MEMORANDUM

Date: September 21, 2017
To: Planning Commissioners
From: Ignacio Gonzalez, Interim Director
Bill Kinser, Senior Planner
Juliana Cherry, Planner III
Subject: Referral of GP 2013-0002 (Mendocino Town Plan) and OA 2013-0001 (Mendocino Town Zoning Code) to the Planning Commission for Review and Recommendation

Background: Pursuant with MCC Section 20.732.020(D) and Government Code sections 65350 et seq. and 65850 et seq., the Planning Commission is to provide its report and recommendation to the Board of Supervisors regarding amendments to the General Plan and Zoning Ordinance, and if any substantial modification proposed by the Board of Supervisors was not previously considered by the Planning Commission during its hearings, the changes are to be referred to the Planning Commission for review and for their recommendation to the Board of Supervisors. The amendments to be reviewed by the Planning Commission reflect those changes adopted by the Board of Supervisors in 2014 and 2015, for Coastal Act purposes only, and modifications suggested by the California Coastal Commission in 2017. The amendments to the Mendocino Town Local Coastal Program referred to the Planning Commission for their review and recommendation are contained in the following exhibits:

Exhibit A: The Mendocino County General Plan Coastal Element Chapter 4.13 the Mendocino Town Plan and the Mendocino Town Land Use Map.
Exhibit B: Division III of Title 20 of the Mendocino County Code (Mendocino Town Zoning Code) and the Mendocino Town Zoning Map.

On June 8, 2017 the California Coastal Commission made two motions: one to deny the Land Use Plan and the other to deny the Implementation Program as proposed by the County. Subsequently, the Commission made two motions to certify the Land Use Plan and the Implementation Program Amendment if modified as suggested. The Commission adopted findings that the Land Use Plan amendment with suggested modifications will meet the requirements of and be in conformity with the policies of Chapter 3 of the Coastal Act and that the Implementation Program Amendment with the suggested modifications conforms with and is adequate to carry out the provisions of the Land Use Plan as certified.

The Board of Supervisor’s is tentatively scheduled to consider the Planning Commission’s recommendations, the Coastal Commission’s suggested modifications, and adopt a resolution amending the Mendocino Town LCP on October 17, 2017. The Board of Supervisor’s action will be transmitted to the California Coastal Commission’s Executive Director for his report to the Commission on November 8-10, 2017.

Summary of Amendments to the Mendocino Town Local Coastal Program: As apparent from a review of Exhibit A and Exhibit B, the Mendocino Town Plan and Mendocino Town Zoning Code have been substantially modified by the Board of Supervisors and the California Coastal Commission since last reviewed by the Planning Commission. In Exhibit A and Exhibit B, the County proposed amendments to the certified LCP are shown with single strikethrough and underline. Coastal Commission suggested modifications to the County’s proposed amendments are shown with bold, double strikethrough and
[Note: There may be minor spelling, grammatical, numbering and formatting errors in Exhibit A and Exhibit B. If changes are made, a corrected version will be posted to the County’s website prior to the Planning Commission meeting.] Attachment A provides a summary of amendments to the land use plan, land use map, implementation program and zoning map.

Entirely new subject area sections have been added to the Land Use Plan and Implementation Plan addressing Circulation and Parking, Public Access, and Water Quality Protection. Other sections including Definitions and Mendocino Visitor Serving Combining District have been substantially modified. Regulations from Division II of Title 20 (Coastal Zoning Code) addressing Environmentally Sensitive Habitat Areas (ESHA’s) have been incorporated into the Mendocino Town Zoning Code with only minor changes, substantially expanding this section and making it largely consistent with Division II. Two zoning district sections have been deleted – Mendocino Forest Lands District “MFL” and Mendocino Bed and Breakfast Combining District “B” – the former because the four parcels in the MFL district were changed to Mendocino Open Space to reflect that they are part of Mendocino Headlands State Park and the later because it was logically combined with the Mendocino Visitor Serving Combining District.

Despite the substantial number of changes to the Mendocino Town Plan and the Mendocino Town Zoning Code, the changes to specific zoning district use types and regulations (e.g., minimum lot area, maximum dwelling density, etc.) are relatively few. The most significant changes to Residential Use Types are the addition of Second Residential Units in the MRR1 and MSR districts and deletion of Student Instructor Housing Facility. Notable changes to the Civic Use Types include addition of Art Center and Community Gardens and modification of Community Recreation to include the Rotary Club properties at 44960 and 44920 Main Street. Commercial Use Types has been expanded to include “tasting rooms” under Food and Beverage Retail Sales. Visitor Accommodation Use Types has added “suites” to Bed and Breakfast Accommodations. There were no significant changes to Agricultural Use Types or Open Space Use Types.

Coastal Commission Staff identified five primary topic areas with recommended suggested modifications to the Mendocino Town Plan and the Mendocino Town Zoning Code adopted by the Board of Supervisors. The five primary topic areas were: 1) Visitor Serving Facilities, 2) Demonstration of Adequate Water Supply Where No Community Water System, 3) Land Use Designation and Zoning District Change from Open Space to Public Facilities, 4) Optional Zoning, and 5) Principally-Permitted, Permitted, and Conditionally-Permitted Uses.

The Board of Supervisors Mendocino Town Plan Ad Hoc Committee (Supervisors Brown and Hamburg) met with Coastal Commission Executive Director Jack Ainsworth, Deputy Director Alison Dettmer and District Manager Bob Merrill to discuss the five topic areas. Subsequently, primary topic area 2 (Demonstration of Adequate Water) and topic area 4 (Optional Zoning) were resolved to the satisfaction of the County. The MTP Ad Hoc Committee agreed with the Coastal Commissions changes in topic area 5 (Principally-Permitted, Permitted, and Conditionally-Permitted Uses). The Coastal Commission Staff’s suggested modifications to primary topic area 1 (Visitor Serving Facilities) and 3 (Land Use and Zoning District Change from Open Space to Public Facilities) were approved by the Coastal Commission. As a result, a coastal development permit would be required for lodging units that were not listed in the 1992 Mendocino Town Plan and the Mendocino Fire Protection District property (Grindle Park) would remain in the Open Space classification and not changed to the Public Facility classification.

