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Staff: Robert S. Merrill
Staff Report September 29, 2000
Meeting of: October 11, 2000

TO: COMMISSIONERS AND INTERESTED PARTIES

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

**SUBJECT: REVISED FINDINGS FOR MENDOCINO COUNTY LCP AMENDMENT
No. 2-98 (Major: Gualala Town Plan and Zoning)**
(LCP Amendment approved by the California Coastal Commission on September 16, 1999; findings for consideration at the California Coastal Commission meeting of October 11, 2000)

STAFF NOTES

1. Commissioners Eligible To Vote on the Revised Findings.

By unanimous roll call vote in each case, the Commission adopted a series of four resolutions to deny the LCP amendment request as submitted, and then certify the amendment if modified as suggested. The prevailing Commissioners on each vote that are eligible to vote on the revised findings include the following:

Commissioners, Busey, Daniels, Desser, Dettloff, Estolano, Kehoe, McClain-Hill, Orr, Potter, Reilly, and Chairman Wan.

The motions for adoption of the Revised Findings are found below on Page 7.

2. Commission Review of LCP Amendment and Revised Findings.

At the Commission meeting of September 16, 1999, the Commission certified Mendocino County LCP Amendment No. 2-98 (Major: Gualala Town Plan and Zoning) with suggested modifications. At the hearing, the Commission revised several of the suggested modifications that staff had recommended in the written staff recommendation mailed prior to the hearing, and added another suggested modification. As the Commission's action differed from the written staff recommendation, staff has prepared the following set of revised findings for the Commission's consideration as the needed findings to support its actions.

The Commission will hold a public hearing and vote on the revised findings at its October 11, 2000 meeting. The Commission will vote only on whether the attached Revised Findings supports its action on the LCP Amendment at the meeting of September 16, 1999, and not on the merits of the amendment or whether the adopted suggested modifications should be changed. Public testimony will be limited accordingly.

3. Effective Certification Process.

Pursuant to Section 13544 of the Commission's regulations, the certification of an LCP amendment shall not be deemed final and effective until: (a) the local government acknowledges receipt of the Commission's resolution, accepts and agrees to the modifications, takes whatever formal action is required to satisfy the modifications, and agrees to issue coastal development permits for the total area included in the certified local coastal program; (b) the Executive Director determines in writing that the local government's actions take to satisfy the above requirements are legally adequate, (c) the Executive Director reports the determination to the Commission and the Commission does not object to the determination, and (d) notice of the certification of the LCP amendment is filed with the Secretary of the Resources Agency. Pursuant to Section 13542(b), the Commission's certification of an LCP amendment with suggested modifications shall expire six months from the date of the Commission's action unless the deadline is extended by the Commission pursuant to Section 30517 of the Coastal Act and Section 13535(c) of the Commission's Regulations. On March 15, 2000, the Commission voted to extend the deadline for Mendocino County to accept and agree to the Commission's certification of Mendocino County LCP Amendment No. 2-98 (Major: Gualala Town Plan and Zoning) with suggested modifications for a period not to exceed one year. The new deadline is now March 16, 2001.

4. Additional Information.

For additional information about the certified LCP Amendment, please contact Bob Merrill at the North Coast District Office at the above address, (707)445-7833. Please mail correspondence to the Commission at the same address.

5. Analysis Criteria.

In certifying with suggested modifications the amendment to the Land Use Plan portion of the Mendocino County Local Coastal Program, the Commission found that if modified as suggested, the LUP as amended is consistent with the policies of Chapter 3 of the Coastal Act. In certifying with suggested modifications the amendment to the Implementation Program portion of the LCP, the Commission found that if modified as suggested, the Implementation Program, as amended, conforms with and is adequate to carry out the amended Land Use Plan.

REVISED FINDINGS
SYNOPSIS:

1. Amendment Description.

Mendocino County proposed 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 GTP 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 identify, 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 would be implemented by the Mendocino County Coastal Zoning Code, which was also proposed to be amended. Amendments to the Zoning Code would 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. Summary of Commission Action.

The Commission found that the bulk of the proposed Gualala Town Plan and Zoning Ordinance changes as submitted were adequate to meet the requirements of the Coastal Act. However, the Commission adopted a number of suggested modifications 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 included: (a) deletion of the proposed expansion of the urban boundary; (b) requiring that applications for new development in the three new Mixed Use districts be referred to the Gualala Municipal Advisory Council (GMAC) to allow GMAC the opportunity to comment on the conformance of the proposed development with the new design guidelines included in the GTP; (c) adding a new section on Visitor-Serving Facilities that requires the protection of visitor-serving and recreational facilities; (d) adding a new chapter in the Policy Section of the GTP for Water and Sewer Services with provisions requiring that adequate water and sewer services be available to serve new development; (e) adding a requirement that when the North Gualala Water Company reaches 80 percent of service capacity, the County shall not approve coastal development permits for developments that require water hookups unless certain actions have been taken to expand water service capacity consistent with the Endangered Species Act or other applicable laws; (f) 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; (g) adding a requirement in the Zoning Code that coastal permits for new blufftop development must be conditioned to prohibit the construction of seawalls; (h) adding provisions to the Runoff Standards section of the Coastal Zoning Ordinance requiring that best management practices be required for coastal development projects to control polluted runoff, and that commercial projects, residential subdivisions, and parking lot developments be required to capture and infiltrate or treat all runoff from the development from all but the largest storms; and (i) adding provisions to the Land Use Plan environmentally sensitive habitat area (ESHA) buffer policy requiring that the adjacent upland transitional habitat function of the buffer be considered in any determination to reduce the width of a required ESHA buffer below 100 feet.

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, upon completion of the public hearing, the Commission denied both the Land Use Plan and Implementation Program components of the amendment as submitted, and then certified the amendment if modified as suggested.

**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, 29
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.

I. MOTION, STAFF RECOMMENDATION, AND RESOLUTION

Staff recommends that the Commission adopt the following findings in support of its action on September 16, 1999 concerning Mendocino County LCP Amendment No. 2-98 (Major: Gualala Town Plan and Zoning).

MOTION: I move that the Commission adopt the revised findings in support of the Commission's action on September 16, 1999 concerning Mendocino County LCP Amendment No. 2-98 (Major: Gualala Town Plan and Zoning).

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a **YES** vote on the motion. Passage of this motion will result in the adoption of revised findings as set forth in this staff report. The motion requires a majority vote of the members from the prevailing side present at the September 16, 1999 hearing, with at least three of the prevailing members voting. Only those Commissioners on the prevailing side of the Commission's action are eligible to vote on the revised findings.

RESOLUTION TO ADOPT REVISED FINDINGS:

The Commission hereby approves the findings set forth below for Mendocino County LCP Amendment No. 2-98 (Major: Gualala Town Plan and Zoning) on the ground that the findings support the Commission's decision made on September 16, 1999 and accurately reflect the reasons for it.

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PART ONE: RESOLUTIONS AND SUGGESTED MODIFICATIONS

On September 16, 1999, the Commission adopted the following resolutions and suggested modifications:

I. RESOLUTIONS

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

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:

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:

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:

RESOLUTION IV:

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 Suggested Modifications adopted by the Commission are set forth below. The Attachment at the end of the report 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~~. Those additions and deletions that were made at the September 1999 hearing when the Commission acted on the amendment, as opposed to those additions and deletions adopted by the Commission that were contained in the August 27, 1999 staff recommendation prepared for that meeting, are shown in **bold face**. Below each of the changes the Commission made at the hearing, references are included to the pages of the hearing transcript containing the Commissioners' discussion of those additions and deletions. The hearing transcript is attached as Exhibit 5. Prior to the hearing, the Mendocino Board of Supervisors submitted a letter (dated July 14, 1999) requesting that the Commission make certain changes to those suggested modifications recommended by staff in the staff report. This letter is attached as Exhibit 6. The Commission incorporated some of the Board recommended changes into the Suggested Modifications that it adopted. Where applicable, page references to the letter submitted by the Board of Supervisors are also included.

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.

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 *to natural landforms*.

[Transcript page 50; Board of Supervisors 7/14/99 letter page 2]

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 referred to reviewed by the Gualala Municipal Advisory Council or some similar advisory council for comment prior to action by the Coastal Program Administrator or the Planning Commission. ~~filing a coastal development permit application as complete.~~ The advisory council shall forward its findings and recommendations to the Coastal Program Administrator or Planning Commission for its consideration. ~~permit-issuing authority prior to action by that permit-issuing authority.~~

[Transcript pages 50-51, Board of Supervisors 7/14/99 letter page 3]

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 be designed to provide a streetscape that is consistent with the streetscape concept shown on Figure 3.6.

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:~~ the County shall not approve coastal development permits for developments that require water hookups unless one or more of the action(s) listed below have already been taken to expand water service capacity without violating the Endangered Species Act or any other state or federal law:

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- *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.

SUGGESTED MODIFICATION NO. 29: Policy 3.1-7 of the Coastal Element shall be modified as follows:

3.1-7 A buffer area shall be established adjacent to all environmentally sensitive habitat areas. The purpose of this buffer area shall be to provide for a sufficient area to protect the environmentally sensitive habitat from significant degradation resulting from future developments. The width of the buffer area shall be a minimum of 100 feet, unless an applicant can demonstrate, after consultation and agreement with the California Department of Fish and Game, and County Planning Staff, that 100 feet is not necessary to protect the resources of that particular habitat area *and the adjacent upland transitional habitat function of the buffer* from possible significant disruption caused by the proposed development. The buffer area shall be measured from the outside edge of the environmentally sensitive habitat areas and shall not be less than 50 feet in width. New land division shall not be allowed which will create new parcels entirely within the buffer area. Developments permitted within a buffer area shall generally be the same as those uses permitted in the adjacent environmentally sensitive habitat area and must comply at a minimum with each of the following standards:

1. It shall be sited and designed to prevent impacts which would significantly degrade such areas;

2. It shall be compatible with the continuance of such habitat areas by maintaining their functional capacity and their ability to be self-sustaining and to maintain natural species diversity; and
3. Structures will be allowed within the buffer area only if there is no other feasible site available on the parcel. Mitigation measures, such as planting riparian vegetation, shall be required to replace the protective values of the buffer area on the parcel, at a minimum ratio of 1:1, which are lost as a result of development under this solution.

[Transcript pages 112-114]

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.
- ~~(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)

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 residential or commercial 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 permitted 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 subject permitted house and its foundation when bluff retreat reaches the point where the structure is threatened. In the event that portions of the subject permitted 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.*
 - (e) *The requirements of Subsection (d) shall not apply to residences or associated improvements on the property that pre-date the subject coastal permit.*

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 *that drains into within* wetlands.

[Transcript pages 111-112]

- (I) The release rate of storm water from all developments *that drains into 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).

[Transcript pages 111-112]

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

[Transcript page 64]

- (K) *All development that is within, or drains into, environmentally sensitive habitat, is a commercial or residential subdivision, is a service station or automotive repair facility, or that includes commercial development or a parking lot, shall capture and infiltrate or treat, using relevant best management practices, including structural best management practices, all runoff from storms of a magnitude such that the runoff from 85 percent of storms is encaptured or treated.*

[Transcript pages 61 through 102, see especially pages 88-89, and 101-102]

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 appropriate 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 increase 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. As noted previously, this policy 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. The intent of the policy is to encourage necessary measures to either increase the supply of water or reduce the demand for water so that adequate water will be available to serve future development allowed under the certified LCP. Although the intent is consistent with the provisions of Section 30250(a) that adequate services be provided for new development, the Commission finds that the policy is inadequate to ensure that adequate water will, in fact, be available to serve future development allowed under the certified LCP. The proposed policy does not contain mandatory language. When 80 percent of service capacity has been committed, the proposed policy only says that action should be initiated. Thus, the policy is only advisory. The Commission finds that to achieve consistency with Section 30250(a), and ensure that adequate water will be available to serve

future development allowed under the certified LCP, action to either increase water supply or reduce demand must be initiated before coastal development permits are granted for development that would consume all of the remaining capacity of the water system. Therefore, Suggested Modification No. 12 changes Policy G3.10-1 to require that when 80 percent of service capacity has been committed, the County shall not approve coastal development permits for developments that require water hookups unless one or more of the action(s) listed in the policy for increasing the supply of water or reducing the demand for water have already been taken. Furthermore, to ensure that the actions pursued to increase water supply do not include measures that would affect river flows in a way that would further harm threatened or endangered anadromous fish species or in other ways would be harmful to the environment, Suggested Modification No. 12 specifies that the action(s) to be taken to expand water service capacity must not include actions that would violate the Endangered Species Act or any other state or federal law.

Suggested Modification No. 12 adds additional policies 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. In addition, 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:~~ the County shall not approve coastal development permits for developments that require water hookups unless one or more of the action(s) listed below have already been taken to expand water service capacity without violating the Endangered Species Act or any other state or federal law:*

[Transcript pages 102-111]

- *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 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 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 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** 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** 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 sited and designed to be compatible with the character of the area, protect views to and along the ocean and scenic coastal areas, and minimize the alteration of natural landforms 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 and do not specifically provide for minimizing disturbance to or alteration of natural landforms as is specified in Section 30251 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** modifies Policy G3.4-1, which states that "New development shall minimize site disturbance," to read: "New development *shall* minimize site disturbance *to natural landforms.*" This language reflects the stronger and more precise 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 that

proposed new development within the GVMU, GHMU, and GPD districts be referred to the Gualala Municipal Advisory Council (GMAC) for comment prior to action by the Coastal Program Administrator or the Planning Commission. This referral process will give GMAC an opportunity to provide specific input to the permit granting authority on the conformance of the proposed development with the design guidelines established by the Gualala Town Plan. 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 and the design guidelines is that GMAC would be encouraged to comment more specifically on design issues raised by proposed new development. If GMAC chooses not to comment on a project that has been referred to GMAC, the Coastal Permit Administrator or Planning Commission may proceed to act on the coastal development permit application without comments from GMAC. Furthermore, development that is exempt from coastal permit requirements under the Categorical Exclusion Order or under Section 30610 of the Coastal Act would not require referral to GMAC for comment.

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 *to natural landforms*.

[Transcript page 50; Board of Supervisors 7/14/99 letter page 2]

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 referred to ~~reviewed by~~ the Gualala Municipal Advisory Council or some similar advisory council for comment prior to action by the Coastal Program Administrator or the Planning Commission. ~~filing a coastal development permit application as complete.~~ The advisory council shall forward its findings and recommendations to the Coastal Program Administrator or Planning Commission for its consideration. ~~permit issuing authority prior to action by that permit issuing authority.~~

[Transcript pages 50-51, Board of Supervisors 7/14/99 letter page 3]

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** 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.

To further protect the riparian habitat along the Gualala river and elsewhere where development would be allowed under the LUP as amended, the Commission finds that it is necessary to add provisions to the Land Use Plan environmentally sensitive habitat area buffer policy requiring that the adjacent upland transitional habitat function of the buffer be considered in any determination to reduce the width of a required ESHA buffer below 100 feet. Land Use Plan Policy 3.1-7 provides for the establishment of 100-foot buffers around ESHAs, but allows the buffer to be reduced if an applicant can demonstrate, after consultation and agreement with the California Department of Fish and Game, and County Planning Staff, that 100 feet is not necessary to protect the resources of that particular habitat area from possible significant disruption caused by the proposed development. The Commission adds Suggested Modification No. 29 to ensure that if buffers are to be reduced below 100 feet, the applicants must also demonstrate after consultation with the agencies that the reduced width would protect the transitional habitat function of the buffer.

The LUP Amendment as submitted is inconsistent with the sensitive habitat policies of the Coastal Act and must be denied. However, as modified by Suggested Modification No. 13 and Suggested Modification No. 29 described below, the Commission 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.

SUGGESTED MODIFICATION NO. 29: Policy 3.1-7 of the Mendocino County Land Use Plan shall be modified as follows:

3.1-7 A buffer area shall be established adjacent to all environmentally sensitive habitat areas. The purpose of this buffer area shall be to provide for a sufficient area to protect the environmentally sensitive habitat from significant degradation resulting from future developments. The width of the buffer area shall be a minimum of 100 feet, unless an applicant can demonstrate, after consultation and agreement with the California Department of Fish and Game, and County Planning Staff, that 100 feet is not necessary to protect the resources of that particular habitat area *and the adjacent upland transitional habitat function of the buffer* from possible significant disruption caused by the proposed development. The buffer area shall be measured from the outside edge of the environmentally sensitive habitat areas and shall not be less than 50 feet in width. New land division shall not be allowed which will create new parcels entirely within the buffer area. Developments permitted within a buffer area shall generally be the same as those uses permitted in the adjacent environmentally sensitive habitat area and must comply at a minimum with each of the following standards:

1. It shall be sited and designed to prevent impacts which would significantly degrade such areas;

2. It shall be compatible with the continuance of such habitat areas by maintaining their functional capacity and their ability to be self-sustaining and to maintain natural species diversity; and
3. Structures will be allowed within the buffer area only if there is no other feasible site available on the parcel. Mitigation measures, such as planting riparian vegetation, shall be required to replace the protective values of the buffer area on the parcel, at a minimum ratio of 1:1, which are lost as a result of development under this solution.

[Transcript pages 112-114]

2. 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**, 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**, 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** 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** 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** 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** 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** adds Subsections (J) and (K) to Zoning Code Section 20.492.025, Runoff Standards. This section currently includes a number of standards and practices to control polluted runoff. Subsections J and K, required by Suggested Modification No. 27, provide 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 that best management practices be required for coastal development projects to control polluted runoff, and that commercial projects, residential subdivisions, and parking lot developments be required to capture and infiltrate or treat all runoff from development from all but the largest 15% of storms. Modification No. 27 also modifies Subsections H and I to clarify and correct existing language to make it clear that these standards address runoff from development that drains into wetlands.

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: 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 *that drains into* ~~within~~ wetlands.

[Transcript pages 111-112]

- (I) The release rate of storm water from all developments *that drains into 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).

