

SECTION 1. INTRODUCTION

1.1 Mendocino: A Special Coastal Community: 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.

As the County Board of Supervisors found and declared when it enacted the Historical Preservation District for the Town of Mendocino in 1973, the Town and its immediate environs represent

“a unique and outstanding example of early California architecture and town development associated with the redwood lumber industry along the Mendocino Coast in the last half of the 19th century. The Town of Mendocino exhibits those qualities typical of a small Northern California coastal lumber town from that era by combining a balance of residential and commercial development with the forces of nature and the natural environment.... Much of the unique character of this community rests with the style of architecture which dominates the town, ... which is representative of early northern California architecture. This character is reflected by the Town's distinctive mixture of weathered wooden commercial and residential structures sited to allow some unobstructed views of the ocean, bay and river from public streets, by the balance of the size and scale of its buildings, by its foot paths and back streets, by the presence of native vegetation, and by the architectural mix of its structures which contributes to the historical quality of the community (Mendocino Town Zoning Code Chapter 20.760, certified by the California Coastal Commission in 1996).”

The Mendocino Town Plan cover page illustrates the frequently photographed view of the Town from the south, near old Highway 1. Figure 4.13-1 illustrates current (2013) oblique aerial views of the Town and expansive Mendocino Headlands State Park, which extends along 98% of the Town's rugged bluff and beach shoreline.

The Historical Preservation District Ordinance designates the area of Mendocino that is located on the Mendocino Headlands peninsula, west of Highway 1, as Historical Zone A. Within Historical Zone A, the Mendocino and Headlands Historic District, located generally south of Little Lake Street, is listed on the National Register of Historic Places (Number 71000165) and on the California Register of Historical Resources. The seaward sloping area landward (east) of Highway 1, which can be seen from Historical Zone A, constitutes Historical Zone B. Figure 4.13-2 depicts the location of the two Historical Zones.

The California Department of Parks and Recreation (“State Parks”) “California Coastline Preservation and Recreation Plan” (1971) identified Mendocino as a State priority for protection of its natural, scenic, and historic coastal landscape through a combination of public acquisition, comprehensive planning, primary reliance on local government administration with full public participation, and State coastal agency oversight. Successful conservation, preservation, and restoration since before enactment of the 1972 California Coastal Zone Conservation Act (“Proposition 20”) have both protected numerous landmark buildings, historic buildings, and other historic structures in the Town, and resulted in the initial public acquisition (1972-1976) of the highly scenic, public recreational, and wildlife habitat open space of Mendocino Headlands State Park.

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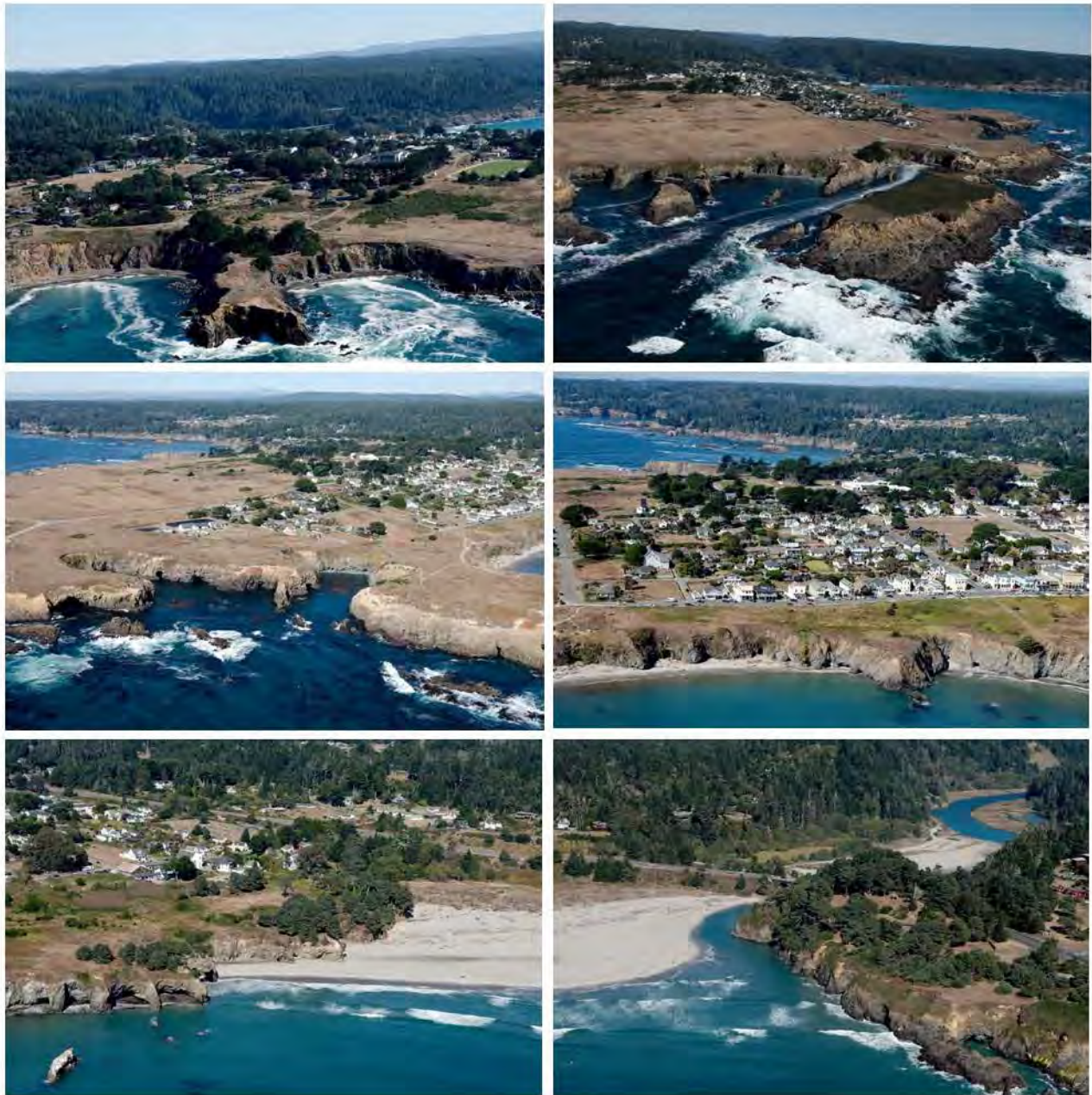


Figure 4.13-1. Town of Mendocino Aerial Photographs 2013

Town of Mendocino, 2013. Upper left: The Town and Mendocino Headlands State Park seen from offshore Russian Gulch State Park, looking south. Upper right: Islets and rocks offshore Mendocino Headlands State Park, Town and Mendocino Bay beyond. Middle left: Mendocino Headlands State Park and the Town, looking northeast. Middle right: Portuguese Beach and the Town, looking north. Lower left and Lower right: Mendocino Estuary Beaches, Highway 1, lower Big River, looking across Mendocino Bay to the northeast. Copyright (C) 2002-2015 Kenneth & Gabrielle Adelman, California Coastal Records Project, www.Californiacoastline.org

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The California State Park and Recreation Commission adopted the “Resource Management Plan and General Development Plan” for Mendocino Headlands State Park in 1976. The California Department of Fish and Game transferred its holdings, including Goat Island offshore of the Mendocino County shoreline and beach, coastal bluff/sea cliff, and bluff top areas between the shoreline and the landward edge of Heeser Drive, to State Parks in 2000. An inclusive public-private partnership led by the Mendocino Land Trust and the California State Coastal Conservancy resulted in 2002 in an 8-mile easterly expansion of the State Park along tidal Big River to its headwaters. As a unique protected and public recreational area that extends through seven uplifted marine terraces between the Pacific Ocean and the outer Coastal Ranges, and adjoins other State Park units and Jackson State Forest, Mendocino Headlands State Park now encompass some 7,719 acres. Together with the adjoining State holdings, it substantially – but not yet fully - implements the vision of the California Coastline Plan (1971) for a “Mendocino Coast State Park” and of the California Coastal Zone Conservation Commissions (1975, 1976) for an expansive continuous shoreline band and Big River watershed in public ownership.

The entire Town of Mendocino and most of Mendocino Headlands State Park are located within the California coastal zone. Within the Town boundaries, the kinds, intensities, and locations of the use of land and water are governed by the State goals, policies, and procedures of the California Coastal Act of 1976, as amended (Division 20, Public Resources Code), in addition to the California Constitution, United States Constitution, and other applicable local, State, and federal laws. Among the other conservation and development laws that apply to the Town are the California Planning and Zoning Laws (Title 7, Division 1, Government Code), the statutes that govern the California Department of Parks and Recreation (Public Resources Code Section 5001 et seq.), the State Coastal Conservancy Act, as amended (Division 21, Public Resources Code), the Americans with Disabilities Act, as amended (“ADA”, 42 U.S.C. 12101 et seq.), and the adopted Mendocino County General Plan and Mendocino Town Zoning Code as specifically referenced in the certified Mendocino Town Local Coastal Program. The Coastal Commission Local Coastal Program (“LCP”) Implementation Regulations (Title 14, California Code of Regulations, Section 13500 et seq.), the California Environmental Quality Act, as amended (“CEQA”, Division 13, Public Resources Code), and the CEQA Guidelines (Title 14, California Code of Regulations, Section 15000 et seq.) respectively provide additional requirements for LCP preparation, amendment, and implementation, and for development project environmental review. Pursuant to CEQA, the Coastal Commission certification review of a LCP or LCP Amendment constitutes the functional equivalent of environmental review; County adoption of the LCP or LCP Amendments is exempt from CEQA.

For the purposes of reviewing and processing coastal development permits, the Town of Mendocino certified LCP serves as the standard of review for all proposed development within the Town of Mendocino.

The Coastal Commission initially certified the Coastal Element of the County’s General Plan in 1985, to establish land use designations and policy direction within the entire coastal zone of the County. At the County Board of Supervisors’ request, the Coastal Commission in 1990 adopted geographic boundaries for the Town of Mendocino and thereby segmented it from the other parts of the County in the coastal zone. The Mendocino Town Local Coastal Program segment is bounded on the north by the northerly property line of the Hills Ranch Planned Unit Development, on the south by the shoreline of lower Big River and Mendocino Bay, and on the west by the shoreline of the Pacific Ocean. The eastern boundary of the Town in parts follows Gurley Lane (north of Little Lake Road, where it includes those lots fronting on the west side of Gurley Lane),

extends along the seaward side of the Mendocino Elementary School property, and then trends directly south to the Big River shoreline. The Town boundary aligns with the Mendocino City Community Services District (MCCSD) terrestrial boundary configuration that existed on June 13, 1990, when the Coastal Commission approved the geographic segmentation of the Town of Mendocino, as adopted by the County for local coastal program purposes. Although MCCSD boundaries originally coincided with the Town boundaries at the time of geographic segmentation in 1990, the MCCSD boundary no longer coincides with the Town segment boundary.

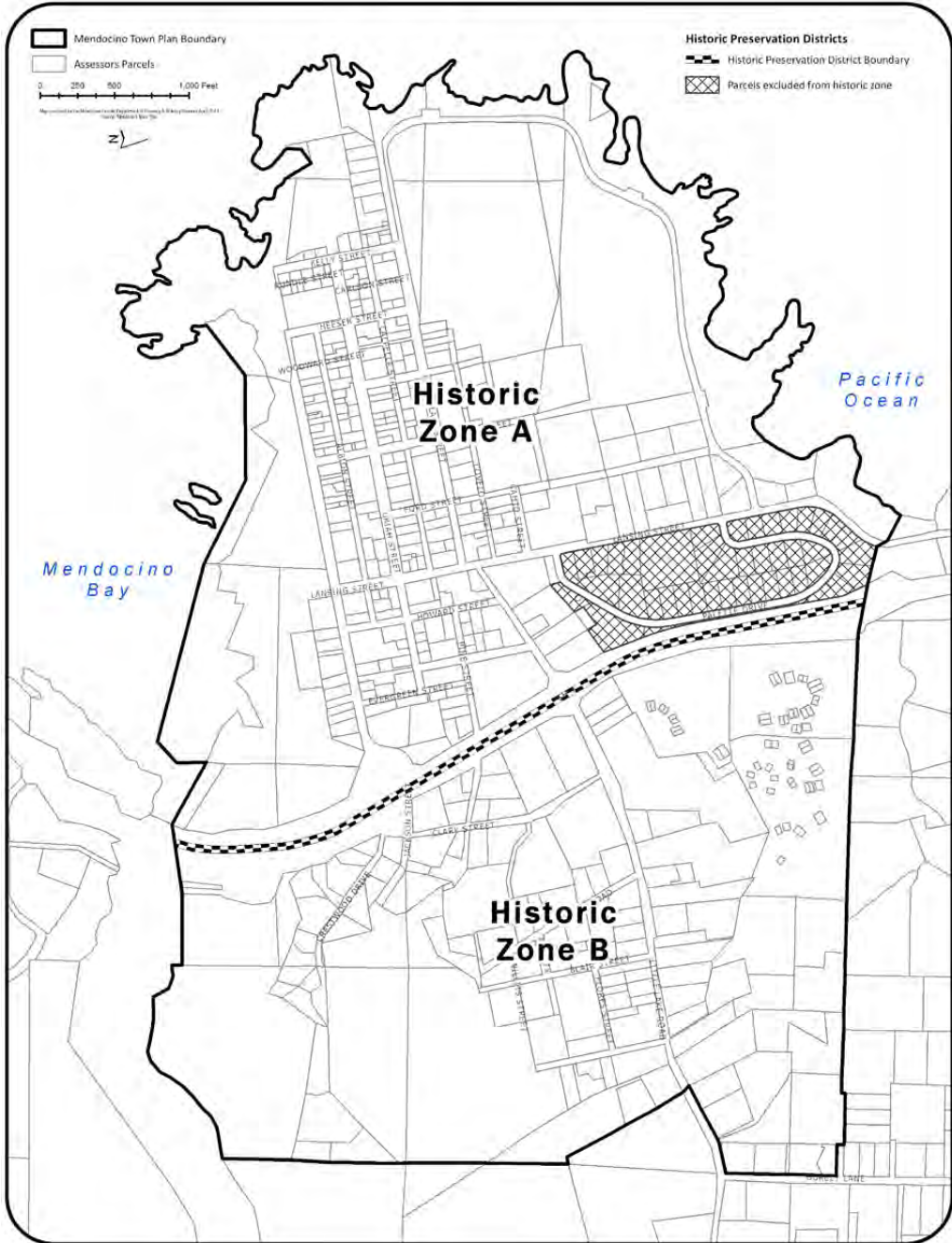
Subsequent approval/certification by the Coastal Commission of the Mendocino Town Plan (1992) and certification of the Mendocino Town Zoning Code (1996) resulted in a local coastal program that recognized an existing balance of residential, commercial, visitor serving and open space uses that have served 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.

1.2 Purpose of the Town Plan: The June 8, 2017 certified Mendocino Town Plan has been prompted by public interest in maintaining a balance of residential, commercial, visitor serving, and open space uses, while addressing evolving coastal resource conditions, public health and safety objectives, diverse legal requirements, improved opportunities for public participation, and increased efficiency and effectiveness in Town governance. In that context, the Mendocino Town Plan recognizes and protects the special historical character of the Town and provides for its continuing preservation, including through clarified policies, actions, and implementation measures that specifically implement the requirements of the Coastal Act at the local level.

1.3 Coastal Act Goals and Standards for Local Coastal Programs: In enacting the Coastal Act, the legislature found and declared that to “achieve maximum responsiveness to local conditions, accountability, and public accessibility, it is necessary to rely heavily on local government and local land use planning procedures and enforcement (Public Resources Code Section 30004(a)).” The legislature further found and declared that to “ensure conformity with the provisions of (the Coastal Act), and to provide maximum state involvement in federal activities allowable under federal law or regulations or the United States Constitution which affect California’s coastal resources, to protect regional, state, and national interests in assuring the maintenance of the long-term productivity and economic vitality of coastal resources necessary for the well-being of the people of the State, and to avoid long-term costs to the public and a diminished quality of life resulting from the misuse of coastal resources, to coordinate and integrate the activities of the many agencies whose activities impact the coastal zone, and to supplement their activities in matters not properly within the jurisdiction of any existing agency, it is necessary to provide for continued state coastal planning and management through a state coastal commission (Public Resources Code Section 30004(b)).”

The Coastal Act mandates that each local government shall prepare a Local Coastal Program (“LCP”) for that portion of the coastal zone within its jurisdiction. The County has endeavored to: (a) prepare an LCP for the Town that conforms with, and is adequate to carry out, the requirements of the Coastal Act at the local level; (b) process the Mendocino Town LCP through certification by the Coastal Commission; (c) implement the certified LCP through delegated specific development permit controls, with public notifications, public hearings, and findings of fact and law to support administrative decisions; and (d) prepare and process, as applicable, LCP amendments to address current conditions and changed requirements since certification of the original LCP, and thereby keep the Mendocino Town LCP current.

Figure 4.13-2. Historic Zones A and B



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The Coastal Act and the Coastal Commission LCP Regulations require the Mendocino Town LCP to include five components: (1) the Mendocino Town Plan, (2) the Mendocino Town Land Use Map, (3) the Mendocino Town Zoning Code, (4) the Mendocino Town Zoning Map, and (5) a specific Public Access Component ((Public Resources Code Sections 30108.6 and 30500(a); Title 14, California Code of Regulations Section 13519(b)). The Mendocino Town Plan must conform with the requirements of Chapter 3 and be sufficiently detailed to implement the Coastal Act, including its specific conservation, development, public access, and procedural standards, within the Town boundaries, to the extent necessary to meet the basic goals of the State for the coastal zone (Public Resources Code Section 30512.2(b)). These State goals 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; (b) Assure orderly, balanced utilization and conservation of coastal zone resources, taking into account the social and economic needs of the people of the state; (c) 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; (d) Assure priority for coastal-dependent and coastal-related development over other development on the coast; and, (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 (Public Resources Code Section 30001.5).

The Coastal Commission LCP Regulations require a LCP amendment to include “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 ... shall include, where applicable, a readily identifiable public access component as set forth in Title 14, California Code of Regulations Section 13512 (Title 14, California Code of Regulations Section 13552(b)).”

To those ends, the Mendocino Town Plan in Section 4 provides a clear and comprehensive set of mandatory policies and actions that regulate proposed development (a) pursuant to the public access, recreation, aquatic (including relative sea level), land resources, and all other development policies in Coastal Act Chapter 3, and (b) for the protection and sustainability of the Town’s special historical character, coastal natural resources, public access and recreation (including, but not limited to, at Mendocino Headlands State Park and connecting lateral and vertical ways), and its residential, commercial, visitor serving, and open space uses.

The Mendocino Town Plan Public Access Component in Section 4 and Appendix 5 provides for braided California Coastal Trail segments and other public access ways in and through the Town, with related upland support facilities. Pedestrian access to and through Mendocino Headlands State Park shall remain without cost to the recreational public. Future replacement or reconstruction of the Highway 1 Big River Bridge and abutments that connect the Town to the south are required to include safe pedestrian and bicycle ways, as well as see-through railings. A recommended (advisory action) of the Mendocino Town Plan calls for cooperative public-private acquisition of the three residentially developed parcels along the shoreline, for completion of the publicly owned, conserved, and recreational open space band between the first continuous public road/street and the sea.

The Mendocino Town Plan further provides a simplified procedure for authorization of specified overnight lodging accommodations on existing Visitor Serving Facility sites within the certified

numeric cap on such uses. Second dwelling units on lots with existing single family dwelling units shall be permitted within the Town's residential land use districts. In both cases, an applicant must demonstrate adequate water and wastewater services for both the new and already existing development on the lot, meet parking requirements, and conform to the other applicable conservation and development standards of the Mendocino Town LCP.

The Mendocino Town Plan reduces the total number of allowed vacation home rentals/single unit rentals through attrition and, to maintain the character of the historical Town, prohibits new vacation home rentals in residential land use districts. Acquisition by the State of the relatively large, flat, and contiguous former lumber company parcels along the shoreline to establish Mendocino Headlands State Park effectively precludes future industrial development within the Town boundaries. The Mendocino Town Plan also optimizes the combined artist/staff residence program and affordable short term lodging opportunities at the Mendocino Art Center, and provides for collaborative funding opportunities by which State Parks may provide affordable hostel, cabin, or campground facilities in Mendocino Headlands State Park.

The Mendocino Town Plan additionally recommends actions by the Board of Supervisors to consider allocation of a portion of the locally generated transient occupancy tax, and for expansion of innovative local voluntary programs, both to generate additional revenues for operation and maintenance of Mendocino Headlands State Park.

1.4 Planning Process: Section 3 describes the extensive public participation that resulted in (a) the listing of the Town on the National Register of Historic Places, (b) County Board of Supervisors adoption of the Historical Preservation District Ordinance for the Town (1973), (c) acquisition by the State of California, including with federal Land and Water Conservation Act funding, of Mendocino Headlands State Park to preclude residential subdivision development of the former lumber mill, lumber port, and agricultural lands that front the Town on its south and west (1974 and after), and (d) negotiation by members of Citizens Advisory Committees, preparation, and certification of the initial County Land Use Plan (1985), geographic segmentation of the Town (1990), certification of the Mendocino Town LCP (1992, 1996), and Coastal Commission adoption of Categorical Exclusion Order E-96-1 (1996) for specified development in identified subareas of the Town.

Continuing public concern over maintenance of the Town character resulted in the formation of another Citizens' Advisory Committee (CAC) in 1999, to identify specific policy recommendations on issues relating to (1) the number of vacation home rentals and single unit rentals; (2) incentives for second residential units; (3) cottage industries and home occupations; (4) parking and circulation; and (5) formation of a Municipal Advisory Council. In 2000, the CAC submitted its recommendations on each of the issues to the Board of Supervisors, which elected not to implement them. Following additional discussion in the Town about various community issues and the need to update the Mendocino Town Plan, a programmed amendment process was initiated by the County in 2011. The current process has reviewed the recommendations of the 2000 CAC report and included many of its recommendations in the community meeting discussions and within this update of the Mendocino Town Plan.

Since 2011, the County has held six public workshops regarding the Mendocino Town LCP amendment (2011, 2012, and 2015), two meetings with innkeepers (2011 and 2012), a public meeting (2012), fourteen public hearings (February 28, 2013, May 16, 2013, July 11, 2013, August

29, 2013, October 22, 2013, February 25, 2014, April 8, 2014, June 17, 2014, September 23, 2014, December 9, 2014, July 21, 2015, August 18, 2015, October 20, 2015, and December 8, 2015), and numerous personal meetings with interested persons and public agency representatives to obtain public comments, encourage discussion, and identify Coastal Act-consistent Mendocino Town Plan policies and actions.

