state's Coastal Commission. (Ord. 587 (part), 1983).	[No modifications suggested.]
17.77.030 Initiation. A proposed specific plan or regulation or a proposed amendment to an adopted specific plan or regulation may be initiated in any of the following ways: A. By a petition of property owners or their authorized agents accompanied by such information as may be prescribed by the planning commission; B. By an affirmative vote of the planning commission; C. By an affirmative vote of the city council to refer a proposed amendment to the planning commission. (Ord. 587 (part), 1983).	[No modifications suggested.]
17.77.040 Planning commission action. Upon the initiation of a proposed specific plan or regulation or amendment, the same shall be set for hearing before the planning commission. If the planning commission fails, within sixty days after the close of the public hearing, to recommend or disapprove such proposed plan or regulation or amendment, such failure shall be deemed to be the adoption of a resolution recommending the proposed plan or regulation or amendment; provided, that this time limitation may be extended by the planning commission with the consent of the petitioners. (Ord. 587 (part), 1983).	[No modifications suggested.]
17.77.050 Appeal to city council. Any person may appeal the disapproval of a proposed plan or regulation or amendment to the city council at any time within ten days after the decision of the planning commission. A notice of appeal must be filed with the city clerk, with a copy to the planning director. Within ten days after such filing, the planning director shall transmit to the city clerk all exhibits, notices and other documents on file with the planning commission, together with the report of the planning commission. The city council shall conduct a public hearing on the appeal and shall render a decision on the appeal after the conclusion of the hearing. If a proposed plan or regulation or amendment is disapproved by the planning commission, the same shall not be adopted except by a	[No modifications suggested.]

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four-fifths vote of the city council. (Ord. 632 Exh. A (part), 1989; Ord. 587 (part), 1983).	
17.77.060 Withdrawal, renewal and fees. The provisions of these regulations relating to withdrawal and renewal of rezoning applications shall apply to petitions for specific plans and regulations and amendments thereto. Fees for petitions and appeals shall be established by city council resolution. (Ord. 587 (part), 1983).	[No modifications suggested.]
17.77.070 Measurement of required yard areas. From and after the taking effect of any ordinance establishing any specific plan which includes setback lines, all required yard areas shall be measured from the setback lines established by the specific plan. (Ord. 587 (part), 1983).	[No modifications suggested.]
17.77.080 Setback space or required yard area. From and after the taking effect of any ordinance establishing any specific plan which includes setback lines, no person shall erect, construct or establish any building, structure or improvements within the space between the street line and the setback line or the building line established by a required yard area measured from the setback line. No permit shall be issued for any such building, structure or improvement within such setback space or required yard area, except that permits may be issued for the erection, construction or establishment of temporary structures or improvements in such setback space or required yard area; provided that the owner or owners of any property proposing to erect or establish such temporary structures or improvements shall first file with the city a written guarantee and bond, in an amount to be fixed by the city council, that he will remove such structures or improvements from such setback space or required area at his own expense at such time as the city shall declare its intention of acquiring the setback space for street widening purpose. Further, that in the event of sale or lease of such temporary structures or improvements, the city shall be put to no additional expense for the acquirement of said setback space for street widening purposes by reason of such temporary structures or improvements thus erected in said setback space or required yard area and that any additional expense thus caused shall become a lien against the property, including such setback space. (Ord. 587 (part), 1983).	[No modifications suggested.]

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Chapter 17.78 **COASTAL ZONE HEIGHT AND AREA EXCEPTIONS** **Sections:** **17.78.010 Generally.** **17.78.020 Height exceptions.** **17.78.040 Area exceptions—Front and side yard requirements for**	[No modifications suggested.]

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dwellings. **17.78.050 Area exceptions—Minimum yard for certain buildings.** **17.78.060 Area exceptions—Width of side yards reduced.** **17.78.070 Area exceptions—Yard to be open.** **17.78.080 Area exceptions—Projection of eaves, cornices and marquees.** **17.78.090 Area exceptions—Fire escapes, outside stairways and balconies.** **17.78.100 Area exceptions—Chimneys, flues, and other structures or equipment.** **17.78.110 Area exceptions—Rear yard.**	
17.78.010 Generally. The height and area regulations set forth in this title shall be subject to the exceptions and amplifications set forth in Sections 17.78.020 through 17.78.110. (Ord. 587 (part), 1983).	[No modifications suggested.]
17.78.020 Height exceptions. A. Dwellings. Dwellings in the thirty-five-foot height district may be increased in height by not more than ten feet when two side yards of not less than fifteen feet each are provided. B. Penthouses or Roof Structures. Penthouses or roof structures for the housing of elevators, stairways, tanks, ventilating fans, television aerials or similar equipment required to operate and maintain the building; fire or parapet walls, skylights, flagpoles, chimneys, and similar structures may be erected above the height limits prescribed by the height and area regulations, but no penthouse or roof structure, or any other space above the height limit prescribed for the zone in which the building is located shall be allowed for the purpose of providing additional floor space. (Ord. 587 (part), 1983).	[No modifications suggested.]
17.78.040 Area exceptions—Front and side yard requirements for dwellings. The front and side yard requirements for dwellings shall be waived for any dwelling which, in its entirety, is located or established directly above stores, shops, or garages in the commercial districts unless such yards are also required to be provided for said stores, shops, or garages under the provisions of these regulations. Notwithstanding any of the above, development may only occur fifty feet beyond the landward edge of a wetland. (Ord. 587 (part), 1983).	[No modifications suggested.]
17.78.050 Area exceptions—Minimum yard for certain buildings. On any lot which abuts an alley, no building shall project or extend within five feet of the alley property line. (Ord. 587 (part), 1983).	[No modifications suggested.]
17.78.060 Area exceptions—Width of side yards reduced. On any parcel of land with an average width of fifty feet or less, which parcel was under one ownership at the time of, or is shown as a lot on any subdivision map filed in the office of the county recorder, prior to the effective date of the ordinance codified in this chapter, the width of each side yard may be reduced to ten percent of the width of such	[No modifications suggested.]

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parcel, but in no case to less than three feet. Notwithstanding any of the above, development may only occur fifty feet beyond the landward edge of a wetland. (Ord. 587 (part), 1983).	
17.78.070 Area exceptions—Yard to be open. Every part of a required yard shall be open from its lowest point to the sky unobstructed except for the ordinary projections of sills, belt courses, cornices, buttresses, ornamental features and eaves; provided, however, that none of the above projections shall project into a minimum side yard more than twenty-four inches nor into a minimum front or rear yard more than forty-eight inches. Notwithstanding any of the above, development may only occur fifty feet beyond the landward edge of a wetland. (Ord. 587 (part), 1983).	[No modifications suggested.]
17.78.080 Area exceptions—Projection of eaves, cornices and marquees. Eaves, cornices and marquees on buildings for which no front yard or street side yard is required may project over the street property line providing that no such eaves, cornices or marquees shall project over the street line more than two feet. (Ord. 587 (part), 1983).	[No modifications suggested.]
17.78.090 Area exceptions—Fire escapes, outside stairways and balconies. Open fire escapes, open porches, outside stairways and balconies may project into the minimum front and rear yards by less than four feet. (Ord. 587 (part), 1983).	[No modifications suggested.]
17.78.100 Area exceptions—Chimneys, flues, and other structures or equipment. Chimneys, flues and water softener tanks and air conditioners may project into a minimum side yard; provided, that such structures or equipment shall not extend or project nearer than three feet to the side property line. (Ord. 587 (part), 1983).	[No modifications suggested.]
17.78.110 Area exceptions—Rear yard. In the case of a reverse corner lot where the rear of a lot in a commercial or industrial district abuts upon the side of a lot in any residential district, there shall be a rear yard of not less than ten feet; provided, that where a public alley separates the rear of the lot, on a commercial or industrial district and the side of a lot in a residential district, no rear yard shall be required. Notwithstanding any of the above, development may only occur fifty feet beyond the landward edge of a wetland. (Ord. 587 (part),1983).	[No modifications suggested.]

Ordinance as Proposed	Ordinance as Suggested to be Modified
Chapter 17.79 **SITE PLAN AND ARCHITECTURAL REVIEW** **Sections:** **17.79.010 Purposes and application.** **17.79.020 Review committee.** **17.79.030 Procedures.**	[No modifications suggested.]

Ordinance as Proposed	Ordinance as Suggested to be Modified
17.79.035 Review standards. **17.79.040 Review, referral and action.** **17.79.050 Appeals to the planning commission.** **17.79.060 Appeals to the city council.** **17.79.070 Development requirements and improvements.** **17.79.080 Building permits and occupation.** **17.79.090 Lapse of site plan or architectural design approval.** **17.79.100 Site plan approval to run with the land.**	
17.79.010 Purposes and application. A. The purposes of a site plan and architectural review are to permit the city to evaluate site plans and designs of structures to assure compatibility, harmony in appearance in neighborhoods, reduce negative impacts on adjacent properties, reduce the unnecessary destruction of the environment and ground cover to avoid the creation of hazardous conditions and drainage problems, to avoid monotonous and otherwise non-aesthetic development injurious to the overall community; to provide a vehicle to encourage full development of streets servicing the properties, and to assure full installation of all public utilities necessary to serve such properties. B. Site plan review and architectural review provisions of this title shall apply to all permitted uses in the ~~CZ-RP,~~ CZ-C2, CZ-HS, CZ-CW, CZ-O,CZ-NR ~~and CZ-HS,~~ and the CZ-HD districts and shall be required of all uses subject to use permit. (Ord ____ (part), 200_ ; Ord. 587 (part), 1983).	**17.79.010 Purposes and application.** A. The purposes of a site plan and architectural review are to permit the city to evaluate site plans and designs of structures to assure compatibility, harmony in appearance in neighborhoods, reduce negative impacts on adjacent properties **and coastal visual resources**, reduce the unnecessary destruction of the environment and ground cover to avoid the creation of hazardous conditions and drainage problems, **to protect views to and along the coast and scenic areas, to minimize the alteration of natural landforms, and to ensure that development is compatible with the character of its surroundings, and subordinate to the character of its setting in designated "highly scenic areas;"** to avoid monotonous and otherwise non-aesthetic development injurious to the overall community; to provide a vehicle to encourage full development of streets servicing the properties, and to assure full installation of all public utilities necessary to serve such properties. B. Site plan review and architectural review provisions of this title shall apply to all permitted uses in the ~~CZ-RP,~~ CZ-C2, CZ-HS, CZ-CW, CZ-O,CZ-NR ~~and CZ-HS,~~ and the CZ-HD districts and shall be required of all uses subject to use permit. **Site plan and architectural review does not substitute for or obviate the requirements for securing a coastal development permit consistent with all LCP requirements. (Ord. (part), 2009; Ord. 697 (part), 2003;** Ord. 587 (part), 1983).
17.79.020 Review committee. A. The planning commission may establish a committee for such purposes consisting of the director of public works, the city planner, and ~~one~~ two members of the planning commission. The members of the planning commission should be well-versed in the city's general plan and enabling legislation. The committee may invite individuals of known expertise from within the community to assist in making such evaluations necessary to make comments and recommendations on site plans and architectural renderings submitted for consideration. B. In the event that a member of the committee is required to review drawings of a project in which one of its members or its advisors has a business or professional interest, it shall seek the advice of a disinterested party. The committee will stand as established, and from time to time as conditions warrant, the planning commission may make such changes within such personnel as it deems fit. (Ord ____ (part), 200_ ; Ord. 587 (part), 1983).	[No modifications suggested.]
17.79.030 Procedures.	**17.79.030 Procedures.**

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A. The applicant shall submit an application on a form provided by the director of public works, together with three copies of such site plans or elevations of buildings on which a review committee report is required. The site plan shall be drawn to a scale which shall equally indicate the full dimensions and information necessary for the committee to make an evaluation of the request. Architectural drawings shall be of such scale and contain such information to permit the committee to make a full evaluation of the outside appearance, color, texture of materials, and appurtenances necessary for the development of the structure. B. Scale drawings of all signs which will be included within the subject property shall also be submitted concurrently with the site plan and architectural plans of any proposed project. The review committee may require additional information if necessary to carry out the purposes of this chapter and/or may authorize the omission of any or all drawings required by this section if they are not necessary. (Ord. 587 (part), 1983).	A. The applicant shall submit an application on a form provided by the director of public works, together with three copies of such site plans or elevations of buildings on which a review committee report is required. The site plan shall be drawn to a scale which shall equally indicate the full dimensions and information necessary for the committee to make an evaluation of the request. Architectural drawings shall be of such scale and contain such information to permit the committee to make a full evaluation of the outside appearance, color, texture of materials, and appurtenances necessary for the development of the structure. B. Scale drawings of all signs which will be included within the subject property shall also be submitted concurrently with the site plan and architectural plans of any proposed project. **C. The visual resources impact analysis required by Section 17.88F.030 shall be provided for all development proposed on sites visible from publicly accessible vantage points including, but not limited to, streets and highways, trails, parklands, and coastal waters for which views to and along the coast and scenic areas may be potentially impacted.** **D.** The review committee may require additional information if necessary to carry out the purposes of this chapter and/or may authorize the omission of any or all drawings required by this section if they are not necessary. **(Ord. (part), 2009;** Ord. 587 (part), 1983).
17.79.035 Review standards. A. The committee shall review the application as to consistency with the applicable zoning, parking and Landscaping, fencing, signage, street, sidewalk and public services requirements as set forth by this Municipal Code. B. Where the City Council has adopted a development plan and/or development standards for a specifically defined neighborhood within the City the application shall also be reviewed for consistency with the criteria of such plan or standards. C. Where a structure(s) 45 years or older is proposed for remodel or demolition a review of the potential for impact upon a site listed on the National Historical Register or a site of local historical significance shall be made and considered in the architectural review decision. It is the goal of the City General Plan to encourage property owners and other land managers to preserve or rehabilitate important historical and cultural sites rather than destroying them. D. In such case that a waiver, variance or special permit review is required review of the project shall not be completed until final action upon the waiver, variance or special permit is taken by the Planning Commission or City Council. (Ord ____ (part), 200).	**17.79.035 Review standards.** **A. The committee shall review the application as to consistency with the applicable zoning, resource protection, parking and Landscaping, fencing, signage, street, sidewalk and public services requirements as set forth by this Municipal Code including, but not limited to, Chapter 17.88F, Coastal Resource Protection – Visual Resources.** B. Where the City Council has adopted a development plan and/or development standards for a specifically defined neighborhood within the City the application shall also be reviewed for consistency with the criteria of such plan or standards. C. Where a structure(s) 45 years or older is proposed for remodel or demolition a review of the potential for impact upon a site listed on the National Historical Register or a site of local historical significance shall be made and considered in the architectural review decision. It is the goal of the City General Plan to encourage property owners and other land managers to preserve or rehabilitate important historical and cultural sites rather than destroying them. D. In such case that a waiver, variance or special permit review is required review of the project shall not be completed until final action upon the waiver, variance or special permit is taken by the Planning Commission or City Council. **(Ord. (part), 20 ; Ord. 697 (part), 2003).**
17.79.040 Review, referral and action. A. Within fifteen days after the submission of drawings and applications for review by this committee the committee shall meet to review the project ~~and~~.	[No modifications suggested.]

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Subsequent to the meeting it shall render a written report recommending approval, approval with conditions or disapproval. Action by the committee shall be final unless the applicant seeks redress from the action of the committee by making appeals as set forth in this chapter. B. ~~If~~ Except as time requires to meet Section 17.79.035 C or D above, if no action is taken by the committee thirty days after receipt of all drawings and applications it shall be deemed accepted and building permits may then be issued which are in compliance with the drawings submitted for review. If modifications are requested by the committee the time periods established shall not be resumed until revisions to the drawings as requested are resubmitted for consideration. C. Approved plans, together with such conditions, and signed by the planning director shall be dated and mailed to the applicant and one copy placed in the files of the planning commission. (Ord____ (part), 200_; Ord. 587 (part), 1983).	
17.79.050 Appeals to the planning commission. A. Within ten days following the date of a decision of the review committee on any site plan or architectural review application, the decision may be appealed to the planning commission by the applicant or any other interested party. An appeal shall be made on a form prescribed by the planning commission, and shall be filed with the secretary of said commission. The appeal shall state specifically where it is claimed that there was an error or abusive discretion by the committee and wherein its decision was not supported by evidence in the record. B. Following the receipt of such an appeal application, the planning commission at its next regular meeting shall set a date of hearing at which time the applicant may make his presentation and shall at that time present to the commission the site drawings and structural renderings and all other data which was presented to the committee, together with his arguments on said appeal. Should the planning commission find favor with the appeal, the commission shall order the secretary of the commission to sign the documents and date such documents and submit a copy to the applicant and one copy to the records of the planning commission. C. Should the decision of the planning commission be unfavorable to the applicant, the applicant may appeal such decision to the city council. (Ord. 587 (part), 1983).	[No modifications suggested.]
17.79.060 Appeals to the city council. A. Should an application for a site plan and architectural review meet with the disapproval of the planning commission or upon any of the modifications as decided by the commission, he may file with the city council a request for consideration by the city council. Such a request shall be on forms prescribed by the city council and the city council shall set a date of hearing upon such receipt. B. At the public hearing set for such an appeal, the city council shall be provided with all of the material, recommendations and data reviewed by the planning commission and they shall at such a hearing, either affirm, deny, or amend the recommendations of the planning commission. The city council shall, in setting their public hearing, follow the procedures prescribed as set forth in Chapter 17.82. (Ord. 587	[No modifications suggested.]

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(part), 1983).	
17.79.070 Development requirements and improvements. Consideration of approval of a site plan or architectural review shall include the requirements for the dedication of additional rights-of-way, the improvement of all public rights-of-way, the installation of underground utilities, and the provision of water, sewage, and drainage facilities. (Ord. 587 (part), 1983).	**17.79.070 Development requirements and improvements.** Consideration of approval of a site plan or architectural review shall include the requirements for the dedication of additional rights-of-way **for ingress/egress and view corridors**, the improvement of all public rights-of-way, the installation of underground utilities, and the provision of water, sewage, and drainage facilities**, and applicable restrictions on exterior building materials, illumination, and landscaping as set forth in section 17.88F.050**. (**Ord (part), 2009;** Ord. 587 (part), 1983).
17.79.080 Building permits and occupation. A. Before a building permit shall be issued for any building or structure proposed as part of an approved site plan or architectural design, the building official shall determine that the proposed building location facilities and improvements are in conformity with the plans and conditions approved by the review committee, the planning commission, or the city council. B. Before a building may be occupied the building official shall certify that the site or structure has been developed in conformity with the plans and conditions approved in this chapter. (Ord. 587 (part), 1983).	[No modifications suggested.]
17.79.090 Lapse of site plan or architectural design approval. A. A site plan or architectural design approval shall lapse and shall become void one year following the date on which approval by the committee, planning commission or city council became effective unless prior to the expiration of one year a building permit is issued by the building official, and the construction is commenced and diligently pursued toward completion on the site or structures which were the subject of the site plan or architectural design approval. B. Approval may be extended for an additional period for periods of one year upon written application to the planning commission before expiration of the first approval. (Ord. 587 (part), 1983).	[No modifications suggested.]
17.79.100 Site plan approval to run with the land. A site plan or architectural design approved pursuant to the provisions of this chapter shall run with the land and shall continue to be valid upon the change of ownership of the site which was the subject of the site plan or architectural design approval, subject to the provisions of 17.79.090. (Ord ____ (part), 200 _; Ord. 587 (part), 1983).	[No modifications suggested.]

Ordinance as Proposed	Ordinance as Suggested to be Modified
Chapter 17.80 **COASTAL ZONE NONCONFORMING USES** **Sections:**	[No modifications suggested.]

Ordinance as Proposed	Ordinance as Suggested to be Modified
17.80.010 Generally. **17.80.020 Continuance of nonconforming uses of land.** **17.80.030 Nonconforming uses of structures.** **17.80.040 Nonconforming structures or buildings.** **17.80.050 Nonconforming lots.** **17.80.060 Removal of nonconforming uses of land or structures.**	
17.80.010 Generally. Nonconforming uses, buildings, structures, signs and lots may be continued subject to the provisions of this chapter. (Ord. 587 (part), 1983).	[No modifications suggested.]
17.80.020 Continuance of nonconforming uses of land. The lawful use of land existing on July 1, 1982, although such use does not conform to the provisions of this chapter, may be continued for a period of twenty years from July 1, 1982. A use of land which becomes nonconforming due to reclassification, change of ordinance or annexation may be continued for a period of twenty years from the date the use becomes nonconforming, <u>except that a legally established non-conforming two-family and multiple dwelling use may be continued for a period of thirty years unless located within an area of industrial zoning</u>. No nonconforming use of land shall be enlarged, increased or extended to occupy a greater area of land than was occupied when it became nonconforming. (Ord. ____ (part), 200_; Ord. 587 (part), 1983).	[No modifications suggested.]
17.80.030 Nonconforming uses of structures. A. Maintenance. A nonconforming use of a structure or building may be maintained indefinitely in the original condition except as otherwise provided in this chapter. B. Change of Nonconforming Use. A nonconforming use may be changed to similar use allowed in the most restrictive zoning district which would permit the existing use or to a use allowed in a more restricted zoning classification. When a use is changed to a use permitted in a more restrictive zoning classification and the use shall not subsequently be changed to a use not permitted in the more restrictive zoning classification. No change of use will be permitted if the new use proposed requires a use permit. C. Expansion. A nonconforming use shall not be expanded. D. Signs. Identification signs may be permitted on structures or buildings housing a nonconforming use provided such signs are mounted on the wall of the building parallel to the street side property line and shall not project more than twelve inches from the wall of the building and provided further that the total sign areas shall not exceed one square foot for each linear foot of building facing a public road or street. E. Discontinuance. No nonconforming use of a structure shall continue if the use has been discontinued for six consecutive months or for twelve months during any consecutive thirty-six months. When such discontinuance has occurred, the premises or structure shall only be used for the purposes allowed in the zoning district in which it is located. F. Damage or Destruction. Where a structure containing a nonconforming use is	[No modifications suggested.]

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destroyed by any means to an extent of more than fifty percent of its market value as determined by the county assessor on the last equalized assessment roll, it shall not resume its nonconforming use but may be restored and used in conformity with the provisions of this title. Where a legally non-conforming two-family or multiple dwelling use is involuntarily damaged or destroyed by fire, other catastrophic event, or the public enemy, it may be considered for restoration, reconstruction or rebuilding subject to the following criteria: 1. The dwelling may be reconstructed, restored, or rebuilt up to its pre-damaged size and number of dwelling units, and its nonconforming use, if any, may be resumed. 2. The project shall be subject to issuance of a building permit within two years of the date of destruction and shall comply with those California Building Standards and any other local building standards authorized under the Health and Safety Code in effect at the time of restoration. 3. The project shall be in compliance with the State Historical Building Code for work on qualified historical buildings or structures. 4. The project shall otherwise be constructed in compliance with City zoning ordinances so long as the pre-damaged size and number of units is maintained. Reconstruction of such units in an area zoned as industrial shall be prohibited. (Ord. ____ (part), 200_; Ord. 587 (part), 1983).	
17.80.040 Nonconforming structures or buildings. A. Maintenance. A nonconforming structure or building may be maintained indefinitely in the original condition except as otherwise provided in this chapter. B. Enlargement or Alteration. No nonconforming building may be enlarged or altered in any way which increases its nonconformity. C. Repairs. Repairs of an ordinary nature may be made in any period of twelve consecutive months including repair or replacement of nonbearing walls, fixtures, wiring and plumbing to an extent not to exceed ten percent of the market value of the building as determined by the county assessor on the last equalized assessment roll. Work which is required to strengthen or to restore the building to a safe condition as determined and ordered by code enforcement official or other city or state officer by reason of statute or ordinance shall not be included within the ten percent limitation. D. Damage or Destruction. If a nonconforming structure is destroyed by any means to an extent of more than fifty percent of its market value as determined on the last equalized assessment roll at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this title. Where a legally non-conforming two-family or multiple dwelling use is involuntarily damaged or destroyed by fire, other catastrophic event, or the public enemy, it may be considered for restoration, reconstruction or rebuilding subject to the following criteria: 1 The dwelling may be reconstructed, restored, or rebuilt up to its predamaged size and number of dwelling units, and its nonconforming use, if any, may be resumed.	[No modifications suggested.]

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2. The project shall be subject to issuance of a building permit within two years of the date of destruction and shall comply with those California Building Standards and any other local building standards authorized under the Health and Safety Code in effect at the time of restoration. 3. The project shall be in compliance with the State Historical Building Code for work on qualified historical buildings or structures. 4. The project shall otherwise be constructed in compliance with City zoning ordinances so long as the pre-damage size and number of units is maintained. Reconstruction of such units in an area zoned as industrial shall be prohibited. E. Relocation. If a nonconforming building is moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the zoning district in which it is located. (Ord. ____ (part), 200_; Ord. 587 (part), 1983).	
17.80.050 Nonconforming lots. A. A nonconforming lot shall not be reduced in area or width. B. Any conforming use or conforming structure on a nonconforming lot may not be enlarged, extended or reconstructed. C. A nonconforming lot to be used for residential purposes shall be subject to the density requirements of such zoning district in which it is located, except: 1. A single-family dwelling and customary accessory buildings may be erected on a nonconforming lot located in any district in which a single-family dwelling is permitted, so long as all setback requirements are provided. D. If two or more lots or combination of lots or portion of lots with continuous frontage single ownership do not meet the requirements established for lot width or area, the land involved shall be considered to be a single building site for purposes of this section and no portion of said building site shall be used or sold in a manner which diminishes the degree of compliance with lot width and area requirements, nor shall any division of any building site be made which creates a lot width or area below the requirements stated in this title. (Ord. 587 (part), 1983).	[No modifications suggested.]
17.80.060 Removal of nonconforming uses of land or structures. Notwithstanding the provisions of Sections 17.80.020 and 17.80.030, upon a written complaint filed with the planning director by any aggrieved person, alleging that a nonconforming use of land or structures has become a public nuisance through decline in appearance, or through emissions of noise, smoke or vibrations, or through the conduct of its operations has become a persistent police problem, the planning director may refer the matter to the planning commission and the planning commission may, after a public hearing thereon, order the removal of the nonconforming use subject to the city's obtaining a coastal development permit(s) for such removal or demolition. The planning commission may initiate such proceedings upon its own motion for any of the above-described causes. The procedure for notice, hearing and appeal shall be as set forth in Section 17.82.030. (Ord. 587 (part), 1983).	[No modifications suggested.]

Ordinance as Proposed	Ordinance as Suggested to be Modified
Chapter 17.81 **COASTAL ZONE AMENDMENTS AND REZONING** Sections **17.81.010 Permitted.** **17.81.020 Petitions for rezoning.** **17.81.030 Hearing and notice—Planning commission.** **17.81.040 Hearing and notice by city council.** **17.81.050 Determination of findings.** **17.81.060 Appeals.** **17.81.070 Withdrawal of petition or appeal.** **17.81.080 Renewal of petition.**	[No modifications suggested.]
17.81.010 Permitted. Whenever the public health, safety and general welfare warrants, the city council may, by ordinance after a report by the planning commission and subject to the procedures provided in this chapter, amend, supplement or change the regulations for zoning of property now or hereafter established by these regulations. An amendment or rezoning may be initiated by the planning commission, the city council, or by a petition of property owners or authorized agents of such owners. (Ord. 587 (part), 1983).	[No modifications suggested.]
17.81.020 Petitions for rezoning. Petitions for rezoning of property shall be filed with the planning department upon such forms and accompanied by such data and information as may be prescribed for that purpose by the planning commission. In addition, the notice and procedure requirements of the Coastal Commission's local coastal program regulations shall also apply to all petitions for rezoning and amendments. (Ord. 587 (part), 1983).	[No modifications suggested.]
17.81.030 Hearing and notice—Planning commission. A. Upon the initiation or filing of such petition for rezoning or upon the initiation of procedure for an amendment, the same shall be set for hearing before the planning commission by the planning director. B. Notice of the time, place, and purpose of such hearing shall be given by the following method: 1. Amendment Hearings. At least one publication in the official newspaper of the city at least ten working days prior to the date of the hearing. 2. Proposed Rezoning Hearings. Publication of at least one notice in the official newspaper of the city at least five days prior to the date of the hearing. At least seven days before the hearing of said rezoning a notice of said hearing shall be mailed to the petitioners and to residents and owners of properties which are within three hundred feet	[No modifications suggested.]

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of the property proposed to be rezoned, and to those names on record requesting such notices. (Ord. 587 (part), 1983).	
17.81.040 Hearing and notice by city council. A. The city council, upon receipt of the recommendation of the planning commission on amendment or rezoning, shall set the same for hearing. B. Notice of the time, place, and purpose of such hearing shall be given by causing a notice thereof to be published in at least one regular issue of the official newspaper of the city at least ten days before said hearing. No hearing shall be required for a planning commission denial on a rezoning; however, in the event of an appeal, Section 17.81.060 shall be the procedure for the city council in hearing an appeal on a recommendation of denial by the planning commission. (Ord. 587 (part), 1983).	[No modifications suggested.]
17.81.050 Determination of findings. A. If the planning commission finds that the public health, safety, and general welfare warrant the change of regulations or zones, and such change is consistent with the applicable land use policies set forth in the coastal element of the general plan, the planning commission may recommend such change to the city council. The city council may, by ordinance, effect such change upon approval by state's Coastal Commission. The planning commission shall not be bound to recommend the identical change of regulations on areas petitioned for or initiated but may recommend a more restrictive zone or regulation or an area smaller than that originally petitioned for or initiated if such change is warranted by the public health, safety, and general welfare and is consistent with the applicable land use policies set forth in the coastal element of the general plan. Such process shall not take less than six weeks. B. If the planning commission finds that the public health, safety, and general welfare does not warrant the change of zones or regulation or such change is not consistent with the applicable policies set forth in the coastal element of the general plan, said determination of findings shall be final and conclusive unless an appeal is filed with the city council as provided in Section 17.81.060. C. In the case of petitions to rezone, if the planning commission fails to make a determination of finding either disapproving or approving said petition within sixty days after the close of public hearing thereon, said failure shall constitute approval of said petition; provided, that this time limitation shall not apply in the event the petitioner agrees to the delay. (Ord. 587 (part), 1983).	[No modifications suggested.]
17.81.060 Appeals. A. Any persons dissatisfied with any action of the planning commission on an amendment or rezoning may appeal therefrom to the city council at any time within ten days after rendition of the decision of the planning commission. The appeal is taken by filing a notice of appeal with the city and a copy thereof with the planning commission. Upon filing a notice of appeal, the planning director must, within ten days, transmit all exhibits, notices, affidavits, orders, and other papers and documents on file with the planning commission, together with the report of the commission to the city council. B. The city council shall hold a hearing upon said appeal after mailing written	[No modifications suggested.]

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notice to the appellant and all other and concerned and interested parties as established by their filing of the proper request, and by causing a notice to be published in at least one regular issue of the official newspaper of the city at least ten days prior to said hearings by the city council. C. If the report and recommendation of the city planning commission should be unfavorable to the proposed amendment for rezoning, no such amendment or rezoning shall be adopted without four members of the city council voting in its favor. D. The city council, prior to making any substantial changes to the planning commission's recommendation, shall return the matter to the planning commission for their consideration and report of the proposed substantial changes. (Ord. 632 Exh. A (part), 1989; Ord. 587 (part), 1983).	
17.81.070 Withdrawal of petition or appeal. The planning commission or the city council at their discretion may permit the withdrawal of any petition or appeal filed under this chapter. The planning commission or the city council may abandon any proceedings for an amendment or rezoning initiated by itself. Withdrawal of any petition or appeal shall terminate all proceedings in reference thereto. (Ord. 587 (part), 1983).	[No modifications suggested.]
17.81.080 Renewal of petition. If a petition for rezoning is denied by either the planning commission or the city council, another petition for reclassification of the same property or any portion thereof shall not be filed for a period of one year from the date of final denial. (Ord. 587 (part), 1983).	[No modifications suggested.]

Ordinance as Proposed	Ordinance as Suggested to be Modified
Chapter 17.82 **COASTAL ZONE USE PERMITS** **Sections:** **17.82.010 Purpose.** **17.82.020 Conditional and revocable.** **17.82.030 Applications for permits.** **17.82.040 Application—Notice and hearing.** **17.82.050 Appeal.** **17.82.060 Council action—Granting or denial.** **17.82.070 Copies of resolution for applicant and commission.**	[No modifications suggested.]
17.82.010 Purpose. A. These provisions do not negate the specific uses designated for each zoning district, but rather serve as a supplemental guide providing added protection to existing	[No modifications suggested.]

