

ORDINANCE NO. 15-_____

ORDINANCE AMENDING DIVISION III OF
TITLE 20 OF THE MENDOCINO COUNTY CODE (OA 1-2013)

WHEREAS, the County of Mendocino adopted a Local Coastal Program (LCP), pursuant to the California Coastal Act (Public Resources Code Section 30000 *et seq.*; Coastal Act) as a Coastal Element of the General Plan on November 5, 1985, which was subsequently certified by the California Coastal Commission (Coastal Commission) on November 20, 1985; and

WHEREAS, in June 1990, the County of Mendocino segmented its LCP to include a separate Mendocino Town Plan chapter to address issues and provide policies that apply only in the Town of Mendocino; and

WHEREAS, in January 1992, the County of Mendocino submitted to the Coastal Commission the Mendocino Town LCP, which consists of the Mendocino Town Plan (including the Land Use Map), the Mendocino Town Zoning Code and the Mendocino Town Zoning Map; and

WHEREAS, the Coastal Commission agreed to the geographic segmentation and certified the Mendocino Town LCP on November 14, 1996, as fully consistent with, and adequate to carry out, the Coastal Act at the local level and consisting of two documents: Chapter 4.13 of the Coastal Element, Mendocino County General Plan (cited as Mendocino Town Plan) and Division III of Title 20 of Mendocino County Code (cited as Mendocino Town Zoning Code or MTZC); and

WHEREAS, the County of Mendocino has undertaken a review and revision of the Mendocino Town LCP, which has not been significantly reviewed or revised since it was certified by the Coastal Commission; this review and revision included proposed changes to the Mendocino Town Zoning Code; and

WHEREAS, the County Planning Commission held noticed public hearings on February 28, 2013, May 16, 2013, July 11, 2013, August 29, 2013, and July 17, 2014, on the proposed amendments to the Mendocino Town Zoning Code and submitted its recommendation to the Board of Supervisors that the Board approve amendments to the Mendocino Town Zoning Code; and

WHEREAS, the Board of Supervisors held noticed public hearings on October 22, 2013, February 25, 2014, April 8, 2014, December 9, 2014, and July 21, 2015, on amending the Mendocino Town Zoning Code; and a public hearing on September 23, 2014; and

WHEREAS, the Board of Supervisors held a noticed public meeting on July 21, 2015, in Fort Bragg, California, to hear public testimony and deliberate about corrections, clarifications and minor modifications to the Mendocino Town Zoning Code (including those enumerated in the July 21, 2015, Planning and Building Services Memorandum to the Board); and

WHEREAS, the Board of Supervisors comments from the July 21, 2015 meeting are summarized as follows:

Section 20.668.015: Deleting *Transient Use Types* from MTZC Section 20.668.015, as single unit rentals and vacation home rentals are not permitted in MPF Districts;

Section 20.684.015(B): Revise MTZC Section 20.684.015 to establish *Transient Use Types* as principally permitted use types in the Mendocino Lodging Combining District as a conditional use;

Section 20.692.020(E): Retain MTZC Sec. 20.692.020(E) as adopted by Ordinance 3915;

Section 20.760.010(B): update assessor parcel numbers listed in MTZC Section 20.760.010(B) to clarify the area excepted from the Historical Preservation District boundaries; and

WHEREAS, pursuant to Public Resource Code Section 13515 (*et seq*) *Public Participation and Agency Coordination Procedures*, the County of Mendocino noticed a public hearing for August 18, 2015, for the purpose of amending the Mendocino Town Zoning Code by (1) publication in the Fort Bragg *Advocate-News* on July 2, 2015, and the Mendocino *Beacon* on July 2, 2015, (2) mailing notice to interested parties on June 25, 2015, including parties listed in Appendix A of the Local Coastal Program Manual and parties that provided contact information at prior public hearings, and (3) on July 7, 2015, posting meeting notices and Mendocino Town LCP Amendment documents, including changes to the Mendocino Town Zoning Code, on the County web site, in the Mendocino Community Library, in the Fort Bragg office of Planning and Building Services and the Chief Executive Office; and

WHEREAS, by virtue of the many public meetings and public hearings listed herein, all interested persons were given an opportunity to be heard on the proposed amendments; and

WHEREAS, the proposed Mendocino Town Zoning Code amendments have been prepared pursuant to, and in full conformity with, the requirements of the Government Code, the Coastal Act and the Local Coastal Program regulations provided at Title 14, California Code of Regulations, Section 13500 *et seq.*, as applicable; and

WHEREAS, pursuant to Public Resources Code Section 21080.9, the California Environmental Quality Act (Public Resources Code Section 21000 *et seq.*; CEQA) does not apply to activities and approvals by a local government as necessary for the preparation and adoption of a local coastal program pursuant to the California Coastal Act (Public Resources Code Section 30000 *et seq.*), and as provided by Section 15265 of the CEQA Guidelines (14 Cal. Code Regs. Section 15000 *et seq.*), the burden of CEQA compliance for local coastal plans is shifted from the County to the Coastal Commission.

NOW, THEREFORE BE IT ORDAINED, that the Board of Supervisors approves amending the Mendocino Town Zoning Code as provided for in this ordinance; and

BE IT FURTHER ORDAINED, that the Board of Supervisors authorizes the Planning and Building Services Director to make minor corrections to the Mendocino Town Zoning Code, including correcting sequenced numbers, punctuation, spelling, and other types of scrivener errors and that the Director shall report these minor corrections within ninety-days to the Board of Supervisors;

BE IT FURTHER ORDAINED, the enumerated amendments to Division III of Title 20 of Mendocino County Code, attached as Ordinance Exhibit A and incorporated herein by reference, are hereby adopted.

The foregoing Ordinance introduced by Supervisor _____, seconded by Supervisor _____, and carried this 18th day of August, 2015, by the following vote:

AYES:

NOES:

ABSENT:

WHEREUPON, the Chair declared said Ordinance adopted and SO ORDERED.

CARMEL J. ANGELO
Clerk of the Board

Deputy

APPROVED AS TO FORM:
DOUGLAS L. LOSAK, Interim County Counsel

Deputy

CARRE BROWN, Chair
Mendocino County Board of Supervisors

I hereby certify that according to the provisions of Government Code Section 25103, delivery of this document has been made.

CARMEL J. ANGELO
Clerk of the Board

Deputy

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Ordinance Exhibit A

1. Correct on-line (Municode) title of Section 20.604.005 Tide, to read as follows:

Sec. 20.604.005 - Title.

2. Amend Section 20.604.015, Applicability, to read as follows:

Sec. 20.604.015 - Applicability.

These Zoning Regulations shall be applicable to all of the unincorporated areas of the Town of Mendocino as delineated on *Mendocino Town Zoning Map*, adopted January 23, 1995. All development shall conform to all regulations applicable to the zone in which the land is located. No land, building, structure or premises shall be used for any purpose or in any manner other than as is permitted in the zone in which such land, building, structure or premise 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.

3. Amend Section 20.608.015, General Terms, to read as follows:

Sec. 20.608.015 - General Terms.

- (A) "Board" or "Board of Supervisors" shall have the same meaning.
- (B) "CEQA" means the California Environmental Quality Act.
- (C) "Chapter" means a portion of the Mendocino Town Zoning Ordinance 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 established pursuant to the California Coastal Act (Division 20 of the Public Resources Code).
- (F) "Coastal Conservancy" means the State Coastal Conservancy established pursuant to Division 21 of the Public Resources Code.
- (G) "Coastal Element" means the Land Use Plan for the coastal zone of Mendocino County adopted as an element of the Mendocino County General Plan.
- (H) "Commission" or "Planning Commission" shall have the same meaning.
- (I) "County" shall mean the County of Mendocino.
- (J) "Department" means the Department of Planning and Building Services.
- (K) "Director" means the Director of Planning and Building Services.
- (L) "Division" means Division III of Title 20 of the Mendocino County Code comprising the entire Mendocino Town Zoning Ordinance unless otherwise indicated.

- (M) "Federal" shall mean the Government of the United States of America.
- (N) "General Plan" means the Mendocino County General Plan.
- (O) "Mendocino Town Plan" means the County of Mendocino, General Plan, Coastal Element, Chapter 4.13 *the Mendocino Town Plan*.
- (P) "MHRB" or "Review Board" shall mean Mendocino Historical Review Board.
- (Q) "Section" means a section of the Mendocino Town Zoning Ordinance unless otherwise indicated.
- (R) "State" shall mean the State of California.
- (S) "Title" means 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 whose boundaries are delineated on the *Mendocino Town Zoning Map, Mendocino Town Land Use Map* in Chapter 4.13 of the Coastal Element of the General Plan, and incorporated in this Division.

4. Amend Section 20.608.020, Definitions (A), to read as follows:

Sec. 20.608.020 - Definitions (A).

- (A) "Access" means the permission, ability and means to enter and pass to and from property.
- (B) "Access, Blufftop" means a public accessway which runs along the bluff edge of a property.
- (C) "Access, Coastal" means public rights of way to and along the sea.
- (D) "Access, Lateral" means a public accessway for public access and use along the shoreline.
- (E) "Access, Vertical" means a public accessway which extends from the first public road to the shoreline, a bluff edge for public viewing or to a lateral accessway.
- (F) "Accessory Building" means a detached subordinate structure, the use of which is incidental to the established primary use or main structure located on the same lot or building site; i.e., private garage, storage shed, farm 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 detached building (not exceeding six hundred forty (640) square feet of gross floor area), of permanent construction, without kitchen, 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. (Occasionally referred to as a "Guest Cottage.")
- (H) Accessory Structure. See Accessory Building.
- (I) "Accessory Use" means use of land or of a structure incidental or subordinate to the principal use located upon the same lot.
- (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, or who, by other appropriate means prior to action on a development permit or variance, informed the

County of his or her concerns about the application for such permit, 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 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.
- (M) "Amendment" means any change, modification, deletion, or addition to the wording, text or substance of the Zoning Code, including any alteration in the boundaries of a zone, when adopted by ordinance and passed by the Board of Supervisors in the manner prescribed by law.
- (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 person, partnership, organization, corporation, or state or local government agency applying for a coastal development permit or other land use approval pursuant to this Division.
- (R) "Approving Authority" means the Planning and Building Services Department, Coastal Permit Administrator, Mendocino Historical Review Board, Planning Commission or Board of Supervisors authorized by this Division to make decisions affecting the administration or enforcement of this Division.
- (S) "Aquaculture" means that form of agriculture devoted to the propagation, cultivation, maintenance and harvesting of aquatic plants and animals in marine, brackish and freshwater.