Not surprisingly many of the issues identified through the current community input process reflect past or continuing concerns. Others - including designations of recent (2002) substantial additions to Mendocino Headlands State Park along Big River and of land held or acquired by local public agencies for essential community services, implementation of State requirements for second dwelling units in residential land use districts that can accommodate them, storm water management, and effective public noticing of Mendocino Historical Preservation District decision-making - reflect newer concerns. The issues identified through this process are listed below in Section 1.5, Current Community Issues.

1.5 Current Community Issues: The Mendocino Town Plan amendment commenced with a series of community meetings, during which the participants identified Town character elements and the community issues that should be addressed. Subsequent public hearings before the Planning Commission and Board of Supervisors on iterative drafts of the Mendocino Town Plan in 2012-2015, the public workshop in the Town on September 30, 2015, and written comments from the public and public agencies identified both continuing and some new issues regarding Coastal Act implementation, historic preservation, and public facility strategic planning. Some of the current community-identified issues, which are listed below, overlap the issues discussed in the 1992 Mendocino Town Plan.

- Preservation of the Town's special community character
- Parking, public access, and traffic
- Economic revitalization
- Public facility strategic planning
- Community amenity & community space
- Sustainability
- Local control and Coastal Act standards
- Sensitive Coastal Resource Area
- Vacation Home Rentals and Single Unit Rentals
- Public noticing of County/MHRB meetings and proceedings
- Visitor-serving facility authorizations
- Comprehensive storm water management
- Groundwater resources management

The Mendocino Town Plan policies and actions set forth in Section 4 address these issues, and implement the Board of Supervisors' direction in 1987 that the *Mendocino Historic Review Board Design Guidelines* be transmitted to the Coastal Commission for certification review as part of the LCP.

1.6 Organization of the Town Plan: The Coastal Act mandates that each local government shall prepare a Local Coastal Program ("LCP") for that portion of the coastal zone within its jurisdiction, and to keep it current in relation to changing coastal resources conditions. (Public Resources Code Sections 30500(a), 30503, 30510, 30004(a), 30108.5, 30200(a), 30512, 30519(a), 30340.5 et seq., and 30210-30265.5). As required by Public Resources Code Sections 30108.5, 30512(c), and 30512.2(b), the Mendocino Town Plan contains a high level of specificity to set forth the allowed kinds, locations, and intensities of land use within the Town of Mendocino that conform to, and carry out,

the Coastal Act conservation and development standards in Public Resources Code Sections 30210-30265.5, to the extent necessary to meet the State goals for the coastal zone in Public Resources Code 30001.5 in the Town.

The Mendocino Town Plan therefore (a) identifies planning issues specific to the Town, (b) describes the various land use and coastal resource components within the Mendocino Town Plan area, (c) establishes required policies and actions that address the planning issues and protect significant coastal resources, and (d) provides for implementation of these policies and actions through the conformed Mendocino Town Zoning Code and Mendocino Town Zoning Map.

Section 2 contains the definitions of the principal terms used in the Mendocino Town Plan.

Section 3 describes the Town setting, the process by which the Mendocino Town Plan has evolved through substantial public participation and public agency coordination, current conditions and trends in the Town, and the issues that have informed the June 8, 2017 certified Mendocino Town Plan.

Section 4 provides the required (mandatory) Mendocino Town Plan policies and actions that apply to all proposed development within the Town boundaries as shown on the Mendocino Town Land Use Map (Figure 4.13-3), as well as advisory goals and measures. Both policies and actions (a) directly govern the issuance of coastal development permits through the setting of development limitations, requirements, or prohibitions; and (b) provide the basis for reviewing the consistency of a land use plan or zoning amendment with the Coastal Act. In contrast, advisory goals or measures do not govern the issuance of coastal development permits or provide the basis for reviewing a land use plan or zoning amendment for Coastal Act consistency. Advisory goals or measures state County-adopted positions on various issues, encourage particular actions by other entities, make pledges of support for certain outcomes of endeavors, or commit the County to pursuing future measures or practices. The policies, actions, and goals are organized in ten subsections: 4.1, General Provisions; 4.2, Town Growth Management Policies; 4.3, Design Guideline Policies; 4.4, Circulation and Parking; 4.5, Affordable Housing (for Government Code purposes only); 4.6, Sustainability; 4.7, Public Facilities; 4.8, Public Access and Recreation; 4.9, Conservation; and 4.10, Mendocino Town Plan Administration.

Section 4, also, contains the Coastal Development Permit Categorical Exclusion E-96-1 Map (Figure 4.13-8), which illustrates the areas within the Town where specified development, as defined in the Categorical Exclusion Order and shown in the map legend, are categorically excluded from the coastal development permit requirement of the Coastal Act, subject to certain terms and conditions, including requirements that the development conform with all LCP policies. This map should be read together with the highly specific provisions of Categorical Exclusion E-96-1, which is reproduced in Appendix 4.

Section 4 further contains the Public Access Component Map (Figure 4.13-6) which generally identifies the numerous existing public access ways in the Town and within Mendocino Headlands State Park. The Specific Public Access Component Aerial Maps 5.1-5.5 in Appendix 5 present the individual public access ways in greater detail.

Section 5 presents the Mendocino Town land use classifications: Open Space (OS); Rural Residential (RR); Suburban Residential (SR-20000); Residential Planned Unit Development (RR-2-PD); Town

Residential (R+); Multiple Family Residential (RM); Mixed Use (MU); Commercial (C); and Public Facilities (PF). The former Forest Lands (FL) land use classification is no longer applicable as a result of the State of California's acquisition of the 33-acre addition to Mendocino Headlands State Park east of Highway 1 and north of Big River, and is therefore deleted in the Mendocino Town Plan.

Section 6 provides the framework for the Mendocino Town implementation program. The conformed Mendocino Town Zoning Code (Title 20, Division III, Mendocino County Code) and its companion Mendocino Town Zoning Map, with their respective dates of Coastal Commission certification, carry out the provisions of the Mendocino Town Plan.

Appendices 1-9 encompass, respectively, the Inventory of Historic Structures; the Mendocino Town Plan Visitor Serving Facilities; the California Department of Fish and Wildlife "Big River Estuary Marine Protection Area Limitations on Fishing"; the Coastal Commission Categorical Exclusion Order No. E-96-1 and Coastal Act Coastal Development Permit Exemption Provisions; Public Access Component Aerial Maps 5.1-5.5; the Mendocino Town area portion of the "Post-LCP Certification Permit and Appeal Jurisdiction; County of Mendocino" Map number 32 adopted by the Coastal Commission on May 14, 1992; the *Mendocino Historic Review Board Design Guidelines*, 1987; Town of Mendocino Traffic Data November 23-30, 2015; and the California Coastal Commission Repair, Maintenance and Utility Hook-up Exclusion Guideline (1978).

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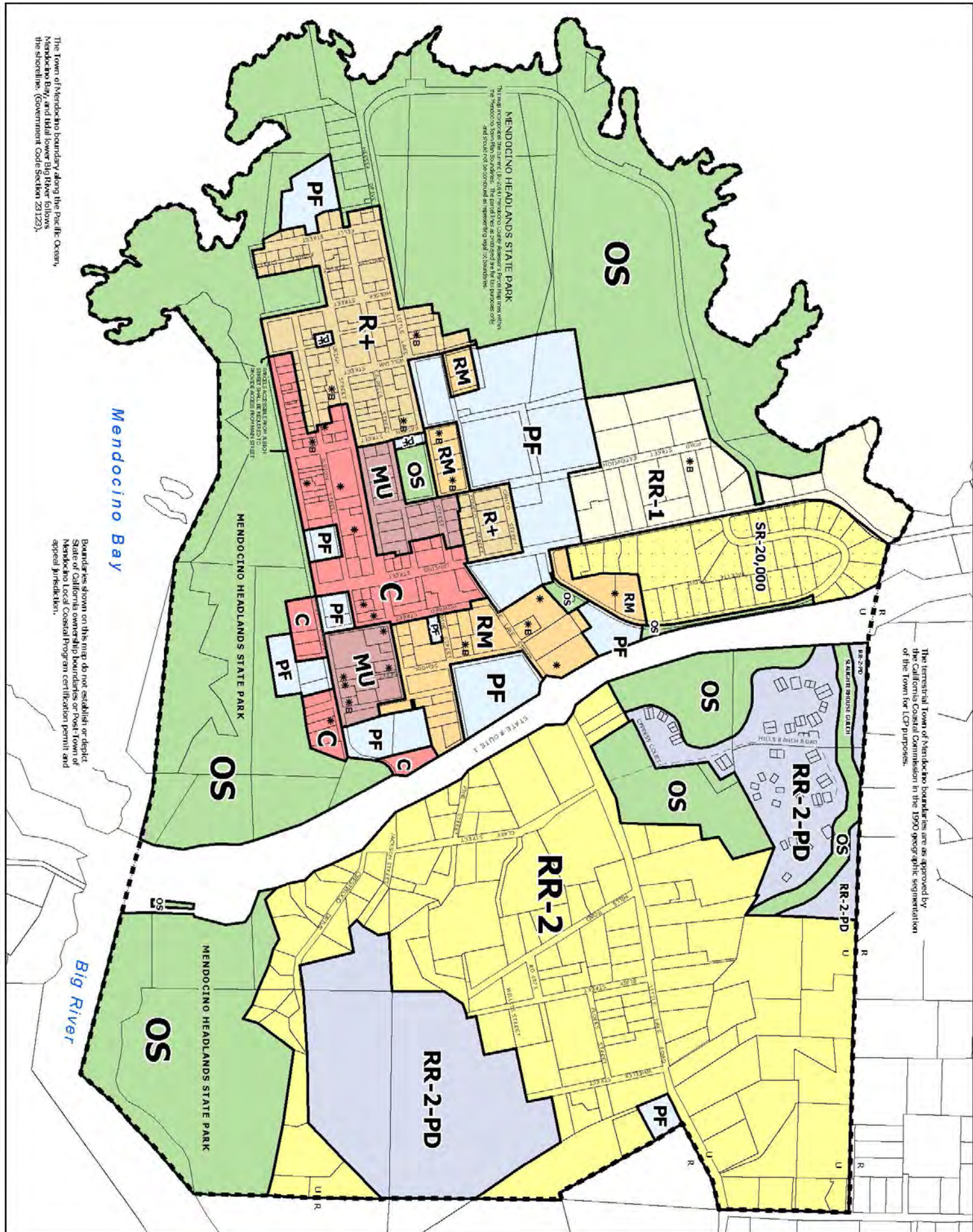


Figure 4.13-3. Mendocino Town Land Use Map

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SECTION 2. DEFINITIONS

These definitions govern the interpretation and implementation of the Mendocino Town Plan.

1. Aggrieved Person: Any person who, in person or through a representative, appeared at a public hearing held by the County in connection with the decision or action appealed; or who, by other appropriate means prior to a hearing, informed the County of the nature of his or her concerns or who for good cause was unable to do either. “Aggrieved Person” includes the applicant for a coastal development permit and, in the case of an approval of a local coastal program, the local government involved.

2. Amendment, Local Coastal Program: Any change, modification, deletion, or addition, including but not limited to any wording, text, table, illustration, figure, appendix, and/or documents incorporated by reference, of the certified Mendocino Town Plan, Mendocino Town Land Use Map, Mendocino Town Zoning Code, or Mendocino Town Zoning Map, including any alteration in the boundaries of a zoning district, when adopted by the Board of Supervisors in the manner prescribed by law; provided that no amendment to the Mendocino Town Local Coastal Program shall become effective until it has been certified by the Coastal Commission.

3. Amendment, Coastal Development Permit: Any change to a coastal development permit approved or issued by a County Approving Authority, that alters the approved development, or any approved condition of development approval; provided that no amendment to an approved coastal development permit or any other permit shall become effective until it has been approved by the Approving Authority.

4. Applicant: A person, partnership, organization, corporation, or federal, state or local government agency who is applying to (a) the Planning and Building Services Department of the County of Mendocino for a coastal development permit, other land use approval, administrative permit, or building permit. (b) the Mendocino Historical Review Board for review and approval of activities or work pursuant to the Mendocino Historical Preservation District Ordinance.

5. Approving Authority: The Planning and Building Services Department, Coastal Permit Administrator/Zoning Administrator, Mendocino Historical Review Board, Mendocino County Planning Commission, or Mendocino County Board of Supervisors authorized by the Mendocino Town Local Coastal Program to make decisions affecting the administration or enforcement of the Mendocino Town Local Coastal Program, as certified by the Coastal Commission.

6. Beach, inland extent: The inland extent of the beach shall be determined as follows: (a) a distinct linear feature on the landward side, including, but not limited to, a seawall, road, or coastal bluff; (b) the inland edge of the further inland beach berm as determined from historical surveys, aerial photographs, and other records or geological evidence; or (c) where there is no beach berm, the further point separating the dynamic portion of the beach from the inland area as distinguished by vegetation, debris or other geological or historical evidence.

7. Bed and Breakfast Accommodations: Any building or portion thereof, or group of buildings (a) containing at least two (2) but no more than four (4) lodging units (guest rooms or suites), each used, designed, or intended to be used, let, or hired out, for occupancy by transient guests for

compensation or profit, and **(b)** in which breakfast, snacks, other light meals, or beverages may be provided to such guests for separate compensation or as part of a room or suite package.

8. Best Management Practices (BMPs): Stormwater management practices, including structural devices and systems, siting criteria, operational practices, and procedural practices to prevent or reduce nonpoint source pollution and/or adverse changes in stormwater runoff flows resulting from development.

9. Building: A roofed structure, which is **(a)** constructed in a permanent position on the ground, and **(b)** designed and intended to be used for the shelter or enclosure of persons, animals, or personal property. This definition does not include any type of recreational vehicle, boat, or tent.

10. Building, Height of: The vertical dimension of the roofline, parapet, or uppermost edge or plane of a building or structure, as measured from the natural grade at any point from within the building footprint.

11. Categorical Exclusion Order Number E-96-1: The exclusion approved by the Coastal Commission, within specified areas of the Town of Mendocino, from the coastal development permit requirement of specified categories of **(a)** construction, improvement, or removal and replacement of a single-family residence, **(b)** test water wells, **(c)** replacement or supplemental water wells, **(d)** production water wells associated with a single family residence that is excluded from the coastal development permit requirement, **(e)** repair, replacement, expansion, or installation of septic systems (private wastewater disposal systems), and **(f)** boundary line or lot line adjustments more than two-hundred (200) feet from the outer edge of an environmentally sensitive habitat area or the outer edge of an area of pygmy vegetation, and subject to terms and conditions, including but not limited to ensuring that the development under this exclusion shall conform with all LCP policies. Figure 4.13-6 reproduces the Coastal Commission-adopted Categorical Exclusion Order Number E-96-1 Areas Map; Appendix 4 contains Categorical Exclusion Order Number E-96-1, as adopted by the Coastal Commission in the “Addendum to Proposed Categorical Exclusion Order No. E-96-1 for County of Mendocino, Town Segment”, November 12, 1996 (adopted November 14, 1996).

12. Coastal Act: The California Coastal Act of 1976, as amended (Public Resources Code Division 20, Section 30000 et seq.).

13. Coastal Bluff: **(a)** (1) Those bluffs, the toe of which is now or was historically (generally within the last 200 years) subject to marine erosion; and (2) those bluffs, the toe of which is not now or was not historically subject to marine erosion, but the toe of which lies within an area otherwise identified in Public Resources Code Section 30603(a)(1) or (a)(2). **(b)**(1) Bluff line or bluff edge shall be defined as the upper termination of a bluff, cliff, or sea cliff. (2) In cases where the top edge of the cliff is rounded away from the face of the cliff as a result of erosional processes related to the presence of the steep cliff face, the bluff line or edge shall be defined as that point nearest the cliff beyond which the downward gradient of the surface increases more or less continuously until it reaches the general gradient of the cliff. (3) In a case where there is a step-like feature at the top of the cliff face, the landward edge of the topmost riser shall be taken to be the cliff edge. **(c)** The termini of the bluff line, or edge along the seaward face of the bluff, shall be defined as a point reached by bisecting the angle formed by a line coinciding with the general trend of the bluff line along the seaward face of the bluff, and a line coinciding with the general trend of the bluff line

along the inland facing portion of the bluff. (d) Five hundred feet shall be the minimum length of bluff line or bluff edge to be used in making these determinations.

14. Coastal Commission: The California Coastal Commission, established by Public Resources Code Division 20.

15. Coastal Conservancy: The State Coastal Conservancy, established by Public Resources Code Division 21.

16. Coastal-dependent Development: Any development or use which requires a site on, or adjacent to, the sea to be able to function at all.

17. Coastal-related Development: Any development or use that is dependent on a coastal-dependent development or use.

18. Coastal Development Permit: A permit for any development within the coastal zone that is required pursuant to Section 30000 et seq. of the Public Resources Code.

19. Coastal Permit Administrator/Zoning Administrator: The Planning and Building Services Director or designee who is authorized to administer the coastal development permit process and to render decisions on applications for variances, minor use permits, and administrative permits as provided in the Mendocino Town Zoning Code.

20. Community Garden(s): An area of land managed and operated by one or more persons to sustainably grow and harvest food and/or non-food crops, including, but not limited to, flowers, for personal or group use or consumption. Community gardens may be divided into separate plots for cultivation by one or more individuals, or may be farmed collectively by members of a group.

21. Conditional Use: A use that may be allowed on a conditional and discretionary basis, subject to securing a conditional use permit pursuant to the applicable procedures and requirements of Mendocino Town Zoning Code Chapter 20.720, and for which a coastal development permit may be appealed by an aggrieved person to the Coastal Commission pursuant to Public Resources Code Section 30603(a)(4).

22. Cumulative Effect (Cumulative Impact): The combined consequences of (a) the incremental effects of an individual action, development, or project in connection with the effects of past actions, developments, or projects; (b) the effects of other current actions, developments, or projects; and (c) the effects of reasonably foreseeable probable future actions, developments, or projects.

23. Density: The number of dwelling units per acre or square foot, calculated as the total number of dwelling units divided by the total lot area.

24. Design Storm: The runoff produced by the 85th percentile 24-hour storm event at the Town (0.88 inches) for volume-based BMPs, or two times the 85th percentile 1-hour storm event (0.20 inches) for flow-based BMPs.

25. Development: (a) On land, in, or under water, the placement or erection of any solid material or structure; (b) discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; (c) grading, removing, dredging, mining, or extraction of any materials; (d) change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; (e) change in the intensity of use of water, or of access thereto; (f) construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and (g) the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973 (commencing with California Public Resources Code Section 4511).

26. Director: The Director of the County of Mendocino Planning and Building Services Department, or his/her designee.

27. Dwelling Unit: A single unit containing complete, independent living facilities for a person, persons, or a family, including permanent provisions for living, sleeping, eating, cooking, and sanitation, and having only one (1) kitchen.

28. Energy Facility: Any public or private processing, producing, generating, storing, transmitting, or recovering facility for electricity, natural gas, petroleum, coal, or other source of energy.

29. Environmentally Sensitive Habitat Area: Any area in which plant or animal life, or their habitats, are either rare or especially valuable because of their special nature or role in an ecosystem, and which could be easily disturbed or degraded by human activities and developments.

30. Estuary: A coastal water body, usually semi-enclosed by land, having open, partially obstructed, or intermittent exchange with the open ocean, and in which ocean water is at least occasionally diluted by freshwater from the land. The salinity level of an estuary may be periodically increased to above that of the open ocean due to evaporation.

31. Feasible: Capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.

32. First Public Road Paralleling the Sea: (a) The “first public road paralleling the sea” means that road nearest to the sea, as defined in Public Resources Code Section 30115, which: (1) is lawfully open to uninterrupted public use and is suitable for such use; (2) is publicly maintained; (3) is an improved, all-weather road open to motor vehicle traffic in at least one direction; (4) is not subject to any restrictions on use by the public except when closed due to an emergency or when closed temporarily for military purposes; and (5) does in fact connect with other public roads providing a continuous access system, and generally parallels and follows the shoreline of the sea so as to include all portions of the sea where the physical features such as bays, lagoons, estuaries, and wetlands cause the waters of the sea to extend landward of the generally continuous coastline. (b) When based on a road designated pursuant to this section, the precise boundary of the permit and appeal jurisdiction shall be located along the inland right-of-way of such road. (c) The “Post-LCP Certification Permit and Appeal Jurisdiction; County of Mendocino” map number 32 adopted by

the Coastal Commission on May 14, 1992, and reproduced in Appendix 6, depicts the location of the first public road paralleling the sea in the Town of Mendocino.

33. Formula Lodging: A motel, hotel, inn, or other visitor-serving lodging facility, that along with ten (10) or more other establishments, regardless of location or ownership, maintains two or more of the following standardized features: business name, décor, color scheme, facade, architecture, uniforms, advertising, or other similar standardized features.

34. Formula Restaurant: A restaurant devoted to the preparation and offering of food and beverages for sale to the public, that along with ten (10) or more other establishments regardless of location or ownership, maintains two or more of the following standardized features: business name, menus, ingredients, decor, color scheme, facade, architecture, uniforms, advertising, or other similar standardized features.

35. Formula Retail: Formula Retail shall mean a retail sales or rental activity or retail sales or rental establishment, that along with ten (10) or more other establishments, regardless of location or ownership, maintains two or more of the following standardized features: business name, decor, color scheme, facade, architecture, uniforms, advertising, or other similar standardized features.

36. Grading: Any excavation, filling, or combination thereof, involving movement or transfer of more than twenty-five (25) cubic yards of earthen material within, from, or to a lot.

37. Hostel: Any building or portion thereof, or group of buildings, containing five or more dormitory rooms or private rooms, or providing accommodations for five or more transient guests, for the purpose of providing lower cost public travel accommodations to recreational travelers. The hostel shall provide a kitchen, common room, and sanitary facilities for use by the transient guests.

38. Hotel: Any building or portion thereof, or group of buildings, containing five or more lodging units (guest rooms or suites), each of which is used, designed, or intended to be used, let or hired out, for occupancy by transient guests for compensation or profit. A hotel may offer meals or beverages for separate compensation or as part of a room or suite package.

39. Hydromodification: Adverse changes in waterbodies associated with modification of the hydrologic balance (i.e., precipitation, surface runoff, infiltration, surface-water storage, groundwater storage, evaporation, and transpiration) resulting from development.

40. Impervious Surface: A structure, surface covering, or pavement that prevents absorption and infiltration of rainfall or stormwater runoff. Impervious surfaces include, but are not limited to, roofed structures, walkways, patios, driveways, parking lots, paved storage areas, impervious concrete and asphalt surfaces, and any other continuous watertight pavement or covering. Pavements that are designed and maintained to be permeable, including pavers with pervious openings or joints, underlain with pervious soil and/or pervious storage material (such as a gravel layer) to absorb and retain rainfall or runoff, do not constitute impervious surfaces.