[Transcript pages 111-112]

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

[Transcript page 64]

- (K) *All development that is within, or drains into, environmentally sensitive habitat, is a commercial or residential subdivision, is a service station or automotive repair facility, or that includes commercial development or a parking lot, shall capture and infiltrate or treat, using relevant best management practices, including structural best management practices, all runoff from storms of a magnitude such that the runoff from 85 percent of storms is encaptured or treated.*

[Transcript pages 61 through 102, see especially pages 88-89, and 101-102]

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** 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** 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 residential or commercial development, requiring recordation of a deed restriction that states the following:*
- (f) *The landowner understands that the site may be subject to extraordinary geologic and erosion hazard and the landowner assumes the risk from such hazards;*
 - (g) *The landowner agrees that any adverse impacts to property caused by the permitted project shall be fully the responsibility of the applicant;*
 - (h) *The landowner shall not construct any bluff or shoreline protective devices to protect the subject permitted 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;*
 - (i) *The landowner shall remove the subject permitted house and its foundation when bluff retreat reaches the point where the structure is threatened. In the event that portions of the subject permitted 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.*
 - (j) *The requirements of Subsection (d) shall not apply to residences or associated improvements on the property that pre-date the subject coastal permit.*

[Transcript pages 117-125]

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

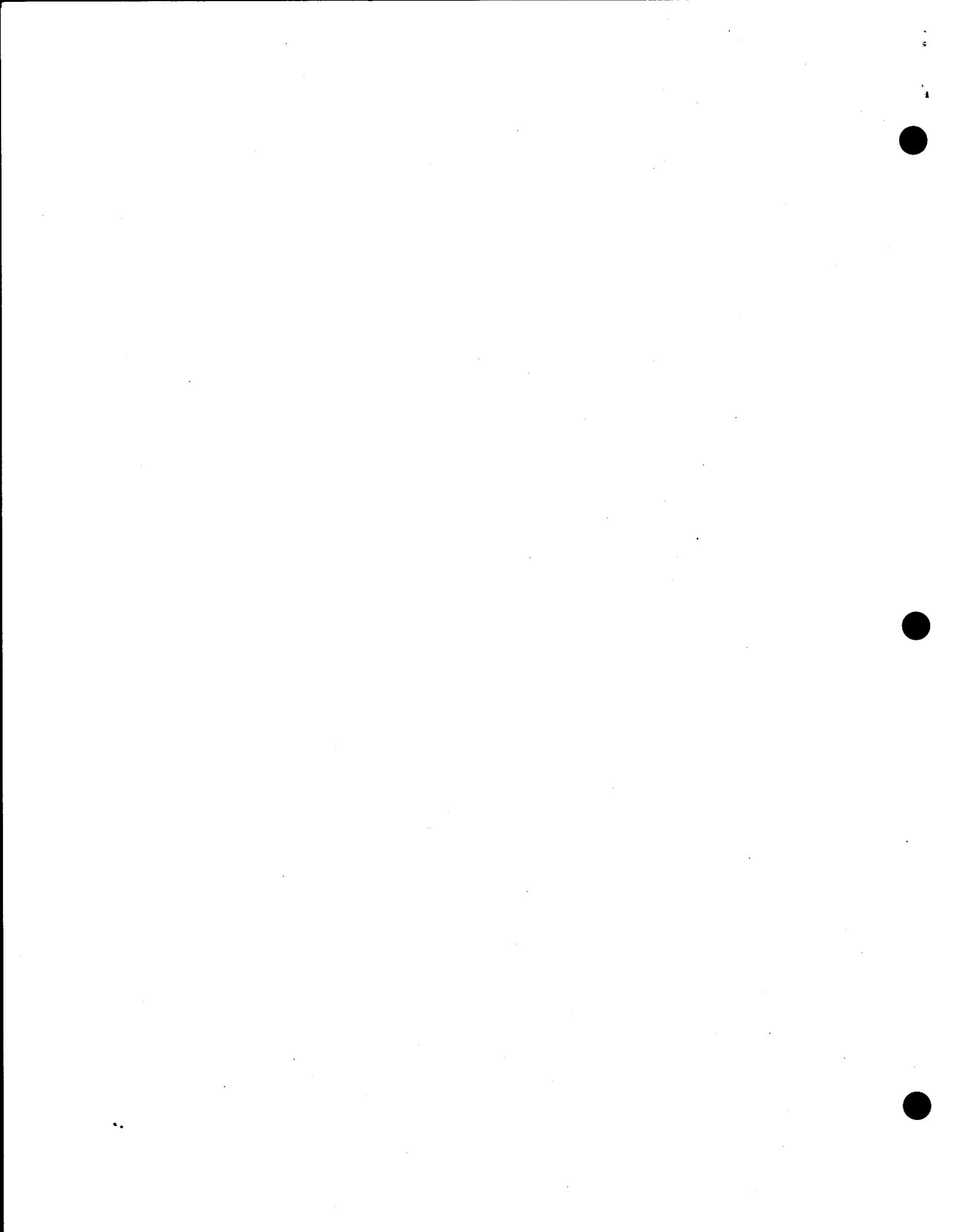
DRAFT COASTAL ELEMENT TEXT AMENDMENTS FOR GTP

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 to 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 GCSB 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.

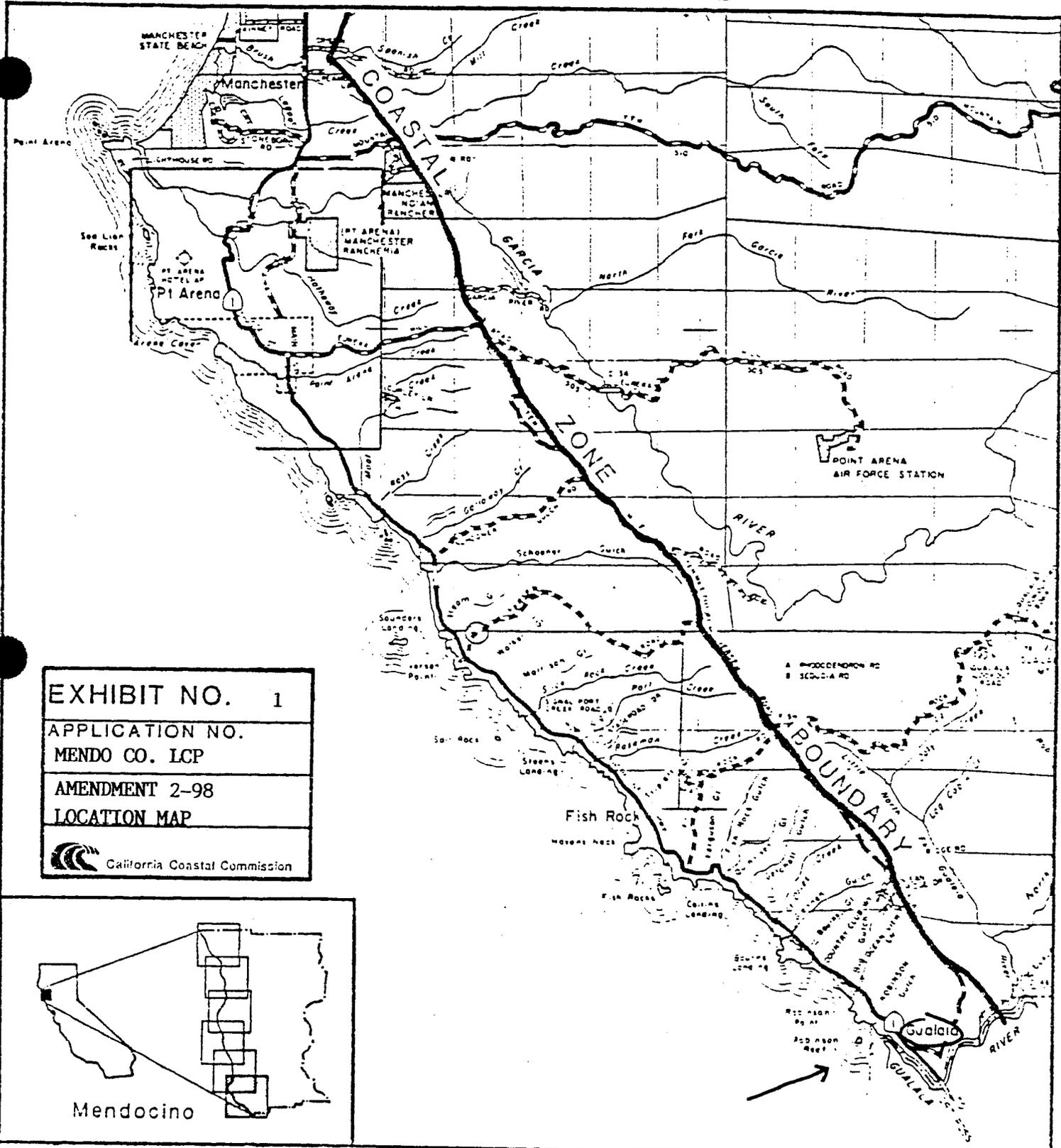
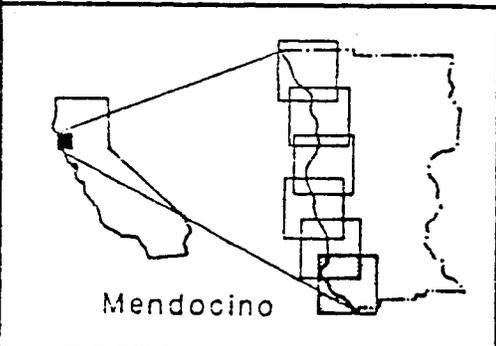
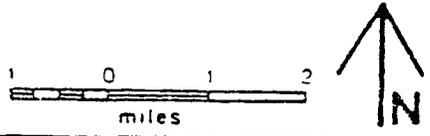


EXHIBIT NO. 1
 APPLICATION NO.
 MENDO CO. LCP
 AMENDMENT 2-98
 LOCATION MAP
 California Coastal Commission



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)

A-1

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:

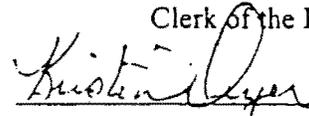
AYES: Supervisors Delbar, Shoemaker, Campbell, Peterson, Pinches
NOES: None
ABSENT: None

Whereupon the Chairman declared said Resolution passed and adopted and SO ORDERED



Chairman, Board of Supervisors

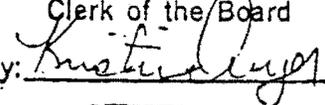
ATTEST: JOYCE A. BEARD
Clerk of the Board

By: 

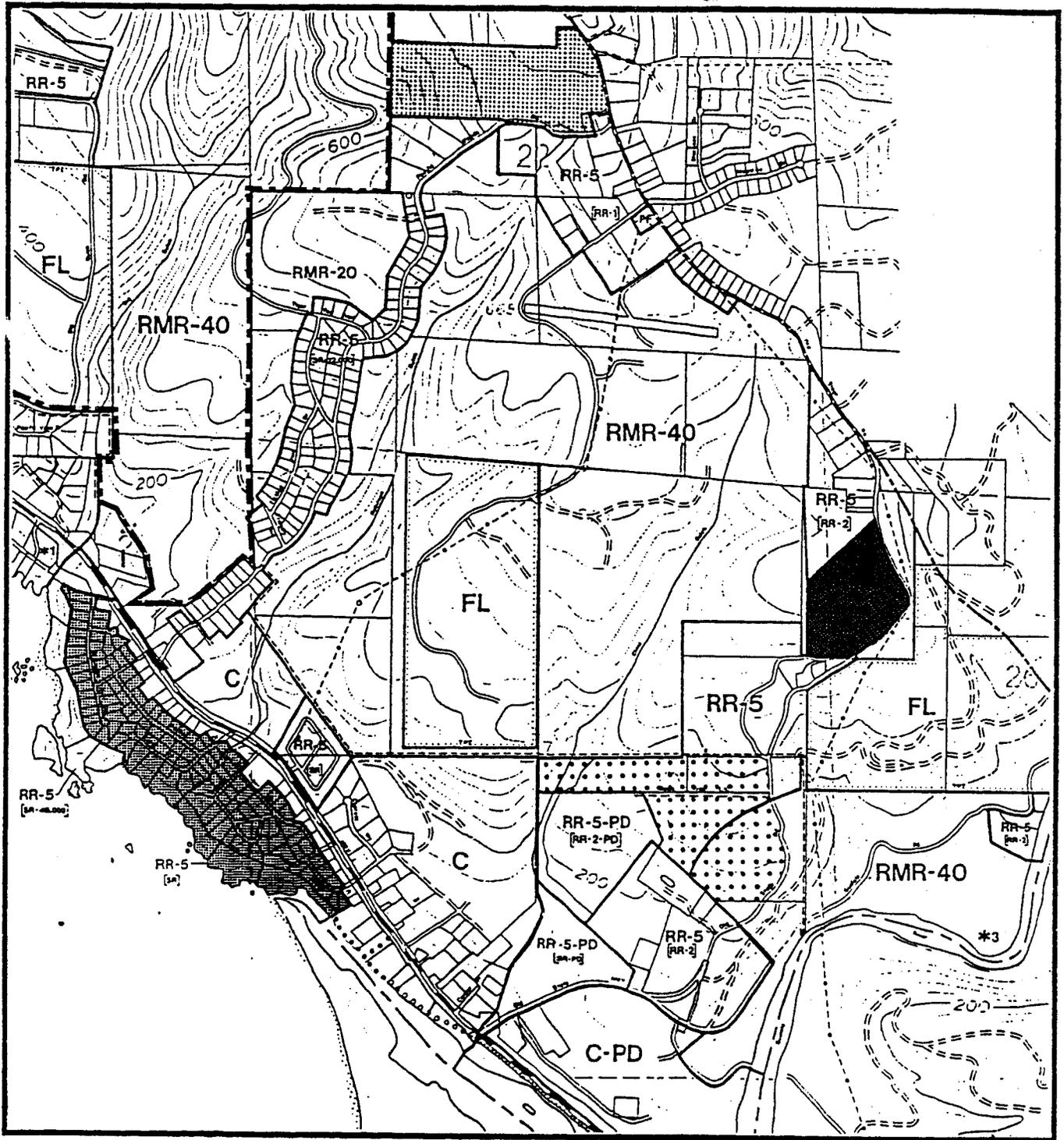
DEPUTY

#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

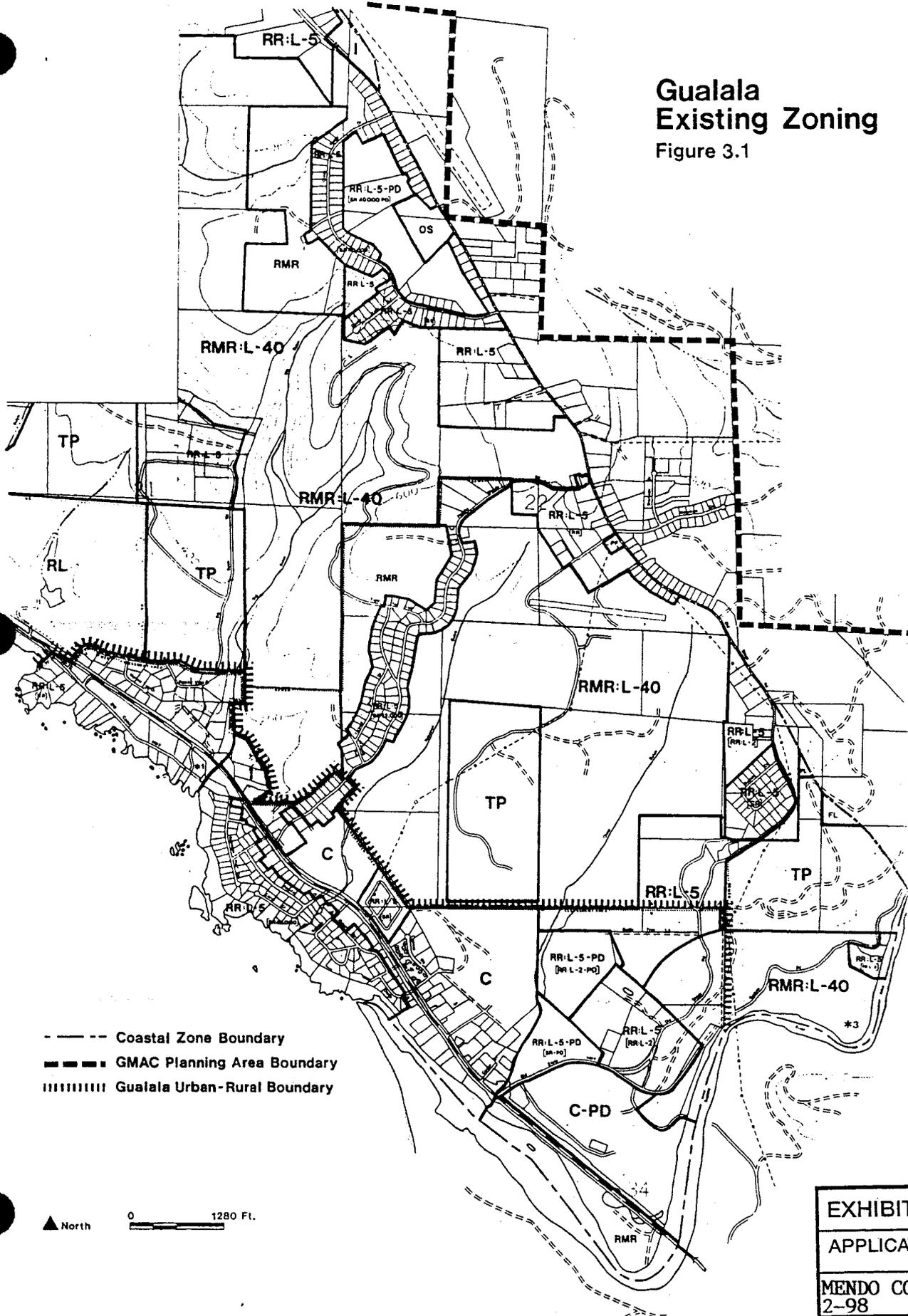


EXHIBIT NO. 4
APPLICATION NO.
MENDO CO LCP AMEND 2-98
GUALALA EXISTING ZONING

Gualala Proposed Zoning

Figure 3.2

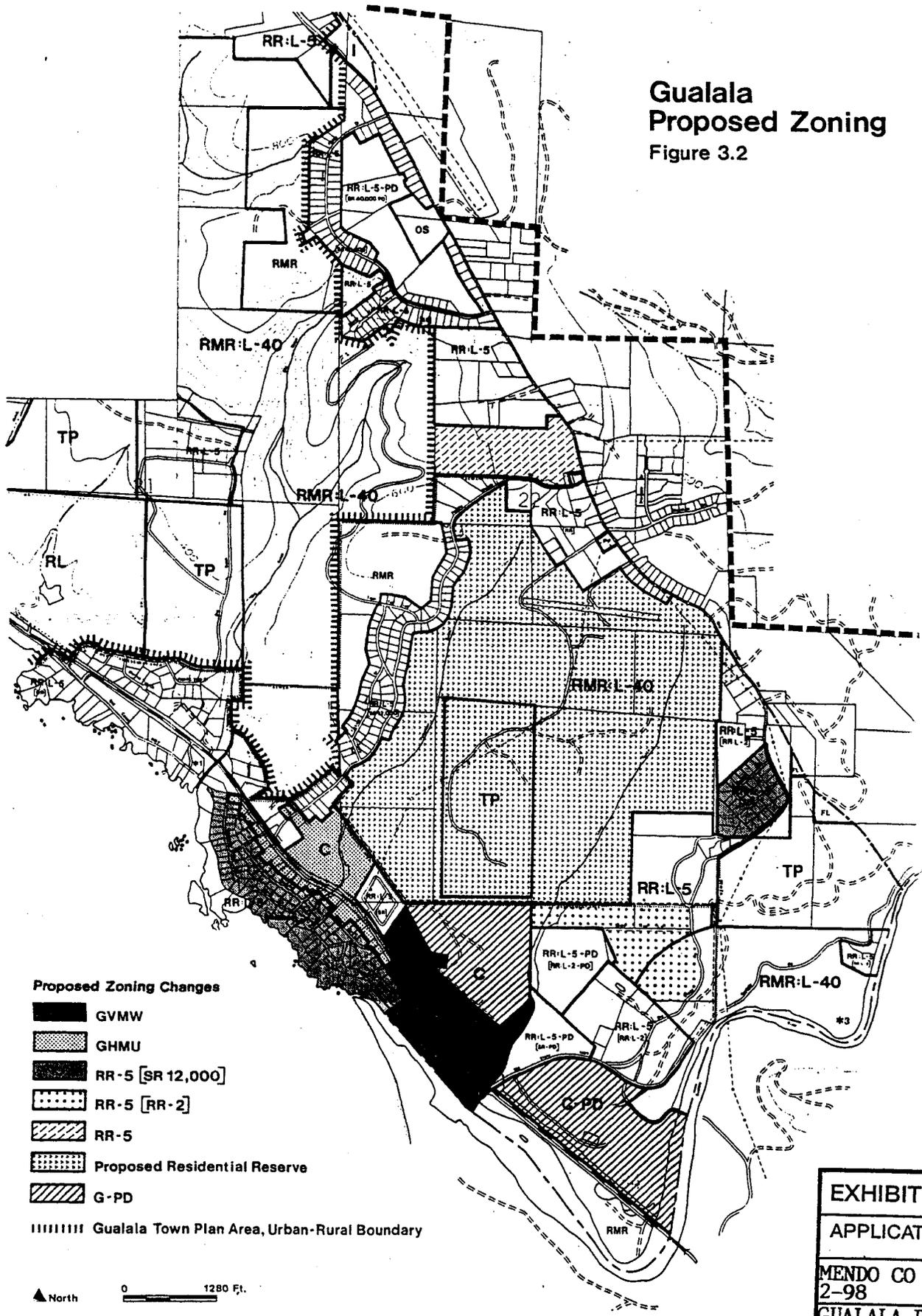


EXHIBIT NO. 5
 APPLICATION NO.
 MENDO CO LCP AMEND
 2-98
 GUALALA PROPOSED
 ZONING

STATE OF CALIFORNIA

COASTAL COMMISSION

Copy

MENDOCINO COUNTY)
)
LOCAL COASTAL PROGRAM) Establishment of
) Gualala Town Plan
AMENDMENT NO.2-98)
_____)

REPORTER'S TRANSCRIPT OF PROCEEDINGS

Thursday, September 16, 1999
Agenda Item No. 14. a.