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zoning districts and at the same time encouraging orderly growth. B. The purpose of issuing a use permit shall be: 1. To assure that the degree of compatibility with the purpose of this chapter be maintained with respect to the particular use on a particular side and consideration of other existing and potential uses within the general area in which such use is proposed to be located; and 2. To recognize and compensate for variations in degree of technological processes and equipment as related to the factors of noise, smoke, dust, fumes, vibration, odors, and hazards; 3. To assure that such use will be placed on a site that is both suitable and adequate and that the use will have a minor effect on present and future traffic and that such use will not become a nuisance to the neighborhood and such use conforms to the priorities for development in each district and with the policies of the land use plan and makes provisions for adequate off-street parking and loading, as well as landscaping and screen planning, as well as other matters pertinent to the particular case. (Ord. 587 (part), 1983).	
17.82.020 Conditional and revocable. All use permits are always revocable and may be made conditional or valid for a specific time period and shall be issued by the planning commission or by the affirmative vote of the city council upon appeal for any of the uses for which a use permit is required by the terms of this title. Use permits must be obtained for those uses designated as requiring use permits under these regulations, whether use be in connection with new construction, additions or enlargements or extensions of use. (Ord. 587 (part), 1983).	[No modifications suggested.]
17.82.030 Applications for permits. A. Applications for a use permit or a special use permit or a temporary use permit shall be made to the planning director in writing on a form prescribed by the commission and shall be accompanied by plans, sketch plans, and elevations of the building. Applications filed under this section shall be accompanied by such fees as shall from time to time be set or established by resolution of the city council. Every application for a use permit or special use permit or temporary use permit shall be signed by the owner of the property for which the permit is sought, or his agent. In the case of leased premises the owner of the underlying fee title or his agent shall sign the application. B. Use permits and special use permits and temporary permits are not personal to the applicant. Permission granted under a use permit or a special use permit or a temporary use permit is an incident of ownership of the property for which it is granted. The owner of the property shall be responsible for compliance with the terms and conditions of issuance, if any, of a use permit or special use permit or a temporary use permit. C. Applications for use permits, special use permits or temporary use permits shall be either referred directly by the planning director to the planning commission for	[No modifications suggested.]

Ordinance as Proposed	Ordinance as Suggested to be Modified
public hearing and decision or where such is the case, be considered by the planning director and processed by him, in which event he shall make his written determination and transmit a copy thereof to the applicant (Ord. 632 Exh. A (part), 1989; Ord. 587 (part), 1983).	
17.82.040 Application—Notice and hearing. Upon the filing of a written application for a use permit by a property owner or by a lessee with the consent of the owner, the planning commission shall give seven days notice to the residents and owners of all properties which are immediately adjacent and opposite from the property in question. Such notice shall give intent to consider at a public hearing the granting of the use permit. Upon filing of an application for use permit the planning director shall give notice by mail of the time, place and purpose thereof to the applicant as well as to the public in general. Within twenty days following the termination of the. public hearing on a use permit the planning commission shall announce its findings by formal report, and such report shall recite among other things the facts and reasons which, in its opinion, made the granting or denial of the use permit necessary to carry out the provisions and general purpose of these regulations, and shall order that the use permit be granted or denied, and if such report orders that the use permit be granted it shall also recite such conditions and limitations as it may impose. The formal report of the planning commission announcing its findings and orders after a hearing on and application for use permit shall become a permanent record in the files of the planning commission. No later than ten days following the rendering of a decision ordering that a use permit be granted or denied a copy of the report shall be mailed to the applicant, any other person requesting such report, and to the state's Coastal Commission. (Ord. 587 (part), 1983).	[No modifications suggested.]
17.82.050 Appeal. The order of the planning commission in granting or denying a use permit shall become final and effective ten days after the rendering of its report granting or denying the use permit unless within such ten-day period an appeal in writing is filed with the city by any person dissatisfied with the decision of the planning commission. The filing of such appeal within such limit shall stay the effective date of the order of the planning commission until such times as the council has acted on the appeal. (Ord. 587 (part), 1983).	[No modifications suggested.]
17.82.060 Council action-Granting or denial. A. Upon request of a written appeal filed with the council as provided herein, the planning commission shall transmit to the council the planning commission's complete record of the case. The city council shall, within a period not to exceed forty days following receipt of the written appeal, conduct a duly advertised public hearing, public notice of which shall be given as provided in Section 17.81.040, and in addition provide written notice to individuals requesting such notices as well as to the California Coastal Commission. B. The council shall announce its findings and decision by formal resolution not more than forty days following the termination of proceedings of the hearing. Such	[No modifications suggested.]

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resolution shall recite among other things the facts and reasons which, in the opinion of the council, make the granting or denial of the use permit necessary to carry out the general purpose of this chapter and shall order that the use permit be granted or denied or modified subject to such conditions or limitations that it may impose. (Ord. 587 (part), 1983).	
17.82.070 Copies of resolution for applicant and commission. Not later than ten days following the adoption of a resolution ordering that a use permit be granted or denied, a copy of such resolution shall be mailed to the applicant, any other parties requesting notice of the action, and to the state's Coastal Commission, and one copy shall be attached to the planning commission's file on the case and such file returned to the planning commission for permanent filing. (Ord. 587 (part), 1983).	[No modifications suggested.]

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Chapter 17.83 **~~COASTAL ZONE TRANSITIONAL ZONING AND~~ SPECIAL ZONING USES**	**Chapter 17.83** **~~COASTAL ZONE TRANSITIONAL ZONING AND~~ SPECIAL ZONING USES**
Sections: **17.83.010 ~~General provisions~~ Senior second units.** **17.83.020 ~~Zoning—Division of lots~~ Reasonable housing accommodation for persons with disabilities.** **17.83.030 ~~Use regulations—Exceptions and amplifications~~ Incentives for affordable housing.** **17.83.040 Small wind energy systems.** **17.83.050 Installation of manufactured homes on individual lots.** **17.83.060 Mobilehome Parks in residential areas.**	**Sections:** **17.83.010 ~~General provisions~~ Senior second units.** **17.83.020 ~~Zoning—Division of lots~~ Reasonable housing accommodation for persons with disabilities.** **17.83.030 ~~Use regulations—Exceptions and amplifications~~ Incentives for affordable housing.** **~~17.83.040 Small wind energy systems.~~** **17.83.050 Installation of manufactured homes on individual lots.** **17.83.060 Mobilehome Parks in residential areas.**
17.83.010 ~~General provisions~~ Senior second units. ~~A. Extension of Transitional Uses. The transitional uses shall not extend more than fifty feet from the boundary of the less restricting zoning district adjoining.~~ ~~B. Height and Area Regulations. All height, area and other regulations pertaining to lots in the several districts in which such transitional uses are permitted shall remain in full force and effect.~~ ~~C. Off-street Parking Regulations. Off-street parking for a transitional use shall be required as set forth in Chapter 17.76.~~ Where an R-1 designated parcel does not qualify for a second dwelling unit pursuant to Section 17.10.020e, a use permit for a temporary second dwelling use with kitchen facilities within an existing residence, or as part of a structural addition to an existing residence, in a zone restricting residential use to a one-family unit, may be considered by the Planning Commission as a use permit for seniors in any legally existing single-family residence subject to all of the following: A. The senior second dwelling unit use shall be used for the sole occupancy of one to two specifically named adult persons who are sixty-two years of age or over.	**17.83.010 ~~General provisions~~ Senior second units.** ~~A. Extension of Transitional Uses. The transitional uses shall not extend more than fifty feet from the boundary of the less restricting zoning district adjoining.~~ ~~B. Height and Area Regulations. All height, area and other regulations pertaining to lots in the several districts in which such transitional uses are permitted shall remain in full force and effect.~~ ~~C. Off-street Parking Regulations. Off-street parking for a transitional use shall be required as set forth in Chapter 17.76.~~ **A. A coastal development permit for a second residential unit for seniors may be administratively authorized without a discretionary hearing provided:** **1. The parcel on which the second unit would be sited is twice the minimum lot size of the zoning district in which it is located; and** **2. The development of the second unit would be consistent with all policies and standards of the certified LCP, including but not limited to:** **a. The second unit would not obstruct public access to and**

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B. The total designated floor area for the second dwelling use shall not exceed thirty percent of the floor area of the entire structure, including any proposed addition. However, under no circumstances shall the floor area of the second unit exceed seven hundred square feet. C. The habitable floor area of the second dwelling use shall maintain direct, internal access to the habitable floor area of the primary residence, and a direct exist outside. For purposes of this section, habitable floor areas shall include interior hallways. D. Any structural additions or alterations shall comply with all building, zoning, health and fire code requirements. E. Utilities for the second dwelling area (electricity, water, sewage disposal, etc.) shall be integrated into those of the primary residence. F. When the specified occupant(s) of the senior second dwelling use no longer reside in the unit or no longer qualifies for the use permitted under these provisions, the kitchen facilities shall be removed, the area integrated into the primary unit, and the area no longer used for second dwelling purposes. The use permit shall be subject to annual review and verification of compliance by the planning department or planning commission. A use permit renewal fee, in an amount determined by the City Council, may be charged. (Ord. ____ (part), 200_; Ord. 587 (part), 1983).	**along the coast, or public trails.** **b. The second unit would not significantly obstruct public views from any public road, trail, or public recreation area to, and along the coast and would be compatible with the character of the area.** **c. All development associated with the second unit would provide adequate buffers from environmentally sensitive habitat areas consistent with all local coastal program requirements.** **d. The means of accommodating the second unit: (1) would not have an adverse effect on coastal resources (2) would ensure adequate services will be provided to serve the proposed development; and (3) would not displace Coastal Act priority uses. If the means for accommodating a second unit will have an adverse effect on coastal resources, will not ensure adequate services will be provided to serve the proposed development, or will displace priory uses, the second unit shall be denied.** **B.** Where an ~~**R-1**~~ **CZ-R1** designated parcel does not qualify for a second dwelling unit pursuant to ~~**Section 17.10.020e**~~ **due to a lack of possessing twice the minimum lot size**, a use permit for a temporary second dwelling use with kitchen facilities within an existing residence, or as part of a structural addition to an existing residence, in a zone restricting residential use to a one-family unit, may be considered by the Planning Commission as a use permit for seniors in any legally existing single-family residence subject to all of the following: ~~**A.**~~ **1.** The senior second dwelling unit use shall be used for the sole occupancy of one to two specifically named adult persons who are sixty-two years of age or over. ~~**B.**~~ **2.** The total designated floor area for the second dwelling use shall not exceed thirty percent of the floor area of the entire structure, including any proposed addition. However, under no circumstances shall the floor area of the second unit exceed seven hundred square feet. ~~**C.**~~ **3.** The habitable floor area of the second dwelling use shall maintain direct, internal access to the habitable floor area of the primary residence, and a direct exist outside. For purposes of this section, habitable floor areas shall include interior hallways. ~~**D.**~~ **4.** Any structural additions or alterations shall comply with all building, zoning, health and fire code requirements. ~~**E.**~~ **5.** Utilities for the second dwelling area (electricity, water, sewage disposal, etc.) shall be integrated into those of the primary residence. ~~**F.**~~ **6.** When the specified occupant(s) of the senior second dwelling use no longer reside in the unit or no longer qualifies for the use permitted under these provisions, the kitchen facilities shall be removed, the area integrated into the primary unit, and the area no longer used for second dwelling purposes. **7. The development of the second unit would be consistent with all policies and standards of the certified LCP, including but not**

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	limited to: **a. The second unit would not obstruct public access to and along the coast, or public trails.** **b. The second unit would not significantly obstruct public views from any public road, trail, or public recreation area to, and along the coast and would be compatible with the character of the area.** **c. All development associated with the second unit would provide adequate buffers from environmentally sensitive habitat areas consistent with all local coastal program requirements.** **d. The means of accommodating the second unit: (1) would not have an adverse effect on coastal resources (2) would ensure adequate services will be provided to serve the proposed development; and (3) would not displace Coastal Act priority uses. If the means for accommodating a second unit will have an adverse effect on coastal resources, will not ensure adequate services will be provided to serve the proposed development, or will displace priory uses, the second unit shall be denied.** The use permit shall be subject to annual review and verification of compliance by the planning department or planning commission. A use permit renewal fee, in an amount determined by the City Council, may be charged. (Ord. ____ (part), 200_; Ord. 587 (part), 1983).
17.83.020 ~~Zoning—Division of lots~~ Reasonable housing accommodation for persons with disabilities. ~~Where a district boundary line, as established in this chapter or as shown on the official zoning map, divides a lot which was in single ownership and of record at the time of passing of the ordinance from which this chapter derives, the use thereon and the other district requirements applying to the most restrictive portion of such lot under this chapter shall be considered as extending to the entire lot; provided, that the more restricted portion of such lot is entirely within one hundred twenty feet of such dividing district boundary line. The use so extended shall be deemed to be conforming.~~ It is the policy of the City to provide fair access to housing for persons with disabilities, including providing reasonable accommodation in the application of its zoning laws pursuant to federal and state law. This Title provides for residential care facilities as set forth by California Health and Safety Codes within specified residential and commercial districts. Where a request for accommodation beyond these provisions is made the following shall apply: A. Application for Accommodation. A request for reasonable accommodation may be made by submittal of an application to the City Planning Department. Certain factors provide the factual information necessary to develop a balance between the City's interest and the need for housing. Consideration of these factors will vary depending on whether the request is being made in a Residential or Commercial zoning district, and they can only include the physical impacts of the proposed use, not the type	[No modifications suggested.]

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of residents. The factors to be considered for reasonable accommodation include the following: 1. Special needs created by the disability 2. Potential benefit that can be accomplished by the requested accommodation. 3. Potential impact of the request on surrounding uses. 4. Potential hazardous impact of surrounding environment upon the requested accommodation. 5. Physical attributes of the property and structures. 6. Alternative accommodations which may provide an equivalent level of benefit. 7. In the case of a determination involving a single family dwelling, whether the household would be considered a single family dwelling if it were not using special services which are required because of the disabilities of the residents. 8. Whether the requested accommodation would impose an undue financial or administrative burden on the City. 9. Whether the requested accommodation would require a fundamental alteration in the nature of a City program. B. City Programs. The following have been identified as city programs which should be considered with respect to requests for reasonable accommodation: 1. Health and Safety. The City is charged with ensuring the health and safety standards which are embodied in the Housing Code, Fire Code, Building Codes (including plumbing, mechanical and electrical), and the National Flood Insurance Program. The following are minimum health and safety standards which are not subject to variance. a. Occupancy Standards. The most current California Building Code and Model Building Code (as adopted by the State of California) which have been adopted by the City prescribe the maximum number of persons per sleeping area which shall be applied. b. Exiting. The most current California Building Code and Model Building Code which have been adopted by the City prescribe exiting requirements. c. FEMA- Flood Insurance Program. The City is subject to potential flood, coastal erosion and tsunami damage. A request is located within an area designated as Zone A, B or V15 of the most current Flood Insurance Rate Map, prepared by the Federal Emergency Management Agency, shall be subject to the requirements of the city's Flood Damage Prevention Ordinance (Chapter 15.32 Municipal Code). d. Building permits. Building permits will be required for new construction and changes to existing structures as prescribed by the most recently adopted California Building Code, Uniform Building Code and Americans with Disabilities Act. 2. Residential zoning district. The City recognizes the importance of	

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sustaining and enhancing the livability of existing neighborhoods throughout the community. The City encourages a variety and mix of housing types to provide adequate choices for housing to all persons and recognizes the need to conserve the existing housing stock and preserve the environment and livability of existing residential neighborhoods. The City will therefore review requests with particular consideration given to the following issues: a. Residential Character. If the accommodation is requested in a residential zoning district, then it is reasonable to require that the house retain a residential character. This means that its interior and exterior design should be consistent with the style of residential structures around it. In order to promote a cohesive living environment, homes should contain sufficient common areas for the number of residents: including, at a minimum, a kitchen, dining area and living room large enough to serve the residents, and, in the case of larger residences, congregating or recreational rooms and adequate bathrooms. b. Parking. Recognizing that the parking demand for persons with disabilities is often less than for a similarly situated non-disabled household, the following factors should be considered in reviewing an accommodation request: • Nature of the disability, with respect to the ability to or likelihood to drive. • Proximity to public transit. • Number of non-driving persons. • Development of an alternate parking plan or resident transportation program. In general, residential uses in one-family dwellings, which involve staff who also live at the premises, should meet the following guidelines: i. One off-street parking space for the first six (6) client beds, and ii. One off-street parking space for every four (4) client beds (or portion thereof) above the first six, and iii. One off-street parking space for each employee or staff member. C. Notices and Hearings. 1. Within thirty (30) days of the application, a Notice of Accommodation Decision is to be issued by the Planning Director and mailed to the applicant, adjacent property owners and any party who has requested notice of such determinations in writing. Adjacent is defined as those properties which share property lines with the proposed location or are directly across the street from the property for which reasonable accommodation is being requested.	

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2. Within ten (10) working days of the Notice of Accommodation Decision being mailed, any person may make a written appeal of the Directors decision to the Planning Commission. The appeal must state the grounds for the appeal and remedy requested. If no request is received, then the decision of the Director will be final. 3. If appeal is received a public hearing shall be scheduled at the next reasonable available Planning Commission meeting. The decision of the Planning Commission is final. (Ord. ____ (part), 200_ ; Ord. 587 (part), 1983).	
~~**17.83.030 Use regulations Exceptions and amplifications**~~ **Incentives for affordable housing.** ~~The use regulations in this chapter shall be subject to the following exceptions and amplifications referred to in this chapter as transitional uses, which shall be permitted in addition to the other uses specified in this title on lots where the sidelines of such lots abut upon lots in districts of lesser restrictions. The conditions under which such uses are permitted being as hereinafter set forth. Transitional uses shall be permitted as follows:~~ ~~A. CZ-R1 and CZ-R1B Single-family Districts. In CZ-R1 and CZ-R1B districts, a two-family dwelling unit on a lot where the sideline of such lot abuts upon a lot in an apartment, commercial or industrial district;~~ ~~B. CZ-R2 Two-family Districts. In CZ-R2 districts a multiple dwelling or dwelling group having accommodations for no more than four families on a lot where the sideline of such lot abuts upon a lot in an apartment, commercial or industrial district.~~ The City wishes to provide a balance in housing types for all households in the community. Pursuant to Section 65915 et seq. of the California Government Code the City will consider developers proposals to provide housing for very low and low income households by the provision of a density bonus for housing developments when issues of providing such housing in an affordable manner arise. Such bonus shall be made subject to the following provisions: A. Qualification. In order to quality for a density bonus, a project must be a low or very low income or senior citizen housing project developed in compliance with the Section 65915 et seq. For a low income project, at least twenty percent (20%) of the units shall be low income affordable, for very low income projects not less than ten percent (10%) shall be very low income affordable, and for senior citizen projects not less than fifty percent (50%) of the units shall be restricted to senior citizens. B. Limitation. Density bonuses shall not exceed twenty-five percent (25%) of the maximum density permitted by the applicable General Plan land use designation for the subject property. For example, where the maximum allowable density based upon a land use designation is twelve (12) units per acre, the density bonus shall not exceed three (3) units per acre, yielding a total allowable density, with the bonus, of fifteen (15) units per acre. The final project unit total would then be calculated based upon the project property size. C. Application. An application for a density bonus shall be made in conjunction	~~**17.83.030 Use regulations Exceptions and amplifications**~~ **Incentives for affordable housing.** ~~The use regulations in this chapter shall be subject to the following exceptions and amplifications referred to in this chapter as transitional uses, which shall be permitted in addition to the other uses specified in this title on lots where the sidelines of such lots abut upon lots in districts of lesser restrictions. The conditions under which such uses are permitted being as hereinafter set forth. Transitional uses shall be permitted as follows:~~ ~~A. CZ-R1 and CZ-R1B Single-family Districts. In CZ-R1 and CZ-R1B districts, a two-family dwelling unit on a lot where the sideline of such lot abuts upon a lot in an apartment, commercial or industrial district;~~ ~~B. CZ-R2 Two-family Districts. In CZ-R2 districts a multiple dwelling or dwelling group having accommodations for no more than four families on a lot where the sideline of such lot abuts upon a lot in an apartment, commercial or industrial district.~~ The City wishes to provide a balance in housing types for all households in the community. Pursuant to Section 65915 et seq. of the California Government Code**, and consistent with the California Coastal Act,** the City will consider developers proposals to provide housing for very low and low income households by the provision of a density bonus for housing developments when issues of providing such housing in an affordable manner arise. Such bonus shall be made subject to the following provisions: A. Qualification. In order to quality for a density bonus, a project must be a low or very low income or senior citizen housing project developed in compliance with the Section 65915 et seq. For a low income project, at least twenty percent (20%) of the units shall be low income affordable, for very low income projects not less than ten percent (10%) shall be very low income affordable, and for senior citizen projects not less than fifty percent (50%) of the units shall be restricted to senior citizens. B. Limitation. Density bonuses shall not exceed twenty-five percent (25%) of the maximum density permitted by the applicable General Plan land use designation for the subject property. For example, where the maximum allowable density based upon a land use designation is twelve (12) units per acre, the density bonus shall not exceed three (3) units per acre, yielding a total allowable density, with the bonus, of fifteen (15) units per acre. The final project unit total would then be calculated based upon the project property size.

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with the other required applications for the development and shall be subject to the same procedures required by those applications. D. Affordability Cost Analysis. The developer shall include in the application for density bonus a cost analysis of the proposed project, with and without density bonus, demonstrating the cost per dwelling unit and projecting sales and/or rental costs for residents. The City shall include in its review of the application a written finding as to the need for incentive or development standards waiver for the provision of affordable housing as set forth in Section 50052.2 of the Health and Safety Code. The City may deny the request if affordable housing can be provided without the requested incentives. Maintenance of affordable units. In exchange for the density bonus, the developer shall guarantee the units will be maintained for very low and low income households for thirty years. The guarantee shall be in the form of a deed restriction or other legally binding and enforceable document acceptable to the City Council. The document shall be recorded with the Del Norte County Recorder prior to the issuance of a building permit. The applicant shall comply with Crescent City Housing Authority procedures for the physical maintenance of the units. E. Development Standards. 1. All residential projects granted a density bonus shall conform to the development standards applicable, except those standards regulating density or as waived under section 17.48.050 (E). 2. Where a proposed project is to be phased in its construction the number bonus units shall either be proportionately allocated between the phases or provided in the last phase of construction. F. Waiver of Development Standards. If the applicant can demonstrate that the increased density cannot physically be accommodated on the site then the following development standards shall be waived during site plan review to accommodate the increase density. The waiver in the standards shall follow the priority order hereby established and the applicant shall demonstrate that the increased density cannot be accommodated with each sequential waiver before the waiver of the next standard is allowed. Only one standard shall be waived unless it is shown that each individual standard waiver will not physically accommodate the proposed density. A complete site plan and floor plan shall be provided to demonstrate the physical noncompliance. Priority order for waiver is: 1. A higher percentage of compact parking; 2. Reduction in distance between buildings, subject to compliance with safety codes; 3. Reduction in rear yard setbacks; 4. One additional floor of building height above the zoning district standard; 5. Reduction in side yard setbacks; 6. Reduction in number of required parking spaces (but not less than one space per unit): 7. Reduction in front yard setbacks; and 8. Reduction in parking lot landscaping standards. (Ord. _____ (part), 200_; Ord. 587 (part), 1983).	C. Application. An application for a density bonus shall be made in conjunction with the other required applications for the development**, including those for coastal development permits,** and shall be subject to the same procedures required by those applications. D. Affordability Cost Analysis. The developer shall include in the application for density bonus a cost analysis of the proposed project, with and without density bonus, demonstrating the cost per dwelling unit and projecting sales and/or rental costs for residents. The City shall include in its review of the application a written finding as to the need for incentive or development standards waiver for the provision of affordable housing as set forth in Section 50052.2 of the Health and Safety Code. The City may deny the request if affordable housing can be provided without the requested incentives. E. Maintenance of affordable units. In exchange for the density bonus, the developer shall guarantee the units will be maintained for very low and low income households for thirty years. The guarantee shall be in the form of a deed restriction or other legally binding and enforceable document acceptable to the City Council. The document shall be recorded with the Del Norte County Recorder prior to the issuance of a building permit. The applicant shall comply with Crescent City Housing Authority procedures for the physical maintenance of the units. F. Development Standards. 1. All residential projects granted a density bonus shall conform to the development standards applicable, except those standards regulating density or as waived under **this** section ~~**17.48.050 (E)**~~. 2. Where a proposed project is to be phased in its construction the number bonus units shall either be proportionately allocated between the phases or provided in the last phase of construction. **3. Any housing development approved pursuant to Government Code Section 65915 shall be consistent with all applicable certified Local Coastal Program policies and development standards.** G. Waiver of Development Standards. If the applicant can demonstrate that the increased density cannot physically be accommodated on the site then the following development standards shall be waived during site plan review to accommodate the increase density. The waiver in the standards shall follow the priority order hereby established and the applicant shall demonstrate that the increased density cannot be accommodated with each sequential waiver before the waiver of the next standard is allowed. Only one standard shall be waived unless it is shown that each individual standard waiver will not physically accommodate the proposed density. A complete site plan and floor plan shall be provided to demonstrate the physical noncompliance. Priority order for waiver is: 1. A higher percentage of compact parking; 2. Reduction in distance between buildings, subject to compliance with safety codes; 3. Reduction in rear yard setbacks; 4. One additional floor of building height above the zoning district standard; 5. Reduction in side yard setbacks;

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	6. Reduction in number of required parking spaces (but not less than one space per unit): 7. Reduction in front yard setbacks; and 8. Reduction in parking lot landscaping standards. **H. Notwithstanding demonstration of qualifications for applying for a density bonus and/or a waiver of development standards, in reviewing a proposed additional density bonus and/or any related waiver of development standards, the City shall identify all feasible means of accommodating the additional density bonus and/or complying with the subject development standards, taking into consideration the effects of such means on coastal resources. The City shall only grant an additional density bonus and/or related development standards waiver if the City determines that the means of accommodating the additional density bonus and/or constructing the project under the waived development standards as proposed by the applicant would not have an adverse effect on coastal resources. If, however, the City determines that the means for accommodating the additional density bonus and/or constructing the project under the waived development standards as proposed by the applicant would have an adverse effect on coastal resources, the City shall not grant the additional density bonus and/or waiver to development standards. For the purposes of this section, "coastal resources" means any resource which is afforded protection under the policies of Chapter 3 of the Coastal Act, California Public Resources Code section 30200 et seq., including but not limited to public access, marine and other aquatic resources, environmentally sensitive habitat, and the visual quality of coastal areas.** (Ord. ____(part), 200_; Ord. 587 (part), 1983).
17.83.040 Small wind energy systems. Pursuant to Section 65892.13 of the California Government Code the City shall issue a use permit for the placement of small wind energy systems subject compliance with the following criteria: A. The size of the parcel upon which the system is located is at least one (1) net acre in size. B. Tower height shall be limited to: 1. For project parcels between one (1) and five(5) acres in size - 65 ft in overall height. 2. For project parcel larger than five (5) acres – 80 ft overall height. C. No part of the system, including guy wire anchors, extends closer than 30 feet to the property boundary, provided that it also complies with any applicable fire setback requirements pursuant to Section 4920 of the Public Resources Code. D. The system does not exceed 60 decibels (dBA), as measured at the closest neighboring inhabited dwelling, except during short-term events such as utility outages and severe wind storms. E. The system's turbine has been approved by the State Energy Resources Conservation and Development Commission as qualifying under the Emerging Renewables Fund of the commissions' Renewables Investment Plan or certified by a national program recognized and approved by the Energy Commission.	~~**17.83.040 Small wind energy systems.**~~ ~~**Pursuant to Section 65892.13 of the California Government Code the City shall issue a use permit for the placement of small wind energy systems subject compliance with the following criteria:**~~ ~~**A. The size of the parcel upon which the system is located is at least one (1) net acre in size.**~~ ~~**B. Tower height shall be limited to:**~~ ~~**1. For project parcels between one (1) and five(5) acres in size - 65 ft in overall height.**~~ ~~**2. For project parcel larger than five (5) acres – 80 ft overall height.**~~ ~~**C. No part of the system, including guy wire anchors, extends closer than 30 feet to the property boundary, provided that it also complies with any applicable fire setback requirements pursuant to Section 4920 of the Public Resources Code.**~~ ~~**D. The system does not exceed 60 decibels (dBA), as measured at the closest neighboring inhabited dwelling, except during short-term events such as utility outages and severe wind storms.**~~ ~~**E. The system's turbine has been approved by the State Energy Resources Conservation and Development Commission as qualifying under the Emerging Renewables Fund of the commissions' Renewables Investment Plan**~~

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F. The application includes standard drawings and an engineering analysis of the tower, showing compliance with the Uniform Building Code and California Building Standards Code (as adopted by the City) and certification by a licensed professional engineer. A wet stamp is not required if the application demonstrates that the system is designed to meet the most stringent wind requirements (UBC Wind exposure D), the requirements for the worst seismic class (Seismic 4), and the weakest soil class, with a soil strength of not more than 1,000 pounds per square foot, or other relevant conditions normally required by a local agency. G. The system complies with all applicable Federal Aviation Administration requirements, including any necessary approvals for installations close to airports, and the requirements of the State Aeronautics Act (Part 1- commencing with Section 21001 of Division 9 of the Public Utilities Code). H. The application includes a line drawing of the electrical components of the system in sufficient detail to allow for a determination that the manner of installation conforms to the National Electric Code. I. Unless the applicant indicates that the project will not connect the system to the electricity grid, the application includes evidence, that the electric utility service provider that serves the proposed site has been informed of the applicant's intent to install an interconnected customer-owner electricity generator. J. A small wind energy system shall not be allowed on a site listed in the National Register of Historic Places or the California Register of Historical Resources pursuant to Section 5024.1 of the Public Resources Code. K. No small wind energy system shall be placed so that it is visible from any Coastal Scenic Resource area designated by Table 5-3 of the adopted and certified Crescent City General Plan. This section shall be inoperative on July 1, 2005, and as of January 1, 2006 is repealed, unless the California legislature enacts a statutes effective on or before January 1, 2006 which deletes or extends said date as applicable to Section 65892.13 of the California Government Code. (Ord. ____ (part), 200_).	~~or certified by a national program recognized and approved by the Energy Commission.~~ ~~F. The application includes standard drawings and an engineering analysis of the tower, showing compliance with the Uniform Building Code and California Building Standards Code (as adopted by the City) and certification by a licensed professional engineer. A wet stamp is not required if the application demonstrates that the system is designed to meet the most stringent wind requirements (UBC Wind exposure D), the requirements for the worst seismic class (Seismic 4), and the weakest soil class, with a soil strength of not more than 1,000 pounds per square foot, or other relevant conditions normally required by a local agency.~~ ~~G. The system complies with all applicable Federal Aviation Administration requirements, including any necessary approvals for installations close to airports, and the requirements of the State Aeronautics Act (Part 1- commencing with Section 21001 of Division 9 of the Public Utilities Code).~~ ~~H. The application includes a line drawing of the electrical components of the system in sufficient detail to allow for a determination that the manner of installation conforms to the National Electric Code.~~ ~~I. Unless the applicant indicates that the project will not connect the system to the electricity grid, the application includes evidence, that the electric utility service provider that serves the proposed site has been informed of the applicant's intent to install an interconnected customer-owner electricity generator.~~ ~~J. A small wind energy system shall not be allowed on a site listed in the National Register of Historic Places or the California Register of Historical Resources pursuant to Section 5024.1 of the Public Resources Code.~~ ~~K. No small wind energy system shall be placed so that it is visible from any Coastal Scenic Resource area designated by Table 5-3 of the adopted and certified Crescent City General Plan.~~ ~~This section shall be inoperative on July 1, 2005, and as of January 1, 2006 is repealed, unless the California legislature enacts a statutes effective on or before January 1, 2006 which deletes or extends said date as applicable to Section 65892.13 of the California Government Code.~~ **(Repealed Ord. ____ (part), 200_).** [Strike policy: State law provisions under which empowered City to adopt proposed ordinance became inoperative January 1, 2006. Subsequent small wind energy systems law (CGC §65893) contains different height and other performance standards with which the proposed ordinance would conflict.]
17.83.050 Installation of manufactured homes on individual lots. The installation of a manufactured home certified under the National Manufactured Housing Construction and Safety Standards Act on individual lots in an area zoned for one-family residential units (R-1) in lieu of a home placed by conventional construction is permitted if in compliance with the following requirements:	**17.83.050 Installation of manufactured homes on individual lots.** The installation of a manufactured home certified under the National Manufactured Housing Construction and Safety Standards Act on individual lots in an area zoned for one-family residential units (R-1) in lieu of a home placed by conventional construction is permitted if in compliance with the following requirements:

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A. The manufactured home shall be subject to the same development standards to which a conventional single family residential dwelling on the same lot would be subject including but not limited to, building setback standards, side and rear yard requirements, standards for enclosure and access, vehicle parking and any applicable aesthetic requirements, an minimum square footage requirements. B. Pursuant to Section 65852.3 of California Government Code, the manufactured homes installed pursuant to this section shall conform to the following: 1. The unit shall be placed on a permanent foundation system pursuant to Section 18551 of the Health and Safety Code. 2. The unit shall have a roof overhang of not less than four (4) inches on any side, or portion thereof, and not less than six (6) inches on each end of the unit. "End" is defined as the pulling front of each section and the rear of each transported section. 3. Roofing material must consist of composition or similar shingles or tile, including a simulated tile. 4. The exterior covering material shall be a conventional home siding such as a vertical or horizontal wood base product siding or masonry, vinyl or aluminum horizontal siding. 5. The exterior covering material shall extend to within six inches of the ground, except that when a solid concrete or masonry perimeter foundation is used the exterior covering material need not extend below the top of the foundation. C. The manufactured home placement shall be subject to the same hazard standards (bluff, FEMA, etc) as any conventional residence which would be placed on the same site. (Ord. ____ (part), 200_).	A. The manufactured home shall be subject to the same development standards to which a conventional single family residential dwelling on the same lot would be subject including but not limited to, building setback standards, side and rear yard requirements, standards for enclosure and access, vehicle parking and any applicable aesthetic requirements, an minimum square footage requirements. B. Pursuant to Section 65852.3 of California Government Code, the manufactured homes installed pursuant to this section shall conform to the following: 1. The unit shall be placed on a permanent foundation system pursuant to Section 18551 of the Health and Safety Code. 2. The unit shall have a roof overhang of not less than four (4) inches on any side, or portion thereof, and not less than six (6) inches on each end of the unit. "End" is defined as the pulling front of each section and the rear of each transported section. 3. Roofing material must consist of composition or similar shingles or tile, including a simulated tile. 4. The exterior covering material shall be a conventional home siding such as a vertical or horizontal wood base product siding or masonry, vinyl or aluminum horizontal siding. 5. The exterior covering material shall extend to within six inches of the ground, except that when a solid concrete or masonry perimeter foundation is used the exterior covering material need not extend below the top of the foundation. C. The manufactured home placement shall be subject to the same hazard standards (bluff, FEMA, etc) as any conventional residence which would be placed on the same site. **D. Nothing in this section obviates the requirement to obtain a coastal development permit pursuant to Chapter 17.84. (Ord. ____ (part), 200_;** Ord. ____ (part), 200_). [Update consistent with contemporary small wind energy systems provisions, including language requiring that any granted authorization for a generation facility first being found benign with respect to its effects on coastal resources.]
17.83.060 Mobilehome Parks in residential areas. Subject to the issuance of a use permit, mobilehome parks, as defined in Section 18214 of the Health and Safety Code, are permitted on all land designated by the General Plan and zoned as residential, provided that: A. Project density, including existing or non-mobilehome park residential development, does not exceed that designated to the parcel by the land General Plan use designation for the subject parcel; B. Project development shall meet the adopted mobilehome park development standards; C. Setbacks from the exterior property boundaries of the project shall be	**17.83.060 Mobilehome Parks in residential areas.** Subject to the issuance of a use permit, mobilehome parks, as defined in Section 18214 of the Health and Safety Code, are permitted on all land designated by the General Plan and zoned as residential, provided that: A. Project density, including existing or non-mobilehome park residential development, does not exceed that designated to the parcel by the land General Plan use designation for the subject parcel; B. Project development shall meet the adopted mobilehome park development standards; C. Setbacks from the exterior property boundaries of the project shall be

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observed; D. Parking shall be as for one-family dwellings; E. No recreational vehicle occupancy shall be permitted; and F. Mobilehome park dwelling units shall conform to the following standards: 1. The unit shall be placed on a permanent foundation system pursuant to Section 18551 of the Health and Safety Code. 2. The unit shall have a roof overhang of not less than four (4) inches on any side, or portion thereof, and not less than six (6) inches on each end of the unit. "End" is defined as the pulling front of each section and the rear of each transported section. 3. Roofing material must consist of composition or similar shingles or tile, including a simulated tile. 4. The exterior covering material shall be a conventional home siding such as a vertical or horizontal wood base product siding or masonry, vinyl or aluminum horizontal siding. 5. The exterior covering material shall extend to within six inches of the ground, except that when a solid concrete or masonry perimeter foundation is used the exterior covering material need not extend below the top of the foundation. **6.** The manufactured home placement shall be subject to the same hazard standards (bluff, FEMA, etc) as any conventional residence which would be placed on the same site. (Ord. ____ (part), 200_).	observed; D. Parking shall be as for one-family dwellings; E. No recreational vehicle occupancy shall be permitted; and F. Mobilehome park dwelling units shall conform to the following standards: 1. The unit shall be placed on a permanent foundation system pursuant to Section 18551 of the Health and Safety Code. 2. The unit shall have a roof overhang of not less than four (4) inches on any side, or portion thereof, and not less than six (6) inches on each end of the unit. "End" is defined as the pulling front of each section and the rear of each transported section. 3. Roofing material must consist of composition or similar shingles or tile, including a simulated tile. 4. The exterior covering material shall be a conventional home siding such as a vertical or horizontal wood base product siding or masonry, vinyl or aluminum horizontal siding. 5. The exterior covering material shall extend to within six inches of the ground, except that when a solid concrete or masonry perimeter foundation is used the exterior covering material need not extend below the top of the foundation. 6. The manufactured home placement shall be subject to the same hazard standards (bluff, FEMA, etc) as any conventional residence which would be placed on the same site. **G. Nothing in this section obviates the requirement to obtain a coastal development permit pursuant to Chapter 17.84. (Ord. ____ (part), 200_;** Ord. ____ (part), 200_).

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Chapter 17.84 COASTAL ZONE COASTAL DEVELOPMENT PERMITS AND APPEALS Sections: 17.84.010 Purpose. 17.84.020 Application. 17.84.030 Procedures and notices for appealable developments. 17.84.035 Procedures and notices for non-appealable developments. 17.84.040 Appeals.	Chapter 17.84 COASTAL ZONE COASTAL DEVELOPMENT PERMITS AND APPEALS Sections: 17.84.010 Purpose. 17.84.012 Coastal development permit required for development. 17.84.014 Coastal development permit exemptions. 17.84. 016 Emergency permits. 17.84.020 Application Processing and Review Procedures. 17.84.025 Determination of Applicable Notice and Hearing Procedures. 17.84.030 Procedures and notices for appealable developments. 17.84.035 17.84.031 Procedures and notices for non-appealable developments. 17.84.032 Hearings. 17.84.033 Required findings. 17.84.034 Permit conditions. 17.84.035 Procedures for open space easements and public access documents. 17.84.036 Coastal development permit application; processing criteria; standard of review; application fee; adoption of guidelines. 17.84.037 Completion of decision; notice of final local action; finality of city action. 17.84.040 Appeals.
17.84.010 Purpose. The purpose of this chapter is to establish procedures for those areas within the coastal zone that require a coastal development permit as prescribed in the Coastal Act of 1976, and to establish procedures for public hearings to provide recourse if an appellant is aggrieved by any order, requirement, permit, decision or determination made by the planning commission in the administration or enforcement of these regulations. (Ord. 587 (part), 1983).	17.84.010 Purpose. The purpose of this chapter is to establish procedures for those areas, types of development, and activities within the coastal zone that require a coastal development permit as prescribed in the Coastal Act of 1976, and to establish procedures for making application for such permit, reviewing applications, providing notice of such development proposals, conducting public hearings for consideration of the permit request, and to provide recourse if an appellant is aggrieved by any order, requirement, permit, decision or determination made by the planning director, planning commission, and/or the city council in the administration or enforcement of these regulations. (Ord. 587 (part), 1983).
	17.84.012 Coastal development permit required for development. Except as provided in Section 17.84.014 of this chapter, any applicant wishing to undertake a "development," as defined in Section 17.61.131, in the coastal zone shall obtain a coastal development permit in accordance with the provisions of this chapter, in addition to any other permit required by law. Development undertaken pursuant to a coastal development permit shall conform to the plans, specifications, terms and conditions approved in granting the permit. The procedures prescribed herein may be used in conjunction with other procedural requirements of the approving authority, provided that the minimum

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	requirements as specified herein are assured. (Ord. 20 - § , 20)
	17.84.014 Coastal development permit exemptions. A. Notwithstanding any provision in this title to the contrary, no local coastal development permit shall be required pursuant to this chapter for the following types of development and in the following areas: 1. Improvements to existing single-family residences, specifically: (a) all fixtures and other structures directly attached to a residence; (b) structures on the property normally associated with a single-family residence, such as garages, swimming pools, fences, and storage sheds; but not including guest houses or self-contained residential units; and (c) landscaping on the lot; provided, however, that, where the development involves a risk of adverse environmental effect, it shall require a coastal development permit pursuant to these chapters. The following classes of development require a coastal development permit because they involve a risk of adverse environmental effects: a. Improvements to a single-family structure if the structure or improvement is located: (1) on a beach; (2) in a wetland; (3) seaward of the mean high tide line; (4) in an environmentally sensitive habitat area; (5) in an area designated as highly scenic in a certified land use plan; or (6) within 50 feet of the edge of a coastal bluff; b. Any significant alteration of land forms including removal or placement of vegetation, on a beach, wetland, or sand dune, or within 50 feet of the edge of a coastal bluff, or in environmentally sensitive habitat areas; c. On property not included in Section 17.84.014.A.1a. above that is located between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide of the sea where there is no beach, whichever is the greater distance, or in significant scenic resources areas as designated by the Coastal Commission or Regional Commission, improvement that would result in an increase of 10 percent or more of internal floor area of an existing structure or an additional improvement of 10 percent or less where an improvement to the structure had previously been undertaken pursuant to Section 17.84.014.A.1, increase in height by more than 10 percent of an existing structure and/or any significant non-attached structure such as garages, fences, shoreline protective works or docks; d. Improvements to a single-family structure, or accessory structure, which requires a building permit, within either: (1) an open space zone district, (2) a natural resources zoning district, or (3) within an area appealable to the California Coastal

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	Commission pursuant to this chapter; e. Improvement to a single-family structure or accessory structure, which requires a building permit, within a coastal zone district where the improvements are not otherwise excepted by the zoning standards of the district; f. Improvements in areas which the Coastal Commission has declared by resolution after public hearing to have a critically short water supply that must be maintained for the protection of coastal resources or public recreational use, the construction of any specified major water using development not essential to residential use including but not limited to swimming pools, or the construction or extension of any landscaping irrigation system; g. Any addition to a single-family residence where the development permit issued for the original structure by the Commission or Regional Commission indicated that any future additions would require a development permit; h. The expansion or construction of any septic systems or domestic water wells; 2. Improvements to any structure other than a single-family residence or a public works facility, entailing the structure itself as well as: (a) all fixtures and other structures directly attached to the structure; and (b) landscaping on the lot; provided, however, that, where the improvements (1) involve a risk of adverse environmental effect, (2) adversely affect public access, or (3) involve a change in use contrary to any policy of this title, a coastal development permit shall be required. The following classes of development require a coastal development permit because they involve one or more of the above listed effects: a. Improvement to any structure if the structure or the improvement is located: on a beach; in a wetland, stream, or lake; seaward of the mean high tide line; in an area designated as highly scenic in a certified land use plan; or within 50 feet of the edge of a coastal bluff; b. Any significant alteration of land forms including removal or placement of vegetation, on a beach or sand dune; in a wetland or stream; within 100 feet of the edge of a coastal bluff, in a highly scenic area, or in an environmentally sensitive habitat area; c. On property not included in subsection (b)(1) above that is located between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide of the sea where there is no beach, whichever is the greater distance, or in significant scenic resource areas as designated by the commission or regional commission an improvement that would result in an increase of 10 percent or

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	more of internal floor area of the existing structure, or constitute an additional improvement of 10 percent or less where an improvement to the structure has previously been undertaken pursuant to Section 17.84.014.A.2, and/or increase in height by more than 10 percent of an existing structure; d. Improvements to structures, which require a building permit, within either resource conservation area zone district, a coastal (hazard) zone district or within an area appealable to the California Coastal Commission pursuant to this chapter; e. Improvements to a structure within a coastal zone district where the improvements are not other-wise excepted by the standards of the district; f. Improvements in areas which the Coastal Commission has declared by resolution after public hearing to have a critically short water supply that must be maintained for the protection of coastal resources or public recreational use, the construction of any specified major water using development not essential to residential use including but not limited to swimming pools, or the construction or extension of any landscaping irrigation system; g. Any addition to a single-family residence where the development permit issued for the original structure by the Commission or Regional Commission indicated that any future additions would require a development permit; h. The expansion or construction of any septic systems or domestic water wells; i. Any improvement to structure which changes the intensity of the use of the structure; j. Any improvement made pursuant to a conversion of an existing structure from a multiple unit rental use or visitor-serving commercial use to a use involving a fee ownership or long-term leasehold including but not limited to a condominium conversion, stock cooperative conversion or motel/hotel time-sharing conversion. 3. Maintenance dredging of not more that 100,000 cubic yards of material within a twelve (12) month period of existing navigation channels or moving dredged material from such channels to a disposal area outside the coastal zone, pursuant to a permit from the United States Army Corps of Engineers. 4. Repair or maintenance activities that do not result in an addition to, or enlargement or expansion of, the object of such repair, however, if certain extraordinary methods of repair and maintenance involve a risk of substantial adverse environmental impact, they shall require that a permit be obtained under this chapter. a. The following extraordinary methods of repair and

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	maintenance shall require a coastal development permit because they involve a risk of substantial adverse environmental impact. Any method of repair or maintenance of a seawall revetment, bluff retaining wall, breakwater, groin or similar shoreline work that involves: i. Any repair or maintenance to facilities or structures or work located in an environmentally sensitive habitat area, any sand area, within 50 feet of the edge of a coastal bluff or environmentally sensitive habitat area, or within 20 feet of coastal waters or streams that include: (a) The placement or removal, whether temporary or permanent, of rip-rap, rocks, sand or other beach materials or any other forms of solid materials; (b) The presence, whether temporary or permanent, of mechanized equipment or construction materials. ii. Repair or maintenance involving substantial alteration of the foundation of the protective work including pilings and other surface or subsurface structures; iii. The placement, whether temporary or permanent, of rip-rap, artificial berms of sand or other beach materials, or any other forms of solid materials, on a beach or in coastal waters, streams, wetlands, estuaries and lakes or on a shoreline protective work; iv. The replacement of twenty percent or more of the materials of an existing structure with materials of a different kind; or v. The presence, whether temporary or permanent, of mechanized construction equipment or construction materials on any sand area or bluff or within twenty feet of coastal waters or streams. b. Repair and maintenance activities described in the Commission's September 5, 1978 document which have a risk of substantial adverse impact on public access, ESHA, public views or wetlands. c. Unless destroyed by natural disaster, the replacement of fifty percent of more of a seawall, revetment, bluff retaining wall, breakwater, groin or similar protective work under one ownership is not repair and maintenance but instead constitutes a replacement structure requiring a coastal development permit.

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	d. Notwithstanding the above provisions, the executive director of the coastal commission shall have the discretion to exempt from this section ongoing routine re-pair and maintenance activities of local governments, state agencies, and public utilities (such as railroads) involving shoreline works protecting transportation roadways. e. Pursuant to this section, the planning commission may issue a permit for on-going maintenance activities for a term in excess of the one-year term provided by this title. 5. Any category of development, or any category of development within a specifically defined geographic area, that the California Coastal Commission, after public hearing, and by two/thirds vote of its appointed members, has described or identified and with respect to which the commission has found that there is no potential for any significant adverse effect, either individually or cumulatively, on coastal resources or on public access to or along, the coast. Those categories of exemption, which may be requested to be granted by local governments pursuant to Title 14, California Code of Regulations, sections 13240-13249, are described in Orders of Categorical Exclusion adopted by the California Coastal Commission. 6. The installation, testing and placement in service or the replacement of any necessary utility connection between an existing service facility and any development approved pursuant to Title 17, Crescent City Municipal Code; provided, however, that where necessary, reasonable conditions to mitigate any adverse impacts on coastal resources, including scenic resources may be required as a part of the Title 17 entitlement(s). 7. The replacement of any structure, other than a public works facility, destroyed by natural disaster. Such replacement structure shall conform to applicable existing zoning requirements, shall be for the same use as the destroyed structure, shall not exceed either the floor area, height, or bulk of the destroyed structure by more than ten percent, and shall be sited in the same location on the affected property as the destroyed structure. As used in this subdivision, "natural disaster" means any situation in which the force or forces which destroyed the structure to be re-placed were beyond the control of its owner. As used in this subdivision, "bulk" means total interior cubic volume as measured from the exterior surface of the structure. 8. Any activity anywhere in the coastal zone that involves the conversion of any existing multiple-unit residential structure to a time-share project, estate, or use, as defined in Section 11003.5 of the Business and Professions Code. If any improvement to an existing structure is otherwise exempt from the permit

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	requirements of this division, no coastal development permit shall be required for that improvement on the basis that it is to be made in connection with any conversion exempt pursuant to this subdivision. The division of a multiple-unit residential structure into condominiums, as defined in Section 783 of the Civil Code, shall not be considered a time-share project, estate, or use for purposes of this subdivision. Conversions of visitor-serving accommodations, whether in part of wholly, to a condominium, time-share project, estate, or use shall require a coastal development permit. 9. Temporary Events Criteria for Exclusion from Permit Requirements. a. Except as provided in sub-section c, below, the Director shall exclude from coastal development permit requirements all temporary events except those which meet all of the following criteria: i. Are held between Memorial Day weekend and Labor Day; and ii. Occupy all or a portion of a sandy beach area; and iii. Involve a charge for general public admission or seating where no fee is currently charged for use of the same area (not including booth or entry fees). b. Only temporary events meeting all of the above criteria shall require coastal development permit review, however, the Director may also exclude from permit requirements temporary events meeting all of the above criteria when: i. The fee is for preferred seating only and more than 75% of the provided seating capacity is available free of charge for general public use; or ii. The event is held on sandy beach area in a remote location with minimal demand for public use, and there is no potential for adverse effect on sensitive coastal resources; or iii. The event is less than one day in duration; or iv. The event has previously received a coastal development permit and will be held in the same location, at a similar season, and for the same duration, with operating and environmental conditions substantially the same as those associated with the previously-approved event. c. Planning director discretion to require a permit. The planning director may determine that a temporary event shall be subject to coastal development permit review, even if the criteria

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	in Section A are not met. If the Director determines that unique or changing circumstances exist relative to a particular temporary event that have the potential for significant adverse impacts on coastal resources. Such circumstances may include the following: i. The event, either individually or together with other temporary events scheduled before or after the particular event, precludes the general public from use of a public recreational area for a significant period of time. ii. The event and its associated activities or access requirements will either directly or indirectly impact environmentally sensitive habitat areas, rare or endangered species, significant scenic resources, or other coastal resources as defined in chapter 17.61. iii. The event is scheduled between Memorial Day weekend and Labor Day and would restrict public use of roadways or parking areas or otherwise significantly impact public use or access to coastal waters; iv. The event has historically required a coastal development permit to address and monitor associated impacts to coastal resources. B. Effect on other permit requirements. Exemption from coastal development permit requirements is not to be construed as exemption from permits and/ or entitlements required by the city. Where a building permit, use permit, variance, land subdivision, etc., is required by the city for development which is exempt under the provisions of subsection A of this section, the entitlement shall be processed pursuant to the city regulations for non-coastal zone areas. C. Record of Permit Exemption. The planning director shall maintain a record of all those developments within the coastal zone that have been authorized as being exempt from the requirement for a coastal development permit pursuant to this Chapter. This record shall be available for review by members of the public and mailed to the North Coast District Office of the California Coastal Commission. The record of exemption shall include the name of the applicant, the location of the project, and a brief description of the project. (Ord. 20 - § , 20), Ord. 86-04 (part), 1986; Ord. 83-03 (part))
	17.84.016 Emergency permits. It is recognized that in some instances a person or public agency performing a public service may need to undertake work to protect life and public property, or to maintain public services before the provisions of Title 17 can be fully complied with. Where such persons or agencies are authorized to proceed without a permit pursuant to the general requirements of this chapter, they shall

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	comply with the requirements of Title 17 to the maximum extent feasible. A. Applications in cases of emergencies shall be made to the planning director by letter if time allows, and by telephone or in person if time does not allow. B. The information to be reported during the emergency, if it is possible to do so, or to be reported fully in any case after the emergency shall include the following: 1. The nature of the emergency; 2. The cause of the emergency, insofar as this can be established; 3. The location of the emergency; 4. The remedial, protective, or preventive work required to deal with the emergency; 5. The circumstances during the emergency that appeared to justify the course(s) of action taken, including the probable consequences of failing to take action. C. The planning director shall verify the facts, including the existence and nature of the emergency, insofar as time allows. D. 1. The planning director shall provide public notice of the proposed emergency action with the extent and type of notice determined on the basis of the nature of the emergency itself. Notice shall also be provided to the executive director of the California Coastal Commission. 2. The planning director may grant an emergency permit upon reasonable terms and conditions, including an expiration date, if he finds that: a. An emergency exists and requires action more quickly than permitted by the procedures for ordinary permits; b. Public comment on the proposed emergency action has been reviewed if time allows; c. The work proposed would be consistent with the requirements of the certified Local Coastal Program. 3. The planning director shall report in writing to each meeting of the planning commission the emergency permits applied for or issued since the last report, with a description of the nature of the emergency and the work involved. Copies of this report shall be available at the meeting and shall have been mailed at the time that application summaries and staff recommendations are normally distributed to all persons who have requested such notification in writing. All emergency permits issued after the mailing for the meeting shall be briefly described by the planning director at the meeting and the written report shall be distributed prior to the next succeeding meeting. 4. Within ten calendar days of request for an emergency permit the owner/applicant shall submit an application for any required

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	local entitlement pursuant to Section 17.84.020. Where findings are made that the action is not in conformity with the long-term policies of the General Plan Coastal Element, the application shall be denied and the emergency permit revoked. Such revocation shall specify the type of abatement action required, if any, and a time limit for compliance shall be specified. (Ord. 20 - § , 20), Ord. 83-03 (part)).
17.84.020 Application. A. When a proposed development, as defined herein, is located in the coastal zone a coastal development permit shall be required in addition to any other approval or permit required in these regulations. B. Procedures for obtaining a coastal development permit are specified in Section 17.84.030. C. Finding. A coastal development permit may be granted if the facts presented are such that the development is in conformity with the certified coastal element of the general plan. Each coastal development permit issued for any development as indicated on the coastal appeals area map shall include a specific finding that such development is in conformity with the public access and public recreation policies of Chapter 3 of the Coastal Act. (Ord. 587 (part), 1983).	**17.84.020 Application Processing and Review Procedures.** A. When a proposed development, as defined herein, is located in the coastal zone a coastal development permit shall be required in addition to any other approval or permit required in these regulations. B. Procedures for ~~obtaining~~ applying for a coastal development permit are ~~specified in Section 17.84.030.~~ as follows: 1. Application contents. Each application for a permit, amendment, or other matter pertaining to this Title shall be filed with the planning director on an application form approved by the city council together with required fees and/or deposits, and all other information and materials required by the city's list of required application contents, as identified in the community development department handout for the specific type of application. Applicants are encouraged to contact the department before submitting an application to verify which materials are necessary for application filing. 2. Identification of interested persons; submission of envelopes, posting of site. For applications filed pursuant to this chapter, the applicant shall provide names and addresses of, and stamped envelopes for adjacent landowners and residents, and other interested persons as provided in this section. The applicant shall provide the commission with a list of: a. The addresses of all residences, including each residence within an apartment or condominium complex, located within one hundred (100) feet (not including roads) of the perimeter of the parcel of real property of record on which the development is proposed; b. The addresses of all owners of parcels of real property of record located within one hundred (100) feet (not including roads) of the perimeter of the parcel of real property of record on which the development is proposed, based upon the most recent equalized assessment roll; and, c. The names and addresses of all persons known to the applicant to be interested in the application, including those persons who testified at or submitted written comments for the local hearing(s). This list shall be part of the public record maintained by the

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	department for the application. 3. The applicant shall also provide the department with stamped envelopes for all addresses on the list prepared pursuant to subsection 1.a through 1.c above. Separate stamped envelopes shall be addressed to "owner," "occupant," or the name of the interested person, as applicable. The applicant shall also place a legend on the front of each envelope including words to the effect of "Important. Public Hearing Notice." The director shall provide an appropriate stamp for the use of applicants in the commission office. The legend shall be legible and of sufficient size to be reasonably noted by the recipient of the envelope. The director may waive this requirement for addresses identified under subsection 1.a and 1.b above and may require that some other suitable form of notice be provided by the applicant to those interested persons pursuant to these regulations. 4. If at the applicant's request, the public hearing on the application is postponed or continued after notice of the hearing has been mailed, the applicant shall provide an additional set of stamped, addressed envelopes that meet the requirements of this section. The additional set of stamped, addressed envelopes shall be submitted within ten days of the commission's or council's decision to postpone or continue the hearing. 5. At the time the application is submitted for filing, the applicant must post, at a conspicuous place, easily read by the public which is also as close as possible to the site of the proposed development, notice that an application for a permit for the proposed development has been submitted to the commission. Such notice shall contain a general description of the nature of the proposed development. The department shall furnish the applicant with a standardized form to be used for such posting. If the applicant fails to sign the declaration of posting, the director shall refuse to file the application. 6. The planning commission or council may revoke a permit if it determines that the permit was granted without proper notice having been given. C. Eligibility for filing. An application may only be filed by the owner of the subject property, or other person with the written consent of the property owner. With the director's approval, a lessee with the exclusive right to use the property for a specified use may file an application related to that use. D Rejection of application. If the director determines that an application cannot lawfully be approved by the city (e.g., a request for use that could not be granted in the absence of a preceding a coastal land use plan or coastal zoning text or map amendment, or a concurrent tentative subdivision map approval; or a use permit application proposing a use that is not allowable in the subject zoning district, etc.), the director shall not accept the application for processing.

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	E. Fee schedule. In addition to the fees imposed pursuant to section 17.61.030, the council shall establish a schedule of fees for the processing of the applications required intended to allow recovery of all costs incurred by the city in processing permit applications to the maximum extent allowed by the law. F. Review for completeness. The director shall review each application for completeness and accuracy before it is accepted as being complete and officially filed. The director's determination of completeness shall be based on the city's list of required application contents (see Chapters 17.84A through 17.84G - "Application contents" sub-sections), and any additional written instructions provided to the applicant in any pre-application conference, and/or during the initial application review period. G. Notification of applicant. As required by State law (Government Code Section 65943), within 30 calendar days of application filing, the applicant shall be informed in writing, either that the application is complete and has been accepted for processing, or that the application is incomplete and that additional information, specified in the director's letter, shall be provided. H. Appeal of determination. Where the director has determined that an application is incomplete, and the applicant believes that the application is complete and/or that the information requested by the director is not required, the applicant may appeal the director's determination in compliance with section 17.84.040. I. Environmental information. Prior to an application having been accepted as complete for filing, the director may request the applicant to submit additional information needed for the environmental review of the project in compliance with Chapters 17.84A through 17.84G. J. Referral of application. At the discretion of the director, or where otherwise required by this title or state or federal law, an application may be referred to any public agency that may be affected by or have an interest in the proposed project. K. Staff evaluation. The director shall review all discretionary applications filed in compliance with this title to determine whether they comply and are consistent with the provisions of this title, other applicable provisions of the city code, the coastal land use plan, and any applicable specific plan. L. Staff report. The director shall provide a written recommendation to the commission and/or council (as applicable) as to whether the application should be approved, approved subject to conditions, or disapproved. ~~C.~~ M. Finding. A coastal development permit may be granted if the facts presented are such that the development is in conformity with the certified coastal element of the general plan. Each coastal development permit issued for any development as indicated on the coastal appeals area map shall include ~~a~~ specific ~~finding that~~ factually-based findings, as further set forth in section 17.84.033 and in Chapters 17.84A through 17.84G, sub-sections .040 – Supplemental Findings, substantiating how such development ~~is in conformity with the public access and public recreation policies of Chapter 3 of the Coastal Act~~ does so conform. (Ord. 20 - § , 20 ; Ord. 587 (part), 1983).

