SECTI0N 1. INTRODUCTION

1.1 Mendocino: A Special Coastal Community: The unincorporated Town of Mendocino, overlooking the Pacific Ocean on the Mendocino County coast some 150 road miles north of San Francisco, is a special historical residential community and popular coastal visitor destination.

As the County Board of Supervisors 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 Historical Preservation District ordinance designates the portion of the Town that is located on the Mendocino Headlands peninsula, generally west of Highway 1, as Historical Zone A. Within Historical Zone A, the Mendocino and Headlands Historic District, located south of Little Lake Street, is listed on the National Register of Historic Places (Number 71000165). The seaward sloping area landward (east) of Highway 1, which can be seen from Historical Zone A, constitutes Historical Zone B. Figure 1.1. depicts the location of the two Historical Zones.

The entire Town is also located within the California coastal zone, in which the State goals, policies, and procedures of the California Coastal Act of 1976, as amended (Division 20, Public Resources Code), apply in addition to other local, state, and federal laws. Among the other conservation and development laws that apply to the Town are the California Planning and Zoning Laws (Division 1, Government Code), the adopted County General Plan and
Zoning Code as specifically referenced in the certified Mendocino Town Local Coastal Program, the statutes that govern the California Department of Parks and Recreation with regard to the expansive Mendocino Headlands State Park (Public Resources Code Section 5001 et seq.), the State Coastal Conservancy Act, as amended (Division 21, Public Resources Code), and the Americans with Disabilities Act, as amended (“ADA”, 42 U.S.C. 12101 et seq.). The California 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.

Successful conservation and preservation since before the 1972 California Coastal Zone Conservation Act (“Proposition 20”) has protected numerous landmark buildings, historic buildings, and other historic structures in the Town, and resulted in the public acquisition of the highly scenic public open space of Mendocino Headlands State Park. As a result of expansion (2002) along both sides of tidal Big River, the State Park encompasses 98% of the Town’s rugged coastal bluffs, thirteen pocket ocean beaches, and Big River Flats beach and coastal strand community, and extends over 8 miles up river through the outer California Coastal Ranges. The photograph on the cover of the Mendocino Town LCP illustrates the well-known view of the Town from the south near Highway 1; the oblique aerial photographs in Figure 1.2 show the Town from the north, west, and south.

Certification and implementation of the geographically segmented Mendocino Town Local Coastal Program by the California Coastal Commission (Land Use Plan, 1992, and Zoning/Implementation, 1996) has established a careful balance of residential, commercial, and open space uses that have served to protect, maintain, and restore the natural and historically developed communities of the Town, while providing extensive public access and recreational opportunities consistent with coastal resource conservation and the rights of property owners.

The 2015 update to the Mendocino Town Local Coastal Program (LCP) recognizes the substantial local, regional, national, and coastal program accomplishments that characterize the Town and provides for their continuance, consistent with the California Coastal Act and other laws, during the 10-year planning horizon of the LCP.
The following sub-sections describe the purpose, organization, planning process, and applicable Coastal Act goals, policies, and regulations for the updated Mendocino Town Plan.

Section 2 contains definitions of the key 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, and the current issues that have informed the 2011-2015 update of the Mendocino Town Plan.

Section 4 contains the Mendocino Town Plan mandatory (required) conservation and development policies, mandatory (required) actions that implement them, and additional advisory (directory)
INSERT FIGURE 1 CURRENT PHOTOGRAPHS OF THE TOWN FROM THE NORTH, WEST, AND SOUTH
actions that, taken together, implement the goals and requirements of the local, state, and federal laws that regulate development and actions relating to the Town’s historical preservation within the Town boundaries. Figure 4.13-_, the Mendocino Town Land Use Map, depicts those boundaries, as well as the boundaries of the Town’s Land Use Districts, Assessor’s Parcels, streets, roads, and State Highway 1 rights-of-way. Figure 4.13-7 illustrates the map adopted by the Coastal Commission in 1996 that depicts areas within the Town where specified development, as defined, is categorically excluded from the coastal development permit requirement of the Coastal Act; this map should be read together with the highly specific provisions of Categorical Exclusion E-96-1, which is reproduced in Appendix 4 along with the Coastal Act provisions for specified exemption of development from the coastal development permit requirement. Figure 4.13-_, a part of the Coastal Act-required public access component of Mendocino Town Plan (Public Resources Code Section 30500(a)), identifies existing (2015) public access ways in the Town.

Section 5 enumerates the Mendocino Town Land Use Classifications, with a level of specificity that reflects the Coastal Act requirement for it.

Section 6 provides a description of the primary implementation components of the Mendocino Town Local Coastal Program. The certified conformed Mendocino Town Zoning Code (Title 20, Division III, Mendocino County Code) and its companion Mendocino Town Zoning Map carry out the provisions of the certified Mendocino Town Plan. The Mendocino Town Zoning Code may be accessed through the Internet at: https://www.municode.com/library/ca/mendocino_county/codes/code_of_ordinances?nodeId=MECOCO_TIT20ZOOR_DIVIIIIMETOZOCO

Other Figures in the Mendocino Town Plan illustrate the history of, and conditions in, the Town. Appendices 1- contain data and other information that the Mendocino Town Plan includes by reference.

1.2 Purpose of Town Plan: The update of the Mendocino Town LCP (1) brings it into conformity with the Coastal Act and other applicable laws; (2) addresses current conditions in the Town, including, but not limited to, planning for public agency facilities that serve important public health and safety, as well as public recreational, functions in the Town; and (3) clarifies, simplifies, and effectuates regulatory policies, actions, and implementation procedures pursuant to direction by the County Board of Supervisors, applicable Coastal
Commission and judicial decisions, and comments by the public and public agencies, including Coastal Commission staff. In that context, the updated Mendocino Town Plan recognizes and protects the special historical character of the Town and provides for its continuing preservation.

1.3 Organization of the Town Plan: As required by the Coastal Act, the Mendocino Town Plan provides a high level of specificity for the allowed kinds, locations, and intensities of land use within the Town of Mendocino. The updated Town Plan identifies planning issues specific to the Town, describes the various land use and coastal resource components within the Plan area, establishes mandatory policies and actions that address the planning issues and provide for balance that protects significant coastal resources, and provides for implementation of these policies and actions. The updated Mendocino Town Zoning Code conforms to, and implements, the updated Mendocino Town Plan.

The Coastal Commission first certified the Coastal Element of the County’s General Plan in the 1980’s, to establish land use designations and policy direction within the entire coastal zone in the County. In 1990, the Coastal Commission at the County’s request geographically segmented the Town, described by specific landward and seaward boundaries, from the other parts of the County in the coastal zone for Coastal Act purposes.

The Town, as geographically segmented, is bounded by the northerly property line of the Hills Ranch Planned Unit Development, on the south by the shoreline (Mean High Tide Line) along the waters of Big River and Mendocino Bay (the “Mendocino Estuary”), and on the west by the shoreline (Mean High Tide Line) 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 (parcels) fronting on the west side of Gurley Lane), 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 as of the date of Coastal Commission geographic segmentation (1990).

1.4 Coastal Act Goals and Standards for Local Coastal Programs: The Coastal Act mandates the County to (a) prepare a Local Coastal Program (“LCP”) for the Town that conforms to, and is adequate to carry out, the Coastal Act at the local level, (b) process the Mendocino Town LCP through certification by the Coastal Commission, (c) implement the
LCP through specific development permit controls, public notifications, public hearings, findings of fact and law to support proportionate and related administrative decisions, and (d) prepare and process Mendocino Town LCP amendments to address current conditions and changed requirements since certification of the original Town LCP, and thereby keep the Mendocino Town LCP current.

To those ends, the Coastal Act requires five components: (1) the Mendocino Town Plan, (2) the Mendocino Town Land Use Map, (3) the Mendocino Town Zoning Ordinance, (4) the Mendocino Town Zoning Map, and (5) a specific Public Access Component (Public Resources Code Sections 30108.5 and 30500(a)). The Mendocino Town Plan must be sufficiently detailed to implement the Coastal Act’s 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.

(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.)

As further discussed in the LCP-Coastal Act Consistency Analysis that accompanies transmittal of the 2015 update of the Mendocino Town Local Coastal Program to the Coastal Commission for its certification review, the conformed mandatory policies, mandatory actions, and advisory actions of the Mendocino Town Plan (including the specific public access component), the land use district designations of the Mendocino Town Land Use Map, the substantive and procedural requirements of the Mendocino Town Zoning Code, and the zoning district designations of the Mendocino Town Zoning Map specifically
carry out the applicable standards of Coastal Act Chapter 3 within the Town to the extent
necessary to meet the specified goals of Public Resources Code Section 30001.5.

In that context, the updated Mendocino Town Local Coastal Program also incorporates
relevant Coastal Act and other definitions; provides for Coastal Act balance that is most
protective of significant coastal resources, including the preservation of the historic Town
(Public Resources Code Sections 30007.5 and 30200(b)); assures orderly coastal resource
conservation, utilization, and sustainability, in concert with social and economic needs of the
Town and the State; maximizes public coastal access and recreational opportunities at
Mendocino Headlands State Park and other suitable public spaces, including, but not limited
to, State Highway 1, and County roads and streets within the Town; prioritizes land uses
within the Town consistent with its historical preservation, balanced uses, and coastal
resource constraints and conservation; addresses current sea level rise scenarios and adaptive
risk management strategies under local geomorphological and coastal-oceanographic
conditions; and implements and supports integrated planning, conservation, and feasible
development, including, but not limited to, stormwater management, water conservation,
aquifer recharge, reuse of reclaimed water, continued Mendocino Headlands State Park
pedestrian accessibility without payment of a fee; and for other mutually beneficial uses.

1.5 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) adoption of the
Historical Preservation District 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, preparation, and certification of the initial County LCP,
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).

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 listed above to the
Board of Supervisors, which did not implement them. Following additional years of Town discussion about various community issues and the need to update the Mendocino Town Plan, a programmed Town Plan update process was initiated by the County in 2011. The current update 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 to the Mendocino Town Plan.


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 1.6, Community Issues.

1.6 Current Community Issues: The Mendocino Town Plan update 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 Town Plan Update 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 the following issues have overlapped the subjects discussed in the 1992 Town Plan.
• Special community character preservation
• 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 stormwater management
• Groundwater resources management

The Mendocino Town Plan policies and actions set forth in Section 4 address these issues, clarify that the Board of Supervisors in 1987 adopted the Mendocino Historic Review Board Design Guidelines and directed their transmittal to Coastal Commission for certification review.

In addition, the LCP-Coastal Act Consistency Analysis that accompanies the updated Town LCP Amendment to the Coastal Commission for its certification review contains responses to public and public agency comments that have been received during preparation of the Town LCP update.

Chapter 4.13 -- Mendocino Town Plan
SECTION 2. DEFINITIONS

These definitions govern the interpretation and implementation of the Mendocino Town Plan, unless the context otherwise requires. The Mendocino Town Zoning Code contains parallel definitions that may provide greater specificity for purposes of Zoning Code implementation.

1. **Aggrieved Person:** Any person who, in person or through a representative, appeared at a public hearing held by the County of Mendocino in accordance with the requirements of the Mendocino Town Local Coastal Program to establish standing, or who, by other appropriate means prior to action on a development permit or variance, informed the County of his or her concerns about the application for such permit, and who objects to the action taken on such permit and wishes to make an administrative appeal within the County or to the Coastal Commission, or litigate a County decision pursuant to the Mendocino Town Local Coastal Program that has become final.

2. **Amendment:** (a) – Local Coastal Program: Any change, modification, deletion, or addition to any wording, text, table, illustration, or figure of the 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 zone, 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. (b) – Permit: Any request to change an approved or issued coastal development permit that constitutes a change in the approved development, or any condition of development approval.

3. **Applicant:** A person, partnership, organization, corporation, or federal, state or local government agency that has submitted an application (a) to the Planning and Building Services Department of the County of Mendocino for a coastal development permit or other land use permit, federal consistency certification or determination, or building permit, or (b) to the Mendocino Historical Review Board for review and approval of other authorizations or entitlements pursuant to the Mendocino Historical Preservation District Ordinance.
4. **Approving Authority:** The Planning and Building Services Department, Coastal Permit Administrator, Mendocino Historical Review Board, Planning Commission, or Board of Supervisors authorized by the Mendocino Town Local Coastal Program to make decisions affecting the administration or enforcement of Chapter 4.13 of the County of Mendocino Coastal Element of the General Plan and the Mendocino Town Zoning Ordinance.

5. **Beach.** In the Town of Mendocino, the sandy or rocky area bounded by the shoreline (Mean High Tide Line) on the seaward side and on the inland side along a distinct linear feature, including but not limited to (a) the base of a coastal bluff or sea cliff, (b) the inland extent of the furthest landward beach berm where there is no coastal bluff or sea cliff, or (c) the furthest landward point separating the dynamic portion of the beach from the inland area as distinguished by vegetation, debris, or other geological or historical evidence where there is no beach berm.

6. **Bed and Breakfast Accommodations:** Any building or portion thereof, or group of buildings containing at least two but no more than four (4) 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 (2) in which breakfast, snacks, other light meals, and beverages may be provided.

7. **Building:** A structure with a roof, which is (a) constructed in a permanent position on the ground, and (b) is designed and intended to be used for the shelter or enclosure of persons, animals, or property; exclusive of any type of recreational vehicle, boat, or tent.

8. **Building Height (Structure Height):** The vertical dimension of the roofline, parapet, or uppermost edge or plane of a building above natural grade.

9. **Coastal Bluff:** (a) (1) Those bluffs, the toes of which are now or were historically (generally within the last 200 years) subject to marine erosion; and (2) those bluffs, the toes of which are not now or were not historically subject to marine erosion, but the toes of which lie 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 seacliff. (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 steplike 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 bluff 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.


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

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

13. Coastal Development Permit: A permit for any development, as defined in Mendocino Town Plan Section 2.19, within the coastal zone that is required pursuant to Public Resources Code Section 30600(a) and Mendocino Town Zoning Code Chapter 20.720. The entire Town of Mendocino, as shown on Town Plan Figure 4.13- , is located within the coastal zone.
14. Coastal Permit Administrator: The Planning and Building Services Director or designated representative who shall have the authority to administer the coastal development permit process and to render decisions on variances, minor use permits and administrative permits as provided in the Mendocino Town Zoning Code.