Eureka Inn
Seventh & F Streets
Eureka, California

EXHIBIT NO.	6
APPLICATION NO.	MENDO CO. LCP AMENDMENT 2-98
HEARING TRANSCRIPT	

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APPEARANCES

COMMISSIONERS

Sara Wan, Chair
Dave Potter, Vice Chair
Lois Busey, Alternate
Paula Daniels
Christina L. Desser
Shirley Dettloff
Cecilia Estolano
Christine Kehoe
Cynthia McClain-Hill
Trent Orr, Alternate
Mike Reilly,

STAFF

Chuck Damm, Senior Deputy Director
Ralph Faust, Chief Counsel
Jamee J. Patterson, Deputy Attorney General
Steve Scholl, Deputy Director
Robert Merrill, Coastal Program Manager

-oOo-

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STAFF

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Senior Deputy Director Damm.....	9, 123

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COMMISSIONERS

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1 California Coastal Commission
2 September 16, 1999
3 Mendocino County LCP Amendment No.2-98 (Gualala Town Plan)

4 * * * * *

5 DISTRICT DIRECTOR SCHOLL: ...And, with that, I
6 will turn the mike over to Mr. Merrill, who will present
7 the staff recommendations.

8 PROGRAM MANAGER MERRILL: Good afternoon,
9 Commissioners. I think that brings us to the Gualala Town
10 Plan item, which appears as Item 14.a. on the calendar.

11 And, as Steve mentioned, there are a number of
12 handouts associated with that item. And just to review,
13 first of all there is the staff report that is dated
14 September 16. Then we have a letter from the Sierra Club,
15 which was received yesterday, and was handed out. There
16 is a letter from Leslie Dahlhoff, the Mayor of the City of
17 Point Arena. There is a letter submitted by the County of
18 Mendocino, which is actually in two parts, as you have got
19 it there. One includes a comment letter from the Board of
20 Supervisors that was actually prepared prior to the July
21 14 hearing. And, then I believe that is all.

22 So, with that housekeeping out of the way, this
23 item was of course considered at your July 15 meeting in
24 San Rafael, and the Commission went through a fairly long

25

1 public hearing, so I won't go through all of the different
2 points that were discussed at that meeting.

3 I will just start off, however, by giving a brief
4 description of what is all involved in the town plan.
5 This would affect the southern-most part of the coastal
6 zone in Mendocino County, including all of what is part of
7 the town now, and some of the surrounding area.

8 And, it is important to note that this amendment
9 would not establish a separate LUP segment, but rather
10 would provide additional policies that supplement the
11 existing LCP policies. There are changes both to the Land
12 Use Plan, and to the Zoning Ordinance. So, in reviewing
13 how the LCP addresses different issues, it is important to
14 realize that there are existing policies that do affect
15 such things as environmentally sensitive habitat areas,
16 wetlands. And, that was a source of confusion last time,
17 so we tried to help minimize that confusion by creating
18 the chart on page 6 of the staff report, which does
19 indicated where the various LCP policies related to those
20 coastal issues can be found. You don't necessarily have
21 the full LCP in front of you, but at least you know where
22 they are already addressed.

23 The major aspects of the plan, what it does is
24 that it emphasizes the ability to develop residential
25 development within the existing town boundaries. It

1 doesn't necessarily allow residential where it hasn't been
2 allowed before, but what it does do is make it a principal
3 permitted use in many areas, where previously one needed
4 to get a use permit to build a residence.

5 It also, for two large planned development areas,
6 indicates that it should be at least 50 percent of the
7 area of those sites developed for residential use, and it
8 does allow up to 100 second residential units in areas
9 east of Highway One.

10 Another major change that was proposed was to
11 extend the urban-rural boundary, and encompass a much
12 larger area than currently is included in the urban-rural
13 boundary.

14 In addition to that, there are a variety of
15 changes to development policies that affect such things as
16 design review, standards for maximum floor area, standards
17 for lot coverage, and a variety of other measures that
18 provide more detailed policies than the existing LCP does
19 for the Gualala Town Plan area.

20 Now, at the last hearing there was a lot
21 discussed, but I think the principle issues that the
22 Commissioners noted that they were concerned about might
23 be broken down into three categories: and the first is a
24 concern about how the LCP is amended, would address sea
25 walls and geologic hazards, and the need to incorporate

1 some measures that would make it clear that sea walls for
2 new development should not be considered in the future.

3 A second major concern was with urban runoff, and
4 the desire to perhaps strengthen the LCP to better deal
5 with urban runoff.

6 And then, thirdly, there was considerable
7 discussion about the affect of water diversions from the
8 Gualala River, which are diverted to the Gualala Water
9 Company for their use in serving the development in the
10 town plan area. And, the concern primarily is with how
11 that might affect anadromous fish that rely on the Gualala
12 River as a place for spawning, and for transit up and down
13 the river. So, I'll address each one of those in that
14 order.

15 And, with regard to the sea walls, it is a
16 particular relevant topic to Gualala. There are many
17 bluff-top parcels, both residential and commercial that
18 front along either the mouth of the Gualala River, or the
19 open ocean itself. And, the LCP, as it currently exists,
20 even before the Gualala Town Plan, does mirror an approach
21 that the Commission is used to following, of requiring
22 that development within a certain distance of the bluff
23 edge be required to provide geotechnical evaluations to
24 determine what the rate of bluff retreat is, how that
25 relates to the life of the structure, and then come up

1 with a calculation of how far back a structure should be
2 to avoid bluff retreat?

3 What the LCP doesn't' really have, though, is a
4 policy that mirrors the provisions of 30253 of the Coastal
5 Act that state that new development shall not in any way
6 require the construction of protective devices. And what
7 we felt would be an appropriate way to deal with this
8 issue would be to first add another mod, which is
9 Suggested Modification No. 11, to the Land Use Plan, which
10 is found on page 34 of the staff report. And, all that
11 would do would just incorporate that same language of
12 30253 directly into the Land Use Plan.

13 And, then in addition to that, we are proposing
14 Suggested Modification No. 26, which can be found on page
15 53, starting on page 53 of the staff report, which would
16 add a provision to the geologic hazards section of the
17 zoning code that would essentially mirror the kind of
18 requirement that the condition has been imposing of late
19 on bluff-top development in situations where a geologic
20 report may say that it is safe to build a house a certain
21 distance back, but where there is an ongoing concern
22 though, of what would happen if there is unanticipated
23 erosion that accelerates bluff retreat beyond what the
24 geologic reports might predict.

25

1 And, so the modification would simply require
2 that with new bluff-top development that deed restrictions
3 be recorded that incorporate those basic elements that you
4 have been imposing in permits that you have dealt with,
5 which include notifying the landowner, and future owners,
6 that the site is subject to extraordinary hazards, that
7 they do assume the risk of the hazards, that no shoreline
8 protective devices can be built in the future to protect
9 these structures, and that the land owners assume the
10 responsibility for any adverse impacts of the project.
11 And, that the landowner also has the responsibility of
12 removing any parts of the development that might find
13 their way down to the bottom of the bluff, despite these
14 provisions.

15 And, so we think with those changes the Land Use
16 Plan will be more consistent with the *Coastal Act*, and
17 with the changes to the zoning code to add those deed
18 restrictions, the zoning code will be adequate to carry
19 out the Land Use Plan as amended to deal with the sea wall
20 concern.

21 The next general area, as I mentioned, is urban
22 runoff, and urban runoff is certainly a concern in the
23 town of Gualala. It is an area of concentrated
24 development, relative to other development along the Mend-
25 ocino coast. There are slopes, steep slopes on occasion.

1 There are commercial developments with parking lots that
2 have impacts of oil and grease drippings from vehicles.
3 And, in looking at what could be done to strengthen the
4 town plan provisions relating to urban runoff, one of the
5 things that we thought would be important to do, as we
6 notice that there are existing zoning provisions that deal
7 with runoff, and they deal with it to a limited extent;
8 however, the Land Use Plan doesn't actually have a direct
9 policy directly affecting water quality.

10 So, to strengthen the framework of the plan to
11 provide a basis for zoning code provisions that would
12 affect development, we thought it would be important to
13 include as Modification 11, on page 34 of the staff
14 report, which would simply add Section 30231 language of
15 the *Coastal Act* which indicates that the biological
16 productivity, and the quality of coastal waters shall be
17 maintained, and where feasible restored, that that also be
18 included in the LCP, in the Land Use Plan. So, Modifica-
19 tion 11 would provide that change.

20 And, then with regard to the, you know, the
21 actual measures you would consider when considering new
22 development, and how to best protect water quality and
23 urban runoff concerns, we are recommending the Modifi-
24 cation 27, which begins on page 54, and continues on to
25 page 55 of the staff report, and you will notice that we

1 have included the existing section on runoff standards, so
2 you get an idea of what the existing LCP currently does
3 no.

4 And, there are provisions that address how water
5 flows with new development should be mitigated, and
6 basically addressed so that you don't have excess runoff
7 coming off of projects. And, then there are specific
8 measures listed in there as to suggestions as to how the
9 additional runoff can be infiltrated into the ground and
10 affected.

11 There are other provisions that talk about how in
12 other situations best management practices should be
13 included. If you look at Subsection E of Section
14 20.492.025, it indicates how provisions shall be made, in
15 addition to dealing with the infiltration, to prevent
16 surface water runoff from damaging faces of cut and fill
17 slopes, which presumably would include such measures as
18 hydro-seeding and water bars, and hay bales around con-
19 struction sites to avoid those kinds of impacts.

20 So, there are some measures listed in the
21 existing ordinance, but we thought that it wasn't fully
22 inclusive of the types of runoff impacts that might be
23 incurred with new development, so we had included
24 Subsection J as our Modification 27, which is a general
25 modification, general standard, that would allow the

1 county, when it considers different development projects,
2 to impose the best management practice that seems the most
3 appropriate for the given situation. And, the standard
4 basically just says that coastal development projects
5 within the town plan area that have the potential to
6 degrade water quality, where there are such projects, the
7 approving authority shall require other best management
8 practices to control polluted runoff as appropriate.

9 Now, it is difficult in that it is very general,
10 and there are suggestions that, while by not having
11 specificity, it might be too easy to overlook, particu-
12 larly best management practices that might be appropriate
13 in any given application.

14 Part of the difficulty in trying to be too
15 explicit is that so much is dependent on a case-by-case
16 review of a project, and a given best management practice
17 may be appropriate in some situations, and not for others,
18 even for projects that are fairly similar in nature. One
19 might be on steeper slopes. One might be an area where
20 runoff is already contained by some adjoining facility.
21 There might be any number of factors you might consider.

22 So, we have here -- we went with the approach of
23 taking the more general view, and relying, essentially, on
24 a case-by-case review. But, the Commission may want to
25 discuss that in your deliberations, and there might be

1 ways to include some specific measures, if you feel that
2 that is the appropriate thing to do.

3 But, with the modifications, we feel that the
4 Land Use Plan, with the addition of the Coastal Act policy
5 language, will now certainly be consistent with the
6 Coastal Act, and with this provision adding the standard
7 for other best management practices, that the Zoning
8 Ordinance will then be in conformance with and adequate to
9 carry out the Land Use Plan as amended.

10 Now, the third major area that the Commission
11 discussed, and heard lots of testimony about at the July
12 hearing, was the whole issue of water diversion, and that
13 issue has been highlighted by a letter that the Commission
14 received from the National Marine Fisheries Service, which
15 is dated August 16, and included in your packet --
16 actually, it is in your staff report as Exhibit 22.

17 And, in that letter, the National Marine
18 Fisheries Service indicates that they feel that it is not
19 appropriate to allow any additional hookups, or allow
20 further division of water flows from the Gualala River,
21 until a watershed management plan has been prepared and
22 adopted by the county and the State Water Resources
23 Control Board.

24 We certainly would support the notion of doing
25 further planning for watershed management. The endangered

1 species issues are a very real concern in the Gualala
2 River, and the north coast in general, and the goal of
3 such a study would certainly be to try to improve
4 conditions for the cojo and the other anadromous fish that
5 make use of the Gualala River; however, we are not sure
6 how the suggestion, in a practical standpoint, could be
7 implemented through the LCP. And, a little background on
8 that, I think, is important. The State Water Resources
9 Control Board, back in 1965, granted a permit to the
10 Gualala Water Company to divert a maximum of two cubic
11 feet per second of water from the Gualala River for
12 municipal use.

13 Since that time, they have never increased the
14 amount of permissible diversion, and there is no diversion
15 increase that is before them now, or proposed. There have
16 been, over the years, a number of amendments to that
17 original permit that changed such things as the point of
18 diversion, changed the particular users that could accept
19 the water that would be diverted, and most recently, and
20 in fact just earlier this month, the Division of Water
21 Rights completed action on an amendment that would relate
22 to moving the point of -- or where the well accepts the
23 water from the river, and also to add 13 units within the
24 area that is allowed to be served with that diverted
25 water.

1 The Division of Water Rights did approve that
2 amendment, but in so doing they reaffirmed a previous
3 limitation in the permit that requires already that a
4 minimum of at least four cubic feet per second of water be
5 retained in the river at all times. In other times of the
6 year, the standard is higher. And, the purpose of that
7 bypass requirement was to insure that there would be
8 adequate water in the river at all times, to provide
9 sufficient water for the fish.

10 And, the problem, of course, you have is that
11 during the winter time there is lots of water in the
12 river, but in the late fall, before the rains begin, the
13 water flow dwindles, and the concern is that it would
14 reach a point where it would drop below that threshold
15 level that would begin to harm the fish.

16 In reviewing that, that permit, and in reviewing
17 the original establishment of that standard, we understand
18 that the Division of Water Rights did have available to it
19 information about the needs of the different fish species,
20 and how much water would be appropriate. They certainly
21 are taking into account a lot of other factors when they
22 make those determinations, but that provision has been in
23 affect since around 1978, or '79, and the most recent
24 action of the Division of Water Rights has been to
25 essentially to reaffirm that, and to make it easier to

1 tell that that standard is being maintained, by requiring
2 the water company to prepare a plan for developing a
3 better measuring method. There was some concern that they
4 weren't really effectively measuring it, and this would
5 insure that a better method will be in place, so that
6 standard can be monitored, to make sure it is being
7 addressed.

8 So, the diversion of water is really an issue
9 that is addressed by the State Water Resources Control
10 Board, and it isn't something that, you know, the County
11 does not have to issue Coastal Development Permits for
12 diversions of water. Any physical structures, certainly,
13 they would, but the basic allocation of the water is
14 really not something that is handled under a Coastal
15 Development Permit.

16 And, the same with hookups. If someone wants to
17 hookup to the existing water company, that is not
18 technically a development, unless they happen to also
19 require putting in pipelines, but many times the pipelines
20 are in place, and it is a matter of simply just hooking
21 up, and that isn't really a development. So, it left us,
22 you know, in a quandary.

23 Certainly, the goal of doing further watershed
24 management planning is essential, and is something that,

25

1 as a staff, we would wholeheartedly support, but it didn't
2 seem that it fit the context of the LCP.

3 Now, our basic approach for insuring that water
4 isn't overtaxed, and that the water company doesn't exceed
5 its diversion, is that there are modifications in the
6 staff recommendation that require that when any new
7 development is considered, that the applicant demonstrate
8 that they do have sufficient water, whether it be through
9 a well, or a connection to the water company, before the
10 project could be approved. If they are connecting to the
11 water company, they would have to demonstrate that they
12 have a commitment.

13 The water company is limited by its total
14 diversion, so it would have its own self interest to not
15 grant more connections than it has water to provide;
16 otherwise, they would be subject to problems in serving
17 their other customers. So, in that sense we think it is
18 addressed.

19 It is also important to point out that at present
20 the Gualala Water Company has far more capacity than is
21 needed to serve existing hookups. The county estimates
22 that by the year 2007 they will be at the point where they
23 will have used 80 percent of their capacity, and the
24 county, as part of its proposal for the Gualala Town Plan,
25 included a policy that suggests that once that 80 percent

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1 threshold is reached, that further studies should be given
2 to either increasing water storage, increasing water
3 conservation, increasing sources of supply to address how,
4 you know, once that other capacity is used up, how that
5 will be addressed.

6 So, we think the basic concern is addressed
7 there, and without an ability to change what has already
8 been permitted by the Division of Water Rights with regard
9 to diversions, it didn't appear that the LCP was really a
10 vehicle that could easily address that overall general
11 concern.

12 Well, I will stop there, and just wrap up by
13 saying that with the various modifications that we've
14 included in the recommendation, we think that the Land Use
15 Plan, as amended, would be consistent with the Coastal
16 Act, and the implementation plan as amended would be
17 adequate to carry out the Land Use Plan and conform with
18 it.

19 Thank you.

20 CHAIR WAN: Thank you.

21 With that, I will call for ex-parte communica-
22 tions.

23 Commissioner Reilly?

24 COMMISSIONER REILLY: I had a recent discussion
25 with Mendocino Supervisor David Colfax, and during the

1 last few days have had conversations with Sierra Club
2 representatives, Julie Brand, and Mark Massara, who have
3 expressed concerns about the project, similar to the
4 correspondence that we have received.

5 CHAIR WAN: Any others?

6 COMMISSIONER DANIELS: I am not sure that this
7 would qualify, but I did have a voice mail exchange with
8 Mark Gold of Heal the Bay regarding, perhaps, adding
9 another provision with respect to non-point source.

10 CHAIR WAN: Right, and she reminds me that I had,
11 although totally separately, I had the same conversation
12 with, via e-mail, with Mr. Gold -- Dr. Gold, I should say,
13 asking him about pollution issues, and how to deal with
14 it.

15 Okay, with that I will open the public hearing.
16 I have three speakers in favor. Gary Pedroni, followed by
17 Raymond Hall.

18 [No Response]

19 Are you here?

20 MR. PEDRONI: Yes.

21 CHAIR WAN: Do you want to come up?

22 MR. PEDRONI: Can we change the order?

23 CHAIR WAN: You can change the order to anyway
24 you want. Who do you wish to have speak first?

25 MR. PEDRONI: Jim Lotter was going to start.

1 CHAIR WAN: Jim Lotter, that is fine. Can you
2 tell me how long the three of you will need for your
3 presentation?

4 You'll require about ten

5 MR. PEDRONI: Five to ten.

6 MR. LOTTER: Okay, I think I can do it in five to
7 ten, as well.

8 CHAIR WAN: Wait a second, no it doesn't work that
9 way. The maximum you are going to get for the three of
10 you is 15 minutes. If that is sufficient, okay.