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	17.84.025 Determination of Applicable Notice and Hearing Procedures. The determination of whether a development is categorically excluded, non-appealable or appealable for purposes of notice, hearing and appeals procedures shall be made by the planning director at the time the application for development within the coastal zone is submitted. This determination shall be made with reference to the city's certified local coastal program, including any maps, categorical exclusions, land use designations and zoning ordinances which are adopted as part of the local coastal program. Where an applicant, interested person, or the city has a question as to the appropriate designation for the development, the following procedures shall establish whether a development is categorically excluded, non-appealable or appealable: (a) The planning director shall make his or her determination as to what type of development is being proposed (i.e. categorically excluded, appealable, non-appealable) and shall inform the applicant of the notice and hearing requirements for that particular development. (b) If the determination of the planning director, or the planning commission and/or the city council on appeal, is challenged by the applicant or an interested person, or if the city wishes to have a Commission determination as to the appropriate designation, the city shall notify the Commission by telephone of the dispute/question and shall request an executive director's opinion; (c) The executive director shall, within two (2) working days of the city's request (or upon completion of a site inspection where such inspection is warranted), transmit his or her determination as to whether the development is categorically excluded, non-appealable or appealable: (d) Where, after the executive director's investigation, the executive director's determination is not in accordance with the city's determination, the coastal commission shall hold a hearing for purposes of determining the appropriate designation for the area. The coastal commission shall schedule the hearing on the determination for the next coastal commission meeting (in the appropriate geographic region of the state) following the local government request. (Ord. (part), 20).
17.84.030 Procedures and notice for appealable developments. Unless a development is categorically excluded from the requirement to obtain a coastal development permit, a public hearing shall be held for all appealable developments as defined in Section 17.84.040 and within the coastal zone. A. Scheduling. Public hearings of the city council or the planning commission shall be subject to the rules regarding the placing of matters on its agenda. B. Notice of Hearings. 1. General Procedures. Notice of the public hearing on an application for a use permit, zoning amendment, or coastal development permit shall be given by: a. Publication once in a newspaper of general circulation printed and published in the city at least ten days prior to the hearing;	**17.84.030 Procedures and notice for appealable developments.** ~~Unless a development is categorically excluded from the requirement to obtain a coastal development permit, a public hearing shall be held for all appealable developments as defined in Section 17.84.040 and within the coastal zone.~~ A. Appealable development. The following classes of development permits may be appealed to the council and/or the Coastal Commission: 1. Developments approved by the city between the sea and the first public road paralleling the sea or within three hundred feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance. 2. Developments approved by the city not included within subsection A.1. of this section that are located on tidelands, submerged lands,

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b. Notice to all property owners and residents within three hundred feet of the exterior boundaries of the parcel on which the development is proposed, using for this purpose the names and addresses of the owners as shown on the latest city-wide assessment roll in the office of the county assessor. Failure to send notice by mail to any such property owner where the address of such owner is not shown on such assessment roll shall not invalidate any proceedings in connection with such action;	**public trust lands, within one hundred feet of any wetland, estuary, stream, or within three hundred feet of the top of the seaward face of any coastal bluff.**
c. Notice to each applicant;	**3. Developments approved by the city not included within subsection A.1 or A.2. of this section that are located in a sensitive coastal resource area.**
d. Notice to Coastal Commission;	**4. Any development which constitutes a major public works project of a major energy facility.**
e. Notice to all persons requesting notifications;	~~A.~~ **B.** Scheduling. Public hearings of the city council or the planning commission shall be subject to the rules regarding the placing of matters on its agenda.
f. Notices and such other means as the planning commission or city council may deem advisable.	~~B.~~ **C.** Notice of Hearings.
2. Contents of Public Notice. In addition to the above, all notices sent shall include:	1. General Procedures. Notice of the public hearing on an application for a use permit, zoning amendment, or coastal development permit shall be given by:
a. Time, place, and purpose of the public hearings;	a. Publication once in a newspaper of general circulation printed and published in the city at least ten days prior to the hearing;
b. A statement as to whether the development is in the coastal zone;	b. Notice to all property owners and residents within three hundred feet of the exterior boundaries of the parcel on which the development is proposed, using for this purpose the names and addresses of the owners as shown on the latest city-wide assessment roll in the office of the county assessor. Failure to send notice by mail to any such property owner where the address of such owner is not shown on such assessment roll shall not invalidate any proceedings in connection with such action;
c. The date of filing the application and the name of the applicant;	c. Notice to each applicant;
d. The number assigned to the application;	d. Notice to Coastal Commission;
e. A description of the development and its proposed location;	e. Notice to all persons requesting notifications;
f. A brief description of the hearing procedures including a statement explaining the right to appear and be heard;	f. Notices and such other means as the planning commission or city council may deem advisable.
g. A statement specifying the length of time that public comments will be accepted prior to the city council decision;	2. Contents of Public Notice. In addition to the above, all notices sent shall include:
h. The system for local and Coastal Commission appeals, including any local fees required; and	a. Time, place, and purpose of the public hearings;
i. The place where copies of the proposed plans may be reviewed.	b. A statement as to whether the development is in the coastal zone;
3. Procedure to Notify One Thousand or More Owners. In the event that the number of owners to whom notice would be sent in subsection (B)(l) is greater than one thousand, notice shall be given at least ten days prior to the hearing by the following procedures by placing a display advertisement of at least one-fourth page in a newspaper of general circulation. Such advertisement shall specify the type and magnitude of the changes proposed, the place where copies of the proposed changes may be obtained, the time, date and place of the hearing, and the right to appear and be heard.	c. The date of filing the application and the name of the applicant;
C. Hearing Procedure and Decision.	d. The number assigned to the application;
1. General Procedures. Hearings shall be held, and decisions rendered, by the planning commission or city council, whichever is appropriate, in accordance with the provisions of each type of case as specified in Section 17.84.020.	e. A description of the development and its proposed location;
2. Time Limits.	f. A brief description of the hearing procedures including a statement explaining the right to appear and be heard;
	g. A statement specifying the length of time that public comments will be accepted prior to the city council decision;
	h. The system for local and Coastal Commission appeals, including any local fees required; and
	i. The place where copies of the proposed plans may be

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a. Not later than thirty calendar days after the city has received an application for a development project, the city shall determine in writing whether the application is complete. If such written determination is not made within thirty days after receipt of the application, the application shall be deemed complete. If the application is determined not to be complete the city shall specify those parts of the application which are incomplete and shall indicate the manner in which they can be made complete. b. The city shall approve or disapprove a development project within one year from the date on which an application requesting approval has been received and accepted as complete by the city. c. i. In the event that the city fails to act to approve or disapprove a development project within the time limits required above, such failure to act shall be deemed approval of the development project. ii. Failure of an applicant to submit complete or adequate information may constitute grounds for disapproving a development project. iii. If the city fails to act on a development project within the time limits required above, the applicant claiming a right to proceed shall notify in writing the city, and the Coastal Commission of the claim that the development has been approved by operation of law. iv. When the city determines that the time limits established above have expired, the city shall, within seven calendar days of such determination, notify all persons and agencies specified in subsections (B)(l)(a-d) of this section that the development project has been approved by operation of law. The appeal period for projects approved by operation of law shall begin to run only upon the receipt of said notice in the Coastal Commission office. d. The time limits established above may be extended once for a period not to exceed ninety days upon consent of the city and the applicant. D. Effective Date. 1. Within seven calendar days of the city's action on a coastal development permit, the planning director shall transmit a notice to the Coastal Commission informing them of such action. The effective date of a coastal development permit shall be ten working days after receipt of the notice of the permit decision by the executive director of the Coastal Commission and when all local rights of appeal have been exhausted.	reviewed. 3. Procedure to Notify One Thousand or More Owners. In the event that the number of owners to whom notice would be sent in subsection (B)(l) is greater than one thousand, notice shall be given at least ten days prior to the hearing by the following procedures by placing a display advertisement of at least one-fourth page in a newspaper of general circulation. Such advertisement shall specify the type and magnitude of the changes proposed, the place where copies of the proposed changes may be obtained, the time, date and place of the hearing, and the right to appear and be heard. **4. Notice of local government action when hearing continued. If a decision on a development permit is continued by the planning commission or city council to a time which is neither: (1) previously stated in the notice provided pursuant to section 17.84.031.A; nor (2) announced at the hearing as being continued to a time certain, the city shall provide notice of the further hearings (or action on the proposed development) in the same manner, and within the same time limits as established in section 17.84.031.A.** ~~C.~~ **D.** Hearing Procedure and Decision. 1. General Procedures. Hearings shall be held, and decisions rendered, by the planning commission or city council, whichever is appropriate, in accordance with the provisions of each type of case as specified in Section ~~17.84.020~~ 17.84.032. 2. Time Limits. a. ~~Not later than thirty calendar days after the city has received an application for a development project, the city shall determine in writing whether the application is complete. If such written determination is not made within thirty days after receipt of the application, the application shall be deemed complete. If the application is determined not to be complete the city shall specify those parts of the application which are incomplete and shall indicate the manner in which they can be made complete.~~ ~~b.~~ The city shall approve or disapprove a development project within ~~one year from the date on which an application requesting approval has been received and accepted as complete by the city~~ **within the applicable time limits specified in California Government Code section 65950 through 65952**. c. i. In the event that the city fails to act to approve or disapprove a development project within the time limits required above, ~~such failure to act shall be deemed approval of the development project.~~ ~~ii. Failure of an applicant to submit complete or adequate information may constitute grounds for~~

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2. For use permits, the decision of the review authority shall become effective ten days following the filing of the notice of the appropriate review authority's decision, unless an appeal has been filed. 3. The effective date for zoning amendments shall be the date of effective certification by the state's Coastal Commission. E. Waiver of Fee for Appeal. Any concerned individual who cannot afford the cost of any appeal fee for an appeal to the city council may request the council to waive said fee. The city council may elect to waive such fee and apply to the state's Coastal Commission for a reimbursement of that fee through an SB90 claim or similar reimbursement process. Further, should the city council not elect to waive the appeal fee, the appellant may appeal directly to the state's Coastal Commission. (Ord. 587 (part), 1983).	~~disapproving a development project.~~ ~~iii. If the city fails to act on a development project within the time limits required above, the applicant claiming a right to proceed shall notify in writing the city, and the Coastal Commission of the claim that the development has been approved by operation of law.~~ ~~iv. When the city determines that the time limits established above have expired, the city shall, within seven calendar days of such determination, notify all persons and agencies specified in subsections (B)(l)(a-d) of this section that the development project has been approved by operation of law. The appeal period for projects approved by operation of law shall begin to run only upon the receipt of said notice in the Coastal Commission office.~~ ~~d. The time limits established above may be extended once for a period not to exceed ninety days upon consent of the city and the applicant the applicant may pursue~~ **the applicant or his or her representative may seek remedy to resolve the undecided permit request as set forth in California Government Code section 65956**. ~~D.~~ **E.** Effective Date. 1. Within seven calendar days of the city's action on a coastal development permit, the planning director shall transmit a notice **of final action containing the information enumerated in section 17.84.037** to the Coastal Commission informing them of such action. The effective date of a coastal development permit shall be ten working days after receipt of the notice of the permit decision by the executive director of the Coastal Commission and**/or** when all local rights of appeal have been exhausted**, whichever is the latter**. 2. For use permits, the decision of the review authority shall become effective ten days following the filing of the notice of the appropriate review authority's decision, unless an appeal has been filed. ~~3. The effective date for zoning amendments shall be the date of effective certification by the state's Coastal Commission.~~ ~~E.~~ **E.** Waiver of Fee for Appeal **to City Council**. Any concerned individual who cannot afford the cost of any appeal fee for an appeal to the city council may request the council to waive said fee. The city council may elect to waive such fee and apply to the state's Coastal Commission for a reimbursement of that fee through an SB90 claim or similar reimbursement process. Further, should the city council not elect to waive the appeal fee, the appellant may appeal directly to the state's Coastal Commission. (Ord. 587 (part), 1983). **(Ord. , (20);** Ord. 587 (part), 1983).
17.84.035 Procedures and notices for non-appealable developments.	~~**17.84.035**~~ **17.84.031 Procedures and notices for non-appealable developments.**

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A. The notice requirements for non-appealable developments where a public hearing is already required at planning commission are as follows. At least ten days prior to a hearing the planning director shall do the following: 1. Notice shall be published in a newspaper of general circulation; 2. Notice by first class mail to any person who has filed a written request for such notices; 3. Notice by first class mail to property owners within three hundred feet of the proposed development; 4. Notice by first class mail to non-property owner residents residing within one hundred feet of the proposed development; 5. Notice by first class mail to the California Coastal Commission. All such notices shall contain a statement that the proposed development is within the city's coastal zone. B. The notice for non-appealable developments where a public hearing is not required is as follows: Within ten calendar days of accepting an application for a non-appealable coastal development permit or at least seven calendar days prior to the planning director's decision on the application, the planning director shall provide notice by first class mail of the pending approval of the development. This notice shall be provided to all persons who have requested to be on the mailing list for that development project or for coastal decisions within the city's coastal zone, to all property owners and residents within one hundred feet of the perimeter of the parcel on which the development is proposed, and to the California Coastal Commission. The notice shall contain the following information: 1. A statement that the proposed development is within the city's coastal zone; 2. The date of filing of the application and the name of the applicant; 3. The number assigned to the application; 4. A description of the proposed development and its proposed location; 5. The date the application will be considered by the city's planning director; 6. The city's general procedure concerning the submission of written or oral comments prior to the planning director's decision; and 7. A statement that a public comment period of sufficient time to permit submission of comments by mail will be held prior to the planning director's decision. (Ord. 587 (part), 1983).	A. The notice requirements for ~~non-appealable~~ developments where a public hearing is ~~already~~ required ~~at the planning commission~~ **under this title, but which are not appealable pursuant to section 17.84.030.A, and which are not categorically excluded,** are as follows. At least ten days prior to a hearing the planning director shall do the following: 1. Notice shall be published in a newspaper of general circulation **or if there is none, posted in at least three public places in the local jurisdiction**; 2. Notice by first class mail to any person who has filed a written request for such notices; 3. Notice by first class mail to property owners within three hundred feet of the proposed development; 4. Notice by first class mail to non-property owner residents residing within one hundred feet of the proposed development; 5. Notice by first class mail to the California Coastal Commission. All such notices shall contain a statement that the proposed development is within the city's coastal zone. B. The notice **requirements** for ~~non-appealable~~ developments **which are not appealable pursuant to section 17.84.030.A, and which are not categorically excluded and** where a public hearing is not required ~~is~~ **are** as follows: **1.** Within ten calendar days of accepting an application for a non-appealable coastal development permit**, or coastal use permit or variance,** or at least seven calendar days prior to the planning director's decision on the application, the planning director shall provide notice by first class mail of the pending approval of the development. This notice shall be provided to all persons who have requested to be on the mailing list for that development project or for coastal decisions within the city's coastal zone, to all property owners and residents within one hundred feet of the perimeter of the parcel on which the development is proposed, and to the California Coastal Commission. The notice shall contain the following information: ~~1.~~ **a.** A statement that the proposed development is within the city's coastal zone; ~~2.~~ **b.** The date of filing of the application and the name of the applicant; ~~3.~~ **c.** The number assigned to the application; ~~4.~~ **d.** A description of the proposed development and its proposed location; ~~5.~~ **e.** The date the application will be considered by the city's planning director; ~~6.~~ **f.** The city's general procedure concerning the submission of written or oral comments prior to the planning director's decision; and ~~7.~~ **g.** A statement that a public comment period of sufficient time to permit submission of comments by mail will be held prior to the planning director's decision. **(Ord. 20 - § , 20 ;** Ord. 587 (part), 1983).
	17.84.032 Hearings. **A. Public hearing on appealable developments. At least one public hearing**

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	shall be held on each application for an appealable development, thereby affording any persons the opportunity to appear at the hearing and inform the local government of the nature of their concerns regarding the project. Such hearing shall occur no earlier than seven (7) calendar days following the mailing of the notice required in Section 17.84.031.A. The public hearing may be conducted in accordance with existing city procedures or in any other manner reasonably calculated to give interested persons an opportunity to appear and present their viewpoints, either orally or in writing. B. Second residential units which meet the criteria specified in section 17.83.010.A do not require a public hearing pursuant to Government Code section 65852.2 C. New permit applications which are, in the opinion of the planning director, de minimis with respect to the purposes and objectives of the adopted Local Coastal Program and which do not involve appealable development, may be scheduled for one public planning commission hearing during which all such items will be taken up as a single matter, which shall be known as the consent calendar, pursuant to the following criteria: 1. Applications shall be processed pursuant to applicable regulations including any preparation of staff reports and the recommendation of findings and/or conditions. Where an item is approved as a part of the consent calendar, any such recommendations shall also be deemed approved. 2. The public shall have the right to present any testimony or evidence regarding any item on the consent calendar. Any person may request that a consent calendar item be removed and heard as a separate item subject to their submittal of a brief statement of reasons for the request. The Commission shall, upon a majority vote in favor of the request, set a continued hearing time for the subject item. 3. For the purposes of this section a proposed development is de minimis if it involves no potential for any adverse effect, either individually or cumulatively, on coastal resources and that it will be consistent with the City's certified local coastal program. D. All permit applications involving appealable development and other permit applications not so determined to be de minimis shall be heard as a separate hearing item. (Ord. 20 - § , 20), Ord. 83-03 (part))
	17.84.033 Required findings. Approval of any coastal development permit shall be based upon specific factual findings supporting the conclusion that: (1) the proposed development, without or without conditions, is consistent with the policies and standards of the City's certified local coastal program, and, for development located within the first public road and the sea the access and recreation policies of Chapter 3 of the Coastal Act; and (2) there are no other feasible mitigation measures or alternatives that would lessen any significant adverse effects of the development or the

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	environment. (Ord. 20 - § , 20)
	17.84.034 Permit conditions. Any permit that is issued or any development or action approved on appeal, pursuant to this chapter, shall be subject to reasonable terms and conditions in order to ensure that such development or action will be in accordance with the provisions of this title. (Ord. 20 - § , 20)
	17.84.035 Procedures for open space easements and public access documents. All coastal development permits subject to conditions of approval pertaining to public access and open space or conservation easements shall be subject to the following procedures: A. The executive director of the Coastal Commission shall review and approve all legal documents specified in the conditions of approval of a coastal development permit for public access and conservation/open space easements. 1. Upon completion of permit review by the city and prior to the issuance of the permit, the city shall forward a copy of the permit conditions and findings of approval and copies of the legal documents to the executive director of the Coastal Commission for review and approval of the legal adequacy and consistency with the requirements of potential accepting agencies; 2. The executive director of the Coastal Commission shall have fifteen (15) working days from receipt of the documents in which to complete the review and notify the applicant of recommended revisions if any; 3. The city may issue the permit upon expiration of the fifteen (15) working day period if notification of inadequacy has not been received by the local government within that time period; 4. If the executive director has recommended revisions to the applicant, the permit shall not be issued until the deficiencies have been resolved to the satisfaction of the executive director; or B. The city may request the Coastal Commission to delegate the authority to process the recordation of the necessary legal documents to the city. The Coastal Commission shall delegate said authority provided the city identifies the department of the local government or public agency or private association that has the resources and authorization to accept, open and operate and maintain the accessways and open space/conservation areas required as a condition of approval of coastal development permits. Upon completion of the recordation of the documents, the city shall forward a copy of the permit conditions and findings of approval and copies of the legal documents pertaining to the public access and open space conditions to the executive director of the Coastal Commission. (Ord. 20 - § , 20)
	17.84.036 Consolidated coastal development permit applications. (a) Notwithstanding Public Resources Section 30519, the coastal commission may process and act upon a consolidated coastal development permit

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	application if both of the following criteria are satisfied. (1) A proposed project requires a coastal development permit from both a local government with a certified local coastal program and the coastal commission. (2) The applicant, the appropriate local government, and the commission, which may agree through its executive director, consent to consolidate the permit action, provided that public participation is not substantially impaired by that review consolidation. (b) The standard of review for a consolidated coastal development permit application submitted pursuant to subdivision (a) shall follow Chapter 3 of the California Coastal Act (commencing with Public Resources Code Section 30200), with the appropriate local coastal program used as guidance. (c) The application fee for consolidated coastal development permit shall be determined by reference to the coastal commission's permit fee schedule. (Ord. 20 - § , 20)
	17.84.037 Completion of decision; notice of final local action; finality of city action. A. Completion of city action. The city's decision on an application for a development shall not be deemed complete until: (1) the local decision on the application has been made and all required findings have been adopted, including specific factual findings supporting the legal conclusions that the proposed development is or is not in conformity with the certified local coastal program and, where applicable, with the public access and recreation policies of Chapter 3 of the Coastal Act; and (2) when all local rights of appeal have been exhausted as defined in section 17.84.040.B.2. B. Notice of final local action. Within seven (7) calendar days of the city completing its review and meeting the requirements of section 17.84.032, the city shall notify by first class mail the Coastal Commission and any persons who specifically requested notice of such action by submitting a self-addressed, stamped envelope to the local government (or, where required, who paid a reasonable fee to receive such notice) of its action. Such notice shall include conditions of approval and written findings and the procedures for appeal of the local decision to the Coastal Commission. C. Failure to act-notice. 1. Notification by applicant. If a local government has failed to act on an application within the time limits set forth in Government Code Sections 65950-65957.1, thereby approving the development by operation of law, the person claiming a right to proceed pursuant to Government Code Sections 65950-65957.1 shall notify, in writing, the city and the Coastal Commission of his or her claim that the development has been approved by operation of law. Such notice shall specify the application which is claimed to be approved.

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	2. Notification by city. When the city determines that the time limits established pursuant to Government Code Sections 65950-65957.1 have expired, the local government shall, within seven (7) calendar days of such determination, notify any person entitled to receive notice pursuant to Section 13571(a) that the application has been approved by operation of law pursuant to Government Code Sections 65950-65957.1 and the application may be appealed to the Commission pursuant to section 17.84.040.B or 17.84.040.C. This section shall apply equally to a local government determination that the project has been approved by operation of law and to a judicial determination that the project has been approved by operation of law. D. A local government's final decision on an application for an appealable development shall become effective after the ten (10) working day appeal period to the Commission has expired unless either of the following occur: 1. an appeal is filed in accordance with section 17.84.040; or 2. the notice of final local government action does not meet the requirements of sub-section B; When either of these circumstances occur, the Coastal Commission shall, within five (5) calendar days of receiving notice of that circumstance, notify the local government and the applicant that the effective date of the local government action has been suspended.
17.84.040 Appeals. In the case of any coastal development permit, use permit or zoning amendment and in the case of any order, requirement, decision or other determination made by the planning director, the procedures for appeals shall be described in this section. A. Administrative Actions Appealable. Any person aggrieved by any determination, interpretation, decision, decree, judgment, or similar action taken by the planning director under the provisions of the coastal zone zoning ordinance, may appeal such action to the planning commission. B. Planning Commission Action Appealable. Action, or appellate determinations of the planning commission, may be appealed to the city council. C. City Council Action Appealable. Approved actions, or approved appellate determinations of the city council, may be appealed to the Coastal Commission under the following circumstances: 1. Eligible Appellants. An appeal may be filed by an applicant, any aggrieved person, as defined herein, or any two members of the Coastal Commission. 2. Exhaustion of Appeals. An appellant other than any coastal commissioners who have appealed, shall exhaust all local appeals before becoming eligible to appeal to the Coastal Commission, except if one of the following conditions prevail: a. The local government or jurisdiction requires an appellant to appeal to more local appellate bodies than have been	**17.84.040 Appeals.** In the case of any coastal development permit, use permit or ~~zoning amendment~~ **variance,** and in the case of any order, requirement, decision or other determination made by the planning director, the procedures for appeals shall be described in this section. A. Administrative Actions Appealable. Any person aggrieved by any determination, interpretation, decision, decree, judgment, or similar action taken by the planning director under the provisions of the coastal zone zoning ordinance, may appeal such action to the planning commission. B. Planning Commission Action Appealable. Action, or appellate determinations of the planning commission, may be appealed to the city council. **Alternately, if the city imposes a fee to appeal an action of the planning commission on a coastal development permit to the city council, the planning commission's approval of a coastal development permit for development other than a major public works project or major energy facility, or the approval or denial of a coastal development permit for a major public works project or a major energy facility, the action may be appealed directly to the coastal commission.** C. City Council Action Appealable. Approved actions, or approved appellate determinations of the city council, may be appealed to the Coastal Commission under the following circumstances: 1. Eligible Appellants. An appeal may be filed by an applicant, any aggrieved person, as defined herein, or any two members of the

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certified as appellate bodies for permits in the coastal zone, in the implementation section of the local coastal program.	Coastal Commission.
b. An appellant was denied the right of the initial local appeal by a local ordinance which restricts the class of persons who may appeal a local decision.	2. Exhaustion of Appeals. An appellant other than any coastal commissioners who have appealed, shall exhaust all local appeals before becoming eligible to appeal to the Coastal Commission, except if one of the following conditions prevail:
c. An appellant was denied the right of local appeal because local notice and hearing procedures for the development did not comply with the provisions of these regulations.	a. The local government or jurisdiction requires an appellant to appeal to more local appellate bodies than have been certified as appellate bodies for permits in the coastal zone, in the implementation section of the local coastal program.
d. The local government jurisdiction charges a fee for the filing or processing of appeals, in which case the local government may elect to waive the appeal fee and apply to the Commission for a reimbursement of that fee through an SB90 claim or similar reimbursement process.	b. An appellant was denied the right of the initial local appeal by a local ordinance which restricts the class of persons who may appeal a local decision.
3. Appealable Areas. The appealable areas shall be those areas as shown on the post-LCP certification permit and jurisdiction map as approved by the state's Coastal Commission.	c. An appellant was denied the right of local appeal because local notice and hearing procedures for the development did not comply with the provisions of these regulations.
4. Appealable Developments. Appealable developments shall be the following developments which occur within the coastal zone as designated on the post-LCP certification permit and jurisdiction map as approved by state's Coastal Commission:	d. The local government jurisdiction charges a fee for the filing or processing of appeals, in which case the local government may elect to waive the appeal fee and apply to the Commission for a reimbursement of that fee through an SB90 claim or similar reimbursement process. **Any such waiver of appeal fees shall be granted prior to the transmittal of the notice of final local action to the coastal commission.**
a. Developments approved by the city which are between the sea and the first public road paralleling the sea, or within three hundred feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance;	3. ~~Appealable Areas. The appealable areas shall be those areas as shown on the post-LCP certification permit and jurisdiction map as approved by the state's Coastal Commission.~~
b. Developments approved by the city which are not included within paragraph (a) of this subsection located on tidelands, submerged lands, public trust lands, within one hundred feet of any wetland, estuary, stream, or within three hundred feet of the top of any seaward face of any coastal bluff.	~~4. Appealable Developments. Appealable developments shall be the following developments which occur within the coastal zone as designated on the post-LCP certification permit and jurisdiction map as approved by state's Coastal Commission:~~
c. Any development which constitutes a major public works project or a major energy facility.	~~a. Developments approved by the city which are between the sea and the first public road paralleling the sea, or within three hundred feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance;~~
5. Grounds for Appeal.	~~b. Developments approved by the city which are not included within paragraph (a) of this subsection located on tidelands, submerged lands, public trust lands, within one hundred feet of any wetland, estuary, stream, or within three hundred feet of the top of any seaward face of any coastal bluff.~~
a. The grounds for an appeal pursuant to paragraph (a) of subsection (4) shall be limited to one or more of the following allegations:	~~c. Any development which constitutes a major public works project or a major energy facility.~~
i. The development fails to provide adequate physical access or public or private commercial use or interferes with such uses;	~~5.~~ Grounds for Appeal.
ii. The development fails to protect public views from any public road or from a recreation area to and along the coast;	a. The grounds for an appeal ~~pursuant to paragraph (a) of subsection (4)~~ **to the types of development enumerated in**
iii. The development is not compatible with established physical scale of the area;	
iv. The development may significantly alter existing	

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natural landforms; v. The development does not comply with shoreline erosion and geological setback requirements. b. The grounds for an appeal pursuant to paragraph (b) or (c) of subsection (4) shall be limited to an allegation that the development does not conform to the certified local coastal program. c. Any actions described in subsection (4) shall become final after the tenth working day, unless an appeal in writing is filed within that time. D. Determination of Exclusions and Appeal Procedures. 1. The determination as to whether the development is excluded from a coastal development permit or is appealable or non-appealable to the Coastal Commission shall be made by the planning director at the time application for development is noticed. 2. The decision of the planning director as to whether or not the item is excluded from a coastal development permit or is appealable to the Coastal Commission may be challenged by the applicant or an interested person to the executive director of the state's Coastal Commission. Such challenge shall be made prior to the hearing on the matter. 3. Filing Requirements. Appeals shall be addressed to the appellate body, on a prescribed form and shall state the basis of the appeal. Appeals shall be filed with the city within ten days following the date of the action from which an appeal is taken. Appeals shall be accompanied by a filing fee or a request to waive such fee. City council actions that may be appealed to the Coastal Commission shall be filed with the Coastal Commission and the appeal period shall run for ten working days after receipt by the Coastal Commission of the city's final action. 4. Stay of Proceedings. An action of the planning commission so appealed from shall not become effective unless and until approved by the city council in accordance with this section. 5. Notice of Hearings. The notice and conduct of hearings by the appellate body shall be governed by the provisions of Section 17.84.030 and shall conform to the manner in which the original notice was given and the original hearings were conducted. 6. Time Limitation and Vote. The planning commission shall determine an appeal not later than its second regular meeting following the date on which the appeal was filed in its office. The action from which an appeal is taken may be reversed or modified only by the affirmative vote of a majority of the authorized membership of said commission. The city council shall determine an appeal no later than the fourth regular meeting following the date on which the appeal was filed in its office. The action, or appellate determination, from which an appeal is	section 17.84.030.A. shall be limited to one or more of the following allegations: i. ~~The~~ For development ~~fails to provide adequate physical access or public or private commercial use or interferes with such uses~~ approved by the city located between the sea and the first public road paralleling the sea or within three hundred feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance, the development does not conform to the certified local coastal program and/or the access and recreation policies of Chapter 3 of the Coastal Act; ii. ~~The~~ For development ~~fails to protect public views from any public road or from a recreation area to and along the coast~~ approved by the city not included within subsection i. of this section that are located on tidelands, submerged lands, public trust lands, within one hundred feet of any wetland, estuary, stream, or within three hundred feet of the top of the seaward face of any coastal bluff, the development does not conform to the certified local coastal program; iii. ~~The~~ For development ~~is not compatible with established physical scale of the area~~ approved by the city not included within sub-section i. or ii. of this section that are located in a sensitive coastal resource area, the development does not conform to the certified local coastal program; ~~iv.~~ ~~The~~ For development ~~may significantly alter existing natural landforms~~ approved or denied by the city which constitutes a major public works project of a major energy facility, the development does not conform to the certified local coastal program; ~~v. The development does not comply with shoreline erosion and geological setback requirements.~~ b. ~~The grounds for an appeal pursuant to paragraph (b) or (c) of subsection (4) shall be limited to an allegation that the development does not conform to the certified local coastal program.~~ ~~c. Any actions described in subsection (4)~~ The appealable approval or denial of the development shall become final after the tenth working day, unless an appeal in writing is

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taken may be reversed or modified only upon an affirmative vote of a majority of the authorized membership of said council.	filed within that time.
7. Failure of Appellate Body to Act. Failure of the appellate body to act within the time specified shall be deemed concurrence with the previous decision rendered.	D. ~~Determination of Exclusions and~~ Appeal Procedures.
8. Exhaustion of Remedy. All rights of appeal are exhausted when the proceedings set forth herein have been consummated.	1. ~~The determination as to whether the development is excluded from a coastal development permit or is appealable or non-appealable to the Coastal Commission shall be made by the planning director at the time application for development is noticed.~~
9. Conditions and Findings. The appellate body may impose or prescribe conditions in its resolution that are in its opinion necessary to serve the objectives of this chapter. The appellate body shall make a written determination of its decision together with its findings in support of the decision. (Ord. 587 (part), 1983).	~~2. The decision of the planning director as to whether or not the item is excluded from a coastal development permit or is appealable to the Coastal Commission may be challenged by the applicant or an interested person to the executive director of the state's Coastal Commission. Such challenge shall be made prior to the hearing on the matter.~~
	~~3.~~ Filing Requirements **for appeals to City appellate bodies**. Appeals shall be addressed to the appellate body, on a prescribed form and shall state the basis of the appeal. Appeals shall be filed with the city within ten days following the date of the action from which an appeal is taken. Appeals shall be accompanied by a filing fee or a request to waive such fee. ~~City~~ **Planning commission or city** council actions that may be appealed to the Coastal Commission shall be filed with the Coastal Commission and the appeal period shall run for ten working days after receipt by the Coastal Commission of the city's final action.
	~~4.~~ **2.** Stay of Proceedings. An action of the planning commission so appealed from shall not become effective unless and until approved by the city council in accordance with this section.
	~~5.~~ **3.** Notice of Hearings. The notice and conduct of hearings by the appellate body shall be governed by the provisions of Section 17.84.030 and shall conform to the manner in which the original notice was given and the original hearings were conducted.
	~~6.~~ **4.** Time Limitation and Vote. The planning commission shall determine an appeal not later than its second regular meeting following the date on which the appeal was filed in its office. The action from which an appeal is taken may be reversed or modified only by the affirmative vote of a majority of the authorized membership of said commission. The city council shall determine an appeal no later than the fourth regular meeting following the date on which the appeal was filed in its office. The action, or appellate determination, from which an appeal is taken may be reversed or modified only upon an affirmative vote of a majority of the authorized membership of said council.
	~~7.~~ **5.** Failure of Appellate Body to Act. Failure of the appellate body to act within the time specified shall be deemed concurrence with the previous decision rendered.
	~~8.~~ **6.** Exhaustion of Remedy. All rights of appeal are exhausted when the proceedings set forth herein have been consummated.

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	~~9.~~ 7. Conditions and Findings. The appellate body may impose or prescribe conditions in its resolution that are in its opinion necessary to serve the objectives of this chapter. The appellate body shall make a written determination of its decision together with its findings in support of the decision. (**Ord. (part), 20 ;** Ord. 587 (part), 1983).

COMMISSION SUGGESTED NEW COASTAL DEVELOPMENT PERMIT APPLICATION AND REVIEW PROCESSES - PUBLIC ACCESS

COASTAL RESOURCE PROTECTION

PUBLIC ACCESS AND RECREATIONAL OPPORTUNITIES

Sections:

17.84A.010 Purpose.
17.84A.020 Applicability.
17.84A.030 Definitions.
17.84A.040 General provisions.
17.84A.050 Access location — Requirements.
17.84A.060 Access design standards.
17.84A.070 Protection of historic public use.
17.84A.080 Access title and guarantee.
17.84A.090 Required findings and supporting analysis for public access dedications.
17.84A.100 Review of recorded access documents.
17.84A.110 Coastal development permit application contents.
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17.84A.010 Purpose

This chapter provides requirements for the protection, dedication and improvement of public access to, and along the coast, in conjunction with proposed development and new land uses. The intent of this chapter is to ensure that public rights of access to and along the coast are protected as guaranteed by the California Constitution. Coastal access standards are also established by this chapter in compliance with the California Coastal Act. In addition this chapter sets standards for the review, protection, and prioritization of shoreline and nearshore sites in or suitable for coastal recreational uses. (Ord. 20 - § , 20)

17.84A.020 Applicability.