15. Community Garden: An area of land managed and operated by one or more persons to sustainably grow and harvest food or non-food crops, including, but not limited to, flowers, for personal or group 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.

16. Conditional Use: A use which may be allowed on a conditional and discretionary basis, subject to (1) securing a conditional use permit pursuant to the procedures and requirements of Mendocino Town Zoning Code Chapter 20.720, and (2) appeal by an aggrieved person, as defined, of any action by the County on the application for a coastal development permit for such conditional use.

17. 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 actions, developments, or future projects.

18. Density: (a) The number of dwelling units per acre or square foot, calculated as the total number of dwelling units divided by the total lot area. (b) The number of guest rooms or suites allocated to Visitor Serving Facilities mapped as asterisk (*) or as asterisk-B (*B) on the Town Land Use and Zoning Maps.

19. 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, as defined in Mendocino Town Plan Section 2.70, 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 Section 4511).

20. Dwelling Unit: A single unit containing complete, independent living facilities for a person, persons, or a family, including through permanent provisions for living, sleeping, eating, cooking and sanitation, provided that each dwelling unit shall have only one kitchen.

21. 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.

22. 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.

23. 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 may be periodically increased to above that of the open ocean due to evaporation.
24. **Feasible:** Capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.

25. **First Public Road (or Street) that Parallels the Sea:** The road nearest to the sea that (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 or streets 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. 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.

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

27. **Formula Lodging:** A motel, hotel, inn, or other lodging facility, regardless of location or ownership, that along with 10 or more other establishments regardless of location or ownership, maintains two or more of the following standardized features: business name, décor, color scheme, façade, architecture, uniforms, advertising, or similar other standardized features.

29. **Formula Retail:** Formula Retail shall mean a retail sales or rental activity or retail sales or rental establishment, regardless of location or ownership, that along with 10 or more other establishments, maintains two or more of the following standardized features: business
name, décor, color scheme, façade, architecture, uniforms, advertising, or similar other standardized features.

30. Grading: Any excavation or filling, or combination thereof that involves more than twenty-five (25) cubic yards of earthen material on land or in water within the Town of Mendocino.

31. 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.

32. Hotel: Any building or portion thereof, or group of buildings, containing five or more 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 for separate compensation or as part of a room or suite package.

33. Inn: Any building or portion thereof, or group of buildings, containing five or more 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 for separate compensation or as part of a room or suite package.

34. Impervious Surface: An artificial surface covering or pavement that prevents absorption and infiltration of rainfall or storm water runoff. Impervious surfaces include, but are not limited to, roofed structures, walkways, patios, decks, driveways, parking lots, paved storage areas, impervious concrete and asphalt surfaces, and any other continuous watertight pavement or covering. Landscaped soil and pervious or semi-pervious pavement, including pavers with pervious openings and seams, underlain with pervious soil or pervious storage material, such as a gravel layer sufficient to absorb and retain rainfall or runoff during the [\_] County design storm event, do not constitute not impervious surfaces.
35. **Lateral Public Access Way:** A public access way, path, trail, street, road, easement, or other public right-of-way which extends along or generally parallel to the shoreline of the Town of Mendocino.

36. **Light Agriculture:**

   (a) Small-scale hatching, raising, butchering, or marketing of chickens (exclusive of roosters), turkeys, other fowl, or poultry, and eggs, rabbits, fish, frogs, mink, chinchilla, or other similar small farm animals, not to exceed a maximum total of ten (10) mature animals per forty thousand (40,000) of minimum parcel area. Coops or pens shall be located only on the rear one-third (1/3) of the lot and shall be located no closer than five (5) feet from the side or rear property line.

   (b) Grazing of cattle, horses, sheep, goats, hogs, or other farm stock or animals, including the supplementary feeding thereof, not to exceed one (1) such animal per forty thousand (40,000) square feet of parcel area and not to exceed more than four (4) weeks during any six (6) month period. shall be kept or maintained. The total number of all such species shall not exceed four (4) per 40,000 square feet. 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 operation is conducted on fields for the purpose of cleaning up unharvested crops, and where such grazing operation is not conducted for more than four (4) weeks in any six (6) month period.

   (c) On parcels larger than forty thousand (40,000) square feet, allowed keeping of small and large animals shall be cumulative (e.g., eighty thousand (80,000): two (2) large animals and 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 grown, raised, or produced on the premises.

   (f) 4-H, FFA or similar projects, with the exception of roosters, shall be permitted in all zoning districts.

37. **Local Coastal Program:** Pursuant to Public Resources Code Section 30108.6, the County’s (a) land use plan, (b) zoning code, (c) zoning district map, and (d) 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. The land use plan is required to contain a land use map.
38. **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 easements or right-of-way.

39. **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, and terracing, and rainwater, groundwater, or potable water storage tanks.

40. **Low Impact Development**: A sustainable development practice that benefits water supply and contributes to water quality protection, by using site design and storm water management to feasibly maintain, or reduce, storm water runoff rates and volumes during and after \( \) County design rain storm events from new development with an area greater than 2,500 square feet, through (a) retention of collected storm water on the development parcel, (b) cooperative multi-person or -agency storm water recovery and beneficial reuse measures within the Town, or (c) a combination thereof, with filtration or other treatment to meet applicable water quality standards.

41. **Major Energy Facility**: An energy facility that costs more than one hundred thousand dollars ($100,000.00), based in an automatic annual increase in accordance with the Engineering News Record Construction Cost Index since 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 30625.

42. **Major Public Works Facility**: A public works facility that (a) costs more than one hundred thousand dollars ($100,000.00), based in an automatic annual increase in accordance with the Engineering News Record Construction Cost Index since 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 30625, and (b) pursuant to Title 14, California Code of Regulations Section 13012(b) constitutes 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.

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

44. **Major Vegetation Removal:** (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 circumference at four and one-half feet (54 inches) above natural grade of thirty-eight (38) inches or more; 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 area located directly beneath the tree canopy; or

(c) The determination of the Planning and Building Services Director that proposed major vegetation removal may result in a significant impact, where 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; (b) 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; (c) the vegetation removal is located in or within three hundred (300) feet of an environmentally sensitive habitat area, stream, wetland, coastal bluff, or beach; (d) the vegetation removal may result in significant exposure of adjacent trees or other major vegetation to wind damage; (e) the vegetation removal may result in significant degradation of the public view shed from a public road, street, park, or open space area; or, (f) 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, have public visual significance, historical significance, are exemplary of their species, or are ecologically significant.

(d) Provided that (a) harvesting of lawful agricultural products from lots on which light agriculture or community gardens are allowed by the Mendocino Town Local Coastal Program, or (b) 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, shall not constitute removal of major vegetation in the Town of Mendocino.

45. 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 Survey. 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.

46. Mendocino Town Local Coastal Program: The (a) Mendocino Town Land Use Plan [“Mendocino Town Plan”], (b) Mendocino Town Land Use Map, (c) Mendocino Town Zoning Code, (c) Mendocino Town Zoning Map, and (d) other implementing actions of the County of Mendocino that, when taken together, and certified by the Coastal Commission meet the requirements of, and implement the provisions and policies of, the Coastal Act within the Town of Mendocino.

47. Mendocino Town Plan: The relevant portions of the County of Mendocino General Plan, or “Coastal Element”, that are sufficiently detailed to indicate the kinds, locations, and intensities of land uses, the applicable resource protection and development policies required by the Coastal Act, and, where necessary, a listing of implementing actions.

48. Mendocino Town Zoning Code: The compendium of 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.

49. Minor Use Permit: A use permit under the original jurisdiction of the Coastal Permit Administrator.

50. Natural Grade: The surface of the ground prior to grading for development.
51. **Non-conforming Lot:** A lot which has been lawfully separated from adjoining property by map or a metes and bounds description as on a deed 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.

52. **Nonconforming Structure:** A building, structure or facility, or portion thereof, which was lawfully erected or altered or maintained, but which, because it 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 zone (zoning district) in which it is located.

53. **Nonconforming Use:** The use of a building, structure, or site, or portion thereof which was lawfully established and maintained, but which, because it 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 zone (zoning district) in which it is located.

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

55. **Person:** Any individual, firm, copartnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, receiver, syndicate, this and any other county, city and county, city, municipality, district or other political subdivision, or any other group or combination acting as a unit.

56. **Principal Permitted Use(s):** The primary use types designated in the Mendocino Town Plan and the Mendocino Town Zoning Code for each land use classification.

57. **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 that are exempt from development review pursuant to the Coastal Act.
(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.

58. **Residential Use:** Occupation of a structure by the owner(s) as his/her/their principal place of residence; or, occupied by long-term tenant(s) as his/her/their principal place of residence for an extended term longer than thirty (30) days.

59. **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.

60. **Second Dwelling Unit:** A detached dwelling unit which 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.

61. **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, fraternal organizations, granges, lodges, religious organizations, schools, social clubs, and theaters.

62. **Sensitive Coastal Resource Area:** Pursuant to Public Resources Code Section 30116, those identifiable and geographically bounded land and water areas within the coastal zone of vital interest and sensitivity that are defined to include the following, but require designation pursuant to Public Resources Code Section 30502 and 30502.5:

   (a) Special marine and land habitat areas, wetlands, lagoons, and estuaries as mapped and designated in Part 4 of the California Coastal Plan of 1975;
(b) Areas possessing significant recreational value;

(c) Highly scenic areas;

(d) Archaeological sites referenced in the California Coastline and Recreation Plan or as designated by the State Historic Preservation Officer;

(e) Special communities or neighborhoods which are significant visitor destination areas;

(f) Areas that provide existing coastal housing or recreational opportunities for low- and moderate income persons; and,

(g) Areas where divisions of land could substantially impair or restrict coastal access.

63. Significant Effect 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.

64. Single Unit Rental (Table 4.13-2): 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.

65. Shoreline: The Ordinary High Water Mark. (See, Mean High Tide Line.)

66. 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.
67. **State Coastal Conservancy:** The California Coastal Conservancy, established by Division 21, Public Resources Code, as amended.

68. **Standardized Feature:** A feature that is substantially the same as another feature, but need not be identical to it.

69. **Stream:** Any water course in the Town of Mendocino, other than a channelized stream that has no significant habitat value, mapped by the United States Geological Survey as a blue-line stream on the most recent Mendocino, California 7.5-minute topographical quadrangle.

70. **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.

71. **Structure Height:** See “Building height”, Section 20.8.

72. **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 on June 13, 1990, which consist of (a) the boundary of the County of Mendocino along the shoreline of the sea (Government Code Section 23123), and (b) the terrestrial boundary of the Mendocino City Community Services District as of that date. The Mendocino Town Land Use Map on Mendocino Town Plan Figure 4.13 illustrates these boundaries.

73. **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 potential adverse effects on surroundings, which are not permitted by right but 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.

74. Vacation Home Rental: A dwelling unit that is the only use on the property, which may be rented short term 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. Vacation Home Rentals within the Town of Mendocino shall be considered Visitor Serving Facilities.

75. Vertical Public Access: A public access way, path, trail, street, road, easement, or other public right-of-way which extends from the first public road or street in the Town of Mendocino to (1) the shoreline, (2) a bluff edge for public viewing or other use, or (3) to a lateral access way.

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

77. Wetland: (a) Lands within the coastal zone which may be covered periodically or permanently with shallow water and include saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats, and fens, and as further defined below:

(b) Wetland constitute land where the water table is at, near, or above the land surface long enough to promote the formation of hydric soils, to support the growth of hydrophytes during the annual growing season, and shall also include those types of 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.

(c) 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.

(d) 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.


SECTION 3. 1992 TOWN PLAN SETTING, DESCRIPTION, AND BACKGROUND FOR THE 2015 TOWN PLAN UPDATE

3.1. Introduction. In the middle of the second decade of the 21st Century, some of the persistent issues framed by the Coastal Act and the 1992 Mendocino Town Plan continue to exercise the Town's body politic, while other issues of sustainability, basic services, equal and effective governance, and equitable land uses have joined this experiment in local self-governance within the bounds of State priorities and balance. The 2015 Update to the Mendocino Town Plan necessarily reflects the issues and sensibilities of both the framers of the 1992 Town Plan and their successors. Much of the text in the following sub-sections carries forward from the certified 1992 Mendocino Town Plan, emended only where necessary for adjustments to verb tense, corrections of inadvertent errors or omissions, or reference to post-1992 considerations.

3.2. Town of Mendocino: The 1992 Plan Perspectives. The North Coast Pomo Indians lived along the Mendocino Coast for thousands of years prior to European settlement in 1850. The Town of Mendocino, founded in 1851, was the first lumber town on California's north coast. The New England roots 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 the most photographed and most visited coastal destination 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" as described in Section 30253(c) 30253(5) of the Coastal Act, and is recognized as a special community with an existing balance of residential, commercial, and visitor serving facilities that is to be generally maintained.

Mendocino residents have been working on a plan since 1973. The terms of the federal grant that built the sewage treatment system require a plan.

A significant portion of the Town Plan area is preserved as Mendocino Headlands State Park, established in 1974 and consisting of 347 acres that borders bordering the Town on three sides, and offering day hiking, whale watching, and scenic vistas. The State's willingness to acquire the headlands was dependent on the County assuming responsibility to establish Mendocino as an "Historic District."

The Historical Preservation District for [the] Town of Mendocino, first incorporated by ordinance in the Mendocino County Zoning Code Ordinance in 1973, established the Mendocino Historical Review Board (MHRB) that must approve development 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. Together the two areas The portion of Historical Zone A south of Little Lake Street constitute constitute a 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. There are only two such districts in the State of California.

Responding to the need for a plan, and because a 1" = 600' scale plan 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 will followed assumed continuation of Mendocino's unincorporated status, but would have been equally applicable if incorporation should have been approved.
3.3. Planning Process

Mendocino Town Plan Section 1 summarizes the lengthy consideration given to the 2015 Town Plan Update, but Mendocino residents have been working on a Town plan since 1973. The terms of the federal grant that built the sewage treatment system required one. Rarely does a community invest as many hours in a plan as have the residents of Mendocino, first over the almost twenty year period preceding Coastal Commission certification of the 1992 Mendocino Town Plan, and later in post-certification workshops and hearings before the Planning Commission and Board of Supervisors leading up to the 2015 Mendocino Town Plan Update.

