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Filed:	December 30, 1999
90 th Day:	March 29, 2000
Staff:	Eric Oppenheimer
Staff Report:	February 25, 2000
Hearing Date:	March 15, 2000
Commission Action:	

TO: Commissioners and Interested Parties

FROM: Peter M. Douglas, Executive Director
 Steve Scholl, Deputy Director
 Robert S. Merrill, North Coast District Manager
 Eric Oppenheimer, Coastal Planner

SUBJECT: **Mendocino County LCP Amendment No. 3-99, (Major), (1) Mendocino Unified School District; (2) Van Peer - Land Use Plan Amendment, Zone Reclassification)** (Meeting of March 17, 2000, in Carmel)

SYNOPSIS

Amendment Description

The proposed amendment consists of changing the land use classification maps and zoning designation contained in the County's certified LCP for two separate parcels within the coastal zone. The changes proposed by Amendment No. 3-99 are as follows:

1. SITE ONE (GP 7-99/R 6-99, MENDOCINO UNIFIED SCHOOL DISTRICT). APN 119-140-27. Change the coastal plan land use classification of a 0.5-acre parcel, located at 45096 Cahto Street in the Town of Mendocino, from Mendocino Town Residential (MTR) to Public and Semi-Public Facilities (PF) and rezone the site from Mendocino Town Residential (MTR) to Mendocino Public Facilities (MPF).
2. SITE TWO (GP 8-99/R 7-99, VAN PEER). APN 018-260-56. Change the coastal plan land use classification and rezone a 0.82-acre parcel, located at 32600 Highway 20 approximately 1.5 miles south of Fort Bragg, from Rural Residential-5 acre minimum [Rural Residential 1 acre minimum] (RR-5[RR-1]) to Fishing Village (FV).

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Summary of Staff Recommendation

The staff recommends that the Commission, upon completion of a public hearing, **certify the amendment request as submitted.**

With regard to the portion of the LUP amendment that affects Site One (Mendocino Unified School District), the 0.5-acre parcel is located within the Town of Mendocino adjacent to the Mendocino High School and is currently developed with a 3,000-square-foot building and gravel driveway. The parcel is owned by the Mendocino Unified School District, which seeks this amendment so that the parcel can be used for expansion of the high school campus and ultimately developed with a small theater, music room, and a regional occupation center. The LUP amendment would not cause any increase in the number of students attending the school or in the number staff employed at the school. Additionally, the proposed amendment would not allow for any increase in density over what exists under the current LCP. The site is not located in a highly scenic area and no environmentally sensitive habitat areas are located on the parcel. Given that the site is located within a designated community services district boundary and that the site is located within a largely developed area away from the shoreline and sensitive coastal resources, the proposed LUP amendment will have no adverse impacts on coastal resources and is consistent with the Coastal Act.

With regard to the portion of the LUP amendment that affects Site Two (Van Peer), the 0.82-acre parcel is located at 32600 Highway 20 just outside of the Fishing Village zoning district that encompasses the Noyo Harbor. The County and the landowners are seeking this portion of the amendment to legitimize an existing non-conforming boat-building business. In October of 1999, the Commission acted on a related appeal of a Mendocino County coastal development permit approval, finding that the appeal raised no substantial issue. The site is not located in a highly scenic area and no environmentally sensitive habitat areas are located on the parcel. The amendment could potentially result in a future increase in density, as applying the proposed Fishing Village land use classification to the property would allow a smaller minimum parcel size than is allowed under the current Rural Residential land use classification. However, any future subdivision or development of the parcel would require a coastal development permit from Mendocino County. Given that (1) the site is located in a designated community services district boundary and has adequate services to accommodate existing and proposed site development; and (2) that the site is located near the shoreline and the amendment will convert the allowable land use from a lower priority use to a higher priority use and will allow the continuation of an existing coastal-related industry, the proposed LUP amendment will have no adverse impacts on coastal resources and is consistent with the Coastal Act.

In both cases, the proposed zoning district allows for the same range of principally permitted and conditional uses as the proposed LUP designation. Therefore, the proposed Implementation Plan amendment will conform with and adequately carry out the LUP as proposed to be amended.

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The motion and resolution for approval of the LUP amendment portion of the proposed LCP amendment are found on page 3 of this staff report. The motion and resolution for approval of the IP amendment portion of the proposed LCP amendment are found on page 4.

Analysis Criteria

To approve the amendment to the Land Use Plan (LUP), the Commission must find that the LUP, as amended, will remain consistent with the Chapter 3 policies of the Coastal Act. To approve the amendments to the zoning ordinance, the Commission must find that the Implementation Plan (IP), as amended, will conform with and is adequate to carry out the LCP.

Additional Information:

For further information, please contact Eric Oppenheimer at the North Coast District Office (707) 445-7833. Correspondence should be sent to the District Office at the above address.

I. STAFF RECOMMENDATION, MOTIONS, AND FINDINGS FOR LCP
AMENDMENT NO. 3-99, MAJOR

A. APPROVAL OF THE LAND USE PLAN PORTION OF AMENDMENT NO. 3-99 AS
SUBMITTED

MOTION 1: I move that the Commission certify Land Use Plan Amendment 3-99 as submitted the County of Mendocino.

STAFF RECOMMENDATION TO CERTIFY:

Staff recommends a **YES** vote. Passage of the motion will result in certification of the land use plan as submitted and adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the appointed Commissioners.

RESOLUTION NO. 1:

The Commission hereby certifies Land Use Plan Amendment No. 3-99 as submitted by the County of Mendocino and adopts the findings set forth below on the grounds that the amendment conforms with the policies of Chapter 3 of the Coastal Act. Certification of the Land Use Plan Amendment complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the plan on the environment, or 2) there are no further feasible alternatives or mitigation measures which could substantially lessen any significant adverse impact which the Land Use Plan Amendment may have on the environment.

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B. APPROVAL OF THE IMPLEMENTATION PLAN PORTION OF AMENDMENT NO. 3-99 AS SUBMITTED

MOTION II: I move that the Commission reject Implementation Program Amendment No. 3-99 for the County of Mendocino as submitted.

STAFF RECOMMENDATION OF CERTIFICATION AS SUBMITTED:

Staff recommends a **NO** vote. Failure of this motion will result in certification of the Implementation Program Amendment as submitted and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

RESOLUTION II:

The Commission hereby certifies Implementation Program Amendment No. 3-99 for the County of Mendocino as submitted and adopts the findings set forth below on grounds that the Implementation Program will meet the requirements of and be in conformity with the policies of Chapter 3 of the Coastal Act, and certification of the Implementation Program Amendment will meet the requirements of the California Environmental Quality Act, because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Implementation Program Amendment on the environment, or 2) there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts on the environment that will result from certification of the Implementation Program Amendment.

II. DESCRIPTION OF SITES AND LCP AMENDMENTS

A. Site One (GP 7-99/R 6-99, Mendocino Unified School District)

The proposal would change the Coastal Land Use Plan classification of a 0.5-acre parcel located at 45096 Cahto Street in the Town of Mendocino from Mendocino Town Residential (MTR) to Public and Semi-Public Facilities (PF) and rezone the site from Mendocino Town Residential (MTR) to Mendocino Public Facilities (MPF). The property located is within the Town of Mendocino, which is a designated special community. Additionally, the site is within the Mendocino Historic District, however, no historical structures are located on the property. Currently the site contains a 3,000-square-foot building that is being used as office space. The adjacent parcels located to the north, west and east are zoned Mendocino Public Facilities (MPF) and the parcel to south, located across Cahto Street, is zoned Residential (MTR). The school district is seeking the proposed land use and zoning change to reflect the intended use of the property as an expansion of the adjacent high school. The school district ultimately intends to construct a 4,500-square-foot structure on the site to be used as a small theater/auditorium (estimated 90 seat capacity) and associated music rooms. The existing 3,000-square-foot

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structure would be used as a regional occupation center. Any proposed future development would require a coastal development permit.

B. Site Two (GP 8-99/R 7-99, Van Peer)

The proposal would change the Coastal Land Use Plan classification and rezone a 0.82-acre parcel from Rural Residential-5 acre minimum [Rural Residential 1 acre minimum] (RR-5[RR-1]) to Fishing Village (FV). The subject site is located approximately 1½ miles south of central Fort Bragg, on the north site of State Highway 20, near the intersection with South Harbor Drive. The subject property is currently developed with a single family residence, a 576-square-foot detached garage and a 4,000-square-foot metal building that is being used for commercial boat building. The property is accessed via an existing road approach onto State Highway 20. The subject property is zoned Rural Residential-5 acre minimum (RR-5), meaning that there may be one parcel for every five acres, and that the parcel is designated for residential use and local, small-scale farming. Surrounding properties are also zoned RR-5, except for one adjacent parcel located immediately northwest of the site that is zoned Fishing Village (FV).

The property is currently being used as cottage industry, the Van Peer Boatworks. The County's approval of the cottage industry was subject to a three year time limit, and subject to filing an application to amend the Coastal Land Use Plan to reclassify the parcel as Fishing Village (FV). As a result, the applicant is requesting this amendment to comply with the County's requirements to change the land use designation to reflect the intended use of the property as a boat-building operation.