5. Amend Section 20.608.021, Definitions (B), to read as follows:

Sec. 20.608.021 - Definitions (B).

- (A) "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.
- (B) "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.
- (C) Bed and Breakfast Accommodations. See Sec. 20.628.010.
- (D) "Block" means all 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.
- (E) Boarding House. See Sec. 20.616.010(F).
- (F) "Building" means a 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 property. This definition does not include any type of recreational vehicle, boat or tent.

- (G) Building, Accessory. See Accessory Building.
- (H) Building Coverage. See Lot Coverage.
- (I) "Building, Detached" means any accessory or main building that does not share a common wall with any other accessory or main building.
- (J) "Building, Height of" means the vertical distance as measured from the natural grade at any point from within the building footprint.
- (K) "Building, Main" means a building which is devoted primarily to a principal use or uses; or, 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.

6. Amend Section 20.608.022, Definitions (C), to read as follows:

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 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 been issued by the Coastal Commission, or (2) Has been issued pursuant to Chapter 20.532 of this Division.
- (C) "Coastal Permit 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.
- (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.
- (E) "Conditional Use" means a use which may be allowed on a conditional and discretionary basis, subject to securing a conditional permit and also subject to applicable provisions of this Division, and which is a development that is appealable to the Coastal Commission.
- (F) "Conservation Easement" means a legally drafted and recorded document between a landowner and the county, land trust or other qualified organization 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 property. The easement stays with the land and is therefore legally binding on present and future owners.
- (G) "Construction" means the placement of construction materials in their permanent position and fastened in a permanent manner.
- (H) Corner Lot. See Lot, Corner.
- (I) Cottage Industries. See Sec. 20.624.055.

- (J) "Cumulatively" or "Cumulative Effect" means the incremental effects of an individual project in connection with the effect of past projects, the effects of other current projects and the effects of reasonably foreseeable probable future projects.

7. Amend Section 20.608.024, Definitions (E), to read as follows:

Sec. 20.608.024 - Definitions (E).

- (A) "Easement" means a recorded right or interest in the property of another, which entitles a holder thereof to a use, privilege or benefit over said property.
- (B) "Emergency" means a sudden unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property or essential public services.
- (C) "Environmentally Sensitive Habitat Area" means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could easily be disturbed or degraded by human activities or developments. In 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 of rare and endangered plants and animals.
- (D) "Exterior of a Structure" means any portion of the outside of a structure or "outdoor advertising sign" or any addition thereto.

8. Amend Section 20.608.025, Definitions (F), to read as follows:

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 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 subconclusion which indicates the mode of analysis of facts, regulations, and policies which bridge the analytical gap between raw data and ultimate decision.
- (H) Finished Grade. See Grade, Finished.
- (I) "Floor Area, Gross" means the total of the gross horizontal areas of all floors, including usable attics and basements, below the roof and within the exterior surfaces of surrounding exterior walls of a building.
- (J) "Formula Lodging" means a hotel, inn, motel or other transient lodging facility, regardless of location or ownership, which along with 10 or more other establishments maintains two or more of the following standardized features: business name, décor, color scheme, façade, architecture, uniforms, advertising, or similar standardized features.
- (K) "Formula Restaurant" means a restaurant devoted to the preparation and offering of food and beverages for sale to the public, regardless of location or ownership, which along with 10 or more other establishments maintains two or more of the following standardized features: business name, menus, ingredients, décor, color scheme, façade, architecture, uniforms, advertising, or similar standardized features.
- (L) "Formula Retail" means a retail sales or rental activity or retail sales or rental establishment, regardless of location or ownership, which along with 10 or more other establishments maintains two or more of the following standardized features: business name, décor, color scheme, façade, architecture, uniforms, advertising, or similar standardized features.
- (M) Free-Standing Sign. See Sign, Free-Standing.
- (N) "Frontage" means that portion of a property line which abuts a legally accessible street right-of-way.
- (O) Front Yard. See Yard, Front.

9. Amend Section 20.608.026, Definitions (G), to read as follows:

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 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 transfer of more than two (2) cubic yards of material.
- (G) Gross Floor Area. See Floor Area, Gross.
- (H) Guest Cottage. See Sec. 20.608.020(G) Accessory Living Unit.

10. Amend Section 20.608.027, Definitions (H), to read as follows:

Sec. 20.608.027 - Definitions (H).

- (A) "Habitable Floor" means any floor usable for living purposes which 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. 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 accessory building.
- (E) Hostel. See Sec. 20.628.015 Hostel.
- (F) Hotel. See Sec. 20.628.020 Hotel.
- (G) "Household Pets" means animals or fowl ordinarily permitted in the dwelling area and kept for company or pleasure 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.

11. Amend Section 20.608.028, Definitions (I), to read as follows:

Sec. 20.608.028 - Definitions (I).

- (A) "Implementing Ordinance" means the ordinances, regulations, or programs which implement either the provisions or the policies of the certified local coastal program.
- (B) Inn. See Sec. 20.628.025 Inn.

12. Correct on-line (Municode) title of 20.608.030 Definitions (K), to read as follows:

Sec. 20.608.030 - Definitions (K).

13. Amend Section 20.608.031 - Definitions (L), to read as follows:

Sec. 20.608.031 - Definitions (L).

- (1) "Land Use Plan" means the relevant portion of a local government's general plan, or local coastal element 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) "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 the Inventory of Historic Buildings, in the Appendix of the *Mendocino Town Plan*.
- (3) Lateral Access. See Access, Lateral.
- (4) Light Agriculture. See Sec. 20.632.015 Light Agriculture.
- (5) "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) "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) "Local Coastal Element" means that portion of a general plan applicable to the coastal zone which may be 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 deems appropriate.
- (8) "Local Coastal Program" means a local government's (1) land use plans, (2) zoning ordinances, (3) zoning district maps, and (4) within sensitive coastal resource areas, other implementing actions, which, when taken together, meet the requirements of, and implement the provisions and policies of, this division at the local level.
- (9) Lodging House. See Hotel.
- (10) "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 right-of-way.
- (11) "Lot Area" means the total area within the boundary lines of a lot, exclusive of easements as required in the County Division of Land Regulations.
- (12) "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) "Lot Coverage" means the percentage of gross lot area covered by all buildings and structures on a lot, including decks, porches, and walkways; excluding uncovered required parking areas, landscaping, patios and terracing. Excluded from maximum lot coverage allowances are pervious driveway pavements designed to have the shortest, most direct access to off-street parking area.
- (14) "Lot, Double Frontage" means a lot fronting on two (2) parallel or approximately parallel streets.
- (15) "Lot Depth" means the horizontal distance of a straight line between the midpoints of the front and rear lot lines.
- (16) "Lot, Flag" means a lot with narrow frontage and a long driveway or strip of land connecting with a street.
- (17) "Lot, Interior" means a lot other than a corner lot.

- (18) "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) "Lot Line" means any property line bounding a lot.
- (20) "Lot Line, Exterior" means a property line abutting a public or private road or street.
- (21) "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) "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) "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) "Lot Line, Street" means any lot line abutting on a street.
- (25) "Lot, Nonconforming" means a lot which has been lawfully separated from adjoining property by map or a metes and bounds description as on a deed but does not meet the standards required of a lot or building site.
- (26) Lot Size. See Lot Area.
- (27) "Lot, Width" means the horizontal distance between side lot lines measured at the front yard setback line.

14. Amend Section 20.608.032 - Definitions (M), to read as follows:

Sec. 20.608.032 - Definitions (M).

- (A) Main Building. See Building, Main.
- (B) "Major Public Works" and "Major Energy Facilities" mean facilities that cost more than one hundred thousand dollars (\$100,000.00) with an automatic annual increase in accordance with the Engineering News Record Construction Cost Index, except for those governed by the provisions of Public Resources Code Sections 30610, 30610.5, 30611 or 30624. Notwithstanding this criteria, "major public works" also means publicly financed recreational facilities that serve, affect, or otherwise impact regional or statewide use of the coast by increasing or decreasing public recreational opportunities or facilities.
- (C) "Major Vegetation, Removal or Harvesting" shall be defined to include one or more of the following:
 - (1) The removal of more than fifteen (15) trees or ten (10) percent of the total number of trees on the parcel, whichever is less, with a circumference of thirty-eight (38) inches or more measured at four and one-half (4½) feet vertically above the ground; or
 - (2) The 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 area located directly beneath the tree canopy; or

- (3) 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 significant impact. In making a finding that the proposed major vegetation removal may result in a significant impact, the Planning and Building Services Director shall review the proposal and determine if any of the following conditions exist or are proposed: (a) The vegetation removal involves the use of heavy equipment; (b) The vegetation removal is proposed on a steep slope (fifteen (15) percent or greater) and removal of vegetation may result in soil erosion or landslide; (c) The vegetation removal is located within or adjacent to an environmentally sensitive habitat; or (d) The vegetation removal may result in significant exposure of adjacent trees to wind damage; or (e) The vegetation removal may result in significant degradation of the viewshed. (f) The removal of one (1) or more trees which measure twenty-four (24) inches or more in diameter at breast height and which 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 following: (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) 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 Section 4511).
- (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.
- (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.
- (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.
- (G) Motel. See Sec. 20.628.030 Motel.

15. Amend Section 20.608.033 - Definitions (N), to read as follows:

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. Lot, Nonconforming.
- (C) Nonconforming Signs. Sec. 20.712.030 Nonconforming Signs.
- (D) Nonconforming Structure. See Sec. 20.716.005(B) Purpose.
- (E) Nonconforming Use. See Sec. 20.716.005(A) Purpose.
- (F) Nonoperating Vehicles, Storage of. See Storage of Nonoperating Vehicles.

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

16. Amend Section 20.608.035 - Definitions (P), to read as follows:

Sec. 20.608.035 - Definitions (P).

