

CALIFORNIA COASTAL COMMISSION

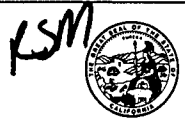
NORTH COAST AREA

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Filed: July 22, 1998
90th Day: October 20, 1998
Staff: Jo Ginsberg
Staff Report: August 28, 1998
Meeting of: September 9, 1998

TO: COMMISSIONERS AND INTERESTED PARTIES

FROM: Peter Douglas, Executive Director
Steven F. Scholl, District Director
Robert Merrill, District Manager
Jo Ginsberg, North Coast Planner

SUBJECT: MENDOCINO COUNTY LCP AMENDMENT No. 1-98 (Major): (Public Hearing and Possible Action at the California Coastal Commission meeting of September 9, 1998)

SYNOPSIS

A. AMENDMENT DESCRIPTION.

The proposed amendment to the Mendocino County LCP, effectively certified in September 1992, affects five separate geographic areas, all located north of the Navarro River, known collectively as the 1997 North of Navarro Group.

The changes proposed by Amendment No. 1-98 are as follows:

1. SITE ONE (GP 5-96/R 6/96, DANIELS). APN 119-420-23, 119-410-14 (portion).
Change the Coastal Plan land use classification and rezone 32.5+ acres located

southeast of the Town of Mendocino from Remote Residential-20 acre minimum (RMR-20) to Rural Residential-10 acre minimum (RR-10 and RR:L:10:CR), with a Contract Rezone and deed restriction limiting future subdivision to three parcels on the entire 52 acres. (See Exhibit Nos. 3-8.)

2. SITE TWO (GP 8-97/R 9-97, MERRILL, ET AL) APN 121-320-06, 11, 12. Change the Coastal Plan land use classification and rezone three approximately 20-acre parcels located south of Little River and east of Highway One from Remote Residential-20 acre minimum (RMR-20) to Rural Residential-10 acre minimum (RR-10 and RR:L:10:CR), with a Contract Rezone to limit subdivisions to 10 acres and not allow encroachment or access from Highway One. (See Exhibit Nos. 9-15.)
3. SITE THREE (GP 9-97/OA 3-97, REED). APN 119-140-32. Increase the inn unit cap associated with the Reed Manor, located in the Town of Mendocino, as stipulated in the Mendocino Town Plan and Zoning Ordinance from five units to a total of nine units. (See Exhibit Nos. 16-27.)
4. SITE FOUR (GP 10-97, ROLFE). APN 119-020-09. Change the Coastal Plan land use map to correctly show the boundary between the RR-5 and the RR-5 [RR-2] land use designation as applied to APN 119-020-09 resulting in a consistent land use designation of RR-5 applied to the entire parcel, which is located approximately one mile north of the Town of Mendocino and east of Highway One. (See Exhibit Nos. 28-32.)
5. SITE FIVE (GP 11-97/R 11-97, ULATOWSKI). APN 119-020-17. Change the Coastal Plan land use classification and rezone from Remote Residential-20 acre minimum (RMR-20) to Rural Residential-10 acre minimum (RR-10 and RR:L:10:CR) with a Contract Rezone limiting future subdivision of the property to no more than two parcels. (See Exhibit Nos. 33-37.)

SUMMARY OF STAFF RECOMMENDATION

Mendocino County's coastal zone is a varied and scenic area containing many valuable and fragile resources that need protection. In 1985 when the Coastal Commission reviewed the LUP submitted by the County, the Commission was very concerned with the potential large-scale development permitted by the proposed densities. The Commission scaled back the County-

proposed densities by more than half, finding that the fragile coastal resources of the Mendocino County could not support such intense development. Of particular concern to the Commission was the issue of Highway One road capacity. Section 30254 of the Coastal Act states that it is the intent of the Legislature that Highway One remain a scenic two-lane road in rural areas such as Mendocino County (excluding the Fort Bragg area). As such, the Commission found it necessary to reduce the number of potential new parcels permitted under the plan originally submitted by the County from 3,400 to approximately 1,500.

The Commission recognized that in the future, a greater or smaller number of potential new parcels might be more appropriate, given that changes might occur that would affect highway capacity, such as new road improvements, or that development might proceed at a faster or slower pace than anticipated. To provide for an orderly process to adjust the number of potential parcels allowed under the LCP to reflect conditions as they change over time, the Commission approved Policy 3.9-4 of the LUP that required a future review of the Land Use Plan. This policy states that following approval of each 500 additional housing units in the coastal zone, or every five years, whichever comes first, the LUP shall be thoroughly reviewed to determine whether Highway One capacity used by non-resident travel and visitor accommodations is in scale with demand or should be increased or decreased; whether the plan assumptions about the percentage of possible development likely to occur are consistent with experience and whether the allowable build-out limits should be increased or decreased; and whether any significant adverse cumulative impacts on coastal resources are apparent.

In response to this policy, in 1994 the County hired a traffic consulting firm to do a Highway One traffic study that projected traffic conditions for certain target years (the County chose 2020 as the target year to be examined) for key intersections and the different segments of Highway One under build-out of the existing LCP, and studied roadway improvements that could increase capacity.

While the State Route 1 Corridor Study and County staff's subsequent analysis provided some of the key information called for by Policy 3.9-4 of the LUP, staff does not believe that all of the information contemplated by and necessary to satisfy the mandates of the policy has been provided. While the traffic information that was generated can be used for planning purposes to determine how much traffic additional growth would generate, information that addresses the goals of the LUP to determine when and where more development would be appropriate, given the limited capacity of Highway One, has not been provided. In addition, consistent with Coastal Act Section 30254, increases in residential density should not be approved if they preclude other, higher priority uses, such as visitor-serving facilities. If there is only a certain amount of limited capacity that can be provided for all development, then the type of uses that should be allowed to increase density should be explored and evaluated, rather than just approving those density increases that are proposed first.

Staff also believes that the County has failed to look at the cumulative effects of numerous future plan change proposals that allow increases in residential density that would be encouraged by approval of these amendments. Rather, the County has looked at the current set of amendments in isolation as if each were a coastal permit application whose impacts could be individually mitigated. However, a single property owner cannot shoulder the burden of paying for a highway improvement, and infrastructure improvements are not mitigation measures that can be imposed on individual property owners without an overall study that identifies a method for assessing a property owner's fair share of the infrastructure mitigation.

The proposed LCP Amendment includes a total of four requests for increases in density, three of which involve density increases for residential uses. Another amendment request currently being processed by the County has three additional requests for density increases in visitor-serving facilities and one additional request for a density increase for residential use. The overall picture, when taking into account the projected population growth for Mendocino County, indicates a trend of greater and greater demand for residential density increases that would have far-reaching effects on Mendocino's coastal resources, particularly its very limited Highway One capacity. With this in mind, and in view of existing traffic conditions on Highway One even though most of the LUP capacity allowed for in the approved LUP has not yet been built out, the Commission must determine if and when to allow more potential density for non-priority uses under the Coastal Act.

Commission staff requested that the County provide a more complete analysis of cumulative impacts of the proposed density-increasing amendment, pursuant to Section 13511 of the Commission's regulations, which requires an analysis of the potential significant adverse cumulative impacts on coastal resources and access of existing and potentially allowable development proposed. This requirement is set forth in the LCP amendment application form (VI-6). Staff suggested that, as one possible approach, the County might look at similarly zoned parcels (to those in the group of proposals) and do an analysis of what the traffic impacts would be if there were a similar density increase on each parcel (e.g., doubling the allowable density). The County indicated it did not intend to submit any further analysis, and believes it has already provided all the necessary information.

Therefore, staff recommends that those proposed LCP changes that include increases in residential density (Sites One, Two, and Five), not be approved due to concerns with highway capacity; since the County has not provided the comprehensive cumulative impacts analysis Commission staff requested, staff cannot conclude that these increases in residential density are justified or appropriate.

In addition, staff recommends that the proposed LCP change for Site Three, which proposes an increase in the cap for visitor-serving units for the Reed Manor in the Town of Mendocino, also not be approved due to concerns with highway capacity and town character. Policy 4.13-1 of the

Town Plan states that "Visitor Serving Units listed on Table 4.13-1 (234) shall remain fixed...until the plan is further reviewed and a plan amendment is approved and certified by the California Coastal Commission." Staff interprets this policy to mean a review of the Town Plan must take place that assesses any recent changes in the ratio of residential development to visitor-serving facilities to determine if it is appropriate to increase the potential visitor-serving facilities within the Town. If it is determined that it is appropriate to increase the number of visitor-serving facilities, an LCP amendment must be processed by the Commission that adjusts the number of allowable visitor-serving units throughout the Town, based on an analysis of supply, demand, and an evaluation of the balance between residential and visitor-serving uses. This review, analysis, and subsequent amendment approval have not taken place.

Since the request for an increase in units at Reed Manor, the County has received and begun processing requests for two more such increases in the Town. Commission staff believes that, based on the information currently available regarding residential development vs. visitor serving facilities, there is no justification for modifying the Town Plan to allow for more visitor-serving facilities at one particular site. Staff believes the County needs to look at the Town as a whole, determine how much, if any, additional visitor-serving facilities are appropriate, and determine a fair way of allocating the additional units to the various existing and proposed facilities, rather than just approving the first such request that comes in the door without considering the cumulative impact of future such requests. Staff does not interpret this policy to mean, as it appears the County does, that the County should submit an LCP amendment request for each new increase in the cap on visitor-serving units for each particular visitor-serving facility as an inn owner wishes to expand a particular inn. Again, this is a piecemeal approach to planning that does not take into account the cumulative impacts of density increases, inconsistent with the Coastal Act.

Staff thus recommends that upon completion of the public hearing, the Commission deny Sites One, Two, Three, and Five of this LCP Amendment as submitted, based on the findings that those portions of this amendment, as submitted, are not consistent with the policies of Chapter 3 of the Coastal Act. Staff further recommends that upon the completion of the public hearing, the Commission approve Site Four of this LCP amendment, based on the findings that that portion of this amendment is consistent with the policies of Chapter 3 of the Coastal Act.

The motion and resolution for denial for the Land Use Plan portion of the amendment for Sites One, Two, Three, and Five can be found on Page 8. The motion and resolution for denial of the Implementation Program portion of the amendment for Sites One, Two, Three, and Five can be found on Page 9.

The County did not specifically request in its resolutions transmitting the LCP Amendment request that the Commission suggest modifications for any portions of the LCP Amendment that the Commission does not certify. Staff recommends denial of Sites One, Two, Three, and Five

and does not recommend suggested modifications because staff is unable to formulate suggested modifications that would adequately address the Highway One capacity issue. Staff's view is that no amendments that increase density for residential uses should be certified until a study is performed on how best to allocate the remaining capacity of Highway One among competing land uses and locations to assure that priority uses will be accommodated and to ensure that adequate mitigation for the cumulative impacts on highway capacity will be provided on an equitable basis by individual property owners. Further, staff's view is that no amendments that increase potential inn units within the Town of Mendocino should be certified until a study is performed to determine how much, if any, additional visitor serving capacity is appropriate within the Town, and how best to allocate any such increases.

The motion and resolution for approval of the amendment to the Land Use Plan for Site Four can be found on Pages 8-9.

ADDITIONAL INFORMATION

For additional information about the proposed amendment, please contact Jo Ginsberg at the North Coast Area office at the above address, (415) 904-5260. Please mail correspondence to the Commission to the same address.

ANALYSIS CRITERIA:

To approve the amendment to the Land Use Plan portion of the Mendocino County Local Coastal Program, the Commission must find that the LUP, as amended, is consistent with the policies of Chapter 3 of the Coastal Act. To approve the amendment to the Implementation Program portion of the LCP, the Commission must find that the Implementation Program, as amended, is consistent with and adequate to carry out the amended Land Use Plan.

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I. MOTIONS AND RESOLUTIONS

A. STAFF RECOMMENDATION ON LUP AMENDMENT FOR SITES ONE, TWO, THREE, AND FIVE, AS SUBMITTED:

Staff recommends that the Commission adopt the following resolution and related findings, as introduced by Motion I:

MOTION I: DENIAL OF THE LAND USE PLAN PORTION OF AMENDMENT NO. 1-98, AS SUBMITTED, FOR SITES ONE, TWO, THREE, AND FIVE

"I hereby move that the Commission certify Amendment No. 1-98 to the Land Use Plan portion of the Mendocino County Local Coastal Program as submitted by the County for Sites One, Two, Three, and Five."

Staff recommends a NO vote. An affirmative vote by a majority of the appointed members of the Commission is required to pass the motion.

RESOLUTION I:

The Commission hereby denies certification for Sites One, Two, Three, and Five of Amendment 1-98 (identified as GP 5-96/R 6-96, Daniels; GP 8-97/R 9-97, Merrill; GP 9-97/OA 3-97, Reed; and GP 11-97/R 11-97, Ulatowski) to the Land Use Plan portion of the Mendocino County Local Coastal Program for the specific reasons discussed below in the findings on the grounds that, as submitted, they do not meet the requirements of and are not in conformity with Chapter 3 of the Coastal Act.

B. STAFF RECOMMENDATION ON LUP AMENDMENT FOR SITE FOUR AS SUBMITTED:

Staff recommends that the Commission adopt the following resolution and related findings, as introduced by Motion II:

MOTION II: APPROVAL OF LAND USE PLAN AMENDMENT NO. 1-98 FOR SITE FOUR AS SUBMITTED

"I hereby move that the Commission certify Amendment No. 1-98 to the Land Use Plan portion of the Mendocino County Local Coastal Program for Site Four as submitted."

Staff recommends a YES vote. An affirmative vote by a majority of the appointed members of the Commission is required to pass the motion.

RESOLUTION II:

The Commission hereby certifies Site Four of Amendment 1-98 (identified as GP 10-97, Rolfe) to the Land Use Plan portion of the Mendocino County Local Coastal Program for the specific reasons discussed below in the findings on the grounds that, as submitted, it meets the requirements of and is in conformity with Chapter 3 of the Coastal Act.

C. STAFF RECOMMENDATION ON IMPLEMENTATION PROGRAM AMENDMENT FOR SITES ONE, TWO, THREE, AND FIVE AS SUBMITTED:

Staff recommends that the Commission adopt the following resolution and related findings, as introduced by Motion III:

MOTION III: DENIAL OF THE IMPLEMENTATION PROGRAM PORTION OF AMENDMENT NO. 1-98 AS SUBMITTED FOR SITES ONE, TWO, THREE, AND FIVE

"I hereby move that the Commission reject the Implementation Program for Amendment No. 1-98 to the Mendocino County Local Coastal Program as submitted by the County for Sites One, Two, Three, and Five."

Staff recommends a YES vote, and the adoption of the following resolution and findings. This motion requires a majority of the Commissioners present to pass.

RESOLUTION III:

The Commission hereby rejects the amendment to the Implementation Program of the County of Mendocino for Sites One, Two, Three, and Five (identified as GP 5-96/R 6-96, Daniels; GP 8-97/R 9-97, Merrill; GP 9-97/OA 3-97, Reed; and GP 11-97/R 11-97, Ulatowski) of Amendment No. 1-98 based on the findings set forth below on the grounds that the zoning ordinance, zoning map, and other implementing materials do not conform with and are not adequate to carry out the provisions of the Land Use Plan.

II. DESCRIPTION OF SITES AND LCP AMENDMENTS:

A. Site One (GP 5-96/R 6-96, Daniels).

The proposal would change the Coastal Land Use Plan classification and rezone 32 acres in the coastal zone from Remote Residential-20 acre minimum (RMR-20) to Rural Residential-10 acre minimum: Contract Rezone (RR-10 and RR:L:10:CR). The 32-acre site is a portion of a 52-acre parcel; the remaining 20 acres lie outside the coastal zone and are classified RR-5. The subject property is located off Comptche-Ukiah Road, southeast of the Town of Mendocino.

The proposal originally before the Mendocino County Planning Commission on October 26, 1997 was to reclassify and rezone the 32-acre portion of the 52-acre parcel lying within the coastal zone from RMR-20 to RR-5. The Planning Commission recommended reclassification to RR-10 and rezoning to RR:L:10:CR, with a Contract Rezone and deed restriction limiting future subdivision to three parcels on the entire 52 acres. The 20-acre portion outside the coastal zone is currently designated RR-5. To reduce future ambiguity, the Board of Supervisors directed staff to initiate an inland General Plan amendment and rezone on the remaining portion of the 52-acre ownership to RR-10 and RR:L:10:CR. On January 26, 1998 the Board of Supervisors approved for submittal to the Coastal Commission the proposed amendment as revised by the Planning Commission.

The project site is located southeast of the Town of Mendocino, and is bisected by the coastal zone boundary. The 52-acre parcel currently contains two dwellings, septic systems, wells, outbuildings, and a driveway. An unnamed watercourse flows westerly through the property, and a spring fed watercourse is located within the southwest quadrant of the site. The riparian areas around the watercourses constitute environmentally sensitive habitat areas. The Blayney-Dyett LUP maps and U.S. Soil Conservation maps indicate the presence of pygmy soil and pygmy vegetation on portions of the property. A botanical survey done for the property noted the presence of pygmy vegetation on the property (see Exhibit No. 7).

B. Site Two (GP 8-97/R 9-97, Merrill, et al).

The proposal is to reclassify the Coastal Plan land use designation and rezone three approximately 20-acre parcels from Remote Residential-20 acre minimum (RMR-20) to Rural Residential-10 acre minimum: Contract Rezone (RR-10 and RR:L:10:CR). The contract rezone limits future development to a 10-acre minimum and prohibits new encroachments on Highway One. The property is located south of Little River and east of Highway One. The properties are in three separate ownerships. A portion of the land is in the floodplain of Schoolhouse Creek, and a well-developed zone of riparian habitat borders the creek, constituting an environmentally sensitive habitat area. In addition, a population of the rare swamp harebell (Campanula californica) was found in the riparian zone. The riparian areas and the swamp harebell are

currently protected by the open space easements encumbering the 50-foot buffer adjacent to the unnamed drainage and rare plant and 100-foot buffer adjacent to Schoolhouse Creek, established by a requirement of a previous coastal permit (see Exhibit No. 12). The property is designated "Highly Scenic" in the County land use plan.

C. Site Three (GP 9-97/OA 3-97, Reed).

The subject property is located in the Town of Mendocino, adjacent to Little Lake Road. The site is 1.85 acres in size, and contains a five-unit inn and accessory structures. The proposal is to increase the inn unit cap associated with the Reed Manor as stipulated in the Mendocino Town Plan and Zoning Ordinance from five units to a total of nine units. The proposal seeks to amend Mendocino Town Plan Table 4.13-1 (see Exhibit No. 20), and Zoning Code Section 20.684.025, which currently show the maximum allowable units at the Reed Manor to be five.

D. Site Four (GP 10-97, Rolfe).

The five-acre subject property is located approximately one mile north of the Town of Mendocino, on the east side of Highway One. The parcel contains a single-family residence. The proposal is to revise the Coastal Land Use Map to show correctly the boundary between the RR-5 and the RR-5 [RR-2] land use designation as applied to APN 119-020-09, resulting in a consistent land use designation of RR-5 applied to the entire parcel. The County recently discovered that a discrepancy exists between the land use designation and zoning classification as applied to the property; approximately 80 percent (4 acres) of the parcel is designated RR-5, while the remaining 20 percent (1 acre) of the same parcel is shown on a different map sheet in an area designated RR-5 [RR-2]. The adopted zoning map indicates that the entire parcel is zoned RR-5 (see Exhibits 30 and 31). The County considers this to be a "clean-up" amendment to correct what appears to be an error made when mapping land use designations on the Local Coastal Plan land use maps originally prepared by the Blayney-Dyett consulting firm.

E. Site Five (GP 11-97/R 11-97, Ulatowski).

The proposal is to change the Coastal Land Use Map classification and rezone 32 acres from Remote Residential-20 acre minimum (RMR-20) to Rural Residential-10 acre minimum:Contract Rezone (RR-10 and RR:L:10:CR). The Contract Rezone limits future subdivision of the property to no more than two parcels. The subject property is located about a half-mile northeast of the Town of Mendocino, approximately 2,000 feet south of Jack Peters Creek. The site contains the rare and endangered plant species Castilleja mendocinensis (Mendocino coast paintbrush) in the western third of the site.

III. LAND USE PLAN FINDINGS:

A. Highway One Capacity/Traffic Impacts.

Four of the five changes to the County's LCP proposed by this amendment will result in increases in density, three of residential uses, and one of visitor serving uses.

The Commission denies the LCP Amendment for Sites One, Two, Three, and Five, as submitted, in large part due to concerns over how such amendments affect the traffic carrying capacity of Highway One. State Highway One is one of California's most valuable scenic resources and provides the principal means for Californians to access the coast. Highway One along the Mendocino coast experiences a steady stream of tourist traffic all year long, with traffic peaks between April and October. State Highway One has also been designated a Pacific Coast Bicentennial Route, and is very popular with touring cyclists. As noted in the 1990 DKS Associates State Route 1 Capacity and Development Study, Mendocino Coast residents find themselves competing with vacationers for the limited capacity of State Route 1. Due to the highway's scenic qualities, heavy use by recreational vehicles as well as logging trucks, and limited passing opportunities along much of its length, Highway One's traffic carrying capacity is less than that of other two-lane roads.

Coastal Act Section 30254 states that it is the intent of the Legislature that State Highway One in rural areas of the coastal zone remain a scenic two-lane road, and that where existing or planned public works facilities can accommodate only a limited amount of new development, services to coastal dependent land use, essential public services and basic industries vital to the economic health of the region, state, or nation, public recreation, commercial recreation, and visitor-serving land uses shall not be precluded by other development. Section 30250(a) of the Coastal Act also requires that new development not have significant adverse effects, either individually or cumulatively, on coastal resources.

Because the only north-south arterial in coastal Mendocino County is Highway One, the requirements of Section 30254 are a limiting factor on the potential for new development in Mendocino County. In addition, Section 30254 requires that high priority uses of the coast not be precluded by other, lower-priority uses when highway capacity is limited.

While curves can be straightened, gulches bridged, and shoulders widened, the basic configuration of the highway will remain much the same due to topography, existing lot patterns, and the priorities of Caltrans to improve the state's highway system in other areas. To assess the limited Highway One capacity, a study was prepared for the Commission in 1979 as a tool for coastal planning in Marin, Sonoma, and Mendocino counties (Highway 1 Capacity Study). The study offered some possibilities for increasing capacity and describes alternative absolute

minimum levels of service. Because highway capacity is an important determinative for the LUP, the Commission's highway study was re-evaluated by the LUP consultant and alternative assumptions were tested.

The Highway One Capacity Study described then-current use of different segments of Highway One in terms of levels of service categories. Such categories are commonly used in traffic engineering studies to provide a measure of traffic congestion, and typically range from Level of Service A (best conditions) to Level of Service F (worst condition). The 1979 Highway One Capacity Study determined that only the leg of Highway One between Highway 128 and Mallo Pass Creek was at Service Level D (unstable flow; low freedom to maneuver; unsatisfactory conditions for most drivers) during peak hours of use in 1979; all other legs were at Level E. Service Level E (difficult speed selection and passing; low comfort) is the calculated capacity of the highway. At Level F (forced flow), volume is lower. Along the Mendocino coast, peak hour can be expected to occur between noon and 5 p.m. on summer Sundays.

Highway capacity was recognized by the Commission as a constraint that limits new development, as new development generates more traffic that uses more capacity and a lack of available capacity results in over-crowded highways for long periods of time. Prior to certification of the County's LCP, the Commission denied numerous applications for land divisions, based partially on highway capacity constraints, and also denied several Land Use Plan amendments partially based on highway capacity constraints (e.g., 1-86, Tregoning; 3-87, Moores; and 2-90, Long). The Commission has also denied certification of several LUPs throughout the State because of limited highway capacity (City of Monterey, Skyline Segment; Malibu; and Marina del Rey/Ballona), as these LUPs did not reserve available capacity for priority uses and did not provide adequate measures to mitigate the adverse cumulative impacts of new development.

The Commission also initially denied Mendocino County's LUP, based in part on highway constraints. The County started its public hearings on the LUP with a consultant-prepared plan and accompanying maps and a document containing comments from the advisory committees and Commission staff. The draft plan was designed to allow new development in locations and densities that at build-out would have resulted in no segment of Highway One being more than 20 percent over capacity at Service Level E at certain peak hours. The plan, as submitted, would have allowed Highway One traffic to exceed capacity on Saturday and Sundays afternoons and on weekdays during the summer months of July and August.