41. Inn: Any building or portion thereof, or group of buildings, containing five or more lodging units (guest rooms or suites), each of which is used, designed, or intended to be used, let or hired out, for occupancy by transient guests for compensation or profit. An inn may offer meals or beverages for separate compensation or as part of a room or suite package.

42. Lateral Access: A public access way, alley, path, trail, street, road, easement, or other right-of-way which provides public access and use along, or generally parallel to the shoreline.

43. Light Agriculture: (a) Land devoted to the hatching, raising, butchering or marketing on a small scale of chickens, turkeys or other fowl or poultry and eggs, rabbits, fish, frogs, mink, chinchilla or other small farm animals or animals similar in nature, provided that not more than ten (10) mature animals per forty thousand (40,000) square feet, combined total, of all species, may be kept, fed or maintained. The permissible number of animals per acre shall be computed on the basis of the nearest equivalent ratio (i.e., five (5) animals on twenty thousand (20,000) square feet). For smaller parcels (under 20,000 square feet located in R+, MU, and C districts, up to four hens (no roosters) may be kept. Coops or pens shall be located only on the rear one-third of the lot and shall be located no closer than five (5) feet from the side or rear property line. (b) The grazing of cattle, horses, sheep, goats, hogs or other farm stock or animals, including the supplementary feeding thereof, provided not more than one (1) such animal per forty thousand (40,000) square feet shall be kept or maintained. The total number of all species shall not exceed four (4). In no event shall there be any limit to the permissible number of sheep or goats which may be grazed per acre when such grazing operations conducted on fields for the purpose of cleaning up unharvested crops and, further where such grazing operation is not conducted for more than four (4) weeks in any six (6) month period. (c) For parcels of forty thousand (40,000) square feet or larger, keeping of small and large animals shall be cumulative (i.e. eighty thousand (80,000) square feet: two (2) large animals or twenty (20) small animals). (d) Apiaries, provided that no more than two (2) working hives may be kept on parcels of forty thousand (40,000) square feet or less. (e) Sale of agricultural products, raised, or produced on the premises. (f) 4-H, FFA or similar projects shall be permitted in all zoning districts, except that no roosters shall be allowed.

44. Local Coastal Program: Pursuant to Public Resources Code Section 30108.6, the Town of Mendocino Land Use Plan, Town of Mendocino Zoning Code, Town of Mendocino Zoning District Map, and any other implementing actions, which, when taken together, meet the requirements of, and implement the provisions and policies of, the Coastal Act within the boundaries of the Town of Mendocino as depicted on the Mendocino Town Land Use Map (Figure 4.13-3) and Mendocino Town Zoning Map (Mendocino Town Zoning Code Figure 1).

45. Lot: (a) A single parcel of contiguous real property shown as a delineated parcel of land with a number or other designation on a map of subdivision created pursuant to the Subdivision Map Act and recorded in the Mendocino County Recorder's Office. (b) A parcel of real property that qualifies for a Certificate of Compliance pursuant to Government Code Section 66499.35. (c) "Lot" shall also mean "parcel," but does not include road or street easements or rights-of-way.

46. Lot Coverage: The percentage of gross lot area covered by all buildings and structures on a lot, including decks, porches and covered walkways, but excluding uncovered required parking areas, landscaping, patios, terracing, and rainwater, groundwater, or potable water storage tanks.

47. Low Impact Development (LID): A sustainable approach to stormwater management that benefits water supply and contributes to water quality protection. LID emphasizes preventive site design strategies, integrated with small-scale, distributed stormwater management practices to minimize post-development changes in the site's stormwater runoff flow regime (i.e., rates, volumes,

timing, and duration), through infiltration, evapotranspiration, harvesting for later on-site use, detention, or retention of stormwater close to the source.

48. Major Energy Facility: An energy facility as defined in PRC §30107 that costs more than one hundred thousand dollars (\$100,000.00), with an automatic annual increase in accordance with the Engineering News Record Construction Cost Index since 1982 the effective date of Coastal Commission adoption of this definition at Title 14, California Code of Regulations Section 13012(a), except for those major energy facilities governed by the provisions of Public Resources Code Sections 30610, 30610.5, 30611, or 30624.

49. Major Public Works Facility: A public works facility as defined in PRC §30114 that (a) costs more than one hundred thousand dollars (\$100,000.00), with an automatic annual increase in accordance with the Engineering News Record Construction Cost Index since 1982, the effective date of Coastal Commission adoption of this definition at Title 14, California Code of Regulations Section 13012(a), except for those major public works facilities governed by the provisions of Public Resources Code Sections 30610, 30610.5, 30611, or 30624, and (b) pursuant to Title 14, California Code of Regulations Section 13012(b) means a publicly financed recreational facility that serves, affects, or otherwise impacts regional or statewide use of the coast by increasing or decreasing public recreational opportunities or facilities.

50. Major Use Permit: A use permit under the original jurisdiction of the Planning Commission.

51. Major Vegetation Harvesting or Removal: means one or more of the following: (a) The cutting, chemical eradication, excavation, girdling, or other direct or indirect removal of more than fifteen (15) trees or ten (10) percent of the total number of trees on a lot, whichever is less, with a tree circumference of thirty-eight (38) inches or more measured at four and one-half feet (54 inches) vertically above the ground; or (b) the cutting, chemical eradication, excavation, girdling, or other direct or indirect removal of trees within a total contiguous ground area of six thousand (6,000) square feet, or within a noncontiguous area or areas not exceeding a total of six thousand (6,000) square feet, measured as the total of the area(s) located directly beneath the tree canopy; or (c) any of the following conditions exist or are proposed:

- (1) the vegetation removal involves the use of mechanized equipment with a weight greater than five (5) tons;
- (2) the vegetation removal is proposed on a slope of fifteen (15) percent or greater and removal of the vegetation may result in soil erosion or other instability;
- (3) the vegetation removal is located within or adjacent to an environmentally sensitive habitat area, stream, wetland, coastal bluff, or beach;
- (4) the vegetation removal that may result in significant exposure of adjacent trees or other major vegetation to wind damage;
- (5) the vegetation removal may result in significant degradation of the public view shed from a public road, street, park, or open space area; or,
- (6) the removal of one (1) or more trees which measure twenty-four (24) inches or more in diameter at four and one half feet (54 inches) above natural grade that are visually or historically significant, exemplary of their species, or ecologically significant.

(d) The following are excluded from this definition and do not constitute removal of major vegetation or harvesting in the Town of Mendocino:

- (1) removal of trees and other vegetation that have been reviewed and approved in conjunction with an associated development which has been granted a coastal development permit;

- (2) removal or harvesting of vegetation for agricultural purposes in areas presently used for agriculture;
- (3) harvesting of lawful agricultural products from lots on which light agriculture or community gardens are allowed by the Mendocino Town Local Coastal Program, or
- (4) timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973 (commencing with Public Resources Code Section 4511), as amended.

52. Mean High Tide Line: The statistical mean of all the high tides over the cyclical period of 18.6 years that shall be determined by reference to the records and elevations of tidal benchmarks established by the National Ocean Service. In areas where observations covering a period of 18.6 years are not available, a determination may be made based on observations covering a shorter period, provided they are corrected to a mean value by comparison with observations made at some suitably located control tide station.

53. Mendocino Town Local Coastal Program: See “Local Coastal Program”, Section 2.44.

54. Mendocino Town Plan: Chapter 4.13 of the Coastal Element of the County of Mendocino General Plan.

55. Mendocino Town Zoning Code: Division III of Title 20 of the Mendocino County Code, which contains the ordinances authorized by Government Code Section 65850 and required by the Coastal Act as part of the Mendocino Town Local Coastal Program to conform with, and be adequate to carry out, the provisions of the certified Mendocino Town Plan.

56. Minor Use Permit: A use permit under the original jurisdiction of the Coastal Permit Administrator/Zoning Administrator.

57. Motel: Any building or portion thereof or group of buildings containing five or more lodging units (guest rooms or suites) where such rooms or suites are directly accessible from an outdoor parking area and where each is used, designed or intended to be used, let or hired out for occupancy by transient guests for compensation or profit.

58. Natural Grade: The surface of the ground prior to grading for development.

59. Nonconforming Lot: A lot which has been lawfully created but does not meet the standards required of a lot or building site, as set forth in the certified Mendocino Town Plan and Mendocino Town Zoning Code.

60. Nonconforming Structure: A building, structure or facility, or portion thereof, which was lawfully erected or altered or maintained, but which no longer conforms to the specific regulations, as set forth in the certified Mendocino Town Plan and Mendocino Town Zoning Code, that are applicable to the land use classification and zoning district in which it is located.

61. Nonconforming Use: The use of a building, structure, or site, or portion thereof, which was lawfully established and maintained, but which no longer conforms to the specific regulations, as set forth in the certified Mendocino Town Plan and Mendocino Town Zoning Code, that are applicable to the land use classification and zoning district in which it is located.

62. Paleontological Site: A site containing fossil remains of life from geological periods generally predating the Holocene Epoch.

63. Permitted Use: A land use allowed by the Mendocino Town Plan subject to compliance with the applicable provisions of the Town LCP, and subject to obtaining any other permit required by the Code. County actions on coastal development permits allowing such uses are appealable to the Coastal Commission.

64. Person: Any individual, partnership, joint venture, association, social club, fraternal organization, estate, trust, receiver, syndicate, limited liability company or other business association or corporation, including any utility, and any, federal, state, local government, or special district or an agency thereof; or any other group or combination acting as a unit.

65. Principal Permitted Use: The primary land use allowed in the Mendocino Town Plan for each land use classification and in the Mendocino Town Zoning Code for each zoning district, and comprising development which is functionally related to one another so as to be viewed as one use type. Development designated as the principal permitted use in a particular zoning district is not appealable to the Coastal Commission pursuant to Section 30603(a)(4) of the Coastal Act, but may be appealable pursuant to other provisions of Section 30603(a). Development designated as the principal permitted use is subject to compliance with all applicable provisions of the certified LCP and subject to obtaining any other permit required by the County Code.

66. Public Works: (a) All production, storage, transmission, and recovery facilities for water, sewerage, telephone, and other similar utilities owned or operated by any public agency or by any utility subject to the jurisdiction of the Public Utilities Commission, except for energy facilities. (b) All public transportation facilities, including streets, roads, highways, public parking lots and structures, ports, harbors, airports, railroads, mass transit facilities and stations, bridges, trolley wires, and other related facilities. (c) All publicly financed recreational facilities, all projects of the State Coastal Conservancy, and any development by a special district. (d) All community college facilities.

67. Residential Use: Occupancy of a structure by the owner(s) as his/her/their principal place of residence; or, by tenant(s) as his/her/their principal place of residence for an extended term of thirty (30) days or longer.

68. Sea: The Pacific Ocean and all harbors, bays, channels, estuaries, salt marshes, sloughs, and other areas subject to tidal action through any connection with the Pacific Ocean, excluding non-estuarine rivers, streams, tributaries, creeks, and flood control and drainage channels.

69. Second Dwelling Unit: A detached or attached dwelling unit that provides complete independent living facilities for one (1) or more persons. It shall include permanent provisions for living, sleeping, eating, cooking and sanitation on the same parcel or parcels as the primary dwelling unit is situated. Second dwelling units are not intended for transient habitation and shall not be sold separately from the primary housing unit on the parcel, but may be rented for long term occupancy by family members or tenants.

70. Semi-Public Facilities: Buildings, structures, or other facilities which are privately owned, including by not-for-profit organizations, but which may be used to accommodate public gatherings,

including, but not limited to, art centers, lodges, granges, non-public schools, social clubs, theaters, and fraternal and religious organizations.

71. Significant Effect (Impact) on the Environment: A substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by an activity, development, or project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance. An economic or social change by itself shall not be considered a significant effect on the environment. A social or economic change related to a physical change may be considered in determining whether the physical change is significant.

72. Single Unit Rental: An attached or detached room or structure which is operated, in conjunction with a residential use or commercial use, as a short term rental for transient occupancy, for a fee charged, and subject to Chapter 520 (Uniform Transient Occupancy Tax) and Chapter 6.04 (Business License Tax) of the Mendocino County Code.

73. Shoreline: Mean High Tide Line of the Pacific Ocean. (See, Mean High Tide Line, the Sea)

74. Special Community: The Town of Mendocino, which, because of its unique characteristics, is a popular visitor destination point for recreational uses.

75. Special District: Any public agency, other than the County of Mendocino, formed pursuant to general law or special act for the local performance of governmental or proprietary functions within limited boundaries. "Special district" includes, but is not limited to, a county service area, a maintenance district or area, an improvement district or improvement zone, or any other zone or area, formed for the purpose of designating an area within which a property tax rate will be levied to pay for a service or improvement benefiting that area.

76. Standardized Feature: A feature that is substantially the same as other features, but need not be identical to them.

77. State Coastal Conservancy: The California Coastal Conservancy, established by Division 21, Public Resources Code, as amended.

78. State Parks: The California Department of Parks and Recreation, established pursuant to Public Resources Code Section 5001 et seq.

79. Stream: Any water course in the Town of Mendocino, that is mapped by the United States Geological Survey as a blue-line stream on the most recent Mendocino, California 7.5-minute topographical quadrangle.

80. Structure: Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground, including, but not limited to, any building, road, street, highway, bridge, culvert, fence, other enclosure or exclosure, pipe, flume, conduit, siphon, aqueduct, telephone line, electrical power transmission and distribution line, antenna, and satellite dish.

81. Structure Height: See "Building height", Section 2.10.

82. Student-Instructor Housing Facility: A portion of an educational facility providing long-term or intermittent housing for people affiliated with a school or art center, including students, instructors, artists-in-residence, staff, and scholar art program members. Transient occupancy of such units by the general public may occur. However, housing use by school or art center affiliates are given priority. Provision of tenancy shorter than thirty (30) days shall be subject to Chapter 520 (Uniform Transient Occupancy Tax) and Chapter 6.04 (Business License Tax) of the Mendocino County Code.

83. Suite: A group of two (2) adjoining rooms with a single exterior door in a visitor serving facility, and without any shared interior doors. Each suite shall be: (a) limited to no more than one (1) kitchen; (b) rented as one (1) unit, and (c) charged as one unit subject to Chapter 520 (Uniform Transient Occupancy Tax) and Chapter 6.04 (Business License Tax) of the Mendocino County Code.

84. Town of Mendocino Boundaries: Those boundaries adopted by the County and approved by the Coastal Commission for the geographic segmentation of the Town of Mendocino, for local coastal program purposes, on June 13, 1990, and which consist of (a) the boundary of the County of Mendocino along the shoreline of the Pacific Ocean, and (b) the terrestrial boundary of the Mendocino City Community Services District as it existed on June 13, 1990. The Mendocino Town Land Use Map (Figure 4.13-3) illustrates these boundaries.

85. Use Permit: A permit which may be granted by the appropriate Mendocino County authority to provide for the accommodation of land uses with special site constraints or design requirements, operation characteristics, or potentially significant adverse effects on surroundings, and which may be approved upon completion of a review process and, where necessary, the imposition of special conditions of approval by the permit granting authority.

86. Vacation Home Rental: A dwelling unit that is the only use on the property. and which may be rented short term for transient occupancy (29 days or fewer), for a fee charged, and subject to Chapter 520 (Uniform Transient Occupancy Tax) and Chapter 6.04 (Business License Tax) of the Mendocino County Code.

87. Vertical Access: A public access way, path, trail, street, road, easement, or other right-of-way which provides a public access connection between the first public road or street, trail, or public use area to (a) publically owned tidelands, (b) the shoreline, (c) the bluff top for public viewing, or (d) to a lateral public access way.

88. Visitor Serving Facility: Any hotel, inn, or bed and breakfast accommodations designated on the Mendocino Town Land Use Map and Mendocino Town Zoning Map with an asterisk (*) or asterisk-B (*B).

89. Wetland(s): Lands within the coastal zone which may be covered periodically or permanently with shallow water, including saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats, and fens. (a) Wetlands shall be further defined as land where the water table is at, near, or above the land surface long enough to promote the formation of hydric soils, or to support the growth of hydrophytes, and shall also include those wetlands where vegetation is lacking and soil is poorly developed or absent as a result of frequent and drastic fluctuations of surface water levels, wave action, water flow, turbidity or high concentrations of salts or other

substances in the substrate. Such wetlands can be recognized by the presence of surface water or saturated substrate at some time during each year and their location within, or adjacent to, vegetated wetlands or deep-water habitats. (b) The upland limit of a wetland shall be defined as:

- (1) the boundary between land with predominantly hydrophytic cover and land with predominantly mesophytic or xerophytic cover;
- (2) the boundary between soil that is predominantly hydric and soil that is predominantly non-hydric; or
- (3) in the case of wetlands without vegetation or soils, the boundary between land that is flooded or saturated at some time during years of normal precipitation, and land that is not.

(c) The term "wetland" shall not include wetland habitat created by the presence of and associated with agricultural ponds and reservoirs where:

- (1) the pond or reservoir was in-fact constructed by a farmer or rancher for agricultural purposes; and,
- (2) there is no evidence (e.g., aerial photographs, historical survey, etc.) showing that wetland habitat pre-dated the existence of the pond or reservoir.

Areas with drained hydric soils that are no longer capable of supporting hydrophytes shall not be considered wetlands.

90. Work. Activities set forth in the *Historical Preservation District for Town of Mendocino* (Mendocino Town Zoning Code Sections 20.760.030, 20.760.035, and 20.760.045) that require prior approval of the Mendocino Historical Review Board, except as specifically provided in Mendocino Town Zoning Code Sections 20.760.040.

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 adoption and 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 Mendocino Town Plan. Sections 3.2 through 3.4 continue much of the narrative contained in the 1992 Mendocino Town Plan, amended 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 tribes (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 Band of Pomo Indians, Elem Indian Colony of Pomo Indians of the Sulphur Bank, Rancheria Guidiville Rancheria, Habematolel Pomo of Upper Lake, Hopland Band of Pomo Indians of the Hopland Rancheria, Lower Lake Rancheria, Manchester Band of Pomo Indians of the Manchester-Point Arena Rancheria, Middletown Rancheria of Pomo Indians, Pinoleville Pomo Nation, Potter Valley Tribe, Redwood Valley Rancheria of Pomo Indians, Robinson Rancheria of Pomo Indians, Round Valley Indian Tribes of the Round Valley Reservation, Scotts Valley Band of Pomo Indians, and Sherwood Valley Rancheria of Pomo Indians.

Mendocino, founded in 1851, was the first large Euro-American lumber town (as "Meigsville", and subsequently "Mendocino City" and "Big River Landing") on California's north coast. The New England roots of some of its original residents, the economy of the lumber industry, isolation, and more recently a population attracted by the Town's ambience, account for its character. This "mystical village" is among the most photographed and visited coastal destinations in California north of San Francisco and, as such, is more threatened by overuse than any other coastal community in the region, and perhaps the State. The Town of Mendocino is a "special community" which, because of its unique characteristics, is a popular visitor destination point for recreational uses, pursuant to Section 30253(e) of the Coastal Act.

Approximately 25% of the Mendocino Town Plan area has been preserved as part of Mendocino Headlands State Park. The State Park was initially established in the mid-1970's on the headlands

west of Highway 1, and now consists of some 210 acres that border the Town on the south, west, and northwest. The State Park offers day hiking, walking, whale and bird watching, and spectacular scenic views of the coast, ocean, Big River Estuary, coniferous forests, and the Town.

The State's willingness to acquire the headlands was dependent on the County assuming responsibility to establish Mendocino as a "Historic District."

The Historical Preservation District for the Town of Mendocino, first incorporated by ordinance in the Mendocino County Code in 1973, established the Mendocino Historical Review Board (MHRB) that must approve activities and other work, including demolition, construction, remodeling, excavation, and painting within Historical Zone A, comprising the 19th century town west of Highway 1. The Board has less specific powers of approval in Historical Zone B, the area east of Highway 1 visible from Historical Zone A. The portion of Historical Zone A south of Little Lake Street is listed in the National Register of Historic Places as the "Mendocino and Headlands Historic District," allowing building owners to qualify for federal grants and tax incentives for preservation and restoration. Within Historical Zone A, the Mendocino and Headlands Historic District is also listed on the California Register of Historic Resources.

Responding to the need for a plan, and because Mendocino County's 1985 1" = 600' scale Coastal Element Land Use Map is inadequate for lot-scale issues in Town, the original Mendocino County LCP Work Program included a Mendocino Area Plan with "especially detailed land use designations and development provisions." The plan map, at 1" = 200' scale, and implementing regulations that followed assumed continuation of Mendocino's unincorporated status, but would have been equally applicable if subsequently proposed incorporation had been approved.

3.3. Planning Process. Historical Mendocino, although laid out on a Jeffersonian grid (depicted on the 19th and early 20th Century maps of the Town in Figure 4.13-4), was developed well before the advent of 20th Century municipal planning and sanitation. Mendocino Town Plan Section 1 summarizes the extensive public consideration given to the Mendocino Town Plan between 2011-2017; however, Mendocino residents first began working on a town plan in 1973, because the terms of the federal grant that funded the Town sewage treatment system required one.

Rarely has a community invested as many hours in a plan as have the residents of Mendocino, initially over the almost twenty year period preceding Coastal Commission certification of the 1992 Mendocino Town Plan, and more recently in post-certification workshops, meetings, and hearings before the Planning Commission and Board of Supervisors leading up to the June 8, 2017 certification of the Mendocino Town Plan. Differences of opinion that emerged on most points were addressed by the Mendocino members of the South Central Citizen Advisory Committee, convening as the Big River CAC, and holding many meetings working toward resolving them. Before the plan was drawn, two questionnaires were circulated to as many Town residents as could be reached in an effort to determine community values.