11 MR. LOTTER: It may be, depends on what questions
12 the Commissioners may have.

13 CHAIR WAN: No, the Commissioners questions will
14 be separate. I want you to understand. I am going to
15 give you 15 minutes for the three of you. You can break
16 this up any way you wish. If you wish to -- okay.

17 MR. LOTTER: Okay, my portion, I can probably
18 get through in five to six minutes, and then Ray Hall has
19 a number of things dealing with specific issues --

20 CHAIR WAN: And, then there is a third --

21 MR. LOTTER: -- that are brought out by the --

22 CHAIR WAN: -- gentleman.

23 MR. LOTTER: Gary Pedroni?

24 CHAIR WAN: Right.

25 MR. LOTTER: Yes.

1 CHAIR WAN: So, it is 15 minutes for the three of
2 you, keep that in mind as you go through this.

3 Would you, after five minutes, give this gentleman
4 a warning, thank you.

5 State your name for the record, and we will get
6 started.

7 MR. LOTTER: My name is Jim Lotter. I am the
8 chair of the Gualala Municipal Advisory Council. We are
9 the body that wrote the bulk of the plan, submitting it
10 through Mendocino County.

11 Gualala is a community on the south Mendocino
12 coast. It is the largest concentration of services on the
13 coast between San Francisco and Fort Bragg. As a result
14 it serves a very large area. It is a community that has a
15 couple of super markets, a couple of service stations, two
16 building supplies, a very large post office -- as far as
17 the number of boxes -- six major lodging facilities, large
18 camp ground, a terrific new art center, an airport,
19 concrete batch plant. It even has 24-hour medical
20 services available.

21 It is a community without a core. We have lost
22 our ocean view due to insensitive commercial development.
23 The bulk of our residences are miles from commercial
24 services. We have less than 200 yards of public trail.
25 We have less than 100 yards of sidewalks. We have no

1 publicly owned accesses to the ocean, or to the river that
2 borders our community.

3 Our plan endeavors to rectify these problems. Our
4 goal is to create an attractive walkable community. It
5 also endeavors to provide access to, and protection for
6 the natural elements that attract people, both residents
7 and visitors, to our community.

8 It is a place that is needed. We need the
9 residential development -- it is called for in the plan --
10 to provide places for people to live, to provide services
11 for the residents in the greater service area, namely the
12 Sea Ranch, Point Arena, Timber Cove, those areas, as well
13 as for the services to the visitors to our community.

14 We've endeavored to do this by *Coastal Act*
15 recommended provision for infilling. We want to get our
16 future residential development close to our commercial
17 services. We have a surplus of commercial property. We
18 have enough we could build 500 square feet of commercial
19 space for every man, woman, and child in our service area,
20 as well as every man, woman, and child visiting our
21 service area. We don't need that much. So, we are
22 transforming some of that into residential, so that people
23 can walk to their services. They don't have to create
24 additional traffic. The community will have a sense of
25 community.

1 Water, we have a lot of it. We get 50 to 60
2 inches of rain a year in our area. The problem is it is
3 seasonal. Now, the current permit that was just granted
4 by the Water Resources Control Board -- or just affirmed
5 by the Resources Control Board -- calls for a diversion
6 rate that is double what the anticipated use of the water
7 is likely to be at build out for the town plan. So, the
8 water company has got a permit for plenty of water.

9 There has been public testimony, on two different
10 occasions, from the president of the water company, that
11 if necessary to comply with permit conditions for bypass
12 flows, a seasonal reservoir can be built. In fact, the
13 water company has done some preliminary survey work. They
14 have an idea of where they can locate this thing.

15 And, they said, "Yes, if the developers and the
16 rate payers are willing to pay for it, and it is
17 necessary, they will build it."

18 So, the water issue much less of an issue, I
19 think, in retrospect, than it has been made out to be. It
20 is something that the water company is ready to deal with.
21 It is something that -- it is not like we are living in
22 the desert. So, I think that we are actually in pretty
23 good shape in that regard.

24 The town plan is vital for the creation of a
25 quality community, and I urge that you pass it with the

1 recommendations that will be made subsequently by Ray and
2 Gary.

3 Thank you.

4 CHAIR WAN: The next speaker. State your name for
5 the record.

6 MR. HALL: My name is Raymond Hall, I am the
7 planning and building services director for Mendocino
8 County. And, Gary Pedroni will not be speaking, I will.
9 So, we should be able to wrap this up in the allotted
10 time.

11 The county is in agreement, in general, with the
12 major principles established in the staff report by the
13 Commission staff. It is, I think, in the details where we
14 have some disagreement, and frankly, those are very few.

15 The bigger issue, really is the growth that could
16 occur from this particular plan; however, it relates to
17 water availability, and the river, itself. You have
18 gotten a lot of correspondence. I think some of it
19 inaccurately portrays the development that could occur.
20 What could occur under this plan -- please understand,
21 there is an existing coastal plan that applies to Gualala.
22 This would be an amended plan. This plan will attempt to
23 concentrate development where services are available.

24 What we have are really four changes in the
25 proposed plan, from the existing LCP. One is a potential

1 increase in density, residential density, north west of
2 the town core, I believe from a 40,000-square foot minimum
3 to a 6,000-square foot minimum, and that is in recognition
4 of sewer and water services in the area. It is my
5 understanding that, potentially, you might see five lots
6 from that.

7 Also, what you have is an allowance for up to 100
8 second residential units, during the life of this plan, as
9 amended, and you have suggested modifications from your
10 staff. These second residential units, again limited to
11 100, would have limitations on the size of those units,
12 and I believe they would be 960-square feet for detached,
13 500 for attached. I think there is a likelihood that many
14 of those 100 would come from existing illegal units.

15 There is also the provision of 50 percent of a
16 planned development area must be committed to residential.
17 I think I need to emphasize that. The existing plan does
18 not set any threshold for residential. In theory, it
19 could be 99 percent residential. It could be one percent
20 residential. What we have tried to do is to say we want
21 to concentrate that residential development near the town
22 core.

23 To some extent, the same issue applies to the
24 mixed-use classification. Those are areas currently zoned
25 commercial, currently allow residential uses with use

1 permits, so in those two areas residential uses are
2 permitted uses -- now, may be permitted with a use permit,
3 but they are not excluded, nor are they excluded under the
4 proposal. In either case, the market will drive the
5 number of residential units that are proposed in those two
6 areas.

7 With respect to the water issue, there are
8 policies in the plan that talk about an 80 percent
9 threshold of when we hit that what certain events will
10 occur. Recognize that at least by our calculations, there
11 are potentially 182 less hookups under this plan, than
12 under the existing plan.

13 I want to caution you to be careful with any of
14 those numbers, because quite frankly in commercial class-
15 ifications, planned development classifications, you
16 really don't know how much residential development will
17 occur, regardless of if it is under the proposed plan, or
18 the existing. So, please take any development, potential
19 developments comments, you know, with a grain of salt,
20 including those from the County of Mendocino.

21 Specifically, I would like to go over the
22 modifications that are proposed by staff. The latest
23 having to do with bluff-top development, and I certainly
24 recall being in front of you in July on an appeal on a
25 Klute case, where it was very clear to me that the vast

1 majority of Commissioners support some sort of a restric-
2 tion on future attempts to try to save improvements that
3 are constructed. My argument then was it was inappro-
4 priate to deal with that at that particular development,
5 that it should be done more regionally, or preferably at a
6 state level, a state-wide level.

7 I do have a proposal to the modification, and
8 that is that it would read that within the Gualala Town
9 Plan a special condition shall be attached to coastal
10 permits for development, excluding fences, septic systems,
11 wells, and similar minor improvements located 100-feet of
12 the edge of the coastline bluff top. That is attempting
13 to do two different things.

14 First of all, the term all coastal development
15 permits, I think, is too broad. Fences require coastal
16 development permits. Realistically, do we think the
17 public benefits exceeds -- is absolutely the critical,
18 when someone builds a fence, that they then go and record
19 this document, which I think is going to cost them a few
20 dollars to do, but it also affects potential financing on
21 that structure. So, I think there are minor improvements
22 that should be allowed without having to go through and
23 include that.

24 Also, the standard that we have --
25

1 SENIOR DEPUTY DIRECTOR DAMM: Madam Chair, there
2 is about five minutes left.

3 MR. HALL: Okay, thank you.

4 The standard that we have used is that if an
5 improvement is not within 100 feet of the bluff top, we
6 don't require the geotechnical report, so this memorial-
7 izes the standard that we have used for some time in
8 Mendocino County.

9 So, significant development within 100 feet of
10 any coastal bluff top would be subject to this
11 recordation. An example I will give you, and it is
12 outside of the town plan, but it is Elk. Realistically,
13 you could define the bluff top as a quarter mile in width,
14 and I don't think that is the intent of the Commission, is
15 to cast that broad a net to capture those sorts of devel-
16 opments, and require the restriction on those developments
17 that are many, many feet inland from that bluff.

18 We submitted to the Commission on July 14, 1999
19 comments to several modifications. I went over those at
20 that time.

21 I'll briefly go over the ones, some of those
22 again. There is a suggested modification where there is
23 conflict in the plan, the most restrictive policy would
24 apply. I raise the issue of second residential unit. In
25 the coastal zone, outside of Gualala, there is a prohibi-

1 tion on second units. Strictly reading this suggested
2 modification, that restriction would apply also within the
3 Gualala town plan.

4 I am sure that there are other sorts of inconsis-
5 tencies that could occur. I think what makes sense is to,
6 the modification would read, where there appears conflicts
7 between policies, that the more specific policy would
8 apply, provided said policy is not inconsistent with the
9 *Coastal Act*.

10 Suggested Modification No. 8, I think is proposed
11 by Mendocino County, is more consistent with the *Coastal*
12 *Act* than as suggested by your staff.

13 Suggested Modification No. 12 would require that
14 for single family home development, where there are
15 proposing to use a well -- and again this would not be
16 related to tying into a system, but for a well -- this
17 would require that they show proof of water prior to
18 approval of that *Coastal Development Permit*. To me, this
19 is inconsistent with how we treat the remainder of the
20 coastal zone in Mendocino. Our LCP has policies that
21 state for major water users, for subdivisions, minor sub-
22 divisions, for commercial uses, and major water usage, we
23 require that standard of proof of water, and we want to
24 know what the effects of drawing that water are. I think
25 that is the threshold we should be using throughout Mend-

1 ocino County. We should not be putting a higher standard
2 on single family development.

3 COMMISSIONER REILLY: Where are you right now?

4 MR. HALL: This is Modification No. 12.

5 COMMISSIONER REILLY: Okay.

6 MR. HALL: The comment I made in July, I think,
7 is still relevant. What is the coastal resource that we
8 are attempting to protect by requiring someone to show
9 proof of water? I don't think there is one. I think it
10 is a consumer protection issue, and I think anybody would
11 be foolish to go through the permit process without
12 knowing there is water there. But, I don't think it is
13 government's role to require that of them, because there
14 is not a coastal resource that is at risk, if we don't
15 require that proof of water.

16 Those are the primary modifications. There are
17 others that we had concerns with. Those are identified in
18 the letter, and I would be happy to present, or comment to
19 any questions that you may have.

20 Thank you.

21 CHAIR WAN: Thank you.

22 SENIOR DEPUTY DIRECTOR DAMM: Madam Chair, there
23 is only about one minute left.

24 CHAIR WAN: Okay, fine.

25

1 I have a number of speaker slips from the public,
2 so we gave 15 minutes to the one side, and I will give 15
3 minutes to the other side, and that means three minute per
4 speaker.

5 Julie Verran, and Julie you have three speaker
6 slips in, but it only counts as one speaker slip.

7 MS. VERRAN: Oh, okay, then one was --

8 CHAIR WAN: It is the same person.

9 MS. VERRAN: One was just for this, because I
10 turned it in separate, and I didn't put it on there.

11 CHAIR WAN: Okay, state your name for the record.
12 You have three minutes.

13 MS. VERRAN: Okay, Julie Verran. I am going to
14 speak first representing Redwood Chapter, Sierra Club.

15 I particularly want to address a question that
16 was raised by Commissioner Krueer last time -- but he is
17 not here -- which it related to schools, and as you know,
18 the state wants the Point Arena School District to
19 construct a K-8 school in Gualala. This relates to the
20 water issue, because a K-8 school would require both water
21 and sewer hookups of a certain number to conform to the
22 standard for such things, and there are thresholds for
23 both of these within the state, and -- I mean, within the
24 current Gualala situation. It is beyond your jurisdic-
25 tion. There are thresholds for water and sewer capacity.

1 There should be a provision in the town plan for a K-8
2 school, and with the correct number of water and sewer
3 hookups.

4 Also, there are very few places where such a
5 school could be located, and probably one of the two
6 planned development areas in the town plan would be the
7 best place.

8 This is a part of the Clifford Davenport map from
9 the geologic hazard map, and I'll pass it around. It does
10 say: date on this map should not be used as a substitute
11 for site-specific studies, or as a basis for rules or
12 regulations. So, I guess I have to say that is informa-
13 tional only. Is that okay with Mr. Faust?

14 But, this shows the main town plan area is pretty
15 stable, except for the bluff tops. The various geologic
16 hazards are -- I hand-colored them in. This big red lot
17 is the San Andreas fault. The well field on the North
18 Fork is out here. This is the main road along the ridge,
19 where there is a lot of housing in and where schools have
20 been proposed. This is another fault. This would not
21 pass the Field Act. But, down in here, it is pretty
22 stable, except for the bluff tops, and that is addressed.

23 So, a school would need to be within the current
24 urban-rural boundary, probably, to conform with the Field
25 Act, to be flat enough, and to be reached by enough

1 students. And, that does also affect the environment,
2 because currently there is a lot of unnecessary school bus
3 and private car traffic on bad roads to and from Point
4 Arena.

5 Okay, so that was my Sierra Club comment, and I
6 will start passing this around.

7 CHAIR WAN: You have a total of three minutes, so
8 you had better hurry up.

9 MS. VERRAN: Okay, so that is two of the slips.

10 Speaking as an individual, and a property owner,
11 I am very concerned about the extension of the zoning
12 change down onto Robinson's Landing. Originally, in the
13 original maps that went with the GTP, Robinson's Landing
14 was 40,000-square feet lots. It was a public use area
15 when my parents purchased our property. It was slated for
16 park acquisition, and had a trail to the beach. It is
17 still used heavily by people who go fishing.

18 You will lose access and view shed if Robinson's
19 Landing can be divided into 12,000-square foot parcels --
20 significant access and view shed.

21 CHAIR WAN: Thank you, that is --

22 MS. VERRAN: That's it.

23 CHAIR WAN: Thank you.

24 Mark Massara, followed by Eric Dahlhoff.

25 Mr. Massara, you have three minutes.

1 MR. MASSARA: Thank you, Madam Chair,
2 Commissioners. I am Mark Massara, Sierra Club Coastal
3 Program. The town plan has both numerous parts, and
4 numerous problems. What we are going to try and do is to
5 step back and take a look at the overall picture here.

6 Gualala wants you to adopt a town plan that will
7 guide, sanction, and develop, for the next three decades,
8 and will more than double the size of the town. While we
9 generally support staff's recommendations and all of the
10 suggested modifications, we want to sound the alarm bell
11 that the town clearly and unequivocally lacks sufficient
12 traffic, sewer, and water capacity to accommodate its
13 proposed development.

14 And, in that regard, the whole town plan, to us,
15 appears like a flight of fancy. The water situation is
16 particularly dire. Nothing could be more on point than
17 the NMFS letter in your packet, which says that not only
18 is there not sufficient water for all of this growth, but
19 that not another hookup -- not even a single hookup or a
20 gallon of water should be diverted from the North Fork of
21 the Gualala River.

22 And, we respectfully disagree with staff that the
23 NMFS letter is not relevant to your proceedings today --
24 that may be too strong -- but doesn't impact your proceed-
25 ings today. NMFS is not talking about some future end

1 point when current contractual allotments are used up.
2 They are talking about today. Not another hookup, not
3 next week, not tomorrow, not next year. It doesn't matter
4 whether only 80 percent of the allotments for the water
5 district have been utilized or not. What you are doing is
6 considering a plan that sanctions development, and will be
7 utilized by developers as an inspiration to build more
8 housing where there is no water. And, I am not sure how
9 you reconcile that? Except to say that it is very
10 refreshing that somebody -- in this case NMFS -- is
11 stepping forward as an advocate for steelhead and cojo,
12 and that they are being severely impacted to extinction
13 from these existing diversions.

14 How do you reconcile that? I think what you do
15 is you put this plan on a shelf, and you refuse to issue
16 another development permit in Gualala until -- another
17 development permit that requires water of any kind in
18 Gualala. And, this may sound like harsh medicine, but the
19 fish are depending on it.

20 Thank you.

21 CHAIR WAN: Eric Dahlhoff, followed by Leslie
22 Dahlhoff. You have three minutes.

23 MR. DAHLHOFF: I'll try and talk fast. My name
24 is Eric Dahlhoff. I spoke to you at the July hearing
25 about water. I am back again because nothing has changed

1 in the staff report, which I am scared to death about,
2 actually. I thought that something was going to change.

3 Same issue. In your staff report, page 65, I
4 quote: since well number four is the company's primary
5 water supply, it is highly unlikely that the company would
6 be able to shut down this point of diversion when flows in
7 the river are less than the required minimums. The
8 Division of Water Rights Permit says the same thing.

9 I don't understand what everybody is figuring is
10 going to happen. They say, "Okay, you have to have a
11 required minimum." Yet, you don't have to shut down the
12 water when you don't have the required minimum. What is
13 the point?

14 The bottom line is that there isn't enough water
15 right now. I don't know what it is today, but it is
16 probably pretty close to the four CFS bypass flow. They
17 don't have to actually start monitoring, measuring, until
18 October 1st.. So, let's pretend that on October 1st they go
19 out and measure it, and it is only three CFS? what is
20 going to happen? are they going to turn off the pump, and
21 Gualala is going to be dry? We all know that is not going
22 to happen. They are just going to keep pumping, and the
23 fish are going to suffer.

24 That is the point we all keep trying to make
25 here, and we have been trying to make it through GMAC. We

1 have been trying to make it through the County of
2 Mendocino, and they all say, "No, no, no, we don't have to
3 deal with CEQA. The Coastal Commission will deal with
4 CEQA. We don't have to pay attention about any impacts."

5 So, we are here at the Coastal Commission, and I
6 beg you, please to deal with this impact. Figure out
7 where the water is going to come from. They have to build
8 a reservoir. That has to be part of this plan. I mean,
9 that is the only thing that anybody has ever suggested
10 that is going to work. They have to do an off-site
11 reservoir. That has to be part of the plan.

12 The NMFS letter is very nice, that finally an
13 agency came out and said that. Fish and Game has already
14 said other things. You have a letter in your packet that
15 has some historical flows of less than two CFS at that
16 point. I mean, everybody knows this. All of the
17 agencies, everybody, the planning staff, everybody knows
18 this. They just refuse -- they say, "Oh, no, well, the
19 permit says they can take two CFS." Yeah, yeah, yeah, and
20 they can't take any if the flow goes below four. You have
21 documentation here that the flow is often below four.

22 The Division of Water Rights Permit staff report
23 even says that in most years it is below four, yet nobody
24 wants to say, "Okay, well, we need to deal with this."

25 So, again, please, please deal with it. Thanks.

Priscilla Pike

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1 CHAIR WAN: Thank you.