Differences of opinion have emerged on most points and were addressed by the Mendocino members of the South Central Citizen Advisory Committee, convening as the Big River CAC, have held and holding many meetings working toward resolving them. Before the plan was drawn, two questionnaires were circulated to as many town residents as could be reached in an effort to determine community values.

Responses to the Mendocino Land Trust questionnaire 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.

3.3.1. Issues: Issues:

a. Specificity of Plan
Because Mendocino's character results from diversity, it is difficult to establish a single "right" set of development standards for each 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 adopted and Coastal Commission-certified Mendocino Town Plan needs to be followed by an adopted and Coastal Commission-certified Mendocino Town Zoning Code that delegates broad discretionary power over site planning and design to an advisory body, presumably the Historical Review Board. Each proposal that meets the broad standards of the plan should be considered on its merit in relation to the surrounding area. The advantages of this approach are greater flexibility and possibly a more spontaneous community design quality. Its price would be uncertainty for both the developer and the community.

b. Growth

There appears to be general agreement that growth in the town must be limited, but disagreement as to how tight limits should be. Although additional residential development would help retain the sense of a residential community in the face of a feared rising tide of visitors, additional residents will 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 called for "encouraging more resident oriented businesses," many of the "residents" who shop in Mendocino live between Caspar and Albion. This area contains about 4,200 people now and potentially 6,400 under the development intensities designated by the 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 entail less choice for residents, higher prices, and more travel to Fort Bragg. 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 and ultimate number of housing units or amount of commercial floor space and to enforce 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.

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. 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. The resulting reduction in total visitor days spent in the town will more than offset the slight 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 will 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. Section 3007.5 of the Coastal Act applies—the conflict between maximum accessibility and preservation of the town must "be resolved in a manner which on balance is the most protective of coastal resources."

The certified 1992 Mendocino Town Plan and the 2015 Mendocino Town Plan Update plan attempts to achieve compromise between "no-growth" and "free-market" partisans. New restrictions on development will make developed property more valuable and will 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 is limited by planning constraints such as availability of ground water, parking capacity, and historic preservation and the Coastal Act mandate to preserve the "special community."
The issues surrounding Visitor Serving Accommodation are complex, and without simple resolve. A number of long term residential units have been converted to short term accommodation in the recent past, and the trend is to continue down.

The intent of certified Mendocino Town Plan and the Mendocino Town Plan Update plan is 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; thus, changes are added to relevant policy sections within this Plan.

3.3.2. Design Character

a. Amount of Development: Some residents believe that virtually all vacant land in the Historic District should remain unbuilt, while others hold that well-designed new buildings at some locations will not harm, and will perhaps improve, the Town.

b. 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. Additionally, it is found that the preservation of the architecture and the community character is essential in maintaining the Town as a special community within the context of the Coastal Act and which contributes to the economy of the Town and the County.

c. 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.

d. Intensity of Development: There is no one intensity that is typical. 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 on larger lots with wide yards.
e. Views of the Town: Public acquisition of the headlands effectively conserves the view of the Historical District (Zone A) from Highway 1. Though each large tree and water tower is important, the main visual concern of the 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. The asphalt expanse of the highway is the only significant element of 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. Existing The certified Mendocino Town Local Coastal Program removed commercial zoning along the east highway frontage which would have, if unchanged, drawn development seeking attention, increasing the number of trips crossing the highway.

f. Views From the Town: 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 Commission policy has been to protect views from public rights of way but to avoid restricting 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.

g. Water Supply; Sewage Disposal: In 1983, the Mendocino City Community Services District sewage treatment plant operated at two-thirds capacity, partially because most residents use their limited private water supply sparingly. Lack of a community water system limits development to the satisfaction of some and the frustration of others. Many wells were dry during the 1977 drought and some run low nearly every summer. Although Residents have endured inconvenience and are concerned that new development could deplete their water supply, extensive conservation measures and heightened awareness and avoidance of wasteful practices have led to reductions in per capita consumption over the past thirty years, according to the Mendocino City Community Services District that monitors groundwater withdrawals and provides groundwater management and water reclamation services. No information is available which would allow determination of the population that can be supported by individual wells. Although authorization for the Community
Services District to provide water was denied by the voters a few years ago, the 1979 Land Trust survey found that 56 percent of survey respondents favor a community water system.

A community water system could affect the visual character of the Historical Zone because of future development. Lots smaller than 12,000 square feet could be created if permitted by zoning regulations; water towers would be decorative only; and less open space would be necessary. Vegetable gardens might become more popular; so might lawns.

h. Affordable Housing: Affordable housing is scarce within the Mendocino Town Plan area. The Mendocino Art Center provides a limited number of affordable on-site Student/Instructor housing units that are also available for long-term housing of artists-in-residence, but leave many of their program participants to find housing off-site. New affordable units will not be provided unless specifically addressed as a housing program within the scope of the Housing Element of the General Plan or accomplished through considerations of Mixed Use, RR-2 or R+ designations. Preservation of existing affordable units may be another effective measure available to protect affordable units. Allowing non-transient lodging houses and second units in predominantly single family areas and requiring construction of housing as a condition of development of commercial space would be additional ways of increasing the supply of relatively low-priced rentals.

Chapter 4.13 -- Mendocino Town Plan (Cont’d) MENDOCINO TOWN PLAN DESCRIPTION

3.4. Mendocino Town Description

3.4.1. RESIDENTIAL Residential

The certified Mendocino Town Land Use Plan reduces the 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 Historic 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 zones east of Highway 1 would also allow second family residential homes on parcels larger than 40,000 square feet or larger.

North of Saint Anthony's Church along the west side of Lansing Street the plan shows 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 Hill House property which is RM. East of Highway 1 the plan recognizes the Hills Ranch Planned Unit Development approved with 54 units on 40.6 acres and designates the remaining area east of Highway 1 as two acre minimum sites. Two large parcels totaling approximately 41 acres at the southeast boundary of the district are shown as planned unit development to ensure the preservation of the wooded hillside viewed from the south side of Big River and by north bound traffic on Highway 1.

3.4.2. COMMERCIAL

The Town Plan prescribes general commercial uses for the majority of Main Street frontage; Albion Street from Howard to Kasten Street and three parcels west of Kasten Street; additional commercial use is allowed on the south side of Ukiah Street, three parcels west of Kasten Street; the remaining core commercial runs north from Main Street up both sides of Lansing Street as mapped. 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 Mendosa's food market (now Harvest Market at Mendosa’s).

3.4.3. MIXED-USE

Most of the area east and west of the Lansing Street frontage is designated mixed use. Arts and crafts studios and professional offices dot the area now. 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.

3.4.5. **PUBLIC FACILITIES** Public Facilities

The certified Mendocino Town Plan plan notes existing public and semi-public facilities, such as schools, churches, cemeteries, community buildings, and utilities, and assumes that all will remain. The Mendocino Town Plan Update reclassifies property located west of Highway 1 that is now owned by MCCSD and property located east of Highway 1 that is now owned by the Mendocino Fire Protection District as “Public Facilities,” in keeping with their public agency ownership. Reuse of the “Public Facilities”-classified Middle School site (44800 Pine Street) carries more potential for changing the character of Historic Zone A than does the use of any other parcel. Another public use would be desirable. At the time of the Mendocino Town Plan Update, the Middle School site is leased to a non-profit entity as a community facility.

3.4.6. **OPEN SPACE** Open Space

Acquisition of Mendocino Headlands State Park in 1974 preserved the town's setting. 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 District. Heider Field, a parcel of approximately one acre in the center of town has been acquired by State Parks and Recreation to remain as community open space.

Mendocino's present charm is in part 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 Scenic 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 scenic open space easement between Palette Drive and Highway 1 as a place holder for local agency acquisition, which has now occurred through condemnation 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, part of which
has also been acquired by a local agency for public health and safety purposes. Similar offers should be required when development is approved on other large parcels within the Mendocino Town Plan area.

b. **Site Planning.** Special site planning standards to be written as part of the implementation phase 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.** It is resident desire that the present Middle School (44800 Pine Street) be acquired by a private nonprofit or public agency for community use. (See Policy ______ 4.13.24)

### 3.4.7. AFFORDABLE HOUSING

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

- Allowing a second dwelling unit in predominantly single family areas by use of the Town Residential (R+) and Rural Residential (RR-2) land use classifications.
- Requiring allowance for dwelling units in the Mixed Use (MU) areas land use classification.
- Allow 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 (Policy 4.13.20).
- Allowing for student/instructor intermittent temporary and long-term housing in the Mendocino Art Center (Table 4.13-1).

### 3.4.8. VISITOR SERVING FACILITIES

Visitor serving facilities, as defined in Mendocino Town Plan Section 2.76, have historically consisted of hotels, inns, and bed and breakfast accommodations. No motels or hostels
operate in the Town. The Mendocino Headlands State Park General Plan, adopted by the California State Parks 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.

(NOTE: 1992 certified Mendocino Town Plan definitions relating to Visitor Serving Facilities have been moved to Section 2 of the 2015 Mendocino Town Plan Update.)

3.4.9. CIRCULATION AND PARKING

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 have accepted the plan but did not yet funded implementation. The seven member Mendocino Citizens Advisory Committee appointed by the County Board of Supervisors to review the Mendocino Town Plan (Summer, 1989) have proposed a new Phase I implementation plan to meet most immediate needs in the town. The Citizens Advisory Committee has also proposed regulations for requiring off street parking and in lieu fees where such off street parking is not physically feasible. Such fees are intended to be placed in an encumbered account to be used solely in the town of Mendocino for street and parking improvements.

Although not incorporated into the 1992 certified Mendocino Town Plan, the recommendations of the parking consultants and the Mendocino Citizens Advisory Committee are reflected in the 2015 Mendocino Town Local Coastal Program Update.

3.4.10. DESIGN GUIDELINES Design Guidelines

Guidelines are included in the list of policies and are implicit in the land use classifications.

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, 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 the Appendix 2.
Chapter 4.13 — Mendocino Town Plan

COASTAL ELEMENT POLICIES: MENDOCINO

SECTION 4. TOWN PLAN POLICIES

GROWTH MANAGEMENT

4.1. Generally. This Section sets forth the 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 applicable local, state, and federal laws as referenced herein. The “Mendocino Town Plan” includes the Town of Mendocino Local Coastal Program Land Use Plan (“Mendocino Town Plan”) and Land Use Map (“Mendocino Town Land Use Map”), as 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 mandatory policy or action; the words “may” and “should” indicate an advisory (directory) action or goal.

4.1.2. All development, as defined in Mendocino Town Plan Section 2.19, 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 or street and the sea shall, pursuant to Public Resources Code Section 30604(c), also comply with the Coastal Act public access and recreation policies.

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** 4.13.1 The Town of Mendocino is designated a special community and a significant coastal resource as defined in Coastal Act Section 30254 under the meaning of Public Resources Code Section 30253(c). New All development shall protect this special community which, because of its unique characteristics, is a popular visitor destination point for recreational uses and a recognized coastal resource of local, regional, state, and national significance.

**Action GM-1:** The Town is not a designated Sensitive Coastal Resource Area.

**GM-2** Mendocino is designated as also an historical residential coastal community, with limited commercial services that are important to the daily life of the Mendocino Coast.

(a) The controlling goal of the Mendocino Town Plan shall be the preservation of the Town’s character. This special character is a composite of historical value, natural setting, attractive-community appearance, open space, and an unusual blend of cultural, educational and commercial facilities.
(b) The preservation of the Town’s character shall be achieved, while allowing for orderly growth. This shall be done by careful delineation of land uses, provision of community services, and review and phasing of development proposals.

(c) Balance shall be sought between residential units, visitor accommodations, and commercial uses. Provision of open space and siting of structures to retain public views of the sea shall be considered as part of all new development proposals. The objective shall be a Town Plan which retains as much as possible the present physical and social attributes of the Mendocino Community.

(1) “Balance” among residential uses, commercial uses and visitor serving uses shall be maintained by continuing to (a) regulate additional commercial uses through development limitations cited in the Mixed Use and Commercial Land Use Classifications, and (b), by limiting the number of visitor serving accommodations to avoid over-commercialization of the Town, (c) encourage a variety of types and price ranges for visitor accommodations, and (d) encourage 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 combined total of 267 Visitor Serving Units, Vacation Home Rentals, and Single Unit Rentals listed on Table 4.13-1 allowed in the 1992 certified Mendocino Town Plan (excluding the 13 Art Center units that are now classified as residential) shall remain fixed, and the ratio of thirteen long term dwelling units to one Vacation Home Rental or one Single Unit Rental (Tables 4.13-2 and 4.13-3) established in the 1992 certified Mendocino Town Plan shall remain fixed, until the plan is further reviewed and a plan amendment is approved and certified by the California Coastal Commission. The 16-unit reduction in Vacation Home Rentals and Single Unit Rentals shall be available for reallocation to the visitor serving facilities at the locations marked with an asterisk (*) or asterisk-B (*B) on the Mendocino Town Land Use Map. For example, an increase in long term residential dwelling units
from the current count of 306 to 319, would allow an increase of one short term rental, whether Single Unit Rental or Vacation Home Rental.

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

(c) Locations of Single Unit Rentals and Vacation Home Rentals are not fixed. Within the land classifications where they are permitted, Tables 4.13-2 (Single Unit Rentals) and 4.13-3 (Vacation Home Rentals) shall be flexible as to location and such changes of location within a district where the specific use is allowed 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 Mendocino Historical Preservation Ordinance (Town Zoning Code Chapter 20.760), the Mendocino Historic Review Board Design Guidelines, the conservation and development standards of the certified Town Local Coastal Program, and other applicable state and federal laws.

Action GM-2.2. 4.13-3 To preserve Town character, commercial development shall be limited as set forth in the Mendocino Town Plan, and as mapped and shown on the Mendocino Town

INSERT FIGURE 4.13-3, THE UPDATED MENDOCINO TOWN LAND USE MAP.
Plan Land Use Map. though at some point the amount of commercial space will be less than the market could support.

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

GM-3  4.13-4 Visitor Serving Accommodations: These policies are intended to preserve town character and Visitor Serving Facilities shall be limited and regulated consistent with the provisions set forth below. All development of Visitor Serving Facilities shall be designed in scale, architecture and materials to maintain existing character of the town consistent with the special community designation.

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

(b) 4.13-4[2] To maintain the Town’s historic scale and character, no new or expanded visitor accommodations (overnight lodging units) Inn, Hotel or Motel operated as one business entity shall exceed 25 overnight units (guest rooms or suites).