- (A) "Paleontological Site" means a site containing fossil remains of life from geological periods predating mankind.
- (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.
- (G) "Person" means any individual, firm, copartnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, receiver, syndicate, this and any other county, city and county, city, municipality, district or other political subdivision, or any other group or combination acting as a unit.
- (H) Planned Unit Development. See Sec. 20.676.005 Intent.
- (J) "Principal Permitted Use Type(s)" means the Principal Permitted Use Types are as specified in Chapters 20.644 through 20.684. (An action taken by Mendocino County on a coastal development permit application for any development that is not designated as a principal permitted use type under this Division may be appealed to the California Coastal Commission.)
- (I) Primary (Permitted) Use(s). See Sec. 20.612.020(C).
- (K) Private Garage. See Garage, Private.
- (L) Projecting Sign. See Sign, Projecting.
- (M) "Public and Semi-Public Facilities and Utilities" means such public and community serving uses as schools, fire stations, churches, cemeteries, sewage treatment plants and community buildings.
- (N) Public Garage. See Garage, Public.
- (O) Public Stable. See Stable, Public.
- (P) "Public Utility" means a company or corporation regulated by the California Public Utilities Commission.
- (Q) "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.

- (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) "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.

17. Amend Section 20.608.037 - Definitions (R), to read as follows:

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. See Sec. 20.636.020 Active Recreation.
- (C) Recreation, Passive. See Sec. 20.636.015 Passive Recreation.
- (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 parcels zoned MRR, MSR, MTR, MRM or MMU.
- (G) "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.
- (H) Roof Sign. See Sign, Roof.

18. Amend Section 20.608.038, Definitions (S), to read as follows:

Sec. 20.608.038 - Definitions (S).

- (1) "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) "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) "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) "Second Residential Unit" means either a detached or attached dwelling unit which provides complete independent living facilities for one (1) or more persons. It shall include permanent provisions for living, sleeping, eating, cooking and sanitation on the same parcel or parcels as the primary unit is situated.
- (5) "Semi-Public Facilities" means buildings, structures, or other facilities which are privately owned but which may be used to accommodate public gatherings, including but not limited to lodges, granges, social clubs, and fraternal and religious organizations.
- (6) "Sensitive Coastal Resource Areas" means those identifiable and geographically bounded land and water areas within the coastal zone of vital interest and sensitivity. "Sensitive coastal resource areas" include the following:
 - (a) Special marine and land habitat areas, wetland, lagoons, and estuaries as mapped and designated in 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) "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) "Setback, Front Yard" means the building or structure setback applicable in the front yard of a lot.
- (9) "Setback, Rear Yard" means the building or structure setback applicable in the rear yard of a lot.
- (10) "Setback, Side Yard" means the building or structure setback applicable in the side yard of a lot.
- (11) "Shoreline" means the line where a body of water and the shore meet.
- (12) "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 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) "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) "Sign Face" means the surface of the sign upon, against, or through which the message is displayed or illustrated on the sign.
- (15) "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) "Sign Height" means the highest point of any sign face appendage or structural support members, whichever is the greater.
- (17) Sign, Nonconforming. See Sec. 20.712.030 Nonconforming Signs.
- (18) "Sign, Off-Site" means any sign as herein defined other than an on-site sign.
- (19) "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) "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) "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) "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) "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) "Significant Effect on the Environment" means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the 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) Single-Family Residence. See Dwelling, Single-Family.
- (26) Single Unit Rental. See Sec. 20.628.035 Single Unit Rental.
- (27) "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 affect 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) "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) "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.
- (30) "Standardized Feature" shall not mean identical, but substantially the same.
- (31) "Storage of Nonoperating Vehicles" means the storage of nonoperating 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 nonoperating motor vehicles.
- (32) "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 connecting with a County road, State highway, public road, street or alley which affords primary access to an abutting lot.
- (33) "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.
- (34) "Structure" means anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground, including, but not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, electrical power transmission and distribution line, antenna and satellite dish.
- (35) Structure, Nonconforming. See Sec.20.716.005(B) Purpose.
- (36) "Student/Instructor Housing" means any portion of an educational facility (up to a maximum of 25%) providing temporary or intermittent housing for people affiliated with a school or art center including students/instructors, artist-in-residence, staff, and scholar-art-program members.

Transient occupancy of the units by the general public may occur, however housing use by school or art center affiliates are given priority.

- (37) "Swimming Pool" means a pool, pond, or open tank, capable of containing water to a depth greater than one and one-half (1.5) feet at any point and designed or used for wading, swimming, soaking, bathing or therapeutic purposes.

19. Amend Section 20.608.039 - Definitions (T), to read as follows:

Sec. 20.608.039 - Definitions (T).

- (A) "Tasting Room" means an area devoted to the sampling and sales thereof of wine or beer produced on or off the premises.
- (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) consecutive calendar days or 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 transient use types.
- (D) Travel Trailer. See Recreational Vehicle.

20. Amend Section 20.608.040 - Definitions (U), to read as follows:

Sec. 20.608.040 - Definitions (U).

- (A) "Uniform Building Code (UBC)" means the UBC in use by Mendocino County.
- (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. Sec.20.716.005(A) Purpose.
- (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 potential adverse effects on surroundings, which are not permitted by right but 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.
- (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 Administrator.

- (J) Use, Principal. See Principal Use(s).
- (K) Use, Principal Permitted. See Principal Permitted Use.

21. Amend Section 20.608.041, Definitions (V), to read as follows:

Sec. 20.608.041 - Definitions (V).

- (A) Vacation Home Rental. See Sec. 20.628.045 Vacation Home Rental.
- (B) "Variance" means a departure from the specific requirements, excluding uses, of the Zoning Code which may be granted by the appropriate Mendocino County authority when, because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the requirements of this Division deprives such property of privileges enjoyed by other property in the vicinity under identical zoning classification. Any variance granted shall be subject to such conditions as will assure that the authorized adjustment shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located. See Chapter 20.724.
- (C) Visitor Serving Facilities. See Chapter 20.684 Lodging Combining District.

22. Amend Section 20.612.010, Listing of Use Classifications, to read as follows:

Sec. 20.612.010 - Listing of Use Classifications.

All uses are hereby classified into the following use types, which are described in Chapter 20.616 (Residential Use Types), Chapter 20.620 (Civic Use Types), Chapter 20.624 (Commercial Use Types), Chapter 20.628 (Transient 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 resembling different types. The names of these use types start with capital letters throughout the Mendocino Zoning Ordinance.

(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

(B) Civic Use Types

- (1) Administrative Services, Government
- (2) Ambulance Services
- (3) Art Center
- (4) Cemetery Services
- (5) Clinic Services
- (6) Community Garden
- (7) Community Recreation
- (8) Cultural Exhibits and Library Services
- (9) Day Care Facilities/Small Schools
- (10) Educational Facilities
- (11) Fire and Police Protection Services
- (12) Lodge, Fraternal and Civic Assembly
- (13) Major Impact Services and Utilities

- (14) Minor Impact Utilities
- (15) 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) Transient Use Types

- (1) Bed and Breakfast Accommodations
- (2) Hostels
- (3) Hotels
- (4) Inns
- (5) Motels
- (6) Single Unit Rental
- (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

23. Amend Section 20.612.015 - Classifying Uses, to read as follows:

Sec. 20.612.015 - Classifying Uses.

Uses will be classified into use types based 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 (Transient Use Types), Chapter 20.632 (Agriculture Use Types) and Chapter 20.636 (Open Space Use Types), 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 commencing at Chapter 20.728.

24. Amend Section 20.612.020 - Classification of Combination of Uses, to read as follows:

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.

- (A) Separate Classification of Several Establishments. The uses conducted on a lot by two (2) or more individual establishments, managements, or institutions shall be classified separately into use type.
- (B) Classification of Different Uses Conducted by Individual Establishments. If uses conducted on a lot by an individual 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 Primary (Permitted) Use. If a lot contains two or more different use types, the 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 upon a site analysis, is determined to be the primary use by the Coastal Permit Administrator.

25. Amend Section 20.616.010, Family Residential, to read as follows:

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, occasional uses include vacation home rentals. The following are family residential use types:

- (A) Family Residential: Single Family. The use of a parcel for only one (1) dwelling unit.
- (B) Family Residential: Two Family. The use of a parcel for two (2) dwelling units either detached or within a single building.
- (C) Family Residential: Multi-Family. The use of a parcel for three (3) or more dwelling units either detached or in one (1) building.

- (D) Family Residential: Planned Development. The use of a parcel for more than one (1) dwelling unit when clustered to enhance and protect the scenic, agriculture or 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) 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.

26. Amend Section 20.620.017 - Art Center, to read as follows:

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.

27. Amend Section 20.620.027 - Community Gardens, to read as follows:

Sec. 20.620.027 - Community Gardens.

Community gardens managed by a group of individuals to grow and harvest food crops and/or non- food crops such as 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.

28. Amend Section 20.620-.55 - Lodge, Fraternal and Civic Assembly, to read as follows:

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 Transient Use Types (all types). Typical uses include meeting places for civic clubs, grange halls, lodges, or fraternal or veterans organizations.

29. Amend Section 20.624.055 - Cottage Industries, to read as follows:

Sec. 20.624.055 - Cottage Industries.

A small scale business operated in or around a residential use and conducted in compliance with Chapter 20.700 of this Division.

30. Amend Section 20.624.065 - Eating and Drinking Establishments, to read as follows:

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-premises consumption. Typical uses include restaurants, short order eating places or bars.

31. Amend Section 20.624.080 - Food and Beverage Retail Sales, to read as follows:

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 consumption. Typical uses include grocery stores, liquor stores, tasting rooms, delicatessens or retail bakeries.

32. Amend Chapter 20.628 - Visitor Accommodation Use Types, to read as follows:

CHAPTER 20.628 - TRANSIENT USE TYPES

Sec. 20.628.005 - General Description of Transient Use Types.

Transient use types refer to establishments engaged in the provision of lodging services on a less than monthly basis with incidental food and drink intended for the convenience of guests.

Sec. 20.628.010 - Bed and Breakfast Accommodations.

Any building or portion thereof or group of buildings containing two(2), but no more than four (4), guest rooms each used, designed or intended to be used, let or hired out for occupancy by transient guests for compensation or profit, wherein breakfast may be provided for compensation or profit. See Ch. 20.684.

Sec. 20.628.015 - Hostel.

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

Sec. 20.628.020 - Hotel.

Any building or portion thereof containing five (5) or more guest rooms each used, designed or intended to be used, let or hired out for occupancy by transient guests for compensation or profit wherein meals may be provided for compensation or profit. See Ch. 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 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 compensation or profit. See Ch. 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 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. See Ch. 20.684.

Sec. 20.628.035 - Single Unit Rental.

