



# BLUE LAKE PLANNING COMMISSION MEETING AGENDA

Monday, October 17, 2022

7:00 P.M.

Community Center - 111 Greenwood Road  
(Skinner Store Building behind City Hall)

LOCATION: In accordance with the Governor's Executive Orders N-25-20 and N-29-20, the Planning Commission of the City of Blue Lake shall conduct the Planning Commission Meeting by teleconference via Zoom. Public input can be given to the Commission by emailing [cityclerk@bluelake.ca.gov](mailto:cityclerk@bluelake.ca.gov) until 4:30 p.m. on Monday October 17, 2022.

Public input will be facilitated by Zoom at the following meeting link:

<https://us02web.zoom.us/j/83114618569?pwd=OHN3WIRNNGpCZHAwbm54d1hpU3g3QT09>

Meeting ID: 831 1461 8569

Passcode: 075649

1. **Approval of Minutes: September 19, 2022**
2. **Public Input** – *The Public is invited to present petitions, make announcements, or provide other information to the Planning Commission that is relevant to the scope of authority of the City of Blue Lake that is not on the Agenda. The Planning Commission may provide up to 15 minutes for this public input session. To assure that each individual presentation is heard, the Planning Commission may uniformly impose time limitations of 3 minutes to each individual presentation. The public will be given the opportunity to address items that are on the agenda at the time the Planning Commission takes up each specific agenda item.*
3. **Approval of Agenda**

## **Discussion / Action:**

4. **Public Hearing/Action:** Amendment of Section 17.16.111 (Opportunity or O Zone) of Title 17 (Zoning) of the Municipal Code to allow emergency shelters as a principally permitted use type without discretionary review. This use type would allow housing with minimal supportive services for homeless persons that is limited to occupancy of six month or less by a homeless person.
5. **Presentation/Discussion:** Storyland Studios Presentation – Blue Lake RV Park and Campground Project.
6. **Miscellaneous Planner Items.**
7. **Upcoming Planning Commission Meetings for the next 3 months will be on November 21, 2022, December 19, 2022, and January 16, 2023.**
8. **Adjournment by 9:00 pm unless extended by the Planning Commission.**

A request for disability-related modification or accommodation, including auxiliary aids or services, may be made by a person with a disability who requires a modification or accommodation in order to participate in the public meeting, by contacting City Manager Amanda Mager, (707) 668-5655, at least 24 hours prior to the commencement of the meeting.

**City of Blue Lake  
Draft Planning Commission Meeting Minutes  
September 19, 2022**

**The Blue Lake Planning Commission Meeting was called to order at 7:01 p.m.**

**Commissioners Present:** Earl Eddy, Richard Platz, Matt Schang, and Robert Chapman

**Commissioners Absent:** Cort Pryor

**Staff Present:** City Manager Amanda Mager and City Planner Garrison Rees

**Staff Absent:** Planning Commission Secretary Cheryl Turner

**Public Present:** None

**1. Approval of Minutes: June 20, 2022**

- a. Motion (Schang, Eddy) to approve June 20, 2022 minutes as written.
- b. Motion passed (2-0) with Vice-Chair Platz and Commissioner Chapman abstaining because they were not present at the June 20, 2022 meeting.

**2. Public Input on Non-Agenda Items**

- a. None.

**3. Approval of the Agenda**

- a. Motion (Chapman, Eddy) to approve agenda.
- b. Motion passed (3-0) with Vice-Chair Platz abstaining because he was not able to review the agenda packet before the meeting.

