

CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE
1385 EIGHTH STREET • SUITE 130
ARCATA, CA 95521
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original staff report

W13a

MEMORANDUM

Date: October 4, 2016

To: Commissioners and Interested Persons

From: Alison Dettmer, Deputy Director
Bob Merrill, District Manager
Tamara Gedik, Coastal Program Analyst

Subject: Addendum to Commission Meeting for Wednesday, October 5, 2016
North Coast District Item W13a
Mendocino County LCP Amendment LCP-1-MEN-14-0840-1
(Mendocino Town LCP Update)

The purpose of this staff report addendum is to present: (a) recommended revisions to the staff report, and (b) public comments received since publication of the staff report on September 23, 2016 (Attachment A). This addendum includes: (I) added suggested modifications to four (4) sections of the Town zoning code; (II) corrections to typographical errors; and (III) the public correspondence received as attachments. The addendum does not introduce new topics not previously addressed in the staff report. As presented in the staff report, Commission staff will take into account comments on the preliminary recommended suggested modifications from the public and the Commission as it prepares the final staff recommendation. Staff will respond to the comments that are received from the public in the separate staff report which will be published prior to the Commission's vote on the LCPA.

I. Added Suggested Modifications

The added suggested modifications below to the Town Zoning Code carry out those suggested modifications to the Suburban Residential (SR)¹, Town Residential (R+)², Multifamily Residential (MRM)³, and Public Facilities (PF)⁴ land use classifications that were previously included in the Town Plan Appendix A. Excerpts of each of the four (4) corresponding chapters of the MSR, MTR, MRM, and MPF zoning districts containing added suggested modifications is presented below.

¹ Appendix A, pages 146-147

² Appendix A, page 149

³ Appendix A, page 150

⁴ Appendix A, page 156

Add the following suggested modifications to CHAPTER 20.648 - MENDOCINO SUBURBAN RESIDENTIAL "MSR" (Appendix C, page 77 [pdf page 89]):

Sec. 20.648.010 - ~~Principal~~ Permitted Uses for MSR Districts.

(A) The following use types ~~are~~ is the principal permitted uses in the MSR District:

(1)(A) **Residential Use Types**

Family Residential: Single Family

~~Stormwater Management (involving one to four lots (parcels))~~

(B) The following use types are permitted uses in the MSR District:

(1)(B) **Civic Use Types**

Community Gardens

~~Groundwater Monitoring~~

~~Mutual Water Company Facilities~~

(2)(C) **Open Space Use Types**

Open Space

Sec. 20.648.015 - Conditional Uses for MSR Districts.

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

(A) Civic Use Types

Minor Impact Utilities

~~Stormwater Management (involving more than four lots (parcels))~~

(B) Commercial Use Types

Cottage Industries

(C) Visitor Accommodation Use Types

Single Unit Rentals

Add the following suggested modifications to CHAPTER 20.652 - MENDOCINO TOWN RESIDENTIAL "MTR" (Appendix C, page 79 [pdf page 91]):

Sec. 20.652.010 - ~~Principal~~ Permitted Uses for MTR Districts.

(A) The following use types are the principal permitted uses in the MTR District:

(1)(A) **Residential Use Types**

Family Residential: Single Family

Family Residential: Two Family

~~**Stormwater Management (involving one to four lots (parcels))**~~

(B) The following use types are permitted uses in the MTR District:

~~**(1)(B) Civil Civic Use Types**~~

Community Garden

~~**Groundwater Monitoring**~~

~~**(2)(C) Agricultural Use Types**~~

Light Agriculture

~~**(D) Visitor Accommodations Use Types**~~

~~**Visitor Serving Facilities (Existing)**~~

~~**Hotels, Inns (*)**~~

~~**Bed and Breakfast Accommodations (*B)**~~

Sec. 20.652.015 - Conditional Uses for MTR Districts.

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

(A) Civic Use Types

Lodge, Fraternal and Civic Assembly

Major Impact Services and Utilities

Minor Impact Utilities

Religious Assembly

~~**Stormwater Management (involving more than four lots (parcels))**~~

(B) Visitor Accommodation Use Types

Single Unit Rentals

(C) Commercial Use Types

Cottage Industries

Add the following suggested modifications to CHAPTER 20.656 - MENDOCINO
MULTIPLE FAMILY RESIDENTIAL "MRM" (Appendix C, page 83 [pdf page 95]):

Sec. 20.656.010 - ~~Principal~~ Permitted Uses for MRM Districts.

(A) The following use types are the principal permitted uses in the MRM District:

(1)(A) Residential Use Types

Family Residential: Single Family

Family Residential: Two Family

Family Residential: Multi-Family

Family Residential: Boarding House

~~Stormwater Management (involving one to four lots (parcels))~~

(B) The following use types are permitted uses in the MRM District:

(1)(B) Civic Use Types

Community Garden

~~Groundwater Monitoring~~

(2)(C) Agricultural Use Types

Light Agriculture

(D) Visitor Accommodation Use Types

~~Visitor Serving Facilities (Existing):~~

~~Hotels, Inns, Motels (*)~~

~~Bed and Breakfast Accommodations (*B)~~

Sec. 20.656.015 - Conditional Uses for MRM Districts.

The following uses may be permitted in the MRM District upon issuance of a use permit:

(A) Civic Use Types

Day Care Facilities/Small Schools

Lodge, Fraternal and Civic Assembly

Major Impact Services and Utilities

Minor Impact Facilities

Religious Assembly

~~Stormwater Management (involving more than four lots (parcels))~~

(B) Commercial Use Types

Cottage Industries

(C) Visitor Accommodation Use Types

Single Unit Rentals

Add the following suggested modifications to CHAPTER 20.668 - MENDOCINO PUBLIC FACILITIES "MPF" (Appendix C, page 101 [pdf page 113]):

Sec. 20.668.010 - ~~Principal~~ Permitted Uses for MPF Districts.

(A) The following use types are the principal permitted uses in the MPF District:

(A) None. ~~Groundwater Monitoring~~

(1) Open Space Use Types

Open Space

(B) The following use types are permitted uses in the MPF District:

(1) Civic Use Types

(B) Community Gardens

Sec. 20.668.015 - Conditional Uses for MPF Districts.

The following uses may be permitted in the MPF District upon issuance of a use permit:

(A) Civic Use Types

Administrative Services Government

Art Center

Cemetery

Day Care Facilities/Small Schools

Educational Facilities

Fire and Police Protection Services

Major Impact Services and Utilities

Minor Impact Utilities

~~Protected Natural Area~~

~~Public Park~~

Community Recreation

~~Public Highways, Roads, and Streets~~

Religious Assembly

~~Stormwater Management~~

II. Corrections to Typographical Errors.

There are several typographical errors in the staff report. The corrections to the typographical errors include the following (text to be removed appears in ~~bold double strikethrough~~; text to be added appears in **bold double underline**):

Page 4, Paragraph Three:

The LUP certified for the Town in 1992 includes limits on the number of visitor serving accommodations. The 1992 Town Plan limits the total number of allowable visitor lodging units (includes hotels, inns, and bed and breakfast accommodations, but not vacation rentals or single unit rentals) within the Town to ~~237~~ **234** units. The ~~237~~ **234** units are allocated to specific lots within the Town in various zoning district through use of a combining zone that designates the location of the allocated lodging facilities with an asterisk (*, for hotel or inn units) or with an asterisk-B (*B, for bed-and-breakfast accommodations). The specific number of individual lodging units allowed at each designated site is established in a table in the LUP. As currently certified, no additional visitor serving lodging units can be developed within the Town that would exceed the ~~237~~ **234** unit total or be built in a different location without an LCP amendment allowing for such a change.

Page 35, Paragraph Three:

The LUP certified for the Town in 1992 includes limits on the number of visitor serving accommodations. The 1992 Town Plan limits the total number of allowable visitor lodging units (includes hotels, inns, and bed and breakfast accommodations, but not vacation rentals or single unit rentals) within the Town to ~~237~~ **234** units. The ~~237~~ **234** units are allocated to specific lots within the Town in various zoning district through use of a combining zone that designates the location of the allocated lodging facilities with an asterisk (*, for hotel or inn units) or with an asterisk-B (*B, for bed-and-breakfast accommodations). The specific number of individual lodging units allowed at each designated site is established in a table in the LUP. As currently certified, no additional visitor serving lodging units can be developed within the Town that would exceed the ~~237~~ **234** unit total or be built in a different location without an LCP amendment allowing for such a change.

Page 7, Last Paragraph, First Sentence:

Similarly to other agency's regulatory requirements such as the State Water Resources Control Board, the Coastal Commission has interpreted "adequate water supply" to mean an on-site source, such as connection to a community water system, a well, or a spring⁴ ...

⁴ ~~http://www.waterboards.ca.gov/waterrights/board_info/water_rights_process.shtml~~ **March 17, 1997. Letter to Mendocino County Board of Supervisors re: "Water Supply Requirements in the Coastal Zone." Prepared by Steven Scholl, District Director, CA Coastal Commission North Coast District.**

Page 40, Third Paragraph, First Sentence:

Similarly to other agency's regulatory requirements such as the State Water Resources Control Board, the Coastal Commission has interpreted "adequate water supply" to mean an on-site source, such as connection to a community water system, a well, or a spring³⁸...

³⁸ http://www.waterboards.ca.gov/waterrights/board_info/water_rights_process.shtml March 17, 1997. Letter to Mendocino County Board of Supervisors re: "Water Supply Requirements in the Coastal Zone." Prepared by Steven Scholl, District Director, CA Coastal Commission North Coast District.

Coast + Commission

10/3/14

Cover page.

RECEIVED

OCT 03 2016

CALIFORNIA
COASTAL COMMISSION
NORTH COAST DISTRICT

ATTACHMENT A

Expanding Authority

This is not a Local Plan. It's a State Plan. Coastal staff has mislead the Commission for 20 year. We have seen this abuse first hand. Its not theoretical , its real.

The Coastal staff have persistently and unlawfully stretched the limits of there authority of the coastal act given them.

There is a disconnect between what the town is and what the staff wants it to be. They are trying to make water run up hill.

Between 1973 to 1985 , the county and the Commission adopted the Mendocion General Plan Coastal element November 5, 1985 county(5-0

votes). Coastal Commission certification November 20 1985 including the town of Mendocino , Between November 1985 to November 1996 the town plan was finally certified . Both county and the Commission had ignored their own certified guidelines that was adapted plan in 1985. There is no extensions written in the plan. This should be the seventh review not the first.

Example : The General Plan element states 4-13-2 page 229 states this element plan shall be reviewed three years after certification . This is one of the abuses. The North Coast staff has the lightless work load of all the districts. If this plan gets approved they will be out of

work. They been jerking the County around for years. They been making issues out of non issues for years. In 20 years the staff could have crawled on there hands and knees and mapped every square inch of the town.

Between 2002 to present 2016 their has been several attempts to get this plan updated. Between politics and the county staff turn over. Their have been 43 years of public hearing pertaining to the town plan .Over a million dollars of county staff time with nothing to show for it. This has to be the most studied acreage in the state. The north coast district should merge into another district. With this light work load . And sticking to one issue

*for more then 20 years to justify its
existence .*

Sincerely .

Walter Reed

Gedik, Tamara@Coastal

From: Harold Hauck <hhauck@mcn.org>
Sent: Monday, October 03, 2016 1:23 AM
To: Gedik, Tamara@Coastal; Merrill, Bob@Coastal
Subject: Comments re. Mendocino Town Plan Update
Attachments: Mendo CCC Comments.pdf

Please find attached my comments re. the Mendocino Town Plan update that is on the agenda for the October 5th Coastal Commissioner's Meeting. Please distribute the attached letter to all of the commissioners.

Thank You,
Harold Hauck

October 2, 2016

Commissioners,
California Coastal Commission

Reference: Mendocino County LCP Amendment LCP-1-MEN-14-0840-1(Mendocino Town LCP Update)

I am writing to express my concern about the review and process for approval of the above referenced Mendocino Town Plan Update.

From the process prospective, I am concerned that there is insufficient time for the public, and specifically the residents of the community of Mendocino to intelligently and effectively review the many changes that Coastal Commission Staff have imposed upon the Mendocino Board of Supervisor's approved Mendocino Town Plan. Providing only eleven days for public review of such a complex document is an unfair use of the public review requirements, and I am afraid may lead to adoption of a Mendocino Town Plan that will not benefit either the residents of the town or the visitors who enjoy our community. The Mendocino Town Plan has been undergoing an update and review process for approximately five years so there is no need to rush to final approval of this document. I am requesting that in the interest of allowing sufficient time for public review of your staff's extensive changes to the LUP that you defer consideration of this agenda item until your next regularly scheduled meeting.

With time for only a cursory examination of the Commission's Staff's changes as written in Appendix A (Proposed LUP Amendments with Suggested Modifications), of the previously mentioned Mendocino County Board of Supervisor's approved Mendocino Town Plan, I have the following observations and objections.

1. There appears to be an effort on the part of Commission Staff to diminish and subvert the importance of the historic nature, designation, and residential character of Mendocino Town. I base this observation on:
 - a. Page 1 paragraph 1.1, deletion of the words "historical residential". Adding "point for recreational uses" to this sentence Page 8, 1st only emphasizes the strategy of trying to shift the emphasis of the document from being a town plan for the community residences to that of a playground for the transient visitor. I believe this introductory paragraph should remain as originally written and the staff changes denied.
 - b. Page 8, 1st. paragraph: Staff's addition, "visitor serving facilities that is to be generally maintained." Is added as a quoted statement from the original submitted document. This is not acceptable as making changes within a quoted statement that alters the original content and meaning of a quoted sentence is misleading the reader of the document. Also, adding the phrase, "The Town's character is attributed to the balance of these residential, commercial, visitor serving," add an element, "visitor serving"

that was not intended to be part of the original meaning and is not in the best interests of the town residences. I request that staff changes to this paragraph be denied.

- c. Page 8 paragraph 1.2: I think the repeated insertion to the term “visitor serving” is an attempt by staff to minimize the residential character of the town. By definition, a visitor serving facility is a commercial facility. The town balance has historically been the balance between “residential, commercial, and open space” I request that staff’s attempt to change the definition of the town’s character balance through the insertion of words like “visitor serving” be denied.
- d. Page 10, 3rd paragraph last sentence: The staff deletion of, “~~balanced residential, commercial, visitor serving~~” is another example of staff’s attempt to diminish the residential importance to the balance of the town character. I request that staff changes to this sentence be denied.
- e. Page 11, 3rd. paragraph 1st sentence: Staff deletion, “~~to maintain the essential residential character of the historical Town,~~” is yet another example of the trend to diminish the importance of both the residential and historical import of the town. Please deny this deletion.
- f. Page 12, 1st. paragraph, The deletion of this paragraph “~~Given that issue identification during preparation of the updated Mendocino Town Plan identified continuing LCP implementation conflicts between or among Coastal Act Chapter 3 policies that must be locally applied to meet the State goals set forth in Public Resources Code Section 30001.5, the Mendocino Town Plan also incorporates and applies the conflict resolution procedure provided by Public Resources Code Section 30007.5 to, on balance, continue to protect the most significant coastal resources that make the Town a special historical residential community which, because of these unique characteristics, is a popular visitor-recreational destination.~~” Appears to significantly diminish both the protections and importance of the towns historic character and the right of town residences to redress grievances. Please deny staff’s deletion of this paragraph.
- g. Page 15, 1st paragraph: Staff deletion, “~~provide for balance to~~” again weakens to residential populations influence in this document. Please deny this change.
- h. Page 20 paragraph 3, Staff’s insertion, “(a) the amendment will not lessen or avoid the intended effect of the terms or conditions of the underlying permit, unless there is newly discovered information which, with reasonable diligence, could not have been discovered or produced prior to permit approval; and (b)” weakens local government’s permit review and amendment authority. Please deny this insertion.
- i. Page 21 paragraph 4: Staff deletion, “~~has been determined by the Planning and Building Services Director to be complete and filed. (b) A person, partnership, organization, corporation, or federal, state or local~~

~~government agency whose application to the Mendocino Historical Review Board for review and approval of activities or work pursuant to the [X] Mendocino Historical Preservation District Ordinance has been determined by the Director to be complete and filed.”~~ Weakens the authority of local agencies particularly the Mendocino Historical Review Board which plays an essential role in the maintenance of the town’s historical character. Please deny this deletion.

There are 172 total pages of deletions, insertions, modifications, and changes that comprise what will eventually become the Coastal Commission approved Mendocino Town Plan. Given the relatively short review period, I have only been able to examine and comment on the first 21 pages. Based on the staff changes identified above, I have very serious concerns that the remaining majority of the proposed plan update will contain many more changes that are potentially detrimental to the people who live within the town of Mendocino.

Prior to acceptance by the Commission, I suggest that Commission Staff meet with interested community members to review their suggested changes and gain community understanding and agreement with their proposals. Following such meeting(s) and community discussions, I hope to be able to support and endorse the Coastal Commission’s approval of the Revised Mendocino Town Plan. However, at this time I cannot support staff’s recommendations and request that they be rejected and that Staff be instructed to obtain additional community input.

Sincerely,

A handwritten signature in black ink, appearing to read "Harold Hauck". The signature is fluid and cursive, with the first name "Harold" being more prominent than the last name "Hauck".

Harold Hauck
PO Box 1048
44771 Crestwood Dr.
Mendocino, CA 95460
707 684-6643
hhauck@mcn.org

1380 Greenwich St. # 203

S.F. 94109

Sept 20, 2016

RECEIVED

Attn: asst. Dir John Ainsworth
Calif. Coastal Comm.

SEP 28 2016

CALIFORNIA
COASTAL COMMISSION
NORTH COAST DISTRICT

Re: 1992 Mendocino Town Plan Update.
Delayed by your staff for 4+ years.

What is your oversight role on the following issues? The North. Calif. CCC office is wrong. Your oversight is required. I want you or your attorney to respond.

The Town of Mendocino is on its water side surrounded by California State Parks land. On the south, bluff trails & a road lead to beaches with parking & their trails along the river. 3 miles, and more of public access and recreation!

Calif. State Parks agreed to protect the bluffs, views & sensitive coastal ecosystems for all Californians. Wm. Penn Matt of State Parks required the town preserve its past under Federal and State Historic Preservation legislation and guidelines. The entire town is such.

Formally: Mendocino and Headlands Historic District.

The MTP is largely given over to this role thru MHRB - Mendocino Historic Review Board.

Nearby Fort Bragg has low cost visitor & resident facilities. Commercial recreational facilities:

1. where in the Coastal Act is there a definition which includes low cost visitor housing?

2. Such a requirement breaks the law. cont.

Section 30500.1 "No local coastal program shall be required to include housing policies and programs."

The 2nd para. of Sect. 30213 carries similar language.

Sect. 30007.5 requires that conflicts must "be resolved in a manner most protective of significant coastal ~~resources~~ ^{resources}."

The Coastal Act has recommendations for low cost visitor facilities. Nearby Fort Bragg has a full range of low cost housing & facilities. We all share in our attractions & events for tourists.

Finally, the C. Coastal Act required that existing public access along the coast be delineated.

1. The No Co. CCC office could not produce that for a town like Mendocino.

2. When a map of Mendocino was requested by the County, it took 1 month and came in 4 pieces!

All 4 maps were erroneous - all Calif. State Parks land was shown as open space (under County control). State ownership of the bluffs dates to 1972.

Susan M. Smith

Please copy to Commissioners!

Sue Smith

LEE EDMUNDSON

Post Office Box 1167 • Mendocino, California 95460-1167

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

September 21, 2016

RECEIVED

SEP 26 2016

CALIFORNIA
COASTAL COMMISSION
NORTH COAST DISTRICT

Dear Commissioners,

Maintaining a Balance between Residential, Commercial and Visitor Serving uses is the backbone of the Mendocino Town Plan (MTP).

This Balance as purported in the present Mendocino Town Plan Update (MTPU) is a fiction, a paper illusion. The very idea of protecting and preserving the Town of Mendocino as a Special Community and a living Residential Community is factually nullified by the actual Imbalance between the Residential and the Commercial and Visitor Serving uses in the Town.

The fact of the matter is that the Special Community Town of Mendocino is a virtual ghost town with regard to permanent residents. It is no longer "Balanced". As a Residential Community it is dying; almost dead.

According to the Mendocino County Tax Assessor's office, there are 562 Assessor's Parcel Numbers (APNs) within the Town of Mendocino proper. Of these, 253 (45%) are held by landowners out of the area; 212 (38%) of the landlords live outside of the county. Many of these, if not most (there is no way to know) are not rented when the owner is not visiting.

The resident population of the Town peaked in 1962 at 1165. In the 2010 Federal Census, it was tabulated as 894, a decline of 271 or almost 25%. Today in 2016, the residential population has been further reduced as a result of investors buying residential properties and leaving them vacant as second vacation houses.

These absentee property owners are not residents, they are visitors. They do not reside in the Town, they visit; some as infrequently as once-a-year for as little as a week. The remainder of the time, these houses lie vacant.

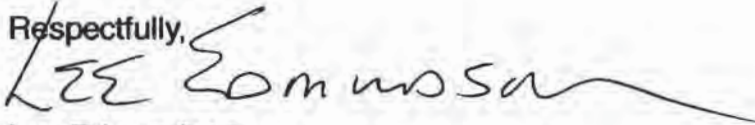
It is vitally important, imperative that you Commissioners look beyond the County's description of "Community Balance" and try to determine if, and to what extent, the residential character of this Special Community has been protected, or eroded.

If the Special Community of the Town of Mendocino's residential character is to be protected — as it rightly should be — the County should be required to present a genuine, not merely paper, inventory of the real uses of properties within the Town, and not merely their zoning designations.

When the initial Mendocino Town Plan (MTP) was first reviewed in 1989, the County empaneled a Citizen's Advisory Committee (CAC), which conducted a parcel-by-parcel, door-to-door survey of the Town. That survey included the designations of "vacant lot" and "summer home". The County then declined to include those designations in the revised MTP. The Coastal Commission should exercise its CEQA responsibility in this regard, and require the County to submit substantial evidence of the current "balance" within the Town, and not simply a paper inventory.

At present, no one can tell you how many "residences" lie vacant over most of the year here. Consequently, there is no way to know to what degree the residential character of the Town has eroded. Thus, a finding that the Residential, Commercial and Visitor Serving uses within the Town are "Balanced" cannot be supported.

I'm asking you to take decisive action to protect the Town and require the County to provide substantial evidence of the Town's balance, obtained by a rigorous on the ground study of the Town's actual residential population compared with the commercial and visitor serving uses. We need more than the currently provided paper inventory.

Respectfully,

Lee Edmundson

Gedik, Tamara@Coastal

From: Rod <rodjones@mcn.org>
Sent: Saturday, September 24, 2016 6:19 PM
To: Merrill, Bob@Coastal; Gedik, Tamara@Coastal
Cc: Lee Edmundson
Subject: Mendocino Town Plan
Attachments: DallLtr.pdf

Dear Bob & Tamara,

I am quite unable to attend the upcoming meeting in Ukiah on the MTP due to pre-existing events here on the coast during the same time frame, not to mention the travel-time inconvenience of meeting in Ukiah after already investing many hours on this "voluntary" project.

I have, however, included in those many hours, some extensive time talking with Lee Edmundson about the remaining problems with the MTP. Candidly, I was utterly appalled when the BOS saw fit to hire at a cost of \$100,000 the Dall & Associates duo from Sacramento. (Please see attached letter I sent the BOS if it did not get to the main file, which I'm sure it did not.)

VHFs are certainly a clear and present danger, at least to those of us unlike the Dalls and Reeds, who would like to see the town retain some minor level of true residency. I believe Lee has had his finger correctly on the pulse of things over the many years he has worked tirelessly and without any remuneration to try to save our little berg from turning into Disneyland. I support his views wholeheartedly and hope they will get the Commission's ear.

Please also insure this message and attachment reach the packets for Commissioners. Thank You.

Rod Jones

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Rodney R. Jones  
P.O. Box 189  
Mendocino, CA 95460  
707.937.0549

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**RODNEY RICHARD JONES**  
**Lawyer**

Post Office Box 189  
Mendocino, California 95460  
Phone 707.937.0549  
rodjones@mcn.org

September 30, 2015

Norbert H. Dall  
Dall & Associates  
6700 Freeport Boulevard  
Sacramento, CA 95822

Or:  
930 Florin Road, Ste. 200  
Sacramento, CA 95381

(Hand-delivered in Mendocino)

Re: Revisions to Mendocino Town Plan

Dear Mr. Dall:

I received notice a week or so ago about a "workshop" that the County Board of Supervisors was sponsoring for this evening and an indication that you had been hired by the Board to conduct this proceeding. To date, I have seen no published materials in terms of an agenda, definition of the purpose of the "workshop" or any materials associated with it.

I have inquired of the Board directly via email to Supervisor Dan Gjerde, with a request that he distribute my inquiry to fellow members. Last Saturday, I happened to cross paths with Supervisor Gjerde and he indicated that distribution had taken place.

Subsequent to all this, I received this past Monday a Notice of Public Hearing from the Department of Planning & Building Services before the full Board of Supervisors for October 20, 2015 concerning "Update Amendment-2015" to the MTP. The Department is asking the Board to pass a resolution "approving further clarifying revisions" to the "certified" MTP and directing submission of this Update Amendment to the Coastal Commission. Comments are requested to be provided on or before that hearing date.

Needless to say, the dual tracking and treatment of this still ill-defined Amendment serves to confuse the public. Indeed, I've had members of the community approach me with questions about exactly what is going on and which hearing or workshop truly "counts." Under CEQA, as you know, such tail-wagging work with poor notice and no agenda serves to defeat the very purpose of this law by inhibiting full public knowledge and informed comment.

I have also asked for a copy of the consulting agreement that somebody (still unidentified) signed with you on behalf of the Board of Supervisors. Carmel has referred me to Steve Dunncliff and he's not responded to my query. I raise the

question, naturally, because a member of the public might have legitimate concerns about your level of impartiality and hence ability to credibly carry forward a charge like this (whatever it is, exactly) from the Board. I believe your forte is in lobbying and public relations (at least according to internet listings) more than planning, and I also recall that you have significant and long ties with both Monty and Barbara Reed as well as the Pacific Legal Foundation. One might, therefore, be concerned that information or comment would get filtered or have a "spin" placed on it that was not intended by the source of that information or comment.

I would hope you will address some of these issues or questions this evening, clarify your precise role, explain why no agenda or documentation has been forthcoming prior to this evening's workshop, and clarify how your role differs from the other "track" set in motion by PBS for Board hearing in late October.

Sincerely,

/s/

Rodney R. Jones

**CALIFORNIA COASTAL COMMISSION**

NORTH COAST DISTRICT OFFICE  
1385 8<sup>th</sup> STREET • SUITE 130  
ARCATA, CA 95521  
VOICE (707) 826-8950  
FAX (707) 826-8960



# W13a

DATE: September 23, 2016

TO: Coastal Commissioners and Interested Parties

FROM: Alison Dettmer, Deputy Director  
Bob Merrill, North Coast District Manager  
Tamara Gedik, Coastal Program Analyst

SUBJECT: **Mendocino County LCP Amendment LCP-1-MEN-14-0840-1  
(Mendocino Town LCP Update)**

For the Commission meeting of Wednesday October 5, 2016

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## PROCEDURAL NOTE

On January 8, 2016,<sup>1</sup> the County of Mendocino transmitted its request to update the Mendocino Town Segment of the certified LCP by amending both the certified Town Land Use Plan and Implementation Plan ("Mendocino Town Plan Update"). The County's proposed LCP Amendment (LCPA) was filed on March 14, 2016. The 90-day time limit for the Commission to act on the proposed LCPA was June 12, 2016. A one-year time extension was granted by the Commission on May 11, 2016. As such, the last date for Commission action on this item is June 12, 2017.

The Commission staff requests that the Commission open an initial public hearing at its October 5, 2016 meeting and have Commission discussion of, the County's proposed LCPA and the Commission staff's suggested modifications. The Commission vote on the proposed Town Plan Update will occur following a public hearing at a subsequent meeting.

## EXECUTIVE SUMMARY

Commission staff recommends that the Commission hold an initial public hearing and discussion about the County's proposed Mendocino Town Plan LCP Update amendment at the October 5,

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

2016 meeting. The Commission vote on the proposed LCPA would occur following an additional public hearing at a subsequent meeting.

The staff recommendation includes preliminary recommended suggested modifications to the LCPA for consideration by the public and the Commission. Further evaluation and coordination with the County are needed before a final staff recommendation on the LCPA can be prepared for a subsequent meeting. Holding an initial public hearing at the October 5<sup>th</sup> meeting will afford the local Mendocino County community an opportunity to comment to the Commission about the LCPA and preliminary staff recommendation in the local area. The October Commission meeting is the only Commission meeting this year in the North Coast District, and this year's meeting is conveniently located within Mendocino County. The two hearing Commission review process will enable Commission staff to take into account comments on the preliminary recommended suggested modifications from the public and the Commission as it prepares the final staff recommendation. Staff will respond to the comments that are received from the public in the separate staff report which will be published prior to the Commission's vote on the LCPA.

In addition, County staff has indicated the Mendocino County Board of Supervisors is planning on reviewing the preliminary recommended suggested modifications at one or more Board meetings and developing its own comments to submit to the Commission. Scheduling Commission action for a subsequent meeting will facilitate both discussions with the County staff and direct input from the County Board of Supervisors, thereby helping to narrow issues of concern before final Commission action.

The Staff's preliminary recommended suggested modifications address both the proposed Land Use Plan (LUP) and Implementation Plan (IP) portions of the proposed LCPA. However, staff has focused primarily on the substantive policies of the proposed Land Use Plan amendment as it prepared the preliminary suggested modifications. Additional or revised suggested modifications that would change procedural implementation provisions of the LCPA or make conforming changes to other provisions of the LCPA may be necessary, particularly after the review and analysis of the comments received from the public and the Commission and further coordination with the County to narrow issues of concern.

The Town of Mendocino is located approximately 150 miles north of San Francisco (Exhibit 1) along a very scenic, remote, and rugged stretch of Mendocino County coastline. The Town is noted for its well-preserved historic 19<sup>th</sup> century architecture that reflects the Town's beginnings as redwood lumber port. The Town's setting, architecture, scenic vistas, small shops, and friendly small-town ambience account for much of the Town's character. Highway 1 bisects the Town, and west of Highway One the Town is bounded to the north, west, and south by predominantly undeveloped headlands. The public has access to the majority of the headlands (approximately 165 acres) as part of the larger Mendocino Headlands State Park, which draws over 1 million visitors per year. Because of its unique characteristics, the Town is a popular visitor destination point for recreational uses and has been designated in the certified LCP as a "special community, as described in Coastal Act Section 30253(e). The Town citizens also have a strong sense of community. A fundamental community objective, and a key tenet of the policies contained within the previously-certified Town Plan, has been ensuring the maintenance of community character.

Nearly 20 years have passed since the effective certification of the Mendocino Town LCP on December 9, 1996. The County began the current LCP update process in 2011. As discussed further in Section IVB below, the Town Plan Update process has been iterative, with a series of revised draft Town LCP versions produced over time that reflect the input of the public, local government, and agency coordination. Mendocino County staff began community outreach and Town meetings with a Town Plan Update kickoff public meeting held October 27, 2011. Commission staff first met to discuss the Town Plan LCP amendment process with County staff on November 9, 2011, and participated in a Town Plan Update public workshop in the Town of Mendocino on October 25, 2012. Since then, Commission staff has met in-person with County staff and their consultants on more than 25 occasions, and participated in more than 30 telephone conference meetings on the Town LCP Update process.

The LCPA proposes numerous changes to the certified Mendocino Town Plan (LUP) and Town Zoning Code (IP), primarily relating to visitor serving facilities, changes to certain land use designations, revised permitted and conditionally-permitted use types, new water quality provisions, and new policy formatting in the LUP. Much of the text of the Land Use Plan was extensively updated and revised.

Commission staff believes that a number of suggested modifications to the LCPA are needed to ensure that: (a) the Town Land Use Plan (LUP) meets the requirements of, and is in conformity with, the policies of Chapter 3 of the Coastal Act, and (b) the Town Zoning Code (IP) and supporting maps would conform with, and adequately carry out the provisions of the Town Plan.

Based on discussions with County staff, Commission staff believes that many of staff's preliminary recommended suggested modifications to the Town LCPA are acceptable to the County. However, there are five primary topics addressed by the suggested modifications that are known areas of controversy either for the County or the community, including: (1) visitor serving facilities development policies, (2) requirements for demonstration of adequate water supply for proposed development; (3) redesignation and rezoning of a Mendocino Fire Protection District (MFPD) property off of Little Lake Road from open space to public facilities; (4) allowing split zoned parcels the option of being used and developed on the basis of either zoning district; and (5) identification of the principal permitted use in zoning districts. Commission and public feedback on the preliminary suggested modifications related to these five topics at this initial hearing would be particularly helpful to staff in preparing a final recommendation for the Commission at a subsequent meeting.

### **Visitor Serving Facilities**

As noted above, because of its unique characteristics, the Town is a popular visitor destination point for recreational uses and has been designated in the certified LCP as a "special community, as described in Coastal Act Section 30253(e). Although the Town is very small (population of 894 according to 2010 Census data for the Town), the amount of visitor overnight accommodations within the Town is relatively high. Based on information provided by the County, the ratio of residential units to visitor accommodations units in the Town of all types (including inns, hotels, bed and breakfasts, vacation rentals, and single unit rentals) is 1.58:1 (422 residential units to 267 visitor accommodation units).

Despite the proportionally large amount of visitor serving accommodations to residential units compared to other coastal locations, the Town of Mendocino itself does not currently have many lower cost visitor serving units. However, lower cost visitor serving lodging units are relatively abundant in nearby Fort Bragg. In addition, a number of campgrounds in the greater Mendocino/Fort Bragg area such as Van Damme State Park, Russian Gulch State Park, MacKerricher State Park provide opportunities for lower cost stays in the area.

As noted above, a fundamental community objective, and a key tenet of the policies contained within both the certified and proposed updated Town Plan, is ensuring the maintenance of community character. Prior to certification of the Town Plan LCP in 1996, concerns were raised that the increasingly large amount of visitor overnight accommodations within the Town was changing the community character in a negative way. Conversion of residences to visitor accommodation resulted in the perception that there had been a reduction in the number of permanent residents relative to the increasing number of visitors coming to Town for short term stays.

#### Certified LCP

The LUP certified for the Town in 1992 includes limits on the number of visitor serving accommodations. The 1992 Town Plan limits the total number of allowable visitor lodging units (includes hotels, inns, and bed and breakfast accommodations, but not vacation rentals or single unit rentals) within the Town to 237 units. The 237 units are allocated to specific lots within the Town in various zoning district through use of a combining zone that designates the location of the allocated lodging facilities with an asterisk (\*, for hotel or inn units) or with an asterisk-B (\*B, for bed-and-breakfast accommodations). The specific number of individual lodging units allowed at each designated site is established in a table in the LUP. As currently certified, no additional visitor serving lodging units can be developed within the Town that would exceed the 237 unit total or be built in a different location without an LCP amendment allowing for such a change.

The 1992 Town Plan also limited the number of vacation home rentals to 23 units and the number of single unit rentals (SURs) also to 23. At the time of certification of the 1992 Town Plan, the ratio of residential units (306) to VHRs and SURs (46) was approximately 7:1, and the Town Plan was certified to allow development of one additional VHR or SUR for every 13 new residential units constructed after certification of the 1992 Town Plan (13:1 ratio). VHRs and SURs are currently allowed within any zoning district.

#### Proposed LCPA Changes

The LCPA contains many new and revised policies pertaining to visitor serving facilities. Chief among the changes is shifting 16 visitor accommodation units from vacation home rentals and single units to inns, hotels, and bed and breakfast facilities. The number of vacation rentals would drop from 23 to 10, and the number of single unit rentals would drop from 23 to 20 (Town Policy GM-15(a)). In response to community desires to shift vacation home rentals (VHRs) out of designated residential areas, the LCPA would also eliminate through attrition those VHRs located in designated residential areas and require all new VHRs to be located within the Mixed Use and Commercial District zoning districts (Town Policy GM-3(b)). Furthermore, the

previously certified provision that would allow development of one additional VHR or SUR for every 13 new residential units constructed after certification of the 1992 Town Plan (13:1 ratio) would be deleted.

The LCPA also makes accounting adjustments to the total number of visitor accommodations (inns, hotels, B&Bs, VHRs, and SUR) and the total of visitor lodging units (inns, hotels, B&Bs). These adjustments would change the total number of visitor serving lodging units from 234 to 237.

The Town LCPA additionally contains new provisions for reallocating visitor lodging units that were assigned to sites specified in the original Town Plan to other visitor lodging unit sites designated with an asterisk (\*) or asterisk-B (\*B) on the Mendocino Town Land Use and Zoning Maps, as they become available under a range of scenarios (Town Policy GM-15(d), **Appendix A page 91**; Town Plan Section 6.7, **Appendix A page 166**; and TZC Section 20.684.030(H), **Appendix C page 119**). These new policies provide for a more streamlined process for transferring unused visitor lodging units from one recognized visitor serving facility to another by not requiring an LCP amendment.

The Town LCPA would add a new visitor serving facility at a specifically designated site and would initially reserve 7 of the 22 available allocations of inns, hotels, and B&Bs to that site, located at 44861 Ukiah Street, subject to coastal development permit approval (Town Plan Section 6.7, Town Zoning Code Section 20.684.030(H)). The LCPA also includes new policies that would establish development of any visitor lodging unit on sites designated on Mendocino Town Land Use and Zoning Maps with an asterisk (\*) or an asterisk-B (\*B), as a principal permitted use in the respective Town Land Use Classifications, Mendocino Visitor Serving Facility Combining District, and Mendocino Town Zoning Districts (Town Policy GM-24(b), **Appendix A page 96**).

New policies proposed in the LCPA would also legalize certain existing but unauthorized visitor serving lodging facilities without requiring those facilities to obtain coastal development permits (Town Policies GM-13, **Appendix A page 87**; GM-15(c), **Appendix A page 91**; Town Plan Town Plan Sections 3.3.1(b), **Appendix A page 48** and Section 6.7, **Appendix A page 167**; and TZC Section 20.684.030(H)).

#### Suggested Modifications

Commission staff supports most of the proposed amendments to the visitor serving facility and visitor accommodation policies of the LCPA. Staff believes that retaining a cap on the total number of visitor serving lodging units in the Town can be found consistent with Coastal Act visitor serving facilities priority use policies in this case because of the proportionally high number of visitor serving units to residential units in this small community.