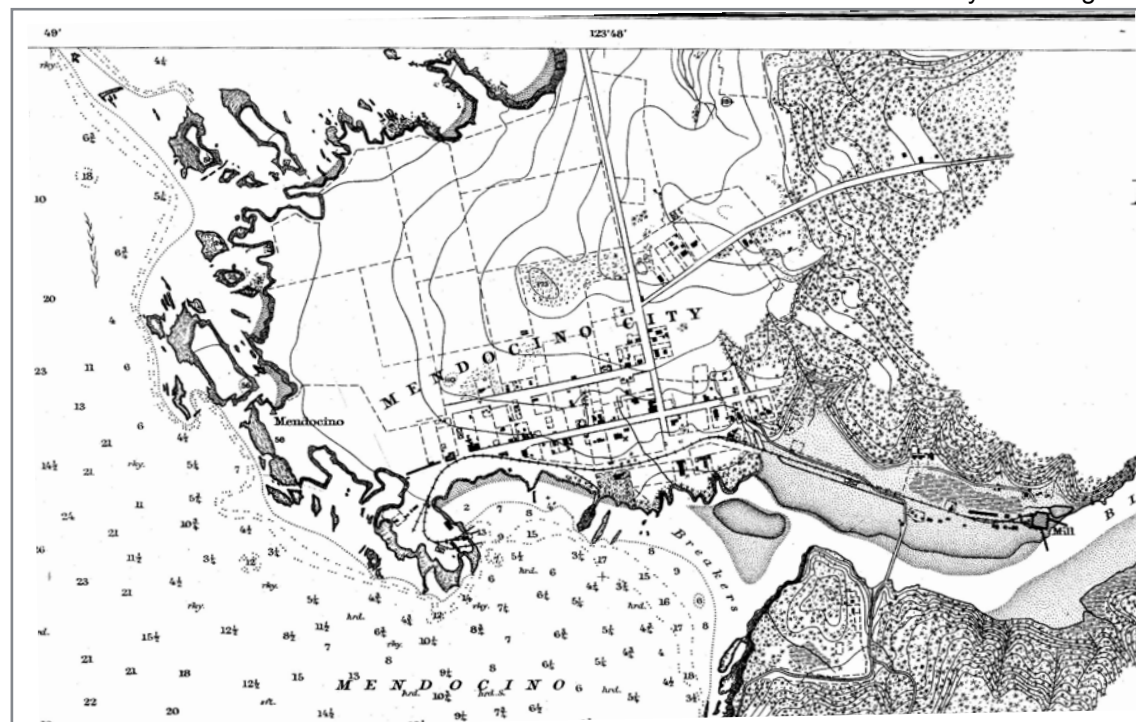
Responses to the Mendocino Land Trust questionnaire (1989) from 288 residents and property owners in the Historic District and the 193 responses to the Big River #1 and #2 questionnaire indicated strong support for maintaining the Town's residential character and for setting a ceiling on the population growth rate.

Figure 4.13-4. Mendocino Historical Maps and Charts



At Left: US Coast and Geodetic Survey Register 2979, 1909. Mendocino lumber mill on Big River Flat, railroad to maritime lumber chutes, Town grid and buildings, coast road on causeway over Big River, tree line, drainages, Headlands areas under cultivation.

Below: US Coast Survey Chart 5179, 1879. Mendocino City and Mendocino Bay, with topographic contours, coast road, lumber mill on Big River Flat with log pond, railroad to wharves in south-jutting small peninsula, Town grid and buildings, tree line and cluster of trees at present high school, beaches, bluffs, Mendocino Bay soundings.



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3.3.1. Issues

a. Specificity of Plan

Because Mendocino's character results from diversity, it 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) was followed by an adopted and certified Mendocino Town Zoning Code (1996). Any development subject to coastal development permit review and approval must meet the standards of the Mendocino Town Plan and Mendocino Town Zoning Code.

b. Growth

There continues to be general agreement that growth in the Town must be limited, but disagreement as to how tight limits should be. Historically, the Mendocino area (Big River Township) reached a reported population of 3,100 in 1880 (*Mendocino Historic Review Board Design Guidelines*, 1987), which declined with the closure of the lumber mill (1931, 1938) and stabilized at 894 in the 2010 US Census (<http://censusviewer.com/city/CA/Mendocino/2010>). Although additional residential development could help retain the sense of a residential community in the face of a feared rising tide of visitors, additional residents can themselves erode town character. If Mendocino is "Carmelized," it will be by commercial development -- not just by shops selling trinkets to tourists, but by the larger number of stores that must sell to residents to survive.

While response to the Mendocino Land Trust survey (1989) called for "encouraging more resident oriented businesses," many of the "residents" who shop in Mendocino live between Caspar and Albion. This area contained about 4,200 people in 1990 and may potentially grow to 6,400 under the development intensities designated by the certified County Coastal Element. An attempt to meet this population's commercial needs within the Town would be detrimental to Town character. The designated commercial area would have to be large enough to allow choice of sites for businesses that cannot pay rents competitive with visitor-serving enterprises. Commercial floor area would double, even assuming no shift toward more visitor-serving establishments. The alternative is to limit commercial expansion in Mendocino with the knowledge that this may (absent 21st Century e-commerce) entail less choice for residents, higher prices, and more travel to Fort Bragg and Santa Rosa. Mendocino's status as an art and entertainment center need not be affected. Stores are not suffering from overcrowding at this point.

One approach to growth management would be to determine an acceptable annual number and ultimate number of housing units in the Town, or an amount of commercial floor space and to enforce such limits. The reverse would be to define acceptable physical change and establish regulations that prevent undesirable effects, leaving the rate, sequence, and location (consistent with the plan) to market determination. While the latter system is easier to administer, it risks too much on ability to foresee the effects of growth accurately. During 2013-2014, the Mendocino City Community Services District reported 422 residences, 9 guest cottages, and 4 other sleeping units. The average residential growth between 2000-2015 at Mendocino has been approximately 1.7

units/year (Mendocino County PBS, 2015). Increased community stewardship, as practiced by commercial enterprises and not-for-profit organizations that manage and support the preservation of historic buildings, including in the Town's Commercial and Mixed Use Districts, demonstrates a successful third approach to balanced and Coastal Act-consistent local growth management.

Increases in visitor traffic unrelated to local population increases will affect Mendocino. The amount and type of commercial development that attracts visitors can be regulated, but the popularity of Mendocino as a destination will increase if its unique qualities are maintained. Some contend that a very effective step toward preserving Mendocino as a "real" town, rather than as a resort, would be to limit expansion of overnight visitor accommodations, with the resulting reduction in total visitor days spent in the Town more than offsetting the increase in additional automobile travel per visitor. If the entire Town were converted to inns, only a small percentage of visitors could be housed. Those who must stay elsewhere will spend less time in Mendocino and may have to park some distance from their destination. Fewer restaurants and boutiques may be supported if the average stay is shortened. Although the ability to regulate the impact of heavy use is less than in Yosemite Valley, the principle is the same: the number of accommodations and attractions must be limited.

The certified 1992 Mendocino Town Plan and the June 8, 2017 certified Mendocino Town Plan seek to achieve compromise, based on the maintenance of the Town's overall natural and historic environmental quality between "no-growth" and "free-market" partisans. This compromise preserves the necessary residential basis for the Town to continue as a living place rather than an historical museum, and the priority assigned by the Coastal Act to the use of suitable private property for visitor-serving commercial recreational facilities designed to enhance public use for coastal recreation (Public Resources Code Section 30222).

The Mendocino Town Plan accomplishes this objective by (1) identifying the current limit (cap) on all types of overnight lodging accommodations in the Town (267 units¹), (2) reducing the number of vacation home rentals in the Town through attrition as requisite business licenses for them are not renewed, (3) providing an additional procedure by which any unallocated visitor-serving facility units (e.g., due to closure of any existing hotel, inn, or bed-and-breakfast accommodation) may be annually reallocated, subject to meeting all coastal resource protection, density, intensity, and other Mendocino Town LCP standards, and (4) utilizing the Coastal Act LCP amendment process to address any proposed new Visitor Serving Facility on sites not presently designated for hotel, inn, or bed-and-breakfast use in the Town.

¹ The 1992 Mendocino Town Plan's visitor accommodation limit was 280 unit equivalents, comprised of 234 Visitor Serving Facilities units, 23 Single Unit Rental, and 23 Vacation Home Rental private visitor accommodations. While loss of the thirteen Mendocino Art Center Student-Instructor Housing Facility apartments has resulted in a "paper" reduction in visitor accommodations from 280 to 267 unit equivalents, the transfer of 16 unit equivalents from Single Unit Rental and Vacation Home Rental to Visitor Serving Facilities results in availability of 237 committed visitor accommodation units in the *Mendocino Visitor Serving Facilities Combining District* (* and *B), plus 20 Single Unit Rentals and 10 Vacation Home Rental units. Most of the visitor serving facility units within the limit are already allocated to facilities designated in the 1992 Town Plan. The remainder shall be allocated as set forth in Section 20.684.030(H).

In that context, it may be noted that the 2013-2014 Mendocino City Community Services District (MCCSD) inventory of service connections for residential units (422) compared to all overnight visitor accommodations budgeted within the Town (267) suggests that Mendocino has two visitor accommodations for every three residential dwellings, a ratio of visitor accommodation units to residences that is virtually unparalleled elsewhere in the California coastal zone. In addition, the Mendocino Town LCP provides for public access, parking, storm water management, and open space-habitat restoration and enhancement projects that will benefit protected coastal resources, Mendocino Headlands State Park, as well as historic buildings and structures throughout the Town and particularly along Main Street.

It is widely held that restrictions on new development will contribute to making developed property more valuable and may limit opportunities for profit by owners of undeveloped land. As in most highly desirable California communities, the balancing of equity between those who live there now and those who may or may not have an opportunity to live there in the future is a difficult question. The issue is further complicated by the state and national interest in Mendocino's unique character. Development in the Town is limited by constraints such as site-specific availability of ground water, parking capacity, historic preservation, and the Coastal Act mandate to ensure that new development shall protect special communities, such as the Town of Mendocino, that “because of their unique characteristics, are popular destination points for recreational uses.”

The Town of Mendocino land use plan includes goals and policies intended to reasonably preserve the long-term housing inventory in the Town of Mendocino, and to maintain the property rights of owners of residential property within the Historical District.

c. Design Character

(1) **Amount of Development:** Some residents believe that virtually all vacant land in the Historical District should remain unbuilt, while others hold that well-designed new buildings at some locations will not harm, and will perhaps improve, the Town. Mendocino Headlands State Park provides for protected expansive existing open space on three sides of the Town. The Mendocino Town Plan recognizes that private covenants among willing parties may cause privately owned lots, in whole or part, to remain without structural development. In addition, Figure 4.13-5 provides examples of site planning standards that may be utilized on a case-by-case basis to both preserve open areas on lots in Mendocino, without reducing the allowable floor area of otherwise permissible development.

(2) **Historic Preservation:** The County of Mendocino recognized, through adoption of the Mendocino Historical Preservation District for the Town of Mendocino, the importance of preserving the style of architecture which dominates the Town. Examples of early Northern California architecture and the character of the community resulting from development connected with the early redwood lumber industry along the Mendocino Coast in the last half of the 19th Century is evident throughout the community. (Appendix 1 reproduces the “Inventory of Historic Structures,” prepared by Mendocino Historical Research, Inc. in 1979, as it appeared in the 1992 Mendocino Town Plan.) Additionally, the preservation of the architecture and the community character is essential in maintaining the Town as a special community within the meaning of the Coastal Act, and contributes to the economy of the Town, the County, and the State.

(3) **Design of New Buildings:** Some find new development that closely follows the architectural style of the pre-1900 buildings most acceptable. Others want new buildings to be readily

distinguishable as such, but less prominent than historic buildings. Pursuant to Public Resources Code Section 30251 and the designation of the Town in the California Coastline Preservation and Recreation Plan (1971), new development in the Town shall be subordinate to the character of its setting. Pursuant to Board of Supervisors direction, the Mendocino Town Plan incorporates the *Mendocino Historic Review Board Design Guidelines* (1987) into the Mendocino Town LCP. New building and structure heights in Town are generally limited to twenty-eight (28) feet above natural grade.

Effective vegetation screening, design of structures that are architecturally compatible with Town character, and clustering of new development with existing structures is required in any future development of the 1.8-acre parcel located at 10705 Palette Drive and identified as Assessor's Parcel (APN) 119-140-31.

(4) **Intensity of Development:** There is no one intensity of development that is typical in the Town. Some blocks have high building coverage; others are largely open. Two-story buildings are interspersed with one-story buildings, but most commercial buildings are two stories. Water towers and outbuildings, often crowded in back yards, contrast with a vacant lot adjoining or across the street. Most houses are modest cottages on lots 40 to 50 feet wide, but there are about a dozen mansions, many of which have historical value and have been preserved, on larger lots with wide yards.

(5) **Views of the Town:** Public acquisition of the headlands along the south side of the Town effectively conserves the view of the Historical District (Zone A) from Highway 1. Though each large tree and water tower is visually important, the main visual concern of the Mendocino Town Plan is the character of the District as seen from within the Town and the view of the Town as seen from the southerly approaches to the Town along the new and old Highway 1 alignments. The asphalt expanse of the highway in the Town is the only significant element of aesthetic discord seen from outside the Town.

The less noticeable new development east of Highway 1 can be, the sharper the definition of the old Town. The certified Mendocino Town Local Coastal Program (1996) removed commercial zoning along the east frontage of Highway 1, which, if unchanged, would have drawn development seeking attention, thereby increasing the number of trips crossing the highway.

(6) **Views From the Town:** The Highway 1 Big River Bridge and south-bound approach provide scenic public views of Mendocino Bay, the Pacific Ocean, Big River Estuary, and the coastal coniferous forests for travelers along the highway. A Highway 1 vista point on the west side of Highway 1, north of the Big River Bridge, provides additional scenic public views. West of Highway 1, Mendocino's gridiron street pattern and sloping site provide marine views from most streets and from many buildings over vacant lots or low buildings. The certified Mendocino Town Local Coastal Program and Coastal Act mandate that new development shall be sited and designed to protect views from public rights of way but do not mandate the use of private property to preserve private views. Some private views could be preserved by regulating the location of a new building on a lot in a view corridor, but in most instances, shifting the new building would block another existing or potential view. Limiting the height of new buildings to one story would preserve some views, but would adversely affect both Town character and equity. Limiting maximum height would help to preserve Town character.

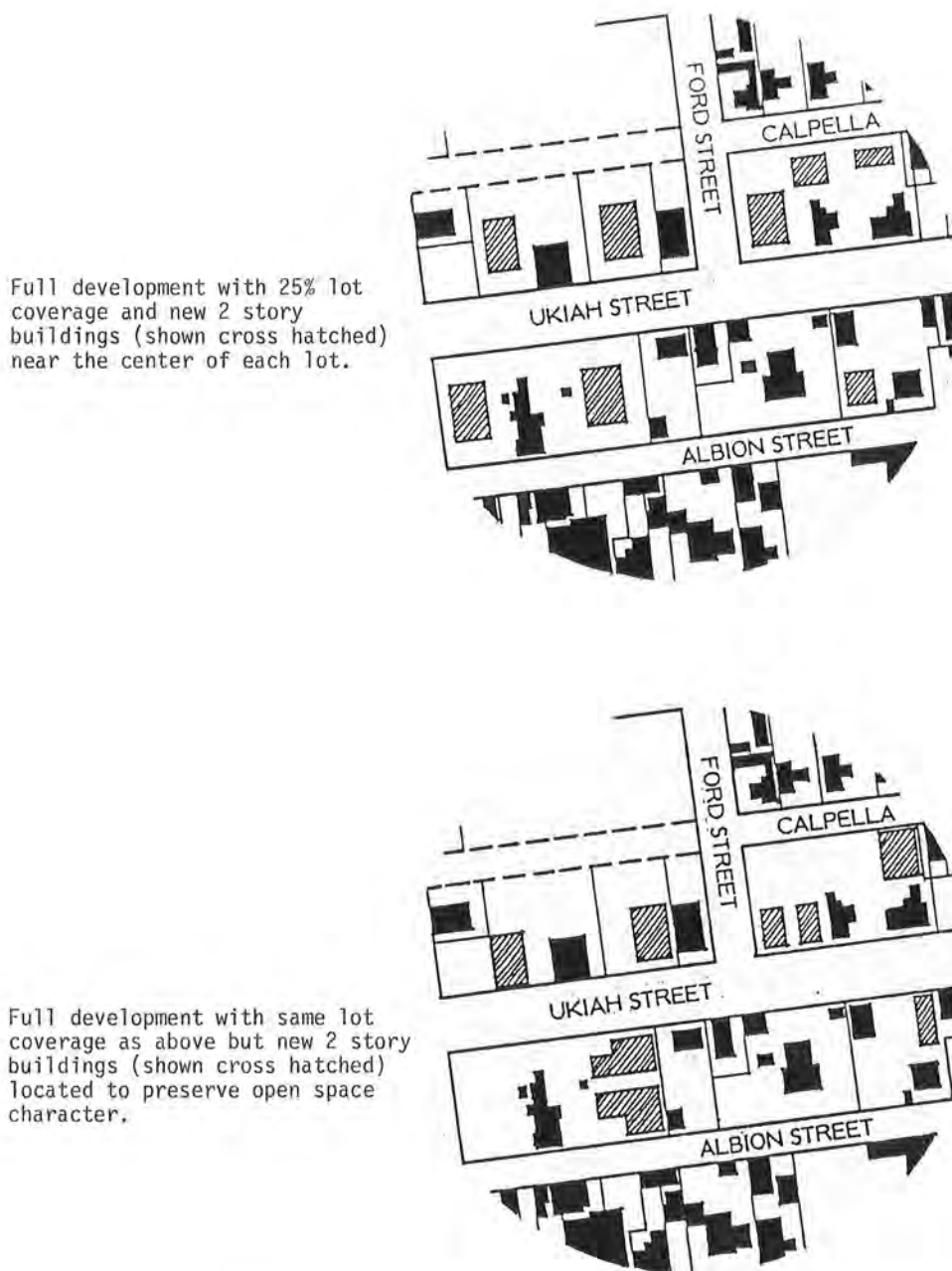


Figure 4.13-5. Mendocino Town Plan example of use of special site planning standards to preserve open space character without reducing allowable floor area.

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d. Water Supply; Sewage Disposal

Although the 1979 Mendocino Land Trust survey found that 56% of survey respondents favored a community water system for the Town, and 65% of the voters (141/217) at the November, 1985 election favored the Mendocino City Community Services District's (MCCSD) obtaining the authority to provide potable water to the Town, in 2015 the residents, businesses, not-for-profit organizations, and public agencies in Town continue to rely on individual private water wells for the production of water. Mutual water companies, also reliant on water wells, produce water for three residential subdivisions, two of which are east and one of which is west of Highway 1.

The Mendocino aquifer consists of the four relatively thin (to 45 feet thick) uplifted late Pleistocene marine terraces (100,000-400,000 year old beach deposits) that can locally approach saturation and overlie the pervasively fractured Tertiary Franciscan Complex Coastal Belt in the area of the Town. Most newer wells (with 40-200 feet depths) produce from the fractured rock zones, but lack of uniform hydrogeologic structure in the aquifer and variations in annual rainfall (that averages 40.29 inches since record keeping began in 1901) result in locally and seasonally differentiated groundwater levels within the Town (California Department of Water Resources, "Town of Mendocino Groundwater Study," 1985; MCCSD, "Groundwater Management Plan and Programs," 1990, 2012). As a result of the discontinuous, highly fractured bedrock and shallow terrace deposits that retain groundwater, wells that produce water within the range of 15 to 20 gallons per minute (gpm) may be located less than 200 feet from wells that can only produce water at 2 or 3 gpm (MCCSD 2012), or within a few feet of a lot that is incapable of producing an adequate year-round on-site water supply. The (modeled) hydrologic budget summary average for the aquifer (Water Years 1998-2013) identifies 1,169 acre-feet per year (AF/Y) of inflow from rain infiltration² and groundwater,³ with a total outflow average of 1,180 AF/Y through natural seepage, evapotranspiration, and pumping wells⁴ (Maley, April 24, 2014). Outflows from the aquifer also include an estimated 728 AF/Y through natural seepage (at the coastal bluffs, sea cliffs, and likely the riverine bluffs of the Town), including on the lower bluff/cliff faces (e.g., in areas of pronounced caving in Mendocino Headlands State Park) and through springs and weeps in fracture zones that daylight on the mid- and upper-bluff/cliff faces. In 2008, Mendocino City Community Services District (MCCSD) obtained a Safe Yield Analysis (Maley, January 17, 2008) that provided an estimated Safe Yield of 242 AF/Y (Kelley, December 13, 2014). Of the total 16-year model-based budgeted outflow, groundwater pumping during the 16 years through 2013 has averaged 218 AF/Y, and since 2005 has not exceeded 200 AF/Y. (Kelley, December 13, 2014). However, in the 2008 memo Maley also noted that the safe yield analysis has limited utility as a groundwater management tool for the Town because the Mendocino Headlands do not contain or store groundwater. Instead, Maley recommends utilizing a more dynamic groundwater management system as represented by the Water Shortage Contingency Plan (Questa 2006) rather than the safe yield concept.

² Measured from rainfall data collected on a daily basis by Mendocino City Community Services District.

³ Measured groundwater elevations from 24 wells located throughout the District by MCCSD are used to evaluate model calibration.

⁴ Annual pumping data is estimated by MCCSD. The total water demand is estimated based on flows at the wastewater treatment plant. The pumping is distributed to individual parcels based on the land use.

There are over 400 privately owned water wells within the Town. The highest density of water wells in Town occurs in the southern area of the Mendocino headlands, where a considerable part of the Town's commercial uses are located. Some water production systems, including some older, shallow (20-25 feet depth), and/or deteriorated/poorly maintained wells, that serve residential or commercial users have been reported to have failed or been discontinued for other reasons during previous (e.g., 1975-1977, 1988-1989, 1994, 2000-2001, and 2007-2009) droughts and the more recent (2011-2016) drought. Water importation (by truck from sources in Fort Bragg and Elk) has to-date constituted the episodic/seasonal source of supplemental water for such users, at an estimated 11 AF/Y (DWR 1985, in MCCSD, 2012). Water trucks, generally capable of transporting 3,000 gallons, have been reported in Town on the order of three days per week during the Autumn, 2015. Coastal Act Section 30250(a) and the Mendocino Town Plan additionally require that new development shall be located within or near existing developed areas able to accommodate it or in other areas with adequate public services and where it will not have significant adverse effects, whether individually or cumulatively, on coastal resources. The Mendocino Town Plan provides, moreover, for a suite of feasible beneficial water reuse, conservation, adaptive management, and enforcement measures intended to assist water users with maintaining a sustainable on-site ground water budget that does not rely on importation of water in bulk by truck except during a catastrophic interruption in water supply.

Although no public water works facility currently exists to supply water to the Town of Mendocino the Mendocino City Community Services District (MCCSD) does have groundwater management authority over the Mendocino Headlands aquifer to prevent depletion of the Town's limited groundwater resources, and limits groundwater extraction from privately-owned and operated wells on individual lots through its groundwater withdrawal program. Additionally, MCCSD implements a suite of water management protocols that include (1) groundwater monitoring, (2) mandatory groundwater extraction regulation (including through required hydrological studies for the purpose of proving that the amount of water extracted from the test well will support the proposed development without adversely affecting hydrologically contiguous wells) and monitoring in proposed new development, and (3) reclaimed water beneficial reuse program that reduces the use of groundwater for irrigation. The Mendocino Town Plan provides for collaborative public, not-for-profit organization, and private measures that feasibly expand on MCCSD's constructive groundwater water management, including through required utilization of drought-tolerant species in horticultural landscaping, stormwater retention (where feasible) for on-site non-potable uses, infiltration of intercepted suitable stormwater runoff for aquifer recharge, and phased expansion of reclaimed water usage for irrigation and non-potable uses through dual plumbing systems.