An attached or detached structure operated 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 520 (Uniform Transient Occupancy Tax) and Chapter 6.04 (Business License Chapter) of the Mendocino County Code. See Ch.207.748 Single Unit Rentals and Vacation Home Rentals.

Sec. 20.628.040 - Deleted.

Sec. 20.628.045 - Vacation Home Rental.

A dwelling unit that is the only use on the property, which may be rented short term, for a fee charged, for transient occupancy, subject to Chapter 520 (Uniform Transient Occupancy Tax) and Chapter 6.04 (Business License Chapter) of the Mendocino County Code. See Ch.207.748 Single Unit Rentals and Vacation Home Rentals.

33. Amend Section 20.632.010 - Horticulture, to read as follows:

Sec. 20.632.010 - Horticulture.

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

34. Amend Section 20.632.015 - Light Agriculture, to read as follows:

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 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 shall be allowed four (4) hens (no roosters) maximum. 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) 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, FFA or similar projects shall be permitted in all zoning districts (no roosters).

35. Amend the title of Section 20.632.025 - Forest Production, to read as follows:

Sec. 20.632.025 - Forest Production.

36. Amend Section 20.636.015 - Passive Recreation, to read as follows:

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(C), and that involve only minor supplementary equipment. Examples include sightseeing, hiking, SCUBA diving, swimming, sunbathing, jogging, surfing, fishing, bird watching, picnicking, bicycling, horseback riding, boating, photography, nature study and painting.

37. Amend Section 20.640.005 - Districts Established, to read as follows:

Sec. 20.640.005 - Districts Established.

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

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

38. Amend Section 20.640.010 - Combining Districts, to read as follows:

Sec. 20.640.010 - Combining Districts.

In addition to the districts enumerated in Section 20.640.005, combining districts may be established in combination with any of the zoning districts and designated as follows:

Combining District	Designator
Mendocino Planned Unit Development	PD
Mendocino Lodging Combining District	* e.g. Hostels, Hotels, Inns, and Motels
	*B e.g. Bed and Breakfast Accommodations
Mendocino Development Limitations	DL

39. Amend Section 20.644.010 - Principal Permitted Uses for MRR Districts, to read as follows:

Sec. 20.644.010 - Permitted Uses for MRR Districts.

The following use types are permitted in the MRR District:

- (A) Residential Use Types*
Family Residential: Single-Family

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

- (B) Civic Use Types
Community Garden
- (C) Agricultural Use Types
Light Agriculture
- (D) Open Space Use Types
Open Space
Passive Recreation

40. Amend Section 20.644.015 - Conditional Uses for MRR Districts, to read as follows:

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
- (B) Commercial Use Types
Cottage Industries
- (C) Transient Use Types
Single Unit Rentals
- (D) Agricultural Use Types
Forest Production
Horticulture
Packing and Processing

41. Amend Section 20.644.040 - Maximum Building Height Limit for MRR Districts, to read as follows:

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

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

42. Amend Section 20.648.010 - Principal Permitted Uses for MSR Districts, to read as follows:

Sec. 20.648.010 - Permitted Uses for MSR Districts.

The following use types are permitted in the MSR District:

- (A) Residential Use Types*
Family Residential: Single-Family

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

- (B) Civic Use Types
Community Garden

- (C) Open Space Use Types
Open Space

43. Amend Section 20.648.015 - Conditional Uses for MSR Districts, to read as follows:

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

- (B) Commercial Use Types
Cottage Industries

- (C) Transient Use Types
Single Unit Rentals

44. Amend Section 20.648.040 - Maximum Building Height Limit for MSR Districts, to read as follows:

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

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

45. Amend Section 20.652.010 - Principal Permitted Uses for MTR Districts, to read as follows:

Sec. 20.652.010 - Permitted Uses for MTR Districts.

The following use types are permitted in the MTR District:

- (A) Residential Use Types*
Family Residential: Single-Family
Family Residential: Two Family

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

- (B) Civic Use Types
Community Garden
- (C) Agricultural Use Types
Light Agriculture

46. Amend Section 20.652.015 - Conditional Uses for MTR Districts, to read as follows:

Sec. 20.652.015 - Conditional Uses for MTR Districts.

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

- (A) Civic Use Types
Lodge, Fraternal and Civic Assembly
Major Impact Services and Utilities
Minor Impact Utilities
Religious Assembly
- (B) Commercial Use Types
Cottage Industries
- (C) Transient Use Types
Single Unit Rentals

47. Amend Section 20.652.045 - Maximum Building Height for MTR Districts, to read as follows:

Sec. 20.652.045 - Maximum Building Height for MTR Districts.

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

48. Amend Section 20.656.010 - Principal Permitted Uses for MRM Districts, to read as follows:

Sec. 20.656.010 - Permitted Uses for MRM Districts.

The following use types are permitted in the MRM District:

- (A) Residential Use Types*
Family Residential: Single-Family
Family Residential: Two Family
Family Residential: Multi-Family
Family Residential: Boarding House

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

- (B) Civic Use Types
Community Garden
- (C) Agricultural Use Types
Light Agriculture

49. Amend Section 20.656.015 - Conditional Uses for MRM Districts, to read as follows:

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
- (B) Commercial Use Types
 - Cottage Industries
- (C) Transient Use Types
 - Single Unit Rentals

50. Amend Section 20.656.045 - Maximum Building Height for MRM Districts, to read as follows:

Sec. 20.656.045 - Maximum Building Height for MRM Districts.

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

51. Amend Section 20.660.010 - Principal Permitted Uses for MMU Districts, to read as follows:

Sec. 20.660.010 - Permitted Uses for MMU Districts.

(A) The following use types are permitted in the MMU District:

- Residential Use Types*
 - Family Residential: Single Family
 - Family Residential: Two Family
 - Family Residential: Multi-Family
 - Family Residential: Boarding House

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

- (1) Civic Use Types
 - Administrative Services Government
 - Ambulance Services
 - Community Gardens
 - Fire and Police Protection Services
- (2) 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 Type (*) for the MMU District shall be Residential Use Types.

52. Amend Section 20.660.015 - Uses for MMU Districts Subject to a Minor Use Permit, to read as follows:

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

The following use types may be permitted in the MMU District upon issuance of a Minor Use Permit:

- (A) Civic Use Types
 - Administrative Services Government
 - Clinic Services
 - Cultural Exhibits and Library Services
 - Lodge, Fraternal and Civic Assembly
 - Minor Impact Utilities
 - Religious Assembly
- (B) Commercial Use Types
 - Cottage Industries
- (C) Transient Use Types
 - Single Unit Rentals
 - Vacation Home Rentals

53. Amend Section 20.660.050 - Maximum Building Height for MMU Districts, to read as follows:

Sec. 20.660.050 - Maximum Building Height for MMU Districts.

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

54. Amend Section 20.660.050 - Minimum Vehicle Parking for MMU Districts, to read as follows:

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 the provision of bicycle parking facilities in any development submitted for development review. If such bicycle parking facilities are required, the location and design of such facilities shall be shown on the site plans and shall be subject to approval of design and location.
- (C) Special Provisions: It is recognized that on some sites, due to size, shape, topography, existing buildings, or historic character, it may be infeasible to meet some or all parking requirements on-site. Therefore, the following exceptions are provided to increase flexibility in meeting parking requirements, subject to Mendocino Historical Review Board approval by concurrent variance pursuant to Section 20.724.010(A).
 - (1) Off-Site Parking: Parking requirements may be satisfied by supplying the required parking on another site within the commercial or mixed-use zoned areas. When use of another site is authorized, the land required to provide such parking shall be legally committed through a recorded deed restriction, or other similar device, stating that it cannot be withdrawn without consent from the County and/or approving body.
 - (2) Joint Use or Shared Parking: A reduction in parking requirements may be allowed for certain mixed use developments which have different peak hours 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.

55. Amend Section 20.660.075 - Additional Requirements for MMR Districts, to read as follows:

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.
- (C) No non-residential use shall be permitted prior to a residential use being established on the site.
- (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.
- (E) No residential dwelling unit or portion thereof shall be converted to any non-residential use except as provided by Chapter 20.748.
- (F) In no case shall floor area under one (1) roof exceed eight thousand (8,000) square feet.

56. Amend Section 20.664.010 - Principal Permitted Uses for MC Districts, to read as follows:

Sec. 20.664.010 - Permitted Uses for MC Districts.

- (A) The following types are permitted in the MC District:
 - (1) Residential Use Types
 - Family Residential: Single Family
 - Family Residential: Two Family
 - (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
- (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.
 - 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 Type (*) for the MC District shall be Commercial Use Types.

57. Amend Section 20.664.015 - Uses for MC Districts Subject to a Minor Use Permit, to read as follows:

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
- (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) Transient Use Types
Single Unit Rentals
Vacation Home Rentals

58. Amend Section 20.664.050 - Maximum Building Height for MC Districts, to read as follows:

Sec. 20.664.050 - Maximum Building Height for MC Districts.

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

59. Amend Section 20.664.055 - Minimum Vehicle Parking for MC Districts, as follows;

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 the provision of bicycle parking facilities in any development submitted for development review. If such bicycle parking facilities are required, the location and design of such facilities shall be shown on the site plans and shall be subject to approval of design and location.
- (C) Special Provisions: It is recognized that on some sites, due to size, shape, topography, existing buildings, or historic character, it may be infeasible to meet some or all parking requirements on-site. Therefore, the following exceptions are provided to increase flexibility in meeting parking requirements, subject to Mendocino Historical Review Board approval by concurrent variance pursuant to Section 20.724.010(A).
 - (1) Off-Site Parking: Parking requirements may be satisfied by supplying the required parking on another site within the commercial or mixed-use zoned areas. When use of another site is authorized, the land required to provide such parking shall be legally committed through a recorded deed restriction, or other similar device, stating that it cannot be withdrawn without consent from the County and/or approving body.

- (2) Joint Use or Shared Parking: A reduction in parking requirements may be allowed for certain mixed use developments which have different peak hours 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.

60. Amend Section 20.668.010 - Principal Permitted Uses for MPF Districts, to read as follows:

Sec. 20.668.010 - Permitted Uses for MPF Districts.

The following use types are permitted in the MPF District.

- (A) None.