**Discussion/ Action:**

**4. Planning Commission Discussion: General Plan Housing Element Update. Review of comments from the California Department of Housing and Community Development on the Draft General Plan Housing Element Update.**

- a. Planner Rees presented a summary of the staff report and discussed the types of comments received from the Department of Housing and Community Development (HCD).
- b. Planner Rees stated that the comments from HCD primarily requested revisions to the Draft Element Update to clarify analysis, include additional data and analysis, and modify or add to the proposed implementation programs. Planner Rees stated that there are also certain tasks that the City must undertake before the Draft Update will be considered for certification, which include: 1) conduct a windshield survey of residential units in the City to determine how many units are in need of rehabilitation; 2) amend the Zoning Code to allow emergency shelters by right in a zone in the City; and 3) conduct further outreach to low- and moderate-income populations in the City.
- c. Planner Rees indicated the next steps in the process include: 1) revising the Draft El-

ement Update to address the comments from HCD; 2) conducting the windshield survey; 3) amending the Zoning Code to allow emergency shelters in a certain zone; 4) preparing an updated CEQA document for the Draft Element Update; and 5) conducting further outreach to low- and moderate-income populations in the City.

- d. Chair Eddy inquired whether the windshield survey needed to survey all residential units in the City.
- e. Planner Rees stated that there are approximately 580 residential units in the City and all of them need to be assessed as part of the survey. Planner Rees explained that some of the units are part of multi-family structures which will make them easier to assess.

**5. Planning Commission Discussion: Zoning Code Amendment to allow emergency shelters as a principally permitted use in the Mixed Use (MU) and/or Opportunity (O) zones.**

- a. Planner Rees presented a summary of the staff report and discussed the requirements for emergency shelters in State Housing law.
- b. Commissioner Schang asked several questions about the State requirements for homeless shelters including: 1) Must every city allow emergency shelters or can some cities rely on emergency shelters developed in other nearby cities; 2) Are emergency shelters only for homeless persons; and 3) Are the shelters only intended to serve the local homeless population.
- c. Planner Rees responded to the questions stating the following: 1) Generally, the State expects every City to have a zone that allows emergency shelters by right without discretionary review like a use permit. It may be possible in specific cases to coordinate with other jurisdictions for the provision of emergency shelters; 2) Emergency shelters, as defined by the State, are housing with minimal supportive services for homeless persons that limit occupancy to 6 months or less; and 3) Emergency shelters are intended to provide temporary shelter for homeless persons in general but are more likely to be used by the local homeless population.
- d. Planner Rees indicated the next step in the process includes presenting a staff recommended amendment to the Zoning Code regarding emergency shelters to the Planning Commission at their next meeting.

**6. Miscellaneous Planner Items**

- a. City Manager Mager provided the Planning Commissioners with an update on several items including the Boughton Residential Development, upcoming presentations of Storyland Studio's draft plan for the RV Park and Motel project, and the sales tax increase proposed by the City.
- b. City Manager Mager discussed potential dates for the Storyland presentation to the Planning Commission. Staff will follow-up with the Commission once some options for presentation dates are provided by Storyland.

**7. Upcoming Planning Commission Meetings for the next 3 months will be on October 17<sup>th</sup>, November 21<sup>st</sup>, and December 19<sup>th</sup>, 2022.**

- a. Commissioners Chapman indicated that he will not be available for the November meeting.

- 8. Adjournment by 9:00 pm unless extended by the Planning Commission.**
  - a. Motion (Chapman, Schang) to adjourn.
  - b. Motion passed unanimously (4-0).
  - c. Meeting adjourned at 7:45 p.m.



# CITY OF BLUE LAKE

Post Office Box 458, 111 Greenwood Road, Blue Lake, CA 95525  
Phone 707.668.5655 Fax 707.668.5916

DATE: October 14, 2022

FROM: Garry Rees, City Planner

TO: Blue Lake Planning Commission

**RE: Item 4 – Public Hearing/Action: Amendment of Section 17.16.111 (Opportunity or O Zone) of Title 17 (Zoning) of the Municipal Code to allow emergency shelters as a principally permitted use type without discretionary review**

As discussed with the Planning Commission at the June 20, 2022 meeting, City staff submitted the draft Housing Element Update to the Department of Housing and Community Development (HCD) at the end of May for a 90-day review period. On August 29, 2022, the City received a letter from HCD with comments on the Draft Update.