2 Leslie Dahlhoff, you have three minutes.

3 MS. DAHLHOFF: Thank you, my name is Leslie
4 Dahlhoff. I am the mayor of the City of Point Arena, and
5 I have been approved by the city council to come speak to
6 you on behalf of the city council. And, also the letter
7 that you have received is from the city council, and not
8 just from me. I wanted you to understand that.

9 We have been through the -- or we are in the
10 process of still going through the process of getting our
11 Local Coastal Plan approved. We will be before you
12 probably in a few months with our plan.

13 We have benefited enormously from the Coastal
14 Commission staff helping us through this process. And, I
15 think it is important for you to know how important that
16 is to our little town. Our town is only 470 people. We
17 have been putting this together with just a bunch of
18 amateurs, and it is the same thing with the Gualala Town
19 Plan, and to have the Coastal Commission staff,
20 professionals, helping us to do the right thing, and
21 guiding us along is so important. It is really very
22 important.

23 And, one of things that has been most useful and
24 helpful to us is helping the City of Point Arena deal with
25 our water problem, making us recognize that we do have a

1 limit, and to make our growth fit within those limits.
2 What we were requested to do was to reduce our density, so
3 that our build out will not exceed the amount of water
4 that we have available from the Garcia River. At the time
5 when we create off-site storage, we could then increase
6 the density back to what it originally was.

7 I think this was a wonderful way to solve the
8 problem we have. I think that this is what city planning,
9 and what any kind of planning is about, is living within
10 the physical limits that you have, not allowing a process
11 to run amuck to go beyond what is available to you, and
12 then panic and try to figure out what to do about it.
13 And, this is exactly the advice that we got: don't plan
14 for a moratorium, you need to just develop what you have
15 available, and work on it as you go.

16 Now, there is a lot of numbers bandied around
17 about whether there is enough water or not, but the staff
18 report says that there are 543 more connections than there
19 would be water available. That is just untenable. I
20 don't know how you could approve a plan that would allow
21 something like that. And, that is not even counting
22 whether there is enough bypass flow or not. That is at
23 the four-cubic CFS bypass flow.

24 So, I would really appreciate you dealing with
25 this issue in a fair fashion, that I think it is really

1 important that you protect this kind of resource up and
2 down the coast, and I think to allow this to go through
3 the way it is, is not a very good idea.

4 Also, the fisheries are very important to our
5 little town. It was a fishing community at one point. It
6 isn't much any more, and the Gualala River is a very large
7 river. It is much bigger than our little Garcia River.
8 It was a very important place for fisheries, and it has
9 almost been decimated.

10 Thank you.

11 CHAIR WAN: I have one more speaker slip, but I
12 have to admit that I can't read the name. It is a person
13 representing the Coast Action Group, so come up and state
14 your name for the record, you have three minutes.

15 MR. LEVINE: My name is Alan Levine, and I
16 represent Coast Action Group. The reason why you couldn't
17 read it is that I just got here, and I drove up with a
18 fever, and so I want some slack because I am sick.

19 Coast Action Group supports all of the staff
20 recommendations except one, and I want you to know that my
21 doctor says I should drink more water, and that is where
22 my problem lies, with water. It is the Coastal Commis-
23 sion's job to maintain the biologic integrity of the
24 coastal water courses and estuaries, and here you have a
25 chance to do it.

1 Water is habitat for fish. Did you every stand
2 in line in elementary school waiting to get a drink of
3 water, and somebody hogging the one faucet, and they said,
4 "Come on, come on, leave some for the fish." That
5 happened all of the time when I was a kid.

6 Water is habitat, and there is a shortfall in
7 this document. And, then they arbitrarily picked 1700
8 hookup level, with what they say is 80 percent of
9 capacity. Now, capacity, the water is there. They can
10 pump that much. There just won't be enough left in the
11 river to meet the minimum bypass requirements during the
12 critical periods.

13 I want to remind the staff that during the
14 critical period, is also the highest consumption period
15 for all of the units, September, October, November,
16 August, that is when people are using water. So, if you
17 have 700 more hookups, or 800 more hookups, or essentially
18 doubling the capacity, it is not going to look good for
19 the fish in there. It is just not going to work.

20 By the way, the four CFS bypass in the Division
21 of Water Rights permit to pump, allowing that there is
22 capacity there, is not an enforceable thing. Like Eric
23 said, what are you going to do when it falls below four
24 CFS?

25

1 So, instead of allowing the doubling of the
2 current production needs, I would suggest, along with
3 NMFS, that you set a much lower limit. There are about
4 1000 now, and I think that you should allow an addition
5 100, 150 more hookups, say, increase it at about 50 a
6 year, and give them two or three more years to solve the
7 problem. This would give them a running start at it. I
8 don't know if they will take their running start. They
9 have been rather belligerent up to this point.

10 I would also recommend that geologic considera-
11 tions be considered by the Commission very carefully, just
12 the indemnification idea that you have put forward is a
13 good idea. I also recommended it to the board.

14 I want to remind you that you still can get sued,
15 even though you have somebody sign an indemnification
16 agreement. They could say they didn't understand it, they
17 didn't understand the geology report, so you need to be
18 very careful when you allow people to build on unstable
19 bluffs.

20 Thank you.

21 SENIOR DEPUTY DIRECTOR DAMM: Time is up.

22 CHAIR WAN: Thank you.

23 With that, I will return to the city. You have
24 a minute or so left, if you want to have a rebuttal time -
25 - I mean the county, I am sorry.

1 MR. HALL: The issue of water is very difficult
2 to deal with, and quite frankly we are not in a position
3 at the county where we have the experts to deal with. We
4 have to rely upon the Division of Water Resources, and we
5 have done that. They are the entity that issues the
6 permit. They are the entity that is responsible for
7 enforcement. I have to rely upon them in that regard. To
8 do otherwise, I think, would bifurcate the process, and
9 make it more difficult to enforce that particular
10 condition. Right now, that condition is the responsi-
11 bility of the Division of Water Rights, where it
12 legitimately should be.

13 What we are talking about is a plan for 30 years.
14 I think, from a planner's perspective, what you should
15 have is some knowledge that the infrastructure can be made
16 available, not that it is available, but that it can be
17 made available. We are talking about a 30-year horizon.

18 It is unrealistic to expect that the infrastruc-
19 ture be in place today for development 29 years from now.

20 Thank you.

21 COMMISSIONER REILLY: Mr. Hall, one question
22 before you leave, if I might.

23 Does the county currently have any plans relative
24 to the development of a watershed plan for the Gualala.

25

1 MR. HALL: Well, you have got the Gualala River
2 watershed council --

3 COMMISSIONER REILLY: I am aware of --

4 MR. HALL: -- which is receiving --

5 COMMISSIONER REILLY: -- that. I am talking
6 about --

7 MR. HALL: -- some grant funds.

8 COMMISSIONER REILLY: -- the county.

9 MR. HALL: I don't know. I would have to check
10 to see where we are at with the Fishnet 4C program that is
11 being dealt with at the board of supervisors' level.

12 COMMISSIONER REILLY: That is pretty much just
13 looking at county impacts for roads, and stuff, and county
14 activities. It is not watershed planning, really.

15 MR. HALL: That is true.

16 COMMISSIONER REILLY: So, basically, nothing is
17 really on board for any kind of projected county involve-
18 ment in a watershed plan for the Gualala.

19 MR. HALL: I am not aware that the county has
20 said that they are going to enter into that arena.

21 COMMISSIONER REILLY: Thank you.

22 CHAIR WAN: With that, I will close the public
23 hearing, and return to staff for comments.

24 PROGRAM MANAGER MERRILL: Well, just a couple of
25 observations.

1 With regard to the water issue, I think it is
2 important to keep in mind that the existing LCP, before
3 this amendment, already provides under build out for
4 development potential that exceeds the capacity of
5 services. Not just water, sewer also, and perhaps even
6 highway.

7 The proposed amendment would, as Ray Hall pointed
8 out, actually reduce the number of water connections that
9 might be needed. So, we are in a situation where the plan
10 as presented does not actually increase the total amount
11 of build out. It might change the rate, perhaps. Perhaps
12 there would be more residential coming in, initially, but
13 the build out would actually not increase with the LCP
14 amendment.

15 And, I would just like to reiterate, with regard
16 to the State Water Resources Control Board, Division of
17 Water Rights, they have already granted an existing
18 diversion permit that allows a certain amount of water to
19 be diverted, and it is something that is difficult for the
20 Commission to be able to address through its process.

21 And, with regard to the hookups, the suggestion
22 was that the county should prevent any further hookups.
23 That is a transaction between the water company, a private
24 entity, and the individual applicant. And, there is not a
25 Coastal Development Permit that is required for that type

1 of activity, unless there happened to be a lot of develop-
2 ment facilities associated with it. So, it is also an
3 issue that is difficult to address under the coastal
4 planning permit process, in that fashion.

5 And, again, we would certainly support the idea
6 of doing watershed management planning, and agree that
7 there needs to be more study. If there were the right way
8 to determine the appropriate means to get it done, we
9 would certainly support that, but it is difficult to
10 impose through the LCP, in the manners that have been
11 suggested.

12 CHAIR WAN: Does that complete the staff's
13 comments?

14 PROGRAM MANAGER MERRILL: Yes.

15 CHAIR WAN: With that, I will open it up to the
16 Commission.

17 Commissioner Reilly.

18 COMMISSIONER REILLY: Thank you, Madam Chair.
19 Just some kind of broad comments first, and then there are
20 some specific kind of detail issues that I would like to
21 try and deal with.

22 I just want to commend staff on their job in
23 reviewing what is a pretty extensive and complex document.
24 I think the staff has done a really excellent job on this.
25 And, also that the community has been very dedicated in

1 this effort on Gualala, and I think they have done an out-
2 standing job. And, many elements of this Gualala Town
3 Plan are certainly major improvements over what is
4 currently in the LCP. So, I think the community deserves
5 some credit for that.

6 The difficulty with this plan, is that we are
7 looking at a proposed build out that is substantially
8 exceeds the available infrastructure. And, in terms of
9 the draw down on the North Fork of the Gualala, the
10 associated fisheries impact under the *Endangered Species*
11 Act, for instance, it is true that, you know, the State
12 Water Resources Control Board has given a maximum
13 allocation to the North Gualala Water Company that they
14 have not yet approached capacity on.

15 My understanding is that they can take up to two
16 cubic feet per second, and they are currently taking just
17 a little bit more than 25 percent of that, with the
18 current well 4 in that area.

19 The difficulty becomes when you begin looking at
20 flows regimen in the Gualala, and you begin to understand
21 that even at 25 percent of what they are allocated by the
22 state, they probably are already drawing down in a way
23 that is damaging the fishery in the river, currently,
24 during certain times of the year. That is the real
25

1 dilemma, I think, you know, in the water issue, at least,
2 for me.

3 Now, how do we solve that, or how do we deal with
4 it through the coastal permit? It is also true that if we
5 deny this Gualala Town Plan, the remaining structure in
6 place then is the LCP, which allows for more growth than
7 the Gualala Town Plan does, and probably not as
8 sensitively, so I don't know that we accomplish anything
9 by doing that.

10 A couple of things about the State Water
11 Resources Control Board license here, and in particular, I
12 think it has bearing on the National Marine Fisheries
13 Service's letter. The last provision in this water
14 license, specifically refers back to the *Endangered*
15 *Species Act*. The State Water Resources Control Board
16 specifically refers back to the *Endangered Species Act*,
17 and basically says that notwithstanding any of the
18 provisions, or allocations that they have given Gualala,
19 that if any of the activities they have permitted are
20 found to violate the *Endangered Species Act* that those
21 provisions of their water license are revoked, or could be
22 modified.

23 And, I think in terms of the community people
24 that are concerned about the fisheries issue here, and
25 also the National Marine Fisheries Service, this is really

1 the avenue that needs to be explored in terms of enforce-
2 ment of that provision.

3 Previously, there has never been any decent
4 measurements so someone could prove whether there is a
5 bypass flow there or not. And, there is a requirement now
6 under the new license that measurement plans go into
7 effect within a 60-day period. So, hopefully, there will
8 be a method, at least, for accurate measurement that can
9 lead to enforcement.

10 And, frankly, I think it should be pretty clear
11 to everybody by this point that the only reasonable
12 alternative for long term for this community is to
13 increase storage, you know, during the wet period. I
14 mean, there is no other way you are going to be able to
15 find -- the clock is ticking on the endangered species,
16 and there is no other way this community is going to be
17 able to have the water they need to begin to implement
18 this plan.

19 A couple of -- the board of supervisors had come
20 up with a number of very specific requests of this Commis-
21 sion to modify staff's language, and I would like to just
22 briefly to go through those.

23 Mr. Hall had asked for a text change, where we
24 have language about the most restrictive policy, and cited
25 the issue of the second homes as something that was

1 prohibited in the coastal zone, but specifically allowed
2 in Gualala Town Plan. I think staff has put language into
3 the plan that specifically -- that makes it very clear
4 that that language within the Gualala Town Plan takes
5 precedence over LCP language, as it applies to second
6 homes, so I don't think that is a particular issue.

7 And, aside from that, you know, I think that
8 restrictive is better language than specific, because you
9 can end up having a big argument about what is specific,
10 and what is not.

11 There was a request to make a modification to
12 G.3.4-1, to change it from new development shall minimize
13 site disturbance, to new development shall minimize site
14 disturbance and natural land forms. I don't have a
15 particular problem with that, if staff is amenable to
16 that?

17 Is that all right, staff?

18 PROGRAM MANAGER MERRILL: We would agree to that,
19 and change our recommendation to include it.

20 COMMISSIONER REILLY: Okay.

21 The next issue is a little bit different. It is
22 the G.3.4-41, having to do with prior review on design
23 issues for coastal permits. I think the attempt of staff
24 here is to make sure that the Gualala Municipal Advisory
25 Council, or some local group, has an opportunity to

1 actually review coastal permits before they go to the
2 permitting authority at county level, over in Ukiah. And,
3 I am basically in sympathy with that, but I also under-
4 stand what the local government is trying to get at here,
5 too.

6 And, my suggestion is that, for the modifica-
7 tions that the county is asking for that we leave the
8 staff language relative to new development, requiring a
9 Coastal Development Permit, as opposed to breaking out the
10 commercial and multiple-unit residential, but that when
11 you get down to the next sections, about to be referred
12 to, as opposed to be reviewed by, and specifically talking
13 about the coastal program administrating the planning
14 commission, that we accept those modifications suggested
15 by the county.

16 Because I think it is unfair, in a way, to put
17 the permitting authority in a position where they
18 absolutely have to have something reviewed by a body that
19 may or may not decide to review it, and I think the
20 obligation of the permitting authority is to make sure it
21 is referred to them, and they have the opportunity for
22 review and comment, and I think that that is what the
23 county has gotten at here.

24 Would staff comment on that?
25

1 DISTRICT DIRECTOR SCHOLL: I think that change
2 would be acceptable.

3 COMMISSIONER REILLY: Okay, thank you.

4 In terms of the language relative to -- staff
5 language relative to visitor services facilities, and
6 allocations there, I think the staff language is appro-
7 priate in that area. I think that it is very important,
8 given the testimony that we heard on the water issues, to
9 have some very strong language in here, in terms of hook-
10 ups and being able to approve water availability on a
11 permit-by-permit basis, as a criteria that the Coastal
12 Commission can use for permit authorizations in the
13 future, because I think we are going to want to keep an
14 eye on this issue.

15 And, I think the last issue also had to do with
16 the 10 percent allocation for visitor services, and I
17 think that is certainly consistent with Chapter 3, and it
18 is appropriate if you are going to have percentages for
19 residential, you certainly should have percentages for
20 what are coastal priorities under Chapter 3, much higher
21 than residential, and so I would support that.

22 A couple of quick questions, too. A letter we
23 got from the Sierra Club indicated some issue in the
24 County of Mendocino with regard to our language on the
25 recordation of deeds on the hazardous conditions. Are we

1 aware of any problems that we have with that language, as
2 currently constituted?

3 PROGRAM MANAGER MERRILL: No, we are not.

4 COMMISSIONER REILLY: Okay, so as far as we know,
5 that requirement that we are putting in there, in fact,
6 can be legally recorded within the County of Mendocino? I
7 just ask for staff to check on that, and double check that
8 so that if there is anything that needs to come back to us
9 on it, that we would know that.

10 PROGRAM MANAGER MERRILL: I would be happy to do
11 that.

12 CHAIR WAN: Perhaps or legal staff can take a
13 look at it, while we are --

14 CHIEF COUNSEL FAUST: In what letter?

15 COMMISSIONER REILLY: It was cited in the Sierra
16 Club letter from Julie Verran, I believe, that we received
17 in the last couple of days.

18 CHAIR WAN: If you could get that to our legal
19 staff, and while we are going through this, you might take
20 a look at it, that would be helpful.

21 COMMISSIONER REILLY: Yes.

22 And, can you give me a clarification on the
23 zoning changes that would allow for greater development in
24 the Robinson Landing area, and what exactly we are looking
25

1 it, you know, in that particular area? Or, maybe, Mr.
2 Hall, or Mr. Lotter can help clarify that.

3 MR. LOTTER: This is an area I believe you
4 previously had a permit application in this immediate area
5 for an ocean front home.

6 There was an impression by a number of people,
7 including myself, years ago, that that area had been zoned
8 for rural residential, 40,000-square foot; however,
9 looking at the official LCP maps, that exist under the
10 current coastal element, we found that, no, they were --
11 had, I believe it was an RR1 with an SR, overlay, which
12 allows 6000-square foot lots, potentially, if water is
13 proven.

14 There is an area along the bluff that does have
15 that lower density, but it is a portion of the coastline
16 towards the northern portion, about a half-mile north of
17 the area that Ms. Verran is referring to.

18 The one problem that anybody would have,
19 potentially in developing this property, if they were so
20 inclined, is the fact that at this time they don't have an
21 access that would meet development standards. So, I don't
22 know, I mean, it is true that the zoning is there, whether
23 anybody could do anything about it is very problematic.

24 COMMISSIONER REILLY: Okay, and Mr. Hall, do you
25 have a comment on that?

1 MR. HALL: Yes, it is on -- it will show on page
2 26 if you have the plan in front of you. It will identify
3 it.

4 And, I need to correct something. I said that
5 area is proposed for 6000-square foot minimums. It is
6 12,000- square foot minimum.

7 COMMISSIONER REILLY: Pardon me?

8 MR. HALL: I need to correct something that I
9 said previously that the area was proposed for a 6000-
10 square foot minimum. It is actually a 12,000-square foot
11 minimum.

12 COMMISSIONER REILLY: If I understand it
13 correctly --

14 MR. HALL: It is existing --

15 COMMISSIONER REILLY: -- currently, it is 6000 --

16 MR. HALL: -- no, the --

17 COMMISSIONER REILLY: -- under the current --

18 MR. HALL: -- current classification is 40,000-
19 square foot minimum. I had just a few minutes ago said it
20 was proposed for 6000, when in fact it is proposed for
21 12,000. So, I just wanted to correct that.

22 COMMISSIONER REILLY: But, I thought I heard Mr.
23 Lotter say that under the current LCP that it was much
24 less than 40,000? is that correct or not? It seems to be

25 --

1 MR. LOTTER: No, it is -- zoning, there is about
2 three different -- or two, three different zonings along
3 about a mile stretch of coast, as far as residential, and
4 this one was -- yeah, it is actually, according to the LCP
5 maps, SR, which is currently at 6000, and we recommended,
6 that as part of the zoning changes that to retain the
7 existing character of the neighborhoods, it be bumped up
8 to a 12,000 minimum, to an SR-12,000, as opposed to just
9 an SR zoning.

