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Staff: Jo Ginsberg
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Meeting of: Sept. 16, 1999

TO: COMMISSIONERS AND INTERESTED PARTIES

FROM: Peter Douglas, Executive Director
Steven F. Scholl, Deputy Director
Robert Merrill, North Coast District Manager
Jo Ginsberg, North Coast Planner

SUBJECT: **MENDOCINO COUNTY LCP AMENDMENT No. 2-98 (Major: Gualala Town Plan and Zoning)** (For Public Hearing and Possible Action at the California Coastal Commission meeting of September 14-17, 1999)

REVISED STAFF REPORT

SYNOPSIS:

A. BACKGROUND AND AMENDMENT DESCRIPTION:

1. Amendment Description.

Mendocino County is proposing to amend its Land Use Plan and corresponding Implementation Plan text and maps through a variety of additions, revisions, clarifications, and deletions. As submitted, Mendocino County's LCP Amendment No. 2-98 (Major: Gualala Town Plan) would establish a Gualala Town Plan (GTP) consisting of: (1) proposed revisions to the text and land use maps of the Coastal Element of the County's General Plan (LUP) providing specific goals and policies intended to guide development in the GTP planning area approximately 30 years into the future; (2) an associated change to the zoning maps; and (3) an ordinance amendment providing revisions as necessary to maintain consistency with the proposed general plan and zone changes, as well as to incorporate four newly-created zoning districts and a provision for development of a limited number of second residential units in the GTP planning area.

The GTP planning area covers the southernmost portion of the Mendocino County coastal zone, and includes the small community of Gualala. The planning area is roughly bounded by the Gualala River on the south, the Pacific Ocean on the west, Old Stage Road on the east, and the Marine View and Pacific View subdivisions, Pacific Woods Road, and the Ocean Ridge subdivision on the north.

The Gualala Town Plan amends the Mendocino County Coastal Element (LUP), providing specific goals and policies guiding development in the GTP planning area. The GTP reflects community issues such as balancing the residential and commercial development within the community, concentrating development within the Town Plan area, establishing a visual community identity, reducing dispersed strip development adjacent to State Route 1, enhancing scenic opportunities that exist within the town plan area, and creating a pedestrian-oriented community by planning for pedestrian/bicycle walkways and trails.

The proposed GTP will be implemented by the Mendocino County Coastal Zoning Code, which is proposed to be amended. Amendments to the Zoning Code will incorporate the four newly-created zoning districts proposed to be applied to the Gualala commercial area, as well as to accommodate the provision for second residential units in the Town Plan area east of State Route 1. Other provisions of the Coastal Zoning Code, such as Use Type definitions, regulations pertaining to residential zoning districts, off-street parking, signage, environmentally sensitive habitat areas, etc., unless specifically regulated pursuant to the GTP, will continue to apply to development within the GTP planning area. It should be noted that the Gualala Town Plan is *not* a new LCP segment, but an addition and modification to the existing certified Mendocino County Local Coastal Program.

The major changes proposed by LCP Amendment No. 2-98 include:

- A. Replacement of the existing "Commercial" zoning designation with new zoning designations of Gualala Village Mixed Use (GVMU), Gualala Highway Mixed Use (GHMU), and Gualala Planned Development (GPD), which allow residential uses as a principally permitted use. In the proposed new GPD districts, a minimum of 50% of the total lot area must be dedicated to residential uses. Residential development on existing commercial parcels is currently a conditional use, requiring a use permit.

These three new zoning districts provide more restrictive development standards than the current commercial zoning. For example, under the current zoning regulations, maximum building height in the commercial district is 35 feet. Maximum building height in the proposed new GVMU district is 28 feet east of Highway One and 18 feet west of Highway One; and is 28 feet in the proposed new GHMU and GPD districts. Maximum lot coverage and maximum floor-area ratios are also more restrictive in the proposed new districts than in the current commercial zones.

- B. Increasing the potential residential buildout in Gualala by 428 dwelling units, resulting from (a) allowing residential uses as principally permitted uses in the Mixed Use districts; (b) requiring at least 50% of the acreage of Gualala Planned Development district parcels to be developed with residential uses; and (c) permitting second residential units on all legal parcels within the Gualala Town Plan area, with the exception of parcels west of Highway One, up to a maximum of 100 second units within the Town Plan area.
- C. Extending the urban-rural boundary to encompass within the urban area the entire Gualala Town Plan area.

2. Previous Commission Consideration.

On September 28, 1998 the Commission received the proposed amendment from the County of Mendocino. The Executive Director determined that the County's LCP amendment submittal was in proper order and legally adequate to comply with the requirements of Section 30510(b) of the California Coastal Act.

Pursuant to Section 30512 of the California Coastal Act, LCP Amendment No. 2-98 must be scheduled for public hearing and the Commission must take action within 90 days after receipt of a complete transmittal. Due to the length and complexity of the submittal, a thorough review by staff was not possible in time for the staff to prepare a recommendation on the merits of the LCP amendment for the December Commission meeting. Coastal Act Section 30517 and Section 13535(c) of the California Code of Regulations states that the Commission may extend for good cause the 90-day time limit for a period not to exceed one year. Pursuant to this regulation, on December 9, 1998, the Commission extended the 90-day time limit for one year.

The item was opened and continued at the Commission hearing of July 15, 1999.

3. Revisions to Staff Report.

Staff has responded to concerns voiced by the Commission at the July 1999 hearing by adding some modifications and changes to the staff report to reflect the concerns of the Commission regarding seawalls and polluted runoff. Staff has added two new suggested modifications, No. 26, concerning geologic hazards and seawalls, and No. 27, concerning best management practices to prevent polluted runoff, and has made some additions to Suggested Modification No. 11, concerning Protection of Environmental Resources.

4. Waste Diversion Issue.

Concerning the water issue raised by the Commission, staff notes that the State Water Resources Control Board (SWRCB) sets limits on the amount of water that may be drawn from the North Fork Gualala River, and that the North Gualala Water Company (NGWC) has an application pending for a new diversion permit. In addition, the SWRCB requires minimum fish bypass flows for various times of year so that the anadromous fish will not be affected by drawdown of the river (see pages 64-65). Furthermore, Suggested Modifications have been added to the Gualala Town Plan to ensure that adequate water is available for any proposed new development. Suggested Modification No. 12, for example, adds a new section to the Town Plan, Water and Sewer Services, which includes, among other things, a new policy that states that either a hook-up to the North Gualala Water Company or an adequate, approved on-site water system shall be available to serve any development. Thus, no new development will be approved within the Town Plan area unless adequate water services are available.

The Attachment to the staff report includes the goals and policies of the proposed Town Plan, as well as the proposed changes to the existing Land Use Plan and Zoning Code.

SUMMARY OF STAFF RECOMMENDATION:

The bulk of the proposed Gualala Town Plan and Zoning Ordinance changes as submitted are adequate to meet the requirements of the Coastal Act. However, a number of modifications are suggested to address limited aspects of the LCP and to further clarify or correct errors or inconsistencies in the Plan and Zoning Ordinance.

Some of the main suggested modifications include deletion of the proposed expansion of the urban boundary; requiring design review by GMAC for new development in the three new Mixed Use districts; adding a new section on Visitor-Serving Facilities that requires the protection of visitor-serving and recreational facilities; adding a new chapter in the Policy Section of the GTP for Water and Sewer Services; adding language in the Zoning Code that specifies what the Principal Permitted Uses are in various zoning districts for purposes of appeals to the Coastal Commission; and adding a requirement in the Zoning Code that coastal permits for new blufftop development must be conditioned to prohibit the construction of seawalls.

The Commission's procedures require that if the Commission wishes to certify an amendment with modifications, the Commission must first deny the LCP amendment request as submitted, and then certify the amendment if modified as suggested to incorporate the recommended changes. Therefore, staff recommends that the Commission, upon completion of the public hearing, deny both the Land Use Plan and

Implementation Program components of the amendment as submitted, and then certify the amendment if modified as suggested.

The appropriate motions and resolutions to adopt the staff recommendation are found on pages 9-11 of this report.

ANALYSIS CRITERIA

To approve the amendments to the Land Use Plan (LUP), the Commission must find the LUP, as amended, will remain consistent with the policies of Chapter 3 of the Coastal Act. To approve the amendments to the Zoning Ordinance, the Commission must find that the Implementation Plan (IP), as amended, will conform with and adequately carry out the policies of the LUP, as modified and certified.

ADDITIONAL INFORMATION

For additional information about the proposed Amendment, or to receive copies of the Draft Gualala Town Plan, please contact Jo Ginsberg at the North Coast Area Office at the above address, (415) 904-5260. Please mail correspondence to the Commission to the same address.

**GUIDE TO GOALS, POLICIES, AND SUGGESTED
 MODIFICATIONS BY COASTAL RESOURCE ISSUE**

ISSUES	GTP	LUP	ZONING CODE	SUGGESTED MOD
Water and Sewer Service	Goals 2.5-2, 2.5-3, 2.7-3; Policies 3.1-2, 3.8-1, 3.8-3, 3.8-4	Policies 3.8-1, 3.8-8, 3.8-9, 3.9-1, 4.12-1	Sec.20.516.015	Suggested Mods 5, 12, 15, 16, 28
Second Units	Policy 3.2-3		Chapter 20.458	Sugg. Mod 23
Highway One Capacity/ Parking	Goal 2.5-2; Policies 3.3-4, 3.4-13 thru 3.4-19, 3.6-1, 3.6-10 thru 3.6-12	Policies 3.8-1 thru 3.8-5, 4.12-3 thru 4.12-7	Chapter 20.472	Suggested Mod No. 9
Visitor-Serving Facilities	Policy 3.3-7	Policies 3.7-1 thru 3.7-7, 4.12-1	Chapter 20.436	Suggested Mods 10, 12, 13, 20
Public Access and Recreation	Goals 2.4-4, 2.6-1 thru 2.6-6, 3.3-3, 3.7-1 thru 3.7-7	Policies 3.6-1 thru 3.6-30	Chapter 20.528, Sec.20.532.085	Suggested Mods 7, 10
Visual Resources/ Design Review	Goals 2.4-4, 2.7-2; Policies 3.1-4, 3.3-2, 3.4-2 thru 3.4-7, 3.4-9 thru 3.4-12, 3.4-22, 3.4-26, 3.4-28, 3.4-32, 3.4-33	Policies 3.5-1, 3.5-5, 3.5-8, 3.5-9	Chapter 20.504	Suggested Mods 8, 13, 21
ESHA	Goal 2.7-3; Policies 3.8-1 thru 3.8-3	Policies 3.1-1 thru 3.1-33	Chapter 20.496, Sec.20.532.060, Sec.20,532.065	Suggested Mods 13, 14, 21, 25
Water Quality		Policies 3.1-7, 3.1-11, 3.1-12, 3.1-14, 3.1-25, 3.1-26, 3.1-27, 3.1-31	Chapter 20.492	Suggested Mods 11, 27
Geologic Hazards		Policies 3.4-1-3.4-12	Chapter 20.500, Sec.20.532.070	Suggested Mods 11, 26
Timber Resources	Goal 2.7-1; Policies 3.1-3	Policies 3.3-1 thru 3.3-9	Chapter 20.510	Suggested Mod No. 5

This Table shows where the various coastal resource issues are addressed in the proposed GTP, the existing LUP and Zoning Code (plus proposed changes to the LCP), and the Coastal Commission's Suggested Modifications.

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**PART ONE: STAFF RECOMMENDATION, MOTIONS, RESOLUTIONS,
AND SUGGESTED MODIFICATIONS**

I. STAFF RECOMMENDATION, MOTIONS, AND RESOLUTIONS

A. DENIAL OF LUP AMENDMENT 2-98, AS SUBMITTED:

Staff recommends that the Commission adopt the following resolution:

MOTION I: Denial of the LUP Portion

“I hereby move that the Commission certify Amendment No. 2-98 to the Mendocino County Land Use Plan as submitted by the County.”

Staff recommends a NO vote. A majority of appointed Commissioners is required to pass the motion.

RESOLUTION I:

The Commission hereby denies certification for Amendment No. 2-98 to the Mendocino County Land Use Plan for the specific reasons discussed below in the findings on the grounds that, as submitted, it does not meet the requirements of and is not in conformity with Chapter 3 of the Coastal Act.

B. APPROVAL OF LUP AMENDMENT NO. 2-98 IF MODIFIED AS SUGGESTED:

Staff recommends that the Commission adopt the following resolution:

MOTION II: Approval of LUP Amendment 2-98 if Modified as Suggested

“I move that the Commission certify Amendment No. 2-98 to the Mendocino County Land Use Plan as submitted by the County, if modified as suggested.”

Staff recommends a YES vote. An affirmative vote by the majority of the appointed members of the Commission is required to pass the motion.

RESOLUTION II:

The Commission hereby certifies Amendment No. 2-98 to the Mendocino County Land Use Plan, if modified as suggested, for the reasons discussed in the findings below on the

grounds that, as modified, the Land Use Plan as amended meets the requirements of Chapter 3 of the Coastal Act. This amendment, as modified, is consistent with applicable decisions of the Commission that guide local government actions pursuant to Section 30625(c) and approval will not have significant environmental effects for which feasible mitigation measures have not been employed consistent with the California Environmental Quality Act.

C. DENIAL OF IMPLEMENTATION PROGRAM AMENDMENT NO. 2-98, AS SUBMITTED:

Staff recommends that the Commission adopt the following resolution:

MOTION III: Denial of the IP Portion

"I hereby move that the Commission reject the Implementation Program of the Mendocino County Local Coastal Program."

Staff recommends a YES vote, which would result in the adoption of the following resolution and findings below. An affirmative vote of the majority of the Commissioners present is needed to pass the motion.

RESOLUTION III:

The commission hereby rejects the Implementation Program of the Mendocino County LCP on the grounds that, as submitted, it does not conform with and is inadequate to carry out the provisions of the Land Use Plan as certified. There are feasible alternatives or feasible mitigation measures available that would substantially lessen any significant adverse impact, within the meaning of CEQA, that the approval of the Implementation Program would have on the environment.

D. APPROVAL OF IMPLEMENTATION PROGRAM AMENDMENT 2-98 IF MODIFIED AS SUGGESTED:

Staff recommends that the Commission adopt the following resolution:

MOTION IV: Approval of the IP Portion

"I hereby move that the Commission approve the Implementation Program of the Mendocino County Local Coastal Program, if modified as suggested."

Staff recommends a YES vote, which would result in the adoption of the following resolution and findings below. An affirmative vote of a majority of the Commissioners present is needed to pass the motion.

RESOLUTION IV TO CERTIFY THE IMPLEMENTATION PROGRAM IF MODIFIED:

The Commission hereby approves certification of the Zoning and Implementation portion of the Mendocino County LCP, if modified as suggested, for the reasons discussed in the findings below on the grounds that, as modified, the zoning ordinance, zoning map, and other implementing materials conform with and are adequate to carry out the provisions of the Land Use Plan as certified. There are no feasible alternatives or feasible mitigation measures available that would substantially lessen any significant adverse impact, within the meaning of CEQA, that the approval of the Zoning and Implementation Program if modified would have on the environment.

II. SUGGESTED MODIFICATIONS:

KEY FOR MODIFICATIONS TO COUNTY LANGUAGE:

The Attachment presents a complete set of the policy and zoning code amendments proposed by the County, showing by italics and strike-through how the proposals would alter the existing LCP text. In this Section, however, the resulting re-worded text proposed by the County is shown in plain type, while additions suggested by the Commission are *italicized*, and suggested deletions are ~~struck through~~.

A. SUGGESTED MODIFICATIONS TO THE LAND USE PLAN:

SUGGESTED MODIFICATION NO. 1: Section 1.1 of the Gualala Town Plan shall be modified as follows:

1.1 GUALALA TOWN PLAN

Gualala is a small coastal community situated in the southwest corner of Mendocino County at the mouth of the Gualala River. The town of Gualala is a service center for the south coast of Mendocino County and for The Sea Ranch and northern Sonoma County. While serving a regional population of about 2,500 persons, the scenic beauty and recreational opportunities of the Gualala area attract many thousands of visitors each year.

Gualala is located within the unincorporated area of Mendocino County. Land use decisions are governed by the Mendocino County Local Coastal Program (LCP) and the Mendocino County General Plan, as interpreted by the County Planning Commission and Board of Supervisors.

The Gualala Town Plan amends the Coastal Element of the Mendocino County General Plan, as adopted and certified in November 1985 and revised in March 1991. The regulatory ordinances for implementation of the Gualala Town Plan shall be adopted as amendments to the Mendocino County Coastal Zoning Code (Title 20, Division II of the Mendocino County Code). The Gualala Town Plan provides planning goals and policies establishing a scenario for growth within the Gualala Town Plan area over a 30-year planning horizon.

No land, building, structure, or premises shall be ~~used~~, developed or reconstructed in a manner ~~which~~ *that* is inconsistent with the Gualala Town Plan or the associated zoning ordinance.

SUGGESTED MODIFICATION NO. 2: Section 1.4 of the Gualala Town Plan shall be modified as follows:

1.4 How to Use This Plan

Following this introductory chapter, Chapter 2 provides an overview of the planning issues and goals for the Gualala Town Plan area. Chapter 3 establishes policies for future development in the Town Plan area. Chapter 4 defines the land use classifications for the Gualala Town Plan. Chapter 5 provides definitions, and Chapter 6 contains the appendices.

The Gualala Town Plan amends the Mendocino County Coastal Element, providing specific goals and policies governing development in the Gualala Town Plan area. *It should be noted that both goals and policies are intended to be the standard of review utilized by the permit issuing authority, including the Coastal Commission in its review of an appeal of a project approved by the County within the Town Plan area.* The Town Plan is consistent with the established goals and policies of the Coastal Element which pertain to environment and resources, access and recreation, and development. Several minor text amendments in the Coastal Element ~~are necessary to~~ provide references to the Gualala Town Plan. Amendments to the Land Use Plan maps ~~are necessary to~~ incorporate the revised land use designations for the Gualala Town Plan. *Where there is a conflict among policies within the Town Plan, or between policies in the Town Plan and the rest of the certified LCP, the more restrictive policy shall apply.*

The Gualala Town Plan is implemented by the Mendocino County Coastal Zoning Code (Title 20, Division II). Amendments to the Zoning Code ~~are necessary to~~ incorporate the four newly created zoning districts for the Gualala commercial area and the second residential units ordinance. Other provisions of the Coastal Zoning Code, *including but not limited to such as* Use Type definitions, Residential zoning district regulations, off-street parking regulations, signage regulations, environmentally sensitive habitat area regulations, etc., will continue to apply to development in the Gualala Town Plan area.

~~Should the population growth rate for the Gualala Town Plan planning area exceed 20 percent of the total growth anticipated by the plan in any 5-year increment of the plan's existence, a review/update of the plan should be initiated.~~

NOTE: This last paragraph has been modified, moved to Section 3.2, Residential Development, and renumbered as G3.2-6.

SUGGESTED MODIFICATION NO. 3: Section 2.5 of the Gualala Town Plan shall be modified as follows:

2.5 Public Services and Road Capacity

While it is instructive to look at the total amount of existing and potential residential and commercial development in the Town Plan area, it is also important to understand the various factors that constrain future growth. Development in Gualala is constrained, in part, by the capacity of the infrastructure which serves it. In particular, the capacity of Highway 1, the availability of water, and the capacity of the community sewer system limit both the amount and location of development in the Town Plan area.

Highway 1 Capacity

In the California Coastal Act of 1976, the California legislature mandated that Highway 1 "in rural areas of the coastal zone remain a scenic two-lane roadway" (PRC Section 30254). While this mandate serves as an overall constraint to future growth on the Mendocino coast, highway improvements within urbanized areas, such as Gualala, can increase the local capacity of the roadway to accommodate growth. The Gualala Traffic Study (TJKM, February 1995) evaluates existing and projected traffic conditions on Highway 1 in the Gualala area.

The Traffic Study found that under existing conditions, all intersections and road segments on Highway 1 in the Gualala commercial district were operating at "acceptable" levels of service (LOS) in 1994.¹ The heaviest congestion and delays were experienced at the Sundstrom Mall entry/Highway 1 intersection, which operated at LOS D.

The Traffic Study found that projected increases in traffic volumes on Highway 1 resulting from buildout of commercial and residential lands under the Gualala Town Plan (under the 75/50% Scenario) would degrade operations on Highway 1 from Old State Highway to Pacific Woods Road and at five intersections in the commercial district to a level of service F, which is unacceptable. However, the Traffic Study found that increased traffic volumes can be accommodated if improvements are made to increase the capacity of the Highway 1 corridor within Gualala's commercial district. Recommended improvements necessary to accommodate

increased traffic volumes from projected buildout under the Gualala Town Plan, while ensuring Highway 1 operates at a level of service D or better, include:

- Two-way left-turn lane on Highway One from Old State Highway to Bakertown.
- Development of parallel roadway east of Highway One (along Church Street alignment), with *a* bridges over China Gulch and ~~Robinson Gulch~~.
- Installation of traffic signals on Highway 1 at Old State Highway, Sundstrom Mall and Ocean Drive.
- Left-turn channelization on Highway 1 at Old State Highway, Center Street, Sundstrom Mall, Ocean Drive and Pacific Woods Road.
- Northbound right-turn channelization on Highway 1 at Old State Highway.

At a public meeting to discuss the findings of the Gualala Traffic Study and at subsequent Gualala Municipal Advisory Council meetings, the general consensus was that traffic signals are undesirable, but may eventually be necessary to address public safety concerns. The other recommended improvements are considered acceptable, and alternative approaches to reducing congestion should be encouraged (such as mixed use developments, pedestrian and bicycle facilities, transportation demand management techniques, public transportation).

Goal G2.5-1 To create safe and pleasant pedestrian circulation within the commercial district and to reduce vehicular congestion and improve safety conditions along the Highway 1 corridor.

Water Supply

The entire Gualala Town Plan area is designated a Critical Water Resource zone by the Mendocino County Coastal Ground Water Study (State Department of Water Resources, 1982). Water service in the Gualala Town Plan area is provided in most locations by the North Gualala Water Company (NGWC), a privately-owned, public utility. The service area of the NGWC presently includes approximately 12,000 acres of land extending from the Gualala River north to the Haven's Neck subdivision and Fish Rock Road. The NGWC's primary water source is a production well (well #4) located on the North Fork Gualala River near Elk Prairie. Secondary water sources include two surface water sources at Robinson Gulch and Big Gulch.

The State Department of Health Services (DHS), Division of Drinking Water prepared a recent evaluation of the maximum possible source production from the NGWC's water sources. Assuming a 250 gallons per minute (gpm) production capacity for well #4, 50 gpm at Big Gulch, and 28 gpm at Robinson Gulch, DHS estimated the combined pumping capacity of the three existing water sources during low flow periods at 328 gpm. This is sufficient water to supply approximately 1,700 connections (equivalent meters), or about 783 additional connections beyond the year 1995 service connections.

Standard acceptable engineering practice dictates that a municipal water supply shall be capable of: (1) meeting maximum day demand plus fire flow requirements, or peak hour demand— whichever is larger; and (2) meeting demands without the availability of the largest single water supply source. It is also accepted practice to increase the source incrementally to meet projected demand. A safety factor is maintained by only allowing development to reach a point which consumes 80% of the peak day demand available, before increasing the source. When the NGWC reaches 80% of capacity (1,360 connections based on a 328 gpm pumping capacity), a new source should be developed.

Table 2.5 presents information about current water consumption in the NGWC service area and projected future water demands within the Gualala Town Plan area and within the entire NGWC service area. The water demand projections presented in Table 2.5 exceed the supply projections by 543 connections.

If assessments of the current water supply, combined with future water development projects that may be successfully completed, do not demonstrate a sufficient amount of available water, then several possible actions may be necessary to achieve a balance between water supply and demands, including:

- Developing new water supply sources,
- Developing increased storage capacity for water supply during low flow periods,
- Increasing water conservation efforts,
- Restricting the amount of new development.

The North Gualala Water Company is urged to proceed with the institution of a water conservation plan. Additionally, voluntary water conservation measures are encouraged for all water users within the planning area.

The topic of water resources is considered in both the County's General Plan and Coastal Element. Numerous goals and policies are included within these documents with the intention of emphasizing the importance of the protection of the County's water resources. Coastal Element Policies 3.8-8 and 3.8-9 pertain to public water supplies, as well as "proof of water" requirements associated with development proposals. The General Plan Water Resources Chapter contains findings, goals, and policies that address water conservation, in-stream water flows, reduction of water pollution, protection of fisheries and wildlife, and prioritization of water users.

NOTE: This paragraph has been moved here from the Development Constraints/Thresholds subsection of Section 2.5, Public Services and Road Capacity.

TABLE 2.5 WATER CONSUMPTION & PROJECTED WATER DEMANDS FOR GUALALA TOWN PLAN AREA		
1995 connections in North Gualala Water Co. (NGWC) service area ¹ (a)	917	
DHS-estimate of maximum number of connections which could be served by NGWC system ² (b)	1,700	
	Gualala Town Plan	Coastal Element (March '91)
Estimated future residential connections within Gualala Town Plan area (75/50% buildout scenario) (c)	759	331
Estimated future commercial connections within Gualala Town Plan area ³ (d)	277	887
Total projected new connections within Gualala Town Plan area (c + d) = (e)	1,036	1,218
Estimated future connections within NGWC service area outside of Gualala Town Plan area ⁴ (f)	290	290
Total projected future connections in NGWC service area (e + f) = (g)	1,326	1,508
Deficit in connections at buildout of Gualala Town Plan, based on DHS-estimated NGWC source capacity (b - a - g)	-543	-725

¹ Rau & Associates, analysis of Water Supply Requirements for North Gualala Water Company, February 22, 1996.

² The "Engineering Report for NGWC," Sept. 1993, Office of Drinking Water, State Department of Health Services, estimates the production capacity of the NGWC system and estimates the number of connections which could be served based on historic water demand figures. Assuming low flow production of 250 gpm from Well #4, 28 gpm from Robinson Gulch, 50 gpm from Big Gulch, the maximum output would be 0.47 million gallons per day. Assuming a maximum daily demand of 277/gal/connection, approximately 1,697 connections could be served.

³ Assuming 1,015,383 sf of commercial development at buildout under the Gualala Town Plan and 185,000 sf of existing commercial development, and given an average of one connection per 3,000 sf, approximately 277 additional connections are necessary to serve future commercial development. As shown in Table 2.2, the Coastal Element (March '91) would allow an estimated 2,846,210 sf of commercial development, therefore (2,846,210 sf - 185,000 sf/3,000 sf/connection) 887 additional connections would be necessary.

⁴ Estimate of future demands for service within NGWC service area but outside of the Gualala Town Plan Area was provided by Rau & Associates in analysis of Water Supply Requirements for North Gualala Water Company dated February 22, 1996 and is based on a 3 percent annual growth rate.

Sewer Service/Septic Availability

The Gualala Community Services District (GCSD) wastewater treatment system was completed in 1993. The GCSD area encompasses approximately 1,430 acres, 550± acres of which are included

within the initial Sewer Assessment District boundary. The Gualala Town Plan area includes most of the GCSD area.

Construction of the community wastewater treatment system removed one of the primary constraints to commercial development in Gualala. The initial design capacity of the system of 625 Equivalent Single-Family Dwellings (ESDs) assumed a two percent annual residential growth rate and a three percent annual commercial growth rate for a 20-year planning horizon. As of ~~September 1994~~ *October 1997*, approximately ~~400~~ *460* ESDs were allocated, and the unused capacity represented approximately ~~225~~ *165 remaining* ESDs.

New development within the GCSD assessment/service area cannot proceed unless connection to the wastewater treatment system has been authorized by the GCSD. The remaining ESDs may not be sufficient to accommodate the demands for sewer connections for the 30-year planning horizon of the Gualala Town Plan. As shown on Table 2.3, buildout of residential uses under the Coastal Element, March '91 (assuming the 75/50% scenario) would demand an additional 331 ESDs. Under the Gualala Town Plan (75/50% scenario), buildout of residential uses would require 759 ESDs. Under both of these scenarios (neither of which account for increased demands from commercial uses), the remaining capacity of the GCSD treatment plant would be exceeded.

When 500 ESDs are in use, the GCSD is required to initiate plans for wastewater treatment plant expansion. The treatment plant design was selected, in part, to make future increases in treatment capacity possible. A Local Coastal Plan amendment and further environmental review will be necessary prior to approval of any expansion of the GCSD facilities.

Minimum parcel sizes in the coastal zone have been assigned with consideration of septic requirements and development on parcels outside of the GCSD assessment/service area requires approval of a septic system by the Mendocino County Department of Environmental Health.

Development Constraints/Thresholds

Development constraint thresholds are included in the Town Plan for the purpose of linking existing and potential development with infrastructure capacity. As the planning time horizon of this Plan is approximately 30 years, the timing of mitigation is an integral component of the comprehensive planning process. For example, it is anticipated that, given a projected growth rate of 3.7 percent in the Town Plan planning area, 80 percent of the remaining water connections available from the North Gualala Water Company would be utilized by the year 2007. If assessments of the current water supply, combined with future water development projects that may be successfully completed, do not demonstrate a sufficient amount of available water, then additional actions would be necessary to achieve a balance between water supply and demand. Actions could include, but are not limited to, development of new water sources, development of increased storage capacity for water supply during low flow periods, increased water conservation efforts, and restriction of the amount of new development which increases water usage. Similar

analysis and contingency plans are included within the Town Plan relative to the topics of sewage disposal and traffic.

Based upon a projected annual population growth rate within the GTP area of 3.7%, ~~it is anticipated that development thresholds~~ (80% of point at which development would exceed infrastructure capacity) associated with water supply, sewer capacity, and traffic are estimated as follows:

~~No~~ New development shall be permitted *only* if the infrastructure and resources to support it are ~~not~~ available, or made available as part of the developer's project plan.

~~The topic of water resources is considered in both the County's General Plan and Coastal Element. Numerous goals and policies are included within these documents with the intention of emphasizing the importance of the protection of the County's water resources. Coastal Element Policies 3.8-8 and 3.8-9 pertain to public water supplies, as well as "proof of water" requirements associated with development proposals. The General Plan Water Resources Chapter contains findings, goals, and policies which address water conservation, in-stream water flows, reduction of water pollution, protection of fisheries and wildlife, and prioritization of water users.~~

NOTE: This paragraph has been moved to Section 2.5, Public Services and Road Capacity, Water Supply.

Goal G2.5-2 To ensure that public services and utilities can be provided for new development and that traffic generated by new development will not result in unacceptable levels of service on Highway 1.

Goal G2.5-3 To ensure that water extractions comply with provisions of the Water Resources Chapter of the County General Plan.

SUGGESTED MODIFICATION NO. 4: Section 2.8 of the Gualala Town Plan shall be modified as follows:

2.8 SCHOOLS

The substantial additional residential development proposed within the Town Plan area could result in a significant increase in the population of school-age children. The existing elementary school and high school serving the Gualala area are in Point Arena. School officials indicate that as of 1997 the elementary school is approaching maximum capacity. The Gualala area already has the largest population of school-aged children attending these schools. ~~Virtually all~~ *Most* children take the bus to and from school - a significant expense to the school district. Construction of a local school could enable many children to walk to school. The school district presently owns a 10 acre

site adjoining, but outside of, the Town Plan area. It is possible that another site within the Town Plan area may be acquired at a future date.

Goal G2.8-1 To provide for development of needed educational facilities for the anticipated growth in the student population.

SUGGESTED MODIFICATION NO. 5: Section 3.1 of the Gualala Town Plan shall be modified as follows:

3.1 DEVELOPMENT LOCATION

- G3.1-1 The urban-rural boundary for the town of Gualala shall be coincident with the ~~Gualala Town Plan area boundary as indicated on Figure 1.1 boundary lines delineated on Land Use Map 31.~~
- G3.1-2 New development in the Gualala area shall be concentrated within the urban side of the urban-rural boundaries, where it can be served by community water and sewer systems and will minimize additional traffic impacts on Highway 1.
- G3.1-3 New development shall be located in areas where it will not conflict with the goal of preserving and protecting land used for timber and crop production outside of the Residential Reserve area, and environmental resources, including wetlands, steep gulches, stream corridors and coastal views.
- G3.1-4 New development shall be located in areas where it will not adversely affect the character of existing residential neighborhoods.

SUGGESTED MODIFICATION NO. 6: Section 3.2 of the Gualala Town Plan shall be modified as follows:

3.2 RESIDENTIAL DEVELOPMENT

- G3.2-1 Residential uses are encouraged and shall be a principal use in the Gualala Village Mixed Use, Gualala Highway Mixed Use, and Gualala Planned Development districts to reduce the need for automobile travel by providing a population base in town and to provide opportunities for higher density housing types.
- G3.2-2 An inclusionary zoning ordinance should be adopted by the Board of Supervisors which requires development of affordable housing units, or in-lieu contributions for development of affordable housing units, for major residential development projects and major subdivisions in the Town Plan area. These affordable housing units shall be developed within the Gualala Town Plan area.

An inclusionary zoning ordinance should be adopted by the Board of Supervisors which requires development of affordable housing units, or in-lieu contributions for development of affordable housing units, for major residential development projects and major subdivisions in the Town Plan area. These affordable housing units shall be developed within the Gualala Town Plan area.

- G3.2-3 *Notwithstanding other provisions of the LCP that limit the number of residences to one per parcel, second Residential Units shall be permitted on all legal parcels within the Gualala Town Plan area, with the exception of parcels located west of Highway 1, in accordance with standards established in the Coastal Zoning Code (Division II). Second Residential Units shall not be allowed on parcels located west of Highway 1 to protect against the possible conversion of such units to vacation home rentals which may adversely affect the character of existing residential neighborhoods.*
- G3.2-4 A 480± acre area immediately east of the Gualala commercial district is designated "Residential Reserve" and is identified as a suitable area for future residential expansion if and when the need for additional residential units, and the ability to provide services to support them, are demonstrated (Figure 3.1). The land is currently classified RMR, FL and RR. Land Use Plan amendments and rezoning would be necessary to enable development at higher densities. Guidelines for the Residential Reserve are included in Appendix A.
- G3.2-5 The Gualala Town Plan emphasizes the pedestrian aspect of the community. A future school site should be constructed in a location that will permit a maximum number of students to walk to school. The School District should install appropriate pedestrian facilities adjacent to the school. The County and the School District shall cooperate in the development of a pathway network to enable children to safely walk to and from school. The County and the School District should develop an arrangement permitting use of the school grounds by the public during non-school hours.
- G3.2-6. *Should the ~~population~~ residential growth rate for the Gualala Town Plan planning area exceed 20 percent of the total growth anticipated by the plan in any 5-year increment of the plan's existence, a review/update of the plan should be initiated.*

NOTE: What is now Policy G3.2-6 was moved here from Section 1.4.

SUGGESTED MODIFICATION NO. 7: Section 3.3 of the Gualala Town Plan shall be modified as follows:

3.3 MIXED USE AND PLANNED DEVELOPMENT

Gualala Village Mixed Use District

- G3.3-1 New development in the Gualala Village Mixed Use district shall be designed to create a compact, integrated and walkable shopping district. To achieve this, development of commercial uses with pedestrian amenities shall be encouraged on infill sites within the Gualala Village Mixed Use district (Figure 3.2).
- G3.3-2 New development within the Gualala Village Mixed Use district shall be sited and designed to protect and enhance coastal views.
- G3.3-3 The siting and design of new development on the west side of Highway 1 in the Gualala Village Mixed Use district shall ~~allow for the Gualala Bluff Trail easement~~ *not preclude completion of the Gualala Bluff Trail along the entire bluff as generally shown on the LCP Coastal Access Figure in Chapter 2 of the Gualala Town Plan.*

Gualala Highway Mixed Use District

- G3.3-4 Restrictions on commercial development on parcels in the Gualala Highway Mixed Use district (Figure 3.2) are intended to limit traffic generation and to *ensure that new development is* be designed and landscaped to minimize the aesthetic impacts of strip development.

Gualala Planned Development District

- G3.3-5 Comprehensive planning shall be required on properties with a Gualala Planned Development designation. A two-stage planning process requiring a general development plan and a Precise Development Plan shall be established to provide general and specific criteria regulating future development within the Gualala Planned Development districts (Figure 3.2). The Planned Development process allows for community review and participation, while streamlining the County's permit-processing requirements.
- G3.3-6 The area along Church Street, east of Highway 1, is designated Gualala Planned Development and shall be reserved for expansion of commercial and residential uses in Gualala. This area provides an opportunity for development of a concentration of commercial and residential uses and an alternate street network which should decrease Highway 1 congestion and encourage more pedestrian activity in town.

G3.3-7 The Lower Mill site, located east of Highway 1 and south of Old State Highway, is designated Gualala Planned Development, and shall be reserved for a mixture of residential and commercial uses, including the development of a concentration of visitor-serving facilities. The relatively flat topography of the Lower Mill site establishes it as one of the few sites in town which would permit development of relatively high-density residential uses.

SUGGESTED MODIFICATION NO. 8: Section 3.4 of the Gualala Town Plan shall be modified as follows:

3.4 DESIGN GUIDELINES FOR MIXED USE AND PLANNED DEVELOPMENT DISTRICTS

The purpose of these Design Guidelines is to assist property owners, developers and designers in creating projects within the Gualala Village Mixed Use, Gualala Highway Mixed Use and Gualala Planned Development districts that are consistent with the vision for the community of Gualala established by the goals and policies of the Gualala Town Plan. These guidelines are further intended for use by the Gualala Municipal Advisory Council, County planning staff, Coastal Permit Administrator, Planning Commission, and Board of Supervisors as criteria for evaluating the merits of new projects on a consistent basis. The guidelines are intended to result in functional and attractive site and building designs. The guidelines are organized under the following subheadings:

Site Planning, Architectural Form, Vehicle Access & Parking, Pedestrian Access, On-Site Landscaping, Street Landscaping, Exterior Lighting, Signage,

Site Planning

- G3.4-1 Natural features, such as hillsides, gulches and mature vegetation, shall be considered important design determinants in siting development. New development ~~should~~ *shall* minimize site disturbance.
- G3.4-2 The siting and design of buildings shall ~~consider~~ *protect* river, ocean and hillside views.
- G3.4-3 The protection and restoration of public coastal views is paramount. Buildings shall provide for maximum preservation of coastal views from Highway 1 (for example, by orienting buildings on an axis perpendicular to the highway). Buildings should *be* sited and designed to maintain access to ocean views from neighboring buildings and parcels.
- G3.4-4 Development within the Gualala Village Mixed Use Zoning District between Highway 1 and the Gualala River shall be sited to provide view corridor(s) to the coast for pedestrians and motorists on Highway 1. At a minimum, one unobstructed view

corridor shall be provided across each parcel. View corridor(s) should be placed at the property boundary(s) and adjoin other protected view corridors.

- G3.4-5 Where two-story structures are proposed on the west side of Highway 1, buildings should be stepped to provide a visual transition to view corridors.
- G3.4-6 Siting, design and landscaping elements shall be selected to enhance the pedestrian environment. Site and landscape designs shall incorporate outdoor pedestrian use areas such as courtyards and plazas (which could include amenities such as trellises, raised planters, landscaped berms, and creative and inviting, semi-protected outdoor spaces). These should be visible from street corridors and pedestrian access routes. These requirements are applicable to commercial, industrial and multifamily residential projects.
- G3.4-7 Where nonresidential uses are adjacent to residential uses, special attention shall be given to the design of effective buffering, including appropriate setbacks, landscaping, berms, and fences to prevent noise, lighting and privacy intrusion.
- G3.4-8 Subject to the constraints in the other Site Planning guidelines herein, structures should be oriented to take maximum advantage of site solar access.

Architectural Form

- G3.4-9 New development shall consider relationships between buildings, open space and building setbacks. The scale and massing of new development shall be appropriate to the context of the community. In new development, clusters of small buildings shall be encouraged as an alternative to large buildings.
- G3.4-10 Building materials shall be selected to harmonize with the natural setting of Gualala.
- G3.4-11 Roofing materials shall be of non-reflective materials. Roof penetrations for vents and ducts shall be grouped and painted to match the roofing materials or architecturally screened from view. All rooftop mechanical equipment shall be screened from view.
- G3.4-12 Service and loading areas shall incorporate appropriate techniques for visual and noise buffering from adjacent uses. Areas which generate objectionable noise and odors shall be located where they will not disturb occupants within, or adjacent to, the development.

Vehicle Access & Parking

- G3.4-13 Street access points should be consolidated to minimize multiple curb cuts. Shared access between adjoining properties minimizes disruption of traffic flow, reduces

potential points of conflict between through and turning traffic, and facilitates the control and separation of vehicles and pedestrian movement.

- G3.4-14 Entrances and exits shall be located at a safe distance from street intersections and shall not create dangerous situations for pedestrians and motorists.
- G3.4-15 Parking shall be permitted within established view corridors, provided that required parking lot landscaping and lighting shall not diminish the coastal views. Parking lot design and orientation of parking aisles should provide for unobstructed view corridors.
- G3.4-16 Off-street parking shall be screened, either by locating it behind buildings or by providing landscaping which separates the parking from the street frontage. A minimum of ten percent of the area within or around parking areas shall be landscaped.
- G3.4-17 Long, straight uninterrupted rows of parking shall be avoided. Parking areas should incorporate internally looped circulation systems, so that drivers will not be dependent on public streets when making multiple passes through a parking area.
- G3.4-18 All parking area lighting shall be positioned to minimize glare and illumination beyond the development. The amount of lighting provided after business hours shall be restricted to the minimum needed for safety and security purposes.
- G3.4-19 Bicycle racks shall be provided as appropriate for the nature and intensity of use.

Pedestrian Access

- G3.4-20 All new development in the Gualala Village Mixed Use, Gualala Highway Mixed Use and Gualala Planned Development districts shall be required to provide pedestrian walkways along the street frontages in accordance with the guidelines established in the "Circulation, Parking and Pedestrian Access" chapter of the Gualala Town Plan.
- G3.4-21 To encourage pedestrian usage, safe and convenient pedestrian access shall be provided from building entries to parking areas and the street. An attractive environment for pedestrian use should be provided. This should incorporate street furniture, creative outdoor spaces, landscaping, etc.

On-site Landscaping

- G3.4-22 Landscaping provides many site-specific and community benefits including visual screening, definition of spaces, highlighting architectural features and entryways, shading and wind protection, buffering between properties and wildlife habitats. Developments shall provide for as much landscaped area as feasible. Landscaping

should be provided around the perimeter of buildings, in parking lots, along street frontages, and as buffers between neighboring uses.

- G3.4-23 A landscape plan for on-site and street landscaping shall be required for development proposals in the Gualala Village Mixed Use, Gualala Highway Mixed Use, and Gualala Planned Development districts. Each landscape plan shall identify areas where existing vegetation will be retained and areas proposed for landscaping. For landscaped areas, the types and sizes of proposed trees, shrubs, groundcover and other plantings shall be identified. The landscape plan shall include an on-going maintenance program. These requirements are applicable to commercial, industrial and multifamily residential projects.
- G3.4-24 Mature trees are an essential element of the Gualala landscape and can take years to reestablish once removed from a site. Existing groves of trees should be retained and integrated with site development plans, with consideration given to public safety. Trees to be saved shall be noted on site plans and appropriate measures shall be identified to protect the trees during construction activities.
- G3.4-25 Landscape design should incorporate natural looking clusters of compatible plants. Landscape plant selection should have the goal of achieving year-round beauty with consideration given to form, color, texture, and ultimate plant size. Plant species that are native to the Gualala area and well adapted non-native plants requiring minimum maintenance and little or no irrigation are encouraged. A list of plants, trees, shrubs and groundcovers meeting these criteria, as well as a list of invasive species inappropriate for local landscape plans, are included in Appendix B.

Street Landscaping

- G3.4-26 Landscaping along Highway 1 and local roadways shall provide an aesthetic complement to the pedestrian walkways and partial screening of parking areas and/or buildings.
- G3.4-27 Rather than developing a linear tree planting program, cluster landscapes, which form dense "landscape pockets" with tall, canopy trees, smaller understory trees and ground level shrubs and herbaceous plants, are recommended. Cluster landscapes have the following benefits:
- they can be integrated with existing landscaping and native vegetation;
 - they can help maintain a more "natural" appearance in the town;
 - they can be located in areas where public coastal views will not be blocked;
 - the variety of species in cluster landscapes can help create a microclimate conducive to each plant's survival.

- G3.4-28 Existing groves of trees should be retained and integrated with street landscaping plans, with consideration given to public safety.
- G3.4-29 Landscaping along roadways shall be selected and sited to avoid blocking sight lines at intersections and curb cuts. Along utility rights-of-way, plantings shall not disrupt service or access to overhead or underground equipment.
- G3.4-30 Highway 1 medians and embankments should be landscaped with ground level shrubs and herbaceous plants. Plant materials with seasonal foliage and flower changes are encouraged. Plant materials shall be selected, in part, based on low maintenance and irrigation requirements. Landscaping within the Highway 1 right-of-way requires an encroachment permit from Caltrans.

Exterior Lighting

- G3.4-31 An exterior lighting plan shall be required for development proposals in the Gualala Highway Mixed Use, Gualala Village Mixed Use and Gualala Planned Development Districts. The lighting plan shall indicate the location of proposed exterior lighting fixtures and provide either architectural drawings or manufacturer's specifications for all proposed exterior lighting fixtures.
- G3.4-32 Lighting shall be designed to minimize the effects of cumulative night-time illumination on the night sky. Lighting of building facades, pathways and parking areas shall be restricted to that which is necessary for public safety and security.
- G3.4-33 All exterior lighting shall be downcast and shielded to prevent, where feasible, the light source from being directly visible from off-site areas.
- G3.4-34 Lighting standards shall not exceed 20 feet in height.
- G3.4-35 Lighting fixtures shall be non-glare and use non-reflective materials where feasible.

Signage

- G3.4-36 A signage plan shall be required for development proposals in the Gualala Village Mixed Use, Gualala Highway Mixed Use, and Gualala Planned Development districts.
- G3.4-37 Signs shall be compatible with the building's style in terms of location, scale, color and lettering. All signs shall, where feasible, be made of wood.

- G3.4-38 Internally illuminated signs and advertising (including neon, LEDs, etc.) shall not be permitted where visible from public walkways and streets.
- G3.4-39 Freestanding signs relating to an assemblage of businesses (e.g., retail/office plazas) shall be grouped and visually coordinated to reduce confusion.
- G3.4-40 All signage shall comply with the requirements established in the "Sign Regulations" chapter of the Mendocino County Coastal Zoning Code.

DESIGN REVIEW

- G3.4-41 *New development shall conform with the above design guidelines, Policies G3.4-1 through G3.4-40. In addition, within the Gualala Planned Development districts, new development shall conform with the criteria established in Chapter 4 of this plan, which provides for the protection of sensitive coastal resources within the GPD district, including views from public areas such as Highway 1 and the Gualala Point Regional Park, and sensitive resources associated with the Gualala River. New development requiring a coastal development permit within the Gualala Village Mixed Use, Gualala Highway Mixed Use, and Gualala Planned Development districts shall be reviewed by the Gualala Municipal Advisory Council or some similar advisory council prior to filing a coastal development permit application as complete. The advisory council shall forward its findings and recommendations to the permit issuing authority prior to action by that permit issuing authority.*

SUGGESTED MODIFICATION NO. 9: Section 3.6 of the Gualala Town Plan shall be modified as follows:

3.6 CIRCULATION, PARKING AND PEDESTRIAN ACCESS

Circulation

- G3.6-1 Public and private improvements to the Highway 1 corridor shall be required to help make Highway 1 a scenic element of the Gualala townscape, to decrease traffic congestion and reduce potential safety hazards, and to encourage more pedestrian activity in the town of Gualala. Figure 3.3 provides a map illustrating the streetscape concept for Highway 1 in the Gualala Village Mixed Use and Gualala Highway Mixed Use districts. The "Design Guidelines for Mixed Use and Planned Development" chapter provides guidelines for the development of road improvements.

- G3.6-2 To help mark the southern entry or gateway into Gualala, a planted median shall be provided in the taper south of Old State Highway. The gateway on the north end of town shall be comprised of ornamental landscaping on the Highway 1 embankments between the Old Milano Hotel and Pacific Woods Road.
- G3.6-3 Caltrans' corridor preservation setback in the Gualala Village Mixed Use and Gualala Highway Mixed Use districts shall be a minimum 40 foot half-width, as measured from the centerline, unless otherwise approved by Caltrans. Consideration of a reduced half-width would be dependent upon a review of constraints associated with topography, drainages and existing development. Required building setbacks, parking areas, and landscaping shall be designed to accommodate the final Highway 1 right-of-way, as shown on the Highway 1 Streetscape Map (Figure 3.3). Street landscaping and pedestrian walkways shall be provided within the corridor preservation setback. Parking areas, buildings, and associated landscaping shall be located outside of the corridor preservation setback. No building setbacks from the Highway 1 corridor, other than those mandated by Caltrans' corridor preservation setbacks, are required. All development within the Highway 1 right-of-way requires an encroachment permit from Caltrans.
- G3.6-4 The Highway 1 streetscape cross-section in the Gualala Village Mixed Use and Gualala Highway Mixed Use Districts shall include the following elements within a minimum 80' right-of-way, as shown on Figure 3-4:
- 12' landscaping (minimum) on each side
 - 5' sidewalk (continuous on west side of Highway 1, extending from Old State Highway to Gualala Mobile Court on east side of Highway 1)
 - 5' bike lane/shoulder on each side
 - 12' travel lane in each direction
 - 12' continuous left-turn lane from Bakertown to Old State Highway, southbound left turn pocket at Pacific Woods Road)

Exceptions to the strict application of these standards may be granted by the County, with the prior approval of the Caltrans District Director, where existing development, site topography or physical constraints mandate a greater or lesser right-of-way width.

- G3.6-5 To discourage development of commercial uses which generate high traffic volumes and would result in high peak hour turning movements, no "drive thru" commercial facilities shall be permitted in the Gualala Highway Mixed Use District.
- G3.6-6 Curb cuts along Highway 1 and local roads shall be minimized. Numerous curb cuts slow traffic flow and create conflicts between through traffic and turning vehicles. Site accessways shall be designed for safety and convenient turning. Shared driveway access

between neighboring parcels shall be encouraged and driveway access to Highway 1 shall be limited to one driveway per parcel except in instances where more than one access point is necessary for safe ingress and egress and/or efficient on-site circulation.

G3.6-7 School bus and public transit stops shall be provided in appropriate locations along Highway 1. Bus stops shall be provided within the corridor preservation setback, in lieu of a portion of the required landscaping. The school districts shall be encouraged to identify preferred sites for school bus stops within the Gualala Town Plan area.

G3.6-8 A local road network shall be developed in the Gualala Village Mixed Use, Gualala Highway Mixed Use and Gualala Planned Development districts east of Highway 1 to provide alternatives to travel on Highway 1. A network comprised of the elements shown in Fig. 3.5 has been demonstrated to effectively mitigate traffic resulting from anticipated development permitted by this Plan; however, other road network configurations demonstrated to be equally or more effective in mitigating the traffic impacts of new development may be proposed by developers and adopted in lieu of road extensions listed below:

- Church Street extension (south)—connects to Center Street.
- Center Street extension—connects to Church Street and Moonrise extension.
- Moonrise extension—connects Ocean Drive, Moonrise, and Center Street to Old Stage Road on the ridge.
- China Gulch Bridge—connects Center Street to Old State Highway.

Specific alignment and design of road extensions shall be selected to minimize their environmental impacts.

G3.6-9 A streetscape concept for local roads is shown on Figure 3.6. Where appropriate, local roads in the Gualala Village Mixed Use, Gualala Highway Mixed Use and Gualala Planned Development districts shall include the following elements within a minimum 60-foot right-of-way:

- 12' travel lane in each direction,
- 8' parking lanes on each side
- 10' strip on each side containing landscaping and 5-foot wide pedestrian walkway

On some local streets, parking lanes may not be appropriate due to topographic and environmental constraints and/or the presence of structures within the required right-of-way. A 40-foot right-of-way may be acceptable on Center Street, the Moonrise

extension, and the Church Street extension (north of Ocean Drive, connecting to Pacific Woods Road). Where feasible, the following elements shall be included within the 40-foot right-of-way of local roads:

- 12' travel lane in each direction
- 8' strip on each side containing landscaping and a 5-foot wide pedestrian walkway

An alternative way of creating narrower streets is to restrict traffic to one direction. As the road network is expanded in the future, consideration shall be given to the possibility of incorporating one-way streets into the local road network.

G3.6-10 Prior to the implementation of any physical roadway improvements, Caltrans and the County shall consider implementation of possible trip-reducing measures. The development of pedestrian walkways and bike paths in the Gualala commercial district, provision of mixed-use development, and provision of local public transit have been identified as the most effective techniques for reducing the number of vehicle trips.

G3.6-11 *Level of Service E shall be maintained on all Highway 1 road segments and intersections in the commercial district. New development shall not be approved if LOS E will not be maintained on all Highway 1 road segments and intersections in the commercial district. The five-year review of the GTP should include a review and analysis of current highway levels of service and new projections of levels of service to determine if there will be any deterioration below Level D for any Highway 1 road segments or intersections within the commercial district of the Town Plan area. If LOS D is not being maintained, steps should be initiated to ensure that levels of service are improved in the affected areas. The five-year review of the GTP should also consider the development of a cost-sharing plan for traffic mitigation measures. Traffic mitigation measures and traffic control measures, including traffic signals, should be considered as methods of improving level of service at the intersections of State Route 1 and Sundstrom Mall, Ocean Drive, and Pacific Woods Road consistent with the findings of the Gualala Traffic Study - February, 1995.*

Parking

~~G3.6-11~~ G3.6-12 No on-street parking shall be permitted on Highway 1. County staff shall coordinate with Caltrans to develop appropriate signage.

~~G3.6-12~~ G3.6-13 Off-street parking shall be provided in accordance with the standards established in the "Off-Street Parking" chapter of the Coastal Zoning Code. The "Design Guidelines" chapter of the Gualala Town Plan provides additional policies for vehicle access and parking design.

Pedestrian Access

~~G3.6-13~~ *G3.6-14* A continuous pedestrian walkway shall be provided on the east side of Highway 1, from Old State Highway to the Gualala Mobile Court and on the west side of Highway 1 from Old State Highway to Robinson Reef Road. Additional pedestrian walkways may be necessary to serve future development on the east side of Highway 1 between Gualala Mobile Court and Pacific Woods Road.

Pedestrian walkways may be located anywhere within the designated landscaping/sidewalk area, but shall connect with existing walkways on adjoining parcels or provide for a reasonable connection to future pathways on adjoining parcels. Policies in the "Design Guidelines" chapter of the Gualala Town Plan provide guidance for the development of pedestrian walkways.

~~G3.6-14~~ *G3.6-15* Pedestrian walkways and landscaping shall be provided along local roads within the Gualala Village Mixed Use, Gualala Highway Mixed Use and Gualala Planned development districts as illustrated on the Local Roads Streetscape Cross-section (Figure 3.6). Where feasible, walkways and landscaping shall be located in the public road right-of-way. An encroachment permit from the Mendocino County Department of Public Works is required for all improvements within County road rights-of-way.

All pedestrian walkways shall be a minimum of five (5) feet in width and shall be constructed of concrete. Exceptions to the strict application of these standards may be granted by the approving authority if it is found that strict adherence is not feasible or would have significant adverse impacts on natural resources, aesthetics, or other environmental factors.

~~G3.6-15~~ *G3.6-16* Landscaping shall be provided along all pedestrian walkways to create attractive and usable pedestrian corridors. Landscaping shall be established and maintained in accordance with the "Design Guidelines" of the Gualala Town Plan.

~~G3.6-16~~ *G3.6-17* Pedestrian crosswalks shall be provided at the following locations on Highway 1:

Sundstrom Center entry	Ocean Drive
Seacliff	Center Street

~~G3.6-17~~ G3.6-18 Pedestrian crosswalks shall be constructed of flush pavers. Pavers used at crosswalk areas must: (a) be flush with the adjacent paving; (b) be skid-resistant; (c) be contained within a cast concrete perimeter to prevent loosening; and (d) have small, tight joints to accommodate wheelchairs and strollers.

~~G3.6-18~~ G3.6-19 All crosswalks and pedestrian walkways shall be accessible to disabled persons and meet the requirements of the Americans with Disabilities Act.

SUGGESTED MODIFICATION NO. 10: Section 3.7 of the Gualala Town Plan shall be modified as follows:

3.7 RECREATION AND VISITOR-SERVING FACILITIES, COASTAL ACCESS & TRAILS

Recreation Facilities

G3.7-1 *Within two years of plan certification, the County should initiate preparation of a feasibility study* ~~The Board of Supervisors should adopt appropriate mechanisms for the acquisition and development of public parks and recreation facilities in the Gualala Town Plan area.~~

Coastal Access and Trails

G3.7-2 The Gualala Bluff Trail shall be developed within the 25-foot wide public access easements located along the bluff edge west of Highway 1. Offers to dedicate easements for public access shall be obtained to provide for the completion of the Gualala Bluff Trail consistent with Coastal Element policies and in consultation with the Redwood Coast Land Conservancy or other managing agency for the Gualala Bluff Trail.

G3.7-3 The parcel located on the north bank of the Gualala River, immediately north of the Gualala River Bridge and west of Highway 1, should be acquired for protection of natural resources and public access purposes by the County, State Parks, Caltrans, a non-profit land trust, or some other public agency or private association, or managed for protection of natural resources and public access purposes by its owners. Potential development on the site includes development of the Gualala Bluff Trail; fish and wildlife habitat management; limited parking for public fishing; and access for launching small craft such as canoes, kayaks, rowboats or small boats utilizing trolling-type motors.

If and when such acquisition occurs, the parcel shall be classified as Open Space in the Land Use Plan. Prior to development of any public access facilities on the site, a management plan shall be prepared, in accordance with Coastal Element public access policies, to ensure the long-term protection of natural resources and maintenance of the property. Development of the Gualala Bluff Trail on this parcel may involve use of the Highway 1 right-of-way or acquisition of an easement along the bluff of the Lower Mill site east of Highway 1 to ensure the protection of environmentally sensitive habitat areas along the Gualala River estuary.

