

**CALIFORNIA COASTAL COMMISSION**

NORTH COAST DISTRICT OFFICE  
1385 8<sup>th</sup> STREET, SUITE 130  
ARCATA, CA 95521  
PHONE: (707) 826-8950  
FAX: (707) 826-8960  
WEB: WWW.COASTAL.CA.GOV



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## **LCP-1-MEN-14-0840-1 (MENDOCINO TOWN LCP UPDATE)**

**JUNE 8, 2017**

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**SECTION 1. INTRODUCTION**

**1.1 Mendocino: A Special Coastal Community:** The unincorporated Town of Mendocino, on the Pacific Ocean in the County of Mendocino some 150 road miles north of San Francisco, is a ~~special~~ **unique** historical residential community, ~~and a. Mendocino is designated as a special community, which, because of its unique characteristics, is a~~ popular coastal visitor destination point for recreational uses.

As the County Board of Supervisors found and declared when it enacted the Historical Preservation District for the Town of Mendocino in 1973, the Town and its immediate environs represent

*“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.... Much of the unique character of this community rests with the style of architecture which dominates the town, ... which is representative of early northern California architecture. 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.” (Mendocino Town Zoning Code Chapter 20.760, certified by the California Coastal Commission in 1996.)*

The Mendocino Town Plan cover page illustrates the frequently photographed view of the Town from the south, near old Highway 1. Figure 4.13-1 illustrates current (2013) oblique aerial views of the Town and expansive Mendocino Headlands State Park, which extends along 98% of the Town's rugged bluff and beach shoreline.

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The Historical Preservation District Ordinance designates the area of Mendocino that is located on the Mendocino Headlands peninsula, west of Highway 1, as Historical Zone A. Within Historical Zone A, the Mendocino and Headlands Historic District, located generally south of Little Lake Street, is listed on the [X] National Register of Historic Places (Number 71000165) and on the [X] California Register of Historical Resources. The seaward sloping area landward (east) of Highway 1, which can be seen from Historical Zone A, constitutes Historical Zone B. Figure 4.13-2 depicts the location of the two Historical Zones.

The California Department of Parks and Recreation (“State Parks”) “California Coastline Preservation and Recreation Plan” (1971) identified Mendocino as a State priority for protection of its natural, scenic, and historic coastal landscape through a combination of public acquisition, comprehensive planning, primary reliance on local government administration with full public participation, and State coastal agency oversight. Successful conservation, preservation, and restoration since before enactment of the [/] 1972 California Coastal Zone Conservation Act (“Proposition 20”) have both protected numerous landmark buildings, historic buildings, and other historic structures in the Town, and resulted in the initial public acquisition (1972-1976) of the highly scenic, public recreational, and wildlife habitat open space of Mendocino Headlands State Park.

The California State Park and Recreation Commission adopted the [X] “Resource Management Plan and General Development Plan” for Mendocino Headlands State Park in 1976. The California Department of Fish and Game transferred its holdings, including Goat Island offshore the Mendocino County shoreline and beach, coastal bluff/sea cliff, and bluff top areas between the shoreline and the landward edge of Heeser Drive, to State Parks in 2000. An inclusive public-private partnership led by the Mendocino Land Trust and the California State Coastal Conservancy resulted in 2002 in an 8-mile easterly expansion of the State Park along tidal Big River to its headwaters. As a unique protected and public recreational area that extends through seven uplifted marine terraces between the Pacific Ocean and the outer Coastal Ranges, and adjoins other State Park units and Jackson State Forest, Mendocino Headlands State Park now encompasses some 7,719

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acres. Together with the adjoining State holdings, it substantially – but not yet fully - implements the vision of the California Coastline Plan (1971) for a “Mendocino Coast State Park” and of the California Coastal Zone Conservation Commissions (1975, 1976) for an expansive continuous shoreline band and Big River watershed in public ownership.

Figure 4.13-1 omitted



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The entire Town of Mendocino and most of Mendocino Headlands State Park are located within the California coastal zone. Within the Town boundaries, the kinds, intensities, and locations of the use of land and water are governed by the State goals, policies, and procedures of the [ / ] California Coastal Act of 1976, as amended (Division 20, Public Resources Code), in addition to the California Constitution, United States Constitution, and other applicable local, ~~State-state~~, and federal laws. Among the other conservation and development laws that apply to the Town are the [ \ ] California Planning and Zoning Laws (Title 7, Division 1, Government Code), the statutes that govern the California Department of Parks and Recreation (Public Resources Code Section 5001 et seq.), the State Coastal Conservancy Act, as amended (Division 21, Public Resources Code), the Americans with Disabilities Act, as amended (“ADA”, 42 U.S.C. 12101 et seq.), and the adopted [ \ ] Mendocino County General Plan and [ \ ] Mendocino Zoning Code—as specifically referenced in the certified Mendocino Town Local Coastal Program. The Coastal Commission Local Coastal Program (“LCP”) Implementation Regulations ([ \ ] Title 14, California Code of Regulations, Section 13500 et seq.), the California Environmental Quality Act, as amended ([ \ ] “CEQA”, Division 13, Public Resources Code), and the CEQA Guidelines ([ \ ] Title 14, California Code of Regulations, Section 15000 et seq.) respectively provide additional requirements for LCP preparation, amendment, and implementation, and for development project environmental review. Pursuant to CEQA, the Coastal Commission certification review of a LCP or LCP Amendment constitutes the functional equivalent of environmental review; County adoption of the LCP or LCP Amendments is exempt from CEQA.

**For the purposes of reviewing and processing coastal development permits, the Town of Mendocino certified LCP serves as the standard of review for all proposed development within the Town of Mendocino.**

The Coastal Commission initially certified the Coastal Element of the County’s General Plan in ~~the 1980’s~~ 1985, to establish land use designations and policy direction within the entire coastal zone of the County. At the County Board of Supervisors’ request, the Coastal Commission in 1990 adopted geographic boundaries for the Town of Mendocino and thereby segmented it from the other parts of the County in the coastal zone. ~~For Coastal Act purposes, the~~ Mendocino Town local coastal program segment is bounded on the north by the northerly property line of the Hills Ranch Planned Unit Development, on the south by the shoreline ~~(Mean High Tide Line,~~

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~~Ordinary High Water Mark~~ of lower Big River and Mendocino Bay, and on the west by the shoreline of the Pacific Ocean. The eastern boundary of the Town in parts follows Gurley Lane (north of Little Lake Road, where it includes those lots (parcels) fronting on the west side of Gurley Lane), extends along the seaward side of the Mendocino Elementary School property, and then trends directly south to the Big River shoreline. The Town Boundary

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Figure 4.13-2 omitted

~~Boundary~~ aligns with the Mendocino City Community Services District (MCCSD) terrestrial boundary configuration that existed on June 13, 1990, when the Coastal Commission approved the geographic segmentation of the Town of Mendocino, as adopted by the County for local coastal program purposes. as of the date of Coastal Commission geographic segmentation (1990). Although Mendocino CSD boundaries originally coincided

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with the Town boundaries at the time of geographic segmentation in 1990, the MCCSD boundary no longer coincides with the Town segment boundary.

Subsequent approval/certification by the Coastal Commission of the Mendocino Town Plan (1992) and certification of the Mendocino Town Zoning Code (1996) **resulted in a local coastal program** that recognized “an ~~established~~ ~~a~~ ~~careful~~ existing balance of

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residential, commercial, ~~and visitor serving facilities and~~ open space uses that have served to protect, maintain, and restore the natural and historically developed communities of the Town, while providing extensive public access and recreational opportunities consistent with coastal resource conservation and the rights of property owners.

**1.2 Purpose of the Town Plan:** The 2011-2015 update to the Mendocino Town Plan has been prompted by public interest in maintaining ~~the a~~ balance of residential, commercial, **visitor serving**, and open space uses, while addressing evolving coastal resource conditions, public health and safety objectives, diverse legal requirements, improved opportunities for public participation, and increased efficiency and effectiveness in Town governance. In that context, the updated Mendocino Town Plan recognizes and protects the special historical character of the Town and provides for its continuing preservation, including through clarified policies, actions, and implementation measures that specifically implement the requirements of the Coastal Act at the local level.

**1.3 Coastal Act Goals and Standards for Local Coastal Programs:** In enacting the Coastal Act, the legislature found and declared that to “achieve maximum responsiveness to local conditions, accountability, and public accessibility,” ~~in the California coastal management program,~~ “it is necessary to rely heavily on local government and local land use planning procedures and enforcement.” (Public Resources Code Section 30004(a).) The legislature further found and declared that to “ensure conformity with the provisions of (the Coastal Act), and to provide maximum state involvement in federal activities allowable under federal law or regulations or the United States Constitution which affect California’s coastal resources, to protect regional, state, and national interests in assuring the maintenance of the long-term productivity and economic vitality of coastal resources necessary for the well-being of the people of the state, and to avoid long-term costs to the public and a diminished quality of life resulting from the misuse of coastal resources, to coordinate and integrate the activities of the many agencies whose activities impact the coastal zone, and to supplement their activities in matters not properly within the jurisdiction of any existing agency, it is necessary to provide for continued state coastal planning and management through a state coastal commission.” (Public Resources Code Section 30004(b).)

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The Coastal Act mandates that each local government shall ~~the County to~~ (a) prepare a Local Coastal Program (“LCP”) for that portion of the coastal zone within its jurisdiction. The County has endeavored to: (a) prepare an LCP for the Town that conforms with ~~to~~, and is adequate to carry out, the requirements of the Coastal Act at the local level; (b) process the Mendocino Town LCP through certification by the Coastal Commission; (c) implement the certified LCP through delegated specific development permit controls, with public notifications, public hearings, and findings of fact and law to support administrative decisions; and (d) prepare and process, as applicable, LCP amendments to address current conditions and changed requirements since certification of the original LCP, and thereby keep the Mendocino Town LCP current.

The Coastal Act and the Coastal Commission LCP Regulations require the Mendocino Town LCP to include five components: (1) the Mendocino Town Plan, (2) the Mendocino Town Land Use Map, (3) the Mendocino Town Zoning Ordinance, (4) the Mendocino Town Zoning Map, and (5) a specific Public Access Component ([\] (Public Resources Code Sections 30108.6 and 30500(a); [\] Title 14, California Code of Regulations Section 13519(b)). The Mendocino Town Plan must conform with the requirements of Chapter 3 and be sufficiently detailed to implement the Coastal Act~~’s~~ including it’s specific conservation, development, public access, and procedural standards, within the Town boundaries, to the extent necessary to meet the basic goals of the State for the coastal zone (Public Resources Code Section 30512.2(b)). These State goals are to: (a) Protect, maintain, and, where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and artificial resources; (b) Assure orderly, balanced utilization and conservation of coastal zone resources, taking into account the social and economic needs of the people of the state; (c) Maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with sound resources conservation principles and constitutionally protected rights of private property owners; (d) Assure priority for coastal-dependent and coastal-related development over other development on the coast; and, (e) Encourage state and local initiatives and cooperation in preparing procedures to implement coordinated planning and development for mutually beneficial uses, including educational uses, in the coastal zone. (Public Resources Code Section 30001.5.)

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The Coastal Commission LCP Regulations require a LCP amendment to include “All policies, plans, standards, objectives, diagrams, drawings, maps, photographs, and supplementary data, related to the amendment in sufficient detail to allow review for conformity with the requirements of the Coastal Act. Written documents should be readily reproducible. An amendment to a land use plan ... shall include, where applicable, a readily identifiable public access component as set forth in [\\] Title 14, California Code of Regulations] Section 13512.” (Title 14, California Code of Regulations Section 13552(b).) ~~The [\\] “Town LCP Update Amendment-Coastal Act Consistency Analysis” that accompanies the Mendocino Town LCP Update addresses other Coastal Commission LCP Regulation requirements for the LCP amendment submittal by the County to the Coastal Commission.~~

To those ends, the updated Mendocino Town Plan in Section 4 provides a clear and comprehensive set of mandatory policies and actions that regulate proposed development (a) pursuant to the ~~applicable~~ public access, recreation, aquatic (including relative sea level), land resources, and ~~all other development=standards policies~~ in Coastal Act Chapter 3, and (b) for the protection and sustainability of the Town’s special historical character, coastal natural resources, public access and recreation (including, but not limited to, at Mendocino Headlands State Park and connecting lateral and vertical ways), and ~~its balanced=~~residential, commercial, **visitor serving**, and open space uses.

The Mendocino Town Plan Public Access component in Section 4 and Appendix 5 provides for braided California Coastal Trail segments and other public access ways in and through the Town, with related upland support facilities. Pedestrian access to and through Mendocino Headlands State Park shall remain without cost to the recreational public. Future replacement or reconstruction of the Highway 1 Big River Bridge and abutments that connect the Town to the south are required to include safe pedestrian and bicycle ways, as well as see-through railings. A recommended (advisory action) of the Mendocino Town Plan calls for cooperative public-private acquisition of the three residentially developed parcels along the shoreline, for completion of the publicly owned, conserved, and recreational open space band between the first continuous public road/streets and the sea.

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The updated Mendocino Town Plan further provides a simplified procedure for authorization of specified overnight lodging accommodations on existing visitor-serving facility sites within the ~~corrected~~ certified numeric cap on such uses. Second dwelling units on lots ~~(parcels)~~ with existing ~~primary single family dwelling~~ units shall be permitted within the Town's residential land use districts. In both cases, an applicant must demonstrate adequate water and wastewater services for both the new and already existing development on the lot (parcel), meet parking requirements, and conform to the other applicable conservation and development standards of the Mendocino Town LCP.

The updated Mendocino Town Plan reduces the total number of allowed vacation home rentals/single unit rentals through attrition and, to maintain the ~~essential residential~~ character of the historical Town, prohibits new vacation home rentals in residential land use districts. Acquisition by the State of the relatively large, flat, and contiguous former lumber company parcels along the shoreline to establish Mendocino Headlands State Park effectively precludes future industrial development within the Town boundaries. The updated Mendocino Town Plan also optimizes the combined artist/staff residence program and affordable short term lodging opportunities at the Mendocino Art Center, and provides for collaborative funding opportunities by which State Parks may provide affordable hostel, cabin, or campground facilities in Mendocino Headlands State Park.

The updated Mendocino Town Plan additionally recommends actions by the Board of Supervisors to consider allocation of a portion of the locally generated transient occupancy tax, and for expansion of innovative local voluntary programs, both to generate additional revenues for operation and maintenance of Mendocino Headlands State Park.

~~Given that issue identification during preparation of the updated Mendocino Town Plan identified continuing LCP implementation conflicts between or among Coastal Act Chapter 3 policies that must be locally applied to meet the State goals set forth in Public Resources Code Section 30001.5, the Mendocino Town Plan also incorporates and applies the conflict resolution procedure provided by Public Resources Code Section 30007.5 to, on balance,~~



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~~continue to protect the most significant coastal resources that make the Town a special historical residential community which, because of these unique characteristics, is a popular visitor recreational destination.~~

**1.4 Planning Process:** Section 3 describes the extensive public participation that resulted in (a) the listing of the Town on the National Register of Historic Places, (b) County Board of Supervisors adoption of the Historical Preservation District Ordinance for the Town (1973), (c) acquisition by the State of California, including with federal Land and Water Conservation Act funding, of Mendocino Headlands State Park to preclude residential subdivision development of the former lumber mill, lumber port, and agricultural lands that front the Town on its south and west (1974 and after), and (d) negotiation by members of Citizens Advisory Committees, preparation, and certification of the initial County ~~LCP~~ **Land Use Plan (1980's-1985)**, geographic segmentation of the Town (1990), certification of the Mendocino Town LCP (1992, 1996), and Coastal Commission adoption of Categorical Exclusion Order E-96-1 (1996) for specified development in identified subareas of the Town.

Continuing public concern over maintenance of the Town character resulted in the formation of another Citizens' Advisory Committee (CAC) in 1999, to identify specific policy recommendations on issues relating to (1) the number of vacation home rentals and single unit rentals; (2) incentives for second residential units; (3) cottage industries and home occupations; (4) parking and circulation; and (5) formation of a Municipal Advisory Council. In 2000, the CAC submitted its recommendations on each of the issues to the Board of Supervisors, which elected not to implement them. Following additional discussion in the Town about various community issues and the need to update the Mendocino Town Plan, a programmed Town Plan update process was initiated by the County in 2011. The current update process has reviewed the recommendations of the 2000 CAC report and included many of its recommendations in the community meeting discussions and within this update of the Mendocino Town Plan.

Since 2011, the County has held six public workshops regarding the Mendocino Town LCP update (2011, 2012, and 2015), two meetings with innkeepers (2011 and 2012), a public meeting (2012), fourteen public hearings (February 28, 2013, May 16, 2013, July 11, 2013, August 29, 2013, October

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22, 2013, February 25, 2014, April 8, 2014, June 17, 2014, September 23, 2014, December 9, 2014, July 21, 2015, August 18, 2015, October 20, 2015, and December 8, 2015), and numerous personal meetings with interested persons and public agency representatives to obtain public comments, encourage discussion, and identify Coastal Act-consistent Town Plan policies and actions.

Not surprisingly many of the issues identified through the current community input process reflect past or continuing concerns. Others - including designations of recent (2002) substantial additions to Mendocino Headlands State Park along Big River and of land held or acquired by local public agencies for essential community services, implementation of State requirements for second dwelling units in residential land use districts that can accommodate them, storm water management, and effective public noticing of Mendocino Historical Preservation District decision-making - reflect newer concerns. The issues identified through this process are listed below in Section 1.5, Current Community Issues.

**1.5 Current Community Issues:** The Mendocino Town Plan update commenced with a series of community meetings, during which the participants identified Town character elements and the community issues that should be addressed. Subsequent public hearings before the Planning Commission and Board of Supervisors on iterative drafts of the Town Plan Update in 2012-2015, the public workshop in the Town on September 30, 2015, and written comments from the public and public agencies identified both continuing and some new issues regarding Coastal Act implementation, historic preservation, and public facility strategic planning. Some of the current community-identified issues, which are listed below, overlap the issues discussed in the 1992 Town Plan.

- Preservation of the Town's special community character
- Parking, public access, and traffic
- Economic revitalization
- Public facility strategic planning
- Community amenity & community space
- Sustainability
- Local Control and Coastal Act standards
- Sensitive Coastal Resource Area

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- Vacation Home Rentals and Single Unit Rentals
- Public noticing of County/MHRB meetings and proceedings
- Visitor-serving facility authorizations
- Comprehensive storm water management
- Groundwater resources management

The Mendocino Town Plan policies and actions set forth in Section 4 address these issues, and implement the Board of Supervisors' direction in 1987 that the Mendocino Historic Review Board Design Guidelines be transmitted to the Coastal Commission for certification review as part of the LCP.

**1.6 Organization of the Town Plan:** The Coastal Act mandates ~~that each local government shall the County of Mendocino prepare a Local Coastal Program ("LCP") for that portion of the coastal zone within its jurisdiction to prepare and implement the Mendocino Town Plan (LCP land use plan)~~, and to keep it current in relation to changing coastal resources conditions. (Public Resources Code Sections 30500(a), 30503, 30510, 30004(a), 30108.5, 30200(a), 30512, 30519(a), 30340.5 et seq., and 30210-30265.5.) As required by Public Resources Code Sections 30108.5, 30512(c), and 30512.2(b), the Mendocino Town Plan contains a high level of specificity to set forth the allowed kinds, locations, and intensities of land use within the Town of Mendocino that conform to, and carry out, the Coastal Act conservation and development standards in Public Resources Code Sections 30210-30265.5, to the extent necessary to meet the State goals for the coastal zone in Public Resources Code 30001.5 in the Town.

The updated Mendocino Town Plan therefore (a) identifies planning issues specific to the Town, (b) describes the various land use and coastal resource components within the Mendocino Town Plan area, (c) establishes required policies and actions that address the planning issues and ~~provide for balance to~~ protects significant coastal resources, and (d) provides for implementation of these policies and actions through the conformed updated [X] Mendocino Town Zoning Code and [X] Mendocino Town Zoning Map.

[X] Section 2 contains the definitions of the principal terms used in the Mendocino Town Plan.

[\\] Section 3 describes the Town setting, the process by which the Mendocino Town Plan has evolved through substantial public participation and public agency coordination, current conditions and trends in the Town, and the issues that have informed the 2011-2015 update of the Mendocino Town Plan.

[\\] Section 4 provides the required (mandatory) Mendocino Town Plan policies and actions that apply to all proposed development within the Town boundaries as shown on the [\\] Mendocino Town Land Use Map (Figure 4.13-3), as well as advisory goals and ~~advisory actions measures~~. **Both policies and actions (a) directly govern the issuance of coastal development permits through the setting of development limitations, requirements, or prohibitions; and (b) provide the basis for reviewing the consistency of a land use plan or zoning amendment with the Coastal Act. In contrast, advisory goals or measures do not govern the issuance of coastal development permits or provide the basis for reviewing a land use plan or zoning amendment for Coastal Act consistency. Advisory goals or measures state County-adopted positions on various issues, encourage particular actions by other entities, make pledges of support for certain outcomes of endeavors, or commit the County to pursuing future measures or practices.** The policies, actions, and goals are organized in ten subsections: [\\] 4.1, General Provisions; [\\] 4.2, Town Growth Management Policies; [\\] 4.3, Design Guideline Policies; [\\] 4.4., Circulation and Parking; [\\] 4.5., Affordable Housing (for Government Code purposes only); [\\] 4.6., Sustainability; [\\] 4.7., Public Facilities; [\\] 4.8., Public Access and Recreation; [\\] 4.9., Conservation; and [\\] 4.10., Mendocino Town Plan Administration.

Section 4 also contains the [\\] Coastal Development Permit Categorical Exclusion E-96-1 Map (Figure 4.13-4), which illustrates the areas within the Town where specified development, as defined in the Categorical Exclusion Order and shown in the map legend, is categorically excluded from the coastal development permit requirement of the Coastal Act, **subject to certain terms and conditions, including requirements that the development conform with all LCP policies.** This map should be read together with the highly specific provisions of Categorical Exclusion E-96-1, which is reproduced in [\\] Appendix 4.

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Section 4 further contains the [X] Public Access Component Map (Figure 4.13-6, which generally identifies the numerous existing public access ways in the Town and within Mendocino Headlands State Park. The [X] Specific Public Access Component Aerial Maps 5.1-5.5 in Appendix 5 present the individual public access ways in greater detail.

[X] Section 5 presents the Mendocino Town land use classifications: Open Space (OS); Rural Residential (RR); Suburban Residential (SR-20000); Residential Planned Unit Development (RR-2-PD); Town Residential (R+); Multiple Family Residential (RM); Mixed Use (MU); Commercial (C); and Public Facilities (PF). The former Forest Lands (FL) land use classification is no longer applicable as a result of the State of California's acquisition of the 33-acre addition to Mendocino Headlands State Park east of Highway 1 and north of Big River, and is therefore deleted in the Mendocino Town Plan Update.

[X] Section 6 provides the framework for the Mendocino Town implementation program. The conformed [X] Mendocino Town Zoning Code (Title 20, Division III, Mendocino County Code) and its companion [X] Mendocino Town Zoning Map, with their respective dates of Coastal Commission certification, carry out the provisions of the Mendocino Town Plan.

Appendices 1-9 encompass, respectively, the [X] Inventory of Historic Structures; the [X] Visitor-Serving Parcels and Unit Count; the [X] California Department of Fish and Wildlife "Big River Estuary Marine Protection Area Limitations on Fishing"; the [X] Coastal Commission Categorical Exclusion Order No. E-96-1 and [X] Coastal Act Coastal Development Permit Exemption Provisions; [X] Public Access Component Aerial Maps 5.1-5.5; the [X] Mendocino Town area **portion** of the ~~Coastal Commission~~ "Post-LCP Certification Permit and Appeal Jurisdiction; **County of Mendocino**" Map number 32 adopted by the Coastal Commission on May 14, 1992~~2~~; [X] the Mendocino Historic Review Board Design Guidelines, 1987; [X] Town of Mendocino Traffic Data November 23-30, 2015; and the [X] California Coastal Commission Repair, Maintenance and Utility Hook-up Exclusion Guideline (1978).

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FIG. 4.13-3 omitted

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## SECTION 2. DEFINITIONS

These definitions govern the interpretation and implementation of the Mendocino Town Plan, unless the context otherwise requires

**Aggrieved Person:** Any person who, in person or through a representative, appeared at a public hearing held by the County in 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~~ hearing, informed the County of 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.**

**2. Amendment, Local Coastal Program:** Any change, modification, deletion, or addition, **including but not limited** to any wording, text, table, illustration, ~~or~~ figure, **appendix, and/or documents incorporated by reference,** of the certified [\] 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 the Board of Supervisors in the manner prescribed by law; provided that no amendment to the Mendocino Town Local Coastal Program shall become effective until it has been certified by the Coastal Commission.

**3. Amendment, Coastal Development Permit:** Any change to a coastal development permit, ~~or any other permit,~~ approved or issued by a County [\] Approving Authority, that alters the approved development, or any approved condition of development approval; provided that no

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amendment to an approved coastal development permit or any other permit shall become effective until it has been approved by the Approving Authority, ~~as applicable.~~

**4. Applicant:** ~~(a) A person, partnership, organization, corporation, or federal, state or local government agency who is applying whose application to (a) the Planning and Building Services Department of the County of Mendocino for a coastal development permit, other land use entitlement, approval, administrative permit, federal consistency certification or determination, or building permit, has been determined by the Planning and Building Services Director to be complete and filed. (b) A person, partnership, organization, corporation, or federal, state or local government agency whose application to (b) 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.~~

**5. Approving Authority:** ~~The Planning and Building Services Department, Coastal Permit Administrator/Zoning Administrator, Mendocino Historical Review Board, Mendocino County Planning Commission, or Mendocino County Board of Supervisors authorized by the Mendocino Town Local Coastal Program to make decisions affecting the administration or enforcement of Chapter 4.13 of the [\] Mendocino Town Plan, the [\] Mendocino Town Land Use Map, the [\] Mendocino Town Zoning Code, and the [\] Mendocino Town Zoning Map, the Mendocino Town Local Coastal Program, as certified by the Coastal Commission.~~

**6. Archeological Site:** ~~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~~

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~~more archaeological 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.~~

7. Beach, inland extent. The inland extent of the beach shall be determined as follows: ~~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) a distinct linear feature on the landward side, including, but not limited to, (a) the base of a [\] a seawall, road, or coastal bluff or sea cliff;~~

~~(b) 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, the further point separating the dynamic~~

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

8. **Bed and Breakfast Accommodations:** Any building or portion thereof, or group of buildings (a) containing at least two (2) but no more than four (4) **lodging** units (guest rooms or suites), each used, designed, or intended to be used, let, or hired out, for occupancy by transient guests for compensation or profit, and (b) in which breakfast, snacks, other light meals, or beverages may be provided to such guests for separate compensation or as part of a room or suite package.

X. **Best Management Practices (BMPs):** Stormwater management practices, including structural devices and systems, siting criteria, operational practices, and procedural practices to prevent or reduce nonpoint source pollution and/or adverse changes in stormwater runoff flows resulting from development.

9. **Building:** A **roofed** structure ~~with a roof, exclusive of any type of recreational vehicle, boat, or tent~~, which is (a) constructed in a permanent position on the ground, and (b) 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.**

10. **Building, Height of:** The vertical dimension of the roofline, parapet, or uppermost edge or plane of a building or structure, ~~as measured from the above [X]~~ natural grade **at any point from within the building footprint.**

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**11. Categorical Exclusion Order Number E-96-1:** The exclusion approved by the Coastal Commission, within specified areas of the Town of Mendocino, from the coastal development permit requirement of specified categories of (1) construction, improvement, or removal and replacement of a single-family residence, (2) test water wells, (3) replacement or supplemental water wells, (4) production water wells associated with ~~an~~ a single family residence that is excluded from the coastal development permit requirement, (5) repair, replacement, expansion, or installation of septic systems (private wastewater disposal systems), and (6) boundary line or lot line adjustments more than two-hundred (200) feet from the outer edge of an [X] environmentally sensitive habitat area or the outer edge of an area of [X] pygmy vegetation, and subject to terms and conditions, including but not limited to ensuring that the development under this exclusion shall conform with all LCP policies. Figure 4.13-6 reproduces the Coastal Commission-adopted [X] Categorical Exclusion Order Number E-96-1 Areas Map; Appendix 4 contains [X] Categorical Exclusion Order Number E-96-1, as adopted by the Coastal Commission in the “Addendum to Proposed Categorical Exclusion Order No. E-96-1 for County of Mendocino, Town Segment”, November 12, 1996 (adopted November 14, 1996).

**12. Coastal Act:** The [X] California Coastal Act of 1976, as amended. (Public Resources Code Division 20, Section 30000 et seq.).

**13. Coastal Bluff:** (a) (1) Those bluffs, the toes 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 toes of which ~~are~~ ~~is~~ not now or ~~were~~ ~~was~~ not historically subject to ~~marine~~ erosion ~~by marine processes~~, but ~~the toe of~~ which lies within an area otherwise identified in ~~[X]~~ 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

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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 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.

**14. Coastal Commission:** The California Coastal Commission, established by [X] Public Resources Code Division 20.

**15. Coastal Conservancy:** The State Coastal Conservancy, established by [X] Public Resources Code Division 21.

**16. Coastal-dependent Development:** Any [X] development or use which requires a site on, or adjacent to, the [X] sea to be able to function at all.

**17. Coastal-related Development:** Any [X] development or use that is dependent on a coastal-dependent development or use.

**18. Coastal Development Permit:** A permit for any [X] development within the coastal zone that is required pursuant to Section 30000 et seq. of the Public Resources Code. ~~(a) [X] Public Resources Code Division 20 and has been issued by the Coastal Commission or the North Coast Regional Coastal Commission, (b) [X] Public Resources Code Section 27000 et seq.~~

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~~and has been issued by the California Coastal Zone Conservation Commission or the North Coast Regional Coastal Zone Conservation Commission, or (c) by the County pursuant to [X] Section 20.720.010 of Division III, Title 20 of the certified Mendocino County Zoning Code.~~

**19. Coastal Permit Administrator/Zoning Administrator:** The Planning and Building Services Director or designee who is authorized to administer the coastal development permit process and to render decisions on applications for variances, minor use permits, and administrative permits as provided in the Mendocino Town Zoning Code.

**20. Community Garden(s):** An area of land managed and operated by one or more persons to sustainably grow and harvest food 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 a group.

**21. Conditional Use:** A use that may be allowed on a conditional and discretionary basis, subject to securing a conditional use permit pursuant to the applicable procedures and requirements of [X] Mendocino Town Zoning Code Chapter 20.720, and **for which a coastal development permit** may be appealed by an [X] aggrieved person to the Coastal Commission pursuant to [X] Public Resources Code Section 30603(a)(4).

**22. Cumulative Effect (Cumulative Impact):** The combined consequences of (a) the incremental effects of an individual action, development, or project in connection with the effects of past actions, developments, or projects; (b) the effects of other current actions, developments, or projects; and (c) the effects of reasonably foreseeable **probable** future actions, developments, or projects.

**23. Density:** The number of dwelling units per acre or square foot, calculated as the total number of dwelling units divided by the total lot (parcel) area.

**XX. Design Storm:** The runoff produced by the 85<sup>th</sup> percentile 24-hour storm event at the Town (0.88 inches) for volume-based BMPs, or two times the 85<sup>th</sup> percentile 1-hour storm event (0.20 inches) for flow-based BMPs.

**24. Development:** (a) On land, in, or under water, the placement or erection of any solid material or [\\] structure; (b) discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; (c) grading, removing, dredging, mining, or extraction of any materials; (d) 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; (e) change in the intensity of use of water, or of access thereto; (f) construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and (g) 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).

**25. Director:** The Director of the County of Mendocino Planning and Building Services Department, or his/her designee.

**26. Dwelling Unit:** 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.



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**27. Energy Facility:** Any public or private processing, producing, generating, storing, transmitting, or recovering facility for electricity, natural gas, petroleum, coal, or other source of energy.

**28. Environmentally Sensitive Habitat Area:** Any area in which plant or animal life, or their habitats, are either rare or especially valuable because of their special nature or role in an ecosystem, and which could be easily disturbed or degraded by human activities and developments.

**29. Estuary:** 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.

**30. Feasible:** Capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.

**31. First Public Road ~~(or Street) that Parallels~~ Paralleling the Sea:** (a) The “first public road ~~or street nearest to the [X]~~ paralleling the sea” means that road nearest to the sea, as defined in Public Resources Code Section 30115, which: (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) 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. (c) The “Post-LCP Certification Permit and Appeal Jurisdiction; County of Mendocino-Map” Nmap number 32 adopted by the Coastal Commission on May 14, 1992, and reproduced in [X] Appendix 6, depicts the location of the first public roads ~~and streets that~~ paralleling the sea in the Town of Mendocino

**32. Formula Lodging:** A motel, hotel, inn, or other visitor-serving lodging facility, 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, facade, architecture, uniforms, advertising, or other similar standardized features.

**33. Formula Restaurant:** 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, decor, color scheme, facade, architecture, uniforms, advertising, or other similar standardized features.

**34. Formula Retail:** Formula Retail shall mean 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, decor, color scheme, facade, architecture, uniforms, advertising, or other similar standardized features.

**35. Grading:** Any excavation, filling, or combination thereof, involving movement or transfer of more than twenty-five (25) cubic yards of earthen material within, from, or to a lot (parcel).

**36. Hostel:** Any building or portion thereof, or group of buildings, containing five or more dormitory rooms or private rooms, or providing 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.

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**37. Hotel:** Any building or portion thereof, or group of buildings, containing five or more **lodging units** (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.

**XX. Hydromodification:** Adverse changes in waterbodies associated with modification of the hydrologic balance (i.e., precipitation, surface runoff, infiltration, surface-water storage, groundwater storage, evaporation, and transpiration) resulting from development.

**38. Impervious Surface:** ~~An artificial~~ A structure, surface covering, or pavement that prevents absorption and infiltration of rainfall or storm-water runoff. Impervious surfaces include, but are not limited to, roofed structures, walkways, patios, ~~decks,~~ driveways, parking lots, paved storage areas, impervious concrete and asphalt surfaces, and any other continuous watertight pavement or covering. ~~Landscaped soil and pervious or semi-pervious p~~Pavements that are designed and maintained to be permeable, including pavers with pervious openings ~~and seams or joints,~~ underlain with pervious soil and/or pervious storage material; (such as a gravel layer) ~~sufficient~~ to absorb and retain rainfall or runoff ~~during the [X] County design storm event,~~ do not constitute impervious surfaces.

**39. Inn:** Any building or portion thereof, or group of buildings, containing five or more **lodging units** (guest rooms or suites), each of which is used, designed, or intended to be used, let or hired

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out, for occupancy by transient guests for compensation or profit. An inn may offer meals or beverages for separate compensation or as part of a room or suite package.

**40. Lateral Access:** A public access way, alley, path, trail, street, road, easement, or other ~~public~~ right-of-way which ~~provides public access and use extends~~ along, or ~~is~~ generally parallel to, the shoreline ~~of the Town of Mendocino.~~

~~41. Light Agriculture: (a) Small-scale hatching, raising, butchering, or marketing of chickens (exclusive of roosters), turkeys, other fowl, or poultry, and eggs, rabbits, fish, frogs, mink, chinchilla, or other similar small farm animals, not to exceed a maximum total of ten (10) mature animals per forty thousand (40,000) of minimum parcel area. 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) Grazing of cattle, horses, sheep, goats, hogs, or other farm stock or animals, including the supplementary feeding thereof, not to exceed one (1) such animal per forty thousand (40,000) square feet of parcel area and not to exceed more than four (4) weeks during any six (6) month period. shall be kept or maintained. The total number of all such species shall not exceed four (4) per 40,000 square feet. 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 where such grazing operation is not conducted for more than four (4) weeks in any six (6) month period. (c) On parcels larger than forty thousand (40,000) square feet, allowed keeping of small and large animals shall be cumulative (e.g., eighty thousand (80,000): two (2) large animals and twenty (20) small~~

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~~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, FFA or similar projects, with the exception of roosters, shall be permitted in all zoning districts.~~

means: (1) 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 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 of the lot and shall be located no closer than five (5) feet from the side or rear property line.

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

(6) 4-H, FFA or similar projects shall be permitted in all zoning districts, except that no roosters shall be allowed.

42. Local Coastal Program: Pursuant to [\\] Public Resources Code Section 30108.6, the Town of Mendocino Land Use Plan, Town of Mendocino Zoning Code, Town of Mendocino Zoning District Map, and any other implementing actions, which, when taken together, meet the requirements of, and implement the provisions and policies of, the Coastal Act within the boundaries of the Town of Mendocino as depicted on the [\\] Mendocino Town Land Use Map (Figure 4.13-3) and [\\] Mendocino Town Zoning Map (Mendocino Town Zoning Code Figure 1).

43. Lot: (a) 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. (b) A parcel of real property that qualifies for a Certificate of Compliance pursuant to [\\] Government Code Section 66499.35. (c) "Lot" shall also mean "parcel," but does not include road or street easements or rights-of-way.

44. Lot Coverage: The percentage of gross lot area covered by all buildings and structures on a lot, including decks, porches and covered walkways, but excluding uncovered required parking areas, landscaping, patios, ~~and~~ terracing, and rainwater, groundwater, or potable water storage tanks.

45. Low Impact Development (LID): A sustainable ~~development practice~~ approach to stormwater management that benefits water supply and contributes to water quality protection, ~~by using~~. LID emphasizes preventive site design strategies, integrated with ~~and~~ small-scale, distributed storm-water management practices to ~~feasibly maintain, or reduce,~~ minimize post-development changes in the site's storm-water runoff flow regime (i.e., rates, ~~and~~ volumes, timing, and duration), ~~during and after [\\] County design rain storm events from new development with an area greater than 2,500 square feet,~~ through infiltration, evapotranspiration, harvesting for later on-site use, detention, or retention of stormwater

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~~close to the source. (a) retention of collected storm water on the development parcel, (b) cooperative multi-person or multi-agency storm water recovery and beneficial reuse measures within the Town, or (c) a combination thereof, with filtration or other treatment to meet applicable water quality standards.~~

**46. Major Energy Facility:** An energy facility **as defined in PRC §30107** that costs more than one hundred thousand dollars (\$100,000.00), ~~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, 30610.5, 30611, or **30624 30625**

**47. Major Public Works Facility:** A public works facility **as defined in PRC §30114** that (a) costs more than one hundred thousand dollars (\$100,000.00), ~~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 public works~~ facilities governed by the provisions of [\\] Public Resources Code Sections 30610, 30610.5, 30611, or **30624 30625**, and (b) pursuant to [\\] Title 14, California Code of Regulations Section 13012(b) 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.

**48. Major Use Permit:** A use permit under the original jurisdiction of the Planning Commission.

**49. Major Vegetation Harvesting or Removal:**” means one or more of the following: ~~(a1)~~ The cutting, chemical eradication, excavation, girdling, or other direct or indirect removal of more than fifteen (15) trees, or ten (10) percent of the total number of trees on a lot ~~(parcel)~~, whichever is less, with a tree circumference of thirty-eight (38) inches or more measured at four and one-half feet (54 inches) vertically above the ground natural grade; or ~~(b2)~~ the cutting, chemical eradication, excavation, girdling, or other direct 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 ~~(c3) the determination of the Planning and Building Services Director that a proposal to remove vegetation constitutes major vegetation removal if he or she finds that it may result in a potentially significant impact on the environment pursuant to any of the following criteria conditions exist or are proposed:~~

~~(1) the vegetation removal involves the use of mechanized equipment with a weight greater than five (5) tons; (2) the vegetation removal is proposed on a slope of fifteen (15) percent or greater and removal of the vegetation may result in soil erosion or other instability; (3) 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; (4) the vegetation removal that may result in significant exposure of adjacent trees or other major vegetation to wind damage; (5) the vegetation removal may result in significant degradation of the public view shed from a public road, street, park, or open space area; or, (6) the vegetation removal of involves one (1) or more trees which measure twenty-four (24) inches or more in diameter at four and one half feet (54 inches) above natural grade that are visually or historically significant, exemplary of their species, or ecologically significant. (d) The following are excluded from this definition and do not constitute removal of~~



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major vegetation or harvesting in the Town of Mendocino: (1) 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; (2) removal or harvesting of vegetation for agricultural purposes in areas presently used for agriculture; (3) harvesting of lawful agricultural products from lots on which light agriculture or community gardens are allowed by the Mendocino Town Local Coastal Program,=or (4) 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 [\\] Public Resources Code Section 4511), as amended.

**50. Mean High Tide Line:** The statistical mean of all the high tides over the cyclical period of 18.6 years that shall be determined by reference to the records and elevations of [\\] tidal benchmarks established by the National Ocean ~~Service Survey~~. In areas where observations covering a period of 18.6 years are not available, a determination may be made based on observations covering a shorter period, provided they are corrected to a mean value by comparison with observations made at some suitably located control tide station.

**51. Mendocino Town Local Coastal Program:** See “Local Coastal Program”, Section 2.42.

**52. Mendocino Town Plan:** Chapter 4.13 of the Coastal Element of the County of Mendocino General Plan.

**53. Mendocino Town Zoning Code:** [\\] Division III of Title 20 of the Mendocino County Code, which contains the ordinances authorized by Government Code Section 65850 and required by the Coastal Act as part of the Mendocino Town Local Coastal Program to conform with, and be adequate to carry out, the provisions of the certified Mendocino Town Plan.

**54. Minor Use Permit:** A use permit under the original jurisdiction of the Coastal Permit Administrator/Zoning Administrator.

X. Motel: Any building or portion thereof or group of buildings containing five or more lodging units (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.

55. Natural Grade: The surface of the ground prior to grading for development.

56. ~~Non-conforming~~ Nonconforming Lot: A lot which has been lawfully ~~separated from adjoining property by map or a metes and bounds description as on a deed~~ created but does not meet the standards required of a lot or building site, as set forth in the certified Mendocino Town Plan and Mendocino Town Zoning Code.

57. Nonconforming Structure: A building, structure or facility, or portion thereof, which was lawfully erected or altered or maintained, but which 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 ~~zone (zoning district)~~ in which it is located.

58. Nonconforming Use: The use of a building, structure, or site, or portion thereof, which was lawfully established and maintained, but which 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 ~~zone (zoning district)~~ in which it is located.

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59. Paleontological Site: A site containing fossil remains of life from geological periods generally predating the Holocene Epoch.

X. Permitted Use: A land use allowed by the Mendocino Town Plan subject to compliance with the applicable provisions of the Town LCP, and subject to obtaining any other permit required by the Code. County actions on CDPs allowing such uses are appealable to the Coastal Commission.

60. Person: Any individual, ~~firm, co-~~partnership, joint venture, association, social club, fraternal organization, ~~corporation,~~ estate, trust, receiver, syndicate, **limited liability company 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.

61. Principal Permitted Use(s): The primary ~~land use types designated~~ allowed in the Mendocino Town Plan for each land use classification and in the Mendocino Town Zoning Code for each 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.**

62. Public Works: (a) All production, storage, transmission, and recovery facilities for water, sewerage, telephone, and other similar utilities owned or operated by any public agency or by any

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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.~~ (b) All public transportation facilities, including streets, roads, highways, public parking lots and structures, ports, harbors, airports, railroads, mass transit facilities and stations, bridges, trolley wires, and other related facilities. (c) All publicly financed recreational facilities, all projects of the State Coastal Conservancy, and any development by a special district. (d) All community college facilities.

**63. Residential Use:** ~~Residential use means a residential dwelling unit occupied~~ **Occupation** Occupancy of a structure by the owner(s) as his/her/their principal place of residence; or, ~~occupied by~~ by long term tenant(s) as his/her/their principal place of residence for an extended term of longer than thirty (30) days or longer.

**64. Sea:** 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.

**65. Second Dwelling Unit:** 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 dwelling unit is situated. **Second dwelling units are not intended for transient habitation and shall not be sold separately from the primary housing unit on the parcel, but may be rented for long term occupancy by family members or tenants.**

**66. Semi-Public Facilities:** 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.

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**67. Significant Effect (Impact) on the Environment:** A substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by 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.

**68. Single Unit Rental:** An attached or detached room or structure 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.

**69. Shoreline:** ~~The Ordinary High Water Mark or~~ Mean High Tide Line of the Pacific Ocean.  
(See, [\] Mean High Tide Line, [\] the Sea.)

**70. Special Community:** ~~An identifiable and geographically bounded land and water area within the coastal zone of vital interest and sensitivity that is also a significant visitor destination area.~~ The entire Town of Mendocino, which, because of its unique characteristics, is a popular visitor destination point for recreational uses.

**71. Special District:** Any public agency, other than the County of Mendocino, formed pursuant to general law or special act for the local performance of governmental or proprietary functions within limited boundaries. "Special district" includes, but is not limited to, a county service area, a maintenance district or area, an improvement district or improvement zone, or any other zone or area, formed for the purpose of designating an area within which a property tax rate will be levied to pay for a service or improvement benefiting that area.

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**72. Standardized Feature:** A feature that is substantially the same as other features, but need not be identical to them.

**73. State Coastal Conservancy:** The California Coastal Conservancy, established by Division 21, Public Resources Code, as amended.

**74. State Parks:** The California Department of Parks and Recreation, established pursuant to Public Resources Code Section 5001 et seq.

**75. Stream:** Any water course in the Town of Mendocino, ~~other than a channelized stream that has no significant habitat value;~~ that is mapped by the United States Geological Survey as a blue-line stream on the most recent Mendocino, California 7.5-minute topographical quadrangle.

**76. Structure:** 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, street, highway, bridge, culvert, fence, other enclosure or exclosure, pipe, flume, conduit, siphon, aqueduct, telephone line, electrical power transmission and distribution line, antenna, and satellite dish.

**77. Structure Height:** See “Building height”, Section 2.10.

**78. Student-Instructor Housing Facility:** A portion, ~~not to exceed 25% by area,~~ of an educational facility 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

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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.

**X. Suite:** A group of two (2) adjoining rooms with a single exterior door in a visitor serving facility, and without any shared interior doors. Each suite shall be: (a) limited to no more than one (1) kitchen; (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.

**79. Town of Mendocino Boundaries:** Those boundaries adopted by the County and approved by the Coastal Commission for the geographic segmentation of the Town of Mendocino, **for local coastal program purposes**, on June 13, 1990, **and** which consist of (a) the boundary of the County of Mendocino along the shoreline of the Pacific Ocean ~~([\\] Government Code Section 23123)~~, and (b) the terrestrial boundary of the Mendocino City Community Services District as **it existed on of June 13, 1990 that date**. The Mendocino Town Land Use Map ([\\] Figure 4.13-3) illustrates these boundaries.

**80. Use Permit:** A permit which may be granted by the appropriate Mendocino County authority to provide for the accommodation of land uses with special site constraints or design requirements, operation characteristics, or potentially significant adverse effects 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.~~

**81. Vacation Home Rental:** A dwelling unit that is the only use on the property, and 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 within the Town of Mendocino shall be considered Visitor Serving Facilities.~~

**82. Vertical Access:** A public access way, path~~7~~, trail, street, road, easement, or other ~~public~~ right-of-way which provides a public access connection between ~~extends from~~ the first public road or street, trail, or public use area in the Town of Mendocino to (1) publicly owned tidelands, (2) the shoreline, ~~(23) the bluff top for public viewing or other permitted use,~~ or ~~(34)~~ to a lateral public access way.

**83. Visitor Serving Facility:** Any 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).

**84. Wetland(s):** Lands within the coastal zone ~~that~~ 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. (a) Wetlands ~~constitute~~ shall be further defined as land where the water table ~~(4)~~ is at, near, or above the land surface long enough to



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promote the formation of hydric soils, ~~and or to (2)~~ supports the growth of hydrophytes, ~~during the annual growing season, or (3)~~ 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. (b) The upland limit of a wetland shall be defined as: (1) the boundary between land with predominantly hydrophytic cover and land with predominantly mesophytic or xerophytic cover; (2) the boundary between soil that is predominantly hydric and soil that is predominantly non-hydric; or (3) in the case of wetlands without vegetation or soils, the boundary between land that is flooded or saturated at some time during years of normal precipitation, and land that is not. (c) The term "wetland" shall not include wetland habitat created by the presence of and associated with ~~artificial agricultural ponds, ditches,~~ and reservoirs where: (1) the ~~artificial pond, ditch,~~ or reservoir was **in fact constructed by a farmer or rancher foreconstructed for public or** agricultural purposes; and, (2) there is no evidence (e.g., aerial photographs, historical survey, etc.) showing that wetland habitat pre-dated the existence of the ~~artificial pond, ditch,~~ or reservoir. Areas with drained hydric soils that are no longer capable of supporting hydrophytes shall not be considered wetlands.

**85. Work.** 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.

### **SECTION 3. 1992 TOWN PLAN SETTING, DESCRIPTION, AND BACKGROUND**

**3.1. Introduction.** Some of the issues that framed the State legislature’s enactment of the Coastal Act (1976) - and adoption~~≠~~ and certification of the Mendocino Town Plan (1992) - continue to exercise the Town’s body politic in the middle of the second decade of the 21<sup>st</sup> Century, while other issues of sustainability, basic services, equal and effective governance, and equitable land uses have also arisen to inform preparation of the updated Mendocino Town Plan. Sections 3.2 through 3.4 continue much of the narrative contained in the 1992 Mendocino Town Plan, ~~eamended-only~~ with technical corrections, relevant new information, and for reference to post-1992 conditions, trends, and legal requirements. Section 3.5 discusses current public access and recreational opportunities and issues in the Town and Mendocino Headlands State Park. Section 3.6 addresses issues related to Mendocino Town Plan administrative implementation.

**3.2. Background.** Prior to Russian, Spanish, and American colonization of coastal Pomo territory during the first half of the 19<sup>th</sup> Century, inland Northern Pomo triblets (small communities or groups) seasonally traveled to the Big River Estuary and the area of the present Town of Mendocino for fishing and other littoral resource exploitation activities. (Mendocino Land Trust, “Big River Preliminary Plan, Resource Assessment and Recommendations”, 2005, and citations therein.) Permanent settlements by the Mitom triblet at *Buldam*, near the mouth of Big River and inland about three-quarters of a mile from it, occurred in 1851 with the advent of American colonization of Mitom territory (at present Willits). Other indigenous people from the interior and along the coast also continued to gather littoral flora and fauna in the Big River Estuary and at Mendocino. The regulations promulgated by the California Department of Fish and Wildlife for the Big River Estuary State Marine Conservation Area, as defined ([\] Title 14, California Code of Regulations section 632(a)(25), reproduced in Appendix 3), specifically recognize traditional shore fishing rights within this area by seventeen federally recognized tribes: Big Valley Band of Pomo Indians of the Big Valley Rancheria, Cahto Indian Tribe of the Laytonville Rancheria, Coyote Valley Band of Pomo Indians, Elem Indian Colony of Pomo Indians of the Sulphur Bank, Rancheria

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Guidiville Rancheria, Habematolel Pomo of Upper Lake, Hopland Band of Pomo Indians of the Hopland Rancheria, Lower Lake Rancheria, Manchester Band of Pomo Indians of the Manchester-Point Arena Rancheria, Middletown Rancheria of Pomo Indians, Pinoleville Pomo Nation, Potter Valley Tribe, Redwood Valley Rancheria of Pomo Indians, Robinson Rancheria of Pomo Indians, Round Valley Indian Tribes of the Round Valley Reservation, Scotts Valley Band of Pomo Indians, and Sherwood Valley Rancheria of Pomo Indians.

Mendocino, founded in 1851, was the first large Euro-American lumber town (as “Meigsville”, and subsequently “Mendocino City” and “Big River Landing”) on California's north coast. The New England roots of some of its original residents, the economy of the lumber industry, isolation, and more recently a population attracted by the town's ambience, account for its character. This "mystical village" is among the most photographed and ~~most~~ visited coastal destinations in California north of San Francisco and, as such, is more threatened by overuse than any other coastal community in the region, and perhaps the State. The Town of Mendocino is a "special community" which, because of its unique characteristics, is a popular visitor destination point for recreational uses, pursuant to as described in Section ~~30253(e)~~ 30253(5) of the Coastal Act, ~~and is recognized as a special community with an existing balance of residential, commercial, and visitor serving facilities that is to be generally maintained.~~

~~Mendocino residents have been working on a plan since 1973. The terms of the federal grant that built the sewage treatment system require a plan.~~

Approximately 25% of the Town Plan area has been preserved as part of Mendocino Headlands State Park. The State Park was initially established in the mid-1970's on the headlands west of Highway 1, and now consists of some 210 acres that border the Town on the south, west, and northwest. The State Park offers day hiking, walking, whale and bird watching, and spectacular scenic views of the coast, ocean, Big River Estuary, coniferous forests, and the Town.

The State's willingness to acquire the headlands was dependent on the County assuming responsibility to establish Mendocino as ~~a~~ "Historic District.”

The Historical Preservation District for ~~the~~ Town of Mendocino, first incorporated by ordinance in the Mendocino County Zoning Code Ordinance in 1973, established the Mendocino Historical Review Board (MHRB) that must approve activities and other work, including demolition, construction, remodeling, excavation, and painting within Historical Zone A, comprising the 19th century town west of Highway 1. The Board has less specific powers of approval in Historical Zone B, the area east of Highway 1 visible from Historical Zone A. ~~Together the two areas~~ The portion of Historical Zone A south of Little Lake Street constitute a is listed in the National Register of Historic Places as the “Mendocino and Headlands Historic District,” allowing building owners to qualify for federal grants and tax incentives for preservation and restoration. Within Historical Zone “A”, the Mendocino and Headlands Historic District is also listed on the California Register of Historic Resources. ~~There are only two such districts in the State of California.~~

Responding to the need for a plan, and because Mendocino County’s ~~1980’s~~ 1985 ~~a~~ 1" = 600' scale Coastal Element Land Use Map plan is inadequate for lot-scale issues in town, the original Mendocino County LCP Work Program included a Mendocino Area Plan with "especially detailed land use designations and development provisions." The plan map, at 1" = 200', scale, and implementing regulations that ~~will~~ followed assumed continuation of Mendocino's unincorporated status, but would have been equally applicable if subsequently proposed incorporation ~~should~~ had been approved.

### **3.3. Planning Process**

Historical Mendocino, although laid out on a Jeffersonian grid (depicted on the 19<sup>th</sup> and early 20<sup>th</sup> Century maps of the Town in Figure 4.13-4), was developed well before the advent of 20<sup>th</sup> Century municipal planning and sanitation. Mendocino Town Plan Section 1 summarizes the extensive public consideration given to the 2015 Town Plan Update between 2011-2015; however, Mendocino residents have been first began working on a Town plan in since 1973. The because the terms of the federal grant that built funded the Town sewage treatment system required one a plan.

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Rarely ~~has~~ does a community ~~invested~~ as many hours in a plan as have the residents of Mendocino, initially over the almost twenty year period preceding Coastal Commission certification of the 1992 Mendocino Town Plan, and more recently in post-certification workshops, meetings, and hearings

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Figure 4.13-4 omitted

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before the Planning Commission and Board of Supervisors leading up to the 2015 Mendocino Town Plan Update. Differences of opinion ~~have that~~ emerged on most points ~~and~~ were addressed by the Mendocino members of the South Central Citizen Advisory Committee, convening as the Big River CAC, ~~have held~~ and holding many meetings working toward resolving them. Before the plan was drawn, two questionnaires were circulated to as many Town ~~town~~ residents as could be reached in an effort to determine community values.

Responses to the Mendocino Land Trust questionnaire (1989) from 288 residents and property owners in the Historic District and the 193 responses to the Big River #1 and #2 questionnaire [insert date] indicated strong support for maintaining the town's residential character and for setting a ceiling on the population growth rate.

### 3.3.1. ~~ISSUES:~~ Issues:

#### a. Specificity of Plan

Because Mendocino's character results from diversity, it ~~is~~ remains difficult to establish a single "right" set of development standards for each (lot) parcel. Differences in uses, use mix, height, building materials, finish, yards, and landscaping are not easily correlated with a classification of buildings that support or detract from the town's character. Traditional zoning, setting precise yards, heights, and use regulations for each lot, is unlikely to conserve the town because the very principle that similarly situated properties should have the same development potential could be destructive in Mendocino.

The Board of Supervisors-adopted and Coastal Commission-certified Mendocino Town Plan (1992) ~~plan~~ ~~needs to be~~ was followed by an adopted and certified Mendocino Town Zoning Code (1996), ~~an ordinance that delegates broad discretionary power over site planning and design to an advisory body, presumably the Mendocino Historical Review Board. Each proposal that Any development subject to coastal development permit review and approval must~~ meets the broad standards of the Mendocino Town Plan and Mendocino Town Zoning Code ~~plan should be~~



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~~considered on its merits in relation to the surrounding area. The advantages of this approach are greater flexibility and possibly a more spontaneous community design quality. Its price would be uncertainty for both the developer and the community.~~

### b. Growth

There ~~appears~~ continues to be general agreement that growth in the town must be limited, but disagreement as to how tight limits should be. Historically, the Mendocino area (Big River Township) reached a reported population of 3,100 in 1880 (Mendocino Historical Review Board, Design Guidelines, 1987), which declined with the closure of the lumber mill (1931, 1938) and stabilized at 894 in the 2010 US Census. (<http://censusviewer.com/city/CA/Mendocino/2010>). Although additional residential development ~~wc~~ could help retain the sense of a residential community in the face of a feared rising tide of visitors, additional residents ~~will~~ can themselves erode town character. If Mendocino is "Carmelized", it will be by commercial development -- not just by shops selling trinkets to tourists, but by the larger number of stores that must sell to residents to survive.

While response to the Mendocino Land Trust survey (1989) called for "encouraging more resident oriented businesses," many of the "residents" who shop in Mendocino live between Caspar and Albion. This area contained contains about 4,200 people in 1990 now and may potentially grow to 6,400 under the development intensities designated by the certified County Coastal Element. An attempt to meet this population's commercial needs within the town would be detrimental to town character. The designated commercial area would have to be large enough to allow choice of sites for businesses that cannot pay rents competitive with visitor-serving enterprises. Commercial floor area would double, even assuming no shift toward more visitor-serving establishments. The alternative is to limit commercial expansion in Mendocino with the knowledge that this may (absent 21<sup>st</sup> Century e-commerce) entail less choice for residents, higher prices, and more travel to Fort Bragg and Santa Rosa. Mendocino's status as an art and entertainment center need not be affected. Stores are not suffering from overcrowding at this point.

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One approach to growth management would be to determine an acceptable annual number and ultimate number of housing units in the Town, or an amount of commercial floor space and to enforce such limits. The reverse would be to define acceptable physical change and establish regulations that prevent undesirable effects, leaving the rate, sequence, and location (consistent with the plan) to market determination. While the latter system is easier to administer, it risks too much on ability to foresee the effects of growth accurately. During 2013-2014, the Mendocino City Community Services District reported 422 residences, 9 guest cottages, and 4 other sleeping units. The average residential growth between 2000-2015 at Mendocino has been approximately 1.7 units/year. (Mendocino County PBS, 2015.) Increased community stewardship, as practiced by commercial enterprises and not-for-profit organizations that manage and support the preservation of historic buildings, including in the Town's Commercial and Mixed Use Districts, demonstrates a successful third approach to balanced and Coastal Act-consistent local growth management.

