Mendocino Town Zoning Code

Division III of Title 20

Mendocino County Zoning Code

AMENDMENTS TO THE CERTIFIED TOWN ZONING CODE

Town of Mendocino Local Coastal Program Update Amendment

Appendix C:

Proposed IP Amendments with Suggested Modifications

Adopted by the Board of Supervisors: December 8, 2015

Received by the California Coastal Commission: January 8, 2015

Certified by the California Coastal Commission:_____

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MENDOCINO TOWN ZONING CODE UPDATE AMENDMENT
(LCPA-1-MEN-14-0840)

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Sec. 20.720.010 - Applicability……
Sec. 20.720.015 - Permit Requirements……
Sec. 20.720.020 - Exemptions……
Sec. 20.720.025 - Application and Fees……
Sec. 20.720.030 - Processing of Applications……
Sec. 20.720.035 - Findings……
Sec. 20.720.040 - Administrative Approval of Coastal Development Permits……
Sec. 20.720.045 - Coastal Development Permit Hearing and Notice Requirements……
Sec. 20.720.050 - Expiration and Completion……

Note: Pagination has been removed to avoid confusion between proposed language and suggested modifications

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Sec. 20.720.055 - Application for Permit Amendment…….
Sec. 20.720.060 - Renewal (Extension) …….....
Sec. 20.720.065 - Revocation or Modification…….....
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Sec. 20.720.085 - Notice to Assessor……
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Sec. 20.724.015 - Application and Fees…….....
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[/] Chapter 20.732 – AMENDMENTS……

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Sec. 20.736.010 - Penalties…….....
Sec. 20.736.015 - Permit Conditions as Violations……
Sec. 20.736.020 - Cumulative Remedies……
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Sec. 20.736.030 - Notification of Litigation Concerning Development in the
Coastal Zone and Attorney General Intervention……

[/] Chapter 20.740 - SECOND RESIDENTIAL UNITS…….....

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Sec. 20.740.005 - Intent……
Sec. 20.740.010 - Permit……
Sec. 20.740.015 - Specific Standards……

[/] Chapter 20.744 - GROUND WATER EVALUATION……

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Sec. 20.744.010 - Definitions……
Sec. 20.744.015 - Uses Requiring a Hydrological Study……
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[/] Figure 1. Mendocino Town Zoning Map……

~~**[/] 1995 Mendocino Town Zoning Map Mark-up**……~~

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MENDOCINO TOWN ZONING CODE UPDATE AMENDMENT
(LCPA-1-MEN-14-0840)

Chapter 20.604 - BASIC PROVISIONS

Sec. 20.604.005 - Title.

This Division constitutes Division III of Title 20 of the Mendocino County Code and shall be known and cited as the "Mendocino Town Zoning Code."

Sec. 20.604.010 - Necessity and Purpose.

(A) This Division is adopted pursuant to Title 7 of the California Government Code and Division 20 ~~Section 30500 et seq.~~ of the California Public Resources Code to (1) implement the Mendocino Town Plan geographical segment, as certified by the California Coastal Commission ("Coastal Commission"), of the Coastal Element of the Mendocino County General Plan; ~~to~~ (2) prescribe land use regulations for the Town of Mendocino deemed necessary to preserve the special community character of the Town; ~~to~~ (3) allow for orderly growth, conservation of coastal resources, and public access to and along the coast by careful delineation of land uses, provision of community services, and review of applications for development ~~proposals~~; ~~to~~ (4) protect Mendocino's status as a special community~~, significant coastal resource,~~ and a historical residential community, with significant coastal resources; and (5) ~~to~~ supplement the regulations ~~policies~~ of Division II, as provided herein.

(B) It is the intent of this Board of Supervisors that the Town of Mendocino segment of the Mendocino County certified Local Coastal Program be carried out in a manner fully in conformity with the provisions of the California Coastal Act, as amended ("Coastal Act", Public Resources Code Section 30000 et seq.). The Town Local Coastal Program consists of (1) the Town Plan, (2) the Town Land Use Map, (3) the Town Zoning Code and other measures that implement the Town Plan, and (4) the Town Zoning Map, as certified by the Coastal Commission.

Sec. 20.604.015 - Applicability.

These Zoning Regulations shall be applicable to all of the unincorporated areas within the boundaries of the Town of Mendocino as delineated on the certified Town of Mendocino Local Coastal Program Land Use Map ~~Map 32 of the Coastal Element of the General Plan~~. The entire Town of Mendocino is located within the California coastal zone. All development, as defined in Section 20.608.023(C), shall conform to all regulations applicable to the zone in which the land is located. No land, building, structure, ~~or~~ premises, or other development shall be used for

any purpose or in any manner other than as is permitted in the Zoning District, or Combining (Overlay) District, ~~zone~~ in which such land, building, structure ~~or~~ premise, or other development is located, except as provided in Chapter 20.716 of this Division.

No development or any portion thereof, which is outside the coastal zone, as defined herein, shall be subject to the coastal development requirements of this Division.

Sec. 20.604.020 - Zoning Regulations Supersede Existing Zoning Code.

(A) These regulations supersede the ~~existing~~ County of Mendocino zoning regulations, as amended and certified by the Coastal Commission through October 20, 2015, ~~of the County of Mendocino,~~ for land which lies within the ~~**Coastal Commission-approved**~~ boundaries of the unincorporated area of the Town of Mendocino. The certified Town of Mendocino Zoning Map (Section 20.604.045, Figure 1~~)~~ of the certified Town Zoning Code) illustrates and specifies these boundaries.

(B) If any provisions of these regulations should be determined to be inapplicable, all other provisions of these regulations and the provisions of the Mendocino Town Plan, as adopted by the Board of Supervisors and certified by the California Coastal Commission, shall continue to apply.

(C) Nothing in these regulations shall be construed as validating or legalizing any land use, ~~or~~ building, or structure, or other development conducted, constructed, erected, performed, or maintained without all required County, State, or Federal authorization~~ **or entitlement** in violation of any Federal, State or Mendocino County Code~~.

Sec. 20.604.025 - Effect of Zoning Enabling Plan.

To make effective a degree of zoning protection in the unincorporated ~~area of the~~ Town of Mendocino, all kinds, locations, and intensities of use ~~uses~~ of land within a particular zoning district, or overlay combining district, as defined by this Division, which are not permitted by the regulations established herein for that zoning or overlay district are prohibited. Except as hereinafter otherwise provided:

(A) No building shall be erected and no existing building shall be moved, altered, ~~added to~~ or enlarged, ~~nor shall any land, building or premises be used, designated, or intended to be used~~

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~~for any purpose or in any manner other than is included among the uses listed in this Division as permitted, or uses permitted by use permit, in the zoning district in which such building, land, or premises is located,~~ except as provided in Chapter 20.716 of this Division.

(B) No land, building or premises shall be used, designated, or intended to be used for any purpose or in any manner other than is included among the uses listed in this Division as permitted, or uses permitted by conditional use permit, in the zoning district in which such building, land, or premises is located, ~~No building shall be erected and no existing building shall be moved, reconstructed, or structurally altered, added to or enlarged, nor shall any land, building, or premises be used, designated, or intended to be used for any purpose or in any manner other than is included among the principal permitted uses listed in this Division as permitted, or among the conditional uses permitted by use permit, in the zoning district or overlay combining district to exceed in height the limit designated in this Division for the zoning district in which such building, land, or premises is located,~~ except as provided in Chapter 20.716 of this Division.

(C) No building shall be erected, reconstructed, ~~nor shall any existing building be~~ or structurally altered, enlarged, or rebuilt, ~~nor shall any~~ and no open space shall be encroached upon or reduced in any manner, except in conformity to the yard, building site area, and building location regulations designated in this Division for the zoning district in which such building or open space ~~are~~ is located, except as provided in Chapter 20.716 of this Division.

(D) No yard or other open space provided about any building for the purpose of complying ~~occupying~~ with the provisions of this Division shall be considered as providing a yard or open space for any other building site, and no yard or other open space on one building site shall be considered as providing a yard or open space for a building on any other building site.

Sec. 20.604.030 - Completion of ~~Existing~~ Approved or Exempt Buildings.

Nothing herein shall require any change in the plans, construction, or designated use of a building or structure for which (a) a coastal development permit has been issued ~~**by the County of Mendocino, by the California Coastal Zone State or Regional Coastal Zone Conservation Commissions, or by the California State or Regional Coastal Commissions prior to any certified amendment of this Division these regulations**~~, provided that actual construction of such building or structure ~~is~~ has commenced within one (1) year after the date of

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~~**issuance**~~ **approval** of the coastal development permit, ~~and~~ (2) progress toward completion of the structure is continuous, and (3) a valid coastal development permit exists during the entire period of construction, or (b) no coastal development permit is required pursuant to the permit exemptions in Section 20.532.020 of this Code, ~~or pursuant to~~ California Coastal Commission Categorical Exclusion Order E-96-1, or any other applicable exclusions, and (c) provided further, that such construction and proposed use of such building or structure is not, on said effective date, in violation of any other code or law. Provided, (a) that Section 20.604.030(a) shall not be construed to conflict with any vested right to complete a permitted development, and (b) the Director of the Department of Planning and Building Services may, for good cause, extend the time period provided in Sec. 20.604.030(a) **pursuant to the procedures established in Sec. 20.720.060**. Actual construction is ~~hereby~~ defined, for purposes of this Section ~~section~~, to be the ~~actual~~ placing of construction materials in their permanent position, fastened in a permanent manner, except that where a basement is being excavated, such excavating shall be deemed to be actual construction, or where demolition or removal of an existing structure has been preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction.

Sec. 20.604.035 - Conflict Resolution.

(A) Where conflict occurs between, or among, the regulations of this Division and any other regulations within the County, the regulations ~~policies~~ of this Division shall control.

(B) Where regulations overlap within this Division, ~~and~~ or where regulations within ~~between~~ Divisions of Title 20 overlap, the regulation which~~**, on balance,**~~ is most protective of ~~**significant**~~ coastal resources shall take precedence.

(C) ~~In interpreting and applying~~ Application and interpretation of the provisions of this Division~~,~~ shall be consistent with the certified ~~the~~ Mendocino Town Plan and, as applicable pursuant to Public Resources Code Section 30604(c), the public access and recreation policies of Chapter 3~~**, Articles 2 and 3,**~~ of the California Coastal Act, as amended. ~~(PRC Sections 30210 through 30263)~~ **In interpreting and applying the provisions of this Division, the Mendocino Town Plan and Chapter 3 of the California Coastal Act (Public Resources Code Sections 30210 through 30263) shall further guide its interpretation.** Pursuant to Public Resources Code Section 30625(c), decisions of the Coastal Commission, where

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applicable, shall guide the implementation ~~application~~ and ~~its~~ interpretation of this Division. ~~, and the~~ The requirements of this Division shall be held to be the minimum requirements for the promotion and protection of the public safety, health and the general welfare.

(D) It is not intended that this Division shall interfere with, abrogate**,** or annul any easements, covenants**,** or other agreements now in effect; provided, however, that where this Division imposes a greater restriction than is ~~are~~ imposed or required by other codes, chapters, rules, regulations, easement, covenants, or agreements, the provisions of this Division shall apply.

(E) Except as otherwise provided, the restrictions or provisions of this Division shall not be understood to be applied retroactively to any use or structure that has been legally established.

Sec. 20.604.040 - Designation of Zoning Map ~~Maps.~~

The designation, location**,** and boundaries of the Zoning Districts in the Town of Mendocino ~~zones~~ shall be by written description or by delineation on the Town Zoning Map, ~~zoning maps~~ which may hereafter be adopted or amended~~, as provided in~~ pursuant to Chapter 20.732 of this Division; provided, ~~that~~ no amendment of the Town of Mendocino Zoning Map shall become effective unless it is certified by the California Coastal Commission pursuant to the Coastal Act. ~~Said maps~~ The certified Town of Mendocino Zoning Map and all notations, references, data**,** and other information shown thereon shall become a part of these regulations and subject thereto, and all such written descriptions and maps shall constitute Section 20.604.045 hereof.

Sec. 20.604.045 - Zoning Map ~~Maps~~.

This section consists of the Town of Mendocino Zoning Map ~~zoning maps~~ and ~~written~~ **~~legal descriptions~~ graphic depictions** of real property within the unincorporated Town of Mendocino. ~~Said maps are~~ The Town of Mendocino Zoning Map is hereby adopted and incorporated herein by reference as Figure 1 of the Town of Mendocino Zoning ~~Ordinance~~ Code. Copies of the Town of Mendocino Zoning Map ~~said maps~~ shall be maintained by the Clerk of the Board and by the Department of Planning and Building Services**, with any map revisions subject to an amendment to the certified Mendocino Town Local Coastal Program,** and **shall** be posted to the County ~~Local Coastal Program~~ web site at: http://www.co.mendocino.ca.us/planning/ZoningMaps.htm. The Town Zoning Map is reproduced for illustrative purposes on page 7 of the Town of Mendocino Zoning Code.

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Sec. 20.604.050 - Uncertainties in Zone Boundaries.

Where uncertainty exists as to any boundary ~~the boundaries~~ of any Zoning District ~~district~~ shown on the Town of Mendocino Zoning Map ~~zoning maps~~, the Coastal Permit Administrator shall apply the following rules to resolve such uncertainty:

(A) Where Zoning District ~~zoning district~~ boundaries approximately follow lot, alley, or street lines, such lot lines or ~~and~~ street and alley centerlines shall be construed as the district boundaries.

(B) If a Zoning District ~~zoning district~~ boundary divides a lot, and the boundary line location is not otherwise designated or described, the location of the boundary shall be determined by use of scale appearing on the Zoning Map.

(C) Where a public street or alley is officially vacated or abandoned pursuant~~, in addition to any other required approval,~~ to a coastal development permit, ~~in addition to any other required approval,~~ the area ~~property~~ formerly in said street or alley shall be included within the Zoning District or Zoning Districts ~~district or districts~~ of the adjoining lot or lots ~~property~~ of said vacated or abandoned street or alley, to the centerline of such street or alley.

(D) The purpose of ~~split zoned~~ parcels with split zoning is to provide a buffer between residential areas and more intense uses, such as the Commercial and Mixed Use Zoning Districts. Where a parcel is bisected by a Commercial/Town Residential or other Residential zoning district boundary, or Mixed Use/Town Residential or other Residential zoning district boundary, (1) the regulations of each district shall apply separately to that portion of the parcel lying in either district, ~~**and**~~ ~~(1) It shall not be construed that the provisions or requirements of either district apply to the entire parcel. (2) The~~ (2) the zoning district boundary shall be considered a de facto parcel line for the purposes of determining setbacks, lot coverage and other development regulations of this division**, and (3) It shall not be construed that the provisions or requirements of either district apply to the entire parcel.**~~**, except that provided (3) where a legal nonconforming structure lies in parts within two zoning districts, or where the setbacks applicable to each zoning district cannot be reasonably achieved on a bifurcated lot (parcel), the entire lot (parcel) may be used and developed on the basis of either zoning district, subject to issuance of a conditional coastal**~~

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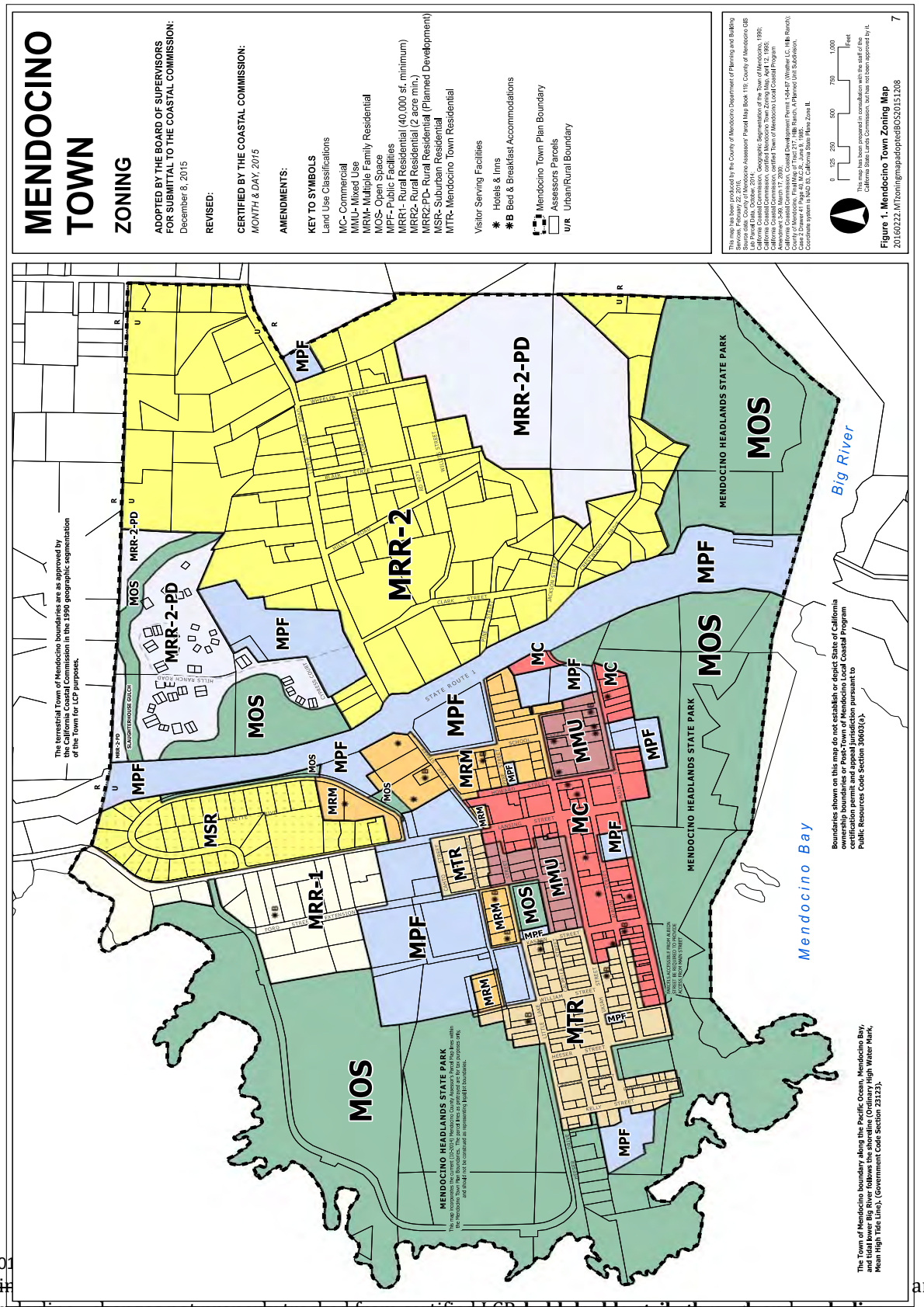
~~**development minor use permit, and shall be exempt from any prohibition that might otherwise apply to the conversion of a residential structure to non-residential use.**~~

(E) Where further uncertainty exists, the Planning Commission, upon written request or on its own motion, shall determine the location of the boundary in question, giving due consideration to the location indicated on the Zoning Map ~~zoning map~~ and the purposes set forth in the Base Zone District Regulations.



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Sec. 20.604.055 - Severability.

If any chapter, section, subsection, paragraph, sentence, clause, or phrase of this Division, which is reasonably separable from the remaining portion of this Division, is, for any reason, held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this Division, it being herein expressly declared that this Division and each chapter, section, subsection, paragraph, sentence, clause, or phrase thereof would have been adopted irrespective of the fact that any one or more chapters, sections, subsections, paragraphs, clauses, or phrases be declared invalid or unconstitutional.

CHAPTER 20.608 - DEFINITIONS

Sec. 20.608.005 - Declaration.

The provisions of this Chapter shall be known as the Town of Mendocino Zoning Code Definitions. The purpose of these provisions is to promote consistency and precision in the application and interpretation of this Division. The meaning and construction of words and phrases as set forth herein shall apply throughout this Division, except where the context of such words or phrases clearly indicates a different meaning or construction. Definitions contained in the Uniform Building Code shall be applicable except when in conflict with definitions contained in this Division, in which case the definitions in this Division ~~Division definition~~ shall control ~~prevail~~.

Sec. 20.608.010 - General Rules For Construction of Language.

The following general rules of construction shall apply to the textual provisions of the Town of Mendocino Zoning ~~Ordinance~~ Code:

(A) Headings. Section and subsection headings contained herein shall not be declared to govern, limit, modify, or in any manner affect the scope, meaning, or intent of any provision of the Town of Mendocino Zoning ~~Ordinance~~ Code.

(B) Illustration. In case of any difference of meaning, ~~or~~ implication, or connotation within this Division between the text of any provision and any illustration, the text shall control.

(C) Shall and May. "Shall" is always mandatory and not directory (discretionary). "May" is always directory (discretionary) and not mandatory.

(D) Tenses and Numbers. Words used in the present tense include the future, and words used in the plural, include the singular, unless the context clearly indicates the contrary.

(E) Conjunctions. Unless the context clearly indicates the contrary, the following conjunctions shall be interpreted as follows:

(1) "And" indicates that all of the connected items or provisions shall apply.

(2) "Or" indicates that the connected items or provisions may apply singly or in any combination, as stated.

(3) "Either...or" indicates that the connected items or provisions shall apply singly, but not in combination.

(F) All public officials, bodies, and agencies to which reference is made are those of the County of Mendocino, unless otherwise indicated.

Sec. 20.608.015 - General Terms.

(A) "Board" or "Board of Supervisors" both mean the Board of Supervisors of the County of Mendocino ~~shall have the same meaning~~.

(B) "CEQA" means the California Environmental Quality Act (Division 13, California Public Resources Code).

(C) "Chapter" means a portion of the Mendocino Town Zoning ~~Ordinance~~ Code, unless otherwise indicated.

(D) "Coastal Act" means the California Coastal Act of 1976, as amended. (Public Resources Code Division 20, Sections 30000 et seq.).

(E) "Coastal Commission" means the California Coastal Commission, as established pursuant to the ~~California~~ Coastal Act (Division 20, ~~of the~~ California Public Resources Code).

(F) "Coastal Conservancy" means the California State Coastal Conservancy, as established pursuant to Division 21, ~~of the~~ California Public Resources Code.

(G) "Coastal Element" means the Land Use Plan for the coastal zone of the County of Mendocino, ~~County~~ adopted as an element of the Mendocino County General Plan and certified by the California Coastal Commission.

(H) "Commission" or "Planning Commission" both mean the Planning Commission of the County of Mendocino ~~shall have the same meaning~~.

(I) "County" ~~shall~~ means the County of Mendocino.

(J) "Department" means the Department of Planning and Building Services of the County of Mendocino.

(K) "Director" means the Director of the Department of Planning and Building Services of the County of Mendocino.

(L) "Division" means Division III of Title 20 of the Mendocino County Code, which contains ~~comprising~~ the entire ~~Mendocino~~ Town of Mendocino Zoning ~~Ordinance~~ Code, unless otherwise indicated.

(M) "Federal" means ~~shall mean~~ the Government of the United States of America.

(N) "General Plan" means the ~~Mendocino~~ County of Mendocino General Plan.

(O) "Mendocino Town Plan" means the Town of Mendocino Local Coastal Program Land Use Plan, which is ~~**a part**~~ ~~that portion~~ **Chapter 4.13** of the Mendocino County General Plan Coastal Element ~~known as the Mendocino Town Plan~~.

(P) "MHRB" or "Review Board" means the ~~shall mean~~ Mendocino Historical Review Board.

(Q) "Section" means a section of the Town of Mendocino ~~Town~~ Zoning ~~Ordinance~~ Code, unless otherwise indicated.

(R) "State" means ~~shall mean~~ the State of California.

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(S) "Title" means the Mendocino County Zoning Code (Title 20 of the Mendocino County Code), ~~the Mendocino County Zoning Code,~~ unless otherwise indicated.

(T) "Town" means the unincorporated area of the Town of Mendocino, within the ~~whose~~ boundaries established by Government Code Section 23123 and as depicted ~~are delineated~~ on the Town of Mendocino ~~Town~~ certified Local Coastal Program Zoning Map and the Town of Mendocino certified Local Coastal Program Land Use Map ~~Map 32 of the Coastal Element of the General Plan and incorporated in this Division~~.

Sec. 20.608.020 - Definitions (A).

(A) "Access" means the permission, ability, and means to enter and pass to and from real property.

(B) "Access, Blufftop" means a public accessway which runs along the bluff edge of a lot or parcel ~~property~~.

(C) "Access, Coastal" means public rights of way to and along the sea.

(D) "Access, Lateral" means a public accessway for public access and use along, or that generally parallels, the shoreline.

(E) "Access, Vertical" means a public accessway which extends from the first public road, street, or alley to the shoreline, to a bluff edge ~~for public viewing,~~ or to a lateral accessway.

(F) "Accessory Building" means a detached subordinate structure, the use of which is incidental to the established primary use or main structure located on the same lot or building site~~; i.e.~~, including, but not limited to, a private garage, storage shed, barn, ~~farm~~ and similar out buildings~~, etc~~. In no case shall such accessory structure dominate, in purpose, the principal lawful structure or use. This definition, by itself, is not intended to prohibit an accessory structure which is greater in size than the main structure. Accessory buildings shall not contain any sleeping quarters or kitchen facilities, and are therefore not intended for human occupancy, except as provided in Chapter 20.704.

(G) "Accessory Living Unit" means a guest cottage as defined in Section 20.608.026 (H).

(H) "Accessory Structure." See Accessory Building.

(I) "Accessory Use" means the use of land or of a structure incidental or subordinate to the principal use located on ~~upon~~ the same lot or parcel.

(J) "Aggrieved Person" means any person who, in person or through a representative, appeared at a public hearing held by the County ~~of Mendocino~~ in ~~**accordance with these regulations,**~~ **connection with the decision or action appealed;** or who, by other appropriate means, prior to a ~~**decision or action by the Coastal Permit Administrator, Planning Commission, or Board of Supervisors, on a coastal development permit application**~~ ~~or variance~~~~**, or who, by other appropriate means**~~ ~~prior to a hearing,~~ **hearing,** informed the County of ~~his or her concerns about the application for such permit~~, the nature of his or her concerns, or who for good cause was unable to do either. "Aggrieved person" includes the applicant for a coastal development permit **and, in the case of an approval of a local coastal program, the local government involved**. ~~and who objects to the action taken on such permit and wishes to appeal such action to a higher authority.~~

(K) "Alley" means a public or private way used as a secondary means of access to abutting real property, or between two streets.

(L) "Alteration" means the addition to, removal of, ~~or from a structure or "outdoor advertising sign", or any part thereof, the~~ repair ~~thereof~~, ~~and~~ glazing, painting or removal of paint, and similar modifications of a structure or outdoor advertising sign, or any part thereof, in Historical Zone A and Historical Zone B.

(M) (1) "Amendment, Local Coastal Program" means any change, modification, deletion, or addition**, including but not limited** to ~~the~~ any wording, text, table, illustration, or figure ~~or substance~~ of the Mendocino Town Plan, Mendocino Town Land Use Map, Mendocino Town Zoning Code, or Mendocino Town Zoning Map, including any alteration in the boundaries of a ~~**zone**~~ **zoning district**, when adopted by ~~ordinance and passed by~~ the Board of Supervisors in the manner prescribed by law; provided, that no amendment to the Town of Mendocino Zoning Code shall become effective until it is certified by the California Coastal Commission.

(M)(2) "Amendment, Coastal Development Permit" means any change to an approved or issued coastal development permit that constitutes a change in the approved development, or of any approved condition of development approval**; provided that: (a) the amendment will not lessen or avoid the intended effect of the terms or conditions of the underlying permit, unless there is newly discovered information which, with reasonable diligence, could not**

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have been discovered or produced prior to permit approval; and (b) no amendment to an approved coastal development permit or any other permit shall become effective until it has been approved by the Approving Authority.

(N) "Animals, Large" means sheep, goats, swine, or similar bovine or equine animals.

(O) "Animals, Small" means dogs, cats, birds, poultry, rabbits, chinchillas, hamsters, or other small domesticated animals, other than large animals.

(P) "Apartment" means a portion of a building which is designed and built for occupancy by three (3) or more families living in separate dwelling units.

(Q) "Applicant" means (a) a person, partnership, organization, corporation, or federal, state or local government agency ~~applying~~ **who is applying** ~~**whose application**~~ to the Planning and Building Services Department of the County of Mendocino for a coastal development permit, ~~or~~ other land use ~~approval pursuant to this Division~~ ~~**entitlement,**~~ administrative permit, ~~**federal consistency certification or determination,**~~ or building permit ~~**has been determined by the Director to be complete and filed; or (b) a person, partnership, organization, corporation, or federal, state or local government agency whose application to the Mendocino Historical Review Board for review and approval of activities or work pursuant to the Mendocino Historical Preservation District Ordinance has been determined by the Director to be complete and filed.**~~

(R) "Approving Authority" means the Planning and Building Services Department, Coastal Permit Administrator/Zoning Administrator, Mendocino Historical Review Board, Planning Commission, or Board of Supervisors authorized by this Division to make decisions affecting the administration or enforcement of ~~**Chapter 4.13 of the Mendocino Town Plan and**~~ the Mendocino Town ~~**Zoning Code,**~~ **Local Coastal Program**, as certified by the Coastal Commission ~~affecting the administration or enforcement of this Division~~.

(S) "Aquaculture" means that form of agriculture devoted to the ~~**commercial**~~ propagation, cultivation, maintenance, and harvesting of aquatic plants and animals within the Town of Mendocino boundaries in ~~**salt**~~, ~~marine~~, **marine,** brackish and fresh water ~~**tanks, ponds, or**~~

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~~**other containers**~~ ~~freshwater. (Ord. No. 3915 (part), adopted 1995.)~~ **"Aquaculture" does not include species of ornamental marine or freshwater plants and animals not utilized for human consumption or bait purposes that are maintained in closed systems for personal, pet industry, or hobby purposes**

~~**(T) "Archeological Site" means the concentration of material remains that mark the location of past human activities that typically (a) contain material that is at least forty-five years old, and (b) consist of thirty or more artifacts of a single class within a fifty foot diameter area; or twenty or more artifacts of two or more classes within a fifty foot diameter area; or one or more archeological features in association with artifacts~; or two or more temporally associated features without associated artifacts; or a single linear feature, such as a road or historic power line. Archeological sites include agricultural sites (agricultural fields and/or agriculture-related features such drainages, rock piles, and rock alignments); artifact scatters (sites composed entirely of artifacts and lacking associated features); habitation sites (including ephemeral campsites, hamlets, and villages); kill sites (comprised of artifacts and features indicating the successful kill of one or more animals, and often the subsequent butchering processes); resource procurement, processing, and disposal sites; and rock art (painted art (pictographs) or pecked art (petroglyphs) on rock faces and cave walls.**~~

Sec. 20.608.021 - Definitions (B).

(A) "Beach**, inland extent**" means~~**; in the Town of Mendocino, the sandy or rocky area between the shoreline (Ordinary High Water Mark, Mean High Tide Line) on the seaward side and**~~

(a) from a distinct linear feature on the landward side, including, but not limited to, ~~**(a) the base of**~~ a **seawall, road, or** coastal bluff ~~**or sea cliff,**~~ (b) **from** the inland ~~**extent**~~ **edge** of the ~~**furthest landward**~~ **further inland** beach berm **as determined from historical surveys, aerial photographs, and other records or geological evidence;** ~~**where there is no coastal bluff or sea cliff,**~~ or (c) ~~**the furthest landward point separating the dynamic portion of the beach from the adjacent upland area as distinguished by vegetation, debris, geological evidence, or historical evidence**~~ where there is no beach berm**, from the further point**

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separating the dynamic portion of the beach from the inland area as distinguished by vegetation, debris or other geological or historical evidence..

(B) "Bank" means an establishment for the custody, loan, exchange, or issue of money, for the extension of credit, and for facilitating the transmission of funds.

(C) "Barn" means a building used for the shelter of livestock, the storage of agricultural products, or the storage and maintenance of farm equipment and agricultural supplies.

(D) "Bed and Breakfast Accommodations" means any building or portion thereof, or groups of buildings, (a) containing two but no more than four units (guest rooms or suites), each used, designed, or intended to be used, let or hired out, for occupancy by transient guests for ~~to~~ compensation or profit, ~~wherein~~ and (b) in which breakfast, snacks, other light meals, or beverages may be provided for separate compensation or as part of a room or suite package ~~for compensation or profit~~.

(E) "Block" means all real property fronting upon one side of a street between intersecting and intercepting streets, or between a street and a right-of-way, waterway, terminus of dead end street or city boundary. An intercepting street shall determine only the boundary of the block on the side of the street which it intercepts.

(F) "Boarding House" means a building or portion thereof, other than an inn, bed and breakfast accommodations, hotel, motel, hostel, vacation home rental, or student-instructor ~~temporary~~ housing facility, where regular meals and/or lodging are provided for compensation or profit by prearrangement for periods of thirty (30) days or more for three (3) or more persons who do not constitute a family.

(G) "Building" means a roofed structure ~~having a roof~~, ~~and~~ which is constructed in a permanent position upon the ground, and is designed and intended to be used for the shelter or enclosure of persons, animals, or personal property. This definition does not include any type of recreational vehicle, boat, or tent.

(H) Building, Accessory. See Accessory Building.

(I) Building Coverage. See Lot Coverage.

(J) "Building, Detached" means any accessory or main building that does not share a common wall with any other accessory or main building.

(K) "Building, Height of" means the vertical dimension of the roofline, parapet, or uppermost edge or plane of a building or structure, ~~**above natural grade**~~ ~~distance~~ as measured from **natural grade at** any point within the building footprint. ~~the ground level of any point of the building to the highest point of the roof ridge or parapet wall.~~

(L) "Building, Main" means (1) a building which is devoted primarily to a principal use or uses; or, (2) the only building on a lot. Where two (2) or more buildings are on a lot and each is occupied by a principal use, the main building shall be the largest building on the lot.

Sec. 20.608.022 - Definitions (C).

(A) "Clinic" means any place, establishment**,** or institution which operates under the name or title of clinic, dispensary, health center, medical center, or any other word or phrase of like or similar import, either independently or in connection with any other purpose, for the purpose of furnishing at the place, establishment, or institution, advice, diagnosis, treatment, appliances or apparatus, to persons or animals not residing or confined in the place, establishment, or institution, and who are afflicted with bodily or mental disease or injury.

(B) "Coastal Bluff" means: (a) (1) Those bluffs, the toe~~s~~ of which **is** ~~**are**~~ now or ~~**were**~~ **was** historically (generally within the last 200 years) subject to **marine** erosion ~~**by marine processes**~~; and (2) those bluffs, the toe~~s~~ of which ~~**are**~~ **is** not now or ~~**were**~~ **was** not historically subject to **marine** erosion ~~**by marine processes**~~, but **the toe of** which lie**s** within an area otherwise identified in ~~**(1)**~~ Public Resources Code Section 30603(a)(1) or (a)(2). (b)(1) Bluff line or bluff edge shall be defined as the upper termination of a bluff, cliff, or sea cliff. (2) 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. (3) In a case where there is a step-like feature at the top of the cliff face, the landward edge of the topmost riser shall be taken to be the cliff edge. (c) The termini of the bluff line, or ~~**bluff**~~ edge along the

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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. (d) Five hundred feet shall be the minimum length of bluff line or bluff edge to be used in making these determinations.

(C) "Coastal-dependent Development" means any development or use which requires a site on, or adjacent to, the sea to be able to function at all.

(D) ~~(B)~~ "Coastal Development Permit" means a permit for any development within the coastal zone that is required pursuant to Section 30600(a) of the Public Resources Code ~~**and :(1) Has has been issued by the Coastal Commission, or by the County (2) Has been issued pursuant to Chapter 20.532 Section 20.720.010 of this Division**~~.

(E) "Coastal-Related Development" means any development or use that is dependent on a coastal-dependent development or use.

(F) ~~(C)~~ "Coastal Permit Administrator/Zoning Administrator" means the Planning and Building Services Director or designated representative, who shall have the authority to administer the coastal development permit process and to render decisions on variances, minor use permits and administrative permits as provided in this Division.

(G) ~~(D)~~ "Combining District" means a zoning district established by this Division which may be applied to a lot or portion thereof only in combination with a basic zoning district.

(H) "Community Garden" means an area of land managed and operated by one or more persons to sustainably grow and harvest food crops and/or non-food crops, including, but not limited to, flowers, for personal or group use or consumption. Community gardens may be divided into separate plots for cultivation by one or more individuals, or may be farmed collectively by members of the group.

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20.608.022 (I) ~~(E)~~ "Conditional Use" means a use ~~which~~ that may be allowed on a conditional and discretionary basis, subject to securing a conditional **use** permit ~~and also subject~~ pursuant to the applicable ~~provisions of this Division,~~ procedures and requirements of Mendocino Town Zoning Code Chapter 20.720, **and** which ~~is a development that is appealable~~ may, pursuant to ~~**the Coastal Act,**~~ California Public Resources Code Section 30603~~**(a)(4)**~~, be appealed by an aggrieved person to the California Coastal Commission.

(J) ~~(F)~~ "Conservation Easement" means a legally drafted and recorded document between a landowner and the county, land trust, ~~or~~ other qualified organization, or other public agency in which the owner places certain restrictions over all or portions of his/her land or structure in perpetuity, or for a period of time specified in such easement, to retain it in a predominantly natural, scenic, agricultural, or other open space condition. Except for the specific restrictions contained in the easement document, the owner retains all other rights in the real property. The easement shall run ~~stays~~ with the land and is therefore legally binding on present and future owners, heirs, assigns, and successors in interest.

(K) ~~(G)~~ "Construction" means ~~the placement of construction materials in their permanent position and fastened in a permanent manner~~ clearing, grading, or other activities that involve ground disturbance; building, reconstructing, or demolishing a structure; and creation or replacement of impervious surfaces.

(L) ~~(H)~~ Corner Lot. See Lot, Corner.

(M) ~~(I)~~ "Cottage Industries" means a small scale business operated in or around a residential use, and which complies with Chapter 20.700.

(N) ~~(J) "Cumulatively" or~~ "Cumulative Effect" ("Cumulative Impact") means the combined consequences of (a) the incremental effects of an individual action, development, or project in connection with the effect of past actions, developments, or projects;~~,~~ (b) the effects of other current actions, developments, or projects; and (c) the effects of reasonably foreseeable ~~probable~~ **probable** future actions, developments, or projects.

Sec. 20.608.023 - Definitions (D).

(A) "Day Care Home - Small Family" means a home providing day care for children under 18 years of age as defined by the California Health and Safety Code, but excluding overnight care.

(B) "Day Care Home - Large Family" means a home providing day care for children under 18 years of age as defined by the California Health and Safety Code, but excluding overnight care.

(C) ~~(A)~~ "Density" means the number of dwelling units per acre or square feet, calculated as the total number of dwelling units divided by the total lot (parcel) area.

(D) ~~(B)~~ Detached Building. See Building, Detached.

(E) ~~(C)~~ (1) "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 California Public Resources Code Section 4511).

(2) 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.

(3) As used in this section, removal or harvesting of major vegetation is further defined in Section 20.608.032.

(F) ~~(D)~~ "Dwelling" means a building, or portion thereof, used exclusively for residential purposes, including one-family, two-family, and multiple dwellings and boarding houses, but not including hotels, motels, inns, bed and breakfast accommodations ~~(bed and breakfast establishments"),~~ hostels, or other full-time visitor accommodations.

(G) ~~(E)~~ "Dwelling, Single-Family" means a building that contains ~~containing~~ not more than one (1) dwelling unit and is designed for occupancy by ~~for~~ not more than one (1) family, as defined in Section 20.608.025.

(H) ~~(F)~~ "Dwelling, Two Family (Duplex)" means a building that contains ~~containing~~ two (2) dwelling units.

(I) ~~(G)~~ "Dwelling, Multi-Family (Apartment)" means a building or portion thereof that contains ~~containing~~ three (3) or more dwelling units.

(J) ~~(H)~~ "Dwelling Unit" means a single unit containing complete, independent living facilities for a person, persons, or a family, including permanent provisions for living, sleeping, eating, cooking and sanitation, and having only one (1) kitchen.

Sec. 20.608.024 - Definitions (E).

(A) "Easement" means a recorded right or interest in the real property of another, which entitles a holder thereof to a use, privilege or benefit over said property.

(B) "Emergency" means a sudden unexpected occurrence that demands ~~demanding~~ immediate action to prevent, or mitigate, loss or damage to life, health, real or personal property, or essential public services.

(C) "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.

(D) ~~(C)~~ "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 easily be disturbed or degraded by human activities or developments. In the Town of Mendocino ~~County~~, environmentally sensitive habitat areas include, but are not limited to,~~:~~ anadromous fish streams, sand dunes, rookeries and marine mammal haul-out areas, wetlands, riparian vegetation ~~areas~~, areas of pygmy vegetation **~~that contain species of rare or endangered plants~~**, and habitats of rare and endangered plants and animals.

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(E) "Estuary" means a coastal water body, usually semi-enclosed by land, having open, partially obstructed, or intermittent exchange with the open ocean, and in which ocean water is at least occasionally diluted by freshwater from the land. The salinity level of an estuary may be periodically increased to above that of the open ocean due to evaporation.

(F) "Exterior of Structure " means, within Historic Zone A and Historic Zone B, any portion of the outside of a structure, any outdoor advertising sign, ~~or "outdoor advertising sign",~~ or any addition thereto or enlargement thereof.

Sec. 20.608.025 - Definitions (F).

(A) "Family" means a person living alone, or two (2) or more persons related by blood, marriage, or adoption, or a group of unrelated persons living together who bear the generic character of a single non-profit housekeeping unit in a dwelling unit, as distinguished from a group occupying a boarding house, inn, motel, hotel, or bed and breakfast accommodation ~~inn~~.

(B) "Family Care Home" means a state-authorized, certified, or licensed family care home, foster home, alcoholism recovery facility, or group home serving six (6) or fewer mentally impaired or otherwise handicapped persons**,** or dependent and neglected children**,** and providing such care and service on a twenty-four (24) hour-a-day basis. No facility shall qualify as a family care home if it is operated in such a manner that facilities, activities, or events thereon are shared by more than six (6) mentally impaired or otherwise handicapped persons or dependent and neglected children.

(C) "Family Care Institution" means a state-authorized, certified or licensed family care home, foster home, or group home which does not qualify as a family care home.

(D) "Family Care Unit" means the temporary use of a building, structure**,** or trailer coach to provide housing for:

(1) Not more than two (2) adult persons who are sixty (60) years of age or older, or

(2) An immediate family member or members who require daily supervision and care, or

(3) A person or persons providing necessary daily supervision and care for the person or persons residing in the main residence.

(E) "Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors.

(F) "Fill" means a deposit of earth or any other substance or material by artificial means, including pilings placed in a submerged area for the purposes of erecting structures thereon.

(G) "Finding" means a legally relevant ~~sub-conclusion~~ conclusion which indicates the mode of analysis of facts, regulations, and policies that ~~which~~ bridge the analytical gap between raw data and an ultimate decision.

(H) Finished Grade. See Grade, Finished.

(I) T**he** "~~F~~**first** ~~P~~**public** ~~R~~**road** ~~**and**~~ **paralleling** the ~~S~~**sea**" means **that road nearest to the sea, as defined in Public Resources Code Section 30115, which**: ~~**(a) the road or street nearest to the [\] sea that**~~ (1) is lawfully open to uninterrupted public use and is suitable for such use; (2) is publicly maintained; (3) is an improved, all-weather road open to motor vehicle traffic in at least one direction; (4) is not subject to any restrictions on use by the public except when closed due to an emergency or when closed temporarily for military purposes; **and** (5) does in fact connect with other public roads ~~**or streets**~~ providing a continuous access system, and ~~**(6)**~~ generally parallels and follows the shoreline of the sea so as to include all portions of the sea where the physical features such as bays, lagoons, estuaries, and wetlands cause the waters of the sea to extend landward of the generally continuous coastline**.**~~**;**~~ (b) ~~**w**~~**When** based on a road designated pursuant to this section, the precise boundary of the permit and appeal jurisdiction shall be located along the inland right-of-way of such road**.**~~**; and,**~~ (c) **T**~~t~~he "Post-LCP Certification Permit and Appeal Jurisdiction**; County of Mendocino**~~**Map**~~" ~~**N**~~**map n**umber 32 adopted by the Coastal Commission **on May 14, 1992**, and reproduced in [\] Appendix 6, depicts the location of the first public road~~**s and streets that**~~ parallel**ing** the sea in the Town of Mendocino.

(J) ~~(I)~~ "Floor Area, Gross" means the total of the gross horizontal areas of all floors, including usable attics and basements, below the roof and within the exterior surfaces or ~~of~~ surrounding exterior walls of a building.

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(K) "Formula Lodging means a motel, hotel, inn, motel, or other visitor-serving lodging facility, ~~which~~ that along with ten (10) or more other establishments, regardless of location or ownership, maintains two or more of the following standardized features: business name, décor, color scheme, façade, architecture, uniforms, advertising, or other similar standardized features.

(L) "Formula Restaurant" means a restaurant devoted to the preparation and offering of food and beverages for sale to the public, that along with ten (10) or more other establishments regardless of location or ownership, maintains two or more of the following standardized features: business name, menus, ingredients, décor, color scheme, façade, architecture, uniforms, advertising, or other similar standardized features."

(M) "Formula Retail" means a retail sales or rental activity or retail sales or rental establishment, that along with ten (10) or more other establishments, regardless of location or ownership, maintains two or more of the following standardized features: business name, décor, color scheme, façade, architecture, uniforms, advertising, or similar standardized features

(N) ~~(J)~~ Free-Standing Sign. See Sign, Free-Standing.

(O) ~~(K)~~ "Frontage" means that portion of a property line that ~~which~~ abuts a legally accessible street right-of-way.

(P) ~~(L)~~ Front Yard. See Yard, Front.

Sec. 20.608.026 - Definitions (G).

(A) "Garage, Private" means an accessory building, or an accessory portion of the main building, designed and/or used for the shelter or storage of vehicles owned or operated by the occupants of the main building.

(B) "Garage, Public" means a building other than a private garage in which spaces or stalls are rented to, or used by, the public for the shelter or storage of private automobiles, ~~and~~ other forms of private transportation, or recreational vehicles, and which may include as a use incidental thereto, the storage of personal effects and personal household articles.

(C) "Grade" means the lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line, or when the property line is

more than five (5) feet from the building, between the building and a line five (5) feet from the building.

(D) "Grade, Finished" means the finished surface of the ground after grading for development.

(E) "Grade, Natural" means the surface of the ground prior to grading for development.

(F) "Grading" means any excavation, ~~or~~ filling, or combination thereof, involving **movement or** transfer of ~~**more than**~~ ~~two (2)~~ ~~**twenty-five (25) cubic yards of**~~ earthen material ~~**within, from, or to a lot or parcel**~~.

(G) Gross Floor Area. See Floor Area, Gross.

(H) "Guest Cottage" means a detached building (not exceeding six hundred forty (640) square feet of gross floor area), of permanent construction, without a kitchen, that is clearly subordinate and incidental to the primary dwelling on the same lot, and intended for use without compensation by guests of the occupants of the primary dwelling.

Sec. 20.608.027 - Definitions (H).

(A) "Habitable Floor" means any floor, usable for living purposes, ~~which~~ that includes working, sleeping, eating, cooking, or recreation, or a combination thereof. A floor used only for storage purposes is not a "habitable floor."

(B) Height of Building. See Building, Height of.

(C) "Historically Important" ~~means any structure where the construction date is known or closely estimated, research regarding its history is in progress, and the architecture has been modified~~. See Sec. 20.760.025(C) "Historically Important".

(D) "Home Occupation" means an accessory use of not more than twenty-five (25) percent of the floor area of a dwelling unit for gainful employment involving the manufacture, provision, or sale of goods and/or services, which is conducted solely by occupants of the dwelling unit in a manner which does not change or disturb the residential appearance and character of the site. No home occupation shall be conducted in the garage or an accessory building; provided, that

occupants of the dwelling may use an accessory building as a home office, art studio, or for similar purposes.

(E) "Hostel" means any building or portion thereof, or group of buildings, containing five or more dormitory ~~guest~~ rooms or private rooms ~~suites~~, or providing ~~dormitory sleeping~~ accommodations for five or more transient guests, for the purpose of providing lower cost public travel accommodations to recreational travelers. The hostel shall provide a kitchen, common room, and sanitary facilities for use by the transient guests.

(F) "Hotel" means any building, or portion thereof, or group of buildings, containing five (5) or more guest rooms or suites, each of which is used, designed, or intended to be used, let or hired out, for occupancy by transient guests for compensation or profit. A hotel may offer meals or beverages for separate compensation or as part of a room or suite package.

(G) "Household Pets" means animals or fowl ordinarily permitted in the dwelling area and kept for company or pleasure, rather than ~~and not~~ for profit, such as dogs, cats, birds, and similar small animals, but not including a sufficient number of animals to constitute a kennel, as defined in Section 20.608.30(A).

Sec. 20.608.028 - Definitions (I).

(A) "Implementing Ordinance" means the ordinances, regulations, or programs which implement ~~either~~ the ~~provisions or the~~ policies or mandatory actions of the certified Town of Mendocino ~~**Local**~~ ~~local~~ ~~**Coastal**~~ ~~coastal~~ ~~**Program**~~ ~~program~~ Land Use Plan (Town Plan).

(B) "Inn" means any building, or portion thereof, or group of buildings containing five (5) or more guest rooms or suites, each of which is used, designed, or intended to be used, let or hired out, for occupancy by transient guests for compensation or profit~~,~~ ~~and where regular~~ An inn may offer meals or beverages ~~may be provided~~ for compensation or as part of a room or suite package ~~or profit~~.

Sec. 20.608.029 - Definitions (J).

(A) "Junk Yard" means any land, lot, or portion thereof where ~~there is more than~~, (1) within an area greater than one hundred (100) square feet ~~for parcels~~ on a parcel ~~less~~ smaller than forty

thousand (40,000) square feet ~~there is more than (1) one hundred (100) square feet for parcels less than forty thousand (40,000) square feet, or (2) four hundred (400) square feet for parcels greater than forty thousand (40,000) square feet of~~ (a) waste is stored, or (b) discarded or salvaged materials are bought, sold, exchanged, stored, baled, cleaned, packed, disassembled, or handled, and (2) within an area greater than four hundred (400) square feet on a parcel larger than forty thousand (40,000) square feet, (a) waste is stored, or (b) discarded or salvaged materials are bought, sold, exchanged, stored, baled, cleaned, packed, disassembled, or handled.~~,~~ As used in this Section, a junk yard also means ~~including~~ any used furniture and household equipment yards, house wrecking yards, used lumber yards, automobiles wrecking or parts recycling yard, ~~and the like; excepting a site on which such uses are conducted within a completely enclosed structure~~ and similar facilities.

Sec. 20.608.030 - Definitions K.

(A) "Kennel" means any lot, building, structure, ~~enclose~~ enclosure, or premises, including places where dogs, cats, or similar small animals in any combination are boarded, kept for sale, or kept for hire, whereupon or wherein are kept seven or more dogs, cats, or similar small animals over eight (8) weeks of age, in any combination, for more than ten (10) days, whether such keeping is for pleasure, profit, breeding, or exhibiting~~, and including places where dogs or cats or similar small animals in any combination are boarded, kept for sale or kept for hire~~.

(B) "Kitchen" or "Kitchenette" means any room or portion of a building used or intended or designed to be used for cooking or the preparation of food, whether the cooking unit be permanent or temporary and portable, including any room having a sink and cooking stove that has a flat top with plates or racks to hold utensils over flames or coils.

Sec. 20.608.031 - Definitions (L).

~~(1)~~ (A) "Land Use Plan" means the relevant portions ~~portion~~ of the County ~~a local government's~~ general plan, or local coastal element for the Town of Mendocino, which are sufficiently detailed to indicate the kinds, location, and intensity of land uses, the applicable resource protection and development policies, and, where necessary, a listing of implementing actions.

~~Single strikethrough~~ and underline= County-proposed changes to certified LCP; ~~single red strikethrough~~ and underline= changes not properly tracked from certified LCP. ~~**bold double strikethrough**~~ and **underline**= Commission staff recommended modifications to County's submitted proposal. Blue ~~double strike-through~~ font= County-proposed language deleted in place but Commission staff recommends to re-locate as depicted by blue double-underline font. Blue shading, was placed next to the new location where the moved text was primarily incorporated, to enable a comparison between the original text and CCC staff's revised text.

~~(2)~~ (B) "Landmark Structure" means any structure that is listed in the Inventory of Historic Buildings (Appendix 1 of the Mendocino Town Plan), where the construction date has been identified, its history has been substantiated, and only minor alterations have been made in character with the original architecture. ~~Landmark structures are identified in Appendix 14 of the Coastal Element of the Mendocino County General Plan.~~

~~(3)~~ (C) "Lateral Access." See "Access, Lateral."

~~(4)~~ (D) "Light Agriculture" means:

(1~~a~~) Land devoted to the hatching, raising, butchering or marketing on a small scale of chickens, turkeys or other fowl or poultry and eggs, rabbits, fish, frogs, mink, chinchilla or other small farm animals or similar in nature, provided that not more than ten (10) mature animals per forty thousand (40,000) square feet, combined total, of all species, may be kept, fed or maintained. The total number of all species shall not exceed forty (40). The permissible number of animals per acre shall be computed on the basis of the nearest equivalent ratio (i.e. five (5) animals on twenty thousand (20,000) square feet). Coops or pens shall be located only on the rear one-third of the lot and shall be located no closer than five (5) feet from the side or rear property line.

(2~~b~~) The grazing of cattle, horses, sheep, goats, hogs or other farm stock or animals, including the supplementary feeding thereof, provided not more than one (1) such animal per forty thousand (40,000) square feet shall be kept or maintained. The total number of all species shall not exceed four (4). In no event shall there be any limit to the permissible number of sheep or goats which may be grazed per acre when such grazing operations conducted on fields for the purpose of cleaning up unharvested crops and, further where such grazing operation is not conducted for more than four (4) weeks in any six (6) month period.

(3~~c~~) For parcels of forty thousand (40,000) square feet or larger, keeping of small and large animals shall be cumulative (i.e. eighty thousand (80,000) square feet: two (2) large animals or twenty (20) small animals).

(4~~d~~) Apiaries, provided that no more than two (2) working hives may be kept on parcels of forty thousand (40,000) square feet or less.

(5~~e~~) Sale of agricultural products, raised, or produced on the premises.

(6~~f~~) 4-H, FFA or similar projects shall be permitted in all zoning districts.

~~(5)~~ (E) "Living Area" means the interior inhabitable area of a dwelling unit including basements and attics and shall not include a garage or any accessory structure.

~~(6)~~ (F) "Living Unit" means any building or vehicle designed or used for human habitation, including, but not limited to a dwelling, guest house, accessory living quarters, farm employee housing, farm labor camp or mobile home.

~~(7)~~ (G) "Local Coastal Element" means that portion of the County of Mendocino General Plan, ~~a general plan~~ applicable to the coastal zone, which ~~may be~~ has been prepared ~~by local government~~ pursuant to Division 20 of the Public Resources Code, or any additional elements of the local government's general plan prepared pursuant to Section 65303 of the Government Code, as the ~~local government~~ County Board of Supervisors deems appropriate and are certified by the California Coastal Commission.

(~~8~~) (H) "Local Coastal Program, Town of Mendocino" means the County of Mendocino ~~a local government's~~ (1) land use plan~~s~~, (2) zoning ordinance~~s~~, (3) Zoning District ~~zoning district~~ map~~s~~, and (4) ~~within sensitive coastal resource areas,~~ other implementing actions for the Town of Mendocino, which, when taken together, meet the requirements of, and implement the provisions and policies of, this division at the local level.

~~(9)~~ (I) "Lodging House." See Hotel.

~~(10)~~ (J) "Lot" means a single parcel of contiguous real property shown as a delineated parcel of land with a number or other designation on a map of subdivision created pursuant to the Subdivision Map Act and recorded in the Mendocino County Recorder's Office; or a parcel of real property that qualifies for a Certificate of Compliance pursuant to Government Code Section 66499.35. "Lot" shall also mean "parcel," but does not include road easements or rights-of-way.

~~(11)~~ (K) "Lot Area" means the total area within the boundary lines of a lot, exclusive of easements as required in the County Division of Land Regulations.

~~(12)~~ (L) "Lot, Corner" means a lot situated at the intersection of two (2) or more streets, which streets have an angle of intersection of not more than one hundred thirty-five (135) degrees.

~~(13)~~ (M) "Lot Coverage" means the percentage of gross lot area covered by all buildings and structures on a lot, including decks, porches, and **covered** walkways; excluding uncovered required parking areas, landscaping, patios and terracing.

~~(14)~~ (N) "Lot, Double Frontage" means a lot fronting on two (2) parallel or approximately parallel streets.

~~(15)~~ (O) "Lot Depth" means the horizontal distance of a straight line between the midpoints of the front and rear lot lines.

~~(16)~~ (P) "Lot, Flag" means a lot with narrow frontage and a long driveway or strip of land connecting with a street.

~~(17)~~ (Q) "Lot, Interior" means a lot other than a corner lot.

~~(18)~~ (R) "Lot, Key" means an interior lot adjacent to a corner lot, the side line of which is contiguous with the rear lot line of the corner lot.

~~(19)~~ (S) "Lot Line" means any property line bounding a lot.

~~(20)~~ (T) "Lot Line, Exterior" means a property line abutting a public or private road or street.

~~(21)~~ (U) "Lot Line, Front" means the line separating the front of the lot from the street right-of-way. When a lot or building site is bounded by a public street and one (1) or more alleys or private easements or private streets, the front lot line shall be the lot line that is nearest to the public street. In the case of a double frontage lot, the front lot line shall be the lot line abutting on either street. In the case of a flag lot, the front lot line shall also include the lines, or portion of lines, on both sides of the strip of land that connects the lot with the street, the line that is closest to and generally parallel to the street right-of-way, and the line that is established by projecting the line that intersects the strip of land, across the strip of land. In the case of irregular frontage or access, the front lot line shall be determined by the Coastal Permit Administrator.

~~(22)~~ (V) "Lot Line, Rear" means the most distant lot line opposite and parallel to the front lot line; in the case of an irregular lot, the line most closely paralleling the front lot line.

~~(23)~~ (W) "Lot Line, Side" means any lot line other than a front or rear lot line. A lot line separating a lot from a street shall be the street-side lot line.

~~(24)~~ (X) "Lot Line, Street" means any lot line abutting on a street.

~~(25)~~ (Y) "Lot, Nonconforming" means a lot which has been lawfully separated from adjoining property by map or a metes and bounds description as on a deed but does not meet the standards required of a lot or building site.

~~(26)~~ (Z) "Lot Size." See Lot Area.

~~(27)~~ (AA) "Lot, Width" means the horizontal distance between side lot lines measured at the front yard setback line.

Sec. 20.608.032 - Definitions (M).

(A) "Main Building." See Building, Main.

(B) ~~(1) "Major Public Works" and~~ "Major Energy Facility" ~~Facilities"~~ means ~~facilities~~ an energy facility **as defined in PRC §30107** that costs more than one hundred thousand dollars ($100,000.00), ~~with~~ ~~**based on**~~ **with** an automatic annual increase in accordance with the Engineering News Record Construction Cost Index since **1982** ~~**the effective date of Coastal Commission adoption of this definition at Title 14, California Code of Regulations Section 13012(a)**~~, except for those major energy facilities governed by the provisions of Public Resources Code Sections 30610 (Exempt Development), 30610.5, 30611, or **30624**~~**30625**~~.

(C) "Major Public Works" means (1) a public works facility **as defined in PRC §30114** that (a) costs more than one hundred thousand dollars ($100,000.00), ~~with~~ ~~**based on**~~ **with** an automatic annual increase **beginning from 1983** in accordance with the Engineering News Record Construction Cost Index ~~**since the effective date of Coastal Commission adoption of this definition at Title 14, California Code of Regulations Section 13012(a)**~~, except for those major public works that are governed by the provisions of Public Resources Code Sections 30610, 30610.5, 30611, or **30624** ~~**30625**~~. (2) Notwithstanding the criteria in Section

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20.608.032(C)(1), "major public works" also means a publicly financed recreational facility that serves, affects, or otherwise impacts regional or statewide use of the coast by increasing or decreasing public recreational opportunities or facilities.

(D) ~~(C)~~ **(a)** "Major Vegetation, Removal or Harvesting" means ~~shall be defined to include~~ one or more of the following:

(1) The cutting, chemical eradication, excavation, girdling, or other director or indirect removal of ~~**more than fifteen (15) trees or ten (10) percent of the total number of**~~ **one or more** trees ~~**on a**~~ the ~~**parcel, whichever is less,**~~ with a tree circumference of thirty-eight (38) inches or more measured at four and one-half (4½) feet vertically above the ground; or

(2) The cutting, chemical eradication, excavation, girdling, or other director or indirect removal of trees within a total contiguous ground area of six thousand (6,000) square feet, or within a noncontiguous area or areas not exceeding a total of six thousand (6,000) square feet, measured as the **total of the** area**(s)** located directly beneath the tree canopy; or

(3) ~~**The determination by the Planning and Building Services Director**~~ ~~may determine~~ ~~**that a proposal to remove vegetation constitutes major vegetation removal if the Planning and Building Services Director finds that it may result in a potentially significant impact pursuant to the following criteria**~~. ~~In making a finding that the proposed major vegetation removal may result in a potentially significant impact, the Planning and Building Services Director shall review the proposal and determine if any of the following conditions exist or are proposed~~:

~~**(a)**~~ ~~**the**~~ vegetation removal **that** involves the use of ~~heavy~~ mechanized equipment with a weight greater than ~~**five**~~ (~~**5**~~**1**) tons;

(~~**b**~~**4**) ~~**the**~~ vegetation removal **that** is proposed on a steep slope (of fifteen (15) percent or greater) and removal of vegetation may result in soil erosion or other instability ~~landslide~~;

(~~**c**~~**5**) the vegetation ~~**removal**~~ is located in or within ~~or adjacent to~~ three hundred (300) feet of an environmentally sensitive habitat area, stream, wetland, coastal bluff, or beach; or

(~~**d**~~**6**) ~~**the**~~ vegetation removal **that** may result in significant exposure of adjacent trees or other major vegetation to wind damage; or

(~~**e**~~**7**) The vegetation removal may result in significant degradation of the public view shed from a public road, street, park, or open space area.

(8) the trimming or removal of trees that provide nesting, roosting, perching, and/or foraging habitat for raptors; or

(~~**f**~~**9**) The removal of one (1) or more trees which measure twenty-four (24) inches or more in diameter ~~at breast height~~ at four and one half feet (54 inches) above natural grade ~~and which~~ that are visually or historically significant, exemplary of their species, or ecologically significant.