- G3.7-4 A pedestrian and bicycle trail which links Gualala and Anchor Bay and connects to coastal access trails shown on the Land Use Plan maps shall be developed within Highway 1 and Old Coast Highway (CR #513) rights-of-way and easements acquired for public access.
- G3.7-5 A pedestrian trail providing public access for fishing, hiking, and swimming shall be developed on the north side of the Gualala River from Highway 1 to the easternmost boundary of the Gualala Arts Center property. Offers to dedicate easements for lateral access shall be acquired consistent with Coastal Element access policies and Section 66478.1 et.seq. of the California Government Code. If feasible, this trail shall connect to the Gualala Bluff Trail.
- G3.7-6 Based on an inventory of existing and potential trail alignments, a network of trails shall be designated which connects commercial areas, neighborhoods, visitor accommodations, areas of scenic beauty, and recreational facilities. Priority for trail alignments shall be along public and private road rights-of-way and trails that are currently in use. Access easements shall be acquired from property owners on a voluntary basis (i.e., gifts, open space and conservation easements) as conditions associated with development (i.e., deed restrictions, offers to dedicate), or by direct property acquisition. Trails shall be developed and maintained by the County, State Parks, Caltrans, a non-profit land trust, or some other public agency or private association.
- G3.7-7 GMAC shall review, evaluate, and prioritize the Offers to Dedicate (OTDs) and Deed Restrictions which the Coastal Commission has obtained through the coastal permit process within the GTP planning area.

Visitor-Serving Facilities

- G3.7-8 *Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.*

G3.7-9 *The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.*

SUGGESTED MODIFICATION NO. 11: Section 3.8 of the Gualala Town Plan shall be modified as follows:

3.8 PROTECTION OF ENVIRONMENTAL RESOURCES

G3.8-1 The County shall encourage and support the protection of fisheries habitat through coordination with responsible State and/or Federal permitting agencies regulating water supplies to facilitate compliance with permits which are intended to ensure the viability of the North Fork of the Gualala River. The County shall encourage a joint effort with Sonoma County as well as State and Federal agencies to develop a comprehensive fishery restoration plan for the Gualala River.

G3.8-2 Any wood-burning appliance to be installed as a primary heat source in residential or commercial development shall be an EPA certified unit. The County shall encourage the use of low pollution heating devices instead of wood-burning heat sources.

~~G3.8-3 When the North Gualala Water Company reaches 80 percent of service capacity, as defined in the Development/Constraints Table found in Section 2.5 of this Plan (or any amendments in this capacity due to new facilities), action should be initiated on one or more of the following options:~~

- ~~• Development of new water supply source (NGWC).~~
- ~~• Development of increased storage capacity for water supply during low flow periods (NGWC).~~
- ~~• Increase water conservation efforts (water users).~~
- ~~• Restrict the amount of new development which increases water usage (County).~~

~~G3.8-4 A review and possible update of the Plan shall be initiated five years after adoption of said Plan.~~

G3.8-3 *New development shall be permitted only if the infrastructure and resources to support it are available, or are made available as part of the developer's project plan.*

G3.8-4 *New development shall:*

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

(2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

G3.8-5 The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

NOTE: The policies originally numbered as Policies G3.8-3 and G3.8-4 have been moved to other, more appropriate sections of the Plan.

SUGGESTED MODIFICATION NO. 12: A new section, Section 3.10, **WATER AND SEWER SERVICES**, shall be added to the Gualala Town Plan, and shall contain the following policies:

3.10 WATER AND SEWER SERVICES

G3.10-1 When the North Gualala Water Company reaches 80 percent of service capacity, as defined in the Development/Constraints Table found in Section 2.5 of this Plan (or any amendments in this capacity due to new facilities), action should be initiated on one or more of the following options:

- *Development of new water supply source (NGWC).*
- *Development of increased storage capacity for water supply during low flow periods (NGWC).*
- *Increase water conservation efforts (water users).*
- *Restrict the amount of new development, which increases water usage (County).*

NOTE: Policy G3.10-1 has been moved from Section 3.8, Protection of Environmental Resources, where it was included as Policy G3.8-3.

G3.10-2 Either a hook-up to the North Gualala Water Company or an adequate on-site water system, as approved by the Division of Environmental Health, shall be available to serve any new development.

G3.10-3 Either a hook-up to the Gualala Community Services District or an adequate on-site sewage disposal system, as approved by the Division of Environmental Health, shall be available to serve any new development.

G3.10-4 At such time as a utility company, such as the North Gualala Water Company, or the Gualala Community Services District, proposes to expand its capacity, the County shall require as a condition of the coastal development permit that a certain percentage of the new capacity be reserved for visitor-serving uses. The percentage of the new capacity to be reserved for visitor-serving uses shall be commensurate with the percentage of existing visitor-serving uses as compared to non visitor-serving uses. This percentage should be calculated at the time the service expansion is proposed.

The capacity of any new infrastructure development shall not exceed the buildout potential of the Town Plan.

G3.10-5 A review and possible update of the Plan should be initiated five years after adoption of said Plan. The review should include an analysis of development constraints/thresholds for water connections and sewer capacity ESDs.

SUGGESTED MODIFICATION NO. 13: Chapter 4 of the Gualala Town Plan shall be modified as follows:

GUALALA PLANNED DEVELOPMENT

Map Code: GPD

A series of community workshops were held in Gualala to develop a vision of the role of the two GPD properties in the context of community-wide development. Although these plans are not binding on GPD property owners, they provide an indication of the types of development which are likely to engender community support on these two important pieces of commercial property. The conceptual plans prepared at the workshops included the following elements:

GPD District on hillside east of Church Street:

This area was identified as the prime location for expansion of the commercial district in Gualala. Referred to as the Town Center in the conceptual plans, the location of this parcel provides an opportunity for creation of an alternate street network (as opposed to the highway strip) and development of a concentration of commercial uses which may encourage more pedestrian activity in town.

Generally, the portion of this property fronting Church Street was viewed as appropriate for local-serving commercial uses and public and civic facilities (such as churches, firehouse, medical center, post office and possibly a future town hall). A key element included in the conceptual plan developed at the workshops was a Village Green located to the northeast of the current Moonrise/Church Street intersection. Ideally, the Village Green will be acquired as a public open space/recreational facility. The upper hillslopes of this property were identified as potential residential areas, with the possible inclusion of senior housing facilities near the existing medical center.

The Town Plan includes a local road plan which establishes approximate locations for future road expansions and connections, and standards for local roads in the commercial district. Development on this parcel would require expansion of the local road network, including Ocean Drive, Moonrise, Center Street, and possibly a connector to Old Stage Road on the ridge.

GPD District on the Lower Mill site, east of Highway 1 and south of Old State Highway:

This property was identified as an appropriate location for a mixture of residential and commercial uses, including the development of a concentration of visitor-serving facilities. The flat topography of the Lower Mill site establishes it as one of the few sites in town which would permit development of relatively high density residential uses.

Consideration will be given to the effect of development on views from Highway 1 and Gualala Point Regional Park, protection of sensitive resources associated with the Gualala River, the need for pedestrian and vehicular connections to the core commercial district of Gualala, and recreational opportunities associated with the Gualala River.

Intent: To require comprehensive planning for development of the two large (40+ acre) commercial properties in the Town Plan area; to allow for substantial community review and comment on development proposals for GPD properties; to establish a flexible and streamlined permitting process for the phased development of multiple uses on these properties; to encourage imaginative development plans which provide for a mixture of residential, commercial, and community recreation/open space uses which is integrated with surrounding development; to ensure the provision of adequate infrastructure to serve future development on the GPD District parcels, and to coordinate the expanded circulation network necessary to serve such development.

Development Permitting Process: A two-stage planning process, requiring a Master Development Plan and a Precise Development Plan is established for the GPD Districts. The development plans will provide general and specific criteria regulating future development within the GPD Districts.

The Precise Development Plans for the GPD Districts can be considered a type of use permit which governs the establishment of multiple uses on these large sites. The processing of applications for

Master Development Plans and Precise Development Plans shall proceed in accordance with the procedures established for Coastal Development Use Permits. Conditions may be incorporated into the approved plans, similar to the conditions attached to a use permit. The Precise Development Plan process incorporates the Coastal Development Permit approval process. Any person holding an approved master or Precise Development Plan may apply for an amendment, including modification of the terms of the plan, and waiver or alteration of the conditions imposed on the plan.

The Master/Precise Development Plan process represents a streamlining of the County's permit-processing requirements, since once a Precise Development Plan has been approved, no further discretionary approvals are necessary. In other words, property owners/developers will not be required to obtain individual Coastal Development Permits, use permits, variances, etc. for each proposed portion or phase of the development.

Master Development Plan Requirements: The Master Development Plan shall provide a plan for development of GPD District properties and shall incorporate all contiguous land under one ownership within the GPD District. At a minimum, the Master Development Plan shall include the following elements:

- Location, types and densities of all proposed land uses, including maximum number of residential units, commercial square footage and visitor-serving units
- General alignments for roadways and utilities
- Provisions for public access, open space and recreation facilities
- Determination of availability of water supply, sewer capacity and road capacity to serve development
- Provisions for protection of environmental resources
- Development phasing plan
- Environmental documentation

Precise Development Plan Requirements: After, or concurrent with, approval of a Master Development Plan, a Precise Development Plan is required for the specific phase(s) of development under consideration. The Precise Development Plan shall provide more detailed specifications for phases of development for which permits are sought and shall be consistent with an approved Master Development Plan and Coastal Element policies. No permits shall be issued except in accordance with an approved Precise Development Plan. A Precise Development Plan shall expire and become null and void at the time specified in such permit, or if no time is specified, at the expiration of two years after granting except where construction and/or use of the property in reliance on such permit has been initiated prior to its expiration. Individual Coastal Development Permits shall not be required for development in accordance with an approved Precise Development Plan.

At a minimum, the Precise Development Plan shall include the following elements:

- Lot coverage standards for residential uses
- Lot coverage and floor-area standards for commercial uses
- Lot size requirements
- Minimum front, rear and side yard standards
- Design standards for new development
- Parking standards for new development
- Pedestrian access facilities
- Lighting, signage and landscaping standards
- Additional environmental documentation (if required)
- Coastal Element consistency determination

Principal Uses: All residential, civic and commercial use types other than those listed below as Prohibited Uses shall be considered principal uses in the GPD District upon approval of a Precise Development Plan. Conditions restricting permitted uses may be imposed in the Precise Development Plan. Once a Precise Development Plan has been approved, any change in use type or expansion of use shall require an amendment to the Precise Development Plan.

Prohibited Uses:

Civic use types: Alternative Energy Facilities-Offsite; Cemetery Services

Commercial use types: Animal Sales & Services: Auctioning, Horse Stables, Kennels, Veterinary (large animals); Automotive & Equipment: Storage, Non-operating vehicles

Requirements for Development: At a minimum, fifty percent (50%) of the total lot area within a GPD District must be dedicated to residential uses and the infrastructure and open space necessary to support such uses. *In addition, at a minimum 10 percent of the total lot area within a GPD District must be reserved for visitor-serving facilities. Visitor-serving facilities include, but are not limited to, bed and breakfast accommodations, hotels, motels, inns, and restaurants.*

Maximum Visitor Accommodations and Services Density: The maximum size and density of visitor accommodation facilities in the GPD Districts shall be established in the approved Master Development Plan. In no instance may the density of visitor accommodation facilities exceed 20 units per acre. The established densities shall be consistent with the scale and character of the town of Gualala and in conformance with the intent of the GPD District.

Maximum Building Height in GPD Districts: Structures shall be limited to twenty-eight (28) feet in height. Lesser heights may be required where it is found that building heights would have adverse impacts to community character, open space or public views. Height limits for various components of the planned development shall be prescribed in an approved Precise Development

Plan. Exceptions to the strict application of maximum building heights may be allowed for church steeples, flag poles, water towers, and other towers and architectural features not for human habitation, where such exceptions are consistent with the intent of the GPD District and a variance is obtained.

Minimum Usable Activity Space Requirements for Residential Uses: Usable activity space shall be provided for all residential uses in accordance with the approved Master Development Plan. At a minimum, ten (10%) percent of the total lot area shall consist of usable activity space in each residential development. Flexibility in the provision of on-site usable activity space shall be granted to encourage developers of the GPD parcels to provide community open space/recreational facilities.

Protection of Sensitive Coastal Resources: The Precise Development Plan must provide for protection of sensitive coastal resources, including views from public areas such as Highway 1 and the Gualala Point Regional Park, and sensitive resources associated with the Gualala River, using such means as establishing vegetative buffers between Highway 1 and developed areas, avoiding siting of structures on slopes adjacent to Highway 1, and avoiding siting development within sensitive habitat areas or the buffer areas established for their protection.

SUGGESTED MODIFICATION No. 14: Chapter 5 of the Gualala Town Plan shall be modified as follows:

CHAPTER 5 - DEFINITIONS

For the purposes of implementing the Gualala Town Plan, the following definitions shall apply:

Access: The permission, ability and means *for the public* to enter and pass to and from property.

Access, Blufftop: A public accessway which runs along the bluff edge of a property.

Access, Coastal: Public rights-of-way to and along the sea.

Access, Lateral: Public accessway for public access and use along the shoreline.

Access, Vertical: Public accessway which extends from the first public road to the shoreline, a bluff edge for public viewing, or to a lateral accessway.

Affordable housing units: Any housing unit or combination of units developed through action of a private, public or nonprofit party, or a combination thereof, which results in the production of housing unit(s) that are capable of being purchased or rented by household(s) with very low, lower

or moderate income (as defined by the State Department of Housing and Community Development) based on payment of not more than 30 percent of the gross monthly income, including rent or mortgage, taxes and insurance, when the unit's affordability is protected for an established amount of time.

Building: Any structure having a roof, which is constructed in a permanent position upon the ground and is designed and intended to be used for the shelter or enclosure of persons, animals or property. This definition does not include any type of recreational vehicle, boat, or tent.

Building Height: The vertical distance from the average ground level of the building to the highest point of the roof ridge or parapet wall.

Conditional Use: A use which may be allowed on a conditional and discretionary basis, subject to securing a conditional use permit and also subject to applicable provisions of the Gualala Town Plan, and which is a development that is appealable to the Coastal Commission.

Coastal Development Permit: A permit which may be granted by the appropriate Mendocino County authority, *or the Coastal Commission on appeal*, for any development within the coastal zone which is not exempt or categorically excluded from the Coastal Development Permit requirement. Special conditions may be imposed in the permitting process to ensure compliance with the policies of the Coastal Element.

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

Development Fees: Fees levied on new development to cover the cost of infrastructure or facilities necessitated by that development. The purpose of the fee must relate directly to the need created by the development and its amount must be proportional to the cost of the service or improvement.

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

Floor-Area Ratio: The ratio (usually expressed as a percentage) of the total floor area within all buildings and structures on a lot to the total area of the lot.

Frontage: That portion of a property line which abuts a legally accessible street right-of-way.

Inclusionary zoning: Zoning measures that mandate the construction of affordable housing or payment of in-lieu fees in accordance with a prescribed formula.

Land Use Plan: The relevant portion of a local government's general plan or local coastal element which provides policies indicating the kinds, location, and intensity of land uses, the applicable resource protection and development policies, and where necessary, a listing of implementing actions.

Lot Coverage: Percentage of gross lot area covered by all buildings and structures on a lot, including decks, and porches, whether covered or uncovered, and all other projections except eaves.

Parking area: An open area, other than a street or alley, that contains one (1) or more parking space.

Principal Permitted Use (PPU): *The use type for each land use classification as designated by the Gualala Town Plan and implementing ordinances that is considered the primary use type for purposes of appeals to the Coastal Commission.*

Principal Use: The primary use types for each land use classification as designated by the Gualala Town Plan and implementing ordinances.

Residential use: 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.

Sensitive Coastal Resource Areas: *Those identifiable and geographically bounded land and water areas within the coastal zone of vital interest and sensitivity. "Sensitive coastal resource areas" include the following:*

- (a) *Special marine and land habitat areas, wetlands, lagoons, and estuaries as mapped and designated in Part 4 of the coastal plan.*
- (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.*
- (g) *Areas where divisions of land could substantially impair or restrict coastal access.*

Second Residential Unit: Either a detached or attached 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 unit is situated.

Setback: A required, specified distance between a building or structure and a lot line or lines, measured perpendicular to the lot line in a horizontal plane extending across the complete length of said lot line or lines.

Urban/rural boundary: Defines the areas to which the Coastal Act's rural land division policy would apply as defined by Section 30250(a) of the Coastal Act and the Coastal Element of the Mendocino County General Plan.

Usable Activity Space: Area within a development which is set aside for out-of-doors recreational use by the residents and their visitors.

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 or design requirements, operation characteristics, or potential diverse 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.

Variance: A departure from the specific requirements, excluding uses, of the Zoning Code which may be granted by the appropriate Mendocino County authority when, because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the requirements of the Zoning Code deprives such property of privileges enjoyed by other property in the vicinity under identical zoning classification. Any variance granted shall be subject to such conditions as will assure that the authorized adjustment shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located.

View corridors: A substantial and unobstructed view of the coastline or ocean from publicly accessible vantage point(s).

Vacation home rental: A single family residential dwelling unit intended for single family occupancy designed to be let or hired as an entire unit for occupancy by transient guests for compensation or profit; not a Visitor Accommodation and Services facility, as defined in Division II of the Mendocino County Code.

B. SUGGESTED MODIFICATIONS TO CHANGES TO THE COASTAL ELEMENT:

SUGGESTED MODIFICATION NO. 15: Section 4.12-2 of the Coastal Element shall be modified as follows:

The urban-rural boundary of the community of Gualala is indicated by boundary lines delineated on Land Use Map 31.

~~The urban-rural boundary is coincident with the Gualala Town Plan area.~~ The Town Plan area includes all lands within the Gualala Community Services District (GCSD) and the small lot residential subdivisions adjoining the GCSD service area. The Town Plan area was selected to identify where new development could be served by community water and/or sewer systems and where such development would minimize traffic impacts on Highway 1. A primary goal of the Gualala Town Plan is to concentrate new development within the Town Plan area.

C. SUGGESTED MODIFICATIONS TO THE LAND USE MAP:

SUGGESTED MODIFICATION NO. 16: Change the proposed new location of the Urban-Rural boundary on the Land Use Map back to its original location.

D. SUGGESTED MODIFICATIONS TO THE ZONING CODE:

SUGGESTED MODIFICATION NO. 17: Section 20.405.010 shall be modified as follows:

Sec. 20.405.010 Principal Uses for GVMU District

The following use types are permitted in the GVMU District, subject to obtaining a Coastal Development Permit and necessary building permits and approvals:

(A) Coastal Residential Use Types

Family Residential: Single Family
Family Residential: Two Family
Family Residential: Multi Family
Family Residential: Boarding House

(B) Coastal Civic Use Types

Ambulance Services
Clinic Services
Cultural Exhibits and Library Services
Day Care Facilities/Small Schools
Fire and Police Protection Services
Group Care
Lodge, Fraternal and Civic Assembly
Religious Assembly

(C) Coastal Commercial Use Types

Administrative and Business Offices
Animal Sales and Services: Household Pets
Animal Sales and Services: Veterinary (Small Animals)
Automotive and Equipment: Parking
Building Maintenance Services
Business Equipment Sales and Services
Communications Services
Eating and Drinking Establishments
Financial Services
Food and Beverage Preparation: Without consumption
Food and Beverage Retail Sales
Funeral and Interment Services
Laundry Services
Medical Services
Neighborhood Commercial Services
Personal Services
Repair Services: Consumer
Retail Sales: General
Wholesaling, Storage, Distribution: Light

(D) Coastal Visitor Accommodations and Services Use Types

Bed and Breakfast Accommodation
Visitor-Oriented Eating and Drinking Establishments
Visitor-Oriented Retail Sales

(E) Coastal Open Space Use Types

Passive Recreation

For purposes of appeals to the Coastal Commission, pursuant to Section 20.544.020(B)(4) of the Coastal Zoning Ordinance and Section 30603(a)(4) of the Coastal Act, the Principal Permitted Use (PPU) is commercial use.

SUGGESTED MODIFICATION NO. 18: Chapter 20.406.010 shall be modified as follows:

Sec. 20.406.010 Principal Uses for GHMU District

The following use types are permitted in a GHMU District, subject to obtaining a Coastal Development Permit and all necessary building permits and approvals.

(A) Coastal Residential Use Types

Family Residential: Single Family
Family Residential: Two-Family
Family Residential: Multi-Family
Family Residential: Boarding House

(B) Coastal Civic Use Types

Ambulance Services
Clinic Services
Cultural Exhibits and Library Services
Day Care Facilities/Small Schools
Fire and Police Protection Services
Group Care

(C) Coastal Commercial Use Types

Administrative and Business Offices
Animal Sales and Services: Household Pets
Animal Sales and Services: Veterinary (Small animals)
Automotive and Equipment: Parking
Building Maintenance Services
Business Equipment Sales and Services
Communications Services
Eating and Drinking Establishments
Food and Beverage Preparation: Without consumption
Food and Beverage Retail Sales
Funeral and Interment Services
Laundry Services
Medical Services
Neighborhood Commercial Services
Personal Services
Repair Services: Consumer
Retail Sales: General
Wholesaling, Storage and Distribution: Mini-warehouses
Wholesaling, Storage and Distribution: Light

(D) Coastal Visitor Accommodations & Services Use Types

Bed and Breakfast Accommodation
Visitor-Oriented Eating and Drinking Establishments
Visitor-Oriented Retail Sales

(E) Coastal Open Space Use Types

Passive Recreation

For purposes of appeals to the Coastal Commission, pursuant to Section 20.544.020(B)(4) of the Coastal Zoning Ordinance and Section 30603(a)(4) of the Coastal Act, the Principal Permitted Use (PPU) is commercial use.

SUGGESTED MODIFICATION NO. 19: Section 20.407.015 shall be modified as follows:

Sec. 20.407.015 Principal Uses in GPD Districts

All residential, civic and commercial use types other than those listed below as Prohibited Uses shall be considered principal uses in the GPD District upon approval of a Precise Development Plan. Conditions restricting principal uses may be imposed in the Precise Development Plan. Once a Precise Development Plan has been approved, any change in use type or expansion of use shall require an amendment to the Precise Development Plan.

For purposes of appeals to the Coastal Commission, pursuant to Section 20.544.020(B)(4) of the Coastal Zoning Ordinance and Section 30603(a)(4) of the Coastal Act, the Principal Permitted Use (PPU) is commercial use.

SUGGESTED MODIFICATION NO. 20: Section 20.407.025 shall be modified as follows:

Sec. 20.407.025 Requirements for Residential and Visitor-Serving Uses in GPD Districts

At a minimum, fifty (50) percent of the total lot area within a GPD District must be dedicated to residential uses and the infrastructure and open space necessary to support such uses. *In addition, at a minimum 10 percent of the total lot area within a GPD District must be reserved for visitor-serving uses. Visitor-serving uses include, but are not limited to, bed and breakfast accommodations, inns, hotels, motels, and restaurants.*

SUGGESTED MODIFICATION NO. 21: A new section, Section 20.407.046, shall be added as follows:

Sec. 20.407.046 Protection of Sensitive Coastal Resources

Sensitive coastal resources, including views from public areas such as Highway 1 and the Gualala Point Regional Park, and sensitive resources associated with the Gualala River, shall be protected using such means as establishing vegetative buffers between Highway 1 and developed areas, avoiding siting of structures on slopes adjacent to Highway 1, and avoiding siting development within sensitive habitat areas or the buffer areas established for their protection.

SUGGESTED MODIFICATION NO. 22: Section 20.407A.010 shall be modified as follows:

Sec. 20.407A.010 Permitted Uses for GI Districts

The following use types are permitted in a GI District, subject to obtaining a Coastal Development Permit and all necessary building permits and approvals.

(A) Coastal Civic Use Types

Ambulance Services
Fire and Police Protection Services

(B) Coastal Commercial Use Types

Agricultural Sales and Services
Automotive and Equipment: Parking
Building Maintenance Services
Communications Services
Research Services
Wholesaling, Storage and Distribution: Mini-Warehouses
Wholesaling, Storage and Distribution: Light

(C) Coastal Industrial Use Types

Coastal-Related Industrial
Coastal-Dependent Industrial
Custom Manufacturing: Light Industrial

(D) Coastal Open Space Use Type

Passive Recreation

For purposes of appeals to the Coastal Commission, pursuant to Section 20.544.020(B)(4) of the Coastal Zoning Ordinance and Section 30603(a)(4) of the Coastal Act, the Principal Permitted Use (PPU) is industrial use.

SUGGESTED MODIFICATION NO. 23: Section 20.458.020 shall be modified as follows:

Sec. 20.458.020 Gualala Town Plan Second Residential Units

Second residential units are permitted within the Gualala Town Plan area and are intended to provide affordable housing opportunities for long-term residential use within an area which is served by public water and sewer systems and is close to the service and employment center of Gualala. Second residential units are not intended to be used for transient habitation or as a visitor-serving accommodation of any kind. The provisions allowing for second residential units are intended to encourage development of as much affordable housing as possible within the Gualala Town Plan area.

- (A) **Permit requirement:** A standard Coastal Development Permit shall be required for all second residential units.
- (B) **Number of Second Residential Units:** *Notwithstanding other provisions of the LCP that limit the number of residences to one unit per parcel, a maximum of 100 second residential units shall be permitted within the Gualala Town Plan area. When this number has been reached, a review shall be conducted to determine if second residential units are meeting the intention of this section and whether additional second residential units can be accommodated. Any change to the maximum number of second units shall require an LCP Amendment.*
- (C) **Permitted locations for Second Residential Units:**
 - (1) *Notwithstanding other provisions of the LCP that limit the number of residences to one unit per parcel, second residential units shall be permitted on all legal parcels within the Gualala Town Plan area, with the exception of parcels located west of Highway 1, up to a maximum of 100. Second residential units shall not be permitted on parcels located west of Highway 1.*
 - (2) Second residential units shall only be constructed on parcels containing an existing single-family dwelling unit used for non-transient habitation or on parcels for which an application has been made for building permits for a primary residence.

- (3) Second residential units shall not be allowed if more than one dwelling unit is located on the parcel, or if an accessory residential unit (guest cottages, detached bedrooms) currently exists on the parcel.
- (4) Second residential units shall not be allowed on parcels where a dwelling group or parcel clustering has been approved.
- (D) **Specific Standards for Second Residential Units:**
 - (1) All second residential unit permits shall require that a deed restriction be recorded to ensure that all dwellings on the property will be used for non-transient habitation. Second residential units are not intended for sale separate from the primary residence, but may be rented for long-term occupancy.
 - (2) On parcels that are less than 1/2 acre in size, second residential units shall be attached to the primary residence or as a second-story to a detached garage.
 - (3) Detached second residential units shall be restricted to a maximum size of 960 square feet.
 - (4) Attached second residential units shall be restricted to a maximum size of 500 square feet.
 - (5) Second residential units shall comply with all setback, lot coverage, height, parking and other requirements of the base zoning district.
 - (6) Either a hook-up to the North Gualala Water Company or an adequate on-site water system, as approved by the Division of Environmental Health, shall be available to serve the second residential unit.
 - (7) Either a hook-up to the Gualala Community Services District or an adequate on-site sewage disposal system, as approved by the Division of Environmental Health, shall be available to serve the second residential unit.

SUGGESTED MODIFICATION NO. 24: Section 20.544.015 shall be modified as follows:

Sec. 20.544.015 Coastal Permit Administrator and Planning Commission Appeal.

- (A) Request for hearing before the Board of Supervisors may be made by an aggrieved person from any final decision of the Coastal Permit Administrator or the Planning Commission by filing a notice thereof in writing with the Clerk of the Board

- within ten (10) calendar days after such decision, determination or requirement is made. Such appeal shall be accompanied by a fee.
- (B) The Board of Supervisors shall hold a public hearing on the appeal, noticed in the same manner and to the same extent as initially noticed for the Coastal Permit Administrator and/or Planning Commission meeting. The Board of Supervisors, after considering the notice and Planning and Building Services Department report may remand, affirm, reverse or modify any such decision, determination or requirement as it finds in compliance with this Division and the Coastal Element of the General Plan. The Board of Supervisors shall adopt findings which specify the facts relied upon in deciding the appeal, and the findings shall state the reasons for any conditions imposed. The decision of the Board of Supervisors is final unless the decision is appealable to the Coastal Commission.
- (C) No permit or variance shall be issued for any use or structure related to the action of the Coastal Permit Administrator, Planning Commission or Board of Supervisors until the applicable appeal period has expired and no appeals have been filed with the appropriate appellate body.
- (D) Notice of the decision of the Board of Supervisors, together with a copy of the findings adopted shall be mailed within ten (10) calendar days following the date of the decision on appeal. Notice shall be provided by first class mail to the applicant and/or appellant, any person who specifically requested, in writing, notice of such decision, and the Coastal Commission. The notice shall include the written findings, any conditions of approval, and procedures for appeal where applicable. (Ord. No.3785 (part), adopted 1991)
- (E) *The County's final decision on an application for an appealable development shall become effective after the ten (10) working day appeal period to the Commission has expired unless either of the following occur:*
- (a) *an appeal is filed in accordance with Section 20.544.020;*
 - (b) *the notice of final County government action does not meet the requirements of Section 20.544.015.*

SUGGESTED MODIFICATION NO. 25: Section 20.544.020 shall be modified as follows:

Sec. 20.544.020 Coastal Commission appeals.

- (A) An appeal of a decision to approve a coastal development permit may be filed with the Coastal Commission by an applicant or any aggrieved person who has exhausted local appeals, or any two (2) members of the Coastal Commission. The appeal must comply with the requirements specified by 14 Cal. Admin. Code Section 13111, and the appeal must be received by the Coastal Commission on or before the tenth (10th) working day after Coastal Commission receipt of the notice of final action on the coastal development permit.

- (B) An action taken on a coastal development permit may be appealed to the Coastal Commission for only the following types of developments:
- (1) Developments approved between the sea and the first public road paralleling the sea or within three hundred (300) feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance;
 - (2) Developments approved not included within Paragraph (1) of this section that are located on tidelands, submerged lands, public trust lands, within one hundred (100) feet of any wetland, estuary, stream, or within three hundred (300) feet of the top of the seaward face of any coastal bluff;
 - (3) Any approved division of land;
 - (4) Any development approved that is not designated as the principal permitted use under the zoning ordinance or zoning district map approved pursuant to Chapter 6 (commencing with Section 30500) of the Coastal Act;
 - (5) Any development which constitutes a major public works project or major energy facility;
 - (6) *Developments approved not included within paragraphs (1) or (2) that are located in a sensitive coastal resource area.*
- ~~(C) The grounds for an appeal pursuant to Section 20.544.020(B)(1) shall be limited to one (1) or more of the following allegations:~~
- ~~(1) The development fails to provide adequate physical access or public or private commercial use or interferes with such uses;~~
 - ~~(2) The development fails to protect public views from any public road or from a recreational area to, and along, the coast;~~
 - ~~(3) The development is not compatible with the established physical scale of the area;~~
 - ~~(4) The development may significantly alter existing natural landforms;~~
 - ~~(5) The development does not comply with shoreline erosion and geologic setback requirements.~~
- ~~(C)(1)~~ (C)(1) The grounds for an appeal pursuant to Paragraph (2), (3), (4), or (5), or (6) of Subdivision (B) shall be limited to an allegation that the development does not conform to the Certified Local Coastal Program *and the public access policies set forth in the Coastal Act.*
- (2) *The grounds for an appeal of a denial of a permit pursuant to paragraph (5) of subdivision (B) shall be limited to an allegation that the development conforms to the standards set forth in the certified local coastal program and the public access policies set forth in the Coastal Act.*
- ~~(E)(D)~~ (E)(D) An appellant shall be deemed to have exhausted local appeals for purposes of filing an appeal under the Commission's regulations and be an aggrieved person where the appellant has pursued his or her appeal to the local appellate body as required by

the County appeal procedures; except that exhaustion of all local appeals shall not be required if any of the following occur:

- (1) The County required an appellant to appeal to more local appellate bodies for permits in the coastal zone than were required in the implementation sections of the Local Coastal Program;
 - (2) An appellant was denied the right of the initial local appeal by a local ordinance which restricts who may appeal a local decision;
 - (3) An appellant was denied the right of local appeal because local notice and hearing procedures for the development did not comply with the provisions of this division;
 - (4) The County charges an appeal fee for the filing or processing of appeal.
- (F)(E) Where a project is appealed by any two (2) members of the Coastal Commission, there shall be no requirement of exhaustion of local appeals. Provided, however, that notice of Commission appeals shall be transmitted to the local appellate body (which considers appeals from the approving authority that rendered the final decision) and the appeal to the Commission shall be suspended pending a decision on the merits by that local appellate body. If the decision of the local appellate body modifies or reverses the previous decision, the Commissioners shall be required to file a new appeal from that decision. (Ord.No. 3785 (part), adopted 1991)

SUGGESTED MODIFICATION NO. 26: Section 20.500.020(E) shall be modified as follows:

Sec. 20.500.020 Geologic Hazards – Siting and Land Use Restrictions.

(E) Erosion.

- (1) Seawalls, breakwaters, revetments, groins, harbor channels and other structures altering natural shoreline processes or retaining walls shall not be permitted unless judged necessary for the protection of existing development, public beaches or coastal dependent uses. Environmental geologic and engineering review shall include site-specific information pertaining to seasonal storms, tidal surges, tsunami runups, littoral drift, sand accretion and beach and bluff face erosion. In each case, a determination shall be made that no feasible less environmentally damaging alternative is available and that the structure has been designed to eliminate or mitigate adverse impacts upon local shoreline sand supply and to minimize other significant adverse environmental effects.
- (2) The design and construction of allowed protective structures shall respect natural landforms, shall provide for lateral beach access and shall minimize visual impacts through all available means.
- (3) All grading specifications and techniques will follow the recommendations cited in the Uniform Building Code or the engineer's report and Chapter 20.492 of this Division. (Ord.No. 3785 (part), adopted 1991)

- (4) *Within the Gualala Town Plan planning area, a special condition shall be attached to all coastal permits for blufftop development, requiring recordation of a deed restriction that states the following:*
- (a) *The landowner understands that the site may be subject to extraordinary geologic and erosion hazard and the landowner assumes the risk from such hazards;*
 - (b) *The landowner agrees that any adverse impacts to property caused by the permitted project shall be fully the responsibility of the applicant;*
 - (c) *The landowner shall not construct any bluff or shoreline protective devices to protect the subject residence, guest cottage, garage, septic system, or other improvements in the event that these structures are subject to damage, or other natural hazards in the future;*
 - (d) *The landowner shall remove the house and its foundation when bluff retreat reaches the point where the structure is threatened. In the event that portions of the house, garage, foundations, leach field, septic tank, or other improvements associated with the residence fall to the beach before they can be removed from the blufftop, the landowner shall remove all recoverable debris associated with these structures from the beach and ocean and lawfully dispose of the material in an approved disposal site. The landowner shall bear all costs associated with such removal.*

SUGGESTED MODIFICATION NO. 27: Section 20.492.025 shall be modified as follows:

Sec.20.492.025 Runoff Standards.

- (A) Water flows in excess of natural flows resulting from project development shall be mitigated.
- (B) If the Coastal Permit Administrator determines that a project site is too small or engineering, aesthetic, and economic factors make combined drainage facilities more practical for construction by the County, the County may require a fee and dedication of land, which the County shall use to construct these facilities. The County may allow several developers to jointly construct facilities to approved County specifications.
- (C) The acceptability of alternative methods of storm water retention shall be based on appropriate engineering studies. Control methods to regulate the rate of storm water discharge that may be acceptable include retention of water on level surfaces, the use of grass areas, underground storage, and oversized storm drains with restricted outlets or energy dissipators.

- (D) Retention facilities and drainage structures shall, where possible, use natural topography and natural vegetation. In other situations, planted trees and vegetation such as shrubs and permanent ground cover shall be maintained by the owner.
- (E) Provisions shall be made to infiltrate and/or safely conduct surface water to storm drains or suitable watercourses and to prevent surface runoff from damaging faces of cut and fill slopes.
- (F) Adequate maintenance of common and public retention basins or ponds shall be assured through the use of performance bonds or other financial mechanisms.
- (G) Subsurface drainage devices shall be provided in areas having a high water table and to intercept seepage that would adversely affect slope stability, building foundations, or create undesirable wetness.
- (H) A combination of storage and controlled release of storm water runoff shall be required for all development and construction within wetlands.
- (I) The release rate of storm water from all developments within wetlands shall not exceed the rate of storm water runoff from the area in its natural or undeveloped state for all intensities and durations of rainfall. The carrying capacity of the channel directly downstream must be considered in determining the amount of the release. (Ord. No. 3785 (part), adopted 1991)
- (J) *Where coastal development projects within the Gualala Town Plan planning area have the potential to degrade water quality, the approving authority shall require other best management practices to control polluted runoff, as appropriate.*

E. SUGGESTED MODIFICATIONS TO THE ZONING MAP

SUGGESTED MODIFICATION NO. 28: Change the proposed new location of the Urban-Rural boundary on the Zoning Map back to its original location.

PART TWO: INTRODUCTION

I. AREA DESCRIPTION/HISTORY:

Gualala is a small coastal community situated in the southwest corner of Mendocino County at the mouth of the Gualala River, providing services for the south coast of Mendocino County and for northern Sonoma County including The Sea Ranch. Gualala lies within the "banana belt" section of the Mendocino coast, which is distinguished by dense forests of small coniferous and broadleaf trees, extending to the cliffs at many points. Gualala is known as the southern "gateway to the Mendocino coast."

Gualala was the West Coast's primary lumber port during the early days of the lumber boom. A logging railroad that followed the bank of the North Fork of the Gualala River used the only wide-gauge track in the country. There are no visible remnants of the sawmills or other hints of the logging industry that formed the town's economic base for so much of its history. Most buildings in town were constructed in the 1960s and 1970s and do not portray a distinctive architectural style. The North Fork of the Gualala River has been renowned for winter steelhead fly fishing ever since Jack London first came here in 1911.

Gualala is located within the unincorporated area of Mendocino County, and land use decisions are governed by the certified Mendocino County Local Coastal Program (LCP). The Gualala Town Plan Area includes the commercial district of Gualala and adjoining residential areas.

II. LCP PREPARATION: BACKGROUND:

A. Gualala Town Plan/Implementation Program.

The Mendocino County Land Use Plan (Coastal Element of the General Plan), adopted in 1985, provides general goals and policies governing development throughout the entire coastal zone, and includes specific policies for establishment of an urban-rural boundary in Gualala and for public access to the coast in the Gualala area.

In the late 1980s, after a decade of rapid growth and development in Gualala, an ad hoc group called the Gualala Area Coalition formed to evaluate the planning issues facing Gualala and to open up the avenues of communication between Gualala and the County government in Ukiah. In response to the Coalition's activities, in 1990 the Mendocino County Board of Supervisors established a local planning council for the Gualala area. The Gualala Municipal Advisory Council (GMAC) was created to advise the Board of

Supervisors on current development applications and to initiate long-range planning efforts to update the Coastal Element of the Mendocino County General Plan as it pertains to the Gualala area.

The Gualala Town Plan emerged from four years of community discussions at GMAC meetings and community workshops. The Town Plan was prepared with the input of more than three hundred local residents and visitors. The Plan was submitted to the County Board of Supervisors in May 1995, and went through several revisions before being approved by the Board and submitted to the Coastal Commission.

A primary goal of the Gualala Town Plan is to concentrate development within more urbanized areas in an effort to relieve development pressure on outlying resource lands and to provide for more efficient provision of services and infrastructure by facilitating a more centralized pattern of development.

B. Planning Commission Hearings.

During the period extending from September, 1997 through March, 1998, the Planning Commission held five public hearings regarding the draft Gualala Town Plan. On March 5, 1998, the Planning Commission tentatively approved the Town Plan with revisions.

C. Board of Supervisors' Hearings.

On June 8, 1998, the Board of Supervisors voted to uphold the recommendation of the Planning Commission, and approved a resolution to amend the Local Coastal Program for Mendocino County (#GP 11-95/R 5-96/OA 3-95 – Gualala Town Plan) with revisions.

D. Public Participation.

The Gualala Town Plan was the result of four years of community discussion and workshops, and was prepared with the input of more than 300 local residents and visitors. The Plan Committee, an informal group of about 30 area residents, landowners, developers, and business people, met regularly to develop the basic concepts presented in the Town Plan. The GMAC reviewed the Town Plan, facilitated public discussions of its content, and at public meetings over the course of more than three years, adopted the various policies and recommended implementing ordinances. The GMAC's Gualala Town Plan was submitted to the County Board of Supervisors in May 1995. After an initial review by the County staff and public agencies, a revised draft Gualala Town Plan was prepared by the Gualala Town Plan Advisory Committee, which included representatives of GMAC, the Board of Supervisors, Planning Commission, and Planning Department staff.

PART THREE: GUALALA TOWN PLAN/AMENDMENT TO LUP

I. ANALYSIS CRITERIA:

To approve the amendments to the Land Use Plan (LUP), the Commission must find the LUP, as amended, will remain consistent with the policies of Chapter 3 of the Coastal Act.

As submitted, the proposed LUP amendment is not fully consistent with the policies of the Coastal Act, but, if modified as suggested, will be consistent.

II. FINDINGS FOR LUP AMENDMENT:

The Commission finds and declares the following for Amendment No. 2-98:

A. FINDINGS FOR DENIAL OF AMENDMENT NO. 2-98 AS SUBMITTED, AND APPROVAL IF MODIFIED:

1. Amendment Description:

The LUP portion of LCP Amendment No. 2-98 consists of: 1) the Gualala Town Plan, which provides specific goals and policies governing development in the Gualala Town Plan area; 2) several minor text amendments to the existing County LUP that are necessary to provide references to the Gualala Town Plan; and 3) amendments to the Land Use Plan maps that are necessary to incorporate the revised land use designations for the Gualala Town Plan. The existing LCP goals, policies, and implementation program continue to apply within the GTP planning area; the Gualala Town Plan is intended to be utilized as a planning tool in cases where issues are specifically addressed in the plan in a more detailed manner than in the LCP, or in instances where an issue is not addressed at all by the existing LCP.

The three major changes to the existing LCP proposed by this LUP Amendment are as follows:

- a. Replacement of the existing "Commercial" land use classification with new land use classification categories of Gualala Village Mixed Use (GVMU), Gualala Highway Mixed Use (GHMU), and Gualala Planned Development (GPD), which allow residential uses as a principally permitted use. In the proposed new GPD districts, a minimum of 50% of the total lot area must be dedicated to residential uses. Residential development on existing commercial parcels is currently a conditional use, requiring a use permit.

These three new land use classification categories provide more restrictive development standards than the current designations. For example, under the current regulations, maximum building height in the commercial district is 35 feet. Maximum building height in the proposed new GVMU district is 28 feet east of Highway One and 18 feet west of Highway One; and is 28 feet in the proposed new GHMU and GPD districts. Maximum lot coverage and maximum floor-area ratios are also more restrictive in the proposed new districts than in the current commercial districts.

- b. Increasing the potential residential buildout in Gualala by 428 dwelling units, resulting from (a) allowing residential uses as principally permitted uses in the Mixed use districts; (b) requiring at least 50% of the acreage of Gualala Planned Development district parcels to be developed with residential uses; and (c) permitting second residential units on all legal parcels within the Gualala Town Plan area, with the exception of parcels west of Highway 1, up to a maximum of 100 second units within the town plan area.
- c. Extending the urban-rural boundary to encompass within the urban area the entire Gualala Town Plan area.

2. Need for Modification:

Several of the Suggested Modifications include minor text changes intended to clarify a point, correct grammar or syntax, or ensure consistency with other sections of the LUP. A few other Suggested Modifications seek to move text from one section of the Plan to another, more appropriate section. A few Suggested Modifications propose changing the word "should" to "shall" to make a policy more effective. Within Section 3.6, Circulation, Parking and Pedestrian Access, the policies have been incorrectly numbered (two policies with the same number), so a portion of **Suggested Modification No. 9** proposes to renumber the affected policies.

Those Suggested Modifications or portions of Suggested Modifications that are considered minor changes are described below.

Suggested Modification No. 1: Section 1.1 of the proposed Gualala Town Plan currently states that "No land, building, structure, or premises shall be **used**, developed or reconstructed in a manner which is inconsistent with the Gualala Town Plan or the associated zoning ordinance." Since there are some legal, non-conforming uses that are permitted pursuant to Zoning Code Section 20.480 (Nonconforming Uses and Structures) and Section 20.532.020(e) (Exemptions, replacement or any structure destroyed by a disaster), Suggested Modification No. 1 deletes the word "used" so that certain legal, non-conforming uses may be permitted, consistent with the Zoning Code.

Suggested Modification No. 2: Section 1.4 of the GTP discusses how to use the plan. As written, the Gualala Town Plan includes both goals and policies that incorporate the policies of the Coastal Act. Suggested Modification No. 2 adds to Section 1.4 language stating that both goals and policies are intended to be the standard of review for purposes of an appeal to the Coastal Commission of a project approved within the Town Plan area. Suggested Modification No. 2 also adds language to this section stating that where there is a conflict among policies within the Town Plan, or between policies in the Town Plan and the rest of the certified LCP, the more restrictive policy would apply.

Suggested Modification No. 3: Section 2.5 of the GTP, Public Services and Road Capacity, includes some figures of Equivalent Single-Family Dwellings (ESD) allocations in the Sewer Service/Septic Availability section that are not current. Suggested Modification No. 3 updates these figures. The updated figures were obtained from County staff.

Suggested Modification No. 4: Section 2.8 of the GTP, Schools, currently states that "Virtually all children take the bus to and from school..." Suggested Modification No. 4 seeks to revise this to say "*Most* children take the bus to and from school," which, according to County staff, is more accurate.

Suggested Modification No. 6: Suggested Modification No. 6 affects Section 3.2 of the GTP, Residential Development. The mod suggests moving text from Section 1.4, How to Use This Plan, to the Residential Development section, and including it as a policy. This change is appropriate as the text specifies a course of action to be taken in response to a given set of circumstances, which essentially is a policy. Policy G3.2-6 states that "Should the *residential* [changed from **population**] growth rate for the Gualala Town Plan planning area exceed 20 percent of the total growth anticipated by the plan in any 5-year increment of the plan's existence, a review/update of the plan should be initiated." The word "population" is changed to "residential" to make the five-year increment a measurable standard. Since the census is taken only once every ten years, there is no way to measure population growth every five years. However, residential growth can be computed by determining the number of building permits issued each year.

Suggested Modification No. 9: Section 3.8 of the GTP, Circulation, Parking and Pedestrian Access, contains a policy in the Parking section, G3.6-12, which states that "No on-street parking shall be permitted on Highway 1." Suggested Modification No. 9 adds language to this policy such that "County staff shall coordinate with Caltrans to develop appropriate signage," to make this policy more workable. Because Highway One is part of the State Highway system, Caltrans is responsible for signage along Highway One.

Suggested Modification No. 11: Section 3.8 of the GTP, Protection of Environmental Resources, includes a policy concerning service capacity for the North Gualala Water Company (Policy G3.8-3). Suggested Modification No. 11 proposes to move this policy to Chapter 3.10, Water and Sewer Services, as the subject of the policy is more specific to water and sewer services. In addition, Policy G3.8-4 states that "A review and possible update of the Plan should be initiated five years after adoption of said Plan." This policy is also proposed to be revised to state that "The review should include an analysis of development constraints/thresholds for water connections and sewer capacity ESDs," and moved to Chapter 3.10, for similar reasons, as part of Suggested Modification No. 11.

Suggested Modification No. 14: Coastal Act Section 30603 lists the types of development that may be appealed to the Coastal Commission when a local government has taken action on a coastal development permit application. Section 30603(4) includes: "Any development approved by a coastal county that is not designated as the principal permitted use under the zoning ordinance or zoning district map approved pursuant to Chapter 6 (commencing with Section 30500)."

The new zoning districts proposed by the LCP Amendment do not identify for the purposes of appeals to the Coastal Commission one principal permitted use. Since no one type of development is designated as the "principal permitted use," every development permitted in a particular zoning district would thus be appealable. That creates a cumbersome, unnecessary problem that can be rectified by identifying one "principal permitted use" for purposes of appeals to the Coastal Commission. Suggested Modification No. 17, 18, 19, and 22 are added to the Implementation Program amendment, described in Part Four. Suggested Modification No. 14 adds to Chapter 5 of the Gualala Town Plan a definition for "Principal Permitted Use (PPU)," which is the use type for each land use classification as designated by the GTP and implementing ordinances that is considered the primary use type for purposes of appeals to the Coastal Commission.

Suggested Modification No. 14 also makes minor changes to the definitions of "Access" and "Coastal Development Permit," as well as adding a definition for "Sensitive Coastal Resource Area." The latter definition is the same definition found for Sensitive Coastal Resource Areas in Section 30116 of the Coastal Act.

Additional Suggested Modifications that will ensure consistency of the LUP Amendment with the Coastal Act are discussed below in the relevant policy sections.

3. New Development/Water, Sewer, and Highway Services:

Section 30250(a) of the Coastal Act requires that new development be located in or near existing developed areas able to accommodate it and where it will not have significant

adverse effects, either individually or cumulatively, on coastal resources. The intent of this policy is to concentrate development to minimize adverse impacts on coastal resources.

The proposed Gualala Town Plan seeks to concentrate future residential growth within the Town Plan area, thereby relieving development pressures on resource lands in the outlying areas. In addition, the plan seeks to provide for more residential development and less commercial development, thereby achieving a closer balance between residential and commercial growth. Five significant policy changes proposed by the Town Plan affect future residential growth in the Town Plan area:

1. Most of the existing commercial properties within the Town Plan area are proposed to be redesignated to Mixed Use land use designations: Gualala Village Mixed Use (GVMU) and Gualala Highway Mixed Use (GHMU). The proposed zoning changes to implement these LUP designations allow residential uses as a principal use, alleviating the requirement for a use permit. The existing Commercial designation requires a conditional use permit for residential development.
2. The two largest commercial properties within the Town Plan area, a 40-acre parcel east of Church Street, and a 58-acre parcel south of Highway 1 known as the Lower Mill site, are proposed to be redesignated and rezoned as Planned Development (GPD). The proposed land use designation and zoning require at least half of the total acreage of the Planned Development district to be devoted to residential uses. Redesignating and rezoning these parcels as Planned Development will allow for creative site planning and design, and will provide substantial opportunities for public participation in the planning process.
3. The Gualala Town Plan allows for development of second residential units on parcels east of Highway 1 within the Town Plan area, up to a maximum of 100. The second units are intended to help provide more affordable housing in the Town Plan area.
4. The Gualala Town Plan also provides for the long-range planning of future residential development areas by designating a 480-acre area east of town as "Residential Reserve," identifying it as a suitable location for future residential development. This area is currently zoned Remote Residential-40 acre minimum (RMR-40) and Forest Land (FL). The zoning is not proposed to be changed at this time; at such time when residential densities are proposed to be increased, substantial environmental analysis and Coastal Commission certification of LCP changes will be necessary.

5. The Gualala Town Plan proposes to move the urban-rural boundary to coincide with the Gualala Town Plan area boundary.

In its consideration of growth potential of the proposed Town Plan, the Commission is primarily concerned that there is not enough service capacity (water, sewer, highway) to serve buildout either under the existing certified LCP, or the LCP as proposed to be amended. The shortage of services raises two kinds of concerns for consistency of the plan with Section 30250 of the Coastal Act. First, development potential under the LCP as proposed to be amended should not be expanded above what buildout of the certified LCP would provide. Second, the LCP should contain policies ensuring that no coastal development permits are issued for proposed new development until it has been demonstrated that there will be adequate water, sewer, and highway capacity to accommodate the development.

Section 30250 requires that new development only be located where there are services to accommodate it so that overtaxed services are not further burdened by additional demand, and so that the impacts of new development on coastal resources are not incurred in instances when the development cannot even be used due to lack of services.

Sewer Services.

The Gualala Town Plan area currently has significant development constraints in that sewer capacity is limited. The Gualala Community Services District (GCSD) wastewater treatment system was completed in 1993. The GCSD area encompasses approximately 1,430 acres, 550 acres of which are included in the initial Sewer Assessment District boundary. The Gualala Town Plan area includes most of the GCSD area. The system has a capacity of 625 Equivalent Single-Family Dwellings (ESDs), of which 460 have been allocated as of October 1997. The remaining unused capacity is thus approximately 165 ESDs. The Gualala Town Plan points out that the remaining ESDs may not be sufficient to accommodate the demands for sewer connections for the 30-year planning horizon of the Town Plan. Using a 75/50% buildout scenario, buildout of residential uses under the existing LCP would require an additional 331 ESDs. Under the Gualala Town Plan, using the 75/50% scenario, buildout of residential uses would require 759 ESDs. Under both of these scenarios, the remaining capacity of the GCSD treatment plant would be exceeded.

When 500 ESDs are in use, the GCSD is required by the State Water Resources Control Board to initiate plans for wastewater treatment plant expansion. An LCP amendment and further environmental review will be necessary prior to any approval of any expansion of the GCSD facilities.

Water Services.

Similarly, water capacity is limited. The Gualala Water Company serves the Gualala area with water drawn primarily from the North Fork Gualala River. Capacity is limited by the capacity of its pumping and storage facilities as well as limits set by the State Water Resources Control Board (SWRCB) on the amount of water the company may appropriate from the river at given times of the year. Based on an estimated 3.7% annual population growth rate within the GTP area, the development threshold (80%) point at which development would exceed infrastructure capacity for water supply would be reached by the year 2007. There are 917 existing water connections (1996), and the capacity is 1,700.

The proposed GTP includes a policy (G3.8-3) that states that when the North Gualala Water Company reaches 80 percent of service capacity, action should be initiated to develop a new water supply, develop increased storage capacity for water supply during low flow periods, increase water conservation efforts, and/or restrict the amount of new development that increases water usage. Policy G3.8-4 also requires a review and possible update of the Plan to be initiated five years after Plan adoption. These policies are intended to ensure that water supply will be adequate to meet the demand in the GTP area.

There has been some controversy regarding the diversion of water for the Town. The SWRCB issued four permits to the North Gualala Water Company (GWC) authorizing diversion of water from various streams tributary to the Pacific Ocean in Mendocino County. North Gualala Water Company (NGWC) received water right Permit 14853 on September 3, 1965. This permit authorized NGWC to divert up to 2.0 cfs year-round from the North Fork Gualala River, subject to certain terms and conditions. The North Fork Gualala River is tributary to the Gualala River. The point of diversion is approximately two miles east of the town of Gualala. NGWC installed a pumping gallery and diverted water at this point of diversion until 1989.

In 1978, in response to a petition that was submitted, the SWRCB issued an order that changed the place of use, added three new terms to the permit, including a measuring device requirement to measure bypass flows, and amended an existing term to require a minimum fish bypass flow of 40 cubic feet per second from November 15 through February 29; 20 cfs from March 1 through May 31; and 4 cfs from June 1 through November 14.

Due to concerns regarding the drinking water quality from the offset well, the NGWC abandoned the original point of diversion from Permit 14853 and in 1989 drilled Well No. 4, a 142-foot-deep vertical well, Well No. 4, approximately 500 yards upstream from the original permitted point of diversion. Well No. 4 went into service in 1989, replacing the permitted point of diversion. This well has been approved by the Health Department.

The NGWC alleged that this well pumped percolating groundwater, and therefore was not subject to regulation by the SWRCB. Upon a detailed review by the Division of Water Rights staff, it was determined that Well No. 4 was pumping water from a subterranean stream that is associated with the North Fork Gualala River. Consequently, use of this water is within the jurisdiction of the SWRCB and requires an appropriative water right to pump water from this well.

The NGWC thus filed a petition in November 1994 to add points of diversion to cover Wells 4 and 5 and delete the original point of diversion. Well No. 4 will be used to supply municipal water to the Service Area of NGWC and Well No. 5 will be a backup well. Since Well No. 4 is the Company's primary water supply, it is highly unlikely that the Company would be able to shut down this point of diversion when flows in the river are less than the required minimums, without generating potential health and safety problems, unless the Company takes other actions to prevent these problems. On December 26, 1995 NGWC filed a petition to add 13 parcels to the authorized Place of Use. Both of the NGWC petitions were protested, and the Division conducted a field investigation.

During its field investigation, SWRCB attempted to determine whether moving the point of diversion upstream from the previously permitted location to offset Wells Nos. 4 and 5 would have adverse impacts on the environment. Well No. 4 was installed in 1992 and has been in operation since that time. SWRCB staff concluded that the adjacent riparian vegetation on the North Fork Gualala River was well developed and healthy, and that there was no evidence to suggest that the installation and operation of Wells No. 4 and 5 has caused any significant adverse impacts to the riparian vegetation in the vicinity of the wells.

A concern was also raised that the diversion might have an adverse effect on anadromous fish, and that the Company was not meeting the bypass flows required by the permit. The Division determined that the Company must develop a surface flow measuring plan to comply with the measuring device requirement of their permit. The Division concluded that the petitions should be approved subject to conditions.

Highway Capacity.

The Commission is also concerned about limited Highway One capacity. State Highway One is one of California's most valuable scenic resources and provides the principal means for Californians to access the coast. Highway 1 along the Mendocino coast experiences a steady stream of tourist traffic all year long, with traffic peaks between April and October. State Highway 1 has also been designated a Pacific Coast Bicentennial Route, and is very popular with touring cyclists. As noted in the 1990 DKS Associates State Route 1 Capacity and Development Study, Mendocino Coast residents find themselves competing

with vacationers for the limited capacity of State Route 1. Due to the highway's scenic qualities, heavy use by recreational vehicles as well as logging trucks, and limited passing opportunities along much of its length, Highway One's traffic carrying capacity is less than that of other two-lane roads.

Coastal Act Section 30254 states that it is the intent of the Legislature that State Highway One in rural areas of the coastal zone remain a scenic two-lane road, and that where existing or planned public works facilities can accommodate only a limited amount of new development, services to coastal dependent land use, essential public services and basic industries vital to the economic health of the region, state, or nation, public recreation, commercial recreation, and visitor-serving land uses shall not be precluded by other development. Section 30250(a) of the Coastal Act also requires that new development not have significant adverse effects, either individually or cumulatively, on coastal resources.

Because the only north-south arterial in coastal Mendocino County is Highway One, the requirements of Section 30254 are a limiting factor on the potential for new development in Mendocino County. In addition, Section 30254 requires that high priority uses of the coast not be precluded by other, lower-priority uses when highway capacity is limited.

While curves can be straightened, gulches bridged, and shoulders widened, the basic configuration of the highway will remain much the same due to topography, existing lot patterns, and the priorities of Caltrans to improve the state's highway system in other areas. To assess the limited Highway One capacity, a study was prepared for the Commission in 1979 as a tool for coastal planning in Marin, Sonoma, and Mendocino counties (Highway 1 Capacity Study). The study offered some possibilities for increasing capacity and describes alternative absolute minimum levels of service. Because highway capacity is an important determinative for the LUP, the Commission's highway study was re-evaluated by the LUP consultant and alternative assumptions were tested.