The parcel is not located within a designated Highly Scenic Area. There is no sensitive habitat on the property. The project site is approximately ½ mile from the Noyo River and the Hare Creek drainage.

III. LAND USE PLAN FINDINGS

A. 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 (Mendocino Unified School District), the 0.5-acre parcel is currently being used as office space. The amendment would allow for the expansion of the adjacent high school and would facilitate the concentration of new development within existing developed areas as intended by Section 30250(a) of the Coastal Act. The site is currently served by community water and sewer services and the amendment would not increase the demand for services on the subject site. In addition, as discussed below, the proposed LCP Amendment would not have significant adverse effects, either individually or cumulatively, on coastal resources. Therefore, the Commission finds that the proposed LUP Amendment for Site One is consistent with Coastal Act Policy 30250(a).

In the case of Site Two (Van Peer), the 0.82-acre is site is located just outside of a large area designated under the LCP as Fishing Village that encompasses the Noyo harbor. The site's location, specifically its proximity to the Noyo Mooring Basin, facilitates the movement of boats to and from the water. Thus, the

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proposed uses allowed by the LCP amendments would be located in an area already developed with similar uses.

Site Two is within an area classified as a Marginal Water Resource Area by the County Groundwater Study. However, the site is supplied with municipal water and sewer service from the City of Fort Bragg. Therefore, the site is located in an area with adequate services to accommodate the uses that would be allowed by the change in LCP designation for the property. In addition, as discussed below, the proposed LCP Amendment would not have significant adverse effects, either individually or cumulatively, on coastal resources. Therefore, the Commission finds that the proposed LUP Amendment for Site Two is consistent with Coastal Act Policy 30250(a).

B. Highway One Traffic Capacity.

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.

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. When it eventually certified the Mendocino County Land Use Plan with Suggested Modifications, the Commission found that too much buildout of the Mendocino coast would severely impact the recreational experience of Highway One and its availability for access to other recreational destination points. 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:

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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 buildup 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 buildout of the Coastal Element of the General Plan. The study projected 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 County also has initiated additional studies to determine where appropriate density increases could be allowed without overtaxing Highway One's limited capacity.

The Commission has adopted findings in its actions on previous LCP amendments stating that proposed LCP changes that would result in increases in residential density on a first-come, first-served basis would not ensure that highway capacity would 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 would 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 effect numerous projects would have if approved in this fashion.

During its review of Mendocino LCP Amendment No. 1-98(Major) of the Commission meeting of September 9, 1998, the Commission expressed concern regarding the approval of any future density-increasing LCP amendments without having the benefit of the complete review called for by LUP policy 3.4-9. Although a comprehensive review of the Land Use Plan has not yet been completed, the County is progressing toward the development of such a study and has been awarded grant funds which in large part will be used to conduct the study specified by LUP policy 3.4-9.

The portion of the proposed amendment affecting Site One (Mendocino Unified School District) would not result in any actual or potential increase in density as the proposed Public Facility designation does not allow for any more subdivision of land on the subject parcel than is currently allowed by the existing Town Residential zoning designation. Furthermore, the current Town Residential land use classification would allow for residential development of the property whereas the Mendocino Public Facility land use classification would not allow for any residential uses of the property.

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County staff evaluated the impacts of the proposal for Site One using the 1994 State Route 1 Corridor Study and determined that the project would not cause the Level of Service (LOS) on State Route 1 to drop below acceptable LOS E. The County indicates that the intended use of the subject site is for the expansion of the adjacent Mendocino High School and that the site will ultimately be developed with a 4,500-square-foot theater/auditorium (estimated 90-seat capacity) and associated music rooms. The proposed theater/auditorium would not include an increase in enrollment or staff at the school. Although the addition of theater could potentially generate additional local vehicle trips and alter local traffic patterns to and from theater events, no additional traffic will actually be realized because the school currently holds these events in their on-site multipurpose room or at the nearby Mendocino Community Theater. Furthermore, the scheduling of theater events will generally coincide with off-peak traffic times during evenings and on weekends.

Based on the facts that (1) there will be no net increase in potential lots for the parcel, the intended use of the parcel is not anticipated to generate a significant number of new vehicle trips within the town, and (2) the levels of service for the relevant intersection and road segments are projected to remain at acceptable levels, the Commission finds that the proposed LUP Amendment for Site One would have no adverse effect on Highway One traffic capacity and is consistent with Coastal Act Sections 30254 and 30250(a).

In the case of Site Two (Van Peer), 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 Highway One along road segment 17 (Highway 20 to Noyo Bridge) which currently and in the year 2020 is projected to operate at an unacceptable Level of Service (LOS) F, and signalized intersection 29 (Highway One at Highway 20) which currently operates at an LOS B and is projected to operate at LOS F in the year 2020. However, Caltrans is currently widening Highway One, from the Noyo Bridge (including the bridge) to the City of Fort Bragg, to four lanes and the widening the project will improve this segment of Highway One to a LOS A.

The portion of the amendment affecting Site Two is primarily being sought to legitimize an existing boat-building business that was permitted as a cottage industry in 1999. Thus, no increase in density or trip generation at the site is likely to occur for the foreseeable future. However, the changes proposed by the Site Two (Van Peer) portion of the amendment could potentially result in an increase density because the current Rural Residential zoning only allows one parcel per acre while the proposed Fishing Village zoning would allow for one parcel per 6,000 square feet. Therefore, the subject 0.82-acre parcel could potential be subdivided into a maximum of 5 conforming parcels, representing a total increase of four new parcels.

This increased density potential is very small, and the Commission notes that the site is within the urban limit line surrounding Fort Bragg, where Highway One is being expanded to four lanes. The highway improvements mentioned above would easily accommodate any increased traffic resulting from a future subdividing of the property. In addition, the Commission notes that much, if not all of any additional traffic generated would likely be for similar boat repair or other harbor related uses which are considered priority uses under the Coastal Act. Section

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30254 of the Coastal Act requires that limited highway capacity be required for such higher priority uses over lower priority uses.

Based on the fact that the number of potential new parcels is only four, which will have minimal impacts on traffic and other coastal resources, and on the fact that highway levels of service at the relevant intersection and road segments are projected to remain at an acceptable level by the year 2020, the Commission finds that the proposed LUP Amendment for Site Two is consistent with Coastal Act Sections 30254 and 30250(a).

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.

In the Case of Site One (Mendocino Unified School District), the subject site is located in a designated Special Community where new development must remain within the scope and character of the existing surrounding development and protect coastal views. Although the site is located west of Highway One, the site is not visible from the Highway nor does the site affect any public views to the coast or ocean. Additionally, development of the site with public school facilities (e.g. theater, music rooms etc.) would be compatible with the character of the surrounding area which includes an existing school. Any such development would require a coastal development permit. Thus, to the extent that any aspect of the proposed development raises a visual resource concern, the County, and the Commission on appeal, would have the ability to condition the permit to achieve conformance with the visual resource policies of the County's LCP. Thus, the Commission finds that the proposed LUP Amendment for Site One is consistent with Coastal Act Sections 30250 and 30251 with respect to the protection of visual resources.

With regard to Site Two (Van Peer), the subject site is not located in a designated highly scenic area and is located approximately ½ mile away from the ocean. The site is accessed off of Highway 20 and is not visible from Highway One. Additionally, the site does not have the potential to affect views to the ocean, as there are no current views to the ocean through the site. Furthermore, the site is located in already developed area that consists of mixed uses and architectural styles. Thus, any future development resulting from the LCP amendment can be made compatible with the character of the area fairly readily. Therefore, 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.

D. Environmentally Sensitive Habitat Area

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

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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 (Mendocino Unified School District), there are no environmentally sensitive habitat areas on the property. Thus, the Commission finds that since environmentally sensitive habitat will not be adversely affected, the proposed LUP Amendment for Site One is consistent with Sections 30231 and 30240 of the Coastal Act.

Regarding the proposal for Site Two (Van Peer), there are also no sensitive habitat areas on the property. However, the project site is located approximately ½ mile from the Noyo River and the Hare Creek drainage. Mendocino County's approval of coastal development use permit (CDU # 30-98), which permitted the boatworks as a cottage industry, was appealed to the Commission in part due to concerns that contaminated site runoff could adversely affect the biological productivity and the quality of coastal streams. However the Commission ultimately found that the appeal did not raise a substantial issue with regard to conformance of the approved project with the LCP policies addressing the protection of environmentally sensitive habitat areas. As a result the County approval was upheld.

The Mendocino County approval of the project contained conditions requiring the applicant to obtain all other necessary permits from federal, state and county agencies having jurisdiction. Consequently, the boat-building facility is required to comply with the State Water Resource Control Board's Industrial Stormwater Permit which requires the implementation of water quality Best Management Practices (BMPs) to minimize polluted runoff and protect receiving water quality. Additionally, North Coast Regional Water Quality Control Board staff collected and analyzed water samples on January 27, 1999 from a well on an adjacent parcel to document existing ground water quality. The results indicate that there has been no contamination in this well that could be attributed to the boat-building activities. Regional Board staff concluded that based upon the site inspection of the Van Peer Boatworks and the lab analysis results from the well sampling, there was no evidence that past boat-building activities at the site have adversely impacted the beneficial uses of surface and ground waters adjacent to the site.

