

CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE
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W23a

MEMORANDUM

Date: May 9, 2016

To: Commissioners and Interested Parties

From: Robert S. Merrill, District Manager – North Coast District

Subject: **Addendum to Commission Meeting for Wednesday, May 11, 2016
North Coast District**

<u>AGENDA #</u>	<u>APPLICANT</u>	<u>DESCRIPTION</u>	<u>PAGE</u>
<u>NEW APPEALS</u>			
W23a	LCP-1-MEN-14-0840-1 Mendocino Town Plan Update	Correspondence from Lee Edmundson	23a-1

LEE EDMUNDSON

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Phone/Fax: 707-937-4369 • Cell: 707-272-9964 • Email: lee@mcn.org

5 May, 2016

W23a

Dear Coastal Commissioners,

I am writing asking you to support the recommended continuance in the matter of the proposed Mendocino Town Plan (MTP) update.

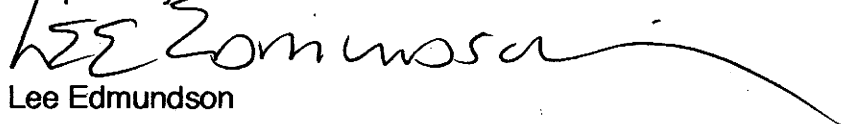
As someone who has been active in the MTP review/update process since February 2011, I fully endorse your staff's assessment that the degree and dimension of the proposed changes to the current certified MTP are gargantuan; this process has transformed what was initially intended to be a (more) simple review and update into a complete re-formatting and virtual rewrite.

Some of the many policy changes seem contradictory and self canceling. The distinct possibility exists that some of the proposed additions will result in unforeseen consequences. What with the sheer number of changes, along with the bulk of the proposed additions and the "rush to the goal line" pressure that seemed to have driven the review process during its final months of preparation, this proposed document warrants the fullest and most thorough Coastal Commission staff vetting.

The future protection of the unique coastal resource for the Town of Mendocino deserves no less.

I urge you to support staff's recommendation and approve the requested extension.

Respectfully,


Lee Edmundson

Mendocino, California

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W23a

DATE: April 22, 2016

TO: Coastal Commissioners and Interested Persons

FROM: Alison Dettmer, Deputy Director
Robert S. Merrill, North Coast District Manager
Tamara L. Gedik, Coastal Program Analyst

SUBJECT: Extension of Time Limit for Commission Action on County of Mendocino
Local Coastal Program Amendment LCP-1-MEN-14-0840-1
(Mendocino Town Plan LCP Update)

For the Commission meeting of May 11, 2016

LCP UPDATE AMENDMENT DESCRIPTION

On January 8, 2016, the County of Mendocino (County) transmitted to the Commission a revised version¹ of LCP Amendment Application No. LCP-1-MEN-14-0840-1 ("LCP Update Amendment"). The proposed LCP Update Amendment would comprehensively update the Land Use Plan and Implementation Plan Town portions of the Town of Mendocino segment of the Mendocino County LCP. Before its transmittal to the Commission, the proposed LCP Update Amendment had been the subject of local hearings commencing in 2011.

Coastal Act Section 30510 requires proposed LCP amendment submittals to contain materials sufficient for a thorough and complete review. Once that requirement is satisfied, and an amendment is deemed submitted (or "filed"), the Coastal Act requires the Commission to act on combined LUP/IP amendments within 90 days (Coastal Act Sections 30510, 30512, 30513, and 30514). On March 14, 2016, the Commission staff deemed the proposed LCP Update Amendment submitted. The 90th day after the date this proposed LCP Update Amendment was deemed submitted is June 12, 2016. Therefore, unless the Commission extends the deadline, the Commission will need to complete its action on the proposed LCP Update Amendment at the Commission's June 8-10, 2016 hearings.

Staff has not yet had sufficient time to complete its analysis of the proposed LCP Update Amendment and to fully coordinate with the County to ensure consistency of the proposed LCP Update Amendment with the Coastal Act. The County initially transmitted the LCP Update Amendment in 2015, but transmitted a revised LCP Update Amendment in January of this year, prior to completion of the original transmittal. The proposed LCP Update Amendment proposes to amend the certified Land Use Plan, including by revising the certified provisions applicable to

¹ The January 8, 2016 transmittal of the Town of Mendocino LCP Update Amendment revises the version previously adopted by the County on December 9, 2014 and transmitted to the Commission's North Coast District office one year earlier, on January 5, 2015.

visitor serving uses and short term rentals and by adding approximately 73 new definitions, more than 80 new policies and actions, and 7 new appendices. The proposed LCP Update Amendment would amend the certified Implementation plan, including by adding new provisions within Chapter 20.716 “Water Quality Protection,” Chapter 20.718 “Public Access,” and Chapter 20.719 “Environmentally Sensitive Habitat Areas.”

Additional time is needed to consult with state agencies and tribal representatives about the LCP amendment. The proposed LCP Update amendment includes changes to the land use and zoning designations applied to the state Highway 1 right-of way; policy changes relating to State Parks lands that encircle much of the Town; and the addition of narratives describing tribal history and uses of the Town. As a result, Commission staff has initiated outreach and has requested comments from CalTrans and CA State Parks. Commission staff has also initiated consultations with Tribal Historic Preservation Officers, as required of local governments under Government Code section 65352.3.

Staff met frequently with the County’s consultants and staff during the six months prior to when the LCP amendment application was deemed submitted in March to discuss proposed policy changes and review the information needed to complete the County’s transmittal. However, additional meetings with County staff are needed to discuss possible language modifications to the proposed LCP Update Amendments to ensure consistency with the Coastal Act. Commission staff would like to resolve with County staff the issues of Coastal Act consistency as much as possible prior to the Commission hearing to narrow the issues that would need to be resolved by the Commission at the hearing. The next meeting between Commission and County staffs has been tentatively set for Friday May 13, and Commission staff is continuing to coordinate with County staff to schedule additional meetings.

Coastal Act Section 30517 states that the Commission may extend for good cause the 90-day time limit for Commission action on an LCP amendment for a period not to exceed one year. Although staff is planning to bring the proposed amendment forward during one of the three 2016 meetings scheduled for the North Coast region, August 10-12 (Santa Cruz), September 7-9 (Mendocino/ Humboldt/ or Del Norte County), or November 2-4 (Half Moon Bay), staff recommends that the Commission extend the deadline for a full year as provided by the Coastal Act to allow for uncertainty in the review process and flexibility for coordination with the County on potential modifications. Therefore, staff recommends that the Commission extend the deadline for Commission action on the proposed LCP amendment by one year. A one-year extension would result in a new deadline for Commission action of June 12, 2017.

STAFF RECOMMENDATION

Staff recommends that the Commission vote to extend the deadline for Commission action for one year.

Motion:

I move that the Commission extend the time limit to act on County of Mendocino Town Local Coastal Program Amendment No. LCP-1-MEN-14-0840-1 for a period of one year.

Staff recommends a **YES** vote. Passage of this motion will result in a one year extension of the period in which the Commission must act on the proposal, changing the deadline for Commission action from June 12, 2016 to June 12, 2017. An affirmative vote of a majority of the Commissioners present is needed to pass the motion.