The Highway One Capacity Study described then-current use of different segments of Highway One in terms of levels of service categories. Such categories are commonly used in traffic engineering studies to provide a measure of traffic congestion, and typically range from Level of Service A (best conditions) to Level of Service F (worst condition). The 1979 Highway One Capacity Study determined that only the leg of Highway One between Highway 128 and Mallo Pass Creek was at Service Level D (unstable flow; low freedom to maneuver; unsatisfactory conditions for most drivers) during peak hours of use in 1979; all other legs were at Level E. Service Level E (difficult speed selection and passing; low comfort) is the calculated capacity of the highway. At Level F (forced flow), volume is lower. Along the Mendocino coast, peak hour can be expected to occur between noon and 5 p.m. on summer Sundays.

Highway capacity was recognized by the Commission as a constraint that limits new development, as new development generates more traffic that uses more capacity and a lack of available capacity results in over-crowded highways for long periods of time. The Commission also initially denied Mendocino County's LUP, based in part on highway constraints. When it eventually certified the Mendocino County Land Use Plan with Suggested Modifications, the Commission found that too much build-out of the Mendocino coast would severely impact the recreational experience of Highway One and its availability for access to other recreational destination points. The LUP as originally submitted would have allowed for 3,400 new residential parcels to be created potentially. The Commission found 121 geographic areas that were not in conformance with Section 30250 of the Coastal Act. The County reviewed these areas, and agreed to a proposed modification that would result in a redesignation of the identified non-conforming areas, thus reducing the total number of new residential parcels which potentially could be created by approximately 1,500. In other words, the Commission reduced by more than half the number of potential new parcels that could be created under the certified LUP, based on its conclusion that, given the information available at that time, approximately 1,500 new parcels was the maximum number of new parcels Highway One could accommodate while remaining a scenic, two-lane road.

The Commission recognized that in the future, a greater or smaller number of potential new parcels might be more appropriate, given that changes might occur that would affect highway capacity, such as new road improvements, or that development might proceed at a faster or slower pace than anticipated. To provide for an orderly process to adjust the number of potential parcels allowed under the LCP to reflect conditions as they change over time, the Commission approved Policy 3.9-4 of the LUP that required a future review of the Land Use Plan.

Policy 3.9-4 of the County's LUP states that:

Following approval of each 500 additional housing units in the coastal zone, or every 5 years, whichever comes first, the Land Use Plan shall be thoroughly reviewed to determine:

Whether the Highway 1 capacity used by non-resident travel and visitor accommodations is in scale with demand or should be increased or decreased.

Whether the plan assumptions about the percentage of possible development likely to occur are consistent with experience and whether the allowable build-out limits should be increased or decreased.

Whether any significant adverse cumulative effects on coastal resources are apparent.

In response to this policy, in 1994 the County hired a transportation consultant firm to do a study (titled the State Route 1 Corridor Study) that would determine the impact to Highway One traffic carrying capacity from the build-out of the Coastal Element of the General Plan. The focus of the study was to project future traffic volumes which would be generated by potential development allowed by the Coastal Element in the coastal zone and by potential development from growth areas outside of the coastal zone that affect traffic conditions on Highway One. The traffic impact on the level of service (LOS) of study intersections and segments on Highway One based on incremental build-out scenarios was then determined (LOS A through E was considered acceptable in most locations; LOS F was considered unacceptable). The study also identified roadway improvement options available for increasing capacity on Highway One and other roadways that affect the Highway One corridor.

In 1995, the Gualala Traffic Study was also done. This study evaluates existing and projected traffic conditions on Highway One in the Gualala area, and analyzes the effects of incremental levels of development on Highway One traffic carrying capacity in the Gualala area from the build out of the Coastal Element of the General Plan (LUP). The focus of the study was to project future traffic volumes on Highway One and the local road network and to evaluate the need for intersection and roadway segment improvements including the road improvements and extensions proposed in the Draft Gualala Town Plan.

The Traffic Study found that under existing conditions, all intersections and road segments on Highway One in the Gualala commercial district were operating at "acceptable" levels of service (LOS) in 1994. However, the study also found that projected increases in traffic volumes on Highway One resulting from buildout of commercial and residential lands under the Gualala Town Plan, using the 75/50% buildout scenario (existing development plus development on 75% of existing vacant parcels plus development on 50% of potential new parcels plus 75% of commercial, industrial, and visitor-serving facility build-out potential by the year 2020), would degrade operations on Highway One from Old State Highway to Pacific Woods Road and at five intersections in the commercial district to a level of service F, which is unacceptable. The Traffic Study found that increased traffic volumes can be accommodated if improvements are made to increase the capacity of the Highway One corridor within Gualala's commercial district. The Gualala Town Plan recommends various improvements necessary to accommodate increased traffic volumes from projected buildout under the Gualala Town Plan, while ensuring Highway One operates at a level of service D or better.

In 1997, the Gualala Transportation Financing Study was prepared and adopted by the Board of Supervisors. This report developed options to finance transportation infrastructure that is intended to serve traffic growth within the Gualala area. The report presents the growth scenarios, cost estimates of the transportation improvements, traffic impact fee options, and a list of other issues surrounding the implementation and administration of the fee.

Need for Modifications.

To ensure that the plan does not allow for development for which there are not adequate water, sewer, or highway services, the Commission requires a number of modifications. The Town Plan proposes moving the urban-rural boundary to be coincident with the boundary of the Gualala Town Plan Area. The Commission finds that expanding the urban-rural boundary has the potential to allow greater density by making it more permissible to expand the service area of the sewer district. Currently the service/assessment area of the sewer district is essentially coterminous with the urban side of the urban-rural boundary, which was established to match the service/assessment area in 1989, when the Commission approved LUP Amendment 1-89 to provide for a sewer district in Gualala.

In addition, Policy 3.8-1 of the County LUP requires that on the rural side of the urban-rural boundary, consideration shall be given to Land Use Classifications, 50% buildout, average parcel size, and availability of water and solid and septage disposal adequacy; highway capacity impacts shall be considered in determining land use classifications and density changes.

When proposed LCP amendments for density increases in rural areas are considered, the Commission applies the rural land division criteria to determine if a change to the existing zoning that will result in a density increase is warranted. The Commission looks at the average parcel size of parcels in the surrounding area, computing the mode, median, and mean of surrounding parcels. If the urban-rural boundary is moved to expand the urban area, the rural land division criteria would no longer apply, making it more likely that density increases would occur.

There is not adequate water or sewer hookups available to serve the potential density allowed under buildout of the current LCP. The Commission finds that it is not appropriate at this time to expand the urban portion of the urban-rural boundary, which is potentially growth inducing, until such time as additional services are available. The Commission thus requires **Special Modifications No. 5, 15, and 16**, which delete the proposed changes to the urban-rural boundary, as described below.

SUGGESTED MODIFICATION NO. 5: Policy G3.1-1 in Section 3.1 of the Gualala Town Plan shall be modified as follows:

3.1 DEVELOPMENT LOCATION

G3.1-1 The urban-rural boundary for the town of Gualala shall be coincident with the ~~Gualala Town Plan area boundary as indicated on Figure 1.1 boundary lines delineated on Land Use Map 31.~~

SUGGESTED MODIFICATION NO. 15: Section 4.12-2 of the Coastal Element shall be modified as follows:

The urban-rural boundary of the community of Gualala is indicated by boundary lines delineated on Land Use Map 31.

~~The urban-rural boundary is coincident with the Gualala Town Plan area.~~ The Town Plan area includes all lands within the Gualala Community Services District (GCSD) and the small lot residential subdivisions adjoining the GCSD service area. The Town Plan area was selected to identify where new development could be served by community water and/or sewer systems and where such development would minimize traffic impacts on Highway 1. A primary goal of the Gualala Town Plan is to concentrate new development within the Town Plan area.

SUGGESTED MODIFICATION NO. 16: Change the proposed new location of the Urban-Rural boundary on the Land Use Map back to its original location.

These modifications delete the policies that state that the urban-rural boundary for the town of Gualala shall be coincident with the Gualala Town Plan area boundary. In addition, the Land Use Plan Map, which is proposed to be changed to delineate the expanded urban-rural boundary, will be changed back to where it currently is.

As noted above, Section 30250(a) of the Coastal Act requires that new development be located in areas able to accommodate it and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.

Under the existing Mendocino County LCP, only one dwelling unit per legally created parcel is allowed within the Gualala Town Plan area. The proposed Gualala Town Plan allows up to 100 second residential units within the Town Plan area, on the east side of Highway 1. The second units are intended to help provide more affordable housing in the Town Plan area. It is anticipated that some of these second units will be occupied by persons employed in the visitor-serving industry, thus helping to support visitor-serving

use as a high-priority use. In addition, County staff has indicated that there are existing a number of unpermitted second units, which would be legitimized by the allowance of up to 100 second units in the Town Plan area.

The Town Plan includes a policy, now Policy G3.8-3 (relocated and renumbered by Suggested Modification No. 11), which states that "New development shall be permitted only if the infrastructure and resources to support it are available, or are made available as part of the developer's project plan." Under this policy, no second unit would be allowed unless there are available services to support it.

While allowing second units as proposed would increase residential density within the Town Plan area, because the number of units allowed is limited (to 100), and will largely include existing illegal second units, the density increase is not significant.

Various policy changes in the proposed Town Plan that will facilitate residential development may increase the initial rate of development. However, these policy changes will not result in significant density increases beyond what is allowed under the current certified LCP because residential growth will occur at the expense of commercial growth, whose potential has been reduced. In addition, the three new land use plan classification categories provide more restrictive development standards than the current commercial designations. For example, in the new GVMU district, maximum building height has been reduced from 35 feet, currently allowed in the Commercial district, to 28 feet east of Highway 1 and 18 feet west of Highway 1, and in the new GHMU and GPD districts, maximum building height has been reduced to 28 feet. Maximum lot coverage and maximum floor-area ratios are also more restrictive in the proposed new districts than in the current commercial district. Therefore, while these provisions increases the potential residential buildout in Gualala, the Gualala Town Plan significantly reduces commercial buildout potential by the restrictions placed on commercial development.

Due to the constraints on water and sewer service, and highway capacity, the Commission finds that additional policy language is required to ensure that adequate services will be available to serve the potential development allowed by the Plan. Even with the modifications (Suggested Modifications No. 5, 15, and 16) that prevent expansion of the urban side of the urban-rural boundary so as not to cause significant increases in density over what buildout allowed under the current LCP would provide, existing service capacity is not sufficient to accommodate all the development that could be allowed. Thus it is necessary to ensure that no new development be approved unless it can be demonstrated that adequate sewer and water services will be provided. In addition, it is necessary to ensure that there are adequate services for the second residential units allowed under the proposed Town Plan. Therefore, the Commission requires additional modifications.

Suggested Modifications No. 12 (see Page 35) adds a new section to the Gualala Town Plan, 3.10, Water and Sewer Services. This new section contains several new policies, as well as a policy regarding options for increasing water supply that has been moved from Section 3.8, Protection of Environmental Resources. To ensure that no new development is approved without adequate services, Policy G3.10-2 requires that either a hook-up to the North Gualala Water Company or an adequate on-site water system shall be available to serve any new development, and Policy G3.10-3 requires that either a hook-up to the Gualala Community Services District or an adequate on-site sewage disposal system shall be available to serve any new development.

Suggested Modification No. 12: A new section, Section 3.10, **WATER AND SEWER SERVICES**, shall be added to the Gualala Town Plan, and shall contain the following policies:

3.10 WATER AND SEWER SERVICES

G3.10-1 When the North Gualala Water Company reaches 80 percent of service capacity, as defined in the Development/Constraints Table found in Section 2.5 of this Plan (or any amendments in this capacity due to new facilities), action should be initiated on one or more of the following options:

- *Development of new water supply source (NGWC).*
- *Development of increased storage capacity for water supply during low flow periods (NGWC).*
- *Increase water conservation efforts (water users).*
- *Restrict the amount of new development, which increases water usage (County).*

NOTE: Policy G3.10-1 has been moved from Section 3.8, Protection of Environmental Resources, where it was included as Policy G3.8-3.

G3.10-2 Either a hook-up to the North Gualala Water Company or an adequate on-site water system, as approved by the Division of Environmental Health, shall be available to serve any new development.

G3.10-3 Either a hook-up to the Gualala Community Services District or an adequate on-site sewage disposal system, as approved by the Division of Environmental Health, shall be available to serve any new development.

G3.10-4 At such time as a utility company, such as the North Gualala Water Company, or the Gualala Community Services District, proposes to expand its capacity, the County shall require as a condition of the coastal development permit that a certain percentage of the new capacity be reserved for visitor-serving uses.

The percentage of the new capacity to be reserved for visitor-serving uses shall be commensurate with the percentage of existing visitor-serving uses as compared to non visitor-serving uses. This percentage should be calculated at the time the service expansion is proposed.

The capacity of any new infrastructure development shall not exceed the buildout potential of the Town Plan.

G3.10-5 A review and possible update of the Plan should be initiated five years after adoption of said Plan. The review should include an analysis of development constraints/thresholds for water connections and sewer capacity ESDs.

Under the current LCP, the allowed buildout will result in the highway level of service dropping to unacceptable levels within the town. The proposed Town Plan attempts to deal with this problem. However, the Commission finds it necessary to include additional modifications to address the problem. **Suggested Modification No. 3** (see Page 13) modifies Section 2.5 of the GTP, Public Services and Road Capacity, by deleting the Robinson Gulch bridge from the list of recommended improvements necessary to accommodate increased traffic volumes from projected buildout under the GTP. The bridge over Robinson Gulch was proposed earlier in the development of the GTP when the Residential Reserve was included as part of the current plan, with proposed new zoning for that area. In the currently proposed plan, no zoning changes are proposed for the Residential Reserve, and thus the Robinson Gulch bridge need not be considered at this time. **Suggested Modification No. 9** (see Page 27) modifies Section 3.6 of the GTP, Circulation, Parking and Pedestrian Access. Policy G3.6-11 is modified to include language requiring that Level of Service E shall be maintained on all Highway 1 road segments and intersections in the commercial district, and requiring that during the five-year review of the GTP, it should be determined if there will be any deterioration below LOS D, and, if so, steps should be initiated to ensure that levels of service are improved in the affected areas. This modification also renumbers some incorrectly numbered sections, and adds language regarding the prohibition of on-street parking by requiring coordination with Caltrans to develop signage to make this policy more workable.

SUGGESTED MODIFICATION NO. 3: Section 2.5 of the Gualala Town Plan shall be modified as follows:

Highway 1 Capacity

In the California Coastal Act of 1976, the California legislature mandated that Highway One "in rural areas of the coastal zone remain a scenic two-lane roadway" (PRC Section 30254). While this mandate serves as an overall constraint to future growth on the Mendocino coast, highway improvements within urbanized areas, such as Gualala, can increase the local capacity of the

roadway to accommodate growth. The Gualala Traffic Study (TJKM, February 1995) evaluates existing and projected traffic conditions on Highway 1 in the Gualala area.

The Traffic Study found that under existing conditions, all intersections and road segments on Highway 1 in the Gualala commercial district were operating at "acceptable" levels of service (LOS) in 1994.² The heaviest congestion and delays were experienced at the Sundstrom Mall entry/Highway 1 intersection, which operated at LOS D.

The Traffic Study found that projected increases in traffic volumes on Highway 1 resulting from buildout of commercial and residential lands under the Gualala Town Plan (under the 75/50% Scenario) would degrade operations on Highway 1 from Old State Highway to Pacific Woods Road and at five intersections in the commercial district to a level of service F, which is unacceptable. However, the Traffic Study found that increased traffic volumes can be accommodated if improvements are made to increase the capacity of the Highway 1 corridor within Gualala's commercial district. Recommended improvements necessary to accommodate increased traffic volumes from projected buildout under the Gualala Town Plan, while ensuring Highway 1 operates at a level of service D or better, include:

- Two-way left-turn lane on Highway One from Old State Highway to Bakertown.
- Development of parallel roadway east of Highway One (along Church Street alignment), with a bridges over China Gulch and ~~Robinson Gulch~~.
- Installation of traffic signals on Highway 1 at Old State Highway, Sundstrom Mall and Ocean Drive.
- Left-turn channelization on Highway 1 at Old State Highway, Center Street, Sundstrom Mall, Ocean Drive and Pacific Woods Road.
- Northbound right-turn channelization on Highway 1 at Old State Highway.

SUGGESTED MODIFICATION NO. 9: Several policies from Section 3.6 of the Gualala Town Plan, **Circulation, Parking, and Pedestrian Access**, shall be modified as follows:

In the **Circulation** subsection:

- G3.6-11 *Level of Service E shall be maintained on all Highway 1 road segments and intersections in the commercial district. New development shall not be approved if LOS E will not be maintained on all Highway 1 road segments and intersections in the commercial district. The five-year review of the GTP should include a review and analysis of current highway levels of service and new projections of levels of service to determine if there will be any deterioration below Level D for any Highway 1 road segments or intersections within the commercial district of the Town Plan area. If LOS*
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D is not being maintained, steps should be initiated to ensure that levels of service are improved in the affected areas. The five-year review of the GTP should also consider the development of a cost-sharing plan for traffic mitigation measures. Traffic mitigation measures and traffic control measures, including traffic signals, should be considered as methods of improving level of service at the intersections of State Route 1 and Sundstrom Mall, Ocean Drive, and Pacific Woods Road consistent with the findings of the Gualala Traffic Study - February, 1995.

In the **Parking** subsection:

~~G3.6-11~~ G3.6-12 No on-street parking shall be permitted on Highway 1. *County staff shall coordinate with Caltrans to develop appropriate signage.*

G3.6-12 G3.6-13 Off-street parking shall be provided in accordance with the standards established in the "Off-Street Parking" chapter of the Coastal Zoning Code. The "Design Guidelines " chapter of the Gualala Town Plan provides additional policies for vehicle access and parking design.

In the **Pedestrian Access** subsection:

~~G3.6-13~~ G3.6-14 A continuous pedestrian walkway shall be provided on the east side of Highway 1, from Old State Highway to the Gualala Mobile Court and on the west side of Highway 1 from Old State Highway to Robinson Reef Road. Additional pedestrian walkways may be necessary to serve future development on the east side of Highway 1 between Gualala Mobile Court and Pacific Woods Road.

Pedestrian walkways may be located anywhere within the designated landscaping/sidewalk area, but shall connect with existing walkways on adjoining parcels or provide for a reasonable connection to future pathways on adjoining parcels. Policies in the "Design Guidelines" chapter of the Gualala Town Plan provide guidance for the development of pedestrian walkways.

~~G3.6-14~~ G3.6-15 Pedestrian walkways and landscaping shall be provided along local roads within the Gualala Village Mixed Use, Gualala Highway Mixed Use and Gualala Planned development districts as illustrated on the Local Roads Streetscape Cross-section (Figure 3.6). Where feasible, walkways and landscaping shall be located in the public road right-of-way. An encroachment permit from the Mendocino County Department of Public Works is required for all improvements within County road rights-of-way.

All pedestrian walkways shall be a minimum of five (5) feet in width and shall be constructed of concrete. Exceptions to the strict application of these standards may be granted by the approving authority if it is found that strict adherence is not feasible or would have significant adverse impacts on natural resources, aesthetics, or other environmental factors.

~~G3.6-15~~ G3.6-16 Landscaping shall be provided along all pedestrian walkways to create attractive and usable pedestrian corridors. Landscaping shall be established and maintained in accordance with the "Design Guidelines" of the Gualala Town Plan.

~~G3.6-16~~ G3.6-17 Pedestrian crosswalks shall be provided at the following locations on Highway 1:

Sundstrom Center entry Ocean Drive
Seacliff Center Street

~~G3.6-17~~ G3.6-18 Pedestrian crosswalks shall be constructed of flush pavers. Pavers used at crosswalk areas must: (a) be flush with the adjacent paving; (b) be skid-resistant; (c) be contained within a cast concrete perimeter to prevent loosening; and (d) have small, tight joints to accommodate wheelchairs and strollers.

~~G3.6-18~~ G3.6-19 All crosswalks and pedestrian walkways shall be accessible to disabled persons and meet the requirements of the Americans with Disabilities Act.

As submitted, the proposed LUP Amendment is inconsistent with the Coastal Act. However, if modified as suggested, the proposed LUP Amendment is consistent with Coastal Act Sections 30250(a) and 30254, as the plan requires that adequate water and sewer services will be provided for new development in the Town Plan area, and that Highway One levels of service will remain at an acceptable level.

4. Visitor-Serving Facilities:

Coastal Act Section 30222 states that:

The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

Coastal Act Section 30213 states in part that:

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

The Coastal Act thus assigns a high priority to the use of private lands for visitor-serving facilities; however, the Gualala Town Plan does not contain any language protecting visitor-serving facilities. In fact, the GTP proposes to change the existing commercial designation, which can accommodate visitor-serving facilities, to three mixed-use designations. These mixed-use designations encourage residential development by allowing residential development as a principally permitted use, eliminating the need for a conditional use permit, and requiring a minimum of 50% of the total lot area within the proposed new GPD district to be dedicated to residential uses. Therefore, under the proposed plan, suitable sites for visitor-serving facilities would not be protected for such uses and could be excluded by residential development.

The Commission is thus concerned that since increased residential development is more likely under the new land use classifications, visitor serving facilities will not be given the high priority afforded them under the Coastal Act. As submitted, therefore, the proposed LUP Amendment is not consistent with the Coastal Act policies regarding visitor-serving facilities. However, if modified as suggested below, the proposed amendment could be found consistent with the Coastal Act policies affording priority to visitor-serving uses. The Commission attaches three Suggested Modifications to ensure that visitor-serving uses are protected in the Town Plan, described below.

As currently proposed, Section 3.7 of the Plan includes policies concerning Recreation Facilities, Coastal Access, and Trails, but does not address Visitor-Serving Facilities. **Suggested Modification No. 10** (see Page 32) changes the name of the Section to include Visitor-Serving Facilities, and adds a subsection for Visitor-Serving Facilities that includes two new policies affording priority to visitor-serving uses. Adding these policies will enable the County and the Commission to protect individual sites that are particularly important and suited for visitor-serving uses when reviewing permit applications or appeals.

Suggested Modification No. 12 (see Page 35) adds a new section to the GTP, **Water and Sewer Services** (described above in the New Development/Water, Sewer, and Highway Services section of this report), which contains several new policies regarding water supply and demand. To ensure that adequate services will be available for visitor-serving uses, Policy G3.10-4 requires that when a utility company proposes to expand its capacity, the County shall require as a condition of the coastal development permit that a certain percentage of the new capacity be reserved for visitor-serving uses, and that the percentage of the new capacity to be reserved for visitor-serving uses shall be

commensurate to the percentage of existing visitor-serving uses as compared to non visitor-serving use.

The relevant section of **Suggested Modification No. 13** (see Page 36) modifies the portion of Chapter 4 of the GTP that pertains to the Gualala Planned Development (GPD) district, adding a requirement that a minimum of 10 percent of the total lot area within a GPD district must be dedicated to visitor-serving facilities. The proposed GPD district contains two large commercial parcels (the Church Street parcel and the Lower Mill site), the largest tracts of undeveloped land near the center of town. Due to their size and location, these parcels have a high utility value for visitor-serving uses. Requiring that 10% of the GPD district be dedicated to visitor-serving uses will reserve a certain amount of this valuable land for a high priority use.

The Commission selects 10% as an appropriate figure to reserve for visitor-serving uses as it reflects the approximate current percentage of visitor-serving facilities within the Town Plan area.

SUGGESTED MODIFICATION NO. 10: Section 3.7 of the Gualala Town Plan shall be modified as follows:

3.7 RECREATION AND VISITOR-SERVING FACILITIES, COASTAL ACCESS & TRAILS

Recreation Facilities

G3.7-1 *Within two years of plan certification, the County should initiate preparation of a feasibility study. ~~The Board of Supervisors should adopt appropriate mechanisms for the acquisition and development of public parks and recreation facilities in the Gualala Town Plan area.~~*

. . .

Visitor-Serving Facilities

G3.7-8 *Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.*

G3.7-9 *The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general*

commercial development, but not over agriculture or coastal-dependent industry.

SUGGESTED MODIFICATION NO. 12 (portion): A new section, Section 3.10, **WATER AND SEWER SERVICES**, shall be added to the Gualala Town Plan, and shall contain the following policy:

G3.10-4 At such time as a utility company, such as the North Gualala Water Company, or the Gualala Community Services District, proposes to expand its capacity, the County shall require as a condition of the coastal development permit that a certain percentage of the new capacity be reserved for visitor-serving uses. The percentage of the new capacity to be reserved for visitor-serving uses shall be commensurate with the percentage of existing visitor-serving uses as compared to non visitor-serving uses. This percentage should be calculated at the time the service expansion is proposed.

The capacity of any new infrastructure development shall not exceed the buildout potential of the Town Plan.

SUGGESTED MODIFICATION NO. 13 (portion): Chapter 4 of the Gualala Town Plan shall be modified as follows:

GUALALA PLANNED DEVELOPMENT

Map Code: GPD

Requirements for Development: At a minimum, fifty percent (50%) of the total lot area within a GPD District must be dedicated to residential uses and the infrastructure and open space necessary to support such uses. *In addition, at a minimum 10 percent of the total lot area within a GPD District must be dedicated to visitor-serving facilities. Visitor-serving facilities include, but are not limited to, bed and breakfast accommodations, hotels, motels, inns, and restaurants.*

5. Public Access and Recreation:

Coastal Act Sections 30210, 30211, and 30212 require the provision of maximum public access opportunities, with limited exceptions. Section 30210 states that maximum access and recreational opportunities shall be provided consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse. Section 30211 states that development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand

and rocky coastal beaches to the first line of terrestrial vegetation. Section 30212 states that public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, adequate access exists nearby, or agriculture would be adversely affected.

The Mendocino County LUP currently includes a number of policies regarding standards for providing and maintaining public access. Policy 3.6-9 states that offers to dedicate an easement shall be required in connection with new development for all areas designated on the land use plan maps. Policy 3.6-28 states that new development on parcels containing the accessways identified on the land use maps shall include an irrevocable offer to dedicate an easement. LUP Policy 3.6-27 states that:

No development shall be approved on a site which will conflict with easements acquired by the public at large by court decree. Where evidence of historic public use indicates the potential for the existence of prescriptive rights, but such rights have not been judicially determined, the County shall apply research methods described in the Attorney General's "Manual on Implied Dedication and Prescriptive Rights." Where such research indicates the potential existence of prescriptive rights, an access easement shall be required as a condition of permit approval.

This language is reiterated in Zoning Code Section 20.528.030.

Coastal Act Sections 30220, 30221, 30222, 30223, and 30224 provide for the protection of recreational use in coastal areas.

The Gualala Town Plan includes Section 3.7, Recreation Facilities, Coastal Access and Trails (which has been modified by Suggested Modification No. 10 to include Visitor-Serving Facilities), which contains several policies concerning the provision and protection of coastal access and trails within the Gualala Town Plan area. Policy G3.7-1 states that the Board of Supervisors should adopt appropriate mechanisms for the acquisition and development of public parks and recreation facilities in the Gualala Town Plan area. Although the intent of the policy is consistent with Section 30210 of the Coastal Act in that the policy would help provide maximum public access, the policy is not enforceable, as it sets no time frame for accomplishing its goals. Therefore, as submitted, the LUP Amendment is not fully consistent with the Coastal Act policies concerning coastal access and recreation. **Suggested Modification No. 10** (see Page 32) is necessary to ensure consistency with the Coastal Act.

SUGGESTED MODIFICATION NO. 10 (portion): The Recreation Facilities subsection of Section 3.7 of the Gualala Town Plan shall be modified as follows:

3.7 RECREATION AND VISITOR-SERVING FACILITIES, COASTAL ACCESS & TRAILS

Recreation Facilities

G3.7-1 *Within two years of plan certification, the County should initiate preparation of a feasibility study* ~~The Board of Supervisors should adopt appropriate mechanisms for the acquisition and development of public parks and recreation facilities in the Gualala Town Plan area.~~

By adding language to Policy G3.7-1 to require preparation of a feasibility study for the acquisition and development of public parks and recreation facilities, the Town Plan will contain a mechanism for achieving the goal of providing additional public facilities.

The proposed LCP Amendment, as modified, is thus consistent with the public access and recreation policies of the Coastal Act.

6. Visual Resources:

Section 30251 of the Coastal Act states that:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance, and that 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 landforms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated...by local government shall be subordinate to the character of its setting.

The main areas of concern regarding the protection of visual resources in the Gualala Town Plan area are: (1) protecting view corridors to the coast from Highway One through development west of the highway; (2) protecting views from Gualala Point Regional Park in Sonoma County, including the sand spit, blufftop vantage points, and the campground just east of the bridge, and from Highway One from the perspective of motorists and bicyclists heading north just before the Gualala River Bridge; and (3) preserving the visual character of the town.

The proposed GTP establishes three new mixed-use districts, Gualala Village Mixed Use, Gualala Highway Mixed Use, and Gualala Planned Development, all of which allow residential development as a principally permitted use, rather than as a conditional use, as is currently the case. In addition, the proposed GTP requires that 50% of the GPD

districts be residentially developed. Chapter 4 of the Town Plan specifically indicates that "The flat topography of the Lower Mill site establishes it as one of the few sites in town which would permit development of relatively high density residential uses." It is thus likely that there will be more rapid, intensive development in these new districts than there would be if the districts had remained designated for Commercial use, with residential use requiring a conditional use permit.

Restricting new development in these three proposed new mixed-use districts to protect visual resources is critical due to the visually prominent location of these districts. The proposed GHMU and GVMU are both adjacent to Highway One, and one of the large GPD parcels, the 58-acre Lower Mill Site, is adjacent to the highway, and in close proximity to the Gualala River. The Lower Mill Site near the Gualala River is of particular concern given that the natural appearance of the largely undeveloped, forested property and its close proximity to other natural areas along the river contributes greatly to the visual character of that part of the Gualala Town Plan area.

The proposed Gualala Town Plan provides design guidelines to address visual issues. The plan contains Section 3.4, Design Guidelines for Mixed Use and Planned Development Districts, which includes design guidelines for site planning, architectural form, vehicle access and parking, pedestrian access, on-site landscaping, street landscaping, exterior lighting, and signage. However, the guidelines by themselves are not sufficient to ensure that development will be compatible with the character of the area and sited and designed to protect views to and along the ocean and scenic coastal areas as required by Coastal Act Section 30251.

Although the text of Chapter 4 states that sensitive coastal resources within the GPD district should be protected, including views from public areas such as Highway One and the Gualala Point Regional Park, and sensitive resources associated with the Gualala River, this language is not incorporated as a policy. Further, the guidelines are not strong enough to match the protections of the Coastal Act. For example, Policy G3.4-1 of the plan states that new development should minimize site disturbance, while Coastal Act Section 30251 states that "new development shall be sited to...minimize the alteration of natural landforms..."

For the proposed design guidelines to be effective in ensuring that new development is consistent with the visual resource protection policies of the Coastal Act, some mechanism beyond the normal procedures for review of projects within the balance of the County's coastal zone must be put in place so that the detailed design issues raised by the criteria can be carefully applied to individual development projects.

The Commission thus finds that it is necessary to modify Section 3.4, Design Guidelines for Mixed Use and Planned Development Districts. **Suggested Modification No. 8** (see

Page 22) modifies Policy G3.4-1, which states that "New development shall minimize site disturbance," to read: "New development *shall* minimize site disturbance." This language reflects the language of Coastal Act Section 30251. In addition, Suggested Modification No. 8 modifies Policy G3.4-2 to state that "the siting and design of buildings shall *protect* [rather than **consider**] river, ocean and hillside views." Further, Suggested Modification No. 8 adds a new subsection, Design Review, to Section 3.4, and a new policy, Policy G3.4-41, which inserts as a policy for the review of development in the GPD districts the design criteria laid out in Chapter 4 of the Town Plan, and for ease of use, reiterates how Policies G3.4-1 through G3.4-40 should also be considered in the design review of projects in the various mixed-use districts. Policy G3.4-41 also requires design review of proposed new development within the GVMU, GHMU, and GPD districts by the Gualala Municipal Advisory Council prior to filing a coastal development permit as complete. The design review process set forth in this policy will ensure that the detailed design criteria in this section of the Plan will be fully considered and more effectively utilized to ensure consistency with the policies of the Coastal Act concerning the protection of visual resources. Since GMAC already reviews major projects, the main change resulting from the addition of this new policy is that new residential development requiring a coastal permit will now require additional review by GMAC. Residential development that is exempt from coastal permit requirements under the Categorical Exclusion Order or under Section 30610 of the Coastal Act would not require a review by GMAC.

As submitted, the proposed LUP Amendment is not consistent with Coastal Act Section 30251. However, if modified as suggested below, the proposed amendment could be found consistent with the Coastal Act policies affording protection of visual resources.

SUGGESTED MODIFICATION NO. 8: Policies G3.4-1 and G3.4-2 of the Site Planning subsection of Section 3.4 of the Gualala Town Plan, Design Guidelines for Mixed Use and Planned Development Districts, shall be modified as noted below, and a new subsection, Design Review, shall be added as described below:

Site Planning

- G3.4-1 Natural features, such as hillsides, gulches and mature vegetation, shall be considered important design determinants in siting development. New development ~~should~~*shall* minimize site disturbance.
- G3.4-2 The siting and design of buildings shall ~~consider~~ *protect* river, ocean and hillside views.

DESIGN REVIEW

G3.4-41 New development shall conform with the above design guidelines, Policies G3.4-1 through G3.4-40. In addition, within the Gualala Planned Development districts, new development shall conform with the criteria established in Chapter 4 of this plan, which provides for the protection of sensitive coastal resources within the GPD district, including views from public areas such as Highway 1 and the Gualala Point Regional Park, and sensitive resources associated with the Gualala River. New development requiring a coastal development permit within the Gualala Village Mixed Use, Gualala Highway Mixed Use, and Gualala Planned Development districts shall be reviewed by the Gualala Municipal Advisory Council or some similar advisory council prior to filing a coastal development permit as complete. The advisory council shall forward its findings and recommendations to the permit issuing authority prior to action by that permit issuing authority.

In addition, a portion of **Suggested Modification No. 13** modifies the Gualala Planned Development section of Chapter 4 of the GTP to add a new requirement for the Precise Development Plan:

***Protection of Sensitive Coastal Resources:** The Precise Development Plan must provide for protection of sensitive coastal resources, including views from public areas such as Highway 1 and the Gualala Point Regional Park, and sensitive resources associated with the Gualala River, using such means as establishing vegetative buffers between Highway 1 and developed areas, avoiding siting of structures on slopes adjacent to Highway 1, and avoiding siting development within sensitive habitat areas or the buffer areas established for their protection.*

The LUP Amendment as submitted is inconsistent with the visual resource protection policies of the Coastal Act and must be denied. As modified, the proposed LUP Amendment is consistent with Coastal Act Section 30251, as visual resources will be protected within the Gualala Town Plan area.

7. Environmentally Sensitive Habitat Areas (ESHA):

Coastal Act Section 30240 states that:

- (a) *Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas.*
- (b) *Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.*

Coastal Act Section 30231 states that:

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

The Gualala Town Plan, while it contains Section 3.8, Protection of Environmentally Resources, does not address directly the issue of environmentally sensitive habitat areas. The Plan states that other provisions of the Coastal Zoning Code, such as environmentally sensitive habitat area regulations, will continue to apply to development in the Gualala Town Plan Area. There are currently existing a number of policies in the certified LCP concerning protection of environmentally sensitive habitat areas. LUP Policies 3.1-3.1-33 address the protection of habitats and natural resources, and provide for, among other things, 100-foot-wide buffer areas to protect ESHA's, limitations on development within buffers, etc. Despite these policies, the Commission finds that, due to the potential of more intensive development near the Gualala River proposed by the Gualala Town Plan, that some additional language is necessary in the Town Plan to ensure consistency with the Coastal Act.

One change proposed by the GTP is the redesignation of two large commercial properties (the Church Street parcel and the Lower Mill site) to Gualala Planned Development, where a mixture of residential and commercial uses will be permitted. The GTP specifically indicates that the flat topography of the Lower Mill site establishes it as one of the few sites in town that would permit development of relatively high density residential uses. Since the Lower Mill site is located adjacent to the Gualala River, development of the site under the proposed new LUP designation with high-density residential development could adversely affect the adjacent riparian habitat if the development is not carefully designed to buffer the habitat from development. Although the background text of the Gualala Town Plan suggested that the Precise Development Plan for the site should provide for protection of sensitive coastal resources, the language is not incorporated as a policy. Therefore, the Commission finds that the LUP Amendment, as submitted, is not consistent with the Coastal Act policies concerning protection of environmentally sensitive habitat areas. The Commission finds that it is necessary to include language protecting the sensitive habitat of the Gualala River to ensure consistency with the Coastal Act, and adds **Suggested Modification No. 13.**

As noted above under Visual Resources, **Suggested Modification No. 13** (see Page 33) modifies Chapter 4 of the GTP, adding a new section on Protection of Sensitive Coastal Resources within the section on Precise Development Plans for Gualala Planned Development districts. The new section requires that a Precise Development Plan for development with the GPD district must provide for protection of sensitive coastal resources associated with the Gualala River, using such means as avoiding siting development within sensitive habitat areas or the buffer areas established for their protection.

The LUP Amendment as submitted is inconsistent with the sensitive habitat policies of the Coastal Act and must be denied. However, as modified, the Commission thus finds that the proposed LUP Amendment is consistent with Coastal Act Policies 30240 and 30231, as sensitive habitat within the Town Plan area will be protected.

12. Protection of Water Quality:

Coastal Act Section 30231 states that:

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

As noted above in the ESHA section, the Gualala Town Plan contains Section 3.8, Protection of Environmentally Resources, but does not include specific language that reflects Coastal Act Policy 30231 concerning protection of water quality. In fact the County's Land Use Plan contains very little policy language specifically addressing the protection of water quality. However, there are sections of the County's Coastal Zoning Code that provide standards for runoff control and other water quality standards. Without policies in the LUP that call for protection of water quality, the LUP is inconsistent with the Section 30231 of the Coastal Act, and does not provide the policy framework to support the runoff control and other water quality standards found in the Implementation Plan. Thus, a modification to the Town Plan is necessary.

The Gualala Town Plan planning area is an area of concentrated growth and development with the potential to adversely affect water quality. Compared to other, more rural parts of the Mendocino coast, there is more residential development on steep slopes where grading can create erosion and sedimentation problems, and more commercial development that

includes large parking lots where oil and grease deposits from vehicles can concentrate and contribute to polluted runoff. The proximity of the Gualala River to the Gualala Town Plan area also means that polluted runoff is especially of concern. Therefore, the Commission finds that the LUP Amendment, as submitted, is not consistent with the Coastal Act policies concerning protection water quality. The Commission finds that it is necessary to include language protecting water quality to ensure consistency with the Coastal Act, and thus adds **Suggested Modification No. 11** (see Page 34), which incorporates the language of Coastal Act Policy 30231 concerning maintenance and protection of the biological productivity and quality of coastal waters.

The LUP Amendment as submitted is inconsistent with the water quality policies of the Coastal Act and must be denied. However, as modified, the Commission thus finds that the proposed LUP Amendment is consistent with Coastal Act Policy 30231, as water quality within the Town Plan area will be protected.

9. Timber Resources:

Coastal Act Section 30243 states that:

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

Within the Gualala Town Plan Area, there are two parcels designated Timber Production. The Gualala Town Plan proposes to expand the urban side of the urban-rural boundary so that the boundary coincides with the Gualala Town Plan area. Moving the boundary in this manner would mean that the two parcels designated for Timber Production would be within the urban area. Including such lands within the urban area would increase the pressure to convert those lands to non-timber production lands, inconsistent with Coastal Act Section 30243. Besides encouraging urban uses that may not be compatible with timber production to locate in and around the Timber Production parcels, moving the boundary would make it easier to amend the LCP in the future to allow for smaller parcels. Any proposal to amend the LUP and zoning designations within an urban area are not subject to the limits that Section 30250 of the Coastal Act places on rural land divisions. Therefore, the proposed LUP Amendment, as submitted, is inconsistent with the Coastal Act and must be denied. However the Commission finds that with **Suggested Modification No. 5** (see Page 19), described below, the amendment would be consistent with Section 30243 of the Coastal Act.:

SUGGESTED MODIFICATION NO. 5: Policy G3.1-1 of Section 3.1 of the Gualala Town Plan shall be modified as follows:

3.1 DEVELOPMENT LOCATION

G3.1-1 The urban-rural boundary for the town of Gualala shall be coincident with the ~~Gualala Town Plan area boundary as indicated on Figure 1.1 boundary lines delineated on Land Use Map 31.~~

The proposed LUP Amendment would retain the urban-rural boundary in its current location. As modified, the LUP Amendment is thus consistent with Coastal Act Section 30243, as timberlands will be protected.

10. Geologic Hazards:

Coastal Act Policy 30253 states in part that:

New development shall:

- (1) *Minimize risks to life and property in areas of high geologic, flood, and fire hazard.*
- (2) *Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.*

The Gualala Town Plan planning area includes a number of blufftop lots west of Highway One. The Gualala Town Plan does not contain any specific policies concerning geologic hazards such as erosion, landsliding, etc. Where no specific policies are included in the GTP for a resource area, the policies of the certified LCP would apply, and the LCP does contain policies concerning geologic hazards. The LCP contains policies that require preparation of geotechnical reports for blufftop development, and that require new development to be set back from the bluff a sufficient distance to avoid bluff retreat during the life of the structure. Pursuant to the LCP, adequate setback distances are determined from information derived from the required geologic investigation and from the setback formula: $\text{Setback (meters)} = \text{Structure life (years)} \times \text{Retreat rate (meters/year)}$.

However, the LCP does not contain a policy that reflects the language of Coastal Act Section 30253 that new development shall not in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs. The Commission is concerned that, without this language, development might be approved within the Town Plan area that would create a geologic hazard or would necessitate future construction of a seawall, contrary to Section 30253 of the Coastal Act. As submitted, the LUP Amendment is not consistent with the Coastal Act policies

concerning geologic hazards, as policy language similar to Section 30253 is omitted. The Commission thus attaches **Suggested Modification No. 11** (see Page 34) to ensure that new projects in the Town Plan area will minimize risks to life and property in areas of high geologic hazard, and will not create a geologic hazard or require construction of a protective device. Suggested Modification No. 11 adds Policy G3.8-4 to Section 3.8 of the GTP, Protection of Environmental Resources.

If modified as suggested below, the proposed amendment could be found consistent with Coastal Act policies concerning geologic hazards.

SUGGESTED MODIFICATION NO. 11 (part):

G3.8-4 *New development shall:*

- (3) Minimize risk to life and property in areas of high geologic, flood, or fire hazard;*
- (4) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.*

11. CEQA:

The Coastal Commission's LCP process has been designated by the Secretary of Resources as the functional equivalent of the EIR process required by CEQA. CEQA requires less environmentally damaging alternatives to be considered and the imposition of mitigation measures to lessen significant adverse effects that may result from the proposal. As discussed in the findings above, the proposed LUP Amendment is consistent with the Coastal Act and, if modified as suggested, will not result in significant environmental effects within the meaning of the California Environmental Quality Act.

PART FOUR: AMENDMENT TO IMPLEMENTATION PROGRAM

I. ANALYSIS CRITERIA:

To approve the amendments to the Implementation Program (IP), the Commission must find the IP, as amended, will conform with and adequately carry out the policies of the LUP, as modified and certified.

As submitted, the proposed IP amendment is not fully consistent with and adequate to carry out the policies of the LUP, as modified and certified. However, if modified as

suggested, the IP amendment will be consistent with and adequate to carry out the policies of the LUP, as modified and certified.

II. FINDINGS FOR IMPLEMENTATION PLAN AMENDMENT:

The Commission finds and declares the following for the IP portion of Amendment No. 2-98:

A. FINDINGS FOR DENIAL OF THE IP PORTION OF AMENDMENT NO. 2-98 AS SUBMITTED, AND APPROVAL IF MODIFIED:

1. Amendment Description:

The proposed amendment to the Implementation Program includes four new Zoning Districts, Gualala Village Mixed Use (GVMU), Gualala Highway Mixed Use (GHMU), Gualala Planned Development (GPD), and Gualala Industrial (GI). Four new chapters are thus proposed to be added to the Zoning Code, one chapter each for the four new zoning districts. These new chapters each include a list of principal and conditional uses within each district, plus standards for lot size, density, site development, setbacks, etc. In addition, the proposed IP amendment modifies Chapter 20.458, Second Residential Units, of the existing Mendocino County Zoning Code by adding new language regarding second units, which are proposed to be allowed within the Gualala Town Plan area east of Highway One, up to a maximum of 100.

2. Need for Modification:

In general, the proposed amendment to the Implementation Program is consistent with and adequate to carry out the Land Use Plan, as modified and certified. However, a few modifications are necessary.

Coastal Act Section 30603 lists the types of development that may be appealed to the Coastal Commission when a local government has taken action on a coastal development permit application. Section 30603(4) includes: "Any development approved by a coastal county that is not designated as the principal permitted use under the zoning ordinance or zoning district map approved pursuant to Chapter 6 (commencing with Section 30500)."

The new zoning districts proposed by the IP Amendment do not identify for the purposes of appeals to the Coastal Commission one principal permitted use. Since no one type of development is designated as the "principal permitted use," every development permitted in a particular zoning district would thus be appealable. That creates a cumbersome, unnecessary problem that can be rectified by identifying one "principal permitted use" for purposes of appeals to the Coastal Commission. Suggested Modification Nos. 17, 18, 19,

and 22 would identify one "principal permitted use" for each new zoning district, as described below.

SUGGESTED MODIFICATION NO. 17: Section 20.405.010 shall be modified as follows:

Sec. 20.405.010 Principal Uses for GVMU District

The following use types are permitted in the GVMU District, subject to obtaining a Coastal Development Permit and necessary building permits and approvals:

(A) Coastal Residential Use Types

Family Residential: Single Family
Family Residential: Two Family
Family Residential: Multi Family
Family Residential: Boarding House

(B) Coastal Civic Use Types

Ambulance Services
Clinic Services
Cultural Exhibits and Library Services
Day Care Facilities/Small Schools
Fire and Police Protection Services
Group Care
Lodge, Fraternal and Civic Assembly
Religious Assembly

(C) Coastal Commercial Use Types

Administrative and Business Offices
Animal Sales and Services: Household Pets
Animal Sales and Services: Veterinary (Small Animals)
Automotive and Equipment: Parking
Building Maintenance Services
Business Equipment Sales and Services
Communications Services
Eating and Drinking Establishments
Financial Services
Food and Beverage Preparation: Without consumption
Food and Beverage Retail Sales

Funeral and Interment Services
Laundry Services
Medical Services
Neighborhood Commercial Services
Personal Services
Repair Services: Consumer
Retail Sales: General
Wholesaling, Storage, Distribution: Light

(D) Coastal Visitor Accommodations and Services Use Types

Bed and Breakfast Accommodation
Visitor-Oriented Eating and Drinking Establishments
Visitor-Oriented Retail Sales

(E) Coastal Open Space Use Types

Passive Recreation

For purposes of appeals to the Coastal Commission, pursuant to Section 20.544.020(B)(4) of the Coastal Zoning Ordinance and Section 30603(a)(4) of the Coastal Act, the Principal Permitted Use (PPU) is commercial use.

SUGGESTED MODIFICATION NO. 18: Chapter 20.406.010 shall be modified as follows:

Sec. 20.406.010 Principal Uses for GHMU District

The following use types are permitted in a GHMU District, subject to obtaining a Coastal Development Permit and all necessary building permits and approvals.

(A) Coastal Residential Use Types

Family Residential: Single Family
Family Residential: Two-Family
Family Residential: Multi-Family
Family Residential: Boarding House

(B) Coastal Civic Use Types

Ambulance Services
Clinic Services

Cultural Exhibits and Library Services
Day Care Facilities/Small Schools
Fire and Police Protection Services
Group Care

(C) Coastal Commercial Use Types

Administrative and Business Offices
Animal Sales and Services: Household Pets
Animal Sales and Services: Veterinary (Small animals)
Automotive and Equipment: Parking
Building Maintenance Services
Business Equipment Sales and Services
Communications Services
Eating and Drinking Establishments
Food and Beverage Preparation: Without consumption
Food and Beverage Retail Sales
Funeral and Interment Services
Laundry Services
Medical Services
Neighborhood Commercial Services
Personal Services
Repair Services: Consumer
Retail Sales: General
Wholesaling, Storage and Distribution: Mini-warehouses
Wholesaling, Storage and Distribution: Light

(D) Coastal Visitor Accommodations & Services Use Types

Bed and Breakfast Accommodation
Visitor-Oriented Eating and Drinking Establishments
Visitor-Oriented Retail Sales

(E) Coastal Open Space Use Types

Passive Recreation

For purposes of appeals to the Coastal Commission, pursuant to Section 20.544.020(B)(4) of the Coastal Zoning Ordinance and Section 30603(a)(4) of the Coastal Act, the Principal Permitted Use (PPU) is commercial use.

SUGGESTED MODIFICATION NO. 19: Section 20.407.015 shall be modified as follows:

Sec. 20.407.015 Principal Uses in GPD Districts

All residential, civic and commercial use types other than those listed below as Prohibited Uses shall be considered principal uses in the GPD District upon approval of a Precise Development Plan. Conditions restricting principal uses may be imposed in the Precise Development Plan. Once a Precise Development Plan has been approved, any change in use type or expansion of use shall require an amendment to the Precise Development Plan.

For purposes of appeals to the Coastal Commission, pursuant to Section 20.544.020(B)(4) of the Coastal Zoning Ordinance and Section 30603(a)(4) of the Coastal Act, the Principal Permitted Use (PPU) is commercial use.

SUGGESTED MODIFICATION NO. 22: Section 20.407A.010 shall be modified as follows:

Sec. 20.407A.010 Permitted Uses for GI Districts

The following use types are permitted in a GI District, subject to obtaining a Coastal Development Permit and all necessary building permits and approvals.

(A) Coastal Civic Use Types

Ambulance Services
Fire and Police Protection Services

(B) Coastal Commercial Use Types

Agricultural Sales and Services
Automotive and Equipment: Parking
Building Maintenance Services
Communications Services
Research Services
Wholesaling, Storage and Distribution: Mini-Warehouses
Wholesaling, Storage and Distribution: Light

(C) Coastal Industrial Use Types

Coastal-Related Industrial

Coastal-Dependent Industrial
Custom Manufacturing: Light Industrial

(D) Coastal Open Space Use Type

Passive Recreation

For purposes of appeals to the Coastal Commission, pursuant to Section 20.544.020(B)(4) of the Coastal Zoning Ordinance and Section 30603(a)(4) of the Coastal Act, the Principal Permitted Use (PPU) is industrial use.

In addition, the current Zoning Code includes language concerning appeals that does not fully reflect the language that is in the Commission's Administrative Regulations. The Commission thus includes **Suggested Modification No. 24**. This modification adds a section to the Appeals Ordinance in the Zoning Code pertaining to the effective date of local government action on an application for an appealable development to reflect the language of Section 13572 of the Commission's Administrative Regulations. Further, the current Zoning Code includes language concerning the grounds for appeal that reflects the language that was in the Coastal Act at the time the Zoning Code was certified. The Coastal Act has since been revised to change the grounds for appeal. The Commission thus takes this opportunity to revise the Zoning Code to reflect the changes in the law so the Zoning Code will be consistent with the current State law. The Commission thus includes **Suggested Modification No. 25**, which revises Section 20.544.020 of the Zoning Code to be consistent with Coastal Act Section 30603.

SUGGESTED MODIFICATION NO. 24: Section 20.544.015 shall be modified as follows:

Sec. 20.544.015 Coastal Permit Administrator and Planning Commission Appeal.

- (A) Request for hearing before the Board of Supervisors may be made by an aggrieved person from any final decision of the Coastal Permit Administrator or the Planning Commission by filing a notice thereof in writing with the Clerk of the Board within ten (10) calendar days after such decision, determination or requirement is made. Such appeal shall be accompanied by a fee.
- (B) The Board of Supervisors shall hold a public hearing on the appeal, noticed in the same manner and to the same extent as initially noticed for the Coastal Permit Administrator and/or Planning Commission meeting. The Board of Supervisors, after considering the notice and Planning and Building Services Department report may remand, affirm, reverse or modify any such decision, determination or requirement as it finds in compliance with this Division and the Coastal Element of the General Plan. The Board of Supervisors shall adopt findings which specify the facts relied upon in

deciding the appeal, and the findings shall state the reasons for any conditions imposed. The decision of the Board of Supervisors is final unless the decision is appealable to the Coastal Commission.

- (C) No permit or variance shall be issued for any use or structure related to the action of the Coastal Permit Administrator, Planning Commission or Board of Supervisors until the applicable appeal period has expired and no appeals have been filed with the appropriate appellate body.
- (D) Notice of the decision of the Board of Supervisors, together with a copy of the findings adopted shall be mailed within ten (10) calendar days following the date of the decision on appeal. Notice shall be provided by first class mail to the applicant and/or appellant, any person who specifically requested, in writing, notice of such decision, and the Coastal Commission. The notice shall include the written findings, any conditions of approval, and procedures for appeal where applicable. (Ord. No.3785 (part), adopted 1991)
- (E) *The County's final decision on an application for an appealable development shall become effective after the ten (10) working day appeal period to the Commission has expired unless either of the following occur:*
 - (a) *an appeal is filed in accordance with Section 20.544.020;*
 - (b) *the notice of final County government action does not meet the requirements of Section 20.544.015.*

SUGGESTED MODIFICATION NO. 25: Section 20.544.020 shall be modified as follows:

Sec. 20.544.020 Coastal Commission appeals.

- (A) An appeal of a decision to approve a coastal development permit may be filed with the Coastal Commission by an applicant or any aggrieved person who has exhausted local appeals, or any two (2) members of the Coastal Commission. The appeal must comply with the requirements specified by 14 Cal. Admin. Code Section 13111, and the appeal must be received by the Coastal Commission on or before the tenth (10th) working day after Coastal Commission receipt of the notice of final action on the coastal development permit.
- (B) An action taken on a coastal development permit may be appealed to the Coastal Commission for only the following types of developments:
 - (1) Developments approved between the sea and the first public road paralleling the sea or within three hundred (300) feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance;

- (2) Developments approved not included within Paragraph (1) of this section that are located on tidelands, submerged lands, public trust lands, within one hundred (100) feet of any wetland, estuary, stream, or within three hundred (300) feet of the top of the seaward face of any coastal bluff;
- (3) Any approved division of land;
- (4) Any development approved that is not designated as the principal permitted use under the zoning ordinance or zoning district map approved pursuant to Chapter 6 (commencing with Section 30500) of the Coastal Act;
- (5) Any development which constitutes a major public works project or major energy facility;
- (6) *Developments approved not included within paragraphs (1) or (2) that are located in a sensitive coastal resources area.*

~~(C)~~—The grounds for an appeal pursuant to Section 20.544.020(B)(1) shall be limited to one (1) or more of the following allegations:

- ~~(1) The development fails to provide adequate physical access or public or private commercial use or interferes with such uses;~~
- ~~(2) The development fails to protect public views from any public road or from a recreational area to, and along, the coast;~~
- ~~(3) The development is not compatible with the established physical scale of the area;~~
- ~~(4) The development may significantly alter existing natural landforms;~~
- ~~(5) The development does not comply with shoreline erosion and geologic setback requirements.~~

~~(D)~~ (C)(1) The grounds for an appeal pursuant to Paragraph (2), (3), (4), ~~or~~ (5), or (6) of Subdivision (B) shall be limited to an allegation that the development does not conform to the Certified Local Coastal Program *and the public access policies set forth in the Coastal Act.*

(2) *The grounds for an appeal of a denial of a permit pursuant to paragraph (5) of subdivision (B) shall be limited to an allegation that the development conforms to the standards set forth in the certified local coastal program and the public access policies set forth in the Coastal Act.*

~~(E)~~(D) An appellant shall be deemed to have exhausted local appeals for purposes of filing an appeal under the Commission's regulations and be an aggrieved person where the appellant has pursued his or her appeal to the local appellate body as required by the County appeal procedures; except that exhaustion of all local appeals shall not be required if any of the following occur:

- (1) The County required an appellant to appeal to more local appellate bodies for permits in the coastal zone than were required in the implementation sections of the Local Coastal Program;
- (2) An appellant was denied the right of the initial local appeal by a local ordinance which restricts who may appeal a local decision;

- (3) An appellant was denied the right of local appeal because local notice and hearing procedures for the development did not comply with the provisions of this division;
 - (4) The County charges an appeal fee for the filing or processing of appeal.
- (F)(E) Where a project is appealed by any two (2) members of the Coastal Commission, there shall be no requirement of exhaustion of local appeals. Provided, however, that notice of Commission appeals shall be transmitted to the local appellate body (which considers appeals from the approving authority that rendered the final decision) and the appeal to the Commission shall be suspended pending a decision on the merits by that local appellate body. If the decision of the local appellate body modifies or reverses the previous decision, the Commissioners shall be required to file a new appeal from that decision. (Ord.No. 3785 (part), adopted 1991)

In addition, a few other modifications are necessary to ensure that the Amendment to the Implementation Plan is consistent with and adequate to carry out the Land Use Plan, as modified and certified, as described below.

3. Visitor-Serving Facilities:

As noted above, the proposed amendment to the Implementation Plan adds four new zoning districts, one of which is described in Chapter 20.407, Gualala Planned Development "GPD." These new zoning districts reflect the new Land Use classifications established in Chapter 4 of the proposed Gualala Town Plan. **Suggested Modification No. 13** to the Land Use Plan adds language to the section on Gualala Planned Development, subsection on Requirements for Residential Use, which requires a minimum of 50% of the total lot area within a GPD district to be dedicated to residential use. The suggested modification requires that a minimum of 10 percent of the total lot area within a GPD district must be dedicated to visitor-serving facilities, to ensure protection of visitor-serving facilities as a high-priority use.

Since the GTP has been modified to include this new requirement, to ensure that the Amendment to the Implementation Plan is consistent with and adequate to carry out this requirement, the Zoning Code should also be modified to reflect this change. As submitted, the proposed IP Amendment is not consistent with or adequate to carry out the policies of the Land Use Plan, as modified and certified. **Suggested Modification No. 20** (see Page 47) is thus required.

SUGGESTED MODIFICATION NO. 20: Section 20.407.025 shall be modified as follows:

Sec. 20.407.025 Requirements for Residential and Visitor-Serving Uses in GPD Districts

At a minimum, fifty (50) percent of the total lot area within a GPD District must be dedicated to residential uses and the infrastructure and open space necessary to support such uses. *In addition, at a minimum 10 percent of the total lot area within a GPD District must be reserved for visitor-serving uses. Visitor-serving uses include, but are not limited to, bed and breakfast accommodations, inns, hotels, motels, and restaurants.*

The Commission finds that, if modified as suggested, the proposed amendment to the Implementation Plan is consistent with and adequate carry out the policies of the LUP, as modified and certified, concerning visitor-serving facilities.