(c) The reallocated total number of 237 authorized visitor accommodations (overnight lodging units) on sites with Visitor Serving Units Facilities on Table 4.13-1 (234) designated on the Mendocino Town Land Use Map with an asterisk (*) or asterisk-B (*B) (234 VSR units - 13 reclassified Art Center residential units + 16 reallocated units from former SUR and VHR allotments) shall remain fixed. Provided, that any increase above that total number of units shall require an amendment to the certified Mendocino Town
Plan before the County may accept an application for development of any additional visitor accommodation unit or units above that fixed number.

(d) (1) The total number of Vacation Home Rentals (VHR) shall not exceed ten (10) establishments within the Mendocino Town boundaries. The 13 units by which the Vacation Home Rentals are reduced shall be reallocated for distribution among existing Visitor Serving facilities identified with an asterisk (*) or asterisk-B (*B) on the certified Mendocino Town Land Use Map.

(2) No new Vacation Home Rental establishments shall be permitted in any residential zoning district.

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

(e) The total number of Single Unit Rentals (SUR) shall not exceed twenty (20) units within the Mendocino Town boundaries. Single Unit Rentals are allowed in residential districts, as well as commercial and mixed used districts. Any existing permitted or legal-nonconforming Single Unit Rentals in excess of the limit of twenty (20) establishments, shall be phased out as business licenses are abandoned or expire. The three units by which the Single Unit Rentals are reduced shall be reallocated for distribution among existing Visitor Serving facilities identified with an asterisk (*) or asterisk-B (*B) on the certified Mendocino Town Land Use Map.

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

The designation of new visitor serving facilities not listed on Table 4.13-1 shall require a General Plan Amendment. Existing visitor serving facilities listed on Table 4.13-1 that propose to expand beyond the maximum number of units listed on Table 4.13-1 shall require a General Plan Amendment.
The total number of units allowable (234) on Table 4.13-1 shall remain fixed until the plan is further reviewed and a plan amendment is approved and certified by the California Coastal Commission.

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

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

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

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

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

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

To preserve town character and maintain the town as a residential community with limited commercial services, the County shall maintain, at all times, for new Vacation Home Rentals or Single Unit Rentals approved subsequent to certification of this amendment, a ratio of thirteen long term residential dwelling units to either one Single Unit Rental or Vacation Home Rental, but shall not require any reduction in the number of Vacation Home Rentals or Single Unit Rentals in existence on the date of certification by the Coastal Commission of this amendment.
Single Unit Rentals (Table 4.13-2) shall be exempted from the above limitations in the Commercial Zone.

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

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

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

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

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

[9] Student/Instructor, temporary and intermittent, housing facilities provided by the Mendocino Art Center on site are recognized in Table 4.13-1. This use shall require a County Business License and adequate record keeping to ensure payment of bed tax on monies grossed from transient occupancy (less than 30 days stay, per occupant).

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 Town LCP Update, to determine the effect of its implementation on preservation of Town character as a special...
community and the conformity of that implementation 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 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 2.78, shall comply 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 Mendocino Historical Preservation District Ordinance (Mendocino Town Zoning Ordinance Sections 20.760.030, 20.760.035, and 20.760.045), that is located in Historical Zone A or Historical Zone B as shown on Figure 4.13-4, shall require Mendocino Historical Review Board review and approval to ensure that such work or activity is designed in scale, architecture, and materials to preserve the Town character, consistent with its special community designation, except as exempted pursuant to 20.760.040.

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; and,

(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.

(g) Require a coastal development permit and building permit for any excavation, placement, or fill of any earthen material, or any combination of earthen materials, that in total is 50 cubic yards or greater in volume.

(h) Any excavation, placement, fill, of any earthen material, or any combination of earthen materials in the Town that involves a total of 25 cubic yards or greater in volume on one lot (parcel) between October 15 and April 15 shall be permitted only pursuant to issuance of a coastal development permit.

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

**GM-11** Where existing or planned public works facilities can accommodate only a limited amount of new development, (a) the services provided by such facilities shall preserve the balance between residential and visitor uses within the Town, and (b) consistent with Public Resources Code Section 30254, services to coastal dependent land uses, essential public services, basic industries vital to the economic health of the Town, region, state, or nation, public recreation, commercial recreation, historic preservation within the area listed on the
National Register for Historic Preservation as National Register Historic District Number 71000165, and (6) visitor serving land uses shall not be precluded by other development.

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

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

(b) Existing visitor accommodation units that (1) were listed in the 2012 unit count on Mendocino Town Plan Appendix 1, and (2) are located on sites with visitor serving facilities designated on the Mendocino Town Land Use Map by an asterisk (*) or asterisk-B (*B), but that were not included in the 1992 count, shall be authorized pursuant to the procedure established in Mendocino Town Plan Section 6.7 and Mendocino Town Zoning Code Section 20.684.030.H.

(c) Provided that issuance of a building permit or minor coastal development permit, as applicable, for authorization pursuant to Policy GM-13(b) shall require (1) written verification by the Mendocino City Community Services District and the Department of Environmental Health that the building in which any such unit is located is served by an adequate water supply to support all existing units and the additional unit or units, and (2) determination by the County that the building, including the additional unit or units, meets all applicable parking, structural, and other requirements of the most recently adopted County Building Code.

**GM-14** All new overnight visitor accommodation development that is proposed to be located on one or more parcels not specifically designated for such use on the certified Mendocino Town Plan Land Use Map with an asterisk or asterisk-B, shall only be allowed in the Commercial and Mixed Use Districts, consistent with the requirements of those land uses and pursuant to an amendment to the certified Mendocino Town Local Coastal
Program (Town Plan, Town Land Use Map, Mendocino Town Zoning Ordinance, and Town Zoning Map, as applicable).

Action GM-14.1. (a) Approval of any new Vacation Home Rentals and Single Unit Rentals shall be pursuant to the PBS zoning permit procedure set forth in Mendocino Town Zoning Code Chapter 20.748, subject to Chapter 520 (Uniform Transient Occupancy Tax) and Chapter 6.04 (Business License Tax) of the Mendocino County Code. No such approvals shall be granted above the limit of ten for Vacation Home Rentals and twenty Single Unit Rentals.

(b) PBS approvals of Single Unit Rentals may run with the land, subject to applicable permit requirements, non-conforming use standards, and compliance with Chapter 520 (Uniform Transient Occupancy Tax) and Chapter 6.04 (Business License Tax) of the Mendocino County Code, but are not otherwise transferable to another location.

(c) PBS approvals of Vacation Home Rentals shall not be transferable to another location or person, except that the property owner of a permitted Vacation Home Rental may assign the entitlement to his/her spouse/domestic partner, child, or parent in accordance with Mendocino Town Code Section 20.748.020(E), and compliance with Chapter 520 (Uniform Transient Occupancy Tax) and Chapter 6.04 (Business License Tax) of the Mendocino County Code.

(d) The term of any approved Single Unit Rental or Vacation Home Rental minor use permit issued by PBS shall be limited to two (2) years from the date of approval, and can subsequently be renewed in additional four (4) year increments, prior to which renewal date the holder shall receive notice of the expiration date and the renewal fee that is due. Applications for renewed Single Unit Family Rentals or Vacation Home Rentals shall require evidence that the owner (1) has an unexpired business license for such Rentals, (2) has made monthly payments of transient occupancy tax (“TOT”) to the County to demonstrate that the unit is being actively used, and (3) is in compliance with all conditions of permit approval for the Single Unit Rental. The required business license must be renewed annually, pursuant to Mendocino County Code Chapter 6.04.

GM-15 The 1992 Mendocino Town Plan recognized 234 Hotel, Inn, Motel, Bed and Breakfast, and Art Center Student/Instructor Housing visitor serving units (guest rooms or suites) (Appendix 1, Visitor Serving Facility Parcels and Unit Count, Column 1), 23 Single Unit Rentals, and 23 Vacation Home Rentals, for a total of 280 assorted unit types.
(a) The updated 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 accommodations that are mapped as asterisks (*) or as asterisk-B (*B) on the Mendocino Town Land Use and Zoning Maps.

(b) The updated Mendocino Town Plan (1) reclassifies the existing thirteen (13) Art Center Student/Instructor Housing units as “Affordable Housing,” and (2) reallocates the six additional units included in the 1992 count as allowed, but never constructed, to existing visitor accommodations mapped as asterisk (*) or as asterisk-B (*B) on the Town Land Use and Zoning Maps.

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

(d) Unallocated Visitor Serving Facility units pursuant to Policies GM-15(a) and GM-15(b) shall be made available by the Planning and Building Services Department for prioritized application, permitting, and use, by other existing Visitor Serving Facilities on sites designated with an asterisk (*) or asterisk-B (*B) that can accommodate them consistent with the conservation and development standards of the Mendocino Town LCP, pursuant to the Visitor Serving Facility Unit Allocation Procedure in Mendocino Town Plan Section 6.7 and certified 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, and (b) all existing legal uses within the Town at the time of Coastal Commission certification of the Mendocino Town Local Coastal Program on November 14, 1996 shall be deemed consistent with the Mendocino Town Plan.

GM-17 Implementation of the Town Plan shall provide for a scale and combination of commercial development that are consistent with the Town’s historical architectural character, complement existing uses, and can be supported by public services or by private services where no public services are provided.
GM-18 The following types of business establishments or activities, as defined in Town Plan Sections 2.11, 2.12, and 2.13, are prohibited within the Town of Mendocino:

(a) Formula Restaurants.

(b) Formula Lodging.

(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-thru 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 All structures in the Town shall be limited to a maximum height of 28 feet above natural grade, provided that (a) steeples, water towers, flagpoles, other appurtenances, the Highway 1 Big River Bridge, and the “Father Time and the Maiden” sculpture on the Mendocino Savings Bank Building (former Masons Hall) on Lansing Street may exceed that height, (b) all utilities shall be located underground or, in the case of telecommunications antennas, be co-located within existing structures, and (c) new development within Open Space Land Use Districts and Open Space Zoning Districts seaward of the first continuous public road or street shall be limited to a height of 18 feet to protect public scenic views.

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 and hostel facilities as proposed in the adopted Mendocino Headlands State Park General Plan, consistent with the certified 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, adjoining private property owners, and other interested persons, strive to restore, enhance, and protect the combined historic community character, public access functionality, and storm water management functions of the Main Street Corridor and adjacent Mendocino Headlands State Park. These efforts can serve to further the conservation and development standards of the Mendocino Town Local Coastal Program, provide for sustainable recreational opportunities, protect the public safety, and safeguard natural, historical, and community resource areas against overuse.

Action GM-22.2: The County of Mendocino supports the long-planned update of the Mendocino Headlands State Park General Plan by the California Department of Parks and Recreation to (a) conserve and, where feasible, restore and enhance the spectacular natural resources, passive day use, and specified active use of the Town’s ocean, bay, and river shoreline, headlands, and beaches, (b) provide for a sustainable coastal trail system within the State Park that connects it to the California Coastal Trail to the north and south, consistent with public safety, coastal resource protection, and the protection of cultural sites, (c) cooperatively locate nearby hostel and campground facilities as proposed in the adopted State Park General Plan, and (d) continue to provide free pedestrian day use of the paths, trails, and beaches in the State Park, and free pedestrian and vehicular use of Heeser Drive within the State Park.

Action GM-22.3: The Mendocino Town Land Use Plan Public Access Component Map (Figure 4.13-6) depicts currently existing paths, trails, and other upland public recreational support facilities in Mendocino Headlands State Park within the Town. Relocation, replacement, or new construction of a path, trail, or other upland public recreational support facility located within fifty (50) feet of the nearest existing path, trail, or other upland facility, to conform to the conservation, development, and public access requirements of the Mendocino Town Local Coastal Program, shall be deemed to be in-place relocation, replacement, or new construction. Location of a path, trail, or other upland support facility at a distance greater than fifty (50) feet from the existing path, trail or other upland support facility shall require an amendment to the Mendocino Town Local Coastal Program. Steps, stairs, or other constructed facilities on a coastal bluff shall be deemed to be upland public recreational support facilities.
Action GM-22.4. In the event that the California Department of Parks and Recreation submits a new or an update of the Mendocino Headlands State Park General Plan to the Coastal Commission as a public works plan pursuant to Public Resources Code Section 30505, the County requests the Department of Parks and Recreation and the Coastal Commission to engage in full consultation to assure that the public works plan is in conformity with the certified Mendocino Town Local Coastal Program.

Action GM-22.5. High priority consideration shall be given by the County to cooperative public-private initiatives to implement coordinated funding support for operation, restoration/enhancement, and maintenance of Mendocino Headlands State Park, including, but not limited to, sustainable public, designated Mendocino Headlands State Park Pass, and expanded voluntary Mendocino Town guest funding techniques.

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

(b) Visitor serving facilities, located on lots (parcels) in private ownership within the Town that are designated on Mendocino Town Land Use Map 4.13-3 with an asterisk (*) or an asterisk-B (*B), shall constitute a principal permitted use in the respective Town land use districts, Mendocino Visitor Serving Facility Combining District, and Mendocino Town Zoning Districts.
GM-25. (a) Development that requires a location on, or adjacent to, the shoreline of the Town to be able to function at all shall have priority over other development on or near the shoreline.

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

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

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

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

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

(c) [C] A nonconforming use may be continued and structures used therefore 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.______.

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

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

GM-27 NONCONFORMING LOTS: All legally created lots shall be deemed potential building sites, subject to the same controls as lots 12,000 square feet or larger.
GM-28 4.13-6 All persons operating Visitor Serving Facilities, Vacation Home Rentals, Single Unit Rentals, or Student/Instructor temporary housing 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-29 4.13-7 Residential dwelling units in the Town shall not be converted to any nonresidential use except in the Commercial "C" zone, or as provided pursuant to Section 6.7 for by the permitted ratio referenced in Policy 4.13-4(5).

GM-30 Consistent with Public Resources Code Section 30200(b), the policies and mandatory actions of the Town Plan specifically resolve policy conflicts between provisions of the Coastal Act through Town Plan implementation. In the event of any remaining policy conflicts, the Town Plan shall be implemented, consistent with Public Resources Code Section 30007.5, to resolve them in a manner which on balance is the most protective of significant coastal resources.