Increases in visitor traffic unrelated to local population increases will affect Mendocino. The amount and type of commercial development that attracts visitors can be regulated, but the popularity of Mendocino as a destination will increase if its unique qualities are maintained. ~~A~~ Some contend that a very effective step toward preserving Mendocino as a "real" town, rather than as a resort, would be to limit expansion of overnight visitor accommodations, with the ~~The~~ resulting reduction in total visitor days spent in the town ~~will~~ more than offsetting ~~offsetting~~ the ~~slight~~ increase in additional automobile travel per visitor. If the entire town were converted to inns, only a small percentage of visitors could be housed. Those who must stay elsewhere will spend less time in Mendocino and may have to park some distance from their destination. Fewer restaurants and boutiques may ~~will~~ be supported if the average stay is shortened. Although the ability to regulate the impact of heavy use is less than in Yosemite Valley, the principle is the same: the number of accommodations and attractions must be limited. ~~Section 30007.5 of the Coastal Act applies — the conflict between maximum accessibility and preservation of the town must "be resolved in a manner which on balance is the most protective of coastal resources."~~

The certified 1992 Mendocino Town Plan and the Mendocino Town Plan Update seek ~~plan attempts~~ to achieve compromise, based on the maintenance of the Town's overall natural and historic

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environmental quality ~~pursuant to the State goal in Public Resources Code Section 30001.5(a),~~ between "no-growth" and "free-market" partisans. This compromise preserves the necessary residential basis for the Town to continue as a living place rather than an historical museum, and the priority assigned by the Coastal Act to the use of suitable private property for visitor-serving commercial recreational facilities designed to enhance public use for coastal recreation ([\] Public Resources Code Section 30222).

The Mendocino Town Plan Update accomplishes this objective by (1) identifying the ~~numerically correct previously certified~~ **current** limit (cap) on all types of overnight lodging accommodations in the Town (267 units<sup>1</sup>), (2) ~~generally prohibiting the conversion of existing residential units to visitor-serving units,~~ (3) reducing the number of vacation home rentals in the Town through attrition as requisite business licenses for them are not renewed, (3) ~~providing a simplified procedure where specified visitor-serving facility units in existence as of 2012 may now be authorized within the maintained limit on the total number of such accommodations on the designated visitor-serving facility sites in the Town,~~ (5) providing an additional procedure by which any unallocated visitor-serving facility units (e.g., due to closure of any existing hotel, inn, or bed-and-breakfast accommodation) may be annually reallocated, subject to meeting all coastal resource protection, density, intensity, and other Mendocino Town LCP standards, and (64) utilizing the Coastal Act LCP amendment process to address any proposed new visitor-serving **development facility** on sites not presently designated for hotel, inn, or bed-and-breakfast use in the Town.

In that context, it may be noted that the 2013-2014 Mendocino Community Services inventory of service connections for residential units (422) compared to all overnight visitor accommodations budgeted within the Town (267) suggests that Mendocino has two visitor-serving overnight lodging units accommodations for every three residential dwellings, a ratio of

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<sup>1</sup> The 1992 Mendocino Town Plan's visitor accommodation limit was 280 unit equivalents, comprised of 234 "visitor serving facilities" units, 23 Single Unit Rental, and 23 Vacation Home Rental private visitor accommodations. While loss of the thirteen Mendocino Art Center Student-Instructor Housing Facility apartments has resulted in a "paper" reduction in visitor accommodations from 280 to 267 unit equivalents, 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), plus 20 Single Unit Rentals and 10 Vacation Home Rental units. Most of the visitor serving facility 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).

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~~visitor-serving accommodation~~ units to residences that is virtually unparalleled elsewhere in the California coastal zone. In addition, the Mendocino Town LCP provides for ~~the Main Street~~ public access, parking, storm water management, and open space-habitat restoration and enhancement projects that will benefit protected coastal resources, Mendocino Headlands State Park, as well as historic buildings and structures **throughout the Town and particularly along Main Street.**

It is widely held that ~~New~~ restrictions on new development will contribute to making ~~make~~ developed property more valuable and may ~~will~~ limit opportunities for profit by owners of undeveloped land. As in most highly desirable California communities, the balancing of equity between those who live there now and those who may or may not have an opportunity to live there in the future is a difficult question. The issue is further complicated by the state and national interest in Mendocino's unique character. Development in the Town is limited by ~~planning~~ constraints such as site-specific availability of ground water, parking capacity, ~~and~~ historic preservation, and the Coastal Act mandate to **ensure that new development shall protect** ~~preserve the "~~special ~~community."~~**communities, such as the Town of Mendocino, that "because of their unique characteristics, are popular destination points for recreational uses."**

~~The issues surrounding Visitor Serving Accommodation are complex, and without simple resolve. A number of long term residential units have been converted to short term accommodation in the recent past, and the trend is to continue to do so.~~

The ~~intent of the~~ Town of Mendocino land use plan ~~is to~~ **includes goals and policies intended to** reasonably preserve the long-term housing inventory in the Town of Mendocino, and to maintain the property rights of owners of residential property within the Historical District; ~~thus, changes are added to relevant policy sections within this Plan.~~

### c. Design Character

#### (1) Amount of Development:

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20151208.MTPcomplete1-6,LUM1992,2015,20160216

~~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.

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Some residents believe that virtually all vacant land in the Historical District should remain unbuilt, while others hold that well-designed new buildings at some locations will not harm, and will perhaps improve, the Town town. Mendocino Headlands State Park provides for protected expansive existing open space on three sides of the Town, ~~and the~~ The Town LCP Plan Update recognizes that private covenants among willing parties may cause privately owned lots (parcels), in whole or part, to remain without structural development. In addition, Figure 4.13-5 provides examples of site planning standards that may be utilized on a case-by-case basis to both preserve open areas on lots (parcels) in Mendocino, without reducing the allowable floor area of otherwise permissible development. ~~However, both the State Constitution and the Coastal Act ([\] Public Resources Code Section 30010) prohibit the County, or any of its Approving Authorities, from granting or denying a permit in a manner that will take or damage private property for public use, without payment of just compensation, and the County recognizes that owners of private property may have investment-backed expectations for its economic use.~~

(2) **Historic Preservation:** The County of Mendocino recognized, through adoption of the Mendocino Historical Preservation District for the Town of Mendocino, the importance of preserving the style of architecture which dominates the Town. Examples of early Northern California architecture and the character of the community resulting from development connected with the early redwood lumber industry along the Mendocino Coast in the last half of the 19th Century is evident throughout the community. (Appendix 1 reproduces the “Inventory of Historic

Figure 4.13-5 omitted

Structures”, prepared by Mendocino Historical Research, Inc. in 1979, as it appeared in the 1992 Town Plan.) Additionally, ~~it is found that~~ the preservation of the architecture and the community character ~~is~~ is essential in maintaining the Town as a special community within the meaning context of the Coastal Act, ~~and which~~ contributes to the economy of the Town, ~~and the County, and the State.~~

(3) **Design of New Buildings:** Some find new development that closely follows the architectural style of the pre-1900 buildings most acceptable. Others want new buildings to be readily distinguishable as such, but less prominent than historic buildings. ~~Pursuant to Public Resources Code Section 30251 and the designation of the Town in the California Coastline Preservation and Recreation Plan (1971), n~~ New development in the Town shall be ~~subordinate to~~ compatible with the character of its setting. Pursuant to Board of Supervisors direction, the Town Plan Update incorporates the Mendocino Historic Review Board Design Guidelines (1987) into the Mendocino Town LCP. New

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building and structure heights in Town are generally limited to twenty-eight (28) feet above natural grade. Effective vegetation screening, design of structures that are architecturally compatible structures with Town character, and clustering of new development with existing structures is required in any future development by the Mendocino Community Services District on its of the 1.8-acre parcel located at 10705 Palette Drive and identified as Assessor's Parcel (APN) 119-140-31, which is not in any view corridor to the sea or to Historical Zone "A", between Palette Drive and Highway 1.

(4) **Intensity of Development:** There is no one intensity of development that is typical in the Town. Some blocks have high building coverage; others are largely open. Two-story buildings are interspersed with one-story buildings, but most commercial buildings are two stories. Water towers and outbuildings, often crowded in back yards, contrast with a vacant lot adjoining or across the street. Most houses are modest cottages on lots 40 to 50 feet wide, but there are about a dozen mansions, many of which have historical value and have been preserved, on larger lots with wide yards.

(5) **Views of the Town:** Public acquisition of the headlands along the south side of the Town effectively conserves the view of the Historical District (Zone A) from Highway 1. Though each large tree and water tower is visually important, the main visual concern of the Mendocino Town Plan ~~plan~~ is the character of the District ~~district~~ as seen from within the Town ~~town~~ and the view of the Town ~~town~~ as seen from the southerly approaches to the Town along the new and old Highway 1 alignments, which are located outside the Town boundaries. The asphalt expanse of the highway in the Town is the only significant element of aesthetic discord seen from outside the Town ~~town~~.

The less noticeable new development east of Highway 1 can be, the sharper the definition of the old Town ~~town~~. ~~Existing~~ The certified Mendocino Town Local Coastal Program (1996) removed commercial zoning along the east highway frontage of Highway 1, which would, if unchanged, would have drawn development seeking attention, thereby increasing the number of trips crossing the highway.



(6) **Views From the Town:** The Highway 1 Big River Bridge and south-bound approach provide scenic public views of Mendocino Bay, the Pacific Ocean, Big River Estuary, and the coastal coniferous forests for ~~travellers~~travelers along the highway. A Highway 1 vista point on the west side of Highway 1, north of the Big River Bridge, provides additional scenic public views. West of Highway 1, Mendocino's gridiron street pattern and sloping site provide marine views from most streets and from many buildings over vacant lots or low buildings. The certified Mendocino Town Local Coastal Program and Coastal ~~Commission policy Act~~ has been to **mandate that new development shall be sited and designed to** protect views from public rights of way but to ~~avoid restricting~~ **do not mandate** the use of private property to preserve private views. Some private views could be preserved by regulating the location of a new building on a lot in a view corridor, but in most instances, shifting the new building would block another existing or potential view. Limiting the height of new buildings to one story would preserve some views, but would adversely affect both town character and equity. Limiting maximum height would help to preserve town character.

### **d. Water Supply; Sewage Disposal**

Although the 1979 Mendocino Land Trust survey found that 56% of survey respondents favored a community water system for the Town, and 65% of the voters (141/217) at the November, 1985 election favored the Mendocino City Community Services District's (MCCSD) obtaining the authority to provide potable water to the Town, in 2015 the residents, businesses, not-for-profit organizations, and public agencies in Town continue to rely on **individual private** water wells for the production of water. Mutual water companies, also reliant on water wells, produce water for three residential subdivisions, two of which are east and one of which is west of Highway 1.

The Mendocino aquifer consists of the four relatively thin (to 45 feet thick) uplifted late Pleistocene marine terraces (100,000-400,000 year old beach deposits) that can locally approach saturation and overlie the pervasively fractured Tertiary Franciscan Complex Coastal Belt in the area of the Town.



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Most newer wells (with 40-200 feet depths) produce from the fractured rock zones, but lack of uniform hydrogeologic structure in the aquifer and variations in annual rainfall (that averages 40.29 inches since record keeping began in 1901) result in locally and seasonally differentiated groundwater levels within the Town<sup>=</sup> (California Department of Water Resources, “Town of Mendocino Groundwater Study”, 1985; MCCSD, “Groundwater Management Plan and Programs”, 1990, 2012.). **As a result of the discontinuous, highly fractured bedrock and shallow terrace deposits that retain groundwater, wells that produce water within the range of 15 to 20 gallons per minute (gpm) may be located less than 200 feet from wells that can only produce water at 2 or 3 gpm (MCCSD 2012), or within a few feet of a lot that is incapable of producing an adequate year-round on-site water supply.** The (modeled) hydrologic budget summary average for the aquifer (Water Years 1998-2013) identifies 1,169 acre-feet per year (AF/Y) of inflow from rain infiltration<sup>2</sup> and groundwater<sup>3</sup>, with **a total outflow average of 1,180 AF/Y through natural seepage, evapotranspiration, and pumping wells<sup>4</sup> (Maley, April 24, 2014).** ~~an estimated Safe Yield of 242 Acre-Feet per Year (AF/Y). Groundwater pumping during the 16 years through 2013 has averaged 218 AF/Y, and since 2005 has not exceeded 200 AF/Y. (MCCSD, 2014.)~~ Outflows from the aquifer also include an estimated 728 AF/Y through natural seepage (at the coastal bluffs, sea cliffs, and likely the riverine bluffs of the Town), including on the lower bluff/cliff faces (e.g., in areas of pronounced caving in Mendocino Headlands State Park) and through springs and weeps in fracture zones that daylight on the mid- and upper-bluff/cliff faces. **In 2008, Mendocino City Community Services District (MCCSD) obtained a Safe Yield Analysis (Maley, January 17, 2008) that provided an estimated Safe Yield of 242 AF/Y (Kelley, December 13, 2014). Of the total 16-year model-based budgeted outflow, groundwater pumping during the 16 years through 2013 has averaged 218 AF/Y, and since 2005 has not exceeded 200 AF/Y. (Kelley, December 13, 2014) However, in the 2008 memo Maley also noted that the safe yield analysis has limited utility as a groundwater management tool for the Town because the Mendocino Headlands do not contain or store groundwater. Instead, Maley recommends utilizing a more dynamic groundwater**

<sup>2</sup> Measured from rainfall data collected on a daily basis by Mendocino City Community Services District.

<sup>3</sup> Measured groundwater elevations from 24 wells located throughout the District by MCCSD are used to evaluate model calibration.

<sup>4</sup> Annual pumping data is estimated by MCCSD. The total water demand is estimated based on flows at the wastewater treatment plant. The pumping is distributed to individual parcels based on the land use.

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management system as represented by the Water Shortage Contingency Plan (Questa 2006) rather than the safe yield concept.

There are over 400 privately owned water wells within the Town. The highest density of water wells in Town occurs in the southern area of the Mendocino headlands, where a considerable part of the Town's commercial uses are located. Some water production systems, including some older, shallow (20-25 feet depth), and/or deteriorated/poorly maintained wells, that serve residential or commercial users have been reported to have failed or been discontinued for other reasons, during previous (e.g., 1975-1977, 1988-1989, 1994, 2000-2001, and 2007-2009) droughts and the ~~current~~ **more recent** (2011-2015) drought. Water importation (by truck from sources in Fort Bragg and Elk, ~~pursuant to State licensing and when potable water is available~~) has to-date constituted the episodic/seasonal source of supplemental water for such users, at an estimated 11 AF/Yr (DWR 1985, in MCCSD, 2012). Water trucks, generally capable of transporting 3,000 gallons, have been reported in Town on the order of three days per week during the Autumn, 2015; ~~arithmetically, transport of that volume during 180 days in one year would result in some 13.2 water truck average daily trips (ADT's) on Highway 1 between Mendocino and Fort Bragg or Elk, and on local streets in Town. The circulation system that serves the Town can accommodate those truck traffic volumes without inducing a significant adverse effect on highway or street capacity for Coastal Act priority uses. To the extent that the water haulers temporarily supply any existing visitor serving commercial recreational development in the Town from sustainable sources such water import in conjunction with locally required and demonstrated water conservation measures contributes to maintenance of priority Coastal Act uses, preservation of historical buildings, and local employment opportunities.~~ Coastal Act Section 30250(a) and the Mendocino Town Plan additionally require that new development shall be located within or near existing developed areas able to accommodate it or in other areas with adequate public services and where it will not have significant adverse effects, whether individually or cumulatively, on coastal resources. The updated Mendocino Town Plan provides, moreover, for a suite of feasible beneficial water reuse,

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conservation, adaptive management, and enforcement measures intended to assist water users with maintaining a sustainable on-site ground water budget that does not rely on importation of potable water in bulk by truck except during a catastrophic interruption in water supply, in emergencies.

Although no public water works facility currently exists to serve supply water to the Town of Mendocino, and thus the priority allocation of limited public services provided by Public Resources Code Section 30254 is locally unavailable, the Mendocino City Community Services District (MCCSD) does have groundwater management authority over the Mendocino Headlands aquifer to prevent depletion of the Town's limited groundwater resources, and limits groundwater extraction from privately-owned and operated wells on individual lots through its groundwater withdrawal program. Additionally, MCCSD implements a suite of water management protocols that include (1) groundwater monitoring, (2) mandatory groundwater extraction regulation (including through required hydrological studies for the purpose of proving that the amount of water extracted from the test well will support the proposed development without adversely effecting affecting hydrologically contiguous wells) and monitoring in proposed new development, and (3) reclaimed water beneficial reuse program that reduces the use of groundwater for irrigation. The updated Town Plan provides for collaborative public, not-for-profit organization, and private measures that feasibly expand on MCCSD's constructive groundwater water management, including through required utilization of drought-tolerant species in horticultural landscaping, feasible storm-water retention (where feasible) for on-site non-potable uses, beneficial reuse-infiltration of intercepted suitable storm-water runoff for aquifer recharge, and phased expansion of reclaimed water usage for irrigation and non-potable uses through dual plumbing systems.

MCCSD has provided publicly owned wastewater collection and tertiary treatment services in the Town since 1975 at its wastewater treatment plant on the Mendocino Headlands, at 10500 Kelley Street. The facility has a design flow (average dry weather treatment capacity) of 300,000 gallons per day (gpd) and a peak daily wet weather treatment capacity of 1.0 million gallons per day (mgd) (North Coast Regional Water Quality Control Board Order No. R-1-2015-0039, NPDES No.

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CA0022870, WDID No. 1B831290MEN). The remaining unutilized capacity of the treatment plant is 80,200 gpd (MCCSD, 2015), an amount adequate to serve both the visitor-serving and residential uses allowed by the updated Town LCP during its 10-year planning horizon. The MCCSD treatment facility has two approved discharge locations: by subsurface pipe to a discharge point in relatively deep State/United States waters nearly 1,000 feet offshore the Mendocino Headlands, and to the MCCSD recycled water system, which presently provides athletic field irrigation at Mendocino High School.

MCCSD has provided publicly owned wastewater collection and tertiary treatment services in the Town since 1975 at its wastewater treatment plant on the Mendocino Headlands, at 10500 Kelley Street. The facility has a design flow (average dry weather treatment capacity) of 300,000 gallons per day (gpd) and a peak daily wet weather treatment capacity of 1.0 million gallons per day (mgd) (North Coast Regional Water Quality Control Board Order No. R-1-2015-0039, NPDES No. CA0022870, WDID No. 1B831290MEN). The remaining unutilized capacity of the treatment plant is 80,200 gpd (MCCSD, 2015), an amount adequate to serve both the visitor-serving and residential uses allowed by the updated Town LCP during its 10-year planning horizon. The MCCSD treatment facility has two approved discharge locations: by subsurface pipe to a discharge point in relatively deep State/United States waters nearly 1,000 feet offshore the Mendocino Headlands, and to the MCCSD recycled water system, which presently provides athletic field irrigation at Mendocino High School.

~~In 1983, the Mendocino City Community Services District sewage treatment plant operated at two-thirds capacity, partially because most residents use their limited water supply sparingly. Lack of a community water system limits development to the satisfaction of some and the frustration of others. Many wells dry during the 1977 drought and some run low nearly every summer. Residents endured inconvenience and are concerned that new development could deplete their water supply. No information is available which would allow determination of the population that can be supported by individual wells. Although authorization for the Community Services District to provide water was denied by the voters a few years ago, the 1979 Land Trust survey found that 56 percent of survey respondents favor a community water system.~~

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~~A community water system could affect the visual character of the Historical Zone because of future development. Lots smaller than 12,000 square feet could be created if permitted by zoning regulations; water towers would be decorative only; and less open space would be necessary. Vegetable gardens might become more popular; so might lawns.~~

### **e. Affordable Housing**

~~Affordable housing is scarce within the Mendocino town plan area. To address this important issue, the updated Mendocino Town Plan provides (for Government Code purposes) for (a) streamlined permitting of second dwelling units, not to exceed 900 square feet, on specified size lots (parcels) in the Town residential districts that can accommodate them; (b) new housing units as part of new mixed-use development; and (c) continued affordable Student Instructor and artist in-residence housing at the Mendocino Art Center; and (d) utilization of State or federal government low-moderate cost housing program funding to maintain existing and provide for additional affordable housing in the Town. New affordable units will not be provided unless specifically addressed as a housing program within the scope of the housing element of the General Plan or accomplished through considerations of Mixed Use, RR-2 or R+ designations. Preservation of existing affordable units may be another effective measure available to protect affordable units. Allowing non-transient lodging houses and second units in predominantly single family areas and requiring construction of housing as a condition of development of commercial space would be additional ways of increasing the supply of relatively low priced rentals.~~

## **MENDOCINO TOWN PLAN DESCRIPTION**

### **3.4. Mendocino Town Description**

#### **3.4.1. RESIDENTIAL Residential**

~~The **updated** Mendocino Town Plan and Mendocino Town Land Use Map (Figure 4.13-3) **provide for includes** six residential land use **classifications districts** in the Town: Multi-Family Residential (RM), Town Residential (R+), Suburban Residential (SR), Rural Residential (1-acre minimum, RR-1), Rural Residential (2-acre minimum, RR-2), and Rural residential Planned Development (RR2-PD).~~

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The ~~designated~~ residential land use ~~areas~~ ~~districts~~ contain approximately 319.81 acres. Residential use is also permitted in the Mixed-Use District (MU) and the Commercial (C) ~~land use classifications~~ ~~District~~.

The certified Mendocino Town Land Use Plan ~~reduces~~ the pre-1992 potential development of the former R-3 zoning. With a few exceptions as mapped, nearly all of the area west of Kasten Street north of Albion Street is designated for residential development consistent with the R+ Land Use Classification. Potential development to R+ standards would allow one unit on existing parcels smaller than 9,000 square feet with an allowance for an additional unit subordinate to the main residence on parcels greater than 9,000 square feet. The RM and MU land use classifications are the predominant residential land use classifications in the remaining portion of Historic Zone A between Kasten Street and Highway 1. Larger parcels will be allowed to develop multiple family units consistent with size and style of the larger existing houses that originally were single family homes. The use of the MU land use classification provides an area of transition between residential and commercial uses by requiring a mix of both light commercial and moderately priced residential units. The RR-2 zone east of Highway 1 would also allow second family residential homes on parcels ~~larger than~~ 40,000 square feet or larger.

North of Saint Anthony's Church along the west side of Lansing Street, the Mendocino Town Plan ~~plan~~ shows ~~permits~~ designates one unit per acre. In the Palette Drive area on the east side of Lansing Street, a pattern of 20,000 square foot lots is established with the exception of the larger United States Postal Service parcel (APN 119-070-13), which is vacant, and the Hill House property ies (APNs 119-140-05 and 119-070-11) which ~~is~~ are designated RM. East of Highway 1, the Mendocino Town Plan ~~plan~~ recognizes the Hills Ranch Planned Unit Development, approved with 54 units on 40.6 acres and designates the remaining residential areas east of Highway 1 as two-acre minimum sites. Two large parcels totaling approximately 41 acres in at the southeast corner of Town, north of Mendocino Headlands State Park, ~~boundary of the district~~ are shown as planned unit

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development to ensure the preservation of the wooded hillside viewed from the south side of Big River, ~~and~~ by north bound traffic on Highway 1, ~~and to assure that development in ~~this~~ these areas~~ will be sited and designed to (1) avoid potentially significant impacts on the State Park and Big River Estuary, and (2) be compatible with the continuance of those habitat and recreation areas.

### 3.4.2. ~~COMMERCIAL~~ Commercial

The ~~updated~~ Mendocino Town Plan and Mendocino Town Land Use Map ([\] Figure 4.13-3) ~~provide for include~~ three areas with Commercial (C) land use ~~classifications~~ districts in the Town, which contain approximately ~~24.44~~ [REVISE ACREAGE] acres. Specified commercial uses are also permitted in the Mixed Use and Multi-Family Residential ~~Land Use~~ classifications. Designations.

The Mendocino Town Plan prescribes ~~general~~ commercial uses for the majority of the lots ~~(parcels)~~ that front on the north side of Main Street, ~~frontage~~, along Albion Street from Howard to west of Kasten Street, ~~and three parcels west of Kasten Street~~; additional commercial use is allowed on the south side of Ukiah Street, ~~and three parcels west of Kasten Street~~; the remaining core commercial runs north from Main Street ~~along up~~ both sides of Lansing Street ~~between Main Street and near Little Lake Street as mapped~~. To maintain the scale of the town and to avoid supermarket type merchandising, the land use classifications limit the size of a single store to 8,000 square feet, which is the approximate floor area of the existing ~~Mendosa's food market~~ Harvest Market at Mendosa's.

### 3.4.3. ~~MIXED USE~~ Mixed Use

The ~~updated~~ Mendocino Town Plan and Mendocino Town Land Use Map ([\] Figure 4.13-3) ~~provide for include~~ two geographic areas with the Mixed Use (MU) land use ~~classification~~ districts in the Town, which contain approximately ~~44.4~~ [REVISE ACREAGE] acres.



~~Most of the area east~~ One Mixed Use designated area District is located between Kasten/Ford Streets and west of Lansing Street ~~frontage is designated mixed use,~~ from Ukiah Street on the south to mid-block between Little Lake and Covelo Streets on the north. The second Mixed Use designated area District is bounded by Main, Howard, and Ukiah Streets on the south, west, and north, and extends to east of Evergreen Street. Arts and crafts studios and professional offices dot the area ~~now~~. The intent of the plan is to continue this mix, while maintaining an environment that will encourage new residential investment. To do this, the Mixed Use classification limits non-residential floor area to 50 percent of building area and to 25 percent of lot area. Commercial uses are limited to those that do not attract much traffic, do not regularly operate at night, and do not handle large volumes of goods or bulky goods. The ideal use would be an artist or artisan living on the premises and selling from a shop or gallery, but there also will be space for a TV repair shop, a children's clothing store, and other low impact shops. Some will meet local needs; some will be primarily dependent on visitors. Residential uses are also permitted in the Mixed Use L and U use classifications~~Designations~~.

### 3.4.45. PUBLIC FACILITIES Public Facilities

The ~~updated~~ Mendocino Town Plan and Mendocino Town Land Use Map (\) Figure 4.13-3) ~~provide for include ten eight geographic areas with the~~ Public Facility (PF) land use ~~classification districts~~ in the Town, which contain approximately ~~84.28~~ **[REVISE ACREAGE]** acres.

The PF Land Use Designations in the Town consist of ~~the State of California Highway 1 right-of-way;~~ the Mendocino High School campus, the Mendocino Art Center, St. Anthony's Church and cemetery; the MCCSD wastewater treatment plant; the MCCSD parcel between Palette Drive and Highway 1; the Mendocino Community Center; ~~Grindle Park, utilized in part by the Mendocino Fire Protection District and the Mendocino Volunteer Fire Department;~~ Hillcrest Cemetery; and three other public facility sites.



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The Mendocino Town Plan ~~plan notes~~ includes these existing public ~~and semi-public facilities, such as schools, churches, cemeteries, community buildings, and utilities,~~ and assumes that all will remain. The Mendocino Town Plan ~~Update also reclassifies (4) property located west of Highway 1 that is now controlled by MCCSD. and (2) property located east of Highway 1 that is held in trust by the Mendocino Fire Protection District as “Public Facilities,” in keeping with their public agency ownership.~~ Reuse of the “Public Facilities”- classified Middle School site (44800 Pine Street) carries more potential for changing the character of Historic Zone A than does the use of any other parcel. Another public use would be desirable. In 2015 and 2016, the Middle School site is was being leased to a non-profit entity as a community facility.

### 3.4.6. ~~OPEN SPACE~~ Open Space

The ~~updated~~ Mendocino Town Plan and Mendocino Town Land Use Map ([\] Figure 4.13-3) ~~provide for include seven geographic areas with~~ Open Space (OS) land use classifications ~~districts~~ in the Town, which contain approximately ~~243.24~~ [REVISE ACREAGE] acres.

Acquisition of Mendocino Headlands State Park in the mid-1970’s and in 2002 ~~1975~~ preserved the town's setting both along the headlands on the south, west, and northwest sides of the Town, as well as along the north side of lower Big River, east of the Highway 1 Big River Bridge. Grindle Park on Little Lake Road, the only locally controlled public open space, was deeded to the Town by the heirs of an early resident and is now in the hands of the Mendocino Fire Protection District. Heider Field, a parcel of approximately one acre in the center of town has been acquired by State Parks ~~and Recreation~~ to remain as community open space. Other designated Open Space land use areas ~~districts~~ in Town consist of most of the block that is bounded by Calpella and Little Lake Streets, west Ford Street, the south-facing slope of the Hills Ranch Subdivision ~~along adjacent to and east of~~ Highway 1, the Slaughterhouse Gulch easement area east of Highway 1 and along the north side of the Hills Ranch Subdivision, an area south of Palette Drive and east of Lansing Street, and the strip of land in the Point of View Subdivision between Palette Drive and the Highway 1 right-of-way, among others.

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Mendocino's present charm is in part also dependent on the many vacant or partially unused parcels within the town. The plan calls for three approaches to preservation of some of this ~~private~~ open space:

(a) **Dedication of ~~Scenic~~ Open Space Easements.** As a condition of permit approval, the Hill House Inn offered and the Coastal Conservancy ~~has~~ accepted dedication of a 2.4-acre ~~scenic open space~~ easement between Palette Drive and Highway 1 ~~as a place holder for local agency acquisition~~, which has now ~~occurred~~ **been acquired** through condemnation by the MCCSD for public health and safety purposes. On the east side of Highway 1, the developers of the Hills Ranch planned unit development dedicated a 17-acre open space easement that was required for the protection of visual resources and environmentally sensitive habitat areas within a meadow and along Slaughterhouse Gulch, part of which has also been acquired by a local agency for public health and safety purposes. Similar offers to dedicate open space easements may be made in conjunction with ~~should be required when~~ development is approved on other large ~~lots~~ **(parcels)** within the Mendocino Town Plan area.

(b) **Site Planning.** Special site planning standards ~~to be written as part of the implementation phase in the Mendocino Town Zoning Code, which implement the site planning methodology provided in Figure 4.13-5,~~ will allow property owners reasonable flexibility in the use of their land while retaining the open space character. The process of mediating between the interests of the town as a whole and the developer may not always result in preservation of the most important open space on each parcel, but it will go far to preserve the town's essential character.

(c) **Acquisition.** ~~The updated~~ Mendocino Town Plan recommends the cooperative acquisition, from willing private sellers, of the three developed parcels in private ownership along the west side of Lansing Street, north of Heeser Drive, for addition to Mendocino Headlands State Park, and of the triangular private parcel in the intersection of Lansing and Main Streets. ~~It is~~ The residents' desire

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that the ~~former present~~ Middle School (44800 Pine Street) be acquired by a private nonprofit or public agency for community use has been accomplished. (see Policy 4.13-24)

### **3.4.7. AFFORDABLE HOUSING** Affordable Housing

The development of affordable housing is regulated and encouraged by the County Housing Element and ~~five several~~ provisions of the Town Plan:

- ~~Allowing~~ Permitting a second dwelling unit on designated lots ~~(parcels)~~ in predominantly single family areas that can accommodate sustain them consistent with the requirements of the Town LCP ~~by use of the Town Residential (R+) and Rural Residential (RR-2) land use classifications.~~
- Requiring allowance for dwelling units in the Mixed Use (MU) areas land use classification.
- Allowing dwelling units to be intermixed with commercial uses potentially preserving the moderate income shopkeeper residence in the Commercial (C) and Mixed Use (MU) land use classifications.
- Limiting the conversion of dwelling units to non-residential uses ~~(Policy 4.13-20).~~
- ~~Allowing for student instructor intermittent temporary housing in the Mendocino Art Center~~ (Table 4.13-1).

### **3.4.8. VISITOR SERVING FACILITIES** Visitor Serving Facilities

Visitor serving facilities, as defined in Mendocino Town Plan Section 2.82, in the Town have historically consisted of hotels, inns, and bed and breakfast accommodations and currently provide 215 guest rooms or suites (“units”), with a range of seasonal rates. The ~~corrected (2012)~~ limit (cap) for such units in the ~~updated~~ Mendocino Town Plan is 237, as itemized in Appendix 2, Mendocino

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Town Plan Visitor Serving Facilities. No motels or hostels presently operate in the Town. Other visitor accommodations include Single Unit rentals and Vacation Home Rentals, which are scattered throughout the Town. Research of the lodging facility market that includes the Town has identified a substantial number of moderately priced inns, motels, and other visitor-serving accommodations within a 15-mile radius of the Town. The Mendocino Headlands State Park General Plan, adopted by the California State Park and Recreation Commission in 1976, provides for location of a hostel and campground in the State Park near the south bank of Big River, adjacent to, but outside, the Town boundaries. As a result of budget and staffing reductions, alternative consideration is being given to the utilization of cabins, instead of a hostel, in expanded Mendocino Headlands State Park adjacent to the Town to provide lower cost overnight stay facilities in addition to those that current exist at nearby Russian Gulch, Van Damme, and Mendocino Woodlands State Parks. (State Parks, 2015.)

~~The updated Mendocino Town Plan provides a streamlined procedure for authorization of existing rooms or suites within existing visitor serving facilities sites that are designated on the Town Land Use Map and meet specified coastal resource and Building Code standards. Appendix 2, Mendocino Town Plan Visitor Serving Facilities, lists the existing sites by name, address, and both the 1992 and 2012 room counts.~~

### 3.4.9. Circulation and Parking

The Mendocino Town Land Use Map (Figure 4.13-3) depicts (1) State Highway 1, which connects the Town with Mendocino Headlands State Park to the south of Big River, other areas of Mendocino County, coastal and inland California, and the United States, (2) the three major County roads (streets) that connect Highway 1 with the Town at Main Street, traffic signal-controlled Little Lake Street/Road, and Lansing Street, (3) Heeser Drive and the Big River Road in Mendocino Headlands State Park, and (4) the grid street pattern, locally with alleys, within the Town.

The Mendocino Town Public Access Map (Figure 4.13-6) depicts the highway, road/street/alley, and extensive path and trail circulation network, and associated street and off-street parking, within

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the Town in vertical aerial view. Recently acquired traffic data [ADD CITATION] indicates that unsignalized Main Street functions as the Town's primary vehicular ingress/egress, followed by signalized Little Lake Street (which connects the west and east areas of the Town), and by Lansing Street (old Highway 1), which intersects with Highway 1 north of the Town. (Mendocino County, 2015.) Appendix 8 contains ~~the 2015~~ traffic data **collected in November 2015**; the Mendocino Town LCP-Coastal Act Consistency Analysis contains additional analysis of it and related information.

The ~~updated~~ Mendocino Town Plan and Mendocino Town Zoning Code ~~provide for~~ **include** a suite of measures to address ~~identified~~ currently and previously identified circulation and parking issues in the Town, including through the cooperative multi-stakeholder Main Street restoration and enhancement project, walkway maintenance, operation, and enhancement ~~provisions~~, sustainable peak parking **opportunities** along other public streets and in existing underutilized public facilities, and a simplified in-lieu parking program where spatial limitations, preservation of Town character, or other coastal resource constraints make on-site/off-street parking infeasible.

Previously, a ~~A~~ traffic circulation and parking plan ~~was~~ ~~has been~~ done for the County of Mendocino by consultants RKH, Parsons Associates and William Zion, dated March 8, 1988. The County Board of Supervisors accepted the plan but ~~did have~~ not yet funded implementation. The seven member Mendocino Citizens Advisory Committee appointed by the County Board of Supervisors to review the Mendocino Town Plan (Summer, 1989) proposed a new Phase I implementation plan to meet most immediate needs in the town. The Citizens Advisory Committee also proposed regulations for requiring off street parking and in lieu fees where such off street parking is not physically feasible. Such fees were intended to be placed in an encumbered account to be used solely in the ~~town~~ **Town** of Mendocino for street and parking improvements. As applicable, the recommendations of the parking consultants and the Mendocino Citizens Advisory Committee are reflected in the updated Mendocino Town Local Coastal Program.

### **3.4.10. ~~DESIGN GUIDELINES~~ Design Guidelines**

20151208.MTPcompletete20160216textonly

~~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.

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The ~~updated~~ Mendocino Town Plan includes both [\] Design ~~Guideline~~ Policies and the [\] Mendocino Historic Review Board's Design Guidelines (Appendix 7).

~~Guidelines are included in the list of policies and are implicit in the land use classifications.~~

Guidelines are included in the policy section leading to the appropriate implementation ordinances to protect and preserve the architecture and character of the ~~town~~ Town of Mendocino. Policies are intended to respond to two broad design concerns -- building siting, and architectural style and scale in relationship to surrounding buildings. Similarly situated parcels should be entitled to the same lot coverage or ratio of floor area to site area and the Mendocino Historical Review Board (MHRB) or successor agency shall continue to review applications for development on a site specific basis. This means that some buildings may be required to be sited close to the street or to a side property line and applicants who wish to build the maximum floor area may be required to design a taller and narrower structure thereby continuing the open residential character of the neighborhood.

Mendocino looks as it does because it was built without zoning regulations and because some lots never were developed and many buildings have been moved or demolished. The character that results from small open spaces, large yards and vacant lots can be preserved by controlling the siting of buildings.

The architectural style of new buildings is a second concern. Some prefer that they be clearly distinguishable from historic buildings; others do not.

Trees and landscaping, including the planting and removal of vegetation, must also be reviewed in the application process.

Special site planning standards ~~will need to be written as part of the implementation phase~~ are included in the Mendocino Town Plan policies and Zoning Code regulations to protect views to the sea and views of historic landmark buildings recommended as landmarks by Mendocino Historical Research, Inc., and designated on a Table in ~~the~~ Appendix 1.

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### 3. 5. Public Access

In furtherance of the requirement in Public Resources Code section 30500(a) that each LCP contain a specific public access component, the Coastal Commission LCP Regulations require that it “shall set forth in detail the kinds and intensity of uses, the reservation of public service capacities for recreation purposes where required pursuant to Public Resources Code Section 30254, and, if applicable, specific geographic areas proposed for direct physical access to coastal waters as required by Public Resources Code Sections 30210-30224 and 30604(c). The public access component shall include an implementation schedule.” (Title 14, California Code of Regulations, section 13512.)

Mendocino Headlands State Park, which extends along the entire Town shoreline (but for the northerly-most three parcels within the Town boundaries and where the elevated Big River Bridge in the Caltrans right of way bifurcates the State Park holdings along lower Big River), provides extensive opportunities for passive upland (bluff top) recreation, active beach and bluff top recreation, environmental and coastal historical education, and coastal resource conservation within its Open Space land use designation. (Mendocino Town Land Use Map, Figure 4.13-3.) The ~~adopted~~ ~~the~~ Mendocino Headlands State Park General Plan<sup>5</sup> ~~Preservation and Recreation Plan~~ sets forth in detail the kinds and intensities of uses within the State Park inside the Town boundaries; Section 4 of the Mendocino Town Plan ~~provides~~ includes additional specific policies and actions for the sustainable use, maintenance, enhancement, and ~~replaced~~ replacement, as necessary, of these public access and recreational uses. The Mendocino Town Public Access Map (Figure 4.13-6) systematically depicts the public access ways (paths, streets, trails, etc.) within the State Park and that connect it with the Town and Highway 1. The detailed Public Access Maps in Appendix 5 identify the individual locations of public access and recreational use areas, including paths, trails, and upland support facilities within, respectively, the Big River beaches and southeasterly uplands (Appendix 5.1), the southerly beaches and headlands (Appendix 5.2), the southwesterly headlands and beaches (Appendix 5.3), the westerly headlands and beaches (Appendix 5.4), and the northwesterly headlands and beaches (Appendices 5.5).

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<sup>5</sup> Adopted by the California State Park and Recreation Commission in 1976

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Existing physical access to coastal waters exists at the Big River Beaches, via paths and trails on the southerly headlands, and on Big River Road; the Mendocino Town Plan supports their enhancement and continued operation and maintenance. In addition, physical access exists ~~by~~ via generally unimproved paths and trails to most of the sandy pocket beaches with~~in~~ the State Park; tides and

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Figure 4.13-6 omitted

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superelevated water conditions during and after storms control site-specific accessibility. The Mendocino Town Plan also supports their enhancement and continued operation and maintenance, consistent with coastal bluff natural resource conservation, and monitoring of caving along the toe of coastal bluff segments and associated adaptive access management to assure user safety. State Parks does not currently have a schedule for implementing, or updating, the ~~adopted~~ Mendocino Headlands State Park General Plan; the Mendocino Town LCP encourages both.

The Mendocino Town Plan provides for the location of a braided California Coastal Trail through and along the State Park, Lansing Street, Main Street, Big River Road, and the Highway 1 right-of-way and across Big River Bridge, and incorporates the State Coastal Conservancy's California Coastal Trail emblem (reproduced in Figure 4.13-7) for consistent use for public access way finding in the Town.

Figure 4.13-7 omitted

The Mendocino Town Plan sets forth standards, actions, and objectives for enhancement and maintenance of the walkways and paths within the Town that provide public access to the State Park and within the Town, including through the Main Street enhancement project, and recommends Board of Supervisors consideration of including prioritized project components in the County's Five-Year Capital Improvement Program.

~~Existing physical access to coastal waters exists at the Big River Beaches, via paths and trails on the southerly headlands, and on Big River Road; the Mendocino Town Plan~~

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~~supports their enhancement and continued operation and maintenance. In addition, physical access exists by generally~~

~~unimproved paths and trails to most of the sandy pocket beaches with the State Park, tides and super-elevated water conditions during and after storms control site-specific accessibility. The Mendocino Town Plan also supports their enhancement and continued operation/maintenance, consistent with coastal bluff natural resource conservation, and monitoring of caving along the toe of coastal bluff segments and associated adaptive access management to assure user safety. Mendocino Headlands State Park does not apparently have a current public implementation schedule for implementation, or update, of the adopted park unit General Plan; the Mendocino Town LCP encourages both.~~

~~The Mendocino City Community Services District (MCCSD) currently provides wastewater collection and treatment service to buildings within the State Park. Adequate MCCSD wastewater system capacity remains to serve additional proposed lavatories within the State Park, and the updated Mendocino Town Plan requires the MCCSD to reserve such capacity for that purpose during its planning horizon.~~

### **3.6. Town Plan Administration**

~~Broad understanding and support for implementation of the certified Mendocino Town LCP are vital to its functionality, including, but not limited to, the development regulatory framework established by the certified Mendocino Town Plan, Mendocino Town Land Use Map, Mendocino Town Zoning Code, Mendocino Town Zoning Map, highly specific Coastal Commission Categorical Exclusion Order E-96-1, work and activities subject to the jurisdiction of the Mendocino Historical Review Board, and other applicable laws, regulations, administrative decisions, and court decisions.~~

~~The Mendocino Town Plan therefore provides for web-casting of meetings of the County Planning Commission and Mendocino Historical Review Board and ~~for~~ of local public hearings by the Coastal Permit Administrator whenever possible. In addition, persons advertising the availability of~~

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Vacation Home Rentals or Single Unit Rentals shall, as a condition of their business license, display a facsimile of this license in all advertising of such rentals.

The Mendocino Town Plan therefore sets forth clear and unambiguous requirements that any person, as defined in Section 2.60, who proposes any development, as defined in Section 2.24, shall obtain a coastal development permit from the County before commencing such development. In addition, the Mendocino Town Plan requires that any development excluded or exempted from the coastal permit requirement, but that requires a building permit, shall only be excluded pursuant to a certificate of development permit exclusion or exemption from the County. Failure by a person who performs development in the Town to comply is subject to Mendocino County Code Chapter 20.216.736 Enforcement, Legal Procedure, and Penalties.

In response to public comments, the Mendocino Town Plan ~~Update~~ also expands the requirements for public notice regarding applications for coastal development permits, exclusions, exemptions, and applications to the Mendocino Historic Review Board.

# MENDOCINO TOWN PLAN UPDATE AMENDMENT (LCPA 1-MEN-14-0840)

## ~~COASTAL ELEMENT POLICIES: MENDOCINO TOWN GROWTH MANAGEMENT~~ SECTION 4. TOWN PLAN POLICIES

4.1. Generally. This Section sets forth the required (mandatory) conservation and development policies and actions of the Mendocino Town Plan to conform to, and implement, (a) the [X] California Coastal Act of 1976, as amended (the “Coastal Act”, Division 20, Public Resources Code), (b) [X] the State Planning and Zoning Laws (Title 7, Division 1, Government Code), and (c) other local, state, and federal laws as referenced herein.

The “Mendocino Town Plan” as referenced herein means the portions of the Town of Mendocino Local Coastal Program (“LCP”) consisting of the Town Land Use Plan (“Mendocino Town Plan”) and Mendocino Town Land Use Map ([X] “Mendocino Town Land Use Map”, Fig. 4.13-3), as adopted by the Mendocino County Board of Supervisors and certified by the Coastal Commission on the most recent date shown on the [X] cover page of the Mendocino Town Plan.

4.1.1. In the Mendocino Town Plan, the word “shall” indicates a required (mandatory) policy or action; the words “may” and “should” indicate an advisory (directory) **discretionary** action or goal.

4.1.2. All development, as defined in Mendocino Town Plan Section 2.24, within the Mendocino Town boundaries shown on Figure 4.13-3, shall comply with the requirements of the [X] Mendocino Town Plan Policies, [X] Mendocino Town Land Use Map, [X] Mendocino Town Zoning Code, and [X] Mendocino Town Zoning Map.

4.1.3. In addition, development located between the [X] first continuous public road ~~or street~~ and the ~~the~~ sea shall, pursuant to [X] Public Resources Code Section 30604(c), also comply with the Coastal Act public access and recreation policies in [X] Public Resources Code Sections 30210-20224.

This Section consists of policies, actions, and goals that are organized in the following sub-sections:

4.2. Town Growth Management

4.3. Town Design Guidelines

4.4. Town Circulation and Parking

4.5. Town Housing (Government Code)

4.6. Town Sustainability

4.7. Town Public Facilities

4.8. Town Public Access and Recreation

4.9. Town Conservation

4.10. Town Plan Administration

### **4.2 GM – Town Growth Management Policies**

**GM-1** ~~4.13.4~~ The Town ~~town~~ of Mendocino ~~is shall be designated~~ a special community ~~and a significant coastal resource as defined in Coastal Act Section 30251~~ under the meaning of Public Resources Code Section 30253(e). ~~New~~ **All New** development shall protect this special community which, because of its unique characteristics, is a popular visitor destination point for recreational uses ~~and a recognized coastal resource of local, regional, state, and national significance.~~

**GM-2** Mendocino ~~is shall be recognized~~ as a historical residential coastal community, with limited commercial services that are important to the daily life of the Mendocino Coast.

(a) The controlling goal of the Mendocino Town Plan ~~shall be~~ is the preservation of the Town's ~~town's character.~~ ~~This special character~~ which is a composite of historical value, natural setting, ~~attractive picturesque community ambience appearance, open space, and an unusual~~ a distinctive blend of cultural, educational and commercial facilities.

(b) ~~The preservation of the~~ The Town ~~town's~~ character shall be preserved ~~achieved~~, while allowing for orderly growth, through ~~This shall be done by~~ careful delineation of land uses, provision of community services, and review and phasing of development ~~proposals~~.

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(c) Balance shall be maintained ~~sought between among~~ residential units, visitor accommodations, and commercial uses, and open space to retain, ~~Provision of open space and siting of structures to retain public views of the sea shall be considered as part of all new development proposals. The objective shall be a Town Plan which retains~~ as much as possible, the present physical and social attributes of the Town Mendocino Community. (1) "Balance" shall be achieved among between residential ~~uses,~~ commercial, ~~uses~~ and visitor serving uses ~~shall be maintained~~ by (A) regulating additional commercial uses through development limitations provided ~~ited~~ in the [X] Mixed Use and Commercial Land Use Classifications, ~~;~~ and (B), ~~by~~ limiting the number of visitor ~~serving~~ uses accommodations to avoid over-commercialization of the Town, (C) encouraging a variety of types and price ranges for visitor accommodations, and (D) encouraging modestly-sized second dwelling units on residential lots that can support them, consistent with the requirements of the Mendocino Town Local Coastal Program, to supplement existing housing stock. (2) Public open space, as shown on the [X] Mendocino Town Land Use Map, shall be protected, and new structures shall be sited to retain significant public views of the sea as part of all new permitted development. (3) Implementation of the Mendocino Town Plan shall retain, as much as possible, the historically diverse physical and social attributes of the Town.

(d) The reduction in the cap on Vacation Home Rental (VHR) units from 23 to 10, and Single Unit Rental (SUR) uses from 23 to 20, shall preserve maintains the established ratio of approximately thirteen (13) long term dwelling units to one Vacation Home Rental (VHR) or Single Unit Rental (SUR), while allowing the reallocation of those reduced units to the visitor-accommodations serving facilities listed authorized in Appendix ~~42~~ and maintaining the existing ratio between permanent residential dwelling units and visitor accommodations of almost 2:1. ~~Visitor Serving Units listed on Table 4.13-1 (234) shall remain fixed, and a ratio of thirteen long term dwelling units to one Vacation Home Rental or one Single Unit Rental (Tables 4.13-2 and 4.13-3) shall remain fixed; until the plan is further reviewed and a plan amendment is approved and certified~~

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by the California Coastal Commission. For example, an increase in long term residential dwelling units from the current count of 306 to 319, would allow an increase of one short term rental, whether Single Unit Rental or Vacation Home Rental.

4.13-2 This amended plan shall be reviewed three years after certification of this plan amendment date to determine the effect of development on town character. The plan shall be revised, if necessary, to preserve town character consistent with Policy 4.13-1.

(c) Within the land use classifications where they are permitted, ~~Tables 4.13-2 (Single Unit Rentals) and 4.13-3 (Vacation Home Rentals)~~ shall be flexible as to location and such changes of location shall not require an a plan amendment to the Mendocino Town Plan.

**Action GM-2.1.** Designated historical structures within the Town shall be protected, preserved, and utilized consistent with the Mendocino Historical Preservation Ordinance (Town Zoning Code Chapter 20.760), the Mendocino Historic Review Board Guidelines, the conservation and development standards of the certified Town Local Coastal Program, and other applicable state and federal laws.

**Action GM-2.2.** ~~4.13-3~~ To preserve ~~Town-town~~ character, commercial development shall be ~~limited~~ authorized as set forth in the Mendocino Town Plan, ~~and~~ including as mapped and shown ~~in~~ on the Mendocino ~~Town-Plan~~ Land Use Map. ~~plan,~~ though at some point the amount of commercial space will be less than the market could support.

~~4.13-4 Visitor Serving Accommodations: These policies are intended to preserve town character and Visitor Serving Facilities shall be limited and regulated consistent with the provisions set forth below. All development of Visitor Serving Facilities shall be designed in scale, architecture and materials to maintain existing character of the town consistent with the special community designation.~~



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~~[1] The Mendocino Town Plan designates existing Visitor Serving Facilities providing overnight accommodations for these uses on a parcel by parcel basis by placing the appropriate designation on the Town Plan Map. Any additional Visitor Serving Facilities for overnight accommodations above and beyond these designations shall require a plan amendment. Any legally existing Visitor Serving Facility inadvertently omitted from the Town map shall be corrected as a mapping error. Bed and Breakfast rooms are identified with an asterisk "B" and all others with an asterisk. A listing of these rooms appear on Table 4.13-1.~~

**GM-3** ~~[2]~~ To maintain the Town's historic scale and character, no ~~No~~ new or expanded visitor accommodations (overnight lodging units) Inn, Hotel or Motel operated as one business entity shall exceed 25 overnight units (guest rooms or suites).

~~(a) The total number ~~(237)~~ of authorized visitor accommodations (overnight serving facility lodging units in the Town shall not exceed 237 and shall be limited to ) on sites listed in Appendix 2 with Visitor Serving Units Facilities on Table 4.13-1 (234) and marked on the Mendocino Town Land Use Map by an asterisk (\*) or asterisk-B (\*B), shall remain fixed. Provided, that a~~ Any increase above that total number of units or any proposed new location for a visitor serving facility shall require an amendment to the certified Mendocino Town Plan before the County may accept an application for development of any additional visitor accommodation serving facility lodging unit or units above that fixed number. Visitor serving lodging units may be developed at sites designated on the Mendocino Town Land Use Plan and Zoning Maps by an asterisk (\*) or asterisk – B (\*B) and only in the amounts allocated 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).

~~(b) (1) The total number of Vacation Home Rentals (VHR) shall not exceed ten (10) establishments in the Town. (2) No new Vacation Home Rental establishments shall be permitted in any residential land use designation or zoning district. (3) Any existing permitted or legal-nonconforming Vacation Home Rental establishments located in a residential land use classification~~

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or zoning district, or in any land use classification or district in excess of the limit of ten (10) establishments, shall be phased out as business licenses are abandoned or expire.

(c) The total number of Single Unit Rentals (SUR) shall not exceed twenty (20) units in the Town.

**GM-4** ~~{3}~~ All visitor serving facilities shall be designed in scale, architecture, and materials to maintain the existing character of the Town, town consistent with its the characterization as a special community under Coastal Act Section 30253(c) designation. ~~Any expansion of visitor accommodation units to the number allowable on a parcel by parcel basis identified on Table 4.13-1, but not yet existing, shall require a conditional use permit.~~

~~The designation of new visitor serving facilities not listed on Table 4.13-1 shall require a General Plan Amendment. Existing visitor serving facilities listed on Table 4.13-1 that propose to expand beyond the maximum number of units listed on Table 4.13-1 shall require a General Plan Amendment.~~

~~The total number of units allowable (234) on Table 4.13-1 shall remain fixed until the plan is further reviewed and a plan amendment is approved and certified by the California Coastal Commission.~~

~~{4} All existing locations approved for inns, hotels, motels, hostels, Bed and Breakfast rooms and Student/Instructor housing are specifically designated on the Town Plan Map. All new Visitor Serving Facilities providing overnight accommodations, over and above those designated in Table 4.13-1, not specifically designated on the Town Plan Map shall only be allowed in the Mixed Use or Commercial Zoning Districts and shall be deemed commercial development and subject to the development limitations of the applicable zoning district. In the Mixed Use Zone, the 50 percent commercial/50 percent residential requirement for long term residential dwelling housing shall apply.~~

~~{5} In addition to the visitor accommodations listed on Table 4.13-1, the plan allows for two other categories of visitor serving uses.~~

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~~Table 4.13-2 is a listing of Single Unit Rentals (attached or detached) operated as a short term rental in conjunction with an existing residential dwelling unit or commercial use.~~

~~Table 4.13-3 is a listing of Vacation Home Rentals (a dwelling unit that is the only use on the property which may be rented short term for transient occupancy).~~

~~Table 4.13-2 currently lists 23 such units and Table 4.13-3 currently lists 23 such units.~~

~~Single Unit Rentals and Vacation Home Rentals shall be subject to Chapter 520 (Uniform Transient Occupancy Tax) and Chapter 6.04 (Business License Tax) of the Mendocino County Code.~~

~~Tables 4.13-2 and 4.13-3 shall remain flexible as to location and the County of Mendocino shall have the authority to adjust locations on these two tables from time to time without a plan amendment process, but not to add to the tables numbers of units that would exceed the following criteria:~~

~~To preserve town character and maintain the town as a residential community with limited commercial services, the County shall maintain, at all times, for new Vacation Home Rentals or Single Unit Rentals approved subsequent to certification of this amendment, a ratio of thirteen long term residential dwelling units to either one Single Unit Rental or Vacation Home Rental, but shall not require any reduction in the number of Vacation Home Rentals or Single Unit Rentals in existence on the date of certification by the Coastal Commission of this amendment.~~

~~Single Unit Rentals (Table 4.13-2) shall be exempted from the above limitations in the Commercial Zone.~~

~~Business licenses for Single Unit Rentals (Table 4.13-2) and Vacation Home Rentals (Table 4.13-3) shall not be transferable.~~

~~Applications for new locations to be listed on Tables 4.13-2 and 4.13-3 shall be subject to a conditional use permit and an additional non-refundable fee of \$100.00 shall be required of such~~

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~~applicants and applications shall be considered in chronological order from date of application, with first priority given to Single Unit Rentals.~~

~~{6} Any visitor serving facility listed on Table 4.13-1 that is operating without a coastal development permit where one is necessary must file an application for a coastal development permit within one year of the adoption of the revised table, or the option to continue providing visitor serving accommodations shall be deemed forfeited and such locations eliminated from the table.~~

~~{7} The reservation of specific sites for visitor serving facilities providing overnight accommodations shall not be preempted by conversion to other permanent uses excepting residential uses.~~

~~{8} Existing Student/Instructor Temporary Housing is identified in Table 4.13-1. Any new sites other than those identified on Table 4.13-1 shall require a plan amendment.~~

~~{9} Student/Instructor, temporary and intermittent, housing facilities provided by the Mendocino Art Center on site are recognized in Table 4.13-1. This use shall require a County Business License and adequate record keeping to ensure payment of bed tax on monies grossed from transient occupancy (less than 30 days stay, per occupant).~~

**GM-5** The Mendocino Town Local Coastal Program shall undergo local periodic review at least every ten (10) years following the date of certification of the Town LCP Update, to determine the effect of its implementation on Town character and conformity with the Coastal Act. The Mendocino Town LCP shall be amended, if necessary, to preserve Town character, consistent with Policy GM-2, and to maintain conformity with the Coastal Act.

**GM-6** (a) Development within the Town boundaries ~~as~~ shown on the Mendocino Town Land Use Map (Figure 4.13-3) shall comply with the certified Mendocino Town Plan Policies, Mendocino Town Land Use Map, Mendocino Town Zoning Code, and Mendocino Zoning Map.

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(b) Work and activity, as defined in Mendocino Town Plan Section 2.85, shall harmonize with the Mendocino Historical Preservation District Ordinance and, as applicable, the Mendocino Historic Review Board Guidelines.

**GM-7** All work or activity, as set forth in the Mendocino Historical Preservation District Ordinance (Mendocino Town Zoning Ordinance Sections 20.760.030, 20.760.035, and 20.760.045), that is located in Historical Zone A or Historical Zone B as shown on Figure 4.13-2, shall require Mendocino Historical Review Board review and approval to ensure that such work or activity is designed in scale, architecture, and materials to preserve the Town character, consistent with its special community designation, except as exempted pursuant to Section 20.760.040.

**GM-8.1** ~~Prior to approval of a coastal development permit for any New~~ development in the Town, the applicant shall demonstrate that: (a) ~~be served either by adequate public services consistent with Public Resources Code Section 30254, or by private services determined to be adequate by the Mendocino City Community Services District and the Mendocino County Department of Environmental Health with regard to potable water and wastewater, as applicable, and~~ adequate sewage capacity exists to accommodate the proposed development; and (b) an adequate on-site water supply exists during the dry season to accommodate the proposed development without adversely affecting the water supply for hydrologically contiguous wells. Demonstration of an adequate on-site water supply shall be made in accordance with the provisions of Mendocino Town Zoning Code Chapter 20.744.