Finally, at the Coastal Commission public hearing in June, the County’s request to amend the Land Use Map and Community Recreation uses for the Rotary Club properties at 44960 and 44920 Main Street was accepted.

**Environmental Determination:** Pursuant to CEQA Guidelines sections 15250, 15251(f) and 15265, the preparation, approval and certification of a local coastal program (such as the Mendocino Town LCP Amendment) is exempt from the requirements for preparation of an environmental impact report because the Coastal Commission’s review and approval process has been certified by the Secretary of Resources as being the functional equivalent of the EIR process required by CEQA in sections 21080.5 and 21080.9 of the Public Resources Code.
Recommended Motion for the Planning Commission: Based on the evidence in the record before it, the Planning Commission makes the following report and recommendation to the Mendocino County Board of Supervisors regarding the Mendocino Town LCP Amendment (General Plan Amendment GP_2013-0002 and Ordinance Amendment OA-2013-0001), as modified as suggested by the California Coastal Commission and attached to this resolution as Exhibit A (General Plan Amendment GP_2013-0002) and Exhibit B (Ordinance Amendment OA-2013-0001):

1. The Planning Commission recommends that the Board of Supervisors find the adoption of the Mendocino Town LCP Amendment (General Plan Amendment GP_2013-0002 and Ordinance Amendment OA-2013-0001), as modified as suggested by the California Coastal Commission, consistent with the General Plan.

2. The Planning Commission recommends that the Board of Supervisors consider the adoption of the Mendocino Town LCP Amendment (General Plan Amendment GP_2013-0002 and Ordinance Amendment OA-2013-0001), as modified as suggested by the California Coastal Commission, exempt from the requirements for preparation of an environmental impact report because the Coastal Commission’s review and approval process has been certified by the Secretary of Resources as being the functional equivalent of the EIR process required by CEQA in sections 21080.5 and 21080.9 of the Public Resources Code.

3. The Planning Commission recommends that the Board of Supervisors adopt the Mendocino Town LCP Amendment (General Plan Amendment GP_2013-0002 and Ordinance Amendment OA-2013-0001), as modified as suggested by the California Coastal Commission.
ATTACHMENT A:
SUMMARY OF AMENDMENTS TO THE LAND USE PLAN, LAND USE MAP,
IMPLEMENTATION PROGRAM AND ZONING MAP

A. AMENDMENTS TO THE LAND USE PLAN.

There are seventeen sections in the June 10, 1992 certified Mendocino County General Plan, Coastal Element Chapter 4.13 Mendocino Town Plan. Amendments to each are summarized below:

1. 4.13 MENDOCINO TOWN PLAN [Introduction] (1992, p 220)

Chapter 4.13 Mendocino Town Plan, as certified on June 10, 1992, begins on page 220 of the Coastal Element in the Mendocino County General Plan. The Board of Supervisors in December 2015 adopted, for Coastal Act purposes, a revised introduction to Chapter 4.13 titled Section 1. Introduction. The California Coastal Commission, in June 2017, certified the Land Use Plan amendment if modified as suggested by the Commission.

Similar to the 1992 land use plan, amended Chapter 4.13 Section 1 Introduction would begin:

“The unincorporated Town of Mendocino, on the Pacific Ocean in the County of Mendocino some 150 road miles north of San Francisco, is a unique historical residential community. Mendocino is designated as a special community, which, because of its unique characteristics, is a popular coastal visitor destination point for recreational uses.”

Mendocino Town Plan Section 1 is divided into six subsections that have similar topic areas to the 1992 land use plan, but it would be revised to include current information.

Section 1. Introduction amended six subsections would be:

1.1 Mendocino: A Special Coastal Community
1.2 Purpose of the Town Plan
1.3 Coastal Act Goals and Standards for Local Coastal Programs
1.4 Planning Process
1.5 Current Community Issues
1.6 Organization of the Town Plan

2. ISSUES: Specificity of Plan, Growth, Design Character, Views from the Town, Water Supply, Sewage Disposal, Affordable Housing (1992, pp 221-224)

The amended Mendocino Town Plan, including Coastal Commission suggested modifications, would include Section 3. 1992 Town Plan Setting, Description, and
Background. Section 3 amended subsections would share similar topics to those of the 1992 land use plan ISSUES section.

Section 3. 1992 Town Plan Setting, Description, and Background amended subsections would be:

3.1 Introduction 3.3.1.a. Specificity of Plan
3.2 Background 3.3.1.b. Growth
3.3 Planning Process 3.3.1.c. Design Character
3.3.1 Issues: 3.3.1.d. Water Supply; Sewage Disposal
3.3.1.e. Affordable Housing

3. DESCRIPTION: RESIDENTIAL, COMMERCIAL, MIXED USE, PUBLIC FACILITIES, OPEN SPACE, AFFORDABLE HOUSING, VISITOR SERVING FACILITIES, CIRCULATION AND PARKING, DESIGN GUIDELINES (1992, pp 224-228)

Section 3. 1992 Town Plan Setting, Description, and Background share topic areas that are a part of the 1992 land use plan DESCRIPTION section. While topic areas are similar, they would be revised to include current information.