4. Visual Resources:

As noted above, the proposed amendment to the Implementation Plan adds four new zoning districts, one of which is described in Chapter 20.407, Gualala Planned Development "GPD." These new zoning districts reflect the new Land Use classifications established in Chapter 4 of the proposed Gualala Town Plan. This chapter includes a list of requirements for developing a Precise Development Plan for the GTP district.

Suggested Modification No. 13 to the Land Use Plan adds a subsection, Protection of Sensitive Coastal Resources, to ensure protection of visual resources in this new district.

Since the GTP has been modified to include this new section requiring protection of views, to ensure that the Amendment to the Implementation Plan is consistent with and adequate to carry out this requirement, the Zoning Code should also be modified to reflect this change. As submitted, the proposed IP Amendment is not consistent with or adequate to carry out the policies of the Land Use Plan, as modified and certified. **Suggested Modification No. 21** (see Page 47) is thus required.

SUGGESTED MODIFICATION NO. 21: A new section, Section 20.407.046, shall be added as follows:

Sec. 20.407.046 Protection of Sensitive Coastal Resources

Sensitive coastal resources, including views from public areas such as Highway 1 and the Gualala Point Regional Park, and sensitive resources associated with the Gualala River, shall be protected using such means as establishing vegetative buffers between Highway 1 and developed areas, avoiding siting of structures on slopes adjacent to Highway 1, and avoiding siting development within sensitive habitat areas or the buffer areas established for their protection.

The Commission thus finds that the proposed Amendment to the Implementation Plan, if modified as suggested, is consistent with and adequate to carry out the policies of the Land Use Plan, as modified and certified, concerning protection of visual resources.

5. Environmentally Sensitive Habitat Areas:

The new zoning district, Gualala Planned Development (GPD), is described in Chapter 20.407, which reflects the new Land Use classification established in Chapter 4 of the proposed Gualala Town Plan. Chapter 4 includes a list of requirements for developing a Precise Development Plan for the GPD district. **Suggested Modification No. 13** to the Land Use Plan adds a subsection, Protection of Sensitive Coastal Resources, to ensure protection of sensitive resources associated with the Gualala River.

Since the Gualala Town Plan has been modified to include this new section requiring protection of sensitive habitat, to ensure that the Amendment to the Implementation Plan is consistent with and adequate to carry out this requirement, the Zoning Code should also be modified to reflect this change. As submitted, the proposed IP Amendment is not consistent with or adequate to carry out the policies of the Land Use Plan, as modified. **Suggested Modification No. 21** (see Page 47) is thus required.

SUGGESTED MODIFICATION NO. 21: A new section, Section 20.407.046, shall be added as follows:

Sec. 20.407.046 Protection of Sensitive Coastal Resources

Sensitive coastal resources, including views from public areas such as Highway 1 and the Gualala Point Regional Park, and sensitive resources associated with the Gualala River, shall be protected using such means as establishing vegetative buffers between Highway 1 and developed areas, avoiding siting of structures on slopes adjacent to Highway 1, and avoiding siting development within sensitive habitat areas or the buffer areas established for their protection.

The Commission thus finds that the proposed Amendment to the Implementation Plan, if modified as suggested, is consistent with and adequate to carry out the policies of the Land Use Plan, as modified and certified, concerning environmentally sensitive habitat areas.

6. Protection of Water Quality:

To ensure protection of water quality, **Suggested Modification No. 11** adds Policy G3.8-5 to Section 3.8 of the GTP, Protection of Environmental Resources. Policy G3.8-5 incorporates the language of Coastal Act Section 30232 concerning the protection and

maintenance of the biological productivity and quality of coastal waters. Since the Gualala Town Plan has been modified to include this new policy requiring protection and maintenance of water quality, to ensure that the Amendment to the Implementation Plan is consistent with and adequate to carry out this requirement, the Zoning Code should also be modified to reflect this change. **Suggested Modification No. 27** (see Page 54) adds Subsection (J) to Zoning Code Section 20.492.025, Runoff Standards. This section currently includes a number of standards and practices to control polluted runoff. Subsection J, required by Suggested Modification No. 27, provides for the incorporation of other best management practices within the Town Plan area to control polluted runoff. This provision would enable the permitting authority to require in appropriate projects such best management practices as oil and water separators in catch basins, which are not currently included in the Zoning Code.

As submitted, the proposed IP is not consistent with or adequate to carry out the policies of the Land Use Plan, as modified. **Suggested Modification No. 27** is thus required.

SUGGESTED MODIFICATION NO. 27: Subsection (J) shall be added to Section 20.492.025, Runoff Standards:

(J) *Where coastal development projects within the Gualala Town Plan planning area have the potential to degrade water quality, the approving authority shall require other best management practices to control polluted runoff, as appropriate*

The Commission thus finds that the proposed Amendment to the Implementation Plan, if modified as suggested, is consistent with and adequate to carry out the policies of the Land Use Plan, as modified and certified, concerning protection of water quality.

7. New Development/Water, Sewer, and Highway Services:

The proposed new Zoning Map for the Gualala Town Plan area shows the proposed expanded urban-rural boundary. The Gualala Town Plan has been modified such that the urban-rural boundary will remain as it currently is. **Suggested Modifications No. 5** and **No. 15** modify the proposed LUP Amendment so that the urban-rural boundary is not changed from its current location, and **Suggested Modification No. 16** changes the proposed new location of the urban-rural boundary on the LUP map back to its original location.

Since the Gualala Town Plan has been modified such that the proposed change to the urban-rural boundary is deleted, the Zoning Map must be modified as well. As submitted, the proposed IP Amendment is not consistent with or adequate to carry out the policies of the Land Use Plan, as modified. So that the Implementation Program, as amended, is

consistent with and adequate to carry out the LUP, as modified and certified, **Suggested Modification No. 28** (see Page 55) is thus added.

SUGGESTED MODIFICATION NO. 28: Change the proposed new location of the Urban-Rural boundary on the Zoning Map back to its original location.

The Commission thus finds that the proposed Amendment to the Implementation Plan, if modified as suggested, is consistent with and adequate to carry out the policies of the Land Use Plan, as modified and certified, concerning new development and water, sewer, and highway services.

8. Geologic Hazards:

To ensure that new development will not result in creation of geologic hazards or require construction of seawalls or other protective devices, **Suggested Modification No. 11** adds Policy G3.8-4 concerning geologic hazards. Since the Gualala Town Plan has been modified to include this new policy concerning geologic hazards, to ensure that the Amendment to the Implementation Plan is consistent with and adequate to carry out this requirement, the Zoning Code should also be modified to reflect this change. **Suggested Modification No. 26** (see Page 53) adds Subsection (E)(4) to Zoning Code Section 20.500.020, Geologic Hazards—Siting and Land Use Restrictions. This section currently includes a number of siting and land use restrictions to prevent erosion. Subsection (E)(4), required by Suggested Modification No. 26, requires that within the Town Plan area, coastal permits for blufftop development shall include a special condition requiring recordation of a deed restriction concerning seawalls and hazards.

It has been the experience of the Commission that in some instances, even when a thorough professional geotechnical analysis of a site has concluded that a proposed development will be safe from bluff retreat hazards, unexpected bluff retreat episodes that threaten development during the life of the structure sometimes still do occur. Requiring recordation of a deed restriction whereby the landowner assumes the risks of extraordinary erosion and geologic hazards of the property and agrees that no bluff or shoreline protective devices shall be constructed on the subject site will ensure that future landowners will be informed that, should an unforeseen event result in accelerated bluff retreat, no protective device may be constructed. Furthermore, some risks of an unforeseen natural disaster, such as an unexpected landslide, massive slope failure, erosion, etc. could result in destruction or partial destruction of the house or other development approved by the County. When such an event takes place, public funds are often sought for the clean up of structural debris that winds up on the beach or on an adjacent property. As a precaution, in case such an unexpected event occurs, the property owner would be required to accept sole responsibility for the removal of any structural

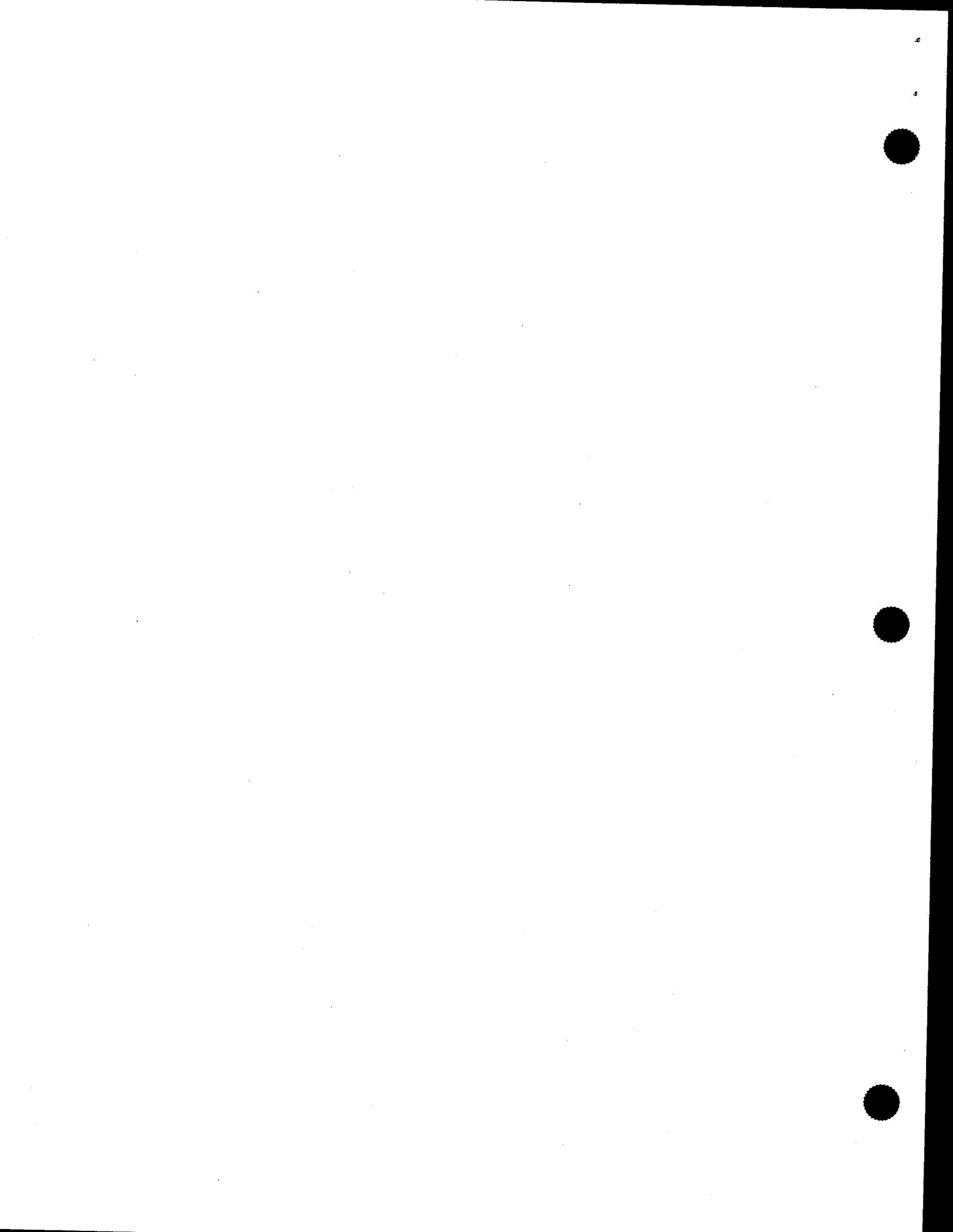
debris resulting from landslides, slope failures, or erosion on the site, and agree to remove the house should the bluff retreat reach the point where the structure is threatened.

As submitted, the proposed IP is not consistent with or adequate to carry out the policies of the Land Use Plan, as modified. **Suggested Modification No. 26** is thus required.

SUGGESTED MODIFICATION NO. 26: Subsection (E)(4) shall be added to Section 20.500.020, Geologic Hazards—Siting and Land Use Restrictions, as follows:

- (4) *Within the Gualala Town Plan planning area, a special condition shall be attached to all coastal permits for blufftop development, requiring recordation of a deed restriction that states the following:*
- (a) *The landowner understands that the site may be subject to extraordinary geologic and erosion hazard and the landowner assumes the risk from such hazards;*
 - (b) *The landowner agrees that any adverse impacts to property caused by the permitted project shall be fully the responsibility of the applicant;*
 - (c) *The landowner shall not construct any bluff or shoreline protective devices to protect the subject residence, guest cottage, garage, septic system, or other improvements in the event that these structures are subject to damage, or other natural hazards in the future;*
 - (d) *The landowner shall remove the house and its foundation when bluff retreat reaches the point where the structure is threatened. In the event that portions of the house, garage, foundations, leach field, septic tank, or other improvements associated with the residence fall to the beach before they can be removed from the blufftop, the landowner shall remove all recoverable debris associated with these structures from the beach and ocean and lawfully dispose of the material in an approved disposal site. The landowner shall bear all costs associated with such removal.*

The Commission thus finds that the proposed Amendment to the Implementation Plan, if modified as suggested, is consistent with and adequate to carry out the policies of the Land Use Plan, as modified and certified, concerning geologic hazards and seawalls.



MENDOCINO COUNTY LCP AMENDMENT NO. 2-98

**PROPOSED CHANGES TO LCP POLICIES AND
STANDARDS**

(AS PROPOSED BY MENDOCINO COUNTY)

DRAFT GUALALA TOWN PLAN GOALS AND POLICIES

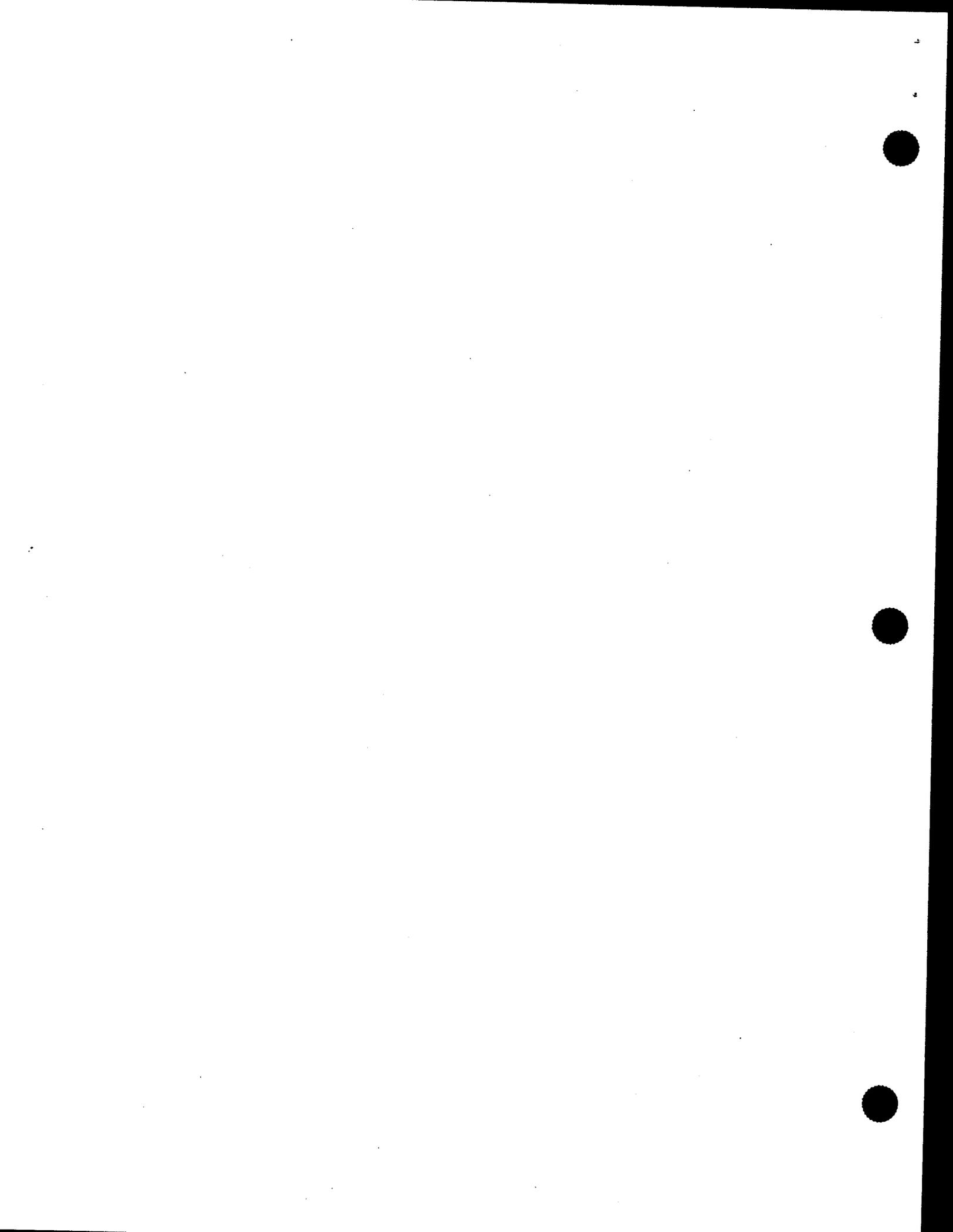
DRAFT COASTAL ELEMENT TEXT AMENDMENTS FOR GTP

DRAFT ZONING AMENDMENTS FOR GTP

Included here are policies and standards excerpted from the entire submittal by Mendocino County of LCP Amendment No. 2-98 (MAJOR). The entire submittal includes additional text, background information, maps, and supplemental information not included here.

Existing text is shown in plain type. Proposed new text is shown in *italics*. Proposed deletions are indicated by ~~strikeout~~.

ATTACHMENT



DRAFT GUALALA TOWN PLAN GOALS AND POLICIES

FROM CHAPTER 2 – ISSUES AND GOALS

New text is shown in *italics*.

Goal G2.1-1: To preserve and enhance the rural, coastal character of the town of Gualala, to better integrate future development with the natural surroundings, to protect and restore coastal views, and to improve public access to the coast.

Goal G2.2-1: To guide development and preservation efforts in the Gualala Town Plan area over the next twenty years by reviewing and adjusting land use designations and providing criteria for judging future development proposals.

Goal G2.2-2: To provide for the development of affordable housing in the Gualala Town Plan area by:

- *adopting inclusionary zoning measures,*
- *allowing residential development as a principal use in the commercial districts,*
- *requiring residential development on Gualala Planned Development district parcels, and*
- *allowing for second residential units within the Gualala Town Plan area.*

Goal G2.2-3: Three guiding principles are established to determine appropriate locations for future residential development:

1. *Concentrate new development within the Gualala Town Plan area, where it can be served by community water and sewer systems and will minimize traffic impacts on Highway 1.*
2. *Preserve and protect land used for crop and timber production, and environmental resources, including wetlands, steep gulches, stream corridors and coastal views.*
3. *Retain the character of existing residential neighborhoods.*

Goal G2.4-1: To provide for a level of commercial development that corresponds to potential residential development opportunities, public service availability, and road capacity.

- Goal G2.4-2: To establish a process for the planned development of the two large commercial parcels (Lower Mill site and east of Church Street) which will allow for creative site planning and design, and will provide substantial opportunities for public participation in the planning process.*
- Goal G2.4-3 To provide guidelines for new development and public improvements which inspire creativity and enhance the character of Gualala's commercial district by encouraging development that is in harmony with the natural, coastal setting of the town.*
- Goal G2.4-4 To encourage the preservation and enhancement of coastal and river views and the provision of public access to these views.*
- Goal G2.5-1 To create safe and pleasant pedestrian circulation within the commercial district and to reduce vehicular congestion and improve safety conditions along the Highway 1 corridor.*
- Goal G2.5-2 To ensure that public services and utilities can be provided for new development and that traffic generated by new development will not result in unacceptable levels of service on Highway 1.*
- Goal G2.5-3 To ensure that water extractions comply with provisions of the Water Resources Chapter of the County General Plan.*
- Goal G2.6-1 To ensure that as future development occurs within the Gualala Town Plan area, additional recreation and coastal access facilities are developed.*
- Goal G2.6-2 To encourage development of a broad range of recreational and cultural opportunities and community facilities for residents and visitors.*
- Goal G2.6-3 To encourage development of diverse opportunities for recreation and enjoyment of the natural environment by residents and visitors to the area by providing public parks, recreation facilities, and public access to beaches, the Gualala River, and areas of special natural beauty.*
- Goal G2.6-4 To encourage development of a network of pedestrian trails, bike paths and/or equestrian trails which link existing and future neighborhoods, commercial areas, and visitor accommodations to recreational facilities and areas of natural beauty.*
- Goal G2.6-5 To encourage development of the Gualala Bluff Trail within the public access easements on the bluff of the Gualala River.*

- Goal G2.6-6 To encourage development of a coastal trail which connects the Gualala and Anchor Bay commercial districts, linking the pedestrian walkways of the Gualala Highway 1 Streetscape Plan with coastal access points and trails designated on the land use plan map.*
- Goal G2.7-1 To protect land used for timber and crop production outside of the Residential Reserve area and environmental resources, including the Gualala River estuary/lagoon, stream corridors, riparian areas, and wetlands from incompatible development.*
- Goal G2.7-2: To restore, enhance and protect coastal views in the Gualala commercial district.*
- Goal G2.7-3 To ensure that water extractions do not adversely affect fisheries habitat.*
- Goal G2.8-1 To provide for development of needed educational facilities for the anticipated growth in the student population.*

CHAPTER 3 - POLICIES

3.1 DEVELOPMENT LOCATION

- G3.1-1 The urban-rural boundary for the town of Gualala shall be coincident with the Gualala Town Plan area boundary as indicated on Figure 1.1.*
- G3.1-2 New development in the Gualala area shall be concentrated within the urban side of the urban-rural boundaries, where it can be served by community water and sewer systems and will minimize additional traffic impacts on Highway 1.*
- G3.1-3 New development shall be located in areas where it will not conflict with the goal of preserving and protecting land used for timber and crop production outside of the Residential Reserve area, and environmental resources, including wetlands, steep gulches, stream corridors and coastal views.*
- G3.1-4 New development shall be located in areas where it will not adversely affect the character of existing residential neighborhoods.*

3.2 RESIDENTIAL DEVELOPMENT

- G3.2-1 Residential uses are encouraged and shall be a principal use in the Gualala Village Mixed Use, Gualala Highway Mixed Use, and Gualala Planned Development districts to reduce the need for automobile travel by providing a population base in town and to provide opportunities for higher density housing types.*
- G3.2-2 An inclusionary zoning ordinance should be adopted by the Board of Supervisors which requires development of affordable housing units, or in-lieu contributions for development of affordable housing units, for major residential development projects and major subdivisions in the Town Plan area. These affordable housing units shall be developed within the Gualala Town Plan area.*
- G3.2-3 Second Residential Units shall be permitted on all legal parcels within the Gualala Town Plan area, with the exception of parcels located west of Highway 1, in accordance with standards established in the Coastal Zoning Code (Division II). Second Residential Units shall not be allowed on parcels located west of Highway 1 to protect against the possible conversion of such units to vacation home rentals which may adversely affect the character of existing residential neighborhoods.*

- G3.2-4 *A 480± acre area immediately east of the Gualala commercial district is designated "Residential Reserve" and is identified as a suitable area for future residential expansion if and when the need for additional residential units, and the ability to provide services to support them, are demonstrated (Figure 3.1). The land is currently classified RMR, FL and RR. Land Use Plan amendments and rezoning would be necessary to enable development at higher densities. Guidelines for the Residential Reserve are included in Appendix A.*
- G3.2-5 *The Gualala Town Plan emphasizes the pedestrian aspect of the community. A future school site should be constructed in a location that will permit a maximum number of students to walk to school. The School District should install appropriate pedestrian facilities adjacent to the school. The County and the School District shall cooperate in the development of a pathway network to enable children to safely walk to and from school. The County and the School District should develop an arrangement permitting use of the school grounds by the public during non-school hours.*

3.3 MIXED USE AND PLANNED DEVELOPMENT

Gualala Village Mixed Use District

- G3.3-1 *New development in the Gualala Village Mixed Use district shall be designed to create a compact, integrated and walkable shopping district. To achieve this, development of commercial uses with pedestrian amenities shall be encouraged on infill sites within the Gualala Village Mixed Use district (Figure 3.2).*
- G3.3-2 *New development within the Gualala Village Mixed Use district shall be sited and designed to protect and enhance coastal views.*
- G3.3-3 *The siting and design of new development on the west side of Highway 1 in the Gualala Village Mixed Use district shall allow for the Gualala Bluff Trail easement.*

Gualala Highway Mixed Use District

- G3.3-4 *Restrictions on commercial development on parcels in the Gualala Highway Mixed Use district (Figure 3.2) are intended to limit traffic generation and to be designed and landscaped to minimize the aesthetic impacts of strip development.*

Gualala Planned Development District

- G3.3-5 *Comprehensive planning shall be required on properties with a Gualala Planned Development designation. A two-stage planning process requiring a general development plan and a Precise Development Plan shall be established to provide general and specific criteria regulating future development within the Gualala Planned Development districts (Figure 3.2). The Planned Development process allows for community review and participation, while streamlining the County's permit-processing requirements.*
- G3.3-6 *The area along Church Street, east of Highway 1, is designated Gualala Planned Development and shall be reserved for expansion of commercial and residential uses in Gualala. This area provides an opportunity for development of a concentration of commercial and residential uses and an alternate street network which should decrease Highway 1 congestion and encourage more pedestrian activity in town.*
- G3.3-7 *The Lower Mill site, located east of Highway 1 and south of Old State Highway, is designated Gualala Planned Development, and shall be reserved for a mixture of residential and commercial uses, including the development of a concentration of visitor-serving facilities. The relatively flat topography of the Lower Mill site establishes it as one of the few sites in town which would permit development of relatively high density residential uses.*

3.4 DESIGN GUIDELINES FOR MIXED USE AND PLANNED DEVELOPMENT DISTRICTS

The purpose of these Design Guidelines is to assist property owners, developers and designers in creating projects within the Gualala Village Mixed Use, Gualala Highway Mixed Use and Gualala Planned Development districts that are consistent with the vision for the community of Gualala established by the goals and policies of the Gualala Town Plan. These guidelines are further intended for use by the Gualala Municipal Advisory Council, County planning staff, Coastal Permit Administrator, Planning Commission, and Board of Supervisors as criteria for evaluating the merits of new projects on a consistent basis. The guidelines are intended to result in functional and attractive site and building designs. The guidelines are organized under the following subheadings:

Site Planning, Architectural Form, Vehicle Access & Parking, Pedestrian Access, On-Site Landscaping, Street Landscaping, Exterior Lighting, Signage

Site Planning

- G3.4-1 *Natural features, such as hillsides, gulches and mature vegetation, shall be considered important design determinants in siting development. New development should minimize site disturbance.*
- G3.4-2 *The siting and design of buildings shall consider river, ocean and hillside views.*
- G3.4-3 *The protection and restoration of public coastal views is paramount. Buildings shall provide for maximum preservation of coastal views from Highway 1 (for example, by orienting buildings on an axis perpendicular to the highway). Buildings should be sited and designed to maintain access to ocean views from neighboring buildings and parcels.*
- G3.4-4 *Development within the Gualala Village Mixed Use Zoning District between Highway 1 and the Gualala River shall be sited to provide view corridor(s) to the coast for pedestrians and motorists on Highway 1. At a minimum, one unobstructed view corridor shall be provided across each parcel. View corridor(s) should be placed at the property boundary(s) and adjoin other protected view corridors.*
- G3.4-5 *Where two-story structures are proposed on the west side of Highway 1, buildings should be stepped to provide a visual transition to view corridors.*
- G3.4-6 *Siting, design and landscaping elements shall be selected to enhance the pedestrian environment. Site and landscape designs shall incorporate outdoor pedestrian use areas such as courtyards and plazas (which could include amenities such as trellises, raised planters, landscaped berms, and creative and inviting, semi-protected outdoor spaces). These should be visible from street corridors and pedestrian access routes. These requirements are applicable to commercial, industrial and multifamily residential projects.*
- G3.4-7 *Where nonresidential uses are adjacent to residential uses, special attention shall be given to the design of effective buffering, including appropriate setbacks, landscaping, berms, and fences to prevent noise, lighting and privacy intrusion.*
- G3.4-8 *Subject to the constraints in the other Site Planning guidelines herein, structures should be oriented to take maximum advantage of site solar access.*

Architectural Form

- G3.4-9 *New development shall consider relationships between buildings, open space and building setbacks. The scale and massing of new development shall be*

appropriate to the context of the community. In new development, clusters of small buildings shall be encouraged as an alternative to large buildings.

- G3.4-10 *Building materials shall be selected to harmonize with the natural setting of Gualala.*
- G3.4-11 *Roofing materials shall be of non-reflective materials. Roof penetrations for vents and ducts shall be grouped and painted to match the roofing materials or architecturally screened from view. All rooftop mechanical equipment shall be screened from view.*
- G3.4-12 *Service and loading areas shall incorporate appropriate techniques for visual and noise buffering from adjacent uses. Areas which generate objectionable noise and odors shall be located where they will not disturb occupants within, or adjacent to, the development.*

Vehicle Access & Parking

- G3.4-13 *Street access points should be consolidated to minimize multiple curb cuts. Shared access between adjoining properties minimizes disruption of traffic flow, reduces potential points of conflict between through and turning traffic, and facilitates the control and separation of vehicles and pedestrian movement.*
- G3.4-14 *Entrances and exits shall be located at a safe distance from street intersections and shall not create dangerous situations for pedestrians and motorists.*
- G3.4-15 *Parking shall be permitted within established view corridors, provided that required parking lot landscaping and lighting shall not diminish the coastal views. Parking lot design and orientation of parking aisles should provide for unobstructed view corridors.*
- G3.4-16 *Off-street parking shall be screened, either by locating it behind buildings or by providing landscaping which separates the parking from the street frontage. A minimum of ten percent of the area within or around parking areas shall be landscaped.*
- G3.4-17 *Long, straight uninterrupted rows of parking shall be avoided. Parking areas should incorporate internally looped circulation systems, so that drivers will not be dependent on public streets when making multiple passes through a parking area.*

G3.4-18 *All parking area lighting shall be positioned to minimize glare and illumination beyond the development. The amount of lighting provided after business hours shall be restricted to the minimum needed for safety and security purposes.*

G3.4-19 *Bicycle racks shall be provided as appropriate for the nature and intensity of use.*

Pedestrian Access

G3.4-20 *All new development in the Gualala Village Mixed Use, Gualala Highway Mixed Use and Gualala Planned Development districts shall be required to provide pedestrian walkways along the street frontages in accordance with the guidelines established in the "Circulation, Parking and Pedestrian Access" chapter of the Gualala Town Plan.*

G3.4-21 *To encourage pedestrian usage, safe and convenient pedestrian access shall be provided from building entries to parking areas and the street. An attractive environment for pedestrian use should be provided. This should incorporate street furniture, creative outdoor spaces, landscaping, etc.*

On-site Landscaping

G3.4-22 *Landscaping provides many site-specific and community benefits including visual screening, definition of spaces, highlighting architectural features and entryways, shading and wind protection, buffering between properties and wildlife habitats. Developments shall provide for as much landscaped area as feasible. Landscaping should be provided around the perimeter of buildings, in parking lots, along street frontages, and as buffers between neighboring uses.*

G3.4-23 *A landscape plan for on-site and street landscaping shall be required for development proposals in the Gualala Village Mixed Use, Gualala Highway Mixed Use, and Gualala Planned Development districts. Each landscape plan shall identify areas where existing vegetation will be retained and areas proposed for landscaping. For landscaped areas, the types and sizes of proposed trees, shrubs, groundcover and other plantings shall be identified. The landscape plan shall include an on-going maintenance program. These requirements are applicable to commercial, industrial and multifamily residential projects.*

G3.4-24 *Mature trees are an essential element of the Gualala landscape and can take years to reestablish once removed from a site. Existing groves of trees should*

be retained and integrated with site development plans, with consideration given to public safety. Trees to be saved shall be noted on site plans and appropriate measures shall be identified to protect the trees during construction activities.

- G3.4-25 *Landscape design should incorporate natural looking clusters of compatible plants. Landscape plant selection should have the goal of achieving year-round beauty with consideration given to form, color, texture, and ultimate plant size. Plant species that are native to the Gualala area and well adapted non-native plants requiring minimum maintenance and little or no irrigation are encouraged. A list of plants, trees, shrubs and groundcovers meeting these criteria, as well as a list of invasive species inappropriate for local landscape plans, are included in Appendix B.*

Street Landscaping

- G3.4-26 *Landscaping along Highway 1 and local roadways shall provide an aesthetic complement to the pedestrian walkways and partial screening of parking areas and/or buildings.*
- G3.4-27 *Rather than developing a linear tree planting program, cluster landscapes, which form dense "landscape pockets" with tall, canopy trees, smaller understory trees and ground level shrubs and herbaceous plants, are recommended. Cluster landscapes have the following benefits:*
- they can be integrated with existing landscaping and native vegetation;*
 - they can help maintain a more "natural" appearance in the town;*
 - they can be located in areas where public coastal views will not be blocked;*
 - the variety of species in cluster landscapes can help create a microclimate conducive to each plants' survival.*
- G3.4-28 *Existing groves of trees should be retained and integrated with street landscaping plans, with consideration given to public safety.*
- G3.4-29 *Landscaping along roadways shall be selected and sited to avoid blocking sight lines at intersections and curb cuts. Along utility rights-of-way, plantings shall not disrupt service or access to overhead or underground equipment.*
- G3.4-30 *Highway 1 medians and embankments should be landscaped with ground level shrubs and herbaceous plants. Plant materials with seasonal foliage*

and flower changes are encouraged. Plant materials shall be selected, in part, based on low maintenance and irrigation requirements. Landscaping within the Highway 1 right-of-way requires an encroachment permit from Caltrans.

Exterior Lighting

- G3.4-31 An exterior lighting plan shall be required for development proposals in the Gualala Highway Mixed Use, Gualala Village Mixed Use and Gualala Planned Development Districts. The lighting plan shall indicate the location of proposed exterior lighting fixtures and provide either architectural drawings or manufacturer's specifications for all proposed exterior lighting fixtures.*
- G3.4-32 Lighting shall be designed to minimize the effects of cumulative night-time illumination on the night sky. Lighting of building facades, pathways and parking areas shall be restricted to that which is necessary for public safety and security.*
- G3.4-33 All exterior lighting shall be downcast and shielded to prevent, where feasible, the light source from being directly visible from off-site areas.*
- G3.4-34 Lighting standards shall not exceed 20 feet in height.*
- G3.4-35 Lighting fixtures shall be non-glare and use non-reflective materials where feasible.*

Signage

- G3.4-36 A signage plan shall be required for development proposals in the Gualala Village Mixed Use, Gualala Highway Mixed Use, and Gualala Planned Development districts.*
- G3.4-37 Signs shall be compatible with the building's style in terms of location, scale, color and lettering. All signs shall, where feasible, be made of wood.*
- G3.4-38 Internally illuminated signs and advertising (including neon, LEDs, etc.) shall not be permitted where visible from public walkways and streets.*
- G3.4-39 Freestanding signs relating to an assemblage of businesses (e.g., retail/office plazas) shall be grouped and visually coordinated to reduce confusion.*
- G3.4-40 All signage shall comply with the requirements established in the "Sign Regulations" chapter of the Mendocino County Coastal Zoning Code.*

3.5 INDUSTRIAL DEVELOPMENT

G3.5-1 *Suitable locations for industrial activities shall be provided where transportation facilities and utilities exist or can be provided, and where conflicts with adjacent uses can be minimized. Properties designated for Industrial use within the Gualala Town Plan area shall be included in the Gualala Industrial District.*

3.6 CIRCULATION, PARKING AND PEDESTRIAN ACCESS

Circulation

G3.6-1 *Public and private improvements to the Highway 1 corridor shall be required to help make Highway 1 a scenic element of the Gualala townscape, to decrease traffic congestion and reduce potential safety hazards, and to encourage more pedestrian activity in the town of Gualala. Figure 3.3 provides a map illustrating the streetscape concept for Highway 1 in the Gualala Village Mixed Use and Gualala Highway Mixed Use districts. The "Design Guidelines for Mixed Use and Planned Development" chapter provides guidelines for the development of road improvements.*

G3.6-2 *To help mark the southern entry or gateway into Gualala, a planted median shall be provided in the taper south of Old State Highway. The gateway on the north end of town shall be comprised of ornamental landscaping on the Highway 1 embankments between the Old Milano Hotel and Pacific Woods Road.*

G3.6-3 *Caltrans' corridor preservation setback in the Gualala Village Mixed Use and Gualala Highway Mixed Use districts shall be a minimum 40 foot half-width, as measured from the centerline, unless otherwise approved by Caltrans. Consideration of a reduced half-width would be dependent upon a review of constraints associated with topography, drainages and existing development. Required building setbacks, parking areas, and landscaping shall be designed to accommodate the final Highway 1 right-of-way, as shown on the Highway 1 Streetscape Map (Figure 3.3). Street landscaping and pedestrian walkways shall be provided within the corridor preservation setback. Parking areas, buildings, and associated landscaping shall be located outside of the corridor preservation setback. No building setbacks from the Highway 1 corridor, other than those mandated by Caltrans' corridor preservation setbacks, are required. All development within the Highway 1 right-of-way requires an encroachment permit from Caltrans.*

G3.6-4 *The Highway 1 streetscape cross-section in the Gualala Village Mixed Use and Gualala Highway Mixed Use Districts shall include the following elements within a minimum 80' right-of-way, as shown on Figure 3-4:*

- 12' landscaping (minimum) on each side*
- 5' sidewalk (continuous on west side of Highway 1, extending from Old State Highway to Gualala Mobile Court on east side of Highway 1)*
- 5' bike lane/shoulder on each side*
- 12' travel lane in each direction*
- 12' continuous left-turn lane from Bakertown to Old State Highway, southbound left turn pocket at Pacific Woods Road)*

Exceptions to the strict application of these standards may be granted by the County, with the prior approval of the Caltrans District Director, where existing development, site topography or physical constraints mandate a greater or lesser right-of-way width.

G3.6-5 *To discourage development of commercial uses which generate high traffic volumes and would result in high peak hour turning movements, no "drive thru" commercial facilities shall be permitted in the Gualala Highway Mixed Use District.*

G3.6-6 *Curb cuts along Highway 1 and local roads shall be minimized. Numerous curb cuts slow traffic flow and create conflicts between through traffic and turning vehicles. Site accessways shall be designed for safety and convenient turning. Shared driveway access between neighboring parcels shall be encouraged and driveway access to Highway 1 shall be limited to one driveway per parcel except in instances where more than one access point is necessary for safe ingress and egress and/or efficient on-site circulation.*

G3.6-7 *School bus and public transit stops shall be provided in appropriate locations along Highway 1. Bus stops shall be provided within the corridor preservation setback, in lieu of a portion of the required landscaping. The school districts shall be encouraged to identify preferred sites for school bus stops within the Gualala Town Plan area.*

G3.6-8 *A local road network shall be developed in the Gualala Village Mixed Use, Gualala Highway Mixed Use and Gualala Planned Development districts east of Highway 1 to provide alternatives to travel on Highway 1. A network comprised of the elements shown in Fig. 3.5 has been demonstrated to effectively mitigate traffic congestion resulting from anticipated development permitted by this Plan; however, other road network configurations*

demonstrated to be equally or more effective in mitigating the traffic impacts of new development may be proposed by developers and adopted in lieu of road extensions listed below:

- *Church Street extension (south)—connects to Center Street.*
- *Center Street extension—connects to Church Street and Moonrise extension.*
- *Moonrise extension—connects Ocean Drive, Moonrise, and Center Street to Old Stage Road on the ridge.*
- *China Gulch Bridge—connects Center Street to Old State Highway.*

Specific alignment and design of road extensions shall be selected to minimize their environmental impacts.

G3.6-9 A streetscape concept for local roads is shown on Figure 3.6. Where appropriate, local roads in the Gualala Village Mixed Use, Gualala Highway Mixed Use and Gualala Planned Development districts shall include the following elements within a minimum 60-foot right-of-way:

- 12' travel lane in each direction,*
- 8' parking lanes on each side*
- 10' strip on each side containing landscaping and 5-foot wide pedestrian walkway*

On some local streets, parking lanes may not be appropriate due to topographic and environmental constraints and/or the presence of structures within the required right-of-way. A 40-foot right-of-way may be acceptable on Center Street, the Moonrise extension, and the Church Street extension (north of Ocean Drive, connecting to Pacific Woods Road). Where feasible, the following elements shall be included within the 40-foot right-of-way of local roads:

- 12' travel lane in each direction*
- 8' strip on each side containing landscaping and a 5-foot wide pedestrian walkway*

An alternative way of creating narrower streets is to restrict traffic to one direction. As the road network is expanded in the future, consideration shall be given to the possibility of incorporating one-way streets into the local road network.

- G3.6-10 *Prior to the implementation of any physical roadway improvements, Caltrans and the County shall consider implementation of possible trip-reducing measures. The development of pedestrian walkways and bike paths in the Gualala commercial district, provision of mixed-use development, and provision of local public transit have been identified as the most effective techniques for reducing the number of vehicle trips.*
- G3.6-11 *Traffic mitigation measures and traffic control measures, including traffic signals, should be considered as methods of improving level of service at the intersections of State Route 1 and Sundstrom Mall, Ocean Drive, and Pacific Woods Road consistent with the findings of the Gualala Traffic Study - February, 1995.*

Parking

- G3.6-11 *No on-street parking shall be permitted on Highway 1.*
- G3.6-12 *Off-street parking shall be provided in accordance with the standards established in the "Off-Street Parking" chapter of the Coastal Zoning Code. The "Design Guidelines" chapter of the Gualala Town Plan provides additional policies for vehicle access and parking design.*

Pedestrian Access

- G3.6-13 *A continuous pedestrian walkway shall be provided on the east side of Highway 1, from Old State Highway to the Gualala Mobile Court and on the west side of Highway 1 from Old State Highway to Robinson Reef Road. Additional pedestrian walkways may be necessary to serve future development on the east side of Highway 1 between Gualala Mobile Court and Pacific Woods Road.*

Pedestrian walkways may be located anywhere within the designated landscaping/sidewalk area, but shall connect with existing walkways on adjoining parcels or provide for a reasonable connection to future pathways on adjoining parcels. Policies in the "Design Guidelines" chapter of the Gualala Town Plan provide guidance for the development of pedestrian walkways.

- G3.6-14 *Pedestrian walkways and landscaping shall be provided along local roads within the Gualala Village Mixed Use, Gualala Highway Mixed Use and Gualala Planned development districts as illustrated on the Local Roads Streetscape Cross-section (Figure 3.6). Where feasible, walkways and*

landscaping shall be located in the public road right-of-way. An encroachment permit from the Mendocino County Department of Public Works is required for all improvements within County road rights-of-way.

All pedestrian walkways shall be a minimum of five (5) feet in width and shall be constructed of concrete. Exceptions to the strict application of these standards may be granted by the approving authority if it is found that strict adherence is not feasible or would have significant adverse impacts on natural resources, aesthetics, or other environmental factors.

G3.6-15 Landscaping shall be provided along all pedestrian walkways to create attractive and usable pedestrian corridors. Landscaping shall be established and maintained in accordance with the "Design Guidelines" of the Gualala Town Plan.

G3.6-16 Pedestrian crosswalks shall be provided at the following locations on Highway 1:

<i>Sundstrom Center entry</i>	<i>Ocean Drive</i>
<i>Seacliff</i>	<i>Center Street</i>

G3.6-17 Pedestrian crosswalks shall be constructed of flush pavers. Pavers used at crosswalk areas must: (a) be flush with the adjacent paving; (b) be skid-resistant; (c) be contained within a cast concrete perimeter to prevent loosening; and (d) have small, tight joints to accommodate wheelchairs and strollers.

G3.6-18 All crosswalks and pedestrian walkways shall be accessible to disabled persons and meet the requirements of the Americans with Disabilities Act.

3.7 RECREATION FACILITIES, COASTAL ACCESS & TRAILS

Recreation Facilities

G3.7-1 The Board of Supervisors should adopt appropriate mechanisms for the acquisition and development of public parks and recreation facilities in the Gualala Town Plan area.

Coastal Access and Trails

G3.7-2 The Gualala Bluff Trail shall be developed within the 25-foot wide public access easements located along the bluff edge west of Highway 1. Offers to dedicate easements for public access shall be obtained to provide for the

completion of the Gualala Bluff Trail consistent with Coastal Element policies and in consultation with the Redwood Coast Land Conservancy or other managing agency for the Gualala Bluff Trail.

- G3.7-3 The parcel located on the north bank of the Gualala River, immediately north of the Gualala River Bridge and west of Highway 1, should be acquired for protection of natural resources and public access purposes by the County, State Parks, Caltrans, a non-profit land trust, or some other public agency or private association, or managed for protection of natural resources and public access purposes by its owners. Potential development on the site includes development of the Gualala Bluff Trail; fish and wildlife habitat management; limited parking for public fishing; and access for launching small craft such as canoes, kayaks, rowboats or small boats utilizing trolling-type motors.*

If and when such acquisition occurs, the parcel shall be classified as Open Space in the Land Use Plan. Prior to development of any public access facilities on the site, a management plan shall be prepared, in accordance with Coastal Element public access policies, to ensure the long-term protection of natural resources and maintenance of the property. Development of the Gualala Bluff Trail on this parcel may involve use of the Highway 1 right-of-way or acquisition of an easement along the bluff of the Lower Mill site east of Highway 1 to ensure the protection of environmentally sensitive habitat areas along the Gualala River estuary.

- G3.7-4 A pedestrian and bicycle trail which links Gualala and Anchor Bay and connects to coastal access trails shown on the Land Use Plan maps shall be developed within Highway 1 and Old Coast Highway (CR #513) rights-of-way and easements acquired for public access.*

- G3.7-5 A pedestrian trail providing public access for fishing, hiking, and swimming shall be developed on the north side of the Gualala River from Highway 1 to the easternmost boundary of the Gualala Arts Center property. Offers to dedicate easements for lateral access shall be acquired consistent with Coastal Element access policies and Section 66478.1 et.seq. of the California Government Code. If feasible, this trail shall connect to the Gualala Bluff Trail.*

- G3.7-6 Based on an inventory of existing and potential trail alignments, a network of trails shall be designated which connects commercial areas, neighborhoods, visitor accommodations, areas of scenic beauty, and recreational facilities. Priority for trail alignments shall be along public and private road rights-of-way and trails that are currently in use. Access easements shall be acquired*

from property owners on a voluntary basis (i.e., gifts, open space and conservation easements) as conditions associated with development (i.e., deed restrictions, offers to dedicate), or by direct property acquisition. Trails shall be developed and maintained by the County, State Parks, Caltrans, a non-profit land trust, or some other public agency or private association.

G3.7-7 GMAC shall review, evaluate, and prioritize the Offers to Dedicate (OTDs) and Deed Restrictions which the Coastal Commission has obtained through the coastal permit process within the GTP planning area.

3.8 PROTECTION OF ENVIRONMENTAL RESOURCES

G3.8-1 The County shall encourage and support the protection of fisheries habitat through coordination with responsible State and/or Federal permitting agencies regulating water supplies to facilitate compliance with permits which are intended to ensure the viability of the North Fork of the Gualala River. The County shall encourage a joint effort with Sonoma County as well as State and Federal agencies to develop a comprehensive fishery restoration plan for the Gualala River.

G3.8-2 Any wood-burning appliance to be installed as a primary heat source in residential or commercial development shall be an EPA certified unit. The County shall encourage the use of low pollution heating devices instead of wood-burning heat sources.

G3.8-3 When the North Gualala Water Company reaches 80 percent of service capacity, as defined in the Development/Constraints Table found in Section 2.5 of this Plan (or any amendments in this capacity due to new facilities), action should be initiated on one or more of the following options:

- Development of new water supply source (NGWC).*
- Development of increased storage capacity for water supply during low flow periods (NGWC).*
- Increase water conservation efforts (water users).*
- Restrict the amount of new development which increases water usage (County).*

G3.8-4 A review and possible update of the Plan shall be initiated five years after adoption of said Plan.

3.9 PUBLIC IMPROVEMENTS FINANCING

- G3.9-1 *Ordinances requiring dedications or "in lieu" development fees should be adopted by the Board of Supervisors to assist in the acquisition and development of open space, public facilities, walkways and trails identified in the Gualala Town Plan. Development fees shall be structured to levy an assessment which is directly related to the proportional benefit received.*
- G3.9-2 *Streetscape improvements on Highway 1 identified in the Gualala Town Plan should be financed by a combination of developer impact fees or a new transient occupancy tax for these specific services proposed which should be placed before the voters in the GMAC area. These fees/taxes should be assessed on all properties within the GMAC area of jurisdiction, and the County shall make every effort to have a corresponding assessment/tax adopted by Sonoma County for all parcels on the Sea Ranch. Streetscape improvements off of Highway 1 shall be paid for by developers whose development benefits from said improvements.*
- G3.9-3 *Special districts may be established to help fund the public improvements identified in the Gualala Town Plan. Assessment districts must be structured to levy an assessment on each property which is directly related to the proportional benefit received.*
- G3.9-4 *Gifts of parkland, public access easements, conservation easements and open space easements are encouraged and shall be accepted by appropriate managing agencies, when consistent with Coastal Element and managing agency policies.*

DRAFT COASTAL ELEMENT TEXT AMENDMENTS
FOR GUALALA TOWN PLAN

The following text amendments are revisions to the Mendocino County General Plan Coastal Element (as revised March, 1991) and are proposed to add references to the Gualala Town Plan, to update or correct erroneous information, and to incorporate the coastal access policies of the Gualala Town Plan into the Land Use Plan for the Iversen Road to Sonoma County Line planning area. New text is shown in *italics*. Proposed deletions are indicated by ~~strikeout~~.

Chapter 2.1 - Page 10 - after paragraph 6 - Add:

The Gualala Town Plan is located in Chapter 4.14.

Chapter 2.1 - Table 2.1-1, Page 11 - Add to end of table:

“SOUTH COAST - 4.14 Gualala Town Plan - Gualala and vicinity - Gualala - Map 31”

Chapter 3.6 - Page 87 - paragraph 1 - replace last sentence with:

~~As an example, 17 percent of the shoreline is state parks, but there are no non-fee public access points now open in the 20 miles between Manchester State Beach and Gualala Point Regional Park at the north edge of Sonoma County. As an~~ *example, although the town of Gualala is a major visitor-serving center on the Mendocino Coast and serves a resident population of over 2,500 persons, the closest non-fee public access to the coast is more than nine miles north of Gualala at Schooner Gulch State Beach.*

Chapter 3.9 - Page 120 - Change Policy 3.9-2(b)(5) to read:

All of that area within the Coastal Zone from Hearn Gulch and Iversen Road south to the Gualala River, including Iversen Landing Subdivision, and excluding those lands within the ~~Rural Village~~ *Commercial* land use classification ~~and the Gualala Town Plan boundary.~~

Chapter 4.12 - Pages 200 through 207 - Modify to read:

**4.12 IVERSON ROAD TO SONOMA COUNTY LINE PLANNING AREA
(Anchor Bay-Gualala)**

The "banana belt" section of the Mendocino Coast is distinguished by dense forests of small coniferous and broadleaf trees, extending to the cliffs at many points. Although much of the wooded shoreline is developed, the forest dominates the scene, often blocking ocean views and hiding all evidence of development except for an occasional gate or mailbox. The coastal zone boundary, following the ridge along Ten Mile Cutoff Road, is 1.4 to 3 miles inland. Potential highway capacity is one constraint on development in the planning area. The potential for improving the highway varies significantly within the planning area. The sharp turn at Fish Rock Gulch and the nearby 9-foot lanes cannot be improved much and thus will continue to limit improvements. At other points, the roadbed can be widened to permit 12-foot lanes with a 4-foot shoulder on each side; south of Anchor Bay the full 32-foot section including 12-foot vehicle lanes and 4 foot bicycle lanes, can be built. With additional improvements such as protected left turn lanes, the volume of traffic currently passing through Gualala could be ~~increased by 75 percent~~ *more than doubled*.

The primary difficulty in assessing highway capacity is determining how much traffic will be generated by development north of the planning area and how many locally generated trips will use Highway 1 in Sonoma County. Projected growth in accord with the Sonoma County LCP could absorb available highway capacity at Jenner. Some local trips, particularly those originating on Pacific Woods Road and Old Stage Road (Brushy Opening Road) will use only very short segments of Highway 1. Some residents will use Old Stage Road and Fish Rock Road to reach Highway 101 during weekend peak hours if Highway 1 is severely congested. A high proportion of permanent residents amongst visitors will reduce travel on the highway during the summer weekend peaks when detours can be made by those familiar with local roads. In summary, the number of variable factors does not permit a precise determination of how highway capacity will affect development in Gualala. Trends must be monitored and a more detailed study prepared before any amendment to the Coastal Element is approved that increases allowable development and traffic on Highway 1.

Waste disposal, as well as highway capacity, limits development in the area; it is questionable whether individual septic systems will work for many additional small lot subdivisions. The North Gualala Water Company offers service from the County line to Anchor Bay, 3.5 miles north. An existing community sewage system serves the Anchor Bay subdivision, and was rebuilt without provision for expansion. The Regional Water Quality Control Board has determined that several existing lots in Anchor Bay lack potential leach fields.

No standards can be set for minimum parcel size to ensure satisfactory performance from septic systems--such a determination must be made on a lot by lot basis--but larger lots are more likely to meet water quality standards or to qualify for waivers. Inadequate septic systems created a health hazard in Gualala (documented in 1987), and the GCSD received a Clean Water Act facilities planning grant to correct the problem. The resulting system provides wastewater treatment services within a designated service area.

The initial design capacity of the GCSD system was based upon residential population growth at two percent (2%) annually for 20 years, and on increased commercial development within the Gualala area. The service area for this system is limited to a recognized district boundary (see Map #31 Coastal Element-Land Use Plan). Within the District boundary, development may proceed at higher densities specified in this plan only when water and/or sewer service is provided by an approved community system.

In addition to sewage disposal constraints and highway capacity, the availability of water may limit future development in the Gualala planning area. Domestic water in the planning area is provided by private wells and by the North Gualala Water Company, a privately-owned utility. The "Mendocino County Coastal Groundwater Study" prepared in 1982 identified areas of sufficient, marginal and critical water resources on the coast. Coastal Groundwater Development Guidelines were adopted in 1989 which establish requirements for investigation for groundwater development depending upon proposed project type, location and lot size. The requirements for proof of water and hydrological studies are intended to ensure that development is consistent with the limitations of the local water supply. According to these guidelines, a hydrological study would be required prior to any increase in the North Gualala Water Company's water diversions.

Anchor Bay

The cluster of subdivisions at Anchor Bay occupies high bluffs on either side of Fish Rock Creek. However, Anchor Bay's compact commercial area turns its back on the Pacific and does not take advantage of the views. Overnight accommodations or a restaurant with a view deck should be built on the blufftop. Anchor Bay's proximity to Gualala, 3.5 miles south, limits the need and opportunity for additional businesses.

Gualala

~~Gualala is the building supply and shopping center both for Mendocino's south coast and for Sea Ranch in Sonoma County. During the last 10 years, Gualala based crews have built an average of 70 to 100 houses per year, mainly for retirees, vacation home buyers, and themselves. The plan recognizes the need for building supply establishments in commercial areas and for an industrial classification to accommodate those of industrial character, such as readymix concrete.~~

~~As development proceeds, Gualala will be able to support additional retail space, but the amount will depend on the proportion of part-time residents in the area. When Sea Ranch reaches its maximum development of 2,000 units and the area south of Iverson Road is developed in accord with the Land Use Plan, there could be nearly 10,000 persons in the trade area enough to support a supermarket. Gualala's existing commercial development is scattered along a mile of Highway 1, currently zoned commercial. Further development in this pattern would adversely affect highway safety and traffic capacity, nearby homes west of the highway, and Gualala's community identity.~~

The town of Gualala is a service center for the south coast of Mendocino County and for The Sea Ranch and northern Sonoma County. While serving a resident population, the scenic beauty and recreational opportunities of the Gualala area attract many thousands of visitors each year.

Gualala is a town which lacks a visual community identity. The commercial district stretches along a two-mile section of Highway 1. There is no distinctive architectural style, town center or historic context. However, Gualala is blessed by its outstanding natural setting at the mouth of the Gualala River. Magnificent views of the river and coastline are available from many locations and the forested hillsides frame the inland edges of the town.

Through a grassroots community planning process, the Gualala Town Plan was formulated to guide future development within the Town Plan area in ways that might enhance the character of the town of Gualala. The Gualala Town Plan is included as Chapter 4.14 of the Coastal Element.

Coastal Element Policies: Anchor Bay - Gualala

4.12-1 New residential and visitor accommodation development within the Anchor Bay-Gualala Planning Area shall be dependent upon approval by the County Health Department for septic waste disposal systems installed in accordance with Regional Water Quality Control Board Basin Standards. Installation of individual septic disposal systems shall be carefully monitored by the County Health Department and the Regional Water Quality Control Board to determine the cumulative impact upon coastal resources of all development within the Anchor Bay-Gualala area.

Proposed developments within the service area of the Gualala Community Services District shall be connected to that publicly-owned system, upon approval by the GCSD Board of Directors, and the County of Mendocino shall not approve

development applications until such connection has been authorized by the GCSD.

- 4.12-2 ~~The urban-rural boundary of the community of Gualala is indicated by boundary lines delineated on Land Use Map 31.~~

~~A community proposed urban-rural boundary covering a much larger area encompasses 80 acres of TPZ approximately 400 acres of Forest Land and surrounded by concentrated residential development was not found justifiable in adoption of this plan at this time but it is recognized that this would be a logical area for growth expansion in the future.~~

The urban-rural boundary is coincident with the Gualala Town Plan area. The Town Plan area includes all lands within the Gualala Community Services District (GCSD) and the small lot residential subdivisions adjoining the GCSD service area. The Town Plan area was selected to identify where new development could be served by community water and/or sewer systems and where such development would minimize traffic impacts on Highway 1. A primary goal of the Gualala Town Plan is to concentrate new development within the Town Plan area.