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(**4b**) ~~Exempt from this definition would be one (1) or more of the~~ The following are excluded from this definition and do not constitute removal of major vegetation or harvesting in the Town of Mendocino:

(**a1**) Removal of trees and other vegetation that have been reviewed and approved in conjunction with an associated development which has been granted a coastal development permit; or

(**b2**) Removal or harvesting of vegetation for agricultural purposes **legally established** in areas presently used for agriculture; or

(c) **H Kelp h**arvesting **of lawful agricultural products from lots on which light agriculture or community gardens are allowed by the Mendocino Town Local Coastal Program**; or

(d) ~~Kelp harvesting; or (d)~~ 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 California Public Resources Code Section 4511), as amended.

(E) ~~(D)~~ "Mobile Home" means a transportable structure built on a chassis for movement, and designed to be used as a dwelling without permanent foundation when connected to the required utilities. No such structure shall be deemed to be a mobile home which is less than eight (8) feet wide or forty (40) feet in length.

(F) ~~(E)~~ "Mobile Home, Converted" means a mobile home, certified under the National Mobile Home Construction and Safety Standards Act of 1974, on a foundation system pursuant to Section 18551 of the California Health and Safety Code.

(G) ~~(F)~~ "Model Home" means an unoccupied dwelling unit temporarily used for display purposes as an example of dwelling units available or to be available for sale or rental for the first time in a particular subdivision or other residential development which may be comprised of one-family, two-family, or multiple dwellings, or a combination thereof.

(H) ~~(G)~~ "Motel" means any building or portion thereof or group of buildings containing five or more guest rooms or suites where such rooms or suites are directly accessible from an outdoor parking area and where each is used, designed, or intended to be used, let or hired out, for occupancy by transient guests for compensation or profit.

Sec. 20.608.033 - Definitions (N).

(A) "New Construction" means structures for which the "start of construction" commenced on or after the effective date of this Division.

(B) "Nonconforming Lot." See Lot, Nonconforming.

(C) "Nonconforming Signs." See Sign, Nonconforming.

(D) "Nonconforming Structure" means a building, structure or facility, or portion thereof, which was lawfully erected or altered or maintained, but which~~, because of the application of this Division to it,~~ no longer conforms to the specific regulations, as set forth in the certified Mendocino Town Plan and Mendocino Town Zoning Code, that are applicable to the land use classification and z~~one (Z~~oning ~~D~~ **d**istrict~~)~~ in which it is located.

20.608.033 (E) "Nonconforming Use" means the use of a building, structure, or site, or portion thereof, which was lawfully established and maintained, but which~~, because of the application of this Division to it,~~ no longer conforms to the specific regulations, as set forth in the certified Mendocino Town Plan and Mendocino Town Zoning Code, that are applicable to the land use classification and z~~one (Z~~oning ~~D~~ **d**istrict~~)~~ in which it is located.

(F) Non-operating Vehicles, Storage of. See Storage of Non-operating Vehicles.

(G) "Non-transient Lodging" means the use of a portion of a dwelling unit for accessory, rental occupancy by one (1) family exceeding thirty (30) consecutive days in duration. The term "non-transient" shall be synonymous with "long term" when used in the context of residential use or visitor accommodations.

Sec. 20.608.034 - Definitions (O).

(A) "Off-Site Sign." See Sign, Off-Site.

(B) "Office, Business" means an office which has as its main function the arrangement of business transactions, the holding of sales meetings and administrative conferences, the receiving of clients or payments, and the keeping of records and accounts pertaining to the particular business.

(C) "Office, Professional" means an office from which and at which a doctor or other practitioner of healing arts, a dentist, lawyer, engineer, architect, accountant or similar professional person may offer services, and including medical or dental laboratories.

(D) "On-Site Sign." See Sign, On-Site.

(E) "Open Space." See Chapter 20.636 and Chapter 20.672.

(F) "Open Space Easement" means an easement established pursuant to Government Code Sections 51050 or 51080, or an easement which ensures the retention of land in open space (See also Conservation Easement).

(G) "Original Jurisdiction" for purposes of implementation of the Town of Mendocino Local Coastal Program means that County entity ~~whichever county body~~ or person that has the initial authority to take action for approval, conditional approval, or denial of an application for a coastal development permit or other authorization or entitlement required by this Division, regardless if that action is appealable or final.

(H) "Owner, Property" means (1) the person or persons, firm, corporation, ~~or~~ partnership, or public agency holding legal or equitable title, ~~or~~ (2) a recorded contract for ~~or~~ purchase of property, or (3) any person authorized by written instrument to act for the owner of real property within the Town of Mendocino.

Sec. 20.608.035 - Definitions (P).

(A) "Paleontological Site" means a site containing fossil remains of life from geological periods generally predating ~~mankind~~ the Holocene Epoch.

(B) "Parcel." See Lot.

(C) "Parking Area" means an open area, other than a street or alley, that contains one (1) or more parking spaces.

(D) "Parking Space" means an unobstructed space or area, other than a street or alley, which is permanently reserved and maintained for the parking of one (1) motor vehicle.

(E) "Permit" means any license, certificate, approval, or other entitlement for use granted by any public agency.

(F) Permit, Coastal Development. See Coastal Development Permit.

20.608.035(XXX) Permitted Use: A land use allowed by the Mendocino Town Plan and this Division subject to compliance with the applicable provisions of the Town LCP, and subject to obtaining any other permit required by this Division. County actions on CDPs allowing such uses are appealable to the Coastal Commission. Use types allowed within each permitted use category are specified in Chapters 20.644 through 20.684.

(G) "Person" means any individual, **~~firm, co-~~**partnership, joint venture, association, social club, fraternal organization, **~~corporation,~~** estate, trust, receiver, syndicate, **or other business association or corporation, including any utility, ~~this~~** and any **~~other county, city and county, city, municipality~~**, **federal, state, local government, or special** district or **an agency thereof; ~~other political subdivision,~~** or any other group or combination acting as a unit.

(H) "Planned Unit Development" means the integrated development of one (1) or more parcels in a single or multiple ownership. Each ownership may be developed separately under the Planned Unit Development Combining District. This development technique permits variable parcel sizes, but an overall density not to exceed the gross densities permitted in the zoning district. Planned Unit Development requires a comprehensive plan for development to ensure the maximum preservation of open space, protection of views from public roads, preservation of pygmy vegetation areas where the entire parcel is pygmy soil types and for coastal and natural resource protection. The ~~plan~~ Planned Unit Development may encompass elements including, but not limited to, ~~such as~~ the type of ownership proposed to manage the undeveloped areas, a program for operation and maintenance of all areas, provision for facilities and services for the common use of persons occupying or utilizing the property, the location of structures, the circulation pattern, parking facilities, and for provision of utilities.

20.608.035 (I) "Principal Permitted Use~~**(s)**~~" means the primary use~~**, or uses, as**~~ designated in the Mendocino Town Plan and this Division for ~~**which land or a building is, or may be intended to be, occupied, maintained, arranged or designed in**~~ each land use classification **and zoning district, and comprising development which is functionally related to one another so as to be viewed as one use type. Development designated as the principal permitted use in a particular zoning district is not appealable to the Coastal Commission pursuant to Section 30603(a)(4) of the Coastal Act, but may be appealable pursuant to other provisions of Section 30603(a). Development designated as the principal permitted use is subject to compliance with all applicable provisions of the certified LCP and subject to obtaining any other permit required by the County Code**. Use Types allowed within each principal permitted use category are specified in Chapters 20.644 through 20.684.

~~(J) "Principal Use(s)" means the primary use(s) for which land or a building is or may be intended, occupied, maintained, arranged or designed.~~

~~(K)~~ (J) "Private Garage." See Garage, Private.

~~(L)~~ (K) "Projecting Sign." See Sign, Projecting.

~~(M)~~ (L) "Public Facilities, ~~and~~ Semi-Public Facilities, and Public Utilities" means, ~~such~~ public and community serving uses including, but not limited to, ~~as~~ (1) schools, (2) fire stations, hydrants, and other fire suppression/prevention infrastructure, (3) Community Services District and State Parks upland support facilities, (4) Sheriff's substations, (5) public roads, streets, trails, and access ways, (6) churches and other houses of worship, (7) cemeteries, (8) sewage treatment plants, including infrastructure for beneficial reuse of reclaimed water, (9) community water company facilities, (10) infrastructure for interception, retention, and beneficial reuse of storm water runoff, (11) lavatories, (12) electric vehicle charging stations on land owned by a public agency, and (13) community buildings.

~~(N)~~ (M) "Public Garage." See Garage, Public.

~~(O)~~ (N) "Public Stable." See Stable, Public.

~~(P)~~ (O) "Public Utility" means a company or corporation regulated by the California Public Utilities Commission.

~~(Q)~~ (P)"Public Works" means the following:

(1) 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 ~~**that are exempt from development review pursuant to the Coastal Act**~~.

(2) 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.

(3) All publicly financed recreational facilities, all projects of the State Coastal Conservancy, and any development by a special district.

(4) All community college facilities.

~~**(R) (Q) "Pygmy Forest" means a stunted forest, with mature vegetation the majority of which is approximately two (2) to twelve (12) feet in height occurring on soils with conditions which severely limit the growth of vegetation such as Blacklock soils, and characterized by Mendocino cypresses, Fort Bragg Manzanita, Bolander pines, and pygmy Mendocino bishop pines.**~~

~~(S) "Pygmy-type Vegetation" means a forest occurring south of the Navarro River, mainly on Gualala series soils, characterized by stunted vegetation on sites with low commercial timber value. Plant species include knobcone pines and manzanita.~~

Sec. 20.608.036 - Definitions (Q).

(A) "Quasi-Public Facilities." See Semi-Public Facilities.

Sec. 20.608.037 - Definitions (R).

(A) "Recreation-Education" means sites or facilities which are incidental and secondary to the primary permitted use of the property and which provide for social, spiritual, educational or recreational experiences and activities, including but not limited to private schools and

organized camps. Living unit must conform with density established by the General Plan designation.

(B) "Recreation, Active" means ~~**any new or substantial change in the kind, location, or intensity of**~~ ~~establishment of facilities which constitute~~ **establishment of facilities which constitute** "Development", as defined in Section 20.608.023(E), **and** ~~and~~ that ~~**generally involves running, throwing, or other forms of sport or exercise that may include use of specialized equipment**~~, may have the potential for ~~environmental impacts requiring mitigation, or which may involve hazards, generate noise, dust, additional traffic, or have other potential impacts. Examples include construction of spectator sports facilities, recreational boating facilities, shooting ranges, rodeo facilities and recreational trails.~~ significant adverse impacts on the environment, coastal resources, ~~environmental~~ or coastal public access ~~impacts requiring mitigation~~, or ~~which~~ may involve hazards, generate noise, dust, glare, objectionable odors, or substantial additional traffic~~, or have other potential impacts~~. Examples of active recreation include bicycling, horseback riding, paragliding, ~~**coastal bluff and rock climbing,**~~ ~~construction of spectator~~ sports and amusement facilities, recreational boating facilities, ~~**archery and shooting ranges, rodeo and**~~ equestrian facilities, recreational parking and other upland support facilities, and recreational trails.

(C) "Recreation, Passive" means leisure activities that do not ~~require permits pursuant to this Division nor~~ constitute "Development", as defined in Section 20.608.023(E), and that ~~involve only minor supplementary equipment.~~ do not require permits pursuant to this Division or State or Federal law or regulations. Examples include sight seeing, hiking, snorkeling or SCUBA diving, walking, swimming, sunbathing, jogging, fishing consistent with Department of Fish and Wildlife Marine Protection Area regulations, bird watching, picnicking, photography, nature study, drawing, and painting.

(D) "Recreational Vehicle" means a motorhome, travel trailer, truck camper or camping trailer, with or without motor power, designed for human habitation for recreational or emergency occupancy, which is less than eight (8) feet wide or forty (40) feet in length.

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(E) "Refuse Disposal Site" means an area devoted to the disposal of refuse, including incineration, reduction, or dumping of ashes, garbage, combustible or noncombustible garbage or refuse, offal or dead animals.

(F) "Residential Parcel" means a parcel ~~parcels~~ zoned MRR, MSR, MTR, MRM or MMU.

(G) "Residential Use" means **occupancy of** a residential dwelling unit ~~**occupied**~~ by the owner(s) as his/her principal place of residence; or, ~~**occupied**~~ by long term tenant(s) as his/her principal place of residence. As used in this Section, "long term tenant" means a tenancy of 30 days or longer.

(H) "Roof Sign." See Sign, Roof.

Sec. 20.608.038 - Definitions (S).

~~(1)~~ (A) "School" means a building or group of buildings which are used or intended to be used for occupancy and use by teachers and students engaged in the process of learning and the pursuit of knowledge. A public school is a free tax-supported school controlled by a governmental authority.

~~(2)~~ (B) "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.

~~(3)~~ (C) "Seat" or "Seating Area" means the actual seating capacity of an area based on the number of seats or one (1) seat per eighteen (18) inches on a bench or pew.

~~(4)~~ (D) "Second ~~Residential~~ Dwelling Unit" means ~~either~~ a detached or attached dwelling unit that provides complete independent living facilities for one (1) or more persons. It shall include permanent provisions for living, sleeping, eating, cooking**,** and sanitation on the same parcel or parcels as the primary unit is situated.

~~(5)~~ (E) "Semi-Public Facilities" means buildings, structures, or other facilities which are privately owned, including by not-for-profit organizations, but which may be used to accommodate public

gatherings, including but not limited to art centers, lodges, granges, non-public schools, social clubs, theaters, and fraternal and religious organizations. (See Sec. 20.608.035[L].)

~~(6) "Sensitive Coastal Resource Areas" means those identifiable, and geographically bounded, and designated land and water areas within the coastal zone, pursuant to Public Resources Code Sections 30502 and 30502.5, of vital interest and sensitivity, and designated by the Legislature pursuant to Public Resources Code Sections 30502 and 30502.5. "Sensitive coastal resource areas" are defined in Public Resources Code Section 30116 to include the following:~~

~~(a) Special marine and land habitat areas, wetland, lagoons, and estuaries as mapped and designated in Part 4 of the California Coastal Plan (December, 1975). the Coastal Element of the Mendocino County General Plan.~~

~~(b) Areas possessing significant recreational value.~~

~~(c) Highly scenic areas.~~

~~(d) Archaeological and paleontological sites referenced in the California Coastline and Recreation Plan or as designated by the State Historic Preservation Officer.~~

~~(e) Special communities or neighborhoods which are significant visitor destination areas.~~

~~(f) Areas that provide existing coastal housing or recreational opportunities for low-and moderate-income persons.~~

~~(g) Areas where divisions of land could substantially impair or restrict coastal access.~~

~~(7)~~ (F) "Setback" means a required, specified distance between a building or structure and a lot line or lines, measured perpendicularly to the lot line in a horizontal plane extending across the complete length of said lot line or lines.

~~(8)~~ (G) "Setback, Front Yard" means the building or structure setback applicable in the front yard of a lot.

~~(9)~~ (H) "Setback, Rear Yard" means the building or structure setback applicable in the rear yard of a lot.

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~~(10)~~ (I) "Setback, Side Yard" means the building or structure setback applicable in the side yard of a lot.

~~(11)~~ (J) "Shoreline" means the Ordinary High Water Mark or Mean High Tideline of the Pacific Ocean. ~~line where a body of water and the shore meet~~.

~~(12)~~ (K) "Sign" means any metal, wood, paper, cloth, plastic, paint, material, structure or part thereof, device or other thing whatsoever which is located upon, placed, erected, constructed, posted, painted, tacked, nailed, glued, stuck, carved, fastened or affixed to any building or structure, on the outside or inside of window or on any awning, canopy, marquee or similar appendage, or on the ground or on any tree, wall, bush, rock, post, fence or other thing whatsoever in such a manner as to be visible out-of-doors and which displays or includes any numeral, letter, word, model, banner, emblem, insignia, symbol, device, light, illuminated device, trademark, or other representation used as, or in the nature of, an announcement, advertisement, attention arrester, direction, warning, or designation of any person, firm, group, organization, place, community, product, service, business, profession, enterprise or industry. "Sign" shall include any portable sign.

~~(13)~~ (L) "Sign Area" means the entire area within the smallest parallelogram, triangle, circle, or combination thereof, which can be delineated so as to encompass the extreme limits of all elements comprising an integral part of a sign display, including any frame or border, but not including essential structural elements, unless it is determined that such structural elements are an integral part of the total sign display; provided, however, that where the surface or face of a sign is curved, spherical, cylindrical or any other similar form, the area of such sign shall be computed on the basis of the projected configuration of that surface or face. The area of any double-faced sign shall be the area of the single face, unless otherwise provided. All other multiple-faced signs shall be the total area of all faces or panels. Sign area as it pertains to sign copy shall mean and be computed as the entire area within the smallest continuous perimeter of not more than eight (8) straight lines encompassing the extreme limit of all of the sign copy of a sign. In the case of a sign composed of individual letters or other devices mounted on a building wall, the copy area of such sign shall be the sum of the areas of the smallest rectangles encompassing each of the individual letters or other devices which comprise the sign copy.

~~(14)~~ (M) "Sign Face" means the surface of the sign upon, against, or through which the message is displayed or illustrated on the sign.

~~(15)~~ (N) "Sign, Free-standing" means any sign mounted upon its own standard which is supported wholly by structural anchorage to the ground, or mounted upon any accessory structure which does not constitute a building.

~~(16)~~ (O) "Sign Height" means the highest point of any sign face appendage or structural support members, whichever is the greater.

~~(17)~~ (P) "Sign, Nonconforming" means a sign lawfully erected, established, and maintained prior to the effective date of this Division, which because of the application of this Division, does not conform to applicable regulations.

~~(18)~~ (Q) "Sign, Off-Site" means any sign as herein defined other than an on-site sign.

~~(19)~~ (R) "Sign, On-Site" means a sign which pertains and is accessory to a business or other use located on the same lot or which offers a lot or portion thereof for sale or lease.

~~(20)~~ (S) "Sign, Portable" means a sign and its supporting structure not permanently affixed to the ground or any structure, or a sign located upon a vehicle or trailer placed or parked so as to be visible from the public right of way, for the basic purpose of providing advertisement of products or directing people to a business or activity. Portable signs shall not include business identification painted or stenciled on vehicles, the primary purpose of which is identifying the business owning or operating the vehicle.

~~(21)~~ (T) "Sign, Projecting" means any sign other than a wall sign which is attached to and projects from the wall or face of a building or structure including a marquee sign.

~~(22)~~ (U) ”Sign, Roof" means any sign erected, painted upon, against, or directly above a roof or on top of or above the parapet of a building, and which is supported wholly or in part by said building. Any roof, the slope of which varies not more than forty-five (45) degrees from a vertical plane, shall be considered wall space for the purpose of placement of wall signs.

~~(23)~~ (V) "Sign, Wall" means any sign painted or mounted on a wall or of solid construction located as to be approximately parallel with the face of a building not to extend eighteen (18) inches from the face of a building or structure.

~~(24)~~ (W) "Significant Effect ~~effect~~ on the Environment ~~environment~~" means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by ~~**the**~~ **an activity, development, or** project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance. An economic or social change by itself shall not be considered a significant effect on the environment. A social or economic change related to a physical change may be considered in determining whether the physical change is significant

~~(25)~~ (X) "Single-Family Residence." See Dwelling, Single-Family.

~~(26)~~ (Y) "Single Unit Rental" means the use of an attached or detached structure ~~which is used as a visitor serving unit and~~ which is operated in conjunction with a residential use or commercial use, as a short term rental for transient occupancy, for a fee charged, and subject to Chapter 520 (Uniform Transient Occupancy Tax) and Chapter 6.04 (Business License Tax) of the Mendocino County Code. ~~Single Unit Rentals are listed on Table 4.13-2 of the Mendocino Town Plan.~~

~~(27~~) (Z) "Special Treatment Area" means an identifiable and geographically bounded forested area within the coastal zone that constitutes a significant habitat area, area of special scenic significance, and any land where logging activities could adversely effect a public recreation area or the biological productivity of any wetland, estuary, or stream especially valuable because of its role in a coastal ecosystem. Such a designation identifies timberlands where stringent Timber Harvest Plan requirements and harvesting rules are applied in order to protect the area's special scenic and natural qualities. Special Treatment Area also includes a designated scenic corridor along both sides and parallel to Highway 1 from the Ten Mile River south to the Sonoma County line, a minimum of two hundred (200) feet or inland to the first line of trees nearest the road. In no case does the corridor extend more than three hundred fifty (350) feet from the road shoulder.

Special Treatment Area buffer zones are also located adjacent to all publicly owned preserves and recreation areas, including national, state, regional, county and municipal parks. These buffer zones include those forested areas within the Coastal zone within two hundred (200) feet of all such publicly owned preserves and recreation areas.

In addition, a watercourse and lake protection zone has been established by the Board of Forestry within Special Treatment Areas. The width of this zone varies generally from fifty (50) feet to two hundred (200) feet from the edge of the watercourse depending on the steepness of slope and the "Clarification of the Watercourse" (i.e., I, II, III and IV).

(~~28~~) (AA) "Stable" means a structure or paddock used for the boarding, breeding, training, or raising of horses, including horses not owned by the occupants of the premises.

~~(29)~~ (BB) "Stable, Public" means a stable or arena used for the riding, training and performing of horses by other than the occupants of the premises or their nonpaying guests, but excluding boarding or breeding stables.

(CC) "Standardized Feature" means substantially the same as other features, but need not be identical to them.

~~(30)~~ (DD) "Storage of Non-operating Vehicles" means the storage of non-operating motor vehicles shall not include automobile wrecking. The presence on any lot or parcel of land of two (2) or more motor vehicles which, for a period exceeding thirty (30) days, have not been capable of operating under their own power, and from which no parts have been or are to be removed for reuse or sale shall constitute prima facie evidence of the storage of non-operating motor vehicles.

~~(31)~~ (EE) "Street" means a County road, State highway, public road, street, ~~or~~ alley, or private thoroughfare or easement not less than ten (10) feet in width that connects ~~connecting~~ with a County road, State highway, public road, street, or alley which affords primary access to an abutting lot.

~~(32)~~ (FF) "Structural Alterations" means any change in the supporting members of a building such as bearing walls, columns, beams or girders and floor joists, ceiling joists or roof rafters.

~~(33)~~ (GG) "Structure" means anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground, including, but not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, electrical power transmission and distribution line, antenna and satellite dish.

~~(34)~~ (HH) "Structure," Nonconforming. See Non-conforming Structure.

~~(35)~~ (II) "Student-Instructor ~~Campus~~ ~~Temporary~~ Housing Facility" means any portion of an educational facility ~~**(up to a maximum of 25%)**~~ providing long-term or intermittent housing for people affiliated with a school or art center including students, instructors, artists-in-residence, staff, and scholar art program members. Transient occupancy of such units by the general public may occur. However, housing use by school or art center affiliates are given priority. Provision of tenancy shorter than thirty (30) days shall be subject to Chapter 520 (Uniform Transient Occupancy Tax) and Chapter 6.04 (Business License Tax) of the Mendocino County Code. ~~any portion of a building (up to a maximum of 25%) providing temporary or intermittent housing for Students/Instructors enrolled in a bona-fide education program. Existing Student/Instructor Temporary Housing Facility is identified on Table 4.13-1 of the Town Plan.~~

(JJ) "Suite" means a group of **two (2) adjoining** rooms **with a single exterior door** in an overnight lodging facility**, and without any shared interior doors** ~~**with a single entry**~~. **Each suite shall be: (a) limited to no more than 1 kitchen per suite; (b) rented as one (1) unit, and (c) charged as one unit subject to Chapter 520 (Uniform Transient Occupancy Tax) and Chapter 6.04 (Business License Tax) of the Mendocino County Code.**

~~(36)~~ (KK) "Swimming Pool" means a pool, pond, or open tank, capable of containing water to a depth greater than one and one-half (1½) feet at any point and designed or used for wading, swimming, soaking, bathing or therapeutic purposes.

Sec. 20.608.039 - Definitions (T).

(A) "Tasting Room" means an area, generally within a structure, (1) devoted to the sampling and sales ~~thereof~~ of wine or beer produced on or off the premises, and (2) where incidental provision of food ~~without compensation,~~ as part of the wine or beer tasting may be allowed. ~~Sale of food is prohibited, however, incidental provision of food without compensation is allowed.~~

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(B) "Trailer Coach" means any vehicle, with or without motor power, designed or used for human occupancy for residential, recreational, industrial, professional or commercial purposes and shall include mobile home and recreational vehicle.

(C) "Transient Guest" means any person who exercises occupancy or is entitled to occupancy by reason of concession, permit, right of access, license, or other agreement for a period of ~~thirty (30)~~ twenty-nine (29) consecutive calendar days or fewer ~~less~~, counting portions of calendar days as full days. The term "transient" shall be synonymous with "short term" when used in the context of residential use or visitor-serving lodging facility accommodations.

(D) "Travel Trailer." See Recreational Vehicle.

Sec. 20.608.040 - Definitions (U).

(A) "Uniform Building Code (UBC)" means the UBC adopted ~~in use~~ by the Mendocino County Board of Supervisors.

(B) "Usable Open Space" means one (1) or more open areas adjacent to any use, the purpose of which is to provide an outdoor area designed for outdoor recreation, landscaping, viewing or sitting.

(C) "Use" means the purpose for which land or a building is occupied, arranged, designed or intended, or which land or a building is or may be occupied or maintained.

(D) "Use, Accessory." See Accessory Use.

(E) "Use, Conditional." See Conditional Use.

(F) "Use, Nonconforming." See Non-conforming Use.

(G) "Use Permit" means a permit which may be granted by the appropriate Mendocino County authority to provide for the accommodation of land uses with special site or design requirements, operation characteristics, or potentially significant adverse effects on coastal resources, on the environment, or on surroundings, ~~**which are not permitted by right, but**~~ **and** which may be approved upon completion of a review process and, where necessary, the

imposition of special conditions of approval by the permit granting authority~~ **to reduce potentially significant effects through mitigation to below the level of significance**~~.

(H) "Use Permit, Major" means a use permit under the original jurisdiction of the Planning Commission.

(I) "Use Permit, Minor" means a use permit under the original jurisdiction of the Coastal Permit/Zoning Administrator.

(J) "Use, Principal." See Principal Use(s).

(K) "Use, Principal Permitted." See Principal Permitted Use.

Sec. 20.608.041 - Definitions (V).

(A) "Vacation Home Rental" means a dwelling unit that is the only use on the property, which may be rented short term for transient occupancy **(29 days or fewer)**, for a fee charged and subject to Chapter 520 (Uniform Transient Occupancy Tax) and Chapter 6.04 (Business License Tax) of the Mendocino County Code. ~~Vacation Home Rentals are listed on Table 4.13-3 of the Mendocino Town Plan~~.

(B) "Variance" means a departure from the specific requirements, excluding uses, of the Zoning Code which may be granted by the appropriate Mendocino County authority when, because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the requirements of this Division deprives such property of privileges enjoyed by other property in the vicinity under identical zoning classification. Any variance granted shall be subject to such conditions as will assure that the authorized adjustment shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located. See Chapter 20.724.

(C) "Visitor Serving Facility" means any hostel, hotel, inn, or bed and breakfast accommodations **designated on the Mendocino Town Land Use Map and Mendocino Town Zoning Map with an asterisk (*) or asterisk-B (*B)**. ~~Facilities" includes inns, hotels, hostels, motels, student/instructor temporary housing facilities, single unit rentals, vacation home rentals and~~

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~~bed and breakfast accommodations.~~ See Chapter 20.684, Visitor-Serving Facility ~~Lodging~~ Combining District.

Sec. 20.608.042 - Definitions (W).

(A) "Wall Sign." See "Sign, Wall."

(B) "Well, Water" means a shaft or hole sunk to obtain **~~ground~~** water.

(C) "Wetlands" means lands within the coastal zone **~~that are~~** **which may be** covered periodically or permanently with shallow water, including saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats, and fens**~~, and as further defined in the following subsections:~~** (1) Wetlands **~~constitute~~** **shall be further defined as** land where **~~(a)~~** the water table is at, near, or above the land surface long enough to promote the formation of hydric soils **~~and (b)~~** **or to** support the growth of hydrophytes**,** **~~during the annual growing season, or (c)~~** **and shall also include those 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. (2) The upland limit of a wetland shall be defined as: (a) the boundary between land with predominantly hydrophytic cover and land with predominantly mesophytic or xerophytic cover; (b) the boundary between soil that is predominantly hydric and soil that is predominantly non-hydric; or (c) 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. (3) The term "wetland" shall not include wetland habitat created by the presence of and associated with **~~artificial~~** **agricultural** ponds**~~, ditches,~~** and reservoirs where: (a) the **~~artificial~~** pond**~~, ditch,~~** or reservoir was **in fact constructed by a farmer or rancher for~~constructed for public or~~** agricultural purposes; and, (b) there is no evidence (e.g., aerial photographs, historical survey, etc.) showing that wetland habitat pre-dated the existence of **~~artificial~~** pond**~~, ditch,~~** or reservoir. Areas with drained hydric soils that are no longer capable of supporting hydrophytes shall not be considered wetlands. ~~Wetlands are extremely fertile and productive environments. Tidal flushing from the ocean~~

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~~and/or nutrient-rich freshwater runoff mix to form a delicate balance responsible for their productivity. They function as nurseries for many aquatic species and serve as feeding and nesting areas for water fowl, shorebirds and wading birds, as well as a few rare and endangered species such as the peregrine falcon~~

(D) "Work" means activities set forth in the Historical District Preservation Ordinance for the Town of Mendocino (Mendocino Town Zoning Code Sections 20.760.030, 20.760.035, and 20.760.045) that require prior approval of the Mendocino Historical Review Board, except as specifically provided in Mendocino Town Zoning Code Sections 20.760.040.

(E) ~~(D)~~ "Wrecking Yard" means the dismantling or wrecking of used motor vehicles or trailers, or the storage, sale or dumping of dismantled or wrecked vehicles or their parts. The presence on any lot or parcel of land of three (3) or more motor vehicles which for a period exceeding thirty (30) days have not been capable of operating under their own power, and from which parts have been or are to be removed for reuse or sale shall constitute prima facie evidence of an automobile wrecking yard.

Sec. 20.608.043 - Definitions (X).

(Reserved).

Sec. 20.608.044 - Definitions (Y).

(A) "Yard" means an open area on the same site as a structure, unoccupied and unobstructed by a building except as otherwise provided by this Division.

(B) "Yard, Front" means the yard between a front lot line or lines and the line defined by the required front yard setback extending to the side lot lines.

(C) "Yard, Rear" means the yard between a rear lot line or lines and the line defined by a required rear yard setback extending to the side lot lines.

(D) "Yard, Side" means the yard between a side lot line or lines and the line defined by a required side yard setback, extending from the front yard to the rear yard.

(E) "Yard, Side, Exterior" means a side yard abutting a street.

(F) "Yard, Side, Interior" means any side yard other than an exterior side yard.

Sec. 20.608.045 - Definitions (Z).

(A) "Zone" means an area to which a uniform set of regulations apply that relate the ~~relating to~~ use of the land and the size ~~of,~~ and location of buildings on the land, in order to assure the public health, safety, and general welfare ~~of the County applies~~. "Zone" is synonymous with "Zoning District".

(B) "Zoning Code, Town of Mendocino" means ~~a~~ the zoning code adopted by the County of Mendocino Board of Supervisors, and certified by the California Coastal Commission, for the Town of Mendocino.

(C) "Zoning District, Combining." See Combining District.

(D) "Zoning Map" means a map displaying zone district boundaries, that has been adopted by the Board Of Supervisors as conforming to, and adequate to carry out, the Town Land Use Plan, Town Land Use Map, and Town Zoning ~~Ordinance~~ Code, which is kept and maintained by the County Planning and Building Services Department.

CHAPTER 20.612 - USE CLASSIFICATIONS

Sec. 20.612.005 - General Intent.

The purpose of the use classifications is to group uses into a limited number of use types on the basis of common functional, product, or compatibility characteristics, ~~thereby, providing~~ to provide ~~a~~ the basis for regulation of development and uses in conformance with the policies set forth in the Mendocino Town Plan. These provisions shall apply throughout this Division.

Sec. 20.612.010 - Listing of Use Classifications.

All ~~**development and**~~ uses are hereby classified into the following use types, which are described in the following Chapters of the Town of Mendocino Zoning Code: Chapter 20.616 (Residential Use Types), Chapter 20.620 (Civic Use Types), Chapter 20.624 (Commercial Use Types), Chapter 20.628 (Visitor Accommodation Use Types), Chapter 20.632 (Agriculture Use

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Types) and Chapter 20.636 (Open Space Use Types). See Section 20.612.020 for classification of combinations of uses that resemble ~~resembling~~ different use types. The names of these use types start with capital letters throughout the Mendocino Zoning Code.

(A) Residential Use Types

(1) Family Residential: Single Family

(2) Family Residential: Two Family

(3) Family Residential: Multi-Family

(4) Family Residential: Planned Development

(5) Family Residential: Employee Caretaker Housing

(6) Family Residential: Boarding House

~~**(7) Student Instructor Housing Facility**~~ **[Suggested modification at request of County staff.]**

(B) Civic Use Types

(1) Administrative Services, Government

(2) Ambulance Services

(3) Art Center~~**/Student Instructor Housing Facility**~~ **[Suggested modification at request of County staff.]**

(4) ~~(3)~~ Cemetery Services

(5) ~~(4)~~ Clinic Services

(6) Community Gardens

(7) ~~(5)~~ Community Recreation

(8) ~~(6)~~ Cultural Exhibits and Library Services

(9) ~~(7)~~ Day Care Facilities/Small Schools

(10) ~~(8)~~ Educational Facilities

(11) ~~(9)~~ Fire and Police Protection Services

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(12) ~~(10)~~ Lodge, Fraternal and Civic Assembly

(13) ~~(11)~~ Major Impact Services and Utilities

(14) ~~(12)~~ Minor Impact Utilities

(15) ~~(13)~~ Religious Assembly

(C) Commercial Use Types

(1) Administrative and Business Offices

(2) Agricultural Sales and Services

(3) Animal Sales and Services: Household Pets

(4) Animal Sales and Services: Veterinary (Small animals)

(5) Automotive and Equipment: Gasoline Sales

(6) Automotive and Equipment: Repairs

(7) Building Maintenance Services

(8) Business Equipment Sales and Services

(9) Business Support Services

(10) Commercial Recreation: Indoor Sports and Recreation

(11) Commercial Recreation: Indoor Entertainment

(12) Communications Services

(13) Construction Sales and Services

(14) Cottage Industries

(15) Eating and Drinking Establishments

(16) Financial Services

(17) Food and Beverage Preparation: Without Consumption

(18) Food and Beverage Retail Sales

(19) Laundry Services

(20) Medical Services

(21) Personal Services

(22) Recycling Centers

(23) Repair Services, Consumer

(24) Research Services: Limited

(25) Retail Sales: Limited

(26) Retail Sales: General

(D) Visitor Accommodation Use Types

(1) Bed and Breakfast Accommodations

(2) Hostels

(3) Hotels

(4) Inns

(5) Motels

(6) Single Unit Rental

~~(7) Student/Instructor Temporary Housing Facility~~

(~~8~~) (7) Vacation Home Rental

(E) Agricultural Use Types

(1) Horticulture

(2) Light Agriculture

(3) Packing and Processing

~~**(4) Forest Production**~~

(F) Open Space Use Types

(1) Open Space

(2) Passive Recreation

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(3) Active Recreation

Sec. 20.612.015 - Classifying Uses.

Uses in the Town of Mendocino Zoning Code are ~~will be~~ classified into use types based on ~~upon~~ the description of the use types ~~as~~ contained in Chapter 20.616 (Residential Use Types), Chapter 20.620 (Civic Use Types), Chapter 20.624 (Commercial Use Types), Chapter 20.628 (Visitor Accommodation Use Types), Chapter 20.632 (Agriculture Use Types), and Chapter 20.636 (Open Space Use Types). The use types are further classified based on~~, and upon~~ common functional, product, or compatibility characteristics with other uses already classified within the use type, subject to the applicable provisions of Section 20.612.020 with respect to combinations of uses. A list of common uses and the use types into which they are classified shall be maintained by the Planning and Building Services Director, who shall have the authority to classify common uses according to use types. The classification of a use is subject to the right of appeal pursuant to the Administrative Appeal procedure established in ~~commencing at~~ Chapter 20.728.

Sec. 20.612.020 - Classification of Combination of Uses.

The following rules shall apply where a lot contains uses which resemble two (2) or more different use types and which are not classified as accessory uses pursuant to the Accessory Use Regulations in Chapter 20.704.

(A) Separate Classification of Several Establishments. The uses conducted on a lot by two (2) or more separate ~~individual~~ establishments, managements, or institutions shall be classified according to their respective ~~separately into~~ use types.

(B) Classification of Different Uses Conducted by Individual Establishments. If uses conducted on a lot by a~~n individual~~ single establishment, management, or institution resemble two (2) or more different use types, all such uses shall be classified in the use types whose description most closely portrays the nature of such uses.

C) Determination of ~~**Principal [**~~Primary~~**]**~~ Use. If a lot contains two or more different use types, the ~~**principal [**~~primary~~**]**~~ use shall be that use which either:

(1) Occupies the largest area of the parcel or contains the most gross floor area of the site, whichever is greater; or

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(2) Exhibits greater intensity of use characteristics, such as traffic and water consumption; or

(3) Based on ~~upon~~ a site analysis, is determined to be the principal [primary] use by the Coastal Permit Administrator.

CHAPTER 20.616 - RESIDENTIAL USE TYPES

Sec. 20.616.005 - General Description of Residential Use Types.

Residential use types include the occupancy of living accommodations on a wholly or primarily non-transient basis~~;~~, but exclude institutional living arrangements that provide (1) ~~involving those providing~~ 24-hour skilled nursing or medical care for seven (7) or more individuals who are unrelated to the resident, owner, or operator, and ~~those providing~~ (2) forced residence, such as asylums and prisons. ~~They~~ Residential use types also include certain uses that are accessory to the uses listed above, as specified in Chapter 20.704 (Accessory Use Regulations).

Sec. 20.616.010 - Family Residential.

The Family Residential use type primarily refers to the residential occupancy of dwelling units by families on a monthly or longer basis. Typical uses include occupancy of dwellings or apartments, and occasional uses may include vacation home rentals or Single Unit Rentals. The following are family residential use types in the Town of Mendocino:

(A) Family Residential: Single Family. The use of a parcel for ~~only~~ one (1) dwelling unit; provided that a second residential dwelling unit may be allowed that is subordinate to the main residence in size and scale, in keeping with the existing pattern of development, that shall not be converted to any other use. (See "Second Residential Dwelling Units," Chapter 20.740 of this Division.)

(B) Family Residential: Two Family. The use of a lot for two (2) dwelling units, which may either be detached or located within a single building.

(C) Family Residential: Multi-Family. The use of a parcel for three (3) or more dwelling units, which may either be detached or located in one (1) building.

(D) Family Residential: Planned Development. The use of a parcel for more than one (1) dwelling unit when the units are clustered to enhance and protect the scenic, agriculture, coastal resources, or other natural resources of a site. Typical uses are single family, two (2) family, or multiple family units, which shall meet the requirements in Chapter 20.676 (Planned Development Combining District).

(E) Family Residential: Employee Caretaker Housing. The use of a parcel for only one (1) dwelling unit when occupied exclusively by a caretaker or superintendent employed on the premises or by the property owner.

(F) Family Residential: Boarding House. The use of a building or portion thereof, other than an inn, bed and breakfast, hotel, motel, hostel, **or** vacation home rental, ~~or student/instructor temporary housing~~, where regular meals and/or lodging are provided for compensation or profit by prearrangement for periods of thirty (30) days or more for three (3) or more persons who do not constitute a family.

~~**(G) Student-Instructor Housing Facility: The use of any portion (up to a maximum of 25%) of an educational facility or art center, or of residential units at an off-site location, to provide affordable housing for students, instructors, artists-in-residence, staff, and scholar-art program members. Transient occupancy of the units by the general public may occur, subject to Chapter 520 (Uniform Transient Occupancy Tax) and Chapter 6.04 (Business License Tax) of the Mendocino County Code. However, housing use by school or art center affiliates is given priority.**~~ **[Suggested modification at request of County staff.]**

CHAPTER 20.620 - CIVIC USE TYPES

Sec. 20.620.005 - General Description of Civic Use Types.

Civic use types include the performance of utility, educational, recreational, cultural, medical, protective, governmental, and other uses ~~which are strongly vested~~ with substantial public or social importance. ~~They~~ Civic use types also include certain uses accessory to the uses listed above, as specified in Chapter 20.704 (Accessory Use Regulations).

Sec. 20.620.010 - Administrative Services Government.

Consulting, record keeping, clerical, or public contact services that deal directly with the customer or client ~~citizen~~. Typical uses include federal, state, county, city or special district offices.

Sec. 20.620.015 - Ambulance Services.

Transportation of ill or injured persons to and from treatment facilities, together with incidental storage and maintenance of necessary vehicles.

Sec. 20.620.017 - Art Center.

Primarily an educational facility with incidental, necessary and ancillary uses and activities that are related to Art Center programs and conferences including: (1) cultural exhibits and library services, with retail sales, (2) events and gatherings, and (3) Student-Instructor Housing Facilities.

Sec. 20.620.020 - Cemetery.

Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbariums, crematoriums, mausoleums, and mortuaries when operated in conjunction with and within the boundary of such cemetery.

Sec. 20.620.025 - Clinic Services.

~~Providing non~~ Non-profit medical services provided to persons afflicted with bodily or mental disease or injury, without provision for on-site residence or confinement.

Sec. 20.620.027 - Community Gardens.

Community gardens are areas of land managed and operated by one or more persons to sustainably grow and harvest food or non-food crops, including, but not limited to, flowers, for personal or group consumption. Community gardens may be divided into separate plots for cultivation by one or more individuals, or may be farmed collectively by members of a group.

Sec. 20.620.030 - Community Recreation.

Recreational, social, or multi-purpose facilities ~~uses~~ owned or operated by a public entity. Typical uses include public parks, sports facilities, senior citizen centers, nature centers, teen centers, playhouses, auditoriums and recreational centers.

Sec. 20.620.035 - Cultural Exhibits and Library Services.

Non-profit, museum-like preservation and exhibition of objects of permanent interest in one or more of the arts and sciences, gallery exhibition of works of art or library collection of books, manuscripts, musical recordings, film, video, etc., for study, ~~and~~ reading, listening, and viewing.

Sec. 20.620.040 - Day Care Facilities/Small Schools.

~~Care~~"Day Care Facility/Small Schools" means care or education of seven (7) or more, but not to exceed twenty-five (25) persons regardless of age or handicap, but excluding overnight care, uses classified as group care or other facilities exempted by the California Health and Safety Code, e.g., Day Care Homes-Small and Large, or major impact services and utilities. A Day Care Home-Large is subject to an Administrative Permit in all zoning districts. Typical uses include day nurseries for children, **child** day care facilities, or day care for ~~the~~ elderly, and small schools.

Sec. 20.620.045 - Educational Facilities.

Public and private schools for ~~providing~~ education ~~for~~ of more than twenty-five (25) persons.

Sec. 20.620.050 - Fire and Police Protection Services.

Facilities for conduct of public safety services, including police, ~~and~~ fire protection, and California State Parks ranger services.

Sec. 20.620.055 - Lodge, Fraternal and Civic Assembly.

Meetings and activities conducted primarily for their members by nonprofit organizations which are tax exempt pursuant to Section 501(c) of the Internal Revenue Code. Excluded from this use type are uses classified as Group Care, or Visitor Accommodations (all types). Typical uses include meeting places for civic clubs, grange halls, lodges, or fraternal or veterans organizations.

Sec. 20.620.060 - Major Impact Services and Utilities.

Services or utilities which may have a substantial impact. Such uses may be conditionally permitted when the public interest supersedes the usual limitations placed on land use and transcends the usual restraints of zoning for reasons of necessary location and community wide interest. Typical facilities ~~places~~ or uses are sewage disposal facilities, ~~septage~~ wastewater disposal facilities and sites, water treatment plants**, private water facilities** ~~and~~ natural gas pipelines, and commercial communications facilities.

Sec. 20.620.065 - Minor Impact Utilities.

Public utilities which have a local impact on surrounding properties and are necessary to provide essential services. Typical uses are electrical and gas distribution substations, electrical transmission and distribution lines**, groundwater monitoring well installation and management,** and relay stations.

Sec. 20.620.070 - Religious Assembly.

Religious services include ~~involving~~ public assembly such as customarily occurs in synagogues, temples, ~~and~~ churches, and other houses of worship.

CHAPTER 20.624 - COMMERCIAL USE TYPES

Sec. 20.624.005 - General Description of Commercial Use Types.

Commercial use types include the distribution, ~~and~~ sale, or rental of goods; and the provision of services other than those classified as Civic Uses. ~~They~~ Commercial use types also include certain uses accessory to the uses listed above, as specified in Chapter 20.704 (Accessory Use Regulations).

Sec. 20.624.010 - Administrative and Business Offices.

Offices of private firms or organizations which are primarily used for the provision of professional, executive, management, or administrative services. Typical uses include administrative offices~~,~~ and services, including real estate, insurance, property management, investment, travel, administrative, secretarial ~~services~~, telecommunications, telephone

answering, photocopy and reproduction, and other uses ~~activities when the service rendered is that~~ customarily associated with administrative office services. ~~Excluded are banks~~. Retail banks are not administrative or business offices.

Sec. 20.624.015 - Agricultural Sales and Services.

Establishments or places of business engaged in on-site sale ~~from the premises~~ of feed, grain, fertilizers, and similar agricultural goods and products. Typical uses include nurseries, hay, feed, ~~and~~ grain, and farm implements stores.

Sec. 20.624.020 - Animal Sales and Services.

Establishments or places of business primarily engaged ~~in animal related~~ sales and services related to animals. The following are animal ~~animals~~ sales and services use types:

(A) Animal Sales and Services: Household Pets. Retail sales ~~and grooming~~ of dogs, cats, birds, fish, and similar small animals customarily used as household pets; and pet grooming and other support services. Typical uses include pet stores, dog bathing and clipping salons, or pet grooming shops; provided, that sale of invasive exotic species in any pet store in the Town of Mendocino is prohibited to protect indigenous species and coastal resources against habitat disruption.

(B) Animal Sales and Services: Veterinary (Small animals). Veterinary services for small animals, provided that overnight care shall be within a ~~fully enclosed~~ building or fully enclosed structure. Typical uses include pet clinics, dog and cat hospitals, or animal hospitals that treat ~~treating~~ small animals.

Sec. 20.624.025 - Automotive and other Vehicles, Equipment.

Establishment or places of business primarily engaged in automotive related or heavy equipment sales or services. The following are automotive and equipment use types:

(A) Automotive and Equipment: ~~Gasoline~~ Fuel Sales. Establishments or places of business primarily engaged in the retail sale, from the premises, of motor vehicle fuels and petroleum products, with incidental sale of tires, batteries, and replacement items, lubricating services, and

minor repair services. Typical uses include automobile service stations and fueling ~~filling~~ stations.

(B) ~~Automotive~~ Vehicles and Equipment: Repairs. Repairs of automobiles, bicycles, motorcycles, pick-up trucks, recreational vehicles, farm equipment and boats (less than twenty-four (24) feet in length), and the sale, installation, and servicing of automobile equipment and parts, including body repairs and painting. Typical uses include muffler shops, automobile and other vehicle repair garages, auto glass shops, or auto parts stores.

Sec. 20.624.030 - Building Maintenance Services.

Establishments primarily engaged in the provision of maintenance and custodial services to

firms rather than individuals. Typical uses include janitorial, landscape maintenance, or window cleaning services.

Sec. 20.624.035 - Business Equipment Sales and Services.

Establishments or places of business primarily engaged in the sale, rental, or repair of

equipment and provision of supplies used by office, professional, and service establishments, but not including ~~excludes~~ automotive, construction, and farm equipment. Typical uses include office equipment and supply firms, printing shops, small business machine repair shops, or hotel equipment and supply firms.

Sec. 20.624.040 - Commercial Recreation.

Establishments or places primarily engaged in the provisions of sports, entertainment, or recreation for participants or spectators. The following are commercial recreation use types:

(A) Indoor Sports and Recreation. Uses conducted within an enclosed building. Typical uses include billiard parlors, penny arcades, fitness facilities.

(B) Indoor Entertainment. Predominantly spectator uses conducted within an enclosed building. Typical uses include motion picture theaters, meeting halls, dance halls, and auditoriums.

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Sec. 20.624.045 - Communications Services.

Establishments primarily engaged in the provisions of broadcasting and other information relay services accomplished through the use of electronic mechanisms, but not including communication service establishments ~~excludes~~ ~~those~~ classified as Major and Minor Impact Services and Utilities. Typical uses include television studios, radio stations, telecommunication service centers, or telegraph service offices.

Sec. 20.624.050 - Construction Sales and Services.

Establishments or places of business primarily engaged in (a) construction activities and incidental storage on lots other than construction sites; and (b) ~~as well as the~~ retail or wholesale sale, from the premises, of materials used in the construction of buildings or other structures other than retail sale of paint, fixtures, and hardware. Typical uses include building materials stores, tool and equipment rental or sales, retail lumber, furniture manufacturing, or cabinet shops.

Sec. 20.624.055 - Cottage Industries.

Small scale business operated in or around a residential use and ~~Use types~~ conducted in compliance with Chapter 20.700 of this Division.

Sec. 20.624.060 - Custom Manufacturing.

Establishments primarily engaged in the on-site production of goods and products by hand manufacturing which involves only the use of hand tools or domestic mechanical equipment, not exceeding two (2) horsepower each or a single kiln not exceeding eight (8) cubic feet in volume, and the incidental direct sale to consumers of only those goods produced on-site. Typical uses include ceramic studios, candle making shops, custom jewelry manufacturing, woodworking shops, printing shops and custom textile manufacturing.

Sec. 20.624.065 - Eating and Drinking Establishments.

Establishments or places of business primarily engaged in the sale of prepared food and beverage for on-premise consumption or take-out. Typical uses include restaurants, short order eating places, and ~~or~~ bars.

Sec. 20.624.070 - Financial Services.

Establishments primarily engaged in the provision of financial and banking services. Typical uses include banks, savings and loan institutions, loan and lending activities, financial adviser services, stock brokers, and similar services.

Sec. 20.624.075 - Food and Beverage Preparation: Without Consumption.

Establishments or places of business primarily engaged in the preparation of food and beverage, where ~~and which~~ no retail consumption of the products occurs on the premises. Typical uses include catering.

Sec. 20.624.080 - Food and Beverage Retail Sales.

Establishments or places of business primarily engaged in the retail sale of food and beverage

for ~~home~~ private off-site consumption. Typical uses include grocery stores, liquor stores, tasting rooms, delicatessens, or retail bakeries.

Sec. 20.624.085 - Laundry Services.

Establishments primarily engaged in the provision of laundering, dry cleaning, or dyeing services other than those classified as Personal Services. Typical uses include laundry agencies, diaper services or linen supply services, and self-service laundries.

Sec. 20.624.090 - Medical Services.

Establishments primarily engaged in the provision of personal health services, including ~~ranging from~~ prevention, diagnosis, and treatment or rehabilitation services provided by physicians, dentists, nurses and other health personnel, as well as the provisions of medical testing and analysis services. Typical uses include medical offices, dental laboratories, health maintenance organizations, or clinics.

Sec. 20.624.095 - Personal Services.

Establishments or places of business primarily engaged in the provision of services of a personal nature. Typical uses include beauty and barber shops, seamstress, tailor, photography studios, driving schools, dance studios, handicraft and hobby instruction.

Sec. 20.624.100 - Recycling Centers.

Places of business or public facilities where materials such as metal (excluding white metal or appliances), aluminum, paper, cardboard, glass, plastic and other similar items are permitted to be collected, processed, or recycled ~~for the purpose of collection, processing or recycling~~. Such use shall include the baling, bundling, crushing, smashing, separation, shredding**,** or similar action necessary to facilitate the handling of recyclable materials, but~~,~~ shall exclude automotive wrecking and junk yards. Drop-off enclosures, for collection purposes only, shall be limited to two hundred (200) square feet in area.

Sec. 20.624.105 - Repair Services, Consumer.

Establishments primarily engaged in the provision of repair services to individuals and households rather than firms, but excluding Automotive and Equipment use types. Typical uses include appliance repair shops, watch or jewelry repair, apparel repair establishments ~~firms~~, or musical instrument repair shops. ~~firms.~~

Sec. 20.624.110 - Research Services: Limited.

Establishments primarily engaged in research of an academic, historical, or scientific nature**,** which is provided as a service or which is conducted by and for a private firm, but excludes medical testing**,** ~~and~~ analysis**,** and product testing. Typical uses include marine research laboratories, policy analysis, electronics research laboratories, space research and development firms**,** or pharmaceutical research laboratories.

Sec. 20.624.115 - Retail Sales: Limited.

Sale or rental of commonly used goods~~,~~ and merchandise for personal or household use, but ~~excludes~~ excluding goods and merchandise ~~those~~ classified ~~more~~ specifically in Sections 20.624.005 to 20.624.110 (all other commercial use types) ~~inclusive~~. Typical uses include apparel stores, furniture stores, or establishments providing the following products or services: household cleaning and maintenance products; drugs, cards, and stationery, notions, books, tobacco products, cosmetics, and specialty items; flowers, plants, hobby materials, toys, and handcrafted items; apparel, jewelry, fabrics, and like items; cameras, photography services, household electronic equipment, records, sporting equipment, kitchen utensils, home furnishing,

art supplies and framing, arts and antiques, paint and wallpaper, interior decorating services, bicycles.

Sec. 20.624.120 - Retail Sales: General.

Sale or rental of commonly used goods~~,~~ and merchandise for personal or household use, but excluding ~~excludes~~ those goods and merchandise classified more specifically in Sections 20.624.005 through 20.624.115 (all other commercial use types) ~~inclusive~~. Typical uses include department stores or establishments providing the following products or services: major appliances, carpeting and floor covering, automotive parts and accessories (excluding service and installation), hardware stores, and building materials (storage and sales).

CHAPTER 20.628 - VISITOR ACCOMMODATION USE TYPES

Sec. 20.628.005 - General Description of Visitor Accommodation Use Types.

Visitor Accommodation use types refer both to commercial establishments engaged in the provision of lodging services on a ~~less~~ shorter than monthly basis, with incidental food and drink services intended for the convenience of guests, and to Single Unit Rentals and Vacation Home Rentals providing short-term overnight accommodations primarily in (in the case of Vacation Home Rentals), or in conjunction with (in the case of Single Unit Rentals), private residences. **New hotels, inns and bed and breakfast accommodations can be located throughout the Commercial District. In addition, ~~E~~ e**xisting Hotels, Inns, and Bed and Breakfast Accommodations **located outside the Commercial District that are** designated on the Mendocino Town Land Use and Zoning Maps with an asterisk or asterisk-B, are **located** in the Visitor Serving Facilities (* and *B) Combining District. Single Unit Rentals and Vacation Home Rentals are currently sprinkled throughout the Town **and can also be located within the Commercial District**. However, no new Vacation Home Rentals shall be permitted in residential zoning districts, and existing Vacation Home Rentals in residential zones are to be phased out.

Sec. 20.628.010 - Bed and Breakfast Accommodations.

Any building or portion thereof, or group of buildings, containing two but no more than four (4) guest rooms or suites, each of which is used, designed, or intended to be used, let or hired out,

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for occupancy by transient guests for compensation or profit, wherein breakfast, light meals, and beverage may be provided for separate compensation or ~~profit~~ as part of a room or suite package. See Chapter 20.684.

Sec. 20.628.015 - Hostel.

Any building or portion thereof or group of buildings containing five (5) or more dormitory rooms or private guest rooms, or providing ~~dormitory~~ sleeping accommodations for five (5) or more transient guests for the purpose of providing lower cost public travel accommodations to recreational travelers. The hostel shall provide a kitchen, common room, and sanitary facilities for use by the transient guests. See Chapter 20.684.

Sec. 20.628.020 - Hotel.

Any building or portion thereof, or group of buildings, containing five (5) or more ~~**guest rooms or suites**~~ **lodging units** each used, designed, or intended to be used, let, or hired out for occupancy by transient guests for compensation or profit, and where ~~wherein~~ meals and beverage may be provided for separate compensation or ~~profit~~ as part of a room or suite package. See Chapter 20.684.

Sec. 20.628.025 - Inn.

Any building or portion thereof, or group of buildings, containing five (5) or more ~~**guest rooms or suites**~~ **lodging units** each used, designed, or intended to be used, let, or hired out for occupancy by transient guests for compensation or profit, and where regular meals may be provided for separate compensation or ~~profit~~ as part of a room or suite package. See Chapter 20.684.

Sec. 20.628.030 - Motel.

Any building or portion thereof, or group of buildings, containing five (5) or more ~~**guest rooms or suites**~~ **lodging units** where such rooms or suites are directly accessible from an outdoor parking area and where each is used, designed, or intended to be used, let, or hired out for occupancy by transient guests for compensation or profit.

Sec. 20.628.035 - Single Unit Rental.

Sec. 20.628.035 - Single Unit Rental.

An attached or detached structure, operated ~~as a Visitor Serving Unit,~~ in conjunction with a dwelling unit or commercial use, as a short term rental for transient occupancy, for a fee charged, and subject to Chapter 20.520 (Uniform Transient Occupancy Tax) and Chapter 6.04 (Business License Chapter) of the Mendocino County Code. See Chapter 20.748 (Single Unit Rentals and Vacation Home Rentals).

Sec. 20.628.040 – Reserved. ~~Student/Instructor Temporary Housing Facility~~

~~Existing Student/Instructor Temporary Housing Facility is identified on Table 4.13-1 of the Town Plan.~~

Sec. 20.628.045 - Vacation Home Rental.

A dwelling unit that is the only use on the lot ~~property~~, which may be rented short term, for a fee charged, for transient occupancy, and subject to Chapter 520 (Uniform Transient Occupancy Tax) and Chapter 6.04 (Business License Chapter) of the Mendocino County Code. ~~Vacation Home Rentals are listed on Table 4.13-3 of the Mendocino Town Plan.~~ See Chapter 20.748 (Single Unit Rentals and Vacation Home Rentals).

CHAPTER 20.632 - AGRICULTURAL USE TYPES

Sec. 20.632.005 - General Description of Agricultural Use Types.

Agricultural use types include the on-site production of plant and animal products by agricultural methods. They also include certain uses accessory to the uses listed above, as specified in Chapter 20.704 (Accessory Use Regulations)**.**

Sec. 20.632.010 - Horticulture.

Premises devoted to horticultural and floricultural ~~floracultural~~ specialties such as flowers, shrubs, and trees intended for ornamental or landscaping purposes grown on site, including in green houses.

Sec. 20.632.015 - Light Agriculture.

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(A) Land devoted to the hatching, raising, butchering or marketing, on a small scale, of chickens, turkeys or other fowl, ~~or~~ poultry and eggs, rabbits, fish, frogs, mink, chinchilla, or other small farm animals or animals similar in nature, provided that not more than ten (10) mature animals per forty thousand (40,000) square feet, combined total~~;~~ of all species, may be kept, fed, or maintained. The ~~total~~ permissible number of ~~all species shall not exceed forty (40). In all cases, the permissible number of~~ animals per acre shall be computed on the basis of the nearest equivalent ratio (i.e. five (5) animals on twenty thousand (20,000) square feet). For smaller parcels (under 20,000 square feet) located in R+, MU, and C districts, up to four hens (no roosters) may be kept. Coops or pens shall be located only on the rear one-third (1/3) of the lot and shall be located no closer than five (5) feet from the side or rear property line.

(B) The grazing of cattle, horses, sheep, goats, hogs or other farm stock or animals, including the supplementary feeding thereof, provided not more than one (1) such animal per forty thousand (40,000) square feet shall be kept or maintained. The total number of animals of all species shall not exceed four (4). In no event shall there be any limit to the permissible number of sheep or goats which may be grazed per acre when such grazing operation is conducted on fields for the purpose of cleaning up unharvested crops and, further where such grazing operation is not conducted for more than four (4) weeks in any six (6) month period.

(C) For parcels of forty thousand (40,000) square feet or larger, keeping of small and large animals shall be cumulative (i.e. eighty thousand (80,000) square feet: two (2) large animals or twenty (20) small animals).

(D) Apiaries, provided that no more than two (2) working hives may be kept on parcels of forty thousand (40,000) square feet or less.

(E) Sale of agricultural products grown, raised or produced on the premises.

(F) 4-H ~~11~~, FFA or similar projects shall be permitted in all zoning districts, except that no roosters shall be allowed.

Sec. 20.632.020 - Packing and Processing.

Packing or processing of agricultural crops grown on the premises, which involves ~~entails~~ picking, cutting, sorting, and boxing or crating, but does not include rendering, tanning, or reduction of meat.

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~~**Sec. 20.632.025 - Forest Production.**~~

~~**Refers to the growing and harvesting of forest products. Removal or harvesting of major vegetation requires a coastal development permit except for timber operations in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practices Act of 1973, commencing with Section 4511.**~~ **[Suggested modification at request of County staff.]**

CHAPTER 20.636 - OPEN SPACE USE TYPES

Sec. 20.636.005 - General Description of Open Space Use Types.

Open Space use types include land to remain predominantly in its natural or undeveloped condition, ~~or~~ with ~~to include~~ the minimum amount of development necessary to support ~~its~~ protection of the landscape, ~~**agricultural grazing,**~~ active or passive recreational uses, and the public health and safety. The uses also include ~~certain~~ accessory uses, as specified in Chapter 20.704 (Accessory Use Regulations). Public parks are found in the Community Recreation Use Type (Section 20.620.030).

Sec. 20.636.010 - Open Space.

Land designated and zoned to remain predominantly in its natural **or restored** condition, ~~or agricultural grazing use,~~ with the minimum ~~**improvements**~~ **development** necessary to ~~no structures~~ support Open Space use types.

Sec. 20.636.015 - Passive Recreation.

Leisure activities that do not ~~require permits pursuant to this Division nor~~ constitute "development" as defined in Section 20.608.023(E), and that ~~involve only minor supplementary equipment.~~ do not require permits pursuant to this Division. Examples include sightseeing, hiking, access for SCUBA diving or ~~,~~ swimming, hiking, sunbathing, jogging, surfing, fishing, bird and other nature watching, picnicking, bicycling, horseback riding, boat, kayak, or canoe launching or retrieval, ~~boating,~~ photography, nature study, photography, sketching, and painting.