Section 3. 1992 Town Plan Setting, Description, and Background amended subsections would additionally include:

3.4 Mendocino Town Description 3.4.7 Affordable Housing
3.4.1 Residential 3.4.8 Visitor Serving Facilities
3.4.2 Commercial 3.4.9 Circulation and Parking
3.4.3 Mixed Use 3.4.10 Design Guidelines
3.4.4 Public Facilities 3.5 Public Access
3.4.6 Open Space 3.6 Town Plan Administration

4. COASTAL ELEMENT POLICIES: MENDOCINO TOWN GROWTH MANAGEMENT (1992, pp 228-233)

Amended Section 4. Town Plan Policies is divided into ten subsections and it would supersede the 1992 land use plan policy section. The amended nine policy areas would be:

4.2 GM Town Growth Management Policies 4.7 Public Facilities
4.3 Mendocino Town Design Guideline Policies 4.8 Public Access and Recreation
4.4 Circulation and Parking 4.9 Conservation
4.5 Affordable Housing 4.10 Mendocino Town Plan Administration
4.6 Sustainability Policies

The amended policies listed in subsection 4.2 GM Town Growth Management Policies would replace 1992 policies 4.13-1 through 4.13-7 that are listed under the heading “Coastal Element Policies: Mendocino Town Growth Management.” 4.2 GM Town Growth
Management Policies would have thirty-one growth management policies; where the 1992 land use plan has seven.

Additionally, the Coastal Commission suggests modifications to 4.2 GM Town Growth Management Policies that would delete policies GM-24 and GM-30. Their suggested modifications would also delete sections of policies GM-9(g), GM-15(c), GM-22.4(b), and delete and replace policy GM-13(b).

The Coastal Commission identified twenty land-use policies or actions that would not directly govern the issuance of coastal development permits and do not provide a basis for reviewing the land use plan consistency with the Coastal Act; for example, Action GM-22.5 seeks agency coordination between the County, California Department of Parks and Recreation, and the California Coastal Commission when Parks and Recreation updates their 1976 Mendocino Headlands State Park General Plan. An advisory note would be added to Action GM-22.5 that could read “Note: Action GM-22.5 does not directly govern the issuance of Mendocino Town Coastal Development Permits.” Similar notes would be added to each of the twenty land-use policies or actions and discussion of each follows in sections, 5, 6, 8, 9 and 10.

5. COASTAL ELEMENT POLICIES: MENDOCINO TOWN DESIGN GUIDELINES (1992, pp 233-234)

The amended policies listed in subsection 4.3 Mendocino Town Design Guideline Policies would replace 1992 policies 4.13-8 through 4.13-13 that are listed under the 1922 land use plan heading “Coastal Element Policies: Mendocino Town Design Guidelines.” 4.3 Mendocino Town Design Guideline Policies would have five design guideline policies; where the 1992 land use plan has six policies. Additionally, the Coastal Commission suggests modifications to 4.3 Mendocino Town Design Guideline Policies to clarify policies and actions, including identifying Action DG-5.3 with an advisory note that would clarify that the County’s coordination with the International Dark Sky Association would not directly govern the issuance of a coastal development permit.


The amended policies listed in subsection 4.4 Circulation and Parking would replace 1992 policies 4.13-14 through 4.13-19 that are listed under the 1992 land use plan heading “Coastal Element Policies: Mendocino Town Circulation and Parking.” 4.4 Circulation and Parking policies would consist of two polices and several actions; the 1992 land use plan has six policies.

The Coastal Commission suggests modifications to 4.4 Circulation and Parking where policy CP-1, Action CP-1.1, policy CP-2, Action CP-2.1, Action CP-2.2, Action CP-2.3, and Action CP-2.4 would include an advisory note, as these policies and actions do not directly govern the issuance of coastal development permits.
7. COASTAL ELEMENT POLICIES: AFFORDABLE HOUSING (1992, p 235)

The amended policies listed in subsection 4.4 Affordable Housing (Government Code Section 65852.2) would replace 1992 policies 4.13-20 through 4.13-22 that are listed under the heading “Coastal Element Policies: Affordable Housing.” 4.4 Affordable Housing would have three affordable housing policies; where the 1992 land use plan has two policies. The Coastal Commission suggests a modification to delete Policy AH-1 and Action AH-2.3 from the amended plan.

8. COASTAL ELEMENT POLICIES: WATER (1992, p 236)


4.5 Sustainability Policies Water Conservation/Stormwater Management subsection would consist of six policies and several actions. The stormwater management policies and actions would be new to the land use plan and have been written with close collaboration between Planning and Building Services staff and the Coastal Commission’s Water Quality Program Analyst, Dr. Vanessa Metz. The Coastal Commission suggested modifications (additions, clarifications, deletions) are supported by Planning and Building Services.

The Coastal Commission suggests the addition of the following Water Conservation/Stormwater Management policies and actions:

- Policy S-1
- Policy S-10
- Policy S-12
- Action S-1.1
- Action S-10.1
- Policy S-13
- Action S-1.2
- Policy S-11
- Policy S-14

The Coastal Commission suggests clarifying the following Water Conservation/Stormwater Management policies and actions:

- Action S-2.5
- Action S-2.6
- Action 8.1
- Action S-2.7
- Policy S-6
- Policy S-9
- Policy S-3
- Action S-6.1
- Action 9.1
- Action S-5.1
- Policy S-7
- Action 9.2

The Coastal Commission suggests advisory notes amending Actions S-2.6 and S-2.7 to clarify that these actions do not directly govern the issuance of a coastal development permit. Action S-2.6 directs the Board of Supervisors to amend the County Building Code and Action S-2.7 advises Mendocino City Community Services District to monitor groundwater, fund a reclaimed water program, and other activities.

The Coastal Commission suggests not including (deleting) the following Water Conservation/Stormwater Management policies and actions:
4.5 Sustainability Policies Renewable Energy/Green House Gas Emission Reduction subsection would consist of one policy and three actions. Policy S-7 and its complementary actions were adopted by the Board of Supervisors, for Coastal Act purposes, in December 2015.


The amended policies listed in subsection 4.7 Public Facilities would replace 1992 policies 4.13-23 through 4.13-27 that are listed under the 1992 land use plan heading “Coastal Element Policies: Public Facilities.” 4.7 Public Facilities would have nine public facility policies; where the 1992 plan has four.

