

CALIFORNIA COASTAL COMMISSION

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Th9f

LCP-1-MEN-14-0840-1 (MENDOCINO TOWN LCP UPDATE)

JUNE 8, 2017

EXHIBITS

Table of Contents

Maps & Tables:

[Exhibit 1 – Regional Map](#)

[Exhibit 2 – Aerial Vicinity Map](#)

County Resolution & 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](#)

Supporting Documentation:

[Exhibit 7 – Water Supply Excerpts from Consistency Analysis Prepared by Dall and Associates](#)

[Exhibit 8 – November 16, 2006 Drought Scenarios Technical Memo Prepared for MCCSD](#)

[Exhibit 9 – Traffic Excerpts from Consistency Analysis Prepared by Dall and Associates](#)

[Exhibit 10 – May 16, 2013 Visitor Serving & Rec. Opportunities Memo by Mendocino County](#)

Correspondence Received:

[Exhibit 11 – Correspondence Received Prior to Preparation of September 23, 2016 Staff Report](#)

[Exhibit 12 – Correspondence Received From Mendocino County, March 8, 2017](#)

[Exhibit 13 – Correspondence Received After Preparation of September 23, 2016 Staff Report](#)

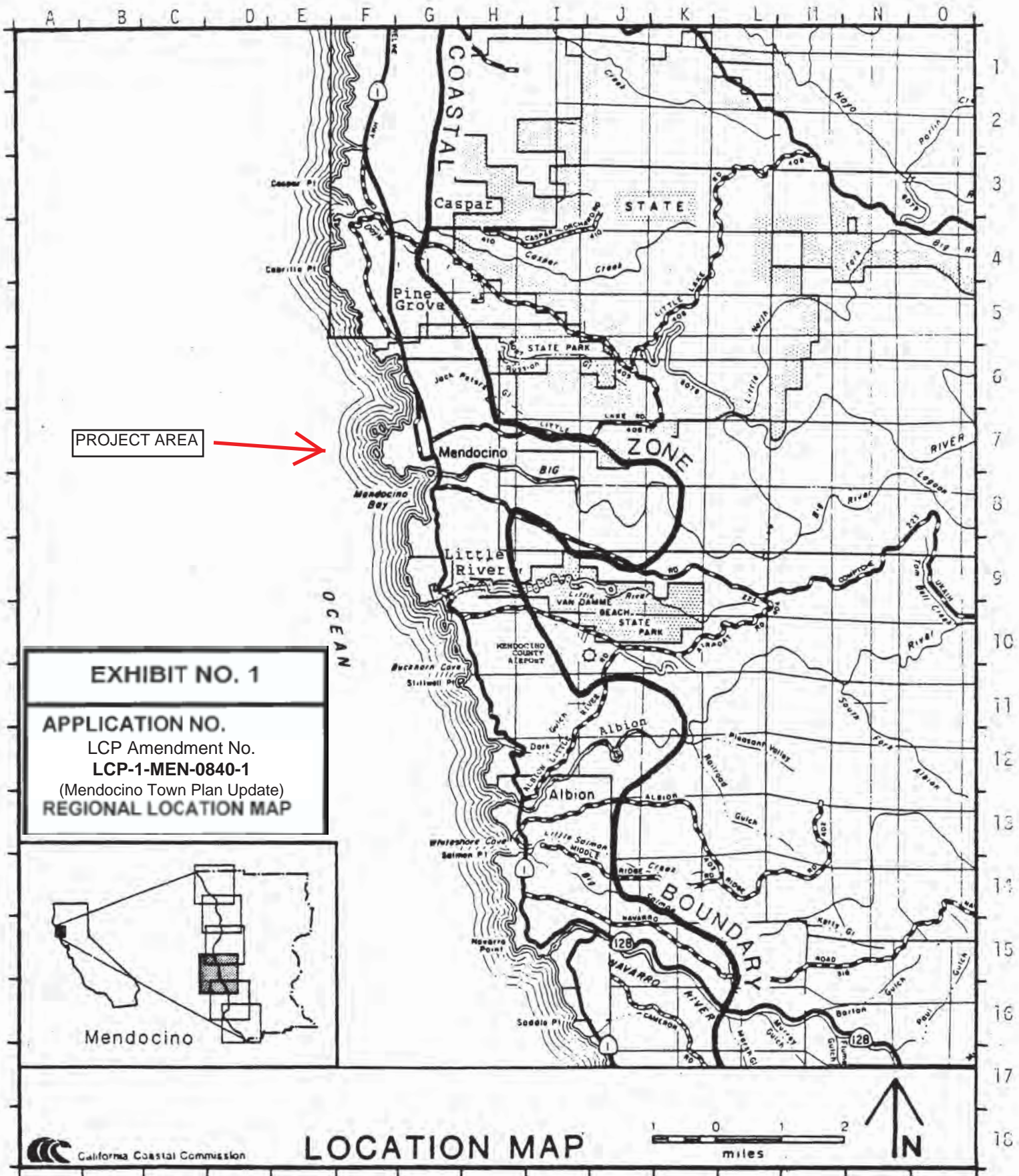
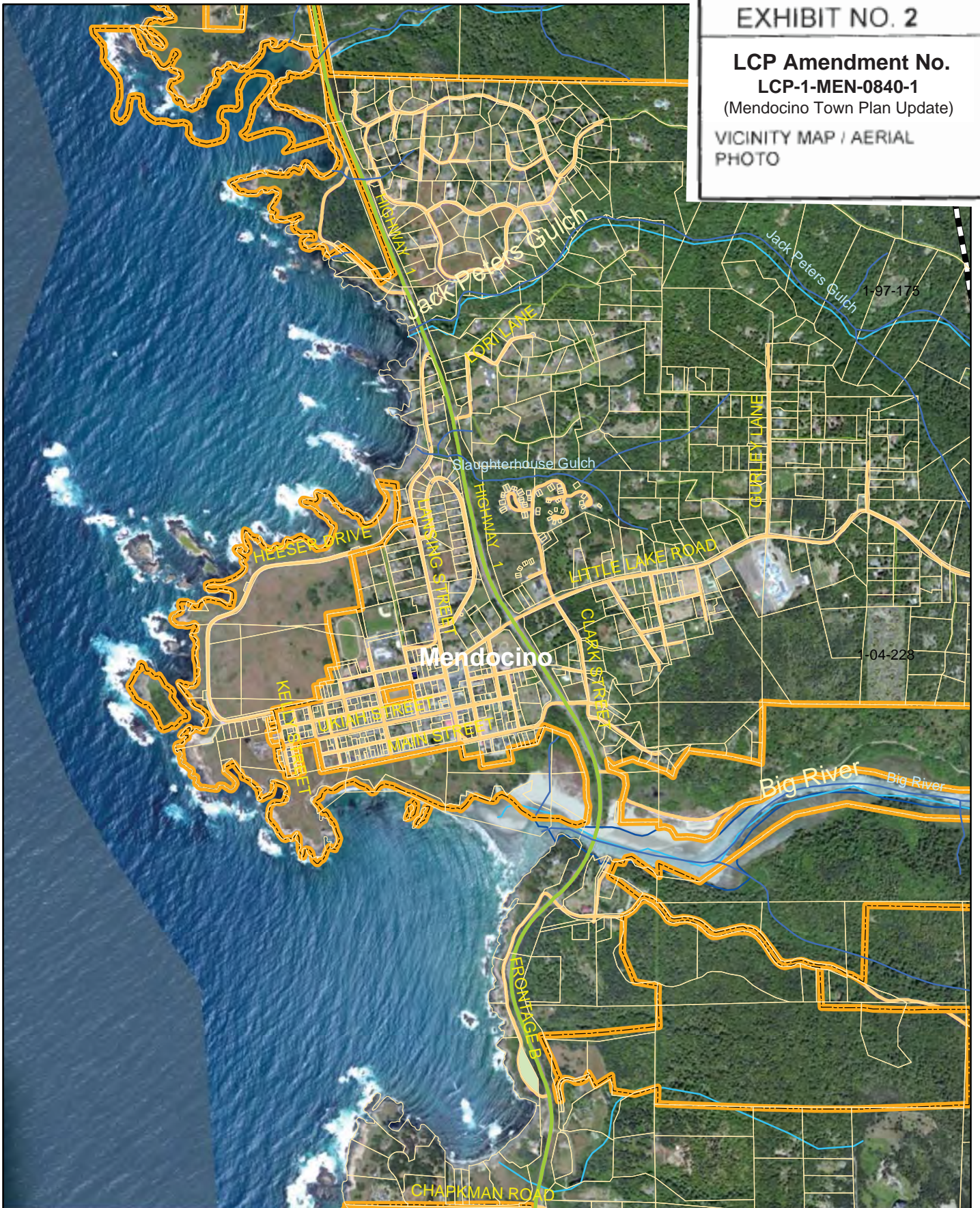


EXHIBIT NO. 2

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

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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.)

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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**

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1. Introduction.

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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 3.¹ 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

¹ 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

1 of 4

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**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:

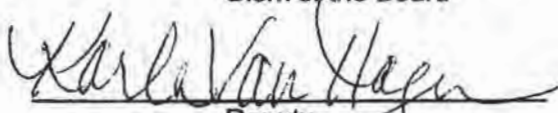
AYES: Supervisor Brown, McCowen, Woodhouse, Gjerde and Hamburg

NOES: None

ABSENT: None

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

ATTEST: CARMEL J. ANGELO
Clerk of the Board


Deputy

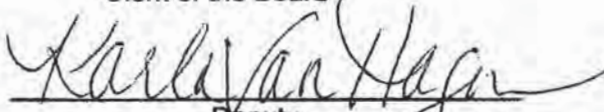
APPROVED AS TO FORM:
KATHARINE L. ELLIOTT, Acting County
Counsel


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

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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

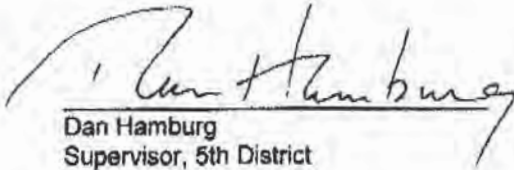
| |
|--|
| <p>EXHIBIT NO. 6 LCP Amendment No. LCP-1-MEN-0840-1 (Mendocino Town Plan Update) County Correspondence re: LCPA Transmittal</p> |
|--|


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, 1st 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

EXHIBIT NO. 7**LCP Amendment No.****LCP-1-MEN-0840-1**

(Mendocino Town LCP Update)

Water Supply Excerpts from
Dall and Associates LCPA
Consistency Analyses

TOWN LCP AMENDMENT (LCPA-1-MEN-14-0840)

AL RESPONSE TO COASTAL COMMISSION STAFF COMMENTS**upment and Public Services: Water****RECEIVED**

JAN 29 2016

CALIFORNIA
COASTAL COMMISSION
NORTH COAST DISTRICT

This memorandum provides supplemental data and analysis, at Coastal Commission staff's request, regarding the effect of the Board of Supervisors-adopted Mendocino Town Local Coastal Program Update (December 8, 2015) on water use, Mendocino Headlands aquifer conditions, potential related effects on coastal resources (e.g., wetlands and other environmental sensitive habitat areas [ESHA's], and priority allocation of finite water supplies under specified public agency water production). Coastal Commission staff has provided the County of Mendocino (County) with comments and information requests regarding these matters (Coastal Commission staff comments), some with project-specific detail, in correspondence during 2013, 2014, and 2015, as well as in the context of meetings to discuss the evolving Mendocino Town LCP Update.

In response to these Coastal Commission staff comments, the Board-adopted Mendocino Town LCP Update contains 38 mandatory policies and actions, 140 congruent implementing measures, and a series of recommendations that specifically carry out the applicable Coastal Act conservation and development standards relating to the adequacy of private and public water services in the Town. Notably, water service in the historical Town is by some 400 private wells – rather than a public works facility - that produce potable water from the Mendocino Headlands aquifer, an atypical hydrologic system that under current conditions relies primarily on *in-situ* precipitation for recharge.¹ On average, the aquifer discharges $\pm 60\%$ of its capacity through seepage/outflow to the Pacific Ocean (728 acre-feet per year [AF/Y] out of 1,169 AF/Y),

¹ Reported long-term average annual rainfall at Mendocino is 40.29 inches, with average annual rainfall between Rain Year (RY) 1970 and RY 2003 of 44.45 inches, and between RY 2004 and RY 2015 of 35.6 inches (inclusive of 32.24 inches in RY 2013, 24.15 inches in RY 2014, and 22.26 inches in RY 2015). In RY 2016, as of January 17, 2016, 25.57 inches of rain were recorded at the MCCSD treatment plant. Extended historical droughts have locally occurred in at least four decades (1920's, 1930's, 1970's, 2010's). (Mendocino City Community Services District, (MCCSD), Groundwater Management Plan and Programs, 2012; MCCSD, 2016.)

SUPPLEMENTAL RESPONSE TO COASTAL COMMISSION STAFF COMMENTS

Big River.⁷ Further, storm water runoff from the Town discharges to, and impacts, Mendocino Headlands State Park, which functions, together with Slaughterhouse Gulch, as the Town's bioswale. The Town has no public water system, but rather relies on some 400 private water wells for production of water to serve existing residential, commercial, open space, and public facility uses.

Mendocino Headlands Aquifer and Water Production

In summary, the Mendocino Headlands aquifer consists of four uplifted late Pleistocene marine terraces, with sediments to 45 feet thick, that overlie and are variously hydrologically continuous with the pervasively fractured Tertiary Franciscan Complex Coastal Belt Formation (Franciscan Complex or Franciscan Formation). Older, shallow water wells (generally with a 20-25 feet depth) produce from the terrace deposits, which consist of Quaternary Jughandle Marine Terrace Deposits [Qmts], Tertiary-Cretaceous Franciscan Complex [TKf], Quaternary Railroad Marine Terrace Deposit [Qmtr], Quaternary Fern Creek Marine Terrace Deposit [Qtmf], and Quaternary Caspar Point Marine Terrace Deposit [Qmtsc].⁸ Newer, deeper wells (generally with a 40-200 feet depth) produce from the Franciscan Complex, which in this aquifer (atypically) functions as the water-yielding geologic unit. (DWR, 1985; MCCSD, Groundwater Management Plan, 2012.⁹)

⁷ The Open Space land use classification and zoning designation of the coastal bluffs and cliffs in Mendocino Headlands State Park (see, Town Land Use Map Update in Town Plan Update, Figure 4.13-3, and Town Zoning Map Update in Town Zoning Code Update, Figure 1), together with the ESHA protection standards in Town Plan Update Policies CNS-3 (wetlands protection, at 107) and CNS-7 (ESHA protection, at 108) and Town Zoning Code Update Chapter 20.719 (at 170 ff.) protect the environmentally sensitive habitat areas that seasonally and/or perennially depend on the aquifer discharge through the bluffs and cliffs.

⁸ California Department of Water Resources [DWR], Aerial Geology Map of the Mendocino Headlands, 1985. See, also: U.S. Natural Resources Conservation Service, Soil Survey of Mendocino County, California, Western Part (1986 field work, 1988).

⁹ MCCSD's Groundwater Management Plan (2012) evolved from MCCSD's Groundwater Extraction Permit Ordinance (1990) and groundwater monitoring, which in turn have facilitated sustainable management of the Mendocino Headlands aquifer to avoid an overdraft condition. (MCCSD, 2014.)

SUPPLEMENTAL RESPONSE TO COASTAL COMMISSION STAFF COMMENTS

The hydrologic budget of the aquifer (Water Years 1998-2013) identifies 1,169 Acre-Feet/Year (AF/Y) of inflow from precipitation and groundwater,¹⁰ 728 AF/Y of outflow through natural seepage, springs, and weeps at the coastal and riverine bluffs of the Town, and 234 AF/Y in evapotranspiration. (MCCSD, 2014). Pumping wells during the 1998-2013 MCCSD study period produced an average of 218 AF/Y. Since the 2005 Water Year, pumping by the water wells in Town has not exceeded 200 AF/Y, well within the estimated 242 AF/Y safe yield of the aquifer. (MCCSD, 2014.) MCCSD has reported that pumped water demand in the Town decreased by 22.8% during the last 25 years. (See, MCCSD, "Existing Water Demand, 1990", April, 1990, and MCCSD, "Water Demand", June, 2015.)

By comparison to the Mendocino Headlands aquifer safe yield estimate (DWR, Town of Mendocino Groundwater Study, 1985), the perennial yield estimate of the Mendocino Groundwater Model (MCCSD, 2004) for the Mendocino Headlands aquifer is 283 AF/Y, based on groundwater elevation monitoring at 24 stations, statistical analysis, and hydrography.¹¹ (MCCSD, 2012.)

Previously, DWR (1985) identified 1,236 AF/Y total average inflow to the Mendocino Headlands aquifer, with average subsurface outflow of 584 AF/Y, average native and urban evapotranspiration of 455 AF/Y, average Mendocino Town pumped and imported water use (as measured by wastewater treatment plant outflow) of 119 AF/Y, and average runoff of 78 AF/Y, with no change in aquifer storage.¹² Prior to the effective

¹⁰ Water has also been episodically imported by truck for individual customers by State-licensed haulers from other locales in Mendocino County. The DWR "Town of Mendocino Groundwater Study" (1985) reported 11 AF/Y of such water importation; recent information indicates it to be 1.62 AF in 2014-2015. (MCCSD, 2014-2015 Water Hauling Survey, 2015.)

¹¹ Adopted Town Zoning Code Update Section 20.744.020 defines the term "safe yield".

¹² For the below-average May, 1984- May, 1985 precipitation period (31.7 inches, 75% of the long-term mean precipitation, 42.31 inches), DWR (1985) estimated 928 AF inflow (917 AF by precipitation and 11 AF by importation), 416 AF of native and urban evapotranspiration, 363 AF subsurface outflow, 109 AF Mendocino Town water use (as measured by wastewater treatment plant outflow), and 59 AF runoff, with a negative 19 AF in aquifer storage. MCCSD (2016)

SUPPLEMENTAL RESPONSE TO COASTAL COMMISSION STAFF COMMENTS

certification of the Mendocino Town Plan and Coastal Commission approval of Categorical Exclusion Order E-96-1 (1996), which in part exempts specified water wells,¹³ 251 pumping (active) wells produced groundwater from the aquifer in the Town.¹⁴ The number of producing water wells increased to 264 in 2001-2002, decreased to 234 in 2002-2003, and nine years later was near 400. (MCCSD, 2012.) Water well flow rates vary by location in the Town, but typically range from less than one gallon per minute (gpm) to over 25 gpm. (MCCSD, Mendocino Water Resources and Water Conservation, 2016.) MCCSD groundwater monitoring indicates an average annual variation in groundwater levels of 14.5 feet between October, 2002 and October, 2015, at a depth to groundwater between 8 feet (2006) and 22.5 feet (2009).¹⁵

A 2014-2015 water hauling survey by MCCSD, which received responses for 296 of 404 developed lots (parcels) in Town (73%), indicates that 264 respondents (89.2%) reported no water importation by truck, and 32 respondents (10.8%) reported purchasing one or more truck loads of water.¹⁶ The total amount of reported water

reports 40.33 inches as the long-term average precipitation at Mendocino.

(<http://www.mccsd.com/>)

¹³ Water wells in the Town are exempt from the coastal development permit requirement when MCCSD has granted a groundwater extraction permit or an exemption from it and where the well contains no permanent production facilities, replaces or supplements wells that serve an existing legal use on the parcel, or constitute production wells associated with development of a single family residence that is exemption by Categorical Exclusion E-96-1. See, Mendocino Town Plan Update, Appendix 4.

¹⁴ MCCSD, Groundwater Management Plan, 2012.

¹⁵ During the 2011-2015 drought years, the average maximum depth to groundwater at the MCCSD monitoring stations was ± 17 feet (2011), ± 19.5 feet (2012), ± 22 feet (2013), ± 21 feet (2014), and ± 21.5 feet (2015). (MCCSD, 2016, at: http://www.mccsd.com/water_shortage/Depth%20to%20Water.pdf)

¹⁶ Water haulers licensed by the Water Haul Licensing Office of the California Department of Public Health can operate anywhere in the State and any public drinking water supply or private water source may sell water to a licensed water hauler. The water source maintains responsibility for stewardship of its watershed. Water haulers are required to log water sources, indicate dates, volume, and name of the person who authorized or directed use of the water source, delivery points (including dates and volumes delivered), copies of agreements, contracts, licenses, and results of bacterial testing. These logs must be maintained for two years and are reviewed as part of the license inspection process, but are not public information. Water

SUPPLEMENTAL RESPONSE TO COASTAL COMMISSION STAFF COMMENTS

purchased was 1.62 AF.¹⁷ Twenty-two of the parcels (7.4%) made five or fewer water purchases, for a total of 0.29 AF (18%) of the imported water. The ten parcels with more than five water purchases (3.4%) totaled 1.3 AF (82%) of the imported water. Commercial properties constituted the six largest reported purchasers of imported water. Persons, unrelated to MCCSD, with local knowledge indicate that delivery of water by tank truck, at reduced volumes in comparison to previous years, during the past year in the Town has been to sites characterized by shallow or collapsed wells, a location in the high density well area, or where a previous easement to access spring water has been abandoned.

Analysis by the Mendocino County Planning and Building Department of estimated water hauling truck trips to the Town as a percentage of 2013 peak month average daily traffic indicates that at specified intersections between the two identified water origination points in Fort Bragg, on the north, and Elk, on the south, they constitute a maximum of 0.026% (2.87 trips/day [from Fort Bragg]), 0.036% (3.93 trips/day [from Fort Bragg]), 0.155% (17 trips/day [from Fort Bragg]), and 0.225% (2.87 trips/day [from Elk]), 0.308% (3.93 trips/day [from Elk]), and 1.333% (17 trips/day [from Elk], respectively. At the Highway 1-Lansing Street intersection in the Town, the respective estimated water hauling trips from Fort Bragg are 0.023% (2.87 trips/day), 0.031% (3.93 trips/day), and 0.136% of 2013 peak month average daily traffic. At the Highway 1-Jackson (Main) Street intersection, the respective estimated water hauling trips from Elk are 0.038%, 0.052%, and 0.227%. Thus, estimated daily water tank truck traffic during the peak month, in a drought, at all but one of the stations, at 17 truck trips/day in North Elk, along the two routes comprises less than 1% of the traffic at Highway 1. Such truck

Hauling Licenses are renewed by the State annually. Currently, water haulers operating in the Town are not in violation of their license.

¹⁷ This volume of reported imported water is illustrative, rather than dispositive, given that the MCCSD study relied on self-selection by respondents. However, it is generally corroborated by one water hauler with 20 years of experience on the Mendocino Coast, who has indicated that despite the severe drought, he has delivered substantially less water to property owners in the Town in 2015, compared to prior years.

SUPPLEMENTAL RESPONSE TO COASTAL COMMISSION STAFF COMMENTS

traffic tends to be distributed throughout the day, rather than to coincide with peak hour traffic.¹⁸ Table A, on the following page, contains the data set.

Pursuant to legislative authorization (Water Code sections 10700 et seq. [Ch. 472, Stats. 1978, AB 786, Hauser]), MCCSD has adopted a Groundwater Management Plan (GWMP) with groundwater extraction limitations, a Groundwater Extraction Permit Ordinance 90-1 (GWEP, as amended by Ordinance 07-1), and conservation measures to conserve as well as augment the Town's water supply with reclaimed water from MCCSD's tertiary wastewater treatment facility. (MCCSD, 2012, 2015.) The GWEP requires applicants for a Mendocino County use permit, coastal development permit, building permit (other than for minor repair and maintenance), well permit, and after the

¹⁸ Town Plan Update Appendix 8 contains illustrative hourly and peak AM and PM traffic data for all traffic on Main Street at Highway 1 and Lansing Street at Highway 1 (as well as Little Lake Street at Highway 1) during Thanksgiving Holiday Week, 2015 (November 23-30, 2015), when persons with local knowledge reported large numbers of visitors in the Town. Thanksgiving Week traditionally constitutes one of the peak visitor periods during the year in the Town. The peak AM traffic on West Bound (WB) Main Street, 192 trips, occurred between 11:00 AM and 12:00 PM (noon) on Tuesday, November 24; the peak PM traffic on WB Main Street, 226 trips, occurred between 3:00 PM and 4:00 PM on Saturday, November 28. The peak AM traffic on EB Main Street, 157 trips, occurred between 11:00 AM and 12:00 PM (noon) on Sunday, November 29; the peak PM traffic on EB Main Street occurred between 4:00 PM and 5:00 PM on Friday, November 27. For Lansing Street, the comparable trips are SB (to the Town from the direction of Fort Bragg): AM peak, 86 trips, 11:00 AM to 12:00 PM (noon), on Saturday November 28, and PM peak, 89 trips, 1:00 PM to 2:00 PM, on Friday, November 27; and NB (from the Town toward Fort Bragg): AM peak, 79 trips, between 11:00 AM and 12:00 PM (noon) on Sunday, November 29, and PM peak: 116 trips, between 3:00 PM and 4:00 PM, on Friday, November 27.

MENDOCINO TOWN LCP AMENDMENT (LCPA-1-MEN-14-0840)
SUPPLEMENTAL RESPONSE TO COASTAL COMMISSION STAFF COMMENTS

TABLE A. ESTIMATED WATER HAULING TRIPS FROM ELK AND FORT BRAGG TO THE TOWN OF MENDOCINO, IN PERCENT OF 2013 PEAK MONTH AVERAGE DAILY TRAFFIC

| MEASUREMENT LOCATION AT HWY 1 | POST MILE | PEAK MONTH AVERAGE TRAFFIC | PERCENTAGE OF PEAK MONTH AVERAGE DAILY TRAFFIC | | |
|--|--------------|----------------------------------|---|----------------|--------------|
| | | | 2.87 Trips/Day | 3.93 Trips/Day | 17 Trips/Day |
| Elk, North Limits | 34.9 | 127 | 0.225% | 0.308% | 1.333% |
| Junction, Route 128 East | 40.2 | 260 | 0.110% | 0.151% | 0.654% |
| Little River Airport Rd. | 47.5 | 565 | 0.051% | 0.070% | 0.301% |
| Comptech/Ukiah Rds. | 50.0 | 785 | 0.037% | 0.050% | 0.217% |
| Jackson/Main St, Mendocino | 50.5 | 750 | 0.038% | 0.052% | 0.227% |
| Lansing St, Mendocino | 51.4 | 1250 | 0.023% | 0.031% | 0.136% |
| Caspar, North Limits | 55.7 | 1315 | 0.022% | 0.030% | 0.129% |
| Gibney Lane | 57.2 | 1370 | 0.021% | 0.029% | 0.124% |
| Simpson Lane | 59.2 | 1755 | 0.016% | 0.022% | 0.097% |
| Junction, Route 20 East | 59.8 | 2330 | 0.012% | 0.017% | 0.073% |
| Cypress Avenue, Fort Bragg | 60.6 | 2645 | 0.011% | 0.015% | 0.064% |
| Redwood Avenue, Fort Bragg | 61.4 | 1855 | 0.015% | 0.021% | 0.092% |
| Fort Bragg, North City Limits | 62.3 | 1095 | 0.026% | 0.036% | 0.155% |
| Sources: California DOT Division of Traffic Operations, 2013 Traffic Volumes on the California State Highway System; California DOT, Route Concept Report Route 1 Corridor, September, 2003; Mendocino County PBS, 2015. | | | | | |

sale of real property within the Town to obtain a “groundwater extraction permit”. Application for such permit in turn requires (with limited specified exceptions¹⁹) performance, and submittal to MCCSD, of an hydrological study. MCCSD Ordinance 07-1 requires that hydrological study to be performed by a qualified hydrologist and to include consideration of (1) local geology and hydrology, (2) documentation of current groundwater development, (3) estimation of water use by the development, (3) a pump test, (4) assessment of on-site availability of groundwater, (5) analysis of potential

¹⁹ MCCSD Ordinance 07-1, subpart 4, provides for exceptions to the hydrological study requirement where the project will not increase the applicant’s existing extracted water quantity, results in a limited increase in water demand, as defined, modifies the structure or depth of an existing well or drilling a new well.

MENDOCINO TOWN LCP AMENDMENT (LCPA-1-MEN-14-0840)
SUPPLEMENTAL RESPONSE TO COASTAL COMMISSION STAFF COMMENTS

impacts of the proposed groundwater development, and (6) an analysis of cumulative effects to hydrologically contiguous wells. (MCCSD Ord. 07-1, part 3.) In addition, the Ordinance provides that the hydrological study be documented in a report that summarizes the information and analyses, and contains relevant data.²⁰

Town Plan Update Build-out and Water Use

Mendocino Town Population. Table 1, on the following page, shows population estimates and projections for Mendocino County and the Town of Mendocino for 2010 through 2035. The Table provides two estimates and projections for the Town, Mendocino Pop1 and Mendocino Pop2. The Table also provides an estimate of cumulative growth in households by converting population into households based on the U.S. Census 2010 average household size for the Mendocino Census Delimited Place.

The projected increase of Mendocino County's population is from 88,292 in 2010, to 94,565 in 2035. Mendocino Pop1 assumes that the Town continues to maintain the same 0.7 percent of the County's population, as of 2010, throughout the 25-year period, to 2035. On that basis, the Town population would increase to 643 persons, with an increase of 21 households.

Mendocino Pop2 estimates and projections are based on data from MCCSD for the number of residences in the Town that are connected to the MCCSD wastewater system or are served by private wastewater (septic) systems, multiplied by the average

²⁰ MCCSD Ordinance 07-1 further provides that all conclusions expressed by the hydrologist in the hydrological study shall be supported by data and other facts, consistent with good hydrological practices. All assumptions and equations relied on by the hydrologist in conducting the aquifer test and forming his/her conclusions shall be included in the hydrological study report. The hydrological study shall consider: 1) the adequacy of the water supply to support the proposed new development, expansion of existing use, or change in use during the dry summer months and drought conditions, and 2) any adverse effects and adverse cumulative effects to hydrologically contiguous wells. Once a hydrological study has been completed it shall be delivered to the District Office for review.

MENDOCINO TOWN LCP AMENDMENT (LCPA-1-MEN-14-0840)
SUPPLEMENTAL RESPONSE TO COASTAL COMMISSION STAFF COMMENTS

TABLE 1. TOWN OF MENDOCINO POPULATION ESTIMATES, 2010-2035

| AREA | 2010 | 2015 | 2020 | 2025 | 2030 | 2035 |
|--|-------|-------|-------|-------|-------|-------|
| MENDOCINO COUNTY | 88292 | 88884 | 90411 | 92203 | 93577 | 94565 |
| MENDOCINO TOWN POP1 | 610 | 614 | 625 | 637 | 647 | 653 |
| MENDOCINO TOWN POP1 GROWTH (CUMULATIVE) IN HOUSEHOLDS | na | na | 6 | 12 | 17 | 21 |
| MENDOCINO TOWN POP2 | 779 | 796 | 812 | 827 | 843 | 858 |
| MENDOCINO TOWN POP2 GROWTH (CUMULATIVE) IN HOUSEHOLDS | na | na | 8 | 17 | 25 | 33 |

NOTES:

1. Mendocino Pop1 is based on the Town of Mendocino maintaining the same percentage of Mendocino County's population through 2035 as it has in 2010.
 2. Town of Mendocino Pop2 is based on projection of MCCSD residences on sewer and septic multiplied by 2010 average household size.
- Source: Mendocino County PBS, 2015.

household size estimates from the U.S. Census. From 2000 to 2015, the number of such residences recorded by MCCSD increased from 403 to 428, or by an average of 1.66 residences per year. If this rate continues, the population of the Town would increase to 858 persons by 2035, with an increase of 33 households.

Under the minimum build-out scenario of 1.66 new residences/year, an ultimate potential exists for up to 161 new residential equivalents, including 2nd residential dwelling units allowed in the RR-1 and SR 20000 Districts pursuant to the Board-adopted Town LCP Update by the year 2112. However, the actual allowed number of residential equivalents may be smaller as a result of economic conditions during the 25-year period and for other factors. Using the Mendocino Pop1 growth projection of a 21 household increase by 2035, the Town would not achieve build-out until 2112, 77 years after the Town LCP Update planning period. Water usage in the planning period would increase by 4.7 AF/Y and would cumulatively remain well below the current safe yield, 242 AF/Y. With the Mendocino Pop2 projection of a 33 household increase by 2035, build-out would also not be reached until after the 25-year planning period. Water use during the planning period, without additional incorporated conservation measures as

SUPPLEMENTAL RESPONSE TO COASTAL COMMISSION STAFF COMMENTS

required and recommended in the Board-adopted Town Plan Update, would increase by approximately 7.4AF/Y, and thus also cumulatively remain below the current safe yield estimate. Implementation of the required water conservation measures in the Town LCP Update, together with beneficial reuse of retained storm water runoff, will reduce total pumped residential demand for groundwater in the Town by an estimated 20%, or 41-42 AF/Y (based on current pumping levels); that water in turn would be available to support priority and other Coastal Act-consistent uses.²¹

Under the maximum build-out scenario, there is an ultimate potential for up to 303 new residential equivalents, including 2nd residential dwelling units allowed in the RR-1 and SR 20000 Districts pursuant to the Board-adopted Town LCP Update. However, the actual allowed number of residential equivalents may also be smaller as a result of economic conditions and other factors. Using either the Mendocino Pop1 or Mendocino Pop2 projections, build-out would not be achieved by the end of the planning period in 2035. During the twenty year planning period, water usage under Mendocino Pop1 and Mendocino Pop2 would increase by 5.1 AF/Y and by 8.0AF/Y, respectively, and remain below the current safe yield. Implementation of the required water conservation measures in the Town LCP Update, together with beneficial reuse of retained storm water runoff, will reduce total pumped groundwater demand by residential uses by an estimated 20%, or 42-43 AF/Y (based on current pumping levels), which in turn would become available to support priority and other Coastal Act-consistent uses. As in the minimum build-out scenario discussed above, implementation of the Board-adopted Town Plan Update provisions for beneficial reuse of reclaimed water will further reduce residential demand for groundwater pumping and contribute to an adequate Town water supply, given that the MCCSD tertiary treatment

²¹ Implementation of the Board-adopted Town LCP Update provisions for beneficial reuse of reclaimed tertiary-treated wastewater from MCCSD in horticultural landscape irrigation and dual plumbing systems in commercial buildings will further reduce the demand for groundwater pumping in the Town, at levels that can be quantified as MCCSD reclaimed water output and a piping system for its distribution are constructed.

MENDOCINO TOWN LCP AMENDMENT (LCPA-1-MEN-14-0840)
SUPPLEMENTAL RESPONSE TO COASTAL COMMISSION STAFF COMMENTS

facility may potentially generate up to 300,000 gpd (335 AF/Y) of reclaimed water for beneficial reuse.

The increase in water usage from allowed development in the Commercial District totals 2.7 AF/Y under the minimum build-out scenario and 7.7 AF.Y under the maximum build-out scenario, without implementation of the required and recommended water conservation and beneficial reuse measures in the Board-adopted Town LCP Update. Both the minimum and maximum build-out scenarios likely overestimate projected water use from the three remaining vacant commercial parcels in the Town. Two of the remaining vacant commercial parcels may be developed as a park. Transient lodging use types (e.g., inns, motels, hotels, etc.) are already incorporated in the base line estimates of water usage.

Table 2 provides an estimate of potential additional water usage under the minimum build-out scenario of the Board-adopted Town LCP Update. Under this scenario, an additional 71 residential equivalents, using 200 gallons per day per unit could be developed. Under this scenario, 56% of the residential development would occur in Historical Zone A, 27% in Historical Zone B, and 17% in the SR2000 District. Water usage in this maximum build-out scenario would increase by 24.3 AF/Y; however, application of the 20% reduction in demand through implementation of adopted Town LCP Update water conservation and beneficial reuse requirements would reduce that increase to 19.44 AF/Y, a demand that can be met by the aquifer safe yield, and as augmented by MCCSD reclaimed water.

Table 3 provides an estimate of potential water usage under the maximum build-out scenario of the Board-adopted Town LCP Update. Under this scenario, an additional 303 residential equivalents, using 200 gallons of water per day per unit, could be developed. Approximately one-half of the new development would occur in areas classified (designated) and zoned RR-2-PD and RR-2, both located in Historical Zone B.

MENDOCINO TOWN LCP AMENDMENT (LCPA-1-MEN-14-0840)
SUPPLEMENTAL RESPONSE TO COASTAL COMMISSION STAFF COMMENTS

TABLE 2. ESTIMATED ADDITIONAL MENDOCINO TOWN WATER USAGE, MINIMUM BUILD-OUT SCENARIO

| LAND USE DISTRICTS | HISTORICAL ZONE | AREA (AC.) | PARCELS | | | | RESIDUAL DEVELOPMENT | ADDITIONAL WATER USE @ MAXIMUM BUILD-OUT (AF/Y) |
|--------------------|-----------------|------------|---------|------|----------------|--------------|----------------------|---|
| | | | NO, | DEV. | VACANT SUBDIV. | ADD. 2nd RDU | | |
| RR-2-PD | B | 43.36 | 5 | 4 | 3 | 0 | na | 7.2 |
| RR-2 | B | 143.70 | 12 | 10 | 2 | 0 | na | 5.2 |
| RR-1 | A | 23.30 | 2 | 1 | 8 | 0 | na | 1.8 |
| R+ | A | 16.48 | 9 | 8 | 1 | 0 | na | 2.9 |
| RM | A | 14.61 | 3 | 2 | 8 | 0 | na | 1.8 |
| MU | A | 8.77 | 3 | 2 | 3 | | na | 0.7 |
| C | A | 17.36 | 6 | 6 | 1 | | na | 2.7 |
| PF | A, B | 33.76 | 2 | | | | na | 0.0 |
| SR20000 | na | 20.38 | 3 | 3 | 9 | 0 | na | 2.0 |
| OS | A, B | 230.09 | 5 | | | | na | 0.0 |
| Total: | | 551.81 | 50 | 36 | 35 | 0 | 0 | 24.3 |

NOTES:

1. All residential water use based on 200 gpd.
 2. Commercial water usage based on 0.15 gpd/ft².
 3. Mendocino County PBS reports no water use data by parcels in the PF Districts or OS Districts.
- Source: Mendocino County, 2015; Dall & Associates, 2016.

Water usage in this maximum build-out scenario would increase by 72 AF/Y; however, application of the 20% reduction in demand through implementation of adopted Town LCP Update water conservation and beneficial reuse requirements would reduce that increase to 57.6 AF/Y, a demand that can be met through a combination of retained groundwater in the aquifer through conservation pursuant to Board-adopted Town LCP Update requirements and reclaimed water from MCCSD.

MENDOCINO TOWN LCP AMENDMENT (LCPA-1-MEN-14-0840)
SUPPLEMENTAL RESPONSE TO COASTAL COMMISSION STAFF COMMENTS

TABLE 3. ESTIMATED ADDITIONAL MENDOCINO TOWN WATER USAGE, MAXIMUM BUILD-OUT SCENARIO

| LAND USE DISTRICTS | HISTORICAL ZONE | AREA (AC.) | PARCELS | | | ADD. 2nd RDU | RESIDUAL DEVELOPMENT | ADDITIONAL WATER USE @ MAXIMUM BUILD-OUT (AF/Y) |
|--------------------|-----------------|------------|---------|------|----------------|--------------|----------------------|---|
| | | | NO. | DEV. | VACANT SUBDIV. | | | |
| RR-2-PD | B | 43.36 | 57 | 43 | 32 | | | 8.2 |
| RR-2 | B | 143.70 | 126 | 104 | 23 | | 52 | 18.3 |
| RR-1 | A | 23.30 | 20 | 15 | 8 | 20 | | 6.8 |
| R+ | A | 16.48 | 94 | 80 | 13 | | 25 | 8.5 |
| RM | A | 14.61 | 35 | 27 | 8 | | 32 | 9.6 |
| MU | A | 8.77 | 31 | 25 | 3 | | 8 | 2.5 |
| C | A | 17.36 | 69 | 62 | 25 | | 9 | 7.7 |
| PF | A, B | 33.76 | 26 | | | | | 0.0 |
| SR20000 | na | 20.38 | 38 | 30 | 9 | 35 | | 10.4 |
| OS | A, B | 230.09 | 53 | | | | | 0.0 |
| Total: | | 551.81 | 549 | 386 | 121 | 56 | 126 | 72 |

NOTES:

1. RR-2-PD water use based on 230 gpd for subdivision and vacant parcels.
 2. RR-2, RR-1, and SR20000 water use based on 260 gpd for subdivision and vacant parcels, 200 gpd for additional 2nd residential dwelling units per adopted MTLCPU/A (which may overstate water use by maximum 900 ft² 2nd RDU's).
 3. All other residential water use based on 200 gpd.
 4. Commercial water usage based on 0.31 gpd/ft² (MCCSD standard for retail store, gallery, office commercial and food/beverage establishments).
 5. Additional 2nd RDU numbers based on Mendocino County Tax Assessor data.
 6. Mendocino County PBS reports no water use data by parcels in the PF Districts or OS Districts.
- Source: Mendocino County, 2015; Dall & Associates, 2016.

Under the full build-out scenario of additional residential units (including 2nd residential units) in the R-1, RR-2, R+, RM, and SR Districts, water usage at build-out with required conservation and beneficial reuse of reclaimed water pursuant to the adopted Town LCP Update will increase by 57.6 A/Y (after conservation), to 275.6 AF/Y, 33.6 AF/Y above the aquifer safe yield (1985), but 8.6 AF/Y below the 283 AF/Y aquifer perennial yield. Injection of reclaimed water produced by MCCSD into the aquifer (e.g., by receiving (dry) wells), from the design dry weather tertiary treatment capacity (300,000

MENDOCINO TOWN LCP AMENDMENT (LCPA-1-MEN-14-0840)
SUPPLEMENTAL RESPONSE TO COASTAL COMMISSION STAFF COMMENTS

gpd or 335 AF/Y) of the wastewater treatment plant²² would further augment the aquifer, including when natural recharge is at a minimum during summer and fall, or during droughts.

Note on Methodology. The build out assumptions for the minimum and maximum allowable build out for each parcel examined the potential for subdivision, potential vacant parcel development, and potential residual development of underutilized parcels. The parcel analysis was conducted by zoning district to account for differences in minimum lot area, maximum dwelling density, and maximum lot coverage between districts. The land use classifications/zoning districts examined were Rural Residential (MRR-1, MRR-2 and MRR-2-PD), Suburban Residential (MSR), Town Residential (MTR), Multiple Family Residential (MRM), Mixed Use (MU), and Commercial (MC). Parcels in the Open Space (MOS) District, Public Facilities (MPF) District, and in rights-of way were not included. The subdivision potential of each parcel, whether developed or vacant, was also examined. The County Assessor's parcel record and the County's Geographic Information System were used to determine the square footage of each parcel and whether or not it could be further subdivided. The subdivision potential of each zoning district is the sum of the subdivision potential of its respective parcels. (See, Mendocino County Division of Lands Regulation, Section 17-52.)

The potential for development of vacant parcels was summed by zoning district on the basis of the County Assessor's parcel record. A parcel was considered vacant if the value of improvements on the parcel was less than \$10,000. Parcels identified as road right-of-way and parcels less than 1,000 square feet in size were eliminated from the analysis. A few parcels listed as vacant on the Assessor's records were eliminated because they were known to be developed. Parcels zoned MOS and MPF, and ROW parcels, were not included in the analysis. These include lands owned by the State of

²² As adjusted for existing and incremental future delivery by MCCSD of reclaimed water to Mendocino High School, State Parks, horticultural irrigation on private (lots) parcels, and dual-plumbed commercial and recreational buildings in Town.

MENDOCINO TOWN LCP AMENDMENT (LCPA-1-MEN-14-0840)
SUPPLEMENTAL RESPONSE TO COASTAL COMMISSION STAFF COMMENTS

California and other public lands such as cemeteries, school sites, and government buildings (e.g., fire station, waste water treatment plant, etc.).

The residual residential development potential of both vacant and developed parcels was examined at the parcel level, primarily on the basis of lot coverage requirements of the relevant zoning district. For vacant parcels in residential zoning districts, additional development potential was determined based on square footage of the parcel and the minimum square footage requirements for the zoning district for second (or more) residential units. For parcels with existing development, aerial photography was used to estimate lot coverage to determine if sufficient area was available for additional development.

Maximum lot coverage in the Commercial District is 25%. For a vacant Commercial parcel, 25 percent of the lot area was considered developable (e.g., for a 10,000 square foot lot, 2,500 square feet could be developed). For a parcel with existing commercial development, lot coverage was estimated using aerial photography and the residual development potential determined (e.g., for a 10,000 square foot property with 1,000 square feet of development, 1,500 square feet could still be developed on the site).

Visitor Serving Uses were not considered in the minimum and maximum build-out scenarios since they are already included in the baseline water estimate. The Board-adopted Town Plan Update sets a limit of 237 hotel, inn, and bed and breakfast units within the Town.

The minimum build out estimate is based on development of a single family residence or commercial use on all vacant parcels, including those that could be created by new subdivision. For all residential development, water usage was based on the MCCSD water standard for a two bedroom single family residence of 200 gallons per day. For commercial development, water usage was based on the MCCSD water standard for Retail Store/Gallery/Office of 0.15 gallons per day per square foot of display/work area.

SUPPLEMENTAL RESPONSE TO COASTAL COMMISSION STAFF COMMENTS

The maximum build out estimate includes development of a single family residence or commercial use on all vacant parcels, including those that could be created by new subdivision, and potential residual development of residential units or commercial space. Water usage in the RR-2 and RR-1 Districts was based on the MCCSD water standard for three bedroom residences of 260 gallons per day, and of 200 gallons per day for 2nd residential dwelling units (in the RR-1 District only), which at a maximum of 900 ft², typically have one and no more than two bedrooms. Water usage for the RR-2-PD designation was based on the average MCCSD water standard for a two and three bedroom dwelling of 230 gallons per day. For all other residential uses, the MCCSD standard for a two-bedroom residence of 200 gallons per day was used. Water demand for Commercial properties used a weighted average of 0.31 gallons per square foot per day based on MCCSD's estimated square footage and the water standard for Retail Store/Gallery/Office and Food and Beverage Establishments. In 2013-14, MCCSD estimated there were 141,970 square feet of Retail Store/Gallery/Office and 8,811 square feet of Food and Beverage Establishments. The water standard used for Retail Store/Gallery/Office is 0.15 gpd per square foot. The water standard used for Food and Beverage Establishments was 2.9 gpd per square foot.

Town LCP Update Provisions²³

- (1) **Policy GM-1**, at Town Plan Update page 66, constitutes the encompassing
- (2) standard in the Mendocino Town LCP Update for conservation, preservation, and development in the Town: "The Town of Mendocino is a special community under the meaning of Public Resources Code Section 30253(e). All

²³ Mandatory provisions (policies, actions, zoning implementation measures) in the Board of Supervisors-adopted Mendocino Town LCP Update (December 8, 2015) are indicated by the use of the operative term "shall"; advisory (recommended) actions in the Town Plan Update are indicated by "should" or "may". (Town Plan Update policy 4.1.1. As cited or summarized herein, the policies, actions, and zoning implementation measures in the Town LCP Update are shown in plain text, without the strikethroughs and underlining that signify Board-adopted deletions and additions, respectively, in the Town LCP Update Amendment submitted to the California Coastal Commission for certification review and action.

MAR -1 2016

1. INTRODUCTION¹

CALIFORNIA
COASTAL COMMISSION
NORTH COAST DISTRICT

The Board of Supervisors (Board or BOS) of the County of Mendocino on December 8, 2015 adopted the Mendocino Town Local Coastal Program Update Amendment (MTLCPUA or Town LCP Update) to the Coastal Commission-certified 1992 Mendocino Town Plan and the certified 1995 Mendocino Town Zoning Code, and directed transmittal of the Town LCP Update to the California Coastal Commission (Coastal Commission or CCC) for certification pursuant to the California Coastal Act of 1976, as amended (Division 20, Public Resources Code [PRC]). The unincorporated Town of Mendocino constitutes a Coastal Commission adopted geographical segment of Mendocino County's coastal zone, which is coterminous with the Coastal Commission-delineated urban limit line.

The Town LCP Update amendments to the certified Town Plan and Land Use Map, and to the certified Town Zoning Code and Zoning Map, are consistent with the applicable mandatory Coastal Act policies and State goals for the coastal zone, as well as with the goals of the certified LCP that it updates. The Town LCP Update reinforces those policies and goals to assure continued protection of the Town's unique resources and special community character into the future.

Section 2, below, contains (for convenience) the Coastal Act Chapter 3 conservation, development, and public access standards that provide the foundation for the Town Plan mandatory policies, mandatory actions, and advisory (recommended) actions, to the extent necessary to meet the State goals for the coastal zone set forth in Public Resources Code section 30001.5. (PRC sec. 30512.2.)

Section 3 contains the Mendocino Town Plan Update Policies, mandatory Actions, and advisor (recommended) Actions.

¹ Prepared by Norbert Dall and Stephanie Dall, Dall & Associates, Consultant to the County of Mendocino.

infrastructure exists, and where such development will not have any potential for significant effects on the environment, coastal resources, coastal public access, or protected special community (historical) structures and character. These Town LCP Update requirements may, on a case-by-case basis in future years, reduce the number of approved (approvable) second residential dwelling units based on site-specific conditions that are not (cannot be) known at present.

4.1.44. Policy AH-4: Policy AH-4 (a) deletes the limitation on second residential dwelling units in certified 1992 Town Plan Policy 4.13-21 to the R+ residential district and certain parcels in the RR-2 residential district, which has been superseded by Policies AH-2 and AH-3, and (b) requires that second residential dwelling units be sited and designed to integrate them with the Town's historical character, minimize potential neighborhood impacts, and conform to the conservation, historical preservation, development, and public access standards of the certified Town Plan, consistent with PRC sections 30250(a) [required demonstration of adequate infrastructure and avoidance of potentially significant adverse effects from new development on coastal resources], 30253(e) [special community character protection], and 30212(a) [avoidance, and mitigation as necessary, of potentially significant adverse effect of new development on coastal public access]], for the reasons cited above in section 4.1.43.

4.1.45. Policy S-1: Policy S-1 requires that the Town's groundwater (Mendocino Headlands aquifer) supply be sustainably managed and augmented to support the existing and allowed development in the Town, optimize water supplies through groundwater replenishment, and strictly avoid the waste of potable water by utilization of reclaimed water and conserved storm water runoff, where feasible, consistent with PRC sections 30231 [prevention of the depletion of ground water supplies to maintain biological productivity and the quality of coastal waters, streams, wetlands, and estuaries, and human health] and 30250(a) [new development requires service by adequate public or private infrastructure, in a manner that does not have a significant

MENDOCINO TOWN LOCAL COASTAL PROGRAM UPDATE AMENDMENT (LCP-1-MEN-14-0840)
TOWN LCP UPDATE AMENDMENT-COASTAL ACT CONSISTENCY ANALYSIS

adverse effect on coastal resources]. Pursuant to Water Code [WC] section 10700 et seq., MCCSD exercises groundwater management and may exercise the powers of a water replenishment district (WC section 60220 et seq.) until such time as when a municipal central water system supplying water to the inhabitants within the boundaries of MCCSD is completed and implemented (WC section 10717). A Memorandum of Understanding (MOU, in BOS Agreement No. 90-1¹³) between MCCSD and the Mendocino County Public Health Department provides for MCCSD authorization and regulation, pursuant to provisions in the Town LCP, of groundwater extraction, monitoring, and enforcement. Concurrently, the County retains jurisdiction pursuant to the MOU regarding (a) all standards for well, test well, and test hole construction, repair, reconstruction, or destruction pursuant to County Code Chapter 16.04, and (b) continued enforcement of permit conditions on any subdivision with a community water system.

The Mendocino Headlands aquifer (a) discharges 60% of its annual capacity through seepage in the coastal bluffs, cliffs, and beaches that constitute the Town's frontage on the Pacific Ocean, Mendocino Bay, and Big River (estimated 728 AF/Y/1,169 AF/Y), and (b) has a 242-283 AF/Y sustained/perennial yield. Water service in the Town is by some 400 private wells, rather than by a public water works facility. Annual well water production during the preceding decade has been estimated by MCCSD to be between 200-212 AF/Y (with an estimated importation by tank truck of an additional 1.6-11 AF/Y). (Dall & Associates, Supplemental Response to Coastal Commission Staff Comments, New Development and Public Services: Water, January 9, 2016.) Newly instituted water well metering during calendar year 2015, a severe drought year when substantial water conservation measures were implemented, indicates that water usage in the Town of Mendocino varied between 2.4 AF/month (23,683 gpd) and 7.67 AF/month (83,331 gpd), for a total 55.52 AF/Y (MCCSD, January, 2016), or 21.5-27.8% of the estimated

¹³ Exhibit 1, hereto, contains the MOU in full.

MENDOCINO TOWN LOCAL COASTAL PROGRAM UPDATE AMENDMENT (LCP-1-MEN-14-0840)
TOWN LCP UPDATE AMENDMENT-COASTAL ACT CONSISTENCY ANALYSIS

average annual well water demand during the preceding decade. Table 2, below, summarizes the metered water well production in 2015.

| Water Usage in the Town of Mendocino: 2015 | | | | |
|--|--------------------------|----------------------------|------------------------|--------------------------|
| 2015 | Gallons per Month | Acre Feet per Month | Gallons per Day | Acre Feet per Day |
| Jan-15 | 1,032,300 | 3.17 | 33300 | 0.10 |
| Feb-15 | 663,124 | 2.04 | 23683 | 0.07 |
| Mar-15 | 1,773,758 | 5.44 | 57218 | 0.18 |
| Apr-15 | 1,279,740 | 3.93 | 42658 | 0.13 |
| May-15 | 1,254,322 | 3.85 | 40462 | 0.12 |
| Jun-15 | 1,392,360 | 4.27 | 46412 | 0.14 |
| Jul-15 | 1,878,724 | 5.77 | 60604 | 0.19 |
| Aug-15 | 1,776,145 | 5.45 | 57295 | 0.18 |
| Sep-15 | 1,498,890 | 4.60 | 49963 | 0.15 |
| Oct-15 | 1,850,390 | 5.68 | 59690 | 0.18 |
| Nov-15 | 2,499,930 | 7.67 | 83331 | 0.26 |
| Dec-15 | 1,191,144 | 3.66 | 38424 | 0.12 |
| Total | 18,090,827 | 55.52 | 49564 | 0.15 |
| Note: Safe Yield estimated to be 242 acre feet per year or 216,403 gallons per day. | | | | |
| Source: Mike Kelley, Mendocino Community Services District 1/27/2016 | | | | |

TABLE 2. Well Water Production in the Town of Mendocino, Calendar Year 2015.

Analysis of population projections and build-out scenarios in the Town indicates that its population may likely increase by 21-33 households during the 20-year planning horizon of the Town Plan, to 643 to 858 persons, with a minimum build-out scenario (including the maximum number of allowed second residential dwelling units in the RR-1 and SR20000 districts) of 161 new residential equivalents and a maximum buildout scenario of 303 new residential equivalents. At the 1.66 residences/year development rate in Town between 2000 and 2015, the Town would achieve buildout in the year 2112. During the 20-year planning horizon, water useage under these scenarios would increase by 5.1-8.0 AF/Y, and by 24.3-72 AF/Y at buildout in the year 2112. Implementation of the water conservation measures and water beneficial reuse required by the Town Plan Update (discussed below) would result in an estimated 20% water

MENDOCINO TOWN LOCAL COASTAL PROGRAM UPDATE AMENDMENT (LCP-1-MEN-14-0840)
TOWN LCP UPDATE AMENDMENT-COASTAL ACT CONSISTENCY ANALYSIS

conservation, or an increase in water demand to 57.6 AF/Y, to 275.6 AF/Y at build-out, 33.6 AF/Y above the aquifer safe yield (1985), but 8.6 AF/Y below the aquifer perennial safe yield (2004). Seasonal or continuing recharge of the aquifer with reclaimed water from the MCCSD tertiary treatment wastewater plant, with a dry flow capacity of 300,000 gpd (335 AF/Y) would incrementally add to the groundwater supply to avoid the potential of a future aquifer overdraft, without raising the Town's slow growth rate. (*Id.*) Actions S-1.1 through S-1.6 set forth additional mandatory and advisory measures to conserve the Town's water supply, provide for specified beneficial reuse of retained storm water and reclaimed water, and contribute to avoiding (or further minimizing) water importation into the Town by tanker truck. Implementation of these, in parts already on-going, water conservation, beneficial reuse, and importation avoidance (minimization) measures will allow the Town to accommodate the new residential and commercial development allowed by the Town Plan Update.

Analysis of the MCCSD water usage data in table 2, above (based on reported metered usage of all but two wells on residential lots and the well of the local gasoline fueling station) during calendar year 2015 indicates that metered groundwater production totaled 55.52 AF, with an average of 4.63 AF/month, a monthly range between 2.04 AF (February, 2015) to 7.67 AF (November, 2015), and an average of 49,564 gallons/day.¹⁴ Metered groundwater production from the Mendocino Headlands aquifer in 2015 thus totalled only 25% (24.99%) of MCCSD's estimated 2014-15 demand of 222.17 AF (198,330 gpd).¹⁵ Application of the metered 2015 groundwater production data to the

¹⁴ One Mendocino water hauler, active on the Mendocino Coast for over 20 years, indicated during 2015 that despite the severe drought, he delivered "substantially less water to property owners in the Town of Mendocino in 2015 compared to prior years". (Wayne Jones, To Whom It May Concern, September 15, 2015.)

¹⁵ As noted above, the minimum and maximum build-out water usage projections discussed in the preceding analysis of 2014 and prior conditions reflect MCCSD's Water Use Standards (Ordinance 07-1, Appendix C), rather than metered water use. The District's Water Use Standards were adopted primarily from Mendocino County Division of Environmental Health Policy No. 910.6(o). The Water Use Standards provide usage estimates for the different types of uses in the Town of Mendocino. For example, a 1-2 bedroom single family is estimated to

MENDOCINO TOWN LOCAL COASTAL PROGRAM UPDATE AMENDMENT (LCP-1-MEN-14-0840)
TOWN LCP UPDATE AMENDMENT-COASTAL ACT CONSISTENCY ANALYSIS

Town minimum build-out scenario addressed in this Consistency Analysis indicates that additional groundwater useage at build-out would be 24.3 AF/Y, for a total of 79.82 AF/Y, or 33% (29.98%) of the estimated Mendocino Headlands aquifer safe yield (242 AF/Y). Under the maximum build-out scenario, groundwater usage would increase by 72 AF/Y, to 127.52 AF/Y, or 53% (52.69%) of the estimated safe yield., of the aquifer.

4.1.46. Policy S-2: Policy S-2 requires permitted development to preserve, infiltrate, treat, and retain storm water to main natural site drainage, incorporate reclaimed water and/or conserved storm water in dual plumbing systems for non-potable uses, and strictly avoid water waste, through on-site, multi-site cooperative, or public storm water management systems, consistent with PRC sections 30231 [runoff controls, encouragement of wastewater reclamation] and 30250(a) [new development requires adequate infrastructure services, while avoiding potentially significant impacts to coastal resources].

4.1.47. Policy S-3: Policy S-3 requires permitted development to (1) minimize land disturbance, clearing, and grading to avoid, or to the maximum extent feasible reduce, erosion and sediment loss, (2) avoid disturbance of natural drainage features and associated riparian vegetation, wetlands, and native vegetation, and (3) reduce the volume of storm water discharged from the perimeter of the proposed development envelope during the County design storm event for the Town in comparison to pre-project runoff conditions, consistent with PRC sections 30231 [control runoff and maintain vegetation buffer areas or protection of human health and of coastal waters, streams, wetlands], 30251 [minimize the alteration of natural land forms], and 30253 [minimize risks to life and property in areas of high geologic, flood, and fire hazard];

use 200 gallons per day per unit, while a Retail Store/Gallery is estimated to use 0.15 gallons per day per square foot of display area. MCCSD annually provides an estimate of total water demand in the Town to the County based on these standards, which may likely be supplemented by annual MCCSD publication of the reported (and methodologically tested) metered groundwater extraction data.

16 November 2006

Technical Memorandum

| |
|------------------------------------|
| EXHIBIT NO. 8 |
| LCP Amendment No. |
| LCP-1-MEN-0840-1 |
| (Mendocino Town LCP Update) |
| Drought Scenarios |
| Technical Memo prepared |
| for MCCSD |

To: Mike Kelley, Mendocino City Community Services District

From: Michael Maley

Subject: Mendocino Drought Scenarios
K/J Project No. 0664003

Kennedy/Jenks Consultants is pleased to submit this technical memorandum documenting the work performed to develop drought scenarios of the Mendocino Headlands using the numerical groundwater model developed for the earlier Groundwater Modeling Study (Questa and ETIC 2004).

The objective of this task is to update the existing numerical groundwater model and use this model to perform simulations for the purpose of developing a Drought Contingency Plan for the Town of Mendocino. This work is based on an approved AB303 grant by the California Department of Water Resources (DWR) to the Mendocino City Community Services District (MCCSD). This scope-of-work applies to the portion of Task 7 "Develop a Drought Contingency Plan" under Exhibit A - Project Work Plan of the 2005 DWR AB303 grant application that applies to groundwater modeling.

BACKGROUND

The Town of Mendocino is located on the Mendocino Headlands along the Pacific Coast in Mendocino County, California (Figure 1). The Mendocino Headlands form a broad peninsula bounded by sea cliffs that range from in height from 40 to 100 feet. Elevations increase to 360 feet along the eastern margin of the Study Area. The land slopes westward with a broad gentle ridgeline roughly bisecting the peninsula. Hill slopes are generally steeper east of town.

The climate is maritime Mediterranean and is characterized by cool, foggy summers and cool, rainy winters. The average annual precipitation is 40.3 inches, but has historically ranged from 80 inches in 1983 to 16 inches in 1976. Rain mostly falls from November through March. Precipitation typically declines during the late season and becomes minimal during the summer.

The Mendocino Headlands are underlain by the Tertiary Franciscan Complex Coastal Belt (DWR 1985). Overlying the bedrock are four separate sets of marine terrace deposits that represent former beach deposits (Figure 2). The terraces form an essentially flat surface. Where the terraces have been eroded, the bedrock forms a rough and uneven surface. The terraces are also overlain by a 1 to 4-foot thick sandy organic soil horizon as seen in the dark colored material near the top surface (Figure 3).

Groundwater production in Mendocino is primarily from individual privately-owned wells completed in fractured Tertiary Franciscan Complex rocks (Figure 4). Well depths typically

Technical Memorandum

Mike Kelley, Mendocino City Community Services District
16 November 2006
Project No. 0664003
Page 2

range between 40 to 200 feet, with most new wells in the range of 100 to 150 feet. Flow rates to wells are quite variable, but typically range from less than 1 gpm to over 25 gpm.

The terrace deposits act as a holding reservoir by storing water that recharges the underlying fractured bedrock (Figure 4). The distribution of the areas of saturated terrace deposits plays a key role in maintaining groundwater levels in the Mendocino Headlands aquifer. The distribution of the saturated terrace deposits plays a key role in sustaining groundwater levels in the Mendocino Headlands aquifer.

The physical setting is a key factor that influences groundwater flow. Groundwater flows from the highland areas east of Mendocino towards the sea cliffs that surround the town where it discharges to the Pacific Ocean via springs (Figure 5). Spring flow is also highly seasonal with the highest flow rates observed in the late winter and spring following significant rainfall. Unlike most California basins, the major portion of the annual inflow discharges out of the cliffs through springs rather than remaining in storage.

Mendocino's physical setting presents a challenge in evaluating the groundwater resources. Unlike many other California groundwater basins, the Mendocino Headlands aquifer is an open system that is surrounded by cliffs. A major portion of the annual inflow discharges every year through springs located along these cliffs. Limited groundwater resources in the Mendocino Headlands have led to severe water shortages during the dry summer months for residents with marginal wells. In the past 25 years, two significant droughts have impacted the area. These occurred in 1976 to 1977 and 1986 to 1994.

Because of these low yields, most properties employ storage tanks and, through the MCCSD, the community has implemented significant water conservation measures. Even so, some wells run dry in the late fall months, especially in drier than normal years, and water is trucked in to replenish storage tanks at several properties on a regular basis in the Fall. This practice becomes more widespread during periods of drought.

NUMERICAL GROUNDWATER MODEL

A numerical groundwater was constructed for the Mendocino Headlands for the Groundwater Modeling Study by Questa and ETIC (2004). This study was conducted for the Mendocino City Community Services District (MCCSD) and funded as part of a Local Groundwater Assistance Grant from the California Department of Water Resources (DWR). The model was constructed using numerical groundwater modeling code MODFLOW 2000 (Harbaugh and others 2000).

The entire two-layer model contains a total of 200,000 model grid cells using 20-foot uniform grid spacing. The active model domain covers 678 acres of the Mendocino Headlands (Figure 6). The 12-month-long model simulations are divided into twelve one-month-long stress periods. Boundary conditions represent precipitation recharge, groundwater pumpage, subsurface inflow and outflow, discharge to utility trenches, and evapotranspiration. Estimation of aquifer properties are based on aquifer tests, geologic descriptions, and model calibration.

The annual recharge ranged from 886 acre-feet in the 2000-01 water year to 1,604 acre-feet in the 1997-98 water year. Percolation of precipitation was the major recharge component,

Technical Memorandum

Mike Kelley, Mendocino City Community Services District
 16 November 2006
 Project No. 0664003
 Page 3

contributing about 98.4 percent of the total aquifer recharge (Table 1). Springs along the cliffs account for about 40 percent of the total groundwater discharge, followed by Groundwater pumping (21 percent), discharge to surface drainages (16 percent), evapotranspiration (20 percent), and outflow to utility trenches (3 percent).

Table 1: Model-based hydrologic budget summary (in acre-feet per year) from previous model calibration (Questa and ETIC 2004).

| Year | INFLOW (acre-ft) | | | OUTFLOW (acre-ft) | | | | | | Change in Storage |
|-------------------------|------------------|---------------------|--------------|-------------------|--------------|-------------|---------------------|---------------|---------------|-------------------|
| | Percolation | Ground water Inflow | Total Inflow | Cliff Springs | Stream | Utility | Evapo-transpiration | Pumping Wells | Total Outflow | |
| 1984-85 | 886 | 21 | 908 | 443 | 165 | 18 | 162 | 251 | 1038 | -130 |
| 1997-98 | 1588 | 15 | 1604 | 553 | 253 | 70 | 348 | 251 | 1476 | 128 |
| 1998-99 | 1395 | 17 | 1412 | 520 | 221 | 43 | 285 | 251 | 1320 | 92 |
| 1999-00 | 1164 | 19 | 1184 | 481 | 187 | 23 | 217 | 251 | 1158 | 26 |
| 2000-01 | 863 | 23 | 886 | 421 | 143 | 9 | 150 | 251 | 974 | -88 |
| 2001-02 | 1083 | 19 | 1103 | 477 | 196 | 34 | 202 | 264 | 1174 | -71 |
| 2002-03 | 1370 | 18 | 1388 | 512 | 215 | 43 | 280 | 234 | 1283 | 105 |
| TOTAL | 8350 | 133 | 8484 | 3407 | 1379 | 240 | 1644 | 1752 | 8423 | 62 |
| 7-year Average | 1193 | 19 | 1212 | 487 | 197 | 34 | 235 | 250 | 1203 | 9 |
| Percent of Total | 98.4% | 1.6% | | 40.4% | 16.4% | 2.8% | 19.5% | 20.8% | | |

The Mendocino Groundwater Model was calibrated to 552 measured groundwater elevations from 24 wells collected during the 2002-2003 water year. The model was calibrated to groundwater elevation maps, statistical analysis, and hydrographs. The statistical analysis showed a strong correlation of measured to simulated groundwater elevations. Hydrograph comparisons of model results versus observed data show that the general trend and magnitude of groundwater change is effectively simulated. A comparison of measured to simulated groundwater levels from 1998 to 2003 is provided in Figure 7.

The simulated 2003 groundwater elevation map shows that the general groundwater flow pattern is accurately simulated (Figure 5). The contour locations show some variability; however, the overall contour patterns compare favorably between model and hand-drawn maps. In the bedrock, groundwater flow is more continuous. The highest groundwater elevations are observed in the upland area to the east. A groundwater ridge exists down the center of the peninsula. Groundwater flow originates from this ridge and flows towards the cliffs. This calibration demonstrates that the groundwater flow field generated by the model is reasonable.

Groundwater recharge is strongly dependent on precipitation. Model calibration provided insight regarding the groundwater recharge process. A portion of the precipitation recharge is delayed

Technical Memorandum

Mike Kelley, Mendocino City Community Services District
16 November 2006
Project No. 0664003
Page 4

in reaching the groundwater based on the measured hydrograph data from monitor wells. Recharge zones were defined by surface geology. Recharge was defined as a large percentage of the monthly rainfall plus a declining percentage of the previous month's rainfall. These percentages varied over the year with the response becoming progressively more delayed through the year (Figure 8).

DROUGHT SCENARIO APPROACH

The groundwater model provides a mechanism to simulate the impact of drought conditions for the Mendocino Headlands. For this analysis, a series of model scenarios were developed to evaluate the water supply during drought periods. The different drought scenarios were developed to provide a range of potential conditions that represent the type of drought conditions that have been observed in Mendocino.

- **Baseline Scenario** – apply average monthly precipitation.
- **Basic Drought Scenarios** – reduce rainfall percolation by a uniform percentage from the average monthly precipitation.
- **Seasonally Variable Drought Scenarios** – vary distribution of basic drought scenarios by shifting majority of rain to either the fall or the spring.
- **Two-Year Drought Scenarios** – rerun basic drought conditions using lower initial groundwater levels from basic drought scenario.

For the groundwater model, the input necessary to develop these scenarios consists of three water balance components prescribed by the model. These include:

- Recharge from percolation of precipitation
- Groundwater pumping
- Groundwater inflow along portions of the eastern model boundary.

The definition of a drought is derived primarily from precipitation data. For this analysis, precipitation data were obtained from two sources that include:

- MCCSD rain gauge that has annual precipitation records from 1901 to 2006 and monthly records from 1991 to 2006.
- Western Regional Climate Center has annual and monthly precipitation records from 1949 to 2006 for Fort Bragg.

The historical precipitation data from the MCCSD rain gauge from 1901 to 2006 is presented on Figure 9. This historical pattern shows that most dry years are typically isolated events that are followed by near average to above-average precipitation years. The most extended dry period was from 1929 to 1932 with four consecutive years of rainfall 25% or more below normal. The average annual rainfall based on this data set is 40.4 inches per year whereas the median annual rainfall is 38.5 inches per year. This 5% variation between the average and the median

Technical Memorandum

Mike Kelley, Mendocino City Community Services District
 16 November 2006
 Project No. 0664003
 Page 5

rainfall indicates that the average value is influenced by a few years of extreme rainfall. The maximum annual rainfall occurred in the 1982-1983 water year with 80.1 inches. The minimum, or historic drought, occurred in the 1976-1977 water year with 16.14 inches.

To develop the drought scenarios, the rainfall was evaluated probabilistically. Figure 10 presents a probability plot based on the 106 year precipitation history from MCCSD. From this plot, we determined the following relationships.

- 25% below average annual precipitation, or 30.3 inches per year has a probability of rainfall of this level or lower is 20%, which represents an occurrence of once in every 5 years.
- 40% below average annual precipitation, or 24.2 inches per year has a probability of rainfall of this level or lower is about 7%, which represents an occurrence of once in every 15 years.
- 60% below average annual precipitation or 16.2 inches per year represents the historical drought year of 1977 which therefore has a probability of about 1%, which represents an occurrence of once in every 100 years.

Monthly precipitation data from the MCCSD rain gauge is limited so average monthly precipitation was developed by normalizing monthly averages from Fort Bragg (Table 2). Based on the available data from MCCSD and Fort Bragg, average annual precipitation are essentially equal with annual precipitation varying by about 2% on a year-to-year basis.

Table 2: Monthly precipitation data for Fort Bragg (Western Regional Climate Center).

| Scenario | Precipitation (inches per month) | | | | | | | | | | | |
|--------------------|----------------------------------|------|------|------|------|------|------|------|------|------|------|------|
| | Oct | Nov | Dec | Jan | Feb | Mar | Apr | May | Jun | Jul | Aug | Sep |
| Fort Bragg Average | 2.43 | 5.44 | 7.41 | 7.52 | 6.27 | 5.65 | 2.96 | 1.33 | 0.47 | 0.10 | 0.32 | 0.55 |
| Maximum | 7.4 | 13.6 | 21.6 | 21.5 | 19.5 | 14.4 | 11.6 | 9.5 | 3.5 | 0.85 | 3.00 | 3.09 |
| Minimum | 0 | 0.08 | 0.32 | 0.55 | 0.79 | 0.94 | 0.24 | 0 | 0 | 0 | 0 | 0 |

Percolation from precipitation recharge is applied according to a methodology developed for the Questa and ETIC (2004) report. It contains an algorithm that varies the recharge based on the underlying geology, amount of monthly rainfall and distribution of cumulative rainfall. This algorithm was based during calibration of the original groundwater model to measured groundwater elevation data (Questa and ETIC 2004). For the geology, a higher recharge rate was applied to the terrace gravels over the bedrock recharge (Figure 8). A high proportion of the precipitation was applied to that month and the remainder was distributed over the next several months to account for delayed portions of the recharge. The initial 16 inches of

Technical Memorandum

Mike Kelley, Mendocino City Community Services District

16 November 2006

Project No. 0664003

Page 6

precipitation was applied as recharge at a higher monthly rate than the remainder after the initial 16 inches. Later season recharge is distributed over a longer period of time. The specifics of this algorithm are detailed in the Questa and ETIC (2004) report.

Pumping rates were based on the Estimated Town of Mendocino Water Demand provided by MCCSD for the Questa and ETIC (2004) report. Groundwater usage was estimated based on 35 different usage categories. Pumping locations are represented in the model based on pumping well and parcel-specific water usage information provided by the MCCSD. The procedure for the scenarios was the same used for the original model developed. More details of this procedure are documented in Questa and ETIC (2004) report to MCCSD.

To determine the water demand for the drought scenarios, a linear regression analysis was performed to evaluate the potential for a relationship between the estimated water demand from MCCSD and the measured precipitation data. Figure 11 presents the results of this analysis. A comparison of the annual precipitation to the estimated water demand showed a correlation with an R-factor of about 0.52. The analysis was extended to evaluate a relationship between the seasonal rainfall and the water demand. A relatively strong correlation factor of 0.77 was found between the spring precipitation and the water demand, whereas no correlation was found between either fall or summer precipitation and water demand. The correlation between spring precipitation and water demand makes conceptual sense in that during a wet spring, less water would be used for outdoor uses where as during a dry spring, more outdoor water would be expected. Therefore, the water demand for the drought scenarios was based on the linear regression equation for the spring precipitation of:

$$\text{Water demand} = -0.0023 * (\text{February through May Rainfall}) + 81.737$$

The pumping rates for the drought scenarios were developed by applying the linear regression estimate of water demand and proportionalizing the rate to the pumping locations specified in the model from the Questa and ETIC (2004) report.