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The Commission staff's proposed suggested modifications to Section **20.636.020** are still in process

Sec. 20.636.020 - Active Recreation.

Activities that generally involve running, throwing, or other forms of sport or exercise that may include use of specialized equipment. Active Recreation activities may require improvements, including establishment ~~Establishment~~ of facilities which constitute "development" as defined in Section 20.608.023(E), ~~and~~ that may have the potential for significant adverse impacts on the environment, on coastal resources, or on coastal public access, ~~environmental impacts requiring mitigation or~~ which may ~~involve~~ include hazards, ~~generate~~ noise, dust, glare, objectionable odors, substantial additional traffic, or ~~have~~ other potential impacts. Examples of active recreation include bicycling, horseback riding, paragliding, coastal bluff and rock climbing, ~~construction of spectator~~ sports and amusement facilities, recreational boating facilities, archery and shooting ranges, rodeo and equestrian facilities, recreational parking and other upland support facilities, and recreational trails, paths, and access ways.

CHAPTER 20.640 - ESTABLISHMENT OF ZONING DISTRICTS

Sec. 20.640.005 - Districts Established.

The several classes of ~~principal~~ zoning districts into which the Town may be divided~~,~~ and the map designator of each district are~~-~~as follows:

~~Principal Zone~~ Zoning District	Designator
Mendocino Rural Residential	MRR
Mendocino Suburban Residential	MSR
Mendocino Town Residential	MTR
Mendocino Multiple Family Residential	MRM
Mendocino Mixed Use	MMU
Mendocino Commercial	MC
Mendocino Public Facilities	MPF
~~Mendocino Forest Lands District~~	~~MFL~~
Mendocino Open Space	MOS

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MENDOCINO TOWN ZONING CODE UPDATE AMENDMENT
(LCPA-1-MEN-14-0840)

Sec. 20.640.010 - Combining Districts.

In addition to the Zoning Districts ~~districts~~ enumerated in Section 20.640.005, Combining Districts ~~combining districts~~ may be established in combination with any of the ~~principal~~ Zoning Districts ~~districts~~ and designated as follows:

Combining District	Designator
Mendocino Planned Unit Development	PD
Mendocino Visitor Serving Facilities	* (Hotels, Inns, Motels)
~~Mendocino Bed & Breakfast Rooms~~	*B (Bed & Breakfast Accommodations)
Mendocino Development Limitations	DL

Sec. 20.640.015 - Location and Boundaries of Districts.

The designation, location, and boundaries of the aforesaid districts shall be as depicted on ~~according to~~ the ~~General Plan Coastal Element Land Use Map for the Town of~~ certified Mendocino Town Land Use and Zoning Maps, and in Section 20.604.040 of this Division, provided that where a ~~**Land Use District or**~~ Zoning District boundary is located in, rather than along the edge of, a street, road, or highway, the boundary shall be deemed to follow the centerline of the street, road, or highway

CHAPTER 20.644 - MENDOCINO RURAL RESIDENTIAL "MRR"

Sec. 20.644.005 - Intent.

This district is intended to create and enhance residential areas, and is intended to be a low density residential growth area, while allowing a second residential dwelling unit, subordinate in size and scale, in keeping with the existing pattern of development, and with a Visitor Serving Facilities Combining District overlay for the ~~**existing**~~ Bed and Breakfast accommodations **located outside the Commercial District and** designated with an asterisk-B (*B) on the certified Town Plan Land Use and Zoning Maps.

Sec. 20.644.010 - ~~**Principal**~~ Permitted Uses for MRR Districts.

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(A) The following use types are the principal permitted uses in for the MRR District: For the purposes of appeal to the Coastal Commission, the Principal Permitted Use Type (*) for the MRR District shall be Residential Use Types.

(1)(A) Residential Use Types

Family Residential: Single-Family

Stormwater Management

(B) The following use types are permitted uses in the MRR District:

(1)(B) Civic Use Types

Community Gardens

Groundwater Monitoring

Mutual Water Company Facilities

(2)(C) Agricultural Use Types

Light Agriculture

(3)(D) Open Space Use Types

Open Space

Passive Recreation

Active Recreation

(5)(E) Visitor Accommodation Use Types

Visitor Serving Facilities (Existing):

Bed and Breakfast Accommodations (*B)

Sec. 20.644.015 - Conditional Uses for MRR Districts.

The following use types may be permitted in the MRR District upon issuance of a use permit:

(A) Civic Use Types

Major Impact Services and Utilities

Minor Impact Utilities

~~**Stormwater Management**~~

(B) Commercial Use Types

Cottage Industries

(C) Visitor Accommodation Use Types

Single Unit Rentals

(D) Agricultural Use Types

~~**Forest Production**~~

Horticulture

Packing and Processing

Sec. 20.644.020 - Minimum Lot Area for MRR Districts.

(A) MRR-1: Forty thousand (40,000) square feet.

(B) MRR-2: Two (2) acres.

Sec. 20.644.025 - Maximum Dwelling Density for MRR Districts.

(A) MRR-1: One (1) primary dwelling unit, and one (1) second residential dwelling unit per forty thousand (40,000) square feet, except as provided pursuant to Section 20.704.015 (Accessory Uses), Section 20.708.030 (Use of Trailer Coach) and Section 20.708.035 (Family Care Unit).

(B) MRR-2: One (1) primary dwelling unit, and one (1) second residential dwelling unit per two (2) acres, except as provided pursuant to Section 20.704.015 (Accessory Uses), Section 20.708.030 (Use of Trailer Coach), Section 20.708.035 (Family Care Unit), and Chapter 20.740 (Second Residential Units).

Sec. 20.644.030 - Minimum Front and Rear Yards for Districts for MRR Districts.

Twenty (20) feet each.

Sec. 20.644.035 - Minimum Side Yards for MRR Districts.

Six (6) feet.

Sec. 20.644.040 - Maximum Building Height Limit for MRR Districts.

Structures shall be limited to a maximum height of twenty-eight (28) feet above natural grade.

Exceptions to the strict application of maximum building heights may be allowed for church steeples, flag poles, water towers, and utility poles where such exceptions are consistent with the intent of the Zoning District and with Chapter 20.760 (Historical Preservation District For Town Of Mendocino). ~~Lesser~~ Reduced heights may be required where it is found that building heights would have adverse impacts to community character, historical structures, public open space, or significant public views. Exceptions may only be allowed pursuant to the provisions of Chapter 20.724 (Variances) or Chapter 20.760.

Sec. 20.644.045 - Minimum Vehicle Parking for MRR Districts.

(A) Two (2) off-street parking spaces for the first residential unit and one and one-half (1½) off-street parking spaces for each additional residential unit.

(B) One off-street parking space for each visitor accommodation unit (guest room or suite), or, where available space or the requirements this Division preclude off-street parking, payment of an in-lieu fee as required by Section 20.714.015.

Sec. 20.644.050 - Maximum Lot Coverage for MRR Districts.

Twenty (20) percent for parcels less than two (2) acres in size. Fifteen (15) percent for parcels from two (2) acres to five (5) acres in size. Ten (10) percent for parcels over five (5) acres in size.

Sec. 20.644.055 - Minimum Lot Width for MRR Districts.

One hundred (100) feet.

Sec. 20.644.060 - Maximum Lot Depth for MRR Districts.

Three (3) times the lot width.

Sec. 20.644.065 - Additional Requirements for MRR Districts.

(A) In addition to complying with the regulations of this Division, all development in the MRR District also shall comply, as applicable, with Chapter 20.420 (Coastal Flood Plain Combining Districts), Chapter 20.488 (Coastal Development General Review Criteria), Chapter 20.492 (Grading, Erosion and Runoff), Chapter 20.496 (Environmentally Sensitive Habitat and Other Resource Areas), Chapter 20.500 (Hazard Areas), Chapter 20.504 (Visual Resource and Special Treatment Areas), Chapter 20.508 (Agricultural Resources), Chapter 20.510 (Timber Resources), Chapter 20.512 (Harbors, Commercial and Sport Fishing), Chapter 20.516 (Transportation, Utilities and Public Services), Chapter 20.520 (Industrial Development and Energy Facilities), Chapter 20.524 (Coastal Land Division Regulations), Chapter 20.528 (Coastal Access Regulations and Open Space Easements) Chapter 20.532 (Coastal Development Permits Regulations-General), and Chapter 20.536 (Coastal Development Specific Permit Procedures) of Division II of this Title.

(B) No residential dwelling unit or portion thereof shall be converted to any non-residential use, except as provided by Chapter 20.684 (Mendocino Visitor Serving Facilities Combining District) or by Chapter 20.748 (Single Unit Rentals and Vacation Home Rentals).

CHAPTER 20.648 - MENDOCINO SUBURBAN RESIDENTIAL "MSR"

Sec. 20.648.005 - Intent.

This district is intended to recognize the existing Point of View Estates Subdivision and the five (5) lots (parcels) on its southwest boundary east of Lansing Street and north of Palette Drive,

while allowing a second residential dwelling unit, subordinate in size and scale, in keeping with the existing pattern of development.

The Commission staff's proposed suggested modifications to Chapter **20.648** are still in process.

Sec. 20.648.010 - Principal Permitted Uses for MSR Districts.

The following use types are principal permitted uses in the MSR District:

(A) Residential Use Types

Family Residential: Single Family

Stormwater Management (involving one to four lots (parcels))

(B) Civic Use Types

Community Gardens

Groundwater Monitoring

Mutual Water Company Facilities

(C) Open Space Use Types

Open Space

Sec. 20.648.015 - Conditional Uses for MSR Districts.

The following use types may be permitted in the MSR District upon issuance of a use permit:

(A) Civic Use Types

Minor Impact Utilities

Stormwater Management (involving more than four lots (parcels))

(B) Commercial Use Types

Cottage Industries

(C) Visitor Accommodation Use Types

Single Unit Rentals

Sec. 20.648.020 - Minimum Lot area for MSR Districts.

Twenty thousand (20,000) square feet.

Sec. 20.648.025 - Maximum Dwelling Density for MSR Districts.

One (1) principal dwelling unit and one (1) second residential dwelling unit, per twenty thousand (20,000) square feet.

Sec. 20.648.030 - Minimum Front and Rear Yards for MSR Districts.

Twenty (20) feet.

Sec. 20.648.035 - Minimum Side Yards for MSR Districts.

Six (6) feet.

Sec. 20.648.040 - Maximum Building Height Limit for MSR Districts.

Structures shall be limited to a maximum height of twenty-eight (28) feet above natural grade. Exceptions to the strict application of maximum building heights may be allowed for church steeples, flag poles, water towers, and utility poles where such exceptions are consistent with the intent of the Zoning District and with Chapter 20.760 (Historical Preservation District For Town Of Mendocino). ~~Lesser~~ Reduced heights may be required where it is found that building heights would have adverse impacts to community character, historical structures, public open space, or significant public views. Exceptions may only be allowed pursuant to the provisions of Chapter 20.724 (Variances) or Chapter 20.760.

Sec. 20.648.045 - Minimum Vehicle Parking for MSR Districts.

(A) Two (2) off-street parking spaces for the first residential unit and one and one-half (1½) off-street parking spaces for each additional residential unit.
(B) One off-street parking space for each visitor accommodation unit (guest room or suite), or, where available space or the requirements this Division preclude off-street parking, payment of an in-lieu fee as required by Chapter 20.714.

Sec. 20.648.050 - Maximum Lot Coverage for MSR Districts.

Twenty-five (25) percent.

Sec. 20.648.055 - Minimum Lot Width for MSR Districts.

Sixty (60) feet.

Sec. 20.648.060 - Maximum Lot Depth for MSR Districts.

Three (3) times the lot width.

Sec. 20.648.065 - Additional Requirements for MSR Districts.

(A) In addition to complying with the regulations of this Division, all development in the MSR District also shall comply, as applicable, with Chapter 20.420 (Coastal Flood Plain Combining Districts), Chapter 20.488 (Coastal Development General Review Criteria), Chapter 20.492 (Grading, Erosion and Runoff), Chapter 20.496 (Environmentally Sensitive Habitat and Other Resource Areas), Chapter 20.500 (Hazard Areas), Chapter 20.504 (Visual Resource and Special Treatment Areas), Chapter 20.508 (Agricultural Resources), Chapter 20.510 (Timber Resources), Chapter 20.512 (Harbors, Commercial and Sport Fishing), Chapter 20.516 (Transportation, Utilities and Public Services), Chapter 20.520 (Industrial Development and Energy Facilities), Chapter 20.524 (Coastal Land Division Regulations), Chapter 20.528 (Coastal Access Regulations and Open Space Easements) Chapter 20.532 (Coastal Development Permits Regulations-General), and Chapter 20.536 (Coastal Development Specific Permit Procedures) of Division II of this Title.

(B) No residential dwelling unit or portion thereof shall be converted to any non-residential use, except as provided by Chapter 20.684 (Mendocino Visitor Serving Facilities Combining District) or Chapter 20.748 (Single Unit Rentals and Vacation Home Rentals).

CHAPTER 20.652 - MENDOCINO TOWN RESIDENTIAL "MTR"

Sec. 20.652.005 - Intent.

This district is intended to maintain the existing predominantly single family character of residential neighborhoods in the Town of Mendocino; allow a second residential dwelling unit, subordinate in size and scale, in keeping with the existing pattern of development; and support existing visitor accommodations in the Visitor Serving Facilities Combining District on sites

designated with an asterisk (*) or asterisk-B (*B) on the certified Town Plan Land Use and Zoning Maps.

Sec. 20.652.010 - Principal Permitted Uses for MTR Districts.

The following use types are principal permitted uses in the MTR District:

The Commission staff's proposed suggested modifications to Chapter 20.652 are still in process.

(A) Residential Use Types

Family Residential: Single Family

Family Residential: Two Family

Stormwater Management (involving one to four lots (parcels))

(B) Civil Use Types

Community Garden

Groundwater Monitoring

(C) Agricultural Use Types

Light Agriculture

(D) Visitor Accommodations Use Types

Visitor Serving Facilities (Existing)

Hotels, Inns (*)

Bed and Breakfast Accommodations (*B)

Sec. 20.652.015 - Conditional Uses for MTR Districts.

The following use types may be permitted in the MTR District upon issuance of a use permit:

(A) Civic Use Types

Lodge, Fraternal and Civic Assembly

Major Impact Services and Utilities

Minor Impact Utilities

Religious Assembly

Stormwater Management (involving more than four lots (parcels))

(B) Visitor Accommodation Use Types

Single Unit Rentals

(C) Commercial Use Types

Cottage Industries

Sec. 20.652.020 - Minimum Lot Area for MTR Districts.

Twelve thousand (12,000) square feet.

Sec. 20.652.025 - Maximum Dwelling Density for MTR Districts.

(A) One (1) primary dwelling unit on existing parcels or portions thereof under nine thousand (9,000) square feet.

(B) ~~Two (2) dwelling units~~ One (1) second residential dwelling unit on parcels or portions thereof of nine thousand (9,000) square feet or larger.

Sec. 20.652.030 - Minimum Front and Rear Yards for MTR Districts.

Ten (10) feet each.

Sec. 20.652.035 - Minimum Side Yards for MTR Districts.

Six (6) feet each.

Sec. 20.652.040 - Setback Exception for MTR Districts.

Exceptions to the strict application of building setbacks may be allowed or greater setbacks may be recovered where it is found that strict compliance would have adverse impacts ~~to~~ on community character, historical structures, public open space, or public views. Exceptions may only be allowed pursuant to the review process in Chapter 20.760.

Sec. 20.652.045 - Maximum Building Height for MTR Districts.

Structures shall be limited to a maximum height of twenty-eight (28) feet above natural grade. Exceptions to the strict application of maximum building heights may be allowed for church steeples, flag poles, water towers, and utility poles where such exceptions are consistent with the intent of the Zoning District and with Chapter 20.760. ~~Lesser~~ Reduced heights may be required where it is found that building heights would have adverse impacts to community character, historical structures, public open space, or significant public views. Exceptions may only be allowed pursuant to the provisions of Chapter 20.724 (Variances) or Chapter 20.760.

Sec. 20.652.050 - Minimum Vehicle Parking for MTR Districts.

(A) Two (2) off-street parking spaces for the first residential unit and one and one-half (1½) off-street parking spaces for each additional residential unit.

(B) One off-street parking space for each visitor accommodation unit (guest room or suite), or where available space or the requirements this Division preclude off-street parking, payment of an in-lieu fee as required by Section 20.714.

Sec. 20.652.055 - Maximum Lot Coverage for MTR Districts.

Twenty-five (25) percent.

Sec. 20.652.060 - Minimum Lot Width for MTR Districts.

Sixty (60) feet.

Sec. 20.652.065 - Maximum Lot Depth for MTR Districts.

Three (3) times the lot width.

Sec. 20.652.070 - Additional Requirements for MTR Districts.

(A) In addition to complying with the regulations of this Division, all development in the MTR

District also shall comply, as applicable, with Chapter 20.420 (Coastal Flood Plain Combining Districts), Chapter 20.488 (Coastal Development General Review Criteria), Chapter 20.492 (Grading, Erosion and Runoff), Chapter 20.496 (Environmentally Sensitive Habitat and Other Resource Areas), Chapter 20.500 (Hazard Areas), Chapter 20.504 (Visual Resource and Special Treatment Areas), Chapter 20.508 (Agricultural Resources), Chapter 20.510 (Timber

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Resources), Chapter 20.512 (Harbors, Commercial and Sport Fishing), Chapter 20.516 (Transportation, Utilities and Public Services), Chapter 20.520 (Industrial Development and Energy Facilities), Chapter 20.524 (Coastal Land Division Regulations), Chapter 20.528 (Coastal Access Regulations and Open Space Easements) Chapter 20.532 (Coastal Development Permits Regulations-General), and Chapter 20.536 (Coastal Development Specific Permit Procedures) of Division II of this Title.

(B) No residential dwelling unit or portion thereof shall be converted to any non-residential use except as provided by Chapter 20.684 (Mendocino Visitor Serving Facilities Combining District) or Chapter 20.748 (Single Unit Rentals and Vacation Home Rentals).

CHAPTER 20.656 - MENDOCINO MULTIPLE FAMILY RESIDENTIAL "MRM"

Sec. 20.656.005 - Intent.

This district is intended to provide areas for multi-family residential development with the density and the number of units per parcel limited to maintain the present scale of the Town of Mendocino ~~town~~; allow a second residential dwelling unit with any primary family dwelling unit, subordinate in size and scale, in keeping with the existing pattern of development; and support visitor accommodations in the Visitor Serving Facilities Combining District as depicted with an asterisk (*) or asterisk-B (*B) on the certified Town Zoning Map.

Sec. 20.656.010 - Principal Permitted Uses for MRM Districts.

The following use types are principal permitted uses in the MRM District:

(A) Residential Use Types

The Commission staff's proposed suggested modifications to Chapter 20.656 are still in process.

Family Residential: Single Family

Family Residential: Two Family

Family Residential: Multi-Family

Family Residential: Boarding House

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Stormwater Management (involving one to four lots (parcels))

(B) Civic Use Types

Community Garden

Groundwater Monitoring

(C) Agricultural Use Types

Light Agriculture

(D) Visitor Accommodation Use Types

Visitor Serving Facilities (Existing):

Hotels, Inns, Motels (*)

Bed and Breakfast Accommodations (*B)

Sec. 20.656.015 - Conditional Uses for MRM Districts.

The following uses may be permitted in the MRM District upon issuance of a use permit:

(A) Civic Use Types

Day Care Facilities/Small Schools

Lodge, Fraternal and Civic Assembly

Major Impact Services and Utilities

Minor Impact Facilities

Religious Assembly

Stormwater Management (involving more than four lots (parcels))

(B) Commercial Use Types

Cottage Industries

(C) Visitor Accommodation Use Types

Single Unit Rentals

Sec. 20.656.020 - Minimum Lot Area for MRM Districts.

Twelve thousand (12,000) square feet.

Sec. 20.656.025 - Maximum Dwelling Density for MRM Districts.

Dwelling units per parcel, or portion thereof, are subject to minimum lot area per dwelling unit limitations as follows:

(A) One dwelling unit for the first six thousand (6,000) square feet of lot area;

(B) A second residential dwelling unit for an additional three thousand (3,000) square feet of lot area;

(C) A third dwelling unit for an additional three thousand (3,000) square feet of lot area

(D) A fourth dwelling unit for an additional three thousand (3,000) square feet of lot area;

(E) A fifth dwelling unit for an additional three thousand (3,000) square feet of lot area; and

(F) One (1) additional dwelling unit for each additional six thousand (6,000) square feet of lot area**.**

Sec. 20.656.030 - Minimum Front and Rear Yards for MRM Districts.

Twenty (20) feet each**.**

Sec. 20.656.035 - Minimum Side Yards for MRM Districts.

Six (6) feet each.

Sec. 20.656.040 - Setback Exception for MRM Districts.

Exceptions to the strict application of building setbacks may be allowed or greater setbacks may be required where it is found that strict compliance would have adverse impacts to community character, historic structures, open space or public views. Exceptions may only be allowed pursuant to the review process in Chapter 20.760.

Sec. 20.656.045 - Maximum Building Height for MRM Districts.

Structures shall be limited to a maximum height of twenty-eight (28) feet above natural grade. Exceptions to the strict application of maximum building heights may be allowed for church

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steeples, flag poles, water towers, and utility poles where such exceptions are consistent with the intent of the Zoning District and with Chapter 20.760 (Historical Preservation District For Town Of Mendocino). ~~Lesser~~ Reduced heights may be required where it is found that building heights would have adverse impacts to community character, historical structures, public open space, or significant public views. Exceptions may only be allowed pursuant to the provisions of Chapter 20.724 (Variances) or Chapter 20.760.

Sec. 20.656.050 - Minimum Vehicle Parking for MRM Districts.

(A) ~~One and-one half (1½) on-site parking spaces per dwelling unit.~~ Two (2) off-street parking spaces for the first residential unit and one and one-half (1½) off-street parking spaces for each additional residential unit.

(B) One off-street parking space for each visitor accommodation unit (guest room or suite), or where available space or the requirements of this Division preclude off-street parking, payment of an in-lieu fee as required by Section 20.714.

Sec. 20.656.055 - Maximum Lot Coverage for MRM Districts.

Twenty-five (25) percent.

Sec. 20.656.060 - Minimum Lot Width for MRM Districts.

Sixty (60) feet.

Sec. 20.656.065 - Maximum Lot Depth for MRM Districts.

Three (3) times the lot width.

Sec. 20.656.070 - Additional Requirements for MRM Districts.

(A) In addition to complying with the regulations of this Division, all development in the MRM District also shall comply, as applicable, with Chapter 20.420 (Coastal Flood Plain Combining Districts), Chapter 20.488 (Coastal Development General Review Criteria), Chapter 20.492 (Grading, Erosion and Runoff), Chapter 20.496 (Environmentally Sensitive Habitat and Other Resource Areas), Chapter 20.500 (Hazard Areas), Chapter 20.504 (Visual Resource and

Special Treatment Areas), Chapter 20.508 (Agricultural Resources), Chapter 20.510 (Timber Resources), Chapter 20.512 (Harbors, Commercial and Sport Fishing), Chapter 20.516 (Transportation, Utilities and Public Services), Chapter 20.520 (Industrial Development and Energy Facilities), Chapter 20.524 (Coastal Land Division Regulations), Chapter 20.528 (Coastal Access Regulations and Open Space Easements) Chapter 20.532 (Coastal Development Permits Regulations-General), and Chapter 20.536 (Coastal Development Specific Permit Procedures) of Division II of this Title.

(B) No residential dwelling unit or portion thereof shall be converted to any non-residential use except as provided by Chapter 20.684 (Mendocino Visitor Serving Facilities Combining District) or by Chapter 20.748 (Single Unit Rentals and Vacation Home Rentals).

CHAPTER 20.660 - MENDOCINO MIXED USE "MMU"

Sec. 20.660.005 - Intent.

This district is intended to provide (1) a transition between the commercial development on Lansing and Main Streets and residential areas in the Town of Mendocino; (2) ~~to provide~~ space for offices and retail uses that do not generate heavy ~~automobile~~ vehicular traffic or generally operate between the hours of 6:00 p.m. and 7:00 a.m.; (3) support for visitor accommodations in the Visitor Serving Facilities Combining District on sites depicted with an asterisk (*) or asterisk-B (*B) on the certified Town Zoning Map; and (4) ~~to~~ encouragement for preservation and construction of moderately priced dwelling units by allowing a second residential dwelling unit, subordinate in size and scale, in keeping with the existing pattern of development.

Sec. 20.660.010 - ~~Principal~~ Permitted Uses for MMU Districts.

(A) ~~(1)~~ The following use types are **the** principal permitted use~~s~~ in the MMU District:

(1)~~(A)~~ Residential Use Types

Family Residential: Single Family

Family Residential: Two Family

Family Residential: Multi-Family

Family Residential: Boarding House

~~**Stormwater Management**~~

~~Single strikethrough~~ and underline= County-proposed changes to certified LCP; ~~single red strikethrough~~ and underline= changes not properly tracked from certified LCP. ~~**bold double strikethrough**~~ and **underline**= Commission staff recommended modifications to County's submitted proposal. Blue ~~double strike-through~~ font= County-proposed language deleted in place but Commission staff recommends to re-locate as depicted by blue double-underline font. Blue shading, was placed next to the new location where the moved text was primarily incorporated, to enable a comparison between the original text and CCC staff's revised text.

~~**(2)(B) Visitor Accommodation Use Types**~~

~~**Visitor Serving Facilities (Existing):**~~

~~**Hotels, Inns, Motels (*)**~~

~~**Bed and Breakfast Accommodations (*B)**~~

(B)~~**(2)**~~ The following non-residential use types which do not exceed one thousand (1,000) square feet of gross floor area per parcel are ~~area~~ permitted in the MMU District:

(1)~~**(A)**~~ **Civic Use Types**

Administrative Services Government

Ambulance Services

Community Gardens

Fire and Police Protection Services

~~**Groundwater Monitoring**~~

(2)~~**(B)**~~ **Commercial Use Types**

Administrative and Business Offices

Medical Services

Personal Services

Retail Sales: Limited

~~**(C)** For the purposes of appeal to the Coastal Commission, the Principal Permitted Use for the Mixed Use District shall be Residential Use Types.~~

Sec. 20.660.015 - Uses for MMU Districts Subject to a Minor Use Permit.

(A)~~**(1)**~~ The following use types may be permitted in the MMU District upon issuance of a minor use permit:

(1)~~**(A)**~~ **Civic Use Types**

Administrative Services Government

Clinic Services

Cultural Exhibits and Library Services

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Lodge, Fraternal and Civic Assembly

Minor Impact Utilities

Religious Assembly

(2)~~(B)~~ Commercial Use Types

Cottage Industries

(3)~~(C)~~ Visitor Accommodation Use Types

Single Unit Rentals

Vacation Home Rentals

Sec. 20.660.020 - Uses for MMU Districts Subject to a Major Use Permit.

The following use types may be permitted in the MMU District upon issuance of a major use permit:

(A) Civic Use Types

Day Care Facilities/Small Schools

Major Impact Services and Utilities

(B) Commercial Use Types

Financial Services

Food and Beverage Retail Sales

Sec. 20.660.025 - Minimum Lot Area for MMU Districts.

Twelve thousand (12,000) square feet.

Sec. 20.660.030 - Maximum Dwelling Density for MMU Districts.

(A) Dwelling units per parcel, or portion thereof, are subject to minimum lot area per dwelling unit limitations as follows:

(1) ~~(A)~~ One dwelling unit for the first six thousand (6,000) square feet of lot area; and

(2) ~~(B)~~ A second residential dwelling unit for an additional three thousand (3,000) square feet of lot area; and

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(3) ~~(C)~~ A third dwelling unit for an additional three thousand (3,000) square feet of lot area; and

(4) ~~(D)~~ A fourth dwelling unit for an additional three thousand (3,000) square feet of lot area; and

(5) ~~(E)~~ A fifth dwelling unit for an additional three thousand (3,000) square feet of lot area; and

(6) ~~(F)~~ One (1) additional dwelling unit for each additional six thousand (6,000) square feet of lot area.

Sec. 20.660.035 - Minimum Front and Rear Yards for MMU Districts.

Twenty (20) feet.

Sec. 20.660.040 - Minimum Side Yards for MMU Districts.

Six (6) feet.

Sec. 20.660.045 - Setback Exception for MMU Districts.

Exceptions to the strict application of building setbacks may be allowed, or greater setbacks may be required, where it is found that strict compliance would have adverse impacts to community character, historical structures, public open space, or public views. Exceptions may only be allowed pursuant to the review process in Chapter 20.724 and 20.760.

Sec. 20.660.050 - Maximum Building Height for MMU Districts.

Structures shall be limited to a maximum height of twenty-eight (28) feet above natural grade. Exceptions to the strict application of maximum building heights may be allowed for church steeples, flag poles, water towers, and utility poles where such exceptions are consistent with the intent of the Zoning District and with Chapter 20.760 (Historical Preservation District). ~~Lesser~~ Reduced heights may be required where it is found that building heights would have adverse impacts to community character, historical structures, public open space, or significant public views. Exceptions may only be allowed pursuant to the provisions of Chapter 20.724 (Variances) or Chapter 20.760.

Sec. 20.660.055 - Minimum Vehicle Parking for MMU Districts.

(A) On-site Parking: One and one-half (1½) on-site parking spaces for each dwelling unit, and one (1) off-street parking space for each four hundred (400) square feet of non-residential gross floor area.

(B) Bicycle Parking: The approval authority may require, as mitigation for potentially significant impacts of development on public parking, the development to provide on-site bicycle parking, or where such on-site bicycle parking is infeasible, off-site bicycle parking on a publicly owned parcel that can accommodate it consistent with this Division. Each bicycle parking space provided in a development shall be deemed to count as one-tenth (1/10th) of an automobile parking space for calculation of any required in-lieu parking fee pursuant to Chapter 20.714. If such bicycle parking facilities are required, the location and design of such facilities, if within Mendocino Historical Preservation District Zone A or Zone B, shall be shown on the development site plans and shall also be subject to approval of design and location by the Mendocino Historical Review Board.

(C) Automobile Parking: The size, shape, topography, or historical character of, or the presence of existing buildings on, some sites in Historical Zone A or Historic Zone B may make it infeasible for development to meet the on-site automobile parking requirements off this Division. Where it is infeasible for development to meet the on-site parking requirements of this Division, the following shall apply: provided that the Mendocino Historical Review Board shall review the proposed parking pursuant to Section 20.724.010(A).

(1) Off-Site Automobile Parking: Parking requirements may be satisfied by supplying the required parking on another site within the Commercial Zoning District, Mixed Use Zoning District, or the Open Space Zoning District as provided in Chapter 20.714 provided that any such off-site parking shall not be permitted to be located where it would substantially interfere with existing public access along the streets, alleys, roads, or highway in the Town of Mendocino, or to and along the shoreline. Approval of off-site parking on a parcel (lot) in private ownership shall require the development applicant and owner of said parcel (lot) to record a restriction for such off-site parking use, to run with the land and bind all successors, heirs, or assigns.

(2) Joint Use or Shared Automobile Parking: A reduction in parking requirements may be allowed for ~~certain~~ mixed use developments which have different peak hours or intensities of operation ~~or intensity of use~~, and as a result may utilize the same parking spaces to satisfy their respective parking requirements. Approval of joint use or shared parking will require submittal of a shared parking study by a traffic engineer which demonstrates that the combined peak parking demand is less than the normal standards due to different, off-setting parking activity or intensity patterns of the businesses in the development, or there is a relationship among the uses that results in the attraction of patrons to two or more uses with a single auto trip to the development.

(D) One off-street parking space for each visitor accommodation unit or guest, or where available space or the requirements this Division preclude off-street parking, payment of an in-lieu fee as required by Chapter 20.714.

Sec. 20.660.060 - Maximum Lot Coverage for MMU Districts.

Fifteen (15) percent for the main building**,** or where there is only one (1) building on a site. Where two (2) or more buildings are on a lot, twenty-five (25) percent total lot coverage for all buildings.

Sec. 20.660.065 - Minimum Lot Width for MMU Districts.

Sixty (60) feet.

Sec. 20.660.070 - Maximum Lot Depth for MMU Districts.

Three (3) times lot width.

Sec. 20.660.075 - Additional Requirements for MMU Districts.

(A) The gross floor area of all structures shall not exceed one-half (½) of a square foot for each square foot of lot area.

(B) Fifty (50) percent or more of the gross floor area of all development shall be devoted to residential dwelling units; provided, that this requirement shall not apply to existing visitor serving facilities in the Visitor Serving Facilities Combining District on parcels (lots) depicted with an asterisk (*) or asterisk-B (*B) on the certified Town Zoning Map.

(C) No non-residential use shall be permitted prior to a residential use being established on the site; provided, that this requirement shall not apply to existing visitor serving facilities in the Visitor Serving Facilities Combining District on parcels (lots) depicted with an asterisk (*) or asterisk-B (*B) on the certified Town Zoning Map.

(D) No non-residential use shall be permitted to operate a business open to the public between the hours of 6:00 p.m. and 7:00 a.m; provided, that this requirement shall not apply to existing visitor serving facilities in the Visitor Serving Facilities Combining District on parcels (lots) depicted with an asterisk (*) or asterisk-B (*B) on the certified Town Zoning Map.

(E) No residential dwelling unit or portion thereof shall be converted to any non-residential use except as provided by Chapter 20.684 (Mendocino Visitor Serving Facilities Combining District) or by Chapter 20.748 (Single Unit Rentals and Vacation Home Rentals).

(F) In no case shall the floor area under one (1) roof eight exceed eight thousand (8,000) square feet.

(G) In addition to complying with the regulations of this Division, all development in the MMU District also shall comply, as applicable, with Chapter 20.420 (Coastal Flood Plain Combining Districts), Chapter 20.488 (Coastal Development General Review Criteria), Chapter 20.492 (Grading, Erosion and Runoff), Chapter 20.496 (Environmentally Sensitive Habitat and Other Resource Areas), Chapter 20.500 (Hazard Areas), Chapter 20.504 (Visual Resource and Special Treatment Areas), Chapter 20.508 (Agricultural Resources), Chapter 20.510 (Timber Resources), Chapter 20.512 (Harbors, Commercial and Sport Fishing), Chapter 20.516 (Transportation, Utilities and Public Services), Chapter 20.520 (Industrial Development and Energy Facilities), Chapter 20.524 (Coastal Land Division Regulations), Chapter 20.528 (Coastal Access Regulations and Open Space Easements) Chapter 20.532 (Coastal Development Permits Regulations-General), and Chapter 20.536 (Coastal Development Specific Permit Procedures) of Division II of this Title.

CHAPTER 20.664 - MENDOCINO COMMERCIAL "MC"

Sec. 20.664.005 - Intent.

This district is intended to provide an area within the Town suitable**; (a)** for commercial development compatible with existing commercial uses**; (b) new visitor serving accommodations; and (c)** to support existing visitor accommodations in the Visitor Serving Facilities Combining District on sites designated with an asterisk (*) or asterisk-B (*B) on the certified Town Plan Land Use and Zoning Maps~~**, and to allow a second residential dwelling unit with any primary family dwelling unit, subordinate in size and scale, in keeping with the existing pattern of development**.~~

Sec. 20.664.010 - ~~Principal~~ Permitted Uses for MC Districts.

(A) The following use types which do not exceed one thousand (1,000) square feet of gross floor area per lot are the principal permitted use in the MC District:

(1) Commercial Use Types

Administrative and Business Offices

Medical Services

Personal Services

Retail Sales: Limited

The Commission staff's proposed suggested modifications to Chapter 20.664 are still in process.

(B)~~(A)~~ The following types are **~~principal~~** permitted **~~uses~~** in the MC District:

(1)~~(A)~~ ~~(1)~~ **Residential Use Types**

Family Residential: Single Family

Family Residential: Two Family

Family Residential: Three Family

~~**Stormwater Management**~~

(2)~~(B)~~ ~~(2)~~ **Civic Use Types**

Administrative Services Government

Clinic Services

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Community Gardens

Cultural Exhibits and Library Services

Lodge, Fraternal and Civic Assembly

Minor Impact Utilities

Religious Assembly

~~**Groundwater Monitoring**~~

(C) Visitor Accommodation Use Types

Visitor Serving Facilities (Existing):

Hotels, Inns (*)

Bed and Breakfast Accommodations (*B)

Hostel

Bed and Breakfast Accommodations

Hotel

Inn

~~**(B) The following Use Types which do not exceed one thousand (1,000) square feet of gross floor area per parcel are permitted in the MC District.**~~

~~**(D) (1) Commercial Use Types**~~

~~**Administrative and Business Offices**~~

~~**Medical Services**~~

~~**Personal Services**~~

~~**Retail Sales: Limited**~~

~~(C) For the purpose of appeal to the Coastal Commission, the Principal Permitted Use for the Commercial District shall be Commercial Use Types.~~

Sec. 20.664.015 - Uses for MC Districts Subject to a Minor Use Permit.

The following use types may be permitted in the MC District upon issuance of a minor use permit:

(A) Civic Use Types

Day Care Facilities/Small Schools

~~**Stormwater Management**~~

Minor Impact Utilities

(B) Commercial Use Types

Business Equipment Sales and Services

Food and Beverage Preparation: Without Consumption

Food and Beverage Retail Sales

Repair Services, Consumer Retail Sales: General

(C) Visitor Accommodation Use Types

Single Unit Rentals

Vacation Home Rentals

Sec. 20.664.020 - Uses for MC Districts Subject to a Major Use Permit.

The following use types may be permitted in the MC District upon issuance of a major use permit.

(A) Civic Use Types

Educational Facilities

Major Impact Services and Utilities

(B) Commercial Use Types

Agricultural Sales and Services

Animal Sales and Services: Household Pets Animal Sales and Services: Veterinary (Small Animals)

Automotive and Equipment: Gasoline Sales

Automotive and Equipment: Repairs

Building Maintenance Services

Commercial Recreation: Indoor Sports and Recreation

Commercial Recreation: Indoor Entertainment

Communication Services

Construction Sales and Services

Custom Manufacturing

Eating and Drinking Establishments

Financial Services

Sec. 20.664.025 - Minimum Lot Area for MC Districts.

Twelve thousand (12,000) square feet.

Sec. 20.664.030 - Maximum Dwelling Density for MC Districts.

(A) Dwelling units per parcel, or portion thereof, are subject to minimum lot area per dwelling unit limitations as follows:

(1) ~~(A)~~ One dwelling unit for the first six thousand (6,000) square feet of lot area; and

(2) ~~(B)~~ A second residential dwelling unit for an additional three thousand (3,000) square feet of lot area; and

(3) ~~(C)~~ A third dwelling unit for an additional three thousand (3,000) square feet of lot area; and

(4) ~~(D)~~ A fourth dwelling unit for an additional three thousand (3,000) square feet of lot area; and

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(5) ~~(E)~~ A fifth dwelling unit for an additional three thousand (3,000) square feet of lot area; and

(6) ~~(F)~~ One (1) additional dwelling unit for each additional six thousand (6,000) square feet of lot area.

Sec. 20.664.035 - Minimum Front and Rear Yards for MC Districts.

None.

Sec. 20.664.040 - Minimum Side Yards for MC Districts.

None.

Sec. 20.664.045 - Setback Exception for MC Districts.

Exceptions to the strict application of building setbacks may be allowed, or greater setbacks may be required, where it is found that strict compliance would have adverse impacts to community character, historic structures, open space or public views. Exceptions may only be allowed pursuant to the review process in Chapter 20.760.

Sec. 20.664.050 - Maximum Building Height for MC Districts.

Structures shall be limited to a maximum height of twenty-eight (28) feet above natural grade. Exceptions to the strict application of maximum building heights may be allowed for the Father Time and the Maiden sculpture-monument, church steeples, flag poles, water towers, and utility poles ~~significant~~ where such exceptions are consistent with the intent of the Zoning District and with Chapter 20.760 (Historical Preservation District). ~~Lesser~~ Reduced heights may be required where it is found that building heights would have adverse impacts to community character, historical structures, public open space, or significant public views. Exceptions may only be allowed pursuant to the provisions of Chapter 20.724 (Variances) or Chapter 20.760.

Sec. 20.664.055 - Minimum Vehicle Parking for MC Districts.

(A) On-site Parking: One and one-half (1½) on-site parking spaces for each dwelling unit, and one (1) off-street parking space for each four hundred (400) square feet of non-residential gross floor area.

(B) Bicycle Parking: The approval authority may require, as mitigation for potentially significant impacts of development on public parking, the development to provide on-site bicycle parking, or where such on-site bicycle parking is infeasible, off-site bicycle parking on a publicly owned parcel that can accommodate it consistent with this Division. Each bicycle parking space provided in a development shall be deemed to count as one-tenth (1/10th) of an automobile parking space for calculation of any required in-lieu parking fee pursuant to Chapter 20.714. If such bicycle parking facilities are required, the location and design of such facilities, if within Mendocino Historical Preservation District Zone A or Zone B, shall be shown on the development site plans and shall also be subject to approval of design and location by the Mendocino Historical Review Board.

(C) Automobile Parking The size, shape, topography, or historical character of, or the presence of existing buildings on, some sites in Historical Zone A or Historic Zone B may make it infeasible for development to meet the on-site automobile parking requirements off this Division ~~on-site~~. Where it is infeasible for development to meet the on-site parking requirements of this Division, the following shall apply: provided that the ~~t~~o Mendocino Historical Review Board shall review the proposed parking pursuant to Section 20.724.010(A).

(1) Off-Site Automobile Parking: Parking requirements may be satisfied by supplying the required parking on another site within the Commercial Zoning District, Mixed Use Zoning District, the Public Facility District, or the Open Space Zoning District as provided in Chapter 20.714, provided that any such off-site parking shall not be permitted to be located where it would substantially interfere with existing public access along the streets, alleys, roads, or highway in the Town of Mendocino, or to and along the shoreline. Approval of off-site parking on a parcel (lot) in private ownership shall require the development applicant and owner of said parcel (lot) to record a restriction for such off-site parking use, to run with the land and bind all successors, heirs, or assigns.

(2) Joint Use or Shared Automobile Parking: A reduction in parking requirements may be allowed for ~~certain~~ mixed use developments which have different peak hours or intensities of operation, and as a result may utilize the same parking spaces to satisfy their respective parking requirements. Approval of joint use or shared parking will require submittal of a shared parking study by a traffic engineer which demonstrates that the combined peak parking demand is less

than the normal standards due to diverse different, off-setting parking activity or intensity patterns of the businesses in the development, or there is a relationship among the uses that results in the attraction of patrons to two or more uses with a single auto trip to the development.

(D) One off-street parking space for each visitor accommodation **lodging** unit ~~**(guest room or suite)**~~, or where available space or the requirements this Division preclude off-street parking, payment of an in-lieu fee as required by Chapter 20.714.

Sec. 20.664.060 - Maximum Lot Coverage for MC Districts.

Twenty-five (25) percent.

Sec. 20.664.065 - Minimum Lot Width for MC Districts.

Sixty (60) feet.

Sec. 20.664.070 - Maximum Lot Depth for MC Districts.

Eighty (80) feet.

Sec. 20.664.075 - Additional Requirements for MC Districts.

(A) The maximum gross floor area of all structures shall not exceed one-half (½) square foot for each square foot of lot area. In no case shall gross floor area under one (1) roof exceed eight thousand (8,000) square feet.

(B) All commercial ~~**parcels**~~ **lots** fronting on Main Street and accessible from Albion Street between Woodward Street and Ford Street ~~Kasten Street and Osborn Street~~ shall comply with the following:

(1) Where vehicular access is proposed to serve commercial development, vehicular access shall be provided from Main Street; and

(2) No vehicular access to serve commercial development shall be provided from Albion Street.

(C) In addition to complying with the regulations of this Division, all development in the MC District also shall comply, as applicable, with Chapter 20.420 (Coastal Flood Plain Combining Districts), Chapter 20.488 (Coastal Development General Review Criteria), Chapter 20.492

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(Grading, Erosion and Runoff), Chapter 20.496 (Environmentally Sensitive Habitat and Other Resource Areas), Chapter 20.500 (Hazard Areas), Chapter 20.504 (Visual Resource and Special Treatment Areas), Chapter 20.508 (Agricultural Resources), Chapter 20.510 (Timber Resources), Chapter 20.512 (Harbors, Commercial and Sport Fishing), Chapter 20.516 (Transportation, Utilities and Public Services), Chapter 20.520 (Industrial Development and Energy Facilities), Chapter 20.524 (Coastal Land Division Regulations), Chapter 20.528 (Coastal Access Regulations and Open Space Easements) Chapter 20.532 (Coastal Development Permits Regulations-General), and Chapter 20.536 (Coastal Development Specific Permit Procedures) of Division II of this Title.

(D) No residential dwelling unit or portion thereof shall be converted to any non-residential use except as provided by Chapter 20.684 (Mendocino Visitor Serving Facilities Combining District) or by Chapter 20.748 (Single Unit Rentals and Vacation Home Rentals).

The Commission staff's proposed suggested modifications to Chapter 20.668 are still in process.

CHAPTER 20.668 - MENDOCINO PUBLIC FACILITIES "MPF"

Sec. 20.668.005 - Intent.

This district is intended to apply to parcels (lots) ~~properties~~ which are currently used for, or would properly be used for, public purposes and, as specified, ~~or~~ for ~~specified~~ public utility purposes.

Sec. 20.668.010 - Principal Permitted Uses for MPF Districts.

The following use types are principal permitted uses in the MPF District.

(A) ~~None.~~ Groundwater Monitoring

(B) Community Gardens

Sec. 20.668.015 - Conditional Uses for MPF Districts.

The following uses may be permitted in the MPF District upon issuance of a use permit:

~~Single strikethrough~~ and underline= County-proposed changes to certified LCP; ~~single red strikethrough~~ and underline= changes not properly tracked from certified LCP. ~~**bold double strikethrough**~~ and **underline**= Commission staff recommended modifications to County's submitted proposal. Blue ~~double strike-through~~ font= County-proposed language deleted in place but Commission staff recommends to re-locate as depicted by blue double-underline font. Blue shading, was placed next to the new location where the moved text was primarily incorporated, to enable a comparison between the original text and CCC staff's revised text.

(A) Civic Use Types

Administrative Services Government

Art Center

Cemetery

Day Care Facilities/Small Schools

Educational Facilities

Fire and Police Protection Services

Major Impact Services and Utilities

Minor Impact Utilities

Protected Natural Area

Public Park

Public Highways, Roads, and Streets

Religious Assembly

Stormwater Management

Sec. 20.668.020 - Minimum Lot Area for MPF Districts.

Twelve thousand (12,000) square feet.

Sec. 20.668.025 - Maximum Dwelling Density for MPF Districts.

None.

Sec. 20.668.030 - Minimum Front and Rear Yards for MPF Districts.

Ten (10) feet.

Sec. 20.668.035 - Minimum Side Yards for MPF Districts.

Six (6) feet.

Sec. 20.668.040 - Setback Exception for MPF Districts.

Exceptions to the strict application of building setbacks may be allowed, or greater setbacks may be required, where it is found that strict compliance would have adverse impacts to community character, historical structures, public open space, or public views. Exceptions may only be allowed pursuant to the review process in Chapter 20.760.

Sec. 20.668.045 - Maximum Building Height for MPF Districts.

Structures shall be limited to a maximum height of twenty-eight (28) feet above natural grade. Exceptions to the strict application of maximum building heights may be allowed for church steeples, flag poles, water towers, and utility poles where such exceptions are consistent with the intent of the Zoning District and with Chapter 20.760 (Historical Preservation District). ~~Lesser~~ Reduced heights may be required where it is found that building heights would have adverse impacts to community character, historical structures, public open space, or public views. Exceptions may only be allowed pursuant to the provisions of Chapter 20.724 (Variances) or Chapter 20.760.

Sec. 20.668.050 - Minimum Vehicle Parking for MPF Districts.

(A) One (1) off-street parking space for each employee, plus additional off-street parking spaces for the following uses:

(1) ~~(A)~~ Schools: One (1) space for each five (5) students;

(2) ~~(B)~~ Public and Religious Assembly: One (1) space for each five (5) seats;

(B) ~~(C)~~ All others: One (1) space for each four hundred (400) square feet of gross floor area;~~.~~

(C) ~~(B)~~ Where the provision of on-site parking spaces in a development within a MPF District is infeasible, the development shall participate in the shared parking program established pursuant to Chapter 20.714 to provide adequate off-street parking for any temporary event or peak use period.

Sec. 20.668.055 - Maximum Lot Coverage for MPF Districts.

Twenty-five (25) percent.

Sec. 20.668.060 - Minimum Lot Width for MPF Districts.

Sixty (60) feet.

Sec. 20.668.065 - Maximum Lot Depth for MPF Districts.

Three (3) times width.

Sec. 20.668.070 - Additional Requirements for MPF Districts.

(A) An amendment to the certified Town of Mendocino Local Coastal Program shall be required for any one (1) of the following activities at the Middle School site at Pine and School Streets:

(1) Any proposed private use of the site; or

(2) Any change in public use of the site that would remove permanent buildings; or

(3) Any change in public use that would intensify development of the site.

(B) Conversion of existing public and community serving uses to uses not specifically identified in Section 20.668.015 shall require an amendment to the certified Town of Mendocino Local Coastal Program.

(C) The maximum gross floor of all structures shall not exceed one (1) square foot for each square foot of lot area. In no case shall gross floor area under one (1) roof exceed eight thousand (8,000) square feet.

(D) In addition to complying with the regulations of this Division, all development in the MPF District also shall comply, as applicable, with Chapter 20.420 (Coastal Flood Plain Combining Districts), Chapter 20.488 (Coastal Development General Review Criteria), Chapter 20.492 (Grading, Erosion and Runoff), Chapter 20.496 (Environmentally Sensitive Habitat and Other Resource Areas), Chapter 20.500 (Hazard Areas), Chapter 20.504 (Visual Resource and Special Treatment Areas), Chapter 20.508 (Agricultural Resources), Chapter 20.510 (Timber Resources), Chapter 20.512 (Harbors, Commercial and Sport Fishing), Chapter 20.516 (Transportation, Utilities and Public Services), Chapter 20.520 (Industrial Development and Energy Facilities), Chapter 20.524 (Coastal Land Division Regulations), Chapter 20.528 (Coastal Access Regulations and Open Space Easements) Chapter 20.532 (Coastal Development Permits Regulations-General), and Chapter 20.536 (Coastal Development Specific Permit Procedures) of Division II of this Title.

~~CHAPTER 20.670 - MENDOCINO FOREST LANDS DISTRICT "MFL"~~

~~Sec. 20.670.005 - Intent.~~

~~This district is intended to encompass lands within the Town of Mendocino which are held in a resource preserve and are appropriately retained for the growing, harvesting and production of timber and timber-related products.~~

~~Sec. 20.670.010 - Principal Permitted Uses for MFL Districts.~~

~~The following use types are permitted in the Mendocino Forest Lands District:~~

~~(A) Agricultural Use Types~~

~~Light Agriculture~~

~~Packing and Processing~~

~~Forest Production~~

~~(B) Open Space Use Types~~

~~Open Space~~

~~Passive Recreation~~

~~Sec. 20.670.015 - Uses for MFL Districts.~~

~~The following are permitted uses upon the issuance of a coastal development use permit:~~

~~(A) Residential Use Type~~

~~Family Residential: Employee Caretaker Housing~~

~~(B) Civic Use Type~~

~~Major Impact Services and Utilities~~

~~Minor Impact Utilities~~

~~(C) Agricultural Use Types~~

~~Horticulture~~

~~(D) Open Space Use Types~~

~~Active Recreation~~

~~Sec. 20.670.020 - Minimum Lot Area for MFL Districts.~~

~~One hundred sixty (160) acres.~~

~~Sec. 20.670.025 - Maximum Dwelling Density for MFL Districts.~~

~~One (1) dwelling unit per one hundred sixty (1601) acres.~~

~~Sec. 20.670.030 - Minimum Front, Rear and Side Yards for MFL Districts.~~

~~Fifty (50) feet each.~~

~~Sec. 20.670.035 - Building Height Limit for MFL Districts.~~

~~Structures shall be limited to two (2) stories and at no point on a parcel shall the building height exceed twenty-eight (28) feet. Exceptions to the strict application of maximum building heights may be allowed for church steeples, flag poles, water towers and utility poles where such exceptions are consistent with the intent of the Zoning District and with Chapter 20.760. Lesser heights may be required where it is found that building heights would have adverse impacts to community character, historic structures, open space or public views. Exceptions may only be allowed pursuant to the provisions of Chapter 20.724 (Variances) or Chapter 20.760.~~

~~Sec. 20.670.040 - Minimum Vehicle Parking for MFL Districts.~~

~~Parking requirements are dependent upon proposed use and will be evaluated pursuant to the provisions of Chapter 20.760 and 20.720.~~

~~Sec. 20.670.045 - Maximum Lot Coverage for MFL Districts.~~

~~Ten (10) percent.~~

~~Sec. 20.670.050 - Additional Requirements for MFL Districts.~~

~~In addition to complying with the regulations of this Division, all development in the MFL District also shall comply with Chapter 20.420 (Coastal Flood Plain Combining Districts), Chapter 20.488 (Coastal Development General Review Criteria), Chapter 20.492 (Grading, Erosion and~~

~~Runoff), Chapter 20.496 (Environmentally Sensitive Habitat and Other Resource Areas), Chapter 20.500 (Hazard Areas), Chapter 20.504 (Visual Resource and Special Treatment Areas), Chapter 20.508 (Agricultural Resources), Chapter 20.510 (Timber Resources), Chapter 20.512 (Harbors, Commercial and Sport Fishing), Chapter 20.516 (Transportation, Utilities and Public Services), Chapter 20.520 (Industrial Development and Energy Facilities), Chapter 20.524 (Coastal Land Division Regulations), Chapter 20.528 (Coastal Access Regulations and Open Space Easements), Chapter 20.532 (Coastal Development Permit Regulations—General) and Chapter 20.536 (Coastal Development Specific Permit Procedures) of Division H of this Title.~~

CHAPTER 20.672 - MENDOCINO OPEN SPACE "MOS"

Sec. 20.672.005 - Intent.

This District is intended to be applied to lands held in public ownership for recreational use,

including Mendocino Headlands State Park, and Friendship Park, and to lands most valuable in their undeveloped and/or natural state, including, but not limited to, ~~such as those~~ lands which contain rare and endangered species and habitat, riparian vegetation zones, sites of historical or archaeological significance; ~~, or~~ public highly scenic areas; and ~~or~~ which, because of their value, have been dedicated under Government Code Section 51050 or 51080 as privately owned open space to a public or nonprofit organization which qualifies under Internal Revenue Code Section 501(c)(3) or through an easement which ensures the retention of the land in open space.

Sec. 20.672.010 - ~~Principal~~ Permitted Uses for MOS Districts.

(A) The following use types are **the** principal permitted ~~**uses**~~ in the MOS District:

~~(A)~~ (1) Open Space Use Types

Open Space

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Passive Recreation

~~**Groundwater Monitoring**~~

~~**Community Gardens**~~

(B) The following use types are permitted uses in the MOS District:

(2) Civic Use Types

Community Gardens

Sec. 20.672.015 - Conditional Uses for MOS Districts.

The following use types may be permitted in the MOS District upon issuance of a use permit:

(A) Residential Use Types

Family Residential: Employee Caretaker Housing

(B) Civic Use Types

Fire and Police Protection Services

~~**Groundwater Management**~~

Major Impact Services and Utilities

Minor Impact Utilities

Cultural Exhibits and Library Services

~~**Museum/Visitor Center and Appurtenances**~~

(C) Open Space Use Types

Active Recreation

~~**Habitat Restoration**~~

~~**Overflow Parking**~~

~~**Trails**~~

(D) Agricultural Use Types

Horticulture

Light Agriculture

~~**Forest Production**~~

Sec. 20.672.020 - Minimum Lot Area for MOS Districts.

None.

Sec. 20.672.025 - Maximum Dwelling Density for MOS Districts.

One (1) dwelling unit per ten (10) acres of lot area.

Sec. 20.672.030 - Minimum Front and Rear Yards for MOS Districts.

Fifty (50) feet for new structures; provided that overflow parking may be permitted consistent with coastal resource protection and public access to and along the coast, for temporary events or during peak use periods in Mendocino Headlands State Park adjacent to (a) Main Street, west of the southerly projection of Williams Street, (b) Heeser Street, between Main Street and Ukiah Street, and (c) on the landward side of Heeser Drive, up to 1,000 feet west of the intersection of Heeser Street and Heeser Drive.

Sec. 20.672.035 - Minimum Side Yards for MOS Districts.

Twenty (20) feet.

Sec. 20.672.040 - Setback Exception for MOS Districts.

Exceptions to the strict application of building setbacks may be allowed, or greater setbacks may be required, where it is found that strict compliance would have adverse impacts to community character, historic structures, open space, or public views. Exceptions may only be allowed pursuant to the review process in Chapter 20.760.

Sec. 20.672.045 - Maximum Building Height for MOS Districts.

Structures shall be limited to a maximum height of ~~**twenty-eight (28)**~~ **eighteen (18)** feet above natural grade. Exceptions to the strict application of maximum building heights may be allowed for church steeples, flag poles, water towers, and utility poles where utility cables cannot feasibly be undergrounded, and where such exceptions are consistent with the intent of the

Zoning District and with Chapter 20.760 (Historical Preservation District). ~~Lesser~~ Reduced heights may be required where it is found that building heights would have adverse impacts to community character, historical structures, public open space, or significant public views. Exceptions may only be allowed pursuant to the provisions of Chapter 20.724 (Variances) or Chapter 20.760.

Sec. 20.672.050 - Minimum Vehicle Parking for MOS Districts.

(A) Existing automobile and bicycle parking in MOS Districts shall be maintained and enhanced, including, but not limited to, through the provision of clearly delineated spaces for persons with disabilities, stormwater runoff controls, and installation of vehicle electric charging stations.

(B) Parking requirements for new development in any MOS District are dependent upon the proposed use and will be evaluated, consistent with applicable parking standards for such use in this Division, incorporated herein by reference, pursuant to the review process established in Chapters 20.760 (Historical Preservation District For Town Of Mendocino) and 20.720 (Coastal Development Permit Regulations).

Sec. 20.672.055 - Maximum Lot Coverage for MOS Districts.

~~One (1)~~ Two (2) percent.

Sec. 20.672.060 - Minimum Lot Width for MOS Districts.

None.

Sec. 20.672.065 - Maximum Lot Depth for MOS Districts.

None.

Sec. 20.672.070 - Additional Requirements for MOS Districts.

In addition to complying with the regulations of this Division, all development in the MOS District also shall comply, as applicable, with Chapter 20.420 (Coastal Flood Plain Combining District~~s~~), Chapter 20.488 (Coastal Development General Review Criteria), Chapter 20.492 (Grading, Erosion and Runoff), Chapter 20.496 (Environmentally Sensitive Habitat and Other Resource Areas), Chapter 20.500 (Hazard Areas), Chapter 20.504 (Visual Resource and Special

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Treatment Areas), Chapter 20.508 (Agricultural Resources), Chapter 20.510 (Timber Resources), Chapter 20.512 (Harbors, Commercial and Sport Fishing), Chapter 20.516 (Transportation, Utilities and Public Services), Chapter 20.520 (Industrial Development and Energy Facilities), Chapter 20.524 (Coastal Land Division Regulations), Chapter 20.528 (Coastal Access Regulations and Open Space Easements) Chapter 20.532 (Coastal Development Permits Regulations-General), and Chapter 20.536 (Coastal Development Specific Permit Procedures) of Division II of this Title.

CHAPTER 20.676 - MENDOCINO PLANNED UNIT DEVELOPMENT COMBINING DISTRICT "PD"

Sec. 20.676.005 - Intent.

The Mendocino Planned Unit Development Combining District (PD) is intended to allow residential development of more than one (1) dwelling unit with ~~the~~ site development plan review ~~reviewed~~ to ensure maximum preservation of open space and to reduce costs of development. Planned Unit Development is integrated development of one (1) or more parcels in a single or multiple ownership. Each ownership may be developed separately under the Planned Unit Development Combining District. This development technique permits variable parcel sizes, but an overall density not to exceed the gross densities permitted in the zoning district. Planned Unit Development requires a comprehensive plan for development to ensure the maximum preservation of open space, protection of views from public roads, preservation of pygmy vegetation areas where the entire parcel is pygmy soil types and for resource protection. The plan may encompass elements such as the type of ownership proposed to manage the undeveloped areas, a program for operation and maintenance of all areas, provision for facilities and services for the common use of persons occupying or utilizing the property, the location of structures, the circulation pattern, parking facilities and for provision of utilities.

Sec. 20.676.010 - Regulations for PD Combining District.

(A) Use Permit Requirements for PD Combining District. A use permit shall be required for all development within a ~~an~~ PD Combining District. A development plan submitted with the use permit application shall incorporate all contiguous land under one (1) ownership within an PD

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Combining District. No permit shall be issued except in accord with an approved development plan. A development plan may authorize phased development within an PD Combining District.

(B) Design Criteria. A development plan may provide for dwelling units on individual lots, for joint ownership of open space parcels, for condominium ownership, or for rental units. Dwelling units will be reviewed to ensure maximum preservation of open space, protection of public views from public roads, the preservation of pygmy vegetation areas where the entire parcel is pygmy soil types categorized as ESHA and for resource protection. Dwelling units may be required to be clustered, screened, or located only in specific portions of the PD Combining District to accomplish the purposes of this Chapter.

(C) Development Plan. The development plan shall encompass such elements as the location of structures, the circulation pattern, parking facilities, provision of utilities, maximum preservation of open space, protection of public views from public roads and location of pygmy type vegetation, coastal resource protection, and ownership type, together with a program for provision, operation, and maintenance of all areas, improvements, facilities and services provided for the common use of the persons occupying or utilizing the property. All sensitive resource areas and areas designated as environmentally sensitive habitat areas will be required to comply with the applicable provisions of Chapters 20.488, 20.492, 20.496 and 20.500 of Division II of this Title.

(D) Construction of the first dwelling unit or establishment of any principal permitted use shall be exempt from the regulations in this section. Nothing, however, in this subsection shall be construed to exempt the principal permitted use or accessory use from the necessity of obtaining a Coastal Development Permit ~~coastal development administrative permit~~ for development and compliance with other Chapters in this division.

Sec. 20.676.015 - Additional Regulations for PD Combining District.

Within the PD Combining District, site development regulations of the base zone shall apply

except where specifically modified pursuant to a ~~conditional use permit~~ Use Permit. The following modifications of site development regulations may be allowed:

(A) The minimum lot area may be reduced, provided the maximum number of dwelling units within the planned development shall not exceed the number of units attainable under the base zone regulations.