61. Amend Section 20.668.015 - Conditional Uses for MPF Districts, to read as follows:

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:

- Civic Use Types
- Administrative Services Government
- Art Center
- Cemetery
- Community Gardens
- Day Care Facilities/Small Schools
- Educational Facilities
- Fire and Police Protection Services
- Major Impact Services and Utilities
- Minor Impact Utilities
- Religious Assembly

62. Amend Section 20.668.045 - Maximum Building Height for MPF Districts, to read as follows:

Sec. 20.668.045 - Maximum Building Height for MPF Districts.

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

63. Amend Section 20.668.070 - Additional Requirements for MPF Districts, to read as follows:

Sec. 20.668.070 - Additional Requirements for MPF Districts.

- (A) An amendment to the Local Coastal Program shall be required for any one (1) of the following activities at the Middle School site:
 - (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 Local Coastal Program.
- (C) The maximum gross floor area 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.

64. Amend Section 20.670.010 - Principal Permitted Uses for MFL Districts, to read as follows:

Sec. 20.670.010 - Permitted Uses for MFL Districts.

The following use types are permitted in the MFL District:

- (A) Agricultural Use Types*
 Light Agriculture
 Packing and Processing
 Forest Production

For the purposes of appeal to the Coastal Commission, the Principal Permitted Use Type (*) for the MFL District shall be Agricultural Use Types.

- (B) Civic Use Types
 Community Garden
- (C) Open Space Use Types
 Open Space
 Passive Recreation

65. Amend Section 20.670.015 - Uses for MPF Districts, to read as follows:

Sec. 20.670.015 - Uses for MFL Districts.

The following are permitted uses upon the issuance of a Coastal Development Use Permit:

- (A) Residential Use Type
 Family Residential: Employee Caretaker Housing
- (B) Civic Use Type
 Major Impact Services and Utilities
 Minor Impact Utilities
- (C) Agricultural Use Types
 Horticulture
- (D) Open Space Use Types
 Active Recreation

66. Amend Section 20.670.035 - Building Height Limit for MFL Districts, to read as follows:

Sec. 20.670.035 - Building Height Limit for MFL Districts.

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

67. Amend Section 20.672.010 - Principal Permitted Uses for MOS Districts, to read as follows:

Sec. 20.672.010 - Permitted Uses for MOS Districts.

The following use types are permitted in the MOS District:

- (A) Open Space Use Types
 - Open Space
 - Passive Recreation

68. Amend Section 20.672.015 - Conditional Uses for MOS Districts, to read as follows:

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
 - Community Gardens
 - Fire and Police Protection Services
 - Major Impact Services and Utilities
 - Minor Impact Utilities
- (C) Open Space Use Types
 - Active Recreation
- (D) Agricultural Use Types
 - Horticulture
 - Light Agriculture
 - Forest Production

69. Amend Section 20.672.045 - Maximum Building Height for MOS Districts, to read as follows:

Sec. 20.672.045 - Maximum Building Height for MOS Districts.

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

70. Amend Section 20.676.005 - Intent, to read as follows:

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 plan 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.

71. Amend Section 20.676.010 - Regulations for PD Combining Districts, to read as follows:

Sec. 20.676.010 - Regulations for PD Combining Districts.

- (A) Use Permit Requirements for PD Combining District. A use permit shall be required for all development within a PD Combining District. A development plan submitted with the use permit application shall incorporate all contiguous land under one (1) ownership within a PD Combining District. No permit shall be issued except in accord with an approved development plan. A development plan may authorize phased development within a 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 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 views from public roads and location of pygmy type vegetation, 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 Administrative Permit for development and compliance with other Chapters in this division.

72. Amend Section 20.676.015 - Additional Regulations for PD Combining Districts, to read as follows:

Sec. 20.676.015 - Additional Regulations for PD Combining Districts.

Within the PD Combining District, site development regulations of the base zone shall apply except where specifically modified pursuant to a 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 planned development site.
- (D) Structures are limited to a maximum height of twenty-eight (28) feet.

73. Amend Division III of Title 20 of the Mendocino County Code by deleting Chapter 20.680 - Mendocino Bed and Breakfast Combining District “*B”.

CHAPTER 20.680 - DELETED.

74. Amend Chapter 20.684. - Mendocino Visitor Serving Facilities Combining District “*”, to read as follows:

CHAPTER 20.684 - MENDOCINO LODGING COMBINING DISTRICT “*”

Sec. 20.684.005 - Intent.

This combining district is intended to apply to those specific sites that have been reserved and deemed appropriate for larger overnight accommodations (hostels, hotels, inns and motels) and for Bed and Breakfast Accommodations, which are smaller overnight accommodations. This combining district does not apply to Single Unit Rental (SUR) and Vacation Home Rental (VHR) Uses. Chapter 20.748 regulates SUR and VHR Uses.

Sec. 20.684.007 Applicability.

This chapter shall apply to Mendocino Lodging Combining District sites listed below and designated as * (or *B) on the Mendocino Town Plan Land Use Map and Mendocino Town Zoning Map.

Table: Designated Mendocino Lodging Combining District Sites	
* are Hostel, Hotel, Inns, Motels having 5 or more guestrooms	*B are Bed and Breakfast Accommodations having 4 or fewer guestrooms
Assessor's Parcel Numbers	Assessor's Parcel Numbers
119-070-11	119-07019
119-140-32	119-140-10
119-140-13	119-150-11
119-235-09	119-160-07
119-236-01	119-160-10
119-236-10	119-180-06
119-238-18	119-231-08
119-250-42	119-235-13
119-250-43	119-237-09
portion of 119-250-45	119-250-19
119-250-15	x
119-250-31	x
119-250-37	x

Sec. 20.684.010 - Permitted Uses for * Districts.

The following use types are permitted in the * District:

- (A) Residential Use Types
Family Residential: Single-Family

Sec. 20.684.015 - Conditional Uses for * Districts.

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

- (A) Residential Use Types
All Residential Use Types specified in the base zone.
- (B) Transient Use Types

Bed and Breakfast Accommodations	on sites designated *B
Hostel	on sites designated *
Hotel	on sites designated *
Inn	on sites designated *
Motel	on sites designated *

For the purposes of appeal to the Coastal Commission, the Principal Permitted use for the Mendocino Lodging Combining District * or *B shall be Transient Use Types.

Sec. 20.684.020 - Development Regulations for * Districts.

Within the * District, site development regulations of the base zone shall apply.

Sec. 20.684.025 - Maximum Density for * Districts.

Maximum dwelling density is as specified in the base zone.

Sec. 20.684.030 - Additional Regulations for * Districts.

- (A) Pursuant to the Mendocino Town Plan, the maximum number of overnight accommodations is limited to 238 hostel, hotel, inn, motel, and Bed and Breakfast units (guestrooms). Single Unit

Rentals (SUR) are limited to 20 establishments; Vacation Home Rentals (VHR) are limited to 10 establishments.

- (B) No Transient Use Type shall exceed twenty-five (25) overnight units (guestrooms); except that Bed and Breakfast Accommodations are limited to a maximum of four units (guestrooms).
- (C) Transient Use Types shall be operated as a separate entity from any other transient use within the Town of Mendocino, by providing separate parking facilities, ingress and egress, registration and reservation facilities.
- (D) All new Transient Use Types, or expansion of an existing transient use, shall be designed in scale, architecture and materials to maintain character of the Town consistent with Chapter 20.760 Historical Preservation District for Town of Mendocino and its listing on the National Register of Historic Places.
- (E) All persons operating a Transient Use Type 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.
- (F) One (1) parking space shall be provided onsite for each overnight accommodation unit (guestroom).
- (G) Any new Transient Use Type not located on a site identified in Section 20.684.007 shall be located in the Mendocino Mixed Use (MMU) or Mendocino Commercial (MC) District and shall be required to amend the Land Use Map, Zoning District Map, Section 20.684.007 and its list of * designated sites. (Single Unit Rental and Vacation Home Rental Uses are not required to amend the Land Use Map, Zoning District Map, or the list of designated sites; because SUR and VHR sites are not identified therein.)

75. Add Section 20.692.017 - Height Limit Exceptions, to read as follows:

Sec. 20.692.017 - Height Limit Exceptions.

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 or Chapter 20.760.

76. Amend Section 20.692.020 - Special Considerations, to read as follows:

Sec. 20.692.020 - Special Considerations.

- (A) There is established a designated scenic corridor along both sides and parallel to Highway One, 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:
 - (1) To protect views from Highway One;
 - (2) To protect views within the designated scenic corridor identified in Subsection (A) above;
 - (3) To protect public views to the sea;

- (4) To protect public views to landmark structures as described in the Inventory of Historic Buildings in the Appendix of the Mendocino Town Plan.
- (C) Construction of any structure upon that portion of property conveyed by the 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 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.
- (D) 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 Parcel Number 119-250-40, conveyed by the State Department of Parks and Recreation to the Mendocino Presbyterian Church and designated MPF. 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.
- (E) Development outside the Historical Preservation District identified in Section 20.760.010 shall be consistent with the standards of the Historical Preservation District in Section 20.760.050.
- (F) Development 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.

77. Amend Section 20.696.005 - Declaration, to read as follows:

Sec. 20.696.005 - Declaration.

It is the intent of this chapter to provide for an accessory use within a dwelling unit or an accessory building on premises for gainful employment involving the manufacture, provision, or sale of goods and/or services. The use must be clearly incidental and secondary to the use of the dwelling for residential purposes and must not change the character thereof or adversely affect the residential or rural nature of its surroundings. When a use is a home occupation it means that the owner, lessee or other persons who have a legal right to occupy or reside in the dwelling also have the right to conduct the home occupation without securing a use permit to do so. However, such person shall be subject to all applicable

regulations of this Division and to all other permits required under county code, such as building permits and business licenses. A home occupation is a permitted use in any district where a dwelling exists.

78. Amend Section 20.696.010 - Specific Standards, to read as follows:

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.
- (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 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, or 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.

79. Amend Section 20.700.010 - Permit, to read as follows:

Sec. 20.700.010 - Permit.

- (A) Cottage Industries may be permitted upon issuance of a Minor Use Permit in the MMU District and a Major Use Permit in MRR, MTR, MRM, or MSR Districts only.
- (B) Use Permits for Cottage Industries 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 or other applicable requirements.

Sec. 20.700.015 - General Standards.

- (A) The particular use(s) conducted by Cottage Industries, and their operation and appearance, shall not change or disturb the residential or rural character of the premises or its surrounding.
- (B) The use shall be environmentally compatible with the project site and region.
- (C) No additional service demands will be created by the use.

80. Amend Section 20.700.020 - Specific Standards, to read as follows:

Sec. 20.700.020 - Specific Standards.