Groundwater inflow represents less the 2% of the total inflow in the Mendocino Headlands and represents a minor amount of inflow from areas to the east of the model domain. In the earlier model (Questa and ETIC 2004) this was specified as a constant head boundary. However, for the drought scenarios, this was modified to a constant flux boundary. The reason for this the lower groundwater levels during the drought scenarios would cause an increasing groundwater inflow through the constant head boundary. However, this is counter-intuitive since groundwater inflow should decrease proportional to the rainfall. Therefore, the groundwater inflow during average conditions was developed. The groundwater inflow was reduced by half of the percentage of the decrease in rainfall. This is because groundwater inflow would be influenced by the previous years recharge as well as the current year. This is considered as a reasonable approximation for a minor component to the hydrologic budget.

The remaining components to the hydrologic budget include the groundwater outflow components of cliff springs, streams, utility trenches and evapotranspiration. These components are defined in the model as elevation dependent boundaries. This means that the outflow is not specified in the model, but rather elevation and conductance terms are applied,

Technical Memorandum

Mike Kelley, Mendocino City Community Services District
 16 November 2006
 Project No. 0664003
 Page 7

and the model calculates the outflow. Because of this type of model boundary, no modification to these boundaries is required for the drought scenarios.

BASIC DROUGHT SCENARIOS

The basic drought scenarios were primarily based on varying the monthly precipitation by a uniform percentage. The precipitation data used to develop the Basic Drought Scenarios is provided in Table 3. Based on this five different cases were developed that include:

- A baseline case that was based on the average monthly precipitation.
- A 25% below average precipitation year case that was based on using 75% of the average monthly precipitation.
- A 40% below average precipitation year case that was based on using 60% of the average monthly precipitation.
- A historic drought that used the average annual precipitation for the 1977 drought that was about 40% of the average precipitation.
- A no-rain case were applied no precipitation to the model.

Table 3: Monthly precipitation rates used to develop Basic Drought Scenarios.

| | Precipitation (inches) | | | | | | | | | | | | |
|--------------------|------------------------|------|------|------|------|------|------|------|------|------|------|------|------|
| Scenario | Oct | Nov | Dec | Jan | Feb | Mar | Apr | May | Jun | Jul | Aug | Sep | Avg |
| Mendocino Baseline | 2.41 | 5.30 | 7.35 | 7.51 | 6.22 | 5.70 | 2.92 | 1.34 | 0.49 | 0.10 | 0.32 | 0.59 | 40.3 |
| 25% below Baseline | 1.81 | 3.98 | 5.51 | 5.64 | 4.66 | 4.28 | 2.19 | 1.00 | 0.37 | 0.07 | 0.24 | 0.45 | 30.2 |
| 40% below Baseline | 1.44 | 3.18 | 4.41 | 4.51 | 3.73 | 3.42 | 1.75 | 0.80 | 0.29 | 0.06 | 0.19 | 0.36 | 24.2 |
| Historic Drought | 0.97 | 2.13 | 2.95 | 3.01 | 2.49 | 2.29 | 1.17 | 0.54 | 0.20 | 0.04 | 0.13 | 0.24 | 16.2 |
| No Rain | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

The model input data for pumping wells and groundwater inflow were derived from the monthly data using the procedures described in the Approach section. Using this procedure, the water demand for each case is as follows.

- A baseline case water demand is 28,504 cubic feet per day (ft³/d)
- A 25% below average case water demand is 30,262 ft³/d
- A 40% below average case water demand is 31,317 ft³/d

Technical Memorandum

Mike Kelley, Mendocino City Community Services District
 16 November 2006
 Project No. 0664003
 Page 8

- A historic drought water demand is 32,717 ft³/d
- A no-rain case water demand is 35,538 ft³/d

Table 4 provides the hydrologic budget summary for the Basic Drought Scenarios. This shows that as the groundwater inflow primarily from precipitation decreases the total groundwater outflow also decreases. Groundwater outflow to surface features such as streams, utility trenches and evapotranspiration to plants decreases as recharge is decreased. The lower groundwater levels result in less near surface groundwater that can be discharged through these mechanisms.

Table 4: Model-based hydrologic budget summary (in acre-feet per year) for the Basic Drought Scenarios.

| Scenario | INFLOW (acre-ft) | | | OUTFLOW (acre-ft) | | | | | | Change in Storage |
|--------------------|------------------|---------------------|--------------|-------------------|--------|---------|----------------------|---------------|---------------|-------------------|
| | Perco-lation | Ground water Inflow | Total Inflow | Cliff Springs | Stream | Utility | Evapo-transpir-ation | Pumping Wells | Total Outflow | |
| Baseline | 1188 | 18 | 1207 | 548 | 161 | 8 | 250 | 239 | 1206 | 1 |
| 25% Below Average | 902 | 16 | 918 | 479 | 123 | 3 | 169 | 254 | 1028 | -110 |
| 40% Below Average | 712 | 15 | 727 | 432 | 99 | 2 | 126 | 262 | 920 | -194 |
| 64% Below Average | 430 | 14 | 444 | 370 | 60 | 1 | 76 | 265 | 773 | -324 |
| 100% Below Average | 0 | 9 | 9 | 264 | 10 | 1 | 35 | 247 | 557 | -546 |

The hydrographs of the drought scenarios for the 6 key monitor wells shown on Figure 6 are presented on Figure 12. These show that the groundwater elevation declines for each drought scenario for all 5 cases. The results show:

- groundwater elevation declines for the 25% below average case range from 2 to 5 feet below the baseline levels
- groundwater elevation declines for the 40% below average case range from 2 to 5 feet below the baseline levels
- groundwater elevation declines for the historic drought case range from 5 to 20 feet below the baseline levels
- groundwater elevation declines for the no-rain case range from 20 to 50 feet below the baseline levels

Figure 13 presents the change in groundwater levels in relation to the baseline condition for the end of the water year representing the maximum change in groundwater levels for the year. These maps show that the decline in groundwater levels is not uniform but concentrated in

Technical Memorandum

Mike Kelley, Mendocino City Community Services District
 16 November 2006
 Project No. 0664003
 Page 9

specific areas primarily associated with levels of groundwater pumping. The highest declines in groundwater levels are consistently shown to be in the center of the town where there is a concentration of pumping wells in close proximity to one another.

Declines of greater than 5 feet would potentially impact pumping from wells that are sensitive to water level changes to their well construction or well efficiency characteristics. Declines greater than 25 feet are likely to significantly impact pumping from all wells and cause wells with poor construction or efficiency to go dry. The historic drought shows water level declines in the central town area of 35 to 50 feet below the baseline conditions. These types of changes would have a significant impact on pumping causing many wells to go dry.

SEASONALLY VARIABLE DROUGHT SCENARIOS

The Seasonally Variable Drought Scenarios vary the distribution of the monthly precipitation of the 25% and 40% below average precipitation cases from the Basic Drought Scenarios. The monthly precipitation distribution is shown in Table 5. The total annual precipitation for the case was equal to the respective Basic Drought Scenario case. In this way, three cases with the same total annual precipitation were developed. These cases will provide insight on the significance of the timing of the precipitation on drought conditions.

For the two Dry Spring cases, the average monthly rainfall for the months of October through January of 22.6 inches was applied. To simulate a dry spring, significantly below average precipitation was applied to the period from February to May. The remaining 7.6 and 1.6 inches of precipitation were applied to the period from February to September for the 25% and 40% below average precipitation cases, respectively (Table 5).

Table 5: Monthly precipitation rates used to develop Seasonally Variable Drought Scenarios.

| Scenario | Precipitation (inches) | | | | | | | | | | | | Avg |
|------------------------------------|------------------------|------|------|------|------|------|------|------|------|------|------|------|------|
| | Oct | Nov | Dec | Jan | Feb | Mar | Apr | May | Jun | Jul | Aug | Sep | |
| Mendocino Baseline | 2.41 | 5.30 | 7.35 | 7.51 | 6.22 | 5.70 | 2.92 | 1.34 | 0.49 | 0.10 | 0.32 | 0.59 | 40.3 |
| 25% below Baseline with Dry Spring | 2.41 | 5.30 | 7.35 | 7.51 | 2.65 | 2.39 | 1.22 | 0.56 | 0.20 | 0.04 | 0.31 | 0.25 | 30.2 |
| 25% below Baseline with Wet Spring | 0.72 | 1.59 | 2.20 | 2.25 | 4.85 | 13.4 | 2.09 | 1.90 | 0.37 | 0.07 | 0.31 | 0.45 | 30.2 |
| 40% below Baseline with Dry Spring | 2.41 | 5.30 | 7.35 | 7.51 | 0.55 | 0.51 | 0.26 | 0.12 | 0.04 | 0.01 | 0.03 | 0.05 | 24.2 |
| 40% below Baseline with Wet Spring | 0.72 | 1.59 | 2.20 | 2.25 | 3.59 | 9.89 | 1.54 | 1.41 | 0.29 | 0.06 | 0.25 | 0.36 | 24.2 |

Technical Memorandum

Mike Kelley, Mendocino City Community Services District
 16 November 2006
 Project No. 0664003
 Page 10

For the two Wet Spring cases, the average monthly rainfall for the months of October through January of 6.8 inches was applied. The remaining 23.4 and 17.4 inches of precipitation were applied to the period from February to September for the 25% and 40% below average precipitation cases, respectively (Table 5). To simulate a wet spring, higher precipitation was applied to the period from February to May. The precipitation was concentrated in March (Table 5) to simulate a late spring storm event such as occurred in 1991.

The model input data for pumping wells and groundwater inflow were derived from the monthly data using the procedures described in the Approach section. Using this procedure, the water demand for each case is as follows.

- A 25% below average case with a dry spring water demand is 32,573 ft³/d
- A 25% below average case with a wet spring water demand is 25,877 ft³/d
- A 40% below average case with a dry spring water demand is 34,912 ft³/d
- A 40% below average case with a wet spring water demand is 28,399 ft³/d

Table 6 provides the hydrologic budget summary for the Seasonally Variable Drought Scenarios. For both the 25% and 40% below average precipitation cases, these results indicate that the Dry Spring results in a greater overall loss in groundwater storage than the respective Basic Drought Scenario case. Conversely, the Wet Spring results indicate a lower overall loss in groundwater storage than the respective Basic Drought Scenario case. This shows that there are differing responses by the aquifer system to the timing of the rainfall.

Table 6: Model-based hydrologic budget summary (in acre-feet per year) used for Seasonally Variable Drought Scenarios.

| Scenario | INFLOW (acre-ft) | | | OUTFLOW (acre-ft) | | | | | | Change in Storage |
|--|------------------|---------------------|--------------|-------------------|--------|---------|----------------------|---------------|---------------|-------------------|
| | Perco-lation | Ground water Inflow | Total Inflow | Cliff Springs | Stream | Utility | Evapo-transpi-ration | Pumping Wells | Total Outflow | |
| Baseline (Average Rainfall) | 1188 | 18 | 1207 | 548 | 161 | 8 | 250 | 239 | 1206 | 1 |
| 25% Below Average - Uniform Distribution | 902 | 16 | 918 | 479 | 123 | 3 | 169 | 254 | 1028 | -110 |
| 25% Below Average - Dry Spring | 869 | 16 | 885 | 497 | 113 | 2 | 168 | 273 | 1052 | -165 |
| 25% Below Average - Wet Spring | 885 | 16 | 900 | 443 | 125 | 5 | 160 | 217 | 949 | -45 |
| 40% Below Average - Uniform Distribution | 712 | 15 | 727 | 432 | 99 | 2 | 126 | 262 | 920 | -194 |
| 40% Below Average - Dry Spring | 692 | 15 | 707 | 477 | 76 | 1 | 132 | 288 | 975 | -267 |
| 40% Below Average - Wet Spring | 753 | 15 | 767 | 416 | 108 | 3 | 130 | 238 | 895 | -126 |

Technical Memorandum

Mike Kelley, Mendocino City Community Services District
16 November 2006
Project No. 0664003
Page 11

The hydrographs of the Seasonally Variable Drought scenarios for the 6 key monitor wells shown on Figure 6 are presented on Figure 14 and 15.

- For the 25% below average precipitation with a dry spring case, water levels track along with the baseline in the early portion of the scenario. However, with the decreased rainfall in the spring, the water levels at the end of the season are 1 to 5 feet below the 25% below Basic Drought Scenario (Figure 14).
- For the 25% below average precipitation with a wet spring case, water levels track drop 5 to 10 feet below 25% Basic Drought Scenario during the in the early portion of the scenario. However, with the increased rainfall in the spring, the water levels at the end of the season are within 1 foot of the baseline condition (Figure 14).
- For the 40% below average precipitation with a dry spring case, water levels track along with the baseline in the early portion of the scenario. However, with the decreased rainfall in the spring, the water levels at the end of the season are 5 to 15 feet below the 40% below Basic Drought Scenario (Figure 15).
- For the 40% below average precipitation with a wet spring case, water levels track drop 5 to 10 feet below 40% Basic Drought Scenario during the in the early portion of the scenario. However, with the increased rainfall in the spring, the water levels at the end of the season are about 1 to 10 feet higher than the 40% Basic Scenario (Figure 15). This is about midway between the Baseline and the 40% Basic Scenario.

Also from the hydrographs for the Seasonally Variable Drought Scenarios, it should be noted that water levels for the wells are essentially the same for all basic, dry spring and wet spring cases. However, by September the water levels for these same three cases can vary by as much as 20 feet. The Mendocino aquifer system rapidly responds to rain events and is generally not in a state of equilibrium during the rainy season. This suggests that water levels alone may not be a clear indicator of future drought conditions.

Figure 16 presents the change in groundwater levels in relation to the baseline condition for the end of the water year representing the maximum change in groundwater levels for the year. These maps show that the Dry Spring cases have greater declines in water levels, both in magnitude and extent, than the respective Basic Drought Scenario. Conversely, the Wet Spring cases show significantly less water level declines. The 25% below average with a Wet Spring case is almost back to Baseline conditions.

The results of these scenarios indicate that the seasonality of precipitation can have a significant impact on water levels even though the total annual precipitation is the same. A wet spring can significantly ease drought conditions, whereas a dry spring can significantly exasperate them. The seasonality of precipitation, therefore, is a significant characteristic that needs to be incorporated into the development of drought criteria.

Technical Memorandum

Mike Kelley, Mendocino City Community Services District
 16 November 2006
 Project No. 0664003
 Page 12

TWO-YEAR DROUGHT SCENARIOS

For the Two-Year Drought Scenarios, the Basic Drought Scenarios were rerun but with a different initial starting groundwater elevations. For the Basic Drought Scenarios, the initial groundwater elevations were the output from the Baseline Scenario. Therefore, the results can be viewed as the variation from average conditions. For the Two-Year Drought Scenarios, the initial starting groundwater elevations were the output from either the 25% Below Average or 40% Below Average Drought Scenario. The purpose of this set of scenarios was to evaluate the compounding impacts of multiyear droughts.

The Baseline, 25% Below Average and 40% Below Average Basic Drought Scenarios were rerun using the September groundwater elevations from both the 25% Below Average and 40% Below Average Drought Scenario. The hydrologic budget (Table 7) shows that a significant increase in groundwater storage occurs when average precipitation follows a drought. The increase in groundwater storage accounts for about a 60% recovery in the groundwater storage lost during the respective drought. A second year, 25% below average drought following a drought results in a 12 to 51 acre-foot decrease in storage. The represents an additional 10% to 50% decrease in groundwater storage for a 25% Below Average and 40% Below Average Drought, respectively. Similarly, a second year, 40% below average drought following a drought results in a 101 to 138 acre-foot decrease in storage. The represents an additional 100% to 50% decrease in groundwater storage for a 25% Below Average and 40% Below Average Drought, respectively.

Table 7: Model-based hydrologic budget (in acre-feet per year) summary used for Two-Year Drought Scenarios.

| Scenario | INFLOW (acre-ft) | | | OUTFLOW (acre-ft) | | | | | | Change in Storage |
|---------------------------------------|------------------|---------------------|--------------|-------------------|--------|---------|----------------------|---------------|---------------|-------------------|
| | Perco-lation | Ground water Inflow | Total Inflow | Cliff Springs | Stream | Utility | Evapo-transpir-ation | Pumping Wells | Total Outflow | |
| Baseline (Average Rainfall) | 1188 | 18 | 1207 | 548 | 161 | 8 | 250 | 239 | 1206 | 1 |
| Average following 25% below average | 1188 | 18 | 1207 | 520 | 148 | 7 | 221 | 239 | 1135 | 72 |
| 25% below following 25% below average | 902 | 16 | 918 | 450 | 115 | 2 | 148 | 254 | 969 | -51 |
| 40% below following 25% below average | 712 | 15 | 727 | 407 | 88 | 1 | 108 | 261 | 865 | -138 |
| Average following 40% below average | 1188 | 18 | 1207 | 503 | 140 | 6 | 204 | 160 | 1012 | 117 |
| 25% below following 40% below average | 902 | 16 | 918 | 434 | 105 | 2 | 135 | 254 | 929 | -12 |
| 40% below following 40% below average | 712 | 15 | 727 | 389 | 80 | 1 | 97 | 260 | 827 | -101 |

Technical Memorandum

Mike Kelley, Mendocino City Community Services District
16 November 2006
Project No. 0664003
Page 13

The hydrographs of the Two-Year Drought Scenarios for the 6 key monitor wells shown on Figure 6 are presented on Figure 17 and 18. Figure 17 shows the model results for the cases using the 25% Basic Drought Scenario as the initial conditions. These results indicate:

- When average rainfall year follows a 25% below average drought, the groundwater system has essentially recovered to Baseline conditions by March following a 25% Basic Drought Scenario (Figure 17).
- When 25% below average rainfall year follows a 25% below average drought, an additional 1 to 5 feet of groundwater level declines are observed relative to the 25% Basic Drought Scenario (Figure 17).
- When 40% below average rainfall year follows a 25% below average drought, an additional 5 to 20 feet of groundwater level declines are observed relative to the 25% Basic Drought Scenario. Relative to the 40% Basic Drought Scenario, this represents an additional 1 to 10 feet of groundwater level declines. (Figure 17).

Figure 18 shows the model results for the cases using the 25% Basic Drought Scenario as the initial conditions. These results indicate:

- When average rainfall year follows a 40% below average drought, the groundwater system has essentially recovered to Baseline conditions by March following a 40% Basic Drought Scenario (Figure 18).
- When 25% below average rainfall year follows a 40% below average drought, groundwater levels are essentially within a few feet relative to the 40% Basic Drought Scenario (Figure 18).
- When 40% below average rainfall year follows a 40% below average drought, an additional 1 to 12 feet of groundwater level declines are observed relative to the 40% Basic Drought Scenario (Figure 18).

Figure 19 presents maps of the change in groundwater levels in relation to the 25% Basic Drought Scenario. It is important to note that the changes depicted on these maps are in addition to those for the 25% Basic Drought Scenario. The average rainfall following a 25% drought shows increase in water levels that nearly approximate the declines for the 25% drought. This indicates that nearly full recovery occurs during just one average rainfall year. For the 25% drought following a 25% drought, declines of about 5 feet are noted primarily in the center of town area. For the 40% drought following a 25% drought, the declines are more widespread with declines of as much as 25 feet in the center of town.

Similar results are shown for the set of cases following a 40% drought (Figure 20). Significant recovery occurs following a single year of average rainfall. The biggest increases are in the center of town region; however, the recovery is not quite equal to the declines of the 40% drought. A 25% drought following a 40% drought results in essentially the same water level declines as a single year 40% drought. A 40% drought following a 40% drought results in essentially the same water level declines as a single year historic drought. This indicates that

Technical Memorandum

Mike Kelley, Mendocino City Community Services District
16 November 2006
Project No. 0664003
Page 14

there is some compounding of drought conditions does occur as the second year is more severe.

DROUGHT CRITERIA DEVELOPMENT

The purpose of the Drought Criteria is to provide guidelines for MCCSD in forecasting when and how severe drought conditions can be anticipated for the upcoming year. The primary objectives in developing drought criteria include:

- Provide the ability to forecast drought conditions that incorporates the findings of the drought scenarios and historical data.
- Define criteria with specific dates and directly measurable quantity that is readily available to MCCSD.
- Define criteria that evaluate conditions early so that mitigation measures have a higher probability of being applied in a manner that will provide benefits to the community to minimize the impacts from the drought
- Provide criteria to evaluate recovery due to natural or mitigation measures.

The drought scenarios were developed and run to provide input into the development of the drought criteria. The following is a list of findings, based on both the Groundwater Modeling Study (Questa and ETIC 2004) and the results of the drought scenarios discussed above, concerning the Mendocino Headlands aquifer system.

- Precipitation is the primary source of groundwater recharge and is therefore a key parameter in controlling the summer and fall groundwater levels.
- There is little capacity for groundwater storage in the Mendocino Headlands, so a single season of below average precipitation can cause significantly impacts.
- Timing of precipitation is important. The model results show that spring rains have a strong positive influence on groundwater levels, whereas a dry spring can have a strong negative influence on groundwater levels.
- There is a lag component in the recharge component from precipitation. Impacts to the groundwater levels are spread over an interval of 1 to 4 months.
- Groundwater levels in the spring are not necessarily a good indicator of summer and fall groundwater levels. The variations may be due to seasonal variations in precipitation and the recharge lag.
- Groundwater levels can recover in one season with near average to above average precipitation showing that the aquifer system
- In a second year of drought conditions, the groundwater levels will be lower than the same drought condition following an average precipitation year.

Technical Memorandum

Mike Kelley, Mendocino City Community Services District
16 November 2006
Project No. 0664003
Page 15

Defining a drought condition for the upcoming water year is based rainfall data. Rainfall is the primary source of groundwater recharge, and water levels in the area are strongly controlled by rainfall. During the winter and spring months, the variation of groundwater levels between potential drought conditions is within the range of potential natural variation. This makes groundwater levels a poor predictor of potential upcoming drought conditions. Rainfall is a direct measurement.

The modeling has shown that the groundwater levels in the summer months are dependent upon the amount of rainfall for the water year starting October 1 and the amount of spring rainfall starting from February 1. Water demand for Mendocino has also been correlated to the amount of spring rainfall. Drought stage definitions include:

- **Stage I Drought** – Mild drought condition, rainfall ranging from 75% to 82.5% of normal. Based on historic data, this condition would occur once every 5 years.
- **Stage II Drought** – Moderate drought condition, rainfall ranging from 60% to 75% of normal. Based on historic data, this condition would occur once every 8 years.
- **Stage III Drought** – Severe drought condition, rainfall ranging from 50% to 60% of normal. Based on historic data, this condition would occur once every 15 years.
- **Stage IV Drought** – Historic drought condition, rainfall ranging less than 50% of normal. Based on historic data, this condition would occur once every 50 years.

DROUGHT CRITERIA METHODOLOGY

The approach is to define a set of criteria for key target dates to evaluate conditions in the winter and spring to evaluate the potential for drought conditions that would result in lack of available water supply primarily in the summer and fall months. The initial criteria would be define

- January 31, March 31 and May 31 to evaluate the potential for drought conditions to impact water supplies during the upcoming summer and fall.
- If drought conditions are defined on May 31, then additional evaluation dates of August 31, November 30 and December 31 to evaluate whether the drought condition should be continued or terminated.
- If drought conditions are not defined on May 31, then no further evaluation is necessary until the following January 31.
- Provide a mechanism to adjust drought stage designation during the second consecutive drought year.

For the Target dates of January 31, March 31 and May 31, the drought criteria are based on precipitation data. The advantage to this is that precipitation is a directly measurable quantity that is routinely collected by MCCSD. The Groundwater Modeling Study (Questa and ETIC 2004) and the drought scenarios indicate that precipitation is the key component to defining

Technical Memorandum

Mike Kelley, Mendocino City Community Services District
16 November 2006
Project No. 0664003
Page 16

- Cumulative precipitation from October 1 through target date,
- Cumulative precipitation from February 1 through target date (for March 31 and May 31 target dates only).

Depth to groundwater is not considered a strong indicator of potential drought conditions during January through May because the depth to groundwater is subject to transient events such as recent rains or pumping. Based on the modeling results, the range of depths to groundwater for the indicator wells narrows during these months making judgments of future conditions difficult.

The January 31 Evaluation Date provides an early indication of the precipitation for the year. The criteria for January 31 are designed to provide an indicator for the potential for a dry year. As noted in the Seasonally Variable Drought Scenarios, spring precipitation is a key in defining drought conditions. The March 31 and May 31 Evaluation Dates have criteria designed to evaluate both the full year and the spring precipitation. It also provides a mechanism to remove a drought designation if sufficient spring precipitation has occurred.

If a drought condition is not defined on May 31, then no further evaluation is considered necessary until the following January 31. However, if a drought condition is defined on May 31, then additional evaluation dates are defined for August 31, November 30 and December 31 to evaluate whether the drought condition should be continued or terminated. Depth to groundwater and rainfall criteria are defined to determine if

- water conservation or other mitigation measures were sufficient to ease the drought restrictions,
- conditions have significantly worsened and more stringent drought restriction are necessary, or
- conditions have remained in the same drought condition.

It is not anticipated that any significant rainfall would have occurred during the period from May 31 to August 31; therefore, depth to groundwater levels are considered as the primary evaluation for the end of summer. Depth to groundwater levels are defined for the five indicator wells based on model results and historic data. The five wells include 25, 134A, 134B, 136 and 139 (Figure 4). Because a range of conditions may occur based on this analysis, the average condition should be considered as the indicator of the drought condition.

For the November 30 and December 31 evaluations will consist of both rainfall and depth to groundwater data. Modeling results indicate that average to above average rainfall in the fall will bring groundwater levels back to near normal conditions depending on the pre-existing drought condition. The criteria are based on the December 31 conditions. The November 30 is considered an interim date so that if high rainfall occurs in November, then drought conditions can be modified prior December 31. If rainfall and depth to groundwater evaluations do not agree, then use the more severe of the conditions. The rainfall conditions are defined as cumulative rainfall since October 1 in relation to the pre-existing drought condition. The criteria are:

Technical Memorandum

Mike Kelley, Mendocino City Community Services District

16 November 2006

Project No. 0664003

Page 17

If the pre-existing year was not in a drought condition, then follow the drought condition criteria without modification. If a pre-existing drought condition is already in affect from the previous year, then modify the drought stage recommendations for January 31, March 31 and May 31 using the following criteria based on the Two-Year Drought Scenarios which show that cumulative impacts can result in more severe conditions than those defined based on the current year precipitation alone. The drought stage designation would be adjusted to a more severe designation as defined in the criteria.

Testing of the drought criteria were included in the development process to verify that the criteria would provide useful indicators of upcoming conditions based on evaluating historical events. The Fort Bragg precipitation history was used as this data set had monthly data from 1949 to 2006. Table A-1 is presented in the Appendix that provides the results of this test. Table A-1 provides the cumulative precipitation data for the drought criteria and provides the appropriate drought stage condition for the Evaluation Dates. From the summary data from Table A-1, the following observations are made.

- A Stage I drought is defined about 19% of the years or about once every 5 years
- A Stage II drought is defined about 12% of the years or about once every 8 years
- A Stage III and IV drought is defined about 6% of the years or about once every 17 years

Further evaluation of Table A-1 shows multiple instances of a drought stage being defined in January, but being removed in either March or May due to spring rains. Conversely, there are multiple instances where a drought is defined on May 31 based on a lack of spring rain although it was not defined for January 31. This shows that the criteria are resilient in incorporating changing conditions.

Table A-1 shows that 5 years were had conditions that were impacted by the second consecutive year of drought. Of those only 1 year, 1992, had this condition continue through to the May 31 Evaluation Date. This shows that the criteria are capable of properly incorporating the effects of multi-year drought conditions.

Technical Memorandum

Mike Kelley, Mendocino City Community Services District
16 November 2006
Project No. 0664003
Page 18

DROUGHT CRITERIA

Below is a listing of the drought criteria for the each of the Evaluation Dates.

January 31, March 31 and May 31 Evaluation Dates

For the Evaluation Dates of January 31, March 31 and May 31, the drought criteria are based on precipitation data that include:

- Cumulative precipitation from October 1 through target date,
- Cumulative precipitation from February 1 through target date (for March 31 and May 31 target dates only).

January 31 Evaluation Date

Total Rainfall since October 1

- If greater than **19 inches**, then **No Drought**
- If between **14 and 19 inches**, then **Stage I Drought**
- If between **10 and 14 inches**, then **Stage II Drought**
- If between **8 and 10 inches**, then **Stage III Drought**
- If less than **8 inches**, then **Stage IV Drought**

March 31 Evaluation Date

Total Rainfall since October 1

- If greater than **32 inches**, then **No Drought**
- If between **29 and 32 inches**,
 - ◆ Total Rainfall since February 1
 - If greater than 7 inches, then **No Drought**
 - If less than 7 inches, then **Stage I Drought**
- If between **26 and 29 inches**,
 - ◆ Total Rainfall since February 1
 - If greater than 18 inches, then **No Drought**
 - If between 7 and 18 inches, then **Stage I Drought**
 - If less than 7 inches, then **Stage II Drought**
- If between **22 and 26 inches**,
 - ◆ Total Rainfall since February 1
 - If greater than 18 inches, then **Stage I Drought**
 - If between 7 and 18 inches, then **Stage II Drought**
 - If less than 7 inches, then **Stage III Drought**
- If between **16 and 22 inches**,
 - ◆ Total Rainfall since February 1
 - If greater than 18 inches, then **Stage II Drought**

Technical Memorandum

Mike Kelley, Mendocino City Community Services District
16 November 2006
Project No. 0664003
Page 19

- If between 7 and 18 inches, then **Stage III Drought**
 - If less than 7 inches, then **Stage IV Drought**
- If less than **16 inches**,
 - ◆ All cases are **Stage IV Drought**

May 31 Evaluation Date

Total Rainfall since October 1

- If greater than **35 inches**, then **No Drought**
- If between **32 and 35 inches**,
 - ◆ Total Rainfall since February 1
 - If greater than 12 inches, then **No Drought**
 - If less than 12 inches, then **Stage I Drought**
- If between **29 and 32 inches**,
 - ◆ Total Rainfall since February 1
 - If greater than 20 inches, then **No Drought**
 - If between 10 and 20 inches, then **Stage I Drought**
 - If less than 10 inches, then **Stage II Drought**
- If between **24 and 29 inches**,
 - ◆ Total Rainfall since February 1
 - If greater than 20 inches, then **Stage I Drought**
 - If between 10 and 20 inches, then **Stage II Drought**
 - If less than 10 inches, then **Stage III Drought**
- If between **20 and 24 inches**,
 - ◆ Total Rainfall since February 1
 - If greater than 20 inches, then **Stage II Drought**
 - If between 10 and 20 inches, then **Stage III Drought**
 - If less than 10 inches, then **Stage IV Drought**
- If less than **20 inches**,
 - ◆ All cases are **Stage IV Drought**

August 31 Evaluation Date

It is not anticipated that any significant rainfall would have occurred during the period from May 31 to August 31; therefore, depth to groundwater levels are considered as the primary evaluation for the end of summer. Depth to groundwater levels are defined for the five indicator wells based on model results and historic data (Table 9). Because a range of conditions may occur based on this analysis, the average condition should be considered as the indicator of the drought condition.

Depth to groundwater levels are defined for the five indicator wells based on model results and historic data. Because a range of conditions may occur based on this analysis, the average condition should be considered as the indicator of the drought condition.

Technical Memorandum

Mike Kelley, Mendocino City Community Services District
 16 November 2006
 Project No. 0664003
 Page 20

Table 9: Depth to water criteria for five selected monitoring wells as part of the August 31 Drought Evaluation.

| | No Drought | Stage I | Stage II | Stage III | Stage IV |
|--|------------|---------|----------|-----------|----------|
| Well 139 (as depth to groundwater in feet) | | | | | |
| August | <18 | 18-22 | 22-26 | 26-34 | >34 |
| November or December | <15 | 15-19 | 19-23 | 23-29 | >29 |
| Well 25 (as depth to groundwater in feet) | | | | | |
| August | <38 | 38-40 | 40-44 | 44-50 | >50 |
| November or December | <35 | 35-37 | 37-41 | 41-47 | >47 |
| Well 134A (as depth to groundwater in feet) | | | | | |
| August | <17 | 17-19 | 19-23 | 23-30 | >30 |
| November or December | <14 | 14-16 | 16-20 | 20-27 | >27 |
| Well 134B (as depth to groundwater in feet) | | | | | |
| August | <17 | 17-19 | 19-23 | 23-30 | >30 |
| November or December | <13 | 13-15 | 15-19 | 19-25 | >25 |
| Well 136 (as depth to groundwater in feet) | | | | | |
| August | <14 | 14-16 | 16-20 | 20-24 | >24 |
| November or December | <14 | 14-16 | 16-20 | 20-24 | >24 |

November 30 and December 31 Evaluation Dates

For the November 30 and December 31 evaluations will consist of both rainfall and depth to groundwater data. If rainfall and depth to groundwater evaluations do not agree, then use the more severe of the conditions. The rainfall conditions are defined as cumulative rainfall since October 1 in relation to the pre-existing drought condition. The criteria are:

Total Rainfall since October 1

- If pre-existing **Stage I Drought**
 - ◆ greater than 12 inches, then **No Drought**
 - ◆ less than 12 inches, then **Stage I Drought**
- If pre-existing **Stage II Drought**
 - ◆ greater than 16 inches, then **No Drought**
 - ◆ between 12 and 16 inches, then **Stage I Drought**
 - ◆ less than 12 inches, then **Stage II Drought**
- If pre-existing **Stage III Drought**
 - ◆ greater than 22 inches, then **No Drought**
 - ◆ between 16 and 22 inches, then **Stage I Drought**

Technical Memorandum

Mike Kelley, Mendocino City Community Services District

16 November 2006

Project No. 0664003

Page 21

- ◆ between 12 and 16 inches, then **Stage II Drought**
- ◆ less than 12 inches, then **Stage III Drought**
- If pre-existing **Stage IV Drought**
 - ◆ greater than 22 inches, then **Stage I Drought**
 - ◆ between 16 and 22 inches, then **Stage II Drought**
 - ◆ between 12 and 16 inches, then **Stage III Drought**
 - ◆ less than 12 inches, then **Stage IV Drought**

Adjustments to Criteria if Second Consecutive

If the pre-existing year was not in a drought condition, then follow the drought condition criteria without modification. If a pre-existing drought condition is already in affect from the previous year, then modify the drought stage recommendations for January 31, March 31 and May 31 using the following criteria:

- If pre-existing **Stage I Drought**, then follow the Drought Condition Criteria without modification
- If pre-existing **Stage II or III Drought**, then modify the Drought Condition Criteria recommendation for the appropriate date to the next most severe drought condition
- If pre-existing **Stage IV Drought**, then modify the Drought Condition Criteria recommendation for the appropriate date to two drought conditions more severe.

Technical Memorandum

Mike Kelley, Mendocino City Community Services District
16 November 2006
Project No. 0664003
Page 22

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Technical Memorandum

Mike Kelley, Mendocino City Community Services District
16 November 2006
Project No. 0664003
Page 23

APPENDIX

Technical Memorandum

Mike Kelley, Mendocino City Community Services District
 16 November 2006
 Project No. 0664003
 Page 24

Table A-1: Table of Annual Cumulative precipitation to date for Drought Criteria Evaluation Dates and Drought Stage determined by the recommended Drought Criteria. Data are applied to the Fort Bragg Precipitation data set from 1949 to 2006.

| | Precipitation per interval (inches) | | | | | Drought Stage | | |
|------|-------------------------------------|-----------|-----------|-----------|-----------|---------------|--------|--------|
| | Oct - Jan | Oct - Mar | Feb - Mar | Oct - May | Feb - May | 31-Jan | 31-Mar | 31-May |
| 1949 | 12.6 | 33.3 | 20.6 | 34.9 | 22.2 | II | - | - |
| 1950 | 15.9 | 27.5 | 11.6 | 30.2 | 14.2 | I | I | I |
| 1951 | 28.3 | 38.0 | 9.6 | 41.3 | 13.0 | - | - | - |
| 1952 | 33.5 | 42.6 | 9.1 | 45.5 | 12.0 | - | - | - |
| 1953 | 32.3 | 38.6 | 6.4 | 45.9 | 13.7 | - | - | - |
| 1954 | 23.5 | 33.1 | 9.7 | 37.5 | 14.0 | - | - | - |
| 1955 | 23.1 | 26.2 | 3.1 | 31.3 | 8.2 | - | II | II |
| 1956 | 37.6 | 45.5 | 8.0 | 47.0 | 9.4 | - | - | - |
| 1957 | 10.9 | 24.0 | 13.1 | 31.1 | 20.2 | II | II | - |
| 1958 | 23.9 | 50.4 | 26.4 | 56.5 | 32.6 | - | - | - |
| 1959 | 16.7 | 26.7 | 9.9 | 27.4 | 10.7 | I | I | II |
| 1960 | 10.7 | 26.3 | 15.6 | 30.5 | 19.8 | III* | - | I |
| 1961 | 18.9 | 33.3 | 14.4 | 38.1 | 19.2 | I | - | - |
| 1962 | 16.3 | 29.0 | 12.7 | 30.9 | 14.5 | I | I | I |
| 1963 | 16.7 | 27.6 | 10.9 | 38.0 | 21.3 | I | I | - |
| 1964 | 25.2 | 29.9 | 4.8 | 31.9 | 6.7 | - | I | II |
| 1965 | 32.1 | 36.0 | 3.9 | 41.1 | 9.0 | - | - | - |
| 1966 | 23.4 | 31.9 | 8.5 | 34.3 | 10.9 | - | I | I |
| 1967 | 26.5 | 36.9 | 10.4 | 45.6 | 19.1 | - | - | - |
| 1968 | 22.1 | 30.8 | 8.8 | 32.6 | 10.5 | - | I | I |
| 1969 | 33.0 | 46.0 | 13.0 | 49.6 | 16.5 | - | - | - |
| 1970 | 33.3 | 39.8 | 6.5 | 40.8 | 7.5 | - | - | - |
| 1971 | 31.5 | 41.3 | 9.9 | 44.5 | 13.1 | - | - | - |
| 1972 | 15.6 | 25.2 | 9.6 | 28.1 | 12.5 | I | II | II |
| 1973 | 28.3 | 41.5 | 13.2 | 42.9 | 14.6 | - | - | - |
| 1974 | 33.6 | 48.7 | 15.0 | 53.3 | 19.7 | - | - | - |
| 1975 | 15.3 | 36.9 | 21.6 | 39.7 | 24.4 | I | - | - |
| 1976 | 12.6 | 22.4 | 9.9 | 26.7 | 14.1 | II | II | II |
| 1977 | 5.4 | 10.3 | 4.9 | 12.8 | 7.4 | IV | IV | IV |
| 1978 | 25.8 | 38.0 | 12.2 | 44.9 | 19.1 | II* | I* | - |
| 1979 | 11.1 | 26.9 | 15.8 | 31.2 | 20.0 | II | - | - |
| 1980 | 23.7 | 36.5 | 12.7 | 40.9 | 17.1 | - | - | - |

* - drought criteria modified by pre-existing drought condition criteria.

Technical Memorandum

Mike Kelley, Mendocino City Community Services District
 16 November 2006
 Project No. 0664003
 Page 25

Table A-1 (continued): Table of Annual Cumulative precipitation to date for Drought Criteria Evaluation Dates and Drought Stage determined by the recommended Drought Criteria. Data are applied to the Fort Bragg Precipitation data set from 1949 to 2006.

| | Precipitation per interval (inches) | | | | | Drought Stage | | |
|--------|-------------------------------------|-----------|-----------|-----------|-----------|---------------|--------|--------|
| | Oct - Jan | Oct - Mar | Feb - Mar | Oct - May | Feb - May | 31-Jan | 31-Mar | 31-May |
| 1981 | 17.3 | 26.0 | 8.7 | 28.4 | 11.2 | - | I | II |
| 1982 | 26.6 | 38.1 | 11.5 | 42.8 | 16.2 | - | - | - |
| 1983 | 28.9 | 40.5 | 11.7 | 46.5 | 17.6 | - | - | - |
| 1984 | 26.4 | 33.7 | 7.3 | 35.0 | 8.6 | - | - | I |
| 1985 | 18.4 | 28.7 | 10.3 | 29.4 | 10.9 | - | I | II |
| 1986 | 18.3 | 38.0 | 19.7 | 39.7 | 21.4 | II* | - | - |
| 1987 | 16.0 | 29.5 | 13.5 | 31.0 | 15.0 | I | - | - |
| 1988** | 17.4 | 17.4 | 0.0 | 17.4 | 0.0 | I | IV | IV |
| 1989 | 21.2 | 35.6 | 14.4 | 39.0 | 17.9 | II* | I* | - |
| 1990 | 17.1 | 24.1 | 7.0 | 34.9 | 17.8 | I | II | - |
| 1991 | 6.8 | 20.6 | 13.7 | 23.6 | 16.7 | IV | III | III |
| 1992 | 12.9 | 28.2 | 15.3 | 30.6 | 17.7 | III* | II* | II* |
| 1993 | 30.0 | 41.4 | 11.4 | 50.2 | 20.2 | - | - | - |
| 1994 | 16.1 | 25.3 | 9.3 | 30.5 | 14.5 | I | II | I |
| 1995 | 32.9 | 49.6 | 16.7 | 57.1 | 24.2 | - | - | - |
| 1996 | 24.8 | 38.7 | 13.9 | 45.8 | 21.0 | - | - | - |
| 1997 | 35.0 | 41.1 | 6.1 | 46.4 | 11.5 | - | - | - |
| 1998 | 41.0 | 68.9 | 27.9 | 76.9 | 35.9 | - | - | - |
| 1999 | 20.1 | 43.8 | 23.7 | 47.3 | 27.2 | - | - | - |
| 2000 | 22.5 | 36.4 | 13.9 | 41.9 | 19.5 | - | - | - |
| 2001 | 14.3 | 27.7 | 13.4 | 30.2 | 16.0 | I | I | I |
| 2002 | 31.2 | 40.0 | 8.9 | 41.8 | 10.6 | - | - | - |
| 2003 | 33.3 | 43.6 | 10.3 | 56.1 | 22.8 | - | - | - |
| 2004 | 23.8 | 35.4 | 11.6 | 37.2 | 13.4 | - | - | - |
| I | | | | | | 13 | 13 | 9 |
| II | | | | | | 7 | 7 | 7 |
| III | | | | | | 2 | 1 | 1 |
| IV | | | | | | 2 | 2 | 2 |

* - drought criteria modified by pre-existing drought condition criteria.

** - 1988 precipitation records missing January through August data. Drought stage evaluated assuming no late season rainfall as test of methodology.

**MENDOCINO TOWN LOCAL COASTAL PROGRAM UPDATE AMENDMENT (LCP-1-MEN-0840-1)
TOWN LCP UPDATE AMENDMENT-COASTAL ACT CONSISTENCY ANALYSIS**

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1. INTRODUCTION¹

**CALIFORNIA
COASTAL COMMISSION
NORTH COAST DISTRICT**

The Board of Supervisors (Board or BOS) of the County of Mendocino on December 8, 2015 adopted the Mendocino Town Local Coastal Program Update Amendment (MTLCPUA or Town LCP Update) to the Coastal Commission-certified 1992 Mendocino Town Plan and the certified 1995 Mendocino Town Zoning Code, and directed transmittal of the Town LCP Update to the California Coastal Commission (Coastal Commission or CCC) for certification pursuant to the California Coastal Act of 1976, as amended (Division 20, Public Resources Code [PRC]). The unincorporated Town of Mendocino constitutes a Coastal Commission adopted geographical segment of Mendocino County's coastal zone, which is coterminous with the Coastal Commission-delineated urban limit line.

The Town LCP Update amendments to the certified Town Plan and Land Use Map, and to the certified Town Zoning Code and Zoning Map, are consistent with the applicable mandatory Coastal Act policies and State goals for the coastal zone, as well as with the goals of the certified LCP that it updates. The Town LCP Update reinforces those policies and goals to assure continued protection of the Town's unique resources and special community character into the future.

Section 2, below, contains (for convenience) the Coastal Act Chapter 3 conservation, development, and public access standards that provide the foundation for the Town Plan mandatory policies, mandatory actions, and advisory (recommended) actions, to the extent necessary to meet the State goals for the coastal zone set forth in Public Resources Code section 30001.5. (PRC sec. 30512.2.)

Section 3 contains the Mendocino Town Plan Update Policies, mandatory Actions, and advisor (recommended) Actions.

¹ Prepared by Norbert Dall and Stephen J. Traffic, Consultant to the County of Mendocino.

MENDOCINO TOWN LOCAL COASTAL PROGRAM UPDATE AMENDMENT (LCP-1-MEN-14-0840)
TOWN LCP UPDATE AMENDMENT-COASTAL ACT CONSISTENCY ANALYSIS

In relevant parts:

(1) The MCCSD wastewater treatment plant has a design capacity of 300,000 gpd (average daily dry weather flow) and an unused (unallocated) treatment capacity of 80,200 gpd. During the 20-year planning horizon of the Town LCP Update (Mendocino Pop2 projections), demand on the wastewater treatment plant from projected buildout in 2035 would increase by an average 6,667 gpd, if all produced water from wells were ultimately discharged to the wastewater system (i.e., if no well water were used for irrigation or other non-potable purposes).¹⁰ The MCCSD wastewater treatment plant thus will retain adequate capacity during the Town LCP Update planning horizon to adequately serve additional visitor serving facilities, commercial recreational development, and other non-residential uses, as well as residential uses, that are allowed by the Town LCP Update. Table 1 summarizes MCCSD's sewer use data for non-residential uses as of April, 2015, for a total of 95,341 gpd. It should be noted, however, that these sewer use data do not reflect actual metered effluent discharge from each of the listed user categories to the MCCSD wastewater system.

(2) Both Highway 1 and the three principal connecting streets (Main, Little Lake, and Lansing) provide for adequate public highway, road, and street infrastructure to accommodate the spectrum of priority Coastal Act (e.g., public access, visitor serving commercial, and other commercial recreational) uses between Highway 1, the Town, and MHSP. Highway 1 between the Big River Bridge, on the south, and north of the intersection with Little Lake Road/Street, consists of four lanes, with turn and merge lanes, that facilitate through traffic flow and turning maneuvers. Persons with local knowledge indicate that residents in the Town tend to avoid, or minimize their vehicular use of, the Town Commercial District during peak visitor use periods; the walking scale

¹⁰ Dall & Associates, Supplemental Response to Coastal Commission Staff Comments, New Development and Public Services: Water, January 9, 2016, at 25.

MENDOCINO TOWN LOCAL COASTAL PROGRAM UPDATE AMENDMENT (LCP-1-MEN-14-0840)
TOWN LCP UPDATE AMENDMENT-COASTAL ACT CONSISTENCY ANALYSIS

of the Town provides feasible alternative modes of ingress and egress for residents. Table 2, Highway 1 Traffic Counts at Mendocino Town, summarizes the most recent available peak hour, peak day, peak month, and annual average daily traffic (AADT) for Highway 1 at the Main/Jackson Street and Lansing Street intersections (Caltrans data, 2014) and for traffic on Main Street (east and west bound), on Little Lake Street/Road (east and west bound) and on Lansing Street (north and south bound) (County of Mendocino data, November 23-30, 2015 (Thanksgiving week, a peak use period). The data, although not strictly comparable because of differences in data time sets and unknown peak Caltrans peak hour occurrence, may be considered to corroborate impressionistic observations that both Highway 1 and the three primary access roads/street segments in the Town adjacent/proximate to Highway 1 can accommodate the peak hour traffic volumes, respectively at 720 trips (both directions on Highway 1 and Main Street), 970 trips (both directions on Highway 1 north of Little Lake Street/Road), and 1150 trips (both directions on Highway 1 north of Lansing Street). Within the Town, peak hour traffic on Main Street west of Highway 1 was measured at 349 trips (WB/EB: AM) and 458 trips (WB/EB: PM); on Little Lake Street west of Highway 1 at 315 trips (WB/EB: AM) and 409 trips (WB/EB:PM); and on Lansing Street south of Highway 1 at 165 trips (NB/SB: AM) and 205 trips (NB/SB:PM). Quantitative level of service (LOS) analysis were unavailable for these data.

MENDOCINO TOWN LOCAL COASTAL PROGRAM UPDATE AMENDMENT (LCP-1-MEN-14-0840)
TOWN LCP UPDATE AMENDMENT-COASTAL ACT CONSISTENCY ANALYSIS

TABLE 1. SEWER USE DATA (April, 2015)

| Commercial Visitor Accommodation | | | | |
|--|--|---------|--|--------------|
| VHRs/SURs | | | | |
| MCCSD Category | User category | Units | Gal/Unit | Total GPD |
| 5 | Vacation Home Rental or Single Unit Rental | 23 | 200 | 4600 |
| Inns, Hotels, B&B | | | | |
| 6 | Dwelling unit w/kitchen | 13 | 160 | 2080 |
| 7 | Dwelling unit w/kitchen, laundry | 11 | 200 | 2200 |
| 8 | Sleeping unit w/o kitchen | 107 | 120 | 12840 |
| 9 | Sleeping unit w/kitchen, laundry | 124 | 160 | 19840 |
| Commercial Businesses | | | | |
| Cottage Industries/Home Occupations | | | | |
| 10 | Residence | 1 | 200 | 200 |
| 11 | Business portion of residence | 400 | 0.15 g/d/ft ² | 60 |
| Retail Store/Gallery/Offices | | | | |
| 12 | Retail Store/Gallery/Offices | 140,334 | 0.15 g/d/ft ² | 21050 |
| Library | | | | |
| 13 | Library | 1 | 200 | 200 |
| Food and Beverage Establishments | | | | |
| 14 | Full service w/bar | 2778 | 3.4 g/d/ft ² dining area | 9445 |
| 15 | Full service w/out bar | 3242 | 2.9 g/d/ft ² dining area | 9402 |
| 16 | No service w/seats, no dish washer | 1563 | 2.1 g/d/ft ² dining area | 3282 |
| 17 | No on premise consumption | 698 | 2.1 g/d/ft ² work area | 1466 |
| Commercial Business | | | | |
| Bar | | | | |
| 18 | Bar area, per linear foot | 117 | 6.7 g/d/LF of bar | 784 |
| 19 | Patron area | 5637 | 1.4 g/d/ft ² patron area | 7892 |
| TOTAL | | | | 95341 |

Source: MCCSD. Note: MCCSD includes some units in column 3 that are located outside the Coastal Commission geographically segmented Town boundaries. Totals in column 5 = column 3 x column 4.

**MENDOCINO TOWN LOCAL COASTAL PROGRAM UPDATE AMENDMENT (LCP-1-MEN-14-0840)
TOWN LCP UPDATE AMENDMENT-COASTAL ACT CONSISTENCY ANALYSIS**

TABLE 2. HIGHWAY 1 TRAFFIC COUNTS AT MENDOCINO TOWN

| Location | Peak Hour (CDOT) (MCDOT) | Peak Day (MCDOT) | Peak Month (CDOT) | AADT (CDOT) (MCDOT) |
|--|--------------------------------|---------------------|----------------------|---------------------------|
| SR-1 S of MP 50.56 (SR-1 at Main/Jackson, 2-directional) | 720 | NA | 7700 | 6000 |
| Main WB | AM: 192 PM: 226 | 1797 | NA | Main: 3101 |
| Main EB | AM: 157 PM: 232 | 2052 | NA | |
| SR-1 N of MP 50.56 | 720 | | 7700 | 6000 |
| Little Lake E of SR-1: WB | AM: 172 PM: 134 | 1173 | NA | Little Lake: 3166 |
| Little Lake E of SR-1: EB | AM: 96 PM: 78 | 660 | NA | |
| Little Lake W of SR-1: WB | AM: 125 PM: 150 | 1383 | NA | |
| Little Lake W of SR-1: EB | AM: 190 PM: 259 | 2353 | NA | |
| SR-1 S of MP 51.49 (SR-1 at Lansing, 2-directional) | 970 | NA | 9900 | 7900 |
| Lansing NB | AM: 79 PM: 116 | 835 | NA | Lansing: 1526 |
| Lansing SB | AM: 86 PM: 89 | 703 | NA | |
| SR-1 N of MP. 51.49 | 1550 | NA | 15600 | 12200 |

Source:

1. California DOT (CDOT) SR-1 data, 2014 Traffic Volumes on the California State Highway System, at 9.
2. Mendocino Town Main Street, Little Lake Street/Road, and Lansing Street data, Mendocino County of Transportation (MCDOT), November 23-30, 2015, in: Mendocino Town Plan Update, Appendix 8, December 8, 2015.

(3) The Town at present has no public water works facility; therefore, the priority allocation provisions of PRC section 30254 do not apply to the Town. As a result, balanced allocation of water and other infrastructure is achieved through land use and zoning designations and identified permitted, conditionally permitted, and prioritized types, densities, and intensities of land uses.



COUNTY OF MENDOCINO

DEPARTMENT OF PLANNING AND BUILDING SERVICES

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MEMORANDUM

DATE: May 16, 2013

TO: Planning Commission

FROM: Andy Gustavson, Chief Planner & Abbey Stockwell, Planner II

SUBJECT: Mendocino Town Plan Update

EXHIBIT NO. 10

LCP Amendment No.

LCP-1-MEN-0840-1

(Mendocino Town LCP Update)

Visitor Serving and
Recreational Opportunities
Memo by Mendocino County

Background

The Planning Commission (PC) held a special hearing on the Mendocino Town Plan Update (MTPU) on February 28, 2013 in the Town of Mendocino. Twenty-one speakers provided input to the Planning Commissioners, the details of which are contained in the attached hearing minutes. The Commission delayed its deliberation on the matter to a future hearing to allow staff time to respond to questions raised by the California Coastal Commission (CCC) in its attached letter, February 27, 2013, as well as provide information that was requested by Planning Commissioners at the hearing.

This memorandum summarizes the issues raised by the public and focuses on responses to the questions raised by the CCC. Information requested by the PC regarding the list of Visitor Serving Facilities in town and the Coastal Development Permit appeal process is attached. Also attached are two tables; one that compares existing and proposed Town Plan Policy; and another that lists MTPU implementing Mendocino Town Zoning Regulations. Staff will discuss the CCC comments regarding rezoning split zone parcels within town at the hearing.

Public Comments

The following provides a brief summary of the comments received.

Different opinions were expressed on whether the town should be designated as a Sensitive Coastal Resource Area. Praise and support was directed at the Mendocino Historical Review Board process as an effective means to ensure development in town is appropriate. Community members also spoke to the need to eliminate vacation home rentals from the residential area in order to protect the long-term housing stock and residential community. Comments were also received on the need to separate the treatment of Single Unit Rentals (SUR) from Vacation Home Rentals within the Town Plan, as many support SURs as the more appropriate Visitor Serving Facility (VSF) in the residential areas. Several speakers discussed the property recently acquired by the Mendocino City Services District (MCSD) on Palette Drive and the need for the County to re-zone this parcel to Public Facilities. One commenter pointed out that there are parcels in town that have different zoning designations overlying portions of

the property and suggested that the MTPU eliminate the split zones. The expansion of the Town Plan Boundary to match the MCCSD boundary was also discussed.

Coastal Commission Questions

The Coastal Commission's letter raised two major issues regarding affect the MTPU may have on visitor serving and recreational opportunities and new development and public services within the Town. The County must address these issues to provide the Coastal Commission the necessary findings to certify the MTPU and amend the County's LCP.

Visitor Serving and Recreational Opportunities

- (1) *An analysis of the existing surrounding available visitor-serving facilities and occupancy rates (likely available through the local Chamber of Commerce).*

The City of Fort Bragg prepared a visitor serving facility study (Economic Planning Systems, Inc., Mill Site Market Study Update/Land Use Program, December 2005) when it updated its local coastal plan in 2005. The following graphic from that study illustrates the availability of VSF in the Mendocino Town – Fort Bragg market area. It shows there where over 1,800 lodging rooms (and 1,100 camp sites) along this stretch of coastline at that time.



Occupancy rates for each of the VSFs are not available; this type of information is proprietary and guarded by the lodging industry. However, the study was able to provide general occupancy rates and seasonal trends in the market area using County Tax Collector Transient Occupancy Tax (TOT) data. It found the peak season for visitors in this area is July through September. According to the study, the average annual occupancy rate for the market area is about 50%, however, for properties located in the Town of Mendocino, with an average daily rate of \$200, reach the “healthy” occupancy threshold of 70% year round. Anecdotal accounts confirm the annual average occupancy rate for the area, with the comment that properties closer to the ocean as well as properties closer to Town of Mendocino have higher occupancy rates. Conversations with innkeepers in the Town of Mendocino have indicated that in the summer months most, if not all, of the inns are full, with about a 30% vacancy rate in the winter months

In 2008, The Mendocino County Lodging Association partnered with the County Promotion Alliance and the Wine Growers Association to commission the preparation of the Mendocino County Travel Research Study (Randall Travel Marketing, October 27, 2008). The relevant results of that study are excerpted below and show that occupancy rates drop below 50% only from November to about February or March.

- Mendocino County has approximately 466 total lodging establishments, consisting of 160 hotel/motel/B&B lodging properties, with 3,161 lodging rooms, and 306 vacation rental properties (with an unspecified number of rooms).
- The percentage distribution of Mendocino County lodging rooms is as follows:
 - Hotel/motel 46.9%,
 - Bed and Breakfast/Inns/lodges (10+ rooms) 35.6%
 - Vacation rental units 8.8%
 - Bed and Breakfast/inns/lodges (1-9 rooms) 8.6%.
- Mendocino County lodging room inventory (not including vacation rental properties) is as follows: hotel/motel lodging rooms account for 51.5% of room inventory while Bed and Breakfast/inns/lodges account for the remaining 48.5%.

The following tables and charts provide detailed supporting data regarding County lodging rooms and occupancy trends.

| Table 1 - Lodging Establishments and Rooms in Mendocino County | | | | |
|--|-------------------------------|-----------------------|------------------------------|---------|
| Hotel & Motel | B&B, Inns, Lodges (10+ rooms) | Vacation Rental Units | B&B, Inn, Lodges (1-9 rooms) | Unknown |
| 46.9% | 35.6% | 8.8% | 8.6% | na |
| 37 / 1,627 | 55 / 1,234 | na / 306 | 60 / 299 | 8 / na |

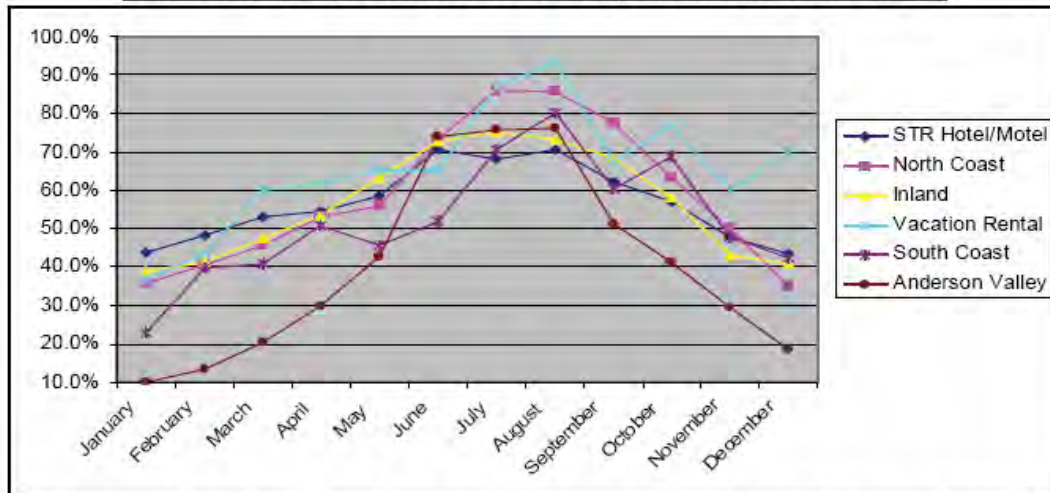
Table 2

| County Subareas | Hotel/Motel | Inns (10+) | Vacation Rentals | B&B Inns (<10) | Total Rooms | % |
|-----------------|-------------|-------------|------------------|----------------|-------------|--------|
| North Coast | 654 (36.0%) | 876(48.2%) | 136 (7.5%) | 151(8.3%) | 1,817 | 52.4% |
| Inland | 920 (6.5%) | 243 (20.2%) | *na | 40 (3.3%) | 1,203 | 34.7% |
| South Coast | 36 (10.2%) | 81 (23.0%) | 170 (48.3%) | 65 (18.5%) | 352 | 10.2% |
| Anderson Valley | 0 (0.0%) | 20 (31.7%) | *na | 43(68.3%) | 64 | 1.8% |
| North Country* | 17 (54.8%) | 14 (45.2%) | *na | 0 (0.0%) | 31 | 0.9% |
| Total Inventory | 1,627 | 1,234 | 300 | 299 | 3,467 | 100.0% |

Source: MCLA database & RTM Lodging Survey

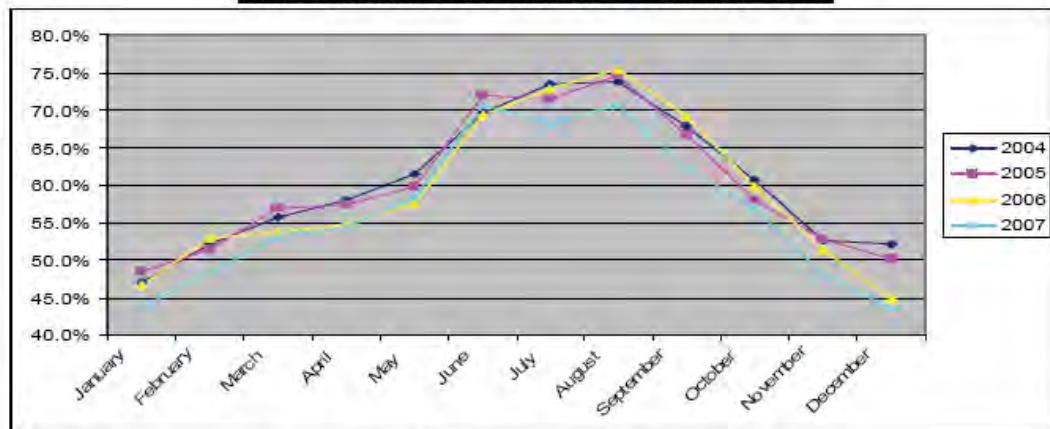
Lodging Occupancy Patterns

2007 Comparative Analysis of Monthly Occupancy Percentages



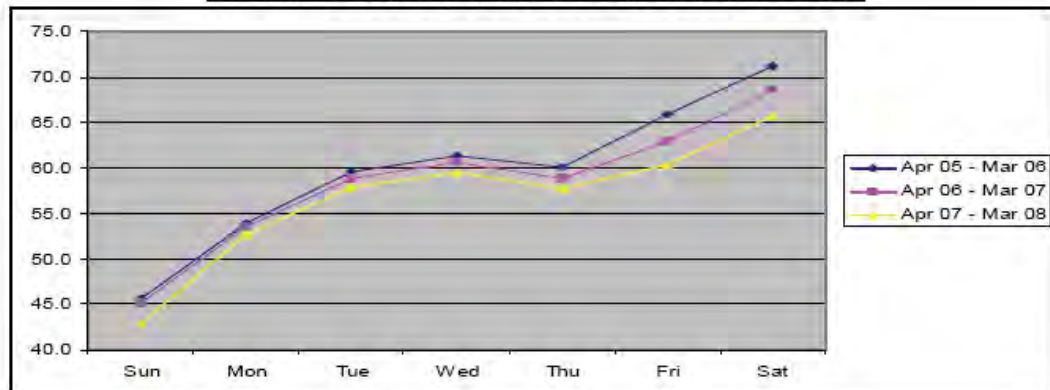
Sources: STR Hotel/Motel from Smith Travel Research, all other data from RTM Lodging Survey

Four-Year Monthly Lodging Occupancy Trend



Source: STR Six-Year Trend Report – Mendocino County

Mendocino County Occupancy by Day of the Week



Source: STR Six-Year Trend Report – Mendocino County

- (2) A cost analysis of the different VSFs in the Town, and especially the current lower-cost VSF.
- (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.

The CCC's letter did not provide a definition for "lower-cost VSFs". On April 24th, the CCC staff said the Coastal Act does not provide a definition of "lower-cost" facilities; rather it is based on CCC deliberation on this issue which compared local overnight rates of lodging units in southern California with the statewide average room rate. This approach defined lower-cost accommodations as any facility with room rates that are below 75% of the statewide average room rate, and higher cost facilities as any facility with room rates that are 125% above the statewide average room rate. In 2008, the statewide average room rate was \$124.57. The CCC staff agreed that the 2005 City of Fort Bragg lodging study cited earlier may be more relevant to assess the MTPU potential impact on the availability of lower-cost VSF in the Town of Mendocino and the surrounding market area.

This study included the following table, which shows the City of Fort Bragg provides significant portion of "lower-cost VSFs" in the nearby area to Mendocino (Fort Bragg is a 7 miles to the north).

| Table 3 - Lodging Inventory by Rate Class in Fort Bragg and Town of Mendocino | | | | | | | | |
|--|-----------------------|------------|------------------|------------|-------------------------|--------------|--------------|--|
| Fort Bragg Economic Development Background Report | | | | | | | | |
| Rate Class (1) | Establishments | | Rooms (2) | | Average Rate (3) | | | |
| | # | % | # | % | Low | High | Mid | |
| <u>City of Fort Bragg</u> | | | | | | | | |
| Budget | 25 | 58% | 641 | 77% | \$56 | \$134 | \$95 | |
| Moderate | 17 | 40% | 153 | 18% | \$99 | \$178 | \$138 | |
| Luxury | <u>1</u> | <u>2%</u> | <u>39</u> | <u>5%</u> | <u>\$175</u> | <u>\$275</u> | <u>\$225</u> | |
| Total | 43 | 100% | 833 | 100% | -- | -- | -- | |
| Avg.(4) | -- | -- | -- | -- | \$76 | \$155 | \$115 | |
| <u>Town of Mendocino</u> | | | | | | | | |
| Budget | 8 | 14% | 25 | 6% | \$72 | \$116 | \$94 | |
| Moderate | 41 | 69% | 351 | 80% | \$114 | \$246 | \$180 | |
| Luxury | <u>10</u> | <u>17%</u> | <u>65</u> | <u>15%</u> | <u>\$185</u> | <u>\$375</u> | <u>\$280</u> | |
| Total | 59 | 100% | 441 | 100% | -- | -- | -- | |
| Weighted Avg. (4) | -- | -- | -- | -- | \$121 | \$250 | \$185 | |
| <p>(1) Lodging establishments were classified by the following general room rate categories:</p> <p>"Budget" - approximately \$50 to \$150 per night</p> <p>"Moderate" - approximately \$80 to \$200 per night</p> <p>"Luxury" - rates above approximately \$175 per night.</p> <p>(2) The number of rooms was not available from all establishments; reported total is less than actual inventory. Rate class distribution of reported rooms is assumed to accurately represent</p> | | | | | | | | |

distribution of total lodging supply.

(3) Average reported low and high room rates for each class of lodging establishment.

(4) Weighted by number of rooms.

Source: Sedway Group; Economic & Planning Systems, Inc.

The implementation of the MTPU would reduce the number of allowed VHR/SUR by 23 units and increase the number of allowed overnight rooms in Inn/Hotel/B&B establishments by the same amount. This change is based on the community's expressed desire to prevent VHR and transient occupancy uses from being located within residential zoning districts while maintaining the overall supply of VSF and visitor access to coastal resources within Town.

Table 4 - 1992 Visitor Serving Facilities in Town of Mendocino

| # Establishments | VSF Type | # Rooms |
|------------------|-------------------|-------------|
| 4 | Hotel (10+ Rooms) | 116 |
| 10 | Inn | 69 |
| 10 | B&B | 30 |
| 29* | VHR* | - |
| 24* | SUR* | - |
| 81 (total) | | 215 (total) |

*Estimate based on the record, 2 units were not described by type – 1 each was added to the total count for VHR/SUR in existence at the time of certification.

Table 5 - Current (2013) Visitor Serving Facilities in Town of Mendocino

| # Establishments | VSF Type | # Rooms |
|------------------|-------------------|-------------|
| 4 | Hotel (10+ Rooms) | 114 |
| 10 | Inn | 83 |
| 10 | B&B | 32 |
| 11 | VHR | - |
| 16 | SUR | - |
| 51 (total) | | 229 (total) |

Table 3, on the previous page, shows 14% of the VSF in the Town qualify as budget accommodations, compared to nearly 60 percent in Fort Bragg.

The following summary comparison of existing and proposed VSF policies shows the MTPU will not substantially change the supply of lodging accommodations in Town.

Summary Comparison of VSF policies: 1992 and [Jan. 25th 2013 Draft MTP](#)

Hotels/Inns/B&Bs

- Locked down the # of allowable units by parcel, any increase of units requires a town plan amendment
 - o [2013-Locked down the total # of allowable units for the Town boundary, any increase to the total requires town plan amendment.](#)
- No Inn, hotel or motel shall exceed 25 overnight units
 - o [2013-No change proposed](#)
- Any additional Hotel/Inn/B&B not on a property zoned with a VSF designation would require a town plan amendment
 - o [2013-No change proposed](#)
- Any additional Hotel/Inn/B&B not on a property zoned with a VSF designation would only be allowed in the Mixed Use or Commercial zoning district
 - o [2013-Provision not included, town plan amendment process would rule](#)

VHR/SUR

- Capped the number of allowed VHR/SUR to the number in existence at the time. Requires a ratio of thirteen long-term dwelling units to one VHR or one SUR for any new VHR or SUR above the number in existence on the date of certification. 53 VHR/SURs were recognized at time of MTP certification
 - o [2013 – Limits total number of VHR & SURs to 30 total in Town Boundary](#)
- Location of VHR and SUR is flexible and changes to location do not require a town plan amendment
 - o [2013- No change proposed. New provision added to prevent any new VHR from being located within 200 ft of properties containing an existing VHR in a Residential zoning district](#)
- SUR exempted from ratio limitation in Commercial zoned district
 - o [2013-Provision not included](#)

(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 re-distributed elsewhere in the Town.

The 19 units allocated to the Art Center have not been re-distributed to VSF elsewhere in town. The Art Center's intermittent housing units have simply been eliminated from the VSF table (Appendix Table 1 in the Jan. 25th 2013 MTP draft; Table 4.13-1 of the 1992 MTP) as a clarification. There is no change to the density or intensity of land uses in town by proposing this revision to the MTP.

The 1992 Town Plan did not designate the Art Center's housing as VSF in the traditional or commercial sense. The Art Center units were identified in the Affordable Housing description (pg 226) as intermittent temporary housing as well as listed as its own separate category under the Visitor Serving Facilities (pg. 227: Mendocino Town Plan Description). This type of intermittent housing was also listed within Table 4.13-1 (shown to have 19 units). The 1992 MTP contains the following pertinent policies regarding the Art Center:

4.13-4 (8) Existing Student/Instructor Temporary Housing is identified in Table 4.13-1. Any new sites other than those identified on Table 4.13-1 shall require a plan amendment.

4.13-4 (9) 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 occupancy (less than 30 days stay, per occupant).

The January 25, 2013 draft of the MTP contains the following discussion addressing the Art Center units:

(From pg 231 of 1/25/13 Draft)

The discussion of affordable housing within Section 3, Town Plan Description, recognizes temporary student/instructor housing at the Mendocino Art Center as a form of affordable housing. The Mendocino Art Center provides 13 overnight units for students or instructors of its art programs. The MCCSD categorizes these units as residential. The Art Center is zoned Public Facilities, does not pay transient occupancy tax, and is not required to hold a business license because it is a non-profit organization which is exempt from these requirements. Housing that is provided may serve a student or instructor for a weekend class or several months. For these reasons the 13 Art Center housing units are proposed to be removed from the visitor-serving facilities totals in the Plan. These units are not counted in the total number of residences in Town either as they are their own unique category.

(From Sec. 3.6 pg 240, 1/25/13 Draft)

Affordable Housing: Allowing for student/instructor intermittent temporary housing in the Mendocino Art Center.

(From pg 253 1/25/13 Draft)

Action AH-2.3: Revise the Town Zoning Code to recognize the Mendocino Art Center's existing student/instructor temporary housing as a form of affordable housing under Section 20.616, Residential Use Types, and remove it from the description of Visitor Accommodation Use Types in Section 20.628.

New Development and Public Services

The availability of groundwater resources to supply anticipated growth within the MTPU area is a key issue the County must resolve to allow the CCC to certify the proposed update and LCP amendment. Essentially, the CCC must find that existing and new development under the MTPU must be accommodated by public services including groundwater supply.

The CCC letter highlighted two key Coastal Act provisions regarding the MTPU and the amendment of the County's LCP. Specifically, Section 30250 of the Coastal Act states,

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 development areas able to accommodate 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.
(emphasis added)

Section 30254, in part, adds,

New or expanded public works facilities shall be designed and limited to accommodate needs generated by development our uses permitted consistent with the provisions of this division... Special district shall 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 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 shall not be precluded by other development. (emphasis added).

The CCC requested the following information to address these issues.

1. The total capacity of the groundwater basin.
2. An analysis of the potentially allowable build out 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.
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.

A key goal of the MTPU is to not increase or decrease development intensity within the Town. This goal was established at the onset of the MTPU planning process based on the communities desire not to alter the balance between residential and commercial development and on guidance from the CCC that a "development intensity neutral" update would not trigger substantial LCP certification and amendment issues. For this reason, staff advised the PC not to include zoning changes, including rezoning split zoned parcels, in the MTPU. Therefore, with regard to minimum and maximum buildout, staff will prepare a comparison of the existing and proposed plan to show there is no change to building intensity.

Although the proposed plan will not increase development intensity within the town, the CCC is still required to find the groundwater supply is adequate to serve existing and future development allowed by the proposed plan. And they also need to determine continued use of this water source will not adversely affect dependent wetlands and other ESHAs. Staff will work with MCCSD to review existing groundwater management controls and practices to determine if they can be modified to protect wetlands and ESHAs dependent on this water source.