**GM-8.2b)** ~~Development shall~~ not have a significant direct or cumulative adverse effect on coastal resources, public coastal access, or coastal recreational use.

**GM-9** Consistent with Public Resources Code Section 30253, new development in the Town shall meet all of the following requirements, while assuring protection of the Town's unique characteristics as a special community:

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(a) Minimize risk to life and property in areas of high geologic, flood, or fire hazard;

(b) Assure stability and structural integrity;

(c) Neither create nor contribute significantly to erosion, geologic instability, or destruction of the development site or surrounding area;

(d) Not require the construction of protective devices that would substantially alter natural landforms or movement of sand along coastal bluffs, sea cliffs, and beaches;

(e) Be consistent with the requirements of the Mendocino County Air Quality Management District or the State Air Resources Board as to each particular development;

(f) Minimize energy consumption and vehicle miles traveled, including, but not limited to, by inclusion of pedestrian and bicycle ways in any arterial street, road, highway, bridge, or causeway;

~~(g) Require a coastal development permit and building permit for any excavation, placement, or fill of any earthen material, or any combination of earthen materials, that in total is twenty-five (25) cubic yards or greater in volume.~~

**GM-10** Consistent with Public Resources Code Section 30254, public works facilities shall be designed, ~~and limited, and operated~~ to accommodate ~~capacity demands~~ **needs** generated by development or uses that are permitted consistent with the **Coastal Act and the** certified Mendocino Town Plan, ~~including Public works facilities capacity may include~~ a reasonable margin of safety ~~to protect for fire protection for~~ the Town and ~~to~~ accommodate potential variations as a result of climate change or other natural or quasi-natural factors during the economic life of the public works facility.

**GM-11** Where existing or planned public works facilities can accommodate only a limited amount of new development, ~~(a) the services provided by such facilities shall preserve the balance~~

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~~between residential and visitor uses within the Town, (b)~~ consistent with Public Resources Code Section 30254, services to coastal dependent land uses, essential public services, basic industries vital to the economic health of the ~~Town~~, region, state, or nation, public recreation, commercial recreation, ~~historic preservation within the area listed on the National Register for Historic Preservation as National Register Historic District Number 71000165,~~ and ~~(c)~~ visitor serving land uses shall not be precluded by other development.

**GM-12** The certified Mendocino Town Plan Land Use Map (Figure 4.13-3) designates ~~each sites that is approved for where~~ hotel and inn visitor serving **facility lodging units are allowable** with an asterisk (\*) and each site ~~that is approved for where~~ bed and breakfast ~~accommodations visitor serving lodging units are allowable~~ with an asterisk-B (\*B). The certified Town Zoning Map shall contain conformed designations.

**GM-13.** (a) Additions to or expansion ~~of the exterior~~ of legally existing visitor ~~accommodations serving facility (VSF) lodging units~~ on a site that is designated for such use on the Town Land Use Map and Town Zoning Map may be permitted, provided that (1) any addition of ~~visitor serving VSF lodging units (guest rooms or suites)~~ does not exceed the total limit (cap) for hotel, inn, and bed and breakfast ~~accommodations VSF lodging units established by listed in Appendix 2;~~ (2) any addition of VSF lodging units does not exceed the allocated number of units for the designated site pursuant to Appendix 2 and the VSF Lodging Unit Allocation Implementation Procedure in Mendocino Town Plan Section 6.7 and Mendocino Town Zoning Code Section 20.684.030(H), and ~~(23)~~ such addition or expansion is ~~consistent in conformity with all applicable conservation and development standards of~~ the certified Mendocino Town Plan and certified Mendocino Town Zoning Ordinance.

~~(b) Existing visitor accommodation units that (1) are listed in the [X] 2012 unit count on Mendocino Town Plan Appendix 2, and (2) are located on sites with visitor serving facilities designations on the [X] Mendocino Town Land Use Map by an asterisk (\*) or asterisk-B~~

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~~(\*B), but that were not included in the 1992 count, shall be authorized pursuant to the procedure established in Mendocino Town Plan Section 6.7 and Mendocino Town Zoning Code Section 20.684.030(H). Provided that issuance of a building permit or minor coastal development permit, as applicable, for authorization pursuant to Policy GM-13(b) shall require (1) written verification by the Mendocino City Community Services District and the Department of Environmental Health that the building in which any such unit is located is served by an adequate water supply to support all existing units and the additional unit or units, and (2) determination by the County that the building, including the additional unit or units, meets all applicable parking, structural, and other requirements of the most recently adopted County Building Code.~~

(b) Any visitor serving lodging unit that is operating without a valid coastal development permit where one is necessary must submit an application for a coastal development permit deemed complete by the Department of Planning and Building Services by December 31, 2018 and obtain a coastal development permit by June 30, 2019. If either a complete application is not submitted by December 31, 2018 or a coastal development permit is not obtained by June 30, 2019, 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 Facility Lodging Unit Allocation Implementation Procedure in Mendocino Town Plan Section 6.7 and Mendocino Town Zoning Code Section 20.684.030(H).

GM-14 ~~Existing~~ Visitor Serving Facilities are designated for such use on the certified [X] Mendocino Town Plan Land Use Map with an asterisk or asterisk-B, ~~subject to Mendocino Town Zoning Code Chapter 20.684.~~ All new visitor serving facility development that is proposed to be located on one or more parcels not specifically designated for such use on the certified Mendocino Town Plan Land Use Map with an asterisk or asterisk-B, shall only be allowed in the Commercial



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~~and Mixed Use Districts, consistent with the requirements of those land uses and pursuant to an amendment to the certified Mendocino Town Local Coastal Program. (Mendocino Town Plan, Mendocino Town Land Use Map, Mendocino Town Zoning Ordinance, and Mendocino Town Zoning Map, as applicable).~~

Action GM-14.1. (a) Vacation Home Rentals and Single Unit Rentals are not Visitor Serving Facilities. Approval of any new [\] Vacation Home Rentals and [\] Single Unit Rentals shall be pursuant to GM-3(b) and (c), and Mendocino Town Zoning Code Chapter 20.748.

(b) Single Unit Rental Licenses are not transferable to another location, person, or entity, except that Single Unit Rental license rights shall attach to ownership of the property on which the licensed unit is located, subject to all other Town Plan policies and applicable license requirements. A new owner of property on which a licensed unit is located shall be eligible to continue to license and operate the unit without cessation of use or relegation to a waiting list, if, upon sale or transfer of the property on which the licensed unit is located, the new owner shall provide proof of ownership and compliance with other requirements of Chapter 6.04.080(a), to the satisfaction of the Department of Planning and Building Services, and the Treasurer-Tax Collector pursuant to Chapters 5.20 and 6.04 of the County Municipal Code. Single Unit Rental rights shall cease to attach to the unit at such point as the licensing is allowed to expire or is revoked.

(c) 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 Municipal Code.

(d) Operation of Single Unit Rentals and Vacation Home Rentals is subject to the licensing requirements of Chapter 6.04 (Business License tax) of the Mendocino County Code. 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 operation

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is authorized by any required coastal development permit and is in conformity with all planning and building standards, including, **but not limited to**, the location and number of such ~~licenses~~ **authorizations** allowed pursuant to the Mendocino Town LCP. The owner of a licensed Single Unit Rental or Vacation Home Rental is liable for regular payment of Transient Occupancy Tax pursuant to Chapter 5.20 (Uniform Transient Occupancy Tax) of the Mendocino County Code. The required business license must be renewed annually, pursuant to Mendocino County Code Chapter 6.04.

(e) 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 party described in GM 14.1(c) occurs, application for that license shall become available to the waiting list in the order received.

**GM-15** (a) The Mendocino Town Plan Update reduces the 23 Single Unit Rentals and 23 Vacation Home Rentals allowed by the 1992 Mendocino Town Plan to 20 Single Unit Rentals and 10 Vacation Home Rentals, and reallocates the reduced 16 units to existing visitor ~~accommodations~~ **serving facilities** that are (1) listed in [\] Mendocino Town Plan Appendix 2 and (2) mapped as asterisks (\*) or as asterisk-B (\*B) on the [\] Mendocino Town Land Use Map and [\] Mendocino Town Zoning Map.

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(b) The updated Mendocino Town Plan (1) reclassifies the existing thirteen (13) Art Center Student/Instructor Housing units as ~~“Affordable Housing,”~~ 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, and (2) reallocates the six additional visitor serving facility lodging units ~~allowed~~ allocated to the Art Center in 1992, but not constructed, to existing visitor ~~accommodations~~ serving lodging units located outside the Commercial Land Use Classification and Zoning District that are listed in Appendix 2 and mapped as asterisk (\*) or as asterisk-B (\*B) on the Mendocino Town Land Use Map and Mendocino Town Zoning Map.

~~(c) Visitor Serving Facilities mapped with asterisks (\*) or with asterisks-B (\*B) on the Mendocino Town Land Use and Zoning Maps that are operating below their allowed 1992 Mendocino Town Plan unit count shall be allowed to resume and maintain operation of these units without further regulatory review, provided they were constructed as of November 14, 1992 pursuant to the required entitlements.~~

~~(d) Unallocated Visitor Serving Facility units pursuant to Policies GM-15(a) and GM-15(b)~~ Appendix 2 identifies the 1992 allocation of 215 visitor serving facility lodging units allowed at sites designated for visitor serving facility lodging units by an asterisk (\*) or asterisk-B (\*B). The remaining 22 of the total of 237 visitor serving facility lodging units that may be allowed in the Town pursuant to Policy GM-3 shall be made available by the Planning and Building Services Department for prioritized application, permitting, and use, including by other existing Visitor Serving Facilities on sites designated with an asterisk (\*) or asterisk-B (\*B) and that can accommodate them consistent with the conservation and development standards of the Mendocino Town LCP, pursuant to the Visitor Serving Facility Unit Allocation Implementation Procedure in Mendocino Town Plan Section 6.7 and certified Mendocino Town Zoning Code

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Section 20.684.030(H). As any allocated visitor serving lodging unit becomes abandoned, fails to timely 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 Planning and Building Services Department shall reallocate the unit pursuant to Mendocino Town Plan Section 6,7 and Mendocino Town Zoning Code Section 20.684.030(H).

**GM-16** Existing legal non-conforming uses and existing legal non-conforming lots which contribute to the Town's unique community character shall be allowed to continue, provided that (a) the Mendocino Town Zoning Code regulations for maintenance, alteration, and continuance of legal non-conforming uses, structures, and lots shall apply, and (b) all existing legal uses within the Town at the time of Coastal Commission certification of the Mendocino Town Local Coastal Program on November 14, 1996 shall be deemed consistent with the Mendocino Town Plan.

**GM-17** ~~Implementation of the Mendocino Town Plan shall provide for a~~ The scale and combination of commercial development ~~that are~~ shall (a) be consistent with the Town's historical architectural character, (b) complement existing uses, and ~~can~~ (c) be supported by adequate public services or by adequate on-site private services utilities where no public services are provided.

**GM-18** The following types of business establishments or activities, as defined in Town Plan Sections 2.32, 2.33, and 2.34, are prohibited within the Town of Mendocino:

(a) Formula Lodging.

(b) Formula Restaurants.

(c) Formula Retail, except for vehicle (fueling) stations, which are allowed, provided they are otherwise compatible with the Town's design character and the conservation and development standards of the certified Town LCP.

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**GM-19** Any Formula Restaurant, Retail, or Lodging establishment, as defined, that is substantially identical to fewer than ten (10) establishments, regardless of ownership or location, shall modify its design, if necessary, to fit within the scale, design, and character of the Town.

**GM-20** All drive-through facilities associated with commercial uses, where motorists can obtain services while their vehicles continue to operate, are prohibited in any zoning district, with the exception of vehicle fueling stations.

**GM-21** (a) All structures in the Town shall be limited to a maximum height of 28 feet above natural grade, provided that ~~(a)~~ steeples, water towers, flagpoles, other appurtenances, the Highway 1 Big River Bridge, and the “Father Time and the Maiden” sculpture on the Mendocino Savings Bank Building (former Masons Hall) on Lansing Street may exceed that height, **and except as further specified in (c) below.** (b) all utilities shall be located underground or, in the case of telecommunications antennas, be co-located within existing structures, and (c) new development within Open Space Land Use Districts and Open Space Zoning Districts seaward of the first continuous public road ~~or street~~ shall be limited to a height of 18 feet to protect public scenic views.

**GM-22** Lower-cost overnight visitor accommodations shall be protected, encouraged, and where feasible provided through, including, but not limited to, intergovernmental agency cooperation to sustainably implement nearby campground, cabin, and hostel facilities as proposed in the ~~adopted 1976~~ Mendocino Headlands State Park **General Preservation and Recreation** Plan, consistent with the certified Mendocino Town LCP.

**Action GM-22.1:** The County of Mendocino should, in cooperation with the State Coastal Conservancy, the California Department of Parks and Recreation, the California Department of Transportation, the Regional and State Water Resources Control Boards, adjoining private property owners, and other interested persons, strive to restore, enhance, and protect the combined historic community character, public access functionality, and storm water management functions of the Main Street Corridor and adjacent Mendocino Headlands State Park. These efforts can serve to further the conservation and development standards of the Mendocino Town Local Coastal

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Program, provide for beneficial reuse of intercepted stormwater, sustainable recreational opportunities, protect the public safety, and safeguard natural, historical, and community resource areas against overuse.

**Action GM-22.2:** The County of Mendocino supports the long-planned update of the Mendocino Headlands State Park Preservation and Recreation Plan (General Plan) by the California Department of Parks and Recreation to (a) conserve and, where feasible, restore and enhance the spectacular natural resources, passive day use, and specified active use of the Town's ocean, bay, and river shoreline, headlands, and beaches, (b) provide for a sustainable coastal trail system within the State Park that connects it to the California Coastal Trail to the north and south, consistent with public safety, coastal resource protection, and the protection of cultural sites, (c) cooperatively locate nearby hostel and campground facilities as proposed in the adopted 1976 Mendocino Headlands State Park Preservation and Recreation Plan.

**Action GM-22.3.** ~~H~~The County shall give high priority consideration ~~shall be given by the County~~ to cooperative public-private initiatives to implement coordinated funding support for operation, restoration, enhancement, and maintenance of Mendocino Headlands State Park, including, but not limited to, sustainable public, designated Mendocino Headlands State Park Pass, and expanded voluntary Mendocino Town guest funding techniques.

**Action GM-22.4.** No coastal development permit shall be required for the following, routine maintenance, including repair or modification, of an existing permitted public park facility where the level, type of public use, or the size of one or more structures will not be altered; provided, that (a) work, as defined in Section 2.85 within Historical Zone "A" or Historical Zone "B" shall require review and approval by the Mendocino Historical Review Board pursuant to Mendocino Town Zoning Code Chapter 20.760; and (b) development within Mendocino Headlands State Park that is not determined to be categorically excluded or exempt from the coastal development permit requirement pursuant to Policy TPA-1 shall obtain a coastal development permit from the County Approving Authority, as applicable, or be approved

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~~pursuant to the procedure for a Public Works Plan provided in [X] Public Resources Code Section 30605.~~

- (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 Title 14, California Administrative Code Section 13252 and any amendments thereafter adopted;
- (2) Activities of public utilities as specified in the Repair, Maintenance and Utility Hookup Exclusion adopted by the Coastal Commission on September 5, 1978;
- (3) Improvements to single family residences except as otherwise specified in Title 14, California Administrative Code Section 13252 and any amendments thereafter;
- (4) Improvements to any structure other than single family residence or a public works facility, except as otherwise specified in Title 14, California Administrative Code Section 13253 and any amendments thereafter.
- (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 percent (10%) and shall be sited in the same location on the affected property as the destroyed structure.
- (6) Those specified developments categorically excluded from development by Categorical Exclusion Order Number E-96-1, 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 Town LCP policies.

**Action GM-22.5.** At such time as when the California Department of Parks and Recreation submits a new or an update of the Mendocino Headlands State Park Preservation and Recreation Plan, or any other public facilities plan, to the Coastal Commission pursuant to Public Resources Code Section 30605, the County requests the Department of Parks and Recreation and the Coastal Commission to engage in full consultation with the County at the earliest practicable time to assure that the public works plan or other public facilities plan is in conformity with the certified



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Mendocino Town Local Coastal Program. [CHANGE TO ADVISORY GOAL OR MEASURE.]

Action GM-22.6. (a) Pedestrian access to and through Mendocino Headlands State Park, including, but not limited to bluff top paths and trails, ~~bluff face paths,~~ and the beach ~~to the Mean High Tide line~~ shall be without cost to the recreational public. (b) Vehicular access along (1) Heeser Drive between Lansing Street and Little Lake Street, and (2) Big River Road within the Mendocino Town boundaries shall remain without cost to the recreational public.

GM-23. Mendocino County shall cooperatively promote heritage tourism by highlighting the Town of Mendocino's cultural resources through support for programs emphasizing the recognition and/or use of cultural resources for the enjoyment, education, and recreational use of residents and visitors to the Town.

~~GM-24. (a) The reservation of specific sites for visitor serving facilities providing overnight accommodations shall not be preempted by conversion to other permanent uses, excepting except for residential uses and other principal permitted uses of the base Zoning District; provided that any such conversion shall require a Coastal Development Permit or building permit, as applicable. The visitor serving units previously allocated to the converted facility shall become available, as a result of such conversion, to be reallocated to existing Visitor Serving Facilities Facility sites that are mapped with an asterisk (\*) or an asterisk B (\*B) on the Mendocino Town Land Use and Zoning Maps pursuant to the procedure provided in Section 6.7 and Mendocino Town Zoning Code Section 20.684.030(H).~~

~~(b) Visitor serving facilities, located on lots (parcels) in private ownership within the Town that are designated on Mendocino Town Land Use Map 4.13-3 with an asterisk (\*) or an asterisk B (\*B), shall constitute a principal permitted use in the respective Town Land Use Classifications, Mendocino Visitor Serving Facility Combining District, and Mendocino Town Zoning Districts.~~



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**GM-25.** (a) ~~Development that requires a location on, or adjacent to, the shoreline of the Town to be able to function at all~~ Coastal-dependent developments shall have priority over other development on or near the shoreline.

(b) Except as provided in Policy CNS-3, coastal-dependent development shall not be sited in a wetland.

(c) Coastal-related developments that supports coastal-dependent development should be accommodated within reasonable proximity to the coastal-dependent uses they support~~of it.~~

~~4.13.5 NONCONFORMING USES: A nonconforming use is a use of a structure or land which was lawfully established and maintained prior to the adoption of this amended plan, but which does not conform with the use for the land use category in which it is located.~~

**GM-26** (a) ~~[A]~~ All existing legal uses shall be deemed consistent with the certified Mendocino Town Plan ~~town plan.~~

(b) ~~[B]~~ A nonconforming use that is discontinued for a period of one (1) year, or is changed or replaced by a conforming use, shall be deemed abandoned and shall not be resumed, and subsequent use of the site shall be in conformance with all provisions of this plan.

(c) ~~[C]~~ A nonconforming use may be continued and structures used therefor ~~therefore~~ may be maintained, provided that:

(1) Structural alterations shall be limited to the interior of a building, with no change in the exterior dimensions of a building or portions thereof used for a nonconforming use, except as provided in Mendocino Town Zoning Code Section 20.716.

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(2) Structural alterations shall be made only in compliance with applicable adopted Building Code ~~building code~~ requirements and, where applicable within Historical Zones A and B, with the requirements of the Mendocino Historical Review Board.

(3) ~~There shall be no~~ No expansion of ~~a the~~ nonconforming use shall be permitted.

**GM-27** ~~NONCONFORMING LOTS:~~ All legally created nonconforming lots shall be deemed potential building sites, subject to the same controls as lots 12,000 square feet or larger.

**GM-28** ~~4.13-6~~ All persons operating Visitor Serving Facilities, Vacation Home Rentals, Single Unit Rentals, or Student-Instructor ~~Student/Instructor temporary~~ housing facilities occasionally used by the general public as overnight accommodations, as herein defined, are subject to the provisions of Chapter 5.20 (Uniform Transient Occupancy Tax) and Chapter 6.04 (Business License Chapter) of the Mendocino County Code.

**GM-29** ~~4.13-7~~ Residential dwelling units in the Town town shall not be converted to any nonresidential use except in the Commercial "C" zone, ~~or~~ as provided pursuant to Section 6.7, or as provided in Mendocino Town Zoning Code Section 20.660.075(E) ~~for by the permitted ratio referenced in Policy 4.13-4(5).~~

~~**GM-30** Consistent with Public Resources Code Section 30200(b), the policies and mandatory actions of the Town Plan specifically resolve policy conflicts between provisions of the Coastal Act through Town Plan implementation. In the event of any remaining policy conflicts, the Town Plan shall be implemented, consistent with Public Resources Code Section 30007.5, to resolve them in a manner which on balance is the most protective of significant coastal resources.~~

**GM-31** Consistent with Coastal Act Chapter 3, Article 7, any pipeline transportation of hydrocarbons shall be (a) consistent with all conservation, development, public access, and recreation standards of the Town Local Coastal Program, ~~(b) limited to an underground location~~

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~~in the Highway 1 right-of-way, and (eb)~~ shall require an application for a coastal development conditional use permit.

**GM-32** Approval of any division of land within ~~the urban boundary of~~ the Town, as shown on the Town Land Use Map, shall require (a) **demonstration prior to coastal development permit approval that an adequate water supply exists to serve existing and newly created lots, such demonstration made in accordance with the provisions of Mendocino Town Zoning Code Chapter 20.744;** (b) proof that the Mendocino City Community Services District (1) has issued a ~~groundwater well extraction~~ permit, or will issue a **groundwater well extraction** permit as a condition precedent to issuance of the coastal development permit for the land division, for each newly created lot ~~or parcel~~, and (2) has, or will as a condition precedent to issuance of the coastal development permit for the land division, provide wastewater service for each newly created lot ~~or parcel~~; (b) demonstration, by a qualified professional, that the division of land, including any hydromodification and any future construction and use of structures on each newly created lot, will not have any significant adverse effects, either individually or cumulatively, on coastal resources or coastal public access; and (c) demonstration that the division of land, including any hydromodification and any future construction and use of structures on each newly created lot ~~or parcel, will be consistent~~ is in conformity with all ~~applicable conservation and development~~ standards of the **certified** Mendocino Town Local Coastal Program.

### ~~COASTAL ELEMENT POLICIES: MENDOCINO TOWN DESIGN GUIDELINES~~

#### **4.3. Mendocino Town Design Guideline Policies**

**DG-1** All new development shall be designed to be compatible with the historical design character of the Town.

**Action DG-1.1:** ~~4.13-8~~ The Historical Preservation District for Town of Mendocino Zoning Ordinance, as amended, ~~is~~ **shall be** a part of the implementing ordinances of the Mendocino Town Plan ~~Local Coastal Program~~ (Mendocino Town Zoning Code Chapter 20.760), that govern within Historical Zones A and B, as shown in Figure 4.13-2.

**Action DG-1.2:** ~~The and the~~ Mendocino Historical Review Board shall continue to exercise its duties those charges as specified by the Historical Preservation District Ordinance, within Historical Zones A and B, as shown in Figure 4.13-2 ordinance.

**Action DG-1.3:** ~~4.13-9 (a)~~ The Mendocino Historic Review Board Design Guidelines (1987) Design review guidelines shall set criteria ~~which will be utilized~~ to ensure preservation, protection, enhancement, rehabilitation, reconstruction, restoration, and perpetuation of existing structures of historical significance in a manner consistent with the character of the Town.

~~(ba)~~ Such criteria ~~shall~~ include, but ~~are not be~~ limited to, architectural design, size, height, dormers, windows, structures, appurtenances, proportion and placement of improvements on the parcel, and landscaping, including planting or removal of vegetation, must be reviewed in the application process.

~~(c)~~ The Mendocino Historic Review Board Design Guidelines shall be consistent with the ~~[\\]~~ Historical Preservation District For Town of Mendocino Ordinance (1973, as amended) and the Mendocino Town Local Coastal Program.

~~4.13-10 No building permit shall be finalized or occupancy permit issued until all aspects and conditions of the permit approval have been met.~~

**Action DG-1.4:** New buildings, and ~~rehabilitations, redevelopment, and renovations to~~ of existing structures in the Mendocino and Headlands Historical Preservation District and throughout the Town shall ~~(a) will~~ be consistent with the historical community character of the Town, and ~~(b) town and they shall~~ not degrade the setting of buildings of landmark stature (as described in Town Plan Appendix 1, the Inventory of Historic Building, Appendix, Historic Structures).

~~4.13-10 No building permit shall be finalized or occupancy permit issued until all aspects and conditions of the permit approval have been met.~~

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DG-2 Permitted development shall ~~not have a significant adverse effect on~~ be sited and designed to protect public ~~scenic~~ views to and along the ocean and ~~public~~ scenic coastal areas, including but not limited to views from ~~resources~~ from Highway 1 or from the public streets and public open space areas of the Town.

Action DG-2.1: Permitted development shall be sited using clustering of structures, compatible vegetative screening, and, as applicable, exceptions to yard setbacks where feasible to maintain the character of the Town setting and to protect public scenic views.

Action DG-2.2: ~~4.13-11 Review of~~ applications for all ~~a~~ New development applications shall include evidence demonstrating how the proposed development will ensure the protection consideration of requiring dedicated ~~scenic~~ easements to protect views from Highway 1, as well as public views to ~~and along~~ the sea, ~~and of~~ landmark structures, as described in the Inventory of Historic Structures (Appendix 1), and of scenic ~~public resources~~ coastal areas as seen from public vantage points including the public streets and open space areas of the Town and from along Highway 1.

Action DG-2.3: New development shall (a) protect the unique characteristics of the Town, which make it a popular visitor destination point for cultural and recreational uses, and (b) conform to any specifically designated public scenic and public view ~~areas requirements~~ as adopted ~~in the Mendocino Town Plan herein~~ or on the Mendocino Town Plan land use map. Provisions of open space and location of structures to retain public views shall be considered as part of all new development proposals that ~~have a potentially significant adverse effect on~~ may adversely affect such public views.

~~4.13-12 Any proposed private use of the Middle School site or changed public use that would remove existing permanent buildings or would intensify development of the site shall require amendment of the Town Plan.~~

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**DG-3** ~~4.13-13~~ In addition to any design review related to protection of the historical character of the Town ~~town~~, all development and redevelopment shall conform to (a) the requirement of Section 30251 of the Coastal Act that (1) the scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance, and (2) permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas, and (b) any specifically designated scenic and view areas as adopted by the Board of Supervisors and certified by the Coastal Commission on the Mendocino Town Land Use Map map. Provisions of open space and siting of structures to retain public views shall be considered as part of all new development proposals ~~that have potentially significant adversely effects on protected public views.~~

**DG-4** ~~Permitted residential, commercial, public facility, and open space development shall require~~ predominantly native and drought-tolerant landscaping shall be required as part of any permitted development in designated residential, commercial, public facility, and open space areas, to reflect the relatively unstructured landscape character of the Town.

**Action DG-4.1:** The Mendocino Historic Review Board shall incorporate landscape guidelines in the Historic Review Board Design Guidelines that address native and drought-tolerant plant materials, hardscape design, and horticultural irrigation that utilizes, to the extent feasible, collected stormwater runoff or reclaimed water.

**DG-5** Exterior lighting in permitted new development shall be required to (a) be compatible with the historical character of the Town, and (b) avoid light intrusion on adjoining properties, Mendocino Headlands State Park, and natural areas.

**Action DG-5.1:** The Historic Review Board Design Guidelines shall incorporate exterior lighting guidelines that address the location, shielding, materials, and light source in all permitted new development.

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Action DG-5.2: Lighting design guidelines should encourage warmer incandescent-like lighting as more consistent with historical design rather than bright white halogen, fluorescent, or high-intensity discharge lighting.

Action DG-5.3: The County should coordinate with the International Dark Sky Association to certify the Town as a “Dark Sky Community”. **[CHANGE TO ADVISORY GOAL OR MEASURE.]**

### **COASTAL ELEMENT POLICIES: MENDOCINO TOWN CIRCULATION AND PARKING**

#### **4.4. Circulation and Parking**

CP-1 The County shall provide for traffic, bicycle, and pedestrian safety within the Town, consistent with historic preservation. ~~Consistent with Policy 4.13-14 (November 5, 1985) of the Mendocino Town Plan, a Traffic Circulation/Parking Study has been done by RKH, Parsons Associates and William Zion, consultants, dated March 8, 1988, for the central core of the Town of Mendocino. The plan proposes to be implemented in phases. The Board of Supervisors have accepted the study/plan but have not yet funded implementation.~~ **[CHANGE TO ADVISORY GOAL OR MEASURE.]**

Action CP-1.1: 4.13-14 The County technical staff shall analyze the need for, and install where warranted and consistent with the Capital Improvement Program, ~~investigate the installation of~~ 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. ~~be directed to review the submittal by the appointed Mendocino Citizens Advisory Committee outlining the eleven (11) priorities for safety improvements (dated October 17, 1989) and implement~~

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~~improvements at the earliest possible funding date(s).~~ **[CHANGE TO ADVISORY GOAL OR MEASURE.]**

~~4.13-15 Installation of a traffic signal at the intersection of Highway 1 and Little Lake Road (1989) should alleviate safety problems at that intersection.~~

~~The California Department of Transportation should continue to monitor traffic safety at the intersection of Highway 1 and Main Street and make improvements as necessary for optimal safety.~~

**Action CP-1.2:** ~~4.13-16 The County shall implement a requirement for off-street parking on all new (a) Permitted development shall provide off-street parking and use permit applicants consistent with 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.~~

~~(b) 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.~~

~~(c) Where no off-street parking is feasible in otherwise permitted development, then the County the development applicant shall pay an require in-lieu fee to the County, or to an entity acceptable to the County, provided that fees, such fees to be placed in an encumbered account to 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.~~

~~(d) 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.~~

**Action CP-1.3:** ~~Off-street parking shall be designed to minimize its visibility from public areas, either by locating parking behind buildings or by providing adequate landscape screening. Where~~



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such measures are infeasible, or would conflict with public view protection requirements of the Town Plan, other feasible screening shall be required.

**Action CP-1.4:** Bicycle parking shall be incorporated in (a) ~~the any~~ 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.

**Action CP-1.5:** All new parking areas shall minimize impermeable surfacing and soil compaction, and shall use permeable ADA-compliant paving material wherever feasible.

**CP-2** The County, in recognition that existing unstructured parking is part of the Town's historical character, shall, in cooperation with other agencies increase parking availability and efficiency, while at the same time enhancing pedestrian and traffic safety. **[CHANGE TO ADVISORY GOAL OR MEASURE.]**

**Action CP-2.1:** (a) Where street width is sufficient (as on parts of Ukiah, Little Lake, or Main Streets), the County, or its designee, shall establish diagonal parking, as part of its 5-Year Capital Improvement Plan, to increase available on-street parking. (b) The County may use in-lieu parking fees to help fund establishment, operation, and maintenance of such diagonal parking on public rights-of-way in the Town. **[CHANGE TO ADVISORY GOAL OR MEASURE.]**

**Action CP-2.2:** The County shall identify and secure available funding to maintain existing parking areas and street rights-of-way in the Town. Maintenance shall include, but not be limited to, new pavement or repavement with semi-pervious pavers 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. **[CHANGE TO ADVISORY GOAL OR MEASURE.]**

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**Action CP-2.3:** The County shall coordinate with (1) the Mendocino Unified School District to accommodate, as feasible, overflow parking demand on School District property, and (2) the California Department of Parks and Recreation 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; provided, that such additional parking shall utilize semi-pervious pavers or similar materials that comply with the requirements of the Americans with Disabilities Act, as amended. [CHANGE TO ADVISORY GOAL OR MEASURE.]

**Action CP-2.4:** (a) The existing (as of 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. [CHANGE TO ADVISORY GOAL OR MEASURE.]

~~4.13-17 The County shall make every effort to develop a plan for optimal circulation and parking of heavy weight tourist vehicles (large recreational vehicles, tour busses, pickup campers, etc.) on designated County or State lands.~~

~~4.13-18 Consistent with the Town designation as a Special Community with historic significance, and recognizing that historically Main Street, east to Highway 1, was "Main" Street in the early years of this century, the Board of Supervisors shall direct that Main Street be so designated and the incorrect Lansing Street naming shall be abandoned.~~

~~4.13-19 Consistent with the Town designation as a Special Community, and with the reality of the continued use of the old three and four digit street numbers, the County Board of Supervisors shall restore the old numbering system and abandon the County's five digit numbering system, with the~~

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~~restoration of the three and four digit numbers being based on the street the structures face, within the Town boundaries.~~

### **COASTAL ELEMENT POLICIES: AFFORDABLE HOUSING**

#### **4.5. Affordable Housing (Government Code Section 65852.2)**

~~**AH-1** The Town Plan, for purposes of Government Code requirements, incorporates the Mendocino County Housing Element, as it may be amended from time to time, by reference.~~

**AH-2** The County shall retain and create housing units in the Town that are, or may be, available for persons and families of low-moderate income, including, but not limited to, by (a) utilizing available state or federal grant funds, (b) prohibiting conversion of residential housing to non-residential use except (1) as provided in the Commercial Land Use Classifications and Zoning Districts, and (2) as provided in Section 6.7, (c) allowing second residential dwelling units, not to exceed 900 square feet, on lots ~~(parcels)~~ in Residential Land Use Classifications and Residential Zoning Districts consistent with the ~~conservation and development standards of the~~ Mendocino Town Local Coastal Program, and (d) encouraging the provision of affordable housing in new development in the Mixed Use and Commercial Land Use Designations and Zoning Districts.

**Action AH-2.1:** ~~4.13-20~~ Consistent with the Affordable Housing criteria cited on Page 7 of this plan, Growth Management Action GM-29, the residential dwelling units in the town stock of the Town shall ~~not be converted to any~~ maintained by prohibiting residential units from being converted to non-residential use except (a) as provided for by the permitted ratio referenced in Policy 4.13-4(5) in the Commercial “C” zone or Land Use Classification and Zoning District, and (b) as provided for by the permitted ratio referenced in Policy 4.13-4(5) in Section 6.7.

**Action AH 2-2:** A deed restriction shall be recorded on lots ~~(parcels)~~ with approved second residential dwelling units to ensure their continued use for non-transient residential habitation.

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~~Action AH-2-3: The Mendocino Town Zoning Code shall recognize that the Mendocino Art Center's existing Student-Instructor residences constitute a form of affordable housing associated with the Art Center use type, making it accessible to artists-in-residence on a long-term basis, and to students, instructors, and other participants who might otherwise be unable to find adequate affordable housing during their course work.~~

AH-3 Second residential dwelling units shall be encouraged within the Town Residential Land Use Districts as a means to provide additional affordable long-term housing opportunities within the Town.

Action AH-3.1: The Mendocino Town Zoning Code shall provide opportunities for second residential units on lots ~~(parcels)~~ in all single-family and multifamily residential districts, provided that each second unit shall be consistent with ~~the conservation, historic preservation, development, and public access standards of~~ the Mendocino Town Local Coastal Plan and, where development is proposed between the First Public Road and the sea, the public access and recreation policies of Chapter 3 of the Coastal Act.~~Plan and Mendocino Town Zoning Code.~~

AH-4 4.13-21 Second residential units shall be ~~are~~ allowable in the R+ Zoning District on parcels larger than 9,000 square feet; and in the RR-2 Zoning District on parcels larger than 40,000 square feet, subject to the following criteria and standards. Second dwelling units are intended to provide long-term housing. Deed restrictions, as part of the permit process, shall ensure maintenance of the housing inventory and consistency with the balance cited in Policy 4.13-1: sited and designed to integrate them ~~in a manner that integrates~~ with the historical character of the Town, minimize ~~and minimizes~~ potential negative neighborhood impacts, and conform to the ~~conservation, historical preservation, development, and public access~~ standards of the certified Town Plan.

Action AH-4.1: The ~~Mendocino Town Zoning Code shall provide that the~~ following second residential unit development standards apply and shall be demonstrated prior to approval of a coastal development permit: 4.13-21 Second residential dwelling units are allowable in the R+

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~~Zoning District on parcels larger than 9,000 square feet; and, in the RR-2 Zoning District on parcels larger than 40,000 square feet, subject to the following criteria and standards. Second dwelling units are intended to provide long term housing. Deed restrictions, as a part of the permit process, shall ensure maintenance of the housing inventory and consistency with the balance cited in Policy 4.13-1.~~

- (1) The lot (parcel) contains an existing single family dwelling unit.
- (2) The second residential dwelling unit does not exceed 900 square feet.
- (3) An adequate on-site water supply system ~~as approved by the County Division of Environmental Health and the Mendocino City Community Services District~~ is available exists to serve the second dwelling unit.
- ~~(4)~~ (5) Mendocino City Community Services District (a) has issued a groundwater extraction permit to serve the second dwelling unit, and (b) has, or will provide wastewater service to serve the second dwelling unit;
- ~~(4)~~ (5) The second dwelling unit shall conform to height, setback, lot coverage, architectural review, site plan review, ~~off street parking,~~ and other Mendocino Town Local Coastal Program zoning district requirements applicable to the zoning district in which the second dwelling unit is located, except that a setback of no more than five feet from the side and rear lot lines shall be required for a second residential unit constructed above a garage.
- ~~(5)~~ (6) Second dwelling units are intended for long term occupancy, by family members or tenants, and are not intended for sale separately from the primary housing unit on the lot (parcel).
- ~~(6)~~ (7) A second dwelling unit shall not have a negative impact on the designated land use and second dwelling units shall not be permitted if identified impacts are contrary to the goals and policies of this plan.
- ~~(6)~~ (7) (7) Second dwelling units shall not be permitted in Planned Unit Development Combining Districts.

### ~~COASTAL ELEMENT POLICIES: WATER~~

#### 4.6. Sustainability Policies

##### Water Conservation/Storm-~~W~~ater Management

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S-1: Development shall protect and, where feasible, restore the quality of coastal waters consistent with Coastal Act policies, in particular Sections 30230 and 30231. Coastal waters include the ocean, rivers, streams, wetlands, estuaries, lakes, and groundwater.

§ 30230. Marine resources shall be maintained, enhanced, and, where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

§ 30231. The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Action S-1.1: A post-development stormwater management plan shall be submitted to the County by applicants for all development or redevelopment projects that (a) have the potential for adverse impacts to coastal waters from nonpoint source pollution and/or changes in runoff flows resulting from the development, and (b) require a Coastal Development Permit. The plan shall describe the stormwater management strategies for site design, pollutant source control, and other measures the development will implement to protect coastal waters after the development is completed. 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. If the development entails activities or changes in land use other than construction,

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including subdivision or re-division of land, the scope of the plan may be reduced accordingly.

Action ~~S-2.1~~ 1.2: ~~Stormwater management and~~ A construction-phase pollution prevention/erosion control plans shall be submitted by development or redevelopment project applicants to the County for all development that (a) proposes ~~new~~ construction, that has the potential for adverse impacts to coastal waters from nonpoint source pollution and/or changes in runoff flows during construction ~~recovering (paving, resurfacing), or any other change in surfacing (such as re-roofing) that is 2,500 square feet in size or larger,~~ and (b) requires a Coastal Development Permit, ~~building permit, or grading permit, provided that if a stormwater management system that serves more than one lot has been approved, the applicant may provide proof of participation in it to satisfy the stormwater requirements of the Town Local Coastal Program.~~ The plan 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 impacts to coastal waters. For the purposes of Section 4.6., Sustainability Policies, construction includes clearing, grading, or other activities that involve ground disturbance; building, reconstructing, or demolishing a structure; and creation or replacement of impervious surfaces.

~~S-4.2~~ The water supply in the Town of Mendocino shall be managed and augmented in a sustainable manner to (a) support the special community, (b) optimize available water supplies for all human and natural system uses through concerted groundwater replenishment, and (c) strictly avoid the waste of potable water in uses that do not require it, by utilization of reclaimed water or ~~conserved-retained~~ storm-water runoff, where feasible.

Action ~~S-4.1~~ 2.1: 4-13-22 All coastal development permit applications shall ~~submit~~ contingent upon ~~proof~~ include evidence demonstrating (a) ~~of that~~ an adequate on-site water supply exists that will accommodate the proposed development during throughout the year, including the dry



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~~summer months season; and (b) that the proposed well production extraction of groundwater to serve the development will neither~~(1) deplete the ground water table of contiguous or surrounding uses, ~~nor~~and (2) have a significant direct or cumulative adverse effect on coastal resources. Demonstration of an adequate on-site water supply shall be made in accordance with the provisions of Mendocino Town Zoning Code Chapter 20.744. Adequate on-site water shall be demonstrated prior to approval of the coastal development permit. The findings of the Coastal Ground Water Study of June 1982 shall be incorporated in the Mendocino Town Plan.

Action S-~~4-2~~-2.2: All new and existing development shall, in addition, (a) comply with all applicable adopted ~~the~~ Mendocino City Community Services District water conservation regulations and standards, and (b) incorporate all water conservation measures required by the ~~the~~ State of California.

Action S-~~4-3~~-2.3: All new and existing development shall also comply with all applicable regulations and standards of the County Environmental Health Department for potable water production by wells.

Action S-~~6-4~~-2.4: Gray water systems shall be designed, installed, operated, and maintained in full compliance with all applicable health and safety regulations of the County Department of Environmental Health, and all other applicable standards.

Action S-~~4-4~~-2.5: Permitted horticultural landscaping shall be drought-tolerant, and, when irrigation is required, shall minimize the use of potable water, as feasible, and use=utilize, to the maximum extent feasible, (a) efficient watering techniques (such as drip irrigation), (ab) retained storm-water ~~from (1) the site of the development, or (2) a storm water beneficial reuse project that includes more than one lot (parcel)~~, and (bc) ~~on~~ reclaimed water that is available from the Mendocino City Community Services District.



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~~Action S-6.3:~~ Existing and proposed horticultural landscape irrigation in the Town shall avoid or minimize the use of potable water, as feasible, and use (a) efficient watering techniques (such as drip irrigation), (b) retained rain storm water runoff, and/or (c) reclaimed water provided by MCCSD.

~~Action S-4.5-2.6:~~ The County Board of Supervisors should consider an amendment to the County Building Code that requires, as additional water conservation measures, (a) installation of flash hot water heaters to serve all hot water faucets and outlets in (1) new development, and (2) at the point of sale of any structure that contains one or more hot water faucets or outlets, and (b) utilization of dual plumbing in new commercial and residential development that utilizes reclaimed water for non-potable purposes. **[CHANGE TO ADVISORY GOAL OR MEASURE.]**

~~Action S-4.6-2.7:~~ The Mendocino City Community Services District should (1) continue its extensive groundwater monitoring program of the aquifer that underlies the Town, (2) investigate the feasibility of a State-funded pilot project to retrofit existing commercial development, and residential development where owners elect to participate, with dual plumbing that utilizes reclaimed water for non-potable purposes, (3) investigate the feasibility of additional groundwater recharge of the Town aquifer with reclaimed water through dry wells, (4) provide access to reclaimed water at a convenient location in Town for public and private non-potable water uses, and (5) annually report to the Board of Supervisors about the implementation status of this Action. **[CHANGE TO ADVISORY GOAL OR MEASURE.]**

~~S-23 (a)~~ Permitted development shall, to the maximum extent **appropriate and** feasible, ~~preserve, infiltrate, treat, and retain~~ maintain or enhance on-site infiltration of storm-water, to reduce runoff, remove pollutants, and recharge groundwater. ~~(1) maintain natural drainage on the site, (2) incorporate reclaimed water provided by the Mendocino City Community Services District and/or conserved retained storm water runoff in a dual plumbing system for non-potable uses, and (3) strictly avoid water waste.~~

(b) ~~Conservation~~**Retention** and reuse of intercepted, retained, ~~and~~ filtered, or otherwise treated storm-water, including to recharge the aquifer, shall be implemented (1) on the site of the

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development, or (2) in combination with other parcel owners, non-profit organizations, or public agencies, if an on-site location is infeasible or if an approved storm-water management system that serves more than one lot (parcel) is available.

S-4: Permitted development shall minimize water quality impacts during construction by minimizing erosion and non-stormwater runoff, minimizing the discharge of sediment and other pollutants resulting from construction activities, and minimizing land disturbance and soil compaction.

S-5 Permitted development shall address runoff management early in site design planning and alternatives analysis, integrating existing site characteristics that affect runoff (such as topography, drainage patterns, vegetation, soil conditions, natural hydrologic features, and infiltration conditions) in the design of strategies that minimize post-development changes in the runoff flow regime, control pollutant sources, and, where necessary, remove pollutants.

Action S-~~4~~**5.1**: Permitted development shall (a) **be sited and designed to preserve or enhance native and non-invasive vegetation to achieve water quality benefits such as transpiration, interception of rainfall, pollutant uptake, shading of waterways to maintain water temperature, and erosion control,** (b) utilize drought-tolerant native vegetation in all landscaping, and ~~(b)~~ effectively remove any invasive non-native vegetation from the lot (parcel).

~~S-3 part (2)~~Action S-5.2: Permitted development shall **be sited and designed to** avoid disturbance of, **and where feasible restore,** natural drainage features and associated **riparian** vegetation, **such as stream corridors, drainage swales, topographical depressions, groundwater recharge areas, floodplains, and wetlands,** and native vegetation.

~~S-36~~ Permitted development shall **be sited and designed to** ~~(1) minimize land disturbance, clearing, and grading to avoid, or to the maximum extent feasible reduce, erosion and sediment loss,~~ **(2) avoid disturbance of natural drainage features and associated riparian vegetation, wetlands, and native vegetation,** and ~~(3) reduce~~ minimize post-development

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~~changes in the stormwater runoff flow regime (i.e., the volume, flow rate, timing, and duration) of storm water discharged from the perimeter of the proposed development envelope site, during the County design storm event for the Town in comparison to pre-project runoff conditions.~~

~~Action S-6.1:~~ Permitted development ~~that creates or replaces five hundred (500) square feet or more of impervious area on a lot (parcel)~~ shall implement either (a) site design measures to ~~feasibly~~ reduce storm=water runoff from the lot (parcel) and increase groundwater recharge in comparison to pre-development storm=water runoff conditions, to the extent feasible, or (b) participate in a storm=water runoff control program that ~~includes~~ serves more than one lot (parcel).

~~Action S-3.1:~~ S-7 A Low Impact Development (LID) ~~design approach to~~ storm=water management shall be used in all new development and redevelopment, where appropriate and feasible.

~~S-6~~ Action S-7.1: Landscape-based storm=water management and water conservation techniques, including, but not limited to, rain gardens, ~~bio-retention basins~~, dry wells, or vegetative swales, shall be utilized, where appropriate and feasible, to infiltrate runoff and facilitate aquifer recharge.

~~S-48~~ Impervious surfaces shall be ~~limited~~ minimized in new development and redevelopment, to the extent feasible, including, but not limited to, through (1) minimized minimizing connected the installation of new impervious surfaces, especially impervious areas directly connected to the storm drain system, and, (2) where feasible, increasing the area of pervious or semi-pervious surfaces in redevelopment.

~~Action S-4.1:~~ S-8.1: Installations of new pPavement shall, ~~and otherwise~~ where appropriate and feasible, use ~~pervious or semi-pervious paving materials~~ a permeable pavement system (e.g., interlocking concrete pavers, porous asphalt, permeable concrete, or reinforced grass or gravel) or natural pervious materials, consistent with requirements of the Americans with Disabilities Act, as amended. Permeable pavements shall be designed so that runoff infiltrates

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into a subsurface recharge bed and the underlying soil, if feasible, to reduce runoff, filter out pollutants, and enhance groundwater recharge.

S-59 Rain water harvesting for later on-site non-potable use, as provided in Mendocino Town Zoning Code Chapter 20.717, shall be required in permitted development with more than five hundred (500) square feet of total impervious surface, for both storm-water management and water conservation.

Action S-5.1-9.1: New water storage tanks shall be: ~~located~~ (a) located behind or within existing buildings, wherever feasible, ~~(b) or~~ underground, ~~(eb) be~~ clad in unpainted wooden materials, and ~~(ec) be~~ exempt from Mendocino Historical Review Board review pursuant to the Mendocino Historical District Preservation Ordinance. ~~Any other proposed water tanks shall be reviewed pursuant to an application for a Coastal Development Major Use Permit. A coastal development permit shall be obtained for any development not exempt pursuant to Section 30610 of the Coastal Act.~~

Action S-5.2-9.2: Water storage tanks shall not count against lot coverage; provided that where lot coverage on a lot (parcel) exceeds 50%, new above-ground water storage tanks in the Mendocino Historic Preservation District shall require Mendocino Historical Review Board review and approval in addition to any required coastal development permit.

S-6 Landscape-based storm water management and water conservation techniques, including, but not limited to rain gardens (bio-retention), dry wells, or vegetative swales, shall be utilized, where feasible, to facilitate aquifer recharge.

Action S-6.1: Permitted development that creates or replaces five hundred (500) square feet or more of impervious area on a lot (parcel) shall implement either (a) site design measures to feasibly reduce storm water runoff from the lot (parcel) and increase groundwater recharge in comparison to pre-development storm water runoff conditions, or (b) participate in a storm water runoff control program that includes more than one lot (parcel).

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~~Action S-6.2: Permitted development shall (a) utilize drought-tolerant native vegetation in all landscaping, and (b) effectively remove any invasive non-native vegetation from the lot (parcel).~~

~~Action S-6.3: Existing and proposed horticultural landscape irrigation in the Town shall avoid or minimize the use of potable water, as feasible, and use (a) efficient watering techniques (such as drip irrigation), (b) retained rain storm water runoff, and/or (c) reclaimed water provided by MCCSD.~~

~~Action S-6.4: Gray water systems shall be designed, installed, operated, and maintained in full compliance with all applicable health and safety regulations of the County Department of Environmental Health, and all other applicable standards.~~

S-10 Permitted development shall be sited, designed, and managed to minimize the transport of pollutants in runoff from the development into coastal waters.

Action S-10.1: Permitted development shall use Source Control BMPs, which can be structural features or operational actions, to minimize the transport of pollutants in runoff from the development.

S-11 In areas in or adjacent to an Environmentally Sensitive Habitat Area (ESHA), permitted 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 runoff flows.

S-12 Permitted development shall avoid construction of new stormwater outfalls, and direct stormwater to existing facilities with appropriate treatment, where feasible. Where new stormwater outfalls cannot be avoided, outfalls shall be sited and designed to minimize adverse impacts to coastal resources from outfall discharges.

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S-13 Permitted development shall implement appropriate protocols to manage BMPs (including installation and removal, ongoing operation, inspection, maintenance, and staff training), to protect coastal water resources for the life of the development.

S-14 Developments of Water Quality Concern are certain categories of development, identified in the Zoning Code, 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 shall be required to comply with the following additional requirements:

- a) Conduct a polluted runoff and hydrologic site characterization by a qualified licensed professional, early in the development planning and design stage, and document the expected effectiveness of the proposed BMPs.
- b) Size Low Impact Development (LID), Runoff Control, and Treatment Control BMPs to infiltrate, retain, or treat, at a minimum, the runoff produced by the 85<sup>th</sup> percentile 24-hour storm event for volume-based BMPs, or two times the 85<sup>th</sup> percentile 1-hour storm event for flow-based BMPs.
- c) Use an LID approach that gives priority to preventive Site Design strategies to minimize post-development changes in the site's stormwater flow regime, supplemented by structural BMPs to retain on-site (by means of infiltration, evapotranspiration, or harvesting for later on-site use), at a minimum, the runoff produced by the 85<sup>th</sup> percentile 24-hour design storm, to the extent appropriate and feasible.
- d) Conduct an alternatives analysis to demonstrate that there are no appropriate and feasible alternative project designs that would substantially improve runoff retention, if a proposed development will not retain on-site the runoff produced by the 85<sup>th</sup> percentile 24-hour design storm using an LID approach.

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- e) Use a Treatment Control BMP (or suite of BMPs) to remove pollutants of concern from any portion of the runoff produced by the 85<sup>th</sup> percentile 24-hour design storm that will not be retained on-site, or if additional pollutant removal is necessary to protect coastal waters.
- f) If a proposed development will add a net total of more than 15,000 ft<sup>2</sup> of impervious surface area, and any portion of the runoff produced by the 85<sup>th</sup> percentile 24-hour design storm will not be retained on-site, use a structural Runoff Control BMP to minimize adverse post-development changes in the runoff flow regime.

### Renewable Energy/Green House Gas Emission Reduction

S-7 To reduce energy consumption and greenhouse gas emissions, the County of Mendocino should promote the use of building materials in new development in the town that consist of 50% locally produced and/or recycled building materials, (b) require that new development and redevelopment in the Town meet all applicable State of California energy conservation standards, and (c) collaborate with stakeholders in the Town to install, operate, and maintain electric automobile charging stations.

Action S-7.1: The County should consider amending the Building Code to require that new development, redevelopment, and restoration (a) as feasible, utilize local building products and/or recycled building materials, and (b) meet or exceed all applicable State of California energy conservation standards.

Action S-7.2: The Mendocino Historical Review Board should (a) collaborate with other California historical districts, the California Energy Commission, designers and manufacturers of building integrated photovoltaic solar systems, and development applicants to identify and implement a suite of feasible, aesthetically and structurally compatible, alternative energy systems in historic buildings and structures.

**Action S-7.3:** The County shall partner with vendors to create, maintain, post on the Planning and Building Services Department website, and otherwise distribute a list of local vendors that produce or offer for sale recycled building materials.

### **~~COASTAL ELEMENT POLICIES: PUBLIC FACILITIES~~**

#### **4.7. Public Facilities**

~~4.13-23 Previous Policy 4.13-17(1) (November 5, 1985) requested that the centrally located vacant parcel known then as the "Heider Lot" now known as "Heider Field", be acquired by a public agency or nonprofit agency. This acquisition has been accomplished (1987) through special legislation that allowed a trade of parcels between State Parks and Recreation and the Mendocino Presbyterian Church. A rezoning of the Heider Field to Open Space and a rezoning of the exchange parcel south of the Presbyterian Church have been effected, subject to the following criteria:~~

**PF-1** Significant public open spaces provided in the Town by Mendocino Headlands State Park, Heider Field, Memorial Triangle, Friendship Park and Little League Field, and the area within Grindle Park not required for critical Mendocino Fire Protection District/Mendocino Volunteer Fire Department facilities, and ~~key~~ significant public views and public vistas shall be preserved as part of the Town's unique character.

**Action PF-1.1:** ~~[1]~~ Construction of any structure upon that portion of Assessor's Parcel Number 119-250-24, conveyed by State Parks to the Mendocino Presbyterian Church, shall be compatible with the character and use of Mendocino Headlands State Park in consultation with the State Historic Preservation Officer. Any improvements made, including landscape screening, shall not obscure visibility of any portion of the Church sanctuary from State Highway One or Brewery Gulch Drive. Any improvements made shall also be in conformance with all local ordinances pertaining to the Historic District.

**Action PF-1.2:** ~~[2]~~ Public pedestrian access via the 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



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Parcel Number 119-250- 24, conveyed by State Parks and Recreation to the Mendocino Presbyterian Church and designated PF by Mendocino Coastal Plan Amendment 2-87. An alternative access way will be identified at the time of development and should that development include a parking area, vehicular access and parking by the public shall be granted upon the property, except during regular church services and after dusk.

**Action PF-1.3:** New public facilities ~~and all other development~~ on the Mendocino City Community Services District parcel between Palette Drive and Highway 1, and on the Grindle Park parcel for which the Mendocino Fire District is the trustee, shall avoid or mitigate all potentially significant effects on coastal resources to below a level of significance, including, as applicable, through ~~(a)~~ on-site screening with a native vegetation buffer in relation to Highway 1 and any adjacent County road, ~~(b)~~ avoidance or full mitigation of any unavoidable potentially significant effect from development on the environment, including, but not limited to, coastal resources, ~~and~~ ~~(c)~~ utilization of exterior finishes in any structure that conform to and protect the historical Town character.

**Action PF-1.4:** The Mendocino Town Plan Land Use Map (Figure 4.13-3) shall designate (a) Mendocino Headlands State Park and other publicly owned open space, exclusive of the areas referenced in Action PF-1.3, in the Town as within the “Open Space” Land Use Classification, ~~(b) the Highway 1 right-of-way as a part of the “Public Facilities” Land Use Classification,~~ and ~~(c)~~ public streets, roads, and alleys in the Town as within their respective adjacent Land Use Classification.

**PF-2.** The County encourages and supports arts education offerings in the Town and its schools, including through the performance or display of art, and the presence of artists, from many diverse cultures. [CHANGE TO ADVISORY GOAL OR MEASURE.]

~~**Action PF-2.1:** The Mendocino Town Zoning Code shall be amended to classify the Mendocino Art Center as an Art Center within the Civic Use Type Classification of the Public Facility Zoning District.~~

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~~Action PF-2.2: Mendocino Town Zoning Code Chapter 20.668 shall be amended to list “Art Center” as an additional conditional use within the Public Facilities Zoning District.~~

PF-3. The State of California has acquired the former lumber company parcel within the Town that fronts on Big River, east of the Highway 1 bridge, as an addition to Mendocino Headlands State Park for open space, public recreation, and resource conservation.

Action PF-3.1: The Mendocino Town Local Coastal Program redesignates and rezones, for Coastal Act purposes, the parcels identified as Mendocino County Assessor’s Parcel Numbers 119-280-10, 119-280-11, 119-290-04, and 119-440-11, owned by the State of California, from the Forest Lands land use and zoning classification to the Open Space land use and zoning classification.

PF-4. The Mendocino City Community Services District, which provides critical community-wide public service benefits, has acquired the parcel at 10705 Palette Drive, identified as Assessor’s Parcel Number 119-140-31 by eminent domain for future development and use with ancillary facilities that support the Community Services District’s public agency mission, and thereby extinguished a prior easement recorded against the property.

Action PF-4.1: In recognition of the public agency acquisition and extinguished easement, Town Local Coastal Program designates and zones, for Coastal Act purposes, the 1.8 acre parcel identified as Mendocino County Assessor’s Parcel Number 119-140-31, owned by the Mendocino City Community Services District, from the Open Space land use district and zoning district classification to the Public Facility land use district and zoning district classification; provided that ~~the easterly 20 feet of this parcel that adjoin the Highway 1 right-of-way shall be set aside by the Community Services District for~~ (a) new development shall be sited and designed to minimize the number of structures and shall cluster all new development with existing structures rather than siting development within open areas, and (b) regionally native vegetation landscaping ~~that shall substantially screen any future development on the remainder of the parcel~~ from the public view of travelers on Highway 1.

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PF-5 The Mendocino Fire Protection District, which provides critical community-wide public service benefits in the Town of Mendocino, holds the parcel at 44700 Little Lake Road in trust. That parcel contains the Mendocino Fire Protection District/Mendocino Volunteer Fire Department's headquarters-fire station, Grindle Park, and the potential future site of a water tank that is part of the Department's functional planning for fire safety services to minimize risk to life and property in areas with high structural and wildland fire danger in and adjacent to the special historical community that is the Town of Mendocino.