The provisions of this Chapter apply to all development and proposed land uses located within the Coastal Zone. Certain sections of this chapter (i.e., access dedications) apply only to areas between the sea and the first public road paralleling the sea as defined in Chapter 17.61. (Ord. 20 - § , 20)

17.84A.030 Definitions

A. Definitions of terms used in this chapter

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

2. New Development. For purposes of implementing the public access requirements of Public Resources Code Section 30212 and of this Section, "new development" includes "development" as defined above except for the following:

a. Structures destroyed by natural disaster: The replacement of any structure, other than a public works facility, destroyed by a disaster; provided that the replacement structure conforms to applicable existing zoning requirements, is for the same use as the destroyed structure, does not exceed either the floor area, height, or bulk of the destroyed structure by more than 10%, is sited in the same location on the affected property as the destroyed structure and does not extend the replacement structure seaward on a sandy beach or beach fronting bluff lot. As used in this section, "disaster" means any situation in which the force or forces which destroyed the structure be replaced were beyond the control of the owners

b. Demolition and reconstruction: The demolition and reconstruction of a single-family residence; provided that the reconstructed residence shall not exceed either the floor area, height or bulk of the former structure by more than 10 percent, that the reconstructed residence shall be sited in the same location on the affected property as the former structure, that the reconstructed residence does not block or impede public access, that the reconstructed residence does not extend seaward of the demolished residence on a sandy beach or beach fronting bluff lot and that the reconstructed residence does not include or necessitate a shoreline protective device.

c. Improvements: Improvements to any structure which do not change the intensity of its use, which do not increase either the floor area, height or bulk of the structure by more than 10 percent, which do not block or impede access, which do not result in a seaward encroachment by the structure and which do not include or necessitate a new or enlarged shoreline protective device.

d. Repair and maintenance: Repair or maintenance activity which, pursuant to Public Resources Code Section 30610(d) and California Code of Regulations Section 13252, requires no permit unless the activity will have an adverse impact on lateral public access along the beach.

e. Reconstruction and/or repair of a seawall, revetment, retaining wall or other shoreline protective device: The reconstruction or repair of any shoreline protective device; provided that the reconstructed or repaired shoreline protective device does not substantially alter the foundation of the protective device, does not result in the replacement of 20 percent or more of the materials of the existing structure with materials of a different kind, does not extend the protective device seaward of the location of the former structure. As used in this section, "reconstruction or repair" of a seawall shall not include replacement by a different type of structure or other modification in design or construction which results in different or greater impacts to public access or other shoreline resources than those of the existing structure.

3. Sea. "Sea" means the Pacific Ocean and all harbors, bays, channels, estuaries, salt marshes, sloughs, and other areas subject to tidal action through any connection with the Pacific Ocean, excluding non estuarine rivers, streams, tributaries, creeks and flood control and drainage channels.

B. Types of public access.

1. Vertical access: Provides public access from the first public road, trail, or public use area nearest the sea to the publicly owned shoreline, tidelands, or established lateral access perpendicular to the shore.
2. Lateral access: Provides for public access and use along or parallel to the shoreline.
3. Blufftop access: Provides access and coastal viewing along blufftops that run parallel to the shoreline, and in some cases provide the only opportunity for public access along the shoreline above a rocky intertidal zone with no sandy beach.
4. Trail access: Provides public access (i.e. hiking and equestrian) along a coastal or mountain recreational path, including to and along canyons, rivers, streams, wetlands, lagoons, freshwater marshes, significant habitat and open space areas or similar resource areas, and which also may link inland trails or recreational facilities to the shoreline.
5. Recreational access: Provides public access to coastal recreational resources through means other than those listed above, including but not limited to, parking facilities, viewing platforms, and blufftop parks.

C. Character of accessway use

1. "Pass and repass" refers to the right of the public to walk and run along an accessway. Because this use limitation can substantially restrict the public's ability to enjoy adjacent publicly owned tidelands by restricting the potential use of lateral accessways, it will be applied only in connection with vertical access or other types of access where the findings required by Section 17.84A.090 of this chapter establish that the limitation is necessary to protect natural habitat values, topographic features (such as eroding bluffs), or privacy of the landowner.
2. Passive recreational use refers to those recreational activities typically associated with coastal open space that generally are non-structured and require minimal or no developed facilities or improvements to land. Such activities include, but are not limited to, walking, biking, jogging, hiking, dog walking, bird watching, tide-pooling, beach combing, informal sports activities such as Frisbee or ball throwing and kite-flying, nature viewing, and picnicking. Passive recreation includes ancillary facilities necessary to support visitor access to the coastal open space, including but not limited to parking lots, interpretive signage, visitor kiosks, restrooms, etc. Passive recreation activities do not include activities such as: playgrounds, community gardens, ball-fields, skate parks, etc.
3. Active recreational use refers to the right of the public to conduct the full range of beach-oriented activities, not including horseback riding and use of

motorized vehicles unless specifically authorized. (Ord. 20 - § , 20)

17.84A.040 General provisions.

A. Protection of existing coastal access. Development shall not interfere with public rights of access to the sea where the rights were acquired through use or legislative authorization. Public access rights may include but are not limited to the use of dry sand and rocky beaches to the first line of terrestrial vegetation.

B. Access requirements. Proposed development and new land uses located between the ocean the first public road may be required to provide vertical (perpendicular) access from the public road to bluff and beach areas, and lateral access along the beach, shoreline and blufftops, where the review authority first makes specific findings documenting the need for additional public access on and/or through the site, and the relationship of the required dedication to the impacts on existing access, or needs for additional access created by the project.

C. Exceptions to access requirements. Coastal access requirements may be waived by the review authority based upon specific findings that the provision of public access would be inappropriate because:

1. It would be inconsistent with public safety, or the protection of fragile coastal resources;
2. Adequate access exists within 500 feet of the site;
3. Access at the site would be inconsistent with the policies of the coastal land use plan other than those requiring access; or
4. Requiring or providing the access would be inconsistent with federal or state law.

D. Timing of access implementation. The type and extent of access to be dedicated, and/or constructed and maintained, as well as the method by which its continuing availability for public use is to be guaranteed, shall be established at the time of land use permit approval, as provided by this Section.

1. Dedication. Shall occur before issuance of construction permits or the start of any construction activity not requiring a permit.
2. Construction of improvements: Shall occur at the same time as construction of the approved development, unless another time is established through conditions of land use permit approval.
3. Interference with public use prohibited. Following an offer to dedicate public access in compliance with to this Section; the property owner shall not interfere with use by the public of the areas subject to the offer before and after acceptance by the responsible entity. (Ord. 20 - § , 20)

17.84A.050. Access location — Requirements

Vertical, lateral, and/or blufftop access shall be required by the review authority in compliance with this Chapter, in the locations specified by the Open Space, Conservation, and Parks Element of the Coastal General Plan.

A. Access required. As a condition of approval and prior to issuance of a permit or other authorization for any new development identified in 1 - 4 of this section, except as provided in Section 17.84A.030 of this chapter, a 25 foot wide easement for one or more of the types of access identified in Section 17.84A.030(B) of this chapter shall be required and shall be supported by findings required by Section 17.84A.090 of this chapter; provided that no such condition of approval shall be imposed if the analysis required by Section 17.84A.090 of this chapter establishes that the development will not adversely affect, either individually or cumulatively, the ability of the public to reach and use public tidelands and coastal resources or that the access dedication requirement will not alleviate the access burdens identified. For any project where such mitigation is required, the preferred implementation should be through a recorded grant of easement to the Executive Director of the Coastal Commission or to a designated private nonprofit association acceptable to the City who is willing to accept the easement and willing to operate and maintain the public accessway or trail. Where grants of easement are not feasible because neither the City nor private nonprofit association is willing to accept, maintain and operate the accessway, implementation of required access mitigation shall be implemented through a recorded Offer to Dedicate (OTD) an easement to a public agency or a designated private nonprofit association acceptable to the Executive Director of the Coastal Commission.

1. New Development on any parcel or location specifically identified in the Land Use Plan or in the LCP zoning districts as appropriate for or containing an historically used or suitable public access trail or pathway.
2. New development between the nearest public roadway and the sea.
3. New development on any site where there is substantial evidence of a public right of access to or along the sea or public tidelands, a blufftop trail or an inland trail acquired through use or a public right of access through legislative authorization.
4. New development on any site where a trail, bluff top access or other recreational access is necessary to mitigate impacts of the development on public access where there is no feasible, less environmentally damaging, project alternative that would avoid impacts to public access.

B. Protection of existing coastal access. Development shall not interfere with public rights of access to the sea where the rights were acquired through use or legislative authorization. Public access rights may include but are not limited to the use of dry sand and rocky beaches to the first line of terrestrial vegetation.

C. Exceptions to access requirements. Coastal access requirements may be waived by the review authority based upon specific findings that the provision of public access would be inappropriate because:

1. It would be inconsistent with public safety, military security needs, or the protection of fragile coastal resources;

2. Adequate access exists within 500 feet of the site;

3. Access at the site would be inconsistent with policies of the Coastal Land Use Plan other than those requiring access;

4. Requiring or providing the access would be inconsistent with Federal or State law. (Ord. 20 - § , 20)

17.84A.060 Access design standards

The standards of this section are intended to provide guidance to the review authority in determining the appropriate design of accessways to be required by coastal development permit conditions of approval, in compliance with this chapter.

A. Design objectives. The following are general guidelines as to the size and nature of all public access facilities in the City.

1. Design and siting. Accessways and trails should be sited and designed:

a. To minimize alteration of natural landforms, conform to the existing contours of the land, and to subordinate to the character of their setting;

b. To prevent unwarranted hazards to the land and public safety;

c. To provide for the privacy of adjoining residences and to minimize conflicts with adjacent or nearby established uses; and

d. To prevent damage to sensitive coastal resource areas.

2. Correction of existing damage/alternative routes. Where appropriate, coastal accessways should be designed to correct damage resulting from past and existing use. Shoreline and blufftop trail segments that may not be passable at all times shall provide inland alternative routes.

3. Accessway specifications.

a. Width. Each public access easement offered for dedication for public use shall be a minimum of 25 feet wide. The area where public access is allowed within an easement may be reduced to the minimum necessary for pedestrian traffic to avoid:

i) Adverse impacts on sensitive environmental areas;

ii) Encroachment closer than 20 feet to an existing residence; and/or

iii) Hazardous topographic conditions.

b. Slope. The preferred slope gradient for the walking surface of an accessway is zero to 20 percent, and in no case should exceed 70 percent.

c. Overhead clearance. The minimum overheard clearance for an accessway shall be seven feet.

4. Access for disabled persons. Wherever possible, wheelchair access to the ocean should be provided. Ramps should have dimensions and gradients consistent with current ADA requirements. Where beach access for disabled persons is provided, one out of five parking spaces should be provided for disabled persons, with the spaces marked clearly for handicapped use only.

5. Residential privacy. The design and placement of access trails should provide for the privacy of adjacent residences. Accessways may be wide enough to allow the placement of a trail, fencing and a landscape buffer. A vertical accessway abutting a residential area may be fenced at the property line and have its use restricted to daylight hours.

6. Parking. Where access sites are required, parking should be provided where feasible. Where handicapped beach access is provided, one out of five parking spaces should be provided for disabled persons. These spaces should be marked clearly for handicapped use only.

7. Signs. Directional signing advising the public of vertical, lateral, and blufftop accessways and parking should be placed in prominent locations along access routes, at appropriate places in the downtown and at major visitor destinations. Signs designating handicapped access points and parking should be conspicuous. Potential hazards along accessways such as steep cliffs, steps or slopes should be signed, and fenced when necessary.

B. Standards for application of access conditions. The public access required pursuant to Section 17.84A.050(A) of this chapter shall conform to the following standards and requirements, as applicable to the type of access facility.

1. Vertical access. A vertical accessway shall comply with the following standards, in addition to the other applicable requirements of this Section.

a. Minimum requirements. A condition to require vertical public access as a condition of approval of a coastal development permit (or other authorization to proceed with development) pursuant to Section 17.84A.050(A) of this chapter shall provide the public with the permanent right of access, (1) located in specific locations identified in the certified local coastal program for future vertical access, or (2) located in a site for which the City has reviewed an application for a development permit and has determined a vertical accessway is required pursuant to the access and recreation policies of the Coastal Act or the applicable provisions of the City of Crescent City Local Coastal Program.

b. A condition to require vertical access as a condition of approval of a coastal development permit (or other authorization to proceed with development) pursuant to Section 17.84A.050(A) of this chapter shall provide the public with the permanent right of vertical access and be limited to the public right of passive recreational use unless another character of use is specified as a condition of the development. In determining whether another character of use is appropriate, findings shall be made on the specific factors identified in Section 17.84A.090(B) of this chapter.

c. Each vertical accessway shall extend from the public road to the shoreline (or bluff edge) and shall be legally described as required in Section

17.84A.080(D) of this chapter. The access easement shall be a minimum of 25-feet-wide wherever feasible. If a residential structure is proposed, the accessway should be sited along the border or side property line of the project site or away from existing or proposed development and should not be sited closer than 10 feet to the structure wherever feasible. Exceptions to siting a vertical accessway along a border or side property line or not closer than 10 feet to a structure may be required where topographical, physical or other constraints exist on the site.

2. Lateral access. A lateral accessway shall comply with the following standards, in addition to the other applicable requirements of this section.

a. Minimum requirements. A condition to require lateral access as a condition of approval of a coastal development permit (or other authorization to proceed with development) pursuant to Section 17.84A.050(A) of this chapter shall provide the public with the permanent right of lateral public access and passive recreational use along the shoreline (or public recreational area, bikeway, or blufftop area, as applicable); provided that in some cases controls on the time, place and manner of uses, such as limiting access to pass and repass or restricting hours of use, may be justified by site characteristics including sensitive habitat values or fragile topographic features or by the need to protect the privacy of residential development. Active recreational use may be appropriate in many cases where the development is determined to be especially burdensome on public access. Examples include cases where the burdens of the proposed project would severely impact public recreational use of the shoreline, where the proposed development is not one of the priority uses specified in Public Resources Code Section 30222, where active recreational uses reflect the historic public use of the site, where active recreational uses would be consistent with the use of the proposed project, and where such uses would not significantly interfere with the privacy of the landowner. In determining the appropriate character of public use, findings shall be made on the specific factors enumerated in Section 17.84A.090.B of this chapter. Lateral access shall be legally described as required in Section 17.84A.080.D. The requirements of this section shall apply for blufftop access or trail access, as applicable.

3. Blufftop access.

a. Minimum requirements. A condition to require public access to or along a blufftop as a condition of approval of a coastal development permit (or other authorization to proceed with development) pursuant to Section 17.84A.050.A of this chapter shall provide the public with the permanent right of scenic and visual access from the bluff top to the public tidelands.

b. The blufftop access shall be limited to passive recreational use and coastal viewing purposes unless another character of use is specified as a condition of development. In determining the appropriate character of use findings shall be made on the specific factors identified in Section 17.84A.090(B) of this chapter.

c. Each blufftop accessway shall be described in the conditions of approval of the coastal development permit as an area beginning at the current bluff edge extending 25 feet inland or [greater or lesser] as determined to be necessary for public safety or geologic stability. However, wherever feasible, the accessway should not extend any closer than 10 feet from an occupied residential structure. Due to the potential for erosion of the bluff edge, the condition shall include a mechanism that will cause the accessway to be adjusted inland as the edge recedes. Any permanent improvements should be set back from the accessway by a distance derived by multiplying the annual rate of blufftop retreat by the 100-year life expectancy of the improvements plus an added geologic stability factor of 1.5.

d. The accessway shall be legally described as required in Section 17.84A.080.D of this chapter, with the furthest inland extent of the area possible referenced as a distance from a fixed monument in the following manner: "Such easement shall be a minimum of 25 feet wide located along the blufftop as measured inland from the daily bluff edge. As the daily bluff top edge may vary and move inland, the location of this right of way will change over time with the then current bluff edge."

4. Trail access.

a. Minimum requirements. A condition to require public access as a condition of approval of a coastal development permit (or other authorization to proceed with development) required pursuant to Section 17.84A.050.A. of this chapter shall provide the public with the permanent right of access and active recreational use, (1) along a designated alignment of a coastal recreational path or trail in specific locations identified in the LCP for implementation of trail access, or (2) in locations where it has been determined that a trail access is required to link recreational areas to the shoreline or provide alternative recreation and access opportunities pursuant to the access and recreation policies of the LCP and Coastal Act, consistent with other provisions of this chapter. In determining if another character of use is appropriate, findings shall be made on the specific factors enumerated in Section 17.84A.090.B of this chapter.

The trail access shall be legally described as required by Section 17.84A.080.D of this chapter.

5. Recreational access

a. Minimum requirements. A condition to require public recreational access as a condition of approval of a coastal development permit (or some other authorization to proceed with development) required pursuant to Section 17.84A.050.A of this chapter shall provide the public with the permanent right of access and use within a designated recreational access area. Conditions required pursuant to this section shall specify the location and extent of the public access area. The form and content should take the form of requirements in Section 17.84A.060.B.1-.5 of this chapter as applicable. The accessway shall be legally described as required in Section 17.84A.080.D of this chapter. (Ord. 20 - § , 20)

17.84A.070 Protection of historic public use

A. Substantial evidence determination. Substantial evidence that the area used by the public has been impliedly dedicated shall be determined based on evidence of all of the following:

1. The public must have used the land for a period of five years or more as if it were public land.
2. Without asking for or receiving permission from the owner.
3. With the actual or presumed knowledge of the owner.
4. Without significant objection or bona fide attempts by the owner to prevent or halt the use.
5. The use must be substantial, rather than minimal.
6. The applicant must not have demonstrated that the law has prevented the property from being impliedly dedicated.

B. Findings. Where an issue as to the existence of public prescriptive rights has been raised during the course of reviewing a coastal development permit application, one of the following findings shall be made:

1. Substantial evidence does not warrant the conclusion that public prescriptive rights exist.
2. There is substantial evidence of the existence of public prescriptive rights, but development will not interfere with those rights.
3. There is substantial evidence of the existence of public prescriptive rights which requires denial of a coastal development permit because of interference with those rights.
4. There is substantial evidence of the existence of public prescriptive rights, but a condition requiring dedication of public access protects the rights of the public and is equivalent in time, place and manner to any prescriptive rights which may exist.
5. There is substantial evidence of the existence of public prescriptive rights, but a condition requiring siting development away from the area used by the public protects the rights of the public.

C. Siting and design requirements

1. Development shall be sited and designed in a manner that does not interfere with or diminish any public right of access which may exist based on the potential public rights based on substantial evidence of historic public use. Only when site constraints are so severe that siting of the accessway or recreational use area in its historic location would significantly impair the proposed development and alternative development siting is not feasible, development may be sited in the area of public right of access based on historic use provided that the applicant provides an equivalent area of public access or recreation to and along the same destination and including the same type and intensity of public use as previously existed on the site. Mechanisms for guaranteeing the continued public use of the area or equivalent area shall be required in accordance with Section 17.84A.080 of this chapter. Gates, guardhouses, barriers or other structures designed to regulate or restrict access shall not be permitted within private street easements where they have the potential to limit, deter, or prevent public access to the shoreline, inland trails, or parklands where there is substantial evidence that prescriptive rights exist.
2. An access condition shall not serve to extinguish, adjudicate or waive potential prescriptive rights. The following language shall be added to the access condition in a permit with possible prescriptive rights: "Nothing in this condition shall be construed to constitute a waiver of any sort or a determination on any issue of prescriptive rights which may exist on the parcel itself or on the designated easement." (Ord. 20 - § , 20)

17.84A.080 Access title and guarantee.

Where public coastal accessways are required by this Chapter, approval of a coastal development permit for new development shall require guarantee of the access through deed restriction, or dedication of right-of-way or easement. Before the approval of a coastal development permit, the method and form of the access guarantee shall be approved by City Attorney, and shall be recorded in the office of the County Recorder, identifying the precise location and area to be set aside for public access. The method of access guarantee shall be chosen according to the following criteria:

A. Deed restriction. Shall be used only where an owner, association or corporation agrees to assume responsibility for maintenance of and liability for the public access area, subject to approval by the director.

B. Grant of fee interest or easement: Shall be used when a public agency or private organization approved by the Director is willing to assume ownership, maintenance and liability for the access.

C. Offer of dedication. Shall be used when no public agency, private organization or individual is willing to accept fee interest or easement for accessway maintenance and liability. These offers shall not be accepted until maintenance responsibility and liability is established.

D. Legal description of an accessway — Recordation.

1. An access dedication (offer to dedicate or grant of easement) required pursuant to Section 17.84A.050.A of this chapter shall be described, in the condition of approval of the permit or other authorization for development in a manner that provides the public, the property owner, and the accepting

agency with the maximum amount of certainty as to the location of the accessway. As part of the condition of approval, easements shall be described as follows:

a. For lateral access: along the entire width of the property from the mean high tide line landward to a point fixed at the most seaward extent of development (as applicable): the toe of the bluff, the intersection of sand with toe of revetment, the vertical face of seawall, or other appropriate boundary such as stringline or dripline. On beachfront property containing dune ESHA the required easement for lateral public access shall be located along the entire width of the property from the mean high tide line landward to the ambulatory seawardmost limit of dune vegetation;

b. For blufftop access or trail access: extending inland from the bluff edge or along the alignment of a recreational trail;

c. Ffor vertical access: extending from the road to the mean high tide line (or bluff edge). A privacy buffer provided pursuant to Section 17.84A.080(E) shall be described as applicable.

2. Prior to the issuance of the coastal development permit or other authorization for development, the landowner shall execute and record a document in a form and content acceptable to the Coastal Commission (or local agency authorized pursuant to Title 14 Cal. Code of Regulations Section 13574(b)), consistent with provisions of Section 17.84A.050.A of this chapter, irrevocably offering to dedicate (or grant an easement) to a public agency or private nonprofit association approved by the Coastal Commission (or local agency authorized by the Coastal Commission pursuant to Title 14 California Code of Regulations Section 13574(b)) an easement for a specific type of access as described in Section 17.84A.050.B and a specific character of use as described in Section 17.84A.030.C of this chapter, as applicable to the particular condition.

3. The recorded document shall provide that: (1) the terms and conditions of the permit do not authorize any interference with prescriptive rights in the area subject to the easement prior to acceptance of the offer and, (2) development or obstruction in the accessway prior to acceptance of the offer is prohibited.

4. The recorded document shall include legal descriptions and a map drawn to scale of both the applicant's entire parcel and the easement area. The offer or grant shall be recorded free of prior liens and any other encumbrances which the Coastal Commission [or local agency authorized by the Commission pursuant to Title 14 California Code of Regulations Section 13574(b)] determines may affect the interest being conveyed. The grant of easement or offer to dedicate shall run with the land in favor of the People of the State of California, binding all successors and assignees, and the offer shall be irrevocable for a period of 21 years, such period running from the date of recording.

E. Privacy buffers.

1. Minimum requirements. Separation between a public accessway and adjacent residential use may be provided when necessary to protect the landowner's privacy or security as well as the public's right to use of the accessway. Any such buffer shall be provided within the development area. Access should not be sited closer to any residential structure than the distance specified in the certified LUP, or where there is no distance specified, no closer than 10 feet. The buffer can be reduced where separation is achieved through landscaping, fences or grade separation.

F. Implementation.

1. For any project where a public access easement is required, the preferred implementation should be through a recorded grant of easement to the City or to a designated private nonprofit association acceptable to the Executive Director of the Coastal Commission who is willing to accept the easement and willing to operate and maintain the public accessway or trail. Where grants of easement are not feasible because neither the City nor private nonprofit association is willing to accept, maintain and operate the accessway, implementation of required access mitigation shall be implemented through a recorded Offer to Dedicate (OTD) an easement to a public agency or a designated private nonprofit association acceptable to the Executive Director of the Coastal Commission.

2. For all grants of easement to the City, required as a condition of approval of a coastal development permit, the City shall open the easement to the public as soon as is feasible, and shall be responsible for operating and maintaining the accessway, or the City shall grant the easement to a private nonprofit association acceptable to the Executive Director of the Coastal Commission that is willing to accept, maintain and operate the accessway.

3. In the case of an Offer to Dedicate or where the City grants an easement to a private nonprofit association, an accessway shall not be required to be opened to public use until a public agency or private nonprofit association approved in accordance with Section 17.84A.080.D of this chapter agrees to accept responsibility for maintenance and liability of the access, except in cases where immediate public access is implemented through a deed restriction. New offers to dedicate public beach or trail access easements shall include an interim deed restriction that 1) states that the terms and conditions of the permit do not authorize any interference with prescriptive rights, in the area subject to the easement prior to acceptance of the offer and, 2) prohibits any development or obstruction in the easement area prior to acceptance of the offer.

4. Access facilities constructed on access easements (e.g., walkways, paved paths, boardwalks, etc.) shall be as wide as necessary to accommodate the numbers and types of users that can reasonably be expected. Width of facilities can vary for ramps or paved walkways, depending on site factors.

5. Any government agency may accept an offer to dedicate or grant of an easement if the agency is willing to operate and maintain the easement. For all grants of an easement or offers to dedicate that are required as conditions of coastal development permits approved by the City, the Executive Director of the Coastal Commission has the authority to approve a private non-profit association that seeks to accept the offer or the grant of easement. In order for the Executive Director to approve any private non-profit association, the non-profit association must submit a plan that indicates that the association will open, operate, and maintain the easement in accordance with terms of the recorded offer to dedicate or grant the easement.

6. The appropriate agency or organization to accept and develop trail dedication offers or grants of easement resulting from City issued CDPs shall be determined through coordination, where applicable, with the National Park Service, the State Department of Parks and Recreation, the State Coastal Conservancy, Del Norte County, and nonprofit land trusts or associations. Public agencies and private nonprofit associations which may be appropriate to accept offers to dedicate include, but shall not be limited to, the State Coastal Conservancy, the State Department of Parks and Recreation, the State Lands Commission, the City of Crescent City, the County of Del Norte, special districts empowered with recreational facilities management authority, private land trusts and conservancies chartered to accept easements or fee interest dedications in the County of Del Norte, and other nongovernmental organizations.

7. Grants of public access easements or offers to dedicate shall be accepted for the express purpose of opening, operating, and maintaining the accessway for public use. Unless there are unusual circumstances, the accessway shall be opened within five (5) years of acceptance. If the accessway is not opened within this period, and if another public agency or qualified private nonprofit association expressly requests ownership of the easement in order to open it to the public, the easement holder shall transfer the easement to that entity within six (6) months of the written request. A coastal development permit that includes a grant of easement or offer to dedicate for public access as a term or condition shall require the recorded offer to dedicate to include the requirement that the easement holder shall transfer the easement to another public agency or private nonprofit association that requests such transfer, if the easement holder has not opened the accessway to the public within five (5) years of accepting the offer.

8. Facilities to complement public access to and along the shoreline and trails shall be permitted where feasible and appropriate. This may include parking areas, restrooms, picnic tables, or other improvements. No facilities or amenities, including, but not limited to, those referenced above, shall be required as a prerequisite to the approval of any lateral or vertical accessway or trail OTD or grant of easement or as a precondition to the opening or construction of the accessway or trail. Where there is an existing, but unaccepted and/or unopened public access OTD, easement, or deed restriction for lateral, vertical, bluff or trail access or related support facilities, necessary access improvements shall be permitted to be constructed, opened and operated for the intended public use.

9. Any accessway which the managing agency or organization determines cannot be maintained or operated in a condition suitable for public use shall be offered to another public agency or qualified private nonprofit association that agrees to open and maintain the accessway in a condition suitable for public use.

10. All public access mitigation conditions or terms required by a CDP shall include, as a compliance component, a requirement that the permittee submit a detailed and surveyed map, drawn to scale, locating any proposed or required easements or deed restricted areas.

G. Timing of access implementation. The type and extent of access to be dedicated, and/or constructed and maintained, as well as the method by which its continuing availability for public use is to be guaranteed, shall be established at the time of land use permit approval, as provided by this Section.

1. Dedication. Dedication shall occur before issuance of construction permits or the start of any construction activity not requiring a permit.

2. Construction of improvements. Construction of improvements shall occur at the same time as construction of the approved development, unless another time is established through conditions of land use permit approval.

3. Interference with public use prohibited. Following an offer to dedicate public access in compliance with this Section; the property owner shall not interfere with use by the public of the areas subject to the offer before and after acceptance by the responsible entity.

H. Title information. As a requirement for any public access condition, prior to the issuance of the permit or other authorization for development, the applicant shall be required to furnish a title report and all necessary subordination agreements. All offers or grants shall be made free of all encumbrances which the approving authority pursuant to Section 17.84A.080.D of this chapter determines may affect the interest being conveyed. If any such interest exists which could extinguish the access easement, it must be subordinated through a written and recorded agreement. (Ord. 20 - § , 20)

17.84A.090 Required findings and supporting analysis for public access dedications.

A. Required overall findings. Written findings of fact, analysis and conclusions addressing public access must be included in support of all approvals, denials or conditional approvals of projects between the first public road and the sea. Written findings of fact, analysis and conclusions addressing public access must be included in support of all approvals or conditional approvals of where an access dedication is included in the project proposal or required as a condition of approval. Such findings shall address the applicable factors identified by Section 17.84A.090.B of this chapter and shall reflect the specific level of detail specified, as applicable.

Findings supporting all such decisions shall include:

1. A statement of the individual and cumulative burdens imposed on public access and recreation opportunities based on applicable factors identified pursuant to Section 17.84A.090.B of this chapter. The type of affected public access and recreation opportunities shall be clearly described.
2. An analysis based on applicable factors identified in Section 17.84A.090.B of this chapter of the necessity for requiring public access conditions to find the project consistent with the public access provisions of the Coastal Act.
3. A description of the legitimate governmental interest furthered by any access condition required.
4. An explanation of how imposition of an access dedication requirement alleviates the access burdens identified and is reasonably related to those burdens in both nature and extent.

B. Required Project-Specific Findings. In determining any requirement for public access, including the type of access and character of use, the City shall evaluate and document in written findings the factors identified in subsections (1) through (5), to the extent applicable. The findings shall explain the basis for the conclusions and decisions of the City and shall be supported by substantial evidence in the record. If an access dedication is required as a condition of approval, the findings shall explain how the dedication will alleviate or mitigate the adverse effects which have been identified and is reasonably related to those adverse effects in both nature and extent. As used in this section, "cumulative effect" means the effect of the individual project in combination with the effects of past projects, other current projects, and probable future projects, including development allowed under applicable planning and zoning requirements or regulations.

1. Project effects on demand for access and recreation including:

a. Identification of existing and open public access and coastal recreation areas and facilities in the regional and local vicinity of the development;

b. Analysis of the project's effects upon existing public access and recreation opportunities;

c. Analysis of the project's cumulative effects upon the use and capacity of the identified access and recreation opportunities, including public tidelands and beach resources, and upon the capacity of major coastal roads from subdivision, intensification or cumulative buildout;

d. Projection of the anticipated demand and need for increased coastal access and recreation opportunities for the public;

e. Analysis of the contribution of the project's cumulative effects to any such projected increase;

f. Description of the physical characteristics of the site and its proximity to the sea, tideland viewing points, upland recreation areas, and trail linkages to tidelands or recreation areas;

g. Analysis of the importance and potential of the site, because of its location or other characteristics, for creating, preserving or enhancing public access to tidelands or public recreation opportunities.

2. Shoreline processes including:

a. Description of the existing shoreline conditions, including beach profile, accessibility and usability of the beach, history of erosion or accretion, character and sources of sand, wave and sand movement, presence of existing or proposed shoreline protective structures, location of the line of mean high tide during the season when the beach is at its narrowest (generally during the late winter) and the proximity of that line to existing structures, and any other factors which substantially characterize or affect the shoreline processes at the site;

b. Identification of anticipated changes to shoreline processes and beach profile unrelated to the proposed development;

c. Description and analysis of any reasonably likely changes, attributable to the primary and cumulative effects of the project, to: wave and sand movement affecting beaches in the vicinity of the project; the profile of the beach; the character, extent, accessibility and usability of the beach; and any other factors which characterize or affect beaches in the vicinity;

d. Analysis of the effect of any identified changes of the project -- alone or in combination with other anticipated changes -will have upon the ability of the public to use public tidelands and shoreline recreation areas.

3. Historic public use including:

a. Evidence of use of the site by members of the general public for a continuous five-year period (such use may be seasonal);

b. Evidence of the type and character of use made by the public (vertical, lateral, blufftop, etc. and for passive and/or active recreational use, etc. Identification of any agency (or person) who has maintained and/or improved the area subject to historic public use and the nature of the maintenance performed and improvements made;

c. Identification of the record owner of the area historically used by the public and any attempts by the owner to prohibit public use of the area, including the success or failure of those attempts;

d. Description of the potential for adverse impact on public use of the area from the proposed development (including but not limited to, creation of physical or psychological impediments to public use).

3. Physical obstructions including:

a. Description of any physical aspects of the development which block or impede the ability of the public to get to or along the tidelands, public recreation areas, or other public coastal resources or to see the shoreline.

4. Other adverse impacts on access and recreation including:

a. Description of the development's physical proximity and relationship to the shoreline and any public recreation area;

b. Analysis of the extent to which buildings, walls, signs, streets or other aspects of the development, individually or cumulatively, are likely to diminish the public's use of tidelands or lands committed to public recreation;

c. Description of any alteration of the aesthetic, visual or recreational value of public use areas, and of any diminution of the quality or amount of recreational use of public lands which may be attributable to the individual or cumulative effects of the development.