(B) The minimum lot width and depth for any lot within the planned development may be reduced.

(C) The minimum setbacks for any lot within the planned development may be reduced, provided the minimum setbacks for the base zoning district shall be maintained at the perimeter of the entire planned development project site.

(D) In addition to complying with the regulations of this Division, all development in the MOS District also shall comply, as applicable, with Chapter 20.420 (Coastal Flood Plain Combining Districts), Chapter 20.488 (Coastal Development General Review Criteria), Chapter 20.492 (Grading, Erosion and Runoff), Chapter 20.496 (Environmentally Sensitive Habitat and Other Resource Areas), Chapter 20.500 (Hazard Areas), Chapter 20.504 (Visual Resource and Special Treatment Areas), Chapter 20.508 (Agricultural Resources), Chapter 20.510 (Timber Resources), Chapter 20.512 (Harbors, Commercial and Sport Fishing), Chapter 20.516 (Transportation, Utilities and Public Services), Chapter 20.520 (Industrial Development and Energy Facilities), Chapter 20.524 (Coastal Land Division Regulations), Chapter 20.528 (Coastal Access Regulations and Open Space Easements) Chapter 20.532 (Coastal Development Permits Regulations-General), and Chapter 20.536 (Coastal Development Specific Permit Procedures) of Division II of this Title.

(E) No residential dwelling unit or portion thereof shall be converted to any non-residential use except as provided by Chapter 20.684 (Mendocino Visitor Serving Facilities Combining District) or by Chapter 20.748 (Single Unit Rentals and Vacation Home Rentals).

~~**CHAPTER 20.680 - MENDOCINO BED AND BREAKFAST COMBINING DISTRICT "*B"**~~

~~**Sec. 20.680.005 - Intent.**~~

~~This combining district is intended to apply to those specific sites which have been reserved,~~

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~~and deemed appropriate for bed and breakfast establishments (accommodations) of two (2) to six (6) rooms, inclusive, four (4) rooms or less, designated by an asterisk-B (*B) on the Town of Mendocino Zoning Map, and are located in areas where larger overnight facilities are not appropriate.~~

~~**Sec. 20.680.010 - Principal Permitted Uses for the *B District.**~~

~~The following use types are principal permitted uses in the *B District:~~

~~**(A) Residential Use Types**~~

~~Family Residential: Single Family~~

~~**Sec. 20.680.015 - Conditional Uses for the *B District.**~~

~~The following use types may be permitted in the *B District upon issuance of a use permit:~~

~~(A) Residential Use Types~~

~~All Residential Use Types specified in the base zone.~~

~~(B) Visitor Accommodations Serving Facility Use Types~~

~~Bed and Breakfast Accomodations~~

~~**Sec. 20.680.020 - Development Regulations for *B Districts.**~~

~~Within the *B District, site development regulations of the base zone shall apply, including the provisions of Section 20.660.075(A) and (B) when combined with the MMU District.~~

~~**Sec. 20.680.025 - Maximum Density for *B Districts.**~~

~~Maximum dwelling units as specified in the base zone. The maximum visitor accommodations identified per site are as follows:~~

~~Visitor Serving Facilities~~	~~Assessor's Parcel Number~~	~~Total Units~~
~~Bed & Breakfast (2 to 4 rooms)~~		
	~~119-080-06~~	~~3~~
	~~119-140-10~~	~~2~~

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~~119-150-11~~	~~2~~
~~119-160-07~~	~~4~~
~~119-160-10~~	~~4~~
~~119-180-06~~	~~3~~
~~119-231-08~~	~~2~~
~~119-235-13~~	~~2~~
~~119-237-09~~	~~4~~
~~119-250-19~~	~~4~~

~~**Sec. 20.680.030 - Additional Regulations for *B Districts.**~~

~~(A) All new bed and breakfast accommodations or expansion of existing accommodations as designated above, shall be designed in scale, architecture and materials to maintain the existing character of the town consistent with the special community designation.~~

~~(B) All persons operating a bed and breakfast accommodation shall be subject to the provisions of Chapter 5.20 (Uniform Transient Occupancy Tax) and Chapter 6.04 (Business License Chapter) of the Mendocino County Code.~~

~~(C) One (1) parking space shall be provided onsite for each overnight visitor accommodation unit.~~

~~(D) Any future bed and breakfast accommodation not identified in Section 20.680.025, shall be located in the Mendocino Mixed Use (MMU) or Mendocino Commercial (MC) Districts and shall require an amendment to the Local Coastal Program.~~

CHAPTER 20.684 – MENDOCINO VISITOR SERVING FACILITIES COMBINING DISTRICT (* and B LOCATED OUTSIDE OF THE COMMERCIAL DISTRICT) "*"

Sec. 20.684.005 - Intent.

This combining district is intended to provide for, and protect, visitor accommodations within the Town of Mendocino, and shall ~~to~~ apply to those specific sites **located outside of the**

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Commercial District that have been reserved and deemed appropriate for commercial overnight accommodations ~~of five units or more~~, as listed in Appendix 2 of the Mendocino Town Plan, and as depicted with an asterisk (*) or asterisk-B (*B) on the certified Town Land Use and Zoning Maps, including hotels and inns of 5 units or more (*), and bed and breakfast accommodations of four (4) rooms or fewer (*B). (Single Unit Rentals and Vacation Home Rentals are also Visitor Accommodation Use Types, but are not included in the Visitor Serving Combining District because ~~they are~~ their locations are not fixed. See Chapter 20.748 "Single Unit Rentals and Vacation Home Rentals" of this Division.)

Sec. 20.684.010 - ~~Principal~~ Permitted Uses for ~~* Districts~~ Mendocino Visitor Serving Facilities Combining District (* and *B).

(A) The Principal Permitted Use shall be the Use specified in the base zone as the Principal Permitted Use.

(B) The following use types are permitted in the Mendocino Visitor Serving Facilities Combining District (* and *B **located outside the Commercial District**):

~~**(A1) Residential Use TypesResidential Use Types**~~

~~**Family Residential: Single Family Residential Use Types specified in the base zone as Principal Permitted Uses.**~~

(~~B~~2) Visitor Accommodation Use Types

Hotels and Inns, ~~as~~ **located outside the Commercial District,** listed in Appendix 2 of the Mendocino Town Plan, and ~~as~~ depicted with an asterisk (*) on the certified Town Land Use and Zoning Maps.

Bed and Breakfast Accommodations, **located outside the Commercial District,** (*B) ~~as~~ listed in Appendix 2 and depicted with an asterisk-B (*B) on the certified Town Land Use and Zoning Maps .

~~**(C) All Use Types specified in the base zone as Principal Permitted Uses.**~~

Sec. 20.684.015 - Conditional Uses for Mendocino Visitor Serving Facilities Combining ~~* Districts~~ District (* and *B outside of the Commercial District).

The following use types may be permitted in the Mendocino Visitor Serving Facilities Combining District (* and *B **located outside the Commercial District**) upon issuance of a use permit:

(A) Residential Use Types

All Residential Use Types specified in the base zone ~~**as Conditional Uses.**~~

(B) Other Use Types

All Non-residential Use Types specified in the base zone as Conditional Uses.

~~Visitor Serving Facility Accommodation Use Types~~

~~Hostel~~

~~Hotel~~

~~Inn~~

~~Motel~~

~~Student/Instructor Temporary Housing~~

Sec. 20.684.020 - Development Regulations for ~~* Districts~~ Mendocino Visitor Serving Facilities Combining District (* and *B Located outside the Commercial District).

Within the Mendocino Visitor Serving Facilities Combining District (* and *B **Located outside the Commercial District**), site development regulations of the base zone shall apply, including the provisions of Section 20.660.075(A) and ~~**(13)**~~ **(B)** when combined with the MMU District.

Sec. 20.684.025 - Maximum Density for ~~* Districts~~ Mendocino Visitor Serving Facilities Combining District (* and *B Located outside the Commercial District).

(A) Maximum dwelling units as specified in the base zone.

Sec. 20.684.030 - Additional Regulations for ~~* Districts~~ Mendocino Visitor Serving Facilities ~~Combining District~~ (Both Inside the Commercial District and Asterisk * and *B Outside the Commercial District).

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(A) The total number of visitor serving **lodging** units (guest rooms and suites) in the Town of Mendocino shall not exceed the limit of 237 Inn, Hotel, and Bed and Breakfast ~~**accommodation**~~ **visitor serving lodging** units (guest rooms and suites) set forth in Growth Management Policy GM-3(a**)** ~~**and Appendix 2 of the Mendocino Town Plan Update**~~.

~~(A)~~ (B) No new or expanded inn~~,~~ or hotel~~, or motel~~ operation or business shall exceed twenty-five (25) overnight units, and each such use type ~~inn, hotel, or motel~~ shall be operated as a separate entity from any other visitor serving facility ~~inn, hotel, motel~~ within the Town of Mendocino, by providing separate parking facilities, ingress and egress, registration and reservation facilities.

~~(B)~~ (C) All new visitor serving facilities or expansion of existing visitor serving facilities shall be designed in scale, architecture and materials to maintain existing character of the town consistent with the special community designation.

~~(C)~~ (D) All persons operating a Visitor Accommodation Use Type, whether or not included in the Mendocino Visitor Serving Facilities Combining District, shall be subject to the provisions of Chapter 5.20 (Uniform Transient Occupancy Tax) and Chapter 6.04 (Business License Chapter) of the Mendocino County Code.

~~(D)~~ (E) One (1) parking space shall be provided onsite for each visitor ~~**accommodation**~~ **serving lodging** unit (guest room or suite), or where available space or the requirements this Division preclude off-street parking, an in-lieu fee shall be paid for provision of off-site parking.

~~(E)~~ (F) Any new visitor serving facility ~~hostel, hotel, inn, motel, or student/instructor temporary housing~~ not located on a site identified ~~in Section 20.684.25~~ on the certified Mendocino Town Land Use and Zoning Maps with an asterisk (*) or asterisk-B (*B) shall be located in the Mendocino ~~**Mixed Use (MMU) or Mendocino**~~ Commercial (MC) District~~**s**~~ ~~**and shall first require an amendment to the Local Coastal Program before a coastal development permit application for such new development**~~.

(G) The 1992 Mendocino Town Plan's visitor accommodation limit was 280 unit equivalents, comprised of 234 "visitor serving facilities" lodging units, 23 Single Unit Rental, and 23 Vacation Home Rental private visitor accommodations. ~~**While loss of the thirteen Mendocino Art**~~

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~~**Center Student/Instructor Housing Facility apartments has resulted in a "paper" reduction in**~~ **The updated Mendocino Town LCP reclassifies the existing thirteen (13) Art Center Student/Instructor Housing units as a housing use where priority is given for housing students instructors, artist-in-residence, staff, and scholar art program members, although transient occupancy of the units by the general public may occur. As the use is primarily housing, the 13 units have been deleted from the calculation of the total number of allowable visitor serving lodging units in the Town, reducing** visitor accommodations from 280 to 267 unit equivalents~~,~~ **However,** the transfer of 16 unit equivalents from Single Unit Rental and Vacation Home Rental to "Visitor Serving Facilities" results in availability of 237 committed visitor accommodation units ~~**in the Mendocino Visitor Serving Facilities Combining District (* and *B)**~~. Most of the units within the limit are already allocated to facilities designated in the 1992 Town Plan. The remainder shall be allocated as set forth in Section 20.684.030(H).

(H) Visitor Serving Facilities ~~**Combining District (* and *B)**~~ **Lodging** Unit Allocation Procedures: **Appendix 2 identifies an initial allocation of 215 of the 237 total visitor serving lodging units that may be allowed in the Town. The remaining 22 visitor serving lodging units shall be made available for application, permitting and use, including by newly proposed visitor serving facilities located in the Commercial District or by existing Visitor Serving Facilities located outside the Commercial District that are designated for visitor serving lodging units by an asterisk (*) or asterisk-B(*B).**

~~**(1) Visitor Serving Facilities mapped with asterisks (*) or with asterisks B (*B) on the Mendocino Town Land Use and Zoning Maps that were operating below their allowed 1992 Mendocino Town Plan unit count in 2012 shall be allowed to resume and maintain operation of these units, if they are not already doing so, without further regulatory review.**~~

(~~**2**~~**1**) ~~**In recognition of uncertainties arising from the site's designation in the 1992 Mendocino Town Plan, s**~~**S**even (7) units are reserved for the Nicholson House Inn, located at 44861 Ukiah Street ~~**for one (1) year after the effective certification of the Town Local Coastal Program Update,**~~ to allow the operators of the Nicholson House Inn to ~~**process**~~ **submit** a coastal development permit application ~~**and building permit**~~ **that is deemed**

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complete by the Department of Planning and Building Services by December 31, 2017, in order to establish **legal** operation of the reserved units~~**, leaving 15 units not formally allocate**~~. **If a complete application is not submitted by that date, and a coastal development permit is not obtained by June 30, 2018, the allocations for the visitor serving lodging units shall be forfeited and shall become available for reallocation to another visitor serving facility.**

(~~**3**~~**2**) Remaining unallocated Visitor Serving Facility units shall be made available by the Planning and Building Services Department for ~~**prioritized**~~ application, permitting, and use **either inside the Commercial District or** on ~~**other**~~ Visitor Serving Facility sites **located outside the Commercial District that are** mapped with an asterisk (*) or asterisk-B (*B) that can accommodate additional units, consistent with the ~~**conservation and development standards of the Mendocino Town LCP, the**~~ Visitor Serving Facility Unit Allocation Procedure in Mendocino Town Plan Section 6.7~~,~~ and this Chapter**, and with all other standards of the Mendocino Town LCP.**

~~**(4) For any hotel, inn, or bed and breakfast accommodations shown on the certified Town Land Use and Zoning Maps with an asterisk (*) or asterisk-B (*B), that has unit(s) listed on Town Plan Update Appendix 2 that were counted by the County in 2012, but not in 1992, the owner or operator shall submit a complete application for authorization of such unit(s) to the Department of Planning and Building Services within ninety (90) days of the effective certification date of the Town LCP Update.**~~

~~**(a) As used in this section, the term "complete application" includes verification by the Mendocino City Community Services District that adequate water well and wastewater system capacity exists, or have been permitted, to serve the newly authorized, as well as existing, visitor accommodations on the site.**~~

~~**(b) Newly authorized units shall also comply with the current applicable County Building Code and parking requirements of this Chapter.**~~

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~~(5) Any visitor accommodation unit within a Visitor Serving Facility with an asterisk (*) or asterisk-B (*B) and unit(s) listed on Town Plan Update Appendix 2 shall be deemed to be authorized and permitted where:~~

~~(a) the unit has been operated as a visitor accommodation without written objection from the County or the State prior to January 1, 2015,~~

~~(b) the County has collected transient occupancy taxes from the rental of the unit on a regular basis,~~

~~(c) the owner or operator has paid all additional fees required by the County Code, and,~~

~~(d) the Visitor Serving Facility, inclusive of the newly authorized unit(s), is deemed to meet applicable County Building Code requirements.~~

~~(6) Any required condition of approval imposed by a County-issued permit or other authorization pursuant to this Section, shall be satisfied within two (2) years following the date of issuance, or the permit or authorization shall expire.~~

(3) Any visitor serving lodging unit that is operating without a valid coastal development permit where one is required must both submit an application for a coastal development permit deemed complete by the Department of Planning and Building Services by December 31, 2017 and obtain a coastal development permit by June 30, 2018. If either a complete application is not submitted, or a coastal development permit not obtained, by their respective deadlines, any existing allocation for the visitor serving lodging unit shall be forfeited and shall become available for reallocation to another visitor serving facility pursuant to the Visitor Serving Lodging Unit Allocation Implementation Procedure in Mendocino Town Plan Section 6.7 and Mendocino Town Zoning Code Section 20.684.030(H).

(4) As any allocated visitor serving lodging unit becomes abandoned, fails to obtain any necessary coastal development permit or other necessary approvals, or when any such permits or approval for an allocated unit has expired or been revoked, the allocation for the visitor serving lodging unit shall be forfeited and the Planning and Building Services Department shall reallocate the unit.

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(~~7~~**5**) In the event that (a) the County's Planning and Building Services Department does not receive applications for authorization of any unallocated units by ~~**the deadlines in this Section**~~ **December 31, 2017**, or (b) at such **other** time as **an allocation is forfeited** ~~**a unit becomes available for reallocation**~~ **or** any authorized or permitted unit~~**s**~~ expire**s**, or ~~**are**~~ **is** abandoned, ~~**reverted,**~~ denied, or revoked, the Director of the Planning and Building Services Department shall issue a public notice stating the number of units available, and the **time** period during which permit applications for the unreserved and/or unallocated units in the Town will be accepted by the Department.

(~~**8**~~**6**) The Director shall issue a public notice that permit applications for unallocated units are being accepted within 21 days after~~**: (a) applications for other permits pursuant to Section 20.684.030(H)(3) have expired or have been denied or revoked; or (b) units have been abandoned or discontinued**~~ **one or more units become available for allocation**. The notice shall state the number of visitor accommodation units available, and the date on which a 60-day permit application period for receipt of applications for ~~**entitlement of**~~ these units will commence. The Department will accept and hold, but not process, ~~**complete**~~ applications **deemed complete by the Department** during the specified application period. ~~**The term**~~ **A** "complete application" **shall include all of the information required by Section 20.720.025(2) including, but not limited to, demonstration** ~~**includes verification by the Mendocino City Community Services District**~~ that **(a)** adequate water well production and wastewater system capacity exist, or have been permitted, to serve the newly authorized, as well as existing, visitor accommodations on the site~~**,**~~ **, and (b) proposed** ~~**Newly**~~ authorized units shall also comply with the County Building Codes and the parking requirements of this Chapter.

(9) On completion of the 60-day application period **described in Section 20.684.030(b)(6)**, the Department of Planning and Building Services will determine the quantity of visitor accommodation units being sought. If this number is less than, or equal to, the quantity of units that is available, the Department shall ~~will~~ schedule the applications, in the order they are deemed complete, for public hearing and action pursuant to Chapters 20.720 and 20.760 of the Mendocino Town Zoning Code. If this number of requested units exceeds the quantity available, then the Director will hold a random lottery to determine the order in which each complete application will become eligible for public hearing and action.

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(10) The granting or modification of any coastal development permit by the approving authority shall be supported by findings which establish at a minimum that the proposed development and use of the unit(s) is in conformity with the certified Town local coastal program and with the current applicable County Building code and parking requirements of this Division.

(11) Any required condition of approval imposed by a County-issued permit or other authorization pursuant to this Section, shall be satisfied within two (2) years following the date of issuance, or the permit authorization shall expire.

CHAPTER 20.688 - MENDOCINO DEVELOPMENT LIMITATIONS COMBINING DISTRICT "DL"

The Commission staff's proposed suggested modifications to Chapter 20.688 are still in process.

Sec. 20.688.005 - Intent.

This combining district is intended only to be used in conjunction with another land use classification on parcels or portions of parcels that according to available data have potentially significant ~~serious~~ constraints that may ~~prevent or seriously~~ limit the location, type, and/or concentration of development. Such constraints include slopes over thirty (30) percent, erosion, ~~or~~ landslide potential, or other geophysical hazards.

Sec. 20.688.010 - Parcel Size for DL Districts.

As allowed in the base zoning district, subject to conditions in Chapter 3.4 of the certified Mendocino County Coastal Land Use Element.

Sec. 20.688.015 - Additional Requirements for DL Districts.

All development proposed in an area designated "DL" also shall comply with the provisions of Chapter 20.488 (Coastal Development Review Criteria), Chapter 20.492 (Grading, Erosion and Runoff) and Chapter 20.500 (Hazard Areas) of Division II of this Title.

CHAPTER 20.692 - LIMITATIONS AND EXCEPTIONS

Sec. 20.692.005 - Applicability.

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The regulations specified in this Division and the uses governed thereby shall be subject to the general provisions, modifications**,** and exceptions of this Chapter.

Sec. 20.692.010 - Lot Area.

When a ~~any ownership is comprised of a single lot which has been~~ legally created lot, in individual ownership, ~~and~~ is subsequently zoned to a minimum parcel size larger than the legally created lot ~~existing~~ ~~**(parcel**~~), said lot shall not be subject to requirements for variance regarding ~~to~~ minimum lot size, lot width, ~~and~~ or lot depth, ~~and~~ but shall be considered to be a legal non-conforming lot, subject to all other regulations of this Division ~~division~~.

Sec. 20.692.015 - Yards.

The provisions of ~~Subsections~~ Section 20.692.015(D), (E), and (G) ~~below~~ may be modified pursuant to the review process in Chapter 20.760 where strict compliance would have adverse impacts on ~~to~~ community character, historical structures, public open space, or public views ~~pursuant to the review process in Chapter 20.760~~.

(A) No yard or ~~to~~ other open space provided about any building, for the purpose of complying with the regulations of this Division, shall be considered as providing a yard or open space that is required for any other building or structure.

(B) In any case where a setback line and plan line ~~has~~ have been established, the required yard~~s~~ on the street frontage of a lot ~~lots~~ shall be measured in accordance with such lines, and in no case shall the provisions of this Division be construed as permitting any structure to extend beyond such lines.

(C) If a roadway easement or access easement serves, or has the potential to serve, more than four (4) lots or parcels, said easement shall be considered a street solely for the purpose of establishing a front-yard setback or a ~~habitat conservation area~~ corridor preservation setback.

(D) Eaves, canopies, and similar roof features may overhang into any required yard setback a distance not exceeding two (2) feet.

(E) Fences**,** in rear or side yards that do not ~~having~~ have street frontage**,** may not exceed eight (8) feet in height. (~~fences~~ Fences over six feet in height require building permits). Fences and

hedges in front yards and any rear or side yards~~,~~ that have ~~having~~ street frontage~~,~~ may not exceed three and one-half (3½) feet in height. The above fence height limitations shall apply to view obstructing fences, such as board fences and picket fences. Fences for the containment of animals, such as barbed wire, chicken wire, hog wire, and similar loose-meshed wire fences, or non-view obscuring fences such as cyclone fences, shall not be subject to these ~~the above~~ fence height restrictions.

(F) Barns, stables, chicken houses, and similar accessory buildings shall be a minimum of ~~not less than~~ fifty (50) feet from any property line of the parcel (lot) on which they are located, and ~~not less than~~ a minimum of forty (40) feet from any dwelling.

(G) ~~In the case of a corner lot in any district, front~~ Front yard setbacks shall be maintained, in any Zoning District, from all lot lines that have ~~having~~ street frontage. Side yard setbacks shall be maintained from all other lot lines that do not have ~~not having~~ street frontage.

(H) A detached garage, detached storage shed, or similar detached accessory building not exceeding fifteen (15) feet in height at the ridge and five hundred (500) square feet of floor area, ~~or~~ and any uncovered decks or porch~~es~~, shall ~~observe a~~ be set back five (5) feet ~~foot setback~~ from any rear property lines ~~fines~~ that do not have street frontage. Setbacks from property lines that have ~~having~~ street frontage shall be as otherwise required by this Division.

Sec. 20.692.020 - Special Considerations.

(A) There is established a designated scenic corridor along both sides and parallel to Highway 1, a minimum of two hundred (200) feet or inland to the first line of trees nearest the road. In no case does the corridor extend more than three hundred fifty (350) feet from the road shoulder.

(B) ~~All applications for new development shall be reviewed for consideration of requiring dedicated scenic easements for the following purposes:~~ Development that is located within 350 feet of the Highway 1 right-of-way shall maximize protection of existing public views:

(1) ~~To protect views~~ Over publicly owned parcels and public rights-of-way from Highway 1 ~~One~~;

(2) ~~To protect views~~ ~~within~~ Within the designated scenic corridor identified in Subsection (A) above;

(3) ~~To protect public views to~~ To the sea; and,

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(4) ~~To protect public views~~ to To landmark structures designated ~~as described~~ in the Inventory of Historic Structures in ~~the~~ Appendix 1 of the certified Mendocino Town Plan.

(C) Construction of any structure ~~upon~~ on that portion of real property, conveyed by the California ~~State~~ Department of Parks and Recreation to the Mendocino Presbyterian Church (Assessor's Parcel Number 119-250-40), shall be compatible with the character and use of Mendocino Headlands State Park, as determined in consultation with the State Historic Preservation Officer. Any improvements ~~made~~, including landscape screening, shall not obscure the visibility of any portion of the Church sanctuary from ~~State~~ Highway 1. ~~One or Brewery Gulch Drive.~~ Other view protection standards contained in the certified Coastal Element of the Mendocino County General Plan for the coastal zone to the south of the Town also apply. Any improvements ~~made~~ shall also conform to the requirements of ~~be in conformance with~~ all local ordinances pertaining to the Mendocino Historical Preservation District.

(D) Public pedestrian access on that part of Assessor's Parcel Number 119-250-40, conveyed by the California Department of Parks and Recreation to the Mendocino Presbyterian Church and designated MPF, from ~~via~~ the southerly end of Church Street, shall be provided at all times to ~~the~~ Mendocino Headlands State Park and the mouth of Big River. ~~on that part of Assessor's Parcel Number 119-250-40, conveyed by the California Department of Parks and Recreation to the Mendocino Presbyterian Church and designated MPF.~~ Any proposed development of said portion of real property shall identify an ~~An~~ alternative public access-way. ~~will be identified at the time of development and should~~ If that development includes a parking area, vehicular access and parking by the public shall be granted upon the property, except during regular church services and between ~~after~~ dusk and sunrise.

(E) Development in the Town of Mendocino located outside the Mendocino Historical Preservation District identified in Section 20.760.010, shall be consistent with the standards of the Mendocino Historical Preservation District in Section 20.760.050 of this Division.

(F) Approvals for new development and redevelopment along streets with high levels of pedestrian activity shall require renovation of existing sidewalks, if needed, and where no sidewalks exist, provision of wheel-stops to protect existing walking paths or creation of new public walking paths, where feasible, and where the property has frontage on two streets.

(G) The following types of retail establishments or activity, as defined herein, are prohibited within the Town of Mendocino:

1. Formula Restaurants.

2. Formula Lodging.

3. Formula Retail, except for vehicle (fueling) stations, which are allowed, provided they are otherwise compatible with the Town's design character.

(H) Any Formula Restaurant, Retail or Lodging establishment substantially identical to fewer than ten (10) establishments, regardless of ownership or location, shall modify its design, if necessary, to fit within the scale and design and character of the Town.

(I) All drive-thru facilities associated with commercial uses, where motorists can obtain services while their vehicle continues to operate, are prohibited in any zoning district with the exception of vehicle fueling stations.

Sec. 20.692.025 - Additional Requirements for All Districts.

All development proposed in the Town of Mendocino also shall**,** as applicable, comply with the provisions of Chapter 20.420 (Coastal Flood Plain Combining Districts), Chapter 20.488 (Coastal Development General Review Criteria), Chapter 20.492 (Grading, Erosion and Runoff), Chapter 20.496 (Environmentally Sensitive Habitat and Other Resource Areas), Chapter 20.500 (Hazard Areas), Section 20.532.060 (Environmentally Sensitive Habitat Area—Supplemental Application Procedures), Section 20.532.065 (Wetland Restoration Plan Procedures), Section 20.532.070 (Geologic Hazards—Evaluation and Supplemental Application Information), Section 20.532.075 (Supplemental Information Related to Application for Natural Gas Pipeline), Section 20.532.080 (Supplemental Information Related to Onshore Oil and Gas Development), Section 20.532.085 (Supplemental Information Related to Coastal Access Requirements), Section 20.532.090 (Supplemental Application Information for Sand Removal, Mining and Gravel Extraction), Section 20.532.095 (Required Findings for all Coastal Development Permits) and Section 20.532.100 (Supplemental Findings) of Chapter 20.532 (Coastal Development Permit Regulations—General) and Section 20.504.025(B) of Division II of this Title.

CHAPTER 20.696 - HOME OCCUPATIONS

Sec. 20.696.005 - Declaration.

It is the intent of this Chapter ~~chapter~~ to provide for ~~an~~ the accessory use within a dwelling unit, or an accessory building on the premises, for gainful employment by the owner or occupant, that involves ~~involving~~ the manufacture, provision, preparation, or other origination ~~sale~~ of goods and/or services for sale or other disposal. The accessory use must be clearly incidental and secondary to the residential use of the dwelling for residential purposes and must not change ~~the~~ its character~~, thereof~~ or ~~adversely affect~~ have an adverse effect on the residential or rural nature of its surroundings. ~~When a use is a~~ A home occupation use ~~it~~ means that the owner, lessee, or other ~~persons~~ tenant who has ~~have~~ a legal right to occupy or reside in the dwelling also has ~~have~~ the right to conduct the home occupation without securing a use permit ~~to do so~~. However, such use ~~person~~ shall be subject to all applicable regulations of this Division, and to all other permits that may be required by the County Code under county code, such as including, but not limited to, a building permits and business licenses. It is the intent of this Chapter to provide for the accessory use of a dwelling unit or accessory building(s) on the same parcel as the dwelling for gainful employment involving the manufacture, provision, or sale of goods and/or services. The use must be conducted by the residents of the dwelling unit, be clearly incidental and secondary to the use of the premises for residential purposes, and must not change the character thereof or adversely affect the residential or community character of the property or its surroundings. A use permit is not required to conduct a Home Occupation; however, such use shall be subject to all applicable regulations of this Division, such as off-street parking, and to all other permits required under the County Code, such as building permits, business licenses and coastal development permits, where the use constitutes "development" as defined in Mendocino Town Zoning Code Section 20.608.023(E). A home occupation is a principal permitted use in any district where a dwelling exists.

Sec. 20.696.010 - Specific Standards.

Home occupations shall conform to the following standards.

(A) No person other than members of the family residing on the premises shall be engaged in such occupation.

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(B) The home occupation shall be incidental and subordinate to the use of the dwelling unit for residential purposes and ~~that~~ not more than twenty-five (25) percent of the floor area of the dwelling unit shall be used for such occupation. Use of an accessory building or garage for the purpose of conducting a home occupation shall be permitted ~~prohibited~~.

(C) There shall be no change, resulting from the home occupation, in the outside appearance of the building or premises, or other visible evidence of the conduct of such occupation other than one (1) sign not exceeding two (2) square feet ~~of area~~, non-illuminated, and attached flat to the dwelling or visible through a window.

(D) No merchandise (except articles or other material produced on the premises) shall be sold or displayed on the premises.

(E) Not more than ten (10) customers or clients shall come to the dwelling unit for service or products during any one day.

(F) Home occupations shall not involve the use of heavy commercial vehicles for delivery of materials to or from the premises.

(G) No mechanical or electrical equipment shall be employed other than machinery or equipment customarily found in the home associated with a hobby or a vocation.

(H) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, dust, odors, smoke or electrical interference, detectable to the normal senses off the lot, if the occupation is conducted in a single family residence, accessory building, or outside the dwelling unit if conducted in a residence other than a single family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises or if not in a single family residence, outside the unit.

Sec. 20.696.015 - Examples of Uses that Frequently Qualify as Home Occupations.

The following are typical examples of uses which often can be conducted within the limits of the restrictions established in this Chapter and thereby qualify as home occupations. Uses which qualify as home occupations are not limited to those named in this paragraph (nor does this listing of a use in this section automatically qualify it as a home occupation):

(A) Artists and sculptors.

(B) Authors and composers.

(C) Babysitters.

(D) Beauticians and barbers, limited to one chair.

(E) Dressmaking, seamstress and tailors.

(F) Home crafts, such as model making, rug weaving, lapidary work or ceramics.

(G) Repair or fix-it shop for items normally found in or around the home.

(H) Office facility of an architect, attorney, broker, consultant, dance instructor, doctor, dentist, engineer, instructor in arts and crafts, insurance agent, land or marine surveyor, music instructor, real estate agent, tutor, bookkeeper or accountant.

CHAPTER 20.700 - COTTAGE INDUSTRIES

Sec. 20.700.005 - Declaration.

It is the intent of this Chapter ~~chapter~~ to provide for limited commercial and industrial uses, in conjunction with a dwelling, which are more extensive than home occupations, but which, like home occupations, do not alter or disturb the residential or rural nature of the premises or its surroundings. Such limited commercial and industrial uses are known as Cottage Industries. This Chapter ~~chapter~~ is also intended to provide for home occupations in private garages and accessory buildings.

Sec. 20.700.010 - Permit.

(A) Cottage Industries may be permitted upon issuance of a Minor Use Permit ~~minor use permit~~ in the MMU Zoning District and a Major Use Permit ~~major use permit~~ in the MRR, MTR, MRM, or MSR Zoning Districts only.

(B) ~~A use permit~~ Use Permits for Cottage Industries ~~Industry~~ may be granted for an unlimited period of years, unless it is determined that a shorter period is more appropriate to insure

conformance with the intent and standards of this Section ~~section~~ or other applicable requirements.

Sec. 20.700.015 - General Standards.

(A) The particular use(s) ~~uses~~ conducted by ~~the~~ Cottage Industries ~~Industry~~, and their operation and appearance, shall not change or disturb the residential or ~~rural~~ community character of the premises or its surroundings.

(B) ~~The~~ Any Cottage Industry use shall have no significant adverse effect on coastal resources, the physical environment, the human environment, or on public access to and along the coast. ~~be environmentally compatible with the project site and region.~~

(C) No significant additional service demands shall ~~will~~ be created by the use.

Sec. 20.700.020 - Specific Standards.

Cottage Industries shall conform to the following requirements:

(A) Not more than one (1) ~~outside~~ person who does not reside in the dwelling unit may be employed on the premises in addition to the members of the family residing in the dwelling unit ~~on the premises~~.

(B) ~~The~~ Cottage Industries ~~Industry~~ shall be a secondary use of a parcel containing a dwelling that is occupied as a principal residence of the owner or operator of the Cottage Industry. Multiple uses may be permitted within a Cottage Industry. Such industry or equipment and storage related thereto ~~should~~ shall not be located within fifty (50) feet of any property line excluding buildings constructed prior to the certification by the Coastal Commission ~~adoption~~ of the County of Mendocino Coastal Element of the General Plan on November 20, 1985.

(C) No Cottage Industry permitted pursuant to this Chapter ~~subsection~~ may occupy more than six hundred forty (640) square feet ~~of area~~ within any building or buildings, on ~~the same~~ one parcel (lot).

(D) One sign not exceeding (2) square feet ~~in area~~, non-illuminated, and attached flat to the main structure or visible through a window.

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(E) No merchandise (except articles produced on the premises or those items necessary for repair work in the equipment repair services, consumer use types, and specialty shops) shall be sold or displayed on the premises.

(F) Not more than ten (10) customers or clients shall come to the dwelling unit for service or products during any one (1) day. Not more than two (2) vehicles may be parked on the premises or a street adjacent ~~thereto~~ to the Cottage Industries while awaiting or undergoing repair, or awaiting removal after repair.

(G) No large ~~Large~~ vehicles and construction equipment (including but not limited to trucks of over one (1) ton gross weight rating, tractors, bulldozers, backhoes, skip-loaders, well-drilling rigs, cement mixers, rollers, welders, air compressors, forklifts, or graders) shall be operated, maintained, or parked in connection with ~~a~~ Cottage Industries ~~Industry~~, except to the extent that such vehicles and equipment are of a type and number customarily used by residents of the surrounding neighborhood for their own agricultural or home use on their own ~~real~~ property, and further provided that ~~the~~ no Cottage Industries employing said vehicles or construction equipment ~~site~~ ~~is not~~ shall be located in Historical Zone A.

(H) Noise generation from within the Cottage Industries site shall not exceed sixty-five (65) ~~dba~~ dBA Ldn at the nearest off site residence.

Sec. 20.700.025 - Examples of Uses Permitted Upon Securing a Use Permit.

(A) Any use listed in Section 20.696.015 which does not conform to the specific standards for a ~~home occupation~~ Home Occupation due to its location in a private garage or accessory building may be permitted as a Cottage Industries ~~Industry~~, subject to the provisions of this Division, only in the MMU, MSR, MTR, MRM, and MRR Zoning Districts ~~zoning districts~~.

(B) ~~A cottage industry~~ Cottage Industries ~~is one of the use types~~ Use Types listed below are ~~which is~~ subject to the provisions of this Division, require a Major Use Permit, and may be permitted only in the MRR, MRM, MTR, or MSR Zoning Districts ~~zoning districts~~:

Administrative and Business Offices

Animal Sales and Services: Household Pets

Building Maintenance Services

Custom Manufacturing and Repairs

Food and Beverage Preparation: Without Consumption

Horticulture

Medical Services

Personal Services

Repair Services, Consumer

Sec. 20.700.030 - Conflict Resolution.

Where a use described in this Chapter is permitted without the necessity of obtaining a use permit, ~~within the zoning district~~ the regulations within the Zoning District ~~district~~ shall apply.

CHAPTER 20.704 - ACCESSORY USE REGULATIONS

Sec. 20.704.005 - Declaration.

It is the intent of this Chapter to establish the relation among the principal and accessory uses, and the criteria for regulating accessory uses.

Sec. 20.704.010 - Accessory Uses Encompassed by Principal Use.

(A) In addition to the principal uses expressly included in the zoning districts, each use type shall be deemed to include (1) accessory uses which are specifically identified by these Accessory Use Regulations,~~;~~ and (2) such other accessory uses which are necessarily and customarily associated with, and are appropriate for, incidental to, and subordinate to, such principal uses. When provided by these regulations, it shall be the responsibility of the Director to determine if a proposed accessory use is necessarily and customarily associated with, and is appropriate, incidental, and subordinate to the principal use, based on the Director's evaluation of the resemblance of the proposed accessory use to those uses specifically identified as accessory to the principal uses, and the relationship between the proposed accessory use and the principal use. Accessory uses shall not include manufacturing, processing, or transportation of flammable, combustible, explosive, toxic, or other hazardous materials. The ~~Such~~

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determinations ~~which are~~ made by the Director shall be subject to the administrative appeal procedure established by ~~commencing at~~ Chapter 20.728.

(B) An accessory structure, may be constructed prior to the construction of a dwelling on the premises. An accessory structure shall not be used for temporary or permanent occupancy as a residence, without compliance with Section 20.708.025(B) (Construction Support). Accessory uses and structures shall be subject to the provisions of Chapter 20.720 (Coastal Development Permit Regulations), as those regulations apply to the principal use to which they are accessory.

Sec. 20.704.015 - Residential and Agricultural Use Types.

Subject to the restrictions and limitations of this Chapter, including the granting of a Coastal Development Permit where applicable, the following accessory buildings and uses shall be permitted in all Zoning Districts ~~zoning districts~~ which allow a single family residence:

(A) Private Garages.

(B) Children's playhouses, patios, porches, gazebos, and similar structures. ~~etc.~~

(C) Windmills.

(D) Shops (non-business purposes).

(E) Barns.

(F) Private swimming pools and hot tubs (not subject to setback requirements in the side or rear yards of any zoning district).

(G) Accessory Living Unit. Not more than one (1) accessory living unit on ~~for~~ each legal parcel (lot).

(H) Day care ~~center, family care~~ home - Small Family, family care home, or school as provided for within the California Health and Safety Code. ~~, or school, for six (6) or less persons.~~

(I) Travel Trailer or Camper. ~~The maintaining of~~ Maintaining one (1) travel trailer or camper in dead storage, where it is not used for occupancy or business purposes, and only when authorized pursuant to Section 20.760.045. All stored travel trailers or campers in excess of one (1) shall be stored out of sight from a public right-of-way. The connection, for any continuous period exceeding forty-eight (48) hours, of any utility or service such as electrical,

water, gas, or sewage to the travel trailer or camper shall be prima facie evidence that it is being used for habitation or business purposes.

(J) Home Occupations. Subject to Chapter 20.696.

(K) Household Pets. The keeping of dogs and cats and other household pets, but not including kennels.

(L) Accessory Parking. When authorized pursuant to Section 20.760.045, the following may be allowed:

(1) The parking of one (1) large vehicle or construction equipment upon private real property forty thousand (40,000) square feet or fewer ~~less~~ in size.

(2) The parking of two (2) large vehicles or construction equipment upon private real property greater than forty thousand (40,000) square feet, but fewer ~~less~~ than five (5) acres.

(3) The parking of three (3) large vehicle or construction equipment upon private real property ~~in excess of~~ five (5) acres or larger.

(4) Nothing in this subsection shall restrict the number of vehicles or construction equipment used by the property owner, lessee, or tenant for his or her ~~their~~ own agricultural or home use.

As used in this subsection "large vehicle" shall mean any vehicle ~~vehicles~~ of three ton tare (unladen weight).

(M) Public Access Offer To Dedicate. The offer by an owner of private real property to dedicate, and the acceptance by the County, another public agency, or a non-profit organization of an easement, deed restriction, or other device ~~dedication~~ for ~~an~~ a public access way in the coastal zone consistent with the Mendocino Town Local Coastal Program, provided that ~~except that the~~ construction of a public access trail or path, and~~, or~~ construction of a staircase access way on a bluff face (as determined pursuant to Chapter 20.714 ~~by the Department of Planning and Building Services~~) ~~will~~ shall require a Coastal Development ~~Use~~ Permit.

(N) Other Necessary and Customary Uses. Accessory non-residential uses and non-residential structures, in addition to those identified above, which are necessarily and customarily associated with, and are appropriate for, incidental to, and subordinate to the ~~a~~ principal use, as determined by the Director.

(O) Day Care Home - Large Family. A home providing day care for children under 18 years of age, but excluding overnight care. The number of children permitted shall be based on provisions of the California Health and Safety Code. The facility shall be reviewed to assess impacts such as traffic and pedestrian safety, adequate sanitation facilities, ~~f~~ **F**ire **Safe** ~~safe~~ ~~**safety**~~ standards, and neighborhood compatibility. Development of such facilities shall be permitted in all zoning districts, subject to a **coastal development** minor use permit.

Notice of a pending permit for such facility shall be provided per the California Health and Safety Code and conditions may be imposed to provide consistency with pertinent sections of this Division.

(P) Second Residential Dwelling Unit with any primary family dwelling unit, subordinate in size and scale, in keeping with the existing pattern of development.

Sec. 20.704.020 - Civic and Commercial Use Types.

(A) Public Access Offer To Dedicate. The offer by an owner of private real property to dedicate, and the acceptance by the County, another public agency, or a non-profit organization of an easement, deed restriction, or other device ~~dedication~~ for ~~an~~ a public access way in the coastal zone consistent with the Mendocino Town Local Coastal Program, provided that ~~except that the~~ construction of a public access trail or path, and~~, or~~ construction of a staircase access way on a bluff face (as determined ~~by the Department of Planning and Building Services~~ pursuant to Chapter 20.714) ~~will~~ shall require a Coastal Development ~~use~~ Permit ~~permit~~.

(B) Accessory structures and uses necessarily and customarily associated with, and appropriate for, incidental to, and subordinate to the principal permitted civic or commercial uses on the parcel (lot) shall be permitted where these use types are permitted.

CHAPTER 20.708 - TEMPORARY USE REGULATIONS

Sec. 20.708.005 - Declaration.

The purpose of this Chapter is to establish standards and conditions for regulating temporary uses and temporary outdoor gatherings ~~of a temporary nature~~.

Sec. 20.708.010 - Identification of Permitted Temporary Uses.

~~Single strikethrough~~ and underline= County-proposed changes to certified LCP; ~~single red strikethrough~~ and underline= changes not properly tracked from certified LCP. ~~**bold double strikethrough**~~ and **underline**= Commission staff recommended modifications to County's submitted proposal. Blue ~~double strike-through~~ font= County-proposed language deleted in place but Commission staff recommends to re-locate as depicted by blue double-underline font. Blue shading, was placed next to the new location where the moved text was primarily incorporated, to enable a comparison between the original text and CCC staff's revised text.

The following temporary uses and associated development may be permitted as specified by these regulations:

(A) Entertainment Events or Religious Assembly. The temporary gathering of people for a circus, carnival, concert, other musical performance, theatrical performance, lecture, art show, ~~or~~ antique show, car show, or religious purposes.

(B) Construction Support. Temporary buildings and structures, without a permanent foundation, supporting permitted residential development and/or major construction.

(C) Uses in New Subdivisions. Temporary uses in new major or parcel subdivisions which support the sale of dwellings and lots within the same subdivision.

(D) Use of a Trailer Coach. Temporary use of a trailer coach for ~~certain~~ purposes authorized pursuant to Section 20.708.030.

(E) Family Care Unit. The temporary use of a building, structure, or trailer coach to provide housing for (a) not more than two (2) adult persons who are sixty (60) years of age or older, or (b) an immediate family member or members who requires daily supervision and care, or (c) a person or persons providing necessary daily supervision and care for the person or persons residing in the main residence.

(F) Film Production. The temporary use of a building, structure or property for the purposes of film production. If film production activities constitute development as defined by Section 20.608.023(E), a Coastal Development Permit shall be required.

Sec. 20.708.015 - Temporary Uses Subject to Controls.

(A) Temporary uses shall be subject to all regulations ~~as would be applied~~ that apply to any use located in the same ~~zone~~ Zoning District, except as otherwise provided by these regulations. All temporary uses ~~must~~ shall comply with Mendocino Town Zoning Code Chapter 20.760.

(B) Temporary uses shall not create noise impacts to surrounding uses that exceed noise standards set out in the County's General Plan Development Element, Table 3-J, Exterior Noise Level Standards (Levels not to be Exceeded More than 30 Minutes in an Hour) and Table 3-L, Maximum Acceptable Interior Noise Levels Created by Exterior Noise Sources.

Sec. 20.708.020 - Entertainment Events, Religious Assembly, Other Large Public Gatherings, or Other Temporary Events.

(A) Purpose and Authority. The purpose of this Section ~~section~~ is to identify the standards the Department of Planning and Building Services, under the direction of the Director, will use in determining whether a temporary event is excluded from coastal development permit requirements.

(B) Procedure. The organizer of a temporary event ~~is required to~~ shall contact the Department of Planning and Building Services to allow the Director or his/her designee to review the project and determine if a coastal development permit is necessary, pursuant to the following regulations.

(C) Criteria for Requiring a Coastal Development Permit.~~,~~ Except as described below, temporary events are excluded from coastal development permit requirements. The Director may determine that a temporary event is subject to coastal development permit review 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 and/or on public access to and along the shoreline, any beach, or the coastal bluff top area in public ownership seaward of Heeser Drive, Heeser Street, Main Street, or the Highway 1 right-of-way. Such circumstances consist of ~~may include~~ the following:

(1) 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, including, but not limited to, coastal waters, a beach, path, trail, upland recreational support facility, Mendocino Headlands State Park, for a significant period of time or during a peak use period of the public recreational area~~;~~.

(2) The event and its associated activities or access requirements may potentially have, ~~will~~ either directly or indirectly, a significant adverse impact on environmentally sensitive habitat areas, rare or endangered species, significant public scenic resources, or other protected coastal resources, as defined in Subsection (D) ~~below~~;

(3) The event would restrict public use of parking areas to the extent that it would significantly impact public recreation areas or public access to coastal waters, along the shoreline, a beach,

path, trail, upland recreational support facility, or Mendocino Headlands State Park. ~~coastal waters;~~

(4) The event has previously ~~historically~~ required a coastal development permit to ~~address~~ avoid, otherwise mitigate, or ~~and~~ monitor associated potentially significant impacts to coastal resources and/or public access to coastal waters, along the shoreline, a beach, path, trail, upland recreational support facility, or Mendocino Headlands State Park.

(D) Definitions. For purposes of this Section ~~section~~, the following definitions shall apply.

(1) "Temporary event(s)" means an activity or use that constitutes development as defined in Section 20.608.023 of the Mendocino Town Zoning Code; and is an activity or function of limited duration; and involves the placement of non-permanent structures; and/or involves exclusive use of a sandy beach, parkland, filled tidelands, coastal waters, ~~water,~~ street, road, highway, or parking area which is otherwise open and available for general public use;

(2) "Limited duration" means a period of time which does not exceed a two-week period on a continual basis, or twenty (20) days on an annual basis ~~does not exceed a consecutive four-month period on an intermittent basis;~~.

(3) "Non-permanent structures" include, but are not limited to, bleachers, perimeter fencing, vendor tents/canopies, judging stands, trailers, portable toilets, sound/video equipment, stages, or platforms, ~~etc.,~~ which do not involve any grading or landform alteration ~~for installation~~, or a permanent foundation~~;~~.

(4) "Exclusive use" means a use that precludes use in the area of the event for public recreation, including, but not limited to public access to any beach, coastal bluff top, path, trail, steps, accessway, or access to coastal waters, other than for or through the event itself.

(5) "Coastal resources" include, but are not limited to, public access opportunities, visitor and recreational facilities, water-oriented activities, marine resources, biological resources, environmentally sensitive habitat areas, agricultural lands, and archaeological or paleontological resources~~;~~.

(6) "Sandy beach area" includes publicly owned and privately owned sandy areas fronting on coastal waters, regardless of the existence of potential prescriptive rights or a public trust interest.

(E) Outdoor festivals are also regulated by Chapter 20.716 and by Chapter 6.16 of the Mendocino County Code.

Sec.20.708.025 - Construction Support.

The temporary occupancy of buildings during the course of construction may be permitted upon the issuance of a Coastal Development Administrative Permit pursuant to Chapter 20.720.

(A) Major Construction. Temporary buildings, in any zoning district, during permitted construction phase for ~~commerce, industry, or five (5) or more dwelling units to all~~ the housing of tools, equipment**,** and supervisory offices provided such temporary buildings are located within or adjacent to the development or construction site to which they are incidental ~~regardless of the zoning district~~.

(B) Minor Construction. Temporary use and occupancy of an existing dwelling while constructing a new residence.

(C) Termination. All temporary uses permitted by this Section ~~section~~ shall be terminated not later than twenty-four (24) months after issuance of building permits therefor, unless a written request for extension of time has been submitted to and approved by the Director prior to the expiration of said twenty-four (24) months. All temporary uses and related improvements other than model homes shall be completely removed from the premises and all model homes shall be restored to a condition suitable for sale for residential occupancy, including reconversion of any garage to a condition suitable for the storage of private vehicles or the provision by other means of required off-street parking spaces.

Sec. 20.708.030 - Use of a Trailer Coach.

The temporary use of a trailer coach for the following purposes may be permitted upon issuance of a Coastal Development Administrative Permit (Chapter 20.720):

(A) Real Estate Office. A temporary real estate office**,** when the trailer coach is located on a lot or parcel of land adjacent to the development to which such real estate office is incidental.

(B) Mobile Financial Business Office. A temporary self-propelled, self-contained mobile financial business office.

(C) Occupancy While Constructing a Dwelling. The installation, use, and occupancy of a trailer coach as a temporary dwelling by the owner of a lot or contiguous lot on which a dwelling is under construction, and ~~or~~ for which a building permit has been issued. Such administrative permit may be issued for the period required to complete construction of the approved development, but not to exceed two (2) years, unless the permit is renewed prior to the end of that two (2) year period.

(D) Temporary Caretaker Housing. The installation, use, and occupancy of a trailer coach as a temporary dwelling by a caretaker in association with a park, recreational facility, or similar use which is under private ownership but open for public use.

Sec. 20.708.035 - Family Care Unit.

The temporary use of a building, structure, or trailer coach, not to exceed one thousand (1,000) square feet in size, shall ~~will~~ be allowed upon issuance of a Coastal Development Standard Permit, to provide housing for (a) not more than two (2) adult persons who are sixty (60) years of age or older, or (b) an immediate family member or members who requires daily supervision and care, or (c) a person or persons providing necessary daily supervision and care for the person or persons residing in the main residence subject to the following provisions:

(A) Standard Permit. The temporary unit shall require (1) issuance of ~~be allowed only after securing~~ a Coastal Development Standard Permit, and (2) annual renewal of such permit.

(B) Statement. Prior to the granting of the permit ~~and~~ or yearly renewal:

(1) A statement must be submitted by the owner of the property and signed under penalty of perjury that the use of the "family care unit" is to provide housing for (a) not more than two (2) adult persons who are sixty (60) years of age or older, or (b) an immediate family member or members who require**(**s**)** daily supervision and care, or (c) a person or persons providing necessary daily supervision and care for the person or persons residing in the main residence, and (d) that the family-care unit will not be used as a vacation home rental.

(C) Termination. Should the use or necessity of the temporary family care unit cease, it must be removed from the premises or converted to an accessory structure as provided in Chapter 20.704. Should the occupants of the family care unit or the main residence move to another off-site residence, the permit for the family care unit shall become null and void.

Sec. 20.708.040 - Uses in New Subdivisions.

Upon the review and approval of a site plan by the Director, for a major subdivision or parcel subdivision for which a final map has been recorded, or in conjunction with approval of a multiple-dwelling development, and pursuant to the provisions of this Section ~~section~~, ~~certain~~ temporary uses as specified herein may be established ~~within a major subdivision or parcel subdivision for which a final map has been recorded, or in conjunction with an individual multiple dwelling or multiple dwelling complex~~ solely for the marketing of dwellings and/or lots in that ~~the same residential~~ development.

(A) Permitted Uses. The following temporary uses may be permitted in conformance with the following standards:

(1) Model homes in a number not to exceed that necessary to provide one (1) example of each dwelling type being offered in the residential development. Reversed floor plans and exterior facade variations will not be considered as separate dwelling types. Each model home shall be erected on an individual site which conforms to a lot shown on the recorded map; meet all setback requirements of the applicable zone; and qualify in all respects for sale and residential occupancy upon termination of its use as a model home.

(2) Real estate sales office facilities for the purpose of prompting the sale or rental of dwellings, lots, and/or mobile home spaces, which are located only within the same residential development or subdivision.

(3) Off-street parking facilities.

(B) Site Plan Review Criteria. No use authorized by this section shall ~~will~~ be located, installed, or operated in a manner that will have a significant ~~an unnecessarily~~ adverse effect on the use and enjoyment of any real property on which an occupied dwelling is located, or may be located during the duration of such authorized use.

(C) Site Plan Content. The site plan shall contain such maps and drawings as are necessary to show the location of the above temporary uses and their relation to off-street parking, vehicular and pedestrian access, and the surrounding area.

(D) Building Permits. Prior to the issuance of a building permit~~s~~ for any ~~the~~ temporary use~~s~~ permitted pursuant to ~~in~~ Subsection (A) ~~of this section~~, the following conditions shall be met:

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(1) A parcel or final map has been recorded for the parcel subdivision or major subdivision.

(2) The site plan must be submitted to and approved by the Director.

(3) Necessary sanitary facilities must be provided, as required by the Director of Public Health.

(E) Termination. All temporary uses permitted by this Section ~~section~~ shall be terminated not later than twenty-four (24) months after issuance of building permits therefor, unless a written request for extension of time has been submitted to and approved by the Director prior to the expiration of said twenty-four (24) months. All temporary uses and related improvements other than model homes shall be completely removed from the premises and all model homes shall be restored to a condition suitable for sale for residential occupancy, including reconversion of any garage to a condition suitable for the storage of private vehicles or the provision by other means of required off-street parking spaces.

CHAPTER 20.712 - SIGN REGULATIONS

Sec. 20.712.005 - Intent.

The purpose of this Chapter is to provide minimum standards to safeguard life, health, property and public welfare and to promote traffic safety by controlling the design, quality of materials, construction, illumination, size, location and maintenance of signs and sign structures. These standards are ~~to be~~ a regulation for both applicants and the Mendocino Historical Review Board (MHRB) members to encourage signs that are of a quality design, pleasing in appearance and ~~are~~ appropriate in size, materials and illumination to the activity to which they pertain. Further, these regulations are intended to encourage signs which are compatible with the architectural style, characteristics and scale which are historically appropriate as well as being compatible with the building to which they are attached and adjacent buildings and businesses. It is intended that these regulations will enhance overall property values and the visual environment by discouraging signs which contribute to visual clutter such as offsite signs, oversized signs, neon signs and excessive temporary signing. It is intended that commercial signs be designed for the purpose of identifying a business in a functional and attractive manner rather than to serve as general advertising for the business.

Sec. 20.712.010 - Off-Site Signs.

Off-site signs, except for public safety, traffic directional, and public access signs within the Highway 1 or any public road or street right-of-way, shall be ~~are~~ prohibited within the boundaries of the Town of Mendocino.

Sec. 20.712.015 - Sign Standards.

The following standards shall apply to all signs:

(A) Signs attached to a building shall not extend above the eave, roof line**,** or parapet of the building. Signs mounted flush to a building are preferable, although signs perpendicular to a building may be permitted under special circumstances, as provided in Chapter 20.714.

(B) Freestanding signs~~,~~. Other than directory signs, signs shall not be more than six (6) feet in height. Wherever feasible, directory signs should be located on the inland side of any highway, road, street, or alley to avoid intruding into public views from such highway, road, street, or alley to and along the sea or shoreline.

(C) All signs for visitor accommodations shall be on the site of the visitor-serving facility.

(D) All signs shall, where feasible, be made of wood.

(E) Only one (1) sign per business shall be allowed when one (1) sign will suffice. A two (2) sided sign, identifying the same business(es)**,** will be considered one (1) sign. More than one (1) sign may be allowed when the business has more than one (1) entrance accessible to the public. No individual sign (freestanding or attached) may exceed six (6) square feet and the total of all freestanding and attached signs shall not exceed twelve (12) square feet per site.

(1) The number and size of ~~di~~rectory signs ~~sips~~, window signs, open/closed signs**,** and menu boards are regulated in Chapter 20.760.

(F) The use of a ~~"~~directory~~" type~~ sign is recommended for buildings containing more than one (1) business and using one or more ~~a~~ common entrance(s) or a common address. In addition, where a business is located on a lot (parcel) with ~~having~~ frontage on two (2) streets, roads, or Highway 1, the business shall be allowed to be a part of a directory sign.

(1) Maximum height: Eighty (80) inches above natural grade, unless the directory sign is parallel to the road, when ~~then~~ the maximum height shall be eight (8) feet above natural grade.

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(2) Maximum width: Thirty-six (36) inches.

(3) Maximum size of the individual business sign within the directory: Two hundred sixteen (216) square inches.

(G) Size, design and location of signs shall be in harmony with the building and surrounding buildings and shall not detract from the Historic District.

(H) Signs shall not adversely affect public views of the bay and landmark structures from public view areas.

(I) Where sign illumination is required, lighting shall be indirect, low key**,** and restricted to business hours only. The lighting shall not create glare or reflection onto adjacent properties or public streets**,** and no sign shall be internally illuminated. Neon lighting is prohibited.

(J) No flashing or moving signs**,** or lighting creating the effect of movement shall be permitted.

(K) The total permissible sign area for each home occupation and cottage industry shall be two (2) square feet.

(L) All signs, including indoor commercial self-contained lighted signs visible from a walkway normally used by the public, are subject to the review and approval of the Mendocino Historic Review Board as provided in Chapter 20.760. The Mendocino Historical Review Board may grant an exception to sign standards provided that the granting of the exception is not contrary to the public good and does not detrimentally affect the historical character of the Town.

Sec. 20.712.020 - Temporary Signs.

The following temporary signs are permitted:

(A) One (1) temporary real estate sign, not exceeding three (3) square feet, containing the seller's name, address, phone number**,** and the zoning district of the site may be displayed on each street frontage of real property that is for sale, rental**,** or lease. Such signs shall be removed within fifteen (15) days of the sale or lease of the property.

(B) Strings or individual banners, streamers, pennants and similar devices shall be permitted for business openings. Such devices must be removed fifteen (15) days after the opening or twenty (20) days after their installation, whichever comes first.

(C) Political signs pertaining to a scheduled election shall be permitted**,** provided that they shall be removed within fifteen (15) days after ~~the~~ election day.

(D) Temporary signs that identify a special event for a non-profit organization or a school and that are ~~(~~visible for less than twenty-two (22) continuous days~~) signs, identifying a special event for a nonprofit organization,~~ are exempt from the Coastal Development Permit process as set forth in this Division.

Sec. 20.712.025 - Exceptions.

(A) The following signs are exempted from the requirements of this Chapter ~~chapter~~:

(1) Directional, warning**,** or informational signs required or authorized by law**,** which are erected by federal, state, county or public ~~municipal~~ officials.

(2) Official notices issued by a court**,** ~~or~~ other public agency, ~~body~~ or public official ~~office~~, and posted in the performance of a public duty.

(3) Danger signs**,** ~~and~~ signs of public utility companies indicating dangerous conditions, and aids to service or safety.

(4) House numbers and historical markers not exceeding one (1) square foot, i.e., "Blair House 1880~~.~~", provided that a house or building number sign, that is visible from each adjacent street, alley, road, or highway, shall be affixed to each exterior wall that fronts on a street, alley, road, or highway.

(5) Window signs located within a structure**,** provided the total sign area does not exceed twenty-five (25) percent of the window area.

(B) Pursuant to Section 30610(~~B~~)(b) of the ~~State of~~ California Public Resources Code~~, Division 20 (California Coastal Act)~~ and Title 14, California Code of Regulations, Section 13253, no coastal development permit is required for the improvement of an existing structure with a sign or signs, which are directly attached to the existing structure, provided that the structure being improved with a sign is not located (1) on a beach; or (2) in a wetland, stream, or lake; in an area designated as highly scenic in a certified land use plan; or within 50 feet of the edge of a coastal bluff. Further provided that the sign improvement (3) does not include removal or placement of vegetation, on a beach, on a sand dune, in a wetland, in a stream; within 100 feet

of the edge of a coastal bluff, in a highly scenic area, or in an environmentally sensitive habitat area.~~;~~ **Further provided that (4) any sign improvement ~~(4) is not otherwise~~ that is** located (a) 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 (b) in a significant scenic resource area designated by the Coastal Commission or former North Coast Regional Coastal Commission; ~~(5)~~ would **not** constitute an additional improvement of ~~more than~~ 10 percent **or less** where an improvement to the structure has previously been undertaken pursuant to Public Resources Code Section 30610(b); **and/**or ~~(6)~~ increase the height of the existing structure by more than 10 percent. Further provided that the sign is not an improvement to a structure (~~7~~**5**) where the coastal development permit issued for the original structure by the Coastal Commission, North Coast Regional Commission, or the County indicated that any future improvements would require a coastal development permit, (~~8~~**6**) which changes the intensity of use of the structure, or (~~9~~**7**) 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 timesharing conversion. ~~construction, maintenance, or repair of any sign appurtenant to an existing commercial structure.~~ See Section 20.720.020.

Sec. 20.712.030 - Nonconforming Signs.

A nonconforming sign is a sign lawfully erected, established**,** and maintained prior to the effective date of this Chapter, ~~chapter~~ but one that does not conform to (1) the use regulations and/or standards of height, setback, sign area, or number~~, etc.,~~ for the Zoning District ~~zone~~ in which the sign ~~it~~ is located, or (2) ~~to~~ the regulations of this Division.