The County used various criteria to establish the density and intensity of uses for the LUP. The County considered a variety of incomes, lifestyles, and location preferences, and each community's desired amount and rate of growth, as well as provision for a maximum variety of housing opportunities. However, the Commission found that however important those criteria were, they did not reflect the requirements of the Coastal Act to concentrate development into

areas which are developed or areas able to accommodate it, to minimize adverse impacts on coastal resources, and to give priority to designated uses.

The plan as it was submitted did not provide for mechanisms to resolve issues such as limited Highway One capacity, the failure to reserve remaining capacity for high priority uses, and the lack of mitigation requirements for development that would adversely affect the remaining highway capacity. These issues had been discussed and resolved by the Commission in previously handled LUPs, where the Commission consistently found that Section 30254 of the Coastal Act requires Highway One to remain a scenic two-lane road, which has a limited capacity, and that coastal-dependent land uses, commercial and public recreation, and visitor-serving land uses shall be not precluded by other development.

When it eventually certified the Mendocino County Land Use Plan with Suggested Modifications, the Commission found that too much build-out of the Mendocino coast would severely impact the recreational experience of Highway One and its availability for access to other recreational destination points. The LUP as originally submitted would have allowed for 3,400 new residential parcels to be created potentially. The Commission found 121 geographic areas that were not in conformance with Section 30250 of the Coastal Act. The County reviewed these areas, and agreed to a proposed modification that would result in a redesignation of the identified non-conforming areas, thus reducing the total number of new residential parcels which potentially could be created by approximately 1,500. In other words, the Commission reduced by more than half the number of potential new parcels that could be created under the certified LUP, based on its conclusion that, given the information available at that time, approximately 1,500 new parcels was the maximum number of new parcels Highway One could accommodate while remaining a scenic, two-lane road.

The Commission recognized that in the future, a greater or smaller number of potential new parcels might be more appropriate, given that changes might occur that would affect highway capacity, such as new road improvements, or that development might proceed at a faster or slower pace than anticipated. To provide for an orderly process to adjust the number of potential parcels allowed under the LCP to reflect conditions as they change over time, the Commission approved Policy 3.9-4 of the LUP that required a future review of the Land Use Plan.

Policy 3.9-4 of the County's LUP states that:

Following approval of each 500 additional housing units in the coastal zone, or every 5 years, whichever comes first, the Land Use Plan shall be thoroughly reviewed to determine:

Whether the Highway 1 capacity used by non-resident travel and visitor accommodations is in scale with demand or should be increased or decreased.

Whether the plan assumptions about the percentage of possible development likely to occur are consistent with experience and whether the allowable build-out limits should be increased or decreased.

Whether any significant adverse cumulative effects on coastal resources are apparent.

In response to this policy, in 1994 the County hired a transportation consultant firm to do a study (titled the State Route 1 Corridor Study) that would determine the impact to Highway One traffic carrying capacity from the build-out of the Coastal Element of the General Plan. The focus of the study was to project future traffic volumes which would be generated by potential development allowed by the Coastal Element in the coastal zone and by potential development from growth areas outside of the coastal zone that affect traffic conditions on Highway One. The traffic impact on the level of service (LOS) of study intersections and segments on Highway One based on incremental build-out scenarios was then determined (LOS A through E was considered acceptable in most locations; LOS F was considered unacceptable). The study also identified roadway improvement options available for increasing capacity on Highway One and other roadways that affect the Highway One corridor.

Using the information in the study, County staff evaluated the traffic impacts of the proposed LCP changes based on a "75/50" scenario (existing development plus development on 75% of existing vacant parcels plus development on 50% of potential new parcels plus 75% of commercial, industrial, and visitor-serving facility build-out potential by the year 2020), which they believe represents the maximum feasible build-out based on past and projected development patterns. Thus, for example, in the case of each part of the subject LCP Amendment, County staff first noted what the projected Levels of Service during peak times would be in the year 2020 for the relevant road segments and intersections under the existing LCP using the 75/50 build-out scenario, then determined what additional traffic would be generated by the density increase proposed by the LCP Amendment, and, finally, determined what roadway improvements, if any, would be necessary to keep the Levels of Service within acceptable parameters (up to and including LOS E) if the density increases of the amendment were approved.

While the State Route 1 Corridor Study and County staff's subsequent analysis provided some of the key information called for by Policy 3.9-4 of the LUP, not all information contemplated by and necessary to satisfy the mandates of the policy has been provided. While the traffic information that was generated can be used for planning purposes to determine how much traffic additional growth would generate, information that addresses the goals of the LUP to determine

when and where more development would be appropriate given the limited highway capacity has not been provided. In addition, consistent with Coastal Act Section 30254, increases in residential density should not be approved if they preclude other, higher priority uses, such as visitor-serving facilities. If there is only a certain amount of limited capacity that can be provided for all development, then the type of uses that should be allowed to increase density should be explored and evaluated. Rather, it appears that the County is reviewing the proposed LCP changes as if they were permit applications, generally assuming that the use is appropriate and merely determining how best to mitigate the impacts, and just approving those density increases that are proposed first. Furthermore, the need for greater density, when so many vacant parcels remain undeveloped has not been thus far demonstrated. Until a planning study is performed that provides the thorough review of the LUP called for by Policy 3.9-4 to demonstrate the appropriate amount of density increases that should be allowed and where such increases should take place without overtaxing Highway One's limited capacity, the Commission finds that it must deny proposals for increases in residential density.

The Commission notes that a property owner does not have an absolute right to change Land Use Plan and Zoning designations to accommodate uses or developments that are not allowed by current designations for his or her property. While a property owner may have certain development-based expectations when he or she purchases a property to develop uses currently allowed by an LUP and Zoning, no such expectations are recognized for developing uses not allowed by the LUP and Zoning.

The Commission finds proposed LCP changes that will result in increases in residential density on a first-come, first-served basis inconsistent with Coastal Act Sections 30254 and 30250(a), as they do not ensure that highway capacity will be reserved for higher priority coastal land uses. When looked at in isolation, it may not appear that approving any particular proposal for a density increase will have much impact, when the potential for only a few new parcels is created by each such proposal. However, consistent with Section 30250(a) of the Coastal Act, the cumulative impact of numerous LCP Amendments allowing increases in residential density on highway capacity and other coastal resources must also be addressed. Looking at each new project in isolation fails to take into account the devastating effect numerous projects would have if approved in this fashion. The Commission has before it today an LCP Amendment containing a total of four proposals that seek to increase density. These changes could increase the number of new residential lots by only seven; however, this increases the number of lots per site by 100%. Since LCP adoption in 1986, a number of amendments to the County's Coastal Plan that increase density have been approved and certified. Residential density increases have been approved for 14 sites, and density increases for 10 visitor-serving sites have been approved. In addition, the County is currently processing a General Plan Amendment that contains another proposal for a density increase, which will be submitted shortly to the Commission as an LCP Amendment request.

For a number of years, the County did not submit LCP Amendments that included requests for increases in density because the County was having traffic information generated. Commission approval of these amendments would certainly encourage more such amendments in the future.

The DKS State Route 1 Study indicates a steady increase in traffic volumes north of State Route 128, particularly in the Albion, Mendocino, and Fort Bragg areas. The projected dramatic population increase for Mendocino County between 1990 and 2020 (68%) is indicative of future accelerated development pressures and demand for additional land division and housing. To approve unwarranted increases in residential density, particularly in the area north of Highway 128, without reserving highway capacity for high priority uses, would compromise the requirement in the Coastal Act that Highway One must remain a scenic two-lane road in rural areas.

Concerning the proposal for Site One (Daniels), the project was reviewed by the County with regard to the 1994 State Route 1 Corridor Study, using the 75/50 development scenario with a horizon year of 2020. Project traffic will access State Route 1 at intersection 16 (State Route 1/Comptche-Ukiah Road) and road segment 11 (Van Damme State Park to Big River Bridge) and would tend to head north along segment 12 (Big River Bridge to Lansing Street). Currently, intersection 16 (westbound approach) operates at level of service B and is projected to degrade to LOS E by the year 2020, with a reserve capacity of 72 peak hour vehicle trips (reserve capacity means that an additional 72 peak hour trips are available before level of service drops to F). Road segment 11 operates at level of service E and is projected to remain at level of service E by the year 2020 with a reserve capacity of 200 vehicle trips. Road segment 12 is projected to remain at level of service A through the year 2020.

The project as first submitted to the County proposed to change the Coastal Plan land use classification and rezone of the 32-acre portion of the 52-acre parcel which lies within the Coastal Zone from RMR-20 to RR-5, which could have resulted in a maximum of five new parcels within the Coastal Zone. The 20-acre portion outside the Coastal Zone is currently designated RR-5, which could result in a maximum of four new parcels. Thus, there could have been a maximum of nine new parcels on the 52 acres. The County instead approved a change to RR-10 for the 32 acres within the Coastal Zone, plus attached a contract rezone and deed restriction limiting future subdivision to three parcels on the entire 52 acres, to maintain the existing development potential of five parcels over the total ownership. The County asserts that although development potential within the Coastal Zone will increase, there will be no net increase in potential lots for the entire 52-acre parcel, and thus no additional traffic will be generated.

The Commission does not agree. If the proposed LCP Amendment for Site One were approved, an additional two parcels could be created within the coastal zone, an increase of 100%. The Commission cannot find the proposed density increase within the Coastal Zone to be consistent

with the policies of the Coastal Act, as the cumulative impacts of approving such density-doubling changes within the Coastal Zone has not been examined. As discussed above, Highway One has very limited remaining traffic capacity, and that which is remaining should be allotted according to a plan that does not preclude high priority uses such as visitor serving or coastal dependent uses, rather than simply approving increases in residential density on a first-come, first-served basis.

The project has the potential for growth-inducing impacts to the surrounding RMR-designated area. Reclassifying the nine RMR parcels, totaling 205 acres, to RR-10, could result in approximately 20 new parcels.

The Commission therefore finds that the proposed LUP Amendment for Site One is inconsistent with Coastal Act Sections 30254 and 30250(a).

Regarding the proposal for Site Two (Merrill, et al.), County staff also looked at the project impacts using the State Route 1 Corridor Study under the 75/50 development scenario with a horizon year of 2020. Project traffic will access State Route 1 at intersection 15 (Little River Airport Road), and road segments 89 and 10 (Navarro Ridge Road to Little River Airport Road to Van Damme State Park). Currently, intersection 15 operates at level of service A and road segments 9 and 10 operate at levels of service D and A, respectively. Intersection 15 is projected to operate at level of service C (westbound approach) by the year 2020. Road segments 9 and 10 are projected at level of service E (with a reserve capacity of 752 peak hour trips) and A, respectively, by 2020.

If the proposed LCP Amendment were approved, as many as three new parcels could be created, an increase of 100%. When looked at in conjunction with the other proposed residential increases in density, plus all existing certified development potential, the potential for significant cumulative impacts on Highway One's carrying capacity is significant. The County states that the location of the site is adjacent to and supports placement of new development adjacent to an existing community with a range of convenience services, thus justifying the residential density increase. The Commission finds that the proximity of the site to the community of Little River does not justify doubling the density without a complete analysis of cumulative impacts. Thus, the Commission finds that the proposed LUP Amendment for Site Two is inconsistent with Coastal Act Sections 30254 and 30250(a).

In the case of Site Three (Reed), the project was also reviewed by the County with regard to the 1994 State Route 1 Corridor Study, using the 75/50 development scenario with a horizon year of 2020. Project traffic will access State Route 1 at intersection 18 (Little Lake Road) and Road Segment 12 (Big River Bridge to Lansing Street). Currently, intersection 19 operates at level of service B and Road Segment 12 operates at level of service A. These facilities are projected to remain at the current level of service in the year 2020. Therefore, this project individually,

which increases the cap on visitor units at the Reed Manor from four to nine, will not cause a significant impact on State Route 1. However, based on the fact that the General Plan amendment currently being processed by the County proposes an increase in visitor-serving units at three sites, and the fact that LCP Amendments increasing density at ten visitor-serving sites have been approved since adoption of the LCP, the Commission can conclude that when looked at cumulatively, the proposed increases in visitor serving facilities will have an adverse cumulative impact on State Route 1. Thus, the Commission finds that the proposed LUP Amendment for Site Three is inconsistent with Coastal Act Sections 30254 and 30250(a).

In the case of Site Four (Rolfe), the proposed change is just a "clean-up" to correct a mapping error; thus, there will be no density increase and thus no impacts, either individually or cumulatively, on traffic. Thus, the Commission finds that the proposed LUP Amendment for Site Four is consistent with Coastal Act Sections 30254 and 30250(a).

In the case of Site Five (Ulatowski), project traffic will access State Route 1 at intersection 18 (Little Lake Road (and road segment 12 (Big River Bridge to Lansing Street)). Currently, intersection 18 operates at level of service B and road segment 12 operates at level of service A. Under the 75/50 development scenario with a horizon year of 2020, these facilities are projected to maintain their current levels of service in the year 2020. This project individually will not significantly impact State Route 1. However, if the proposed LCP Amendment were approved, two new parcels could be created, an increase of 100%. When looked at in conjunction with the other proposed residential increases in density, plus all existing certified development potential, the potential for significant cumulative impacts on Highway One's carrying capacity is great. In addition, this proposed density increase has the potential to induce development and set a precedent for conversion to RR-10 of properties in the surrounding area classified RMR-20, which mostly comprises the Mendocino Village Estates subdivision to the north, consisting of 20 parcels.

Thus, the Commission finds that the proposed LUP Amendment for Site Five is inconsistent with Coastal Act Sections 30254 and 30250(a).

B. New Development.

Section 30250(a) of the Coastal Act requires that new development be located in or near existing developed areas able to accommodate it and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. The intent of this policy is to concentrate development to minimize adverse impacts on coastal resources.

Regarding Site One (Daniels), the 32-acre site is a portion of one 52-acre parcel; the balance lies outside the coastal zone (see Exhibits 5 and 6). Existing development on the property includes two residences, septic systems, wells, outbuildings, and a driveway. The botanical survey done

for the site (see Exhibit No. 7) indicates the presence of pygmy vegetation and soil, decreasing over the site from east to west; the pygmy soils may affect the ability to provide a septic system for any new development if new lots are approved pursuant to an LCP amendment allowing further subdivision.

Thus, while the existing residences on the site are currently served by on-site septic systems and wells, any future land division or other development would require proof of water and demonstration on each new lot of a proposed future land division that an adequate site for sewage disposal exists. County staff notes that construction in the central and northeastern portions of the site may be problematic due to the presence of Tropaequepts soils, which are very poorly drained and may be saturated from December to April; these soils are not normally used for homesite development.

In addition, other development constraints may be posed by the presence of riparian habitat on the property. A small unnamed watercourse flows westerly through the parcel, and another small watercourse flows from a spring in the southwest quadrant to the west. In both these areas, riparian habitat is present, constituting environmentally sensitive habitat, which would need to be protected from the adverse impacts resulting from future development via a 50-100 foot buffer measured from the outward extent of the sensitive habitat.

The Commission thus finds that it has not been demonstrated that the site has the capacity to provide water and sewage to serve the future development that would be allowed by the proposed LCP Amendment, and due to development constraints to the property such as poorly drained soils and environmentally sensitive habitat including pygmy vegetation, riparian habitat, and rare and endangered plant species, the Commission cannot be assured that the site has adequate water and sewage capability to support the proposed density increase. Thus, the Commission finds that the proposed LUP Amendment for Site One is inconsistent with Coastal Act Policy 30250(a).

In the case of Site Two (Merrill, et al), the property consists of three separate parcels. APN 121-320-11 contains a single-family residence, well, septic system, and water storage tank; the other two parcels are currently undeveloped. The Mendocino County Water Agency has stated that "However, this land has only marginal groundwater resources and a portion of the land is in the floodplain of Schoolhouse Creek. In addition, the site contains pygmy resources soils and is a designated highly scenic zone. These and other environmental constraints are best mitigated by avoidance, in this case, retention of the current General Plan zoning." County staff indicates that the main limitations for homesite development include slopes, low strength, seasonally saturated soils, and slow permeability of the Shinglemill soils, with the potential for erosion.

The subject site is designated a "marginal water resource area," wherein a hydrological groundwater supply investigation is not required when densities are less than one unit per five

acres. However, at such time as land division or residential development is proposed, proof of water will be required.

Although pygmy-type soils are indicated on the subject site, the botanical survey did not identify pygmy vegetation on the project site. And while it has not been determined if the site has adequate water or septic capacity to support new development, it is assumed that on ten-acre parcels, water and septic capacity will be available. Therefore, with regards to the capacity of the site to provide water and sewage to serve the development that would be allowed by the LCP Amendment without having significant adverse impacts on coastal resources, the Commission finds that the proposed LUP Amendment for Site Two is consistent with Coastal Act Policy 30250(a).

In the case of Site Three (Reed), the four new units desired by the owners of Reed Manor would be developed through the conversion of existing structures on the site, rather than building new structures. The Mendocino City Community Services District has indicated that the owners have established a groundwater extraction allotment for the Reed Manor and have satisfied District requirements for a total of nine units, and have also stated that sewer right of use for the additional units will be required.

Therefore, the Commission finds that the proposed LUP Amendment for Site Three as submitted, which would increase the visitor unit cap from its current limit of five to a total of nine for the site, is consistent with Coastal Act Policy 30250(a) with regard to the provision of water and sewer services.

In the case of Site Four (Rolfe), the proposal is just a "clean-up" amendment intended to correct a mapping error. The correction would not result in a potential for increased residential density or development, and there will be no impact on coastal resources. Thus, the Commission finds that the proposed LUP Amendment for Site Four as submitted is consistent with Coastal Act Policy 30250(a).

In the cases of Site Five (Ulatowski), the subject parcel is located in a "critical water resource area" wherein proof of water testing may be required at the subdivision stage. In addition, an adequate site for septic systems must be demonstrated for new development, and the seasonally saturated soils must be considered in septic system design, which could include mound systems if necessary. Thus, it has not yet been determined if the site has adequate water or septic capacity to support new development; however, it is likely that on a ten-acre parcel, water and septic capacity would be available. Therefore, the Commission finds that the proposed LUP Amendment for Site Five is consistent with Coastal Act Policy 30250(a) with regard to water and septic services.

C. Visual Resources.

Coastal Act Section 30251 states that the scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance, and that permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, and to be visually compatible with the character of surrounding areas. New development in highly scenic areas shall be subordinate to the character of its setting. Section 30250 requires that development be sited and designed to avoid individual and cumulative impacts on coastal resources. LUP Policies 3.5-3, 3.5-4, 3.5-6, and 3.5-9 limit development within "Highly Scenic" areas. Such restrictions include limiting development to one-story unless no adverse impact would occur; requiring that new development should be subordinate to its setting and sited at the toe of a slope rather than on a ridge; avoidance of large open areas on terraces; screening with tree plantings which do not obscure views; locating development outside the highly scenic area where feasible; and location of roads and driveways to minimize visual disturbance.

In the case of Site Two (Merrill, et al), the subject site is located east of Highway One within an area designated in the County's LUP as "Highly Scenic." Building envelopes for new parcels would need to be located outside the "Highly Scenic Area" to be consistent with the County's LCP policies regarding protection of visual resources, and Sections 30250 and 30251 of the Coastal Act.

While new building envelopes have not been proposed, and it has not been demonstrated where new development would take place, it is assumed that on a ten-acre parcel, a building envelope could be established at such a distance from Highway One as to be invisible from the highway. Thus, the Commission finds that the proposed LUP Amendment for Site Two is consistent with Coastal Act Sections 30250 and 30251 with respect to the protection of visual resources.

Regarding Sites One, Three, Four, and Five, the subject properties are not visible from Highway One and any new development will have no significant adverse impacts on visual resources. Thus, the Commission finds that the proposed LCP Amendments for Sites One, Three, Four, and Five are consistent with Coastal Act Section 30251.

D. Environmentally Sensitive Habitat Areas.

Coastal Act Section 30240(a) states that environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas. Section 30240(b) states that development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.

Section 30231 states that the biological productivity and the quality of coastal streams shall be maintained, that natural vegetation buffer areas that protect riparian habitats should be maintained, and that alteration of natural streams shall be minimized.

In the case of Site One (Daniels), environmentally sensitive habitat has been found on the property. A botanical survey of the subject site has found pygmy soils and vegetation, as well as riparian vegetation, located on the parcel, constituting environmentally sensitive habitat (see Exhibit No. 7). Within the pygmy forest, rare and endangered Bolander's pine, pygmy cypress, and California sedge have been found. In addition, the site is adjacent to a portion of the Mendocino Headlands State Park. At the time any land division were proposed, such land division and/or future residential development would be restricted by the policies of the certified LCP that protect sensitive habitat and require buffer areas. Buffer areas of 100 feet (reduced to 50 feet if Fish and Game finds it appropriate) would have to be established around the sensitive habitat areas, measured from the outward extent of the sensitive habitat. However, no building envelopes have been proposed, and it has not been demonstrated that new development could be approved on the property without having impacts on the environmentally sensitive habitat areas, which are considerable, consisting of pygmy vegetation, rare and endangered plants, and riparian habitat.

Since it has not been demonstrated that environmentally sensitive habitat will not be adversely affected, the Commission finds that the proposed LUP Amendment for Site One is inconsistent with Sections 30231 and 30240 of the Coastal Act.

In the case of Site Two (Merrill, et al), a botanical survey (see Exhibit No. 12) revealed the presence of a population of the rare and endangered swamp harebell (Campanula californica) in the swampy portion of the parcel associated with the unnamed drainage to the north. In addition, a well-developed zone of riparian habitat borders Schoolhouse Creek along the southern property boundary. The riparian areas and the rare plant habitat are currently protected by the open space easements encumbering the 50-foot buffer adjacent to the unnamed drainage and rare plant and 100-foot buffer adjacent to Schoolhouse Creek, established pursuant to a requirement of an earlier coastal permit. It appears that, although building envelopes have not been provided, it will be possible to create building envelopes on the new parcels that could be approved pending approval of this amendment, and that these building envelopes could be located outside the buffer areas.

The Commission thus finds that since environmentally sensitive habitat would not be adversely affected, the proposed LUP Amendment for Site Two is consistent with Sections 30231 and 30240.

In the case of Site Three (Reed) and Site Four (Rolfe), there is no environmentally sensitive habitat on the properties. Thus, the Commission finds that since environmentally sensitive

habitat will not be adversely affected, the proposed LUP Amendments for Site Three and Four, are consistent with Sections 30231 and 30240 of the Coastal Act.

Regarding the proposal for Site Five (Ulatowski), the Natural Diversity Database indicates that the rare and endangered plant species Castilleja mendocinensis (Mendocino coast paintbrush) extends over the western third of the site. To protect this environmentally sensitive habitat area, a buffer area of 100 feet (reduced to 50 feet if Fish and Game indicated it was appropriate) would have to be established at the time of subdivision. No botanical survey was conducted on the subject property; therefore, the Commission cannot conclude that there is adequate area available for building envelopes to be established on new parcels that would be outside of the necessary buffer area. Thus, since it has not been demonstrated that the environmentally sensitive habitat on the subject property will not be adversely affected, the Commission finds that the proposed LUP Amendment for Site Five, which will allow an additional parcel, is inconsistent with Sections 30231 and 30240 of the Coastal Act.

E. Visitor Serving Facilities.

Section 30213 of the Coastal Act states that lower cost visitor shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

Section 30222 states that the use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

Section 30254 states that where existing or planned public works facilities can accommodate only a limited amount of new development, visitor-serving land uses shall not be precluded by other development.

One of the LCP Amendment proposals concerns visitor-serving accommodations. The proposal for Site Three (Reed) would increase the inn unit cap associated with the Reed Manor as stipulated in the Mendocino Town Plan (see Exhibit No. 20) and Zoning Ordinance from five units to a total of nine units. While visitor-serving facilities are a high priority coastal land use under the Coastal Act, the Commission has found that within the Town of Mendocino, a balance between residential land uses and visitor-serving facilities must be maintained, pursuant to Town Plan Policy 4.13-1, which states that:

The preservation of the town's character shall be achieved, while allowing for orderly growth...Balance shall be sought between residential units, visitor accommodations and commercial uses..."Balance" between residential uses, commercial uses and visitor

serving uses shall be maintained by regulating additional commercial uses through development limitations cited in the Mixed Use and Commercial Land Use Classifications; and by limiting the number of visitor serving uses. Visitor Serving Units listed on Table 4.13-1 (234) shall remain fixed...until the plan is further reviewed and a plan amendment is approved and certified by the California Coastal Commission.