GM-31 Consistent with Coastal Act Chapter 3, Article 7, any pipeline transportation of hydrocarbons shall be (a) consistent with all conservation, development, public access, and recreation standards of the Town Local Coastal Program, (b) limited to an underground location in the Highway 1 public facility right-of-way, and (c) shall require an application for a coastal development conditional use permit.

GM-32 Approval of any division of land within the urban boundary of the Town, as shown on the Town Land Use Map, shall require proof that the Mendocino City Community Services District (a) has issued a water well permit, or will issue a water well permit as a condition precedent to issuance of the coastal development permit for the land division, for each newly created lot or parcel, (b) has, or will as a condition precedent to issuance of the coastal development permit for the land division, provide wastewater service for each newly created lot or parcel, (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 or parcel, 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 or parcel, will be consistent with all applicable conservation and development standards of the Mendocino Town Local Coastal Program.
COASTAL ELEMENT POLICIES: MENDOCINO TOWN DESIGN GUIDELINES

4.3. Mendocino Town Design Guideline Policies

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

Action DG-1.1: 4.13-8 The Historical Preservation District for Town of Mendocino Zoning Ordinance, as amended, is shall be a part of the implementing ordinances of the Mendocino Town Plan Local Coastal Program (Mendocino Town Zoning Code Chapter 20.760), that govern within Historical Zones A and B, as shown in Figure 4.13-4.

Action DG-1.2: The and the Mendocino Historical Review Board shall continue to exercise its duties those charges as specified by the Historical Preservation District Ordinance, within Historical Zones A and B, as shown in Figure 4.13-4 ordinance.

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

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

INSERT FIGURE 4.13-4. HISTORIC ZONE “A” AND HISTORIC ZONE “B” MAP
(c) The Mendocino Historical Preservation Design Guidelines shall be consistent with the Historical Preservation District For [the] Town of Mendocino Ordinance and the Mendocino Town Local Coastal Program.

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

Action DG-1.4: New buildings, and rehabilitations, redevelopment, and renovations to of existing structures in the Mendocino and Headlands Historical Preservation District and throughout the Town shall (a) will be consistent with the historical community character of the Town, and (b) town and they shall not degrade the setting of buildings of landmark stature (as described in Town Plan Appendix 2, the Inventory of Historic Building, Appendix, Historic Structures).

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

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

Action DG-2.2: 4.13-11 Review of applications for all new development applications shall include the protection consideration of requiring dedicated scenic easements to protect views from Highway 1, as well as public views to the sea and landmark structures, as described in the Inventory of Historic Structures (Appendix 2), and of scenic public resources as seen from the public streets and open space areas of the Town and from along Highway 1.
Action DG-2.3: New development shall (a) protect the unique characteristics of the Town, which make it a popular visitor destination point for cultural and recreational uses, and (b) conform to any specifically designated public scenic and public view areas as adopted in the Mendocino Town Plan or on the Mendocino Town Plan land use map. Provisions of open space and location of structures to retain public views shall be considered as part of all new development proposals that have a potentially significant adverse effect on such public views.

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

DG-3 4.13-13 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 have potentially significant adverse effects on protected public views.

DG-4 Permitted development shall maximize use of predominantly native and drought-tolerant landscaping, to reflect the relatively unstructured landscape character and rural setting of the Town.

Action DG-4.1: The Mendocino Historical Review Board should incorporate landscape guidelines that address native plant materials, hardscape design, and irrigation limited to collected stormwater runoff or reclaimed water in the Historic Review Board Design Guidelines.
DG-5  Exterior lighting in permitted 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 Historic Review Board Design Guidelines shall incorporate exterior lighting guidelines that address the location, shielding, materials, and light source in all permitted 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”.

COASTAL ELEMENT POLICIES: MENDOCINO TOWN CIRCULATION AND PARKING

4.3. Circulation and Parking

CP-1 The County shall provide for traffic, bicycle, and pedestrian safety within the Town, consistent with historic preservation. Consistent with Policy 4.13-14 (November 5, 1985) of the Mendocino Town Plan, a Traffic Circulation/Parking Study has been done by RKH, Parsons Associates and William Zion, consultants, dated March 8, 1988, for the central core of the Town of Mendocino. The plan proposes to be implemented in phases. The Board of Supervisors have accepted the study/plan but have not yet funded implementation.

Action CP-1.1: 4.13-14 The County technical staff shall analyze the need for, and install where warranted and consistent with the Capital Improvement Program, investigate the installation of additional traffic control measures, including but not limited to signage, speed controls, marked crosswalks, and new sidewalks or paths to enhance the walking environment of the Town, stop signs, reduced speed limit signs, signage, and other
measures—within the Town—to determine if accident history, warrant analysis, and prudent traffic control practices justify such actions, and install them at the earliest feasible time. be directed to review the submittal by the appointed Mendocino Citizens Advisory Committee outlining the eleven (11) priorities for safety improvements (dated October 17, 1989) and implement improvements at the earliest possible funding date(s).

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

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

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

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

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

(d) On-site parking ingress and egress shall not have a significant adverse 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 deemed infeasible or would conflict with public view protection requirements of the Town Plan, other feasible screening shall be required.

Action CP-1.4: Bicycle parking design and location standards shall be established in the Mendocino Town Zoning Code.

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.

Action CP-2.1: Where street width is sufficient (as on parts of Ukiah, Little Lake, or Main Streets), the County shall establish diagonal parking, as part of its 5-Year Capital Improvement Plan, to increase available on-street parking.

Action CP-2.2: The County shall identify and secure available funding to maintain existing parking areas and street rights-of-way. 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, striping of parking stalls, providing wheel stops to protect existing walking paths, and associated sustainable stormwater management.

Action CP-2.3: The County shall coordinate with the Mendocino Unified School District to accommodate, as feasible, overflow parking demand on School District property and with 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.
Action CP-2.4: The existing (2015) supply of on-street parking spaces 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.

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

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

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

**COASTAL ELEMENT POLICIES: AFFORDABLE HOUSING**

4.4. Affordable Housing (Government Code)

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

**AH-2** The County shall retain and create housing units in the Town that are, or may be, available for persons and families of low-moderate income, including, but not limited to, by (a) utilizing available state or federal grant funds, (b) prohibiting conversion of residential housing to non-residential use except (1) as provided in the Commercial land use and zoning
districts, and (2) as provided in Section 6.7, and (c) allowing second residential dwelling units, not to exceed 900 square feet, on lots in Residential land use and zoning districts consistent with the conservation and development standards of the Town Local Coastal Program.

**Action AH-2.1: 4.13-20** Consistent with the Affordable Housing criteria cited on Page 7 of this plan, Growth Management Action GM-29, the residential dwelling units in stock of the Town shall not be converted to any maintained by prohibiting residential units from being converted to non-residential use except (a) as provided for by the permitted ratio referenced in Policy 4.13-4(5) in the Commercial land use districts and zoning districts, and (b) as provided in Section 6.7.

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

**Action AH-2-3:** The Mendocino Town Zoning Code shall recognize that the Mendocino Art Center’s existing Student/Instructor residences constitute a form of affordable housing associated with the Art Center use type, making it accessible to artists in residence on a long-term basis, and to students, instructors, and other participants who might otherwise be unable to find adequate affordable housing during their course work.

**AH-3** Second residential dwelling units shall be encouraged within the Town residential land use districts as a means to provide additional affordable long-term housing opportunities within the Town.

**Action AH-3.1:** The Mendocino Town Zoning Code shall provide opportunities for second residential units on lots (parcels) in all single-family and multifamily residential districts, provided that each such second unit shall be consistent with the conservation, historic preservation, development, and public access standards of the certified Town Plan and certified Town Zoning Code.
AH-4  Second residential units shall be allowable in the R+ Zoning District on parcels larger than 9,000 square feet; and in the RR-2 Zoning District on parcels larger than 40,000 square feet, subject to the following criteria and standards. Second dwelling units are intended to provide long-term housing. Deed restrictions, as part of the permit process, shall ensure maintenance of the housing inventory and consistency with the balance cited in Policy 4.13-1, sited and designed to integrate them in a manner that integrates with the historical character of the Town, minimize potential negative neighborhood impacts, and conform to the conservation, historical preservation, development, and public access standards of the certified Town Plan.

Action AH-4.1: The Town Zoning Code shall provide that the following second residential unit development standards apply:

1. The lot (parcel) contains an existing single family dwelling unit.
2. The second dwelling unit does not exceed 900 square feet.
3. An adequate water system as approved by the County Division of Environmental Health and the Mendocino City Community Services District is available to serve the second dwelling unit.
4. The second dwelling unit shall conform to height, setback, lot coverage, architectural review, site plan review, off street parking, and other Mendocino Town Local Coastal Program zoning district requirements applicable to the zoning district in which the second dwelling unit is located.
5. Second dwelling units are intended for long term occupancy, by family members or tenants, and are not intended for sale separately from the primary housing unit on the lot (parcel).
6. A second dwelling unit shall not have a negative impact on the designated land use and second dwelling units shall not be permitted if identified impacts are contrary to the goals and policies of this plan.
7. Second dwelling units shall not be permitted in Planned Unit Development Combining Districts.

4.13-21 Second residential dwelling units are allowable in the R+ Zoning District on parcels larger than 9,000 square feet; and, in the RR-2 Zoning District on parcels larger than 40,000 square feet, subject to the following criteria and standards. Second dwelling units are intended to provide long-term housing. Deed restrictions, as a part of the permit process,
shall ensure maintenance of the housing inventory and consistency with the balance cited in Policy 4.13

(1) The parcel contains an existing single family dwelling unit.

(2) The second dwelling unit does not exceed 900 square feet.

(3) An adequate water system as approved by the County Division of Environmental Health and the Mendocino City Community Services District is available to serve the second dwelling unit.

(4) The second dwelling unit shall conform to height, setback, lot coverage, architectural review, site plan review, off street parking and other zoning district requirements applicable to the zone in which the second dwelling unit is located.

(5) Second dwelling units are intended for long term occupancy, by family members or tenants, and are not intended for sale.

(6) A second dwelling unit shall not have a negative impact on the designated land use and second dwelling units shall not be permitted if identified impacts are contrary to the goals and policies of this plan.

(7) Second dwelling units shall not be permitted in Planned Unit Development Combining Districts.

COASTAL ELEMENT POLICIES: WATER

4.5. Sustainability Policies
Water Conservation/Storm Water Management

S-1 The Town of Mendocino's water supply shall be managed and augmented in a sustainable manner to (a) support the special community, (b) optimize available water supplies for all users through concerted groundwater replenishment, and (c) strictly avoid the waste of potable water in uses that do not require it by utilization of reclaimed water or conserved storm water runoff, where feasible.

Action S-1.1: 4-13-22 All development applications shall submit contingent upon proof (a) of an adequate water supply during throughout the year, including the dry summer months season; and (b) that well production of groundwater will not (1) deplete the ground water table of contiguous or surrounding uses, and (2) have a significant direct or cumulative adverse effect on coastal resources. The findings of the Coastal Ground Water Study of June 1982 shall be incorporated in the Mendocino Town Plan.

Action S-1.2: All permitted 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-1.3: All new and existing development shall also comply with all applicable regulations and standards of the County Environmental Health Department for potable water production by wells.

Action S-1.4: Permitted horticultural landscaping shall be drought-tolerant and, when irrigation is required, shall rely solely on (a) retained storm water from (1) the site of the development, or (2) a stormwater beneficial reuse project that includes more than one lot, and (b) on reclaimed water that is available from the Mendocino City Community Services District.

Action S-1.5: The County Board of Supervisors should consider an amendment to the County Building Code that requires, as an additional water conservation measure, installation
of flash hot water heaters to serve all hot water faucets and outlets in (a) permitted
development, and (b) at the point of sale of any structure that contains any such faucets or
outlets.

Action S-1.6: The Mendocino City Community Services District should (1) continue its
extensive groundwater monitoring program of the aquifer that underlies the Town, (2)
investigate the feasibility of a State-funded pilot project to retrofit existing commercial
development, and such residential development the owners of which may elect to
participate, with dual plumbing that utilizes reclaimed water for non-potable purposes, (3)
investigate the feasibility of additional groundwater recharge of the Town aquifer with
reclaimed water through dry wells, (4) provide access to reclaimed water at a convenient
location in Town for public and private non-potable water uses, and (5) annually report
to the Board of Supervisors about the implementation status of this Action.

S-2 (a) Permitted development shall, to the maximum extent feasible, preserve, infiltrate,
treat, and retain storm water to (1) maintain natural drainage on the site, (2) incorporate
reclaimed water provided by Mendocino City Community Services District and/or
conserved storm water runoff in a dual plumbing system for non-potable uses, and (3)
strictly avoid water waste.

(b) Conservation and reuse of intercepted, retained, filtered, or otherwise treated storm
water, including to recharge the aquifer, shall be implemented on the site of the
development, or in combination with other parcel owners, non-profit organizations, or
public agencies if on-site location is infeasible or if an approved stormwater management
system that serves more than one lot is available.

Action S-2.1: Stormwater management and erosion control plans shall be submitted by
development or redevelopment project applicants to the County for all development that (a)
proposes new construction, recovering (paving, resurfacing), or any other change in
surfacing (such as re-roofing) that is 2,500 square feet in size or larger, and (b) requires a
building or grading permit; provided that if a stormwater management system that serves
more than one lot has been approved, the applicant may provide proof of participation in it
to satisfy the stormwater requirements of the Town Local Coastal Program.
S-3 Permitted development shall (1) minimize land disturbance, clearing, and grading to avoid, or to the maximum extent feasible reduce, erosion and sediment loss, (2) avoid disturbance of natural drainage features and associated riparian vegetation, wetlands, and native vegetation, and (3) reduce the volume of storm water discharged from the perimeter of the proposed development envelope during the County design storm event for the Town in comparison to pre-project runoff conditions.

Action S-3.1: Low Impact Development (LID) design shall be used for storm water management in all new development and redevelopment.

S-4 Impervious surfaces shall be limited in new development and redevelopment to the extent feasible, including, but not limited to, through minimized connected impervious areas and, where feasible, increasing the area of pervious or semi-pervious surfaces in redevelopment.

Action S-4.1: Pavement shall, consistent with requirements of the Americans with Disabilities Act, as amended, and otherwise feasible, use pervious or semi-pervious paving materials, or natural pervious materials.

S-5 Rain water harvesting, as provided in Mendocino Town Zoning Code Chapter 20.717, shall be required in permitted development with more than five hundred (500) square feet of total impervious surface, for both stormwater management and water conservation.