In addition, shifting some of the visitor accommodations from vacation home rentals and single unit rentals to visitor serving lodging units will help ensure that the visitor accommodation units are more consistently available for visitors. Property owners do not always choose to make their homes available to visitors as a vacation home rental. Sometimes owners will use the home instead for their personal residential use. Coastal development permits are generally not required

to rent an existing home as a vacation rental if no physical changes to the structure are proposed, as rental of the facility has not been considered to constitute a change in the density or intensity use and thus is not considered to be development for which a coastal development permit would be required. In contrast, converting an established inn, bed and breakfast, or hotel from a visitor serving use to a residential use does constitute a change of use requiring a coastal development permit. Thus, a permit would be required to change a visitor serving lodging unit to some other use.

Furthermore, the proposed administrative system for allocating available units should also help ensure that the number of units available under the cap are more consistently available for visitors. The administrative allocation system would replace the system in the certified LCP which permanently fixes allocated numbers of units to particular designated visitor serving facilities. An LCP amendment would no longer be required to reallocate units that are withdrawn from use by visitor serving facility owners to another site.

Staff recommends several suggested modifications to ensure consistency with Coastal Act policies. Section 30213 of the Coastal Act states in applicable part that lower cost visitor and recreational facilities shall be protected, encouraged, and where feasible, provided. As noted previously, even though lower cost visitor accommodations are available along this portion of the Mendocino coast in the surrounding area, very few lower cost visitor accommodations are available directly within the Town of Mendocino itself. Under both the certified LCP and the LCPA, the only locations where visitors serving lodging units may be developed is at the particular lots designated on the Mendocino Town Plan and Zoning Map with an asterisk (\*) or asterisk-B (\*-B). Virtually all of these sites are existing visitor serving facilities. No new visitor serving facilities can be built anywhere else in Town without first obtaining an LCP amendment, even if an allocation of units under the cap in visitor serving lodging facilities is available.

Therefore, **Suggested Modification Nos. 13 and 21** would modify the LCP to allow new hostels, hotels, inns, and B&Bs as permitted uses within the Commercial District. The suggested modifications would not increase the total cap on visitor lodging units within the Town, and therefore no such facility could be approved within the Commercial District unless the property owner obtains an allocation of the necessary units from within the cap. However, adding visitor lodging units as a permitted use would enable any property owner of land within the Commercial District to consider establishing a new visitor serving facility. The ability to develop a new visitor serving facility within the Commercial District would create the opportunity for new lower cost visitor serving facilities to be established within the Town. In addition to allowing visitor serving facilities as an allowable use in the Commercial District, **Suggested Modification Nos. 4, 20, and 21** would modify the Visitor Serving Facility Combining Zone to limit its applicability to areas outside the Commercial District. Under the certified LCP, the combining district allows visitor serving facilities at particular lots within residential and other zoning districts where they are not otherwise allowed under the base zoning district. The modifications would continue this approach and eliminate the Combining District's applicability to the Commercial District as the base Commercial District would now allow visitor serving facilities. Finally, as proposed, the LCPA's proposed "amnesty" provisions would conflict with Coastal Act Section 30600 which requires that any person wishing to undertake development, as defined in Section 30610, shall obtain a coastal development permit. **Suggested modifications 3, 4, 14, and 21** would revise and delete those policies to ensure conformity with the permit requirements of Coastal Act Section 30600. The suggested modifications would modify the LCPA to eliminate the blanket exemptions from coastal development permit requirements for any visitor

serving facility that simply exists now or may have existed in the past even if the requisite coastal development permit had not been obtained.

### **Demonstration of Adequate Water Supply Where No Community Water System**

The Town of Mendocino is very unusual among most coastal towns and cities in that no community (public) water system exists to serve the Town. Property owners instead rely on individual on-site water wells for their source of water. There are over 400 privately owned water wells within the Town. As a result of the discontinuous, highly fractured bedrock and shallow terrace deposits that retain groundwater, groundwater supply is trapped within “pockets” between bedrock fractures. Since supply is not evenly distributed throughout Town and some individual wells have failed, wells that produce water within the range of 15 to 20 gallons per minute (gpm) may be located less than 200 feet from wells that can only produce water at 2 or 3 gpm<sup>2</sup>, or within a few feet of a lot that is incapable of producing an adequate year-round on-site water supply. The highest density of water wells in Town occurs in the southern area of the Mendocino headlands, where a considerable part of the Town’s commercial uses are located.

Based on new information provided by the Mendocino City Community Services District (MCCSD) and the County’s consultants in January of this year, water usage in the Town of Mendocino appears to be less than originally calculated, and the aquifer has sufficient supply to serve the Town at maximum build-out projections under the LCPA. However, some water production systems, including some older, shallow (20-25 feet depth), and/or deteriorated/poorly maintained wells, that serve residential or commercial users have been reported to have failed or been discontinued for other reasons, during previous droughts (e.g., 1975-1977, 1988-1989, 1994, 2000-2001, and 2007-2009) and the current (2011-2016) drought.

Many of the property owners with wells that have failed have relied on the trucked importation of water from other locations. For example, some Town residents and business proprietors consistently rely on water importation (by truck from sources in Fort Bragg and Elk) to supply basic water needs, at a minimum during the dry season. Section 3.3.1(d) of the proposed Town LCPA states in part that “Water importation (by truck from sources in Fort Bragg and Elk, pursuant to State licensing and when potable water is available) has to-date constituted the episodic/seasonal source of supplemental water for such users, at an estimated 11 AF/Y. (MCCSD, 2012.)” Other sources have also documented water hauling in the past from Ft. Bragg and Elk to serve out-of-area home owners.<sup>3</sup>

Similarly to other agency’s regulatory requirements such as the State Water Resources Control Board, the Coastal Commission has interpreted “adequate water supply” to mean an on-site source, such as connection to a community water system, a well, or a spring<sup>4</sup>. In previous correspondence to Mendocino County Supervisors on the topic of “Water Supply Requirements in the Coastal Zone,” Commission staff have further advised in part the following:

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<sup>2</sup> Mendocino City Community Services District (MCCSD) Groundwater Management Plan and Programs. Adopted by MCCSD Board of Directors February 25, 1990; Amended May 30, 2012. Accessed online at:

[http://www.co.mendocino.ca.us/planning/pdf/MCCSD\\_Groundwater\\_Management\\_Plan\\_and\\_Programs\\_2012.pdf](http://www.co.mendocino.ca.us/planning/pdf/MCCSD_Groundwater_Management_Plan_and_Programs_2012.pdf)

<sup>3</sup> July 26, 2007. “Council agrees to sell surplus water.” Advocate-News.com. Accessed online June 17, 2014 at <http://www.advocate-news.com/article/ZZ/20070726/NEWS/707269685>

<sup>4</sup> [http://www.waterboards.ca.gov/waterrights/board\\_info/water\\_rights\\_process.shtml](http://www.waterboards.ca.gov/waterrights/board_info/water_rights_process.shtml)

*Commission staff is particularly concerned that a parcel that does not have a reliable on-site water source and instead uses trucked-in water is especially vulnerable to fire hazards (e.g., not having enough water on-site to fight a fire). There are numerous cases where trucked-in water can be seen to be less than reliable, such as during periods when roads are closed to landslides, labor strikes prevent delivery, or water companies cancel deliveries due to non-payment of bills. For these and other reasons, trucked-in water would not be considered “adequate,” and has not been viewed as consistent with the LCP policies cited above...<sup>5</sup> [Emphasis added].* Such health and safety concerns make demonstration of an adequate water supply before approval of development particularly important. Coastal Act Section 30250(a) requires that new development shall be located within or near existing developed areas able to accommodate it or in other areas with adequate public services and where it will not have significant adverse effects, whether individually or cumulatively, on coastal resources. Minimum groundwater testing recommended by the CA Department of Water Resources (1982), and groundwater testing requirements recommended by Mendocino County Division of Environmental Health and adopted by the Mendocino County Board of Supervisors (November 21, 1989) have all specified that comprehensive hydrological study *shall* be required in the Town of Mendocino for *all* new development, recognizing the unique geological and hydrological constraints found nowhere else in California but in the Town of Mendocino.

The currently certified Mendocino Town Plan more broadly requires that any new or expanded development within the Town of Mendocino must demonstrate that an adequate on-site water supply exists to serve existing and new development, through submittal of a hydrological study, unless it can be demonstrated on a case-by-case-basis that no increase in water use will occur. In conformance with these requirements, currently certified Section 20.744.015 of the certified Town Zoning Code states that a hydrological study shall be required in the Town of Mendocino for all development as defined in the code. However, as currently certified and again proposed in the Town Plan Update, Section 20.744.015 allows for an exception to the hydrological study requirement as provided for in Section 20.744.025. Section 20.744.025 provides that a hydrological study will not be required in cases where it has been determined by the Mendocino City Community Services District or Health Officer that the development will not have any foreseeable impact on hydrologically contiguous wells. As the exception provision does not specifically take into account whether adequate water is available from a well to adequately serve the proposed development, only whether it would have any foreseeable impact on contiguous wells, some proposed development that would result in an increase in water use has not been required to perform a hydrological study which would demonstrate that an adequate supply exists.

In response to queries regarding how the proposed Town Plan Update assures that new development is located only in areas with adequate public services, the County has expressed concerns because the Town’s unique geology and close proximity of development necessitate a specific type of water availability test, a hydrological study, which can be very costly. However, while it is true that the unique constraints of the Town limit the range of options for demonstrating that an adequate on-site water supply exists to serve existing and proposed development without impacting adjacent property, Commission staff believes that site-specific

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<sup>5</sup> March 17, 1997. Letter to Mendocino County Board of Supervisors re: “Water Supply Requirements in the Coastal Zone.” Prepared by Steven Scholl, District Director, CA Coastal Commission North Coast District.

hydrological studies must be undertaken to fully evaluate adequacy of on-site water supply and that a lack of a hydrological study could result in adverse impacts to adjacent aquifers, inconsistent with the Coastal Act.

Therefore, Commission staff recommends **Suggested modifications 4, 8, 13, 25, and 26** that would add and modify the proposed LCPA policies to ensure conformity with Coastal Act Section 30250(a) by requiring that, prior to approval of a coastal development permit, all coastal development permit applications for development that would result in an increase in water use shall include evidence demonstrating (a) that an adequate on-site water supply exists that will accommodate the proposed development throughout the year, including the dry season; and (b) that the proposed extraction of groundwater to serve the development will neither (1) deplete the ground water table of contiguous or surrounding uses, nor (2) have a significant direct or cumulative adverse effect on coastal resources.

The suggested modifications would not require a hydrological study for all development, only development where there is an increase in the intensity or density of use that would result in an increase in projected water use. In addition, the suggested modifications would not require different hydrological testing procedures than what the Water District or the County Environmental Health Department already require, just that the testing procedures be more systematically applied to development that would increase water usage.

**Land Use Designation and Zoning District Change from Open Space to Public Facilities**

The LCPA changes the land use designation and zoning of an approximately 9.78-acre property located approximately 500 feet east of Highway 1, at 44700 Little Lake Road. Known as “Grindle Park,” the property is currently designated as Open Space (OS), held in trust by Mendocino Fire Protection District (MFPD). The parcel contains the volunteer fire department’s headquarters-fire station on the lower portion of the property; the remainder of the property is an undeveloped woodland hillside area that extends north and east of the intersection of Little Lake and Hills Ranch roads. Because the property rises to one of the highest elevations within the Town (approximately 240 feet elevation), MFPD has requested the rezoning/redesignation of the property from OS to Public Facilities (PF) to accommodate the potential future siting of an elevated water tank for the purpose of fire safety services. Additional sources have indicated contemplation of two wells and a water treatment facility at the site.<sup>6,7</sup>

Commission staff visited the site on October 7, 2014, and again with staff Ecologists, and staff from Mendocino County, MPFD, and California Department of Fish and Wildlife on June 2, 2016. Preliminary site reconnaissance indicates that the subject woodland hillside property contains at minimum a mixed stand of Northern Bishop Pine (*Pinus muricata*) forest, and what appear to be stands of Pacific Reedgrass (*Calamagrostis nutkaensis*). Additionally, Exhibit D of Commission Permit 1-84-87A depicts the presence of springs occurring on the subject property, and evidence of the springs and other wetland features were observed during the June 2, 2016 site visit. Northern Bishop Pine Forest, Pacific Reedgrass Meadows, and wetlands (including but not limited to seeps and springs) are recognized in the Town of Mendocino as environmentally

<sup>6</sup> June 12, 2014. “Public vents to MCCSD about meters.” Mendocino Beacon. Accessed online September 1, 2016 at: <http://www.mendocinobeacon.com/article/ZZ/20140612/NEWS/140618541>

<sup>7</sup> July 3, 2014. “Services, Fire district strike deal for emergency water.” Advocate-News.com. Accessed online August 31, 2016 at <http://www.advocate-news.com/article/ZZ/20140703/NEWS/140708860>

sensitive habitat areas (ESHAs). Although Commission staff requested a biological report documenting site conditions on November 17, 2014, the County indicated in 2016 that the results of the biological assessment conducted in 2015-2016 for the site will not be forthcoming.

The 1992 certified Town Plan identifies the intent of the Open Space land use classification in part as applying “to lands held in public ownership for recreational use and to lands most valuable in their undeveloped natural state such as those lands which contain rare and endangered species and habitat, riparian vegetation zones, sites of historic or archaeological significance, or scenic areas...” Commission staff believes the open space designation is most appropriate for the subject site due to the extent of wetlands and other ESHAs on the subject property. Designation of the entire site for Public Facilities as proposed under the LCPA would suggest capacity for an expanded range of potential uses that could not be supported consistent with the protection of coastal resources as required by Coastal Act Sections 30240, 30231, and 30233. Moreover, the current OS designation would not preclude the opportunity for developing a water tank on a portion of the site for firefighting purposes, because the current OS designation already allows for fire and police protection services as a conditional use.

After visiting the site, Commission staff believes that a water tank could likely be sited outside of ESHA and ESHA buffers, but infrastructure necessary to connect the water tank to a hydrant downslope and near the fire department could encroach within ESHA and/or ESHA buffers. To allow for potential development of a fire protection water tank at the site while ensuring conformity with the resource protection policies of the Coastal Act as described above, and since the current OS designation would already allow for fire and police protection services as a conditional use, **Suggested modifications 3, 9, 16, and 28** would: (a) retain the currently certified open space land use classification and zoning district designation within the Town narratives, policies, and land use and zoning maps, and (b) add language to Town Policy PF-5.1 (**Appendix A page 123**) requiring that any development associated with any services extensions, including but not limited to equipment and infrastructure to support a water storage tank for firefighting services, shall be undertaken in a manner (such as by horizontal directional drilling) that avoids encroachment into environmentally sensitive habitat areas and prevents impacts which would significantly degrade land adjacent to environmentally sensitive habitat areas.

### **Optional Zoning**

The LCPA proposes to amend Section 20.604.050 of the certified Town Zoning Code. This section addresses situations where uncertainties exist as to zoning district boundaries. The certified section applies rules for resolving such uncertainty. The proposed LCPA would amend Section 20.604.050(D) to add a provision stating that where a legal non-conforming structure lies in part within two zoning districts or where the setbacks applicable to each zoning district cannot be reasonably achieved on a bifurcated lot, the entire lot may be used and developed on the basis of either zoning district, subject to issuance of a conditional use permit.

Based on discussions with County staff, the amendment appears to have been included to address a particular property in Town that is split zoned. The parcel, which is currently for sale, is located at the intersection of Little Lake Road and Lansing Streets, and at the intersection of designated Multifamily Residential, Commercial, and Public Facilities Zoning Districts, at 10575 Lansing Street (APN 119-150-01). The owners of a property with a historical structure known as

the “Williams House” (Category I Landmark Structure) would like to convert use of their approximately 0.31-acre split-zoned parcel from Multi-Family Residential (MRM) and Commercial to entirely Commercial land use classification and zoning district. Previous efforts to rezone the parcel to Commercial have been denied by the County Board of Supervisors (e.g., Rezone Application No. R 20-91).

Rather than specify the kind, location, and intensity of land use that would be applicable to the property consistent with Coastal Act Section 30108.5, the proposed LCPA would allow a discretionary selection of uses permissible under two different land use and zoning designations.

However, because the Williams House is situated on Lansing Street in a transitional area between residential and commercial areas, and is uniquely constrained by lot size, historical status, traffic circulation, and setback requirements (among others), the full range and intensity of uses allowable within the Commercial Zoning District and available under TZC Section 20.604.050(D) would not be appropriate for the site. On the other hand, Commission staff believes that some limited uses, such as administrative offices or limited retail uses not otherwise allowable within the MRM District could be appropriate at the site (subject to demonstrating conformity with all LCP policies).

An alternative approach to the proposed optional zoning policy would be to redesignate and rezone the site to Mixed Use. The intent of the Mixed Use land use classification is:

To provide a transition between commercial development on Lansing Street and Main Streets and residential areas; to provide space for offices and retail uses that do not generate heavy automobile traffic or generally operate between the hours of 6:00 p.m. and 7:00 a.m.; and to encourage preservation and construction of moderately priced residential dwelling units.

For these reasons, Commission staff recommends **Suggested modifications 3, 16, 17, and 18** that would (a) redesignate and rezone the approximately 0.31-acre “Williams House” parcel located at 10575 Lansing Street (APN 119-150-01) from the split land use classification of Rural Residential (RM) and Commercial (C) to an entirely Mixed Use designated parcel, and (b) delete the optional zoning provision of TZC Section 20.604.050(D) from the LCPA. The suggested modifications accomplish the County’s goal without the need for optional zoning inconsistent with Coastal Act section 30801.5.

### **Principally- Permitted, Permitted, and Conditionally- Permitted Uses**

The certified LCP lists principally permitted and conditional uses for each land use classification and zoning district. Conditional uses require a use permit from the County, where as principally permitted uses do not.

The LCPA would characterize multiple uses currently listed as conditional uses in many zoning districts as “principal permitted uses” within a single zoning district. For example, revised Town Zoning Code Chapter 20.664 now proposes Residential, Civic, and Visitor Accommodations as principally permitted uses within the Commercial District. Based on discussions with County staff, it appears that part of the reason to recharacterize many of the conditional uses as principally permitted is to reduce the burdens on property owners of having to go through a use permit process for many different uses.

However, Section 30603(a)(4) of the Coastal Act provides that local approval of any development in a Coastal county (i.e., unincorporated areas) that is not designated as *the* principal permitted use results in an action that is appealable to the Commission. Accordingly, unless a single use is designated as the principally permitted use in a particular zoning district, all development approved by the County in that particular zoning district is appealable to the Commission. This creates an unnecessary problem easily rectified by identifying one use as principally permitted in each zoning district. One way to identify a single use as principally permitted in each zoning district that satisfies the goal of reducing the number of uses that would require a conditional use permit and also avoids the result of rendering all development in a particular zoning district appealable to the Commission would be to characterize the uses in each zoning district in one of three categories: “permitted,” “conditionally permitted,” and “principally-permitted” uses. A single use would be designated as the principally permitted use and would neither require a use permit nor be appealable to the Commission. Other uses listed as “permitted” would not require a conditional use permit, although these uses would be appealable. And those uses listed as conditionally permitted would continue to require a use permit and be appealable to the Commission.

**Suggested modification 2** has been added to characterize the “permitted,” “conditionally permitted,” and “principally-permitted” uses in each zoning district in a manner that both would avoid the need for conditional use permits and avoid a result in which all development in a particular zoning district is appealable to the Commission because a single use has not been designated as principally permitted that particular zoning district. **Suggested modifications 4, 13 and 21** would also change the relevant policies, land use classifications, and zoning district uses to specify those developments that would be a permitted use, rather than the principally-permitted use, in conformity with Coastal Act Section 30603.

## **ADDITIONAL INFORMATION**

The appendices containing the proposed LCP amendments (Appendices A - C) with suggested modifications are not included in their entirety as appendices to save paper. The staff report available on-line at the Commission’s website contains Appendices A-C in their entirety, and color versions of the proposed Town Land Use Plan map and Town Zoning map included as Appendices D and E, respectively.

For additional information about the LCP amendment, please contact Tamara Gedik at the North Coast District Office at (707) 826-8950. Please mail correspondence to the Commission at the letterhead address.

## TABLE OF CONTENTS

|             |                                                                                                                 |                           |
|-------------|-----------------------------------------------------------------------------------------------------------------|---------------------------|
| <b>I.</b>   | <b>SUMMARY OF SUGGESTED MODIFICATIONS .....</b>                                                                 | <b><a href="#">15</a></b> |
| <b>A.</b>   | <b>SUGGESTED MODIFICATIONS TO THE MENDOCINO TOWN<br/>    LAND USE PLAN (LUP) .....</b>                          | <b><a href="#">15</a></b> |
| <b>B.</b>   | <b>SUGGESTED MODIFICATIONS TO THE MENDOCINO TOWN<br/>    IMPLEMENTATION PROGRAM (IP) .....</b>                  | <b><a href="#">18</a></b> |
| <b>II.</b>  | <b>STANDARD OF REVIEW .....</b>                                                                                 | <b><a href="#">20</a></b> |
| <b>III.</b> | <b>BACKGROUND .....</b>                                                                                         | <b><a href="#">20</a></b> |
| <b>A.</b>   | <b>SETTING AND EXISTING CONDITIONS.....</b>                                                                     | <b><a href="#">20</a></b> |
| <b>B.</b>   | <b>MENDOCINO TOWN BACKGROUND .....</b>                                                                          | <b><a href="#">22</a></b> |
| <b>i.</b>   | <b>1985 LAND USE PLAN.....</b>                                                                                  | <b><a href="#">22</a></b> |
| <b>ii.</b>  | <b>IMPLEMENTATION PLAN AND TOWN PERIODIC REVIEW .....</b>                                                       | <b><a href="#">22</a></b> |
| <b>iii.</b> | <b>MENDOCINO TOWN SEGMENTATION.....</b>                                                                         | <b><a href="#">22</a></b> |
| <b>iv.</b>  | <b>MENDOCINO TOWN LCP CERTIFICATION .....</b>                                                                   | <b><a href="#">22</a></b> |
| <b>v.</b>   | <b>AMENDMENTS TO THE CERTIFIED TOWN LCP .....</b>                                                               | <b><a href="#">23</a></b> |
| <b>vi.</b>  | <b>MENDOCINO TOWN LCP PERIODIC REVIEW .....</b>                                                                 | <b><a href="#">23</a></b> |
| <b>IV.</b>  | <b>AMENDMENT DESCRIPTION .....</b>                                                                              | <b><a href="#">23</a></b> |
| <b>A.</b>   | <b>PURPOSE OF PROPOSED LCPA.....</b>                                                                            | <b><a href="#">23</a></b> |
| <b>B.</b>   | <b>PUBLIC PARTICIPATION AND AGENCY COORDINATION.....</b>                                                        | <b><a href="#">24</a></b> |
| <b>C.</b>   | <b>SUMMARY OF LCPA .....</b>                                                                                    | <b><a href="#">26</a></b> |
| <b>V.</b>   | <b>SUGGESTED MODIFICATIONS.....</b>                                                                             | <b><a href="#">33</a></b> |
| <b>A.</b>   | <b>AREAS OF CONTROVERSY .....</b>                                                                               | <b><a href="#">34</a></b> |
| <b>i.</b>   | <b>VISITOR SERVING FACILITIES .....</b>                                                                         | <b><a href="#">34</a></b> |
| <b>ii.</b>  | <b>EVIDENCE OF ADEQUATE WATER SUPPLY .....</b>                                                                  | <b><a href="#">38</a></b> |
| <b>iii.</b> | <b>PERMITTED, PRINCIPALLY-PERMITTED, &amp;<br/>        CONDITIONALLY PERMITTED USES.....</b>                    | <b><a href="#">42</a></b> |
| <b>iv.</b>  | <b>LAND USE DESIGNATION AND ZONING DISTRICT CHANGES TO<br/>        MENDOCINO FIRE PROTECTION DISTRICT .....</b> | <b><a href="#">43</a></b> |
| <b>v.</b>   | <b>SPLIT ZONING OPTIONS .....</b>                                                                               | <b><a href="#">44</a></b> |
| <b>B.</b>   | <b>NON-CONTROVERSIAL, SUBSTANTIAL SUGGESTED MODIFICATIONS.....</b>                                              | <b><a href="#">45</a></b> |
| <b>i.</b>   | <b>ENVIRONMENTALLY SENSITIVE HABITAT AREAS (ESHAS) .....</b>                                                    | <b><a href="#">45</a></b> |
| <b>ii.</b>  | <b>WATER QUALITY .....</b>                                                                                      | <b><a href="#">47</a></b> |
| <b>iii.</b> | <b>HIGHWAY ONE DESIGNATION.....</b>                                                                             | <b><a href="#">49</a></b> |

## APPENDICES

Proposed LCP with Suggested Modifications:

[Appendix A](#) – Proposed LUP amendments with suggested modifications

[Appendix B](#) – Proposed Appendix 2 with suggested modifications

[Appendix C](#) – Proposed IP amendments with suggested modifications

[Appendix D](#) – Appendices to Town LUP

[Appendix E](#) – Proposed LUP map

[Appendix F](#) – Proposed IP map

## **EXHIBITS**

### Maps & Tables:

[Exhibit 1](#) – Regional Map

[Exhibit 2](#) – Aerial Vicinity Map

### County Resolution and Supporting Correspondence:

[Exhibit 3](#) – January 8, 2016 LCP Amendment Transmittal Letter

[Exhibit 4](#) – January 8, 2016 LCP Amendment Consistency Analysis Summary

[Exhibit 5](#) – County Resolution No. 15-180

[Exhibit 6](#) – County Correspondence Regarding Resolution No. 15-180

### Correspondence Received:

[Exhibit 7](#) – Correspondence sent to Coastal Commission staff prior to preparation of staff report

## I. SUMMARY OF SUGGESTED MODIFICATIONS

### Key for Modifications to County Language:

The revised text deletions and additions proposed by the County are shown in ~~strikethrough~~ and underline, respectively. Text deletions and additions suggested by the Commission are formatted in ~~**bold double-strikethrough**~~ and **bold double-underlined** text, respectively.

### A. SUGGESTED MODIFICATIONS TO THE MENDOCINO TOWN LAND USE PLAN (LUP)

The following 17 suggested modifications to the LUP are needed to ensure that the LUP is consistent with the Coastal Act. The attached **Appendix A** presents the complete land use plan amendments as proposed by the County in the context of all the related Town LUP policies, showing in ~~strikethrough~~ and underline how the proposal would alter the existing Town LUP text. The language in **Appendix A** shown in **bold double underline** represents language that the Commission suggests be added and the language shown in ~~**bold double-strikethrough**~~ represents language that the Commission suggests be deleted from the language as originally submitted. Suggested Modification Nos. 15, 16, and 17 also include directives to the County. These suggested modifications are shown in ***bold italics***. Because of the length of each suggested modification, Suggested Modification Nos. 1-17 are not reproduced here.

#### 1. **Suggested Modification No. 1: (Town Plan Introduction)**

All changes to the Town Plan Introduction shown in Section 1 (“Introduction”) of **Appendix A**.

#### 2. **Suggested Modification No. 2: (Definitions)**

All changes to Definitions in Section 2 of the Town Plan as shown in Section 2 of **Appendix A**.

#### 3. **Suggested Modification No. 3: (Town Background, Setting, and Description)**

All changes to Section 3 of the Town Plan (“Town Background, Setting, and Description”) are shown in Section 3 of **Appendix A**.

#### 4. **Suggested Modification No. 4: (Town Growth Management Policies)**

All changes to the introductory narrative in Section 4.1 and the Town Growth Management Policies in Section 4.2 as shown in Town Plan Sections 4.1 and 4.2 of **Appendix A**.

#### 5. **Suggested Modification No. 5: (Mendocino Design Guidelines Policies)**

All changes to Town Plan Section 4.3, “Mendocino Design Guidelines,” as shown in Town Plan Section 4.3 of **Appendix A**.

#### 6. **Suggested Modification No. 6: (Circulation and Parking Policies)**

All changes to the Circulation and Parking policies shown in Section 4.4 of **Appendix A**.

#### 7. **Suggested Modification No. 7: (Affordable Housing Policies)**

All changes to the Affordable Housing policies shown in Town Plan Section 4.5 of **Appendix A**.

**8. Suggested Modification No. 8: (Sustainability Policies)**

All changes to the Sustainability policies shown in Town Plan Section 4.6 of **Appendix A**.

**9. Suggested Modification No. 9: (Public Facilities Policies)**

All changes to the Public Facilities policies shown in Town Plan Section 4.7 of **Appendix A**.

**10. Suggested Modification No. 10 (Public Access and Recreation Policies)**

All changes to the Public Access and Recreation policies shown in Town Plan Section 4.8 of **Appendix A**.

**11. Suggested Modification No. 11 (Conservation Policies)**

All changes to the Conservation policies shown in Town Plan Section 4.9 of **Appendix A**.

**12. Suggested Modification No. 12 (Mendocino Town Plan Administration Policies)**

All changes to the Town Plan Administration policies shown in Town Plan Section 4.6 of **Appendix A**.

**13. Suggested Modification No. 13 (Mendocino Town Land Use Classifications)**

All changes to the Town Land Use Classification descriptions and policies shown in Town Plan Section 5 of **Appendix A**.

**14. Suggested Modification No. 14 (Town Plan Implementation Policies)**

All changes to the Town Plan Implementation provisions shown in Town Plan Section 6 of **Appendix A**.

**15. Suggested Modification No. 15 (Appendices)**

*Revise Appendix 2, “Mendocino Town Plan Visitor Serving Facilities,” as depicted in Appendix B.*

**16. Suggested Modification No. 16 (LUP Map)**

All changes to the LUP Map as follows:

- a. *Revise map text as follows: ~~pursuant to Public Resources Code Section 30603(a)~~ **Boundaries shown on this map do not establish or depict State of California ownership boundaries or Post-Town of Mendocino Local Coastal Program certification permit and appeal jurisdiction.***
- b. *Revise map text as follows: ~~(Mean High Tide Line, Ordinary High Water Mark)~~ **The Town of Mendocino boundary along the Pacific Ocean, Mendocino Bay, and tidal lower Big River follows the shoreline. (Government Code Section 23123).***
- c. *Revise the land use map to eliminate the Public Facilities (PF) land use classification from Highway 1.*
- d. *Revise the land use map to change the approximately 9.78-acre Grindle Park parcel located at 44700 Little Lake Road (APN 119-090-07) from the newly-proposed Public Facilities (PF) land use classification to the as-certified Open Space (OS) land use classification.*

- e. Revise the land use map to change the approximately 0.31-acre “Williams House” parcel located at 10575 Lansing Street (APN 119-150-01) from the split land use classification of Multiple Family Residential (RM) and Commercial (C) to an entirely Mixed Use designated parcel.*
- f. Remove “mark-up” version of Town Plan land use map from the Town Plan and update Table of Contents accordingly.*

**17. Suggested Modification No. 17 (Organization)**

All changes to the organization of the LCP as follows:

- a. Eliminate references to hyperlinked text (“[\\]”) throughout LUP and IP text*
- b. Re-number relevant policies, definitions, and sections in appropriate sequential order and correct all policy cross-references prior to submission to the Commission for certification pursuant to Sections 13544 and 13544.5 of the California Code of Regulations.*
- c. Eliminate redundant reference to “(parcels)” throughout LUP and IP text*
- d. Revise descriptive narrative text as necessary to conform narrative text to any associated policy(ies) that have been added or revised through suggested modifications.*
- e. Update Town Plan Update references from “2011-2015 update” to date of certification throughout document.*
- f. Universally delete “updated” from “Mendocino Town Plan” references*
- g. Correct all document formatting as necessary including typographical errors, headers/footers, page numbers, tables of contents, etc.*
- h. Universally correct references throughout LCP to the “the Mendocino Headlands State Park Preservation and Recreation Plan (General Plan) by the California Department of Parks and Recreation.” To either reference the 1971 CA Coastline Preservation and Recreation Plan, or the 1976 Mendocino Headlands SP General Plan (both are authored by State Parks).*
- i. Revise acreages included in Sections 3.4.2 (Commercial), 3.4.3 (Mixed Use), 3.4.5 [sic] (Public Facilities), and 3.4.6 (Open Space) to reflect suggested modifications to land use and zoning designations of Williams House, Highway 1, and Grindle Park.*

## **B. SUGGESTED MODIFICATIONS TO THE MENDOCINO TOWN IMPLEMENTATION PROGRAM (IP)**

The following 12 suggested modifications to the IP are needed to ensure that the IP conforms with and is adequate to carry out the policies of the Town LUP as modified. The attached **Appendix C** presents the complete zoning code amendments as proposed by the County in the context of all the related zoning standards, showing in ~~striketrough~~ and underline how the proposal would alter the existing text of the Town Zoning Code (TZC). The language in **Appendix C** shown in **bold double underline** represents language that the Commission suggests be added and the language shown in ~~**bold double striketrough**~~ represents language that the Commission suggests be deleted from the language as originally submitted. Because of the length of each suggested modification, Suggested Modification Nos. 18-29 are not reproduced here. Suggested Modification Nos. 28 and 29 include directives to the County that are shown in *bold italics*.

### **18. Suggested Modification No. 18: (Chapter 20.604, Basic Provisions)**

All changes to Chapter 20.604 shown in Chapter 20.604 of **Appendix C**.

### **19. Suggested Modification No. 19: (Chapter 20.608, Definitions)**

All changes to Chapter 20.608 shown in Chapter 20.608 of **Appendix C**.

### **20. Suggested Modification No. 20: (Chapters 20.612 – 20.636, Use Classifications and Use Types)**

All changes to Chapters 20.612 – 20.636 shown in Chapters 20.612 – 20.636 of **Appendix C**.

### **21. Suggested Modification No. 21: (Chapters 20.640 – 20.688, Zoning Districts,)**

All changes to Chapters 20.640 – 20.688 shown in Chapters 20.640 – 20.688 of **Appendix C**.

### **22. Suggested Modification No. 22: (Chapters 20.704 – 20.708; 20.740; 20.748, Standards for Specific Land Uses)**

All changes to: Chapters 20.704 (“Accessory Use Regulations”), 20.708 (“Temporary Use Regulations”), 20.740, and 20.748 shown in 20.704 – 20.708, 20.740 (“Second Residential Units”), and 20.748 (“Single Unit Rentals and Vacation Home Rentals”) of **Appendix C**.

### **23. Suggested Modification No. 23: (Chapters 20.712 – 20.716, Site Planning and Project Design Policies)**

All changes to Chapters 20.712 – 20.716 shown in Chapters 20.712 – 20.716 of **Appendix C**.

### **24. Suggested Modification No. 24: (Chapters 20.717 – 20.719, Resource Management Policies)**

All changes to Chapters 20.717 – 20.719 shown in Chapters 20.717 – 20.719 of **Appendix C**.

### **25. Suggested Modification No. 25: (Chapters 20.720 – 20.736, Coastal Land Use and Zoning Code Administration Policies)**

All changes to Chapters 20.720 – 20.736 shown in Chapters 20.720 – 20.736 of **Appendix C**.

**26. Suggested Modification No. 26: (Chapter 20.744, “Groundwater Evaluation”)**

All changes to Chapter 20.744 shown in Chapter 20.744 of Appendix C.

**27. Suggested Modification No. 27 (Chapter 20.760, “Historical Preservation District for Town of Mendocino”)**

All changes to Chapter 20.760 shown in Chapter 20.760 of Appendix C.

**28. Suggested Modification No. 28 (Zoning Map)**

- a. *Revise zoning map text as follows: ~~pursuant to Public Resources Code Section 30603(a)~~ Boundaries shown on this map do not establish or depict State of California ownership boundaries or Post-Town of Mendocino Local Coastal Program certification permit and appeal jurisdiction.*
- b. *Revise zoning map text as follows: ~~(Mean High Tide Line, Ordinary High Water Mark)~~ The Town of Mendocino boundary along the Pacific Ocean, Mendocino Bay, and tidal lower Big River follows the shoreline. (Government Code Section 23123).*
- c. *Revise the land use map to eliminate the Public Facilities (PF) land use classification from Highway 1.*
- d. *Revise the land use map to change the approximately 9.78-acre Grindle Park parcel located at 44700 Little Lake Road (APN 119-090-07) from the newly-proposed Public Facilities (PF) land use classification to the as-certified Open Space (OS) land use classification.*
- e. *Revise the land use map to change the approximately 0.31-acre “Williams House” parcel located at 10575 Lansing Street (APN 119-150-01) from the split-zoning district of Mendocino Multiple Family Residential (MRM) and Commercial (C) to an entirely Mixed Use designated parcel.*
- f. *Remove “mark-up” version of zoning map from the Town Zoning Code and update Table of Contents accordingly.*

**29. Suggested Modification No. 29 (Organization/Recodification)**

All changes to the organization of the IP as follows:

- a. *Revise descriptive narrative text as necessary to conform narrative text to any associated policy(ies) that have been added, revised, or relocated through suggested modifications.*
- b. *Number all chapters and sections, including table entries, in appropriate sequential order and correct all policy and standards cross-references prior to submission to the Commission for certification pursuant to Sections 13544 and 13544.5 of the California Code of Regulations.*
- c. *Universally correct references throughout LCP to the “the Mendocino Headlands State Park Preservation and Recreation Plan (General Plan) by the California Department of Parks and Recreation.” To either reference the 1971*

***CA Coastline Preservation and Recreation Plan, or the 1976 Mendocino Headlands SP General Plan (both are authored by State Parks).***

## **II. STANDARD OF REVIEW**

The standard of review for land use plan amendments is found in Section 30512 of the Coastal Act. This section requires the Commission to certify an LUP amendment if it finds that it meets the requirements of, and is in conformity with, the policies of Chapter 3 of the Coastal Act. Specifically, Section 30512 states: “(c) *The Commission shall certify a land use plan, or any amendments thereto, if it finds that a land use plan meets the requirements of, and is in conformity with, the policies of Chapter 3 (commencing with Section 30200). Except as provided in paragraph (1) of subdivision (a), a decision to certify shall require a majority vote of the appointed membership of the Commission.*”

For any proposed changes to an IP to be certifiable, the implementing zoning ordinance, zoning district map, or other implementing action must be shown to conform with its LUP counterpart and adequately carry out all applicable LUP policies.