The Commission interprets this policy to mean that a review of the Town Plan must take place that assesses any recent changes in the ratio of residential development to visitor-serving facilities to determine if it is appropriate to increase the potential visitor-serving facilities within the Town. If it is determined that it is appropriate to increase the number of visitor-serving facilities, an LCP amendment must be processed by the Commission that adjusts the number of allowable visitor-serving units throughout the Town, based on an analysis of supply, demand, and an evaluation of the balance between residential and visitor-serving uses. This review, analysis, and subsequent amendment approval have not taken place. Since acting on the request for an increase in units at Reed Manor, the County has received and begun processing requests for at least two more such increases in the Town.

A review of the inn-unit caps in the Mendocino Town Plan was commenced by County staff (see Exhibit No. 21). This draft plan resulting from the review indicates that since 1992, four residential units have been converted to non-residential uses, and two new residential units have been developed; thus, since the Town Plan was adopted, the Town of Mendocino has experienced a net loss of two residential units. The plan further indicates that five new visitor-serving units have been developed since the Town Plan was adopted, in accordance with the limits designated on Table 4.13-1; eight potential visitor serving units remain to be developed. Since 1992, approximately 1,900 square feet of new commercial space has been developed in Mendocino. The plan concludes that "The 'balance' between residential, commercial, and visitor-serving facilities has not changed significantly since adoption of the Town Plan. To the extent that it has changed, residential uses have declined while visitor-serving and commercial uses have intensified. In conclusion, there is no justification for modifying the Town Plan to allow for more visitor-serving facilities and it may be necessary to consider amendments to protect and encourage residential uses."

The Commission believes the County needs to look at the Town as a whole, determine how much, if any, additional visitor-serving facilities are appropriate, and determine a fair way of allocating the additional units to the various existing and proposed facilities, rather than just approve such requests on a first-come, first-served basis without considering the cumulative impact of future such requests. The Commission does not interpret this policy to mean, as it appears the County does, that the County should submit an LCP amendment request for each new increase in the cap on visitor-serving units for each particular visitor-serving facility as an inn owner wishes to expand a particular inn. Such a piecemeal approach to planning does not take into account the cumulative impacts of density increases, inconsistent with the Coastal Act.

The Commission is also concerned that approval of this proposal to increase inn units will encourage other property owners to apply for additional visitor serving units, and will have a significant adverse effect on the "balance" that currently exists between residential use, commercial use, and visitor-serving facilities within the Town and that is so integral to the preservation of the Town's character.

The Commission thus finds that the proposed LUP Amendment for Site Three is inconsistent with Coastal Act Sections 30213, 30222, and 30254

F. Agricultural Resources.

Coastal Act Section 30241 states that the maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the area's agricultural economy, and conflicts shall be minimized between agricultural and urban land uses through, among other things, establishing stable boundaries separating urban and rural areas, including, where necessary, clearly defined buffer areas to minimize conflicts between agricultural and urban uses.

LUP Policy 3.2-13 requires that residential development maintain a 10-acre minimum parcel size adjacent to Type II Agricultural Preserves.

Site One (Daniels) is located adjacent to a portion of Mendocino Headlands State Park (see Exhibit No. 5) which is designated "Williamson Act" on the Blayney-Dyett LUP map certified by the Commission. As the proposed amendment seeks to change the land use plan classification and rezone to 10-acre minimum parcel size, the proposed amendment can be found to be consistent with Coastal Act Section 30241 and LUP Policy 3.2-13, as an adequate buffer can be established between agricultural and urban land uses, and a 10-acre minimum parcel size will be maintained adjacent to the agriculturally designated park parcel.

The Commission thus finds that the proposed LUP Amendment for Site One is consistent with Section 30241 of the Coastal Act.

Since there are no agricultural resources present on or adjacent to Sites Two, Three, Four, and Five, the Commission finds that the proposed LUP Amendments for Sites Two, Three, Four, and Five are consistent with Coastal Act Policy 30241.

IV. IMPLEMENTATION PROGRAM FINDINGS:

Regarding Sites One, Two, Three, and Five, since the Commission has not certified the proposed LUP map changes, the proposed Implementation Program changes cannot be approved,

since to do so would result in an Implementation Program that would be inconsistent with and unable to carry out the amended Land Use Plan designations for each site.

Regarding Site Four (Rolfe), the proposal is just a "clean-up" amendment that changes the Land Use Plan map to make it consistent with the existing Implementation Program map. Therefore, the existing Implementation Program is consistent with and adequate to carry out the Land Use Plan as amended.

V. CEQA:

Pursuant to SB 1873, which amended the California Environmental Quality Act, the Coastal Commission is the lead agency in terms of meeting California Environmental Quality Act (CEQA) requirements for local coastal programs. In addition to making a finding that the amendment is in full compliance with the Coastal Act, the Commission must make a finding consistent with Section 21080.5 of the Public Resources Code. Section 21080.5(d)(2)(i) of the Public Resources Code requires that the Commission not approve or adopt an LCP:

...if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment.

As discussed in the findings above, Sites One, Two, Three and Five of the amendment request as submitted are inconsistent with the California Coastal Act and will result in significant environmental effects within the meaning of the California Environmental Quality Act. Site Four is consistent with the California Coastal Act and will not result in significant environmental effects within the meaning of the California Environmental Quality Act

EXHIBIT NO.

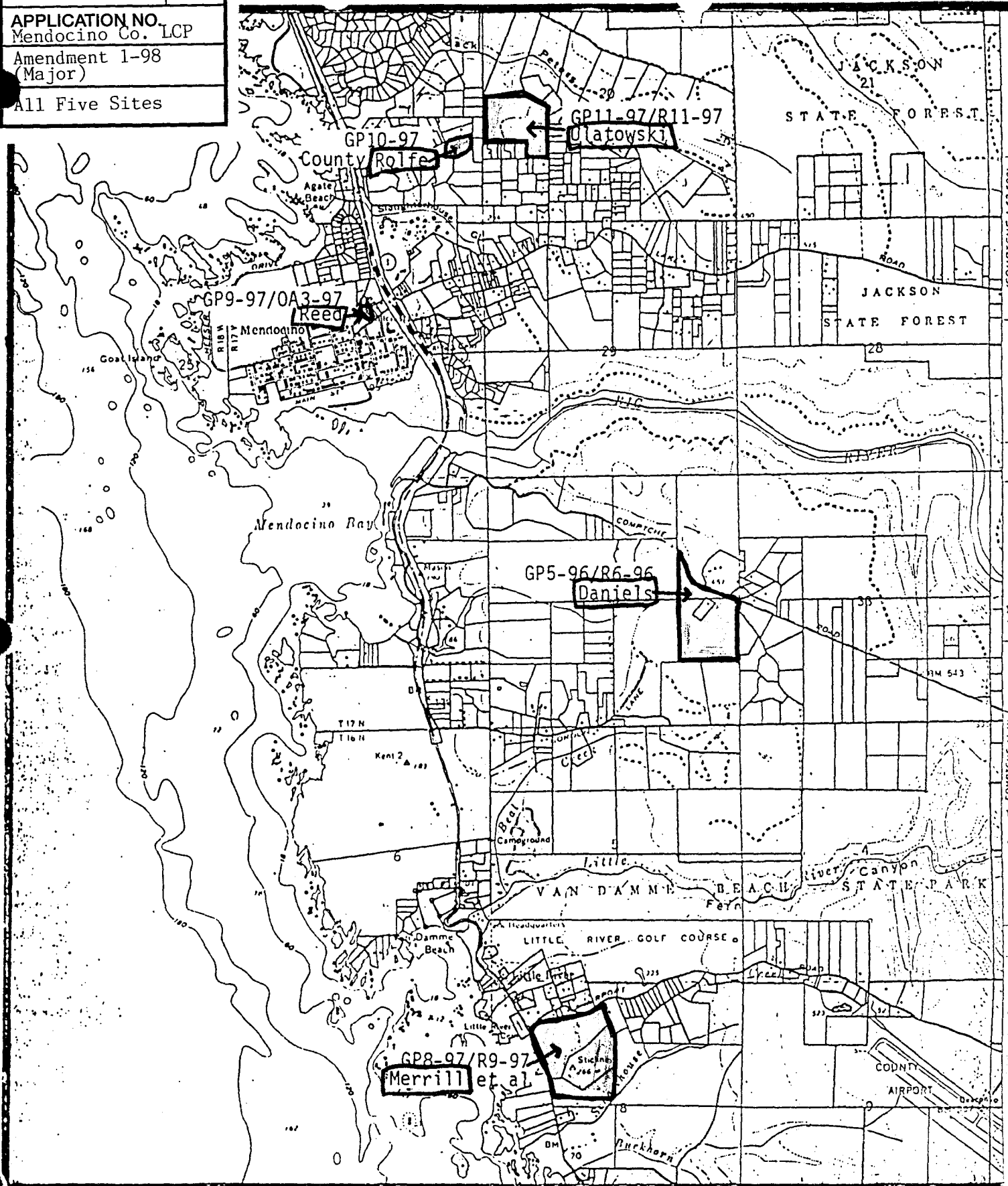
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APPLICATION NO.

Mendocino Co. LCP

Amendment 1-98
(Major)

All Five Sites

**CASE NUMBER:**

Refer to Map

OWNER:

Refer to Map

AGENT:**A/P NUMBER:**

Numerous

1997 North of Navarro Coastal Land Use
Map Changes and Related Applications**SCALE:**

1" = 1 mile



NORTH

EXHIBIT NO. 2
APPLICATION NO. Mendocino Co. LCP
Amendment 1-98 (Major)
Board of Supervisors Findings & Resolutions

**BOARD OF SUPERVISORS
JANUARY 26, 1998**

CONSENT CALENDAR

THE PUBLIC HEARING FOR CONSENT ITEMS WAS OPENED AND SUBSEQUENTLY CLOSED as no one present wished to address these items.

Upon motion by Supervisor Delbar, seconded by Supervisor Campbell, and carried unanimously; IT IS ORDERED that Consent Calendar items (2-4) are approved as follows:

3. GP 15-97

SUBJECT: 1997 North of Navarro General Plan Amendment Group and Associated Rezones and other Ordinance Amendments listed as follows: #GP 5-96 / R 6-96; #GP 8-97 / R 9-97; #GP 9-97 / OA 3-97; #GP 10-97; #GP 11-97 / R 11-97.

Planner Pam Townsend answered questions of the Board relative to traffic studies.

The Board of Supervisors approves for submittal to the Coastal Commission the 1997 North of Navarro Group #GP 15-97, consisting of the attached Coastal Land Use Map, Zoning Map and Ordinance amendments, based on the following:

1. An initial study has been prepared concluding that no significant unmitigated environmental impacts will occur as the result of #GP 15-97.

Modification to #GP 5-96 / #R 6-96 to RR-10 and the Board's stated intention to apply the RR-10 designations to the remaining 20 acres outside the Coastal Zone will maintain the existing development potential of 5 parcels over the total ownership. Although development potential within the Coastal Zone will increase, potential impacts to pygmy resources predominately located on the portion of the ownership outside the Coastal Zone will be reduced. No additional traffic will be generated.

The location of #GP 8-97 / #R 9-97 is adjacent to and supports placement of new development adjacent to an existing community with a range of convenience services. The contract rezone to limit future development to a 10 acre minimum and prohibit new encroachments on Highway 1 addresses the issue of successive reclassification to higher densities and visual impacts in the Highly Scenic Area.

#GP 9-97 / OA 3-97 reflects the staff report findings and Board's motion that no significant environmental impacts will occur.

2. The projects proposed to be included in #GP 15-97 are consistent with the General Plan and are in the public interest.

#GP 5-96 / R 6-96 as revised to RR-10 is consistent with Agricultural Policy 3.2-13 because 10 acre parcels will be maintained next to Forest Land and

the State Park. The reduced development potential under the RR-10 classification when applied to the total ownership eliminates inconsistencies with Locating New Development Policy 3.9-1, Energy Goal 2, and Transportation Policy 3.8-1.

#GP 8-97 / #R 9-97 locates new development adjacent to an existing community with a range of convenience services and is therefore consistent with Locating New Development Policy 3.9-1 and Energy Goal 2. Prohibiting new access to Highway 1 will reduce impacts to the Highly Scenic Area.

#GP 9-97 / OA 3-97 is consistent with the intent of the Mendocino Town Plan as stated in the staff report and Board's action for the project, in that residential units will not be converted, the residential-visitor serving "balance" will not be compromised, new facilities will not be established, and location outside the town core will limit traffic impacts that may otherwise be associated with the project.

3. The Board adopts the following Ordinances and Resolutions for submittal to the Coastal Commission, further specifying that the Board's action shall be final for those amendments approved without suggested modification:

RESOLUTION NO. 98-009

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS TO AMEND THE LOCAL COASTAL PROGRAM FOR MENDOCINO COUNTY (#GP 5-96 - DANIELS)

approving GP 5-96 / R 6-96 Daniels from RMR-20 to RR-10.

RESOLUTION NO. 98-010

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS TO AMEND THE LOCAL COASTAL PROGRAM FOR MENDOCINO COUNTY (#GP 8-97 - MERRILL, POLLARD, SAWYER, HASSEBROCK)

approving GP 8-97 / R 9-97 Merrill, Pollard, Sawyer, Hassebrock from RMR-20 to RR-10.

RESOLUTION NO. 98-011

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS TO AMEND THE LOCAL COASTAL PROGRAM FOR MENDOCINO COUNTY (#GP 11-97 - ULATOWSKI)

approving GP 11-97 / R 11-97 Ulatowski from RMR-20 to RR-10.

RESOLUTION NO. 98-012

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS TO

EXHIBIT NO.	2
APPLICATION NO.	Mendocino Co. LCP
	Amendment 1-98 (Major)

AMEND THE LOCAL COASTAL PROGRAM FOR MENDOCINO COUNTY (#GP 10-97 - ROLFE)

approving GP 10-97 Rolfe / Mendocino County correcting the boundary between the RR-5 and RR-5[RR-2] classification.

RESOLUTION NO. 98-013

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS TO AMEND THE LOCAL COASTAL PROGRAM FOR MENDOCINO COUNTY (#GP 9-97 - REED)

approving GP 9-97 / OA 3-97 Reed increasing the inn cap associated with Reed Manor from 5 units to 9 units.

ORDINANCE NO. 3993 approving GP 5-96 / R 6-96 Daniels from RMR to RR:L:10.

ORDINANCE NO. 3994 approving GP 8-97 / R 9-97 Merrill, Pollard, Sawyer, Hassebrock from RMR to RR:L:10:CR limiting future subdivision to 10 acres and not allowing encroachment or access from Highway 1.

ORDINANCE NO. 3995 approving GP 11-97 / R 11-97 Ulatowski from RMR to RR:L:10.

ORDINANCE NO. 3996 approving OA 3-97 Reed increasing the inn cap associated with Reed Manor from 5 units to 9 units.

The Chairman is authorized to execute the Contract for Compliance with Rezone Conditions associated with GP 8-97 / R 9-97.

EXHIBIT NO.	2
APPLICATION NO.	Mendocino Co. LCP
Amendment 1-98	(Major)

APPROXIMATE
LOCATION

EXHIBIT NO. 3

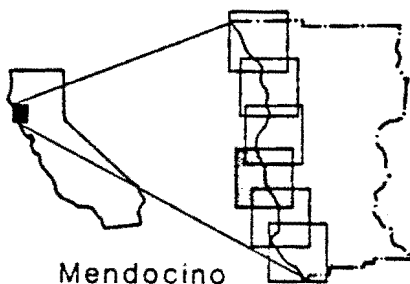
APPLICATION NO.

Mendocino Co. LCP

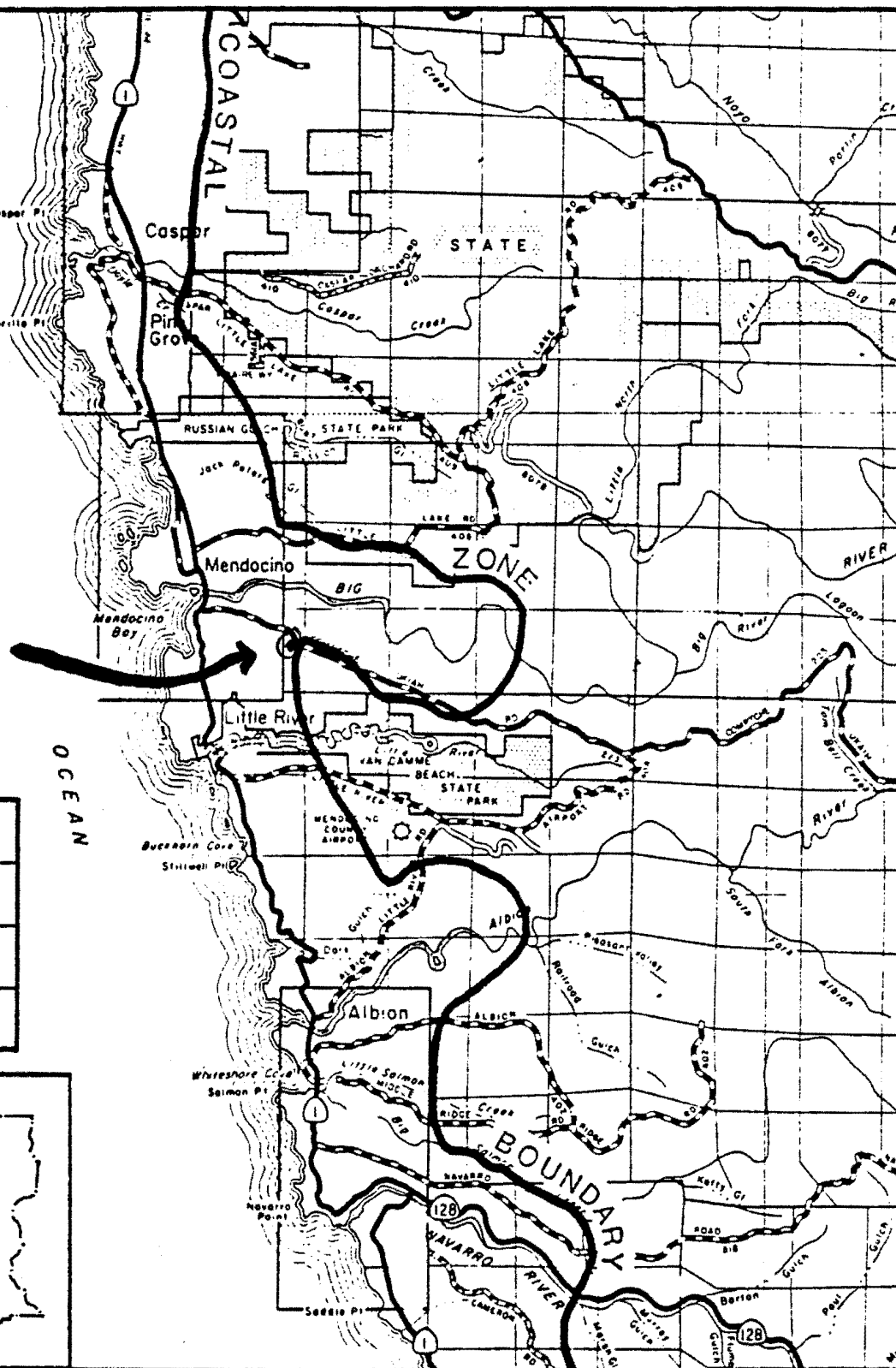
Amendment 1-98
(Major), Site One



Location Map
California Coastal Commission



Mendocino



California Coastal Commission

LOCATION MAP



EXHIBIT NO.

4

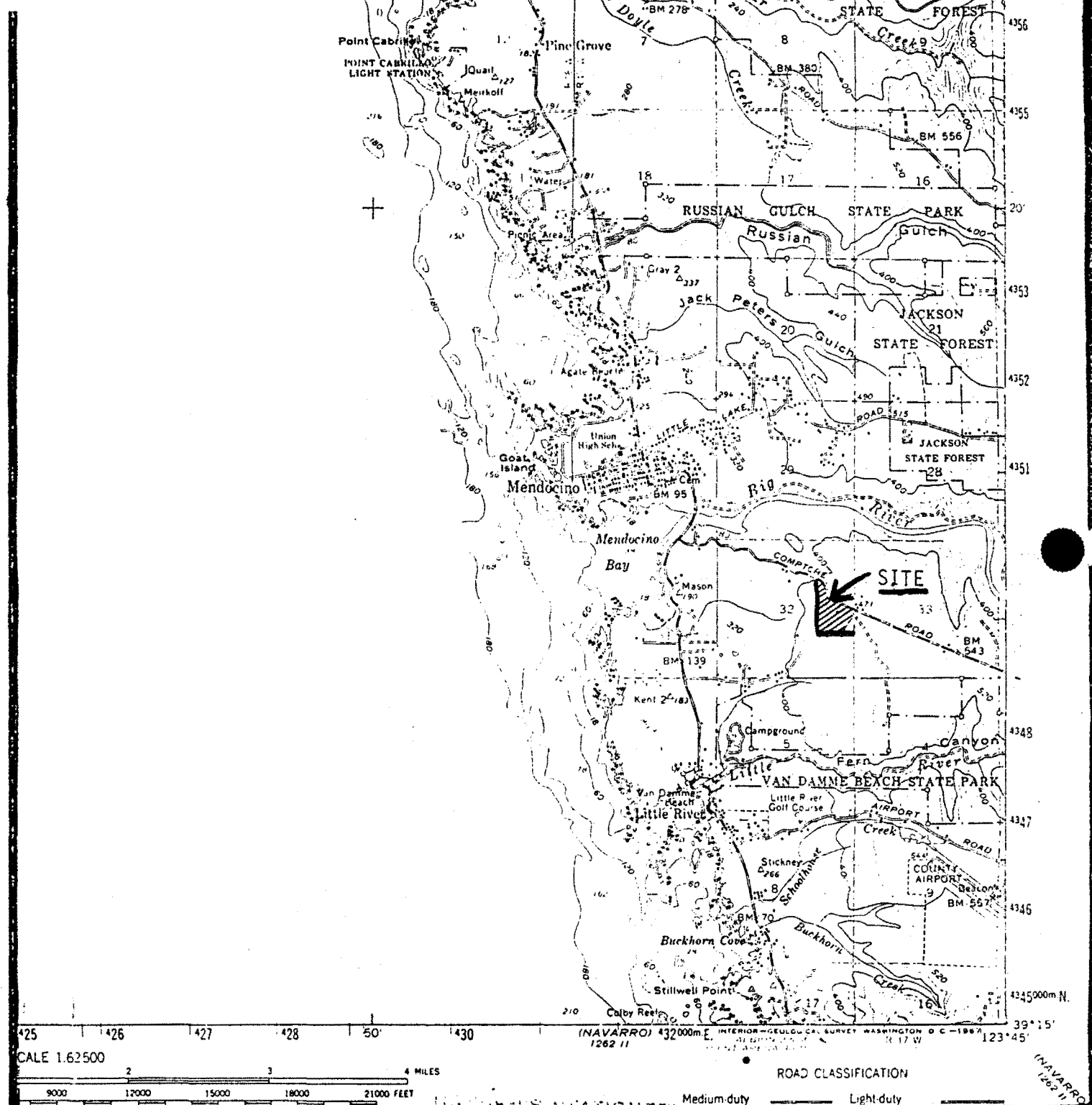
APPLICATION NO.