Attachment 1- Vacation Home Rentals in the Town of Mendocino

Attachment 2- Single Unit Rentals in the Town of Mendocino

Attachment 3- Memo from Raymond Hall, Special Community and Sensitive Coastal Resource Area- Town of Mendocino

Attachment 4- Coastal Commission Comment Letter, Dated February 27, 2013

Attachment 5- February 28, 2013 Planning Commission Minutes

Attachment 6- MTPU Policy Comparison Table

Attachment 7- MTPU Policy/Zoning Code Comparison Table

ATTACHMENT 1: Vacation Home Rentals in Town of Mendocino

| OWNER | SITE ADDRESS | APN | Zone | No. |
|--------------------------------|-----------------------|------------|------|-----|
| Edward Hoylman; Joanne Harwood | 10850 Palette Drive | 119-070-04 | MSR | 1 |
| Robert & Cherie Sivell | 10824 Palette Drive | 119-070-07 | MSR | 2 |
| Ron & Theo Sieg | 45281 Ukiah Street | 119-217-04 | MTR | 3 |
| Jack & June Erwin | 45340 Ukiah Street | 119-214-11 | MTR | 4 |
| Bruce & Joyce Taylor | 45350 Ukiah Street | 119-214-08 | MTR | 5 |
| Natalie Walker | 10531 Kelly Street | 119-214-12 | MTR | 6 |
| John & Rosemary Young | 10881 Hills Ranch Rd | 119-520-09 | MRR | 7 |
| Wilma Tucker | 10931 Palette Drive | 119-060-09 | MSR | 8 |
| Ruth Schnell; Marjorie DeAtley | 11000 Lansing Street | 119-060-28 | MRR | 9 |
| John Adams | 45342 Ukiah Street | 119-214-23 | MTR | 10 |
| Whitegate Inn/R. Strom | 45130 Calpella Street | 119-231-04 | MTR | 11 |

ATTACHMENT 2 - Single Unit Rentals in Town of Mendocino

| OWNER | SITE ADDRESS | APN | Zone | No. |
|----------------------------|--------------------------|------------|-------------|------------|
| Thomas & Sarah Fike | 45370 Calpella Street | 119-212-03 | MTR | 1 |
| Jim Myers | 10490 Hills Road | 119-120-63 | MMR-2 | 2 |
| Anthony & Mary Ann Graham | 10485 Lansing Street | 119-150-06 | MC | 3 |
| Jeff Berenson; Mina Cohen | 45080 Calpella Street | 119-160-27 | MMU | 4 |
| Anna Myers | 45350 Calpella Street | 119-212-04 | MTR | 5 |
| Jade Pier | 45260 Albion Street | 119-217-07 | MTR | 6 |
| Alan Sussex | 45270 Albion Street | 119-217-10 | MC | 7 |
| Michael Rogers | 10501 Ford Street | 119-160-26 | MMU | 8 |
| Don & Wendy Roberts | 45121 Little Lake Street | 119-231-05 | MTR | 9 |
| Leone McNeil | 43131 Little Lake | 119-231-02 | MTR | 10 |
| Rosemary Wood | 44871 Ukiah Street | 119-250-10 | MMU | 11 |
| John Fliessbach | 10750 Gurley Lane | 119-040-23 | MRR | 12 |
| Heidi & Barry Cusick | 44875 Pine Street | 119-150-22 | RMR | 13 |
| Katherine & Thomas Ritchey | 45164 Little Lake Street | 119-160-08 | RMR | 14 |
| Jed Ayers | 45130 Albion Street | 119-235-15 | MTR | 15 |
| James & Peggy Griffith | 44845 Ukiah Street | 119-250-38 | MMU | 16 |

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>

Reply-To: lee@mcn.org

To: lee@mcn.org

Sent by 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.

Or, copy and paste this URL into your browser:

<http://nyti.ms/1O2isSE>

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The New York Times <http://nyti.ms/22jfNdh>

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 8th 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.

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

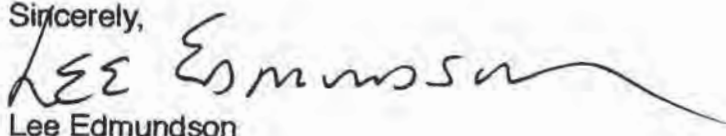
that is devoted to housing costs. Implicit within this definition, is that 'affordable housing' pertains to long-term rentals, i.e. housing you can afford to live in for a long time. By no stretch of the imagination do the MAC rooms meet this definition.

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,


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

To register for classes

Online: 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-Mickie M. Photos by Dale E. Moyer; Cloth Sculpture by Susan Eise

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.

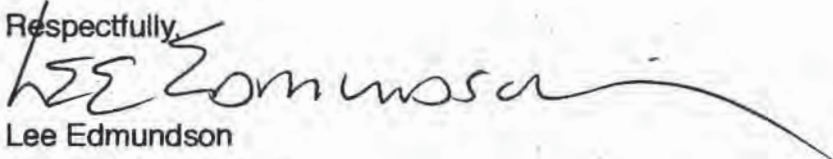
As someone who has been active in the MTP review/update process since February 2011, I fully endorse your staff's assessment that the degree and dimension of the proposed changes to the current certified MTP are gargantuan; this process has transformed what was initially intended to be a (more) simple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

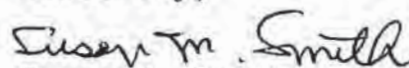
Access and use of the headlands and beach/river are fully protected by Calif. State Parks. Wm. Penn Mott required establishment of the Historic District to prevent commercialization.

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.

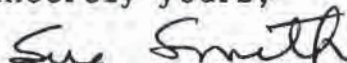
Mendocino has more benefits for most coastal visitors than any area of the coast from San Diego to Crescent City (Sections 30344, 30531, 30530). Why this blistering set of letters from your staff? Surely there are areas which do lack maximum public coastal access which need North Coast staff attention.

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 Act¹ may be identified prior to formal submission of the amendment

¹ 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

RECEIVED

AUG - 6 2015

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

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)

RECEIVED

AUG - 6 2015

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.

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

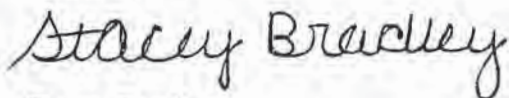
development, and the updated Town LCP is therefore required to correctly reflect it on the land use and zoning map.

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

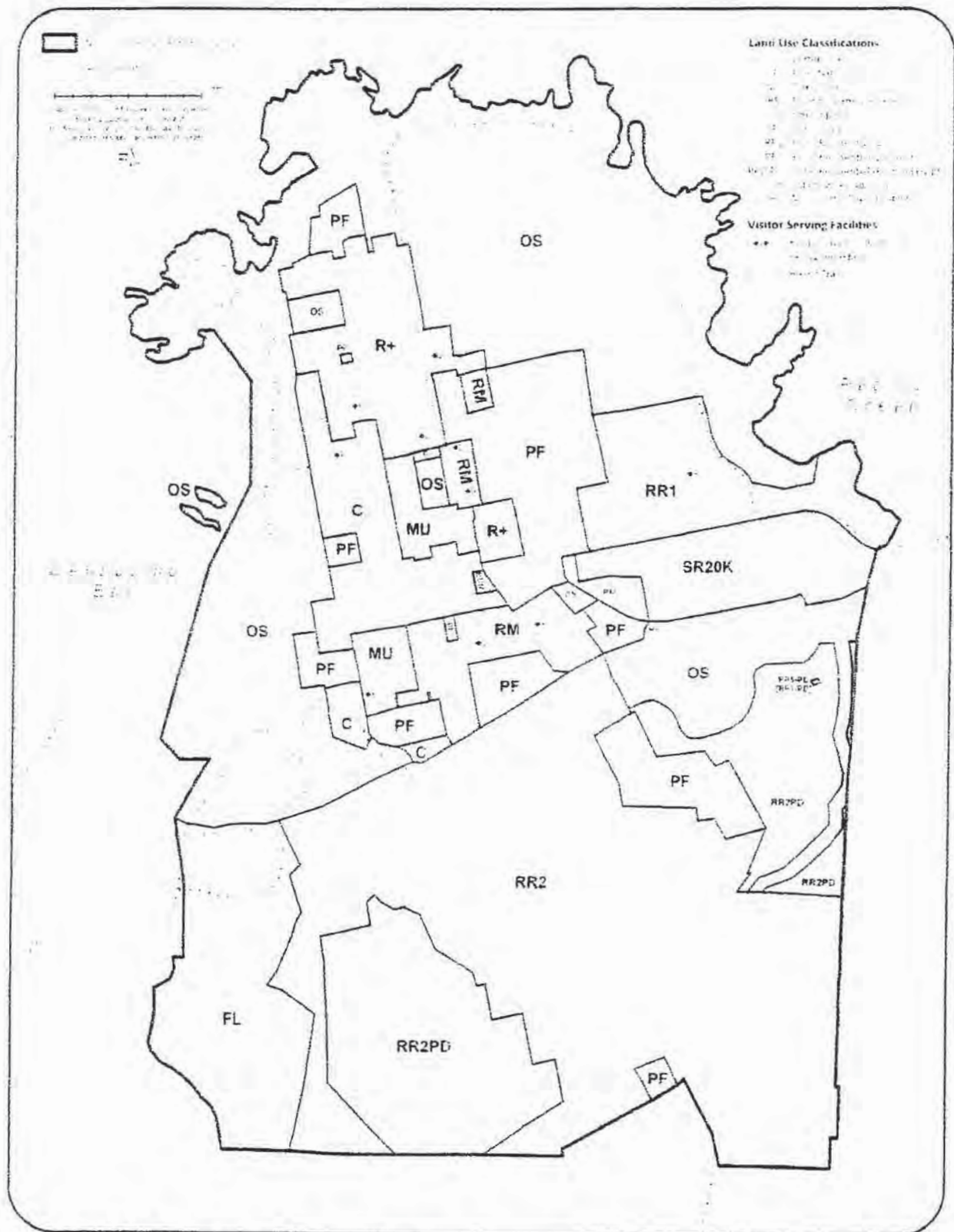
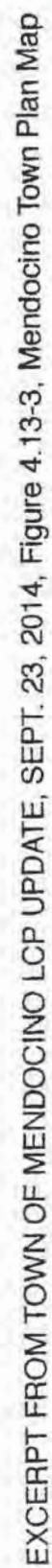


Figure 4.13-3: Mendocino Town Plan Land Use Map

* VSF Parcels are listed in Appendix 1



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.

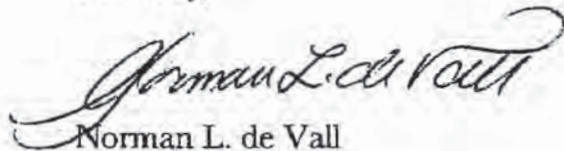
Appeal after appeal, mounted by protective residents of the Coast but not supported by the County, have been won by residential appellants.

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@mcn.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

BY
PLANNING & BUILDING SERVICES
Ukiah, CA 95482

SEE YELLOW
HIGHLIGHT

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.

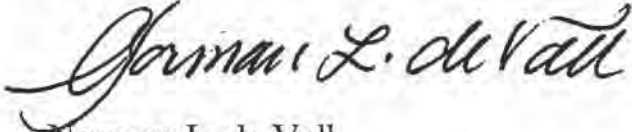
I urge you think years ahead when none of you are likely to be seated on this Board. Mendocino will remain a point of destination, in this country and abroad, as a very special place, worthy of the hours and miles it takes to get there.

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

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

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

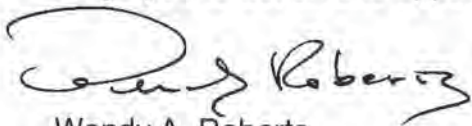
I strongly recommend that both VHRs and SURs be classified by the County as a secondary residential use (consistent with past Coastal Commission policy), subject to a *reasonably priced* Use Permit and business license. Owners should be encouraged to obtain licenses and pay TOT, not discouraged from 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 26 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.

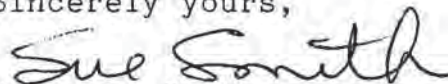
We daily walk along the bluffs, jog or run on Heeser Drive, or take the steps to the several beaches. We fish, abalone dive, surf. One can continue from Big River beach along the Haul Road biking, pushing strollers or observing tidal marsh wildlife. We may observe nesting seabirds (common murre, cormorants), 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:

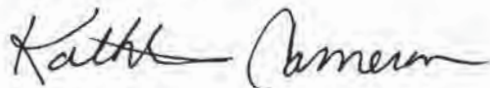
The 2013 Draft does not report figures for commercial uses (shops and stores). How can a true "balance between residential uses, **commercial uses**, and visitor serving uses" be accurately calculated without that figure? Please require County to provide the commercial use figure.

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)



COUNTY OF MENDOCINO
DEPARTMENT OF PLANNING AND BUILDING SERVICES
860 NORTH BUSH STREET • UKIAH • CALIFORNIA • 95482
120 WEST FIR STREET • FORT BRAGG • CALIFORNIA • 95437

MEMORANDUM

DATE: March 3, 2017

TO: California Coastal Commissioners and Interested Persons
Alison Dettmer, Deputy Director
Bob Merrill, District Manager
Tamara Gedik, Coastal Program Analyst

FROM: Mendocino County Planning and Building Services
Bill Kinser, Senior Planner
Juliana Cherry, Planner III

| |
|-----------------------------|
| EXHIBIT NO. 12 |
| LCP Amendment No. |
| LCP-1-MEN-0840-1 |
| (Mendocino Town LCP Update) |
| CORRESPONDENCE |
| RECEIVED FROM |
| MENDOCINO COUNTY |

SUBJECT: Mendocino Town Plan Ad Hoc Committee Comments on the California Coastal Commission Staff's Preliminary Recommended Suggested Modifications to the Mendocino Town LCP Amendment LCPA-1-MEN-14-0840

The Mendocino County Board of Supervisor's Mendocino Town Plan (MTP) Ad Hoc Committee Members, Supervisors Dan Hamburg and Carre Brown, provided comments to Planning and Building Services Staff about the California Coastal Commission Staff's preliminary recommended suggested modifications to the Mendocino Town LCP Amendment LCPA-1-MEN-14-0840. The MTP Ad Hoc Committee, acting on behalf of the Board of Supervisors, held three meetings with Planning and Building Services Staff to review the twenty-nine suggested modifications thus far. Planning and Building Services notes that the list of suggested modifications is incomplete, as noted on page 12 "Additional Information" of Alison Dettmer's September 23, 2016 report. This memo summarizes the MTP Ad Hoc Committee's comments.

It is the MTP Ad Hoc Committee's opinion that the preliminary recommended suggested modifications go beyond what is necessary to reconcile the proposed LCP amendment's consistencies with the Coastal Act (and in some instances, the preliminary recommended suggested modifications would have the effect of establishing policies that have not been locally supported). This memorandum summarizes the MTP Ad Hoc Committee's comments on the five identified primary topics included in their September 23, 2016 report, appendices, and attachments and general comments on the Mendocino Town LCP Amendment.¹

California Coastal Commission Staff's Five Primary Topic Areas include:

- Visitor Serving Facilities

¹ **Mendocino County LCP Amendment LCP-1-MEN-14-0840-1 (Mendocino Town LCP Update).** Memorandum to the Coastal Commissioners and Interested Parties and from Alison Dettmer, Bob Merrill, and Tamara Gedik. September 23, 2016.

- Demonstration of Adequate Water Supply Where No Community Water System
- Land Use Designation and Zoning District Change from Open Space to Public Facilities
- Optional Zoning
- Principally-Permitted, Permitted, and Conditionally-Permitted Uses

Visitor-Serving Facilities and specific responses to suggested modifications 5 and 13

Summary: The Coastal Commission Staff preliminary recommended suggested modifications to Visitor Serving Facilities would: a) allow new hostels, hotels, inns and B&Bs (classified as Visitor Accommodation Use Types) as permitted uses within the Commercial District; b) modify the *Mendocino Visitor Serving Facility Combining District* to limit its applicability to areas outside the Commercial District, and c) modify the LCP Amendment and eliminate blanket exemptions from coastal development permit requirements for any visitor serving facility that exists now, or may have existed in the past, even when the requisite coastal development permit had not been obtained.

Response: The location and number of Visitor Serving Facilities in the Town was *the* planning issue most reviewed and debated by the community. Mendocino County Board of Supervisors, on the recommendation of the Planning Commission, propose amending the LUP and IP to allow new Visitor Serving Facility designated sites (marked by an asterisk or asterisk-b) at locations only after an amendment to the LCP has been approved and a Coastal Development Permit granted (see proposed amendment to MTZC Section 20.684.030(F) on page 111 of 248 of the Mendocino Town Zoning Code).²

Coastal Commission Staff's preliminary recommended suggested modifications to the process for locating new lodging uses in the MC District, and the zoning districts where the *Mendocino Visitor Serving Facility Combining District* would apply, are land use changes that have not received public input nor do they reflect Mendocino County Board of Supervisor's preferred policies and regulations of lodging land uses.

The MTP Ad Hoc Committee also opposes preliminary recommended suggested modifications to the language regarding the Coastal Development Permit (CDP) process for lodging units (guest rooms and suites) at Visitor Serving Facility sites that exist now or units that may have existed in the past, even if coastal development permits had not been obtained. The process approved by Mendocino County Board of Supervisors would be applicable to a limited number of lodging units at designated Visitor Serving Facility sites (see proposed amendment to Mendocino Town Plan *Appendix 2: Mendocino Town Plan Visitor Serving Facilities*) and would

² Proposed amendment to Mendocino Town Zoning Code, as adopted by the Mendocino County Board of Supervisors on December 8, 2015 and received as part of LCPA-1MEN-14-0840 filed with the California Coastal Commission North Coast District Office on January 29, 2016. The proposed 20.684.030(F) amendment reads: "Any new visitor serving facility ~~hostel, hotel, inn, motel, or student/instructor temporary housing~~ not located on a site identified on the certified Mendocino Town Land Use and Zoning Maps with an asterisk (*) or asterisk-B (*B) shall be located in the Mendocino Mixed Use (MMU) or Mendocino Commercial (MC) Districts and shall first require an amendment to the Local Coastal Program before a coastal development permit application for such new development can be filed with the County."

require (a) written verification, from Mendocino City Community Services District *and* Mendocino County Department of Environmental Health, that there is adequate water supply to support all existing lodging units and any proposed additional unit(s); and would require (b) a determination by Mendocino County that the designated *Visitor Serving Facility* site, including any proposed additional lodging unit(s), meet parking, structural, and other regulations of the adopted Mendocino County Building Code and Mendocino Town Zoning Code (MTZC). Mendocino County Board of Supervisor's support their proposed amendment to MTZC Section 20.684.030(H)(4) as written:

- “(4) For any hotel, inn, or bed and breakfast accommodations shown on the certified Town Land Use and Zoning Maps with an asterisk (*) or asterisk-B (*B), that has unit(s) listed on Town Plan Update Appendix 2 that were counted by the County in 2012, but not in 1992, the owner or operator shall submit a complete application for authorization of such unit(s) to the Department of Planning and Building Services within ninety (90) days of the effective certification date of the Town LCP Update.
- (a) As used in this section, the term “complete application” includes verification by the Mendocino City Community Services District that adequate water well and wastewater system capacity exists, or have been permitted, to serve the newly authorized, as well as existing, visitor accommodations on the site.
- (b) Newly authorized units shall also comply with the current applicable County Building Code and parking requirements of this Chapter.”

The lodging units in question were not listed in the in the 1992 certified Mendocino Town Plan Table 4.13-1, but were identified during a 2012 lodging-unit count included in the MTP Amendment and listed the proposed amendments to Table 4.31-1 (and retitled as *Appendix 2 Mendocino Town Plan Visitor Serving Facilities*). Notably, many of these structures existed prior to promulgation of the California Coastal Act. For more than twenty years, Innkeepers have paid Mendocino County Transit Occupancy Taxes for these lodging units and have annually obtained a Mendocino County Business License to operate their visitor serving facility. The MTP Ad Hoc Committee opposes any changes to the detailed procedures, adopted by Mendocino County Board of Supervisors on December 8, 2015, intended to regulate new and existing lodging units at sites currently designated for *Visitor Serving Facilities*.

Coastal Act Section 30512.2(a) states, “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. 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. (b) The commission shall require conformance with the policies and requirements of Chapter 3 only to the extent necessary to achieve the basic state goals specified in Section 30001.5.” Mendocino County Board of Supervisor’s find the suggested modifications to commercial growth management goals and visitor serving facilities does diminish local authority without establishing that the content of the locally proposed land use plan goals and policies conflict with the policies and requirements of Coastal Act Chapter 3.

Specific response to **Suggested Modification No. 5** Mendocino Design Guidelines Policies, including Visitor Serving Facilities suggested modifications on Appendix A pages 78, 79, 81 and 87.

Beginning on page 78 of Appendix A of Ann Dettmer's report to the Coastal Commission dated September 23, 2016, and Mendocino County's growth management policy GM-2, the preliminary recommended suggested modification over reaches local authority to determine the content of Mendocino County's growth management policies.³ Preliminary recommended suggested modifications by Coastal Commission Staff conflicts with Coastal Act Section 30512.2(A) and Coastal Act Section 30005(a), wherein the preliminary recommended suggested modifications would have the effect of imposing further conditions, restrictions, or limitations with respect to land use where there is no adverse effect coastal resources located within the Mendocino Town LCP boundaries. Mendocino County Board of Supervisors MTP Ad Hoc Committee reject the suggested modification No. 5 to add "**and visitor serving**" to an existing, adopted policy that would otherwise read

"GM-2 Mendocino is a historical residential coastal community, with limited commercial services that are important to the daily life of the Mendocino Coast."

The Board of Supervisor's proposed amendment to GM-2 would merely change the verb tense from future to present; the proposed amendment would not change the intent of a policy that was certified by the Coastal Commission as consistent with the Coastal Act in 1992.

On Appendix A page 79 and Mendocino County growth management policy GM-2(c), the preliminary recommended suggested modifications are not acceptable as some are not relevant (the statement "consistent with the requirements of the Coastal Act" is redundant and obvious, because consistency with the Coastal Act is a function of certifying the Mendocino Town LCP as consistent with the Coastal Act) and other preliminary recommended suggested modifications would change the intent of locally adopted goals to achieve a balance among residential, commercial, and visitor serving uses by *regulating* additional commercial uses development limitations provided in the Mixed Use and Commercial Land Use Classifications. The MTP Ad Hoc Committee finds that Mendocino County Board of Supervisor's proposed amendment to GM-2(c) reflects the County's preferred language to describe the Town of Mendocino grown management goals.

GM-2 (c) is proposed to read: "Balance shall be maintained among residential units, visitor accommodations, commercial uses, and open space to retain as much as possible the present physical and social attributes of the Town.

- (1) Balance shall be achieved among residential, commercial, and visitor serving uses by (a) regulating additional commercial uses through development limitations provided in the Mixed Use and Commercial Land Use Classifications, (b) limiting the number of visitor accommodations to avoid over-commercialization of the Town, (c) encouraging a variety of types and price

³ Appendix A: Proposed LUP Amendments with suggested modifications. **Mendocino County LCP Amendment LCP-1-MEN-14-0840-1 (Mendocino Town LCP Update)**. Memorandum to the Coastal Commissioners and Interested Parties and from Alison Dettmer, Bob Merrill, and Tamara Gedik. September 23, 2016.

ranges for visitor accommodations, and (d) encouraging modestly-sized second residential dwelling units on residential lots that can support them, consistent with the mandatory policies and actions of the Mendocino Town Local Coastal Program, to supplement existing housing stock.

(2) Public open space, as shown on the Mendocino Town Land Use Map, shall be protected, and new structures shall be sited to retain significant public views of the sea as part of all new permitted development.

(3) Implementation of the Mendocino Town Plan shall retain as much as possible the historically diverse physical and social attributes of the Town.”

On Appendix A's page 81 and growth management policy GM-3(a), the preliminary recommended suggested modification includes amending uses permitted within the *Mendocino Commercial District*. Mendocino County Board of Supervisors, Planning Commissioners, and Planning and Building Services Staff have held many public meetings and specifically met with innkeepers on at least two occasions to discuss lodging-related land use goals.⁴ Local support has been to increase the number of allowed units at existing, designated visitor serving facility sites. These locations are depicted on the land use map and zoning map with an asterisk (*) or asterisk-B (*B). Mendocino County Board of Supervisors finds this policy an acceptable means to create additional opportunities for affordable lodging units along Mendocino County's coastline. This policy, unlike the suggested modification to GM-3(a), establishes opportunities for additional lodging units while not decreasing opportunities for other commercial activities in the Town of Mendocino. Maintaining a balance among commercial, residential, visitor accommodations, and open space is an adopted goal of the LCP and the Board of Supervisor's adopted general plan growth management policy GM-2(c). These goals have been previously certified as consistent with the Coastal Act in 1992, specifically the Commission adopted consistency findings regarding Coastal Act Sections 30222 and 30523. The preliminary recommended suggested modification No. 5 conflicts with Mendocino County's adopted policies and goals for commercial classified lands and lodging facilities situated within the Town of Mendocino.

- MTP Ad Hoc Committee similarly reject suggested modification on page 87 and GM-12.
- MTP Ad Hoc Committee similarly reject suggested modification on page 88 and GM-14.
- MTP Ad Hoc Committee similarly reject suggested modification on page 90 and GM-15.

On Appendix A's page 87 and Mendocino County growth management policy GM-13, Coastal Commission Staff and Mendocino County Planning and Building Services Staff acknowledge at times names within the LCP are confused and intermixed. This is especially true regarding “Visitor Serving Facilities” and “Visitor Accommodation Use Types.” The Town of Mendocino includes a zoning district entitled “*Mendocino Visitor Serving Facilities Combining District*” and a land use classification called “Visitor Serving Facilities.” Finally, Appendix 2 in the amended

⁴ Pursuant with Coastal Act Section 30006, the public has enjoyed their right to fully participate in the decisions affecting planning within the Town of Mendocino LCP boundaries. The widest opportunity for public participation has occurred since initiating public discussion about amending the LCP on October 27, 2011. By December 2014, twenty-two public hearings had been noticed and held within the County, two meetings specifically with innkeepers, and voluntary participation in one on-line survey. Throughout 2015 and 2016, the Board of Supervisor's noticed a public hearing item about amending the Mendocino Town Plan during each of their regularly scheduled (approximately 55) meetings.

land use plan is titled *Mendocino Town Plan Visitor Serving Facilities*. Appendix 2 lists the 1992 established allowable number of visitor serving units (or lodging units) at every Visitor Serving Facility designated site in the Town of Mendocino. Preliminary recommended suggested modification to GM-13 fails to clarify language confusion within the 1992 Town Plan. The MTP Ad Hoc Committee find that the Supervisor's proposed amendment to GM-13 accurately describes local intent to establish that an

Proposed amendment GM-13(a) would read: "Addition to or expansion of the exterior of existing visitor accommodations on a site that is designated for such use on the Town Land Use Map and Town Zoning Map may be permitted, provided that (1) any addition of visitor serving units (guest rooms or suites) do not exceed the total limit (cap) for hotel, inn, and bed and breakfast accommodations established by Appendix 2, and (2) such addition or expansion is consistent with all applicable conservation and development standards of the certified Mendocino Town Plan and certified Mendocino Town Zoning Ordinance."

Finally, Coastal Commission Staff preliminary recommended suggested modifications confuse *Visitor Serving Facility* 1992 established allowed units with other nomenclature that has no associated land use plan definition and has the unintended consequence of adding a preliminary recommended suggested new policy GM-13(a); therefore, the MTP Ad Hoc Committee reject preliminary recommended suggested modification No. 5 and to rename portions of Appendix 2 to "Visitor Serving Lodging Unit Allocation" and other similar suggested modifications referring to same.

Specific response to **Suggested Modification No. 13** Mendocino Town Land Use Classifications and Visitor Serving Facilities in Subsections 5.5 and 5.8 of the proposed LUP Amendment.

On Appendix A page 149 and beginning with Subsection 5.5 Town Residential. The certified 1992 Mendocino Town Land Use Map and its proposed amendments depict locations designated suitable for *Visitor Serving Facilities* (by adding either an asterisk (*) or asterisk-B (*B) to specified lots on the land use map). All of these specified sites are locations of long-standing lodging businesses. (These structures existed prior to 1975 and prior to the 1992 certification of the *Mendocino Town Plan Land Use Map*.) The sites are distributed across the land use map; therefore, *Visitor Serving Facilities* are permitted uses where they are designated by an asterisk (*) or asterisk-B (*B) on the Mendocino Town Land Use Map. The MTP Ad Hoc Committee rejects the suggestion to modify subsection 5.5 Town Residential by deleting "visitor-serving facilities" as a permitted use type. This suggestion directly conflicts with existing land use practices and the County's proposed amendments that support providing opportunities for affordable lodging within the Mendocino Town area. The suggested modification conflicts with Coastal Act Section 30213, where "*lower cost visitor ... facilities shall be protected, encouraged, and, where feasible, provided.*"

On Appendix A page 153 and beginning with Subsection 5.8 Commercial. An asterisk (*) or asterisk-B (*B) depicted on the certified 1992 Mendocino Town Land Use Map designate suitable sites for *Visitor Serving Facilities*. (This practice was vetted by the Coastal Commission when certifying the existing Mendocino Town LCP in 1992-1995). Since certification, Mendocino County Board of Supervisors and Planning Commission have held many public hearings and requested staff meetings with interested parties, such as innkeepers, business

owners, and residents in the area.⁵ At no time has there been local support to allow *Visitor Serving Facilities* at locations other than where currently designated on the land use map, but there has been support to increase the quantity of lodging units permitted at these specified sites. Increasing the number of visitor accommodation units at existing sites is a proposed amendment to the Mendocino Town LCP. The MTP Ad Hoc Committee finds the preliminary recommended suggested modification, to permit *Visitor Serving Facilities* on lands not specified for such use, over reaches the County's authority to determine where land uses shall be permitted within the boundaries of the Town. The MTP Ad Hoc Committee notes that the Coastal Commission 1992 adopted findings established the Mendocino Town Plan's visitor-accommodation land-use policies as consistent with Coastal Act Section 30222 and Section 30253(5).⁶ Mendocino County seeks to increase the quantity of rooms available at existing, designated sites; Mendocino County does not seek to establish new locations for visitor accommodations that would compete to use the town's limited commercial lands for other uses, such as administrative and business offices, specialty shops, personal services, retail, and others. Compared to many California coastal cities, the small town of Mendocino already has more lodging units per resident than most and there currently exists many affordable lodging options along Mendocino County's coastline. The certified Mendocino Town LUP is carefully crafted to maintain a balance between accommodating visitors to California's first lumber town on the coast (circa 1850) and the needs of the residents who live, work, and shop in Town. Mendocino County Board of Supervisor's, on the recommendation of the Planning Commission, have proposed amendments to Mendocino Town LUP that will have the effect of increasing the number of available lodging units, but is not intended to reduce opportunities for other commercial land uses in Town. The Board of Supervisor's believe the proposed amendments are faithful to the Commission's aforementioned findings, which support the LUP's consistency with Coastal Act Sections 30222 and 30253(5).

For the reasons stated, the MTP Ad Hoc Committee does not agree with the preliminary recommended suggested modifications numbered 3, 4, 5, 13,14, 20, and 21 and the suggested modifications to locally supported policies for *Visitor Servicing Facilities* in the Town of Mendocino.

⁵ Pursuant with Coastal Act Section 30006, the public has enjoyed their right to fully participate in the decisions affecting planning within the Town of Mendocino LCP boundaries. The widest opportunity for public participation has occurred since initiating public discussion about amending the LCP on October 27, 2011. By December 2014, twenty-two public hearings had be noticed and held within the County, two meetings specifically with innkeepers, and voluntary participation in one on-line survey. Throughout 2015 and 2016, the Board of Supervisor's noticed a public hearing item about amending the Mendocino Town Plan during each of their regularly scheduled (approximately 55) meetings.

⁶ 4. *Visitor-Serving Facilities/Town Character*. Adopted Findings for Mendocino Town Local Coastal Program. (Part Two. I. D. Findings for Denial of Amendment No. 1-92 as Submitted, and Approval if Modified.) California Coastal Commission. June 10, 1992. Page Ten.

Demonstration of Adequate Water Supply Where No Community Water System and suggested modifications 4, 8, 13, 25 and 26.

Summary: The Coastal Commission Staff suggested modifications would add to and modify the proposed LCP Amendment by requiring that, (a) prior to approval of a coastal development permit, all coastal development permit applications for development that would result in an increase in water use will include evidence demonstrating 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 deplete the ground water table of contiguous or surrounding uses, nor have a significant direct or cumulative adverse effect on coastal resources.

Response: The MTP Ad Hoc Committee agrees with Coastal Commission Staff that proof of water should be provided for new development, but considers the 1992 certified policies and procedures in the Town Plan and Town Zoning Code to be sufficient. The Mendocino Town Zoning Code (MTZC) defers to MCCSD and Mendocino County Department of Environmental Health for hydrological studies, which *“shall be performed according to approved methods and procedures as determined by the District [MCCSD], or the Health Officer, and published in the Mendocino Groundwater Extraction Ordinance or the Mendocino County Division of Environmental Health’s “Land Division Requirements” as revised.”*

MCCSD’s Groundwater Extraction Permit Ordinance (Ordinance NO. 07-1) requires a Groundwater Extraction Permit: 1) prior to issuance of a Mendocino County Use Permit; or Coastal Development Permit; 2) prior to the issuance of a Mendocino County Building Permit for other than minor repair and maintenance; 3) prior to the issuance of a Mendocino County Well Permit; or 4) following the sale of real property within the boundaries of the MCCSD (MCCSD Ordinance NO. 07-1 Groundwater Extraction Permit).

The Groundwater Extraction Permit Ordinance provides exceptions to the hydrological study requirements where there is: a) no increase in water extraction; b) limited increase in water extraction; c) modification in the structure or depth of an existing well or drilling a new well; and d) prior to issuance of a Mendocino County Use Permit or a Coastal Development Permit.

The exception from hydrological study requirements for limited increase in water extraction is allowed for a) 30% of an existing water demand that is less than or equal to 320 gallons per day; and b) 10% of an existing water demand that is greater than 320 gallons per day. However, as a condition of approval for an exception to the hydrological study requirement, **the applicant agrees not to exceed the water use allotment for current and present use** (MCCSD Ordinance NO. 07-1 Groundwater Extraction Permit).

As noted in MCCSD’s Groundwater Management Plan and Programs (MCCSD, 2012), the California Legislature in 1987 passed Water Code Section 10700-10717, which provided MCCSD with the authority to establish programs for the management of groundwater resources in the Town of Mendocino. MCCSD assumed responsibility of groundwater management from Mendocino County in 1990, as authorized by AB 786, and adopted a Groundwater Management

Plan (GMP), Groundwater Extraction Permit Ordinance (Ord. 90-1). Mendocino County and the Mendocino City Community Services District have worked closely and successfully to protect the groundwater resources of the Town of Mendocino since the 1970s. The MTP Ad Hoc Committee is opposed to requirements that could modify the management of groundwater resources in the Town.

Specific response to Coastal Commission Staff **Suggested Modification No. 4** Town Growth Management Policies.

Mendocino County Board of Supervisors propose minor clarifications throughout existing policy statements. They find that the 1992 adopted text was written with the future in mind and, now some twenty-five years after the policies were initially adopted, seek to establish -- through minor clarifications -- that some of the 1992 goals have been achieved and that maintaining those goals remains important to locals and County government. For example, Goal GM-1 the Board of Supervisor's propose to clarify that all development shall protect a special community called the Town of Mendocino; therefore, the MTP Ad Hoc Committee rejects Coastal Commission Staff suggested modifications that would include punctuation errors and read as: "The ~~Town~~ town of Mendocino ~~is shall be designated~~ a special community and a significant coastal resource as defined in Coastal Act Section 30251 under the meaning of Public Resources Code Section 30253(e). New ~~All New~~ development shall protect this special community ~~which that~~, because of its unique characteristics, is a popular visitor destination point for recreational uses- and a recognized coastal resource of local, regional, state, and national significance."

On Appendix page 82 and Mendocino County growth management GM-4, Coastal Commission Staff's suggested modification is rejected by the Mendocino County Board of Supervisors MTP Ad Hoc Committee. The Town of Mendocino is a national and State designated historic district. It is the priority of Mendocino County General Plan that new construction within the historic district be compatible, harmonize, and not detract from existing historical structures. These locally adopted goals and policies follow the Secretary of the Interior's Standards for the Treatment of Historic Resources. Mendocino County Board of Supervisor's in designating the Town and its Headlands as a historic district determined that all new structures shall be designed in scale, architecture, and materials to maintain the historical character of the Town consistent with its special community designation. The priority regarding the design of structures has everything to do with the fact that a lumber town was first established along California's coastline in Mendocino circa 1850 and the County seeks to preserve the unique and special character of development from that era. Preservation of a uniquely coastal dependent resource, the history of California's lumber industry along the State's shoreline, is consistent with Coastal Act policies, including Section 30220 and following.

- The MTP Ad Hoc Committee similarly rejects preliminary recommended suggested modification on page 84 and GM-5.
- The MTP Ad Hoc Committee similarly reject preliminary recommended suggested modification on page 87 and GM-11.

The MTP Ad Hoc Committee find that the Coastal Commission Staff's suggested modifications diminish the intent of the local government to establish best practices for review of development within a circa 1850 California coastal lumber town that has been registered with the State and National Park Service as an area of significant cultural resources. By requiring proposed development design to be reviewed according to adopted design guidelines, Mendocino County Board of Supervisors establishes best practices that have the effect of ensuring that new development will not detract from existing coastal cultural resources and provide for those resources to be available to the public when they visit the Town of Mendocino and the Mendocino Headlands State Park.

On Appendix page 86 and Mendocino County growth management policy GM-9(g), the Coastal Commission Staff's suggested modification would have the effect of requiring a Coastal Development Permit for any ground-disturbing activity regardless of the quantity of soil moved. Staff's preliminary recommended suggested modification also implies that the suggestion to strike text would establish consistency with Public Resource Code Section 30253 and it does not. In 1995, Mendocino County adopted implementation procedures MTZC Section 20.608.023(C), that defines Development, and MTZC Section 20.608.026(F) defining Grading, which is a type of development activity. In 1995, Grading in the Town of Mendocino is defined as "any excavation or filling or combination thereof involving transfer of more than *two (2) cubic yards* of material (MTZC Section 20.608.026(F))." Since 1995, Mendocino County Board of Supervisors have noted that other Local Coastal Programs define the transfer of more than *twenty-five (25) cubic yards* of material as grading; therefore in amending the LCP, the Board of Supervisor's determined that the previously certified *two (2) cubic yards* was an error and propose to correct that error by conforming Mendocino County's grading definition with other adopted local coastal program defined grading.

Proposed amendment GM-9(g) would read: "(g) Require a coastal development permit and building permit for any excavation, placement, or fill of any earthen material, or any combination of earthen materials, that in total is twenty-five (25) cubic yards or greater in volume."

MTP Ad Hoc Committee's reject the preliminary recommended suggested modification to growth management policy GM-9(g): (1) the suggested modifications to GM-9(g) do not reflect the content of Public Resource Code 30253, which discusses minimization of adverse impacts that would be associated with new development adjacent to the coast; (2) it would be onerous to any property owner that any quantity of grading within the Town of Mendocino LCP boundaries would require a Coastal Development Permit; (3) it conflicts with the currently certified definition of grading that allows transfer of up to two-cubic yards without a CDP; (4) the suggested modification would establish a local practice that is not applied elsewhere within California's Coastal Zone boundaries; and (5) the preliminary recommended suggested modification falsely implies that the Coastal Act and its associated Public Resource Codes does not state that *any* grading would be considered development. Therefore, the MTP Ad Hoc Committee suggest that Mendocino County's proposed amendment to GM-9(g) is consistent with other adopted Local Coastal Plans and reflects the exact language this local government supports.

Specific response to **Suggested Modification 13** Mendocino Town Land Use Classifications and access to water and waste water treatment.

On page Appendix A page 142, another preliminary recommended suggested modification is to strike a paragraph that would require demonstration of adequate sustainable groundwater supply, a wastewater connection, and conformance with local permitting requirements.

The proposed paragraph would read: “Both principal and conditional permitted uses will require, at a minimum, building permit review, which pursuant to the certified Mendocino Town Local Coastal Program requires demonstration of adequate sustainable groundwater supply, a wastewater connection permit, and conformance with the current County Building Code (Mendocino County Code, Title 17).”

This statement does not conflict with the Coastal Act and has been locally supported as a part of the proposed amendments to the Town Plan. The MTP Ad Hoc Committee does not agree with the preliminary recommended suggested modifications numbered 4, 8, 13, 25 and 26 and the suggested modifications to locally supported land use classifications and local requirements to demonstrate adequate sustainable groundwater supply, waste water treatment, and conformance with County Building Codes.

Land Use Designation and Zoning District Change from Open Space to Public Facilities and suggested modifications 3, 9, 16, and 28.

Summary: The Coastal Commission Staff suggested modifications 3, 9, 16, and 28 would: (a) retain the currently certified open space (OS) land use classification and zoning district designation at 44700 Little Lake Road (Grindle Park) 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.

Response: The MTP Ad Hoc Committee opposes the suggested modifications by the Coastal Commission Staff to retain the Open Space land use designation and zoning district on the Grindle Park property at 44700 Little Lake Road and notes that Mendocino County has the authority to determine land use classifications for lands within their jurisdiction. The MTP Ad Hoc Committee notes that whether the property is designated Open Space or Public Facilities, a coastal development use permit would be required for Minor Impact Utilities, such as a water storage tank and associated infrastructure. Coastal Commission Staff’s concern with avoidance of environmentally sensitive habitat areas would be addressed at the time the Mendocino Fire Protection District sought a coastal development use permit.

For the reasons stated, the MTP Ad Hoc Committee does not agree with the preliminary recommended suggested modifications numbered 3, 9, 16, and 28 and the suggested

modifications to locally supported policies for *Public Facilities*, the Mendocino Town Land Use Map and Mendocino Town Zoning Map.

Optional Zoning and suggested modifications 3, 16, 17, and 18.

Summary: The Coastal Commission Staff's suggested modifications 3, 16, 17, and 18 would: (a) classify and zone 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 LCP Amendment. The suggested modifications accomplish the County's goal without the need for optional zoning inconsistent with Coastal Act section 30801.5.

Response: The MTP Ad Hoc Committee agrees with Coastal Commission Staff that the optional zoning provisions of the Town Zoning Code Section 20.604.050(D) should be deleted. In addition to the parcel at 10575 Lansing Street (APN 119-150-01), there are other parcels in the Town that have split zoning designed to buffer residential districts from commercial districts. The optional zoning provisions, which are policy amendments proposed by Mendocino County, could potentially result in entire parcels being developed as Commercial, thus eliminating the intended residential buffer between Commercial and Town Residential Districts. Specifically regarding property located at 10575 Lansing Street, PBS staff notes that Mendocino County Board of Supervisors and Mendocino County Planning Commissioners have not considered or adopted a change to the land use map for this site; therefore, the Coastal Commission Staff's preliminary recommended suggested modification to the land use map diminishes local authority to determine the precise content of the Mendocino Town Land Use Map, Coastal Element Chapter 4.13 *Mendocino Town Plan* of the Mendocino County General Plan, and Mendocino Town Zoning District Map and diminishes public participation in the process of adopting amendments to the land use map.

In regard to the preliminary recommended suggested modification to the land use classification of the 0.31-acre "Williams House" parcel located at 10575 Lansing Street (APN 119-150-01), the MTP Ad Hoc Committee opposes designation of the property as entirely Mixed Use. The Mixed Use designation might be appropriate if the property were not developed. With an existing structure on the property, it would be difficult for the owners to meet the additional requirements for MMU Districts as stated by LCP Amendment MTZC Section 20.660.075(B).

LCP Amendment MTZC Section 20.660.075(B) would read: "(B) Fifty (50) percent or more of the gross floor area of all development shall be devoted to residential dwelling units; provided, that this requirement shall not apply to existing visitor serving facilities in the Visitor Serving Facilities Combining District on parcels (lots) depicted with an asterisk (*) or asterisk-B (*B) on the certified Town Zoning Map."

The "Williams House" property fronts two of the Town's busiest roads on the north and west sides (Little Lake Road and Lansing Street), the Town's busiest commercial use (Harvest at Mendosa's) on the south side and an employee parking area on the east side. PBS Staff note that the 10575 Lansing Street would be suitable for commercial land uses. The Mendocino

*Optional Zoning and
Principally-Permitted, Permitted, and Conditionally-Permitted Uses*

Commercial District requires a Major Use Permit for high intensity commercial use types (e.g., Eating and Drinking Establishments, Automotive and Equipment: Gasoline Sales) and a Minor Use Permit for moderate intensity commercial use types (e.g., Food and Beverage Retail Sales, Business Equipment Sales and Services). Given the locational characteristics of the property and the requirements for Major or Minor Use Permits for many commercial uses, Commercial is the more appropriate land use designation and zoning district.

For the reasons stated, the MTP Ad Hoc Committee does not agree with the preliminary recommended suggested modifications numbered 3, 16, 17, and 18 and the suggested modifications to locally supported Mendocino Town Land Use Map amendments.

Principally- Permitted, Permitted, and Conditionally- Permitted Uses and suggested modifications 2, 4, 13, and 21.

Summary: The Coastal Commission Staff's preliminary suggested recommended modification no. 2 would 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.

Response: The majority of land use designations and zoning districts in the Town of Mendocino are residential and have Residential Use Types as the principal permitted use along with select Civic and Agricultural Use Types and Existing Visitor Accommodation Use Types. Coastal development use permits are required for other uses in residential areas. Most single family residential uses are exempt from the requirements of coastal development permits under Categorical Exclusion Order E-96-1. In residential areas, designating principal permitted uses and conditional uses is sufficient. In Open Space and Public Facility land use designations and zoning districts almost all uses require a coastal development use permit. In the Commercial and Mixed Use land use designations and zoning districts, there are already principal permitted uses, permitted uses, uses subject to a Minor Use Permit and uses subject to a Major Use Permit. The MTP Ad Hoc Committee does not see the necessity of further divisions.

Specific response to Suggested Modification 13 Mendocino Town Land Use Classifications, Principally Permitted Uses, and Subsections 5.1, 5.3, and 5.9

On Appendix A page 142 and Defining Mendocino Town LCP Principal Permitted Use Types, a suggested modification includes adding a statement "Coastal development permits for permitted uses are appealable to the Coastal Commission wherever they are located." This statement reflects information contained in Coastal Act Section 30603(a)(4); Mendocino County Board of Supervisor's, in consideration of the recommendations of Mendocino County Planning Commission, chose not to include such statement and remind Coastal Commission staff that

local authority to determine the exact content of the Mendocino Town Local Coastal Plan is solely theirs. Further, this statement does not require inclusion (as it is already a part of the Coastal Act, which is amended from time to time).

On Appendix A page 143 and Mendocino Town Plan Subsection 5.1 Open Space, the MTP Ad Hoc Committee rejects any recommendation the Coastal Commission staff to remove -- previously certified as consistent with the Coastal Act -- principal permitted land uses from Open Space, such as "Passive recreation," "landscape preservation," and "grazing." Further, the County objects to recommendations altering locally supported principal permitted land use types on Open Space designated lands. Coastal Commission staff recommendations over reach local authority to determine the exact language of subsection **5.1 Open Space**. Consistent with the Coastal Act Section 30603(a)(4), Mendocino County *Open Space Use Types* are principal permitted use types in land use classification Open Space. In 1992, the MTP Open Space Land Use Classification listed *Open Space Use Types*, by including passive recreation, landscape preservation, and grazing, as principal permitted uses. Mendocino County has not supported any amendment to cause *Open Space Use Types* to be identified as anything other than the principal permitted use type in the land use classification Open Space.

Open Space Use Types, including "Open Space" and "Passive Recreation," shall be principal permitted use types in the land use classification Open Space, as they were certified by the California Coastal Commission as consistent with the Coastal Act in 1992 and adopted by Mendocino County Board of Supervisors. In subsection **5.1 Open Space**, permitted use types shall include other *Open Space Use Types* (such as "landscape conservation, restoration, and preservation; sustainable grazing; mowing, pursuant to an approved management plan;"), *Civic Use Types*, including "community gardens; and temporary events and uses." and other land uses, such as "portable recreational support facilities; renovation of historic structures; and low stature way-finding and environmental signage." It would be acceptable to reduce inadvertent duplication within subsection **5.1 Open Space**; for example, Coastal Commission Staff suggest minor clarifications to Open Space Conditional Uses by adding "...landscape conservation, restoration, and preservation (1,000 square feet or larger); ..." and deleting "~~landscape conservation of resource lands, restoration, or preservation (1,000 square feet or larger);~~".

Mendocino County notes that Coastal Action Section 30212(a)(3) accommodates activities like renovation of historic structures located in Open Space; in the Mendocino Headlands State Park (which has a land use classification of Open Space, and in the Mendocino Historical Preservation District, which is inclusive of the state park) exists structures of national historic interest that are to be preserved.⁷ For example, the Ford House and its Carriage House are historic structures situated within the Mendocino Headlands State Park and located on lands adjacent to shore. Mendocino County notes that Mendocino Headlands State Park encompasses some 7,719 acres that enjoy a land use classification of Open Space; of which 165 acres are located within the Mendocino Town LCP boundaries. Maintenance of open space lands, especially to provide

⁷ Coastal Action Section 30212(a)(3): "Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where" ... "Improvements to any structure which do not change the intensity of its use, which do not increase either the floor area, height, or bulk of the structure by more than 10 percent, which do not block or impede public access, and which do not result in a seaward encroachment by the structure ..."

public access with the park, would naturally include *Open Space Land Use Types* and *Civic Land Use Types*. It would be contrary to the intent of the Coastal Act to disregard local expression that would continue the established principal permitted *Open Space Land Use Types* within land use classification Open Space.

On Appendix A page 149 and Mendocino Town Plan Subsection 5.3 Suburban Residential, the MTP Ad Hoc Committee rejects any recommendation to amend the existing, certified principal permitted use type, which is *Residential Use Types*, in the land use classification Suburban Residential. (Additionally, Mendocino County rejects similarly recommended modifications to subsection 5.2 Rural Residential.) The recommended modification in 5.3 suggests principal permitted residential use types can also be listed as a permitted use type. This establishes a conflict between principal permitted and permitted use types. This suggested modification does not reflect the 1992 MTP text that is consistent with the California Coastal Act Section 30603(a)(4) and Coastal Act Section 30250(a) that encourages development to be located within existing developed areas. Land use classifications, like Suburban Residential and Rural Residential, shall include Residential Use Types, such as single-family residential and home occupations, as principal permitted use types to encourage residential development in areas that have enjoyed residential development since the lumber town was established along California's coast circa 1850. Land Use Classification Suburban Residential shall include other Residential Use Types (~~Accessory second residential dwelling unit not to exceed 900 square feet, with associated utilities and appurtenances; home occupations; community gardens~~) and Civic Use Types as permitted use types.

On Appendix A page 153 and Mendocino Town Plan Subsection 5.9 Public Facilities, the MTP Ad Hoc Committee rejects any recommendation to amend the existing, certified principal permitted use type, which is *Civic Use Types*, in the land use classification Public Facilities. *Civic Use Types*, such as native vegetation landscaping, temporary events, and community gardens, satisfy the intent of a Public Facility land use classification.⁸ There is no evidence that establishing *Civic Use Types* as principal permitted use types in a Public Facilities land use classification would conflict with the Coastal Act.

While the State of California Department of Transportation requests, and Coastal Commission Staff supports their request, deleting from Subsection 5.9 conditional uses "~~State Highway 1, roads, streets~~", Mendocino County Board of Supervisor's seeks through adoption of amendments to the County's General Plan, Coastal Element Chapter 4.13 Mendocino Town Plan to communicate their local control of development (State Route 1, roads, and streets) within Mendocino County and across iconic areas, such as Big River and Russian Gulch. California Department of Transportation regularly files Coastal Development Permit applications with Mendocino County when proposing development within local coastal plan boundaries. It is the intent of Mendocino County Board of Supervisors, following public input during many publicly

⁸ from September 23, 2016, California Coastal Commission, Mendocino County LCP Amendment LCP-1-MEN-14-0840-1 Appendix A: Proposed LUP Amendments with Suggested Modifications, page 156. Subsection 5.9 Public Facilities Intent: "To designate existing and planned future major public and community serving uses that shall only be allowed to be converted to another use following certification by the Coastal Commission of an amendment to the certified Mendocino Town Plan. This classification applies to lots (~~parcels~~) which are used for, or are proposed to be used for, public agency or non-profit entity purposes, or for specified public utility purposes."

scheduled hearings and meetings, to require a Coastal Development Use Permit for development within the public right of way and Mendocino Town LCP boundaries. How a local government chooses to review proposals for development within their General Plan boundaries is truly a local decision and a requirement for a use permit would not conflict with the priorities of the Coastal Act.

For the reasons stated, the MTP Ad Hoc Committee does not agree with the preliminary recommended suggested modifications numbered 2, 4, 13, and 21 and the suggested modifications to locally supported Mendocino Town Land Use Classifications.

Town Plan Introduction, Mendocino Design Guidelines Policies, Circulation and Parking Policies, Sustainability Policies and suggested modifications nos. 1, 5, 6, and 8.

Specific response to Coastal Commission Staff Suggested Modification No. 1 Town Plan Introduction.

Although Suggested Modification No 1 is not included in the five primary topic areas, the MTP Ad Hoc Committee took note. Regarding Coastal Act Section 30512.2(a) and Mendocino County's authority to adopt and establish the content of the amended Mendocino Town LCP Section 1 Introduction and Section 2 Town Background, Setting, and Description, the MTP Ad Hoc Committee finds that Mendocino County Board of Supervisors have exercised their authority to craft an introduction to the Town of Mendocino; describe the Town's background, setting, and description, its land use plan. The content of Section 1 Introduction and Section 2 Town Background, Setting, and Description reflects the preference of the Board of Supervisors, and the recommendations of the Planning Commission. These sections of the LUP describe how the Mendocino Headlands State Park lands and a coastal lumber town established circa 1850 became a State and nationally designated cultural resource (known as the Mendocino Town Historical Preservation District) that is to be preserved for visitors and residents enjoyment.

- For example, in MTLUP Section 1.1 the Mendocino County Board of Supervisors MTP Ad Hoc Committee find that the Town of Mendocino is a special historical residential community, and a popular coastal visitor destination.
- For example, in MTLUP Section 1.1 the Mendocino County Board of Supervisors MTP Ad Hoc Committee find that certification of the Mendocino Town Zoning Code (1996) established a careful balance of residential, commercial, and open space uses that have served to protect, maintain, and restore the natural and historically developed communities of the Town, while providing extensive public access and recreational opportunities consistent with coastal resource conservation and the rights of property owners.

The MTP Ad Hoc Committee have indicated to Planning and Building Services staff that they would not support Suggested Modification No. 1 (Town Plan Introduction) and Suggested Modification No. 3 (Town Background, Setting, and Description). Rather, MTP Ad Hoc Committee find that Coastal Commission staff preliminary recommended suggested modifications to Section 1 and Section 3 of the Mendocino Town Plan LUP (sections that do not include policies, goals, or definitions) abridges the County's authority to adopt and establish the

precise content of their Mendocino Town local coastal plan, land use plan, and implementation plan.

Planning and Building Services appreciate a suggested typical correction to delete “(parcel)” throughout the Mendocino Town Plan (MTP) and Mendocino Town Zoning Code (MTZC); it would be sufficient in most instances to refer to “lot” rather than “lot (parcel).”

Specific response to Coastal Commission Staff **Suggested Modification No. 5** Mendocino Design Guidelines Policies.

Regarding local authority to adopt and establish the content of MTLUP Section 4.3 *Mendocino Town Design Guideline Policies*, the Board of Supervisors resolved on December 8, 2015 to approve goals, policies, and design guidelines for the Town of Mendocino, which is a nationally treasured historic district with established design guidelines that are “based upon historic design characteristics commonly observed in Mendocino...” The Design Guidelines serve as a basis against which plans for new construction and for rehabilitation or renovation of existing structures can be judged for harmony, compatibility and appropriateness. It is the intent of the Board of Supervisors to implement Action DG-2, Action DG-2.2 as submitted to the Coastal Commission for certification:

- Action DG-2 is resolved to read as follows: “Permitted development shall not have a significant adverse effect on public scenic views and public scenic resources from Highway 1 or from the public streets and public open space areas of the Town.”
- Action DG-2.2 is resolved to read as follows: “Review of new development applications shall include the protection of scenic public views to the sea and landmark structures, as described in the Inventory of Historic Structures (Appendix 1), and of scenic public resources as seen from the public streets and open space areas of the Town and from along Highway 1.”
- Action DG-4 is resolved to read as follows: “Permitted residential, commercial, public facility and open space development shall require predominantly native and drought-tolerant landscaping, to reflect the relatively unstructured landscape character of the Town.”

The Board of Supervisor’s MTP Ad Hoc Committee find that Coastal Commission staff’s Suggested Modification No. 5 (Mendocino Design Guidelines Policies) does abridge local authority to determine the precise content of the land use plan, including its policies and actions, and has not established that the locally adopted text conflicts Coastal Act.⁹ Rather the suggested modifications are minor clarifications that would not change the intent of the Board adopted MTLUP Section 4.3 *Mendocino Town Design Guideline Policies* and associated action items.

⁹ Appendix A MTP Section 4.3. **Mendocino County LCP Amendment LCP-1-MEN-14-0840-1 (Mendocino Town LCP Update)**. Memorandum to the Coastal Commissioners and Interested Parties and from Alison Dettmer, Bob Merrill, and Tamara Gedik. September 23, 2016. Pages 99-103.

Specific response to Coastal Commission **Staff Suggested Modification Nos. 6** Circulation and Parking Policies **and No. 8** Sustainability Policies.

On Appendix A pages 103-106 or MTP Section 4.4, Coastal Commission staff preliminary recommended suggested modifications summarily recommend changing Board of Supervisor adopted circulation and parking policies to advisory goals and measures. On Appendix A pages 109-119 or MTP Section 4.6, Coastal Commission staff's preliminary recommended suggested modifications similarly wholesale change adopted policies to advisory goals and measures. Yet, suggested modifications nos. 6 and 8 do not affect the document's consistency with the Coastal Act. The preliminary recommended suggested modifications by Coastal Commission staff to change *locally* adopted policies (or action items, advisory goals, or measures) and do abridge *local* authority to determine the precise content of the Mendocino Town Land Use Plan. The MTP Ad Hoc Committee has indicated to PBS staff that they would reject suggested modification Nos. 6 and 8.

Summary of Ad Hoc Committee response to preliminary recommended suggested modifications.

Mendocino County participated in at least six years of public discourse on amendments to Chapter 4.13 *Mendocino Town Plan* of the Coastal Element, which is a chapter of the Mendocino County General Plan and amendments to Mendocino Town Zoning Code, which is Division III of Title 20 of Mendocino County Codes. Approximately 600 persons live in the approximate one square mile of a town that is surrounded on three sides by Mendocino Headlands State Parks and its coastline. The urban development within the town almost exclusively occurred between 1850 and 1920. Prior to certification of Mendocino County's Local Coastal Plan and its segment, Chapter 4.13 *Mendocino Town Plan*, Mendocino County Board of Supervisor's adopted Ordinate 1057A, which established historical zones for the Town of Mendocino. Redevelopment of existing, historic resources and repurposing of existing buildings is planned for, because historic structures situated within view of Mendocino's shoreline are to be conserved and preserved. Mendocino County intends to modernize land use and development goals and policies within the Town by revising the 1992 Mendocino Town Local Coastal Plan to include new policies like storm water management and allowing under utilized *Visitor Serving Facility* locations to operate with greater capacity and thereby provide additional lodging options adjacent to Mendocino County's coastline.

The MTP Ad Hoc Committee is dismayed that following many years of the County working closely with North Coast District Staff that their position has remained immovable and unyielding to facts that have been submitted to Coastal Commission Staff and discussed many times. The preliminary recommended suggested modifications regarding such topic areas as

- Visitor Serving Facilities
- Demonstration of Adequate Water Supply Where No Community Water System
- Land Use Designation and Zoning District Change from Open Space to Public Facilities

- Optional Zoning
- Principally-Permitted, Permitted, and Conditionally-Permitted Uses

reflect a persistent adherence to perceptions that do not reflect Mendocino County Board of Supervisor's adopted land use goals and policies and the reality of development in the Mendocino Historical Preservation District (where the majority of development occurred 1850-1920 and it is intended to preserve the cultural resource that is the Town of Mendocino). Little development within the boundaries of this coastal resource area is anticipated in the future and has not been experienced with any notable activity since 1920.

Attachments:

1. Table 4.13-1 Mendocino Town Plan Visitor Serving Facilities. Chapter 4.13 *Mendocino Town Plan*. Coastal Element of Mendocino County General Plan. June 10, 1992. Page 249.
2. Appendix 2 Mendocino Town Plan Visitor Serving Facilities. Amended Chapter 4.13 *Mendocino Town Plan*. Coastal Element of Mendocino County General Plan. December 8, 2015. page 97. Available via <https://www.co.mendocino.ca.us/bos/meetings/25443/25451/25466/25615/25931/Appendices25931.pdf>

Coastal Consistency Analysis previously filed and available on-line

3. Mendocino Town LCP Update Amendment (LCP-1-MEN-14-0840) LCP Consistency Analysis Summary with stamp "Received Jan 8, 2016 California Coastal Commission North Coast District". 8 Pages. Footer reference 20151208.MTLCPUA,CoastalAct ConsistencyAnalysis.

Available via <http://www.co.mendocino.ca.us/planning/mtpupdate.htm> and http://www.co.mendocino.ca.us/planning/pdf/MTP_Consistency_Analysis.pdf

4. Mendocino Town LCP Update Amendment (LCP-1-MEN-14-0840) LCP Consistency Analysis Summary. 125 pages. Footer reference 20160204.MTLCPUA-CoastalActSupplementalConsistencyAnalysis.

Available via <http://www.co.mendocino.ca.us/planning/mtpupdate.htm> and <http://www.co.mendocino.ca.us/planning/pdf/20160204eMTLCPUASuppRspCCCstaffreq20160125.pdf>

5. Mendocino Town LCP Update Amendment (LCP-1-MEN-14-0840) Supplemental Response to Coastal Commission Staff Comments with stamp "Received Jan 29, 2016 California Coastal Commission North Coast District". 68 pages. Footer reference 20160109.SupplementalResponsetoCCCStaffComments,MTLCPU/A.

Available via <http://www.co.mendocino.ca.us/planning/mtpupdate.htm> and http://www.co.mendocino.ca.us/planning/pdf/CCC_supp_info_1-22-16.pdf

Attachment 1.

Table 4.13-1 Mendocino Town Plan Visitor Serving Facilities. Chapter 4.13 Mendocino Town Plan. Coastal Element of Mendocino County General Plan. June 10, 1992. Page 249.

| TABLE 4.13-1 MENDOCINO TOWN PLAN VISITOR SERVING FACILITIES | | | |
|--|----------------------|----------------------------------|----------------------------|
| ASSESSOR'S PARCEL NUMBER | FACILITY | STREET ADDRESS | ALLOWABLE UNITS |
| 119-080-14 | Hill House | 10865 Lansing Street | 44 |
| 119-236-01 | Heeser House | 45080 Albion Street | 25 |
| 119-236-10 | McCallum House | 45065 Albion Street | 21 |
| 119-238-04 | Mendocino Hotel | 45065 Albion Street | <u>26</u> |
| 119-238-05 | | | 116 |
| Subtotal | | | |
| 119-140-13 | Joshua Grindle | 44800 Little Lake Street | 10 |
| 119-140-32 | Reed Manor | 43700 (44950) Little Lake Street | 5 |
| 119-235-09 | Dougherty House | 45110 Albion Place | 8 |
| 119-250-04 | SeaGull Inn | 44960 Albion Street | 9 |
| 119-250-06 | Headlands Inn | 44950 Albion Street | 6 |
| 119-250-09 | Whitegate Inn | 10481 Howard Street | 5 |
| 119-250-15 | Sears House | 44840 Main Street | 8 |
| 119-250-31 | 1021 Main Street Inn | 44781 Main Street | 5 |
| 119-250-37 | Village Inn | 44860 Main Street | <u>13</u> |
| Subtotal | | | 69 |
| TOTAL INNS, HOTELS AND MOTELS (5 rooms or more) | | | 185 |
| 119-080-06 | Lockey | 10940 Lansing Street | 3 |
| 119-140-10 | Schrode | 44920 Little Lake Road | 2 |
| 119-150-11 | Cameron | 10521 School Street | 2 |
| 119-160-07 | McNamara | 45170 Little Lake Street | 4 |
| 119-160-10 | Wickersham | 45110 Little Lake Street | 4 |
| 119-180-06 | Friedman | 45320 Little Lake Street | 3 |
| 119-231-08 | Parsons Inn | 45101 Little Lake Street | 2 |
| 119-235-13 | Reeves | 45141 Ukiah Street | 2 |
| 119-237-09 | Blue Heron Inn | 390 Kasten Street | 4 |
| 119-250-19 | McElroy's Inn | 44800 Main Street | 4 |
| TOTAL BED AND BREAKFAST UNITS (2 to 4 rooms) | | | 30 |
| 119-160-32 | Mendocino Art Center | 45200 Little Lake Street | 19 |
| TOTAL NUMBER OF UNITS ALLOWABLE | | | 234 |

Attachment 2.

Appendix 2 Mendocino Town Plan Visitor Serving Facilities. Amended Chapter 4.13

Mendocino Town Plan. Coastal Element of Mendocino County General Plan. December 8, 2015. page 97. Available via

<https://www.co.mendocino.ca.us/bos/meetings/25443/25451/25466/25615/25931/Appendices25931.pdf>

| APPENDIX 2: MENDOCINO TOWN PLAN VISITOR SERVING FACILITIES | | Visitor Serving Guest Room Distribution | | |
|---|---|--|---------------------------|----------------------------|
| Name | Address | 1992 Rooms (Allowed) | 2012 Rooms (In Use) | 2015 Rooms (Allowed) |
| * | | | | |
| Hill House Hotel | 10865 Lansing Street/ 10701 Palette Drive | 44 | 44 | |
| Heeser House | 45080 Albion Street | 25 | 25 | |
| MacCallum House | 45020/45065 Albion Street | 21 | 19 | |
| Mendocino Hotel | 45080 Albion Street | 26 | 26 | |
| Joshua Grindle House | 44800 Little Lake Street | 10 | 10 | |
| MacCallum House Suites | 43700/44950 Little Lake Street 10691 Palette Drive | 5 | 10 | |
| Dougherty House | 45110 Albion Place | 8 | 8 | |
| Sea Gull Inn | 44960 Albion Street | 9 | 9 | |
| Headlands Inn | 44950 Albion Street | 6 | 7 | |
| Whitegate/Blue Door Inn | 10481 Howard Street | 5 | 5 | |
| Sears House/ Sweetwater Inn | 44840 Main Street | 8 | 9 | |
| 1021 Main St/Allegria Inn | 44781 Main Street | 5 | 6 | |
| Village/Didgeradoo Inn | 44860 Main Street | 13 | 12 | |
| Nicholson House | 44861 Ukiah Street | -0- | 7 | |
| Hotels and Inns TOTAL | | 185 | 197 | |
| *B | | | | |
| Lockey | 10940 Lansing Street | 3 | 5 | |
| Schrode/Mendocino Views | 44920 Little Lake Street | 2 | 2 | |
| Cameron/Mattos | 10521 School Street | 2 | 2 | |
| McNamara/Packard House | 45170 Little Lake Street | 4 | 6 | |
| Wickersham/Blair House | 45110 Little Lake Street | 4 | 4 | |
| Friedman Village Cottages | 45320 Little Lake Street | 3 | 3 | |
| Parsons/Langters Inn | 45101 Little Lake Street | 2 | 2 | |
| Reeves | 45141 Ukiah Street | 2 | 1 | |
| Blue Heron Inn | 390 Kasten Street | 4 | 3 | |
| McElroy's Inn/Raku House | 44800/44820 Main Street | 4 | 4 | |
| Bed&Breakfast TOTAL | | 30 | 32 | |
| | Guest Rooms Available for Allocation..... | 221* | | 237** |
| | Guest Rooms in Use..... | 215 | 229 | |

* The original 1992 Visitor Serving allocation of 234 guest rooms is corrected to remove 13 residential units previously counted as VSF.

** The proposed 2015 Visitor Serving allocation of 237 guest rooms includes 16 guest units to be reallocated by reducing the number of Single Unit Rental/Vacation Home Rental units from 46 to 30, added to the original 221 guest room allocation.

Attachment 3.

Mendocino Town LCP Update Amendment (LCP-1-MEN-14-0840) LCP Consistency Analysis Summary with stamp "Received Jan 8, 2016 California Coastal Commission North Coast District". 8 Pages. Footer reference 20151208.MTLCPUA,CoastalAct ConsistencyAnalysis.

Available via <http://www.co.mendocino.ca.us/planning/mtpupdate.htm> and http://www.co.mendocino.ca.us/planning/pdf/MTP_Consistency_Analysis.pdf

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

LCP CONSISTENCY ANALYSIS SUMMARY

1. Introduction.

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

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

LCP CONSISTENCY ANALYSIS SUMMARY

in Section 3.¹ 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

¹ 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. *and life?*

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).

Attachment 5.

Mendocino Town LCP Update Amendment (LCP-1-MEN-14-0840) Supplemental Response to Coastal Commission Staff Comments with stamp "Received Jan 29, 2016 California Coastal Commission North Coast District". 68 pages. Footer reference 20160109.SupplementalResponsetoCCCStaffComments,MTLCPU/A.

Available via <http://www.co.mendocino.ca.us/planning/mtpupdate.htm> and http://www.co.mendocino.ca.us/planning/pdf/CCC_supp_info_1-22-16.pdf

1. INTRODUCTION

The Board of Supervisors (Board) of the County of Mendocino on December 8, 2015 adopted the Mendocino Town Local Coastal Program Update Amendment (MTLCPUA or Town LCP Update) to the Coastal Commission-certified 1992 Mendocino Town Plan, and directed its transmittal to the California Coastal Commission (Coastal Commission or CCC) for certification pursuant to the California Coastal Act of 1976, as amended (Division 20, Public Resources Code [PRC]). The unincorporated Town of Mendocino constitutes a Coastal Commission adopted geographical segment of Mendocino County's coastal zone, which is coterminous with the Coastal Commission-delineated urban limit line.

The Town LCP Update amendments to the certified Town Plan and Land Use Map, and to the certified Town Zoning Code and Zoning Map, are consistent with the applicable mandatory Coastal Act policies and State goals for the coastal zone, as well as with the goals of the certified LCP that it updates. The Town LCP Update reinforces those policies and goals to assure continued protection of the Town's unique resources and special community character into the future.

2. COASTAL ACT CHAPTER 3 (PRC SECTIONS 30200-30265.6) STANDARDS

2.1. PRC section 30200: (a) Consistent with the coastal zone values cited in Section 30001 and the basic goals set forth in Section 30001.5, and except as may be otherwise specifically provided in this division, the policies of this chapter shall constitute the standards by which the adequacy of local coastal programs, as provided in Chapter 6 (commencing with Section 30500), and the permissibility of proposed developments subject to the provisions of this division are determined. All public agencies carrying out or supporting activities outside the coastal zone that could have a direct impact on resources within the coastal zone shall consider the effect of such actions on coastal zone resources in order to assure that these policies are achieved. (b) Where the commission or any local government in implementing the provisions of this division identifies a conflict between the policies of this chapter, Section 30007.5 shall be utilized to resolve the conflict and the resolution of such conflicts shall be

MENDOCINO TOWN LOCAL COASTAL PROGRAM UPDATE AMENDMENT (LCP-1-MEN-14-0840)
TOWN LCP UPDATE AMENDMENT-COASTAL ACT CONSISTENCY ANALYSIS

supported by appropriate findings setting forth the basis for the resolution of identified policy conflicts.

2.2. PRC section 30210: In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

2.3. PRC section 30211: Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

2.4. PRC section 30212: (a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) adequate access exists nearby, or (3) agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.

(b) For purposes of this section, "new development" does not include:

(1) Replacement of any structure pursuant to the provisions of subdivision (g) of Section 30610.

(2) The demolition and reconstruction of a single-family residence; provided, that the reconstructed residence shall not exceed either the floor area, height or bulk of the former structure by more than 10 percent, and that the reconstructed residence shall be sited in the same location on the affected property as the former structure.

(3) Improvements to any structure which do not change the intensity of its use, which do not increase either the floor area, height, or bulk of the structure by more than 10 percent, which do not block or impede public access, and which do not result in a seaward encroachment by the structure.

(4) The reconstruction or repair of any seawall; provided, however, that the reconstructed or repaired seawall is not seaward of the location of the former structure.

(5) Any repair or maintenance activity for which the commission has determined, pursuant to Section 30610, that a coastal development permit will be required unless the commission determines that the activity will have an adverse impact on lateral public access along the beach.

As used in this subdivision, "bulk" means total interior cubic volume as measured from the exterior surface of the structure.

(c) Nothing in this division shall restrict public access nor shall it excuse the performance of duties and responsibilities of public agencies which are required by

MENDOCINO TOWN LOCAL COASTAL PROGRAM UPDATE AMENDMENT (LCP-1-MEN-14-0840)
TOWN LCP UPDATE AMENDMENT-COASTAL ACT CONSISTENCY ANALYSIS

Sections 66478.1 to 66478.14, inclusive, of the Government Code and by Section 4 of Article X of the California Constitution.

2.5. PRC section 30212.5: Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.

2.6. PRC section 30213: 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.

2.7. PRC section 30214: (a) The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following:

(1) Topographic and geologic site characteristics.

(2) The capacity of the site to sustain use and at what level of intensity.

(3) The appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area and the proximity of the access area to adjacent residential uses.

(4) The need to provide for the management of access areas so as to protect the privacy of adjacent property owners and to protect the aesthetic values of the area by providing for the collection of litter.

(b) It is the intent of the Legislature that the public access policies of this article be carried out in a reasonable manner that considers the equities and that balances the rights of the individual property owner with the public's constitutional right of access pursuant to Section 4 of Article X of the California Constitution. Nothing in this section or any amendment thereto shall be construed as a limitation on the rights guaranteed to the public under Section 4 of Article X of the California Constitution.

(c) In carrying out the public access policies of this article, the commission and any other responsible public agency shall consider and encourage the utilization of innovative access management techniques, including, but not limited to, agreements with private organizations which would minimize management costs and encourage the use of volunteer programs.

MENDOCINO TOWN LOCAL COASTAL PROGRAM UPDATE AMENDMENT (LCP-1-MEN-14-0840)
TOWN LCP UPDATE AMENDMENT-COASTAL ACT CONSISTENCY ANALYSIS

2.8. PRC section 30220: *Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.*

2.9. PRC section 30221: *Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.*

2.10. PRC section 30222: *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.*

2.11. PRC section 30222.5: *Oceanfront land that is suitable for coastal dependent aquaculture shall be protected for that use, and proposals for aquaculture facilities located on those sites shall be given priority, except over other coastal dependent developments or uses.*

2.12. PRC section 30223: *Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.*

2.13. PRC section 30224: *Increased recreational boating use of coastal waters shall be encouraged, in accordance with this division, by developing dry storage areas, increasing public launching facilities, providing additional berthing space in existing harbors, limiting non-water-dependent land uses that congest access corridors and preclude boating support facilities, providing harbors of refuge, and by providing for new boating facilities in natural harbors, new protected water areas, and in areas dredged from dry land.*

2.14. PRC section 30230: *Marine resources shall be maintained, enhanced, and, where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.*

2.15. PRC section 30231: *The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface waterflow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.*

MENDOCINO TOWN LOCAL COASTAL PROGRAM UPDATE AMENDMENT (LCP-1-MEN-14-0840)
TOWN LCP UPDATE AMENDMENT-COASTAL ACT CONSISTENCY ANALYSIS

2.16. PRC section 30232: *Protection against the spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided in relation to any development or transportation of such materials. Effective containment and cleanup facilities and procedures shall be provided for accidental spills that do occur.*

2.17. PRC section 30233: *(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:*

(1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.