Action PF-5.1: ~~The Mendocino Town Local Coastal Program redesignates and rezones, for Coastal Act purposes, the parcel at 44700 Little Lake Road, identified as Mendocino County Assessor's Parcel Number 119-090-07, from the Open Space Land Use District and Open Space Zoning District classification to the Public Facility Land Use District and Public Facility Zoning District classification; provided that (a) Future development of the parcel at 44700 Little Lake Road, identified as Mendocino County Assessor's Parcel Number 119-090-07 by the Fire District/Department on the parcel shall (a) be consistent with the conservation and development and all other policies and standards of the Town Local Coastal Program, and (b) be limited to a water tank and associated facilities; (c) utilize the minimum area in Grindle Park necessary to install such a water tank and associated facilities, and (d) ensure development associated with any services extensions, including but not limited to equipment and infrastructure to support a water storage tank for fire-fighting services, shall be undertaken in a manner (such as by selection of service extension alignment and/or horizontal directional drilling) that avoids encroachment into environmentally sensitive habitat areas and prevents impacts which would significantly degrade land adjacent to environmentally sensitive habitat areas.~~

PF-6 The County's street addressing system should be standardized to facilitate emergency service response. [CHANGE TO ADVISORY GOAL OR MEASURE.]

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Action PF-6.1: (a) Street address numbers shall be clearly displayed on the street side or sides of each commercial, residential, or other building in Town, consistent with applicable design guidelines to protect community character.

(b) Where a building or other structure may be accessed by a street or alley other than the main address for the building or other structure, the street address number shall be clearly displayed on each side of the building or structure that fronts on such other street or alley. The street address number on each building or structure shall (1) have a minimum size of six (6) by six (6) inches, and (2) consist of an internally or externally illuminated sign with a minimum luminance of 5 foot-candles. In all cases, addresses shall be readily identifiable from the nearest fire apparatus access road servicing the building.

PF-7 The County supports the cooperative redevelopment of the historical “Carriage House” (located at 45035 Main St., on Assessor’s Parcel Number 119-240-01) in Mendocino Headlands State Park for use by the County Sheriff as the Sheriff’s Substation in the Town of Mendocino, to benefit public safety for this special community, its residents, property owners, historic structures, coastal resources, and visitors. [CHANGE TO ADVISORY GOAL OR MEASURE.]

Action PF-7.1: The ~~Mendocino Town Open Space land use classification and zoning classification shall be clarified to specifically add “Public Safety Facility” as an additional principal permitted use within the existing Carriage House in Mendocino Headlands State Park; provided, that the~~ Mendocino Historical Review Board shall (1) review the exterior of the proposed redevelopment of the Carriage House for conformity with the Mendocino Historic District Preservation Ordinance to substantially maintain the historical appearance of the structure, and (2) recommend feasible mitigation for screening of any public safety equipment that the facility requires to function.

4.13-24 A public agency or private nonprofit agency, in that order, shall be requested to acquire the former Middle School (44800 Pine Street), owned by the Mendocino Unified School District and currently leased to Mendocino Coast Parks and Recreation, for permanent community use.

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**PF-8** The County, another public agency, or a qualified non-profit organization should acquire, in fee or less than fee interest, the privately owned memorial triangle at the intersection of Main and Lansing Streets (Assessor's Parcel Number 119-250-07). [CHANGE TO ADVISORY GOAL OR MEASURE.]

~~4.13-25 To ensure preservation, in perpetuity, of the Memorial Triangle, privately owned and a portion of Assessor's Parcel Number 119-250-07, the County, other public agency or private nonprofit association should acquire, through outright purchase or an easement given in perpetuity, this small area and preserve it as Open Space, Memorial Site, in perpetuity.~~

~~4.13-26 The plan amendment now defines Vacation Home Rental as a Visitor Serving Accommodation and limits the number to a ratio of one Vacation Home Rental (or Single Unit Rental) to thirteen residential units.~~

~~4.13-27 Because Mendocino is a registered historic district, categorical exemptions within the California Environmental Quality Act shall not apply unless it can be clearly demonstrated that there is no potential for adverse impact. The County shall amend the County's California Environmental Quality Act (CEQA) Guidelines to provide specificity for the Town of Mendocino.~~

**PF-9** Permitted and existing public stormwater drainage facilities in the Town shall be designed, constructed, and maintained to (a) be consistent with Section 4.6, (b) avoid discharge of water to ground where it may result in landform instability, and (c) be screened or otherwise covered to avoid unsafe conditions.

### **4.8. Public Access and Recreation**

Section 4.78, the Public Access Chapter of the Mendocino Town Zoning Code, the Mendocino Town Public Access Map (Figure 4.13-6), the detailed Public Access Maps (Appendix 5), and the parts of the Mendocino Town Land Use Map that depict Highway 1, public roads, streets, and

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alleys, Mendocino Headlands State Park, passive and active local parks, and recreation facilities constitutes the specific Public Access Component of the Town of Mendocino Local Coastal Program.

**PAR-1** Maximum public access to and along the coast and public recreational ~~areas in the Town~~ opportunities shall be provided, consistent with public safety, private and public rights, and the protection of natural, ~~historical, and community~~ resource areas in the Town from overuse.

**Action PAR 1.1:** The Mendocino Town Public Access Map ([\] Figure 4.13-6) and detailed Public Access Maps ([\] Appendix 5) depict, within the Town, the extensive network of vehicular and pedestrian public access ways that contribute substantially to the Town’s special community character. ~~The maps are illustrative and do not necessarily include all areas that provide public access to the coast. The maps shall be interpreted consistent with the text of the policies of the Mendocino Town Plan and the standards of the Public Access Chapter of the Mendocino Town Zoning Code. Featured public access ways include:~~ (1) State Highway 1, including the northerly part of the Big River highway bridge, which serve as the major transportation link of the Town with population centers in the San Francisco Bay Area, the Central Valley, and California further to the south and east; (2) the Lansing Street, Little Lake Street, Ukiah Street, and Main Street primary vehicular, bicycle, and pedestrian access ways from Highway 1 into the historic Town and to Mendocino Headlands State Park; (3) Heeser Drive, which extends through the State Park between Lansing Street and Little Lake Street; (4) east-west and north-south streets that provide pedestrian and vehicular access to the State Park, other open space areas, visitor-serving facilities, and the historical buildings and structures in the Town; (5) paths, trails, and upland public access/recreational support facilities (Ford House Visitor Center, older improved and unimproved parking, lavatories), (6) the Big River beaches east and west of the Highway 1 Bridge, and (7) the sandy pocket beaches that occur between it and the north end of Mendocino, where the blue line “Slaughterhouse Gulch” stream discharges to Agate Beach.

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(a) The Mendocino Town Plan proposes coordinated completion of the continuous California Coastal Trail (CCT) at Mendocino through braided pedestrian and bicycle segments that extend on the seaward side of Big River Bridge and Highway 1, along the south side of Main Street and the Mendocino Bay headlands, follow the Pacific Ocean side of Heeser Drive to upper Lansing Street, past Agate Beach, and to the intersection with Highway to the north. A second segment, from Main Street east to the Big River Beaches and beneath the Highway 1 Bridge, connects with the old logging road in the expansion area of Mendocino Headlands State Park, then heads inland along the north bank of Big River. A third segment may consist of a through bicycle path along the Highway 1 right-of-way.

(b) Low stature or in-ground way markers, signage, and environmental educational information should be provided and maintained, including through electronic messaging, consistent with the history of Mendocino Headlands State Park, the historical character of the Town, and coastal resource protection.

(c) The County and State Parks should cooperatively monitor ~~and maintain~~ the stability of the segment of northeasterly Heeser Drive **and ensure continuous public access** inside and adjacent to Mendocino Headlands State Park, where landform destabilization has occurred adjacent to the upper coastal bluff. **Provide for the eventual inland relocation of the road and the trail as necessary.**

(d) **The County shall encourage** State Parks ~~should to~~ evaluate the condition of coastal trails, paths, and upland support facilities where they are located above or near areas of active shoreline erosion, including, but not limited to, caving and landsliding, and relocate such trail or path segments landward to stable areas.

(e) Relocated coastal trails, paths, and upland support facilities shall be consistent with the coastal resource protection standards of the Mendocino Town Local Coastal Program.



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(f) Pedestrian day use of Mendocino Headlands State Park shall remain ~~without cost~~ free to the ~~economically and socially diverse recreational~~ public.

**Action PAR 1.2:** ~~(a)~~ Continuous lateral public recreational access for pedestrians, bicyclists, and motorists shall be maintained (1) within and/or adjacent to Mendocino Headlands State Park, (2) from Mendocino Headlands State Park to the north, east, and south of the Town along Lansing Street (former Highway 1), Heeser Drive, and Big River Road; (2) the designated east-west coastal access routes in Town along Main Street, Little Lake Street, and Ukiah Street, (3) on the Highway 1 bridge over Big River, and (4) over the Slaughterhouse Gulch drainage. ~~(b)~~ Continuous lateral public recreational access shall also be maintained from Highway 1 along Big River Road, the Big River Flat east of Highway 1, and the Big River Estuary Beach west of Highway 1 to Main Street.

(a) ~~The County, in~~ coordination with the ~~County and the~~ California Department of Parks and Recreation, shall encourage the California Department of Transportation (District 1) ~~should to~~ identify and improve a safe pedestrian crossing or **undercrossing** of Highway 1 between the areas of Mendocino Headlands State Park east and west of Highway 1, ~~or in the alternative fund completion of a~~ **Completion of a** coastal resource-protective pedestrian and bicycle trail between the beach at Big River Flats, east of Highway 1, and Main Street near the Mendocino Headlands State Park Ford House Museum and Visitor Center **is a priority to complete inland links to the Coastal Trail.**

(b) ~~The County, in~~ coordination with the ~~County and the~~ California Department of Parks and Recreation, shall encourage the California Department of Transportation (District 1) ~~should to~~ identify, improve, and maintain a safe pedestrian and bicycle crossing of the Highway 1 bridge over Big River.

(c) Any upgrade, retrofit, repair, or replacement of the Highway 1 bridge over Big River shall, to the maximum extent feasible, maintain two-way traffic on it. **[CHANGE TO ADVISORY GOAL OR MEASURE.]**



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(d) Any replacement of the Highway 1 bridge shall comply with the conservation, development, historic preservation, ~~and~~ public access, ~~and all other policies and~~ standards of the Mendocino Town Local Coastal Program.

**Action PAR 1.3:** Way-finding signage to and along public access ways shall (1) harmonize with the historic character of the Town, (2) be located to avoid visual clutter, and (3) where located on the seaward side of Highway 1, Lansing Street, Heeler Drive, or Main Street, avoid intrusion to the maximum extent feasible into public views to and along the sea.

**PAR-2** Public access and public recreational support facilities, including, but not limited to roads, trails, paths, parking, lavatories, and other use areas within designated public Open Space areas, shall be:

(a) located to mitigate against potentially significant impacts from overcrowding or overuse by the public of any single area;

(b) attractively designed, constructed, and maintained to be accessible by all the people, including, but not limited to, persons with disabilities, and conform, to the maximum feasible extent, to [\] Mendocino Town Zoning Code Chapter 20.760 and to the [\] Mendocino Historic Review Board Design Guidelines; and,

(c) implemented to (1) provide a continuous walking and hiking trail or path in proximity to the coastal bluff edge, consistent with public safety and coastal resource protection, (2) include alternative trail or path segments, where feasible, to facilitate a variety of non-motorized public access opportunities, (3) establish or restore vertical (seaward) linkages from lateral coastal trails or paths to trailheads, vista points, and parking areas in Mendocino Headlands State Park and to the shoreline at Agate Beach, (4) avoid the interruption of ocean views and scenic coastal vistas from the first continuous public road or street by locating new parking or other upland recreational support facilities on the inland side of such road or street, where feasible, and (5) provide for cultural, environmental, and historic educational and interpretive information through minimized structures

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and other facilities that harmonize with the historic character and open space preservation of the Mendocino Headlands.

(d) All trail or path segments that comply with the Americans with Disabilities Act, as amended, should be clearly indicated.

(e) Way finding markers for the California Coastal Trail in the Town should utilize the adopted Coastal Conservancy trail emblem (Figure 4.13-7); provided that the emblem may (1) be part of a sign or structure, (2) be embedded in a sidewalk, path, trail, or in pavement, and (3) shall be displayed consistent with the requirements of the Town Local Coastal Program and Mendocino Historic Review Board Design Guidelines.

**PAR-3** The Big River beach and pocket beaches on Mendocino Bay and along the Pacific Ocean shoreline of the Town, all of which are owned by the State of California and ~~constitute the coastal areas within the Town boundaries that~~ are suited for water-oriented recreation, shall be protected for such uses, including, but not limited, for, their continued sustainable public accessibility, water quality, and beach sand supply.

~~**Action PAR 3.1:** Structures necessary for the public health and safety shall be permitted to continue, or be replaced, as necessary, on the Town beaches; provided that (a) the location of such structures minimizes their potential adverse effect on coastal resources and the environment, and (b) such structures occupy the minimum feasible area.~~

**Action PAR 3.2:** The County, in cooperation with the California Department of Parks and Recreation, the State Coastal Conservancy, and other partners, should at the earliest feasible time acquire, from willing sellers, the shoreline lots in private ownership that are located west of Lansing Street and north of Heeser Drive, for inclusion in Mendocino Headlands State Park. [CHANGE TO ADVISORY GOAL OR MEASURE.]

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PAR-4 Consistent with Coastal Act Section 30221, the certified Town Local Coastal Program reserves upland areas in the Town, inland of Mendocino Headland State Park, that support coastal recreation. These upland areas include, but are not limited to, the Highway 1 right-of-way, ~~existing and planned future Mendocino Fire Protection District public safety facilities, existing and planned future Mendocino City Community Service District facilities,~~ and County road and street rights-of-way that connect the State Park with other areas of the coastal zone, ~~Mendocino-Fort Bragg market area,~~ the County, State, and United States, ~~and all other parcels designated and zoned for Public Facilities or Open Space for the land use types listed in Section 5.~~

(a) Any abandonment, closure, or conversion of any public right-of-way in the Town shall require, ~~as applicable,~~ approval by the County of a coastal development permit, ~~or and as applicable,~~ an application to the County for an amendment of the certified Town Local Coastal Program.

PAR-5 Consistent with Coastal Act Section 30224, **the County shall encourage** the California Department of Parks and Recreation ~~should to~~ provide a public small boat launching facility and upland support facilities, including, but not limited to, sustainable parking and lavatories, at Big River Flats within the Town, east of the Highway 1 Bridge.

PAR-6 As required by Coastal Act Section 30211, development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

PAR-7 As required by Coastal Action Section 30212.5, wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.

PAR-8 As required by Coastal Action Section 30213, lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred. The Commission shall not: (1) require that overnight room rentals be fixed at an amount certain for any privately owned and operated hotel, motel, or other

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similar visitor-serving facility located on either public or private lands; or (2) establish or approve any method for the identification of low or moderate income persons for the purpose of determining eligibility for overnight room rentals in any such facilities.

### 4.9. Conservation

CNS-1 Consistent with Coastal Act Section 30231, (a) design and implementation of the stormwater management system required by Section 4.56 shall, to the maximum feasible extent, restore and maintain the natural (pre-development) hydrology of the Town, and (b) existing, restored, rehabilitated, and new development shall, to the maximum feasible extent, utilize **retained stormwater or** reclaimed water from the Mendocino City Community Services District for all non-potable water uses.

CNS-2 ~~Consistent with Coastal Act Section 30232, t~~The Board of Supervisors requests the California Office of Spill Prevention and Response, ~~and the United States Coast Guard, and the California Coastal Commission~~ to demonstrate, within the first year following Coastal Commission certification of the updated Mendocino Town Local Coastal Program and thereafter at five (5) year intervals that effective protection exists against the spillage of crude oil, gas, petroleum product and, or hazardous substance volumes that are transported through the Town or offshore. **[CHANGE TO ADVISORY GOAL OR MEASURE.]**

CNS-3 The diking, filling, dredging, or excavation of any wetland, ~~stream, or estuary or open coastal water~~ in the Town shall be permitted **in accordance with all other applicable provisions of this plan, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:**

(l) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.

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(2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.

(3) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.

(4) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.

(5) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.

(6) Restoration purposes.

(7) Nature study, aquaculture, or similar resource dependent activities, only where the development would (a) maintain, enhance, or restore marine resources; (b) maintain, or restore, the biological productivity and quality of coastal waters, streams or wetlands appropriate to maintain optimum populations of marine organisms and for the protection of human health; (c) for incidental public purposes, restoration, or resource-dependent activities; and (d) where there is no feasible less environmentally damaging alternative and all feasible mitigation measures have been incorporated in the project to reduce any potential adverse environmental effects below a level of significance.

CNS-4 Consistent with Coastal Act Section 30234.5, the Mendocino Town Local Coastal Program recognizes the economic, commercial, and recreational importance of sustainable fishing activities along, as well as offshore, the Town shoreline and supports their protection.

Action CNS-4.1: The Board of Supervisors requests the California Department of Fish and Wildlife, Coastal Commission, and the Office for Coastal Management in the National Oceanographic and Atmospheric Administration to determine the status, pursuant to Public Resources Code Section 30234.5 (a part of the federally approved California Coastal Management Program), of the limitations on fishing in the Big River Estuary immediately adjacent to the Town shoreline provided by **The Big River Estuary is a designated Marine Protected Area with State**

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Marine Conservation Area (SMCA) status that is limited to certain geographic boundaries and authorized activities as specified in Title 14, California Code of Regulations Section 632(b)(4)(25). To avoid take of all living marine resources within the Big River Estuary SMCA, California Department of Fish and Wildlife should be contacted regarding any questions pertaining to current regulations. [CHANGE TO ADVISORY GOAL OR MEASURE.]

Action CNS-4.2: The California Department of Fish and Wildlife and the California Department of Parks and Recreation should, (a) in consultation with and subject to approval by the Mendocino Historical Review Board, and (b) pursuant to approval of a coastal development permit, erect and maintain low stature signage along or near the shoreline of the Pacific Ocean, Mendocino Bay, and Big River to clearly advise the diverse public of the Marine Protection Area limitations on fishing in these areas pursuant to Title 14, California Code of Regulations Section 632(b)(4)(25), at such time as when it may be incorporated into the federally approved California Coastal Management Program. Mendocino Town Plan Appendix 3 contains a copy of these regulations, as of the date of adoption of the Town LCP Update by the Board of Supervisors, for public informational purposes only. [CHANGE TO ADVISORY GOAL OR MEASURE.]

CNS-5 Consistent with Coastal Act Section 30235, development that alters natural littoral processes along the Town shoreline shall be permitted only when (1) required to (a) serve coastal-dependent uses, or (b) to protect existing structures or public beaches in danger from erosion, and (2) when such development is designed, constructed, and implemented, including, but not limited to, through monitoring and reporting to the County during the economic life of the development, to eliminate or mitigate any significant adverse impacts on local shoreline sand supply to below a level of significance.

CNS-6 Consistent with Coastal Act Sections 30231 and Town Plan Policy S-1, and Coastal Act Section 30236, (a) the biological productivity and the quality of coastal waters, streams, wetlands, and estuaries shall be maintained and, where feasible, restored, and (b) substantial alteration of the natural conditions of any blue-line stream within the Town shall incorporate

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the best mitigation measures feasible, and be limited to (1) necessary water supply projects, (2) flood control projects where no other method for protecting existing structures in the flood plain is feasible and where such protection is necessary for public safety or to protect existing development, or (3) developments where the primary function is the improvement of fish and wildlife habitat, ~~be permitted only when required to serve coastal dependent uses or protect existing structures or public beaches in danger from erosion, and designed to eliminate or mitigate adverse impacts on local shoreline sand supply, water quality, or biological resources; and (b) existing structures in any blue-line stream within the Town that result in adverse impacts to local shoreline sand supply, water quality, or biological resources shall be removed or enhanced.~~

CNS-7 (a) Environmentally sensitive habitat areas, as defined in Mendocino Town Plan Section 2.28, shall be protected against any significant disruption of habitat values. (b) Only uses ~~that require a location in an~~ dependent on environmentally sensitive habitat area ~~resources to be able to function at all~~, and for which there is no less environmentally damaging location, shall be allowed ~~within such those areas.~~

(c) Development in areas adjacent to (1) an environmentally sensitive habitat area, (2) Mendocino Headlands State Park, or (3) other public parks and public recreation areas in the Town shall be sited and designed to avoid any significant adverse impacts that would significantly degrade those areas, and shall be compatible with the continuance of such habitat and recreation areas.

CNS-8 The long-term productivity of soils in the Town shall be protected.

**Action CNS-8.1:** In recognition that opportunities for locally grown food constitute an important community amenity, the Mendocino Town Local Coastal Program shall allow sustainable light agricultural uses, as defined in Section 2.36, and community gardens, as defined in Section 2.15, that are consistent with the protection of public health and safety, and of coastal resources.



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Action CNS-8.2: ~~The County shall clarify the Mendocino Town Zoning Code to allow for~~ (a) ~~e~~ Community gardens ~~as are~~ a ~~principal~~ permitted use in any land use and zoning classification of the Town, provided they shall be operated in a manner that prevents negative impacts including, but not limited to, excessive noise, odors, trash, or pests, ~~and~~ (b) ~~s~~ Sustainable light agriculture ~~is a~~ **permitted use** in the Rural Residential Land Use Classifications and Zoning Districts.

Action CNS 8-3: As part of Mendocino Headlands State Park natural resource and upland support facility restoration, relict lumber yard concrete decking in the State Park shall be removed and the terrain shall be restored to its predevelopment condition.

CNS-9 Where development may have a direct, indirect, or cumulative impact on archaeological or paleontological resources, including, but not limited to, as identified by the County or the State Historic Preservation Officer, mitigation measures, consistent with all applicable California and federal laws and regulations, shall be required as a condition of County approval of any application for development or for work that is subject to Mendocino Historical Review Board review. The project applicant shall **be responsible for retaining a registered professional archaeologist to** provide any required **archaeological** investigation monitoring.

CNS-10 New development in the Town shall be sited and designed to (1) protect significant public views (a) to and along the ocean from the coastal bluff top, Mendocino Headlands State Park, and from the first road or street that parallels the sea, and (b) of scenic coastal areas, (2) minimize the alteration of natural land forms, (3) be visually compatible with the character of the Town, and (4) where feasible, restore and enhance visual quality in visually degraded areas of the Town.

Action CNS-10.1: The Mendocino Historic Review Board Design Guidelines shall be amended to incorporate the protection of designated open space features, existing significant public views, and existing public vistas identified during the Mendocino Historical Review Board design review process.



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**Action CNS-10.2:** To further implement the Open Space land use designations on the Mendocino Town Land Use Map (Figure 4.13-3), an illustrative “Open Space” exhibit, consistent with the provisions of the certified Mendocino Town Local Coastal Program and subject to review and approval by the Board of Supervisors **and certification by the Coastal Commission**, should be included in the Mendocino Historical Review Board Design Guidelines to identify significant public open spaces, public views, and public vistas in the Town. **[CHANGE TO ADVISORY GOAL OR MEASURE.]**

**Action CNS-10.3:** Consistent with the requirements for mitigation of potentially significant impacts from development on public health and safety, the environment, and coastal resources, implementation of the Mendocino Town Plan through the development regulatory procedures set forth in it and the Mendocino Town Zoning Code may require reasonable conditions on the approval of new development or redevelopment in the Town to avoid, or mitigate, potentially significant adverse effects of the development on (a) public open space, (b) public views from Highway 1 or other public spaces in the Town to and along the sea, (c) on lateral or vertical public access to and along the coast, and (d) on any other protected coastal resources. The Coastal Element for the County jurisdiction in the coastal zone adjacent to the Town identifies other nearby terrestrial public view origination locations from which the public observes the Town.

**Action CNS-10.4:** The exterior of public facility buildings adjacent to the Highway 1 right-of-way shall be (a) located to avoid any ~~substantial impairment~~ **obstruction** of public views from Highway 1 to and along the sea, **(b) sited and designed to minimize the number of structures** **(c) clustered with existing structures rather than siting development within open areas,** ~~(b)~~ **constructed to harmonize with the Town architectural and/or historical character, and** ~~(cc)~~ **if existing screening vegetation does not already occur, be substantially screened for the life of such buildings with regionally native vegetation planted and maintained on any such public facility parcel.**

**CNS-11** Art, music, and other temporary events in the Town constitute part of its special community character, and therefore shall be conducted consistent with the ~~the~~ temporary use regulations of Mendocino Town Zoning Code Chapter 20.708.

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**CNS-12** Visitor Serving Facilities and temporary events in all Town land use and zoning districts shall follow the exterior noise limit standards set forth 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.

**CNS-13** The installation of solar energy systems in the Town shall be consistent with the Mendocino ~~County Town LCP Zoning Code~~, the Mendocino Historic Review Board Design Guidelines, and applicable State law. Photovoltaic systems that are integrated into and harmonious with building design and construction, or generally not visible from public streets or designated open space, shall be preferred.

### **4.10. Mendocino Town Plan Administration**

**TPA-1** (a) Any person, as defined in Section 2.60, who proposes to undertake any development, as defined in Mendocino Town Plan Section 2.24, shall obtain a coastal development permit from the County, **or an amendment to an existing coastal development permit from the approving authority.**

(b) Where a development is specifically excluded or exempted from this requirement, such person shall obtain a certificate of coastal development permit exclusion or exemption from the County.

(c) The provisions of Mendocino ~~County Town Zoning Code Chapter 20.736216~~, Enforcement, ~~Legal Procedures, and Penalties~~ shall apply in the Town.

**TPA-2** Verified notice shall be provided of every application for, public hearing on, and potential County action regarding (a) a coastal development permit, and (b) a coastal development permit exclusion or exemption by (1) posting ~~of at~~ the site in a conspicuous location, (2) first class mail, electronic mail, or personal delivery to all property owners and residents within 300 feet of the

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perimeter of the Assessor's parcel on which the development is located, excluding any public right-of-way, (3) first class mail, electronic mail, or personal delivery to any person who has in writing has requested notice, **(4) first class mail to the Coastal Commission**, and ~~(45)~~ posting on the Planning and Building Department web site for pending projects.

**TPA-3** Consistent with [N] Public Resources Code Section 30006, the requirements for verified notice for any application to, public hearing by, or potential action by the Mendocino Historical Review Board pursuant to the Mendocino Historic Preservation District Ordinance shall be (a) conspicuously posted on (1) the lot ~~(parcel)~~ for which the application is made, (2) on at least two other public places in Town, (3) on the Planning and Building Services Department web site, (b) 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, **(c) mailed by first class mail to the Coastal Commission**, and ~~(ed)~~ mailed to any person who has requested notice in writing to the Mendocino Historical Review Board or Planning and Building Services Department; provided, that delivery of such notices may be made by other means that reasonably assure that the required noticing is achieved.

**TPA-4** The **certified** Mendocino Town Zoning Ordinance ~~shall~~ incorporates and ~~carries~~ out the implementation regulations for **the** certified **Town** Local Coastal Program provided at Title 14, California Code of Regulation Section 13500 et seq.

**TPA-5** Pursuant to [N] Public Resources Code Section 30603(a), County actions on applications for coastal development permits are appealable to the Coastal Commission ~~where the Mendocino Town Local Coastal Program identifies the~~ for only the following types of developments: ~~as (a) a conditionally permitted use, (b) a major public works project or a major energy facility, and (c) a principal permitted use that is located in one or more of the following geographic areas:~~

(1) Developments approved by the County between the ~~the~~ sea and the ~~the~~ first public road paralleling the sea or within 300 feet of the inland extent of any ~~the~~ beach or of the ~~the~~ mean high tideline of the sea where there is no beach, whichever is the greater distance.

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(2) Developments approved by the County not included within paragraph (1) that are located on tidelands, submerged lands, public trust lands, within 100 feet of any ~~AV~~ wetland, ~~AV~~ estuary, or ~~AV~~ stream, or within 300 feet of the top of the seaward face of any ~~AV~~ coastal bluff.

(3) Any development approved by the County that is not designated as the principal permitted use under the zoning ordinance or zoning district map approved pursuant to Chapter 6 (commencing with Section 30500) of the Coastal Act.

(4) Any development which constitutes a major public works project or a major energy facility.

TPA-6 Consistent with Public Resources Code Section 30514(a), the certified Mendocino Town Local Coastal Program, including the Mendocino Town Plan, Mendocino Town Land Use Map, Mendocino Town Zoning Ordinance, and Mendocino Town Zoning Map, may be amended by the Board of Supervisors, but no such amendment shall take effect until it has been certified by the Coastal Commission pursuant to the Coastal Act.

TPA-7 Consistent with the objective in Coastal Act Section 30006 ~~to maximize public understanding of, and that the continuing planning and implementation of programs for coastal conservation and development should include the widest opportunities~~ for public participation; ~~in, the implementation of the Town Local Coastal Program,~~ (a) any required public hearing by the Coastal Permit Administrator on an application for a coastal development permit pursuant to the Mendocino Town Local Coastal Program should be held in the Town, whenever possible, and (b) the County should provide that all meetings of the County Planning Commission and the Mendocino Historical Review Board that involve implementation of the Mendocino Town Local Coastal program may be viewed online (be web-cast).

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### **SECTION 5. MENDOCINO TOWN LAND USE CLASSIFICATIONS**

Land Use Classifications ~~classifications~~ include several categories applicable only ~~to~~within the Town of Mendocino, as well as some that are common to the entire Mendocino County Coastal Element. In addition to minimum ~~new~~-parcel sizes, some Mendocino Town land use classifications specify both lot site coverage (the proportion of the lot site covered by buildings and other structures, as defined in Mendocino Town Plan Section 2.75) and floor area ratio (total floor area in relation to lot area). The Town's land use classifications are shown in their respective land use districts in Figure 4.13-3: Town of Mendocino Land Use Map.

The Town of Mendocino Land Use ~~Districts~~ **Classifications** consist of the following:

- Open Space (Land Use Map Code: OS)
- Rural Residential (Land Use Map Code: RR-1, and RR-2)
- Suburban Residential (Land Use Map Code: SR20,000)
- Residential Planned Unit Development (Land Use Map Code: RR-2-PD)
- Town Residential (Land Use Map Code: R+)
- Multiple Family Residential (Land Use Map Code: RM)
- Mixed Use (Land Use Map Code: MU)
- Public Facility (Land Use Map Code: PF)
- Commercial (Land Use Map Code: C)
- ~~Forest Lands (Land Use Code: FL)~~

~~In each~~ Each land use classification lists; the principal permitted uses, permitted uses, and, as applicable conditional uses ~~are listed~~.

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Uses listed as the principal permitted uses and permitted uses within any Land Use

Classification may require coastal development permit approval and/or review by the Mendocino Historical Review Board, ~~and Coastal development permits for development involving the principal permitted use~~ may also be appealable to the Coastal Commission, depending on, among other things, their location in relation to a wetland, stream, coastal bluff, or if they are located between the first road and the sea, and as further provided in Public Resources Code Section 30603(a) and discussed in Section 1 of the Town Plan. Coastal development permits for permitted uses are appealable to the Coastal Commission wherever they are located.

Uses listed as conditional uses may also require coastal development permit approval, and/or review by the Mendocino Historical Review Board, depending on their location. ~~are those requiring Conditional uses require additional some form of review, such as a conditional use permit or site specific review to assure compliance with specific Coastal Element and zoning ordinance Town Plan policies or actions and Mendocino Town Zoning Code criteria, and are appealable to the Coastal Commission wherever they are located. Permits for principal permitted uses will be subject to appeal to the Coastal Commission only in appealable areas; conditional uses will be subject to appeal anywhere.~~

~~Both principal and conditional permitted uses will require any necessary coastal development permit, and, at a minimum, building permit review, which pursuant to the certified Mendocino Town Local Coastal Program requires demonstration of adequate sustainable groundwater supply, a wastewater connection permit, and conformance with the current County Building Code (Mendocino County Code, Title 17).~~

The ~~plan's~~ intent statements of the Mendocino Town Plan Land Use Classifications (a) describe the way use classifications are applied on the Mendocino Town Land Use Map Maps and (b) will guide preparation of specific Mendocino Town zoning regulations and the Mendocino Town Zoning Map zoning map. Legal nonconforming lots (parcels) existing that (1) exist on the date of adoption of the plan by the County certification of the Mendocino Town LCP by the Coastal Commission that and (2) are smaller than the permitted minimum size will be developable for

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principal permitted uses and conditional uses, subject to the same limitations as lots (parcels) that meet minimum size standards. Existing legal uses on legal lots that are smaller than the stated permitted minimum size, where all required state and local permits have been approved for such uses, similarly will also be considered to be legal nonconforming uses. The Mendocino Town zoning regulations will assure the right of such uses to continu~~ance~~ ~~and expansion~~ consistent with ~~town plan~~ Mendocino Town Plan policies, as well as their right to replacement if destroyed by disaster.

### **OPEN SPACE**

#### **5.1. Open Space - Map Code: OS**

**Intent:** This land use classification is intended to be applied to (1) lands held in public ownership for recreational use, ~~and to~~ (2) lands most valuable in their undeveloped natural state, such as those lands which contain rare and endangered species and habitat, riparian vegetation zones, sites of historic or archaeological significance, or public scenic areas, (3) lands ~~or~~ which, because of their value, have been dedicated under Government Code Sections 51050 or 51080 as privately owned open space to a public or nonprofit organization that qualifies under Internal Revenue Code Section 501(c)(3), or (4) an easements that have been dedicated by owner(s) of private property to a public agency or non-profit organization, or been reserved by deed restriction, for which ensures the retention of land in open space.

**Principal Permitted Use:** (1) Land to remain predominantly in its natural or restored condition with the minimum amount of development necessary to support restoration and preservation; and (2) leisure activities that do not constitutes “development” as defined in section 20.608.023(E) and do not require permits pursuant to the Mendocino Town Zoning Code.

**Principal Permitted Uses:** ~~Passive recreation; renovation of historic structures Less than 1,000 square feet); portable recreational support facilities; landscape conservation, restoration;~~



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~~and preservation, (Less than 1,000 square feet); sustainable grazing; mowing pursuant to an approved management plan; community gardens; low stature way finding and environmental signage; temporary events and uses; storm water management on less than one (1) acre.~~

**Conditional Uses:** Active recreation ~~Recreation~~; increase in intensity of existing uses; landscape conservation, restoration, and preservation (1,000 square feet or larger); permanent new restrooms and other public facilities required to serve the public health and welfare; renovation of historic structures (1,000 square feet or larger); underground or utilities necessary or appropriate in open space; memorial monuments; and agricultural uses; forestry; landscape conservation of resource lands, restoration, or preservation (1,000 square feet or larger); storm water management on one (1) acre or larger.

**Height Limitation:** Permitted new structures, except for chimneys, flagpoles, and similar appurtenances, and water towers or tanks, shall be limited to a maximum height of 18 feet above natural grade.

**Development Limitations:** (a) All conditional uses in the Open Space Land Use Classification shall be subject to the public hearing process by public agencies for general comment by the public and full environmental review by the approving agency pursuant to the California Environmental Quality Act, as amended (Division 13, Public Resources Code), and shall be specifically found, on substantial evidence in the record as a whole, to be consistent with (1) the certified Mendocino Town Plan, (2) the certified Mendocino Town Zoning Code, (3) where the development is located between the first continuous public road and the sea, the public access and recreation standards of the California Coastal Act of 1976, as amended (Public Resources Code Sections 30210-30224), (4) the adopted Mendocino Headlands State Park Preservation and Recreation Plan with respect to all development in Mendocino Headlands State Park, and (5) the zoning constraints of contiguous and/or adjacent parcels (for instance, by agricultural uses pursuant to the certified Mendocino County Coastal Element).

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(b) Parking facilities and walkways shall, to the maximum extent feasible, be constructed with pervious or semi-pervious surfaces that meet applicable standards of the Americans with Disabilities Act, as amended.

(c) Existing drain pipes that contribute to erosion of the coastal bluffs or sea cliffs shall be phased out as part of Mendocino Headlands State Park storm water management.

~~(d) In areas of accelerated erosion of the coastal bluffs or sea cliffs, including, but not limited to, areas of cave development in Mendocino Headlands State Park, b~~ Blufftop trails and paths shall be located to maintain public safety and protect coastal resources, while continuing to provide for public enjoyment of the spectacular coastal environment.

(e) Principal permitted **and permitted** uses in the Open Space land use classification that are located within Historical Zone A and Historical Zone B shall also be subject to review and approval by the Mendocino Historical Review Board.

(f) Whenever feasible, any new structure in any Open Space land use ~~district~~ **classification** shall be (1) located outside the public view towards the sea from, and landward of, the first continuous public road or street that parallels the sea, and (2) subordinate to its setting.

### **RURAL RESIDENTIAL**

#### **5.2. Rural Residential – Map Code: RR-1, RR-2**

**Intent:** The Rural Residential classification is intended to be a low density residential growth area.

**Principal Permitted Use: Single family dwelling unit and associated utilities and appurtenances**

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**Principal Permitted Uses:** ~~Single family dwelling unit, a~~ Accessory second residential dwelling unit not to exceed 900 square feet, and its associated utilities and appurtenances; light agriculture; home occupation; community gardens; ~~storm water management on less than 40,000 square feet;~~ and in the RR-1 Land Use ~~Classification District~~ only: visitor-serving facilities shown with an asterisk (\*) or an asterisk-B (\*B) on the Mendocino Town Plan Land Use Map.

**Conditional Uses:** Cottage ~~Industry Industries;~~ public utilities, where determined to be necessary on Rural Residential lands; ~~second dwelling units (Policy 4.13 21), limited in size to 900 square feet, detached from the main dwelling; Single Unit Rentals,~~ storm water management on 40,000 square feet or larger;

**Parcel Sizes:** RR-1: (40,000 sq. ft.); RR-2: 2 acres.

**Density:** One primary dwelling per legally created lot ~~(parcel)~~ and one second residential dwelling unit on parcels larger than 40,000 square feet that are designated RR-2.

**Building Height Limitation:** New structures, except for chimneys, flagpoles and similar appurtenances, steeples, and water towers shall be ~~Structures are limited to two stories and at no point on the parcel can the building a~~ maximum height of exceed 28 feet above natural grade.

**Parking Requirements:** Two off-street parking spaces for the first residential unit, one and one-half off-street parking spaces required for each additional residential unit, and one off-street parking space for each visitor-serving facility ~~lodging unit (guest room or suite).~~

### **SUBURBAN RESIDENTIAL**

#### **5.3. Suburban Residential – Map Code: SR - 20,000 square feet**

**Intent:** This classification is intended to recognize the existing Point of View Estates Subdivision and the contiguous five lots (parcels) that front on Lansing Street, north of Palette Drive.

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Principal Permitted Use: One primary dwelling unit and associated utilities and appurtenances

Principal Permitted Uses: One primary dwelling unit per lot (parcel), ~~a~~ Accessory second residential dwelling unit not to exceed 900 square feet, with associated utilities and appurtenances; home occupations; community gardens; ~~the Point of View Estates Mutual Water Company water well and facilities; storm water management on 20,000 square feet or smaller.~~

Conditional Uses: Cottage Industry Industries; underground utility installations; ~~storm water management on more than 20,000 square feet;~~ Single Unit Rentals (except as may be prohibited by recorded Point of View Estates Subdivision Covenants, Conditions & Restrictions); ~~the Point of View Estates Mutual Water Company water well and facilities;~~ electrical transmission and distribution lines; (See Policy 3.11-9); natural gas pipeline (See Policy 3.11-5).

**Minimum Parcel Size:** 20,000 square feet

**Density:** One primary dwelling unit and one second residential dwelling unit per 20,000 square feet.

**Building Height Limitation:** New structures, except for chimneys, flagpoles and similar appurtenances, steeples, and water towers, shall be ~~Structures are limited to two stories at and no point on the land shall buildings a~~ maximum height of exceed 28 feet above natural grade.

**Parking Requirements:** Two off-street parking spaces required for the primary ~~each~~ residential unit and one and one-half off-street parking spaces are required for a second residential dwelling unit.

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## ~~RESIDENTIAL PLANNED UNIT DEVELOPMENT~~

### 5.4. Residential Planned Unit Development - Map Code: RR-2:PD

**Intent:** Residential Planned Unit Development shall be a conditional use in the RR-2 (Rural Residential: 2 acres) Land Use ~~District~~ Classification to allow residential development of more than one primary dwelling unit on an existing parcel with a specified site area per unit ~~specified~~ and review of the site plan for the parcel ~~reviewed~~ to ensure maximum preservation of open space and to reduce costs of development.

**Principal Permitted Uses:** Light agriculture; open space; home occupations; community gardens; ~~storm water management on two (2) or fewer acres.~~

**Conditional Uses:** Primary dwelling ~~Dwelling~~ units, subject to the density applicable to the site, with units sited for maximum open space preservation; public and semi-public facilities ~~and~~; Single Unit Rentals; underground utilities; Cottage Industries; ~~storm water management on more than two (2) acres.~~

**Parcel Size:** No specified minimum.

**Building Height Limitation:** New structures, except for chimneys, flagpoles and similar appurtenances, steeples, and water towers, shall be ~~Structures are limited to two stories and at no point on the land shall a~~ maximum height of exceed 28 feet above natural grade.

**Parking Requirements:** Two off-street parking spaces shall be required for each residential unit; one parking space per employee and parking spaces equivalent to 10% of the capacity shall be required in public and semi-public facilities.

## TOWN RESIDENTIAL

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### 5.5. Town Residential - Map Code: R+

**Intent:** To (1) maintain the existing predominantly single family residential character of this historical Land Use ~~District Classification,~~ while allowing and (2) allow a second residential dwelling unit on larger parcels, not to exceed 900 square feet, on parcels of 9000 square feet or more, and in keeping with an existing pattern of development.

**Principal Permitted Uses: Primary single family dwelling unit and appurtenances.**

**Principal Permitted Uses:** ~~Primary single family One or two dwellings unit and appurtenances;~~ (Policy 4.13-21) on a parcel; ~~Second residential dwelling unit, limited in size to 900 square feet; community gardens; home occupations; light agriculture; visitor serving facilities shown with an asterisk (\*) or an asterisk B (\*B) on the Town Plan Land Use Map; storm water management on 12,000 square feet or smaller.~~

**Conditional Uses:** Public and semi-public uses; Cottage Industries; Single Unit Rentals; ~~storm water management larger than 12,000 square feet.~~

**Development Requirements:** Minimum new ~~parcel~~ lot size of 12,000 square feet. One dwelling unit allowed per existing parcel under 9,000 square feet and two units on parcels of 9,000 square feet or larger. Lot coverage not to exceed 25 percent of the parcel area.

**Building Height Limitation:** ~~New structures, except for chimneys, flagpoles and similar appurtenances, steeples, and water towers, shall be~~ Structures are limited to two stories and at no point on the land shall the a maximum height of buildings exceed 28 feet above natural grade.

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**Parking Requirements:** Two off-street parking spaces for the first residential unit, and one and one-half off-street parking spaces required for each additional residential unit or second residential dwelling unit.

### **MULTIPLE FAMILY RESIDENTIAL**

#### **5.6. Multi-Family Residential - Map Code: RM**

**Intent:** To provide areas for multifamily residential development with the density and the number of units per parcel limited to maintain the present scale of the Town ~~town~~.

**Principal Permitted Use:** Residential: Single family, two family, multifamily, and boarding house.

**~~Principal~~ Permitted Uses:** Multiple long term dwelling units; home occupations; light agriculture; community gardens; visitor-serving facilities shown with an asterisk (\*) or an asterisk-B (\*B) on the Town Plan Land Use Map; second residential dwelling units, limited in size to 900 square feet; ~~storm water management on 12,000 square feet or smaller.~~

**Conditional Uses:** Public and semi-public uses; Cottage Industries; Single Unit Rentals; ~~storm water management on more than 12,000 square feet.~~

**Development Requirements:** Minimum new ~~parcel~~ lot size of 12,000 square feet. One primary dwelling unit and one second residential dwelling unit allowed on any new or existing parcel ~~and multiple.~~ Multiple family units allowed subject to minimum site area and limitations as follows:

(a) ~~Parcels~~ Lots 12,000 square feet in size or less: 6,000 sq. ft. for first unit; and 3,000 sq. ft. for each additional unit.

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(b) ~~Pareels~~ Lots greater than 12,000 square feet in size: 6,000 sq. ft. for first unit; 3,000 sq. ft. each for units two through five; and 6,000 sq. ft. for each additional unit.

Up to 12,000 square foot lot ————— 6,000 sq. ft. for 1st unit;  
3,000 sq. ft. for each additional unit.

Over 12,000 square foot lot: ————— 6,000 sq. ft. for 1st unit; 3,000 sq. ft. for 2nd unit;  
3,000 sq. ft. for 3rd unit; 3,000 sq. ft. for 4th unit;  
3,000 sq. ft. for 5th unit;  
6,000 sq. ft. for each additional unit.

Total lot coverage not to exceed 25 percent of the parcel area.

**Building Height Limitation:** New structures, except for chimneys, flagpoles and similar appurtenances, steeples, and water towers, shall be ~~Structures shall not~~ limited to a maximum height ~~of exceed two stories in height and at no point on the land shall building height exceed~~ 28 feet above natural grade.

**Parking Requirements:** One and one-half off-street parking spaces required for each residential unit.

### **MIXED USE**

#### **5.7. Mixed Use - Map Code: MU**

**Intent:** To provide a transition between commercial development on Lansing Street and Main Street ~~Streets~~ and residential areas; to provide space for offices and retail uses that do not generate heavy automobile traffic or generally operate between the hours of 6:00 p.m. and 7:00 a.m.; and to encourage preservation and construction of moderately priced residential dwelling units.



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**Principal Permitted Uses:** ~~(1) Residential: Single family, two family and multifamily dwelling units;~~

**Permitted Uses:** (1) Accessory second residential dwelling unit not to exceed 900 square feet, and appurtenances; home occupations; ~~(2) Commercial: Limited to a maximum of 1,000 square feet of floor area per lot (parcel); Administrative and business offices, medical and personal services, specialty retail shops, ambulance services, fire and police services;~~ (3) visitor-serving facilities shown with an asterisk (\*) or an asterisk-B (\*B) on the Town Plan Land Use Map; ~~(4) storm water management on 12,000 square feet or smaller;~~ (5) community gardens.

**Conditional Uses:** (A) Minor Use Permit (Over 1,000 square feet of floor area per parcel, with environmental review and public hearing by the ~~(Environmental Review and Public Hearing by Coastal Zoning Administrator);~~ (1) Offices, Personal Services, Specialty Shops; ~~(2) Clinic services;~~ (3) Libraries; (4) Cultural exhibits; (5) Lodge, fraternal and civic assembly; (6) Religious assembly; (7) Minor impact services and utilities; (8) Cottage Industries. (B) Major Use Permit (Public hearing by County Planning Commission): (1) Food and beverage retail sales; (2) Small schools; (3) Day care facilities; (4) Major impact services and utilities; (5) Financial institutions ~~Institutions;~~ ~~(6) storm water management on more than 12,000 square feet;~~ (7) Single Unit Rentals; ~~(8) (7) Vacation Home Rentals.~~

**Development Requirements:** Minimum new parcel size of 12,000 square feet. Lot coverage not to exceed 25 percent of parcel area. Main or only building limited to 15 percent of parcel area. Maximum floor area not to exceed 0.5 square foot for each square foot of parcel area. In no case shall floor area under one continuous roof exceed 8,000 square feet. Fifty percent or more of new structural development floor area shall be built for and utilized as residential dwelling units. Multifamily dwelling units are allowed subject to limitations as follows:

(a) Parcels 12,000 square feet in size or less: 6,000 sq. ft. for 1st unit; and 3,000 sq. ft. for each additional unit.

(b) Parcels greater than 12,000 square feet in size: 6,000 sq. ft. for first unit; 3,000 sq. ft. each for

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units two through five; and 6,000 sq. ft. for each additional unit.

~~Up to 12,000 square foot lot:~~

~~6,000 sq. ft. for 1st unit;~~

~~3,000 sq. ft. for each additional unit.~~

~~Over 12,000 square foot lot:~~

~~6,000 sq. ft. for 1st unit; 3,000 sq. ft. for~~

~~2nd unit; 3,000 sq. ft. for 3rd unit; 3,000~~

~~sq. ft. for 4th unit; 3,000 sq. ft. for 5th~~

~~unit; 6,000 sq. ft. for each additional unit.~~

**Building Height Limitation:** New structures, except for chimneys, flagpoles and similar appurtenances, steeples and water towers, shall be ~~Structures are limited to two stories and at no point on the parcel can the building exceed a~~ maximum height of 28 feet above natural grade.

**Parking Requirements:** (1) Commercial Uses: One off-street parking space per 400 square feet of floor area or per visitor-serving facility unit. (2) Residential: One and one-half off-street parking spaces per dwelling unit, including a second residential dwelling unit.

### COMMERCIAL

#### 5.8. Commercial - Map Code: C

**Intent:** To provide an area within the Town ~~town~~ suitable for commercial development that is compatible with existing commercial uses and the scale of the Town.

**Principal Permitted Use:** Commercial Uses: Administrative and business offices; specialty shops; personal services; retail stores (all of which shall be under 1,000 square feet of floor area per lot (parcel)).

**Principal Permitted Uses:** (1) Residential Single: family, two family and multifamily dwelling units, subject to density requirements; ~~storm-water management on fewer than 12,000 square feet.~~ (2) Civic Uses Use Types: Clinic services; libraries; cultural facilities; lodge, fraternal and civic assembly; religious assembly; minor impact ~~services and underground~~ utilities; community

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~~gardens; storm water management on fewer than 12,000 square feet; and (3) Commercial Uses: Administrative and business offices; specialty shops; personal services; retail stores (all of which shall be under 1,000 square feet of floor area per lot (parcel)); visitor-serving facilities shown on a site with an asterisk (\*) or an asterisk-B (\*B) on the Town Plan Land Use Map; storm water management on fewer than 12,000 square feet; (4) community gardens.~~

**Conditional Uses:** (1) retail stores; (2) food and beverage preparation without on-site consumption; (3) consumer repair services (excluding automotive repair); (4) small schools and day care centers; (5) small business equipment sales and services; (6) ~~storm water management on more than 12,000 square feet; (7)~~ Single Unit Rentals; (8) Vacation Home Rentals; (9) building maintenance services; (10) financial institutions; (11) construction sales and services; (12) service stations, automotive repair services; (13) eating and drinking establishments; (14) commercial recreation (indoor sports, entertainment and recreation); (15) education facilities; (16) major impact services and utilities; (17) agricultural sales and services; (18) communication services; (19) custom manufacturing; and (20) animal sales and services (small animals and household pets).

(A) ~~Minor Use Permit (Over 1,000 square feet of floor area per parcel) (Environmental Review and public hearing by Coastal Zoning Administrator)~~

(1) ~~Retail stores~~

(2) ~~Food and beverage preparation without consumption~~

(3) ~~Consumer repair services (not automotive)~~

(4) ~~Small schools and day care centers~~

(5) ~~Small business equipment sales and services~~

(B) ~~Major Use Permit (Public hearing by County Planning Commission)~~

(1) ~~Building maintenance services~~

(2) ~~Financial institutions~~

(3) ~~Construction sales and services~~

- ~~(4) — Service stations, automotive repair services~~
- ~~(5) — Eating and drinking establishments~~
- ~~(6) — Commercial recreation (indoor sports, entertainment and recreation)~~
- ~~(7) — Education facilities~~
- ~~(8) — Major impact services and utilities~~
- ~~(9) — Agricultural sales and services~~
- ~~(10) — Communication Services~~
- ~~(11) — Custom manufacturing~~
- ~~(12) — Animal sales and services (small animals and household pets)~~

**Development Requirements:** Minimum new ~~parcel~~ lot size of 12,000 square feet. For all development, lot coverage may not exceed 25 percent of the ~~parcel~~ lot area. Maximum floor area not to exceed one-half square foot of floor area for each square foot of lot area. In no case shall floor area under one roof exceed 8,000 square feet.

**Density Requirements:** One dwelling unit allowed on any new or existing ~~parcel~~ lot. Multiple family units allowed subject to minimum site area and limitations as follows:

(a) ~~Parcels~~ Lots 12,000 square feet or less in size: 6,000 sq. ft. for first unit; and 3,000 sq. ft. for each additional unit.

(b) ~~Parcels~~ Lots greater than 12,000 square feet in size: 6,000 sq. ft. for first unit; 3,000 sq. ft. each for units two through five; and 6,000 sq. ft. for each additional unit.

Up to 12,000 square foot lot:	6,000 sq. ft. for 1st unit; 3,000 sq. ft. for each additional unit;
Over 12,000 square foot lot:	6,000 sq. ft. for 1st unit; 3,000 sq. ft. for 2nd unit;

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~~3,000 sq. ft. for 3rd unit; 3,000 sq. ft. for 4th unit; 3,000 sq. ft. for 5th unit; 6,000 sq. ft. for each additional unit.~~

**~~Building~~ Height Limitations:** New structures, except for chimneys, flagpoles and similar appurtenances, steeples, the iconic “Father Time-and-the-Maiden” redwood sculpture on the Masons Hall (Mendocino Savings Bank) building, and water towers, shall be ~~Structures are~~ limited to a maximum height of exceed 28 feet above natural grade.

**Parking Requirements:** One off-street parking space shall be required for each 400 square feet of floor area devoted to commercial and civic uses; one and one-half off-street parking spaces shall be required for each family dwelling unit; and one off-street parking spaces shall be required for each visitor-serving facility lodging unit ~~(guest room or suite)~~, Visitor Home Rental and each Single Unit Rental.

### **PUBLIC AND SEMI-PUBLIC FACILITIES**

#### **5.9. Public Facilities - Map Code: PF**

**Intent:** To designate existing and planned future major public and community serving uses that shall only be allowed to be converted to another use following certification by the Coastal Commission of an amendment to the certified Mendocino Town Plan. This classification applies to lots (parcels) which are used for, or are proposed to be used for, public agency or non-profit entity purposes, or for specified public utility purposes.

**Principal Permitted Use: Native vegetation landscaping;**

**Principal Permitted Uses:** ~~Temporary events; community gardens; storm water management on fewer than 40,000 square feet.~~ None (All require conditional use permit.)

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**Conditional Uses:** Public and semi-public facilities, ~~and utilities, including, but not limited to, schools, fire stations, churches, cemeteries, parks, State Highway 1, roads, streets,~~ public water systems, sewage collection and treatment facilities, educational art centers, community services district facilities, underground electrical transmission and distribution lines, natural gas pipelines, ~~storm water management on 40,000 square feet or more.~~

**Development Requirements:** (a) Minimum new lot (parcel) size of 12,000 square feet.

(b) For all development other than the State Highway, lot coverage may not exceed 25 percent of the lot (parcel) area.

(c) Maximum floor area shall not exceed one square foot of floor area for each square foot of lot area. In no case shall the floor area of a structure under one roof exceed 8,000 square feet.

(d) Reconstruction, replacement, or new construction of the Highway 1 Big River Bridge, including any bridge access components, in the Town shall (a) maintain the general alignment and elevation of the existing bridge, (b) include safe pedestrian and bicycle ways that connect the Town to the south, (c) protect scenic public views to and along the sea, the Mendocino Estuary, and the Town, and (c) maintain maximum feasible utilization of the existing bridge during its reconstruction or replacement.

**Building Height Limitations:** New structures, except for chimneys, flagpoles and similar appurtenances, steeples, and water towers, shall be ~~Structures are limited to two stories and at no point on the parcel shall a~~ maximum height of buildings exceed 28 feet above natural grade.

**Parking Requirements:** One (1) off-street parking space for each employee, plus additional off-street parking spaces for the following uses: (A) Schools: One (1) space for each five (5) students; (B) Public and Religious Assembly: One (1) space for each five (5) seats; (C) All others: One (1) space for each four hundred (400) square feet of gross floor area.

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## FOREST LANDS

### Map Code: FL

~~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.~~

~~Principal Permitted Use: Conservation and development of natural resources; forest production; light agriculture; passive recreation.~~

~~Conditional Uses: Employee caretaker housing; horticulture; active recreation; minor impact utilities; major impact services and utilities.~~

~~Parcel Size: One hundred and sixty (160) acres.~~

## DEVELOPMENT LIMITATIONS

### 5.10. Development Limitations - Map Code: DL

**Intent:** This special combining district is intended to be used only in conjunction with another land use classification on lots (parcels) or portions of lots (parcels) that according to available data have substantial constraints that may prevent or severely limit development, including slopes over 30 percent, erosion, or landsliding landslide. ~~Many parcels with this designation have suffered severe bluff erosion and currently may have no feasible building site remaining.~~ In each case, on-site inspection and tests will be necessary to determine whether a feasible building site exists. ~~Wetlands, riparian vegetation, dunes, plant or animal habitats, pygmy soils, and areas subject to flooding are shown separately on the plan maps and are not designated DL.~~

**Principal Permitted Use:** As permitted in the underlying base classification combined with the DL designation, provided a building site exists that is capable of safely accommodating the

## MENDOCINO TOWN PLAN UPDATE AMENDMENT (LCPA 1-MEN-14-0840)

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development; without significant adverse effects; on the environment, as set forth in Chapter 3.4 exists.

**Conditional Uses:** As allowed in the combining classification, provided a feasible building site exists without significant adverse effects on the environment.

**Parcel Size:** As required by the classification combined with the DL designation. No new parcels lying entirely within a DL classification shall be created inconsistent with the policies of Section 4 Chapter 3.4 of the certified Mendocino Town Plan.

### DEFINITIONS

~~For purposes of implementation of the Mendocino Town Plan, the following definitions shall apply:~~

~~Residential Use: Residential use means 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.~~

~~Dwelling Unit: Dwelling unit means a single unit containing complete, independent living facilities for a family, including permanent provisions for living, sleeping, eating, cooking and sanitation and having only one kitchen.~~

~~Single Unit Rental (Table 4.13-2): 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.~~

### **Light Agriculture:**

~~(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 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~~



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~~(20,000) square feet). 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 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): two (2) large animals and 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, FFA or similar projects shall be permitted in all zoning districts.~~

~~Vacation Home Rental (Table 4.13-3): Vacation home rental means a dwelling unit that is the only use on the property, which may be rented short term 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.~~

~~Vacation Home Rentals within the Town of Mendocino shall be considered Visitor-Serving Facilities.~~

~~Lot Coverage: 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.~~

### EXCEPTIONS

~~Height Limitation: Exceptions may be granted to height limitations in all zoning districts for church steeples, flag poles, water towers, and utility poles where such exceptions are consistent with the intent of the zoning district and consistent with design guidelines (Policy 4.13-9).~~

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~~Parking Requirements: Where the requirements for off street parking cannot be feasibly met, in lieu fees may be substituted consistent with Policy 4.13-16.~~

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Deleted Figure 4.13-1 omitted

Deleted Table 4.13-1 omitted

## MENDOCINO TOWN PLAN UPDATE AMENDMENT (LCPA 1-MEN-14-0840)

Deleted Table 4.13-2 omitted

Deleted Table 4.13-3 omitted

# MENDOCINO TOWN PLAN UPDATE AMENDMENT (LCPA 1-MEN-14-0840)

## **SECTION 6. TOWN PLAN IMPLEMENTATION**

The following sub-sections summarize Town Plan implementation provisions. The Mendocino Historical Preservation District (a registered national landmark), Mendocino Headlands State Park, and California State Highway 1 (including the Big River Bridge within the Town boundaries) constitute uses of more than local importance within the Town of Mendocino, as that term is defined in [\\] Title 14, California Code of Regulations, Section 13513. The Coastal Commission has not advised the County of Mendocino of any other uses of greater than local significance that the Town LCP should consider.