Mendocino Co. LCP

Amendment 1-98
(Major), Site One

Vicinity Map

PAGE PL-5



CASE NUMBER:

#GP 5-96/#R 6-96

OWNER:

Ronald Daniels

AGENT:

Joseph J. Scherf

A/P NUMBER:

119-410-14, 119-420-23

LOCATION MAP

SCALE:

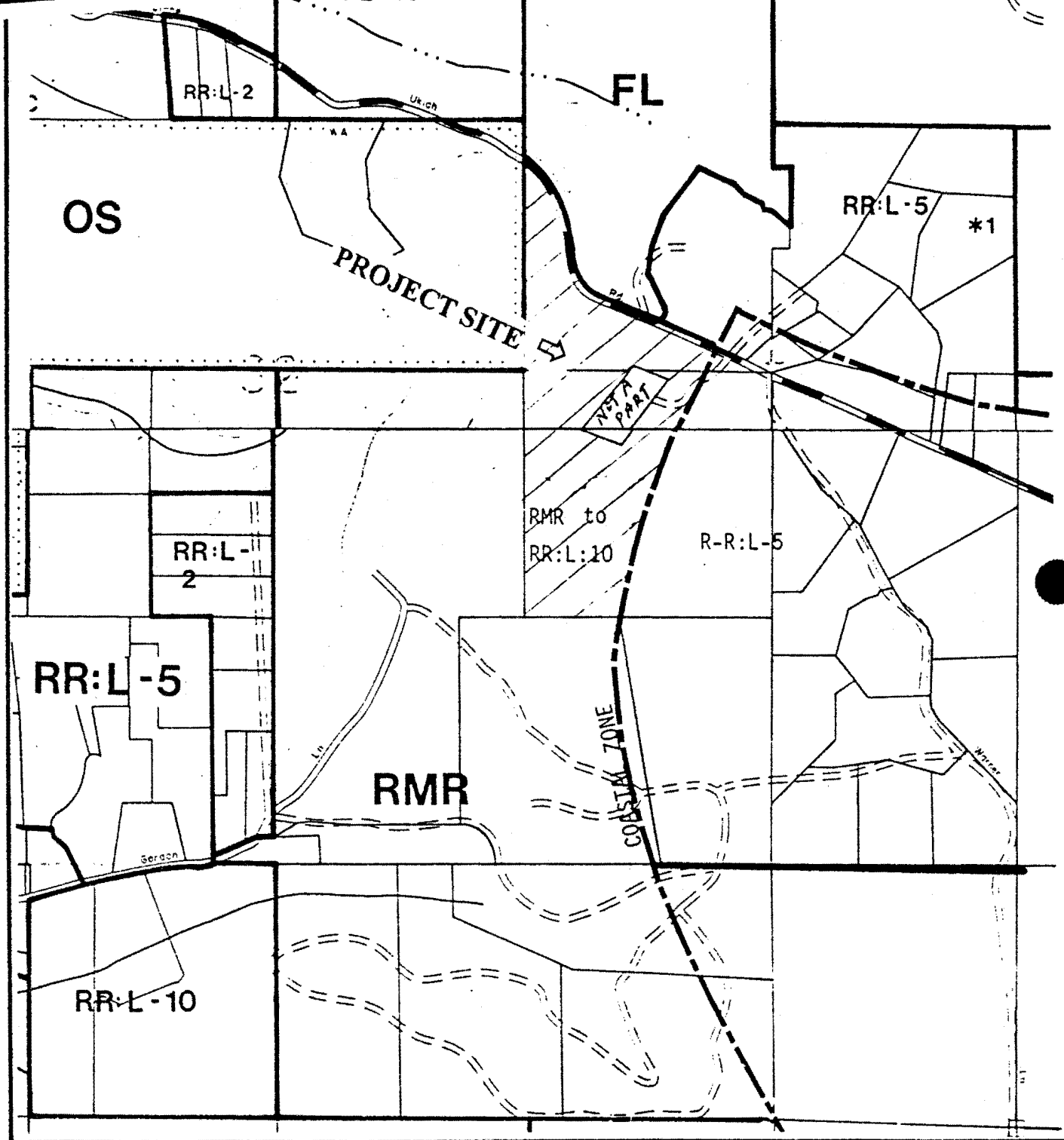
1" = 1 mile



NORTH

A 70

EXHIBIT NO. 6
 APPLICATION NO.
 Mendocino Co. LCP
 Amendment 1-98
 (Major), Site One
 Zoning Map



CASE NUMBER: GP 5-96/R 6-96	OWNER: Daniels	APPLICANT: Scherf
A/P NUMBER: 119-420-23, 119-410-14 (portion)	COUNTY ZONING MAP 42F Amend RMR to RR:L:10	SCALE: 6.75" = 1 mi ↑ N

EXHIBIT "A"

A5

EXHIBIT NO.

7

APPLICATION NO.

Mendocino Co. LCP

Amendment 1-98

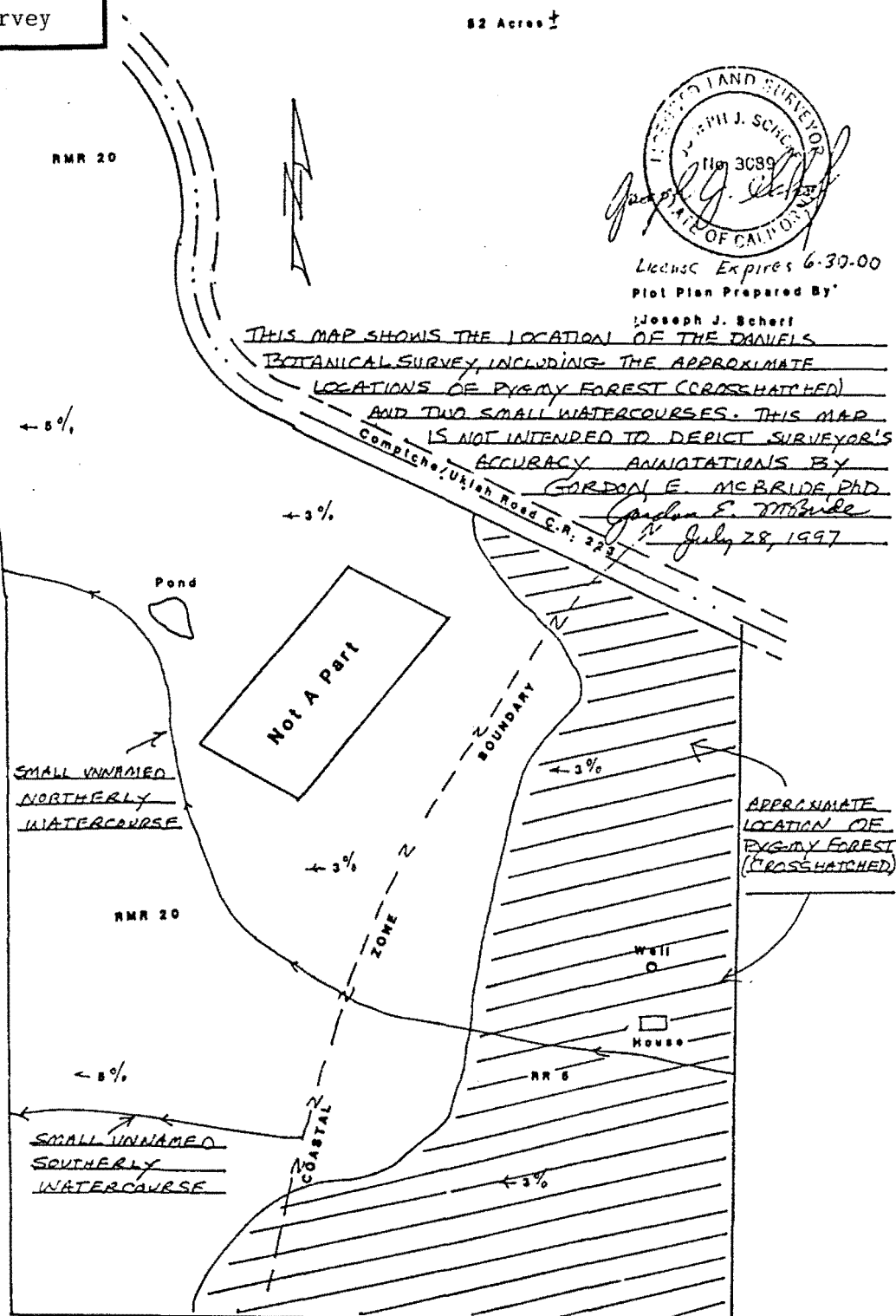
(Major), Site One

Botanical Survey

1" = 200'

July 28, 1996

82 Acres ±



CASE NUMBER:

GP 5-96/R 6-96

OWNER:

Daniels

APPLICANT:

Scherf

A/P NUMBER:

119-420-23, 119-410-14 (portion)

BOTANICAL SURVEY

SCALE:

↑ N

EXHIBIT NO.	8
APPLICATION NO.	Mendocino Co. LCP
	Amendment 1-98 (Major), Site One
	Resolution

RESOLUTION NO. 98-009

**RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY
OF MENDOCINO TO AMEND THE LOCAL
COASTAL PROGRAM FOR MENDOCINO COUNTY
(#GP 5 -96 - Daniels)**

WHEREAS, the County of Mendocino has adopted a Local Coastal Program, and

WHEREAS, the Local Coastal Program has been certified by the California Coastal Commission, and

WHEREAS, an application has been submitted to the County requesting amendment of the County's Local Coastal Program, and

WHEREAS, the County Planning Commission has held a public hearing on the requested amendment and submitted its recommendation to the Board of Supervisors, and

WHEREAS, the Board of Supervisors has held a public hearing on the requested amendment and has determined that the Local Coastal Program should be amended,

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of the County of Mendocino adopts #GP 5-96 amending the Local Coastal Program as shown on attached Exhibit A.

BE IT FURTHER RESOLVED, that Planning and Building Services staff is directed to include the amendment proposed herein in the next submittal to be made to the California Coastal Commission for certification, and

BE IT FURTHER RESOLVED, that the amendment shall not become effective until after the California Coastal Commission approves the amendment without suggested modification. In the event that the California Coastal Commission suggests modifications, the amendment shall not become effective until after the Board of Supervisors of the County of Mendocino accepts any modification suggested by the California Coastal Commission and formally adopts the proposed amendment.


BE IT FURTHER RESOLVED, that the Local Coastal Program, as is proposed to be amended, is intended to be carried out in a manner fully in conformity with the California Coastal Act of 1976.

BE IT FURTHER RESOLVED, that in the event that the California Coastal Commission denies certification of the amendment proposed to be adopted in this resolution, this resolution shall become inoperative and will be immediately repealed without further action by the Board of Supervisors insofar as this resolution pertains to such amendment for which certification is denied. This resolution shall remain operative and binding for those amendments proposed herein that are certified by the California Coastal Commission.

The foregoing Resolution was introduced by Supervisor Delbar, seconded by Supervisor Campbell and carried this 26th day of January, 1998 by the following roll call vote:

AYES: Supervisors Delbar, Shoemaker, Campbell, Peterson, Pinches
NOES: None
ABSENT: None

Whereupon the Chairman declared said Resolution passed and adopted and SO ORDERED



Chairman, Board of Supervisors

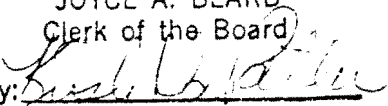
ATTEST: JOYCE A. BEARD
Clerk of the Board

By: 

DEPUTY

#GP 5-96 - Ronald, Richard & George Daniels

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

JOYCE A. BEARD
Clerk of the Board
By: 

DEPUTY

EXHIBIT NO. 8
APPLICATION NO. Mendocino Co. LCP
Amendment 1-98 (Major), Site One
Resolution

ORDINANCE NO. 3993

AN ORDINANCE CHANGING THE ZONING OF REAL
PROPERTY WITHIN MENDOCINO COUNTY

The Board of Supervisors of the County of Mendocino, State of California, ordains as follows:

Pursuant to Division II of Title 20, Chapter 20.548 of the Mendocino County Code, the zoning of the following real property within Mendocino County is hereby changed as described below.

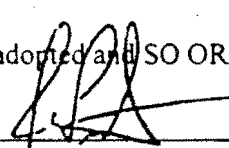
Said zoning change encompasses the property described by Assessor's Parcel Numbers 119-420-43 and a portion of 119-410-14 which are reclassified from RMR (Remote Residential) to RR:L-10 (Rural Residential - 10 acre minimum), more particularly shown on the attached Exhibit "A".

This Ordinance shall not become effective or operative until the California Coastal Commission approves said zoning change without suggested modification.

Passed and adopted by the Board of Supervisors of the County of Mendocino, State of California, on this 26th day of January, 1998, by the following vote:

AYES: Supervisors Delbar, Shoemaker, Campbell, Peterson, Pinches
NOES: None
ABSENT: None

WHEREUPON, the Chairman declared said Ordinance passed and adopted and SO ORDERED.


Chairman of said Board of Supervisors

ATTEST: JOYCE BEARD
Clerk of said Board

By 
DEPUTY

CASE#: #R 6-96
OWNER: Ronald, Richard & George Daniels

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

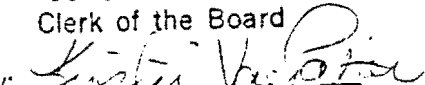
JOYCE A. BEARD
Clerk of the Board
By: 
DEPUTY

EXHIBIT NO.	8 a
APPLICATION NO.	Mendocino Co. LCP
Amendment 1-98 (Major), Site One	
Ordinance	

EXHIBIT NO. 9

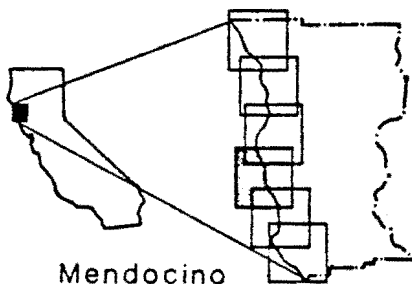
APPLICATION NO.
Mendocino Co. LCP

Amendment 1-98
(Major), Site Two



Location Map
California Coastal Commission

APPROXIMATE
LOCATION



Mendocino



California Coastal Commission

LOCATION MAP



County of Mendocino

Sheet 4 of 6

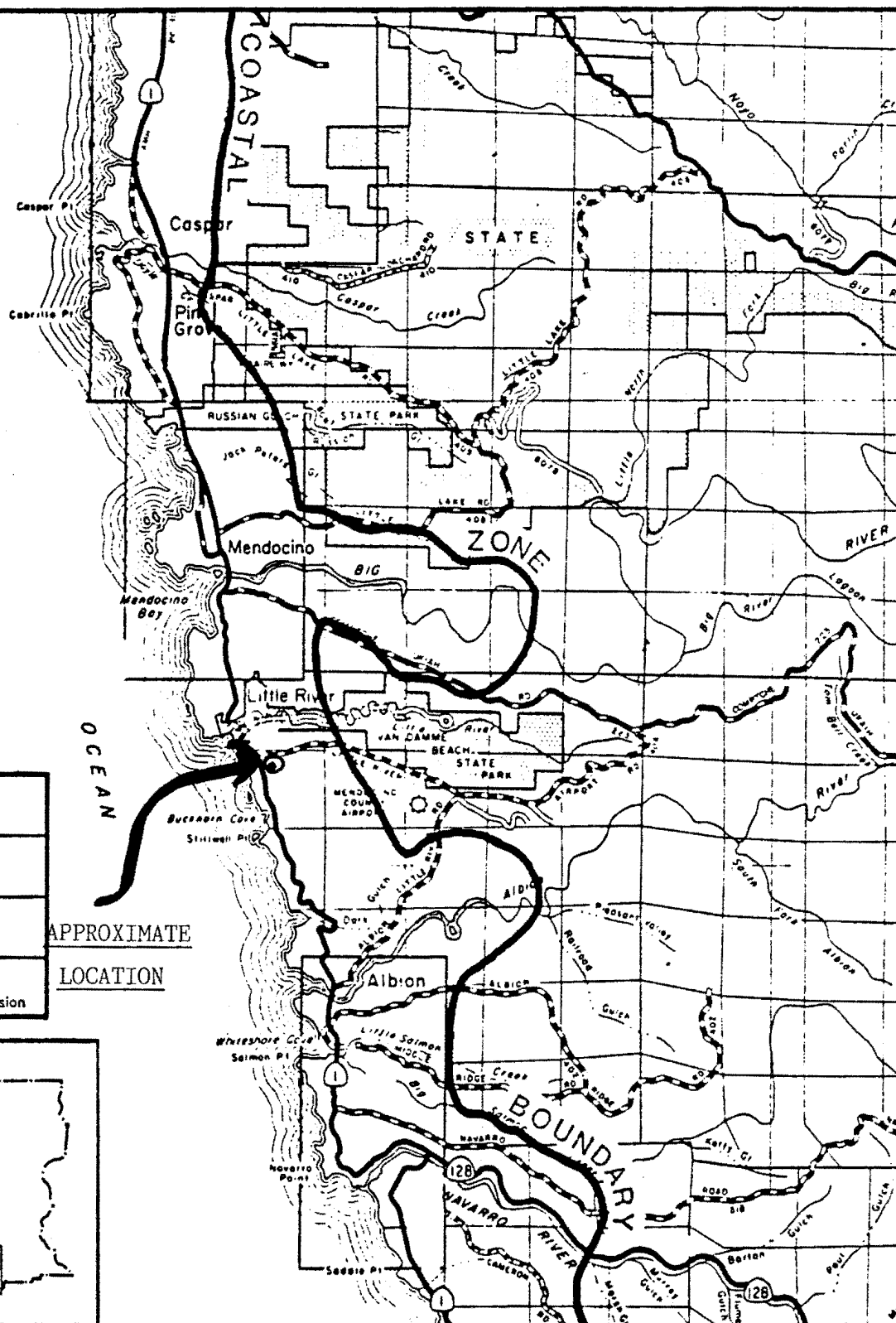
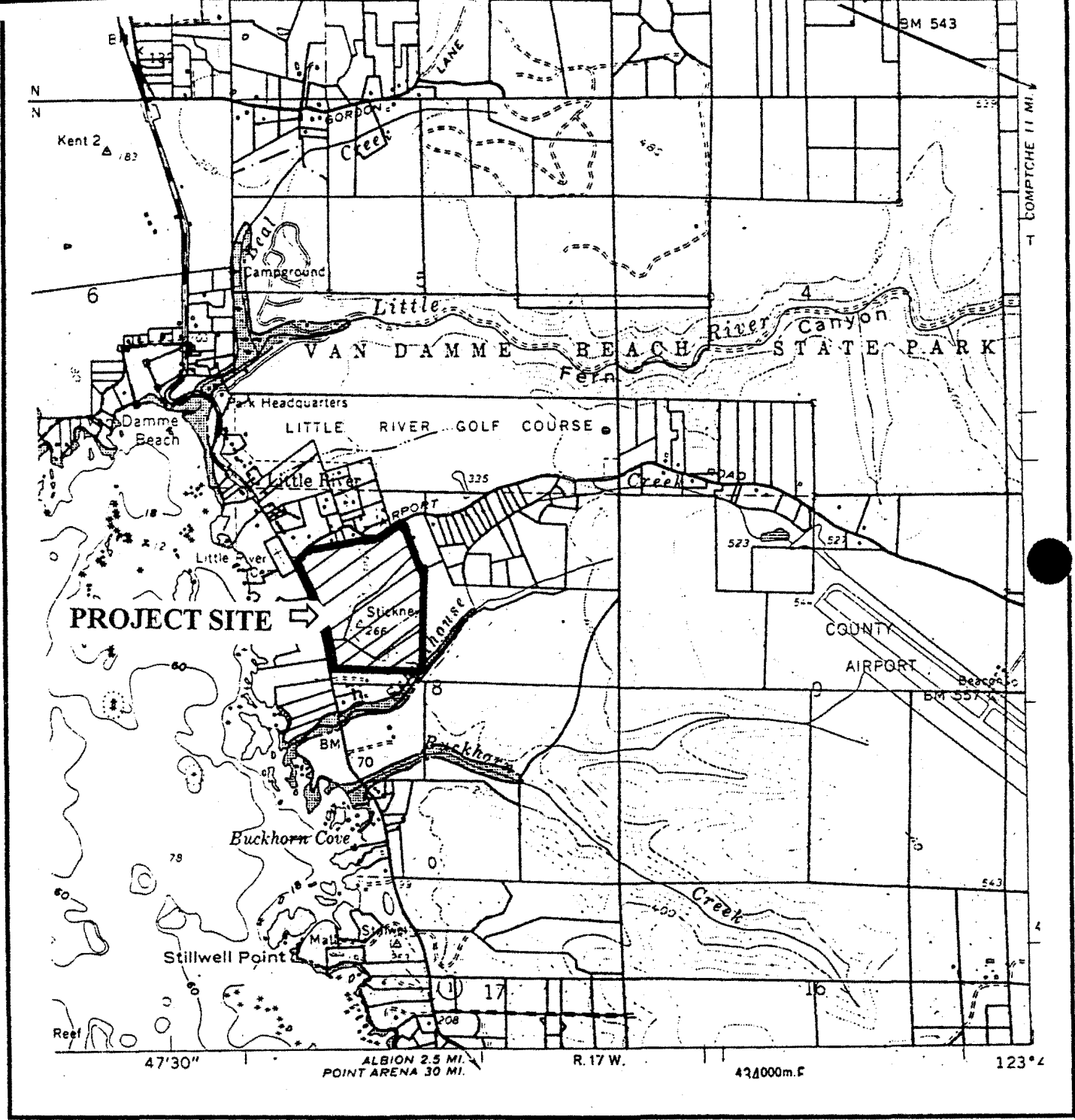


EXHIBIT NO. 10

APPLICATION NO.
Mendocino Co. LCP

Amendment 1-98
(Major), Site Two

Location Map



CASE NUMBER: GP 8-97/R 9-97	OWNER: Merrill, Pollard, Hasselbrock, Sawyer	APPLICANT: Kamb
A/P NUMBER: 121-320-06, 11, 12	LOCATION MAP	SCALE: 2 5/8" = 1 mile ↑ N

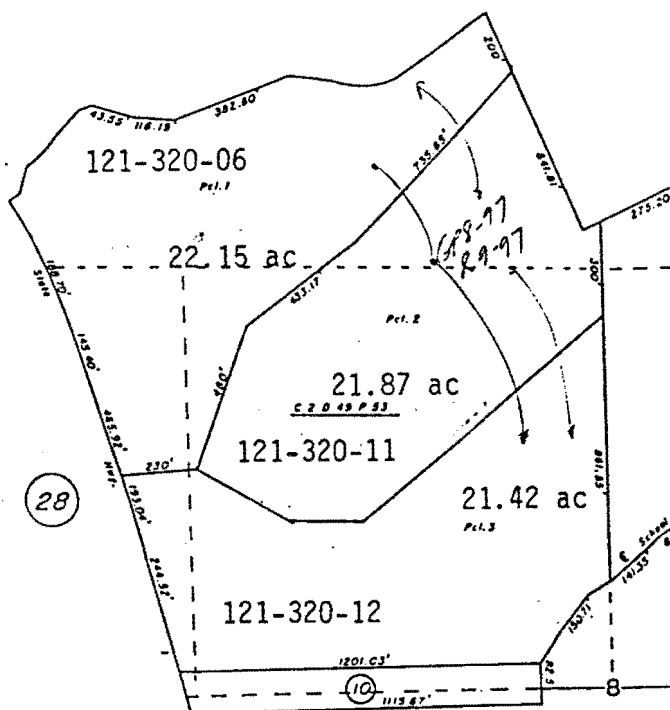
B20

EXHIBIT NO. 11

APPLICATION NO.
Mendocino Co. LCP

Amendment 1-98
(Major). Site Two

Assessor's Map



CASE NUMBER:
GP 8-97/R 9-97

OWNER: Merrill, Pollard,
Hasselbrock, Sawyer

APPLICANT:
Kamb

A/P NUMBER:
121-320-06, 11, 12

ASSESSOR'S MAP

SCALE: ↑ N

Future residential structures shall have a minimum setback of 200 feet distance from a parcel designated for forest use.

Properly adjacent to Timber Production lands may be subject to inconvenience or discomfort arising from timber practices which occasionally generate dust, noise, smoke, and odors.

Development within the flood plain is subject to those restrictions in the Flood Plain Regulations of the Mendocino County Code.