The Coastal Commission suggests advisory notes amending policies PF-2, PF-6, PF-7, and PF-8 to clarify that these policies do not directly govern the issuance of a coastal development permit. For example, PF-2 encourages the County to support arts education and PF-6 recommends standardizing street addresses in Town.

The Coastal Commission suggests clarifying the following public facility policies and actions:

Policy PF-1 Action PF-4.1 Action PF-7.1
Action PF-1.3 Action PF-5.1 Policy PF-8
Action PF-1.4 Policy PF-6
Policy PF-2 Policy PF-7

The Coastal Commission suggests modifying policies PF-2, PF-6, PF-7 and PF-8 to include a clarifying advisory note stating these measures do not directly govern the issuance of a coastal development permit.

The Coastal Commission suggests not including (deleting) the following 4.7 Public Facilities policies and actions:

Action PF-2.1 Action PF-2.2

10. NEW LAND USE POLICY TOPIC AREAS

- The eight policies listed in subsection 4.8 Public Access and Recreation would be added to the land use plan. The introductory paragraph to this subsection of the amended land use plan states:

  “Section 4.8, the Public Access Chapter of the Mendocino Town Zoning Code, 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.”

- The Coastal Commission suggests modifications to some of the public access and recreation policies and action items, including adding a clarifying note to Action PAR-1.2(c) and Action PAR-3.2 that these measures do not directly govern the issuance of a coastal development permit; deleting Action PAR-3.1; and adding policy PAR-8.

- The thirteen policies listed in subsection 4.9 Conservation would be added to the land use plan. The Coastal Commission suggests modifications to some of the conservation policies and action items, including clarifications to policy CNS-3, Action CNS-4.1, policy CNS-6, policy CNS-7, Action CNS-8.2, policy CNS-9, Action CNS-10.4 and CNS-13; and advising that Action CNS-4.1, Action CNS-4.2, and Action CNS-10.2 do not directly govern the issuance of coastal development permits.

- The seven policies listed in 4.10 Mendocino Town Plan Administration would be added to the land use plan. The Coastal Commission suggests modifications across these seven policies that would clarify their intent.

11. MENDOCINO TOWN LAND USE CLASSIFICATIONS (1992, pp 237-246)

Section 5. Mendocino Town Land Use Classifications include nine of the ten land use classifications that are a part of the 1992 land use plan. The Board of Supervisors removed the classification Forest Lands (FL) when they adopted, for Coastal Act purposes, amendments to Coastal Element Chapter 4.13.

Each land use classification is detailed across nine subsections, which are:

5.1 Open Space
5.2 Rural Residential
5.3 Suburban Residential
5.4 Residential Planned Unit Development
5.5 Town Residential
5.6 Multi-Family Residential
5.7 Mixed Use
5.8 Commercial
5.9 Public Facilities

Subsection 5.10 Development Limitations is a special combining district to be used only in conjunction with another land use classification.

12. DEFINITIONS (1992, pp 246-247)

The Board of Supervisors adopted, for Coastal Act purposes, amendments to the definition section of Chapter 4.13. The amendment includes relocating definitions to “Section 2. Definitions” and adding several new definitions to the land use plan.

December 2015 Board of Supervisor amendments and June 2017 Coastal Commission suggested modifications would add the following definitions to Section 2 of Chapter 4.13:
In addition, the definitions of “Residential Use,” “Dwelling Unit,” “Single Unit Rental,” “Light Agriculture,” “Vacation Home Rental,” and “Lot Coverage” would include clarifications and suggested modifications.

13. EXCEPTIONS (1992, p 247)

The Board of Supervisors adopted, for Coastal Act purposes, an amendment eliminating the exceptions section of Chapter 4.13. The California Coastal Commission accepts this amendment.
14. FIGURE 4.13-1 MENDOCINO TOWN PLAN EXAMPLE OF USE OF SPECIAL SITE PLANNING STANDARDS TO PRESERVE OPEN SPACE CHARACTER WITHOUT REDUCING ALLOWABLE FLOOR AREA (1992, p 248)

The Board of Supervisors adopted, for Coastal Act purposes, an amendment deleting Figure 4.13-1 from Chapter 4.13. The California Coastal Commission accepts this amendment.

15. TABLE 4.13-1 MENDOCINO TOWN PLAN VISITOR SERVING FACILITIES (1992, p 249)

The Board of Supervisors in December 2015 amended Table 4.13 and renamed it “Appendix 2. Mendocino Town Plan Visitor Serving Facilities.” The Coastal Commission suggested additional modifications to the Table to further clarify the number of visitor serving facility units distributed across designated sites in Town. Appendix 2 identifies that 237 visitor serving facility lodging units are allocated across designated sites within the Town. Sites are identified on the Land Use and Zoning Maps with either an asterisk (*) or asterisk-B (*B). The Land Use and Zoning Maps would be amended to include the site of the Nicholson House, 44861 Ukiah Street, as a designated Visitor Serving Facility site with an asterisk (*). The Nicholson House, 44861 Ukiah Street, would also be added to the list of visitor serving facilities in Appendix 2.


The Board of Supervisors in December 2015 deleted Table 4.13-2 from the amended Chapter 4.13 Mendocino Town Plan. The California Coastal Commission accepts this amendment.

17. TABLE 4.13-3 MENDOCINO TOWN INVENTORY OF VISITOR ACCOMMODATIONS VACATION HOME RENTALS (WHOLE HOUSE CONVERSIONS) (1992, p 251)

The Board of Supervisors in December 2015 deleted Table 4.13-3 from the amended Chapter 4.13 Mendocino Town Plan. The California Coastal Commission accepts this amendment.

18. APPENDIX: INVENTORY OF HISTORIC STRUCTURES (1992, pp 252-261)

The Board of Supervisors retained the inventory of historic structures without amending the appendix. The inventory is renamed “Appendix 1. Inventory of Historic Structures.”