Action S-5.1: New water storage tanks shall be located (a) behind or within existing buildings, wherever feasible, (b) underground, or (c) be clad in unpainted wooden materials. New water tanks proposed pursuant to sub-sections S-4(a) and S-4(b) shall be exempt from review pursuant to the Mendocino Historical District Preservation Ordinance. Any other proposed water tanks shall be reviewed pursuant to an application for a Coastal Development Major Use Permit.

Action S-5.2: The Town Zoning Code shall be amended to provide that rainwater, groundwater and/or potable water storage tanks that comply with Action S-4.1(a) and S-4-1(b), or that constitute existing development prior to the date of effective certification of the
2015 Town Local Coastal Program Update, shall not count against lot coverage; provided that where lot coverage on a lot (parcel) exceeds 50%, new water storage tanks in the Mendocino Historical Preservation District shall require Mendocino Historical Review Board review and approval.

S-6 Landscape-based stormwater management and water conservation techniques, including, but not limited to rain gardens (bio-retention), dry wells, or vegetative swales, shall be utilized, where feasible, to facilitate aquifer recharge.

Action S-6.1: Permitted development that creates or replaces five hundred (500) square feet or more of impervious area on a lot shall implement either (a) the site design measures established in Mendocino Town Zoning Ordinance Chapter 20.717 to feasibly reduce stormwater runoff from the lot and increase groundwater recharge, or (b) participate in a stormwater runoff control program that includes more than one lot, as provided in Mendocino Town Zoning Code Chapter 20.717.

Action S-6.2: Permitted development shall (a) utilize drought-tolerant native vegetation in all landscaping, and (b) effectively remove any invasive non-native vegetation from the lot.

Action S-6.3: Existing and proposed horticultural landscape irrigation shall use (a) efficient watering water efficiency techniques (such as drip irrigation), and (b) retained rain storm water runoff, and/or (c) reclaimed water.

Action S-6.4: Gray water systems shall be designed, installed, operated, and maintained in full compliance with all applicable health and safety regulations of the County Department of Environmental Health, and all other applicable standards.

Renewable Energy/Green House Gas Emission Reduction
S-7 The County of Mendocino requires, where feasible, the use of building materials that consist of 50% locally produced and/or recycled building materials in permitted development within the Town.

Action S-7.1: The County shall partner with vendors to create, maintain, post on the Planning and Building Services Department website, and otherwise distribute information for identifying local vendors that produce or offer for sale recycled building materials.

S-8 Alternative sources of energy, such as wind and solar, shall be utilized in permitted development, consistent with State law and the Mendocino Historical District Preservation Ordinance.

Action S-8.1: The Mendocino Historic Review Board Design Guidelines shall be amended to incorporate, as applicable and subject to Board of Supervisors approval, the Secretary of Interior’s Standards for Sustainable Development.

S-9 New development and redevelopment shall meet all applicable State of California energy conservation regulations and standards.

Action S-9.1: The Mendocino Historical Review Board shall work with applicants and County PBS to identify energy-efficient design elements, including, but not limited to, the use of sustainable materials, regionally native vegetation landscaping, and retrofitting energy-saving features, in compliance with all applicable state and federal historical preservation standards.

COASTAL ELEMENT POLICIES: PUBLIC FACILITIES

4.6. Public Facilities

4.13-23 Previous Policy 4.13-17(1) (November 5, 1985) requested that the centrally located vacant parcel known then as the "Heider Lot" now known as "Heider Field", be acquired by
a public agency or nonprofit agency. This acquisition has been accomplished (1987) through special legislation that allowed a trade of parcels between State Parks and Recreation and the Mendocino Presbyterian Church. A rezoning of the Heider Field to Open Space and a rezoning of the exchange parcel south of the Presbyterian Church have been effected, subject to the following criteria:

**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 Fire Department/Fire District facilities, and key 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 One 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 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 any adjacent State highway or County road, (b) avoidance or full mitigation of any unavoidable potentially significant effect from development on the environmental, including, but not limited to, coastal resources,
and (c) utilization of exterior finishes in any structure that conform to and protect the historical Town character.

Action PF-1.4: The Mendocino Town Plan Land Use Map (Figure 4.13-_) shall designate (a) Mendocino Headlands State Park and other publicly owned open space, exclusive of the areas referenced in Action PF-1.3, in the Town as within the “Open Space” Land Use District”, (b) the Highway 1 right-of-way as a part of the “Public Facilities” Land Use District, and (c) the several public streets, roads, and alleys in the Town as within their respective Land Use Districts.

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.

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 designates and zones, for Coastal Act purposes, the parcels identified as Mendocino County APN: 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 district and zoning district classification to the Open Space land use district and zoning district 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 (APN: 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, Town Local Coastal Program designates and zones, for Coastal Act purposes, the 1.8 acre
parcel identified as Mendocino County APN: 119-140-31, owned by the Mendocino City Community Services District, from the Open Space land use district and zoning district classification to the Public Facility land use district and zoning district classification; provided that the easterly 20 feet of this parcel that adjoin the Highway 1 right-of-way shall be set aside by the Community Services District for regionally native vegetation landscaping that shall substantially screen any future development on the remainder of the parcel from the public view of travelers on Highway 1.

**PF-5** The Mendocino Fire 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 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 Community.

Action PF-5.1: The certified Mendocino Town Local Coastal Program designates and zones, for Coastal Act purposes, areas on the parcel at 44700 Little Lake Road, identified as Mendocino County APN: 119-090-07, that (a) are developed with the Fire District/Fire Department headquarters-fire station, and (b) are the likely location of a future water tank from the Open Space land use district and zoning district classification to the Public Facility land use district and zoning district classification; provided that future development by the District/Department on the parcel shall be consistent with the conservation and development standards of the Town Local Coastal Program.

**PF-6** The County’s street addressing system should be standardized to facilitate emergency service response.

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” 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.

Action PF-7.1: The Mendocino Town Open Space land use classification and zoning classification shall be clarified to specifically add “Public Safety Facility” as an additional principal permitted use within the existing Carriage House in Mendocino Headlands State Park; provided, that the Mendocino Historical Review Board shall (1) review the exterior of the proposed redevelopment of the Carriage House for conformity with the Mendocino Historic District Preservation Ordinance to substantially maintain the historical appearance of the structure, and (2) recommend feasible mitigation for screening of any public safety equipment that the facility requires to function.

4.13-24 A public agency or private nonprofit agency, in that order, shall be requested to acquire the former Middle School (44800 Pine Street), owned by the Mendocino Unified School District and currently leased to Mendocino Coast Parks and Recreation, for permanent community use.

**PF-8** The County, another public agency, or a qualified non-profit organization should acquire, in fee or less than fee interest, the privately owned memorial triangle at the intersection of Main and Lansing Streets (Assessor’s Parcel Number 119-250-07).

4.13-25 To ensure preservation, in perpetuity, of the Memorial Triangle, privately owned and a portion of Assessor's Parcel Number 119-250-07, the County, other public agency or private nonprofit association should acquire, through outright purchase or an easement
given in perpetuity, this small area and preserve it as Open Space, Memorial Site, in perpetuity.

4.13-26 The plan amendment now defines Vacation Home Rental as a Visitor Serving Accommodation and limits the number to a ratio of one Vacation Home Rental (or Single Unit Rental) to thirteen residential units.

4.13-27 Because Mendocino is a registered historic district, categorical exemptions within the California Environmental Quality Act shall not apply unless it can be clearly demonstrated that there is no potential for adverse impact. The County shall amend the County’s California Environmental Quality Act (CEQA) Guidelines to provide specificity for the Town of Mendocino.

**PF-9** Permitted and existing public stormwater drainage facilities in the Town shall be designed, constructed, and maintained to (a) be consistent with Section 4.5, (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.

**4.7. Public Access and Recreation**

This Section and the parts of the Mendocino Town Land Use Map that depict Highway 1, public roads, streets, and alleys, Mendocino Headlands State Park, and passive and active local parks and recreation facilities constitutes the specific Public Access component of the certified Town of Mendocino Local Coastal Program.

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

Action PAR 1.1: The Mendocino Town Plan land use map depicts (a) the illustrative location of recreational trails/path corridors, (b) the Heeser Drive shoreline street, (c) the
local segment of State (Route) Highway 1, (d) the Lansing Street, Little Lake Street, and Main Street primary vehicular, bicycle, and pedestrian access ways into the historic Town and to Mendocino Headlands State Park from Highway 1, and (d) distributed existing and proposed parking areas and other upland support facilities on the 3.5 mile long (shoreline) 347-acre Mendocino Headlands State Park.

(a) Low stature or in-ground way markers, signage, and environmental educational information boards on small posts or frames, which are consistent with the history of Mendocino Headlands State Park, the historical character of the Town, and coastal resource protection (including scenic visual resource protection) should be provided and maintained.

(b) The County and State Parks should cooperatively monitor and shall maintain the stability of the segment of northeasterly Heeser Drive inside and adjacent to Mendocino Headlands State Park, where landform destabilization has occurred adjacent to the upper coastal bluff.

(c) Pedestrian day use of Mendocino Headlands State Park shall remain without cost to the economically and socially diverse recreational public.

Action PAR 1.2: (a) Continuous lateral public recreational access for bicyclists, motorists, and pedestrians shall be maintained (1) within Mendocino Headlands State Park, (2) from Mendocino Headlands State Park to the north, east, and south of the Town along Lansing Street (former Highway 1), Heeser Drive, Little Lake Street, Main Street, and Big River Road, (3) on the Highway 1 bridge over Big River, and (4) over the Slaughterhouse Gulch drainage. (b) Continuous lateral public recreational access shall also be maintained from Highway 1 along Big River Road, the Big River Flat east of Highway 1, and the Big River Estuary Beach west of Highway 1.

(a) In coordination with the County and the California Department of Parks and Recreation, the California Department of Transportation (District 1) should identify and improve a safe pedestrian crossing of Highway 1 between the areas of Mendocino Headlands State Park east and west of Highway 1, or in the alternative fund completion of a coastal resource-protective pedestrian and bicycle trail between the beach at Big River Flats, east of Highway 1, and Main Street near the Mendocino Headlands State Park Ford House Museum and Visitor Center.
(b) In coordination with the County and the California Department of Parks and Recreation, the California Department of Transportation (District 1) should identify, improve, and maintain a safe pedestrian and bicycle crossing of the Highway 1 bridge over Big River.

(c) Any upgrade, retrofit, repair, or replacement of the Highway 1 bridge over Big River shall maintain two-way traffic on it between 6 am and 9 pm Sundays through Thursdays, between 6 am and 10 pm on Fridays, Saturdays, and on all state and federal holidays.

(d) Any replacement of the Highway 1 bridge shall comply with the conservation, development, historic preservation, and public access standards of the certified Town LCP, and all other applicable certified County LCP, state, and federal laws.

Action PAR 1.3: Way-finding signage to and along public access ways shall (1) harmonize with the historic character of the Town, (2) be located to avoid visual clutter, and (3) where located on the seaward side of Highway 1, Lansing Street, Heeler 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 the Mendocino Historical Preservation District Ordinance and Guidelines and,

(c) implemented to (1) provide a continuous walking and hiking trail or path as close to the coastal bluff edge as physically possible, 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 vertical (seaward) linkages from lateral coastal trails or paths to trailheads, vista points, and parking areas in Mendocino Headlands State Park and to 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 shoreline band.

Action PAR-2.1: (a) The lateral (coastwise) “California Coastal Trail” shall be located, improved, and conspicuously marked in coordination with the California Department of Parks and Recreation, the California Department of Transportation, the California State Coastal Conservancy, and the California Coastal Commission to extend within the Town (from south to north) (1) over the Highway 1 Big River Bridge; (2) generally south of Main Street, west of Kelly Street and Heeser Drive, and north of Heeser Street through Mendocino Headlands State Park; (3) along easterly Heeser Drive to Lansing Street; (4) along Lansing Drive to Highway 1; and, (5) east of Highway 1, along Big River Road to connect with the Big River beaches east and west of the Highway 1 bridge, including, but not limited to, access to the Big River Estuary; provided, that (6) the braided lateral California Coastal Trail may consist of segments, and segments may include more than one path or trail, (7) vertical connectors of the California Coastal Trail to Highway 1 may also extend along easterly Main Street and easterly Little Lake Street, and (8) the specific location of the California Coastal Trail shall be consistent with Town Plan Policy PAR-1.

(b) All trail or path segments that comply with the Americans with Disabilities Act, as amended, should be clearly indicated.

(c) Wayfinding markers for the California Coastal Trail in the Town should utilize the adopted Coastal Conservancy trail emblem, which Figure 4.13- illustrates; provided that the emblem may (1) be part of a wooden sign or structure, (2) be embedded in a sidewalk or in pavement, and (3) shall be displayed to be consistent with the requirements of the 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 constitute the coastal areas within the Town boundaries that are suited for water-oriented recreation, shall be protected for such uses, including, but not limited, for, their continued sustainable public accessibility, water quality, and beach sand supply.
FIGURE 4-13.5. CALIFORNIA COASTAL TRAIL EMBLEM.

Action PAR 3.1: Structures necessary for the public health and safety shall be permitted to continue, or be replaced, as necessary, on the Town beaches; provided that (a) the location of such structures minimizes their potential adverse effect on coastal resources and the environment, and (b) such structures occupy the minimum feasible area.

Action PAR 3.2: The County, in cooperation with the California Department of Parks and Recreation, the State Coastal Conservancy, and other partners, should at the earliest feasible time acquire, from willing sellers, the shoreline lots in private ownership that are located west of Lansing Street and north of Heeser Drive, for inclusion in Mendocino Headlands State Park.

PAR-4 Consistent with Coastal Act Section 30221, the certified Town Local Coastal Program reserves upland areas in the Town, inland of Mendocino Headland State Park, that support coastal recreation. These upland areas include, but are not limited to, the Highway 1 right-of-way, existing and planned future Mendocino Volunteer Fire Department public safety facilities, existing and planned future Mendocino City Community Service District facilities, and County road and street rights-of-way that connect the State Park with other areas of the coastal zone, Mendocino-Fort Bragg market area, the County, State, and United States, and all other parcels designated and zoned for Public Facilities or Open Space for the land use types listed in Section 5.