C. Required findings for public access exceptions. Any determination that one of the exceptions of Section 17.84A.050.C of this chapter applies to a development shall be supported by written findings of fact, analysis and conclusions which address all of the following:

1. The type of access potentially applicable to the site involved (vertical, lateral, blufftop, etc.) and its location in relation to the fragile coastal resource to be protected, the agricultural use, the public safety concern, or the military facility which is the basis for the exception, as applicable.

2. Unavailability of any mitigating measures to manage the type, character, intensity, hours, season or location of such use so that agricultural resources, fragile coastal resources, public safety, or military security, as applicable, are protected.

3. Ability of the public, through another reasonable means, to reach the same area of public tidelands as would be made accessible by an accessway on the subject land. (Ord. 20 - § , 20)

17.84A.100 Review of recorded access documents.

A. Standards and procedures

Upon final approval of a coastal development permit or other authorization for development, and where issuance of the permit or authorization is conditioned upon the applicant recording a legal document which restricts the use of real property or which offers to dedicate or grant an interest or easement in land for public use, a copy of the permit conditions, findings of approval and drafts of any legal documents proposed to implement the conditions shall be forwarded to the California Coastal Commission for review and approval prior to the issuance of the permit consistent with the following procedures and California Code of Regulations Section 13574:

All coastal development permits subject to conditions of approval pertaining to public access and open space or conservation easements shall be subject to the following procedures:

1. The Executive Director of the Coastal Commission shall review and approve all legal documents specified in the conditions of approval of a coastal development permit for public access and conservation/open space easements.

a. Upon completion of permit review by the City and prior to the issuance of the permit, the City shall forward a copy of the permit conditions and findings of approval and copies of the legal documents to the Executive Director of the Commission for review and approval of the legal adequacy and consistency with the requirements of potential accepting agencies;

b. The Executive Director of the Commission shall have fifteen (15) working days from receipt of the documents in which to complete the review and notify the applicant of recommended revisions if any;

c. The City may issue the permit upon expiration of the fifteen (15) working day period if notification of inadequacy has not been received by the City within that time period;

d. If the Executive Director has recommended revisions to the applicant, the permit shall not be issued until the deficiencies have been resolved to the satisfaction of the executive director; or

2. If the City requests, the Commission shall delegate the authority to process the recordation of the necessary legal documents to the City if the City identifies the City department that has the resources and authorization to accept, open and operate and maintain the accessways and open space/conservation areas required as a condition of approval of coastal development permits subject to the following: Upon completion of the recordation of the documents the City shall forward a copy of the permit conditions and findings of approval and copies of the legal documents pertaining to the public access and open space conditions to the Executive Director of the Commission. (Ord. 20 - § , 20)

17.84A.110 Coastal development permit application contents.

In addition to permit and application submittal requirements established elsewhere in this title, new development pursuant to Section 17.84A.030.A.2 of this chapter shall be subject to the following additional permit and/or application requirements:

A. All applications for new development located along the shoreline or fronting a beach shall include the submittal of a review and/or determination in writing from the State Lands Commission that addresses the proposed project relative to its location or proximity to, or impact upon, the boundary between public tidelands

and private property. Any application for development on or along the shoreline filed without such determination shall be determined to be incomplete for filing.

B. Coastal development permit application filing requirements shall include the submittal of mapped documentation identifying the location of any existing recorded shoreline or inland trail OTDs, deed restrictions, or easements on the subject parcel(s). (Ord. 20 - § , 20)

17.84A.120 Development standards.

A. Any existing accessway which the City owns, operates, maintains, or is otherwise responsible for shall not be closed, abandoned, or rendered unusable by the public without first obtaining a coastal development permit unless determined to be necessary for public safety.

B. Any limitation on existing public access to or along a beach, trail, or bluff located in a sensitive habitat area determined to be necessary for temporary protection of habitat, restoration, repair and/or maintenance shall be for the minimum period necessary but shall not exceed the nesting season for shorebird habitat or be greater than 90 days for habitat restoration or 30 days for repair and maintenance, and shall require a coastal development permit. Any limitation for purposes of protecting or restoring habitat shall be subject to review and approval, where required, from the Department of Fish & Game and U.S. Fish and Wildlife. Access to or along public tidelands or areas subject to an accepted and opened Offer to Dedicate or grant of easement shall not be fully restricted.

C. No signs shall be posted on a beachfront or on public beach unless authorized by a coastal development permit. Signs which purport to identify the boundary between State tidelands and private property or which indicate that public access to State tidelands or public lateral or vertical access easement areas is restricted shall not be permitted. Temporary signs posted by a public agency for environmental or public safety purposes may be authorized by the emergency permit provisions of Section 17.84.016 of this title.

D. Improvements and/or opening of accessways already in public ownership or that are accepted pursuant to an offer to dedicate required by a coastal development permit shall be permitted regardless of the distance from the nearest available vertical accessway. (Ord. 20 - § , 20)

COMMISSION SUGGESTED NEW COASTAL DEVELOPMENT PERMIT APPLICATION AND REVIEW PROCESSES – WATER QUALITY

Chapter 17.84B

CALIFORNIA COASTAL ZONE ENTITLEMENT PROCEDURES
WATER QUALITY

Sections:

17.84B.010 Purpose.
17.84B.020 Applicability.
17.84B.030 Coastal development permit application contents.
17.84B.040 Supplementary findings.
17.84B.050 Development standards.

17.84B.010 Purpose.

This chapter implements applicable provisions of the local coastal program for ensuring the protection of the quality of coastal waters by providing standards for the review, authorization, and conditioning of new development and land uses consistent with the requirements of the California Coastal Act. (Ord. 20 - § , 20)

17.84B.020 Applicability.

The provisions of this chapter apply to the review of coastal development permit applications for all development or uses proposed on sites that entails construction, grading, or other activities that involve ground disturbance, increases in impervious surface areas, or alterations in the direction, volume, or flow rate of surface or groundwater hydrology. (Ord. 20 - § , 20)

17.84B.030 Coastal development permit application contents.

In addition to the information required by section 17.84.020 for coastal development permit applications, the applicant shall provide the following supplemental information:

A. Construction pollution control plan. A construction-phase erosion, sedimentation, and polluted runoff control plan ("construction pollution control plan") shall specify interim best management practices (BMPs) that will be implemented to minimize erosion and sedimentation during construction, and prevent contamination of runoff by construction chemicals and materials, to the maximum extent practicable. The construction pollution control plan shall demonstrate that:

(1) During construction, development shall minimize site runoff and erosion through the use of temporary BMPs (including, but not limited to, soil

stabilization measures), and shall eliminate the discharge of sediment and other stormwater pollution resulting from construction activities (e.g., chemicals, vehicle fluids, asphalt and cement compounds, and debris), to the extent feasible.

(2) Land disturbance activities during construction (e.g., clearing, grading, and cut-and-fill) shall be minimized, to the extent feasible, to avoid increased erosion and sedimentation. Soil compaction due to construction activities shall be minimized, to the extent feasible, to retain the natural stormwater infiltration capacity of the soil.

(3) Construction shall minimize the disturbance of natural vegetation (including significant trees, native vegetation, and root structures), which is important for preventing erosion and sedimentation.

(4) Development shall implement soil stabilization BMPs, including but not limited to re-vegetation, on graded or disturbed areas as soon as feasible.

(5) Grading operations shall not be conducted during the rainy season (from October 1 to April 15), except in response to emergencies, unless the County determines that soil conditions at the project site are suitable, the likelihood of significant precipitation is low during the period of extension, (not to exceed one week at a time), and adequate erosion and sedimentation control measures will be in place during all grading operations.

(6) The construction pollution control plan shall be submitted with the final construction drawings. The plan shall include, at a minimum, a narrative report describing all temporary polluted runoff, sedimentation, and erosion control measures to be implemented during construction, including:

(a) Controls to be implemented on the amount and timing of grading.

(b) BMPs to be implemented for staging, storage, and disposal of excavated materials.

(c) Design specifications for structural treatment control BMPs, such as sedimentation basins.

(d) Re-vegetation or landscaping plans for graded or disturbed areas.

(e) Other soil stabilization BMPs to be implemented.

(f) Methods to infiltrate or treat stormwater prior to conveyance off-site during construction.

(g) Methods to eliminate or reduce the discharge of other stormwater pollutants resulting from construction activities (including but not limited to paints, solvents, vehicle fluids, asphalt and cement compounds, and debris) into stormwater runoff.

(h) BMPs to be implemented for staging, storage, and disposal of construction chemicals and materials.

(i) Proposed methods for minimizing land disturbance activities, soil compaction, and disturbance of natural vegetation.

(j) A site plan showing the location of all temporary erosion control measures.

(k) A schedule for installation and removal of the temporary erosion control measures.

B. Post-Construction Stormwater Plan. A plan to control post-construction stormwater runoff flows, and maintain or improve water quality ("post-construction stormwater plan") shall specify site design, source control, and if necessary, treatment control BMPs that will be implemented to minimize stormwater pollution and minimize or eliminate increases in stormwater runoff volume and rate from the development after construction. The post-construction stormwater plan shall demonstrate that:

(1) Following construction, erosion on the site shall be controlled to avoid adverse impacts on adjacent properties and resources.

(2) Permanent erosion control measures shall be installed, as may be needed, depending upon the intensity of development proposed and the sensitivity of receiving waters.

(3) Runoff from the project shall not increase sedimentation in receiving waters.

(4) On-site filtering, grease, and/or sediment trapping systems shall be installed, as needed, to capture any pollutants contained in the runoff.

(5) Permanent runoff/drainage control improvements, such as subsurface drainage interception, energy dissipaters, recovery/reuse cisterns, detention/retention impoundments, etc. shall be installed, as needed, at the point of discharge.

(6) In the application and initial planning process, the applicant shall submit a preliminary post-construction stormwater plan, and prior to issuance of a building permit the applicant shall submit a final post-construction stormwater plan for approval by the County. The plan shall include, at a minimum, the following components:

(a) Proposed site design and source control BMPs that will be implemented to minimize post-construction polluted runoff.

(b) Proposed drainage improvements (including locations of infiltration basins, and diversions/ conveyances for upstream runoff).

(c) Measures to maximize on-site retention and infiltration (including directing rooftop runoff to permeable areas rather than to driveways).

(d) Measures to maximize, to the extent practicable, the percentage of permeable surfaces, and to limit the percentage of directly connected impervious areas, to increase infiltration of runoff.

(e) Methods to convey runoff from impervious surfaces into permeable areas of the property in a non-erosive manner.

(f) A site plan showing the location of all permanent erosion control measures.

(g) A schedule for installation and maintenance of the permanent erosion control measures.

(h) A schedule for installation and maintenance of the sediment and debris filtration, grease and/or sediment trap, etc., as warranted for the type of development and site.

(i) A site plan showing finished grades in one-foot contour intervals and associated drainage improvements.

C. Site design using low impact development techniques. The post-construction stormwater plan shall demonstrate the preferential consideration of low impact development (LID) techniques in order to minimize stormwater quality and quantity impacts from development. LID is a development site design strategy with a goal of maintaining or reproducing the site's pre-development hydrologic functions of storage, infiltration, and groundwater recharge, as well as the volume and rate of stormwater discharges. LID strategies use small-scale integrated and distributed management practices, including minimizing impervious surfaces, infiltrating stormwater close to its source, and preservation of permeable soils and native vegetation. LID techniques to consider include, but are not limited to, the following:

(1) Development shall be sited and designed to preserve the infiltration, purification, detention, and retention functions of natural drainage systems that exist on the site, to the maximum extent practicable. Drainage shall be conveyed from the developed area of the site in a non-erosive manner.

(2) Development shall minimize the creation of impervious surfaces (including pavement, sidewalks, driveways, patios, parking areas, streets, and roof-tops), especially directly connected impervious areas, to the maximum extent practicable. Directly connected impervious areas include areas covered by a building, impermeable pavement, and/or other impervious surfaces, which drain directly into the storm drain system without first flowing across permeable land areas (e.g., lawns).

(3) Development shall maintain or enhance, where appropriate and feasible, on-site infiltration of stormwater runoff, in order to preserve natural hydrologic conditions, recharge groundwater, attenuate runoff flow, and minimize transport of pollutants.
Alternative management practices shall be substituted where the review authority has determined that infiltration BMPs may result in adverse impacts, including but not limited to where saturated soils may lead to geologic instability, where infiltration may contribute to flooding, or where regulations to protect groundwater may be violated.

(4) Development that creates new impervious surfaces shall divert stormwater runoff flowing from these surfaces into permeable areas in order to maintain, or enhance where appropriate and feasible, on-site stormwater infiltration capacity.

(5) To enhance stormwater infiltration capacity, development applicants shall use permeable pavement materials and techniques (e.g., paving blocks, porous asphalt, permeable concrete, and reinforced grass or gravel), where appropriate and feasible. Permeable pavements shall be designed so that stormwater infiltrates into the underlying soil, to enhance groundwater recharge and provide filtration of pollutants.

D. Water quality and hydrology plan for developments of water quality concern. In addition to the information to be provided in the post-construction stormwater plan, applicants for "developments of water quality concern," shall submit a water quality and hydrology plan and be subject to the additional requirements listed below.

(1) "Developments of water quality concern" include the following:

(a) Housing developments of five or more dwelling units, including but not limited to residential subdivisions.

(b) Hillside developments on slopes greater than 20 percent, located in areas with highly erodible soil.

(c) Developments that result in the creation, addition, or replacement of one acre or more of impervious surface area.

(d) Parking lots with 10,000 square feet or more of impervious surface area, potentially exposed to stormwater runoff.

(e) Vehicle service facilities, including retail gasoline outlets, commercial car washes, and vehicle repair facilities, with 10,000 square feet or more of impervious surface area.

(f) Industrial parks, commercial strip malls, or restaurants with 10,000 square feet or more of impervious surface area.

(g) Commercial or industrial outdoor storage areas of 5,000 square feet or more, or as determined by the County based on the use of the storage area, where used for storage of materials that may contribute pollutants to the storm drain system or coastal waters.

(h) Heavy industrial developments.

(i) Streets, roads, highways, and freeway construction of 10,000 square feet or more of impervious surface area, but not including stand-alone pedestrian pathways, trails, and off-street bicycle lanes.

(j) All developments entailing the creation, addition, or replacement of 5,000 square feet or more of impervious surface area, located within 200 feet of the ocean or a coastal waterbody (including estuaries, wetlands, rivers, streams, and lakes), or that discharge directly to the ocean or a waterbody (i.e., outflow from the drainage conveyance system is composed entirely of flows from the subject development or redevelopment site, and

not commingled with flows from adjacent lands.)

(2) Additional Requirements for developments of water quality concern:

(a) Water quality and hydrology plan. The applicant for a development of water quality concern shall be required to submit a water quality & hydrology plan (WQHP), prepared by a California licensed civil engineer or landscape architect, which supplements the post-construction stormwater plan. The WQHP shall include calculations, per County standards, that estimate increases in pollutant loads and changes in stormwater runoff hydrology (i.e., volume and flow rate) resulting from the proposed development, and shall specify the BMPs that will be implemented to minimize post-construction water quality and hydrologic impacts. The WQHP shall also include operation and maintenance plans for post-construction treatment control BMPs. In the application and initial planning process, the applicant shall be required to submit for approval a preliminary WQHP, and prior to issuance of a building permit the applicant shall submit a final WQHP for approval by the County Engineer.

(b) Selection of structural treatment control BMPs. If the County determines that the combination of site design and source control BMPs is not sufficient to protect water quality and coastal waters, a structural treatment control BMP (or suite of BMPs) shall also be required. developments of water quality concern are presumed to require treatment control BMPs to meet the requirements of the coastal land use plan and state and federal water quality laws, unless the water quality & hydrology plan demonstrates otherwise.

The water quality & hydrology plan for a development of water quality concern shall describe the selection of treatment controls BMPs. Applicants shall first consider the treatment control BMP, or combination of BMPs, that is most effective at removing the pollutant(s) of concern, or provide a justification if that BMP is determined to be infeasible.

(c) 85th percentile design standard for treatment control BMPs. For post-construction treatment of stormwater runoff in developments of water quality concern, treatment control BMPs (or suites of BMPs) shall be sized and designed to treat, infiltrate, or filter the amount of stormwater runoff produced by all storms up to and including the 85th percentile, 24-hour storm event for volume-based BMPs, and/or the 85th percentile, one-hour storm event (with an appropriate safety factor of 2 or greater) for flow-based BMPs.

(d) Maintain pre-development hydrograph. In developments of water quality concern where changes in stormwater runoff hydrology (i.e., volume and flow rate) may result in increased potential for streambank erosion, downstream flooding, or other adverse habitat impacts, hydrologic control measures (e.g., stormwater infiltration, detention, harvest and re-use, and landscape evapotranspiration) shall be implemented in order to ensure that the pre- and post-project runoff hydrographs match within 10% for a two-year return frequency storm.

(5) Content. The water quality and hydrology plan shall contain the following:

(a) Site design, source control, and treatment control BMPs that will be implemented to minimize post-construction water quality and hydrologic impacts.

(b) All of the information required in sub-section A for the post-construction stormwater plan.

(c) Pre-development stormwater runoff hydrology (i.e., volume and flow rate) from the site.

(d) Expected post-development stormwater runoff hydrology (i.e., volume and flow rate) from the site, with all proposed non-structural and structural BMPs in place.

(e) Measures to infiltrate or treat runoff from impervious surfaces (including roads, driveways, parking structures, building pads, roofs, and patios) on the site, and to discharge the runoff in a manner that avoids potential adverse impacts. Such measures may include, but are not limited to, structural treatment control BMPs including biofilters, grassy swales, on-site de-silting basins, detention ponds, or dry wells.

(f) A description of how the BMPs (or suites of BMPs) have been designed to infiltrate and/or treat the amount of storm water runoff produced by all storms up to and including the 85th percentile, 24-hour storm event for volume-based BMPs, and/or the 85th percentile, one-hour storm event (with an appropriate safety factor of two or greater) for flow-based BMPs.

(g) Appropriate structural post-construction Treatment Control BMPs selected to remove the specific runoff pollutants generated by the development, using processes such as gravity settling, filtration, biological uptake, media adsorption, or any other physical, chemical, or biological process.

(h) A long-term plan and schedule for the monitoring and maintenance of all structural Treatment Control BMPs. All structural BMPs shall be inspected, cleaned, and repaired as necessary to ensure their effective operation for the life of the development. Owners of these devices shall be responsible for ensuring that they continue to function properly, and additional inspections should occur after storms as needed throughout the rainy season. Repairs, modifications, or installation of additional BMPs, as needed, shall be carried out prior to the next rainy season.

COMMISSION SUGGESTED NEW COASTAL DEVELOPMENT PERMIT APPLICATION AND REVIEW PROCESSES – WATER QUALITY

E. Best management practices (BMPs); selection and incorporation.

(1) All development shall incorporate effective site design and long-term post-construction source control BMPs, as necessary to minimize adverse impacts to water quality and coastal waters resulting from the development, to the maximum extent practicable. BMPs that protect post-construction water quality and minimize increases in runoff volume and rate shall be incorporated as necessary in the project design of developments in the following order of priority:

i. Site design BMPs: Project design features that reduce the creation or severity of potential pollutant sources, or reduce the alteration of the project site's natural stormwater flow regime. Examples are minimizing impervious surfaces, preserving native vegetation, and minimizing grading.

ii. Source control BMPs: Methods that reduce potential pollutants at their sources and/or avoid entrainment of pollutants in runoff, including schedules of activities, prohibitions of practices, maintenance procedures, managerial practices, or operational practices. Examples are covering outdoor storage areas, use of efficient irrigation, and minimizing the use of landscaping chemicals.

iii. Treatment control BMPs: Systems designed to remove pollutants from stormwater, by simple gravity settling of particulate pollutants, filtration, biological uptake, media adsorption, or any other physical, biological, or chemical process. Examples are vegetated swales, detention basins, and storm drain inlet filters.

(2) The selection of BMPs shall be guided by the California Stormwater Quality Association (CASQA) Stormwater BMP Handbooks dated January 2003 (or the current edition), or an equivalent BMP manual that describes the type, location, size, implementation, and maintenance of BMPs suitable to address the pollutants generated by the development and specific to a climate similar to Del Norte County's. Caltrans' 2007 "Storm Water Quality Handbook: Project Planning and Design Guide" (or the current edition) may also be used to guide design of construction-phase BMPs. Additional guidance on BMPs is available from the state water resources and water quality boards, the U.S. Environmental Protection Agency, regional entities such as the Bay Area Stormwater Management Agencies Association's (BASMAA) "Start at the Source: Design Guidance Manual for Stormwater Quality Protection," and/or as may be developed from time to time with technological advances in water quality treatment.

(3) Where BMPs, are required, BMPs shall be selected that have been shown to be effective in reducing the pollutants typically generated by the proposed land use. The strategy for selection of appropriate BMPs to protect water quality and coastal waters shall be guided by Tables 17.84B-1 through -3, below, or equivalent tables which list pollutants of concern and appropriate BMPs for each type of development or land use. (Ord. 20 - § , 20)

17.84B.040 Supplementary findings.

In addition to the findings for approval or conditional approval of a coastal development permit, development authorization, or other entitlement as required by section 17.84.033, the following supplementary findings, based on factual evidence, shall be made for new development or uses having potential impacts to the quality of coastal waters:

A. Generally. All approved development will be, or has been conditioned to be, consistent with the development standards of Section 17.84B.050, as applicable. (Ord. 20 - § , 20)

17.84B.050 Development standards.

A. Development shall be undertaken in accordance with the approved erosion and stormwater control final plans and/or water quality management plan. Any proposed changes to the approved final plans shall be reported to the director. No changes to the approved final plans shall occur without an amendment to the coastal development permit, or equivalent, unless the director determines that no amendment is legally required. (Ord. 20 - § , 20)

Table 17.84B

Table 17.84C-2: Areas for Site Design and Source Control BMP Implementation by Development Category

COMMISSION SUGGESTED NEW COASTAL DEVELOPMENT PERMIT APPLICATION AND REVIEW PROCESSES – BIOLOGICAL RESOURCES

Chapter 17.84C

COASTAL RESOURCES PROTECTION
BIOLOGICAL RESOURCES

COMMISSION SUGGESTED NEW COASTAL DEVELOPMENT PERMIT APPLICATION AND REVIEW PROCESSES – BIOLOGICAL RESOURCES

Sections:

17.84C.010 Purpose.
17.84C.020 Applicability.
17.84C.030 Coastal development permit application contents.
17.84C.050 Supplementary findings.
17.84C.060 Development standards.

17.84C.010 Purpose.

This chapter implements applicable provisions of the local coastal program for ensuring the protection of environmentally sensitive resource areas and other biological resources by providing standards for the review, authorization, and conditioning of new development and land uses consistent with the requirements of the California Coastal Act and the coastal land use plan. (Ord. 20 - § , 20)

17.84C.020 Applicability.

The provisions of this chapter apply to the review of coastal development permit applications for all development proposed on sites that include, are immediately adjacent to, or are within an environmentally sensitive habitat area (ESHA), defined as any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments. (Ord. 20 - § , 20)

17.84C.030 Coastal development permit application contents.

Applications for development projects requiring the securement of a coastal development permit, either independently or in conjunction with an application for a use permit or variance shall include the following as applicable to the development type or setting:

A. Biological resources report. A permit application for development on a site that is subject to this chapter shall include a biological resources report that complies with the following requirements:

1. Qualifications of preparer. The report shall be prepared by individuals approved by the city with demonstrated education, training, or experience to prepare these plans in a professional and competent manner. Acceptance of additional experts may be authorized by the director upon receipt of a resume demonstrating an individual's special capabilities. The director's decision to accept or deny a consulting biologist shall be final.

2. Report contents. A biological resources report shall include, but not be limited to:

a. A study identifying biological resources existing on the site, and if available, the historical extent of the resources, disclosing the history, ecology and habitat requirements of the relevant resources, such as plants, fish and wildlife, in sufficient detail to permit a review of functional relationships, theitr potential for restoration, and present and potential adverse physical and biological impacts on the ecosystem;

b. An identification of "fully protected" species and/or "species of special concern," and an identification of any other species of rarity, including plants designated "List 1B" or "List 2" by the California Native Plant Society, that are present or have the potential to occur on the project site;

c. Photographs of the site;

d. A discussion of the physical characteristics of the site including, but not limited to, topography, soil types, microclimate, and migration corridors;

e. A site map depicting the location of biological resources, both current and historical, consisting of the following elements:

i. Topographic Base Map. The base map shall be at a scale sufficiently large to permit clear and accurate depiction of vegetation associations and soil types in relation to any and all proposed development (minimum 1:2,400). Contour intervals shall be five feet, and the map should contain a north arrow, graphic bar scale, and a citation for the source of the base map (including the date). The map shall show the following information:

a. Benchmark and survey data used to locate the project, the lines or highest tidal action, mean high tide, or other reference points applicable to the particular project;

b. Boundary lines of the applicant's property and adjacent property, including assessor's parcel numbers, as well as the boundaries of any tidelands, submerged lands or public trust lands;

b. Names and locations of adjacent or nearby roads, streets or highways, and other important geographic, topographic and physical features such as streams, bluffs or steep slopes;

c. Location, elevation, and dimensions of any levees, dikes or flood-control channels;

d. Location, size, dimensions, and invert elevation of any culverts or tide gates; and

e. Existing development (structures, agricultural areas, etc.);

ii. Inundation Map. For intertidal wetlands, an inundation map showing the inland extent of extreme higher high water. For nontidal wetlands, the map

shall indicate permanent or seasonal patterns of inundation, including sources, in a year of normal rainfall.

iii. Vegetation Map. Location and names of dominant plant species (e.g., Salicornia virginica) and vegetation associations (e.g., saltmarsh).

iv. Soils Map. If no soil survey is available, a soils map should be prepared and should show the location of soil types and include a physical description of their characteristics;

f. An analysis of the potential impacts of the proposed development on the identified habitat or species;

g. An analysis of any unauthorized development, including grading or vegetation removal that may have contributed to the degradation or elimination of habitat area or species that would otherwise be present on the site in a healthy condition;

h. Project alternatives, including project modifications and off-site options designed to avoid and minimize impacts to identified habitat or species;

i. A buffer adequacy analysis consistent with the requirements of section 17.84C.060.B, sub-section 1 through 7, where an ESHA buffer of less than 100 feet (100′) is proposed.

j. An evaluation of the impact the development may have on the habitat, and whether the development will be consistent with the biological continuance of the habitat. The report shall identify the maximum feasible mitigation measures to protect the resource and a program for monitoring and evaluating the effectiveness of the mitigation measures. Proposed mitigation measures shall meet the following standards:

i. They are specific, implementable, and, wherever feasible, quantifiable;

ii. They result in the maximum feasible protection, habitat restoration and enhancement of sensitive environmental resources. Habitat restoration and enhancement shall be required wherever feasible, in addition to the applicable baseline standard of either avoiding or minimizing significant habitat disruption;

iii. They are incorporated into a mitigation monitoring program; and

iv. They include substantial information and analysis to support a finding that there is no feasible, less environmentally damaging alternative.

k. An analysis of potential significant impacts on the habitat from noise, sediment, and other potential disturbances that may occur during project construction.

l. Recommendations for conditions of approval for habitat maintenance, and the restoration of damaged habitats, where feasible.

In addition to compliance with this section, all development within or adjacent to coastal wetland ESHA, shall comply with sections 17.84C.030.B, D and E, as applicable. All development within or adjacent to rivers and streams coastal wetlands and/or riparian vegetation ESHA, shall comply with section 17.84C.030.C.

B. Wetland delineation report for wetland ESHA. Where the biological study required by Section 17.84C.030.A above indicates the presence or potential for wetland species or indicators, the applicant shall additionally submit a delineation of all wetland areas on the project site.

Wetland delineations shall be conducted according to the definitions of wetland boundaries contained in section 13577(b) of the California Code of Regulations. A preponderance of hydric soils, a preponderance of wetland indicator species, or the persistent presence of surface or near-surface (rooting zone) hydrology, shall be considered presumptive evidence of wetland conditions. The delineation report shall include at a minimum: (1) a map at a scale of 1:2,400 or larger with polygons delineating all wetland areas, polygons delineating all areas of vegetation with a preponderance of wetland indicator species, and the location of sampling points; and (2) a description of the surface indicators used for delineating the wetland polygons. Paired sample points will be placed inside and outside of vegetation polygons and wetland polygons identified by the biologist doing the delineation.

C. Stream channel analysis. In addition to the biological report required by Section 17.84C.060.A, each permit application for a project that is situated in or within one-hundred feet (100′) of rivers and streams coastal wetlands and/or riparian vegetation ESHAs shall include a site-specific stream channel analysis prepared by a hydrologist, civil engineer, or other qualified professional approved by the City to identify the precise boundary/top of bank of the subject watercourse. The director may waive this requirement if it is determined that the project, because of its size, location, or design will have no impact on the watercourse, or that sufficient information already exists and further analysis is not necessary. A required stream channel analysis shall include all hydro-geomorphic information and materials required by the department. The "top of bank" shall mean the upper elevation of land, having a slope not exceeding ten percent (10%), which confines the channel waters flowing in the watercourse in their normal winter flow.

D. Sediment dredging. For projects involving the dredging and disposal of sediment materials, each permit applications shall include a dredged materials management plan consisting of the following items:

1. The purpose of the dredging;

2. The existing and proposed depths;

3. The volume (cubic yards) and area (acres or square feet) to be dredged;

4. Location of the dredging site(s) (e.g., estuaries, open coastal waters or streams);

5. The location of proposed spoils disposal;
6. A textural grain size analysis of the spoils; and
7. A chemical assay of the dredge spoils for the presence of contaminants.

E. Filling and/or diking projects. For projects involving the placement of fill or the construction of diking, each permit applications shall provide the following information:

1. The type of fill or diking material to be used, including pilings or other structures;
2. The proposed location for the placement of the fill or diking;
3. The quantity or volume of materials to be placed and the surface area to be covered;
4. A description of any proposed use of the fill or diked areas; and
5. If the project is adjacent to a wetland or wetland buffer and may cause mud waves, a report shall be prepared by a qualified geotechnical engineer which explains ways to prevent or mitigate the problem;

F. Wetland management plan. Proposed wetland restoration and/or enhancement projects, either as mitigation for an accompanying development project or to be undertaken independently of a development project, shall include a wetlands management plan prepared by a qualified wetlands expert. The wetlands management plan shall include all of the following, and any additional information deemed necessary by the review authority:

1. Goals and objectives. These shall include a description of the functional relationship of the existing and proposed wetland areas, such as habitat area, type, topography and soil characteristics, water flow patterns and water levels, and upland buffers. The stated goals and objectives should also be consistent with established regional habitat goals where possible. These regional goals must identify functions and/or habitats most in need of replacement or restoration and must be as specific as possible. A schedule to complete the restoration program shall be included.
2. Site plans. Site plans of the restoration or mitigation area shall identify the location and size of wetland areas to be preserved, restored, or created, and shall include the following:

a. Grading plan. Topography at one-foot intervals, along with any grading, excavation and/or fill plan. Submit footprints of all improvements indicating heights of all structures as well as access routes for maintenance and monitoring and all uses/structures within 200 feet of the property.
b. Drainage plan. Water flow and drainage patterns along with any estimated volume exchange rates.
c. Planting plan. The location of flora and fauna habitat areas and types, and any planting plans.

3. Proposed techniques and standards. The application shall include, as applicable, the following wetland preservation, restoration, and creation techniques and standards, indicating processes, practices and criteria used in identifying the wetlands and the adjoining upland buffers:

a. Watershed area and hydrology, water sources, water depths, water-control structures, water-quality watershed area and hydrology parameters, including treatment of urban runoff and water-level maintenance practices needed to achieve the necessary ambient water conditions and characteristics along with a stormwater management plan which identifies potential pollutants and ensures that runoff is substantially free of debris, pollutants and silt. Stormwater runoff management systems may include treatment swales, retention ponds, and other natural treatment systems. Treatment wetlands shall not be considered as habitat mitigation, but may address water quality functions of the impacted wetlands;
b. Planting plans which identify target wildlife species and specify native plant species obtained from local source genetic stocks whenever available, quantities, locations, size, space, or density; source of plant materials or seeds; timing, season, water, and nutrient requirements for planting; and, plant protection measures;
c. Site preparation grading elevations and specifications for, if needed, soil amendments, removal of unsuitable fill, and weed control;
d. Measures for minimizing impacts to the wetland during grading and construction, and for minimizing disturbances to wildlife habitat;
e. Vector management, demonstrating ecological vector control; and
f. Identification of disposal area for any excavated or dredged material;

4. Implementation and monitoring plan. The wetland management plan shall include an implementation and monitoring plan, which shall provide:

a. Specific criteria and identification of process and responsibility for evaluating whether or not the goals of the Wetland Management Plan are being achieved at various stages in the development. Specifications for irrigation as needed, removal of exotic and nuisance vegetation, and maintenance;
b. Responsibility schedule and reporting requirements for monitoring the hydrology, vegetation, and wildlife of the wetland with a specified monitoring time frame (five years minimum for brackish or tidal marshes, and 10 years for freshwater and seasonal wetlands);

c. Procedures for the correction of deficiencies or problems in the Plan discovered after implementation, such as any needed plant substitutions, or modifications to site hydrology;

d. Identification of methods to ensure that the wetland will be protected in perpetuity; and

e. A schedule for grading, planting, and long-term maintenance.