## **III. BACKGROUND**

### **A. SETTING AND EXISTING CONDITIONS**

The Town of Mendocino was founded in 1851 as a lumber town, and was established by settlers from New England primarily pursuing lumber and fishing interests. The 19<sup>th</sup> century architecture of the town, set against the forested mountains and rocky shoreline, is reflective of the New England roots of its original residents. Situated approximately 150 miles north of San Francisco, the Town’s remote rugged coastline, scenic vistas, historical architectural features, small shops, and friendly small-town ambience account for much of the Town’s character. The Town of Mendocino has been described as a “mystical village” that is among the most photographed and the most visited coastal destinations north of San Francisco. In 2014, The New York Times listed the Mendocino County Coast as the No. 3 most desirable “Places to Visit”<sup>8</sup> out of its annual 52 featured destinations<sup>9</sup>.

The Town of Mendocino (formerly known as Mendocino City) contains unique natural, cultural, and historical features. Because of its unique characteristics, the Town is a popular visitor destination point for recreational uses and has been designated in the certified LCP as a “special community,” as described in Coastal Act Section 30253(e). Highway 1 bisects the Town, and west of Highway One the Town is bounded to the north, west, and south by predominantly undeveloped headlands. The public has access to the majority of the headlands (approximately 165 acres) as part of the larger Mendocino Headlands State Park, which draws over 1 million visitors per year. The Town also includes two geographic historical zones (Zone A and Zone B) that have been designated as part of the Mendocino Historical Preservation District (a registered national landmark) and are subject to additional review and approval requirements of the Town’s Mendocino Historic Review Board to ensure all work (including painting, replacing siding, etc.) and development preserves the historical integrity of the area.

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<sup>8</sup> <http://www.nytimes.com/interactive/2014/01/10/travel/2014-places-to-go.html>

<sup>9</sup> [http://www.co.mendocino.ca.us/administration/pdf/01-13-14\\_Press\\_Release\\_-\\_3\\_on\\_Places\\_to\\_Visit\\_NYTimes\\_-\\_DRA.pdf](http://www.co.mendocino.ca.us/administration/pdf/01-13-14_Press_Release_-_3_on_Places_to_Visit_NYTimes_-_DRA.pdf)

The Town of Mendocino is situated on the Mendocino Headlands, an uplifted marine terrace comprised of shallow, unconsolidated marine terrace deposits atop fractured bedrock. The Town is bounded by steep sea cliffs ranging from 40 to 100 feet, and an average elevation within the Town of 140 feet. The headlands reach a height of 160 feet at Hillcrest Cemetery west of Highway 1, and 220 feet at the western edge of Grindle Park (located approximately 500 feet east of Highway 1).

The population of the Town has varied over the years. The 1985 Town of Mendocino Groundwater Study<sup>10</sup> described the total resident population as 900, “which may exceed 1,500 on holidays and during the summer tourist season.” 2010 Census data<sup>11</sup> reported the Town population at 894 people and a total of 617 housing units. The Mendocino City Community Services District 2012 Groundwater Management Plan<sup>12</sup> indicates that the permanent population of the Town of Mendocino is approximately 1,000 people.

Mendocino City Community Services District (MCCSD) has provided wastewater management services to Town residents since 1975. The wastewater treatment plant is located on the Mendocino Headlands at 10500 Kelley Street. During 2013-2014, the MCCSD reported service connections for 422 residences, 9 guest cottages, and 4 other sleeping units.

As discussed further in **Section VAii** below, no community water system exists to serve the Town. The unique geology of the Town’s shallow marine terrace formations above highly fractured bedrock severely limit groundwater availability, and California Department of Water Resources has designated the entire Town as an area of “Critical Water Resources, bedrock” (CWRbr). Percolation of rainfall into the shallow groundwater basin provides over 98% of the Town’s water supply before it discharges to springs along the cliffs and bluff faces. There are over 400 privately-owned water wells within the Town that supply water to individual residences and businesses. MCCSD does have groundwater management authority over the Mendocino Headlands aquifer to prevent depletion of the Town’s limited groundwater resources. MCCSD’s groundwater management program includes monitoring of water levels in several groundwater monitoring wells throughout Town, and regulating groundwater extraction from privately-owned and operated wells on individual lots through its groundwater extraction permit process.

A diversity of unique natural resources exist within and adjacent to the Town. The Town is bordered to the north by Slaughterhouse Gulch and to the south by the northern bank of Big River. The Big River Estuary is a designated State Marine Conservation Area within the network of Marine Protected Areas (MPAs) managed by California Department of Fish and Wildlife. Offshore rocks, including Goat Island, provide valuable bird breeding and nesting habitat. Sea caves encourage recreation and exploration. The bluffs support various sensitive native plant communities such as coastal terrace prairie areas and the rare Mendocino coast paintbrush (*Castilleja mendocinensis*). Wetlands, seeps, and springs also exist in various parts of the Town, in addition to forested areas near the banks of Big River and along the eastern part of the Town that transition in some places into pygmy forest areas.

<sup>10</sup> California Department of Water Resources, "Town of Mendocino Ground Water Study." June 1985.

<sup>11</sup> <http://www.census.gov/2010census/popmap/ipmtext.php>

<sup>12</sup> Mendocino Community Services District (MCCSD) Groundwater Management Plan and Programs. Adopted by the MCCSD Board of Directors February 25, 1990; Amended May 30, 2012. Accessed online at: [http://www.co.mendocino.ca.us/planning/pdf/MCCSD\\_Groundwater\\_Management\\_Plan\\_and\\_Programs\\_2012.pdf](http://www.co.mendocino.ca.us/planning/pdf/MCCSD_Groundwater_Management_Plan_and_Programs_2012.pdf)

## **B. MENDOCINO TOWN PLAN BACKGROUND**

### **i. 1985 Land Use Plan**

In November 1985, the Commission certified the Coastal Element of the Mendocino County land use plan, which included a separate chapter with policies specific to the Town of Mendocino. A key tenet of the 1985 Mendocino Town Plan was ensuring the maintenance of community character. To accomplish this goal, Policy 4.13-2 required that the plan be reviewed after approval of 50 additional housing units, 25,000 square feet of nonresidential floor area, or after 5 years, whichever comes first, to determine the effect of development on town character.

### **ii. Implementation Plan and Town Periodic Review**

A draft of the zoning code that would implement the Town Plan policies was released for public review in 1987. During the Planning Commission's review of the draft Town zoning code in 1988, a question was raised regarding the effect of approved developments in the Town on community character. In 1989, County staff reviewed Town development that had occurred since 1985 and determined that more than 25,000 square feet had been approved.

The Mendocino County Board of Supervisors subsequently appointed seven individuals to serve on a Citizen's Advisory Committee (CAC) to review the Town Plan and prepare recommendations to the Board of Supervisors for further action. The Planning Commission had completed its review of the draft zoning code (Implementation Plan) for the entire County during the same time period that the CAC was conducting public meetings and recommending revisions to the Town land use plan. Both the draft zoning code and the recommended revisions to the Town Plan chapter of the Coastal Element of the County General Plan were transferred to the Board of Supervisors.

### **iii. Mendocino Town Segmentation**

In order to pursue completion of the Coastal Zoning Ordinances for the remainder of the Coastal Element outside the Town of Mendocino, in 1990 the Board of Supervisors requested that the Coastal Commission authorize segmentation of the Mendocino Town Plan from the Coastal Element. Coastal Act Section 30511(c) provides that an LCP can be submitted in separate geographic segments provided the Commission finds the areas proposed for separate review can be analyzed for potential cumulative development impacts on coastal resources and access independent of the remaining jurisdiction. On June 13, 1990, the Commission approved the County's request to segment the Mendocino Town Plan from the Mendocino County land use plan, finding in part that the requirements of Section 30511(c) could be "easily met because the Town Plan primarily applies to a geographic area that is defined by its development pattern and community character."

### **iv. Mendocino Town LCP Certification**

In 1992, the Commission approved, and the County accepted, the Mendocino Town Plan Amendment 1-92 (Major) with suggested modifications, resulting in a number of changes to the certified Town Plan. The Mendocino Town draft zoning code changes were delayed due to local committee-level policy disagreements, and once resolved, in 1995 the County took action to approve the Mendocino Town Implementation Program. The Commission subsequently approved the Mendocino Town Implementation Program with suggested modifications that the County accepted, and the Mendocino Town LCP was effectively certified December 9, 1996.

**v. Amendments to the Certified Town LCP**

Following effective certification of the Mendocino Town LCP, the Commission certified Categorical Exclusion Order E 96-1 for Mendocino County, Town Segment, which allows certain specified types of development to occur in specified geographic areas, if among other requirements, the development proposed is consistent with Mendocino County's certified Town LCP policies. Additionally, the Commission has certified three amendments to the Town LCP since its effective certification in 1996, including LCPA 3-99 (Major, effectively certified upon Commission action on March 15, 2000), LCP Amendment No. 1-03 (de minimis, effective November 6, 2003), and LCP Amendment No. 1-08 (minor amendment, effective March 2, 2015).

**vi. Mendocino Town LCP Periodic Review**

The 1992 amended Town Plan included a revision to Town Plan Policy 4.13-2 requiring:

*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.*

In 1999, Mendocino County planning staff conducted an administrative review of the Town LCP. As a result of ongoing community concern over maintenance of Town character, a Citizens' Advisory Committee (CAC) was formed in 1999 to identify specific policy recommendations on the following issues:

- The number of vacation home rentals and single unit rentals;
- Incentives for second residential units;
- Cottage Industries and home occupations;
- Parking and circulation; and
- Formation of a Municipal Advisory Council.

The 1999 CAC provided recommendations to the Board of Supervisors but no action was taken at that time. On December 6, 2006, the Board of Supervisors directed Mendocino County Planning and Building Services staff to process a Town Plan amendment. The County formally launched into a process to develop an updated Mendocino Town Plan LCP in 2011.

**IV. AMENDMENT DESCRIPTION**

**A. PURPOSE OF PROPOSED LCPA**

Nearly 20 years have passed since the effective certification of the Mendocino Town LCP. The proposed LCP amendment would update the Mendocino Town Plan LCP that was effectively certified in 1996 to reflect current conditions and community goals. As described in Section 1.6 of the revised Town Plan, the County seeks to update the Mendocino Town Plan LCP to: a) identify planning issues specific to the Town; b) describe various land use and coastal resource components within the Mendocino Town Plan area; c) establish required policies and actions that address the planning issues and provide for balance to protect significant coastal resources; and d) provide for implementation of these policies and actions through the conformed updated Mendocino Town Zoning Code and Mendocino Town Zoning Map.

The County seeks to update the Mendocino Town Plan LCP with changes that include: adding contemporary policies<sup>13</sup>; modifying existing policies and certain land use designations<sup>14</sup>; and eliminating policies and goals that have either been accomplished since certification of the LCP, or are otherwise no longer relevant.<sup>15</sup> The County has additionally re-formatted the Town Land Use Plan to follow the General Plan system of presenting policies and action items.

## **B. PUBLIC PARTICIPATION AND AGENCY COORDINATION**

The Town Plan Update process has been iterative, with a series of revised draft Town LCP versions produced over time that reflect the input of the public, local government, and agency coordination.

Mendocino County staff began community outreach and Town meetings with a Town Plan Update kickoff public meeting held October 27, 2011. Additional Town Plan public workshops were held January 26, 2012, May 3, 2012, and October 25, 2012 to gather community input and concerns. In addition to hosting public workshops, the County has held fourteen public hearings<sup>16</sup>, and numerous personal meetings with interested persons and public agency representatives to obtain public comments, encourage discussion, and identify recommended Town Plan policies and actions. The County has also maintained a website providing the public with access to many of the supporting Town Plan Update documents.<sup>17</sup>

Commission staff first met to discuss the Town Plan LCP amendment process with County staff on November 9, 2011, and participated in a Town Plan Update public workshop in the Town of Mendocino on October 25, 2012. Since then, Commission staff has met in-person with County staff and their consultants on more than 25 occasions, and participated in more than 30 telephone conference meetings.

The Mendocino County Board of Supervisors initially adopted a Town LCP Amendment on December 9, 2014 that was transmitted to the Commission on January 5, 2015. Commission staff reviewed the County's January 5<sup>th</sup> transmittal, and Commission staff meetings held March 9, March 26, March 27, May 14, and May 15, 2015 enabled continued review and discussion with County staff of the various Town Plan versions and supporting documentation that were transmitted to Commission staff over time, including but not limited to documents received on January 5<sup>18</sup>, March 6<sup>19</sup>, May 4<sup>20</sup>, May 14<sup>21</sup>, June 5<sup>22</sup>, June 8<sup>23</sup>, and July 13, 2015<sup>24</sup>.

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<sup>13</sup> E.g., formula restaurant prohibitions (MTP Policy GM-8.1), sustainability policies (MTP Section 4.5)

<sup>14</sup> E.g., updated visitor serving facility provisions (MTP Section 4.1), OS to PF redesignations

<sup>15</sup> E.g., the 1992 Town Land Use Plan directive to acquire the historic Grammar School Building (MTP Policy 4.13-24) has been realized.

<sup>16</sup> Mendocino County public hearings were held: February 28, 2013, May 16, 2013, July 11, 2013, August 29, 2013, October 22, 2013, February 25, 2014, April 8, 2014, June 17, 2014, September 23, 2014, December 9, 2014, July 21, 2015, August 18, 2015, October 20, 2015, and December 8, 2015

<sup>17</sup> Mendocino Town Plan Update website is accessible at: <https://www.co.mendocino.ca.us/planning/mtpupdate.htm>

<sup>18</sup> December 31, 2014 County submittal of updated documents in partial response to Commission staff's November 17, 2014 letter regarding information necessary to file LCP Amendment No. LCP-1-MEN-14-0840 as complete; and additional copy of October 31, 2014 LCP Amendment application LCP-1-MEN-14-0840

<sup>19</sup> March 6, 2015 Draft version of 1995 Mendocino Town Zoning Code with tracked changes and comments identifying additional draft proposed amendments to the code.

After Town Plan Update public hearings were held July 21, 2015 and August 18, 2015, the County Executive Office retained a consultant on August 28, 2015 to assist with additional revisions to the Town Plan LCP amendment process. Two additional public workshops were subsequently held on September 30, 2015 and November 19, 2015. On January 8, 2016, the County transmitted to the Commission a revised version<sup>25</sup> of LCP Amendment Application No. LCP-1-MEN-14-0840-1 (“LCP Update Amendment”), which the County Board of Supervisors (BOS) adopted on December 8, 2015.

Commission staff met frequently with the County’s consultants and staff during the six months prior to when the LCP amendment application was deemed submitted (“filed”) in March 2016. During these meetings, Commission staff discussed with the County and their consultants the proposed policy changes included in draft revised Town Plan Update documents received October 15<sup>26</sup>, November 17<sup>27</sup>, November 19<sup>28</sup>, December 7, 2015;<sup>29</sup> and January 8, 2016<sup>30</sup>, and reviewed the information needed to complete the County’s transmittal<sup>31</sup>. Additionally, Commission staff participated in a public hearing held before the Mendocino County Board of Supervisors on October 20, 2015 and responded to Supervisors’ inquiries regarding the LCP amendment process at that time.

Among other changes presented further below, the Town LCP Update amendment as proposed includes new land use and zoning designations applied to the state Highway 1 right-of way; policy changes relating to State Parks lands that encircle much of the Town; and the addition of narratives describing tribal history and uses of the Town. As a result of these proposed changes, Commission staff also initiated outreach and requested comments from California Department of Transportation (“CalTrans”) and California State Parks. Commission staff also initiated

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<sup>20</sup> April 29, 2015 County submittal of updated documents in partial response to Commission staff’s November 17, 2014 letter regarding information necessary to file LCP Amendment No. LCP-1-MEN-14-0840 as complete

<sup>21</sup> May 13, 2015 Draft preliminary proposed revisions to Town Zoning Code Chapter 20.684

<sup>22</sup> June 4, 2015 submittal of tracked changes between 1992 and 2014 Town Land Use Plan, in partial response to Commission staff’s November 17, 2014 and May 13, 2015 letters (rescinded June 4, 2015).

<sup>23</sup> June 5, 2015 advance reference copy of the Mendocino Town Zoning Code with tracked amendments adopted December 9, 2014 and proposed for consideration before the Board of Supervisors on July 21, 2015.

<sup>24</sup> County memo prepared for July 21, 2015 Board of Supervisors (BOS) hearing and containing Attachments A through E documenting proposed changes to Mendocino Town Land Use Plan and Implementation Program; including consideration of rescinding Amendment LCP-1-MEN-14-0840 and resubmittal of LCP Amendment application, for possible County BOS action August 18, 2015.

<sup>25</sup> The January 8, 2016 transmittal of the Town of Mendocino LCP Update Amendment revises the version previously adopted by the County on December 9, 2014 and transmitted to the Commission’s North Coast District office one year earlier, on January 5, 2015.

<sup>26</sup> Mendocino Town Land Use Plan and Zoning Code, labeled in part “Public Review Draft- Update Amendment- 2015, October 8, 2015”

<sup>27</sup> Mendocino Town Land Use Plan and Appendices, “Hearing Draft” prepared for December 8, 2015 Board of Supervisors hearing and labeled in part “Workshop Version”

<sup>28</sup> Mendocino Town Zoning Code and Zoning Map, “Hearing Draft” prepared for December 8, 2015 Board of Supervisors hearing and labeled in part “Workshop Version”

<sup>29</sup> Revised Mendocino Town Land Use Plan, Land Use Map, Appendices, Zoning Code, and Zoning Map, labeled in part “Public Hearing Draft prepared for December 8, 2015 Board of Supervisors hearing”

<sup>30</sup> Mendocino Town Land Use Plan, Land Use Map, Appendices, Town Zoning Code, and Zoning Map, with cover page labeled in part “Adopted by the Board of Supervisors: December 8, 2015.”

<sup>31</sup> Meetings in-person and via telephone include but are not limited to: September 24, 2015; October 14, 2015, October 22, 2015, January 8, - 27, and - 29, 2016; and February 5 and 17, 2016.

consultations with Tribal Historic Preservation Officers, as required of local governments under Government Code section 65352.3, and requested comments from California Native American tribes traditionally and culturally affiliated with the Town of Mendocino and surrounding environments. Commission staff also met with Caltrans staff on June 14 and September 2, 2016 to discuss proposed Town Plan LCP changes that could affect the Highway 1 right-of-way.

Commission staff continued meeting with County staff after the Town LCPA was deemed filed in March 2016. Discussions centered on possible language modifications to the proposed LCP Update Amendments that would ensure consistency with the Coastal Act. A series of eleven focused meetings were held between May and July, 2016<sup>32</sup> in an effort to obtain clarification of the County's intentions for certain policy changes and to discuss with County staff resolution of the issues of Coastal Act consistency as much as possible prior to a future pending Commission action, to narrow the issues that would need to be resolved by the Commission at that hearing.

### **C. SUMMARY OF LCPA**

The LCPA proposes numerous changes to the certified Mendocino Town Plan (LUP) and Town Zoning Code (IP), primarily relating to visitor serving facilities, changes to certain land use designations, revised permitted and conditionally-permitted use types, new water quality provisions, and new policy formatting in the LUP to follow the General Plan and Gualala Town Plan formats. Additionally, the version of the Town LCP Amendment adopted by the BOS on December 8, 2015 substantively modifies the Board's previous December 9, 2014 Town LCP Amendment transmitted to the Commission on January 5, 2015. For example, the proposed LCPA contains in many instances, entirely- new language, including but not limited to: (a) more than 70 new Land Use Plan (LUP) definitions, (b) new narratives<sup>33</sup>, (c) new policy sections and sub-sections,<sup>34</sup> (d) new policies within previously-presented subsections<sup>35</sup>, (e) 7 new appendices; and (f) newly added and deleted policies within the Town Zoning Code, including but not limited to new provisions within Chapter 20.716 "Water Quality Protection," Chapter 20.718 "Public Access," and Chapter 20.719 "Environmentally Sensitive Habitat Areas."

As proposed, LCP-1-MEN-14-0840-1 would include the following changes, among others:

#### Land Use Plan Re-Formatting

- The proposed Town LUP would follow a format similar to the newer formatting of the County's General Plan and of the Gualala Town Plan chapter of the Coastal Element of

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<sup>32</sup> Meetings in-person and via telephone included but are not limited to: May 13, May 25, June 2, June 15, June 16, July 1, July 8, July 12, July 13, July 21, and July 22, 2016.

<sup>33</sup> New narrative language includes, but is not limited to: Section 1.1 "Introduction," Subsection 3.1 "Introduction," Subsection 3.2 "Background," Subsection 3.3 "Planning Process"; Section 3.5 "Public Access; and Section 3.6 "Town Plan Administration."

<sup>34</sup> New subsections include, but are not limited to: Subsection 4.8 "Town Public Access and Recreation" containing more than 20 new public access policies and actions; Subsection 4.9 "Town Conservation" containing 23 new policies and actions; and Subsection 4.10 "Town Plan Administration" containing 11 new policies.

<sup>35</sup> New policies within previously-presented subsections include, but are not limited to: approximately 20 new policies and actions within Subsection 4.2 "Town Growth Management;" and several new policies within Subsections 4.3 "Town Design Guidelines," 4.4 "Town Circulation and Parking," 4.5 "Town Housing," 4.6 "Town Sustainability," and 4.7 "Town Public Facilities."

the County General Plan. The format would establish policy statements with associated “implementation actions” or action items.

### New Definitions

- The Town LCPA contains a new Town Plan Section 2 with more than 70 new definitions of terms used within the Town Plan (**pages 20-40 of Appendix A**). Many definitions are adapted and modified from definitions provided within Chapter 2 of the Coastal Act, and from the Commission’s administrative regulations (14 CCR, Division 5.5). Other definitions have been adapted from definitions previously contained in the 1996 certified Town Zoning Code. Additional new definitions have been included to address Formula Restaurants, Lodging, and other “Standardized Features” that would be regulated as part of the proposed LCPA. New and revised definitions in the Town Zoning Code (Chapter 20.608, pages **12-51 of Appendix C**) similarly introduce terminology used in the IP, including but not limited to a new definition for “community gardens,” and revised definitions of active and passive recreation, among others.

### New Narratives and Revisions to Background and Community Issues

- The LCPA has added a new “Introduction” Section 1 to the Town LUP (pages **1-19 of Appendix A**) that details the history of the Town of Mendocino, its LCP certification background, the LCP certification process, Coastal Act standards, and current community issues that have been updated from the 1992 certified Town Plan. The current community issues identified in the Town LUP are: (1) Preservation of the Town’s special community character; (2) Parking, public access, and traffic; (3) Economic revitalization; (4) Public facility strategic planning; (5) Community amenity & community space; (6) Sustainability; (7) Local Control and Coastal Act standards; (8) Sensitive Coastal Resource Area; (9) Vacation Home Rentals and Single Unit Rentals; (10) Public noticing of County/Mendocino Historical Review Board meetings and proceedings; (11) Visitor-serving facility authorizations; (12) Comprehensive storm water management; and (13) Groundwater resources management. The proposed changes to the Town LUP also include an expanded “Town Plan Setting, Description and Background” Section 3 (pages **41-76 of Appendix A**) to provide context for the goals and policies of the Town Plan.

### Revisions to Visitor Serving Facilities Policies

- The LCPA contains numerous new and revised policies relating to the use, geographic distribution, allocation, number, and authorization of visitor serving lodging units (e.g., hotels, inns, B-and-Bs) and other visitor serving facilities (e.g., vacation home rentals and single unit rentals) within the Town. Many of the proposed changes respond to community sentiments to retain the overall numbers of Town visitor serving facilities but reallocated in a distribution pattern that could improve the Town balance between residential, commercial, and visitor serving uses. Table 1 summarizes the ratios of uses based on counts provided by the 1989 Citizens’ Advisory Committee that were considered in the Commission’s findings for approval of the 1992 Town Plan subject to adoption of suggested modifications, and compared to 2013-2014 residential units identified by the MCCSD and current LCPA-proposed visitor serving facilities.

**Table 1. Summary of Unit Count and Ratios of Residential to Visitor Serving Uses.**

|                                                                                     | 1992 Town Plan | 1992 Ratio of Uses | Town LCPA      | Town LCPA Ratio of Uses |
|-------------------------------------------------------------------------------------|----------------|--------------------|----------------|-------------------------|
| # Residential Units                                                                 | 306            |                    | 422            |                         |
| # Commercial Uses                                                                   | 182            |                    | Not specified  |                         |
| Ratio of Residential to Commercial Uses                                             |                | 1.68: 1            | Not specified  |                         |
| # visitor accommodation uses (including VHRs and SURs)                              | 274*           |                    | 267            |                         |
| <b>Ratio of Residential to Visitor Accommodation Uses (including VHRs and SURs)</b> |                | <b>1.11: 1</b>     | <b>1.58: 1</b> |                         |
| # visitor accommodation uses (excluding VHRs and SURs)                              | 228            |                    | 237            |                         |
| <b>Ratio of Residential to Visitor Accommodation Uses (excluding VHRs and SURs)</b> |                | <b>1.34:1</b>      | <b>1.78:1</b>  |                         |
| # VHRs/SURs                                                                         | 46             |                    | 30             |                         |
| <b>Ratio of Residential to VHR/SUR Uses</b>                                         |                | <b>7: 1</b>        | <b>14: 1</b>   |                         |

\*The 274 visitor-serving lodging units counted by the 1989 Citizens' Advisory Committee differs slightly from the 280 recognized by the certified Town LCP count of 280 (306/280= 1.09:1 ratio)

The 1992 Town Plan identified an allocation of 237 visitor lodging units to sites designated on the Town land use and zoning maps with an asterisk (\*, for hotel or inn units) or with an asterisk-B (\*B, for bed-and-breakfast accommodations). The total allocation included 19 visitor lodging units identified for the Mendocino Art Center. As discussed further under "Revised Affordable Housing Policies" below, The Mendocino Art Center (MAC) is an educational, exhibition, and resource center that includes studios and classrooms for the visual and performing arts, and that provides thirteen (13) Art Center Student/Instructor Housing units for class participants as well as other visitors to Mendocino on a limited basis. Transient occupancy of the MAC units by the general public may occur, subject to payment of business license and transient occupancy taxes for stays of less than 30 days. The remaining six (6) units allocated for the Mendocino Art Center under the 1992 certified Town Plan were never built.

Town Plan Policy GM-15(b) (**Appendix A page 90**) would reclassify the existing 13 Art Center Student/Instructor Housing units as "Affordable Housing," and would reallocate the 6 additional units allocated to the Art Center in 1992, but not constructed, to existing visitor serving lodging units depicted with an asterisk (\*) or asterisk-B (\*B) on the Mendocino Town Land Use and Zoning Maps and as identified in Town Plan Appendix 2.

- Town Policy GM-3, which supersedes the 1992 certified Town Plan Policy 4.13-4(2), would limit new or expanded overnight visitor lodging units to a maximum 25 units operated as one business entity, and authorize a total of 237 visitor serving lodging units on specified sites that the Town Land Use Map denotes with an asterisk (\*), or asterisk-B (Town Policy GM-3(a), **Appendix A page 81**). Town Plan Policy GM-3(a) would also

allow an increase above 237 visitor lodging units at asterisk-designated sites subject to obtaining an amendment to the LCP.

- The Town LCPA would also add a new visitor serving facility asterisk (\*) designation to the Nicholson House Inn, located at 44861 Ukiah Street, and would temporarily allocate seven (7) visitor lodging units to the site, subject to obtaining the necessary coastal development permits (Town Plan Section 6.7, **Appendix A page 166**; Town Zoning Code Section 20.684.030(H), **Appendix C page 119**).
- As discussed further below under “Revised Permitted and Conditionally-permitted Use Types,” the proposed Town LCPA also includes new policies that would establish development of any visitor lodging unit on sites designated on Mendocino Town Land Use and Zoning Maps with an asterisk (\*) or an asterisk-B (\*B), as a principal permitted use in the respective Town Land Use Classifications, Mendocino Visitor Serving Facility Combining District, and Mendocino Town Zoning Districts (Town Policy GM-24(b), **Appendix A page 96**).
- The LCPA would also reduce the 23 Single Unit Rentals and 23 Vacation Home Rentals allowed by the 1992 Mendocino Town Plan to 20 Single Unit Rentals and 10 Vacation Home Rentals (Town Policy GM-3(c)). In response to community desires to shift vacation home rentals (VHRs) out of designated residential areas, the LCPA would also eliminate through attrition those VHRs located in designated residential areas (Town Policy GM-3(b)). The remaining 16 units would be reallocated to visitor lodging unit sites designated with an asterisk (\*) or asterisk-B (\*B) (Town Policy GM-15(a), **Appendix A page 90**) on the Mendocino Town Land Use and Zoning Maps and as identified in Town Plan Appendix 2 (**Appendix B**).
- The Town LCPA additionally contains new provisions for reallocating visitor lodging units that were initially assigned to sites specified in Town Plan Appendix 2, to other visitor lodging unit sites designated with an asterisk (\*) or asterisk-B (\*B) on the Mendocino Town Land Use and Zoning Maps, as they become available under a range of scenarios (Town Policy GM-15(d), **Appendix A page 91**; Town Plan Section 6.7, **Appendix A page 169**; and TZC Section 20.684.030(H), **Appendix C page 119**).
- New policies proposed in the LCPA would also legitimize those existing but unauthorized visitor serving facilities operating since 1992, without further regulatory review (Town Policies GM-13 **Appendix A page 87**; GM-15(c), **Appendix A page 91**; Town Plan Section 6.7, **Appendix A page 167**; and TZC Section 20.684.030(H)).

#### Revisions to “Design Guidelines” Policies

- The Design Guidelines Section 4.3 proposed in the Town LUP (pages **99-103** of **Appendix A**) retains many of the policies of the 1992 certified Town Plan, but includes revisions that would ensure development within the Town -- and particularly within the Historical Zones A and B -- would be designed to be compatible with the historical design character of the Town. Additional Town Plan policies require protection of views to and along the coast. Revised LCP policies also include provisions requiring consideration of open space areas, locations of structures and clustering of development to protect public

views, and limiting the scale of development design to maintain the existing character of the Town (e.g., Town Plan Policy DG-2, **Appendix A page 100**; Town Zoning Code Section 20.692.020, **Appendix C page 125**). Design Guideline policies such as Actions DG-4.1 and DG-5.1 encourage revisions to the 1987 Mendocino Historical Review Board Guidelines, incorporating provisions for the use of native, drought-tolerant landscaping, and revised lighting restrictions. Additionally, the revised Town Plan includes a provision encouraging the County to certify the Town as a “Dark Sky Community” (Action DG-5.3, **Appendix A page 103**).

#### Revised Circulation and Parking Policies

- The proposed LCPA addresses pedestrian safety, circulation, and parking in Town Plan Section 4.4 (pages **103-106** of **Appendix A**) and in a number of Town Zoning Code provisions, including but not limited to Section 20.664.055 (**Appendix C page 98**) and Chapter 20.714 (**Appendix C page 150**). During the community hearing process, public sentiments expressed certain Town pedestrian and circulation features as contributing to Town character, including but not limited to curb-less streets and a variety of walkway materials. The need for more parking and flexible parking standards was also expressed. The proposed LCPA includes a number of changes to the circulation and parking policies to reflect current conditions and provide flexibility through shared parking agreements as well as in-lieu fee provisions where off-street parking requirements cannot be met.

#### Revised Affordable Housing Policies

- To address the need for more affordable housing within the Town, the proposed LCPA would expand opportunities for second residential units into an additional residential zoning district (MRR-1 Zoning District on parcels larger than forty thousand (40,000) square feet) on lots that are able to accommodate them. New and revised policies in Town Plan Section 4.5 (pages 106-109 of **Appendix A**) and Town Zoning Code Chapter 20.740 (**Appendix C page 262**) would encourage and streamline permitting for the development of second residential units in areas able to accommodate them (subject to meeting the standards contained in TZC Section 20.740.015), and restrict the use of second residential units to long-term non-transient residential habitation (e.g., Action AH-2.2, **Appendix A page 107**).

As proposed, the LCPA would also revise the classification of the Mendocino Art Center from its former consideration as a visitor serving facility to a civic use type allowed within the Public Facilities Zoning District. The Mendocino Art Center (MAC) is an educational, exhibition, and resource center that includes studios and classrooms for the visual and performing arts, and that provides thirteen (13) Art Center Student/Instructor Housing units for class participants as well as other visitors to Mendocino on a limited basis. The LCPA reclassifies the 13 Art Center Student/Instructor Housing units as “Affordable Housing” (Town Plan Action AH-2.3, **Appendix A page 107**), although transient occupancy of the MAC units by the general public may occur, subject to business license and transient occupancy taxes for stays of less than 30 days.

#### New Water Quality and “Sustainability” Policies

- The LCPA includes a new Town Plan Sustainability Section 4.6 (pages 109-119 of **Appendix A**) and a new Town Zoning Code (TZC) Chapter 20.717 (**pages 156-202 of Appendix C**) that contain new water conservation, stormwater management, and energy conservation measures. The LCPA includes revised provisions that would lessen requirements associated with water storage tanks (e.g., TZC Sections 20.608, and 20.760.040(O), **Appendix C page 280**), and that would encourage use of rainwater harvesting, greywater systems, and stormwater management techniques. Other provisions would encourage the use of pervious surfaces to protect existing marine terrace soils that allow water infiltration and percolation to recharge groundwater. The Town Zoning Code policies are also intended to be used together with the Grading, Erosion, and Runoff provisions found in the Coastal Zoning Code provisions of the balance of the County (Title 20, Division II, [Chapter 20.492](#)), as provided in TZC Section 20.717.005(B), among other policies.

#### Newly-Designated Public Facilities

- The LCPA contains several changes affecting designated Public Facilities within the Town. The LCPA proposes designating the Highway 1 right-of-way as a part of the “Public Facilities” Land Use Classification (Action PF-1.4), and revising the land use and zoning maps accordingly.

Additionally, the new Town Plan Public Facilities Section 4.7 (**pages 119-125 of Appendix A**), Town Zoning, and revised land use and zoning maps redesignate and rezone several parcels comprising 33 acres east of Highway 1 and north of Big River that are now owned by California State Parks, from Forestlands (FL) to the more relevant Open Space (OS) designation (Town Plan Action PF-3.1), and delete the FL Zoning District (Chapter 20.670) from the Town Zoning Code.

The LCPA also proposes to rezone two properties from their current designation as Open Space, to Public Facilities (Town Plan Policies PF-4 and PF-5, and Actions PF-4.1 and PF-5.1). One property proposed for rezoning is a 1.8-acre parcel located west of and adjacent to Highway 1 at 10705 Palette Drive and identified as Assessor’s Parcel (APN) 119-140-31. The Mendocino City Community Services District (MCCSD) acquired the property through eminent domain in 2013. As part of its conditional approval of CDP A-150-75 authorizing a hotel expansion on a portion of the property (“Hill House”), the Coastal Commission had previously required recordation an open space easement on the remaining undeveloped portion of the property, and disallowing any development other than landscaping within the open-space-restricted area to protect the introductory view of the Town for the traveler entering Mendocino on Highway 1 from the north. The eminent domain acquisition extinguished the recorded open space easement from the property. Although no official plans have been presented, MCCSD has expressed at public hearings various potential uses of the property that could benefit the community public services it provides. The County staff report prepared for the October 22, 2013 Board of Supervisors hearing indicates that MCCSD would like to develop the subject property “for use as storage, office space, and potentially water storage.”

A second parcel proposed for redesignation and rezoning is Grindle Park, which is situated approximately 500 feet east of Highway 1, at 44700 Little Lake Road (APN 119-090-07), and is held in trust by Mendocino Fire Protection District (MFPD). That parcel contains the Mendocino Fire Protection District/Mendocino Volunteer Fire Department's headquarters-fire station on the lower portion of the property. Because the property rises to one of the highest elevations within the Town (approximately 240 feet elevation), MFPD has requested rezoning/redesignation of the approximately 9.78-acre property from OS to PF to accommodate the potential future site of an elevated water tank.

#### New Public Access Policies, Definitions, and Maps

- The public currently has access to the majority (approximately 98%) of the Mendocino Headlands as part of approximately 165 acres of the Mendocino Headlands State Park. The LCPA introduces an entirely new Town Plan Public Access and Recreation Section 4.8 (pages 121-130 of **Appendix A**), and new Town Zoning Code policies contained in Chapter 20.718 (pages **202-211** of **Appendix C**). The 1992 certified Town Plan did not include policies addressing Public Access, and the 1996 certified Town Zoning Code incorporated by reference the public access provisions found in the Coastal Zoning Code for the balance of the County (Title 20, Division II, [Chapter 20.528](#)). New Town Plan policies incorporate new public access maps (Appendix 5, and Figure 4.13-6), and memorialize in narrative the known existing and envisioned networks of vehicular and public access ways (Town Actions PAR-1.1 and PAR-1.2, **Appendix A page 126**), and outline priorities for public access uses and land acquisition.

#### New Conservation and ESHA Policies

- The LCPA also introduces an entirely new Town Plan Conservation Section 4.9 (pages **130-137** of **Appendix A**), and new Town Zoning Code policies contained in Chapter 20.719 (pages **211-224** of **Appendix C**) pertaining to Environmentally Sensitive Habitat Areas (ESHAs). The 1992 certified Town Plan did not include policies addressing ESHAs, and the 1996 certified Town Zoning Code incorporated by reference the ESHA provisions found in the Coastal Zoning Code for the balance of the County (Title 20, Division II, [Chapter 20.496](#)). In addition to wetland and other ESHA protection policies (e.g. Town Policies CNS-3, CNS-6, and CNS-7), policies contained in Section 4.9 provide the County direction on understanding and identifying the Town's Marine Protected Areas (e.g., Town Actions CNS-4.1 and CNS-4.2), require protection of visual resources (Town Policy CNS-10, **Appendix A page 135**), and highlight other Town standards valued by the community as part of Town character, such as but not limited to ambient noise standards and recognition of community temporary events.

#### Town Plan Administration Provisions and Implementation Standards

- The LCPA additionally introduces a new Town Plan Administration Section 4.10 that would establish: coastal development permit requirements (Town Policy TPA-1, **Appendix A page 137**), noticing and public participation/access requirements (Town Policies TPA-2, TPA-3, and TPA-7), appeal procedures (Town Policy TPA-5, **Appendix A page 138**), and local coastal program amendment procedures (Town Policy TPA-6, **Appendix A page 139**).