10 COMMISSIONER REILLY: Okay, thank you.

11 My only comment on that would be that if we would
12 have -- particularly in that sensitive area up there -- if
13 we have current requirements for 40,000-square foot lots
14 that those not be reduced in the town plan.

15 CHAIR WAN: Does that require some kind of an
16 amendment?

17 [No Response]

18 Staff, did you hear what Mr. Reilly said?

19 PROGRAM MANAGER MERRILL: Sorry, no.

20 CHAIR WAN: That is what I thought.

21 Do you want to restate it?

22 COMMISSIONER REILLY: My request was that if we
23 have -- if there are areas up in the Robinson Landing,
24 that currently are, under the current LCP, are at 40,000-

25

1 square foot lots, that those not be reduced under the
2 Gualala Town Plan.

3 CHAIR WAN: So, does that require some kind of
4 language modification?

5 PROGRAM MANAGER MERRILL: That would depend in
6 part on what the minimum parcel size is for the zones
7 applied to those parcels. I don't know, off hand, what
8 the zoning is?

9 Perhaps the county staff might be able to help us
10 with what zone applies to those lots, and what the minimum
11 parcel size standard is?

12 MR. HALL: Unfortunately, it is to a scale where
13 we are having a difficult time telling.

14 COMMISSIONER REILLY: I'll let you work on that a
15 little bit.

16 CHAIR WAN: There is something else you can work
17 on, while we are going through this. So, you have got two
18 issues.

19 Go ahead, Commissioner Reilly.

20 COMMISSIONER REILLY: The other thing that we
21 talked about was urban runoff issues, and frankly, I think
22 I am going to hold my comments on that, and let the Chair
23 take that particular issue on, and stuff, so I'll end my
24 comments at this point.

25

1 CHAIR WAN: In that case, I'll -- I see our
2 attorneys want to say something?

3 DEPUTY ATTORNEY GENERAL PATTERSON: Just
4 regarding the contention that something in the Mendocino
5 County prohibits a landowner from recording a hazardous
6 deed restriction, we are not aware of any such restric-
7 tion.

8 Ordinarily, when your staff imposes -- or when
9 you impose such a condition, the applicant works with your
10 staff to record the deed restriction in their chain of
11 title.

12 As long as a deed restriction pertains to the
13 right to use or possess property, it should be recordable,
14 and if there is something in Mendocino County that
15 requires otherwise, I am simply not aware of it, and I am
16 not sure that it would be legal.

17 CHAIR WAN: Okay, I guess I'll take on a couple
18 of these.

19 Before I go onto the pollution issue, I have a
20 question. There was, in the back, there was a letter. I
21 think it was from the Sierra Club. I think it was in the
22 back of our packet, that talked about concerns about two
23 bridges. And, I notice that one of the bridges was
24 eliminated, but that you retained the bridge over the
25 China Gulch. Can you explain -- I am not from this area,

1 so I don't understand the land use patterns quite as well
2 as others, and the number of maps that we have in our
3 exhibit packet are somewhat limited. Can you explain what
4 the concerns might be about that bridge over the China
5 Gulch? What does it do? It is clearly not -- I don't
6 think it is over the main highway. I don't think it is
7 over Highway One.

8 It is east -- okay, it is east of that.

9 What is its function? Can staff explain that to
10 me?

11 PROGRAM MANAGER MERRILL: Well, I see Jim Lotter
12 ready to jump up, and I'll ask him if he can comment on
13 that particular one --

14 CHAIR WAN: Okay, why don't you go ahead.

15 PROGRAM MANAGER MERRILL: -- I think he can
16 comment on that.

17 CHAIR WAN: I am just trying to understand this,
18 and what the concerns might be, and I'll probably call
19 somebody from the Sierra Club up to see what their
20 concerns are.

21 But, if you could just sort of explain what the
22 function is, and what the area is like.

23 MR. LOTTER: Well, right now we have a commercial
24 area that is located primarily north of China Gulch,
25 assuming that Highway One runs north - south.

1 Our largest planned development area is south of
2 China Gulch. A property that currently has a 12-acre
3 parcel immediately to the south of China Gulch, from the
4 commercial area has the potential -- has the existing
5 zoning for 115 homes. There are only 15 homes there right
6 now.

7 The idea of the China Gulch Bridge is to parallel
8 Highway One, and to permit circulation between commercial
9 areas, and within the commercial area off of Highway One,
10 and keep the traffic that is coming off of the ridge that
11 wants to go to the post office, or whatever, keep that
12 traffic off of Highway One. So, that is the purpose of
13 the bridge.

14 CHAIR WAN: Okay, that gets me to understand,
15 that is trying to ease the traffic pattern. I didn't --
16 the homes, if they were to be built, those 115 homes, they
17 would -- if you didn't have the bridge -- they would be
18 able to have access, and they would have access then on
19 the highway, and have to go around onto the highway, is
20 that what you are saying?

21 MR. LOTTER: Right, they would have to come down
22 to the county road, down to Highway One, turn in the
23 direction they wanted to go, probably to the north, to get
24 to the commercial district.

25

1 CHAIR WAN: Okay, that explains that. That was
2 more like just an informational question.

3 Let me get into this other area, two other areas
4 that I have of concern. The first one deals with non-
5 point source pollution, that this Commission is beginning
6 to struggle with up and down the coast.

7 And ,I apologize to Commissioner Dettloff,
8 because she was going to -- she asked for the right,
9 before we started the hearing, to make a statement about
10 some issues concerning her community, and I will do this
11 right after the hearing, instead.

12 But, we are struggling with this. We have a
13 general statement, and as staff said, there was a
14 statement in there that sort of, we are going to leave it,
15 the BMPs, to, you know, in sort of general, but there
16 should be BMPs. Some of us feel there should be some more
17 specific requirements, requirements that doesn't just
18 leave this to the Water Quality Control Board. These are
19 issues that this Commission wants to deal with.

20 And, I had a suggestion from -- and this deals
21 with, not just like grading practices, and siltation
22 issues, but this deals with actually treating the runoff,
23 so that you eliminate, or reduce the pollutants -- and
24 this was the suggestion that I received. I have changed
25

1 it a little bit now, from someone who -- Dr. Gold, someone
2 who knows quite a bit about this issue.

3 And, basically, this is his suggestion, and I'll
4 read it and kick it around for people's discussion: All
5 development shall infiltrate, or treat, all runoff, based
6 on a calculation that will capture runoff from 85 percent
7 of the storms. This standard should, at a minimum, apply
8 to significant environmental -- this is development -- in
9 significant environmental areas, hillsides, hillside
10 development, larger housing projects, larger commercial
11 development, parking lots, service stations, and
12 automotive repair facilities.

13 This requires that there be some kind of treat-
14 ment of that runoff, when you are dealing with this kind
15 of development. Either treatment, or infiltration means
16 that at least it goes into the ground, and it doesn't just
17 go into a storm drain and out to the ocean untreated.

18 So, I'll throw this particular wording change out
19 for some discussion by the Commission, and while you are
20 thinking about that, I have one other issue, and that
21 deals with environmentally sensitive habitats.

22 I did ask staff to get me a copy of the Mendocino
23 General Plan Coastal Element, and I did sort of go through
24 it a little bit, and I don't know. In this plan, it
25 doesn't specifically reference 30240 and 30233, and I

1 don't know -- I know it references back to the general
2 plan -- but is there a reason why we can't specifically
3 reference those two provisions?

4 And, in addition, I mean, in addition, when it is
5 dealing with buffers in this, it talks about 100-foot
6 buffer, and it talks about from wetlands, and environ-
7 mental resources. It talks about the ability to reduce
8 those buffers, based on consultation with Fish and Game.
9 I would kind of like to do here what we sort of did in San
10 Diego, and at least specify that in that consideration
11 they need to consider, as one of the factors, the need for
12 upland transitional habitat. Nowhere is that implied.

13 So, it is just too easy to say, "Okay, we can
14 reduce the buffer." I think that we need to be a little
15 bit more specific about the functions that we want that
16 buffer to play, and we have started to do that elsewhere
17 in the state.

18 So, with that, those are my two major concerns,
19 in addition to the water issue that Commissioner Reilly
20 has been dealing with, which is so critical.

21 So, maybe you can respond to both areas: the
22 issue about ESHAs and buffers, the issue about non-point
23 source pollution treatment. Maybe staff can respond.

24 DISTRICT DIRECTOR SCHOLL: Madam Chair, a couple
25 of responses on the water quality issue.

1 I think I would be interested in hearing from
2 county staff their reaction to your proposed language, but
3 I think that would work, in our view that would be
4 appropriate to add that.

5 Also wanted to add a possible additional
6 suggestion in Modification No. 27, that has to do with
7 water quality. We had, on page 55 of the staff report,
8 Item J in italics, that was the final paragraph there.
9 That is in italics, because that is our suggested
10 addition. A change to that, that I think would tighten
11 that somewhat -- and the point of that is to indicate that
12 projects, no matter what type they are, should be reviewed
13 case-by-case for application of best management practices
14 that are appropriate.

15 So, to tighten that, and to make it clearer that
16 that is indeed the intent of it, we might say, the second
17 phrase: "The approving authority shall require all
18 relevant best management practices to control polluted
19 runoff." Which, I think, sets up a presumption that
20 anything that is relevant and appropriate, people have a
21 right to expect that it would be applied through a permit
22 condition. I think that makes it a little tighter, so
23 that would be one proposal that we would add to our recom-
24 mendation.

25

1 CHAIR WAN: Is that in lieu of, or in addition
2 to? the suggestion that I made?

3 DISTRICT DIRECTOR SCHOLL: That could be in
4 addition to.

5 CHAIR WAN: Okay, that is fine.

6 Can I get somebody from the county up here,
7 perhaps -- you want me to read my suggested modification?

8 MR. HALL: I believe I have it.

9 CHAIR WAN: Oh, you have -- well, I made some
10 changes. I took out the reference to the specific size of
11 the storm, because I couldn't figure out what that meant,
12 okay, myself, so I just left it based on the 85 percent
13 figure.

14 MR. HALL: Frankly, I am not in a position -- I
15 am not an engineer. I would want someone who is an expert
16 in this area to comment on whether or not this is a 10-
17 year storm? a 100-year storm? you know, does this conflict
18 with existing practice? is this above and beyond? I don't
19 know the implications of this, quite frankly, so I am not
20 in a position where I could say, I agree, or disagree with
21 it.

22 CHAIR WAN: Okay, Commissioners comments.
23 Commissioner Daniels.

24 COMMISSIONER DANIELS: Yeah, I just have a very
25 imperfect understanding of what that 3/4-inch calculation

1 is, but I think it means -- it is roughly correlative to
2 capturing 85 percent of the storms.

3 CHAIR WAN: That is why I left out the specific
4 3/4 in it, and just said 85 percent.

5 COMMISSIONER DANIELS: It might vary, depending
6 on the area, though, as to how much water you capture, if
7 you capture 85 percent of the storms. So, if you have a
8 3/4-inch storm, that might be, possibly, a lower thres-
9 hold, is my concern. But, again, I have a fairly
10 imperfect understanding of that.

11 CHAIR WAN: Okay, what you could do is 3/4-inch,
12 or 85 percent, whichever is --

13 COMMISSIONER DANIELS: Less, yes, that might do
14 it.

15 CHAIR WAN: -- less, you could do that.

16 And, I think you have to give -- the issue that
17 was raised by staff with me, was that the 3/4-inch -- and
18 again, I noted that I asked Dr. Mark Gold about this, and
19 he came back with this: the 3/4 of an inch is not
20 specified over what time period, so it does need to have a
21 time period, and that is another reason that I left it
22 out.

23 COMMISSIONER KEHOE: I am a little -- could you
24 explain the 3/4-inch? are you talking -- a little bit
25 more? We are not clear on it.

1 CHAIR WAN: Okay.

2 As I understand this, this is what you are saying
3 is that under certain -- under the conditions when you get
4 a large storm, and a large amount of water, that you have
5 to be able to treat that level of water, and you have to
6 be able to capture the water from 85 percent.

7 COMMISSIONER KEHOE: You are talking about the
8 first flush of runoff, that that is captured for treat-
9 ment?

10 CHAIR WAN: Well, so it is the first flush, but
11 any time you have a storm, that has to be captured, and
12 they are talking about 85 percent. You don't have to
13 capture 100 percent of the storm runoff, but 85 percent
14 has to be captured, and either infiltrated -- in other
15 words, they could build impervious surfaces, and allow it
16 to filter in naturally, or they have to find a way to
17 treat it.

18 COMMISSIONER KEHOE: Do we have a standard that
19 we are trying to apply on every case.

20 CHAIR WAN: Well, we are struggling with that.
21 We are just learning this issue --

22 COMMISSIONER KEHOE: Okay, so this is --

23 CHAIR WAN: -- that is the problem here.

24 COMMISSIONER KEHOE: -- your best effort for now,
25 okay.

1 CHAIR WAN: Commissioner Dettloff.

2 COMMISSIONER DETTLOFF: And, it would be from the
3 sources then, you outlined in the --

4 CHAIR WAN: It would apply only to development in
5 those areas, so we are talking about, right. If it is a
6 parking lot, if it is a service station, or an automotive
7 repair facility. We are not talking about individual
8 single family homes. We are talking about larger --

9 COMMISSIONER DETTLOFF: Large developments, okay.

10 CHAIR WAN: -- commercial development, unless the
11 home is in a sensitive area; but, otherwise, in general,
12 homes --

13 COMMISSIONER DETTLOFF: Okay.

14 CHAIR WAN: -- or individual homes wouldn't.

15 COMMISSIONER DETTLOFF: Could we ask the county
16 what their system of treatment is?

17 And, they don't know how they? I mean --

18 CHAIR WAN: You've got a question asked.

19 COMMISSIONER DETTLOFF: How would you handle
20 diverting? I mean, how would the individual businesses
21 that would be affected divert into, I would assume, your
22 sanitation district or facility, so that that water then
23 would be treated, or the other method? but, do you have
24 the capability -- I guess I am asking -- of doing this?
25

1 MR. HALL: I am sorry. I am not in a position
2 where I could answer that in any specific terms.

3 COMMISSIONER DETTLOFF: Do you have a separate
4 sanitation district, or?

5 MR. HALL: Well, there is the sewer district that
6 exists in Gualala.

7 COMMISSIONER DETTLOFF: Do you have a plant,
8 treatment plant?

9 MR. HALL: Yes, yes, there is, and what we would
10 do is when major applications are submitted, we would
11 refer it to the district. We would require an engineer to
12 prepare a drainage plan. We would have our department of
13 transportation, department of public works, look at that.

14 COMMISSIONER DETTLOFF: But, it sounds, on the
15 surface that it is doable, the way your system works, that
16 you could?

17 MR. HALL: We'd certainly review it, the standard
18 that you hold it to, I think, you know, is the real issue,
19 and all I --

20 CHAIR WAN: Yes, but I think the question is what
21 do you do now?

22 MR. HALL: -- know is that we don't have a
23 standard.

24 CHAIR WAN: Okay, you don't have a standard.
25

1 MR. HALL: We would comment -- we would look at -
2 - we would request comments to the engineer's study for
3 that particular development.

4 CHAIR WAN: I think that is what this is doing.
5 It is saying that you have to do that on individual
6 developments, basically. You have to consider this.

7 Commissioner Potter.

8 COMMISSIONER POTTER: Speaking as somebody in
9 county government, I am struggling, I think, with this
10 same problem this gentleman is here.

11 I don't know really what treatment is here. The
12 criteria isn't in this. So, I would be hard pressed to
13 answer to what level the treatment is supposed to be.

14 I certainly support the intent here. I think it
15 is an excellent idea, and a way to start dealing with non-
16 point source pollution, but I am curious as to how we
17 would get to some level of criterion, and thus some
18 enforcement behind that?

19 CHAIR WAN: Commissioner Estolano, did you have a
20 question?

21 COMMISSIONER ESTOLANO: Yeah, I am just trying to
22 understand, we are saying that you either retain 85
23 percent, or you have to treat it some way. And, if I am
24 reading the staff report, isn't the problem -- one of the
25 other problems that we have is a problem with sewer

1 capacity? if they already have a severe waste water
2 capacity problem, I don't know how they would be able to
3 treat runoff, in addition?

4 CHAIR WAN: It doesn't have to go through the
5 sewer to be treated.

6 COMMISSIONER ESTOLANO: Then, how would --

7 Well, you could put, for example, oil and grease
8 separators on, so that before it goes into a storm drain
9 it is treated that way.

10 COMMISSIONER ESTOLANO: Okay.

11 CHAIR WAN: It doesn't have to go through the
12 sewer.

13 COMMISSIONER ESTOLANO: Okay, so in that sense, I
14 do agree with Commissioner Potter, we need to be more
15 precise in what we are directing them to do, the level of
16 treatment, or maybe some illustrative examples of the
17 types of treatment that would be acceptable.

18 COMMISSIONER DANIELS: Although, my concern about
19 that is that that might be an evolving standard, and I am
20 not clear how this would work, in terms of our direction,
21 but perhaps we could give them direction --

22 COMMISSIONER POTTER: That is a good thought.

23 COMMISSIONER DANIELS: -- to do that.

24 COMMISSIONER POTTER: Yeah, I think we are trying
25 -- Madam Chair, if I might, I am sorry.

1 CHAIR WAN: Sure, go ahead.

2 COMMISSIONER POTTER: I think we --

3 CHAIR WAN: Because we are all struggling with
4 this.

5 COMMISSIONER POTTER: -- yes, I think we are
6 trying to craft a very specific program here, using this
7 as sort of a test case, and I hate to burden this one
8 jurisdiction with something that is just riddled with
9 vagaries.

10 So I definitely support your intent, you know, of
11 the possibility for us to give direction regarding this,
12 and have it incorporated and bring it back for, you know,
13 subsequent action, because I think it is a major oppor-
14 tunity to start dealing with a very critical issue, as far
15 as water quality goes.

16 COMMISSIONER REILLY: Let me ask --

17 CHAIR WAN: Yes, Commissioner Reilly, go ahead.

18 COMMISSIONER REILLY: Madam Chair, let me ask
19 staff if we are currently referencing and requiring that
20 the approving authorities in Gualala institute best
21 management practices in this regard, and would it be
22 reasonable then to put a provision in here that those BMPs
23 actually be codified and submitted to the Commission
24 within a six-month period, after the approval of this?
25

1 CHAIR WAN: That is a good suggestion, if it is
2 doable.

3 [No Response]

4 I guess what everybody is hearing us say is that
5 we are all new in this area. We think it is very
6 important. It has come to our attention very acutely over
7 the last few months, that this is necessary, and we are
8 struggling with how to do it. We would like to work with
9 the local jurisdiction to figure out how to do it, and I
10 think that is what Commissioner Reilly is trying to get
11 at.

12 COMMISSIONER REILLY: Yeah, I think we can do it
13 in the sense of having that be reviewed and approved by
14 the Executive Director. We've done things like that
15 before, and you know, and just reference it through the
16 document.

17 How does that work?

18 CHIEF COUNSEL FAUST: Through the Chair.

19 Commissioner Reilly, you have delegated -- where
20 you have criteria for doing so -- some matters to the
21 Executive Director in permit items. I am not aware of any
22 in which you have delegated your decision-making process
23 in an LCP item.

24 Normally, in a situation like this, where you
25 needed more information, or wanted to have staff craft

1 language and bring it back to you, something like that,
2 you would continue the matter, and have it brought back.