The comments from HCD state that, prior to the Housing Element Update being considered for certification, the City must amend the Zoning Code to allow emergency shelters by right in a zone in the City. Below is a discussion of the requirements for emergency shelters and the staff recommendation for amendments to the Zoning Code to address the requirements.

## **Emergency Shelters**

Every jurisdiction must identify a zone or zones where emergency shelters are allowed as a permitted use without a conditional use or other discretionary permit (Government Code Section 65583.(a)(4)). The identified zone or zones must include sufficient capacity to accommodate the need for emergency shelters as identified in the housing element, and each jurisdiction must identify a zone or zones to accommodate at least one year-round shelter. Adequate sites can include sites with existing buildings that can be converted to emergency shelters to accommodate the need for emergency shelters.

Shelters may be subject only to development and management standards that apply to residential or commercial development in the same zone. A local government may apply written and objective standards that include all of the following:

- Maximum number of beds.
- Off-street parking based upon demonstrated need.
- Size and location of onsite waiting and intake areas.
- Provision of onsite management.
- Proximity to other shelters.
- Length of stay.

- Lighting.
- Security during hours when the shelter is open.

In the Draft Housing Element Update, it identifies the Mixed-Use (MU), Opportunity (O), or Planned Development Residential (PDR) zoning districts as potential locations for the development of emergency shelters. Since the properties in the MU and O zones are located in the Downtown and Powers Creek Districts, these areas would be considered more suitable for emergency shelters due to their proximity to services and transit. Due to the limited availability of vacant land and lack of suitable vacant buildings in the Downtown area, staff is recommending that the O zone be amended to allow emergency shelters since there are several vacant sites in the City with this zoning.

### **Proposed Amendments to Opportunity (O) Zone**

Attached to this staff report is Resolution No. 3-2022, which contains the findings recommended by staff for the Planning Commission’s recommendation to the City Council for amendment of the O zone to allow emergency shelters. Exhibit “A” to the resolution contains the staff recommended text amendments to the O zone.

As shown in Exhibit “A”, staff is recommending that the O zone be amended to include emergency shelters as a principally permitted use under Section 17.16.111.B.8. Additionally, staff is recommending that emergency shelters be subject to the following objective standards:

- The shelters shall have onsite management and security shall be provided during hours when the shelter is open.
- Each shelter shall be limited to a maximum of 15 beds. The maximum number of beds is based on data for Blue Lake from the 2019 Unsheltered Point-in-Time (PIT) count conducted by the Humboldt Housing and Homeless Coalition. This PIT count identified 14 unsheltered persons in the greater Blue Lake area.  
<https://humboldt.gov/DocumentCenter/View/71341/20190220---HHHC-News-Release---Point-in-Time-Count-2019>  
 The PIT count from 2022 was not used because it lumped McKinleyville and Blue Lake together (total 32 unsheltered persons identified for both communities). Additionally, PIT counts were not conducted in 2020 and 2021.  
<https://humboldt.gov/DocumentCenter/View/107776/20220621---HHHC-Point-in-Time-Count-2022>
- There shall be a minimum separation of 2,000 feet between emergency shelters.

Staff is also recommending that the discussion of Site Plan Approval requirements in Section 17.16.111.D.11 be amended to clearly state that Site Plan Approval shall not be required for emergency shelters.

Lastly, staff is recommending that some of the stated purposes of the Opportunity zone be amended for internal consistency purposes. The stated purpose in Section 17.16.111.A.2 is not consistent with the development standards of the O zone, which allow up to 65 percent of the floor area of a structure to be developed with residential units. The zone is intended to allow for a compatible and beneficial mixture of commercial, manufacturing, and residential uses. Although the development standards of the zone prohibit residential-only development, they do not necessarily treat residential dwellings as a secondary use to commercial and manufacturing uses. To ensure the stated purposes

of the O zone are consistent with the development standards, staff is recommending that Sections 17.16.111.A.2 and 17.16.111.A.3 be amended to state the following:

2. This zone is ~~primarily intended for commercial and manufacturing uses with residential dwellings as a secondary use to promote~~ **encourage** a live-work type environment. ~~As a secondary use, residential dwellings shall be located above or behind the primary commercial or manufacturing uses.~~
3. This zone encourages craft-type manufacturing businesses ~~with~~ **and** retail commercial spaces on the ground floor ~~of structures and with multi-family residential development units on the upper floors~~ **located above or behind the commercial or manufacturing uses.**

**RECOMMENDATION:**

Staff recommends that the Planning Commission:

- 1) Receive a staff report concerning the proposed amendments to the Opportunity (O) zone.
- 2) Open the public hearing and take public testimony.
- 3) Close the public hearing.
- 4) Discuss the proposed recommendation to the City Council and ask any remaining questions of city staff.
- 5) Adopt Resolution No. 3-2022, a Resolution of the Planning Commission of the City of Blue Lake Recommending Amendment of Section 17.16.111 (Opportunity or O Zone) of Title 17 (Zoning) of the Blue Lake Municipal Code.



**RESOLUTION NO. 3-2022**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BLUE LAKE  
RECOMMENDING AMENDMENT OF SECTION 17.16.111 (OPPORTUNITY OR O  
ZONE) OF TITLE 17 (ZONING) OF THE BLUE LAKE MUNICIPAL CODE**

**WHEREAS**, the Blue Lake Planning Commission has before it for consideration the project defined as amendment of the following Section of Title 17 (Zoning) of the Blue Lake Municipal Code, to wit:

- A. Amendment of Section 17.16.111, Opportunity or O Zone, as set forth in Exhibit “A”, attached hereto and made a part hereof; and,

**WHEREAS**, after due notice of hearing, a public hearing was held at the regular meeting of the Blue Lake Planning Commission on October 17, 2022, to consider said project;

**NOW, THEREFORE**, be it resolved by the Planning Commission of the City of Blue Lake as follows:

1. The Planning Commission finds that the project is categorically exempt from CEQA pursuant to Section 15305 of the CEQA Guidelines allowing for minor alterations in land use limitations in areas with an average slope of less than 20%, which do not result in any changes in land use or density.

2. The Planning Commission finds that the proposed Zoning Code amendment is consistent with the existing applicable general and specific plans.

3. Pursuant to Government Code Section 65855 the Planning Commission hereby recommends to the City Council that the following Section of Title 17 (Zoning) of the Blue Lake Municipal Code be amended as follows:

- A. Section 17.16.111, Opportunity or O Zone, be amended to read as set forth in Exhibit “A”, attached hereto and made a part hereof.

4. The reasons for this recommendation are set forth in the staff reports and minutes of September 19<sup>th</sup>, 2022 and October 17<sup>th</sup>, 2022 (Public Hearing), copies of which shall be transmitted to the Blue Lake City Council.

5. The Secretary of the Planning Commission is authorized and directed to transmit this resolution to the City Council of the City of Blue Lake.

**INTRODUCED, PASSED, AND ADOPTED** this 17<sup>th</sup> day of October 2022, by the following vote:

**RESOLUTION NO. 3-2022**

AYES:

NAYS:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Chairman, Planning Commission,  
City of Blue Lake

ATTEST:

\_\_\_\_\_  
Secretary, Planning Commission

**Exhibit “A”  
To Resolution 3-2022**

**17.16.111 Opportunity or O Zone.**

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A. Purpose

1. The Opportunity Zone or O Zone is intended to allow for the compatible and beneficial mixture of commercial, manufacturing, and residential uses in a single structure or on a single or multiple sites in a manner consistent with the City’s General Plan Goals and Policies.
2. This zone is ~~primarily intended for commercial and manufacturing uses with residential dwellings as a secondary use to promote~~ **encourage** a live-work type environment. ~~As a secondary use, residential dwellings shall be located above or behind the primary commercial or manufacturing uses.~~
3. This zone encourages craft-type manufacturing businesses ~~with~~ **and** retail commercial spaces on the ground floor **of structures** and ~~with multi-family residential development units on the upper floors~~ **located above or behind the commercial or manufacturing uses.**
4. This zone is designed to achieve a convenient business and residential environment in areas where multiple activities and an increased degree of pedestrian orientation and open space are considered to be desirable.
5. New structures and additions to existing structures shall be required to meet specific design standards.
6. Land uses in this zone shall be required to meet specific performance standards.