### Revised Permitted and Conditionally-permitted Use Types

- As proposed, the revised LCPA adds several new conditionally-permitted and principally-permitted uses within the use types (**Appendix C**, Town Zoning Code Chapters 20.612-20.636) allowed in the various land use classifications (**Appendix A**, Town Plan Section 5, **pages 141-160**) and zoning districts (Town Zoning Code Chapters 20.640-20.668, **pages 71-104**) For example, “Community Gardens” have been added within the Civic Use Types. The LCPA also adds new uses and/or multiple use types as “principally permitted” within each land use classification and zoning district. Additionally, the proposed Town LCPA includes new policies that would establish development of any visitor lodging unit on sites designated on Mendocino Town Land Use and Zoning Maps with an asterisk (\*) or an asterisk-B (\*B), as a principal permitted use in the respective Town Land Use Classifications, Mendocino Visitor Serving Facility Combining District, and Mendocino Town Zoning Districts (Town Policy GM-24(b), **Appendix A page 96**).

### Home Occupations and Cottage Industries

- The LCPA would amend Chapter 20.696 of the Town Zoning Code (**pages 128-130 of Appendix C**) to allow home occupations to occur in accessory structures. The County indicates this would harmonize the provisions within the Town with policies certified in the balance of the coastal zone, and would incorporate the recommendations of the 1999 Citizens’ Advisory Committee. Proposed revisions to Town Zoning Code Section 20.700.025 would also allow for certain uses not allowed as Home Occupations to be permitted within certain specified zoning districts upon securing of a use permit.

### New Exhibits and Appendices

- The LCPA includes a number of new exhibits, including but not limited to: Figure 4.13-1 “Current Conditions;” Figure 4.13-4 “Historical Maps/Charts of the Town;” Figure 4.13-7 “California Coastal Trail Emblem;” and Figure 4.13-8 “Town of Mendocino Categorical Exclusion Zones. Additionally, the revised Town Plan as proposed includes 8 new appendices: Appendix 2 that depicts “Visitor Serving Facilities” lodging units temporarily allocated to specified sites; Appendix 3 that contains the Big River Estuary “Marine Protection Area Limitations on Fishing;” Appendix 4 (“Coastal Commission Categorical Exclusion Order E-96-1 and Public Resources Code Section 30610 Statutory Exemptions”); Appendix 5 “Public Access Component Aerial Maps;” Appendix 6, Illustrative Excerpt of post-certification map number 32 adopted by the Coastal Commission on May 14, 1992; Appendix 7 (“1987 Mendocino Historic Review Board Design Guidelines”); Appendix 8 (“Town of Mendocino Traffic Data November 23-30, 2015”); and Appendix 9 (“California Coastal Commission Repair, Maintenance and Utility Hook-up Exclusion Guideline (1978)”). **Appendix D** contains all LCP appendices.

## **V. SUGGESTED MODIFICATIONS**

**Appendices A and C** show the full text of the County’s proposed changes to the Town LUP and Town IP, respectively, showing in ~~strikeout~~ and underline how the proposals would alter the existing LUP and IP text. Appendices A and C also show suggested text deletions and additions

suggested by Commission staff as explained in part below, shown in ~~bold double strikethrough~~ and **bold double underlined** text, respectively.

## A. AREAS OF CONTROVERSY

Based on discussions with County staff, Commission staff believes that many of staff's preliminary recommended suggested modifications to the Town LCPA are acceptable to the County. However, there are five primary topics addressed by the suggested modifications that are known areas of controversy either for the County or the community, including: (1) visitor serving facilities development policies, (2) requirements for demonstration of adequate water supply for proposed development; (3) redesignation and rezoning of a Mendocino Fire Protection District (MFPD) property off of Little Lake Road from open space to public facilities; (4) allowing split zoned parcels the option of being used and developed on the basis of either zoning district; and (5) identification of the principal permitted use in land use classification and zoning districts. Commission and public feedback on the preliminary suggested modifications related to these five topics would be particularly helpful to staff in preparing a final recommendation for the Commission at a subsequent meeting.

### i. Visitor-Serving Facilities

Section 30213 of the Coastal Act states:

*Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred. The commission shall not: (1) require that overnight room rentals be fixed at an amount certain for any privately owned and operated hotel, motel, or other similar visitor-serving facility located on either public or private lands; or (2) establish or approve any method for the identification of low or moderate income persons for the purpose of determining eligibility for overnight room rentals in any such facilities.*

Section 30222 of the Coastal Act states:

*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.*

As noted above, because of its unique characteristics, the Town is a popular visitor destination point for recreational uses and has been designated in the certified LCP as a "special community, as described in Coastal Act Section 30253(e). Although the Town is very small (population of 894 according to 2010 Census data for the Town), the amount of visitor overnight accommodations within the Town is relatively high. Based on information provided by the County, the ratio of residential units to visitor accommodations units in the Town of all types (including inns, hotels, bed and breakfasts, vacation rentals, and single unit rentals) is 1.58:1 (422 residential units to 267 visitor accommodation units).

Despite the proportionally large amount of visitor serving accommodations to residential units compared to other coastal locations, the Town of Mendocino itself does not currently have many lower cost visitor serving units. However, lower cost visitor serving lodging units are relatively abundant in nearby Fort Bragg. In addition, a number of campgrounds in the greater Mendocino/Fort Bragg area such as Van Damme State Park, Russian Gulch State Park, MacKerricher State Park provide opportunities for lower cost stays in the area.

As noted above, a fundamental community objective, and a key tenet of the policies contained within both the certified and proposed updated Town Plan, is ensuring the maintenance of community character. Prior to certification of the Town Plan LCP in 1996, concerns were raised that the increasingly large amount of visitor overnight accommodations within the Town was changing the community character in a negative way. Conversion of residences to visitor accommodation resulted in the perception that there had been a reduction in the number of permanent residents relative to the increasing number of visitors coming to Town for short term stays.

### Certified LCP

The LUP certified for the Town in 1992 includes limits on the number of visitor serving accommodations. The 1992 Town Plan limits the total number of allowable visitor lodging units (includes hotels, inns, and bed and breakfast accommodations, but not vacation rentals or single unit rentals) within the Town to 237 units. The 237 units are allocated to specific lots within the Town in various zoning district through use of a combining zone that designates the location of the allocated lodging facilities with an asterisk (\*, for hotel or inn units) or with an asterisk-B (\*B, for bed-and-breakfast accommodations). The specific number of individual lodging units allowed at each designated site is established in a table in the LUP. As currently certified, no additional visitor serving lodging units can be developed within the Town that would exceed the 237 unit total or be built in a different location without an LCP amendment allowing for such a change.

The 1992 Town Plan also limited the number of vacation home rentals to 23 units and the number of single unit rentals (SURs) also to 23. At the time of certification of the 1992 Town Plan, the ratio of residential units (306) to VHRs and SURs (46) was approximately 7:1, and the Town Plan was certified to allow development of one additional VHR or SUR for every 13 new residential units constructed after certification of the 1992 Town Plan (13:1 ratio). VHRs and SURs are currently allowed within any zoning district.

### Proposed LCPA Changes

The LCPA contains many new and revised policies pertaining to visitor serving facilities. Chief among the changes is shifting 16 visitor accommodation units from vacation home rentals and single units to inns, hotels, and bed and breakfast facilities. The number of vacation rentals would drop from 23 to 10, and the number of single unit rentals would drop from 23 to 20 (Town Policy GM-15(a), **Appendix A page 90**). In response to community desires to shift vacation home rentals (VHRs) out of designated residential areas, the LCPA would also eliminate through attrition those VHRs located in designated residential areas and require all new VHRs to be located within the Mixed Use and Commercial District zoning districts (Town Policy GM-3(b),

**Appendix A page 81**). Furthermore, the previously certified provision that would allow development of one additional VHR or SUR for every 13 new residential units constructed after certification of the 1992 Town Plan (13:1 ratio) would be deleted.

The LCPA also makes accounting adjustments to the total number of visitor accommodations (inns, hotels, B&Bs, VHRs, and SUR) and the total of visitor lodging units (inns, hotels, B&Bs). These adjustments would change the total number of visitor serving lodging units from 234 to 237.

The Town LCPA additionally contains new provisions for reallocating visitor lodging units that were assigned to sites specified in the original Town Plan to other visitor lodging unit sites designated with an asterisk (\*) or asterisk-B (\*B) on the Mendocino Town Land Use and Zoning Maps, as they become available under a range of scenarios (Town Policy GM-15(d), **Appendix A page 91**; Town Plan Section 6.7, **Appendix A page 166**; and TZC Section 20.684.030(H)). These new policies provide for a more streamlined process for transferring unused visitor lodging units from one recognized visitor serving facility to another by not requiring an LCP amendment.

The Town LCPA would add a new visitor serving facility at a specifically designated site and would initially reserve 7 of the 22 available allocations of inns, hotels, and B&Bs to that site, located at 44861 Ukiah Street, subject to coastal development permit approval (Town Plan Section 6.7, Town Zoning Code Section 20.684.030(H)). The LCPA also includes new policies that would establish development of any visitor lodging unit on sites designated on Mendocino Town Land Use and Zoning Maps with an asterisk (\*) or an asterisk-B (\*B), as a principal permitted use in the respective Town Land Use Classifications, Mendocino Visitor Serving Facility Combining District, and Mendocino Town Zoning Districts (Town Policy GM-24(b), **Appendix A page 96**).

New policies proposed in the LCPA would also legalize certain existing but unauthorized visitor serving lodging facilities without requiring those facilities to obtain coastal development permits (Town Policies GM-13, **Appendix A page 87**; GM-15(c), **Appendix A page 91**; Town Plan Sections 3.3.1(b), **Appendix A page 48**; and Section 6.7, **Appendix A page 169**; and TZC Section 20.684.030(H), **Appendix C page 119**).

#### Suggested Modifications

Commission staff supports most of the proposed amendments to the visitor serving facility and visitor accommodation policies of the LCPA. Staff believes that retaining a cap on the total number of visitor serving lodging units in the Town can be found consistent with Coastal Act visitor serving facilities priority use policies in this case because of the proportionally high number of visitor serving units to residential units in this small community.

In addition, shifting some of the visitor accommodations from vacation home rentals and single unit rentals to visitor serving lodging units will help ensure that the visitor accommodation units are more consistently available for visitors. Property owners do not always choose to make their homes available to visitors as a vacation home rental. Sometimes owners will use the home instead for their personal residential use. Coastal development permits are generally not required

to rent an existing home as a vacation rental if no physical changes to the structure are proposed, as rental of the facility has not been considered to constitute a change in the density or intensity use and thus is not considered to be development for which a coastal development permit would be required. In contrast, converting an established inn, bed and breakfast, or hotel from a visitor serving use to a residential use does constitute a change of use requiring a coastal development permit. Thus, a permit would be required to change a visitor serving lodging unit to some other use.

Furthermore, the proposed administrative system for allocating available units should also help ensure that the number of units available under the cap are more consistently available for visitors. The administrative allocation system would replace the system in the certified LCP which permanently fixes allocated numbers of units to particular designated visitor serving facilities. An LCP amendment would no longer be required to reallocate units that are withdrawn from use by visitor serving facility owners to another site.

Staff recommends several suggested modifications to ensure consistency with Coastal Act policies. Section 30213 of the Coastal Act states in applicable part that lower cost visitor and recreational facilities shall be protected, encouraged, and where feasible, provided. As noted previously, even though lower cost visitor accommodations are available along this portion of the Mendocino coast in the surrounding area, very few lower cost visitor accommodations are available directly within the Town of Mendocino itself. Under both the certified LCP and the LCPA, the only locations where visitors serving lodging units may be developed is at the particular lots designated on the Mendocino Town Plan and Zoning Map with an asterisk (\*) or asterisk-B (\*-B). Virtually all of these sites are existing visitor serving facilities. No new visitor serving facilities can be built anywhere else in Town without first obtaining an LCP amendment, even if an allocation of units under the cap in visitor serving lodging facilities is available.

Therefore, **Suggested Modification Nos. 13 and 21** would modify the LCP to allow new hostels, hotels, inns, and B&Bs as permitted uses within the Commercial District. The suggested modifications would not increase the total cap on visitor lodging units within the Town, and therefore no such facility could be approved within the Commercial District unless the property owner obtains an allocation of the necessary units from within the cap. However, adding visitor lodging units as a permitted use would enable any property owner of land within the Commercial District to consider establishing a new visitor serving facility. The ability to develop a new visitor serving facility within the Commercial District would create the opportunity for new lower cost visitor serving facilities to be established within the Town. In addition to allowing visitor serving facilities as an allowable use in the Commercial District, **Suggested Modification Nos. 4, 20, and 21** would modify the Visitor Serving Facility Combining Zone to limit its applicability to areas outside the Commercial District. Under the certified LCP, the combining district allows visitor serving facilities at particular lots within residential and other zoning districts where they are not otherwise allowed under the base zoning district. The modifications would continue this approach and eliminate the Combining District's applicability to the Commercial District as the base Commercial District would now allow visitor serving facilities. Finally, as proposed, the LCPA's proposed "amnesty" provisions would conflict with Coastal Act Section 30600 which requires that any person wishing to undertake development, as defined in Section 30610, shall obtain a coastal development permit. **Suggested modifications 3, 4, 14, and 21** would revise and delete those policies to ensure conformity with the permit requirements of Coastal Act Section 30600. The suggested modifications would modify the LCPA to eliminate the blanket exemptions from coastal development permit requirements for any visitor

serving facility that simply exists now or may have existed in the past even if the requisite coastal development permit had not been obtained.

**ii. Demonstration of Adequate Water Supply**

Section 30250 of the Coastal Act states, in applicable part, as follows:

- (a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources...*

Section 30253 of the Coastal Act states, in applicable part, as follows:

*New development shall do all of the following:*

...

- (d) Minimize energy consumption and vehicle miles traveled.*
- (e) Where appropriate, protect special communities and neighborhoods that, because of their unique characteristics, are popular visitor destination points for recreational uses.*

Section 30254 of the Coastal Act states, in applicable part, as follows:

*New or expanded public works facilities shall be designed and limited to accommodate needs generated by development or uses permitted consistent with the provisions of this division; .... Special districts shall not be formed or expanded except where assessment for, and provision of, the service would not induce new development inconsistent with this division. 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 30254.5 of the Coastal Act states as follows:

*Notwithstanding any other provision of law, the commission may not impose any term or condition on the development of any sewage treatment plant which is applicable to any future development that the commission finds can be accommodated by that plant consistent with this division. Nothing in this section modifies the provisions and requirements of Sections 30254 and 30412.*

Cited Section 30412 of the Coastal Act states, in applicable part, as follows:

- (a) *In addition to Section 13142.5 of the Water Code, this section shall apply to the commission and the State Water Resources Control Board and the California regional water quality control boards.*
- (b) *The State Water Resources Control Board and the California regional water quality control boards are the state agencies with primary responsibility for the coordination and control of water quality. The State Water Resources Control Board has primary responsibility for the administration of water rights pursuant to applicable law. The commission shall assure that proposed development and local coastal programs shall not frustrate this section. The commission shall not, except as provided in subdivision (c), modify, adopt conditions, or take any action in conflict with any determination by the State Water Resources Control Board or any California regional water quality control board in matters relating to water quality or the administration of water rights.*

*Except as provided in this section, nothing herein shall be interpreted in any way either as prohibiting or limiting the commission, local government, or port governing body from exercising the regulatory controls over development pursuant to this division in a manner necessary to carry out this division.*

#### Demonstration of Adequate Water Supply

The Town of Mendocino is very unusual among most coastal towns and cities in that no community (public) water system exists to serve the Town. Property owners instead rely on individual on-site water wells for their source of water. There are over 400 privately owned water wells within the Town. As a result of the discontinuous, highly fractured bedrock and shallow terrace deposits that retain groundwater, groundwater supply is trapped within “pockets” between bedrock fractures. Since supply is not evenly distributed throughout Town and some individual wells have failed, wells that produce water within the range of 15 to 20 gallons per minute (gpm) may be located less than 200 feet from wells that can only produce water at 2 or 3 gpm<sup>36</sup>, or within a few feet of a lot that is incapable of producing an adequate year-round on-site water supply. The highest density of water wells in Town occurs in the southern area of the Mendocino headlands, where a considerable part of the Town’s commercial uses are located.

Based on new information provided by the Mendocino City Community Services District (MCCSD) and the County’s consultants in January of this year, water usage in the Town of Mendocino appears to be less than originally calculated, and the aquifer has sufficient supply to serve the Town at maximum build-out projections under the LCPA. However, some water production systems, including some older, shallow (20-25 feet depth), and/or deteriorated/poorly maintained wells, that serve residential or commercial users have been reported to have failed or

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<sup>36</sup> Mendocino City Community Services District (MCCSD) Groundwater Management Plan and Programs. Adopted by MCCSD Board of Directors February 25, 1990; Amended May 30, 2012. Accessed online at: [http://www.co.mendocino.ca.us/planning/pdf/MCCSD\\_Groundwater\\_Management\\_Plan\\_and\\_Programs\\_2012.pdf](http://www.co.mendocino.ca.us/planning/pdf/MCCSD_Groundwater_Management_Plan_and_Programs_2012.pdf)

been discontinued for other reasons, during previous droughts (e.g., 1975-1977, 1988-1989, 1994, 2000-2001, and 2007-2009) and the current (2011-2016) drought.

Many of the property owners with wells that have failed have relied on the trucked importation of water from other locations. For example, some Town residents and business proprietors consistently rely on water importation (by truck from sources in Fort Bragg and Elk) to supply basic water needs, at a minimum during the dry season. Section 3.3.1(d) of the proposed Town LCPA states in part that “Water importation (by truck from sources in Fort Bragg and Elk, pursuant to State licensing and when potable water is available) has to-date constituted the episodic/seasonal source of supplemental water for such users, at an estimated 11 AF/Y. (MCCSD, 2012.)” Other sources have also documented water hauling in the past from Ft. Bragg and Elk to serve out-of-area home owners.<sup>37</sup>

Similarly to other agency’s regulatory requirements such as the State Water Resources Control Board, the Coastal Commission has interpreted “adequate water supply” to mean an on-site source, such as connection to a community water system, a well, or a spring<sup>38</sup>. In previous correspondence to Mendocino County Supervisors on the topic of “Water Supply Requirements in the Coastal Zone,” Commission staff have further advised in part the following:

*Commission staff is particularly concerned that a parcel that does not have a reliable on-site water source and instead uses trucked-in water is especially vulnerable to fire hazards (e.g., not having enough water on-site to fight a fire). There are numerous cases where trucked-in water can be seen to be less than reliable, such as during periods when roads are closed to landslides, labor strikes prevent delivery, or water companies cancel deliveries due to non-payment of bills. For these and other reasons, trucked-in water would not be considered “adequate,” and has not been viewed as consistent with the LCP policies cited above...<sup>39</sup> [Emphasis added].* Such health and safety concerns make demonstration of an adequate water supply before approval of development particularly important. Coastal Act Section 30250(a) requires that new development shall be located within or near existing developed areas able to accommodate it or in other areas with adequate public services and where it will not have significant adverse effects, whether individually or cumulatively, on coastal resources. Minimum groundwater testing recommended by the CA Department of Water Resources (1982), and groundwater testing requirements recommended by Mendocino County Division of Environmental Health and adopted by the Mendocino County Board of Supervisors (November 21, 1989) have all specified that comprehensive hydrological study *shall* be required in the Town of Mendocino for *all* new development, recognizing the unique geological and hydrological constraints found nowhere else in California but in the Town of Mendocino.

The currently certified Mendocino Town Plan more broadly requires that any new or expanded development within the Town of Mendocino must demonstrate that an adequate on-site water supply exists to serve existing and new development, through submittal of a hydrological study, unless it can be demonstrated on a case-by-case-basis that no increase in water use will occur. In

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<sup>37</sup> July 26, 2007. “Council agrees to sell surplus water.” Advocate-News.com. Accessed online June 17, 2014 at <http://www.advocate-news.com/article/ZZ/20070726/NEWS/707269685>

<sup>38</sup> [http://www.waterboards.ca.gov/waterrights/board\\_info/water\\_rights\\_process.shtml](http://www.waterboards.ca.gov/waterrights/board_info/water_rights_process.shtml)

<sup>39</sup> March 17, 1997. Letter to Mendocino County Board of Supervisors re: “Water Supply Requirements in the Coastal Zone.” Prepared by Steven Scholl, District Director, CA Coastal Commission North Coast District.

conformance with these requirements, currently certified Section 20.744.015 of the certified Town Zoning Code states that a hydrological study shall be required in the Town of Mendocino for all development as defined in the code. However, as currently certified and again proposed in the Town Plan Update, Section 20.744.015 allows for an exception to the hydrological study requirement as provided for in Section 20.744.025. Section 20.744.025 provides that a hydrological study will not be required in cases where it has been determined by the Mendocino City Community Services District or Health Officer that the development will not have any foreseeable impact on hydrologically contiguous wells. As the exception provision does not specifically take into account whether adequate water is available from a well to adequately serve the proposed development, only whether it would have any foreseeable impact on contiguous wells, some proposed development that would result in an increase in water use has not been required to perform a hydrological study which would demonstrate that an adequate supply exists.

In response to queries regarding how the proposed Town Plan Update assures that new development is located only in areas with adequate public services, the County has expressed concerns because the Town's unique geology and close proximity of development necessitate a specific type of water availability test, a hydrological study, which can be very costly. However, while it is true that the unique constraints of the Town limit the range of options for demonstrating that an adequate on-site water supply exists to serve existing and proposed development without impacting adjacent property, Commission staff believes that site-specific hydrological studies must be undertaken to fully evaluate adequacy of on-site water supply and that a lack of a hydrological study could result in adverse impacts to adjacent aquifers, inconsistent with the Coastal Act.

Therefore, Commission staff recommends **Suggested modifications 4, 8, 13, 25, and 26** that would add and modify the proposed LCPA policies to ensure conformity with Coastal Act Section 30250(a) by requiring that, prior to approval of a coastal development permit, all coastal development permit applications for development that would result in an increase in water use shall include evidence demonstrating (a) that an adequate on-site water supply exists that will accommodate the proposed development throughout the year, including the dry season; and (b) that the proposed extraction of groundwater to serve the development will neither (1) deplete the ground water table of contiguous or surrounding uses, nor (2) have a significant direct or cumulative adverse effect on coastal resources.

The suggested modifications would not require a hydrological study for all development, only development where there is an increase in the intensity or density of use that would result in an increase in projected water use. In addition, the suggested modifications would not require different hydrological testing procedures than what the Water District or the County Environmental Health Department already require, just that the testing procedures be more systematically applied to development that would increase water usage.

**iii. Proposed Open Space to Public Facility Land Use Designation and Zoning District Changes to APN 119-090-07 (Mendocino Fire Protection District)**

Coastal Action Section 30240 requires that:

*(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.*

*(b) 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 those areas, and shall be compatible with the continuance of those habitat and recreation areas.*

The LCPA changes the land use designation and zoning of an approximately 9.78-acre property located approximately 500 feet east of Highway 1, at 44700 Little Lake Road. Known as “Grindle Park,” the property is currently designated as Open Space (OS), held in trust by Mendocino Fire Protection District (MFPD). The parcel contains the volunteer fire department’s headquarters-fire station on the lower portion of the property; the remainder of the property is an undeveloped woodland hillside area that extends north and east of the intersection of Little Lake and Hills Ranch roads. Because the property rises to one of the highest elevations within the Town (approximately 240 feet elevation), MFPD has requested the rezoning/redesignation of the property from OS to Public Facilities (PF) to accommodate the potential future siting of an elevated water tank for the purpose of fire safety services. Additional sources have indicated contemplation of two wells and a water treatment facility at the site.<sup>40,41</sup>

Commission staff visited the site on October 7, 2014, and again with staff Ecologists, and staff from Mendocino County, MPFD, and California Department of Fish and Wildlife on June 2, 2016. Preliminary site reconnaissance indicates that the subject woodland hillside property contains at minimum a mixed stand of Northern Bishop Pine (*Pinus muricata*) forest, and what appear to be stands of Pacific Reedgrass (*Calamagrostis nutkaensis*). Additionally, Exhibit D of Commission Permit 1-84-87A depicts the presence of springs occurring on the subject property, and evidence of the springs and other wetland features were observed during the June 2, 2016 site visit. Northern Bishop Pine Forest, Pacific Reedgrass Meadows, and wetlands (including but not limited to seeps and springs) are recognized in the Town of Mendocino as environmentally sensitive habitat areas (ESHAs). Although Commission staff requested a biological report documenting site conditions on November 17, 2014, the County indicated in 2016 that the results of the biological assessment conducted in 2015-2016 for the site will not be forthcoming.

The 1992 certified Town Plan identifies the intent of the Open Space land use classification in part as applying “to lands held in public ownership for recreational use and to lands most valuable in their undeveloped natural state such as those lands which contain rare and endangered species and habitat, riparian vegetation zones, sites of historic or archaeological significance, or scenic areas...” Commission staff believes the open space designation is most

<sup>40</sup> June 12, 2014. “Public vents to MCCSD about meters.” Mendocino Beacon. Accessed online September 1, 2016 at: <http://www.mendocinobeacon.com/article/ZZ/20140612/NEWS/140618541>

<sup>41</sup> July 3, 2014. “Services, Fire district strike deal for emergency water.” Advocate-News.com. Accessed online August 31, 2016 at <http://www.advocate-news.com/article/ZZ/20140703/NEWS/140708860>

appropriate for the subject site due to the extent of wetlands and other ESHAs on the subject property. Designation of the entire site for Public Facilities as proposed under the LCPA would suggest capacity for an expanded range of potential uses that could not be supported consistent with the protection of coastal resources as required by Coastal Act Sections 30240, 30231, and 30233. Moreover, the current OS designation would not preclude the opportunity for developing a water tank on a portion of the site for firefighting purposes, because the current OS designation already allows for fire and police protection services as a conditional use.

After visiting the site, Commission staff believes that a water tank could likely be sited outside of ESHA and ESHA buffers, but infrastructure necessary to connect the water tank to a hydrant downslope and near the fire department could encroach within ESHA and/or ESHA buffers. To allow for potential development of a fire protection water tank at the site while ensuring conformity with the resource protection policies of the Coastal Act as described above, and since the current OS designation would already allow for fire and police protection services as a conditional use, **Suggested modifications 3, 9, 16, and 28** would: (a) retain the currently certified open space land use classification and zoning district designation within the Town narratives, policies, and land use and zoning maps, and (b) add language to Town Policy PF-1.3 requiring that any development associated with any services extensions, including but not limited to equipment and infrastructure to support a water storage tank for fire-fighting services, shall be undertaken in a manner (such as by horizontal directional drilling) that avoids encroachment into environmentally sensitive habitat areas and prevents impacts which would significantly degrade land adjacent to environmentally sensitive habitat areas.

#### iv. Optional Zoning

The LCPA proposes to amend Section 20.604.050 of the certified Town Zoning Code. This section addresses situations where uncertainties exist as to zoning district boundaries. The certified section applies rules for resolving such uncertainty. The proposed LCPA would amend Section 20.604.050(D) to add a provision stating that where a legal non-conforming structure lies in part within two zoning districts or where the setbacks applicable to each zoning district cannot be reasonably achieved on a bifurcated lot, the entire lot may be used and developed on the basis of either zoning district, subject to issuance of a conditional use permit.

Based on discussions with County staff, the amendment appears to have been included to address a particular property in Town that is split zoned. The parcel, which is currently for sale, is located at the intersection of Little Lake Road and Lansing Streets, and at the intersection of designated Multifamily Residential, Commercial, and Public Facilities Zoning Districts, at 10575 Lansing Street (APN 119-150-01). The owners of a property with a historical structure known as the “Williams House” (Category I Landmark Structure) would like to convert use of their approximately 0.31-acre split-zoned parcel from Multi-Family Residential (MRM) and Commercial to entirely Commercial land use classification and zoning district. Previous efforts to rezone the parcel to Commercial have been denied by the County Board of Supervisors (e.g., Rezone Application No. R 20-91).

Rather than specify the kind, location, and intensity of land use that would be applicable to the property consistent with Coastal Act Section 30108.5, the proposed LCPA would allow a discretionary selection of uses permissible under two different land use and zoning designations.

However, because the Williams House is situated on Lansing Street in a transitional area between residential and commercial areas, and is uniquely constrained by lot size, historical status, traffic circulation, and setback requirements (among others), the full range and intensity of uses allowable within the Commercial Zoning District and available under TZC Section 20.604.050(D) would not be appropriate for the site. On the other hand, Commission staff believes that some limited uses, such as administrative offices or limited retail uses not otherwise allowable within the MRM District could be appropriate at the site (subject to demonstrating conformity with all LCP policies).

An alternative approach to the proposed optional zoning policy would be to redesignate and rezone the site to Mixed Use. The intent of the Mixed Use land use classification is:

To provide a transition between commercial development on Lansing Street and Main Streets and residential areas; to provide space for offices and retail uses that do not generate heavy automobile traffic or generally operate between the hours of 6:00 p.m. and 7:00 a.m.; and to encourage preservation and construction of moderately priced residential dwelling units.

For these reasons, Commission staff recommends **Suggested modifications 3, 16, 17, and 18** that would (a) redesignate and rezone the approximately 0.31-acre “Williams House” parcel located at 10575 Lansing Street (APN 119-150-01) from the split land use classification of Rural Residential (RM) and Commercial (C) to an entirely Mixed Use designated parcel, and (b) delete the optional zoning provision of TZC Section 20.604.050(D) from the LCPA. The suggested modifications accomplish the County’s goal without the need for optional zoning inconsistent with Coastal Act section 30801.5.

#### **v. Permitted, Principally-Permitted, and Conditionally-Permitted Uses**

The certified LCP lists principally permitted and conditional uses for each land use classification and zoning district. Conditional uses require a use permit from the County, where as principally permitted uses do not.

The LCPA would characterize multiple uses currently listed as conditional uses in many zoning districts as “principal permitted uses” within a single zoning district. For example, revised Town Zoning Code Chapter 20.664 now proposes Residential, Civic, and Visitor Accommodations as principally permitted uses within the Commercial District. Based on discussions with County staff, it appears that part of the reason to recharacterize many of the conditional uses as principally permitted is to reduce the burdens on property owners of having to go through a use permit process for many different uses.

However, Section 30603(a)(4) of the Coastal Act provides that local approval of any development in a Coastal county (i.e., unincorporated areas) that is not designated as *the* principal permitted use results in an action that is appealable to the Commission. Accordingly, unless a single use is designated as the principally permitted use in a particular zoning district, all

development approved by the County in that particular zoning district is appealable to the Commission. This creates an unnecessary problem easily rectified by identifying one use as principally permitted in each zoning district. One way to identify a single use as principally permitted in each zoning district that satisfies the goal of reducing the number of uses that would require a conditional use permit and also avoids the result of rendering all development in a particular zoning district appealable to the Commission would be to characterize the uses in each zoning district in one of three categories: “permitted,” “conditionally permitted,” and “principally-permitted” uses. A single use would be designated as the principally permitted use and would neither require a use permit nor be appealable to the Commission. Other uses listed as “permitted” would not require a conditional use permit, although these uses would be appealable. And those uses listed as conditionally permitted would continue to require a use permit and be appealable to the Commission.

**Suggested modification 2** has been added to characterize the “permitted,” “conditionally permitted,” and “principally-permitted” uses in each zoning district in a manner that both would avoid the need for conditional use permits and avoid a result in which all development in a particular zoning district is appealable to the Commission because a single use has not been designated as principally permitted that particular zoning district. **Suggested modifications 4, 13 and 21** would also change the relevant policies, land use classifications, and zoning district uses to specify those developments that would be a permitted use, rather than the principally-permitted use, in conformity with Coastal Act Section 30603.

## **B. NON-CONTROVERSIAL, SUBSTANTIAL SUGGESTED MODIFICATIONS**

Commission staff has highlighted below suggested modifications to three LCP topics that would appear to contain substantial modifications but that Commission staff believes the County is supportive of, as discussed further below. These topics include: (1) ESHA Policies, (2) Water Quality policies, and (3) Proposed Public Facilities land use designation and zoning assignment to Highway 1 right of way.

### **i. Environmentally Sensitive Habitat Area (ESHA) Policies**

As described above, the proposed Town LCPA would introduce an entirely new Town Plan Conservation Section 4.9 (**pages 130-137 of Appendix A**) that includes policies pertaining to wetlands (e.g., Town Policy CNS-3 and CNS-6, **pages 131 and 133 of Appendix A**) and other Environmentally Sensitive Habitat Areas (ESHAs) (e.g. Town Policy CNS-7, **page 134 of Appendix A**). The proposed new policies have been adapted from Coastal Act Policies 30233, 30231, and 30240, respectively, but have been modified in ways that are not in conformity with the Coastal Act. **Suggested modification 11** would remedy the discrepancies in the proposed new policies to ensure conformity with the natural resource protection policies above.

The 1992 certified Town Plan did not include policies addressing ESHAs, and the 1996 certified Town Zoning Code incorporated by reference the ESHA provisions found in the Coastal Zoning Code for the balance of the County (Title 20, Division II, [Chapter 20.496](#)). In its findings for approval of certifying the Town Implementation Program subject to adoption of suggested modifications, the Commission noted that:

*Neither the Town Plan nor the proposed Implementation Plan include any language regarding protection of any sensitive habitat. As explained above, Section 20.604.010, “Necessity and Purpose,” states that the Zoning Ordinance supplements the policies of Division II, the Zoning Ordinance for the rest of the County of Mendocino, which does include standards on protection of environmentally sensitive habitat areas. The Commission finds it necessary to add a new chapter to the Town Zoning Code that expressly incorporates the ESHA standards of Division II. Thus, a new chapter is added to the Town Zoning Code that states that the provisions of Chapter 20.496, “Environmentally Sensitive Habitat and Other Resources Areas” of the Mendocino County Zoning Code Title 20, Division II of the Mendocino County Code shall also apply to the Town of Mendocino and shall be incorporated into the Town Zoning Code.*

The proposed LCPA includes a revision to Town Zoning Section 20.604.010(A) “Necessity and Purpose” (page 1) that specifies the Town Zoning Code (TZC) supplements, as proposed, “the regulations of Division II, as provided herein.” The TZC continues to incorporate by reference in several sections the provisions of Division II, [Chapter 20.496](#).<sup>42</sup> As proposed, the revised LCPA has added several new policies late in the Town Plan Update process that would substantively modify the provisions of Town Zoning Code Chapter 20.719 “Environmentally Sensitive Habitat Areas”<sup>43</sup> (pages **211-224** of **Appendix C**). Most of the proposed additions to TZC Chapter 20.719 have been adapted and further modified from Division II, [Chapter 20.496](#). However, the proposed changes have not been accompanied by any biological analysis or factual findings to support proposed changes that would affect mitigation ratios, allowable uses in ESHA and ESHA buffers, and minimum buffer requirements, among others. The late addition of the substantive changes to Chapter 20.719 has not afforded Commission staff an opportunity to fully review, evaluate, or discuss with County staff the biological basis for the proposed changes and any necessary modifications that would be necessary to ensure that the Implementation Program would conform with and adequately carry out the Land Use Plan.

Commission staff has discussed these issues with County staff, and has recommended that the provisions of Division II, [Chapter 20.496](#) continue to address those ESHAs located within the Town. Furthermore, continued reliance on [Chapter 20.496](#) would enable County staff to consistently apply the ESHA policies both within the Town and the County balance without the risk of confusing nuanced ESHA policy differences between the two Divisions. Commission staff understands County staff is supportive of this recommendation. Therefore, **Suggested modification 24** would delete most of the revisions to Town Zoning Chapter 20.719, and would re-instate the provisions of [Chapter 20.496](#) into the Town Zoning Code. Commission staff has additionally discussed with County staff opportunities to further update the ESHA policies in the future, either as an amendment to Division II, [Chapter 20.496](#), and/or to Division III (Town Plan).

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<sup>42</sup> The provisions of Mendocino County Division II, Chapter 20.496 “Environmentally Sensitive Habitat Areas” are incorporated by reference into the Town Zoning Code (Appendix 3), including but not limited to: TZC Sections 20.644.065, 20.656.070, 20.660.075, 20.664.075; 20.668.070; 20.672.070; Sec. 20.676.010; 20.676.015; 20.692.025 – “Additional Requirements for All Districts,” 20.719.005; and 20.720.035.

<sup>43</sup> New Town Zoning Code Chapter 20.719 was introduced in “workshop version” of Town Zoning Code “Hearing Draft” received November 19, 2015 and prepared for December 8, 2015 Board of Supervisors Hearing.

The revised LCPA would also add and modify a number of definitions pertaining to wetlands and other environmentally sensitive habitat areas. As proposed, many of the definitions included in the LCPA (such as but not limited to, “major vegetation harvesting or removal,”<sup>44</sup> and “wetland”<sup>45</sup>) would conflict with Coastal Act policies and administrative regulations (Division 5.5, 14 CCR). Some Town Plan and Town Zoning Code definitions conflict with each other, due to inconsistent additions or revisions between the two documents. Additionally, the newly-added definition of “pygmy forest” (Town Zoning Code Section 20.608.035(Q), **page 38**) is an outdated definition from the 1992 certified Coastal Zoning Code (Division II, [Section 20.308.095\(Q\)](#)). Commission staff is aware that the California Department of Fish and Wildlife (CDFW) is currently leading an effort in Mendocino and Sonoma Counties to map pygmy habitats, soils, and vegetation. Commission staff contacted CDFW staff on August 23, 2016 and was informed that a new definition of “pygmy forest” is underway that incorporates newly-discovered information about these features. CDFW staff anticipates a new definition could be released to the public in approximately 3-4 months. Commission staff recommend therefore that the County: (a) delete the definition of “pygmy forest” from the Town Zoning Code, (b) incorporate by reference CDFW’s definition<sup>46</sup>, or (c) if available in time prior to Commission action on the Town LCPA, modify the definition consistent with CDFW’s definition. Revisions to definitions included as **Suggested modifications 2 and 19** would: (a) remedy conflicts with the Coastal Act, (b) remedy conflicts between the Town Plan and Town Zoning Code, and (c) eliminate outdated definitions accordingly.

## ii. Water Quality Policies

As described above, the LCPA includes a new Town Plan Sustainability Section 4.6 (**pages 109-119 of Appendix A**) and a new Town Zoning Code (TZC) Chapter 20.717 (**pages 156-202 of Appendix C**) that contain new water conservation, stormwater management, and energy conservation measures. The LCPA includes revised provisions that would lessen maximum lot coverage and historical design review requirements associated with water storage tanks (e.g., TZC Sections 20.608 and 20.760), and that would encourage use of rainwater harvesting, greywater systems, and stormwater management techniques. Other provisions would encourage the use of pervious surfaces to protect existing marine terrace soils that allow water infiltration and percolation to recharge groundwater. The Town Zoning Code policies are also intended to be used together with the Grading, Erosion, and Runoff provisions found in the Coastal Zoning Code provisions of the balance of the County (Title 20, Division II, [Chapter 20.492](#)), as provided in TZC Section 20.717.005(B), among other policies.