(2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.

(3) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.

(4) Incidental public service purposes, including, but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.

(5) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.

(6) Restoration purposes.

(7) Nature study, aquaculture, or similar resource-dependent activities.

(b) Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge spoils suitable for beach replenishment should be transported for these purposes to appropriate beaches or into suitable longshore current systems.

(c) In addition to the other provisions of this section, diking, filling, or dredging in existing estuaries and wetlands shall maintain or enhance the functional capacity of the wetland or estuary. Any alteration of coastal wetlands identified by the Department of Fish and Game, including, but not limited to, the 19 coastal wetlands identified in its report entitled, "Acquisition Priorities for the Coastal Wetlands of California", shall be limited to very minor incidental public facilities, restorative measures, nature study, commercial fishing facilities in Bodega Bay, and development in already developed parts of south San Diego Bay, if otherwise in accordance with this division.

For the purposes of this section, "commercial fishing facilities in Bodega Bay" means that not less than 80 percent of all boating facilities proposed to be developed or improved, where the improvement would create additional berths in Bodega Bay, shall be designed and used for commercial fishing activities.

(d) Erosion control and flood control facilities constructed on watercourses can impede the movement of sediment and nutrients that would otherwise be carried by storm runoff

MENDOCINO TOWN LOCAL COASTAL PROGRAM UPDATE AMENDMENT (LCP-1-MEN-14-0840)
TOWN LCP UPDATE AMENDMENT-COASTAL ACT CONSISTENCY ANALYSIS

into coastal waters. To facilitate the continued delivery of these sediments to the littoral zone, whenever feasible, the material removed from these facilities may be placed at appropriate points on the shoreline in accordance with other applicable provisions of this division, where feasible mitigation measures have been provided to minimize adverse environmental effects. Aspects that shall be considered before issuing a coastal development permit for these purposes are the method of placement, time of year of placement, and sensitivity of the placement area.

2.18. PRC section 30234: *Facilities serving the commercial fishing and recreational boating industries shall be protected and, where feasible, upgraded. Existing commercial fishing and recreational boating harbor space shall not be reduced unless the demand for those facilities no longer exists or adequate substitute space has been provided. Proposed recreational boating facilities shall, where feasible, be designed and located in such a fashion as not to interfere with the needs of the commercial fishing industry.*

2.19. PRC section 30234.5: *The economic, commercial, and recreational importance of fishing activities shall be recognized and protected.*

2.20. PRC section 30235: *Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Existing marine structures causing water stagnation contributing to pollution problems and fishkills should be phased out or upgraded where feasible.*

2.21. PRC section 30236: *Channelizations, dams, or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible, and be limited to (1) necessary water supply projects, (2) flood control projects where no other method for protecting existing structures in the flood plain is feasible and where such protection is necessary for public safety or to protect existing development, or (3) developments where the primary function is the improvement of fish and wildlife habitat.*

2.22. PRC section 30240: *(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

MENDOCINO TOWN LOCAL COASTAL PROGRAM UPDATE AMENDMENT (LCP-1-MEN-14-0840)
TOWN LCP UPDATE AMENDMENT-COASTAL ACT CONSISTENCY ANALYSIS

significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

2.23. PRC section 30241: *The maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the areas' agricultural economy, and conflicts shall be minimized between agricultural and urban land uses through all of the following:*

(a) By establishing stable boundaries separating urban and rural areas, including, where necessary, clearly defined buffer areas to minimize conflicts between agricultural and urban land uses.

(b) By limiting conversions of agricultural lands around the periphery of urban areas to the lands where the viability of existing agricultural use is already severely limited by conflicts with urban uses or where the conversion of the lands would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development.

(c) By permitting the conversion of agricultural land surrounded by urban uses where the conversion of the land would be consistent with Section 30250.

(d) By developing available lands not suited for agriculture prior to the conversion of agricultural lands.

(e) By assuring that public service and facility expansions and nonagricultural development do not impair agricultural viability, either through increased assessment costs or degraded air and water quality.

(f) By assuring that all divisions of prime agricultural lands, except those conversions approved pursuant to subdivision (b), and all development adjacent to prime agricultural lands shall not diminish the productivity of prime agricultural lands.

2.24. PRC section 30241.5: *(a) If the viability of existing agricultural uses is an issue pursuant to subdivision (b) of Section 30241 as to any local coastal program or amendment to any certified local coastal program submitted for review and approval under this division, the determination of "viability" shall include, but not be limited to, consideration of an economic feasibility evaluation containing at least both of the following elements:*

(1) An analysis of the gross revenue from the agricultural products grown in the area for the five years immediately preceding the date of the filing of a proposed local coastal program or an amendment to any local coastal program.

(2) An analysis of the operational expenses, excluding the cost of land, associated with the production of the agricultural products grown in the area for the five years immediately preceding the date of the filing of a proposed local coastal program or an amendment to any local coastal program.

For purposes of this subdivision, "area" means a geographic area of sufficient size to provide an accurate evaluation of the economic feasibility of agricultural uses for those lands included in the local coastal program or in the proposed amendment to a certified local coastal program.

MENDOCINO TOWN LOCAL COASTAL PROGRAM UPDATE AMENDMENT (LCP-1-MEN-14-0840)
TOWN LCP UPDATE AMENDMENT-COASTAL ACT CONSISTENCY ANALYSIS

(b) The economic feasibility evaluation required by subdivision (a) shall be submitted to the commission, by the local government, as part of its submittal of a local coastal program or an amendment to any local coastal program. If the local government determines that it does not have the staff with the necessary expertise to conduct the economic feasibility evaluation, the evaluation may be conducted under agreement with the local government by a consultant selected jointly by local government and the executive director of the commission.

2.25. PRC section 30242: *All other lands suitable for agricultural use shall not be converted to nonagricultural uses unless (1) continued or renewed agricultural use is not feasible, or (2) such conversion would preserve prime agricultural land or concentrate development consistent with Section 30250. Any such permitted conversion shall be compatible with continued agricultural use on surrounding lands.*

2.26. PRC section 30243: *The long-term productivity of soils and timberlands shall be protected, and conversions of coastal commercial timberlands in units of commercial size to other uses or their division into units of noncommercial size shall be limited to providing for necessary timber processing and related facilities.*

2.27. PRC section 30244: *Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.*

2.28. PRC section 30250: *(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. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.*

(b) Where feasible, new hazardous industrial development shall be located away from existing developed areas.

(c) Visitor-serving facilities that cannot feasibly be located in existing developed areas shall be located in existing isolated developments or at selected points of attraction for visitors.

2.29. PRC section 30251: *The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual*

MENDOCINO TOWN LOCAL COASTAL PROGRAM UPDATE AMENDMENT (LCP-1-MEN-14-0840)
TOWN LCP UPDATE AMENDMENT-COASTAL ACT CONSISTENCY ANALYSIS

quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

2.30. PRC section 30252: *The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents*

2.31. PRC section 30253: *New development shall do all of the following:*

- (a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.*
- (b) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.*
- (c) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Board as to each particular development.*
- (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.*

2.32. PRC section 30254: *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; provided, however, that it is the intent of the Legislature that State Highway Route 1 in rural areas of the coastal zone remain a scenic two-lane road. 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.*

2.33. PRC section 30254.5: *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*

MENDOCINO TOWN LOCAL COASTAL PROGRAM UPDATE AMENDMENT (LCP-1-MEN-14-0840)
TOWN LCP UPDATE AMENDMENT-COASTAL ACT CONSISTENCY ANALYSIS

can be accommodated by that plant consistent with this division. Nothing in this section modifies the provisions and requirements of Sections 30254 and 30412.

2.34. PRC section 30255: *Coastal-dependent developments shall have priority over other developments on or near the shoreline. Except as provided elsewhere in this division, coastal-dependent developments shall not be sited in a wetland. When appropriate, coastal-related developments should be accommodated within reasonable proximity to the coastal-dependent uses they support.*

2.35. PRC section 30260: *Coastal-dependent industrial facilities shall be encouraged to locate or expand within existing sites and shall be permitted reasonable long-term growth where consistent with this division. However, where new or expanded coastal-dependent industrial facilities cannot feasibly be accommodated consistent with other policies of this division, they may nonetheless be permitted in accordance with this section and Sections 30261 and 30262 if (1) alternative locations are infeasible or more environmentally damaging; (2) to do otherwise would adversely affect the public welfare; and (3) adverse environmental effects are mitigated to the maximum extent feasible.*

2.36. PRC section 30261: *Multicompany use of existing and new tanker facilities shall be encouraged to the maximum extent feasible and legally permissible, except where to do so would result in increased tanker operations and associated onshore development incompatible with the land use and environmental goals for the area. New tanker terminals outside of existing terminal areas shall be situated as to avoid risk to environmentally sensitive areas and shall use a monobuoy system, unless an alternative type of system can be shown to be environmentally preferable for a specific site. Tanker facilities shall be designed to (1) minimize the total volume of oil spilled, (2) minimize the risk of collision from movement of other vessels, (3) have ready access to the most effective feasible containment and recovery equipment for oilspills, and (4) have onshore deballasting facilities to receive any fouled ballast water from tankers where operationally or legally required.*

2.37. PRC section 30262: *(a) Oil and gas development shall be permitted in accordance with Section 30260, if the following conditions are met:*

(1) The development is performed safely and consistent with the geologic conditions of the well site.

(2) New or expanded facilities related to that development are consolidated, to the maximum extent feasible and legally permissible, unless consolidation will have adverse environmental consequences and will not significantly reduce the number of producing wells, support facilities, or sites required to produce the reservoir economically and with minimal environmental impacts.

MENDOCINO TOWN LOCAL COASTAL PROGRAM UPDATE AMENDMENT (LCP-1-MEN-14-0840)
TOWN LCP UPDATE AMENDMENT-COASTAL ACT CONSISTENCY ANALYSIS

- (3) *Environmentally safe and feasible subsea completions are used if drilling platforms or islands would substantially degrade coastal visual qualities, unless the use of those structures will result in substantially less environmental risks.*
- (4) *Platforms or islands will not be sited where a substantial hazard to vessel traffic might result from the facility or related operations, as determined in consultation with the United States Coast Guard and the Army Corps of Engineers.*
- (5) *The development will not cause or contribute to subsidence hazards unless it is determined that adequate measures will be undertaken to prevent damage from that subsidence.*
- (6) *With respect to new facilities, all oilfield brines are reinjected into oil-producing zones unless the Division of Oil, Gas, and Geothermal Resources of the Department of Conservation determines to do so would adversely affect production of the reservoirs and unless injection into other subsurface zones will reduce environmental risks. Exceptions to reinjections will be granted consistent with the Ocean Waters Discharge Plan of the State Water Resources Control Board and where adequate provision is made for the elimination of petroleum odors and water quality problems.*
- (7) (A) *All oil produced offshore California shall be transported onshore by pipeline only. The pipelines used to transport this oil shall utilize the best achievable technology to ensure maximum protection of public health and safety and of the integrity and productivity of terrestrial and marine ecosystems.*
- (B) *Once oil produced offshore California is onshore, it shall be transported to processing and refining facilities by pipeline.*
- (C) *The following guidelines shall be used when applying subparagraphs (A) and (B):*
- (i) *"Best achievable technology," means the technology that provides the greatest degree of protection taking into consideration both of the following:*
- (I) *Processes that are being developed, or could feasibly be developed, anywhere in the world, given overall reasonable expenditures on research and development.*
- (II) *Processes that are currently in use anywhere in the world. This clause is not intended to create any conflicting or duplicative regulation of pipelines, including those governing the transportation of oil produced from onshore reserves.*
- (ii) *"Oil" refers to crude oil before it is refined into products, including gasoline, bunker fuel, lubricants, and asphalt. Crude oil that is upgraded in quality through residue reduction or other means shall be transported as provided in subparagraphs (A) and (B).*
- (iii) *Subparagraphs (A) and (B) shall apply only to new or expanded oil extraction operations. "New extraction operations" means production of offshore oil from leases that did not exist or had never produced oil, as of January 1, 2003, or from platforms, drilling island, subsea completions, or onshore drilling sites, that did not exist as of January 1, 2003. "Expanded oil extraction" means an increase in the geographic extent of existing leases or units, including lease boundary adjustments, or an increase in the number of well heads, on or after January 1, 2003.*
- (iv) *For new or expanded oil extraction operations subject to clause (iii), if the crude oil is so highly viscous that pipelining is determined to be an infeasible mode of*

MENDOCINO TOWN LOCAL COASTAL PROGRAM UPDATE AMENDMENT (LCP-1-MEN-14-0840)
TOWN LCP UPDATE AMENDMENT-COASTAL ACT CONSISTENCY ANALYSIS

transportation, or where there is no feasible access to a pipeline, shipment of crude oil may be permitted over land by other modes of transportation, including trains or trucks, which meet all applicable rules and regulations, excluding any waterborne mode of transport.

(8) If a state of emergency is declared by the Governor for an emergency that disrupts the transportation of oil by pipeline, oil may be transported by a waterborne vessel, if authorized by permit, in the same manner as required by emergency permits that are issued pursuant to Section 30624.

(9) In addition to all other measures that will maximize the protection of marine habitat and environmental quality, when an offshore well is abandoned, the best achievable technology shall be used.

(b) Where appropriate, monitoring programs to record land surface and near-shore ocean floor movements shall be initiated in locations of new large-scale fluid extraction on land or near shore before operations begin and shall continue until surface conditions have stabilized. Costs of monitoring and mitigation programs shall be borne by liquid and gas extraction operators.

(c) Nothing in this section shall affect the activities of any state agency that is responsible for regulating the extraction, production, or transport of oil and gas.

2.38. PRC section 30263: *(a) New or expanded refineries or petrochemical facilities not otherwise consistent with the provisions of this division shall be permitted if (1) alternative locations are not feasible or are more environmentally damaging; (2) adverse environmental effects are mitigated to the maximum extent feasible; (3) it is found that not permitting such development would adversely affect the public welfare; (4) the facility is not located in a highly scenic or seismically hazardous area, on any of the Channel Islands, or within or contiguous to environmentally sensitive areas; and (5) the facility is sited so as to provide a sufficient buffer area to minimize adverse impacts on surrounding property.*

(b) New or expanded refineries or petrochemical facilities shall minimize the need for once-through cooling by using air cooling to the maximum extent feasible and by using treated waste waters from inplant processes where feasible.

2.39. PRC section 30264: *Notwithstanding any other provision of this division except subdivisions (b) and (c) of Section 30413, new or expanded thermal electric generating plants may be constructed in the coastal zone if the proposed coastal site has been determined by the State Energy Resources Conservation and Development Commission to have greater relative merit pursuant to the provisions of Section 25516.1 than available alternative sites and related facilities for an applicant's service area which have been determined to be acceptable pursuant to the provisions of Section 25516.*

2.40. PRC section 30265: *The Legislature finds and declares all of the following:*

MENDOCINO TOWN LOCAL COASTAL PROGRAM UPDATE AMENDMENT (LCP-1-MEN-14-0840)
TOWN LCP UPDATE AMENDMENT-COASTAL ACT CONSISTENCY ANALYSIS

(a) Transportation studies have concluded that pipeline transport of oil is generally both economically feasible and environmentally preferable to other forms of crude oil transport.

(b) Oil companies have proposed to build a pipeline to transport offshore crude oil from central California to southern California refineries, and to transport offshore oil to out-of-state refineries.

(c) California refineries would need to be retrofitted if California offshore crude oil were to be used directly as a major feedstock. Refinery modifications may delay achievement of air quality goals in the southern California air basin and other regions of the state.

(d) The County of Santa Barbara has issued an Oil Transportation Plan that assesses the environmental and economic differences among various methods for transporting crude oil from offshore California to refineries.

(e) The Governor should help coordinate decisions concerning the transport and refining of offshore oil in a manner that considers state and local studies undertaken to date, that fully addresses the concerns of all affected regions, and that promotes the greatest benefits to the people of the state.

2.41. PRC section 30265.5: *(a) The Governor, or the Governor's designee, shall coordinate activities concerning the transport and refining of offshore oil. Coordination efforts shall consider public health risks, the ability to achieve short- and long-term air emission reduction goals, the potential for reducing California's vulnerability and dependence on oil imports, economic development and jobs, and other factors deemed important by the Governor, or the Governor's designee.*

(b) The Governor, or the Governor's designee, shall work with state and local agencies, and the public, to facilitate the transport and refining of offshore oil in a manner which will promote the greatest public health and environmental and economic benefits to the people of the state.

(c) The Governor, or the Governor's designee, shall consult with any individual or organization having knowledge in this area, including, but not limited to, representatives from the following:

(1) State Energy Resources Conservation and Development Commission.

(2) State Air Resources Board.

(3) California Coastal Commission.

(4) Department of Fish and Game.

(5) State Lands Commission.

(6) Public Utilities Commission.

(7) Santa Barbara County.

(8) Santa Barbara County Air Pollution Control District.

(9) Southern California Association of Governments.

(10) South Coast Air Quality Management District.

(11) Oil industry.

(12) Public interest groups.

(13) United States Department of the Interior.

**MENDOCINO TOWN LOCAL COASTAL PROGRAM UPDATE AMENDMENT (LCP-1-MEN-14-0840)
TOWN LCP UPDATE AMENDMENT-COASTAL ACT CONSISTENCY ANALYSIS**

(14) United States Department of Energy.

(15) United States Environmental Protection Agency.

(16) National Oceanic and Atmospheric Administration.

(17) United States Coast Guard.

(d) This act is not intended, and shall not be construed, to decrease, duplicate, or supersede the jurisdiction, authority, or responsibilities of any local government, or any state agency or commission, to discharge its responsibilities concerning the transportation and refining of oil.

3. MTLCPUA POLICIES, ACTIONS, AND ZONING/IMPLEMENTATION MEASURES

Section 3.1 of the LCP-Coastal Act Consistency analysis contains the Board-adopted Mendocino Town LCP Update Amendment policies and actions (December 8, 2015) in markup format, where a strikethrough indicates a deletion of, and underlining indicates an addition to, the certified Town Plan (1992) or the certified Town Zoning Ordinance (1995).

3.1. MENDOCINO TOWN PLAN UPDATE POLICIES AND ACTIONS

3.1.1. Policy 4.1. Generally. This Section sets forth the required (mandatory) conservation and development policies and actions of the Mendocino Town Plan to conform to, and implement, (a) the [X] California Coastal Act of 1976, as amended (the "Coastal Act", Division 20, Public Resources Code), (b) [X] the State Planning and Zoning Laws (Title 7, Division 1, Government Code), and (c) other local, state, and federal laws as referenced herein.

The "Mendocino Town Plan" means the Town of Mendocino Local Coastal Program ("LCP") Land Use Plan ("Mendocino Town Plan") and Mendocino Town Land Use Map ([X] "Mendocino Town Land Use Map", Fig. 4.13-3), as adopted by the Mendocino County Board of Supervisors and certified by the Coastal Commission on the most recent date shown on the [X] cover page of the Mendocino Town Plan.

MENDOCINO TOWN LOCAL COASTAL PROGRAM UPDATE AMENDMENT (LCP-1-MEN-14-0840)
TOWN LCP UPDATE AMENDMENT-COASTAL ACT CONSISTENCY ANALYSIS

4.1.1. In the Mendocino Town Plan, the word “shall” indicates a required (mandatory) policy or action; the words “may” and “should” indicate an advisory (directory) action or goal.

4.1.2. All development, as defined in Mendocino Town Plan Section 2.24, within the Mendocino Town boundaries shown on Figure 4.13-3, shall comply with the requirements of the [X] Mendocino Town Plan Policies, [X] Mendocino Town Land Use Map, [X] Mendocino Town Zoning Code, and [X] Mendocino Town Zoning Map.

4.1.3. In addition, development located between the [X] first continuous public road or street and the [X] sea shall, pursuant to [X] Public Resources Code Section 30604(c), also comply with the Coastal Act public access and recreation policies in [X] Public Resources Code Sections 30210-20224.

4.2 GM – Town Growth Management Policies

3.1.2. Policy GM-1 ~~4.13-1~~ The Town town of Mendocino ~~is shall be~~ designated a special community and a significant coastal resource as defined in ~~Coastal Act Section 30251~~ under the meaning of Public Resources Code Section 30253(e). ~~New~~ All development shall protect this special community which, because of its unique characteristics, is a popular visitor destination point for recreational uses, and a recognized coastal resource of local, regional, state, and national significance.

3.1.3. Policy GM-2 Mendocino ~~is shall be~~ recognized as a historical residential coastal community, with limited commercial services that are important to the daily life of the Mendocino Coast.

(a) The controlling goal of the Mendocino Town Plan shall be is the preservation of the Town's town's character. This special character which is a composite of historical value,

MENDOCINO TOWN LOCAL COASTAL PROGRAM UPDATE AMENDMENT (LCP-1-MEN-14-0840)
TOWN LCP UPDATE AMENDMENT-COASTAL ACT CONSISTENCY ANALYSIS

natural setting, ~~attractive-picturesque-community ambience appearance, open space, and an unusual distinctive~~ blend of cultural, educational and commercial facilities.

(b) ~~The preservation of the~~ The Town town's character shall be ~~preserved~~ achieved, while allowing for orderly growth, through ~~. This shall be done by~~ careful delineation of land uses, provision of community services, and review and phasing of development proposals.

(c) Balance shall be maintained ~~sought~~ between among residential units, visitor accommodations, and commercial uses, and open space to retain, ~~. Provision of open space and siting of structures to retain public views of the sea shall be considered as part of all new development proposals. The objective shall be a Town Plan which retains as much as possible, the present physical and social attributes of the~~ Town Mendocino Community. (1) "Balance" shall be achieved among ~~between~~ residential uses, commercial, ~~uses~~ and visitor serving uses ~~shall be maintained~~ by (A) regulating additional commercial uses through development limitations, provided ~~ited~~ in the [N] Mixed Use and Commercial Land Use Classifications, ~~; and (B), by limiting the number of visitor serving uses accommodations to avoid over-commercialization of the Town, (C) encouraging a variety of types and price ranges for visitor accommodations, and (D) encouraging modestly-sized second dwelling units on residential lots that can support them, consistent with the requirements of the Mendocino Town Local Coastal Program, to supplement existing housing stock. (2) Public open space, as shown on the [N] Mendocino Town Land Use Map, shall be protected, and new structures shall be sited to retain significant public views of the sea as part of all new permitted development. (3) Implementation of the Mendocino Town Plan shall retain, as much as possible, the historically diverse physical and social attributes of the Town.~~

(d) The reduction in the cap on Vacation Home Rental (VHR) units from 23 to 10, and Single Unit Rental (SUR) uses from 23 to 20, shall preserve the established ratio of

MENDOCINO TOWN LOCAL COASTAL PROGRAM UPDATE AMENDMENT (LCP-1-MEN-14-0840)
TOWN LCP UPDATE AMENDMENT-COASTAL ACT CONSISTENCY ANALYSIS

~~thirteen (13) long term dwelling units to one Vacation Home Rental (VHR) or Single Unit Rental (SUR), while allowing the reallocation of those reduced units to the visitor accommodations authorized in Appendix 1. Visitor Serving Units listed on Table 4.13-1 (234) shall remain fixed, and a ratio of thirteen long term dwelling units to one Vacation Home Rental or one Single Unit Rental (Tables 4.13-2 and 4.13-3) shall remain fixed; until the plan is further reviewed and a plan amendment is approved and certified by the California Coastal Commission. For example, an increase in long term residential dwelling units from the current count of 306 to 319, would allow an increase of one short term rental, whether Single Unit Rental or Vacation Home Rental.~~

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

~~(e) Within the land classifications where they are permitted, Tables 4.13-2 (Single Unit Rentals) and 4.13-3 (Vacation Home Rentals) shall be flexible as to location and such changes of location shall not require an a plan amendment to the Mendocino Town Plan.~~

3.1.4. Action GM-2.1. Designated historical structures within the Town shall be protected, preserved, and utilized consistent with the Mendocino Historical Preservation Ordinance (Town Zoning Code Chapter 20.760), the Mendocino Historic Review Board Guidelines, the conservation and development standards of the certified Town Local Coastal Program, and other applicable state and federal laws.

3.1.5. Action GM-2.2. ~~4.13-3 To preserve Town town character, commercial development shall be limited as set forth in the Mendocino Town Plan, and as mapped and shown in on the Mendocino Town Plan Land Use Map. plan., though at some point the amount of commercial space will be less than the market could support.~~

MENDOCINO TOWN LOCAL COASTAL PROGRAM UPDATE AMENDMENT (LCP-1-MEN-14-0840)
TOWN LCP UPDATE AMENDMENT-COASTAL ACT CONSISTENCY ANALYSIS

~~4.13-4 Visitor Serving Accommodations: These policies are intended to preserve town character and Visitor Serving Facilities shall be limited and regulated consistent with the provisions set forth below. All development of Visitor Serving Facilities shall be designed in scale, architecture and materials to maintain existing character of the town consistent with the special community designation.~~

~~[1] The Mendocino Town Plan designates existing Visitor Serving Facilities providing overnight accommodations for these uses on a parcel by parcel basis by placing the appropriate designation on the Town Plan Map. Any additional Visitor Serving Facilities for overnight accommodations above and beyond these designations shall require a plan amendment. Any legally existing Visitor Serving Facility inadvertently omitted from the Town map shall be corrected as a mapping error. Bed and Breakfast rooms are identified with an asterisk "B" and all others with an asterisk. A listing of these rooms appear on Table 4.13-1.~~

3.1.6. Policy GM-3 ~~[2] To maintain the Town's historic scale and character, no~~ ~~New or expanded visitor accommodations (overnight lodging units) Inn, Hotel or Motel operated as one business entity shall exceed 25 overnight units (guest rooms or suites).~~

~~(a) The total number (237) of authorized visitor accommodations (overnight lodging units) on sites with Visitor Serving Units Facilities on Table 4.13-1 (234) marked on the Mendocino Town Land Use Map by an asterisk (*) or asterisk-B (*B) shall remain fixed. Provided, that any increase above that total number of units shall require an amendment to the certified Mendocino Town Plan before the County may accept an application for development of any additional visitor accommodation unit or units above that fixed number.~~

~~(b) (1) The total number of Vacation Home Rentals (VHR) shall not exceed ten (10) establishments in the Town. (2) No new Vacation Home Rental establishments shall~~

MENDOCINO TOWN LOCAL COASTAL PROGRAM UPDATE AMENDMENT (LCP-1-MEN-14-0840)
TOWN LCP UPDATE AMENDMENT-COASTAL ACT CONSISTENCY ANALYSIS

be permitted in any residential land use designation or zoning district. (3) Any existing permitted or legal-nonconforming Vacation Home Rental establishments located in a residential land use classification or zoning district, or in any land use classification or district in excess of the limit of ten (10) establishments, shall be phased out as business licenses are abandoned or expire.

(c) The total number of Single Unit Rentals (SUR) shall not exceed twenty (20) units in the Town.

3.1.7. Policy GM-4 ~~[3]~~ All visitor serving facilities shall be designed in scale, architecture, and materials to maintain the existing character of the Town, town consistent with its the special community designation. Any expansion of visitor accommodation units to the number allowable on a parcel by parcel basis identified on Table 4.13-1, but not yet existing, shall require a conditional use permit.

~~The designation of new visitor serving facilities not listed on Table 4.13-1 shall require a General Plan Amendment. Existing visitor serving facilities listed on Table 4.13-1 that propose to expand beyond the maximum number of units listed on Table 4.13-1 shall require a General Plan Amendment.~~

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

~~[4] All existing locations approved for inns, hotels, motels, hostels, Bed and Breakfast rooms and Student/Instructor housing are specifically designated on the Town Plan Map. All new Visitor Serving Facilities providing overnight accommodations, over and above those designated in Table 4.13-1, not specifically designated on the Town Plan Map shall only be allowed in the Mixed Use or Commercial Zoning Districts and shall be~~

MENDOCINO TOWN LOCAL COASTAL PROGRAM UPDATE AMENDMENT (LCP-1-MEN-14-0840)
TOWN LCP UPDATE AMENDMENT-COASTAL ACT CONSISTENCY ANALYSIS

~~deemed commercial development and subject to the development limitations of the applicable zoning district. In the Mixed Use Zone, the 50 percent commercial/50 percent residential requirement for long term residential dwelling housing shall apply.~~

~~[5] In addition to the visitor accommodations listed on Table 4.13-1, the plan allows for two other categories of visitor serving uses.~~

~~Table 4.13-2 is a listing of Single Unit Rentals (attached or detached) operated as a short term rental in conjunction with an existing residential dwelling unit or commercial use.~~

~~Table 4.13-3 is a listing of Vacation Home Rentals (a dwelling unit that is the only use on the property which may be rented short term for transient occupancy).~~

~~Table 4.13-2 currently lists 23 such units and Table 4.13-3 currently lists 23 such units.~~

~~Single Unit Rentals and Vacation Home Rentals shall be subject to Chapter 520 (Uniform Transient Occupancy Tax) and Chapter 6.04 (Business License Tax) of the Mendocino County Code.~~

~~Tables 4.13-2 and 4.13-3 shall remain flexible as to location and the County of Mendocino shall have the authority to adjust locations on these two tables from time to time without a plan amendment process, but not to add to the tables numbers of units that would exceed the following criteria:~~

~~To preserve town character and maintain the town as a residential community with limited commercial services, the County shall maintain, at all times, for new Vacation Home Rentals or Single Unit Rentals approved subsequent to certification of this amendment, a ratio of thirteen long term residential dwelling units to either one Single Unit Rental or Vacation Home Rental, but shall not require any reduction in the number~~

**MENDOCINO TOWN LOCAL COASTAL PROGRAM UPDATE AMENDMENT (LCP-1-MEN-14-0840)
TOWN LCP UPDATE AMENDMENT-COASTAL ACT CONSISTENCY ANALYSIS**

~~of Vacation Home Rentals or Single Unit Rentals in existence on the date of certification by the Coastal Commission of this amendment.~~

~~Single Unit Rentals (Table 4.13-2) shall be exempted from the above limitations in the Commercial Zone.~~

~~Business licenses for Single Unit Rentals (Table 4.13-2) and Vacation Home Rentals (Table 4.13-3) shall not be transferable.~~

~~Applications for new locations to be listed on Tables 4.13-2 and 4.13-3 shall be subject to a conditional use permit and an additional non-refundable fee of \$100.00 shall be required of such applicants and applications shall be considered in chronological order from date of application, with first priority given to Single Unit Rentals.~~

~~[6] Any visitor serving facility listed on Table 4.13-1 that is operating without a coastal development permit where one is necessary must file an application for a coastal development permit within one year of the adoption of the revised table, or the option to continue providing visitor serving accommodations shall be deemed forfeited and such locations eliminated from the table.~~

~~[7] The reservation of specific sites for visitor serving facilities providing overnight accommodations shall not be preempted by conversion to other permanent uses excepting residential uses.~~

~~[8] Existing Student/Instructor Temporary Housing is identified in Table 4.13-1. Any new sites other than those identified on Table 4.13-1 shall require a plan amendment.~~

~~[9] 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~~

MENDOCINO TOWN LOCAL COASTAL PROGRAM UPDATE AMENDMENT (LCP-1-MEN-14-0840)
TOWN LCP UPDATE AMENDMENT-COASTAL ACT CONSISTENCY ANALYSIS

~~County Business License and adequate record keeping to ensure payment of bed tax on monies grossed from transient occupancy (less than 30 days stay, per occupant).~~

3.1.8. Policy GM-5 The Mendocino Town Local Coastal Program shall undergo local periodic review at least every ten (10) years following the date of certification of the Town LCP Update, to determine the effect of its implementation on Town character and conformity with the Coastal Act. The Mendocino Town LCP shall be amended, if necessary, to preserve Town character, consistent with Policy GM-2, and to maintain conformity with the Coastal Act.

3.1.9. Policy GM-6 (a) Development within the Town boundaries shown on the Mendocino Town Land Use Map (Figure 4.13-3) shall comply with the certified Mendocino Town Plan Policies, Mendocino Town Land Use Map, Mendocino Town Zoning Code, and Mendocino Zoning Map.

(b) Work and activity, as defined in Mendocino Town Plan Section 2.85, shall harmonize with the Mendocino Historical Preservation District Ordinance and, as applicable, the Mendocino Historic Review Board Guidelines.

3.1.10. Policy GM-7 All work or activity, as set forth in the Mendocino Historical Preservation District Ordinance (Mendocino Town Zoning Ordinance Sections 20.760.030, 20.760.035, and 20.760.045), that is located in Historical Zone A or Historical Zone B as shown on Figure 4.13-2, shall require Mendocino Historical Review Board review and approval to ensure that such work or activity is designed in scale, architecture, and materials to preserve the Town character, consistent with its special community designation, except as exempted pursuant to 20.760.040.

3.1.11. Policy GM-8 New development in the Town shall (a) be served either by adequate public services consistent with Public Resources Code Section 30254, or by

MENDOCINO TOWN LOCAL COASTAL PROGRAM UPDATE AMENDMENT (LCP-1-MEN-14-0840)
TOWN LCP UPDATE AMENDMENT-COASTAL ACT CONSISTENCY ANALYSIS

private services determined to be adequate by the Mendocino City Community Services District and the Mendocino County Department of Environmental Health with regard to potable water and wastewater, as applicable, and (b) not have a significant direct or cumulative adverse effect on coastal resources, public coastal access, or coastal recreational use.

3.1.12. Policy GM-9 Consistent with Public Resources Code Section 30253, new development in the Town shall meet all of the following requirements, while assuring protection of the Town's unique characteristics as a special community:

(a) Minimize risk to life and property in areas of high geologic, flood, or fire hazard;

(b) Assure stability and structural integrity;

(c) Neither create nor contribute significantly to erosion, geologic instability, or destruction of the development site or surrounding area;

(d) Not require the construction of protective devices that would substantially alter natural landforms or movement of sand along coastal bluffs, sea cliffs, and beaches;

(e) Be consistent with the requirements of the Mendocino County Air Quality Management District or the State Air Resources Board as to each particular development;

(f) Minimize energy consumption and vehicle miles traveled, including, but not limited to, by inclusion of pedestrian and bicycle ways in any arterial street, road, highway, bridge, or causeway;

MENDOCINO TOWN LOCAL COASTAL PROGRAM UPDATE AMENDMENT (LCP-1-MEN-14-0840)
TOWN LCP UPDATE AMENDMENT-COASTAL ACT CONSISTENCY ANALYSIS

(g) Require a coastal development permit and building permit for any excavation, placement, or fill of any earthen material, or any combination of earthen materials, that in total is twenty-five (25) cubic yards or greater in volume.

3.1.13. Policy GM-10 Consistent with Public Resources Code Section 30254, public works facilities shall be designed, limited, and operated to accommodate capacity demands generated by development or uses that are permitted consistent with the certified Mendocino Town Plan, including a reasonable margin of safety to protect the Town and accommodate potential variations as a result of climate change or other natural or quasi-natural factors during the economic life of the public works facility.

3.1.14. Policy GM-11 Where existing or planned public works facilities can accommodate only a limited amount of new development, (a) the services provided by such facilities shall preserve the balance between residential and visitor uses within the Town, and (b) consistent with Public Resources Code Section 30254, services to coastal dependent land uses, essential public services, basic industries vital to the economic health of the Town, region, state, or nation, public recreation, commercial recreation, historic preservation within the area listed on the National Register for Historic Preservation as National Register Historic District Number 71000165, and visitor serving land uses shall not be precluded by other development.

3.1.15. Policy GM-12 The certified Mendocino Town Plan Land Use Map (Figure 4.13-3) designates each site that is approved for hotel and inn visitor serving units with an asterisk (*) and each site that is approved for bed and breakfast accommodations with an asterisk-B (*B). The certified Town Zoning Map shall contain conformed designations.

3.1.16. Policy GM-13. (a) Expansion of the exterior of existing visitor accommodations on a site that is designated for such use on the Town Land Use Map and Town Zoning

MENDOCINO TOWN LOCAL COASTAL PROGRAM UPDATE AMENDMENT (LCP-1-MEN-14-0840)
TOWN LCP UPDATE AMENDMENT-COASTAL ACT CONSISTENCY ANALYSIS

Map may be permitted, provided that (1) any addition of visitor serving units (guest rooms or suites) does not exceed the total limit (cap) for hotel, inn, and bed and breakfast accommodations established by Appendix 2, and (2) such addition or expansion is consistent with all applicable conservation and development standards of the certified Mendocino Town Plan and certified Mendocino Town Zoning Ordinance.

(b) Existing visitor accommodation units that (1) are listed in the [N] 2012 unit count on Mendocino Town Plan Appendix 2, and (2) are located on sites with visitor serving facilities designations on the [N] Mendocino Town Land Use Map by an asterisk (*) or asterisk-B (*B), but that were not included in the 1992 count, shall be authorized pursuant to the procedure established in Mendocino Town Plan Section 6.7 and Mendocino Town Zoning Code Section 20.684.030(H). Provided that issuance of a building permit or minor coastal development permit, as applicable, for authorization pursuant to Policy GM-13(b) shall require (1) written verification by the Mendocino City Community Services District and the Department of Environmental Health that the building in which any such unit is located is served by an adequate water supply to support all existing units and the additional unit or units, and (2) determination by the County that the building, including the additional unit or units, meets all applicable parking, structural, and other requirements of the most recently adopted County Building Code.

3.1.17. Policy GM-14 Existing Visitor Serving Facilities are designated for such use on the certified [N] Mendocino Town Plan Land Use Map with an asterisk or asterisk-B, subject to Mendocino Town Zoning Code Chapter 20.684. All new visitor serving facility development that is proposed to be located on one or more parcels not specifically designated for such use on the certified Mendocino Town Plan Land Use Map with an asterisk or asterisk-B, shall only be allowed in the Commercial and Mixed Use Districts, consistent with the requirements of those land uses and pursuant to an amendment to the certified Mendocino Town Local Coastal Program (Mendocino Town Plan,

MENDOCINO TOWN LOCAL COASTAL PROGRAM UPDATE AMENDMENT (LCP-1-MEN-14-0840)
TOWN LCP UPDATE AMENDMENT-COASTAL ACT CONSISTENCY ANALYSIS

Mendocino Town Land Use Map, Mendocino Town Zoning Ordinance, and Mendocino Town Zoning Map, as applicable).

3.1.18. Action GM-14.1. (a) Vacation Home Rentals and Single Unit Rentals are not Visitor Serving Facilities. Approval of any new [X] Vacation Home Rentals and [X] Single Unit Rentals shall be pursuant to GM-3(b) and (c), and Mendocino Town Zoning Code Chapter 20.748.

(b) Single Unit Rental Licenses are not transferable to another location, person, or entity, except that Single Unit Rental license rights shall attach to ownership of the property on which the licensed unit is located, subject to all other Town Plan policies and applicable license requirements. A new owner of property on which a licensed unit is located shall be eligible to continue to license and operate the unit without cessation of use or relegation to a waiting list, if, upon sale or transfer of the property on which the licensed unit is located, the new owner shall provide proof of ownership and compliance with other requirements of Chapter 6.04.080(a), to the satisfaction of the Department of Planning and Building Services, and the Treasurer-Tax Collector pursuant to Chapters 5.20 and 6.04 of the County Municipal Code. Single Unit Rental rights shall cease to attach to the unit at such point as the licensing is allowed to expire or is revoked.

(c) Vacation Home Rental licenses shall not be transferable to another location, person, or entity, except that the property owner may transfer the license to a spouse/domestic partner, child, parent, or, for estate planning purposes, to a trust in which the property owner serves as a trustee, which shall not be deemed a change in ownership for purposes of Section 6.04.070(g) of the County Municipal Code.

(d) Operation of Single Unit Rentals and Vacation Home Rentals is subject to the licensing requirements of Chapter 6.04 (Business License tax) of the Mendocino County Code. Prior to the issuance of any new license for a Single Unit Rental or Vacation

MENDOCINO TOWN LOCAL COASTAL PROGRAM UPDATE AMENDMENT (LCP-1-MEN-14-0840)
TOWN LCP UPDATE AMENDMENT-COASTAL ACT CONSISTENCY ANALYSIS

Home Rental, the Applicant must first apply to the Department of Planning and Building Services for certification that the operation is in conformity with applicable planning and building standards, including the location and number of such licenses allowed pursuant to the Mendocino Town LCP. The owner of a licensed Single Unit Rental or Vacation Home Rental is liable for regular payment of Transient Occupancy Tax pursuant to Chapter 5.20 (Uniform Transient Occupancy Tax) of the Mendocino County Code. The required business license must be renewed annually, pursuant to Mendocino County Code Chapter 6.04.

(e) The Department of Planning and Building Services shall maintain a status log of all licensed Single Unit Rentals and Vacation Home Rentals in the Town. If there are more applicants for Single Unit Rental and Vacation Home Rental licenses than the number allowed pursuant to the Town LCP, the Department of Planning and Building Services shall also maintain a waiting list from which future vacancies shall be filled. The Department of Planning and Building Services shall receive notification if a licensee fails to remit payment of Transient Occupancy Tax or fails to renew said license. At such point as the license expires without renewal, or is revoked for failure to pay the required tax, or in the case of a Vacation Home Rental, a change in the ownership of the licensed property to other than a party described in GM 14.1(c) occurs, application for that license shall become available to the waiting list in the order received.

3.1.19. Policy GM-15 (a) The Mendocino Town Plan Update reduces 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, and reallocates the reduced 16 units to existing visitor accommodations that are (1) listed in [X] Mendocino Town Plan Appendix 2 and (2) mapped as asterisks (*) or as asterisk-B (*B) on the [X] Mendocino Town Land Use Map and [X] Mendocino Town Zoning Map.

MENDOCINO TOWN LOCAL COASTAL PROGRAM UPDATE AMENDMENT (LCP-1-MEN-14-0840)
TOWN LCP UPDATE AMENDMENT-COASTAL ACT CONSISTENCY ANALYSIS

(b) The updated Mendocino Town Plan (1) reclassifies the existing thirteen (13) Art Center Student/Instructor Housing units as “Affordable Housing,” and (2) reallocates the six additional units allowed to the Art Center in 1992, but not constructed, to existing visitor accommodations listed in Appendix 2 and mapped as asterisk (*) or as asterisk-B (*B) on the Mendocino Town Land Use Map and Mendocino Town Zoning Map.

(c) Visitor Serving Facilities mapped with asterisks (*) or with asterisks-B (*B) on the Mendocino Town Land Use and Zoning Maps that are operating below their allowed 1992 Mendocino Town Plan unit count shall be allowed to resume and maintain operation of these units without further regulatory review, provided they were constructed as of November 14, 1992 pursuant to the required entitlements.

(d) Unallocated Visitor Serving Facility units pursuant to Policies GM-15(a) and GM-15(b) shall be made available by the Planning and Building Services Department for prioritized application, permitting, and use, including by other existing Visitor Serving Facilities on sites designated with an asterisk (*) or asterisk-B (*B) that can accommodate them consistent with the conservation and development standards of the Mendocino Town LCP, pursuant to the Visitor Serving Facility Unit Allocation Implementation Procedure in Mendocino Town Plan Section 6.7 and certified Mendocino Town Zoning Code Section 20.684.030(H).

3.1.20. Policy GM-16 Existing legal non-conforming uses and existing legal non-conforming lots which contribute to the Town’s unique community character shall be allowed to continue, provided that (a) the Mendocino Town Zoning Code regulations for maintenance, alteration, and continuance of legal non-conforming uses, structures, and lots shall apply, and (b) all existing legal uses within the Town at the time of Coastal Commission certification of the Mendocino Town Local Coastal Program on November 14, 1996 shall be deemed consistent with the Mendocino Town Plan.

MENDOCINO TOWN LOCAL COASTAL PROGRAM UPDATE AMENDMENT (LCP-1-MEN-14-0840)
TOWN LCP UPDATE AMENDMENT-COASTAL ACT CONSISTENCY ANALYSIS

3.1.21. Policy GM-17 Implementation of the Town Plan shall provide for a scale and combination of commercial development that are consistent with the Town's historical architectural character, complement existing uses, and can be supported by public services or by private services where no public services are provided.

3.1.21. Policy GM-18 The following types of business establishments or activities, as defined in Town Plan Sections 2.32, 2.33, and 2.34, are prohibited within the Town of Mendocino:

(a) Formula Lodging.

(b) Formula Restaurants.

(c) Formula Retail, except for vehicle (fueling) stations, which are allowed, provided they are otherwise compatible with the Town's design character and the conservation and development standards of the certified Town LCP.

3.1.22. Policy GM-19 Any Formula Restaurant, Retail, or Lodging establishment, as defined, that is substantially identical to fewer than ten (10) establishments, regardless of ownership or location, shall modify its design, if necessary, to fit within the scale, design, and character of the Town.

3.1.23. Policy GM-20 All drive-through facilities associated with commercial uses, where motorists can obtain services while their vehicles continue to operate, are prohibited in any zoning district, with the exception of vehicle fueling stations.

3.1.24. Policy GM-21 All structures in the Town shall be limited to a maximum height of 28 feet above natural grade, provided that (a) steeples, water towers, flagpoles, other appurtenances, the Highway 1 Big River Bridge, and the "Father Time and the Maiden" sculpture on the Mendocino Savings Bank Building (former Masons Hall) on Lansing

MENDOCINO TOWN LOCAL COASTAL PROGRAM UPDATE AMENDMENT (LCP-1-MEN-14-0840)
TOWN LCP UPDATE AMENDMENT-COASTAL ACT CONSISTENCY ANALYSIS

Street may exceed that height, (b) all utilities shall be located underground or, in the case of telecommunications antennas, be co-located within existing structures, and (c) new development within Open Space Land Use Districts and Open Space Zoning Districts seaward of the first continuous public road or street shall be limited to a height of 18 feet to protect public scenic views.

3.1.25. Policy GM-22 Lower-cost overnight visitor accommodations shall be protected, encouraged, and where feasible provided through, including, but not limited to, intergovernmental agency cooperation to sustainably implement nearby campground, cabin, and hostel facilities as proposed in the adopted Mendocino Headlands State Park Preservation and Recreation Plan, consistent with the certified Mendocino Town LCP.

3.1.26. Action GM-22.1: The County of Mendocino should, in cooperation with the State Coastal Conservancy, the California Department of Parks and Recreation, the California Department of Transportation, adjoining private property owners, and other interested persons, strive to restore, enhance, and protect the combined historic community character, public access functionality, and storm water management functions of the Main Street Corridor and adjacent Mendocino Headlands State Park. These efforts can serve to further the conservation and development standards of the Mendocino Town Local Coastal Program, provide for sustainable recreational opportunities, protect the public safety, and safeguard natural, historical, and community resource areas against overuse.

3.1.27. Action GM-22.2: The County of Mendocino supports the long-planned update of the Mendocino Headlands State Park Preservation and Recreation Plan (General Plan) by the California Department of Parks and Recreation to (a) conserve and, where feasible, restore and enhance the spectacular natural resources, passive day use, and specified active use of the Town's ocean, bay, and river shoreline, headlands, and beaches, (b) provide for a sustainable coastal trail system within the State Park that

connects it to the California Coastal Trail to the north and south, consistent with public safety, coastal resource protection, and the protection of cultural sites, (c) cooperatively locate nearby hostel and campground facilities as proposed in the adopted Mendocino Headlands State Park Preservation and Recreation Plan.

3.1.28. Action GM-22.3. High priority consideration shall be given by the County to cooperative public-private initiatives to implement coordinated funding support for operation, restoration, enhancement, and maintenance of Mendocino Headlands State Park, including, but not limited to, sustainable public, designated Mendocino Headlands State Park Pass, and expanded voluntary Mendocino Town guest funding techniques.

3.1.29. Action GM-22.4. No coastal development permit shall be required for routine maintenance, including repair or modification, of an existing permitted public park facility where the level, type of public use, or the size of one or more structures will not be altered; provided, that (a) work, as defined in Section 2.85 within Historical Zone "A" or Historical Zone "B" shall require review and approval by the Mendocino Historical Review Board pursuant to Mendocino Town Zoning Code Chapter 20.760, and (b) development within Mendocino Headlands State Park that is not determined to be categorically excluded or exempt from the coastal development permit requirement pursuant to Policy TPA-1 shall obtain a coastal development permit from the County Approving Authority, as applicable, or be approved pursuant to the procedure for a Public Works Plan provided in [N] Public Resources Code Section 30605.

3.1.30. Action GM-22.5. At such time as when the California Department of Parks and Recreation submits a new or an update of the Mendocino Headlands State Park Preservation and Recreation Plan, or any other public facilities plan, to the Coastal Commission pursuant to Public Resources Code Section 30605, the County requests the Department of Parks and Recreation and the Coastal Commission to engage in full consultation with the County at the earliest practicable time to assure that the public

MENDOCINO TOWN LOCAL COASTAL PROGRAM UPDATE AMENDMENT (LCP-1-MEN-14-0840)
TOWN LCP UPDATE AMENDMENT-COASTAL ACT CONSISTENCY ANALYSIS

works plan or other public facilities plan is in conformity with the certified Mendocino Town Local Coastal Program.

3.1.31. Action GM-22.6. (a) Pedestrian access to and through Mendocino Headlands State Park, including, but not limited to bluff top paths and trails, bluff face paths, and the each to the Mean High Tide line shall be without cost to the recreational public. (b) Vehicular access along (1) Heeser Drive between Lansing Street and Little Lake Street, and (2) Big River Road within the Mendocino Town boundaries shall remain without cost to the recreational public.

3.1.32. Policy GM-23. Mendocino County shall cooperatively promote heritage tourism by highlighting the Town of Mendocino's cultural resources through support for programs emphasizing the recognition and/or use of cultural resources for the enjoyment, education, and recreational use of residents and visitors to the Town.

3.1.33. Policy GM-24. (a) The reservation of specific sites for visitor serving facilities providing overnight accommodations shall not be preempted by conversion to other permanent uses, ~~excepting~~ except for residential uses and other principal permitted uses of the base Zoning District; provided that any such conversion shall require a Coastal Development Permit or building permit, as applicable. The visitor serving units previously allocated to the converted facility shall ~~become available~~, as a result of such conversion, ~~to be~~ reallocated to existing Visitor Serving Facilities Facility sites that are mapped with an asterisk (*) or an asterisk-B (*B) on the Mendocino Town Land Use and Zoning Maps pursuant to the procedure provided in Section 6.7 and Mendocino Town Zoning Code Section 20.684.030(H).

(b) Visitor serving facilities, located on lots (parcels) in private ownership within the Town that are designated on Mendocino Town Land Use Map 4.13-3 with an asterisk (*) or an asterisk-B (*B), shall constitute a principal permitted use in the respective Town

MENDOCINO TOWN LOCAL COASTAL PROGRAM UPDATE AMENDMENT (LCP-1-MEN-14-0840)
TOWN LCP UPDATE AMENDMENT-COASTAL ACT CONSISTENCY ANALYSIS

Land Use Classifications, Mendocino Visitor Serving Facility Combining District, and Mendocino Town Zoning Districts.

3.1.34. Policy GM-25. (a) Development that requires a location on, or adjacent to, the shoreline of the Town to be able to function at all shall have priority over other development on or near the shoreline.

(b) Except as provided in Policy CNS-3, coastal-dependent development shall not be sited in a wetland.

(c) Coastal-related development that supports coastal-dependent development should be accommodated within reasonable proximity of it.

~~4.13-5 NONCONFORMING USES: A nonconforming use is a use of a structure or land which was lawfully established and maintained prior to the adoption of this amended plan, but which does not conform with the use for the land use category in which it is located.~~

3.1.35. Policy GM-26 (a) ~~[A]~~ All existing legal uses shall be deemed consistent with the certified Mendocino Town Plan town plan.

(b) ~~[B]~~ A nonconforming use that is discontinued for a period of one (1) year, or is changed or replaced by a conforming use, shall be deemed abandoned and shall not be resumed, and subsequent use of the site shall be in conformance with all provisions of this plan.

(c) ~~[C]~~ A nonconforming use may be continued and structures used therefor ~~therefore~~ may be maintained, provided that:

MENDOCINO TOWN LOCAL COASTAL PROGRAM UPDATE AMENDMENT (LCP-1-MEN-14-0840)
TOWN LCP UPDATE AMENDMENT-COASTAL ACT CONSISTENCY ANALYSIS

(1) Structural alterations shall be limited to the interior of a building, with no change in the exterior dimensions of a building or portions thereof used for a nonconforming use, except as provided in Mendocino Town Zoning Code Section 20.716.

(2) Structural alterations shall be made only in compliance with applicable adopted Building Code ~~building code~~ requirements and, where applicable within Historical Zones A and B, with the requirements of the Mendocino Historical Review Board.

(3) ~~There shall be no~~ No expansion of a the nonconforming use shall be permitted.

3.1.37. Policy GM-27 ~~NONCONFORMING LOTS:~~ All legally created lots shall be deemed potential building sites, subject to the same controls as lots 12,000 square feet or larger.

3.1.38. Policy GM-28 ~~4.13-6~~ All persons operating Visitor Serving Facilities, Vacation Home Rentals, Single Unit Rentals, or Student-Instructor ~~Student/Instructor~~ temporary housing facilities occasionally used by the general public as overnight accommodations, as herein defined, are subject to the provisions of Chapter 5.20 (Uniform Transient Occupancy Tax) and Chapter 6.04 (Business License Chapter) of the Mendocino County Code.

3.1.39. Policy GM-29 ~~4.13-7~~ Residential dwelling units in the Town ~~town~~ shall not be converted to any nonresidential use except in the Commercial "C" zone, ~~or~~ as provided pursuant to Section 6.7, or as provided in Mendocino Town Zoning Code Section 20.660.075(E) ~~for by the permitted ratio referenced in Policy 4.13-4(5).~~

3.1.40. Policy GM-30 Consistent with Public Resources Code Section 30200(b), the policies and mandatory actions of the Town Plan specifically resolve policy conflicts between provisions of the Coastal Act through Town Plan implementation. In the event

of any remaining policy conflicts, the Town Plan shall be implemented, consistent with Public Resources Code Section 30007.5, to resolve them in a manner which on balance is the most protective of significant coastal resources.

3.1.41. Policy 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.

3.1.42. Policy GM-32 Approval of any division of land within the urban boundary of the Town, as shown on the Town Land Use Map, shall require (a) proof that the Mendocino City Community Services District (1) has issued a water well permit, or will issue a water well permit as a condition precedent to issuance of the coastal development permit for the land division, for each newly created lot or parcel, and (2) has, or will as a condition precedent to issuance of the coastal development permit for the land division, provide wastewater service for each newly created lot or parcel; (b) demonstration, by a qualified professional, that the division of land, including any hydromodification and any future construction and use of structures on each newly created lot or parcel, will not have any significant adverse effects, either individually or cumulatively, on coastal resources or coastal public access; and (c) demonstration that the division of land, including any hydromodification and any future construction and use of structures on each newly created lot or parcel, will be consistent with all applicable conservation and development standards of the Mendocino Town Local Coastal Program.

COASTAL ELEMENT POLICIES: MENDOCINO TOWN DESIGN GUIDELINES

4.3. Mendocino Town Design Guideline Policies

MENDOCINO TOWN LOCAL COASTAL PROGRAM UPDATE AMENDMENT (LCP-1-MEN-14-0840)
TOWN LCP UPDATE AMENDMENT-COASTAL ACT CONSISTENCY ANALYSIS

3.1.43. Policy DG-1 All new development shall be designed to be compatible with the historical design character of the Town.

3.1.44. Action DG-1.1: 4.13-8 The Historical Preservation District for Town of Mendocino Zoning Ordinance, as amended, is shall be a part of the implementing ordinances of the Mendocino Town Plan Local Coastal Program (Mendocino Town Zoning Code Chapter 20.760), that govern within Historical Zones A and B, as shown in Figure 4.13-2.

3.1.45. Action DG-1.2: The and the Mendocino Historical Review Board shall continue to exercise its duties these charges as specified by the Historical Preservation District Ordinance, within Historical Zones A and B, as shown in Figure 4.13-2 ordinance.

3.1.46. Action DG-1.3: 4.13-9 (a) The Mendocino Historic Review Board Design Guidelines (1987) Design review guidelines shall set criteria which will be utilized to ensure preservation, protection, enhancement, rehabilitation, reconstruction, restoration, and perpetuation of existing structures of historical significance in a manner consistent with the character of the Town.

(b) Such criteria shall include, but not be limited to, architectural design, size, height, dormers, windows, structures, appurtenances, proportion and placement of improvements on the parcel, and landscaping, including planting or removal of vegetation, must be reviewed in the application process.

(c) The Mendocino Historic Review Board Design Guidelines shall be consistent with the [N] Historical Preservation District For Town of Mendocino Ordinance (1973, as amended) and the Mendocino Town Local Coastal Program.

MENDOCINO TOWN LOCAL COASTAL PROGRAM UPDATE AMENDMENT (LCP-1-MEN-14-0840)
TOWN LCP UPDATE AMENDMENT-COASTAL ACT CONSISTENCY ANALYSIS

~~4.13-10 No building permit shall be finalized or occupancy permit issued until all aspects and conditions of the permit approval have been met.~~

3.1.47. Action DG-1.4: New buildings, and rehabilitations, redevelopment, and renovations to of existing structures in the Mendocino and Headlands Historical Preservation District and throughout the Town shall (a) will be consistent with the historical community character of the Town, and (b) town and they shall not degrade the setting of buildings of landmark stature (as described in Town Plan Appendix 1, the Inventory of Historic Building, Appendix, Historic Structures).

~~4.13-10 No building permit shall be finalized or occupancy permit issued until all aspects and conditions of the permit approval have been met.~~

3.1.48. Policy DG-2 Permitted development shall not have a significant adverse effect on public scenic views and public scenic resources from Highway 1 or from the public streets and public open space areas of the Town.

3.1.49. Action DG-2.1: Permitted development shall be sited using clustering of structures, compatible vegetative screening, and, as applicable, exceptions to yard setbacks where feasible to maintain the character of the Town setting and public scenic views.

3.1.50. Action DG-2.2: ~~4.13-11~~ Review of applications for all new development applications shall include the protection consideration of requiring dedicated scenic easements to protect views from Highway 1, as well as public views to the sea and landmark structures, as described in the Inventory of Historic Structures (Appendix 1), and of scenic public resources as seen from the public streets and open space areas of the Town and from along Highway 1.

MENDOCINO TOWN LOCAL COASTAL PROGRAM UPDATE AMENDMENT (LCP-1-MEN-14-0840)
TOWN LCP UPDATE AMENDMENT-COASTAL ACT CONSISTENCY ANALYSIS

3.1.51. Action DG-2.3: New development shall (a) protect the unique characteristics of the Town, which make it a popular visitor destination point for cultural and recreational uses, and (b) conform to any specifically designated public scenic and public view areas as adopted in the Mendocino Town Plan or on the Mendocino Town Plan land use map. Provisions of open space and location of structures to retain public views shall be considered as part of all new development proposals that have a potentially significant adverse effect on such public views.

~~4.13-12 Any proposed private use of the Middle School site or changed public use that would remove existing permanent buildings or would intensify development of the site shall require amendment of the Town Plan.~~

3.1.52. Policy DG-3 ~~4.13-13~~ In addition to any design review related to protection of the historical character of the Town town, all development and redevelopment shall conform to (a) the requirement of Section 30251 of the Coastal Act that (1) the scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance, and (2) permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas, and (b) any specifically designated scenic and view areas as adopted by the Board of Supervisors and certified by the Coastal Commission on the Mendocino Town Land Use Map map. Provisions of open space and siting of structures to retain public views shall be considered as part of all new development proposals that have potentially significant adverse effects on protected public views.

3.1.53. Policy DG-4 Permitted residential, commercial, public facility, and open space development shall require predominantly native and drought-tolerant landscaping, to reflect the relatively unstructured landscape character of the Town.

**MENDOCINO TOWN LOCAL COASTAL PROGRAM UPDATE AMENDMENT (LCP-1-MEN-14-0840)
TOWN LCP UPDATE AMENDMENT-COASTAL ACT CONSISTENCY ANALYSIS**

3.1.54. Action DG-4.1: The Mendocino Historic Review Board shall incorporate landscape guidelines in the Historic Review Board Design Guidelines that address native and drought-tolerant plant materials, hardscape design, and horticultural irrigation that utilizes, to the extent feasible, collected stormwater runoff or reclaimed water.

3.1.55. Policy DG-5 Exterior lighting in permitted new development shall be required to (a) be compatible with the historical character of the Town, and (b) avoid light intrusion on adjoining properties, Mendocino Headlands State Park, and natural areas.

3.1.56. Action DG-5.1: The Historic Review Board Design Guidelines shall incorporate exterior lighting guidelines that address the location, shielding, materials, and light source in all permitted new development.

3.1.57. Action DG-5.2: Lighting design guidelines should encourage warmer incandescent-like lighting as more consistent with historical design rather than bright white halogen, fluorescent, or high-intensity discharge lighting.

3.1.58. Action DG-5.3: The County should coordinate with the International Dark Sky Association to certify the Town as a "Dark Sky Community".

~~COASTAL ELEMENT POLICIES: MENDOCINO TOWN CIRCULATION AND PARKING~~

4.4. Circulation and Parking

3.1.59. Policy CP-1 The County shall provide for traffic, bicycle, and pedestrian safety within the Town, consistent with historic preservation. Consistent with Policy 4.13-14 (November 5, 1985) of the Mendocino Town Plan, a Traffic Circulation/Parking Study has been done by RKH, Parsons Associates and William Zion, consultants, dated

MENDOCINO TOWN LOCAL COASTAL PROGRAM UPDATE AMENDMENT (LCP-1-MEN-14-0840)
TOWN LCP UPDATE AMENDMENT-COASTAL ACT CONSISTENCY ANALYSIS

~~March 8, 1988, for the central core of the Town of Mendocino. The plan proposes to be implemented in phases. The Board of Supervisors have accepted the study/plan but have not yet funded implementation.~~

3.1.60. Action CP-1.1: ~~4.13-14~~ The County technical staff shall analyze the need for, and install where warranted and consistent with the Capital Improvement Program, investigate the installation of additional traffic control measures, including but not limited to signage, speed controls, marked cross-walks, and new sidewalks or paths to enhance the walking environment of the Town. be directed to review the submittal by the appointed Mendocino Citizens Advisory Committee outlining the eleven (11) priorities for safety improvements (dated October 17, 1989) and implement improvements at the earliest possible funding date(s).

~~4.13-15 Installation of a traffic signal at the intersection of Highway 1 and Little Lake Road (1989) should alleviate safety problems at that intersection.~~

~~The California Department of Transportation should continue to monitor traffic safety at the intersection of Highway 1 and Main Street and make improvements as necessary for optimal safety.~~

3.1.61. Action CP-1.2: ~~4.13-16~~ The County shall implement a requirement for off-street parking on all new (a) Permitted development shall provide off-street parking and use permit applicants consistent with requirements of the applicable zoning district, or demonstrate compliance with an alternative provision of parking that meets the applicable standards over the economic life of the development.

(b) Permitted development may meet the parking requirements through project design, recorded off-site parking agreements with third parties, or participation in an in-lieu fee parking program.

MENDOCINO TOWN LOCAL COASTAL PROGRAM UPDATE AMENDMENT (LCP-1-MEN-14-0840)
TOWN LCP UPDATE AMENDMENT-COASTAL ACT CONSISTENCY ANALYSIS

(c) Where no off-street parking is feasible in otherwise permitted development, then the County the development applicant shall pay an require in-lieu fee to the County, or to an entity acceptable to the County, provided that fees, such fees to be placed in an encumbered account to shall be used solely in the Town of Mendocino for street and public parking improvements within existing public street rights-of-way or on other publicly owned land.

(d) On-site parking ingress and egress shall not have a significant adverse unduly impact on the historical character of the Town, including, but not limited to, through elimination of on-street parking spaces.

3.1.62. Action CP-1.3: Off-street parking shall be designed to minimize its visibility from public areas, either by locating parking behind buildings or by providing adequate landscape screening. Where such measures are infeasible, or would conflict with public view protection requirements of the Town Plan, other feasible screening shall be required.

3.1.63. Action CP-1.4: Bicycle parking shall be incorporated in (a) the Main Street restoration and enhancement project, (b) any Mendocino Headlands State Park facilities planning and the Mendocino Headlands State Park Preservation and Recreation Plan, and (c) all new commercial development with 1,000 square feet or more of floor area.

3.1.64. Action CP-1.5: All new parking areas shall minimize impermeable surfacing and soil compaction, and shall use permeable ADA-compliant paving material wherever feasible.

3.1.65. Policy CP-2 The County, in recognition that existing unstructured parking is part of the Town's historical character, shall, in cooperation with other agencies increase

MENDOCINO TOWN LOCAL COASTAL PROGRAM UPDATE AMENDMENT (LCP-1-MEN-14-0840)
TOWN LCP UPDATE AMENDMENT-COASTAL ACT CONSISTENCY ANALYSIS

parking availability and efficiency, while at the same time enhancing pedestrian and traffic safety.

3.1.66. Action CP-2.1: (a) Where street width is sufficient (as on parts of Ukiah, Little Lake, or Main Streets), the County, or its designee, shall establish diagonal parking, as part of its 5-Year Capital Improvement Plan, to increase available on-street parking. (b) The County may use in-lieu parking fees to help fund establishment, operation, and maintenance of such diagonal parking on public rights-of-way in the Town.

3.1.67. Action CP-2.2: The County shall identify and secure available funding to maintain existing parking areas and street rights-of-way in the Town. Maintenance shall include, but not be limited to, new pavement or repavement with semi-pervious pavers that comply with the requirements of the Americans with Disabilities Act, as amended, delineation of parking spaces, provision of wheel stops to protect existing walking paths, and associated sustainable storm water management.

3.1.68. Action CP-2.3: The County shall coordinate with (1) the Mendocino Unified School District to accommodate, as feasible, overflow parking demand on School District property, and (2) the California Department of Parks and Recreation to accommodate, as feasible, overflow parking on Mendocino Headlands State Park adjacent to Main Street, Heeser Street, and Heeser Drive west of its intersection with Heeser Street; provided, that such additional parking shall utilize semi-pervious pavers or similar materials that comply with the requirements of the Americans with Disabilities Act, as amended.

3.1.69. Action CP-2.4: (a) The existing (2015) supply of on-street parking spaces on each block in the Town shall be maintained by limiting, as feasible, the number and width of access points to private off-street parking and by discouraging exclusive use of on-street parking spaces by adjoining private property owners. (b) As part of the

MENDOCINO TOWN LOCAL COASTAL PROGRAM UPDATE AMENDMENT (LCP-1-MEN-14-0840)
TOWN LCP UPDATE AMENDMENT-COASTAL ACT CONSISTENCY ANALYSIS

implementation of the Public Access Component in the Main Street, Ukiah Street, and Little Lake Street rights-of-way, the County shall consider placing restrictions on parking by commercial trucks with a weight in excess of two (2) tons, beyond the reasonable time required for loading and unloading in the performance of a service to or on the block in which the vehicle is engaged.

~~4.13-17 The County shall make every effort to develop a plan for optimal circulation and parking of heavy weight tourist vehicles (large recreational vehicles, tour busses, pickup campers, etc.) on designated County or State lands.~~

~~4.13-18 Consistent with the Town designation as a Special Community with historic significance, and recognizing that historically Main Street, east to Highway 1, was "Main" Street in the early years of this century, the Board of Supervisors shall direct that Main Street be so designated and the incorrect Lansing Street naming shall be abandoned.~~

~~4.13-19 Consistent with the Town designation as a Special Community, and with the reality of the continued use of the old three and four digit street numbers, the County Board of Supervisors shall restore the old numbering system and abandon the County's five digit numbering system, with the restoration of the three and four digit numbers being based on the street the structures face, within the Town boundaries.~~

COASTAL ELEMENT POLICIES: AFFORDABLE HOUSING

4.5. Affordable Housing (Government Code)

3.1.70. Policy AH-1 The Town Plan, for purposes of Government Code requirements, incorporates the Mendocino County Housing Element, as it may be amended from time to time, by reference.

MENDOCINO TOWN LOCAL COASTAL PROGRAM UPDATE AMENDMENT (LCP-1-MEN-14-0840)
TOWN LCP UPDATE AMENDMENT-COASTAL ACT CONSISTENCY ANALYSIS

3.1.71. Policy AH-2 The County shall retain and create housing units in the Town that are, or may be, available for persons and families of low-moderate income, including, but not limited to, by (a) utilizing available state or federal grant funds, (b) prohibiting conversion of residential housing to non-residential use except (1) as provided in the Commercial Land Use Classifications and Zoning Districts, and (2) as provided in Section 6.7, (c) allowing second residential dwelling units, not to exceed 900 square feet, on lots (parcels) in Residential Land Use Classifications and Residential Zoning Districts consistent with the conservation and development standards of the Mendocino Town Local Coastal Program, and (d) encouraging the provision of affordable housing in new development in the Mixed Use and Commercial Land Use Designations and Zoning Districts.

3.1.72. Action AH-2.1: ~~4.13-20 Consistent with the Affordable Housing criteria cited on Page 7 of this plan, Growth Management Action GM-29, the residential dwelling units in the town stock of the Town shall not be converted to any maintained by prohibiting residential units from being converted to non-residential use except (a) as provided for by the permitted ratio referenced in Policy 4.13-4(5) in the Commercial "C" zone or Land Use Classification and Zoning District, and (b) as provided for by the permitted ratio referenced in Policy 4.13-1(5) in Section 6.7.~~

3.1.72. Action AH 2-2: A deed restriction shall be recorded on lots (parcels) with approved second residential dwelling units to ensure their continued use for non-transient residential habitation.

3.1.73. Action AH-2-3: The Mendocino Town Zoning Code shall recognize that the Mendocino Art Center's existing Student-Instructor residences constitute a form of affordable housing associated with the Art Center use type, making it accessible to artists-in-residence on a long-term basis, and to students, instructors, and other

participants who might otherwise be unable to find adequate affordable housing during their course work.

3.1.74. Policy AH-3 Second residential dwelling units shall be encouraged within the Town Residential Land Use Districts as a means to provide additional affordable long-term housing opportunities within the Town.

3.1.75. Action AH-3.1: The Mendocino Town Zoning Code shall provide opportunities for second residential units on lots (parcels) in all single-family and multifamily residential districts, provided that each second unit shall be consistent with the conservation, historic preservation, development, and public access standards of the Mendocino Town Plan and Mendocino Town Zoning Code.

3.1.76. Policy AH-4 ~~4.13-21~~ Second residential units shall be are allowable in the R+ Zoning District on parcels larger than 9,000 square feet; and in the RR-2 Zoning District on parcels larger than 40,000 square feet, subject to the following criteria and standards. Second dwelling units are intended to provide long term housing. Deed restrictions, as part of the permit process, shall ensure maintenance of the housing inventory and consistency with the balance cited in Policy 4.13-1. sited and designed to integrate them in a manner that integrates with the historical character of the Town, minimize and minimizes potential negative neighborhood impacts, and conform to the conservation, historical preservation, development, and public access standards of the certified Town Plan.

3.1.77. Action AH-4.1: The Mendocino Town Zoning Code shall provide that the following second residential unit development standards apply: 4.13-21 Second residential dwelling units are allowable in the R+ Zoning District on parcels larger than 9,000 square feet; and, in the RR-2 Zoning District on parcels larger than 40,000 square feet, subject to the following criteria and standards. Second dwelling units are intended

MENDOCINO TOWN LOCAL COASTAL PROGRAM UPDATE AMENDMENT (LCP-1-MEN-14-0840)
TOWN LCP UPDATE AMENDMENT-COASTAL ACT CONSISTENCY ANALYSIS

~~to provide long term housing. Deed restrictions, as a part of the permit process, shall ensure maintenance of the housing inventory and consistency with the balance cited in Policy 4.13-1.~~

- (1) The lot (parcel) contains an existing single family dwelling unit.
- (2) The second residential dwelling unit does not exceed 900 square feet.
- (3) An adequate water system as approved by the County Division of Environmental Health and the Mendocino City Community Services District is available to serve the second dwelling unit.
- (4) The second dwelling unit shall conform to height, setback, lot coverage, architectural review, site plan review, off street parking, and other Mendocino Town Local Coastal Program zoning district requirements applicable to the zoning district in which the second dwelling unit is located.
- (5) Second dwelling units are intended for long term occupancy, by family members or tenants, and are not intended for sale separately from the primary housing unit on the lot (parcel).
- ~~(6) A second dwelling unit shall not have a negative impact on the designated land use and second dwelling units shall not be permitted if identified impacts are contrary to the goals and policies of this plan.~~
- ~~(6) (7)~~ Second dwelling units shall not be permitted in Planned Unit Development Combining Districts.

COASTAL ELEMENT POLICIES: WATER

4.6. Sustainability Policies

Water Conservation/Storm Water Management

3.1.78. Policy S-1 The water supply in the Town of Mendocino shall be managed and augmented in a sustainable manner to (a) support the special community, (b) optimize

available water supplies for all human and natural system uses through concerted groundwater replenishment, and (c) strictly avoid the waste of potable water in uses that do not require it by utilization of reclaimed water or conserved storm water runoff, where feasible.

3.1.79. Action S-1.1: ~~4-13-22~~ All development applications shall submit contingent upon proof (a) of an adequate water supply during throughout the year, including the dry summer months season; and (b) that well production of groundwater will not (1) deplete the ground water table of contiguous or surrounding uses, and (2) have a significant direct or cumulative adverse effect on coastal resources. The findings of the Coastal Ground Water Study of June 1982 shall be incorporated in the Mendocino Town Plan.

3.1.80. Action S-1.2: All new and existing development shall, in addition, (a) comply with all applicable adopted [N] Mendocino City Community Services District water conservation regulations and standards, and (b) incorporate all water conservation measures required by the [N] State of California.

3.1.81. Action S-1.3: All new and existing development shall also comply with all applicable regulations and standards of the County Environmental Health Department for potable water production by wells.

3.1.82. Action S-1.4: Permitted horticultural landscaping shall be drought-tolerant and, when irrigation is required, shall utilize, to the maximum extent feasible, (a) retained storm water from (1) the site of the development, or (2) a storm water beneficial reuse project that includes more than one lot (parcel), and (b) on reclaimed water that is available from the Mendocino City Community Services District.