5. Cost estimate. A cost estimate for implementing, monitoring, and maintaining the wetland. Performance security may be required to ensure proper installation, monitoring, and maintenance of the wetland.

6. Management plan. A management plan that addresses the long term fiscal, administrative, and technical requirements to successfully execute and maintain the wetland restoration and enhancement project. The plan shall identify the project funding source and assign responsibilities for the long-term maintenance of the wetland, and the management of the necessary ongoing activities.

F. Mitigation monitoring program. When filling, dredging, and/or diking wetlands for a permissible use cannot be avoided and there is a potential loss of existing wetland habitat or value, or the development project entails restoration and enhancement activities, a mitigation monitoring program must be submitted with the coastal development permit application that, when implemented, will result in the replacement of all lost wetland functions and habitat, where feasible. A mitigation monitoring plan can take several forms, although restoration is the most common form submitted to the City. The City shall administer the mitigation monitoring program; preparation and administration of the plan shall be paid for by the project applicant. A bond or other method acceptable to the City shall be established to guarantee successful completion of the mitigation project. The mitigation monitoring program shall, at a minimum:

1. Establish clearly stated goals and objectives that provide for the establishment of functions and values at least equal to those occurring at the impact site. The stated goals and objectives should also be consistent with established regional habitat goals where possible. These regional goals must identify functions and/or habitats most in need of replacement or restoration and must be as specific as possible. A schedule to complete the restoration program shall be included.

2. Provide adequate baseline data regarding the biological, physical, and chemical criteria for the restoration area. For a restoration plan to be deemed acceptable, it must include evidence or other conclusive information that:

a. The site can be purchased prior to commencement of the development project and dedicated to a public agency or otherwise permanently restricted in use to "open space;"

b. The site is located in an area no longer functioning in a manner beneficial to wetland species, such as a formerly productive wetland or estuary that is now biologically unproductive dry land;

c. The site can be restored to "equal or greater biological productivity" (Coastal Act Section 30607.1) than the area lost, with the same type and variety of plant and animal species. That is, the mitigation wetland would replace the functions and values existing at the impacted wetland; and

d. The site is located in the same region e.g., preferably within the same water body or watershed as the wetland impacted through development;

3. Provide documentation that the project will continue to function as a viable restored wetland site over the long-term.

4. Provide sufficient technical detail on the restoration design. This should include, at a minimum, an engineered grading plan and water control structures, methods for conserving or stockpiling topsoil, a planting program including removal of exotic species, a list of all species to be planted, sources of seeds and/or plants, timing of planting, plant locations and elevations on the restoration base map, and maintenance techniques.

5. Require independent monitoring of the site at least five years after completion of the mitigation project. The intent is to continue monitoring until the project has successfully met the stated goals and objectives, therefore the monitoring plan should specifically monitor the measurable success features of the project and adaptive management, approved by the City, should be employed in the event that success features are not achieved. A brief report with photographic evidence of the site should be submitted to the department on an annual basis. For larger projects where new wetlands are created, extended monitoring will be required.

6. Require annual survey for plants and animals of special concern throughout the various habitats of the mitigation area. The surveys should permit a determination of species composition and abundance for species of special concern and indicator species for each major ecological strata. The presence/absence of terrestrial and aquatic organisms (especially aquatic insects) that are not species of special concern should be identified, as appropriate. Timing of the surveys should be considered, since the abundance of many plant and animal species often varies with season. Surveys sufficient to characterize the mitigation site should also be completed prior to any enhancement or restoration activities.

7. Monitor hydrology. For tidal wetlands include mapping, photographing, and/or measuring areas and associated depths of the areas inundated at high and low tide, tidal prism, and water velocity. For non-tidal wetlands, include mapping, photographing, and/or measuring areas and associated depths of the areas of permanent and seasonal saturation, inundation, and flowing waters.

8. Monitor water quality. Carry out repetitive sampling, as appropriate, of various chemical and physical constituents such as salinity, pH, nutrient concentration, dissolved oxygen, temperature, and turbidity throughout the year. The sampling pattern may vary throughout the year and may include more intensive sampling over several tidal cycles to determine short-term salinity patterns;
9. Monitor for evidence of tidal wetland inundation to determine if the depth or area of the tideland area changes in response to tidal influx/retreat;
10. Utilize adaptive management for the ongoing identification and correction of problems as they arise. With City approval, the project proponent, qualified biologist or other monitor should adopt an adaptive management corrective approach to problems that arise as conditions warrant; and
11. Provide timely analysis and production of annual reports. These reports will be distributed to the City, the California Coastal Commission and other interested parties. The final monitoring report, submitted upon completion of the monitoring program, should analyze all monitoring data and present different management options. (Ord. 20 - § , 20)

17.84C.050 Supplementary findings.

In addition to the findings for approval or conditional approval of a coastal development permit, development authorization, or other entitlement as required by these coastal zone zoning regulations, the following supplementary findings, based on factual evidence, shall be made for new development or uses occurring in or adjacent to ESHA:

A. Generally. All approved development will be, or has been conditioned to be, consistent with the development standards of Section 17.84C.060, as applicable.

B. Development within non-wetland ESHA. The development or use is:
   1. Dependent on the resources within and/or supported by the ESHA; and
   2. The environmentally sensitive habitat shall be protected against any significant disruption of habitat values.

C. Development within coastal wetland ESHA other than rivers and streams.
   1. The development or use is:
   a. For one or more of the following permissible uses:
      i.. New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.
      ii. Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.
      iii. In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.
      iv. Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.
      v. Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.
      vi. Restoration purposes.
      vii. Nature study, aquaculture, or similar resource dependent activities;
   b. No feasible less environmentally damaging alternative exists;
   c. Feasible mitigation measures have been provided to minimize adverse environmental effects; and
   d. The functional capacity of the wetland is maintained or enhanced.

D. Development within rivers and streams coastal wetland ESHA.
   1. The development or use:
   a. Is for one or more of the following permissible uses:
      i.. Necessary water supply projects.
      ii. Flood control projects where no other method for protecting existing structures in the floodplain is feasible and where such protection is necessary for public safety or to protect existing development.
      iii. Developments where the primary function is the improvement of fish and wildlife habitat.
   b. Incorporates the best mitigation measures feasible.

E. Development adjacent to ESHA. The development or use is:
   1. Sited and designed to prevent impacts which would significantly degrade those adjacent environmentally sensitive areas and buffers; and
   2. Shall be compatible with the continuance of those habitat areas and buffers. (Ord. 20 - § , 20)

17.84C.060 Development standards.

COMMISSION SUGGESTED NEW COASTAL DEVELOPMENT PERMIT APPLICATION AND REVIEW PROCESSES – BIOLOGICAL RESOURCES

A. Siting and design. The development or use shall be sited and designed consistent with the mitigation measures and recommendations of the approved biological resources report.

B. Buffer areas. New development adjacent to ESHA shall provide buffer areas to serve as transitional habitat and provide distance and physical barriers to human intrusion. The purpose of this buffer area is to provide for a sufficient area to protect environmentally sensitive habitats from significant degradation resulting from future development Buffers shall be of a sufficient size to ensure the biological integrity and preservation of the ESHA they are designed to protect. The width of the buffer area shall be a minimum of one-hundred feet (100′), unless an applicant can demonstrate, after consultation with the California Department of Fish and Game, and the City, that one-hundred feet (100′) is not necessary to protect the resources of that particular habitat area and the adjacent upland transitional habitat function of the buffer from possible significant disruption caused by the proposed development. The following criteria shall be utilized to review the adequacy of reduced-width buffer areas:

1. Biological significance of adjacent lands. Lands adjacent to a wetland, stream, or riparian habitat area vary in the degree to which they are functionally related to these habitat areas. Functional relationships may exist if species associated with such areas spend a significant portion of their life cycle on adjacent lands. The degree of significance depends upon the habitat requirements of the species in the habitat area (e.g., nesting, feeding, breeding, or resting). Where a significant functional relationship exists, the land supporting this relationship shall also be considered to be part of the ESHA, and the buffer zone shall be measured from the edge of these lands and be sufficiently wide to protect these functional relationships. Where no significant functional relationships exist, the buffer shall be measured from the edge of the ESHA that is adjacent to the proposed development.
2. Sensitivity of species to disturbance. The width of the buffer zone shall be based, in part, on the distance necessary to ensure that the most sensitive species of plants and animals will not be disturbed significantly by the permitted development. Such a determination shall be based on the following after consultation with the Department of Fish and Game, the U.S. Fish and Wildlife Service, the National Marine Fisheries Service, or others with similar expertise:

a. Nesting, feeding, breeding, resting, or other habitat requirements of both resident and migratory fish and wildlife species;
b. An assessment of the short-term and long-term adaptability of various species to human disturbance; and
c. An assessment of the impact and activity levels of the proposed development on the resource.

3. Erosion susceptibility. The width of the buffer shall be based, in part, on an assessment of the slope, soils, impervious surface coverage, runoff characteristics, erosion potential, and vegetative cover of the parcel proposed for development and adjacent lands. A sufficient buffer to allow for the interception of any additional material eroded as a result of the proposed development shall be provided.
4. Use natural topography. Where feasible, use hills and bluffs adjacent to Environmentally Sensitive Habitat Areas, to buffer these habitat areas. Where otherwise permitted, locate development on the sides of hills away from Environmentally Sensitive Habitat Areas. Include bluff faces in the buffer area.
5. Use existing man-made features. Where feasible, use man-made features such as roads and dikes to buffer environmentally sensitive habitat areas.
6. Lot configuration and location of existing development. Where an existing subdivision or other development is largely built-out and the buildings are a uniform distance from a habitat area, at least that same distance shall be required as a buffer zone for any new development permitted. However, if that distance is less than one hundred (100) feet, additional mitigation measures (e.g., planting of native vegetation) shall be provided to ensure additional protection.
7. Type and scale of development proposed. The type and scale of the proposed development will, to a large degree, determine the size of the buffer zone necessary to protect the ESHA. Such evaluations shall be made on a case-by-case basis depending upon the resources involved, the degree to which adjacent lands are already developed, and the type of development already existing in the area.

Required buffer areas as determined by an approved biological report prepared pursuant to section 17.84C.030A, or as authorized to be reduced to less than 100 feet in width, shall be measured from the following points as applicable:

- The low-tide extent periphery of off-shore rocks and intertidal ESHA.
- The mean high tide line for intertidal zone ESHA.
- The perimeter of the sand dune/permanently established terrestrial vegetation interface for sand dune ESHA.
- The upland edge of a wetland for a wetland ESHA.
- The outer edge of the canopy of streamside vegetation for riparian vegetation ESHA, or from the top of stream bank where no riparian vegetation exists.
- The outer edge of the plants that comprise the rare plant community for rare plant community ESHA.

C. Compensatory mitigation. Where any dike and/or fill development is permitted in conformity with these coastal zone zoning regulations, mitigation measures shall include, at a minimum, either acquisition of equivalent areas of equal or greater biological productivity; provided however, that if no appropriate restoration site is

available, an in-lieu fee sufficient to provide an area of equivalent productive value or surface area (including any litigation and/or restoration costs) shall be dedicated to an appropriate public agency, or such replacement site shall be purchased before the dike or fill development may proceed. Such mitigation measures shall not be required for temporary or short-term fill or diking; provided, that a bond or other evidence of financial responsibility is provided to assure that restoration of the project site will be accomplished in the shortest feasible time.

D. Where dredging is permitted in conformity with these coastal zone zoning regulations, mitigation measures must at least include the planning and implementation of dredging and spoils disposal which avoids significant disruption of wetlands habitat and/or water circulation, consideration of limitations upon timing of the operation, type of operation, quality of dredge material removed and location of the spoil site, and, where feasible, the transportation of dredge spoils suitable of beach replenishment to appropriate beaches or into suitable longshore current systems.

E. Where diking, filling, or dredging are permitted in conformity with these coastal zone zoning regulations, the development must maintain or enhance the functional capacity of the existing sensitive habitat area. Functional capacity means the ability of the wetland or estuary to be self-sustaining and to maintain natural species diversity. In order to establish that the functional capacity is being maintained, the applicant must demonstrate all of the following:

1. That the project does not alter presently occurring plant and animal populations in the ecosystem in a manner that would impair the long-term stability of the ecosystem; i.e., natural species diversity, abundance and composition are essentially unchanged as a result of the project;

2. That the project does not harm or destroy a species or habitat that is rare or endangered;

3. That the project does not eliminate a species or habitat that is essential to the natural biological functioning of the wetland or estuary;

4. That the project does not significantly reduce consumptive (e.g., fishing, aquaculture and hunting) or nonconsumptive (e.g., water quality and research opportunity) values of the wetland or estuarine ecosystem.

F. Where development is permitted within a stream or river the following requirements must be met:

All channelizations, dams, or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible to minimize adverse environmental effects. Substantial alterations shall include channelizations, dams, or comparable projects which significantly disrupt the habitat value of a particular river or stream. A development which does not significantly disrupt the habitat value of a particular river or stream is one which maintains or enhances the functional capacity of that river or stream. Roads and bridges necessary to cross streams and rivers may be permitted if there is no feasible less environmentally damaging alternative and if feasible mitigation measures have been provided to minimize adverse environmental effects.

Flood-control projects shall be subject to both of the following conditions:

a. The project must be necessary for public safety or to protect existing development;

b. There must be no other feasible method for protecting existing development in the floodplain.

3. Boating facilities constructed in streams are subject to the same requirements as boating facilities constructed elsewhere.

G. ESHA restoration and enhancement. All ESHA restoration and enhancement work, whether required as mitigation to offset impacts of development or proposed independent of a development project, shall be conducted in conformance with the approved mitigation management plan and monitoring program.

H. Vegetation removal. Existing native vegetation shall not be removed within an ESHA unless authorized through coastal permit approval to accommodate approved construction. Vegetation removal limited to tree branch lopping, shrub pruning, and the mowing of grasses and forbs within thirty feet (30′) to reduce fire and other hazards may be approved by the director without a coastal development permit. After construction, unpaved areas shall be replanted to provide for the reestablishment of a one-hundred percent (100%) vegetation cover within two (2) years. At five years, the site should support the same habitat as that removed. Plant species that would provide bank stability and habitat enhancement should be used where applicable. Remedial actions (e.g., planting of native species and removal of invasive horticultural species) should be implemented as necessary to ensure that the site will consist of at least seventy-five percent (75%) native species at the end of five (5) years.

I. Landscaping. A landscaping plan shall be submitted to the City for approval prior to construction for any site where development will disturb existing or potential native plant habitat. The plan shall provide for vegetation restoration in compliance with subsection A above. Landscaping with exotic plants shall be limited to outdoor living space immediately adjacent to the proposed development. Invasive non-native plants including but not limited to pampas grass (*Cortaderia* sp.), acacia (*Acacia* sp.), broom (*Genista* sp.), English ivy (*Hedera helix*), and iceplant (*Carpobrotus* sp., *Mesembryanthemum* sp.) pose a threat to indigenous plant communities. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council, or listed as a "noxious weed" by the governments of the State of California or the United States shall be approved as part of any proposed landscaping.

J. Fencing. Fencing within or adjacent to ESHAs shall be restricted to that which will not impact public views or the free passage of native wildlife, and shall employ design and materials determined by the review authority to be compatible with the visual and biological character of the habitat.

K. Resource protection during construction. Habitat areas containing vegetation that is essential to the maintenance of the habitat and/or rare or endangered

plant or animal species shall be protected from disturbance by construction activities. Temporary wire mesh fencing shall be placed around habitat prior to construction, and protected areas shall not be used by workers or for the storage of machinery or materials. Inspections for compliance shall occur during construction.

L. Herbicide use. The use and disposal of any herbicides for invasive species removal shall follow the written directions of the manufacturer, shall comply with all conditions imposed by the City, and shall be accomplished in a manner that will fully protect adjacent native vegetation and coastal water quality.

M. Rodenticide use. Rodenticides containing any anticoagulant compounds, including, but not limited to, bromadiolone or diphacinone shall not be used. (Ord. 20 - § , 20).

Chapter 17.84D

CALIFORNIA COASTAL ZONE ENTITLEMENT PROCEDURES
PROTECTION OF SOIL RESOURCES

Sections:

17.84D.010 Purpose.
17.84D.020 Applicability.
17.84D.030 Coastal development permit application contents.
17.84D.040 Supplementary findings.
17.84D.050 Development standards.

17.84D.010 Purpose.

This chapter implements applicable provisions of the local coastal program for ensuring the protection of soil resources by providing standards for the review, authorization, and conditioning of new development and land uses consistent with the requirements of the California Coastal Act. (Ord. 20 - § , 20)

17.84D.020 Applicability.

The provisions of this chapter apply to the review of coastal development permit applications for all development as follows:

A. Soil Resources. The policies and standards of sub-sections 17.84D.030.A, 17.84.040.A, and 17.84D.050.A, relating to the protection and conservation of soil resources, shall apply to all developments and uses which involve grading, excavation, filling, or other significant ground disturbances. (Ord. 20 - § , 20)

17.84D.030 Coastal development permit application contents.

A. Grading. Permit applications shall be filed with the department on a city-approved application form, together with all fees, plans, maps, reports, and other information prepared as required by the coastal grading permit application preparation and contents instruction list provided by the department. The plans and reports submitted with the application shall include, but not be limited to, the following, where required by the county engineer.

1. A grading plan;
2. A drainage plan with hydrology and hydraulic calculations;
3. A geotechnical investigation prepared pursuant to section 17.84G.030, where the potential for seismically induced soil liquefaction and soil instability is present. When the following conditions are discovered during the course of an investigation, the geotechnical report shall address the potential for liquefaction:
   a. Shallow groundwater, 50 feet or less; and
   b. Unconsolidated sandy alluvium. The report shall identify measures to mitigate the liquefaction and soil instability hazards associated with the proposed development;
4. A runoff mitigation plan (see section 17.84B.030 (pre- and post-construction stormwater runoff plan requirements));
5. Any special reports (e.g., compaction, geotechnical, soils, etc.) required by the city engineer.

The preparation of grading permit applications shall also comply with the provisions of Title 15 (Buildings and Construction) of the municipal code. (Ord. 20 - § , 20)

17.84D.040 Supplementary findings.

In addition to the findings for approval or conditional approval of a coastal development permit as required by section 17.84.033, the following supplementary findings, based on factual evidence, shall be made for new development or uses involving the disturbance of soil resources:

COMMISSION SUGGESTED NEW COASTAL DEVELOPMENT PERMIT APPLICATION AND REVIEW PROCESSES – SOIL RESOURCES

A. General. All development conforms to the development standards set forth in Section 17.84D.050. (Ord. 20 - § , 20)

17.84D.050 Development standards.

Development of all structural improvements and uses involving the disturbance of soils shall be subject to the following standards:

a The siting and design of all buildings shall limit grading, excavations, and filling to that minimally necessary to feasibly construct the improvements.

b. The siting and design of roads and driveways shall be the minimum width and length necessary to avoid unnecessary cut and fill, particularly by conforming to natural landforms.

c. Unless deemed unsuitable by a licensed landscape architect or civil engineer, "O" and "A" horizon topsoil materials shall be scraped, appropriately stockpiled, and reused in site landscaping. (Ord. 20 - § , 20)

COMMISSION SUGGESTED NEW COASTAL DEVELOPMENT PERMIT APPLICATION AND REVIEW PROCESSES – CULTURAL RESOURCES

Chapter 17.84E

CALIFORNIA COASTAL ZONE ENTITLEMENT PROCEDURES
PROTECTION OF CULTURAL RESOURCES

Sections:

17.84E.010 Purpose.
17.84E.020 Applicability.
17.84E.030 Coastal development permit application contents.
17.84E.040 Supplementary findings.
17.84E.050 Development standards.

17.84E.010 Purpose.

This chapter implements applicable provisions of the local coastal program for ensuring the protection of archaeological and paleontological resources by providing standards for the review, authorization, and conditioning of new development and land uses consistent with the requirements of the California Coastal Act. (Ord. 20 - § , 20)

17.84E.020 Applicability.

The policies and standards of sub-sections 17.84E.030.A, 17.84.040.A, and 17.84E.050.A, relating to the protection of cultural resources, shall apply to all developments and uses which involve grading, excavation, filling, or other significant ground disturbances. (Ord. 20 - § , 20)

17.84E.030 Coastal development permit application contents.

A. Grading. Permit applications shall be filed with the department on a city-approved application form, together with all fees, plans, maps, reports, and other information prepared as required by the coastal grading permit application preparation and contents instruction list provided by the department. The plans and reports submitted with the application shall include, but not be limited to, the following, where required by the county engineer.

1. A grading plan;
2. A drainage plan with hydrology and hydraulic calculations;
3. A geotechnical investigation prepared pursuant to section 17.84G.030, where the potential for seismically induced soil liquefaction and soil instability is present. When the following conditions are discovered during the course of an investigation, the geotechnical report shall address the potential for liquefaction:
   a. Shallow groundwater, 50 feet or less; and
   b. Unconsolidated sandy alluvium. The report shall identify measures to mitigate the liquefaction and soil instability hazards associated with the proposed development;
4. A runoff mitigation plan (see section 17.84B.030 (pre- and post-construction stormwater runoff plan requirements));
5. Any special reports (e.g., compaction, geotechnical, soils, etc.) required by the city engineer.

The preparation of grading permit applications shall also comply with the provisions of Title 15 (Buildings and Construction) of the municipal code. (Ord. 20 - § , 20)

17.84E.040 Supplementary findings.

COMMISSION SUGGESTED NEW COASTAL DEVELOPMENT PERMIT APPLICATION AND REVIEW PROCESSES – CULTURAL RESOURCES

In addition to the findings for approval or conditional approval of a coastal development permit as required by section 17.84.033, the following supplementary findings, based on factual evidence, shall be made for new development or uses involving potential impacts to archaeological or paleontological resources:

A. General. All development conforms to the development standards set forth in Section 17.84E.050.

B. Reasonable mitigation measures have been attached to the approval of any development which would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer or their delegated local area equivalent. (Ord. 20 - § , 20)

17.84E.050 Development standards.

Development of all structural improvements and uses involving the disturbance of soils shall be subject to the following standards:

a The siting and design of all buildings shall limit grading, excavations, and filling to that minimally necessary to feasibly construct the improvements.

b. The siting and design of roads and driveways shall be the minimum width and length necessary to avoid unnecessary cut and fill, particularly by conforming to natural landforms.

c. Unless deemed unsuitable by a licensed landscape architect or civil engineer, "O" and "A" horizon topsoil materials shall be scraped, appropriately stockpiled, and reused in site landscaping. (Ord. 20 - § , 20)

COMMISSION SUGGESTED NEW COASTAL DEVELOPMENT PERMIT APPLICATION AND REVIEW PROCESSES – VISUAL RESOURCES

Chapter 17.84F

COASTAL RESOURCES PROTECTION
VISUAL RESOURCES

Sections:

17.84F.010 Purpose.
17.84F.020 Applicability.
17.84F.030 Coastal development permit application contents.
17.84F.040 Supplementary findings.
17.84F.050 Development standards.

17.84F.010 Purpose.

This chapter implements applicable provisions of the local coastal program for ensuring the protection of coastal visual resource areas by providing standards for the review, authorization, and conditioning of new development and land uses consistent with the requirements of the California Coastal Act. (Ord. 20 - § , 20)

17.84F.020 Applicability.

The provisions of this chapter apply to the review of coastal development permit applications for all development proposed on sites visible from publicly accessible vantages, including but not limited to streets and highways, trails, or parklands, for which views to and along the ocean and scenic coastal areas may potentially be impacted. (Ord. 20 - § , 20)

17.84F.030 Coastal development permit application contents.

A. Visual resources impact analysis. A permit application for development on a site that is subject to this chapter shall include a visual resources impact analysis that complies with the following requirements:

1. Report contents. A visual resources impact analysis shall include, but not be limited to:

a. A narrative describing the coastal scenic resources visible through the project site from publicly-accessible vantage points, including expanses of open ocean, bay, harbor, river or other waterbody vistas, beach and shoreline areas, off-shore rocks and islands, and noteworthy terrestrial landforms and vegetated areas;

b. An survey of the heights, bulks, and architectural styles of structural improvements in surrounding areas. The study area should be adequately sized to fully characterize the project locality;

c. Photographs of the site;

d. Drawn-to-scale plan view and elevational cross-sectional site plans, illustrating the location and dimensions of structural improvements, quantification of any associated grading and excavation work, and the location and type of proposed landscaping;

COMMISSION SUGGESTED NEW COASTAL DEVELOPMENT PERMIT APPLICATION AND REVIEW PROCESSES – VISUAL RESOURCES

e. A schedule of exterior building materials, describing the types and colors of siding, cladding, roofing, window, and lighting elements; and

f. An evaluation of potential impacts to coastal scenic views and visual resources, including:

i. The degree to which existing views to and along the coast from public-accessible vantages, both across the project site and from other public areas such as parklands, beaches, and seaward areas, will be obstructed and/or altered by the new development or use;

ii. An assessment of the relative compatibility of the proposed project structural improvements with similar development in the surrounding area, comparing and contrasting, building heights, square-footages, floor-area, lot coverage, and, where discernable, architectural design continuity;

B. Story poles. At the discretion of the director, as determined to be necessary for assessing the proposed development's visual resource ramifications, the applicant may be required to erect story poles as part of the permit review process. (Ord. 20 - § , 20)

17.84F.040 Supplementary findings.

In addition to the findings for approval or conditional approval of a coastal development permit as required by section 17.84.033, the following supplementary findings, based on factual evidence, shall be made for new development situated within publicly-accessible coastal viewsheds:

A. The development or use has been designed and sited to:

1. Protect views to and along the ocean and scenic coastal areas;
2. Minimize landform alteration;
3. Be visually compatible with the character of surrounding areas; and
4. Restore and enhance visual quality in visually degraded areas, where feasible.

B. Development within designated highly scenic areas:

In addition to the supplementary findings set forth in sub-section A, development or use situated within a highly scenic area, as identified within the coastal land use plan, shall:

1. Be subordinate to the character of the setting. (Ord. 20 - § , 20)

17.84F.050 Development standards.

The following development standards shall be applied in the approval of new development on sites between the first public road and the sea where the building site would be visible from publicly-accessible vantages:

A. Exterior building materials. Use of the following exterior building materials shall be prohibited:

- Mirrored or reflective-coated glazing
- Intense, brightly-hued roofing or siding materials

B. Exterior lighting. Exterior lighting shall be limited to low-wattage illumination necessary to provide for safe nighttime transit and/or visual site security. Lighting shall employ siting and design features, such as cut-off shielding, recessed fixtures, and low-rise stanchions, and be downcast to minimize glare and prevent light from being directed off of the project property.

C. Landscaping. The installation of landscaping shall be appropriately limited by species and location to assure that, at maturity, the installed vegetation will not significantly obstruct pre-project coastal views across the project property. (Ord. 20 - § , 20).

COMMISSION SUGGESTED NEW COASTAL DEVELOPMENT PERMIT APPLICATION AND REVIEW PROCESSES – HAZARDS

Chapter 17.84G

CALIFORNIA COASTAL ZONE ENTITLEMENT PROCEDURES
NATURAL AND MAN-MADE HAZARDS AVOIDANCE

Sections:

17.84G.010 Purpose.
17.84G.020 Applicability.
17.84G.030 Coastal development permit application contents.
17.84G.040 Supplementary findings.
17.84G.050 Development standards.

COMMISSION SUGGESTED NEW COASTAL DEVELOPMENT PERMIT APPLICATION AND REVIEW PROCESSES – HAZARDS

17.84G.010 Purpose.

This chapter implements applicable provisions of the local coastal program for ensuring the avoidance and minimization of risks associated exposure to natural and man-made hazards, including geologic, flooding, wildfire, and toxic materials, by providing standards for the review, authorization, and conditioning of new development and land uses consistent with the requirements of the California Coastal Act. (Ord. 20 - § , 20)

17.84G.020 Applicability.

The provisions of this chapter apply to the review of coastal development permit applications for all development proposed on sites that contain or are within proximity to hazardous areas, could be exposed to natural and man-made hazards, or whose construction or presence may: (a) expose persons and property to geologic, flooding, and wildfire hazards; (b) create or contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area, or require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs; and/or (c) potentially result in spillage of crude oil, gas, petroleum products, or hazardous substances, or exposure thereto. Where any policy or standard provided in this chapter conflicts with any other policy or standard contained in the city's coastal land use clan, coastal zone zoning regulations, or other city-adopted plan, resolution or ordinance not included in the certified local coastal plan or its implementing provisions, and it is not possible for the development to comply with both the City of Crescent City LCP and other plan, resolution or ordinance, the policies, standards or provisions contained herein shall take precedence. (Ord. 20 - § , 20)

17.84G.030 Coastal development permit application contents.

A. 1. Geologic Hazards. All proposed new development located in or near an area subject to geologic hazards shall be required to submit a geologic/soils/geotechnical study report prepared by a registered engineer qualified in hydrology and soil mechanics, as appropriate for the intended structural improvements, that identifies any geologic hazards affecting the proposed development site and any necessary mitigation measures. The geologic/soils/geotechnical report shall include a statement by the consulting registered engineer(s) that the project site is suitable for the proposed development, that the development will be safe from geologic hazard, and that the development will in no way contribute to instability on or off the subject site. Such reports shall be subject to the review and approval of the department staff, and may include peer-review by a similarly-licensed registered engineer.

2. Geology report. Applications for blufftop and shoreline development located in or near an area subject to geologic hazards, including but not limited to, areas of geologic hazard shown on the "National Seismic Hazards Maps" and/or the "Geology and Geomorphic Features Related to Landsliding" and "the North Coast Watersheds Mapping" series prepared for Del Norte County by the U.S. Geological Survey and California Geological Survey, respectively, shall be required to submit a geologic/soils/geotechnical study that identifies all potential geologic hazards affecting the proposed project site, all necessary mitigation measures, and contains a statement that the project site is suitable for the proposed development and that the development will be safe from geologic hazard.

3. Preparation and contents of geology report. A required geology report shall be prepared one or more qualified Certified Engineering Geologists (CEG), Registered Civil Engineers (RCE), Geotechnical Engineers (GE) or group of aforementioned disciplines approved by the City, with expertise appropriate to the site and anticipated hazard conditions, and shall be submitted with the planning permit application for the proposed development. The report shall consider, describe, and analyze the following:

a. Cliff geometry and site topography, extending the surveying work beyond the site as needed to depict unusual geomorphic conditions that might affect the site;

b. Historic, current, and foreseeable cliff erosion, including investigation of recorded land surveys and tax assessment records in addition to the use of historic maps and photographs where available, and possible changes in shore configuration and sand transport;

c. Geologic conditions, including soil, sediment, and rock types and characteristics, in addition to structural features such as bedding, joints, and faults;

d. Evidence of past or potential landslide conditions, the implications of such condition for the proposed development, and the potential effects of the development on landslide activity;

e. Impact of construction activity on the stability of the site and adjacent area;

f. Ground and surface water conditions and variations, including hydrologic changes caused by the development (e.g., introduction of sewage, effluent, and irrigation water to the groundwater system, alterations to surface drainage, and the like);

g. Potential erodibility of the site and mitigation measures to be used to ensure minimized erosion problems before and after construction (i.e., landscape and drainage design);

h. Effects of marine erosion on the coastal bluffs;

i. Potential effects of seismic forces resulting from a maximum credible earthquake;

j. Any other factors that might affect slope or bluff stability;

k. Whether the proposed project will be subject to or contribute to significant geologic instability throughout the 100-year life span of the project;

l. Effects of future sea level rise on the development;

m. Slope stability and bluff erosion rate determination performed as outlined in Sections B.2 and B.3 below; and

n. An alternatives analysis of, and mitigation measures for, all potential impacts.