Commission staff coordinated extensively with County staff during the Town Plan Update process to assist with development of new policies addressing water quality. Following early guidance provided in 2013 and 2014, Commission staff Vanessa Metz, Ph.D. from the Water Quality Unit participated in meetings with County staff and their consultants on March 26, 2015 and May 22, 2015 to discuss the County’s more recently-proposed changes to water quality

<sup>44</sup> Town Plan Section 2, page 32; and Town Zoning Code Section Sec. 20.608.032(D), page 32)

<sup>45</sup> (Town Plan Section 2, page 39; Town Zoning Code Section 20.608.042(C), page 49

<sup>46</sup> CA DFW staff correspondence from Todd Keelor-Wolf, August 24, 2016, indicates that data and descriptive information about the pygmy forest ecosystem will ultimately be available on DFW’s BIOS website <https://www.wildlife.ca.gov/Data/BIOS> and/or VegCamp (Vegetation Classification and Mapping Program) at <https://www.wildlife.ca.gov/Data/VegCAMP>

provisions that would incorporate measures associated with the countywide Stormwater Management Program. On June 2, 2015, Commission staff provided additional comments and suggested revisions to the Town Plan LUP and IP. The Commission's Water Quality Unit staff reviewed the new additions and revisions to the water quality policies of December 8, 2015 Board-adopted version of the LCPA and identified a number of new policies, definitions, and reorganization that substantially deviate from documents that were previously reviewed.

Suggested modifications include, but are not limited to: (a) removing development standards from definitions; (b) adding definitions for water quality terms used within the LCPA; (c) modifying definitions and policy terminology for consistency with Town LCPA water quality provisions<sup>47</sup> and with other Town LCPA policies<sup>48</sup>; (d) adding fundamental provisions requiring protection and restoration of coastal waters in conformity with Coastal Act Sections 30230 and 30231<sup>49</sup>; and (e) eliminating or clarifying redundant or confusing language<sup>50</sup>.

**Suggested modifications 2, 3, 8, 11, 19, and 24** attempt to retain as much of the County's proposed LCPA language as possible while correcting errors and omissions that would conflict with the Coastal Act provisions requiring protection and restoration of coastal waters, including but not limited to Sections 30230, 30231, 30233, and 30240.

Suggested modifications to water quality provisions have been color-coded to represent those portions of County-proposed language that has been retained but relocated as follows:

1. County-proposed text that CCC staff edited in place:
  - Red double-underline font shows CCC staff's additions to proposed text.
  - Red ~~double-strike-through~~ font shows CCC staff's deletions of proposed text.
2. County-proposed text that CCC staff moved to a new location in the chapter:
  - In the original location, blue ~~double-strike-through~~ font shows proposed text that CCC staff moved to a new location.
  - In the original location, red ~~double-strike-through~~ font shows proposed text that CCC staff deleted rather than moved.
  - In the new location, blue double-underline font shows where the moved text was incorporated.
3. County-proposed text that CCC staff moved to a new location, and extensively reorganized and/or edited:
  - A duplicate copy of the proposed standard, indicated with blue shading, was placed next to the new location where the moved text was primarily incorporated, to enable a comparison between the original text and CCC staff's revised text.

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<sup>47</sup> E.g., Town Zoning Code Section 20.608.022(K) in Appendix C was modified to ensure consistency with TZC Chapter 20.717.

<sup>48</sup> E.g., suggested modifications to Town Zoning Code Section 20.714.050 (Appendix C) would ensure consistency with the wording of Section 20.714.030 and incorporate the commonly-used term "permeable pavers" rather than "semi-pervious pavers." Suggested modifications also recognize other allowable types of permeable pavement in addition to permeable pavers.

<sup>49</sup> E.g., newly-added/numbered Town Policies S-1 in Appendix A, page 109 and S-11 through S-14 on page 117

<sup>50</sup> E.g., newly-numbered Town Zoning Code Section 20.717.015(L) in Appendix C, page 163

- In this duplicate standard, blue ~~double-strike-through~~ font shows proposed text that CCC staff moved to a new location, and red ~~double-strike-through~~ font shows proposed text that CCC staff deleted rather than moved.

### iii. Proposed Public Facility Land Use Designation and Zoning District on Highway 1

The revised Town LCPA would add a land use classification and zoning district designation to Highway 1 where none currently exists. As proposed, Highway 1 right-of-way would be designated as Public Facilities. Commission staff sent a referral letter to Caltrans staff on March 8, 2016 informing Caltrans of Mendocino County's Town Plan Update process, and inviting feedback regarding proposed LCPA policies that could affect Caltrans right-of-way and/or future planning projects. Commission staff also met with Caltrans staff on June 14 and September 2, 2016 to discuss proposed Town Plan LCP changes that could affect the Highway 1 right-of-way. Caltrans staff responded in writing with comments on March 8, 2016 (page 7 of Exhibit 7).

The proposal to add a land use classification and zoning designation to the highway right-of-way is a unique request that raises questions regarding the potential range of uses that would be allowed within the highway right-of-way if any land use designation or zoning district overlay were applied to the state highway. For example, the proposed LCPA Public Facilities designation would allow community gardens as a principal permitted use within the Highway 1 right-of-way, and cemeteries, religious assembly, day care facilities, and the (newly added) public highways, roads, and streets and public parks as conditionally-permitted uses, among others. Such land use designations and zoning also raise questions as to how the County would find any development within the right-of-way – including road improvements –consistent with lot coverage, maximum lot size, and height requirements, among others.

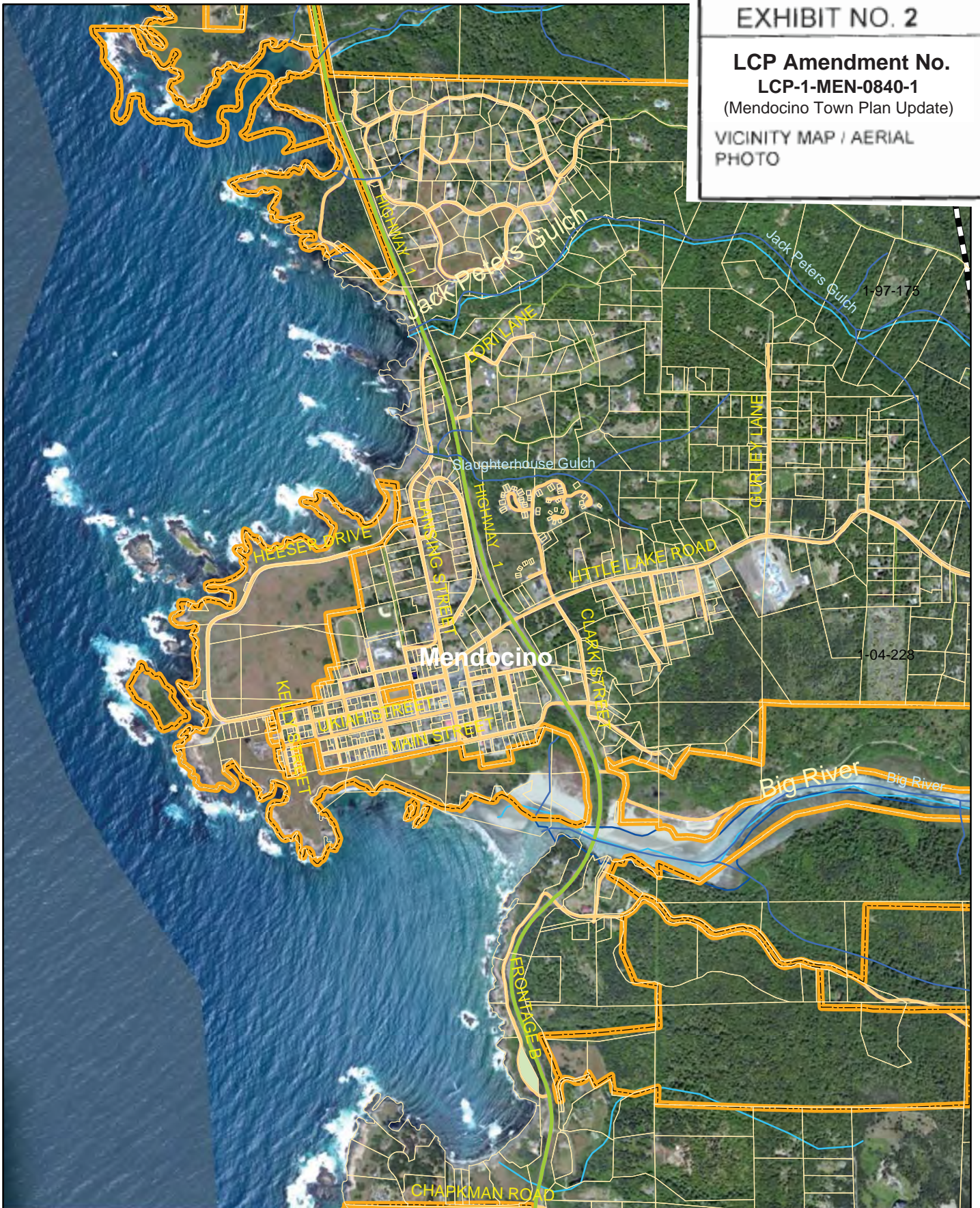
It is also unclear how the proposed land use and zoning designation would ensure conformity with Coastal Act Section 30254 which requires in part that State Highway Route 1 in rural areas of the coastal zone shall remain a scenic two-lane road, which would likely be affected by any developments allowed within the Public Facilities Zoning District. Furthermore, the proposed designation and zoning of Highway 1 also raises questions of conformity with the public access policies of the Coastal Act, because potential developments within the Highway 1 right-of-way that would be allowed within the Public Facilities Zoning District could interfere with the public's right of access to the sea, inconsistent with Section 30211. For all of these reasons, Commission staff recommends **Suggested modifications 16, 17, and 28**, to (a) remove the newly-added Public Facilities land use designation and zoning district from the land use and zoning maps, and (b) update narrative text pertaining to Public Facilities acreage references (e.g., Section 3.4.[4]) that include Highway 1 in the land base. Commission staff has discussed this proposal with County staff and believes the County is supportive of the change.



## EXHIBIT NO. 2

**LCP Amendment No.**  
**LCP-1-MEN-0840-1**  
(Mendocino Town Plan Update)

VICINITY MAP / AERIAL  
PHOTO



1:20,000

— = CA State Parks Property

Date: 9/21/2016

# DALL & ASSOCIATES

Advisors and Consultants in Sustainable Coastal Management, Land Use, and Transportation

January 8, 2016

Mr. Robert Merrill  
Manager  
California Coastal Commission  
North Coast District  
1385 8th Street, Suite 130  
Arcata, California 95521

RECEIVED

JAN - 8 2016

CALIFORNIA  
COASTAL COMMISSION  
NORTH COAST DISTRICT

EXHIBIT NO. 3

LCP Amendment No.

LCP-1-MEN-0840-1

(Mendocino Town Plan  
Update)

LCPA Transmittal Letter

SUBJECT: MENDOCINO TOWN LOCAL COASTAL PROGRAM UPDATE AMENDMENT  
(LCP-1-MEN-14-0840)

Dear Bob,

On behalf of our Client, the County of Mendocino, enclosed please find the Mendocino Town Local Coastal Program Update Amendment ("Town LCP Update") adopted by the Board of Supervisors on December 8, 2015 (Resolution 15-180) for Coastal Act purposes and directed by the Board for transmittal to the California Coastal Commission for certification pursuant to the Coastal Act.

The Coastal Commission approved the geographic segmentation of the Town of Mendocino from the coastal zone in the other parts of Mendocino County in 1990. The Coastal Commission further certified the Mendocino Town Plan in 1992, and the Mendocino Town Zoning Code in 1995. Effective certification of the total Mendocino Town LCP occurred in 1996.

The Town LCP Update consists of the following:

1. The Mendocino Town Plan (Amendments to the certified 1992 Town Plan), adopted by the Board of Supervisors on December 8, 2015, in strikethrough and underline format that identifies the respective amendments.

This document contains the Public Hearing Draft of the Town of Mendocino LCP Land Use Plan ("Mendocino Town Plan"), inclusive of the Town Land Use Map, Figure 4.13-3, Public Access Component, and Appendices 1-9, referenced in the Board Resolution as "Exhibit 'A'", together with the changes referenced in the Board Resolution as "Exhibit 'D'", and such other typographical corrections as are deemed necessary". (At 2.)

2. The Mendocino Town Zoning Code (Division III of Title 20, Mendocino County Zoning Code, Amendments to the certified Town Zoning Code) adopted by the Board of Supervisors on December 8, 2015, in strikethrough and underline format that identifies the respective amendments.

This document contains the Public Hearing Draft of the Town of Mendocino LCP Zoning Ordinance, referenced in the Board Resolution as "Exhibit 'B'", together with the changes referenced in the Board Resolution as "Exhibit 'D'", and such other typographical corrections as are deemed necessary". (At 2.)

## DALL & ASSOCIATES

Advisors and Consultants in Sustainable Coastal Management, Land Use, and Transportation

3. The Mendocino Town Zoning Map (Figure 1 of the Mendocino County Zoning Code, adopted by the Board of Supervisors: December 8, 2015.

This document contains the Public Hearing Draft of the Town of Mendocino LCP Zoning Map, referenced in the Board Resolution as "Exhibit 'C'", together with the changes referenced in the Board Resolution as "Exhibit 'D'", and such other typographical corrections as are deemed necessary". (At 2.)

The Mendocino Town Zoning Code contains an 11 x 17 inch reduced size copy of this Zoning Map, and a to-scale full size copy is provided in addition.

The purpose of the Mendocino Town LCP Update Amendment is to clarify, augment, and as necessary revise the now 20-year old certified LCP to address current conditions in the Town, bring it into conformity with the Coastal Act and other laws, and enhance the efficiency and effectiveness of implementing the LCP.

In addition, the LCP transmittal package contains the following:

- a. Board of Supervisors Resolution 15-180, in response to P.R.C. Section 30510(a);
- b. Four conformed copies of the Town LCP Update Amendments, in underlining and strike-through format to indicate additions and deletions, respectively;
- c. The LCP - Coastal Act Consistency Analysis summary, which discusses the amendment and its (limited) relationship to the LCP for the other parts of the coastal zone in the County;
- d. Discussion, in the Town Plan and in the LCP-Consistency Analysis, of the relationship of the Town LCP Update Amendment to Mendocino Headlands State Park, which encompasses all but three parcels along the Town's Pacific Ocean, mendocino Bay, and Big River shoreline;
- e. Discussion of the minor change in density occasioned by permitting second dwelling units in all residential land use classifications/zoning districts;
- f. The voluminous Town LCP Update Amendment Public Participation Summary.
- g. County staff reports that address the LCP Amendment.

We look forward to working with Coastal Commission staff during the certification review of the Town LCP Update Amendment.

Sincerely yours,



Norbert H. Dall



Stephanie D. Dall

**MENDOCINO TOWN LCP UPDATE AMENDMENT (LCP-1-MEN-14-0840)  
LCP CONSISTENCY ANALYSIS SUMMARY**

**RECEIVED**

JAN - 8 2016

**1. Introduction.**

CALIFORNIA  
COASTAL COMMISSION  
NORTH COAST DISTRICT

This memorandum addresses the consistency of the Mendocino Town Local Coastal Program Amendment ("the Town LCP Update", 2015) with the applicable conservation, development, and procedural standards in the Coastal Act and Coastal Commission Local Coastal Program ("LCP") regulations. Following more than 40 public hearings, workshops, and meetings, and numerous other individual meetings and conferences with interested persons and public agency staffs, the Mendocino County Board of Supervisors adopted the Town LCP Update on December 8, 2015, by resolution for Coastal Act purposes and authorized its transmittal to the Coastal Commission for certification.

Section 2, below, summarizes the contents of the Town LCP Update. Section 3 analyzes it pursuant to the Coastal Act conservation, development, and procedural standards. Section 4 analyzes it pursuant to the LCP regulations.

**2. Mendocino Town LCP Update.**

The Town LCP Update consists of five components: (1) the Town Plan (LCP Land Use Plan), (2) the Town Land Use Map, (3) the Specific Public Access Component, (4) the Town Zoning Code, and (5) the Town Zoning Map. Consistent with Coastal Commission LCP regulation requirements that LCP Amendments distinguish among certified provision, deletions, and additions, the text in these components utilizes the best available certified Town LCP document replicas as the "base document", and depicts additions by underlining and deletions by ~~strikethroughs~~.

Each component has, as applicable (including in response to public and public agency staff comments) been clarified, augmented, or revised to identify applicable Coastal Act and/or LCP regulation standards, establish consistent Town LCP mandatory policies and actions, and indicate recommended advisory actions. Concurrently, the important history of community preservation, resource conservation, expansive coastal access, visitor-serving facilities, and public participation in land use decision-making in the Town has been substantially maintained

## **MENDOCINO TOWN LCP UPDATE AMENDMENT (LCP-1-MEN-14-0840)**

### **LCP CONSISTENCY ANALYSIS SUMMARY**

in Section 3.<sup>1</sup> Illustrations in the Town Plan text are intended to help clarify the history, aspects, and public accessibility of the Town.

2.1. Town Plan Update. In keeping with the evolved format of the Town Plan during the four-year planning period, a new Section 1 has been provided to introduce the special Mendocino community in the context of Coastal Act provisions, current issues, and the planning process. Because the Town Plan serves both as a LCP for Coastal Act purposes and as part of the County General Plan for State Planning Law purposes, the planning process has necessarily addressed both.

In the interest of ready accessibility to Town Plan users, Section 2 contains a considerably expanded set of definitions of key, albeit technical, terms that the Town Plan employs.

The discussion of the Town background, setting, and description in Section 3 augments and in parts updates and specifies the narrative in the 1992 Town Plan. The discussion of water supply, sewage disposal, visitor serving facilities, circulation, parking, public access, and Town Plan administration that has been added to this Section addresses public and public agency staff comments during preparation of the Town LCP Update, as well as available current and contextual information.

Section 4 sets forth the mandatory policies, mandatory actions, and advisory actions (goals) of the Town Plan Update, in the following subsections: 4.2, Growth Management Policies (GM-1 through GM-32) 4.3, Design Guidelines Policies (DG-1 through DG-5.3); 4.4, Circulation and Parking (CP-1 through CP-4); 4.5, Affordable Housing (Government Code, AH-1 through AH-4.1); 4.6, Sustainability (S-1 through S-7.3); 4.7, Public Facilities (PF-1 through PF-9); 4.8, Public Access and Recreation (PAR-1 through PAR-5); 4.9, Conservation (CNS-13); and 4.10, Town Plan Administration (TPA-1 through TPA-7).

Section 5 characterizes the Mendocino Town Land Use Classifications: Open Space, Rural residential, Suburban Residential, Residential PUD, Town Residential, Multiple Family

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<sup>1</sup> Hyperlinks in the Town LCP Update (following certification) to Coastal Act Chapter 3 policies, other statutes, regulations, and other documents will facilitate convenient electronic access to them; however, printed copies will also be available for public use in the County Planning and Building Services Department offices.

## **MENDOCINO TOWN LCP UPDATE AMENDMENT (LCP-1-MEN-14-0840)**

### **LCP CONSISTENCY ANALYSIS SUMMARY**

Residential, Mixed Use, Public facility, and Commercial. As a result of State Parks' acquisition of the former lumber company parcels east of Highway 1 and north of Big River, the former Forest Lands classification has been deleted; the Town Plan Update designates (classifies) these parcels, as all parcels within MHSP, as Open Space. Section 5 also clarifies the "Development Limitations" classification as it applies in the Town, rather than generally within the coastal zone in Mendocino County, and deletes the short subsection of definitions.

The Town Plan Update deletes the erroneous Figure 4.13-1, Mendocino Town Plan Example of Use of Special Site Planning in the 1992 Town Plan, and replaces it with the correct iteration at Figure 4.13-5. The Town Plan Update also deletes the superannuated Tables 4.13-1 through 4.1303, regarding Visitor Serving Facilities.

Section 6 summarizes the following Town Plan implementation measures: 6.1, Capital Improvement Program; 6.2, Zoning; 6.3. Mendocino Historical Review Board; 6.4. Historic Review Board Design Guideline, which is incorporated in the Town LCP; 6.5, the specific Coastal Development Permit exclusions and exemptions provided by Categorical Exclusion Order E-96-1 and by Public Resources Code section 30610; 6.6, Code Enforcement; and 6.7, the new Visitor Serving Facility Room Allocation.

Illustrations in the Town Plan Update depict current (2013) Mendocino conditions (Fig. 4.13-1), Historical Zones "A" and "B" (Fig. 4.13-2), two historical maps/charts of the Town (Fig. 4.13-4), the aforementioned Example of Site Planning (Fig. 4.13-5), the California Coastal Trail Emblem (Fig. 4.13-7), and the Categorical Exclusion Zones (Fig. 4.13-8).

2.2. Town Land Use Map. Figure 4.13-3 contains the new Town Land Use Map, which incorporates the previous Coastal Commission redesignation for Mendocino High School property, accurately depicts the Open Space corridor along Slaughterhouse Gulch in Hills Ranch, designates the former lumber company parcels along lower Big River, east of Highway 1 as Open Space, designates parcels owned or controlled by the local Fire District and Community Services District for Public Facilities, rather than Open Space, and corrects minor mapping anomalies along the MHSP boundary with adjacent private parcels. For comparative purposes, an annotated iteration of the certified 1992 Town Land Use Map is attached to the Town Plan Update to numerically identify these land use designations and other salient mapped

## **MENDOCINO TOWN LCP UPDATE AMENDMENT (LCP-1-MEN-14-0840)**

### **LCP CONSISTENCY ANALYSIS SUMMARY**

information. The terrestrial boundary of the Town in Figure 4.13-3 is congruent with the geographic segmentation boundary approved by the Coastal Commission in 1990, and depicts the Rural-Urban Limit Line certified by the Coastal Commission in 1992; provided that in the area of Agate Beach the boundary line is shown to close with the seaward edge of the Town and County along the shoreline (Government Code section 23123.)

2.3. Public Access Component. The Public Access Component of the Town Plan Update consists of the policies and actions in Section 4.7, the general access location map in Figure 4.13-6, and the detailed annotated aerial access maps in Town Plan Appendix 5. Figure 4.13-6 illustrates the numerous walk ways (paths, trails) within and to Mendocino Headlands State Park ("MHSP"), as well as the street grid, State Highway 1, Big River Beach east and west of the Highway 1 Bridge, and the pocket beaches along the Mendocino Headlands bluffs. Figures 5.1-5.5 in Town Plan Update Appendix 5 depict some of the many paths and trails to and along the shoreline or coastal bluff top in Mendocino Headlands State Park, as well as other upland access support facilities. Figure 5.2 also depicts the distribution of parking along the principal streets in Town.

2.4. Town Zoning Code. The Mendocino Town Zoning Code sets forth the specific zoning regulations that implement the Town Plan in each respective Zoning District (Land Use Classification). Chapters 20.714, Circulation and Parking, 20.717, Water Quality Protection, and 20.719, Environmentally Sensitive Habitat Areas have been added to provide Town-specific implementation of the Town Plan Update. Second dwelling units, not to exceed 900 square feet, will be permitted in all residential Zoning Districts (excluding the PUD District) consistent with State law and the ability of specific sites and infrastructure to sustain them.

2.5. Town Zoning Map. Figure 1 of the Town Zoning Code Update contains the conformed Town Zoning Map. For comparison, a markup of the proxy replica of the 1992 Town Zoning Map is attached at the end of the Town Zoning Code Update. The Town Zoning Map also depicts the Coastal Commission-certified Urban-Rural limit line along the terrestrial geographic segmentation boundaries of the Town.

**MENDOCINO TOWN LCP UPDATE AMENDMENT (LCP-1-MEN-14-0840)**  
**LCP CONSISTENCY ANALYSIS SUMMARY**

**3. Coastal Act Standards for LCP Amendments.**

3.1. The County has provided maximized opportunities for public and public agency staff participation during the preparation of the Town LCP Update (2015), including through, but not limited to, timely mailed and newspaper notice of draft Town LCP Update documents availability, public hearings, public workshops, electronic postings, and meetings with interested persons, consistent with Public Resources Code section 30503.

3.2. The County has consulted with Coastal Commission, special district, and other public agency staff during preparation of the Town LCP Update, consistent with Public Resources Code sections 30500, 30503, and 30504.

3.3. The County Board of Supervisors has adopted the Town Plan LCP Update by resolution, after public hearing, and has certified that it intends the Town LCP Update to be implemented in a manner that is in full conformity with the Coastal Act, consistent with Public Resources Code Section 30510.

3.4. The Town LCP Update contains all of the conservation, development, and procedural standards and associated materials that are required by the Coastal Act and Coastal Commission LCP Regulations, in light of conditions in the Town, to demonstrate the requisite level(s) of compliance of the Town LCP Update with those applicable standards, consistent with Public Resources Code section 30510(b).

3.5. In summary, the Town Plan Update conforms to, and in relevant parts is adequate to implement, the conservation and development standards of Coastal Act Chapter 3 the extent necessary to achieve the basic state goals specified in Section 30001.5, as follows:

- a. The Town Plan Update incorporates the policy conflict resolution mechanism provided by Public Resources Code section 30200.
- b. The Town Plan Update maximizes public coastal access and recreational opportunities to and along the shoreline and Mendocino Headlands, consistent with public and private rights, the

## **MENDOCINO TOWN LCP UPDATE AMENDMENT (LCP-1-MEN-14-0840)**

### **LCP CONSISTENCY ANALYSIS SUMMARY**

protection of resource areas against overuse, and public safety, consistent with the standards of Coastal Act Chapter 3, Articles 2 and 3. 98% of the ocean, bay, and river frontage in the Town is presently in public ownership, and the Town Plan Update recommends actions to acquire the three remaining private properties along the Town shoreline from willing sellers for addition to Mendocino Headlands State Park.

c. As a result of the County's statutory boundaries, the Town LCP contains no part of the marine environment within its jurisdiction. However, the Town Plan Update provides for the protection of aquatic resources, the demonstration that spills associated with the transport of oil and hazardous substances can be contained and remediated without significant adverse effects on the Town's coastal resources, and demonstration that limitations by a State agency on fishing from the Town shoreline are consistent with the Coastal Act, consistent with the standards of Coastal Act Chapter 3, Article 4.

d. The Town Plan Update includes Town-specific provisions to identify and conserve environmentally sensitive habitat areas, and to protect agricultural use, soils, and archeological (and any potential paleontological) resources, consistent with Coastal Act Chapter 3, Article 5.

e. Consistent with Coastal Act Chapter 3, Article 6, the Town Plan Update requires new development, and the authorization of existing visitor-serving facilities on already developed sites designated with an asterisk \*\*) or asterisk-B (\*-B) on the Town Land Use Map and Town Zoning Map, to be consistent with all applicable Town LCP conservation and development standards, including, but not limited to, providing proof of an adequate water supply, protecting public scenic and visual qualities, and providing for structural stability, safety, energy conservation, and water conservation, including through beneficial reuse of stormwater and reclaimed water. Recent holiday week/weekend traffic data indicates relatively low peak hour traffic volumes at the two primary entrances to Town (Main Street and Little Lake Street, see Appendix 8); local knowledge indicates that at such time, the Main Street corridor is primarily utilized by out-of-Town visitors. Remaining wastewater treatment plant capacity is adequate to serve demand by existing and potentially additional Coastal Act visitor-serving priority uses, as indicated by the number of additional visitor accommodation units listed in Appendix 2. No reservation of public service capacities for recreation purposes is therefore required in the Town.

## **MENDOCINO TOWN LCP UPDATE AMENDMENT (LCP-1-MEN-14-0840)**

### **LCP CONSISTENCY ANALYSIS SUMMARY**

f. Acquisition by the State of the lumber company parcels east of Highway 1 as an addition to Mendocino Headlands State Park effectively removed any potential of a coastal-dependent industry again locating in the Town.

#### **4. Coastal Commission LCP Regulations.**

4.1. The voluminous Town LCP Update Amendment Public Participation Summary indicates the extensive measures that the County has taken to provide the lists of interested persons and public agencies with opportunities to participate in the preparation, workshops, and public hearings on the LCP Update, as well as their comments and the County's responses, including through specific revisions to LCP Update documents, consistent with LCP Regulation section 13552. The notices, documents availability, and conduct of public hearings by the County Board of Supervisors on the Town LCP Update (2015) have complied with the public participation and public agency coordination requirements of LCP Regulation 13515.

4.2. The Town LCP Update Amendment contains all policies, land use and zoning maps, site planning tools, objectives, photographs, and supplemental information in sufficient detail and legibility to facilitate Coastal Commission review. On request, the County will provide Coastal Commission staff with black-white or greyscale copies of color LCP Update documents. The Town LCP Update also contains the Public Access Component, consistent with LCP Regulation section 13522(b).

4.3. The Town LCP Update is comprehensive within the Town boundaries, but does not regulate development outside the boundaries. In relevant parts, the Town LCP Update continues explicit incorporation by reference of Coastal Commission-certified provisions of the County Coastal Element for the remainder of the coastal zone in the County.

4.4. Town LCP Update Section 4 specifically incorporates relevant Coastal Act Chapter 3 policies, consistent with LCP Regulation section 13511(a). The County recognizes Mendocino Headlands State Park and State Highway 1 as uses of supralocal importance. Development of second residential dwelling units in the Town slowed from 1.7 units per year (34 units total) between 1973 and 1992 to 0.61 units per year (14 units total) between 1993 and 2015. Given

## **MENDOCINO TOWN LCP UPDATE AMENDMENT (LCP-1-MEN-14-0840)**

### **LCP CONSISTENCY ANALYSIS SUMMARY**

the strict development controls provided in the Town LCP Update for any new such construction, the likely number of second dwelling units that may be constructed in the Town during the planning horizon of the Town LCP Update (10 years) will not have a significant cumulative effect on the environment, coastal resources, or public access to and along the shoreline or coastal bluff top areas pursuant to the meaning of LCP Regulation 13511.

4.5. The Town Plan Update, Town Zoning Ordinance Update, and land use/zoning maps indicate the level and pattern of development that is permitted pursuant to them, most of which was previously certified and some of which was excluded from the coastal development permit requirement by the Coastal Commission. With the required impact avoidance or mitigation, the development permitted by the Town Plan Update will control and prevent uses that harm coastal resources, consistent with LCP Regulation section 13511(c).

4.6. Section 4 of the Town Plan Update contains the development and resource protection policies that apply in the Town to implement Coastal Act Chapter 3 policies, consistent with LCP Regulation 13511(c)(1).

4.7. The Town Zoning Ordinance Update and companion Town Zoning Map conform to the Town Plan Update and Town Land Use Map, and are adequate to implement them, including through exclusive use zones, overlay zones, conditionally permitted uses, sign and design controls, landscaping and grading regulations, hazard and geologic review requirements, open space and lot coverage standards, minimum lot sizes, density limitations, and similar measures, consistent with LCP Regulation 13511(c)(2).

4.8. Apart from certain streets and open space areas, the County does not own or operate any public works in the Town of Mendocino.

4.9. The Town LCP Update enhances public notice provisions regarding work or activities that come before the Mendocino Historic Preservation District, consistent with LCP Regulation 13511(f).

**RESOLUTION NO. 15-180**

**RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MENDOCINO APPROVING THE TOWN OF MENDOCINO LOCAL COASTAL PROGRAM UPDATE AMENDMENT, WITH CLARIFICATIONS, AND DIRECTING THE TRANSMITTAL OF IT TO THE CALIFORNIA COASTAL COMMISSION FOR CERTIFICATION PURSUANT TO THE CALIFORNIA COASTAL ACT OF 1976, AS AMENDED. (GP 2-2013/OA 1-2013)**

WHEREAS, the California Coastal Act of 1976, as amended (Division 20, Public Resources Code ("Coastal Act")), mandates each County, City, or City-County with jurisdiction in the California coastal zone to prepare, in coordination with the California Coastal Commission ("Coastal Commission") and with maximum opportunities for public participation, a Local Coastal Program ("LCP") for that jurisdiction to implement the requirements of the Coastal Act at the local level (Public Resources Code section 30500(a)), to the extent necessary to meet the State's goals for the coastal zone (Public Resources Code section 30001.5); and

WHEREAS, the Coastal Commission in 1990 approved the geographic segmentation of the Town of Mendocino, as described and mapped to define and illustrate specified boundaries, for LCP purposes pursuant to Public Resources Code section 30511(c); and

WHEREAS, the Coastal Act places in each County, City, or City-County the authority to determine the specific content of its LCP (Public Resources Code section 30500(c)), provided that it shall contain a land use plan, zoning ordinance, zoning map, and specific public access component (Public Resources Code section 30108.6) that conform to, meet the requirements of, and are adequate to carry out the Coastal Act (Public Resources Code sections 30512, 30513, and 30500(a)); and

WHEREAS, the Coastal Commission approved the Town of Mendocino LCP Land Use Plan ("Town Plan") in 1992, certified the complete Town Local Coastal Program in 1996, and has subsequently certified Amendments to them in 2000, 2003, and 2015; and

WHEREAS, the Coastal Act provides that a County, City, or City-County may amend its certified LCP, or a certified geographic LCP segment, provided that no such amendment shall take effect until it has been certified by the Coastal Commission pursuant to the Coastal Act (Public Resources Code section 30514); and

WHEREAS, the Coastal Act provides that the submittal by the County of the LCP to the Coastal Commission be made pursuant to (1) a resolution adopted by the Board of Supervisors, after duly noticed public hearing, that certifies the LCP is intended to be carried out in a manner fully in conformity with the Coastal Act, and (2) the LCP contains, in accordance with guidelines established by the Coastal Commission, materials sufficient for a thorough and complete review (Public Resources Code sections 30510(a) and 30510(b)); and

WHEREAS, the Coastal Act provides that the Coastal Commission (1) shall certify a land use plan, or any County amendments thereto, if it finds that a land use plan meets the requirements of, and is in conformity with, the policies of Coastal Act Chapter 3, to the extent necessary to achieve the basic state goals for the coastal zone set forth in the Coastal Act (Public Resources Code section 30512(c)); (2) may, if (a) the Coastal Commission identifies any specific inconsistencies between the LCP Land Use Plan and the Coastal Act standards of review, and (b) the County so requests, provide suggested modifications that would remediate such inconsistencies (Public Resources Code sections 30512(b) and 30513, Title 14, California Code of Regulations, section 13537(b)); and (3) may (a) reject the zoning ordinance, zoning map, and any other implementing actions, including County amendments to them, only on the grounds that they do not conform with, or are inadequate to carry out, the provisions of the certified Town Plan (Public Resources Code section 30513), and (b) suggest modifications in any rejected zoning ordinance, zoning map, or other implementing action (Public Resources Code section 30513); and,

**EXHIBIT NO. 5**  
**LCP Amendment No.**  
LCP-1-MEN-0840-1  
(Mendocino Town Plan  
Update)  
  
Resolution No. 15-180

**RECEIVED**

JAN - 8 2016

CALIFORNIA  
COASTAL COMMISSION  
NORTH COAST DISTRICT

WHEREAS, the Coastal Act provides that the Coastal Commission shall take action on the LCP Amendment zoning ordinance, zoning map, and other implementing actions within sixty (60) days of receipt, or they shall be deemed approved as submitted (Public Resources Code section 30513); and

WHEREAS, the Coastal Act requires the Coastal Commission to review the implementation of each certified LCP at least once every five years following its initial certification, and advise the County, City, or City-County of jurisdiction of that review, including through any recommendations the Coastal Commission may make to enhance the functions and effect of the LCP (Public Resources Code section 30519.5); and

WHEREAS, the County of Mendocino, commencing in 2011, has conducted (a) six noticed public workshops in 2011, 2012, and 2015, (b) two meetings with innkeepers on October 27, 2011 and May 3, 2012, (c) an online survey conducted by the Department of Planning and Building Services during 2012, (d) a noticed public meeting on October 25, 2012, and (e) fourteen noticed public hearings on February 28, 2013, May 16, 2013, July 11, 2013, August 29, 2013, October 22, 2013, February 25, 2014, April 8, 2014, June 17, 2014, September 23, 2014, December 9, 2014, July 21, 2015, August 28, 2015, October 20, 2015, and December 8, 2015; and

WHEREAS, Coastal Commission staff has assigned the reference number "LCP-1-MEN-14-0840" to the Mendocino Town LCP Amendment; and

WHEREAS, the Board of Supervisors on December 9, 2014 adopted amendments to the certified Town of Mendocino LCP (the "2014 LCP Amendment") and authorized their transmittal to the Coastal Commission for certification review pursuant to the Coastal Act; and

WHEREAS, Coastal Commission staff in January, 2015, May, 2015, and August, 2015 deemed the 2014 LCP Amendment to be incomplete or inadequate for filing (submission) by the Coastal Commission; and

WHEREAS, pursuant to Public Resources Code Section 21080.9, the California Environmental Quality Act (CEQA, Public Resources Code Section 21000 et seq.) does not apply to activities and approvals by a local government for the preparation and adoption, pursuant to the Coastal Act, of a Local Coastal Program or LCP amendment, and Section 15265 of the CEQA Guidelines (14 Cal. Code Regs. Section 15000 et seq.), provides that the burden of CEQA compliance for Local Coastal Programs is shifted from the County to the Coastal Commission's functional equivalent review procedure; and

WHEREAS, the Clerk of the Board of Supervisors has confirmed that all required public notice for availability of, and public hearing on, the Town of Mendocino LCP Amendment has been provided; and

WHEREAS, County staff and consultants presented an errata sheet to the Board of Supervisors at the December 8, 2015, meeting, attached to and referenced by this resolution as Exhibit D, which suggested certain changes to the documents comprising the Town of Mendocino LCP Amendment, and which was amended to provide for certain changes recommended by the Supervisors; and

WHEREAS, County staff and consultants additionally requested from the Board of Supervisors the authority to make minor typographical corrections to the Town of Mendocino LCP Amendment as are deemed necessary;

NOW, THEREFORE BE IT RESOLVED, that the Board of Supervisors of the County of Mendocino accepts the recommendations of County staff and consultants, and approves, for Coastal Act purposes, the Town of Mendocino LCP Amendment (GP 2-2013/OA 1-2013) to the certified Town of Mendocino LCP, in the form of (1) the Public Hearing Draft of the Town of Mendocino LCP Land Use Plan ("Mendocino Town Plan", inclusive of the Public Hearing Draft Mendocino Town Land Use Map and Public Access Component), attached to and referenced by this Resolution as Exhibit A; (2) the Public Hearing Draft of the Town of Mendocino LCP Zoning Ordinance, attached to and referenced by this Resolution as Exhibit B; and (3) the Public Hearing Draft of the Town of Mendocino Zoning Map attached to and referenced by this Resolution as Exhibit C, incorporating the changes in Exhibit D, and such other typographical corrections as are deemed necessary; and

BE IT FURTHER RESOLVED, that the Mendocino Town Plan, Zoning Ordinance, and Zoning Map, as amended for Coastal Act purposes, conform to and satisfy the Coastal Act requirements for preparation and submission of LCP Amendments (Public Resources Code Section 30514 and Title 14, California Code of Regulations, Chapter 8, Articles 4, 5, 7, 15, and any other rule or regulation applicable thereto that has been adopted by the Coastal Commission pursuant to the California Administrative Procedures Act (Government Code section 11340 et seq.)); and

BE IT FURTHER RESOLVED, that preparation of the Town of Mendocino LCP Amendment has also been informed by Interpretive Guidelines and applicable prior coastal development permit regulatory decisions that have been adopted by the Coastal Commission; and

BE IT FURTHER RESOLVED, that County staff, or its designee, is hereby directed and authorized to transmit, at the earliest practicable time and with proof of delivery, the Town of Mendocino LCP Amendment adopted on this date by the Board of Supervisors of the County of Mendocino, accompanied by all documentation required by the Coastal Act and Coastal Commission-adopted LCP Regulations (Title 14, California Code of Regulations, section 13500 et seq.), to the Coastal Commission for certification pursuant to, and within the time limits of, the Coastal Act; and

BE IT FURTHER RESOLVED, that the Planning and Building Services Department is hereby directed to post a complete copy of the Board-adopted Town of Mendocino LCP Amendment, including all required documentation, after such documents are received by the Coastal Commission, to the Department's "Town Plan" web site, provided that such posting shall clearly indicate that the Town of Mendocino LCP Amendment is in Coastal Commission certification review; and

BE IT FURTHER RESOLVED, that the Planning and Building Services Department is directed to provide continuing public notice, for each subsequent Board of Supervisors meeting, of Board of Supervisors public hearing on, and possible adoption of, supplemental clarifications, augmentations, or revisions to the Town of Mendocino LCP Amendment in response to any Coastal Commission, Coastal Commission staff, other public agency, or public correspondence, request, report, or recommendation during the period of time between the date the Coastal Commission receives the Town of Mendocino LCP Amendment, as approved by the Board on this date, and the date of the Coastal Commission public hearing and scheduled action on the Town of Mendocino LCP Amendment; and

BE IT FURTHER RESOLVED, that, pursuant to Public Resources Code Section 21080.9 and CEQA Guidelines Section 15265, environmental review of the Town of Mendocino LCP Amendment will be performed as part of the Coastal Commission's certification review of the Town of Mendocino LCP Amendment; and

BE IT FURTHER RESOLVED, that pursuant to Public Resources Code section 30510(a), the Board certifies the intent of the County of Mendocino that the Town of Mendocino LCP Amendment will be carried out in a manner fully in conformity with the Coastal Act, and further, that pursuant to Title 14, California Code of Regulations, Section 13518(b), the Board of Supervisors submits the Town of Mendocino LCP Amendment as a program that will require formal County approval, after noticed local public hearing, following Coastal Commission certification; and

BE IT FURTHER RESOLVED, that the County of Mendocino agrees to issue coastal development permits in the Town of Mendocino subject to the certified Town of Mendocino LCP Amendment, and to carry the Town of Mendocino LCP out in a manner fully in conformity with the Coastal Act.