- 4.12-3 Dedication of a sixty foot half width shall be required as a condition of any development of parcels fronting on Highway 1 within the Gualala CSD unless otherwise approved by Caltrans.
- 4.12-4 The County shall initiate an amendment of Section 15.12.040 (B) of the County Code to prohibit parking on Highway 1 between Old State Highway and Ocean Drive.
- 4.12-5 All future development projects within the Gualala CSD shall include sufficient off-street parking area to accommodate parking demand anticipated to be generated by the proposed use.
- 4.12-6 A traffic impact analysis shall be required of all future development projects within the Gualala CSD which will generate twenty or more peak hour trips. The Institute of Traffic Engineers Trip Generation Report shall be used to determine trip generation potential of proposed projects.
- 4.12-7 The County shall request that Caltrans assist in the development of a program for the funding of highway improvements in Gualala to accommodate development allowed by the Coastal Plan and made possible by the wastewater facility. Until such a program is implemented, any development project which will generate

twenty or more peak hour trips shall be required to implement any mitigation measures recommended as part of the required traffic impact analysis.

Access Points, Trails, and Recreation Areas

Policies for all access points, trails, and recreation areas are in Section 3.6 and 3.7. Policies specific to locations in this planning area are listed below in geographic order from north to south. Each access point (other than fee access where designated) will need to be acquired by acceptance of an offer of dedication or by purchase by an appropriate public agency or private organization as described in Section 3.6.

Island Cove

Location: South of Iverson Road.

Ownership: Private; Island Cove Estates Subdivision, recorded in 1961, includes a beach parcel "reserved for use of lot owners." The Coastal Commission, as a condition of permit approval, required one owner (Tweedie) to dedicate access rights.

Existing Development: A 700-foot sand beach and sheltered cove, reached by trail from parking area.

Policy:

4.12-8 Public access shall be obtained to and along this beach as shown on the Land Use Plan Map along with a public parking area consistent with 3.6-5.

Haven's Neck

Location: West of Highway 1, approximately one mile northwest of Anchor Bay.

Ownership: Private.

Characteristics: Virtually unaltered natural habitat for a number of plant and animal species including some plants of particular botanical interest; wind sculptured rock formations.

Potential Development: Public acquisition was proposed by 1967 County General Plan and 1975 Coastal Plan. Scientists and conservationists familiar with Haven's Neck have recommended limited use as a natural reserve, such as Point Lobos State Reserve south of Carmel, or no public access.

Policy:

4.12-9 An offer to dedicate public access for scientific and educational purposes only, and an open space easement to an appropriate public agency for that area of Haven's Neck westerly of the narrow constriction leading to the peninsula, shall be required as a condition of permit approval.

Fish Rock Road Inland Trail

Location: From Highway 1 north of Anchor Bay, County Road 122 transverses northeasterly to Highway 128.

Existing Development: Pedestrian and equestrian use; designated by County Trails Plan.

Fish Rock Observation Point and Trail

Location: Approximately 1/4 mile north of the intersection of Highway 1 and Fish Rock Road.

Existing Development: Vacant parcel.

Policy:

4.12-10 An offer to dedicate an easement for public parking and access to the point for that area delineated on the Land Use Map shall be obtained consistent with Policies 3.6-5 and 3.6-7 and no signing will be done until adequate parking is created.

Anchor Bay Shoreline

Location: Fish Rock Creek, immediately north of Anchor Bay.

Ownership: Private.

Existing Development: Campground providing fee access to beach.

Policy:

4.12-11 A guarantee of continued fee access to the public as well as guests shall be acquired consistent with policy 3.6-5 together with a provision for obtaining a non-fee accessway if the visitor serving facility should be changed to another use.

Getchell Gulch Access

Location: 0.5 mile south of Anchor Bay.

Ownership: Private

Characteristics: Wooded headlands and small beach.

Potential Development: Blufftop trail and beach access trail.

Policy:

4.12-12 Offers of dedication for vertical beach access and blufftop lateral access shall be obtained consistent with Policy 3.6-5.

Serenisea

Location: .5 mile south of Anchor Bay.

Ownership: Private; inn.

Existing Development: Trail leads to south side of the beach at Getchell Gulch.

Policy:

4.12-13 Continued fee access to the shoreline shall be assured by deed restriction consistent with policy 3.6-5, together with a provision for obtaining a non-fee accessway if the visitor serving facility should be changed to another use.

St. Orres Creek

Location: 1.1 miles south of Anchor Bay.

Ownership: Private.

Characteristics: 200 foot cove.

Policy:

4.12-14 Offers to dedicate easements for a vertical and lateral access to the cove shall be acquired for that area delineated on the Land Use Map consistent with policy 3.6-5. Caltrans should provide for a safe parking area at this location and shall be required to do so in conjunction with any highway improvement project in this area.

Cooks Beach

Location: 1.3 miles south of Anchor Bay.

Ownership: Private.

Characteristics: A 500-foot sandy beach on south side of Glennen Gulch. Connects to Bourns Landing bluff top.

Policy:
4.12-15 Offers to dedicate easements for vertical and lateral shoreline access shall be acquired for that area delineated on the Land Use Map consistent with policy 3.6-5.

Bourns Landing

Location: 1.5 miles south of Anchor Bay.

Ownership: Private.

Potential Development: Trail along open bluff with long views of coast and shoreline access at small beach; connects to Cooks Beach.

Policy:
4.12-16 Offers to dedicate easements for a blufftop trail and shoreline access shall be acquired for that area delineated on the land use plan map consistent with policy 3.6-5.

Marine View Subdivision

Location: 1.3 miles north of Gualala.

Ownership: Private; offer of dedication for 25-foot lateral access by Fager and Witt.

Policy:
4.12-17 Offers by Fager and Witt shall be relinquished because no blufftop trail is proposed and accessway would not be reachable by an existing or proposed vertical access.

Gualala-Anchor Bay Trail

Location: Between Gualala and Anchor Bay, primarily along Highway 1 and Old Coast Highway (CR #513) rights-of-way, connecting the pedestrian walkways shown on the Highway 1 Streetscape Map of the Gualala Town Plan to coastal

access points identified in the Coastal Element and traversing the Old Milano Hotel property along the northwest property line.

Ownership: Public rights-of way; Private

Potential Development: A trail linking Gualala and Anchor Bay commercial districts

Policy:

4.12-18 Easements along public rights-of-way and offers to dedicate easements for public access shall be obtained consistent with Coastal Element Policy 3.6-5 to establish a trail linking Gualala and Anchor Bay.

Gualala Bluff Trail

Location: Central Gualala to Gualala River Bridge.

Ownership: Private; offer of dedication of 25-foot blufftop access and agreement on existence of prescriptive rights over vertical access from Highway 1 to mean high tide by Bower.

Potential Development: Trail along bluff and highway.

Policy:

4.12-18 Offer of access by Bower shall be accepted; to provide the potential for completion of a public trail from Central Gualala to Gualala bridge. The trail shall follow along the blufftop and shoreline; segments may need to use the public right of way of Highway 1 over impassable areas. Offers to dedicate easements for public access shall be obtained for those areas shown on the Land Use Plan Maps consistent with Policy 3.6-5.

Ownership: In September 1994, the Redwood Coast Land Conservancy acquired the 25-foot-wide, public access easements along the bluff of the Gualala River which were required by the California Coastal Commission as conditions of development approvals. A five-foot-wide, vertical access easement from Highway 1 to the blufftop was also acquired. The Land Conservancy intends to develop and manage the Gualala Bluff Trail on these easements.

Policy:

4.12-19 *Offers to dedicate easements for public access shall be obtained, in consultation with the Redwood Coast Land Conservancy, to provide for the completion of the Gualala Bluff Trail. Offers to dedicate easements for public access shall be obtained consistent with Coastal Element Policy 3.6-5 and Policy 4.12-14.*

Gualala River Bridge

Location: North bank of Gualala River; just west of Highway 1.

Ownership: Private.

~~Existing Development: Unimproved road to river; boat launching. Fee access may be charged by the owner.~~

~~Potential Development: A privately developed campground.~~

Policy:

~~4.12-19 A reasonable entrance fee may be charged to the general public as long as a visitor service use remains. However, this area is a significant part of the first visual entrance to the County of Mendocino and this property may be better classified as State owned open space. This policy shall be reviewed relative to its highest and best use at the first regular review of this coastal plan.~~

Potential Development: Development of Gualala Bluff Trail; fish and wildlife habitat management; limited parking for public fishing; and access for such craft as canoes, rowboats or small boats utilizing trolling-type motors.

Policy:

4.12-20 *This parcel should be acquired for protection of natural resources and public access purposes by the County, State Parks, Caltrans, a non-profit land trust, or some other public or private agency, or managed for protection of natural resources and public access by its owners. If and when such acquisition occurs, the parcel shall be classified as Open Space in the Land Use Plan. Prior to development of any public access facilities on the site, a management plan shall be prepared in accordance with Coastal Element Policy 3.6-26 to ensure the long-term protection of natural resources and maintenance of the property. Development*

of the Gualala Bluff Trail on this parcel may involve use of the Highway 1 right-of-way or acquisition of an easement along the bluff of the Lower Mill site east of Highway 1 to ensure the protection of environmentally sensitive habitat areas along the Gualala River estuary/lagoon.

Gualala River Trail

Location: On the north side of the Gualala River, from Highway 1 to the east boundary of the Gualala Arts Center property.

Ownership: Private

Potential Development: A pedestrian trail providing public access to the Gualala River for fishing, hiking, swimming, etc.

Policy:

4.12-21 Offers to dedicate easements for lateral access on the north side of the Gualala River shall be acquired consistent with Policy Coastal Element 3.6-5.

Visitor Accommodations and Services: Visitor accommodations and services are designated as a principal permitted use in the Iverson Road to Sonoma County Line Planning Area at the following locations:

The Sea Urchin	existing service
Mar Vista Motel	existing motel
Whale Watch	existing inn
Serenisea Motel	existing motel
Re-Newell Center	existing motel
St. Orres	existing inn and restaurant
Old Milano Hotel	existing inn
Gualala River Redwood Park	existing campground

In addition, the following sites have been designated as a conditional use for visitor serving facilities on the land use map:

Getchell Gulch	proposed inn or hostel
East of Serenisea access	proposed inn or hostel
Cooks Beach, south	proposed motel
Bourns Landing	proposed motel

Gualala Point, west of bridge
Gualala Point, east of bridge

proposed campground
proposed campground

A variety of visitor serving facilities are located in the commercial areas of Anchor Bay and Gualala, which are not designated on the land use map.

DRAFT ZONING AMENDMENTS FOR GUALALA TOWN
PLAN

New text is shown in *italics*.

CHAPTER 20.352
ESTABLISHMENT OF COASTAL DISTRICTS

Sec. 20.352.005 Zoning Districts Established

The several classes of zoning districts into which the County's Coastal Zone may be divided are as follows:

AG	Agricultural District
FL	Forest Lands District
TP	Timberland Production District
RL	Range Lands District
OS	Open Space District
RR	Rural Residential District
RMR	Remote Residential District
SR	Suburban Residential District
RV	Rural Village District
FV	Fishing Village District
C	Commercial District
I	Industrial District
PF	Public & Semipublic Facilities District
<i>GVMU</i>	<i>Gualala Village Mixed Use</i>
<i>GHMU</i>	<i>Gualala Highway Mixed Use</i>
<i>GPD</i>	<i>Gualala Planned Development</i>
<i>GI</i>	<i>Gualala Industrial</i>

Sec. 20.352.010 Combining Districts

Combining districts may also be designated as follows:

AH	Airport Combining Districts
CL	Clustering Development Combining District
DL	Development Limitations Combining District
FP	Flood Plain Combining District
L	Special Minimum Lot Size Combining District
PD	Planned Unit Development Combining District
SS	Seismic Study Combining District

VAS Visitor Accommodations and Services Combining District

Sec. 20.352.015 Location and Boundaries of Districts

The designation, location and boundaries of the aforesaid districts shall be according to the General Plan Coastal Element Land Use Maps and Section 20.304.040.

**CHAPTER 20.405
GUALALA VILLAGE MIXED USE DISTRICT "GVMU"**

Sec. 20.405.005 Intent of the GVMU District

The intent of this district is to provide for commercial and residential development which is compatible with existing commercial uses; to create a compact, integrated and walkable shopping district; to direct new development east of Highway 1; to provide public access along the bluff; and to protect and enhance coastal and river views.

Sec. 20.405.010 Principal Uses for GVMU District

The following use types are permitted in the GVMU District, subject to obtaining a Coastal Development Permit and necessary building permits and approvals:

(A) Coastal Residential Use Types

*Family Residential: Single Family
Family Residential: Two Family
Family Residential: Multifamily
Family Residential: Boarding House*

(B) Coastal Civic Use Types

*Ambulance Services
Clinic Services
Cultural Exhibits and Library Services
Day Care Facilities/Small Schools
Fire and Police Protection Services
Group Care*

*Lodge, Fraternal and Civic Assembly
Religious Assembly*

(C) Coastal Commercial Use Types

*Administrative and Business Offices
Animal Sales and Services: Household Pets
Animal Sales and Services: Veterinary (Small Animals)
Automotive and Equipment: Parking
Building Maintenance Services
Business Equipment Sales and Services
Communications Services
Eating and Drinking Establishments
Financial Services
Food and Beverage Preparation: Without consumption
Food and Beverage Retail Sales
Funeral and Interment Services
Laundry Services
Medical Services
Neighborhood Commercial Services
Personal Services
Repair Services: Consumer
Retail Sales: General
Wholesaling, Storage, Distribution: Light*

(D) Coastal Visitor Accommodations and Services Use Types

*Bed and Breakfast Accommodation
Visitor-Oriented Eating and Drinking Establishments
Visitor-Oriented Retail Sales*

(E) Coastal Open Space Use Types

Passive Recreation

Sec. 20.405.015 Conditional Uses for GVMU District

The following use types are permitted in the GVMU District, subject to obtaining a Coastal Development Use Permit and necessary building permits and approvals:

(A) *Coastal Residential Use Types*

Mobile Home Park

(B) *Coastal Civic Use Types*

Administrative Services: Government

Alternative Energy Facilities: Onsite

Community Recreation

Educational Facilities

Major Impact Services and Utilities

Minor Impact Utilities

(C) *Coastal Commercial Use Types*

Automotive and Equipment: Cleaning

Automotive and Equipment: Gasoline Sales

Automotive and Equipment: Repairs, Light

Automotive and Equipment: Sales/Rentals

Automotive and Equipment: Storage, Recreational Vehicles and Boats

Commercial Recreation: Indoor Sports and Recreation

Commercial Recreation: Indoor Entertainment

Commercial Recreation: Outdoor Sports and Recreation

Commercial Recreation: Water-Dependent Recreation

Construction Sales and Services

Recycling Centers

Research Services

Wholesaling, Storage and Distribution: Mini-warehouses

(D) *Coastal Visitor Accommodations and Services Use Types*

Hostel

Hotel

Inn

Motel

(E) *Coastal Open Space Use Types*

Active Recreation

Sec. 20.405.020 Minimum Lot Area in GVMU District

Six thousand (6,000) square feet

Sec. 20.405.025 Maximum Density for Residential Uses in GVMU District

- (A) *Single family dwelling units per parcel, or portion thereof, shall be limited to a density of ten (10) units per acre.*
- (B) *Multiple family and two-family dwelling units per parcel, or portion thereof, shall be limited to a density of thirty (30) units per acre.*

Sec. 20.405.030 Maximum Visitor Accommodations and Services Density in GVMU District

Density of visitor accommodation units shall not exceed twenty (20) units per acre, not to exceed thirty (30) units.

Sec. 20.405.035 Site Development Standards: East of Highway 1

- (A) *Maximum Building Height:* *Structures shall be limited to twenty-eight (28) feet in height. Lesser heights may be required where it is found that building heights would have adverse impacts to community character, open space or public views.*

Exceptions to the strict application of maximum building heights may be allowed for church steeples, flag poles, water towers, utility poles, and other towers and architectural features not for human habitation, where such exceptions are consistent with the intent of the Zoning District and a variance is obtained.

- (B) *Maximum Lot Coverage:* *The maximum lot coverage for all uses shall be twenty-five (25) percent.*
- (C) *Maximum Floor-Area Ratio:* *A maximum floor-area ratio of thirty-five (35) percent shall be permitted for all uses.*

Sec. 20.405.040 Site Development Standards: West of Highway 1

- (A) Maximum Building Height: Structures shall be limited to eighteen (18) feet in height. Exceptions to the strict application of the eighteen-foot height limit to a maximum permitted height of twenty-eight (28) feet may be granted in instances where "significant view corridors" are maintained and subject to the lot coverage and floor area ratio criteria established below.
- (B) Minimum View Corridor: All development shall be required to maintain a minimum view corridor of constant width equivalent to thirty (30) percent of the average length of the front and rear parcel boundaries. A "significant view corridor" is equivalent to fifty (50) percent of the average length of the front and rear parcel boundaries.
- (C) Maximum Lot Coverage: The maximum lot coverage for all uses shall be twenty (20) percent. If significant view corridors are maintained, the maximum lot coverage may be increased to twenty-five (25) percent during the Coastal Development Permit or Coastal Development Use Permit process.
- (D) Maximum Floor-Area Ratio: A maximum floor-area ratio of twenty (20) percent shall be permitted for all eighteen (18) foot structures. Where significant view corridors are maintained and an exception to the eighteen-foot height limit has been granted, a maximum floor-area ratio of thirty (30) percent shall be permitted.

Sec. 20.405.045 Minimum Building Setbacks in GVMU District

Minimum building setbacks from property lines adjoining public or private roadways shall be established to preserve the rights-of-way identified on the Highway 1 Streetscape Plan and the Local Roads Streetscape Plan of the Gualala Town Plan. At a minimum, buildings and parking areas shall be setback forty (40) feet from the Highway 1 centerline and thirty (30) feet from the centerline of the right-of-way for local roads in the GVMU District.

Where a parcel in the GVMU District is adjacent to a property which is not in either the GVMU, GHMU, GPD or GI districts, a setback of ten (10) feet shall be required between the subject parcel and the adjoining property. All commercial development shall be buffered from adjoining properties with RR, SR or RMR designations by fencing or plant screening or other approved mitigating devices.

Sec. 20.405.050 Minimum Usable Activity Space Requirements for Residential Uses in GVMU District

At a minimum, ten (10) percent of the total lot area shall consist of usable activity space in each residential development. Areas within the required building setbacks may contribute to this requirement.

Sec. 20.405.055 Off-Street Parking Requirements for Residential Uses in GVMU District

For studio and one-bedroom dwelling units: minimum of one and a half (1.5) on-site parking spaces per unit.

For two- or more bedroom dwelling units: minimum of two (2) on-site parking spaces per unit.

Sec. 20.405.060 Off-Street Parking Requirements for Non-Residential Uses in GVMU District

Off-street parking for non-residential uses shall be provided in accordance with the standards established in "Off-street Parking" chapter of the Coastal Zoning Code. Shared parking arrangements shall be permitted in accordance with the standards established in the Coastal Zoning Code and subject to obtaining a variance.

Sec. 20.405.065 Vehicle Access Requirements in GVMU District

Shared driveway access between neighboring uses and parcels shall be encouraged. Wherever possible, driveway access shall be provided at the property boundary, to permit future negotiations of shared access agreements when adjoining parcels are developed. Where shared access is provided, a ten (10) percent reduction in the required parking spaces for all commercial uses shall be permitted for each participating parcel. Driveway access to Highway 1 shall be limited to one driveway per parcel except in instances where more than one access/egress point can be clearly justified.

Sec. 20.405.070 Pedestrian Access Requirements in GVMU District

All new development shall be required, where feasible, to provide a pedestrian walkway along Highway 1 and local street frontages. Pedestrian walkways shall

be a minimum of five (5) feet in width and shall be constructed of concrete. Walkways may be located within the landscaping/walkway corridors of the public rights-of-way, as indicated on the Highway 1 and Local Road Streetscape Maps of the Gualala Town Plan. The specific location of pedestrian walkways shall be determined by each property owner. However, narrow linear strips of landscaping between walkways and streets shall be discouraged. Required walkways shall connect to existing walkways on adjacent properties, and where such adjacent walkways have not been developed, the required walkways shall be located in areas where the future continuation of the walkway across adjoining properties is feasible.

Sec. 20.405.075 Landscaping Requirements in GVMU District

A landscape plan shall be required for development proposals in the GVMU District, in accordance with the On-Site Landscaping policies in the "Design Guidelines" chapter of the Gualala Town Plan.

Sec. 20.405.080 Exterior Lighting Regulations

Exterior lighting regulations are contained in the "Visual Resource and Special Treatment Areas" chapter of the Coastal Zoning Code and the "Design Guidelines" chapter of the Gualala Town Plan and shall apply to development in the GVMU District.

Sec. 20.405.085 Sign Regulations

Sign regulations are contained in the "Sign Regulations" chapter of the Coastal Zoning Code and the "Design Guidelines" chapter of the Gualala Town Plan and shall apply to development in the GVMU District.

Sec. 20.405.090 Development Fee Requirements in GVMU District

Ordinances requiring dedications or "in lieu" development fees may be adopted by the Board of Supervisors for the acquisition and development of open space, public facilities, pedestrian access facilities and streetscape improvements identified in the Gualala Town Plan. Development in the GVMU District shall be required to participate once a fee schedule is adopted by the Board of Supervisors.

CHAPTER 20.406
GUALALA HIGHWAY MIXED USE DISTRICT "GHMU"

Sec. 20.406.005 Intent of the GHMU District

The intent of this district is to provide for commercial and residential development on parcels adjacent to Highway 1 that is attractively sited, designed, and landscaped. Restrictions on development in the district are intended to limit traffic generation and to lessen the potential for vehicular congestion on Highway 1.

Sec. 20.406.010 Principal Uses for GHMU District

The following use types are permitted in a GHMU District, subject to obtaining a Coastal Development Permit and all necessary building permits and approvals.

(A) Coastal Residential Use Types

*Family Residential: Single Family
Family Residential: Two-Family
Family Residential: Multi-Family
Family Residential: Boarding House*

(B) Coastal Civic Use Types

*Ambulance Services
Clinic Services
Cultural Exhibits and Library Services
Day Care Facilities/Small Schools
Fire and Police Protection Services
Group Care*

(C) Coastal Commercial Use Types

*Administrative and Business Offices
Animal Sales and Services: Household Pets
Animal Sales and Services: Veterinary (Small animals)
Automotive and Equipment: Parking
Building Maintenance Services
Business Equipment Sales and Services*

Communications Services
Eating and Drinking Establishments
Food and Beverage Preparation: Without consumption
Food and Beverage Retail Sales
Funeral and Interment Services
Laundry Services
Medical Services
Neighborhood Commercial Services
Personal Services
Repair Services: Consumer
Retail Sales: General
Wholesaling, Storage and Distribution: Mini-warehouses
Wholesaling, Storage and Distribution: Light

(D) Coastal Visitor Accommodations & Services Use Types

Bed and Breakfast Accommodation
Visitor-Oriented Eating and Drinking Establishments
Visitor-Oriented Retail Sales

(E) Coastal Open Space Use Types

Passive Recreation

Sec. 20.406.015 Conditional Uses for GHMU District

The following use types are permitted in the GHMU District, subject to obtaining a Coastal Development Use Permit and necessary building permits and approvals:

(A) Coastal Residential Use Types

Mobile Home Park

(B) Coastal Civic Use Types

Administrative Services: Government
Alternative Energy Facilities: Onsite
Community Recreation
Educational Facilities

Major Impact Services and Utilities
Minor Impact Utilities

(C) Coastal Commercial Use Types

Automotive and Equipment: Cleaning
Automotive and Equipment: Fleet Storage
Automotive and Equipment: Gasoline Sales
Automotive and Equipment: Repairs, Light
Automotive and Equipment: Repairs, Heavy
Automotive and Equipment: Sales/Rentals
Automotive and Equipment: Storage, Recreational Vehicles and Boats
Commercial Recreation: Indoor Sports and Recreation
Commercial Recreation: Indoor Entertainment
Commercial Recreation: Outdoor Sports and Recreation
Commercial Recreation: Water-Dependent Recreation
Construction Sales and Services
Recycling Centers
Research Services

(D) Coastal Visitor Accommodations & Services Use Types

Hostel
Hotel
Inn
Motel

(E) Coastal Open Space Use Type

Active Recreation

Sec. 20.406.020 Minimum Lot Area in GHMU District

Six thousand (6,000) square feet

Sec. 20.406.025 Maximum Density for Residential Uses in GHMU District

(A) *Single family dwelling units per parcel, or portion thereof, shall be limited to a density of ten (10) units per acre.*

- (B) *Multiple and two-family dwelling units per parcel, or portion thereof, shall be limited to a density of twenty-five (25) units per acre.*

Sec. 20.406.030 *Maximum Visitor Accommodations and Services Density in GHMU District*

Density of visitor accommodation units shall not exceed fifteen (15) units per acre, not to exceed twenty (20) units.

Sec. 20.406.035 *Site Development Standards: East and West of Highway 1 in GHMU District*

- (A) *Maximum Building Height:* *Structures shall be limited to twenty-eight (28) feet in height. Lesser heights may be required where it is found that building heights would have adverse impacts to community character, open space or public views.*

Exceptions to the strict application of maximum building heights on the east side of Highway 1 may be allowed for church steeples, flag poles, water towers, utility poles, and other towers and architectural features not for human habitation, where such exceptions are consistent with the intent of the zoning district and a variance is obtained.

- (B) *Maximum Lot Coverage:* *The maximum lot coverage for all uses shall be twenty (20) percent.*
- (C) *Maximum Floor-Area Ratio:* *A maximum floor-area ratio of thirty (30) percent shall be permitted for commercial uses. For mixed uses where more than half of the total floor area is dedicated to residential uses, no floor-area ratio shall apply. No floor-area ratio shall apply to residential uses.*

Sec. 20.406.040 *Minimum Building Setbacks in GHMU District*

Minimum building setbacks along Highway 1 of fifty (50) feet from the center-line are required. Rear setbacks of ten (10) feet are required. At a minimum, a twenty- (20) foot-wide landscape buffer shall be provided within the front setback.

Where a parcel in the GHMU District is adjacent to a property which is not in either the GVMU, GHMU, GPD or GI districts, a setback of ten (10) feet shall be required between the subject parcel and the adjoining property. All commercial

development shall be buffered from adjoining properties with RR, SR or RMR designations by fencing or plant screening or other approved mitigating devices.

Sec. 20.406.045 Minimum Usable Activity Space Requirements for Residential Uses in GHMU District

At a minimum, ten (10) percent of the total lot area shall consist of usable activity space in each residential development. Areas within the required building setbacks may contribute to this requirement.

Sec. 20.406.050 Off-Street Parking Requirements for Residential Uses in GHMU District

For studio and one-bedroom dwelling units: minimum of one and a half (1.5) on-site parking spaces per unit.

For two- or more bedroom dwelling units: minimum of two (2) on-site parking spaces per unit.

Sec. 20.406.055 Off-Street Parking Requirements for Non-Residential Uses in GHMU District

Off-street parking for non-residential uses shall be provided in accordance with the standards established in the "Off-street Parking" chapter of the Coastal Zoning Code. Shared parking arrangements shall be permitted in accordance with the standards established in the Coastal Zoning Code and subject to obtaining a variance.

Sec. 20.406.060 Prohibition of "Drive Through" Facilities in GHMU District

To discourage development of commercial uses which generate high traffic volumes and would result in high peak hour turning movements, no "drive through" commercial facilities, except car washes, shall be permitted in the GHMU districts.

Sec. 20.406.065 Vehicle Access Requirements in GHMU District

Shared driveway access between neighboring uses and parcels shall be encouraged. Wherever possible, driveway access shall be provided at the property boundary to permit future negotiations of shared access agreements

when adjoining parcels are developed. Where shared access is provided, a ten (10) percent reduction in the required parking spaces for all commercial uses shall be permitted for each participating parcel.

Driveway access to Highway 1 shall be limited to one driveway per parcel except in instances where more than one access/egress point can be clearly justified.

Sec. 20.406.070 Pedestrian Access Requirements in GHMU District

All new development shall be required, where feasible, to provide an on-site pedestrian walkway along the Highway 1 frontage and local street frontages. The walkway shall be a minimum of five (5) feet in width and shall be constructed of concrete. Walkways may be located within the landscaping/walkway corridors of the public rights-of-way, as indicated on the Highway 1 Streetscape Map of the Gualala Town Plan. The specific location of pedestrian walkways shall be determined by each property owner. However, narrow linear strips of landscaping between walkways and streets shall be discouraged. Required walkways shall connect to existing walkways on adjacent properties, and where such adjacent walkways have not been developed, the required walkways shall be located in areas where the future continuation of the walkway across adjoining properties is feasible.

Sec. 20.406.075 Landscaping Requirements in GHMU District

A landscaping plan shall be required for development proposals in the GHMU District in accordance with the On-Site Landscaping policies in the "Design Guidelines" chapter of the Gualala Town Plan.

Sec. 20.406.080 Exterior Lighting Regulations

Exterior lighting regulations are contained in the "Visual Resource and Special Treatment Areas" chapter of the Coastal Zoning Code and the "Design Guidelines" chapter of the Gualala Town Plan and shall apply to development in the GHMU District.

Sec. 20.406.085 Sign Regulations

Sign regulations are contained in the "Sign Regulations" chapter of the Coastal Zoning Code and the "Design Guidelines" chapter of the Gualala Town Plan and shall apply to development in the GHMU District.

Sec. 20.406.090 Development Fee Requirements in GHMU District

Ordinances requiring dedications or "in lieu" development fees may be adopted by the Board of Supervisors for the acquisition and development of open space, public facilities, pedestrian access facilities and streetscape improvements identified in the Gualala Town Plan. Development in the GHMU District shall be required to participate once a fee schedule is adopted by the Board of Supervisors.

**CHAPTER 20.407
GUALALA PLANNED DEVELOPMENT "GPD"**

Sec. 20.407.005 Intent of the GPD District

- (A) *To require comprehensive planning for development of the two large (40+ acre) commercial properties in the Town Plan area.*
- (B) *To allow for substantial community review and comment on development proposals for GPD properties.*
- (C) *To establish a flexible and streamlined permitting process for the phased development of multiple uses on these properties.*
- (D) *To encourage imaginative development plans that provide for a mixture of residential, commercial, and community recreation/open space uses which are integrated with surrounding development.*
- (E) *To ensure the provision of adequate infrastructure to serve future development on the GPD District parcels and to coordinate the expanded circulation network necessary to serve such development.*

Sec. 20.407.010 Development Permitting Process for GPD Districts

- (A) *A two-stage planning process, requiring a Master Development Plan and a Precise Development Plan, is established for the GPD Districts. The development plans will provide general and specific criteria regulating future development within the GPD Districts.*

The Precise Development Plans for the GPD Districts can be considered a type of use permit which governs the establishment of multiple uses on these large sites. The processing of applications for Master Development Plans and Precise Development Plans shall proceed in accordance with the procedures established for Coastal Development Use Permits. Conditions may be incorporated into the approved plans, similar to the conditions attached to a use permit. The Precise Development Plan approval process incorporates the Coastal Development Permit approval process. Any person holding an approved master or Precise Development Plan may apply for an amendment, including modification of the terms of the plan, and waiver or alteration of the conditions imposed on the plan.

The Master/Precise Development Plan process represents a streamlining of the County's permit-processing requirements, since once a Precise Development Plan has been approved, no further discretionary approvals are necessary. In other words, property owners/developers will not be required to obtain individual Coastal Development Permits, use permits, variances, etc. for each proposed portion or phase of the development.

- (B) *Master Development Plan. The Master Development Plan shall provide a plan for development of GPD District properties and shall incorporate all contiguous land under one ownership within the GPD District. At a minimum, the Master Development Plan shall include the following elements:*
- (1) *Location, types and densities of all proposed land uses, including maximum number of residential units, commercial square footage and visitor-serving units.*
 - (2) *General alignments for roadways and utilities.*
 - (3) *Provisions for public access, open space and recreation facilities.*
 - (4) *Determination of availability of water supply, sewer capacity and road capacity to serve development.*
 - (5) *Provisions for protection of environmental resources.*
 - (6) *Development phasing plan.*

(7) *Environmental documentation.*

(C) *Precise Development Plan. After, or concurrent with, approval of a Master Development Plan, a Precise Development Plan is required for the specific phase(s) of development under consideration. The Precise Development Plan shall provide more detailed specifications for phases of development for which permits are sought and shall be consistent with an approved Master Development Plan and Coastal Element policies. No permits shall be issued except in accordance with an approved Precise Development Plan. A Precise Development Plan shall expire and become null and void at the time specified in such permit, or if no time is specified, at the expiration of two years after granting except where construction and/or use of the property in reliance on such permit has been initiated prior to its expiration. Individual Coastal Development Permits shall not be required for development in accordance with an approved Precise Development Plan.*

At a minimum, the Precise Development Plan shall include the following elements:

- (1) *Lot coverage standards for residential uses.*
- (2) *Lot coverage and floor-area standards for commercial uses.*
- (3) *Lot size requirements.*
- (4) *Minimum front, rear and side yard standards.*
- (5) *Design standards for new development.*
- (6) *Parking standards for new development.*
- (7) *Pedestrian access facilities.*
- (8) *Lighting, signage and landscaping standards.*
- (9) *Additional environmental documentation (if required).*
- (10) *Coastal Element consistency determination*

Sec. 20.407.015 Principal Uses in GPD Districts

All residential, civic and commercial use types other than those listed below as Prohibited Uses shall be considered principal uses in the GPD District upon approval of a Precise Development Plan. Conditions restricting principal uses may be imposed in the Precise Development Plan. Once a Precise Development Plan has been approved, any change in use type or expansion of use shall require an amendment to the Precise Development Plan.

Sec. 20.407.020 Prohibited Uses in GPD Districts

The following use types are not permitted in GPD Districts:

(A) Coastal Civic use types

Alternative Energy Facilities-Offsite

(B) Coastal Commercial use types

Animal Sales and Services: Auctioning

Animal Sales and Services: Horse Stables

Animal Sales and Services: Kennels

Animal Sales and Services: Veterinary (Large animals)

Automotive and Equipment: Storage, Non-operating vehicles

Sec. 20.407.025 Requirements for Residential Uses in GPD Districts

At a minimum, fifty (50) percent of the total lot area within a GPD District must be dedicated to residential uses and the infrastructure and open space necessary to support such uses.

Sec. 20.407.030 Maximum Visitor Accommodations and Services Density in GPD Districts

The maximum size and density of visitor accommodation facilities in the GPD Districts shall be established in the approved Master Development Plan. In no instance may the density of visitor accommodation facilities exceed twenty (20) units per acre. The established densities shall be consistent with the scale and

character of the town of Gualala and in conformance with the intent of the GPD District.

Sec. 20.407.035 Maximum Building Height in GPD Districts

Structures shall be limited to twenty-eight (28) feet in height. Lesser heights may be required where it is found that building heights would have adverse impacts to community character, open space or public views. Height limits for various components of the planned development shall be prescribed in an approved Precise Development Plan.

Exceptions to the strict application of maximum building heights may be allowed for church steeples, flag poles, water towers, and other towers and architectural features not for human habitation, where such exceptions are consistent with the intent of the GPD District and a variance is obtained.

Sec. 20.407.040 Minimum Usable Activity Space Requirements for Residential Uses in GPD Districts

Usable activity space shall be provided for all residential uses in accordance with the approved Master Development Plan. At a minimum, ten (10) percent of the total lot area shall consist of usable activity space in each residential development. Flexibility in the provision of on-site usable activity space shall be granted to encourage developers of the GPD parcels to provide community open space/recreational facilities.

Sec. 20.407.045 Development Fee Requirements in GPD Districts

Ordinances requiring dedications or "in lieu" development fees may be adopted by the Board of Supervisors for the acquisition and development of open space, public facilities, pedestrian access facilities and streetscape improvements identified in the Gualala Town Plan. Development in the GPD Districts shall be required to participate once a fee schedule is adopted by the Board of Supervisors.

**CHAPTER 20.407A
GUALALA INDUSTRIAL "GI"**

Sec. 20.407A.005 Intent of the GI District

To provide suitable locations for necessary industrial and commercial service activities where transportation facilities and utilities exist or can be provided.

Sec. 20.407A.010 Permitted Uses for GI Districts

The following use types are permitted in a GI District, subject to obtaining a Coastal Development Permit and all necessary building permits and approvals.

(A) Coastal Civic Use Types

*Ambulance Services
Fire and Police Protection Services*

(B) Coastal Commercial Use Types

*Agricultural Sales and Services
Automotive and Equipment: Parking
Building Maintenance Services
Communications Services
Research Services
Wholesaling, Storage and Distribution: Mini-Warehouses
Wholesaling, Storage and Distribution: Light*

(C) Coastal Industrial Use Types

*Coastal-Related Industrial
Coastal-Dependent Industrial
Custom Manufacturing: Light Industrial*

(D) Coastal Open Space Use Type

Passive Recreation

Sec. 20.407A.015 Conditional Uses for GI Districts

The following use types are permitted in a GI District, subject to obtaining a Coastal Development Use Permit and all necessary building permits and approvals.

(A) Coastal Residential Use Type

Employee Caretaker Housing

(B) Coastal Civic Use Types

Administrative Services: Government

Alternative Energy Facilities: Onsite

Alternative Energy Facilities: Offsite

Community Recreation

Major Impact Facilities

Major Impact Services and Utilities

Minor Impact Utilities

(C) Coastal Commercial Use Types

Animal Sales and Services: Auctioning

Automotive and Equipment: Cleaning

Automotive and Equipment: Fleet Storage

Automotive and Equipment: Gasoline Sales

Automotive and Equipment: Repairs, Light

Automotive and Equipment: Repairs, Heavy

Automotive and Equipment: Sales/Rentals

Automotive and Equipment: Storage, Nonoperating Vehicles

Automotive and Equipment: Storage, Recreational Vehicles and Boats

Construction Sales and Services

Recycling Centers

(D) Coastal Industrial Use Types

General Industrial

Heavy Industrial

(E) Coastal Agricultural Use Types

Animal Waste Processing
Forest Production and Processing: General
Forest Production and Processing: Commercial Woodlots
Packing and Processing: Limited
Packing and Processing: General
Packing and Processing: Fisheries By-Products

(F) Coastal Extractive Use Types

Mining and Processing

Sec. 20.407A.020 Minimum Lot Area for GI Districts

- (A) *Within water and sewer service areas: Six thousand (6,000) square feet.*
- (B) *Within water or sewer service areas: Twelve thousand (12,000) square feet.*
- (C) *Not in water or sewer service area: Forty thousand (40,000) square feet.*

Sec. 20.407A.025 Minimum Front Yard for GI Districts

Ten (10) feet.

Sec. 20.407A.030 Minimum Side and Rear Yards for GI Districts

Where a parcel in the GI District is adjacent to a property which is not in the GI District, a setback of ten (10) feet shall be required between the subject parcel and the adjoining property. All industrial development shall be buffered from adjoining properties with RR, SR, RMR or GHMU designations by fencing or plant screening or other appropriate mitigating devices.

Sec. 20.407A.035 Building Height Limit for GI Districts

Fifty (50) feet.

CHAPTER 20.458 SECOND RESIDENTIAL UNITS

Sec. 20.458.005 Intent

The purpose of this chapter is to regulate the creation of second residential units in all zones within the unincorporated areas of the Coastal Zone of Mendocino County as required by Section 65852.2 of the California Government Code, as amended.

Sec. 20.458.010 Prohibition

The creation and/or construction of a second residential unit as defined in Section 65852.2 of the California Government Code is prohibited. This prohibition does not apply *in the Town of Gualala Plan planning area* and to farm employee housing, farm labor housing, family care units, dwelling groups or residential clustering where such dwelling units are specifically provided for in other sections of this Division.

Sec. 20.458.015 Findings

Section 65852.2 of the California Government Code authorized a local agency to establish, by ordinance, designated areas where second residential units may be permitted. This section further provides that the designation of such areas may be based on criteria including, but not limited to, the adequacy of water and sewer services, and the impact of second units on traffic flow.

Additional criteria which the Board of Supervisors determines to be applicable to the designation of areas for second units in the Coastal Zone of Mendocino County further include the regulation of second units by the California Coastal Commission and the policies of the Coastal Element of the General Plan, adopted in conformance with and pursuant to the provisions of Public Resources Code Section 30000 et. seq.

Of particular importance to the Board of Supervisors, and one of the main purposes for this Chapter, is that the Coastal Element does not include provisions for second residential units. It is fully the intent of the Board of Supervisors to initiate an amendment to the Coastal Element of the General Plan to provide for construction of second residential units within appropriate areas of the Coastal Zone.

When considering appropriate locations for the designation and allowance of second residential units, the Board intends to address the following issues:

- (1) The adequacy of water, based upon the findings of the Coastal Groundwater Study.
- (2) Minimum parcel sizes and general soil characteristics to assure adequacy of septic capability.
- (3) Potential traffic impacts, based upon existing development patterns, urbanizing areas, and highway capacity studies in progress.

The Board of Supervisors reluctantly concluded in 1985 that the development of second units in the unincorporated Coastal Zone of Mendocino County, in excess of those allowed pursuant to the provisions of the Coastal Element and this Division, may have adverse impacts on the public health, safety, and welfare, including water supply, septic capability and traffic.

The Board further finds and declares that the prohibition of second residential units at this time shall not be construed to mean that there are no suitable areas in the Coastal Zone where second residential units could be constructed. The Board recognizes that an absolute prohibition on second units will limit housing opportunities of the region. Therefore, this prohibition is only considered temporary until such time as the issues identified above can be adequately resolved to assure that there will be no adverse impacts to the public health, safety and welfare.

Sec. 20.458.020 Gualala Town Plan Second Residential Units

Second residential units are permitted within the Gualala Town Plan area and are intended to provide affordable housing opportunities for long-term residential use within an area which is served by public water and sewer systems and is close to the service and employment center of Gualala. Second residential units are not intended to be used for transient habitation or as a visitor-serving accommodation of any kind. The provisions allowing for second residential units are intended to encourage development of as much affordable housing as possible within the Gualala Town Plan area.

- (A) ***Permit requirement:*** A standard Coastal Development Permit shall be required for all second residential units.
- (B) ***Number of Second Residential Units:*** A maximum of 100 second residential units shall be permitted within the Gualala Town Plan area. When this number has been reached, a review shall be conducted to determine if second residential units are meeting the intention of this

section and whether additional second residential units can be accommodated.

(C) Permitted locations for Second Residential Units:

- (1) Second residential units shall be permitted on all legal parcels within the Gualala Town Plan area, with the exception of parcels located west of Highway 1. Second residential units shall not be permitted on parcels located west of Highway 1.*
- (2) Second residential units shall only be constructed on parcels containing an existing single-family dwelling unit used for non-transient habitation or on parcels for which an application has been made for building permits for a primary residence.*
- (3) Second residential units shall not be allowed if more than one dwelling unit is located on the parcel, or if an accessory residential unit (guest cottages, detached bedrooms) currently exists on the parcel.*
- (4) Second residential units shall not be allowed on parcels where a dwelling group or parcel clustering has been approved.*

(D) Specific Standards for Second Residential Units:

- (1) All second residential unit permits shall require that a deed restriction be recorded to ensure that all dwellings on the property will be used for non-transient habitation. Second residential units are not intended for sale separate from the primary residence, but may be rented for long-term occupancy.*
- (2) On parcels that are less than 1/2 acre in size, second residential units shall be attached to the primary residence or as a second-story to a detached garage.*
- (3) Detached second residential units shall be restricted to a maximum size of 960 square feet.*
- (4) Attached second residential units shall be restricted to a maximum size of 500 square feet.*

- (5) *Second residential units shall comply with all setback, lot coverage, height, parking and other requirements of the base zoning district.*
- (6) *Either a hook-up to the North Gualala Water Company or an adequate on-site water system, as approved by the Division of Environmental Health, shall be available to serve the second residential unit.*
- (7) *Either a hook-up to the Gualala Community Services District or an adequate on-site sewage disposal system, as approved by the Division of Environmental Health, shall be available to serve the second residential unit.*

**FROM CHAPTER 20.532
COASTAL DEVELOPMENT PERMIT REGULATIONS – GENERAL**

. . .

Sec. 20.532.020 Exemptions

The following developments shall be exempt from this Chapter:

- (A) Repair and maintenance activities which do not result in an addition to or enlargement or expansion of the object of such activities, except as otherwise specified in Subchapter 7, Title 14, California Administrative Code and any amendments thereafter adopted;
- (B) Activities of public utilities as specified in the Repair, Maintenance and Utility Hookup Exclusion adopted by the Coastal Commission on September 5, 1978;
- (C) Improvements to single family residences, except as otherwise specified in Subchapter 6, Title 14, California Administrative Code and any amendments thereafter;

- (D) Improvements to any structure other than a single family residence or a public works facility, except as otherwise specified in Subchapter 7.5, Title 14, California Administrative Code and any amendments thereafter.
- (E) The replacement of any structure, other than a public works facility, destroyed by a disaster. The replacement structure shall conform with Section 20.480.020, shall be for the same use as the destroyed structure, shall not exceed either the floor area, height, or bulk of the destroyed structure by more than ten (10) percent, and shall be sited in the same location on the affected property as the destroyed structure.
- (F) *Within the Gualala Town Plan planning area, structures which are destroyed by involuntary means or forces out of control of the owner(s), provided that the structure reconstructed after an involuntary loss does not exceed the floor area, height, or bulk of the previously existing structure by more than ten (10) percent, restoration is started within one (1) year of the destruction, and the structure conforms to this Division.*

As used in this section "disaster" means any situation in which the force or forces which destroyed the structure to be replaced were beyond the control of its owners.

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

As used in this section "structure" includes landscaping and any erosion control structure or device which is similar to that which existed prior to the occurrence of the disaster.

CHAPTER 20.532
COASTAL DEVELOPMENT PERMIT REGULATIONS - GENERAL

Sec. 20.532.005 Purpose

The purpose of this chapter is to establish the procedures and requirements for obtaining a Coastal Development Permit to implement the Coastal Element of the General Plan in accordance with the California Coastal Act of 1976 (Division 20 of the Public Resources Code).

Sec. 20.532.010 Applicability

Any person, partnership, corporation, state or local agency or special district proposing to undertake any development as defined in Section 20.308.035(D) shall obtain a coastal development permit in accordance with the provisions of this Chapter, in addition to any other permit or discretionary approval required by any local agency or special district or any State or Federal agency as authorized by law or ordinance. If a coastal development permit is required pursuant to this section, no building permit, water well permit, septic permit, business license, grading permit, transient occupancy registration certificate, encroachment permit, occupancy permit or other entitlement for use shall be issued prior to the issuance of a coastal development permit.

Sec. 20.532.015 Permit Requirements

Permits required by this Chapter must be secured prior to any development in the Mendocino County Coastal Zone.

(A) Coastal Development Administrative Permit.

The purpose of Coastal Development Administrative Permits is to provide for the administrative issuance of coastal development permits. The coastal permit administrator may process as an administrative permit any coastal development permit application for the types of projects specified below, and emergency projects specified in Section 20.536.055. Development projects which are appealable to the Coastal Commission, including any division of land, shall not be processed as an administrative permit.

- (1) Any single family residence that is a principal permitted use within the zoning district in which the development site is located;
- (2) Any other development specifically authorized as a principal permitted use within the zoning district in which the development site is located;
- (3) Improvements to an existing structure.
- (4) Any other developments not in excess of one hundred thousand dollars (\$100,000) other than any division of land.
- (5) Any other development that is not appealable to the Coastal Commission if the Coastal Permit Administrator determines that it involves no potential for any adverse effects, either individually or cumulatively, on coastal resources, and that it will be consistent with the Certified Local Coastal Program and the public access policies of Chapter 3 of the Coastal Act. The determination shall be made in writing and based upon factual evidence.

(B) Coastal Development Use Permit.

A use permit must be secured, pursuant to the requirements of these regulations prior to the initiation, modification or expansion of a use or development that is permitted only as a conditional use in a particular district.

(C) Coastal Development Variance.

Variations are discretionary adjustments in the regulations contained in this Division. Variations may only be granted to allow deviations from standards governing such development conditions as setbacks, lot coverage and lot width.

(D) Coastal Development Standard Permit.

A coastal development standard permit must be secured for any other activity not specified above which is defined as a development in Section 20.308.035(D), including, but not limited to, land divisions, lot line adjustments and any other entitlement for use.

The following developments shall be exempt from this Chapter:

- (A) Repair and maintenance activities which do not result in an addition to or enlargement or expansion of the object of such activities, except as otherwise specified in Subchapter 7, Title 14, California Administrative Code and any amendments thereafter adopted;
- (B) Activities of public utilities as specified in the Repair, Maintenance and Utility Hookup Exclusion adopted by the Coastal Commission on September 5, 1978;
- (C) Improvements to single family residences, except as otherwise specified in Subchapter 6, Title 14, California Administrative Code and any amendments thereafter;
- (D) Improvements to any structure other than a single family residence or a public works facility, except as otherwise specified in Subchapter 7.5, Title 14, California Administrative Code and any amendments thereafter.
- (E) The replacement of any structure, other than a public works facility, destroyed by a disaster. The replacement structure shall conform with Section 20.480.020, shall be for the same use as the destroyed structure, shall not exceed either the floor area, height, or bulk of the destroyed structure by more than ten (10) percent, and shall be sited in the same location on the affected property as the destroyed structure.
- (F) Within the Gualala Town Plan planning area, structures which are destroyed by involuntary means or forces out of control of the owner(s), provided that the structure reconstructed after an involuntary loss does not exceed the floor area, height, or bulk of the previously existing structure by more than ten (10) percent, restoration is started within one (1) year of the destruction, and the structure conforms to this Division.

As used in this section "disaster" means any situation in which the force or forces which destroyed the structure to be replaced were beyond the control of its owners.

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

As used in this section "structure" includes landscaping and any erosion control structure or device which is similar to that which existed prior to the occurrence of the disaster.

Sec. 20.532.025 Application and Fee

Each application for a coastal development permit (administrative, use permit, variance or standard permit) shall be submitted to the Department of Planning and Building Services on forms provided by the department and completed by the applicant, accompanied by a fee set by resolution of the Board of Supervisors. When more than one (1) development is proposed on a parcel, the applications shall be processed concurrently where possible as one (1) application. The application shall include the following information:

- (A) A description of the proposed development, including maps, plans, and other relevant data of the project site and vicinity in sufficient detail to determine whether the project complies with the requirements of these regulations. Sufficient information concerning the existing use of land and water on or in the vicinity of the site of the proposed project, insofar as the applicant can reasonably ascertain for the vicinity surrounding the project site, should also be provided.
- (B) Proof of the applicant's legal interest in all the property upon which work is to be performed. Proof can be the form of a current tax statement, title report, lease agreement or other documents showing legal interest to apply for permit and comply with all conditions of approval.
- (C) A dated signature of the property owner, or owners, authorizing the processing of the application, and, if so desired by the property owner, authorizing a representative to bind the property owner in matters concerning the application. Where the applicant for a coastal development permit is not the owner of a fee interest in the property on which a proposed development is to be located, but can demonstrate a legal right, interest, or other entitlement to use the property for the proposed development, the holder or owner of any superior interest in the property shall not be required to join the applicant as co-applicant. All holders or owners of any other interest of record in the affected property shall be notified in writing of the permit application by the applicant and invited to join as co-applicant. In addition, prior to the issuance of a coastal development permit, the applicant shall demonstrate the authority to comply with all conditions of approval.
- (D) Stamped envelopes addressed to each owner of property situated within three hundred (300) feet of the property lines of the project site (excluding roads), along with a list containing the names, addresses and Assessor's parcel numbers of same. Where the applicant is the owner of all

properties within three hundred (300) feet of the project site, stamped envelopes shall be provided and addressed to owners of property situated within three hundred (300) feet of the applicant's contiguous ownership.

- (E) Stamped envelopes addressed to each occupant of property situated within one hundred (100) feet of the property lines of the project site (excluding roads), along with a list containing the names, addresses and Assessor's parcel numbers of same. Where the applicant is the owner of all properties within three hundred (300) feet of the project site, stamped envelopes shall be provided and addressed to each occupant of property situated within one hundred (100) feet of the applicant's contiguous ownership.
- (F) Stamped, addressed envelopes and a list of names and addresses of all other parties known to the applicant to have an interest in the proposed development.
- (G) Such additional information that the Director may determine is necessary to determine whether the development is consistent with the General Plan and this Division.
- (H) A written statement by the applicant that the project has been posted with a public notice on a form provided by the Planning and Building Services Department in a manner prescribed by the Director.
- (I) A statement that processing of applications which do not contain truthful and accurate information necessary to review the application may be delayed or may result in denial or revocation of the permit if discovered after approval or issuance of the permit.
- (J) Other governmental approvals as required and obtained.

Sec. 20.532.030 Processing of Applications

Upon receipt of an application for a coastal development permit, the application shall be processed pursuant to Sections 20.532.035 through 20.532.055.

Sec. 20.532.035 Application Check

- (A) The Planning and Building Services Department shall review all applications for completeness and accuracy before the applications are accepted and officially filed as complete.

- (B) The determination of whether a development is exempt or appealable for purposes of notice, hearing and appeals shall be made at the time the application for development is submitted and deemed complete. This determination shall be made with reference to the certified Local Coastal Program, including maps, categorical exclusions, land use designations, and zoning and other implementation ordinances adopted as a part of the certified Local Coastal Program. Where an applicant, interested person, or the County has a question as to the appropriate determination, the following procedures shall be followed:
- (1) The county shall make its determination as to what type of development is being proposed (i.e., exempt, categorically excluded, appealable, nonappealable) and shall inform the applicant of the notice and hearing requirements for that particular development. The local determination may be made by the designated approving authority;
 - (2) If the determination of the county is challenged by the applicant or an interested person, or if the county wishes to have a Coastal Commission determination as to the appropriate designation, the county shall notify the Coastal Commission by telephone of the dispute/question and shall request an Executive Director's opinion;
 - (3) The Executive Director shall within two (2) working days of the request (or upon completion of a site inspection where such an inspection is warranted) transmit a determination as to whether the development is exempt, categorically excluded, nonappealable or appealable;
 - (4) Where, after the Executive Director's investigation, the Executive Director's determination is not in accordance with the County determination, the Commission shall hold a hearing for the purpose of determining the appropriate designation at the next Coastal Commission meeting in the appropriate geographic region following the county's request.
- (C) The application shall be deemed complete and accepted unless the department finds that the application is not complete and notifies the applicant of such finding by mail within thirty (30) calendar days after receipt of the application. If the application is determined to be incomplete, the department shall specify those parts of the application which are incomplete and shall indicate the manner in which they can be made complete.

- (D) During Application Check, the department shall determine the type of permit for which application has been made and shall refer copies of the application to any county department, state or federal agency, or other individual or group that the department believes may have relevant authority or expertise. Along with the referral, the department shall include notification that, if the department does not receive a response within fifteen (15) calendar days, the department will assume that no recommendations or comments are forthcoming.
- (E) Where the department has determined that an application is incomplete, and where the applicant believes that the information requested by the department to complete the application is not required under the requirements of this Division, the General Plan or under policies adopted by resolution to administer this Division, the applicant may file an Administrative Appeal pursuant to Chapter 20.544. The appeal shall be made in writing to the department and accompanied by a fee set by resolution of the Board of Supervisors and evidence supporting the applicant's belief that the application is complete.
- (F) If the application is not completed by the applicant within one (1) year after original receipt of the application, it will be deemed withdrawn. A new application may be submitted in accordance with Section 20.532.025 of this Division.

Sec. 20.532.040 Project Review - CEQA

Upon acceptance of an application as complete, the Director or his designee shall complete an environmental review of the project as required by the California Environmental Quality Act (CEQA), shall study the project for conformance with all applicable requirements of this Chapter. The Director shall refer relevant portions of the completed application to those departments, agencies or individuals who received copies of the application during application check, or other individual/group that the department believes may have relevant authority or expertise. The Director or designee shall prepare a written report and recommendation for action on the application with findings and evidence in support thereof.

Sec. 20.532.045 Authority to Act on Coastal Development Permit

Upon completion of project review and evaluation, action to approve, conditionally approve, or deny a coastal development permit shall be taken by the Coastal Permit Administrator in the case of principal permitted uses and

administrative permits and by the Planning Commission in the case of conditional use permits and divisions of land. When a Coastal Development Standard Permit is required, action to approve, conditionally approve or deny a Standard Development Permit shall be taken by the Director or his designee.

Sec. 20.532.050 Actions

The approving authority may take any one (1) or a combination of the following different actions for each application for a permit.

- (A) Make such findings or determination as is required by this Division and approve the application; or
- (B) Make such findings or determination as is required by this Division, including performance of, or compliance with, changes, modifications or conditions necessary to assure conformity with this Division and required for approval of the application; or
- (C) Make such findings or determination as is required by this Division and deny the application if:
 - (1) The coastal development permit cannot be conditioned by adequate requirements to insure compliance with this Division; or
 - (2) The proposed development cannot be modified to conform with this Division; or
 - (3) The proposed development does not conform with the certified local coastal program.
- (D) No coastal development permit may be denied under this Division on the grounds that a public agency is planning or contemplating to acquire the property on, or property adjacent to the property on which the proposed development is to be located, unless the public agency has been specifically authorized to acquire such property and there are funds available, or funds which could reasonably be expected to be made available within one (1) year, for such acquisition. If a permit has been denied for such reason and the property has not been acquired by a public agency within a reasonable period of time, a permit may not be denied for such development on grounds that such property, or adjacent property, is to be acquired by a public agency when the application for such a development is resubmitted.

- (E) An applicant may withdraw any coastal development permit application prior to the approving authority's action on the application. The withdrawal must be in writing or stated on the record. Withdrawal is effective immediately, is not subject to appeal, and shall be permanent except the applicant may file a new application with the appropriate fee(s) as provided in this Chapter.

Sec. 20.532.055 Time Periods

Within one-hundred eighty (180) days of filing of a complete application for a coastal development permit the Coastal Permit Administrator or Planning Commission shall take such action as is specified in Section 20.532.050. The one-hundred eighty (180) day time period may be extended once for a period not to exceed ninety (90) days with the written consent of the applicant and the Department. If the Coastal Permit Administrator or Planning Commission does not act within the specified time period or extension thereof, the application shall be deemed to have been approved. The date of the actual filing of the application for the purposes of this Division shall be the date of the environmental determination as required by local and state environmental review procedures. When an application has been deemed approved by failure to act, such approval shall be subject to the notice requirements of Section 20.536.005(D).

Sec. 20.532.060 Environmentally Sensitive Habitat Area - Supplemental Application Procedures

Additional project information shall be required for development within an Environmentally Sensitive Habitat Area (ESHA) and may be required for any development within five hundred (500) feet of an ESHA if the development is determined to have the potential to impact an ESHA. Additional requirements may include one or more of the following:

- (A) **Topographic Base Map.** The base map shall be at a scale sufficiently large to permit clear and accurate depiction of vegetative associations and soil types in relation to any and all proposed development (normally the scale required will be 1" = 200'). Contour intervals should be five (5) feet, and the map shall contain a north arrow, graphic bar scale, and a citation for the source of the base map (including the date). The map shall show the following information:
- (1) Boundary lines of the applicant's property and adjacent property, including assessor's parcel numbers, as well as the boundaries of any tidelands, submerged lands or public trust lands.