In addition to all applicable information required by sub-section 3a- 3n above, all applications for new shoreline structures shall include an analysis of beach erosion, wave run-up, and tsunami and flood hazards prepared by a licensed civil engineer with expertise in coastal engineering. These reports shall address and analyze the effects of said development in relation to the following:

o. The profile of the beach;

p. Surveyed locations of mean high tide lines acceptable to the State Lands Commission;

q. The availability of public access to the beach;

r. The area of the project site subject to design wave run-up, based on design conditions;

s. Foundation design requirements;

t. The long-term effects of proposed development on sand supply;

u. The Federal Emergency Management Agency Flood Insurance Rate Map (FEMA-FIRM) Base Flood Elevation and other mapped areas (A,B, or V zones);

v. Future projections in sea level rise; and

w. Project alternatives designed to avoid or minimize impacts to public access.

B. Blufftop and shoreline development hazards. A coastal development permit application for development with 300 feet of a bluff line or edge as defined shall include the following supplemental information and analyses:

1. Public access information. Applications for blufftop or shoreline development, including but not limited to shoreline protective structures, shall include a site map that shows all existing easements, deed restrictions, or offers of dedication and/or other dedications for public access or open space and provides documentation that the development shall be located outside of and consistent with the provisions of such easement or offers.

2. Slope stability analysis. For the purpose of this section, quantitative slope stability analyses shall be undertaken as follows:

a. The analyses shall demonstrate a factor of safety greater than or equal to 1.5 for the static condition and greater than or equal to 1.1 for the seismic condition. Seismic analyses may be performed by the pseudostatic method, but in any case shall demonstrate a permanent displacement of less than 50 mm.

b. Slope stability analyses shall be undertaken through cross-sections modeling worst case geologic and slope gradient conditions. Analyses shall include postulated failure surfaces such that both the overall stability of the slope and the stability of the surficial units is examined.

c. The effects of earthquakes on slope stability (seismic stability) shall be addressed through pseudostatic slope analyses assuming a horizontal seismic coefficient of 0.15g, and shall be evaluated in conformance with the guidelines published by the American Society of Civil Engineers, Los Angeles Section (ASCE/SCEC), "Recommended Practices for Implementation of DMG Special Publication 117, Guidelines for Analyzing and Mitigating Landslide Hazards in California."

d. All slope analyses shall be performed using shear strength parameters (friction angle and cohesion), and unit weights determined from relatively undisturbed samples collected at the site. The choice of shear strength parameters shall be supported by direct shear tests, triaxial shear test, or literature references.

e. All slope stability analyses shall be undertaken with water table or potentiometric surfaces for the highest potential ground water conditions.

f. If anisotropic conditions are assumed for any geologic unit, strike and dip of weakness planes shall be provided, and shear strength parameters for each orientation shall be supported by reference to pertinent direct sheer tests, triaxial shear test, or literature.

g. When planes of weakness are oriented normal to the slope or dip into the slope, or when the strength of materials is considered homogenous, circular failure surfaces shall be sought through a search routine to analyze the factor of safety along postulated critical failure surfaces. In general, methods that satisfy both force and moment equilibrium (e.g., Spencer, Morgenstern-Price, and General Limit Equilibrium) are preferred. Methods based on moment equilibrium alone (e.g., Bishop's Method) also are acceptable. In general, methods that solve only for force equilibrium (e.g., Janbu's method) are discouraged due to their sensitivity to the ratio of normal to shear forces between slices.

h. If anisotropic conditions are assumed for units containing critical failure surfaces determined above, and when planes of weakness are inclined at angles ranging from nearly parallel to the slope to dipping out of slope, factors of safety for translational failure surfaces shall also be calculated. The use of a block failure model shall be supported by geologic evidence for anisotropy in rock or soil strength. Shear strength parameters for such weak surfaces shall be supported through direct shear tests, triaxial shear test, or literature references.

i. The selection of shear strength values is a critical component to the evaluation of slope stability. Reference should be made to American Society of Civil Engineers, Los Angeles Section (ASCE/SCEC), "Recommended Practices for Implementation of DMS Special Publication 117, Guidelines for Analyzing and Mitigating Landslide Hazards in California." when selecting shear strength parameters.

3. Bluff retreat rate. For the purpose of this chapter, the long-term average bluff retreat rate shall be determined by the examination of historic records, surveys, aerial photographs, published or unpublished studies, or other evidence that unequivocally show the location of the bluff edge through time. The long-term bluff retreat rate is an historic average that accounts both for periods of exceptionally high bluff retreat, such as during extreme storm events, and for long periods of relatively little or no bluff retreat. Accordingly, the time span used to calculate a site-specific long-term bluff retreat rate shall be as long as possible, but in no case less than 50 years. Further, the time interval examined shall include the strong El Niño winters of 1982-1983, and 1997-1998. The expected bluff retreat rate over the expected life of the development shall be based in part on the historic bluff retreat rate, but shall also include consideration of the effects of continued historic rates of sea level rise, potential accelerated sea level rise, increase in significant wave heights, and increase in storm intensity and frequency, as is expected under most scenarios of the Intergovernmental Panel on Climate Change or as anticipated in studies prepared for California coastal areas pursuant to Executive Order S-13-08.

4. Erosion control plan. Erosion control plan. All coastal development permit applications for development on blufftop and shoreline parcels shall include a site specific erosion control plan. The plan shall be prepared by a registered engineer qualified in hydrology and soil mechanics, and shall ensure that the development will not create nor contribute to the erosion or failure of any bluff face, and will eliminate or mitigate any adverse impacts on local shoreline sand supply to the maximum extent feasible. The plan shall identify drainage and erosion control features to ensure that surficial erosion or ground saturation will not that incorporate structural and non-structural stormwater runoff and water quality best management practices (BMPs) to control the volume, velocity, flow direction, and pollutant load of stormwater runoff from new development, including construction, grading, and landscaping, and bioswale treatment and/or other facilities designed to accommodate the 85th percentile one-hour rainfall event for volumetric-based systems and the 85th percentile 24-hour precipitation event for flow-based facilities.

C. New Beachfront Development and Shoreline Structures. In addition to all applicable information required by sub-sections A and B above, all applications for new beachfront development or shoreline structures shall include an analysis of beach erosion, wave run-up, and tsunami and flood hazards prepared by a registered civil engineer with expertise in coastal processes. These reports shall address and analyze the effects of said development in relation to the following:

1. The profile of the beach;
2. Surveyed locations of mean high tide lines acceptable to the State Lands Commission;
3. The FEMA Base Flood Elevation and other mapped areas (A,B, or V zones);
4. Future projections in sea level rise;
5. The area of the project site subject to design wave run-up (normally the 100-year wave event), based on design beach and water level conditions (normally taken to be an eroded, winter profile beach, high tide and the future erosion and sea level rise conditions appropriate for the project life;
6. Foundation design requirements;
7. The long-term effects of proposed development on sand supply; and
8. Project alternatives designed to avoid or minimize impacts to beach and public access.

D. Sea Level Rise Analysis. Applications for development adjacent to the shore or that may be subject to the influence of sea level over the life of the project shall include an analysis of possible impacts from sea level rise. The analysis shall take into account the best available scientific information with respect to the effects of long-range sea level rise for all requisite geologic, geotechnical, hydrologic, and engineering investigations. Residential and commercial development at nearshore sites shall analyze potential coastal hazard sensitivities for a range of potential global sea level rise scenarios, from three to six feet per century. The analysis shall also take into consideration regional sea level variability, localized uplift or subsidence, local topography, bathymetry and geologic conditions. A similar sensitivity analysis shall be performed for critical facilities, energy production and distribution infrastructure, and other development projects of major community significance using a minimum rise rate of 4.5 feet per century. These hazard analyses shall be used to identify current and future site hazards, to help guide site design and hazard mitigation and to identify sea level thresholds after which limitations to the development's design and siting would cause the improvements to become significantly less stable.

E. Public access information. Applications for blufftop or shoreline development, including but not limited to shoreline protective structures, shall include a

site map that shows all existing easements, deed restrictions, or offers-of-dedication and/or other dedications for public access or open space and provides documentation that the development shall be located outside of and consistent with the provisions of such easement or offers. The application shall also identify all available beach access within one-half miles upcoast or downcoast of the proposed development site.

F. Floodplain development. A coastal development permit application for development within an identified floodplain in the coastal zone, including but not limited to those areas shown on FEMA-FIRM community panel series 0615C 0214E, 0615C 0218E, 06015C 0327E, and 0615C 0331E, shall include the following supplemental information and analyses:

1. Site plans and elevations depicting the height of the base flood elevation relative to the floor height of the structures; and
2. Copies of any flood elevation certificates, flood-proofing certificates, or other as-built verifications of floodplain management conformance prepared for the structures.

G. Tsunami runup and inundation. A coastal development permit application for development within an identified tsunami runup and/or inundation area, including but not limited to those areas depicted on the latest government-prepared tsunami hazard maps, shall include the following supplemental information and analyses:

1. A analysis of the vulnerability of any proposed structural improvements to instability or damage associated with tsunami inundation up to and including wave heights resulting from a near-source maximum credible Cascadia subduction zone seisimic event. The analysis shall take into consideration local uplift or subsidence, and a three- to six-foot rise in sea level over one hundred years, a minimum of 4.5 feet of sea level rise over 100 years for critical facilities, and greater sea level rise rates if development is expected to have a long economic life, the proposed development has few options for adaptation to sea level higher than the design minimum, or if the best available scientific information at the time of review supports a higher design level. The analysis shall address potential damage and instability from in-coming and out-flow waters, including wave strike and foundation scour. The analysis shall identify design and siting mitigation measures to feasibly reduce potential exposure of persons and property to flooding and instability risks;
2. A tsunami safety plan containing information as to the existence of the threat of tsunamis from both distant- and local-source seismic events, the need for prompt evacuation upon the receipt of a tsunami warning or upon experiencing seismic shaking for a local earthquake, and the evacuation route to take from the development site to areas beyond potential inundation.

H. Wildfire hazards. A coastal development permit application for development within an identified wildfire hazard areas, including but not limited to those areas depicted on the latest adopted fire hazard severity maps, shall include the following supplemental information and analyses:

1. A fire safe compliance plan, illustrating how the development would conform to the state and local agency emergency vehicle access, street signage, fuel modification, defensible space, fire-fighting water supply, and building code standards applicable to the class of development.

I. Hazardous materials. A coastal development permit application for commercial and/or industrial development proposing the use, storage, or transportation of hazardous materials subject to state and federal regulation, shall include the following supplemental information and analyses:

1. An accidental spill/release response and cleanup plan, detailing training and logistics for prompt response to, containment of, and clean up of, any accidentally released or spilled hazardous materials. The plan will include an inventory of spill/release containment and clean-up materials and equipment to be stockpiled at the project site, responsible parties for initiating a response activity and provisions for notification of responsible agencies, as appropriate, including but not limited to the county department of public health, county sheriff's office, police and fire departments, and state and federal oil spill responders. (Ord. 20 - § , 20)

17.84G.040 Supplementary findings.

In addition to the findings for approval or conditional approval of a coastal development permit as required by section 17.84.033, the following supplementary findings, based on factual evidence, shall be made for new development or uses occurring in or in proximity to hazardous areas:

A. General. The development meets all development standards of section 17.84G.050.

B. Development or uses in to geologic, flooding, and wildfire hazard areas. The development or use has been designed and sited to:

1. Minimize risks to life and property;
2. Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

C. Commercial or industrial development involving the use, storage, or transport of hazardous materials. The development or use has been designed and sited such that protection against the spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided and that effective containment and cleanup facilities and procedures shall be provided for accidental spills that do occur. (Ord. 20 - § , 20)

17.84G.050 Development standards.

COMMISSION SUGGESTED NEW COASTAL DEVELOPMENT PERMIT APPLICATION AND REVIEW PROCESSES – HAZARDS

Development in areas subject to natural or man-made hazards shall only be authorized subject to the following conditions:

A. Geologic hazard areas.

1. All recommendations of the consulting registered engineer(s) and/or the department staff shall be incorporated into all final design and construction including foundations, grading, sewage disposal, and drainage. Final plans must be reviewed and approved for compliance with geologic recommendations by the consulting registered engineer(s) and the department staff; and
2. Final plans approved by the consulting registered engineer(s) and the department staff shall be in substantial conformance with the plans approved by the final City decision making body relative to construction, grading, sewage disposal and drainage. Any substantial changes in the proposed development approved by the City which may be required by the project consultants or department staff shall require an amendment to the permit or a new coastal development permit.

B. Blufftop and shoreline sites.

1. The development is sited such that it will remain safe from coastal erosion and slope instability for the full span of its economic life (75 to 100 years);
2. The erosion control plan is implemented as part of the approved development;
3. Provisions are included in the authorization should slope instability and/or bluff retreat occur at locations or rates other than anticipated, the permittee is required to seek a permit amendment for relocation of the structure or to authorize other stabilizing actions once the blufftop edge or area of instability encroach within ten feet of the structure; and
4. Rights to future construction of a sea wall, cliff retaining wall, or other protective devices that would substantially alter natural landforms along bluffs and cliffs are waived by recorded deed restriction.

C. Floodplains and other flood-prone sites.

1. The development has been conditioned to meet all requirements of the flood damage prevention chapter 21.45; and
2. Maintenance projects involving the removal of materials from erosion control and flood control facilities constructed on watercourses are required, where feasible, to be placed at appropriate points on the shoreline such that the movement of sediment and nutrients which would otherwise be carried by storm runoff into coastal waters are not impeded, and the continued delivery of these sediments to the littoral zone is facilitated. Such placement shall be done in accordance with feasible mitigation measures to minimize adverse environmental effects, taking into consideration physical and chemical properties of the removed materials, the method of placement, time of year of placement, and sensitivity of the placement area and receiving waters.

D. New permanent residential development created through land divisions located within mapped or modeled tsunami hazard areas.

1. Have floor elevations one-foot above the height of tsunami runup originating from the maximum credible near-source seismic event on the Cascadia Subduction Zone, as depicted on the latest government-prepared tsunami hazard maps or local modeling, taking into consideration local uplift and subsidence, and a three-foot rise in sea level over a 100 year period; and
2. The building has been designed to withstand the hydrodynamic, hydrostatic, and buoyancy forces associated with wave strike and back-flow, including the effects on foundation scour, without experiencing catastrophic

E. Wildfire hazards.

1. The development or use has been conditioned to be constructed or operated consistent with applicable fire safe standards for the local- or state-responsibility area in which it is located, provided that that all feasible protective measures are included such that impacts to coastal resources are minimized. Examples of these measures include, but are not limited to, siting and designing the development or use so that fuel modification clearing and access improvements in and in proximity to environmentally sensitive habitat areas and geologically unstable areas are minimized.

F. Hazardous materials.

1. The development or use has been conditioned to be constructed and/or operated consistent with an approved spill prevention, response, and clean-up plan. (Ord. 20 - § , 20)

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Chapter 17.85 **VARIANCES** **Sections:** **17.85.010 Purpose.** **17.85.020 Application—Notice and hearing.** **17.85.030 Appeal.** **17.85.040 Council action—Granting or denial.** **17.85.050 Copies of resolution for applicant and commission.**	[No modifications suggested.]
17.85.010 Purpose. The sole purpose of any variance shall be to prevent discrimination or undue hardship when special circumstances exist which deprives such property of privileges enjoyed by other property in the same zoning classification and vicinity because of literal interpretation and enforcement of the provisions of this title. The planning commission shall have the authority, as an administrative act, subject to the provision of this section to grant a variance with respect to fences, walls, hedges, screening, landscaping, side yards, front or rear yards, site area, floor area, height of structures or distance between structures. Such variances from the provisions of this code shall be in harmony with its general purpose and intent so that the spirit of this code shall be observed, public safety and welfare secured, and substantial justice done. No variance shall be granted which would have the effect of granting a special privilege not shared by any other property in the same vicinity and zoning classification. No variance may be granted by the planning commission or the city council on appeal, all of the following shall be found: A. That there are exceptional and extraordinary circumstances applicable to the property involved. The variance shall be limited to that necessary to correct the discrimination or undue hardship; B. That such variance is necessary for the preservation and enjoyment of the substantial property right possessed by other property in the same vicinity and zone and denied to the property in question; C. That the granting of such variance will not be detrimental to the public welfare or injurious to the property or improvements in such vicinity and zone in which property is located; E. The granting of such variances in the coastal zone is consistent with and implements the certified LCP, and that the granting of such variances does not reduce or in any way adversely affect the requirements to protect coastal resources, and the variance implements the purposes of the zone adopted in implementing the LCP; F. That a public hearing wherein the applicant is heard and in which he substantiates all of the conditions cited above; G. That the planning commission in reviewing such requests and hearing the evidence finds that conditions of subsections (A) through (F) of this section have been met. (Ord. 611 Ex. A (part), 1987).	**17.85.010 Purpose.** The sole purpose of any variance shall be to prevent discrimination or undue hardship when special circumstances exist which deprives such property of privileges enjoyed by other property in the same zoning classification and vicinity because of literal interpretation and enforcement of the provisions of this title. The planning commission shall have the authority, as an administrative act, subject to the provision of this section to grant a variance with respect to fences, walls, hedges, screening, landscaping, side yards, front or rear yards, site area, floor area, height of structures or distance between structures. Such variances from the provisions of this code shall be in harmony with its general purpose and intent so that the spirit of this code shall be observed, public safety and welfare secured, and substantial justice done. No variance shall be granted which would have the effect of granting a special privilege not shared by any other property in the same vicinity and zoning classification. No variance may be granted by the planning commission or the city council on appeal, all of the following shall be found: A. That there are exceptional and extraordinary circumstances applicable to the property involved. The variance shall be limited to that necessary to correct the discrimination or undue hardship; B. That such variance is necessary for the preservation and enjoyment of the substantial property right possessed by other property in the same vicinity and zone and denied to the property in question; C. That the granting of such variance will not be detrimental to the public welfare or injurious to the property or improvements in such vicinity and zone in which property is located; E. The granting of such variances in the coastal zone is consistent with and implements the certified LCP, and that the granting of such variances does not reduce or in any way adversely affect the requirements to protect coastal resources, and the variance implements the purposes of the zone adopted in implementing the LCP; F. That a public hearing wherein the applicant is heard and in which he substantiates all of the conditions cited above; G. That the planning commission in reviewing such requests and hearing the evidence finds that conditions of subsections (A) through (F) of this section have been met. **Variances shall be granted solely for deviations from the prescriptive**

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	standards of development site zoning district (i.e., building height, minimum lot area except for land divisions and lot line adjustments, front, side and rear yard areas, special yards and distances between buildings). Variances shall not be granted for deviation from the requirements for buffer around environmentally sensitive habitat area or for development setbacks from geologically unstable areas, or other procedural provisions or exactions relating to the protection of coastal resources. Nothing in this chapter substitutes for or obviates the need to secure a coastal development permit pursuant to chapter 17.84. (Ord. (part), 20 ; Ord. 611 Ex. A (part), 1987).
17.85.020 Application—Notice and hearing. Upon filing of a written application for a variance by a property owner or by a lessee with the consent of the owner, the planning commission shall give seven days notice to the residents and owners of all properties which are immediately adjacent and opposite from the property in question. Such notice shall give intent to consider at a public hearing the granting of the variance. Upon filing of an application for variance the planning director shall give notice by mail of the time, place and purpose thereof to the applicant as well as to the public in general. Within twenty days following the termination of the public hearing on a variance the planning commission shall announce its findings by formal report, and such report shall recite among other things the facts and reasons which, in its opinion, made the granting or denial of the variance necessary to carry out the provisions and general purpose of these regulations, and shall order that the variance be granted or denied, and if such report orders that the variance be granted it shall also recite such conditions and limitations as it may impose. The formal report of the planning commission announcing its findings and orders after a hearing on and application for variance shall become a permanent record in the files of the planning commission. No later than ten days following the rendering of a decision ordering that a variance be granted or denied a copy of the report shall be mailed to the applicant, any other person requesting such report, and to the California Coastal Commission. (Ord. 611 Ex. A (part), 1987).	[No modifications suggested.]
17.85.030 Appeal. The order of the planning commission in granting or denying a variance shall become final and effective ten days after the rendering of its report granting or denying the variance unless within such ten-day period an appeal in writing is filed with the city by any person dissatisfied with the decision of the planning commission. The filing of such appeal within such limit shall stay the effective date of the order of the planning commission until such time as the council has acted on the appeal. (Ord. 611 Ex. A (part), 1987).	[No modifications suggested.]
17.85.040 Council action—Granting or denial. A. Upon request of a written appeal filed with the council as provided in this chapter, the planning commission shall transmit to the council the planning commission's complete record of the case. The city council shall, within a period not to exceed forty days following receipt of the written appeal, conduct a duly advertised	[No modifications suggested.]

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public hearing, public notice of which shall be given as provided in Section 17.81.040 of this title, and in addition provide written notice to individuals requesting such notices as well as to the California Coastal Commission. B. The council shall announce its findings and decision by formal resolution not more than forty days following the termination of proceedings of the hearing. Such resolution shall recite among other things the facts and reasons which, in the opinion of the council, make the granting or denial of the variance necessary to carry out the general purpose of this chapter and shall order that the variance be granted or denied or modified subject to such conditions or limitations that it may impose. (Ord. 611 Ex. A (part), 1987).	
17.85.050 Copies of resolution for applicant and commission. Not later than ten days following the adoption of a resolution ordering that a variance be granted or denied, a copy of such resolution shall be mailed to the applicant, any other parties requesting notice of the action, and to the California Coastal Commission, and one copy shall be attached to the Planning Commission's file on the case and such file returned to the planning commission for permanent filing. (Ord. 611 Ex. A (part), 1987).	[No modifications suggested.]

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Chapter 17.86 **COASTAL ZONE WATERFRONT DEVELOPMENT** **Sections:** **17.86.010 Purpose of regulations.** **17.86.020 ~~Detailed site plan~~ Building on City owned beachfront lands.** **17.86.030 ~~Preliminary plans—Objectives, standards and conditions generally~~ Public Access.** **~~17.86.040 Leases generally.~~** **~~17.86.050 Lease approval.~~**	[No modifications suggested.]
17.86.010 Purpose of regulations. The regulations set forth in this chapter are enacted to limit the development of the beachfront or waterfront area of ~~the~~ city owned lands to recreational and public purposes and to provide for public access to local beaches on adjacent lands. (Ord. 697 (part), 2003; Ord. 587 (part), 1983).	[No modifications suggested.]
17.86.020 ~~Detailed site plan~~ Building on City owned beachfront lands. Proposals for building on City owned beachfront lands shall be subject to the following review and standards: A. Detailed site plan. All applicants or prospective lessees or developers shall provide a detailed site plan acceptable to the city planning commission prior to city	**17.86.020 ~~Detailed site plan~~ Building on City owned beachfront lands.** Proposals for building on City owned beachfront lands shall be subject to the following review and standards: A. Detailed site plan. All applicants or prospective lessees or developers shall provide a detailed site plan acceptable to the city planning commission prior to city

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council review of the proposal. B. Preliminary plans—Objectives, standards and conditions generally. Prior to application for a building permit in connection with beachfront development, prospective developers shall submit preliminary plans and proposed building elevations to the city planning commission, and shall be guided by the following objectives, standards and conditions: 1. Development along and upon the city's waterfront area shall be designed and used for tourists, recreational and harbor-related purposes. 2. The city shall reserve such rights-of-way for street and utility purposes as deemed necessary or appropriate. 3. The general character of development shall be in keeping with the highest standards of architectural design represented in the city area. Natural materials such as wood, timber or rock materials should be used wherever practical. A festive atmosphere is encouraged, but all elements and aspects of the development shall be carefully designed and in good taste. 4. The city planning commission shall examine the size, location, color, proportions, textures, orientation, accessibility, landscaping and other features of each proposed development, to ensure that all developments of the city beachfront shall be carefully designed and in good taste. 5. Off-street parking shall be provided in accordance with the standards relating to zoning as provided in this code, and all additional areas up to fifty percent shall be reserved for off-street parking. All off-street parking areas should be suitably paved, lighted and screened by landscaping or other appropriate materials. C. Leases generally. The particular area of the city's waterfront property available for leasing to and development by applicants shall be subject to the approval of the city council. When an application is made for leasing and developing a portion of the waterfront area, the city council shall review the application and approve or disapprove the development site. D. Lease approval. All lease agreements entered into between the city and developers or lessees, public or private, shall be subject to the approval as to form by the city attorney. (Ord. ____(part), 200_; Ord. 587 (part), 1983).	council review of the proposal. B. Preliminary plans—Objectives, standards and conditions generally. Prior to application for a **coastal development, conditional use, or** building permit in connection with beachfront development, prospective developers shall submit preliminary plans and proposed building elevations to the city planning commission, and shall be guided by the following objectives, standards and conditions: 1. Development along and upon the city's waterfront area shall be designed and used for tourists, recreational and harbor-related purposes. 2. The city shall reserve such rights-of-way for street and utility purposes as deemed necessary or appropriate. 3. The general character of development shall be in keeping with **that of the visual resources of surrounding area and reflect** the highest standards of architectural design represented in the city area. Natural materials such as wood, timber or rock materials should be used wherever practical. A festive atmosphere is encouraged, but all elements and aspects of the development shall be carefully designed and in good taste. 4. The city planning commission shall examine the size, location, color, proportions, textures, orientation, accessibility, landscaping and other features of each proposed development, **and impose design and siting restriction as necessary** to ensure that all developments of the city beachfront**;** ~~**shall be carefully designed and in good taste**~~ **a. protect views to and along the ocean and scenic coastal areas;** **b. minimize the alteration of natural land forms;** **c. are visually compatible with the character of surrounding areas;** **d. restore and enhance visual quality in visually degraded areas, where feasible; and** **e. in areas determined to be highly scenic, are subordinate to the character of its setting.** 5. Off-street parking shall be provided in accordance with the standards relating to zoning as provided in this code, and all additional areas up to fifty percent shall be reserved for off-street parking. All off-street parking areas should be suitably paved, lighted and screened by landscaping or other appropriate materials. C. Leases generally. The particular area of the city's waterfront property available for leasing to and development by applicants shall be subject to the approval of the city council. When an application is made for leasing and developing a portion of the waterfront area, the city council shall review the application and approve or disapprove the development site. D. Lease approval. All lease agreements entered into between the city and developers or lessees, public or private, shall be subject to the approval as to form by the city attorney. (**Ord. (part), 20 ;** Ord. 697 (part), 2003; Ord. 587 (part),

Ordinance as Proposed	Ordinance as Suggested to be Modified
	1983).
17.86.030 ~~**Preliminary plans Objectives, standards and conditions generally**~~ **Public Access.** ~~Prior to application for a building permit in connection with beachfront development, prospective developers shall submit preliminary plans and proposed building elevations to the city planning commission, and shall be guided by the following objectives, standards and conditions:~~ ~~A. Development along and upon the city's waterfront area shall be designed and used for tourists, recreational and harbor related purposes.~~ ~~B. The city shall reserve such rights-of-way for street and utility purposes as deemed necessary or appropriate.~~ ~~C. The general character of development shall be in keeping with the highest standards of architectural design represented in the city area. Wood and timber materials should be used wherever practical. A festive atmosphere is encouraged, but all elements and aspects of the development shall be carefully designed and in good taste.~~ ~~D. The city planning commission shall examine the size, location, color, proportions, textures, orientation, accessiblity, landscaping and other features of each proposed development, to ensure that all developments of the city beachfront shall be carefully designed and in good taste.~~ ~~E. Off street parking shall be provided in accordance with the standards relating to zoning as provided in this code, and all additional areas up to fifty percent shall be reserved for off-street parking. All off-street parking areas should be suitably paved, lighted and screened by landscaping or other appropriate materials.~~ As set forth by the California Coastal Act new development along the immediate shoreline shall provide public access to and along the shoreline as outlined in the following standards. A. For the purposes of this section "new development" does not include: 1. Replacement of any structure destroyed by natural disaster. Such replacement structure shall conform to applicable existing zoning requirements, shall be for the same use as the destroyed structure, shall not exceed either the floor area, height, or bulk of the destroyed structure by more than ten percent, and shall be sited in the same location o the affected property as the destroyed structure. (As used in this subdivision, "natural disaster" means any situation in which the force or forces which destroyed the structure to be replaced were beyond the control of the owner.) 2. The demolition and reconstruction of a single-family residence, provided that the reconstructed residence shall not exceed either the floor area, height or bulk of the former structure by more than ten percent, and that the reconstructed residence shall be sited in the same location on the affected property as the former structure. 3. Improvements to any structure which do not change the intensity of its use, which do not increase either the height, or bulk of the structure by more than ten percent, which do not block or impede public access,	[No modifications suggested.]

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and which do not result in a seaward encroachment by the structure. (As used in this subdivision, "bulk" means total interior cubic volume as measured from the exterior surface of the structure.) 4. Any repair or maintenance activity which does not result in an addition to, or enlargement of maintenance activities; unless such activity will have an adverse impact on internal public access to the beach. B. Lateral Access. New development along the immediate shoreline shall provide lateral access by access easements along the shoreline, inland of the mean high tide to the first line of vegetation or to the crest of the paralleling bluff in areas of coastal bluffs. No permit shall be issued for a project which obstructs lateral access on the immediate shoreline, inland of the mean high tide to the first line of vegetation, or the crest of the paralleling bluff. Exceptions to this requirement would be: 1. For the placement of navigational aids or shoreline protective devices to protect existing public structures; 2. Where access is inconsistent with public safety, military security needs, or the protection of fragile coastal resources; or 3. Where adequate access already exists. C. Vertical Access. Development along the immediate shoreline shall provide public access by access easements from the nearest public roadway to the shoreline. Priority for vertical access shall be restricted to that for sandy beach areas. Accessways to rock beaches will not be required for areas where public safety is of concern or where increased visitor pressure on biological areas or areas of unique character, sensitive to visitor pressure, will be degraded. Other exceptions to this requirement would be: 1. Where access would have unavoidable adverse impacts on environmentally sensitive habitat areas; 2. An existing vertical accessway, adequate to meet anticipated access needs, is located one-quarter mile or less from the development; 3. Where the parcel is too small to allow for an adequate vertical access corridor without passing within twenty-five feet of a proposed dwelling; or 4. Where the project site is too small for the proposed development and the access with improvements related to its use (i.e., parking). D. Design and Use. 1. Access proposals which provide access for the general public over a wide range of income levels, ages, and social groups shall have priority over other private development accessways. 2. The lateral access required shall be limited to passive recreational uses unless another type of use is specified as a condition of the development permit. 3. The vertical access required shall be limited to the right of pass and repass unless additional uses are specified as a condition of development. If possible, the accessway should be sited along the border of the development and shall extend from the road (or boundary line closest to the road) to the shoreline. Adequate provision	

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for maintenance and safety access shall also be made. E. Dedication of Public Access 1. Prior to the issuance of a permit for development which requires coastal public access the applicant shall be required to record legal documents for the provision of access to the City, on behalf of the public, by easement. 2. As a condition to the issuance of the permit, the applicant shall be required to furnish a CLTA title report and all necessary subordination agreements. Title insurance may also be required where extensive easements are being granted. The amount of insurance shall be estimated on the basis of what it would cost to acquire an equivalent access or recreational use easement elsewhere in the vicinity. 3. Copies of the document to be recorded, title report, current deed and permit shall be forwarded to the Coastal Commission within ten days after submission of all of the documents to the City. The City may make minor revisions to the documents to assure that the public right of access to and/or along the shoreline are protected and capable of being implemented. The Coastal Commission shall review the documents and notify the City and the applicant of any recommended revisions. If notification of inadequacy has not been received within 42 days, the City may issue record the documents and issue the permit. If revisions are recommended by the Commission, the permit shall not be issued until the discrepancies have been resolved. F. Improvements 1. Any commercial, industrial, recreational, or residential project of more than 4 units which is subject to the provision of access shall be required to provide access improvements commensurate with the project size and access demand. Such improvements shall be outlined in the conditions of the project permit. 2. Design and construction of access improvements shall consider maintenance, safety, potential vandalism and protection of fragile coastal resources. 3. Upon completion and acceptance of access improvement construction such improvements shall be dedicated to the City for public use. (Ord. 697 (part), 2003; Ord. 587 (part), 1983).	
~~**17.86.040 Leases generally.**~~ ~~The particular area of the city's waterfront property available for leasing to and development by applicants shall be subject to the approval of the city council. When an application is made for leasing and developing a portion of the waterfront area, the city council shall review the application and approve or disapprove the development site.~~ (Ord. 697 (part), 2003; Ord. 587 (part), 1983).	[No modifications suggested.]
~~**17.86.050 Lease approval.**~~	[No modifications suggested.]

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All lease agreements entered into between the city and developers or lessees, public or private, shall be subject to the approval as to form by the city attorney. (Ord. 697 (part), 2003; Ord. 587 (part), 1983).	