The foregoing Resolution introduced by Supervisor Hamburg, seconded by Supervisor Gjerde, and carried this 8th day of December, 2015, by the following vote:

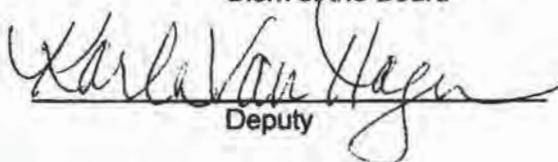
AYES: Supervisor Brown, McCowen, Woodhouse, Gjerde and Hamburg

NOES: None

ABSENT: None

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

ATTEST: CARMEL J. ANGELO  
Clerk of the Board

  
Deputy

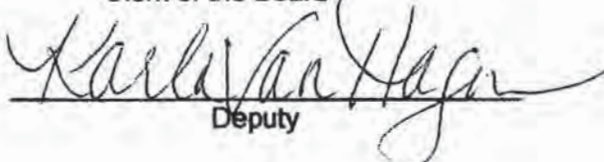
APPROVED AS TO FORM:  
KATHARINE L. ELLIOTT, Acting County  
Counsel

  
Deputy

  
CARRE BROWN, Chair  
Mendocino County Board of Supervisors

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

BY: CARMEL J. ANGELO  
Clerk of the Board

  
Deputy

CARMEL J. ANGELO  
Chief Executive Officer  
Clerk of the Board



**COUNTY OF MENDOCINO**  
**BOARD OF SUPERVISORS**

CONTACT INFORMATION  
501 Low Gap Road • Room 1010  
Ukiah, California 95482  
TELEPHONE: (707) 463-4221  
FAX: (707) 463-7237  
Email: bos@co.mendocino.ca.us  
Web: www.co.mendocino.ca.us/bos

By Electronic Mail and US Mail

February 9, 2016

Mr. Robert Merrill  
Bob.Merrill@coastal.ca.gov  
Manager  
California Coastal Commission  
North Coast District  
1385 Eighth Street, Suite 130  
Arcata, California 95521

SUBJECT: MENDOCINO TOWN LCP UPDATE AMENDMENT  
(NO. LCP-1-MEN-14-0840)

Dear Mr. Merrill:

It has come to our attention that Coastal Commission staff has two questions about Mendocino Town Local Coastal Program Update Amendment No. LCP-1-MEN-14-0840. As the Supervisor who represents the Town and made the motion to adopt Resolution 15-180 and the 2015 Chair of the Board of Supervisors whose signature the Resolution bears, we send this letter to address those questions.

First, we confirm that the Mendocino Town LCP Update Amendment No. LCP-1-MEN-14-0840 that has been transmitted to Coastal Commission staff accurately reflects the substance and intent of Board Resolution 15-180, which the Board unanimously adopted on December 8, 2015. The Mendocino Town LCP Update Amendment No. LCP-1-MEN-14-0840 consists of Exhibit A (Town Plan Update [including the Town Land Use Map Update]), Exhibit B (Town Zoning Code Update), Exhibit C (Town Zoning Map Update), Exhibit D (errata sheets), and the Board's authorization for additional clean-up corrections as deemed necessary.

Second, as indicated in public notices and other communications directly with Commission staff in the run-up to Board action, the LCP Update Amendment adopted by the Board on December 8, 2015, advances on our previous work to update the certified Town LCP by being responsive to public and public agency, including Coastal Commission staff, comments and requests. The LCP Update Amendment adopted by our Board on December 8, 2015, incorporates, revises, and supersedes our Board's action of December 9, 2014. The Mendocino Town LCP Update Amendment adopted by the Board on December 8, 2015 constitutes the LCP Amendment 1-MEN-14-0840 that is now before the Coastal Commission.

**THE BOARD OF SUPERVISORS**

CARRE BROWN  
First District

JOHN MCCOWEN  
Second District

TOM WOODHOUSE  
Third District

DAN GJERDE  
Fourth District

DAN HAMBURG  
Fifth District

**RECEIVED**

FEB - 9 2016

CALIFORNIA  
COASTAL COMMISSION  
NORTH COAST DISTRICT

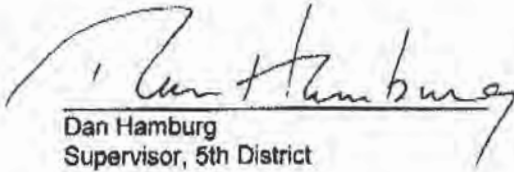
|                                                                                                                                                                          |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>EXHIBIT NO. 6</b><br/><b>LCP Amendment No.</b><br/><b>LCP-1-MEN-0840-1</b><br/>(Mendocino Town Plan Update)<br/>County Correspondence<br/>re: LCPA Transmittal</p> |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

Page 2 of 2


February 9, 2016

We trust that this letter fully and finally resolves this matter.

Sincerely yours,



Dan Hamburg  
Supervisor, 5th District



Garre Brown  
Supervisor, 1<sup>st</sup> District  
2015 Chair of the Board of Supervisors

cc: Hon. Steve Kinsey, Supervisor, Marin County and Chairman, California Coastal Commission  
Hon. Martha McClure, Supervisor, Del Norte County and Member, California Coastal Commission  
Charles Lester, Ph.D., Executive Director, California Coastal Commission, San Francisco  
Hon. Dan Gjerde, 2016 Chair and Members of the Mendocino County Board of Supervisors  
Carmel Angelo, Mendocino County Executive Officer  
Katharine Elliott, Esq., Mendocino County Counsel  
Norbert Dall and Stevie Dall, Dall & Associates, Consultant to Mendocino County

**Gedik, Tamara@Coastal**

**From:** lee edmundson <lee@mcn.org>  
**Sent:** Sunday, September 18, 2016 11:27 PM  
**To:** Merrill, Bob@Coastal; Gedik, Tamara@Coastal  
**Subject:** Fwd: NYTimes.com: Welcome to Provincetown. Winter Population: Dwindling.

**Follow Up Flag:** Flag for follow up  
**Flag Status:** Flagged

Can you please forward this to each of the Coastal Commissioners?

It is a good read and very similar to what's happened here in the Town.

Thanks,

Lee

----- Forwarded Message -----

**Subject:**NYTimes.com: Welcome to Provincetown. Winter Population: Dwindling.  
**Date:**Mon, 21 Dec 2015 01:17:53 -0500  
**From:**lee <[emailthis@ms3.lga2.nytimes.com](mailto:emailthis@ms3.lga2.nytimes.com)>  
**Reply-To:**[lee@mcn.org](mailto:lee@mcn.org)  
**To:**[lee@mcn.org](mailto:lee@mcn.org)

Sent by [lee@mcn.org](mailto:lee@mcn.org):



## Welcome to Provincetown. Winter Population: Dwindling.

BY KATHARINE Q. SEELYE

Like many summer havens, this town on the tip of Cape Cod is threatened by a shrinking, graying population and scarcities of housing and year-round jobs.

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U.S.

# Welcome to Provincetown. Winter Population: Dwindling.

By KATHARINE Q. SEELYE DEC. 20, 2015

PROVINCETOWN, Mass. — This resort town at the tip of Cape Cod is such a popular destination, its promoters like to say, that even the Pilgrims landed here before they settled in Plymouth.

In the summer, Provincetown is still one of the most crowded vacation spots in New England. A historic art colony and a gay destination, it draws up to 65,000 people to the galleries on frenzied Commercial Street and the windswept dunes of the Cape Cod National Seashore. But come late fall, the beaches and bars mostly empty out. And it is not just tourists who decamp. Most second-home owners pack up, too. And, increasingly, so do people who once made Provincetown their home year-round. These days, just 2,800 hardy souls endure here through the winter.

“It’s like a Potemkin village,” Stephen Borkowski, 61, a freelance art historian and year-round resident, said the other day as he strolled down the middle of a deserted Commercial Street, where many shops were closed for the season. “There are the store facades and about five people.”

Provincetown, like many summer havens, is caught in a vicious cycle of economic and demographic change, with a widening divide between the haves and the have-nots that is threatening its future. The long-running invasion by second-home owners and investors, who now own 71 percent of the homes here, has jacked up the price of real estate. One 418-square-foot home, albeit with 30 feet of mesmerizing waterfront, is going for nearly \$1.6 million.

As a result — with housing and year-round jobs increasingly scarce — Provincetown is hollowing out. The winter population dropped 14 percent between 2000 and 2010. Families have left or have avoided settling here in the first place. The high school closed a few years ago. And the dwindling population is graying. The median age of 54.3 is far above the national median of 37.4. And Provincetown is not even the oldest town on the Cape; that distinction belongs to nearby Wellfleet, where the median age is 62.2.

“Cape Cod is running a social experiment about whether you can have a society without children,” said Michael Goodman, the executive director of the Public Policy Center at the University of Massachusetts at Dartmouth.

“While the jury is still out, I’m skeptical,” he said. “The sustainability of these communities is a major challenge.”

On Tuesday night, the town selectmen here took a controversial step toward what they hope will halt the decline. They voted unanimously for a tax exemption that would lower the property taxes on year-round residents, some of whom are on fixed incomes, while raising these taxes on second-home owners who live here part-time. As provided for in state law, the exemption would shift the tax burden “away from certain lower valued, residential properties to higher valued homes, most apartment buildings and to second homeowners.”

The exemption is intended to make housing somewhat more affordable and to encourage year-round residency. The town’s board of assessors said that for a year-round resident here who owns a condominium with a value of \$369,900, the annual property tax bill of \$2,700 will go down by \$685; for a part-time resident in a similar condo, the board said, the bill will go up by \$144. Town officials estimate that 1,300 residential properties will have their taxes lowered, while 2,700 will pay more.

Such exemptions are becoming increasingly popular across the country, particularly in hot real estate markets, where gentrification is pricing longtime residents out of their homes. The State of Florida has had a homestead exemption for years. Thirteen other cities and towns in Massachusetts, including Boston, Cambridge and Nantucket, have enacted similar measures.

But David Panagore, the town manager here, said Provincetown was “the canary in the coal mine” because its problems were more extreme and, at just three square miles and surrounded by the national seashore, it had nowhere to expand.

A few second-home owners here supported the exemption. Tony Kushner, the Pulitzer Prize-winning playwright, who owns a weathered 1830 house here, said by telephone from New York that paying the new rate would not impose a hardship on him. He said he felt a responsibility to help those who keep the town functioning in winter.

“Provincetown is really struggling to maintain a kind of social coherence because it’s tremendously expensive to live there,” he said. “And if people can’t live there, that will be very much to the town’s detriment.”

But the exemption has inflamed passions and stirred resentment among many other second-home owners and investors, who pay 80 percent of the taxes. They say they already give much to the town and use its services for only a portion of the year. They also think the exemption will benefit some people who do not need it.

“For many of the seasonal residents, Provincetown is their emotional home,” said Steve Fossella, 58, an information technology project manager who lives in Quincy, in suburban Boston, and owns a second home in Provincetown, where he is the president of the town’s Part-Time Resident Taxpayers Association, which has 300 members.

“They serve on committees, volunteer at the soup kitchen, provide scholarships and give generously to the nonprofits,” he said. “We feel we’re part of the community, and to have this tax come along — it says we aren’t part of the community. It feels punitive.”

A particular grievance of seasonal homeowners is that they pay taxes but have no say in how their money is spent because they cannot vote in Provincetown — better known as taxation without representation.

Mr. Fossella said his association would join other seasonal homeowner groups in Massachusetts to seek to allow nonresident property owners to vote in budgetary

matters. Such efforts raise thorny questions about whether one person should be able to vote in more than one place. But after a two-decade-old movement, several states now allow nonresident property owners to vote in certain circumstances.

In approving the tax exemption, the selectmen here bemoaned the divisiveness of the debate but said the housing crisis was so acute and the year-round population such an endangered species that it was worth a try.

Tom Donegan, the chairman of the board of selectmen, conceded that it was not perfect. "It doesn't account for the vast appreciation in home values," he said. "It may give a benefit to some who may not need it. But it's the best thing we've got." He said that generally, those who needed it the most would benefit most.

Still, it is not clear how much difference it will make in the long run. Full-time residents like Rik Ahlberg, 45, a writer and a renter, said he doubted it would address the winter absurdity of having 70 percent of the homes sit vacant — or, as he put it, "all this empty housing and nowhere to live."

Mr. Goodman, of the University of Massachusetts at Dartmouth, said the exemption could provide some modest relief, but he also questioned whether it would solve fundamental problems like the housing pinch, the lack of well-paying jobs and the population drain.

As they mull these long-term challenges, town officials are faced with more immediate ones, like expanding water-delivery and sewage systems for 3,000 people in the winter to accommodate peak crowds of 65,000 in the summer.

Mr. Panagore, the town manager, said the tax exemption was forcing everyone to wrestle with existential questions.

"Not just who should bear the burden for the peak event," he said. "But if we do nothing, is this a town where we turn out the lights in October and turn them back on in May? How long can we last when folks can't afford to live here?"

A version of this article appears in print on December 21, 2015, on page A14 of the New York edition with the headline: Welcome to Provincetown. Winter Population: Sinking. .

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## DEPARTMENT OF TRANSPORTATION

DISTRICT I, P. O. BOX 3700  
EUREKA, CA 95502-3700  
PHONE (707) 445-6412  
FAX (707) 441-5869  
TTY 711



Serious drought.  
Help Save Water!

July 15, 2016

RECEIVED

Bob Merrill, District Manager  
California Coastal Commission  
North Coast District Office  
1385 8<sup>th</sup> St, Ste 130  
Arcata, CA 95521

JUL 15 2016

CALIFORNIA  
COASTAL COMMISSION  
NORTH COAST DISTRICT

I-MEN-1-48.60  
Draft Mendocino Town Plan

Dear Mr. Merrill,

Thank you for the opportunity to review the Draft Local Coastal Program Amendment to the Land Use Plan and Implementation Program (Mendocino Town Plan 2015 Update). We met with you and your staff last month to discuss the plan in depth, which was very helpful for understanding some of the details presented in the document.

Based on a preliminary review of the Draft Plan, Caltrans has the following comments relating to portions that affect Caltrans and its activities, including significant concerns with a number of the proposed changes, as discussed below. Please note that there may be other conflicts within the proposed amendment that are not identified in this review. Caltrans looks forward to working collaboratively with the County and Coastal Commission in finalizing and implementing the Mendocino Town Plan Update and will strive to meet the intent of the plan to the extent that the provisions of the plan are legal, technically feasible and financially achievable.

1. The Mendocino Town Plan Update purports to place on Caltrans a number of conditions and requirements in connection with potential future projects for which no permit application has been submitted. For instance, it proposes to impose certain development requirements upon the State Route 1 bridge at Big River under the Public Facility map code/zoning code designation, such as: the "Reconstruction, replacement, or new construction of the Highway 1 Big River Bridge, including any bridge access components, in the Town shall (a) maintain the general alignment and elevation of the existing bridge, (b) include safe pedestrian and bicycle ways that connect the Town to the south, (c) protect scenic public views to and along the sea, the Mendocino Estuary, and the Town, and (c) [sic] maintain maximum feasible utilization of the existing bridge during its reconstruction or replacement." Requirements such as these are objectionable because they are overly broad, contain no feasibility or funding limitations, and preemptively impose highway design mandates and other requirements in a vacuum. The requirements are imposed with respect to the Big River Bridge irrespective of the scope of any such project and its specific project impacts, or consideration of governing principles of nexus and proportionality. The concern is compounded as no Coastal Development Permit (CDP) has been submitted on behalf of Caltrans that could or would trigger such a requirement. Conditions and requirements as to any future projects should properly be determined in the context of the CDP for each specific project and relate to specific impacts of such projects.
2. The Mendocino Town Plan Update also proposes to designate State Route 1 and the State-owned right of way as a Conditional Use under the Public Facility Land Use designation and purports to subject the State Highway to the County Zoning Code. However, the State Highway is not a "use" that is subject to local zoning, and the Mendocino Town Plan Update purports to include provisions applying to the State Highway that do not articulate any connection to Coastal Act policies, such as requirements in connection with the Big River Bridge. Caltrans objects to the State highway being labeled as a conditional use that could be subject to Conditional Use Permits

and Special Permits for certain alterations or development approvals aside from CDPs. While the County has been delegated limited authority by the Coastal Commission to issue CDPs as provided in the California Coastal Act, that does not extend to local regulation of State Highway facilities unconnected to the Coastal Act.

3. The Mendocino Town Plan Update purports to impose other direct requirements on Caltrans, independent of any project or CDP application, such as identifying and improving a safe pedestrian crossing of Highway 1. Again, the Plan seeks to impose these requirements irrespective of the scope of any project and specific project impacts, or consideration of governing principles of nexus and proportionality. Again, conditions and requirements as to any future projects should properly be determined in the context of the CDP for each specific project and relate to specific impacts of such projects.
4. An additional conflict is GM-31: "Consistent with Coastal Act Chapter 3, Article 7, any pipeline transportation of hydrocarbons shall be (a) consistent with all conservation, development, public access, and recreation standards of the Town Local Coastal Program, (b) limited to an underground location in the Highway 1 right-of-way, and (c) shall require an application for a coastal development conditional use permit." This would seem to pertain to portions of the Southern California coastline where there is existing off-shore oil development. Caltrans does not permit longitudinal encroachments and there may be natural gas supply lines that could be subject to this provision.

Caltrans requests that the Mendocino Town Plan Update be revised in accordance with these comments, and to exclude State facilities from designation within the Land Use Map, Land Use Codes, Zoning Map and Zoning Codes. Any language in the Mendocino Town Plan Update that mandates Caltrans compliance with or adherence to the local vision or goals will need to be revised to be consistent with applicable law. Also, as indicated above, conditions and requirements as to any future projects should properly be determined in the context of the CDP for each specific project and relate to specific impacts of such projects.

Again, thank you for reaching out to Caltrans and seeking our input on this important matter. If you have any questions, or would like to discuss our comments, feel free to call me at the number above, or email: [rex.jackman@dot.ca.gov](mailto:rex.jackman@dot.ca.gov).

Sincerely,



REX A. JACKMAN  
Chief, Caltrans District 1 Planning South

# LEE EDMUNDSON

Post Office Box 1167 · Mendocino, California 95460-1167  
Phone/Fax: 707-937-4369 · Cell: 707-272-9964 · Email: lee@mcn.org

17 June, 2016

Dear Bob,

Hope this finds you well.

Would you please distribute a copy of the enclosed to each of the Commissioners?

Thanks,

Regards,



PS: Can you give me a guesstimate as to when the Commission might be hearing the MTP?

**RECEIVED**

JUN 20 2016

CALIFORNIA  
COASTAL COMMISSION  
NORTH COAST DISTRICT

# LEE EDMUNDSON

Post Office Box 1167 • Mendocino, California 95460-1167  
Phone/Fax: 707-937-4369 • Cell: 707-272-9964 • Email: lee@mcn.org

**RECEIVED**

16 June, 2016

JUN 20 2016

CALIFORNIA  
COASTAL COMMISSION  
NORTH COAST DISTRICT

Dear Commissioners,

Among many other changes, the proposed Mendocino Town Plan (MTP) update's **GM-15 (b)** reclassifies thirteen (13) of the nineteen (19) Visitor Serving Units (VSU) located on the campus of the Mendocino Art Center (MAC) from "Visitor Serving" to "Affordable Housing". The proposed MTP update also transfers the remaining six (6) VSUs to a newly created general pool of unassigned VSUs available for allocation to qualified visitor-serving applicants.

The factual basis for these proposed changes in MTP policy is tenuous at best and the argument for doing so is specious at least, and should not be allowed.

During a lengthy conversation with MAC Administrative Director Celia Sheldon, I learned the following:

- 1) In the initial and currently Certified MTP, the MAC is allowed nineteen (19) VSUs, of which, thirteen (13) have been developed while six (6) have not.
- 2) Six (6) of the operating units provide housing for Artists-in-Residence from the beginning to the end of the arts programs' year -- from October 1 to mid-May. After this period, they are vacated and then are rented on a short-term basis from June to mid-September, for which the MAC pays Mendocino County a Transient Occupancy Tax (TOT).
- 3) Six (6) units are available for students taking classes in the MAC program workshops. The duration of these rentals varies from 3 to 5 days; but all are short term. The MAC pays the TOT on these occupancies.
- 4) Only one (1) of the operating VSUs is occupied full time, by the MAC's security person.

I have searched high and low for the definition of "Affordable Housing". Virtually all definitions I've uncovered define it in terms of the portion of one's disposable income

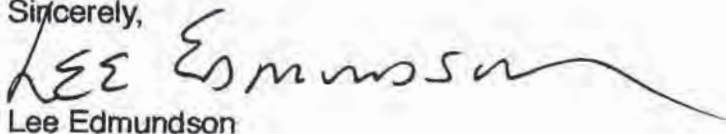
that is devoted to housing costs. Implicit within this definition, is that 'affordable housing' pertains to long-term rentals, i.e. housing you can afford to live in for a long time. By no stretch of the imagination do the MAC rooms meet this definition.

A final irony is that while reclassifying the existing 13 MAC rooms as 'affordable housing', PBS staff takes the remaining 6 MAC units allowed but not constructed and reallocates them to, "existing visitor accommodations". In other words, the existing MAC rooms are considered 'affordable housing' while those prospective rooms are classified 'visitor serving'! How can this inconsistency be justified?

I am asking the Commission to reject this Mendocino PBS staff's proposed **GM-15 (b)**. In the first place, it misrepresents the facts on the ground. Secondly, it relies upon wishful thinking and not on substantial evidence. Finally, since the current allocation of VSU's is site specific, this Commission should allow the MAC to retain the one allowed unit they have the required water to build, and instruct PBS staff to eliminate the remaining 5 unbuilt allowed units from the Visitor Serving Table, rather than transferring them to a general pool.

A final note: This reclassification of the MAC units is part of a larger attempt by Mendocino PBS to implement an amnesty plan to legitimize VSUs that have been operating in the Town -- some for decades -- without permits. I will be submitting comments on the amnesty plan later. I am providing a copy of the MAC brochure so you can see for yourselves that the MAC units are appropriately Visitor Serving Units and not "Affordable Housing".

Sincerely,

A handwritten signature in black ink that reads "Lee Edmundson". The signature is fluid and cursive, with a long, sweeping underline that extends to the right.

Lee Edmundson

Mendocino

sculpture

fine art

ceramics

jewelry

fiber arts

# mendocino art center

MendocinoArtCenter.org/classes • June • July • August 2016

fine art • ceramics • sculpture

## MendocinoArtCenter.org/classes

### REGISTER EARLY!

Enrollment is limited.

To ensure your place, please register early.

For detailed class descriptions, materials lists, instructor materials fees (if applicable) and instructor biographies, visit our website:

[MendocinoArtCenter.org](http://MendocinoArtCenter.org)

### To register for classes

Online: [MendocinoArtCenter.org](http://MendocinoArtCenter.org)

Phone: 707.937.5818 x 10 or 1.800.653.3328 x 10

Registrar's Office, M-F 10 - 4

### It pays to be a

### Mendocino Art Center member!

- 10% off each class tuition.
- \$25 registration fee waived.
- Discounts available at select businesses.

### HOUSING

- On campus private housing with kitchen facilities (limited availability).
- Off-campus housing and MAC discounts at participating inns for registered students.

### ENROLLMENT INFORMATION

- \$25 registration fee (non MAC members).
  - Class tuition is due in full at the time of registration.
  - Classes cannot be prorated.
  - Classes may be open to students under the age of 18 with prior approval.
  - Students must notify the Registrar of withdrawals in writing at least 21 days before the first class meeting to receive a refund, unless otherwise noted on the website.
- No refunds will be made after that date.

The Mendocino Art Center was established in 1959. Located in a historic town on the north coast of California, the Art Center is approximately a 3 1/2 hour drive north of San Francisco and 2 1/2 hours from Santa Rosa airport.



Cover artwork: Sculpture-Jennifer Jans MacGill; Fine Art-Michael McDonald; Ceramics-Mimi Carroll; Jewelry-Dale E. Moyer; Fiber Arts-Melanie M. Photos by Dale E. Moyer; Cloth Sculpture by Susan Elie

registration • housing

# LEE EDMUNDSON

Post Office Box 1167 · Mendocino, California 95460-1167

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

5 May, 2016

**RECEIVED**

MAY 09 2016

CALIFORNIA  
COASTAL COMMISSION  
NORTH COAST DISTRICT

Dear Bob,

Would you please distribute the enclosed copies of my remarks to the Commissioners?

I thank you in advance.

Regards,



Lee

# LEE EDMUNDSON

Post Office Box 1167 • Mendocino, California 95460-1167  
Phone/Fax: 707-937-4369 • Cell: 707-272-9964 • Email: lee@mcn.org

5 May, 2016

Dear Coastal Commissioners,

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

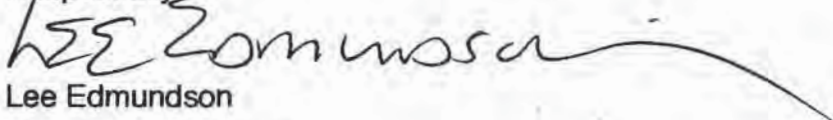
As someone who has been active in the MTP review/update process since February 2011, I fully endorse your staff's assessment that the degree and dimension of the proposed changes to the current certified MTP are gargantuan; this process has transformed what was initially intended to be a (more) simple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

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

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

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

Respectfully,

  
Lee Edmundson

Mendocino, California

**RECEIVED**

MAY 09 2016

CALIFORNIA  
COASTAL COMMISSION  
NORTH COAST DISTRICT

PO BOX 457, Mendocino, Ca 95460 707 9371649

**RECEIVED**

Mr. Charles Lester, Executive Director  
California Coastal Commission  
45 Fremont  
S.F. 94105

NOV 18 2015

CALIFORNIA  
COASTAL COMMISSION  
NORTH COAST DISTRICT

Dear Mr. Lester:

To expedite the LCP process and minimize costs, would you, please provide a directive in this dispute between protecting an historic north coast community and 'commercial recreation' and 'low cost visitor facilities' which is said to be the primary concern of commissioners.

We have maximum free public access and embrace the economic benefits of shared facilities along the coast. Please see the attached.

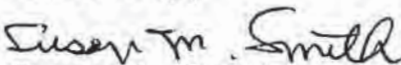
Access and use of the headlands and beach/river are fully protected by Calif. State Parks. Wm. Penn Mott required establishment of the Historic District to prevent commercialization.

We do urge your full participation in this matter. Tossing this request to your Arcata office is useless. They are fixated on 'commercial recreation' and 'low cost visitor housing'.

I do not understand. Our town has 99% maximum free public access and fulfills a full dozen provisions of the CCA more important to most visitors and residents.

The spirit of the Coastal Act is one of active citizen participation. Please act personally in this matter.

Sincerely,

  
Susan M. Smith

P.S. Although to most of us, an expediter let alone \$100,000 of public funds seems totally unwarranted in an LCP update for the town of Mendocino, would you have a list of expediters who have been vetted by the CCC as objective and experienced?

P.S.2 Please share this letter with commissioners.

PO BOX 457, Mendocino, Ca 95460 707 937 1649  
Nov. 11, 2015

Re: Mendocino and Headlands Historic Distric Town Plan  
Dall Associates revision released Nov. 5, 2015.

Comments on the Dall Associates contract. Towns people serve residents and visitors through an amazing array of volunteer activities. Control is a distant Ukiah, 1½ hour away.

The Dall town plan is verbose, confusing and replete with a new direction for an old historic mid-19c. town - it is to facilitate 'commercial recreation' and 'low cost visitor housing'.

The California Coastal Act provides the highest priorities to  
(1) maximum coastal access, (2) preventing over-development and  
(3) full public participation in decision making.

The town of Mendocino fully complies with the first two priorities with 99% free public coastal access, and by protecting coastal views in town planning and by regulating water use. We share economic activities and visitor services with our near neighbors and Fort Bragg - another requirement of the CCA.

However, town leaders and residents did not participate in the vetting and choice of the \$100,000 Dall Assoc. No decision is surely more important than the background and point of view of a hired LCP/town plan preparer. Towns people were denied a role.

The Mendocino town maps are inaccurate and misleading as of this date. OS does not protect the headlands but California State Parks jurisdiction does. It is absurd to see 'paper lots' mapped along Heeser Drive as if buildable on State Parks land.

Wm. Penn Mott and Calif. State Parks led in establishing the Historic District so their role is paramount. Letters from the Smithsonian and U.C. architect/planners endorsed the local, state and national importance of historic preservation legislation for the town.

Dall Associates completely misses the point of all this. The 92 MTP was simple, straight forward, factual and APPROVED BY THE CALIFORNIA COASTAL COMMISSION. Towns people presented a MTP 92 update fully complying with the CCA to the Board of Supervisors.

Sincerely,

Susan M. Smith

*Susan M. Smith*

## Gedik, Tamara@Coastal

---

**From:** lee edmundson <lee@mcn.org>  
**Sent:** Monday, October 19, 2015 12:02 PM  
**To:** CommentsTownLCPA@co.mendocino.ca.us; Dan Hamburg; Dan Gjerde;  
browncj@co.mendocino.ca.us; woodhouse@co.mendocino.ca.us; John McCowen;  
Merrill, Bob@Coastal; Gedik, Tamara@Coastal; Steve Dunncliff; Andy Gustavson;  
cherryj@co.mendocino.ca.us  
**Subject:** Comments for 10/20 BoS Hearing  
**Attachments:** MTP Comments.rtf

Dear Everyone,

Attached are my comments regarding tomorrow's Board of Supervisors hearing on the Public Draft of the Mendocino Town Plan.

I accidentally might have sent you a different missive in error last night.

Thank you for your consideration.

Sincerely,

Lee Edmundson  
Mendocino

19 October, 2015

Dear All,

Much work has been done on updating the Mendocino Town Plan (MTP) over the past several years and although the current document I believe is an overall improvement, there are still some issues I'd like to ask you to remedy before approving it and forwarding it to the California Coastal Commission (CCC) for certification.

Before I delve into the substantial issues, I have to write you about the process, which seems to just get more and more strange.

September 9th I received an email from Stevie Dall informing me Dall & Associates -- a Sacramento-based firm -- had been hired as consultants to forward the Mendocino Town Plan (MTP) Update to the California Coastal Commission (CCC).

They wanted to meet with me and have a workshop on the MTP on September 30.

The Workshop was well conducted and informative. Norbert Dall, the County's Consultant, informed the group his purpose in the process was to provide essential information to the MTP that would better enable it to pass CCC muster, and to "polish" the existing language in the revised MTP thus far incorporated.

The Workshop was one of the best meetings --if not the best -- we've had on the MTP Update. Dan Hamburg chaired, Carre Brown attended (they comprise the MTP Update Committee of the Board of Supervisors (BOS)).

Everyone who wanted to speak, spoke. At length, no time limit. About a dozen articulated their concerns. Many others assented in their silence. It was a very, very productive meeting, only hampered by the limited time (2 hours).

That was September 30.

The Consultant's 'Public Review Copy' was to be posted October 8. It was finally provided October 9th – eleven days before the scheduled Board of Supervisors (BOS) hearing to consider and adopt.

It was astounding. **134 pages of heavily revised text.**

The 'Public Review Copy' created by the Consultant of the Mendocino County Zoning Code landed on the County's website several days later -- and comprises **324 pages of heavily revised text.**

I met with consultants Norbert and Stevie Dall Monday, October 12 -- before the MTP Zoning Code had been posted -- to discuss issues I had with the "Public Review" draft. They took extensive notes, were gracious and receptive to my concerns, and after two hours I had not been able to cover all my concerns. After having only three days to review the document, I confess I hadn't had time to review it entirely.

On Friday, October 16, the Addendum to the Public Review posted. I was pleased to see some of my suggestions had been incorporated.

So now I am confronted with five (5) documents to review, cross-reference and to analyze: 1) The current MTP, 2) the updated MTP and Zoning Code adopted by the BOS December 9, 2014, 3) The Public Review Draft generated by Dall & Associates, 4) the Zoning Code Public Review Draft of their authorship and, 5) the Addendum to the Public Review Draft of the MTP; there to date being no Addendum to the Dall version of the MTP Zoning Code.

Dear Supervisors, Planning Department, Coastal Commission staff and interested parties, I think I am a reasonably intelligent, educated person fairly well versed in Mendocino Town planning matters and dedicated to realizing an updated MTP that

heightens and strengthens Coastal Act and County protections to and for the Town. And I write you now saying in no uncertain terms that this process, as a result of these recent developments, is not only compromised, but has become contaminated.

To foist upon the laity almost **500 pages of heavily revised text** with so very short a time to review, analyze and critique is an absolute abrogation of the Mendocino County government's obligation to provide the interested public its rightful full participation in the planning process. For your Board to presume to act on these documents on Tuesday, October 20th makes an absolute mockery of this vitally important planning process.

I'm writing to urge you to remove this from your October 20, 2015 agenda as an Action Item, and further to strongly suggest you either convene a series of MTP Workshops on the MTP Update like the one that took place September 30 or alternatively impanel a Citizens Advisory Committee (it need not comprise more than five (5) to seven (7) members) to work closely with Planning Staff to bring a finished MTP Update, with a time-frame of 6 to 8 weeks.

We are almost to the goal line with this, after years of effort. To have it so adversely compromised so late in the game is a study in self defeat.

Do not act on this October 20. The documents have not been and cannot be adequately vetted before that date.

With Sincere Regards,

Lee Edmundson  
Mendocino

PO Box 457, Mendocino, Ca 95460 707 937 1649; 415 775 1812  
Sept. 24, 2015

Mr. Charles Lester, Executive Director  
California Coastal Commission  
45 Fremont,  
S.F. 94105

**RECEIVED**

SEP 30 2015

CALIFORNIA  
COASTAL COMMISSION  
NORTH COAST DISTRICT

Re: Mendocino and Headlands Historic District  
LCP section of the MTP 2015

I enclose my letter to the Mendocino Bd. of Supervisors dated August 27th urging them to reject the demands of your North Coast staff. As a former board member of Save (S.F.) Bay Assn. I deeply regret the need to do this.

The background reports on the CCA in the SPUR offices in the 1970ies emphasized that limiting water and sewer services and keeping Hwy. 1 to two lanes would minimize over-development of the coast.

Here is the 5 page Feb. 27, 2013 North Coast letter. All the same topics were raised in a 24 page letter in 2014. In 8/14/15 the CCC staff sent 5 pages of instructions and more than 14 pages of advice and a copy of 2/27/13. There were phone calls, staff visits adding to a most costly process for the county.