- (2) Names and locations of adjacent or nearby roads, streets or highways, and other important geographic, topographic and physical features.
 - (3) Location and elevation of any levees, dikes or flood control channels.
 - (4) Location, size and invert elevation of any culverts or tide gates.
- (B) **Inundation Map.** For nontidal wetlands, a map should be prepared indicating permanent or seasonal patterns of inundation (including sources) in a year of normal rainfall.
- (C) **Vegetation Map.** Location and names of plant species (e.g., Salicornia virginica) and vegetation associations (e.g., saltmarsh). This map shall be prepared by a qualified ecologist or botanist.
- (D) **Soils Map.** If no soil survey is available, a soils map shall be prepared by a qualified soils scientist, and should show the location of soil types and include a physical description of their characteristics.
- (E) **Report of Compliance.** A report based upon an on-site investigation which demonstrates that the development meets all of the criteria specified for development in, and proximate to, an environmentally sensitive habitat area including a description and analysis of the following performed by a qualified professional:
- (1) Present extent of the habitat, and if available, maps, photographs or drawings showing historical extent of the habitat area.
 - (2) Previous and existing ecological conditions.
 - (a) The life history, ecology and habitat requirements of the relevant resources, such as plants, fish and wildlife, in sufficient detail to permit a biologist familiar with similar systems to infer functional relationships (the maps described in above may supply part of this information).
 - (b) Restoration potentials.
 - (3) Present and potential adverse physical and biological impacts on the ecosystem.

- (4) Alternatives to the proposed development, including different projects and alternative locations.
- (5) Mitigation measures, including restoration measures and proposed buffer areas.
- (6) If the project includes dredging, explain the following:
 - (a) The purpose of the dredging.
 - (b) The existing and proposed depths.
 - (c) The volume (cubic yards) and area (acres or square feet) to be dredged.
 - (d) Location of dredging (e.g., estuaries, open coastal waters or streams).
 - (e) The location of proposed spoil disposal.
 - (f) The grain size distribution of spoils.
 - (g) The occurrence of any pollutants in the dredge spoils.
- (7) If the project includes filling, identify the type of fill material to be used, including pilings or other structures, and specify the proposed location for the placement of the fill, the quantity to be used and the surface area to be covered.
- (8) If the project includes diking, identify on a map the location, size, length, top and base width, depth and elevation of the proposed dike(s) as well as the location, size and invert elevation of any existing or proposed culverts or tide gates.
- (9) If the project is adjacent to a wetland and may cause mud waves, a report shall be prepared by a qualified geotechnical engineer which explains ways to prevent or mitigate the problem.
- (10) Benchmark and survey data used to locate the project, the lines of highest tidal action, mean high tide, or other reference points applicable to the particular project.

- (11) Other governmental approvals as required and obtained. Indicate the public notice number of Army Corps of Engineers permit if applicable.

Sec. 20.532.065 Wetland Restoration Plan Procedures

- (A) **Purpose.** The purpose of these procedures is to provide regulations for the development, content, review, and approval of a required wetland restoration plan as a condition of project approval in conjunction with required Coastal Development Permits.
- (B) **Applicability.** These procedures shall apply to all wetland restoration as required, except where the California Coastal Commission retains coastal development permit authority.
- (C) **Submittal of Tentative Restoration Plan.** Whenever wetland restoration is required, copies of a Tentative Wetland Restoration Plan shall be submitted to the Planning and Building Services Department along with the required permit application, and shall be accompanied by a fee established by the Board of Supervisors. The Planning and Building Services Department shall not accept the tentative restoration plan for review if it does not comply with the form, information, analysis, and other requirements for the content of a tentative restoration plan.
- (D) **Tentative Restoration Plan Content.** The restoration plan shall include a detailed description that includes provisions for restoration to at least the minimum required standards and permanent protection of the restoration area. The restoration plan shall also include a description of how the functional capacity of the wetland or estuary will be maintained or enhanced. At a minimum, the restoration plan shall include:
- (1) **A Resource Inventory and Wetland Impact Analysis.** A complete inventory and assessment of plant, fish, and wildlife habitat values which would be affected by the dredging, diking or filling, prepared by a qualified biologist, including:
- (a) Any changes in plant and animal natural species diversity, abundance, and composition and an assessment of how, if at all, these affect the long-term stability of the ecosystem (i.e., natural species, diversity, abundance and composition are generally unchanged as a result of the project);
- (b) Any impacts to rare or endangered species or their habitat;

- (c) Any impacts to a species or habitat essential to the natural biological functioning of the wetland or the estuary ecosystem; and,
- (d) Any significant reduction to consumptive values such as fishing, hunting, clamming, or nonconsumptive values such as water quality and research opportunity, values of the wetland or estuarine ecosystem.

(2) A Restoration and Management Objective Statement.

- (a) A clear statement of the habitat restoration and management proposed, including their ability to compensate for the habitat damage described in the Resource Inventory and Wetland Impact Analysis in conformance with the required standards; and
- (b) Development of specific biological criteria for restoration site and design.

(3) Restoration Alternatives.

- (a) A preliminary analysis of alternative restoration sites and designs for restoration which satisfy both the biological objectives as well as the applicable hydrologic, soils, and other engineering criteria;
- (b) A ranking of those restoration alternatives based upon the biological engineering feasibility and cost assessment;
- (c) A recommended restoration site and project design, including maps(s) at no greater than 1" = 200' scale; and
- (d) A preliminary proposal for the long-term management of the preferred restoration alternative.

(4) A Tentative Restoration Schedule. At a minimum, restoration shall occur simultaneously with project construction and be completed prior to commencement of operation of the proposed project.

- (E) **Tentative Restoration Plan Development and Coordination with Affected Public Agencies.** The applicant shall coordinate the development of the Tentative Restoration Plan with affected local, state, and federal agencies. The Planning and Building Services Department shall aid the applicant in identifying the affected agencies and in providing County wetland policies and standards.
- (F) **Review of Tentative Restoration Plan.** The County shall review the Tentative Restoration Plan in conjunction with the required Coastal Development Permit.
- (G) **Content of Required Final Restoration Plan.** A Final Restoration Plan shall be prepared by the applicant based on the approving authority approved or conditionally approved tentative restoration plan. In addition, the final plan shall include all of the following:
- (1) A complete statement of the restoration objectives.
 - (2) A complete description of the restoration site including a map of the project site, at a mapping scale no smaller than 1" = 200'.
 - (3) A complete restoration description including scaled, detailed diagrams, and including:
 - (a) A grading plan depicting any alterations to topography, natural landforms, and drainage channels and areas where existing fill and debris will be removed;
 - (b) A vegetation plan including a list of plant species to be eliminated and a list of plant species to be introduced on the restoration site, and describing the methods and proposing a schedule for eliminating and establishing vegetation;
 - (c) A clear statement of when restoration work will commence and be completed;
 - (d) Provisions of public access, where appropriate, for public recreation, scientific, and educational use; and
 - (e) Other measures necessary to achieve restoration objectives and to protect the restoration site from adverse impacts of adjacent development and use.

(f) Provisions for mosquito and vector control.

- (4) **Provision for Long-Term Management of the Restoration Site.** The final plan shall describe the applicant's responsibilities in assuring that the project will be successful, including monitoring and evaluation, and that the restored area is maintained consistent with the plan's restoration objectives. The plan shall include provisions for making repairs or modification to the restoration site necessary to meet the project objectives. The final plan shall provide either that the restoration site shall be owned in fee by an agency or non-profit organization having among its principal purposes the conservation and management of fish and wildlife, or other habitat resources, or shall provide for dedication of an open space or conservation easement over the restoration area to such an agency or organization.

(H) **Review and Approval of Final Restoration Plan.**

- (1) Following staff review of the final restoration plan for conformance with the approved or conditionally approved Tentative Restoration Plan, the Coastal Zoning Administrator shall determine if the Final Restoration Plan is in substantial conformance with the approved tentative plan.
- (2) The Coastal Zoning Administrator's determination that the Final Restoration Plan is in substantial conformance with the approved tentative plan, may be appealed pursuant to the appeals procedures of Chapter 20.544.

Sec. 20.532.070 Geologic Hazards -- Evaluation and Supplemental Application Information

- (A) The extent of additional geotechnical study that must accompany Coastal Development applications depends on the site and type of project as follows:
- (1) **Land Use and Building Type.**
- (a) Type 1: Public, High Occupancy and Critical Use, including: Hospitals, Fire and Police Station, Communication Facilities, Schools, Auditoriums, Theaters,

Penal Institutions, High-rise Hotels, Office and Apartment, Buildings (over 3 stories), and Major Utility Facilities.

- (b) Type 2: Low Occupancy, including: Low-rise commercial and office buildings (one (1) to three (3) stories), Restaurants (except in high-rise category), and Residential (less than eight (8) attached units and less than 3 stories).
- (c) Type 3: Residential (less than eight (8) attached units), and Manufacturing and storage/warehouse except where highly toxic substances are involved which should be evaluated on an individual basis with mandatory geotechnical review.).
- (d) Type 4: Open Space, Agricultural, Golf Courses, etc.

(2) **Required Studies.**

- (a) **Fault Rupture.** Prior to proceedings with any Type 1 development, published geologic information shall be reviewed by an engineering geologist or civil engineer, the site shall be mapped geologically and aerial photographs of the site and vicinity shall be examined for lineaments. Where these methods indicate the possibility of faulting, a thorough investigation is required to determine if the area contains a potential for fault rupture. All applications for development proposals shall be reviewed for compliance with the Alquist-Priolo Special Studies Zone Act pursuant to Subsection (D) below and shall be deemed incomplete until such time as the reviewing geologist report is accepted by the County.
- (b) **Seismic-Related Ground Failure.** Site investigation requirements for seismic-related ground failure are described as follows:
 - (i) Land Use/Building Type 2 and 3 within Zone 1 (Low): Current building code requirements must be met, as well as other existing state and local ordinances and regulations. A preliminary geotechnical investigation should be made to determine whether or not the hazards zone indicated by the Land Capabilities/Natural Hazards maps is reflected by site conditions.

- (ii) Land Use/Building Type 1 within Zone 1 (Low) and Land Use/Building Type 3 within Zones 2 (Moderate) and Zone 3 (High): In addition to Subsection (i), above, geotechnical investigation and structural analysis sufficient to determine structural stability of the site for the proposed use is necessary. It may be necessary to extend the investigation beyond site boundaries in order to evaluate the shaking hazard. All critical use structure sites require detailed subsurface investigation.
 - (iii) Land Use/Building Type 1 within Zone 2 (Moderate) and Land Use/Building Type 2 within Zones 2 (Moderate) and Zone 3 (High): In addition to Subsections (i) and (ii), above, surface and/or subsurface investigation and analyses sufficient to evaluate the site's potential for liquefaction and related ground failure shall be required.
 - (iv) Land Use/Building Type 1 within Zone 3 (High): In addition to Subsections (i), (ii) and (iii), detailed dynamic ground response analyses must be undertaken.
- (3) Unspecified land uses shall be evaluated and assigned categories of investigation on an individual basis.
- (a) **Tsunami.** Land Use Types 1, 2 and 3 shall not be permitted in tsunami-prone areas. Development of harbors and Type 4 uses should be permitted, provided a tsunami warning plan is established.
 - (b) **Landsliding.** All development plans shall undergo a preliminary evaluation of landsliding potential. If landslide conditions are found to exist and cannot be avoided, positive stabilization measures shall be taken to mitigate the hazard.
- (B) **Review of Geologic Fault Evaluation Report by County Geologist.**

An application for development which requires a report or waiver prepared pursuant to the Alquist Priolo Act shall not be accepted as complete unless and until there are:

- (1) A fully executed agreement between a geologist registered in the State of California and the County to either review the report required hereinabove or to prepare a request for waiver; and
- (2) A fully executed agreement between the County and the applicant to reimburse the County for the costs incurred pursuant to the agreement specified in subparagraph (1) above.

Within thirty (30) days of an application for development located within an Alquist-Priolo special study area, the County shall cause a geologist registered in the State of California (hereinafter called County reviewing geologist) to review the geologic report. The review shall assess the adequacy of the documentation contained in the report, and the appropriateness of the depth of study conducted in consideration of the use proposed for the project site. The County reviewing geologist shall prepare a written review which either concurs or does not concur with the scope, methodology, interpretations, conclusions, and recommendations of the geologic report. Said review shall be subject to comment and revision as may be deemed necessary by the County.

Within thirty (30) days after acceptance of the geologic report, the County shall forward it to the State Geologist to be placed on open file.

Sec. 20.532.075 Supplemental Information Related to Application for Natural Gas Pipeline

Pipelines for natural gas shall be subject to the standards of Section 20.520.025.

Sec. 20.532.080 Supplemental Information Related to Onshore Oil and Gas Development Not Related to Off-Shore Oil and Gas Development

Each application for onshore oil and gas development shall be processed as two separate Coastal Development Use Permits.

- (A) The first Coastal Development Use Permit application shall be limited to an exploratory phase and shall not include provisions for a production phase. Conditions of approval shall relate to installation, operation and completion of the exploratory drilling and shall include restoration of the

site and mitigation measures and condition of approval required by all concerned governmental agencies.

- (B) A Coastal Development Use Permit application for a development plan shall include:
- (1) A review of the Exploratory Phase, including a complete evaluation of the conditions of operation, impact upon the environment and adequacy of the imposed mitigations.
 - (2) A phasing plan for the staging of development, indicating the anticipated timetable for project installation, completion and decommissioning.
 - (3) Maps and plans indicating ultimate potential development and its relationship to other structures and nearby areas of coastal resource value, such as sensitive habitats, prime agricultural land, archaeological sites, recreational areas, etc.
 - (4) A plan for consolidating, to the maximum extent feasible, drilling, production and other accessory facilities, including slant drilling and clustering of wells.
 - (5) Plans for eliminating or mitigating adverse impacts resulting both from standard siting, construction and operating procedures and from accidents. These shall include landscaping plans, oil spill contingency plans, fire prevention procedures, procedures for transporting and disposing solid and liquid wastes, etc.
 - (6) Plans and procedures for abandoning and restoring the site to its pre-development condition acceptable to the County.

Sec. 20.532.085 Supplemental Information Related to Coastal Access Requirements

Where public accessways are required for a project as designated on the coastal element land use maps or as a condition of a permit, an offer, in the form and content approved by the Coastal Commission shall be recorded pursuant to Section 20.528.040 and in a manner approved by the Coastal Commission before the coastal permit is issued. Copy of the recorded document shall be submitted to the Department of Planning and Building Services prior to the issuance of the Coastal Development Permit.

**Sec. 20.532.090 Supplemental Application Information for Sand Removal,
Mining and Gravel Extraction**

Application for sand removal, mining and gravel extraction shall contain the following information:

- (A) A detailed extraction plan including phases of the operation and amount of material to be removed in each phase and copies of relevant permits or authorizations of other local or State agencies as required.
- (B) A detailed reclamation plan.
- (C) A monitoring plan to ensure protection of wildlife and plant habitats during extraction operations and which continues through the reclamation phase.
- (D) Other governmental approvals as required and obtained.

Sec. 20.532.095 Required Findings For all Coastal Development Permits

- (A) The granting or modification of any coastal development permit by the approving authority shall be supported by findings which establish that:
 - (1) The proposed development is in conformity with the certified local coastal program; and
 - (2) The proposed development will be provided with adequate utilities, access roads, drainage and other necessary facilities; and
 - (3) The proposed development is consistent with the purpose and intent of the zoning district applicable to the property, as well as the provisions of this Division and preserves the integrity of the zoning district; and
 - (4) The proposed development will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.
 - (5) The proposed development will not have any adverse impacts on any known archaeological or paleontological resource.

- (6) Other public services, including but not limited to, solid waste and public roadway capacity have been considered and are adequate to serve the proposed development.
- (B) If the proposed development is located between the first public road and the sea or the shoreline of any body of water, the following additional finding must be made:
 - (1) The proposed development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act and the Coastal Element of the General Plan.

Sec. 20.532.100 Supplemental Findings

In addition to required findings, the approving authority may approve or conditionally approve an application for a permit or variance within the Coastal Zone only if the following findings, as applicable, are made:

- (A) **Resource Protection Impact Findings.**
 - (1) **Development in Environmentally Sensitive Habitat Areas.** No development shall be allowed in an ESHA unless the following findings are made:
 - (a) The resource as identified will not be significantly degraded by the proposed development.
 - (b) There is no feasible less environmentally damaging alternative.
 - (c) All feasible mitigation measures capable of reducing or eliminating project related impacts have been adopted.
 - (2) **Impact Finding For Resource Lands Designated AG, RL and FL.** No permit shall be granted in these zoning districts until the following finding is made:
 - (a) The proposed use is compatible with the long-term protection of resource lands.
- (B) **Agricultural Land Impact Findings.**

- (1) **Development in Agricultural Zones.** No development subject to a coastal development use permit shall be issued on agricultural land until the following findings are made:
 - (a) The project maximizes protection of environmentally sensitive habitat areas;
 - (b) The project minimizes construction of new roads and other facilities;
 - (c) The project maintains views from beaches, public trails, roads and views from public viewing areas, or other recreational areas;
 - (d) The project ensures the adequacy of water, waste water disposal and other services;
 - (e) The project ensures the preservation of the rural character of the site.
 - (f) The project maximizes preservation of prime agricultural soils;
 - (g) The project ensures existing land use compatibility by maintaining productivity of on-site and adjacent agricultural lands.

- (2) **Impact Findings for Conversion of Prime Agricultural or Williamson Act Contracted Lands.** Conversion of prime land and/or land under Williamson Act Contract to non-agricultural uses is prohibited, unless all of the following findings are made. For the purposes of this section, conversion is defined as either development in an AG or RL designation not classified as a residential, agricultural, or natural resource use type or the amending and rezoning of the Coastal Element Land Use Designation AG or RL to a classification other than AG or RL including amendments to add visitor-serving facilities.
 - (a) All agriculturally unsuitable lands on the parcel have been developed or determined to be undevelopable;
 - (b) Agricultural use of the soils cannot be successfully continued or renewed within a reasonable period of time,

taking into account economic, environmental, social and technological factors;

- (c) Clearly defined buffer areas are established between agricultural and non-agricultural uses;
- (d) The productivity of any adjacent agricultural lands will not be diminished, including the ability of the land to sustain dry farming or animal grazing;
- (e) Public service and facility expansions and permitted uses do not impair agricultural viability, either through increased assessment costs or degraded air and water quality; and
- (f) For parcels adjacent to urban areas, the viability of agricultural uses is severely limited by contacts with urban uses, and the conversion of land would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development.

(3) Impact Findings for Conversion of Non-prime Agricultural Lands. Conversion of all other agricultural lands to non-agricultural uses will be prohibited unless it is found that such development will be compatible with continued agricultural use of surrounding lands and at least one of the following findings applies:

- (a) Continued or renewed agricultural use is not feasible as demonstrated by an economic feasibility evaluation prepared pursuant to Section 20.524.015(C)(3);
- (b) Such development would result in protecting prime agricultural land and/or concentrate development.

(C) Land Division Findings.

- (1) All Coastal Land Divisions.** No coastal lands shall be divided unless the following findings are made:
 - (a) The new lots created have or will have adequate water, sewage, including a long term arrangement for septage disposal, roadway and other necessary services to serve them; and

- (b) The new lots created will not have, individually or cumulatively, a significant adverse environmental effect on environmentally sensitive habitat areas or on other coastal resources; and
 - (c) The new lots created will not significantly adversely affect the long-term productivity of adjacent agricultural or timber lands; and
 - (d) Other public services, including but not limited to, solid waste and public roadway capacity, have been considered and are adequate to serve the proposed parcels; and
 - (e) The proposed land division meets the requirements of Chapter 20.524 and is consistent with all applicable policies of the Coastal Element.
- (2) **Land Divisions of Prime Agricultural Lands.** No land divisions of prime agricultural lands designated AG or RL shall be approved until a Master Plan is completed which shows how the proposed division would affect agricultural uses on the proposed parcel(s), and the overall agricultural operation on the residual ownership and the following findings are made:
- (a) The division will protect continued agricultural use and contribute to agricultural viability;
 - (b) The division will not conflict with continued agricultural use of the subject property and the overall operation;
 - (c) The division is only for purposes allowed in AG or RL designations; and
 - (d) The division will not contribute to development conflicts with natural resource habitats and visual resource policies.
- (3) **Land Divisions of Non-Prime Agricultural Lands.** No lands designated RL or AG shall be divided or converted to non-agricultural use(s) unless at least one of the following findings are made:
- (a) Continued or renewed agricultural use is not feasible;

- (b) Such conversion would preserve prime agricultural land; or
- (c) Such conversion would concentrate development.

ATTACHMENT
MENDOCINO COUNTY LCP AMENDMENT NO. 2-98 (MAJOR)
Page 85

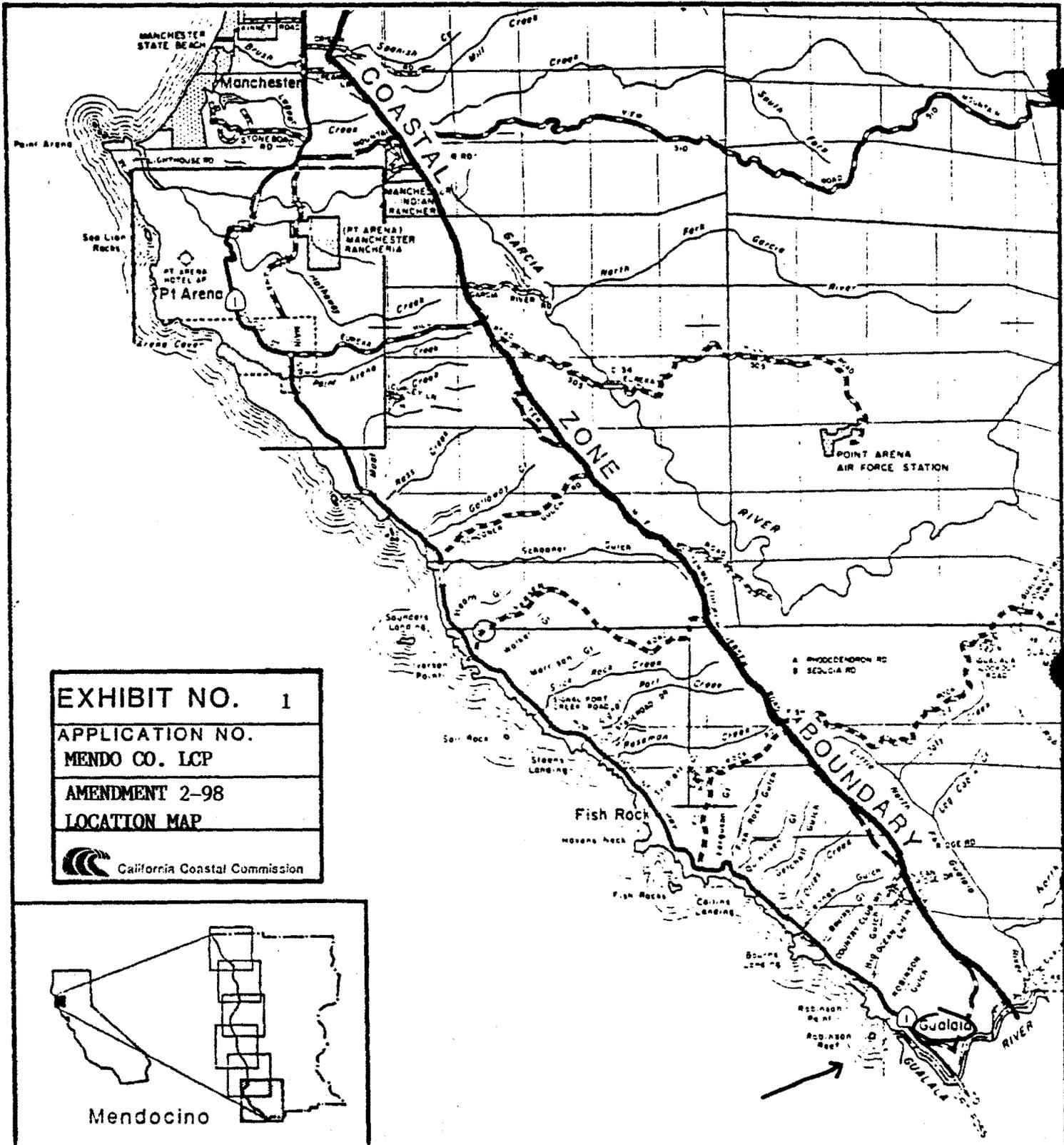
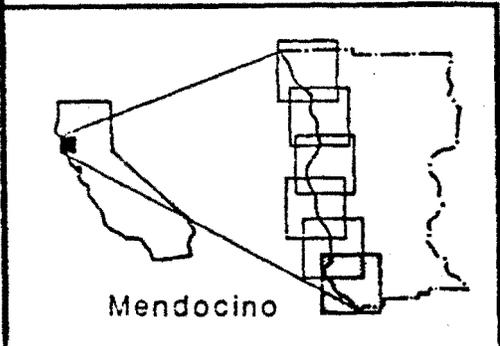


EXHIBIT NO. 1
APPLICATION NO.
MENDO CO. LCP
AMENDMENT 2-98
LOCATION MAP

 California Coastal Commission



LOCATION MAP

GTP
file

RESOLUTION NO. 98-108

**RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY
OF MENDOCINO TO AMEND THE LOCAL
COASTAL PROGRAM FOR MENDOCINO COUNTY
(#GP 11-95/#R 5-96/#OA 3-95 - Gualala Town Plan)**

WHEREAS, the County of Mendocino has adopted a Local Coastal Program, and

WHEREAS, the Local Coastal Program has been certified by the California Coastal Commission, and

WHEREAS, the County is requesting an amendment of the County's Local Coastal Program, and

WHEREAS, the County Planning Commission has held public hearings on the requested amendment and submitted its recommendation to the Board of Supervisors, and

WHEREAS, the Board of Supervisors has held a public hearing on the requested amendment and has determined that the Local Coastal Program should be amended,

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of the County of Mendocino adopts #GP 11-95/#R 5-96/#OA 3-95 amending the Local Coastal Program as described in the Gualala Town Plan.

BE IT FURTHER RESOLVED, that Planning and Building Services staff is directed to submit the amendment to the California Coastal Commission for certification.

BE IT FURTHER RESOLVED, that the amendment shall not become effective until after the California Coastal Commission approves the amendment without suggested modification. In the event that the California Coastal Commission suggests modifications, the amendment shall not become effective until after the Board of Supervisors of the County of Mendocino accepts any modification suggested by the California Coastal Commission and formally adopts the proposed amendment.

BE IT FURTHER RESOLVED, that the Local Coastal Program, as is proposed to be amended, is intended to be carried out in a manner fully in conformity with the California Coastal Act of 1976.

BE IT FURTHER RESOLVED, that in the event that the California Coastal Commission denies certification of the amendment proposed to be adopted in this resolution, this resolution shall become inoperative and will be immediately repealed without further action by the Board of Supervisors insofar as this resolution pertains to such amendment for which certification is denied. This resolution shall remain operative and binding for those amendments proposed herein that are certified by the California Coastal Commission.

EXHIBIT NO. 2
APPLICATION NO.
MENDO CO LCP AMEND 2-98
RESOLUTION (Page 1 of 2)

The foregoing Resolution was introduced by Supervisor Peterson, seconded by Supervisor Campbell and carried this 22nd day of June, 1998 by the following roll call vote:

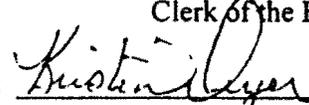
AYES: Supervisors Delbar, Shoemaker, Campbell, Peterson, Pinches
NOES: None
ABSENT: None

Whereupon the Chairman declared said Resolution passed and adopted and SO ORDERED



Chairman, Board of Supervisors

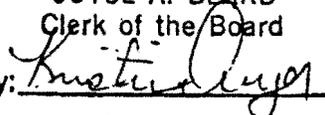
ATTEST: JOYCE A. BEARD
Clerk of the Board

By: 

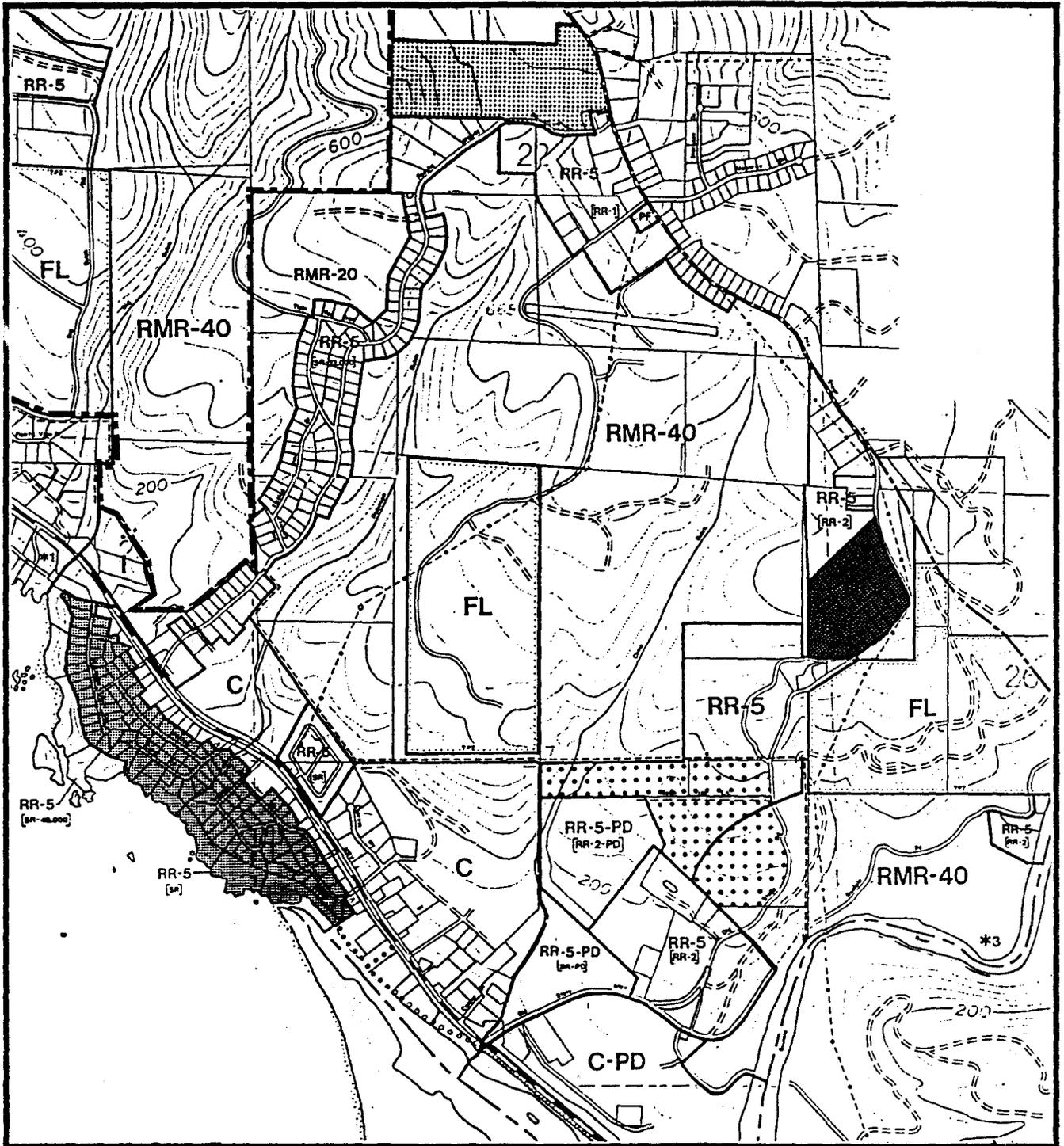
DEPUTY

#GP 11-95/#R 5-96/#OA 3-95 - Gualala Town Plan

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

JOYCE A. BEARD
Clerk of the Board
By: 

DEPUTY



GUALALA TOWN PLAN LAND USE AMENDMENTS: RESIDENTIAL

- 1. - RMR-40 to RR-5
- 2. - RR-5(SR) to RR-5(SR-12,000)
- 3. - RR-5(SR) to RR-5(SR-12,000)
- 4. - RR-5 and RMR-40 to RR-5(RR-2)

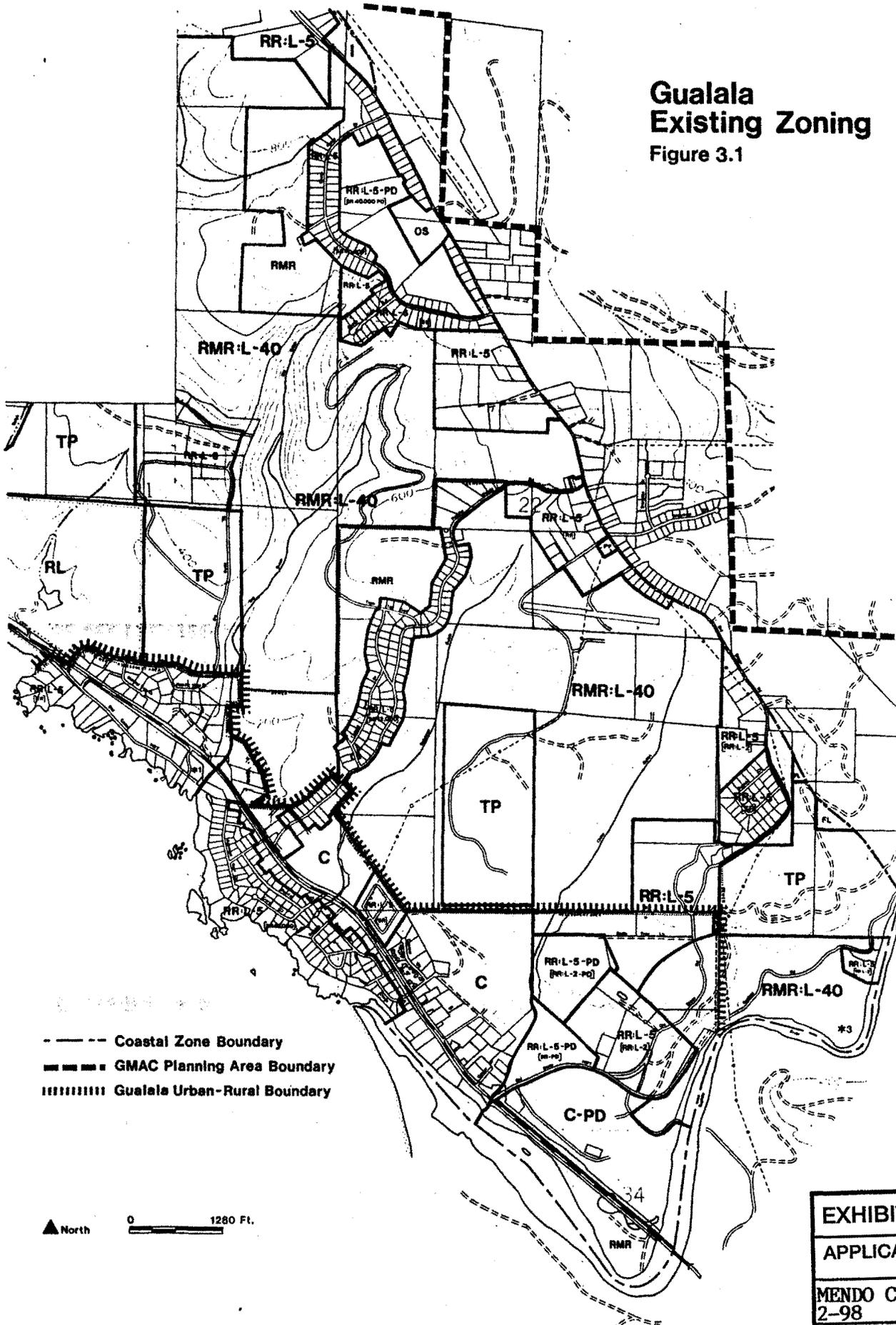
EXHIBIT NO. 3
APPLICATION NO.
MENDO CO LCP AMEND 2-98
GTP PROPOSED LUP MAP CHANGES

North

 0 600 Ft.

Gualala Existing Zoning

Figure 3.1

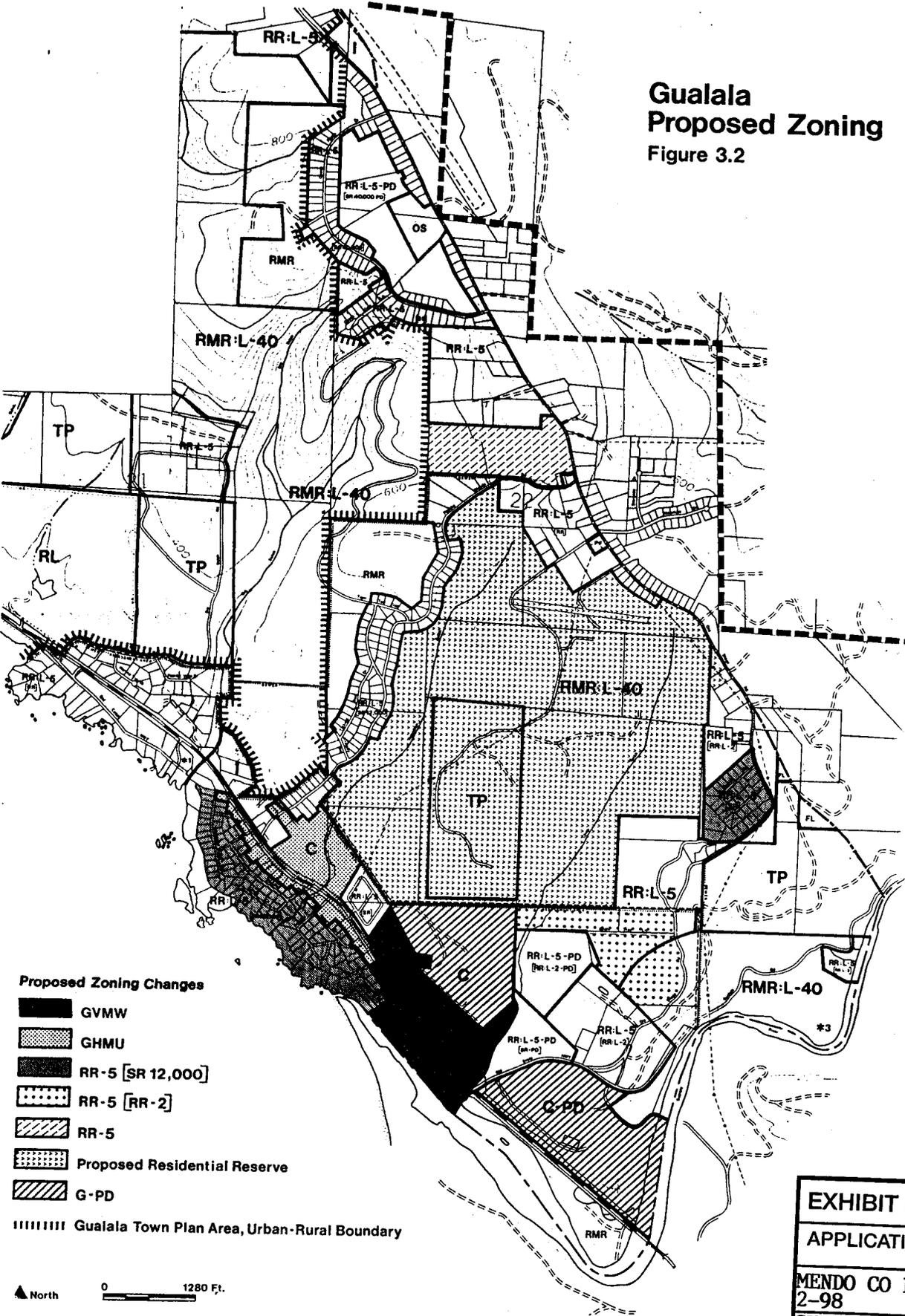


- - - Coastal Zone Boundary
 - - - GMAC Planning Area Boundary
 Gualala Urban-Rural Boundary

▲ North
 0 1280 Ft.

EXHIBIT NO. 4
APPLICATION NO.
MENDO CO LCP AMEND 2-98
GUALALA EXISTING ZONING

**Gualala
Proposed Zoning**
Figure 3.2



Proposed Zoning Changes

-  GVMW
-  GHMU
-  RR-5 [SR 12,000]
-  RR-5 [RR-2]
-  RR-5
-  Proposed Residential Reserve
-  G-PD

----- Gualala Town Plan Area, Urban-Rural Boundary

▲ North
0 1280 Ft.

EXHIBIT NO. 5
APPLICATION NO.
MENDO CO LCP AMEND 2-98
GUALALA PROPOSED ZONING

**CORRESPONDENCE PREVIOUSLY
INCLUDED
WITH STAFF REPORT MAILED JULY 7, 1999**

SIERRA
CLUB



REDWOOD CHAPTER

Office: (707) 544-7651 Fax: (707) 544-9861

632 Fifth Street, Santa Rosa, CA 95402

Mail: P.O. Box 466, Santa Rosa, CA 95402-0466

California Coastal Commission, North Coast Area
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

May 1, 1999

Re: Gualala Town Plan

Dear Director Douglas, Members and Staff of the Coastal Commission;

While aspects of the Gualala Town Plan are good and should be retained, especially the walkable village concept, the Commission should send the Gualala Town Plan back to Mendocino County for more work because it is incomplete and includes environmentally unsound planning. We agree with a June, 1998, letter from Commission staff which cited water supply, sewer capacity, and traffic as constraints on the development allowed in the Draft Gualala Town Plan. We have additional concerns.

SONOMA COUNTY. Because Gualala is located at the Sonoma / Mendocino County line, planning there impacts both counties. The high school district, the ambulance district and the sewer district are three of the institutions which operate on both sides of the county line. Not enough input from Sonoma County was received or considered in crafting the GTP. Gualala is the service center for a bi-county coastal area with a population estimated at 10,000 weekdays and up to 25,000 weekends. Many houses are vacation homes or rentals. Population could increase significantly without new home construction.

INCOMPLETENESS. The Gualala Municipal Advisory Council was originally planning for an area which extended from the Sonoma / Mendocino County line almost ten miles north to Iverson Road. Several years into the process the northern eight miles were separated and termed the Gualala Area Plan; work proceeded on the Town Plan for the 1.5 miles closest to the county line. That is the plan before the Commission now. The Area Plan, only five pages, is now under revision by the GMAC as amendments to the LCP. The Area Plan should be reincorporated into the Town Plan before that is approved by the Coastal Commission, because the two are integral parts of the same planning document.

GEOLOGIC & SEISMIC HAZARDS. During the planning process, environmentalists asked that geologic hazard information be included, but it was not. The existing Mendocino County Geological Hazard Map section pertaining to the planning area should be included in the GTP. A tsunami run-up map should be prepared for the downtown area inside the mouth of the river; Point Arena has such a map for the Cove; Fort Bragg has one for the Noyo Basin. Downtown Gualala lies between the main San Andreas Fault Zone and a near offshore fault which parallels the coast from Jenner to Point Arena.

At least three proposals for schools or recreation facilities which would be used by

EXHIBIT NO. 6

APPLICATION NO.

MENDO CO LCP AMENI
2-98

CORRESPONDENCE
(Page 1 of 5)

schools are currently active for the Gualala ridge within the Coastal Zone. The GTP should show areas that are too close to known faults for construction of such projects. Schools and public recreation facilities should be planned for sites where they will conform to the Field Act, which sets earthquake hazard standards for California schools.

HISTORIC COASTAL RESOURCES. A historic preservation element is needed in the GTP. The Coastal Resource Guide published by the Commission in 1987 states, p. 125, "Gualala was the West Coast's primary lumber port during the early days of the lumber boom. A logging railroad that followed the bank of the North Fork of the Gualala River used the only wide-gauge track in the country. [...] In operation 50 years, the trains ran from Bourne's Landing south to Robinson Landing, then inland to Mill Bend and Switchville along the Gualala's North Fork. The last engine ceased running in 1930." Lumber was loaded onto schooners at these landings for transportation to San Francisco and Berkeley. Parts of the old railroad line are already developed; what remains should be protected for open space and coastal access.

Early planning work in Gualala, ca. 1970, called for much of the railroad route to be added to a state or county park mirroring Gualala Point Regional Park on the Sonoma County side of the river. The Mendocino / Sonoma county line extends to Robinson Landing, with the park on the Sonoma County side. Negotiations are under way to add Gualala Point Regional Park to the State Park system as recommended by the 1998 Sonoma County Grand Jury.

The GTP allows remaining parts of the railroad route to be inappropriately developed, though it reduces the density of development compared to the current LCP, which allows 6,000-square-foot lots where served by sewer. The Draft GTP re-zones the North Gualala Subdivisions on the west side of Highway 1 so that they are limited to 12,000 sf, even with sewer. This makes sense when applied to lots of one-third to one-half acre, and should be extended to the whole Town Plan to prepare for extension of sewer lines.

The problem is that the zoning change extends to three lots on Robinson Landing which are now one to two acres in size. Other such lots will retain a zoning requiring them to be at least 40,000 square feet. These lots were created through certificates of compliance along the old Empire Lumber easement for the Gualala Railroad. They contain historical remains of lumber chutes and the rail line. Robinson Landing is a significant part of the view from Gualala Point Park and from the 600-foot Gualala Bluff Top Trail, which was built with funds from the Coastal Commission and the Coastal Conservancy.

The Sierra Club supported an appeal of a large house proposed on one of the Robinson Landing lots and regards public acquisition as an equitable solution. Creation of lots on former timber company lands through certificates of compliance in places where they were not historically located is generally done to allow the lots to be along an existing road. The Gualala Railroad lots were created on the ocean side of existing subdivisions, with no streets to serve them. Such lots should not be further subdivided. Access to lots at Robinson Landing by private road is too steep, and there is public concern about other lots created on the old railroad easement farther north.

The site of a historic Chinese community which should be protected in the GTP is China Gulch, for which a commercial development by Gualala Redwoods, Inc. and a street bridge are planned. The proposed development, which GRI has delayed, included a walking trail and footbridge as well as preservation of historic millworker houses.

PLANNED DEVELOPMENT ZONING. Gualala Redwoods, Inc. owns the land in the Gualala Planned Development zone, which is across the river from Gualala Point Park. GRI wrote to the Gualala Municipal Advisory Council in 1995 that they were working on plans for a resort as the Planned Development. It would have limited public access and a possible marina. Since the river bar is closed part of the year, during which the estuary becomes a lagoon, construction of a marina would require dredging to keep the bar open. This would be unwise now that coho and steelhead are listed.

The California Rivers Assessment, in which the Coastal Commission participates, categorized the Gualala River estuary/lagoon in its 1997 preliminary report as outstanding salmonid habitat. The Commission should allow no development along this sensitive water body which would be inconsistent with that designation.

Dedicated public access to the estuary and the ocean is now limited to one 600-foot estuary bluff-top trail in the whole ten-mile coastline of the Gualala Town Plan and Area Plan! Much more public access must be assured. The current plans for this riparian parcel should be provided by GRI as part of the town plan, including public access.

INAPPROPRIATE BRIDGES. Earlier drafts of the Gualala Town Plan included large street bridges across China Gulch and Robinson Gulch just inland from Highway 1 and parallel to the highway. The rationale was to allow a commercial street a block inland from the highway and a reduction in traffic on Highway 1. A traffic study commissioned by the county showed that the China Gulch Bridge would cost \$1 million and would relieve some traffic congestion; the Robinson Gulch Bridge would cost \$3 million and would not have much effect on traffic. The Robinson Gulch Bridge was removed from the GTP, but negotiations between the GMAC and Commission staff now seek a traffic level which it would be triggered again.

Both bridges would be environmentally damaging, because both canyons are walkable redwood dells and provide recreational and open space amenities to the community. They should be set aside as town parklands. The Robinson Gulch area is geologically unstable; the Coral Court slides that affected 14 properties are located only about three blocks from the proposed \$3 million bridge. No other town in Mendocino or Sonoma County has large bridges just inland from Highway 1. The typical pattern is for development to grow in lobes extending inland or seaward from the highway between gulches. A commercial street inland from the highway is a good idea provided access to it is environmentally sound.

SECOND RESIDENTIAL UNITS. The GTP would allow 100 second residential units on existing lots. Second residential units are prohibited in the LCP. Allowing 100 of something prohibited goes too far. The GMAC Chair stated at a public meeting that most of these already exist. The rationale is to provide affordable housing. This would not happen if they already exist, and false expectations would be created that new second units could be approved. If the intent is to regularize existing second residential units, this should be stated, and a standard set by which the county would decide which could qualify and which should be abated for environmental or other reasons. If the units do not already exist, then building them would increase density and traffic problems.

RESIDENTIAL RESERVE. Gualala Redwoods, Inc. owns 480 acres of timberland starting just uphill from the downtown Gualala business district. The GTP would designate this

land as a Residential Reserve. It would be logged over time and converted to clustered residential development. The land is now surrounded by homes and businesses. Zoning provisions which would regulate the logging in a way compatible with the town setting would be appropriate and should be added to the Town Plan. Herbicide use is a serious concern among local people and should be banned; so should broadcast burning.

GRI has excellent mapping facilities which produced viewshed maps from Highway 1 and from recreational trails for its recent Del Rancho Timber Harvest Plan adjacent to The Sea Ranch. Similar maps showing the visual impact of timber harvest in the Residential Reserve as seen from Highway 1 and from Gualala Point Park should be appended to the GTP. Better still, the Coastal Commission should not approve a town plan which includes so much logging in the Coastal Zone.

SOLID WASTE. The South Coast Landfill, which accepts solid waste from this area, must close because it is located on a mapped fissure of the San Andreas Fault. The Mendocino County Board of Supervisors received a report from their Sacramento geologic consultants, EMCON, in November, 1998, which concluded that the landfill is poised to dump half its contents into the Little North Fork of the Gualala River in an earthquake of a magnitude like that of the 1906 quake on that fault. Leachate and other materials would flow to the estuary and out to sea. The Board of Supervisors has not yet decided what to do about this.

Reclamation of the landfill by trucking away the uncomposted contents would create a traffic impact for the time it took to remove the refuse. Leaving the refuse there creates a constant threat to the river, town, and coastline. Thus, solid waste is another constraint on development in this area, in addition to the three recognized last year by Commission staff; water, sewer and traffic capacity.

Responses to those Commission staff concerns were added to the GTP at the Board of Supervisors level. These are inadequate and fail to show that the infrastructure could support the development allowed in the GTP.

WATER. The North Gualala Water Company derives its water supplies from Robinson Gulch and Big Gulch, which are wholly in the Coastal Zone, and from wells at Elk Prairie on the far side of the San Andreas Fault from the town. The wells may be taking underflow from the North Fork Gualala River, which still supports native coho salmon. The NGWC must assure that it can maintain the river flow for salmonids during the summer and fall, and still provide water for the community. The water company is constrained from using the Little North Fork as a source because of the South Coast Landfill located upstream on that tributary.

NGWC residential customers now pay about \$60 a month for water, without watering a yard. Recent increases in cost were overseen by the California Public Utilities Commission, and trace back to a 1995 landslide at Big Gulch, the northern boundary of the GTP. First, a surcharge was imposed to repair the slide damage. Then, because the break in the main had drained a ridgetop water tank, the water system was required to update to prevent such an occurrence in the future. This is an example of high infrastructure cost in Gualala due to geologic instability. Water constraints are more severe than presented in the GTP draft that is before the Commission.

SEWER. The Gualala Community Services District sewer plant is located across the river in Sonoma County adjacent to Gualala Point Park. The treated effluent is used to water The Sea

Ranch golf course. This represents a transfer of water from coastal watersheds in Mendocino County and from the coho-bearing North Fork Gualala River to coastal watersheds in Sonoma County. During the recent fairly dry winter, the effluent ponds in Sonoma County threatened to over-fill. Leachate from the South Coast Landfill is collected in tanks on site and periodically trucked to the GCSD sewer plant for treatment. The contents of that landfill include materials from a decommissioned Air Force base.

The sewer district recently worked its way out of bankruptcy and reduced residential rates to \$43 per month. There is an annual fee and a tax assessment in addition for residences. Several businesses refuse to pay their sewer bills and developers of a large downtown proposal are currently lobbying heavily to escape sewer hookup fees. Sewer constraints are more severe than presented in the GTP draft that is before the Commission.

TRAFFIC. The response to staff traffic concerns added to the GTP states that local people could use Fish Rock Road to reach Highway 101 if traffic on Highway 1 in Gualala became too heavy. Twelve miles of Fish Rock Road, through the most mountainous section, are unpaved. Four-wheel drive is not a must, but it would help. There are one-lane stretches flanked by steep drop-offs. Like Mountain View Road in Mendocino County and Skaggs Springs Road in Sonoma County, Fish Rock Road is used by local people, especially when Highway 1 is closed by slides or flooding. With even a small increase in use, these roads would become inconvenient. Skaggs Springs Road has about 30 one-lane stretches and big rigs have started using it. Caltrans has committed \$32 million since 1995 to keeping Highway 1 open between Jenner and Fort Ross, where steep terrain flanks the San Andreas Fault as the highway traverses as much as 800 feet above the ocean.

Within Gualala, the GTP proposes a 40-foot streetscape for the commercial district. The Mendocino County LCP calls for a 60-foot streetscape. A 40-foot streetscape will further constrain traffic in downtown Gualala. One street, Center Street, is restricted to 40 feet because an inn was built into the right-of-way. This constriction impacts the Gualala Redwoods, Inc. proposed China Gulch development and expansion of the Gualala Community Center. The Community Center, a non-profit, was asked by the county to give up 20 feet to assure a 60-foot streetscape, which they are reluctant to do. If this impasse could be solved by the county in an equitable way, there would be no need for the Gualala Town Plan to call for a 40-foot streetscape throughout the business district to regularize it. In addition, the \$1 million China Gulch street bridge would not be needed if Center Street were used to access the one-block-inland commercial street.

Traffic constraints are more severe than presented in the GTP draft that is before the Commission.

We ask the Commission to send the GTP back to the county for more work and input from the public and from state and federal agencies, and from Sonoma County as well as Mendocino County. This is a planning area which needs state oversight because of its location.

Respectfully submitted,


Julie Verran for
Redwood Chapter, Sierra Club

RECEIVED
APR 06 1999

CALIFORNIA
COASTAL COMMISSION

April 4, 1999

Regarding: Gualala Town Plan

To whom it may concern:

We are residents of the area affected by the Gualala Town Plan. We are very concerned by the proposed increases in housing and hotel room density for our area. We are concerned for several reasons:

1. Water is scarce in our region and the supply is inconsistent from year to year. Our fishing and tourist industries, as well as our beautiful and unique local ecosystems, depend on the Gualala River and on other local streams and aquifers. We feel that insufficient thought and planning has been given to the impacts of the substantial increase in demand for water that will accompany the increased permanent and transient population in our area. Where will the water come from? What impacts will it have?
2. Fire is a great concern. Roads, houses and people mean increased fire danger through increased sources of ignition, through drying of forest microclimates, through increased spread of highly flammable annual weeds. We have already seen at least one fire started by tourists at Salt Point. Again, we feel that there has been insufficient analysis and disclosure of the increased risk and insufficient planning for how to meet that risk. I do not want my house to burn down because our already overcommitted local fire fighters are too busy with the increased workload to be able to respond quickly.
3. Traffic is already a problem around Sea Ranch and Gualala on tourist weekends. Highway 1 is frequently backed up, causing increased smog and reducing the quality of life for residents and tourists alike. The proposed increases in rooms and residences will only exacerbate this problem with little or no mitigation proposed.
4. Emergency services are inadequate to serve our current population. Our family includes an 80 year old grandmother and a 2 year old granddaughter. We want them to have access to medical help and police protection should they need it. Again, we fear that little or no thought has been given to the impacts of the increased population on the availability of timely emergency assistance.

Based on these concerns, we strongly urge that the Plan be substantially revised in order to adequately address these issues. We need the coastal commission to fully analyze and plan a future for the Gualala area that does not simply dump hundreds or thousands of new tourists and residents on our coast without thought to the consequences. We can maintain a better and more economically sustainable community with a more conservative approach to growth. We do not want to make the mistakes that other formerly beautiful areas have made all over California. Let us learn from them and implement a long term, slow growth, resource conservative strategy that will maintain or improve our quality of life as well as our economy.

Sincerely,

Emily Roberson
Daniel S. Feldman, Jr.
P.O. Box 5050
S. Highway One
Gualala, CA 95445

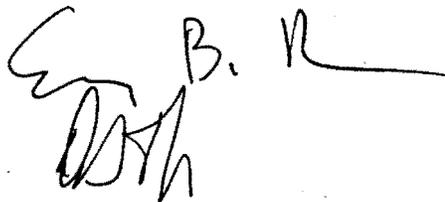


EXHIBIT NO. 7
APPLICATION NO.
MENDO CO LCP AMEND 2-98
CORRESPONDENCE

Warren Watkins
1240 Madelyne Place
Santa Rosa, California 95409

(707) 538-2589

Fax (707) 538-2423

March 30, 1999

RECEIVED
MAR 31 1999

COASTAL COMMISSION

Jo Ginsberg
California Coastal Commission
45 Fremont St., Suite 2000
San Francisco, CA. 94105

Dear Commission,

I am writing regarding your hearing in Santa Rosa May 11-14, 1999. We welcome the commission's visit to Sonoma County.

I am writing in particular because of concerns with the GUALALA TOWN PLAN. The development plans seem excessive for this tiny historical community situated in a fragile coastal zone.

As a lifetime Californian who frequently visits the coast and Gualala, I fear the Mendocino Board of Supervisors have erred in approving the Gualala Town Plan. I am asking the Commission to return the plan to the Supervisors for morework to reduce the impact and for more public hearings.

As you know, this section of the California is seismatically suspect, supports a diminished salmon and steelhead fishery, and can have water shortages. We are asking our local Supervisor and Coastal Commissioner, Mike Reilly, to support the addition of Gualala Point County Park to Salt Point State Park as recommended by the county Grand J ury.

Thank you for considering my remarks.