**6.1 Capital Improvement Program:** Capital improvement projects recommended in the Mendocino Town Plan to be performed by the County of Mendocino shall be implemented as they are approved by the County Board of Supervisors, at its sole discretion, and as funding may become available.

**6.2 Zoning:** The [\\] Mendocino Town Zoning Code (“MTZC”, Division III – Title 20) is the principal Town Plan implementation tool. The MTZC sets out definitions of use types, lists the zoning districts that implement the land use designations within the Town Plan, establishes development regulations for each of the zoning districts, incorporates the County’s pre-Coastal Act historical preservation ordinance ([\\] MTZC Chapter 20.760) that establishes the Mendocino Historical Review Board, along with its duties and responsibilities, and prescribes administrative procedures for public notice, public hearing, review, local appeals, and action by the County on applications for development, or as applicable, the Mendocino Historical Review Board on applications for work within Historic Districts A and B, in the Town. The Zoning Code also ~~states, for informational purposes only,~~ includes the administrative procedures provided in [\\] Public Resources Code Section 30603 for an appeal by an ([\\] “aggrieved person”) or any two Coastal Commissioners from an action of the County to the Coastal Commission.

**6.3 Mendocino Historical Review Board:** The Mendocino Historical Review Board serves as an additional core Town Plan implementation entity. The Mendocino Historical Review Board’s

## MENDOCINO TOWN PLAN UPDATE AMENDMENT (LCPA 1-MEN-14-0840)

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function is to review applications for [\\] “work” pursuant to Mendocino Town Zoning Code Sections 20.760.030 and 20.760.035. The Mendocino Historical Review Board consists of five members who shall be residents of the Historical Districts, and who are intended to represent a cross section of the community.

**6.4 Historic Review Board Design Guidelines:** The [\\] Mendocino Historic Review Board Design Guidelines (reproduced in Appendix 7) serve to implement [\\] Mendocino Town Zoning Code Chapter 20.760, and also to provide guidance to development applicants on the desired character within the Historical District. The Design Guidelines set out a range of design choices that will encourage development throughout the Town that is compatible with the Town’s existing and desired character, and will discourage the introduction of incompatible elements of design or building style. Amendments to the Design Guidelines, which are an incorporated part of the Mendocino Town Local Coastal Program, shall require an amendment to the certified Mendocino Town Local Coastal Program .

### **6.5 Coastal Development Permit Exclusions and Exemptions**

[\\] Public Resources Code Section 30610, as amended, and [\\] ~~Subchapters 6 and 7~~, Title 14, California Code of Regulations **Sections 13250, 13252, and 13253** provide for both statutory exemptions and categorical exclusions from the general requirement that development, as defined, that is undertaken in the coastal zone after January 1, 1977, requires a coastal development permit.

Generally, on September 5, 1978, ~~the~~ Coastal Commission issued an exclusion guideline for [\\] “Repair, Maintenance, and Utility Hook-Up Exclusions from (Coastal Development) Permit Requirements” pursuant to Public Resources Code Section 30610(~~ed~~) and (~~ef~~) that identifies categories (types) of development activities related to repair, maintenance, and utility connections that do not require a coastal development permit, unless otherwise specified. Appendix 9 reproduces this exclusion guideline. Other ~~general exceptions to the~~ coastal development permit requirements have been set forth by the Coastal Commission at Title 14, California Code of Regulations [\\] Section 13250 (~~additions–improvements to existing~~ ~~to~~ single-family residences),



## MENDOCINO TOWN PLAN UPDATE AMENDMENT (LCPA 1-MEN-14-0840)

~~[\]Sections 13200-1321008 (vested development rights), [\]Sections 13211-13213 (permits granted pursuant to the 1972 Coastal Zone Conservation Act), and [\]Sections 13240-13249 (categories of developmentcategorical exclusions), and [\] Sections 13136-13144 (emergency permits);~~

Specifically with regard to the Town, on November 14, 1996, the Coastal Commission issued Categorical Exclusion Order Number E-96-1), pursuant to Public Resources Code Section 30610(c), to exempt certain categories of development within specified geographic areas of the Town from the requirements of coastal development permits. The granting of the Categorical Exclusion Order is based on the finding that “there is no potential for any significant adverse effect, either individually or cumulatively, on coastal resources or on public access to, or along the coast.” The map in Figure 4.13-8 illustrates the geographic extent of the area in which specified development is categorically excluded from the coastal development permit requirement exclusion. Appendix 4 of the Town Plan contains the Coastal Act and Categorical Exclusion Order provisions.

Requests for any exemption or categorical exclusion from the coastal development permit requirement must be made in writing by any person who undertakes any development, as defined, to the Director of Planning and Building Services, or his/her designee, prior to the commencement of any work that constitutes development, as defined in Section 2.24. The Director’s determination that a development is **exempt or** categorically ~~exempt-excluded~~ from the coastal development permit requirement must be made in writing, and a copy of it must be transmitted on the day of its issuance to the California Coastal Commission, North Coast District. Although both Coastal Act exemptions and categorical exclusions from the coastal development permit requirement apply for specified development within specified areas of the Town of Mendocino, as set forth in MTZC Chapter 20.720, exempt and categorically excluded development and other work to be carried out in Historical Zones A and B remain subject to Mendocino Historical Review Board regulation **and any other necessary local approvals such as, but not limited to, issuance of a building permit and groundwater extraction permit.**

**6.6 Code Enforcement:** The Department of Planning and Building Services for the County of Mendocino shall enforce the provisions of Chapter 4.13, and any mandatory policies and mandatory

## MENDOCINO TOWN PLAN UPDATE AMENDMENT (LCPA 1-MEN-14-0840)

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actions provided therein, consistent with the certified Town Local Coastal Program and the Mendocino County Zoning Code Chapter 20.736216, Enforcement, ~~Legal Procedure, and Penalties~~. Consistent enforcement of the certified Town LCP shall achieve its continued effective implementation in a manner that conforms to the Coastal Act.

**6.7 Visitor Serving Facility Room Lodging Unit Allocation:** (a) Following certification of the updated Mendocino Town Local Coastal Program by the Coastal Commission, ~~the remaining unallocated~~ Visitor-Serving

## MENDOCINO TOWN PLAN UPDATE AMENDMENT (LCPA 1-MEN-14-0840)

Fig. 4.13-8 omitted

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Facility ("VSF") ~~guest rooms or suites~~ **lodging units** in the Town below the numerical VSF cap of 237 **lodging units** shall be allocated by the procedure set forth in Town Zoning Ordinance Section 20.684.030(H). ~~for (a) s~~Seven (7) VSF **lodging units** shall be reserved for the Nicholson House Inn, located at 44861 Ukiah Street consistent with the provisions of Zoning Ordinance Section 20.684.030. VSF **lodging units** to be allocated shall include (a) any unallocated VSF **lodging units**, and (b) any previously allocated VSF **lodging unit** that becomes abandoned, fails to timely obtain any required coastal development permit or other necessary approvals, or when any such permit or approval for the unit expires or is revoked; ~~and (b) thirteen units for designated properties in Appendix 2 to obtain authorization for existing units within existing visitor serving facility buildings on sites designated on the Town Land Use Map with an asterisk (\*) or asterisk B (\*B), in addition to those units within those buildings provided in the 1992 Town Plan. The two VSF units at 45020 and 45065 Albion Street (MacCallum House Inn), and one VSF unit each at 44860 Main Street (Didgeradoo Inn), 45141 Ukiah Street (Reeves), and 390 Kasten Street (Blue Heron) were already recognized in the certified 1992 Town Plan and constitute legal existing VSF units that require no further allocation.~~

(b) The Planning and Building Services Department shall establish, and provide general public notice of, a procedure pursuant to which it shall, from time to time, inform the public of (1) the availability of any other unallocated VSF **lodging units** within the numerical VSF cap of 237 **lodging units**, (2) accept and process applications for their ~~entitlement~~ **allocation** pursuant to the certified Mendocino Town Local Coastal Program, and (3) identify conditions of permit approval, including, but not limited to, commencement of operations of approved VSF **lodging units**.

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Deleted 1992 Town Plan Land Use Map, with annotations, omitted

**APPENDIX 2**

**MENDOCINO TOWN PLAN  
VISITOR SERVING FACILITIES**

**Appendix B:**

Proposed Appendix 2 with suggested modifications



Rename to "1992  
Units Allowed"

Rename to "Visitor  
Serving Facility  
Lodging Unit  
Distribution"

APPENDIX 2: MENDOCINO TOWN PLAN VISITOR SERVING FACILITIES		<del>Visitor Serving Guest Room Distribution</del>		
Name	Address	<del>1992 Rooms (Allowed)</del>	<del>2012 Rooms (In Use)</del>	<del>2015 Rooms (Allowed)</del>
* Hill House Hotel	10865 Lansing Street/ 10701 Palette Drive	44	44	
Heeser House	45080 Albion Street	25	25	
MacCallum House	45020/45065 Albion Street	21	19	
Mendocino Hotel	45080 Albion Street	26	26	
Joshua Grindle House	44800 Little Lake Street	10	10	
MacCallum House Suites	43700/44950 Little Lake Street 10691 Palette Drive	5	10	
Dougherty House	45110 Albion Place	8	8	
Sea Gull Inn	44960 Albion Street	9	9	
Headlands Inn	44950 Albion Street	6	7	
Whitegate/Blue Door Inn	10481 Howard Street	5	5	
Sears House/ Sweetwater Inn	44840 Main Street	8	9	
1021 Main St/Allegría Inn	44781 Main Street	5	5	
Village/Didgeradoo Inn	44860 Main Street	13	12	
Nicholson House	44861 Ukiah Street	-0-	7	
<b>Hotels and Inns TOTAL</b>		<b>185</b>	<b>197</b>	
*B				
Lockey	10940 Lansing Street	3	5	
Schrode/Mendocino Views	44920 Little Lake Street	2	2	
Cameron/Mattos	10521 School Street	2	2	
McNamara/Packard House	45170 Little Lake Street	4	5	
Wickersham/Blair House	45110 Little Lake Street	4	4	
Friedman Village Cottages	45320 Little Lake Street	3	3	
Parsons/Langters Inn	45101 Little Lake Street	2	2	
Reeves	45141 Ukiah Street	2	1	
Blue Heron Inn	390 Kasten Street	4	3	
McElroy's Inn/Raku House	44800/44820 Main Street	4	4	
<b>Bed&amp;Breakfast TOTAL</b>		<b>30</b>	<b>32</b>	
<del>Guest Rooms Available for Allocation</del>		<del>221</del>		<del>237</del>
<del>Guest Rooms in Use</del>		<del>215</del>	219	

Remove "2012 Rooms  
in Use" (Column 2)  
and "2015 Rooms  
Allowed" (Column 3)

Replace "Visitor  
Serving allocation of  
234 guest rooms" with  
"allocation of 234  
visitor serving facility  
lodging units"

Insert "visitor serving  
facility lodging units"  
after 237

Insert "2017" before  
"allocation"

\* The original 1992 Visitor Serving allocation of 234 guest rooms is corrected to remove 13 residential units previously counted as VSF.

\*\* The proposed 2015 Visitor Serving allocation of 237 guest rooms includes 16 guest units to be reallocated by reducing the number of Single Unit Rental/Vacation Home Rental units from 46 to 30, added to the original 221 guest room allocation.

Replace "guest room"  
with "visitor serving  
facility lodging unit"

Replace text and number tally as follows:  
TOTAL INITIALLY ALLOCATED: 215  
ADDITIONAL AVAILABLE FOR ALLOCATION 22  
TOTAL ALLOCATION OF UNITS 237

Insert "corrected"  
before "221"

# 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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**Note: Pagination has been removed to avoid confusion  
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**Note: Pagination has been removed to avoid confusion  
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**[/] Figure 1. Mendocino Town Zoning Map.....**

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

## 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

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~~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.

(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~~

~~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 authorized by a coastal development permit issued by the County ~~is~~ has commenced within one (1) year after the date of ~~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~~ **20.720.020** 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 shall further guide its interpretation.** Pursuant to Public Resources Code Section 30625(c), decisions of the Coastal Commission, where 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 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.

#### **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.

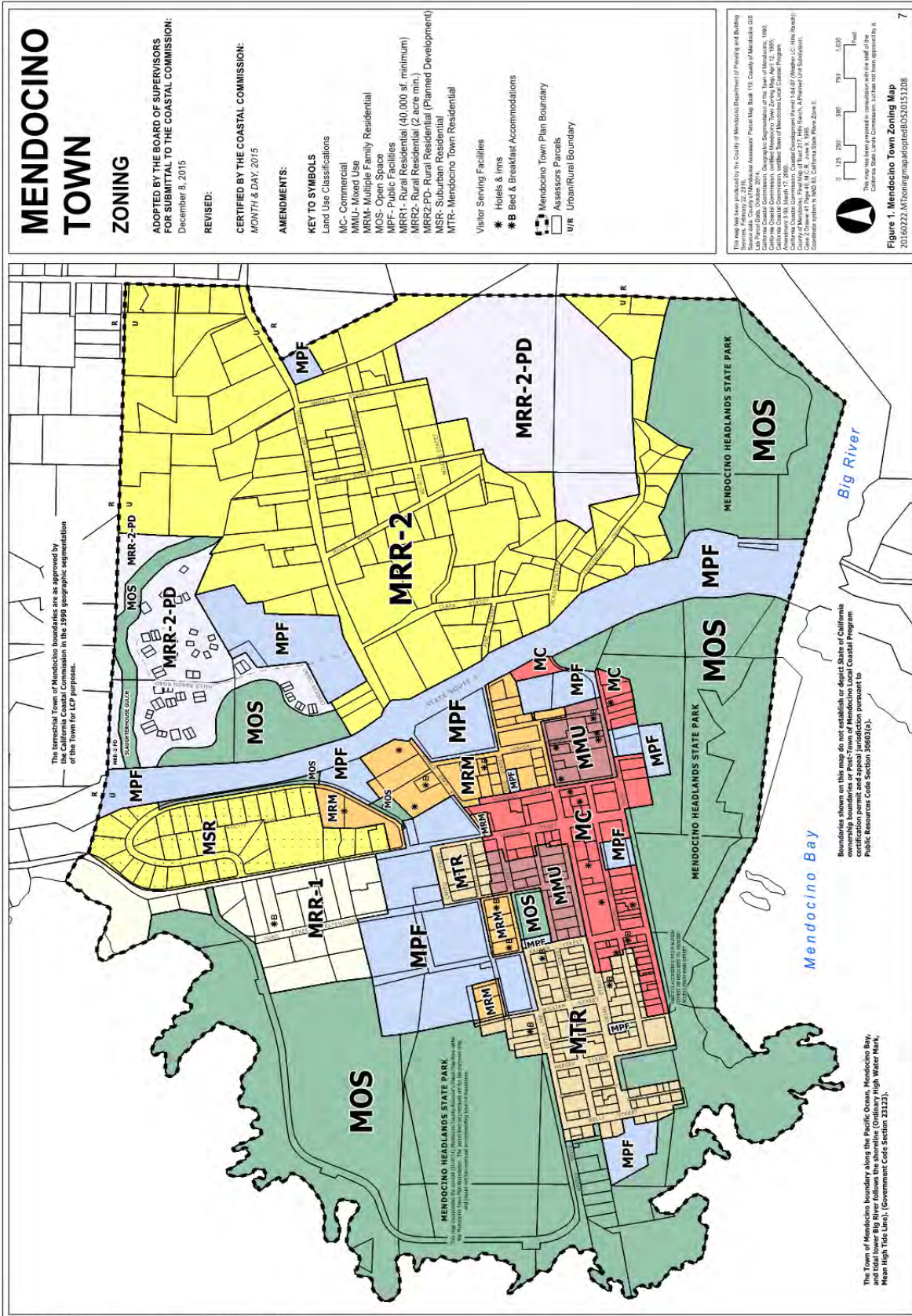
(B) If a Zoning District ~~zoning district~~ boundary divides a lot, and the boundary line location is not otherwise designated or described, the location of the boundary shall be determined by use of scale appearing on the Zoning Map.

(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) the provisions or requirements of either district shall not 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 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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Single ~~strike through~~ and underline= County-proposed changes to certified LCP; ~~single red strike through~~ and underline= changes not properly tracked from certified LCP. ~~bold double strike through~~ and underline= Commission staff recommended modifications to County's submitted proposal.

### **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~~ California Public Resources Code).

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

(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 adopted by the County and approved by the Coastal Commission for the geographic segmentation of the~~



**Town of Mendocino, for local coastal program purposes, on June 13, 1990, and which consist of (a) the boundary of the County of Mendocino along the shoreline of the Pacific Ocean and (b) the terrestrial boundary of the Mendocino City Community Services District as it existed on June 13, 1990. The Town boundaries are 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, alley, path, trail, street, road, easement, or other right-of-way which provides ~~for~~ public access and use along, or ~~that~~ generally parallels, to the shoreline.

(E) "Access, Vertical" means a public accessway, alley, path, trail, street, road, easement, or other public right-of-way which provides a public access connection between which extends from the first public road, street, trail, or alley public use area to (1) publically owned tidelands, (2) the shoreline, to a bluff edge for public viewing (3) the bluff top for public viewing, or (4) to a lateral public 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, appendix, and/or documents incorporated by reference or substance of the certified 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.

**(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 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 or (b) 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 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) 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) 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, the further point 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 lodging 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 toes 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 toes of which ~~are is~~ not now or ~~were was~~ not historically subject to marine erosion by marine processes, but the toe of which lies within an area otherwise identified in A1 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 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) (G) "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.

**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 for~~ which is a development that is appealable a coastal development permit 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) ~~(G)~~ "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, areas of pygmy vegetation ~~that contain species of rare or endangered plants~~, and habitats of rare and endangered plants and animals.

(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) "First Public Road ~~(or Street)~~ and Paralleling the Sea:" (a) The first public road paralleling the sea means: (a) the that (a) the road or street nearest to the [ ] sea, as defined in Public Resources Code Section 30115, that which (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) ~~When~~ 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) The "Post-LCP Certification Permit and Appeal Jurisdiction; County of Mendocino-Map Nmap n number 32 adopted by the Coastal Commission on May 14, 1992, and reproduced in [ ] Appendix 6, depicts the location of the first public roads ~~and streets that paralleling~~ the sea in the Town of Mendocino.

(J) (†) "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.

(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 lodging units (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 lodging units (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).**

~~(4)~~ (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.

~~(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:

(1a) 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). 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 of the lot and shall be located no closer than five (5) feet from the side or rear property line.

(2b) 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.

(3e) 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).

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

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

(6f) 4-H, FFA or similar projects shall be permitted in all zoning districts, except that no roosters shall be allowed.

(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 plans, (2) zoning ordinances, (3) Zoning District zoning district maps, 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. Pursuant to [N] Public Resources Code Section 30108.6, the Town of Mendocino Land Use Plan, Town of Mendocino Zoning Code, Town of Mendocino Zoning District Map, and any other implementing actions, which, when taken together, meet the requirements of, and implement the provisions and policies of, the Coastal Act within the boundaries of the Town of Mendocino as depicted on the [N] Mendocino Town Land Use Map (Figure 4.13-3) and [N] Mendocino Town Zoning Map (Mendocino Town Zoning Code Figure 1).~~

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

(40) (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.

(44) (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.

(42) (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, and rainwater, groundwater, or potable water storage tanks.

(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.

(24) (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 created~~ 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, 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 in accordance with the Engineering News Record Construction Cost Index since 1982, 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 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 trees on ~~a the parcel~~ lot, 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 if any of the following conditions exist or are proposed:

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

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

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

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

(f) 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.

(4) 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:

(a) 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

(b) Removal or harvesting of vegetation for agricultural purposes in areas presently used for agriculture; or

(c) Harvesting 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 lodging units (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 ~~zone (Zoning D district)~~ 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 ~~zone (Zoning D district)~~ 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 for~~ thirty (30) consecutive days or more 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 or (2) a recorded contract for or purchase of property, or (32) 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, limited liability company 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 land 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~~**

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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 "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~~

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~~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.~~ 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 of facilities which constitute "development" as defined in Section 20.608.023(E), that may have the potential for significant adverse impacts on the environment, on coastal resources, or on coastal public access, which may include hazards, noise, dust, glare, objectionable odors, substantial additional traffic, or 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.

(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, surfing, fishing ~~consistent with Department of Fish and Wildlife Marine Protection Area regulations~~, bird and/or other nature 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.

(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 structure 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. **Second dwelling units are not intended for transient habitation and shall not be sold separately from the primary housing unit on the parcel, but may be rented for long term occupancy by family members or tenants.**

~~(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.

(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 Tidaline 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.

~~(34)~~ (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, street, highway, bridge, culvert, fence, other enclosure or enclosure, 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 a visitor serving~~ 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.~~

(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).

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(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 zoning~~ requirements, ~~excluding uses~~, of the Zoning Code governing setbacks, building heights, and lot widths and 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. Variances may not be granted to modify either the use requirements or any other requirements of the Mendocino Town Plan or Zoning Code. 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 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 ~~20160510.MTZCcompleteperBOS20151208.docx~~ 59  
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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 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 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
- (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
- (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 an 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
- (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**~~

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~~(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.

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~~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.**

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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.

#### **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** existing 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,

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.**

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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.**

(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

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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 44, 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.

#### **~~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.

### 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:

<u>Principal Zone Zoning District</u>	<u>Designator</u>
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
<del>Mendocino Forest Lands District</del>	MFL
Mendocino Open Space	MOS

### 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:

<u>Combining District</u>	<u>Designator</u>
---------------------------	-------------------



Mendocino Planned Unit Development	PD
Mendocino Visitor Serving Facilities	* <u>(Hotels, Inns, Motels)</u>
<del>Mendocino Bed &amp; Breakfast Rooms</del>	*B <u>(Bed &amp; Breakfast Accommodations)</u>
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

#### **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**

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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
<del>Mendocino Forest Lands District</del>	<del>MFL</del>
Mendocino Open Space	MOS

#### **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:

<u>Combining District</u>	<u>Designator</u>
Mendocino Planned Unit Development	PD
Mendocino Visitor Serving Facilities	* <u>(Hotels, Inns, Motels)</u>
<del>Mendocino Bed &amp; Breakfast Rooms</del>	<del>*B <u>(Bed &amp; Breakfast Accommodations)</u></del>
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

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## 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 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.

(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.~~

~~(BA)~~ 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.**

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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.

**Sec. 20.648.010 - ~~Principal~~ Permitted Uses for MSR Districts.**

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

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

Family Residential: Single Family

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

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

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

Community Gardens

~~**Groundwater Monitoring**~~

~~**Mutual Water Company Facilities**~~

(2)~~(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.~~

~~(BA)~~ 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.**

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

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

Family Residential: Single Family

Family Residential: Two Family

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

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

~~(1)(B)~~ ~~Civil~~ Civic Use Types

Community Garden

~~Groundwater Monitoring~~

~~(2)(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

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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 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.~~

~~(BA)~~ 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.

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

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

Family Residential: Single Family

Family Residential: Two Family

Family Residential: Multi-Family

Family Residential: Boarding House

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

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

**(1)(B) Civic Use Types**

Community Garden

**~~Groundwater Monitoring~~**

**(2)(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 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 (quest 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.~~

~~(BA)~~ 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) (4)~~ The following use types are the principal permitted uses 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

~~(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)(4)~~ 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

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

(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 of 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: for commercial development compatible with existing commercial uses; 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**

**(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

**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)

~~(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
- (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  
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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.

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 to 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 (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).~~

## 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.

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

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~~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.

~~(A)~~ None. ~~Groundwater Monitoring~~

**(1) Open Space Use Types**

**Open Space**

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

**(1) Civic Use Types**

~~(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:

**(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**~~

~~**Community Recreation**~~

~~**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:~~

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~~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.

**(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 these~~ 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

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 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 20.676 - 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 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, 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:~~

<del>Visitor Serving Facilities</del>	<del>Assessor's Parcel Number</del>	<del>Total Units</del>
<del>Bed &amp; Breakfast (2 to 4 rooms)</del>		
	<del>119-080-06</del>	<del>3</del>
	<del>119-140-10</del>	<del>2</del>
	<del>119-150-11</del>	<del>2</del>
	<del>119-160-07</del>	<del>4</del>
	<del>119-160-10</del>	<del>4</del>

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 “\*\*”)**

**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 that have been reserved and deemed appropriate for commercial **visitor serving facilities providing** 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 **Facilities** 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 Types~~ Residential Use Types**

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

**~~(B2)~~ Visitor Accommodation Use Types (Visitor Serving Facilities)**

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

Bed and Breakfast Accommodations, (\*B) 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) 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.

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~~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.

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).**

Within the Mendocino Visitor Serving Facilities Combining District (\* and \*B), 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).**

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

**Sec. 20.684.030 - Additional Regulations for \* ~~Districts~~ Mendocino Visitor Serving Facilities Combining District.**

(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 facility 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 facility 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) Districts 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 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 facility 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 the 1992 allocation of 215 visitor serving facility lodging units allowed in the Town at the sites designated for visitor serving facility lodging units by an asterisk \* or asterisk B (B\*). The remaining 22 of the total of 237 visitor serving facility lodging units that may be allocated in the Town pursuant to Town Plan Policy GM-3 shall be made available for application, permitting, and use by existing visitor serving facilities 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.~~

~~(21) In recognition of uncertainties arising from the site's designation in the 1992 Mendocino Town Plan, s~~Seven (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 complete by the Department of Planning and Building Services by December 31, 2018, 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, 2019, the allocations for the visitor serving facility lodging units shall be forfeited and shall become available for reallocation to another visitor serving facility.~~

~~(32) Remaining unallocated Visitor Serving Facility lodging units shall be made available by the Planning and Building Services Department for prioritized~~ application, permitting, and use on ~~other~~ Visitor Serving Facility sites 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.~~

~~(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 facility 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, 2018 and obtain a coastal development permit by June 30, 2019. 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 Facility 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 facility lodging unit shall be forfeited and the Planning and Building Services Department shall reallocate the unit.

~~(75)~~ 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, 2018~~, or (b) at such ~~other~~ time as ~~an allocation is forfeited a unit becomes available for reallocation or~~ any authorized or permitted units expires, 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.

~~(86)~~ 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~~ serving facility lodging 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 serving facility lodging units 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 serving facility lodging units 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.

(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"

### 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.**

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 the 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 yards on the street frontage of a lot ~~lets~~ 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 have ~~having~~ 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 porches, shall observe a be set back five (5) feet ~~foot~~ setback from any rear property lines ~~lines~~ 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,

(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),  
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~~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.



~~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), except for part (A) –“Resource Protection Impact Findings.” 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.

(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.

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~~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.

#### **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.

(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 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 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, ~~Fire 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.**

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 permits for any ~~the~~ temporary uses permitted pursuant to ~~in~~ Subsection (A) ~~of this section~~, the following conditions shall be met:

(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 ~~directory signs~~ signs, 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.

(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 (75) 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, ~~(86)~~ which changes the intensity of use of the structure, or ~~(97)~~ 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.~~

(B) This section shall not apply to any signs for which the owner has previously obtained a MHRB permit.

(C) If a directory panel ~~sign~~ 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. **Development that occurred after the effective date of the Coastal Act or its predecessor, the Coastal Zone Conservation Act, if applicable, that was not authorized in a coastal permit or otherwise authorized under the Coastal Act, is not lawfully established or lawfully authorized development, is not subject to the provisions of Chapter 20.716 but is subject to the provisions of Chapter 20.720. (Coastal Development Permit Regulations).**

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~~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.



(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.**

(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.

#### **(3) Nonconforming uses shall not be expanded nor intensified.**

(B) Routine maintenance and repairs may be performed on a nonconforming structure or site.

**(1) However, replacement of 50 percent or more of the nonconforming structure is not repair and maintenance but instead constitutes a replacement structure that must be brought into conformance with the policies and standards of the LCP.**

**(2) Improvements which enlarge and/or expand a legal nonconforming structure, including additions, may be authorized, provided that the additions and/or improvements themselves comply with the current policies and standards of the LCP. However, improvements involving demolition and/or replacement of 50 percent or more of the existing structure, are not permitted unless the entire structure is brought into conformance with all applicable LCP policies.**

(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, if the structure receives all necessary permits, 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) 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.

(3) If a nonconforming use or structure is destroyed by natural disaster, no coastal development permit is required if replacement occurs consistent with Section 20.720.020(A(5)).

#### **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 conditionally 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 ~~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.

### **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.

### **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 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 foot (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.
- (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 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 85<sup>th</sup> 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\\_Manual\\_2015.pdf](http://www.co.mendocino.ca.us/planning/pdf/MC_Lid_Manual_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 prevents, removes, or reduces nonpoint source pollution and/or adverse changes in stormwater runoff flows resulting from development.**

**(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 85<sup>th</sup> percentile, 24-hour, 1-year recurrence storm runoff event at the Town (i.e., 0.88 inches) for volume-based BMPs, or the 85<sup>th</sup> 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 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.

~~(J)~~ (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.

~~(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 (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).

**(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 15<sup>th</sup> through May 15<sup>th</sup>), 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, 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.~~

**(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 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.~~

~~(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](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 85<sup>th</sup> 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\\_Manual\\_2015.pdf](http://www.co.mendocino.ca.us/planning/pdf/MC_Lid_Manual_2015.pdf)).~~

**(4) Size LID, Runoff Control, and Treatment Control BMPs Using the 85<sup>th</sup> 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 85<sup>th</sup> percentile 24-hour design storm event at the Town for volume-based BMPs, or two times the 85<sup>th</sup> 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\\_Manual\\_2015.pdf](http://www.co.mendocino.ca.us/planning/pdf/MC_Lid_Manual_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 85<sup>th</sup> 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 85<sup>th</sup> 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 85<sup>th</sup> 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 85<sup>th</sup> 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.

**(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 85<sup>th</sup> 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 85<sup>th</sup> 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 85<sup>th</sup> percentile 1-hour 4-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 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 85<sup>th</sup> 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 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 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 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 30<sup>th</sup> 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, 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 85<sup>th</sup> percentile, 24-hour, ~~1-year recurrence~~ storm runoff event (for volume-based BMPs) or the 85<sup>th</sup> 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.**



- (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) filtered and, as feasible, infiltrated stormwater either prior to conveyance off-site, or (2) filtered, and retained 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 reuse 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) ~~(e)~~ **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 85<sup>th</sup> 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.

~~(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 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 85<sup>th</sup> percentile, ~~1 hour, 1-year recurrence~~ design storm event (e.g., locations of diversions/conveyances for upstream runoff); ~~(e)(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, gullyng on or downslope of the subject parcel or ~~as provided in a larger other~~ ~~discharge~~ areas 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 85<sup>th</sup> percentile, 24-hour, ~~1-year~~ recurrence storm event for volume-based BMPs, or the 85<sup>th</sup> 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 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 85<sup>th</sup> 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 85<sup>th</sup> 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), above) has been sized and designed to infiltrate, retain, or treat, at a minimum, the runoff produced by the 85<sup>th</sup> percentile 24-hour storm event for volume-based BMPs, or two times the 85<sup>th</sup> 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 85<sup>th</sup> 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 85<sup>th</sup> 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 be 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.

**(i) ~~(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.

#### **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**

### **Sec. 20.718.005 -~~Purpose~~ Purpose and Applicability.**

The provisions of Chapter 20.528, "Coastal Access Regulations and Open 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. **The purpose of this chapter is to implement the public access and recreation policies of Chapter 3 of the Coastal Act and the applicable policies of the Mendocino Town Plan.** This Chapter shall apply to all projects in the **Town of Mendocino Local Coastal Program segment of 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. **These public access provisions shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and**



circumstances of each case, including, but not limited to, topographic and geologic site characteristics and the capacity of the site to sustain use and at what level of intensity.

**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 Maps; 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. The Mendocino Town Plan Public Access Maps are illustrative and do not necessarily include all areas that currently provide or could provide public access to the coast. The maps shall be interpreted consistent with the text of the policies of the Mendocino Town Plan and the standards of this chapter of the Mendocino Town Zoning Code.

(B) ~~In specified areas identified in the Mendocino Town Plan, prior to the issuance of a coastal development permit for any new 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 identified in 1-4 of this section, the decision-making authority shall review the proposed development to ensure the protection of public access to the maximum extent feasible consistent with (1) state and federal law; (2) public safety needs; and (3) the need to protect public rights, the rights of private property owners and natural resources from over use. Unless exempted from the requirement to provide public access as set forth in Section 20.718.020, the decision to impose public access requirements shall be based on a nexus between the project and its impacts on public access and recreation. If the decision-making authority determines such a nexus exists, the access required shall be proportional to the impacts of the project on public access and recreation.~~

(1) New development on any parcel or location specifically identified in the Mendocino Town Plan, the Mendocino Town Plan Public Access Maps, or in the Town LCP zoning districts, or as further provided within this section.

(2) New development between the nearest public roadway and the sea.

(3) New development on any site where there is substantial evidence of a public right of access to or along the sea or public tidelands acquired through use or a public right of access through legislative authorization.

(4) New development on any site where a trail, bluff top access or other recreational access is necessary to mitigate impacts of the development on public access.

(C) For any project where such mitigation is required, the preferred implementation should be through a recorded grant of easement to the County, another public agency, or to a designated private nonprofit association acceptable to the County who is willing to accept the easement and willing to operate and maintain the public accessway or trail. Where grants of easement are not feasible because neither the County, other public agency, nor private nonprofit association is willing to accept, maintain and operate the accessway, implementation of required access mitigation shall be implemented through a recorded Offer to Dedicate (OTD) an easement to a public agency or a designated private nonprofit association acceptable to the County. All conditions of permit approval for offers to dedicate shall include a requirement for an interim deed restriction that states that the terms and conditions of the permit prohibit both interference with any rights of public access in the areas subject to the easement prior to acceptance of the offer and any obstruction of the easement area.

(CD) Visitor ~~accommodations-serving facilities~~ 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, consistent with the requirements of (B) above. 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 an equal basis to the public at large as well as to guests or owners of the permitted development.

~~(DE)~~ 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.~~

~~(EF)~~ 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 **or other fragile coastal resources**, fragile landforms, public and private rights, public safety, **and mitigate against the impacts of overcrowding or adjacent upland areas against** overuse **of any single area.**

~~(FG)~~ A continuous **public** 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.

~~(GH)~~ 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 **public** pedestrian/**bicycle accessway** ~~walkway~~, separated from the Highway 1 travel lanes. **Accessways shall be provided on both sides of the bridge. If an accessway is only feasible on one side of the bridge, the accessway shall be located on the west side.**

~~(2) A continuous bikeway, separated from the Highway 1 travel lanes;~~

~~(32)~~ A continuous **public** 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.

~~(43)~~ **The County shall encourage Caltrans to 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.

and improve the area with a public scenic overlook and provide environmental education information about ~~the~~ Mendocino Bay and Big River 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~~ Way-finding signage to and along public access ways shall (1) harmonize with the historic character of the Town, (2) be located to avoid visual clutter, and (3) where located on the seaward side of Highway 1, Lansing Street, Heeler Drive, or Main Street, avoid intrusion to the maximum extent feasible into public views to and along the sea. Way-finding markers for the California Coastal Trail in the Town shall utilize the adopted Coastal Conservancy trail emblem (Figure 4.13-7); provided that the emblem may (1) be part of a sign or structure, (2) be embedded in a sidewalk, path, trail, or in pavement, and (3) shall be displayed consistent with the requirements of the Town Local Coastal Program and Mendocino Historic Review Board Design Guidelines.

~~(J)~~ 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 public sidewalk pedestrian accessway 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 fragile~~ coastal ~~natural~~ resources and ~~adjoining historical residential areas~~ the need to mitigate against the impacts of overcrowding or ~~from~~ overuse of any single area.

**Sec. 20.718.015 – Minimum Public Access Standards.**

**(A) The public access required pursuant to Section 20.718.010 shall conform to the standards and requirements set forth in Sections 20.718.015 through 20.718.045.**

**(AB) ~~Width Lateral Public Access.~~ A condition requiring an offer to dedicate an easement or a grant of ~~Required public~~ easements for lateral shoreline access ways as a condition of approval of a coastal development permit (or other authorization to proceed with development) shall provide the public with the permanent right of lateral public access and recreational use along the entire width of the property and 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.**

**(C) Bluff Top Access. A condition to require public access along a bluff top as a condition of approval of a coastal development permit (or other authorization to proceed with development) pursuant to Section 20.718.010 shall provide the public with the permanent right of scenic and visual access from the bluff top to the public tidelands.**

**Each bluff top accessway shall be described in the conditions of approval of the coastal development permit as an area beginning at the current bluff edge extending 25 feet inland [or greater or lesser] as determined to be necessary for public safety or geologic stability. To the maximum extent feasible, the easement shall be as wide as necessary to accommodate the number of users that can reasonably be expected. Due to the potential for erosion of the bluff edge, the condition shall include a mechanism that will cause the accessway to be adjusted inland as the edge recedes. Any permanent improvements shall be set back from the accessway by a distance derived by multiplying the annual rate of bluff top retreat by the life expectancy in years of the improvements, plus an added geologic stability factor of 1.5.**

The accessway shall be legally described as required in Section 20.718.040(A), with the furthest inland extent of the area referenced as a distance from a fixed monument in the following manner:

"Such easement shall be a minimum of 25 feet wide located along the bluff top as measured inland from the daily bluff edge. As the daily bluff top edge may vary and move inland, the location of this right of way will change over time with the then current bluff edge."

(BD) Vertical Access. A condition to require ~~Required public easements for~~ vertical public access as a condition of approval of a coastal development permit (or other authorization to proceed with development) pursuant to Section 20.718.010 shall provide the public with the permanent right of access, (1) located in specific locations identified in the certified Local Coastal Program for future vertical access, or (2) located in a site for which the permit issuing authority has reviewed an application for a development permit and has determined a vertical accessway is required pursuant to the access and recreation policies of the Coastal Act or the applicable provisions of the Mendocino Town Plan Local Coastal Program.

A condition to require vertical access as a condition of approval of a coastal development permit (or other authorization to proceed with development) pursuant to Section 20.718.010 shall provide the public with the permanent right of vertical access from the road to the shoreline (or bluff edge) and shall be legally described as required in Section 20.718.0040(A).

The access easement 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 other physical constraints on the site that cannot otherwise be eliminated and require a narrower passageway;

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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.

(4) Where public safety conditions require a narrower passage-way.

(5) Along Highway 1, where the pedestrian access way(s) shall will be a minimum of fifteen (15) feet wide, wherever feasible, ~~consistent with Section 20.528.010~~; provided that the ~~pedestrian walkway accessway(s)~~ on the Big River Bridge shall be located on its west side and shall have a minimum width of six (6) feet.

(~~CE~~) Pass and Repass. Public use of a public access easement may be limited to pass and repass ~~where~~:

(1) ~~Where~~ ~~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 ~~and there is a need to protect the privacy of~~ 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.~~

(~~DE~~) 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).

(~~EG~~) 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 **and with the provisions of Section 20.718.010**. All access ways accessible to persons with disabilities shall be posted accordingly. All signs shall conform to the regulations and standards of Chapter 20.~~476712~~of this Division.

(~~FH~~) 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~~ **evaluated as part of the accessway design** 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~~ Requirement to Provide Public Access**

**New development projects shall provide public access from the nearest public roadway to the shoreline and along the coast consistent with the requirements of Section 20.718.010 except where findings required by Sections 20.718.045 and 20.718.050 establish any of the following:**

**(1) Public access is inconsistent with the public, safety, military, security needs, or protection of fragile coastal resources, or**

**(2) Adequate access exists nearby.**

**As used in Chapter 20.718, “new development” does not include:**

**(a) Structures destroyed by natural disaster: The replacement of any structure, other than a public works facility, destroyed by a disaster; provided that the replacement structure conforms to applicable existing zoning requirements, is for the same use as the destroyed structure, does not exceed either the floor area, height, or bulk of the destroyed structure by more than 10%, and is sited in the same location on the affected 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 the owners.**

**(b) Demolition and reconstruction: The demolition and reconstruction of a single-family residence or two-unit development provided that the reconstructed residence shall not exceed either the floor area, height or bulk of the former structure by more than 10 percent, and that the reconstructed residence shall be sited in the same location on the affected property as the former structure.**



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

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

(e) Reconstruction and repair: The reconstruction or repair of any seawall; provided that the reconstructed or repaired seawall is not seaward of the location of the former structure. As used in this section, "reconstruction or repair" of a seawall shall not include replacement by a different type of structure or other modification in design or construction which results in different or greater impacts to shoreline resources than those of the existing structure.

~~The offer to dedicate and acceptance 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.~~

#### Sec. 20.718.025 - Closure.

~~(BA)~~ No public agency shall abandon, vacate, quitclaim, or approve a lot line adjustment or any other division of land that transfers the public access rights to use of any public access way, walkway, path, or easement therefor to private ownership.

#### ~~Sec. 20.718.025 - Temporary Closure.~~

~~(A) Closure of an 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, or vacation, sale, lease, or lot line adjustment of a parcel, lot, or portion thereof that contains of a public access way, walkway, or public access easement shall require that a coastal development permit and/or amendment of any existing coastal development permit that required establishment of the access way, walkway, or public access easement. If the subject accessway, walkway, or public access easement is in a location identified in Section 20.718.010 (Minimum Access Locations), an amendment to the certified Mendocino Town Local Coastal Program shall be effectively certified before an application for such development may be filed, and a decision on it be rendered~~

#### **Sec. 20.718.030 – Prescriptive Rights, Implied Dedication Arising From Public Use.**

Provisions related to the existence of ~~potential prescriptive rights implied dedication arising from public use~~ 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 easements acquired by the public at large by court decree.

(B) Potential Existence of **Prescriptive Right, Implied Dedication Arising From Public Use**

(1) Rights Not Yet Established. Where evidence of historical public use indicates the potential for the existence of ~~prescriptive rights implied dedication arising from public use~~, 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 Implied Dedication Arising From Public Use** Established. Where research indicates the potential existence of ~~prescriptive rights, implied dedication arising from public use~~, 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 an~~ 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.

**(D) Minimum requirements. No access condition shall serve to extinguish or waive public prescriptive rights. In permits where evidence shows the possibility of implied dedication arising from public use, the following language shall be added to the access condition:**

**"Nothing in this condition shall be construed to constitute a waiver of any rights of public access which may exist on the parcel itself or on the designated easement."**

#### **Sec. 20.718.035 - Methods for Securing Access.**

~~Where acquisition of public access is pursuant to an offer to dedicate an easement or grant of 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.~~

Where public accessways are required for a project as designated on the coastal element land use maps or as a condition of a permit, an offer to dedicate an easement or a grant of easement, in the form and content approved by the Coastal Commission shall be recorded pursuant to Section 20.528718.040 and in a manner approved by the Coastal Commission before the coastal permit is issued. Copy of the recorded document shall be submitted to the Department of Planning and Building Services prior to the issuance of the Coastal Development Permit.

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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.

## **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 **or grant** as a condition of project approval, ~~where such offer is required~~, as follows:

(1) The offer **or grant** 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 **or grant** 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 **or grant** shall convey to the people of the State of California an easement for access over and across the offerers' property.

(4) Each offer **or grant** 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.~~

**(5) The recorded document shall provide that: (a) the terms and conditions of the permit do not authorize any interference with any public access rights in the area subject to the easement prior to acceptance of the offer and, (b) development or obstruction in the accessway prior to acceptance of the offer is prohibited.**

(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 **offer to dedicate or grant 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 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 ~~or grants of easements of~~ required public access shall be recorded prior to issuance of a Coastal Development Permit.

(C) Acceptance of Offer. Acceptance of the offer ~~may be is~~ 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.~~

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

(2) A dedicated accessway shall not be required to be opened to public use until a public agency or private association approved in accordance with this section agrees to accept

responsibility for maintenance and liability of the access, except in cases where immediate public access is implemented through a deed restriction.

~~(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 will 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. **If the plan proposes to newly authorize development, such portions of the plan shall require approval of a coastal development permit.** 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~~ **vegetation maintenance to ensure accessways remain safe and unobstructed, removal of trash/litter**, 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) This Chapter shall apply to all development **of land** in the Town of Mendocino, **which is required to demonstrate to the approving authority that the proposed development will**~~

~~(1) not degrade an environmentally sensitive habitat area, and (2) is compatible with the continuance of such areas where they exist.~~

~~(b) To the extent the provisions of Chapter 20.496, "Environmentally Sensitive Habitat and Other Resource Areas" of the Mendocino County Zoning Code, Title 20, Division III of the Mendocino County Code are not superseded by or inconsistent this Chapter, they shall additionally apply to the Town of Mendocino.~~

#### 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. 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, 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) foot 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 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, 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.~~

~~(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 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. 20.710.030 – 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.~~

~~(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. 20.710.040 – 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.~~

~~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.~~

~~Sec. 20.496719.015 –ESHA—Development Application Procedures.~~

**(A) Determining Extent of ESHA.** The Coastal Permit Administrator shall review, with the assistance of land use maps, all permit applications for coastal developments to determine whether the project has the potential to impact an ESHA. A project has the potential to impact an ESHA if:

- (1) The development is proposed to be located on a parcel or proximate to a parcel identified on the land use plan map with a rare and/or endangered species symbol;
- (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 one hundred (100) feet of an environmentally sensitive habitat and/or has potential to negatively impact the long-term maintenance of the habitat, as determined through the project review.

Development proposals in ESHA's including but not limited to those shown on the coastal land use maps, or which have the potential to impact an ESHA, shall be subject to a biological survey, prepared by a qualified biologist, to determine the extent of the sensitive resource, to 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 of Division II of this Title, "Environmentally Sensitive Habitat Area—Supplemental Application Procedures."

**(B) Disagreement as to Extent of ESHA.** Where the Coastal Permit Administrator and representatives of the California Department of Fish and Game, the California Coastal Commission, and the applicant are uncertain as to the extent of the sensitive habitat on any parcel, such disagreements shall be investigated by an on-site inspection by the landowner and/or agents, county staff member and representatives from Fish and Game and the Coastal Commission.

**(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 assigned agent.

**(D) Development Approval.** Such development shall only be approved if the following occurs:

(1) All members of the site inspection team agree to the boundaries of the sensitive resource area; and

(2) Findings are made by the approving authority that the resource will not be significantly degraded by the development as set forth in Section 20.532.100(A)(1) of Division II of this Title.

**(3) Findings are made by the approving authority that any development in an ESHA is a resource dependent use, as set forth in Section 20.720.035(D)(a).**

**(E) Denial of Development.** If findings cannot be made pursuant to Section 20.532.100(A)(1), the development shall be denied.

#### **Sec. 20.496719.020 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 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 an applicant can demonstrate, after consultation and agreement with the California Department of Fish and Game, and County Planning staff, that one hundred (100) feet is not necessary to protect the resources of that particular habitat area from possible significant disruption caused by the proposed development. The buffer area shall be measured from the outside edge of the

Environmentally Sensitive Habitat Areas and shall not be less than fifty (50) feet in width. New land division shall not be allowed which will create new parcels entirely within a buffer area. 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 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 Game 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 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 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 should be provided.

**(d) Use of Natural Topographic Features to Locate Development.** 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, bluff faces should not be developed, but shall be included in the buffer zone.

**(e) Use of Existing Cultural Features to Locate Buffer Zones.** Cultural features (e.g., roads and dikes) shall be used, where feasible, to buffer habitat areas. Where feasible, development shall be located on the side of roads, dikes, irrigation canals, flood control channels, etc., away 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 to ensure additional protection. 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 will, to a large degree, determine the size of the buffer zone necessary to protect the ESHA. Such evaluations shall be made on a case-by-case basis depending upon the resources involved, the degree to which adjacent lands are already developed, and the type of development already existing in the area.

**(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 the top of the bluff).

**(3) Land Division.** New subdivisions or boundary line adjustments shall not be allowed which will create or provide for new parcels entirely within a buffer area.

**(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 the functional capacity, 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. The determination of the best site shall include consideration of drainage, access, soil type, vegetation, hydrological characteristics, elevation, topography, and distance from natural stream channels. The term "best site" shall be defined as the 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 human systems.
- (d) Development shall be compatible with the continuance of the adjacent habitat area by maintaining the functional capacity, their ability to be self-sustaining and maintain natural species diversity.
- (e) Structures will be allowed within the buffer area only if there is no other feasible site available on the parcel. 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 1:1, which are lost as a result of development under this solution.
- (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) Where riparian vegetation is lost due to development, such vegetation shall be replaced at a minimum ratio of one to one (1:1) to restore the protective values of the buffer area.
- (h) Aboveground structures shall allow peak surface water flows from a one hundred (100) year flood to pass with no significant impediment.
- (i) hydraulic capacity, subsurface flow patterns, biological diversity, and/or biological or hydrological processes, either terrestrial or aquatic, shall be protected.
- (j) Priority for drainage conveyance from a development site shall be through the natural 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 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. 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. 20.496719.025 —Wetlands and Estuaries.**

**(A)** Development or activities within wetland and estuary areas shall be limited to the following:

- (1) Port facility expansion or construction.
- (2) Energy facility expansion or construction.
- (3) Coastal-dependent industrial facilities, such as commercial fishing facilities, expansion or construction.
- (4) Maintenance or restoration of dredged depths or previously dredged depths in navigation channels, turning basins, vessel berthing and mooring areas, and associated boat launching ramps.
- (5) In wetland areas, only entrance channels for new or expanded boating facilities may be constructed, except that, in a degraded wetland, other boating facilities may be permitted under special circumstances.
- (6) New or expanded boating facilities may be permitted in estuaries.
- (7) Incidental public service purposes which temporarily impact the resource including but not limited to burying cables and pipes, or inspection of piers, and maintenance of existing intake and outfall lines.
- (8) Restoration projects which are allowable pursuant to Section 30233(a)(~~76~~) of the Coastal Act are publicly or privately financed projects in which restoration is the sole purpose of the project. Restoration projects may include some fill for nonpermitted uses if the wetlands are small, extremely isolated, and incapable of being restored. Small, extremely isolated parcels that are incapable of being restored to biologically productive systems may be filled and developed for uses not ordinarily allowed only if such actions establish stable and logical boundaries between urban and wetland areas and if the applicant provides funds sufficient to accomplish an approved restoration program in the same general region pursuant to Chapter 20.532 of Division II of this Title. All the following criteria must be satisfied before this exception is granted:



- (a) The wetland to be filled is so small (e.g., less than one (1) acre) and so isolated (i.e., not contiguous or adjacent to a larger wetland) that it is not capable of recovering and maintaining a high level of biological productivity without major restoration activities.
- (b) The wetland must not provide significant habitat value to wetland fish and wildlife species, and must not be used by any species that are rare or endangered.
- (c) Restoration of another wetland to mitigate for fill can most feasibly be achieved in conjunction with filling a small wetland. The mitigation measure shall be carried out in a manner that would result in no net loss of either wetland acreage or habitat value.
- (d) Restoration of a parcel to mitigate for the fill must occur at a site that is next to a larger, contiguous wetland area providing significant habitat value to fish and wildlife that would benefit from the addition of more area. In addition, such restoration must occur in the same general region (e.g., within the general area surrounding the same stream, lake, or estuary where the fill occurred).
- (e) The Department of Fish and Game and the U.S. Fish and Wildlife Service believe the proposed restoration project can be successfully carried out.
- (9) Mineral extraction, including sand for restoring beaches, except in ESHA's.
- (10) Nature study purposes and salmon restoration projects.
- (11) Aquaculture, or similar resource dependent activities excluding ocean ranching.

**(B) Requirements for Permitted Development in Wetlands and Estuaries.**

(1) Any proposed development that is a permitted development in wetlands and estuaries must meet the following statutory requirements, and supplemental findings pursuant to Section 20.532.100 of Division II of this Title:

- (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, the Coastal Permit Administrator shall request the Department of Fish and Game to review dredging plans for developments in or adjacent to wetlands or estuaries. 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 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 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 by the Regional Water Control Board and regulated to prevent unnecessary discharge of refuse, petroleum spills and disposal of silt materials.

**(3) Diking or Filling.** If a development involves diking or filling of a wetland, required minimum mitigation measures 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, in some cases, be permitted to open equivalent areas to tidal action. This method of mitigation would be appropriate if the applicant already owned filled, diked areas which themselves were not environmentally sensitive but would become so, if such areas were opened to tidal action or provided with other sources of surface water.

(c) If no appropriate restoration sites under options (a) or (b) are available because the applicant is unable to find a willing seller, the applicant shall pay an in-lieu fee of sufficient value to an appropriate public agency for the purchase and restoration of an area of equivalent productive value or equivalent surface area. Such replacement site shall be purchased before the dike or fill development permit is issued.

This option shall be allowed only if the applicant is unable to find a willing seller of a potential restoration site. The in lieu fee shall reflect the additional costs of acquisition, including litigation, as well as the cost of restoration. If the public agency's restoration project is not already approved, the public agency may need to be a co-applicant for a Coastal Development Permit to provide adequate assurance that conditions can be imposed to ensure purchase and restoration of the mitigation site prior to issuance of the permit.

(d) Such mitigation measures shall not be required for temporary or short term fill or diking; provided that a bond or other evidence of financial responsibility is provided to assure that restoration will be accomplished in the shortest feasible time and that such activities will not cause permanent damage to wetland or estuarine ecosystems.

(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; i.e., natural species diversity, abundance and composition are essentially unchanged as a result of the project;

(b) That the development will not harm or destroy a species or habitat that is rare or endangered;

(c) That the development will not harm a species or habitat that is essential to the natural biological functioning of the wetland or estuary;

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

#### **Sec. 20.496.19.030 — Open Coastal Waters, Lakes, Stream, Rivers.**

(A) Development permitted in open coastal waters and lakes shall be limited to the following:

(1) All development permitted in wetlands and estuaries (Section 20.496.025).

(2) New or expanded boating facilities and the placement of structural pilings for public recreation piers that provide public access and recreational opportunities.

(3) Sand or gravel extraction in portions of open coastal waters that are not ESHA's.

#### **(B) Requirements for Permitted Developments in Open Coastal Waters and Lakes.**

(1) Diking, filling, or dredging of open coastal waters or lakes shall be permitted only if there is no feasible, less environmentally damaging alternative.

(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 and rivers shall be limited to the following:**

(1) Necessary water supply projects.

(2) Flood control projects.

(3) Developments which have as the primary function the maintenance or improvement of fish and wildlife habitat.

(4) New or expanded boating facilities.

(5) Sand and gravel extraction.

**(D) Requirements for Permitted Development in Streams and Rivers.**

(1) All channelizations, dams, or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible to minimize 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 the existing development.

(b) There must be no other feasible method for protecting existing structures in the floodplain.

**Sec. 20.496719.035 — Riparian Corridors and Other Riparian Resource Areas.**

(A) No development or activity which could degrade the riparian area or diminish its value as a natural resource shall be permitted in the riparian corridor or in any area of riparian vegetation except for the following:

(1) Channelizations, dams or other alterations of rivers and streams as permitted in Section 20.496719.030(C);

(2) Pipelines, utility lines and road and trail crossings when no less environmentally damaging alternative route is feasible;

(3) Existing agricultural operations;

(4) Removal of trees for disease control, public safety purposes or personal use for firewood by property owner.

(B) Requirements for 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 flow such as increased runoff,

sedimentation, biochemical degradation, increased stream temperatures and loss of shade created by development;

(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 one to one (1:1) and replaced if the survival rate is less than seventy-five (75) percent.

#### **Sec. 20.496719.040- Dunes.**

**(A)** Development and activities permitted in dunes shall be limited to the following:

(1) Scientific, educational and passive recreational uses.

(2) One single-family dwelling where adequate access, water and sewage disposal capacity exist consistent with applicable Coastal Element policies and development standards of this division.

(3) Removal of sand, construction of fences or walls to impede sand movement and planting of vegetation for dune stabilization where necessary to protect existing structures. These projects shall be subject to provisions regarding sand extraction and shall be processed under conditional use permit procedures.

(4) Footpaths to direct use and minimize adverse impacts where public access is 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) All sand removal shall be subject to a Coastal Development Use Permit but shall not be allowed on vegetated dunes.

#### **Sec. 20.496719.050 - Other Resource Areas.**

**(A) General.** Other designated resource areas as identified on Pages 39, 40 and 41 of the Coastal Element dated November 5, 1985 include: State parks and reserves, underwater parks and reserves, areas of special biological significance, natural areas, special treatment areas,

fishing access points, areas of special biological importance, significant California ecosystems and coastal marine 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.

**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 the 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 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, floor area ratio, and lot width. Variances shall not be granted to allow deviations from use limitations, minimum lot sizes, and density requirements or any other Mendocino Town LCP requirements.

(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:

~~(A1)~~ 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;~~

~~(B2)~~ Activities of public utilities ~~as specified in that are exempted pursuant to~~ the Repair, Maintenance and Utility Hookup Exclusion adopted by the Coastal Commission on September 5, 1978, as limited by Title 14 California Code of Regulations Section 13252(a) and any amendments thereafter adopted;

~~(C3)~~ 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;~~

~~(D4)~~ 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 13253 and any amendments thereafter. and any amendments thereafter.

~~(E5)~~ 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.

~~(F6)~~ Categorical Exclusion Order E-96-1 ~~exempts excludes~~ 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 terms and conditions, including, but not limited to, a condition requiring that the excluded development 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 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, **by submitting either (1) a hydrological study meeting all the requirements of Section 20.744.015; or (2) evidence demonstrating that the development is excepted from the need to perform a hydrological test under the requirements of Section 20.744.025 including:**

**(a) a written determination by the District or Health Officer that the development will not have any foreseeable impact on hydrologically contiguous wells;**

**(b) a written determination by the District that based on the water use standards adopted by the District, the proposed development would result in no more than a limited increase in total water demand over the existing total water demand for legally authorized development on the subject lot not exceeding (i) 30% of an existing water demand that is less than or equal to 320 gallons per day, and (ii) 10% of an existing water demand that is greater than 320 gallons per day; and**

**(c) all available monthly well metering data for all months during which the current extent of development has existed on the lot demonstrating that the existing well produces**

**enough water to serve the existing development on the lot with or without conservation measures and without reliance on off-site water sources.**

(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.

**(N) All supplemental application information required by Sections 20.692.925 and 20.688.015.**

**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) **Complete and accurate information satisfying all of the requirements of Section 20.720.025(2); (2)** 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; **(23)** Evidence of legal interest in the lot (parcel) on which the development, work, or activity is proposed; **(34)** 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; **(45)** 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; **(56)** Identification of any authorized project agent; and **(67)** 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.