3 COMMISSIONER REILLY: I am not suggesting that
4 the BMPs become part of the LCP, but because they are
5 referred to in the LCP, I am suggesting that they would be
6 a local document, that would be used at local level for
7 evaluating, you know, non-point source pollution issues,
8 but that they simply be reviewed and approved by the
9 Executive Director, not that they are a part of the LCP,
10 but are referred to in the LCP -- in the LUP.

11 CHAIR WAN: Well, can't we do something like we
12 did, again, in San Diego, where we deferred the -- we
13 asked the city to bring back the hillside, the specifics
14 of the hillsides? that is what you are asking, isn't it?

15 COMMISSIONER REILLY: Well, let me see what Mr.
16 Faust has to tell me, about how far out of bounds we are.

17 CHIEF COUNSEL FAUST: Well, just to deal with the
18 second part, first, I thought in the San Diego matter that
19 you, in affect, continued it, and had it brought back for
20 another consideration from the Commission, so that the
21 matter was properly before the Commission.

22 In this circumstance, to try and deal with
23 Commissioner Reilly's concern, if we could craft language
24 today that lays out the standard that needs to be
25 followed, that language could refer to best management

1 practices, which would not be particularly specified in
2 the standard. They could be best management practices as
3 they exist, as they are developed.

4 The problem for today is to devise language that
5 is clear for the Commission, and for the county -- so that
6 the county knows what it is that they are supposed to do -
7 - that lays out the standard this Commission wants met.

8 COMMISSIONER REILLY: I am asking if the original
9 staff language in Item J actually satisfies that require-
10 ment?

11 [No Response]

12 COMMISSIONER POTTER: You know, it is not as
13 specific as what Commissioner Wan's suggestion is.

14 Best management practices, for me, is something
15 that I use when I want a lot of wiggle room. It is a nice
16 warm term that makes it look like I am doing something.
17 But, it may be just as simple as stamping on the drainage
18 lines, "flows to the bay", or something.

19 So, I have been using best management practices
20 in the vineyard world for awhile, lately, to try to deal
21 with slope erosion.

22 CHIEF COUNSEL FAUST: The other item that I would
23 note, comparing the two, is that the language that
24 Commissioner Wan was suggesting, I think tried to specify
25 what is generally stated in Item J. The general statement

1 is potential to degrade water quality, and I thought that
2 the language that Chairwoman Wan was proposing attempted
3 to specify that, in terms of 85 percent of either the
4 storms, or the storm runoffs -- I was going to ask for
5 clarity on that.

6 But, I thought that the 85 percent figure was an
7 attempt to deal with what would have the potential to
8 degrade the water quality. And, so, it was one attempt at
9 specification. Clearly, Item J would go in that
10 direction. I don't know whether it would go as far as
11 Chairwoman Wan wanted to go.

12 CHAIR WAN: Well, one of the issues that I heard,
13 the question that was raised by, I think, Commissioner
14 Estolano, is what does the treatment mean? And, perhaps
15 you could say all development shall infiltrate or treat
16 all runoff using BMPs, and that is where you could then
17 have us look at the BMPs, based on a calculation that will
18 capture runoff.

19 So, in other words, if you specify what the
20 treatment is, but in a more general sense, but at least it
21 says that you have treat this level of water. But, I am
22 still struggling with it, and I agree -- I am not
23 disagreeing with Commissioner Potter about knowing exactly
24 what this means, and whether what we are doing here is the
25 right thing to do, and in some way maybe deferring this.

1 COMMISSIONER KEHOE: Right.

2 CHAIR WAN: But, I don't want to defer the whole
3 plan, so how do we defer this one element.

4 DISTRICT DIRECTOR SCHOLL: I am not aware of a
5 way to do that, either --

6 COMMISSIONER KEHOE: Chairman --

7 DISTRICT DIRECTOR SCHOLL: -- the plan or not.

8 One thing, if I could just throw out one other
9 thought --

10 CHAIR WAN: Yes, go ahead, and then we can go to
11 Commissioner Kehoe.

12 DISTRICT DIRECTOR SCHOLL: Well, just to give
13 reaction to the language we have been discussing, that
14 Chairman Wan proposed, it seems to me that one problem, at
15 least I am hearing, is that this is attempting to apply
16 this specific standard to all developments, when I am also
17 hearing what we need to do is to have engineers, and those
18 with the specific technical knowledge in each case, review
19 this, and see what applies, and then apply what is
20 appropriate.

21 In other words, I wonder if this could be turned
22 into a condition that says the coastal permit administra-
23 tor, or decision-making body, must make a finding that
24 this analysis has been completed. So, it sets the test
25 that somebody has to do it in each case, rather than try

1 to specify in advance here today what size storms, you
2 know, necessarily affect all development.

3 I think we could add a phrase at the beginning
4 that might accomplish that.

5 CHAIR WAN: Okay.

6 Commissioner Kehoe, do you have a comment?

7 COMMISSIONER KEHOE: Yeah, just a comment, thank
8 you.

9 If we need to make changes to the language to
10 just, you know, suggest that this policy is something that
11 needs to be addressed, I am fine with that. But I think
12 what Chairman Wan is trying to do is look at a way of
13 implementing new policy. And, I think the Commissioners
14 would like to see this issue evaluated so we would know if
15 3/4 is the right amount, or 85 percent, and how it affects
16 their waste treatment plant, and capacity, and all of
17 that.

18 So, I am not clear why you are saying we couldn't
19 ask for the jurisdiction to return with a policy on this
20 subject, as part of this action, at a later date. You
21 know what I mean, require them to come back with a runoff
22 control policy, similar to what we did in San Diego with
23 the hillside review.

24

25

1 DISTRICT DIRECTOR SCHOLL: Certainly, the whole
2 matter could be continued, but in order to achieve action
3 today on the plan --

4 COMMISSIONER KEHOE: Well, we didn't --

5 DISTRICT DIRECTOR SCHOLL: -- I think --

6 COMMISSIONER KEHOE: -- we sent the zoning code
7 up there, the land development code on -- the Commission
8 did -- and asked the City of San Diego to return with more
9 specifics on the hillside review. That is what happened.
10 That is what we are doing.

11 SENIOR DEPUTY DIRECTOR DAMM: I believe that was
12 on the hillside review guidelines?

13 COMMISSIONER KEHOE: Yes.

14 SENIOR DEPUTY DIRECTOR DAMM: Right.

15 COMMISSIONER KEHOE: The city is coming back with
16 the document simply for that. It is part of the land
17 development code which the Commission has already
18 approved.

19 SENIOR DEPUTY DIRECTOR DAMM: I think the
20 difference there, Commissioner, was that the Commission
21 did act on the LCP amendment implementation plan.

22 What staff, and the city, weren't prepared to do
23 at that point in time, was to then go to the next step of
24 the guidelines that were referenced in that plan.

25 In this case, I don't --

1 COMMISSIONER KEHOE: Why don't we have runoff
2 guidelines as part of this plan, and they can come back
3 with runoff guidelines?

4 SENIOR DEPUTY DIRECTOR DAMM: Well, I think you
5 need to have at least some basic parameters, or criteria,
6 in the implementation plan that sets the direction you are
7 going.

8 And, I think the Commission is struggling to have
9 a little bit of criteria specificity in this plan, because
10 then from there you could get into more specific measures,
11 and that would probably work. But, right now, in
12 listening to the discussion, I think the Commission is
13 struggling, as is the staff, to even come up with some
14 basic criteria from which you can build on.

15 And, if you are desirous of us doing that, and
16 talking with our water quality staff, and trying to come
17 up with criteria and measures, we could do that. We are
18 just not going to be able to do that right now.

19 COMMISSIONER KEHOE: Could I just have one more
20 comment?

21 CHAIR WAN: Yes.

22 COMMISSIONER KEHOE: Another thing I am mindful
23 of, I absolutely think that you are headed in the right
24 direction, and the City of San Diego, and everyone is
25

1 dealing with this issue, Caltrans, it is a big issue, and
2 it should be part of long term plans such as this one.

3 But, on the other hand, Gualala is a tiny juris-
4 diction, and Los Angeles, San Diego, many, many other big
5 communities that don't happen to be before us today, have
6 much, much larger problems, so I think, you know, we
7 should try to kind of keep it in perspective, too.

8 CHAIR WAN: Commissioner Dettloff.

9 COMMISSIONER DETTLOFF: Yeah, I would love to be
10 able to deal with this totally today, but I also want to
11 do it right, because I think this is the first step we are
12 taking, as a Commission, to really get to the -- excuse
13 the pun -- the source of what this problem is, and to put
14 some controls on it.

15 So, I want it done correctly, and if that
16 requires -- although I was hoping that we could find a
17 technique, and I thought maybe the San Diego technique we
18 used would work, but if it doesn't then I think we would
19 probably be well to continue it, if we feel this is a very
20 important part of this plan, and allow some time to have
21 it worked out so that we are taking the correct first
22 steps.

23 COMMISSIONER REILLY: Madam Chair.

24 CHAIR WAN: Yes.

25

1 COMMISSIONER REILLY: You know, actually, I go
2 back through this, and look at the A through I criteria
3 that we have in here on runoff standards, I don't know
4 that we are going to do a lot better than this. This is
5 relatively specific stuff, in terms of practice.

6 COMMISSIONER DANIELS: Can I respond?

7 CHAIR WAN: Yes, go ahead, Commissioner Daniels.

8 COMMISSIONER DANIELS: I think the problem that
9 was stated by Mr. Merrill at the beginning, in some
10 instances it is better to be more general than specific.
11 When you are specific, it is the exclusions, the things
12 that aren't mentioned, that you really need to cover for,
13 so I think we might be better off helping them craft a
14 more general policy, and that was the goal, I think, in
15 addressing a general level of storm that needed to be
16 treated in some way.

17 CHAIR WAN: I guess, I tend to agree with what
18 everybody has been saying. I threw this out for us to
19 discuss, because it is such an important issue.

20 My only concern, with what we have down here, and
21 J does try to get at, is all of the other ones deal with
22 just, basically, the rate and the amount of water, but
23 doesn't require any treatment. J does require some
24 treatment. There is a difference, and it is the treatment
25 that I think we would like to see.

1 So, I don't know if we can defer J?

2 Mr. Faust, you have something to say?

3 CHIEF COUNSEL FAUST: I do, Madam Chair. I
4 really want to suggest that there are two possible
5 problems here that the Commission -- if the Commission
6 could give an indication of which it thinks is most
7 appropriate, I think we could suggest a solution.

8 If the problem is that the Commission would like
9 some standards, but it is not yet clear on what it would
10 like the standards to be, and really needs some more
11 expert thought, the advice of the staff who are not here,
12 more discussion among the Commission, whatever, to do
13 that, to develop what that is, then I think that the most
14 appropriate thing for the Commission to do is to continue
15 it until you have that information available to you.

16 If, on the other hand, the Commission believes
17 that with some clarification, the language that was jotted
18 down on this sheet contains what the Commission would
19 like, then I think that if you trailed the matter for 15
20 or 20 minutes, Ms. Patterson and I could probably rewrite
21 that in a form that could be incorporated as an Item K on
22 that list, and with the others would work to achieve what
23 seems to be the goal.

24 I think there are a couple of things that there
25 was discussion about possible clarity on. One was the

1 matter that Commission Estolano raised, and one suggestion
2 was to reference specifically best management practices,
3 as what the standard would be.

4 Another was, that I have heard some questioning
5 about, and that we had some questioning about, is what is
6 meant by 85 percent of storms? that that is something that
7 could be interpreted several different ways. If it is
8 that kind of clarification and drafting, I think we can
9 solve that problem in maybe 15 minutes, and if the matter
10 is trailed we could come back with suggested language that
11 could do it.

12 But, if on the other hand, you think it is
13 something that you really aren't sure exactly where you
14 are going, and you would like to get more information, and
15 think about it more, then I think a continuance is more
16 appropriate.

17 COMMISSIONER POTTER: Madam Chair, if I might, I
18 appreciate your efforts, and the time, but I can't
19 conceive of crafting the definition of treatment in 15
20 minutes, and I am hung up on that pretty badly.

21 That is, you know, just speaking from a local
22 jurisdiction standpoint, I don't even know what -- the
23 level of treatment is going to have a cost associated, and
24 I don't know what that means, and I don't know to what
25 percentage of cleanup we are going to be talking about.

1 I do agree with Commissioner Reilly, that the
2 runoff standards as crafted are quite specific, but they
3 are specific to infiltration and percolation and
4 retention, but they are not specific to treatment, and
5 treatment is that quantum leap we are trying to make here
6 in a very short period of time.

7 So, I would support two courses of action: one is
8 a continuance to get specific language and criteria in
9 there, in some portion of the added J here, or approving
10 it as it is with best management practices featured in
11 here, recognizing that Gualala is a small community, that
12 this is a major step forward in the runoff standards, and
13 at some point we are going to be able to, with your help
14 and the rest of staff's, craft the real meaning of what
15 treatment is.

16 CHAIR WAN: Commissioner Daniels.

17 COMMISSIONER DANIELS: I would support trailing
18 this for 15 minutes, and working on the language.

19 I think, based on my communications -- I
20 mentioned that they were by voice mail -- but based on my
21 communications with Dr. Gold, and my prior conversations
22 with him about non-point source, in general, I think that
23 by treatment he simply means relevant best management
24 practices.

25

1 And, I think we are focusing a lot on some
2 language that he kind of casually presented to us. Maybe,
3 it is worth some investigation in that 15 minute period of
4 time, and clarification.

5 CHAIR WAN: I am going to go with whatever the
6 rest of the Commission --

7 COMMISSIONER POTTER: Priscilla wants a break,
8 anyway, Chair.

9 CHAIR WAN: Oh, yes.
10 Commissioner Estolano.

11 I see our court reporter wants a break, anyway.
12 Go ahead.

13 COMMISSIONER ESTOLANO: Well, before we trail
14 this, we spent a lot of time on the non-point source, and
15 this has been a great discussion.

16 I want to go back to water supply, because I know
17 I stepped out of the room for a moment, and I am not sure
18 if this was already addressed, but I am not at all
19 comfortable with --

20 CHAIR WAN: Commissioner Estolano, before you get
21 into that, let me get a sense of the Commission.

22 If they want to trail this, then our staff can
23 begin to work on that during this time period.

24
25

1 COMMISSIONER REILLY: I would support that. What
2 I won't support is continuing this item over again. I
3 think we need to come to a decision on this today.

4 CHAIR WAN: And, I agree with you.

5 COMMISSIONER ESTOLANO: Okay, so just --

6 COMMISSIONER KEHOE: I'll go with that.

7 CHAIR WAN: Okay, so we will want to trail this --

8 COMMISSIONER ESTOLANO: -- just to understand, we
9 will come back --

10 CHAIR WAN: -- okay.

11 COMMISSIONER ESTOLANO: --when we come back, I
12 can get on the water supply there.

13 CHAIR WAN: Okay.

14 COMMISSIONER ESTOLANO: Okay.

15 CHAIR WAN: Why don't we take a 10-minute break
16 here.

17 [Recess]

18 CHAIR WAN: Okay, I am going to call the meeting
19 to order, and I think the first thing we would like to do
20 is have you read the suggestion.

21 Where is Commissioner Potter?

22 [Pause in Proceedings]

23 Okay, why don't you go ahead and read it.

24 CHIEF COUNSEL FAUST: Okay, Madam Chair, and this
25 would be, presumably, as an Item K in that list, or staff

1 could work out exactly where it needs to be inserted, if
2 it needs to be inserted in more than one place.

3 The language would be: all development that is
4 within or drains into environmentally sensitive --

5 CHAIR WAN: Oh, I think -- I think. Let's wait
6 for --

7 CHIEF COUNSEL FAUST: Want to wait?

8 CHAIR WAN: -- at least Mr. Damm to be here,
9 because --

10 CHIEF COUNSEL FAUST: That's fine.

11 CHAIR WAN: --he's got to deal with this, so he -
12 [General Discussion]

13 He is right here. He's at the door, and we'd
14 like to finish this one, I think, before we -- okay.

15 You are more important.

16 Okay.

17 CHIEF COUNSEL FAUST: Start again?

18 CHAIR WAN: Right.

19 CHIEF COUNSEL FAUST: Okay.

20 All development that is within, or drains into,
21 environmentally sensitive habitat, is a commercial or
22 residential subdivision, is a service station or automo-
23 tive repair facility, or that includes commercial develop-
24 ment or a parking lot, shall capture and infiltrate, or
25 treat, using relevant best management practices, all

1 runoff from storms of a magnitude such that the runoff
2 from 85 percent of storms is encaptured or treated.

3 I would be happy to read that again.

4 CHAIR WAN: Comments.

5 Read it.

6 CHIEF COUNSEL FAUST: Such that --

7 CHAIR WAN: You want to read it again, maybe?

8 CHIEF COUNSEL FAUST: All runoff --

9 CHAIR WAN: Just the very last --

10 CHIEF COUNSEL FAUST: Just the last part?

11 CHAIR WAN: Okay, just the last part.

12 CHIEF COUNSEL FAUST: Whatever you prefer.

13 COMMISSIONER KEHOE: The whole thing.

14 COMMISSIONER ESTOLANO: Start over.

15 COMMISSIONER KEHOE: Read the whole thing.

16 CHIEF COUNSEL FAUST: The whole thing, that is
17 fine.

18 All development that is within, or drains into
19 environmentally sensitive habitat, is a commercial or
20 residential subdivision, is a service station or automo-
21 tive repair facility, or that includes commercial
22 development, or a parking lot, shall capture and
23 infiltrate or treat, using relevant best management
24 practices, all runoff from storms of a magnitude such that
25

1 the runoff from 85 percent of storms is encaptured, or
2 treated.

3 COMMISSIONER REILLY: That would apply to storms
4 of any magnitude?

5 CHIEF COUNSEL FAUST: No, we took the 85 percent
6 of storms. There is two ways you can interpret it.

7 We took it to mean the 85 percent of storms that
8 are not the most serious storms. The 85 percent, not
9 including the 15 percent most serious, or most signifi-
10 cant, in terms of rainfall. As opposed to 85 percent of
11 all storms, which would then force them to design for any
12 magnitude of storm.

13 COMMISSIONER ORR: Could you just very slowly
14 read that last phrase?

15 CHIEF COUNSEL FAUST: The last phrase, again.

16 COMMISSIONER ORR: I couldn't follow it very
17 well.

18 CHIEF COUNSEL FAUST: All runoff from storms, of
19 a magnitude, such that the runoff from 85 percent of
20 storms is encaptured, or treated.

21 CHAIR WAN: And, I get the distinction about the
22 85 percent of storms, and I think your way is better,
23 because you are not talking about the 100-year flood, or
24 the 50-year storm. You are talking about the majority of
25

1 the storms, and then 85 percent of, basically, the normal
2 storm.

3 CHIEF COUNSEL FAUST: That is correct, that is
4 correct.

5 COMMISSIONER ESTOLANO: So, we mean the 85th
6 percentile of storms.

7 CHIEF COUNSEL FAUST: Of storms, but not of any
8 and all storms. Of each storm -- not of each storm.

9 COMMISSIONER ESTOLANO: No, I understand.

10 CHIEF COUNSEL FAUST: Okay.

11 COMMISSIONER ESTOLANO: But, we don't -- the
12 problem is it is not like as SAT, or something, where
13 there is a bounded number of -- I mean storms, we don't
14 really know what the 100 percent storm, or the 99th
15 percentile storm is, do we? I mean, how severe is that
16 storm? like that hurricane, what is that storm? was that a
17 --

18 DISTRICT DIRECTOR SCHOLL: Madam Chair.

19 Commissioner Estolano, I think those are matters
20 of meteorological record. If you rank all of the storms
21 over the period of a year, and you add up all of the
22 years, that is how they arrive at the figure of a 100-year
23 storm. Basically, 100-year storm could be translated to a
24 90th percentile storm, or whatever the number is, in terms
25 of its rare occurrence, because it is so large.