INSERT FIGURE 4.13-6. SPECIFIC PUBLIC ACCESS COMPONENT MAP SET
(a) Any abandonment, closure, or conversion of any public right-of-way in the Town shall require, as applicable, approval by the County of a coastal development permit or an application to the County for an amendment of the certified Town Local Coastal Program.

PAR-5 Consistent with Coastal Act Section 30224, the California Department of Parks and Recreation should provide a public small boat launching facility and upland support facilities, including, but not limited to, sustainable parking and lavatories, at Big River Flats, east of the Highway 1 bridge.

4.8. Conservation

CNS-1 Consistent with Coastal Act Section 30231, (a) design and implementation of the stormwater management system required by Section 4.5 shall, to the maximum feasible extent, restore and maintain the natural (pre-development) hydrology of the Town, and (b) existing, restored, rehabilitated, and new development shall, to the maximum feasible extent, utilize reclaimed water from the Mendocino City Community Services District for all non-potable water uses.

CNS-2 Consistent with Coastal Act Section 30232, the Board of Supervisors requests the California Office of Spill Prevention and Response, the United States Coast Guard, and the California Coastal Commission to demonstrate, within the first year following Coastal Commission certification of the updated Mendocino Town Local Coastal Program and thereafter at five (5) year intervals, (a) the effective protection against the spillage of crude oil, gas, petroleum products, or hazardous substances that are transported through or offshore the Town, and (b) the effective containment and removal, consistent with the provisions of the Town Local Coastal Program and the Coastal Act, for any (all) such spillage that may occur.

CNS-3 The diking, filling, dredging, or excavation of any wetland or open coastal water in the Town shall be permitted only where the development would (a) maintain, enhance, or restore marine resources; (b) maintain, or restore, the biological productivity and quality of coastal waters, streams or wetlands appropriate to maintain optimum populations of marine
organisms and for the protection of human health; (c) for incidental public purposes, restoration, or resource-dependent activities; and (d) where there is no feasible less environmentally damaging alternative and all feasible mitigation measures have been incorporated in the project to reduce any potential adverse environmental effects below a level of significance.

**CNS-4** Consistent with Coastal Act Section 30234.5, the 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 in the federally approved California Coastal Management Program, of the limitations on fishing in the Big River Estuary immediately adjacent the Town shoreline pursuant to Title 14, California Code of Regulations Section 632(b)(1)(25).

**Action CNS-4.2:** The California Department of Fish and Wildlife and the California Department of Parks and Recreation should, (a) in consultation with and subject to approval by the Mendocino Historical Review Board, and (b) pursuant to approval of coastal development permit, erect and maintain low stature signage along or near the shoreline of the Pacific Ocean, Mendocino Bay, and Big River to clearly advise the diverse public of the Marine Protection Area limitations on fishing in these areas pursuant to Title 14, California Code of Regulations Section 632(b)(1)(25), at such time as when it may be incorporated into the federally approved California Coastal Management Program. Mendocino Town Plan Appendix 3 contains a copy of these regulations, as of the date of certification of the Town Local Coastal Program, for public informational purposes only.

**CNS-5** Consistent with Coastal Act Section 30235, development that alters natural processes along the Town shoreline shall be permitted only when (1) required to (a) serve coastal-dependent uses, or (b) to protect existing structures or public beaches in danger from erosion, and (2) when such development designed, constructed, and implemented, including, but not limited to, 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.
CNS-6 Consistent with Coastal Act Sections 30231 and 30236, (a) substantial alteration of the natural conditions of any blue-line stream within the Town shall be permitted only when required to serve coastal-dependent uses or protect existing structures or public beaches in danger from erosion, and designed to eliminate or mitigate adverse impacts on local shoreline sand supply, water quality, or biological resources; and (b) existing structures in any blue-line stream within the Town that result in adverse impacts to local shoreline sand supply, water quality, or biological resources shall be removed or enhanced as feasible.

CNS-7 (a) Environmentally sensitive habitat areas, as defined in Mendocino Town Plan Section 2.22, shall be protected against any significant disruption of habitat values.

(b) Only uses that require a location in an environmentally sensitive habitat area to be able to function at all, and for which there is no less environmentally damaging location, shall be allowed in such area.

(c) Development in areas adjacent to (1) an environmentally sensitive habitat area, (2) Mendocino Headlands State Park, or (3) other public parks and public recreation areas in the Town shall be sited and designed to avoid any significant adverse impacts that would significantly degrade those areas, and shall be compatible with the continuance of such habitat and recreation areas.

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 2.36, and community gardens, as defined in Section 2.15, that are consistent with the protection of public health and safety, and of coastal resources.

Action CNS-8.2: The County shall clarify the Mendocino Town Zoning Code to allow for (a) community gardens as a principal permitted use in any land use and zoning district of the
Town, and (b) for sustainable light agriculture in the Rural Residential land use and zoning districts.

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 of the range of uses subject to Mendocino Historical Review Board review. Any archeological investigation shall be monitored, at the cost to the applicant, by an authorized member of the North Pomo Band or other applicable band, tribe, or nation.

CNS-10 New development in the Town shall be sited and designed to (1) protect significant public views (a) to and along the ocean from the coastal bluff top, Mendocino Headlands State Park, and from the first road or street that parallels the sea, and (b) of scenic coastal areas, (2) minimize the alteration of natural land forms, (3) be visually compatible with the character of the Town, and (4) where feasible, restore and enhance visual quality in visually degraded areas of the Town.

Action CNS-10.1: The Historical Review Board Design Guidelines shall be amended to incorporate the protection of designated open space features, existing significant public views, and existing public vistas in Mendocino Historical Review Board their design review process.

Action CNS-10.2: (a) The Mendocino Town Plan Land Use Map (Figure 4.13-) designates (1) as the “Open Space Land Use District” the publicly owned parcels listed in Town Plan Table 4., (2) the Highway 1 right-of-way as a part of the “Public Facilities Land Use District”, and (c) the several public streets in the Town within their respective Land Use Districts.

(b) To further implement the Open Space land use designations on the Mendocino Town Land Use Map (Figure 4.13-), 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, should be included in the Historical Review Board Design Guidelines to identify significant public open spaces, public views, and public vistas in the Town.

**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 substantial impairment of public views from Highway 1 to and along the sea, (b) constructed to harmonize with the Town architectural and/or historical character, and (c) if existing screening vegetation does not already occur, be substantially screened for the life of such buildings with regionally native vegetation planted and maintained on any such public facility parcel.

**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.

**Action CNS-11.1:** Mendocino Town Zoning Code Section 20.708 provides temporary use regulations to avoid, or feasibly minimize, potentially significant adverse effects from allowed temporary uses on residents, visitors, and coastal resources, including, but not limited to consultation by temporary event sponsors with owners or tenants of property located within five hundred (500) feet of the perimeter of the temporary event, monitoring of sound or other potentially significant impacts generated by such an event, or other similar reasonable measures intended to preserve Town tranquility and protect coastal resources.
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-I, 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.

4.9. Mendocino Town Plan Administration

TPA-1  (a) Any person, as defined in Mendocino Town Plan Section 2.23, who proposes to undertake any development, as defined in Mendocino Town Plan Section 2.78, shall obtain a coastal development permit from the County.

(b) Where a development is specifically excluded or exempted from this requirement, but requires a building permit, such person shall obtain a certificate of coastal development permit exclusion or exemption from the County.

(c) The provisions of Mendocino County Code Chapter 20.216, Enforcement, Legal Procedures, and Penalties shall apply in the Town.

TPA-2  Verified notice shall be provided of every application for, public hearing on, and potential County action regarding (a) a coastal development permit, or (b) a coastal development permit exclusion or exemption by (1) posting of the site in a conspicuous location, (2) first class mail, electronic mail, or personal delivery to all property owners and residents within 300 feet of the perimeter of the Assessor’s parcel on which the development is located, excluding any public right-of-way, (3) first class mail, electronic mail, or personal delivery to any person who has in writing has requested notice, and (4) posting on the Planning and Building Department web site for pending projects.

TPA-3  The requirements for verified notice provided in Policy TPA-2 shall also apply to any application made to the Mendocino Historical Review Board pursuant to the Mendocino Historical Preservation District Ordinance.
TPA-4 The Mendocino Town Zoning Ordinance shall carry out the Local Coastal Program implementation regulations 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 where the Mendocino Town Local Coastal Program identifies the development as (a) a conditionally permitted use, (b) a major public works project or a major energy facility, and (c) a principal permitted use that is located in one or more of the following geographic areas:

1. Developments approved by the County between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tideline of the sea where there is no beach, whichever is the greater distance.

2. Developments approved by the County not included within paragraph (1) that are located on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff.

TPA-6 Consistent with Public Resources Code Section 30514(a), the certified Mendocino Town Local Coastal Program, including the Mendocino Town Plan, Mendocino Town Land Use Map, Mendocino Town Zoning Ordinance, and Mendocino Town Zoning Map, may be amended by the Board of Supervisors, but no such amendment shall take effect until it has been certified by the Coastal Commission pursuant to the Coastal Act.

TPA-7 Consistent with the objective in Coastal Act Section 30006 to maximize public understanding of, and opportunities for public participation in, the implementation of the Town Local Coastal Program,

(a) Any required public hearing by the Coastal Permit Administrator on an application for a coastal development permit pursuant to the Mendocino Town Local Coastal Program should be held in the Town whenever possible.

(b) All proceedings before the Mendocino Historical Review Board shall be noticed in the manner provided for hearings by the Coastal Permit Administrator.

(c) 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).
TOWN LAND USE CLASSIFICATIONS

SECTION 5. MENDOCINO TOWN LAND USE CLASSIFICATIONS

Land Use classifications include several categories applicable only to the Town of Mendocino, as well as some common to the entire Mendocino County Coastal Element. In addition to minimum new parcel sizes, some Mendocino Town land use classifications specify both lot site coverage (the proportion of the lot site covered by buildings and other structures, as defined in Section 2.70) 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 Districts consist of the following:

• Open Space (Land Use Map Code: OS)
• Rural Residential (Land Use Map Code: RR1, and RR2)
• 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)
• Forest Lands (Land Use Code: FL)

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

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. Those requiring Conditional uses require additional some form of review, such as a conditional use permit or site specific review to assure compliance with specific Coastal Element and zoning ordinance Town Plan policy or mandatory action and Mendocino Town Zoning Code criteria, and are appealable to the Coastal Commission wherever they are located. Permits for principal permitted uses will be subject to appeal to the Coastal Commission only in appealable areas; conditional uses will be subject to appeal anywhere.

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

The plan’s 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 Maps and (b) will guide preparation of specific Mendocino Town zoning regulations and the Mendocino Town zoning map. Legal lots (parcels) existing that (1) exist on the date of adoption of the plan by the County certification of the Mendocino Town LCP by the Coastal Commission that and (2) are smaller than the permitted minimum size will be developable for principal permitted uses and conditional uses, subject to the same limitations as lots (parcels) 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, similarly will also be considered to be legal nonconforming uses. The Mendocino Town zoning regulations will assure the right of such uses to continuance and expansion consistent with town plan Mendocino Town Plan policies, as well as their right to replacement if destroyed.
OPEN SPACE

5.1. Open Space - Map Code: OS

Intent: This land use classification is intended to be applied to (1) lands held in public ownership for recreational use, and to (2) 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, (3) lands or 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 (4) easements that have been dedicated by owner(s) of private property to a public agency or non-profit organization, or have been reserved by deed restriction, for which ensures the retention of land in open space.

Principal Permitted Uses: Passive recreation; renovation of historic structures (less than 1,000 square feet); portable recreational support facilities; landscape conservation and preservation (less than 1,000 square feet); sustainable grazing; mowing pursuant to an approved management plan; community gardens; low stature way-finding and environmental signage; temporary events and uses; stormwater management on less than one (1) acre; community gardens.

Conditional Uses: Active recreation; Recreation; increase in intensity of existing uses; landscape conservation and preservation (1,000 square feet or larger); new restrooms and other public facilities required to serve the public health and welfare; renovation of historic structures (1,000 square feet or larger); underground utilities necessary or appropriate in open space; memorial monuments; agricultural uses; forestry; conservation of resource lands; stormwater management on one (1) acre or more.

Height Limitation: Permitted new structures, except for chimneys, flagpoles, and similar appurtenances, shall be subordinate to their setting and limited to a maximum height of 18 feet above natural grade.
Development Limitations: (a) All conditional uses in the Open Space Land Use District 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), (5) the adopted Mendocino Headlands State Park General Plan with respect to all development in Mendocino Headlands State Park, and (5) the zoning constraints of contiguous and/or adjacent parcels (for instances, 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 meets 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 stormwater management.

(d) In areas of accelerated erosion of the coastal bluffs or sea cliffs, including, but not limited to, areas of cave development in Mendocino Headlands State Park, 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 uses in the OS 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 district 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.

RURAL RESIDENTIAL

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 Uses:** Single family dwelling unit and its associated utilities and appurtenances; light agriculture; home occupation; community gardens; second dwelling units, limited in size to 900 square feet and detached from main dwelling, where all applicable certified Mendocino Town LCP standards are met; stormwater management on less than 40,000 square feet; and in the RR-1 Land Use District only: visitor-serving facilities shown with an asterisk (*) or an asterisk-B (*B) on the Mendocino Town Plan Land Use Map.

**Conditional Uses:** Cottage Industries; public utilities, where determined to be necessary on Rural Residential lands; Single Unit Rentals; stormwater management on 40,000 square feet or larger.

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

**Density:** One primary dwelling per legally created lot (parcel) and one second dwelling 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:** 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 unit (guest room or suite).

**SUBURBAN RESIDENTIAL**

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 (parcels) that front on Lansing Street, north of Palette Drive.

**Principal Permitted Use:** One primary dwelling unit per lot (parcel) with associated utilities and appurtenances; home occupations; community gardens; second dwelling units, limited in size to 900 square feet and detached from main dwelling, where all applicable certified Town
LCP standards are met; the Point of View Estates Mutual Water Company water well and facilities; stormwater management on 20,000 square feet or smaller.

**Conditional Uses:** Cottage Industries, underground utility installations; stormwater management on more than 20,000 square feet; Single Unit Rentals (except as may be prohibited by recorded Point of View Estates Subdivision Covenants, Conditions & Restrictions) - electrical transmission and distribution lines (See Policy 3.11-9), natural gas pipeline (See Policy 3.11-5).