During Application Check, the Department shall also refer copies of the application to the designated contact or tribal representative of traditionally and culturally affiliated California Native American tribes that requested, in writing, to be notified of proposed projects. The referral shall include a brief description of the proposed project and its location, the Department's contact information, and a notification that the California Native American tribe has 30 days to request a consultation. California Native American Tribal consultation shall include significance of the resource, alternatives to the project, and recommended mitigation measures. Environmental issues and possible mitigation measures identified during the consultation will be evaluated as part of the scope of environmental review.

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.

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

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~~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.



~~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. In the event that the County fails to act to approve or disapprove a development project within the time limits required above, the applicant may seek remedy to resolve the undecided permit request as set forth in California Government Code Section 65956.~~

(1) Failure to act - notice.

(a) Notification by Applicant. If the County has failed to act on an application within the time limits set forth in Government Code Sections 65950-65957.1, thereby approving the development by operation of law, the person claiming a right to proceed pursuant to Government Code Sections 65950-65957.1 shall notify, in writing, the County and the Coastal Commission of his or her claim that the development has been approved by

operation of law. Such notice shall specify the application which is claimed to be approved.

(b) Notification by County. When the County determines that the time limits established pursuant to Government Code Sections 65950-65957.1 have expired, the County shall, within seven (7) calendar days of such determination, notify any person entitled to receive notice pursuant to Title 14, California Code of Regulations Section 13571(a) that the application has been approved by operation of law pursuant to Government Code Sections 65950-65957.1 and the application may be appealed to the Coastal Commission pursuant to Section 20.728.020. This Section shall apply equally to a County determination that the project has been approved by operation of law and to a judicial determination that the project has been approved by operation of law.

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).

#### **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 Program ~~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 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:**

**(1) The proposed development ensures the protection of public health, safety, and welfare. [Suggested modification at request of County staff.]**

**(D) If the proposed development is located within an Environmentally Sensitive Habitat Area, the following additional finding shall be made:**

**(a) Only used dependent on environmentally sensitive habitat area resources and for which there is no less environmentally damaging location shall be allowed in the ESHA consistent with Mendocino Town Plan Policy CNS-7:**

**(b) The ESHA shall be protected against any significant disruption of habitat values:**

**(c) The resources as identified will not be significantly degraded by the proposed development;**

**(d) There is no feasible less environmentally damaging alternative;**

**(e) All feasible mitigation measures capable of reducing or eliminating project related impacts have been adopted.**

**(CE)** 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.**

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~~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.

(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 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 approved by the County 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 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 applications shall be referred to the approving authority ~~with~~ having original jurisdiction over 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<sub>1</sub> or a public agency ~~performing a public service<sub>1</sub>~~ is required to protect life or ~~and~~ public property from imminent danger, or to restore, repair<sub>1</sub> or maintain public works, utilities, or other services destroyed, damaged<sub>1</sub> 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<sub>1</sub>, 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 shall be the procedures set forth at sections 20.718.35 and 20.718.40. ~~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 governing setbacks, building heights, and lot widths 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 any other Mendocino Town LCP requirements 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). In the event that the Coastal Permit Administrator fails to act to approve or disapprove a development project within the time limits required above, the applicant may seek remedy to resolve the undecided permit request as set forth in California Government Code Section 65956.~~

(1) Failure to act - notice.

(a) Notification by Applicant. If the Coastal Permit Administrator has failed to act on an application within the time limits set forth in Government Code Sections 65950-65957.1, thereby approving the development by operation of law, the person claiming a right to

proceed pursuant to Government Code Sections 65950-65957.1 shall notify, in writing, the County and the Coastal Commission of his or her claim that the development has been approved by operation of law. Such notice shall specify the application which is claimed to be approved.

(b) Notification by County. When the County determines that the time limits established pursuant to Government Code Sections 65950-65957.1 have expired, the County shall, within seven (7) calendar days of such determination, notify any person entitled to receive notice pursuant to Title 14, California Code of Regulations Section 13571(a) that the application has been approved by operation of law pursuant to Government Code Sections 65950-65957.1 and the application may be appealed to the Coastal Commission pursuant to Section 20.728.020. This Section shall apply equally to a County determination that the project has been approved by operation of law and to a judicial determination that the project has been approved by operation of law.

(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 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 may 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
- (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 enjoinder 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 the Coastal Act, and consistent with 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.

**An application for a Coastal Development Administrative Permit for a second residential dwelling unit shall not be subject to a County public hearing. A coastal development**

permit granted by the County that is appealable to the Coastal Commission pursuant to Section 30603 of the Coastal Act may be subject to a Coastal Commission public hearing on any appeal filed with the Commission.

**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 determined by the groundwater evaluation standards and procedures of Chapter 20.744 and 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, except in cases where the second unit is contained within the existing space of a single family residence or accessory structure, 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, except that a setback of no more than five feet from the side and rear lot lines shall be required for a second residential unit constructed above a garage.
- (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 the commencement of development** 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 character 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~~.

**(NP)** Second residential dwelling units shall not be permitted in Planned Unit Development (PD) Combining Districts.

## 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.

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~~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.



## 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."~~

(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.

(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.

(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.
- (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) A hydrological study will not be required in cases where all of the following have been met:

(1) It has been determined by the District or Health Officer that the development will not have any foreseeable impact on hydrologically contiguous wells;

(2) It has been demonstrated that the proposed development would result in no more than a limited increase in total water demand over the existing total water demand for legally authorized development on the subject lot as calculated from the water use standards adopted by the District. As calculated from the water use standards, a limited

increase shall not exceed: (a) 30% of an existing water demand that is less than or equal to 320 gallons per day, and (b) 10% of an existing water demand that is greater than 320 gallons per day; and

(3) It has been demonstrated based on monthly well metering data the subject lot has an existing well that produces enough water to serve the existing development on the lot with or without conservation measures and without reliance on off-site water sources.

#### **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 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)~~ Transferral. 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 shave 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, 119-080-15, 119-140-04, 119-140-05 and 119-140-29~~ (November 28, 1978, Reed vs. County of Mendocino #44860); all that

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~~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.

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.**

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~~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.

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 ~~sign~~ 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 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 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.

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~~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.

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.

1. Generally, the relationships identified on this sheet conform to the revisions identified on the 1992 MT and map (1992 LUM) and the 2015 MT and map (2015 LUM). The 2015 MT and 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 northern 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 MOS shows them as per the recorded FSM medians-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 use) specialized zones.
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 Paleta Drive as OS; the 2015 ZM shows it as MPF for MCCSD public facility use, subject to MCCSD requirements.
7. The 1995 ZM shows the parcel north of Cacho 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 boundaries maps clarify these.
9. The 1995 ZM shows six parcels on the boundary line as shown on the 2015 ZM. The 2015 ZM shows six parcels and counted VSF sites; the 2015 ZM updates the location of these 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 MPFL; to reflect post-1995 State Parks acquisition of this area, the 2015 ZM shows the area, now part of MHSP, as MRR-1.
13. The 1995 ZM shows Heiser Drive, east/northeast of its intersection with Ford Street, as variously within the MOS and MRR-1 zoning districts; the 2015 ZM updates to reflect State Parks' ownership of Heiser Drive to its intersection with Lansing Street.

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**JAN - 8 2016**

**CALIFORNIA  
COASTAL COMMISSION  
NORTH COAST DISTRICT**

## **APPENDIX 1**

# **INVENTORY OF HISTORIC STRUCTURES**

**APPENDIX D:  
APPENDICES TO MENDOCINO TOWN LUP**



## MENDOCINO TOWN PLAN APPENDIX

### INVENTORY OF HISTORIC STRUCTURES

The attached inventory of buildings and sites, historic and non-historic, in the Mendocino Historic Preservation District, Zone A is in preliminary form.

It represents research into the history of Mendocino over the past ten years and is still incomplete. However, in the interests of planning for the future it is believed that the County and MHRB or successor organizations may find the survey helpful in establishing guidelines for planning Mendocino's future. There are few communities that could include all buildings in a survey.

When working on the inventory it was noticeable that there are quite a number of sites not included here. Whether they are important only to historians, or of interest to planners is a question not answered thus far.

Another fact noticed is the discrepancy in house numbers where the old numbering system is still used and people did not change over to the County's numbering system.

At one time it was considered sufficient to use two categories for the Inventory: Historic and Non-Historic, but as research continued it became apparent this simplistic approach would not suffice. The Categories now number four with Categories II and IV having two parts. Category IIa has been established as sort of a holding category until further research is made regarding the historical significance of the building. Several questions need to be asked: Is the building historically important, does it deserve Landmark status or will it fall into Category III or Category IVa.

### CATEGORIES

- I. Landmark: Construction dated, history substantiated, only minor alterations in character with original architecture.
- II. Historically Important:
  - a. Construction date known or closely estimated, research in progress, architecture modified.
  - b. There were a number of semi-bungalows built at about the same time, not Maine architecture but historic by age and design in Mendocino.
- III. Architecture ostensibly altered but basic structure is still discernible.
- IV Non-Historic:

- a. Reproductions or buildings constructed to resemble historic buildings.
- b. Buildings erected between 1930 and 1979, and not copies of historic buildings.

Map numbers refer to the locations of the buildings. Numbers without the letter E locate buildings west of Lansing Street, by far the largest section of Zone A, and numbers followed by E locate buildings east of Lansing Street.

Source: Research provided by Mendocino Historical Research, Inc., 7-24-79.



**MENDOCINO HISTORICAL RESEARCH, INC.  
INVENTORY OF HISTORIC BUILDINGS  
ZONE A - HISTORIC PRESERVATION DISTRICT  
WEST OF LANSING STREET**

Assessor's Parcel Number	Category	Map Number	Historic Name	Date Built	Address	Present Use
119-240-01	I	1	Ford House	1854	Main Street	State Park Interpretive Center
119-210-08	I	2	Carlson Hotel Site and Water Tower	1857	10401 Main Street	Dwelling where Heeser's Store was and vacant land where hotel was
119-210-13		3	N/H		Main Street	Store building-rental
119-210-13	III	4	Neto's Hotel		450 Main Street	Offices and apartment upstairs
119-210-10	S	5	Site of Gus' Saloon	1870's	Main Street	Open Lot
119-237-01	IVb	6	N/H		480 Main Street	Medical building & dwelling upstairs
119-237-02	I	7	Lemos' Saloon	1870's	Main Street	Store and offices
119-237-03	IVa	8	Ramus Boarding House	c1875	45160 Main Street	Rebuilt into shops and offices
119-237-13	IVa	9	Tank Alley Site	1978	Main Street	Store
119-237-04	I	10	Ramus Saloon	c1875	Main Street	Vacant and deteriorated
119-237-05	I	11	Bank of Commerce	1905	522 Main Street	Stores
119-237-06	III	12	Barn-Store	c1875	530 Main Street	Stores
119-237-07	I	13	Eugene Brown House	1878	Main Street	Dwelling
119-237-12	IVb	14	N/H		Main Street	Art Gallery, Bay Window
119-237-11	III	15	Eagle Saloon		Main Street	Dwelling-Duplex
119-237-10	I	16	Bank of Commerce	1908	45100 Main Street	Bank of America
119-238-01	I	17	Jarvis-Nichols Bldg	c1871	45080 Main Street	Stores and offices
119-238-14	Ila	18	Drug Store Toggery		Main Street	Arcade-Shops
119-238-15	IVa	19	N/H		Main & Albion Streets	Ice Cream Parlor and Le Voyage
119-238-05	I	20	Mendocino Hotel	1878	Main Street	Hotel
119-238-04						
119-238-06	I	21	Dr. Milliken's Office	1880's	Main Street	Dwelling
119-238-06	I	22	H	1880's	45070 Main Street	Saloon
119-238-08	Ila	23	H		690 Main Street	Ragtime Clothing Store
119-238-09	S/IIb	24	Site of Alhambra Hotel		710 Main Street	Dwelling and dentist's office
119-238-10	IVb	25	N/H		45040 Main Street	Deli and restaurant, dwelling on Albion Street
119-238-10	I	25a	Kelley Rental	1870's	Main Street	Media building on Kelley Pond
119-238-10	I	25b	H		Main Street	Kelley Pond



Assessor's Parcel Number	Category	Map Number	Historic Name	Date Built	Address	Present Use
119-238-17	I	26	Kelley House	1861	Main Street	Historical library and Museum
119-238-16	I	27	Kelley Water Tower	1920's	Main Street	On property of Kelley Store building
119-238-16	IVa	27a	N/H	1979	45000 Main Street	Reproduction of Kelley Store
119-236-05	S	28	Site of Boyd and Switzer Livery		Lansing Street	Demolished 1923 for present building
119-236-05	I	28a	Shell Garage	1923	Lansing Street	Service station and rentals
119-236-12	S	?	Site of Kelley Barn	1800's	Albion Street	Demolished in 1978 Barn
119-236-12	IVa	?	Reconstructed using material and design of barn	1978	Albion Street	Apartments rented by MacCallum House
119-236-10	I	29	MacCallum House	1882/1908	45020 Albion Street	Inn 1908 rear half was added
119-238-07	IVb	30	N/H		Albion Street	Dwelling
119-236-01	I	31	Heeser House	1852	620 Albion Street	Expected to be Hotel Annex
119-237-09	I	32	Bank House	1908	390 Kasten Street	Coffee House and gifts
119-235-12	IVb	33	N/H		Kasten Street	Wildlife Gallery
119-235-15	IIa	34	?		Albion Street	Dwelling-rental
119-235-05	IV	35	N/H	1935	540 Albion Street	Dwelling
119-235-02	I	36	Joss House	c1867	Albion Street	Joss House
119-235-02	IVa	36a	N/H	1940's	45160 Albion Street	Dwelling (Hee)
119-235-14	IVa	37	N/H		500 Albion Street	Dwelling Rental
119-217-07	IVa	38	N/H		470 Albion Street	Dwelling Studio
119-217-06	IIa	39	H		460 Albion Street	Dwelling
119-217-02	IVb	40	N/H		45301 Albion Street	Dwelling
119-217-01		41	N/H		Albion Street	Open Lot
119-217-03	I	42	Crown Hall	1901	Ukiah Street	Rental for large functions
119-217-04	I	43	Marcellino House		45281 Ukiah Street	Dwelling and Jewelry Studio
119-217-05	I	44	Pimentel House	c1866	45271 Ukiah Street	Dwelling
119-235-13	I	45	Golgert House	c1890	Ukiah Street	Dwelling - Rental
119-235-13	IVb	46	N/H	c1960's	511 Ukiah Street	Dwelling
119-235-04	IVb	47	N/H	c1960's	Ukiah Street	Dwelling
119-235-07	I	48	Lisbon-Paoli Hotel	1881	Ukiah Street	Shop and partially vacant
119-235-09	I	49	Dougherty House	1870's	571 Ukiah Street	Dwelling and shop on rear
119-235-10	I	50	Odd Fellows Hall	1878	Ukiah Street	Art gallery



Assessor's Parcel Number	Category	Map Number	Historic Name	Date Built	Address	Present Use
119-216-05		82				Open Lot
119-216-04		83				Open Lot
119-216-03	III	84			Kelly Street	Dwelling
119-216-02	III	85	Casmero Silvia House	c1890	10451 Kelly Street	Dwelling and Chiropractic Office
119-216-01	Ila	86			311 Ukiah Street	Dwelling
119-211-10	I	87	Annie Silveria Barn		Kelly Street	Barn, Outbuildings
119-211-09	I	88	Annie Silveria House		Kelly Street	Dwelling
119-211-08	Ila	89	Belle Silveria House		10520 Kelly Street	Dwelling
119-211-07	IVb	90	N/H		Kelly Street	Dwelling
119-214-15 119-214-20	Ila	91			Carlson Street	Dwelling
119-214-06	III	92			Calpella Street	Dwelling
119-214-07	III	93			Heeser Street	Dwelling
119-232-03	Ila	94	Noia House		Calpella Street	Dwelling
119-232-04	Ila	95	Marshall House		Calpella Street	Dwelling
119-232-05	Ila	96	Thomas House	c1880	45125 Calpella Street	Dwelling
119-232-09	Ila	97	Gomes House		10550 Kasten Street	Dwelling
119-233-01	IVb	98	Remnants of 2nd Odd Fellows Hall		551 Kasten Street	Apartments and Offices
119-234-05	IVa	99	N/H	1878	10540 Lansing Street	Bakery and Offices
119-160-31	Ila	100	H		Lansing Street	Mendoza's Warehouse
119-160-31	IVb	101	N/H		620 Lansing Street	Village Spirits
119-160-31		102			Lansing Street	Open Lot Thompson Lumber
119-160-30	IVb	103	N/H		45010 Calpella Street	Dwelling
119-160-29	Ila	103a	H		45201 Little Lake St.	Real Estate Office
119-160-28	I	104	Fraga House and W T		45040 Calpella Street	Dwelling
119-160-27	I	105	Madera House and Barn		Calpella Street	Dwelling
119-160-26	I	106	Beggs House	1881	Ford Street	Dwelling
119-231-09	I	107	Denslow-Maxwell House	c1880	Kasten Street	Dwelling – Rentals
119-231-07	I	108	Vincent House		Calpella Street	Dwelling
119-231-06	I	109	Silvia House		570 Calpella Street	Duplex Rentals
119-231-04	I	110	Valadao House		45130 Calpella Street	Dwelling
119-231-03	I	111	Jerome House	1868	45150 Calpella Street	Dwelling



Assessor's Parcel Number	Category	Map Number	Historic Name	Date Built	Address	Present Use
119-250-20 119-150-25	Ila	E30	H		571 Evergreen Street	Dwelling
119-150-24	I	E31	J.D. Johnson Rental		Evergreen Street	Dwelling
119-150-34 119-150-35	IVb	E32	N/H		Ukiah Street	Trailers and Garage
119-150-18 119-150-19	I	E33	Bowman House	1879	Ukiah Street	Dwelling
119-150-08	I	E34	Walsh-Doolittle House		Ukiah Street	Dwelling
119-150-07	Ila	E35	J.D. Johnson-2 Rentals	c1880	Ukiah Street	Dwellings
119-150-07	I	E36	Stauer Building	1898	Lansing Street	Apartments and Offices
119-150-07	I	E37	Old Bakery Building		531 Lansing Street	Real Estate Office
119-150-07	IVb	E38	N/H		Lansing Street	Justice Court
119-150-06	III	E39	Priest's House	1866	601 Lansing Street	Office Building
119-150-04	I	E40	Mendosa's Store	1909	Lansing Street	Mendosa's Store
119-150-05	Ila	E41	Paddleford House		Howard Street	Dwelling
119-150-17	IVb	E42	N/H		Howard Street	Dwelling
119-150-16	IVb	E43	N/H		Howard Street	Pacific Telephone Substation
119-150-21	I	E44	Flanagan-Escola House	1889	School Street	Dwelling
119-150-22	I	E45	Packard-Johnson House		991 Pine Street	Dwelling
119-150-23	I	E46	Packard-Gibbs House	1891	44681 Pine Street	Dwelling
119-150-27	IIb	E47	H		Pine Street	Dwelling
119-140-19	S	E48	Site of Mendocino Grammar School	1885	School Street	School
119-150-38	Ila	E49	Jasperson House		650 School Street	Dwelling
119-150-11	I	E50	Henry Gorden House	c1890	School Street	Dwelling
119-150-15	Ila	E51	H		Pine Street	Dwelling Rental
119-150-14	Ila	E52	H		Pine Street	Dwelling
119-150-13	Ila	E53	H		Pine Street	Dwelling
119-150-12	Ila	E54	H		Pine Street	Dwelling
119-150-01	I	E55	Williams House		10575 Lansing Street	Dwelling Rental
119-150-36 119-150-37		E56	Open Lot		Little Lake Street	Open Lot
119-140-08	S	E57	Site of Saint Vincent Catholic Church	1864	Little Lake Street	Hillcrest Cemetery
119-140-09		E58	Open Lot		Little Lake Street	Open Lot
119-140-10	IVb	E59	N/H		Little Lake Street	Dwelling
119-140-24	I	E60	Spencer Hills House	1855	44900 Little Lake St.	Dwelling
119-140-13	I	E61	Joshua Grindle House	1879-85	44800 Little Lake St.	Joshua Grindle Inn

## **APPENDIX 2**

### **MENDOCINO TOWN PLAN VISITOR SERVING FACILITIES**



APPENDIX 2: MENDOCINO TOWN PLAN VISITOR SERVING FACILITIES		Visitor Serving Guest Room Distribution		
Name	Address	1992 Rooms (Allowed)	2012 Rooms (In Use)	2015 Rooms (Allowed)
<b>*</b> Hill House Hotel	10865 Lansing Street/ 10701 Palette Drive	44	44	
Heeser House	45080 Albion Street	25	25	
MacCallum House	45020/45065 Albion Street	21	19	
Mendocino Hotel	45080 Albion Street	26	26	
Joshua Grindle House	44800 Little Lake Street	10	10	
MacCallum House Suites	43700/44950 Little Lake Street 10691 Palette Drive	5	10	
Dougherty House	45110 Albion Place	8	8	
Sea Gull Inn	44960 Albion Street	9	9	
Headlands Inn	44950 Albion Street	6	7	
Whitegate/Blue Door Inn	10481 Howard Street	5	5	
Sears House/ Sweetwater Inn	44840 Main Street	8	9	
1021 Main St/Allegria Inn	44781 Main Street	5	6	
Village/Didgeradoo Inn	44860 Main Street	13	12	
Nicholson House	44861 Ukiah Street	-0-	7	
<b>Hotels and Inns TOTAL</b>		<b>185</b>	<b>197</b>	
<b>*B</b>				
Lockey	10940 Lansing Street	3	5	
Schrode/Mendocino Views	44920 Little Lake Street	2	2	
Cameron/Mattos	10521 School Street	2	2	
McNamara/Packard House	45170 Little Lake Street	4	6	
Wickersham/Blair House	45110 Little Lake Street	4	4	
Friedman Village Cottages	45320 Little Lake Street	3	3	
Parsons/Langters Inn	45101 Little Lake Street	2	2	
Reeves	45141 Ukiah Street	2	1	
Blue Heron Inn	390 Kasten Street	4	3	
McElroy's Inn/Raku House	44800/44820 Main Street	4	4	
<b>Bed&amp;Breakfast TOTAL</b>		<b>30</b>	<b>32</b>	
	Guest Rooms Available for Allocation.....	<b>221*</b>		<b>237**</b>
	Guest Rooms in Use.....	<b>215</b>	<b>229</b>	

\* The original 1992 Visitor Serving allocation of 234 guest rooms is corrected to remove 13 residential units previously counted as VSF.

\*\* The proposed 2015 Visitor Serving allocation of 237 guest rooms includes 16 guest units to be reallocated by reducing the number of Single Unit Rental/Vacation Home Rental units from 46 to 30, added to the original 221 guest room allocation.

## **APPENDIX 3**

### **BIG RIVER ESTUARY MARINE PROTECTED AREA LIMITATIONS ON FISHING (14 CCR Sec. 632(B)(1)(25))**



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**APPENDIX 3. CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE  
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Title 14, California Code of Regulations, Section 632. Marine Protected Areas (MPAs), Marine Managed Areas (MMAs), and Special Closures. California Department of Fish and Wildlife. <https://www.wildlife.ca.gov/Conservation/Marine/MPAs/Network/Title-14-Section-632> Last accessed November 12, 2015.

(a) General Rules and Regulations:

The areas specified in this section have been declared by the commission to be marine protected areas, marine managed areas, or special closures. Public use of marine protected areas, marine managed areas, or special closures shall be compatible with the primary purposes of such areas. MPAs, MMAs, and special closures are subject to the following general rules and regulations in addition to existing Fish and Game Code statutes and regulations of the commission, except as otherwise provided for in subsection 632(b), areas and special regulations for use. Nothing in this section expressly or implicitly precludes, restricts or requires modification of current or future uses of the waters identified as marine protected areas, special closures, or the lands or waters adjacent to these designated areas by the Department of Defense, its allies or agents.

(1) Protection of Resources.

(A) State Marine Reserves: In a state marine reserve, it is unlawful to injure, damage, take, or possess any living, geological, or cultural marine resource, except under a scientific collecting permit issued by the department pursuant to Section 650 or specific authorization from the commission for research, restoration, or monitoring purposes.

(B) State Marine Parks: In a state marine park, it is unlawful to injure, damage, take, or possess any living or nonliving marine resource for commercial purposes. Any human use that would compromise protection of the species of interest, natural community or habitat, or geological, cultural, or recreational features, may be restricted by the commission as specified in subsection 632(b), areas and special regulations for use. The department may issue scientific collecting permits pursuant to Section 650. The commission may authorize research, monitoring, and educational activities and certain recreational harvest in a manner consistent with protecting resource values.

(C) State Marine Conservation Areas: In a state marine conservation area, it is unlawful to injure, damage, take, or possess any living, geological, or cultural marine resource for commercial or recreational purposes, or a combination of commercial and recreational purposes except as specified in subsection 632(b), areas and special regulations for use. The department may issue scientific collecting permits pursuant to Section 650. The commission may authorize research, education, and recreational activities, and certain commercial and recreational harvest of marine resources, provided that these uses do not compromise protection of the species of interest, natural community, habitat, or geological features.



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area. Anchoring regulations shall be consistent with federal law and allowances made for anchoring required by emergency or severe weather.

**(8) Transit or Drifting.**

(A) Vessels shall be allowed to transit through MPAs and marine managed areas (MMAs) with catch onboard. Fishing gear shall not be deployed in the water while transiting through a state marine reserve. Fishing gear, except legal fishing gear used to take species identified as allowed for take in subsection 632(b), shall not be deployed in the water while transiting through a state marine recreational management area, state marine park or state marine conservation area.

(B) Spearfishermen with or without catch shall be allowed to transit through MPAs and MMAs. While transiting MPAs and MMAs that prohibit spearfishing or while in possession of species not identified as allowed for take in the MPA or MMA being transited, spearfishing gear shall be in an unloaded condition, not carried in hand, and the diver shall remain at the surface.

(9) Water Quality Monitoring. Sampling of water, sediment and marine life, for water quality monitoring or pollution research, or as required in a Monitoring and Reporting Program of a National Pollutant Discharge Elimination System (NPDES) Permit and Waste Discharge Requirements issued by the State or Regional Water Boards pursuant to the United States Clean Water Act and the California Water Code, is allowed within state marine reserves, state marine conservation areas, state marine parks, and state marine recreational management areas pursuant to a valid scientific collecting permit issued by the department.

(10) Public Safety. Public safety activities, including installation, maintenance and/or seasonal placement and removal of safety-related artificial structures, including but not limited to lifeguard towers, are allowed within any MPA classification pursuant to any required federal, state and local permits, or as otherwise authorized by the department.

(11) Tribal Take. For purposes of this regulation, "federally recognized tribe" means any tribe on the List of Indian Entities Recognized and Eligible to Receive Services from the United States Bureau of Indian Affairs, published annually in the Federal Register. Any member of a federally recognized tribe authorized to take living marine resources from an area with area-specific take restrictions in subsection 632(b), when engaging in take within an authorized area shall possess on his person, in his immediate possession, or where otherwise specifically required by law to be kept, any valid license, report card, tag, stamp, validation, permit, or any other entitlement that is required in the Fish and Game Code, or required by other state, federal, or local entities, in order to take living marine resources. Members shall possess a valid photo identification card issued by a federally recognized tribe that contains expiration date, tribal name, tribal member number, name, signature, date of birth, height, color of eyes, color of hair, weight, and sex; and display any of the items listed above upon demand to any peace officer. Members taking living



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(D) State Marine Recreational Management Areas: In a state marine recreational management area, it is unlawful to perform any activity that would compromise the recreational values for which the area may be designated. Recreational opportunities may be protected, enhanced, or restricted, while preserving basic resource values of the area. No other use is restricted unless specified in subsection 632(b), areas and special regulations for use.

(2) Finfish. Finfish, for the purpose of this section, are defined as any species of bony fish or cartilaginous fish (sharks, skates and rays). Finfish do not include amphibians, invertebrates, plants or algae. The definition of finfish provided in Section 159 does not apply to this Section.

(3) Pelagic Finfish. Pelagic finfish, for the purpose of this section, are a subset of finfish defined as: northern anchovy (*Engraulis mordax*), barracudas (*Sphyraena* spp.), billfishes\* (family Istiophoridae), dolphinfish (*Coryphaena hippurus*), Pacific herring (*Clupea pallasii*), jack mackerel (*Trachurus symmetricus*), Pacific mackerel (*Scomber japonicus*), salmon (*Oncorhynchus* spp.), Pacific sardine (*Sardinops sagax*), blue shark (*Prionace glauca*), salmon shark (*Lamna ditropis*), shortfin mako shark (*Isurus oxyrinchus*), thresher sharks (*Alopias* spp.), swordfish (*Xiphias gladius*), tunas (family Scombridae) including Pacific bonito (*Sarda chiliensis*), and yellowtail (*Seriola lalandi*). \*Marlin is not allowed for commercial take.

(4) Access. Access into marine protected areas or marine managed areas for non-consumptive uses including but not limited to swimming, surfing, diving, boating, hiking and walking is allowed unless otherwise specified in subsection 632(b), areas and special regulations for use.

(5) Introduction of Species. Unless authorized by the commission or as a result of authorized fishing activities, the release of any fish or wildlife species, including domestic or domesticated species, or the introduction of any plant species, is prohibited. The department may reintroduce endemic species to marine protected areas or marine managed areas for management purposes.

(6) Feeding of Fish and Wildlife. The feeding of fish and wildlife is prohibited except permitted scientific collection pursuant to Section 650 or as a result of authorized fishing within state marine conservation areas, state marine parks, and state marine recreational management areas, or unless feeding of fish is specifically authorized in subsection 632(b) for purposes of marine life viewing.

(7) Anchoring. Vessels shall be allowed to anchor in any marine protected area or marine managed area with catch onboard unless otherwise specified in subsection 632(b), areas and special regulations for use. Fishing gear shall not be deployed in the water while anchored in a state marine reserve. Fishing gear, except legal fishing gear used to take species identified as allowed for take in subsection 632(b), shall not be deployed in the water while anchored in a state marine recreational management area, state marine park or state marine conservation



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(B) Take of all living marine resources is prohibited except:

1. The recreational take of surfperch (family Embiotocidae) by hook and line from shore only; and Dungeness crab by hoop net or hand is allowed.
2. The following federally recognized tribes (listed alphabetically) are exempt from the area and take regulations found in subsection 632(b)(25) of these regulations and shall comply with all other existing regulations and statutes:

Big Valley Band of Pomo Indians of the Big Valley Rancheria  
Cahto Indian Tribe of the Laytonville Rancheria  
Coyote Valley Band of Pomo Indians  
Elem Indian Colony of Pomo Indians of the Sulphur Bank Rancheria  
Guidiville Rancheria  
Habematolel Pomo of Upper Lake  
Hopland Band of Pomo Indians of the Hopland Rancheria  
Lower Lake Rancheria  
Manchester Band of Pomo Indians of the Manchester-Point Arena Rancheria  
Middletown Rancheria of Pomo Indians  
Pinoleville Pomo Nation  
Potter Valley Tribe  
Redwood Valley Rancheria of Pomo Indians  
Robinson Rancheria of Pomo Indians  
Round Valley Indian Tribes of the Round Valley Reservation  
Scotts Valley Band of Pomo Indians, and  
Sherwood Valley Rancheria of Pomo Indians.

3. Take pursuant to activities authorized in subsection 632(b)(25)(D) is allowed.

(C) Waterfowl may be taken in accordance with the general waterfowl regulations (Sections 502, 550, 551, and 552).

(D) Operation and maintenance of artificial structures inside the conservation area is allowed pursuant to any required federal, state and local permits, or as otherwise authorized by the department.

**APPENDIX 4**

**CALIFORNIA COASTAL COMMISSION  
ADOPTED CATEGORICAL EXCLUSION  
ORDER E-96-1  
(NOVEMBER 14, 1996)**



## CALIFORNIA COASTAL COMMISSION

NORTH COAST AREA

45 FREMONT, SUITE 2000

SAN FRANCISCO, CA 94105-2219

(415) 904-5260

Th 6a



November 12, 1996

TO: Commissioners and Interested Parties

FROM: Peter Douglas, Executive Director  
Steven Scholl, Deputy Director  
Jo Ginsberg, North Coast District Manager

SUBJECT: Addendum to Proposed Categorical Exclusion Order No. E-96-1 for  
County of Mendocino, Town Segment  
(For Commission consideration at the meeting of November 14, 1996  
in San Diego)

Following discussion with the Mendocino County Planning Director, Commission staff is making some minor revisions to the recommended conditions of Mendocino County Town Categorical Exclusion Order No. E-96-1. The changes primarily affect proposed Condition No. 1, which requires the County to submit revised categorical exclusion order maps for review and approval prior to the order becoming effective. The changes allow the County to display certain limitations on the areas where the exclusion order applies as map notes rather than as mapped boundaries. The changes will speed revision of the map and implementation of the order while still providing sufficient clarity for those interpreting the revised map to understand the limitations of the categorical exclusion order. In addition, to be clearer about the contents of the proposed order, staff has integrated the categories of development proposed by the County to be covered by the exclusion order with the recommended conditions, as revised, into one final document that comprises the proposed Categorical Exclusion Order. The proposed order is attached.

If the Commission adopts the proposed categorical exclusion order, the County will need to make the necessary map revisions and adopt a resolution accepting the order. Once the County adopts such a resolution, the Executive Director will determine whether the resolution and revised map are legally adequate and report his determination to the Commission for its consideration at a subsequent meeting. By that time, Commission staff will also prepare revised findings for the Commission to review and approve to reflect the changes to the order. Once the Commission concurs with the Executive Director's determination of adequacy, and the requisite notice has been filed with the Secretary of Resources, the categorical exclusion order will become effective.



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CATEGORICAL EXCLUSION ORDER NO. E-96-1

A. CATEGORY OF EXCLUDED DEVELOPMENT.

The Commission by a two-thirds vote of its appointed members hereby adopts an order, pursuant to Public Resources Code Section 30610(e) and 30610.5(b), which excludes the following categories of development in the designated areas of the coastal zone of the Town of Mendocino (Mendocino County) from the permit requirements of the California Coastal Act of 1976. However, no development located on tidelands or submerged lands, beaches, lots immediately adjacent to the inland extent of any beach, or the mean high tide line of the sea where there is no beach and all land and water subject or potentially subject to the public trust is excluded by this order. The Commission hereby orders that the following developments within the excludable areas shall not require a coastal development permit:

SINGLE-FAMILY RESIDENCES

- A. The construction of a single-family residence will be excluded from coastal development permit requirements in Historic Zone A where:
1. a single-family residence is a principal permitted use; and
  2. the Mendocino City Community Services District has granted a groundwater extraction permit or an exemption to groundwater extraction permit requirements for the residence; and
  3. the single-family residence will be the only residence to be located on a legally created parcel; and
  4. the Mendocino Historical Review Board has approved the residence; and
  5. the residence will not be located within 100 feet of an environmentally sensitive habitat area.
- B. Improvements to a single-family residence, in locations not otherwise ~~exempted from requiring a coastal development permit under Section 13250~~ of the California Code of Regulations, will be excluded from coastal development permit requirements in Historic Zone A where:
1. a single-family residence is a principal permitted use; and
  2. the Mendocino City Community Services District has granted a groundwater extraction permit or an exemption to groundwater extraction permit requirements for the improvements; and



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3. the improvements would be made to a legal, conforming single-family residence; and
  4. the Mendocino Historical Review Board has approved the improvements, or the improvements are exempt from Review Board approval; and
  5. the improvements will not be located within 100 feet of an environmentally sensitive area.
- C. The construction of a single-family residence will be excluded from coastal development permit requirements in mapped exclusion areas of Historic Zone B where:
1. a single-family residence is a principal permitted use; and
  2. the Mendocino City Community Services District has granted a groundwater extraction permit or an exemption to groundwater extraction permit requirements for the residence; and
  3. the single-family residence will be the only residence to be located on a legally created parcel; and
  4. the residence will not be located within 100 feet of an environmentally sensitive habitat area; and
  5. the improvements will not be located on an area that contains pygmy vegetation.
- D. Where a parcel contains only one single-family residence, a coastal development permit shall not be required for the removal of the existing residence and replacement with a new residence where:
1. a single-family residence is a principal permitted use; and
  2. the parcel is in Historic Zone A, or in a mapped single-family residence exclusion area; and
  3. the Mendocino City Community Services District has granted a groundwater extraction permit or an exemption to groundwater extraction permit requirements for the replacement residence; and
  4. the Mendocino Historical Review Board has approved the removal of the existing residence and the replacement residence, or the removal and replacement of the residence is exempt from Review Board approval; and



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5. the replacement residence will not be located within 100 feet of an environmentally sensitive habitat area; and
6. the replacement residence will not be located on an area that contains pygmy vegetation.

WATER WELLS

When the Mendocino City Community Services District has granted a groundwater extraction permit or an exemption to groundwater extraction permit requirements, water wells shall be excluded in three cases:

- a. where there are no permanent facilities for production (e.g., test wells); or
- b. replacement or supplemental wells to serve an existing legal use on the property; or
- c. production wells in association with single-family residences exempt under this exclusion order.

The well shall not be located within 100 feet of an environmentally sensitive habitat area.

SEPTIC SYSTEMS

The repair or replacement of existing septic systems will be excluded from coastal development permit requirements where:

- a. there is an existing, legal use on the parcel; and
- b. the replacement or repair will not increase septic capacity; and
- c. the replacement or repair will not be located on a parcel that contains pygmy vegetation in the area of replacement or repair; and
- d. the replacement or repair will not be located within 100 feet of an environmentally sensitive habitat area.

The expansion of an existing septic system is excluded from coastal development requirements where:

- a. the expansion is associated with the addition to an existing single-family residence that is statutorily exempt from coastal development permit requirements, and the expansion meets all of the criteria cited above for replacement and repair except (b).



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The installation of a septic system will be excluded from coastal development permit requirements where:

- a. the installation is associated with the construction of a single-family residence subject to this categorical exclusion; and
- b. the septic system will not be located within 100 feet of an environmentally sensitive habitat area.

BOUNDARY LINE ADJUSTMENTS

The adjustment of a lot line or boundary line as defined in Section 66412(d) of the California Government Code (Subdivision Map Act) will be excluded from coastal development permit requirements, provided that ~~the resulting parcels each have an adequate site outside any environmentally sensitive habitat area and 100-foot buffer for the eventual development of the parcels including appurtenant roads, parking, wells, septic systems, etc.~~ no portion of the adjusted boundary line or lot line is within 200 feet of the outward extent of an Environmentally Sensitive Habitat Area (ESHA), as defined above and in the County's LCP and the Town Zoning Code, or within 200 feet of the outward extent of an area of pygmy vegetation.

B. SPECIAL CONDITIONS.

LIMITATIONS OF EXCLUSION.

Pursuant to Section 30610.5, tide and submerged land, beaches, and lots immediately adjacent to the inland extent of any beach or of the mean high tide line and all lands and waters subject to the public trust shall not be excluded. Also, this exclusion shall not apply to any areas of deferred certification or to uncertified segments where the County does not have coastal permit-issuing responsibility.

1. Revised Categorical Exclusion Maps.

This Categorical Exclusion Order shall not become effective until Mendocino County has submitted, for the review and approval of the Executive Director, revised Categorical Exclusion Order maps that contain a note stating that (a) the categorical exclusion for single-family residences applies to those areas so designated on the map (the shaded Historic Zones A and B); (b) the categorical exclusion for wells, septic systems, and boundary line adjustments applies throughout the Town of Mendocino; (c) all of the categorical exclusions are subject to the criteria and limitations described in the categorical exclusion order as conditioned by the Commission; and (d) none of the categorical exclusions apply in the following areas:



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- a. those areas that are statutorily prohibited from being exempted; i.e., tidelands, submerged lands, public trust lands/waters, beaches and lots immediately adjacent to the inland extent of any beach or mean high tide line where there is no beach;
- b. those areas within 100 feet of the upland limit of any stream, wetland, marsh, or estuary, regardless of whether such coastal waters are mapped or unmapped; and
- c. any areas that contain both pygmy vegetation and pygmy soils and therefore are within the Pygmy Forest Segment of the Mendocino County LCP.

2. Definition of ESHA.

The term Environmentally Sensitive Habitat Area (ESHA), as it is used in criteria governing the proposed exclusion, shall be defined consistent with the definition in Section 3.1 of the County's LUP and Section 20.308.040(F) of the County's Zoning Code, and with Section 20.608.024(C) of the Town Zoning Code, as follows:

Any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities or developments. In 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 areas, areas of pygmy vegetation that contain species of rare or endangered plants, and habitats or rare and endangered plants and animals.

3. Streams and Wetlands.

This order shall not apply to any development within 100 feet of the upland limit of any stream, wetland, marsh, or estuary, regardless of whether such coastal waters are mapped or unmapped.

4. Determination by the Executive Director.

This order granting a categorical exclusion for these categories of development in the Town of Mendocino shall not become effective until the Executive Director of the Commission has certified, in writing, that the local government has taken the necessary action to carry out the exclusion order pursuant to Section 13244 of the Coastal Commission regulations.



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5. Exclusion Limited to Coastal Permits.

This exclusion shall apply to the permit requirements of the Coastal Act of 1976, pursuant to Public Resources Code 30610(e) and 30610.5(b), and shall not be construed to exempt any person from the permit requirements of any other federal, state, or local government agency.

6. Records.

Mendocino County shall maintain a record of any other permits which may be required for categorically exempt development which shall be made available to the Commission or any other interested person upon request.

7. Notice.

Within five working days of local approval of a development covered by this exclusion, the Coastal Commission area office and any person who has requested such notice shall receive notification of development exempted under this order on a form containing the following information:

- a. the developer's name;
- b. street address and parcel number of the subject property;
- c. description of the development;
- d. date of application for other permits; and
- e. all terms and conditions of approval imposed by the local government in granting other permits.

8. Conformity with the LCP.

Development under this exclusion shall conform with the Mendocino County LCP in effect on the date of this exclusion as adopted by the Commission or to the terms and conditions of this exclusion where such terms and conditions specify more restrictive development criteria.

9. Amendment of LCP.

In the event an amendment of the Mendocino County LCP is certified by the Coastal Commission pursuant to Section 30514 of the Coastal Act, development under this order shall comply with the amended LCP except where the terms and conditions of this order specify a more restrictive criteria. However, such amendment shall not authorize the exclusion of any category of development not excluded herein, nor shall such amendment alter the geographic areas of the exclusion.

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RECISSION AND REVOCATION.

Pursuant to Title 14 of the California Code of Regulations Section 13243(e), the Commission hereby declares that the order granting this exclusion amendment may be rescinded at any time, in whole or in part, if the Commission finds by a majority vote of its appointed membership, after public hearing, that the terms and conditions of the exclusion order no longer support the findings specified in Public Resources Code Section 30610(e). Further, the Commission declares that this order may be revoked at any time that the terms and conditions are violated.

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Public Resources Code Section 30610.

Notwithstanding any other provision of this division, no coastal development permit shall be required pursuant to this chapter for the following types of development and in the following areas:

(a) Improvements to existing single-family residences; provided, however, that the commission shall specify, by regulation, those classes of development which involve a risk of adverse environmental effect and shall require that a coastal development permit be obtained pursuant to this chapter.

(b) Improvements to any structure other than a single-family residence or a public works facility; provided, however, that the commission shall specify, by regulation, those types of improvements which (1) involve a risk of adverse environmental effect, (2) adversely affect public access, or (3) involve a change in use contrary to any policy of this division. Any improvement so specified by the commission shall require a coastal development permit.

(c) Maintenance dredging of existing navigation channels or moving dredged material from those channels to a disposal area outside the coastal zone, pursuant to a permit from the United States Army Corps of Engineers.

(d) Repair or maintenance activities that do not result in an addition to, or enlargement or expansion of, the object of those repair or maintenance activities; provided, however, that if the commission determines that certain extraordinary methods of repair and maintenance involve a risk of substantial adverse environmental impact, it shall, by regulation, require that a permit be obtained pursuant to this chapter.

(e) Any category of development, or any category of development within a specifically defined geographic area, that the commission, after public hearing, and by two-thirds vote of its appointed members, has described or identified and with respect to which the commission has found that there is no potential for any significant adverse effect, either individually or cumulatively, on coastal resources or on public access to, or along, the coast and, where the exclusion precedes certification of the applicable local coastal program, that the exclusion will not impair the ability of local government to prepare a local coastal program.

(f) The installation, testing, and placement in service or the replacement of any necessary utility connection between an existing service facility and any development approved pursuant to this division; provided, however, that the commission may, where necessary, require reasonable conditions to mitigate any adverse impacts on coastal resources, including scenic resources.

(g) (1) The replacement of any structure, other than a public works facility, destroyed by a disaster. The replacement structure shall conform to applicable existing zoning requirements, shall be for the same use as the destroyed structure, shall not exceed either the floor area, height, or bulk of the destroyed structure by more than 10 percent, and shall be sited in the same location on the affected property as the destroyed structure.

(2) As used in this subdivision:



(A) "Disaster" means any situation in which the force or forces which destroyed the structure to be replaced were beyond the control of its owner.

(B) "Bulk" means total interior cubic volume as measured from the exterior surface of the structure.

(C) "Structure" includes landscaping and any erosion control structure or device which is similar to that which existed prior to the occurrence of the disaster.

(h) Any activity anywhere in the coastal zone that involves the conversion of any existing multiple-unit residential structure to a time-share project, estate, or use, as defined in Section 11212 of the Business and Professions Code. If any improvement to an existing structure is otherwise exempt from the permit requirements of this division, no coastal development permit shall be required for that improvement on the basis that it is to be made in connection with any conversion exempt pursuant to this subdivision. The division of a multiple-unit residential structure into condominiums, as defined in Section 783 of the Civil Code, shall not be considered a time-share project, estate, or use for purposes of this subdivision.

(i) (1) Any proposed development which the executive director finds to be a temporary event which does not have any significant adverse impact upon coastal resources within the meaning of guidelines adopted pursuant to this subdivision by the commission. The commission shall, after public hearing, adopt guidelines to implement this subdivision to assist local governments and persons planning temporary events in complying with this division by specifying the standards which the executive director shall use in determining whether a temporary event is excluded from permit requirements pursuant to this subdivision. The guidelines adopted pursuant to this subdivision shall be exempt from the review of the Office of Administrative Law and from the requirements of Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

(2) Exclusion or waiver from the coastal development permit requirements of this division pursuant to this subdivision does not diminish, waive, or otherwise prevent the commission from asserting and exercising its coastal development permit jurisdiction over any temporary event at any time if the commission determines that the exercise of its jurisdiction is necessary to implement the coastal resource protection policies of Chapter 3 (commencing with Section 30200).

Source: [http://leginfo.legislature.ca.gov/faces/codes\\_displayText.xhtml?lawCode=PRC&division=20.&title=&part=&chapter=7.&article=1](http://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=PRC&division=20.&title=&part=&chapter=7.&article=1). (2015)

## **APPENDIX 5**

### **PUBLIC ACCESS COMPONENT DETAILED ACCESS WAY AERIAL MAPS**





**Appendix 5.1.** Vertical Aerial Photograph of coastal access in the Town of Mendocino, California: Mendocino Estuary Beaches west and east of the California Highway 1 Big River Bridge (constructed in 1961). Main Street extends west from Highway 1 in the upper left; Big River Road provides access from Highway 1 to the Big River Flat beach (site of the lumber mill between 1854 and the 1930's) in the lower right, to trails in the protected Big River watershed (part of expanded Mendocino Headlands State Park), and contiguous adjacent State Parks and Jackson Demonstration State Forest. Lateral public access is available along Big River Beach beneath the Highway 1 bridge; the updated Mendocino Town Plan (2015) proposes a continuous lateral upland trail in Mendocino Headlands State Park to connect Big River Beach with the State Park to the west and safe pedestrian and bikeways on Big River Bridge for enhanced access along the California Coastal Trail. Photo source: California Department of Boating and Waterways Image CDBW-BBK-C 166-13 6-13-93. Used with permission. Copyright © 2002-2015 Kenneth & Gabrielle Adelman, California Coastal Records Project, [www.Californiacoastline.org](http://www.Californiacoastline.org)





**Appendix 5.2.** Vertical Aerial Photograph of coastal access in the Town of Mendocino, California: Parking along westerly Main Street, blufftop and beach access paths in Mendocino Headlands State Beach, Ford House Visitor Center, westerly Big River beach at lower right Lansing Street extends north along the right side of the photograph; Kasten and Heeser Streets parallel Lansing Street to the west. North of east-west Main Street are narrow Albion Street, Ukiah Street, and Little Lake Street near the top of the photograph.. California Department of Boating and Waterways Image CDBW-BBK-C 166-13 6-13-93. Used with permission. Copyright (C) 2002-2015 Kenneth & Gabrielle Adelman, California Coastal Records Project, [www.Californiacoastline.org](http://www.Californiacoastline.org)





**Appendix 5.3.** Vertical Aerial Photograph of coastal access in the Town of Mendocino, California: Blufftop paths, parking, and beaches in southwesterly Mendocino Headlands State Park at west Heeser Drive (upper left-center) and west Main Street at Heeser Street (lower center). State Parks owns the rectangular parcel west of the intersection of Main and Heeser Streets, where recommended recreational upland support facilities should be located to serve the southwesterly area of the State Park. Additional public parking is recommended along westerly Main Street, lower Heeser Street, and easterly Heeser Drive, west of its intersection with Heeser Street. The peninsula at lower middle was the site of the 1850's-1930's Mendocino railroad, lumber yard, and wharves/chutes maritime shipping facility. California Department of Boating and Waterways Image CDBW-BBK-C 166-13 6-13-93. Used with permission. Copyright (C) 2002-2015 Kenneth & Gabrielle Adelman, California Coastal Records Project, [www.Californiacoastline.org](http://www.Californiacoastline.org)





**Appendix 5.4.** Vertical Aerial Photograph of coastal access in the Town of Mendocino, California: Paths, pocket beaches, parking areas, grass lands, and offshore islets in westerly and northwesterly Mendocino Headlands State Park. California Department of Boating and Waterways Image CDBW-BBK-C 166-13 6-13-93. Used with permission. Copyright (C) 2002-2015 Kenneth & Gabrielle Adelman, California Coastal Records Project, [www.Californiacoastline.org](http://www.Californiacoastline.org)





**Appendix 5.5.** Vertical Aerial Photograph of coastal access in the Town of Mendocino, California: Heeser Drive, paths, parking, rocky northwest-facing beach (center right), and lavatory (center right) in northerly Mendocino Headlands State Park, with offshore islets. California Department of Boating and Waterways Image CDBW-BBK- C 166-13 6-13-93. Used with permission. Copyright (C) 2002-2015 Kenneth & Gabrielle Adelman, California Coastal Record Project, [www.Californiacoastline.org](http://www.Californiacoastline.org)

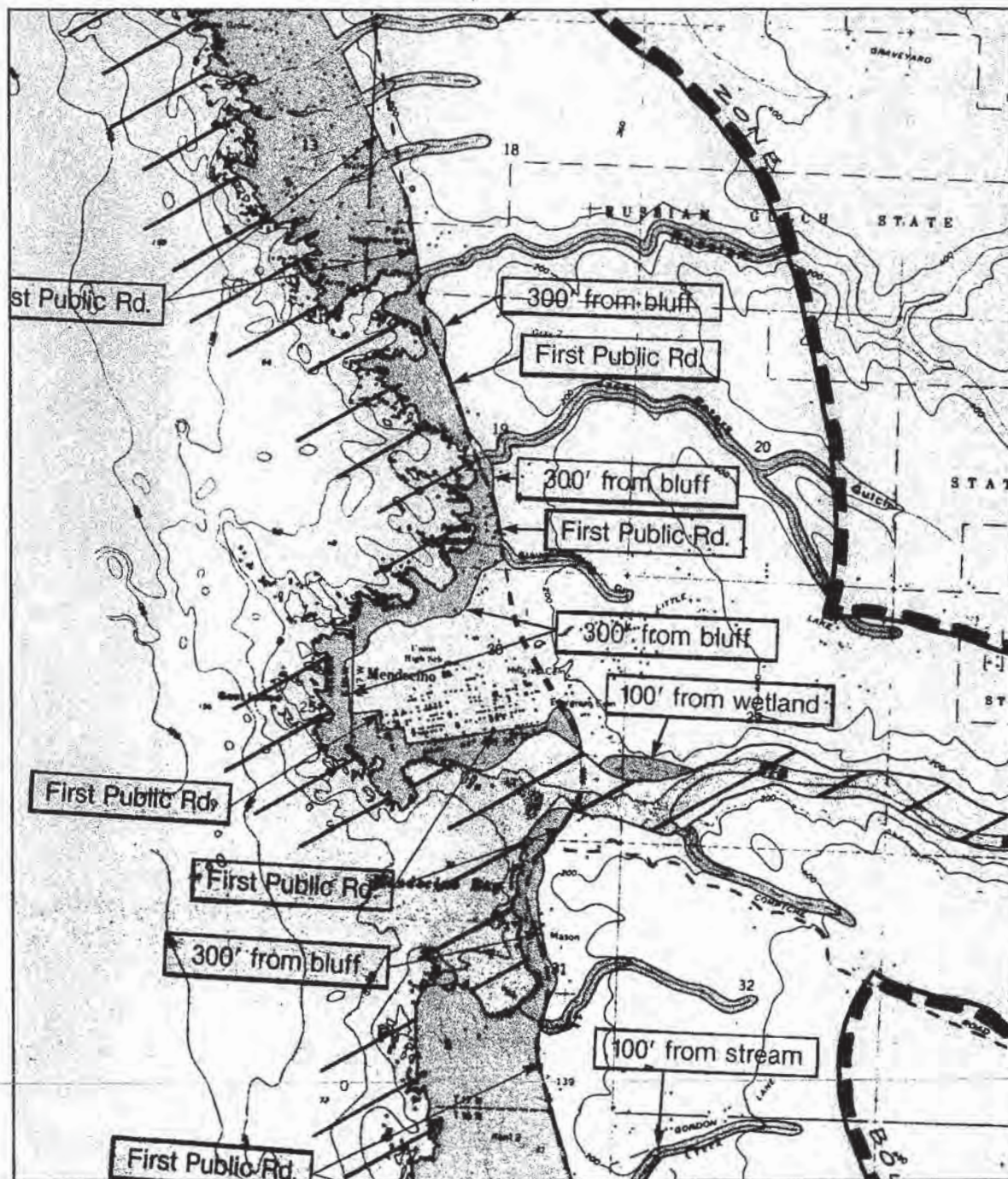
**APPENDIX 6**

**CALIFORNIA COASTAL COMMISSION  
POST-LCP CERTIFICATION  
PERMIT AND APPEAL JURISDICTION  
MAP 32 (EXCERPT)  
TOWN OF MENDOCINO AREA**



**TOWN PLAN UPDATE**  
**APPENDIX 6. COASTAL COMMISSION-ADOPTED POST-LCP**  
**CERTIFICATION PERMIT AND APPEAL JURISDICTION MAP 32**  
**(EXCERPT)**

DECEMBER 8, 2015

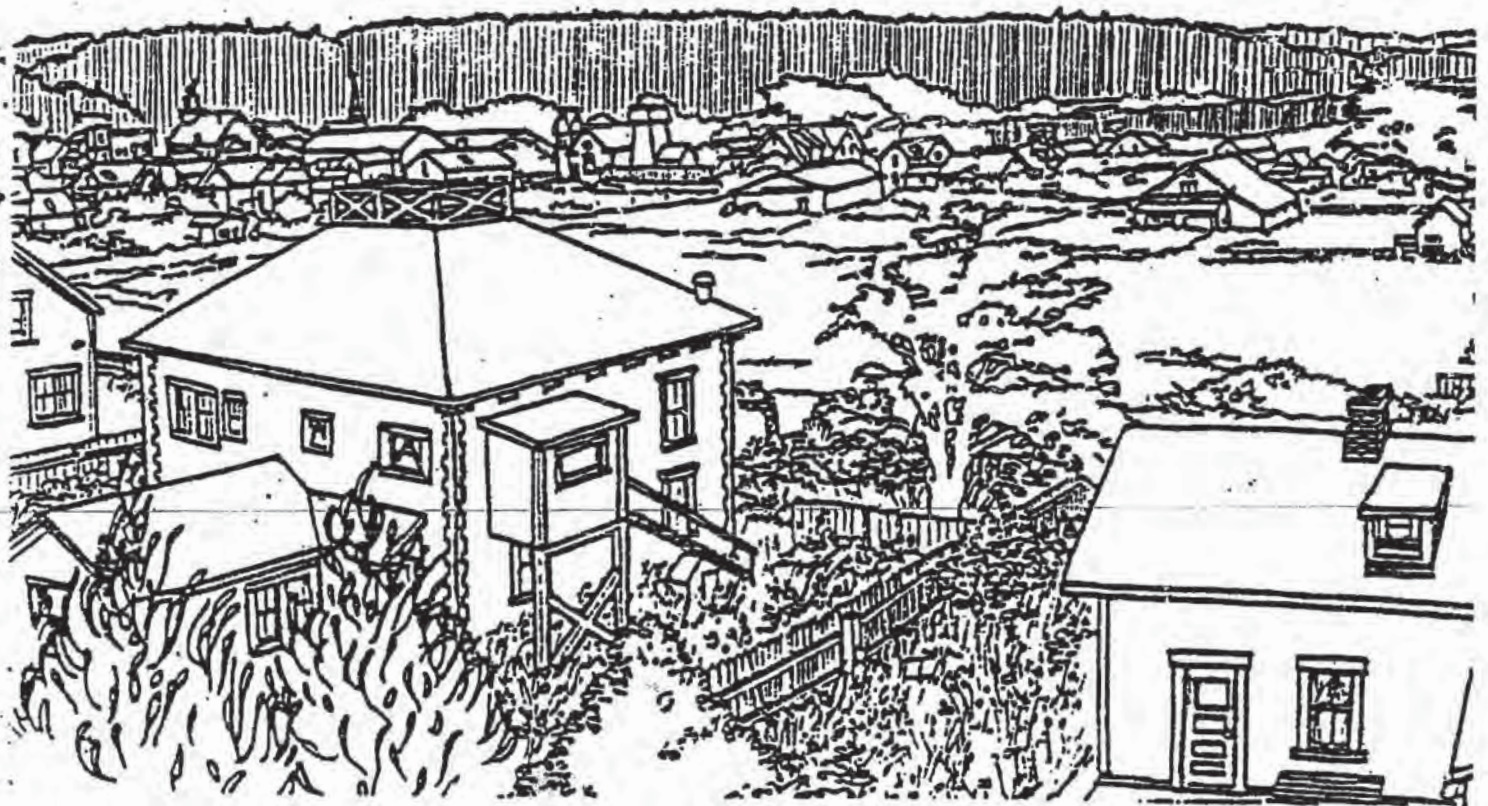


## **APPENDIX 7**

### **MHRB DESIGN GUIDELINES**



MENDOCINO  
HISTORIC  
REVIEW BOARD  
DESIGN GUIDELINES  
1987



# MENDOCINO HISTORICAL REVIEW BOARD

## DESIGN GUIDELINES

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- II. Brief History of Mendocino
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- VIII. Non-Structural Guidelines
- IX. Mendocino Historical Review Board Procedures and Required Information
- X. California Environmental Quality Act (CEQA) Considerations and Flow Chart
- XI. Glossary
- XII. Appendix - Mendocino Historical Preservation Ordinance No. 1057A, adopted 1973, as amended.