MENDOCINO TOWN LOCAL COASTAL PROGRAM UPDATE AMENDMENT (LCP-1-MEN-14-0840)
TOWN LCP UPDATE AMENDMENT-COASTAL ACT CONSISTENCY ANALYSIS

3.1.83. Action S-1.5: The County Board of Supervisors should consider an amendment to the County Building Code that requires, as additional water conservation measures, (a) installation of flash hot water heaters to serve all hot water faucets and outlets in (1) new development, and (2) at the point of sale of any structure that contains one or more hot water faucets or outlets, and (b) utilization of dual plumbing in new commercial and residential development that utilizes reclaimed water for non-potable purposes.

3.1.84. Action S-1.6: The Mendocino City Community Services District should (1) continue its extensive groundwater monitoring program of the aquifer that underlies the Town, (2) investigate the feasibility of a State-funded pilot project to retrofit existing commercial development, and residential development where owners elect to participate, with dual plumbing that utilizes reclaimed water for non-potable purposes, (3) investigate the feasibility of additional groundwater recharge of the Town aquifer with reclaimed water through dry wells, (4) provide access to reclaimed water at a convenient location in Town for public and private non-potable water uses, and (5) annually report to the Board of Supervisors about the implementation status of this Action.

3.1.85. Policy S-2 (a) Permitted development shall, to the maximum extent feasible, preserve, infiltrate, treat, and retain storm water to (1) maintain natural drainage on the site, (2) incorporate reclaimed water provided by Mendocino City Community Services District and/or conserved storm water runoff in a dual plumbing system for non-potable uses, and (3) strictly avoid water waste.

(b) Conservation and reuse of intercepted, retained, filtered, or otherwise treated storm water, including to recharge the aquifer, shall be implemented (1) on the site of the development, or (2) in combination with other parcel owners, non-profit organizations, or

MENDOCINO TOWN LOCAL COASTAL PROGRAM UPDATE AMENDMENT (LCP-1-MEN-14-0840)
TOWN LCP UPDATE AMENDMENT-COASTAL ACT CONSISTENCY ANALYSIS

public agencies if an on-site location is infeasible or if an approved storm water management system that serves more than one lot (parcel) is available.

3.1.86. Action S-2.1: Stormwater management and erosion control plans shall be submitted by development or redevelopment project applicants to the County for all development that (a) proposes new construction, recovering (paving, resurfacing), or any other change in surfacing (such as re-roofing) that is 2,500 square feet in size or larger, and (b) requires a building or grading permit; provided that if a stormwater management system that serves more than one lot has been approved, the applicant may provide proof of participation in it to satisfy the stormwater requirements of the Town Local Coastal Program.

3.1.87. Policy S-3 Permitted development shall (1) minimize land disturbance, clearing, and grading to avoid, or to the maximum extent feasible reduce, erosion and sediment loss, (2) avoid disturbance of natural drainage features and associated riparian vegetation, wetlands, and native vegetation, and (3) reduce the volume of storm water discharged from the perimeter of the proposed development envelope during the County design storm event for the Town in comparison to pre-project runoff conditions.

3.1.88. Action S-3.1: Low Impact Development (LID) design shall be used for storm water management in all new development and redevelopment.

3.1.89. Policy S-4 Impervious surfaces shall be limited in new development and redevelopment to the extent feasible, including, but not limited to, through minimized connected impervious areas and, where feasible, increasing the area of pervious or semi-pervious surfaces in redevelopment.

MENDOCINO TOWN LOCAL COASTAL PROGRAM UPDATE AMENDMENT (LCP-1-MEN-14-0840)
TOWN LCP UPDATE AMENDMENT-COASTAL ACT CONSISTENCY ANALYSIS

3.1.90. Action S-4.1: Pavement shall, consistent with requirements of the Americans with Disabilities Act, as amended, and otherwise feasible, use pervious or semi-pervious paving materials, or natural pervious materials.

3.1.91. Policy S-5 Rain water harvesting, as provided in Mendocino Town Zoning Code Chapter 20.717, shall be required in permitted development with more than five hundred (500) square feet of total impervious surface, for both storm water management and water conservation.

3.1.92. Action S-5.1: New water storage tanks shall be located (a) behind or within existing buildings, wherever feasible, (b) underground, (c) be clad in unpainted wooden materials, and (d) be exempt from review pursuant to the Mendocino Historical District Preservation Ordinance. Any other proposed water tanks shall be reviewed pursuant to an application for a Coastal Development Major Use Permit.

3.1.93. Action S-5.2: Water storage tanks shall not count against lot coverage; provided that where lot coverage on a lot (parcel) exceeds 50%, new above-ground water storage tanks in the Mendocino Historic Preservation District shall require Mendocino Historical Review Board review and approval.

3.1.94. Policy S-6 Landscape-based storm water management and water conservation techniques, including, but not limited to rain gardens (bio-retention), dry wells, or vegetative swales, shall be utilized, where feasible, to facilitate aquifer recharge.

3.1.95. Action S-6.1: Permitted development that creates or replaces five hundred (500) square feet or more of impervious area on a lot (parcel) shall implement either (a) site design measures to feasibly reduce storm water runoff from the lot (parcel) and increase groundwater recharge in comparison to pre-development storm water runoff

conditions, or (b) participate in a storm water runoff control program that includes more than one lot (parcel).

3.1.96. Action S-6.2: Permitted development shall (a) utilize drought-tolerant native vegetation in all landscaping, and (b) effectively remove any invasive non-native vegetation from the lot (parcel).

3.1.97. Action S-6.3: Existing and proposed horticultural landscape irrigation in the Town shall avoid or minimize the use of potable water, as feasible, and use (a) efficient watering techniques (such as drip irrigation), (b) retained rain storm water runoff, and/or (c) reclaimed water provided by MCCSD.

3.1.98. Action S-6.4: Gray water systems shall be designed, installed, operated, and maintained in full compliance with all applicable health and safety regulations of the County Department of Environmental Health, and all other applicable standards.

Renewable Energy/Green House Gas Emission Reduction

3.1.99. Policy S-7 To reduce energy consumption and greenhouse gas emissions, the County of Mendocino should promote the use of building materials in new development in the town that consist of 50% locally produced and/or recycled building materials, (b) require that new development and redevelopment in the Town meet all applicable State of California energy conservation standards, and (c) collaborate with stakeholders in the Town to install, operate, and maintain electric automobile charging stations.

3.1.100. Action S-7.1: The County should consider amending the Building Code to require that new development, redevelopment, and restoration (a) as feasible, utilize local building products and/or recycled building materials, and (b) meet or exceed all applicable State of California energy conservation standards.

3.1.101. Action S-7.2: The Mendocino Historical Review Board should (a) collaborate with other California historical districts, the California Energy Commission, designers and manufacturers of building integrated photovoltaic solar systems, and development applicants to identify and implement a suite of feasible, aesthetically and structurally compatible, alternative energy systems in historic buildings and structures.

3.1.102. Action S-7.3: The County shall partner with vendors to create, maintain, post on the Planning and Building Services Department website, and otherwise distribute a list of local vendors that produce or offer for sale recycled building materials.

COASTAL ELEMENT POLICIES: PUBLIC FACILITIES

4.7. Public Facilities

~~4.13-23 Previous Policy 4.13-17(1) (November 5, 1985) requested that the centrally located vacant parcel known then as the "Heider Lot" now known as "Heider Field", be acquired by a public agency or nonprofit agency. This acquisition has been accomplished (1987) through special legislation that allowed a trade of parcels between State Parks and Recreation and the Mendocino Presbyterian Church. A rezoning of the Heider Field to Open Space and a rezoning of the exchange parcel south of the Presbyterian Church have been effected, subject to the following criteria:~~

3.1.103. Policy PF-1 Significant public open spaces provided in the Town by Mendocino Headlands State Park, Heider Field, Memorial Triangle, Friendship Park and Little League Field, and the area within Grindle Park not required for critical Mendocino Fire Protection District/Mendocino Volunteer Fire Department facilities, and key public views and public vistas shall be preserved as part of the Town's unique character.

3.1.104. Action PF-1.1: ~~[1]~~ Construction of any structure upon that portion of Assessor's Parcel Number 119-250-24, conveyed by State Parks to the Mendocino Presbyterian Church, shall be compatible with the character and use of Mendocino Headlands State Park in consultation with the State Historic Preservation Officer. Any improvements made, including landscape screening, shall not obscure visibility of any portion of the Church sanctuary from State Highway One or Brewery Gulch Drive. Any improvements made shall also be in conformance with all local ordinances pertaining to the Historic District.

3.1.106. Action PF-1.2: ~~[2]~~ Public pedestrian access via the end of Church Street, shall be provided at all times to the Mendocino Headlands State Park and the mouth of Big River on that part of Assessor's Parcel Number 119-250- 24, conveyed by State Parks and Recreation to the Mendocino Presbyterian Church and designated PF by Mendocino Coastal Plan Amendment 2-87. An alternative access way will be identified at the time of development and should that development include a parking area, vehicular access and parking by the public shall be granted upon the proper ~~3.1.105. ty~~, except during regular church services and after dusk.

3.1.107. Action PF-1.3: New public facilities on the Mendocino City Community Services District parcel between Palette Drive and Highway 1, and on the Grindle Park parcel for which the Mendocino Fire District is the trustee, shall avoid or mitigate all potentially significant effects on coastal resources to below a level of significance, including, as applicable, through (a) on-site screening with a native vegetation buffer in relation to Highway 1 and any adjacent County road, (b) avoidance or full mitigation of any unavoidable potentially significant effect from development on the environment, including, but not limited to, coastal resources, and (c) utilization of exterior finishes in any structure that conform to and protect the historical Town character.

MENDOCINO TOWN LOCAL COASTAL PROGRAM UPDATE AMENDMENT (LCP-1-MEN-14-0840)
TOWN LCP UPDATE AMENDMENT-COASTAL ACT CONSISTENCY ANALYSIS

3.1.108. Action PF-1.4: The Mendocino Town Plan Land Use Map (Figure 4.13-3) shall designate (a) Mendocino Headlands State Park and other publicly owned open space, exclusive of the areas referenced in Action PF-1.3, in the Town as within the "Open Space" Land Use Classification, (b) the Highway 1 right-of-way as a part of the "Public Facilities" Land Use Classification, and (c) public streets, roads, and alleys in the Town as within their respective adjacent Land Use Classification.

3.1.109. Policy PF-2. The County encourages and supports arts education offerings in the Town and its schools, including through the performance or display of art, and the presence of artists, from many diverse cultures.

3.1.110. Action PF-2.1: The Mendocino Town Zoning Code shall be amended to classify the Mendocino Art Center as an Art Center within the Civic Use Type Classification of the Public Facility Zoning District.

3.1.111. Action PF-2.2: Mendocino Town Zoning Code Chapter. 20.668 shall be amended to list "Art Center" as an additional conditional use within the Public Facilities Zoning District .

3.1.112. Policy PF-3. The State of California has acquired the former lumber company parcel within the Town that fronts on Big River, east of the Highway 1 bridge, as an addition to Mendocino Headlands State Park for open space, public recreation, and resource conservation.

3.1.113. Action PF-3.1: The Mendocino Town Local Coastal Program redesignates and rezones, for Coastal Act purposes, the parcels identified as Mendocino County Assessor's Parcel Numbers 119-280-10, 119-280-11, 119-290-04, and 119-440-11, owned by the State of California, from the Forest Lands land use and zoning classification to the Open Space land use and zoning classification.

MENDOCINO TOWN LOCAL COASTAL PROGRAM UPDATE AMENDMENT (LCP-1-MEN-14-0840)
TOWN LCP UPDATE AMENDMENT-COASTAL ACT CONSISTENCY ANALYSIS

3.1.114. Policy PF-4. The Mendocino City Community Services District, which provides critical community-wide public service benefits, has acquired the parcel at 10705 Palette Drive, identified as Assessor's Parcel Number 119-140-31 by eminent domain for future development and use with ancillary facilities that support the Community Services District's public agency mission, and thereby extinguished a prior easement recorded against the property.

3.1.115. Action PF-4.1: In recognition of the public agency acquisition and extinguished easement, Town Local Coastal Program designates and zones, for Coastal Act purposes, the 1.8 acre parcel identified as Mendocino County Assessor's Parcel Number 119-140-31, owned by the Mendocino City Community Services District, from the Open Space land use district and zoning district classification to the Public Facility land use district and zoning district classification; provided that the easterly 20 feet of this parcel that adjoin the Highway 1 right-of-way shall be set aside by the Community Services District for regionally native vegetation landscaping that shall substantially screen any future development on the remainder of the parcel from the public view of travelers on Highway 1.

3.1.116. Policy PF-5 The Mendocino Fire Protection District, which provides critical community-wide public service benefits in the Town of Mendocino, holds the parcel at 44700 Little Lake Road in trust. That parcel contains the Mendocino Fire Protection District/Mendocino Volunteer Fire Department's headquarters-fire station, Grindle Park, and the potential future site of a water tank that is part of the Department's functional planning for fire safety services to minimize risk to life and property in areas with high structural and wildland fire danger in and adjacent to the special historical community that is the Town of Mendocino.

MENDOCINO TOWN LOCAL COASTAL PROGRAM UPDATE AMENDMENT (LCP-1-MEN-14-0840)
TOWN LCP UPDATE AMENDMENT-COASTAL ACT CONSISTENCY ANALYSIS

3.1.117. Action PF-5.1: The Mendocino Town Local Coastal Program redesignates and rezones, for Coastal Act purposes, the parcel at 44700 Little Lake Road, identified as Mendocino County Assessor's Parcel Number 119-090-07, from the Open Space Land Use District and Open Space Zoning District classification to the Public Facility Land Use District and Public Facility Zoning District classification; provided that (a) future development by the Fire District/Department on the parcel shall be consistent with the conservation and development standards of the Town Local Coastal Program, and (b) utilize the minimum area in Grindle Park necessary to install such a water tank and associated facilities.

3.1.118. Policy PF-6 The County's street addressing system should be standardized to facilitate emergency service response.

3.1.119. Action PF-6.1: (a) Street address numbers shall be clearly displayed on the street side or sides of each commercial, residential, or other building in Town, consistent with applicable design guidelines to protect community character.

(b) Where a building or other structure may be accessed by a street or alley other than the main address for the building or other structure, the street address number shall be clearly displayed on each side of the building or structure that fronts on such other street or alley. The street address number on each building or structure shall (1) have a minimum size of six (6) by six (6) inches, and (2) consist of an internally or externally illuminated sign with a minimum luminance of 5 foot-candles. In all cases, addresses shall be readily identifiable from the nearest fire apparatus access road servicing the building.

3.1.120. Policy PF-7 The County supports the cooperative redevelopment of the historical "Carriage House" in Mendocino Headlands State Park for use by the County Sheriff as the Sheriff's Substation in the Town of Mendocino, to benefit public safety for

this special community, its residents, property owners, historic structures, coastal resources, and visitors.

3.1.121. Action PF-7.1: The Mendocino Town Open Space land use classification and zoning classification shall be clarified to specifically add "Public Safety Facility" as an additional principal permitted use within the existing Carriage House in Mendocino Headlands State Park; provided, that the Mendocino Historical Review Board shall (1) review the exterior of the proposed redevelopment of the Carriage House for conformity with the Mendocino Historic District Preservation Ordinance to substantially maintain the historical appearance of the structure, and (2) recommend feasible mitigation for screening of any public safety equipment that the facility requires to function.

~~4.13-24 A public agency or private nonprofit agency, in that order, shall be requested to acquire the former Middle School (44800 Pine Street), owned by the Mendocino Unified School District and currently leased to Mendocino Coast Parks and Recreation, for permanent community use.~~

3.1.122. Policy PF-8 The County, another public agency, or a qualified non-profit organization should acquire, in fee or less than fee interest, the privately owned memorial triangle at the intersection of Main and Lansing Streets (Assessor's Parcel Number 119-250-07).

~~4.13-25 To3.1.1222 ensure preservation, in perpetuity, of the Memorial Triangle, privately owned and a portion of Assessor's Parcel Number 119-250-07, the County, other public agency or private nonprofit association should acquire, through outright purchase or an easement given in perpetuity, this small area and preserve it as Open Space, Memorial Site, in perpetuity.~~

MENDOCINO TOWN LOCAL COASTAL PROGRAM UPDATE AMENDMENT (LCP-1-MEN-14-0840)
TOWN LCP UPDATE AMENDMENT-COASTAL ACT CONSISTENCY ANALYSIS

~~4.13-26 The plan amendment now defines Vacation Home Rental as a Visitor Serving Accommodation and limits the number to a ratio of one Vacation Home Rental (or Single Unit Rental) to thirteen residential units.~~

~~4.13-27 Because Mendocino is a registered historic district, categorical exemptions within the California Environmental Quality Act shall not apply unless it can be clearly demonstrated that there is no potential for adverse impact. The County shall amend the County's California Environmental Quality Act (CEQA) Guidelines to provide specificity for the Town of Mendocino.~~

3.1.123. Policy PF-9 Permitted and existing public stormwater drainage facilities in the Town shall be designed, constructed, and maintained to (a) be consistent with Section 4.6, (b) avoid discharge of water to ground where it may result in landform instability, and (c) be screened or otherwise covered to avoid unsafe conditions.

4.8. Public Access and Recreation

Section 4.7, the Mendocino Town Public Access Map (Figure 4.13-6), the detailed Public Access Maps (Appendix 5), and the parts of the Mendocino Town Land Use Map that depict Highway 1, public roads, streets, and alleys, Mendocino Headlands State Park, passive and active local parks, and recreation facilities constitutes the specific Public Access Component of the Town of Mendocino Local Coastal Program.

3.1.124. Policy PAR-1 Maximum public access to and along the coast and public recreational areas in the Town shall be provided, consistent with public safety, private and public rights, and the protection of natural, historical, and community resource areas in the Town from overuse.

3.1.125. Action PAR 1.1: The Mendocino Town Public Access Map ([\] Figure 4.13-6) and detailed Public Access Maps ([\] Appendix 5) depict, within the Town, the extensive network of vehicular and pedestrian public access ways that contribute substantially to the Town's special community character: (1) State Highway 1, including the northerly part of the Big River highway bridge, which serve as the major transportation link of the Town with population centers in the San Francisco Bay Area, the Central Valley, and California further to the south and east; (2) the Lansing Street, Little Lake Street, Ukiah Street, and Main Street primary vehicular, bicycle, and pedestrian access ways from Highway 1 into the historic Town and to Mendocino Headlands State Park; (3) Heeser Drive, which extends through the State Park between Lansing Street and Little Lake Street; (4) east-west and north-south streets that provide pedestrian and vehicular access to the State Park, other open space areas, visitor-serving facilities, and the historical buildings and structures in the Town; (5) paths, trails, and upland public access/recreational support facilities (Ford House Visitor Center, older improved and unimproved parking, lavatories), (6) the Big River beaches east and west of the Highway 1 Bridge, and (7) the sandy pocket beaches that occur between it and the north end of Mendocino, where the blue line "Slaughterhouse Gulch" stream discharges to Agate Beach.

(a) The Mendocino Town Plan proposes coordinated completion of the continuous California Coastal Trail (CCT) at Mendocino through braided pedestrian and bicycle segments that extend on the seaward side of Big River Bridge and Highway 1, along the south side of Main Street and the Mendocino Bay headlands, follow the Pacific Ocean side of Heeser Drive to upper Lansing Street, past Agate Beach, and to the intersection with Highway to the north. A second segment, from Main Street east to the Big River Beaches and beneath the Highway 1 Bridge, connects with the old logging road in the expansion area of Mendocino Headlands State Park, then heads inland along the north bank of Big River. A third segment may consist of a through bicycle path along the Highway 1 right-of-way.

MENDOCINO TOWN LOCAL COASTAL PROGRAM UPDATE AMENDMENT (LCP-1-MEN-14-0840)
TOWN LCP UPDATE AMENDMENT-COASTAL ACT CONSISTENCY ANALYSIS

(b) Low stature or in-ground way markers, signage, and environmental educational information should be provided and maintained, including through electronic messaging, consistent with the history of Mendocino Headlands State Park, the historical character of the Town, and coastal resource protection.

(c) The County and State Parks should cooperatively monitor and maintain the stability of the segment of northeasterly Heeser Drive inside and adjacent to Mendocino Headlands State Park, where landform destabilization has occurred adjacent to the upper coastal bluff.

(d) State Parks should evaluate the condition of coastal trails, paths, and upland support facilities where they are located above or near areas of active shoreline erosion, including, but not limited to, caving and landsliding, and relocate such trail or path segments landward to stable areas.

(e) Relocated coastal trails, paths, and upland support facilities shall be consistent with the coastal resource protection standards of the Mendocino Town Local Coastal Program.

(f) Pedestrian day use of Mendocino Headlands State Park shall remain without cost to the economically and socially diverse recreational public.

3.1.126. Action PAR 1.2: (a) Continuous lateral public recreational access for pedestrians, bicyclists, and motorists shall be maintained (1) within Mendocino Headlands State Park, (2) from Mendocino Headlands State Park to the north, east, and south of the Town along Lansing Street (former Highway 1), Heeser Drive, and Big River Road; (2) the designated east-west coastal access routes in Town along Main Street, Little Lake Street, and Ukiah Street, (3) on the Highway 1 bridge over Big River,

MENDOCINO TOWN LOCAL COASTAL PROGRAM UPDATE AMENDMENT (LCP-1-MEN-14-0840)
TOWN LCP UPDATE AMENDMENT-COASTAL ACT CONSISTENCY ANALYSIS

and (4) over the Slaughterhouse Gulch drainage. (b) Continuous lateral public recreational access shall also be maintained from Highway 1 along Big River Road, the Big River Flat east of Highway 1, and the Big River Estuary Beach west of Highway 1 to Main Street.

(a) In coordination with the County and the California Department of Parks and Recreation, the California Department of Transportation (District 1) should identify and improve a safe pedestrian crossing of Highway 1 between the areas of Mendocino Headlands State Park east and west of Highway 1, or in the alternative fund completion of a coastal resource-protective pedestrian and bicycle trail between the beach at Big River Flats, east of Highway 1, and Main Street near the Mendocino Headlands State Park Ford House Museum and Visitor Center.

(b) In coordination with the County and the California Department of Parks and Recreation, the California Department of Transportation (District 1) should identify, improve, and maintain a safe pedestrian and bicycle crossing of the Highway 1 bridge over Big River.

(c) Any upgrade, retrofit, repair, or replacement of the Highway 1 bridge over Big River shall, to the maximum extent feasible, maintain two-way traffic on it.

(d) Any replacement of the Highway 1 bridge shall comply with the conservation, development, historic preservation, and public access standards of the Mendocino Town Local Coastal Program.

3.1.127. Action PAR 1.3: Way-finding signage to and along public access ways shall (1) harmonize with the historic character of the Town, (2) be located to avoid visual clutter, and (3) where located on the seaward side of Highway 1, Lansing Street, Heeler

MENDOCINO TOWN LOCAL COASTAL PROGRAM UPDATE AMENDMENT (LCP-1-MEN-14-0840)
TOWN LCP UPDATE AMENDMENT-COASTAL ACT CONSISTENCY ANALYSIS

Drive, or Main Street, avoid intrusion to the maximum extent feasible into public views to and along the sea.

3.1.128. Policy PAR-2 Public access and public recreational support facilities, including, but not limited to roads, trails, paths, parking, lavatories, and other use areas within designated public Open Space areas, shall be:

(a) located to mitigate against potentially significant impacts from overcrowding or overuse by the public of any single area;

(b) attractively designed, constructed, and maintained to be accessible by all the people, including, but not limited to, persons with disabilities, and conform, to the maximum feasible extent, to [N] Mendocino Town Zoning Code Chapter 20.760 and to the [N] Mendocino Historic Review Board Design Guidelines; and,

(c) implemented to (1) provide a continuous walking and hiking trail or path in proximity to the coastal bluff edge, consistent with public safety and coastal resource protection, (2) include alternative trail or path segments, where feasible, to facilitate a variety of non-motorized public access opportunities, (3) establish or restore vertical (seaward) linkages from lateral coastal trails or paths to trailheads, vista points, and parking areas in Mendocino Headlands State Park and to the shoreline at Agate Beach, (4) avoid the interruption of ocean views and scenic coastal vistas from the first continuous public road or street by locating new parking or other upland recreational support facilities on the inland side of such road or street, where feasible, and (5) provide for cultural, environmental, and historic educational and interpretive information through minimized structures and other facilities that harmonize with the historic character and open space preservation of the Mendocino Headlands.

MENDOCINO TOWN LOCAL COASTAL PROGRAM UPDATE AMENDMENT (LCP-1-MEN-14-0840)
TOWN LCP UPDATE AMENDMENT-COASTAL ACT CONSISTENCY ANALYSIS

(d) All trail or path segments that comply with the Americans with Disabilities Act, as amended, should be clearly indicated.

(e) Way finding markers for the California Coastal Trail in the Town should utilize the adopted Coastal Conservancy trail emblem (Figure 4.13-7); provided that the emblem may (1) be part of a sign or structure, (2) be embedded in a sidewalk, path, trail, or in pavement, and (3) shall be displayed consistent with the requirements of the Town Local Coastal Program and Mendocino Historic Review Board Design Guidelines.

3.1.129. Policy PAR-3 The Big River beach and pocket beaches on Mendocino Bay and along the Pacific Ocean shoreline of the Town, all of which are owned by the State of California and constitute the coastal areas within the Town boundaries that are suited for water-oriented recreation, shall be protected for such uses, including, but not limited, for, their continued sustainable public accessibility, water quality, and beach sand supply.

3.1.130. Action PAR 3.1: Structures necessary for the public health and safety shall be permitted to continue, or be replaced, as necessary, on the Town beaches; provided that (a) the location of such structures minimizes their potential adverse effect on coastal resources and the environment, and (b) such structures occupy the minimum feasible area.

3.1.131. Action PAR 3.2: The County, in cooperation with the California Department of Parks and Recreation, the State Coastal Conservancy, and other partners, should at the earliest feasible time acquire, from willing sellers, the shoreline lots in private ownership that are located west of Lansing Street and north of Heeser Drive, for inclusion in Mendocino Headlands State Park.

MENDOCINO TOWN LOCAL COASTAL PROGRAM UPDATE AMENDMENT (LCP-1-MEN-14-0840)
TOWN LCP UPDATE AMENDMENT-COASTAL ACT CONSISTENCY ANALYSIS

3.1.132. Policy PAR-4 Consistent with Coastal Act Section 30221, the certified Town Local Coastal Program reserves upland areas in the Town, inland of Mendocino Headland State Park, that support coastal recreation. These upland areas include, but are not limited to, the Highway 1 right-of-way, existing and planned future Mendocino Fire Protection District public safety facilities, existing and planned future Mendocino City Community Service District facilities, and County road and street rights-of-way that connect the State Park with other areas of the coastal zone, Mendocino-Fort Bragg market area, the County, State, and United States, and all other parcels designated and zoned for Public Facilities or Open Space for the land use types listed in Section 5.

(a) Any abandonment, closure, or conversion of any public right-of-way in the Town shall require, as applicable, approval by the County of a coastal development permit or an application to the County for an amendment of the certified Town Local Coastal Program.

3.1.133. Policy PAR-5 Consistent with Coastal Act Section 30224, the California Department of Parks and Recreation should provide a public small boat launching facility and upland support facilities, including, but not limited to, sustainable parking and lavatories, at Big River Flats within the Town, east of the Highway 1 Bridge.

4.9. Conservation

3.1.134. Policy CNS-1 Consistent with Coastal Act Section 30231, (a) design and implementation of the stormwater management system required by Section 4.5 shall, to the maximum feasible extent, restore and maintain the natural (pre-development) hydrology of the Town, and (b) existing, restored, rehabilitated, and new development shall, to the maximum feasible extent, utilize reclaimed water from the Mendocino City Community Services District for all non-potable water uses.

MENDOCINO TOWN LOCAL COASTAL PROGRAM UPDATE AMENDMENT (LCP-1-MEN-14-0840)
TOWN LCP UPDATE AMENDMENT-COASTAL ACT CONSISTENCY ANALYSIS

3.1.135. Policy CNS-2 Consistent with Coastal Act Section 30232, the Board of Supervisors requests the California Office of Spill Prevention and Response, the United States Coast Guard, and the California Coastal Commission to demonstrate, within the first year following Coastal Commission certification of the updated Mendocino Town Local Coastal Program and thereafter at five (5) year intervals that effective protection exists against the spillage of crude oil, gas, petroleum product and, or hazardous substance volumes that are transported through the Town or offshore.

3.1.136. Policy CNS-3 The diking, filling, dredging, or excavation of any wetland or open coastal water in the Town shall be permitted only where the development would (a) maintain, enhance, or restore marine resources; (b) maintain, or restore, the biological productivity and quality of coastal waters, streams or wetlands appropriate to maintain optimum populations of marine organisms and for the protection of human health; (c) for incidental public purposes, restoration, or resource-dependent activities; and (d) where there is no feasible less environmentally damaging alternative and all feasible mitigation measures have been incorporated in the project to reduce any potential adverse environmental effects below a level of significance.

3.1.137. Policy CNS-4 Consistent with Coastal Act Section 30234.5, the Mendocino Town Local Coastal Program recognizes the economic, commercial, and recreational importance of sustainable fishing activities along, as well as offshore, the Town shoreline and supports their protection.

3.1.138. Action CNS-4.1: The Board of Supervisors requests the California Department of Fish and Wildlife, Coastal Commission, and the Office for Coastal Management in the National Oceanographic and Atmospheric Administration to determine the status, pursuant to Public Resources Code Section 30234.5 (a part of the federally approved California Coastal Management Program), of the limitations on

MENDOCINO TOWN LOCAL COASTAL PROGRAM UPDATE AMENDMENT (LCP-1-MEN-14-0840)
TOWN LCP UPDATE AMENDMENT-COASTAL ACT CONSISTENCY ANALYSIS

fishing in the Big River Estuary immediately adjacent to the Town shoreline provided by Title 14, California Code of Regulations Section 632(b)(1)(25).

3.1.139. Action CNS-4.2: The California Department of Fish and Wildlife and the California Department of Parks and Recreation should, (a) in consultation with and subject to approval by the Mendocino Historical Review Board, and (b) pursuant to approval of coastal development permit, erect and maintain low stature signage along or near the shoreline of the Pacific Ocean, Mendocino Bay, and Big River to clearly advise the diverse public of the Marine Protection Area limitations on fishing in these areas pursuant to Title 14, California Code of Regulations Section 632(b)(1)(25), at such time as when it may be incorporated into the federally approved California Coastal Management Program. Mendocino Town Plan Appendix 3 contains a copy of these regulations, as of the date of adoption of the Town LCP Update by the Board of Supervisors, for public informational purposes only.

3.1.140. Policy CNS-5 Consistent with Coastal Act Section 30235, development that alters natural littoral processes along the Town shoreline shall be permitted only when (1) required to (a) serve coastal-dependent uses, or (b) to protect existing structures or public beaches in danger from erosion, and (2) when such development is designed, constructed, and implemented, including, but not limited to, through monitoring and reporting to the County during the economic life of the development, to eliminate or mitigate any significant adverse impacts on local shoreline sand supply to below a level of significance.

3.1.141. Policy CNS-6 Consistent with Coastal Act Sections 30231 and 30236, (a) substantial alteration of the natural conditions of any blue-line stream within the Town shall be permitted only when required to serve coastal-dependent uses or protect existing structures or public beaches in danger from erosion, and designed to eliminate or mitigate adverse impacts on local shoreline sand supply, water quality, or biological

MENDOCINO TOWN LOCAL COASTAL PROGRAM UPDATE AMENDMENT (LCP-1-MEN-14-0840)
TOWN LCP UPDATE AMENDMENT-COASTAL ACT CONSISTENCY ANALYSIS

resources; and (b) existing structures in any blue-line stream within the Town that result in adverse impacts to local shoreline sand supply, water quality, or biological resources shall be removed or enhanced.

3.1.141. Policy CNS-7 (a) Environmentally sensitive habitat areas, as defined in Mendocino Town Plan Section 2.28, shall be protected against any significant disruption of habitat values.

(b) Only uses that require a location in an environmentally sensitive habitat area to be able to function at all, and for which there is no less environmentally damaging location, shall be allowed in such area.

(c) Development in areas adjacent to (1) an environmentally sensitive habitat area, (2) Mendocino Headlands State Park, or (3) other public parks and public recreation areas in the Town shall be sited and designed to avoid any significant adverse impacts that would significantly degrade those areas, and shall be compatible with the continuance of such habitat and recreation areas.

3.1.142. Policy CNS-8 The long-term productivity of soils in the Town shall be protected.

3.1.143. Action CNS-8.1: In recognition that opportunities for locally grown food constitute an important community amenity, the Mendocino Town Local Coastal Program shall allow sustainable light agricultural uses, as defined in Section 2.36, and community gardens, as defined in Section 2.15, that are consistent with the protection of public health and safety, and of coastal resources.

3.1.144. Action CNS-8.2: The County shall clarify the Mendocino Town Zoning Code to allow for (a) community gardens as a principal permitted use in any land use and

MENDOCINO TOWN LOCAL COASTAL PROGRAM UPDATE AMENDMENT (LCP-1-MEN-14-0840)
TOWN LCP UPDATE AMENDMENT-COASTAL ACT CONSISTENCY ANALYSIS

zoning classification of the Town, provided they shall be operated in a manner that prevents negative impacts including, but not limited to, excessive noise, odors, trash, or pests, and (b) sustainable light agriculture in the Rural Residential Land Use Classifications and Zoning Districts.

3.1.145. Policy CNS-9 Where development may have a direct, indirect, or cumulative impact on archaeological or paleontological resources, including, but not limited to, as identified by the County or the State Historic Preservation Officer, mitigation measures, consistent with all applicable California and federal laws and regulations, shall be required as a condition of County approval of any application for development or for work that is subject to Mendocino Historical Review Board review. The project applicant shall provide any required archeological investigation monitoring.

3.1.146. Policy CNS-10 New development in the Town shall be sited and designed to (1) protect significant public views (a) to and along the ocean from the coastal bluff top, Mendocino Headlands State Park, and from the first road or street that parallels the sea, and (b) of scenic coastal areas, (2) minimize the alteration of natural land forms, (3) be visually compatible with the character of the Town, and (4) where feasible, restore and enhance visual quality in visually degraded areas of the Town.

3.1.147. Action CNS-10.1: The Mendocino Historic Review Board Design Guidelines shall be amended to incorporate the protection of designated open space features, existing significant public views, and existing public vistas identified during the Mendocino Historical Review Board design review process.

3.1.148. Action CNS-10.2: To further implement the Open Space land use designations on the Mendocino Town Land Use Map (Figure 4.13-3), an illustrative "Open Space" exhibit, consistent with the provisions of the certified Mendocino Town

MENDOCINO TOWN LOCAL COASTAL PROGRAM UPDATE AMENDMENT (LCP-1-MEN-14-0840)
TOWN LCP UPDATE AMENDMENT-COASTAL ACT CONSISTENCY ANALYSIS

Local Coastal Program and subject to review and approval by the Board of Supervisors, should be included in the Mendocino Historical Review Board Design Guidelines to identify significant public open spaces, public views, and public vistas in the Town.

3.1.149. Action CNS-10.3: Consistent with the requirements for mitigation of potentially significant impacts from development on public health and safety, the environment, and coastal resources, implementation of the Mendocino Town Plan through the development regulatory procedures set forth in it and the Mendocino Town Zoning Code may require reasonable conditions on the approval of new development or redevelopment in the Town to avoid, or mitigate, potentially significant adverse effects of the development on (a) public open space, (b) public views from Highway 1 or other public spaces in the Town to and along the sea, (c) on lateral or vertical public access to and along the coast, and (d) on any other protected coastal resources. The Coastal Element for the County jurisdiction in the coastal zone adjacent to the Town identifies other nearby terrestrial public view origination locations from which the public observes the Town.

3.1.150. Action CNS-10.4: The exterior of public facility buildings adjacent to the Highway 1 right-of-way shall be (a) located to avoid any substantial impairment of public views from Highway 1 to and along the sea, (b) constructed to harmonize with the Town architectural and/or historical character, and (c) if existing screening vegetation does not already occur, be substantially screened for the life of such buildings with regionally native vegetation planted and maintained on any such public facility parcel.

3.1.151. Policy CNS-11 Art, music, and other temporary events in the Town constitute part of its special community character, and therefore shall be conducted consistent with the temporary use regulations of Mendocino Town Zoning Code Chapter 20.708.

MENDOCINO TOWN LOCAL COASTAL PROGRAM UPDATE AMENDMENT (LCP-1-MEN-14-0840)
TOWN LCP UPDATE AMENDMENT-COASTAL ACT CONSISTENCY ANALYSIS

3.1.152. Policy CNS-12 Visitor Serving Facilities and temporary events in all Town land use and zoning districts shall follow the exterior noise limit standards set forth in the County's General Plan Development Element, Table 3-J, Exterior Noise Level Standards (Levels not to be Exceeded More Than 30 Minutes in an Hour) and Table 3-L, Maximum Acceptable Interior Noise Levels Created by Exterior Noise Sources.

3.1.153. Policy CNS-13 The installation of solar energy systems in the Town shall be consistent with the Mendocino County Zoning Code, the Mendocino Historic Review Board Design Guidelines, and applicable State law. Photovoltaic systems that are integrated into and harmonious with building design and construction, or generally not visible from public streets or designated open space, shall be preferred.

4.10. Mendocino Town Plan Administration

3.1.154. Policy TPA-1 (a) Any person, as defined in Section 2.60, who proposes to undertake any development, as defined in Mendocino Town Plan Section 2.24, shall obtain a coastal development permit from the County.

(b) Where a development is specifically excluded or exempted from this requirement, such person shall obtain a certificate of coastal development permit exclusion or exemption from the County.

(c) The provisions of Mendocino County Code Chapter 20.216, Enforcement, Legal Procedures, and Penalties shall apply in the Town.

3.1.155. Policy TPA-2 Verified notice shall be provided of every application for, public hearing on, and potential County action regarding (a) a coastal development permit, and (b) a coastal development permit exclusion or exemption by (1) posting of the site in a conspicuous location, (2) first class mail, electronic mail, or personal

MENDOCINO TOWN LOCAL COASTAL PROGRAM UPDATE AMENDMENT (LCP-1-MEN-14-0840)
TOWN LCP UPDATE AMENDMENT-COASTAL ACT CONSISTENCY ANALYSIS

delivery to all property owners and residents within 300 feet of the perimeter of the Assessor's parcel on which the development is located, excluding any public right-of-way, (3) first class mail, electronic mail, or personal delivery to any person who has in writing has requested notice, and (4) posting on the Planning and Building Department web site for pending projects.

3.1.156. Policy TPA-3 Consistent with [N] Public Resources Code Section 30006, the requirements for verified notice for any application to, public hearing by, or potential action by the Mendocino Historical Review Board pursuant to the Mendocino Historic Preservation District Ordinance shall be (a) conspicuously posted on (1) the lot (parcel) for which the application is made, (2) on at least two other public places in Town, (3) on the Planning and Building Services Department web site, (b) mailed, by first class mail or email, to all property owners within 100 feet of the boundary of the lot (parcel), excluding any road, street, or alley, and (c) mailed to any person who has requested notice in writing to the Mendocino Historical Review Board or Planning and Building Services Department; provided, that delivery of such notices may be made by other means that reasonably assure that the required noticing is achieved.

3.1.157. Policy TPA-4 The Mendocino Town Zoning Ordinance shall incorporate and carry out the implementation regulations for certified Local Coastal Program provided at Title 14, California Code of Regulation Section 13500 et seq.

3.1.158. Policy TPA-5 Pursuant to [N] Public Resources Code Section 30603(a), County actions on applications for coastal development permits are appealable to the Coastal Commission where the Mendocino Town Local Coastal Program identifies the development as (a) a conditionally permitted use, (b) a major public works project or a major energy facility, and (c) a principal permitted use that is located in one or more of the following geographic areas:

MENDOCINO TOWN LOCAL COASTAL PROGRAM UPDATE AMENDMENT (LCP-1-MEN-14-0840)
TOWN LCP UPDATE AMENDMENT-COASTAL ACT CONSISTENCY ANALYSIS

(1) Developments approved by the County between the [] sea and the [] first public road paralleling the sea or within 300 feet of the inland extent of any [] beach or of the [] mean high tideline of the sea where there is no beach, whichever is the greater distance.

(2) Developments approved by the County not included within paragraph (1) that are located on tidelands, submerged lands, public trust lands, within 100 feet of any [] wetland, [] estuary, or [] stream, or within 300 feet of the top of the seaward face of any [] coastal bluff.

3.1.159. Policy TPA-6 Consistent with Public Resources Code Section 30514(a), the certified Mendocino Town Local Coastal Program, including the Mendocino Town Plan, Mendocino Town Land Use Map, Mendocino Town Zoning Ordinance, and Mendocino Town Zoning Map, may be amended by the Board of Supervisors, but no such amendment shall take effect until it has been certified by the Coastal Commission pursuant to the Coastal Act.

3.1.160. Policy TPA-7 Consistent with the objective in Coastal Act Section 30006 to maximize public understanding of, and opportunities for public participation in, the implementation of the Town Local Coastal Program, (a) any required public hearing by the Coastal Permit Administrator on an application for a coastal development permit pursuant to the Mendocino Town Local Coastal Program should be held in the Town, whenever possible, and (b) the County should provide that all meetings of the County Planning Commission and the Mendocino Historical Review Board that involve implementation of the Mendocino Town Local Coastal program may be viewed online (be web-cast).

3.2. MENDOCINO TOWN ZONING/IMPLEMENTATION ACTIONS

The Mendocino Town Zoning/Implementation Actions may be found at Mendocino Town Zoning Code, Division III of Title 20, Mendocino County Zoning Code, Amendments to the Certified Town Zoning Code, Town of Mendocino Local Coastal Program Update Amendment, adopted by the Board of Supervisors: December 8, 2015, at 1-248.

4. MTLCPUA-COASTAL ACT CONSISTENCY ANALYSIS

The following analysis of the consistency of the Mendocino Town LCP Update Amendment provisions with the applicable Coastal Act conservation and development standards, State goals for the coastal zone, and certified Town LCP goals follows the sequence in Section 3, above.

PRC section 30512(c) requires the Town Plan (Coastal Act land use plan) to meet the requirements of, and be in conformity with, the policies of Chapter 3 (commencing with Section 30200). PRC section 30512.2, an amendment of the Coastal Act enacted by the State legislature in 1981 in response to local governments' objections to perceived

**MENDOCINO TOWN LOCAL COASTAL PROGRAM UPDATE AMENDMENT (LCP-1-MEN-14-0840)
TOWN LCP UPDATE AMENDMENT-COASTAL ACT CONSISTENCY ANALYSIS**

Coastal Commission staff and Coastal Commission meddling in local governments' exercise of their constitutional police powers and authorities pursuant to the State Planning and Zoning Laws, clarifies that required conformance of a LCP land use plan (here, the Town Plan) with the Coastal Act Chapter 3 policies is necessary only to achieve the basic state goals specified in PRC section 30001.5.

Both PRC sections 30500(a) and 30512.2(a) further provide that precise content of each local coastal program shall be determined by the local government and that the Coastal Commission is not authorized to diminish or abridge the authority of local government to establish or adopt its LCP land use plan. However, Coastal Commission-promulgated regulations apply that (a) establish a common methodology pursuant to PRC section 30501 for the preparation of, and the determination of the scope of, the local coastal programs, subject to recognition that local governments have differing needs and characteristics, and (b) the local government shall address any Coastal Commission recommendations to the local government regarding uses within its statutory and geographical jurisdiction of greater than local importance. As further discussed below and in the Town Plan Update adopted by the Mendocino County Board of Supervisors on December 8, 2015, the Town Plan Update includes within its scope the applicable land use plan components listed in the Coastal Commission LCP common methodology regulation at Title 14, California Code of Regulations, section 13511, and the LCP public access component required by PRC section 30500(a) and 14 CCR 13512.¹ Since effective certification of the Town LCP in 1995, the Coastal Commission has made no such recommendations to the County.

4.1. MENDOCINO TOWN MANDATORY POLICIES

¹ The Town Plan Update provides for access to all Coastal Act policies by hyperlink in paragraph 1, line 3, at 4. A printed copy of the Coastal Act will also be available for public review, following Town LCP certification, as part of the Town LCP documents library in the Fort Bragg and Ukiah offices of the Mendocino County Planning and Building Services Department, consistent with PRC sections 30006 and 30503 (maximization of public understanding of, and opportunities to participate in, certified Town LCP matters).

4.1.1. Generally. Policy 4.1, at 65, implements the mandate in PRC sections 30200(a), 30512(c), and 30512.2 that the Mendocino Town Plan conform to, and carry out, the Coastal Act, its Chapter 3 policies, and State goals for the coastal zone, as well as other applicable local, state, and federal laws, within the Town by:

- (a) specifying the contents of the Mendocino Town Plan (Policy 4.1),
- (b) clearly distinguishing among required policies, required actions, and advisory (recommended) actions or goals (Policy 4.1.1.),
- (c) defining the core planning and regulatory term “development” and its geographical applicability (Policy 4.1.2.), and,
- (d) articulating the additional public access and recreational policy standards that apply to development proposed for the area between the first continuous public road or street and the sea (Policy 4.1.3). Hyperlinks in the certified Town LCP Update will provide efficient electronic to the relevant statutory sections and documents;² printed copies of them will also be available for public review at the County PBS offices in Fort Bragg and Ukiah.

4.1.2. Policy GM-1. Growth Management Policy GM-1, formerly a part of Policy 4.13-1 in the 1992 Town Plan:

- (a) identifies the Town as a “special community” consistent with Coastal Commission’s certification of the 1992 Town Plan,
- (b) corrects the reference to the Coastal Act basis in PRC section 30253(e) for that action, and,
- (c) requires “all”, rather than only “new”, development to protect the historical Town, which, because of its unique preserved and conserved characteristics, is a popular visitor destination for recreational uses and a recognized coastal resource of local, regional, state, and national significance.

² A hyperlink at page 4, paragraph 1, line 3 of the Town Plan Update, when activated, provides convenient access to all Coastal Act goals, policies, and procedures.

MENDOCINO TOWN LOCAL COASTAL PROGRAM UPDATE AMENDMENT (LCP-1-MEN-14-0840)
TOWN LCP UPDATE AMENDMENT-COASTAL ACT CONSISTENCY ANALYSIS

The Town has a resident population of 744 persons (2015) and 415 residential units (2015), not including the Mendocino Art Center's 13 apartments serving Art Center students and instructors. The Coastal Commission-certified Historical Preservation District for (the) Town of Mendocino (Mendocino Town Zoning Code Chapter 20.760), National Register of Historic Places and California Register of Historical Resources listing of the Mendocino and Headlands Historic District (Number 71000165), the lengthy list of inventoried historic buildings and structures in the Historic Preservation District contained in Town Plan Update Appendix 1, the expansive Mendocino Headlands State Park (MHSP) along the Town Headlands and adjacent Big River (Town Land Use Map, Town Plan Update Figure 4.13-3),³ and the average annual estimated 1,131,304 visits to MHSP during the past 11 years, all serve to exemplify those special community characteristics, resources, and uses.⁴

Policy GM-1, in concert with related Town Plan Update policies and actions discussed below, implements and conforms to the special community protection provided by PRC section 30253(e) to preserve, maintain, and feasibly enhance and restore the (quasi-)natural, built quality, and public access and recreational values of the coastal zone environment, and to assure orderly, balanced utilization and conservation of coastal zone resources, within the context of the social and economic needs of the people of the state, consistent with PRC section 30001.5.

³ Mendocino Headlands State Parks extends along 98% of the Town's 3.5 mile-long fractal and sandy beach shoreline and has a total area, including along Big River, of some 7,719 acres.

⁴ In 2013-2014, an estimated 1,177,929 visits occurred at MHSP. California Department of Parks and Recreation, "Statistical Report" for Fiscal Year (FY) 2013-2014. The previous annual estimated visits by Department staff, as reported in the preceding Statistical Reports, were 1,173,603 (FY 2003-2004), 1,063,474 (2004-2005), 991,117 (FY 2005-2006), 1,617,950 (FY 2006-2007), 1,121,973 (FY 2007-2008), 1,103,499 (FY 2008-2009), 873,164 (FY 2009-2010), 977,941 (FY 2010-2011), 1,082,336 (FY 2011-2012), and 1,261,356 (FY 2012-2013). (See, http://www.parks.ca.gov/?page_id=23308) Visitors to MHSP come from the San Francisco Bay Area, the Central Valley, elsewhere in California, the United States, North America, and the world, as well as from within the Town and Mendocino County.

MENDOCINO TOWN LOCAL COASTAL PROGRAM UPDATE AMENDMENT (LCP-1-MEN-14-0840)
TOWN LCP UPDATE AMENDMENT-COASTAL ACT CONSISTENCY ANALYSIS

4.1.3. Policy GM-2. Policy GM-2, also formerly a part of certified 1992 Town Plan Policy 4.13-1, has been clarified to (a) continue to identify the Town as an historical residential coastal community that is a composite of historical value, natural setting, picturesque community ambience, open space, and a distinctive blend of cultural, educational, and commercial facilities of importance to life on the Mendocino Coast, and (b) provide for preservation of the Town character, in combination with orderly, phased, and carefully reviewed development, through careful land use delineations, provision of community services, and specified techniques for maintaining a balance among residential units, visitor accommodations, commercial uses, and open space to maximally retain the present Town attributes.

The 1992 Town Plan baseline for commercial businesses was 182, increasing by 2012 to 185, with 600 additional square feet over 1992. In 2015, the approximately one-square mile Town contained some 68 actively advertising stores, shops, galleries, and other business establishments that serve both the subregional market area and visitors; 24 hotels, inns, and bed-and-breakfast accommodations with 229 rooms; and the aforementioned 415 residences, of which 23 were operated, subject to decisions of their owners, as Vacation Home Rentals or Single Unit Rentals; and the Mendocino Art Center, with thirteen student-instructor residential units.⁵ While the Town border with the Pacific Ocean and Mendocino Bay was already preserved in Mendocino Headlands State Park, the State Park now extends along Big River, east of Highway 1, adding an additional 41 acres of parkland along the water within the Town boundaries. Fundamentally, under the protection of the 1992 Town Plan, the Town's preserved historical setting continues to foster the Town's special community residential character, in balance with visitor-serving, and commercial, as well as public, recreational uses that

⁵ The supplemental Town LCP Update-Coastal Act consistency memorandum by Dall & Associates, Mendocino Town Segment Local Coastal Program Update Amendment, Town Balance and Character, January 19, 2016, 48 pp., describes and quantitatively analyzes these uses within the Town and, as applicable, within the Town market area.

MENDOCINO TOWN LOCAL COASTAL PROGRAM UPDATE AMENDMENT (LCP-1-MEN-14-0840)
TOWN LCP UPDATE AMENDMENT-COASTAL ACT CONSISTENCY ANALYSIS

are essential to both the socio-economic functionality of the Town and its attractiveness as a significant visitor destination on California's North Coast.

Building on that success, Policy GM-2(c) and other Town Plan Update policies and actions carry forward the intent, and where possible, the exact language, of the certified 1992 Town Plan. Together these policies and actions:

(1) continue to direct and confine commercial uses to the Mixed Use and Commercial land use classifications (land use/zoning districts) depicted on the Town Land Use Map, in order to avoid over-commercialization;

(2) provide a simplified mechanism to authorize hotel, inn, and bed-and-breakfast guest rooms or suites that were allocated to other short-term visitor accommodations in the 1992 visitor serving facility unit count (Policy GM-15);

(3) avoid over-commercialization of the Town by continuing to limit the total number of visitor accommodations to 267 units (Policy GM-3(a)-(c)), which reflects (1) the reclassification of the 13 Mendocino Art Center apartments to the more appropriate student-instructor housing category, (2) the reduction of the under-used units allocated to SUR/VHR use from 46 to 23, and (3) reallocation of those 16 reduced units and another 6 "floating" 1992 VSF units to the visitor-serving hotels, inns, and bed and breakfast facilities listed in Appendix 2 (Policy GM- 2(c));

(4) require periodic Town LCP review at 10 year intervals (rather than once at three years, as provided in former Town Plan Policy 4.13-2), providing for future LCP amendment as may be necessary to protect Town character and address any future potential imbalance among protected uses (Policy GM-5);

MENDOCINO TOWN LOCAL COASTAL PROGRAM UPDATE AMENDMENT (LCP-1-MEN-14-0840)
TOWN LCP UPDATE AMENDMENT-COASTAL ACT CONSISTENCY ANALYSIS

(5) support variety in the types and price ranges of private and public visitor accommodations in the Town and the State Parks in its market area, which range on average between \$35/night-\$275/night, including through implementation of lower cost hostel or cabin accommodations in Mendocino Headlands State Park (Policy GM-22, Action GM-22.2);

(6) encourage up to 55 potential additional second residential dwelling units, not to exceed 900 ft² each, in the RR-1 and SR20000 land use/zoning districts, in locations where they meet applicable Town LCP Update water, wastewater, lot coverage, coastal resource protection, and public access standards (Policy AH-2(c)); and,

(7) provide for the protection of designated Open Space, which in the Town Plan Update increases by 12% from the certified 1992 Town Plan,⁶ and retention of significant public views in the Town (Policy DG-2). The Town Plan Update provides associated mandatory requirements to Policy GM-2 in Actions GM-2.1 (historical structure protection) and GM-2.2 (commercial development limitations), as discussed in Section 4.2, below.

In summary, the provisions of Policy GM-2 specifically implement and conform to the conservation, special community, and development standards of PRC sections 30253(e) [special community protection],⁷ 30001.5 [natural and built coastal environmental protection, maintenance, and enhancement; orderly and balanced sustainable use of coastal resources], 30006 [maximized opportunities for public participation in coastal management], and 30519(a) [post-LCP certification delegation of

⁶ Protected open space acreage increased from ±210.53 acres to ±239.24 acres between the certified 1992 Town Plan and the Board-adopted Town Plan Update (December 8, 2015) as a result of the expansion of MHSP within the Town boundaries (40.77 acres) and the redesignation of ±12.06 acres (respectively owned by MCCSD and held in trust by MFDP) from Open Space to Public Facility. The Town Land Use Map Update adopted by the Board on December 8, 2015 delineates the respective land use/zoning districts.

⁷ Section 2, above, states each of the referenced Coastal Act standards in full.

MENDOCINO TOWN LOCAL COASTAL PROGRAM UPDATE AMENDMENT (LCP-1-MEN-14-0840)
TOWN LCP UPDATE AMENDMENT-COASTAL ACT CONSISTENCY ANALYSIS

coastal development regulatory authority], as discussed above, and with PRC sections 30231 [Mendocino Headlands aquifer sustainability], 30240 [environmentally sensitive habitat area and MHSP protection], 30251 [scenic public view protection], 30250(a) [concentration of new development within the certified Town urban limits, with adequate public and private services to support them], 30254 [proportionate public service facilities, with prioritized capacity allocations], 30200 [specific Town Plan Update policy consistency with Coastal Act Chapter 3 policies and continued balance], and 30007.5 [continued conflict resolution among Coastal Act Chapter 3 policies, as locally applicable, to on balance maintain and achieve the most protection of significant coastal resources].

4.1.4. GM-3. Policy GM-3, which supersedes and clarifies Town Plan Policy 4.13-4(2):

(a) continues to maintain Town character by limiting new or expanded overnight visitor accommodations to a maximum 25 rooms/suites operated as one business entity (Policy GM-3(a));

(b) authorizes a total of 237 visitor serving lodging units on the specified sites within the Town that the Town Land Use Map denotes with an asterisk (*, for hotel or inn units) and with an asterisk-B (*B, for bed-and-breakfast accommodations), with specified provision for LCP amendment for an increase in the number of rooms/suites above 237 (Policy GM-3(a), which in relevant part supersedes the deleted reference in the 1992 Town Plan Policy 4.13-4(3));

(c) authorizes up to a maximum of ten Vacation Home Rentals (VHR's) in the Town, provided that no new VHR's shall be permitted in, and existing VHR's shall be phased out of, all residential land use/zoning districts within the Town boundaries, and no new VHR's shall be permitted unless the number in operation falls below ten in any other land use/zoning district in which they are allowed (Policy GM-3(b)); and,

(d) authorizes a maximum of 20 Single Unit Rentals (SUR's) in the Town (Policy GM-3(c)).

The provisions of Policy GM-3 implement and conform to the conservation, special community, and development standards of PRC sections 30250(a) [location of new commercial development in areas that can accommodate them], 30251 [scenic and visual quality protection; visual compatibility with the character of surrounding areas], 30253(e) [special community protection], and are otherwise consistent with PRC sections 30001.5 [protect, maintain, and, where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and artificial resources; assure orderly, balanced utilization and conservation of coastal zone resources taking into account the social and economic needs of the people of the state] and 30005(a) [Coastal Act not a limitation on County's authority to adopt additional regulations not in conflict with the Coastal Act].

4.1.5. GM-4. Policy GM-4, which supersedes and clarifies Town Plan Policy 4.13-4(3), requires that all visitor serving facilities "shall be designed in scale, architecture, and materials to maintain the existing character of the Town, consistent with its the special community designation." Policy GM-4 in relevant parts supersedes:

(a) the reference to 1992 Town Plan Table 4.13-1, which the Town Plan Update deletes at 133;

(b) the requirement that designation of new, or expansion visitor serving facilities requires a General Plan Amendment (but not a LCP amendment), which the Town Plan Update corrects;

MENDOCINO TOWN LOCAL COASTAL PROGRAM UPDATE AMENDMENT (LCP-1-MEN-14-0840)
TOWN LCP UPDATE AMENDMENT-COASTAL ACT CONSISTENCY ANALYSIS

(c) the total number of allowable visitor-serving units on the basis of accurate current data, and the deleted reference to a future LCP amendment that the Town Plan Update renders unnecessary;

(d) deleted Town Plan Policies 4.13-4(4) and 4-13(5), the clarified provisions of which have been incorporated in other policies of the Town Plan Update, as discussed *infra*;

(e) Tables 4.13-2 and 4.13-3, which the Town Plan Update deletes at 134 and 135;

(f) deleted references to the applicability of the Uniform Transient Occupancy Tax and Business License Tax in the 1992 Town Plan, which now occur in Policy GM-3, Action GM-14.1, and Policy GM-28 of the Town Plan Update;

(g) the no longer necessary ratio of residential-VHR/SUR at 13:1;

(h) the use permit requirement for listed visitor serving facilities in 1992 Town Plan Policies 4.13-4(5) and 4.13-4(6), which it replaces with a simplified procedure to encourage expeditious authorization and availability of visitor serving facilities listed in Town Plan Update Appendix 2;

(i) provision for reservation and non-preemption of specific visitor serving sites in 1992 Town Plan Policy 4.13-4(7) with Town Plan Update Policy GM-24; and,

(j) Mendocino Art Center student-instructor housing provisions in 1992 Town Plan Policies 4.13-4(8) and 4.13-4(9) with Town Plan Update Policy GM-15(b), Policy AH-23, and Actions PF-2.1 and 2.2.

The provisions of Policy GM-4 implement and conform to the conservation, special community, and development standards of PRC section 30250(a) [location of new

commercial development in areas that can accommodate them], 30251 [scenic and visual quality protection; visual compatibility with the character of surrounding areas], 30253(e) [special community protection], and are otherwise consistent with PRC sections 30001.5 [protect, maintain, and, where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and artificial resources; assure orderly, balanced utilization and conservation of coastal zone resources taking into account the social and economic needs of the people of the state] and 30005(a) [Coastal Act not a limitation on County's authority to adopt additional regulations not in conflict with the Coastal Act]. Reported contemporary 40-50% annual average occupancy rates in existing visitor serving facilities in the Town, together with several closures of existing overnight accommodations in recent years, indicate that reservation of private lands that may be suitable for visitor-serving commercial recreational facilities, or of upland areas that may support coastal recreational uses, is not necessary for the Town Plan Update to conform to the relevant provisions of PRC sections 30222 and 30223.

4.1.6. Policy GM-5. Policy GM-5, which replaces 1992 Town Plan Policy 4.13-2, provides for (a) decadal local periodic review of the certified Town LCP to determine the effect of its implementation on Town character and conformity with the Coastal Act, and (b) amendment of the Town LCP, if necessary, to preserve Town character and maintain conformity with the Coastal Act. Policy GM-6 does not constrain the Coastal Commission to perform the statutorily required five year periodic review of the certified Town LCP pursuant to PRC section 30519.5, which the Coastal Commission neglected to do in 2000, 2005, 2010, and 2015, and thereby denied the County the benefits of its insights, including, but not limited to, any recommendations regarding uses of greater than local importance.

The provisions of Policy GM-5 implement and conform to PRC sections 30200(a) [LCP to conform to the current coastal resource conditions subject to Coastal Act Chapter 3

MENDOCINO TOWN LOCAL COASTAL PROGRAM UPDATE AMENDMENT (LCP-1-MEN-14-0840)
TOWN LCP UPDATE AMENDMENT-COASTAL ACT CONSISTENCY ANALYSIS

conservation and development standards], 30253(e) [special community protection], and 30500(c) [County to determine precise LCP content, consistent with Coastal Commission LCP methodological requirements and recommended uses of greater than local importance].

4.1.7. Policy GM-6. Policy GM-6 requires, consistent with the post-LCP (effective) certification development review delegation provisions of PRC section 30519(a), that development within the Town geographic segmentation/urban limit boundaries shall comply with the certified Town LCP (Town Plan Policies, Town Land Use Map, Town Zoning Code, and Town Zoning Map). For internal consistency, the reference in Policy GM-6 to required development consistency with “Town Plan Policies” (Town Plan Update at 72, GM-6, line 2) should be clarified to read: *“Town Plan mandatory Policies and mandatory Actions”*.

Policy GM-6 further requires, consistent with PRC sections 30253(e) [special community protection], that “work” and “activity”, as defined in Town Plan Update Section 2.85, shall “harmonize” with Mendocino Town Zoning Code Chapter 20.760 (Mendocino Historical Preservation District Ordinance) and Mendocino Town Plan Update Appendix 7 (Mendocino Historic Review Board Design Guidelines).

4.1.8. Policy GM-7. Policy GM-7 requires, consistent with PRC sections 30253(e) [special community protection], that all work or activity in Historical Zone A or Historical Zone B (shown on Town Plan Update Figure 4.13-2), unless exempted pursuant to Town Zoning Code Update Section 20.760.040, shall require MHRB review and approval to ensure that such work or activity is designed in scale, architecture, and materials to preserve the Town character, consistent with its special community designation.

4.1.9. Policy GM-8. Policy GM-8 requires, consistent with PRC sections 30250(a) [new development to be located in an area able to accommodate it, without significant

MENDOCINO TOWN LOCAL COASTAL PROGRAM UPDATE AMENDMENT (LCP-1-MEN-14-0840)
TOWN LCP UPDATE AMENDMENT-COASTAL ACT CONSISTENCY ANALYSIS

adverse effect on coastal resources] and 30254 [development reliant on limited public works facility capacity shall not preclude 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], that new development in the Town shall (a) be served either by adequate public services consistent with Public Resources Code Section 30254, or by private services determined to be adequate by the Mendocino City Community Services District and the Mendocino County Department of Environmental Health with regard to potable water and wastewater, as applicable, and (b) not have a significant direct or cumulative adverse effect on coastal resources, public coastal access, or coastal recreational use.

4.1.10. Policy GM-9. Policy GM-9(a)-(g) implements, and conforms to, PRC section 30253 to require that new development in the Town meet the Coastal Act's geological/geotechnical, natural landform (including littoral sand movement), referenced air quality, and minimized energy consumption and mileage requirements, and the Town Plan Update's additional coastal development permit requirement for grading of 25 cubic yards or more, correcting an apparent typographical error in the 1992 Town Plan.

4.1.11. Policy GM-10. Policy GM-10 implements, and conforms to, PRC section 30254 to require that public works facilities shall be designed, limited, and operated to accommodate capacity demands generated by development or uses that are permitted consistent with the certified Mendocino Town Plan, including a reasonable margin of safety to protect the Town and accommodate potential variations as a result of climate change or other natural or quasi-natural factors during the economic life of the public works facility. The Town LCP Update supplemental memorandum "New Development and Public Services" (Dall & Associates, January 9, 2016) contains quantified population, minimum buildout, and maximum buildout analyses (during the 20-year Town LCP Update planning horizon, as well as to 2070 and 2110) of Town water supply, water conservation, and water demand, based on currently best available information. The consistency analysis of Town Plan Update Policy GM-11, below,

MENDOCINO TOWN LOCAL COASTAL PROGRAM UPDATE AMENDMENT (LCP-1-MEN-14-0840)
TOWN LCP UPDATE AMENDMENT-COASTAL ACT CONSISTENCY ANALYSIS

addresses relevant California Department of Transportation Highway 1 traffic data and major Town road/street/intersection data.

4.1.12. Policy GM-11. Policy GM-11 implements, and conforms to, the provision in PRC section 30254 that where existing or planned public works facilities can accommodate only a limited amount of new development, (a) the services provided by such facilities shall preserve the balance between residential and visitor uses within the Town, and (b) consistent with Public Resources Code Section 30254, services to coastal dependent land uses, essential public services, basic industries vital to the economic health of the Town, region, state, or nation, public recreation, commercial recreation, historic preservation within the area listed on the National Register for Historic Preservation as National Register Historic District Number 71000165, and visitor serving land uses shall not be precluded by other development.

In relevant parts:

(1) the MCCSD wastewater treatment plant has a design capacity of 300,000 gpd (average daily dry weather flow) and an unused (unallocated) treatment capacity of 80,200 gpd. During the 20-year planning horizon of the Town LCP Update (Mendocino Pop2 projections), demand on the wastewater treatment plant from projected buildout in 2035 would increase by an average 6,667 gpd, if all produced water from wells were ultimately discharged to the wastewater system (i.e., if no well water were used for irrigation or other non-potable purposes).⁸ The MCCSD wastewater treatment plant thus will retain adequate capacity during the Town LCP Update planning horizon to adequately serve additional visitor serving facilities, commercial recreational development, and other non-residential uses, as well as residential uses, that are allowed by the Town LCP Update. Table 1 summarizes MCCSD's sewer use data for

⁸ Dall & Associates, Supplemental Response to Coastal Commission Staff Comments, New Development and Public Services: Water, January 9, 2016, at 25.

MENDOCINO TOWN LOCAL COASTAL PROGRAM UPDATE AMENDMENT (LCP-1-MEN-14-0840)
TOWN LCP UPDATE AMENDMENT-COASTAL ACT CONSISTENCY ANALYSIS

non-residential uses as of April, 2015, for a total of 95,341 gpd. It should be noted, however, that these sewer use data do not reflect actual metered effluent discharge from each of the listed user categories to the MCCSD wastewater system.

(2) Both Highway 1 and the three principal connecting streets (Main, Little Lake, and Lansing) provide for adequate public highway, road, and street infrastructure to accommodate the spectrum of priority Coastal Act (e.g., public access, visitor serving commercial, and other commercial recreational) uses between Highway 1, the Town, and MHSP. Highway 1 between the Big River Bridge, on the south, and north of the intersection with Little Lake Road/Street, consists of four lanes, with turn and merge lanes, that facilitate through traffic flow and turning maneuvers. Persons with local knowledge indicate that residents in the Town tend to avoid, or minimize their vehicular use of, the Town Commercial District during peak visitor use periods; the walking scale of the Town provides feasible alternative modes of ingress and egress for residents. Table 2, Highway 1 Traffic Counts at Mendocino Town, summarizes the most recent available peak hour, peak day, peak month, and annual average daily traffic (AADT) for Highway 1 at the Main/Jackson Street and Lansing Street intersections (Caltrans data, 2014)

and for traffic on Main Street (east and west bound), on Little Lake Street/Road (east and west bound) and on Lansing Street (north and south bound) (County of Mendocino data, November 23-30, 2015 (Thanksgiving week, a peak use period). The data, although not strictly comparable because of differences in data time sets and unknown peak Caltrans peak hour occurrence, may be considered to corroborate impressionistic observations that both Highway 1 and the three primary access roads/street segments in the Town adjacent/proximate to Highway 1 can accommodate the peak hour traffic volumes, respectively at 720 trips (both directions on Highway 1 and Main Street), 970 trips (both directions on Highway 1 north of Little Lake Street/Road), and 1150 trips (both directions on Highway 1 north of Lansing Street). Within the Town, peak hour traffic on Main Street west of Highway 1 was measured at 349 trips (WB/EB: AM) and

MENDOCINO TOWN LOCAL COASTAL PROGRAM UPDATE AMENDMENT (LCP-1-MEN-14-0840)
TOWN LCP UPDATE AMENDMENT-COASTAL ACT CONSISTENCY ANALYSIS

458 trips (WB/EB: PM); on Little Lake Street west of Highway 1 at 315 trips (WB/EB: AM) and 409 trips (WB/EB:PM); and one Lansing Street south of Highway 1 at 165 trips (NB/SB: AM) and 205 trips (NB/SB:PM). Quantitative level of service (LOS) analysis were unavailable for these data.

(3) The Town at present has no public water works facility; therefore, the priority allocation provisions of PRC section 30254 do not apply to the Town.

MENDOCINO TOWN LOCAL COASTAL PROGRAM UPDATE AMENDMENT (LCP-1-MEN-14-0840)
TOWN LCP UPDATE AMENDMENT-COASTAL ACT CONSISTENCY ANALYSIS

TABLE 1. SEWER USE DATA (April, 2015)

Commercial Visitor Accommodation

VHRs/SURs

| MCCSD Category | User category | Units | Gal/Unit | Total GPD |
|----------------|--|-------|----------|-----------|
| 5 | Vacation Home Rental or Single Unit Rental | 23 | 200 | 4600 |

Inns, Hotels, B&B

| | | | | |
|---|----------------------------------|-----|-----|-------|
| 6 | Dwelling unit w/kitchen | 13 | 160 | 2080 |
| 7 | Dwelling unit w/kitchen, laundry | 11 | 200 | 2200 |
| 8 | Sleeping unit w/o kitchen | 107 | 120 | 12840 |
| 9 | Sleeping unit w/kitchen, laundry | 124 | 160 | 19840 |

Commercial Businesses

Cottage Industries/Home Occupations

| | | | | |
|----|-------------------------------|-----|--------------------------|-----|
| 10 | Residence | 1 | 200 | 200 |
| 11 | Business portion of residence | 400 | 0.15 g/d/ft ² | 60 |

Retail Store/Gallery/Offices

| | | | | |
|----|------------------------------|---------|--------------------------|-------|
| 12 | Retail Store/Gallery/Offices | 140,334 | 0.15 g/d/ft ² | 21050 |
|----|------------------------------|---------|--------------------------|-------|

Library

| | | | | |
|----|---------|---|-----|-----|
| 13 | Library | 1 | 200 | 200 |
|----|---------|---|-----|-----|

Food and Beverage Establishments

| | | | | |
|----|------------------------------------|------|--|------|
| 14 | Full service w/bar | 2778 | 3.4 g/d/ft ² dining area | 9445 |
| 15 | Full service w/out bar | 3242 | 2.9 g/d/ft ² dining area | 9402 |
| 16 | No service w/seats, no dish washer | 1563 | 2.1 g/d/ft ² dining area | 3282 |
| 17 | No on premise consumption | 698 | 2.1 g/d/ft ² work area | 1466 |

Commercial Business

Bar

| | | | | |
|----|---------------------------|------|--|------|
| 18 | Bar area, per linear foot | 117 | 6.7 g/d/LF of bar | 784 |
| 19 | Patron area | 5637 | 1.4 g/d/ft ² patron area | 7892 |

| | | | | |
|--------------|--|--|--|--------------|
| TOTAL | | | | 95341 |
|--------------|--|--|--|--------------|

Source: MCCSD. Note: MCCSD includes some units in column 3 that are located outside the Coastal Commission geographically segmented Town boundaries. Totals in column 5 = column 3 x column 4.

**MENDOCINO TOWN LOCAL COASTAL PROGRAM UPDATE AMENDMENT (LCP-1-MEN-14-0840)
TOWN LCP UPDATE AMENDMENT-COASTAL ACT CONSISTENCY ANALYSIS**

TABLE 2. HIGHWAY 1 TRAFFIC COUNTS AT MENDOCINO TOWN

| Location | Peak Hour (CDOT) (MCDOT) | Peak Day (MCDOT) | Peak Month (CDOT) | AADT (CDOT) (MCDOT) |
|--|--------------------------------|---------------------|----------------------|---------------------------|
| SR-1 S of MP 50.56 (SR-1 at Main/Jackson, 2-directional) | 720 | NA | 7700 | 6000 |
| Main WB | AM: 192 PM: 226 | 1797 | NA | Main: 3101 |
| Main EB | AM: 157 PM: 232 | 2052 | NA | |
| SR-1 N of MP 50.56 | 720 | | 7700 | 6000 |
| Little Lake E of SR-1: WB | AM: 172 PM: 134 | 1173 | NA | Little Lake: 3166 |
| Little Lake E of SR-1: EB | AM: 96 PM: 78 | 660 | NA | |
| Little Lake W of SR-1: WB | AM: 125 PM: 150 | 1383 | NA | |
| Little Lake W of SR-1: EB | AM: 190 PM: 259 | 2353 | NA | |
| SR-1 S of MP 51.49 (SR-1 at Lansing, 2-directional) | 970 | NA | 9900 | 7900 |
| Lansing NB | AM: 79 PM: 116 | 835 | NA | Lansing: 1526 |
| Lansing SB | AM: 86 PM: 89 | 703 | NA | |
| SR-1 N of MP. 51.49 | 1550 | NA | 15600 | 12200 |

Source:

1. California DOT (CDOT) SR-1 data, 2014 Traffic Volumes on the California State Highway System, at 9.
2. Mendocino Town Main Street, Little Lake Street/Road, and Lansing Street data, Mendocino County of Transportation (MCDOT), November 23-30, 2015, in: Mendocino Town Plan Update, Appendix 8, December 8, 2015.

4.1.13. Policy GM-12. Policy GM-12 provides the framework for the designation, with asterisks and asterisk-B, on the Town Land Use Map and conformed Town Zoning Map of the 24 hotel, inn, and bed-and-breakfast sites in the Town, consistent with the LCP land use plan component requirements of PRC section 30108.5.

4.1.14. Policy GM-13. Policy GM-13 provides, consistent with PRC sections 30222 [visitor-serving commercial recreational facilities have priority over other uses, except under local conditions for agriculture] and 30250(a) [new commercial development requires adequate services and avoidance of significant adverse effects on coastal resources], (a) for the exterior expansion of existing visitor serving facilities on the sites designated pursuant to Policy GM-12 provided that (1) any addition of visitor serving units (guest rooms or suites) does not exceed the total limit (cap) for hotel, inn, and bed and breakfast accommodations established by Appendix 2, and (2) such addition or expansion is consistent with all applicable conservation and development standards of the certified Mendocino Town Plan and certified Mendocino Town Zoning Ordinance; and (b) for authorization of existing visitor accommodations that are on sites designated pursuant to Policy GM-12 and were listed in the 2012, but not the 1992 unit count (Town Plan Update Appendix 2), provided the units and their entire facilities are served by an adequate water supply system and meet all applicable parking, structural, and other requirements of the most recently adopted County Building Code.