19. Amendments would include adding six appendices to Chapter 4.13 Mendocino Town Plan

- Appendix 3. California Department of Fish and Wildlife Marine Protected Area Regulations for the Big River Estuary (Mendocino Estuary)
• Appendix 4. California Coastal Commission Adopted Categorical Exclusion Order E-96-1 (November 14, 1996)
• Appendix 5. Public Access Component Detailed Access Way Aerial Maps
• Appendix 6. California Coastal Commission Post-LCP Certification Permit and Appeal Jurisdiction Map 32 (Excerpt) Town of Mendocino Area
• Appendix 7. MHRB Design Guidelines
• Appendix 8. Town of Mendocino Traffic Data November 23-30, 2015
B. AMENDMENTS TO THE LAND USE MAP.

Notes would be added to the land use map, including “Boundaries shown on this map do not establish or depict State of California ownership boundaries or Post-Town of Mendocino Local Coastal Program certification permit and appeal jurisdiction.”

And including “The Town of Mendocino boundary along the Pacific Ocean, Mendocino Bay, and tidal lower Big River follows the shoreline (Government Code Section 23123).”

The Mendocino Town Land Use Map amendments would include changing the classification of properties as follows:

- Highway 1 eliminate PF classification
- Grindle Park, 44700 Little Lake Road (APN 119-090-07), would retain OS classification
- Williams House, 10575 Lansing Street (APN 119-150-01), from RM and C to C classification
- Mendocino Rotary Foundation, 44960 Main Street (APN 119-250-07), from C to PF classification
- Mendocino Rotary Foundation, 44920 Main Street (APN 119-250-08), from C to PF classification

The Land Use Map amendments would include changing the OS classification to PF on land located at 10705 Palette Drive (APN 119-140-31) and owned by Mendocino City Community Services District.

The Land Use Map amendments would include designating the location of the Nicholson House, 44861 Ukiah Street (APN 119-250-12), as a Visitor Serving Facility by adding an asterisk (*) to the map.
C. AMENDMENTS TO THE IMPLEMENTATION PROGRAM.

1. CHAPTER 20.604 -- BASIC PROVISIONS

There are minor changes to CHAPTER 20.604 – BASIC PROVISIONS.

2. CHAPTER 20.608 -- DEFINITIONS

There have been numerous changes to CHAPTER 20.608 – DEFINITIONS since last reviewed by the Planning Commission. The changes to the definitions section can be categorized as changes: 1) to provide consistency with the Town Plan, 2) to provide consistency with Coastal Act requirements, 3) to provide new definitions for areas not previously covered, 4) to delete definitions, and 5) to correct grammar and punctuation.

There are new definitions for: Coastal Bluff, Coastal-dependent Development, Coastal-Related Development, Community Garden, Energy Facility, Estuary, Exterior of Structure, First Public Road Paralleling the Sea, Formula Lodging, Formula Restaurant, Formula Retail, Local Coastal Program, Major Public Works, Permitted Use, Standardized Feature, Suite, and Work. The following definitions have been deleted: Principal Use, Pygmy Forest, Pygmy Type Vegetation, and Sensitive Coastal Resource Areas.

PBS Staff considers the following changes or additions to be important: Amendment, Local Coastal Program; Construction; Grading; Major Vegetation Removal; Permitted Use; Principal Permitted Use; Public Facilities, Semi-Public Facilities and Public Utilities; Second Dwelling Unit; Sensitive Coastal Resource Areas; Student Instructor Housing Facility; Suite; Variance; Visitor Serving Facility; and Wetlands.

3. CHAPTER 20.612 -- USE CLASSIFICATIONS

Major changes to CHAPTER 20.612 -- USE CLASSIFICATIONS include:

- “Student Instructor Housing Facility” delete from Residential Use Types, Civic Use Types and Visitor Accommodation Use Types
- “Community Gardens” added to Civic Use Types
- “Forest Production” deleted from Agriculture Use Types

4. CHAPTER 20.616 -- RESIDENTIAL USE TYPES

- No major changes other than acknowledgement of Second Residential Units under Family Residential: Single Family and deletion of Student Instructor Housing Facility.

5. CHAPTER 20.620 -- CIVIC USE TYPES

- Addition of Art Center and Community Gardens.
• Modification of Community Recreation to specifically include Rotary Club properties at 44960 and 44920 Main Street.
• Modification of Major Impact Services and Utilities to include “private water facilities and commercial communications facilities”.
• Modification of Minor Impact Utilities to include “groundwater monitoring well installation and management”.

6. CHAPTER 20.624 – COMMERCIAL USE TYPES

• Under Animal Sales and Services there is a prohibition the sale of invasive exotic species in any pet store.
• Under Food and Beverage Retail Sales the addition of “tasting rooms”.

7. CHAPTER 20.628 – VISITOR ACCOMMODATION USE TYPES

• Expanded description of Visitor Accommodation Use Types.
• Addition of “suites” to Bed and Breakfast Accommodations.
• Deletion of Student Instructor Temporary Housing Facility.

8. CHAPTER 20.632 – AGRICULTURAL USE TYPES

• Deletion of Forest Production.

9. CHAPTER 20.636 – OPEN SPACE USE TYPES

• No major additions, deletions or modifications to CHAPTER 20.636 – OPEN SPACE USE TYPES.
• Expansion of definitions of “Passive Recreation” and “Active Recreation”.

10. CHAPTER 20.640 – ESTABLISHMENT OF ZONING DISTRICTS

• Deletion of Mendocino Forest Lands District and modification of Mendocino Visitor Serving Facilities to include both *(Hotels, Inns, Motels) and *B (Bed & Breakfast Accommodations). Previously, Bed & Breakfast Rooms was a separate Combining District.