MCCSD has provided publicly owned wastewater collection and tertiary treatment services in the Town since 1975 at its wastewater treatment plant on the Mendocino Headlands, at 10500 Kelley Street. The facility has a design flow (average dry weather treatment capacity) of 300,000 gallons per day (gpd) and a peak daily wet weather treatment capacity of 1.0 million gallons per day (mgd) (North Coast Regional Water Quality Control Board Order No. R-1-2015-0039, NPDES No. CA0022870, WDID No. 1B831290MEN). The remaining unutilized capacity of the treatment plant is 80,200 gpd (MCCSD, 2015), an amount adequate to serve both the visitor-serving and residential uses allowed by the Mendocino Town LCP during its 10-year planning horizon. The MCCSD treatment facility has two approved discharge locations: by subsurface pipe to a discharge point in relatively deep State/United States waters nearly 1,000 feet offshore the Mendocino Headlands, and to the MCCSD recycled water system, which presently provides athletic field irrigation at Mendocino High School.

e. Affordable Housing

Affordable housing is scarce within the Mendocino Town Plan area. To address this important issue, the Mendocino Town Plan provides (for Government Code purposes) for (1) streamlined permitting of second dwelling units, not to exceed 900 square feet, on specified size lots in the Town residential districts that can accommodate them; (2) new housing units as part of new mixed-use development; and (3) utilization of State or federal government low-moderate cost housing program funding to maintain existing and provide for additional affordable housing in the Town.

3.4 Mendocino Town Description

3.4.1 Residential

The Mendocino Town Plan and Mendocino Town Land Use Map (Figure 4.13-3) include six residential land use classifications in the Town: Multi-Family Residential (RM), Town Residential (R+), Suburban Residential (SR), Rural Residential (1-acre minimum, RR-1), Rural Residential (2-acre minimum, RR-2), and Rural residential Planned Development (RR2-PD). The designated residential land use areas contain approximately 319.81 acres. Residential use is also permitted in the Mixed-Use District (MU) and the Commercial (C) land use classifications.

The certified Mendocino Town Plan reduced the pre-1992 potential development of the former R-3 zoning. With a few exceptions as mapped, nearly all of the area west of Kasten Street north of Albion Street is designated for residential development consistent with the R+ Land Use Classification. Potential development to R+ standards would allow one unit on existing parcels smaller than 9,000 square feet with an allowance for an additional unit subordinate to the main residence on parcels greater than 9,000 square feet. The RM and MU land use classifications are the predominant residential land use classifications in the remaining portion of Historical Zone A between Kasten Street and Highway 1. Larger parcels will be allowed to develop multiple family units consistent with size and style of the larger existing houses that originally were single family homes. The use of the MU land use classification provides an area of transition between residential and commercial uses by requiring a mix of both light commercial and moderately priced residential units. The RR-2 zone east of Highway 1 would also allow second family residential homes on parcels 40,000 square feet or larger.

North of Saint Anthony's Church along the west side of Lansing Street, the Mendocino Town Plan designates one unit per acre. In the Palette Drive area on the east side of Lansing Street, a pattern of 20,000 square foot lots is established with the exception of the larger United States Postal Service parcel (APN 119-070-13), which is vacant, and the Hill House properties (APNs 119-140-05 and 119-070-11) which are designated RM. East of Highway 1, the Mendocino Town Plan recognizes the Hills Ranch Planned Unit Development, approved with 54 units on 40.6 acres and designates the remaining residential areas east of Highway 1 as two-acre minimum sites. Two large parcels totaling approximately 41 acres in the southeast corner of Town, north of Mendocino Headlands State Park, are shown as planned unit development to ensure the preservation of the wooded hillside viewed from the south side of Big River, by north bound traffic on Highway 1, and to assure that development in these areas will be sited and designed to (1) avoid potentially significant impacts on the State Park and Big River Estuary, and (2) be compatible with the continuance of those habitat and recreation areas.

3.4.2 Commercial

The Mendocino Town Plan and Mendocino Town Land Use Map (Figure 4.13-3), include three areas with Commercial (C) land use classifications in the Town, which contain approximately 23 acres. Specified commercial uses are also permitted in the Mixed Use and Multi-Family Residential land use classifications.

The Mendocino Town Plan prescribes commercial uses for the majority of the lots that front on the north side of Main Street, along Albion Street from Howard to west of Kasten Street, on the south side of Ukiah Street, and north from Main Street along both sides of Lansing Street between Main Street and near Little Lake Street. To maintain the scale of the Town and to avoid supermarket type merchandising, the land use classifications limit the size of a single store to 8,000 square feet, which is the approximate floor area of the existing Harvest Market at Mendosa's.

3.4.3 Mixed Use

The Mendocino Town Plan and Mendocino Town Land Use Map (Figure 4.13-3) include two geographic areas with the Mixed Use (MU) land use classification in the Town, which contain approximately 11 acres.

One Mixed Use designated area is located between Kasten/Ford Streets and west of Lansing Street, from Ukiah Street on the south to mid-block between Little Lake and Covelo Streets on the north. The second Mixed Use designated area is bounded by Main, Howard, and Ukiah Streets on the south, west, and north, and extends to east of Evergreen Street. Arts and crafts studios and professional offices dot the area. The intent of the plan is to continue this mix, while maintaining an environment that will encourage new residential investment. To do this, the Mixed Use classification limits non-residential floor area to 50 percent of building area and to 25 percent of lot area. Commercial uses are limited to those that do not attract much traffic, do not regularly operate at night, and do not handle large volumes of goods or bulky goods. The ideal use would be an artist or artisan living on the premises and selling from a shop or gallery, but there also will be space for a TV repair shop, a children's clothing store, and other low impact shops. Some will meet local needs; some will be primarily dependent on visitors. Residential uses are also permitted in the Mixed Use land use classifications.

3.4.4 Public Facilities

The Mendocino Town Plan and Mendocino Town Land Use Map (Figure 4.13-3) include nine geographic areas with the Public Facility (PF) land use classification in the Town, which contain approximately 44 acres.

The PF Land Use Designations in the Town consist of the Mendocino High School campus; the Mendocino Art Center; St. Anthony's Church and cemetery; the MCCSD wastewater treatment plant; the MCCSD parcel between Palette Drive and Highway 1; the Mendocino Community Center; Hillcrest Cemetery; and four other public facility sites.

The Mendocino Town Plan includes these existing public and semi-public facilities and assumes that all will remain. The Mendocino Town Plan also reclassifies property located west of Highway 1 that is now controlled by MCCSD. Reuse of the "Public Facilities" classified Middle School site (44800

Pine Street) carries more potential for changing the character of Historical Zone A than does the use of any other parcel. Another public use would be desirable. In 2015 and 2016, the Middle School site was being leased to a non-profit entity as a community facility.

3.4.5 Open Space

The Mendocino Town Plan and Mendocino Town Land Use Map (Figure 4.13-3) include geographic areas with Open Space (OS) land use classifications in the Town, which contain approximately 254 acres.

Acquisition of Mendocino Headlands State Park in the mid-1970's and in 2002 preserved the Town's setting both along the headlands on the south, west, and northwest sides of the Town, as well as along the north side of lower Big River, east of the Highway 1 Big River Bridge. Grindle Park on Little Lake Road, the only locally controlled public open space, was deeded to the Town by the heirs of an early resident and is now in the hands of the Mendocino Fire Protection District. Heider Field, a parcel of approximately one acre in the center of Town has been acquired by State Parks to remain as community open space. Other designated Open Space land use areas in Town consist of most of the block that is bounded by Calpella and Little Lake Streets, west Ford Street, the south-facing slope of the Hills Ranch Subdivision adjacent to and east of Highway 1, the Slaughterhouse Gulch easement area east of Highway 1 and along the north side of the Hills Ranch Subdivision, an area south of Palette Drive and east of Lansing Street, and the strip of land in the Point of View Subdivision between Palette Drive and the Highway 1 right-of-way, among others.

Mendocino's present charm is in part also dependent on the many vacant or partially unused parcels within the Town. The plan calls for three approaches to preservation of some of this open space:

a. Dedication of Open Space Easements.

As a condition of permit approval, the Hill House Inn offered and the Coastal Conservancy accepted dedication of a 2.4-acre open space easement between Palette Drive and Highway 1, which has now been acquired through condemnation by the MCCSD for public health and safety purposes. On the east side of Highway 1, the developers of the Hills Ranch planned unit development dedicated a 17-acre open space easement that was required for the protection of visual resources and environmentally sensitive habitat areas within a meadow and along Slaughterhouse Gulch. Similar offers to dedicate open space easements may be made in conjunction with development on other large lots within the Mendocino Town Plan area.

b. Site Planning.

Special site planning standards in the Mendocino Town Zoning Code, which implement the site planning methodology provided in Figure 4.13-5, will allow property owners reasonable flexibility in the use of their land while retaining the open space character. The process of mediating between the interests of the Town as a whole and the developer may not always result in preservation of the most important open space on each parcel, but it will go far to preserve the Town's essential character.

c. Acquisition.

The Mendocino Town Plan recommends the cooperative acquisition, from willing private sellers, of the three developed parcels in private ownership along the west side of Lansing Street, north of Heeser Drive, for addition to Mendocino Headlands State Park, and of the triangular private parcel in the intersection of Lansing and Main Streets. The residents' desire that the former Middle School (44800 Pine Street) be acquired by a private nonprofit or public agency for community use has been accomplished.

3.4.6 Affordable Housing

The development of affordable housing is regulated and encouraged by the County Housing Element and several provisions of the Mendocino Town Plan:

- Permitting a second dwelling unit on designated lots in predominantly single family areas that can accommodate them consistent with the requirements of the Mendocino Town LCP.
- Requiring allowance for dwelling units in the Mixed Use (MU) areas land use classification.
- Allowing dwelling units to be intermixed with commercial uses potentially preserving the moderate income shopkeeper residence in the Commercial (C) and Mixed Use (MU) land use classifications.
- Limiting the conversion of dwelling units to non-residential uses.

3.4.7 Visitor Serving Facilities

Visitor Serving Facilities, as defined in Mendocino Town Plan Section 2.88, in the Town have historically consisted of hotels, inns, and bed and breakfast accommodations and currently provide guest rooms or suites ("units"), with a range of seasonal rates. The limit (cap) for such units in the Mendocino Town Plan is 237, as itemized in Appendix 2, Mendocino Town Plan Visitor Serving Facilities. No motels or hostels presently operate in the Town. Other visitor accommodations include Single Unit Rentals and Vacation Home Rentals, which are scattered throughout the Town. Research of the lodging facility market that includes the Town has identified a substantial number of moderately priced inns, motels, and other visitor-serving accommodations within a 15-mile radius of the Town. The Mendocino Headlands State Park General Plan, adopted by the California State Park and Recreation Commission in 1976, provides for location of a hostel and campground in the State Park near the south bank of Big River, adjacent to, but outside, the Town boundaries. As a result of budget and staffing reductions, alternative consideration is being given to the utilization of cabins, instead of a hostel, in expanded Mendocino Headlands State Park adjacent to the Town to provide lower cost overnight stay facilities in addition to those that currently exist at nearby Russian Gulch, Van Damme, and Mendocino Woodlands State Parks (State Parks, 2015).

3.4.8 Circulation and Parking

The Mendocino Town Land Use Map (Figure 4.13-3) depicts (a) State Highway 1, which connects the Town with Mendocino Headlands State Park to the south of Big River, other areas of Mendocino County, coastal and inland California, and the United States, (b) the three major County roads (streets) that connect Highway 1 with the Town at Main Street, traffic signal-controlled Little Lake Street/Road, and Lansing Street, (c) Heeser Drive and the Big River Road in Mendocino Headlands State Park, and (d) the grid street pattern, locally with alleys, within the Town.

The Mendocino Town Public Access Map (Figure 4.13-6) depicts the highway, road/street/alley, and extensive path and trail circulation network, and associated street and off-street parking, within the Town in vertical aerial view. Recently acquired traffic data indicates that unsignalized Main Street functions as the Town's primary vehicular ingress/egress, followed by signalized Little Lake Street (which connects the west and east areas of the Town), and by Lansing Street (old Highway 1), which intersects with Highway 1 north of the Town (Mendocino County, 2015). Appendix 8 contains traffic data collected in November 2015; the Mendocino Town LCP-Coastal Act Consistency Analysis contains additional analysis of it and related information.

The Mendocino Town Plan and Mendocino Town Zoning Code include a suite of measures to address currently and previously identified circulation and parking issues in the Town, including through the cooperative multi-stakeholder Main Street restoration and enhancement project, walkway maintenance, operation, and enhancement provisions, sustainable peak parking opportunities along other public streets and in existing underutilized public facilities, and a simplified in-lieu parking program where spatial limitations, preservation of Town character, or other coastal resource constraints make on-site/off-street parking infeasible.

Previously, a traffic circulation and parking plan was done for the County of Mendocino by consultants RKH, Parsons Associates and William Zion, dated March 8, 1988. The County Board of Supervisors accepted the plan but did not fund implementation. The seven member Mendocino Citizens Advisory Committee appointed by the County Board of Supervisors to review the Mendocino Town Plan (Summer, 1989) proposed a new Phase I implementation plan to meet most immediate needs in the Town. The Citizens Advisory Committee also proposed regulations for requiring off-street parking and in lieu fees where such off-street parking is not physically feasible. Such fees were intended to be placed in an encumbered account to be used solely in the Town of Mendocino for street and parking improvements. As applicable, the recommendations of the parking consultants and the Mendocino Citizens Advisory Committee are reflected in the Mendocino Town Local Coastal Program.

3.4.9 Design Guidelines

The Mendocino Town Plan includes both Design Policies and the *Mendocino Historic Review Board Design Guidelines* (Appendix 7).

Guidelines are included in the policy section leading to the appropriate implementation ordinances to protect and preserve the architecture and character of the Town of Mendocino. Policies are intended to respond to two broad design concerns -- building siting, and architectural style and scale in relationship to surrounding buildings. Similarly situated parcels should be entitled to the same lot coverage or ratio of floor area to site area and the Mendocino Historical Review Board (MHRB) or successor agency shall continue to review applications for development on a site specific basis. This means that some buildings may be required to be sited close to the street or to a side property line and applicants who wish to build the maximum floor area may be required to design a taller and narrower structure thereby continuing the open residential character of the neighborhood.

Mendocino looks as it does because it was built without zoning regulations and because some lots never were developed and many buildings have been moved or demolished. The character that results from small open spaces, large yards and vacant lots can be preserved by controlling the siting of buildings.

The architectural style of new buildings is a second concern. Some prefer that they be clearly distinguishable from historic buildings; others do not.

Trees and landscaping, including the planting and removal of vegetation, must also be reviewed in the application process.

Special site planning standards are included in the Mendocino Town Plan policies and zoning code regulations to protect views to the sea and views of historic landmark buildings recommended as landmarks by Mendocino Historical Research, Inc., and designated on a Table in Appendix 1.

3.5 Public Access

In furtherance of the requirement in Public Resources Code section 30500(a) that each LCP contain a specific public access component, the Coastal Commission LCP Regulations require that it “shall set forth in detail the kinds and intensity of uses, the reservation of public service capacities for recreation purposes where required pursuant to Public Resources Code Section 30254, and, if applicable, specific geographic areas proposed for direct physical access to coastal waters as required by Public Resources Code Sections 30210-30224 and 30604(c). The public access component shall include an implementation schedule (Title 14, California Code of Regulations, section 13512).”

Mendocino Headlands State Park, which extends along the entire Town shoreline (but for the northerly-most three parcels within the Town boundaries and where the elevated Big River Bridge in the Caltrans right of way bifurcates the State Park holdings along lower Big River), provides extensive opportunities for passive upland (bluff top) recreation, active beach and bluff top recreation, environmental and coastal historical education, and coastal resource conservation within its Open Space land use designation (Mendocino Town Land Use Map, Figure 4.13-3). The Mendocino Headlands State Park General Plan⁵ sets forth in detail the kinds and intensities of uses within the State Park inside the Town boundaries; Section 4 of the Mendocino Town Plan includes additional specific policies and actions for the sustainable use, maintenance, enhancement, and replacement, as necessary, of these public access and recreational uses. The Mendocino Town Public Access Map (Figure 4.13-6) systematically depicts the public access ways (paths, streets, trails, etc.) within the State Park and that connect it with the Town and Highway 1. The detailed Public Access Maps in Appendix 5 identify the individual locations of public access and recreational use areas, including paths, trails, and upland support facilities within, respectively, the Big River beaches and southeasterly uplands (Appendix 5.1), the southerly beaches and headlands (Appendix 5.2), the southwesterly headlands and beaches (Appendix 5.3), the westerly headlands and beaches (Appendix 5.4), and the northwesterly headlands and beaches (Appendices 5.5).

Existing physical access to coastal waters exists at the Big River Beaches, via paths and trails on the southerly headlands, and on Big River Road; the Mendocino Town Plan supports their enhancement and continued operation and maintenance. In addition, physical access exists via generally unimproved paths and trails to most of the sandy pocket beaches within the State Park; tides and superelevated water conditions during and after storms control site-specific accessibility. The Mendocino Town Plan also supports their enhancement and continued operation and maintenance, consistent with coastal bluff natural resource conservation, and monitoring of caving along the toe

⁵ Adopted by the California State Park and Recreation Commission in 1976

of coastal bluff segments and associated adaptive access management to assure user safety. State Parks does not currently have a schedule for implementing, or updating, the Mendocino Headlands State Park General Plan; the Mendocino Town LCP encourages both.

The Mendocino Town Plan provides for the location of a braided California Coastal Trail through and along the State Park, Lansing Street, Main Street, Big River Road, and the Highway 1 right-of-way and across Big River Bridge, and incorporates the State Coastal Conservancy's California Coastal Trail emblem (reproduced in Figure 4.13-7) for consistent use for public access way finding in the Town.

The Mendocino Town Plan sets forth standards, actions, and objectives for enhancement and maintenance of the walkways and paths within the Town that provide public access to the State Park and within the Town, including through the Main Street enhancement project, and recommends Board of Supervisors consideration of including prioritized project components in the County's Five-Year Capital Improvement Program.

The Mendocino City Community Services District (MCCSD) currently provides wastewater collection and treatment service to buildings within the State Park. Adequate MCCSD wastewater system capacity remains to serve additional proposed lavatories within the State Park, and the Mendocino Town Plan requires the MCCSD to reserve such capacity for that purpose during its planning horizon.

3.6 Town Plan Administration

Broad understanding and support for implementation of the certified Mendocino Town LCP are vital to its functionality, including, but not limited to, the development regulatory framework established by the certified Mendocino Town Plan, Mendocino Town Land Use Map, Mendocino Town Zoning Code, Mendocino Town Zoning Map, highly specific Coastal Commission Categorical Exclusion Order E-96-1, work and activities subject to the jurisdiction of the Mendocino Historical Review Board, and other applicable laws, regulations, administrative decisions, and court decisions.

The Mendocino Town Plan therefore provides for web-casting of meetings of the County Planning Commission and Mendocino Historical Review Board and of local public hearings by the Coastal Permit Administrator whenever possible. In addition, persons advertising the availability of Vacation Home Rentals or Single Unit Rentals shall, as a condition of their business license, display a facsimile of this license in all advertising of such rentals.

The Mendocino Town Plan therefore sets forth clear and unambiguous requirements that any person, as defined in Section 2.64, who proposes any development, as defined in Section 2.25, shall obtain a coastal development permit from the County before commencing such development. In addition, the Mendocino Town Plan requires that any development excluded or exempted from the coastal permit requirement, but that requires a building permit, shall only be excluded pursuant to a certificate of development permit exclusion or exemption from the County. Failure by a person who performs development in the Town to comply is subject to Mendocino County Code Chapter 20.736 Enforcement, Legal Procedure, and Penalties.

In response to public comments, the Mendocino Town Plan also expands the requirements for public notice regarding applications for coastal development permits, exclusions, exemptions, and applications to the Mendocino Historical Review Board.



Figure 4.13.6. Vertical Aerial Photograph of the extensive continuous coastal access and protected blufftop/shoreline open space in the Town of Mendocino, California., with Town of Mendocino Local Coastal Program Specific Public Access Components. The braided segments of the continuous California Coastal Trail in the Town of Mendocino are located in (south to north) the Highway 1 right-of-way, Mendocino Headlands State Park south of Main Street and west and north of Heeser Drive, and in Lansing Street to where it intersects with Highway 1 north of Town. Main Street, Little Lake Street, Ukiah Street, and Big River Road east of Highway 1 provide local vertical public access connectors to the shoreline, blufftop, and beaches. Paths and trails within Mendocino Headland State Parks provide vertical and lateral public access segments. Regional Highway 1 extends from the Big River Bridge (lower right) north to the intersections with Main Street, Little Lake Street, and northern Lansing Street. Mendocino Headlands State Park extends along the south, west, and north sides of the Town; Heeser Drive winds through the State Park. Active Holocene coastal bluff/ shoreline erosion and tectonic uplift characterize the Mendocino marine terraces; sediment transport associated with extensive logging in the Big River watershed has formed the distinctive white beaches along the north shore of the Estuary and in several semi-sheltered coastal bluff pockets. The Mendocino High School campus is near the center of the photograph. Photo source: California Department of Boating and Waterways Image CDBW-BBK-C 166-13 6-13-93. Used with permission, Copyright © 2002-2015 Kenneth & Gabrielle Adelman, California Coastal Records Project, www.Californiacoastline.org.

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Figure 4.13-7. California Coastal Trail Emblem

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SECTION 4. TOWN PLAN POLICIES

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 California Coastal Act of 1976, as amended (the “Coastal Act”, Division 20, Public Resources Code), (b) 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” as referenced herein means the portions of the Town of Mendocino Local Coastal Program (“LCP”) consisting of the Mendocino Town Land Use Plan (“Mendocino Town Plan”) and Mendocino Town Land Use Map (“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 cover page of the Mendocino Town Plan.

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) discretionary action or goal.

4.1.2. All development, as defined in Mendocino Town Plan Section 2.25, within the Mendocino Town boundaries shown on Figure 4.13-3, shall comply with the requirements of the Mendocino Town Plan Policies, Mendocino Town Land Use Map, Mendocino Town Zoning Code, and Mendocino Town Zoning Map.

4.1.3. In addition, development located between the first continuous public road and the sea shall, pursuant to Public Resources Code Section 30604(c), also comply with the Coastal Act public access and recreation policies in Public Resources Code Sections 30210-30224.