## I. STATEMENT OF INTENT

The Mendocino Historical Review Board (MHRB) of the Town of Mendocino (appointed by the County Board of Supervisors to implement Historical Preservation Ordinance #1057A as amended) has adopted the following Design Review Guidelines in order to ensure that development, as defined, within the Town of Mendocino will be compatible with, preserve, and enhance the unique historic character and cultural resources of the community which have been recognized in Mendocino's designation as a National Historic Landmark District.

These Guidelines are based upon historic design characteristics commonly observed in Mendocino and will serve as a basis against which plans for new construction and for rehabilitation or renovation of existing structures can be judged for harmony, compatibility and appropriateness.

Supportive of this intent is Sec. 30253(5) of the California Coastal Act (1976) which cites: "New development shall, where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses."

The intent of the Design Guidelines is to provide a range of design choices which will encourage development that is compatible with the existing or desired character of the area and which will discourage the introduction of incompatible elements of design or building style. Present day designs and materials are encouraged when used in a manner which is compatible with the sense of the past that is being preserved.

It is not the intent of these guidelines to return the Town to a bygone era. Nor is the intent to create an artificial atmosphere or to invite mimicry that will only caricature the past. The intent is to preserve and protect the special character and the identity of Mendocino.

### Mendocino Town Plan

Design Review Standards which are not addressed in these guidelines but which are set forth in the Mendocino Town Plan, adopted by the Mendocino County Board of Supervisors, shall be the guideline criteria for determination by the Mendocino Historical Review Board within the Historic District as defined in Ordinance 1057A as amended.

## II. BRIEF HISTORY OF MENDOCINO

Native inhabitants - Pomo Indians

- 1850 - William Kasten, reportedly a lone survivor of a ship wreck, builds shelter.
- 1851 - Kasten files notice of pre-emption for area that was to become Mendocino.
- Ship with valuable cargo of oriental silk is lost off Cabrillo Point.



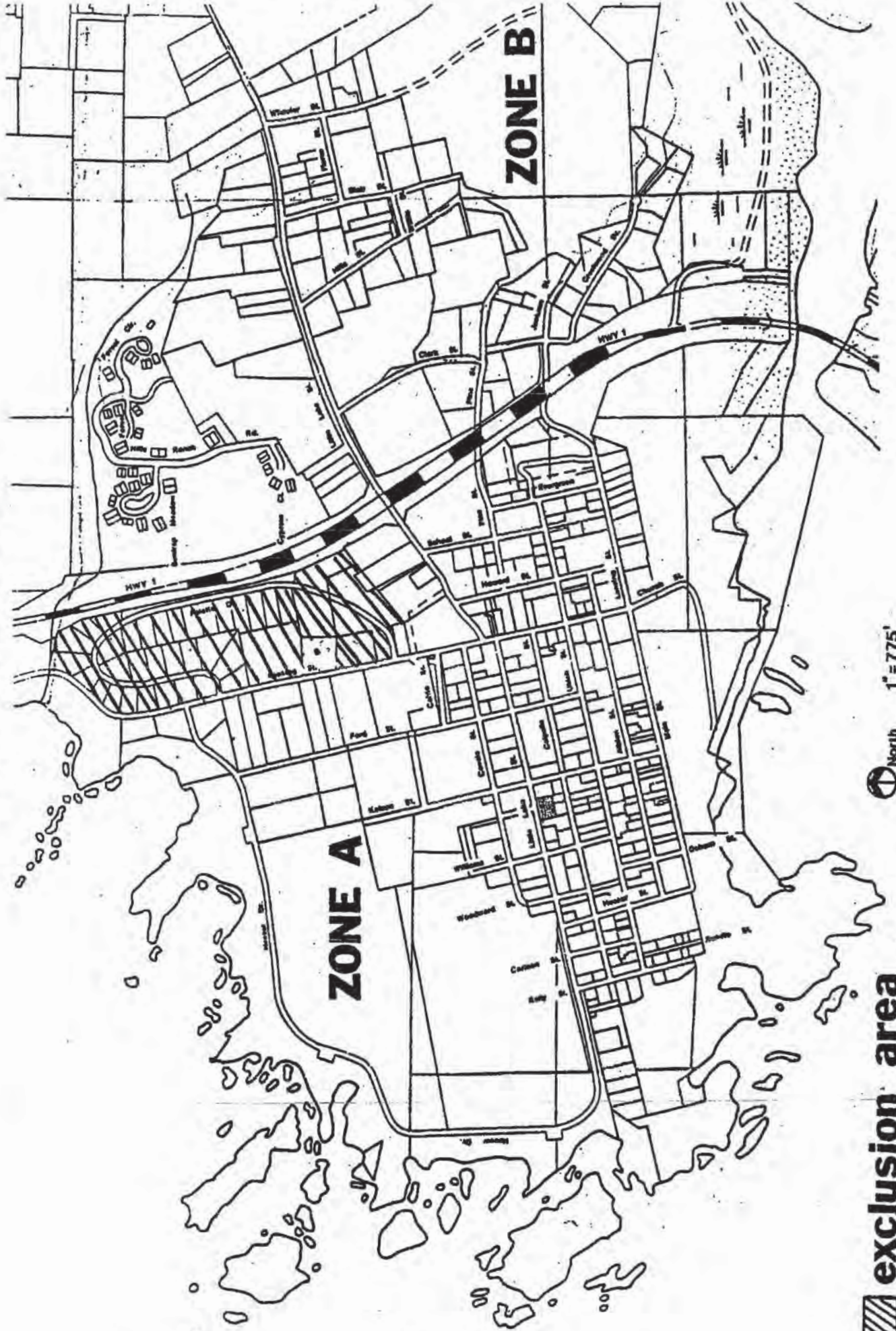
- Salvage party comes by ship and discovers virgin forest of redwoods.
- 1852 - Word of redwoods reaches San Francisco.
- Company of men arrive by ship and overland with equipment to build first lumber mill on headlands.
- 1854 - Mill is moved from hostile headlands to flats of Big River.
- 1860 - Population, 150 (about 300 Indians still live one mile east of mill area and as many as 3,000 from south of Noyo River to north of Ten Mile and a few miles inland).
- 1863 - Mill is destroyed by fire but rebuilt.
- 1865 - Population, 700
- 1869 - Plat of town is surveyed and recorded.
- 1870 - Fire destroys 25 buildings, all west of Kasten (started in hotel).
- To date, 30 ships lost to circumstances of operating in remote, hostile coast area.
- 1880 - Population, 3,100
- Most of the large homes already built.
- 1930's - Mill operations cease after 7 billion feet of redwood processed since 1853.
- 1959 - Art Center is founded.
- 1970 - Vote to incorporate - failed.
- 1972 - Proposition 20, the California Coastal Zone Conservation Act, is passed by voters.
- Portion of Mendocino Headlands is acquired by Department of Parks and Recreation.
- 1973 - Mendocino becomes a Historic Preservation District of the National Register.
- Mendocino Historic Review Board is formed.
- 1976 - California Coastal Act legislation mandates coastal plan for California to come from counties and cities with the "widest opportunity for public participation" possible.
- Mendocino is designated as "special community" within the Coastal Commission planning and zoning.
- 1980 - Citizens Advisory Committee completes the Mendocino Town Plan as mandated by the Coastal Commission after three years of citizen input and corroboration with County and independent planners.
- Advisory vote on Incorporation - failed
- 1982 - Vote to incorporate - failed
- 1983 - County Board of Supervisors adopted Mendocino Town Plan
- 1985 - California Coastal Commission certified Mendocino Town Plan

### III. HISTORIC PRESERVATION DISTRICT BOUNDARIES

The Historic Preservation District is that area as shown on the following map:



# Town of Mendocino



 **exclusion area**

 North 1" = 775'



#### IV. EXAMPLES OF HISTORIC ARCHITECTURAL STYLES

##### Residential Area:

Mendocino homes accurately reflect the diversity of architecture in the latter half of the 19th Century. New construction within the Historic District should reflect the scale, continuity, and texture of the historic structures without duplicating these exact styles.

All the houses are not described here. There are, however, a few simple guidelines which can be used when looking at Mendocino structures. The architecture of the town has been called "victorian" but the term indicates a period rather than a style. The "Victorian" era saw many styles or combined styles which are described herein as they apply to the Mendocino Preservation District.

##### Commercial Area:

The existing historic structures in Mendocino's commercial area represent all combinations existent in the residential area. Like many business districts in other lumber towns, it was partially destroyed by fire but a variety of historic styles has survived to the present to serve as guidelines for neighborhood compatibility and community ambience through site development, scale and building design for the future.

##### New England "Salt Box"

Mendocino's lumber camp period was characterized by the construction of simple wooden structures which were more or less temporary. These houses can still be recognized by their steep, central gable roofs and horizontal covering of clapboard. A salt box variation to these homes consisted of adding another slanted roof to the lower end of the existing roof.



##### Gothic Revival

As the town prospered, the erection of more permanent structures began. These structures are characterized by steep gable roofs, bay windows, wide horizontal clapboard siding and cut out trim known as carpenter's lace. These larger houses were sometimes embellished with large





porches supported by wooden posts and brackets which were shaped like scrolls or volutes. The placement of other pierced curvilinear ornament under the eaves of roofs created a gingerbread look on some homes.



### Italianate

The Italian box style of architecture is also to be seen in Mendocino. These rectangular homes are characterized by hipped roofs and ornamental brackets under the eaves. However, the presence of multiple bay windows illustrates a combination of styles rather than an authentic design.



### Vernacular

Commercial structures, as with residential, began with rough cut lumber. However, as the town grew, these original rough buildings were either demolished or covered over by clapboard and/or decoratively shingled false fronts for which western architecture is so noted. These buildings were termed vernacular which indicates that local custom and materials took precedence over any particular architectural style. They were simple structures with large show windows on the bottom floor for the shops, and long narrow windows upstairs for living quarters or offices. Some embellishments were added in the way of paint trim, brackets, cornices, dentils, etc. (See illustrated Glossary).





## V. GENERAL GUIDELINES

Improvements regulated by Ordinance (see Section F-20-115 of the Mendocino County Code for further clarification):

### Zone A

Demolition or removal of structures; all new construction, remodeling or alteration of exteriors; outdoor advertising signs, or construction of any outdoor display of materials for sale, indoor lighting designed to be seen from outside the structure, outdoor lighting; excavation or deposit of material on land in such a manner as to materially alter the existing contour or condition of the land, including leveling, grading piling or paving; painting of exteriors; and public utility poles.

### Zone B

Construction of any structure, or portion thereof, requiring a building permit; commercial signs or commercial lighted device; or construction of utility poles; capable of being seen by a person standing on any point in Zone A.

Note: Those improvements which are not capable of being seen by any person standing on any point in Historic Zone A require a letter of clearance from the Mendocino Historical Review Board prior to obtaining building permits.

### Historic Structures

Historic structures may utilize the State Historic Building Code as an alternative to the Uniform Building Code. Historic structure is defined as any structure deemed of importance to this history, architecture, or culture of an area by an appropriate local or state government jurisdiction. (Health and Safety Code Section 18955) This alternative code may aid owners in cost effectiveness of repairs, alterations or additions while maintaining the historic quality of the structure.

## VI. SITE DEVELOPMENT GUIDELINES

The Historic District has a rectangular block pattern with narrow edges of property lots facing the street. The key design element is the diversity of structures. The major or primary facade of new buildings should be oriented toward the street and should be aligned parallel to the neighboring structures.

Property Line Setbacks: Setbacks as required by County Code (Ord. 359, Section 39.01, adopted 1956) do not necessarily contribute to historic preservation and applicants may find it necessary to apply for variances in order to meet MHRB approvals. (It is anticipated that the town zoning ordinance to implement the town plan will greatly reduce the necessity of obtaining a variance.)



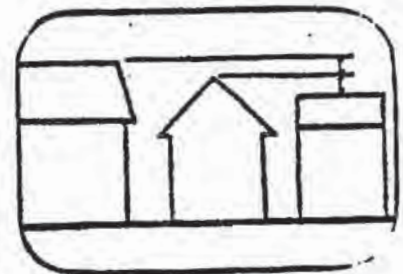
1. Residential: Setbacks and placement of structures on site should conform to those on the block front.
2. Commercial: Buildings should form a continuous facade along the property line adjacent to the major street.
3. The orientation, setback, alignment, spacing and placement of a building on site will be considered with special consideration given to the retention of natural topography and vegetation. All structural landscape elements and fences will be considered.

## VII. STRUCTURAL GUIDELINES

### BUILDING DESIGN

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 proposed work be compatible with and not in disharmony with the architectural standards herein expressed (Sec. 20-119a).

1. Scale and Proportion: The height, width and general proportions of a building shall conform with other buildings in the surrounding neighborhood. Ratio of wall surface to openings, and the ratio of width and height of windows and doors shall also be consistent with the surrounding neighborhood. Secondary buildings shall not overwhelm the primary structure on the lot.



2. Vertical Emphasis: The structures of the Historic District are definitely vertical in appearance. This appearance is created by the general proportions of door and window openings. Buildings should be of a vertical appearance.



This  
is  
not  
acceptable

3. Exterior Building Materials:

The Historical Review Board favors the use of natural materials. These include Lap siding, V-rustic, T & G, ship-lap siding, Ansac, wood shingles and vertical Board and Batten.



Imitation or synthetic materials, such as aluminum or vinyl siding, imitation stone, imitation brick and "Rustic", used brick, plastic, laminated beams and laminated wood panels, concrete block, stucco, asbestos or asphalt shingles or panels, and plywood panels shall be deemed inappropriate. Painting of new structures is encouraged.

4. Windows and Doors: The proportions and relationships between windows and doors, and of each to the structure as a whole, shall be compatible with the architectural style and character of landmark structures, and with surrounding structures within the Historic District. Metal or plastic frames are not acceptable. Shutters should be inconspicuous as possible. Raw aluminum combination storm windows or doors and plastic contemporary coverings are not acceptable. Windows and doors may have accent ornamentation when it is integral to the building design.

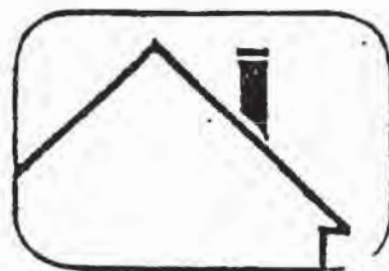


a. Residential: Windows are typically tall, double hung, wood frame windows. Dormers, oriel bay, bow and small accent windows are common. Wood panel and wood carved doors are appropriate. Single pane picture windows, horizontal awning windows, sliding windows and windows with horizontally oriented panes are not appropriate. Metal doors and sliding glass doors are unacceptable.

b. Commercial: Display windows are appropriate on the ground floor. Upper story windows should be vertical. Doorways may be recessed.

5. Foundation Walls: In general, the maximum exposure should be ten (10) inches. Exposed foundation walls above ten (10) inches should be of stone face or wood and should be inconspicuous as possible.

6. Roof Form: The design line created by the shape of the roof shall constitute the roof form. The design of the roof shall be compatible with the architectural style and character of the subject structure and shall not detract from landmark structures and surrounding structures in the district. Designs deemed inappropriate include, but are not limited to: low gable, shed, vaulted, domed, free form, A-frame and geometric shape. Shed roofs may be used for small additions. All roofs shall have appropriate over-hangs.



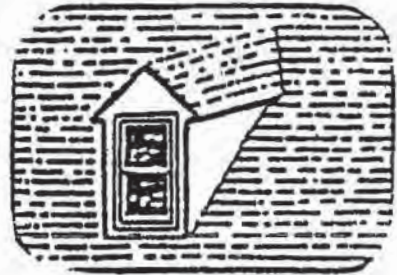
a. Residential: Hip, mansard and high pitched gable roofs are acceptable for main structures with lesser pitch common for porches or additions. Gable end roofs should face the street.



b. Commercial: Roofs may be hipped, mansard or gable. False front in combination with hipped or gable roofs are acceptable where appropriate.

c. Roof Materials: Any roofing material must be compatible with surrounding buildings. Wood materials are encouraged. Asphalt shingles are allowed but are not encouraged. Roll roofing, built up, tar and gravel, plastic or other glass fiber roofing materials are not appropriate. On flat roofs which are not visible from public areas, roof materials may be of any type which conforms to the building and fire codes of the town.

7. Architectural Features: Balconies, decks, covered porches, decorative shingles, bracketed eaves, columns, balustrades, towers, turrets, skylights and arches are among the details to be considered. All features and details should be in proportion with the building. The use of historic details on contemporary structures would only be included where they are appropriate to the building design. Use of metal, fiberglass or plastic awnings is not acceptable.



On historic structures, architectural features should be preserved and restored whenever possible. New construction should use architectural embellishments only where integral to the building design.

#### RECONSTRUCTIONS:

Reconstruction in the Historic District is encouraged and will be considered if sufficient historical data and expertise can be demonstrated to insure the integrity of the building.

#### FENCES AND WALLS:

Fences should be made of wood, iron, stone or plant materials. Solid wood fences are discouraged except where they are necessary for screening parking and storage. Retaining walls should be of wood, dry stone and stone masonry. Logs and railroad ties may be used on a limited scale provided that the horizontal method of construction is utilized.

Chain link or metal fences, concrete block, plastic, fiberglass or plywood fences are not acceptable. Concrete or smooth concrete block are not acceptable.

#### SIDEWALKS AND DRIVEWAYS:

Where walkways and driveways are necessary, brick, flagstone, board, grass and gravel are appropriate. Asphalt and concrete are generally not acceptable. Major coverage of front yard setbacks is not acceptable.



#### OTHER STRUCTURES:

No mobile home, trailer, or camper homes, shall be constructed, maintained or installed in any portion of the Historical District without prior approval by the Review Board (see Section F-20-117 of the Mendocino County Code for further clarification).

#### VIII. NON-STRUCTURAL GUIDELINES

##### SIGNS AND LIGHTING:

1. Lighting: Outdoor lighting as defined in Sec. 20-126 is regulated by these Guidelines. If sign lighting is required, it shall be indirect, low key, and 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.

2. Signs:

(a) Signs should be made of wood.

(b) Only one sign will be allowed per business when one sign will suffice.

(c) Use of a "directory" type sign is recommended for buildings containing more than one 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.

##### DEMOLITION

Demolition of any structure within the Historic Preservation District shall require approval of the Mendocino Historical Review Board prior to demolition. Structures include housing, garages, commercial buildings, outbuildings, water towers, fencing, signs, etc.



### UTILITY SERVICES

1. All utility installations on new construction should be placed underground.
2. Any utility installation remaining above ground, such as pad mounted transformers, should be integrated into the architecture or landscaping of the project and be compatible with the structure and surrounding neighborhood.
3. Installations should be effectively screened from public view wherever possible.

### SERVICE AREAS

1. All trash/waste pickup areas shall be effectively screened from public view with vegetation landscaping, fencing, etc., and shall adhere to public health and safety codes.
2. All trash/waste pickup areas shall be easily accessible to commercial carriers and as far removed from occupied or heavily traffic areas as possible.

### EXTERIOR PAINTING

Repainting or routine maintenance in the same basic shade or color is permitted without prior approval. Painting of the exterior of new construction, or repainting existing structures that involves a change in color scheme requires Review Board approval.

### 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 should be preserved against decay, deterioration, and structural defects.

It should 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, re-habilitation, reconstruction, and perpetuation consistent with the intent of Mendocino Historical Preservation District for the Town of Mendocino, (MCC Art. XLII, as amended).

### DEMOLITION BY NEGLECT

Failure of a property owner to reasonably maintain any structure against deterioration may not be construed as sufficient grounds for a demolition permit and new construction. The primary purpose of the historic district is preservation of historic structures.



## PARKING, ACCESS AND EGRESS

Objective: to retain the quality and historic aspect of the town of Mendocino while addressing the needs of modern day transportation.

1. Residential Parking: Unobstructed spaces or areas within the boundaries of a parcel intended for use by occupants of the structure shall not be located in any front or side yard facing street. Residential parking areas shall be effectively screened with material appropriate to the Historic District.

2. Commercial Parking: Any unobstructed space or area within the boundaries of a parcel intended to accommodate visitors, customers, clientele, etc. utilizing adjacent services.

a. Development of off-street parking lots (areas in which four (4) or more vehicles are parked) are deemed inconsistent with historic preservation and shall be unacceptable.

b. Location and number of driveways from public streets shall be designed to reduce visual impact of vehicles while providing for the safety of the public.

c. Surfacing shall be limited to gravel or turfstone. ACP overlay, chip seal and paving is unacceptable. (turfstone: a permeable surface for walkways, patios, parking areas, etc., consisting of a layer of interlocking concrete blocks containing holes which are filled with sand or soil and seeded with grass or other ground cover.)

## SOLAR ENERGY AND WIND DEVICES

Where solar energy is to be used as a primary or supplementary source of heat or other energy, solar collection devices should be located on the rear or other non-public sides of a building, or on roof surfaces which are not visible from adjacent streets or other public areas in town. Solar collection devices which are not attached to the building should be located only in the side or rear yards.

## OTHER MECHANICAL EQUIPMENT

To minimize the impact of mechanical equipment on the appearance of the building and the community, window air conditioning units or condenser elements should not be located on the facades. Antennas shall be located where they are not visible on the primary facade. Mechanical equipment on the ground shall be housed in a structure which is in harmony with the surroundings. Mechanical equipment attached to the side of a building, shall be properly screened. Mechanical equipment attached to a roof is not appropriate and strongly discouraged.



## IX. REVIEW BOARD PROCEDURES AND REQUIRED INFORMATION

All persons desiring to construct, demolish, move or in any way alter the exterior of a building or property, must obtain formal approval from the Mendocino Historical Review Board. Routine maintenance activities such as repainting with same color, re-roofing with same materials and color, or reconstruction of existing deteriorate building elements do not need approval. Wood fences under six feet do not need approval, but all other fences, structural landscape elements and signs do need approval. In no event will a person be excused for not having obtained approval before beginning construction. Approvals representing a final paint color, architectural details, fencing, etc., shall be completed as applied for prior to the Building Department's approval. The approval is valid for one year and evidence of such approval must be presented to the Mendocino County Building Department when applying for permits.

Public hearings are held the first Monday of each month.

Applications must be submitted no later than twelve (12) days, (Wednesday Noon to the Department of Planning & Building Services, 153 W. Spruce Street, Fort Bragg) before each public hearing.

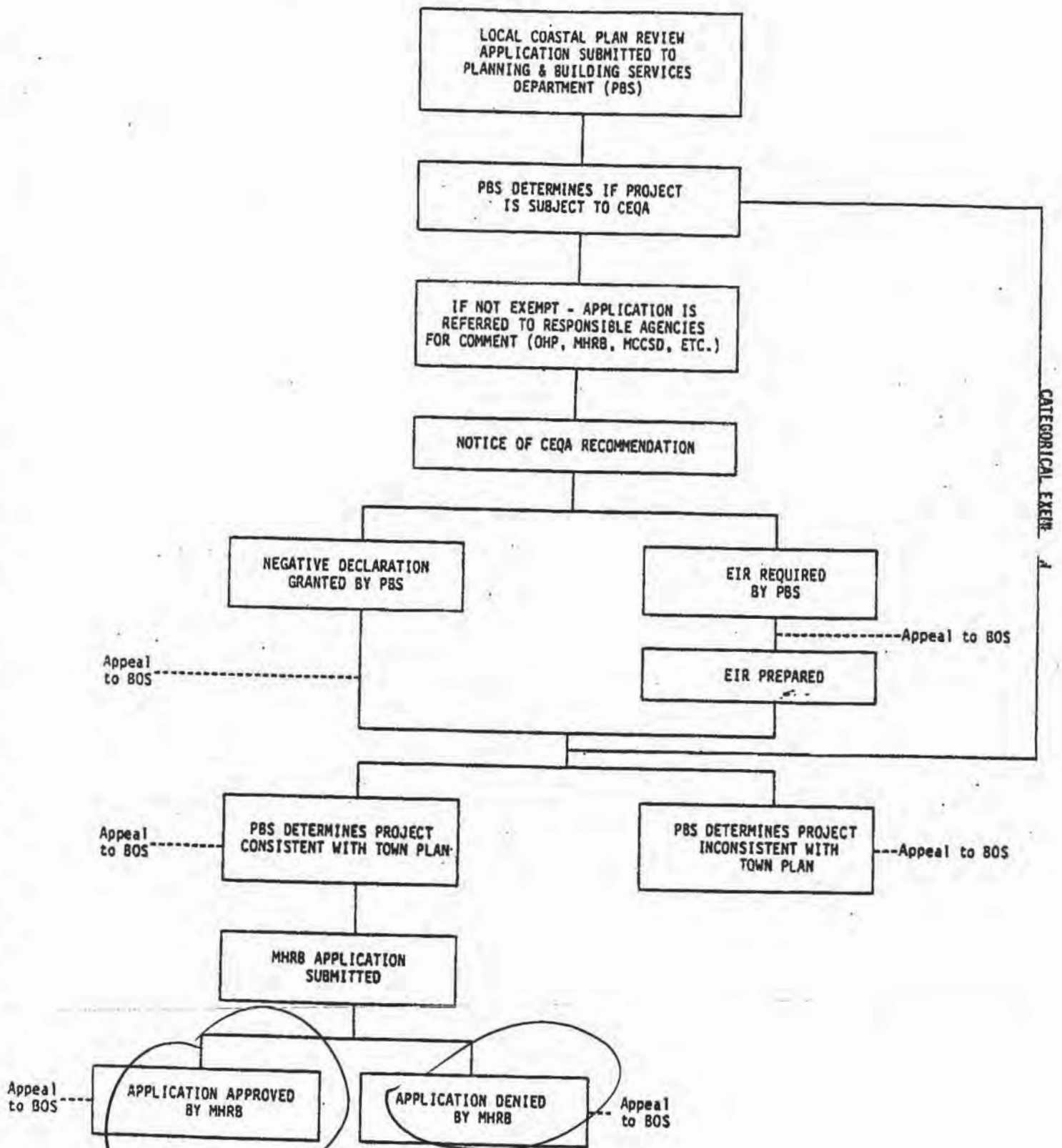
"Structural" and "Signs and Lighting" application forms contain detailed requirements for submission.

Appeals: Decisions of the Mendocino Historical Review Board may be appealed to the County Board of Supervisors in writing within ten (10) days of a decision. An appeal fee is required.

Findings: (Sec. 20-123) The Mendocino Historical Review Board may not approve, or conditionally approve, any application for proposed work unless it affirmatively finds:

- (a) That 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 the existing subject structure;
- (b) That the appearance of the proposed work will not detract from the appearance of other property within the District;
- (c) And, if the proposed work consists of alteration or demolition of an existing structure, that such work will not necessarily damage or destroy a structure of historical, architectural or cultural significance.

PROJECT REVIEW  
TOWN OF MENDOCINO\*



\* This specific procedure is not applicable if the Town Plan describes the proposed project as a "Conditional Use."



## XI. GLOSSARY

BALUSTER: A small column supporting a handrail. A series of such is called a balustrade.

BARGEBOARD: Projecting boards placed against the incline of the gable or a building and hiding the ends of the horizontal roof timbers. Often carved or decorated.

BAY WINDOW: A projecting bay with windows that form an extension to the floor space of the internal rooms. On the outside the bay should, properly, extend right down to ground level - as opposed to an Oriel window, which emerges from the building somewhere above ground level; the two terms, however, are frequently confused.

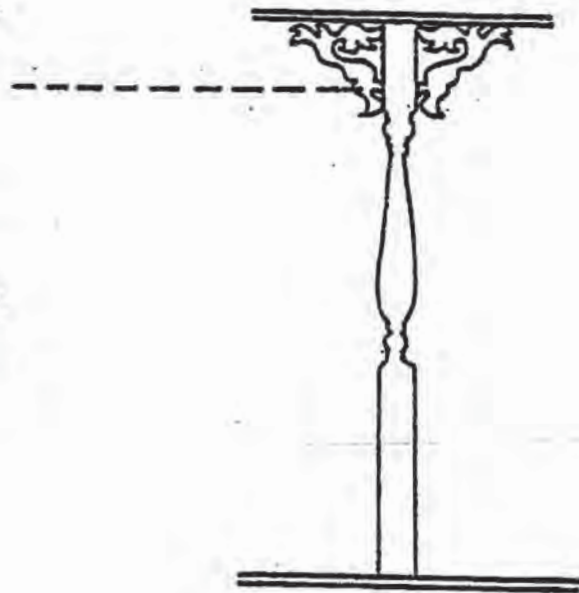
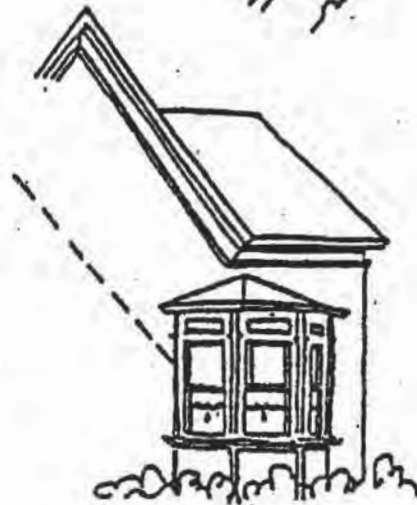
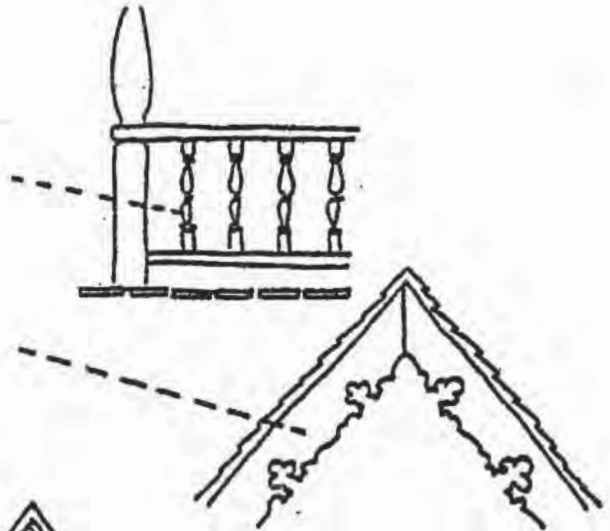
BEAM: A large horizontal structural member, usually of wood or metal, that spans between columns or supporting walls.

BOW WINDOW: A curved bay window taking the form of a segment of a circle in plan.

BRACKET: A small supportive member used to carry a projected weight; made of either stone, wood, etc. Frequently takes the form of scrolls or volutes.

CAPITAL: The head of a column.

CASEMENT: 1) The hinged part of a window attached to the upright side of the window-frame. 2) The wide concave molding in door and window jambs.



CASEMENT WINDOW: A metal or a wooden window with the sash hung vertically and opening outwards or inwards.

CLAPBOARDS: Narrow, horizontal, overlapping wooden boards that form the outer skin of the walls of many wood frame houses.

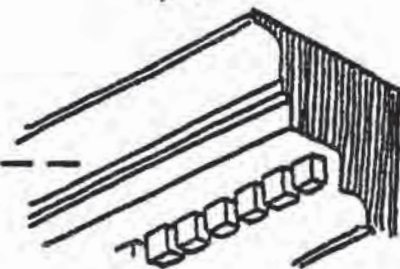
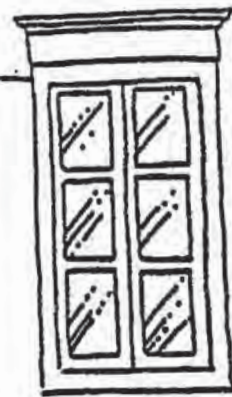
CLASSICAL: A term used to describe the architecture of ancient Greece and Rome and, also, more loosely, the later styles based on it. (See also Orders). These later styles would include all the work of the Renaissance period in Europe and its later offshoots such as Georgian, Federal, Greek Revival, Renaissance Revival, Italianate, French Second Empire, and so forth.

COLONETTE: A small, usually stocky, column.

COLUMN: A vertical shaft or pillar that supports, or appears to support, a load.

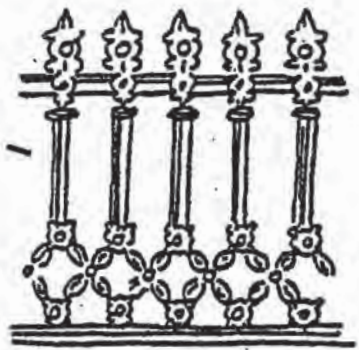
CORNER BOARD: One of the narrow vertical boards at the corner of a traditional wood frame building, into which the clapboards butt.

CORNICE: The horizontal member along the top of a building (typically molded ornamentally and projecting) which visually finishes it or crowns it. Any continuous molded and projecting cap to a window or door. Also, internally, a molded transition between wall and ceiling.

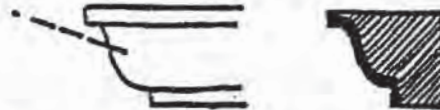




CRESTING: An ornamental finish along the top of a screen, wall or roof, usually decorated and sometimes perforated. It is normally made of cast iron, wrought iron, or scroll cut wood.



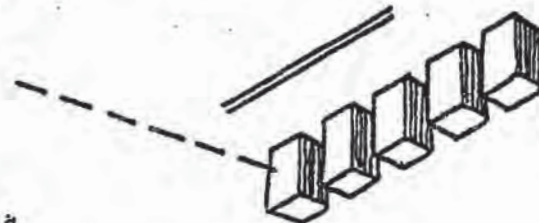
CYMA RECTA: A double-curved molding, concave above and convex below. Also called an ogee molding. The ends of the curves are tangent to the side of the molding.



CYMA REVERSA: A double-curved molding, convex above and concave below. Also called a reverse ogee molding. The ends of the curves are perpendicular to the line of the molding at the top and the bottom.



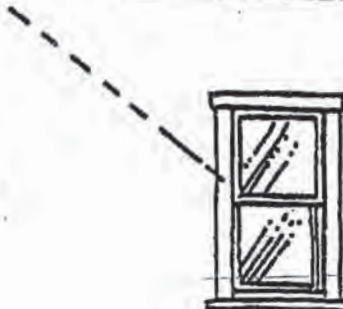
DENTIL: One of a series of small rectangular blocks, similar in effect to teeth, which are often found in the lower part of a cornice.



DORMER WINDOW: A window placed vertically in a sloping roof with a roof of its own. The name derives from the fact that it usually served as sleeping quarters.



DOUBLE HUNG WINDOW: A window with an upper and lower sash which move vertically, up or down, by-passing each other.



DRIPSTONE: A projecting molding over the top of windows and doorways to shed rain.

EAVE: The underpart of a sloping roof projecting beyond the outer surface of the supporting wall.

ELEVATION: A mechanically accurate, "head-on" drawing of a face of a building or object, without any allowance for the effect of the laws of perspective. Any measurement on an elevation will be in a fixed proportion, or scale, to the corresponding measurement on the real building.

FACADE: The face or external membrane of a building. The elevation of a building.

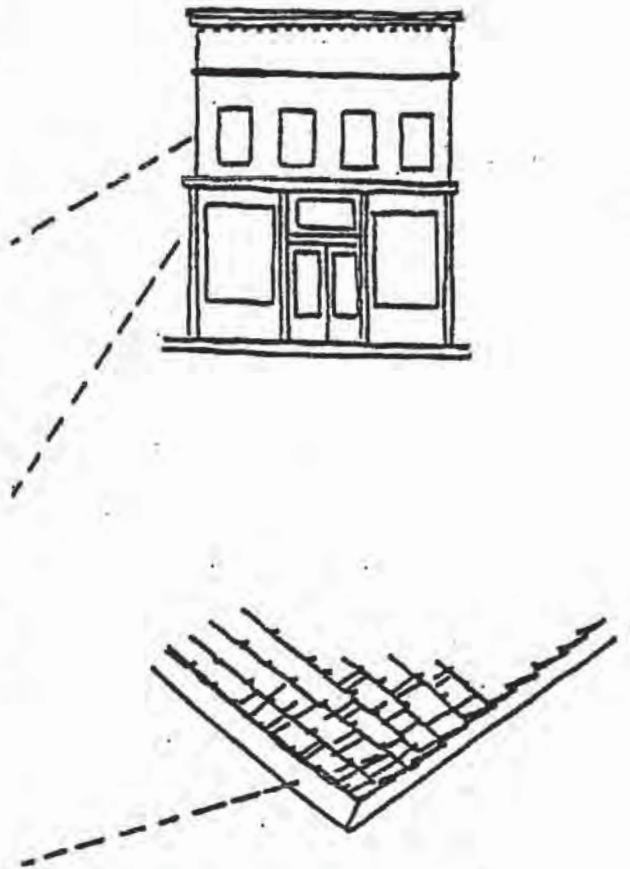
FALSE FRONT: A number of frontier commercial buildings have front facades which extended one or two stories above the actual roof line. These facades which often held windows, and which were often topped by a projecting cornice were known as false-fronts. Their purpose was to disguise the one-story structure behind and to remind the residents of cities they had left behind "back east."

FASCIA: A flat board with a vertical face that forms the trim along the edge of a flat roof, or along the horizontal, or "eaves," sides of a pitched roof. The rain gutter is often mounted on it.

FENESTRATION: The arrangement of windows in a building.

FRAME CONSTRUCTION: A building made primarily of vertical wood members (studs) covered with an outer skin of siding. (The most common means of construction on the town's historic buildings).

FRIEZE: A dividing line or band.





GABLE: The portion, above eaves level, of an end wall of a building with a pitched or gambrel roof.

GABLE APRON: Usually a triangular piece filling the upper portion of the gable as an extension of the bargeboard.

GABLE ROOF: A roof having a gable at one end or both ends.

GAMBREL ROOF: A roof which has two pitches on each side.

GINGERBREAD: Pierced curvilinear ornament, executed with the jigsaw or scroll saw, under the eaves of roofs. So-called after the sugar frosting on gingerbread houses.

HIP ROOF: A roof which slopes upward from all four sides of a building.

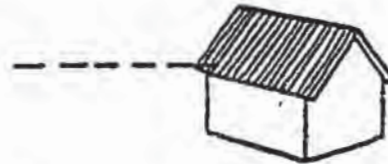
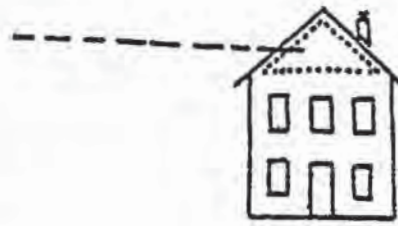
JAMB: The vertical sides of an opening - usually for a door or window.

JOIST: One of the small horizontal wood beams that support the floors or ceilings of a house and spanning between supporting walls or larger wood beams.

LANCET WINDOW: A slender, sharply pointed, gothic arched window much used in the early thirteenth century.

MANSARD ROOF: A roof having a double slope on all four sides, the lower slope being much steeper.

MASONRY: Exterior wall material, such as brick or stone, which is laid up in small units.

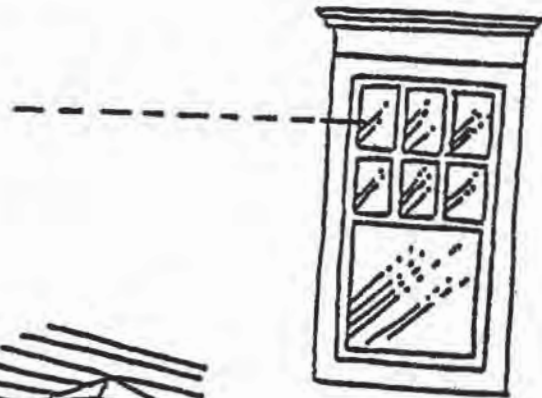


**MOLDING:** A decorative band or strip of material with a constant profile or section designed to cast interesting shadows. It is generally used in cornices and as trim around window and door openings.



**MULLION:** A major vertical divider in a window or between windows.

**MUNTIN:** A vertical or horizontal member which subdivides the window into different numbers of lights. The window shown at the right is called a six-over-one (6/1) because the upper sash is divided into six lights by the muntins.



**ORIEL WINDOW:** a bay window which begins on the second story of a building.



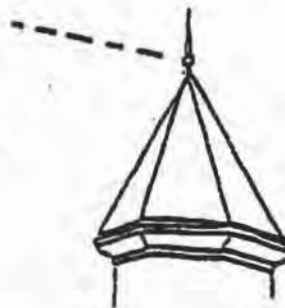
**OVOLO MOLDING:** A wide convex molding, sometimes called a quarter round.

**PANE:** A subdivision of glass within a window.

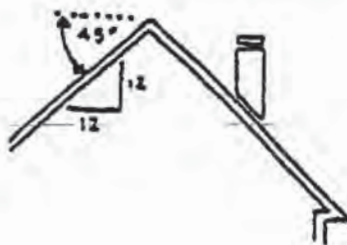
**PEDIMENT:** A low-pitched gable above a portico, formed by running the top member of the entablature along the sides of the gable; also a feature above doors and windows. It may be straight-sided or curved segmentally.



**PINNACLE:** An upright, usually pointed, termination used for decorative purposes.



**PITCH:** The degree of slope of a roof.





PLAN: A drawing representing a downward view of an object or, more commonly, a horizontal section of it. In the case of a floor of a house, it will show the disposition of the walls, partitions, rooms, doors, windows.

POINTING: The outer, and visible, finish of the mortar between the bricks or stones of a masonry wall.

PRESERVATION: Stabilizing and maintaining a structure in its existing form by preventing further change or deterioration.

PROPORTION: The comparative relationship between the parts or dimensions of a building with respect to relative size.

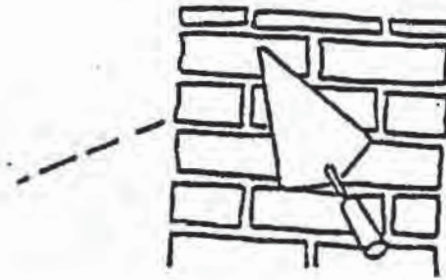
RAFTER: One of the sloping joists in a pitched roof.

REMODELING: To physically change the appearance and/or function of a building from its original design.

RESTORATION: Putting back as nearly as possible into the form the building held at a particular date in time. Its accomplishment often requires the removal of work which is not "of the period." The value of a restoration is measured by its authenticity.

RISER: The vertical surface in a staircase between the treads.

SASH: The moving frame of an opening window which functions within the fixed frame.



**SCALE:** The general feeling of mass and size of the building as related to that of other buildings, elements and the human being. When applied to a drawing or a model of a building, it has a different, technical, meaning denoting the size of the drawing or model in relation to full-size building: i.e., scale:  $1/4" = 1'0"$  means that one-quarter of an inch on the drawing represents one foot of the actual building.

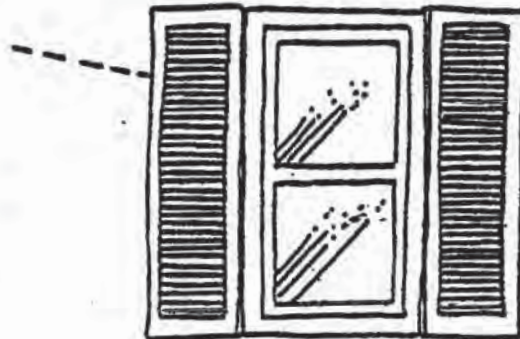


**SECTION:** A drawing representing a building, or part of a building, as it would appear if cut through on a certain plane; in architectural drawings this plane is usually vertical, the horizontal sections being referred to as plans.



**SHED ROOF:** A roof having only one sloping plane.

**SHUTTERS:** Small wooden "doors" on the outside of windows, originally used for security purposes and now retained or installed mainly for decorative effect.

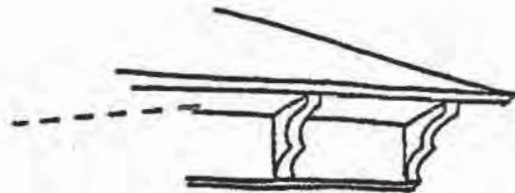


**SIDING:** The narrow horizontal or vertical wood boards that form the outer face of the walls in a traditional wood frame house. Horizontal wood siding is also referred to as clapboards. The term "siding" is also more loosely used to describe any material that can be applied to the outside of a building as a finish.

**SILL:** The lowest horizontal member in a frame or opening for a window or door. Also, the lowest horizontal member in a framed wall or partition.

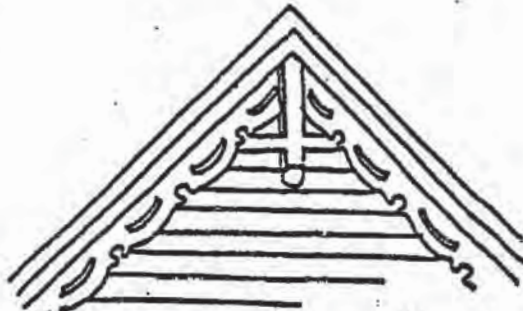


**SOFFIT:** The underside of an architectural element. More commonly considered as the underside of an eave.



**STRUCTURAL WALL:** Any wall that helps to support part of the load from floors, roofs, and so forth. Structural walls either go down to footings, or foundations in the ground, or rest on a substantial beam.

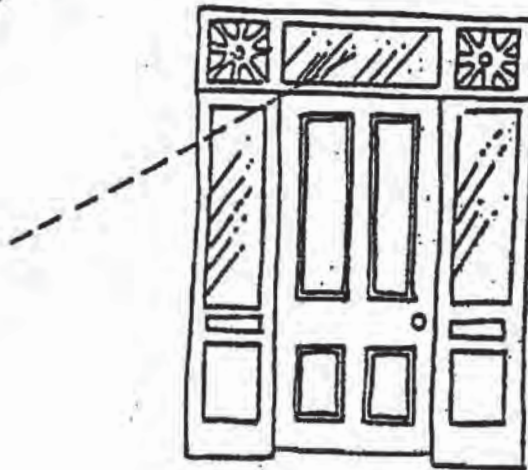
**STUD:** One of the upright members that extend from floor to ceiling in a wood frame wall or partition.



**SURROUND:** The molded trim around a door or window opening.

**TRACERY:** An ornamental patternwork cut through wood or stone panels. Also referred to as carpenter's lace.

**TRANSOM:** A horizontal crossbar in a window, over a door, or between a door and a window above it. Sometimes used to refer to the window above the door.



**TREAD:** The horizontal surface of a step. (See Riser).



**TURFSTONE:** A permeable surface for walkways, patios, parking areas, etc., consisting of a layer of inter-locking concrete blocks containing holes which can be filled with sand or soil and seeded with grass or other ground cover.



The following criteria is informational only.

#### GENERAL PRINCIPLES FOR REHABILITATION, RESTORATION OR RENOVATION OF EXISTING HISTORIC STRUCTURES

The following basic principles have been adapted from the standards for rehabilitation which have been adopted by the U. S. Secretary of the Interior to determine if a project qualifies as a "certified rehabilitation" pursuant to the provisions of the 1976 Tax Reform Act concerning rehabilitation of historic structures.

Every reasonable effort should be made to provide a compatible use for a property which requires minimum alteration of the building, structure, or site and its environment, or to use a property for its originally intended purpose.

The distinguishing original qualities or character of a building, structure, or site and its environment should not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.

All buildings, structures, and sites should be recognized as products of their own time. Alterations that have no historic basis and which seek to create an earlier appearance shall be discouraged.

Changes which may have taken place in the course of time are evidence of the history and development of a building, structure or site and its environment. These changes may have acquired significance in their own right, and this significance should be recognized and respected.

Distinctive stylistic features or examples of skilled craftsmanship which characterizes a building, structure, or site should be treated with sensitivity.

Deteriorated architectural features should be repaired rather than replaced, whenever possible. In the event replacement is necessary, the new material should match the material being replaced in proportion, composition, design, material, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplication of features, substantiated by historical, physical or pictorial evidence rather than conjectural designs or the availability of different architectural elements from other buildings or structures.

The surface cleaning of structures should be undertaken with the gentlest possible means. Sandblasting and other cleaning methods that will damage the historic building materials should not be undertaken.

Contemporary design for alterations and additions to existing properties should not be discouraged when such alterations and additions do not destroy significant historical, architectural, or cultural material, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood and environment.

Wherever possible, new additions or alterations to structures should be done in such a manner that if such additions or alterations were removed in the future, the essential form and integrity of the structure would be unimpaired.

Where the original design cannot be determined or where financial considerations preclude full-scale restoration of a building, a more up-to-date treatment with simple lines and details compatible with the building and the adjacent buildings may be acceptable. Where more contemporary design is being used, design details and/or accessories which imitate the historic era should not be used, as they tend to detract from the historic character of the other buildings in the district.



**APPENDIX 8**

**TOWN OF MENDOCINO TRAFFIC DATA**  
**NOVEMBER 23-30, 2015**

# Mendocino County Department of Transportation

340 Lake Mendocino Drive  
Ukiah, California 95482  
Main Street, CR 407E at Highway 1

Site Code: 00000003  
Station ID:

Latitude: 0' 0.0000 South

Start Time	23-Nov-15		Tue		Wed		Thu		Fri		Sat		Sun		Week Average	
	West Bou	East Bou	West Bou	East Bou	West Bou	East Bou	West Bou	East Bou	West Bou	East Bou	West Bou	East Bou	West Bou	East Bou	West Bou	East Bou
12:00 AM																
01:00	*	*	1	1	2	4	3	13	1	11	7	12	4	13	3	9
02:00	*	*	0	4	1	5	1	7	2	9	10	4	1	8	2	6
03:00	*	*	2	3	0	0	1	3	0	1	0	6	1	3	1	3
04:00	*	*	0	3	0	3	0	0	0	1	0	0	1	3	0	2
05:00	*	*	0	3	1	1	4	3	1	0	2	3	6	1	2	2
06:00	*	*	5	1	3	1	2	3	1	1	1	3	3	2	2	2
07:00	*	*	5	16	9	11	8	3	9	10	5	9	3	4	6	9
08:00	*	*	15	18	15	18	12	19	15	9	24	11	23	15	17	15
09:00	*	*	74	34	73	37	40	29	65	40	37	41	43	33	55	36
10:00	*	*	111	109	102	80	47	48	92	73	91	52	102	49	91	68
11:00	*	*	155	110	130	106	107	87	163	120	134	120	148	115	140	110
12:00 PM	177	145	182	141	148	117	110	101	182	138	160	127	117	157	152	130
01:00	142	147	173	154	177	140	121	108	192	197	181	175	132	162	185	154
02:00	138	137	158	148	145	122	109	109	210	206	228	207	115	106	158	149
03:00	124	143	133	158	157	195	107	116	189	207	165	207	103	152	142	167
04:00	129	183	125	154	157	165	111	87	177	221	153	230	124	137	139	162
05:00	103	164	113	165	141	165	83	83	154	232	136	195	100	145	122	167
06:00	71	103	57	90	72	110	35	40	84	136	105	192	72	122	95	156
07:00	31	68	39	60	51	81	37	46	43	83	65	115	62	57	64	93
08:00	27	52	27	48	44	52	21	33	43	46	50	95	30	54	40	70
09:00	11	23	17	38	22	38	23	30	29	48	36	55	21	30	31	45
10:00	5	15	9	17	17	18	22	22	21	32	5	32	8	34	19	35
11:00	1	12	2	5	9	12	12	9	9	19	3	19	1	15	12	22
Lane	959	1192	1519	1638	1599	1655	1059	1071	1797	2052	1622	1944	1225	1424	1463	1624
Day	2151		3157		3254		2130		3849		3566		2649		3087	
AM Peak	-	-	11:00	11:00	11:00	11:00	11:00	11:00	11:00	11:00	11:00	11:00	10:00	11:00	11:00	11:00
Vol.	-	-	192	141	148	117	110	101	182	138	160	127	148	157	152	130
PM Peak	12:00	16:00	12:00	16:00	12:00	14:00	12:00	14:00	13:00	16:00	13:00	15:00	12:00	12:00	12:00	14:00
Vol.	177	183	173	165	177	195	121	116	210	232	226	230	132	162	165	167



# Mendocino County Department of Transportation

340 Lake Mendocino Drive  
Ukiah, California 95482  
Main Street, CR 407E at Highway 1

Page 2

Site Code: 000000003  
Station ID:

Latitude: 0' 0.0000 South

Start Time	30-Nov-15		Tue		Wed		Thu		Fri		Sat		Sun		Week Average	
	West Bou	East Bou	West Bou	East Bou	West Bou	East Bou	West Bou	East Bou	West Bou	East Bou	West Bou	East Bou	West Bou	East Bou	West Bou	East Bou
12:00 AM	2	3													2	3
01:00	0	3													0	3
02:00	1	2													1	2
03:00	0	3													0	3
04:00	1	4													1	4
05:00	10	8													10	8
06:00	8	15													8	15
07:00	14	18													14	18
08:00	97	53													97	53
09:00	94	98													94	98
10:00	42	37													42	37
11:00																
12:00 PM																
01:00																
02:00																
03:00																
04:00																
05:00																
06:00																
07:00																
08:00																
09:00																
10:00																
11:00																
Lane	269	244	0	0	0	0	0	0	0	0	0	0	0	0	269	244
Day	513		0		0		0		0		0		0		513	
AM Peak	08:00	09:00	-	-	-	-	-	-	-	-	-	-	-	-	08:00	09:00
Vol.	97	98	-	-	-	-	-	-	-	-	-	-	-	-	97	98
PM Peak	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Vol.	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Comb. Total	2664		3157		3254		2130		3849		3566		2649		3600	
ADT	ADT 3,101		AADT 3,101													



# Mendocino County Department of Transportation

340 Lake Mendocino Drive  
Ukiah, California 95482

West Leg of Little Lake Street, CR 407A, at Highway 1

Site Code: 00000001  
Station ID:

Latitude: 0° 0.0000 South

Start Time	23-Nov-15		Tue		Wed		Thu		Fri		Sat		Sun		Week Average	
	West	East	West	East	West	East	West	East	West	East	West	East	West	East	West	East
12:00 AM	121	190	128	158	125	190	77	121	119	153	111	135	87	138	104	149
01:00	125	212	124	204	106	192	77	142	146	196	106	189	87	188	112	190
02:00	123	190	113	196	140	246	69	107	150	223	103	232	81	156	111	188
03:00	127	225	107	220	122	213	51	117	123	243	119	211	72	174	103	200
04:00	98	259	103	231	117	247	50	95	91	243	123	201	68	159	93	205
05:00	92	208	92	221	114	209	32	88	93	237	100	225	62	172	84	194
06:00	70	159	84	169	75	156	25	32	86	168	59	155	42	99	63	134
07:00	36	63	40	95	52	119	41	46	49	103	54	114	48	58	46	85
08:00	26	57	27	71	45	70	26	25	36	70	50	68	22	54	33	59
09:00	26	74	10	62	30	76	18	22	31	54	28	76	14	46	22	59
10:00	5	29	8	41	8	30	13	26	19	76	19	68	6	22	11	42
11:00	4	9	4	20	9	31	6	16	10	40	2	32	3	9	5	22
Lane	853	1675	1280	2260	1383	2353	761	1233	1376	2286	1293	2186	910	1676	1174	2015
Day	2528		3540		3736		1994		3662		3479		2586		3189	
AM Peak	-	-	11:00	11:00	11:00	11:00	11:00	11:00	11:00	11:00	11:00	11:00	11:00	11:00	11:00	11:00
Vol.	-	-	108	158	125	190	77	121	119	153	111	135	93	138	104	149
PM Peak	15:00	16:00	12:00	16:00	14:00	14:00	13:00	13:00	14:00	15:00	13:00	14:00	12:00	12:00	13:00	16:00
Vol.	127	259	129	231	140	249	79	145	150	243	137	232	87	188	113	205

# Mendocino County Department of Transportation

340 Lake Mendocino Drive  
Ukiah, California 95482

West Leg of Little Lake Street, CR 407A, at Highway 1

Site Code: 00000001  
Station ID:

Latitude: 0° 0.0000 South

Start Time	30-Nov-15		Tue		Wed		Thu		Fri		Sat		Sun		Week Average	
	West Bou	East Bou	West Bou	East Bou	West Bou	East Bou	West Bou	East Bou	West Bou	East Bou	West Bou	East Bou	West Bou	East Bou	West Bou	East Bou
12:00 AM	1	6													1	6
01:00	0	2													0	2
02:00	1	0													1	0
03:00	0	3													0	3
04:00	2	4													2	4
05:00	8	4													8	4
06:00	12	14													12	14
07:00	25	22													25	22
08:00	116	115													116	115
09:00	96	119													96	119
10:00	66	85													66	85
11:00																
12:00 PM																
01:00																
02:00																
03:00																
04:00																
05:00																
06:00																
07:00																
08:00																
09:00																
10:00																
11:00																
Lane	327	374	0	0	0	0	0	0	0	0	0	0	0	0	327	374
Day	701		0		0		0		0		0		0		701	
AM Peak	08:00	09:00	-	-	-	-	-	-	-	-	-	-	-	-	08:00	09:00
Vol.	116	119	-	-	-	-	-	-	-	-	-	-	-	-	116	119
PM Peak	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Vol.	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-

Comb. Total	3229	3540	3736	1994	3662	3479	2586	3890
ADT	ADT 3,166	AADT 3,166						



# Mendocino County Department of Transportation

340 Lake Mendocino Drive  
Ukiah, California 95482

East Leg of Little Lake Street, CR 407A, at Highway 1

Site Code: 00000002  
Station ID:

Latitude: 0° 0.0000 South

Start Time	23-Nov-15		Tue		Wed		Thu		Fri		Sat		Sun		Week Average	
	West Bou	East Bou	West Bou	East Bou	West Bou	East Bou	West Bou	East Bou	West Bou	East Bou	West Bou	East Bou	West Bou	East Bou	West Bou	East Bou
12:00 AM																
01:00																
02:00																
03:00																
04:00																
05:00																
06:00																
07:00																
08:00																
09:00																
10:00																
11:00	96	80	88	58	82	73	59	39	59	67	89	50	83	52	74	60
12:00 PM	93	67	91	64	89	49	83	38	82	38	70	45	71	33	83	48
01:00	98	59	105	46	91	52	71	33	95	62	94	62	63	42	88	53
02:00	102	59	88	54	107	67	88	50	100	48	91	50	75	33	93	52
03:00	84	58	83	48	114	61	61	35	105	66	79	52	81	42	87	52
04:00	117	45	104	44	114	38	65	19	82	57	86	42	78	38	92	40
05:00	134	51	113	34	118	51	63	21	118	42	104	38	64	27	102	38
06:00	90	33	84	27	67	30	40	19	89	31	66	30	69	26	72	28
07:00	40	18	46	20	64	21	34	29	47	18	41	17	31	19	43	20
08:00	43	15	45	19	33	16	38	25	34	19	37	11	35	9	38	16
09:00	39	11	33	32	47	11	36	21	33	13	31	11	21	11	34	16
10:00	14	4	14	2	25	5	21	5	31	9	24	9	12	1	20	5
11:00	3	0	8	0	13	6	11	4	12	7	12	5	3	1	9	3
Lane	953	500	1094	629	1173	660	791	431	1032	618	941	556	776	458	987	570
Day	1453		1723		1833		1222		1650		1497		1234		1557	
AM Peak	11:00	11:00	11:00	11:00	10:00	11:00	11:00	11:00	10:00	11:00	11:00	10:00	11:00	10:00	11:00	11:00
Vol.	96	80	88	58	93	73	59	39	63	67	69	61	63	52	74	60
PM Peak	17:00	12:00	17:00	12:00	17:00	14:00	14:00	14:00	17:00	13:00	17:00	13:00	15:00	13:00	17:00	13:00
Vol.	134	67	113	64	118	67	88	50	118	78	104	62	81	42	102	53

# Mendocino County Department of Transportation

340 Lake Mendocino Drive  
Ukiah, California 95482  
East Leg of Little Lake Street, CR 407A, at Highway 1

Site Code: 00000002  
Station ID:

Latitude: 0' 0.0000 South

Start Time	30-Nov-15				Tue		Wed		Thu		Fri		Sat		Sun		Week Average	
	West Bou	East Bou	West Bou	East Bou	West Bou	East Bou	West Bou	East Bou	West Bou	East Bou	West Bou	East Bou	West Bou	East Bou	West Bou	East Bou	West Bou	East Bou
12:00 AM	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	0
01:00	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0
02:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
03:00	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0
04:00	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0
05:00	4	6	0	0	0	0	0	0	0	0	0	0	0	0	0	0	4	6
06:00	9	15	0	0	0	0	0	0	0	0	0	0	0	0	0	0	9	15
07:00	21	16	0	0	0	0	0	0	0	0	0	0	0	0	0	0	21	16
08:00	172	96	0	0	0	0	0	0	0	0	0	0	0	0	0	0	172	96
09:00	70	59	0	0	0	0	0	0	0	0	0	0	0	0	0	0	70	59
10:00	38	33	0	0	0	0	0	0	0	0	0	0	0	0	0	0	38	33
11:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
12:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
01:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
02:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
03:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
04:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
05:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
06:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
07:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
08:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
09:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
10:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
11:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Lane Day	319	225	0	0	0	0	0	0	0	0	0	0	0	0	0	0	319	225
AM Peak	08:00	08:00	-	-	-	-	-	-	-	-	-	-	-	-	-	-	08:00	08:00
Vol.	172	96	-	-	-	-	-	-	-	-	-	-	-	-	-	-	172	96
PM Peak	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Vol.	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-

Comb. Total	1997	1723	1833	1222	1650	1497	1234	2101
ADT	ADT 1,526	AADT 1,526						



# Mendocino County Department of Transportation

340 Lake Mendocino Drive  
Ukiah, California 95482  
Lansing Street, CR 500, at Highway 1

Page 1

Site Code: 00000001  
Station ID:

Latitude: 0' 0.0000 South

Start Time	23-Nov-15		Tue		Wed		Thu		Fri		Sat		Sun		Week Average	
	North Bo	South Bo	North Bo	South Bo	North Bo	South Bo	North Bo	South Bo	North Bo	South Bo	North Bo	South Bo	North Bo	South Bo	North Bo	South Bo
12:00 AM	55	35	46	44	56	56	52	38	63	84	59	88	79	49	58	56
12:00 PM	50	57	51	56	43	60	50	45	81	81	73	78	49	51	57	61
01:00	53	47	55	49	59	59	64	31	107	89	82	85	46	38	67	57
02:00	57	56	51	56	44	50	51	38	86	86	93	69	52	46	62	57
03:00	54	53	45	47	60	61	53	27	116	83	107	60	57	37	70	53
04:00	50	38	55	34	66	52	39	27	100	56	87	55	57	34	65	42
05:00	54	36	38	30	49	27	36	12	94	42	78	42	38	19	55	30
06:00	28	20	13	15	24	14	14	7	41	13	42	16	16	20	25	15
07:00	17	7	11	9	18	10	12	11	19	22	16	14	13	9	15	12
08:00	6	3	13	4	11	4	14	5	14	13	7	12	6	3	10	6
09:00	10	3	3	0	12	7	11	6	8	5	14	7	6	2	9	4
10:00	7	4	6	1	1	3	13	3	9	2	18	4	6	2	9	3
11:00	3	4	3	0	2	2	2	3	13	2	19	4	1	2	6	2
Lane	444	363	490	478	518	512	489	326	835	703	817	671	523	448	601	517
Day	807		968		1030		815		1538		1488		971		1118	
AM Peak	11:00	11:00	11:00	11:00	11:00	11:00	11:00	11:00	11:00	11:00	11:00	11:00	11:00	10:00	11:00	11:00
Vol.	55	35	46	44	52	56	52	38	63	84	59	86	79	65	58	56
PM Peak	14:00	12:00	13:00	12:00	16:00	15:00	13:00	12:00	15:00	13:00	15:00	13:00	15:00	12:00	15:00	12:00
Vol.	57	57	55	56	66	61	64	45	116	89	107	85	57	51	70	61

# Mendocino County Department of Transportation

340 Lake Mendocino Drive

Ukiah, California 95482

Lansing Street, CR 500, at Highway 1

Site Code: 00000001

Station ID:

Latitude: 0' 0.0000 South

Start Time	30-Nov-15		Tue		Wed		Thu		Fri		Sat		Sun		Week Average	
	North Bo	South Bo	North Bo	South Bo	North Bo	South Bo	North Bo	South Bo	North Bo	South Bo	North Bo	South Bo	North Bo	South Bo	North Bo	South Bo
12:00 AM	0	2	*	*	*	*	*	*	*	*	*	*	*	*	0	2
01:00	1	0	*	*	*	*	*	*	*	*	*	*	*	*	1	0
02:00	0	0	*	*	*	*	*	*	*	*	*	*	*	*	0	0
03:00	0	0	*	*	*	*	*	*	*	*	*	*	*	*	0	0
04:00	1	0	*	*	*	*	*	*	*	*	*	*	*	*	1	0
05:00	0	0	*	*	*	*	*	*	*	*	*	*	*	*	0	0
06:00	3	1	*	*	*	*	*	*	*	*	*	*	*	*	3	1
07:00	5	14	*	*	*	*	*	*	*	*	*	*	*	*	5	14
08:00	10	36	*	*	*	*	*	*	*	*	*	*	*	*	10	36
09:00	19	38	*	*	*	*	*	*	*	*	*	*	*	*	19	38
10:00	3	8	*	*	*	*	*	*	*	*	*	*	*	*	3	8
11:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
12:00 PM	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
01:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
02:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
03:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
04:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
05:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
06:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
07:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
08:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
09:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
10:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
11:00	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Lane	42	99	0	0	0	0	0	0	0	0	0	0	0	0	42	99
Day	141		0	0	0	0	0	0	0	0	0	0	0	0	141	
AM Peak	09:00	09:00	-	-	-	-	-	-	-	-	-	-	-	-	09:00	09:00
Vol.	19	38	-	-	-	-	-	-	-	-	-	-	-	-	19	38
PM Peak	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Vol.	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-

Comb. Total	948	968	1030	815	1538	1488	971	1259
ADT	ADT 1,135	AADT 1,135						



**APPENDIX 9**

**CALIFORNIA COASTAL COMMISSION  
REPAIR, MAINTENANCE AND UTILITY  
HOOK-UP EXCLUSION GUIDELINE  
(1978)**

REPAIR, MAINTENANCE AND UTILITY HOOK-UP  
EXCLUSIONS FROM PERMIT REQUIREMENTS

(Adopted by the California Coastal Commission on September 5, 1978)

NOTE: This guideline applies only to exclusions established in subsections (c) and (e) of Section 30610. For other exceptions to the permit requirements, see Section 13250 of the Commission Regulations (additions to existing single-family houses), Sections 13200 through 13210 (vested rights), Sections 13211-13213 (permits granted under the 1972 Coastal Act), Sections 13215-13235 (urban land), Sections 13240-13249 (categories of development), Sections 13136-13144 (emergency permits) and Sections 13145-13154.5 (administrative permits).