B. Principal Permitted Uses.

1. Light Manufacturing and Processing. This use type allows craft and art manufacturing businesses which manufacture items from wood, ceramics, fabric, metals or glass; food and beverage processing and bottling; and light to moderate manufacturing of products such as household goods, clothing, recreational goods, electrical products, furniture, architectural products, and automotive goods. This use type can include other light manufacturing and processing uses not described above which in the opinion of the City Planner are of the same general character, are consistent with the purpose and intent of this section, and will not be obnoxious or detrimental to the O Zone.
2. Distribution and Associated Warehousing. This use type allows nurseries and greenhouses (non-cannabis), distribution warehouses for consumer

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products, and indoor and outdoor storage facilities. This use type can include other distribution and associated warehousing uses not described above which in the opinion of the City Planner are of the same general character, are consistent with the purpose and intent of this section, and will not be obnoxious or detrimental to the O Zone.

3. Commercial Services. This use type allows a variety of commercial services of both a light and heavy commercial character. Light commercial uses means stores, agencies, and services such as food markets, bakery shops, restaurants, bars, art galleries, book stores, clothing stores, pharmacies, beauty and barber shops, hardware and appliance stores, laundry facilities (excluding dry cleaning), florists, tailor shops, enclosed theaters, and music venues. Heavy commercial uses mean equipment rental, repair of engines or appliances, furniture repair shops, contractor shops and yards (including carpentry, electrical, plumbing, painting, printing, publishing, lithograph shops and other artistic endeavors). This use type can include other commercial services not described above which in the opinion of the City Planner are of the same general character, are consistent with the purpose and intent of this section, and will not be obnoxious or detrimental to the O Zone.
4. Professional Offices and Services. This use type allows administrative and research activities; radio and television broadcasting stations and offices; medical, dental and related services; and professional consulting, real estate and financial services. It also allows personal service shops, such as banks, grooming services, visitor service facilities or businesses of a similar nature. This use type can include other professional offices and services not described above which in the opinion of the City Planner are of the same general character, are consistent with the purpose and intent of this section, and will not be obnoxious or detrimental to the O Zone.
5. Recreation and Education. This use type allows trails and outdoor recreational uses (e.g. sports fields, sports complex, outdoor performance venues, etc.), public and commercial recreational facilities and schools and training programs in the areas of arts, crafts and light manufacturing. It can include RV/camping facilities, performance or art studios, theaters, or other venues for public assembly. This use type can include other recreation and education uses not described above which in the opinion of the City Planner are of the same general character, are consistent with the purpose and intent of this section, and will not be obnoxious or detrimental to the O Zone.
6. Public Works Facilities. This use includes a City corporation yard and includes but is not limited to public works improvements, storage of materials, temporary holding of animals, and maintenance and repair of City equipment and vehicles.

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7. Four or Fewer Residential Dwellings Units. This use type allows up to four residential units per parcel at a maximum density of 1 unit per 2,500 square feet of lot area. Such residential units can include, but are not limited to, studios, condominiums, townhouses, and apartments. To be principally permitted, the residential units shall not be located on the ground floor of a structure and shall not exceed 35 percent of the floor area of a structure. For the purposes of the Opportunity (O) Zone, a residential dwelling unit is defined as having two or more bedrooms. One-bedroom units are allowed at a density of 1 per 1,250 square feet of lot area, or a total of 8 one-bedroom units per parcel as a principally permitted use.