11. CHAPTER 20.644 – MENDOCINO RURAL RESIDENTIAL “MRR”

• Expansion of district intent to include allowance for second residential units (with restrictions) and VSF Combining District for B&B.
• In all zoning districts “Principal Permitted Uses has been replaced by Permitted Uses and Permitted Uses are broken into the following categories: (A) principal permitted use, and (B) permitted uses.
• Stormwater Management has been deleted as a principal use.
• Stormwater Management and Forest Production have been deleted from Conditional Uses and Single Unit Rentals has been added.
• Maximum dwelling density has been amended to allow second residential dwelling units in the MSR districts on lots of 20,000 square feet or greater.
• New regulations regarding off-street parking for each visitor accommodation unit (one (1) space per unit or in-lieu fee) have been added.
• New language regarding conversion of a residential dwelling unit or portion thereof to any other non-residential use has been added.

12. CHAPTER 20.648 – MENDOCINO SUBURBAN RESIDENTIAL “MSR”

• Expansion of district intent to include: five lots on southwest boundary east of Lansing Street and allowance for second residential units (with restrictions).
• Stormwater Management has been deleted as a principal use.
• Stormwater Management and Forest Production have been deleted from Conditional Uses and Single Unit Rentals has been added.
• Maximum dwelling density has been amended to allow second residential dwelling units in the MSR districts on lots of 20,000 square feet or greater.
• New regulations regarding off-street parking for each visitor accommodation unit (one (1) space per unit or in-lieu fee) have been added.
• New language regarding conversion of a residential dwelling unit or portion thereof to any other non-residential use has been added.

13. CHAPTER 20.652 – MENDOCINO TOWN RESIDENTIAL “MTR”

• Expansion of district intent to support existing visitor accommodations in the Visitor Serving Facilities Combining District on sites with an asterisk (*) or asterisk-B (*B).
• Stormwater Management has been deleted as a principal use.
• Light Agriculture becomes a permitted use and not a principal use.
• Groundwater Monitoring, Visitor Serving Facilities (Existing), Hotels and Inns (*), and Bed and Breakfast Accommodations (*B) have been deleted as permitted uses and Community Gardens has been added as a permitted use.

• Stormwater Management has been deleted from Conditional Uses and Single Unit Rentals and Cottage Industries have been added.

• New regulations regarding off-street parking for each visitor accommodation unit (one (1) space per unit or in-lieu fee) have been added.

• New language regarding conversion of a residential dwelling unit or portion thereof to any other non-residential use has been added.

14. CHAPTER 20.656 – MENDOCINO MULTIPLE FAMILY RESIDENTIAL “MRM”

• Expansion of district intent to allow a second residential dwelling unit with any primary family dwelling unit and support existing Visitor Services Combining District on sites with an asterisk (*) or asterisk-B (*B).

• Stormwater Management has been deleted as a principal use.

• Light Agriculture becomes a permitted use and not a principal use.

• Groundwater Monitoring, Visitor Serving Facilities (Existing), Hotels and Inns (*), and Bed and Breakfast Accommodations (*B) have been deleted as permitted uses and Community Gardens has been added as a permitted use.

• Stormwater Management has been deleted from Conditional Uses and Single Unit Rentals and Cottage Industries have been added.

• Off-street parking for residential units amended to require 2 spaces for first unit and 1 ½ spaces for each additional unit. New regulations regarding off-street parking for each visitor accommodation unit (one (1) space per unit or in-lieu fee) have been added.

• New language regarding conversion of a residential dwelling unit or portion thereof to any other non-residential use has been added.

15. CHAPTER 20.660 – MENDOCINO MIXED USE “MMU”

• Expansion of district intent to support existing Visitor Services Combining District on sites with an asterisk (*) or asterisk-B (*B) and encouragement of moderately priced dwelling by allowing a second residential dwelling unit, subordinate in size and scale, in keeping with the existing pattern of development.

• Stormwater Management, Visitor Serving Facilities (Existing), Hotels and Inns (*), and Bed and Breakfast Accommodations (*B) have been deleted as principal permitted uses.

• Groundwater Monitoring has been deleted as a permitted use and Community Gardens has been added.

• Single Unit Rental and Vacation Home Rentals have been added as conditional uses subject to issuance of a minor use permit.

• Minimum Vehicle Parking for MMU Districts. Bicycle Parking added as possible mitigation of impact of development on public parking with each bicycle parking space deemed to count as
one-tenth of an automobile space subject to design approval by the MHRB. Off-site automobile parking may satisfy on-site parking requirements where development of on-site spaces is infeasible. A reduction in parking requirements may be allowed through joint use or shared automobile parking. One off-street parking space for each visitor accommodation lodging unit or an in-lieu fee.

- New language regarding conversion of a residential dwelling unit or portion thereof to any other non-residential use has been added.
- Additional requirements for MMU districts clarify that the requirement for 50 percent of gross floor area to be devoted to residential, the requirement that residential be permitted first, and the requirement that businesses not operate between 6:00 p.m. and 7:00 a.m. do not apply to parcels in the Visitor Serving Combining District with an asterisk (*) or asterisk-B (*B).

16. CHAPTER 20.664 – MENDOCINO COMMERCIAL “MC”

- Expansion of district intent to support existing Visitor Services Combining District on sites with an asterisk (*) or asterisk-B (*B).
- Stormwater Management has been deleted as principal permitted uses.
- Community Gardens and Visitor Accommodation Use Types asterisk (*) and asterisk-B (*B) added as a permitted uses and Groundwater Monitoring deleted.
- Stormwater Management deleted as a use subject to a minor use permit and Minor Impact Utilities, Single Unit Rentals and Vacation Home Rentals added.
- Minimum Vehicle Parking for MC Districts. Bicycle Parking added as possible mitigation of impact of development on public parking with each bicycle parking space deemed to count as one-tenth of an automobile space subject to design approval by the MHRB. Off-site automobile parking may satisfy on-site parking requirements where development of on-site spaces is infeasible. A reduction in parking requirements may be allowed through joint use or shared automobile parking. One off-street parking space for each visitor accommodation lodging unit or an in-lieu fee.
- New language regarding conversion of a residential dwelling unit or portion thereof to any other non-residential use has been added.