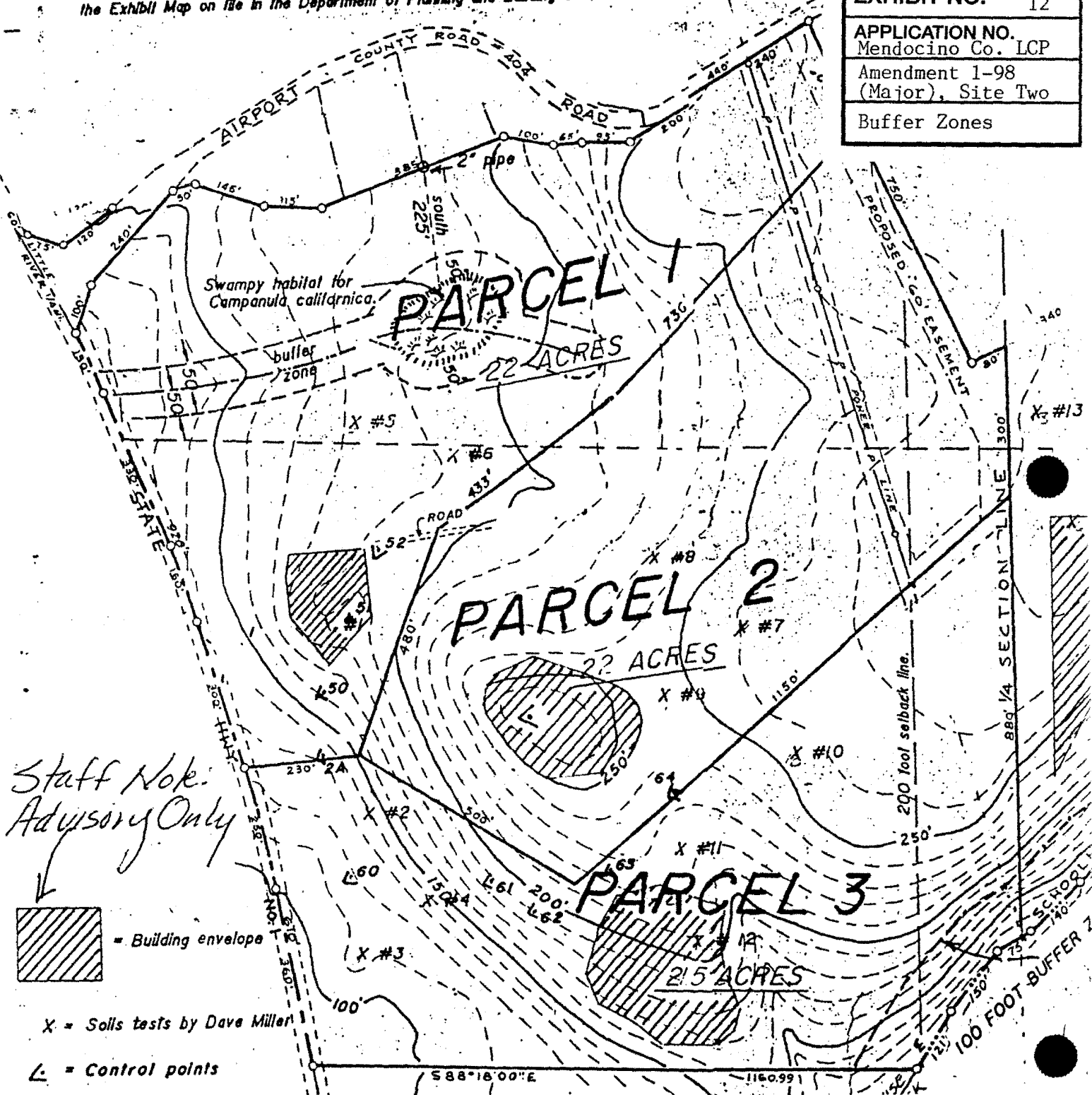
Future development will be subject to Chapter 3.5 (Highly Scenic) of the Coastal Elements of the Mendocino County General Plan.

No development or ground disturbance shall be permitted within the stream buffer areas or that area identified as habitat for the rare plant, *Campanula californica*, on the Exhibit Map on file in the Department of Planning and Building Services.

fills the limits of the swampy habitat for *Campanula californica* and the associated drainage with a 50 foot buffer along each side measured from the center of the drainage, and a 100 foot buffer on the north side of Schoolhouse Creek measured from the center of the creek.

Gordon E. McBride
Gordon E. McBride PhD.

EXHIBIT NO.	12
APPLICATION NO.	Mendocino Co. LCP
	Amendment 1-98
	(Major), Site Two
Buffer Zones	



CASE NUMBER:
GP 8-97/R 9-97

A/P NUMBER:
121-320-06, 11, 12

OWNER: Merrill, Pollard,
Hasselbrock, Sawyer

#MS 49-88 PARCELMAP
EXHIBIT/NOTATIONS

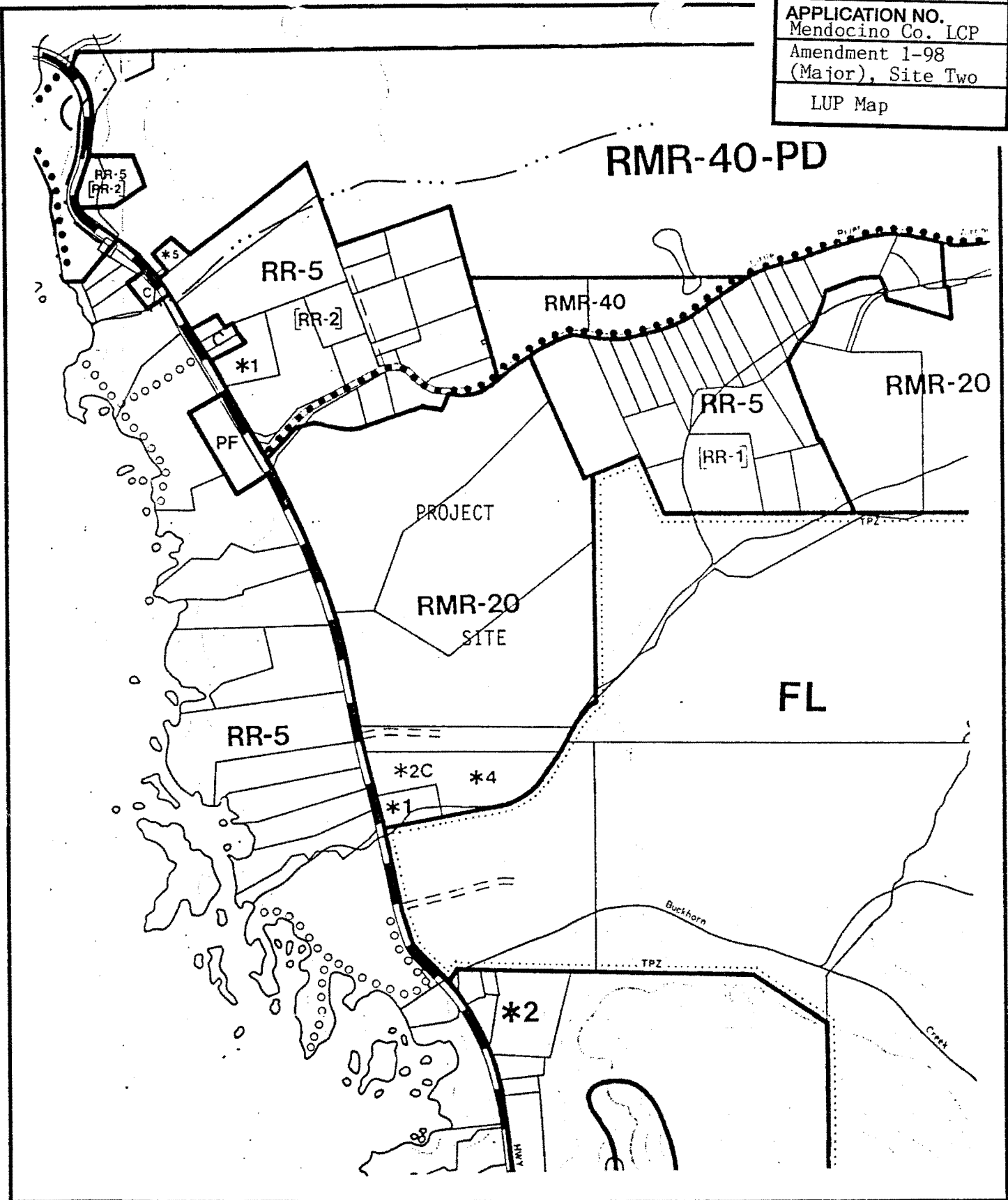
APPLICANT:
Kamb

SCALE: \uparrow N B24

EXHIBIT NO. 13

APPLICATION NO.
Mendocino Co. LCP
Amendment 1-98
(Major), Site Two

LUP Map



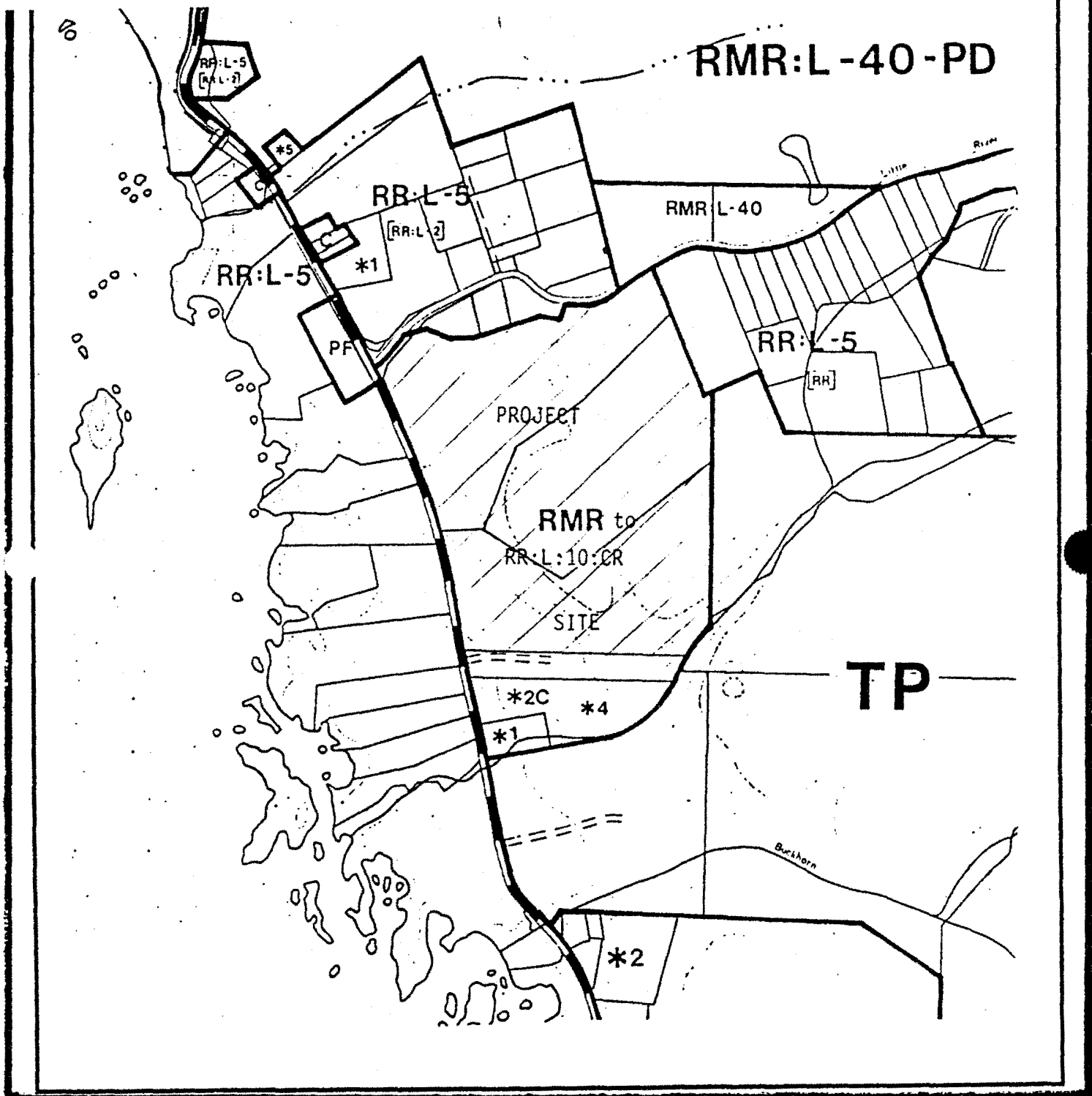
CASE NUMBER: GP 8-97/R 9-97	OWNER: Merrill, Pollard, Hasselbrock, Sawyer	APPLICANT: Kamb
A/P NUMBER: 121-320-06, 11, 12	COUNTY LAND USE MAP	SCALE: ↑ N

EXHIBIT NO. 14

APPLICATION NO.
Mendocino Co. LCP

Amendment 1-98
(Major), Site Two

Zoning Map



CASE NUMBER:
GP 8-97/R 9-97

OWNER: Merrill, Sawyer, Pollard,
Hassebrock

AGENT:
Kamb

A/P NUMBER:
121-320-06,11,12

Amend Zoning Map 42G
from RMR to RR:L:10:CR



NORTH

B5

to limit future subdivision to 10 acres
and not allow encroachment or access from Highway 1

EXHIBIT "A"

EXHIBIT NO.	15
APPLICATION NO.	Mendocino Co. LCP
Amendment 1-98 (Major), Site Two	
Resolution	

RESOLUTION NO. 98-010

**RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY
OF MENDOCINO TO AMEND THE LOCAL
COASTAL PROGRAM FOR MENDOCINO COUNTY
(#GP 8-97 - Merrill, Pollard, Sawyer, Hassebrock)**

WHEREAS, the County of Mendocino has adopted a Local Coastal Program, and

WHEREAS, the Local Coastal Program has been certified by the California Coastal Commission, and

WHEREAS, an application has been submitted to the County requesting amendment of the County's Local Coastal Program, and

WHEREAS, the County Planning Commission has held a public hearing on the requested amendment and submitted its recommendation to the Board of Supervisors, and

WHEREAS, the Board of Supervisors has held a public hearing on the requested amendment and has determined that the Local Coastal Program should be amended,

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of the County of Mendocino adopts #GP 8-97 amending the Local Coastal Program as shown on attached Exhibit A.

BE IT FURTHER RESOLVED, that Planning and Building Services staff is directed to include the amendment proposed herein in the next submittal to be made to the California Coastal Commission for certification, and

BE IT FURTHER RESOLVED, that the amendment shall not become effective until after the California Coastal Commission approves the amendment without suggested modification. In the event that the California Coastal Commission suggests modifications, the amendment shall not become effective until after the Board of Supervisors of the County of Mendocino accepts any modification suggested by the California Coastal Commission and formally adopts the proposed amendment.


BE IT FURTHER RESOLVED, that the Local Coastal Program, as is proposed to be amended, is intended to be carried out in a manner fully in conformity with the California Coastal Act of 1976.

BE IT FURTHER RESOLVED, that in the event that the California Coastal Commission denies certification of the amendment proposed to be adopted in this resolution, this resolution shall become inoperative and will be immediately repealed without further action by the Board of Supervisors insofar as this resolution pertains to such amendment for which certification is denied. This resolution shall remain operative and binding for those amendments proposed herein that are certified by the California Coastal Commission.

The foregoing Resolution was introduced by Supervisor Delbar, seconded by Supervisor Campbell and carried this 26th day of January, 1998 by the following roll call vote:

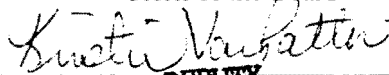
AYES: Supervisors Delbar, Shoemaker, Campbell, Peterson, Pinches
NOES: None
ABSENT: None

Whereupon the Chairman declared said Resolution passed and adopted and SO ORDERED



Chairman, Board of Supervisors

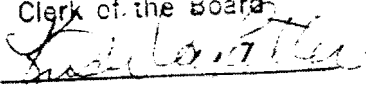
ATTEST: JOYCE A. BEARD
Clerk of the Board

By: 

DEPUTY

#GP 8-97 - Merrill, Pollard, Sawyer, Hassebrock

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

JOYCE A. BEARD
Clerk of the Board
By: 

DEPUTY

EXHIBIT NO.	15
APPLICATION NO.	Mendocino Co. LCP
Amendment 1-98 (Major), Site Two	
Resolution	

AN ORDINANCE CHANGING THE ZONING OF REAL
PROPERTY WITHIN MENDOCINO COUNTY

The Board of Supervisors of the County of Mendocino, State of California, ordains as follows:

Pursuant to Division II of Title 20, Chapter 20.548 of the Mendocino County Code, the zoning of the following real property within Mendocino County is hereby changed as described below.

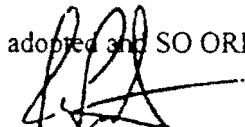
Said zoning change encompasses the property described by Assessor's Parcel Numbers 121-132-06, 121-132-11 and 121-132-12 which is reclassified from RMR (Remote Residential) to RR:L-10:CR (Rural Residential - 10 acre minimum: Contract Rezone), more particularly shown on the attached Exhibit "A" and contracted per Exhibit "B" entitled "Contract for Compliance with Rezoning Conditions."

This Ordinance shall not become effective or operative until the California Coastal Commission approves said zoning change without suggested modification.

Passed and adopted by the Board of Supervisors of the County of Mendocino, State of California, on this 26th day of January, 1998, by the following vote:

AYES: Supervisors Delbar, Shoemaker, Campbell, Peterson, Pinches
NOES: None
ABSENT: None

WHEREUPON, the Chairman declared said Ordinance passed and adopted and SO ORDERED.


Chairman of said Board of Supervisors

ATTEST: JOYCE BEARD
Clerk of said Board

By Kristi Van Pelt

DEPUTY

CASE#: #R 9-97

OWNER: Peggy Merrill, Donald Pollard,
Patricia Hassebrock, Stephen Sawyer

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

JOYCE A. BEARD
Clerk of the Board

By: Kristi Van Pelt
DEPUTY

EXHIBIT NO.	15 a
APPLICATION NO.	Mendocino Co. LCP
Amendment 1-98 (Major), Site Two	
Ordinance	

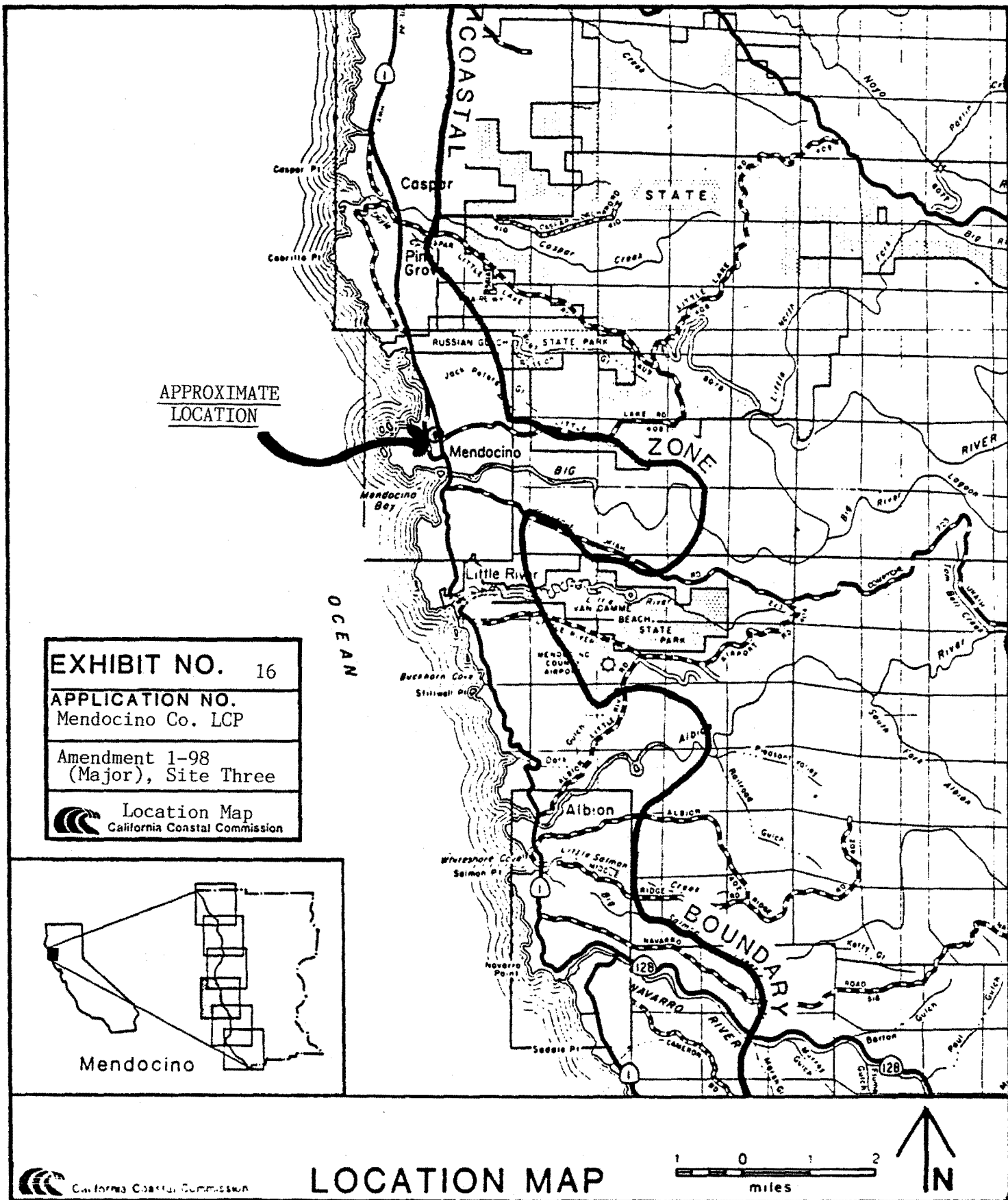
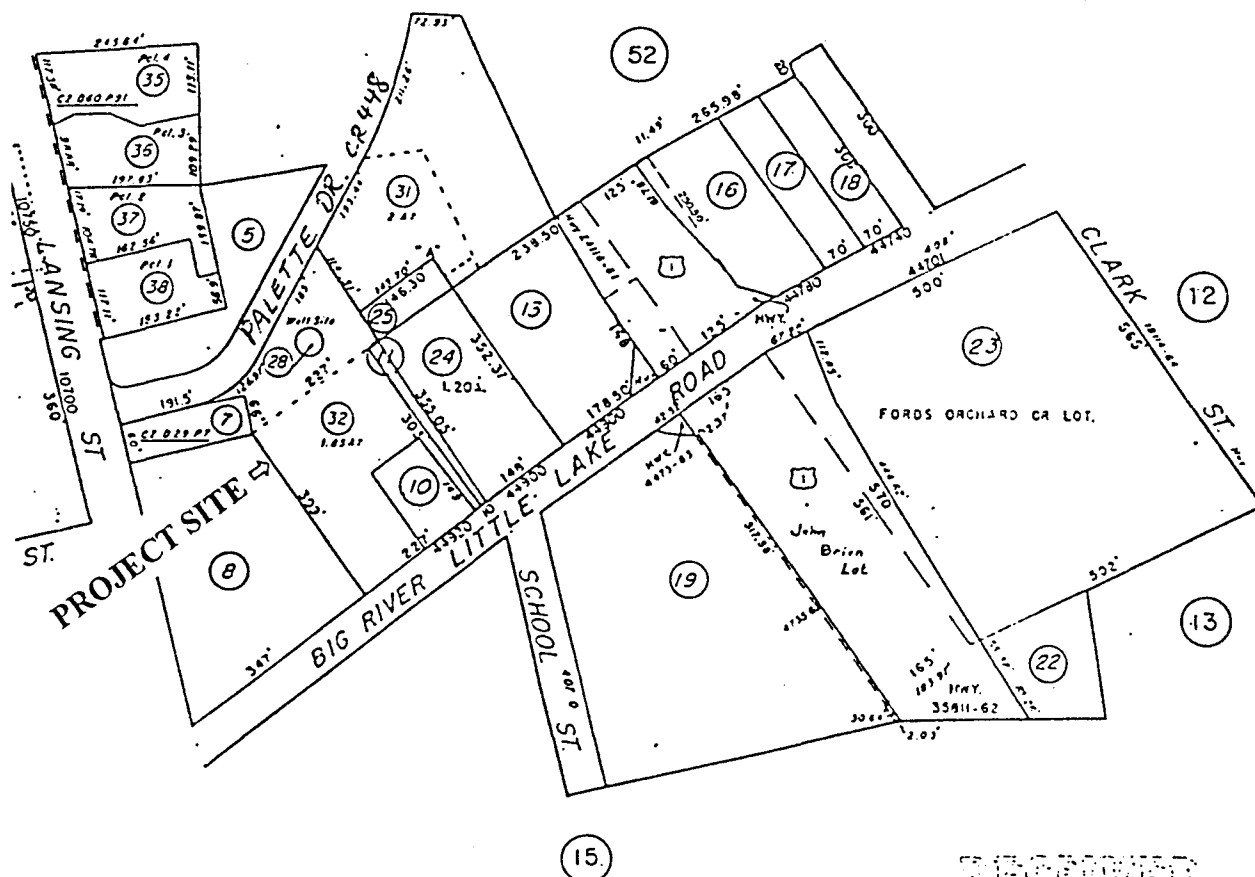


EXHIBIT NO. 17

APPLICATION NO.
Mendocino Co. LCP
Amendment 1-98
(Major). Site Three
Project Site

Fr. Mendocino & Hills Tract.



SEP 15 1965
COUNTY OF MENDOCINO
CLERK OF SUPERIOR COURT
FBI 100-100000

NOTE: This map was prepared for
assessment purposes only. No liability
is assumed for the data delineated
hereon.