4.1.15. Policy GM-14. Policy GM-14 designates existing visitor serving facilities in the Town for such use, consistent with PRC sections 30001.5 [maximize public recreational opportunities in the coastal zone consistent with sound resources conservation principles and constitutionally protected rights of private property owners] and 30222 [use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority].

4.1.16. Policy GM-15. Policy GM-15:

(a) reduces the number of episodically available visitor accommodations allowed in residential VHR's and SUR's in the 1992 Town Plan from 46 to 30, and reallocates the excess units to the inventory of visitor serving facilities in Town Plan Update Appendix 2;

MENDOCINO TOWN LOCAL COASTAL PROGRAM UPDATE AMENDMENT (LCP-1-MEN-14-0840)
TOWN LCP UPDATE AMENDMENT-COASTAL ACT CONSISTENCY ANALYSIS

(b) similarly reallocates the six units allocated in 1992 to the Mendocino Art Center, but for which it divested itself of the real property, to the Town Plan Update Appendix 2 authorized list visitor serving facilities, consistent with PRC section 30222 [visitor-serving commercial recreational facilities have specified priority over other uses];

(c) provides that visitor serving facilities that are operating below their allowed 1992 Mendocino Town Plan unit count to be allowed to resume and maintain operation of these units without further regulatory review, provided they were constructed as of November 14, 1992 pursuant to the required entitlements; and,

(d) establishes a Visitor Serving Facility Unit Allocation Implementation Procedure in Mendocino Town Plan Section 6.7 and certified Mendocino Town Zoning Code Section 20.684.030(H), consistent with PRC section 30222 [use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority].

4.1.17. Policy GM-16. Policy GM-16 provides that (a) existing legal non-conforming uses and existing legal non-conforming lots which contribute to the Town's unique community character shall be allowed to continue, subject to specified Mendocino Town Zoning Code regulations, and (b) all existing legal uses within the Town at the time of Coastal Commission certification of the Mendocino Town Local Coastal Program on November 14, 1996 shall be deemed consistent with the Mendocino Town Plan, consistent with PRC section 30001 [maintain the overall quality of the coastal zone environment and its natural and artificial resources; assure orderly, balanced utilization and conservation of coastal zone resources taking into account the social and economic needs of the people of the state].

4.1.18. Policy GM-17. Policy GM 17 provides, consistent with PRC sections, 30253(e) [special community protection] and 30250(a) [new commercial development shall be served with adequate infrastructure, consistent with protection against significant adverse effects on coastal resources] that implementation of the Town Plan shall provide for a scale and combination of commercial development that are consistent with the Town's historical architectural character, complement existing uses, and can be supported by public services or by private services where no public services are provided.

4.1.19. Policy GM-18. Policy GM-18 generally prohibits formula lodging, restaurants, and retail, as specified, in the Town to protect its special community character, consistent with PRC section 30253(e) [special community protection].

4.1.20. Policy GM-19. Policy GM-19 requires the narrowed allowed categories of formula lodging, restaurants, and retail establishments, as specified, in the Town to modify their design, if necessary, to fit within the scale, design, and character of the Town, consistent with PRC section 30253(e) [special community protection].

4.1.21. Policy GM-20. Policy GM-20 prohibits drive-through facilities associated with commercial uses, where motorists can obtain services while their vehicles continue to operate (except for fueling stations), consistent with PRC section 30253(e) [special community protection].

4.1.22. Policy GM-21. Policy GM-21 (a) provides a height limit for all structures landward of the first continuous public road or street of 28 feet above natural grade, with specified exceptions for steeples, water towers, flagpoles, other appurtenances, the Highway 1 Big River Bridge, and the iconic "Father Time and the Maiden" sculpture, (b) requires undergrounding of all utilities and co-location of telecommunication antennas,

MENDOCINO TOWN LOCAL COASTAL PROGRAM UPDATE AMENDMENT (LCP-1-MEN-14-0840)
TOWN LCP UPDATE AMENDMENT-COASTAL ACT CONSISTENCY ANALYSIS

and (c) limits the height of new development in the Open Space land use/zoning district limit seaward of the first continuous public road or street to 18 feet for public scenic view protection, consistent with PRC sections 30251 [scenic area protection] and 30253(e) [special community character protection].

4.1.23. Policy GM-22. Policy GM-22 requires protection, encouragement of, and provision, where feasible, of lower cost overnight visitor accommodations, including through interagency cooperation to provide campground, cabin, and hostel facilities in Mendocino Headlands State Park, consistent with PRC section 30213 [protection, encouragement, and feasible provision of lower cost visitor and recreational facilities]. See also Action 22.2.

4.1.24. Policy GM-23. Policy GM-23 provides for the promotion of heritage tourism, consistent with PRC sections 30210 [maximize coastal public access and recreational opportunities for all the people] and 30253(e) [protect special communities and neighborhoods that, because of their unique characteristics, are popular visitor destination points for recreational uses].

4.1.25. GM-24. Policy GM-24 provides (a) that the reservation of specific sites for visitor serving facilities providing overnight accommodations shall not be preempted by conversion to other permanent uses, and establishes implementing procedures, (b) that visitor serving facilities on private property that is designated on the Town Land Use Map shall constitute a principal permitted use in the respective land use/zoning districts, consistent with PRC sections 30213 [use of private lands suitable for visitor serving commercial recreation has priority] and 30500(c) [local government to determine the precise content of its LCP].

4.1.26. Policy GM-25. Policy GM-25 (a) assigns priority to coastal-dependent development on or near the shoreline, consistent with PRC section 30255 [coastal-dependent development has priority on or near the shoreline], provided that wetland

protection Policy CNS-3 applies, consistent with the wetland conservation and specified allowed uses set forth in PRC section 30233, and (b) provides for the ability of supporting coastal-related development to locate near coastal-dependent development, consistent with PRC section 30255 [support for proximate location of coastal-related development to coastal-development]. Policy GM-25 continues to recognize and accommodate location of the MCCSD wastewater treatment plant and outfall facility, approved by the Coastal Commission, along the shoreline in MHSP.⁹

4.1.27. Policy GM-26. Policy GM-26 replaces Policy 4.13-5, regarding non-conforming uses, in the 1992 Town Plan, to (a) deem all existing legal uses in the Town to be consistent with the certified Mendocino Town Plan, (b) provide criteria for abandoning, continuing, maintaining, and prohibiting the expansion of non-conforming uses, consistent with PRC sections 30001.5 [maintenance of existing developed uses] and 30500(c) [local government determines precise LCP content].

4.1.28. Policy GM-27. Policy GM-27 in part replaces Policy 4.13-5, regarding non-conforming lots, in the 1992 Town Plan, to continue to provide that all legally created lots shall be deemed potential building sites, subject to the same controls as lots 12,000 square feet or larger, consistent with the Town urban limit line certified by the Coastal Commission pursuant to PRC sections 30250(a) [new development to be concentrated in existing developed areas that can accommodate it] and 30500(c) [local government determines precise LCP content], and with case law.

4.1.29. Policy GM-28. Policy GM-28 also in part replaces and clarifies Policy 4.13-6 in the 1992 Town Plan, to apply the County's transient occupancy tax and business license tax provisions to visitor serving facilities, VHR's, SUR's, and occasional public use of student-instructor housing for overnight accommodation, consistent with the

⁹ The MCCSD wastewater plant outfall (pipe) extends nearly 1,000 feet offshore.

MENDOCINO TOWN LOCAL COASTAL PROGRAM UPDATE AMENDMENT (LCP-1-MEN-14-0840)
TOWN LCP UPDATE AMENDMENT-COASTAL ACT CONSISTENCY ANALYSIS

California Constitution and PRC section 30500(c) [local government determines precise LCP content].

4.1.30. Policy GM-29. Policy GM-29 replaces and in part clarifies Policy 4.13-7 in the 1992 Town Plan, to (a) generally prohibit the conversion of residential dwelling units to non-residential uses, except (b) in the Commercial land use/zoning district and as provided with regard to visitor serving facilities in Town Plan Update Section 6.7 and Mendocino Town Zoning Code Section 20.660.075(E), consistent with PRC sections 30001.5 [maintenance of existing developed uses], 30222 [use of private lands suitable for visitor serving commercial recreation has priority over residential use], and 30500(c) [local government determines precise LCP content].

4.1.31. Policy GM-30. Policy GM-30 provides that:

(a) the policies and mandatory actions of the Town Plan specifically resolve policy conflicts between provisions of the Coastal Act through Town Plan implementation, consistent with PRC section 30200(b) [Where the commission or any local government in implementing the provisions of this division identifies a conflict between the policies of this chapter, Section 30007.5 shall be utilized to resolve the conflict and the resolution of such conflicts shall be supported by appropriate findings setting forth the basis for the resolution of identified policy conflicts], and,

(b) that in the event of any remaining policy conflicts, implementation of the Town Plan shall resolve them in a manner that on balance is the most protective of significant coastal resources, consistent with:

(1) PRC section 30001.5 [the basic – *potentially internally inconsistent* -- goals of the state for the coastal zone are to protect, maintain, and, where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and artificial resources; assure orderly, balanced utilization and conservation of coastal zone

resources taking into account the social and economic needs of the people of the state; maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with sound resources conservation principles and constitutionally protected rights of private property owners; assure priority for coastal-dependent and coastal-related development over other development on the coast; and encourage state and local initiatives and cooperation in preparing procedures to implement coordinated planning and development for mutually beneficial uses, including educational uses, in the coastal zone];

(2) PRC section 30007.5 [conflicts may occur between one or more policies of the division; the Legislature therefore declares that in carrying out the provisions of this division such conflicts be resolved in a manner which on balance is the most protective of significant coastal resources. In this context, the Legislature declares that broader policies which, for example, serve to concentrate development in close proximity to urban and employment centers may be more protective, overall, than specific wildlife habitat and other similar resource policies]; and,

(3) PRC section 30200(b) [Where the commission or any local government in implementing the provisions of this division identifies a conflict between the policies of this chapter, Section 30007.5 shall be utilized to resolve the conflict and the resolution of such conflicts shall be supported by appropriate findings setting forth the basis for the resolution of identified policy conflicts].

Given that the Town Plan Update mandatory policies and actions specifically – in some provisions verbatim - carry out the Coastal Act policies at the local level, the Coastal Act procedure for resolving such policy conflicts, to the extent they are inherent in the Coastal Act requirements that a LCP is required to meet, necessarily applies at LCP implementation. The Coastal Commission concurred with this reading of PRC sections 30200(b) and 30007.5 when it certified the mechanisms for residential preservation and

MENDOCINO TOWN LOCAL COASTAL PROGRAM UPDATE AMENDMENT (LCP-1-MEN-14-0840)
TOWN LCP UPDATE AMENDMENT-COASTAL ACT CONSISTENCY ANALYSIS

visitor serving facility development in the 1992 Town Plan ("Issues: Growth", paragraph 4).

4.1.32. Policy GM-31. Policy GM-31 requires, consistent with PRC sections 30260 [encouraged location of industrial facilities within existing sites] and 30262 [safe performance of oil and gas development], that any pipeline which transports hydrocarbons on or through the Town to (a) conform to all Town LCP conservation, development, public access, and recreation standards, (b) be located underground in the Highway 1 right of way, and (c) be subject to processing as a coastal development conditional use permit.

4.1.33. Policy GM-32. Policy GM-32 requires, consistent with PRC section 30250(a) [new development, including land divisions, shall be located in existing developed areas that can accommodate it, without having a significant adverse effect on coastal resources], that approval of any land division within the Town urban limit line, as shown on the Town Land Use Map, shall require (a) proof of adequate water and wastewater service, (b) demonstration by a qualified professional that the land division and the future development and use of each created lot, including any associated hydromodification, will not significantly adversely effect coastal resources or coastal public access, and (c) demonstration that the land division and future development/use of each lot will conform to the applicable Town LCP conservation and development standards.

4.1.34. DG-1: Policy DG-1 requires all new development design to be compatible with the historical design character of the Town, consistent with PRC section 30253(e) [special community character protection] and 30251 [permitted development to be visually compatible with the character of surrounding areas].

4.1.35. DG-2: Policy DG-2 requires permitted development to have no significant adverse effect on public scenic views and public scenic resources from Highway 1, or

from the public streets and public open space areas of the Town, consistent with PRC section 30251 [permitted development to protect scenic areas and be visually compatible with the character of surrounding areas.

4.1.36. DG-3: Policy DG-3 requires (a) all development and redevelopment to conform to the requirements of PRC section 30251, to consider and protect the scenic and visual qualities of coastal areas as a resource of public importance, (b) site and design permitted development to protect views to and along the ocean and scenic coastal areas, minimize the alteration of natural land forms, be visually compatible with the character of surrounding areas, and, where feasible, restore and enhance visual quality in visually degraded areas, (c) all development and redevelopment to conform to any specifically designated scenic and view areas as adopted by the Board on the Town Land Use Map, and (d) consideration of the provision of open space and the siting of structures to retain public views as part of all new development proposals that have potentially significant adverse effects on protected views, consistent with PRC section 30251 [scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance; permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, minimize the alteration of natural land forms, be visually compatible with the character of surrounding areas, and, where feasible, restore and enhance visual quality in visually degraded areas; new development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.]

Town Plan Update Fig. 4.13-5, at 45, illustrates the Mendocino Town Plan concept of special site planning on the basis of (1) at left, a hypothetical comparison of full development, with 25% lot coverage and new 2-story buildings variously centered on their respective lots (parcels), and (2) at right, full development with the same lot coverage, but with new 2-story buildings located on each lot (parcel) to preserve open

MENDOCINO TOWN LOCAL COASTAL PROGRAM UPDATE AMENDMENT (LCP-1-MEN-14-0840)
TOWN LCP UPDATE AMENDMENT-COASTAL ACT CONSISTENCY ANALYSIS

space and public visual continuity between streets on the sloping terrain, and hence (here) toward Mendocino Bay. (This replaces a similar, but erroneous, graphic that was inadvertently included in the 1992 Town Plan.) The two center photographs in Town Plan Update Figure 4.13-1, at 3, and the Public Access Component vertical aerial photographic maps in Town Plan Update Appendix 5 illustrate the expansive and street- or block-specific public views afforded in the Town to the Pacific Ocean, Mendocino Bay, and Big River. The 20,000 lineal feet of public accessways and Heeser Drive in Mendocino Headlands State Park, and Main Street adjacent to it, provide substantial uninterrupted views of the ocean, bay, and river. The Highway 1 Bridge over Big River (completed in 1962) and the vista point adjacent to the SB Highway 1 travel lanes, south of the intersection with Main Street and Jackson Streets, similarly afford spectacular blue water and river views. However, comparison of the vegetation distribution shown on historical maps of the Town (see, Town Plan Update Fig. 4.13-4) with current conditions (Town Plan Update Figures 4.13-1, 4.13-6, and Appendices 5.1-5.5) indicates that considerable planting of horticultural trees and shrubs has occurred on the 1st and 2nd marine terraces in Town, with associated loss of public views from new Highway 1 (built in the early-mid-1960's), old Highway 1 (Lansing Street), and other roads and streets. US Coast Survey Chart 5179 (reproduced in part in the lower panel of Town Plan Update Fig. 4.13-4, at 39, indicates the distribution of primarily native vegetation on the first, second, and third marine terraces, as well as the lumber mill log pond on Big River Flat, in the Town prior to 1879. The excerpt from US Coast and Geodetic Register 2979 in the lower panel of Fig. 4-13-4 depicts a half century of Euro-American impacts on the landscape up to 1909, including agricultural fields (including for growing of potatoes and hay) on the first marine terrace west of the urbanized Town grid, orchards, reduced Bishop Pine distribution on the second marine terrace, shrubs, wetlands, and reduced redwood/Douglas fir coverage on the third marine terrace. Figure 1, below, reproduces October, 1972 and September, 2013 low angle oblique aerial photographic imagery that illustrates the horticultural landscape evolution of the Town during the 43 years of California coastal zone management.

4.1.37. DG-4: Policy DG-4 requires permitted residential, commercial, public facility, and open space development in the Town to utilize predominantly native and drought-tolerant landscaping, to reflect the relatively unstructured landscape character of the Town, consistent with PRC sections 30240(a) [protection of ESHA against significant disruption of habitat values, siting and design of development adjacent to ESHA's to prevent significant degradation and be compatible with their continuance] and 30253(e) [special community protection].

4.1.38. DG-5: Policy DG-5 requires exterior lighting in permitted new development to (a) be compatible with the historical character of the Town, and (b) avoid light intrusion on adjoining properties, Mendocino Headlands State Park, and natural areas, consistent with PRC sections 30253(e) [special community protection] and 30240 [avoidance of significant adverse impacts on ESHA's and park/recreation areas].

4.1.39. CP-1: Policy CP-1 requires the County to provide for traffic, bicycle, and pedestrian safety within the Town, in harmony with historic preservation, consistent with PRC sections 30210 [provision of maximum coastal access for all the people, consistent with public safety needs], 30212 [public access to and along the coast, consistent with public safety], and 30253(e) [special community character protection]. Highway 1, the Highway 1 Bridge over Big River, and Heeser Drive, which in its entirety is located within Mendocino Headlands State Park, are owned in fee title by the State of California, which has the responsibility to maintain traffic, bicycle, and pedestrian safety, respectively, on, under, and below them.

**MENDOCINO TOWN LOCAL COASTAL PROGRAM UPDATE AMENDMENT (LCP-1-MEN-14-0840)
TOWN LCP UPDATE AMENDMENT-COASTAL ACT CONSISTENCY ANALYSIS**



Figure 1. Vegetation distribution in the Town of Mendocino, looking east along Little Lake Street in center-right. Upper photo: October, 1972. Lower photo: September, 2013. Used with permission, Copyright © 2002-2016 Kenneth & Gabrielle Adelman, California Coastal Records Project, www.Californiacoastline.org.



MENDOCINO TOWN LOCAL COASTAL PROGRAM UPDATE AMENDMENT (LCP-1-MEN-14-0840)
TOWN LCP UPDATE AMENDMENT-COASTAL ACT CONSISTENCY ANALYSIS

4.1.40. CP-2: Policy CP-2 recognizes the existing unstructured parking in the Town as part of its historic character, and proposes interagency cooperation to both increase parking availability and efficiency and enhance pedestrian and traffic safety, consistent with PRC sections 30210 [provision of maximum coastal access for all the people, consistent with public safety needs], 30212 [public access to and along the coast, consistent with public safety], 30212.5 [feasible distribution of public parking and other public facilities throughout the Town, to avoid overcrowding or overuse], and 30253(e) [special community character protection].

The Town Plan Update adopted by the Board on December 8, 2015 deletes 1992 Town Plan Policy 4.13-18, regarding renaming of a former part of Lansing Street, which has been accomplished.

4.1.41. Policy AH-1: Policy AH-1 incorporates, for purposes of Government Code General Plan requirements only, the County Housing Element by reference, including as it may be amended from time to time, consistent with Government Code sections 65580 et seq. and 65590 et seq.

4.1.42. Policy AH-2: Policy AH-2 requires the County to retain and create housing in the Town that is available to persons or families with low-moderate income including through:

- (a) utilization of available state or federal funding (subsidies),
- (b) limitation on the conversion of residential housing to non-residential use,
- (c) expansion of allowed second residential dwelling units, not to exceed 900 ft² each, in the RR-1 and SR20000 land use/zoning districts, in addition to other residential districts, subject to their meeting the Town LCP conservation and development standards (e.g, water, wastewater, parking, coastal resource conservation, and public access requirements), and,
- (d) encouragement to provide affordable housing in new development in the MU and Commercial districts, consistent with PRC sections 30001.5 [State goals in the coastal

MENDOCINO TOWN LOCAL COASTAL PROGRAM UPDATE AMENDMENT (LCP-1-MEN-14-0840)
TOWN LCP UPDATE AMENDMENT-COASTAL ACT CONSISTENCY ANALYSIS

zone include enhancement of anthropogenic resources, orderly and balanced utilization of coastal resources that take human social and economic needs into account, and encourage coordinated planning and development for mutually beneficial uses, of which affordable housing is a primary example], 30005 [local government may enforce additional regulations not in conflict with Coastal Act], [30501(c) [local government determines precise LCP content], 30500.1 [LCP, where it implements both the Government and Public Resources Codes, may include housing policies or programs at the discretion of the local government, but pursuant to the Legislature's amendment of the Coastal Act, Coastal Commission cannot require it].

4.1.43. Policy AH-3: Policy AH-3 carries forward, and expands upon, the 1992 Town Plan's explicit encouragement of second residential dwelling units in the Town residential districts as a means to both bolster the Town's residential character and provide additional affordable long-term housing without further divisions of land, consistent with PRC sections 30001.5 [State goals in the coastal zone include enhancement of anthropogenic resources, orderly and balanced utilization of coastal resources that take human social and economic needs into account, and encourage coordinated planning and development for mutually beneficial uses, of which affordable housing is a primary example], 30005 [local government may enforce additional regulations not in conflict with Coastal Act], [30501(c) [local government determines precise LCP content], 30500.1 [LCP, where it implements both the Government and Public Resources Codes, may include housing policies or programs at the discretion of the local government, but pursuant to the Legislature's amendment of the Coastal Act, Coastal Commission cannot require it].

This Policy is in part a response to the significant diminution in second dwelling unit construction for the period since Town Plan certification (14 total units total over 23 years, or .61 units/year), as compared to the period from the passage of Proposition 20 to Town Plan certification (34 units over 20 years, or 1.7 units/year – 2.8 times higher

MENDOCINO TOWN LOCAL COASTAL PROGRAM UPDATE AMENDMENT (LCP-1-MEN-14-0840)
TOWN LCP UPDATE AMENDMENT-COASTAL ACT CONSISTENCY ANALYSIS

than the rate since Town Plan certification), and no second dwelling unit has been constructed since 2007, according to County Assessor's records. The Town LCP Update allows, at build-out, potentially up to an additional 55 residential second dwelling units through implementation of Policies AH-2 and AH-3, but only in locations for which adequate infrastructure exists, without any potential for significant effects on the environment, coastal resources, or coastal public access, which conditions are expected to reduce the number that could be approved by a presently unknown amount.

4.1.44. Policy AH-4: Policy AH-4 (a) deletes the limitation on second residential dwelling units in certified 1992 Town Plan Policy 4.13-21 to the R+ residential district and certain parcels in the RR-2 residential district, which has been superseded by Policies AH-2 and AH-3, and (b) requires that second residential dwelling units be sited and designed to integrate them with the Town's historical character, minimize potential neighborhood impacts, and conform to the conservation, historical preservation, development, and public access standards of the certified Town Plan, consistent with PRC sections 30250(a) [required demonstration of adequate infrastructure and avoidance of potentially significant adverse effects from new development on coastal resources], 30253(e) [special community character protection], and 30212(a) [avoidance, and mitigation as necessary, of potentially significant adverse effect of new development on coastal public access]], for the reasons cited above in section 4.1.43.

4.1.45. Policy S-1: Policy S-1 requires that the Town's groundwater (Mendocino Headlands aquifer) supply be sustainably managed and augmented to support the existing and allowed development in the Town, optimize water supplies through groundwater replenishment, and strictly avoid the waste of potable water by utilization of reclaimed water and conserved storm water runoff, where feasible, consistent with PRC sections 30231 [prevention of the depletion of ground water supplies to maintain biological productivity and the quality of coastal waters, streams, wetlands, and

MENDOCINO TOWN LOCAL COASTAL PROGRAM UPDATE AMENDMENT (LCP-1-MEN-14-0840)
TOWN LCP UPDATE AMENDMENT-COASTAL ACT CONSISTENCY ANALYSIS

estuaries, and human health] and 30250(a) [new development requires service by adequate public or private infrastructure, in a manner that does not have a significant adverse effect on coastal resources].

The Mendocino Headlands aquifer (a) discharges 60% of its annual capacity through seepage in the coastal bluffs, cliffs, and beaches that constitute the Town's frontage on the Pacific Ocean, Mendocino Bay, and Big River (estimated 728 AF/Y/1,169 AF/Y), and (b) has a 242-283 AF/Y sustained/perennial yield. Water service In the Town is by some 400 private wells, rather than by a public water works facility. Annual well water production during the preceding decade has been estimated by MCCSD to be between 200-212 AF/Y (with an estimated importation by tank truck of an additional 1.6-11 AF/Y). (Dall & Associates, Supplemental Response to Coastal Commission Staff Comments, New Development and Public Services: Water, January 9, 2016.) Newly instituted water well metering during calendar year 2015, a severe drought year when substantial water conservation measures were implemented, indicates that water usage In the Town of Mendocino varied between 2.4 AF/month (23,683 gpd) and 7.67 AF/month (83,331 gpd), for a total 55.52 AF/Y (MCCSD, January, 2016), or 21.5-27.8% of the estimated average annual well water demand during the preceding decade. Table 2, below, summarizes the metered water well production in 2015.

Analysis of population projections and build-out scenarios in the Town indicates that its population may likely increase by 21-33 households during the 20-year planning horizon of the Town Plan, to 643 to 858 persons, with a minimum build-out scenario (including the maximum number of allowed second residential dwelling units in the RR-1 and SR20000 districts) of 161 new residential equivalents and a maximum buildout scenario

**MENDOCINO TOWN LOCAL COASTAL PROGRAM UPDATE AMENDMENT (LCP-1-MEN-14-0840)
TOWN LCP UPDATE AMENDMENT-COASTAL ACT CONSISTENCY ANALYSIS**

| Water Usage in the Town of Mendocino: 2015 | | | | |
|--|--------------------------|----------------------------|------------------------|--------------------------|
| 2015 | Gallons per Month | Acre Feet per Month | Gallons per Day | Acre Feet per Day |
| Jan-15 | 1,032,300 | 3.17 | 33300 | 0.10 |
| Feb-15 | 663,124 | 2.04 | 23683 | 0.07 |
| Mar-15 | 1,773,758 | 5.44 | 57218 | 0.18 |
| Apr-15 | 1,279,740 | 3.93 | 42658 | 0.13 |
| May-15 | 1,254,322 | 3.85 | 40462 | 0.12 |
| Jun-15 | 1,392,360 | 4.27 | 46412 | 0.14 |
| Jul-15 | 1,878,724 | 5.77 | 60604 | 0.19 |
| Aug-15 | 1,776,145 | 5.45 | 57295 | 0.18 |
| Sep-15 | 1,498,890 | 4.60 | 49963 | 0.15 |
| Oct-15 | 1,850,390 | 5.68 | 59690 | 0.18 |
| Nov-15 | 2,499,930 | 7.67 | 83331 | 0.26 |
| Dec-15 | 1,191,144 | 3.66 | 38424 | 0.12 |
| Total | 18,090,827 | 55.52 | 49564 | 0.15 |
| Note: Safe Yield estimated to be 242 acre feet per year or 216,403 gallons per day. | | | | |
| Source: Mike Kelley, Mendocino Community Services District 1/27/2016 | | | | |

TABLE 2. Well Water Production in the Town of Mendocino, Calendar Year 2015.

of 303 new residential equivalents. At the 1.66 residences/year development rate in Town between 2000 and 2015, the Town would achieve buildout in the year 2112. During the 20-year planning horizon, water useage under these scenarios would increase by 5.1-8.0 AF/Y, and by 24.3-72 AF/Y at buildout in the year 2112. Implementation of the water conservation measures and water beneficial reuse required by the Town Plan Update (discussed below) would result in an estimated 20% water conservation, or an increase in water demand to 57.6 AF/Y, to 275.6 AF/Y at build-out, 33.6 AF/Y above the aquifer safe yield (1985), but 8.6 AF/Y below the aquifer perennial safe yield (2004). Seasonal or continuing recharge of the aquifer with reclaimed water from the MCCSD tertiary treatment wastewater plant, with a dry flow capacity of 300,000 gpd (335 AF/Y) would incrementally add to the groundwater supply to avoid the potential of a future aquifer overdraft, without raising the Town's slow growth rate. (Id.) Actions S-1.1 through S-1.6 set forth additional mandatory and advisory measures to

conserve the Town's water supply, provide for specified beneficial reuse of retained storm water and reclaimed water, and contribute to avoiding (or further minimizing) water importation into the Town by tanker truck. Implementation of these, in parts already on-going, water conservation, beneficial reuse, and importation avoidance (minimization) measures will allow the Town to accommodate the new residential and commercial development allowed by the Town Plan Update.

4.1.46. Policy S-2: Policy S-2 requires permitted development to preserve, infiltrate, treat, and retain storm water to main natural site drainage, incorporate reclaimed water and/or conserved storm water in dual plumbing systems for non-potable uses, and strictly avoid water waste, through on-site, multi-site cooperative, or public storm water management systems, consistent with PRC sections 30231 [runoff controls, encouragement of wastewater reclamation] and 30250(a) [new development requires adequate infrastructure services, while avoiding potentially significant impacts to coastal resources].

4.1.47. Policy S-3: Policy S-3 requires permitted development to (1) minimize land disturbance, clearing, and grading to avoid, or to the maximum extent feasible reduce, erosion and sediment loss, (2) avoid disturbance of natural drainage features and associated riparian vegetation, wetlands, and native vegetation, and (3) reduce the volume of storm water discharged from the perimeter of the proposed development envelope during the County design storm event for the Town in comparison to pre-project runoff conditions, consistent with PRC sections 30231 [control runoff and maintain vegetation buffer areas or protection of human health and of coastal waters, streams, wetlands], 30251 [minimize the alteration of natural land forms], and 30253 [minimize risks to life and property in areas of high geologic, flood, and fire hazard; assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way

MENDOCINO TOWN LOCAL COASTAL PROGRAM UPDATE AMENDMENT (LCP-1-MEN-14-0840)
TOWN LCP UPDATE AMENDMENT-COASTAL ACT CONSISTENCY ANALYSIS

require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs].

4.1.48. Policy S-4: Policy S-4 requires new development and redevelopment to to feasibly limit impervious surfaces and increase pervious or semi-pervious surfaces, consistent with PRC section 30231 [control runoff].

4.1.49. Policy S-5: Policy S-5 requires permitted development with more than 500 ft² of total impervious surface to include rain water harvesting for storm water management and water conservation.

4.1.50. Policy S-6: Policy S-6 requires landscape-based storm water management and water conservation, where feasible, to facilitate aquifer recharge, consistent with PRC section 30231 [through controlled runoff, prevented depletion of ground water supplies]. The uplifted permeable and relatively shallow (20-45 feet) marine terrace sands, underlain by fractured Franciscan Complex bedrock, of the Mendocino Headlands aquifer facilitate such recharge.

4.1.51. Policy S-7: Policy S-7 (a) encourages the County to promote the use of 50% locally produced and/or recycled building materials in new development in the Town, (b) requires that new development and redevelopment meet all applicable California energy conservation standards, and (c) collaborate in the installation, operation, and maintenance of electric automobile charging stations, consistent with PRC section 30253 [minimize energy consumption, special community character preservation].

4.1.52. Policy PF-1: Policy PF-1 requires that significant public open spaces provided in the Town by Mendocino Headlands State Park, Heider Field, Memorial Triangle, Friendship Park and Little League Field, and the area within Grindle Park not required for critical Mendocino Fire Protection District/Mendocino Volunteer Fire Department facilities, and key public views and public vistas shall be preserved as part of the Town's unique character, consistent with PRC section 30253(e).

MENDOCINO TOWN LOCAL COASTAL PROGRAM UPDATE AMENDMENT (LCP-1-MEN-14-0840)
TOWN LCP UPDATE AMENDMENT-COASTAL ACT CONSISTENCY ANALYSIS

4.1.53. Policy PF-2: Policy PF-2 encourages and supports diverse arts education offerings in the Town and its schools, consistent with PRC section 30001.5(e) [encourage state and local initiatives and cooperation in preparing procedures to implement coordinated planning and development for mutually beneficial uses, including educational uses, in the coastal zone].

4.1.54. Policy PF-3: Policy PF-3 recognizes that the State of California has acquired the former lumber company parcel (site of the historic second lumber mill in Mendocino) that fronts on Big River, east of the Highway 1 bridge, as an addition to Mendocino Headlands State Park for open space, public recreation, and resource conservation, consistent with PRC sections 30210 [maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse], 30220 [coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses] and 30240(a) [protection of ESHA against significant disruption].

4.1.55. PF-4: Policy PF-4 recognizes that MCCSD, a special district public agency which provides critical community-wide public service benefits, including, but not limited to wastewater collection and treatment from private and public property, public health maintenance, Mendocino Headlands aquifer monitoring, analysis, and planning, aquifer groundwater extraction permitting, water reclamation, water conservation education, and related administrative functions, has acquired the uniquely situated parcel at 10705 Palette Drive, identified as Assessor's Parcel Number 119-140-31 and located in reasonable proximity (2,900 feet) to the wastewater treatment plant, by eminent domain for future development and use with ancillary facilities that support the Community Services District's public agency mission, consistent with PRC section 30255 [When appropriate, coastal-related developments should be accommodated within reasonable

proximity to the coastal-dependent uses they support]. By that acquisition, MCCSD has extinguished a unique prior easement recorded against the property, consistent with the terms of the coastal development permit issued by the Coastal Commission that established said easement. Public Facility (PF) is the classification within the Town boundaries for property owned and operated by public agencies, as well as other not-for-profit organizations, for public purposes, and is therefore the appropriate designation for this public agency-owned parcel. The County understands that MCCSD has prepared no concept development plans for use of this parcel, and has no adopted provision in its capital outlay budget at this time to commence development plans for any portion of the subject property. Future development proposals are subject to conformity with certified LCP requirements and will constitute conditional uses that are appealable to the Coastal Commission.

4.1.56. Policy PF-5: Policy PF-5 recognizes that the Mendocino Fire Protection District (MFPD), a special district public agency which provides critical community-wide public service benefits in the Town of Mendocino, including, but not limited to fire, rescue, and medical emergency response, and related public education, holds the formerly actively utilized and developed parcel at 44700 Little Lake Road in trust "...for the people of the Town of Mendocino...", consistent with PRC sections 30001.5 [Assure orderly, balanced utilization and conservation of coastal zone resources taking into account the social and economic needs of the people of the state], 30253(e) [special community protection], and 30233 [Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible]. The parcel is further subject to judicial approval of any new development. That parcel contains the Mendocino Fire Protection District/Mendocino Volunteer Fire Department's headquarters-fire station, Grindle Park, and has been discussed as the potential future site, by reason of its relatively high elevation in relation to the rest of the Town, for a water tank in conjunction with the Department's functional planning for fire safety services to minimize risk to life and property in areas with high structural and wildland fire danger in and adjacent to the

MENDOCINO TOWN LOCAL COASTAL PROGRAM UPDATE AMENDMENT (LCP-1-MEN-14-0840)
TOWN LCP UPDATE AMENDMENT-COASTAL ACT CONSISTENCY ANALYSIS

special historical community that is the Town of Mendocino. PF is the classification within the Town boundaries for property owned and operated by public agencies, as well as other not-for-profit organizations, for public purposes, and is therefore the appropriate designation for this public agency-owned parcel. The County understands that MFPD has prepared no concept development plans for use of this parcel for a water tank and water distribution lines, and has no adopted provision in its capital outlay budget at this time to commence development plans for any portion of the subject property. Future development proposals are subject to conformity with certified LCP requirements and will constitute conditional uses that are appealable to the Coastal Commission.

4.1.57. Policy PF-6: Policy PF-6, carried forward from the 1992 certified Town Plan, recommends that the County's street addressing system should be standardized to facilitate emergency service response, consistent with PRC sections 30001.5 [Assure orderly, balanced utilization and conservation of coastal zone resources taking into account the social and economic needs of the people of the state], and 30253(e) [special community protection].

4.1.58. Policy PF-7: Policy PF-7 expresses the County's support for the cooperative reuse of the historic "Carriage House" in Mendocino Headlands State Park for use by the County Sheriff as the Sheriff's Substation in the Town of Mendocino, to benefit public safety for this special community, its residents, property owners, historic structures, coastal resources, and its more than one million visitors annually, consistent with PRC sections 30001.5 [Assure orderly, balanced utilization and conservation of coastal zone resources taking into account the social and economic needs of the people of the state], and 30253(e) [special community protection].

4.1.59. Policy PF-8: Policy PF-8 recommends that the County, another public agency, or a qualified non-profit organization should acquire, in fee or less than fee interest, the privately owned memorial triangle at the intersection of Main and Lansing Streets

MENDOCINO TOWN LOCAL COASTAL PROGRAM UPDATE AMENDMENT (LCP-1-MEN-14-0840)
TOWN LCP UPDATE AMENDMENT-COASTAL ACT CONSISTENCY ANALYSIS

(Assessor's Parcel Number 119-250-07), consistent with PRC sections 30223 [Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.] and 30253(e) [special community protection].

4.1.60. Policy PF-9: Policy PF-9 requires that permitted and existing public storm water drainage facilities in the Town shall be designed, constructed, and maintained to (a) be consistent with the policies and actions in Town Plan Update Section 4.6 (at 92-96), (b) avoid discharge of water to ground where it may result in landform instability, and (c) be screened or otherwise covered to avoid unsafe conditions, consistent with PRC sections 30231 [runoff control, preventing depletion of ground water supplies and substantial interference with surface waterflow] and 30253 [minimize risks to life and property in areas of high geologic, flood, and fire hazard, assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs].

4.1.61. Policy PAR-1: Policy PAR-1 requires, consistent with PRC section 30210, that maximum public access to and along the coast and public recreational areas in the Town shall be provided, consistent with public safety, private and public rights, and the protection of natural, historical, and community resource areas in the Town from overuse. Mendocino Headlands State Parks (MHSP) substantially fulfills this function along all but three shoreline parcels of the Town and 20,000 lineal feet of paths and trails; Action PAR-3.2 recommends their cooperative acquisition from willing sellers. Policy PAR-2(e) and Actions PAR-1.1(e) and PAR1.3 provides for State Parks' feasible enhancement and signage of access ways within MHSP that are safely accessible to persons with disabilities (Policy PAR-2(b)).

4.1.62. Policy PAR-2: Policy PAR-2 provides criteria for the location, design, construction, maintenance, safe implementation, alternative alignments, view protection, ADA compliance, environmental educational, and utilization of State Coastal

MENDOCINO TOWN LOCAL COASTAL PROGRAM UPDATE AMENDMENT (LCP-1-MEN-14-0840)
TOWN LCP UPDATE AMENDMENT-COASTAL ACT CONSISTENCY ANALYSIS

Conservancy way finding markers, consistent with PRC sections 30210 [maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse], 30212 [Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) adequate access exists nearby, or (3) agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway], and 30214 [The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following: (1) Topographic and geologic site characteristics. (2) The capacity of the site to sustain use and at what level of intensity. (3) The appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area and the proximity of the access area to adjacent residential uses. (4) The need to provide for the management of access areas so as to protect the privacy of adjacent property owners and to protect the aesthetic values of the area by providing for the collection of litter. (b) It is the intent of the Legislature that the public access policies of this article be carried out in a reasonable manner that considers the equities and that balances the rights of the individual property owner with the public's constitutional right of access pursuant to Section 4 of Article X of the California Constitution. Nothing in this section or any amendment thereto shall be construed as a limitation on the rights guaranteed to the public under Section 4 of Article X of the California Constitution. (c) In carrying out the public access policies of this article, the commission and any other responsible public agency shall consider and encourage the utilization of innovative access management techniques, including, but not limited to, agreements with private

organizations which would minimize management costs and encourage the use of volunteer programs].

4.1.63. Policy PAR-3: Policy PAR-3 provides for the protection of Big River Beach and the pocket beaches in the Town on Mendocino Bay and along the Pacific Ocean for water oriented recreation, including for their continued sustainable public accessibility, water quality, and beach sand supply, consistent with PRC sections 30220 [Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses], 30231 [The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface waterflow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams], 30232 [Protection against the spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided in relation to any development or transportation of such materials. Effective containment and cleanup facilities and procedures shall be provided for accidental spills that do occur], and 30235 [Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Existing marine structures causing water stagnation contributing to pollution problems and fishkills should be phased out or upgraded where feasible].

4.1.64. Policy PAR-4: Policy PAR-4 reserves the following upland areas, inland of MHS, that support coastal recreation: the Highway 1 right-of-way, existing and planned

MENDOCINO TOWN LOCAL COASTAL PROGRAM UPDATE AMENDMENT (LCP-1-MEN-14-0840)
TOWN LCP UPDATE AMENDMENT-COASTAL ACT CONSISTENCY ANALYSIS

future Mendocino Fire Protection District public safety facilities, existing and planned future Mendocino City Community Service District facilities, and County road and street rights-of-way that connect the State Park with other areas of the coastal zone, Mendocino-Fort Bragg market area, the County, State, and United States, and all other parcels designated and zoned for Public Facilities or Open Space for the land use types listed in Section 5, consistent with PRC section 30223 [Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible].

4.1.65. Policy PAR-5: Policy PAR-5 recommends that State Parks provide a public small boat launching facility and upland support facilities, including, but not limited to, sustainable parking and lavatories, at Big River Flats within the Town, east of the Highway 1 Bridge, consistent with PRC section 30224 [Increased recreational boating use of coastal waters shall be encouraged, in accordance with this division, by developing dry storage areas, increasing public launching facilities, and limiting non-water-dependent land uses that congest access corridors and preclude boating support facilities].

4.1.66. Policy CNS-1: Policy CNS-1 provides (a) design and implementation criteria to restore and maintain the natural hydrology of the Town, and (b) that to the maximum extent feasible, existing, restored, rehabilitated, and new development shall utilize reclaimed water from the Mendocino City Community Services District for all non-potable water uses, consistent with PRC section 30231 [The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface waterflow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams].

4.1.67. Policy CNS-2: In Policy CNS 2, the Mendocino County Board of Supervisors requests the California Office of Spill Prevention and Response, the United States Coast Guard, and the California Coastal Commission to demonstrate, within the first year following Coastal Commission certification of the updated Mendocino Town Local Coastal Program and thereafter at five (5) year intervals that effective protection exists against the spillage of crude oil, gas, petroleum product and, or hazardous substance volumes that are transported through the Town or offshore, consistent with PRC section 30232 [Protection against the spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided in relation to any development or transportation of such materials. Effective containment and cleanup facilities and procedures shall be provided for accidental spills that do occur].

4.1.68. Policy CNS-3: Policy CNS-3 regulates the diking, filling, dredging, or excavation of any wetland or open coastal water in the Town consistent with PRC section 30233 [(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following: (1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.(2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.(3) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities. (4) Incidental public service purposes, including, but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.(5) Mineral extraction, including sand for restoring beaches, except in

MENDOCINO TOWN LOCAL COASTAL PROGRAM UPDATE AMENDMENT (LCP-1-MEN-14-0840)
TOWN LCP UPDATE AMENDMENT-COASTAL ACT CONSISTENCY ANALYSIS

environmentally sensitive areas.(6) Restoration purposes.(7) Nature study, aquaculture, or similar resource-dependent activities. (b) Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge spoils suitable for beach replenishment should be transported for these purposes to appropriate beaches or into suitable longshore current systems. (c) In addition to the other provisions of this section, diking, filling, or dredging in existing estuaries and wetlands shall maintain or enhance the functional capacity of the wetland or estuary. Any alteration of coastal wetlands identified by the Department of Fish and Game, including, but not limited to, the 19 coastal wetlands identified in its report entitled, "Acquisition Priorities for the Coastal Wetlands of California", shall be limited to very minor incidental public facilities, restorative measures, and nature study, if otherwise in accordance with this division. (d) Erosion control and flood control facilities constructed on watercourses can impede the movement of sediment and nutrients that would otherwise be carried by storm runoff into coastal waters. To facilitate the continued delivery of these sediments to the littoral zone, whenever feasible, the material removed from these facilities may be placed at appropriate points on the shoreline in accordance with other applicable provisions of this division, where feasible mitigation measures have been provided to minimize adverse environmental effects. Aspects that shall be considered before issuing a coastal development permit for these purposes are the method of placement, time of year of placement, and sensitivity of the placement area].

4.1.69. Policy CNS-4: In Policy CNS-4, the Mendocino Town LCP Update recognizes the economic, commercial, and recreational importance of sustainable fishing activities along, as well as offshore, the Town shoreline and supports their protection, consistent with PRC section 30234.5 [The economic, commercial, and recreational importance of fishing activities shall be recognized and protected].

4.1.70. Policy CNS-5: Policy CNS-5 establishes specified coastal resource and environmental quality criteria for permitting development that alters natural littoral

processes along the Town shoreline, consistent with PRC section 30235 [Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Existing marine structures causing water stagnation contributing to pollution problems and fish kills should be phased out or upgraded where feasible].

4.1.71. Policy CNS-6: Policy CNS-6 establishes specified protection and performance standards for (a) any substantial alteration of the natural conditions of any blue line stream in the Town, and (b) the removal or enhancement of existing structures in any blue-line stream within the Town that result in adverse impacts to local shoreline sand supply, water quality, or biological resources, consistent with PRC sections 30231 [The biological productivity and the quality of streams appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface waterflow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams] and 30236 [Channelizations, dams, or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible, and be limited to (1) necessary water supply projects, (2) flood control projects where no other method for protecting existing structures in the flood plain is feasible and where such protection is necessary for public safety or to protect existing development, or (3) developments where the primary function is the improvement of fish and wildlife habitat.]

MENDOCINO TOWN LOCAL COASTAL PROGRAM UPDATE AMENDMENT (LCP-1-MEN-14-0840)
TOWN LCP UPDATE AMENDMENT-COASTAL ACT CONSISTENCY ANALYSIS

4.1.72. Policy CNS-7: Policy CNS-7 protects ESHA's against any significant disruption of habitat values, limits uses in ESHA's to those that require a location in them to be able to function at all and for which there is no less environmentally damaging alternative, and provides specified conservation criteria for the regulation of development adjacent to ESHA's, MHSP, and other public parks and recreation areas in the Town, consistent with PRC section 30240 [(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].

4.1.73. Policy CNS-8: Policy CNS-8 requires that the long-term productivity of soils in the Town be protected, consistent with PRC section 30243 [The long-term productivity of soils shall be protected].

4.1.74. Policy CNS-9: Policy CNS-9 requires that where development may have a direct, indirect, or cumulative impact on archaeological or paleontological resources, mitigation measures, consistent with all applicable California and federal laws and regulations, shall be required as a condition of County approval of any application for development or for work that is subject to Mendocino Historical Review Board review. The project applicant shall provide any required archeological investigation monitoring, consistent with PRC section 30244 [Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.].

4.1.75. Policy CNS-10: Policy CNS-10 requires new development in the Town to be sited and designed to (1) protect significant public views (a) to and along the ocean from

the coastal bluff top, Mendocino Headlands State Park, and from the first road or street that parallels the sea, and (b) of scenic coastal areas, (2) minimize the alteration of natural land forms, (3) be visually compatible with the character of the Town, and (4) where feasible, restore and enhance visual quality in visually degraded areas of the Town, consistent with PRC section 30251 [The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting].

4.1.76. CNS-11: Policy CNS-11 provides that art, music, and other temporary events in the Town constitute part of its special community character, and therefore shall be conducted consistent with the temporary use regulations of Mendocino Town Zoning Code Chapter 20.708, consistent with PRC sections 30253(e) [special community character protection], 30251 [The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting], 30212(a) [public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where (1) it is inconsistent with public safety, military

MENDOCINO TOWN LOCAL COASTAL PROGRAM UPDATE AMENDMENT (LCP-1-MEN-14-0840)
TOWN LCP UPDATE AMENDMENT-COASTAL ACT CONSISTENCY ANALYSIS

security needs, or the protection of fragile coastal resources, (2) adequate access exists nearby, or (3) agriculture would be adversely affected], and 30250(a) [New commercial 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].

4.1.77. CNS-12: Policy CNS-12 sets forth exterior noise standards that apply to Visitor Serving Facilities and temporary events in all Town land use and zoning districts, consistent with PRC sections 30005 [No provision of this division is a limitation on any of the following: (a) Except as otherwise limited by state law, on the power of a city or county or city and county to adopt and enforce additional regulations, not in conflict with this act, imposing further conditions, restrictions, or limitations with respect to any land or water use or other activity which might adversely affect the resources of the coastal zone. (b) On the power of any city or county or city and county to declare, prohibit, and abate nuisances] and 30250(a) [new commercial development shall be located within, contiguous wit, or in proximity to existing developed areas that can 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].

4.1.78. CNS-13: Policy CNS-13 requires that installation of solar energy systems in the Town shall be consistent with the Mendocino County Zoning Code, the Mendocino Historic Review Board Design Guidelines, and applicable State law. Photovoltaic systems that are integrated into and harmonious with building design and construction, or generally not visible from public streets or designated open space, shall be preferred, consistent with PRC sections 30250(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] and 30253 [New development shall minimize energy consumption and where appropriate, protect special communities and neighborhoods that, because of their unique characteristics, are popular visitor destination points for recreational uses].

4.1.79. Policy TPA-1: Policy TPA-1 sets forth the applicable coastal development permit, categorical exclusion or exemption, and enforcement requirements for any development in the Town, consistent with PRC sections 30519(a) [except for appeals to the commission, as provided in Section 30603, after a local coastal program, or any portion thereof, has been certified and all implementing actions within the area affected have become effective, the development review authority provided for in Chapter 7 (commencing with Section 30600) shall no longer be exercised by the commission over any new development proposed within the area to which the certified local coastal program, or any portion thereof, applies and shall at that time be delegated to the local government that is implementing the local coastal program or any portion thereof] and 30600(d) [After certification of its local coastal program, a coastal development permit shall be obtained from the local government as provided for in Section 30519].

4.1.80. Policy TPA-2: Policy TPA-2 sets forth requirements for verified notice of every application for, public hearing on, and potential County action regarding (a) a coastal development permit, and (b) a coastal development permit exclusion or exemption, given the unique conditions relating to identification of residents and delivery of mail in the Town, consistent with PRC section 30006 [the public has a right to fully participate in decisions affecting coastal planning, conservation, and development; that achievement of sound coastal conservation and development is dependent upon public understanding and support; and that the continuing planning and implementation of programs for coastal conservation and development should include the widest opportunity for public participation].

MENDOCINO TOWN LOCAL COASTAL PROGRAM UPDATE AMENDMENT (LCP-1-MEN-14-0840)
TOWN LCP UPDATE AMENDMENT-COASTAL ACT CONSISTENCY ANALYSIS

4.1.81. Policy TPA-3: Policy TPA-3 sets forth requirements for verified notice of any application to, public hearing by, or potential action by the Mendocino Historical Review Board pursuant to the Mendocino Historic Preservation District Ordinance, given the unique conditions relating to identification of residents and delivery of mail in the Town, consistent with PRC section 30006 [the public has a right to fully participate in decisions affecting coastal planning, conservation, and development; that achievement of sound coastal conservation and development is dependent upon public understanding and support; and that the continuing planning and implementation of programs for coastal conservation and development should include the widest opportunity for public participation].

4.1.82. Policy TPA-4: Policy TPA-4 provides that the Mendocino Town Zoning Ordinance shall incorporate and carry out the implementation regulations for certified Local Coastal Program provided at Title 14, California Code of Regulation Section 13500 et seq., consistent with the requirements of those regulations.

4.1.83. Policy TPA-5: Policy TPA-5 reincorporates into the Town Plan Update the standards set forth in PRC section 30603(a) for appeal of County actions on coastal development permit applications pursuant to the certified Town LCP, consistent with that section [After certification of its local coastal program, an action taken by a local government on a coastal development permit application may be appealed to the commission for only the following types of developments:

(1) Developments approved by the local government between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tideline of the sea where there is no beach, whichever is the greater distance. (2) Developments approved by the local government not included within paragraph (1) that are located on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff. (3) Inapplicable. (4) Any development approved by a coastal county that is not designated as the principal permitted use under the zoning ordinance or zoning district map approved pursuant to Chapter 6 (commencing with Section 30500). (5) Any development which constitutes a major public works project or a major energy facility].

MENDOCINO TOWN LOCAL COASTAL PROGRAM UPDATE AMENDMENT (LCP-1-MEN-14-0840)
TOWN LCP UPDATE AMENDMENT-COASTAL ACT CONSISTENCY ANALYSIS

4.1.84. Policy TPA-6: Policy TPA-6 provides for amendment of the certified Mendocino Town LCP, with the recognition that no such amendment shall take effect until it has been certified by the Coastal Commission pursuant to the Coastal Act, consistent with PRC section 30514(a), [a certified local coastal program and all local implementing ordinances, regulations, and other actions may be amended by the appropriate local government, but no such amendment shall take effect until it has been certified by the commission].

4.1.85. Policy TPA-7: Policy TPA-6 recommends that (a) any required public hearing by the Coastal Permit Administrator should be held in the Town, whenever possible, and (b) the County provide for web casting of meetings of County Planning Commission and the Mendocino Historical Review Board that involve implementation of the Mendocino Town Local Coastal program, consistent with PRC section 30006 [the public has a right to fully participate in decisions affecting coastal planning, conservation, and development; that achievement of sound coastal conservation and development is dependent upon public understanding and support; and that the continuing planning and implementation of programs for coastal conservation and development should include the widest opportunity for public participation].

4.2. MENDOCINO TOWN PLAN UPDATE MANDATORY ACTIONS

The analysis of the Mendocino Town Plan Update mandatory and advisory actions will be provided under separate cover.

4.3. MENDOCINO TOWN ZONING CODE UPDATE

The analysis of the Mendocino Town Zoning Code Update implementing measures will also be provided under separate cover.

Attachment 4.

Mendocino Town LCP Update Amendment (LCP-1-MEN-14-0840) LCP Consistency Analysis Summary. 125 pages. Footer reference 20160204.MTLCPUA-CoastalActSupplementalConsistencyAnalysis.

Available via <http://www.co.mendocino.ca.us/planning/mtpupdate.htm> and <http://www.co.mendocino.ca.us/planning/pdf/20160204eMTLCPUASuppRspCCCstaffreq20160125.pdf>

MENDOCINO TOWN LCP AMENDMENT (LCPA-1-MEN-14-0840)
SUPPLEMENTAL RESPONSE TO COASTAL COMMISSION STAFF COMMENTS

2. New Development and Public Services: Water

This memorandum provides supplemental data and analysis, at Coastal Commission staff's request, regarding the effect of the Board of Supervisors-adopted Mendocino Town Local Coastal Program Update (December 8, 2015) on water use, Mendocino Headlands aquifer conditions, potential related effects on coastal resources (e.g., wetlands and other environmental sensitive habitat areas [ESHA's], and priority allocation of finite water supplies under specified public agency water production). Coastal Commission staff has provided the County of Mendocino (County) with comments and information requests regarding these matters (Coastal Commission staff comments), some with project-specific detail, in correspondence during 2013, 2014, and 2015, as well as in the context of meetings to discuss the evolving Mendocino Town LCP Update.

In response to these Coastal Commission staff comments, the Board-adopted Mendocino Town LCP Update contains 38 mandatory policies and actions, 140 congruent implementing measures, and a series of recommendations that specifically carry out the applicable Coastal Act conservation and development standards relating to the adequacy of private and public water services in the Town. Notably, water service in the historical Town is by some 400 private wells – rather than a public works facility - that produce potable water from the Mendocino Headlands aquifer, an atypical hydrologic system that under current conditions relies primarily on *in-situ* precipitation for recharge.¹ On average, the aquifer discharges $\pm 60\%$ of its capacity through seepage/outflow to the Pacific Ocean (728 acre-feet per year [AF/Y] out of 1,169 AF/Y),

¹ Reported long-term average annual rainfall at Mendocino is 40.29 inches, with average annual rainfall between Rain Year (RY) 1970 and RY 2003 of 44.45 inches, and between RY 2004 and RY 2015 of 35.6 inches (inclusive of 32.24 inches in RY 2013, 24.15 inches in RY 2014, and 22.26 inches in RY 2015). In RY 2016, as of January 17, 2016, 25.57 inches of rain were recorded at the MCCSD treatment plant. Extended historical droughts have locally occurred in at least four decades (1920's, 1930's, 1970's, 2010's). (Mendocino City Community Services District, (MCCSD), Groundwater Management Plan and Programs, 2012; MCCSD, 2016.)

SUPPLEMENTAL RESPONSE TO COASTAL COMMISSION STAFF COMMENTS

and provides 218 AF/Y of potable water for the spectrum of developed uses in the town. The estimated sustainable yield of the aquifer is 242 AF/Y, and its estimated perennial yield is 283 AF/Y; variations in individual water well production reflect geological, hydrological, and temporal aquifer conditions, well location, well maintenance, and water quality compliance testing.

Beneficial reuse of storm water runoff from impervious surfaces and water from the Mendocino City Community Services District (MCCSD) tertiary wastewater treatment plant provide a substantial source of water for non-potable beneficial reuse in the Town, in conjunction with conservation and enhancement of environmentally sensitive habitat areas. An estimated AF/Y of storm water runoff presently discharges from the Town to Mendocino Headlands State Park, which functions as the Town's bioswale, albeit with associated seasonal or episodic limitations on the use of coastal accessways and other park management issues.² The MCCSD tertiary wastewater treatment plant, with a design (dry weather flow) capacity of 300,000 gallons per day (gpd), or over 335 AF/Y, has implemented a reclaimed water reuse project with the Mendocino Unified School District³ and is working (e.g., with other schools, State Parks, local park interests, the Mendocino Fire Protection District, and the public) to expand the beneficial reuse of this water resource.⁴ The adopted Town LCP Update policies, actions, and implementing measures provide -- in concert with MCCSD's systemically effective groundwater extraction analysis and performance requirements, water conservation, reclaimed water beneficial reuse, and aquifer monitoring -- for a suite of regulatory standards and feasible water management actions to sustain and augment the aquifer, protect natural,

² Storm water runoff from impervious surfaces in the Town also discharges to the Slaughterhouse Gulch blue-line stream and locally directly to the Pacific Ocean.

³ The MCCSD-MSUD reclaimed water horticultural irrigation project, approved by North Coast Regional Water Quality Control Board in Water Reclamation Requirements Order No. 97-66 (August 27, 1997), utilizes a 55,000 gallon water storage tank at Mendocino High School. MCCSD has recycled water since 1977. (See, MCCSD, Recycled Water Program, at: <http://www.mccsd.com/>.)

⁴ The Mendocino City Community Services District reports current unused capacity of the treatment plant to be 80,200 gpd.

SUPPLEMENTAL RESPONSE TO COASTAL COMMISSION STAFF COMMENTS

public recreational, and historical resources, and provide for an adequate water supply for existing and planned developed uses in the Town.

The following analysis consists of four parts:

- A summary of Coastal Commission staff requests for information and analysis relating to water availability and use (Part A, commencing on page 4);
- The relevant Coastal Act provisions (Part B, commencing on page 11);
- A discussion of the adopted Town LCP Update policies, actions, and implementation measures, in the context of available water data, that specifically carry out these Coastal Act provisions to the extent necessary to meet the State's goals for the coastal zone in light of conditions in the Town (Part C, commencing on page 16); and,
- Consistency analysis of the adopted Town LCP Update with the Coastal Act requirements that relate to water supply limitations, resource-based water planning, water well conditions, cumulative impacts of water well production, water supply analysis and management, project analysis and temporal groundwater fluctuations, water availability at project Town build-out, water supply mitigation, prioritized Coastal Act uses, aquifer capacity, and related factors (Part D, commencing on page 50).

Local Coastal Programs, and amendments thereto, constitute legislative acts by local governments for their jurisdiction within the coastal zone, which are subject to specified certification review by the Coastal Commission pursuant to the authorities and limitations of the Coastal Act. The County notes that at Coastal Commission staff's request to the California Secretary for Resources (1977 and subsequently) and to the State legislature, the adoption by local government of a Local Coastal Program (LCP) and LCP amendments is exempt from environmental review, including associated data collection and analysis required for preparation of an Environmental Impact Report. The County further recognizes that in enacting the Coastal Act, the State legislature provided

SUPPLEMENTAL RESPONSE TO COASTAL COMMISSION STAFF COMMENTS

that submittal of (as here) an LCP Amendment contain, “in accordance with guidelines established by the Coastal Commission, materials sufficient for a thorough and complete review.” (Public Resources Code 30510(b).⁵) Sections 1-6 of the adopted Town LCP Update Amendment, the nine appendices of the Town Plan Update, the 248-page Town Zoning Code Update, and supporting information already provided to Coastal Commission staff contain the substantial descriptive and analytical materials required for certification review, including in relevant parts with regard to water availability and use in the Town. This memorandum and the companion analysis of Town visitor serving facilities provide supplemental responses to Coastal Commission staff’s comments and information requests to the County.

(A) Commission Staff Comments

*(1) Water Supply Limitations. 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 with use managed by the Mendocino Community Services District (MCCSD), and with water supplemented by some via private water delivery trucks. (At 5; response in Mendocino Town Plan Update (MTPU) at 47-49, Policy S-1, and *infra*.)*

*(2) Resource-Based Planning. The ongoing water shortages and emergency declarations further highlight the need for planning for development in a manner consistent with the available water resources and ensuring protection for coastal resources. (At 5; response in MTPU at 47-49, Policies GM-1, GM-6(a), and GM-8, S-1, Action S-1.2, Policy S-2, and *infra*.)*

⁵ The Coastal Commission has promulgated its requirements for LCP/LCP Amendment content in the Coastal Act “Implementation Plans” regulations at Title 14, California Code of Regulations, sections 13511 and 13552. The adopted Town LCP Update was specifically prepared to implement each of these requirements.

MENDOCINO TOWN LCP AMENDMENT (LCPA-1-MEN-14-0840)
SUPPLEMENTAL RESPONSE TO COASTAL COMMISSION STAFF COMMENTS

(3) February 23, 2013 Coastal Commission Staff Letter.

(a) *"The draft Mendocino Town Plan Update ... indicates that 'many wells are dry during droughts and some run low nearly every summer.'" (At 3; response in MTPU at 47-49, and *infra*.)*

(b) *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." (At 4; response in Policy GM-8, Policy S-1, Action S-1.1, Policy S-2, Action S-2.1, and *infra*.)*

(c) *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. (At 4; response in Action S-1.6, and *infra*.)*

(d) *It is not clear in the draft MTPU whether the Groundwater Management Plan takes into account in its analysis the water availability at projected build-out for the Town, or whether the Plan evaluates and manages water based on current conditions. (At 4; response in Part B, below.)*

(e) *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 ensure consistency with Coastal Act policies. (At 5; response below in part B and *infra*.)*

(f) *We recommend that additional policy language be developed consistent with Coastal Act Section 30254 to prioritize service provision to prioritized 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. (At 5; response in Policy GM-11, and *infra*.)*

MENDOCINO TOWN LCP AMENDMENT (LCPA-1-MEN-14-0840)
SUPPLEMENTAL RESPONSE TO COASTAL COMMISSION STAFF COMMENTS

(g) *We will need to receive information about (1) the total capacity of the water basin, (2) an analysis of the potentially allowable build-out of the Town, including an inventory of the zoning of parcels and the minimum and maximum allowable build-out associated with each, (3) current information regarding the relative water demand of different types of uses such as visitor-serving uses; (4) whether, and to what extent, draw down in local and regional source areas for water may affect wetlands or other ESHA's; (5) identification of feasible mitigation to reduce individual and cumulative impacts on water resources and ESHA's to below a significant level. (At 5; response in Part B, below.)*

(4) September 22, 2014 Coastal Commission Staff Letter.

(a) *We look forward to receiving information that addresses how additional uses allowed by the proposed draft TZC will affect water resources in the Town of Mendocino. For example, changes to TZC Section 20.624.080 would allow tasting rooms (which likely hve a higher water demand) to exist in reail locations currently engaged in the sale of goods for home (vesrus onsite) consumption. Such proposed new water demands should be addressed as part of the LCP amendment submittal. (At 3; response in Part B below.)*

(b) *Please describe the statutory authority that was considered to exempt a groundwater storage tank from coastal development permit requirements and address how the exemption may affect coastal water resources including but not limited to water supply. (At 4; response in Part B, below.)*

(5) November 17, 2014 Coastal Commission Staff Letter.

(a) *In our previous discussions with County staff, we have expressed concerns that while these measures are helpful towards evaluating water supply on a site-by-site basis, such measures cannot ensure that water resources are "reserved" for higher*

SUPPLEMENTAL RESPONSE TO COASTAL COMMISSION STAFF COMMENTS

priority uses consistent with Coastal Act Sections 30222 and 30254. Instead, the existing scenario encourages a "first-come, first-served" development incentive. (At 7; response in Policy GM-11 and Parts B and D, below.)

(b) To evaluate whether the LCP as amended conforms with Coastal Act policies requiring concentration of development in areas able to accommodate it, we must receive current, factual information that documents current supply and demand and can support a staff recommendation to the Commission. Such documentation shall include any updates to the 2012 groundwater models and/or the groundwater management plan that may have been prepared for MCCSD that evaluate 2012-2014 drought conditions. Please also submit information that documents the total volume and source(s) of water that are imported to the Town under current conditions. (At 9; response in parts B and D, below.)

(c) Please supplement and update the County's evaluation of water supply, usage and buildout projections, taking into account current and projected population figures. In particular, please explain how the County determined the anticipated residential use of 200 gallons per day as referenced above and how this compares to daily water allotment granted by the MCCSD. Additionally, while the submittal references build-out in relation to currently undeveloped parcels, it remains unclear: a) what the maximum potential buildout of parcels would be if development at sites occurred at the maximum level allowed under each land use and zoning classification; and b) what the resulting impacts to water resources would be under this scenario. (At 9; response in part B, below.)

(d) An increase in vehicle traffic ranging from 8.5 water trucks per day to as many as 40 water trucks per day presents a potentially significant impact on vehicle miles traveled per day and on Highway One capacity along this rural two-lane stretch of coastline. Furthermore, the increase in vehicle traffic resulting from transporting water to meet current supply needs is a potential significant adverse impact on public access to and

SUPPLEMENTAL RESPONSE TO COASTAL COMMISSION STAFF COMMENTS

along the coast in this designated Special Community. ... Therefore, please submit an analysis that documents at minimum: a) current water importation statistics under "normal" (e.g., non-drought) conditions; b) water importation statistics during drought conditions; c) source(s) of imported water and corresponding vehicle miles traveled per source per day; d) affects on traffic and public access; and e) measures to mitigate impacts to a less than significant level. (At 11; response in Parts B and D.)

(e) Our February 27, 2013 letter highlighted our concerns that project-driven water supply analysis did not appear to account for fluctuations that include seasonal, temporal, and long-range changes associated with climate change. ... Therefore, please provide the requested information to facilitate our analysis of whether the LCP as amended conforms to Coastal Act policies requiring protection of coastal resources, including but not limited to Sections 30231, 30240, and 30250, as further described above. (At 11; response in Parts B and D, below.)

(f) To evaluate the consistency of the Town Plan update with the Coastal Act, we requested the County include as part of their LCP amendment application "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." ... Therefore, to enable the Commission to fully evaluate the range of alternatives and mitigation measures that could ensure full conformity of the LCP as amended with the policies of the Coastal Act, please submit an alternatives analysis that evaluates alternatives described above in addition to other potential development alternatives, and submit a discussion of other feasible mitigation measures capable of reducing all potential impacts to a less than significant level. (At 12-13; response in Parts B and D, below.)

(g) Therefore, please submit an analysis with supporting documentation that substantiates any proposed change to the land use classification at the subject site (MCCSD parcel between Highway 1 and Palette Drive). Please include, with supporting

SUPPLEMENTAL RESPONSE TO COASTAL COMMISSION STAFF COMMENTS

documentation, whether or not adequate services would be available to serve the range of potentially allowable uses that would be permissible by permit within the proposed Public Facilities land use redesignation while ensuring that Coastal Act priority uses within the Town would be adequately served as discussed in Section 5A above. (At 18; response in Part D, below.)

(h) We must understand the scale, bulk, range, and location of developments that are contemplated to be sited in both the near and reasonably foreseeable future on the subject property. Therefore, to facilitate our preparation of the necessary analysis to support any recommendation to the Commission on the proposed land use redesignation, please submit to our office the following: 1. Conceptual plans that depict the envisioned location, general elevations, capacity of tank (volume), and footprint (in square feet) of all contemplated facilities (including but not limited to water storage area, distribution lines, pumping station facilities, and/or any other supporting infrastructure); and, 2. A narrative describing all contemplated near- and long-range potential uses of the subject property envisioned under the Public Facilities land use (and future rezone) change. In particular, please clarify the purpose and envisioned range of uses of the proposed water storage facility as it relates to both the MFPD and MCCSD. (At 19; response in Part D, below.)

(i) Therefore, please submit an analysis with supporting documentation that demonstrates whether adequate services are available to accommodate the range of potentially allowable uses permissible by permit within the proposed Public Facilities land use redesignation and ensure that Coastal Act priority uses within the Town would be adequately served as discussed under Section 5A above. Please include as part of the analysis: a) the range of uses envisioned for using the water supplied by the storage tank (e.g., firefighting, emergency water supply, non-emergency Town supplies, etc.); b) evidence of any hydrological studies conducted in evaluation of anticipated uses of the subject property; and c) documentation demonstrating that the proposed additional water withdrawals and storage will not adversely affect other water supply sources in

SUPPLEMENTAL RESPONSE TO COASTAL COMMISSION STAFF COMMENTS

the vicinity. If no future plans for development under the Public Facility land use classification besides development of the water storage tank are envisioned, then please address whether it is necessary to redesignate the entirety of the 9.78-acre parcel rather than the fire station and the portion needed to support the water tank infrastructure. (At 21; response in Part D, below.)

(6) May 13, 2014 Coastal Commission Staff Letter.

(a) *The following information needs were detailed in our November 17, 2014 letter:*

- *An individual & cumulative effects analysis addressing conformity with Coastal Act Section 30250(a);*
- *An analysis of how the LUP as amended will conform with Coastal Act Sections 30222 and 30254 to ensure priority of services to coastal dependent land uses, public recreation, commercial recreation, and visitor serving land uses not precluded by land divisions and second dwelling units;*
- *Total volume and sources of water imported to Town under current, normal, and drought conditions. This information should include any records available, such as but not limited those available from Department of Water Resources (DWR);*
- *A supplement/update to the County's evaluation of water supply, usage, & build out projections considering current and projected population figures (including commercial or other visitor-serving priority uses);*
- *An analysis of the maximum potential build out of parcels if maximum development allowable under land use and zoning was allowed;*
- *Resulting impacts to water resources and ESHA under full build-out scenario, including identification of wetland habitats that are fed by natural groundwater seeps;*
- *Clarification of build out assumptions relative to minimum and maximum allowable build out associated with each parcel (including commercial or other visitor-serving priority uses);*
- *An analysis of: a) vehicle miles traveled per source of imported water per day, b)*

SUPPLEMENTAL RESPONSE TO COASTAL COMMISSION STAFF COMMENTS

effects on traffic and public access (per CA Sect. 30253 and 30254), and c)

measures to mitigate impacts to less than significant;

· An analysis of how fluctuations in water supply from seasonal, temporal, and long-range changes associated with climate change will be addressed in the review of development projects in consideration of Coastal Act Sections 30231, 30240, and 30250; and

· Submittal of alternatives analysis and discussion of feasible mitigation measures capable of reducing potential impacts to less than significant. (At 5; response in Part D, below.)

(B) Statutory and Regulatory Standards

The following Public Resources Code (PRC) sections are either referenced in, or apply to, Coastal Commission staff comments on the evolving Town LCP Update. Coastal Commission LCP regulations at Title 14, California Code of Regulations, Section 13511 and 13525 also apply.

(1) PRC section 30222: “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.”

(2) PRC section 30250: “(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. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable

SUPPLEMENTAL RESPONSE TO COASTAL COMMISSION STAFF COMMENTS

parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels. (b) Where feasible, new hazardous industrial development shall be located away from existing developed areas. (c) Visitor-serving facilities that cannot feasibly be located in existing developed areas shall be located in existing isolated developments or at selected points of attraction for visitors.”

(3) PRC section 30252: “The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing non-automobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.”

(4) PRC section 30254: “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; provided, however, that it is the intent of the Legislature that State Highway Route 1 in rural areas of the coastal zone remain a scenic two-lane road. 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.”

SUPPLEMENTAL RESPONSE TO COASTAL COMMISSION STAFF COMMENTS

(5) PRC section 30231: “The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.”

(6) PRC section 30010: “The legislature hereby finds and declares that this division is not intended, and shall not be construed as authorizing the commission, port governing body, or local government acting pursuant to this division to exercise their power to grant or deny a permit in a manner which will take or damage private property for public use, without the payment of just compensation therefor. This section is not intended to increase or decrease the rights of any owner of property under the Constitution of the State of California or the United States.”

(7) PRC section 30401: “Except as otherwise specifically provided in this division, enactment of this division does not increase, decrease, duplicate or supersede the authority of any existing state agency. This chapter shall not be construed to limit in any way the regulatory controls over development pursuant to Chapters 7 (commencing with Section 30600) and 8 (commencing with Section 30700), except that the commission shall not set standards or adopt regulations that duplicate regulatory controls established by any existing state agency pursuant to specific statutory requirements or authorization.

(8) Contents of LCP Amendment Submittal: The Coastal Commission “Implementation Plans” regulation at Title 14, California Code of Regulations, Section 13552 provides, in relevant part, that “The LCP or LRDP amendment submittal shall include: (a) A summary of the measure taken to provide the public and affected agencies and districts

SUPPLEMENTAL RESPONSE TO COASTAL COMMISSION STAFF COMMENTS

maximum opportunity to participate in the LCP or LRDP amendment process, pursuant to Section 13515 and Public Resources Code Section 30503; a listing of members of the public, organizations, and agencies appearing at any hearing or contacted for comment on the LCP or LRDP amendment; and copies or summaries of significant comments received and of the local government or governing authority's response to the comments. (b) All policies, plans, standards, objectives, diagrams, drawings, maps, photographs, and supplementary data, related to the amendment in sufficient detail to allow review for conformity with the requirements of the Coastal Act. Written documents should be readily reproducible. An amendment to a land use plan or LRDP shall include, where applicable, a readily identifiable public access component as set forth in Section 13512. (c) A discussion of the amendment's relationship to and effect on the other sections of the certified LCP or LRDP. (d) An analysis that meets the requirements of Section 13511 or an approved alternative pursuant to Section 13514 and that demonstrates conformity with the requirements of Chapter 6 of the Coastal Act. (e) Any environmental review documents, pursuant to CEQA, required for all or any portion of the amendment to the LCP or LRDP. (f) An indication of the zoning measures that will be used to carry out the amendment to the land use plan (unless submitted at the same time as the amendment to the land use plan)."