The Commission must also consider, in its analysis, all of the potential uses of the property that could be permitted as a result of the proposed amendment. As mentioned above the 0.82-acre parcel could be subdivided into a maximum of 5 parcels and the individual parcels could be developed with appropriate uses permitted under the proposed Fishing Village land use classification such as coastal-related support services and coastal-dependant industries. Similar to the existing on-site boat-building facility, these potential future uses could potentially generate deleterious runoff affecting nearby watercourses. However, the site itself does not contain any environmentally sensitive habitat areas and conversion of the parcel from a Residential land use classification to a Fishing Village classification unto itself will not have any affect on environmentally sensitive habitat areas. Furthermore any future subdivision of land or subsequent use of the property would require County coastal development permits, which as conditioned would provide for the protection of off-site environmentally sensitive habitat areas through the implementation of on-site BMPs. Thus, the Commission finds that the proposed amendment would not

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adversely affect environmentally sensitive habitat and the proposed LUP Amendments for Site Two is consistent with Sections 30231 and 30240 of the Coastal Act.

E. Priority Coastal Development

The Coastal Act establishes certain priority uses which must be protected in favor of allowing other competing uses without priority. Generally, these priority land uses include uses that must be located on the coast to function, such as ports and commercial fishing facilities, uses that encourage public use of the coast such as various kinds of visitor serving facilities, and uses that protect existing coastal resources such as wetlands and other sensitive habitat. The Coastal Act requires that adequate land be reserved for such uses in the local coastal programs adopted for each coastal city and county. Section 30101 of the Coastal Act defines a coastal-dependant use as a use which requires a location on or adjacent to the sea to be able to function at all, and a coastal-related use as any use that is dependant on a coastal-dependant development or use.

In the case of Site One (Mendocino Unified School District), the parcel is located inland approximately ½ mile from the sea within an already developed area. As mentioned above the site is currently classified as Mendocino Town Residential (MTR) pursuant to the County's LUP and Zoning Code. Additionally, the site is already developed with an existing 3000-square foot building that is being used as office space and an existing gravel driveway. The Site One portion of the amendment seeks to change the land use classification on the parcel from one non-priority use to another non-priority use in an already developed area that is not suitable for any priority coastal use or development. Thus, the Commission finds that the Site One portion of this LCP amendment request is consistent with the policies contained in Chapter 3 of the Coastal Act which pertain to priority coastal development opportunities.

Regarding Site Two (Van Peer), the site is currently developed with a non-conforming boat-building facility within a residentially zoned area. Pursuant to section 30101 of the Coastal Act, the existing boat-building facility is a coastal-related use. Section 30234 of the Coastal Act states, in part, that facilities serving the commercial fishing and recreational boating industries shall be protected and, where feasible, upgraded. Furthermore, Section 30255 of the Coastal Act states, in relevant part, that when appropriate, coastal-related developments should be accommodated within reasonable proximity to the coastal-dependent uses they support. The Site Two portion of this LCP amendment will change the coastal plan land use classification and rezone the parcel from Rural Residential (RR-5[RR-1]) to Fishing Village (FV). This change in land use represents a change from a lower priority residential use to higher priority coastal-related use. Thus, the Commission finds that the Site Two portion of this LCP amendment request is consistent with the policies contained Chapter 3 of the Coastal Act which pertain to priority coastal development opportunities.

IV. IMPLEMENTATION PROGRAM FINDINGS:

Regarding Site One, the proposal would rezone the 0.5-acre parcel from Mendocino Town Residential (MTR) to Mendocino Public Facilities (MPF). Regarding Site Two, the proposal would rezone the 0.82-acre parcel from Rural Residential-5 acre minimum [Rural Residential 1

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acre minimum] (RR-5[RR-1]) to Fishing Village (FV). In both cases, the proposed zoning district allows for the same range of principally permitted and conditional uses as the proposed LUP designation. Therefore, since the Commission has certified the proposed LUP map changes, the proposed Implementation Program changes can be approved, since to do so would result in an Implementation Program that would conform with and adequately carry out the amended Land Use Plan designations for each site. Thus, the Commission finds that the proposed Amendment No. 3-99 to the Implementation Plan conforms to and is adequate to carry out the Land Use Plan, as amended by Mendocino County LCP Amendment No. 3-99.

V. CEQA:

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)(A) 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 effects which the activity may have on the environment.

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

Exhibits:

1. Site One Location Map
2. Site Two Location Map
3. County Resolutions

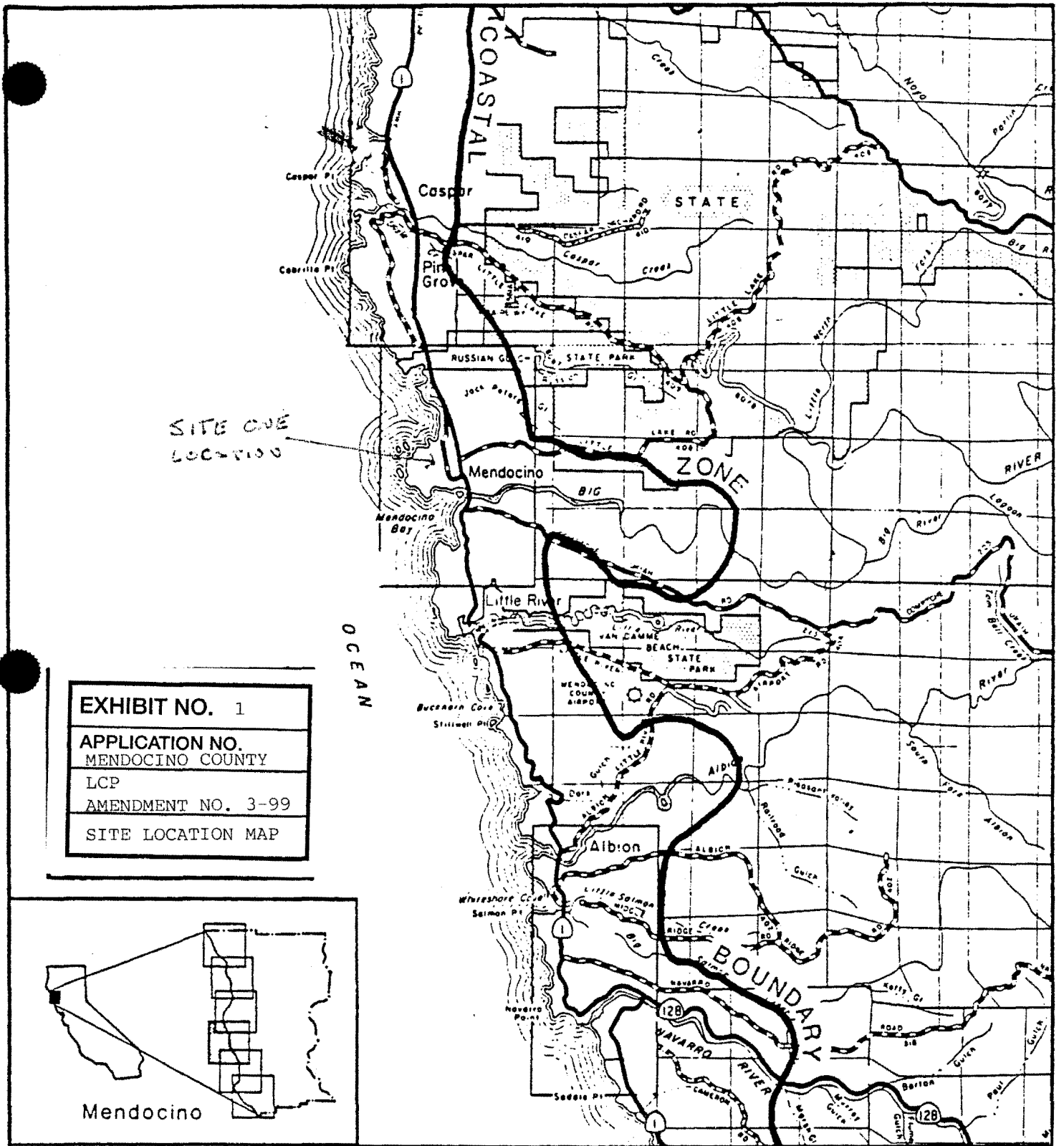
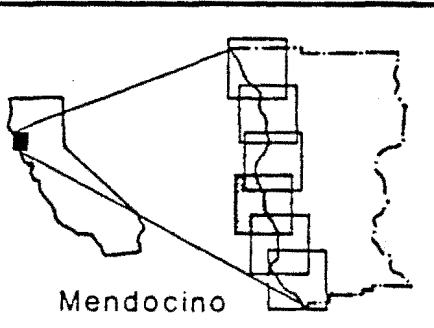
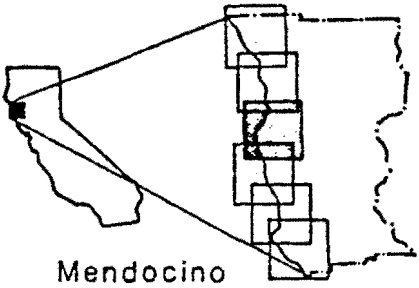