**8. Emergency Shelters. This use type allows housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. The shelters shall have onsite management and security shall be provided during hours when the shelter is open. Each shelter shall be limited to a maximum of 15 beds. There shall be a minimum separation of 2,000 feet between emergency shelters.**

C. Uses Permitted with a Use Permit.

1. Five or More Residential Dwelling Units. This use type allows five or more residential units per parcel at a maximum density of 1 unit per 2,500 square feet of lot area. Such dwellings can include, but are not limited to, studios, condominiums, townhouses, and apartments. With a use permit, the residential units shall not exceed 65 percent of the floor area of a structure. With a use permit, the residential units may also be located on the ground floor of a structure, but shall not front directly on the street or other non-vehicular access corridor (e.g. pedestrian/bicycle trails) and shall not exceed 50% of the floor area of the ground floor. For the purposes of the Opportunity Zone, a residential unit is defined as having two or more bedrooms. One-bedroom units are allowed at a density of 1 per 1,250 square feet of lot area. This use type allows nine or more one-bedroom units per parcel.

2. Other Uses. Listed uses that are not specifically principally permitted in the O Zone or not determined by the City Planner to be consistent with other principally permitted uses in the O Zone. This includes any other use which, in the opinion of the Planning Commission, is consistent with the intent of the zone, and will not constitute a nuisance or be detrimental to the district or surrounding land uses.

3. Exception to Development Standards. Projects that do not meet all the requirements in subsection D (Other Regulations), but, due to specific

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project design and amenities, conform to the purpose and intent of this section. As part of the review for this application type, additional technical studies may be required at the discretion of City staff to address potential impacts of the proposed exceptions. This could include, but is not limited to, preparation of a visual impact assessment, shadow analysis, biological report, lighting study, and noise study. Any technical studies required shall be prepared by a qualified professional as determined by City staff.

**D. Other Regulations.**

Specific site development guidelines have been prepared based on the design intent for the Opportunity (O) Zone. The objective of the guidelines is to help integrate buildings and other improvements with the topography and landscape to create a unified environment which is harmonious with the adjacent visual panorama.

1. Minimum lot area: 15,000 square feet.
2. Building coverage shall not exceed 70% of lot area.
3. Building height limit:
  - a. North of Taylor Way: Building height limits for properties north of Taylor Way are allowed to increase with distance from the trail that runs parallel to Powers Creek, as prescribed below.
    - i. Not exceeding 25 feet vertical within 50 feet horizontal of the closest edge of the trail that runs parallel to Powers Creek.
    - ii. Not exceeding 35 feet vertical from 50-100 feet horizontal of the closest edge of the trail that runs parallel to Powers Creek.
    - iii. Not exceeding 45 feet vertical beyond 100 feet horizontal of the closest edge of the trail that runs parallel to Powers Creek.
  - b. South of Taylor Way: Not exceeding 45 feet vertical.
4. Setbacks:
  - a. No building or parking or storage area shall be constructed within 50 feet horizontal of the centerline of the main branch of Powers Creek or its tributaries (e.g., South Fork Powers Creek). The zone

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**To Resolution 3-2022**

thus created, 50 feet horizontal from the centerline of Powers Creek outward, shall be preserved primarily as an area of riparian vegetation. Trails, art installations, interpretive signs, lighting, benches, picnic areas, and habitat enhancement projects are allowable within this setback area.

- b. North of Taylor Way: For properties west of Monda Way and for parcel 025-201-018, no building or parking or storage area shall be constructed within 25 feet horizontal of the closest edge of the trail that runs parallel to Powers Creek. This area is intended to be reserved for open space and other amenities such as landscaping, art, and benches.

For properties east of Monda Way, excluding parcel 025-201-018, no building or parking or storage area shall be constructed within 10 feet horizontal of the property line that runs parallel to Powers Creek or its tributaries.