(9) LCP Amendment Methodology: Titel 14, California Code of Regulations, section 13511 provides for a common LCP/LCP Amendment methodology: "Where an LCP or LRDP is to be submitted pursuant to this subchapter, the local government or governing authority shall include the following in the scope of the LCP or LRDP pursuant to Public Resources Code Section 30501(a): (a) The policies of Chapter 3 of the California Coastal Act of 1976 concerning specific coastal resources, hazard areas, coastal access concerns, and use priorities, including consideration of public access and recommended uses of more than local importance and relating to the area governed by the LCP or LRDP, shall be applied to determine the kind, location and intensity of land and water uses that would be in conformity with the policies of the Act. This determination shall include an analysis of the potential significant adverse cumulative

SUPPLEMENTAL RESPONSE TO COASTAL COMMISSION STAFF COMMENTS

impacts on coastal resources and access of existing and potentially allowable development proposed in the LCP or LRDP. (b) [Omitted; applies only to LRDP's.] (c) With regard to LCPs, 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. The local coastal program shall include measures necessary to achieve conformity with the policies of Chapter 3 of the California Coastal Act of 1976; such measures shall be based on the authority inherent in the reasonable exercise of police power, and specifically to the authority provided in the California Coastal Act of 1976 to control or prevent uses harmful to the coastal resources of the state. (1) The land use plan component of a local coastal program shall incorporate a statement of applicable development and resource protection policies in the substantive text or geographic provisions of the general plan, including as may be appropriate in each jurisdiction the mandatory or optional elements of a general plan as provided in Government Code Sections 65301-65303 and 65560-65567, that are capable of carrying out the policies of Chapter 3 of the California Coastal Act of 1976. (2) The zoning ordinances and zoning district map shall conform with and be adequate to carry out the policies, objectives, principles, standards and plan proposals set forth in the land use plan. The scope of measures contained in the zoning ordinance and/or district maps shall extend to the authority granted by the planning laws of California, including Government Code Sections 65850-65862 and 65910-65912. Where applicable and necessary to carry out the policies and provisions of an approved land use plan, these measures may include: exclusive use zones, overlay zones, conditionally permitted uses based on certain findings, sign and/or design controls, landscaping and grading regulations, hazard or geologic review requirements, open space and lot coverage standards, minimum lot sizes (including minimum acreages for agricultural and timberland conversion), density and timing of development standards based on public service capacities and recreational use needs, and any other similar ordinances within the scope of zoning measures. (d) Where the application of the policies of Chapter 3 of the Coastal Act of 1976 requires limits or conditions as to the amount, timing, or location of public works facilities which are owned or operated by the local government or governing authority,

SUPPLEMENTAL RESPONSE TO COASTAL COMMISSION STAFF COMMENTS

an analysis shall be made to determine: (1) existing and proposed capacities of such relevant public works systems; (2) key decision points for stages of facility expansion; and (3) what portion of public works facilities capacity is allocated to new development within the area and what portion is reserved for the priority uses as required by Public Resources Code Section 30254. A similar analysis and allocation shall be made of public recreational facilities to comply with Public Resources Code Section 30252(6).

(e) If the level and pattern of development recommended for the LCP or LRDP require the phasing of public service or recreational facilities which are owned or operated by the local government or governing authority in order to be consistent with the requirements of the California Coastal Act of 1976, the proposed measures for implementing public service and recreational facilities shall be specifically identified.

(f) A procedure shall be developed to insure adequate notice to interested persons and agencies of impending developments proposed after certification of the LCP or LRDP. For LRDPs, the procedures shall at a minimum conform to Section 13549.”

(C) Town LCP Update Policies, Actions, and Implementation

The Board-adopted Town LCP Update contains more than 60 specific policies, actions, and implementation measures that plan for and regulate new development in the Town in relation to the provision, conservation, sustainable use, and beneficial reuse of water, as further discussed in subpart (D), below, in response to the Coastal Commission staff comments in subpart (A). In addition, Section 3.3.1.(d) of the adopted Town Plan Update, beginning at 47, contains a description, with references, of (1) water production in the Town, (2) the Mendocino Headlands aquifer, and (3) the suite of water management and conservation protocols that are implemented by the Mendocino City Community Services District (MCCSD) pending delayed establishment of a public water system.⁶ Notably, the aquifer is an open hydrologic system, bounded by coastal and riverine bluffs, that discharges through them to the Pacific Ocean, Mendocino Bay, and

⁶ The certified Town Plan Update will be linked to the County’s electronic library of technical studies, printed copies of which will also be available for review at the County Planning and Building Services Department offices in Ukiah and Fort Bragg.

SUPPLEMENTAL RESPONSE TO COASTAL COMMISSION STAFF COMMENTS

Big River.⁷ Further, storm water runoff from the Town discharges to, and impacts, Mendocino Headlands State Park, which functions, together with Slaughterhouse Gulch, as the Town's bioswale. The Town has no public water system, but rather relies on some 400 private water wells for production of water to serve existing residential, commercial, open space, and public facility uses.

Mendocino Headlands Aquifer and Water Production

In summary, the Mendocino Headlands aquifer consists of four uplifted late Pleistocene marine terraces, with sediments to 45 feet thick, that overlie and are variously hydrologically continuous with the pervasively fractured Tertiary Franciscan Complex Coastal Belt Formation (Franciscan Complex or Franciscan Formation). Older, shallow water wells (generally with a 20-25 feet depth) produce from the terrace deposits, which consist of Quaternary Jughandle Marine Terrace Deposits [Qmths], Tertiary-Cretaceous Franciscan Complex [TKf], Quaternary Railroad Marine Terrace Deposit [Qmtr], Quaternary Fern Creek Marine Terrace Deposit [Qmths], and Quaternary Caspar Point Marine Terrace Deposit [Qmthsc].⁸ Newer, deeper wells (generally with a 40-200 feet depth) produce from the Franciscan Complex, which in this aquifer (atypically) functions as the water-yielding geologic unit. (DWR, 1985; MCCSD, Groundwater Management Plan, 2012.⁹)

⁷ The Open Space land use classification and zoning designation of the coastal bluffs and cliffs in Mendocino Headlands State Park (see, Town Land Use Map Update in Town Plan Update, Figure 4.13-3, and Town Zoning Map Update in Town Zoning Code Update, Figure 1), together with the ESHA protection standards in Town Plan Update Policies CNS-3 (wetlands protection, at 107) and CNS-7 (ESHA protection, at 108) and Town Zoning Code Update Chapter 20.719 (at 170 ff.) protect the environmentally sensitive habitat areas that seasonally and/or perennially depend on the aquifer discharge through the bluffs and cliffs.

⁸ California Department of Water Resources [DWR], Aerial Geology Map of the Mendocino Headlands, 1985. See, also: U.S. Natural Resources Conservation Service, Soil Survey of Mendocino County, California, Western Part (1986 field work, 1988).

⁹ MCCSD's Groundwater Management Plan (2012) evolved from MCCSD's Groundwater Extraction Permit Ordinance (1990) and groundwater monitoring, which in turn have facilitated sustainable management of the Mendocino Headlands aquifer to avoid an overdraft condition. (MCCSD, 2014.)

SUPPLEMENTAL RESPONSE TO COASTAL COMMISSION STAFF COMMENTS

The hydrologic budget of the aquifer (Water Years 1998-2013) identifies 1,169 Acre-Feet/Year (AF/Y) of inflow from precipitation and groundwater,¹⁰ 728 AF/Y of outflow through natural seepage, springs, and weeps at the coastal and riverine bluffs of the Town, and 234 AF/Y in evapotranspiration. (MCCSD, 2014). Pumping wells during the 1998-2013 MCCSD study period produced an average of 218 AF/Y. Since the 2005 Water Year, pumping by the water wells in Town has not exceeded 200 AF/Y, well within the estimated 242 AF/Y safe yield of the aquifer. (MCCSD, 2014.) MCCSD has reported that pumped water demand in the Town decreased by 22.8% during the last 25 years. (See, MCCSD, "Existing Water Demand, 1990", April, 1990, and MCCSD, "Water Demand", June, 2015.)

By comparison to the Mendocino Headlands aquifer safe yield estimate (DWR, Town of Mendocino Groundwater Study, 1985), the perennial yield estimate of the Mendocino Groundwater Model (MCCSD, 2004) for the Mendocino Headlands aquifer is 283 AF/Y, based on groundwater elevation monitoring at 24 stations, statistical analysis, and hydrography.¹¹ (MCCSD, 2012.)

Previously, DWR (1985) identified 1,236 AF/Y total average inflow to the Mendocino Headlands aquifer, with average subsurface outflow of 584 AF/Y, average native and urban evapotranspiration of 455 AF/Y, average Mendocino Town pumped and imported water use (as measured by wastewater treatment plant outflow) of 119 AF/Y, and average runoff of 78 AF/Y, with no change in aquifer storage.¹² Prior to the effective

¹⁰ Water has also been episodically imported by truck for individual customers by State-licensed haulers from other locales in Mendocino County. The DWR "Town of Mendocino Groundwater Study" (1985) reported 11 AF/Y of such water importation; recent information indicates it to be 1.62 AF in 2014-2015. (MCCSD, 2014-2015 Water Hauling Survey, 2015.)

¹¹ Adopted Town Zoning Code Update Section 20.744.020 defines the term "safe yield".

¹² For the below-average May, 1984- May, 1985 precipitation period (31.7 inches, 75% of the long-term mean precipitation, 42.31 inches), DWR (1985) estimated 928 AF inflow (917 AF by precipitation and 11 AF by importation), 416 AF of native and urban evapotranspiration, 363 AF subsurface outflow, 109 AF Mendocino Town water use (as measured by wastewater treatment plant outflow), and 59 AF runoff, with a negative 19 AF in aquifer storage. MCCSD (2016)

SUPPLEMENTAL RESPONSE TO COASTAL COMMISSION STAFF COMMENTS

certification of the Mendocino Town Plan and Coastal Commission approval of Categorical Exclusion Order E-96-1 (1996), which in part exempts specified water wells,¹³ 251 pumping (active) wells produced groundwater from the aquifer in the Town.¹⁴ The number of producing water wells increased to 264 in 2001-2002, decreased to 234 in 2002-2003, and nine years later was near 400. (MCCSD, 2012.) Water well flow rates vary by location in the Town, but typically range from less than one gallon per minute (gpm) to over 25 gpm. (MCCSD, Mendocino Water Resources and Water Conservation, 2016.) MCCSD groundwater monitoring indicates an average annual variation in groundwater levels of 14.5 feet between October, 2002 and October, 2015, at a depth to groundwater between 8 feet (2006) and 22.5 feet (2009).¹⁵

A 2014-2015 water hauling survey by MCCSD, which received responses for 296 of 404 developed lots (parcels) in Town (73%), indicates that 264 respondents (89.2%) reported no water importation by truck, and 32 respondents (10.8%) reported purchasing one or more truck loads of water.¹⁶ The total amount of reported water

reports 40.33 inches as the long-term average precipitation at Mendocino.
(<http://www.mccsd.com/>)

¹³ Water wells in the Town are exempt from the coastal development permit requirement when MCCSD has granted a groundwater extraction permit or an exemption from it and where the well contains no permanent production facilities, replaces or supplements wells that serve an existing legal use on the parcel, or constitute production wells associated with development of a single family residence that is exemption by Categorical Exclusion E-96-1. See, Mendocino Town Plan Update, Appendix 4.

¹⁴ MCCSD, Groundwater Management Plan, 2012.

¹⁵ During the 2011-2015 drought years, the average maximum depth to groundwater at the MCCSD monitoring stations was ± 17 feet (2011), ± 19.5 feet (2012), ± 22 feet (2013), ± 21 feet (2014), and ± 21.5 feet (2015). (MCCSD, 2016, at: http://www.mccsd.com/water_shortage/Depth%20to%20Water.pdf)

¹⁶ Water haulers licensed by the Water Haul Licensing Office of the California Department of Public Health can operate anywhere in the State and any public drinking water supply or private water source may sell water to a licensed water hauler. The water source maintains responsibility for stewardship of its watershed. Water haulers are required to log water sources, indicate dates, volume, and name of the person who authorized or directed use of the water source, delivery points (including dates and volumes delivered), copies of agreements, contracts, licenses, and results of bacterial testing. These logs must be maintained for two years and are reviewed as part of the license inspection process, but are not public information. Water

SUPPLEMENTAL RESPONSE TO COASTAL COMMISSION STAFF COMMENTS

purchased was 1.62 AF.¹⁷ Twenty-two of the parcels (7.4%) made five or fewer water purchases, for a total of 0.29 AF (18%) of the imported water. The ten parcels with more than five water purchases (3.4%) totaled 1.3 AF (82%) of the imported water. Commercial properties constituted the six largest reported purchasers of imported water. Persons, unrelated to MCCSD, with local knowledge indicate that delivery of water by tank truck, at reduced volumes in comparison to previous years, during the past year in the Town has been to sites characterized by shallow or collapsed wells, a location in the high density well area, or where a previous easement to access spring water has been abandoned.

Analysis by the Mendocino County Planning and Building Department of estimated water hauling truck trips to the Town as a percentage of 2013 peak month average daily traffic indicates that at specified intersections between the two identified water origination points in Fort Bragg, on the north, and Elk, on the south, they constitute a maximum of 0.026% (2.87 trips/day [from Fort Bragg]), 0.036% (3.93 trips/day [from Fort Bragg]), 0.155% (17 trips/day [from Fort Bragg]), and 0.225% (2.87 trips/day [from Elk]), 0.308% (3.93 trips/day [from Elk]), and 1.333% (17 trips/day [from Elk], respectively. At the Highway 1-Lansing Street intersection in the Town, the respective estimated water hauling trips from Fort Bragg are 0.023% (2.87 trips/day), 0.031% (3.93 trips/day), and 0.136% of 2013 peak month average daily traffic. At the Highway 1-Jackson (Main) Street intersection, the respective estimated water hauling trips from Elk are 0.038%, 0.052%, and 0.227%. Thus, estimated daily water tank truck traffic during the peak month, in a drought, at all but one of the stations, at 17 truck trips/day in North Elk, along the two routes comprises less than 1% of the traffic at Highway 1. Such truck

Hauling Licenses are renewed by the State annually. Currently, water haulers operating in the Town are not in violation of their license.

¹⁷ This volume of reported imported water is illustrative, rather than dispositive, given that the MCCSD study relied on self-selection by respondents. However, it is generally corroborated by one water hauler with 20 years of experience on the Mendocino Coast, who has indicated that despite the severe drought, he has delivered substantially less water to property owners in the Town in 2015, compared to prior years.

SUPPLEMENTAL RESPONSE TO COASTAL COMMISSION STAFF COMMENTS

traffic tends to be distributed throughout the day, rather than to coincide with peak hour traffic.¹⁸ Table A, on the following page, contains the data set.

Pursuant to legislative authorization (Water Code sections 10700 et seq. [Ch. 472, Stats. 1978, AB 786, Hauser]), MCCSD has adopted a Groundwater Management Plan (GWMP) with groundwater extraction limitations, a Groundwater Extraction Permit Ordinance 90-1 (GWEP, as amended by Ordinance 07-1), and conservation measures to conserve as well as augment the Town's water supply with reclaimed water from MCCSD's tertiary wastewater treatment facility. (MCCSD, 2012, 2015.) The GWEP requires applicants for a Mendocino County use permit, coastal development permit, building permit (other than for minor repair and maintenance), well permit, and after the

¹⁸ Town Plan Update Appendix 8 contains illustrative hourly and peak AM and PM traffic data for all traffic on Main Street at Highway 1 and Lansing Street at Highway 1 (as well as Little Lake Street at Highway 1) during Thanksgiving Holiday Week, 2015 (November 23-30, 2015), when persons with local knowledge reported large numbers of visitors in the Town. Thanksgiving Week traditionally constitutes one of the peak visitor periods during the year in the Town. The peak AM traffic on West Bound (WB) Main Street, 192 trips, occurred between 11:00 AM and 12:00 PM (noon) on Tuesday, November 24; the peak PM traffic on WB Main Street, 226 trips, occurred between 3:00 PM and 4:00 PM on Saturday, November 28. The peak AM traffic on EB Main Street, 157 trips, occurred between 11:00 AM and 12:00 PM (noon) on Sunday, November 29; the peak PM traffic on EB Main Street occurred between 4:00 PM and 5:00 PM on Friday, November 27. For Lansing Street, the comparable trips are SB (to the Town from the direction of Fort Bragg): AM peak, 86 trips, 11:00 AM to 12:00 PM (noon), on Saturday November 28, and PM peak, 89 trips, 1:00 PM to 2:00 PM, on Friday, November 27; and NB (from the Town toward Fort Bragg): AM peak, 79 trips, between 11:00 AM and 12:00 PM (noon) on Sunday, November 29, and PM peak: 116 trips, between 3:00 PM and 4:00 PM, on Friday, November 27.

MENDOCINO TOWN LCP AMENDMENT (LCPA-1-MEN-14-0840)
SUPPLEMENTAL RESPONSE TO COASTAL COMMISSION STAFF COMMENTS

TABLE A. ESTIMATED WATER HAULING TRIPS FROM ELK AND FORT BRAGG TO THE TOWN OF MENDOCINO, IN PERCENT OF 2013 PEAK MONTH AVERAGE DAILY TRAFFIC

| MEASUREMENT LOCATION AT HWY 1 | POST MILE | PEAK MONTH AVERAGE TRAFFIC | PERCENTAGE OF PEAK MONTH AVERAGE DAILY TRAFFIC | | |
|----------------------------------|--------------|----------------------------------|---|----------------|--------------|
| | | | 2.87 Trips/Day | 3.93 Trips/Day | 17 Trips/Day |
| Elk, North Limits | 34.9 | 127 | 0.225% | 0.308% | 1.333% |
| Junction, Route 128 East | 40.2 | 260 | 0.110% | 0.151% | 0.654% |
| Little River Airport Rd. | 47.5 | 565 | 0.051% | 0.070% | 0.301% |
| Compteche/Ukiah Rds. | 50.0 | 785 | 0.037% | 0.050% | 0.217% |
| Jackson/Main St, Mendocino | 50.5 | 750 | 0.038% | 0.052% | 0.227% |
| Lansing St, Mendocino | 51.4 | 1250 | 0.023% | 0.031% | 0.136% |
| Caspar, North Limits | 55.7 | 1315 | 0.022% | 0.030% | 0.129% |
| Gibney Lane | 57.2 | 1370 | 0.021% | 0.029% | 0.124% |
| Simpson Lane | 59.2 | 1755 | 0.016% | 0.022% | 0.097% |
| Junction, Route 20 East | 59.8 | 2330 | 0.012% | 0.017% | 0.073% |
| Cypress Avenue, Fort Bragg | 60.6 | 2645 | 0.011% | 0.015% | 0.064% |
| Redwood Avenue, Fort Bragg | 61.4 | 1855 | 0.015% | 0.021% | 0.092% |
| Fort Bragg, North City Limits | 62.3 | 1095 | 0.026% | 0.036% | 0.155% |

Sources: California DOT Division of Traffic Operations, 2013 Traffic Volumes on the California State Highway System; California DOT, Route Concept Report Route 1 Corridor, September, 2003; Mendocino County PBS, 2015.

sale of real property within the Town to obtain a “groundwater extraction permit”. Application for such permit in turn requires (with limited specified exceptions¹⁹) performance, and submittal to MCCSD, of an hydrological study. MCCSD Ordinance 07-1 requires that hydrological study to be performed by a qualified hydrologist and to include consideration of (1) local geology and hydrology, (2) documentation of current groundwater development, (3) estimation of water use by the development, (3) a pump test, (4) assessment of on-site availability of groundwater, (5) analysis of potential

¹⁹ MCCSD Ordinance 07-1, subpart 4, provides for exceptions to the hydrological study requirement where the project will not increase the applicant’s existing extracted water quantity, results in a limited increase in water demand, as defined, modifies the structure or depth of an existing well or drilling a new well.

SUPPLEMENTAL RESPONSE TO COASTAL COMMISSION STAFF COMMENTS

impacts of the proposed groundwater development, and (6) an analysis of cumulative effects to hydrologically contiguous wells. (MCCSD Ord. 07-1, part 3.) In addition, the Ordinance provides that the hydrological study be documented in a report that summarizes the information and analyses, and contains relevant data.²⁰

Town Plan Update Build-out and Water Use

Mendocino Town Population. Table 1, on the following page, shows population estimates and projections for Mendocino County and the Town of Mendocino for 2010 through 2035. The Table provides two estimates and projections for the Town, Mendocino Pop1 and Mendocino Pop2. The Table also provides an estimate of cumulative growth in households by converting population into households based on the U.S. Census 2010 average household size for the Mendocino Census Delimited Place.

The projected increase of Mendocino County's population is from 88,292 in 2010, to 94,565 in 2035. Mendocino Pop1 assumes that the Town continues to maintain the same 0.7 percent of the County's population, as of 2010, throughout the 25-year period, to 2035. On that basis, the Town population would increase to 643 persons, with an increase of 21 households.

Mendocino Pop2 estimates and projections are based on data from MCCSD for the number of residences in the Town that are connected to the MCCSD wastewater system or are served by private wastewater (septic) systems, multiplied by the average

²⁰ MCCSD Ordinance 07-1 further provides that all conclusions expressed by the hydrologist in the hydrological study shall be supported by data and other facts, consistent with good hydrological practices. All assumptions and equations relied on by the hydrologist in conducting the aquifer test and forming his/her conclusions shall be included in the hydrological study report. The hydrological study shall consider: 1) the adequacy of the water supply to support the proposed new development, expansion of existing use, or change in use during the dry summer months and drought conditions, and 2) any adverse effects and adverse cumulative effects to hydrologically contiguous wells. Once a hydrological study has been completed it shall be delivered to the District Office for review.

MENDOCINO TOWN LCP AMENDMENT (LCPA-1-MEN-14-0840)
SUPPLEMENTAL RESPONSE TO COASTAL COMMISSION STAFF COMMENTS

TABLE 1. TOWN OF MENDOCINO POPULATION ESTIMATES, 2010-2035

| AREA | 2010 | 2015 | 2020 | 2025 | 2030 | 2035 |
|---|-------|-------|-------|-------|-------|-------|
| MENDOCINO COUNTY | 88292 | 88884 | 90411 | 92203 | 93577 | 94565 |
| MENDOCINO TOWN POP1 | 610 | 614 | 625 | 637 | 647 | 653 |
| MENDOCINO TOWN POP1 GROWTH (CUMULATIVE) IN HOUSEHOLDS | na | na | 6 | 12 | 17 | 21 |
| MENDOCINO TOWN POP2 | 779 | 796 | 812 | 827 | 843 | 858 |
| MENDOCINO TOWN POP2 GROWTH (CUMULATIVE) IN HOUSEHOLDS | na | na | 8 | 17 | 25 | 33 |

NOTES:

1. Mendocino Pop1 is based on the Town of Mendocino maintaining the same percentage of Mendocino County's population through 2035 as it has in 2010.

2. Town of Mendocino Pop2 is based on projection of MCCSD residences on sewer and septic multiplied by 2010 average household size.

Source: Mendocino County PBS, 2015.

household size estimates from the U.S. Census. From 2000 to 2015, the number of such residences recorded by MCCSD increased from 403 to 428, or by an average of 1.66 residences per year. If this rate continues, the population of the Town would increase to 858 persons by 2035, with an increase of 33 households.

Under the minimum build-out scenario of 1.66 new residences/year, an ultimate potential exists for up to 161 new residential equivalents, including 2nd residential dwelling units allowed in the RR-1 and SR 20000 Districts pursuant to the Board-adopted Town LCP Update by the year 2112. However, the actual allowed number of residential equivalents may be smaller as a result of economic conditions during the 25-year period and for other factors. Using the Mendocino Pop1 growth projection of a 21 household increase by 2035, the Town would not achieve build-out until 2112, 77 years after the Town LCP Update planning period. Water usage in the planning period would increase by 4.7 AF/Y and would cumulatively remain well below the current safe yield, 242 AF/Y. With the Mendocino Pop2 projection of a 33 household increase by 2035, build-out would also not be reached until after the 25-year planning period. Water use during the planning period, without additional incorporated conservation measures as

SUPPLEMENTAL RESPONSE TO COASTAL COMMISSION STAFF COMMENTS

required and recommended in the Board-adopted Town Plan Update, would increase by approximately 7.4AF/Y, and thus also cumulatively remain below the current safe yield estimate. Implementation of the required water conservation measures in the Town LCP Update, together with beneficial reuse of retained storm water runoff, will reduce total pumped residential demand for groundwater in the Town by an estimated 20%, or 41-42 AF/Y (based on current pumping levels); that water in turn would be available to support priority and other Coastal Act-consistent uses.²¹

Under the maximum build-out scenario, there is an ultimate potential for up to 303 new residential equivalents, including 2nd residential dwelling units allowed in the RR-1 and SR 20000 Districts pursuant to the Board-adopted Town LCP Update. However, the actual allowed number of residential equivalents may also be smaller as a result of economic conditions and other factors. Using either the Mendocino Pop1 or Mendocino Pop2 projections, build-out would not be achieved by the end of the planning period in 2035. During the twenty year planning period, water usage under Mendocino Pop1 and Mendocino Pop2 would increase by 5.1 AF/Y and by 8.0AF/Y, respectively, and remain below the current safe yield. Implementation of the required water conservation measures in the Town LCP Update, together with beneficial reuse of retained storm water runoff, will reduce total pumped groundwater demand by residential uses by an estimated 20%, or 42-43 AF/Y (based on current pumping levels), which in turn would become available to support priority and other Coastal Act-consistent uses. As in the minimum build-out scenario discussed above, implementation of the Board-adopted Town Plan Update provisions for beneficial reuse of reclaimed water will further reduce residential demand for groundwater pumping and contribute to an adequate Town water supply, given that the MCCSD tertiary treatment

²¹ Implementation of the Board-adopted Town LCP Update provisions for beneficial reuse of reclaimed tertiary-treated wastewater from MCCSD in horticultural landscape irrigation and dual plumbing systems in commercial buildings will further reduce the demand for groundwater pumping in the Town, at levels that can be quantified as MCCSD reclaimed water output and a piping system for its distribution are constructed.

SUPPLEMENTAL RESPONSE TO COASTAL COMMISSION STAFF COMMENTS

facility may potentially generate up to 300,000 gpd (335 AF/Y) of reclaimed water for beneficial reuse.

The increase in water usage from allowed development in the Commercial District totals 2.7 AF/Y under the minimum build-out scenario and 7.7 AF.Y under the maximum build-out scenario, without implementation of the required and recommended water conservation and beneficial reuse measures in the Board-adopted Town LCP Update. Both the minimum and maximum build-out scenarios likely overestimate projected water use from the three remaining vacant commercial parcels in the Town. Two of the remaining vacant commercial parcels may be developed as a park. Transient lodging use types (e.g., inns, motels, hotels, etc.) are already incorporated in the base line estimates of water usage.

Table 2 provides an estimate of potential additional water usage under the minimum build-out scenario of the Board-adopted Town LCP Update. Under this scenario, an additional 71 residential equivalents, using 200 gallons per day per unit could be developed. Under this scenario, 56% of the residential development would occur in Historical Zone A, 27% in Historical Zone B, and 17% in the SR2000 District. Water usage in this maximum build-out scenario would increase by 24.3 AF/Y; however, application of the 20% reduction in demand through implementation of adopted Town LCP Update water conservation and beneficial reuse requirements would reduce that increase to 19.44 AF/Y, a demand that can be met by the aquifer safe yield, and as augmented by MCCSD reclaimed water.

Table 3 provides an estimate of potential water usage under the maximum build-out scenario of the Board-adopted Town LCP Update. Under this scenario, an additional 303 residential equivalents, using 200 gallons of water per day per unit, could be developed. Approximately one-half of the new development would occur in areas classified (designated) and zoned RR-2-PD and RR-2, both located in Historical Zone B.

MENDOCINO TOWN LCP AMENDMENT (LCPA-1-MEN-14-0840)
SUPPLEMENTAL RESPONSE TO COASTAL COMMISSION STAFF COMMENTS

TABLE 2. ESTIMATED ADDITIONAL MENDOCINO TOWN WATER USAGE, MINIMUM BUILD-OUT SCENARIO

| LAND USE DISTRICTS | HISTORICAL ZONE | AREA (AC.) | PARCELS | | | | RESIDUAL DEVELOPMENT | ADDITIONAL WATER USE @ MAXIMUM BUILD-OUT (AF/Y) |
|--------------------|-----------------|------------|---------|------|----------------|--------------|----------------------|---|
| | | | NO, | DEV. | VACANT SUBDIV. | ADD. 2nd RDU | | |
| RR-2-PD | B | 43.36 | 5 | 4 | 3 | 0 | na | 7.2 |
| RR-2 | B | 143.70 | 12 | 10 | 2 | 0 | na | 5.2 |
| RR-1 | A | 23.30 | 2 | 1 | 8 | 0 | na | 1.8 |
| R+ | A | 16.48 | 9 | 8 | 1 | 0 | na | 2.9 |
| RM | A | 14.61 | 3 | 2 | 8 | 0 | na | 1.8 |
| MU | A | 8.77 | 3 | 2 | 3 | | na | 0.7 |
| C | A | 17.36 | 6 | 6 | 1 | | na | 2.7 |
| PF | A, B | 33.76 | 2 | | | | na | 0.0 |
| SR20000 | na | 20.38 | 3 | 3 | 9 | 0 | na | 2.0 |
| OS | A, B | 230.09 | 5 | | | | na | 0.0 |
| Total: | | 551.81 | 50 | 36 | 35 | 0 | 0 | 24.3 |

NOTES:
1. All residential water use based on 200 gpd.
2. Commercial water usage based on 0.15 gpd/ft².
3. Mendocino County PBS reports no water use data by parcels in the PF Districts or OS Districts.
Source: Mendocino County, 2015; Dall & Associates, 2016.

Water usage in this maximum build-out scenario would increase by 72 AF/Y; however, application of the 20% reduction in demand through implementation of adopted Town LCP Update water conservation and beneficial reuse requirements would reduce that increase to 57.6 AF/Y, a demand that can be met through a combination of retained groundwater in the aquifer through conservation pursuant to Board-adopted Town LCP Update requirements and reclaimed water from MCCSD.

MENDOCINO TOWN LCP AMENDMENT (LCPA-1-MEN-14-0840)
SUPPLEMENTAL RESPONSE TO COASTAL COMMISSION STAFF COMMENTS

TABLE 3. ESTIMATED ADDITIONAL MENDOCINO TOWN WATER USAGE, MAXIMUM BUILD-OUT SCENARIO

| LAND USE DISTRICTS | HISTORICAL ZONE | AREA (AC.) | PARCELS | | | ADD. 2nd RDU | RESIDUAL DEVELOPMENT | ADDITIONAL WATER USE @ MAXIMUM BUILD-OUT (AF/Y) |
|--------------------|-----------------|------------|---------|------|----------------|--------------|----------------------|---|
| | | | NO. | DEV. | VACANT SUBDIV. | | | |
| RR-2-PD | B | 43.36 | 57 | 43 | 32 | | | 8.2 |
| RR-2 | B | 143.70 | 126 | 104 | 23 | | 52 | 18.3 |
| RR-1 | A | 23.30 | 20 | 15 | 8 | 20 | | 6.8 |
| R+ | A | 16.48 | 94 | 80 | 13 | | 25 | 8.5 |
| RM | A | 14.61 | 35 | 27 | 8 | | 32 | 9.6 |
| MU | A | 8.77 | 31 | 25 | 3 | | 8 | 2.5 |
| C | A | 17.36 | 69 | 62 | 25 | | 9 | 7.7 |
| PF | A, B | 33.76 | 26 | | | | | 0.0 |
| SR20000 | na | 20.38 | 38 | 30 | 9 | 35 | | 10.4 |
| OS | A, B | 230.09 | 53 | | | | | 0.0 |
| Total: | | 551.81 | 549 | 386 | 121 | 56 | 126 | 72 |

NOTES:

1. RR-2-PD water use based on 230 gpd for subdivision and vacant parcels.
 2. RR-2, RR-1, and SR20000 water use based on 260 gpd for subdivision and vacant parcels, 200 gpd for additional 2nd residential dwelling units per adopted MTLCPU/A (which may overstate water use by maximum 900 ft² 2nd RDU's).
 3. All other residential water use based on 200 gpd.
 4. Commercial water usage based on 0.31 gpd/ft² (MCCSD standard for retail store, gallery, office commercial and food/beverage establishments).
 5. Additional 2nd RDU numbers based on Mendocino County Tax Assessor data.
 6. Mendocino County PBS reports no water use data by parcels in the PF Districts or OS Districts.
- Source: Mendocino County, 2015; Dall & Associates, 2016.

Under the full build-out scenario of additional residential units (including 2nd residential units) in the R-1, RR-2, R+, RM, and SR Districts, water usage at build-out with required conservation and beneficial reuse of reclaimed water pursuant to the adopted Town LCP Update will increase by 57.6 A/Y (after conservation), to 275.6 AF/Y, 33.6 AF/Y above the aquifer safe yield (1985), but 8.6 AF/Y below the 283 AF/Y aquifer perennial yield. Injection of reclaimed water produced by MCCSD into the aquifer (e.g., by receiving (dry) wells), from the design dry weather tertiary treatment capacity (300,000

SUPPLEMENTAL RESPONSE TO COASTAL COMMISSION STAFF COMMENTS

gpd or 335 AF/Y) of the wastewater treatment plant²² would further augment the aquifer, including when natural recharge is at a minimum during summer and fall, or during droughts.

Note on Methodology. The build out assumptions for the minimum and maximum allowable build out for each parcel examined the potential for subdivision, potential vacant parcel development, and potential residual development of underutilized parcels. The parcel analysis was conducted by zoning district to account for differences in minimum lot area, maximum dwelling density, and maximum lot coverage between districts. The land use classifications/zoning districts examined were Rural Residential (MRR-1, MRR-2 and MRR-2-PD), Suburban Residential (MSR), Town Residential (MTR), Multiple Family Residential (MRM), Mixed Use (MU), and Commercial (MC). Parcels in the Open Space (MOS) District, Public Facilities (MPF) District, and in rights-of way were not included. The subdivision potential of each parcel, whether developed or vacant, was also examined. The County Assessor's parcel record and the County's Geographic Information System were used to determine the square footage of each parcel and whether or not it could be further subdivided. The subdivision potential of each zoning district is the sum of the subdivision potential of its respective parcels. (See, Mendocino County Division of Lands Regulation, Section 17-52.)

The potential for development of vacant parcels was summed by zoning district on the basis of the County Assessor's parcel record. A parcel was considered vacant if the value of improvements on the parcel was less than \$10,000. Parcels identified as road right-of-way and parcels less than 1,000 square feet in size were eliminated from the analysis. A few parcels listed as vacant on the Assessor's records were eliminated because they were known to be developed. Parcels zoned MOS and MPF, and ROW parcels, were not included in the analysis. These include lands owned by the State of

²² As adjusted for existing and incremental future delivery by MCCSD of reclaimed water to Mendocino High School, State Parks, horticultural irrigation on private (lots) parcels, and dual-plumbed commercial and recreational buildings in Town.

SUPPLEMENTAL RESPONSE TO COASTAL COMMISSION STAFF COMMENTS

California and other public lands such as cemeteries, school sites, and government buildings (e.g., fire station, waste water treatment plant, etc.).

The residual residential development potential of both vacant and developed parcels was examined at the parcel level, primarily on the basis of lot coverage requirements of the relevant zoning district. For vacant parcels in residential zoning districts, additional development potential was determined based on square footage of the parcel and the minimum square footage requirements for the zoning district for second (or more) residential units. For parcels with existing development, aerial photography was used to estimate lot coverage to determine if sufficient area was available for additional development.

Maximum lot coverage in the Commercial District is 25%. For a vacant Commercial parcel, 25 percent of the lot area was considered developable (e.g., for a 10,000 square foot lot, 2,500 square feet could be developed). For a parcel with existing commercial development, lot coverage was estimated using aerial photography and the residual development potential determined (e.g., for a 10,000 square foot property with 1,000 square feet of development, 1,500 square feet could still be developed on the site).

Visitor Serving Uses were not considered in the minimum and maximum build-out scenarios since they are already included in the baseline water estimate. The Board-adopted Town Plan Update sets a limit of 237 hotel, inn, and bed and breakfast units within the Town.

The minimum build out estimate is based on development of a single family residence or commercial use on all vacant parcels, including those that could be created by new subdivision. For all residential development, water usage was based on the MCCSD water standard for a two bedroom single family residence of 200 gallons per day. For commercial development, water usage was based on the MCCSD water standard for Retail Store/Gallery/Office of 0.15 gallons per day per square foot of display/work area.

SUPPLEMENTAL RESPONSE TO COASTAL COMMISSION STAFF COMMENTS

The maximum build out estimate includes development of a single family residence or commercial use on all vacant parcels, including those that could be created by new subdivision, and potential residual development of residential units or commercial space. Water usage in the RR-2 and RR-1 Districts was based on the MCCSD water standard for three bedroom residences of 260 gallons per day, and of 200 gallons per day for 2nd residential dwelling units (in the RR-1 District only), which at a maximum of 900 ft², typically have one and no more than two bedrooms. Water usage for the RR-2-PD designation was based on the average MCCSD water standard for a two and three bedroom dwelling of 230 gallons per day. For all other residential uses, the MCCSD standard for a two-bedroom residence of 200 gallons per day was used. Water demand for Commercial properties used a weighted average of 0.31 gallons per square foot per day based on MCCSD's estimated square footage and the water standard for Retail Store/Gallery/Office and Food and Beverage Establishments. In 2013-14, MCCSD estimated there were 141,970 square feet of Retail Store/Gallery/Office and 8,811 square feet of Food and Beverage Establishments. The water standard used for Retail Store/Gallery/Office is 0.15 gpd per square foot. The water standard used for Food and Beverage Establishments was 2.9 gpd per square foot.

Town LCP Update Provisions²³

- (1) **Policy GM-1**, at Town Plan Update page 66, constitutes the encompassing
- (2) standard in the Mendocino Town LCP Update for conservation, preservation, and development in the Town: "The Town of Mendocino is a special community under the meaning of Public Resources Code Section 30253(e). All

²³ Mandatory provisions (policies, actions, zoning implementation measures) in the Board of Supervisors-adopted Mendocino Town LCP Update (December 8, 2015) are indicated by the use of the operative term "shall"; advisory (recommended) actions in the Town Plan Update are indicated by "should" or "may". (Town Plan Update policy 4.1.1. As cited or summarized herein, the policies, actions, and zoning implementation measures in the Town LCP Update are shown in plain text, without the strikethroughs and underlining that signify Board-adopted deletions and additions, respectively, in the Town LCP Update Amendment submitted to the California Coastal Commission for certification review and action.

SUPPLEMENTAL RESPONSE TO COASTAL COMMISSION STAFF COMMENTS

development shall protect this special community which, because of its unique characteristics, is a popular visitor destination point for recreational uses and a recognized coastal resource of local, regional, state, and national significance.”

(2) **Policy GM-6(a)**, at Town Plan Update page 72, provides the basic development regulatory standard within the Town boundaries: “Development within the town boundaries shown on the Mendocino Town Land Use Map (Figure 4.13-3) shall comply with the certified Mendocino Town Plan Policies, Mendocino Town Land Use Map, Mendocino Town Zoning Code, and Mendocino Zoning Map.”

(3) **Policy GM-8**, at Town Plan Update page 72, (a) establishes the public or private service requirement, as applicable for new development, and (b) requires that it shall not have a significant direct or cumulative adverse effect on coastal resources, public access, or public recreational use: “New development in the Town shall (a) be served either by adequate public services consistent with Public Resources Code section 30254, or by private services determined to be adequate by the Mendocino City Community Services District and the Mendocino County Department of Environmental Health with regard to potable water and wastewater, as applicable, and (b) not have a significant direct or cumulative adverse effect on coastal resources, public coastal access, or coastal recreational use.”

(4) **Policy GM-10**, at Town Plan Update page 73, implements Coastal Act Section 30254 with regard to the capacity of new public works facilities: “Consistent with Public Resources Code Section 30254, public works facilities shall be designed, limited, and operated to accommodate capacity demands generated by development or uses that are permitted consistent with the certified Mendocino Town Plan, including a reasonable margin of safety to protect the Town and accommodate potential variations as a result of climate change or other natural or quasi-natural factors during the economic life of the public works facility.”

SUPPLEMENTAL RESPONSE TO COASTAL COMMISSION STAFF COMMENTS

(5) **Policy GM-11**, at Town Plan Update page 73, implements Coastal Act Section 30254 with regard to prioritized public works facility capacity allocation in the Town: “Where existing or planned public works facilities can accommodate only a limited amount of new development, (a) the services provided by such facilities shall preserve the balance between residential and visitor uses within the Town, and (b) consistent with Public Resources Code Section 30254, services to coastal dependent land uses, essential public services, basic industries vital to the economic health of the Town, region, state, or nation, public recreation, commercial recreation, historic preservation within the area listed on the National Register for Historic Preservation as National Register Historic District Number 71000165, and (6) visitor serving land uses shall not be precluded by other development.”

(6) **Action GM-22.1**, at Town Plan Update page 73, provides *inter alia* for the restoration, protection, and enhancement of storm water management functions as part of the recommended cooperative interagency Main Street Corridor and adjacent Mendocino Headlands project: “The County of Mendocino should, in cooperation with the State Coastal Conservancy, the California Department of Parks and Recreation, the California Department of Transportation, adjoining private property owners, and other interested persons, strive to restore, enhance, and protect the combined historic community character, public access functionality, and storm water management functions of the Main Street Corridor and adjacent Mendocino Headlands State Park. These efforts can serve to further the conservation and development standards of the Mendocino Town Local Coastal Program, provide for sustainable recreational opportunities, protect the public safety, and safeguard natural, historical, and community resource areas against overuse.”

(7) **Policy GM-32(a)**, at Town Plan Update pages 82-83, sets forth the regulatory requirements relating to production of water as a condition of approval for any division of land in the Town: “Approval of any division of land within the urban boundary of the Town, as shown on the Town Land Use Map, shall require (a) proof that the Mendocino

SUPPLEMENTAL RESPONSE TO COASTAL COMMISSION STAFF COMMENTS

City Community Services District (1) has issued a water well permit, or will issue a water well permit as a condition precedent to issuance of the coastal development permit for the land division, for each newly created lot or parcel, and (2) has, or will as a condition precedent to issuance of the coastal development permit for the land division, provide wastewater service for each newly created lot or parcel; (b) demonstration, by a qualified professional, that the division of land, including any hydromodification and any future construction and use of structures on each newly created lot or parcel, will not have any significant adverse effects, either individually or cumulatively, on coastal resources or coastal public access; and (c) demonstration that the division of land, including any hydromodification and any future construction and use of structures on each newly created lot or parcel, will be consistent with all applicable conservation and development standards of the Mendocino Town Local Coastal Program.”

(8) **Policy DG-4**, at Town Plan Update page 85, requires permitted commercial, open space, public facility, and residential development to utilize predominantly native and drought-tolerant landscaping, which contributes to the estimated reduction of 20% in water demand through conservation: “Permitted residential, commercial, public facility, and open space development shall require predominantly native and drought-tolerant landscaping, to reflect the relatively unstructured landscape character of the Town.”

(9) **Action DG-4.1**, at Town Plan Update page 86, requires the Mendocino Historical Review Board to incorporate into its Design Guidelines feasible horticultural irrigation with retained storm water and reclaimed water, in addition to use of native and drought-tolerant vegetation: “The Mendocino Historic Review Board shall incorporate landscape guidelines in the Historic Review Board Design Guidelines that address native and drought-tolerant plant materials, hardscape design, and horticultural irrigation that utilizes, to the extent feasible, collected stormwater runoff or reclaimed water.”

(10) **Action CP-1.5**, at Town Plan Update page 88, requires feasible utilization of permeable ADA-compliant paving materials and minimization of impermeable surfaces

SUPPLEMENTAL RESPONSE TO COASTAL COMMISSION STAFF COMMENTS

to optimize *in-situ* groundwater recharge and avoid soil compaction: "All new parking areas shall minimize impermeable surfacing and soil compaction, and shall use permeable ADA-compliant paving material wherever feasible."

(11) **Action AH-4.1(3)**, at Town Plan Update page 91, directs the Town Zoning Code to require demonstration that the County Division of Environmental Health and MCCSD have approved an adequate water system for a proposed second residential dwelling unit: "The Mendocino Town Zoning Code shall provide that the following second residential unit development standards apply: ... (3) An adequate water system as approved by the County Division of Environmental Health and the Mendocino City Community Services District is available to serve the second dwelling unit." Mendocino Town Zoning Code Section 20.740.015(D) implements this requirement.

(12) **Policy S-1**, at Town Plan Update page 92, requires management and augmentation of a sustainable water supply in the special community through groundwater replenishment and specified avoidance of water waste: "The water supply in the Town of Mendocino shall be managed and augmented in a sustainable manner to (a) support the special community, (b) optimize available water supplies for all human and natural system uses through concerted groundwater replenishment, and (c) strictly avoid the waste of potable water in uses that do not require it by utilization of reclaimed water or conserved storm water runoff, where feasible."

(13) **Action S-1.1**, at Town Plan Update page 92, requires applications for development to submit proof of a year-round adequate water supply, and that well production of water will neither deplete the ground water table, as specified, nor significantly adversely affect coastal resources: "All development applications shall submit proof (a) of an adequate water supply throughout the year, including the dry season; and (b) that well production of groundwater will not (1) deplete the ground water table of contiguous or surrounding uses, and (2) have a significant direct or cumulative adverse effect on coastal resources."

SUPPLEMENTAL RESPONSE TO COASTAL COMMISSION STAFF COMMENTS

(14) **Action S-1.2**, at Town Plan Update page 93, further requires both new and existing development to comply both with MCCSD water conservation regulations and standards and to incorporate State-required water conservation measures: "All new and existing development shall, in addition, (a) comply with all applicable adopted Mendocino City Community Services District water conservation regulations and standards, and (b) incorporate all water conservation measures required by the State of California."

(15) **Action S-1.3**, at Town Plan Update page 93, further requires both new and existing development to comply both with all County Environmental Health Department regulations and standards for well production of potable water: "All new and existing development shall also comply with all applicable regulations and standards of the County Environmental Health Department for potable water production by wells."

(16) **Action S-1.4**, at Town Plan Update page 93, requires permitted horticultural landscaping to be drought-tolerant and, if irrigated, to maximally feasible utilize storm water from the site or a multi-lot (parcel) storm water management system, as provided in the Town LCP Update, and available MCCSD reclaimed water: "Permitted horticultural landscaping shall be drought-tolerant and, when irrigation is required, shall utilize, to the maximum extent feasible, (a) retained storm water from (1) the site of the development, or (2) a storm water beneficial reuse project that includes more than one lot (parcel), and (b) on reclaimed water that is available from the Mendocino City Community Services District."

(17) **Action S-1.5**, at Town Plan Update page 93, recommends, as an additional groundwater conservation measure, Board consideration to amend the County Building Code to require (a) installation of flash hot water heaters in both new development and at the point of sale of specified existing structures, and (b) utilization of dual plumbing that utilizes reclaimed water for non-potable purposes in new commercial and residential development: "The County Board of Supervisors should consider an

SUPPLEMENTAL RESPONSE TO COASTAL COMMISSION STAFF COMMENTS

amendment to the County Building Code that requires, as additional water conservation measures, (a) installation of flash hot water heaters to serve all hot water faucets and outlets in (1) new development, and (2) at the point of sale of any structure that contains one or more hot water faucets or outlets, and (b) utilization of dual plumbing in new commercial and residential development that utilizes reclaimed water for non-potable purposes.”

(18) **Action S-1.6**, at Town Plan Update page 93, recommends that MCCSD continue its groundwater monitoring program, investigate to retrofit existing commercial and residential development with dual plumbing that utilizes reclaimed water for non-potable purposes, additional groundwater recharge with reclaimed water, and annual reporting of implementation of these measures to the Board: “The Mendocino City Community Services District should (1) continue its extensive groundwater monitoring program of the aquifer that underlies the Town, (2) investigate the feasibility of a State-funded pilot project to retrofit existing commercial development, and residential development where owners elect to participate, with dual plumbing that utilizes reclaimed water for non-potable purposes, (3) investigate the feasibility of additional groundwater recharge of the Town aquifer with reclaimed water through dry wells, (4) provide access to reclaimed water at a convenient location in Town for public and private non-potable water uses, and (5) annually report to the Board of Supervisors about the implementation status of this Action.”

(19) **Policy S-2**, at Town Plan Update page 94, sets forth the basic Town LCP Update policy regarding storm water management, use of reclaimed and retained storm water, and avoidance of water waste: “(a) Permitted development shall, to the maximum extent feasible, preserve, infiltrate, treat, and retain storm water to (1) maintain natural drainage on the site, (2) incorporate reclaimed water provided by Mendocino City Community Services District and/or conserved storm water runoff in a dual plumbing system for non-potable uses, and (3) strictly avoid water waste.” Town Zoning Code Chapter 20.717 establishes the specific storm water management standards that

SUPPLEMENTAL RESPONSE TO COASTAL COMMISSION STAFF COMMENTS

implement Policy S-2. The several Zoning Districts specifically list storm water management as permitted uses, and in specified situations, conditionally permitted uses.

(20) **Action S-2.1**, at Town Plan Update page 94, requires storm water management plans as part of any application for specified development or redevelopment, and further provides for participation in multi-lot (parcel) storm water management as an alternative to lot-by-lot implementation: "Stormwater management and erosion control plans shall be submitted by development or redevelopment project applicants to the County for all development that (a) proposes new construction, recovering (paving, resurfacing), or any other change in surfacing (such as re-roofing) that is 2,500 square feet in size or larger, and (b) requires a building or grading permit; provided that if a stormwater management system that serves more than one lot has been approved, the applicant may provide proof of participation in it to satisfy the stormwater requirements of the Town Local Coastal Program."²⁴

(21) **Policy S-3(3)**, at Town Plan Update page 94, requires *inter alia* that permitted development shall reduce storm water runoff, as specified, in relation to pre-project conditions: "Permitted development shall (1) minimize land disturbance, clearing, and grading to avoid, or to the maximum extent feasible reduce, erosion and sediment loss, (2) avoid disturbance of natural drainage features and associated riparian vegetation, wetlands, and native vegetation, and (3) reduce the volume of storm water discharged from the perimeter of the proposed development envelope during the County design storm event for the Town in comparison to pre-project runoff conditions." Town Zoning Code Update Section 20.717.020(A) implements Policy S-3(3).

(22) **Action S-3.1**, at Town Plan Update page 94, requires LID storm water management in all new development and redevelopment: "Low Impact Development

²⁴ The County understands that the State Water Board may reduce the 2,500 square foot threshold impervious surface referenced in the Town LCP Update to 500 square feet in 2016, following Board adoption of the Town LCP Update, and will coordinate with Coastal Commission staff to accordingly adjust that threshold number in the Town LCP Update.

SUPPLEMENTAL RESPONSE TO COASTAL COMMISSION STAFF COMMENTS

(LID) design shall be used for storm water management in all new development and redevelopment.”

(23) **Policy S-4**, at Town Plan Update page 94, requires feasible limitations on impervious surfaces in new development and redevelopment, to increase *in-situ* groundwater recharge: “Impervious surfaces shall be limited in new development and redevelopment to the extent feasible, including, but not limited to, through minimized connected impervious areas and, where feasible, increasing the area of pervious or semi-pervious surfaces in redevelopment.”

(24) **Action S-4.1**, at Town Plan Update page 95, provides standards for pervious and semi-pervious pavement: “Pavement shall, consistent with requirements of the Americans with Disabilities Act, as amended, and otherwise feasible, use pervious or semi-pervious paving materials, or natural pervious materials.”

(25) **Policy S-5**, at Town Plan Update page 95, requires rain water harvesting, under specified conditions, for storm water management and water conservation: “Rain water harvesting, as provided in Mendocino Town Zoning Code Chapter 20.717, shall be required in permitted development with more than five hundred (500) square feet of total impervious surface, for both storm water management and water conservation.”

(26) **Action S-5.1**, at Town Plan Update page 95, provides standards for the location, finishing, and review of new water storage tanks in the historical Town: “New water storage tanks shall be located (a) behind or within existing buildings, wherever feasible, (b) underground, (c) be clad in unpainted wooden materials, and (d) be exempt from review pursuant to the Mendocino Historical District Preservation Ordinance. Any other proposed water tanks shall be reviewed pursuant to an application for a Coastal Development Major Use Permit.”

(27) **Action S-5.2**, at Town Plan Update page 95, establishes lot coverage standards for water storage tanks: “Water storage tanks shall not count against lot coverage;

SUPPLEMENTAL RESPONSE TO COASTAL COMMISSION STAFF COMMENTS

provided that where lot coverage on a lot (parcel) exceeds 50%, new above-ground water storage tanks in the Mendocino Historic Preservation District shall require Mendocino Historical Review Board review and approval.”

(28) **Policy S-6**, at Town Plan Update page 95, establishes criteria for landscape-based storm water management and water conservation to benefit groundwater recharge: “Landscape-based storm water management and water conservation techniques, including, but not limited to rain gardens (bio-retention), dry wells, or vegetative swales, shall be utilized, where feasible, to facilitate aquifer recharge.”

(29) **Action S-6.1**, at Town Plan Update page 95, provides additional criteria for storm water management in permitted development with a minimum impervious area of 500 square feet: “Permitted development that creates or replaces five hundred (500) square feet or more of impervious area on a lot (parcel) shall implement either (a) site design measures to feasibly reduce storm water runoff from the lot (parcel) and increase groundwater recharge in comparison to pre-development storm water runoff conditions, or (b) participate in a storm water runoff control program that includes more than one lot (parcel).”

(30) **Action S-6.2**, at Town Plan Update page 95, requires drought-tolerant native vegetation landscaping and effective removal of any invasive non-native vegetation in permitted development: “Permitted development shall (a) utilize drought-tolerant native vegetation in all landscaping, and (b) effectively remove any invasive non-native vegetation from the lot (parcel).”

(31) **Action S-6.3**, at Town Plan Update page 96, requires landscaping to feasible avoid or minimize the use of potable water in irrigation, and to utilize efficient watering, retained storm water, and/or reclaimed water: “Existing and proposed horticultural landscape irrigation in the Town shall avoid or minimize the use of potable water, as feasible, and use (a) efficient watering techniques (such as drip irrigation), (b) retained rain storm water runoff, and/or (c) reclaimed water provided by MCCSD.”

MENDOCINO TOWN LCP AMENDMENT (LCPA-1-MEN-14-0840)
SUPPLEMENTAL RESPONSE TO COASTAL COMMISSION STAFF COMMENTS

(32) **Action S-6.4**, at Town Plan Update page 96, incorporates standards for gray water system: "Gray water systems shall be designed, installed, operated, and maintained in full compliance with all applicable health and safety regulations of the County Department of Environmental Health, and all other applicable standards."

(33) **Policy PF-5**, at Town Plan Update page 99, describes the Medocino Fire Protection District site adjacent to Little Lake Road, inland of Highway 1, *inter alia* as the site of a potential future water tank for fire safety in the special historical Town: "The Mendocino Fire Protection District, which provides critical community-wide public service benefits in the Town of Mendocino, holds the parcel at 44700 Little Lake Road in trust. That parcel contains the Mendocino Fire Protection District/Mendocino Volunteer Fire Department's headquarters-fire station, Grindle Park, and the potential future site of a water tank that is part of the Department's functional planning for fire safety services to minimize risk to life and property in areas with high structural and wildland fire danger in and adjacent to the special historical community that is the Town of Mendocino."

(34) **Action PF 5.1**, at Town Plan Update pages 99-100, provides for the redesignation (reclassification) and rezoning of the parcel referenced in Policy PF-5: "The Mendocino Town Local Coastal Program redesignates and rezones, for Coastal Act purposes, the parcel at 44700 Little Lake Road, identified as Mendocino County Assessor's Parcel Number 119-090-07, from the Open Space Land Use District and Open Space Zoning District classification to the Public Facility Land Use District and Public Facility Zoning District classification; provided that (a) future development by the Fire District/Department on the parcel shall be consistent with the conservation and development standards of the Town Local Coastal Program, and (b) utilize the minimum area in Grindle Park necessary to install such a water tank and associated facilities."²⁵

(35) **Policy CNS-1**, at Town Plan Update page 107, provides for (a) storm water design and management to restore and maintain the pre-development hydrology of the

²⁵ At line 3, the clause ", for Coastal Act purposes," is surplusage that should be deleted.

SUPPLEMENTAL RESPONSE TO COASTAL COMMISSION STAFF COMMENTS

Town, and (b) existing, restored, rehabilitated, and new development to utilize reclaimed water to the maximum extent feasible: “Consistent with Coastal Act Section 30231, (a) design and implementation of the stormwater management system required by Section 4.5 shall, to the maximum feasible extent, restore and maintain the natural (pre-development) hydrology of the Town, and (b) existing, restored, rehabilitated, and new development shall, to the maximum feasible extent, utilize reclaimed water from the Mendocino City Community Services District for all non-potable water uses.”

(36) **Policy CNS-8**, at Town Plan Update page 109, requires protection of soil productivity in the Town, which among other functions help sustain aquifer recharge: “The long-term productivity of soils in the Town shall be protected.”

(37) **Policy TPA-1**, at Town Plan Update page 111, sets forth the coastal development permit (including exemption and enforcement) requirements in the Town that apply to groundwater production, among other activities controlled by the Coastal Act and Town LCP: “(a) Any person, as defined in Section 2.60, who proposes to undertake any development, as defined in Mendocino Town Plan Section 2.24, shall obtain a coastal development permit from the County. (b) Where a development is specifically excluded or exempted from this requirement, such person shall obtain a certificate of coastal development permit exclusion or exemption from the County. (c) The provisions of Mendocino County Code Chapter 20.216, Enforcement, Legal Procedures, and Penalties shall apply in the Town.”

(38) **Town Zoning Code Update**. In summary, the Board-adopted Town Zoning Code Update (December 8, 2015) provides mandatory implementation measures (conservation and development standards) that relate directly to water in the following chapters:

SUPPLEMENTAL RESPONSE TO COASTAL COMMISSION STAFF COMMENTS

(a) Chapter 20.604, Basic Provisions: listing of applicable development review/approval standards, requirement for development to obtain and be consistent with a coastal development permit (or exclusion or exemption), conflict resolution, Town Zoning Map.

(b) Chapter 20.608, Definitions: Of the terms Building, Coastal Development Permit, Conditional Use, Cumulative Effect, Development, Environmentally Sensitive Habitat Area, Feasible, Grade, Implementing Ordinance, Land Use Plan, Landmark Structure, Local Coastal program, Lot, Lot Coverage, Major Public Works, Major Vegetation Removal or Harvesting, New Construction, Open Space, Parcel, Parking Area, Parking Space, Planned Unit Development, Principal Permitted Use(s), Public Facilities, Semi-Public Facilities, Public Utility, Public Works, Street, Structure, Uniform Building Code, Use, Well (Water), Wetlands, Zoning Code, Zoning District, Zoning Map.

(c) Chapter 20.644, MRR District: Storm water management is a listed principal permitted use under Residential Use Types and a conditional use under Civic Use Types; groundwater monitoring and mutual water company facilities are a listed principal permitted use under Civic Use Types.

(d) Chapter 20.648, MSR District: Storm water management is a listed principal permitted use under Residential Use Types and a conditional use under Civic Use Types; groundwater monitoring and mutual water company facilities are a listed principal permitted use under Civic Use Types.

(e) Chapter 20.652, MTR District: Storm water management is a listed principal permitted use under Residential Use Types, involving 1-4 lots (parcels), and a conditional use under Civic Use Types, involving more than 4 lots (parcels); groundwater monitoring and mutual water company facilities are a listed principal permitted use under Civic Use Types.

SUPPLEMENTAL RESPONSE TO COASTAL COMMISSION STAFF COMMENTS

(f) Chapter 20.656, MRM District: Storm water management is a listed principal permitted use under Residential Use Types, involving 1-4 lots (parcels), and a conditional use under Civic Use Types, involving more than 4 lots (parcels); groundwater monitoring is a listed principal permitted use under Civic Use Types.

(g) Chapter 20.660, MMU District: Storm water management is a listed principal permitted use under Residential Use Types; groundwater monitoring is a listed principal permitted use under Civic Use Types.

(h) Chapter 20.664, MC District: Storm water management is a listed principal permitted use under Civic Use Types.

(i) Chapter 20.668, MPF District: Groundwater monitoring is a listed principal permitted use in the MPF District; fire protection services, major impact services and utilities, and storm water management are listed conditional uses.

(j) Chapter 20.672, MOS District: Groundwater monitoring is a listed principal permitted use in the MOS District; fire protection services, groundwater management, major impact services and utilities, and minor impact utilities are listed conditional uses under Civic Use Types.

(k) Chapter 20.676, MPD Combining District: Includes by reference Chapters 20.492 (Grading, Erosion, and Runoff), 20.532 (Coastal Development Permit Regulations-General), and 20.536 (Coastal Development Specific Permit Procedures) apply.

(l) Chapter 20.684, MVSF (* and *B) Combining District: All use types specified in the base zone as a principal permitted use constitute a principal permitted use in this Combining District; all non-residential use types specified in the base zone as a conditional use constitute a conditional use in this Combining District. Complete application for authorization of existing visitor-serving facilities on sites designated with

SUPPLEMENTAL RESPONSE TO COASTAL COMMISSION STAFF COMMENTS

an asterisk or asterisk-B on the Town Zoning Map requires MCCSD verification that adequate water well and wastewater system capacity exists, or has been permitted, to serve the newly authorized and the existing visitor accommodations on the site. (MTZC Sec. 20.684.030(H)((4)(a), page 112.)

(m) Chapter 20.688, MDL District: Includes by reference Chapters 20.488 (Coastal Development Review Criteria) and 20.492 (Grading, Erosion, and Runoff) apply.

(n) Chapter 20.692, Limitations and Exceptions: Includes by reference Chapters 20.488 (Coastal Development Review Criteria) and 20.492 (Grading, Erosion, and Runoff) apply.

(o) Chapter 20.696, Home Occupations: Section 20.696.005 requires accessory home occupations to comply with all applicable regulations, including as they apply to well water production, water conservation, and beneficial reuse of water, of the Town Zoning Code Update.

(p) Chapter 20.700, Cottage Industries: Pursuant to the specific standards requirement of Section 20.700.020, potentially water intensive Cottage Industry Use Types, including, but not limited to, horticulture, and food and beverage preparation, require a major use permit, issuance of which is predicated on detailed environmental review, as applicable.

(q) Chapter 20.714, Circulation and Parking: Pursuant to Section 20.714.030, all new parking areas shall minimize impermeable surfacing and soil compaction, and shall use permeable ADA-compliant paving materials wherever feasible. Section 20.714.050 extends those requirements to improvement and maintenance of existing parking spaces, and requires associated storm water management.

SUPPLEMENTAL RESPONSE TO COASTAL COMMISSION STAFF COMMENTS

(r) Chapter 20.717, Water Quality Protection: The requirements of this Chapter of the Mendocino Town Zoning Code implement, in conjunction with Mendocino County Coastal Zone Division II, Chapter 20.492, the provisions of the Town Plan Update and County Land Use Plan through specified development application submittal and development standards, as well as other measures, to help ensure that permitted development will be sited and designed to protect groundwater resources, among other objectives, as part of an on-site, multi-lot (parcel), neighborhood, or Town-wide storm water management system. To that end, these standards define the terms and threshold requirements of Town storm water management, set forth required best management practices (BMP's, including source controls, treatment controls, and hydromodification), site design measures to achieve specified storm water runoff controls, maintenance standards, and provisions for water quality mitigation that includes feasible measures to treat, infiltrate, filter, and beneficially reuse runoff from specified impervious surfaces in the Town. The design storm event for purposes of this Chapter is the 85th percentile, 24-hour, 1-year recurrence storm event for volume-based BMP's, or the 85th percentile, 1-hour, 1-year recurrence storm event (with a minimum safety factor of 2) for flow-based BMP's. The County Stormwater Information web-site (<http://www.co.mendocino.ca.us/planning/stormwater.htm>) contains Low Impact Development (LID) tools for project-specific implementation of these requirements, including the Mendocino County LID Manual and technical appendices 1-11.

(s) Chapter 20.719.005, ESHA's: The standards of the adopted Town Zoning Code Update for protection of ESHA's include the requirements that (1) development otherwise permitted in an ESHA buffer area shall protect hydraulic capacity, subsurface flow patterns, biological diversity, and/or biological or hydrological processes (Section 20.719.020(A)(4)(i), and (2) no structure shall interrupt the flow of groundwater within a buffer strip, (3) foundations shall be situated with the long axis of interrupted permeable vertical surfaces oriented parallel to the groundwater flow direction, and (4) on a case-by-case basis, caissons, tiebacks, and grade beams may be allowed (Section 20.719.020(A)(4)(k). Section 20.719.025(A) limits development in wetlands consistent

SUPPLEMENTAL RESPONSE TO COASTAL COMMISSION STAFF COMMENTS

with Coastal Act requirements, and requires, in sub-section (B)(4), that any permitted diking, filling, or dredging of a wetland not significantly reduce its water quality, among other resources. Parallel provisions in the Town Zoning Code Update apply to the protection of open coastal waters, lakes, and streams (Sec. 20.719.030), Riparian Corridors and other Riparian Resource Areas (Sec. 20.719.035), Dunes (Sec. 20.719.040), and other specified Resource Areas, including, but not limited to, Mendocino Headlands State Park (Sec. 20.719.050).

(t) Chapter 20.720, Coastal Development Permit Regulations: Development, as defined in Town Zoning Code Update Section 20.608.023(E) consistent with the Coastal Act, requires a coastal development permit requirement, subject to the categorical exclusions set forth in Coastal Commission Categorical Exclusion Order No. E-86-1 (Town Plan Update, Appendix 4) and other Coastal Act exemptions and Coastal Commission categorical exclusions. (Sections 20.720.10, 20.720.20.) Issuance of a coastal development, where required, must precede the issuance of any water well permit, among other permits and entitlements. (Id.) Required findings for approval, amendment, or conditional approval of any coastal development permit in the Town must establish, among other criteria, proof of an adequate water supply pursuant to Chapter 20.744 to serve the proposed development, and that it otherwise conforms to the certified Mendocino Town LCP. (Section 20.720.035.)

(u) Chapter 20.724, Variances: Variances may only be granted on the basis of substantial evidence in the record as a whole that the variance (1) will not, among other criteria, materially and detrimentally affect the public welfare or injure real property or improvements in the vicinity or Zoning District in which the variance is located, and (2) is in conformity with all other provisions of the Town Zoning Code Update and the certified mendocino town Plan. (Section 20.724.020, subsections (D) and (E).)

SUPPLEMENTAL RESPONSE TO COASTAL COMMISSION STAFF COMMENTS

(v) Chapter 20.736, Enforcement: Any use of property or any building, as specified, contrary to the provisions of the Town Zoning Code Update is unlawful, a public nuisance, and subject to abatement pursuant to specified criteria.

(w) Chapter 20.740, Second Residential Dwelling Units: A second residential dwelling unit may be permitted, in addition to other standards, if (1) an adequate water system as approved by the MCCSD is available to serve it, and (2) it does not have a negative impact on coastal resources, among other criteria. (20.740.015, sub-sections (D) and (M).)

(x) Chapter 20.744, Ground Water Evaluation: This Chapter, which has been adopted by the Board to specifically implement water policies in the Town, establishes requirements for evaluation of the adequacy of groundwater resources for new development. (Section 20.744.05.) The Chapter defines 27 terms used in this Chapter, including, but not limited to, "Adequate Water Supply" (to include consideration of on-site, contiguous, and surrounding uses), "Adjacent" (to include adjoining and surrounding parcels that are separated by a road or easement from the project site), "Adverse Effect" (including with regard to specified drawdown conditions), "Changed Circumstance" (hydrological change that diminishes water availability), "Cone of Influence" (the zone of water withdrawal), "Cumulative Impact" (following the CEQA Guidelines definition at Title 14, California Code of Regulations Section 15355), "Groundwater", "Hydrologically Contiguous Wells", "New Development", and "Safe Yield". (Section 20.744.010.) Section 20.744.015 sets forth the specified requirements for conduct of a hydrological study, including, but not limited to, all development, except as provided in Section 20.744.025 where MCCSD or the County Health Officer have determined that it will not have any foreseeable impact on hydrologically contiguous wells. Section 20.744.020 provides standards by which MCCSD or the County Health Officer shall not approve new development or a new use where associated groundwater extraction would have an adverse effect on groundwater supply, or where evidence shows that insufficient groundwater exists to support the new development or

SUPPLEMENTAL RESPONSE TO COASTAL COMMISSION STAFF COMMENTS

new use. Section 20.744.030 explicates that second residential dwelling units are subject to the requirements for hydrological studies or proof of water in this Chapter.²⁶

(y) Chapter 20.760, Historical Preservation District For Town of Mendocino: This Chapter creates the Mendocino Historical Review Board (MHRB), with specified design review authorities over work and activities, as defined. Section 20.760.040(O), at Town Zoning Code Update page 237, exempts *from MHRB review* rainwater, groundwater, and/or potable water storage tanks in specified locations, with specified exteriors, and based on specified lot coverage conditions, but does not exempt water storage tanks on a single parcel (lot) associated with stormwater management and erosion control pursuant to Chapter 20.717 from MHRB review. (Section 20.760.055(G)(1).²⁷ However, MHRB has neither the authority to issue coastal development permits, nor grant exemptions or exclusions from the coastal permit requirement. The exemption of the specified water tanks from MHRB review does not in any way supersede or affect the coastal program regulatory standards of the Town Zoning Code Update with regard to such tanks in the Town.

(D) Town LCP Update Amendment - Coastal Act Consistency Analysis

(1) Water Supply Limitations. (Coastal Commission staff comment 1 in Part A, above.) The Board of Supervisors-adopted Town LCP Update (December 8, 2015) describes the Mendocino (Headlands) aquifer, its hydrologic budget, estimated 242 AF/Y safe yield, and the quantities of groundwater (with an average of 218 AF/Y and maximum

²⁶ As discussed above, Section 20.684.030(H)(4)(a) provides that a complete application for authorization of specified existing (but uncouned in 1992) visitor serving facility units (rooms/suites) requires verification by MCCSD that adequate water well systems exist, or have been permitted, to serve newly authorized, as well as existing, visitor accommodations pursuant to this sub-section.

²⁷ Section 20.760.055(G)(2) implements the requirement of the Town Land Use Classifications and Zoning Districts that development that implements the storm water management and erosion control requirements of Chapter 20.717 on more than one parcel (lot), or on a highway, road, street, or alley, shall be reviewed as a Coastal Development Permit pursuant to the requirements of the Town Zoning Code Update.

SUPPLEMENTAL RESPONSE TO COASTAL COMMISSION STAFF COMMENTS

200 AF/Y since 2005) that have been produced in the previous fifteen years. The Board-adopted Town LCP Update provides for planned new development during the planning horizon (to 2035) and existing development, as applicable, to (a) implement a suite of required water conservation measures, and (b) utilize retained storm water and available reclaimed water in landscape irrigation to continue to prevent aquifer depletion, consistent with the requirement of PRC section 30231, protect coastal (quasi-) natural resources in furtherance of PRC section 30250(a), and thereby implement the “adequate water services” standard of PRC section 30250(a).²⁸ In addition, the Board-adopted Town LCP Update provides for expanded utilization of MCCSD reclaimed water in existing and new development dual plumbing systems (as specified for non-potable purposes), for aquifer recharge, and for other public agency purposes. Implementation of this combination of water conservation and beneficial reuse set forth by the adopted Town LCP Update (e.g., in mandatory Policies S-1, S-2, S-3, S-5, S-6, GM-8, GM-10, GM-11, mandatory Actions S-1.1, S-1.2, S-1.3, S-1.4, S-3.1, S-6.1, S-6.3, and recommended Actions S-1.5, 1.6), together with required well maintenance, continued groundwater monitoring, and enforcement, will provide an adequate water supply both for existing and planned (permitted) developed uses, during the Town LCP Update planning horizon, to Town build-out under the alternative scenarios (projections) described above.²⁹ No moratorium on new development, or cessation of groundwater

²⁸ The priority use water reservation standard set forth in PRC section 30254 is inapplicable to the Town, as discussed *infra*, because the Town at present does not have a public water system. Physical reservation of additional upland lots (parcels) in private ownership pursuant to PRC Section 30222, beyond those designated for visitor-serving recreational commercial uses in the adopted Town LCP Update, is unnecessary because of the special community's Coastal Act-consistent and finely tuned balance of existing, planned (required), and as applicable recommended visitor-serving commercial recreational, expansive public recreational, and substantially preserved historical residential development in the Town.

²⁹ Implementation of the comprehensive water management provided by the adopted Town LCP Update will also support further reductions in water import by truck. It may be noted that the State legislature in 1976 elected not to implement the California Coastal Zone Conservation Commissions' recommendation, in the California Coastal Plan (1975), against inter-basin water transfer in the coastal zone. Instead, the legislature enacted Public Resources Code Sections 30001.5 [“... the basic goals of the state for the coastal zone are to: (a) Protect, maintain, and where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and artificial resources” and “(b) Assure orderly, balanced utilization and conservation of

SUPPLEMENTAL RESPONSE TO COASTAL COMMISSION STAFF COMMENTS

production for potable uses in existing development within the Town, as suggested for potential consideration by Coastal Commission staff, is therefore necessary to protect the aquifer, other coastal (quasi-) natural resources, Coastal Act priority uses, or other planned (allowed) development pursuant to the adopted Town LCP Update.

(2) Resource-Based Water Planning. (Coastal Commission staff comment 2 in Part A, above.) The Town Plan Update implements resource-based water planning through a comprehensive set of mandatory policies (e.g., S-1, S-2, S-4, S-5, S-6, CNS-7, CNS-8, GM-1, GM-6(a), and GM-8), mandatory actions (e.g., S-1.2, S-1.3, S-1.4, S-2.1, S-3.1, S-4.1, S-6.1, S-6.2, S-6.3, S-6.4) and recommended actions (e.g., S-1.5, S-1.6 that (a) directly, indirectly, and cumulatively sustain the Mendocino Headlands aquifer, (b) maintain groundwater outflows from the coastal and river bluffs that support native vegetation on them, the coastal strand community inland of Big River Flats, wetlands, and riparian areas, and (c) avoid waste of water through beneficial reuse of retained storm water runoff and reclaimed water for horticultural irrigation, dual-plumbing in existing and new buildings, aquifer recharge, and public agency functions.