EXHIBIT NO. 1
 APPLICATION NO.
 MENDOCINO COUNTY
 LCP
 AMENDMENT NO. 3-99
 SITE LOCATION MAP



LOCATION MAP

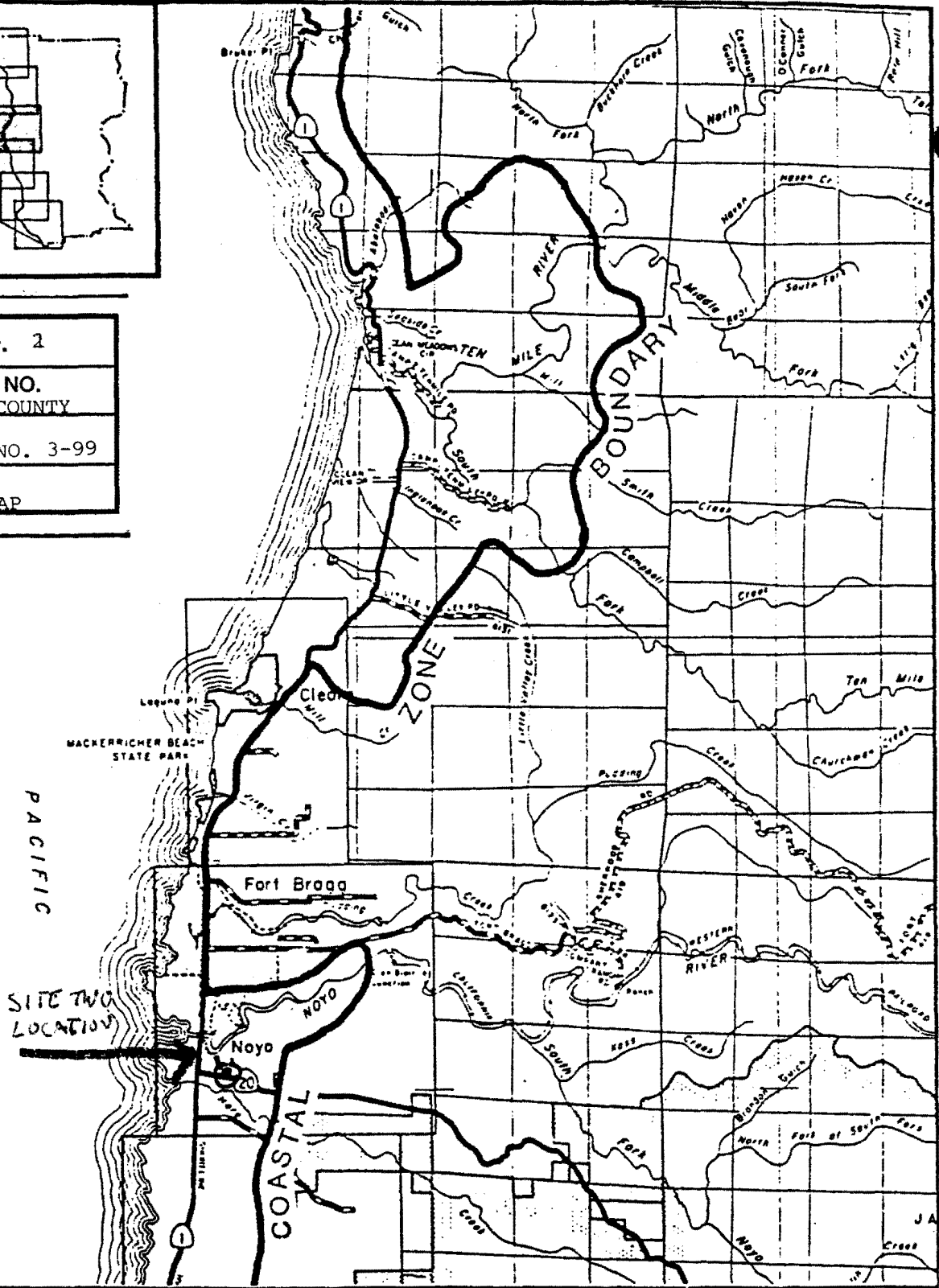




Mendocino

EXHIBIT NO. 2

APPLICATION NO.
 MENDOCINO COUNTY
 LCP
 AMENDMENT NO. 3-99
 SITE TWO
 LOCATION MAP



RESOLUTION NO. 99-251

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY
OF MENDOCINO TO AMEND THE LOCAL
COASTAL PROGRAM FOR MENDOCINO COUNTY
(#GP 7-99 - Mendocino Unified School District)

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 7-99 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.

EXHIBIT NO. 3
APPLICATION NO. MENDOCINO COUNTY
LCP AMENDMENT NO. 3-99 COUNTY
RESOLUTIONS

The foregoing Resolution was introduced by Supervisor Campbell, seconded by
Supervisor Colfax and carried this 13 day of December, 1999 by the following
roll call vote:

AYES: Supervisors Delbar, Lucier, Campbell, Colfax, Shoemaker
NOES: None
ABSENT: None

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



Chairman, Board of Supervisors

ATTEST: KRISTI FURMAN
Clerk of the Board

By: Janette Rau-deputy

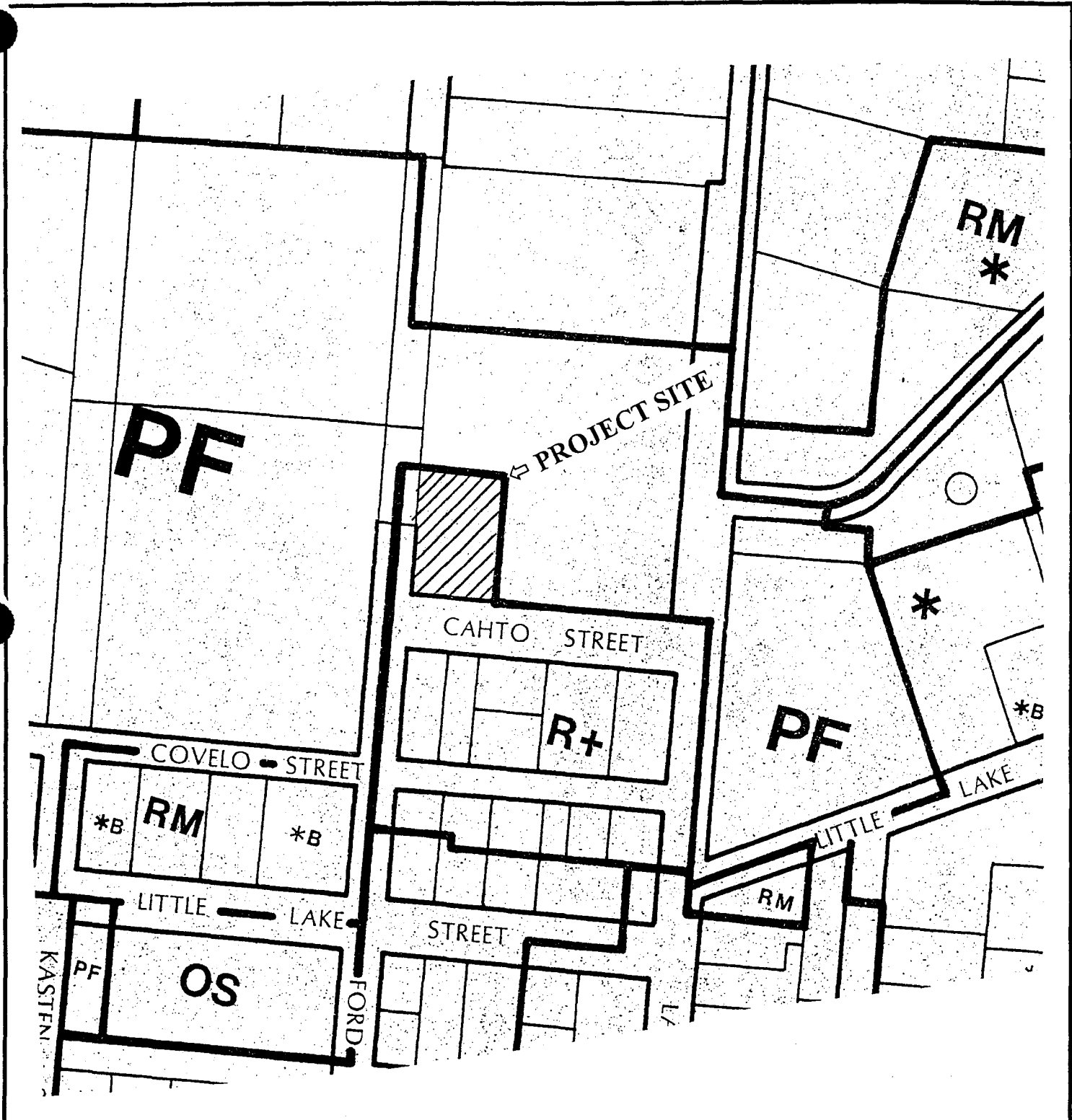
#GP 7-99 - Mendocino Unified School District