17. CHAPTER 20.668 – MENDOCINO PUBLIC FACILITIES “MPF”

- No major changes to district intent.
- Open Space added as principal permitted use in MPF and Groundwater Monitoring deleted.
- Community Gardens added as permitted use. [New Section]
- Art Center and Community Recreation added as conditional uses and Protected Natural Area, Public Park, Stormwater Management and Public Highways, Roads, and Streets deleted as conditional uses.
- Shared parking may be allowed to provide adequate off-street parking for any temporary event or peak use period.
18. CHAPTER 20.670 – MENDOCINO FOREST LANDS DISTRICT “MFL”

- Chapter 20.670 deleted.

19. CHAPTER 20.672 MENDOCINO OPEN SPACE “MOS”

- Minor changes to intent including naming Mendocino Headlands State Park and Friendship Park.
- Deletion of Groundwater Monitoring and Community Gardens as principal permitted uses.
- Addition of Community Gardens as permitted use.
- Addition of Cultural Exhibits and Library Services as condition uses and deletion of Groundwater Management, Museum /Visitor Center and Appurtenances, Habitat Restoration, Overflow Parking, Forest Production, and Trails.
- Change to minimum front and rear yards to allow for overflow parking for temporary events or times of peak usage at specific segments on Main Street, Heeser Street and Heeser Drive.
- Addition to automobile and bicycle parking requirements by clearly delineated spaces for persons with disabilities, stormwater runoff controls and installation of vehicle electric charging stations.

20. CHAPTER 20.676 MENDOCINO PLANNED DEVELOPMENT COMBINING DISTRICT “PD”

- Clarification of intent of Planned Unit Development Combining District.
- New language regarding conversion of a residential dwelling unit or portion thereof to any other non-residential use has been added.


- Chapter deleted and combined with Mendocino Visitor Serving Facilities Combining District.

22. CHAPTER 20.684 – MENDOCINO VISITOR SERVING FACILITIES COMBINING DISTRICT “*”(*and *B)

Between Mendocino County and Coastal Commission changes, this section has been almost rewritten in its entirety including:

- Addition to intent to provide for, and protect, visitor accommodations within the Town of Mendocino as listed in Appendix 2.
- Addition of Bed and Breakfasts.
- Clarification that Single Unit Rentals and Vacation Home Rentals are Visitor Accommodation Use types but not included in the Visitor Serving Facilities Combining District (MVSFCD).
- Designation as the base zoning district principal permitted use as the principal permitted use in MVSFCD (* and *B).
- Visitor Accommodation Use Types (Visitor Serving Facilities) listed in Appendix 2 of MTP established as permitted uses.
• Additional regulations for Mendocino Visitor Serving Facilities Combining District established the number of visitor serving lodging units for the Town at 237 Inn, Hotel, and Bed and Breakfast visitor serving facility lodging units.
• One parking space for each visor serving facility lodging unit or an in-lieu fee for off-site parking
• Any new visitor serving facility on already designation on MT Land use and Zoning with an asterisk (*) or asterisk-B (*B) shall be located in MMU or MC districts.
• An explanation of the derivation of 237 units is provided.
• Provision that any visitor serving facility lodging unit that is operating without a valid coastal development permit where n is required must both submit an application for a CDP and obtain the CDP by June 30, 2019.

23. CHAPTER 20.688 – MENDOCINO DEVELOPMENT LIMITATIONS COMBINING DISTRICT “DL”

• No major changes to the Mendocino Development Limitations Combining District.

24. CHAPTER 20.692 – LIMITATIONS AND EXCEPTIONS

• Minor changes to Lot Area and Yards.
• Maximize views when developing within 350 feet of Highway 1 right-of-way.
• Approval for new development and redevelopment along streets with high levels of pedestrian activity shall require:
  • Renovation of existing sidewalks.
  • Where no sidewalks exist, provision of wheel stops or creation of public walking paths.
  • Prohibition of Formula Restaurants, Formula Lodging and Formula Retail.

25. CHAPTER 20.696 – HOME OCCUPATIONS

• There are no major changes to this section other than inclusion or allowance for accessory buildings to be used for home occupations. [Note: duplicated language]

26. CHAPTER 20.700 – COTTAGE INDUSTRIES

• Minor modifications and/or clarifications.
• Expansion of districts where allowed.

27. CHAPTER 20.704 – ACCESSORY USE REGULATIONS

• Minor modifications and/or clarifications.
• Notice per the California Health and Safety Code and subject to coastal development minor use permit.
• Allowance for Second Residential Dwelling Units as accessory structures with any primary family dwelling unit.

28. CHAPTER 20.708 – TEMPORARY USE REGULATIONS

• Minor modifications and/or clarifications.
• Reference to the County’s General Plan Development Element Noise Level Standards.
• Requirements for a coastal development permit for events that have the potential for significant adverse impacts on public access to coast.

29. CHAPTER 20.712 – SIGN REGULATIONS

• Minor modifications and/or clarifications.
• Exceptions to off-site signage for public safety, traffic directional and public access signs within public road or street right-of-way.
• Preferred location of directory signs.
• CDP exemptions for attached signs (with caveats)pursuant to Section 30610(b) California Public Resources Code and Title 14, California Code of Regulations, Section 13253.

30. CHAPTER 20.713 -- OUTDOOR DISPLAY OF MERCHANDISE

• Minor modifications and/or clarifications.

31. CHAPTER 20.714 – CIRCULATION AND PARKING

Chapter 20.714 is an entirely new Chapter containing the following sections:
• Purpose,
• Parking Requirements,
• Methods of Compliance,
• Avoidance of Adverse Impacts,
• Bicycle Parking,
• Avoidance of Impermeable Surfaces and Compaction,
• Off-site Parking Requirements,
• Implementation, and
• Improvement and Maintenance of Existing and New Parking.
32. CHAPTER 20.716 – NONCONFORMING USES AND STRUCTURES

- Clarification of what constitutes lawfully established or lawfully authorized development.
- Replacement of 50 percent or more of a nonconforming structure is not repair and maintenance.
- Expansion of legal nonconforming structure may be authorized provided the expansion complies with current policies.
- Deletion of policy allowing 10 percent increase in structure destroyed by involuntary means or forces.