(3) Water Well Conditions. (Coastal Commission staff comment 3(a) in Part A, above.) The Board-adopted Town Plan Update (page 48) has clarified and corrected the previous characterization of private water well performance in the Town, to indicate that some older, shallow, and superannuated wells located primarily in the Town Commercial District, where the highest density of water wells occurs, have been reported to have failed or discontinued for other reasons during the current drought (2011-2015) and previous droughts (e.g., 1975-1977). The Town LCP Update requires water wells, including in applications for new development and at the point of sale of real property, to conform to the performance standards (including regarding cumulative

coastal zone resources taking into account the social and economic needs of the people of the state....” To the extent that State-licensed importation of water by truck, whether in bulk or in bottles, to the Town is necessary to protect the public health and safety, such activity, although potentially not the environmentally preferred alternative, conforms to PRC Sections 30001.5 and 30250(a).

SUPPLEMENTAL RESPONSE TO COASTAL COMMISSION STAFF COMMENTS

groundwater draw-down) of the MCCSD Groundwater Extraction Ordinance and the County Environmental Health Department. (E.g., in Town Plan Update Action S-1.3 and Town Zoning Code Update sections 20.744.015 (Hydrological Study),³⁰ and 20.744.020 (Safe Yield). The adopted Town LCP Update, in Policy CNS-7, requires water wells, like all development in Town, to avoid significant adverse effects on coastal resources, including, but not limited to, ESHA. In addition to a groundwater extraction permit from MCCSD, water wells in the Town require a coastal development permit, to the extent they are not excluded from the requirement by Coastal Commission Categorical Exclusion Order E-96-1. (Town Plan Update Policy 4.1.2 and Appendix 4.)

(4) Cumulative Impacts of Water Well Production. (Coastal Commission staff comment 3(b) in Part A, above.) MCCSD Ordinance 07-1, rendered additionally applicable pursuant to mandatory Town Plan Update Action S-1.3, generally requires applications for water wells to be supported by a specified Hydrology Report, prepared by a professional hydrologist, that among other criteria analyzes potential cumulative effects from a new water well on proximate existing wells. Moreover, the adopted Town LCP Update requires new development, subject to the coastal development permit requirement, to avoid significant adverse effects on both groundwater and ESHA. (Town Plan Update Policies S-1 and CNS-7.) Implementation of the Town LCP Update water conservation, irrigation with retained storm water and available reclaimed water, and reclaimed water recharge provisions will augment the amount of groundwater in the Mendocino Headlands aquifer (e.g., during, but not limited to, the dry season or during drought conditions), with associated further reduction of potential cumulative impacts from water well production. Analytically, the Initial Study for non-exempt development projects pursuant to CEQA and the CEQA Guidelines will also identify potentially

³⁰ Town Zoning Code Update (MTZC) section 20.744.025 reasonably provides that generally an hydrologic study is not required where MCCSD or the County Health Officer determine that proposed development will not have any foreseeable impact on hydrologically contiguous wells; provided that an hydrological study is specifically required for second residential dwelling units (MTZC Section 20.744.030) and for authorization of specified visitor serving facilities (MTZC Section 2.684.030(H)(4)(a)) pursuant to specified MCCSD verification.

SUPPLEMENTAL RESPONSE TO COASTAL COMMISSION STAFF COMMENTS

significant future indirect or cumulative effects of such projects on the environment, with required additional technical analysis (i.e., through a Mitigated Negative Declaration procedure or an Environmental Impact Report), mitigation, findings of overriding considerations, or project denial.

(5) Water Supply Analysis and Management. (Coastal Commission staff comment 3(b) in Part A, above.) The suite of mandatory policies, mandatory actions, recommended actions, and mandatory implementation measures in the adopted Town LCP Update, discussed above, specifically require both project (site) specific hydrologic analysis as part of the application for the MCCSD groundwater extraction permit, and systemic (e.g., coastal resource, ESHA) analysis as part of the application for a coastal development permit, to avoid (or reduce to below a level of significance through incorporated mitigation). Implementation of the Town LCP Update water conservation and beneficial reuse requirements with regard to new and existing development will incrementally increase the amount of groundwater in the aquifer, as discussed with specificity above.

(6) Project Analysis and Temporal Groundwater Fluctuations. (Coastal Commission staff comment 3(c) in Part A, above.) The adopted Town LCP Update requires a coastal development permit application to demonstrate proof of adequate water supply during the entire year, which encompasses temporal fluctuations in groundwater. (Town Plan Update Action S-1.1) The Town Plan Update, at 47-49, and this consistency analysis, in Part B, above, discuss the hydrology of the Mendocino Headlands aquifer, the distribution of water wells in the Town, and their distribution. Policy S-1 and Action S-1.1 provide the specific relevant standards for development project review, including in the latter with respect to the dry season. No peer-reviewed scientific analysis or scenarios exist, to the knowledge of the County and its consultant, regarding any future decadal, centurial, or longer changes in precipitation, associated with climate change, in or including the Town. In any event, the adopted Town LCP Update provides for feasible additional water conservation and water beneficial use measures that serve to augment and sustain the aquifer, including during the dry season. Moreover, the

SUPPLEMENTAL RESPONSE TO COASTAL COMMISSION STAFF COMMENTS

coastal resource and ESHA protection standards, as well as the hydrologic standards of the adopted Town LCP Update will continue to apply to new development, or redevelopment, that is subject to the coastal development permit and/or MCCSD groundwater extraction permit requirements.

(7) Water Availability at Projected Town Build-out. (Coastal Commission staff comment 3(d) in Part A, above.) The analysis, in Part B, above, of alternative build-out scenarios pursuant to the adopted Town Plan Update includes (a) the current hydrologic budget of the Mendocino Headlands aquifer, (b) the quantified water demand of allowed (planned) development pursuant to the adopted Town Plan Update land use types, densities, and intensities at minimum and maximum build-out, as described, and (c) conservatively estimated volumetric effects of required water conservation and beneficial storm water and reclaimed water reuse. The analysis indicates that, at the specified rates of development, and with water conservation and beneficial reuse as required by the adopted Town Plan Update, adequate water supplies exist and will exist to serve the allowed kinds, densities, and intensities of uses planned by, and allowed pursuant to, the adopted Town Plan Update.

(8) Water Supply Mitigation; Coastal Act Requirements. (Coastal Commission staff comment 3(e) in Part A, above.) The required water conservation and beneficial reuse requirements of the adopted Town LCP Update, as discussed above, incorporate directly or by reference the suite of available (feasible) mitigation measures to sustain water production, by private wells, in the Town for existing and allowed (planned) development. Because a public water works facility does not serve the Town, the requirements of Public Resources Code Section 30254 (which are limited to such a situation) do not apply. The private well production of water in the Town conforms to (is consistent with) Public Resources Code Section 30250(a) in that the Mendocino Headlands aquifer, in conjunction with incremental implementation of water conservation and beneficial reuse, continued monitoring by MCCSD, and requirements for proof of a year-round (all season) water supply in development (including at the point

SUPPLEMENTAL RESPONSE TO COASTAL COMMISSION STAFF COMMENTS

of sale of existing development), is adequate to serve (able to accommodate) the specified new residential, commercial, public recreational, and limited industrial (home industries) development allowed (planned) by the adopted Town LCP Update, as discussed above.

(9) Prioritized Uses Pursuant to Coastal Act Section 30254. (Coastal Commission staff comment 3(f) in Part A, above.) As noted above, the prioritization of uses pursuant to Public Resources Code Section 30254, where a public (water) works facility has limited capacity, is at present inapplicable to water production in the Town, which is solely by private well. Given MCCSD's potential (up to on the order of 335 AF/Y at build-out) for delivery of reclaimed water to priority visitor serving facilities, other commercial uses, residential uses, public agency uses, and for other beneficial uses (e.g., for aquifer recharge or wetland or pond restoration/enhancement), MCCSD in conjunction with the respective water users will be in a position to incrementally provide reclaimed water to Coastal Act priority uses in the Town, consistent with Town Plan Update Policies GM-10, GM-11, and S-2, and Action S-1.6. Inclusion by the Board of Supervisors of these policies and action in the Town Plan Update, and related implementation measures in the MTZC, in relevant parts respond to Coastal Commission staff's request for additional policies that implement Public Resources Code Section 30254 in the Town. As a result of the local-State-federal creation of Historical Zones A and B, and the State acquisition of 98% of the Town's shoreline for Mendocino Headlands State Park, the Town contains no remaining land for potential location of coastal-dependent basic industries and no water is required to be reserved for them in the Town LCP Update.

(10) Response to Coastal Commission staff comments 3(g) in Part A, above: (a) Aquifer Capacity; (b) Town Build-Out Analysis; (c) Visitor-Serving Water Use; (d) Effect(s) of Groundwater Drawdown on Wetlands and ESHA; and (e) Feasible Mitigation to Reduce Direct and Cumulative Impacts on Water Resources and ESHA's.

SUPPLEMENTAL RESPONSE TO COASTAL COMMISSION STAFF COMMENTS

(a) The Mendocino Headlands aquifer “safe yield” is 242 AF/Y. (DWR, 1985.) The aquifer “perennial yield” is 283 AF/Y. (MCCSD, 2004.)

(b) The quantified analysis of water demand from Town build-out scenarios pursuant to the adopted Town LCP Update indicates that the aquifer safe yield accommodates project build-out through an extended (20-year, to 2035) planning and development horizon. In addition, as discussed above, implementation of water conservation and beneficial reuse requirements in the adopted Town LCP Update in conjunction with the aquifer accommodate both the “minimized” (2073) and “maximized” (2112) build-out scenarios pursuant to the adopted Town Plan Update.

(c) Water Demand. The authors of this LCP-Coastal Act consistency analysis at present do not have metered well water production data for the Town. Available itemized data for wastewater generation billing purposes (not metered flows) by visitor-serving uses (MCCSD, 2015) provides a sub-set of proxy information regarding the relative water demand of different types of visitor-serving uses,³¹ including, but not limited to visitor serving facilities, but omits water used for horticultural landscaping, other ancillary exterior uses, and the occupancy rate (unit/year).³²

- (1) Vacation Home or Single Unit Rentals, 23 units, 200 gpd
- (2) Inns, Hotels, B&B's, 215 units, Sleeping unit w/out kitchen, 120 gpd
Sleeping unit w/kitchen and laundry, 160 gpd
- (3) Full Service Food/Beverage Establishments w/bar, 2778 ft², 3.4 gpd/ft²
- (4) Full Service Food/Beverage Establishments w/out bar, 3242 ft², 2.9 gpd/ft²
- (5) Food/Beverage Establishments w/seats, w/out dish washing, 1563 ft²,

³¹ A brochure (“Mendocino Merchants”, 2015) that lists “all” “galleries, shops, stores, edibles, and libations” indicates a total of 67 such businesses, as follows: Antiques, 1; Art galleries, 9; Beads, 1; Bookstores, 2; Childrens clothing, etc., 2; Chocolates, 3; Clothing and accessories, 15; Computers, 1; Flowers, 1; Garden supplies, 1; Gifts, 9; Groceries, wines, and spirits, 3; Hardware, 1; Home décor, 1; Jewelry, 7; Kitchen, 1; Lifestyle gallery, 1; Perfume, 1; Pet grocery, 1; Picture framing, 1; Printing and copying, 1; Science toys, 1; Smoke shop, 1; Speakers, 1; Yarn shop, 1. In addition, the Town has: Bank, 1; and Automobile Service Station, 1.

³² DWR (1985) reported per-capita water use in the Town to be 70 gpd

SUPPLEMENTAL RESPONSE TO COASTAL COMMISSION STAFF COMMENTS

2.1 gpd/ft²

- (6) Food/Beverage Establishments, no-onsite consumption, 698 ft², 2.1 gpd/ft²
- (7) Bar area, per linear foot, 117 LF, 6.7 gpd
- (8) Bar patron area, 5637 ft², 1.4 gpd/ft²
- (9) Retail store, Gallery, Office, 140,334 ft², 0.15 gpd/ft²

(d) Effect(s) of Groundwater Drawdown on Wetlands and ESHA. State Parks reports no wetland or ESHA monitoring on Mendocino Headlands State Park (Superintendent L. Rex, pers. com. to Bill Kinser, Mendocino County PBS, 2015), where most of such sensitive areas in Town are located. No reported longitudinal wetland or ESHA monitoring has apparently occurred in the Slaughterhouse Gulch open space easement, or on any other potentially sensitive area(s) in the Town. MCCSD (Groundwater Management Plans and Programs, 2012, at 7) indicates that "Unlike typical California groundwater basins which contain alluvial sediments surrounded by low permeability bedrock that holds the water in the basin, the Mendocino Headlands aquifer is surrounded by cliffs and the major portion of the annual inflow discharges out of the cliffs through springs. Spring flow is also highly seasonal with the highest flow rates observed in the late winter and spring following significant rainfall. These springs are located at various elevations throughout the horizontal profile of the steeply inclined to vertical cliffs bounding the Mendocino Headland. Late-season springs typically consist of weeps emanating from the fractured bedrock. Variability in the elevation of the springs along the vertical profile of the coastal cliffs results in lower elevation springs acting as a source of groundwater discharge for a longer span during the yearly hydrologic cycle, while springs at higher elevation are often active only for short periods of time following rainfall events." Preliminary analysis by one of the authors of the LCP-Coastal Act consistency analysis of the vertical and oblique aerial photographic record of the Town (1972-2014, only a few of which are available as stereo pairs) in relation to correlated annual precipitation and well water production has been inconclusive with

SUPPLEMENTAL RESPONSE TO COASTAL COMMISSION STAFF COMMENTS

regard to ascertainable effects of the latter on apparent wetland or other potentially sensitive area distribution and extent, but remains on-going.

(e) Feasible Impact Mitigation on Water Resources and ESHA's. As discussed above, implementation (i.e., development, redevelopment, restoration, enhancement, other anthropogenic uses) of the adopted Town LCP Update will incrementally and programmatically conserve groundwater, require utilization of retained storm water and available reclaimed water for horticultural irrigation, require proof of adequate water supply (including with regard to drawdown impacts) as a part of coastal development permit and groundwater extraction permit applications, protect and restore/enhance soil productivity (including water infiltration through utilization of semi-pervious pavement where feasible), and contribute to aquifer recharge with reclaimed water and retained storm water. The adopted Town LCP Update requires specified development, with threshold impervious surfaces of 2,500 square feet (likely to be lowered to 500 square feet) to incorporate feasible on-site storm water management Best Management Practices (BMP's) or in the alternative participate in a multi-parcel, neighborhood, or Town storm water management program that functions to these ends. Continued groundwater monitoring, well production data collection, and reporting by MCCSD will increase the informational set for adaptive water management and Town planning during the periodic reviews required by the adopted Town Plan Update. No other water mitigation measures were proposed during preparation, public workshops and personal consultations with interested persons, or public hearings on the Town Plan Update. Adopted Town Plan Policy CNS-7 (at 108-109) requires protection against any significant habitat disruption, limits uses in ESHA's to only those that require such a location to be able to function at all and for which there is no less environmentally damaging location, and requires siting and design of development adjacent to ESHA's (and the State Park, other public parks, and public recreation areas) to avoid any significant degradation of them and be consistent with their continuance.

SUPPLEMENTAL RESPONSE TO COASTAL COMMISSION STAFF COMMENTS

In sum, the adopted Town LCP Update incorporates a comprehensive suite of well water production impact avoidance and mitigation policies, actions, and implementation measures that are both fully consistent with the applicable conservation and development standards of Coastal Act Chapter 3 (Town Plan Update) and are adequately and consistently implemented by the Town Zoning Code Update.

(11) Effect of Additional Uses Allowed by the Town Zoning Code Update on Water Use. (Coastal Commission staff comment 4(a) in Part A, above.) The analysis in Part B, above, specifically addresses the quantified direct and cumulative water demand, based on (MCCSD) water demand data available to Mendocino County PBS (2015), of the kinds and intensities of planned (allowed) structural development and uses in the several Town Land Use Classifications (Land Use Districts) and Zoning Districts. Whereas PBS calculated the minimum build-out water demand for all commercial uses at 0.15 gpd/ft² (Table 2, above) and the maximum build-out water demand for retail and eating/drinking establishments at 0.31 gpd/ft² (Table 3, above), further differentiated MCCSD data, based on wastewater calculations (MCCSD User Category Index, revised April 24, 2015), has come to the attention of the County consultant that may be utilized to provide an additional level of water use scenario modeling for the implementation of adopted MTZC Section 20.624.080, regarding (e.g.) water use in tasting rooms in comparison to retail establishments. Impressionistic evidence indicates, however, no substantial difference in water use between tasting rooms and the commercial uses PBS analyzed.³³

(12) Groundwater Storage Tanks: Exemption? (Coastal Commission staff comment 4(b) in Part A, above.) The adopted Town Plan Update Action S-5.1(d) does not propose to exempt new water storage tanks in the Town from the coastal development

³³ However, a joint official County-Coastal Commission comparative field survey of Mendocino County's many fine winery tasting rooms (<http://www.mendocino.com/winemap.html>) and commercial establishments in the Town may be indicated, consistent with all applicable standards, to provide dispositive quantitative data regarding the respective *water* use rates.

SUPPLEMENTAL RESPONSE TO COASTAL COMMISSION STAFF COMMENTS

permit requirement; rather the exemption as specified, applies to design review by the Mendocino Historical Review Board.

(13) Water Resources and Reservation for Priority Uses. Coastal Commission staff comment 5(a) in Part A, above.) As noted *infra*, PRC Section 30254 does not apply to the existing water management in the Town because it is without a public (potable) water provider. Adopted Town Plan Update Policy GM-11(b), at 73, implements the statutory section with regard to future development. The adopted Town Plan Update reserves all relevant upland parcels (lots) in private ownership for Coastal Act priority uses that are feasible and consistent with the special community character of the Town, as discussed above.

(14) Water Supply and Demand. (Coastal Commission staff comment 5(b) in Part A, above.) The analysis in Part B, above, in relevant part updates the groundwater model of the Mendocino Headlands aquifer by incorporating best available (preliminary) potential conservation and beneficial water reuse volumes, that may likely result from implementation of the Town LCP Update during the planning horizon (to 2035) and to projected build-out (2070's and 2110's), into the overall Town water budget. The analysis, in part B, of groundwater fluctuations reported by MCCSD during the 2012-2015 drought years provides an indicator of aquifer conditions at MCCSD's 24 monitoring wells in the Town during this period. Figure 1, on the next page, reproduces MCCSD's water well location map (2006), which illustratively depicts the position of MCCSD's monitoring wells and other water wells, including hand-dug older water wells, in the Town. Mendocino County does not have monthly or annual well water pumping data (e.g., from monthly well meter reporting by private property owners to MCCSD) for the Town during 2012- 2015. (PBS, 2015.) Reported water importation by truck into the Town in 2014-2015 was 1.62 AF. (MCCSD, 2014-2015 Water Hauling Survey, 2015.)

(15) Supplemental Water Supply, Usage, and Build-Out Projections Based on Population Projections. (Coastal Commission staff comment 5(c) in Part A, above.) as

SUPPLEMENTAL RESPONSE TO COASTAL COMMISSION STAFF COMMENTS

discussed in Part B, above, the 200 gpd water usage rate derives from MCCSD's sewer use rate for a residence with 1-2 bedrooms, given that MCCSD grants no daily water allotments. (See, e.g., MCCSD User Category Index, revised April 24, 2015.) Tables 1, 2, and 3 and the associated analysis in Part B, above, contain the County's water usage estimates based on build-out according to population projections. (BPS, 2015.) Table 3 in Part B identifies the estimated maximum build-out scenario and associated water usage of the Town pursuant to the adopted Town LCP Update (December 8, 2015), without consideration of limitations on development due to site-specific conditions and applicable Town LCP Update conservation, development, and public access provisions.

MENDOCINO TOWN LCP AMENDMENT (LCPA-1-MEN-14-0840)
SUPPLEMENTAL RESPONSE TO COASTAL COMMISSION STAFF COMMENTS



Figure 1. Illustrative Map of MCCSD Monitoring Wells and Other Water Wells. Source: MCCSD Water Quality Evaluation (2006), Figure 4.1, Study Area Map showing density of domestic water supply wells within the Mendocino City Community Services District.

(16) Water Truck Vehicle Traffic. (Coastal Commission staff comment 5(d) in Part A, above.) Table A and the associated analysis in Part B, above, analyzes traffic data for specified water truck trips from Fort Bragg and Elk along Highway to the Town. On all but one instance (at Elk, 1.33%), that truck traffic constitutes less than 1% of traffic by volume on Highway 1, and thus does not constitute a significant adverse effect on Highway 1 capacity. The respective maximum truck travel distances on Highway 1 from Fort Bragg to the Lansing Street exit (the typical route from north to south into the Town) is 10.9 miles (21.8 miles roundtrip), and from Elk to the Main Street exit (the typical

SUPPLEMENTAL RESPONSE TO COASTAL COMMISSION STAFF COMMENTS

route from south to north into the Town) is 15.6 miles (31.2 miles roundtrip).³⁴ Persons with local knowledge indicate that water truck trips occur at varied times of the day. To haul 1.6 AF (521,362 gallons) in a standard tank truck (no trailer) with a capacity of 3,000 gallons³⁵ would require 174 trips (348 round trips). Assuming, in a simplified scenario, that half of the truck trips originate and end in Fort Bragg and half originate and end in Elk, the cumulative mileage would be 9,222 miles³⁶ to haul the reported volume of water during 2014-2015 study period. At a range of 2.7-17 trips per day, the cumulative daily mileage would be 71 miles³⁷ to 450 miles.³⁸ None of the cumulative mileages constitute a potentially significant impact on Highway 1 cumulative daily mileage between Fort Bragg and the Town, or between Elk and the Town. For illustrative traffic volume comparison (albeit without data on trip cumulative mileage), County of Mendocino traffic data for the Thanksgiving Week peak daily traffic in the Town on Main Street at Highway 1 reported a total of 3,849 daily trips, and on Lansing Street at Highway 1, a total of 1,538 daily trips.³⁹ A traffic study of traffic on Highway 1 south of State Route 20, 8.4 miles north of the Highway 1-Lansing intersection, reported a total of 17,814 average daily trips.⁴⁰

(17) Groundwater Fluctuations. (Coastal Commission staff comment 5(e) in Part A, above.) As discussed in Part B and above, MCCSD water management monitors groundwater fluctuations at 24 monitoring wells. Moreover, MCCSD has demonstrated during the 2011-2015 drought that it has the authorities and capacities to implement management controls that function to further conserve groundwater. The adopted Town

³⁴ In the event a truck were instead to enter the Town by Little Lake Street, it would add approximately ¼ of a mile to the south bound, and 1/3 mile to the north bound truck trip.

³⁵ The capacity of the water tank trucks in use on the Mendocino Coast is not known to the author of this analysis. Contemporary (2009-2016 model) water tank trucks typically haul between 2,000-5,000 gallons. ([http://www.commercialtrucktrader.com/Water-Trucks-For-Sale/search-results?category=Water %20Truck%202008240&type=light%2Cmedium%2Cheavy](http://www.commercialtrucktrader.com/Water-Trucks-For-Sale/search-results?category=Water%20Truck%202008240&type=light%2Cmedium%2Cheavy).)

³⁶ (174 trips x 21.8 miles = 3793 miles) + (174 trips x 31.2 miles = 5429 miles) = 9,222 miles.

³⁷ (1.35 trips x 21.8 miles = 29 miles) + (1.35 trips x 31.2 miles = 42 miles) = 71 miles.

³⁸ (8.5 trips x 21.8 miles = 185 miles) + (8.5 trips x 31.2 miles = 265 miles) = 450 miles.

³⁹ Adopted Town Plan Update, Appendix 8.

⁴⁰ GDH, Draft Hare Creek Commercial Center Project, Traffic Impact Study Report, March, 2014.

SUPPLEMENTAL RESPONSE TO COASTAL COMMISSION STAFF COMMENTS

LCP Update provides, additional conservation, development regulatory, and aquifer volume augmentation measures that individually and together (1) prevent depletion (i.e., overdraft) of Mendocino Headlands aquifer groundwater supplies, consistent with PRC section 30231, (2) contribute to protection of environmentally sensitive habitat areas and Mendocino Headlands State Park coastal resources, as well as public recreational opportunities, consistent with PRC section 30240, and (3) will sustain existing and planned (allowed) developed uses within the Coastal Commission-approved urban limit line of the Town, consistent with PRC section 30250(a).

(18) Feasible Water Resources Mitigation. (Coastal Commission staff comment 5(f) in Part A, above.) As discussed in Part B and above, the adopted Town Plan Update incorporates a suite of feasible water production mitigation measure, including but not limited to, additional feasible conservation, beneficial reuse of storm water and reclaimed water for aquifer recharge and a feasible spectrum of anthropogenic uses, and continued MCCSD monitoring of the Mendocino Headlands aquifer, with added reporting to the County and the public.

(19) MCCSD Palette Drive Parcel Reclassification. (Coastal Commission staff comment 5(g) in Part A, above.) The adopted Town LCP Update reclassifies (redesignates and rezones for Coastal Act purposes) the parcel located between palette Drive and Highway 1 that MCCSD acquired in an eminent domain proceeding. Town Plan update Actions PF-1.3, at 98, and PF-4.1, at 99, set forth the mandatory visual quality, significant impact avoidance, and historical community character requirements for development on that parcel. In addition, the requirements of the MHRB Design Guidelines, which have been incorporated specifically into the Town LCP Update, apply. Section 20.668.010 of the adopted Town Zoning Code Update allows only groundwater monitoring as a principal permitted use in the MPF Zoning District, at MTZC page 95. Section 20.668.015, at MTZC pages 95-96, enumerate the conditional uses allowed in

SUPPLEMENTAL RESPONSE TO COASTAL COMMISSION STAFF COMMENTS

the MTF Zoning District, which consist of uses⁴¹ that on conditional permit review may generally and site-specifically be found to be consistent with the mandatory policies and actions, and zoning standards, of the adopted Town LCP Update. Redesignation of Grindle Park to the Public Facility designation is necessary to efficiently accommodate the potential future fire suppression water tank and associated infrastructure (well/s, pipelines, pumps, etc.), including, but not limited to, on the basis of respective environmentally preferred locations.

(20) MCCSD Palette Drive Parcel and MFPD Development Details. (Coastal Commission staff comment 5(h) in Part A, above.) No MCCSD project-specific project plans exist, or are necessary pursuant to Public Resources Code sections 30514, 30512(c), or 30513, for the applicable policies, actions, and implementing measures of the Town LCP Update that apply to this parcel, and others (including, but not limited to the Grindle Park parcels held in trusteeship by the Mendocino Fire Protection District [MFPD]) to be determined to be consistent with the applicable Coastal Act standards of review for the Town Plan Update or the Town Zoning Code Update. While the Coastal Act requires specificity in the mandatory standards and the designation of the kinds, densities, and intensities of uses in a LCP, or LCP Amendment, Public Resources Code sections 30514, 30512(c), or 30513 specifically do not require a LCP, or LCP Amendment, to contain project-level development application details for that document to be certified as consistent with, and adequate to implement, the Coastal Act at the local level to the extent necessary to meet the State goals set forth in Public Resources Code section 30001.5. The County notes, furthermore, that all development in the PF land use classification/MPF zoning district constitute conditional uses, approval of or other action regarding which by the County is subject to appeal to the Coastal Commission pursuant to Public Resources Code section 30603.

(21) Adequacy of Public Services to Support Future Development on the MCCSD and MPFD Parcels Referenced in Sub-part 20. (Coastal Commission staff comment 5(i) in

⁴¹ Government Administrative Services (MCCSD's contemplated use), Art Center, Cemetery, Community Gardens, Day Care Facilities/Small Schools, Education facilities, Fire and Police Services, Major and Minor Impact Services and Utilities, Protected Natural Area, Public Park, Public Highway, Road, or Street, Religious Assembly, and Stormwater Management.

SUPPLEMENTAL RESPONSE TO COASTAL COMMISSION STAFF COMMENTS

Part A, above.) As discussed in Part B, adequate MCCSD public wastewater treatment capacity, and adequate highway and Town road/street capacity on Highway 1, the Highway 1-Little Lake Street, and the Highway 1-Lansing Street intersections remains to serve planned (conditionally allowed) development of the MCCSD parcel between Highway 1 and Palette Drive. Adopted Town Plan Update Policy CP-1 and Action CP1.1 require traffic, bicycle, and pedestrian safety provisions that apply, among other locations, to the Lansing Street-Palette Drive intersection south of the subject MCCSD parcel. The proximity of the MFPD fire station on Little Lake Road near Highway 1 provides an adequate fire service response time. Location, consistent with Town Plan Update Policy PF-7, of a Sheriff's substation in the Carriage House in Mendocino Headlands State Park, south of Main Street, will provide an adequate police services response time. Similarly, Little Lake Road and Hills Ranch Road provide adequate street, road, and highway access for the MFPD's Grindle Park parcels, including, but not limited to a potential future fire water storage tank to support efficient (gravity flow) fire suppression in the historical Town, much of which consists of older wooden structures. Reclaimed water and retained storm water from the Town may, subject to Regional Water Board approval and such additional treatment as may be required to meet applicable water quality standards, be utilized by MCCSD, MFPD, or another public agency or non-profit entity to supply adequate water to the potential future water tank for fire suppression purposes, to the extent needed to supplement well production of groundwater. Thus, adequate public services exist, or are planned by the adopted Town LCP Update to exist, to support potential future development on the subject MCCSD and MFPD parcels. However, in each instance, the specific conservation and development standards of the adopted Town LCP Update apply to any proposed development of either parcel.

(22) Coastal Commission Staff Information Needs. (Coastal Commission staff comment 6(a) in Part A, above.) The County of Mendocino appreciates Coastal Commission staff's previously stated ten (10) information needs regarding the Town LCP Update, and responds as follows.

MENDOCINO TOWN LCP AMENDMENT (LCPA-1-MEN-14-0840)
SUPPLEMENTAL RESPONSE TO COASTAL COMMISSION STAFF COMMENTS

First, as discussed with specificity in Part B and above, the adopted Town LCP Update (December 8, 2015) contains a full, Coastal Act-consistent, set of conservation and development standards that regulate limited planned (allowed potential) development in each of the Town land use classifications and zoning districts, and therefore has no remaining potentially significant direct, indirect, or cumulative adverse effects on the environment, consistent with Public Resources Code section 30250(a).

Second, as discussed with specificity in Part B and above, the adopted Town LCP Amendment provides for prioritized public service system allocations, consistent with Public Resources Code section 30254.

Third, this consistency analysis in Part B provides the available data regarding importation of water by tanker truck to the Town.

Fourth, this consistency analysis in Part B and above updates the County's assessment of water supply, usage, and build-out scenarios in the Town, including with regard to commercial uses, based on the available data.

Fifth, this consistency analysis in Part B analyzes the maximum potential build-out scenario pursuant to the adopted Town LCP Update.

Sixth, this consistency analysis in Part B and above analyzes the potential effects on water uses and ESHA impact avoidance measures from the maximum potential build-out scenario pursuant to the adopted Town LCP Update.

Seventh, on the basis of a parcel-specific analysis of minimum and maximum build-out scenarios of the Town, this consistency analysis in Part B clarifies both the underlying assumptions and the resultant build-out data and timelines.

SUPPLEMENTAL RESPONSE TO COASTAL COMMISSION STAFF COMMENTS

Eight, this consistency analysis analyzes (a) the potential effects of the most recently available water tanker truck travel data, and (b) the suite of water conservation and beneficial reuse measures provided by the adopted Town LCP Update. The water tanker truck traffic, by volume, delivery schedules, and delivery routes does not have a significant adverse effect either on Highway 1 traffic capacity or on associated public access opportunities to and within the Town.

Ninth, this consistency analysis in Part B and above analyzes the regulatory, conservation, development, and monitoring provisions in the adopted Town LCP Update that address the seasonal and other fluctuations in the Mendocino Headlands aquifer. The County knows of no data or analysis that speaks to potential groundwater fluctuations as a result of climate change either during the 20-year planning horizon of the Town LCP Update, or during the build-out scenarios pursuant to it.

Tenth, as discussed in Part B and above, the adopted Town LCP Update contains specified water conservation, beneficial reuse, monitoring, and adaptive management measures that individually and together reduce otherwise potentially significant adverse impacts on the Mendocino Headlands aquifer and private well water supply to the Town, during the planning horizon and build-out scenarios of the adopted Town LCP Update, to below a level of significance.

May 12, 2017

California Coastal Commission
North Coast Division
1385 8th Street Suite 130
Arcata, CA 95521

RECEIVED

MAY 17 2017

CALIFORNIA
COASTAL COMMISSION
NORTH COAST DISTRICT

EXHIBIT NO. 13

LCP Amendment No.
LCP-1-MEN-0840-1
(Mendocino Town LCP Update)
CORRESPONDENCE
RECEIVED AFTER 9/23/16
STAFF REPORT

Regarding: Mendocino Town LCP Amendment LCPA-1-MEN-14-0840

Dear Commissioners,

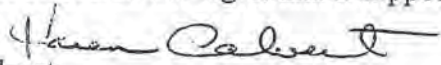
I served on the Mendocino County Planning Commission for over 27 years beginning in 1986. My last day of service was August 29th, 2013, the day of the final County Planning Commission hearing for the Mendocino Town Plan (MTP). That was 3 ½ years ago.

Coastal Commission Staff is now bringing forth 29 issues. The plan hashed out before the Planning Commission and the Board of Supervisors involved many compromises. Now it feels like the Coastal Commission staff is attempting to modify the plan developed by the citizens of the town of Mendocino without their input.

I have carefully read the March 3, 2017, Memorandum from Mendocino County Planning and Building Services to the California Coastal Commission and fully support the comments of the Ad Hoc Committee (Supervisors Dan Hamburg & Carre Brown) and those of the county staff contained therein especially regarding Visitor Serving facilities. The subject of Visitor Serving facilities received the most attention of any of the issues with testimony from many individuals. I would request that the Coastal Commission comply with Section 30512.2 (a) of the Coastal Act and honor the decisions that were made locally.

I would also like to highlight the Williams House. The zoning of "Williams House" (APN# 119-150-01) has been an issue since about 1988. It is totally unsuitable for MU zoning. It is bordered on two sides by two of the busiest streets in Mendocino, on the third side by a busy parking lot for customers of Harvest at Mendosa's Market and on the fourth side by an almost as busy employee parking lot.....not the appropriate location for a residential use for 50% of the structure since it has no residential neighbors and is busy and noisy 7 days per week.

And a comment on grading...unfortunately, as written, it is a violation to even work a 2 cubic foot bag of a soil amendment in to a garden in Mendocino. I can't explain why this did not get corrected but regret that it slipped through.


Karen Calvert
PO Box 70, Albion, CA 95410

LEE EDMUNDSON

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RECEIVED

1 May, 2017

MAY 04 2017

CALIFORNIA
COASTAL COMMISSION
NORTH COAST DISTRICT

Dear Mendocino County Supervisors and California Coastal Commissioners,

I'd like to take the opportunity to draw your attention to contradictions in the plan's proposed text, in the hope you will correct them. My analysis and comments are based on Appendix A, which is contained the CCC staff Memorandum regarding W13A, dated October 4, 2016, accessed by link "Appendix A - Proposed LUP Amendments with suggested modifications", located on Page 13 of said Memorandum.

1) Formula franchises: There is an internal contradiction here that needs to be rectified. (I am referring to Appendix A, Proposed LUP Amendments with Suggested Modifications submitted by the California Coastal Commission staff. Throughout this critique, I shall be referring to this document's page numbers.)

GM-18 (Page 92) prohibits formula establishments within the Town. However:

GM-19 (Page 92) allows formula establishments if they have fewer than ten (10) franchises, only requiring them to modify their design, "if necessary", to fit within the character of the Town.

Why the walk-back? No citizen spoke in favor of allowing formula establishments, however large or small. There was never any suggestion by any citizen that franchises of less than ten (10) should be allowed AT ALL.

Policy **GM-19** needs to be excised from the Town Plan update.

2) **Action GM-14.1 (a)** (Page 89) stipulates vacation Home Rentals (VHRs) and Single Unit Rentals (SURs) "...are not Visitor Serving Facilities (VSFs)." This proposition is absurd. Of course they are Visitor Serving Facilities, by definition. The proposed updated Town Plan limits VHRs to 10 and SURs to 20, a total of 30 Visitor Serving Units. They should be included in the VSF Table and Cap.

If they are not being counted in the VSF category, does this mean they are still being counted as Residential Units? If so, this is a further distortion of the Balance

within the Town.

Action GM-14.1 (a) should be modified to reflect the fact that these units are VSFs and not Residential units.

3) **Action GM-14.1 (c)** (Page 89) allows holders of a Vacation Home Rental (VHR) license to transfer said license to a Trust. This new policy contravenes the current policy of not allowing for the transfer of VHR licenses. This proposed new policy potentially establishes VHRs as permanent Visitor Serving Facilities, as family Trusts may exist in perpetuity.

Action GM-14.1 (c) should be eliminated from this proposed MTP update and the current policy of disallowing transfers of VHR licenses should be retained.

4) **GM-15 (b)** (Page 90, 91) 1: Removes the Mendocino Art Center's (MAC) 13 VSF units from the VSF table and, 2: Reallocates 6 currently undeveloped allowed VSF units to other unspecified sites within the Town.

MAC students rarely — if ever — stay for longer than 30 days taking classes, and the MAC rents these rooms out to general public during their off-season. Consequently, I don't see how they can be characterized as anything but VSFs, albeit hybrids.

If they are not VSFs, then how can the County, then, reallocate the undeveloped 6 units to the VSF pool?

GM- 15 (b) should be re-thought, the MAC units should retain their current VSF designation. That is, if we want to show a more accurate picture of the true balance within the Town.

5) **GM- 15 (c)** (Page 91, 92): For lack of a better term, The Amnesty Plan. I suppose after so many years (decades for some) of the County's turning a blind eye in its non-enforcement of VSFs operating extra units without the required permits, this may be the best method of repairing a bad situation. The alternative of forcing the owners to close down the pirate rooms would be hypocritical in light of the County's (probably) accepting Transient Occupancy Taxes (TOT) from the offenders, and would in all likelihood result in years of litigation.

Having said this, I'd ask you to note the accurate tally of VSFs within the Town is neither 215 nor 237, as cited on Page 91, but 267 as recorded on Page 51, Paragraph

1. Please note the information on Page 51 goes on to relate, "... the (MCCSD record) suggests that Mendocino has two visitor accommodation uses for every three residential dwellings... **a ratio ... that is virtually unparalleled elsewhere in the California coastal zone.**" [Emphasis added].

Returning to the Amnesty Plan (Page 91, 92), I think it is flawed and needs amending, if we are intent upon affording the Special Community Town of Mendocino the best chance of retaining its residential character.

The revision I recommend is to wit: As any allocated visitor serving lodging becomes abandoned, fails to timely obtain any coastal development permit or other necessary approvals (such as proof of adequate water for the aggregate number of VSF units), or when any such permits or approval for an allocated unit has expired or been revoked, **the Cap on VSF units allowed under this Plan shall be reduced by that number.**

In other words, after a period of one (1) from the certification of this Plan by the CCC and adoption by the Mendocino County Board of Supervisors, any unallocated VSF units allowed by the Plan should be eliminated, thus freezing the number of allowed VSF units.

Honestly, I see no other (legal) way to protect the residential character of the Special Community Town, and I grant even this may not be enough. It is, however, a vitally important beginning.

6) **Action PF-1.4** (Page 121) should retain item (b), which reads, "the Highway 1 right-of-way as a part of the "Public facilities" Land Use Classification".

Action PF-5.1 (Page 123), should retain the first paragraph, which changes the parcel located at 44700 Little Lake Road from Open Space to Public Facility Land Use.

7) **CNS-13** (Page 137) should be amended to include The Secretary of the Interior's Standards in the list of of the governing guidelines for the installation of solar panels in the Town.

Similarly, **Action CNS-1** (Page 135) should be amended to to read, "...shall be amended to incorporate The Secretary of the Interior's Standards, the protection of designated open space features..."

Additionally, **Section 6.4 Historic Review Board Design Guidelines** (Page 167)

should be amended to incorporate The Secretary of the interior's Standards.

8) One of the straw dogs put forward is that in order to comply with Coastal Act Section 30001.5(c), the Town of Mendocino must provide visitor lodging accommodations whenever possible. Consequently, it is vitally important to have any certified Mendocino town Plan update clearly cite Coastal Act Section 30007.5, which states, "The Legislature therefore declares that in carrying out the provisions of this division such conflicts be resolved in a manner which on balance is most protective of significant coastal resources."

Accordingly, **Section 1.3** (Page 12, Final paragraph) should remain in the MTP update, as should the citation of Coastal Act Section 30007.5 in **Section 3.3.1** (Page 49, final sentence).

9) The parcel bounded by Main, Lansing and Albion streets has been acquired by a local civic club and is now referred to as Rotary Park. Accordingly, this parcel should be re-zoned as Open Space.

10) **Section 6.6 Code Enforcement** (Page 169) needs to much more specific, especially regarding measures to County will take enforcing the limits on Visitor Serving Facilities (VSFs) within the Town. As we know, for two decades the County has known of VSFs operating units for which no permit had been obtained (hence requiring the so-called Amnesty Plan).

This Commission, before certifying the proposed MTP update, should require the County specify what steps it intends to and will take to ensure that illegally operated VSF units will be shut down.

Given its past track record, the County should be required to more clearly state what steps will be taken if/when the operation of pirate rooms is brought to its attention. The County should be required to spell out what is meant by, "Enforcement, Legal Procedure, and Penalties" as stated in this Section.

Respectfully Submitted,



Lee Edmundson

Mendocino

Mendocino Fire Protection District

P.O. Box 901
Mendocino, California 95460

RECEIVED
APR 12 2017
CALIFORNIA
COASTAL COMMISSION

11 April 2017

California Coastal Commission
45 Fremont Street, #1900
San Francisco, California 94105

Re: Land Use Designation and Zoning Change from Open Space to Public Facility;
Mendocino Town Plan

Dear Members of the Commission:

Recently the Mendocino Town Plan Ad Hoc Committee of the Board of Supervisors went on record opposing the suggested modifications 3, 9, 16, and 28 to the Town Policy that deals with the issue of land use and zoning for the Mendocino Fire Protection District's fire station located at 44700 Little Lake Road (also known as the Grindle Park property).

On 10 April 2017, the Board of the Fire Protection District approved a measure to support the MTP committee's recommendation that the land use and zoning of this property be changed from Open Space to Public Facilities. This fire station facility has been on this property since 1995 and is a central public focal point for both our team of first responders as well as a community facility that hosts blood drives, election polling, and EMT, CPR and first aid classes.

As noted in the response to the Summary of the Land Use Designation Change, if and when it applies for a water development permit on the property, the Mendocino Fire Protection District would at the time of use permit application, address all issues of environmentally sensitive habitat areas.

Should you wish further clarification of the issues regarding this zoning change and how it relates to the current use of the property, please feel free to contact me personally and I will be happy to explain our point of view in more detail.

Sincerely,



William Lemos, President
Mendocino Fire Protection District

Cc: Mendocino County Board of Supervisors

Merrill, Bob@Coastal

From: Thomas thomson <tlmat@sbcglobal.net>
Sent: Friday, April 07, 2017 11:23 AM
To: Merrill, Bob@Coastal; Dan Hamburg; Bill Kinser; Juliana Cherry
Subject: Mendocino Town Plan

Follow Up Flag: Follow up
Flag Status: Flagged

April 7, 2017

TO WHOM IT MAY CONCERN:

We are property owners in the Town of Mendocino and have been visitors to the Town since 1966. Having just reviewed the Report dated September 23, 2016 and County of Mendocino Department of Planning and Building Services reply to the Mendocino Town Plan, our reactions are as follows:

We agree with the Mendocino Town Plan Ad Hoc Committee comments in their March 3, 2017 reply.

There are 5 items that are of particular concern to us are:

1. Water;
2. Zoning for the Yellow House;
3. Fire Department and MCCSD parcels;
4. Visitor Facilities in the Commercial district;
5. Mendocino Historic Review Board.

To expand upon these Items:

1. The MCSSD has provided the Town of Mendocino with excellent guidance and control over our water resources since 1987. The evidence of their competency is the control over the water situation in the latest drought. Their rapid and thoughtful response to the drought provided all of us with the leadership with which the community came together to recognize, mediate and avert a serious problem. Their regulations for development and ground water provision have proven to be entirely adequate.
2. The new Zoning for the Yellow House should allow it's owners the greatest flexibility for its use. It is located on a difficult parcel on a heavily traveled corner and it is next to the most active business in town's parking lot. The recent tenants have been excessively loud. This not a desirable residential location. For a retail store it is at the end of the string of shops and it's nearest neighbors are a grocery store and Pub. This not a "natural" position for a store that relies upon wandering shoppers. The most probable uses for the space would be offices of some sort, therefore Commercial Zoning.
3. The Fire Department and MCCSD parcels are critical for the Town. They both offer support for their services. The Fire Department needs lots of water if there is a major fire in a wooden—highly flammable—Town. There is not sufficient water for a large fire without the proposed wells. The MCCSD property is important in that it locates their support facilities in close proximity to it's service area. Building more structures on the Headlands property would adversely affect the Headlands with buildings. I support the Public Facility Zoning for these parcels.
4. By placing an inordinate number of Short Term rentals along Main Street and the Commercial Zone you will negatively impact those available visitor housing units. The first is that units along Main Street are likely to have privileged views of the bay and ocean. Given that these are properties "For Rent" they will demand the highest rents reflecting that privilege, consequently excluding those who you propose to serve with less expensive rentals. Rental units away from the main view will garner less rent and therefore be more affordable. I would suggest you find a way to encourage rental units in the more distant commercial areas and/or continue the rentals in the residential areas. Two conditions that occur when allowing Visitor facilities in the residential area are:

- a. Increased number of people in those area which adds to life of the areas, not just tourists roaming through the charming parts of Town.

b. It introduces families to a slower and less hectic way of life, possibly, as it did us, to want to move here.

Another concern is parking when you have all those rental units on Main Street. The short term residents will consume the few parking spaces available after the hotel patrons have parked. This is magnified, when for good reason there are no time limits for parking, so they can park all day with no penalty. Distributing this parking demand around the town opens more spaces for visitors/shoppers to come and go.

An additional consequence is that retail spaces are being consumed, though likely second story shops. Since retail shopping is a major activity of visitors and a lack of opportunities creates a fewer spending opportunities for visitors, less time spent in the Town and lower tax proceeds for the County.

5. The last item is the Mendocino Historic Review Board. This Board has over its existence actually kept the historic integrity and spirit of the Town alive. It is to be commended for preserving the Town's character. Its authority should not be diminished, but its attitude toward its mission should be neither nihilistic nor capricious, but ought to have a constructive attitude toward an applicant's proposals. The community members recognize its value. Having been a member of Review Boards in other cities and having appeared before this Board many times, it is a difficult but rewarding position to hold, so I offer my respect to the Board and its responsibility. Thank you for the opportunity to offer our thoughts on the Mendocino Town Plan,

Tom and Mary Anne Thomson
45081 Cahto P.O. 1955
Mendocino, CA. 95460
314.249.9933

Mendocino City Community Services District

Post Office Box 1029

Mendocino, California 95460

Business Phone (707) 937-5790 Treatment Plant (707) 937-5751 Fax (707) 937-3837

mccsd@mcn.org

March 27, 2017

Tamara Gedik
Coastal Program Analyst
California Coastal Commission
1385 8th Street
Suite 130
Arcata, CA 95521

Re: Mendocino Town Plan (MTP) Ad Hoc Committee Comments to California Coastal Commission Staff's Preliminary Recommended Suggested Modifications to the Mendocino Town LCP Amendment LCPA-1-MEN-14-0840

Dear Ms. Gedik:

The Mendocino City Community Services District (MCCSD) has reviewed the Mendocino County Planning and Building Services memo dated March 3, 2017. MCCSD agrees with MTP Ad Hoc Committee and the Coastal Commission Staff that protection of the common groundwater resource must be one of the primary goals when permitting new development projects in Mendocino.

MCCSD is the exclusive local agency with statutory authority to manage groundwater within its boundaries. Since 1990, the District developed specific regulations and plans for managing the local Mendocino Headlands Aquifer. The Ad Hoc Committee has succinctly explained the District's groundwater management policies in its March 3, 2017 memo. Both the County and the District believe they are sufficient to protect the resource.

The District adopted a groundwater extraction permit ordinance to limit groundwater withdrawals to help prevent aquifer depletion. Hydrological studies are required for new development, changes in use, and expansions of existing use. The small changes to existing use that have been permitted since 1990 without requiring hydrological studies have had a negligible effect on the groundwater resource, since allotments were not increased.

MCCSD also developed a Water Shortage Contingency Plan in 2007, which provided a proven strategy for extending the groundwater supply during recent droughts. 2016 was a No Water Shortage year due to normal rainfall during the 2015-16 water year. Although water use restrictions and prohibitions implemented during the 2012-14 severe water shortage have been lifted, District residents and business owners voluntarily limited their groundwater extraction to 21.3% of their permitted allotments. Water meter records indicate that per capita residential water use is about 30 gallons per day. Even vacation home rental visitors have helped conserve water

by using a mere 21 gallons per day per capita. Public awareness of the need to conserve Mendocino's limited water supply is pervasive.

Mendocino County has supported and worked closely with MCCSD to successfully protect the groundwater resource in the Town of Mendocino during the past 30 years.

I hope this information is helpful.

Sincerely,

A handwritten signature in dark ink, appearing to read "Mike Kelley", with a stylized flourish at the end.

Mike Kelley
District Superintendent

Cc: Dan Hamburg
Mendocino County 5th District Supervisor
501 Low Gap Road, Room 1010
Ukiah, CA 95482

Bill Kinser
Senior Planner
Mendocino County Planning & Building Services
120 West Fir Street
Fort Bragg, CA 95437

Maryellen Sheppard
27200 N Highway 1
Fort Bragg, CA 95437

RECEIVED

MAR 14 2017

CALIFORNIA
COASTAL COMMISSION
NORTH COAST DISTRICT

March 11, 2017

Mendocino County
Board of Supervisors:
501 Low Gap Road, Room 1010
Ukiah, CA 95482

Dear Mendocino County Board of Supervisors:

It was with deep disappointment that I read the article in the Advocate News about your disagreement with the California Coastal Commission regarding the Mendocino Town Plan. I was particularly disturbed by the article's final paragraph in which the idea of allowing amnesty to "hospitality businesses that lack coastal permits, with the county tending toward lenience" was outlined. I strongly oppose the amnesty approach since it short-circuits the code-enforcement process and denies the public and adjacent land owners their right to comment on uses of this type.

Why form land use codes if they are not going to be enforced, especially regarding highly impactful uses like hospitality businesses? By doing this you are harming those who been granted permits through the legitimate process. Allowing amnesty undermines the authority of land use codes and offends those who endured the legal process while denying the public the opportunity to comment on changes in use.

On a daily basis I see abuses of building requirements and land use codes. I ask that you enforce exiting land use codes or abolish them. Implementation in an uneven and unfair manner simply reinforces the message that that it is better to "ask forgiveness than to seek permission."

Please don't grant amnesty to hospitality businesses that lack coastal development permits.

Sincerely,


Maryellen Sheppard

cc: CA Coastal Commission

BOARD OF SUPERVISORS

Coastal Commission responds to county

By Erick O'Donnell
 udjeo@ukiahdj.com

In a polite but firmly worded letter sent Monday, the North Coast District of the Coastal Commission rebutted county supervisors' recent complaints about what they described as delaying tactics meant to halt progress on a long-awaited amendment to the Mendocino Town Plan.

In the letter, addressed to both the county supervisors and to the chair and vice chair of the Coastal Commission, district Deputy Director Alison Dettmer takes issue with supervisors' comments about commission staffers' lengthy written analysis of the county's proposed plan and what they perceive as ulterior motives on the part of one "rogue employee" in charge of drafting them. Contrary to supervisors' remarks, she writes, commission staff have not tried to inundate the county with comments in an attempt to block the plan from reaching the commission.

At the Feb. 14 meeting of the Board of Supervisors, county Planning Director Steve Dunncliff informed the board that his department had finished writing a 22-page response to 565 pages of "correspondence" received from Coastal Commission staff, which Dunncliff said had imposed a significant workload on county planning staff.

The volume of the written communications raised the ire of supervisors, es-

pecially John McCowen, who called the commission staff's extensive written remarks "a travesty" and said the office had thrown up a "wall of paperwork" to impede progress. Supervisors Dan Hamburg and Dan Gjerde echoed McCowen's sentiments.

Gjerde attributed the supposed delaying tactics to a single district planner, Tamara Gedik, to whom he did not refer by name during the meeting. Gjerde resolved at the meeting to draft a letter formally complaining to the commission about Gedik.

Two years of painstaking deliberations over changes to the historic seaside community's land-use and building-permitting regulations have exasperated county officials, who are eager to move past disagreements over what they see as mundane issues and refer them to the commission for a vote. This latest flare-up between the county and coastal district is rooted in those long-simmering tensions but appears to stem, at least in part, from a disagreement or misunderstanding over the nature of the district's communications.

At the board meeting, Dunncliff referred to the 565 pages of "correspondence" that the Planning and Building Department had "received so far," seeming to imply that the district had sent its remarks in the form of a series of emails and that county planning staff expected more to

come. He also said the district's communications represented not the district's staff report but rather "initial correspondence on suggested modifications" to the plan.

The letter characterizes the district's communications differently. The coastal district has not sent any correspondence raising substantive issues since a public meeting of the commission in October, Dettmer says in the letter. The 565 pages Dunncliff talked about at the February board meeting appears to refer to a staff report and its appendices, Dettmer says. The letter also assures supervisors that staff reports, as the collective work of a team of analysts and managers, could not represent the whims of a single person.

The Planning and Building Department could not be reached for comment. At the Fort Bragg office, Senior Planner Bill Kinser did not return voice mail messages, and Planner Juliana Cherry referred questions to Mary Lynn Hunt, a senior planner at the Ukiah office. Hunt was unavailable, as was Dunncliff.

Gjerde said that the response letter missed the supervisors' larger point by dwelling on minute details of the supervisors' complaints. Whether the 565 pages consisted of correspondence or a staff report, the town plan update has been stymied by the district staff's excessive deliberation, he said. And whether or not Gedik is responsible

for the length or content of the district's communications, she has a history of obstructing coastal projects by adhering inflexibly to rigid interpretations of the state's coastal planning laws, he said.

Hamburg, who sits on the ad-hoc committee overseeing the town plan, is optimistic that the Coastal Commission will approve a compromise acceptable to the county at its meeting in June. The county and the district staff have narrowed their disagreements down to a few manageable issues, and the commission is likely to give the board's arguments a more sympathetic hearing than they have received from staff, he said.

The governing bodies generally disagree over how strictly to enforce state laws meant to protect coastal resources. For example, the county wants the local community services district to retain decision-making authority over water hook-ups for new development projects, whereas coastal staff believe any new connection should be accompanied by proof that the area's limited groundwater will suffice to supply the new building.

Among other issues, they also disagree over whether amnesty should be granted to hospitality businesses that lack coastal permits, with the county tending toward lenience and the coastal staff desiring stricter enforcement.

Gedik, Tamara@Coastal

From: Misty Meadlin <svbp.thpo@gmail.com>
Sent: Tuesday, March 21, 2017 11:04 AM
To: Gedik, Tamara@Coastal
Cc: External, TFitzgerral@DOT
Subject: Mendocino Town Plan (MTP) Update

Good Morning Tamara,

As the Tribal Historic Preservation Officer (THPO) and representative for the Sherwood Valley Band of Pomo (Tribe) my recommendation is to have the Coastal Commission draft up initial language and definitions in regards to the archaeological and cultural resources section of the MTP for the Tribe to review. In the mean time I will also research internal documents for additional language that we may want to have included in the archaeological and cultural resources section of the MTP.

I look forward to working further with you on this plan. Please contact me if you have any questions. Thank you.

Respectfully,

Misty Meadlin, THPO
Sherwood Valley Band of Pomo

Jackson Law Offices

245 East Laurel Street
Fort Bragg, CA 95437

E-mail: jackson@mcn.org

Telephone: (707) 962-0222

Facsimile: (707) 962-0269

James A. Jackson

December 20, 2016

Steve Dunnicliff, Director
Mendocino County Planning
& Building Services
120 W. Fir Street
Fort Bragg, CA 95437

Re: Mendocino Town Plan

Dear Mr. Dunnicliff:

One of my clients has contacted me regarding a staff memorandum dated October 4, 2016 from the California Coastal Commission regarding the Mendocino Town Plan update. My client is concerned that there are a number of errors in the staff report which should be corrected to the extent that report is incorporated into the final plan update. Specifically, at various points in the memorandum there are statements that the Mendocino Land Use plan was "certified" in 1992, when in fact the Mendocino Town Plan was certified in November 1996. My client has asked me to send you copies of the relevant pages of the memorandum with the language at issue highlighted. I have also sent a copy of this information to your staff member Andy Gustavson and Mendocino County Counsel. The problematic language is found on the following pages:

- Page 4, Line 15: LUP Certified for the town in 1992.
- Page 10, Line 4: 1992 Certified Town Plan
- Page 35, Line 15: LUP Certified for the Town in 1992
- Page 41: Coastal Commission certification of the Mendocino Town Plan (1992)
- Page 47, Line 17: Board of Supervisors adopted and Coastal Commission certified Mendocino Town Plan (1992) followed by an adopted and certified Mendocino Town Plan zoning code 1996.

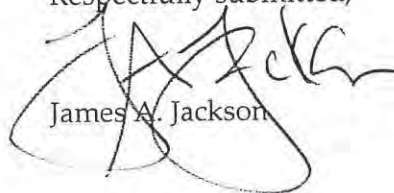
My client questions how the Coastal Commission staff can state that the Commission certified the Town Plan in 1992 when the zoning code had not yet been completed. It is his understanding that the Land Use Plan and zoning code must be prepared and adopted together. It is undisputed that the Coastal Commission did not turn over control of land use planning in the town of Mendocino to Mendocino County until November 1996 when both the Land Use

Steve Dunncliff
December 20, 2016
Page 2

Plan and zoning code had been completed. Interestingly, Page 3 of the June 2015 Mendocino Plan update (which I believe is the most recent document) quite clearly states that the Plan was adopted in 1992 and certified in 1996.

Thank you for your consideration of this issue. Given the extreme length of time it has taken to update the Mendocino Town Plan, it is my client's hope that discrepancies such this can be eliminated in an updated staff report from the Commission and in the final Town Plan update.

Respectfully submitted,



James A. Jackson

JAJ/cs

cc: Andy Gustavson, Chief Planner
Mendocino County Counsel
Clerk of the Mendocino County Board of Supervisors
California Coastal Commission Legal Division

tamara.gedik@coastal.ca.gov

bob.merrill@coastal.ca.gov



COUNTY OF MENDOCINO MENDOCINO TOWN PLAN

Adopted September 14, 1992
Certified November 14, 1996
Amended September 23, 2014
Amended December 9, 2014
Certified TBD

Board of Supervisors

Carre Brown (District 1)
John McCowen (District 2)
Tom Woodhouse (District 3)
Dan Gjerde (District 4)
Dan Hamburg (District 5)

Planning Commission

Marilyn Ogle (District 1)
Madelin Holtkamp (District 2)
Jim Little (District 3)
Molly Warner (District 4)
Steve Hall (District 5)
Karen Calvert (Timber Representative)
Greg Nelson (Agriculture Representative)

The Mendocino Town Plan Update was prepared by:

Mendocino County Planning and Building Services: Abbey Stockwell, Roger Mobley, Teresa Spade,
Nash Gonzalez, Andy Gustavson and Steve Dunncliff.

The Mendocino Town Plan Update was made possible by contributions and comments from the residents who participated in numerous Town Meetings, and the information gathered by the Mendocino City Community Services District and the Citizen Advisory Committee.

CALIFORNIA COASTAL COMMISSION
NORTH COAST DISTRICT OFFICE
1385 EIGHTH STREET • SUITE 130
ARCATA, CA 95521
VOICE (707) 826-8950
FAX (707) 826-8960



Click here to go to
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

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

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

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),

SECTION 3. 1992 TOWN PLAN SETTING, DESCRIPTION, AND BACKGROUND

3.1. Introduction. Some of the issues that framed the State legislature's enactment of the Coastal Act (1976) - and as reflected in the County's adoption~~≠~~ and Coastal Commission's certification of the Mendocino Town Plan (1992) - continue to exercise the Town's body politic in the middle of the second decade of the 21st Century, while other issues of sustainability, basic services, equal and effective governance, and equitable land uses have also arisen to inform preparation of the updated Mendocino Town Plan. Sections 3.2 through 3.4 continue much of the narrative contained in the 1992 Mendocino Town Plan, ~~emended only with technical corrections, relevant new information, and for reference to post 1992 conditions, trends, and legal requirements.~~ Section 3.5 discusses current public access and recreational opportunities and issues in the Town and Mendocino Headlands State Park. Section 3.6 addresses issues related to Mendocino Town Plan administrative implementation.

3.2. Background. Prior to Russian, Spanish, and American colonization of coastal Pomo territory during the first half of the 19th Century, inland Northern Pomo triblets (small communities or groups) seasonally traveled to the Big River Estuary and the area of the present Town of Mendocino for fishing and other littoral resource exploitation activities. (Mendocino Land Trust, "Big River Preliminary Plan, Resource Assessment and Recommendations", 2005, and citations therein.) Permanent settlements by the Mitom triblet at *Buldam*, near the mouth of Big River and inland about three-quarters of a mile from it, occurred in 1851 with the advent of American colonization of Mitom territory (at present Willits). Other indigenous people from the interior and along the coast also continued to gather littoral flora and fauna in the Big River Estuary and at Mendocino. The regulations promulgated by the California Department of Fish and Wildlife for the Big River Estuary State Marine Conservation Area, as defined ([\] Title 14, California Code of Regulations section 632(a)(25), reproduced in Appendix 3), specifically recognize traditional shore fishing rights within this area by seventeen federally recognized tribes: Big Valley Band of Pomo Indians of the Big Valley Rancheria, Cahto Indian Tribe of the Laytonville Rancheria, Coyote Valley

MENDOCINO TOWN PLAN UPDATE AMENDMENT (LCPA 1-MEN-14-0840)

~~before the Planning Commission and Board of Supervisors leading up to the 2015 Mendocino Town Plan Update. Differences of opinion have that emerged on most points and were addressed by the Mendocino members of the South Central Citizen Advisory Committee, convening as the Big River CAC, have held and holding many meetings working toward resolving them. Before the plan was drawn, two questionnaires were circulated to as many Town town residents as could be reached in an effort to determine community values.~~

Responses to the Mendocino Land Trust questionnaire (1989) from 288 residents and property owners in the Historic District and the 193 responses to the Big River #1 and #2 questionnaire [insert date] indicated strong support for maintaining the town's residential character and for setting a ceiling on the population growth rate.

3.3.1. ~~ISSUES:~~ Issues:

a. Specificity of Plan

Because Mendocino's character results from diversity, it is remains difficult to establish a single "right" set of development standards for each (lot) parcel. Differences in uses, use mix, height, building materials, finish, yards, and landscaping are not easily correlated with a classification of buildings that support or detract from the town's character. Traditional zoning, setting precise yards, heights, and use regulations for each lot, is unlikely to conserve the town because the very principle that similarly situated properties should have the same development potential could be destructive in Mendocino.

~~The Board of Supervisors-adopted and Coastal Commission-certified Mendocino Town Plan (1992) plan needs to be was followed by an adopted and certified Mendocino Town Zoning Code (1996). an ordinance that delegates broad discretionary power over site planning and design to an advisory body, presumably the Mendocino Historical Review Board. Each proposal that Any development subject to coastal development permit review and approval must meets the broad standards of the Mendocino Town Plan and Mendocino Town Zoning Code plan should be~~

Gedik, Tamara@Coastal

From: Merrill, Bob@Coastal
Sent: Thursday, October 06, 2016 9:43 AM
To: Gedik, Tamara@Coastal
Subject: FW: Mendocino Town Plan

Follow Up Flag: Follow up
Flag Status: Flagged

From: Kathleen Cameron [kcameron@mcn.org]
Sent: Tuesday, October 04, 2016 5:19 PM
To: Merrill, Bob@Coastal
Subject: Mendocino Town Plan

Dear Commissioners,

1. Maintaining a balance between commercial, visitor serving and residential units is a mandate found in both the current Mendocino Town Plan and thankfully, in the revised MTP (GM-4). However, the method used to calculate residential units does not represent true numbers.

As a town resident, I can verify that my neighborhood exemplifies the growing trend in Mendocino from full-time residency to second-home usage. Five surrounding houses to mine are vacant most of the time since the owners live elsewhere and only visit occasionally. "Dark houses" negatively impact the residential character of Mendocino. The number of actual residences ought to be represented in a true and authentic manner. An additional category titled "Second Residences" needs to be established to depict a true representation of town balance.

2. Reducing the number of vacation home rentals and restricting them to commercial districts is a positive modification, but the loophole allowing them to be held in a Family Trust circumvents the intent of phasing them out of residential areas. Please eliminate this inadequacy.

Thank you,

Kathleen Cameron

OCT 05 2016

From: Norm DeVall

STATEMENT
of
NORMAN L. DE VALL
Mendocino County Board of Supervisors - ret.
to the
California Coastal Commission

October 5th, 2016

Local Coastal Program Amendment
No. LCP -1-MEN-14-0840-1

Item No: W13a

Chairman Kinsey and Members,

My name is Norman de Vall, a resident of Mendocino and the coast since 1963. Between 1979 and 1995 I had the honor to serve as Fifth District Supervisor and much involved in the LCP process recognizing the significance of the Town of Mendocino being designated as a Special Community.

Once called Mendocino City, a name that continued in tide books until two years ago, and still the name of the Mendocino City Community Services District, Mendocino morphed into a Town, now too often called a "village, and will, without more regulation, become an "arcade".

Given the designation of Special Community the challenge for those who lived there and the County has been to find the balance with commercial and residential.

In the mid-1970's then Supervisor Ted Galletti appointed locals to sit on MAGPLCAC; the Mendocino Area General Plan Citizens Advisory Committee. The then, as now, challenge, was to protect the "character" of the Town defining and maintaining a balance between commercial and residential.

In the late 1970's the County was sued and lost a citizen's law suit challenging the legality of the County's General Plan and lack of a Local Coastal Program.

By the early 1980's the strict court imposed prohibitions were partially lifted, the LCP was completed but not yet the Mendocino Town Plan.

In the mid 1980's the first Mendocino Town Plan was heard by the Coastal Commission and in preparation for that hearing I made a 20 minute VHS film on the Town planning issues.

Thirty-four years later that film, now translated to DVD, is presented to you. That might be considered late, but the issues are the same: How to maintain the "character" of the Town and resolve the challenge between Commercial and Residential.

I urge your support with a YES vote for the Staff recommended motion. New commercial interests initiated the popular use of the word "village" used for malls and venues, but left unchecked Mendocino will become an "arcade". Your review and policy has brought Mendocino most of the protection which respects the intent of the Coast Act. Please continue to do so.

By E-Mail

October 3, 2016

The Hon. Dan Gjerde, Chairman

And Members

Board of Supervisors

County of Mendocino

501 Low Gap Road

Ukiah, CA 95482

Email: bos@co.mendocino.ca.us

The Hon. Steve Kinsey, Chairman

And Members

California Coastal Commission

45 Fremont Street, Suite 2000

San Francisco, CA [94105-2219](tel:4152219)

Email: Alison.Dettmer@coastal.ca.gov

Bob.Merrill@coastal.ca.gov

SUBJECT: TOWN OF MENDOCINO LCP UPDATE-AMENDMENT

Honorable Supervisors and Coastal Commissioners:

This letter provides some preliminary comments on (1) the Coastal Act-consistent Mendocino Town LCP Update-Amendment ("the Town LCP Update") that the Mendocino County Board of Supervisors adopted - after numerous local workshops, meetings, public hearings - and transmitted to the Coastal Commission for certification review, **and** (2) the Coastal Commission staff's inordinate attempts to challenge, recast, and delay action on that Town LCP Update.

Since 1973, we and others throughout our community have engaged in the coastal program as property owners, successful coastal permit applicants, builders, and operators of high priority overnight visitor lodging and other visitor- and community-serving amenities. We have attended and actively participated in literally scores of local, State, and federal workshops, meetings, public hearings, legislative hearings, and judicial proceedings concerning the Coastal Plan, dozens of which focused on the Town LCP Update now before you for yet more public comment.

The State legislature has delegated to the Coastal Commission important, but limited, authority in the Town LCP Update certification review. The Coastal Commission's role is to assure (a) that the policies in the Town Plan Update are consistent with Coastal Act Chapter 3 to the extent necessary to meet the State's goals and objectives for the coastal zone in Section 30001.5 and (b) that the accompanying Zoning Code update is adequate to carry out the policies of the Town Plan Update.

The Board-adopted Town LCP Update and the accompanying Consistency Analysis fully address, implement, and demonstrate conformance with these fundamental Coastal Act parameters. Unfortunately, the staff report before you proposes hundreds of "suggested modifications", which range from unnecessary word-smithing to wholesale rewriting of the County submittal. This proposal to substitute your staff's own preferences and aspirations to replace the Town Plan content adopted by the Board of Supervisors exceeds the Commission's limited statutory authority over the contents of the pending amendment. As a result, the Coastal Commission staff report not only substantially fails to inform Coastal Commissioners and the public of actual local conditions in the Town, but also undermines the public's right to a full (26 of 44)

understanding of, and effective participation in, Coastal Commission's statutorily limited certification review.

Coastal Commission staff's challenge to (1) the Town Plan Update's provision of much-needed affordable housing opportunities through second residential dwelling units, and (2) the County's lawful ability under both the Government and Public Resources Codes to continued designation of more than one principal permitted use in a zoning district exemplify the stretch beyond the Coastal Commission's statutory authority reflected here in the guise of "suggested modifications".

The Board-adopted Town Plan Update would allow approximately fifty (50) attached or detached second residential dwelling units, not to exceed 900 square feet. Each CDP application, including, but not limited to, for a second residential dwelling unit, would be required to demonstrate specific consistency with concentration of sustainable development, conservation, and development standards, including an adequate year-round water supply, use of which that does not impair the unique local aquifer or have a significant adverse effect on other coastal resources. However, Coastal Commission staff proposes to require that second dwelling units also protect views from all the many small public streets and private paths, usable by the public, in the Town, including outside the Historic Districts. That "suggested modification" would effectively preclude continued utilization of the Town's historic (19th and 20th Century) water tower architectural design – for which the Coastal Commission established applicable guidance in previous CDP approvals – and thereby undermine the very increment of affordable housing that State Housing Law requires, and the Coastal Act supports.

Similarly, whereas the Coastal Commission certified the Town LCP in 1996, and has certified may other LCP's, to allow more than one principal permitted use in various zoning districts, Coastal Commission staff now recommends reaching outside Coastal Act Sections 30001.5 and 30200-30265 (and the LCP standards in Coastal Act Chapter 6) to broadly make most high priority development in the Town a conditional use, and hence appealable to Coastal Commission. The "suggested modification" relies solely on the basis of the listing in Coastal Act Section 30603 of post-LCP certification appealable development, which, however, grants no authority whatsoever for the Coastal Commission or its staff to recommend any change in how many principal permitted uses the Board of Supervisors determines to allow in a zoning district. Ironically, staff's "suggested modification" in this context would render high priority Coastal Act visitor-serving uses appealable to Coastal Commission, while (e.g.) designating residential development as the principal permitted use in visitor-commercial areas and thus having it be not appealable. Coastal Commission staff would plainly stand the Coastal Act's substantive priorities on its head, while crafting itself, and the Coastal Commission, a costly, inappropriate, and unnecessary future workload. Notably, the State legislature in 1976 specifically declined to grant the Coastal Commission (or its staff) the power to exercise any "incidental", "implied", or other powers, not expressly granted pursuant to the Coastal Act, and its "liberal construction" provision does not and cannot stand as an alternative edifice by which the Coastal Commission (or its staff) can legislate additional powers (e.g., in the form of "suggested modifications" to the Board-adopted Town Plan Update without a specifically identified Section 30001.5/Chapter 3 basis).

In fact, most of Coastal Commission staff's "suggested modifications" are either (a) unnecessary for the Town Plan Update to objectively conform, in light of a fair reading of the threshold Section 30001.5 State goals and objectives, to the conservation and development standards in Coastal Act Chapter 3, or (b) volitional staff alternative formulations of Town history and Town Plan Update definitions, mandatory (CDP-regulatory) policies and actions, and advisory goals and actions. The Town LCP Update Amendment constitutes the County Board of Supervisors' Plan to implement, in light of local conditions, both the Coastal Act in the Public Resources Code and the State planning laws in the Government Code, rather than a mere "proposal" (27 of 44)

staff report pretends. While both the County and the Coastal Commission have an obligation to "coordinate" the preparation of the Town Plan Update, and we like all reasonable citizens welcome constructive Coastal Commission feedback on the Town Plan Update, Coastal Act (Section 30500(a)) is crystal clear that the specific Town Plan Update contents are solely the Board of Supervisors to determine.


We request that both the County and the Coastal Commission each now perform their respective statutory functions in relation to the Board-adopted Town LCP Update. In that context,

- The Board should at the earliest practical time, after further noticed public hearing, adopt succinct minor corrections, clarifications, and enhancements in response to Coastal Commission staff's overblown "suggested modifications", and convey them to the Coastal Commission, and,
- The Coastal Commission should, without further delay, appropriately review the Town Plan Update (and companion Town Zoning and Implementation Program), and in the absence of any objectively identifiable inconsistency of the Town Plan Update with the aforementioned Coastal Act standards of review, And of the Zoning and Implementation Plan with the Town Plan, certify them as adopted by the Mendocino County Board of Supervisors.

Thank you for your consideration. Another matter unfortunately prevents us from being at the Board's October 4 meeting and Coastal Commission's October 5 meeting.

Sincerely,



 Barbara and Monte Reed
P.O. Box 127
Mendocino, California 95460

cc: Ms. Carmel Angelo, Mendocino County CEO (by email)
Mr. Robert Merrill, CCC North Coast District Manager (by email)
Ms. Alison Dettmer, CCC Deputy Director (by email)

Coast + Commission

10/3/14

Cover page.

RECEIVED

OCT 03 2016

CALIFORNIA
COASTAL COMMISSION
NORTH COAST DISTRICT

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.

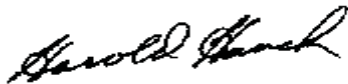
- c. Page 8 paragraph 1.2: I think the repeated insertion to the term “visitor serving” is an attempt by staff to minimize the residential character of the town. By definition, a visitor serving facility is a commercial facility. The town balance has historically been the balance between “residential, 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.

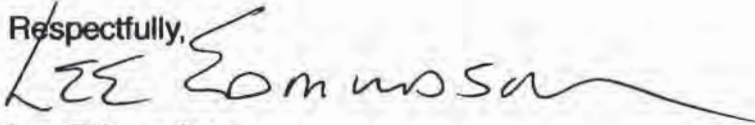
It is vitally important, imperative that you Commissioners look beyond the County's description of "Community Balance" and try to determine if, and to what extent, the residential character of this Special Community has been protected, or eroded.

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**

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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