- c. South of Taylor Way: Buildings that exceed 25 feet vertical shall be required to be located a minimum of 25 feet horizontal from any public right-of-way.
  - d. No building or parking or storage area shall be constructed within 50 feet horizontal of the boundary of the Blue Lake Rancheria. The zone thus created, 50 feet horizontal from the boundary of the Blue Lake Rancheria, shall be preserved as an undeveloped area of open space or riparian vegetation.
- 5. Manufacturing uses in this zone are required to be located on the ground floor of a structure.
  - 6. Residential uses in this zone are required to be situated and designed to minimize impacts from adjacent heavy commercial and industrial uses.
  - 7. Parking and loading areas:
    - a. Sufficient onsite parking, as prescribed in Sections 17.24.100 and 17.24.230, shall be provided for employees, visitors and company vehicles.
    - b. The City Planner may waive off-street parking otherwise required if sufficient parking is proposed to be provided at a common off-site parking area. This shall not apply to accessible off-street parking spaces required by the American with Disabilities Act (ADA) or California Building Code.

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- c. Off-street loading as prescribed in Section 17.24.110.
8. Utilities:
- a. All site improvements shall be designed to accommodate underground utilities and shall be required to convert to such as they become available. Utilities shall include, but are not limited to, drainage systems, sanitary sewers, gas, water, power, cable and telephone.
  - b. Within each site, utility lines may be located above ground if they are incorporated and concealed within buildings, trellises, or special architectural features.
  - c. Temporary overhead power and telephone lines will be permitted during construction, but are to be removed upon completion of construction.
9. Landscaping: A landscaping plan will be required for each site showing the locations, names, and initial sizes of plant materials, irrigation plan and groundcover materials. Ongoing maintenance and replacement (when needed) is a requirement of all uses within the O Zone. The City Planner will review each landscaping plan for approval. Landscape requirements are defined in Section 17.24.240. Where possible, required landscaping areas may also serve as areas for infiltration of stormwater runoff, subject to review and approval by the City Engineer. Landscaping shall be maintained to comply with the requirements of the Solar Shade Protection Act (Public Resources Code § 25980 – 25986).
10. Open Space: Common usable open space shall be required for all residential development. There shall be one hundred (100) square feet of common usable open space required for each bedroom. Usable open space may consist of outdoor area on the ground, in required setbacks or on any balcony, deck, porch, or rooftop which is designed and accessible for outdoor living, recreation, and pedestrian access complying with the following provisions:
- a. Required parking areas and their driveways and required minimum landscaping areas shall not be included in computing usable open space.
  - b. Areas included in computing common usable open space shall be accessible to all units in common and no such required space shall be less than three hundred (300) square feet in area and shall have no dimension less than fifteen (15) feet. Rooftop gardens and rooftop landscaping may be used to satisfy this requirement. No



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more than 50% of the required usable open space area shall be hardscape (e.g. concrete, asphalt, etc.), except in the case of private open space provided on the upper floors of a structure as allowed under subsection g.

- c. Each element of usable open space shall be completely open on at least one (1) side and shall have a clear vertical height of not less than seven (7) feet, and not less than fifty (50) percent of the total required usable open space shall be unobstructed to the sky.
  - d. Usable open space shall be improved to support passive or active use by residents. The computation of such open space shall include no obstructions other than devices and structures designed to enhance its usability, such as art, planters, benches, fountains, and landscaping.
  - e. Usable open space shall be situated and designed to minimize impacts from adjacent heavy commercial and industrial uses.
  - f. Where possible, pervious areas set aside as usable open space may also serve as areas for infiltration of stormwater runoff, subject to review and approval by the City Engineer.
  - g. Private usable open space may be substituted for common usable open space at a ratio three (3) square feet of private open space for every two (2) square feet of common open space required, provided such element of open space either has an area of at least one hundred fifty (150) square feet, with no dimension less than ten (10) feet, if located at ground level, or an area of at least fifty (50) square feet, with no dimension less than six (6) feet, if located above ground level.
  - h. The City Planner may waive the requirement to provide usable open space on-site if sufficient usable open space is proposed to be provided at a common off-site area.
11. Site Plan Approval, as prescribed in Section 17.24.250, is required for new development, exterior additions to existing development, and the permanent or temporary placement and use of large stationary equipment outdoors. **Pursuant to Government Code Section 65583(a)(4), emergency shelters must be allowed as a permitted use without discretionary review such as Site Plan Approval.** The Planning Commission may develop additional guidelines in written form that provides direction for meeting criteria listed in Section 17.24.250.