Assessor's Map
County of Mendocino, Calif.
March, 1965

CASE NUMBER:
#GP 9-97/OA 3-97

OWNER: Barbara and Monte Reed

APPLICANT: Reed

APN: 119-140-32

PROJECT SITE →

NORTH ↑
ASSESSOR PARCEL MAP

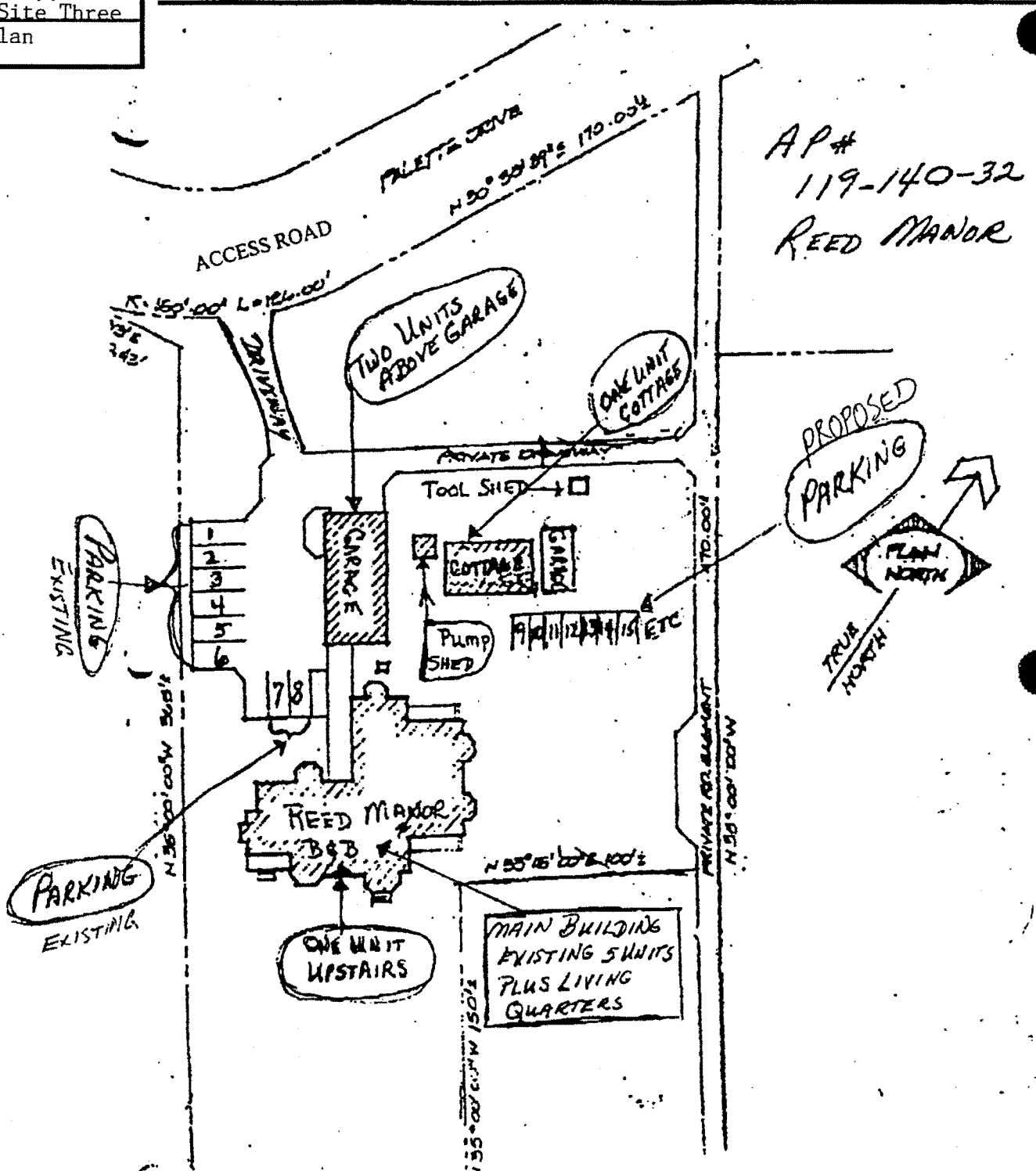
C-21

EXHIBIT NO. 18

PAGE PC-1

APPLICATION NO.
Mendocino Co. LCP

Amendment 1-98
(Major) Site Three
Site Plan



CASE NUMBER:

#GP 9-97/OA 3-97

OWNER: Barbara and Monte Reed

APPLICANT: Reed

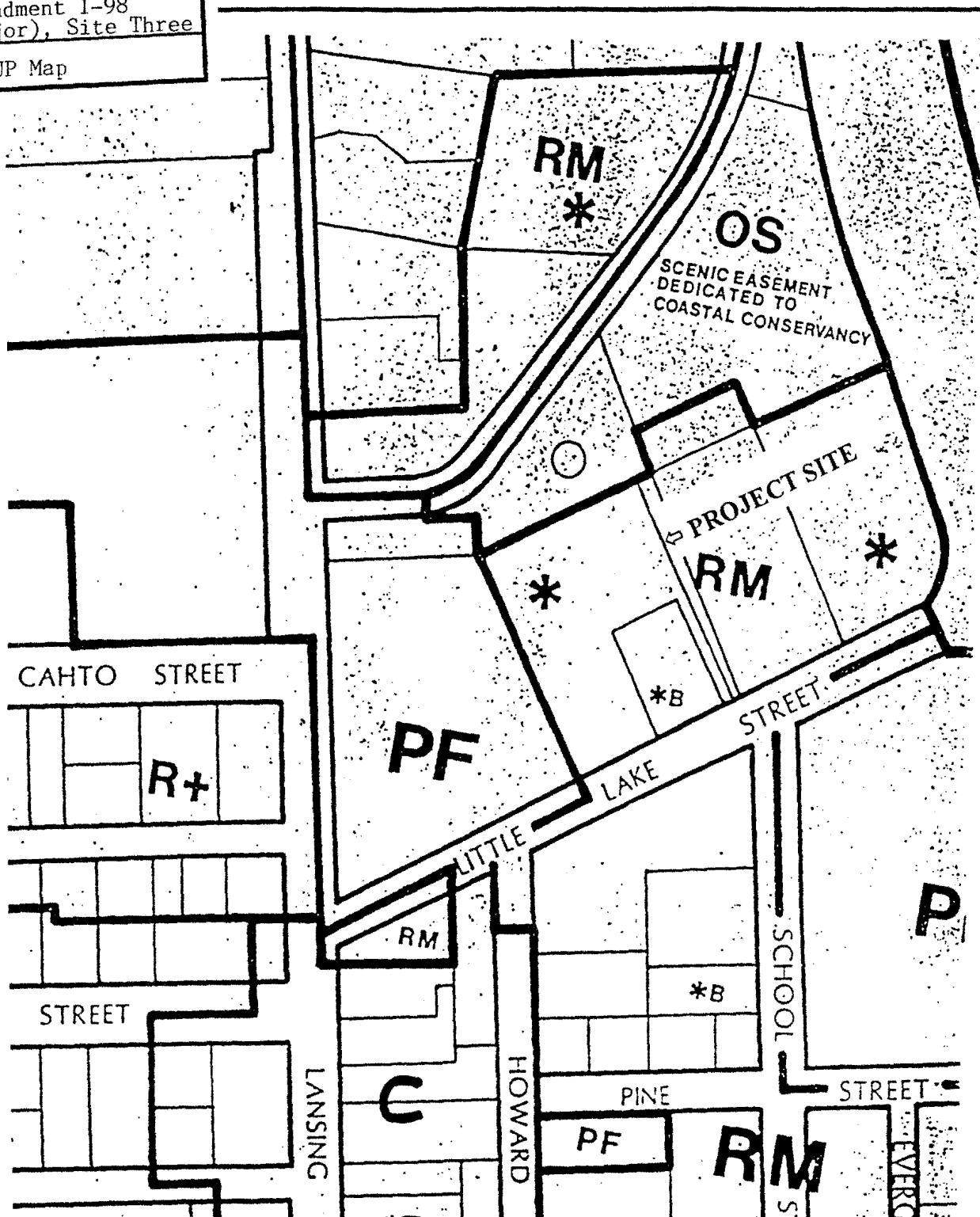
APN: 119-140-32

NORTH ↑
SITE PLAN

EXHIBIT NO. 19

APPLICATION NO.
Mendocino Co. LCPAmendment 1-98
(Major), Site Three

LUP Map

CASE NUMBER:
#GP 9-97/OA 3-97

OWNER: Barbara and Monte Reed

APPLICANT: Reed

APN: 119-140-32

PROJECT SITE →

NORTH ↑
LAND USE MAP

EXHIBIT NO. 20
APPLICATION NO. Mendocino Co. LCP
Amendment 1-98 (Major), Site Three
LUP Table 4.13-1

TABLE 4.13-1 MENDOCINO TOWN PLAN VISITOR SERVING FACILITIES

ASSESSOR'S PARCEL NUMBER	FACILITY	STREET ADDRESS	ALLOWABLE UNITS
119-080-14	Hill House	10865 Lansing Street	44
119-236-01	Heeser House	45080 Albion Street	25
119-236-10	McCallum House	45065 Albion Street	21
119-238-04			
119-238-05	Mendocino Hotel	45065 Albion Street	<u>26</u>
Subtotal			116
119-140-13	Joshua Grindle	44800 Little Lake Street	10
119-140-32	Reed Manor	43700 (44950) L. Lake St	9
119-235-09	Dougherty House	45110 Albion Place	8
119-250-04	SeaGull Inn	44960 Albion Street	9
119-250-06	Headlands Inn	44950 Albion Street	6
119-250-09	Whitegate Inn	10481 Howard Street	5
119-250-15	Sears House	44840 Main Street	8
119-250-31	1021 Main Street Inn	44781 Main Street	5
119-250-37	Village Inn	44860 Main Street	<u>13</u>
Subtotal			73
TOTAL INNS, HOTELS AND MOTELS (5 rooms or more)			189
119-080-06	Lockey	10940 Lansing Street	3
119-140-10	Schrode	44920 Little Lake Road	2
119-150-11	Cameron	10521 School Street	2
119-160-07	McNamara	45170 Little Lake Street	4
119-160-10	Wickersham	45110 Little Lake Street	4
119-180-06	Friedman	45320 Little Lake Street	3
119-231-08	Parsons Inn	45101 Little Lake Street	2
119-235-13	Reeves	45141 Ukiah Street	2
119-237-09	Blue Heron Inn	390 Kasten Street	4
119-250-19	McElroy's Inn	44800 Main Street	4
TOTAL BED AND BREAKFAST UNITS (2 to 4 rooms)			30
119-160-32	Mendocino Art Center	45200 Little Lake Street	19
TOTAL NUMBER OF UNITS ALLOWABLE			238

EXHIBIT NO. 21
APPLICATION NO. Mendocino Co. LCP
Amendment 1-98 (Major), Site Three Draft Mendocino Town Plan Review

Y

9-11-97 ; 3:23PM ; PLNG & BLDG/FT RPAGG- PLANNING & BUILDING:# 2

RES. MINOR
SUBD'S

REED '93 +1

ENGLERWRT '97 +2

REED '97 +1

CALBY 93 +1

VEBLENGH +1

ODDER 93 +1
+7

MENDOCINO COUNTY

M E M O R A N D U M

TO: Gary Pedroni
FROM: Linda Ruffing
DATE: September 11, 1997

Under

SUBJECT: Preliminary data from Draft Mendocino Town Plan Review-
pertaining to amendment of Table 4.13-1 to increase the
allowable number of visitor serving facilities

The Mendocino Town Plan establishes Mendocino as a "special community" (per Sec. 30251 of the Coastal Act) and states that "the controlling goal of the Town Plan shall be the preservation of the town's character."

To accomplish this, the Town Plan incorporates several growth management measures, stating:

"There appears to be general agreement that growth in the town must be limited..."(p.2)

"A very effective step toward preserving Mendocino as a "real" town, rather than as a resort, would be to limit expansion of overnight visitor accommodations...Although the ability to regulate the impact of heavy use is less than in Yosemite Valley, the principle is the same: the number of accommodations and attractions must be limited. Section 30007.5 of the Coastal Act applies--the conflict between maximum accessibility and preservation of the town must "be resolved in a manner which on balance is the most protective of coastal resources." (p.3)

Policy 4.13-1 of the Town Plan addresses the issue of "balance" between residential, visitor serving and commercial uses. It states, in part:

"The preservation of the town's character shall be achieved, while allowing for orderly growth. This shall be done by careful delineation of land uses, provision of community services and review and phasing of development proposals. Balance shall be sought between residential units, visitor accommodations and commercial uses...The objective shall be a Town Plan which retains as much as possible the present physical and social attributes of the Mendocino Community.

"Balance" between residential uses, commercial uses and visitor serving uses shall be maintained by regulating additional commercial uses through development limitations cited in the Mixed Use and Commercial Land Use Classifications and by limiting the number of visitor serving uses.

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Visitor Serving Units listed on Table 4.13-1 (234) shall remain fixed, and a ratio of thirteen long term dwelling units to one Vacation Home Rental or one Single Unit Rental (Tables 4.13-2 and 4.13-3) shall remain fixed until the Plan is further reviewed and a plan amendment is approved and certified by the California Coastal Commission.

Mendocino Town Plan Review

Policy 4.13-2 of the Town Plan requires that:

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

Policy 4.13-4(3) of the Town Plan references this required review, stating:

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

The Planning Division is presently preparing a comprehensive review of the Town Plan per Policy 4.13-2 to determine whether there has been any change in the "balance" of residential, commercial and visitor serving uses since adoption of the Town Plan. If recent development has adversely affected the character of the Town, then revisions to the Town Plan may be necessary.

It is anticipated that the Draft Mendocino Town Plan Review will be referred to the Mendocino Historical Review Board for comment (November 1997) and then scheduled for consideration by the Planning Commission and the Board of Supervisors.

Summary of Development Since Adoption of Mendocino Town Plan (June 1992 to present)

Residential, visitor-serving and commercial facilities which have been developed or converted to other uses in Mendocino since adoption of the Town Plan are identified below, based on a review of building permits, use permits, LCP Consistency reviews and coastal permits.

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Residential Development

-1 sfr	Mendosa	119-160-31	LCP 94-06 U 23-93 CC 1-94-85 959-506 (convert sfr to comm.)
-1 sfr	Goodridge	119-170-08	LCP 93-13 939-458 (convert duplex to sfr)
+1 sfr	Lenfest	119-250-21	LCP 93-16 939-652 (convert comm. to sfr)
+1 sfr	Brazill	119-120-65	LCP 92-54 CC 1-92-65W 929-302
-1 sfr	Hansen	119-140-17	929-261
-1 sfr	Lockey	119-070-17	LCP 95-07 CC 1-95-74 959-1064 (convert sfr to 3-unit B&B)

Finding: Since 1992, four residential units have been converted to non-residential uses. Two new residential units have been developed. Since the Town Plan was adopted, the Town of Mendocino has experienced a net loss of two residential units.

Visitor-Serving Facilities

+1 vsf unit	Headlands Inn	119-250-43	LCP 94-15 U 3-94
+3 vsf units	Lockey	119-070-17	LCP 95-07 959-1064
+1 vsf unit	Mendocino Village Inn	119-250-37	929-549

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Page 4

Finding: Five visitor-serving facility units have been developed since the Town Plan was adopted, in accordance with the limits designated on Table 4.13-1. Eight potential vsf units remain to be developed.

Commercial Development

1,727 sq.ft. retail converted to restaurant	Pattersons Pub	119-150-06	U 1-93 LCP 93-07 CC 1-93-14 UR 1-93/96 939-385
90 sq.ft. mobile kitchen	Lu's Kitchen	119-236-11	U 15-93 CC 1-93-77 949-061
Convert sfr to retail (1,419 sq.ft.)	Mendoza Bros.	119-160-31	U 23-93 959-506
Convert 880 sq.ft. retail to bakery	Tote Fete	119-236-05	U 25-93
Convert 4,450 sq.ft. restaurant to retail (w/seating)	Seagull	119-250-01	CDU 17-95 969-338 969-346 CDU 27-96
384 sq.ft. addtn to retail	Wood-Onstad	119-217-13	CDU 22-96 979-722

Finding: Since 1992, approximately 1,900 sq.ft. of new commercial space has been developed in Mendocino. In addition to the new commercial space, approximately 4,450 sq.ft. of restaurant/bar space was converted to retail uses and 2,600 sq.ft. of retail space was converted to restaurant/bar uses.

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*Bakery to
Juice Joint*

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CONCLUSION

Since 1992, Mendocino has experienced a net decline in residential units (two units). Five visitor-serving units have been developed in accordance with limits prescribed in the Mendocino Town Plan. There has been a net increase in commercial space of approximately 1,900 sq.ft.

The "balance" between residential, commercial and visitor-serving facilities has not changed significantly since adoption of the Town Plan. To the extent that it has changed, residential uses have declined while visitor-serving and commercial uses have intensified. In conclusion, there is no justification for modifying the Town Plan to allow for more visitor-serving facilities and it may be necessary to consider amendments to protect and encourage residential uses.

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EXHIBIT NO.	22
APPLICATION NO.	Mendocino Co. LCP
	Amendment 1-98 (Major), Site Three
	Resolution

RESOLUTION NO. 98-013

**RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY
OF MENDOCINO TO AMEND THE LOCAL
COASTAL PROGRAM FOR MENDOCINO COUNTY
(#GP 9-97 - Reed)**

WHEREAS, the County of Mendocino has adopted a Local Coastal Program, and

WHEREAS, the Local Coastal Program has been certified by the California Coastal Commission, and

WHEREAS, an application has been submitted to the County requesting amendment of the County's Local Coastal Program, and

WHEREAS, the County Planning Commission has held a public hearing on the requested amendment and submitted its recommendation to the Board of Supervisors, and

WHEREAS, the Board of Supervisors has held a public hearing on the requested amendment and has determined that the Local Coastal Program should be amended,

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of the County of Mendocino adopts #GP 9-97 amending the Local Coastal Program, Mendocino Town Plan Table 4.13-1 as shown on attached Exhibit A by increasing the allowable units for the Reed Manor, Assessor's Parcel Number 119-140-32, from 5 to 9.

BE IT FURTHER RESOLVED, that Planning and Building Services staff is directed to include the amendment proposed herein in the next submittal to be made to the California Coastal Commission for certification, and

BE IT FURTHER RESOLVED, that the amendment shall not become effective until after the California Coastal Commission approves the amendment without suggested modification. In the event that the California Coastal Commission suggests modifications, the amendment shall not become effective until after the Board of Supervisors of the County of Mendocino accepts any modification suggested by the California Coastal Commission and formally adopts the proposed amendment.

BE IT FURTHER RESOLVED, that the Local Coastal Program, as is proposed to be amended, is intended to be carried out in a manner fully in conformity with the California Coastal Act of 1976.


BE IT FURTHER RESOLVED, that in the event that the California Coastal Commission denies certification of the amendment proposed to be adopted in this resolution, this resolution shall become inoperative and will be immediately repealed without further action by the Board of Supervisors insofar as this resolution pertains to such amendment for which certification is denied. This resolution shall

remain operative and binding for those amendments proposed herein that are certified by the California Coastal Commission.

The foregoing Resolution was introduced by Supervisor Delbar, seconded by Supervisor Campbell and carried this 26th day of January, 1998 by the following roll call vote:

AYES: Supervisors Delbar, Shoemaker, Campbell, Peterson, Pinches
NOES: None
ABSENT: None

Whereupon the Chairman declared said Resolution passed and adopted and SO ORDERED



Chairman, Board of Supervisors

ATTEST: JOYCE A. BEARD
Clerk of the Board

By: Kristin Van Buren
DEPUTY

#GP 9-97 - Reed

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

JOYCE A. BEARD
Clerk of the Board
By: Kristin Van Buren
DEPUTY

EXHIBIT NO.	22
APPLICATION NO.	Mendocino Co. LCP
	Amendment 1-98 (Major), Site Three
	Resolution

EXHIBIT NO. 23
APPLICATION NO. Mendocino Co. LCP
Amendment 1-98 (Major), Site Three
Ordinance

ORDINANCE NO. 3996

AN ORDINANCE AMENDING SECTION 20.684.025
OF DIVISION III OF TITLE 20 OF THE MENDOCINO COUNTY CODE
MAXIMUM DENSITY FOR VISITOR ACCOMMODATIONS

The Board of Supervisors of the County of Mendocino, State of California, ordains as follows:

Section 20.684.025 of the Mendocino County Code is amended to read as follows:

Sec. 20.684.025 Maximum Density for * Districts

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

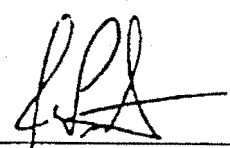
VISITOR SERVING FACILITIES	ASSESSOR'S PARCEL NUMBER	TOTAL VISITOR ACCOMMODATION UNITS
INNS, HOTELS, MOTELS (5 rooms or more)	119-080-14,15	44
	119-140-04,05,29	
	119-140-32	9
	119-140-13	10
	119-235-09	8
	119-236-01	25
	119-236-10	21
	119-238-04,05	26
	119-250-04	9
	119-250-06	6
	119-250-09	5
	119-250-15	8
	119-250-31	5
	119-250-37	13
STUDENT/INSTRUCTOR TEMPORARY INTERMITTENT HOUSING FACILITY	119-160-32	19

This ordinance shall not become effective or operative until the California Coastal Commission approves said ordinance without suggested modification.

Passed and adopted by the Board of Supervisors of the County of Mendocino, State of California, on this 26th day of January, 1998, by the following vote:

AYES Supervisors Delbar, Shoemaker, Campbell, Peterson, Pinches
NOES: None
ABSENT: None

WHEREUPON, the Chairman declared said Ordinance passed and adopted and SO ORDERED.

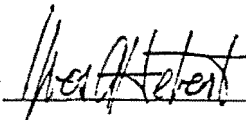

Chairman of said Board of Supervisors

ATTEST: JOYCE BEARD
Clerk of said Board

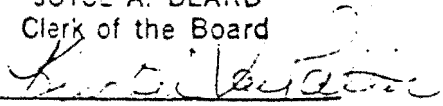
By 
DEPUTY

APPROVED AS TO FORM:

H. PETER KLEIN
COUNTY COUNSEL

By 

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

JOYCE A. BEARD
Clerk of the Board
By: 
DEPUTY

#OA 3-97 - Reed

EXHIBIT NO.	23
APPLICATION NO.	Mendocino Co. LCP
	Amendment 1-98
	(Major), Site Three
	Ordinance

LEE EDMUNDSON

Post Office Box 1167 · Mendocino, California 95460-1167

Phone/Fax: 707-937-4369 · Email: lee@mcn.org

18 August, 1998

Coastal Commission
45 Fremont Street -- Suite 2000
San Francisco, CA 94105-2219

RE: Reed Manor Application for General Plan Amendment

Dear Members of the Coastal Commission,

I am providing these comments by way of recommending that you deny the application for a General Plan Amendment in the matter of the Reed Manor.

Denial of this application was recommended both by the Mendocino County Planning Staff and by the Mendocino Planning Commission. Application was approved by a vote of the Mendocino County Board of Supervisors.

The facts of the case are clear:

1) Mendocino Town Plan (MTP) 4.13 clearly stipulates that, "Growth in the town must be limited"

2) MTP 4.13-1: "The town of Mendocino shall be designated a special community and a significant coastal resource as defined in Coastal Act Section 30251."

"Mendocino shall be recognized as a historic residential community with limited commercial services that are important to the daily life of the Mendocino Coast."

"The controlling goal of the Town Plan shall be the preservation of the town's character."

"Balance' between residential uses, commercial uses and visitor serving uses shall be maintained by regulating additional commercial uses through development limitations... and, by limiting the number of visitor serving uses."

"Visitor Serving Units listed on Table 4.13-1 (234) shall remain fixed... until the plan is further reviewed and a plan amendment is

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APPLICATION NO.
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(Major), Site Three

Correspondence

approved and certified by the California Coastal Commission."

(Emphasis added)

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

4) MTP 4.13-4(3): "The total number of units allowable (234) on Table 4.13-1 shall remain fixed until the plan is further reviewed and a plan amendment is approved and certified by the California Coastal Commission." (Emphasis Added)

It should be noted that applicant's Reed Manor is listed on Table 4.13-1 and is therein limited to five (5) units.