This Section consists of policies, actions, and goals that are organized in the following sub-sections:

- 4.2 Town Growth Management
- 4.3 Town Design Guidelines
- 4.4 Town Circulation and Parking
- 4.5 Town Housing (Government Code)
- 4.6 Town Sustainability
- 4.7 Town Public Facilities
- 4.8 Town Public Access and Recreation
- 4.9 Town Conservation
- 4.10 Town Plan Administration

4.2 GM – Town Growth Management Policies

GM-1 The Town of Mendocino is a special community under the meaning of Public Resources Code Section 30253(e). New 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.

GM-2 Mendocino is 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 is the preservation of the Town's character, which is a composite of historical value, natural setting, picturesque community ambience, open space, and a distinctive blend of cultural, educational and commercial facilities.
- (b) The Town character shall be preserved, while allowing for orderly growth, through careful delineation of land uses, provision of community services, and review and phasing of development.
- (c) 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 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 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, maintains the established ratio of approximately 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 Serving Facilities listed in Appendix 2 and maintaining the existing ratio between permanent residential dwelling units and visitor accommodations of almost 2:1.
- (e) Within the land use classifications where they are permitted, Single Unit Rentals and Vacation Home Rentals shall be flexible as to location and such changes of location shall not require an amendment to the Mendocino Town Plan.

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

Action GM-2.2 To preserve Town character, commercial development shall be authorized as set forth in the Mendocino Town Plan, including as mapped and shown on the Mendocino Town Land Use Map.

GM-3 To maintain the Town's historic scale and character, no new or expanded visitor accommodations (overnight lodging units) operated as one business entity shall exceed 25 overnight units (guest rooms or suites).

- (a) The total number of authorized visitor serving facility lodging units in the Town shall not exceed 237 and shall be limited to sites listed in Appendix 2 and marked on the Mendocino Town Land Use Map by an asterisk (*) or asterisk-B (*B). Any increase above that total number of units or any proposed new location for a visitor serving facility shall require an amendment to the certified Mendocino Town Plan before the County may accept an application for development of any additional visitor serving facility lodging units above that fixed number. Visitor serving

lodging units may be developed at sites designated on the Mendocino Town Land Use Map and Zoning Map by an asterisk (*) or asterisk – B (*B) and only in the amounts allocated pursuant to the Visitor Serving Facility Lodging Unit Allocation Implementation Procedure in Mendocino Town Plan Section 6.7 and Mendocino Town Zoning Code Section 20.684.030(H).

- (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 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.

GM-4 All visitor serving facilities shall be designed in scale, architecture, and materials to maintain the existing character of the Town, consistent with its characterization as a special community under Coastal Act Section 30253(e).

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, 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.

GM-6 (a) Development within the Town boundaries as 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 2.90, shall harmonize with the Mendocino Historical Preservation District Ordinance and, as applicable, the *Mendocino Historic Review Board Design Guidelines*.

GM-7 All work or activity, as set forth in the Historical Preservation District for Town of Mendocino (Mendocino Town Zoning Code 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 Section 20.760.040.

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 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.

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;

GM-10 Consistent with Public Resources Code Section 30254, public works facilities shall be designed and limited to accommodate needs generated by development or uses that are permitted consistent with the Coastal Act and the certified Mendocino Town Plan. Public works facilities capacity may include a reasonable margin of safety for fire protection for the Town and to 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.

GM-11 Where existing or planned public works facilities can accommodate only a limited amount of new development 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 region, state, or nation, public recreation, commercial recreation, and visitor serving land uses shall not be precluded by other development.

GM-12 The certified Mendocino Town Land Use Map (Figure 4.13-3) designates sites where hotel and inn visitor serving facility lodging units are allowable with an asterisk (*) and each site where bed and breakfast visitor serving lodging units are allowable with an asterisk-B (*B). The certified Mendocino Town Zoning Map shall contain conformed designations.

GM-13 (a) Additions to or expansion of legally existing Visitor Serving Facility (VSF) lodging units 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 VSF lodging units does not exceed the total limit (cap) for hotel, inn, and bed and breakfast VSF lodging units listed in Appendix 2; (2) any addition of VSF lodging units does not exceed the allocated number of units for the designated site pursuant to Appendix 2 and the Visitor Serving Facility Lodging Unit Allocation Implementation Procedure in Mendocino Town Plan Section 6.7 and Mendocino Town Zoning Code Section 20.684.030(H), and (3) such addition or expansion is in conformity with the certified Mendocino Town Plan and certified Mendocino Town Zoning Code. (b) Any visitor serving lodging unit that is operating without a valid coastal development permit where one is necessary must submit an application for a coastal development permit deemed complete by the Department of Planning and Building Services by December 31, 2018 and obtain a coastal development permit by June 30, 2019. If either a complete application is not submitted by December 31, 2018 or a coastal development permit is not obtained by June 30, 2019, any existing allocation for the visitor serving lodging unit shall be forfeited and shall become available for reallocation to another visitor serving facility pursuant to the Visitor Serving Facility Lodging Unit Allocation Implementation Procedure in Mendocino Town Plan Section 6.7 and Mendocino Town Zoning Code Section 20.684.030(H).

GM-14 Visitor Serving Facilities are designated for such use on the certified Mendocino Town Land Use Map with an asterisk or asterisk-B. 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 Land Use Map with an asterisk or asterisk-B, shall only be allowed in the Commercial and Mixed Use District pursuant to an amendment to the certified Mendocino Town Local Coastal Program.

Action GM-14.1 (a) Vacation Home Rentals and Single Unit Rentals are not Visitor Serving Facilities. Approval of any new Vacation Home Rentals and 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 Mendocino 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 Home Rental, the applicant must first apply to the Department of Planning and Building Services for certification that the operation is authorized by any required coastal development permit and is in conformity with all planning and building standards, including, but not limited to, the location and number of such authorizations 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.

GM-15 (a) The Mendocino Town Plan 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 Serving Facilities that are

listed in Mendocino Town Plan Appendix 2 and mapped as asterisks (*) or as asterisk-B (*B) on the Mendocino Town Land Use Map and Mendocino Town Zoning Map.

- (b) The Mendocino Town Plan (1) reclassifies the existing thirteen (13) Art Center Student/Instructor Housing units as a housing use where priority is given for housing students, instructors, artist-in-residence, staff, and scholar art program members, although transient occupancy of the units by the general public may occur, and (2) reallocates the six additional visitor serving facility lodging units allocated to the Art Center in 1992, but not constructed, to existing visitor serving lodging units 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) Appendix 2 identifies the 1992 allocation of 215 visitor serving facility lodging units allowed at sites designated for visitor serving facility lodging units by an asterisk (*) or asterisk-B (*B). The remaining 22 of the total of 237 visitor serving facility lodging units that may be allowed in the Town pursuant to Policy GM-3 shall be made available by the Planning and Building Services Department for application, permitting, and use, by other existing Visitor Serving Facilities on sites designated with an asterisk (*) or asterisk-B (*B) and that can accommodate them consistent with the conservation and development standards of the Mendocino Town LCP, the Visitor Serving Facility Lodging Unit Allocation Implementation Procedure in Mendocino Town Plan Section 6.7 and certified Mendocino Town Zoning Code Section 20.684.030(H). As any allocated visitor serving lodging unit becomes abandoned, fails to timely obtain any necessary coastal development permit or other necessary approvals, or when any such permits or approval for an allocated unit has expired or been revoked, the Planning and Building Services Department shall reallocate the unit pursuant to Mendocino Town Plan Section 6.7 and Mendocino Town Zoning Code Section 20.684.030(H).

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.

GM-17 The scale and combination of commercial development shall (a) be consistent with the Town's historical architectural character, (b) complement existing uses, and (c) be supported by adequate public services or by adequate on-site private utilities where no public services are provided.

GM-18 The following types of business establishments or activities, as defined in Mendocino Town Plan Sections 2.33, 2.34, and 2.35, 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.

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.

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.

GM-21 (a) All structures in the Town shall be limited to a maximum height of 28 feet above natural grade, provided that 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 Street may exceed that height, and except as further specified in (c) below. (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 shall be limited to a height of 18 feet to protect public scenic views.

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 1976 Mendocino Headlands State Park General Plan, consistent with the certified Mendocino Town LCP.

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, the Regional and State Water Resources Control Boards, 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 beneficial reuse of intercepted stormwater, sustainable recreational opportunities, protect the public safety, and safeguard natural, historical, and community resource areas against overuse.

Action GM-22.2 The County of Mendocino supports the long-planned update of the 1976 Mendocino Headlands State Park General Plan 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 1976 Mendocino Headlands State Park General Plan.

Action GM-22.3 The County shall give high priority consideration 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.

Action GM-22.4 No coastal development permit shall be required for the following, provided that work, as defined in Section 2.90, 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:

- (a) Repair and maintenance activities which do not result in an addition to or enlargement or expansion of the object of such activities, except as otherwise specified in Title 14, California Administrative Code Section 13252 and any amendments thereafter adopted;
- (b) Activities of public utilities as specified in the Repair, Maintenance and Utility Hookup Exclusion adopted by the Coastal Commission on September 5, 1978;
- (c) Improvements to single family residences except as otherwise specified in Title 14, California Administrative Code Section 13252 and any amendments thereafter;
- (d) Improvements to any structure other than single family residence or a public works facility, except as otherwise specified in Title 14, California Administrative Code Section 13253 and any amendments thereafter.
- (e) The replacement of any structure, other than a public works facility, destroyed by a disaster. The replacement structure shall conform with Section 20.716.020, shall be for the same use as the destroyed structure, shall not exceed either the floor area, height, or bulk, of the destroyed structure by more than ten percent (10%) and shall be sited in the same location on the affected property as the destroyed structure.
- (f) Those specified developments categorically excluded from development by Categorical Exclusion Order Number E-96-1, subject to the terms and conditions of the Categorical Exclusion Order, including but not limited to ensuring that the development under this exclusion shall conform with all Town LCP policies.

Action GM-22.5 At such time as when the California Department of Parks and Recreation submits a new or an update to the 1976 Mendocino Headlands State Park General Plan, or any other public facilities plan, to the Coastal Commission pursuant to Public Resources Code Section 30605, the County requests that the Department of Parks and Recreation and the Coastal Commission engage in full consultation with the County, at the earliest practicable time, to assure that the public works plan or other public facilities plan is in conformity with the certified Mendocino Town Local Coastal Program. (Note: Action GM-22.5 does not directly govern the issuance of Mendocino Town Coastal Development Permits.)

Action GM-22.6 (a) Pedestrian access to and through Mendocino Headlands State Park, including, but not limited to bluff top paths and trails, and the beach 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.

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.

GM-24 (a) Coastal-dependent developments 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 developments should be accommodated within reasonable proximity to the coastal-dependent uses they support.

GM-25 (a) All existing legal uses shall be deemed consistent with the certified Mendocino Town Plan. (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) A nonconforming use may be continued and structures used therefor may be maintained, provided that: (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 requirements and, where applicable within Historical Zones A and B, with the requirements of the Mendocino Historical Review Board. (3) No expansion of a nonconforming use shall be permitted.

GM-26 All legally created nonconforming lots shall be deemed potential building sites, subject to the same controls as lots 12,000 square feet or larger.

GM-27 All persons operating Visitor Serving Facilities, Vacation Home Rentals, Single Unit Rentals, or Student-Instructor 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.

GM-28 Residential dwelling units in the Town shall not be converted to any nonresidential use except in the Commercial "C" zone, as provided pursuant to Section 6.7, or as provided in Mendocino Town Zoning Code Section 20.660.075(E).

GM-29 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 Mendocino Town Local Coastal Program, and (b) shall require an application for a coastal development conditional use permit.

GM-30 Approval of any division of land within the Town, as shown on the Mendocino Town Land Use Map, shall require (a) demonstration prior to coastal development permit approval that an adequate water supply exists to serve existing and newly created lots, such demonstration made in accordance with the provisions of Mendocino Town Zoning Code Chapter 20.744; (b) proof that the Mendocino City Community Services District (1) has issued a groundwater extraction permit, or will issue a groundwater extraction permit as a condition precedent to issuance of the coastal development permit for the land division, for each newly created lot, 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; (c) 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, will not have any significant adverse effects, either individually or cumulatively, on coastal resources or coastal public access; and (d) demonstration that the division of land, including any hydromodification and any future construction and use of structures on each newly created lot is in conformity with all standards of the certified Mendocino Town Local Coastal Program.

4.3 Mendocino Town Design Guideline Policies

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

Action DG-1.1 The *Historical Preservation District for Town of Mendocino Ordinance*, as amended, is a part of the implementing ordinances of the Mendocino Town 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.

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

Action DG-1.3 The *Mendocino Historic Review Board Design Guidelines* (1987) set criteria 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. Such criteria include, but are not 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. The *Mendocino Historic Review Board Design Guidelines* shall be consistent with the *Historical Preservation District For Town of Mendocino Ordinance* (1973, as amended) and the Mendocino Town Local Coastal Program.

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

DG-2 Permitted development shall not have a significant adverse effect on, and be sited and designed to protect public views to and along the ocean and scenic coastal areas, including but not limited to views Highway 1 or from the public streets and public open space areas of the Town.

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 to protect public scenic views.

Action DG-2.2 New development applications shall include evidence demonstrating how the proposed development will ensure the protection of public views to and along the sea, of landmark structures, as described in the Inventory of Historic Structures (Appendix 1), and of scenic coastal areas as seen from public vantage points including the public streets and open space areas of the Town and from along Highway 1.

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 requirements as adopted herein or on the Mendocino Town 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 may adversely affect such public views.

DG-3 In addition to any design review related to protection of the historical character of the 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. Provisions of open space and siting of structures to retain public views shall be considered as part of all new development proposals that adversely effect public views.

DG-4 Predominantly native and drought-tolerant landscaping shall be required as part of any permitted development in designated residential, commercial, public facility, and open space areas, to reflect the relatively unstructured landscape character of the Town.

Action DG-4.1 The Mendocino Historical Review Board shall incorporate landscape guidelines in the *Mendocino 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.

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.

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

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.

Action DG-5.3 The County should coordinate with the International Dark Sky Association to certify the Town as a “Dark Sky Community”. (Note: Action DG-5.3 does not directly govern the issuance of Mendocino Town Coastal Development Permits.)

4.4. Circulation and Parking

CP-1 The County shall provide for traffic, bicycle, and pedestrian safety within the Town, consistent with historic preservation. (Note: CP-1 does not directly govern the issuance of Mendocino Town Coastal Development Permits.)

Action CP-1.1 The County shall analyze the need for, and install where warranted and consistent with the Capital Improvement Program, 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. (Note: Action CP-1.1 does not directly govern the issuance of Mendocino Town Coastal Development Permits.)

Action CP-1.2 (a) Permitted development shall provide off-street parking 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.

(c) Where no off-street parking is feasible in otherwise permitted development, the development applicant shall pay an in-lieu fee to the County, or to an entity acceptable to the County, provided that such fees 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 impact on the historical character of the Town, including, but not limited to, through elimination of on-street parking spaces.

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 Mendocino Town Plan, other feasible screening shall be required.

Action CP-1.4 Bicycle parking shall be incorporated in (a) any Main Street restoration and enhancement project, (b) any Mendocino Headlands State Park facilities planning and the 1976 Mendocino Headlands State Park General Plan, and (c) all new commercial development with 1,000 square feet or more of floor area.

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.

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 parking availability and efficiency, while at the same time enhancing pedestrian and traffic safety. (Note: CP-2 does not directly govern the issuance of Mendocino Town Coastal Development Permits.)

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. (Note: Action CP-2.1 does not directly govern the issuance of Mendocino Town Coastal Development Permits.)

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. (Note:

Action CP-2.2 does not directly govern the issuance of Mendocino Town Coastal Development Permits.)

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. (Note: Action CP-2.3 does not directly govern the issuance of Mendocino Town Coastal Development Permits.)

Action CP-2.4 (a) The existing (as of 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 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. (Note: Action CP-2.4 does not directly govern the issuance of Mendocino Town Coastal Development Permits.)

4.5. Affordable Housing (Government Code Section 65852.2)

AH-1 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 in Residential Land Use Classifications and Residential Zoning Districts consistent with 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.

Action AH-1.1 Consistent with Growth Management Action GM-29, the residential stock of the Town shall be maintained by prohibiting residential units from being converted to non-residential use except (a) as provided in the Commercial Land Use Classification and Zoning District, and (b) as provided in Section 6.7.

Action AH-1.2 A deed restriction shall be recorded on lots with approved second residential dwelling units to ensure their continued use for non-transient residential habitation.

AH-2 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.

Action AH-2.1 The Mendocino Town Zoning Code shall provide opportunities for second residential units on lots in all single-family and multifamily residential districts, provided that each second unit shall be consistent with the Mendocino Town Local Coastal Plan and, where development is proposed between the First Public Road and the sea, the public access and recreation policies of Chapter 3 of the Coastal Act.

AH-3 Second residential units shall be sited and designed to integrate them with the historical character of the Town, minimize potential negative neighborhood impacts, and conform to the standards of the certified Mendocino Town Plan.

Action AH-3.1 The following second residential unit development standards apply and shall be demonstrated prior to approval of a coastal development permit:

- (a) The lot contains an existing single family dwelling unit.
- (b) The second residential dwelling unit does not exceed 900 square feet.
- (c) An adequate on-site water supply exists to serve the second dwelling unit.
- (d) Mendocino City Community Services District (1) has issued a groundwater extraction permit to serve the second dwelling unit, and (2) has, or will provide wastewater service to serve the second dwelling unit.
- (e) The second dwelling unit shall conform to height, setback, lot coverage, architectural review, site plan review, and other Mendocino Town Local Coastal Program requirements applicable to the zoning district in which the second dwelling unit is located, except that a setback of no more than five feet from the side and rear lot lines shall be required for a second residential unit constructed above a garage.
- (f) 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.
- (g) Second dwelling units shall not be permitted in Planned Unit Development Combining Districts.

4.6. Sustainability Policies

Water Conservation/Stormwater Management

S-1 Development shall protect and, where feasible, restore the quality of coastal waters consistent with Coastal Act policies, in particular Sections 30230 and 30231. Coastal waters include the ocean, rivers, streams, wetlands, estuaries, lakes, and groundwater.

§ 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.

§ 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.

Action S-1.1 A post-development stormwater management plan shall be submitted to the County by applicants for all development or redevelopment projects that (a) have the potential for adverse impacts to coastal waters from nonpoint source pollution and/or changes in runoff flows resulting from the development and (b) require a coastal development permit. The plan shall describe the stormwater management strategies for site design, pollutant source control, and other measures the development will implement to protect coastal waters after the development is completed. The level of detail provided to address the plan's requirements shall be commensurate with the type and scale of the project, and the potential for adverse water quality or hydrologic impacts to coastal waters. If the development entails activities or changes in land use other than construction, including subdivision or re-division of land, the scope of the plan may be reduced accordingly.

Action S-1.2 A construction-phase pollution prevention/erosion control plan shall be submitted by development or redevelopment project applicants to the County for all development that (a) proposes construction that has the potential for adverse impacts to coastal waters from nonpoint source pollution and/or changes in runoff flows during construction, and (b) requires a coastal development Permit. The plan shall describe the temporary BMPs the development will implement to minimize erosion and sedimentation during construction, and to minimize pollution of runoff and coastal waters by construction chemicals and materials. The level of detail provided to address the plan's requirements shall be commensurate with the type and scale of the development, and the potential for adverse water quality impacts to coastal waters. For the purposes of Section 4.6, Sustainability Policies, construction includes clearing, grading, or other activities that involve ground disturbance; building, reconstructing, or demolishing a structure; and creation or replacement of impervious surfaces.

S- 2 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 retained stormwater runoff, where feasible.

Action S-2.1 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.

Action S-2.2 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.

Action S- 2.3 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.

Action S- 2.4 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.

Action S- 2.5 Permitted horticultural landscaping shall be drought-tolerant, and when irrigation is required, shall minimize the use of potable water, as feasible, and use, to the maximum extent

feasible, (a) efficient watering techniques (such as drip irrigation), (b) retained stormwater, and (c) reclaimed water that is available from the Mendocino City Community Services District.

Action S-2.6 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. (Note: Action S-2.6 does not directly govern the issuance of Mendocino Town Coastal Development Permits.)

Action S-2.7 The Mendocino City Community Services District should (a) continue its extensive groundwater monitoring program of the aquifer that underlies the Town, (b) 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, (c) investigate the feasibility of additional groundwater recharge of the Town aquifer with reclaimed water through dry wells, (d) provide access to reclaimed water at a convenient location in Town for public and private non-potable water uses, and (e) annually report to the Board of Supervisors about the implementation status of this Action. (Note: Action S-2.7 does not directly govern the issuance of Mendocino Town Coastal Development Permits.)

S-3 (a) Permitted development shall, to the maximum extent appropriate and feasible, maintain or enhance on-site infiltration of stormwater, to reduce runoff, remove pollutants, and recharge groundwater. (b) Retention and use of intercepted, retained, and filtered or otherwise treated stormwater, 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 public agencies, if an on-site location is infeasible or if an approved stormwater management system that serves more than one lot is available.

S-4 Permitted development shall minimize water quality impacts during construction by minimizing erosion and non-stormwater runoff, minimizing the discharge of sediment and other pollutants resulting from construction activities, and minimizing land disturbance and soil compaction.

S-5 Permitted development shall address runoff management early in site design planning and alternatives analysis, integrating existing site characteristics that affect runoff (such as topography, drainage patterns, vegetation, soil conditions, natural hydrologic features, and infiltration conditions) in the design of strategies that minimize post-development changes in the runoff flow regime, control pollutant sources, and, where necessary, remove pollutants.

Action S- 5.1 Permitted development shall (a) be sited and designed to preserve or enhance native and non-invasive vegetation to achieve water quality benefits such as transpiration, interception of rainfall, pollutant uptake, shading of waterways to maintain water temperature, and erosion control, (b) utilize drought-tolerant native vegetation in all landscaping, and (c) effectively remove any invasive non-native vegetation from the lot.

Action S-5.2 Permitted development shall be sited and designed to avoid disturbance of, and where feasible restore, natural drainage features and associated vegetation, such as stream corridors, drainage swales, topographical depressions, groundwater recharge areas, floodplains, and wetlands.

S- 6 Permitted development shall be sited and designed to minimize post-development changes in the stormwater runoff flow regime (i.e., volume, flow rate, timing, and duration) discharged from the site.

Action S-6.1 Permitted development shall implement either (a) site design measures to reduce stormwater runoff from the lot and increase groundwater recharge in comparison to pre-development stormwater runoff conditions, to the extent feasible or (b) participate in a stormwater runoff control program that serves more than one lot.

S-7 A Low Impact Development (LID) approach to stormwater management shall be used in all new development and redevelopment, where appropriate and feasible.

Action S-7.1 Landscape-based stormwater management and water conservation techniques, including, but not limited to, rain gardens, bio-retention basins, dry wells, or vegetative swales, shall be utilized, where appropriate and feasible, to infiltrate runoff and facilitate aquifer recharge.