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E. Performance Standards.

Projects must be designed and operated to comply with the following performance standards to minimize potential impacts during long-term operation. Special studies (e.g. noise studies, lighting plans, etc.), as determined by the City Planner, may be required to be submitted during processing of planning or building permit applications to provide evidence that compliance can be achieved prior to consideration of the project by the Planning Commission or issuance of building permits.

1. Toxic Substances. Any use which involves processes that will result in toxic substances or pollutants escaping (by air or water) from the site shall comply with all applicable Local, State and Federal regulations and shall require a use permit from the Planning Commission. Medical wastes are to be disposed of according to all applicable regulations. All processes shall comply with the applicable Local, State and Federal laws regarding airborne and waterborne emissions.
2. Signs. Any signs that will be used on-site, as well as signs on buildings, must be approved by the City Planner before they are posted. Free-standing signs shall be limited to 50 square feet in size and the top thereof shall not be higher than 10 feet above the ground. Signs shall be consistent with the general sign motif established for the Opportunity (O) Zone.
3. Lighting/Glare. Outdoor lighting shall be approved by the Planning Commission through the Site Plan Approval process as specified in Section 17.24.250. All outdoor lighting shall be designed to meet the following requirements:
  - a. All lighting fixtures shall comply with the International Dark Sky Association’s (IDA) requirements for reducing waste of ambient light (“dark sky compliant”). This includes, but is not limited to, requirements for acceptable fixture types and maximum color temperature.
  - b. All lighting fixtures shall be the minimum lumens required for safety and security.
  - c. All lighting fixtures shall be shielded and directed downward to minimize lighting shining on adjacent properties or natural areas. Shielded shall mean that the light rays are directed onto the site, and the light source (e.g., bulb, tube, etc.) is not visible beyond the property boundary of the site of the light source.

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**To Resolution 3-2022**

- d. No permanently installed lighting shall blink, flash, or be of unusually high intensity or brightness.
- e. Stand-alone light fixtures shall be limited to a maximum of 20 feet vertical.
- f. No lighting shall produce an illumination level greater than one-foot candle beyond the property boundary of the site of the light source.

Building materials or other site improvements that cause glare to nearby properties are prohibited.

- 4. Noise. No use, activity, or process shall generate noise in excess of the noise level standards in Section 17.24.280(C)(3). New uses that are estimated to exceed the noise level standards in Section 17.24.280(C)(3), shall be required to incorporate noise mitigation measures into the project design to ensure compliance. Existing uses that are determined to exceed the noise level standards in Section 17.24.280(C)(3), shall be required to implement effective noise mitigation measures to achieve compliance.
- 5. Dust. Any use that results in dust escaping from the site is required to mitigate to reduce the dust. Refer to North Coast Unified Air Quality Management District regulations for current limitations and requirements.
- 6. Sewage. Sewage disposal shall require on-site improvements (interceptor tanks, grease traps, etc.) for those uses that are determined by the Public Works Director to generate wastes that may cause a difficulty to the treatment system.
- 7. Odors. No use shall be permitted which creates annoying odor in such quantities as to be readily detectable beyond the boundaries of the zoning district.
- 8. Storage, Service and Loading Areas.
  - a. Storage, service and loading areas shall be recessed or screened with fences, walls, berms, or plantings to reduce their visibility from adjacent streets or properties.
  - b. Materials, equipment, supplies, trash containers, inoperable vehicles, etc. shall be stored within an enclosed building or behind visual barriers such as fences, walls, berms, or plantings.
- 9. No use shall be permitted which does not comply with State and Federal laws.

**Exhibit "A"**  
**To Resolution 3-2022**

F. Zoning Map Designation.

The Zoning Map designation for the O Zone shall be "O".