The matter before the Coastal Commission seems to hinge upon three residual questions: 1) Does an informal, 'preliminary' in-house review conducted by county planning staff constitute a proper 'Review' within the intent of MTP Sections 4.13-1 and 4.13-4(3)? 2) Does the cursory data it provides constitute substantial evidence sufficient to achieve the 'balance' between Residential Dwelling Units (RDU) and Visitor Serving Units (VSU) as required by MTP Section 4.13-1, i.e. does the approval of the Reed Manor application achieve this called-for 'balance'? and, 3) Does the Coastal Commission have statutory authority to deny this application if the required review has not been carried out and/or the 'balance' stipulated in the MTP has been skewed as a result of the Mendocino County Board of Supervisor's approval?

I contend that:

1) Proper 'Review' consistent with MTP 4.13-1 and 4.13-4(3) has not occurred;

2) As a result of the approval of this application the 'balance' between RDUs and VSUs within the Town of Mendocino will be severely compromised;

3) That the Coastal Commission not only has the statutory authority, but the legal responsibility to deny this application.

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To begin with, the Mendocino Town Plan as certified by the California

Coastal Commission is a binding policy document. As such, it is subject to the legal requirement of having to be obtained through a process which must include the element of public notice and participation. 'Review', within the intent that is clear in the language of the MTP, plainly requires that an officially designated body duly notice its proceedings and open its process to the public for the purpose of soliciting and deliberating public input. It clearly does not mean that an informal, 'preliminary' in-house staff 'base line' accumulation of data, devoid of any semblance of either public notice, input or comment, suffices as the 'Review' required under the Town Plan.

Therefore, because the 'Review' required by the MTP has not yet been completed, the Commission should deny the Reed Manor application.

Secondly, the Board of Supervisors has misconstrued the data the preliminary 'Review' provides.

The Board of Supervisors, in the language of its motion approving the Reed Manor application, cites, "...the increase of 7 residential parcels..." to justify its approval. But the language of MTP 4.13-1 plainly requires a balance between Visitor Serving and Residential Dwelling Units, not Parcels. By confusing Units with Parcels -- mixing apples with oranges -- the Board of Supervisors approval of the Reed Manor application for 5 additional VSUs further exacerbates an already existing imbalance between RDUs and VSUs, in conflict with MTP 4.13-1, 4.13-2 and 4.13-4(3).

The relied upon 'Review' planning staff conducted consists of a cursory examination of Building and Planning Department records from 1992 until last year. They provide the following information: Since the MTP was certified in 1992, there has been a net loss of -2 RDUs and a net increase of +5 VSUs. There has also during this time been an additional 1900 sq/ft of commercial floorspace added to Mendocino.

Thus, there currently exists within Mendocino an imbalance of commercial and visitor serving units, when the 1992 data is considered as baseline.

By approving the Reed Manor request for additional VSUs, the Board of Supervisors have added five (5) more VSUs into the 'balance' of the equation, resulting in:

RDUs= -2

VSUs= +10

Does this constitute 'balance' within the intent of the MTP? Surely not.

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Worse still, with the Mendocino County Board of Supervisor's approving this application, and encouraged by the apparent piecemeal, first-come, first-served approach to town planning that this reflects, two (2) more applications for additional VSUs -- which together are requesting eleven (11) more VSUs -- are now before the county Building and Planning Department. How can they be denied? Yet if they are approved, the net result from this so-called 'review' of the mandated 'balance' equation will be:

RDUs= -2

VSUs= +21

It is clear that:

- 1) The Mendocino Board of Supervisors has misapplied the intent of 'balance' by mixing 'parcels' with 'units' in its 'balance' equation, in conflict with MTP 4.13, 4.13-1, 4.13-2 and 4.13-4(3);
- 2) The piecemeal 'review' of the 'balance' between RDUs and VSUs has resulted in a sort of Persian Bazaar approach to planning within the Town of Mendocino, further lop-siding an already existing imbalance and;
- 3) The resulting imbalance between RDUs and VSUs -- which exists even if this Commission denies the Reed Manor -- is in conflict with the goals expressed in MTP 4.13-1 and 4.13-4(3).

It is therefore clear that the Commission must deny the Reed Manor application.

Finally, Deputy Chief County Counsel Mr. Zotter is mistaken in his application of the *Healing v. California Coastal Commission* (1994) 22 Cal.App.4th 1158 as being an 'analogous situation' and therefore the Mendocino Board of Supervisors was misadvised regarding the propriety of either continuing the Reed Manor application or denying it. There are significant substantial differences between the two situations:

- 1) In *Healing*, there was no certified LCP, whereas the Reed application is governed by the Mendocino Town Plan, which was certified in 1992;
- 2) In *Healing*, applications were to be submitted to an environmental review board (ERB), which at the time Los Angeles County had not created, whereas the Reed application has been reviewed by both the Mendocino Historical review Board and the Mendocino County Planning Commission -- with the result that both reviewing agencies

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APPLICATION NO.	Mendocino Co. LCP
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recommended denial of the application;

3) In *Healing*, the applicant's project was located within the Tuna Canyon area, which is of no special consequence except that it is located within the coastal zone, whereas the Town of Mendocino is a "designated special community and a significant coastal resource as defined in Coastal Act Section 30251." (MTP 4.13-1);

4) In *Healing*, the court reasoned that the applicant could not be "kept waiting in limbo" (Zotter memo, 11/17/97, Page 3, Paragraph 4), whereas the Reed application can be resubmitted and heard again next year, hopefully after a formal comprehensive 'review' of the Mendocino Town Plan has been completed. (Padroni Memo, 10/22/97)

Most significant of all is the fact that the evaluation of this application fails to consider the cumulative impacts that result from a 'piecemeal' approach to LCP and General Plan Amendments. There are already two more applications requesting additional Inn units in the Town of Mendocino -- again, without any comprehensive review having been accomplished (and at this date, there is no movement on the part of the county's Planning & Building Department to conduct any more thorough a review than it has with the Reed Manor application.)

I contend that the Reed application should be denied because its approval would be in conflict with Sections 4.13, 4.13-1, 4.13-2, 4.13-4(3) of the Mendocino Town Plan; Sections 3.5-2, 3.7-1, 3.7-2 and 3.9-4 of the county's Coastal Element of its General Plan and in conflict with Coastal Act Sections 30007.5 and 30253(3).

I urge you protect the integrity of the Coastal Act, the Coastal Element of the Mendocino General Plan and, especially, the Mendocino Town Plan, and deny the application of Reed Manor for additional VSUs.

I furthermore ask you to transmit to the Mendocino County Board of Supervisors and the Mendocino County Planning and Building Department your concern about the haphazard manner these entities are pursuing reviewing and evaluating applications for Coastal Development Permits.

Thank you for your time and attention.

Respectfully,

LEE EDMUNDSON

5

EXHIBIT NO.	24
APPLICATION NO.	Mendocino Co. LCP
	Amendment 1-98 (Major), Site Three
	Correspondence

EXHIBIT NO. 25

INDSON

PHONE NO. : +937 4369

Aug. 22 1998 05:05PM P02

APPLICATION NO.

Mendocino Co. LCP

Amendment 1-98

(Major), Site Three

Correspondence

LEE EDMUNDSON

Post Office Box 1167 · Mendocino, California 95460-1167

Phone/Fax: 707-937-4369 · Email: lee@mcn.org

22 August, 1998

Jo Ginsberg
California Coastal Commission
45 Fremont Street Suite 2000
San Francisco, CA 94105-2219

ADDENDUM to Comments RE: Reed Manor

Dear Jo,

Upon further review of likely conflicts the approval of the Reed Manor application by the Mendocino Board of Supervisors has with the Coastal Act, I've noticed the following:

1) Coastal Act Section 30006: "The Legislature further finds and declares that the public has a right to fully participate in decisions affecting coastal planning, conservation and development... that the continuing planning and implementation of programs for coastal conservation and development should include the widest opportunity for public participation."

As I have referenced earlier, the 'Review' procedure undertaken by the county in this matter utterly lacks the element of public participation called for in this section.

2) Coastal Act Section 30503: "During the preparation, approval, certification, and amendment of any coastal program, the public... shall be provided maximum opportunities to participate..." Again, this section, I believe, conflicts with the 'Review' procedure followed by county planners in the matter of Reed Manor's application.

3) Coastal Act Section 30600.5(F): "Prior to the delegation of authority to issue coastal development permits as provided in subdivision (b), a local government, after appropriate notice and hearing, shall adopt an ordinance prescribing the procedures to be used in issuing such coastal development permits. Each such ordinance shall incorporate at least the minimum standards for public notice, hearings, and appeals..." To my knowledge, even Planning Staff and County Counsel have expressed their uncertainty about what the appropriate 'Review' procedure required in the Mendocino Town Plan is. Thus it is clear that the county's ordinance governing this General Plan Amendment process -- and, by extension, the Coastal Permit required by it -- is insufficient to satisfy 30600.5(F).

Please add these comments to those I've already submitted.

Regards,

Lee Edmundson

RECEIVED

AUG 13 1998

CALIFORNIA
COASTAL COMMISSIONR. Cameron
P.O.Box 438
Mendocino, CA 95460
August 13, 1998Jo Ginsburg
California Coastal Commission
45 Fremont Suite 200
San Francisco, CA 94105-2219

RE: Mendocino County LCP Amendment 1-98

Dear Ms. Ginsburg,

Before approving any individual projects which may impact the character of Mendocino by increasing density, a review of the MENDOCINO TOWN PLAN needs to be conducted. Decisions should not be made based on preliminary data from a Draft Review. This piecemeal approach based on a first-come, first-serve basis is not only unfair to all innkeepers who may also wish to increase their inn capacity, it is unfair to all residents because total effects of other tourist development have not been fully considered.

The MENDOCINO TOWN PLAN, page 11, Section 4.13-2 states: "This amended plan shall be reviewed three years after certification of this plan amendment date to determine the effect of development on town character...." The last paragraph on page 11 states: "The total number of units allowable on Table 4.13-1 shall remain fixed until the plan is further reviewed and a plan amendment is approved and certified by the California Coastal Commission."

This application is out of order with the above stated mandate. How has it gotten to this level of consideration? I recommend that the Coastal Commission postpone its ruling on this application until after the TOWN PLAN has been fully, completely and adequately reviewed as required by law.

Thank you for your consideration,

R. Cameron

EXHIBIT NO.	26
APPLICATION NO.	Mendocino Co. LCP
	Amendment 1-98
	(Major), Site Three
	Correspondence

FAX: (415) 904-5400

RECEIVED

AUG 13 1998

August 12, 1998

CALIFORNIA
COASTAL COMMISSION

TO: Jo Ginsberg
California Coastal Commission

RE: Mendocino County LCP Amendment No. 1-98 (Daniels, Merrill,
Reed, Rolfe, Ulatowski)

Below are some facts refuting Ray Hall's statements in his letter of
June 29, 1998 regarding the Reed project in the Town of Mendocino:

- 1) There has been sufficient change in development trends/circumstances" -
the number of illegal inn units and vacation home rentals has
expanded far beyond any proposed LEGAL increases. The residential
character of the town has thus been subverted by this unauthorized
increase in VSF and the character of this "special Community" has
been submerged by the incredible onslaught of tourists.
- 2) CEQA Sec 15130 on cumulative impact analysis is not fully explored
by Mr. Hall. He quotes "1 A - A list of past, present and reasonably
anticipated future projects producing related or cumulative impacts"
and states at the time of the Reed Manor application and study there
were no projects on the books to consider for cumulative impacts;
however he neglects to mention CEQA 15130, 1A which goes on to state
"including those projects outside the control of the agency". At
the time of the Reed application there were 8 motels approved or in
the process of approval in Fort Bragg and 4 have been built with 4
to go. Surely 100,000 more rooms 9 miles north of Mendocino will have
a definite impact on traffic on Highway 1 and these new units can more
than adequately handle all new tourist request for accommodations at
a far more reasonable rate than possible in the town of Mendocino.

Even though the Coastal Commission gives high priority to visitor serving
facilities, the intent of the Act was not to destroy the very reason
people want to visit the coast. Tourism has overwhelmed the Town of Mendocino
- effort must be given to regaining the residential values and further
tourist development directed elsewhere, such as Fort Bragg where tourists
are eagerly awaited.

I urge the Coastal Commission to deny the Reed application until there
has been a thorough, public review of the Town Plan and all aspects of
development be judged in relation to related coastal development and
not in a vacuum which will distort the effects on coastal resources.

Joan Curry
PO Box 457
Mendocino, CA 95460

(707) 937-1649

EXHIBIT NO.	27
APPLICATION NO.	Mendocino Co. LCP
	Amendment 1-98
	(Major), Site Three
	Correspondence

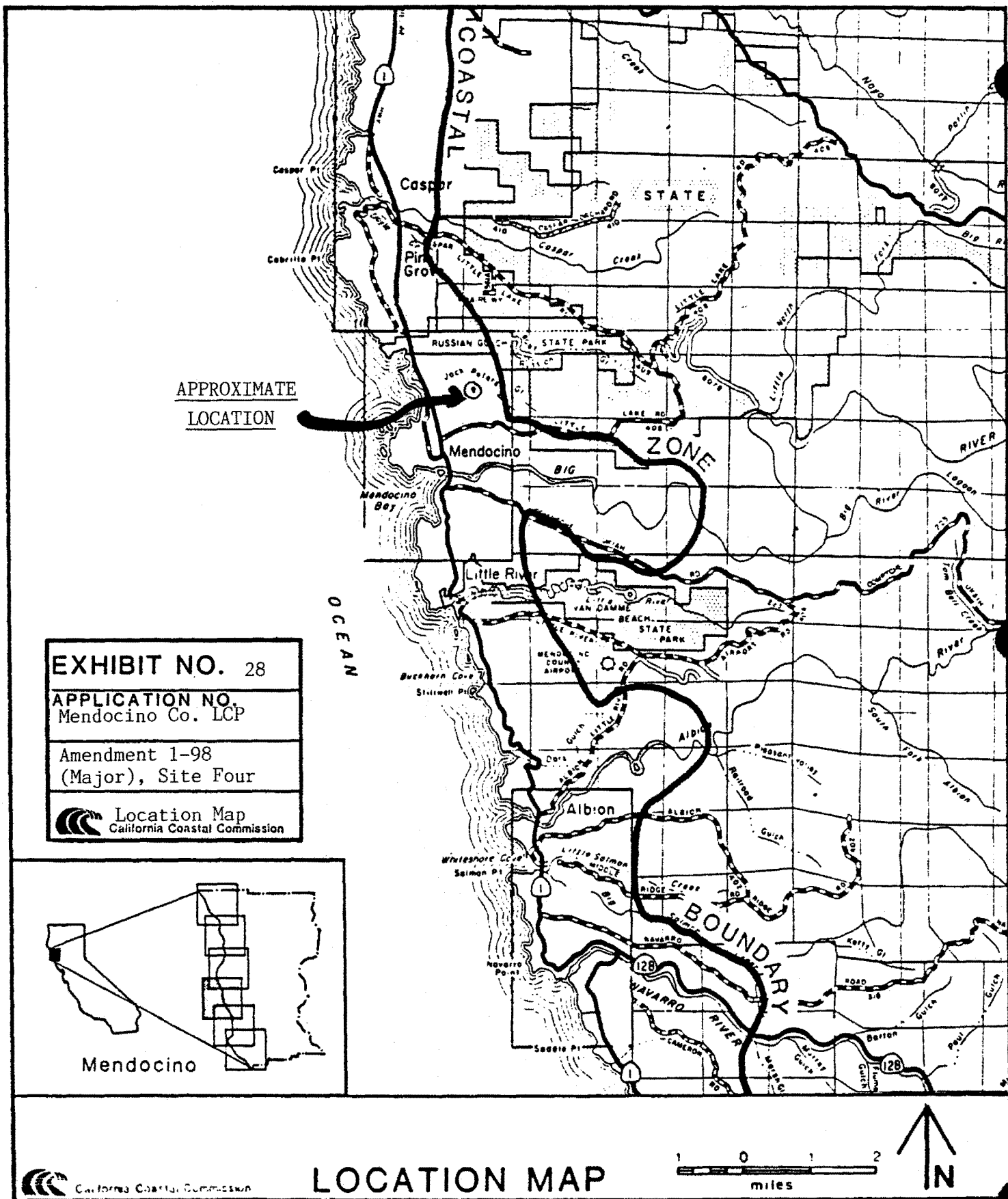
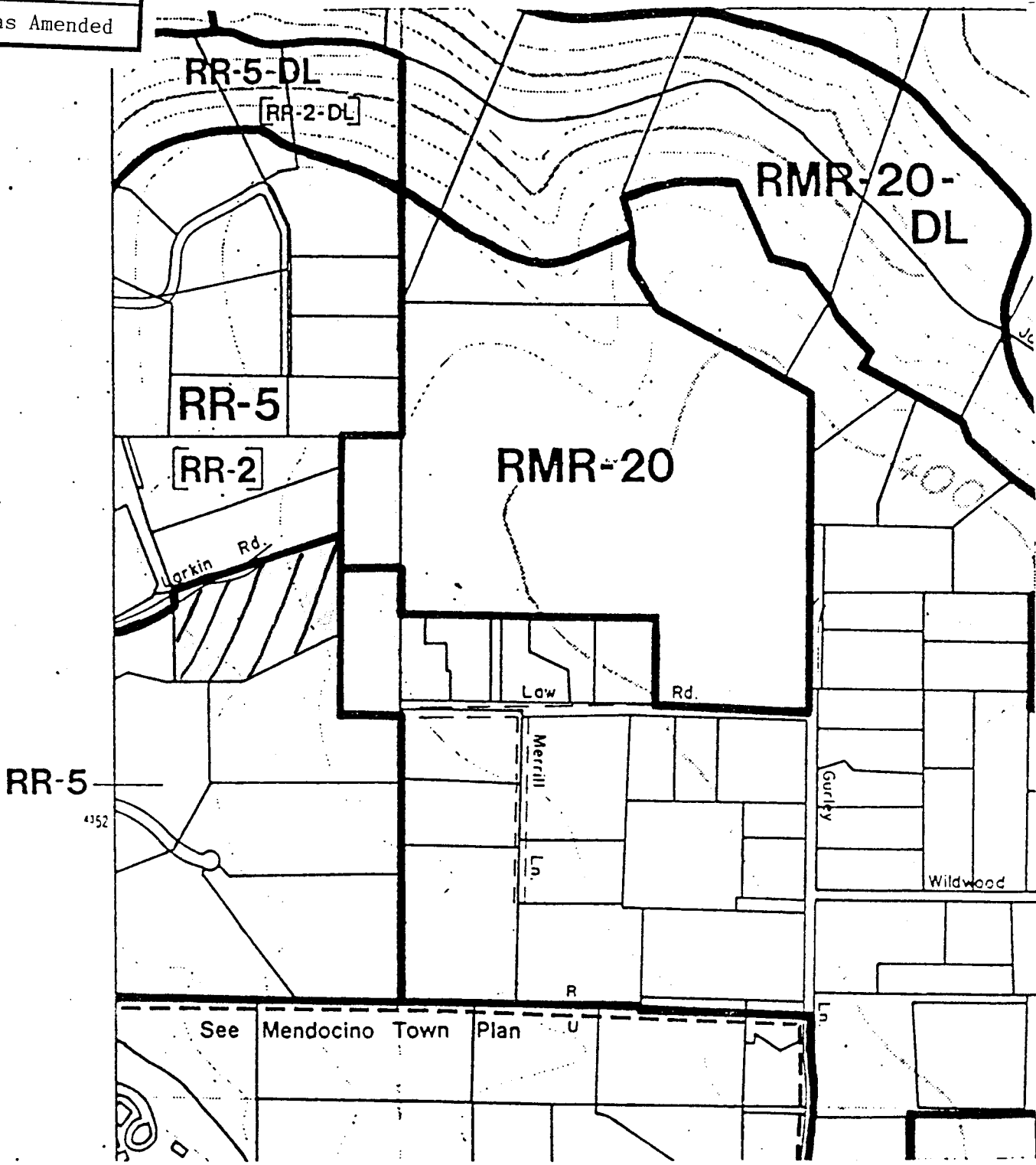


EXHIBIT NO. 29
APPLICATION NO.
 Mendocino Co. LCP
 Amendment 1-98
 (Major), Site Four
 LCP Map as Amended



CASE NUMBER: #GP 10-97	OWNER: LORI ROLFE	
APN: 119-020-09	PORTION OF LAND USE MAP 15 AS AMENDED	NORTH ↑

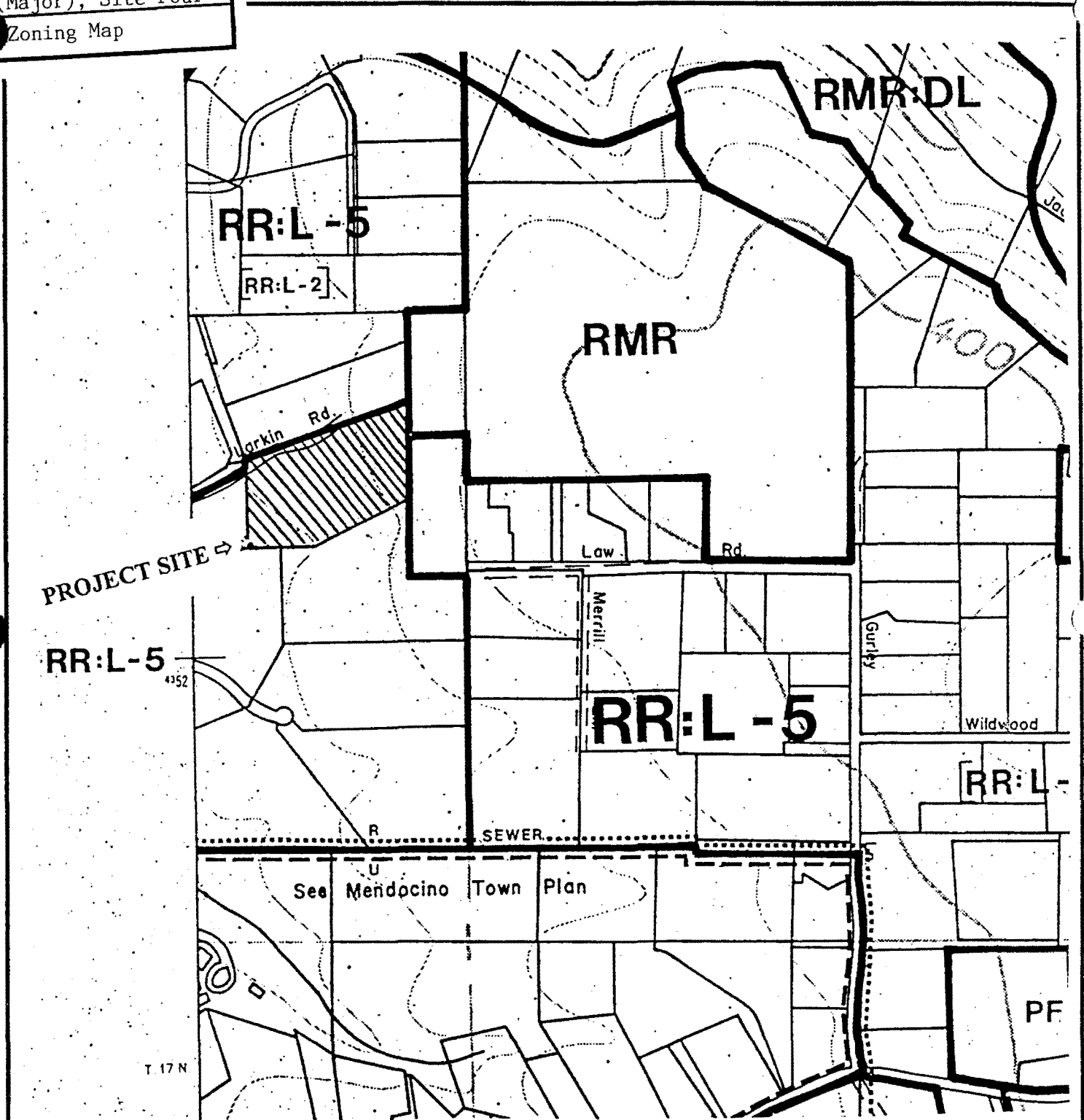
EXHIBIT NO. 31

APPLICATION NO.
Mendocino Co. LCP

Amendment 1-98
(Major), Site Four

Zoning Map

PAGE PC-1



CASE NUMBER: #GP 10-97

OWNER: Lori Rolfe

APPLICANT: Mendocino County

APN: 119-020-09

PROJECT SITE ⇨

NORTH ↑
ZONING MAP - EXHIBIT 2

D-14

EXHIBIT NO. 32

APPLICATION NO.
Mendocino Co. LCP

Amendment 1-98
(Major), Site Four

Resolution

RESOLUTION NO. 98-012

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY
OF MENDOCINO TO AMEND THE LOCAL
COASTAL PROGRAM FOR MENDOCINO COUNTY
(#GP 10-97 - Rolfe)

WHEREAS, the County of Mendocino has adopted a Local Coastal Program, and

WHEREAS, the Local Coastal Program has been certified by the California Coastal Commission, and

WHEREAS, an application has been submitted to the County requesting amendment of the County's Local Coastal Program, and

WHEREAS, the County Planning Commission has held a public hearing on the requested amendment and submitted its recommendation to the Board of Supervisors, and

WHEREAS, the Board of Supervisors has held a public hearing on the requested amendment and has determined that the Local Coastal Program should be amended,

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of the County of Mendocino adopts #GP 10-97 amending the Local Coastal Program as shown on attached Exhibit A.