Sec. 20.712.035 - Nonconforming Sign Continuation.

(A) All nonconforming signs shall be allowed to continue for not longer than five (5) years after the effective date of this Division. All nonconforming signs must be removed at the end of the five (5) year period**,** or the owner must apply for and obtain MHRB approval that the sign conforms to the regulations of the Mendocino Historical District Preservation Ordinance. ~~this division.~~

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(B) This section shall not apply to any signs for which the owner has previously obtained a MHRB permit.

(C) If a directory panel ~~sip~~ is destroyed, or deteriorated as a result of vandalism, fire, wind, flood, age, or other cause to the extent where repairs exceed fifty (50) percent of the replacement value of the sign, or the sign is not replaced within six (6) months in its original size and appearance, said sign shall be brought into conformance with this Chapter, or shall be ordered removed.

Sec. 20.712.040 - Illegal Signs.

Any sign not legally erected or placed pursuant to the regulations in existence at the time of its erection or placement is an illegal sign, and shall be removed.

Sec. 20.712.045 - Removal of Signs.

(A) Signs which have been abandoned due to a closing of a business, a change in business name, or for any other reason that renders ~~rendering~~ the sign not applicable to the real property involved, shall be removed by (1) the permit holder, or (2) the owner of the building or premises, within ninety (90) days after the date of the action or inaction that caused the sign to be considered abandoned. A condition of approval for all signs shall be that the permit holder or owner of the building or premises, at his/her own expense, remove all abandoned signs. An abandoned sign may be removed by the County after the ninety (90) day period, and the permit holder or owner may be charged for the cost of removal. New signs, for a building or real property on which an abandoned sign is located, shall not be approved until the abandoned sign has been ~~is~~ removed. Approval may be given on the condition that the abandoned sign is removed before a new sign is erected.

(B) Prior to removal of a ~~the~~ sign by the County, the Board of Supervisors shall hold a hearing to determine when that ~~a~~ sign was ~~is~~ abandoned. Thirty (30) days' written notice of the hearing shall be sent by certified mail to the permit holder at his/her last known address, and to any other address at which there is reason to believe he/she might receive mail, and to the owner at his/her address, as shown on the records of the County Assessor's office. The notice shall also state:

(1) A general description of the sign;

(2) That upon a finding of abandonment, the sign shall be held by the County for thirty (30) days and then disposed of by sale, if determined to be of a value of one hundred dollars ($100) or more, or disposed of in any manner if worth less than one hundred dollars ($100);

(3) Where the sign may be reclaimed;

(4) That the reasonable costs of removal may be assessed at the hearing along with an administrative charge;

(5) That the hearing and assessments can be avoided by the removal of the sign or display case within fourteen (14) days after the date of the notice.

(C) The Board of Supervisors shall determine the reasonable cost to the County of removing the sign and if an administrative charge should be assessed. Administrative costs shall be one hundred dollars ($100) unless otherwise determined by resolution of the Board of Supervisors. Sales shall be carried out pursuant to California Civil Code, Section 1988. Proceeds shall be first applied to pay assessed costs, administrative costs and other costs reasonably incurred.

CHAPTER 20.713 - OUTDOOR DISPLAYS OF MERCHANDISE

Sec. 20.713.005 - Intent.

The purpose of this Chapter is to promote the public health, welfare**,** and safety by restricting outdoor displays and sale of merchandise. Outdoor displays of merchandise can reduce property values, detract from the aesthetic appearance of the physical community, cause clutter and garishness**,** and adversely affect ~~effect~~ this historic community. This Chapter is intended to protect real property values, create a more attractive economic and business climate, protect and enhance the aesthetic appearance of the special community of the Town of Mendocino, preserve the scenic and natural beauty of the coastal area, and protect the aesthetic qualities which contribute to Town ~~the~~ community character.

Sec. 20.713.010 - Outdoor Display and Sale of Merchandise Restrictions.

The display of merchandise in an outdoor setting shall be permitted subject to the following restrictions:

(1) No more than two (2) items or products are displayed outside the commercial building.

(2) The items or products are within fifteen (15) feet of the commercial building.

(3) The items or products do not impede pedestrian traffic on a private walkway.

(4) The items or products are not displayed during non-business hours.

(5) The items or products are not located on public property.

(6) No mannequins shall be permitted.

The term "displayed in an outdoor setting" refers to merchandise displayed for public viewing upon a balcony, patio, terrace, walkway, parking area, lawn, garden or any other place which is unenclosed.

Sec. 20.713.015 - Nonconforming Outdoor Display of Merchandise.

A nonconforming outdoor display of merchandise may be legally continued for the time allowed by this Chapter provided that the display was lawfully erected, established and maintained prior to November 28, 1994.

Sec. 20.713.020 – Reserved. ~~Nonconforming Outdoor Display of Merchandise—Continuation.~~

~~All nonconforming outdoor displays of merchandise may continue in existence until November 28, 1996.~~

Sec. 20.713.025 - Nuisances.

None of the provisions of this Chapter restrict any authority to require modification or termination of any nonconformity which has been declared a nuisance by the Board of Supervisors.

CHAPTER 20.714 – CIRCULATION AND PARKING

Sec. 20.714.005 – Purpose.

The County shall provide for traffic, bicycle, and pedestrian safety within the Town, consistent with historic preservation. The County shall analyze the need for, and install where warranted

and consistent with the Capital Improvement Program, additional traffic control measures, including but not limited to signage, speed controls, marked cross-walks, and new sidewalks or paths to enhance the walking environment of the Town.

Sec. 20.714.010 – Parking Requirements.

Permitted development shall provide off-street parking consistent with the requirements of the applicable Zoning District, or demonstrate compliance with an alternative provision of parking that meets the applicable standards over the economic life of the development.

Sec. 20.714.015 – Methods of Compliance.

(a) Permitted development may meet the parking requirements through project design, recorded off-site parking agreements with third parties, or participation in an in-lieu fee parking program.

(b**)** Where no off-street parking is feasible in otherwise permitted development, the development applicant shall pay an in-lieu fee to the County, or to an entity acceptable to the County, provided that such fees (1) shall be proportionate to the cost of **parking** construction and maintenance, and (2) shall be used solely in the Town of Mendocino for street and public parking improvements within existing public street rights-of-way or on other publicly owned land.

Sec. 20.714.020 – Avoidance of Adverse Impacts.

On-site parking ingress and egress shall not have a significant adverse impact on the historical character of the Town, including, but not limited to, through elimination of on-street parking spaces. Off-street parking shall be designed to: (1) minimize its visibility from public areas, either by locating parking behind buildings or by providing adequate landscape screening; and (2) minimize its interruption of the pedestrian's use of the sidewalk through minimizing the scale and placement of driveways to off-street parking, especially when parking can be accessed from alleys or secondary streets. Where such measures are infeasible or would conflict with public view protection requirements of the Town **LCP**~~**Plan**~~, other feasible screening shall be required.

Sec. 20.714.025 – Bicycle Parking.

Bicycle parking shall be incorporated in:

(a) the Main Street restoration and enhancement project,

(b) any Mendocino Headlands State Park facilities planning and the Mendocino Headlands State Park Preservation and Recreation Plan, and

(c) all new commercial development with 1,000 square feet or more of floor area.

Sec. 20.714.030 – Avoidance of Impermeable Surfaces and Compaction.

All new parking areas shall minimize impermeable surfacing and soil compaction, and shall use permeable ADA-compliant paving material wherever feasible.

Sec. 20.714.040 – Off-site Parking Requirements.

Where the Mendocino Unified School District is able to accommodate overflow parking on School District property, and where the California Department of Parks and Recreation is able to accommodate, as feasible, overflow parking on Mendocino Headlands State Park adjacent to Main Street, Heeser Street, and Heeser Drive west of its intersection with Heeser Street, (a) such additional parking shall utilize semi-pervious pavers or similar materials that comply with the requirements of the Americans with Disabilities Act, as amended, and (b) a public agency participant in providing such parking may receive or collect in-lieu fee parking payments for use solely to provide, enhance, operate, and maintain it.

Sec. 20.714.045 – Implementation.

(a) The existing (2015) supply of on-street parking spaces on each block in the Town shall be maintained by limiting, as feasible, the number and width of access points to private off-street parking and by discouraging exclusive use of on-street parking spaces by adjoining private property owners.

(b) As part of the implementation of the Public Access Component in the Main Street, Ukiah Street, and Little Lake Street rights-of-way, the County shall consider placing restrictions on parking by commercial trucks with a weight in excess of two (2) tons, beyond the reasonable time required for loading and unloading in the performance of a service to or on the block in which the vehicle is engaged.

Sec. 20.714.050 – Improvement and Maintenance of Existing and New Parking.

Improvement and maintenance of existing and new parking spaces shall include, but not be limited to, new pavement or repavement with ~~**semi-pervious pavers**~~ **permeable paving materials** that comply with the requirements of the Americans with Disabilities Act, as amended, delineation of parking spaces, provision of wheel stops to protect existing walking paths, and associated sustainable storm water management.

CHAPTER 20.716 - NONCONFORMING USES AND STRUCTURES

Sec. 20.716.005 - Purpose.

To allow for the continued utilization of lawfully existing improvements and any uses made nonconforming by the adoption of the Mendocino Town Plan (Chapter 4.13 of the Coastal Element of the Mendocino County General Plan) and this Division, where the use is compatible with adjacent land uses and where it is not feasible to replace the use or activity with a conforming land use.

(A) A nonconforming use is a use of a structure or land which was lawfully established and maintained prior to the initial adoption of this Division, but which does not conform with the use regulations for the Zoning District ~~zone~~ in which it is located.

(B) A nonconforming structure is a structure which was lawfully erected prior to the initial effective date of the application of these regulations, but which, under this Division, does not conform with the standards of yard spaces, height of structures, distance between structures, and parking, ~~etc.,~~ as prescribed in the regulations for the Zoning District ~~zone~~ in which the structure is located.

Sec. 20.716.010 - Continuance and Maintenance.

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(A) A legal nonconforming use or structure may be continued if it conforms to the following criteria:

(1) If the existing use is contained within a structure built or modified to accommodate the existing use, conformance is required with the applicable building code and/or zoning code in effect at the time of construction or modification.

(2) The use must be compatible with adjacent land uses, such that its hours of operation, noise levels, aesthetic impacts, and traffic to and from the site do not now significantly adversely impact adjacent land uses.

(B) Routine maintenance and repairs may be performed on a nonconforming structure or site.

(C) Public gatherings or outdoor festivals that have historically and repeatedly taken place in a permanent structure or on existing facilities within the Town are not subject to the license requirements contained in Chapter 6.16 of the Mendocino County Code.

Sec. 20.716.015 - Remodeling, Rehabilitation and Reconstruction.

Existing legal nonconforming structures may be remodeled, rehabilitated, or reconstructed as long as the exterior dimensions of the building or other structure remain unchanged ~~the same~~.

Sec. 20.716.020 - Restoration of Damaged Structures.

(A) Whenever a structure containing an existing legal nonconforming use or legal nonconforming structure is destroyed or partially destroyed, either voluntarily or involuntarily, the structure may be:

(1) Rebuilt to its previous dimensions and arrangement, and be utilized to the same extent as prior to its destruction, provided restoration is started within one (1) year following the date the structure was destroyed and any required approvals for such restoration are issued, and the restoration is diligently pursued to completion, or

(2) Rebuilt, if the nonconforming structure is destroyed by involuntary means or forces out of control of the owner(s), provided it shall (a) not exceed either the floor area, height, or bulk of the destroyed structure by more than ten (10) percent; (b) ~~shall~~ be sited in the same location on the affected real property as the destroyed structure, except that no part of the up to ten (10) percent addition shall encroach further into the setback than the original structure; and (c)

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further provided that restoration is started within one (1) year following the date the structure was destroyed and diligently pursued to completion, or

(3) Rebuilt or reconstructed under the State Historic Building Code or the Uniform Building Code, if the structure was ~~is~~ over one hundred (100) years old on the date it was destroyed.

Sec. 20.716.030 - Discontinuation or Relocation of Nonconforming Uses.

Nonconforming uses which do not conform to the type(s) of uses that are permitted or conditional**ly** permitted in the land use classifications designated on the Mendocino Town Plan Land Use Map ~~map of the Coastal Element of the Mendocino County General Plan~~ should be encouraged to be discontinued or relocated to the zoning district where the use would be recognized as a permitted use.

Sec. 20.716.035 - Previous Use Permits in Effect. Any use in existence by virtue of a use permit issued pursuant to zoning regulations that were ~~previously~~ in effect prior to January 1, 2016, which use under this Division as amended is not permissible, may continue in existence but only as regulated by the provisions and terms of the existing use permit.

Sec. 20.716.040 - Abandonment of Nonconforming Uses.

Whenever a nonconforming use has been abandoned or discontinued for any reason, or changed to a conforming use, for a continuous period of one (1) year, the nonconforming use shall not be reestablished, and the use of the structures or site thereafter shall be in conformity with the regulations for the Zoning District ~~zone~~ in which it is located.

Sec. 20.716.045 - Nuisances.

None of the provisions of this Chapter restrict any authority to require modification or termination of any non-conformity which has been declared a nuisance by the Board of Supervisors.

CHAPTER 20.717 - WATER QUALITY PROTECTION

CCC edits to Water Quality chapter by Vanessa Metz, 9-8-16:

1. ~~**bold double strikethrough**~~ and **underline**= Commission staff recommended modifications to County's submitted proposal
2. County-proposed text that CCC staff moved to a new location in the chapter:
   - In the original location, blue ~~double strike-through~~ font shows proposed text that CCC staff moved to a new location.
   - In the new location, blue double-underline font shows where the moved text was incorporated.
3. County-proposed text that CCC staff moved to a new location, and extensively reorganized and/or edited:
   - A duplicate copy of the proposed standard, indicated with blue shading, was placed next to the new location where the moved text was primarily incorporated, to enable a comparison between the original text and CCC staff's revised text.
   - In this duplicate standard, blue ~~double strike-through~~ font shows proposed text that CCC staff moved to a new location.

Section 20.717.005 - Purpose and Intent.

(A) The purpose of this Chapter is to protect and enhance coastal waters and groundwater recharge within the Town of Mendocino in accordance with the policies of the County's Local Coastal Plan. This Chapter includes application submittal requirements, development standards, and other measures that are intended to help ensure that permitted development will be sited**,** ~~**and**~~ designed, **and managed** to conserve natural drainage features and vegetation, minimize the introduction of pollutants into coastal waters to the maximum extent practicable, ~~**limit the discharge of**~~ **minimize post-development changes in** stormwater runoff **flows**, and protect the overall quality of coastal waters and groundwater resources.

(B) This Chapter is intended to be used in conjunction with Chapter 20.492, Grading, Erosion and Runoff, of Mendocino County Coastal Zoning Code Division II. Where the standards or provisions overlap or conflict, the resolution that is on balance most protective of coastal resources shall apply.

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Section 20.717.010 - Applicability.

(A) The provisions of this Chapter shall apply to all development in the Town of Mendocino that is subject to discretionary planning approval. Discretionary planning approvals include, but are not limited to, a coastal development permit or a Mendocino Historical Review Board permit (for new construction or addition).

(B) Development that requires a coastal development permit and has the potential for adverse water quality or hydrologic (i.e., due to changes in runoff flows) impacts to coastal waters shall in most cases require both a construction-phase plan and one of two types of post-development plans for water quality protection.

(1) ~~**(A)(1) Erosion and Drainage Control Plan (EDCP).**~~ **Construction Pollution Prevention Plan (CPPP).** All ~~**development and redevelopment**~~ permit applications **for development that entails construction** shall ~~**(a) implement, through project design and the project description, the relevant parts of the Town of Mendocino erosion and stormwater drainage control plan, or (b)**~~ include a site-specific ~~**erosion and drainage control plan**~~ **Construction Pollution Prevention Plan that describes the temporary BMPs the development will implement to minimize erosion and sedimentation during construction, and to minimize pollution of runoff and coastal waters by construction chemicals and materials.** The **CPPP's development requirements are described in Section 20.717.020(B), and the application** submittal requirements ~~**are described**~~ in Section 20.717.025~~**(A)**~~**(B).**

(2) Post-Development Runoff Plan (PDRP). All permit applications for development that has the potential for adverse post-development water quality or hydrologic impacts to coastal waters shall include a Post-Development Runoff Plan that describes the Site Design strategies, pollutant Source Control BMPs, and other measures the development will implement to minimize stormwater pollution and changes in runoff flows from the site after development is completed. If the development entails activities or changes in land use other than construction as defined in 20.717.015(B), including subdivision or re-division of land, the scope of the plan may be reduced

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accordingly. The PDRP's development requirements are described in Section 20.717.020(B), and the application submittal requirements in section 20.717.025(C).

(3) ~~**(A)(2)**~~ **Water Quality Mitigation Plan (WQMP).** ~~**For new development and redevelopment projects that propose create 2,500 square feet (sq. ft.) or more of impervious surface and (a) do not feasibly minimize impacts to water quality and hydrology through site design and source control measures, as defined, or (b) any new development sized project that constitutes a substantial threat to water quality, a**~~ **A** Water Quality Mitigation Plan shall be required **for Developments of Water Quality Concern (see 20.717.010(B).3.a-m, below), which are specified categories of development that have a greater potential for adverse water quality and hydrologic impacts due to the development size, type of land use, and/or proximity to coastal waters. The WQMP shall be prepared by a qualified licensed professional, and shall describe the long-term post-development measures the development will implement, in addition to the requirements of the Post-Development Runoff Plan, to protect coastal resources after the development is completed. The WQMP shall include a polluted runoff and hydrologic site characterization, a design storm standard for sizing BMPs, use of a Low Impact Development (LID) approach to retain the design storm runoff on-site, and documentation of the expected effectiveness of proposed BMPs.** ~~**, in addition to site design measures and source control Best Management Practices (BMP's), to implement**~~ **Additional plan components that may be required include an alternatives analysis, and a description of the** Treatment Control and**/or Runoff Control** ~~**hydromodification**~~ BMPs **the development will implement** to minimize post-development changes in the stormwater runoff flow regime and post-construction polluted runoff from the development project site. **The WQMP's development requirements are described in section 20.717.020(C), and the application submittal requirements in 20.717.025(D).**

Developments of Water Quality Concern shall include the following categories:

(a) Residential. Residential development that creates and/or replaces five or more dwelling units.

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(b) Hillside. Hillside development on a slope greater than 15 percent, on a site with erodible soil.

(c) 75% or more of site will be impervious surface area. Development where 75% or more of the site's surface area will be impervious surfaces.

(d) Create and/or replace 10,000 square feet or more impervious surface area. Development that creates and/or replaces a cumulative site total of 10,000 square feet or more of impervious surface area.

(e) Parking lot. Development of a parking lot that creates and/or replaces a cumulative site total of 5,000 square feet or more of impervious surface area that may potentially contribute to stormwater runoff.

(f) Vehicle service facility. Development of a vehicle service facility, including a retail gasoline outlet, commercial car wash, or vehicle repair facility.

(g) Street, road, or highway facility. Development of a street, road, or highway facility that creates and/or replaces a cumulative site total of 5,000 square feet or more of impervious surface area.

(h) Restaurant. Development of a restaurant that creates and/or replaces a cumulative site total of 5,000 square feet or more of impervious surface area.

(i) Outdoor storage area. Development of a commercial or industrial outdoor storage area that creates and/or replaces a cumulative site total of 5,000 square feet or more of impervious surface area, or as determined by the County based on the use of the storage area, where used for storage of materials that may potentially contribute pollutants to coastal waters or the storm drain system.

(j) Commercial or industrial development generating a high pollutant load. Commercial or industrial development with a potential for generating a high pollutant load that may potentially enter coastal waters or the storm drain system.

(k) Contaminated soil. Development on land where the soil has been contaminated by a previous land use, and where the contaminated soil has the potential to be eroded or to release the contaminants into runoff.

(l) Near or discharges directly to coastal waters. Development that creates and/or replaces a cumulative site total of 2,500 square feet or more of impervious surface area, if the development is located within 100 feet of coastal waters (including the

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ocean, estuaries, wetlands, rivers, streams, and lakes) or discharges directly to coastal waters (i.e., does not discharge to a public storm drain system).

(m) Other. Any other development determined by the Planning Director to be a Development of Water Quality Concern.

~~(A)(3) Best Management Practices required for (a) new development and redevelopment projects greater than 2,500 sq. ft. or (b) new development that is considered constitutes a substantial threat to water quality, shall be sized to address, either by participating in the Town erosion and stormwater drainage control plan or by feasible on-site structural and operational measures, the stormwater runoff from the perimeter of the parcel (lot) during the 85th percentile, 24-hour, 1-year recurrence design storm event at the Town, using the standards and specifications for Regulated Projects in found within the Mendocino County Low Impact Development (LID) Manual (http://www.co.mendocino.ca.us/planning/pdf/MC_Lid_Manuel_2015.pdf).~~

~~(A)(4) Hydromodification BMP's shall be used for development projects that add or create 15,000 sq. ft. or more impervious surface area, if LID BMP's, site design measures, and source control measures are not sufficient to retain on-site the runoff from the design storm within (a) the Town stormwater runoff control system or (b) the parcel (lot) on which the development is proposed, as applicable. Submittal requirements are described in 20.717.025(B).~~

Section 20.717.015 - Definitions.

(A) "Best Management Practices" ("BMP's") means **~~any program, technology, process,~~ stormwater management practices, including structural devices and systems,** siting criteria, **~~operating method,~~ operational practices, and procedural practices ~~measure, device which controls,~~ to** prevent**~~s, removes,~~** or reduce**~~s~~ nonpoint source** pollution **and/or adverse changes in stormwater runoff flows resulting from development**.

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(B) "Construction" means clearing, grading, or other activities that involve ground disturbance, building, reconstructing, or demolishing a structure; and creation or replacement of impervious surfaces.

(C) "Design Storm" means **the runoff produced by the** 85th percentile~~,~~ 24-hour~~, 1-year recurrence~~ storm ~~runoff~~ event at the Town (**i.e.,** 0.88 inches) for volume-based BMPs, or **the** 85th percentile~~,~~ 1-hour~~, 1-year recurrence~~ storm event (with an appropriate safety factor of 2 or greater) for flow-based BMPs **(i.e., 0.20 inches)**.

(D) "Discretionary permit" means any coastal development permit, or any action on a development application by the Mendocino Historical Review Board in Historic Zone A or Historic Zone B as depicted on Town Plan Figure 4.13-2.

(E) "Hydromodification" means **adverse changes in waterbodies associated with** modification of **the** hydrologic ~~**pathways**~~ **balance** (**i.e.,** precipitation, surface runoff, infiltration, ~~**groundwater flow, return flow,**~~ surface-water storage, groundwater storage, evaporation, and transpiration) **resulting from development.** ~~**that result in any substantial negative impacts to watershed quality health and functions.**~~

(F) "Impervious Surface" means a structure, surface covering, or pavement of a developed parcel or lot that prevents the land's natural ability to absorb and infiltrate rainfall~~/~~ **or** stormwater **runoff**. Impervious surfaces include, but are not limited to~~:~~, roof-tops, walkways, patios, driveways, parking lots, **paved** storage areas, impervious concrete and asphalt, and any other continuous watertight pavement or covering. ~~**Pervious pavement and semi-pervious pavement**~~ **Pavements that are designed and maintained to be permeable**, including pavers with pervious openings ~~**and seams**~~ **or joints, so that runoff infiltrates into a subsurface recharge bed and the underlying soil, if feasible,** ~~**are**~~ **do** not **constitute** impervious surfaces.

(G) "Low Impact Development" (LID) means **a sustainable approach to stormwater** management ~~**of stormwater**~~ ~~close to its source,~~ **that benefits water supply and contributes to water quality protection. LID emphasizes preventive site design strategies, integrated with** ~~**—using—**~~small-scale**, distributed stormwater** ~~**integrated site, neighborhood, or community design and**~~ management practices to preserve or replicate the natural hydrologic

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balance through infiltration, evapotranspiration, ~~filtration~~ **harvesting for later on-site use, detention,** ~~and~~ **or retention of runoff** close to its source. **By reducing runoff, LID also reduces the transport of pollutants from the site.**

(H) "Runoff Control BMP" means a structural system designed to minimize post-development changes in runoff flow characteristics by processes such as infiltration, evapotranspiration, harvesting for later on-site use, detention, or retention of runoff. Examples include retention structures such as basins, ponds, topographic depressions, and stormwater vaults.

~~(H)~~ **(I)** "Self-retaining Area" **(also called a "zero discharge area") means an area** that is capable of retaining the volume of stormwater runoff produced by the design storm, using a ratio of 2:1 **contributing** impervious area to pervious area**. Examples include graded depressions with landscaping, pervious pavement, a** ~~lawn~~ natural or horticultural grassland**,** or other landscaped **area** ~~that is capable of retaining the volume of stormwater runoff produced from the design storm, using a ratio of 2:1 (impervious to pervious area)~~**.** Specific requirements for ~~site~~ design measures for self-retaining areas are found in the Mendocino County LID Manual.

~~(I)~~ **(J)** "Site Design ~~Measures and Site Assessment~~ **Strategies for Runoff Management**" means **project and** site planning approaches **that integrate existing site characteristics that affect runoff (such as topography, drainage patterns, vegetation, soil conditions, natural hydrologic features, and infiltration conditions) into the design of strategies** aimed at preventing or reducing adverse impacts of stormwater pollutants of concern and changes in the runoff flow regime (i.e., flow rate, volume, timing, and duration) on coastal and groundwater water quality, coastal resources, and beneficial uses. Site Design ~~measures~~ **strategies** include**, for example,**~~:~~ ~~designing development to feasibly minimize~~ **minimizing** impervious surfaces, **maintaining or enhancing on-site infiltration,** ~~locating development to preserve~~ **preserving** existing vegetation, **protecting natural hydrologic features,** maximizing setbacks from sensitive resources, and avoiding construction on steep slopes with erodible soils. Additional site design ~~and site assessment~~ measures and techniques are listed in the Mendocino County LID Manual.

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~~(J)~~ (K) "Source Control **Best Management Practice (BMP)**" means a land use or site planning practice, including structural and operational measures, that aims ~~aim~~ to prevent runoff pollution by reducing the potential for contact between pollutants and runoff at the source of pollution. Source control BMPs are aimed at minimizing the transport of pollutants in both stormwater and urban dry weather runoff. Source control measures include**, for example,**~~:~~ covering outdoor storage areas, using efficient irrigation, proper application and clean-up of potentially harmful chemicals and fertilizers, following spill prevention plans, and proper disposal of waste. Additional source control measures are listed in the Mendocino County LID Manual.

~~(K)~~ (L) ~~**"Threat to Water Quality" or**~~ **"Developments of** Water Quality Concern" means **certain categories of development, specified in section 20.717.010 (B)(3)(a)-(m), that have a greater potential for adverse impacts to water quality and hydrology, due to the extent of impervious surface area, type of land use, and/or proximity to coastal waters. Applicants for a Coastal Development Permit for a Development of Water Quality Concern are required to submit a Water Quality Mitigation Plan and comply with additional long-term post-development requirements to protect coastal resources.** ~~**:any project that results in a negative impact to watershed health and function including construction sites directly adjacent to an Environmentally Sensitive Habitat or that discharge directly to coastal waters; projects with pollutant-generating activities and sources; projects located on areas with known soil contamination; projects where 75 percent or more of the site will be impervious surface; projects on hillsides, with slopes greater than 15 percent, with erodible soil; development of a parking lot that creates and/or replaces a cumulative site total of 5,000 square feet or more of impervious surface; area that may potentially contribute to stormwater runoff; and, any other project determined, by the Planning Director, to be a threat to watershed health and function.**~~

~~(L)~~ (M) "Treatment **Control BMP**" means any **structural system,** method, **or** technique~~**, or process**~~ designed to remove pollutants and/or solids from polluted stormwater **or non-stormwater** runoff~~**, wastewater, or effluent;**~~ **by processes** such as~~**:**~~ gravity settling of particulate pollutants, filtration, biological uptake, media absorption, or other physical, biological, or chemical process. **Examples include vegetated swales, detention basins, and storm drain inlet filters.** ~~**BMP's shall be designed to feasibly (1) infiltrate, and/or (2) retain, and**~~

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~~(3) treat, as may be required to reduce identified pollutants of concern, the runoff produced from the 85th percentile storm runoff event.~~

Section 20.717.020 – Water Quality Protection Requirements. ~~Best Management Practices (BMP's).~~

(A) Requirements of Construction Pollution Prevention Plan. The Construction Pollution Prevention Plan (CPPP) shall describe the temporary BMPs the development will implement to minimize erosion and sedimentation during construction, and to minimize pollution of runoff and coastal waters by construction chemicals and materials. The level of detail provided to address the plan's requirements shall be commensurate with the type and scale of the development, and the potential for adverse water quality and hydrologic impacts to coastal waters. The CPPP shall demonstrate that the development complies with the following requirements:

(1) Minimize Erosion, Pollutant Discharge, and Non-Stormwater Runoff. During construction, development shall minimize erosion, the discharge of sediment and other pollutants, and non-stormwater runoff resulting from construction activities, through the use of temporary BMPs. Development shall implement the following types of construction-phase BMPs, as applicable to the project:

(a) Erosion and Sediment Control BMPs. BMPs to minimize soil erosion and the discharge of sediment off-site or to coastal waters, including:

i. Erosion control BMPs to prevent soil from being eroded by water or wind (such as mulch, soil binders, blankets or mats, or temporary seeding).

ii. Sediment control BMPs to trap and remove eroded sediment (such as fiber rolls, silt fences, straw bales, and sediment basins).

iii. Tracking control BMPs to prevent vehicles leaving the construction area from tracking sediment off-site (such as a stabilized construction exit, and street sweeping).

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(b) Pollutant Control BMPs. BMPs to minimize the discharge of other pollutants resulting from construction activities (such as chemicals, vehicle fluids, petroleum products, asphalt and cement compounds, trash, and debris) off-site or to coastal waters, including:

i. Materials management and waste management BMPs to minimize the discharge of pollutants from staging, storage, and disposal of construction chemicals and materials (such as stockpile management practices, and a debris disposal plan).

ii. Site management "good housekeeping" BMPs to minimize the discharge of pollutants from construction activities (such as maintaining an inventory of chemicals used on site, and having a written plan for the clean-up of spills and leaks).

(c) Non-Stormwater Runoff Control BMPs. BMPs to retain, infiltrate, or treat non-stormwater runoff resulting from construction activities (such as a concrete washout facility, dewatering tank, or dedicated vehicle wash area), to minimize the discharge of polluted runoff.

(2) Stabilize Soil as Soon as Feasible. Soil stabilization BMPs (such as mulching, soil binders, erosion control blankets, or temporary seeding) shall be implemented on graded or disturbed areas as soon as feasible during construction, where there is a potential for soil erosion to lead to discharge of sediment off-site or to coastal waters.

(3) Minimize Land Disturbance and Soil Compaction. Development shall minimize land disturbance during construction (e.g., clearing, grading, and cut-and-fill) and shall phase grading activities, to avoid increased erosion and sedimentation. Development shall minimize soil compaction due to construction activities, to retain the natural stormwater infiltration capacity of the soil.

(4) Minimize Damage or Removal of Vegetation. Development shall minimize the damage or removal of non-invasive vegetation (including trees, native vegetation, and root structures)

during construction, to achieve water quality benefits such as transpiration, vegetative interception, pollutant uptake, shading of waterways, and erosion control.

(5) Use Designated Fueling and Maintenance Areas. Conduct fueling and maintenance of construction equipment and vehicles off-site, if feasible. Any fueling and maintenance of mobile equipment conducted on-site shall take place at a designated area located at least fifty (50) feet from coastal waters, drainage courses, and storm drain inlets, if feasible (unless these inlets are blocked to protect against fuel spills). The fueling and maintenance area shall be designed to fully contain any spills of fuel, oil, or other contaminants. Equipment that cannot be feasibly relocated to a designated fueling and maintenance area (such as cranes) may be fueled and maintained in other areas of the site, provided that procedures are implemented to fully contain any potential spills.

(6) Avoid Plastic Netting in Temporary Erosion and Sediment Control Products. Development shall avoid the use of temporary erosion and sediment control products (such as fiber rolls, erosion control blankets, mulch control netting, and silt fences) that incorporate plastic netting (such as polypropylene, nylon, polyethylene, polyester, or other synthetic fibers), in order to minimize wildlife entanglement and plastic debris pollution.

(7) Use Additional BMPs for Construction Over, In, or Adjacent to Coastal Waters. Development shall implement additional BMPs for construction taking place over, in, or adjacent to coastal waters (including wetlands), if there is a potential for construction chemicals or materials to enter coastal waters. BMPs shall include, where applicable:

(a) Tarps to Capture Debris and Spills. Use tarps or other devices to capture debris, dust, oil, grease, rust, dirt, fine particles, and spills to protect the quality of coastal waters.

(b) BMPS for Use of Preservative-Treated Wood in Aquatic Environments. If preservative-treated wood is used, implement appropriate BMPs that meet industry standards for selection, storage, and construction practices for use of preservative-treated wood in aquatic environments. At a minimum, implement the standards identified by the Western Wood Preservers Institute, et al. in: *Treated Wood in Aquatic*

Environments: A Specification and Environmental Guide to Selecting, Installing and Managing Wood Preservation Systems in Aquatic and Wetland Environments (2012, or current revision thereof).

(c) Non-Petroleum Hydraulic Fluids. Use non-petroleum hydraulic fluids in principal heavy equipment operated for one week or longer over, in, or adjacent to coastal waters (including wetlands and intertidal areas), if leaks or spills of hydraulic fluid from this equipment cannot be contained and could potentially enter coastal waters.

(8) Avoid Grading During the Rainy Season. Development shall avoid grading during the rainy season (from October 15th through May 15th), unless the Planning Director determines one of the following:

(a) Extension. If the Director grants an extension for a specific length of time, based on an inspection of the site, and a determination that conditions at the project site are suitable for continued work with appropriate erosion and sedimentation control measures that will be maintained during the activity; or

(b) Emergency. If the Director allows grading under emergency conditions, and BMPs to protect coastal resources are implemented where feasible.

(9) Manage Construction-Phase BMPs. Appropriate protocols shall be implemented to manage construction-phase BMPs (including installation, ongoing operation, inspection, maintenance, and training), to protect coastal water quality.

(10) Use an Appropriate BMP Guidance Manual. The selection of BMPs for the Construction Pollution Prevention Plan shall be guided by the current edition of the California Stormwater Quality Association (CASQA) *Construction BMP Handbook*, or by the current edition of a BMP manual that has been designed to address local or regional runoff conditions and has been approved by the North Coast Regional Water Quality Control Board.

[20.717.020]

(B) Requirements of Post-Development Runoff Plan. The Post-Development Runoff Plan (PDRP) shall describe the runoff management Site Design strategies, pollutant Source Control BMPs, and other measures the development will implement to minimize stormwater pollution and changes in runoff flows from the site after development is completed, in order to protect and, where feasible, restore the quality of coastal waters. The level of detail provided to address the plan's requirements shall be commensurate with the type and scale of the project, and the potential for adverse water quality and hydrologic impacts to coastal waters. The PDRP shall demonstrate that the development complies with the following requirements:

(1) Address Runoff Management Early in Site Design Planning. All development shall address runoff management early in site design planning and alternatives analysis, and shall implement appropriate and feasible site design strategies for runoff management.

Site design strategies for runoff management are project design and site layout techniques that integrate existing site characteristics that affect runoff (such as topography, drainage patterns, vegetation, soil conditions, natural hydrologic features, and infiltration conditions) into the design of strategies to minimize post-development changes in the runoff flow regime, control pollutant sources, and where necessary remove pollutants.

~~20.717.020 (A)~~ Applicants shall implement LID site design strategies and Best Management Practices (BMPs)~~, as applicable pursuant to Section 20.717.010,~~ to ~~feasibly~~ minimize post-development ~~increases~~ changes in stormwater runoff flows, and minimize post-~~construction~~ development polluted runoff, to the extent appropriate and feasible. Site design BMPs may reduce the need for Treatment Control and ~~hydromodification~~ Runoff Control BMPs, and thus shall be integrated into the project design at the earliest planning stage, prior to the integration of Treatment Control and Runoff Control BMPs.~~ The following BMP's shall be incorporated into the project design in the following progression, to the extent appropriate and feasible, using the Mendocino County Low Impact Development (LID) Manual as guidance for selecting and sizing of BMP's:~~

~~20.717.020 (A)(1) Site Design Strategies and BMPs include, but are not limited to: (a) stream setbacks and buffers; (b) areas with established vegetation: including trees,~~

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~~shrubs, and herbaceous vegetation that exists or is established to protect a stream, river, lake, reservoir, or coastal area; (c) soil quality improvement: improvement and maintenance of soil quality through soil amendments and creation of microbial community; (d) tree planting and preservation: planting and preservation of healthy established trees that include both evergreens and deciduous species, as applicable; (e) roof-top and impervious area disconnections: directing roof-top drainage pipes to drain stormwater to rain barrels, cisterns, or self-retaining areas instead of to the storm drain system; (f) permeable or semi-permeable pavement: pavement that allows runoff to pass through it and infiltrate into a subsurface recharge bed and the underlying soil, if feasible, thereby reducing the runoff from a site and surrounding areas and filtering pollutants; (g) green roofs: a vegetated system installed on a roof to infiltrate runoff (e.g., roof-top garden); (h) rain barrels and/or cisterns: a system that collects and stores stormwater runoff from a roof or other impervious surface, for later use; (i) location of new development to preserve infiltration capacity at the site and/or in other areas of the Town that are capable of receiving additional infiltration: concentration of development on portions of the site with less permeable soils, and preserve areas that can promote infiltration; (j) utilization and conformance to site-specific topography when laying out a site design: (k) minimization of impervious surfaces: as feasible, limit overall impervious coverage of the site with paving and roofs; (l) protection of natural landforms: define the development envelope and protected areas, by identifying areas that are most suitable for development and areas to be left undisturbed, (for instance, in areas adjacent to Environmentally Sensitive Habitat Areas (ESHAs), plan, site, and design development to protect the ESHA from any significant disruption of habitat resulting from the discharge of stormwater or dry weather flows); (m) minimization of soil and vegetation disturbance: as feasible, minimize grading and disturbance of vegetation and soils, protect, and where feasible, restore the site's natural hydrologic features and drainage patterns. and, (n) participation in the Town stormwater drainage management system, when it is established by the County, the Mendocino City Community Services District, or others, in consultation with Town residents, business owners, State Parks, and other stakeholders.~~

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(2) Give Precedence to a Low Impact Development Approach to Stormwater Management. All development shall give precedence to the use of a Low Impact Development (LID) approach to stormwater management, to preserve the natural hydrologic functions of the site and minimize post-development changes in the site's runoff flow regime. LID emphasizes preventive site design strategies, integrated with small-scale, distributed BMPs that replicate the site's pre-development hydrologic balance through infiltration, evapotranspiration, harvesting for later on-site use, detention, or retention of stormwater close to the source.

In implementing an LID approach, priority shall be given to the use of LID site design strategies (such as reducing impervious surface area) to minimize post-development changes in the site's stormwater flow regime, supplemented by the use of structural LID BMPs (such as a bioretention system) if needed to mitigate any unavoidable changes in runoff flows. Use of LID site design strategies can reduce the volume of stormwater runoff generated, and thus reduce the need for and size of structural LID BMPs required.

LID Site Design Strategies and BMPs include, but are not limited to, **the following**:

(a) Protect and Restore Natural Hydrologic Features. Site and design development to protect and, where feasible, restore the site's natural hydrologic features and drainage patterns **that provide stormwater infiltration, treatment, storage, or conveyance. Examples include:**

i. Preserve natural drainage patterns, drainage swales, groundwater recharge areas, floodplains, and topographical depressions that can provide storage of small storm volumes.

ii. **Preserve natural stream corridors, rivers, and wetlands, and establish appropriate** setback and buffer areas.

(b) Preserve or Enhance Vegetation. Site and design development to preserve or enhance non-invasive vegetation, in order to achieve water quality benefits such as

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transpiration, interception of rainfall, pollutant uptake, shading of waterways to maintain water temperature, and erosion control. Examples include:

i. Minimize removal of natural non-invasive vegetation.

ii. **Plant non-invasive** trees, shrubs, and herbaceous vegetation**, preferentially native plants.**

iii. Plant and preserve healthy established trees that include both evergreens and deciduous species, as applicable.

iv. **Preserve** vegetation that exists or is established to protect a stream, river, lake, reservoir, or coastal area.

(c) Maintain or Enhance On-Site Infiltration. Site and design development to maintain or enhance on-site infiltration of runoff, where appropriate and feasible, in order to preserve natural hydrologic conditions, recharge groundwater, attenuate runoff flows, retain dry-weather runoff on-site, and minimize transport of pollutants. Examples include:

i. Locate new development to preserve infiltration capacity at the site and/or in other areas of the Town that are capable of receiving additional infiltration.

ii. Concentrate development on portions of the site with less permeable soils, and preserve areas that can promote infiltration.

iii. Minimize unnecessary soil compaction, which can greatly reduce the infiltrative capacity of soils.

iv. Maintain or improve soil quality through soil amendments and enhancement of the microbial community, to enhance the soil's infiltration and pollutant removal capacity.

v. Install an infiltration/evapotranspiration BMP such as a bioretention system, vegetated swale, or rain garden.

(d) Minimize Impervious Surface Area. Site and design development to minimize overall impervious coverage of the site, by minimizing the installation of impervious surfaces (including pavement, sidewalks, driveways, patios, parking areas, streets, and

roof-tops), in order to reduce runoff. Where feasible, increase the area of pervious surfaces in re-development. Examples include:

i. Downsize impervious coverage by minimizing the footprint of buildings and impervious pavement (such as a shorter driveway, narrower road, or smaller parking lot).

ii. Where pavement is required, install a permeable pavement system (e.g., interlocking concrete pavers, porous asphalt, permeable concrete, or reinforced grass or gravel), where appropriate and feasible. Design permeable pavements so that runoff infiltrates into a subsurface recharge bed and the underlying soil, if feasible, thereby reducing the runoff from a site, filtering pollutants, and enhancing groundwater recharge.

(e) Disconnect Impervious Surface Areas from Storm Drain System. Site and design development to minimize directly-connected impervious areas, which are areas covered by a building, impermeable pavement, or other impervious surfaces that drain directly into the storm drain system without first flowing across permeable areas (such as vegetative landscaping). Convey runoff from impervious surfaces into permeable areas in a non-erosive manner. Examples include:

i. Direct roof-top runoff into self-retaining areas, such as permeable landscaped areas, instead of to the storm drain system.

ii. Direct runoff from impervious pavement into distributed permeable areas such as turf, recreational areas, medians, parking islands, and planter boxes.

iii. Design curbs, berms, and similar structures to avoid isolation of vegetative landscaping and other permeable areas, and allow runoff to flow from impervious pavement to permeable areas for infiltration.

iv. Install an infiltration BMP such as a vegetated swale or filter strip to intercept runoff sheet flow from impervious surfaces.

v. Install a rainwater harvesting BMP, such as a rain barrel or cistern, to capture and store runoff from roof-tops for later use in on-site irrigation.

(f) Protect Natural Landforms: Development shall define the development envelope and protected areas, identifying areas that are most suitable for development and areas to be left undisturbed.

(g) Participate in the Town Stormwater Drainage Management System. Development shall participate in the Town stormwater drainage management system, when it is established by the County, the Mendocino City Community Services District, or others, in consultation with Town residents, business owners, State Parks, and other stakeholders.

(3) Use Alternative BMPs Where On-Site Infiltration is Not Appropriate. If on-site infiltration of runoff may potentially result in adverse impacts (including, but not limited to, geologic instability, flooding, or pollution of coastal waters), the development shall substitute alternative BMPs that do not involve on-site infiltration, to minimize changes in the runoff flow regime to the extent appropriate and feasible. Alternative BMPs shall also be used where infiltration BMPs are not adequate to treat a specific pollutant of concern attributed to the development, or where infiltration practices would conflict with regulations protecting groundwater. Examples of alternatives to infiltration BMPs include:

(a) Install a Green Roof or Flow-through Planter. Install a vegetated "green roof" (e.g., roof-top garden) or flow-through planter box that does not infiltrate runoff into the ground, and instead uses evapotranspiration to reduce runoff.

(b) Install Rainwater Harvesting System. Install a rainwater harvesting system (such as a rain barrel or cistern) to capture and store roof-top runoff for later on-site use of non-potable water that drains to the sanitary sewer or storm drain system (such as flushing toilets).

(c) Direct Runoff to Off-site Infiltration Facility. Direct runoff from the development to an off- site regional infiltration facility.

(d) Direct Runoff to Storm Drain System. If appropriate and feasible BMPs have been implemented to reduce runoff volume, velocity, and flow rates, direct runoff to the storm drain system.

(4) Use Source Control BMPs. All development shall implement appropriate and feasible long-term, post-development pollutant Source Control BMPs to minimize the transport of pollutants in runoff from the development.

Source Control BMPs are structural features or operational practices that control pollutant sources and keep pollutants segregated from runoff. Examples include covering outdoor storage areas, using efficient irrigation, proper application and clean-up of potentially harmful chemicals and fertilizers, and proper disposal of waste.

~~**20.717.020 (A)(2)** Source Control BMPs for Specific Land Uses:.~~

~~(a) Outdoor Materials Storage. In outdoor areas used for storage of materials that may contribute pollutants (e.g., debris, sediment, and chemicals) to the stormwater conveyance system, these materials shall be placed in an enclosure (e.g., cabinet or shed) that prevents contact of the pollutants with runoff, and prevents spillage to the stormwater conveyance system; alternatively, the materials shall be protected by secondary containment structures such as berms, dikes, or curbs. Also, the storage area shall be graded to prevent run-on or run-off and sufficiently impervious to contain leaks and spills, and shall have a roof or awning to minimize collection of stormwater within the secondary containment area.~~

~~(b) Outdoor Solid Waste Storage Areas. Solid waste and recycling receptacle areas shall be designed to divert runoff drainage from adjoining roofs and pavements away from the receptacle. The solid waste and recycling container shall be screened or walled to prevent off-site transport of trash, including transport by wind. Solid waste and recycling receptacles shall also be covered when not in use, and during storm events.~~

~~(c) Large Commercial/Industrial Developments. In large commercial developments, the following shall be required: loading dock areas shall be covered, or else designed to minimize run-on and runoff of stormwater drainage; direct connections to storm drains from depressed loading docks (e.g., truck wells) shall be prohibited; repair/maintenance bays shall be indoors, or else designed to not allow stormwater run-on or contact with stormwater runoff; the drainage system for a repair/maintenance bay shall capture all wash water, leaks, and spills, and shall connect to a sump for collection and disposal; direct connection of the sump to the storm drain~~

~~system shall be prohibited. If proposed as a necessary component in a development, require an area for washing/steam cleaning of vehicles and or equipment to be self-contained and/or covered, is equipped with a clarifier or other pre-treatment facility, and is properly connected to a sanitary sewer or other appropriately permitted disposal facility.~~

~~(d) Food Service. An area for the washing/steam cleaning of equipment and accessories that is self-contained, equipped with a grease trap, and properly connected to a sanitary sewer is required, unless an alternative equivalent is approved by the Mendocino County Department of Environmental Health. If the washing/steam cleaning area is located outdoors, the area shall be covered, paved, have secondary containment, and be connected to the sanitary sewer or other appropriately permitted disposal facility.~~

~~(e) Fuel Dispensing Areas. For a petroleum products service station or other land use uses with on-site fueling system stations, the following shall be required: the fuel dispensing area shall be covered with an overhanging roof structure or canopy with minimum dimensions, if feasible, equal to or greater than the area within the grade break. Such canopy shall not drain onto the fuel dispensing area, and the canopy downspouts must be routed to prevent drainage across the fueling area; the fuel dispensing area must be paved with Portland cement concrete or equivalent smooth impervious surface; use of asphalt concrete shall be prohibited.~~

~~(f) Vehicle Repair and Maintenance Shops. For vehicle repair and maintenance shops, the following shall be required: repair/maintenance bays shall be indoors, or designed to not allow stormwater run-on or contact with stormwater runoff; the drainage system for a repair/maintenance bay shall capture all wash water, leaks, and spills, and connect to a sump for collection and disposal; direct connection to the storm drain system shall be prohibited; an area for washing/steam cleaning of vehicles and equipment shall be required, and the area shall be self-contained and/or covered, equipped with a clarifier or other pre-treatment facility, and properly connected to a sanitary sewer or other appropriately permitted disposal facility; loading dock areas shall be covered, or else designed to minimize run-on and runoff of stormwater drainage; direct connections to storm drains from depressed loading docks (e.g., truck wells) shall be prohibited.~~

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~~(g) Repair and Maintenance Bays. For repair and maintenance bays, the following shall be required: repair and maintenance bays must be indoors, or else designed to not allow stormwater run-on or contact with stormwater runoff; repair and maintenance bays shall be designed to capture all wash water, leaks, and spills. All bay drains shall be connected to a sump for collection and disposal. A direct connection of the bays to the storm drain system is prohibited;~~

~~(h) Vehicle and Equipment Wash Areas. For vehicle and equipment wash areas, the following shall be required: the area for washing/steam cleaning of vehicles and equipment is required to be self-contained and/or covered, and equipped with a clarifier or; the area shall be properly connected to a sanitary sewer or other appropriately-permitted disposal facility; commercial vehicle washing in areas without specially designed wash areas is prohibited.~~

~~Additional examples of Source Control BMPs can be found in the California Stormwater Quality Association Stormwater Best Management Practice Handbook for New and Redevelopment~~ ~~**Projects**~~
~~**http://www.swrcb.ca.gov/centralcoast/water_issues/programs/stormwater/muni_phase 1/docs/dsp_documents/casqa_develop_handbook.pdf)**~~ ~~and in the Mendocino County LID Manual.~~

~~Developments of Water Quality Concern shall be designed using site design measures, source control BMP's, LID BMP's, and treatment control BMP's when additional pollutant removal is required.~~ ~~**Hydromodification**~~ ~~BMP's shall be designed, installed, and maintained to retain runoff from the applicable design storm on site~~~~**, or within the Town stormwater management system, as applicable,**~~ ~~to minimize post-development changes in runoff volume, flow rate, timing, and duration. Incorporating these measures into the project design will help to minimize the amount of pollution and runoff leaving the site, resulting in the overall objective of coastal water and ground water quality protection, and in coastal resource protection.~~

(5) Address Runoff from Impervious and Semi-Pervious Surfaces. Runoff from all new and/or replaced impervious and semi-pervious surfaces shall be addressed in the plan. For sites where the area of new and/or replaced impervious and semi-pervious surfaces is

greater than or equal to 50% of the pre-existing impervious and semi-pervious surfaces, runoff from the entire developed area, including the pre-existing surfaces, shall be addressed in the plan.

(6) Prevent Adverse Impacts to Environmentally Sensitive Habitat Areas from Runoff. In areas **in or** adjacent to an Environmentally Sensitive Habitat Area (ESHA), development shall be sited and designed to protect the ESHA from any significant disruption of habitat values resulting from the discharge of stormwater or dry weather flows.

(7) Minimize Discharges of Dry Weather Runoff to Coastal Waters. Development shall be planned, sited, and designed to minimize discharges of dry weather runoff to coastal waters, to the maximum extent feasible. Examples include:

(a) Use Efficient Irrigation. Use efficient irrigation techniques that minimize off-site runoff.

(b) Design Vehicle Washing Areas to Minimize Runoff. Design vehicle washing areas so that wash water is conveyed to an infiltration system, recycling system, or sanitary sewer system, to minimize off-site runoff.

(8) Minimize Adverse Impacts of Discharges from Stormwater Outfalls. Development shall be planned, sited, and designed to avoid the adverse impacts of discharging concentrated flows of stormwater or dry weather runoff through stormwater outfalls to coastal waters, intertidal areas, beaches, bluffs, or stream banks. Development shall comply with the following requirements:

(a) Avoid Construction of New Stormwater Outfalls. Avoid construction of new stormwater outfalls, and direct stormwater to existing facilities with appropriate treatment and filtration, where feasible.

(b) Minimize Adverse Impacts to Coastal Resources from Unavoidable Stormwater Outfalls. Where new development or redevelopment of a stormwater outfall that discharges directly to coastal waters, intertidal areas, beaches, bluffs, or

stream banks cannot be avoided, plan, site, design, and manage outfalls to minimize adverse impacts to coastal resources. To minimize adverse impacts, development shall:

i. Consolidate existing and new stormwater outfalls, where appropriate.

ii. Implement design and management features to minimize discharges of dry weather runoff through stormwater outfalls.

iii. Implement design and management features to minimize adverse impacts to coastal resources resulting from discharges of stormwater or dry weather runoff through stormwater outfalls.

(9) Prevent Erosion at Stormwater Outlets. Protective measures shall be used to prevent erosion at stormwater outlets (including outlets of pipes, drains, culverts, ditches, swales, or channels), if the discharge velocity will be sufficient to potentially cause erosion from concentrated runoff flows. The type of measures selected for outlet erosion prevention shall be prioritized in the following order, depending on the characteristics of the site and the discharge velocity:

(a) Use Vegetative Bioengineered Measures. Vegetative bioengineered measures for outlet protection (such as plant wattles) shall be given preference, rather than hardened structures, where site conditions are favorable for these measures to be feasible and effective. Where plant wattles are not feasible, other bioengineered measures (such as rock and plant pole cuttings) shall be considered for outlet erosion prevention.

(b) Use Hardened Structure Consisting of Loose Material. Where a vegetative bioengineered measure is not feasible or effective, a hardened structure consisting of loose material (such as a rip-rap apron or rock slope protection) shall be considered for outlet erosion prevention.

(c) Use Fixed Energy Dissipation Structure. Where none of the above measures would be feasible or effective, a fixed energy dissipation structure (such as a concrete apron, grouted rip-rap, or baffles) designed to handle the range of flows exiting

the outlet shall be used for outlet erosion prevention. It is anticipated that larger outlets will require a fixed energy dissipation structure.

(10) Manage BMPs for the Life of the Development. Appropriate protocols shall be implemented to manage post-development BMPs (including ongoing operation, maintenance, inspection, and training) in all development, to protect coastal water quality for the life of the development.

(11) Use an Appropriate BMP Guidance Manual. The current edition of the Mendocino County Low Impact Development (LID) Manual shall be used for selecting and sizing of BMPs for the Post-Development Runoff Plan. The selection of BMPs may also be guided by the current edition of the California Stormwater Quality Association (CASQA) *New Development and Redevelopment BMP Handbook* (https://www.casqa.org/resources/bmp-handbooks/new-development-redevelopment-bmp-handbook), or by the current edition of a BMP manual that has been designed to address local or regional runoff conditions and has been approved by the North Coast Regional Water Quality Control Board.

[20.717.020]

(C) Requirements of Water Quality Mitigation Plan (WQMP). Developments of Water Quality Concern shall be designed using site design measures, Source Control BMPs, LID BMPs, and Treatment Control BMPs (when additional pollutant removal is required). Where required, Runoff Control ~~Hydromodification~~ BMPs shall be designed, installed, and maintained to retain runoff from the applicable design storm on-site, ~~or within the Town stormwater management system, as applicable,~~ to minimize post-development changes in runoff volume, flow rate, timing, and duration. Incorporating these measures into the project design will help to minimize the amount of pollution and runoff leaving the site, resulting in the overall objective of coastal water and ground water quality protection, and coastal resource protection.

The WQMP shall demonstrate that a Development of Water Quality Concern complies with the following requirements:

(1) Prepare Plan by a Qualified Licensed Professional. A California-licensed professional (e.g., Registered Professional Civil Engineer, Geotechnical Engineer, Geologist, Engineering Geologist, Hydrogeologist, or Landscape Architect) qualified to complete this work shall be in responsible charge of preparing the Water Quality and Hydrology Plan for a Development of Water Quality Concern.

(2) Conduct a Polluted Runoff and Hydrologic Site Characterization. A polluted runoff and hydrologic characterization of the existing site (e.g., potential pollutants in runoff, soil properties, infiltration rates, depth to groundwater, and the location and extent of hardpan and confining layers) shall be conducted, as necessary to design the proposed BMPs.

(3) Address Runoff from Impervious and Semi-Pervious Surfaces. Runoff from all new and/or replaced impervious and semi-pervious surfaces shall be addressed in the plan. For sites where the area of new and/or replaced impervious and semi-pervious surfaces is greater than or equal to 50% of the pre-existing impervious and semi-pervious surfaces, runoff from the entire developed area, including the pre-existing surfaces, shall be addressed in the plan.

~~**20.717.010 (A)(3)** Best Management Practices required for (a) new development and redevelopment projects greater than 2,500 sq. ft. or (b) new development that is considered constitutes a substantial threat to water quality, shall be sized to address, either by participating in the Town erosion and stormwater drainage control plan or by feasible on-site structural and operational measures, the stormwater runoff from the perimeter of the parcel (lot) during the 85th percentile, 24-hour, 1 year recurrence design storm event at the Town, using the standards and specifications for Regulated Projects in found within the Mendocino County Low Impact Development (LID) Manual (http://www.co.mendocino.ca.us/planning/pdf/MC_Lid_Manuel_2015.pdf).~~

(4) Size LID, Runoff Control, and Treatment Control BMPs Using the 85th Percentile Design Storm Standard. Any LID, Runoff Control, or Treatment Control BMP (or suite of BMPs) implemented to comply with WQMP requirements shall be sized, designed, and managed to infiltrate, retain, or treat, at a minimum, the stormwater runoff produced by the 85th percentile 24-hour design storm event at the Town for volume-based BMPs, or two

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times the 85th percentile 1-hour design storm event for flow-based BMPs. The standards and specifications for Regulated Projects found within the current edition of the Mendocino County Low Impact Development (LID) Manual (http://www.co.mendocino.ca.us/planning/pdf/MC_Lid_Manuel_2015. pdf) shall be used for guidance in designing BMPs.

(5) Use an LID Approach to Retain the Design Storm Runoff Volume On-Site. The development shall implement an LID approach to stormwater management that will retain on-site (by means of infiltration, evapotranspiration, or harvesting for later on-site use) the runoff volume produced by the 85th percentile 24-hour design storm (see 20.717.020 (C)(4)), to the extent appropriate and feasible.

(6) Conduct an Alternatives Analysis if the Design Storm Runoff Volume Will Not be Retained On-Site Using an LID Approach. If the proposed development will not retain on-site the runoff volume produced by the 85th percentile 24-hour design storm (see 20.717.020 (C)(4)), using an LID approach, an alternatives analysis shall be conducted. The alternatives analysis shall demonstrate that:

(a) There are No Feasible Alternative Project Designs. Demonstrate that there are no appropriate and feasible alternative project designs (such as a reduced project footprint) that would enable on-site retention of the runoff volume produced by the 85th percentile 24-hour design storm, giving precedence to an LID approach.

(b) On-Site Runoff Retention is Maximized. Demonstrate that on-site runoff retention is maximized to the extent appropriate and feasible, giving precedence to an LID approach.

(c) Feasibility of Off-Site Runoff Retention is Considered. If 20.717.020 (C)(6)(a) and (b), above, are demonstrated, some or all of the runoff volume produced by the 85th percentile 24-hour design storm may be retained off-site, if it is demonstrated that off-site options will feasibly contribute to meeting the development's runoff retention and treatment requirements.

~~**20.717.020 (A)(3) Treatment Control BMPs.** Feasible treatment control BMPs will be implemented, if needed, when infiltration BMPs are not adequate or feasible to remove a specific pollutant of concern attributed to the development. Treatment Control BMPs shall treat runoff prior to conveyance off-site, during construction and post-construction. Examples of these BMPs include: vegetated swales, detention basins, bioretention facilities, and storm drain or trench drain inlet filters. Where a Treatment Control BMP is required, a BMP (or suite of BMP's) shall be selected that has been shown to be effective in reducing the pollutants of concern generated by the proposed land use. The development, or the Town stormwater management system, as applicable, shall implement a Treatment Control BMP (or suite of BMP's) to remove pollutants of concern from that portion of the design storm that is not retained on-site, or by the Town stormwater management system, as applicable, using an LID or comparable approach. These objectives shall be accomplished through project design, or the Town stormwater management system, as applicable, that increases the capacity for on-site or Town stormwater retention and infiltration, as feasible, by implementing using the following strategies:~~

~~(a) Site or Town stormwater management design measures and source control measures, as applicable, to reduce the runoff and to reduce the pollutant loads, prior to designing and implementing treatment control BMP's.~~

~~(b) Bioretention facilities (designed using the specifications found in the Mendocino County LID Manual) to treat, infiltrate, and evapotranspire the 85th percentile, 24-hour, 1-year recurrence storm, as a preference to directing stormwater runoff to existing stormwater outfalls.~~

~~(c) Flow-through BMP's, designed to treat the runoff from the 85th percentile, 1-hour, 1-year recurrence storm., (with a safety factor of 2 or more), that have been shown to be effective in reducing pollutants of concern generated by the proposed land use.~~

~~Combinations of structural and operational BMPs, with monitoring and reporting to assure BMP functionality over the economic life of the proposed development, will may be required to avoid significant adverse coastal water quality and hydrology impacts from stormwater runoff.~~

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(7) Use Treatment Control BMPs to Remove Pollutants if Necessary. ~~Feasible~~ Treatment Control BMPs ~~will~~ shall be implemented, if needed, ~~when infiltration BMPs are not adequate or feasible~~ to remove a specific pollutant of concern attributed to the development. Treatment Control BMPs shall treat runoff prior to conveyance off-site ~~during construction and post- construction~~.

Treatment Control BMPs are structural systems designed to remove pollutants from runoff by processes such as gravity settling of particulate pollutants, filtration, biological uptake, media adsorption, or other physical, biological, or chemical process. Examples of these BMPs include vegetated swales, detention basins, bioretention facilities, and storm drain or trench drain inlet filters.

Combinations of structural and operational BMPs, with monitoring and reporting to assure BMP functionality over the economic life of the proposed development, **will** may be required to avoid significant adverse coastal water quality and **hydrology hydrologic** impacts from stormwater runoff.

The following applicability and performance standards shall be required for Treatment Control BMPs:

(a) Use Treatment Control BMPs to Remove Pollutants from any Design Storm Runoff Not Retained On-Site. The development ~~, or the Town stormwater management system, as applicable,~~ shall implement a Treatment Control BMP (or suite of BMPs) to remove pollutants of concern from **that any** portion of the runoff produced by the **85th percentile 24-hour** design storm **(see 20.717.020 (C)(4))** that is not retained on-site ~~, or by the Town stormwater management system, as applicable,~~ using an LID or comparable approach.