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

KRISTI FURMAN
Clerk of the Board

By: Janette Rau

DEPUTY




CASE NUMBER:
#GP 7-99

OWNER: Mendocino Unified
School District

AGENT: Ken Metheson

APN 119-140-27

Land Use Map
 R+ to PF

NORTH ↑

EXHIBIT A

ORDINANCE NO. 4053

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 119-140-27 which is reclassified from Mendocino Town Residential (MTR) to Mendocino Public Facilities (MPF), 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 13th day of December 1999, by the following vote:

AYES Supervisors Delbar, Lucier, Campbell, Colfax, Shoemaker
NOES: None
ABSENT: None

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

Richard Shoemaker

Chairman of said Board of Supervisors

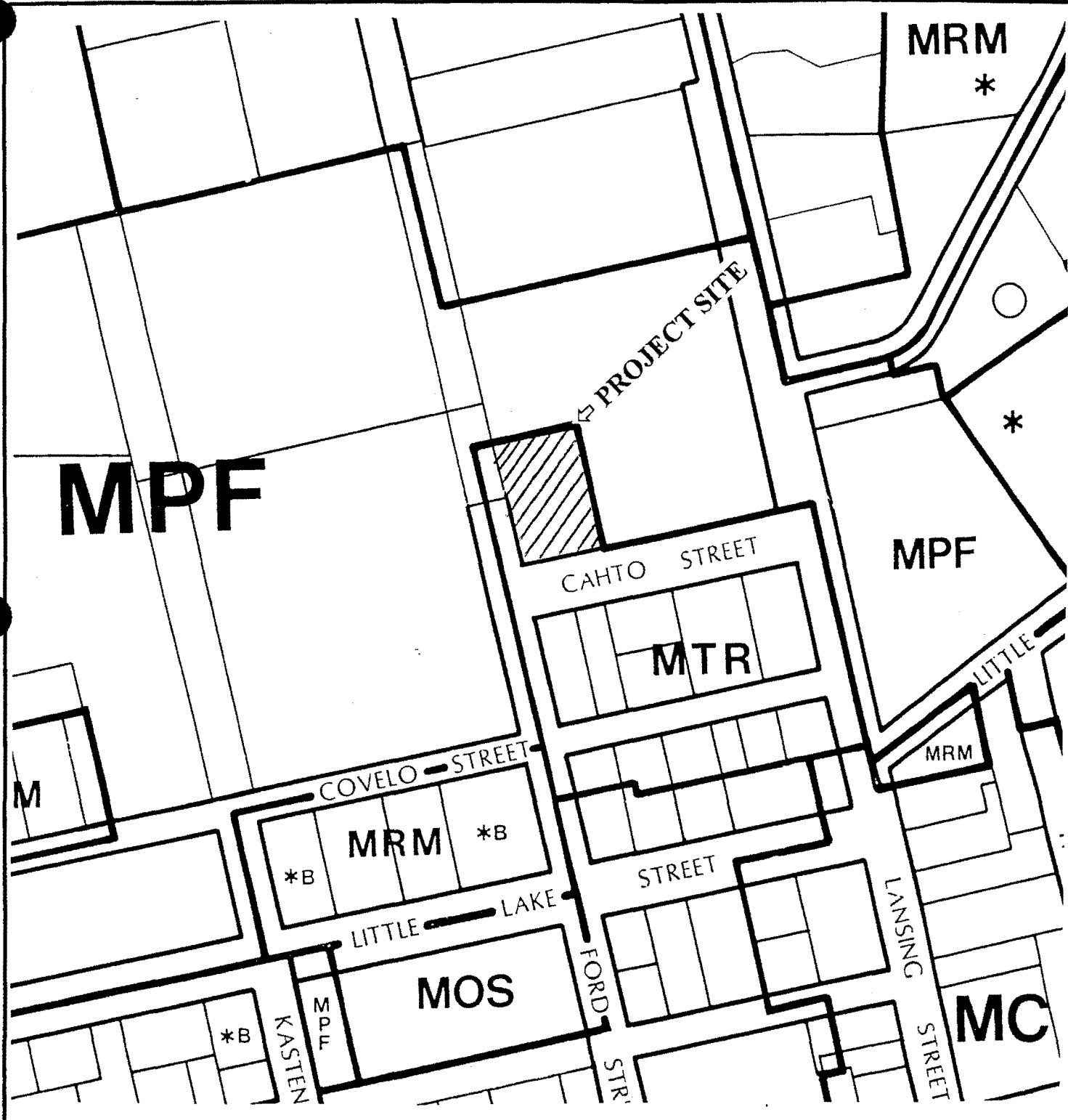
ATTEST: KRISTI FURMAN
Clerk of said Board


By *Janelle Barr*
DEPUTY

CASE#: #R 6-99
OWNER: Mendocino Unified School District

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

KRISTI FURMAN
Clerk of the Board
By: *Janelle Barr*
DEPUTY



CASE NUMBER: R 6-99	OWNER: Mendocino Unified School District	AGENT: Ken Metheson
APN 119-140-27	Zoning Map  MTR to MPF	NORTH ↑

RESOLUTION NO. 99-252

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY
OF MENDOCINO TO AMEND THE LOCAL
COASTAL PROGRAM FOR MENDOCINO COUNTY
(#GP 8-99 - Van Peer)

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 8-99 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 Campbell, seconded by Supervisor Colfax and carried this 13th day of December, 1999 by the following roll call vote:

AYES: Supervisors Delbar, Lucier, Campbell, Colfax, Shoemaker
NOES: None
ABSENT: None

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

Richard Shoemaker

Chairman, Board of Supervisors

ATTEST: KRISTI FURMAN
Clerk of the Board

By: *Janette Prou* - deputy

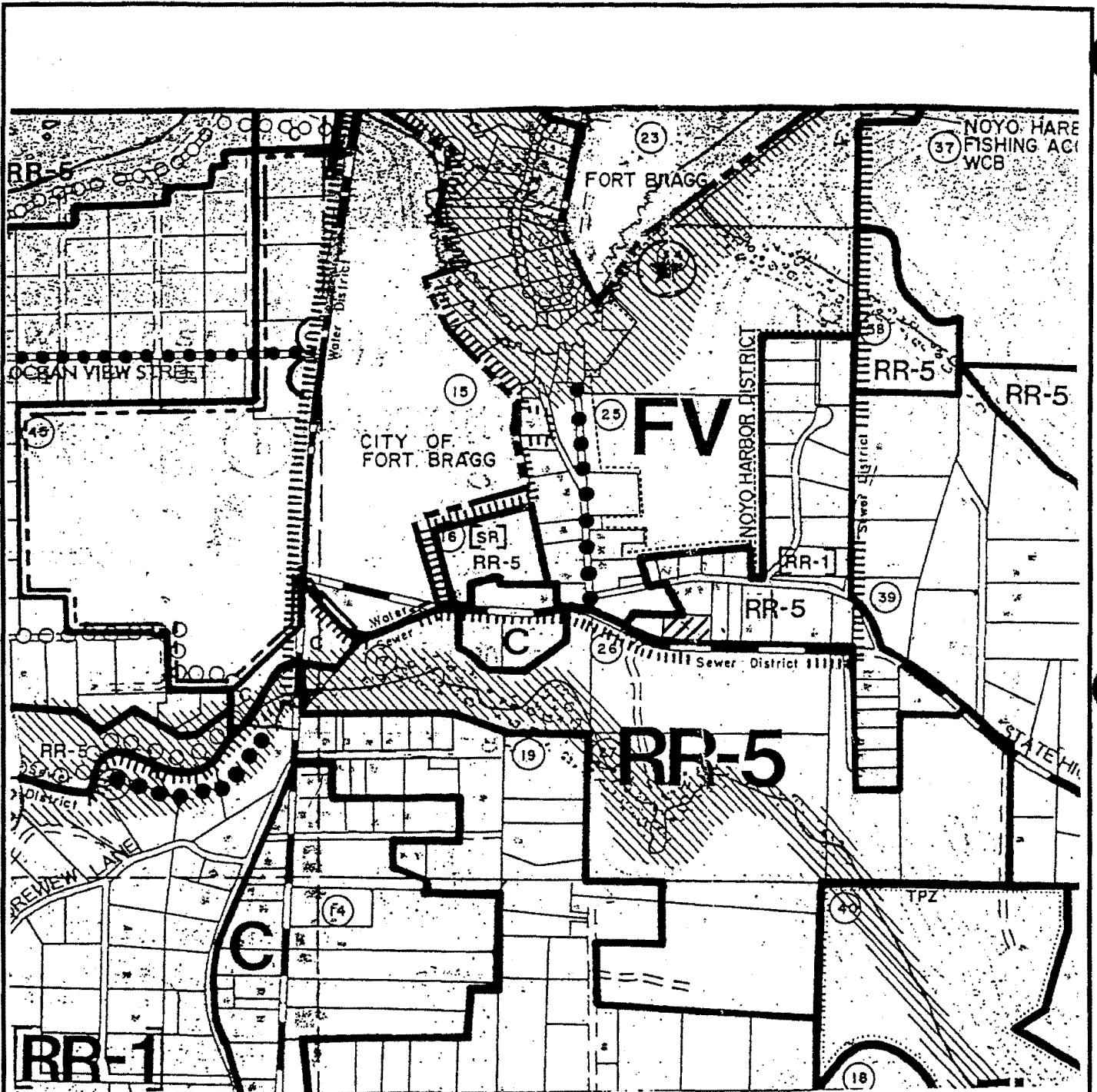
#GP 8-99 - Van Peer

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

KRISTI FURMAN
Clerk of the Board

By: *Janette Prou*

DEPUTY



CASE NUMBER: GP 8-99	OWNER: Van Peer	AGENT: Bud Kamb
A/P NUMBER: 18-260-56	COASTAL LAND USE PLAN MAP [Hatched Pattern] RR-5[RR-1] to FV	↑ North