**Minimum Parcel Size:** 20,000 square feet

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

**Height Limitation:** New structures, except for chimneys, flagpoles and similar appurtenances, steeples, and water towers, shall be. Structures are limited to a maximum height of exceed 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 dwelling unit

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**PLANNED UNIT DEVELOPMENT**

**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 District 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.

**Principal Permitted Uses:** Light agriculture, open space, home occupations; community gardens; stormwater management on two (2) or fewer acres.
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 Industry; stormwater management on more than two (2) acres.

Parcel Size: No specified minimum.

Height Limitation: New structures, except for chimneys, flagpoles and similar appurtenances, steeples, and water towers, shall be Structures are limited to a maximum height of exceed 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.

TOWN RESIDENTIAL

5.5. Town Residential - Map Code: R+

Intent: To (1) maintain the existing predominantly single family residential character of this historical Land Use District, while allowing and (2) allow a second dwelling unit, not to exceed 900 square feet, on parcels of 9000 square feet or more, and in keeping with an existing pattern of development.

Principal Permitted Uses: Primary single family dwelling unit with appurtenances; second dwelling unit, limited in size to 900 square feet, where all applicable certified Town LCP standards are met; community gardens; home occupations, light agriculture, visitor-serving facilities shown with an asterisk (*) or an asterisk-B (*B) on the Town Plan Land Use Map; stormwater management on 12,000 square feet or smaller.

Conditional Uses: Public and semi-public uses; Cottage Industries; Single Unit Rentals; stormwater management larger than 12,000 square feet.
Development Requirements: Minimum new parcel 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 exceed 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 dwelling unit.

MULTI FAMILY RESIDENTIAL

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 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 Town Plan Land Use Map; second dwelling units, limited in size to 900 square feet; stormwater management on 12,000 square feet or smaller.

Conditional Uses: Public and semi-public uses; Cottage Industries; Single Unit Rentals; stormwater management on more than 12,000 square feet.

Development Requirements: Minimum new parcel size of 12,000 square feet. One primary dwelling unit and one second dwelling unit allowed on any new or existing parcel. Multiple family units allowed subject to minimum site area and limitations as follows:

(a) Parcels 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) Parcels greater than 12,000 square feet in size: 6,000 sq. ft. for first unit; 3,000 sq. ft. each for units 2-5; and 6,000 sq. ft. for each additional unit.

Up to 12,000 square foot lot: 6,000 sq. ft. for 1st unit;
3,000 sq. ft. for each additional unit.

Over 12,000 square foot lot: 6,000 sq. ft. for 1st unit; 3,000 sq. ft. for 2nd unit;
3,000 sq. ft. for 3rd unit; 3,000 sq. ft. for 4th unit;
3,000 sq. ft. for 5th unit;
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.

MIXED USE

5.7. Mixed Use - Map Code: MU:

Intent: To provide a transition between commercial development on Lansing Street and Main Street Streets and residential areas; to provide space for offices and retail uses that do not generate heavy automobile traffic or generally operate between the hours of 6:00 p.m. and 7:00 a.m.; and to encourage preservation and construction of moderately priced residential dwelling units.
**Principal Permitted Uses:** (1) Residential: Single family, two family and multifamily dwelling units, home occupations; second dwelling units, limited in size to 900 square feet, where all applicable certified Mendocino Town LCP standards are met; (2) Commercial: (a) Limited to a maximum of 1,000 square feet of floor area per lot (parcel): Administrative and business offices, medical and personal services, specialty retail shops, ambulance services, fire and police services; (b) visitor-serving facilities shown with an asterisk (*) or an asterisk-B (*B) on the Town Plan Land Use Map; (3) stormwater management on 12,000 square feet or smaller; (3) 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) stormwater management on more than 12,000 square feet; (7) Single Unit Rentals; (8) 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 1st unit; 3,000 sq. ft. each for units 2-5; and 6,000 sq. ft. for each additional unit.

Up to 12,000 square foot lot: 6,000 sq. ft. for 1st unit; 3,000 sq. ft. for each additional unit.

Over 12,000 square foot lot: 6,000 sq. ft. for 1st unit; 3,000 sq. ft. for 2nd unit; 3,000 sq. ft. for 3rd unit; 3,000 sq. ft. for each additional unit.
sq. ft. for 4th unit; 3,000 sq. ft. for 5th unit; 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:** Commercial Uses: One off-street parking space per 400 square feet of floor area or per visitor-serving facility unit. Residential: One and one-half off-street parking spaces per dwelling unit, including a second dwelling unit.

**COMMERCIAL**

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 Uses:** (1) Residential: Single family, two family and multifamily dwelling units, subject to density requirements; stormwater management on fewer than 12,000 square feet. (2) Civic Uses Use Types: Clinic services; libraries; cultural facilities; lodge, fraternal and civic assembly; religious assembly; minor impact services and underground utilities; stormwater management on fewer than 12,000 square feet. (3) 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 (parcel)); visitor-serving facilities shown on a site with an asterisk (*) or an asterisk-B (*B) on the Town Plan Land Use Map; stormwater management on fewer than 12,000 square feet; (4) community gardens.

**Conditional Uses:** Minor Use Permit (Over 1,000 square feet of floor area per parcel, subject to environmental review. Environmental Review and public hearing by the Coastal Zoning Administrator); (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) stormwater management on more than 12,000 square feet; (7) Single Unit Rentals; (8) Vacation Home

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Rentals; (9) building maintenance services; (10) financial institutions; construction sales and services; (11) service stations; (12) automotive repair services; (13) eating and drinking establishments; (14) commercial recreation (indoor sports, entertainment and recreation); (15) education facilities; major impact services and utilities; (16) agricultural sales and services; communication services; (17) custom manufacturing; (18) animal sales and services (small animals and household pets).

(A) Minor Use Permit (Over 1,000 square feet of floor area per parcel) (Environmental Review and public hearing by Coastal Zoning Administrator)

(1) Retail stores

(2) Food and beverage preparation without consumption

(3) Consumer repair services (not automotive)

(4) Small schools and day care centers

(5) Small business equipment sales and services

(B) Major Use Permit (Public hearing by County Planning Commission)

(1) Building maintenance services

(2) Financial institutions

(3) Construction sales and services

(4) Service stations, automotive repair services

(5) Eating and drinking establishments
(6) Commercial recreation (indoor sports, entertainment and recreation)
(7) Education facilities
(8) Major impact services and utilities
(9) Agricultural sales and services
(10) Communication Services
(11) Custom manufacturing
(12) Animal sales and services (small animals and household pets)

**Development Requirements:** Minimum new parcel size of 12,000 square feet. For all development, lot coverage may not exceed 25 percent of the parcel 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 parcel. Multiple family units allowed subject to minimum site area and limitations as follows:

(a) Parcels 12,000 square feet or less in size: 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 1st unit; 3,000 sq. ft. each for units 2-5; and 6,000 sq. ft. for each additional unit.

Up to 12,000 square foot lot: 6,000 sq. ft. for 1st unit; 3,000 sq. ft. for each additional unit.

Over 12,000 square foot lot: 6,000 sq. ft. for 1st unit; 3,000 sq. ft. for 2nd unit; 3,000 sq. ft. for 3rd unit; 3,000 sq. ft. for 4th unit; 3,000 sq. ft. for 5th unit; 6,000 sq. ft. for each additional unit.
Height 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 exceed 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 unit (guest room or suite), Visitor Home Rental and each Single Unit Rental.

PUBLIC AND SEMI-PUBLIC FACILITIES

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

Principal Permitted Uses: Native vegetation landscaping; temporary events; community gardens; stormwater management on fewer than 40,000 square feet. None (All require conditional use permit.)

Conditional Uses: Public and semi-public facilities, utilities, including, but not limited to, schools, fire stations, churches, cemeteries, sewage treatment plants, educational art centers, community services district facilities, underground electrical transmission and distribution lines, and natural gas pipelines; stormwater management on 40,000 square feet or more.

Development Requirements: (a) Minimum new lot (parcel) 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 (parcel) 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 (a) maintain the general alignment and elevation of the existing bridge, (b) include safe pedestrian and bicycle ways that connect the Town to the south, (c) protect scenic public views to and along the sea, the Mendocino Estuary, and the Town, and (c) 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 exceed 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.

**FOREST LANDS**

*Map Code: FL*

**Intent:** This district is intended to encompass lands within the Town of Mendocino which are held in a resource preserve and are appropriately retained for the growing, harvesting and production of timber and timber-related products.

**Principal Permitted Use:** Conservation and development of natural resources; forest production; light agriculture; passive recreation.

**Conditional Uses:** Employee caretaker housing; horticulture; active recreation; minor impact utilities; major impact services and utilities.
Parcel Size: One-hundred and sixty (160) acres.

**DEVELOPMENT LIMITATIONS**

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 (parcels) or portions of lots (parcels) 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 Chapter 3.4 of the certified Mendocino Town Plan.

**Chapter 4.13 -- Mendocino Town Plan**

**DEFINITIONS -- RELOCATED TO SECTION 2**

For purposes of implementation of the Mendocino Town Plan, the following definitions shall apply:
Residential Use: Residential use means a residential dwelling unit occupied by the owner(s) as his/her principal place of residence; or, occupied by long term tenant(s) as his/her principal place of residence.

Dwelling Unit: Dwelling unit means a single unit containing complete, independent living facilities for a family, including permanent provisions for living, sleeping, eating, cooking and sanitation and having only one kitchen.

Single Unit Rental (Table 4.13-2): Single unit rental means the use of an attached or detached structure which is used as a visitor serving unit and 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.

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 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 total number of all species shall not exceed forty (40). 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). Coops or pens shall be located only on the rear one-third (1/3) 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 operation is 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): two (2) large animals and 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 grown, raised, or produced on the premises.

(F) 4-H, FFA or similar projects shall be permitted in all zoning districts.

Vacation Home Rental (Table 4.13-3): Vacation home rental means a dwelling unit that is the only use on the property, which may be rented short term 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.

Vacation Home Rentals within the Town of Mendocino shall be considered Visitor-Serving Facilities.

Lot Coverage: Lot coverage means the percentage of gross lot area covered by all buildings and structures on a lot, including decks, porches and covered walkways; excluding uncovered required parking areas, landscaping, patios and terracing.

EXCEPTIONS

Height Limitation: Exceptions may be granted to height limitations in all zoning districts for church steeples, flag poles, water towers, and utility poles where such exceptions are consistent with the intent of the zoning district and consistent with design guidelines (Policy 4.13-9).
Parking Requirements: Where the requirements for off street parking cannot be feasibly met, in lieu fees may be substituted consistent with Policy 4.13-16.

SECTION 6. TOWN PLAN IMPLEMENTATION

The Mendocino Historical Preservation District (a registered national landmark), Mendocino Headlands State Park, and California State Route 1 (Highway 1, including the Big River Bridge) 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 Town LCP should consider. The following sub-sections summarize related Town Plan provisions.

6.1 Mendocino Town Plan Implementation: Capital Improvement Program: Capital improvement projects recommended in the Mendocino Town Plan 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 (Title 20 – Division III) is the principal Town Plan implementation tool. The Mendocino Town Zoning Code (“MTZC”) sets out definitions of use types, lists the zoning districts that implement the land use designations within the 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, or as applicable, the Mendocino Historical Review Board, on applications for development (or work within Historic Districts A and B) in the Town. The Zoning Code also summarizes, for informational purposes only, the administrative procedures provided in Public Resources Code Section 30603 for an appeal by a person with standing (“aggrieved person”) 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 Town Plan implementation tool. 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 Historic Districts, and are intended to represent a cross section of the community.

6.4 Historical Review Board Design Guidelines: The Mendocino Historical Review Board Design Guidelines serve to implement Mendocino Town Zoning Code Chapter 20.760, and also to provide guidance to development applicants on the desired character within the Historic District. The Guidelines set out a range of design choices that will encourage development that is compatible with the existing and desired character of the Town and which 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: Coastal Act Section 30610, as amended, and Subchapters 6 and 7, Title 14, California Code of Regulations 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.

On November 14, 1996, the California Coastal Commission issued Categorical Exclusion Order (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 4.13-7 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 Mendocino Town Plan contains these Coastal Act, California Code of Regulations provisions, and the Categorical Exclusion Order provisions in full.

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
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 Town Local Coastal Program and the Mendocino County Zoning Code Chapter 20.216, Enforcement, Legal Procedure, and Penalties. Consistent enforcement of the certified Town LCP shall achieve its continued effective implementation in a manner that conforms to the Coastal Act.

6.7 Visitor-Serving Facility Room Allocation: (a) Following certification of the updated Mendocino Town Local Coastal Program by the Coastal Commission, the remaining Visitor-Serving Facility (“VSF”) rooms in the Town below the numerical VSF Cap of 237 units shall be allocated by the procedure set forth in Town Zoning Ordinance Section 20.684.030.H for six (6) VSF units reserved for the Nicholson House Inn, located at 44861 Ukiah Street (APN 119-250-12), and thirteen (13) units for designated properties in Appendix 1 to obtain authorization for existing units within existing visitor-serving facility buildings on sites designated on the Mendocino Town Land Use Map with an asterisk (*) or asterisk-B (*B), in addition to those units within those buildings enumerated in the 1992 Town Plan. The two VSF units at 45020 and 45065 Albion Street (MacCallum House Inn, APN 119-236-10 and 119-236-12), and one VSF unit each at 44860 Main Street (Didgeradoo Inn, APN 119-250-37), 45141 Ukiah Street (Reeves, APN 119-235-13), and 390 Kasten street (Blue Heron, APN 119-237-00) were already recognized in the certified 1992 Town Plan and constitute legal existing VSF units that require no further allocation.

(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 units, (2) accept and process applications for their entitlement 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 units.
INSERT FIGURE 4.13-7: TOWN OF MENDOCINO CATEGORICAL EXCLUSION ORDER E-96-1 ILLUSTRATIVE MAP
APPENDIX 1: UPDATED 1992-2012 UNIT COUNT TABLE
APPENDIX 2: LANDMARK/HISTORIC BUILDINGS INVENTORY
APPENDIX 3. MENDOCINO ESTUARY Marine Protection Area limitations on fishing in these areas pursuant to Title 14, California Code of Regulations Section 632(b)(1)(25)
APPENDIX 4. CALIFORNIA COASTAL COMMISSION Categorical Exclusion ORDER E-96-1