Sincerely,



Warren Watkins

EXHIBIT NO. 8
APPLICATION NO.
MENDO CO LCP AMEND 2-98
CORRESPONDENCE

P.O. Box 604
Gualala, CA 95445
(707) 884-3765

January 8, 1999

California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Attention: Jo Ginsburg, Planner

RE: Gualala Town Plan

Dear Ms Ginsburg:

More than any further comment I could make, the enclosed copies of comments regarding the GTP and the lack of confidence in the GMAC chair, Jim Lotter. Rather than move the hearing forward it is apparent that the urgency is to hold the hearing in our area where the those most effected by decisions can attend and/or be heard.

I hope the Coastal Commission will postpone a hearing and approval of the GTP as now presented until it can be held in a more convenient and relevant location.

Yours sincerely,


Don Berard

Enclosures

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JAN 11 1999
CALIFORNIA
COASTAL COMMISSION

EXHIBIT NO. 9
APPLICATION NO.
MENDO CO LCP AMEND 2-98
CORRESPONDENCE (Page 1 of 4)

Open Space

Open Space is an occasional feature devoted to opinion or information received from our readers or other sources which does not fit into the Fence Post letters column comfortably. Authors' opinions are their own; we welcome contributions to this column.

Town Plan only small part of story

By Jim Lotter

As Chair of the Gualala Municipal Advisory Council (GMAC), I have read with dismay some of the recent letters, editorials (whether they were on the editorial page or not), and poorly researched reporting regarding the Gualala Town Plan contained in the last three editions of the ICO.

Over the last couple of years the GMAC has made a concerted effort to circulate within our community the evolving drafts of the Town Plan. Since this Plan is important to the community, we felt it was essential that the community participate in the refinement of the plan prior to its final adoption by Mendocino County.

If Mr. Levine's letter is taken as gospel, most of the Plan was developed in secret and decisions regarding its content were made without public hearing. This is a lie! Every word contained in the Plan was adopted by a vote of a legally authorized body at a duly noticed public hearing.

Many local people participated in the numerous public hearings that took place both here and in Ukiah over the last seven years. The plan was shaped during these hearings. Unfortunately, some people, who didn't get their way during these local hearings, are willing to use "big lie" tactics to distort the perception of the process by a distant body, namely the Coastal Commission. This is the way they feel they can leverage their point of view into a position of preeminence, thwarting thousands of hours of community effort.

Prior to the publication of Mr. Levine's letter, I had not received a single call from a member of the public wanting to read the final version of the Town Plan adopted by Mendocino County. We haven't kept the plan in hiding. The County finally shipped four copies to us months after it was adopted. Recently I've gotten a couple more copies. One is now available at the ICO, one at the Coast Community Library. The two new members of the GMAC, David Brickner and Jack Neth, each have a copy, and I have a couple of copies, one of which has been well traveled as I represent the community before the County and Coastal Commission.

Ever since it was printed, copies have been available for purchase from the County for \$9.00 each. Contact Planning and Building Services at 463-4281 if you want one.

I see that the ICO has decided to give Ms. Verran front page editorial space. Unfortunately, her comments are not labeled as such. Her remarks indicate a lack of research on her part, failure to pay attention to the actions taken by the GMAC at the meetings she attended or even read the Plan. The Plan has language specifying the location of over three miles of public trails in the Town Plan Area, plus language specifying development of sidewalks and bike paths along Highway 1 and County roads. We even included language about providing safe walking paths for school children if a new school is developed in Gualala. Unfortunately, recent events have caused folks in Santa Rosa to wish they had adopted similar language in their planning document. This "requirement" along with air quality issues, geology issues, and restrictions on development in the Gualala river are or should be part of the County General Plan.

To make it clear, the Gualala Town Plan contains only a small part of the regulations that govern development in our community. The County General Plan contains the language covering a multitude of planning issues including air quality, water quality, noise, and habitat protection. The "Coastal Element" of the General Plan deals with coastal specific issues, including geology, and topics specified in the Coastal Act of 1976. The Gualala Town Plan deals with community specific issues that are not addressed in

See Town Plan . . . Continued on Page 14

Town Plan . . . from Page 4

sufficient detail by the General Plan.

Folks, including myself, could argue that elements of the County General Plan to not adequately meet the needs of County residents; however, these issues should be brought up as the various elements of the General Plan are updated. Perhaps Ms. Verran could do a community service by keeping us informed of when these various elements are coming up for consideration.

Finally, where have you been, Don Berard? Traffic has been one of the premier issues in the development of the Town Plan. Thousands of dollars have been spent on a traffic study that tested the various mitigation measures proposed to alleviate our traffic problems. In recent months the County has initiated development of the financing mechanism for the needed improvements along Highway 1.

If, sir, you would like to expedite the process, I suggest you attend the public hearings that will occur in a few months when the ordinance implementing development impact fees is presented to the Board of Supervisors. Perhaps you would like to head up an effort by Highway 1 businesses to establish a benefit assessment district by raising money needed to leverage funds which may be available from the various programs you cite. I would be the first to applaud your efforts. Meanwhile, please contact the County for a copy of the Gualala Traffic Study, and the Gualala Transportation Financing Committee. You will find that all of the issues you raise regarding traffic have been examined in excruciating detail.

To the Independent Coast Observer, I ask that you do your homework. The GMAC has, for years, clamored for better coverage by the ICO. We even changed our meeting day from Wednesday to Monday to accommodate your sending a reporter to our meetings. Apparently, no local news is permitted to happen on Wednesday nights. Finally, we got the quantity of coverage, even if the quality was marginal. It may be a little late to ask for better quality reporting, research, etc, but I will anyway. The community would be the beneficiary.

[Editor's Note: Because Lotter's Open Space addresses the ICO and its coverage of GMAC, Julie Verran responds.]

When both Alan Levine and Don Berard, whose civic philosophies differ, are upset about something, there must be a problem.

Ironically, if drafts of the plan were readily available, both might have found that their concerns are fairly well treated. The plan addresses lack of water, sewer, and traffic capacity in detail in several places, as well as the lack of trails and sidewalks.

The plan does contain many things that will raise con-

cerns in the community, and leaves open many questions. The GMAC needs to make plan drafts available to civic and environmental groups, to schools and coffeehouses, and should use funds from its \$4,000 bank account to pay for them.

Gualala Municipal Advisory Council Chair Jim Lotter makes clear in his Open Space that he was holding the Gualala Town Plan pretty close to his chest. Berard and I had the same problem getting to see a copy of the draft - Lotter did not return phone calls. Even at the Coastal Commission meeting in San Francisco on December 9, Lotter didn't have a copy that I could see. Lotter finally brought a copy to the ICO office and the Coast Community Library on December 18.

People were coming in to the ICO office asking to see the draft that went to the Coastal Commission. County Planner Gary Pedroni in Ukiah, who did a great deal of work on the Town Plan, said he could not send the ICO a copy even if we sent him \$9, because he had sent all but his working copy to either the GMAC or the Coastal Commission. Pedroni added that he had expected the GMAC to make more copies and place them for public review.

The ICO did have the March, 1998, draft. Homeowners from Robinson Reef Drive discovered that the Gualala Town Plan rezones three parcels at Robinson's Landing, the northern terminus of the sandbar at the mouth of the Gualala River, from 40,000 square-foot minimum to 12,000 sf.

This was a shock to me, because for several years I have been fighting a plan to build a large house on one of those lots, because it would cut into the bank that supports the Verran house, the house of Ben and Georgianna Stillman, and the Sheridan house, formerly the home of John and Iris Stout. The re-zoning of Robinson's Landing was never discussed at a GMAC meeting - I covered them since mid-1994, and missed only three or four. There may be other such surprises in the Town Plan, so it needs close scrutiny.

When a public official like Lotter resorts to personal attacks on a member of the press, that is a problem. I object most strenuously to my treatment by GMAC. I was hired by Joanna McLaughlin specifically to cover events that took place on Wednesday nights and Thursday mornings, when she could not spare other staff members. I came from the Redwood Record in Garberville, where I covered educational and environmental issues. My late parents, Roger and Shirley Verran, bought their land in Gualala in 1969, and built their house in 1972. Many of you may remember them, and my father's book about Gualala, for which I still get requests every month, though it has been out of print since 1978. Members of my family have resided here continuously since 1972. Until he became too ill, my father reviewed all my ICO articles and approved of them.

The night I missed a GMAC meeting during my father's last illness, GMAC members attacked me (I listened to the

JANUARY 8, 1999

official tapes later) and changed their meetings to Monday nights in the hope of getting someone else to cover them. Well, who would after I was treated so badly? This sorry episode was a blot on the community, as was a later false written attack by a GMAC member that is now in the public record.

Throughout the Town Plan process, GMAC made it difficult for me to see the documents they were working from. The ICO even had to bring a challenge under the Brown Act to their partial-board meetings that were closed to the public. I quite agree that I was not perfectly informed, but it was not for lack of trying. Other members of the press are always welcome to cover GMAC meetings. I would enjoy some media company.

Most of the things people are worried about in the plan are in the last zoning section, just before the appendixes. This section includes the second residential units on lots, provisions for oil and gas permits, wetlands filling and dredging, feasibility language for projects in environmentally sensitive habitat areas, and more. This section was added in the March, 1998, draft and is essentially unchanged in the draft that is under consideration by the Coastal Commission.



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GUALALA MUNICIPAL ADVISORY COUNCIL

P.O. Box 67, Gualala, Ca. 95445

4 January 1999

To: Jo Ginsberg, California Coastal Commission
From: Jim Lotter, GMAC Chair
Re: Recent Local Comments About the Gualala Town Plan

RECEIVED

JAN 07 1999

CALIFORNIA
COASTAL COMMISSION

Dear Ms. Ginsberg,

Recently several letters and articles have appeared in our local newspaper, the Independent Coast Observer(ICO), containing comments about the Town Plan now before you. The few allegations made are groundless, and the comments about deficiencies in the Plan reflect ignorance by the commentator about the Plan and how it fits in with the County General Plan and the Coastal Element of same. Some of these folks have indicated that they sent their comments to you. In the interest of fairness, I am enclosing copies of all of the recent articles, letters, and editorials appearing in the ICO, and the GMAC response to them. I expect our response to be printed in the Thursday edition of the ICO. I trust that you will make it part of the correspondence record for the Town Plan application.

I hope that Mr. Scholls conveyed to you my offer made at the December Coastal Commission meeting to answer any further questions you may have about the Town Plan, and to assist you in any field work necessary in preparing of your staff report. The question on everyone's mind is when your report will be ready for presentation to the Commission? Mr. Scholls indicated that this matter would be heard by the February Commission meeting at the latest. To save time, I would appreciate your sending a copy of your Staff Report directly to the GMAC at our address above. I will likely be doing at least a portion of the presentation on behalf of Mendocino County and the community of Gualala.

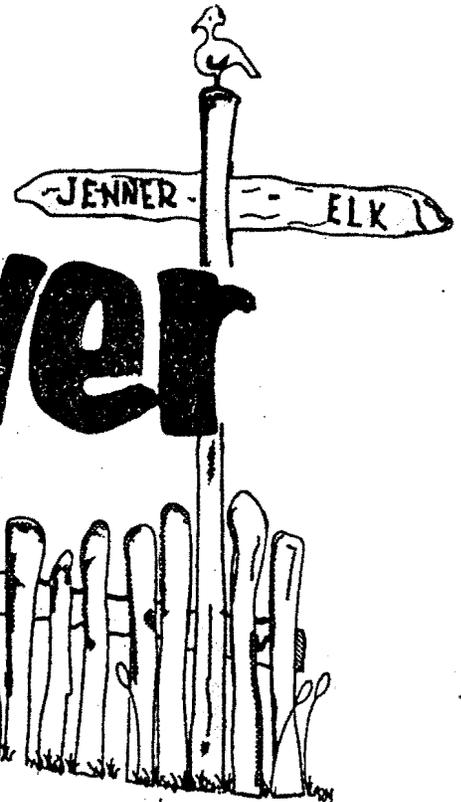
We've been working on this Plan for seven years now. We're anxious to bring its development to a positive conclusion.

A handwritten signature in cursive script, appearing to read "Jim Lotter".

EXHIBIT NO. 10
APPLICATION NO.
MENDO CO LCP AMEND 2-98
CORRESPONDENCE (Page 1 of 7)

Independent

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JAMES A LOTTER
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Community Commitment
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TWO SECTIONS GUALALA, CALIFORNIA PRICE \$1.00 DECEMBER 18, 1998

Hanneman looks back at his worst year

By Lisa Walters

Looking back over one of the worst years of his life, a beleaguered Jerry Hanneman spoke to the ICO Wednesday to tell his side of the story.

As we reported last week, Hanneman had asked PG&E to cut power to his property on Fish Rock Road, the site of the KWAN Radio transmitter as well as a home owned by Hanneman. When contacted last week, Hanneman denied having the power turned off. But this week he decided to come clean, in part to respond to last week's article.

The property is in foreclosure, one of many financial setbacks he has suffered this year that include the loss of both

See Hanneman...

Continued on Page 3

Basketball

Coast Commission delays hearing of Gualala Plan

By Julie Verran

The California Coastal Commission last Wednesday agreed to an extension of time to consider the draft Gualala Town Plan.

The extension was requested by staff, who need more time to prepare a report. While the time extension could be up to a year, North Coast Deputy Director Steve Scholl said that the GTP would probably be heard January, 1999, in Culver City, or February in Coronado.

Jim Lotter, chairman of the Gualala Municipal Advisory Council, which originated the town plan, asked that it be heard as soon as possible. He was allotted two minutes speaking time. Lotter presented a letter from the Mendocino County Board of Supervisors dated December 8.

"The purpose of this letter is to urge the Coastal staff to conclude their review of the Gualala Town

teered a great deal of time to this planning effort. Extensive delays will discourage, rather than encourage, future citizen participation," said the letter, in part, signed by Chairman John Pinches.

The ICO has learned that no copies of the GTP draft that went to the Coastal Commission staff were available for public review at the usual places, such as the Coast Community Library. We have requested that copies be made available.

This reporter, speaking as an individual, asked

that the Commission hear the Gualala Town Plan somewhere accessible to the residents, such as Fort Bragg, Bodega Bay, Petaluma or the Gualala Arts Center. She suggested that the delay could be used productively by adding elements that were not included, and which were requested by members of the public at public hearings on the GTP.

Among these were a trail and recreation plan, identification of geologic hazard areas, and scrutiny

See Gualala Plan...

Continued on Page 2

'Wake for Justice' Saturday

People who oppose the impeachment of President Clinton are invited to a "Death of Justice wake" this Saturday, December 19, 4:00 to 9:00 p.m., at home of Margaret DePrima, 196 Lupine Close on the Sea Ranch.

"How can this be fair when the vote has been so

De Prima said she got the idea for a wake when talking over anti-impeachment rally ideas with local Democratic party activists Jim Daniels and Karen Scott. She said Republicans would also be welcome.

"Blindfolds will be pro-

Page 1 Article continues
"..... of development planned
along the river estuary.

Others prepared to address
those issues had to leave before
the GTP item came up at
nearly 7:30 P.M. on an
agenda that started at
9 A.M. "

me duck rage

ng the most important vote of his
e, our First District Representa-
the lamest of lame ducks.

gs didn't run for reelection, gambling
ailed run for the U.S. Senate.

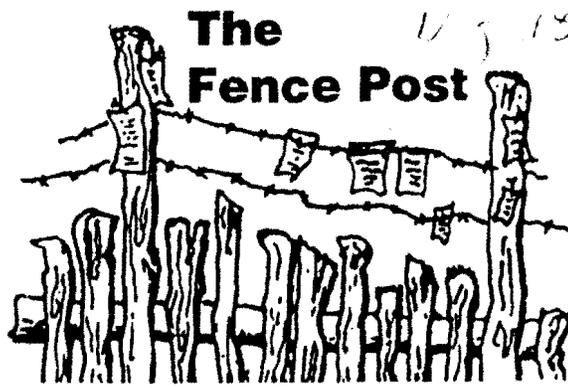
s Congress, in the waning hours of its
is apparently going to vote to impeach
resident later this week, unless action
yed by military strikes against Saddam
in.

Frank Riggs has already closed his
ngton office in anticipation of return-
he private sector. Calls to Washington
ferred to his Napa office, which are
red by a machine which states "This
ox is full," and declines to take any
messages.

wonder how many other outgoing mem-
Congress there are who are looking at
ast vote on impeachment before they're
here" — tossing the hot potato of
a Lewinski and Linda Tripp over to the
they scoot through the exit.

ically, the House is pushing for a vote
many members whose imminent de-
ve was decided by voters who were
y sick of the affair, and the resources
squandered by Congress as they try to
own Bill Clinton. Impeachment by lame
is revenge politics at its worst.

—J. Stephen McLaughlin



The Fence Post
FENCE POST Letters to the Editor column is a forum of ideas. Letters are welcome and should preferably be typewritten and limited to 300 words. ALL LETTERS MAY BE EDITED FOR BREVITY. All letters must be signed and include complete mailing address and/or telephone number, though the writer will be identified only by city. Name and address may be withheld by request. Address all letters to Editor, Independent Coast Observer, P.O. Box 1200, Gualala, CA 95445. FAX (707) 884-1710. Via email: steveico@mcn.org (please include FENCE POST in subject line).

Where's the plan?

Editor:
The following letter is addressed to Mendocino Building & Planning Services and California Coastal Commission:

The California Coastal Commission has given notice of hearing on the Gualala Town Plan/LCP Amendment. The Mendocino Board of Supervisors has written the California Coastal Commission asking for expeditious approval of said plan/LCP amendment.

I would like it to be understood by the Mendocino County Planning Department and the California Coastal Commission that copies of the final version of the Gualala Town Plan have not been made available to the public, anywhere, in the Gualala or South Mendocino Coast Area. The public does not have access to this document, nor has there been noticing of a 45 day review period. This lack of public access to this document is a violation of California Planning Law.

Claim has been made as to public accessibility to this process. As evidenced by this lack of accessibility to pertinent information, the public has been held at arms length while decisions and actions have taken place out of the public eye. And, when the public did raise issue their concerns were ignored.

The California Coastal Commission should refrain from noticing any public hearing on the adoption of the Gualala Town Plan/LCP

by the public and Coastal Commission regarding transportation, zoning and buildout, sewer capacity, water availability, and including sea cave and coastal bluff protection are resolved, and 3) the Coastal Commission Staff Report has been made available to interested parties.

It would be most appropriate for the such hearing to be held no earlier than the month of May. This should occur only if outstanding issue is resolved sufficiently. The May hearing will be held in Fort Bragg where local citizens can have more opportunity to address the Commission. Also, at that time other issue regarding Local Coastal Planning in Mendocino County can be addressed.

Alan Levine
Coast Action Group
Point Arena

Farewell to PACC

Editor:
A comment on the ICO's coverage of my last night on the Point Arena City Council ("Earlygrow Turns Over Gavel to Dahlhoff")

I was not taking "one last shot at longtime adversary Bill Hay" in asking that Norm Vroman, our new county District Attorney, take another look at the 1994 voter fraud case. I strongly believe that outgoing D.A. Susan Massini quashed this investigation on political grounds, which is one reason I ardently opposed her re-election.

Tampering with the vot-

officials. Now that Massini is gone, I feel justified in asking that the case be re-examined and that those responsible face the consequences of their actions.

The City Council supported similar action in the past, and I was simply requesting that they do so again. To do so is not a "shot" at anyone; rather, it is a plea that justice be served.

On a more positive note, I want to say that it scarcely seems possible it has been more than eight years since I first joined the Point Arena City Council, or that five of those years have been spent as Mayor.

In retiring from that post, I have the privilege of sincerely extending my thanks to the people who made it possible. Above all, the Council and the City owe a tremendous debt of gratitude to Fred Patten for his years as City Clerk. He, frankly, makes it all work, and it would be difficult or impossible to replace him.

He and I have been ably supported by a wonderful and dedicated group of city employees and volunteers, including all those who have been willing to serve over the years on the City Council and Planning Commission. There's a tremendous satisfaction in seeing that we really can make a difference when we put our minds and bodies at the service of our community. It has, honestly, been a pleasure. My best wishes to the new Council and all the folks who make Point Arena such a remarkable place to live.

Raven B. Earlygrow
Point Arena

A near miss

Editor:
To the driver of the Volvo, licence number 2ERD605:
The stop sign at Eureka Hill and Ten Mile is there for a reason. Please stop! I'm glad I wasn't a few seconds earlier! We would have collided.

The car behind you
Point Arena

Soft money corrupts

Editor:
Behind Congressional votes locking up along party lines like sheep, soft money

Independent Coast Observer

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Big, fluffy stick-out-your-tongue-and-catch-one snowflakes swirled down onto the coast on Sunday morning, transforming the landscape into a winter fairyland. Jackie Norton photo.

blankets coast in fluffy white

Children, and some adults, made snowmen in Gualala Sunday as freezing temperatures brought snow to the coast for the first time since 1990.

Though snow falls locally every couple of years at higher elevations like the former Point Arena Air Base, this was the first time in eight years that it reached sea level.

Starting early Sunday, flurries continued until mid-morning, a rarity on the coast. In another rare occurrence, a sign at the bottom of Mountain View Road informed drivers that chains were required for the trip over the hill to Boonville.

Snow that fell on the Ridge in Gualala was still visible Wednesday as nighttime temperatures were in the high teens and

See Snow...

Continued on Page 12

trapped

A 53-year-old burg woman was to be released hospital Wednesday spending hours the overturned car off Skaggs Spr

Vicky Skibbins has been visiting her longtime Sea I dents Jer a Skibbins, when home at about Sunday.

Traveling in Accord, Skibbins patch of ice app one-and-a-half of Camp Guala skidded, spun trol and land down in a water 30 feet below th

Skibbins, a trapped in the cold water from seeping through ken window. A and the tem dipped b r managed to reat

Gualala Town Plan available

By Julie Verran

A copy of the Gualala Town Plan draft that is under review by the state Coastal Commission is now available for public review at the front desk of the ICO.

Gualala Municipal Advisory Council Chair Jim Lotter brought the draft to the ICO office on December 18. The GMAC drafted the plan, which has been revised by both the Mendocino County Planning Commission and Board of Supervisors after public hearings that were held in Gualala.

The Coastal Commission staff on December 9 announced its intention to hold a hearing on the Gualala Town Plan in Culver City in January or in Coronado in February. Members of both the environ-

mental and business communities have expressed concern about the lack of a local Coastal Commission hearing and the late availability of the draft.

Issues that members of the public have raised in recent weeks include Town Plan provisions that would allow second residential units on lots, the subdivision of the headland at the mouth of the Gualala River, pipelines for natural gas, and onshore oil and gas development.

Other concerns include the possible dredging of a marina in the estuary, construction of a sawmill, lack of trails, sidewalks, and bicycle paths, and air quality problems that could be caused by slash burning on logging operations.

Ab poaching case in court

Members of the North Coast Sportfishing and Boating Association and the Sonoma County Abalone Network are urging local sportspeople to support the prosecution of three men charged with conspiracy to poach abalone for commercial purposes.

The three defendants, Van Do, 51, Nam Ngo, 22, and Doanh Nguyen, 42, were arrested October 16 near Fort Ross after a month and a half long investigation by the Department of Fish and Game. At the time of his arrest, Do was on probation for a poaching conviction in 1995.

Fish and Game officials said they had observed Do

See Ab poaching...

Continued on Page 10

Project Santa helps hundreds

More than 300 people in 125 local families were the beneficiaries of Christmas gifts and holiday food boxes delivered Saturday by volunteers from Project Santa.

"It was the best year ever," said Project Santa co-ordinator Kathy Masara. "More people participated than ever before and it's so fun when all the kids take part."

The "kids" are students from Point Arena High School who collected more than 1,200 cans of food for the holiday boxes. The high school Peer Helping class also helped with gift wrapping while the local Girl

See Project Santa...

Continued on Page 10



Dick Snyder and Ben... distribution by Project effort brought children on the coast. Steve Mc...

100 Dec 25, 1998



The Fence Post

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GTP incomplete

Editor:

This is an open letter to Jo Ginsburg of the California Coastal Commission:

Thank you for your prompt response to my request for information on the above reference pending Coastal Commission hearing reported in the December 18 issue of the Independent Coast Observer and that the North Coast Deputy Director, Steve Scholl would probably be hearing the Gualala Town Plan in January in Culver City or February in Coronado.

I urge the staff to consider postponement of the hearing until it can be heard in our area, as it is difficult for local residents to travel such a long distance for a hearing that so vitally affects our community. I suggest that the meeting be held nearer to the northern part of the state, such as Santa Rosa, Fort Bragg, Mendocino, or even San Francisco or Monterey, even if it means postponing the hearing to a later date.

I am aware that Mr. Lotter's letter urges the Coastal Commission to avoid delay because "delay will discourage future citizen participation" but this observation contradicts local sentiment. Furthermore, the ICO article reported that elements were not included which were requested at the local public hearing and that no copies of the GTP draft that went to the Coastal Commission staff were made available for public review at the usual places.

I would like to point out that critical elements are

overlooked and not a part of the GTP as now proposed. The most pressing community problem that demands immediate attention and mitigating action is the need for some traffic control in the town's commercial center where access is unlimited to the post office, three shopping centers, two gas stations, two hotels, etc.

The equally demanding problem is the lack of sidewalks in town, also along Highway One. It is only a matter of time before a fatality occurs as pedestrians dodge passing vehicles, often exceeding posted speed limits as they run across designated crossing areas. The proposed public coastal trail access will only worsen the problem!

Finally, the GTP draft fails to mention the "Transportation and Development Act" which provides funding for pedestrian and bicycle facilities, including sidewalks and bike lanes. To access TDA funds, a local jurisdiction must first obtain approval/recommendation from the Mendocino Council of Governments (MCOG), either GMAC or the county or both.

Rick Knapp, District 1 director of the California Department of Transportation, was encouraging about our chances of securing the needed funding and offered to assist to secure 50% of the needed funding for sidewalks. GMAC was informed of this but has not taken any action.

Other funding sources are available to the community. GMAC and/or our county district supervisor should be pursuing these resources.

Mary Hiatt of the Mendocino Council of Governments makes reference to several of these in her letter of September 18: "there are various state funds available such as the State Bicycle Lane Account, Hazard Elimination and Safety Fund if GMAC would refer their request over the county to sponsor these projects for Gualala and apply directly to the state authority over these funds."

GMAC needs to do more homework and prepare a more comprehensive and inclusive draft plan before submitting the GTP to the Coastal Commission for hearing and action. The GTP as presently drawn should probably be referred back to GMAC for inclusion of overlooked/omitted town problems and/or these elements should be added by the Coastal Commission prior to final approval, as a condition to approval.

Don Berard
Gualala

Did you know?

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Editorial

The final product

For nearly 10 years, citizens of Gualala, the Gualala Municipal Advisory Council, county planners and elected officials have been working on the Gualala Town Plan — a document which will shape the future of our area over the next 20 to 30 years.

There are about half a dozen versions of the plan, but the latest draft, the one adopted by the Mendocino County Board of Supervisors and sent on to the California Coastal Commission for certification, is hard to find.

The Mendocino County Planning Department sent a few copies over to the Gualala Municipal Advisory Council — we have one at the ICO office and one is at the Coast Community Library — but few members of the public have been able to review it.

The Department of Planning and Building will print additional copies for \$9.00 each. The Gualala Municipal Advisory Council should use some of its discretionary funds (about \$4,000, at last report) to purchase 20 or 30 copies of the submitted draft for circulation among citizens, community groups, business owners and other stakeholders for comment, before the California Coastal Commission locks in the plan.

And the Coastal Commission should hold its hearing on the Town Plan near Gualala, so those comments may be heard.

—J. Stephen McLaughlin

*Don Berard Associates Licensed Real Estate Brokers
La Ranch Posales*

BOX 153 THE SEA RANCH, CALIFORNIA 95497

~~(707) 884-3765~~ (707) 884-3765 (650) 851-8789

Mailing Address: 175 Cherokee Wy
Portola Valley, CA 94028

EXHIBIT NO. 11

APPLICATION NO.

MENDO CO LCP AMEND
2-98

CORRESPONDENCE
(Page 1 of 8)

December 24, 1998

Ms Jo Ginsburg, Planner
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Re: Gualala Town Plan, Gualala, California

Dear Ms Ginsburg:

Thank you for your prompt response to my request for information on the above referenced pending Coastal Commission hearing reported in the December 18, 1998 issue of The Independent Coast Observer and that North Coast Deputy Director, Steve Scholl would probably be hearing the Gualala Town Plan in January in Culver City or February in Coronado.

I urge the staff to consider postponement of the hearing until it can be heard in our area as it is difficult for local residents to travel such a long distance for a hearing that so vitally effects our community. I suggest that the meeting be held nearer to the northern part of the state such as Santa Rosa, Fort Bragg, Mendocino or even San Francisco or Monterey, even if this means postponing the hearing to a later date when this can be more readily attended by interested local citizens. I am aware that Mr. Lotter's letter urges the Coastal Commission to avoid delay because "delay will discourage future citizen participation" but this observation contradicts local sentiment. Further the ICO article reported that elements were not included which were requested at the local public hearing and that no copies of the GTP draft that went to the Coastal Commission staff were made available for public review at the usual places.

I would like to point out that critical elements are overlooked and not a part of the GTP as now proposed. The most pressing community problem that demands immediate attention and mitigating action is the need for some traffic control in the town's commercial center where access to Highway One is unlimited to post office, three shopping centers, two gas stations, two hotels, etc. The equally demanding problem is the lack of sidewalks in town, also along Highway One. It is only a matter of time before a fatality occurs as pedestrians dodge Highway One passing vehicles, often exceeding posted speed limits as they run across undesignated crossing areas. The proposed public coastal trail access in the town center will exacerbate the problem!

Finally, the GTP draft plan fails to mention "The Transportation and Development Act" which provides funding for pedestrian and bicycle facilities, including sidewalks and bike lanes. To access TDA funds a local jurisdiction must first obtain approval/recommendation from the Mendocino Council of Governments (MCOG), either GMAC or the county or both.

Rick Knapp, District I director of the California Department of Transportation was encouraging about our chances of securing the needed funding and offered to assist to secure 50% of the necessary funding for sidewalks from the California Department of Transportation. GMAC was informed of this but has not taken any action.

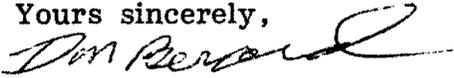
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CALIFORNIA
COASTAL COMMISSION

Other funding sources are available to the community. GMAC and/or our county district supervisor should be pursuing these resources. Mary Hiatt of the Mendocino Council of Governments (MCOG) makes reference to several of these in her letter of September 16, 1998 (copy enclosed) "there are various state funds available such as the State Bicycle Lane Account (BLA), Hazard Elimination & Safety Fund (HES) if GMAC would refer their request to the county to sponsor these projects for Gualala and apply directly to the state authority over these funds".

GMAC needs to do more homework and prepare a more comprehensive and inclusive draft plan before submitting the GTP to the Coastal Commission for hearing and action. The GTP as presently drawn should probably be referred back to GMAC for inclusion of overlooked/omitted town problems and/or these elements should be added by the Coastal Commission prior to final approval, as a condition to approval.

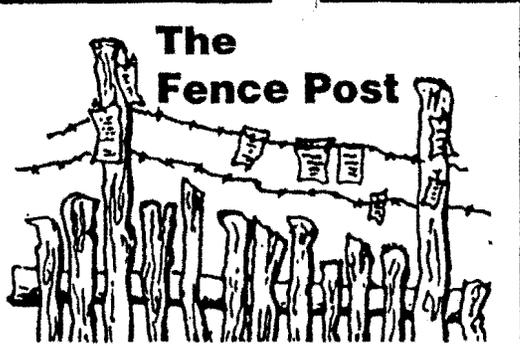
Yours sincerely,



Don Berard

cc: ICO

enclosures



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Sidewalks in Gualala

Editor:
The June 19 issue of the ICO reported on a meeting of the Mendocino County Board of Supervisors in Gualala to discuss the Draft Gualala Town Plan. The article stated "the meeting revolved around the key questions of water supply, sewer capacity and traffic congestion." Important infrastructures matter. It also reported that the Coastal Commission staff believes that traffic signals may be required in downtown Gualala as a traffic congestion solution.

No mentioned was made in the article of the present and urgent need for sidewalks and pedestrian crosswalks in downtown Gualala, both for safety and aesthetic reasons. Has GMAC addressed these issues in the town plan and with the Mendocino Board of Supervisors?

I have been in contact with and have discussed the lack of sidewalks and pedestrian crosswalks with Rick Knapp, District I Director the California Department of Transportation. District I includes Gualala. He was helpful in correcting the long standing drainage problem (Lake Gualala) and the resurfacing/paving of the highway.

He was encouraging about our chances and would assist us to secure 50% of the funding for sidewalks from the California Department of Transportation under provisions of T.D.A. (The Transportation and Devel-

opment Act) which provides funds for pedestrian and bicycle facilities, including sidewalks and bike lanes.

In order to access this funding, approval/recommendation must first be obtained from Council of Governments which includes Mendocino County. If the remaining 50% can be found, either from the county or through some other source, sidewalks in Gualala could become a reality. A government entity, GMAC, or some civic body must take the initiative to commence the necessary governmental process in order to obtain the T.D.A. funds that are available. Our county supervisor can help.

The impact of sidewalks will not only be a safety feature, but enhance the appearance and image of Gualala. I am available to assist in making the effort.

Don Berard
Gualala

3 Hwy 1 problems

Editor:
This is a follow-up to the "Ricochet Highway Crash" story, but is intended primarily for the agencies who rent Sea Ranch houses. I am compelled to share my concerns about Hwy. 1, and the menace we all face from the Problem, Us and Them.

First, the "Problem" is that along the entire Sea Ranch corridor, most of the intersections are blind. For example, the stretch from the Fire Station South to the Barn is relatively straight so drivers pick up speed, but

See Letters . . .
Continued on Page 12

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*Don Berard Associates Licensed Real Estate Brokers
Sea Ranch, Sonoma*

BOX 153 THE SEA RANCH, CALIFORNIA 95497
(650) ~~XXX~~ 851-8789 (707) 884-3765

August 8, 1998

Mr. Rick Knapp, District Director
Department of Transportation, District 1
P.O. Box 3700
Eureka, CA 95502

RECEIVED
DEC 28 1998
CALIFORNIA
COASTAL COMMISSION

Re: Gualala Infrastructure, ie. sidewalks and pedestrian crosswalks.

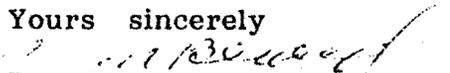
Dear Mr. Knapp:

Let me start by thanking you for addressing the long delayed work on the drainage problem in the center of town. It is still hoped that more pedestrian crosswalks will be provided so that pedestrians can more safely cross highway one. Playing dodgem with cars speeding down highway one. Someone will be killed and then the blame game will start.

My reason for writing is to ask your assistance in securing the funds available for sidewalks and bike trails through the Transportation and Development Act. You mentioned that a project must be approved and recommended by the Council of Governments. How is this accomplished? Who brings it to them? Is it done through the Mendocino County Board of Supervisors? Is it brought to the attention of the supervisors by some local authority or through the district supervisor?

I would appreciate it if you give me the benefit of your expertise.

Yours sincerely


Don Berard
Licensed Real Estate Broker

Enclosure

DEPARTMENT OF TRANSPORTATION

DISTRICT 1, P.O. BOX 3700

EUREKA, CA 95502-3700

TDD Phone 707/445-6463

Phone: 707/445-6445



August 25, 1998

Mr. Don Berard
Licensed Real Estate Broker
P.O. Box 153
Sea Ranch, CA 95497

Dear Mr. Berard:

Thank you for your letter of August 8, 1998, requesting assistance in securing funds for sidewalks and bike trails through the Transportation and Development Act (TDA). As we discussed by phone, project proposals for TDA funding must be approved by the Mendocino Council of Governments (MCOG). To solicit TDA funds for bike and pedestrian projects in Gualala, I suggest you contact MCOG, the regional transportation planning agency for the County of Mendocino.

MCOG is made up of representatives from the Board of Supervisors and City Councils in Mendocino County, and is a separate entity from the Board of Supervisors. For technical matters regarding transportation planning, MCOG created a Technical Advisory Committee (or TAC), which is made up of representatives from each City, the County Public Works Department, the County Planning Department, the Northcoast Railroad Authority, the Air Quality Management District (AQMD), Mendocino Transit Authority, and Caltrans. I am sure that MCOG's staff will be glad to assist you in determining the best and most efficient action for you to take to initiate a project proposal for the use of TDA funds to build bike and pedestrian improvements in Gualala. In addition to TDA funds, MCOG may be able to tell you about other potential funding sources also available for bike and pedestrian projects. MCOG's address/phone is as follows:

Ms. Mary Hiatt, Executive Secretary
Mendocino Council of Governments
215 West Standley Street, Ukiah, CA 95482
Phone: 707-463-4470.

We share in your concern for additional need for bike and pedestrian facilities. If I can be of further assistance, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Rick Knapp".

RICK KNAPP
District Director

*Don Berard Associates Licensed Real Estate Brokers
Sea Ranch, Soals*

BOX 153 THE SEA RANCH, CALIFORNIA 95497

(650) ~~XXXX~~ 851-8789 (707) 884-3765

September 8, 1998

Ms. Mary Hiatt, Executive Secretary
Mendocino Council of Governments
215 West Standley Street
Ukiah, CA 95482

Re: Transportation Development Act (TDA), Gualala sidewalks.

Dear Ms Hiatt:

Enclosed please find copies of some correspondence between Rick Knapp, District Director of the Department of Transportation which includes Gualala and this area.

The enclosed information will give you some insights on the problems being experienced by this small coastal community. The problems have been exacerbated the additional recreation, residential and commercial development at an accelerated rate in recent years with little or no improvements in government infrastructure to accommodate this growth.

The only improvement, after years of pleading was the alleviation of flooding of the highway at the busiest intersection in town and improvement of the ONLY crosswalk in the entire town!

There are no sidewalks, crosswalks, street lighting or bicycle paths. Pedestrians play "dodgem" with cars speeding down highway one and it is only a matter of time before a tragedy occurs!

I have done my best to improve the situation by contacting all government bodies available, including MCOG through this letter. Since there is no local government body the county level is the only avenue available to address the above concerns.

I will be willing to carry the responsibility of working with the delegated powers to implement the funding of these badly needed improvements. I would appreciate your assistance in reaching this goal.

Yours sincerely,

Don Berard

Enclosures

MENDOCINO COUNCIL OF GOVERNMENTS
215 W. STANDLEY STREET
UKIAH, CALIFORNIA 95482
(707) 463-4470

September 16, 1998

Mr. Don Berard
Don Berard Associates
Box 153
The Sea Ranch, CA 95497

Re: Gualala sidewalks / Safety improvements

Dear Mr. Berard:

In response to your letter of September 8, this will provide you with some information on funding sources for bicycle and pedestrian improvements in Gualala.

As you mentioned, there is some funding available under the Transportation Development Act (TDA), which is administered by MCOG as the Regional Transportation Planning Agency. MCOG sets aside two percent annually for this purpose as allowed by TDA. In 1998, \$40,000 was available for the countywide region, although it is now past the August 31 deadline for applications. MCOG member entities may apply, i.e. the County and the four incorporated cities of Ukiah, Fort Bragg, Willits, and Point Arena. Those five entities have representatives on MCOG's Technical Advisory Committee, which reviews, ranks and recommends projects for MCOG Board approval.

There has been good news recently for transportation funding from both the state and federal levels. Senate Bill 45 gave more local authority over state transportation funds, so MCOG now will be responsible for making decisions regarding transportation improvement funding. Our Technical Advisory Committee is recommending a distribution formula with five percent for bike and pedestrian needs. The MCOG Board is expected to act on their recommendation at the October 5 meeting.

The federal transportation bill recently passed by Congress, the Transportation Equity Act for the 21st Century (TEA21), contains more funding than the previous six-year act (ISTEA). One component, Transportation Enhancement Activities (TEA), will give MCOG at least \$1.4 million to allocate over six years to local projects, including bike and pedestrian and various historic, scenic and environmental needs. The process of applying for this fund is not yet established.

All of these funds are competitive, but there is increased funding now for Mendocino County, to be allocated by MCOG as the regional agency. You will need a local government lead agency as

Mr. Don Berard
Page 2
September 16, 1998

an eligible applicant, in your case the County. I suggest that you contact Jim Lotter, Chairman of the Gualala Municipal Advisory Council (GMAC), as there already has been considerable energy expended toward this end. I understand that GMAC is looking at funding alternatives and bike and pedestrian improvements.

There are various state funds available, such as the State Bicycle Lane Account (BLA) which was recently increased by a significant amount, and the County has been successful in at least one of its BLA grant applications. There is also Hazard Elimination & Safety (HES). MCOG has no authority over these funds; you would ask the County to sponsor Gualala's projects and apply directly to the state.

If you have further questions, feel welcome to call me at 463-4470.

Sincerely,



Janet Orth
Administrative Assistant
for Mary Hiatt

cc: Phil Dow, MCOG Transportation Planner

CALIFORNIA TROUT



KEEPER OF THE STREAMS

November 23, 1998

RECEIVED
NOV 25 1998

California Coastal Commission
Attn: Steven Scholl, North Coast Area Analyst
45 Fremont, Suite 2000
San Francisco, CA 94105-2219

CALIFORNIA
COASTAL COMMISSION

Subject: County of Mendocino LCP Amendment No. 2-98 (Major: Gualala Town Plan)
Time Extension for Public Hearing

Dear Mr. Scholl:

It has come to our attention that the Gualala Town Plan is under review by your office. Therefore, I wish to call your attention to an ongoing water rights dispute between California Trout and the North Gualala Water Company (NGWC).

California Trout is a non-profit conservation organization. Our mission is to protect and restore wild trout, native steelhead, and their habitat in California; and to provide high quality angling adventures for the public to enjoy. We represent 5,000 dues paying members directly, and approximately 1 million anglers indirectly.

California Trout and many other parties currently have complaints filed with the State Water Resources Control Board which could seriously impact the NGWC's existing and future water supply. In summary, California Trout alleges that the NGWC is in violation of the terms of their existing water rights permit, and is therefore operating an illegal diversion of water from the Little North Fork Gualala River. We believe that the NGWC's actions may severely impact Coho salmon and steelhead populations in the Gualala River.

The SWRCB is currently reviewing our complaint. They have conducted a Field Investigation - the last administrative remedy for the complaint- and expect to issue a Board Order on the diversion in the near future.

For this reason, we strongly recommend that you hold your review in abeyance until the water rights dispute is resolved. After all, water supply will play a critical role in evaluating proposed development levels for the town of Gualala.

Sincerely,

Michael E. Bowen
Hydroelectric Director

EXHIBIT NO. 12
APPLICATION NO.
MENDO CO LCP AMEND 2-98
CORRESPONDENCE



**CORRESPONDENCE PREVIOUSLY
INCLUDED WITH ADDENDUM ITEMS
DISTRIBUTED ON JULY 15, 1999**

To: California Coastal Commission
Re: Gualala Town Plan - LCP Amendment No. 2-98

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E
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J
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EXHIBIT NO.	13
APPLICATION NO.	MENDO CO LCP AMEND
	2-98 CORRESPONDENCE
Page 1 of 2	

COASTAL COMMISSION

July 8, 1999

Dear Director Douglas, Members and Staff of the Coastal Commission,

I am in favor of much of the Gualala Town Plan and I appreciate the hard work that has gone into it. Unfortunately there are still major unresolved issues, and I hope that the Coastal Commission will not approve the plan until those issues are resolved.

I agree with and support the comments submitted by the Sierra Club and Coast Action Group. I also support the preliminary recommendations from the CCC staff in the letter to Mendocino County in June. In addition I have my own comments below.

The Issue of Water Availability for Buildout

There is simply not enough water available from the Gualala River to supply the current build-out level, let alone the increase proposed in the GTP and still maintain the minimum bypass flow of 4 cfs, in times of low flow (July-Oct). This fact is well documented by the State Water Resources Control Board, Division of Water Rights. It is also admitted to by Mendocino County in the Gualala Town Plan (GTP), although it appears that they are trying to grossly understate the problem by playing hide and seek with the build-out figures.

The water company serves a much larger area than just the GTP area. Obviously the entire water service area needs to be planned for as a whole, which the county is trying to avoid by piecemealing the planning process. This is a clear violation of CEQA.

To put it simply, if you approve the amount of growth in the GTP, you will either cause hardship on people who develop there due to lack of water, or you will destroy the Gualala river to accommodate the growth. There are no reasonable assurances in the GTP or the County's LCP that will prevent one of these two scenarios from occurring.

Therefore I urge you move the Urban/Rural boundary back to where it was prior to the GTP, which is basically downtown Gualala.

I also urge you to require a specific phased development plan for the entire water service area, along with a request to the Division of Water Rights to have the Gualala river declared Fully Appropriated in low flow periods. This will finally cause the amount of available water to be determined and proper planning within the restraints of reality can take place. Until that time, I strongly recommend a moratorium on all new development.

CEQA Compliance

The Mendocino County Planning Department has maintain throughout the county's public hearings that the Coastal Commission is the lead agency for this project and therefore all CEQA review is your responsibility. We have been waiting many months for your staff report, the "functional equivalent of an

EIR". As I write this (July 8) the staff report is still unavailable and yet the hearing date has been set for July 15.

One of the most basic purposes of CEQA is to provide full disclosure and public review. It is obviously too late for a proper 30 day review and comment period by the public and other responsible agencies.

Regretfully I therefore urge you to delay this hearing until responsible agencies and the public have had a reasonable time to review and comment on the staff report. This is particularly important in order to receive comments from Fish & Game and NMFS on impacts to Coho and Steelhead in the Gualala River.

This is Only Part of a Larger Project

It is obvious and well known that the county is also working on another part of this plan known as the Gualala Area Plan. These two plans, since they share infrastructure such as water, sewer and traffic need to be combined and reviewed as one plan. Otherwise it is a clear violation of CEQA.

Additional Topics for CEQA Review

Since the staff report is unavailable, I do not know if these topics have been reviewed, or to what extent they have been reviewed. But these are all potential impacts that need to be addressed.

- Noise level increases cause by increased traffic & development.
- Traffic impacts within the entire planning area, including Sea Ranch to Iverson Rd.
- Impacts caused by proposed bridges.
- Impacts from expansion of the Urban/Rural boundary.
- Solid waste disposal issues - the local landfill is set for closer with 2 years.
- Sewer service constraints.
- Geologic & Seismic hazards.
- Historical resources.
- Degradation of the environment from timberlands conversion.
- Impacts to ESA listed species (Coho & Steelhead) of over pumping the river.
- Impacts to recreational users of the river by destroying the fishery. Or alternately...
- Impacts to residents and businesses by maintaining minimum bypass flows in the river.
- Impacts to future development outside of the GTP area after all water is used up by Gualala.

Again, I urge you not to approve this plan until these issues have been properly dealt with.

Thank-you,



Eric Dahlhoff
PO Box 543
Point Arena, CA 95468
707 882-3127

SIERRA CLUB



REDWOOD CHAPTER

Office: (707) 544-7651 Fax: (707) 544-9861
632 Fifth Street, Santa Rosa, CA 95402
Mail: P.O. Box 466, Santa Rosa, CA 95402-0466

July 7, 1999

California Coastal Commission
North Coastal Area
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

Re: Gualala Town Plan, Th 7a, July, 1999

Dear Director Douglas, Members and Staff of the Coastal Commission,

The staff report for the Gualala Town Plan is not yet mailed, so this letter addresses a set of proposed modifications prepared by Commission staff, which the Gualala Municipal Advisory Council commendably provided for public review.

We agree with the comments on the same document by Coast Action Group, and we have additional concerns. Overall, the staff-proposed modifications address many issues raised in our May 1, 1999, letter. Two staff proposals are vital.

Staff recommends that the Gualala urban/rural boundary remain where it now is. The GTP would greatly extend that boundary to the top of the first coastal ridge and to the north, much closer to the San Andreas Fault Zone. The current urban/rural boundary includes too much land south of Old Stage Road and inland along the Gualala River and its estuary. While the staff recommendation to keep the existing urban/rural boundary is good, pulling the boundary back to Old Stage Road would be better. Land southeast of Old Stage Road was proposed for park acquisition by a local planning body which preceded the GMAC. That is still a reasonable goal, because structures built on that land during the 19th century were destroyed by floods.

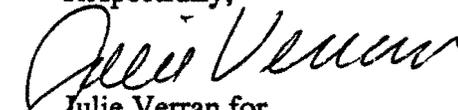
The following language drafted by Commission staff is fine; it is a litmus test of environmental consciousness and should be added to the GTP wherever appropriate.

Sensitive coastal resources, including views from public areas such as Highway 1 and the Gualala Point Regional Park, and sensitive resources associated with the Gualala River shall be protect[ed] using such means as establishing vegetative buffers between Highway 1 and developed areas, avoiding siting of structures on slopes adjacent to Highway 1, and avoiding siting development within sensitive habitat areas or the buffer areas established for their protection.

Proposed changes relating to traffic might not work. Constraints exist at a distance on Highway 1 and county roads which could not be fixed by actions in the Gualala planning area, but which could get worse with increased traffic generated by development in Gualala.

Not included in the staff proposal were these important elements: incorporation of the five-page "Gualala Area Plan"; ban on burning and herbicide use with logging; preparation of tsunami run-up map; inclusion of existing county geologic hazard maps; sea cave element similar to those required for Encinitas and Solana Beach; protection of archaeological and historic resources; language stating that onshore facilities for offshore oil, and estuary dredging, both of which are allowed in the Mendocino LCP, are inappropriate for Gualala.

Respectfully,


Julie Verran for
Sierra Club Redwood Chapter

To explore, enjoy, and protect the Redwood Chapter

EXHIBIT NO.	14
APPLICATION NO.	MENDO CO LCP AMEND
	2-98
CORRESPONDENCE	

Mendocino Coast Watch

Post Office Box 198, Fort Bragg, CA 95437 ~ (707) 961-1953

RE

EXHIBIT NO. 15
APPLICATION NO. MENDO CO LCP AMEND
2-98 CORRESPONDENCE
Page 1 of 9

TO: Members of the Mendocino County Planning Commission, Gualala Municipi
Gualala Town Plan Advisory Committee, County Staff, and Members of the Public

FROM: Roanne Withers, Executive Director

RE: The Gualala Town Plan. For the Public Record Hearing Date September 18, 1997.

By way of introduction, *Mendocino Coast Watch* has been formally participating in Mendocino county unincorporated coastal land-use planning since 1994. Recently CoastWatch has expanded to include an Advisory Council comprised of individuals from many of the distinct Mendocino coast watershed areas. I am the Executive Director of *Mendocino Coast Watch* and am authorized to represent the organization's interests. Together, our mission is to protect, enhance, and restore the coastal region of Mendocino County through educational, legislative, electoral, and juridical activities.

All coastal residents have an interest in how specific areas of the coast develop, and this development's impacts on coastal resources. CoastWatch is here today to submit written comments into the public record regarding the proposed Gualala Town Plan and to summarize these comments in oral testimony before you.

The most outstanding characteristic of the Plan is the time, effort, caring, and thought that obviously went into the Gualala Town Plan. We see a community's struggle to integrate and balance mixed residential and commercial development so that it will live as a community, not just as a tourist shopping center like Mendocino. This shows a deep love of this place.

However, under the guise of "planning for the future" we also see an attempt to develop beyond what the infrastructure and resource base can support. Because part of the Gualala Town Plan (GTP) jump starts this beyond capacity development, the GTP is internally inconsistent as well as in conflict with the California Environmental Quality Act (CEQA) and the Coastal Act. Under this inconsistency and conflict there are several important areas CoastWatch would like to bring to your attention.

ENVIRONMENTAL REVIEW

The staff report is inaccurate when it states, "...the responsibility of meeting CEQA requirements (i.e., Negative Declaration or EIR) lies with the Coastal Commission." (Staff Report Section IV. Environmental Review/Issues, pg. PC-5) The discussion under CEQA Guideline Section 15265 explains that the process used by the Coastal Commission in approving long-range development plans has been legislatively certified as the "functional equivalent" of CEQA, and the Commission can use a "short form" for CEQA compliance. Therefore, the Commission is not required to perform environmental review under a Negative Declaration or

EIR format.

The staff report continues in its next sentence to state, "However, the Coastal Commission does require the County to include in its submittal documents sufficient environmental analysis to enable the Coastal Commission to fulfill its CEQA obligations." Decision makers must not be misled into thinking the county can pass on its initial and primary responsibility for full review, full understanding, and mitigation of significant environmental impacts by staff's implication that it will all be handled somewhere else down the road.

What the entire LCP Amendment process really requires is that the county be initially responsible for review and bear the burden of full and complete environmental analysis. This makes sense not only from a legal standpoint but on the more practical level as well, in that the county, its decision makers, and the public are most familiar with the specific area involved.

The primary purpose of complete county environmental analysis is so that the public and county decision makers are fully informed of the significant environmental impacts as well as the potential for cumulative significant environmental impacts that would be caused by the implementation of proposed GTP.

It is within this framework of county responsibility to accurately analyze the GTP that CoastWatch brings its concerns about the areas of deficient environmental review of the significant, and potential for cumulative significant environmental impacts of the GTP.

OUTDATED ENVIRONMENTAL REVIEW GUIDELINES

The GTP staff report concludes, "Staff does not anticipate significant environmental impacts associated with the adoption of the GTP as overall development is reduced per the GTP as compared to the existing LCP." Staff obviously did not review the GTP in terms of CEQA Guideline *Appendix G: Significant Effects* which lists certain impacts deemed to normally have a significant effect on the environment if not mitigated in some way. We incorporate CEQA *Appendix G* into the public record by attaching it to these comments. Most of the "significant effects" listed in *Appendix G* are triggered by the GTP. We highlight specific significant effects later on in our comments.

We note here also that the "environmental checklist and review guidelines" used by staff are at least 15 years out of date with current CEQA review guidelines, and therefore do not fulfil the county's obligation to provide its decision makers, the public, and the Coastal Commission with "sufficient" environmental review information. While the County may develop its own CEQA Guideline format, the format must be current with state law in order for the county, the decision makers, and the public to be assured that in fact there are no significant environmental impacts.

ERRONEOUS LCP DEVELOPMENT BASIS

We also cannot fathom how staff can make the conclusion that "overall development is reduced" by the

GTP. The GTP proposes to not only significantly increase the intensity of land use, it proposes to significantly increase the amount of development altogether above and beyond that allowed by the LCP. The GTP states, "While the Gualala Town plan significantly reduces commercial build out potential (by 64%) , it increases potential residential build out by about 428 dwelling units." This conclusion is erroneous because the LCP build-out basis was not treated by the GTP correctly.

The GTP analyzes amount of future commercial growth by "zoning" under the LCP. It assumes that all that is zoned commercial can develop. In fact, commercial growth under the LCP is limited by the amount of water and sewer connections, and highway capacity currently available. The GTP LCP basis cannot be predicated on "if" future water and sewer become available, but only that which exists at the time of the plan.

A true analysis would take the historical commercial vs residential development ratio and use the 75/50 development formula to determine what would be required for connection to water and sewer, and then compare that to the amount of water and sewer connections available. This would give you your LCP basis of commercial vs residential build out with which to project the GTP's changes.

WATER

Water issue #1

The GTP plans for development for which there is no identified water source. CoastWatch brings to your attention the 1996 *Stanislaus Natural Heritage Project v. County of Stanislaus* case. [(5th Dist. 1996) 48 Cal. App. 4th 182]

In summary, developers of a new town and resort called Diablo Grande were seeking plan approval for urban-level development with phases of this development wholly dependant on a deferred watery supply analysis. Plaintiffs' attorney Susan Brant-Hawley states, "Diablo Grande was premised on a Field of Dreams mythology: if they (want to) build it, water will come . . .The environmental petitioners successfully argued to the Court of Appeal that while it might work in Hollywood, such fantasy planning could not lawfully occur under CEQA."

The county in this case could not make an informed decision on whether to adopt the Diablo Grande Specific Plan without being informed, to some reasonable degree, of the environmental consequence of supplying water to development which has no identified water source.

The GTP staff report asks, "The difficult question to answer is at what point in the development of the GTP is it necessary to stop the planning process in order to wait for additional information to be gathered...?" (Pg: PC-6)

In order to be consistent with "sufficient environmental review" the GTP has two choices:

- (1) Limit its planning to what can be served by the existing water supply; or

- (2) Identify an additional water supply along with a full environmental impact analysis of such in an EIR.

Postponement of addressing water supply issues until after the GTP is approved eliminates any real consideration of alternatives. Approval of the GTP lends momentum to and presumption that development for which there is no identified water source will be approved at some point. This is contrary to CEQA and the Coastal Act.

Water Issue #2

Specifically the GTP states, "All of the lands within the Town Plan area are within the North Gualala Water Company's service area, although some parcels are served by domestic wells." (GTP Pg.1) Per the GTP discussion of water supply starting at GTP page 14, there appears to be sufficient water to supply approximately 1,700 connections from a production well located on the North Fork Gualala River and two secondary surface water sources at Robinson Gulch and Big Gulch. At the time of the GTP staff report a "Source Capacity Study at Elk Creek" was being prepared by Rau and Associates for the North Gualala Water Company and is intended to clarify the water supply issue. This study was then slated for review by the State Department of Health Services.

The staff report does not tell us whether Mr. Rau's *Capacity Study* and the GTP have been or intend to be circulated for Department of Fish & Game (DFG) review and State Water Resources Control Board (SWRCB) review. Department of Health Services is not mandated to consider all in-stream beneficial uses under the public trust doctrine. Its purview is to review existing water supply information and determine what the supply is. However, both DFG and SWRCB have equal or more jurisdiction over water supply as well as the other in-stream beneficial uses under the public trust doctrine. So while water supply is an important consideration for future planning, the impact on the environment of supplying such water must be considered. Both the GTP and the GTP staff report are deficient in this area.

Water Issue #3

Both the GTP and the GTP staff report assume all existing wells in the plan area will be viable from here on out, yet no information is provided whereby anyone else could reasonably make such an assumption. It is our experience that when existing development wells are no longer viable due to elimination of aquifer recharge areas, drought conditions, contamination from leach fields and/ or depletion of the underground water supply, these existing developments are first in line for water system connection due to health and safety considerations. Yet the water supply analysis in the GTP and the GTP staff report fails to include these potential connections in its planning considerations.

Water Issue #4

Under the GTP section entitled *Land Use Plan & Zoning Map Amendments/Second Residential Units* it states, "Either a hook-up to the North Gualala Water Company or an adequate on-site water system, as approved by the Division of Environmental Health, shall be available to serve the second residential unit."

Currently there is no definition in the LCP or General Plan of "adequate" except at the time of subdivision. Currently and historically single family coastal development permits are approved and building permits are issued via a "source" identification only without any verification what-so-ever of amount or quality of water available by Division of Environmental Health. We incorporate by reference, and provide a copy of March 18, 1997, Mendocino CoastWatch and Sierra Club written testimony before the Board of Supervisors on this issue, as well as a letter from the California Coastal Commission staff regarding its concerns about "adequate" water for single family homes.