33. CHAPTER 20.717 – WATER QUALITY PROTECTION

Chapter 20.717 is an entirely new Chapter containing the following sections:

- Purpose,
- Applicability,
- Definitions,
- Water Quality Protection Requirements,
- Application Submittal Requirements, and
- BMP Maintenance and Conditions of Transfer.

34. CHAPTER 20.718 - PUBLIC ACCESS

Chapter 20.718 is an entirely new Chapter addressing the following:

- Purpose and Applicability (to implement the public access and recreation policies of Chapter 3 of the Coastal Act and applicable polices of the Town Plan.
- Minimum Access Locations.
  - Mendocino Town Plan Public Access Maps (illustrative).
  - Review proposed development to ensure protection of public access.
  - Where mitigation required, preferred implementation through a recorded grant of easement to the County, another public agency or a designated private nonprofit.
  - VSFs and services on any parcel adjoining the shoreline, or adjacent to a parcel in Mendocino Headlands State Park that adjoins the shoreline shall provide access from the first continuous public road or street that parallels the sea to the nearest sustainable path of trail in Mendocino headlands State Park (with limitations).
- Public fishing access.
- Continuous public access ways.
- A continuous public bike trail shall be located in the Highway 1 right-of-way in the Town.
- Provisions addressing Highway 1-Big River Bridge Improvements.
• Public access signage to Mendocino Headlands State Park.
• Consideration of property purchase to complete public ownership of entire shoreline band in Town.
• A public pedestrian access way and bicycle lane on Lansing Street from northern limit of Town to Lansing and Main.
• Main Street Enhancement Project.
• Minimum Public Access Standards
• Exemption from Requirements to Provide Public Access
• Closure.
• Implied Dedication Arising from Public Use.
• Procedures for Conveyance of Title
• Access Way Management Plan

35. CHAPTER 20.719 - ENVIRONMENTALLY SENSITIVE HABITAT AREAS (ESHA'S)

Chapter 20.719 is copied directly from Division II with minor changes.

36. CHAPTER 20.720 - COASTAL DEVELOPMENT PERMIT REGULATIONS

Primarily clarification of procedures including:

• Content of information on notice
• Completeness of application
• Referral procedure for California Native American Tribal consultation
• Time limits on action for a CDP
• Additional findings for conditional use permits
• Development located within an ESHA

37. CHAPTER 20.724 - VARIANCES

• Minor changes clarifying or elaborating on process.

38. CHAPTER 20.728 - APPEALS

• Minor changes clarifying or elaborating on process.
39. CHAPTER 20.732 - AMENDMENTS

- Minor changes clarifying or elaborating on variance process.
- Deletion of statement on CEQA exemption.

40. CHAPTER 20.736 - ENFORCEMENT

- Minor changes, primarily grammatical or clarifications.

41. CHAPTER 20.740 - SECOND RESIDENTIAL UNITS

- Clarification that a second residential dwelling unit as an accessory use to a primary residential dwelling where such units are a principal permitted use and permitted through Coastal Development Administrative Permit.

42. CHAPTER 20.744 - GROUND WATER EVALUATION

- Minor changes, primarily clarifications and corrections.

43. CHAPTER 20.748 - SINGLE UNIT RENTALS AND VACATION HOME RENTALS

- Limit to 20 Single Unit Rentals and 10 Vacation Home Rentals (reduced from 23 SURs and 23 VHRs).
- New VHRs restricted to MMU and MC districts.
- Clarification and expansion of processing and maintaining a status log for SURs and VHRs.

44. CHAPTER 20.760 - HISTORICAL PRESERVATION DISTRICT FOR TOWN OF MENDOCINO

- Minor changes to definitions.
- Amendment to exemption for storage sheds less than 60 square feet and addition of exemption for rain water, groundwater and or potable water storage tanks in certain locations.
- Addition to application requirements referencing Chapter 20.717 storm water management and erosion control requirements procedure.
- Additions to MHRB noticing requirements as follows:
  - Posting on the Planning and Building Services Department web site.
  - 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.
  - Mailed by first class mail to the Coastal Commission.
  - Mailed to any person who has requested notice in writing to the Mendocino Historical Review Board or Planning and Building Services Department.
  - Mailed to the applicant at the address shown on the application.
D. AMENDMENTS TO THE ZONING MAP.

Similar to the Land Use Map amendments, notes would be added to the zoning map, including “Boundaries shown on this map do not establish or depict State of California ownership boundaries or Post-Town of Mendocino Local Coastal Program certification permit and appeal jurisdiction.”

And including “The Town of Mendocino boundary along the Pacific Ocean, Mendocino Bay, and tidal lower Big River follows the shoreline (Government Code Section 23123).”

The Mendocino Town Zoning Map amendments would include changing the classification of properties as follows:

- Highway 1 eliminate PF classification
- Grindle Park, 44700 Little Lake Road (APN 119-090-07), would retain OS classification
- Williams House, 10575 Lansing Street (APN 119-150-01), from RM and C to C classification
- Mendocino Rotary Foundation, 44960 Main Street (APN 119-250-07), from C to PF classification
- Mendocino Rotary Foundation, 44920 Main Street (APN 119-250-08), from C to PF classification

The Zoning Map amendments would include changing the OS classification to PF on land located at 10705 Palette Drive (APN 119-140-31) and owned by Mendocino City Community Services District.

The Zoning Map amendments would include designating the location of the Nicholson House, 44861 Ukiah Street (APN 119-250-12), as a Visitor Serving Facility by adding an asterisk (*) to the map.