Cottage Industries shall conform to the following requirements:

- (A) Not more than one (1) outside person may be employed on the premises in addition to the members of the family residing on the premises.
- (B) Cottage Industries shall be a secondary use of a parcel containing a dwelling, which is occupied as a principal residence of the owner or operator of a use defined in Chapter 20.700. Multiple uses may be permitted within Cottage Industries. Such industry or equipment and storage related thereto should not be located within fifty (50) feet of any property line, excluding buildings constructed prior to the adoption of the Coastal Element of the General Plan on November 20, 1985.
- (C) Pursuant to this subsection, Cottage Industries may not occupy more than six hundred forty (640) square feet of area within any building or buildings on the same parcel.
- (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 while awaiting or undergoing repair, or awaiting removal after repair.
- (G) No large vehicles and construction equipment (including but not limited to trucks of over one (1) ton rating, tractor, bulldozer, backhoe, skip-loader, well-drilling rig, cement mixer, roller, welder, air compressor, forklift or grader) shall be operated, maintained, or parked on land approved for Cottage Industries, 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 property, and further provided that the site is not located in Historical Zone A.
- (H) Noise generation from within the site shall not exceed sixty-five (65) dBA Ldn at the nearest off site residence.

81. Amend Section 20.700.025 - Examples of Uses Permitted Upon Securing a Use Permit, to read as follows:

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 due to its location in a private garage or accessory building, may be permitted as a

Cottage Industry, subject to the provisions of this Division, only in the MMU, MSR, MTR, MRM, and MRR zoning Districts.

(B) Cottage Industries Use Types listed below are subject to the provisions of this Division, require a Major Use Permit, and may be permitted only in MRR, MRM, MTR, or MSR zoning districts:

- (1) Cottage Industries Use Types
 - 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

82. Amend Section 20.708.015 - Temporary Uses Subject to Controls, to read as follows:

Sec. 20.708.015 - Temporary Uses Subject to Controls.

- (A) Temporary uses shall be subject to all regulations as would be applied to any use located in the same zone, except as otherwise provided by these regulations. All temporary uses must comply with 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.

83. Amend Section 20.708.020 - Entertainment Events, Religious Assembly, Other Large Public Gatherings or Other Temporary Events, to read as follows:

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 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 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. Such circumstances 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 for a significant period of time;
 - (2) The event and its associated activities or access requirements will either directly or indirectly impact environmentally sensitive habitat areas, rare or endangered species, significant scenic resources, or other coastal resources as defined in 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;
 - (4) The event has historically required a coastal development permit to address and monitor associated impacts to coastal resources.
- (D) Definitions. For purposes of this 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, water, street 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 20 days on an annual 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, platforms, etc., which do not involve grading or landform alteration for installation;
 - (4) "Exclusive use" means a use that precludes use in the area of the event for public recreation, beach access, 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.

84. Amend Section 20.708.030 - Use of a Trailer Coach, to read as follows:

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 or for which a building permit has been issued. Such administrative permit may be

issued for the period required to complete construction of the facility, but not to exceed two (2) years unless renewed.

- (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.

85. Amend Section 20.712.015 - Sign Standards, to read as follows:

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 flush to a building are preferable, although signs perpendicular to a building may be permitted under special circumstances.
- (B) Freestanding signs, Other than Directory signs, shall not be more than six (6) feet in height.
- (C) All signs for lodging shall be on the site of the 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.
 - (1) The number and size of Directory signs, window signs, open/closed signs and menu boards are regulated in other sections of this chapter and/or Chapter 20.760.
- (F) The use of a "Directory" type sign is recommended for buildings containing more than one (1) business and using a common entrance(s) or address. In addition, where a business is located on a parcel having frontage on two (2) streets, the business shall be allowed to be a part of a Directory sign.
 - (1) Maximum height: Eighty (80) inches unless the Directory sign is parallel to the road then the maximum height shall be eight (8) feet.
 - (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 Home Occupation(s) and Cottage Industries 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 Historical 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 historic character of the Town.

86. Amend Section 20.713.005 - Intent, to read as follows:

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 this historic community. This Chapter is intended to protect property values, create a more attractive economic and business climate, protect and enhance the aesthetic appearance of the special community of Mendocino, preserve the scenic and natural beauty of the coastal area, and protect the aesthetic qualities which contribute to the community character.

87. Amend Section 20.715.005 - Purpose, to read as follows:

Sec. 20.716.005 - Purpose.

To allow for the continued utilization of lawfully existing improvements and uses made nonconforming by the adoption 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 activity with a conforming land use.

- (A) A nonconforming use is a use of a structure or land which was lawfully established and maintained prior to the initial adoption of this Division but which does not conform with the use regulations for the zone in which it is located.
- (B) A nonconforming structure is a structure which was lawfully erected prior to the 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, parking, etc., prescribed in the regulations for the zone in which the structure is located.

88. Amend Division III of Title 20 of the Mendocino County Code to add Chapter 20.717 Water Quality Protection, to read as follows:

CHAPTER 20.717 WATER QUALITY PROTECTION

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 to conserve natural drainage features and vegetation, minimize the introduction of pollutants into

coastal waters to the maximum extent practicable, limit the discharge of stormwater runoff, 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 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).
 - (1) Erosion and Drainage Control Plan (EDCP). All development and redevelopment permit applications shall include a site-specific erosion and drainage control plan. The submittal requirements are described in 20.717.025(A)
 - (2) Water Quality Mitigation Plan (WQMP). For new and redevelopment projects that create 2,500 square feet (sq. ft.) or more of impervious surface and do not minimize impacts to water quality and hydrology using Site Design and Source Control measures or any sized project that is considered a threat to water quality, a Water Quality Mitigation Plan shall be required showing how Treatment Control and Hydromodification BMPs will be implemented, in addition to Site Design Measures and Source Control BMPs, to minimize post-development changes in the stormwater runoff flow regime and post-construction polluted runoff from the project site.
 - (3) Best Management Practices required for new and redevelopment projects greater than 2,500 sq. ft. or any project considered to be a threat to water quality shall be sized to address the stormwater runoff from the 85th percentile design storm event using the standards and specifications for Regulated Projects found within the Mendocino County LID Manual.
 - (4) Hydromodification BMPs shall be used for development projects that add or create 15,000 sq. ft. or more impervious surface area if LID BMPs, Site Design Measures, and Source Control Measures are not sufficient to retain on-site the runoff from the design storm. Submittal requirements are described in 20.717.025(B).

Section 20.717.015 Definitions.

- (A) “BMPs” Best Management Practices
- (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 85th percentile 24-hour storm runoff event for volume-based BMPs, or the 85th percentile 1-hour storm event (with an appropriate safety factor of 2 or greater) for flow-based BMPs. BMPs shall be designed to infiltrate, retain or treat the amount of runoff produced from the 85th percentile storm runoff event. Hydromodification BMPs, for projects adding or creating 22,500 sq. ft. or more, 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.
- (D) “Discretionary permit” means any permit requiring a decision-making body to exercise judgment prior to its approval. Depending on the specifics of a given application and its accompanying circumstances, discretionary permits may be approved, conditionally approved, or denied.
- (E) “Hydromodification” means Modification of hydrologic pathways (precipitation, surface runoff, infiltration, groundwater flow, return flow, surface-water storage, groundwater storage, evaporation and transpiration) that result in negative impacts to watershed health and functions.

Baseline Hydromodification BMPs shall 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.

- (F) "Impervious Surface" means a structure, surface covering, or pavement of a developed parcel of land that prevents the land's natural ability to absorb and infiltrate rainfall/stormwater. Impervious surfaces include, but are not limited to: roof-tops, walkways, patios, driveways, parking lots, storage areas, impervious concrete and asphalt, and any other continuous watertight pavement or covering. Pervious pavement, including pavers with pervious openings and seams are not impervious surfaces.
- (G) "Low Impact Development" means management of stormwater close to its source, using small-scale integrated site design and management practices to preserve or replicate the site's natural hydrologic balance through infiltration, evapotranspiration, filtration, detention, and retention of runoff. 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.
- (H) "Self-retaining Area" means a lawn or 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 are found in the Mendocino County LID Manual.
- (I) "Site Design Measures and Site Assessment" means site planning approaches aimed at preventing or reducing adverse impacts of stormwater pollutants and changes in the runoff flow regime (i.e., flow rate, volume, timing, and duration) on water quality, resources, and beneficial uses. Site Design measures include: designing development to minimize impervious surfaces, locating development to preserve existing vegetation, 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) "Source Control" means a land use or site planning practice, including structural and operational measures, that 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: 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) "Structural Controls" means any structural facility designed and constructed to minimize the adverse impacts of post-construction stormwater runoff flow regimes and urban dry weather runoff pollution.
- (L) "Threat to Water Quality" or "Water Quality Concern" means 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.
- (M) "Treatment" means any method, technique, or process designed to remove pollutants and/or solids from polluted stormwater runoff, wastewater, or effluent; such as: gravity settling of particulate pollutants, filtration, biological uptake, media absorption, or other physical, biological, or chemical process.

Section 20.717.020 Best Management Practices (BMPs).

(A) Applicants shall implement LID Site Design strategies and Best Management Practices (BMPs) to minimize post-development changes in stormwater runoff flows, and minimize post-construction polluted runoff, to the extent appropriate and feasible. Site Design BMPs may reduce the need for Treatment Control and Hydromodification 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 BMPs 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 selection and sizing of BMPs:

- (1) Site Design Strategies and BMPs include: Stream Setbacks and Buffers; 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;

Soil Quality Improvement: improvement and maintenance of soil quality through soil amendments and creation of microbial community;

Tree Planting and Preservation: planting and preservation of healthy established trees that include both evergreens and deciduous as applicable;

Roof-top and Impervious Area Disconnection: directing roof-top drainage pipes to drain stormwater to rain barrels, cisterns, or self-retaining areas instead of to the storm drain system;

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;

Green Roof: A vegetated system installed on a roof to infiltrate runoff (e.g., roof-top garden);

Rain Barrel and Cistern: A system that collects and stores stormwater runoff from a roof or other impervious surface, for later use;

Locate Development to Preserve Site's Infiltration Capacity: Concentrate development on portions of the site with less permeable soils, and preserve areas that can promote infiltration; Utilize and conform to site-specific topography when laying out a site design;

Minimize Impervious Surfaces: limit overall impervious coverage of the site with paving and roofs, design compact and taller structures, narrower and shorter streets and sidewalks, smaller parking lots, and indoor or underground parking (consult with PBS for county requirements for these structures);

Protect Natural Landforms: define the development envelope and protected areas, identifying areas that are most suitable for development and areas to be left undisturbed, 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;

Minimize Disturbance of Soil and Vegetation: Minimize grading and disturbance of vegetation and soils; and, protect, replicate, and where feasible, restore the site's natural hydrologic features and drainage patterns.