To briefly summarize this issue, since coastal single family homes have been approved without an "adequate" water supply, and due to the lack of aquifer recharge during and after drought conditions or "up-stream" well development, many coastal zone wells have gone dry during late summer causing the need for trucked in water. Some of these trucked in water suppliers are non-permitted and are illegally drafting from coho spawning and fry areas of coastal rivers. This is a serious health and safety issue as well as causing a significant impact on the environment. Because the Board of Supervisors has refused to address this issue to date, this does not mean the GTP is free to ignore this serious problem.

For the GTP to propose that adding second units to an on-site water supply where by the County of Mendocino and its Division of Environmental has no standard for what is "adequate" is sure to cause a significant impact on the environment. The GTP staff report fails to address this issue.

The GTP and its staff report also fail to consider the remaining amount of water connections if these 2nd units are served by a well which fails in either quantity or quality. Landlords are required to provide potable water to their tenants, therefore second units served by wells are held to a higher water quality standard than that of just a property owner servicing well.

SEWER

There is severe health and environmental conflict within the GTP, which allows for new wells as well as new private septic systems. At some point the GTP must decide whether to require all new development to be connected to its sewer treatment system or all development to be connected to its municipal water system. That point may have been yesterday. Has Regional Water Quality reviewed the GTP for it analysis of the issue? Since GTP projected build out exceeds its existing municipal water supply and sewer capacity, and the area currently has existing wells and existing private septic systems, a resolution must be found before this plan can proceed. The GTP staff report completely fails to address this issue.

DRAINAGE

The GTP and the staff report fail to even mention street and parcel drainage. Where does street drainage go? Into the ocean? Into the Gualala River? If there is no storm water runoff system how will the projected increase in development affect the current surface drainage? Will flooding be a problem as a result of the increased paved areas as the plan area develops? Are street and parking pollutants entering sensitive habitat

areas helter-skelter? The staff report fails to address this significant environmental impact of increased grease, oil, and gas pollutants into the aquifer, wells, and wherever else it might end up. Therefore the GTP promises to substantially degrade the water supply and ground water resources as well as to harm rare and endangered species.

RARE AND ENDANGERED SPECIES & ENVIRONMENTALLY SENSITIVE HABITAT AREAS

We see no identification or discussion of rare and endangered species and wetlands that might exist in the GTP area other than the Gualala River area. The rare and endangered species arena has changed much since the approval of the LCP. It is incumbent on the GTP to identify noted rare and endangered species that are likely to be found in the area in order to inform decision makers and forewarn developers. The GTP cannot place its responsibility off on "various policies" of other regulatory agencies. As it stands the GTP promises to ignore this important area therefore assuring the environment will be impacted in a significant way.

ARCHEOLOGICAL SITES AND AREAS OF HISTORIC SIGNIFICANCE

The GTP and its staff report fail to inform the public and decision makers whether or not there are areas of statewide and local archaeological or historical significance, therefore the GTP will allow these potential areas to be ignored, causing and cause a significant impact on the environment through ignorance of important data and facts.

SUBSTANTIAL GROWTH INDUCEMENT AND CONCENTRATION OF POPULATION

As discussed earlier the GTP encourages development for which there is no water supply or sewer capacity. Under CEQA this is considered growth inducing. As future residents struggle for water supplies and sewer use this may very well cause a significant impact on the environment.

We would like some clarification of the definitions of the various Maximum Floor Area Ratios (FAR) and Maximum Lot Coverages. It has been our experience that garages, units on top of garages, as well as outside concrete pads, patios, and sidewalks are sometimes left out of FARs and Lot Coverage calculations.

The maximum Density for Residential Uses in the GVMU District, for example states that if you had 8 single family homes (per 10 units per acre) then 2 more lots could develop to 15 units (30 units per acre) of multi-family each within this acre area. In Fort Bragg, which has developed older single family home neighborhoods and in one area allows for a 6 unit per acre multi-family as well, developers are purchasing the older homes, then tearing them down putting in 6 unit apartment buildings. This allowable development significantly changes the existing characteristics of the older neighborhoods. One of the primary impacts of these large two-story apartment buildings next door to single family homes is that they almost completely block out the sun from the single-story single, family homes' windows and yards. This makes for significant neighbor against neighbor conflict at the time of project approval. The Fort Bragg General Plan, like the GTP has no property line setback for all four directions of lot coverage.

In Fort Bragg's down-town area which allows for 2-story residential/commercial mixed use a two story

building was approved which ended up blocking all windows in an existing 2nd story low-income apartment unit. All the developers of the 2-story units were entitled to this type of development per the Fort Bragg General Plan. These are the types of tragedies the GTP encourages which result in depreciating neighboring property values.

The GTP's proposed level of population concentration though its proposed intensity of use must be more thoroughly discussed. We appreciate the concern and efforts towards creating affordable rental units in the plan however, such an intensity of land-use as proposed by the plan is developer driven rather than plan driven and may ultimately serve to degrade the entire area. When low-income and affordable housing is completely developer driven this results in long rectangular boxes with as many common walls as possible on top of carports. These type of units are ghettoizing, which begets more of the same with the integrated housing approach subsequently defeated.

NOISE

An analysis of Hwy 1 and other road traffic noise impacts has not been presented. This is an important consideration for residential property owners' and renters' quality of life. Many of the older Hwy 1 Inns and motels, and restaurants in Fort Bragg are severely impacted by traffic noise which has steadily increased over the years resulting in a devaluing of the property.

GEOLOGIC PROBLEMS

The GTP and its staff report do not include an evaluation of seismic activity in this near fault-line area. Development on the bluffs, landslides, and mudflow potential have also not been mentioned.

PUBLIC SERVICES

The GTP and its staff report do not mention or discuss fire protection, police protection, schools, and whether the existing development is adequately served, much less whether the projected population increase could be served.

CERTIFICATES OF COMPLIANCE

In 1984, the state Legislature imposed a cutoff date for California counties to merge their pre-1972 parcels hibernating underneath the counties' current parcel structure or forever more consider them unmerged. In 1986, Mendocino County approved an ordinance which merged Ag and timber land parcels into certain minimum lot sizes as of 1987. All other county parcels are considered unmerged.

Under Mendocino County's Certificate of Compliance program property owners can bring forward ancient smaller parcels lying underneath their current parcels and have them certified as separate legal parcels in a ministerial approval process. Neither the Mendocino County General Plan or its Coastal Element (LCP) considered these parcels subdivisions in any way. All parcels which have zoning size minimums are subject to possible subdivision via Certificates of Compliance. These subdivisions by-pass all environmental review, and all other planning criteria.

Bottom line is that all of the coastal zone resource protection standards set in the LCP/LUP under the Coastal Act, and all up-dated or current planing efforts including the Gualala Town Plan are pure nonsense based on the approved and potential for Certificates of Compliance parcels.

These substandard parcels are the prevailing forces and standard for how and where development occurs on the coast, not highway capacity, not water availability, not coast resource protection or any other design coastal residents might try to come up with to plan for the future, to comply with CEQA, and/or the Coastal Act.

Questions that must be answered before the GTP plan is approved, before any subdivision is approved, and before any amendment to the LCP is approved are:

- How many non-resource parcels have developed since 1985?
- How many resource parcels have developed since 1985?
- How many more non-resource parcels have been created since 1985 via LCP amendments?
- How many resource parcels have received subdivision approval since 1985 via LCP amendments?
- How many zoning changes to a more intense land use have been approved since 1985?
- How many parcels resulting from Certificates of Compliance have occurred since 1985 in the coastal zone?
- What use is the county's 75/50 development formula when Certificates of Compliance parcels develop?

In a 1997 Writ of Mandate petitioners asked for an EIR on the Newport Inn located north of Ten Mile and south of Westport for a variety of reasons as well seeking judicial review of the County's failure to address the Certificates of Compliance and LCP issue. Petitioners lost the case (appeal pending). However, Mendocino County Superior Court Judge Conrad Cox states in his Minute Order issued July 31, 1997, "The petitioners request an environmental impact report to study the proliferation of Certificates of Compliance and Coastal Plan Amendment application. The concern of the petitioners in this area are valid concerns, and they should be addressed by respondent and other agencies. Growth should not occur by piecemeal amendments to and deviations from a well devised plan that is designed to permit orderly and environmentally sound development." Judge Cox went on to conclude that this subject single small development approval process (increasing an Inn size from 6 to ten units) was not the proper "vehicle" for resolution, but "Coastal Plan amendments" were. (*Guenther, et al, vs. Board of Supervisors*, Case No. CV75108)

An LCP Amendment is required for approval of the Gualala Town Plan. CoastWatch intends to pursue resolution to Mendocino County's insanity whereby it pretends it has a General Plan, LCP, and other supporting land-use studies, which are in reality utterly worthless in both a legal sense and in common sense.

We find it ludicrous that Mendocino County Building and Planning Department, which is fully aware of the Certificates of Compliance problem did not inform the G-MAC and Gualala Town Council of its Certificates of Compliance difficulties before residents devoted several years to a plan that under current conditions cannot fly.

In short, the GTP and its staff report:

- 1) Proposes development beyond coastal resource capabilities;
- 2) Is deficient in environmental review of potential water, sewer, and pollution problems;
- 3) Is deficient in its treatment of ESHAs;
- 4) Ignores archaeological and historical resources problems;
- 5) Ignores cumulative development impact;
- 6) Ignores noise, geologic, and public service problems;
- 7) Proposes traffic gridlock on Highway 1;
- 8) Ignores potentially very severe Certificates of Compliance problems which could render the plan worthless.

Mendocino CoastWatch urges that the Gualala Town Plan be rejected.

Roanne Withers, Executive Director

7078822011 REIMULLER & TUGIL

Friends of Schooner Gulch

TO FAX
415-904-5400

A Watershed Organization
P. O. Box 4, Point Arena, California 95468
(707) 882-2001, Fax (707) 882-2011

No. Coast

Executive Committee

Sarah Flowers
Charles Peterson
Peter Reimuller

RECEIVED

JUL 06 1999

July 3, 1999

Commissioners,
California Coastal Commission,
45 Fremont, Suite 2000,
San Francisco, CA 94105-2219

CALIFORNIA
COASTAL COMMISSION

RE: Gualala Town Plan - LCP Amendment No. 2-98

Commissioners:

At our last regular meeting, the Executive Committee of Friends of Schooner Gulch joined with Coast Action Group to oppose the Gualala Town Plan Amendment.

1) Our biggest complaint is with the unknown numbers of future households to be allowed in the buildout, both inside and outside of the Municipal Area.

2) The infrastructure to support the potential buildout in the Gualala area does not exist.

3) There is no demonstrated need for the size of the buildout which is proposed in the Amendment.

Please do not approve the Amendment as submitted.

Sincerely,



Peter Reimuller
Corresponding Secretary
Friends of Schooner Gulch

EXHIBIT NO.	16
APPLICATION NO.	
MENDO CO LCP AMEND	
2-98	
CORRESPONDENCE	

From the Coastal Ridge to the Pacific Ocean, since 1986.

EXHIBIT NO.	17
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TO: California Coastal Commission
 Attention: Jo Ginsberg
 45 Fremont St., Suite 2000
 San Francisco, CA 94105-2219

By Fax (415) 904-5400 (Hard copy to f

FROM: Roanne Withers, Director
 Mendocino CoastWatch
 P.O. Box 198
 Fort Bragg, CA 95437

&

Ron Guenther, Chair
 Sierra Club Mendocino/Lake Group
 P.O. Box 2330
 Fort Bragg, CA 95437

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 CALIFORNIA
 COASTAL COMMISSION

Date: July 2, 1999

Re: Gualala Town Plan - LCP Amendment No. 2-98 (Mendocino County)

Most of our concerns have been raised by Coast Action Group in its letter to the Commission dated (approximately) June 27, 1999. We generally support the Commission Staff Report and Recommendations of June 4th as stated by Coast Action Group. Indeed, we raised many of these concerns before the County of Mendocino in a Mendocino CoastWatch letter dated September 18, 1997. We request review of this letter, since some of the issues raised then have not yet been addressed. (Enclosed with hard copy by mail.)

In this letter, however, we wish to focus mainly on one particular and important planning issue— Parcels within and parcels next to the Gualala Town Plan area which may subdivide via the County of Mendocino's Certificates of Compliance program.

In short, all of the coastal zone resource protection standards set in the Mendocino LCP/LUP under the Coastal Act, and all up-dated or current planning efforts in the Gualala Town Plan area are pure nonsense based on the County of Mendocino completely ignoring approved and potential for future subdivisions of land under the its Certificates of Compliance program. We believe that the Commission has an obligation to either address this problem or require that the County address this problem before an LCP Amendment can be approved.

In 1984, the state Legislature imposed a cutoff date for California counties to merge their pre-1972 parcels hibernating underneath the counties' current parcel structure or forever more consider them unmerged. In 1986, Mendocino County approved an ordinance which merged Ag and timberland parcels into certain minimum lot sizes as of 1987. All other county parcels are considered unmerged, including those in and near the Gualala Town Plan area.

Under Mendocino County's Certificate of Compliance program property owners can bring forward ancient smaller parcels lying underneath their current parcels and have them certified as separate legal parcels in a ministerial approval process. Neither the Mendocino County General Plan nor its 1985 Coastal Element (LCP/LUP) considered these parcel subdivisions in any way. All parcels which have zoning size minimums are subject to possible subdivision less than these zoning sizes via the Certificates of Compliance program.

These subdivisions by-pass all environmental review, and all other planning criteria.

These substandard parcels are the prevailing forces and standard for how and where development occurs on the coast — not highway capacity, not water availability, not coast resource protection, nor any other design coastal residents might try to come up with to plan for the future, to comply with CEQA and/or the Coastal Act. While the Town Plan area may be restricted in its build out, what about that area just next to the Town area? Certainly, buildout next to the town has an impact on the Town itself. These impacts must be considered under CEQA.

We understand the state Merger/Unmerger laws governing Certificates of Compliance parcel subdivisions. We know that not much can be done directly regarding these parcels short of act of the Legislature. However, this does not preclude an examination of past subdivisions in and around the Gualala Town Plan planning area and the potential for future subdivision of parcels under the Certificates of Compliance program. Nor does state law preclude the Coastal Commission from conditioning the LCP Amendment to prohibit Certificate of Compliance parcel boundary line adjustments (similar to the Ordinance passed by Sonoma County) in order to address increased parcel impacts.

Questions that must be answered before the Gualala Town Plan, before any non-Certificate of Compliance subdivision is approved, and before any Amendment to the LCP is approved are:

- How many non-resource parcels have developed since 1985?
- How many resource parcels have developed since 1985?
- How many more non-resource parcels have been created since 1985 via LCP amendments?
- How many resource parcels have received subdivision approval since 1985 via LCP amendments?
- How many zoning changes to a more intense land use have been approved since 1985?
- How many parcels resulting from Certificates of Compliance have occurred since 1985 in the coastal zone?
- What use is the county's 75/50 development formula when Certificates of Compliance parcels develop?

In a 1997 Writ of Mandate petitioners asked for an Environmental Impact Report for the Newport Inn located north of Ten Mile and south of Westport for a variety of reasons as well seeking judicial review of the County's failure to address the Certificates of Compliance parcels and the LCP's failure to account for these potential subdivisions. Petitioners lost the case. However, Mendocino County Superior Court Judge Conrad Cox states in his Minute Order issued July 31, 1997, "The petitioners request an environmental impact report to study the proliferation of Certificates of Compliance and Coastal Plan Amendment application. The concern of the petitioners in this area are valid concerns, and they should be addressed by respondent and other agencies. Growth should not occur by piecemeal amendments to and deviations from a well devised plan that is designed to permit orderly and environmentally sound development." Judge Cox went on to conclude that this subject single small development approval process (increasing an Inn size from

6 to 10 units) was not the proper "vehicle" for resolution, but "Coastal Plan amendments" were. (*Guenther, et al, vs. Board of Supervisors, Case No. CV75108*)

Drainage

Another issue raised in our 1997 letter also remains unresolved. The Gualala Town Plan and LCP Amendment fail to even mention street and parcel drainage. Where does street drainage go? Into the ocean? Into the Gualala River? If there is no storm water runoff system how will the projected increase in development affect the current surface drainage? Will flooding be a problem as a result of the increased paved areas as the plan area develops? Are street and parking pollutants entering sensitive habitat areas helter-skelter? The county failed to address this significant environmental impact of increased grease, oil, and gas pollutants into the aquifer, wells, and wherever else it might end up. Therefore, the Gualala Town Plan promises to substantially degrade the water supply and ground water resources as well as to harm rare and endangered species residing in the Gualala River.

We thank you for your time and consideration in these important coastal planning matters.

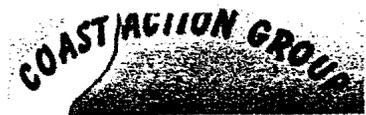


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COAST ACTION GROUP
P.O. BOX 215
POINT ARENA, CA 95468

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JUN 29 1999

CALIFORNIA
COASTAL COMMISSION



June 28, 1999

Ray Hall
Mendocino Building & Planning Services
501 Low Gap Rd.
Ukiah, CA 95482

Jo Ginsberg
California Coastal Commission
45 Fremont St., Suite 2000
San Francisco, CA 94105-2219

Subject: Gualala Town Plan - LCP Amendment No. 2-98

Coast Action Group has made comment at many stages in the development of the proposed LCP amendment (noted above). Please review these previous comments as they, for the most part, are still relevant and contain supportive document citation. *LCP Amendment quotes and figures taken from Coastal Commission Staff Report and Recommendations, June 4, 1999.*

Though the California Coastal Commission (CCC) is the lead agency in this case, and (by statute) the CCC review can be considered the functional equivalent of an environmental impact report (EIR), the California Coastal Commission still has specific responsibility under CEQA and other State and Federal statutes. The statement (above) is made to bring attention to still unresolved problems in the proposed LCP amendment, problems that pose significant potential for environmental impacts and therefore need further consideration and mitigation - discussed below by subject. These inconsistencies and unresolved problems indicate further review and modification are necessary to bring the proposed LCP Amendment into legal compliance.

Potential Buildout Figures

We agree with the statement in the LCP that new development (or potential buildout) should be permitted only if the infrastructure and resources to support it are available, or made available as part of the developer's project or plan (see - Development Constraints/Thresholds). The actual number of total units in the buildout potential is disputed. The proposed policy allows second units on all residential parcels east of Hwy 1 and no second units on properties to the west of Hwy 1; the actual number of total units has not been determined. Thus, actual long term infrastructure needs can not be determined.

This is also true for two Residential Reserves and a Planned Development sites where the buildout density is not known.

Adding to the confusion are the potential buildout increases from proposed up-zoning and additional second units (of undetermined number) in the out of town planning area - now in process.

Since, in some cases, the infrastructure needs (water, circulation, sewer) are all connected or effected, the total numbers or potential of buildout potential of adjacent and parallel planning process should be included in all environmental analysis. To not do so would be piecemealing a project.

Water Supply

The water supply issue is the most obvious and contentious of the infrastructure needs. Various limiting factors regarding water are not discussed in the LCP document.

The North Gualala Water Company (NGWC) serves a 12,000 (or more) acre area - including the Gualala Town Plan and out-of-town planning areas. The State Water Resources Control Board (SWRCB) - Division of Water Rights is currently in the process of licensing wells #4 and #5, with conditions and limitations. The County and the California Coastal Commission must be cognizant of all conditions and limitations and integrate these conditions and limitations into planning and policy. Given all legal mandates (California Planning Law and CEQA, California Coastal Act, California Fish and Game Code, Porter-Cologne State Water Quality Act, State and Federal Endangered Species Act, the Federal Clean Water Act, The Mendocino County General Plan), consistency review should be applied.

I mention the above because the resource of the Gualala River is listed as pollutant-impaired under the Federal Clean Water Act and there are State and Federally listed species dependent on the water in the North Fork of the Gualala River. The California Department of Fish and Game declarations and other scientific documentation have attested to the need of maintaining minimum flows of cold water vital to the health of the North Fork of the Gualala River and the estuary of the Gualala River. The SWRCB license conditions (as well as other scientific reports in your file) note hydrologic connectivity between Elk Prairie wells #4 and #5 and the underflow of the river and imposes and supports CDFG's 4 cfs bypass flow condition. Flows below this 4 cfs (minimum bypass) have been recorded. Thus, in periods of low flow (July through October) sufficient water may not be available to support current use. Additional hookups should not be allowed until method for protection of the low flow bypass is accomplished. NGWC use records show that critical period use (July to October) is more than double the use in lower use periods. Residential use is 90% of the connections and 70% of the production use. (See *An Inventory of Water Use and Future Needs In The Coastal Basins Of Mendocino County*, Sari Sommarstrom, Ph.D., 1992)

Thus the proposed LCP Amendment assumes 250 gallons of water production and water availability for 1,700 hookups where this source may not be available 12 months out of the year, every year. The change in zoning allows for more residential buildout (both in the Gualala Town Plan area and out of town areas), including second units, zoning changes from commercial to residential, residential reserves, and planned developments. Water production for such additional units may not be available while maintaining well permit conditions.

Table 2.5 indicates figures that are in error or should be disputed:

Estimated future residential connection within Gualala Town Plan areas (759) is incorrect or underestimated.

Total projected new connections within the Gualala Town Plan area (1,033) is incorrect or underestimated.

Estimated future connections within NGWC service area outside of Gualala Town Plan area (290) are incorrect or underestimated.

Thus, the indicated deficit in connections at buildout of Gualala Town Plan (-543) is incorrect or underestimated. And estimated hookups outside of the town plan areas should be added to the deficit to fully consider the total water production demand and impact on the North Fork of the Gualala River.

Buildout Impacts On Other Infrastructure Areas

Due to the uncertainty of the numbers related to potential buildout in the Gualalala Town Plan Area and the out of town area, and the relationship to infrastructure needs, the level of impact and demands for such infrastructure has not been analyzed or appropriately determined.

Highway 1 Capacity - buildout levels may add additional levels of use to Hwy 1 where level of service D may not be able to be maintained.

Sewer and Waste Water Treatment - water level production and use may soon exceed waste water treatment capacity.

Development Location

We support CCC suggested modification(s):

"New development in the Gualala areas shall be concentrated within the urban side of the urban-rural boundaries, were it can be served by community water and sewer systems and will minimize additional traffic impacts on Highway 1" (G3.1-1)

"New development shall be located in areas where it will not conflict with the goal of preserving and protecting land used for timber and crop production outside the Residential Reserve area, and environmental resources, including wetlands, steep gulches, stream corridors and coastal views." (G3.1-2)

"New development shall be located in areas where it will not adversely affect the character of existing residential neighborhoods." (G3.1.3)

The proposed expanded boundary is growth inducing without economic and protective considerations for resource conservation. The expanded boundary permits additional pressure for development of Timber Production land and Forest Lands with additional burdens on infrastructure resources. CCC staff have developed logical reasoning for the support of the above modifications.

Residential Development

We support CCC suggested modification(s):

"Residential uses are encouraged and shall be a principal use in the Gualala Village Mixed Use, Gualala Hwy Mixed Use, and Gualala Development districts to reduce the need for automobile travel by providing a population base in town and to provide opportunities for higher density housing types." (G3.2-1)

"An inclusionary zoning ordinance should (shall) be adopted by the Board of Supervisors which requires development of affordable housing units, or in-lieu contributions for development of affordable housing units, for major residential development projects and major subdivisions in the Town Plan area. These affordable housing units shall be developed within the Gualala Town Plan area." (G3.2-2)

There is no valid affordable housing program in the currently proposed LCP amendment.

Second residential units should not be permitted on the west side of Hwy 1 - as per CCC staff recommendations.

Residential Reserve development should be restricted until need is demonstrated and ability to provide services is demonstrated. Proposed density numbers, however, should be provided as part of current LCP analysis.

Mixed Use and Planned Development

We support CCC suggested modification(s) in this section encouraging a pedestrian-friendly core, with trails, bluff easement, and protected views.

Gualala Planned Development District

We support CCC suggested modification(s) in this section:

Comprehensive planning shall be required on properties with a Gualala Planned Development designation. Parcels (lower Mill site and Church St. east of Hwy. 1) slated for Planned Development - should be restricted from same until need is demonstrated and ability to provide services is demonstrated. Proposed density numbers, however, should be provided as part of current LCP analysis.

Recreation and Visitor-Serving Facilities, Coastal Access & Trails

We support CCC suggested modification(s) in this section:

"Within one year of plan adoption, the County shall prepare a feasibility study for the acquisition and development of public parks and recreation facilities in the Gualala Town Plan area."
(G3.7-1)

A capitalization plan should accompany the above process.

Protection of Environmental Resources

As stated above both the County and the California Coastal Commission must provide further review and take action with clarified policy for resource protection. The words "The County shall encourage and support the protection of fisheries habitat through coordination with responsible State and/or Federal permitting agencies..." (G3.8-1) simply do not provide any reasonable assurance that appropriate policy and mitigations will be put in place. Water production resources have not been demonstrated to be available (during low flow periods) at the current number of hookups.

Water and Sewer Services

We not only support CCC suggested modification that this section, with listed policy, be added; we have shown that there is substantial evidence in the file to make fair and reasonable argument that the resources for water production are not always available and that further analysis must be provided - see above.

The constraints listed in Section 2.5 are not accurate nor are the numbers related to potential buildout and expected numbers of hookups. Thus, the 80% service capacity limitation has already been reached and suggested action (options) should be enforced immediately:

- * Development of new water supply source (NGWC).
- * Development of increased storage capacity for water supply during low flow periods (NGWC).
- * Increase water conservation efforts (NGWC and water users).
- * Restrict the amount of new development, which increases water usage (County).

Additional CCC staff suggestions shall apply to this section - G310-1 through G310-5

CEQA / Clean Water Act / Endangered Species Act Mandates

Please be aware of the following:

1. On August 18, 1997 the Department of Commerce, National Marine Fisheries Service (NMFS) made a final listing determination for the five Evolutionary Significant Units of West Coast steelhead under the Endangered Species Act (62 FR 43937-43954).

NMFS determined the steelhead within Central Coast of California's Evolutionary Significant Unit (ESU) - including those of the Gualala River - are a threatened species. The full force of the Endangered Species Act went into effect on October 17, 1997.

2. Coho salmon are also listed species under the federal Endangered Species Act.
3. CEQA is designed to "ensure that fish and wildlife populations do not drop below self-perpetuating levels," (Cal. Pub. Res. Code § 21001(c).)
4. CEQA requires a mandatory finding of significance for impacts on rare or endangered species. (CEQA Guideline 15065(a))
5. CEQA requires an EIR to include measures to avoid or minimize each significant impact identified, including the impacts of alternatives. (14 Cal. Code Regs. §15126(c).)
6. The CEQA process is also designed to "demonstrate to an apprehensive citizenry that the agency has, in fact, analyzed and considered the ecological implications of its action." (14 Cal. Code Regs. §15003(d).)
7. The omission of endangered species investigation and analysis violates CEQA's most substantive provisions, which prohibits approval of projects without adopting feasible mitigation measures or alternatives (CEQA § 21002).
8. The proposed LCP Amendment and CCC staff comment, either omits appropriate analysis or takes the position that actions will not result in the taking of a threatened or endangered species. It is the responsibility of the CCC and/or the County of Mendocino to provide evidence and substantiation and logical argument that this is the case, and communicate with other responsible managing agencies (list) for comment and substantiation of facts.

Compliance with CEQA involves the consideration of environmental impacts and the preparation of an EIR, or negative declaration or mitigated negative declaration. Compliance with CEQA and its Guidelines currently requires mitigation of all impacts and monitoring the mitigation measures. Compliance with CEQA and its Guidelines also allows for public notice and participation and the legal opportunity to review and submit comments and recommendations to the Department of Fish and Game.

Certified Regulatory Program

The courts have ruled that certified regulatory programs, though exempt from production of a full EIR, still must meet specific CEQA intent. Included in that intent are the right for the public to have access to the process, accurate description of the site and project, full disclosure of potential environmental impacts, and logical discussion - with scientific and participating review team agency input - of how a mitigatory process will reduce impacts to a level of insignificance. (See CEQA Compliance - below)

CEQA Compliance, Cumulative Impacts, Findings

The basic mandate of CEQA is for full disclosure to the public of all potential impacts related to site specific conditions on the ground and the specific conditions and practices of proposed project. This includes providing the opportunity to the public for full discussion of all pertinent factors related to a project. Environmental review of a project under CEQA must make provision for the ability of the public to comment accurately and with full knowledge on project conditions, mitigations, and proposed operations as related to the use and protection of resources.

Cumulative impacts are defined as two or more individual effects which, when considered together, may compound or increase other environmental impacts. (CEQA Guidelines § 15355, Pub. Resource Code § 21083). Individual effects may be changes resulting from a single project or number of projects. The cumulative impacts from several projects are the changes in the environment which have resulted from the incremental impacts of the project(s) when added to other closely related past, present, and reasonably foreseeable future projects. Analysis of cumulative impacts should include compounding impacts and the interrelationship of projects, including timber harvest adjacent to and upstream from this area and farming impacts downstream from this project.

The requirement of cumulative impact analysis is to afford the fullest possible protection for the environment within the reasonable scope of the statutory and regulatory language.

It is vitally important to avoid minimizing the cumulative impacts. Rather, it must reflect a conscientious effort to provide public agencies and the general public with adequate detailed information. It is the lead agency's job to discover, disclose, and discuss related impacts, past, present and future. This requires exacting analysis. This analysis need not be limited by geographic scope. Qualitative and quantitative analysis must be done, even when not necessarily feasible.

Public Resources Code §21002 requires agencies to adopt feasible mitigation measures or feasible environmentally superior alternatives.

For each significant effect identified, the lead agency must identify specific mitigation measures. The discussion must distinguish between measures proposed by a project proponent for inclusion in a project and those that, if included as part of the approval, could reasonably be expected to reduce the level of impacts. (CEQA Guidelines §15126)

Mitigation measures should be capable of (a) avoiding the impact altogether by not taking certain action; (b) minimizing impacts by limiting the degree or magnitude of the action and its implementation; (c) rectifying the impact by repairing, rehabilitating, or restoring the impacted environment; or (d) reducing or eliminating the impact over time by preservation and maintenance operations during life of the action. (CEQA Guidelines §15370)

Agencies may not refuse to consider mitigations simply because a responsible agency with subsequent permitting responsibility may also have the power to address certain significant impacts. If a mitigation is found not to be feasible or appropriate, it may be altered.

Mitigation reporting and monitoring must be designed to ensure compliance, and be capable of dealing with potential failures.

Agencies should not rely on mitigation measures of unknown efficacy in concluding that significant impacts will substantially be lessened or avoided. All mitigation measures must be considered before the fact and not left for later implementation by another agency.

The CEQA process demands that mitigation measures be set forth, that environmental information be complete and relevant, and that environmental decisions be met in an accountable arena. Mitigations and criticism of mitigations must be supported by evidence. The rule of reasonableness applies.

Where the approving agency has received mitigation suggestions from "an agency having jurisdiction by law over natural resources affected by the project," the latter agency, if so requested by the approving agency, must prepare and submit a reporting and monitoring program applicable to the proposed mitigation measures. Pub. Resources Code § 21081.6

The above code was amended in 1992 with new subsections: Prior to the close of the public review, a responsible agency with jurisdiction over natural resources affected by a project shall either (a) submit to the lead agency complete and detailed performance objectives for mitigation measures which would address the significant environmental effects identified by the commenting agency or (b) refer the lead agency to appropriate, readily available guidelines or reference documents. Mitigations must be adopted as conditions for approval.

In any case where it can be fairly argued that there is sufficient evidence of continuing impacts in a project area. And, that the activities proposed by the applicant pose sufficient threat of additional impacts that this application can not be approved without an THP (EIR) to sufficiently disclose all potential impacts and possible mitigation measures.

Findings of Fact must be supported by evidence and presented in a logical form.

For each significant effect identified, the lead agency must make one or more of the following Findings: (1) that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the effect; (2) that the lead agency lacks jurisdiction to make the change, but that another agency does have such authority; and/or (3) that specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives. These findings must be supported by evidence.

Water Quantity = Water Quality - CWA rulings

The CWA and EPA's implementing rules contain a number of provisions relevant to the interface between water quality and water quantity. The stated purpose of the CWA is "to restore and maintain the chemical, physical, and biological integrity of the nation's waters," indicating a broader goal than just pollution prevention (33 U.S.C. § 1251 (a), 1988). The CWA also contains a heavy emphasis on protecting uses such as fish habitat and recreation - uses that obviously require maintenance of adequate flows. There is a strong presumption in favor of protecting fishable/swimable uses, even in low flow waters (citations omitted). If the state wishes to rebut this presumption, it must show not only that natural flows are too low to support the use, but also that this deficiency cannot be corrected by addition of sufficient volumes of effluent into the stream (40 C.F.R. § 131.10 (g)(2), 1004).

There are also provision in the act suggesting congressional respect for state water rights laws.

The Supreme Court recently clarified the interplay of these provisions in *PUD No. 1 of Jefferson County v. Washington Department of Ecology* (114 S. Ct. 1900 (1994)). The Court found that state water quality standards are incorporated by reference in 33 U.S.C. § 1311, citing the language of 33 U.S.C. § 1311 (b) (1) (C) and supportive legislative history. The Court upheld the specific instream flow condition on several grounds - including designated uses "migration, rearing, spawning, and harvesting of salmonid and other fishes." The Court found that the state's minimum flow requirement was appropriate to protect these uses. Section 303 of the CWA, said the Court, required state standards to contain both designated uses and water quality criteria, indicating that each component has independent significance. The Court reasoned that although water quality criteria offer a convenient enforcement mechanism, and in most cases will be sufficient to protect uses, they cannot be expected to address all potential threats to uses. The Court rejected arguments that a generic requirement to protect "uses" was to open-ended, noting that the CWA allowed states to adopt narrative criteria that were similarly broad.

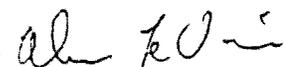
The state's antidegradation policy provided a separate ground for upholding the stream flow condition. In accordance with EPA's antidegradation regulation, Washington had adopted and antidegradation rule providing that "existing beneficial uses shall be maintained and protected and no further degradation which would interfere with or become injurious to existing beneficial uses will be allowed." The stream flow condition, said the Court, was a proper application of this policy because it was designed to protect existing use. The Court noted, " EPA has explained that under its antidegradation regulation, 'no activity is allowable...which could partially or completely eliminate any existing use.'"

Next, the Court rejected PUD's argument that the CWA was concerned only with water quality, not quantity, stating:

"This is an artificial distinction. In many cases, water quantity is closely related to water quality; a sufficient lowering of the water quantity in a body of water could destroy all of its designated uses, be it for drinking water, recreation, navigation or, as here as a fishery."

The Court noted that the CWA defines "pollution" in terms of the "physical" and "biological" as well as in terms of the chemical alteration of water, and recognizes that pollution may result from changes in water flows. A strong argument can be made that EPA water quality standards rules require limits on such diversion to effectuate antidegradation and use protection policies - even in the case of pre-existing stream diversions. Because the Court viewed stream flow depletion as a form of pollution (for example, because it degrades the physical and biological integrity of the waterbody), then minimum stream flow requirements are the type of "pollution controls" than (and probably must) be imposed on top of existing water rights (see PUD, 11 S. Ct., at 1913). The CWA goals of maintaining and restoring the Nation's waters are not somehow suspended merely because a diverter or waste discharger has previously been allowed to act contrary to those goals (EPA take the position that water quality standards must in some cases limit existing rights in order to effectuate the CWA. For example, EPA has propose water quality standards for the San Francisco Bay delta that can only be implemented by limiting upstream diversion that were authorized by water rights permits issued decades ago.

Please notice Coast Action Group regarding changes in this project.

Sincerely, 

**NEW CORRESPONDENCE NOT PREVIOUSLY
DISTRIBUTED**

GEORGE C. RAU
PRESIDENT
WALTER HAYDON
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ANDREW E. BORDESSA
VICE PRESIDENT
ROGER WACENT
VICE PRESIDENT

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EXHIBIT NO. 19
APPLICATION NO. MENDO CO LCP AMEND
2-98
CORRESPONDENCE

June 22, 1999

Mr. Ray Hall, Director
Mendocino County Department of Planning
And Building Services
501 Low Gap Road
Ukiah, CA 95482

Job Number 82-366

RE: MENDOCINO COUNTY LCP AMENDMENT NO. 2-98 (MAJOR); GUALALA TOWN PLAN AND
NORTH GUALALA WATER COMPANY WATER SUPPLY

Dear Ray:

At the request of John H. Bower, President of North Gualala Water Company, I reviewed the comments from the Coastal Commission Staff and suggested "Modifications" to the referenced LCP Amendment sent by cover letter dated 4 June 1999. Because of the very short review period available before the Board of Supervisor's meeting on June 22, 1999, I will make brief comments as they relate to his concerns.

An impression which one has from reading the text of the "comments" is that the North Gualala Water Company is reaching its capacity to serve additional meters. The purpose of this letter is to put the estimated growth into perspective with what is actually occurring. Under State Health Department guidelines, the Water Company is considered to have capacity for 1700 services. When 80 percent of that number, or 1360 services, are placed in service, the Water Company will have to pursue one or more of the actions described on Page 25 of the Coastal Commission Comments.

On page 7 the statement is made that "80 percent of the remaining water connections available from the North Gualala Water Company would be utilized by the year 2007." This statement is based on a 3.7 percent growth rate annually and assumes that no additional sources will be developed between 1999 and 2007. In fact, over the past 4.5 years, the number of water meters has increased from a total of 902 on December 31, 1994 to 926 meters estimated by June 30, 1999. This is an average growth rate of 0.6 percent per year. If the same growth rate occurs in the future, by 2007 only 975 services of the 1360 available will have been installed. If the same growth rate continues beyond 2007, there would only be 1054 services by 2020. The point is that the growth rate makes a tremendous difference in how much water source the North Gualala Water Company will have to develop in the future.

It appears very possible that the present source capacity of the Water Company will be adequate for the next 20 years. If a total of only 1360 connections are hooked up, the number of connections could increase at a rate of 1.75 percent per year until 2020 and not exceed the stipulated amount of connections.

Very truly yours,

George C. Rau
Registered Civil Engineer 21908
Registered Geotechnical Engineer 00710
Expires 9-30-2001



C: John H. Bower
Jo Ginsberg

EXHIBIT NO. 20

APPLICATION NO.

MENDO CO LCP AMEND

2-98 CORRESPONDENCE

Page 1 of 2



COAST ACTION GROUP
P.O. BOX 215
POINT ARENA, CA 95468

RECEIVED
JUL 29 1999

CALIFORNIA
COASTAL COMMISSION

July 18, 1999

Ray Hall
Mendocino Building & Planning Services
501 Low Gap Rd.
Ukiah, CA 95482

Jo Ginsberg
California Coastal Commission
45 Fremont St., Suite 2000
San Francisco, CA 94105-2219

Subject: Gualala Town Plan - LCP Amendment No. 2-98

Please add this comment to the file of the above mentioned project:

LOWER MILL SITE

The Lower Mill Site - proposed Planned Development Area - is located almost entirely in the flood plain (100 flood event) of the Gualala River and adjacent to and linked to the biologic function of the estuary. Furthermore, much of this parcel would qualify as a wetland and ESHA.

Under state code (14CCR 13577) the CCC has jurisdiction of 100 foot wide buffer from the upland edge of a wetland. The CCC regulates riparian habitats that grow next to freshwater streams, lakes, and other systems, plus a 100 foot wide upland buffer measured from the landward edge of the riparian habitat. Estuaries - semi-enclosed water bodies receiving open or intermittent exchange with the ocean and fresh water from land - come under CCC control with a 300 foot wide buffer measured landward from the mean high tide line. These habitats and buffer zones are defined in the California Code of Regulations (14CCR 13577) and the CCC's state wide interpretive guidelines. The CCC relies on the California Department of Fish and Game for boundary determination for habitat values.

Development on this proposed site also is regulated under section 404 of the federal Clean Water Act. Development of the proposed site would require fill, in wetland habitat and the flood zone of the river. It is also important to note that this area is used for recreational access.

Given the above noted facts, this site should be removed from development consideration - at least until such time as determinations are made.

WATER/BUILDOUT

Please reference statements on water production from Coast Action Group comment of June 28, 1999 data in *An Inventory of Water Use and Future Needs In The Coastal Basins Of Mendocino County*, Sari Sommarstrom, Ph.D., (1992) and CCC staff report on this LCP amendment.

The current NGWC hookup figure is incorrect. The current figure is over 1,000.

Inaccuracy of numbers in Table 2.5 (WATER CONSUMPTION AND WATER DEMANDS) and assessment of what they really mean needs to be part of the water production demand analysis. As stated before the second unit policy and out of town hookup demand must be considered in the total demand for production analysis. The column for estimated commercial connections is reduced from 887 to 277 - thus reducing the ultimate deficit figure. It should be noted that the 887 would never approach actualization as the development of commercial use connections would and could not approach this level. And, the likelihood of residential development in those areas rezoned (for residential or mixed use) is that much greater. Thus the deficit under the town plan analysis should be higher than indicated and/or the deficit under the Coastal Element (March '91) should be lower than indicated.

The demand/use during critical periods (double normal rate) and the fact that residential use is 90% of the connections and 70% of the production use, pose additional burden on water production demand.

Also noted in the previous document is the impaired (303 d) nature of the Gualala, and Water Quantity = Water Quantity arguments of the previous letter from CAG. Coastal Act Section 30231 mandates protection of biologic productivity of Coastal waters, stream and wetlands.....including preventing depletion of ground water supplies and substantial interference with surface water flow.

It is suggested by Coast Action Group that the CCC take action that will provide assurance of maintenance of the 4 cfs by-pass flow in the North Fork Gualala River or:

- Limit new connections until such assurance can be provided through mitigatory process or new water sources are in place.
- Establish water conservation policy.

Sincerely,



July 22, 1999

Mr. Steven Herrera, Chief
Environmental Review Unit 1
Division of Water Rights
State Water Resources Control Board
901 P Street - 3rd Floor
Sacramento, California 95814

Subject: Draft Order and Initial Study/Draft Negative Declaration
Regarding Petition To Add Points of Diversion To Permit
14853 and Petition To Add To The Place Of Use For
Permits 5431, 5432, 11535 and 14853 (Applications
9372, 9454, 18098 and 21883)

Dear Mr. Herrera,

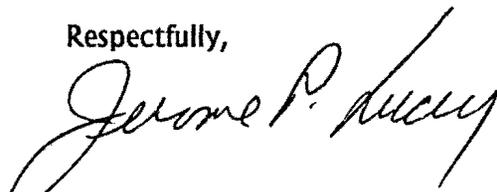
I direct your attention to Permit Condition #7:

The permit does not authorize any act which results in the taking of a threatened or endangered species or any act which is now prohibited, or becomes prohibited in the future, under the California Endangered Species Act (Fish and Game Code Sections 2050 to 2097) or the federal Endangered Species Act (16 U.S.C.A section 1531 to 1544.) If a "take" will result from any act under this water right, the permittee shall obtain an incidental take permit prior to construction or operation. Permittee shall be responsible for meeting all requirements of the applicable Endangered Species Act for the project authorized under this permit.

Although DFG warden/biologist Bill Cox has measured the water flow of the north fork of the Gualala River as low as 1.67 CFS, the North Gualala Water Company continued to pump from its *unpermitted* diversion.

Scientifically and logically, we know these low-flow conditions will occur again, possibly within the next 60 days. Based on this fact, we insist that the North Gualala Water Company comply with Permit Condition #7 prior to final approval of the negative declaration.

Respectfully,



Jerome P. Lucey
66 Manderly Road
San Rafael, California 94901

EXHIBIT NO.	21
APPLICATION NO.	MENDO CO LCP AMEND
	2-98
CORRESPONDENCE	



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE

Southwest Region
777 Sonoma Avenue, Room 325
Santa Rosa, California 95404

August 16, 1999 F/SWR4:SAE

EXHIBIT NO. 2
APPLICATION NO. MENDO CO LCP AMEN
2-98
CORRESPONDENCE
Page 1 of 7

Mr. Jo Ginsberg
California Coastal Commission
45 Fremont St., Suite 2000
San Francisco, California 94105-2219

RECEIVED
AUG 17 1999

CALIFORNIA
COASTAL COMMISSION

Dear Mr. Ginsberg:

This represents the National Marine Fisheries Service (NMFS) comments on the Town Plan - Local Coastal Plan Amendment No. 2-98 (Plan). Through the Plan, Mendocino County would establish a Gualala Town Plan and revise, in part, zoning and land use to allow for significant new development and buildout. Concomitant with this new development is an increased reliance on the limited water supply provided by the North Fork Gualala River. However, the Plan does not provide measures necessary to protect sensitive aquatic resources in the Gualala River and estuary.

Background

The Gualala River is a medium sized north coast river draining the redwood and Douglas fir covered slopes of the Coast Range. It is composed of a drainage containing 104 miles of stream suitable or potentially suitable for fish. The river's ability to sustain salmonids is currently constrained by loss of instream flow through water diversions and degraded water quality and other habitat impacts resulting from logging.

The North Fork Gualala River supports a substantial run of steelhead trout (*Onchorynchus mykiss*) and their habitat. The river also supports a run of coho salmon (*Onchorynchus kisutch*) and their habitat. Populations of steelhead trout and coho salmon have been reduced significantly along the West Coast. Coho salmon in the Gualala River are at a high risk of extinction (State Lands Commission 1993; Higgins et al. 1991).

Coho Salmon in the Gualala River are included in the Central California Coast Evolutionarily Significant Unit (ESU), listed as threatened (61 Fed. Reg. 56138; Oct. 31, 1996) under the Endangered Species Act (ESA). In contrast to the life history patterns of other anadromous salmonids, coho salmon in California generally exhibit a relatively simple 3-year life cycle. Adult salmon typically begin the freshwater migration



from the ocean to their natal streams with the first fall rains. Upstream migration will continue from October to March, generally peaking in December and January (Shapovalov and Taft 1954).

Coho fry emerge from redds, in 38 to 101 days depending on stream temperature (Lauffle et al. 1986). After emergence, the stream flow conditions and water temperature play a large role in survival. Low summer flows reduce potential rearing areas, may cause stranding in isolated pools, and increase vulnerability to predators (Sandercock 1991). Also the combination of reduced flows and high ambient air temperatures can raise the water temperature to the upper lethal limit of 25°C for juvenile coho (Brett 1952). Later in the year, high winter flows in typical coastal streams may be hostile to juvenile coho, causing displacement and disrupting their habitat and food sources. Juvenile coho show a preference for habitat containing deep pools (1 m or more), logs, rootwads, or boulders in heavily shaded sections of stream. Structurally complex streams that contain stones, logs and bushes in the water support larger numbers of fry (Scrivener and Andersen 1982). Although coho juveniles are found in both pool and riffle areas of a stream, they are best adapted to holding in pools (Hartman 1965).

Steelhead Trout in the Gualala River are included in the Central California Coast Evolutionarily Significant Unit (ESU), listed as threatened (62 Fed. Reg. 43937, August 18, 1997) under the ESA. Winter steelhead enter rivers in the late fall and begin spawning in December. Steelhead are capable of repeat spawning. Up to thirty percent survive to spawn a second or third time, but in large drainages where fish migrate long distances, the proportion is much lower (Meehan and Bjorn, 1991).

Upon emerging from the gravel, fry rear in edgewater habitats and move gradually into pools and riffles as they grow larger. Juvenile steelhead will spend one to three years in fresh water before migrating to the ocean (Busby, et al., 1996). Winter steelhead prefer water temperatures in the 10°C-15°C (50°-59°F) range with a sustained upper limit of 20°C (68°F) (Barnhart, 1986). They can survive up to 27°C (81°F) with saturated dissolved oxygen conditions and a plentiful food supply. Fluctuating diurnal water temperatures also aid in survivability of salmonids (Busby, et al., 1996).

Recommendations

During the summer and fall, the North Fork Gualala River is utilized as summer nursery habitat when young fish rear in the stream and reside in the pools and riffles. The most critical time for coho and steelhead in the Gualala River is the summer and fall when flows and water temperatures are near critical levels for survival of juvenile fish. Flows at this time are at their lowest and diversion of any water may degrade habitat necessary to the existence of certain life stages of coho salmon and steelhead

trout. Alteration of stream flows can result in salmonid mortality for a variety of reasons: migration delay resulting from insufficient flows or habitat blockages; loss of sufficient habitat due to dewatering and blockage; stranding of fish resulting from rapid flow fluctuations; entrainment of juveniles into poorly screened or unscreened diversions; and increased juvenile mortality resulting from increased water temperatures (Bergen and Filardo 1991; California Advisory Committee on Salmon and Steelhead Trout 1988; California Department of Fish and Game 1991; Columbia Basin Fish and Wildlife Authority 1991; Chapman et al. 1994; Cramer et al. 1995; Palmisano et al. 1993; Reynolds et al. 1993).

Based upon the above, we recommend that no additional hookups or further diversion of flows from the North Fork Gualala River be permitted until a coordinated watershed plan has been prepared for the Gualala River system and adopted by Mendocino County and the State Water Resources Control Board. The watershed plan should contain, at a minimum, the following elements:

1. Based upon site specific empirical information, establish a limited season of diversion for the Gualala River system that ensures salmon and steelhead trout will not be impacted by existing or future diversions. Designate the Gualala River system as fully allocated during the remainder of the year.
2. Based upon site specific empirical information, establish a minimum bypass flow for the Gualala River system that ensures salmon and steelhead trout will not be impacted by existing or future diversions.
3. Attach specific terms and conditions to existing and future zoning requirements and water rights to remove existing and prevent future placement of migration barriers within the Gualala River system.
4. Attach specific terms and conditions to existing and future zoning requirements and water rights that establishes and protects a fully functioning riparian zone within the Gualala River system.
5. Attach specific terms and conditions to existing and zoning requirements and water rights to require screening for all existing and future diversions in the Gualala River system.
6. Determine appropriate flushing/channel maintenance flows within the Gualala River system.
7. Attach specific terms and conditions to existing and future zoning requirements and water rights to require flow monitoring and passive

diversion controls on new and existing diversions within the Gualala River system.

8. Incorporate specific terms and conditions to existing and future zoning requirements and water rights to allow the California Department of Fish and Game access to all points of diversion and places of use for the purpose of conducting routine and or random inspections.

Because of the presence of federally and state listed species in the Gualala River system, continued development of the watershed without a coordinated watershed plan would be inconsistent with the purposes of the California Endangered Species Act, the Federal Endangered Species Act, sections 100, 1243, 1243.5, and 275 of the State Water Code and the State Water Resources Control Boards's obligations and authorities under the Public Trust Doctrine.

Thank you for your cooperation in the above. We look forward to continued opportunities for NMFS and the California Coastal Commission to cooperate in the conservation of listed species. If you have any questions or comments concerning the contents of this letter please contact Mr. Steve Edmondson at (707) 575-6080.

Sincerely,



James R. Bybee
Protected Habitat Manager
Northern California

References

- Barnhart, R.A. 1986. Species profiles: life histories and environmental requirements of coastal fishes and invertebrates (Pacific Southwest) -- steelhead. U.S. Fish and Wildl. Serv. Biol. Rep. 82(11.60). U.S. Army Corps of Engineers, TR EL-82-4. 21 pp.
- Bergen J.J. and M.J. Filardo. 1991. An analysis of variables influencing the migration of juvenile salmonids in the Snake and Lower Columbia Rivers. Fish Passage Center, Portland, Oregon 97201.
- Brown, L.R., P.B. Moyle, and R.M. Yoshiyama. 1994. Historical decline and current status of Coho Salmon in California. *N.Amer.J.Fish.Man.*, 14(2):237-61.
- Bryant, G.J. 1994. Coho salmon populations in Scott and Waddell Creeks, Santa Cruz County, California. Status Report. NMFS, PSMD, SW Region. 102 p.
- Busby, Peggy J., Thomas C. Wainwright, Gregory J. Bryant, Lisa J. Lierheimer, Robin S. Waples, F. William Waknitz, and Irma V. Lagomarsino. 1996.
- California Advisory Committee on Salmon and Steelhead Trout. 1988. Restoring the balance, 1988 annual report. Annual report to California Department of Fish and Game and California Legislature. Sacramento, California. 84p.
- California Department of Fish and Game. 1991. Sport fishing for anadromous salmonid fishes. California Department of Fish and Game draft environmental/satellite document. August 1991. 62p. + appendix.
- Columbia Basin Fish and Wildlife Authority. 1991a. The biological and technical justification for the flow proposal of the Columbia Basin Fish and Wildlife Authority. Columbia Basin fish and Wildlife Authority, Portland, Or. 72 p.
- Chapman, D., C. Peven, T. Hilman, A. Giorgi, and F. Utter. 1994. Status of summer steelhead In the Mid-Columbia River. Don Chapman Consultants, Inc. 235 p. + appendices.
- Cramer, Steven P., and 16 coauthors. 1995. The status of steelhead populations in California in regards to the Endangered Species Act. S.P. Cramer and Associates. 190p.

Hartman, G.F. 1965. The role of behavior in the ecology and interaction of underyearling coho salmon (*O. kisutch*) and steelhead trout (*S. gairdneri*). J.Fish.Res.Bd.Can. 22:1035-81.

Higgins, P., S. Dobush, and D. Fuller. 1992. Factors in northern California threatening stocks with extinction. Unpubl. Manuscr., Humboldt Chapter Am. Fish. Soc., 24p. (Available from Humboldt Chapter of the American Fisheries Society, P.O. Box 210, Arcata CA 95521.)

Laufle, J.C., G.B. Pauley, and M.F. Shepard. 1986 Species profiles: life histories and environmental requirements of coastal fishes and invertebrates (Pacific Northwest)--coho salmon. U.S. Fish and Wildlife Service Biological Report 82(11.48). U.S. Army Corps of Engineers, TR EL-82-4. 18pp.

Maahs, M., and J. Gilleard. 1994. Anadromous salmonid resources of Mendocino coastal and inland rivers 1990-92: An evaluation of rehabilitation efforts based on carcass recovery and spawning activity. (Draft Final). CDFG Contract FG-9364. 66 p.

Meehan, W.R. and T.C. Bjorn, 1991. Salmonid distributions and life histories. In: W.R. Meehan, ed.; Influences of forest and rangeland management on salmonid fishes and their habitats. Amer. Fish. Soc. Special Publication 19.

National Marine Fisheries Service. Status Review of West Coast Steelhead from Washington, Idaho, Oregon, and California. National Marine Fisheries Service, August 1996.

Palmisano, John F., R.H. Ellis, V.W. Kaczynski. 1993. The impact of environmental and management factors on Washington's wild anadromous salmon and trout. Washington Forest Protection Association and the State of Washington Department of Natural Resources, Olympia, Washington. January, 1993. 371p.

Sandercock, F.K. 1991. Life history of coho salmon, p 397-445. In: C. Groot and L. Margolis (eds.) Pacific Salmon Life Histories. UBC Press, Vancouver, B.C.

Scrivener, J.C., and B.C. Andersen. 1982. Logging impacts and some mechanisms which determine the size of spring and summer populations of coho salmon fry in Carnation Creek, p.p. 257-72. In: G.F. Hartman (ed.) Proc. Carnation Creek Workshop, Pacific biological Station, Nanaimo, B.C.

Shapovalov, L. and A.C. Taft. 1954. The life histories of the steelhead rainbow trout (*Salmo gairdneri*) and silver salmon (*Oncorhynchus kisutch*). CDFG, Fish.Bull. No.98.

State Lands Commission. 1993. California's Rivers; A Public Trust Report; Prepared for the State Lands Commission; 1993; Anadromous Salmonid Stocks at Risk in Northern California.

Reynolds, F.L., T.J. Mills, R. Benthin, and A. Low. 1993. Restoring Central Valley streams: a plan for action. California Department of Fish and Game, Inland Fisheries Division, Sacramento, California. 129p.

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N B. LILLY
DAVID T. SAMMOND

8640-2

August 18, 1999

RECEIVED
AUG 19 1999
CALIFORNIA
COASTAL COMMISSION

Mr. Steven Herrera, Chief
Environmental Review Unit 1
Division of Water Rights
State Water Resources Control Board
901 P Street, 3rd Floor
Sacramento, California 95814

Re: Draft Order and Initial Study/Proposed Negative Declaration Regarding
Petition To Add Points Of Diversion To Permit 14853 and Petition To Add
To The Place Of Use For Permits 5431, 5432, 11535, and 14853
(Applications 9372, 9454, 18098, and 21883)

Dear Mr. Herrera:

In response to your July 19, 1999 letter regarding the above matter (which we received on July 28), we, on behalf of the North Gualala Water Company, submit the following responses to comments of the Coast Action Group on the State Board's draft water-rights order and initial study and proposed negative declaration.

Comments: The Coast Action Group's comments discuss the legal characterization of the groundwater that is pumped by the North Gualala Water Company, the 4-cfs bypass requirement in Permit 14853 and some proposed amendments to the Local Coastal Plan. The Coast Action Group asks the State Water Resources Control Board to prepare an environmental impact report for this proceeding.

Responses: The present proceeding concerns North Gualala Water Company's petitions to add new points of diversion approximately 500 yards upstream of the presently authorized point of diversion, and to add 13 parcels to the authorized place of use in the Water Company's water-right permits. The present proceeding does not concern the legal characterization of the groundwater that is pumped by the North Gualala Water Company, the 4-cfs bypass requirement or the Local Coastal Plan.

Neither the Coast Action Group nor any other party submitted any evidence that the changes that are involved in this proceeding will have any adverse environmental effects. It therefore is not

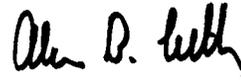
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Mr. Steven Herrera
August 18, 1999
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necessary for the State Board to prepare an environmental impact report before it approves the Water Company's pending petitions. Instead, the State Board should adopt its proposed water-rights order and initial study/negative declaration, with the changes that are described in my June 15 and July 16, 1999 letters to you.

Very truly yours,



ALAN B. LILLY

ABL:bam
cc: Attached Service List
8640\L080399abl

MAILING LIST OF INTERESTED PARTIES
NORTH GUALALA WATER COMPANY
PERMITS 5431, 5432, 11535, AND 14853
(APPLICATIONS 9372, 9454, 18098, AND 21883)

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Environmental Services Division
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Coast Action Group
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County of Mendocino
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Dept. of Planning & Building
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c/o Gary Pedroni, Staff Planner
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Independent Coast Observer
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Page 2

North Gualala Water Company
c/o John Bower, President
P.O. Box ~~2000~~ 1000
Gualala, CA 95445-~~2000~~ 1000

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