(b) Use Treatment Control BMPs Prior to Infiltration Where Necessary and Effective. Where infiltration BMPs are not adequate to remove a specific pollutant of concern attributed to the development, an effective Treatment Control BMP (or suite of BMPs) shall be required prior to infiltration of runoff, or else an alternative BMP that does not involve infiltration shall be substituted for the infiltration BMP.

(c) Select Treatment Control BMPs Effective for Pollutants of Concern. Where a Treatment Control BMP is required, a BMP (or suite of BMPs) shall be selected that has been shown to be effective in reducing the pollutants of concern generated by the proposed land use.

(d) ~~(A)(3)(a)~~ Implement Site Design and Source Control BMPs First. Site ~~or Town stormwater management~~ design measures and Source Control ~~measures~~ BMPs shall be implemented, as applicable, to reduce runoff and ~~to~~ reduce pollutant loads, prior to designing and implementing Treatment Control BMPs.

(e) ~~(A)(3)(b)~~ Give Preference to Bioretention Facilities. Bioretention facilities (designed using the specifications found in the Mendocino County LID Manual) shall be used to treat, infiltrate, ~~and~~ or evapotranspire the runoff produced by the 85th percentile, 24-hour~~, 1-year recurrence~~ design storm, as a preference to directing stormwater runoff to existing stormwater outfalls.

(f) ~~(A)(3)(c)~~ Size Flow-Through BMPs Properly. Flow-through BMPs shall be designed to treat two times the runoff ~~from~~ produced by the 85th percentile 1-hour ~~1-year recurrence~~ storm event. ~~(with a safety factor of 2 or more), that have been shown to be effective in reducing pollutants of concern generated by the proposed land use.~~

~~**20.717.010 (A)(4)** Hydromodification BMP's shall be used for development projects that add or create 15,000 sq. ft. or more impervious surface area, if LID BMP's, site design measures, and source control measures are not sufficient to retain on site the runoff from the design storm within (a) the Town stormwater runoff control system or (b) the parcel (lot) on which the development is proposed, as applicable. Submittal requirements are described in 20.717.025(B).~~

~~**20.717.020 (A)(4)** Hydromodification BMP's. BMP's that will be implemented, if needed, when site design measures and LID BMP's are not adequate to minimize adverse post-development changes in runoff volumes, flow rate, timing, and duration, which may adversely impact coastal~~

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~~waters, habitat, and real property through hydromodification. Hydromodification BMP's for new development projects that propose 2,500 sq. ft. or more of impervious surface, shall be designed, as applicable, to prevent the volume of post-development runoff peak flows discharged from the Town stormwater runoff control system or the parcel (lot) on which the development is proposed site from exceeding pre-project peak flow volumes for the 2-year through 10-year recurrence storm events at the Town of Mendocino (or its reference rain measurement location). Baseline hydromodification BMP's shall also be designed to capture and retain the 85th percentile 24-hour storm runoff event. Hydromodification BMPs shall be designed to prevent the volume of post-development runoff peak flows discharged from the site from exceeding pre-project peak flow volumes for the 2-year through 10- year storm events. LID has proven to be an effective approach to stormwater management in other parts of the country, and is seen in California as the preferred alternative to conventional stormwater management.~~

(8) ~~Hydromodification~~ Runoff Control BMPs. Runoff Control BMPs ~~that will~~ shall be implemented, if needed, when site design measures and LID BMPs are not adequate to minimize adverse post-development changes in runoff volumes, flow rate, timing, and duration, which may adversely impact coastal waters, habitat, and real property through hydromodification.

Runoff Control BMPs are structural systems designed to minimize post-development changes in runoff flow characteristics using processes such as infiltration, evapotranspiration, harvesting for later on-site use, detention, or retention of runoff. Examples include retention structures such as basins, ponds, topographic depressions, and stormwater vaults.

(a) Runoff Control BMPs Using Flow Retention Techniques. A proposed development that will add a net total of 15,000 square feet or more of impervious surface area shall implement a Runoff Control BMP that uses Flow Retention techniques to capture and retain any portion of the runoff volume produced by the 85th percentile, 24-hour design storm (see 20.717.020 (C)(4)) that will not be retained on-site using an LID approach. LID has proven to be an effective approach to stormwater management in other parts of the country, and is seen in California as

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the preferred alternative to conventional stormwater management. Flow Retention techniques shall optimize on-site infiltration, and shall use stormwater storage, harvesting for later on-site use, and/or evapotranspiration to address any of the required runoff flow retention volume that cannot be infiltrated.

(b) Runoff Control BMPs Using Peak Management Techniques. In addition to using Flow Retention techniques, ~~Hydromodification BMPs for new~~ a proposed development ~~projects~~ that ~~propose~~ will add a net total of ~~2,500~~ 22,500 sq. ft. or more of impervious surface area~~,~~ shall also ~~be~~ implement a Runoff Control BMP that uses Peak Management Techniques ~~designed , as applicable,~~ to prevent the volume of post-development runoff peak flows discharged from the ~~Town stormwater runoff control system or the parcel (lot) on which the development is proposed~~ site from exceeding pre-project peak flow volumes for the 2-year through 10-year recurrence storm events at the Town of Mendocino (or its reference rain measurement location).

(9) Use Appropriate BMPs For High-Pollutant Land Uses. Commercial and industrial developments with a potential for a high concentration of pollutants (including, but not limited to, outdoor work and storage areas, restaurants, roads and highways, parking lots, and vehicle service facilities) shall implement appropriate Site Design and Source Control BMPs to keep pollutants out of stormwater, and shall either use Treatment Control BMPs to remove pollutants of concern before discharging runoff to coastal waters or the storm drain system, or shall connect the pollutant-generating area to the sanitary sewer.

(a) ~~20.717.020 (A)(2)~~ Source Control BMPs for Specific Land Uses:

i. ~~(a)~~ **Outdoor Materials Storage.** In outdoor areas used for storage of materials that may contribute pollutants (e.g., debris, sediment, and chemicals) to the stormwater conveyance system, these materials shall be placed in an enclosure (e.g., cabinet or shed) that prevents contact of the pollutants with runoff, and prevents spillage to the stormwater conveyance system; alternatively, the materials shall be protected by secondary containment structures such as berms, dikes, or curbs. Also, the storage area shall be graded to prevent run-on or run-off and

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sufficiently impervious to contain leaks and spills, and shall have a roof or awning to minimize collection of stormwater within the secondary containment area.

ii. ~~**(b)**~~ **Outdoor Solid Waste Storage Areas.** Solid waste and recycling receptacle areas shall be designed to divert runoff drainage from adjoining roofs and pavements away from the receptacle. The solid waste and recycling container shall be screened or walled to prevent off-site transport of trash, including transport by wind. Solid waste and recycling receptacles shall also be covered when not in use, and during storm events.

iii. ~~**(c)**~~ **Large Commercial/Industrial Developments.** In large commercial developments, the following shall be required: loading dock areas shall be covered, or else designed to minimize run-on and runoff of stormwater drainage; direct connections to storm drains from depressed loading docks (e.g., truck wells) shall be prohibited; repair/maintenance bays shall be indoors, or else designed to not allow stormwater run-on or contact with stormwater runoff; the drainage system for a repair/maintenance bay shall capture all wash water, leaks, and spills, and shall connect to a sump for collection and disposal; direct connection of the sump to the storm drain system shall be prohibited. If proposed as a necessary component in a development, require an area for washing/steam cleaning of vehicles and or equipment to be self-contained and/or covered, is equipped with a clarifier or other pre-treatment facility, and is properly connected to a sanitary sewer or other appropriately-permitted disposal facility.

iv. ~~**(d)**~~ **Food Service.** An area for the washing/steam cleaning of equipment and accessories that is self-contained, equipped with a grease trap, and properly connected to a sanitary sewer is required, unless an alternative equivalent is approved by the Mendocino County Department of Environmental Health. If the washing/steam cleaning area is located outdoors, the area shall be covered, paved, have secondary containment, and be connected to the sanitary sewer or other appropriately-permitted disposal facility;

v. ~~**(e)**~~ **Fuel Dispensing Areas.** For a petroleum products service station or other land use uses with on-site fueling system stations, the following shall be required: the fuel dispensing area shall be covered with an overhanging roof structure or canopy with minimum dimensions, if feasible, equal to or greater than the area within the grade break. Such canopy shall not drain onto the fuel dispensing area, and the canopy downspouts must be routed to prevent drainage across the fueling area; the fuel dispensing area must be paved with Portland cement concrete or equivalent smooth impervious surface; use of asphalt concrete shall be prohibited.

vi. ~~**(f)**~~ **Vehicle Repair and Maintenance Shops.** For vehicle repair and maintenance shops, the following shall be required: repair/maintenance bays shall be indoors, or designed to not allow stormwater run-on or contact with stormwater runoff; the drainage system for a repair/maintenance bay shall capture all wash water, leaks, and spills, and connect to a sump for collection and disposal; direct connection to the storm drain system shall be prohibited; an area for washing/steam cleaning of vehicles and equipment shall be required, and the area shall be self-contained and/or covered, equipped with a clarifier or other pre-treatment facility, and properly connected to a sanitary sewer or other appropriately-permitted disposal facility; loading dock areas shall be covered, or else designed to minimize run-on and runoff of stormwater drainage; direct connections to storm drains from depressed loading docks (e.g., truck wells) shall be prohibited.

vii. ~~**(g)**~~ **Repair and Maintenance Bays.** For repair and maintenance bays, the following shall be required: repair and maintenance bays must be indoors, or else designed to not allow stormwater run-on or contact with stormwater runoff; repair and maintenance bays shall be designed to capture all wash water, leaks, and spills. All bay drains shall be connected to a sump for collection and disposal. A direct connection of the bays to the storm drain system is prohibited;

viii. ~~**(h)**~~ **Vehicle and Equipment Wash Areas.** For vehicle and equipment wash areas, the following shall be required: the area for washing/steam cleaning of vehicles and equipment is required to be self-contained and/or covered, and

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equipped with a clarifier or; the area shall be properly connected to a sanitary sewer or other appropriately-permitted disposal facility; commercial vehicle washing in areas without specially designed wash areas is prohibited.

Additional examples of Source Control BMPs can be found in the California Stormwater Quality Association Stormwater Best Management Practice Handbook for New and Redevelopment ~~Projects http://www.swrcb.ca.gov/centralcoast/water_issues/programs/stormwater/muni_phase 1/docs/dsp_documents/casqa_develop_handbook.pdf)~~ (https://www.casqa.org/resources/bmp-handbooks/new-development-redevelopment-bmp-handbook) and in the Mendocino County LID Manual.

(10) Design and Manage Parking Lots to Minimize Polluted Runoff. A parking lot over 5,000 square feet in area shall be designed to minimize impervious surfaces, and the parking lot runoff shall be treated and/or infiltrated before it discharges to coastal waters or the storm drain system, so that heavy metals, oil and grease, and polycyclic aromatic hydrocarbon pollutants on parking lot surfaces will not enter coastal waters. Parking lot design and management shall include:

(a) Parking Lot Landscaping. The design of landscaped areas for parking lots shall consider, and may, where appropriate, be required to include provisions for the on-site detention, retention, and/or infiltration of stormwater runoff, in order to reduce and slow runoff, and provide pollutant cleansing and groundwater recharge. Where landscaped areas are designed for detention, retention, and/or infiltration of stormwater runoff from the parking lot, recessed landscaped catchments (below the elevation of the pavement) shall be required. Curb cuts shall be placed in curbs bordering landscaped areas, or else curbs shall not be installed, in order to allow stormwater runoff to flow from the parking lot into landscaped areas. All surface parking areas shall be provided a permeable buffer between the parking area and adjoining streets and properties.

(b) Parking Lot Vacuuming. Accumulations of particulates that may potentially be contaminated by oil, grease, or other pollutants shall be removed from heavily used parking lots (e.g., fast food outlets, lots with 25 or more parking spaces, sports event parking lots, shopping malls, grocery stores, and discount warehouse stores) by dry vacuuming or equivalent techniques.

(c) Filter Maintenance. Filter treatment systems, particularly for hydrocarbon removal BMPs, shall be adequately maintained.

(11) Manage BMPs for the Life of the Development. Appropriate protocols shall be implemented to manage BMPs (including ongoing operation, maintenance, inspection, and staff training), to protect coastal water quality for the life of the development.

(a) **Operation and Maintenance Plan for All BMPs.** All post-~~construction~~ development BMP's shall be inspected, cleaned, and repaired when necessary prior to September 30th of each year; additional inspections should occur after storms as needed throughout the rainy season. Owners, heirs, and assigns of parcels (lots) with BMPs shall be responsible for ensuring that ~~they~~ all BMPs continue to function as intended for the economic life of the development. Repairs, modifications, or installation of additional BMPs, as needed, ~~should~~ shall be carried out prior to the next rainy season. The Planning Director, or his/her designee who reviews the required ~~drainage and erosion control~~ post-development plans for a proposed development project shall determine if the development's post-~~construction~~ development BMPs require monitoring to maintain their effectiveness, and shall specifically require such a monitoring program be included in the project development application before it may be deemed complete for filing and processing. The template for operation and maintenance plans in the current version of the Mendocino County LID Manual shall be used to detail such plans for each required BMP.

Section 20.717.025 - Application Submittal Requirements.

(A) Information about Existing Project Site Conditions. In addition to the required content for each water quality protection plan specified in sections 20.717.025 (B)-(D), below, the following information about the existing project site conditions shall be submitted, if applicable to the project, to enable evaluation of the project's potential water quality and hydrologic impacts:

(1) Location Map. A location map, drawn to scale, showing the location of the development, and the distance from the development to the nearest coastal waters and other natural hydrologic features.

(2) Description of Existing Project Site Conditions. A site plan that illustrates and describes the following existing project site conditions:

(a) **Topography and Drainage.** General site topography and drainage, including natural hydrologic features that may provide stormwater infiltration, treatment, storage, or conveyance (such as groundwater recharge areas, stream corridors, floodplains, and wetlands), and any existing structural stormwater conveyances or BMPs.

(b) **Nearby Coastal Waters and ESHA.** Location of coastal waters and Environmentally Sensitive Habitat Areas (ESHA) within two hundred (200) feet of the project site, indicating whether site runoff drains to these areas.

(c) **Discharges to Impaired Waters or ASBS.** Whether runoff discharges to receiving waters listed for water quality impairment on the most recent Clean Water Act Section 303(d) list, or to an Area of Special Biological Significance (ASBS).

(d) **Structures and Pavement.** Existing structures, impervious surface areas, permeable pavements, utilities, and vegetated areas. An accompanying table shall quantify the extent of such areas.

(e) **Potential Contamination.** Any previous land use on the site with a potential for a historic source of contamination, and any known soil or water contamination.

~~(A) Erosion and Drainage Control Plan (EDCP). For all projects requiring implementation of an EDCP (see Section 20.717.010(A)(1)), the following information shall be submitted with an application according to the requirements listed below.~~

~~(1) Construction Phase Plan Requirements: The EDCP shall contain a site-specific erosion control plan that includes controls on grading (i.e., timing and amounts); Best Management Practices for staging, storage, and disposal of construction materials; design specifications for BMPs such as sedimentation basins and landscaping or revegetation of graded or disturbed areas; and specific measures for protecting any Environmentally Sensitive Habitat Areas (ESHAs) on the project site or on an adjacent (contiguous) parcel or lot against potential project erosion or sedimentation effects. The EDCP shall also include a site-specific polluted runoff control plan that demonstrates how runoff will (a) be feasibly diverted from impermeable surfaces into permeable areas of the property in a non-erosive manner, or otherwise be contained and disposed consistent with this Chapter, and (b)(1) filter and, as feasible, infiltrate stormwater either prior to conveyance off-site, or (2) filter, and retain for reuse or discharge, stormwater through the Town stormwater management system, consistent with applicable County and State stormwater quality protection and beneficial reuse standards. The EDCP shall also include specific source control measures, both structural and operational, designed and implemented to minimize polluted runoff.~~

(B) ~~(A)(1)~~ **Construction** ~~Phase Plan~~ **Pollution Prevention Plan Application Requirements:**

(1) Submittal of Construction Pollution Prevention Plan (CPPP). An applicant shall submit a preliminary CPPP (based on site conditions and project features known at the time of application) with the CDP application, and shall submit a final CPPP for approval prior to construction. The information provided to address the plan's requirements may be submitted as a stand-alone document, or incorporated into the CDP application materials. Any changes to the final CPPP after issuance of the Coastal Development Permit shall be subject to additional authorization by the Planning Director.

To comply with the California State Water Resources Control Board (SWRCB) stormwater permit requirements, an applicant proposing certain size or types of development, including industrial facilities, may be required to develop and implement a Stormwater Pollution

Prevention Plan (SWPPP) that addresses construction activities. Applicants submitting a SWPPP to meet SWRCB requirements shall also submit a CPPP to meet the Town's requirements for review of a Coastal Development Permit application. Applicable information provided in the SWPPP may also be included as part of the CPPP.

(2) Content of Construction Pollution Prevention Plan (CPPP). To comply with the CPPP requirements listed in 20.717.020 (A), above, the CPPP shall include a construction site map and a narrative description addressing, at a minimum, the following required components, if they are applicable to the development. The level of detail provided to address the plan's requirements shall be commensurate with the type and scale of the project, and the potential for adverse water quality or hydrologic impacts to coastal waters.

(a) Construction Site Plan Map. A map delineating the construction site, construction phasing boundaries, and the location of all temporary construction-phase BMPs (such as silt fences, inlet protection, and sediment basins).

(b) Construction Phasing Schedule. A construction phasing schedule, with a description and timeline of significant land disturbance activities.

(c) Description of BMPs to be Implemented to Meet All CPPP Requirements. A description of the BMPs that will be implemented to meet all the CPPP requirements listed in section 20.717.020 (A), above, and how these BMPs will minimize pollution of runoff and coastal waters. Include calculations that demonstrate proper sizing of the BMPs. The ~~EDCP~~ CPPP shall contain a site-specific erosion control plan that includes controls on grading (i.e., timing and amounts); ~~Best Management Practices~~ BMPs for staging, storage, and disposal of construction materials; design specifications for BMPs such as sedimentation basins, and landscaping or revegetation of graded or disturbed areas; and specific measures for protecting any Environmentally Sensitive Habitat Areas (ESHAs) on the project site or on an adjacent (contiguous) parcel or lot against potential project erosion or sedimentation effects.

(d) Construction-Phase BMP Management Plan. A description and schedule for the management of all construction-phase BMPs (including installation and removal,

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ongoing operation, inspection, maintenance, and staff training) as needed to ensure protection of coastal resources. Identify any temporary BMPs that will be converted to permanent post-development BMPs.

(C) ~~(A)(2)~~ **Post-~~Construction Phase~~ Development Runoff Plan Application** Requirements:

(1) Submittal of Post-Development Runoff Plan (PDRP). An applicant shall submit a preliminary PDRP (based on site conditions and project features known at the time of application) with the Coastal Development Permit application, and shall submit a final PDRP prior to issuance of the Coastal Development Permit.

(2) Content of Post-Development Runoff Plan (PDRP). The ~~**EDCP**~~ **PDRP** shall include a site plan, site design measures, source control BMPs and, if necessary treatment control and baseline hydromodification BMPs. Post-~~**construction**~~ **development** plans detailing how stormwater and polluted runoff will be managed or mitigated shall be included, as applicable, in the design of all projects that require a Coastal Development Permit or approval by the Mendocino Historic Review Board. At the earliest stage, post-~~**construction**~~ **development** site design measures, including the Town stormwater management system after it is adopted and approved consistent with applicable County, State, and Federal standards, shall be considered and integrated into all required development project design plans. Required development project applications shall include relevant details identifying how the project will use applicable treatment control BMPs and baseline hydromodification BMPs, designed, installed, and maintained for the 85th percentile, 24-hour~~**, 1-year recurrence**~~ storm ~~**runoff**~~ event (**for** volume-**based BMPs**) or the 85th percentile, 1-hour~~**, 1-year recurrence**~~ storm ~~**runoff**~~ event (with a safety factor of 2 or more**, (for** flow-through **BMPs**~~)~~), to minimize the project's adverse effects on water quality and runoff flow regime to the extent feasible. The following information shall be included in the submitted design plans (for which the Storm Water Control Plan methodology of the Mendocino County LID Manual ~~shall be used as~~ constitutes guidance)~~:~~**, if applicable to the development. The level of detail provided to address the plan's requirements shall be commensurate with the type and scale of the project, and the potential for adverse water quality or hydrologic impacts to coastal waters.**

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(a) **PDRP Site Plan.** A site plan that shows post-development structural BMP's, stormwater conveyances and discharges, structures, pavements, and utilities, with contour intervals appropriate to identify post-development topography, finished grades, and drainage patterns;

(b) **Conformance with Town Stormwater Management System.** A description of how the development will be planned, sited, and designed to conform to the Town stormwater management system, including, but not limited to, through avoidance of adverse impacts of discharging concentrated flows of stormwater or dry weather runoff through stormwater outfalls to coastal waters, intertidal areas, beaches, bluffs, or stream banks;

(c) **Description of BMPs to be Implemented to Meet All PDRP Requirements.** A description of the BMPs that will be implemented to meet all the PDRP requirements listed in 20.717.020 (B), above, and how these BMPs will minimize stormwater pollution and post-development changes in runoff flows from the development. Include a schedule for installation or implementation of all post-development BMPs. The ~~**EDCP**~~ **PDRP** shall ~~**also**~~ include a site-specific polluted runoff control plan that demonstrates how runoff will **be** (a) ~~**be feasibly**~~ diverted from impermeable surfaces into permeable areas of the property in a non-erosive manner, or otherwise ~~**be**~~ contained and disposed **of** consistent with this Chapter, and**/or** (b)(1) filter**ed** and, as feasible, infiltrate**d** ~~**stormwater**~~ either prior to conveyance off-site, or (2) filter**ed**, and retain**ed** for **later on-site use** ~~**reuse or discharge**~~, ~~**stormwater through the Town stormwater management system**~~, consistent with applicable County and State stormwater quality protection and beneficial ~~**re**~~use standards. The ~~**EDCP**~~ **PDRP** shall also include specific source control measures, both structural and operational, designed and implemented to minimize polluted runoff.

(d) **Description of Low Impact Development Approach to Stormwater Management to be Implemented.** A description of the Low Impact Development (LID) approach to stormwater management (see 20.717.020 (B)(2), above) that will be implemented, or a justification if an LID approach is not selected.

(e) ~~(c)~~ **Source Control BMPs.** Source Control BMPs that will be implemented to minimize polluted stormwater runoff;

(f) **Identification Pollutants Potentially Generated.** Identification of pollutants **potentially** generated by the proposed development **that could be transported off the site by runoff;**

(g) ~~(d)~~ **Site Design Measures.** Site design measures that will be implemented to maximize the feasible retention, **on-site use** ~~**reuse**~~, and infiltration of post-~~**construction**~~ **development** stormwater runoff. **Include** ~~**(e) Methods**~~ **methods** to accommodate on-site infiltration, revegetation of disturbed portions of the site, address on-site and/or off-site impacts, and construction of any necessary improvements; drainage improvements designed to retain and/or treat 85th percentile design storm; and, as applicable, conform the development project stormwater runoff controls to the town stormwater management system;

(h) ~~**(f)**~~ **Estimate of Changes in Impervious and Semi-Pervious Surface Area.** A quantification of any proposed changes in impervious surface area on the site, including ~~**of any**~~ pre-project and post-project impervious coverage **area** and the percentage of the parcel or lot that will be covered with impervious surfaces after development project completion. **Include an estimate of proposed changes in the amount of directly-connected impervious areas, which drain directly into the storm drain system without first flowing across permeable areas, and an estimate of changes in site coverage with permeable pavement.**; and,

(i) ~~(g)~~ **BMP Management Plan.** ~~Description~~ **A description** of the proposed ongoing management of post-development BMP's (including operation, maintenance, inspection, and **staff** training, as applicable) that will be performed for the economic life of the development, if required for the BMPs to function properly; provided, that such description may reference the Town stormwater management system when it has been adopted and implemented.

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(C) ~~(B)~~ Water Quality Mitigation Plan Application Requirements ~~(WQMP)~~.

(1) Submittal of Water Quality Mitigation Plan (WQMP). An applicant for a Development of Water Quality Concern shall submit a preliminary WQMP (based on site conditions and project features known at the time of application) with the Coastal Development Permit application, and shall submit a final WQMP prior to issuance of the Coastal Development Permit.

(2) Content of Water Quality Mitigation Plan (WQMP). For ~~**developments of**~~ **"Developments of** Water Quality Concern," a WQMP ~~**will**~~ **shall** be required that demonstrates how Treatment Control and/or ~~**hydromodification**~~ **Runoff** Control BMPs will be implemented (in addition to Site Design and Source Control BMPs) as needed to ~~**feasibly**~~ minimize the discharge of polluted runoff from the development project site ~~**or by the Town stormwater management system, as applicable,**~~ and to ~~**feasibly**~~ minimize post-development changes in the site's runoff flow regime. The WQMP shall be signed and stamped by a California Registered Civil Engineer, or by another professional with comparable expertise, and be approved by the Department of Planning and Building Services. The following information shall be included in a WQMP (the Regulated Project Storm Water Control Plan methodology of the Mendocino County LID Manual constitutes guidance) **if applicable to the development**:

(a) Post-Development Runoff Plan Information. All of the information required for the Post-Development Runoff Plan (see section 20.717.025 (C), above), including Site Design strategies and pollutant Source Control BMPs.

(b) Documentation of Polluted Runoff and Hydrologic Site Characterization. Documentation of a polluted runoff and hydrologic characterization of the existing site (e.g., potential pollutants in runoff, soil properties, infiltration rates, depth to groundwater, and the location and extent of hardpan and confining layers) as necessary to design the proposed BMPs.

(c) Description of BMPs to be Implemented to Meet All WQHP Requirements. A description of the BMPs that will be implemented to meet all the WQHP requirements

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listed in section 20.717.020 (C), above, and how these BMPs will minimize stormwater pollution and changes in runoff flows from the development. Include documentation of the expected effectiveness of the BMPs, a characterization of post-development pollutant loads, and calculations of changes in the stormwater runoff flow regime (i.e., volume, flow rate, timing, and duration of flows) resulting from the proposed development when implementing the proposed BMPs. The description of the BMPs shall include, as applicable:

i. ~~(1)~~ Site Design Measures to maximize the retention and infiltration of post-~~**construction**~~ **development** stormwater runoff**,** ~~**include**~~ **including**: (a) methods to accommodate on-site infiltration, when feasible and not determined to adversely impact groundwater, landform stability, or revegetation of disturbed portions of the site~~**.**~~**; (b) measures to** address on-site and/or off-site impacts, and construction of any necessary improvements; ~~**(b)**~~**(c)** drainage improvements designed to retain and/or treat the 85th percentile~~**, 1 hour, 1-year recurrence**~~ design storm event (e.g., locations of diversions/conveyances for upstream runoff); ~~**(c)**~~**(d)** feasible measures to ~~**treat,**~~ infiltrate and/or **treat** ~~**filter**~~ runoff from impervious surfaces (e.g., roads, driveways, parking structures, building pads, roofs, patios, etc.) on the subject parcel(s)**,** and to discharge the runoff in a manner that avoids erosion, gullying on or downslope of the subject parcel or ~~**as**~~ provided ~~**in a larger**~~ **other discharge** area**s** provided by the Town stormwater management system.

ii. ~~**(2)**~~ Source Control BMPs to (a) feasibly minimize polluted stormwater runoff; and (b) identify pollutants of concern generated by the proposed development.

iii. ~~**(3)**~~ Treatment Control BMPs to minimize the transport of pollutants in stormwater runoff from the site, which (a) shall include calculations describing how the BMPs (or suites of BMPs) have been designed to infiltrate and/or retain, and~~/or~~ treat the ~~**amount of**~~ stormwater runoff produced by ~~**all storms up to and including**~~ the 85th percentile, 24-hour~~**, 1-year**~~ recurrence storm event for volume-based BMPs, or the 85th percentile one-hour storm event (with an appropriate safety factor of two or greater) for flow-based BMPs; and (b) may include the use of structures (alone or in combination) such as biofilters, grassy swales, desilting basins, and detention

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ponds. ~~**In the alternative,**~~ **Alternatively**, Treatment Control BMPs may be provided by the Town stormwater management system, consistent with applicable County, State, and Federal standards. Bioretention facilities, using the Mendocino County Design Criteria, shall be given preference within the Plan design.

iv. ~~**(4) Hydromodification**~~ **Runoff Control** BMPs (e.g., a bioretention facility) ~~that will be implemented~~ to minimize post-development changes in the site's runoff flow regime, by retaining the design storm runoff volume on-site: (a) ~~**Development**~~ **For development** projects adding **a net total of 15,000 sq. ft. or more** impervious surface **area,** ~~**that is less than 2,500 sq. ft. shall implement Baseline Hydromodification BMP's. Calculations**~~ **calculations** shall be required that demonstrate appropriate sizing and design of the proposed **Runoff Control BMPs (e.g.,** retention facilities) to capture and retain, at a minimum, the stormwater runoff ~~**from each storm event up to and including**~~ **produced by** the 85th percentile 24-hour storm event, and demonstrate that on-site infiltration has been optimized ~~shall be required.~~; (b) **For development** ~~**Development**~~ projects ~~**Projects**~~ adding ~~**2,500**~~ **22,500** sq. ft. or more impervious surface **area,** ~~**shall implement hydromodification BMP's. Calculations**~~ **calculations** shall be required that demonstrate appropriate sizing and design of the proposed **Runoff Control BMPs (e.g.,** retention facilities**)** to capture and retain, at a minimum, the peak stormwater runoff flow from the 2-year ~~**storm event up to and including the**~~ **through** 10-year storm event, and demonstrate that on-site infiltration has been optimized ~~shall be required~~. ~~**In the alternative, hydromodification**~~ **Alternatively, Runoff Control** BMPs may be provided by the Town stormwater management system, consistent with applicable County and State standards.

v. ~~**(5)**~~ Pre-development runoff rates from the parcel (lot), on which the development is proposed, during the 24-hour, 2-year, 5-year, and 10-year storm events, and average discharge volume from the parcel (lot) perimeter.

(d) Calculations for Sizing BMPs Using the 85th Percentile Design Storm Standard. Calculations that demonstrate that the proposed BMP (or suite of BMPs) implemented to comply with WQMP requirements (see 20.717.020 (C),

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above) has been sized and designed to infiltrate, retain, or treat, at a minimum, the runoff produced by the 85th percentile 24-hour storm event for volume-based BMPs, or two times the 85th percentile 1-hour storm event for flow-through BMPs.

(e) Documentation that Runoff from Impervious and Semi-Pervious Surfaces is Addressed. A table quantifying the site's proposed new, replaced, and pre-existing impervious and semi-pervious surface areas. Documentation that runoff from all new and/or replaced impervious and semi-pervious surfaces is addressed. For sites where the area of added and/or replaced impervious and semi-pervious surfaces is greater than or equal to 50% of the pre-existing impervious and semi-pervious surfaces, documentation that runoff from the entire developed area, including pre-existing surfaces, is addressed (pursuant to 20.717.020 (C)(3), above).

(f) Description of the LID Approach Used to Retain the Design Storm Runoff Volume On-Site. A description of the LID approach to stormwater management to be implemented, documenting that LID Site Design strategies have been given priority, and a description of the LID BMPs that will be used to retain on-site (by means of infiltration, evapotranspiration, or harvesting for later on-site use) the runoff produced by the 85th percentile 24-hour design storm (see 20.717.020 (C)(5), above), to the extent appropriate and feasible.

(g) Alternatives Analysis Documenting Site-Specific Constraints. Where an alternatives analysis is required (pursuant to 20.717.020 (C)(6), above), document the site-specific engineering constraints and/or physical conditions to justify the determination that there are no appropriate and feasible alternative project designs that would retain on-site the runoff produced by the 85th percentile 24-hour design storm, giving precedence to an LID approach. Also demonstrate that on-site runoff retention is maximized to the extent appropriate and feasible, and that the feasibility of off-site runoff retention is considered.

(h) BMP Management Plan. A description and schedule of the ongoing management of post-development BMPs (including operation, maintenance,

inspection, and staff training) that will be performed for the life of the development, as needed for the BMPs to function properly.

~~(8) An operation and maintenance plan for all BMP's. All post-construction BMPs shall be inspected, cleaned, and repaired when necessary prior to September 30th of each year; additional inspections should occur after storms as needed throughout the rainy season. Owners, heirs, and assigns of parcels (lots) with BMP's will shall be responsible for ensuring that they continue to function as intended for the economic life of the development. Repairs, modifications, or installation of additional BMPs, as needed, should be carried out prior to the next rainy season. The Planning Director, or his/her designee who reviews the required drainage and erosion control plans for a proposed development project shall determine if the development's post-construction BMPs require monitoring to maintain their effectiveness, and shall specifically require such a monitoring program be included in the project development application before it may deemed complete for filing and processing. The template for operation and maintenance plans in the Mendocino County LID Manual shall be used to detail such plans for each required BMP.~~

(i) ~~**(6)**~~ **Potential Flow Paths.** Potential flow paths on and from the parcel where erosion may occur after completion of construction**.** ~~**In the alternative,**~~ **Alternatively,** a flow path analysis may be provided by the Town stormwater management system.

(j) ~~**(7)**~~ **Needed Storm Drain System Upgrades.** The need for upgrades to municipal storm drain systems, for discharge of pollutants (e.g., oil, heavy metals, toxics) to coastal waters, or to avoid or mitigate other potentially significant adverse stormwater runoff impacts from the proposed development project. ~~**In the alternative,**~~ **Alternatively,** the Town stormwater management system may provide for a suite of structural and operational stormwater quality best management upgrades by Town zoning district, hydrologic subarea, or in and for the entire Town.

(D) ~~**(C)**~~ **Environmental Review:** Provisions of this section shall be complementary to, and shall not replace, any applicable requirements for stormwater mitigation required under the California Environmental Quality Act.

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Section 20.717.030 - BMP Maintenance and Conditions of Transfer.

(A) All applicants for a coastal development permit or for approval by the Mendocino Historical Review Board of development in Historic Zone A or Historic Zone B shall provide written verification, as part of any such application, of proposed post-~~**construction**~~**development** operation, maintenance, inspection and, as applicable, training and management of all BMPs. Such written verification may be by recorded legal agreement, covenant, ~~or~~ CEQA mitigation requirement, or other device that assures that the written verification runs with the land and applies to all heirs, successors, or assigns. Verification at a minimum shall include the property owner's/developer's signed statement accepting responsibility for maintenance until the responsibility is legally transferred; in addition, one of the following long-term maintenance agreements shall be submitted:

(1) A signed statement from the public entity assuming responsibility for structural and treatment control BMP maintenance and that it meets all local agency design standards; or

(2) Written text in project conditions, covenants, and restrictions (CCRs) for residential properties assigning responsibilities to the homeowners' association for maintenance of the BMP's; or

(3) Any other legally enforceable agreement that assigns responsibility for the maintenance of post-~~**construction**~~**development** BMPs.

(B) In addition to, or in the alternative to, subpart (A), where a development project is proposed to discharge any stormwater runoff to the Town stormwater management system, the applicant for that development project shall submit as part of the application for that development a "will serve" letter from the public agency that implements the system and has agreed to operate, inspect, and maintain it for the economic life of the development project.

CHAPTER 20.718 - PUBLIC ACCESS

The Commission staff's proposed suggested modifications to **Chapter 20.718** are still in process.

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Sec. 20.718.005 - ~~Purpose~~ Applicability.

~~The provisions of Chapter 20.528, "Coastal Access Regulations and Opent Space Easements" of the Mendocino County Zoning Code Title 20, Division II of the Mendocino County Code shall also apply to the Town of Mendocino and shall be incorporated into the Town Zoning Code.~~

This Chapter shall apply to all projects in the coastal zone which fall within the definition of "development" as set forth in Public Resources Code Section 30106, and in Section 20.608.023(E) of this Division.

Sec. 20.718.010 - Minimum Access Locations.

(A) The coastal trail (path) network, Heeser Drive, Big River Road, and associated upland access support facilities, including but not limited to parking, lavatories, and nature educational signage, shall be maintained, enhanced, and located in the areas of Mendocino Headlands State Park as shown on the Mendocino Town Plan Public Access Map; provided that (1) public access and support facilities shall be located to protect sensitive species, fragile landforms, coastal resources, and adjacent upland areas against overuse, and (2) may be located in areas within fifty (50) feet of an existing trail, path, drive, road, or upland support facility as necessary to avoid significant adverse effects on the environment that cannot be mitigated consistent with the requirements of the certified Mendocino Town Local Coastal Program.

(B) In specified areas identified in the Mendocino Town Plan, prior to the issuance of a coastal development permit for any development that has a substantial unmitigated impact on physical public access to or along the shoreline and/or the Mendocino blufftop, an offer to dedicate an easement for public access shall be recorded unless required public access has otherwise been secured as provided herein.

(C) Visitor accommodations and services on any parcel adjoining the shoreline, or adjacent to a parcel in Mendocino Headlands State Park that adjoins the shoreline, shall provide public access from the first continuous public road or street that parallels the sea to the nearest sustainable path or trail in Mendocino Headlands State Park. The access improvements, to be required as a condition of permit approval of all new or expanded developments that have a significant otherwise unmitigated adverse effect on coastal public access, shall be available on

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an equal basis to the public at large as well as to guests or owners of the permitted development.

(D) Public fishing access shall be maintained, protected and encouraged along the shoreline of the Town, consistent with regulations, promulgated at Title 14 California Code of Regulations, Section 632(b)(1)(25), by the California Department of Fish and Wildlife pursuant to the Marine Protection Act that are determined to be consistent with the federally approved California Coastal Management Program.

(E) A continuous public access way, for use by all the people, shall be located and maintained along sections of Lansing Street, Heeser Drive, Heeser Street, Little Lake Street, Kelly Street, Ukiah Street, and Main Street, and/or, where feasible, within adjacent Mendocino Headlands State Park; provided, that public access improvements or new facilities shall be located to protect sensitive species, fragile landforms, public and private rights, public safety, and adjacent upland areas against overuse.

(F) A continuous bike trail shall be located in the Highway 1 right-of-way in the Town, to connect with bike trail segments that extend to the north and south of the Town.

(G) The following shall be provided as part of any Highway 1-Big River Bridge improvement or replacement project, between the intersection of Highway 1 at Main Street and the southerly Town boundary:

(1) A continuous pedestrian walkway, separated from the Highway 1 travel lanes;

(2) A continuous bikeway, separated from the Highway 1 travel lanes;

(3) A continuous pedestrian path or trail between Big River Beach, east of the Highway 1 bridge, and both the Mendocino Estuary Beach and the Mendocino Headlands State Park blufftop south of Main Street;

(4) Restoration and conservation of the riparian vegetation located within the Highway 1 right-of-way and adjacent Mendocino Headlands State Park on the southwest corner of the intersection of Highway 1 and Main Street, with a scenic overlook and environmental education information about the Mendocino Estuary.

(H) Public access signage to Mendocino Headlands State Park shall be conspicuously posted (1) in the Highway 1 right-of-way at or near the northern and southern entrances to the Town,

(2) at the intersections of Main and Lansing Streets, Lansing and Heeser Drive, and Main and Heeser Street; provided, that low stature or in-pavement way markers may be utilized on a case by case basis instead of standard public access directional signs on a determination of the Mendocino Historical Review Board that such markers are more protective, over all, of public access and coastal resources in the special community, than standard State of California directory signs.

(I) Consideration should be given to cooperative interagency acquisition of the three parcels in private ownership, seaward of Lansing Street and north of Heeser Drive, as an addition to Mendocino Headlands State Park, to completes public ownership of the entire shoreline band in the Town.

(J) A sidewalk and bicycle lane shall be improved in the Lansing Street right-of-way between the northerly Town boundary at Agate Beach and the intersection of Lansing and Main Streets, with marked and lighted (flashing embedded lights) cross walks at the intersections of Lansing Street with Main Street, Little Lake Street, St. Anthony's Church and Cemetery/Palette Drive, and Heeser Drive.

(K) The Main Street Enhancement Project, between Highway 1 and Heeser Drive, shall include historical sidewalks, ramps, stormwater management Best Management Practices, and street furniture to support sustainable coastal public access in the Town and to and along Mendocino Headlands State Park for all the people, consistent with public safety, the protection of public and private rights, and the protection of the coastal natural resources and adjoining historical residential areas from overuse.

Sec. 20.718.015 – Minimum Public Access Standards.

(A) Width. Required public easements for lateral shoreline access ways shall extend landward twenty-five (25) feet from the mean high tide line (shoreline), ~~or~~ to the base (toe) of the coastal bluff, or to the first line of terrestrial vegetation, whichever is greater.

(B) Required public easements for vertical access shall be a minimum of twenty-five (25) feet wide, with the following exceptions:

(1) Where the access way would have a significant adverse impact on an environmental sensitive habitat area;

(2) Where the access way would extend within twenty (20) feet of an existing residence;

(3) Where there are identified hazardous topographic conditions that cannot be feasibly mitigated consistent with the requirements of the certified Town Local Coastal Program; or

(4) Where public safety conditions require a narrower passage-way.

(5) Along Highway 1, ~~where~~ the pedestrian access way(s) shall ~~will~~ be fifteen (15) feet wide, wherever feasible, consistent with Section 20.528.010; provided that the pedestrian walkway on the Big River Bridge shall be located on its west side and shall have a minimum width of six (6) feet.

(C) Pass and Repass. Public use of a public access easement may be limited to pass and repass where:

(1) Topographic constraints of the site make use dangerous;

(2) Where seasonal habitat values would be adversely affected;

(3) Where the access way may encroach closer than twenty (20) feet to an existing residence.

(4) On walkways, adjacent to buildings, that extend between Little Lake and Capella Streets, Ukiah and Albion Streets, and Albion and Main Streets, provided that the Main Street Enhancement Project shall coordinate with the owners of any private parcels, on which said walkways are located, to participate in their maintenance and repair.

(D) Privacy. All access ways shall be located and designed to minimize the loss of privacy by adjacent real property owners or tenants, and to minimize other impacts on adjacent residences and residential lots (parcels).

(E) Posting. Once the responsibility for maintenance and liability for public walkways or pathways is accepted and management by the Main Street Enhancement Project (or another entity) is established, designated access ways may be posted by the managing agency, provided that way-finder or other historical posting shall be consistent with the Mendocino Historic Preservation Ordinance. All access ways accessible to persons with disabilities shall be posted accordingly. All signs shall conform to the regulations and standards of Chapter 20.476 of this Division.

(F) Safety. All access ways shall be designed and constructed to safety standards adequate for their intended use. Barriers shall be constructed by the managing agency where necessary to protect public safety, taking into account the fundamental importance of unimpeded sidewalks, walkways, and paths for a functional public access system. Potential bluff retreat/erosion rates shall be measured to provide sufficient setback of lateral public access ways, parking, and other recreational upland support facilities for the life of the development.

(G) Access by Persons with Disabilities. Access to beach, Mendocino Estuary, and blufftop viewpoints shall be provided and signed for persons with disabilities where parking areas can be feasibly sited to facilitate wheelchair access. Suitable barriers shall be placed to mark wheelchair ramps and the limits to safe approach of a bluff edge.

Sec. 20.718.020 - Exemption From Permit Requirements.

(A) The offer to dedicate and accept~~ance of~~ a dedication for an accessway is exempt from the necessity of obtaining a Coastal Development Permit, except that the construction of a public access trail or a staircase access way on a bluff face (as determined by the Department of Planning and Building Services) will require a Coastal Development Use Permit.

(B) No public agency shall abandon, vacate, quitclaim, or approve a lot line adjustment or any other division of land that transfers any public access way, walkway, path, or easement therefor to private ownership.

Sec. 20.718.025 - Temporary Closure.

(A) Closure of a~~n~~ public access way for a period of not more than one month may be directed by the Director by for good ~~due~~ cause as set forth below:

(1) If significant coastal resources in the area of the access way cannot be protected;

(2) If public use of the access way is hazardous, during periods of storms that impact, or threaten to impact, the access way, construction, or storm damage to the access way; ~~or~~

(3) After finding on a preponderance of the evidence that continued public use is not consistent with public safety and/or environmental resource protection; or,

(4) During an emergency.

(B) Any proposed permanent closure, abandonment, vacation, sale, lease, or lot line adjustment of a parcel, lot, or portion thereof that contains a public access way, walkway, or public access easement shall require that an amendment to the certified Mendocino Town Local Coastal Program before an application for such development may be filed and a decision on it be rendered

Sec. 20.718.030 - Prescriptive Rights.

Provisions related to the existence of potential prescriptive rights on a parcel within the Town are as follows:

(A) Existing Public Access Easement. No development shall be approved on a site which will conflict with any easement~~s~~ acquired by the public at large by court decree.

(B) Potential Existence of Prescriptive Right.

(1) Rights Not Yet Established. Where evidence of historical public use indicates the potential for the existence of prescriptive rights, but rights have not been judicially determined, the ~~County~~ Planning and Building Department staff shall apply research methods described in the publication by the Office of the Attorney Implied Dedication and Prescriptive Rights Manual Relating to California Coastal Commission Matters (1978).

(2) Potential Existence of Rights Established. Where research indicates the potential existence of prescriptive rights, the County may (a) proceed to litigate to secure the access right by prescription, or (b) refer the matter to the Office of the California Attorney General.

(C) Development in Area of Historic Public Use.

(1) Development may be sited on the area of historic public use only if:

(a) No development of the parcel would otherwise be possible; or

(b) Proposed development could not otherwise be sited in a manner which minimizes risks to life and property; or

(c) Such siting is necessary for consistency with the policies of the Mendocino Town Plan concerning visual resources, special communities, and paleontological and archaeological resources, and with case law.

(2) When development must be sited on an area of historic public use, an equivalent easement providing access to the same area shall be provided on the site as a condition of permit approval.

Sec. 20.718.035 - Methods for Securing Access.

Where acquisition of public access is pursuant to an offer to dedicate an easement for public access, such offer shall be acceptable to the California Coastal Commission in form and content prior to issuance of any coastal development permit for the lot (parcel) on which the offered easement is located.

Sec. 20.718.040 - Procedures for Conveyance of Title.

(A) Prior to issuance of the coastal development permit, the landowner shall record in the official records of the County Recorder of Mendocino County an offer to dedicate an easement as a condition of project approval, where such offer is required, as follows:

(1) The offer shall be free of prior liens except for tax liens and free of prior encumbrances which may affect the interest being conveyed.

(2) The offer shall run with the land binding successors and assigns of the landowner and shall be irrevocable for a period of twenty-one (21) years beginning from the date of recording.

(3) The offer shall convey to the people of the State of California an easement for access over and across the offerer's property.

(4) Each offer of dedication shall provide that the title for each easement shall be automatically conveyed upon acceptance by a qualified agency as named by the Director after a management plan has been accepted and that the owner in fee shall be notified at such time as the easement is accepted by a qualified agency.

(B) Procedures for Access and Open Space Easements and Documents Restricting Use. The purpose of this subsection is to provide procedures pertaining to coastal development permits containing conditions for access, open space, or conservation easements, or the processing of other legal documents resulting from conditions of a coastal development permit which restricts use where such conditions are required by the Town Plan (Chapter 4.13 of the Coastal Element of the General Plan).

(1) Upon completion of final action on a coastal development permit requiring the applicant to record an access, open space, or conservation easement or other document restricting use, and prior to the issuance of the permit, the Coastal Permit Administrator 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. If requested, the Coastal Commission will prepare the documents and forward copies to the County for processing;

(2) The Executive Director of the Coastal Commission shall have fifteen (15) working days from receipt of the documents where review is requested and thirty (30) working days where preparation is requested in which to complete the review or preparation and notify the applicant and Coastal Permit Administrator of recommended revisions if any;

(3) If the Coastal Permit Administrator does not receive notification of inadequacy of documents within the review period or preparation period, the permit may be issued upon proof that the documents have been recorded free of prior liens and encumbrances, except tax liens, in accordance with the provisions of this Division;

(4) Where revisions are required to meet the standards of this section, the permit shall not be issued until the County has been notified that all issues of adequacy, uniformity**,** and consistency have been resolved and the document has been recorded free of prior liens and encumbrances, except tax liens, in accordance with the provisions of the certified local coastal program;

(5) Copies of the recorded document(s), title report, and permit shall be forwarded to the Coastal Commission within ten (10) days after recordation of the document(s);

(6) Offers to dedicate required public access shall be recorded prior to issuance of a Coastal Development Permit.

(C) Acceptance of Offer. Acceptance of the offer may be affected by the recordation**,** by the named grantee, in the official records of the County Recorder of Mendocino County, of a Resolution of Acceptance of the irrevocable offer substantially in the form of Exhibit A attached hereto. The Resolution of Acceptance shall be provided to the grantor or the grantor's successors in interest for the purpose of notifying the property owner of record of the intent of the grantee to accept the recorded offer of dedication.

(D) Reversion of Title. If after twenty-one (21) years from the date of recording of the offer of dedication, no public agency or private entity has accepted said offer, the landowner shall regain full title and unencumbered use of the offered land.

Sec. 20.718.045 - Access Way Management Plan.

No access way shall be opened for public use until an Access Way Management Plan has been prepared by the managing agency and accepted by the Director. At a minimum, the Plan shall:

(A) Provide for a design which avoids or mitigates any public safety hazards and any potentially significant adverse impacts on coastal resources;

(B) Set forth the agency(ies) responsible for operating, maintaining, and assuming liability for the access way;

(C) Set forth any other known provisions, such as facilities to be provided, signing, use restrictions, and special design and monitoring requirements; and

(D) Set forth provisions for protecting the access way from vandalism and/or against unlawful use.

CHAPTER 20.719 - ENVIRONMENTALLY SENSITIVE HABITAT AREAS (ESHA'S)

Sec. 20.719.005 - ~~Purpose~~Applicability.

~~The provisions of Chapter 20.496, "Environmentally Sensitive Habitat and Other Resource Areas" of the Mendocino County Zoning Code Title 20, Division II of the Mendocino County Code shall also apply to the Town of Mendocino and shall be incorporated into the Town Zoning Code.~~

(~~a~~**A**) This Chapter shall apply to all development ~~**of land**~~ in the Town of Mendocino~~**, which is required to demonstrate**~~ **unless and until it can be demonstrated** to the approving authority that the proposed development will **not occur within 300 feet of environmentally sensitive habitat areas.** ~~**(1) not degrade an environmentally sensitive habitat area, and (2) is compatible with the continuance of such areas where they exist.**~~

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(~~b~~**B**) To the extent the provisions of Chapter**s 20.488, "Coastal Development General Review Criteria" and** 20.496, "Environmentally Sensitive Habitat and Other Resource Areas" of ~~**the Mendocino County Zoning Code,**~~ Title 20, Division II~~I~~ of the Mendocino County **Zoning** Code are not superseded by or inconsistent with **Mendocino Town Plan Policy CNS-7** ~~**this Chapter**~~, they shall additionally apply to the Town of Mendocino **and are incorporated herein into the Town Zoning Code**.

Sec. 20.719.010 - Purpose.

The purpose of this Chapter is to ensure that environmentally sensitive habitat in the Town is protected for both the sensitive flora and fauna that does inhabit, or may likely inhabit such habitat, as well as for the enjoyment of it by present and future residents of, and visitors to, the Town.

Environmentally Sensitive Habitat Areas (ESHA's) in the Town ~~**may**~~ include, but are not limited to: anadromous fish streams, sand dunes, avian rookeries, ~~and~~ marine mammal haul-out areas, wetlands, riparian areas, and habitats of rare, endangered, and sensitive plants and animals.

~~Sec. 20.719.015 - ESHA—Development Application Procedures.~~

~~(A) Determining Extent of ESHA. The Coastal Permit Administrator shall review, with the assistance of land use maps and the threshold biological reconnaissance report required by Section 20.719.005, each all permit applications for coastal developments to determine, prior to accepting it as complete for filing, whether the development project has the potential to impact any ESHA. A project has the potential to impact an ESHA if:~~

~~(1) The development is proposed to be located on a lot (parcel) or proximate to within three hundred (300) feet of a lot (parcel) identified on the California Department of Fish and Wildlife California Natural Diversity Data Base as supporting, or likely to support, any rare and/or endangered species or other sensitive species;~~

~~(2) The development is proposed to be located within an ESHA, according to an on-site investigation, or documented resource information;~~

~~(3) The development is proposed to be located within three hundred (300) feet of an environmentally sensitive habitat area and/or has potential to negatively impact the long term maintenance of the habitat area, as determined through the pre-project application filing review.~~

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~~Development proposals in identified ESHA's, or which have the potential to significantly impact an ESHA, shall be subject to a biological survey, prepared by a qualified biologist, to determine the extent of the sensitive resource, document potential negative impacts, and to recommend appropriate mitigation measures. The biological survey shall be submitted for the review and approval of the Coastal Permit Administrator prior to a determination that the project application is complete. The biological survey shall be prepared as described in Section 20.532.060, "Environmentally Sensitive Habitat Area Supplemental Application Procedures." The Coastal Permit Administrator, at his/her discretion, may require that required biological survey be peer reviewed by a qualified professional biologist, who shall be chosen by the Director. The coastal development permit applicant shall be required to pay for the cost of the peer review.~~

~~(B) Disagreement as to Extent of ESHA. In the event (1) the applicant's biologist and the peer reviewer differ with regard to the existence or extent of ESHA on the site of the proposed development, or within 300 feet of it, (2) the Coastal Permit Administrator and representatives of the California Department of Fish and Wildlife, the California Coastal Commission, and the applicant are uncertain as to the extent of a the sensitive habitat, or differ about its existence, such uncertainty shall be investigated by an on-site inspection by the landowner, and/or the landowner's biologist and/or other agents, the peer reviewer, county staff member, and representatives from the California Department of Fish and Wildlife Game and the Coastal Commission. These persons shall be deemed to constitute the "site inspection team."~~

~~(C) On-Site Inspection. The on-site inspection shall be coordinated by the Coastal Permit Administrator and shall take place within three (3) weeks, weather and site conditions permitting, of the receipt of a written request for clarification of sensitive resource areas by the landowner, or the landowner's authorized agent, or the peer reviewer.~~

~~(D) Development Approval. Such development shall only be approved if the following occurs:~~

~~(1) All members of the site inspection team agree, as applicable, to the existence or boundaries of the environmentally sensitive habitat resource area; and~~

~~(2) Findings are made, based on the procedures set forth in Section 20.719.100(A)(1) and on substantial evidence in the record as a whole, by the approving authority that the resource will not be significantly degraded by the development as proposed or as it may be mitigated,~~

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~~consistent with applicable case law, to avoid any potentially significant effect on ESHA or reduce it below a level of significance.~~

~~(E) Denial of Development. If the findings cannot be made pursuant to Section 20.532.100(A)(1), the development application shall be denied.~~

~~Sec. 20.719.020 - ESHA—Development Criteria.~~

~~(A) Buffer Areas. A buffer area shall be established adjacent to all environmentally sensitive habitat areas. The purpose of this buffer area shall be to provide for a sufficient area to protect the environmentally sensitive habitat from degradation resulting from the proposed development and any likely adjacent future developments, and shall be compatible with the continuance of such habitat areas.~~

~~(1) Width. The width of the buffer area shall be a minimum of one hundred (100) feet, unless provided that an applicant may can demonstrate, after consultation and agreement with the California Department of Fish and Wildlife, and County Planning staff, that a one hundred (100) feet buffer is not necessary to protect the significant environmentally sensitive resources of that particular environmentally sensitive habitat area from potentially possible significant disruption caused by the proposed development. The buffer area shall be measured from the outside edge of the Environmentally Sensitive Habitat Area and shall generally not be less than fifty (50) feet in width. New subdivision or any other division of land division shall not be allowed if it which will create new parcels entirely within a buffer area or within an ESHA. Developments permitted within a buffer area shall generally be the same as those uses permitted in the adjacent Environmentally Sensitive Habitat Area.~~

~~Standards for determining the appropriate width of the buffer area are as follows:~~

~~(a) 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~~

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~~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 wetland, stream, or riparian habitat that is adjacent to the proposed development.~~

~~(b) 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 Wildlife or others with similar expertise:~~

~~(i) Nesting, feeding, breeding, resting, or other habitat requirements of both resident and migratory fish and wildlife species;~~

~~(ii) An assessment of the short-term and long-term adaptability of various species to human disturbance;~~

~~(iii) An assessment of the impact and activity levels of the proposed development on the resource.~~

~~(c) Susceptibility of Lot (Parcel) to Erosion. The width of the buffer zone shall be based, in part, on an assessment of the slope, soils, impervious surface coverage, runoff characteristics, and vegetative cover of the lot (parcel) and to what degree the development will change the potential for erosion. A sufficient buffer to allow for the interception of any additional material eroded as a result of the proposed development shall be provided.~~

~~(d) Use of Natural Topographic Features to Locate Development. Stable land forms Hills and bluffs adjacent to ESHA's shall be used, where feasible, to buffer habitat areas. Where otherwise permitted, development should be located on the sides of hills away from ESHA's. Similarly, coastal bluff faces should not be developed, but shall be included in the buffer zone; provided that the California Department of Parks and Recreation shall be permitted to maintain existing pedestrian paths or trails from the blufftop in Mendocino Headlands State Park to and along the shoreline, or relocate them to avoid potentially significant impacts on sensitive species or other coastal resources.~~

~~(e) Use of Existing Cultural Features to Locate Buffer Zones. Cultural features (e.g., roads and berms dikes) shall be used, where feasible, to buffer habitat areas. Where feasible,~~

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development shall be located on the side of roads, berms, and other cultural features that separate it from the ESHA.

(f) 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, as necessary, to ensure protection of the ESHA, including, but not limited to, where it may have naturally expanded since initial subdivision or development approval. Where development is proposed in an area that is largely undeveloped, the widest and most protective buffer zone feasible shall be required.

(g) Type and Scale of Development Proposed. The type and scale of the proposed development may, depending on the site-specific biological analysis, peer review, and consultation 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 sensitive resources that are present, the degree to which adjacent lands are already developed, and the type of development already existing in the area.

(2) Configuration. The buffer area shall be measured from the nearest outside edge of the ESHA (e.g., for a wetland from the landward edge of the wetland; for a stream from the landward edge of riparian vegetation; or from the upper termination (edge) that delineates the top of the bluff face).

(3) Land Division. New subdivisions, other divisions of land, or boundary line adjustments (lot line adjustments) shall not be allowed to create new lots (parcels), for structural development, that are located entirely within an ESHA or within a buffer area; provided that such divisions of land shall be permitted to create new lots (or parcels) that serve solely to protect ESHA subject to a recorded open space easement, conservation easement, or deed restriction, that runs with the land.