BE IT FURTHER RESOLVED, that Planning and Building Services staff is directed to include the amendment proposed herein in the next submittal to be made to the California Coastal Commission for certification, and

BE IT FURTHER RESOLVED, that the amendment shall not become effective until after the California Coastal Commission approves the amendment without suggested modification. In the event that the California Coastal Commission suggests modifications, the amendment shall not become effective until after the Board of Supervisors of the County of Mendocino accepts any modification suggested by the California Coastal Commission and formally adopts the proposed amendment.

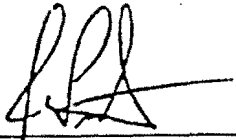
BE IT FURTHER RESOLVED, that the Local Coastal Program, as is proposed to be amended, is intended to be carried out in a manner fully in conformity with the California Coastal Act of 1976.

BE IT FURTHER RESOLVED, that in the event that the California Coastal Commission denies certification of the amendment proposed to be adopted in this resolution, this resolution shall become inoperative and will be immediately repealed without further action by the Board of Supervisors insofar as this resolution pertains to such amendment for which certification is denied. This resolution shall remain operative and binding for those amendments proposed herein that are certified by the California Coastal Commission.

The foregoing Resolution was introduced by Supervisor Delbar, seconded by Supervisor Campbell and carried this 26th day of January, 1998 by the following roll call vote:

AYES: Supervisors Delbar, Shoemaker, Campbell, Peterson, Pinches
NOES: None
ABSENT: None

Whereupon the Chairman declared said Resolution passed and adopted and SO ORDERED


Chairman, Board of Supervisors

ATTEST: JOYCE A. BEARD
Clerk of the Board

By: 
DEPUTY
#GP 10-97 - Rolfe

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

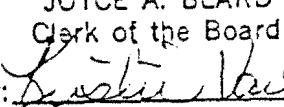

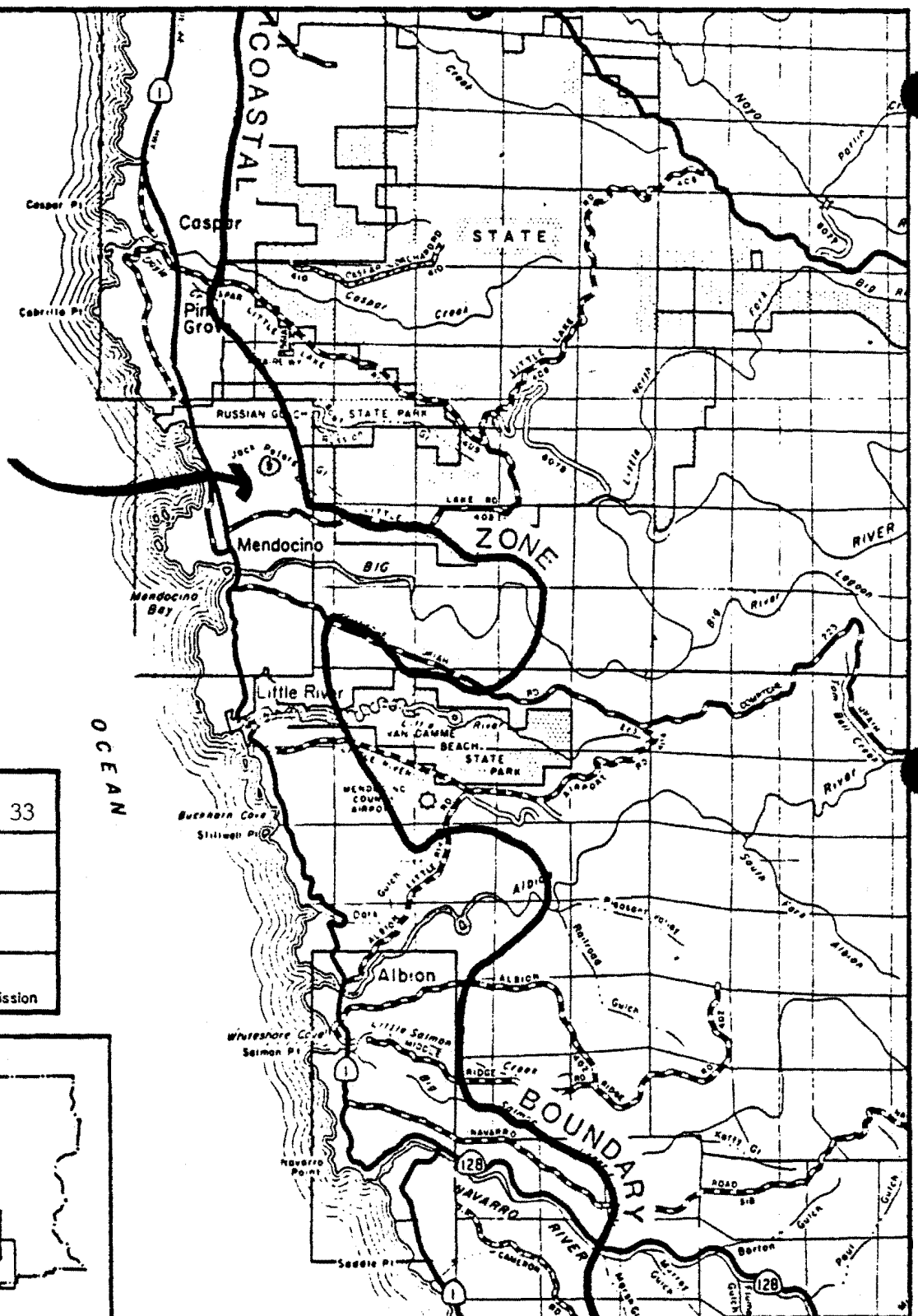
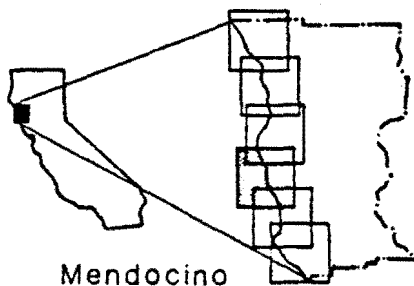

JOYCE A. BEARD
Clerk of the Board
By: 
DEPUTY

EXHIBIT NO.	32
APPLICATION NO.	Endocino Co. ICP
Amendment 1-98 (Major), Site four	
Resolution	

APPROXIMATE
LOCATION

EXHIBIT NO.	33
APPLICATION NO.	Mendocino Co. LCP
Amendment 1-98 (Major), Site Five	
 Location Map California Coastal Commission	



 California Coastal Commission

LOCATION MAP

1 0 1 2
miles

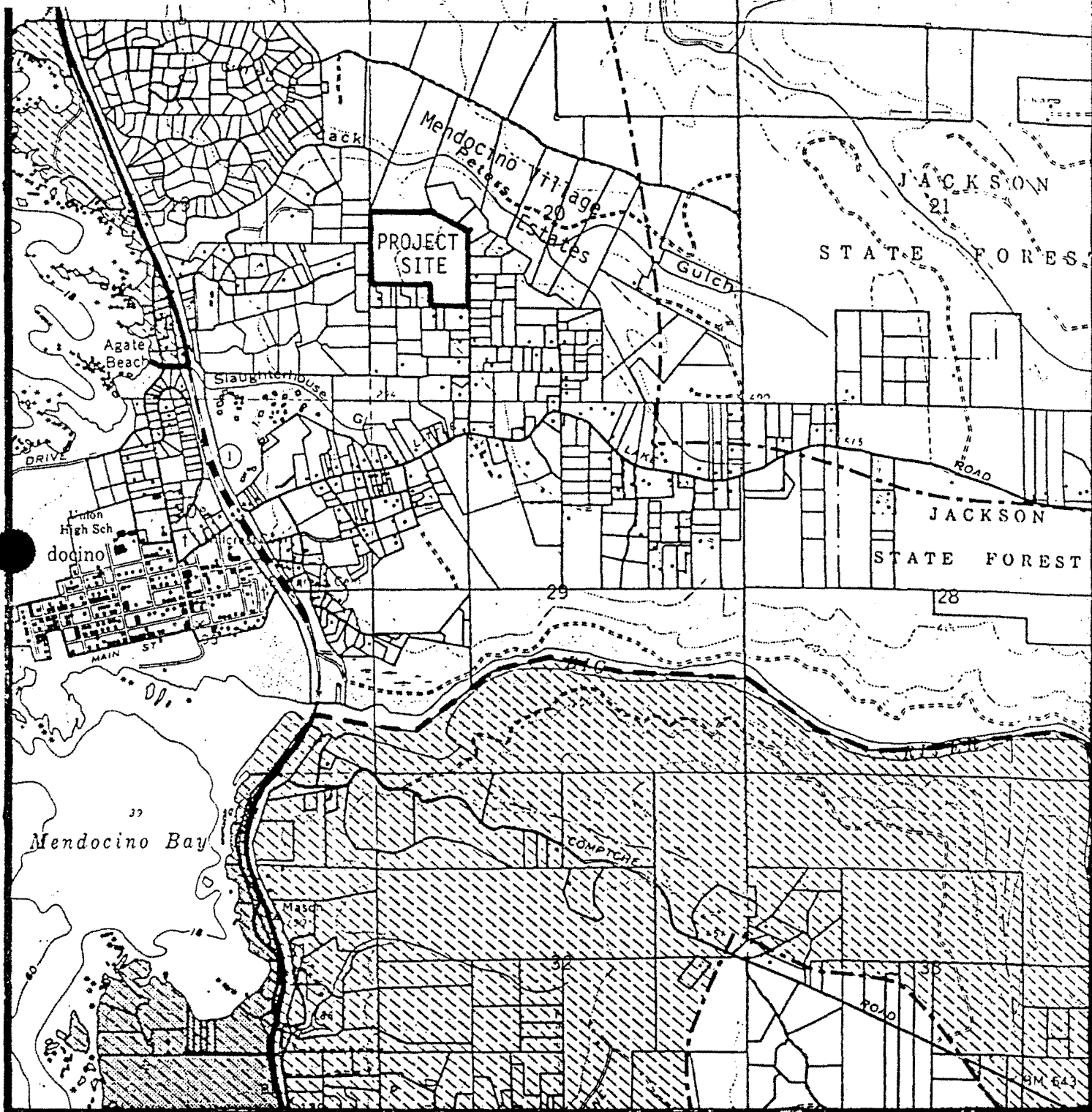


EXHIBIT NO. 34

APPLICATION NO.
Mendocino Co. LCP

Amendment 1-98
(Major), Site Five

Vicinity Map




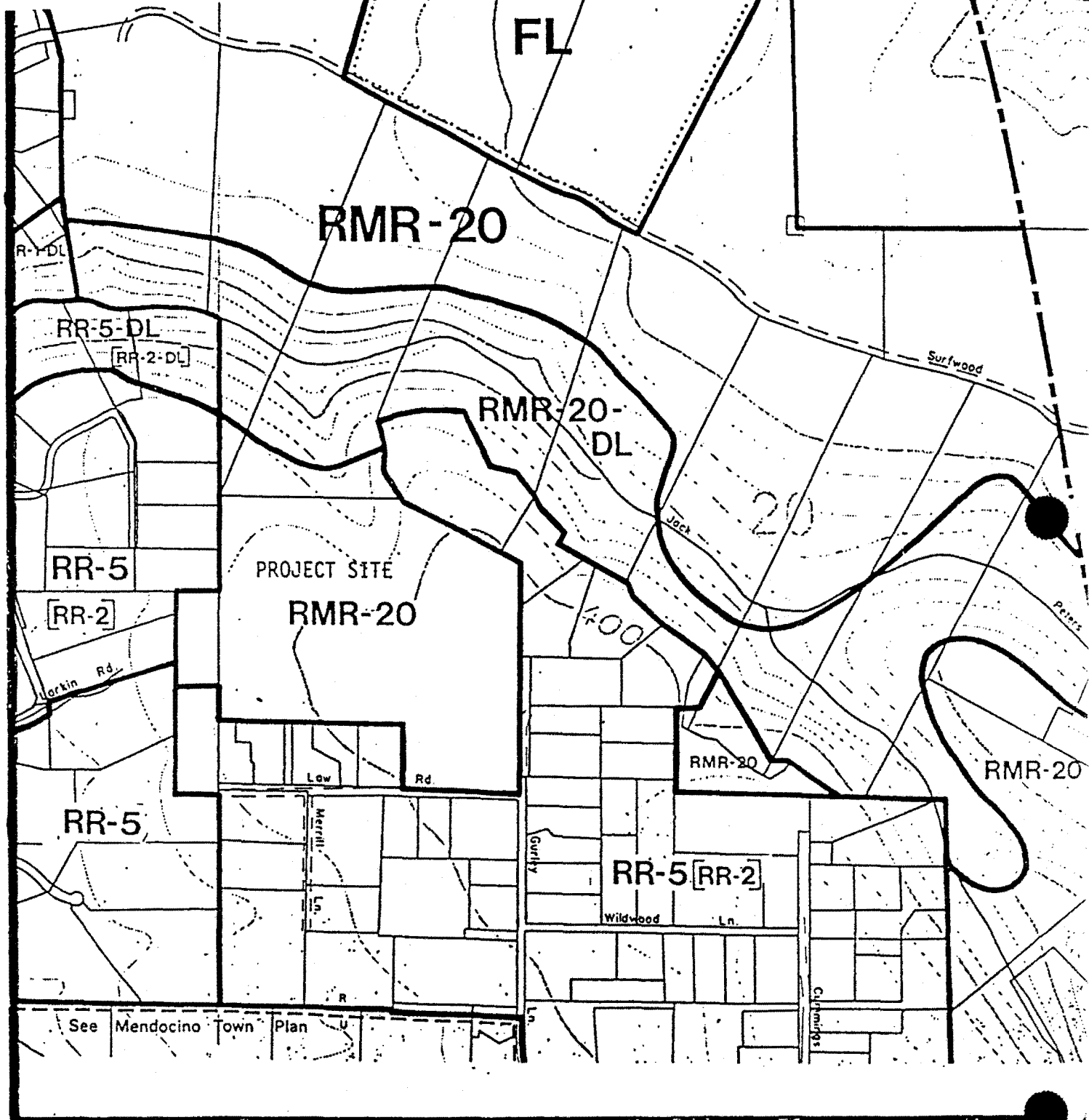
ASE NUMBER: GP 11-97/R 11-97	OWNER: Ulatowski	AGENT: Kamb
A/P NUMBER: 119-020-17	Location Map	SCALE:  NORTH

EXHIBIT NO. 35

APPLICATION NO.
Mendocino Co. LCP

Amendment 1-98
(Major), Site Five

LUP Map



CASE NUMBER:
GP 11-97/R 11-97

OWNER:
Ulatowski

AGENT:
Kamb

A/P NUMBER:
119-020-17

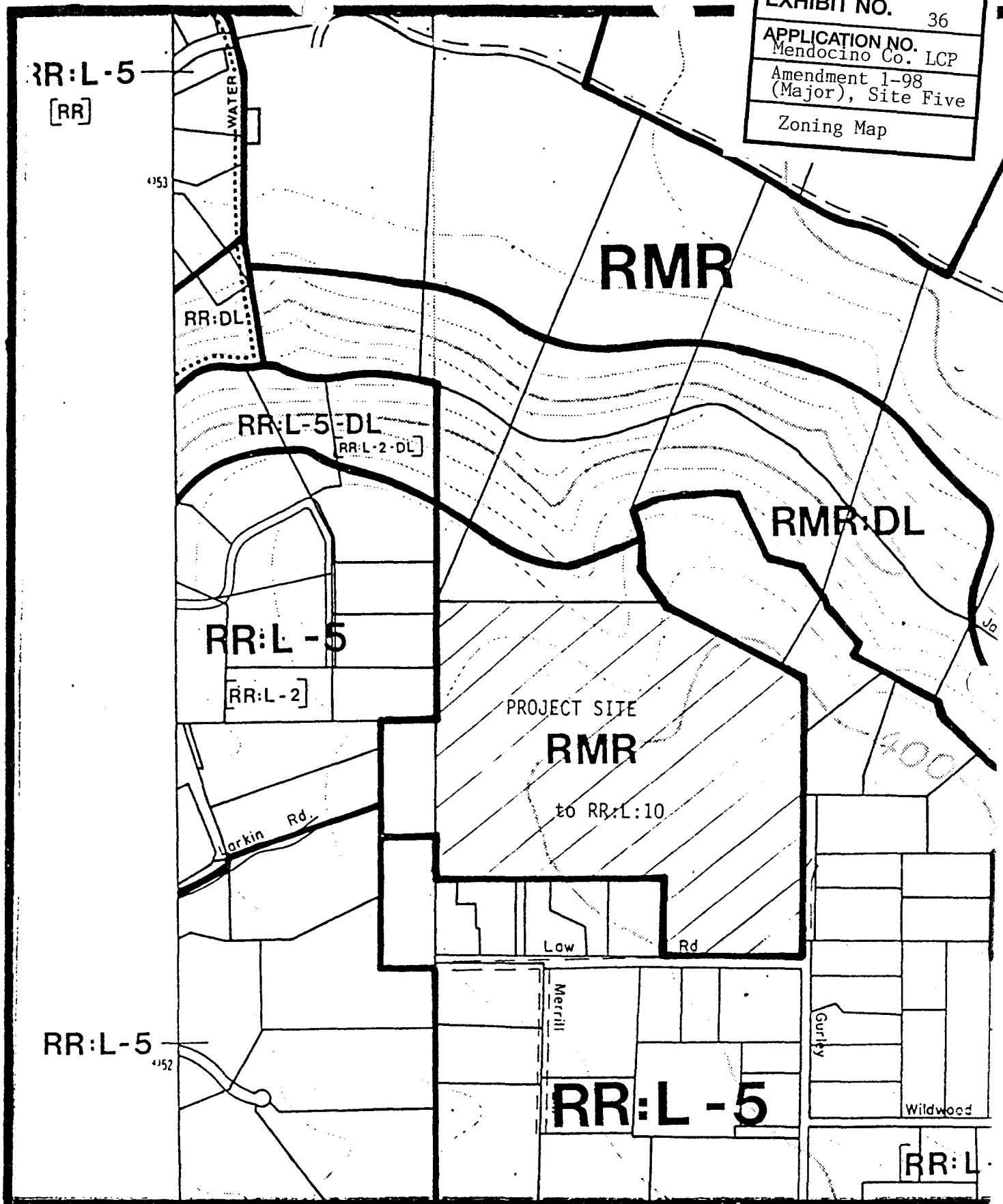
Coastal Land Use Map
Amend Map 42F from

SCALE:



NORTH

EXHIBIT NO. 36
 APPLICATION NO. Mendocino Co. LCP
 Amendment 1-98
 (Major), Site Five
 Zoning Map



CASE NUMBER: GP 11-97/R 11-97	OWNER: Ulatowski	AGENT: Kamb
A/P NUMBER: 119-020-17	Coastal Zoning Map Amend Map 42E from	SCALE:



NORTH

RMR-20 to RR:L:10

EXHIBIT "A"

EXHIBIT NO.	37
APPLICATION NO.	
Mendocino Co. LCP	
Amendment 1-98 (Major), Site Five	
Resolution	

RESOLUTION NO. 98-011

**RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY
OF MENDOCINO TO AMEND THE LOCAL
COASTAL PROGRAM FOR MENDOCINO COUNTY
(#GP 11-97 - Ultowski)**

WHEREAS, the County of Mendocino has adopted a Local Coastal Program, and

WHEREAS, the Local Coastal Program has been certified by the California Coastal Commission, and

WHEREAS, an application has been submitted to the County requesting amendment of the County's Local Coastal Program, and

WHEREAS, the County Planning Commission has held a public hearing on the requested amendment and submitted its recommendation to the Board of Supervisors, and

WHEREAS, the Board of Supervisors has held a public hearing on the requested amendment and has determined that the Local Coastal Program should be amended,

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of the County of Mendocino adopts #GP 11-97 amending the Local Coastal Program as shown on attached Exhibit A.

BE IT FURTHER RESOLVED, that Planning and Building Services staff is directed to include the amendment proposed herein in the next submittal to be made to the California Coastal Commission for certification, and

BE IT FURTHER RESOLVED, that the amendment shall not become effective until after the California Coastal Commission approves the amendment without suggested modification. In the event that the California Coastal Commission suggests modifications, the amendment shall not become effective until after the Board of Supervisors of the County of Mendocino accepts any modification suggested by the California Coastal Commission and formally adopts the proposed amendment.

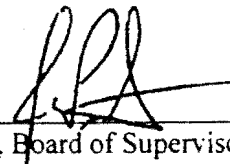
BE IT FURTHER RESOLVED, that the Local Coastal Program, as is proposed to be amended, is intended to be carried out in a manner fully in conformity with the California Coastal Act of 1976.

BE IT FURTHER RESOLVED, that in the event that the California Coastal Commission denies certification of the amendment proposed to be adopted in this resolution, this resolution shall become inoperative and will be immediately repealed without further action by the Board of Supervisors insofar as this resolution pertains to such amendment for which certification is denied. This resolution shall remain operative and binding for those amendments proposed herein that are certified by the California Coastal Commission.

The foregoing Resolution was introduced by Supervisor Delbar, seconded by Supervisor Campbell and carried this 26th day of January, 1998 by the following roll call vote:

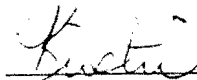
AYES: Supervisors Delbar, Shoemaker, Campbell, Peterson, Pinches
NOES: None
ABSENT: None

Whereupon the Chairman declared said Resolution passed and adopted and SO ORDERED



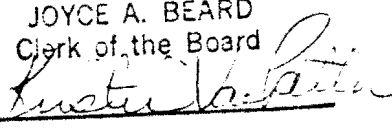
Chairman, Board of Supervisors

ATTEST: JOYCE A. BEARD
Clerk of the Board

By: 

DEPUTY
#GP 11-97 - Tomek & CC Ulatowski

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

JOYCE A. BEARD
Clerk of the Board
By: 

DEPUTY

EXHIBIT NO. 37
APPLICATION NO. Mendocino Co. LCP
Amendment 1-98 (Major), Site Five
Resolution

ORDINANCE NO. 3995

AN ORDINANCE CHANGING THE ZONING OF REAL
PROPERTY WITHIN MENDOCINO COUNTY

The Board of Supervisors of the County of Mendocino, State of California, ordains as follows:

Pursuant to Division II of Title 20, Chapter 20.548 of the Mendocino County Code, the zoning of the following real property within Mendocino County is hereby changed as described below.

Said zoning change encompasses the property described by Assessor's Parcel Number 119-020-17 which is reclassified from RMR (Remote Residential) to RR:L-10 (Rural Residential - 10 acre minimum), more particularly shown on the attached Exhibit "A".

This Ordinance shall not become effective or operative until the California Coastal Commission approves said zoning change without suggested modification.

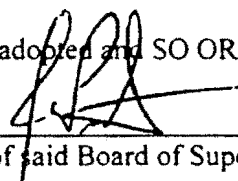
Passed and adopted by the Board of Supervisors of the County of Mendocino, State of California, on this 26th day of January, 1998, by the following vote:

AYES: Supervisors Delbar, Shoemaker, Campbell, Peterson, Pinches

NOES: None

ABSENT: None

WHEREUPON, the Chairman declared said Ordinance passed and adopted and SO ORDERED.


Chairman of said Board of Supervisors

ATTEST: JOYCE BEARD
Clerk of said Board

By Kristin Van Buren
DEPUTY

CASE#: #R 11-97

OWNER: Tomek and CC Ultowski

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

JOYCE A. BEARD
Clerk of the Board

By: Kristin Van Buren
DEPUTY

EXHIBIT NO.	37 a
APPLICATION NO.	Mendocino Co. LCP
	Amendment 1-98
	(Major), Site Five
	Ordinance