S-8 Impervious surfaces shall be minimized in new development and redevelopment, to the extent feasible, including, but not limited to, through (a) minimizing the installation of new impervious surfaces, especially impervious areas directly connected to the storm drain system, and (b) where feasible, increasing the area of pervious or semi-pervious surfaces in redevelopment.

Action S-8.1 Installations of new pavement shall, where appropriate and feasible, use a permeable pavement system (e.g., interlocking concrete pavers, porous asphalt, permeable concrete, or reinforced grass or gravel) or natural pervious materials, consistent with requirements of the Americans with Disabilities Act, as amended. Permeable pavements shall be designed so that runoff infiltrates into a subsurface recharge bed and the underlying soil, if feasible, to reduce runoff, filter out pollutants, and enhance groundwater recharge.

S-9 Rain water harvesting for later on-site non-potable use, 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 stormwater management and water conservation.

Action S-9.1 New water storage tanks shall be: (a) located behind or within existing buildings, wherever feasible, or underground, (b) clad in unpainted wooden materials, and (c) exempt from Mendocino Historical Review Board review pursuant to the *Historical Preservation District for Town of Mendocino*. A coastal development permit shall be obtained for any development not exempt pursuant to Section 30610 of the Coastal Act.

Action S- 9.2 Water storage tanks shall not count against lot coverage; provided that where lot coverage on a lot exceeds 50%, new above-ground water storage tanks in the Mendocino Historic Preservation District shall require Mendocino Historical Review Board review and approval in addition to any required coastal development permit.

S-10 Permitted development shall be sited, designed, and managed to minimize the transport of pollutants in runoff from the development into coastal waters.

Action S-10.1 Permitted development shall use Source Control BMPs, which can be structural features or operational actions, to minimize the transport of pollutants in runoff from the development.

S-11 In areas in or adjacent to an Environmentally Sensitive Habitat Area (ESHA), permitted development shall be sited and designed to protect the ESHA from any significant disruption of habitat values resulting from the discharge of stormwater or dry weather runoff flows.

S-12 Permitted development shall avoid construction of new stormwater outfalls, and direct stormwater to existing facilities with appropriate treatment, where feasible. Where new stormwater outfalls cannot be avoided, outfalls shall be sited and designed to minimize adverse impacts to coastal resources from outfall discharges.

S-13 Permitted development shall implement appropriate protocols to manage BMPs (including installation and removal, ongoing operation, inspection, maintenance, and staff training), to protect coastal water resources for the life of the development.

S-14 Developments of Water Quality Concern are certain categories of development, identified in the zoning code, that have a greater potential for adverse impacts to water quality and hydrology due to the extent of impervious surface area, type of land use, and/or proximity to coastal waters. Applicants for a Coastal Development Permit for a Development of Water Quality Concern shall be required to comply with the following additional requirements:

- (a) Conduct a polluted runoff and hydrologic site characterization by a qualified licensed professional, early in the development planning and design stage, and document the expected effectiveness of the proposed BMPs.
- (b) Size Low Impact Development (LID), Runoff Control, and Treatment Control BMPs to infiltrate, retain, or treat, at a minimum, the runoff produced by the 85th percentile 24-hour storm event for volume-based BMPs, or two times the 85th percentile 1-hour storm event for flow-based BMPs.
- (c) Use an LID approach that gives priority to preventive site design strategies to minimize post-development changes in the site's stormwater flow regime, supplemented by structural BMPs to retain on site (by means of infiltration, evapotranspiration, or harvesting for later on-site use), at a minimum, the runoff produced by the 85th percentile 24-hour design storm, to the extent appropriate and feasible.
- (d) Conduct an alternatives analysis to demonstrate that there are no appropriate and feasible alternative project designs that would substantially improve runoff retention, if a proposed development will not retain on-site the runoff produced by the 85th percentile 24-hour design storm using an LID approach.
- (e) Use a Treatment Control BMP (or suite of BMPs) to remove pollutants of concern from any portion of the runoff produced by the 85th percentile 24-hour design storm that will not be retained on site, or if additional pollutant removal is necessary to protect coastal waters.
- (f) If a proposed development will add a net total of more than 15,000 square feet of impervious surface area, and any portion of the runoff produced by the 85th percentile 24-hour design storm will not be retained on site, use a structural Runoff Control BMP to minimize adverse post-development changes in the runoff flow regime.

Renewable Energy/Green House Gas Emission Reduction

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, require that new development and redevelopment in the Town meet all applicable State of California energy conservation standards, and collaborate with stakeholders in the Town to install, operate, and maintain electric automobile charging stations.

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.

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.

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.

4.7. Public Facilities

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 significant public views and public vistas shall be preserved as part of the Town's unique character.

Action PF-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 1 or Brewery Gulch Drive. Any improvements made shall also be in conformance with all local ordinances pertaining to the Historic District.

Action PF-1.2 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 property, except during regular church services and after dusk.

Action PF-1.3 New public facilities and all other development 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; (c) utilization of exterior finishes in any structure that conform to and protect the historical Town character.

Action PF-1.4 The Mendocino Town Land Use Map (Figure 4.13-3) shall designate (a) Mendocino Headlands State Park and other publicly owned open space, exclusive of the area referenced in Action PF-1.3, in the Town as within the Open Space Land Use Classification, and (b) public streets, roads, and alleys in the Town as within their respective adjacent Land Use Classification.

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. (Note: PF-2 does not directly govern the issuance of Mendocino Town Coastal Development Permits.)

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.

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.

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.

Action PF-4.1 In recognition of the public agency acquisition and extinguished easement, Mendocino 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 (a) new development shall be sited and designed to minimize the number of structures and shall cluster all new development with existing structures rather than siting development within open areas, and (b) regionally native vegetation landscaping shall substantially screen any future development from the public view of travelers on Highway 1.

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.

Action PF-5.1 Future development of the parcel at 44700 Little Lake Road, identified as Mendocino County Assessor's Parcel Number 119-090-07 by the Fire District/Department shall (a) be consistent with the conservation and development and all other policies and standards of the Mendocino Town Local Coastal Program; (b) be limited to a water tank and associated facilities; (c) utilize the minimum area in Grindle Park necessary to install such a water tank and associated facilities; and (d) ensure development associated with any services extensions, including but not limited to equipment and infrastructure to support a water storage tank for fire-fighting services, shall be undertaken in a manner (such as by selection of service extension alignment and/or 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.

PF-6 The County's street addressing system should be standardized to facilitate emergency service response. (Note: Action PF-6 does not directly govern the issuance of Mendocino Town Coastal Development Permits.)

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.

PF-7 The County supports the cooperative redevelopment of the historical "Carriage House" (located at 45035 Main St., on Assessor's Parcel Number 119-240-01) 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. (Note: Action PF-7 does not directly govern the issuance of Mendocino Town Coastal Development Permits.)

Action PF-7.1 The Mendocino Historical Review Board shall (1) review the exterior of the proposed redevelopment of the Carriage House for conformity with the *Historical Preservation District for Town of Mendocino* 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.

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). (Note: Action PF-8 does not directly govern the issuance of Mendocino Town Coastal Development Permits.)

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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 4.8, 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 Mendocino Town Local Coastal Program.

PAR-1 Maximum public access to and along the coast and public recreational opportunities shall be provided, consistent with public safety, private and public rights, and the protection of natural resource areas in the Town from overuse.

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. The maps are illustrative and do not necessarily include all areas that provide public access to the coast. The maps shall be interpreted consistent with the text of the policies of the Mendocino Town Plan and the standards of the Public Access Chapter of the Mendocino Town Zoning Code. Featured public access ways include: (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.
- (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 the stability of the segment of northeasterly Heeser Drive and ensure continuous public access inside and adjacent to Mendocino Headlands State Park, where landform destabilization has occurred adjacent to the upper coastal bluff. Provide for the eventual inland relocation of the road and the trail as necessary.
- (d) The County shall encourage State Parks to 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 free to the public.

Action PAR 1.2 Continuous lateral public recreational access for pedestrians, bicyclists, and motorists shall be maintained (1) within and/or adjacent to 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; (3) the designated east-west coastal access routes in Town along Main Street, Little Lake Street, and Ukiah Street, (4) on the Highway 1 bridge over Big River, and (4) over the Slaughterhouse Gulch drainage. 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) The County, in coordination with the California Department of Parks and Recreation, shall encourage the California Department of Transportation (District 1) to identify and improve a safe pedestrian crossing or undercrossing of Highway 1 between the areas of Mendocino Headlands State Park east and west of Highway 1. 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 is a priority to complete inland links to the Coastal Trail.
- (b) The County, in coordination with the California Department of Parks and Recreation, shall encourage the California Department of Transportation (District 1) to 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. (Note: Action PAR-1.2(c) does not directly govern the issuance of Mendocino Town Coastal Development Permits.)
- (d) Any replacement of the Highway 1 bridge shall comply with the conservation, development, historic preservation, public access, and all other policies and standards of the Mendocino Town Local Coastal Program.

Action PAR 1.3 Way-finding signage to and along public access ways shall (a) harmonize with the historic character of the Town, (b) be located to avoid visual clutter, and (c) where located on the seaward side of Highway 1, Lansing Street, Heeler Drive, or Main Street, avoid intrusion to the maximum extent feasible into public views to and along the sea.

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 Mendocino Town Zoning Code Chapter 20.760 and to the *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.
- (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 Mendocino Town Local Coastal Program and *Mendocino Historic Review Board Design Guidelines*.

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 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.

Action PAR-3.1 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. (Note: Action PAR-3.1 does not directly govern the issuance of Mendocino Town Coastal Development Permits.)

PAR-4 Consistent with Coastal Act Section 30221, the certified Mendocino 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 and County road and street rights-of-way that connect the State Park with other areas of the coastal zone, the County, State, and United States.

Any abandonment, closure, or conversion of any public right-of-way in the Town shall require approval by the County of a coastal development permit, and as applicable, an application to the County for an amendment of the certified Mendocino Town Local Coastal Program.

PAR-5 Consistent with Coastal Act Section 30224, the County shall encourage the California Department of Parks and Recreation to 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.

PAR-6 As required by Coastal Act 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.

PAR-7 As required by Coastal Action 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.

PAR-8 As required by Coastal Action 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: (a) 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 (b) 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.

4.9. Conservation

CNS-1 Consistent with Coastal Act Section 30231, (a) design and implementation of the stormwater management system required by Section 4.6 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 retained stormwater or reclaimed water from the Mendocino City Community Services District for all non-potable water uses.

CNS-2 The Board of Supervisors requests the California Office of Spill Prevention and Response and the United States Coast Guard to demonstrate, within the first year following Coastal Commission certification of the 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. (Note: CNS-2 does not directly govern the issuance of Mendocino Town Coastal Development Permits.)

CNS-3 The diking, filling, dredging, or excavation of any wetland, stream, or estuary in the Town shall be permitted in accordance with all other applicable provisions of this plan, 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:

- (a) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.
- (b) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.

- (c) 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.
- (d) 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.
- (e) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.
- (f) Restoration purposes.
- (g) Nature study, aquaculture, or similar resource dependent activities.

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.

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 fishing in the Big River Estuary immediately adjacent to the Town shoreline provided by the Big River Estuary is a designated Marine Protected Area with State Marine Conservation Area (SMCA) status that is limited to certain geographic boundaries and authorized activities as specified in Title 14, California Code of Regulations Section 632(b)(25). To avoid take of all living marine resources within the Big River Estuary SMCA, California Department of Fish and Wildlife should be contacted regarding any questions pertaining to current regulations. (Note: Action CNS-4.1 does not directly govern the issuance of Mendocino Town Coastal Development Permits.)

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 a 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)(25). Mendocino Town Plan Appendix 3 contains a copy of these regulations, as of the date of adoption of the Town LCP by the Board of Supervisors, for public informational purposes only. (Note: Action CNS-4.2 does not directly govern the issuance of Mendocino Town Coastal Development Permits.)

CNS-5 Consistent with Coastal Act Section 30235, development that alters natural processes along the Town shoreline shall be permitted only when (a) required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion, and (b) 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.

CNS-6 Consistent with Coastal Act Section 30231 and Town Plan Policy S-1, and Coastal Act Section 30236, (a) the biological productivity and the quality of coastal waters, streams, wetlands, and estuaries shall be maintained and, where feasible, restored, and (b) substantial alteration of any stream within the Town 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.

CNS-7 (a) Environmentally sensitive habitat areas, as defined in Mendocino Town Plan Section 2.29, shall be protected against any significant disruption of habitat values. (b) Only uses dependent on environmentally sensitive habitat area resources, and for which there is no less environmentally damaging location, shall be allowed within those areas. (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.

CNS-8 The long-term productivity of soils in the Town shall be protected.

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 2.43, and community gardens, as defined in Section 2.20, that are consistent with the protection of public health and safety, and of coastal resources.

Action CNS-8.2 (a) Community gardens are a permitted use in any land use and 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. (b) Sustainable light agriculture is a permitted use in the Rural Residential Land Use Classifications and Zoning Districts.

Action CNS 8-3 As part of Mendocino Headlands State Park natural resource and upland support facility restoration, relict lumber yard concrete decking in the State Park shall be removed and the terrain shall be restored to its predevelopment condition.

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 be responsible for retaining a registered professional archaeologist to provide any required archaeological investigation monitoring.

CNS-10 New development in the Town shall be sited and designed to (a) protect significant public views (1) 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 (2) of scenic coastal areas; (b) minimize the alteration of natural land forms; (c) be visually compatible with the character of the Town; and (d) where feasible, restore and enhance visual quality in visually degraded areas of the Town.

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.

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 Local Coastal Program and subject to review and approval by the Board of Supervisors and certification by the Coastal Commission, should be included in the *Mendocino Historic Review Board Design Guidelines* to identify significant public open spaces, public views, and public vistas in the Town. (Note: Action CNS-10.2 does not directly govern the issuance of Mendocino Town Coastal Development Permits.)

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.

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 obstruction of public views from Highway 1 to and along the sea, (b) sited and designed to minimize the number of structures (c) clustered with existing structures rather than siting development within open areas, (d) constructed to harmonize with the Town architectural and/or historical character, and (e) 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.

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.

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.

CNS-13 The installation of solar energy systems in the Town shall be consistent with the Mendocino Town LCP, 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

TPA-1 (a) Any person, as defined in Section 2.64, who proposes to undertake any development, as defined in Mendocino Town Plan Section 2.25, shall obtain a coastal development permit from the County, or an amendment to an existing coastal development permit from the approving authority. (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 Town Zoning Code Chapter 20.736, Enforcement shall apply in the Town.

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 at the site in a conspicuous location, (2) first class mail, electronic mail, or personal 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, (4) first class mail to the Coastal Commission, and (5) posting on the Planning and Building Department web site for pending projects.

TPA-3 Consistent with 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 *Historical Preservation District for Town of Mendocino Ordinance* shall be (a) conspicuously posted on (1) the lot 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, excluding any road, street, or alley; (c) mailed by first class mail to the Coastal Commission; and (d) 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.

TPA-4 The certified Mendocino Town Zoning Code incorporates and carries out the implementation regulations for the certified Mendocino Town Local Coastal Program provided at Title 14, California Code of Regulation Section 13500 et seq.

TPA-5 Pursuant to Public Resources Code Section 30603(a), County actions on applications for coastal development permits are appealable to the Coastal Commission for only the following types of developments:

- (a) 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.
- (b) Developments approved by the County not included within paragraph (a) 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.
- (c) Any development approved by the 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) of the Coastal Act.
- (d) Any development which constitutes a major public works project or a major energy facility.

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 Code, 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.

TPA-7 Consistent with the objective in Coastal Act Section 30006 that the continuing planning and implementation of programs for coastal conservation and development should include the widest opportunity for public participation: (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).

SECTION 5. MENDOCINO TOWN LAND USE CLASSIFICATIONS

Land use classifications include several categories applicable only within the Town of Mendocino, as well as some that are common to the entire Mendocino County Coastal Element. In addition to minimum parcel sizes, some Mendocino Town land use classifications specify both lot coverage (the proportion of the lot covered by buildings and other structures, as defined in Mendocino Town Plan Section 2.80) and floor area ratio (total floor area in relation to lot area). The Town's land use classifications are shown in their respective land use districts in Figure 4.13-3: Town of Mendocino Land Use Map.

The Town of Mendocino Land Use Classifications consist of the following:

- Open Space (Land Use Map Code: OS)
- Rural Residential (Land Use Map Code: RR-1, and RR-2)
- Suburban Residential (Land Use Map Code: SR20,000)
- Residential Planned Unit Development (Land Use Map Code: RR-2-PD)
- Town Residential (Land Use Map Code: R+)
- Multiple Family Residential (Land Use Map Code: RM)
- Mixed Use (Land Use Map Code: MU)
- Public Facility (Land Use Map Code: PF)
- Commercial (Land Use Map Code: C)

Each land use classification lists the principal permitted use, permitted uses, and, as applicable conditional uses.

Uses listed as the principal permitted use and permitted uses within any land use classification may require coastal development permit approval and/or review by the Mendocino Historical Review Board. Coastal development permits for development involving the principal permitted use may also be appealable to the Coastal Commission, depending on, among other things, their location in relation to a wetland, stream, coastal bluff, or if they are located between the first road and the sea, and as further provided in Public Resources Code Section 30603(a) and discussed in Section 1 of the Mendocino Town Plan. Coastal development permits for permitted uses are appealable to the Coastal Commission wherever they are located.

Uses listed as conditional uses may also require coastal development permit approval, and/or review by the Mendocino Historical Review Board, depending on their location. Conditional uses require additional review, such as a conditional use permit or site specific review to assure compliance with specific Town Plan policies or actions and Mendocino Town Zoning Code criteria, and are appealable to the Coastal Commission wherever they are located

The intent statements of the Mendocino Town Plan Land Use Classifications (a) describe the way use classifications are applied on the Mendocino Town Land Use Map and (b) guide specific Mendocino Town zoning regulations and the Mendocino Town Zoning Map. Legal nonconforming lots that are smaller than the permitted minimum size will be developable for principal permitted uses and conditional uses, subject to the same limitations as lots that meet minimum size standards.

Existing legal uses on legal lots that are smaller than the stated permitted minimum size, where all required state and local permits have been approved for such uses, will also be considered to be legal nonconforming uses. The Mendocino Town zoning regulations will assure the right of such uses to continue consistent with Mendocino Town Plan policies, as well as their right to replacement if destroyed by disaster.

5.1. Open Space - Map Code: OS

Intent: This land use classification is intended to be applied to (a) lands held in public ownership for recreational use, (b) 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 public scenic areas, (c) lands which, because of their value, have been dedicated under Government Code Sections 51050 or 51080 as privately owned open space to a public or nonprofit organization that qualifies under Internal Revenue Code Section 501(c)(3), or (d) easements that have been dedicated by owner(s) of private property to a public agency or non-profit organization, or been reserved by deed restriction, for open space.

Principal Permitted Use: (a) Land to remain predominantly in its natural or restored condition with the minimum amount of development necessary to support restoration and preservation; and (b) leisure activities that do not constitute “development” as defined in Section 20.608.023(E) and do not require permits pursuant to the Mendocino Town Zoning Code.

Permitted Uses: Community gardens.

Conditional Uses: Active recreation; increases in intensity of existing uses; landscape conservation, restoration, and preservation (1,000 square feet or larger); permanent new restrooms and other public facilities required to serve the public health and welfare; underground utilities; memorial monuments; and agricultural uses.

Height Limitation: Permitted new structures, except for chimneys, flagpoles, and similar appurtenances, and water towers or tanks, shall be limited to a maximum height of 18 feet above natural grade.

Development Limitations: (a) All conditional uses in the Open Space Land Use Classification shall be subject to public hearing and full environmental review by the approving agency pursuant to the California Environmental Quality Act, as amended (Division 13, Public Resources Code), and shall be specifically found, on substantial evidence in the record as a whole, to be consistent with (1) the certified Mendocino Town Plan, (2) the certified Mendocino Town Zoning Code, (3) where the development is located between the first continuous public road and the sea, the public access and recreation standards of the California Coastal Act of 1976, as amended (Public Resources Code Sections 30210-30224), (4) the adopted Mendocino Headlands State Park Preservation and Recreation Plan with respect to all development in Mendocino Headlands State Park, and (5) the zoning constraints of contiguous and/or adjacent parcels (for instance, by agricultural uses pursuant to the certified Mendocino County Coastal Element). (b) Parking facilities and walkways shall, to the maximum extent feasible, be constructed with pervious or semi-pervious surfaces that meet applicable standards of the Americans with Disabilities Act, as amended. (c) Existing drain pipes that contribute to erosion of the coastal bluffs or sea cliffs shall be phased out as part of Mendocino

Headlands State Park storm water management. (d) Blufftop trails and paths shall be located to maintain public safety and protect coastal resources, while continuing to provide for public enjoyment of the spectacular coastal environment. (e) Principal permitted and permitted uses in the Open Space land use classification that are located within Historical Zone A and Historical Zone B shall also be subject to review and approval by the Mendocino Historical Review Board. (f) Whenever feasible, any new structure in any Open Space land use classification shall be (1) located outside the public view towards the sea from, and landward of, the first continuous public road or street that parallels the sea, and (2) subordinate to its setting.

5.2. Rural Residential – Map Code: RR-1, RR-2

Intent: The Rural Residential classification is intended to be a low density residential growth area.

Principal Permitted Use: Single family dwelling unit and associated utilities and appurtenances.

Permitted Uses: Accessory second residential dwelling unit not to exceed 900 square feet, and associated utilities and appurtenances; light agriculture; home occupation; community gardens; and in the RR-1 Land Use Classification only: Visitor Serving Facilities shown with an asterisk (*) or an asterisk-B (*B) on the Mendocino Town Land Use Map.

Conditional Uses: Cottage Industries; public utilities, where determined to be necessary on Rural Residential lands; Single Unit Rentals.

Parcel Sizes: RR-1: 40,000 sq. ft.; RR-2: 2 acres.

Density: One primary dwelling per legally created lot and one second residential dwelling unit on parcels larger than 40,000 square feet.

Height Limitation: New structures, except for chimneys, flagpoles and similar appurtenances, steeples, and water towers shall be limited to a maximum height of 28 feet above natural grade.

Parking Requirements: Two off-street parking spaces for the first residential unit, one and one-half off-street parking spaces required for each additional residential unit, and one off-street parking space for each visitor-serving facility lodging unit.

5.3. Suburban Residential – Map Code: SR - 20,000 square feet

Intent: This classification is intended to recognize the existing Point of View Estates Subdivision and the contiguous five lots that front on Lansing Street, north of Palette Drive.

Principal Permitted Use: One primary dwelling unit and associated utilities and appurtenances.