- (2) Source Control BMPs for Specific Land Uses:

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; 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;

Large Commercial/Industrial Developments, for large commercial/industrial 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 needed for the types of uses proposed in the development, require an area for washing/steam cleaning of vehicles and equipment that is 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;

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 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;

Fuel Dispensing Areas, for service stations or other land uses with on-site fueling stations, the following shall be required: the fuel dispensing area shall be covered with an overhanging roof structure or canopy with minimum dimensions equal to or greater than the area within the grade break; the 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; asphalt concrete shall be prohibited;

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;

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;

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 Re-development projects and in the Mendocino County LID Manual.

Developments of Water Quality Concern shall be designed using Site Design Measures, Source Control BMPs, LID BMPs, Treatment Control BMPs when additional pollutant removal is necessary to protect the coastal waters, and Hydromodification BMPs designed to retain, on-site, the runoff from the appropriate design storm 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 water quality and resource protection.

- (3) Treatment Control BMPs. BMPs that will be implemented, if needed, when infiltration BMPs are not adequate to remove a specific pollutant of concern attributed to the development. Treatment Control BMPs shall treat runoff prior to conveyance off-site, during and post construction. Examples of these BMPs include: vegetated swales, detention basins, bioretention facilities, and storm drain inlet filters. 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. The development shall implement a Treatment Control BMP (or suite of BMPs) to remove pollutants of concern from that portion of the design storm that is not retained on-site using an LID approach. These objectives shall be accomplished through the creation of a project design that increases the capacity for on-site stormwater retention and infiltration, using the following required strategies:

Use site design measures and source control measures to reduce the runoff and to reduce the pollutant loads prior to designing and implementing treatment control BMPs. Bioretention facilities (designed using the specifications found in the Mendocino County LID Manual) to treat, infiltrate, and evapotranspire the 85th percentile 24-hour storm prior to directing stormwater runoff to existing stormwater outfalls are a preferred. Flow-through BMPs designed to treat the runoff from the 85th percentile 1-hour 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 shall be accepted.

In many cases, combinations of non-structural and structural BMPs will be required to avoid water quality and hydrology impacts.

- (4) Hydromodification BMPs. BMPs that will be implemented, if needed, when site design measures and LID BMPs are not adequate to minimize adverse post-development changes in runoff volume, flow rate, timing, and duration, which could adversely impact coastal waters, habitat, and property through hydromodification. These BMPs include, but are not limited to: retention structures such as basins, ponds, topographic depressions, stormwater vaults, and bioretention facilities.

Section 20.717.025 Application Submittal Requirements.

- (A) Erosion and Drainage Control Plan (EDCP). For all projects requiring implementation of an EDCP (see section (A)(1) of 20.717.010), the following information shall be submitted with an application according to the requirements listed below.
 - (1) Construction-Phase Plan Requirements: The EDCP shall include 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 adjacent Environmentally Sensitive Habitat Areas (ESHAs). The plans shall also include a site-specific polluted runoff control plan that demonstrates how runoff will be diverted from impermeable surfaces into permeable areas of the property in a non-erosive manner and filter and infiltrate stormwater prior to conveyance off-site. It shall also include specific source control measures, both structural and operational, designed and implemented to minimize polluted runoff.

- (2) Post-Construction Phase Requirements: The EDCP shall include a Site plan, Site Design measures, Source Control BMPs and, if necessary Treatment Control and Baseline Hydromodification BMPs. Post-construction plans detailing how stormwater and polluted runoff will be managed or mitigated shall be included in the design of all projects that require a Coastal Development Permit. At the earliest stage, post-construction site design measures shall be considered and integrated into project design plans. Project submittals shall include details identifying how the project will use appropriate Treatment Control BMPs, and Baseline Hydromodification BMPs, designed, installed and maintained for, at a minimum, the 85th percentile 24-hour storm runoff event (volume) or the 85th percentile 1-hour storm runoff event, with a safety factor of 2 or more (flow-through), to minimize the project's adverse effects on water quality and runoff flow regime. The following information shall be included in the submitted design plans (the Storm Water Control Plan methodology of the Mendocino County LID Manual shall be used as guidance):

Site Plan showing post-development structural BMPs, stormwater conveyances and discharges, structures, pavements, and utilities, with contour intervals appropriate to identify post-development topography, finished grades, and drainage patterns;

A description of how the development will 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;

Source Control BMPs that will be implemented to minimize polluted stormwater runoff;
Identification of pollutants generated by the proposed development;

Site Design Measures that will be implemented to maximize the retention and infiltration of post-construction stormwater runoff;

Methods to accommodate on-site infiltration, revegetation of disturbed portions of the site, address on-site and/or off-site impacts, and construction of any necessary improvements;
drainage improvements designed to retain and/or treat 85th percentile design storm;

An estimate of the proposed changes in impervious surface area on the site, including pre-project and post-project impervious coverage and the percentage of the property that will be covered with impervious surfaces after completion;

Description of the ongoing management of post-development BMPs (including operation, maintenance, inspection, and training) that will be performed for the life of the development, if required for the BMPs to function properly.

- (B) Water Quality Mitigation Plan (WQMP). For developments of Water Quality Concern (in categories identified by the County), a WQMP will be required that demonstrates how Treatment Control and/or Hydromodification Control BMPs will be implemented (in addition to Site Design and Source Control BMPs) as needed to minimize the discharge of polluted runoff from the project, and to minimize post-development changes in the site's runoff flow regime. The WQMP shall be certified by a California Registered Civil Engineer or Licensed Landscape Architect, or other professional with comparable expertise, and 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 shall be used as guidance):

- (1) Site Design Measures, that will be implemented to maximize the retention and infiltration of post-construction stormwater runoff include: methods to accommodate on-site infiltration, when appropriate and not determined to adversely impact groundwater, revegetation of disturbed portions of the site, address on-site and/or off-site impacts, and construction of any necessary improvements; drainage improvements designed to retain and/or treat 85th percentile design storm (e.g., locations of diversions/conveyances for upstream runoff); measures to treat, infiltrate, and/or filter runoff from impervious surfaces (e.g., roads, driveways, parking structures, building pads, roofs, patios, etc.) on the subject parcel(s) and to discharge the runoff in a manner that avoids erosion, gullying on or downslope of the subject parcel.
 - (2) Source Control BMPs that shall be implemented to minimize polluted stormwater runoff; identification of pollutants generated by the proposed development.
 - (3) Treatment Control BMPs, that will be implemented to minimize the transport of pollutants in runoff from the site, shall include calculations describing how the BMPs (or suites of BMPs) have been designed to infiltrate and/or treat the amount of stormwater runoff produced by all storms up to and including the 85th percentile 24-hour storm event for volume-based BMPs, or the 85th percentile one-hour storm event (with an appropriate safety factor of two or greater) for flow-based BMPs; measures may include the use of structures (alone or in combination) such as biofilters, grassy swales, desilting basins, and detention ponds. Bioretention facilities, using the Mendocino County Design Criteria, shall be given preference within the Plan design.
 - (4) Hydromodification 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: projects adding impervious surface that is less than 22,500 sq. ft. shall implement Baseline Hydromodification BMPs. Calculations that demonstrate appropriate sizing and design of the proposed retention facilities to capture and retain, at a minimum, the stormwater runoff from each storm event up to and including the 85th percentile 24-hour storm event, and demonstrate that on-site infiltration has been optimized shall be required. Projects adding 22,500 sq. ft. or more impervious surface shall implement Hydromodification BMPs. Calculations that demonstrate appropriate sizing and design of the proposed 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 10-year storm event, and demonstrate that on-site infiltration has been optimized shall be required.
 - (5) Pre-development runoff rates and average volume.
 - (6) Potential flow paths where erosion may occur after construction.
 - (7) The need for upgrades to municipal storm drain systems, discharge of pollutants (e.g., oil, heavy metals, toxics) to coastal waters, or other potentially adverse impacts.
 - (8) An operation and maintenance plan for all BMPs. 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 of BMPs will be responsible for ensuring that they continue to function as intended for the 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 drainage plans shall determine if the development's post-construction BMPs require efficacy monitoring, and shall approve the monitoring program. The template for operation and maintenance (O and M) plans in the Mendocino County LID Manual shall be used to detail O and M for each BMP, as required by the Planning Director.
- (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 shall provide verification of appropriate protocols to manage post-construction BMPs (including ongoing operation, maintenance, inspection, and training) including but not limited to legal agreements, covenants, or CEQA mitigation requirements. 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 BMPs; or
 - (3) Any other legally enforceable agreement that assigns responsibility for the maintenance of post-construction BMPs.

89. Amend Section 20.718.005 - Purpose, to read as follows:

Sec. 20.718.005 - Purpose.

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 Mendocino Town Zoning Code.

90. Amend Chapter 20.719 - Environmentally Sensitive Habitat Areas (ESHA's), to read as follows:

CHAPTER 20.719 - ENVIRONMENTALLY SENSITIVE HABITAT AREAS (ESHA'S)

Sec. 20.719.005 - Purpose.

The provisions of Chapter 20.496, "Environmentally Sensitive Habitat and Other Resource Areas" of the Mendocino County Zoning Code, Division II of Title 20 of the Mendocino County Code shall also apply to the Town of Mendocino and shall be incorporated into the Mendocino Town Zoning Code.

91. Amend Section 20.720.020 - Exemptions, to read as follows:

Sec. 20.720.020 - Exemptions.

The following developments shall be exempt from this Chapter, but shall be subject to Chapter 20.760:

- (A) 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 and any amendments thereafter adopted;
- (B) Activities of public utilities as specified in the Repair, Maintenance and Utility Hookup Exclusion adopted by the Coastal Commission on September 5, 1978;
- (C) Improvements to single family residences, except as otherwise specified in Subchapter 6, Title 14, California Code of Regulations and any amendments thereafter;

- (D) 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 and any amendments thereafter.
- (E) 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 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 owners.