(4) Permitted Development. Development permitted within the buffer area shall comply at a minimum with the following standards:

~~(a) Development shall be compatible with the continuance of the adjacent habitat area by maintaining its the functional capacity, defined as the their ability to be self-sustaining and maintain natural species diversity.~~

~~(b) Structures will be allowed within the buffer area only if there is no other feasible site available on the parcel.~~

~~(c) Development shall be sited and designed to prevent impacts which would degrade adjacent habitat areas, including, but not limited to, those on Mendocino Headlands State Park and in coastal waters. The determination of the "best site" for development shall include consideration of drainage, access, soil type, geomorphology, vegetation, hydrological characteristics, elevation, topography, and distance from natural stream channels. The term "best site" shall be defined as the development site having the least impact on the maintenance of the biological and physical integrity of the buffer strip or critical habitat protection area and on the maintenance of the hydrologic capacity of these areas to pass a one hundred (100) year flood without increased damage to the coastal zone natural environment or existing developed areas.~~

~~(d) Development shall be compatible with the continuance of such habitat areas by maintaining their functional capacity and their ability to be self-sustaining and to maintain natural species diversity.~~

~~(e) Mitigation measures, such as planting riparian vegetation, shall be required to replace the protective values of the buffer area on the parcel, at a minimum ratio of 2:1, to compensate for riparian vegetation that may be unavoidably lost as a result of otherwise permissible development and to restore the protective values of the buffer area.~~

~~(f) Development shall minimize the following: impervious surfaces, removal of vegetation, amount of bare soil, noise, dust, artificial light, nutrient runoff, air pollution, and human intrusion into the wetland and minimize alteration of natural landforms.~~

~~(g) Above ground structures, with an individual or combined impervious surface area of 2,500 square feet or more, shall be designed, constructed, and maintained to intercept and retain, as feasible, the County peak storm event design runoff volumes for the Town either (1) on site for beneficial reuse, or (2) by participating in a multi-parcel or Town stormwater management system when they become available.~~

~~(h) Permitted temporary or permanent above-ground structures that are located in the flood plain or floodway of Big River, or subject to inundation by coastal waters, shall be designed, constructed, and maintained to allow peak surface water flows from a one two hundred (200) year flood to pass with no significant adverse effect on the permitted structure, public safety, or coastal water quality.~~

~~(i) Hydraulic capacity, subsurface flow patterns, biological diversity, and/or biological or hydrological processes, either terrestrial or aquatic, shall be protected by new development or redevelopment.~~

~~(j) Priority for drainage conveyance from a development site shall be through the natural drainage stream environment zones, if any exist, in the development area. In the drainage system design report or development plan, the capacity of natural stream environment zones to convey runoff from the completed development shall be evaluated and integrated with the drainage system wherever possible. No structure shall interrupt the flow of groundwater within a buffer strip. Foundations shall be situated with the long axis of interrupted impermeable vertical surfaces oriented parallel to the groundwater flow direction. Piers (caissons), tiebacks, and grade beams may be allowed on a case by case basis.~~

~~(k) If findings are made that the effects of developing an ESHA buffer area may result in significant adverse impacts to the ESHA, mitigation measures will be required as a condition of project approval to reduce any such potential significant impacts to below a level of significance. Noise barriers, buffer areas in permanent open space, land dedication for erosion control, and wetland restoration, including off-site drainage improvements, may be required as mitigation measures for developments adjacent to environmentally sensitive habitats.~~

~~Sec. 20.719.025 – Wetlands.~~

~~(A) Development or activities within wetlands or other wet environmentally sensitive habitat areas in the Town shall, as provided by Public Resources Code Section 30233(a) and subject to specified criteria to avoid or minimize potentially significant environmental effects where less environmentally damaging locations for development are available, be limited to the following:~~

~~(1) Coastal dependent facilities and resource dependent activities that are consistent with the continuance of Mendocino Headlands State Park.~~

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~~(2) Incidental public service purposes which may temporarily impact the resource, including but not limited to burying cables and pipes, inspection of piers, and maintenance of existing intake and outfall lines.~~

~~(3) Restoration purposes.~~

~~(4) Nature study.~~

~~(B) Requirements for Permitted Development in Wetlands.~~

~~(1) Any proposed diking, filling, or dredging of any open coastal water or wetland in the Town must meet the following statutory requirements pursuant to Public Resources Code Section 30233(c), and the supplemental findings pursuant to Section 20.532.100:~~

~~(a) There is no feasible, less environmentally damaging alternative;~~

~~(b) Where there is no feasible, less environmentally damaging alternative, mitigation measures have been provided to minimize adverse environmental effects.~~

~~(2) Dredging. If the development involves dredging of a wetland, the Coastal Permit Administrator shall request the Department of Fish and Wildlife to review dredging plans for developments in or adjacent to wetlands. The Department may recommend measures other than those listed in this Chapter to mitigate disruptions to habitats or to water circulation. Mitigation measures shall include at least the following:~~

~~(a) Dredging shall be limited to the smallest area feasible.~~

~~(b) Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to habitats and to water circulation, and shall maintain or enhance the functional capacity of any wetlands.~~

~~(c) Limitations on the timing of the operation, the type of operations, the quantity of dredged material removed, and the location of the spoil site.~~

~~(d) Dredging in breeding and nursery areas and during periods of fish migration and spawning shall incorporate all mitigation measures recommended by the California Department of Fish and Wildlife Game to assure maximum protection of species and habitats.~~

~~(e) Dredge spoils suitable for beach replenishment shall, where feasible, be transported to appropriate beaches where public access would not be significantly adversely affected or into~~

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~~suitable long shore current systems. Dredge spoils shall not be deposited in riparian areas or wetlands.~~

~~(f) Other mitigation measures may include opening up areas to tidal action, removing dikes, improving tidal flushing, or other restoration measures.~~

~~(g) Designs for dredging and excavation projects shall incorporate all mitigation measures recommended during project environmental review by the North Coast Regional Water Control Board, the California Department of Fish and Wildlife, the United States Fish and Wildlife Service, and the California Coastal Commission, and shall be regulated to prevent discharge of refuse, hydrocarbon spills, and provide for disposal of suitable beach nourishment materials on existing beaches or by placement in appropriate littoral systems.~~

~~(3) Diking or Filling. Permitted development that involves diking or filling of any open coastal waters or of a wetland shall incorporate mitigation measures that, at a minimum, shall include the following:~~

~~(a) If an appropriate restoration site is available, the applicant shall acquire and restore an equivalent area of equal or greater biological productivity and dedicate the land to a public agency or otherwise permanently restrict its use for open space purposes. The site shall be purchased before the dike or fill development may occur and, at a minimum, restoration must occur simultaneously with project construction, or~~

~~(b) The applicant may be permitted to open areas of uplands to tidal action. This method of mitigation would be appropriate if the applicant owned or controlled filled or diked areas that are not environmentally sensitive habitat areas, but would become so if they were opened to tidal action or provided with other sources of surface water.~~

~~(c) Provide for monitoring, reporting, and funded adaptive management of the permitted development to assure compliance with all required mitigations for the life of the development.~~

~~(d) Such mitigation measures shall, however, not be required for temporary or short term fill or diking that lasts fewer than one hundred eighty (180) days; provided that a bond or other evidence of financial responsibility is provided to assure that restoration will be accomplished in the shortest feasible time and that such activities will not cause permanent damage to the wetland, groundwater, or coastal water quality.~~

~~(4) Diking, filling, or dredging of a wetland or estuary shall maintain or enhance the functional capacity of the wetland or estuary. 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 shall demonstrate all of the following:~~

~~(a) That the development will not alter present plant and animal populations in the ecosystem in a manner that would impair the long-term stability of the ecosystem, including, but not limited to, its natural species diversity, abundance, and composition;~~

~~(b) That the development will not have a significant adverse effect on an ESHA or any rare, endangered, threatened, or sensitive species;~~

~~(c) That the development will not harm a species or habitat that is essential to the natural biological functioning of the wetland or adjacent Mendocino Estuary;~~

~~(d) That the development will not significantly reduce the biological, water quality, aesthetic, or research values of the wetland or open coastal waters.~~

~~Sec. 20.719.030 - Open Coastal Waters, Lakes, Streams.~~

~~(A) Development permitted in open coastal waters, lakes, and streams shall be limited to the following:~~

~~(1) Coastal dependent facilities and resource dependent activities that are consistent with the continuance of the open coastal waters, lake, or stream.~~

~~(2) Incidental public service purposes which may temporarily impact the resource, including but not limited to burying cables and pipes, inspection of piers, and maintenance of existing intake and outfall lines.~~

~~(3) Restoration purposes.~~

~~(4) Nature study.~~

~~(B) Requirements for Permitted Developments in Open Coastal Waters, Lakes, and Streams.~~

~~(1) Diking, filling, or dredging of open coastal waters, lakes, or streams shall be permitted only if there is no feasible, less environmentally damaging alternative.~~

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~~(2) If there is no feasible, less environmentally damaging alternative, mitigation measures shall be provided to minimize adverse environmental effects.~~

~~(C) Development permitted in streams shall be limited to the following, provided such development is consistent with any recorded open space or conservation easement:~~

~~(1) Necessary water supply projects.~~

~~(2) Flood control.~~

~~(3) Developments which have as the primary function the maintenance or improvement of fish and wildlife habitat.~~

~~(D) Requirements for Permitted Development in Streams and Rivers.~~

~~(1) All channelizations, dams, or other substantial alterations of streams shall incorporate the best mitigation measures feasible to minimize potentially significant adverse environmental effects.~~

~~(2) 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 structures in the floodplain.~~

~~Sec. 20.719.035 Riparian Corridors and Other Riparian Resource Areas.~~

~~(A) No development, work, or activity which could degrade a riparian area or diminish its natural resource values shall be permitted in a riparian corridor or in any area of riparian vegetation except for the following:~~

~~(1) Channelizations, dams or other alterations of streams as permitted in Section 20.496.030(C);~~

~~(2) Pipelines, utility lines, and road and trail crossings where no less environmentally damaging alternative route is feasible;~~

~~(3) Removal of trees for disease control, pursuant to a peer reviewed report by a certified arborist, or for public safety purposes;~~

~~(B) Requirements for permitted development in riparian habitat areas are as follows:~~

~~(1) The development shall not significantly disrupt the habitat area and shall minimize potential development impacts or changes to natural stream, including, but not limited to, increased runoff, sedimentation, biochemical degradation, increased stream temperatures, or loss of shade;~~

~~(2) No other feasible, less environmentally sensitive alternative exists;~~

~~(3) Mitigation measures have been incorporated into the project to minimize adverse impacts upon the habitat;~~

~~(4) Where development activities caused the disruption or removal of riparian vegetation, replanting with appropriate native plants shall be required at a minimum ratio of two to one (2:1) and replaced if the survival rate is less than seventy-five (75) percent five years after the replanting has occurred.~~

~~Sec. 20.719.040 – Dunes.~~

~~(A) Development, work, or activities permitted in dunes shall be limited to the following:~~

~~(1) Scientific, educational, and passive recreational uses.~~

~~(2) Construction of fences or walls to impede sand movement and planting of native vegetation for dune stabilization where necessary to protect existing structures or dune habitat. These projects shall be subject to provisions regarding sand extraction and shall be processed under conditional use permit procedures.~~

~~(3) Footpaths to direct use and minimize adverse impacts where public access is sustainable and permitted.~~

~~(B) Requirements for development in dune areas are as follows:~~

~~(1) Motorized or non-motorized vehicle traffic is prohibited.~~

~~(2) New development on dune parcels shall be located in the least environmentally damaging location and shall minimize the removal of natural vegetation and alteration of natural landforms.~~

~~(3) No new parcels shall be created entirely in dune habitats.~~

~~(4) Sand removal shall be subject to the requirement for a Coastal Development Permit, but shall be prohibited on vegetated dunes.~~

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~~Sec. 20.719.050 - Other Resource Areas.~~

~~(A) General. Other designated resource areas in the Town include: Mendocino Headlands State Park, natural areas, special treatment areas, fishing access points, areas of special biological importance, and significant California ecosystems.~~

~~(B) Development of Resource Areas. Any development within designated resource areas shall be reviewed and established in accord with conditions which could allow some development under mitigating conditions but which assures the continued protection of the resource area.~~

CHAPTER 20.720 - COASTAL DEVELOPMENT PERMIT REGULATIONS

Sec. 20.720.005 - Purpose.

The purpose of this Chapter ~~chapter~~ is to establish the procedures and requirements for obtaining a Coastal Development Permit to implement the Mendocino Town Plan ~~portion~~ segment of the Coastal Element of the General Plan in accordance with the California Coastal Act of 1976, as amended (Division 20 of the Public Resources Code).

Sec. 20.720.010 - Applicability.

Any person, partnership, corporation, state or local agency, or special district proposing to undertake any development as defined in Section 20.608.023(C) or proposing to obtain a use permit shall obtain a coastal development permit in accordance with the provisions of this Chapter, in addition to any other permit or discretionary approval required by law or ordinance; provided, that Coastal Commission Categorical Exclusion Order No. E-96-1 (reproduced in Town Plan Appendix 4) excludes specified development in the Town Historic Zone A and Zone B from the coastal development permit requirement**, subject to the terms and conditions of the Categorical Exclusion Order, including but not limited to ensuring that the development under this exclusion shall conform with all LCP policies**. If a coastal development permit is required pursuant to this section, no building permit, water well permit, **groundwater extraction permit,** septic permit, business license, grading permit, transient occupancy registration certificate, encroachment permit, occupancy permit or other entitlement for use shall be issued prior to the issuance of a coastal development permit.

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Sec. 20.720.015 - Permit Requirements.

Permits required by this Chapter must be secured prior to any development in the Town of Mendocino.

(A) Coastal Development Administrative Permit. The purpose of Coastal Development Administrative Permits is to provide for the administrative issuance of coastal development permits. The coastal permit administrator may process as an administrative permit any coastal development permit application for the types of projects specified below, and emergency projects specified in Section 20.720.090. ~~Development projects~~ Actions by an approving authority on an application for a coastal development permit which are appealable to the Coastal Commission pursuant to the Coastal Act (Public Resources Code Section 30603(a)), including, but not limited to, any subdivision or other division of land, shall not be processed as an administrative permit.

(1) Any single family residence that is a principal permitted use within the zoning district in which the development site is located;

(2) Any other development specifically authorized as a principal permitted use within the zoning district in which the development site is located.

(3) Improvements to an existing structure that has all required ~~**development**~~ approvals **from Mendocino Historical Review Board**.

(4) Any other developments not in excess of one hundred thousand dollars ($ 100,000), other than any division of land.

(5) Any other development that is not appealable to the Coastal Commission if the Coastal Permit Administrator determines (a) that it involves no potential for any significant adverse effects, either individually or cumulatively, on coastal resources or public access to and along the shoreline, ~~and~~ **and** (b) that the development ~~it~~ will be consistent with the certified Mendocino Town Local Coastal Program~~**, and (c) if the development is located between the first continuous public road and the sea as shown on the adopted Coastal Commission Mendocino Town Post-LCP Certification Permit and Appeal Jurisdiction Map, the public access and recreation policies of Chapter 3 of the Coastal Act Public Resources Code**~~

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~~**Sections 30210-30224)**~~. The determination by the Coastal Permit Administrator shall be made in writing and based upon factual evidence.

(B) Coastal Development Use Permit. A use permit must be secured, pursuant to the requirements of these regulations, prior to the initiation, amendment, or expansion of a use or development that is permitted only as a conditional use in the ~~a~~ Zoning District in which it is located. ~~particular district~~.

(C) Coastal Development Variance. Variances are discretionary adjustments in the regulations contained in this Division. Variances may only be granted to allow deviations from standards governing such development conditions as setbacks, building heights, and lot width.

(D) Coastal Development Standard Permit. A coastal development standard permit must be secured for any other development as ~~activity~~ ~~not specified above which is~~ defined ~~as a development~~ in Section 20.608.023(B), including, but not limited to, land divisions, lot line adjustments, and any other entitlement for use, unless specifically exempted by **any of the provisions of Section 20.720.020**~~**Coastal Commission Categorical Exclusion No. E-96-1**~~.

Sec. 20.720.020 - Exemptions.

(A) The following developments shall be exempt from this Chapter, but shall be subject to Chapter 20.760:

(~~**A**~~**1**) Repair and maintenance activities which do not result in an addition to, or enlargement or expansion of, the object of such activities, except as otherwise specified in ~~**Subchapter 7,**~~ Title 14, California Code of Regulations **Section 13252 and any amendments thereafter adopted** ~~regulations~~ ~~and any amendments thereafter adopted~~;

(~~**B**~~**2**) ~~**A**~~ **Repair, maintenance, and hook-up a**ctivities of public utilities **associated with existing developments and activities which began before the effective date of the Coastal Act, and** as **further** specified in the Repair, Maintenance and Utility Hookup Exclusion adopted by the Coastal Commission on September 5, 1978;

(~~**C**~~**3**) Improvements to single family residences, except as otherwise specified in ~~**Subchapter 6,**~~ Title 14, California Code of Regulations **Section 13250 and any amendments thereafter**~~and any amendments thereafter~~;

(~~**D**~~**4**) Improvements to any structure other than a single family residence or a public works facility, except as otherwise specified in ~~**Subchapter 7.5,**~~ Title 14, California Code of Regulations **Section 13252 and any amendments thereafter.** ~~and any amendments thereafter~~.

(~~**E**~~**5**) The replacement of any structure, other than a public works facility, destroyed by a disaster. The replacement structure shall conform with Section 20.716.020, 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 (10) percent, and shall be sited in the same location on the affected real property as the destroyed structure.

As used in this section, "disaster" means any situation in which the force or forces which destroyed the structure to be replaced were beyond the control of its owner ~~owners~~.

As used in this section, "bulk" means total interior cubic volume as measured from the exterior surface of the structure.

As used in this section, "structure" includes landscaping and any erosion control structure or device which is similar to that which existed prior to the occurrence of the disaster.

(~~**F**~~**6**) Categorical Exclusion Order E-96-1 exempts specified development in ~~applies to~~ various ~~uses and~~ areas within the Town, including Historical Zones A and B, from the requirement for a coastal development **permit, subject to the terms and conditions of the Categorical Exclusion Order, including but not limited to ensuring that the development under this exclusion shall conform with all LCP policies**.

(B) Noticing. Within five (5) working days of local determination that a development is categorically excluded or otherwise exempt from coastal development permit requirements pursuant to Section 20.720.020 (A), the County shall send written notification by first class mail to the Coastal Commission and any person who has requested such notice of the determination of the specific development exempted from coastal development permit requirements. The notice shall contain the following information:

(1) The developer's name;

(2) Street address and parcel number of the subject property;

(3) The case file number assigned to the application;

(4) A description of the development, including an attached site plan and maps documenting the location of any wetlands or watercourses within 100 feet of the development;

(5) The date of application for other permits; and

(6) All terms and conditions of approval imposed by the local government in granting other permits;

Sec. 20.720.025 - Application and Fees.

(1) Applicants for development in the Town are encouraged to confer with Planning and Building Department staff about their proposed projects, and the applicable requirements to them, prior to submitting an application for development to the County.

(2) Each application for a coastal development permit, administrative use permit, variance, or standard permit shall be submitted to the Department of Planning and Building Services on forms provided by the department and completed by the applicant, accompanied by payment of a fee, the amount of which is set by resolution of the Board of Supervisors. When more than one (1) development is proposed on a parcel ~~**(lot)**~~, the applications shall be processed concurrently, where possible, as one (1) application. The application shall include the following information:

(A) A description of the proposed development, including maps, plans, and other relevant data of the project site and vicinity in sufficient detail to determine whether the project complies with the requirements of these regulations and the certified Town Plan. Sufficient information concerning the existing use of land and water on, or in the vicinity of, the site of the proposed project, insofar as the applicant can reasonably ascertain for the area ~~vicinity~~ surrounding the project site, should also be provided.

(B) Proof of the applicant's legal interest in all the real property upon which work is to be performed. Proof can be in the form of a current tax statement, title report, lease agreement, or

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other documents showing legal interest to apply for permit and comply with all conditions of approval.

(C) A dated signature of the property owner, or owners, authorizing the processing of the application, and, if so desired by the property owner, authorizing a representative to bind the property owner in matters concerning the application. Where the applicant for a coastal development permit is not the owner of a fee interest in the property on which a proposed development is to be located, but can demonstrate a legal right, interest, or other entitlement to use the property for the proposed development, the holder or owner of any superior interest in the property shall not be required to join the applicant as co-applicant. All holders or owners of any other interest of record in the affected real property shall be disclosed to the County on the application, notified in writing of the permit application by the applicant, and invited to join as co-applicant. In addition, prior to the issuance of a coastal development permit, the applicant shall demonstrate to the County the applicant's authority to comply with all conditions of approval.

(D) Verification that the proposed development has met or is exempt from the requirements of Chapter 20.760 (Mendocino Historical Preservation District).

(E) Verification that the proposed development has been granted a sewer connection from the Mendocino City Community Services District.

(F) ~~Verification~~ **Demonstration** that the proposed development has met or is exempt from the requirements of Chapter 20.744.

(G) Stamped envelopes addressed to each owner of property situated within three hundred (300) ~~one hundred (100)~~ feet of the property lines of the project site (excluding roads, streets, or alleys), along with an Assessor's parcel map and a list containing the names of the property owners, addresses and Assessor's parcel numbers of same. Where the applicant is the owner of all properties within three hundred (300) feet of the project site, stamped envelopes shall be provided and addressed to owners of property situated within three hundred (300) feet of the applicant's contiguous ownership.

(H) Stamped envelopes addressed to each occupant of property situated within three ~~one~~ hundred (300) ~~(100)~~ feet of the property lines of the project site (excluding roads, streets, or alleys), along with an Assessor's parcel map and a list containing the names, addresses and Assessor's parcel numbers of same. Where the applicant is the owner of all properties within

three hundred (300) feet of the project site, stamped envelopes shall be provided and addressed to each occupant of property situated within three ~~one~~ hundred (300) ~~(100)~~ feet of the applicant's contiguous ownership.

(I) Stamped, addressed envelopes and a list of names and addresses of all other parties known to the applicant to have an interest in the proposed development.

(J) Such additional information that the Planning and Building Services Director may determine is necessary to determine whether the development is consistent with the certified Town Plan ~~General Plan~~ and this Division.

(K) A written statement by the applicant that the project has been posted with a public notice on a form provided by the Planning and Building Services Department and in a manner prescribed by the Director.

(L) A statement that processing of applications which do not contain truthful and accurate information necessary to review the application may be delayed or may result in denial or revocation of the permit if untruthful or inaccurate information in the application is discovered after approval or issuance of the permit.

(M) Other governmental approvals as required and obtained.

Sec. 20.720.030 - Processing of Applications.

Upon receipt of an application for a coastal development permit, the application shall be processed as follows:

(A) Application Check. The Planning and Building Services Department shall review all applications for completeness and accuracy before the applications are accepted and officially filed as complete.

The County criteria for determining that application for a coastal development permit or any other approval or entitlement for work or an activity in the Town is complete consist of the following: (1) A fully and accurately completed application form, including any required plans, drawings, calculations, and other required materials as specified in application form information, for the proposed development, work, or activity; (2) Evidence of legal interest in the lot (parcel) on which the development, work, or activity is proposed; (3) Any technical studies, peer

reviews, or evidence of other required development approvals necessary to identify consistency of the proposed development, work, or activity with the applicable standards of project review pursuant to the certified Mendocino Town Local Coastal Program, Mendocino Historical Preservation District Ordinance, or Mendocino Historical Review Board Guidelines, as applicable; (4) Information sufficient to facilitate County staff preparation of an environmental assessment of the proposed development, work, or activity pursuant to the California Environmental Quality Act and the CEQA Guidelines; (5) Identification of any authorized project agent; and (6) Payment of all fees to the County at the point of application for the development, work, or activity.

Each application shall be stamped by the Department with the date on which it is (1) received, and (2) officially filed.

The determination of whether a development is exempt or appealable for purposes of notice, hearing, and appeals shall be made at the time the application for development is submitted and deemed complete. This determination shall be made with reference to the certified Mendocino Town Local Coastal Program, including maps, categorical exclusions, land use designations, and zoning ordinances adopted as a part of the certified Local Coastal Program. Where an applicant, interested person, or the County ~~county~~ has a question as to the appropriate determination the following procedures shall be followed:

(1) The County ~~county~~ shall make its determination as to what type of development is being proposed (i.e., exempt, categorically excluded, appealable, non-appealable) and shall inform the applicant of the notice and hearing requirements for that particular development. The local determination may be made by the designated approving authority;

(2) If the determination of the County ~~county~~ is challenged by the applicant or an interested person, or if the county wishes to have a Coastal Commission determination as to the appropriate designation, the county shall notify the Commission by telephone of the dispute/question and shall request an Executive Director's opinion;

(3) The Executive Director shall within two (2) working days of the request (or upon completion of a site inspection where such an inspection is warranted) transmit a determination as to whether the development is exempt, categorically excluded, non-appealable or appealable;

(4) Where, after the Executive Director's investigation, the Executive Director's determination is not in accordance with the County ~~county~~ determination, the Coastal Commission shall hold a noticed public hearing, for the purpose of determining the applicable ~~appropriate~~ designation, at the next Commission meeting in the appropriate geographic region following the county's request.

The application shall be deemed complete and accepted unless the Department ~~department~~ finds that the application is not complete and notifies the applicant of such finding by mail within thirty (30) calendar days after receipt of the application. If the application is determined to be incomplete, the Department ~~department~~ shall specify those parts of the application which are incomplete and shall indicate the manner in which they can be made complete.

During Application Check, the Department ~~department~~ shall determine the type of permit for which the application has been made and shall refer copies of the application to any County ~~county~~ Department ~~department~~, state or federal agency, or other individual or group that the department believes may have relevant authority or expertise. Along with the referral, the Department ~~department~~ shall include notification that, if the Department ~~department~~ does not receive a response within fifteen (15) calendar days, the Department ~~department~~ will assume that no recommendations or comments are forthcoming.

Where the Department ~~department~~ has determined that an application is incomplete, and where the applicant contends ~~believes~~ that the information requested by the Department ~~department~~ to complete the application is not required pursuant ~~under the requirements of~~ this division or under policies adopted by resolution of the Board of Supervisors to administer this Division ~~division~~, the applicant may file an Administrative Appeal pursuant to Chapter 20.728. The appeal shall be made in writing to the Department ~~department~~, ~~and~~ accompanied by payment of a fee set by resolution of the Board of Supervisors, and evidence supporting the applicant's contention ~~belief~~ that the application is complete.

If the application is not completed by the applicant within one (1) year after original receipt by the County of the application, it will be deemed to be withdrawn. A new application may be made, subject to the payment ~~filing~~ of fees in accordance with Section 20.720.025 of this Chapter.

(B) Project Review—CEQA. Upon acceptance of an application as complete, the Director or his designee shall complete an environmental review of the project as required by the California Environmental Quality Act (CEQA), and shall study the project for conformance with all applicable requirements of this Division. The Director shall refer relevant portions of the completed application to those departments, agencies, or individuals who received copies of the application during application check, or any other individual/group that the department considers ~~believes~~ may have relevant authority or expertise. The Director or designee shall prepare a written report and recommendation for action on the application with findings, ~~and~~ evidence, and analysis that bridges the evidence and the applicable standards of review ~~in support thereof~~.

(C) Authority to Act on Coastal Development Permit. Upon completion of project review and evaluation, and noticed public hearing, action to approve, conditionally approve, or deny a coastal development permit shall be taken by (1) the Coastal Permit/Zoning Administrator in the~~,~~ case of principal permitted uses, minor use permits, and administrative permits, and (2) by the Planning Commission in the case of conditional use permits, major use permits, variances, subdivisions and any other divisions of land. (3) When a coastal development standard permit is required, action to approve, conditionally approve, or deny a standard development permit shall be taken by the Director or his designee.

(D) Actions. The approving authority may take any one (1) or a combination of the following different actions for each application for a permit:

(1) Make such findings or determination as is required by this Division and approve the application; or

(2) Make such findings or determination as are ~~is~~ required by this Division, including performance of, or compliance with, changes, modifications, or conditions necessary to assure conformity with this Division and required for approval of the application; or

(3) Make such findings or determination as is required by this Division and deny the application if:

(a) The coastal development permit cannot be conditioned by adequate requirements to insure compliance with this Division; or

(b) The proposed development cannot be modified to conform with this Division; or

(c) The proposed development does not conform with the certified Mendocino Town Local Coastal Program ~~local coastal program~~ and, as applicable, the public access and recreation policies of Chapter 3 of the Coastal Act (Public Resources Code Sections 30210-20224).

(4) No coastal development permit may be denied under this Division on the grounds that a public agency is planning or contemplating to acquire the property on, or property adjacent to the property on, which the proposed development is to be located, unless the public agency has been specifically authorized to acquire such property and there are funds available, or funds which could reasonably be expected to be made available within one (1) year, for such acquisition. If a permit has been denied for such reason and the property has not been acquired by a public agency within a reasonable period of time, a permit may not be denied for such development on grounds that such property, or adjacent property, is to be acquired by a public agency when the application for such a development is resubmitted.

(5) An applicant may withdraw any coastal development permit application prior to the approving authority's action on the application. The withdrawal must be in writing or be stated on the record. Withdrawal is effective immediately, is not subject to appeal, and shall be permanent, provided that ~~except~~ the applicant may file a new application with the applicable payment of ~~appropriate~~ fee(s) as provided in this Chapter.

(E) Time Periods. Within one hundred eighty (180) days after ~~of~~ filing of a complete application for a coastal development permit, the Coastal Permit Administrator or Planning Commission shall take such action as is specified in Subsection (D) of this section. The one hundred eighty (180) day time period may be extended once for a period not to exceed ninety (90) days with the written consent of the applicant and the department. If the Coastal Permit Administrator or Planning Commission does not act within the specified time period or extension thereof, the application shall be deemed to have been approved. provided, ~~,~~ that (1) the applicant and the County shall comply with the notice provisions of Title 14, California Code of Regulations, Section 13571(b), and (2) ~~that~~ the application shall be deemed approved only if the public notice required by law pursuant to Government Code Section 65956 has occurred. The date of the actual filing of the application for the purposes of this Division ~~ordinance~~ shall be the date of the environmental determination as required by local and state environmental review procedures. When an application has been approved by failure to act, such approval shall be subject to the notice requirements of Section 20.720.045(F).

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Sec. 20.720.035 - Findings.

(A) The ~~**granting,**~~ ~~or~~ **approval or** modification~~**, or conditional approval**~~ of any coastal development permit by the approving authority shall be supported by findings which establish that:

(1) The proposed development is in conformity with the certified Mendocino Town Local Coastal ~~P~~rogram ~~local coastal program~~; and

(2) The proposed development will be provided with adequate utilities, access roads, drainage, and other necessary facilities; and

(3) The proposed development is consistent with the purpose and intent of the zoning district applicable to the ~~**real property**~~ **legal lot** on which the development is proposed, as well as the provisions of this Division, and preserves the integrity of the zoning district; and

(4) The proposed development will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

(5) The proposed development will not have any adverse impacts on any known archaeological or paleontological resource.

(6) Other services, including but not limited to, solid waste, public roadway capacity and proof of an adequate water supply pursuant to Chapter 20.744 have been considered and are adequate to serve the proposed development.

(7) ~~That the~~ The proposed development is in conformance with the design standards of Section 20.760.050.

(B) If the proposed development is located between the first public road and the sea or the shoreline of any body of water, the following additional finding must be made:

(1) The proposed development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act (Public Resources Code Sections 30210-30224) and the certified Mendocino Town Plan of the Coastal Element of the General Plan.

(C) If the proposed development is subject to approval of a conditional use permit, the following additional finding must be made:

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(1) The proposed development ensures the protection of public health, safety, and welfare. [Suggested modification at request of County staff.]

(~~C~~D) Where a proposed development must also comply with the provisions of Chapter 20.420 (Flood Plain Combining District), Chapter 20.488 (Coastal Development General Review Criteria), Chapter 20.492 (Grading, Erosion and Runoff), Chapter 20.496 (Environmentally Sensitive Habitat and Other Resource Areas), Chapter 20.500 (Hazard Areas), or ~~and~~ Section 20.504.025(B), the approving authority shall make the applicable findings of Section 20.532.100 of Division II of this Title.

Sec. 20.720.040 - Administrative Approval of Coastal Development Permits.

(A) Purpose. The purpose of this section is to provide for the administrative issuance of coastal development permits for those types of development projects specified in Section 20.720.015 and emergency permits as provided for in Section 20.720.090.

(B) Approval. The Coastal Permit Administrator may administratively approve or conditionally approve a coastal development permit on the same grounds as all other coastal development permits without the requirement of a public hearing. Any permit issued administratively by the Coastal Permit Administrator shall contain a statement that the permit will not be effective until it has been reported to the Board of Supervisors.

(C) Reporting. A Coastal Development Administrative Permit ~~coastal development administrative permit~~ issued by the Coastal Permit Administrator shall be reported ~~available~~ on the agenda of the Board of Supervisors at its next scheduled meeting after the permit has been issued. The Coastal Permit Administrator shall report in writing to the Board at each meeting the permits approved under this section, with sufficient description of the work authorized to allow the Board and the public to understand the development proposed to be undertaken. If, at the meeting, at least one (1) member of the Board so request, the permit issued shall not go into effect and the application shall be processed in accordance with Section 20.720.045.

(D) Noticing. Notice that the Coastal Permit Administrator will report issuance of the administrative permit to the Board of Supervisors shall be provided at least ten (10) calendar days prior to the meeting. The notice shall be provided by first class mail to:

(1) The applicant;

(2) All property owners within three hundred (300) feet of the property lines of the project site, and to each occupant of property within three (300) hundred ~~one hundred (100)~~ feet of the property lines of the project site. Where, the applicant is the owner of all properties within three hundred (300) feet of the property lines of the project site, notice shall be provided to all property owners within three hundred (300) feet and to all occupants within one hundred (100) feet of the applicant's contiguous ownership;

(3) All persons who have requested to be on the mailing list for that development project;

(4) All persons who have requested to be on the mailing list for development located within the Town Plan boundaries;

(5) The Coastal Commission.

(E) Content of Notice. The notice shall contain the following information:

(1) A statement that the development is within the coastal zone;

(2) The date of filing of the application and the name of the applicant;

(3) The case file number assigned to the application;

(4) A description of the development and its proposed location;

(5) The date, time and place at which the application will be reported to the Board;

(6) A brief description of the general procedure concerning the conduct of hearing and local actions including procedures for submission of public comment prior to the decision, and identification of a current period of sufficient time to allow for submission of comments by mail prior to the decision;

(7) A full disclosure of the procedure(s) for local and Coastal Commission appeals, including any fee(s) that may be required.

(F) Final Action. A decision on a coastal development permit application shall not be deemed complete and final until:

(1) The decision has been made and all required findings have been adopted, and

(2) When all local rights of appeal have been exhausted in accordance with Chapter 20.728.

(G) Notice of Final Action. Notice shall be provided within ten (10) calendar days of final action by first class mail to:

(1) The applicant;

(2) Any person who specifically requested, in writing, notice of such final action; and

(3) The Coastal Commission.

(4) The County Assessor.

Sec. 20.720.045 - Coastal Development Permit Hearing and Notice Requirements.

(A) Purpose. The purpose of this section is to provide for the issuance of coastal development permits for those types of development projects which are not administrative or emergency permits.

(B) Hearing. The approving authority shall hold at least one public hearing on each coastal development permit application for an appealable development or for a non-appealable development which requires a public hearing pursuant to other provisions of this Division. The public hearing may be conducted in accordance with existing local procedures or in any other manner reasonably calculated to give interested persons an opportunity to appear and present their viewpoints, either orally or in writing. The hearing shall occur no earlier than ten (10) calendar days following the mailing of the notice **required** ~~**recovered**~~ in Subsection (C) below.

(C) Notice. At least ten (10) calendar days prior to the first public hearing on the development proposal, the Coastal Permit Administrator shall provide notice by first class mail of a pending application for a development subject to this section. This notice shall be provided to each applicant, to all persons who have requested to be on the mailing list for that development project or for coastal decisions, to all property owners within three hundred (300) feet of the perimeter of the parcel on which the development is proposed, to all occupants of property within three (300) hundred ~~one hundred (100)~~ feet of the perimeter of the parcel on which the development is proposed, and to the Coastal Commission. Where the applicant is the owner of all properties within three hundred (300) feet of the property lines of the project site, notice shall be provided to all property owners within three hundred (300) feet and to all occupants within three (300) hundred ~~one hundred (100)~~ feet of the applicant's contiguous ownership.

(D) Content of Notice. The notice shall contain the following information:

(1) A statement that the development is within the 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 development and its proposed location;

(5) The date, time and place at which the application will be heard by the approving authority;

(6) A brief description of the general procedure concerning the conduct of hearing and local actions;

(7) The system for local and Coastal Commission appeals, including any fee(s) that may be required.

If a hearing on a coastal development permit is continued to a time which has not been stated in the initial notice or at the public hearing, notice of the continued hearing shall be provided in the same manner and within the same time limits as required in Subsection (C) above.

(E) Final Action. A decision on a coastal development permit application shall not be deemed **complete** ~~**final**~~ ~~complete~~ until:

(1) The decision 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 Town LCP and, where applicable, the public access and recreation policies of Chapter 3 of the Coastal Act**, and

(2) When all local rights of appeal have been exhausted in accordance with Chapter 20.728.

(F) Notice of Final Action. Notice shall be provided within ten (10) calendar days of final action by first class mail to:

(1) The applicant;

(2) Any person who specifically requested, in writing, notice of such final action; and

(3) The Coastal Commission.

(4) The County Assessor.

(G) Effective Date. Decisions of the approving authority on an application for a development appealable to the Coastal Commission shall become final and effective after the ten (10) working day appeal period to the Coastal Commission has expired and no appeal has been filed with the Coastal Commission. If the notice of final action is defective and does not contain information pursuant to Section 20.720.045(D) and Section 20.720.035(B) (1), if applicable, the permit decision will be stayed and will not become effective after expiration of the ten (10) working day appeal period. Where an application for a development is not appealable to the Coastal Commission, the decision of the approving authority shall become final and effective on the eleventh (11th) day following the action of the approving authority to approve or deny the coastal permit unless prior to said eleventh (11th) day an appeal of the decision is filed as provided by Chapter 20.728.

Sec. 20.720.050 - Expiration and Completion.

Each valid, unrevoked, and unexpired coastal development permit shall expire and become null and void at the time specified in such permit, or if no time is specified, at the expiration of two (2) years after granting except where construction, ~~and or~~ and/or use of the real property, **as specified in the issued coastal development permit and ~~applicable~~**, in reliance on such permit has **~~not~~** been initiated prior to its expiration. To remain valid, progress toward completion of the project must be continuous. Permits issued for Planned Unit Developments shall expire no sooner than the tentative map, and any extensions of a ~~the~~ Planned Unit Development permit shall conform with all provisions of this Division. No building permit shall be finalized or occupancy permit issued until all terms ~~aspects~~ and conditions of the approved coastal development permit ~~approval~~ have been met.

Sec. 20.720.055 - Application for Permit Amendment.

Any person holding a **valid, unexpired, and unrevoked** coastal development permit may apply for a permit amendment by complying with Section 20.720.025 (Application and Fees). For the purposes of this section, the amendment of a coastal development permit may include amendment of the terms of the permit itself, or the waiver or alteration of conditions imposed pursuant to Section 20.720.030.

(A) Definition of Permit Amendment. Any request to amend an approved or issued coastal development permit that constitutes a change in the approved development, or any condition of development approval ~~An amendment to a coastal development permit~~ shall be processed ~~in accordance with~~ pursuant to Section 20.720.025 ~~when an applicant is requesting any change to the development project that was the subject of the approved coastal development permit~~. When, in the determination ~~opinion~~ of the Director, a major revision constituting substantial alteration in the permit is requested, an amendment shall not be processed and a new coastal development permit application must be made.

(B) Amendment to Administrative Permits.

(1) Amendments to administrative permits may be approved by the Coastal Permit Administrator upon the same criteria and subject to the same reporting requirements and procedures, including public notice and appeals, as provided for issuance of administrative permits in Section 20.720.040.

(2) If any amendment would, in the determination ~~opinion~~ of the Coastal Permit Administrator ~~administrator~~, change ~~the nature of~~ the project so that it no longer meets the criteria established for treating the application as an administrative permit pursuant to Section 20.720.015, then the application shall thereafter be treated in the manner prescribed by Section 20.720.015~~, then the application shall thereafter be treated in the manner prescribed~~ and by Section 20.720.055(C)(2) ~~dealing with amendments to permits other than administrative permits~~.

(C) Amendment to Permits other than Administrative Permits.

(1) The director shall determine whether or not a proposed amendment is a material change to the approved permit. ~~**If the Director determine whether or not a proposed amendment is a material change to the approved permit.**~~ If the Director determines that the proposed amendment is immaterial, notice of such determination shall be posted at the project site. Notice of such determination also shall be given as provided in Section 20.720.040(D). If no written objection to the amendment is received within ten (10) working days of the notice, the determination of immateriality shall be conclusive and the amendment **shall be deemed final and** effective**: (a) after a Notice of Final Action has been transmitted to the Coastal Commission pursuant to Section 20.720.045(F) and (b) the ten (10) working day appeal**

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period to the Coastal Commission has expired and no appeal has been filed with the Coastal Commission, pursuant to Section 20.720.045(G)..

(2) If the Director determines that the proposed amendment is a material change or if written objection is made to the determination of conditions that were required for the purpose of protecting a coastal resource or coastal access consistent with the findings required by Section 20.720.035, the application shall be referred to the approving authority having original jurisdiction over the coastal development permit. The material amendment shall be subject to the hearing and notice requirements of Section 20.720.045.

Sec. 20.720.060 - Renewal (Extension).

On or before the date of expiration of a coastal development permit, the person holding the permit shall apply for a renewal (extension) of said permit if the development (a) cannot be completed, or (b) is proposed to continue, as the case may be, by the permit expiration date. ~~use is to be continued beyond the date of expiration or the development cannot be initiated prior to expiration.~~ Application for renewal shall be submitted in compliance with Section 20.720.025.

(A) Notice for renewal (extension) of a coastal development permit shall be given pursuant to Section 20.720.040.

(B) The renewal (extension) of a coastal development permit may be granted by the Coastal Permit Administrator without a public hearing for a term not exceeding one (1) year provided:

(1) No additional conditions are recommended by referral agencies or the Planning and Building Services Department and the Director determines that there are no changed **~~material~~** circumstances that may affect the consistency of the project with this Division and the certified Town Plan; and

(2) No written objection to granting of the renewal (extension) application without a public hearing is received within ten (10) working days after notice has been given pursuant to Section 20.720.040(D).

(C) If the Director determines that there are changed **~~material~~** circumstances that may affect the consistency of the project with this Division and the certified Town Plan, or if additional conditions are recommended or written objection to the renewal (extension) is received ~~made~~, the application~~s~~ shall be referred to the approving authority **~~with~~** having original jurisdiction over

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the coastal development permit, and the renewal (extension) shall be subject to the hearing and notice requirements of Section 20.720.045.

(D) The time limit for completion of coastal development permit conditions may be extended by the Coastal Permit Administrator for a maximum of one hundred eight (180) days, or for good cause for such additional time as the Coastal Permit Administrator may determine.

Sec. 20.720.065 - Revocation or Modification.

A coastal development permit may be revoked or modified for cause as provided by the provisions of this section. For purposes of this section, the modification of a permit may include the modification of the terms of the permit itself or the waiver, alteration or imposition of new conditions pursuant to Section 20.720.030 and Section 20.720.045.

(A) Grounds for Revocation or Modification. A coastal development permit may be revoked or modified by the County pursuant to the provisions of this section upon a finding of any one or more of the following grounds:

(1) That such permit was obtained or extended by fraud.

(2) That one or more of the conditions upon which such permit was granted have been violated.

(3) That the use for which the permit was granted is so conducted as to be detrimental to the public health, welfare or safety, or as to be a nuisance.

(4) A final judgment of a court of competent jurisdiction has declared one (1) or more conditions to be void or ineffective, or has enjoined or otherwise prohibited the enforcement or operations of one (1) or more such conditions.

(B) Initiation of Action. An action to revoke or modify a coastal development permit may be initiated by order of the Board of Supervisors, Planning Commission, or the Coastal Permit Administrator, whichever granted, extended or modified the permit, on its own motion or on the request of any County Officer; the Board of Supervisors may initiate an action to revoke or modify any coastal development permit granted or modified by either the Coastal Permit Administrator or Planning Commission.

Sec. 20.720.070 - Assignment of Permits.

(A) Any person who has obtained a coastal development permit pursuant to the provisions of

this Division for any development ~~project~~ may assign such permit to another person subject to the following requirements:

(1) Submission of an application fee as set by resolution of the Board of Supervisors; and

(2) An affidavit executed by the assignee attesting to the assignee's agreement to comply with the terms and conditions of the permit; and

(3) Evidence of the assignee's legal interest in the real property involved and legal capacity to undertake the development as approved and to satisfy the conditions required in the permit; and

(4) The original permittee's request to assign all rights to undertake the development to the assignee; and

(5) A copy of the original permit showing that it has not expired.

(B) The applicant for assignment shall submit the above documents to the Department of Planning and Building Services together with a completed application form provided by the department. The assignment shall be effective upon the department's written approval of the documentation submitted, and the reassigned permit shall be granted subject to the terms and conditions of the original permit.

Sec. 20.720.075 - Reapplication.

No application for ~~the granting of~~ a coastal development permit for a development, which has previously been denied, shall be filed earlier than one (1) year after the date such denial becomes effective, unless the request for reapplication reflects a major change in circumstances and specific permission to do so has been granted as follows:

(A) Denial by Coastal Permit Administrator. If the Coastal Permit Administrator has denied the coastal development permit, permission to reapply may be granted by the Coastal Permit Administrator or the Board of Supervisors.

(B) Denial by the Planning Commission. If the Planning Commission has denied the coastal development permit, permission to reapply may be granted by the Planning Commission or the Board of Supervisors.

(C) Denial by the Board of Supervisors. If the Board of Supervisors has denied the coastal development permit, permission to reapply may be granted by the Board of Supervisors.

Sec. 20.720.080 - Nuisance.

The granting or modification of any coastal development permit shall not authorize or legalize the maintenance of any private or public nuisance.

Sec. 20.720.085 - Notice to Assessor.

Whenever a coastal development permit is granted with respect to any real property, the Planning and Building Services Department shall, within ten (10) days of the issuance of such permit, notify the County Assessor.

Sec. 20.720.090 - Permits for Approval of Emergency Work.

(A) Purpose. This section describes procedures for processing applications for permits to perform work to resolve problems resulting from an ~~situation falling within the definition of~~ "emergency", as defined in Section 20.608.024. In cases of a verified emergency, temporary emergency authorization to proceed with remedial measures may be given by the Director or his or her designee until such time as a coastal development permit application is filed and approved pursuant to this Division.

(B) Immediate Action Required. When immediate action by a person, or a public agency ~~performing a public service~~, is required to protect life or ~~and public~~ property from imminent danger, or to restore, repair, or maintain public works, utilities, or other services destroyed, damaged, or interrupted by natural disaster, serious accident, or in other cases of emergency, the requirements for ~~of~~ obtaining any permit under this Division may be waived upon notification of the Planning and Building Services Director or his/her designee of the type and location of the work required to address the emergency within seven (7) days of the disaster or discovery of the danger, whichever occurs first. Nothing in this section authorizes permanent erection of structures valued at more than twenty-five thousand dollars ($25,000).

(C) Method of Application. Applications in cases of emergencies shall be made to the Planning and Building Services Director or his/her designee by letter if time allows, and by telephone, electronic mail, facsimile, or in person if time does not allow.

(D) Necessary Information. 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; and

(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.

(E) Verification of Emergency. The Planning and Building Services Director or his/her designee shall verify the facts, including the existence and nature of the emergency, insofar as time allows.

(F) Criteria for Granting Permit. The 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. The Director may grant an emergency permit upon reasonable terms and conditions which shall include, at a minimum, an expiration date and the necessity for a regular permit application later, if the Director finds that:

(1) An emergency exists and requires action more quickly than permitted by the procedures for administrative permits, or for ordinary permits and the development can and will be completed within thirty (30) days unless otherwise specified by the terms of the permit;

(2) Public comment on the proposed emergency action has been reviewed if time allows; and

(3) The work proposed would be consistent with the requirements of the local coastal program.

(G) Reporting.

(1) The Director shall report in writing to the Board of Supervisors at each meeting 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.

(2) All emergency permits issued after the mailing for the meeting shall be briefly described by the Planning and Building Services Director at the meeting and the written report required by subparagraph (1) shall be distributed prior to the next succeeding meeting.

(3) The report of the Director shall be informational only; the decision to issue an emergency permit is solely at the discretion of the Director.

(4) Notice of emergency permits shall be provided by phone or letter to the California Coastal Commission as soon as possible, but in any event within three (3) days, following issuance of the emergency permit.

(H) Compliance. An emergency permit shall be valid for not more than sixty (60) days from the date of issuance. Prior to expiration of the emergency permit, the permittee must submit a coastal development permit application for the development or else remove the development undertaken pursuant to the emergency permit in its entirety and the site restored to its previous condition. Failure to comply with the provisions of this section or failure to properly notice and report by the applicant any emergency actions may result in enforcement action pursuant to Chapter 20.736.

Sec. 20.720.095 - Procedures for Access and Open Space Easements and Documents Restricting Use.

The purpose of this section is to provide procedures pertaining to coastal development permits containing conditions for access, open space or conservation easements or the processing of other legal documents resulting from conditions of a coastal development permit which restricts use where such conditions are required by the Coastal Element of the General Plan.

(A) Upon completion of final action on a coastal development permit requiring the applicant to record an access, open space or conservation easement or other document restricting use, and prior to the issuance of the permit, the Coastal Permit Administrator 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. If requested, the Coastal Commission will prepare the documents and forward copies to the County for processing;

(B) The Executive Director of the Coastal Commission shall have fifteen (15) working days from receipt of the documents where review is requested and thirty (30) working days where preparation is requested in which to complete the review or preparation and notify the applicant and Coastal Permit Administrator of recommended revisions if any;

(C) If the Coastal Permit Administrator does not receive notification of inadequacy of documents within the review or preparation period, the permit may be issued upon proof that the documents have been recorded free of prior liens and encumbrances, except tax liens, in accordance with the provisions of this Division;

(D) Where revisions are required to meet the standards of this section, the permit shall not be issued until the county has been notified that all issues of adequacy, uniformity and consistency have been resolved and the document has been recorded free of prior liens and encumbrances, except tax liens, in accordance with the provisions of the certified local coastal program;

(E) Copies of the recorded document(s), title report, and permit shall be forwarded to the Coastal Commission within ten (10) days after recordation of the document(s).

CHAPTER 20.724 - VARIANCES

Sec. 20.724.005 - Purpose.

A variance is an exception from zone restrictions that is granted by the Coastal Permit Administrator upon application when, because of special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of the zoning ordinance deprives the property of privileges enjoyed by other property in the vicinity and under identical zoning classification. Variances shall not be granted to modify development regulations or authorize uses or activities which are not otherwise expressly authorized by the Mendocino Town Plan and the regulations of this Division.

Sec. 20.724.010 - Original Jurisdiction (County).

The original jurisdiction of the County shall be exercised over variances as follows:

(A) Concurrent Application. When an application for granting or modifying a variance is submitted concurrently with an application for granting or modifying a Mendocino Historical

Review Board approval ~~permit~~ and said variance would be incidental and necessary to it ~~said Mendocino Historic Review Board permit,~~ the variance shall be designated as a concurrent variance and the application shall be reviewed by the Historical Review Board. Setback and building height exceptions reviewed by the Mendocino Historical Review Board shall ~~are~~ not be subject to the requirements of this Chapter.

(B) Regular Variance. All other variances shall be designated as regular variance and applications for their granting or modification shall be under the jurisdiction of the Coastal Permit Administrator.

Sec. 20.724.015 - Application and Fees.

Applications for a variance or modification thereof shall be filed with the Coastal Permit Administrator upon such forms and accompanied by such plans and data as may be prescribed by the Coastal Permit Administrator so as to assure the fullest practical presentation of facts for the permanent record. Such application shall be accompanied by a fee payment.

Sec. 20.724.020 - Findings.

Before any variance may be granted or modified, the Coastal Permit Administrator or the Mendocino Historical Review Board, as applicable, ~~it~~ shall find, on substantial evidence in the record as a whole ~~be shown~~:

(A) That there are special circumstances applicable to the real property involved, including size, shape, topography, location or surroundings; and

(B) That such special circumstances or conditions are not due to any action of the applicant subsequent to the application of the zoning regulations contained in this Division and applicable policies of the certified Town Plan of the Coastal Element of the General Plan; and

(C) That such variance is necessary for the preservation and enjoyment of privileges possessed by other real property in the same vicinity and Zoning District ~~zone~~ and denied to the real property in question because of the special circumstances identified in Subsection (A); and

(D) That the granting of such variance will not be materially detrimental to the public welfare or injurious to the real property or improvements in such vicinity and zoning district ~~zone~~ in which the real property is located; and

(E) That the variance does not authorize a use or activity that is not otherwise expressly authorized by the zoning provisions governing the parcel ~~**(lot)**~~; and

(F) That the granting of such variance is in conformity with all other provisions of this Division, ~~and~~ the certified Mendocino Town Plan, and applicable public access and recreational ~~plans and~~ policies of Chapter 3 of the Coastal Act, as amended (Public Resources Code Sections 30210-30224).

Sec. 20.724.025 - Decisions.

(A) Action. Upon completion of review and evaluation of an application for a variance, the Coastal Permit Administrator or other approving authority pursuant to Section 20.724.010(A) shall **either**~~either~~:

(1) Make such findings or other determination as is required by the applicable ~~pertinent~~ sections of this Division ~~the zoning ordinance~~ and approve the application. The variance may be granted ~~for the full dimensions and extent~~ as requested by the applicant.

(2) Notify the applicant of the changes and modifications required for approval of the application, or

(3) Deny the variance.

The Coastal Permit Administrator shall deny the variance if:

(a) The variance cannot be conditioned by adequate requirements to insure compliance with ~~**this**~~ **the** applicable requirements of this Division, the certified Town Plan, or the public access and recreation ~~applicable regulations and~~ ~~applicable plans and~~ policies of Chapter 3 of the Coastal Act (Public Resources Code Sections 30210-30224); or

(b) The application for the variance cannot reasonably be modified to conform to the applicable development requirements; or

(c) The required findings of Section 20.724.020 cannot be made.

(B) Time Period. Within one hundred eighty (180) days of filing of a complete application for a variance, the Coastal Permit Administrator shall take such action as is specified in subsection (A) above. The one hundred eighty (180) day time period may be extended once for a period not to exceed ninety (90) days with the written consent of the applicant and the department. If

the Coastal Permit Administrator does not act within the specified time period or extension thereof, the application shall be deemed to have been approved; provided, ~~however,~~ that the applicant and the County shall comply with the notice provisions of Title 14, California Code of regulations, Section 13577(b) and that the application shall be deemed approved only if the public notice required by Government Code Section 65956 ~~law~~ has occurred ~~(see Government Code Section 65956)~~. The date of the actual filing of the application for the purposes of this section shall be the date of the environmental determination as required by local and state environmental review procedures. When an application has been deemed approved by failure to act, such approval shall be subject to the notice requirements of Section 20.720.045(F).

(C) Public Hearing and Notice. A public hearing and notice shall be required in accordance with Chapter 20.720.

Sec. 20.724.030 - Conditional Variance.

Any variance granted may be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located. Guarantees to insure compliance with the terms and conditions may be required by the approving authority.

Sec. 20.724.035 - Effective Date.

Decisions of the Coastal Permit Administrator made pursuant to Section 20.724.025 (Decisions) that are not appealable to the Coastal Commission shall become final and effective on the eleventh (11th) day following the action of the Coastal Permit Administrator to approve or deny the variance, unless prior to said eleventh (11th) day an appeal of the decision is filed as provided by Chapter 20.728 (Appeals). Where a decision is appealable to the Coastal Commission**,** the decision shall become final and effective after the ten (10) working day appeal period to the Coastal Commission has expired and no appeal has been filed with the Coastal Commission.

Sec. 20.724.040 - Expiration.

Each valid**,** unrevoked**,** and unexpired variance shall expire and become null and void at the time specified in such variance, or if no time is specified, at the expiration of two (2) years after

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granting except where construction and/or use of the property in reliance on such variance has been initiated prior to its expiration. To remain valid, progress toward completion of the project must be continuous.

Sec. 20.724.045 - Application for Amendment.

Any person holding a variance may apply for an amendment by complying with Section 20.724.015 (Application and Fees). For the purposes of this section, the amendment of a variance may include modification of the terms of the variance itself or the application, waiver or alteration of conditions imposed pursuant to Section 20.724.030 (Conditional Variance).

Sec. 20.724.050 - Revocation or Modification.

A variance may be revoked or modified for cause as provided by the provisions of this section. For purposes of this section, the modification of a variance may include modification of the terms of the variance itself or the waiver alterations or imposition of new conditions pursuant to Section 20.724.030 (Conditional Variance).

(A) Grounds for Revocation or Modification. A variance may be revoked or modified pursuant to the provisions of this section on any one or more of the following grounds:

(1) That such variance was obtained or extended by fraud.

(2) That one or more of the conditions upon which such variance was granted have been violated.

(3) That the use for which the variance was granted is so conducted as to be detrimental to the public health, welfare or safety, or as to be a nuisance.

(4 A final judgment of a court of competent jurisdiction has declared one (1) or more conditions to be void or ineffective, or has enjoined or otherwise prohibited the enforcement or operations of one (1) or more such conditions.

(B) Initiation of Action. An action to revoke or modify a variance may be initiated by order of the Board of Supervisors, or the approving authority, whichever granted or modified the variance, on its own motion or on the request of any County Officer, provided however that the Board of

Supervisors my initiate an action to revoke or modify any variance granted or modified by the Coastal Permit Administrator.

Sec. 20.724.060 - Reapplication.

No application for the granting of a variance which has been denied shall be filed earlier than one (1) year after the date such denial becomes effective, unless the request for reapplication reflects a major change in circumstances and specific permission to do so has been granted as follows:

(A) Denial by Coastal Permit Administrator. If the Coastal Permit Administrator has denied the variance, permission to reapply may be granted by the Coastal Permit Administrator or the Board of Supervisors.

(B) Denial by Mendocino Historical Review Board. If the Mendocino Historical Review Board has denied the variance, permission to reapply may be granted by the Mendocino Historical Review Board or the Board of Supervisors.

(C) Denial by the Planning Commission. If the Planning Commission has denied the variance, permission to reapply may be granted by the Planning Commission or Board of Supervisors.

(D) Denial by the Board of Supervisors. If the Board of Supervisors has denied the variance, permission to reapply may be granted by the Board of Supervisors.

Sec. 20.724.065 - Nuisance.

The granting or modification of any variance to these provisions shall not authorize or legalize the maintenance of any private or public nuisance.

CHAPTER 20.728 - APPEALS

Sec. 20.728.005 - Declaration.

The purpose of this Chapter ~~chapter~~ is to prescribe the procedure by which an appeal may be taken from a decision of the Planning and Building Services Department, Mendocino Historical Review Board, Coastal Permit Administrator, Planning Commission, or Board of Supervisors made pursuant to the administration or enforcement of this Division.

Sec. 20.728.010 - Administrative Appeals.

(A) Request for a hearing before the Planning Commission may be made by an aggrieved person from any decision, determination, or requirement of the Planning and Building Services Department by filing a notice thereof in writing with the Planning and Building Services Department within ten (10) calendar days after such decision, determination or requirement is made. Such appeal shall be accompanied by a fee payment.

(B) The Planning and Building Services Department shall prepare a written report that includes its findings which shall be forwarded to the Planning Commission for action. The action of the Planning Commission is final unless appealed to the Board of Supervisors pursuant to Section 20.728.015.

(C) Notice shall be provided pursuant to Section 20.720.040.

Sec. 20.728.015 - Coastal Permit Administrator, Mendocino Historical Review Board, and Planning Commission Appeal.

(A) Request for hearing before the Board of Supervisors may be made by an aggrieved person from any final decision of the Coastal Permit Administrator, Mendocino Historical Review Board or the Planning Commission by filing a notice thereof in writing with the Clerk of the Board within ten (10) calendar days after such decision, determination or requirement is made. Such appeal shall be accompanied by a fee payment. Appeals from any decision of the Mendocino Historical Review Board also shall be accompanied by a statement supporting the grounds for the appeal as provided by Section 20.760.072.

(B) The Board of Supervisors shall hold a public hearing on the appeal, noticed in the same manner and to the same extent as initially noticed for the Coastal Permit Administrator and/or Mendocino Historical Review Board and/or Planning Commission meeting. The Board of Supervisors, after considering the notice and Planning and Building Services Department report may remand, affirm, reverse or modify any such decision, determination or requirement as it finds in compliance with this Division and the Coastal Element of the General Plan. The Board of Supervisors shall adopt findings which specify the facts relied upon in deciding the appeal, and the findings shall state the reasons for any conditions imposed. The decision of the Board of Supervisors is final unless the decision is appealable to the Coastal Commission.

(C) No permit or variance shall be issued for any use or structure related to the action of the Coastal Permit Administrator, Mendocino Historical Review Board, Planning Commission or Board of Supervisors until the applicable appeal period has expired and no appeals have been filed with the appropriate appellate body.

(D) Notice of the decision of the Board of Supervisors, together with a copy of the findings adopted shall be mailed within ten (10) calendar days following the date of the decision on appeal. Notice shall be provided by first class mail to the applicant and/or appellant, any person who specifically requested, in writing, notice of such decision, and the Coastal Commission. The notice shall include the written findings, any conditions of approval, and procedures for appeal where applicable.

Sec. 20.728.020 - ~~Coastal Commission~~ Appeals to the Coastal Commission.

(A) An appeal of an action ~~decision~~ to approve an application for a coastal development permit may be filed with the Coastal Commission by an applicant or any aggrieved person who has exhausted local appeals **as specified in Title 14, California Code of Regulations, Section 13573 and Section 20.728.020 (D)**, or any two (2) members of the Coastal Commission ~~**who have informed the County of their concerns, or for good cause were unable to do so**~~. The appeal must comply with the requirements of ~~specified by~~ Title 14, California~~.~~ ~~Admin.~~ Code of Regulations, Section 13111, and the appeal must be received by the Coastal Commission on or before the tenth (10th) working day after Coastal Commission receipt of the notice of final permit action on the coastal development permit from the County.

(B) An action taken on a coastal development permit may be appealed to the Coastal Commission, pursuant to Public Resources Code Section 30603(a), for only the following types of developments:

(1) ~~**Approved development that is located**~~**Developments** ~~Developments~~ approved between the sea and the first public road paralleling the sea, or within three hundred (300) 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 not included within Paragraph (1) of this section that are~~ Approved development that is located on tidelands, submerged lands, public trust lands, within one

hundred (100) feet of any wetland, estuary, stream, or within three hundred (300) feet of the top of the seaward face of any coastal bluff;

(3) ~~Any approved division of land; (4) Any development approved~~ Approved development that is not designated as the principal permitted use under the Coastal Commission-certified Town zoning ordinance or zoning district map ~~approved pursuant to Chapter 6 (commencing with Section 30500) of the Coastal Act~~;

(4) ~~(5)~~ Any development which constitutes a major public works project or a major energy facility.

(C) The grounds for an appeal pursuant to Section 20.728.020(B) shall be limited, pursuant to ~~those specified in~~ Public Resources Code Section 30603(b), to (1) an allegation that the approved development does not conform to the standards set forth in the certified Town of Mendocino local coastal program or the public access policies of Chapter 3 of the Coastal Act (Public Resources Code Section 30210-30214), or (2) an allegation that any denied application for a major public works project or major energy facility development conforms to the standards set forth in the certified Town of Mendocino local coastal program and the public access policies of Chapter 3 of the Coastal Act (Public Resources Code Section 30210-30214).

(D) An appellant shall be deemed to have exhausted local appeals for purposes of filing an appeal under the Commission's regulations and be an aggrieved person where the appellant has pursued his or her appeal to the local appellate body as required by the County appeal procedures; except that exhaustion of all local appeals shall not be required if any of the following occur:

(1) The County required an appellant to appeal to more local appellate bodies for permits in the coastal zone than were required in the implementation section of the Local Coastal Program;

(2) An appellant was denied the right of the initial local appeal by a local ordinance which restricts who may appeal a local decision;

(3) An appellant was denied the right of local appeal because local notice and hearing procedures for the development did not comply with the provisions of this Division;

(4) The County charges an appeal fee for the filing or processing of appeal.

(E) Where a project is appealed by any two (2) members of the Coastal Commission, there shall be no requirement of exhaustion of local appeals. Provided, ~~however,~~ that (1) notice of an appeal by any two (2) members of the Coastal Commission ~~Commission appeals~~ shall be promptly transmitted to the ~~(which considers appeals from the~~ approving authority that rendered the final decision at the County~~)~~ and (2) ~~the~~ such appeal to the Coastal Commission shall be suspended pending a decision on the merits by that local appellate body. If a ~~the~~ decision of the local appellate body modifies or reverses the previous local final decision regarding the application for the coastal development permit that two Coastal Commissioners appealed, the County shall issue a new notice of final local action, receipt of which by the Coastal Commission initiates a new 10-working day appeal period pursuant to Public Resources Code Section 30603(c). ~~the Commissioners shall be required to file a new appeal from that decision.~~

CHAPTER 20.732 - AMENDMENTS

Sec. 20.732.005 - Purpose.

The purpose of this Chapter ~~chapter~~ is to provide procedures to change the boundaries of Mendocino Town land use **classifications** or Zoning Districts ~~districts~~ or to change any other provisions of this Division~~**; provided that no change (amendment) to any boundary of a Mendocino Town land use or zoning district shall become effective until it has been certified by the Coastal Commission**~~.

Sec. 20.732.010 - Initiation.

(A) An application to amend this Division may be initiated by:

(1) Minute order of the Board of Supervisors; or

(2) Minute order of the Planning Commission; or

(3) Recommendation of the Department of Planning and Building Services; or

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(4) An application of one (1) or more property owners affected by the proposed amendment, such application shall be filed with the Planning and Building Services Department on forms provided and shall be accompanied by a fee **payment**.

(B) An application for amendment of the text or map of this Division may also be initiated in conjunction with an application for an amendment of the **Town Plan chapter of the** Coastal Element of the General Plan. An application for a general plan amendment shall be filed with the Planning and Building Services Department on forms provided and shall be accompanied by payment of a fee.

Sec. 20.732.015 - Application Form, Filing and Fee.