ORDINANCE NO. 4054

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 018-260-56 which is reclassified from RR:L:5 [RR:L:1] (Rural Residential - 10 acre minimum [Rural Residential - 1 acre minimum]) to FV (Fishing Village), 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 13 day of December 1999, by the following vote:

AYES: Supervisors Delbar, Lucier, Campbell, Colfax, Shoemaker
NOES: None
ABSENT: None

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

Richard Shoemaker
Chairman of said Board of Supervisors

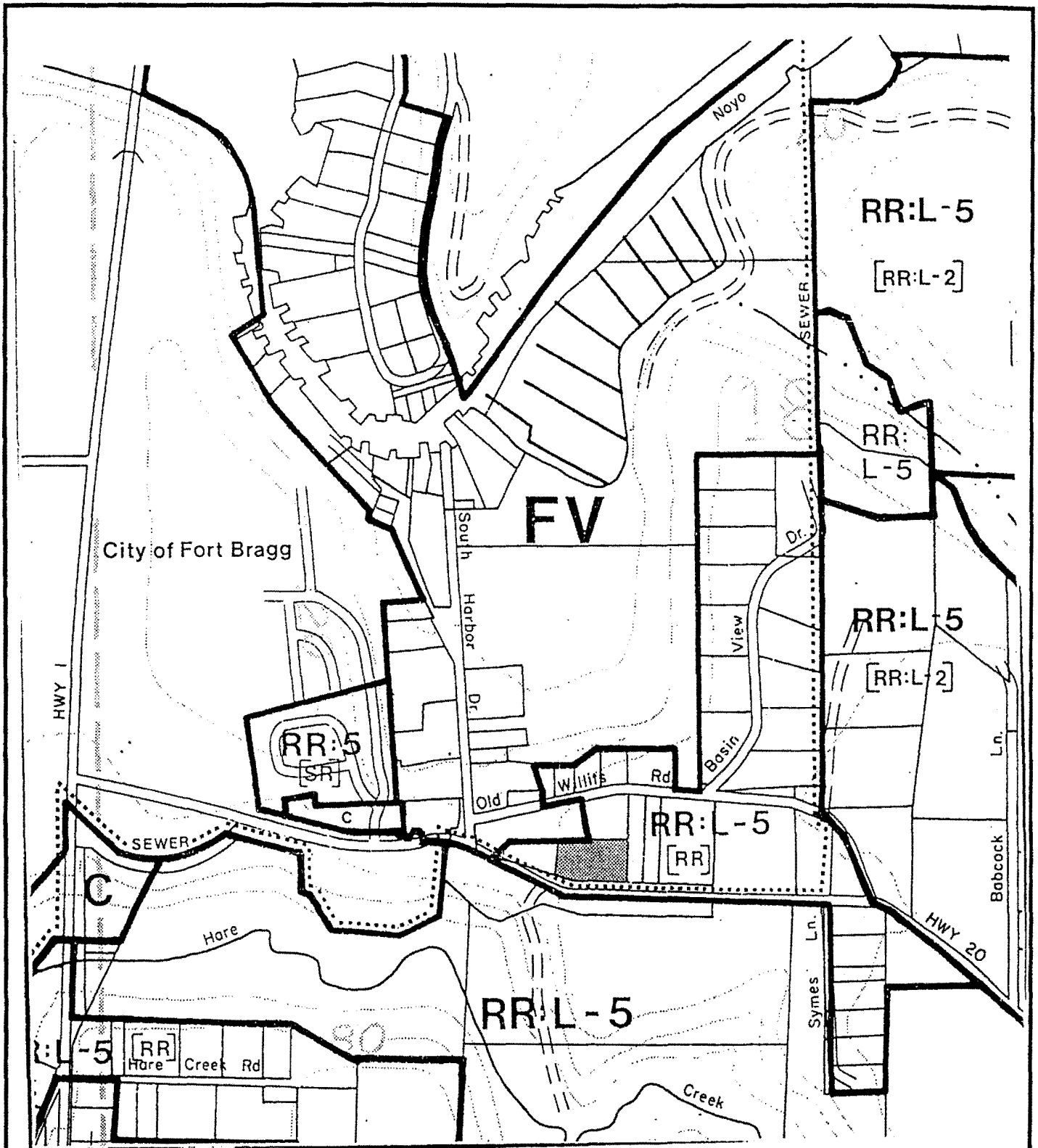
ATTEST: KRISTI FURMAN
Clerk of said Board


By Janette Bran
DEPUTY

CASE#: #R 7-99
OWNER: Van Peer

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

KRISTI FURMAN
Clerk of the Board
By: Janette Bran
DEPUTY



CASE NUMBER: R 7-99	OWNER: Van Peer	AGENT: Bud Kamb
A/P NUMBER: 18-260-56	COASTAL ZONING MAP  RR-5[RR-1] to FV	↑ North

BOARD OF SUPERVISORS
ACTION AGENDA SUMMARY - PLANNING MATTERS

TO: BOARD OF SUPERVISORS

DATE SUBMITTED: December 3, 1999

FROM: PLANNING & BUILDING SERVICES

REPLY NECESSARY: YES NO
INFORMATION ONLY: YES NO

AGENDA DATE: December 13, 1999

AGENDA #: _____

AGENDA TITLE: #GP 10-99 1999 - North of Navarro General Plan Amendment Group of Coastal Plan Amendment and Rezones

BRIEF SUMMARY: #GP 10-99, the 1999 North of Navarro General Plan Amendment Group of Coastal Plan Amendment and Rezones, is proposed to be comprised of two applications, #GP 8-99/#R 7-99 Van Peer and #GP 7-99/#R 6-99 Mendocino Unified School District. The latter is in the Town of Mendocino. Both applications involve the change of residential land use classifications to nonresidential uses. No cumulative impacts are noted.

PREVIOUS ACTION: The Planning Commission, on October 21, 1999, by a 5-0 vote, recommended approval of #GP 10-99.

STAFF RECOMMENDATION: Adopt the Planning Commission recommendation.

RECOMMENDED MOTION: The Board of Supervisors approves for submittal to the Coastal Commission the 1999 North of Navarro General Plan Amendment Group #GP 10-99, consisting of the attached Coastal Land Use Maps and Ordinance Amendments, based on the following:

1. An initial study has been prepared concluding that no significant unmitigated individual or cumulative environmental effects will occur. Cumulative traffic impacts to State Route 1 (Noyo Bridge section) and State Route 1/20 intersection can be mitigated by improvements which are in progress.
2. The proposed projects which comprise #GP 10-99 are consistent with the General Plan and are in the public interest as stated in the staff reports for the individual projects.
3. The Board adopts the following Resolutions and Ordinances for submittal to the Coastal Commission, further specifying that the Board's action shall be final for those amendments approved by the California Coastal Commission without suggested modification:
 - A. Resolution _____ approving #GP 8-99 Van Peer from RR-5[RR-1] to FV.
 - B. Resolution _____ approving #GP 7-99 Mendocino Unified School District from R+ to PF.
 - C. Ordinance _____ approving #R 7-99 Van Peer from RR:L:5[RR:L:1] to FV.
 - D. Ordinance _____ approving #R 6-99 Mendocino Unified School District from MTR to MPF.

ALTERNATIVE MOTION: Deny one or both of the proposed Coastal Land Use Plan amendments and rezones.