Permitted Uses: One primary dwelling unit per lot; accessory second residential dwelling unit not to exceed 900 square feet, with associated utilities and appurtenances; home occupations; community gardens.

Conditional Uses: Cottage Industries; underground utility installations; Single Unit Rentals (except as may be prohibited by recorded Point of View Estates Subdivision Covenants, Conditions & Restrictions); the Point of View Estates Mutual Water Company water well and facilities; electrical transmission and distribution lines; natural gas pipeline.

Minimum Parcel Size: 20,000 square feet.

Density: One primary dwelling unit and one second residential dwelling unit per 20,000 square feet.

Height Limitation: New structures, except for chimneys, flagpoles and similar appurtenances, steeples, and water towers, shall be limited to a maximum height of 28 feet above natural grade.

Parking Requirements: Two off-street parking spaces required for the primary residential unit and one and one-half off-street parking spaces are required for a second residential dwelling unit.

5.4. Residential Planned Unit Development - Map Code: RR-2:PD

Intent: Residential Planned Unit Development shall be a conditional use in the RR-2 (Rural Residential: 2 acres) Land Use Classification to allow residential development of more than one primary dwelling unit on an existing parcel with a specified site area per unit and review of the site plan for the parcel to ensure maximum preservation of open space and to reduce costs of development.

Permitted Uses: Light agriculture; open space; home occupations; community gardens.

Conditional Uses: Primary dwelling units, subject to the density applicable to the site, with units sited for maximum open space preservation; public and semi-public facilities; Single Unit Rentals; underground utilities; Cottage Industries.

Parcel Size: No specified minimum.

Height Limitation: New structures, except for chimneys, flagpoles and similar appurtenances, steeples, and water towers, shall be limited to a maximum height of 28 feet above natural grade.

Parking Requirements: Two off-street parking spaces shall be required for each residential unit; one parking space per employee and parking spaces equivalent to 10% of the capacity shall be required in public and semi-public facilities.

5.5. Town Residential - Map Code: R+

Intent: To (a) maintain the existing predominantly single family residential character of this historical land use classification, and (b) allow a second residential dwelling unit, not to exceed 900 square feet, on parcels of 9,000 square feet or more, and in keeping with an existing pattern of development.

Principal Permitted Uses: Primary single family dwelling unit and appurtenances.

Permitted Uses: Second residential dwelling unit, limited in size to 900 square feet; community gardens; home occupations; light agriculture.

Conditional Uses: Public and semi-public uses; Cottage Industries; Single Unit Rentals.

Development Requirements: Minimum new lot size of 12,000 square feet. One dwelling unit allowed per existing parcel under 9,000 square feet and two units on parcels of 9,000 square feet or larger. Lot coverage not to exceed 25 percent of the parcel area.

Height Limitation: New structures, except for chimneys, flagpoles and similar appurtenances, steeples, and water towers, shall be limited to a maximum height of 28 feet above natural grade.

Parking Requirements: Two off-street parking spaces for the first residential unit, and one and one-half off-street parking spaces required for each additional residential unit or second residential dwelling unit.

5.6. Multi-Family Residential - Map Code: RM

Intent: To provide areas for multifamily residential development with the density and the number of units per parcel limited to maintain the present scale of the Town.

Principal Permitted Use: Residential: Single family, two family, multifamily, and boarding house.

Permitted Uses: Multiple long term dwelling units; home occupations; light agriculture; community gardens; Visitor Serving Facilities shown with an asterisk (*) or an asterisk-B (*B) on the Mendocino Town Land Use Map; second residential dwelling units, limited in size to 900 square feet.

Conditional Uses: Public and semi-public uses; Cottage Industries; Single Unit Rentals.

Development Requirements: Minimum new lot size of 12,000 square feet. One primary dwelling unit and one second residential dwelling unit allowed on any new or existing parcel. Multiple family units allowed subject to minimum site area and limitations as follows: (a) Lots 12,000 square feet in size or less: 6,000 sq. ft. for first unit; and 3,000 sq. ft. for each additional unit. (b) Lots greater than 12,000 square feet in size: 6,000 sq. ft. for first unit; 3,000 sq. ft. each for units two through five; and 6,000 sq. ft. for each additional unit. Total lot coverage not to exceed 25 percent of the parcel area.

Height Limitation: New structures, except for chimneys, flagpoles and similar appurtenances, steeples, and water towers, shall be limited to a maximum height of 28 feet above natural grade.

Parking Requirements: One and one-half off-street parking spaces required for each residential unit.

5.7. Mixed Use - Map Code: MU

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

Principal Permitted Use: Residential: Single family, two family and multifamily dwelling units.

Permitted Uses: (a) Accessory second residential dwelling unit not to exceed 900 square feet, and appurtenances; home occupations; (b) Commercial: Limited to a maximum of 1,000 square feet of floor area per lot; Administrative and business offices, medical and personal services, specialty retail shops, ambulance services, fire and police services; (c) Visitor-Serving Facilities shown with an asterisk (*) or an asterisk-B (*B) on the Mendocino Town Land Use Map; (d) Community Gardens.

Conditional Uses: (a) Minor Use Permit (over 1,000 square feet of floor area per parcel, with environmental review and public hearing by the Coastal Zoning Administrator): (1) Offices, Personal Services, Specialty Shops; (2) Clinic services; (3) Libraries; (4) Cultural exhibits; (5) Lodge, fraternal and civic assembly; (6) Religious assembly; (7) Minor impact services and utilities; (8) Cottage Industries. (b) Major Use Permit (Public hearing by County Planning Commission): (1) Food and beverage retail sales; (2) Small schools; (3) Day care facilities; (4) Major impact services and utilities; (5) Financial institutions; (6) Single Unit Rentals; (7) Vacation Home Rentals.

Development Requirements: Minimum new parcel size of 12,000 square feet. Lot coverage not to exceed 25 percent of parcel area. Main or only building limited to 15 percent of parcel area. Maximum floor area not to exceed 0.5 square foot for each square foot of parcel area. In no case shall floor area under one continuous roof exceed 8,000 square feet. Fifty percent or more of new structural development floor area shall be built for and utilized as residential dwelling units. Multifamily dwelling units are allowed subject to limitations as follows: (a) Parcels 12,000 square feet in size or less: 6,000 sq. ft. for 1st unit; and 3,000 sq. ft. for each additional unit. (b) Parcels greater than 12,000 square feet in size: 6,000 sq. ft. for first unit; 3,000 sq. ft. each for units two through five; and 6,000 sq. ft. for each additional unit.

Height Limitation: New structures, except for chimneys, flagpoles and similar appurtenances, steeples and water towers, shall be limited to a maximum height of 28 feet above natural grade.

Parking Requirements: (a) Commercial Uses: One off-street parking space per 400 square feet of floor area or per visitor-serving facility lodging unit. (b) Residential: One and one-half off-street parking spaces per dwelling unit, including a second residential dwelling unit.

5.8. Commercial - Map Code: C

Intent: To provide an area within the Town suitable for commercial development that is compatible with existing commercial uses and the scale of the Town.

Principal Permitted Use: Commercial Uses: Administrative and business offices; specialty shops; personal services; retail stores (all of which shall be under 1,000 square feet of floor area per lot).

Permitted Uses: (a) Residential: Single-family, two-family and multifamily dwelling units, subject to density requirements; (b) Civic Use Types: Clinic services; libraries; cultural facilities; lodge, fraternal and civic assembly; religious assembly; minor impact utilities; community gardens; and (c) Visitor-Serving Facilities shown on a site with an asterisk (*) or an asterisk-B (*B) on the Mendocino Town Land Use Map.

Conditional Uses: (1) retail stores; (2) food and beverage preparation without on-site consumption; (3) consumer repair services (excluding automotive repair); (4) small schools and day care centers; (5) small business equipment sales and services; (6) Single Unit Rentals; (7) Vacation Home Rentals; (8) building maintenance services; (9) financial institutions; (10) construction sales and services; (11) service stations, automotive repair services; (12) eating and drinking establishments; (13) commercial recreation (indoor sports, entertainment and recreation); (14) education facilities; (15) major impact services and utilities; (16) agricultural sales and services; (17) communication services; (18) custom manufacturing; and (19) animal sales and services (small animals and household pets).

Development Requirements: Minimum new lot size of 12,000 square feet. For all development, lot coverage may not exceed 25 percent of the lot area. Maximum floor area not to exceed one-half square foot of floor area for each square foot of lot area. In no case shall floor area under one roof exceed 8,000 square feet.

Density Requirements: One dwelling unit allowed on any new or existing lot. Multiple family units allowed subject to minimum site area and limitations as follows: (a) Lots 12,000 square feet or less in size: 6,000 sq. ft. for first unit; and 3,000 sq. ft. for each additional unit. (b) Lots greater than 12,000 square feet in size: 6,000 sq. ft. for first unit; 3,000 sq. ft. each for units two through five; and 6,000 sq. ft. for each additional unit.

Limitations: New structures, except for chimneys, flagpoles and similar appurtenances, steeples, the iconic “Father Time-and-the-Maiden” redwood sculpture on the Masons Hall (Mendocino Savings Bank) building, and water towers, shall be limited to a maximum height of 28 feet above natural grade.

Parking Requirements: One off-street parking space shall be required for each 400 square feet of floor area devoted to commercial and civic uses; one and one-half off-street parking spaces shall be required for each family dwelling unit; and one off-street parking spaces shall be required for each visitor-serving facility lodging unit, Vacation Home Rental and each Single Unit Rental.

5.9. Public Facilities - Map Code: PF

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 which are used for, or are proposed to be used for, public agency or non-profit entity purposes, or for specified public utility purposes.

Principal Permitted Use: Native vegetation landscaping.

Permitted Uses: Temporary events; community gardens.

Conditional Uses: Public and semi-public facilities, including, but not limited to, schools, fire stations, churches, cemeteries, parks, public water systems, sewage collection and treatment facilities, educational art centers, community services district facilities, underground electrical transmission and distribution lines, natural gas pipelines.

Development Requirements: (a) Minimum new lot size of 12,000 square feet. (b) For all development other than the State Highway, lot coverage may not exceed 25 percent of the lot area. (c) Maximum floor area shall not exceed one square foot of floor area for each square foot of lot area. In no case shall the floor area of a structure under one roof exceed 8,000 square feet. (d) Reconstruction, replacement, or new construction of the Highway 1 Big River Bridge, including any bridge access components, in the Town shall (1) maintain the general alignment and elevation of the existing bridge, (2) include safe pedestrian and bicycle ways that connect the Town to the south, (3) protect scenic public views to and along the sea, the Mendocino Estuary, and the Town, and (4) maintain maximum feasible utilization of the existing bridge during its reconstruction or replacement.

Height Limitations: New structures, except for chimneys, flagpoles and similar appurtenances, steeples, and water towers, shall be limited to a maximum height of 28 feet above natural grade.

Parking Requirements: One (1) off-street parking space for each employee, plus additional off-street parking spaces for the following uses:

- (a) Schools: One (1) space for each five (5) students;
- (b) Public and Religious Assembly: One (1) space for each five (5) seats;
- (c) All others: One (1) space for each four hundred (400) square feet of gross floor area.

5.10. Development Limitations - Map Code: DL

Intent: This special combining district is intended to be used only in conjunction with another land use classification on lots or portions of lots that according to available data have substantial constraints that may prevent or severely limit development, including slopes over 30 percent, erosion, or landsliding. In each case, on-site inspection and tests will be necessary to determine whether a feasible building site exists.

Principal Permitted Use: As permitted in the underlying base classification combined with the DL designation, provided a building site exists that is capable of safely accommodating the development without significant adverse effects on the environment.

Conditional Uses: As allowed in the combining classification, provided a feasible building site exists without significant adverse effects on the environment.

Parcel Size: As required by the classification combined with the DL designation. No new parcels lying entirely within a DL classification shall be created inconsistent with the policies of Section 4 of the certified Mendocino Town Plan.

SECTION 6. TOWN PLAN IMPLEMENTATION

The following sub-sections summarize Mendocino Town Plan implementation provisions. The Mendocino Historical Preservation District (a registered national landmark), Mendocino Headlands State Park, and California State Highway 1 (including the Big River Bridge within the Town boundaries) constitute uses of more than local importance within the Town of Mendocino, as that term is defined in Title 14, California Code of Regulations, Section 13513. The Coastal Commission has not advised the County of Mendocino of any other uses of greater than local significance that the Mendocino Town LCP should consider.

6.1 Capital Improvement Program: Capital improvement projects recommended in the Mendocino Town Plan to be performed by the County of Mendocino shall be implemented as they are approved by the County Board of Supervisors, at its sole discretion, and as funding may become available.

6.2 Zoning: The Mendocino Town Zoning Code (“MTZC”, Division III – Title 20) is the principal Mendocino Town Plan implementation tool. The MTZC sets out definitions of use types, lists the zoning districts that implement the land use designations within the Mendocino Town Plan, establishes development regulations for each of the zoning districts, incorporates the County’s pre-Coastal Act historical preservation ordinance (MTZC Chapter 20.760) that establishes the Mendocino Historical Review Board, along with its duties and responsibilities, and prescribes administrative procedures for public notice, public hearing, review, local appeals, and action by the County on applications for development, or as applicable, the Mendocino Historical Review Board on applications for work within Historical Districts A and B, in the Town. The zoning code also includes the administrative procedures provided in Public Resources Code Section 30603 for an appeal by an (“aggrieved person”) or any two Coastal Commissioners from an action of the County to the Coastal Commission.

6.3 Mendocino Historical Review Board: The Mendocino Historical Review Board serves as an additional core Mendocino Town Plan implementation entity. The Mendocino Historical Review Board’s function is to review applications for “work” pursuant to Mendocino Town Zoning Code Sections 20.760.030 and 20.760.035. The Mendocino Historical Review Board consists of five members who shall be residents of the Historical Districts, and who are intended to represent a cross section of the community.

6.4 Historic Review Board Design Guidelines: The *Mendocino Historic Review Board Design Guidelines* (reproduced in Appendix 7) serve to implement Mendocino Town Zoning Code Chapter 20.760, and also to provide guidance to development applicants on the desired character within the Historical District. The design guidelines set out a range of design choices that will encourage development throughout the Town that is compatible with the Town’s existing and desired character, and will discourage the introduction of incompatible elements of design or building style. Amendments to the design guidelines, which are an incorporated part of the Mendocino Town Local Coastal Program, shall require an amendment to the certified Mendocino Town Local Coastal Program .

6.5 Coastal Development Permit Exclusions and Exemptions: Public Resources Code Section 30610, as amended, and Title 14, California Code of Regulations Sections 13250, 13252, and 13253 provide for both statutory exemptions and categorical exclusions from the general requirement that

development, as defined, that is undertaken in the coastal zone after January 1, 1977, requires a coastal development permit.

Generally, on September 5, 1978, the Coastal Commission issued an exclusion guideline for “Repair, Maintenance, and Utility Hook-Up Exclusions from (Coastal Development) Permit Requirements” pursuant to Public Resources Code Section 30610(d) and (f) that identifies categories (types) of development activities related to repair, maintenance, and utility connections that do not require a coastal development permit, unless otherwise specified. Appendix 9 reproduces this exclusion guideline. Other coastal development permit requirements have been set forth by the Coastal Commission at Title 14, California Code of Regulations Section 13250 (improvements to existing single-family residences), Sections 13200-13208 (vested development rights), and Sections 13240-13249 (categorical exclusions).

Specifically with regard to the Town, on November 14, 1996, the Coastal Commission issued Categorical Exclusion Order Number E-96-1, pursuant to Public Resources Code Section 30610(e), to exempt certain categories of development within specified geographic areas of the Town from the requirements of coastal development permits. The granting of the Categorical Exclusion Order is based on the finding that “there is no potential for any significant adverse effect, either individually or cumulatively, on coastal resources or on public access to, or along the coast.” The map in Figure 4.13-8 illustrates the geographic extent of the area in which specified development is categorically excluded from the coastal development permit requirement exclusion. Appendix 4 of the Town Plan contains the Coastal Act and Categorical Exclusion Order provisions.

Requests for any exemption or categorical exclusion from the coastal development permit requirement must be made in writing by any person who undertakes any development, as defined, to the Director of Planning and Building Services, or his/her designee, prior to the commencement of any work that constitutes development, as defined in Section 2.25. The Director’s determination that a development is exempt or categorically excluded from the coastal development permit requirement must be made in writing, and a copy of it must be transmitted on the day of its issuance to the California Coastal Commission, North Coast District. Although both Coastal Act exemptions and categorical exclusions from the coastal development permit requirement apply for specified development within specified areas of the Town of Mendocino, as set forth in MTZC Chapter 20.720, exempt and categorically excluded development and other work to be carried out in Historical Zones A and B remain subject to Mendocino Historical Review Board regulation and any other necessary local approvals such as, but not limited to, issuance of a building permit and groundwater extraction permit.

6.6 Code Enforcement: The Department of Planning and Building Services for the County of Mendocino shall enforce the provisions of Chapter 4.13, and any mandatory policies and mandatory actions provided therein, consistent with the certified Mendocino Town Local Coastal Program and the Mendocino Town Zoning Code Chapter 20.736 *Enforcement*. Consistent enforcement of the certified Mendocino Town LCP shall achieve its continued effective implementation in a manner that conforms to the Coastal Act.

6.7 Visitor Serving Facility Lodging Unit Allocation: (a) Following certification of the Mendocino Town Local Coastal Program by the Coastal Commission, unallocated Visitor-Serving Facility (“VSF”) lodging units in the Town below the numerical VSF cap of 237 lodging units shall be allocated by the procedure set forth in Mendocino Town Zoning Code Section 20.684.030(H).

Seven (7) VSF lodging units shall be reserved for the Nicholson House Inn, located at 44861 Ukiah Street consistent with the provisions of Zoning Ordinance Section 20.684.030. VSF lodging units to be allocated shall include (1) any unallocated VSF lodging units, and (2) any previously allocated VSF lodging unit that becomes abandoned, fails to timely obtain any required coastal development permit or other necessary approvals, or when any such permit or approval for the unit expires or is revoked. (b) The Planning and Building Services Department shall establish, and provide general public notice of, a procedure pursuant to which it shall, from time to time, inform the public of (1) the availability of any other unallocated VSF lodging units within the numerical VSF cap of 237 lodging units, (2) accept and process applications for their allocation pursuant to the certified Mendocino Town Local Coastal Program, and (3) identify conditions of permit approval, including, but not limited to, commencement of operations of approved VSF lodging units.

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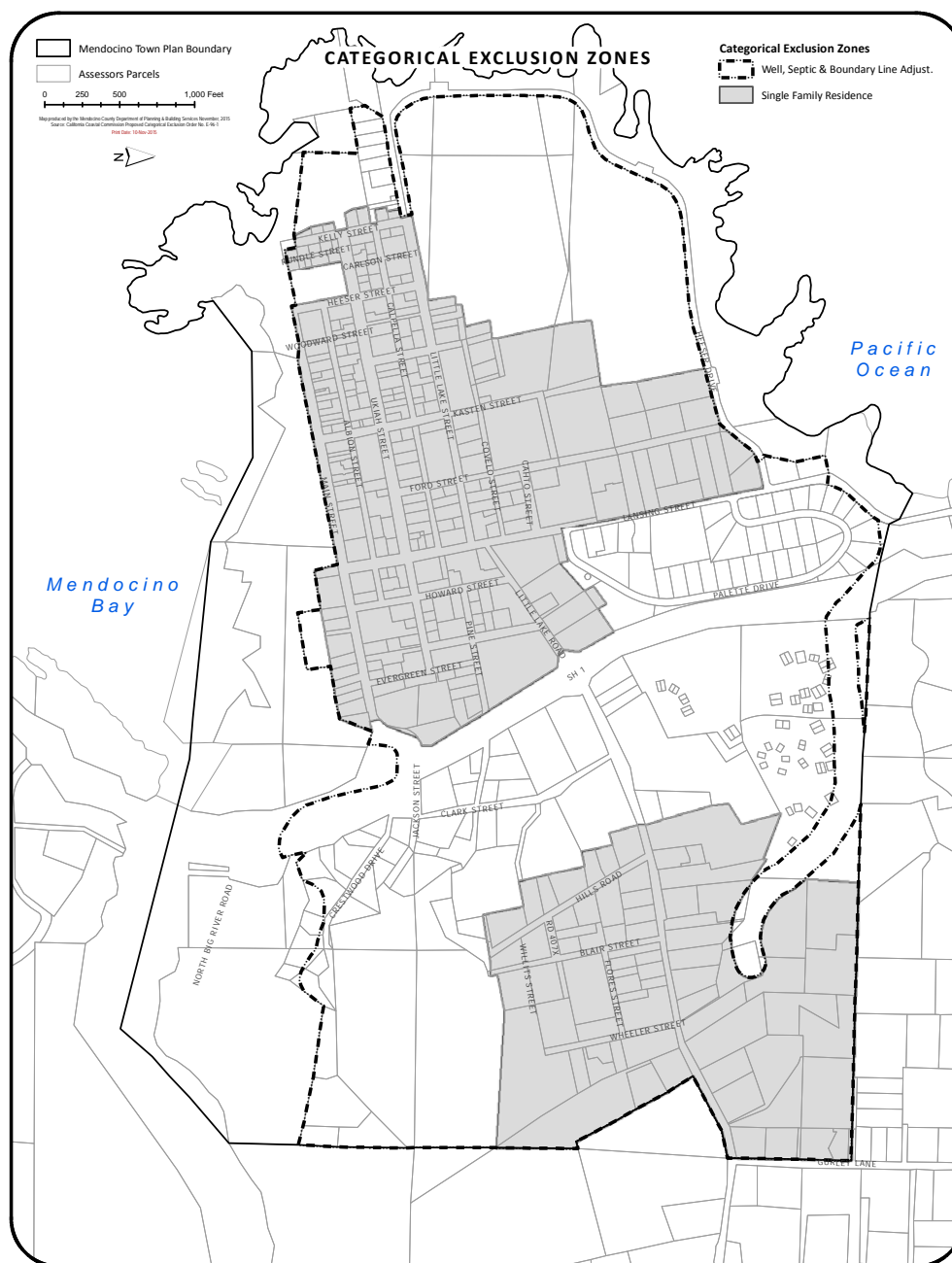


Figure 4.13-8. Categorical Exclusion E-96-1 Zones Within the Town of Mendocino.

This map illustrates the Categorical Exclusion Order E-96-1 Map approved by the California Coastal Commission for specified development that is excluded in mapped geographic areas from the coastal development permit requirement of the California Coastal Act of 1976, as amended (Division 20, Public Resources Code), dated January 14, 1997. A copy of the conformed original Categorical Exclusion Order E-96-1 Map is on file with the County of Mendocino Department of Planning and Building, Fort Bragg Office, 120 West Fir Street, Fort Bragg, California 95437, where it may be consulted during regular business hours.