As used in this section, "bulk" means total interior cubic volume as measured from the exterior surface of the structure.

As used in this section, "structure" includes landscaping and any erosion control structure or device which is similar to that which existed prior to the occurrence of the disaster.

- (F) Certified Categorical Exclusion Order No. E-96-1 applies to various uses and areas within Historic Zones A and B as defined in the Order, certified in November, 1996. Attached herein as Appendix A.

92. Amend Section 20.720.030 - Processing of Applications, to read as follows:

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 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 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 has a question as to the appropriate determination the following procedures shall be followed:

- (1) The county shall make its determination as to what type of development is being proposed (i.e., exempt, categorically excluded, appealable, nonappealable) 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 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, nonappealable or appealable;
- (4) Where, after the Executive Director's investigation, the Executive Director's determination is not in accordance with the county determination, the Coastal Commission shall hold a hearing for the purpose of determining the 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 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 determine the type of permit for which the application has been made and 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 Chapter 20.728. The appeal shall be made in writing to the department and accompanied by a fee set by resolution of the Board of Supervisors and evidence supporting the applicant's belief that the application is complete.

If the application is not completed by the applicant within one (1) year 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 20.720.025 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), 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 other individual/group that the department 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 in support thereof.
- (C) **Authority to Act on Coastal Development Permit.** Upon completion of project review and evaluation, action to approve, conditionally approve, or deny shall be taken by the
 - (1) Coastal Permit Administrator in the case of permitted uses, Minor Use Permits and administrative permits; and
 - (2) Planning Commission in the case of Major Use Permits, Coastal Development Use Permits, and divisions of land.
 - (3) When a Coastal Development Standard Permit is required, action to approve, conditionally approve, or deny 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 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 local coastal program.

- (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 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 with the appropriate fee(s) as provided in this Chapter.
- (E) **Time Periods.** Within one hundred eighty (180) days 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, however, that the applicant and the County shall comply with the notice provisions of Title 14, California Code of Regulations Section 13571(b) and that the application shall be deemed approved only if the public notice required by law has occurred (see Government Code Section 65956). The date of the actual filing of the application for the purposes of this ordinance shall be the date of the environmental determination as required by local and state environmental review procedures. When an application has been approved by failure to act, such approval shall be subject to the notice requirements of Section 20.720.045(F).

93. Amend Section 20.720.070 - Assignment of Permits, to read as follows:

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 project, other than a Vacation Home Rental located in a residential zoning district, 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) Any person who has obtained a coastal development permit for a Vacation Home Rental located in a residential zoning district, pursuant to the provisions of this Division, may assign such permit to their spouse/domestic partner, child, or parent, subject to the requirements set forth in Section 20.720.070(A)(1)-(5).
- (C) 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.

94. Amend Section 20.724.010 - Original Jurisdiction, to read as follows:

Sec. 20.724.010 - Original Jurisdiction.

The original jurisdiction 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 Permit and said variance would be incidental and necessary to said MHRB Permit, the variance shall be designated as a concurrent variance and the application shall be reviewed by the Mendocino Historical Review Board. Setback and building height exceptions reviewed by the Review Board are not 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.

95. Amend Section 20.724.025 - Decisions, to read as follows:

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:
 - (1) Make such findings or other determination as is required by the pertinent sections of 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 applicable regulations and applicable plans and policies of the Coastal Act; 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 13571(b) and that the application shall be deemed approved only if the public notice required by law has occurred (see Government Code Section 65956). The date of the actual filing of the application for the purposes of this section shall be the date of the environmental determination as required by local and state environmental review procedures. When an application has been deemed approved by failure to act, such approval shall be subject to the notice requirements of Section 20.720.045(F).
- (C) Public Hearing and Notice. A public hearing and notice shall be required in accordance with Chapter 20.720.

96. Amend Section 20.732.020 - Processing of Amendment, to read as follows:

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 first be referred to the Planning Commission for report and recommendation, but the Planning Commission 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 the applicant for the amendment and 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.
- (G) Coastal Commission Certification. Approval of an application for an amendment shall not become effective until the amendment has been approved and certified by the Coastal Commission.

97. Amend Section 20.740.005 - Intent, to read as follows:

Sec. 20.740.005 - Intent.

The purpose of this Chapter is to regulate the creation of second residential dwelling units for the purpose of non-transient habitation in the Town of Mendocino as provided by 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 to community character. Second residential dwelling units are not intended to be used for transient habitation or as a transient use type of any kind.

98. Amend Section 20.740.010 - Permit, to read as follows:

Sec. 20.740.010 - Permit.

A second residential dwelling unit may be permitted, upon issuance of a Coastal Development Administrative Permit, only in the MTR, MRM, MMU and MC Districts on parcels larger than nine

thousand (9,000) square feet, and in the MRR:2 District on parcels larger than forty thousand (40,000) square feet.

99. Amend Section 20.744.010 - Definitions, to read as follows:

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 their publication "Land Division Requirements" as revised.
- (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 herein 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.
- (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) "Emergency" means a sudden, generally unexpected occurrence or set of circumstances demanding immediate action.
- (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(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 hydrological quantity test conducted during the hydrological testing period used to determine "adequate water supply" as defined by this Division.

Proof of water testing shall be in conformance with procedures as outlined in "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.

100. Amend Section 20.744.015 - Uses Requiring a Hydrological Study, to read as follows:

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 the Mendocino Groundwater Extraction Ordinance or the Mendocino County Division of Environmental Health's "Land Division 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.

101. Amend Chapter 20.748 - Single Unit Rentals and Vacation Home Rentals, to read as follows:

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, and the ratio of nontransient 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 Unit Rentals (SUR) and Vacation Home Rentals (VHR) in all districts within the Town of Mendocino.

Sec. 20.748.015 - Permit.

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. Vacation Home Rentals may be permitted upon issuance of a Minor Use Permit in MC or MMU zoning districts only.

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 character and maintain the Town as a residential community with limited commercial services, the County shall maintain, no more than ten (10) Vacation Home Rentals and/or twenty (20) Single Unit Rentals subsequent to the effective date of this section. The County shall not require any reduction in the number of legal non-conforming or permitted Vacation Home Rentals or Single Unit Rentals in existence on the date of certification by the Coastal Commission of this section.
- (2) No permit for a new Single Unit Rental or new Vacation Home Rental shall be granted unless there are less than twenty (20) Single Unit Rentals or ten (10) Vacation Home Rentals, respectively, that are recognized as legal non-conforming or permitted establishments, so as the approval of a permit would not exceed the limit established herein.

(B) Taxes. 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.

(C) Primary Use.

- (1) Permits for a Single Unit Rental may be granted only in conjunction with an existing residential dwelling unit or commercial use on the same site.
- (2) Permits for a Vacation Home 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. Vacation Home Rentals are prohibited in MRR, MSR, MTR, MRM Zoning Districts.

(D) Term. Permits for a Single Unit Rental shall run with the land.

- (E) **Transferal.** Permits for a Vacation Home Rental shall not be transferable in any way, except that the entitlement to operate the Vacation Home Rental may be assigned by the property owner to a spouse/domestic partner, child, or parent in accordance with Section 20.720.070 of the Town of Mendocino Zoning Code. See Sec. 20.720.070(B).
- (F) **Renewal Period.** Vacation Home Rental and Single Unit Rental approval(s) shall be limited to two (2) years and can be renewed for additional four-year periods. Renewal(s) shall require evidence by business license and payments of transient occupancy tax indicating the VHR or SUR is being continuously and actively used. Compliance with permit condition(s) will also be required for renewal.
- (H) **Priority.** Applications for Single Unit Rental 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 after all pending applications for Single Unit Rentals have been considered.
- (I) A second residential dwelling unit may not be converted to a Single Unit Rental.
- (J) **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.

Sec. 20.748.025 - Deleted.

102. Amend the title of Chapter 20.760 - Historical Preservation District for Town of Mendocino, to read as follows:

CHAPTER 20.760 - HISTORICAL PRESERVATION DISTRICT FOR THE TOWN OF MENDOCINO

103. Amend Section 20.760.005 - Purpose, to read as follows:

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.

104. Amend Section 20.760.010 - Designation of District, to read as follows:

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, 119-140-36, 119-070-13, 119-070-11, a portion of 119-140-31, 119-140-37, 119-140-38, 119-140-05, 119-140-31 and a portion of 119-140-32; all that real property situated in the County of Mendocino, State of California, described in Exhibit "A", which is incorporated herein by reference and is available for public inspection at the office of the Mendocino County Office of the Clerk of the Board of Supervisors. Such area shall be subject to the provisions of this Chapter.

105. Amend Section 20.760.025 - Definitions, to read as follows:

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. See Ch. 20.608.020
- (B) Exterior of a Structure. 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. See Ch. 20.608.031(2).
- (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. See Ch. 20.608.038(34).

106. Amend Section 20.760.040 - Exemptions, to read as follows:

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 above grade, 60 square feet in floor area, and constructed with unpainted wood materials harmonious with existing structures and detached from main structure or any landmark structure (as identified in the Inventory of Historic Buildings in the Appendix of the Mendocino Town Plan).
- (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 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) Exempt from Mendocino Historical Review Board review procedures are rain water storage tanks located behind existing buildings, and effectively screened from public view, or clad in unpainted wood materials and located behind existing buildings. Mendocino Historic Review Board approval is required for rain water storage tanks when total combined lot coverage on the site exceeds fifty (50) percent. Rain water storage tanks shall not count against lot coverage, except where total combined lot cover exceeds fifty percent.

107. Amend Section 20.760.050 - Standards, to read as follows:

Sec. 20.760.050 - Standards.

It is the intent of this 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, 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 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.

108. Amend Section 20.760.055 - Application Procedures, to read as follows:

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) Storm water management and erosion control plans shall be submitted for all discretionary planning approvals for projects that exceed 2,500 square feet of impervious surfaces.

109. Amend Section 20.760.060 - Processing of Applications, to read as follows:

Sec. 20.760.060 - Processing of Applications.

Upon receipt of an application for an MHRB 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 on the subject property in a manner best calculated to give public notice and in two (2) other public places within the District, and 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 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.

110. Amend Section 20.760.075 - Expiration, to read as follows:

Sec. 20.760.075 - Expiration.

Each valid MHRB permit shall expire and become null and void at the expiration of two (2) years after granting the application except where construction in reliance on such permit has been initiated prior to its expiration. To remain valid, progress towards completion of the project must be continuous.