RESOURCE PERSON: Townsend TO BE PRESENT ON CALL PHONE EXT: 4281

BOARD ACTION _____ DATE OF ACTION _____

- 1) Approved Approved as Revised
- 2) Denied
- 3) Referred to _____ Committee; Calendared for Board Agenda _____
- 4) Referred to Dept. for additional info. CAO to clarify by memo _____
- 5) Other _____

RESOLUTION NO. _____

**RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY
OF MENDOCINO TO AMEND THE LOCAL
COASTAL PROGRAM FOR MENDOCINO COUNTY
(#GP 8-99 - Van Peer)**

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 8-99 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 _____, seconded by Supervisor _____ and carried this _____ day of _____, 1999 by the following roll call vote:

AYES:
NOES:
ABSENT:

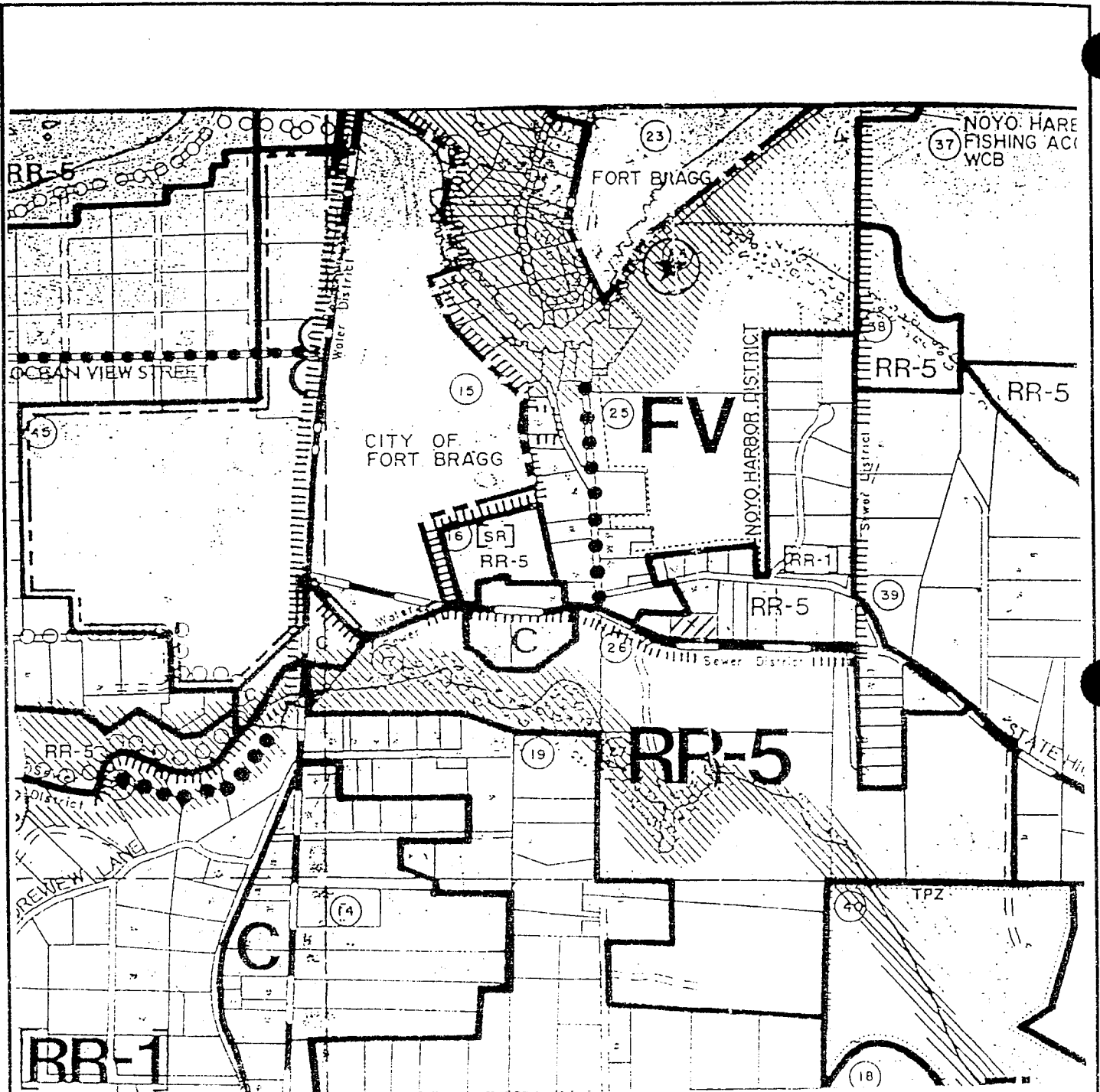
Whereupon the Chairman declared said Resolution passed and adopted and SO ORDERED


Chairman, Board of Supervisors

ATTEST: KRISTI FURMAN
Clerk of the Board

By: _____

#GP 8-99 - Van Peer



<p>CASE NUMBER: GP 8-99</p>	<p>OWNER: Van Peer</p>	<p>AGENT: Bud Kamb</p>
<p>A/P NUMBER: 18-260-56</p>	<p>COASTAL LAND USE PLAN MAP  RR-5[RR-1] to FV</p>	<p>↑ North</p>

ORDINANCE NO. _____

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PROPERTY WITHIN MENDOCINO COUNTY

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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 13 day of December 1999, by the following vote:

AYES
NOES:
ABSENT:

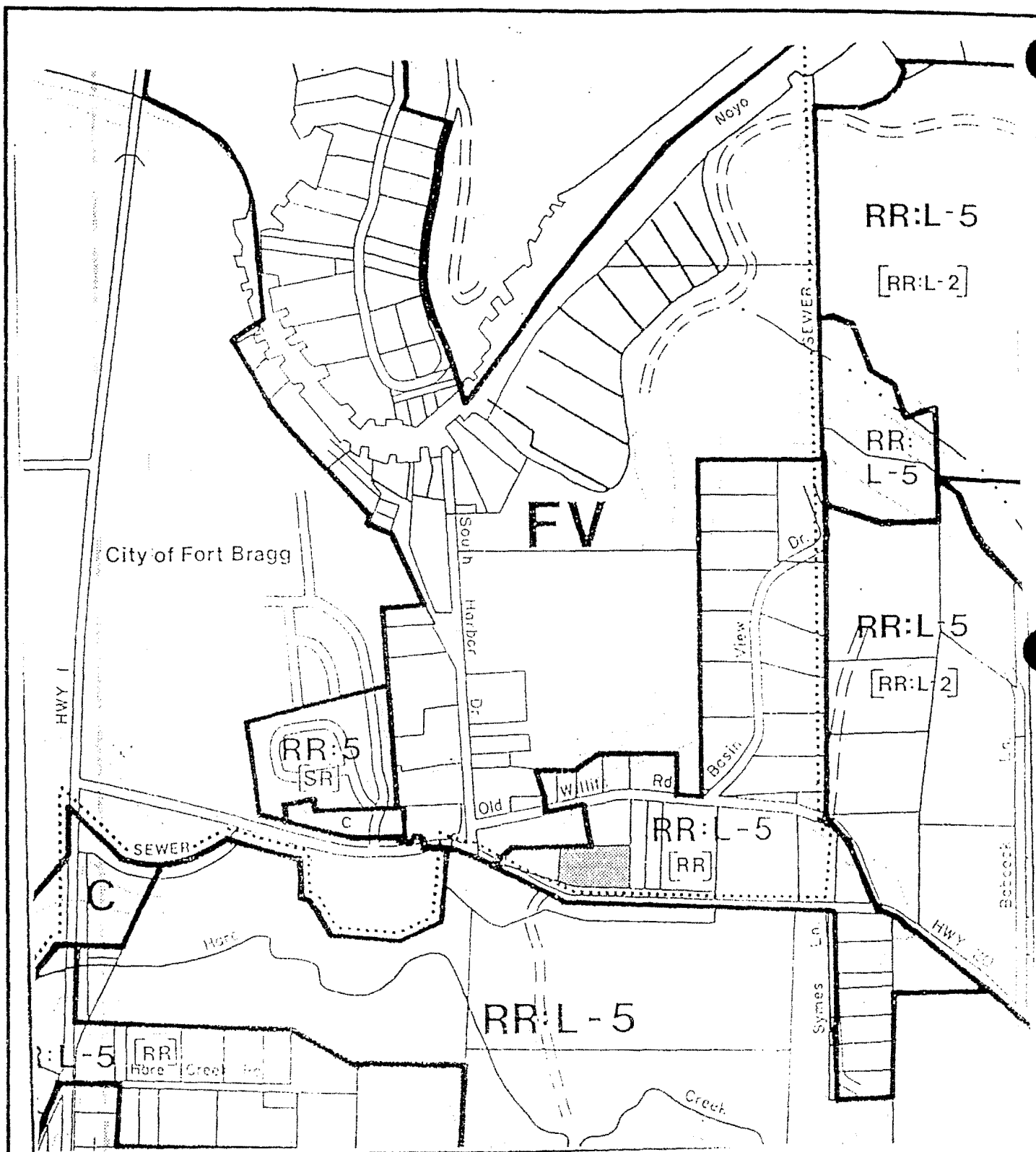
WHEREUPON, the Chairman declared said Ordinance passed and adopted and SO ORDERED.

Chairman of said Board of Supervisors

ATTEST: KRISTI FURMAN
Clerk of said Board

By _____

CASE#: #R 7-99
OWNER: Van Peer



<p>CASE NUMBER: R 7-99</p>	<p>OWNER: Van Peer</p>	<p>AGENT: Bud Kamb</p>
<p>A/P NUMBER: 18-260-56</p>	<p>COASTAL ZONING MAP <div style="display: inline-block; width: 15px; height: 10px; background-color: #cccccc; border: 1px solid black;"></div> RR-5[RR-1] to FV ↑ North </p>	

RESOLUTION NO. _____

**RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY
OF MENDOCINO TO AMEND THE LOCAL
COASTAL PROGRAM FOR MENDOCINO COUNTY
(#GP 7-99 - Mendocino Unified School District)**

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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

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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.