(A) An application for amendment of this Division shall be made on the prescribed form and filed with the Planning and Building Services Department. The application fee established by the Board of Supervisors shall be paid when the application is submitted.

(B) The application for amendment shall include information concerning the need and reason for the amendment.

(C) An application to amend the maps of this Division shall include a map of the proposed amendment area depicting the affected area by Assessor's parcel number.

Sec. 20.732.020 - Processing of Amendment.

(A) Administrative Review. The Planning and Building Services Department shall process the application for amendment through the project review process in accordance with Sections 65800 through 65993 of the Government Code, Sections 21000 through 21176 of the Public Resources Code, Sections 13500 through 13577 and Sections 15000 through 15387 of the California Administrative Code.

(B) Planning Commission Hearing. After Administrative Review, the Planning Commission shall hold a duly noticed public hearing on the application for amendment.

(C) Action by the Planning Commission. After the hearing, the Planning Commission shall render its decision in the form of a report incorporating a written recommendation to the Board of Supervisors.

(D) Action by the Board of Supervisors. After holding a noticed public hearing, the Board of Supervisors may approve, modify, or disapprove the recommendation of the Planning Commission; provided, ~~however,~~ that any modification of the proposed amendment by the Board of Supervisors may ~~shall~~ first be referred to the Planning Commission for report and recommendation, but the Planning Commission shall ~~**may**~~ not be required to hold a public hearing thereon. Failure of the Planning Commission to report within forty (40) days after the reference shall be deemed to be approval of the proposed modification.

(E) Notice of Action. Within ten (10) days after a decision by the Board of Supervisors, the Clerk of the Board shall give notice of the decision to **(1)** the applicant for the amendment**, (2) the Coastal Commission,** and **(3)** any other party who has requested such notice.

(F) Notice of Environmental Determination. Following each amendment approved by the Board of Supervisors where the County is the lead agency, a Notice of Determination shall be filed pursuant to all requirements of Sections 15075 and 15094 of the California Administrative Code and Section 21152 of the California Public Resources Code~~**; provided that action by the Board of Supervisors on an amendment to the certified Mendocino Town Local Coastal Program, or any of its components, is exempt from review pursuant to the California Environmental Quality Act**~~.

(G) Coastal Commission Certification. Approval by the Board of Supervisors of an application for an amendment to the certified Mendocino ~~**County**~~ **Town** Local Coastal Program, or any of its components, shall not become effective until the amendment has been approved and certified by the Coastal Commission.

Sec. 20.732.025 - Abandonment of Proceedings.

Upon the consent of the Planning Commission or Board of Supervisors, any application for an amendment may be withdrawn upon the written notice of any person who signed such application. The Board of Supervisors or the Planning Commission, as the case may be, may, by resolution, abandon any proceedings for an amendment initiated by its own resolution of intention, provided that such abandonment may be made only when such proceedings are before such body for consideration and provided that any hearing of which public notice has been given shall be held.

Sec. 20.732.030 - Notice to County Assessor.

Whenever the zoning covering a property is changed from one zone to another with respect to any property, the Planning and Building Services Department shall, within ten (10) days, notify the County Assessor.

CHAPTER 20.736 - ENFORCEMENT

Sec. 20.736.005 - Officials, Duties.

(A) All departments, officials, and public employees of the County which are vested with the duty or authority to issue permits or licenses shall conform to the provisions of this Division and shall issue no such permit or license for uses, buildings or purposes where the same would be in conflict with the provisions of this Division and the Coastal Element of the General Plan.

(B) It shall be the duty of the Planning and Building Services Department and of the officers of the County herein and/or otherwise charged by law with the enforcement of this Division to enforce this Division and all provisions of same.

(C) The Planning and Building Services Department is hereby authorized to issue Stop Work Orders to prohibit further construction or use of structures and property involving violations of this Division. Such Stop Work Orders shall remain in effect until violations are eliminated.

Sec. 20.736.010 - Penalties.

(A) Violation of this Division may be an infraction, and may be punishable by fines as specified in Government Code Section 25132, and/or by civil fines as specified in Public Resources Code Section 30820. Such violations may also be redressed by civil action through the Office of the County Counsel and/or the Office of the Attorney General. A separate offense shall be deemed to have occurred for each and every day a violation occurs after the first citation is issued, and for each day a separate violation is noted or upon which a continuing violation persists.

(B) Any violation of provision of this Division may cause to be filed for the record with the Recorder of the County in which the real property is located a notice of such violation and a lien

of the estimated permit costs and penalties (such fees shall be further evaluated at the time of restitution). The notice shall specify the names of the record owners and particularly describing the real property, provided that, at least thirty (30) days prior to recording such notice and/or lien the owner of the parcels or units to be affected by the notice of violation, shall be advised in writing of the intention to record the notice specifying the time, date and place at which the owner may present evidence to the Department of Planning and Building Services as to why such notice should not be recorded. The decision of Planning and Building Services may be appealed to the Board of Supervisors.

(C) Any person who demolishes, alters or constructs a building or structure in violation of this Division may be required to restore the building or structure and its site to its appearance prior to the violation. In addition to any other remedy, the County of Mendocino may obtain injunctive relief in any court of competent jurisdiction ordering the cessation or removal of work without the required approval.

Sec. 20.736.015 - Permit Conditions as Violations.

It shall be unlawful, and prohibited, to violate any term or condition of any permit or approval granted or issued under this Division, including, but not limited to, use permits, variances, coastal development permits, business licenses, use and occupancy permits, and permits granted by the Mendocino Historical Review Board pursuant to ~~of~~ the Mendocino Historical Preservation District ~~for the Town of Mendocino~~. Any person, firm or corporation, whether as principal, agent, employee, or otherwise, violating any such term or condition shall be subject to sanctions provided in Section 20.736.010 of this Division. Such person, firm or corporation shall be deemed to be guilty of a separate offense for each and every act during any portion of which any violation of such term or condition is committed, continued or permitted by such person, firm or corporation and shall be punishable as herein provided.

Sec. 20.736.020 - Cumulative Remedies.

All remedies provided for herein shall be cumulative and not exclusive.

Sec. 20.736.025 - Public Nuisance—Abatement.

Any use of the property or any building set-up, erected, built, moved or maintained contrary to the provisions of this Division shall be and the same is hereby declared to be unlawful and a

public nuisance. The office of the County Counsel may or at the direction of the Board of Supervisors shall commence action or actions, proceeding or proceedings, for the abatement, removal and enjoinment thereof in the manner provided by law and shall take such other steps and shall apply to such court or courts as may have jurisdiction to grant such relief as will abate and remove such building or enjoin such use and restrain and enjoin any persons, firms or corporation or other entity from setting up, erecting, building, moving or maintaining any such building or using any property contrary to the provisions of this Division.

Sec. 20.736.030 - Notification of Litigation Concerning Development in the Coastal Zone and Attorney General Intervention.

~~The provisions of California Public Resources Code Section 30800 et seq. shall apply to development in the coastal zone and in any case where~~ Where the County has made a ~~the~~ final decision ~~of the county~~ on an application for a coastal development permit ~~in the coastal zone has been made~~, and when litigation has subsequently been commenced against the County ~~county~~ concerning its decision, the County ~~county~~ and plaintiff or petitioner shall promptly forward a copy of the complaint or petition to the Executive Director of the California Coastal Commission. At the request of the County ~~county~~, and with the concurrence of the Coastal Commission, the Executive Director shall request the Attorney General to intervene in such litigation on behalf of the Coastal Commission. The County may also request that the Attorney General assist and/or intervene in such litigation on behalf of the County. Administrative remedies pertaining to coastal development permits are not deemed to have been exhausted unless all appeal procedures provided by the California Coastal Act (Public Resources Code Section 30000 et seq.) and these regulations have been exhausted.

CHAPTER 20.740 - SECOND RESIDENTIAL UNITS

Sec. 20.740.005 - Intent.

The purpose of this Chapter is to regulate the development ~~creation~~ of new second residential dwelling units for the purpose of non-transient habitation in the Town of Mendocino, ~~as provided by~~ pursuant to Section 65852.2 of the California Government Code, as amended. Second residential dwelling units are intended to provide affordable housing opportunities for long term

residential use, which contributes substantially to the special community character of the Town. Second residential dwelling units are not intended to be used for transient habitation or as a visitor serving accommodation of any kind.

Sec. 20.740.010 - Permit.

A second residential dwelling unit is an accessory use to a primary residential dwelling unit in all districts where such units are a principal permitted use, and may be permitted, subject to the criteria in Section 20.740.015, and upon issuance of a Coastal ~~coastal~~ Development ~~development~~ Administrative ~~administrative~~ Permit ~~permit~~, ~~only~~ in the MTR, MRM, MMU, MSR, and MC Zoning Districts only on parcels larger than nine thousand (9,000) square feet~~,~~; in the MRR-1 Zoning District on parcels larger than forty thousand (40,000) square feet; and in the MRR-2 Zoning District on parcels larger than ~~forty thousand (40,000) square feet~~ two (2) acres.

Sec. 20.740.015 - Specific Standards.

A second residential dwelling unit may be permitted provided that all of the following are met:

(A) The lot meets the requirements of Section 20.740.010.

(B) The lot (parcel) contains an existing single family dwelling unit used for non-transient habitation, or application has been made for a building permit for the single family dwelling on the lot (parcel) ~~unit has been applied for~~.

(C) The second residential unit does not exceed nine hundred (900) square feet.

(D) An adequate water system as approved by the Mendocino City Community Services District is available to serve the second residential unit.

(E) The Mendocino City Community Services District has certified that there is adequate sewage capacity for the second unit and that the Mendocino City Community Services District has approved a connection for the second residential unit.

(F) The second unit shall conform to height, setback, lot coverage, architectural review, site plan review, off-street parking, fees, charges and other zoning district requirements generally applicable to residential construction within the Zoning District ~~zone~~ in which the second residential unit is proposed to be located.

(G) The second residential unit shall comply with appropriate County ~~local~~ building code requirements.

(H) Where a dwelling group is approved, no second residential units shall be allowed.

(I) Nothing in this section shall prohibit an accessory living unit or family care unit from being converted into a second residential unit, consistent with the other provisions of this section.

(J) Where the second residential unit is attached to the existing dwelling unit, that second unit shall:

(1) be ~~attached to the existing residence and~~ located within the living area of the existing dwelling.

(2) not exceed fifteen (15) percent of the ~~existing~~ living area within the existing dwelling.

(K) Whether attached or detached, all second residential dwelling unit permits shall require that a deed restriction be recorded **prior to issuance of a coastal development permit** to ensure that all dwellings on the property will be used for non-transient habitation.

(L) Attached or detached second residential units are not intended for sale or transient habitation, but may be rented for long term occupancy.

(M) A second residential unit shall not **significantly obstruct public views from any public road, trail, or public recreation area to, and along the coast and shall be compatible with the charater of the area.**

(N) All development associated with second residential units shall provide adequate buffers from environmentally sensitive habitat areas consistent with all local coastal program requirements.

(O) A second residential unit shall not have a negative impact on the designated land use, on coastal resources, or on public access to and along the shoreline, and second units shall not be approved if identified impacts are contrary to the goals and policies of the Mendocino Town **local coastal program~~Plan~~**.

(~~N~~**P**) Second residential dwelling units shall not be permitted in Planned Unit Development (PD) Combining Districts.

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MENDOCINO TOWN ZONING CODE UPDATE AMENDMENT
(LCPA-1-MEN-14-0840)

CHAPTER 20.744 - GROUND WATER EVALUATION

Sec. 20.744.005 - Declaration.

It is the intent of this Chapter to establish requirements for the evaluation of the adequacy of ground water resources for ~~new~~ development ~~developments~~ in the Town of Mendocino. This Chapter is adopted specifically to implement water policies in the Mendocino Town Plan portion of the Mendocino County General Plan Coastal Element.

Sec. 20.744.010 - Definitions.

(1) "Adequate Water Supply" means sufficient quantities of water to support proposed uses and to maintain contiguous and surrounding uses ~~as determined by the District or~~ as defined by the Division of Environmental Health in its ~~their~~ publication "Land Division ~~Development~~ Requirements", as revised **June 1, 1994**.

(2) "Adjacent" means any real property parcel that shares a common border with an applicant's parcel and all surrounding parcels that are separated by a road or easement.

(3) "Adverse Effect" means depletion of the groundwater supply of hydrologically contiguous or surrounding parcels, or the lowering of water levels in existing wells, to the point where there is no longer an adequate water supply for the existing usages on the parcels; or an adverse cumulative impact, where a gradual lowering of groundwater levels will eventually lead to a depletion of the water supply. An adverse effect on the water table of a monitored well on surrounding properties shall be considered to occur if pumping at the maximum demand at the pumped well results in a water table drawdown at wells on adjacent properties which either:

(a) amount to more than ten (10) percent of the existing drawdown at such wells under conditions of maximum day water use demand; or,

(b) causes a decline (estimated or observed) in the existing well yield to a level which is less than ninety (90) percent of maximum day water demand for the adjacent property.

(4) "Allotment" means the maximum amount of water an applicant may extract on a daily basis, as averaged over a thirty (30) day period.

(5) ~~**"Applicant means any person as defined who applies for a groundwater extraction permit from the Mendocino City Community Services District**~~.

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(6) "Aquifer" means a body of rock, sand and gravel that contains sufficient saturated permeable material to conduct groundwater and to yield economically significant quantities of groundwater to wells and springs.

(7) "Aquifer Test" means physical testing for evaluation of an aquifer to determine the existence of an adequate water supply and to provide data for the hydrological study. Similar to a hydrological study, but generally not as complex. Test to be conducted during hydrological testing period.

(8) "Change in Use" means any change in use of property to a different use category as defined in the Mendocino Town Plan, e.g., from residential to commercial or visitor serving capacity.

(9) "Changed Circumstance" means a hydrological change that diminishes water availability within the boundaries of the Mendocino City Community Services District or any part therein.

(10) "Cleaning" means the removal of silt and other soft materials, but does not include removal of rock or rock materials.

(11) "Cone of Influence" means the depression, roughly conical in shape, produced in a water table by the extraction of water from a well at a given rate. The volume of the cone varies with the rate and duration of withdrawal of water.

(12) "Cumulative Impact" means two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts. The individual effects may be changes resulting from a single project or a number of separate projects. The cumulative impact from several projects is the change in the environment which results from the incremental impact of the project when added to other closely related past, present and reasonable foreseeable provable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time. Cumulative impacts shall be discussed when they are significant. The discussion of cumulative impacts shall reflect the severity of the impacts and their likelihood of occurrence, but the discussion need not provide as great detail as is provided of the effects attributable to the project alone. The discussion should be guided by the standards of practicality and reasonableness. The following elements are necessary to an adequate discussion of cumulative impacts: Either

(a) A list of past, present and reasonably anticipated future impacts, including those projects outside the control of the District, or

(b) A summary of projections contained in an adopted general plan or related planning document which is designed to evaluate regional or area-wide conditions.

(13) "Deplete" means the lowering of ground water levels in an aquifer to the point where there is no longer an adequate water supply for existing uses.

(14) "District" means the Mendocino City Community Services District.

(15) "Dry Season" means that period of time beginning and including August 20 and extending through October 31, provided that such time period may be modified by the Health Officer in the case of unusual rainfall patterns. Also commonly referred to as "dry summer months"

(15) "Emergency" means a sudden, ~~**generally**~~ unexpected occurrence ~~**or set of circumstances**~~ demanding immediate action~~.~~ **to prevent or mitigate loss or damage to life, health, property or essential public services.**

(16) "Groundwater" means that part of the subsurface water which is the zone of saturation, including underground streams.

(17) "Hydrological Testing Period" means such time period that may be determined by the District based upon quantity and pattern of rainfall.

(18) "Hydrology" means the science that deals with continental water (both liquid and solid), its properties, circulation and distribution, on and under the Earth's surface and in the atmosphere, from the moment of its precipitation until it is returned to the atmosphere through evapotranspiration or is discharged into the ocean.

(19) "Hydrologist" means any person with a degree in hydrology who has five (5) years professional experience in the field of hydrology or who is a registered engineer or registered geologist with five (5) years professional experience in the field of hydrology.

(20) "Hydrologically Contiguous Wells" means hydrologically contiguous or surrounding wells where there is a reasonable expectation that an impact on those wells ~~wall(s)~~ may be created by the aquifer test or increase in water extraction.

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(21) "Hydrological Study" means a study of the hydrology of a defined area.

(22) ~~**"New Development" means any project which requires a building permit according to County regulations other than those that conform to all conditions relating to water use established by County water extraction permits prior to the effective date of this Ordinance. Development of any new water source and any new development or change of use not in conformance to prior County permits shall require District approval.**~~

~~**(23) "Person" includes any state or local governmental agency, private corporation, partnership, individual, group of individuals, owner(s) or developer(s) of a property, subdivision, or, to the extent authorized by law, any federal agency.**~~

(24) "Proof of Water Test" means ~~**an abbreviated**~~ **a** hydrological quantity test conducted during the hydrological testing period used to determine "adequate water supply" as defined by this Division. **The comparison of the estimated water demand and maximum sustained well yield observed during pumping is the basis for "proof of water." The computed specific capacity of the well (discharge/drawdown) provides another measure of the productivity of the well.** Proof of water testing shall be in conformance with procedures as outlined in **the Division of Environmental Health publication "Land Division Requirements," as revised June 1, 1994.**~~**"Mendocino County Coastal Groundwater Development Division."**~~

(25) "Safe Yield" means the maximum quantity of water that can be withdrawn from an aquifer during the hydrological testing period or during drought without causing an undesirable result.

(26) "Sustained Yield" means the maximum quantity of water which can be withdrawn from a water supply (well) during the hydrological testing period or a drought without causing an undesirable effect.

(27) "Water Meter" means any device used to accurately measure water that is extracted from a groundwater source.

Sec. 20.744.015 - Uses Requiring a Hydrological Study.

(A) A hydrological study shall be required in the Town of Mendocino for all development as defined in Section 20.608.023(C) except as provided in Section 20.744.025.

(B) Hydrological studies required by this Chapter shall be performed during the hydrological testing period by a Qualified Hydrological Consultant.

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(C) Hydrological studies required by this Chapter shall be performed according to approved methods and procedures as ~~**determined by the District, or the Health Officer, and**~~ published **in Appendix A of** the Mendocino **City Community Services District** Groundwater Extraction **Permit** Ordinance **No. 07-1** or the Mendocino County **Coastal Groundwater Development Guidelines," prepared by Questa Engineering Corporation, July 1989 (adopted by the Board of Supervisors November 21, 1989)**~~**). Division of Environmental Health's "Land Division Development Requirements" as revised.**~~

(D) Hydrological studies shall include, but not be limited to: flow rate measurements of wells and/or springs during the hydrological testing period, monitoring of the drawdown effects on adjacent wells other than the one being tested, calculation of aquifer characteristics, including safe yield, and compilation of the data into a report. This report will be reviewed and interpreted by a third party, qualified hydrologist appointed by the Health Officer or the District. Interpretation of the data in the report shall be made in the most conservative way so as to protect existing uses and insure sound groundwater management.

Qualified hydrological consultants shall certify the following:

(1) (a) Whether or not there is an adequate water supply during the dry summer months for the proposed development.

(b) Whether or not there is an adequate water supply during drought conditions.

(2) Whether or not the development as proposed will deplete the water supply for hydrologically contiguous wells.

(3) An opinion about the cumulative impacts of the proposed water extraction on the aquifer.

(4) Other findings specified by the District or the Health Officer.

Sec. 20.744.020 - Safe Yield.

Proposed~~**New**~~ development~~.~~**, including** a new use**,** shall not be approved if the water needs of such development, as determined by the District or Health Officer, cause any of the following to occur:

(A) The groundwater extraction would have an adverse effect on the ground water supply.

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(B) The evidence shows that there is insufficient groundwater to support the change in use and/or new development.

Sec. 20.744.025 - No Increase in Water Extraction.

A hydrological study will not be required in cases where it has been ~~**determined by the District or Health Officer**~~ **demonstrated** that the development will not **result in an increase in water use or** have any foreseeable impact on hydrologically contiguous wells.

Sec. 20.744.030 - Second Residential Units.

For purposes of this Chapter, Second Residential Units are new developments, and subject to all of the requirements for hydrological studies or proof of water required by other sections of this Chapter.

CHAPTER 20.748 - SINGLE UNIT RENTALS AND VACATION HOME RENTALS

Sec. 20.748.005 - Intent.

The purpose of this Chapter is to assist in the preservation of the Town's designation as a special community and the restoration of its residential character while allowing for certain limited commercial visitor oriented uses outside the Commercial District. In order to ~~**restore and**~~ maintain a balance between the long-term housing needs of the community and visitor oriented **uses consistent with the requirements of the Coastal Act**, ~~**and the ratio of non-transient housing units to each transient accommodation unit,**~~ it is necessary to regulate the location, conduct, operation and number of single unit rentals and vacation home rentals as defined by this ~~Division.~~

Sec. 20.748.010 - Applicability.

The provisions of this Chapter shall apply to the establishment of ~~single~~ Single ~~unit~~ Unit ~~rentals~~ Rentals and ~~vacation~~ Vacation ~~home~~ Home ~~rentals~~ Rentals in all Zoning Districts ~~districts~~ within the Town of Mendocino. New Vacation Home Rentals shall be restricted to the MU and MC Zoning Districts. Existing licensed Vacation Home Rentals in excess of the number of allowed

establishments, and Vacation Home Rentals located in residential zoning districts, shall be phased out as business licenses are abandoned or expire.

Sec. 20.748.015 – ~~Permit~~ Regulation.

~~A single unit rental or vacation home rental may be permitted upon issuance of a minor use permit in any district only when all provisions of this Chapter are met.~~ Single Unit Rentals and Vacation Home Rentals are subject to the licensing requirements of Chapter 6.04 (Business License Tax) of the Mendocino County Code. **In some cases the creation or use of a Single Unit Rental or Vacation Home Rental is a form of development as defined in Section 30106 of the Coastal Act and Section 20.608.023(E) of the Mendocino Town Zoning Code and requires a coastal development permit pursuant to Section 30600 of the Coastal Act.**

Prior to the issuance of any new license for a Single Unit Rental or Vacation Home Rental, the Applicant must first apply to the Department of Planning and Building Services for certification that the Single Unit Rental or Vacation Home Rental **is authorized by any required coastal development permit and** is in conformity with **all** applicable planning and building standards, including**, but not limited to,** the location and number of such licenses allowed pursuant to this Chapter and the Mendocino Town Policies GM-3(b)(1) and (2), GM-3(c), and GM 14.1. Certification by the Department of Planning and Building Services shall be deemed to satisfy the minor use permitting requirements of this Chapter for licensed Single Unit Rentals and Vacation Home Rentals in the Town.

Sec. 20.748.020 - Standards.

Single Unit Rentals and vacation home rentals shall meet all of the following requirements:

(A) Number of Units.

(1) To preserve Town ~~town~~ character and maintain the Town ~~town~~ as a residential community with limited commercial services, the County shall maintain~~, at all times, for new~~ no more than ten (10) Vacation ~~vacation~~ Home ~~home~~ Rentals rentals and ~~or~~ twenty (20) Single ~~single~~ Unit ~~unit~~ Rentals ~~rentals~~ ~~approved~~ subsequent to the effective date of this Section ~~section, a ratio of thirteen (13) long term residential dwelling units to either one (1) single unit rental or vacation~~

~~Single strikethrough~~ and underline= County-proposed changes to certified LCP; ~~single red strikethrough~~ and underline= changes not properly tracked from certified LCP. **~~bold double strikethrough~~** and **underline**= Commission staff recommended modifications to County's submitted proposal. Blue ~~double strike-through~~ font= County-proposed language deleted in place but Commission staff recommends to re-locate as depicted by blue double-underline font. Blue shading, was placed next to the new location where the moved text was primarily incorporated, to enable a comparison between the original text and CCC staff's revised text.

~~home rental~~. The County shall not require any reduction in the number of licensed Vacation ~~vacation~~ Home ~~home~~ Rentals ~~rentals~~ or Single ~~single~~ Unit ~~unit~~ Rentals ~~rentals~~ in existence on the date of certification by the Coastal Commission of this Section ~~section~~.

(2) ~~(B)~~ No application for a new Single ~~single~~ Unit ~~unit~~ Rental ~~rental~~ or new Vacation ~~vacation~~ Home ~~home~~ Rental ~~rentals~~ shall be granted ~~complete and no permit shall be granted until and~~ unless there are fewer ~~less~~ than twenty (20) ~~thirteen (13) new residential dwelling units have been completed since approval of the last previous~~ licensed Single ~~single~~ Unit ~~unit~~ Rentals ~~rental~~, or ten (10) licensed Vacation ~~vacation~~ Home ~~home~~ Rentals ~~rental~~, respectively.

(B) ~~(C)~~ Taxes. Licensed Single ~~single~~ Unit ~~unit~~ Rentals ~~rental~~ and Vacation ~~vacation~~ Home ~~home~~ Rentals ~~rentals~~ shall be subject to Chapter 520 (Uniform Transient Occupancy Tax) ~~and Chapter 6.04 (Business License Tax) of the Mendocino County Code~~.

(C) ~~(D)~~ Primary Use.

(1) ~~Permits~~ Licenses **and any required coastal development permit** for a new Single ~~single~~ Unit ~~unit~~ Rental ~~rental~~ may be granted only in conjunction with an existing residential dwelling unit or commercial use on the same site.

(2) ~~(E) Permits~~ Licenses **and any required coastal development permit** for a new Vacation ~~vacation~~ Home ~~home~~ Rental ~~rental~~ may be granted only when there is no other use on the property except an existing single family dwelling unit, and where the Vacation Home Rental is not located in any residential Zoning District.

(D) ~~(F)~~ Term. A license ~~Permits~~ for a Single ~~single~~ Unit ~~unit~~ Rental ~~rental~~ ~~or a vacation home rental~~ shall run with the ownership of the land, subject to all other applicable license requirements, but is not ~~be~~ otherwise transferable. ~~in any way.~~

(E) ~~(G)~~ Transferal. ~~Applications for single unit rentals and vacation home rentals shall be considered and acted upon in chronological order from the date the application is received, except that permits for a vacation home rental shall be granted only when all pending applications for single unit rentals have been approved.~~ Vacation Home Rental licenses shall not be transferable to another location, person, or entity, except that the property owner may transfer the license to a spouse/domestic partner, child, parent, or, for estate planning purposes,

to a trust in which the property owner serves as a trustee, which shall not be deemed a change in ownership for purposes of Section 6.04.070(g) of the County Code.

(F) Priority. Applications for Single Unit Rentals and Vacation Home Rentals shall be considered and acted upon in chronological order from the date the application is received, except that licenses for a Vacation Home Rental shall be granted only after all pending applications for Single Unit Rental ~~s~~have been considered.

(G) ~~(H)~~ A second residential dwelling unit may not be converted to a Single ~~single~~ Unit ~~unit~~ Rental ~~rental~~.

(H) Noise Limitations. Vacation Home Rental and/or Single Unit Rental uses shall not create noise impacts to surrounding properties and uses that exceed noise standards set out in the County's General Plan Development Element, Table 3-J, Exterior Noise Level Standards (Levels not to be Exceeded More than 30 Minutes in an Hour) and Table 3-L, Maximum Acceptable Interior Noise Levels Created by Exterior Noise Sources.

(I) The Department of Planning and Building Services shall maintain a status log of all licensed Single Unit Rentals and Vacation Home Rentals in the Town. If there are more applicants for Single Unit Rental and Vacation Home Rental licenses than the number allowed pursuant to the Town LCP, the Department of Planning and Building Services shall also maintain a waiting list from which future vacancies shall be filled. The Department of Planning and Building Services shall receive notification if a licensee fails to remit payment of Transient Occupancy Tax or fails to renew said license. At such point as the license expires without renewal, or is revoked for failure to pay the required tax, or in the case of a Vacation Home Rental, a change in the ownership of the licensed property to other than a trust in which the licensee is a trustee occurs, application for that license shall become available to the waiting list in the order received.

~~**Sec. 20.748.025 - Exemption.**~~

~~A single unit rental located in the MC District shall be exempt from meeting the standards of Section 20.748.020(A) and Section 20.748.020(B).~~

CHAPTER 20.760 - HISTORICAL PRESERVATION DISTRICT FOR TOWN OF MENDOCINO

Sec. 20.760.005 - Purpose.

The Board of Supervisors of the County of Mendocino find and declare that the Town of Mendocino and its immediate environs represents a unique and outstanding example of early California architecture and town development associated with the redwood lumber industry along the Mendocino Coast in the last half of the 19th century. The Town of Mendocino exhibits those qualities typical of a small Northern California coastal lumber town from that era by combining a balance of residential and commercial development with the forces of nature and the natural environment.

This Board further finds that much of the unique character of this community rests with the style of architecture which dominates the town and which is representative of early northern California architecture, to the extent that it has achieved recognition by being placed on the National Register of Historic Places. This character is reflected by the Town's distinctive mixture of weathered wooden commercial and residential structures sited to allow some unobstructed views of the ocean, bay and river from public streets, by the balance of the size and scale of its buildings, by its foot paths and back streets, by the presence of native vegetation, and by the architectural mix of its structures which contributes to the historical quality of the community.

Therefore, the Board finds that a Historical Preservation District is needed to preserve the architecture and character of this community. It further finds that the preservation of many buildings, representative of early northern California architecture within the Town of Mendocino is essential to the economic and cultural development of Mendocino, and to the economy of the Town and of the County, which is in large measure based on tourism and visitors who have been attracted to the town in substantial numbers.

Sec. 20.760.010 - Designation of District

In addition to the use regulations provided in this division there is hereby established the Mendocino Historical Preservation District which shall be an overlay district applying to the following unincorporated areas of the Town of Mendocino:

(A) That area bounded on the north by Slaughterhouse Gulch, on the south by the waters of Big River and Mendocino Bay, on the west by the Pacific Ocean and the east (north of Little Lake Road) by those parcels fronting on the west side of Gurley Street (south of Little Lake Road), following the present Sewer District/Town Plan boundaries as per drawing (Assessor's Parcel Book 119, Pages 10 and 11).

(B) Excepting that subdivision commonly known as Point of View Estates, and Assessor's Parcel Numbers 119-140-35, 119-070-13, 119-070-11, 119-140-05, 119-140-31, 119-140-36, 119-140-37, 119-140-38) ~~119-070-12, 119-080-12, 119-080-14, 119080-15, 119-140-04, 119-140-05 and 119-140-29~~ (November 28, 1978, Reed vs. County of Mendocino #44860); all that real property situated in the County of Mendocino, State of California, described in Exhibit "A", which is incorporated herein by reference and is available for public inspection at the office of the Mendocino County Office of the Clerk of the Board of Supervisors, 501 Low Gap Road ~~Courthouse~~, Ukiah. Such area shall be subject to the provisions of this Chapter.

Sec. 20.760.015 - Designation of Historical Zones.

Within the Historical Preservation District as described in Section 20.760.010 of this Chapter ~~chapter~~ there are established Historical Zones as follows:

(A) Historical Zone A is all that area within the Historical Preservation District located west of California State Highway 1.

(B) Historical Zone B is all that area within the Historical Preservation District located east of California State Highway 1.

Sec. 20.760.020 - Establishment, Power, Duties and Responsibilities of Historical Review Board.

There is hereby established a Historical Review Board, hereinafter called "Review Board," whose function is to preserve the architecture and character of the Historic District, whose duties are to review all applications for development as described in Sections 20.760.030 and 20.760.035, within the Historical District and whose responsibility is to protect the landmark status of buildings, ensuring development is compatible with surrounding development.

Said Review Board shall consist of five (5) members who shall be electors and residents within the Historic District and, to the extent possible, represent a cross section of the community. In

making its appointment(s), the Board of Supervisors may consider the applicant's length of residency within the Historic District as an important element in the selection process.

All Review Board members shall be appointed by the Board of Supervisors to serve a term of three (3) years. No members of the Review Board shall serve more than two (2) full consecutive terms without a break in service, excluding a partial term of less than eighteen (18) months. "Break in service" as used in this section shall mean a period of not less than three (3) years after the time a person has served on the Review Board.

Review Board members must retain their eligibility under the terms of this section throughout their term of office.

Sec. 20.760.025 - Definitions.

In addition to the definitions provided in Chapter 20.608, the following supplemental terms used in this Chapter shall be defined as set forth herein:

(A) "Alteration" ~~means the addition to or removal of or from a structure or "outdoor advertising sign" or any part thereof, the repair thereof, and glazing, painting or removal of paint, and similar modification~~. See Ch. 20.608.020.

(B) "Exterior of a Structure" ~~means any portion of the outside of a structure or "outdoor advertising sign" or any addition thereto~~. See Ch. 20.608.024.

(C) "Historically Important" means any structure where the construction date is known or closely estimated, research regarding its history is in progress, and the architecture has been modified.

(D) "Landmark Structure" ~~means any structure where the construction date has been identified, its history has been substantiated, and only minor alterations have been made in character with the original architecture. Landmark structures are identified in Appendix 14 of the Coastal Element of the Mendocino County General Plan~~. See Ch. 20.608.031.

(E) "Outdoor Advertising Sign" means any sign or structure of any character erected, altered, relocated or maintained for any commercial purposes, whether or not on or attached to a building or structure, except notices lawfully attached to any public notice or public signboard approved by the Review Board.

(F) "Outdoor Lighting" means any exterior lights or lighting systems designed or maintained to light the exterior of a structure, streets, pedestrian walkways, doorways, stairs and similar areas.

(G) "Street Vending" means the displaying, offering or solicitation for sale or the actual sale of goods, food, wares, merchandise, artwork or similar items on a public street or sidewalk with the receipt or expectation of consideration. Street vending does not mean the displaying, offering or solicitation for sale or the actual sale of crab, fish, agricultural products and firewood on and east of Lansing Street, and such activities as the distribution or offering, with or without the receipt of consideration, of printed written or similar material of information.

(H) "Structure" ~~means anything constructed or erected, the use of which requires location in or on the ground or attachment to something having location in or on the ground~~. See Ch. 20.608.038.

Sec. 20.760.030 - Work in Historical Zone A Requiring Approval.

None of the following activities shall be commenced or continued within Historic Zone A, nor shall any building, demolition or any other permit necessary for such work, be issued without prior approval of the Review Board except as specifically provided in Section 20.760.040.

(A) The construction, reconstruction, rehabilitation, demolition, enlargement, repair, resisting or removal of any building or structure; or the alteration of the exterior architecture of any building or structure;

(B) Demolition or removal of any structure of a value of over one hundred dollars ($100.00) or having a square footage area of over one hundred twenty (120) square feet;

(C) Any excavation of, or deposit of material upon, land in such a manner as to materially alter the existing contour or condition of the land, including leveling, grading, piling, paving or installation of retaining walls;

(D) All fences and/or exterior dividing walls;

(E) Walkways and driveways;

(F) Construction, erection, installation, relocation or alteration of any outdoor advertising sign, whether lighted or unlighted, including new ~~sip~~ sign copy except as exempted in Section

20.760.040, and any indoor commercial self-contained lighted sign which is visible from a walkway normally used by the public;

(G) Any outdoor lighting as defined herein;

(H) Any painting of the exterior of a newly constructed building or structure, or any painting of the exterior of an existing building or structure;

(I) Any construction of public utility poles and street lights;

(J) Placement of commercial dumpsters;

(K) Any construction related to landscaping in excess of six (6) feet in height.

Sec. 20.760.035 - Work in Historical Zone B Requiring Approval.

None of the activities identified in Section 20.760.030 shall be commenced or continued within Historical Zone B, nor shall any building or other permit necessary for such work be issued, without the prior approval of the Review Board where such activity is capable of being seen by a person standing on any point in Historical Zone A.

Sec. 20.760.040 - Exemptions.

The following activities shall be exempt from the provisions of this Chapter:

(A) Single story detached accessory buildings used as tool and storage sheds, or similar uses, provided the combined roof area does not exceed one hundred twenty (120) square feet, and the height of the building does not exceed ten (10) feet from ground level, roofs do not contain skylights, materials are wood, design is harmonious with existing neighboring structures; and such accessory buildings are located unobtrusively inside of rear yards.

(B) Lean-to firewood storage and general storage shelters not exceeding six (6) feet ~~in height~~ above grade, 60 square feet in floor area, and constructed with unpainted wood ~~materials~~ harmonious with existing structures and detached from the main structure or any landmark structure (as identified in the Inventory of Historic Buildings in ~~the~~ Appendix 1 of the certified Mendocino Town Plan ~~Appendix Historic Inventory~~).

(C) Routine maintenance of existing structures where materials used match existing, and, where no alteration of height, dimensions, or exterior architecture of such structures will occur.

(D) Wood construction decks, less than one hundred (100) square feet, less than thirty (30) inches high from grade to top of deck floor, without railings.

(E) Fences constructed of wood that are less than six (6) feet in height.

(F) The following temporary signs:

(1) One (1) temporary real estate sign, not exceeding three (3) square feet, containing the seller's name, address, phone number and the zoning district of the site may be displayed on each street frontage of real property that is for sale, rental, or lease. Such signs shall be removed within fifteen (15) days of sale or lease of the property.

(2) Strings or individual banners, streamers, pennants, or similar devices shall be permitted for business openings or special events. Such devices must be removed fifteen (15) days after the opening or twenty (20) days after their installation, whichever comes first.

(3) Political signs pertaining to a scheduled election shall be permitted provided that they shall be removed within fifteen (15) days after the election.

(G) The following special purpose signs:

(1) Directional, warning or informational signs required or authorized by law which are erected by federal, state, county or municipal officials.

(2) Official notices issued by a court or public body or office and posted in the performance of a public duty.

(3) Danger signs solely for the purpose of protecting the safety of public.

(4) House numbers.

(5) "Open" or "closed" sign provided that only one such sign is located at each business entrance, only the words "open" or "closed" appear on the sign and the sign does not exceed forty-eight (48) square inches.

(6) One permanent menu board for each public entrance to a restaurant, cafe or other eating establishment provided the menu board is no larger than two (2) square feet.

(H) Copy changes on legally existing signs provided that the Planning and Building Services Department has determined that the replacement or revised sign:

(1) Conforms to sign size and design standards contained in this Chapter and Chapter 20.712; and

(2) Is similar in color and design to the original sign; and

(3) Is not larger than the original sign; and

(4) Is in the same location on the property as the original sign.

(I) Routine maintenance repainting of any building or structure in the same basic shade of color.

(J) Outdoor lighting for doorways and stairs provided that the lighting is shielded, reflected downward and positioned in a manner that does not allow light glare to extend beyond the boundaries of the parcel on which it is placed.

(K) Changes to existing roofing materials provided that the Planning and Building Services Department has determined that the roof is to be of wood shingles, or composition or other fire retardant material, which gives the appearance of wood.

(L) New concrete foundations under existing structures where the new foundation does not raise the height of the existing building by more than six (6) inches, and where there will be no more than ten (10) inches of concrete visible.

(M) Window ~~sips~~ signs located within a structure (See Chapter 20.712).

(N) Reconstruction of an existing sidewalk and immediate area in exact replication of the undamaged original sidewalk and immediate area.

(O) Rain water, groundwater and/or potable water storage tanks located behind existing buildings, substantially below grade, and effectively screened from public view, or clad in unpainted wood materials and located behind existing buildings. Mendocino Historical Review Board approval is required for rain water, groundwater, and/or potable water storage tanks when total combined lot coverage on the site exceeds fifty (50) percent. Rain water, groundwater and/or potable water storage tanks shall not count against lot coverage, except where total combined lot coverage exceeds fifty percent.

Sec. 20.760.045 - Activities in All Historical Zones Requiring Approval.

No mobile home, trailer, camper home, tents, teepees, utility trucks, inoperable cars, satellite dishes, solar collecting devices, metal wind devices and other mechanical equipment shall be constructed, installed, kept or stationed on a regular basis in an uncovered, visible area in any portion of the Historic Preservation District after the effective date of this Ordinance without the prior approval of the Review Board.

Sec. 20.760.050 - Standards.

It is the intent of this Section ~~section~~ to provide standards which shall be used by the Review Board when considering applications subject to the provisions of this Chapter:

(A) Size, forms, materials, textures and colors shall be in general accord with the appearance of structures built in Mendocino prior to 1900. To this end they shall be in general accord with the designs as exemplified, but not limited to, those depicted in the photographs contained in Exhibit "B", a book of photographs which is incorporated herein by reference and is available for public inspection through the Clerk of the Mendocino Historical Review Board. This section shall not be interpreted as requiring construction to be with the forms, materials, textures, colors or design as used in Mendocino prior to 1900, but only that the construction be compatible with and not in disharmony with the architectural standards herein expressed.

(1) All activities subject to this Chapter shall relate to the area in which it is located through texture, size, proportion, height, form, style, siting, materials and relationship to surrounding structures. Contemporary design is not expressly prohibited,

(2) The excessive use of glass is discouraged.

(3) The architecture, size, materials, details, proportion, height, texture, color, facade treatment and fenestration of the work proposed insofar as the same affects the appearance of the subject property and other property within the district.

(4) Fences should be of wood, iron or plant materials. Retaining walls should be of dry stone, stone masonry or wood.

(5) Sidewalks of brick, flagstone**,** or board are allowed. Driveways of grass, gravel or turfstone pavers are allowed. Major coverage of front yard setbacks is prohibited.

(6) Lighting: If sign lighting is required, it shall be indirect ~~indirected~~, restricted to business hours only, and shall not create a glare or reflection onto adjacent properties or public streets. Neon lighted signs are prohibited. Indoor lighted signs visible to the public from outside the building are subject to the approval of the Mendocino Historical Review Board.

(7) Utility poles and street lighting: Street lighting shall be limited to only that necessary for safety to light streets and pedestrian walkways.

(8) Signs:

(a) Signs should be made of wood.

(b) Only one (1) sign will be allowed per business when one (1) sign will suffice.

(c) Use of a "directory" type sign is recommended for buildings containing more than one (1) business and using a common entrance.

(d) Size, design and location of sign shall be in harmony with the building and surrounding buildings.

(e) Signs shall not block public views or lines of sight. Signs flush to building are preferable; signs perpendicular to building are permitted under special circumstances.

(f) Signs advertising businesses outside of the Historic District or advertising local businesses not located on the same property are prohibited.

(9) Exterior painting: In the use of paint color schemes involving more than one (1) color, the "accent" color shall be limited to those parts of the structure, defined herein:

(a) Basic color: applied to exterior siding.

(b) Trim color: applied to soffits, fasciae, ~~fascias~~ and trim.

(c) Accent color: applied to window frames, mullions, muntins and doors.

(10) Dumpsters shall be effectively screened from public view.

(11) Landscaping: Any construction related to landscaping in excess of six (6) feet in height shall be compatible with and not in disharmony with the existing structure(s) in the property or other structures in the District.

(B) In order to further amplify and illustrate the descriptions or definitions of Mendocino architecture prior to 1900, and to furnish more complete details, architectural elements and composition thereof, the Review Board may from time to time submit additional illustrations, photographs and definitions, which, when approved by resolution of the Board of Supervisors of Mendocino County, shall be additional standards applicable in the Historical Preservation District.

(C) To determine whether activities subject to this Chapter will be in conformance with the standards set forth above, the Review Board shall evaluate the following elements of each application proposal:

(1) Height. The height of any new development and of any alteration or new construction to a landmark structure shall be compatible with the style and character of the structure and with surrounding structures in the same Historical Zone.

(2) Proportions of Windows and Doors. The proportions and relationships between doors and windows of any new development and of any proposed alteration or new construction to a landmark structure shall be compatible with the architectural style and character of the structure and with surrounding structures in the same Historical Zone.

(3) Relationship of Building Masses and Open Spaces. All new development shall provide open space areas and the relationship of the siting of any development to the open space between it and adjoining structures shall be compatible. All development shall be compatible with public views to the sea and to landmark and historically important structures.

(4) Roof Shape. The design of the roof of any new development and of any proposed alteration or new construction to a landmark structure shall be compatible with the architectural style and character of the structure and surrounding structures in the same Historic Zone.

(5) Landscaping. Landscaping shall be compatible with the architectural character and appearance of adjacent landmark and historically important structures and surrounding structures, landscapes and public views in the same Historic Zone. Landscaping shall be used to effectively screen on-site parking areas where appropriate.

(6) Scale. The scale of any new development or alteration or new construction to an existing structure shall be compatible with the architectural style and character of existing and surrounding structures in the same Historic Zone.

(7) Directional Expression. Facades shall blend with other structures with regard to directional expression and structures shall be compatible with the dominant vertical expression of surrounding structures. The directional expression of a landmark and/or historically important structure after alteration, construction or partial demolition shall be compatible with its original architectural style and character.

(8) Architectural Details. Where any alteration, demolition or new construction is proposed for a landmark or historically important structure, architectural details, including materials, color, textures, fenestration and ornamentation shall be treated so as to make the structure compatible with its original architectural style and character, and to preserve and enhance the architectural style and character of the structure.

Sec. 20.760.055 - Application Procedures.

Any person proposing to perform any activity subject to the provisions of this Chapter shall

submit all of the following to the Department of Planning and Building Services:

(A) Four (4) completed copies of a permit application form.

(B) Four (4) copies of a plot plan drawn to scale and of a size sufficient to determine conformity with this Chapter, depicting the following:

(1) Property lines of the parcel upon which the development is proposed;

(2) Location of all existing structures on the property and the proposed location of all new development;

(3) Location of any easements, right-of-way, utility lines or similar facilities affected by the proposed development;

(C) Four (4) copies of exterior dimensioned building elevations (all sides) and/or sign detail, drawn to scale, including height from grade to peak of roof; sizes, materials and colors to be used for exterior siding, roofs, windows, doors and appurtenances. For new construction on vacant lots and substantial additions to existing structures, a streetscape may be required which

clearly depicts a comparison of the proposed work in relation to the height and size of structures on adjoining properties.

(D) A statement of the ownership of the subject property, and the applicant's interest in the subject property. If the applicant is not the owner, the owner's signature of consent.

(E) A written statement from the applicant showing the present and proposed use of the property and all contiguous properties.

(F) A fee set by resolution of the Board of Supervisors.

(G) (1) All proposed development to implement the storm water management and erosion control requirements of Chapter 20.717 on a single parcel (lot) shall be reviewed pursuant to the Building Permit requirements of the Mendocino Zoning Code. (2) Proposed development to implement the storm water management and erosion control requirements of Chapter 20.717 on more than one parcel **~~(lot)~~**, or in whole or part on a highway, road, street, or alley, shall be reviewed pursuant to the Coastal Development Permit requirements of the Mendocino Town **local coastal program~~Zoning Code~~**.

Sec. 20.760.060 – Processing of Applications.

Upon receipt of an application for an MHRB **approval~~permit~~**, the application shall be processed as

follows:

(A) Application Check. The Planning and Building Services Department shall review all applications for completeness and accuracy before the applications are accepted and officially filed as complete.

The application shall be deemed complete and accepted unless the department finds that the application is not complete and notifies the applicant of such finding by mail within thirty (30) calendar days after receipt of the application. If the application is determined to be incomplete, the department shall specify those parts of the application which are incomplete and shall indicate the manner in which they can be made complete.

During Application Check, the department shall refer copies of the application to any county department, state or federal agency, or other individual or group that the department believes

may have relevant authority or expertise. Along with the referral, the department shall include notification that, if the department does not receive a response within fifteen (15) calendar days, the department will assume that no recommendations or comments are forthcoming.

Where the department has determined that an application is incomplete, and where the applicant believes that the information requested by the department to complete the application is not required under the requirements of this division or under policies adopted by resolution to administer this division, the applicant may file an Administrative Appeal pursuant to Section 20.728.010. The appeal shall be made in writing to the department and accompanied with evidence supporting the applicant's belief that the application is complete shall also be submitted at the time the request for review is made.

If the application is not completed by the applicant within six (6) months after original receipt of the application, it will be deemed withdrawn. A new application may be made subject to the filing of fees, in accordance with Section 20.760.055 of this chapter.

(B) Project Review. Upon acceptance of an application as complete, the Planning and Building Services Department shall study the project for conformance with all applicable requirements of this chapter. The department shall refer relevant portions of the completed application to those departments, agencies or individuals who received copies of the application during application check, or other individual/group that the department believes may have relevant authority or expertise. The department shall prepare a written report with findings and evidence in support thereof.

(C) Hearing and Notice. Within fifty (50) days from the date an application is deemed complete, the Review Board shall hold a public hearing on the application. At least seven (7) days prior to such hearing, notice of the time and place of the hearing and of the Review Board's intention to consider the application shall be posted**: (1)** on the subject property in a manner best calculated to give public notice ~~**and**~~ **(2)** in two (2) other public places within the District, **(3) on the Planning and Building Services Department web site, (4) mailed, by first class mail or email, to all property owners within 100 feet of the boundary of the lot (parcel), excluding any road, street, or alley, (5) mailed by first class mail to the Coastal Commission, (6) mailed to any person who has requested notice in writing to the Mendocino Historical**

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Review Board or Planning and Building Services Department, and **(7)** a copy thereof shall be mailed to the applicant at the address shown on the application.

(D) Action by the Review Board. At the scheduled public hearing, or at any other time to which said public hearing may be continued, the Review Board shall consider the application, shall hear and consider all arguments and evidence presented for or against the proposed work, and shall take action by majority vote of the members of the Review Board present. Any one (1) or a combination of the following four (4) different actions may be made for each application:

(1) Make such findings or determination as is required by this chapter and approve the application; or

(2) Make such findings or determination as is required by this chapter, including performance of, or compliance with, changes, modifications or conditions necessary to assure conformity with this chapter and required for approval of the application; or

(3) Make such findings or determination as is required by this chapter and deny the application if:

(a) The application cannot be conditioned by adequate requirements to insure compliance with this chapter; or

(b) The proposed development cannot be modified to conform with this chapter; or

(c) The proposed development would adversely affect ~~effect~~ a landmark structure.

(4) An applicant may withdraw any application prior to the Review Board's action on the application. The withdrawal must be in writing or stated on the record. Withdrawal is effective immediately, is not subject to appeal, and shall be permanent except the applicant may file a new application as provided in this chapter.

(E) Decision by Review Board. The decision of the Review Board shall be in writing and shall specify the basis therefor. In the event that the decision is conditional it shall specify the conditions or requirements to be met by the applicant as a condition of approval.

(F) Time Period. Within one-hundred eighty (180) days of filing of a complete application the Review Board shall take such action as is specified in Subsection (D) of this section. The one-hundred eighty (180) day time period may be extended ninety (90) days with the written consent

of the applicant. If the Review Board does not act within the specified time period or extension thereof, the application shall be deemed to have been approved.

Sec. 20.760.065 - Findings.

The granting or modification of any application by the Review Board shall be supported by findings which establish that:

(A) The exterior appearance and design of the proposed work is in harmony with the exterior appearance and design of existing structures within the District and with that of the existing subject structure, if any; and

(B) The appearance of the proposed work will not detract from the appearance of other property within the District; and

(C) Where the proposed work consists of alteration or demolition of an existing structure, that such work will not unnecessarily damage or destroy a structure of historical, architectural or cultural significance.

Sec. 20.760.070 - Effective Date.

Decisions of the Review Board shall become final and effective on the eleventh (11th) day following its action to approve or deny the application unless prior to said eleventh (11th) day an appeal of the decision is filed.

Sec. 20.760.072 - Appeals.

(A) Appeals from a decision of the Review Board shall be based upon the information available in the public record on the date of the Review Board's decision, and no new information shall be submitted except a statement supporting the grounds for appeal. Appeals shall be filed as provided by Chapter 20.728.

(B) The grounds for appeal shall be limited to one (1) or more of the following allegations:

(1) That the exterior appearance and design of the approved work is not in harmony with the exterior appearance and design of existing structures within the District and with that of the existing subject structure, if any;

(2) That the appearance of the approved work will detract from the appearance of other property within the District;

(3) Where the approved work consists of alteration or demolition of an existing structure, that such work will unnecessarily damage or destroy a structure of historical, architectural or cultural significance;

(4) That the action of the Review Board is inconsistent with a specific section or sections of this Division;

(5) That the project was denied.

(C) All appeals shall be accompanied by a statement which supports one (1) or more of the grounds for appeal. Where a project has been denied, the appellant's statement must demonstrate how the denied proposal would conform with Section 20.760.065.

Sec. 20.760.075 - Expiration.

Each issued ~~valid~~ MHRB approval ~~permit~~ shall expire and become null and void at the expiration of two (2) years after ~~granting~~ the application is granted~~, except where construction in reliance on such permit has been completed prior to its expiration~~. For the MHRB approval to remain valid, progress toward completion of the project must be continuous; provided, that any approval that has vested shall not expire.

Sec. 20.760.080 - Reapplication.

No application which has been previously denied and is not substantially changed, will be accepted by the Review Board for a period of six (6) months from the date of denial.

Sec. 20.760.082. Real Estate Disclosure.

Any person selling or acting as an agent for the seller of real property within the Mendocino Historical Preservation District shall disclose to the prospective purchaser that: "The property described herein is located within the Mendocino Historical Preservation District. Because of this Historical classification, many types of activities, including but not limited to painting or other changes to the exterior of structure, new construction, signs, outdoor lighting, fences, driveways, walkways, and excavations, may be subject to a permit from the Mendocino Historical Review Board. You are urged to obtain a copy of Chapter 20.760 of Division III of

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Title 20 of the Mendocino County Code to ascertain the types of projects subject to review by the Mendocino Historical Review Board, the permit application process, standards, duty to maintain, and penalties for violations." This disclosure statement set forth above shall be included in a document that a purchaser, lessee, or transferee signs evidencing the sale, purchase, transfer, or lease of real property within the Mendocino Historical Preservation District.

Sec. 20.760.085 - Enforcing Agency.

The Department of Planning and Building Services for the County of Mendocino shall enforce the provisions of this chapter.

Sec. 20.760.090 - Penalties for Violations.

Penalties for violations are regulated by Chapter 20.736.

Sec. 20.760.095 - Street Vending.

No person or persons shall, within the Historical Preservation District, engage in the activities defined herein as "street vending." Notwithstanding any other provision of this chapter to the contrary, violation of this section is hereby declared to be an infraction punishable upon conviction by a fine up to fifty dollars ($50.00); this section of this chapter shall be enforced by the Mendocino County Sheriff.

Sec. 20.760.100 - Duty to Maintain.

All buildings and structures of historic significance (as described in the Inventory of Historic Buildings, Appendix 14, "Historic Structures" of the Mendocino County Local Coastal Plan dated August 17, 1983, as amended) in the Mendocino Historic Preservation District shall be preserved against decay, deterioration and structural defects.

It shall be the responsibility of the owner or other person(s) having legal possession and control of such buildings and structures to ensure there is reasonable care, maintenance and upkeep appropriate for the preservation, protection, enhancement, rehabilitation, reconstruction and perpetuation consistent with the intent of this chapter.

(A) Standards. Maintenance and upkeep of all exterior portions of such buildings and structures; and, all interior portions thereof which, if not so maintained, may cause or tend to cause the exterior portions of such improvements to deteriorate, decay, or become damaged or otherwise fall into a state of disrepair.

Those standards of the 1982 Edition of the "Uniform Code for the Abatement of Dangerous Buildings" (Health & Safety Code #17.92a3), or any successive statute defining "substandard buildings" and the regulations promulgated thereunder, shall be used as standards for this section.

Maintenance upkeep shall include, in addition to the above, waterproofing of exterior walls, roofs, foundations or floors, replacement of broken windows or doors; weather protection of exterior wall coverings; and correction of any fault or defect in the building/structure which renders it structurally unsafe or not properly watertight.

(B) Hardship Waiver. The owner of real property, subject to this section, who believes an insurmountable financial hardship exists may apply for a waiver of this section by making written application to the County Board of Supervisors.

The Board of Supervisors shall schedule an appointment within thirty (30) days, in order to make a determination as to whether or not a financial hardship exists. The property owner shall have the burden to establish a financial hardship exists and may submit financial data, cost estimates, and information on availability of public funding to assist in making the repairs.

The Board of Supervisors shall consider all of the information submitted and make a determination in writing as to whether or not a financial hardship exists. If the Board of Supervisors determines that a hardship exists an ordinance enforcement waiver shall be issued for a specified time period of twelve (12) months with provisions for renewal.

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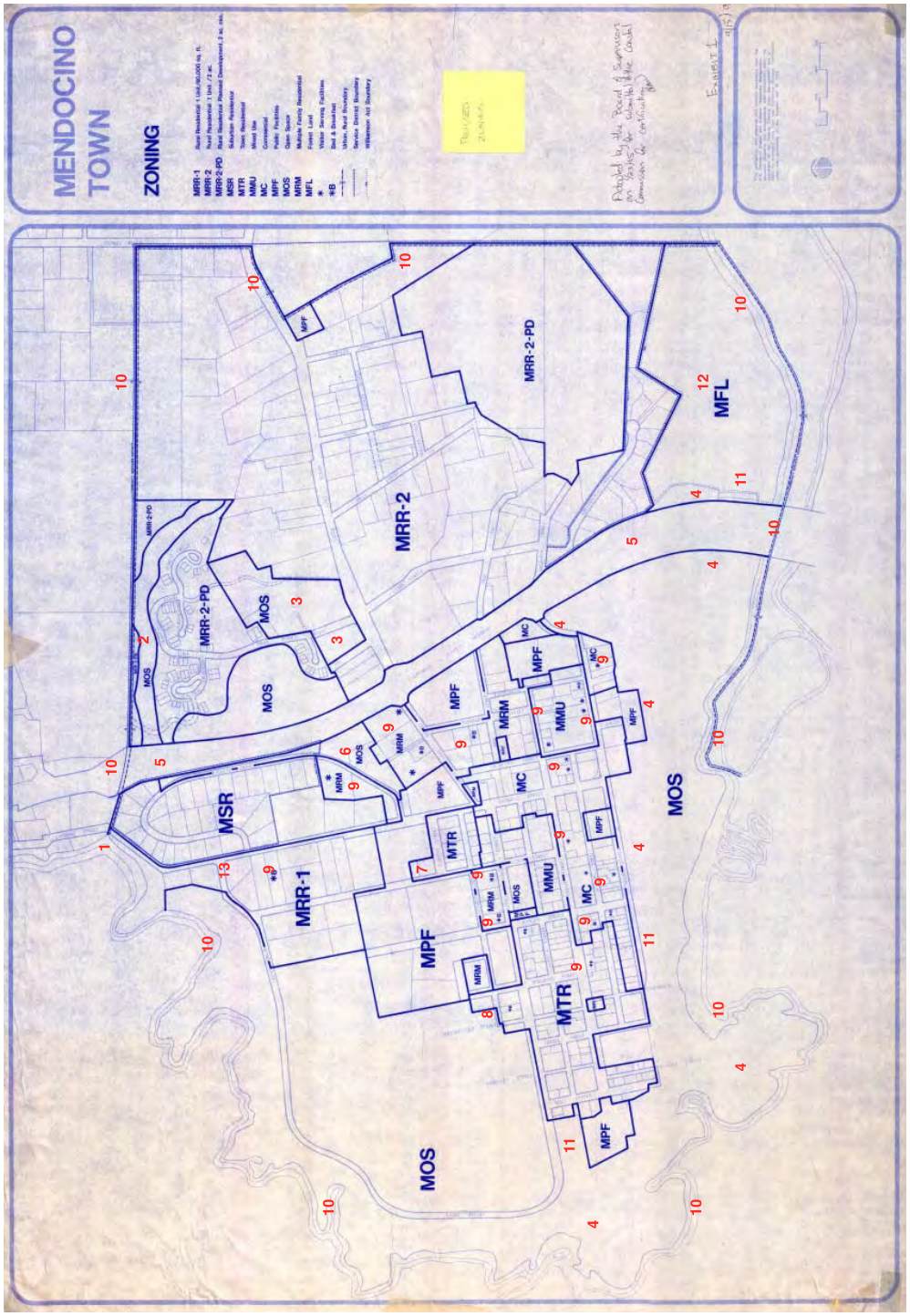
MENDOCINO TOWN ZONING CODE, MARKUP OF PROXY CERTIFIED 1995/1996 TOWN ZONING MAP



MARKUP MAP NOTES

1. Generally, The map revisions identified on this sheet conform to the revisions identified on the 1992 MT land use map (1992 LUM) and the 2015 MT land use map and 2015 MT zoning map updates adopted by the Board for Coastal Act purposes on December 8, 2015.
2. The 1995 MT Zoning Map (ZM) shows no northerly MRR-1 boundary at Agate Beach; the 2015 MT ZM provides it.
3. The 1995 ZM illustrates the Hills Ranch MOS easement boundaries; the 2015 MT ZM shows them as per the recorded FSM metes-and-bounds easement boundaries.
4. The 1995 ZM shows Grindle Park and lower Hills Ranch Road as MOS; the 2015 ZM shows them as MPF (Public facility) for specified purposes.
5. The 1995 ZM does not show a land use for the Highway 1 ROW; the 2015 ZM shows it as MPF.
6. The 1995 ZM shows the parcel between Hwy 1 and Palette Drive as OS; the 2015 ZM shows it as MPF for MCCSD public facility use, subject to specified requirements.
7. The 1995 ZM shows the parcel north of Calito Street and east of Front Street as MTR; the 2015 ZM reflects certification of the rezoning of this parcel to MPF for MHSD use.
8. The 1995 ZM shows parts of three parcels north of Little Lake Street and west of Williams Street as MOS; State Parks MHSP boundary maps clarify these boundary lines as shown on the 2015 ZM.
9. The 1995 ZM shows specified parcels with an asterisk/asterisk-B to identify counted VSF sites; the 2015 ZM updates the location of those sites consistent with their location on the 2015 LUM.
10. The 1995 ZM depicts, in segments, an illustrative MT shoreline and the landward (MCCSD, 1990) boundaries for Coastal Act Town segmentation purposes; the MT boundaries on the 2015 ZM conform to the MT boundaries on the 2015 LUM.
11. The 1995 ZM contains no map notes for potential MHSP upland support facilities; the 2015 ZM conforms and adds MHSP identification map notes.
12. The 1995 ZM shows the south-easterly part of the Town as MFL, to reflect post-1995 State Parks acquisition of this area, the 2015 ZM shows this area, now part of MHSP, as MOS.
13. The 1995 ZM shows Heeser Drive, east/northeast of its intersection with Ford Street, as variously within the MOS and MRR-1 zoning districts; the 2015 ZM updates the respective MOS and MRR-1 boundaries to reflect State Parks' ownership of Heeser Drive to its intersection with Lansing Street.

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s depicted by blue double-underline font. Blue shading, was placed next to the new location where the moved text was primarily incorporated, to enable a comparison between the original text and CCC staff's revised text.