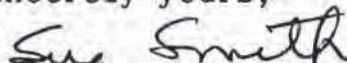
Mendocino has more benefits for most coastal visitors than any area of the coast from San Diego to Crescent City (Sections 30344, 30531, 30530). Why this blistering set of letters from your staff? Surely there are areas which do lack maximum public coastal access which need North Coast staff attention.

Regarding Section 30530, a quick on-line review shows a range of low and medium cost visitor facilities in nearby Fort Bragg. There are State Park camping facilities on either side of us. Apparently these don't really count. (Page 3, 2/27/13)

We are going to protect our Historic District values, our FREE coastal access. We surely would like more low cost housing for our residents/workers. THAT cannot be legislated in a LCP.

Please copy this complaint to your chair and north coast commissioners. The BOS will act on the update Oct. 20th. I request your support for Historic District preservation not development for and dedication of water supply to tourism.

Sincerely yours,



Susan M. Smith

P.S. In 1999 the Superior Court of Calif. ruled against CCC and the BOS regarding 4 inn rooms still an issue in the MTP update.

PO BOX 457, Mendocino, Ca 95460 707 937 1649  
August 27, 2015

Mendocino Board of Supervisors  
Ukiah, Calif. 95482

Dear Supervisors,

Please do as the county of Marin has done - reject the Coastal Commission staff demands. These include:

1. That well water in the town of Mendocino needs to be allocated to visitor serving facilities (VSF) over other needs.

2 That there needs to be more VSF in the town of Mendocino.

3. Reject CCC staff insistence that priority be given to "coastal dependant land uses, public recreation, commercial recreation and visitor serving land uses" -

1st paragraph, p. 8, Nov. 17, 2014 CCC staff letter.  
We have 100% public coastal access as State Park land; visitor serving facilities more than balance our residential base.

Please ask Bob Merrill, Executive Director, North Coast CCC to honor the compact between State Parks and the town's protection by Historic District designation, state and federal. The goal being:

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

No CCC staff letter has ever referenced this goal nor the sections cited below.

Section 30344(b)(2) affirms the importance of cultural and historic features like those in Mendocino.

Section 30531(1) finds 100% public access to coastal bluffs and beach/river trails in Mendocino town.

Section 30530 emphasizes the economic benefits of shared coastal resources as in visitor housing in nearby Fort Bragg.

Lastly Section 30500.1 prohibits housing requirements in a Local Coastal Plan should you imagine that might be the goal.

Why else focus on inappropriate sections 30222 and 30254?

It would help to add the 20 inn rooms (per MCCSD) to our total for VSF.

The Coastal Act is admirable. However, the CCC staff letters are bullying and disrespectful of you, the planning staff, MCCSD and the people of Mendocino who at all times protect coastal community values and seek to be welcoming to visitors.

Sincerely yours,  
*Sue Smith*  
Susan M. Smith  
44920 Pine St., Mendocino

**CALIFORNIA COASTAL COMMISSION**

NORTH COAST DISTRICT OFFICE  
1385 EIGHTH STREET • SUITE 130  
ARCATA, CA 95521  
VOICE (707) 826-8950  
FACSIMILE (707) 826-8980



February 27, 2013

Abbey Stockwell  
Mendocino County Planning and Building Services  
120 West Fir Street  
Fort Bragg, CA 95437

SUBJECT: Mendocino Town Plan Update - Comments of Draft Policy Document,  
Dated October 10, 2012

Dear Abbey:

Thank you for the opportunity to comment on Mendocino County's proposed revisions to the Mendocino Town Plan segment of the Local Coastal Program (LCP). We commend the County for undertaking the Mendocino Town Plan LCP Update to ensure the Town Plan will be a relevant and effective tool for coastal zone management for years to come. We have appreciated the opportunities to engage in dialog with you and other County staff early in the process, and with the local community during one of the Town Plan Update Community Hearings that was held on October 25, 2012. The comments below reflect some of the preliminary comments regarding the October 10, 2012 draft Mendocino Town Plan Update that North Coast District Manager Bob Merrill and I provided to you via teleconference on January 9 and January 14, 2013.

We realize that the draft Mendocino Town Update (MTPU) was undergoing changes even while we were providing our input to you in January on the October 10, 2012 version, and we anticipate the County may continue to modify the draft document as it goes through the local review process. Accordingly, the following serves as preliminary comments focused primarily on the October 10, 2012 draft version and should not be considered as all-inclusive or finalized. We recognize the Mendocino Town Plan Update revision process is an iterative one and we will continue to provide additional comments and recommendations at a later time on other sections of the proposed revised plan, including the various zoning code changes that were not finalized at the time of our initial review and subsequent meetings.

Accordingly, the purpose of this letter is to provide preliminary input for your consideration during the public hearings on the MTPU coastal Land Use Plan (LUP) revisions such that any potential nonconformance with the policies of Chapter 3 of the California Coastal Act<sup>1</sup> may be identified prior to formal submission of the amendment

---

<sup>1</sup> Section 30512.2 of the Coastal Act directs, in applicable part:

The following provisions shall apply to the commission's decision to certify or refuse certification of a land use plan pursuant to Section 30512:

application for Commission review. Below please find our general comments categorized by Coastal Act Chapter 3 policy sections.

**A. Visitor Serving and Recreational Opportunities (Coastal Act Sections 30213, 30222, and 30223)**

The Coastal Act requires that lower cost visitor and recreational facilities be protected, encouraged, and where feasible, provided. Developments providing public recreational opportunities are preferred. The Coastal Act also requires that visitor-serving commercial recreational facilities have priority over other land uses on suitable sites and upland areas to support recreational uses be so reserved for those uses.

The draft MTPU proposes changes in the designation, allocation, and physical location of certain types of visitor-serving facilities (VSFs), including vacation home rentals (VHRs); single unit rentals (SURs); and hotels, inns, and bed-and-breakfast facilities in the Town of Mendocino. The County staff report prepared for the February 28, 2013 Planning Commission hearing describes one proposed change of a current "dual categorization" of the Mendocino Art Center's Student/Instructor Temporary Housing from affordable housing and VSF, to eliminate the VSF-designation to reflect the site's more specific use "since it only serves the patrons of the Art Center." The changes also include placement of a cap on the total allowed VSFs in the Town to manage the growth and balance between visitor-serving and residential uses. The County staff report summarizes these changes as follows:

The Growth Management policy section (see Section 4.1 of the Draft Town Plan) was revised to include a cap of total allowed overnight Visitor-Serving Facilities (VSF) in town. The cap relates to the total number of overnight units by category: 238 total units for Inns/Hotels/Motels/B&Bs and 30 for Vacation Home Rentals (VHR) and Single Unit Rentals (SUR), for a total of 268 VSF allowed in the Town Plan Boundary. The proposed change reduces the number of VHRs and SURs allowed from the level permitted in the 1992 Town Plan. The difference from the VHR/SUR reduction resulted in the increase of the total number of rooms allowed to operate within the Inns/Hotels/Motels/B&Bs category. The proposed VSF limits maintain the same total allowed VSF units included in the 1992 Town Plan. In order to avoid the clustering of VHR in a single block, additional limits are proposed within the Zoning Code which would prohibit a new VHR being permitted within 200 linear feet of an existing VHR.

Section 30213 of the Coastal Act states, in applicable part:

*Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred...(Emphases added)*

---

(a) The commission's review of a land use plan shall be limited to its administrative determination that the land use plan submitted by the local government does, or does not, conform with the requirements of Chapter 3 (commencing with Section 30200). In making this review, the commission is not authorized by any provision of this division to diminish or abridge the authority of a local government to adopt and establish, by ordinance, the precise content of its land use plan.

Coastal Act Section 30222 states:

*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. (Emphases added)*

While there are a number of other visitor-serving facilities in the surrounding vicinity (such as in Fort Bragg to the north), it is not clear to what extent these facilities offer low-cost visitor-serving opportunities, and whether changes proposed to the composition of visitor-serving facilities in the Town of Mendocino would adversely affect the current visitor-serving opportunities of the Town. To enable Commission staff to evaluate whether the Mendocino Town Plan segment of the LCP is consistent as amended with the visitor-serving policies of the Coastal Act, please submit as part of the LCP amendment application additional clarification about the changes to visitor-serving facilities presented in the draft MTPU. In particular, please provide: (1) an analysis of the existing surrounding available visitor-serving facilities and occupancy rates (likely available through the local Chamber of Commerce); (2) a cost analysis of the different VSFs in the Town, and especially the current lower-cost VSF (this might be obtained in part from transient occupancy tax records); (3) the current number of lower-cost VSFs in town ; (4) an analysis of how the proposed changes in the mix of visitor-serving facilities will affect the availability of lower-cost VSFs in the Town of Mendocino; and (5) clarification regarding how the elimination of the VSF designation from the Arts Center affects not only the total number of visitor-serving facilities, but also the density and intensity of town development if the 19 VSF units previously associated with the Arts Center are redistributed elsewhere in the Town.

**B. New Development and Public Services (Coastal Act Sections 30250, 30252, 30254)**

The Coastal Act includes policies that address the location, type, and intensity of new development to ensure the protection of coastal resources. Overall, these requirements reflect a fundamental goal of the Coastal Act: protection of coastal resources by concentrating new development in existing developed areas able to accommodate it.

The draft Mendocino Town Plan Update documents the known limitations to the availability of water supply for the Town, which is accessed solely via groundwater supply from hundreds of privately-owned wells in town and supplemented by some via private water delivery trucks. The document indicates that "many wells are dry during droughts and some run low nearly every summer." The January 25, 2013 draft MTPU indicates that part of the limitation results from the "thinly bedded marine terraces overlying Franciscan Complex bedrock" that limits the ability to retain water in rock fractures before the "major portion of the aquifer inflow discharges out of the cliffs through springs to the ocean." The draft MTPU indicates that this hydrogeology and geologic structure result in "significant variability in well water production from lot-to-lot, with wells producing water in the range of 15 to 20 gallons per minute located less than 200 feet from wells which are only capable of producing water at 2 to 3 gallon [sic] per minute. As a result of these physical conditions, groundwater recharge of the aquifer

is almost entirely dependent on precipitation and water availability is unique to each lot due to bedrock characteristics." The draft MTPU describes that Mendocino City Community Services District (MCCSD) adopted a Groundwater Ordinance after enabling legislation was approved by the California legislature, and that the Groundwater Extraction Permit ordinance allows the District to regulate the amount of naturally occurring groundwater that can be withdrawn on a sustained basis.

The County staff report prepared for the Planning Commission hearing indicates that the proposed revisions to the Town Plan update "are not intended to increase the density or intensity of uses in the Town of Mendocino [and] are largely policy clarifications designed to further protect the special character of [the] town." Nonetheless, the local coastal program as amended must be consistent with Coastal Act policies.

Section 30250 of the Coastal Act states, in applicable part:

(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, *where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources...* (Emphases added)

Section 30254 of the Coastal Act states, in applicable part:

New or expanded public works facilities shall be designed and limited to accommodate needs generated by development or uses permitted consistent with the provisions of this division... Special districts shall not be formed or expanded except where assessment for, and provision of, the service would not induce new development inconsistent with this division. *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.* (Emphases added)

The January 25, 2013 draft MTPU indicates that individual applications for new development must "prove that there is adequate water from their property for new development and that additional extraction will not adversely impact wells on surrounding properties." It is unclear how water supply analysis and management on an individual, project-specific basis will avoid cumulative impacts to the as-described currently impacted, limited resource. It is also unclear how such a project-driven analysis will account for fluctuations that include seasonal, temporal, and long-range changes associated with climate change. While the draft MTPU does reference a current Groundwater Management Plan (amended May 30, 2012) that is administered by MCCSD, it is not clear in the draft MTPU whether the Groundwater Management Plan (GMP) takes into account in its analysis the water availability at projected build-out for the Town, or whether the GMP evaluates and manages water based on current conditions.

It does not appear that the policies contained in the draft MTPU incorporate all feasible measures to mitigate for the known limited water supply and to ensure consistency with Coastal Act policies. For example, we recommend that additional policy language be developed consistent with Coastal Act Section 30254 to prioritize service provision to coastal dependent land uses, 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 such that these uses are not precluded by other development types (including but not limited to land divisions and second dwelling units).

To evaluate the consistency of the Town Plan update with the Coastal Act, we will need to receive certain information as part of the LCP amendment application. This information will need to include additional clarification about the water availability analysis, including but not limited to: (1) the total capacity of the water basin; (2) an analysis of the potentially allowable buildout of the Town, including an inventory of the zoning of parcels and the minimum and maximum allowable buildout associated with each; (3) current information regarding the relative water demand of different types of uses such as visitor-serving uses; (4) whether (and if so, to what extent) wetlands and other environmentally sensitive habitat areas (ESHAs) may be affected by the draw-down of water resources both in town and in source areas for water transported to the town; and (5) identification of all feasible mitigation measures capable of reducing individual and cumulative impacts associated with impacts to water resources and related ESHAs to a less than significant level.

Thank you again for this opportunity to provide input on amendments to the Mendocino Town Plan segment of the County's LCP. We hope that our submittal of preliminary comments will offer the County some guidance prior to your application for a Local Coastal Program Amendment, to facilitate a more expeditious process. Should you have any questions regarding these comments or the LCP amendment certification process, please call me at (707) 826-8950, extension 203.

Sincerely,

SIGNATURE ON FILE

TAMARA L. GEDIK  
Coastal Program Analyst



PO BOX 457, Mendocino, Ca 95460 9371649  
July 29, 2015

Robert Merrill, Director North Coast Calif. Coastal Commission  
1385 8<sup>th</sup> St.  
Arcata, Ca. 95521

**RECEIVED**

AUG - 6 2015

CALIFORNIA  
COASTAL COMMISSION  
NORTH COAST DISTRICT

Dear Director Merrill,

I believe your staff has failed to reasonably apply the California Coastal Act to the update of the Mendocino Town Plan 2015. The CCA came about as a citizen initiative. The text is clear and concise. Thus these criticisms.

Presuming that recreation is the primary reason for visiting the California coast is reasonable for some areas. Presuming that is why visitors come to the town of Mendocino is not.

It may be appropriate when considering new development for staff to insist on priority of commercial recreation in terms of land use, water resources (Sect. 30222). It is not appropriate for the Mendocino and Headlands Historic District 2015 plan update. Its necessary focus is on protection and preservation of its heritage.

The Arcata staff dwells on Sect. 30222 and 30254 (reserving water resources for recreation and visitors) while ignoring Sect. 30531(1) and 30344(b)(2).

Sect. 30531(1) requires identifying lands providing public access to or along the coast. California State Parks provides public ownership of the headlands around the town of Mendocino. Staff would have found coastal access is 100%.

Sect. 30344(b)(2) requires an inventory of man made resources of cultural, historic, economical and educational importance. Surely the historic district is described.

Staff letters failed to refer to and acknowledge the primary role of State Parks and the federal/state historic preservation legislation in coastal access and use of resources respectively. PLEASE SEND US THE MENDOCINO TOWN REFERENCES IN BOTH SECTIONS.

Lastly Sect. 30530 urges efficient use of limited fiscal resources, minimizing costly duplication and using complementary access programs along the coast. The best range of low and medium cost facilities is in the larger nearby community of Fort Bragg along with adjacent State Park camping sites and facilities. Your staff ignored sharing coastal resources.

Sincerely, Susan M. Smith

*Susan M. Smith*

CC Exec Dir. ✓

*Exec Dir - Charles Lester*  
*(no response was ever sent us)*

PO BOX 457, Mendocino, Ca 95460 937 1649  
March 4, 2014

Robert Merrill, Director  
North Coast Office, California Coastal Comm.

Re: Mendocino Town Plan 2014 revision by M. County Planning

Thank you for your long participation in LCP issues on behalf of the Coastal Commission and the public, of course.

We have inquired whether further written comments on the MTP 2014 had been received from your office other than those of the February 27, 2013 letter. You met with county planners yesterday in Fort Bragg. Would you, please, provide a detailed summary of your presentation?

We look forward to that knowing that the CCA guarantees the right of full public participation. Knowing from you the 3/3/2014 recommendations allows us and others that participation.

We question staff presentation and interpretation of town issues and request resolution of such conflict in a manner most protective of "significant coastal resources". Section 30007.5.

The 5 page Feb. 2013 letter has no reference to the fact that:

1. California State Parks controls the coastal bluff headlands surrounding the entire town of Mendocino west of Hwy. 1. These bluffs are fully available by road and on foot for views of the ocean and coastline, for bird-watching, enjoying native bluff plants, fishing, surf-boarding, kite flying and dog walking. West of Hwy. 1 are large beaches, a bike/hike path along the river and multiple parking bays behind the beach. Across is a commercial boat rental business.

The public and M. Bd. of Supervisors prevailed on M. State Parks to allow free parking. (important to low cost visitors)

The letter did NOT acknowledge the fact that the town has, therefore, prime public access resources - superior, perhaps, to any other coastal community.

Since all the above facilities are available without charge, why or what is the purpose of requiring (expensive) commercial recreational facilities serving lower income visitors.

The Feb. 2013 letter cited the 1st paragraph of Sect. 20213 but not the 2nd paragraph which reads like LCP 30500.1: "No LCP shall be required to include housing policies and programs."

2. The town is one of the oldest communities on the coast. Its residential structures are preserved and protected by law under the Historic District designation. The Feb. 2013 letter in some 5 pages never mentions the designation.

**RECEIVED**  
AUG - 6 2015  
CALIFORNIA  
COASTAL COMMISSION  
NORTH COAST DISTRICT

November 23, 2014

**RECEIVED**

DEC 08 2014

CALIFORNIA  
COASTAL COMMISSION  
NORTH COAST DISTRICT

Mr. Robert Merrill  
District Manager  
California Coastal Commission  
North Coast Area  
1385 8th Street  
Suite 130  
Arcata, California 95521

RE: TOWN OF MENDOCINO LOCAL COASTAL PROGRAM UPDATE

Dear Mr. Merrill,

I write to request staff and Commissioners of the California Coastal Commission to expeditiously process, conduct the required public hearing, and vote to approve the Town of Mendocino comprehensive Local Coastal Program update (LCP Amendment), which County staff submitted to you Friday, October 31, 2014.

My family is the former owner of the historic Mendosa's Market & Hardware in Mendocino. The Market performs a key community and regional visitor-serving support function. Across the parking lot from it, on the southeast corner of Lansing and Little Lake Streets is our "yellow house" which was purchased by my family in 1922. This former duplex often provided employee housing when we owned the Market, and since it is no longer needed for that purpose, my family has been attempting to sell it since 2006.

However, we have been stymied from doing so because the lot on which the yellow house is located is bisected - without any logical reason - by the boundary line between the Town's Commercial District and the Multiple Family Residential District. The currently pending LCP Amendment unfortunately perpetuates that error, as the attached Town Land Use/Zoning Map indicates. I am also attaching an enlarged excerpt from that Map that shows this injustice.

After we requested the County to correct the mapping error (which involves no change in the kinds or intensities of land use, and would have no effect on coastal resources or public access), and paid a substantial processing fee, County staff and officials told us that this simple correction (to have the Commercial District boundary follow the property line) could not be made because the County had been advised by Coastal Commission to avoid making any zoning changes whatsoever in the comprehensive Town LCP update.

Nonetheless, the County has (appropriately) made two other zoning changes to facilitate projects by the Community Services District and the Fire Department. All property in the Town should be treated equally, fairly, and fully consistent with the Coastal Act and other laws that apply. As you know, the Coastal Commission's adopted LCP regulation section 13511(c) requires that "the level and pattern of development selected by the local government shall be reflected in a land use plan, zoning ordinances, and zoning district maps." Our lot at the corner of Lansing and Little Lake, and the yellow house on it, constitute such a level and pattern of

Mr. Robert Merrill, District Manager  
California Coastal Commission, North Coast Area  
November 23, 2014  
Page Two

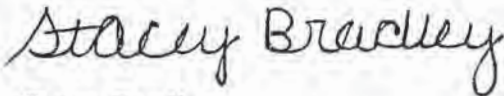
development, and the updated Town LCP is therefore required to correctly reflect it on the land use and zoning map.

We respectfully ask the Coastal Commission to correct this unfair and severely injurious mapping error as part of your review and action to approve the Town LCP update.

Please provide me with notice of the public hearing on this LCP Amendment, and a copy of the staff report and any communications to and from the Coastal Commission about it.

Thank you.

Sincerely,



Stacey Bradley  
P.O. Box 1701  
Fort Bragg, California 95437

cc: Chairman Steven Kinsey, California Coastal Commission  
Vice-Chair Jana Zimmer  
Commissioner Martha McClure, North Coast Representative  
Commissioner Effie Turnbull-Sanders  
Commissioner Wendy Mitchell  
Commissioner Erik Howell  
Commissioner Dayna Bochco  
Commissioner Mary Shallenberger  
Commissioner Mark Vargas  
Commissioner Carole Groom  
Commissioner Gregory Cox  
Chairman John Pinches, Mendocino County Board of Supervisors

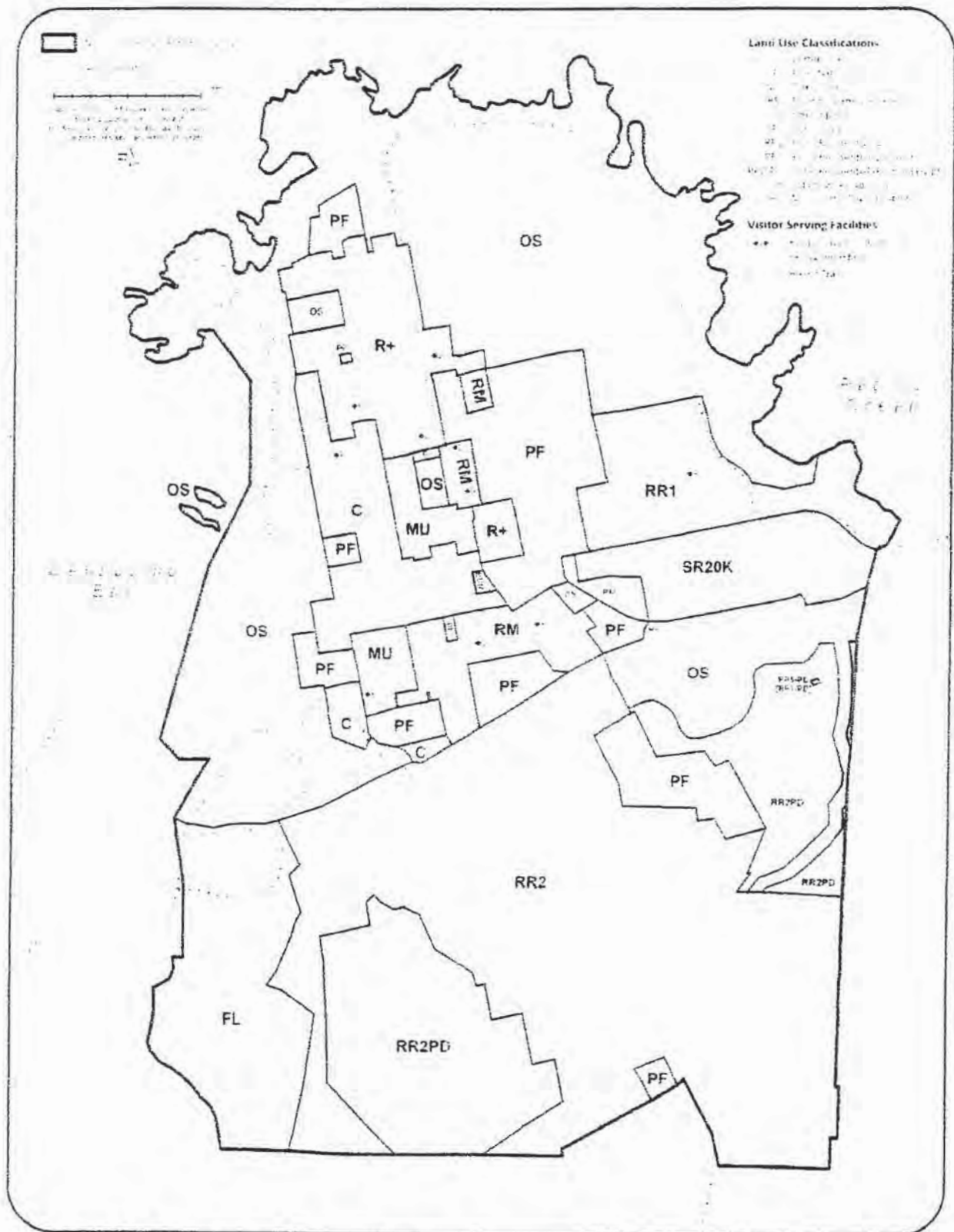
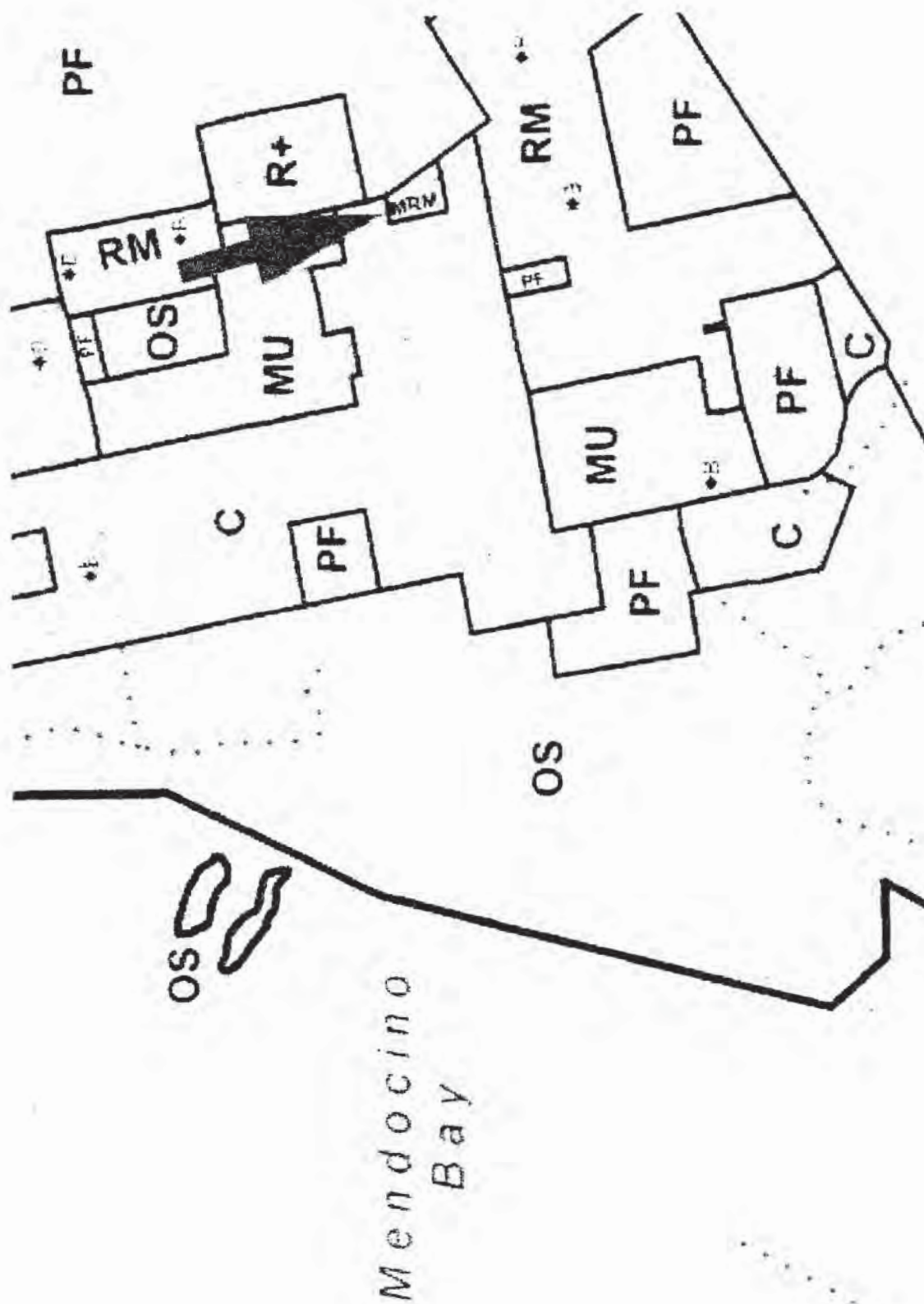


Figure 4.13-3: Mendocino Town Plan Land Use Map

\* VSF Parcels are listed in Appendix 1



EXCERPT FROM TOWN OF MENDOCINO LCP UPDATE, SEPT. 23, 2014, Figure 4.13-3, Mendocino Town Plan Map

LANSING STREET

STOP

LITTLE LAKE STREET

DRIVEWAY / PARKING

GARAGE

SHED

WILLIAM'S  
HOUSE

APPROXIMATE LINE OF  
ZONING BOUNDARY

MRM ZONING  
MENDOCINO MULTIPLE  
FAMILY RESIDENTIAL  
MC ZONING  
MENDOCINO  
COMMERCIAL

LINE OF EASEMENT

SITE PLAN  
SCALE 1" = 40'

HOUSE AREA  
1ST FLOOR - 1016 SQ. FT.  
2ND FLOOR - 724 SQ. FT.  
GARAGE AREA - 468 SQ. FT.  
SHED AREA - 56 SQ. FT.

LOT AREA - 13,750 SQ. FT.  
MRM AREA - 7,563 SQ. FT.  
MC AREA - 4,100 SQ. FT.  
EASEMENT AREA - 2,100 SQ. FT.

PICKET FENCE  
COVERED PORCH  
PROPERTY LINE  
TYPICAL

PARKING EASEMENT  
FOR MARKET

PARKING LOT

PROPERTY LINE, TYPICAL



# LEE EDMUNDSON

Post Office Box 1167 • Mendocino, California 95460-1167

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

1 November, 2014

**RECEIVED**

DEC 4 2014

CALIFORNIA  
COASTAL COMMISSION  
NORTH COAST DISTRICT

Dear Supervisors, Coastal Commission Staff and Commissioners,

I am unable to attend your December 9th hearing on the Mendocino Town Plan (MTP) update, and so submit these comments. I will say at the outset the staff of the Department of Planning and Building Services (PBS) has rendered yeoman service producing a document that effectuates some long needed revisions to the MTP -- after a Twenty-Two year hiatus -- but which, due to its limited scope, ultimately fails to provide a complete and comprehensively updated MTP necessary to best protect and preserve the Town's historic residential character.

The great failing of this draft MTP update obtains from the County's stated goal of avoiding any policy changes that might trigger necessary 'studies', which might cost the County money. Consequently, certain logical, consistent and necessary updates to the MTP are not being recommended to the California Coastal Commission (CCC) for certification.

I submit my concerns and reservations in the way of specific items, some of which I have related at earlier Board of Supervisors (BoS) hearings. I still hope they may gain traction with the BoS, but as time has passed, my optimism has flagged.

ITEM: While the modified Delphi Method by the county to conduct the Town Hall meetings on the MTP update managed to keep the process moving and civil, there was little-to-no opportunity for individual expression nor for minority reports. Consequently some important issues were not (even) mentioned, much less discussed. Two salient examples are the matters of illegal Visitor Serving Units operating in the Town and the question of whether the formation of a Municipal Advisory Council (MAC) would more

greatly protect the Town regarding possible development within the Town. I cannot say with any confidence that the public during this process was allowed maximum participation in the planning process.

ITEM: The 1989 MTP review/update enjoyed the benefits provided by a Citizen's Advisory Committee (CAC), as did the 2000 MTP update. In 1989, the CAC conducted a parcel-by-parcel survey of the Town, thus providing planners with a highly accurate picture of the balance between Visitor Serving, Residential and Commercial uses within the Town (maintaining a reasonable balance between the three uses is a cornerstone of the MTP, and has been since the MTP inception). Instead, for the current proposed MTP update, County has inexplicably relied on semantic sleights-of-hand to give the illusion that some analysis of the balance has been accomplished, when in fact, none has been. For example, the current MTP draft counts the rooms at the Mendocino Art Center as 'affordable housing' i.e. long-term housing, which these units patently are not. Similarly, Vacation Home Rentals are also counted as long-term housing, which they obviously are not. This disingenuous misrepresentation has skewed the picture of the balance equation, and should be rectified. It is little wonder the currently proposed MTP update draft does not contain any table that plainly shows the numerical balance between Visitor Serving, Commercial and Residential units, for to do so would be a distortion of the reality on the ground.

ITEM: The current MTP update draft fails to adjust the Town boundary to conform to that of the Mendocino City Community Service District's (MCCSD), as has been done in the past. County's rationale for this failure is to avoid any policy update that might trigger any study. This excuse is lame because the parcels that would be incorporated into the Town are already active (and have been for decades), hence there would be no significant "Increase in intensity of use" that might necessitate any study of same. Adjusting the boundary would result, however, in a clearer picture of the true balance between visitor serving and residential uses within the Town; a desirable goal for responsible future Town planning.


ITEM: I accept that Policy 6.7 as proposed in the MTP update draft is possibly the only clean way for the County to correct its egregious lack of permit enforcement of un-permitted visitor serving units which have been operating illegally -- some for over a

decade -- with the knowledge and awareness of the Planning Department. There is no record of any cease and desist notices, fines, or red-tags -- no official actions or enforcement of any kind these illegal activities. So be it. However, at the end of the (for lack of a better term) Amnesty Period, it should be the policy of the County that whatever unallocated units remain, that the "cap" of allowed visitor serving units within the Town be reduced by that number and MTP Policy 6.7-3 so state clearly. In other words, I say the County should adopt, and the Coastal Commission should certify, a policy that makes clear that from that date henceforward, there shall be no more visitor serving units allowed within the Town of Mendocino. I believe this action is necessary to best preserve and protect the historic residential character of the Town.

Without such decisive action on the County's and Coastal Commission's parts, I fear that the incentive for creating new un-permitted pirate rooms will remain and will inevitably be taken advantage of by other bad actors, thus further eroding the Town's essential character. But more, the County has no currently discernible policy for identifying other pirate rooms such as internet sites AirBNB, VRBO, flip key, etc ad nauseum. Off the radar. As a result, there is no telling how many units of these types are operating within the Town. The simple fact is the County is not tracking them and consequently does not know their extent of operations. The concept of "Balance" within the Town is not supported with any substantial evidence, only guesswork, conjecture and sleight-of-hand misdirection of the numbers. The Town deserves better treatment than this.

I have other concerns, but these are my principal ones. I am happy to discuss with any of you the points I have raised herein at any time in any manner. Now is the time -- if we are to fully realize a Town Plan that most greatly protects the character of this unique coastal resource -- to put the Town's interests above those of the County. I hope each and all of you can agree with me on this.

Sincerely,

A handwritten signature in dark ink, appearing to be 'LSE' or similar, written in a cursive style.



PO Box 457  
Mendocino, CA 95460  
October 4, 2014

**RECEIVED**

OCT 08 2014

CALIFORNIA  
COASTAL COMMISSION  
NORTH COAST DISTRICT

For: Bob Merrill, North Coast CCC  
Re: Mendocino Town Plan (MTO) update 2014.

Elements essential to the protection and enhancement of our historic north bay community need your support.

Background essential to decision making:

1. State Park lands surround the historic town. The town is formally called Mendocino and Headlands Historic District. It is under the provisions not only of Park's Resource Management but also federal and state historic preservation ordinances.

2. Coastal access is ideal! Heeser Drive forms the line between the town boundary and the park land bluffs on the north and west. There are pullout parking areas and a bathroom facility. Drivers / passengers can view and photograph the rock formations with fascinating bird-life. Fishers, and abalone divers are active; walkers have miles of bluff and beach.

3. Main Street shops offer magnificent views of the estuary and coastline south. There are trails to bluffs and river where boaters and surfers launch.

4. Volunteers! To preserve our community and all its activities for visitors and residents alike we rely on them. The decade covered by this update must encourage long term residency. We have lost population.

5. Many new inn rooms are being added in the 2014 plan when there is a surplus and inns bankrupt! Please approve existing capacity only. Also, we urge that two inns on the north side of town be included in the 2014 MTP. They are already included within the sewer district (MCCSD).

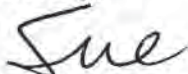
6. Citizens writing the '92 MTP described "balance" between businesses, Visitor Serving Facilities (VSF) and residences. Now for efficient and economic use of coastal resources we need to broaden these concepts to include nearby towns from Little River 2 miles south with its camping facilities north to Fort Bragg with lower cost motels and eateries.

We need the Commission to:

- a. Adopt the concept that lower cost facilities in neighboring towns serve visitors here as well.
- b. Maintain, not expand the present capacity of inns.
- c. Correct the error and bring two other inns into the MTP.
- d. Remove the sentence in section GM-1.2 sacrificing residential values to "coastal access".

Thank you so very much for your work on behalf of the CCA and our coastal communities.

Sincerely,



Susan M. Smith



- Copy -

Kathleen Cameron  
P.O. Box 438  
Mendocino, CA 95460  
September 19, 2014

Mendocino County Board of Supervisors  
501 Low Gap Road  
Ukiah, CA 95482

**RECEIVED**

OCT 03 2014

CALIFORNIA  
COASTAL COMMISSION  
NORTH COAST DISTRICT

**RE: Mendocino Town Plan Update – 9/23/14 Public Hearing**

Dear Supervisors,

I am writing to express my concern over the manner in which the County Planning Department is calculating and allocating Visitor Serving Facilities (VSFs) in the Mendocino Town Plan Draft.

Maintaining balance between visitor serving, commercial and residential units is a mandate that your Board wisely deemed important enough to become GM-4: "The Town Plan shall maintain a balance between the provision of visitor serving facilities and preservation of the Town's desired residential community character."

Your Board also agreed to restrict Vacation Home Rentals (VHRs) to Mixed Use and Commercial zones because, by definition, they are businesses. The County Planning Department, however, counts these businesses as residences. I trust you see the discrepancy in this decision and will rectify it.

Furthermore, the 19 units at the Mendocino Art Center have been taken off the VSF Table and deemed "Affordable Housing", then counted as residences! This is a manipulation of titles since these units will continue to be used for short-term accommodation for visitors (mostly out-of-town art instructors and visiting art students). The units may be "affordable" in terms of competing hotel and B&B rates, but they certainly do not provide affordable housing to anyone requiring longterm housing. I trust you see the contradiction in this proposal and will rectify it.

The County's incorrect calculations tip the scale of balance in favor of commercial facilities and threaten the residential character of Mendocino which is protected by, among others, GM-2: "Mendocino shall be recognized as a historic residential community with limited commercial services that are important to the daily life of the Mendocino Coast."