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The foregoing Resolution was introduced by Supervisor _____, seconded by Supervisor _____ and carried this _____ day of _____, 1999 by the following roll call vote:

AYES:
NOES:
ABSENT:

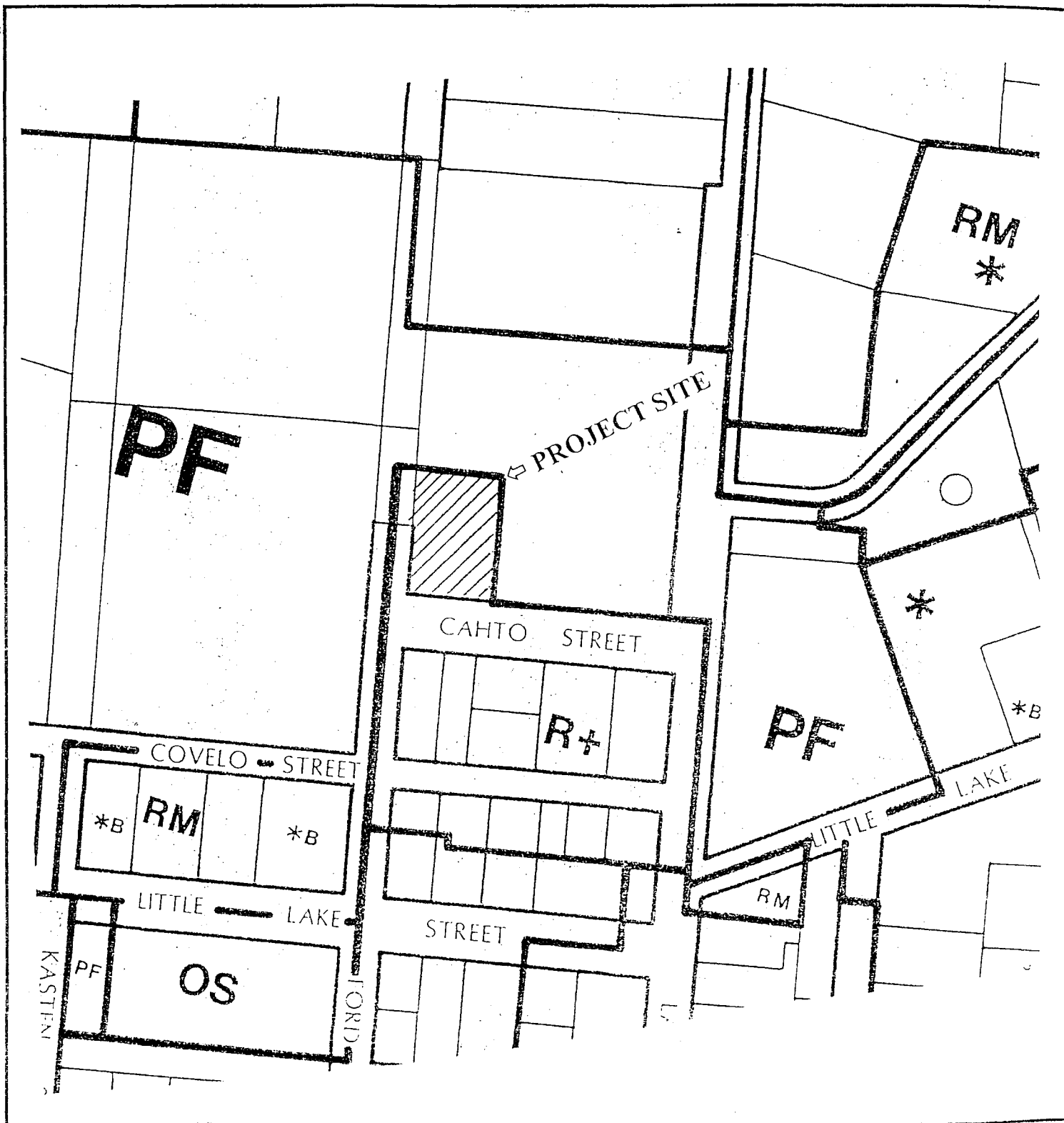
Whereupon the Chairman declared said Resolution passed and adopted and SO ORDERED


Chairman, Board of Supervisors

ATTEST: KRISTI FURMAN
Clerk of the Board

By: _____

#GP 7-99 - Mendocino Unified School District



<p>CASE NUMBER: #GP 7-99</p>	<p>OWNER: Mendocino Unified School District</p>	<p>AGENT: Ken Metheson</p>
<p>APN 119-140-27</p>	<p>Land Use Map  R+ to PF</p>	<p>NORTH ↑</p>

ORDINANCE NO. _____

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:

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Said zoning change encompasses the property described by Assessor's Parcel Number 119-140-27 which is reclassified from Mendocino Town Residential (MTR) to Mendocino Public Facilities (MPF), 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 13th day of December 1999, by the following vote:

AYES
NOES:
ABSENT:

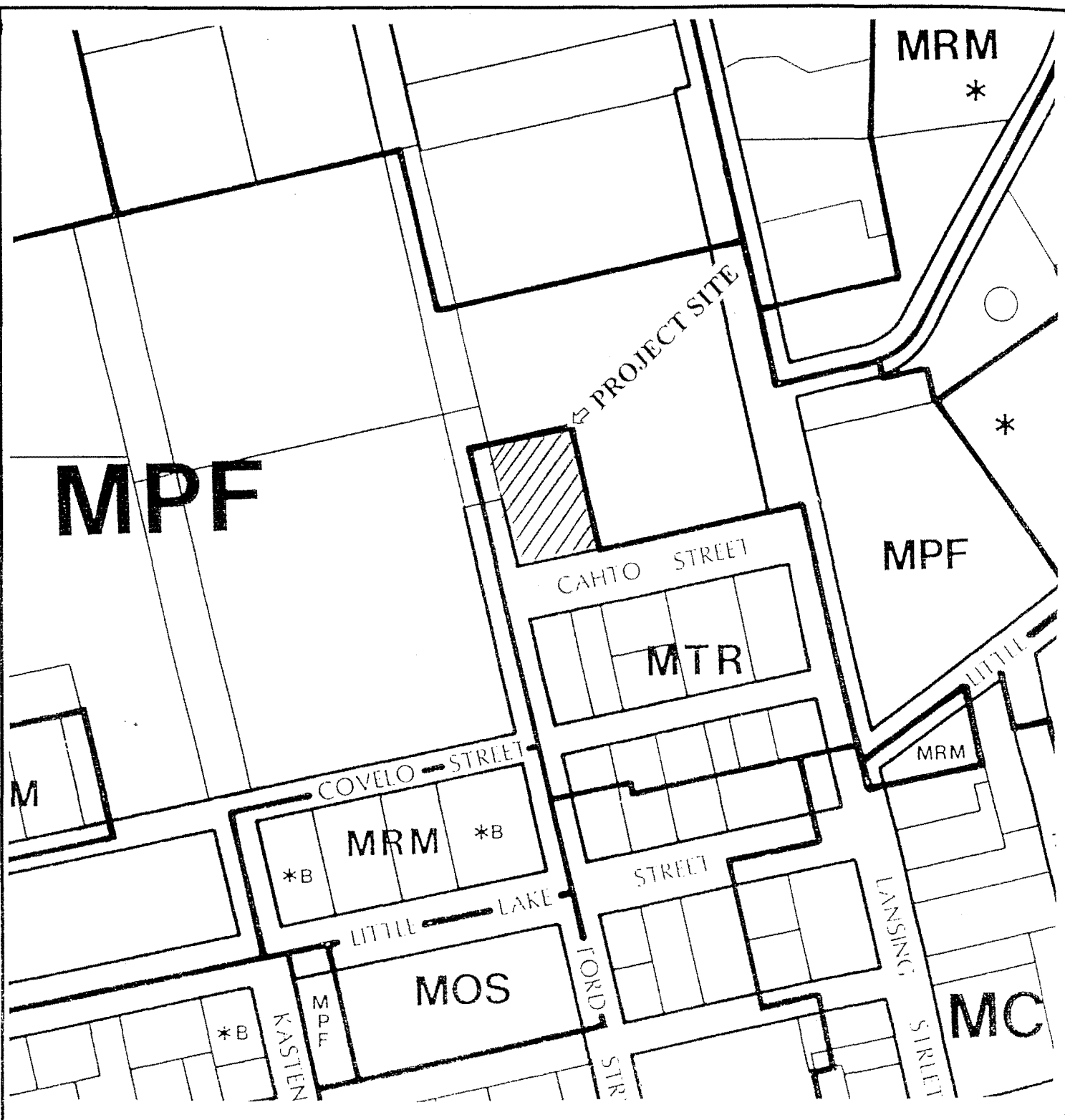
WHEREUPON, the Chairman declared said Ordinance passed and adopted and SO ORDERED.


Chairman of said Board of Supervisors

ATTEST: KRISTI FURMAN
Clerk of said Board

By _____

CASE#: #R 6-99
OWNER: Mendocino Unified School District



CASE NUMBER: R 6-99	OWNER: Mendocino Unified School District	AGENT: Ken Metheson
APN 119-140-27	Zoning Map  MTR to MPF	NORTH ↑

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