I. General Provisions.

Section 30610 of the Coastal Act states in part:

...no coastal development permit shall be required for...(c) Repair or maintenance activities that do not result in an addition to, or enlargement or expansion of, the object of such repair or maintenance activities; provided, however, that if the Commission determines that certain extraordinary methods of repair and maintenance that involve a risk of substantial adverse environmental impact, it shall, by regulation, require that a permit be obtained under this chapter. (e) The installation, testing, and placement in service or the replacement of any necessary utility connection between an existing service facility and any development approved pursuant to this division; provided, that the Commission may, where necessary, require reasonable conditions to mitigate any adverse impacts on coastal resources, including scenic resources.

This guideline is intended to detail the types of development activities the Commission considers repair, maintenance or utility hook-ups related to the on-going work of various types of public and private agencies. Such lists obviously cannot be exhaustive and the exclusions also apply to activities comparable to those listed. Where a proposed activity is not included in this guideline, the Regional Commission Executive Director, after consultation with the State Commission Executive Director, if necessary, will determine whether a permit is required.

The standards for these exclusions are stated in Section 30610 of the Coastal Act: they do not relate to the environmental impact of the proposed activity. The repair and maintenance exclusion is intended to allow continuation of existing developments and activities which began before the effective date of the Coastal Act. The utility hook-up exclusion exempts utilities from obtaining permits for work to serve developments because Commission review of such work is included in the review of the development itself.

II. Description of Activities Excluded.

The following construction activities comparable to those listed do not require a coastal development permit except as specified below:

A. Roads. No permit is required for repair and maintenance of existing public roads including landscaping, signalization, lighting, signing, resurfacing,



installation or expansion of retaining walls, safety barriers and railings and other comparable development within the existing right-of-way as specified below. Maintenance activities are generally those necessary to preserve the highway facility as it was constructed, including: construction of temporary detours, removal of slides and slip cuts, restoration and repair of drainage appurtenances, slope protection devices, installation of minor drainage facilities for preservation of the roadway or adjacent properties, restoration, repair and modifying for public safety bridges and other highway structures, restoring pavement and base to original condition by replacement, resurfacing, or pavement grooving. A permit is required for excavation or disposal of fill outside of the roadway prism. The following maintenance and alteration programs of the State Department of Transportation, or their equivalent conducted by local road departments, which do not result in an addition to or enlargement or expansion of the existing public road facility itself, do not require a permit except as noted: (1) Flexible Roadbed Program; (2) Rigid Roadbed Program; (3) Roadside Maintenance Program; (4) Roadway Litter and Debris Program; (5) Vegetation Control Program; (6) Pavement Delineation Program; (7) Sign Program; (8) Electrical Program; (9) Traffic Safety Devices Program; (10) Public Service Facility Program except that a permit is required for construction of new facilities; (11) Landscape Program; (12) Bridge and Pump Maintenance Program; (13) Tubes, Tunnel and Ferry Maintenance Program; (14) Bridge Painting Program; (15) Miscellaneous safety projects, provided there is not expansion in the roadway or number of traffic lanes; (16) Major damage maintenance, repair and restoration; (17) Comparable Minor Alterations.

(NOTE: See Appendix I for more detailed description of activities included in these programs.)

## B. Public Utilities.

### 1. Natural Gas, Chilled Water and Steam Facilities.

a. Service Connections. Install, test and place in service the necessary piping and related components to provide natural gas, chilled water and/or steam service to development either exempted or approved under the Coastal Act, including:

(1) Extend underground gas, chilled water and/or steam mains, except in marshes, streams or rivers, from terminus of existing main piping to proper location in front of customer's property. Break and remove pavement as necessary, open trench or bore, for installation of main piping, install mains and appurtenances, pressure test for leakage, backfill open cuts, purge air from piping and introduce gas, chilled water and/or steam into newly installed piping. Restore pavement as necessary. Provide for cathodic protection as necessary.

(2) Extend underground gas, chilled water and/or steam service piping from the main locations, except in marshes, streams or rivers, to the meter location on the customer's property. Construction activities are similar to those in Item (1) above.

(3) Construct and install the meter set assembly, generally above ground, on the customer's property, including installation of associated valves, pressure regulator, meter and necessary piping to connect the gas, chilled water



and/or steam service to the customer's piping system.

(4) When necessary, install gas, chilled water and/or steam pressure regulation equipment and related components, to control pressure where the source of the supply is at a higher pressure than the pressure in the district distribution main system. Construction includes necessary excavation, installation of piping, valves, regulators, below ground vaults and related components.

(5) Install necessary cathodic protection facilities for main and service extensions to new and existing customers.

b. Distribution and Transmission Facilities.

(1) Operate, inspect and maintain distribution and transmission mains, services, meter set assemblies and district regulator stations. Conduct leakage surveys, repair leaks, handle emergency or hazardous incidents, maintain supply pressure, inspect and adjust pressure regulators, operate valves, locate and mark facilities to help prevent damage to them and to provide for public safety.

(2) Install, replace, alter, relocate or remove piping and cathodic protection facilities as necessary due to corrosion, interference with other underground or surface construction, franchise requirements, mechanical damage, reinforcement to existing distribution systems to provide for increased usage (provided such usage is to provide service to development either exempted or approved under the Coastal Act). Isolation of piping segments or systems to provide emergency control and the restoration of service to a customer.

c. Production and Storage Facilities. Perform necessary maintenance, replacement, repair, relocation, abandonment and removal work to gas storage facilities, chilled water and/or steam plant facilities, mechanical equipment including prime movers and pumping equipment, chilled water and/or steam production facilities, gas and oil processing facilities, pollution control facilities, cooling towers, electric equipment, controls, gas injection and withdrawal wells, and other miscellaneous plant and pipeline structures. Installation of any required new safety devices and pollution control facilities within existing structures or equipment or where land coverage, height, or bulk of existing structures will not be increased.

d. Miscellaneous. Perform necessary maintenance, repair, replacement, relocation, abandonment and removal work to pipeline roads, rights-of-way, fences and gates, sprinkler systems, landscaping, odorizing stations, telemetry equipment, lighting facilities, mechanical and electrical equipment, cathodic protection facilities and environmental control equipment.

e. Grading and Clearing. Maintenance activities shall not extend to the construction of any new roads to the site of the work. A permit is required for grading an undisturbed area of greater than 500 sq. ft., removal of trees exceeding 12 inches dbh or clearing more than 500 sq. ft. of brush or other vegetation unless the Executive Director of the Regional Commission determines the activity does not involve the removal of major vegetation.

2. Electric Utilities.

a. Generation Stations, Substations, Fuel Handling, Transportation



and Storage Facilities and Equivalent Facilities. A coastal permit is not required for repairs, maintenance, and minor alterations which do not increase the capacity of the facility or work required to supply increased demand of existing customer's facilities in order to maintain the existing standard of service. A coastal permit is not required for installation of any required new safety devices and pollution control facilities within existing structures of equipment or where land coverage, height or bulk of existing structures will not be increased.

b. Transmission and Distribution and Communication Facilities. A coastal permit is not required to maintain, replace, or modify existing overhead facilities, including the addition of equipment and wires to existing poles or other structures, right-of-way maintenance, and minor pole and equipment relocations. A coastal permit is not required to install, test and place in service power line extension facilities and supply points specifically required to provide service to development permitted or exempted under the Coastal Act, or work required to supply increased demand of existing customers' facilities in order to maintain the existing standard of service.

A coastal permit is not required to install, test, place in service, maintain, replace, modify or relocate underground facilities or to convert existing overhead facilities to underground facilities provided that work is limited to public road or railroad rights-of-way or public utility easements (P.U.E.).

c. Services. Electrical service and metering facilities may be installed and placed in service to any development permitted or exempted under the Coastal Act. A coastal permit is not required to maintain, replace, or relocate service or metering facilities for developments permitted or exempted under the Coastal Act.

d. Grading, Clearing and Removal of Vegetation. Excluded activities shall not extend to the construction of any new road to the site of the work. In cases involving removal of trees exceeding 12 inches dbh, grading of any undisturbed area of greater than 500 sq. ft. or clearing of more than 500 sq. ft. of brush or other vegetation, the utility shall consult with the Executive Director of the Regional Commission to determine whether the project involves removal of major vegetation such that a permit is required. A coastal permit is not required for removal of minor vegetation for maintenance purposes (tree trimming, etc.) for safety clearances.

e. Definitions.

(1) Line Extension. All facilities for permanent service excluding transformers, services and meters, required to extend electric service from the utility's existing permanent facilities to one or more supply points.

(2) Service. A single set of conductors and related facilities required to deliver electric energy from a supply point to the customer's facilities.

(3) Supply Point. Any transformer, pole, manhole, pull box or other such facilities at which the utility connects one or more sets of service conductors to the utility's permanent electric facilities.

3. Telephone. No permit or conditions are required for the activities of a telephone company that come within the following areas:

a. Repair and maintenance of existing damaged or faulty poles, wires, cables, terminals, load cases, guys and conduits, including the necessary related facilities, to restore service or prevent service outages.



b. Placement of existing telephone facilities underground, provided such undergrounding shall be limited to public road or railroad rights-of-way or public utility easements (P.U.E.) and provided there is no removal of major vegetation and the site is restored as close as reasonably possible to its original condition.

c. Placement of additional aerial facilities on existing poles.

d. Removal of existing poles and facilities thereon, where new, replacing facilities have been placed underground.

e. Performance of work in connection with or placement of facilities to expand service to existing customers or to serve new customers, including placement of underground service connections or aerial service connections from existing poles with any necessary clearance poles.

f. Removal of minor vegetation for maintenance purposes (tree trimming, etc.).

g. Maintenance activities shall not extend to the construction of any new roads to the site of the work. A permit is required for grading an undisturbed area of greater than 500 sq. ft., removal of trees exceeding 12 inches dbh or clearing more than 500 sq. ft. of brush or other vegetation unless the Executive Director of the Regional Commission determines the activity does not involve the removal of major vegetation.

4. Others, including Water, Sewer, Flood Control, City and County Public Works, Cable T.V. No permit is required for repair or maintenance of existing facilities that do not alter the service capacity, installation of new or increased service to development permitted or exempted under the Coastal Act, placement of additional facilities on existing poles, or placement of existing facilities underground, provided such undergrounding shall be limited to public road or railroad rights-of-way or public utility easements (P.U.E.) and provided there is no removal of major vegetation and the site is restored as close as reasonably possible to its original condition. A permit is required for installation of service to vacant parcels or installation of capacity beyond that needed to serve developments permitted or exempted under the Coastal Act.

Maintenance activities shall not extend to the construction of any new roads to the site of the work. A permit is required for grading an undisturbed area of greater than 500 sq. ft., removal of trees exceeding 12 inches dbh or clearing more than 500 sq. ft. of brush or other vegetation unless the Executive Director of the Regional Commission determines the activity does not involve the removal of major vegetation. No permit is required for removal of minor vegetation (e.g., tree trimming) where it interferes with service pipes or lines.

C. Parks. No permit is required for routine maintenance of existing public parks including repair or modification of existing public facilities where the level or type of public use or the size of structures will not be altered.

D. Industrial Facilities. No permit is required for routine repair, maintenance and minor alterations to existing facilities, necessary for on-going production that do not expand the area or operation of the existing plant. No permit is required for minor modifications of existing structures required by governmental safety and environmental regulations, where necessary to maintain existing production capacity, where located within existing structures, and where height or bulk of existing structures will not be altered.



E. Other Structures. For routine repair and maintenance of existing structures or facilities not specifically enumerated above, no permit is required provided that the level or type of use or size of the structure is not altered. (NOTE: See Section 13250 of the Commission Regulations for exclusions or additions to existing single-family houses.)

F. Dredging and Beach Alteration. (NOTE: Maintenance dredging of navigation channels is exempted by Section 30610 (b). Other dredging and sand movement projects, where part of an established program may be exempt from the permit requirements of the Coastal Act by reason of vested rights, where such rights have been reviewed and acknowledged by the Regional Commission. Contact the Regional Commission office for information and application forms.)

APPENDIX I

Detailed description of activities included in road maintenance programs for which no coastal development permit is required.

1. Flexible Roadbed Program. This program covers the restoration and repair of both surface and base within the previously paved portion of the roadway. This includes previously paved asphalt concrete shoulders two feet or greater in width where the shoulder is designated by traffic marking, pavement delineation or traffic use. Paved shoulders less than two feet in width will be considered as included in the traveled way lanes.
2. Roadbed, Rigid. The Rigid Roadbed Program covers the restoration and repair of both surface and base within that paved portion of the roadway used for the movement of vehicles. This includes asphaltic concrete or oiled shoulders two feet or greater in width. Paved shoulders less than two feet in width will be considered as included in the traveled way lanes. This program does not include roadbed widening projects.
3. Roadside Maintenance Program. This program includes the repair, replacement, and clearing of ditches, culverts, underdrains, horizontal drains and miscellaneous headwalls and debris racks. Also included are fence repairs, roadside section restoration (e.g., drift removal, bench cleaning, slide removal, and fill slope replacement). In addition, repairs or replacement of retaining walls, installation of slope protection devices, minor drainage facilities, sidewalks and curbs, bins, cattle guards and other such structures where there is no increase in size (or adding to what exists) is included in this program. This program shall not include seawalls or other shoreline protective works, activities subject to review under Section 1601 of the Fish and Game Code, or excavation or disposal of fill outside of the roadway prism.
4. Roadway Litter and Debris Program. This program includes all work concerning roadbed and roadside cleanup operations to insure that the highway presents a neat, clean and attractive appearance.
5. Vegetation Control Program. Vegetation control refers to the maintenance treatment of all vegetative material growing native within the highway rights-of-way. Included is cutting and trimming by hand and mechanical means.



6. Pavement Delineation Program. The pavement delineation program involves all work necessary to place and maintain distinctive roadway markings on the traveled way. This includes layout, removal of old stripe, painting of new or existing stripe including striping for bike lanes, installation and/or removal of raised pavement markers including cleaning of such markers and the use of thermoplastic, tape or raised bars for pavement markings. Changing of striping for more lanes is not included in this program.

7. Sign Program. The sign program includes all work performed on existing signs for the purpose of warning, regulating or guiding traffic including bicycle traffic using bike lanes. The work consists of manufacture, assembly and installation of new signs to replace existing signs and the repair, cleaning and painting of signs.

8. Electrical Program. This program includes all work performed on in-place highway electrical facilities used to control traffic with signal systems, provide safety and sign lighting, illuminate maintenance building and grounds, generate standby power, operate bridges, pumps and automatic watering systems. Certain navigational lighting installed on bridges and bridge fenders or piling are included in this program.

9. Traffic Safety Devices Program. Work performed under this program includes replacement of guide posts, markers, skid resistant grooves, and also replacement, cleaning and/or painting of guard rails. The repair of median barrier cable chain link fence and portland cement concrete walls; the repair and maintenance of energy dissipators such as water type bumpers, sand traps or other devices installed for the purpose of absorbing vehicle energy are included in this program.

10. Public Service Facility Program. Public Service Facilities consist of roadside rests, vista points, map stops, historical monuments, roadside fountain areas and vehicle inspection stops. Work to be performed under this program consists of a wide variety of custodial maintenance in connection with existing restrooms, fountains and picnic areas.

11. Landscape Program. This program refers to the treatment maintenance and replacement of all vegetative material planted within the State Highway right-of-way. Work includes watering, fertilizing, plant replacement, weed control by hand and mechanical means and tree trimming.

12. Bridge and Pump Maintenance Program. The Bridge and Pump Maintenance Program includes work performed on all structures which provide for passage of highway traffic over, through or under obstacles and/or qualify for bridge numbers as assigned by the Division of Structures.

13. Tubes, Tunnel and Ferry Maintenance Program. The Tubes, Tunnel and Ferry Maintenance Program includes maintenance and repair of tunnels, tubes, ferries and docks or slips. Tunnel or tube maintenance includes washing, cleaning, tile repair and the maintenance of electro-mechanical equipment. Tunnel structural repairs will be performed under this program when covered by approved Division of Structures reports of work needed.



14. Bridge Painting Program. This program involves bridge maintenance painting performed in conformance with the requirements of air pollution control and water quality control agencies having jurisdiction.

15. Miscellaneous Safety Projects. Elimination of hazards within the operating areas or the operating right-of-way or projects modifying existing features such as curbs, dikes, headwalls, slopes, ditches, drop inlets, signals and lighting, etc., within the right-of-way to improve roadside safety.

16. Major Damage Maintenance, Repair and Restoration. Provides temporary road openings and related maintenance and returns highway facilities to serviceable states as rapidly as possible following major damage from storms; earthquakes; tidal waves; ship, train or vehicle collisions; gasoline truck fires; aircraft crashes, and all other kinds of physical violence. (NOTE: These items may be developments rather than repair or maintenance activities, but would be subject to the emergency permit provisions of the Coastal Act. Inquiries should be directed to the Regional Commission staff if at all possible, prior to commencement of construction.)

17. Miscellaneous Alterations.

a. Installation, modification or removal of regulatory, warning or informational signs, according to the standards of the State Department of Transportation Uniform Sign Chart.

b. Traffic channelization - improvements to local service and safety by delineation of traffic routes through the use of curbs, dikes, striping, etc., including turn pockets, where construction is performed by State Department of Transportation Maintenance Department or equivalent activities by local road departments.

c. Maintenance of existing bicycle facilities.

d. Modification of traffic control systems and devices including addition of new elements such as signs, signals, controllers, and lighting.

e. Devices such as glare screen, median barrier, fencing, guard rail safety barriers, energy attenuators, guide posts, markers, safety cable, ladders, lighting, hoists, paving grooving.

f. Alteration or widening of existing grade separation structure where the primary function and utility remains unaltered.

g. Minor operational improvements such as median and side ditch drainage facilities, where not subject to review under Section 1601 of the Fish and Game Code or involving excavation or disposal of fill outside of the roadway prism.

h. Modification, upgrading, alteration, relocation, or removal of railroad grade crossings, railroad grade crossing protection, and the construction of bus and truck stop lanes at railroad grade crossings.



# MENDOCINO TOWN LAND USE

ADOPTED BY THE BOARD OF SUPERVISORS  
FOR SUBMITTAL TO THE COASTAL COMMISSION:  
December 8, 2015

REVISED:

CERTIFIED BY THE COASTAL COMMISSION:  
MONTH & DAY, 2015

AMENDMENTS:

KEY TO SYMBOLS  
Land Use Classifications

- C- Commercial
- MU- Mixed Use
- RM- Multiple Family Residential
- OS- Open Space
- PF- Public Facilities
- RR-1- Rural Residential (40,000 sf. minimum)
- RR-2- Rural Residential (2 acre min.)
- RR-2-PD- Rural Residential (Planned Development)
- SR- Suburban Residential
- R+- Mendocino Town Residential

Visitor Serving Facilities

- \* Hotels & Inns
- \*B Bed & Breakfast Accommodations

- ▬ Mendocino Town Plan Boundary
- ▬ Assessors Parcels
- U/R Urban/Rural Boundary

**RECEIVED**

MAR -1 2016

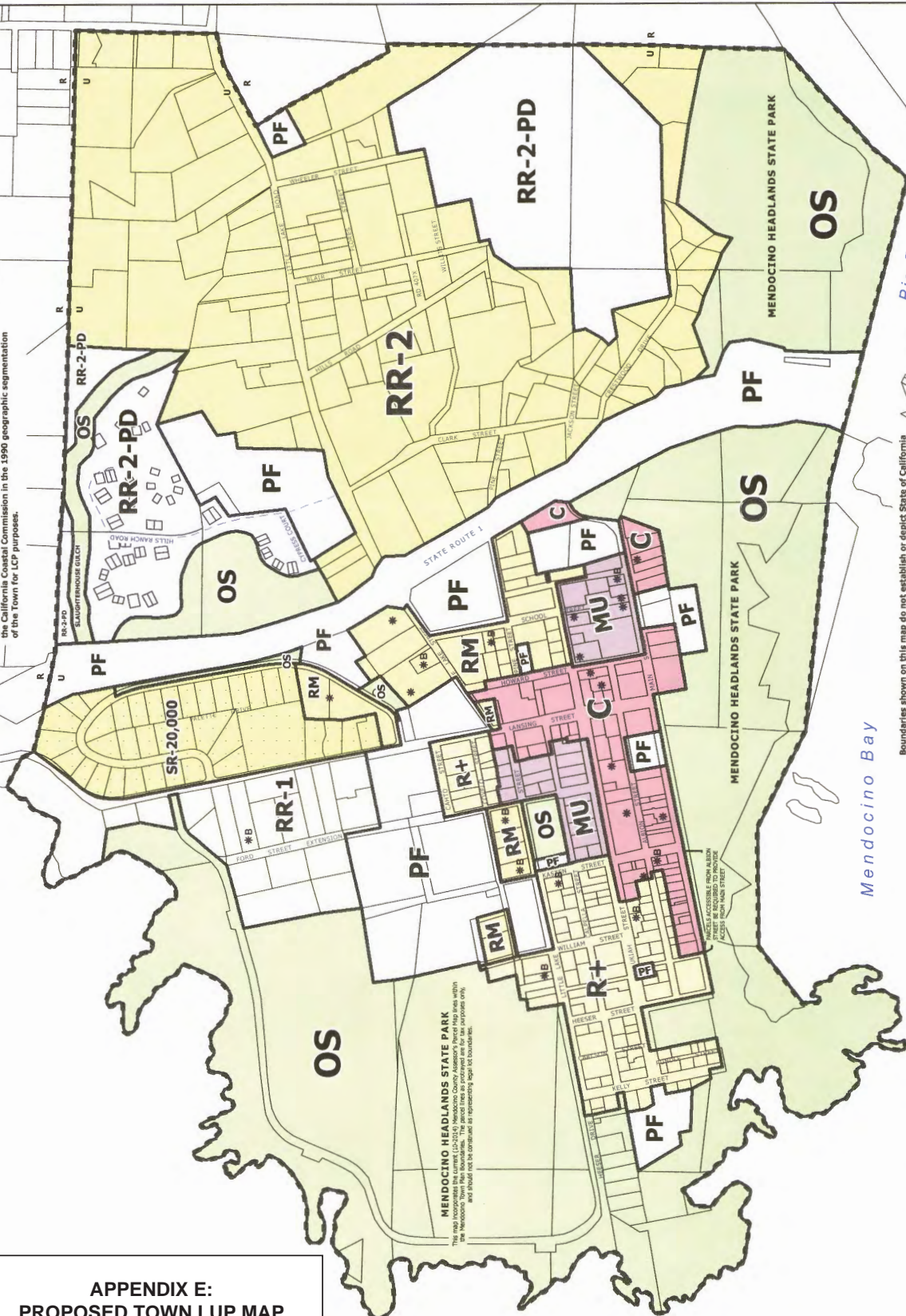
CALIFORNIA  
COASTAL COMMISSION  
NORTH COAST DISTRICT



This map has been prepared in consultation with the staff of the California State Lands Commission, but has not been approved by it.

Figure 4.13-3: Mendocino Town Plan Land Use Map  
20160222.MTlandusemapadoptedBOS20151208

The terrestrial Town of Mendocino boundaries are as approved by the California Coastal Commission in the 1990 geographic segmentation of the town for LCP purposes.



Boundaries shown on this map do not establish or depict State of California ownership boundaries or Port-Town of Mendocino Local Coastal Program boundaries. The map is for informational purposes only and is not to be used for any other purpose. Public Resources Code Section 30403(a).

The Town of Mendocino boundary along the Pacific Ocean, Mendocino Bay, and tidal lower Big River follows the shoreline (Ordinary High Water Mark, Mean High Tide Line). (Government Code Section 23123).

## APPENDIX E: PROPOSED TOWN LUP MAP



# MENDOCINO TOWN ZONING

ADOPTED BY THE BOARD OF SUPERVISORS  
FOR SUBMITTAL TO THE COASTAL COMMISSION:  
December 8, 2015

REVISED:

CERTIFIED BY THE COASTAL COMMISSION:  
MONTH & DAY, 2015

## AMENDMENTS:

## KEY TO SYMBOLS

Land Use Classifications  
MC- Commercial  
MMU- Mixed Use  
MRM- Multiple Family Residential  
MOS- Open Space  
MPF- Public Facilities  
MRR1- Rural Residential (40,000 sf. minimum)  
MRR2- Rural Residential (2 acre min.)  
MRR2-PD- Rural Residential (Planned Development)  
MSR- Suburban Residential  
MTR- Mendocino Town Residential

## Visitor Serving Facilities

\* Hotels & Inns  
\*B Bed & Breakfast Accommodations

Mendocino Town Plan Boundary  
Assessors Parcels  
U/R Urban/Rural Boundary

RECEIVED

MAR - 1 2016

CALIFORNIA  
COASTAL COMMISSION  
NORTH COAST DISTRICT

This map has been produced by the County of Mendocino Department of Planning and Building Services, February 22, 2016.  
Source data: County of Mendocino Assessors' Parcel Map Book 119, County of Mendocino GIS  
California Coastal Commission, Geographic Segmentation of the Town of Mendocino, 1990,  
California Coastal Commission, Certified Mendocino Town Zoning Map, April 12, 1995,  
Amendment 3-96, March 17, 2000,  
Amendment 3-96, March 17, 2000,  
County of Mendocino, Final Map of Tract 217, 18th Ranch, A Planned Unit Subdivision,  
Case 2, Docket 417 Page 42, M.C.R., June 9, 1985,  
Coordinate system is NAD 83, California State Plane Zone II.

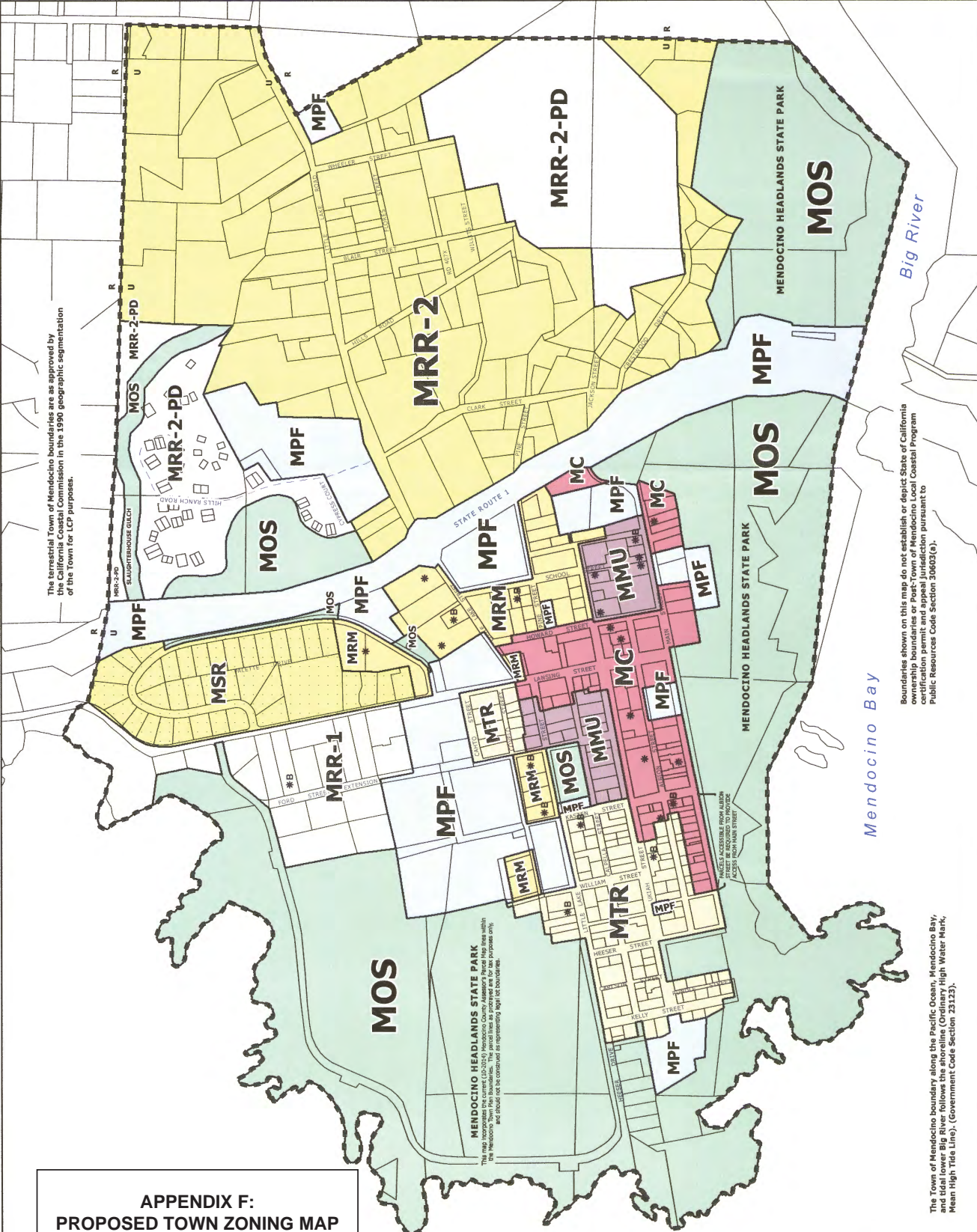


This map has been prepared in consultation with the staff of the  
California State Lands Commission, but has not been approved by it.

Figure 1. Mendocino Town Zoning Map  
20160222.MT zoningmapadoptedBOS20151208

The terrestrial Town of Mendocino boundaries are as approved by  
the California Coastal Commission in the 1990 geographic segmentation  
of the town for LCP purposes.

## APPENDIX F: PROPOSED TOWN ZONING MAP



Boundaries shown on this map do not establish or depict State of California  
ownership boundaries or Port-Town of Mendocino Local Coastal Program  
certification permit and appeal jurisdiction pursuant to  
Public Resource Code Section 30603(e).

The Town of Mendocino boundary along the Pacific Ocean, Mendocino Bay,  
and tidal lower Big River follows the shoreline (Ordinary High Water Mark,  
Mean High Tide Line). (Government Code Section 23123).



## **APPENDIX G**

### **SUBSTANTIVE FILE DOCUMENTS**

Application file for LCP Amendment Application No. LCP-1-MEN-14-0840-1

California Department of Water Resources. June 1985. "Town of Mendocino Ground Water Study."

----- . June 1982. "Mendocino County Coastal Ground Water Study."

Dall and Associates. "Supplemental Response to Coastal Commission Staff Comments re: New Development and Public Services: Water." Received January 29, 2016. Coastal Commission North Coast District Office. Arcata.

December 12, 2014. Memo prepared by Mike Kelley, District Superintendent, Mendocino City Community Services District. Re: November 17, 2014 Coastal Commission Letter.

Kennedy/Jenks Consultants. November 16, 2006. "Mendocino Drought Scenarios." Technical memorandum prepared by Michael Maley for Mendocino City Community Services District. Kennedy/ Jenks Consultants. K/J Project No. 0664003.

LAFCO SOI/MSR report adopted November 2008 for Mendocino CSD and available online at: [http://mendolafco.org/msr/Mendocino%20City%20CSD\\_MSR-SOI%202008.pdf](http://mendolafco.org/msr/Mendocino%20City%20CSD_MSR-SOI%202008.pdf)

Mendocino City Community Services District (MCCSD) Groundwater Management Plan and Programs. Adopted by MCCSD Board of Directors February 25, 1990; Amended May 30, 2012. Accessed online at: [http://www.co.mendocino.ca.us/planning/pdf/MCCSD\\_Groundwater\\_Management\\_Plan\\_and\\_Programs\\_2012.pdf](http://www.co.mendocino.ca.us/planning/pdf/MCCSD_Groundwater_Management_Plan_and_Programs_2012.pdf)

Mendocino County. January 1, 1982. Mendocino County Division of Environmental Health Land Division Requirements, Form #26.09. Revised February 1, 1988. Water Testing Revised June 1, 1994. Accessed online at [http://www.co.mendocino.ca.us/hhsa/pdf/chs\\_eh\\_landUse\\_LandDivisionRequirements\\_Form26.09.pdf](http://www.co.mendocino.ca.us/hhsa/pdf/chs_eh_landUse_LandDivisionRequirements_Form26.09.pdf)

Questa Engineering Corporation. July 1989. "County of Mendocino Coastal Groundwater Development Guidelines." Prepared by Questa Engineering Corporation, Point Richmond, CA for Mendocino County Division of Environmental Health. Adopted by the Mendocino County Board of Supervisors November 21, 1989.

----- May 2004. "Final Report: Groundwater Modeling Study of the Mendocino Headlands. Mendocino, California." Prepared by Questa Engineering Corporation, Point Richmond, CA and ETIC Engineering, Oakland, CA for MCCSD.

----- December 29, 2006. Water Shortage Contingency Plan, Mendocino City Community Services District. Prepared by Questa Engineering Corporation. Revised March 25, 2009.

TKJM Transportation Consultants. 1994. State Route 1 Corridor Study. Prepared for Mendocino County by Steve Weinberger.

Whitlock and Weinberger Transportation, Inc. September 18, 2008. "State Route 1 Corridor Study Update for the County of Mendocino." Available online at:  
<http://www.mendocinocog.org/pdf/SR%201%20Corridor%20Study%20Update.9-18-08.pdf>

## APPENDIX H

### PUBLIC PARTICIPATION AND AGENCY COORDINATION

The Town Plan Update process has been iterative, with a series of revised draft Town LCP versions produced over time that reflect the input of the public, local government, and agency coordination.

Mendocino County staff began community outreach and Town meetings with a Town Plan Update kickoff public meeting held October 27, 2011. Additional Town Plan public workshops were held January 26, 2012, May 3, 2012, and October 25, 2012 to gather community input and concerns. In addition to hosting public workshops, the County has held fourteen public hearings<sup>1</sup>, and numerous personal meetings with interested persons and public agency representatives to obtain public comments, encourage discussion, and identify recommended Town Plan policies and actions. The County has also maintained a website providing the public with access to many of the supporting Town Plan Update documents.<sup>2</sup>

Commission staff first met to discuss the Town Plan LCP amendment process with County staff on November 9, 2011, and participated in a Town Plan Update public workshop in the Town of Mendocino on October 25, 2012. Since then, Commission staff has met in-person with County staff and their consultants on more than 25 occasions, and participated in more than 30 telephone conference meetings.

The Mendocino County Board of Supervisors initially adopted a Town LCP Amendment on December 9, 2014 that was transmitted to the Commission on January 5, 2015. Commission staff reviewed the County's January 5<sup>th</sup> transmittal, and Commission staff meetings held March 9, March 26, March 27, May 14, and May 15, 2015 enabled continued review and discussion with County staff of the various Town Plan versions and supporting documentation that were transmitted to Commission staff over time, including but not limited to documents received on January 5<sup>3</sup>, March 6<sup>4</sup>, May 4<sup>5</sup>, May 14<sup>6</sup>, June 5<sup>7</sup>, June 8<sup>8</sup>, and July 13, 2015<sup>9</sup>.

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<sup>1</sup> Mendocino County public hearings were held: February 28, 2013, May 16, 2013, July 11, 2013, August 29, 2013, October 22, 2013, February 25, 2014, April 8, 2014, June 17, 2014, September 23, 2014, December 9, 2014, July 21, 2015, August 18, 2015, October 20, 2015, and December 8, 2015

<sup>2</sup> Mendocino Town Plan Update website is accessible at: <https://www.co.mendocino.ca.us/planning/mtupdate.htm>

<sup>3</sup> December 31, 2014 County submittal of updated documents in partial response to Commission staff's November 17, 2014 letter regarding information necessary to file LCP Amendment No. LCP-1-MEN-14-0840 as complete; and additional copy of October 31, 2014 LCP Amendment application LCP-1-MEN-14-0840

<sup>4</sup> March 6, 2015 Draft version of 1995 Mendocino Town Zoning Code with tracked changes and comments identifying additional draft proposed amendments to the code.

<sup>5</sup> April 29, 2015 County submittal of updated documents in partial response to Commission staff's November 17, 2014 letter regarding information necessary to file LCP Amendment No. LCP-1-MEN-14-0840 as complete

<sup>6</sup> May 13, 2015 Draft preliminary proposed revisions to Town Zoning Code Chapter 20.684

<sup>7</sup> June 4, 2015 submittal of tracked changes between 1992 and 2014 Town Land Use Plan, in partial response to Commission staff's November 17, 2014 and May 13, 2015 letters (rescinded June 4, 2015).

<sup>8</sup> June 5, 2015 advance reference copy of the Mendocino Town Zoning Code with tracked amendments adopted December 9, 2014 and proposed for consideration before the Board of Supervisors on July 21, 2015.

<sup>9</sup> County memo prepared for July 21, 2015 Board of Supervisors (BOS) hearing and containing Attachments A through E documenting proposed changes to Mendocino Town Land Use Plan and Implementation Program;

After Town Plan Update public hearings were held July 21, 2015 and August 18, 2015, the County Executive Office retained a consultant on August 28, 2015 to assist with additional revisions to the Town Plan LCP amendment process. Two additional public workshops were subsequently held on September 30, 2015 and November 19, 2015. On January 8, 2016, the County transmitted to the Commission a revised version<sup>10</sup> of LCP Amendment Application No. LCP-1-MEN-14-0840-1 (“LCP Update Amendment”), which the County Board of Supervisors (BOS) adopted on December 8, 2015.

Commission staff met frequently with the County’s consultants and staff during the six months prior to when the LCP amendment application was deemed submitted (“filed”) in March 2016. During these meetings, Commission staff discussed with the County and their consultants the proposed policy changes included in draft revised Town Plan Update documents received October 15<sup>11</sup>, November 17<sup>12</sup>, November 19<sup>13</sup>, December 7, 2015;<sup>14</sup> and January 8, 2016<sup>15</sup>, and reviewed the information needed to complete the County’s transmittal<sup>16</sup>. Additionally, Commission staff participated in a public hearing held before the Mendocino County Board of Supervisors on October 20, 2015 and responded to Supervisors’ inquiries regarding the LCP amendment process at that time.

Among other changes presented further below, the Town LCP Update amendment as proposed includes new land use and zoning designations applied to the state Highway 1 right-of way; policy changes relating to State Parks lands that encircle much of the Town; and the addition of narratives describing tribal history and uses of the Town. As a result of these proposed changes, Commission staff also initiated outreach and requested comments from California Department of Transportation (“CalTrans”) and California State Parks.

Commission staff also initiated consultations with Tribal Historic Preservation Officers, as required of local governments under Government Code section 65352.3, and requested comments from California Native American tribes traditionally and culturally affiliated with the Town of Mendocino and surrounding environments<sup>17</sup>. Outreach occurred to those tribal contacts

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including consideration of rescinding Amendment LCP-1-MEN-14-0840 and resubmittal of LCP Amendment application, for possible County BOS action August 18, 2015.

<sup>10</sup> The January 8, 2016 transmittal of the Town of Mendocino LCP Update Amendment revises the version previously adopted by the County on December 9, 2014 and transmitted to the Commission’s North Coast District office one year earlier, on January 5, 2015.

<sup>11</sup> Mendocino Town Land Use Plan and Zoning Code, labeled in part “Public Review Draft- Update Amendment- 2015, October 8, 2015”

<sup>12</sup> Mendocino Town Land Use Plan and Appendices, “Hearing Draft” prepared for December 8, 2015 Board of Supervisors hearing and labeled in part “Workshop Version”

<sup>13</sup> Mendocino Town Zoning Code and Zoning Map, “Hearing Draft” prepared for December 8, 2015 Board of Supervisors hearing and labeled in part “Workshop Version”

<sup>14</sup> Revised Mendocino Town Land Use Plan, Land Use Map, Appendices, Zoning Code, and Zoning Map, labeled in part “Public Hearing Draft prepared for December 8, 2015 Board of Supervisors hearing”

<sup>15</sup> Mendocino Town Land Use Plan, Land Use Map, Appendices, Town Zoning Code, and Zoning Map, with cover page labeled in part “Adopted by the Board of Supervisors: December 8, 2015.”

<sup>16</sup> Meetings in-person and via telephone include but are not limited to: September 24, 2015; October 14, 2015, October 22, 2015, January 8, - 27, and - 29, 2016; and February 5 and 17, 2016.

Van Buren, Thad. March 26, 2005. Archaeological Survey of the Marr Property in Albion, Mendocino County, California. Prepared for Michael Marr by Thad Van Buren, Registered Professional Archaeologist, Westport, CA.

<sup>17</sup> Correspondence was sent March 28, 2016 to 11 federally-recognized and 3 non-federally-recognized (“NFR”) tribal contacts, including: Coyote Valley Band of Pomo Indians, Guidiville Band of Pomo Indians, Hopland Band of

known from consultation efforts for previous nearby projects, and included the most recent tribal consultation list contacts received from the Native American Heritage Commission. Commission staff also met with a representative of the Sherwood Valley Band of Pomo Indians on December 13, 2016 to discuss the details of the Mendocino Town LCPA and to receive preliminary comments, as discussed further in Section 4 (“Archaeological Resources”). Commission staff also met with Caltrans staff on June 14 and September 2, 2016 to discuss proposed Town Plan LCP changes that could affect the Highway 1 right-of-way.

Commission staff continued meeting with County staff after the Town LCPA was deemed filed in March 2016. Discussions centered on possible language modifications to the proposed LCP Update Amendments that would ensure consistency with the Coastal Act. A series of eleven focused meetings were held between May and July, 2016<sup>18</sup> in an effort to obtain clarification of the County’s intentions for certain policy changes and to discuss with County staff resolution of the issues of Coastal Act consistency as much as possible prior to a future pending Commission action, to narrow the issues that would need to be resolved by the Commission at that hearing.

Commission staff prepared preliminary suggested modifications that were included in a September 23, 2016 report<sup>19</sup> prepared for a preliminary Commission hearing on the Mendocino Town LCP amendment held October 5, 2016. Public testimony and comments from commissioners were received at the Coastal Commission’s October 5, 2016 preliminary hearing. A memorandum dated March 3, 2017 and prepared by Mendocino County Planning and Building Services staff was presented to Commission staff summarizing the Mendocino County Board of Supervisor’s Mendocino Town Plan (MTP) Ad Hoc Committee concerns pertaining to preliminary suggested modifications presented in the September 23, 2016 Coastal Commission staff report. Subsequently, Coastal Commission staff met with County planning staff and the Ad Hoc committee on April 5, 2017 in Ukiah to discuss the County’s March 3, 2017 comments and identify mutually-acceptable solutions that would ensure conformity with the Coastal Act.

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Pomo Indians, Laytonville Rancheria/Cahto Indian Tribe, Manchester-Point Arena Rancheria, Noyo River Indian Community (NFR), Pinoleville Pomo Nation, Potter Valley Tribe, Redwood Valley Rancheria of Pomo, Round Valley Reservation/Covelo Indian Community, She Bel Na Band of Pomo Indians (NFR), Sherwood Valley Rancheria of Pomo, Stewart Point Rancheria, and Yokayo Tribe (NFR).

<sup>18</sup> Meetings in-person and via telephone included but are not limited to: May 13, May 25, June 2, June 15, June 16, July 1, July 8, July 12, July 13, July 21, and July 22, 2016.

<sup>19</sup> <https://documents.coastal.ca.gov/reports/2016/10/w13a-10-2016.pdf>



# APPENDIX I

## MENDOCINO COMMUNITY SERVICES DISTRICT 2013-2014 WATER DEMAND AND USER STANDARDS

2013-14 Water Demand							
Water User Category	Unit Type	Total Units	Water Standard	ESD Per Unit	Total ESD's	GPD	Water Demand, %
gallons/unit							
<b>Residential*:</b>							
Residence on sewer & septic	per unit	422	200	1.00	422.00	84,400	42.84%
Apartment	per unit	0	140	0.70	0.00	0	0.00%
Guest Cottage	per unit	9	100	0.50	4.50	900	0.45%
Sleeping Units	per unit	4	120	0.60	2.40	480	0.24%
<b>Visitor Accommodation:</b>							
<b>Vacation Home Rental</b>							
Vac. Home Rental / SUR	per unit	24	200	1.00	24.00	4,800	2.43%
<b>Inns, Hotels, B&amp;B's, Motel</b>							
Dwelling Unit, w/ kit.	per bdr.	14	160	0.80	11.20	2,240	1.13%
Dwelling Unit, w/ kit., laundry	per bdr.	11	200	1.00	11.00	2,200	1.11%
Sleeping Unit w/o kit.	per bdr.	110	120	0.60	66.00	13,200	6.67%
Sleeping Unit w/o kit, laundry	per bdr.	121	160	0.80	96.80	19,360	9.78%
<b>Commercial Business:</b>							
<b>Cottage Ind./Home Occupation</b>							
Residence	per unit	1	200	1.00	1.00	200	0.101%
Business Portion of Res.	per ft <sup>2</sup> bus. portion	400	0.15	0.00075	0.30	60	0.030%
Retail Store/ Gallery/Office	ft <sup>2</sup> display/work area	141970	0.15	0.00075	106.48	21,296	10.78%
Library	1-1,680 ft <sup>2</sup> area	1	200	1.00000	1.00	200.00	0.10%
<b>Food and Beverage Establishments:</b>							
Full Service w/ bar	per ft <sup>2</sup> dining area	2580	3.4	0.0170	45.58	9,112	4.60%
Full Service w/o bar	per ft <sup>2</sup> dining area	4243	2.34	0.0115	61.52	12,305	6.22%
No Serv., w/extra, no dish wash	per ft <sup>2</sup> dining area	1190	2.1	0.0105	12.50	2,499	1.26%
No On-Premise Consumption	per ft <sup>2</sup> work area	698	2.1	0.0105	7.33	1,466	0.74%
<b>Bar:</b>							
Bar area	per linear ft. of bar	127	6.7	0.0335	4.25	851	0.43%
Patron area	per ft <sup>2</sup> patron area	5637	1.4	0.007	39.46	7,892	3.99%
Laundromat	per machine	0	400	2.00	0.00	0	0.00%
Service Station	per pump	1	1000	5.00	5.00	1,000	0.51%
Grocery Store	per ft <sup>2</sup> work area	6512	0.2	0.001	6.51	1,302	0.66%
<b>Churches:</b>							
Church w/ kit.	per sanctuary seat	265	5	0.025	6.63	1,325	0.67%
Church w/o kit.	per sanctuary seat	110	3	0.015	1.65	330	0.17%
Hall/ Auditorium	per seat	705	3	0.015	10.58	2,115	1.07%
Theater	per seat	81	5	0.025	2.03	405	0.20%
<b>School:</b>							
MUSD	per person	0	15	0.07500	0.00	0	0.00%
Rainbow School	per person	16	15	0.075	1.20	240	0.12%
Government Office/ Building	ft <sup>2</sup> work area	5284	0.15	0.00075	3.96	792.60	0.40%
<b>Personal Services:</b>							
Hair Salons	ft <sup>2</sup> work area	1183	1	0.005	5.92	1,183	0.60%
Hot Tubs	ft <sup>2</sup> work area	800	1.5	0.0075	6.00	1,200	0.61%
<b>Miscellaneous:</b>							
Hills Ranch Wtr.Tmnt.		1	0	0.00	0.00	0	0.00%
Ballpark		1	800	4.00	4.00	800	0.40%
Mendo. Coast Park & Rec.		7047	0.15	0.00075	5.28	1,057	0.53%
State Park		1	2000	10.00	10.00	2,000	1.01%
MFPD		2	200	1.00	2.00	400	0.20%
Veterinary Hospital	ft <sup>2</sup> work area	416	0.77	0.00385	1.60	320	0.16%
TOTAL NUMBER OF WATER DEMAND ESD'S					969.63		
TOTAL WATER DEMAND, GALLONS PER DAY						197,930	
TOTAL WATER DEMAND, AC-FT/YR						221.72	
TOTAL WATER DEMAND, %							100%

\* There are 412 residences on sewer, 10 residences on septic, and 1 residence w/ Home Occ./Cot. Ind.  
This Water Demand assumes all residences have a 200 gpd water usage

## APPENDIX J

### ESTIMATED ADDITIONAL TOWN WATER DEMAND BUILD-OUT SCENARIOS

TABLE 2. ESTIMATED ADDITIONAL MENDOCINO TOWN WATER USAGE, MINIMUM BUILD-OUT SCENARIO								
LAND USE DISTRICTS	HISTORICAL ZONE	AREA (AC.)	PARCELS				RESIDUAL DEVELOPMENT	ADDITIONAL WATER USE @ MAXIMUM BUILD-OUT (AF/Y)
			NO,	DEV.	VACANT	ADD. 2nd RDU		
				SUBDIV.				
RR-2-PD	B	43.36	5	4	3	0	na	7.2
RR-2	B	143.70	12	10	2	0	na	5.2
RR-1	A	23.30	2	1	8	0	na	1.8
R+	A	16.48	9	8	1	0	na	2.9
RM	A	14.61	3	2	8	0	na	1.8
MU	A	8.77	3	2	3		na	0.7
C	A	17.36	6	6	1		na	2.7
PF	A, B	33.76	2				na	0.0
SR20000	na	20.38	3	3	9	0	na	2.0
OS	A, B	230.09	5				na	0.0
Total:		551.81	50	36	35	0	0	24.3
NOTES:								
1. All residential water use based on 200 gpd.								
2. Commercial water usage based on 0.15 gpd/ft².								
3. Mendocino County PBS reports no water use data by parcels in the PF Districts or OS Districts.								
Source: Mendocino County, 2015; Dall & Associates, 2016.								

Estimated Additional Town Water Demand, Minimum Build-Out Scenario

**TABLE 3. ESTIMATED ADDITIONAL MENDOCINO TOWN WATER USAGE, MAXIMUM BUILD-OUT SCENARIO**

LAND USE DISTRICTS	HISTORICAL ZONE	AREA (AC.)	PARCELS				RESIDUAL DEVELOPMENT	ADDITIONAL WATER USE @ MAXIMUM BUILD-OUT (AF/Y)
			NO,	DEV.	VACANT	ADD. SUBDIV. 2nd RDU		
RR-2-PD	B	43.36	57	43	32			8.2
RR-2	B	143.70	126	104	23		52	18.3
RR-1	A	23.30	20	15	8	20		6.8
R+	A	16.48	94	80	13		25	8.5
RM	A	14.61	35	27	8		32	9.6
MU	A	8.77	31	25	3		8	2.5
C	A	17.36	69	62	25		9	7.7
PF	A, B	33.76	26					0.0
SR20000	na	20.38	38	30	9	35		10.4
OS	A, B	230.09	53					0.0
Total:		551.81	549	386	121	56	126	72

**NOTES:**

1. RR-2-PD water use based on 230 gpd for subdivision and vacant parcels.
  2. RR-2, RR-1, and SR20000 water use based on 260 gpd for subdivision and vacant parcels, 200 gpd for additional 2nd residential dwelling units per adopted MTLCPU/A (which may overstate water use by maximum 900 ft<sup>2</sup> 2nd RDU's).
  3. All other residential water use based on 200 gpd.
  4. Commercial water usage based on 0.31 gpd/ft<sup>2</sup> (MCCSD standard for retail store, gallery, office commercial and food/beverage establishments).
  5. Additional 2nd RDU numbers based on Mendocino County Tax Assessor data.
  6. Mendocino County PBS reports no water use data by parcels in the PF Districts or OS Districts.
- Source: Mendocino County, 2015; Dall & Associates, 2016.

**Estimated Additional Town Water Demand, Maximum Build-Out Scenario**