We all realize that Mendocino is a tourist town and that its economy is based on providing VSFs so that visitors may enjoy the town and its environs, but please consider the impact on the residential community and give careful consideration as to how these overnight facilities are allocated.

Thank you for your service.

Kathleen Cameron



Norman L. de Vall  
P.O. Box 3  
Elk, California 95432  
(707) 877-3551 357.5555  
ndevall@mcn.org

September 23, 2014

**RECEIVED**

SEP 23 2014

CALIFORNIA  
COASTAL COMMISSION  
NORTH COAST DISTRICT

Chairman John Pinches and  
Members of the Mendocino County  
Board of Supervisors  
501 Low Gap Road  
Ukiah, California 95482  
(707) 463-4221

via fax: 463:5649

re: 10:30 a.m.: Adoption of a  
**Resolution Authorizing the Submittal to the California Coastal Commission a  
Local Coastal Program Amendment to Update the Mendocino Town Plan (Chapter  
4.13 of the General Plan) and Amend the Town Zoning Code (Division III of Title  
20 of the Mendocino County Code) (GP 2-2013/OA 1-2013) (See Item No. 5b)**

Dear Chairman Pinches and Members of the Board:

The Town of Mendocino and the entire Mendocino Coast is entering a time of transition and renewal and needs all the oversight possible to maintain the ambiance and desire of both visitors and new residents to continue to call the Mendocino Coast their destination.

And, as is usually the case, the California Coastal Commission provides a more protective oversight of that ambiance than does the County.

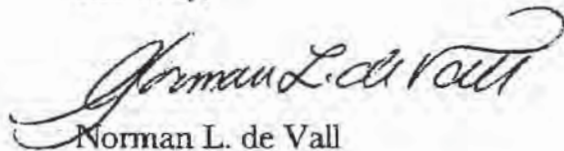
Appeal after appeal, mounted by protective residents of the Coast but not supported by the County, have been won by residential appellants.

Far more support for the expansion of the National Monument came from the Public than the County. Appeals of the CalTrans proposals for the Noyo River Bridge and the Greenwood Creek Bridge have been supported by the Coastal

Commission, as has the appeal requesting reduction and placement of "Call 911" signs suggested by MCOG. Likewise the retaining of the Smith property in Albion in protective Agricultural zoning.

The Town of Mendocino and the California Coastal National Monument needs that oversight just as much as does Elk, Caspar and Highway 1. Please return the opportunity to appeal Mendocino Town projects to the California Coastal Commission.

Sincerely,



Norman L. de Vall  
Fifth District  
Board of Supervisors - ret.

cc: media  
California Coastal Commission

# LEE EDMUNDSON

Post Office Box 1167 • Mendocino, California 95460-1167  
Phone/Fax: 707-937-4369 • Cell: 707-272-9964 • Email: lee@mch.org

**RECEIVED**

SEP 23 2014

Dear

CALIFORNIA  
COASTAL COMMISSION  
NORTH COAST DISTRICT

I have grave concerns about the "Pirate Rooms Amnesty Plan" (for lack of a better description) contained within the proposed Mendocino Town Plan (MTP) update

I am enclosing a letter the Coastal Commission (CCC) sent our County in March, 2000, regarding what the CCC requires in any MTP review/update. I have taken the liberty of highlighting the relevant points.

I'm sending you this anticipating your action on September 23rd, which I believe will be to adopt the revised MTP and forward it to the CCC for certification. I'm writing to ask you to reconsider the proposed "amnesty" plan, for this simple reason that as currently drafted, the revised MTP fails to reflect an accurate evaluation of the balance between visitor serving and residential units within the Town.

As I have previously written, the draft MTP inaccurately counts Vacation Home Rentals (VHRs) as Residential use, although the current MTP Section 4.13-26 clearly states, "The Plan amendment now defines Vacation Home Rental as Visitor Serving Accommodation...". The proposed new policy of counting them as Residential units was never mentioned -- much less discussed -- in any of the Town Hall meetings on the update of the MTP, nor has it been discussed before the Planning Commission, nor by your Board. And it should be.

Similarly, the designation of the units at the Mendocino Art Center as "affordable housing" is patently absurd. They are visitor serving units, albeit of a specific nature, as they are rented out to visitors for periods for fewer than 30 days. Section 4.13-4(9) of the current MTP states, "Student/Instructor, temporary and intermittent, housing facilities provided by the Mendocino Art Center on site are recognized in Table 4.13-1. This use shall require a County Business License and adequate record keeping to ensure payment of bed tax on monies grossed from transient occupant (less than 30 days stay, per occupant). The proposed policy change was hotly debated in the Town Hall meetings as well as before this Board, but I find no substantial evidence that justifies 1) removing the units from the Visitor Serving Table or, 2) designating them "Affordable Housing" units. Doing so skews the calculation of the balance within the Town.

Nor has the MTP process included any analysis regarding supply and demand, nor what possible cumulative impacts might result from allowing the increase of visitor serving units via the "amnesty" plan.

I'm asking that you instruct the Department of Planning and Building Services (PBS) to revise their designation of the aforementioned units and to put forward a fair and accurate representation of the true balance between visitor serving and residential units within the Town.

On another note, "Mendocino shall be recognized as a historic residential community with limited commercial services that are important to the daily life of the Mendocino Coast" (MTP Section 4.13-1). "The controlling goal of the Town Plan shall be the preservation of the town's character" (Section 4.13-1).

And yet, the facts on the ground belie these goals. In 1962, the residential population of the Town was 1165 residents. By 2010, this residential population had diminished to 894; and almost 25% reduction. One can only conclude from this data that the policies adopted to preserve and protect the Town's residential character have failed and will continue to fail to protect and preserve the Town's residential character.

In my estimation -- if the County is serious about preserving the Town's residential character -- to changes to the draft MTP update need to happen. Firstly, Section 6.7 - 3(b) needs to be modified to read, "Subsequently, after the initial 60-day Town Plan adoption period, there will be no more CDUPs entertained for VSF units, and the cap shall be reduced by that number. In effect, there shall be no further VSF units allowed within the MTP boundaries". Secondly, Section 3.7 needs to be modified to eliminate the clause, "...except that the property owner may assign the entitlement to an immediate family member".

Sincerely,

A handwritten signature in cursive script, appearing to read "Lee".

CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE

710 E STREET • SUITE 200

EUREKA, CA 95501-1865

VOICE (707) 445-7833

FACSIMILE (707) 445-7877

MAILING ADDRESS:

P. O. BOX 4908

EUREKA, CA 95502-4908

Ray - F.Y.I. BOS ACTION CONSISTENT  
WITH COASTAL COMM. DIRECTION -

RECEIVED

MAR 24 2000

SEE YELLOW  
HIGHLIGHT

BY  
PLANNING & BUILDING SERVICES  
Ukiah, CA 95482

G.F.

March 22, 2000

Mr. Ray Hall, Director  
County of Mendocino  
Department of Planning and Building  
501 Low Gap Road, Room 1440  
Ukiah, CA 95482

I RELAYED THIS INFO. TO  
ZOTTER

RE: Rescission and Denial of Mendocino County LCP Amendment No. 1-98 Site Three (GP 9-97/OA 3-97, Reed)

Dear Mr. Hall:

We are writing to provide formal notice of the Coastal Commission's action on January 24, 2000, concerning the Site Three Portion of Mendocino County LCP Amendment No. 1-98(GP 9-97/OA 3-97, Reed).

As you are already aware, on September 9, 1998, the Commission certified the Site Three portion of the Mendocino County LCP Amendment No. 1-98 (GP 9-97/OA 3-97, Reed). This portion of the amendment increased the inn unit cap associated with Reed Manor, in the Town of Mendocino, from 5 units to a total of 9 units. The Commission adopted revised findings in support of its certification on October 16, 1998. The Commission's certification of that portion of the LCP amendment was subsequently challenged in a lawsuit. On November 15, 1999, the trial court ruled in favor of the petitioners and ordered the Commission to invalidate its certification of the Site Three portion of the LCP Amendment. At the January 24, 2000 Commission meeting, the Commission formally rescinded its prior certification of the above-referenced LCP amendment and then denied certification of the Site Three portion of the LCP amendment in a series of unanimous votes.

The trial court's decision to rule in favor of the petitioners was based largely in part on the court's holding that (1) the County and the Commission failed to conduct the mandatory periodic reviews, and (2) the Commission did not perform a thorough analysis of the cumulative impacts of the project, particularly with respect to the question of balance between visitor serving units and other facilities. Accordingly, if the County is interested in pursuing certification of an amendment increasing the inn unit cap associated with Reed Manor or any other visitor serving facility, we would need the County to submit certain information with its amendment certification request. This information includes a completed review of the Town Plan in accordance with LCP Policy 4.13-1. The review must include an evaluation of whether the number and array of visitor serving units allowed under the Town Plan could be changed without adversely affecting the Town's character. This evaluation will require an analysis of whether an increase in the number of visitor-serving units would affect the overall balance between visitor-serving, residential, and commercial uses. In addition, the review must address how any increase in visitor-serving units would be allocated based upon an analysis of supply and demand.

EXHIBIT III-9

Mr. Ray Hall, Director  
March 22, 2000  
Page 2

Although the Phase I draft Mendocino Town Plan Review provides good background information as well as a good inventory of existing residential, commercial, visitor-serving development, it does not evaluate whether changes in the allowed number and array of visitor serving units would affect the balance of these uses in a manner that would adversely affect the Town's character. In addition, the report does not evaluate how any potential increase in visitor-serving units would be allocated based upon an analysis of supply and demand. In order for the amendment request to be processed, we would also need an analysis of the amendment's potential effects, including cumulative impacts, on the environment. In particular, the environmental analysis should evaluate the proposed amendment's effects on necessary services including Highway One capacity, water supply, and sewage disposal.

We understand that the Board of Supervisors has established a Citizens Advisory Committee (CAC) to provide specific policy recommendations on a number of related issues within the Town of Mendocino. As a means of satisfying the requirements of Policy 4.13-1 for a review of the balance of residential, commercial, and visitor serving development before changing the allowable visitor serving units, the County might consider expanding the scope of the CAC to include conducting such a review and making specific policy recommendations needed to attain and maintain the balance of these uses within the Town. The Planning Commission and/or the Board could then review the findings of the CAC along with an environmental analysis that your staff might prepare of any proposed changes to the number and array of allowable visitor serving units before adopting and transmitting an amendment to the Town Plan to the Commission for certification.

I would be happy to discuss this matter further with you or your staff, either over the phone or in person if you would like to arrange a meeting.

Sincerely,



ROBERT S. MERRILL  
District Manager

cc: Barbara Reed

**RECEIVED**

**MAR 10 2014**

**CALIFORNIA  
COASTAL COMMISSION  
NORTH COAST DISTRICT**

PO BOX 457, Mendocino, Ca 95460 937 1649  
March 4, 2014

Robert Merrill, Director  
North Coast Office, California Coastal Comm.

Re: Mendocino Town Plan 2014 revision by M. County Planning

Thank you for your long participation in LCP issues on behalf of the Coastal Commission and the public, of course.

We have inquired whether further written comments on the MTP 2014 had been received from your office other than those of the February 27, 2013 letter. You met with county planners yesterday in Fort Bragg. Would you, please, provide a detailed summary of your presentation?

We look forward to that knowing that the CCA guarantees the right of full public participation. Knowing from you the 3/3/2014 recommendations allows us and others that participation.

We question staff presentation and interpretation of town issues and request resolution of such conflict in a manner most protective of "significant coastal resources". Section 30007.5.

The 5 page Feb. 2013 letter has no reference to the fact that:

1. California State Parks controls the coastal bluff headlands surrounding the entire town of Mendocino west of Hwy. 1. These bluffs are fully available by road and on foot for views of the ocean and coastline, for bird-watching, enjoying native bluff plants, fishing, surf-boarding, kite flying and dog walking. West of Hwy. 1 are large beaches, a bike/hike path along the river and multiple parking bays behind the beach. Across is a commercial boat rental business.

The public and M. Bd. of Supervisors prevailed on M. State Parks to allow free parking. (important to low cost visitors)

The letter did NOT acknowledge the fact that the town has, therefore, prime public access resources - superior, perhaps, to any other coastal community.

Since all the above facilities are available without charge, why or what is the purpose of requiring (expensive) commercial recreational facilities serving lower income visitors.

The Feb. 2013 letter cited the 1st paragraph of Sect. 20213 but not the 2nd paragraph which reads like LCP 30500.1: "No LCP shall be required to include housing policies and programs."

2. The town is one of the oldest communities on the coast. Its residential structures are preserved and protected by law under the Historic District designation. The Feb. 2013 letter in some 5 pages never mentions the designation.

Ironically the only public access under the control of the town plan are the magnificent views of the coastline from streets AND from private lots available for building. Loss of views is the result of any building in town. Yet you urge development!

3. The town of Mendocino attracts visitors of all incomes from all over the world. That appeal is attributed to these views and the preservation of residences with the ambiance of an old east coast community. Fine craftsmen shops, galleries, musical programs, museums, library (internet available) serve visitors and residents. These exist solely due to community volunteers. We are not incorporated.

4. The director of water resources MCCSD is paid by fees from property owners. The MCCSD board is all volunteer and unpaid. Over the years many have served and put their expertise into the problems of water availability and how to manage shortages.

In your letter of Feb. 2013 one staffer seemed to substitute her wisdom for that of all the exemplary citizens.

5. There are moderate income motel/inn rooms located on the north side of town on Lansing St. which are NOT being counted in the VSF. The former chair of MCCSD and current captain of the volunteer fire dept. speaks strongly of the need to have the town of M. boundaries coincide with those of MCCSD and include these dozen or so rooms. There seems time to process the extra steps needed. Isn't this desirable from the CCA pt. of view?

6. It was questioned by your staff whether Fort Bragg had lower cost VSF and residences. We look at Fort Bragg and Mendocino as one coastal unit. Each augments the other's activities and facilities without costly, unnecessary duplication. Why isn't that a CCA value?

Please consider these issues as towns people see them or provide a contact in your S.F. headquarters to help resolve these conflicts between our reading of CCA policies as they apply to the town of Mendocino and your omission of our town's unique values in your overview commentary of February 2013.

Very best wishes,

*Sue Smith*

Sue Smith  
44920 Pine St., Mendocino

**RECEIVED**

**FEB 28 2014**

**CALIFORNIA  
COASTAL COMMISSION  
NORTH COAST DISTRICT**

Norman L. de Vall  
P.O. Box 3  
Elk, California 95432  
(707) 877-3551 357.5555  
ndevall@mcn.org

February 25, 2014

Honorable John Pinches, Chair  
and Members  
Mendocino County Board of Supervisors  
501 Low Gap Road  
Ukiah, California 95482  
(707) 463-4221

re: 5 (h) **Noticed Public Hearing - Adoption of a Resolution to Authorize a Local Coastal Program Amendment Application to the Coastal Commission to Update the Mendocino Town Plan (Chapter 4.13 of the General Plan) and the Town Zoning Ordinance (Division III of Title 20 of the Mendocino County Code), as Approved by the Board on October 22, 2013 (GP 2-2013/OA 1-2013)**

Dear Supervisor Pinches and Members of the Board,

Outspent 100:1 supporters to Proposition 20 passed the Coastal Protection Act in 1972. It's objective was to provide "preservation, protection, restoration and enhancement of environment and ecology of (the) coastal zone, as defined."

For almost forty years the state legislature, local jurisdictions, the courts and the public have debated how to best carry out this objective.

In the 1970's the Town of Mendocino was designated a Special Community and given recognition allowed both the state and the county to receive federal and state funding to develop planning for the future which would give it special protection in perpetuity.

In the same decade developers wanted to build on the Mendocino Headlands which raised such opposition that the state agreed to trade timber acres of Jackson State Forest for coastal acreage to create the Mendocino Headlands State Park. Part of the deal required that the Board of Supervisor designate the Town as an historical district, establish the Historical Review Board and provide continuous protection.

From the beginning of coastal planning process the Town of Mendocino was granted special recognition as a "White Out Area" in order to provide the maximum Coastal Act protection.

Thirty years ago the first Mendocino Town Plan was adopted by the Board of Supervisors, approved by the Mendocino County Superior Court and certified by the California Coastal Commission, designating the Town of Mendocino a "Special Community" and, as such, a Sensitive Coastal Resource Area. One of those protections was to allow appeals to the California Coastal Commission. This status was understood by all the agencies involved: County Planning and Building, the Board of Supervisors BOS and the Coastal Commission itself.

Over the decades the Board of Supervisors, updating the Town Plan, has granted the opportunity of the public to file, should there be a need, appeals to the Coastal Commission to protect and enhance this federally and state recognized special community.

The issue before you today is whether to continue such protection, which fortunately is seldom used, or remove that protection.

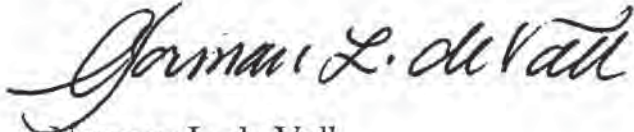
I urge you think years ahead when none of you are likely to be seated on this Board. Mendocino will remain a point of destination, in this country and abroad, as a very special place, worthy of the hours and miles it takes to get there.

I urge you consider your place in the future history of the Town of Mendocino.

Removing the right of appeal places all the authority of the towns future planning in the Planning Commission and the Board of Supervisors removing the public from the discussion.

I urge you to continue the protections supported by your prior Board's since the 1970's.

Sincerely,

A handwritten signature in cursive script that reads "Norman L. de Vall". The signature is written in dark ink and is positioned above the printed name.

Norman L. de Vall  
Supervisor 5th District - ret.

cc: Media  
California Coastal Commission



Wendy Roberts  
45121 Little Lake Street  
Mendocino, CA 95460-0666  
[wendy@mcn.org](mailto:wendy@mcn.org)

RECEIVED  
MAY 13 2013  
CALIFORNIA  
COASTAL COMMISSION

To: Mendocino County Planning Staff  
Jim Little, Chair and Mendocino County Planning Commissioners  
California Coastal Commission Staff

Re: Mendocino Town Plan Update

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I was grateful to see the questions raised by Coastal Commission staff about whether the 2013 MTP draft is fully consistent with the dual priorities of the Coastal Act to protect coastal resources and to keep them accessible to the public. In the matter of Visitor Serving Facilities (VSFs), I do not believe that it is.

Twenty-five years ago, when we purchased a home in the historic district, I looked forward to a stewardship role in a community I felt privileged to join. We re-built a water tower on our site as a "Single Unit Rental" and licensed it in 1991. It is a "grandfathered" use. My comments stem from principle, not personal gain.

Over the years, I have enjoyed welcoming people whom I consider part of Mendocino's extended family. Many return with pets and friends and growing families. The Coastal Act protects their access and they treasure the experience that law makes possible.

**Regarding Visitor Serving Facilities**

The certified MTP established a reasonable balance between short and long-term uses and dictated that it be maintained. This was neither respected by VHR opponents nor enforced by the County. The political battle to reduce Inn rooms and eliminate VHRs and SURs in Mendocino resumed before the ink was dry.

I support the mandated "balance" for two reasons. On the one hand, the Coastal Act gives precedence to VSFs. On the other, public interest dictates that some long-term residences be protected to preserve Mendocino's historic homes and small town ambience. Together with the highly scenic location of the area adjacent to and west of Highway One, these distinguish the Town as a unique coastal resource. A room in Fort Bragg or a VHR on the bluffs is not the same. To me, the persistent protests of stalwart VSF opponents are no different than those of property owners who would wall off Southern California beaches with McMansions.

**Water Management:** As noted, water is a scarce commodity, particularly west of Highway One where the scenic and historic resources and VSFs attract virtually all of the Town's visitors. (Neighborhoods east of the highway where the water supply is somewhat more stable are almost exclusively residential.)

MCCSD (not the County) has always placed a disproportionate burden on VSFs through its sewer fees and water management policies. The new "change of use fees" are the latest obstacle to inns that are trying to correct the record on unlicensed rooms in spaces that existed prior to the certified MTP. Anyone contemplating applying for a Vacation Home Rental or Single Unit Rental license will also be discouraged from doing so. The fee for a VHR or SUR is \$9,200 for a licensed use that does not currently run with the property title. Each new license for an Inn room will be charged more than \$7,000. I encourage the CCC to thoroughly explore this issue and the MCCSD rate structure. We should all be sharing in MCCSD costs, not using its authority to discourage VSF units.

#### **Enforcement of Caps and Licensing Requirements:**

The certified MTP specifies that any inadvertently omitted VSFs shall be "...corrected as a mapping error." This was never done. At least 9 of the unlicensed inn rooms and our licensed Single Unit Rental (SUR) were not listed and this has never been corrected.

The 1992 MTP also stipulated that a waiting list be maintained for VHR/SUR licenses and that when a license was abandoned, it would be reassigned according to date of application, with preference for Single Unit Rentals. Various political actions have derailed this process and no new licenses have been issued since shortly after a 1999 staff update. One staff member said that he stopped taking names for the waiting list because of the high fee being charged and the "fact" that "they'd never get a license anyway."

#### **Mendocino County's failure to maintain the VSF/Residential balance, as specified in the 1992 MTP has had the following consequences:**

- **Inns have been prevented from licensing rooms in space that was under roof prior to the 1992 MTP** and the updated MTP draft still limits the number of rooms existing inns are allowed to license despite Section 30213 of the Coastal Act that states that *"...The commission shall not require that overnight room rentals be fixed at an amount certain for any privately owned and operated hotel, motel, or other similar visitor-serving facility located on either public or private lands."*
- **The number of licensed VHR/SUR units has shrunk by attrition since 1999 when the County froze the licensing process.** Despite the fact that the certified MTP specifies that there is to be no reduction in VHR/SUR units without an update.
- **A total lack of County enforcement has led to a fluctuating number of unlicensed rentals that are the source of constant speculation and discord in the community.**
- **Visitors have been deprived of lodging, property owners have been deprived of income. (In at least one case, this led to foreclosure.) Taxpayers have lost revenue that would have been received through transient occupancy taxes.**

The current MTP draft provides a mechanism for existing inn rooms, VHRs and SURs to be licensed. Unfortunately, high Use Permit fees and exorbitant MCCSD fees create a significant obstacle to completing this process.

In an attempt at compromise, the draft proposes capping VHR/SUR licenses at 30 in exchange for finally allowing the existing inn rooms to be licensed. According to staff documentation, this is the combined number of currently licensed and unlicensed VHR/SUR units.

**The argument that this will keep the total number of VSF units the same (168) as in 1992 is misleading.** A cap of 30 VHR/SUR units represents a 43% reduction in lodging for families or small groups in exchange for a handful of Inn rooms that accommodate 1 or 2 people and which, in fact, already exist. Given the \$9,200 MCCSD fee and proposed county fees to bring unlicensed VHR/SURs into compliance, it is doubtful that most owners will do so.

**Affordability:** Some currently licensed VHRs are managed by inns at inn prices. Most are at the lower end of cost per person for lodging. They also provide facilities for economical meal preparation in lieu of pricey restaurant meals.

Beyond the affordability issue, VHRs and SURs provide access to people who have special dietary needs or are traveling with children, pets or eco-tourism equipment such as kayaks, bicycles and wetsuits. These people deserve access to Mendocino as much as bed-sharing couples.

I believe that the Coastal Act dictates that the public have access to the historic and scenic resources and small town atmosphere of Mendocino. This experience is not comparable to a stay in other locations. In the words of a recent guest: *"...A highlight of the week for our daughters (ages 7 and 9) was being able to walk to the store to buy ice cream for dessert. They can't do that alone in Oakland."*

**So, what to do?**

**Establish a process for enforcement. It need not be complex and would pay for itself through transient occupancy taxes:**

- Regulate licenses as mandated and without delay
- Require prominent display of the VSF license number on print and online promotional materials
- Rely on public input to identify properties that fail to do so. Warn, and then fine those who do not comply.
- Use existing monthly TOT forms to identify licensed units that do not actively market their property and set standards for revoking unused licenses

- Revise Use Permit terms to eliminate discrimination against short-term rentals (e.g. the off-street parking requirement in a town where few properties provide it) and to address concerns about over-crowding, noise and inappropriate use of alcohol and other drugs should a property become a "party house."

#### **Separate Treatment of VHR and SUR Units:**

There appears to be consensus favoring SURs, where the rental unit shares a parcel with a home occupied by the owner or long-term tenant. These units are closely supervised and they support permanent residents by providing an income source in an area where jobs are scarce. I strongly urge that these be treated separately from whole house VHRs that are the only use on the parcel. Of the total cap established on licenses, I would suggest that a specified proportion be allocated for SURs and that, once licensed, SURs run with the property title. This is also a matter of equity since several existing "B&Bs" with licenses that do run with the title are, in fact, SURs.

#### **License Extension to Bridge Change of Title**

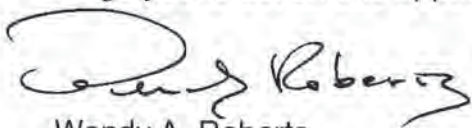
I strongly recommend that both VHRs and SURs be classified by the County as a secondary residential use (consistent with past Coastal Commission policy), subject to a *reasonably priced* Use Permit and business license. Owners should be encouraged to obtain licenses and pay TOT, not discouraged from doing so by restrictive processes and fees.

Operating a VSF requires a significant investment and the business value of an established clientele is a valuable asset. Licenses should either run with the title (for an SUR) or, at the least, both VHR and SUR licenses should extend 90 days after any transfer of title to allow renewal by the new owner without being penalized by the exorbitant MCCSD fee and being subjected to a new Use Permit fee and process.

The Coastal Act requires us to protect Visitor Serving Facilities. Given that the Town depends on tourism as its economic base, protecting VSFs is also important to sustaining the Town and its historic resources.

The MTP update provides another opportunity to address "balance" in a more effective manner and protect access to members of the public, including those whose financial means and/or personal circumstances cannot be accommodated by pricey restaurant menus and B&B rooms.

I urge you to act on this opportunity and thank you for your consideration.



Wendy A. Roberts

PO BOX 457, Mendocino, Ca 95460

937 1649

April 22, 2013

RECEIVED

Robert Merrill, North Coast District Office  
1385 8th St. St. 130  
Arcata, Ca 95521

APR 26 2013

CALIFORNIA  
COASTAL COMMISSION

Re: 2/27/13 staff letter to Abbey Stockwell on MTP update.  
Section 30500.1 states that "No LCP shall be required to include housing policies and programs."

Dear Bob:

If it were possible for you to withdraw this letter, it needs to be done. The letter asks the town of Mendocino on P. 3 to "use private lands ... for visitor serving commercial recreational facilities" - a seeming housing policy/program violating Section 30500.1.

As an unincorporated community, our need is for residents, owners or renters, who volunteer for emergency services, for water/sewer and town plan boards, who keep museums open, etc.

The letter of Feb. 27, 2013 from your office is costly to the county. It questions whether Fort Bragg offers lower cost housing. The obvious answer that it does is only a few key strokes away as are descriptions of State Park camping facilities some 2 miles from the town of Mendocino.

Similiarly Page 4, 'B' discusses the need for detailed, expensive studies of community water resources. We are told that we must accommodate development NOT restrict the intensity and density of the community. Page 5 reads, "It does not appear that the policies in the draft MTPU incorporate all feasible measures to mitigate for the known limited supply and to ensure consistency with Coastal Act policies."

In the early 70ies the state purchased the headland bluffs to block development giving us some of the finest coastal views anywhere. In return the community established the Historic District to prevent commercialization; to preserve an historic lumber community. We have read that California Coastal Act voters wanted to prevent over-development of the coast; to keep it freely available; to provide for the enjoyment of the natural beauty of our environment.

That is what the Mendocino Town Plan envisioned by some of us intends to achieve. When necessary we will act to keep coastal views open and beach access free.

We ask for your endorsement of these goals. The obligations of your 2/27/13 letter need to be lifted.

Sincerely,

Susan M. Smith



76c13

PO BOX 457, (910 Pine St.) Mendocino, Ca. 95460  
March 5, 2013

937 1649

RECEIVED  
MAR 07 2013  
CALIFORNIA  
COASTAL COMMISSION

Planning Commission, County of Mendocino  
Abbey Stockwell, Planner  
✓ Tamara Gedik, Calif. Coastal Comm. staff, North Coast

Re: 2013 Town Plan - post Feb. 28th public hearing inquiry

The Commissioners not only walked about town, but spent more than 4 hours with the 2013 town plan & speakers.

Until mid January 2013 no one knew what would be in the updated plan. Before the next public hearing we need changes and additions to the plan - at least two weeks ahead.

The request for full and timely information is bolstered by the chairman's commitment to a plan by and for the residents of Mendocino.

For example, we need in print for the next 2013 update:

- (1) The number of stores, shops, cafes, restaurants comprising commercial uses.
- (2) The names and addresses of VHR owners. Phasing out VHRs in residential zones OR limiting to long term rentals is sought.
- (3) The names and addresses of SUR owners. SURs were keenly supported for benefits to owners and visitors. In the 92' Town Plan SUR ownership was given at 23. That number needs to be retained in the 2013 plan. Out of a total of 30 VHR/SUR seven are available then for VHRs.
- (4) We are governed by the rules for an historic district:
  - (a) Please begin the draft 2013 with the 92' Town Plan words or those from the zoning code Sec. 20.760.005 PURPOSE describing a 'unique and outstanding example of early Calif. architecture' coming with the redwood lumber industry to the north coast.

In the 40 page staff report there is a comparison of wording in the 92' plan with the Planning Dept. language. One sentence of the 92' town plan is so instructive it deserves to be moved to the first few paragraphs of the 2013 Town Plan. It is the one on p. 220, 4.13-1.

I was on the Save the Bay board and heard early discussions of the Calif. Coastal Act and became familiar with the **usual** concept of bay or coastal access and limited development. The tools found were keeping Hwy. 1 to two lanes, restraining growth inducing funding of water supply facilities and sewer systems.

The town of Mendocino has great appeal for its 'forces of nature and the natural environment' (Zoning code) and for its coastal access features. All below are forms of recreational coastal access enjoyed by visitors and residents.

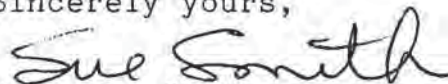
We daily walk along the bluffs, jog or run on Heeser Drive, or take the steps to the several beaches. We fish, abalone dive, surf. One can continue from Big River beach along the Haul Road biking, pushing strollers or observing tidal marsh wildlife. We may observe nesting seabirds (common murre, cormorants), watch a sunset, study clouds.

In terms of low cost units for visitors there are State Park camping sites at nearby Van Damme river and Russian Gulch. Only a few miles further Jug Handle Farm offers very good value.

We need to fully share public and private resources along the coast. Fort Bragg is 12 minutes by vehicle with a range of accommodations close to beaches. A larger town offers a variety of amenities for varied income groups.

The 2013 town plan will govern town character for the next 10 years or more. We ask planners to reinforce the 'historic residential community' of the town of Mendocino. Revision of the draft plan will strengthen this goal.

Sincerely yours,

  
Susan M. Smith

CC: Robt. Merrill, Coastal Commission

PO BOX 457, (910 Pine St.) Mendocino, Ca. 95460 937 1649  
revised and corrected February 23, 2013

For: Planning Commission public hearing - Feb. 28/2013  
Re: Planning Dept. proposed update 1/25/13 of the 1992 MTP.

(1) As noted to Abbey Stockwell the text of the 2013 MTP UPDATE lacks essential data and is misleading in regard to the Coastal Act. The Coastal Act and the 92' MTP are at their heart citizen plans. One could feel that is being lost in the MTP draft plan 2013.

In the update we no longer have the precise, effective language from Page 228 Coastal Element policy 4.13-1, 2nd paragraph, Mendocino Town Plan 1992 Growth Management:

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

Readers and newcomers need to know the over-arching goal of planning. It can be followed by language from the 2013 update:

The Mendocino Town Plan provides public policy direction and implementation actions ensuring the preservation of town character.

(2) In the 2013 Update, P. 227 Section 2.2 relates to Mendocino and the LCP.

Sections like 30240 ESHA and 30116 SCRA should be made applicable. The town of Mendocino meets the criteria.

The LCP establishes "land use designations and policy direction". Section 30240 Environmentally Sensitive Habitat Areas is a land use designation and such areas are so mapped. (See Fort Bragg LCP). The criteria are rare plants or wetlands. The Mendocino Headlands on the north and central bluff have one or more rare plants; on the south and at Big River - wetlands. Therefore Section 30240 belongs in the MTP and on its maps!

Similarly Section 30116, Sensitive Coastal Resource Area. The criteria a-e describe the town of Mendocino. It follows that the town of Mendocino should be so recognized enhancing its status as a historic residential community.

(3) Vacation Home Rentals - P. 237 3rd paragraph.

The first two sentences of the 3rd paragraph do not fairly represent the Coastal Act vis a vis the town of Mendocino where conflicts are to be resolved in a manner 'most protective of significant coastal resources'. Section 30007.5.

The Mendocino Headlands Historic District with its unique residential community is the significant coastal resource of Section 30007.5.

The third paragraph sentences under Vacation Home Rentals when combined make 'visitor serving uses' a 'high priority'

while the town is a 'visitor serving destination' according to the Coastal Act! The Coastal Act priority is to preserve Mendocino as a historic residential community. The town of Mendocino is to have 'limited commercial services that are important to the daily life of the community'.

When that essential overriding goal for protecting the town's integrity is weakened, the effect is extremely destructive of the original intent of the founders.

Vacation Home Rentals are a commercial use. They should be phased out in an historic residential area. The activity is a nuisance to other residents and puts a drag on the future of Mendocino with its need for volunteers with a place to live!

If Fort Bragg can phase out vacation home rentals so can the town of Mendocino in its residential area. The appointed members of the 1999/2000 CAC recommended it and so do present day town leaders. The policy in the Jan. 2013 town plan of sanctifying vacation home rentals in residential zones is surely retrograde.

Fort Bragg should be included in our facilities for low cost housing and visitor service amenities.

(4) P. 245 - GM-4. "The town plan shall maintain a reasonable balance between the Coastal Act priority to maximize coastal access and preservation of the town's desired residential community character." As already said 'historic residential community' and 'special community' in the town of Mendocino have priority in the Calif. Coastal act! We don't need to sacrifice character for 'balance'.

As well 'maximum coastal access' already exists in the 270 degrees of visual access along coastal drives & parking bays, 3 miles of walking trails along the bluffs, recreational beaches, fishing, and diving for abalone.

GM-4.1 then ties coastal access to accommodations and, of course, the need for inn rooms, vacation home rentals, etc.

(5) Missing elements in the 2013 plan include tables for: commercial/mixed use; VHRs and SURs by names and addresses and a commitment to keep the possible numbers of SURs at 23. Calif. Coastal National Monuments protects rocks and seastacks off our bluffs. State Parks and headlands need more attention.

The 92' MTP deliberations by a Citizens Advisory Committee created a document beneficial to Mendocino. The 2013 MTP does not meet that challenge.

Sincerely,

Sue Smith



RECEIVED

FEB 28 2013

CALIFORNIA  
COASTAL COMMISSION

Attention: Mr. Merrill  
North Coast District Manager

February 12, 2012  
Kathleen Cameron  
10580 William Street, Mendocino

TO: Mendocino County Planning Commissioners  
RE: Mendocino Town Plan Update

RECEIVED

FEB 25 2013

CALIFORNIA  
COASTAL COMMISSION

Dear Commissioners,

The controlling goal of the Mendocino Town Plan (since its initial certification in 1985) is to preserve the town's character and maintain it as an historic residential community. The following original language has been partially removed and certainly diluted in the 2013 Update Draft. Please request that County retain verbatim: **"Mendocino shall be recognized as a historic residential community with limited commercial services that are important to the life of the Mendocino Coast."**

**Regarding Vacation Home Rentals (VHRs) in Residential Zones:**

Mendocino needs more long-term housing for full-time tenants because it is residents who create a living, breathing town rather than a resort community. Phasing out VHRs (whole house conversion to commercial use) in residential zones will go a long way in protecting the residential character of the town. Those of us who live here and who are concerned over this issue are not seeking to eliminate existing VHRs or prohibit establishing new VHRs in commercial and mixed-use zones. The 2001 Citizens Advisory Committee Report supported this concept when it recommended phasing out VRRs in residential zones through attrition. \*Please note that Second Unit Rentals (SURs) are not objectionable because they are operated in conjunction with residential use.

Fort Bragg, Gualala, Pacific Grove, Monterey, Carmel, the historic town of Sonoma all have restrictions on short-term rentals in their residential districts. Even Hills Ranch does not permit them, so why is the Town of Mendocino denied this quality of life benefit?

Preserving the long-term housing inventory of Mendocino is an original intent of the Town Plan. It is inaccurate to assert that visitor serving facilities have a higher priority than long term residential uses. Section 30253(e) of the California Coastal Act is not an argument for sanctioning VHRs in residential districts as the 2013 Draft purports (page 237). On the contrary, the Coastal Act language supports the **protection** of neighborhoods that, "because of their unique characteristics, are popular visitor destination points for recreational uses." Additionally, Section 3007.5 applies: **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.** The Town of Mendocino, an historic residential community, is a significant coastal resource.

Please request that vacation home rentals be phased out of residential zoning districts within the Town of Mendocino and that the language put forth in the 2013 Update Draft be modified.

**Regarding "balance" between residential uses and visitor accommodation uses:**

The ratio of residential uses to visitor accommodation uses (402 to 268) is 1.50 residential uses to each visitor accommodation. For a town as small as Mendocino, this represents an extremely high percentage of visitor serving facilities compared to residential use. **Table 4.13-2 Mendocino Town Inventory of Visitor Accommodations Single Unit Accommodations** and **Table 4.13-3 Vacation Home Rentals** have been eliminated from the 2013 Update Draft. Please require County to update data and retain Tables.

**Regarding "balance" and commercial use:**

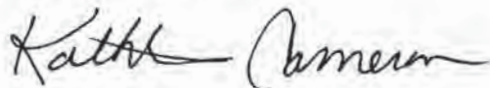
The 2013 Draft does not report figures for commercial uses (shops and stores). How can a true "balance between residential uses, **commercial uses**, and visitor serving uses" be accurately calculated without that figure? Please require County to provide the commercial use figure.

**Regarding the Town's status as a Sensitive Coastal Resources Area (SCRA):**

I support Policy GM-1 (Option-1) which is consistent with the Board of Supervisor's direction in 2006.

Thank you for your consideration.

Sincerely,



Kathleen Cameron  
(Town resident for 29 years)