1 Unfortunately, none of us here really has the
2 exact terminology, I think, to phrase that right, but that
3 is the concept that we would capture all of the storms up
4 to a certain percentile level. In other words, most of
5 the storms that occur, you know, over a long period of
6 time.

7 CHAIR WAN: But, not the peak storms --

8 CHIEF COUNSEL FAUST: Not the peak storms.

9 CHAIR WAN: -- which become unreasonable.

10 CHIEF COUNSEL FAUST: And, in part, Madam Chair,
11 part of the reason that we wanted to phrase it that way,
12 in terms of this possibly being something that you look at
13 on a state-wide basis, is that that number is going to be
14 very different in Crescent City, in Gualala, in San Diego.
15 It is really going to vary significantly, depending on
16 what the local storms are.

17 COMMISSIONER ESTOLANO: Mr. Faust.

18 CHAIR WAN: Commissioner Dettloff.

19 Oh, did you want to finish, Commissioner
20 Estolano?

21 COMMISSIONER ESTOLANO: Well, just because
22 Commissioner Daniels just walked in, and I am wondering --
23 I hate to do this to you. Could you read it one more
24 time, for Commissioner Daniels?

25 CHIEF COUNSEL FAUST: If you would, Madam Chair.

1 Yes, for Commissioner Daniels, all development
2 that is within, or drains into, environmentally sensitive
3 habitat, is a commercial or residential subdivision, is a
4 service station or automotive repair facility, or that
5 includes commercial development, or a parking lot, shall
6 capture and infiltrate or treat, using relevant best
7 management practices, all runoff from storms of a
8 magnitude such that the runoff from 85 percent of storms
9 is encaptured, or treated.

10 CHAIR WAN: Commissioner Dettloff.

11 COMMISSIONER DETTLOFF: I guess I still have the
12 question, whether or not the local jurisdiction has the
13 infrastructure and the ability to assume this condition.
14 That is number one. Although, I think the language is
15 exactly what I would like, if I had that question
16 answered.

17 And, then, for the actual operators, are those
18 that have to make sure they meet this standard in a
19 practical sense, how does one who owns a service station,
20 is it done through the san district that they revert then,
21 not to their usual practices, or what triggers their
22 ability to meet this condition? the individual who has the
23 responsibility?

24 PROGRAM MANAGER MERRILL: Well, I'll mention
25 something that may help, I hope.

1 Most communities don't combine the runoff flows
2 with their municipal sewage. There are some exceptions:
3 San Francisco has a system where all of the runoff from
4 their streets and gutters goes into their sewer system.
5 But, fairly uniformly other communities separate the flows
6 of runoff versus sewage.

7 And, generally, when we are talking about non-
8 point source pollution control measures, we are talking
9 about on-site specific measures that the developer would
10 impose. An example, for a parking lot, if you are
11 concerned about oil and grease drippings from cars in the
12 catch basins that collect the water running off of the
13 parking lot, you would install an oil and water separator
14 device to separate out the oil. So, generally, the non-
15 point source control measures are of that nature. They
16 are on site, specific to the development.

17 So, it wouldn't necessarily impact the local
18 community sewer district because they would be treating
19 different things. They would deal with the sewage and not
20 the runoff. It would have more of an impact on individual
21 developer, and the measure that he would have to impose on
22 his site to deal with the runoff.

23 CHAIR WAN: Commissioner Desser.
24
25

1 COMMISSIONER DESSER: These are just questions,
2 because I don't -- I have no knowledge of the -- unlike
3 the rest of the Commissioners.

4 Just help me understand why we measure 85 percent
5 storm, rather than 85 percent of runoff, say? That is my
6 first question: why aren't we measuring that which is
7 runoff, rather than that which is storm, in terms of --
8 because it is the runoff that is the issue, not the storm.
9 Although, I can understand, these are terms of art or
10 technology that I don't understand, but if anybody can
11 answer that, I would appreciate it.

12 And, two, is it only storms that cause runoff?
13 Certainly, that is not the case in cities, where all kinds
14 of things can cause runoff, you know, a fire hydrant that
15 has been left gushing, or a sprinkler systems, irrigation
16 systems, you know, there are other sources of runoff which
17 in Gualala are probably less likely than in Los Angeles --
18 so again, we don't want to be burdening one place with
19 issues that aren't going to apply there.

20 But, nevertheless, it is the runoff and the
21 content of the runoff, regardless of what causes it, or
22 what size the storm is that what makes sense to me.
23 Although, if in fact, this is not how it is done in the
24 field, I just would to understand that a little bit.

25

1 PROGRAM MANAGER MERRILL: Well, I'll take a stab
2 at that one, too.

3 The 85 percent figure, as I understand it, is an
4 attempt to define what is the upper level of collection
5 and treatment that you need to provide. You know, if you
6 had a hurricane, and you had an extreme amount of runoff,
7 it would be perhaps unreasonable to require the project
8 proponent to build facilities ahead of time that could
9 accommodate that most extreme event, where you have the
10 most runoff coming in.

11 So, I think the 85 percent figure, and the 3/4
12 figure that has been discussed, is meant to say what is
13 the upper limit? It is unreasonable to plan to treat
14 every occurrence that could occur. Let's treat the ones
15 that are most likely to occur. And, I think that would
16 then also address the kind of concern that you raised in
17 your second point about what about runoff from other
18 sources? They, generally, I imagine, would be a lot less
19 than most -- the volume of runoff would be a lot less than
20 the volume of runoff from a storm, so if you were
21 designing to treat a level of inflow that comes from 85
22 percent of the storms, you are probably also going to be
23 able to treat runoff from these other kinds of sources
24 that you mentioned.

25

1 COMMISSIONER DESSER: Well, maybe -- and again,
2 you know, a little tiny bit of knowledge is an extremely
3 dangerous thing, so I, you know, I say I really don't know
4 much about this.

5 But, ironically it is probably the runoff that
6 occurs within the first few minutes of a storm, or the
7 runoff that occurs -- or that is equal to, in terms of
8 contaminants, that runoff which is coming from irrigation
9 systems, or others, that stuff. You know, it is the
10 benzines, and it is the stuff that is on the roadway that
11 is washing off in the very beginning, regardless of the
12 size of the storm, that --

13 CHAIR WAN: It would catch that.

14 COMMISSIONER DESSER: -- I know -- well, I know
15 that, but not, but no, not the other --

16 COMMISSIONER MC CLAIN-HILL: This is going to fix
17 that.

18 COMMISSIONER DESSER: This is going to? All
19 right, if you say so.

20 CHAIR WAN: Nothing is going to fix it all.

21 Commissioner Daniels.

22 COMMISSIONER DANIELS: I think, just to address
23 Commissioner Desser's concerns, I think that the types of
24 best management practices that we are trying to have the
25 county incorporate would address those situations,

1 because, hopefully, they would be able to incorporate
2 structural best management practices that would create
3 some kind of filtration for all of this runoff. So, it is
4 kind of an infrastructure improvement that would deal with
5 those sorts of problems.

6 And, the reason that you have the standard as to
7 quantity, I guess, is to make sure that it treats that
8 much more.

9 I think, in the time that we were breaking, I was
10 having a conversation, not with Dr. Gold, because he is at
11 a Regional Water Quality Board meeting -- I think dealing
12 with this very issue, it was my under-standing -- but I
13 did speak with another scientist at Heal the Bay to get
14 some clarification.

15 And, based on that I still have some slight
16 suggestions, with respect to the language that Mr. Faust
17 read to us. And, one of the suggestions that the
18 scientist made was that the BMPs need to specifically
19 refer to structural best management practices, because
20 there are other types of best management practices, that
21 are management best management practices. In other words,
22 for a residential area, there could be management
23 practices, such as sweeping, or cleaning.

24 What the thinking currently is, in treating non-
25 point source runoff, is to incorporate structural best

1 management practices, so there should be a specific
2 reference to that.

3 I think your language was infiltrate, or treat
4 according to relevant --

5 COMMISSIONER ESTOLANO: Using relevant --

6 COMMISSIONER DANIELS: -- yeah, using.

7 CHIEF COUNSEL FAUST: Using relevant best
8 management practices.

9 COMMISSIONER DANIELS: You could add using
10 structural best management practices.

11 Now, the other thing that was --

12 CHIEF COUNSEL FAUST: Was there a reason why
13 relevant wouldn't cover that?

14 COMMISSIONER DANIELS: Because, there are
15 relevant management best management practices, as I
16 understand it, that may not really address treating the
17 water that gets into the system. Treating -- there are
18 structural treatments, and then there are management
19 treatments.

20 All of these, by the way for those people who
21 don't know, a lot of these best management practices are
22 coming from a document called the California Storm Water
23 Best Management Practices handbook. This not something
24 that is arbitrarily determined by these people we have
25 been talking to, as things that need to be done. There is

1 a handbook that refers to these types of things that can
2 be done, and it was issued by the storm water quality task
3 force of the State Water Resources Control Board, in 1993.

4 Now, I don't want to specifically reference it,
5 because they are in the process of revising it, but I
6 think we -- and we intend this to be a long term document,
7 but those best management practices that we are referring
8 to come from those studies, and that document.

9 So, did you want to respond to that?

10 DISTRICT DIRECTOR SCHOLL: Yes, through the
11 Chair.

12 I just wanted to mention that I don't think the
13 Commission's intent would be to discourage non-structural
14 measures, so in some way if we -- I think we want to state
15 that the structural certainly need to be considered, but
16 others as well, if relevant.

17 COMMISSIONER DANIELS: I guess the concern would
18 be not to have the appropriate persons bypassing the
19 structural BMPs in favor of the management BMPs. So if
20 there is some way to make sure that they are both
21 addressed, where appropriate.

22 One other thing, was with respect to the
23 discussion of the 3/4-inch versus the 85 percent, the 3/4-
24 inch standard really is a lower standard. It ends up
25 treating more water, particularly in an area that has more

1 water, so I think there is a preference for treating more
2 water rather than less, if that can be done.

3 And, I am sorry, one other thing -- just like a
4 lawyer to say one other thing, and then have ten more to
5 say, but one last question.

6 But, in hearing your reading of the language, Mr.
7 Faust, I didn't hear a reference to housing of over ten
8 units? was that specifically excluded?

9 COMMISSIONER REILLY: No.

10 CHIEF COUNSEL FAUST: What we wrote in, rather,
11 was any commercial or residential subdivision.

12 COMMISSIONER DANIELS: I see, thank you.

13 CHIEF COUNSEL FAUST: The ten-unit standard is
14 actually a very high standard, in this part of the north
15 coast.

16 CHAIR WAN: Any other questions or comments?

17 Mr. Faust, on the structural issue, I tend to
18 agree with Commissioner Daniels, because I think this is
19 in addition to J, and J -- on page 55 -- J basically talks
20 about BMPs in general, and I think what some of us are
21 interested in is getting in, for example, those oil and
22 grease separators, which are structural, and making sure
23 that things like that go in.

24 So, I would support her change.

25 CHIEF COUNSEL FAUST: If I might, Madam Chair.

1 We had attempted to use language that would
2 include more than just one subset, structural for example,
3 of best the management practices. We were attempting to
4 use language that incorporated any one that was relevant.

5 But, let me suggest as a possible way to deal
6 with this, the language: all relevant best management
7 practices, including structural best management practices.
8 And, that way, both thoughts are contained within the
9 sentence.

10 CHAIR WAN: Commissioner Reilly.

11 COMMISSIONER REILLY: Have we beaten it to death
12 at this point?

13 CHIEF COUNSEL FAUST: It is barely quivering, but
14 it is still quivering.

15 CHAIR WAN: Okay, are we arriving at some sort of
16 consensus here?

17 COMMISSIONER ESTOLANO: Yes.

18 CHAIR WAN: Okay, in that case, let's go onto the
19 next issue, which is Commissioner Estolano.

20 COMMISSIONER ESTOLANO: Okay, I am just going to
21 propose a concept. I am trying to work out the language,
22 but my esteemed fellow Commissioners and staff will
23 probably be able to help me out.

24 I am troubled by the water supply issues, and I
25 am not convinced that the approval of a Local Coastal

1 Program isn't an appropriate place in which to address
2 this issue. I think it is a very appropriate place to
3 address the issue.

4 And, I am looking specifically on page 72 of the
5 staff report, Section 3.10 water and sewer services.
6 Staff has proposed some language that I think is a good
7 first step, but I would like to tighten it up quite a bit,
8 and I am going to throw it out there, and see how my
9 fellow Commissioners feel about it.

10 I am looking at G3.10-1, and I will just read out
11 what staff has: When the North Gualala Water Company
12 reaches 80 percent of service capacity, as defined in the
13 development constraints table, blah, blah, blah, action
14 should be initiated on one or more of the following
15 options. And, there is development of new water supply
16 source; development of increased storage capacity;
17 increased water conservation efforts; restricting amount
18 of new development which increases water usage.

19 And, so all that really needs to be done is
20 something has to be initiated on one of these standpoints,
21 when they reach 80 percent, which really doesn't address
22 the issue of the fact that we are degrading resources.

23 And, I would propose that instead of this
24 language, we say that when the North Gualala Water Company
25 reaches 80 percent of service capacity, as defined in this

1 table, no new additional sewer hookups shall be approved,
2 until such time as the following can be demonstrated --
3 one of the following can be demonstrated, something like
4 that -- as sufficient additional supplies can be demon-
5 strated through the development of new water supply
6 source, increased storage, water conservation, without
7 violating any state or federal protection standards, such
8 as the *Endangered Species Act*.

9 That is a horribly drafted phrase, but what I am
10 getting at is when they hit 80 percent capacity, instead
11 of just saying start doing something, halt all hookups
12 until such time as you can show there is sufficient
13 capacity without violating the *Endangered Species Act*, or
14 any other type of a provision.

15 This gives you a locally enforceable -- because
16 the Local Coastal Program is locally enforceable -- a
17 locally enforceable means of dealing with this issue of
18 the volume, of the 4 CFS.

19 Now, that is pretty radical. What do you guys
20 think?

21 CHAIR WAN: If throwing something out on this one
22 is -- okay.

23 Commissioner Reilly, you are our expert on this.

24 COMMISSIONER REILLY: My own sense is that we are
25 going to hit critical mass, in terms of water availability

1 and impact on the North Fork Gualala before that 80
2 percent standard is reached, but if the intention of
3 Commissioner Estolano is to put some teeth in the
4 requirement to develop one of those four alternatives,
5 when that threshold is reached, then I think that the
6 language she is suggesting certainly does that.

7 DISTRICT DIRECTOR SCHOLL: Madam Chair, could I
8 just make a comment on that?

9 CHAIR WAN: Yes.

10 DISTRICT DIRECTOR SCHOLL: To carry out that
11 point, I think the way to do it would be rather than to
12 say no hookups, because the hookups are under the control
13 of a private water company, no development permits --

14 COMMISSIONER ORR: Right, right.

15 DISTRICT DIRECTOR SCHOLL: -- would be approved
16 at that point.

17 CHAIR WAN: Commissioner Dessser, and then
18 Commissioner Orr.

19 COMMISSIONER DESSER: I didn't hear the beginning
20 of Commissioner Reilly, but one of my concern is that the
21 problems might happen before reaching 80 percent. Is that
22 what you said, Commissioner Reilly?

23 COMMISSIONER REILLY: That is what I said.
24
25

1 COMMISSIONER DESSER: So, I would like to figure
2 out a way to fashion language that -- maybe we can't do it
3 -- but, that reaches the sensitive resource issues.

4 COMMISSIONER REILLY: Well, again, I think that
5 my sense is that the State Water Resource Control Board is
6 lead agency in this. The National Marine Fishery Services
7 has written an extraordinary letter, basically because
8 there are a lot of streams, and a lot of communities that
9 are in similar situations in northern California. This is
10 the first time I have seen them say that there should be a
11 moratorium on all new hookup, until, you know, you have a
12 watershed plan, and these issues are addressed.

13 My sense is that that letter is most approp-
14 riately addressed to the State Water Resources Control
15 Board, and that that permit has a specific provision in it
16 saying that, you know, they have got to abide by ESA and
17 avoid take on their activities, and I think the NMFS
18 letter directly addresses that. I expect that is going to
19 happen independent of what we do here today.

20 But, I do think that, in terms of at least
21 addressing the issue, in setting a threshold, we could use
22 a threshold that is currently in the plan, as a way of
23 sending our message to do that.

24 CHAIR WAN: Commissioner Orr.

25

1 COMMISSIONER ORR: Yes, I just wanted to say,
2 again, I agree with what Commissioner Reilly just said,
3 but I think that Commissioner Estolano's suggestion, as
4 modified with the staff's suggestion, is good as a way to
5 provide a backup.

6 I mean, I was really troubled as I listened to
7 the testimony here, about sort of building into the plan
8 something that doesn't look like it is going to work at
9 the time that you are approving the plan. And, so to have
10 something that has some teeth in it, rather than just
11 saying you get to the breaking point, and then you start
12 thinking about how you might fix what is probably already
13 broken, as Commissioner Reilly says, we may already be to
14 the breaking point when we get to the 80 percent, but at
15 least we are putting something that backs this up, and we
16 obviously have no control over what other agencies do, so
17 I would feel more comfortable that we at least put some
18 sort of a back stop behind this stuff.

19 CHAIR WAN: Commissioner Estolano.

20 COMMISSIONER ESTOLANO: I have a question for
21 staff.

22 As I was looking at this, I was trying to find a
23 place to put that actually in the implementation portion
24 of the LCP, and I am wondering if this is the most
25 appropriate place to put this provision? is there some

1 other place where it makes sense to buttress it in the
2 implementation portion?

3 COMMISSIONER REILLY: I think you have got to put
4 it here. I think this is where it goes.

5 COMMISSIONER ESTOLANO: Okay.

6 CHAIR WAN: Staff have any comments on this?

7 DISTRICT DIRECTOR SCHOLL: Not on that specific
8 point. We are going to raise two other -- we had two
9 other minor changes we are going to suggest, but I didn't
10 want to do that until we have kind of cleared all of the
11 other issues that the Commission is discussing.

12 CHAIR WAN: Are we clear on this one?

13 COMMISSIONER REILLY: Sara, has staff accepted
14 language then, calling for a coastal permit cutoff at that
15 80 percent level, unless there is a demonstration of
16 achievement of one of those four items listed there?

17 COMMISSIONER ESTOLANO: Without violating state
18 and federal protection, such as the *Endangered Species*
19 Act.

20 DISTRICT DIRECTOR SCHOLL: We'll just make sure
21 that we have the language, yes. The concept we are
22 comfortable incorporating that in our recommendation, but
23 we want to make sure that we have the wording.

24
25

1 COMMISSIONER ESTOLANO: Yeah, it could be
2 conditions of permits, of state or federal permits, such
3 as -- and I am sure the county would like to respond.

4 CHAIR WAN: Yes, why don't you come on up.

5 MR. HALL: I would just like the record to
6 reflect an opinion of your counsel, or comments of your
7 counsel, of whether or not that constituted a taking of
8 property, when you still have the capacity within the
9 permit from the water agency, yet you are saying we can't
10 issue a permit, even though, technically, they have the
11 ability to obtain that. Does that constitute a take?
12 And, I would be concerned about the county's liability,
13 because we would be the one denying the permit.

14 And, I would ask your counsel to respond to that
15 question.

16 COMMISSIONER ESTOLANO: I am going to respond
17 with my opinion.

18 I would suspect that if you actually had the
19 capacity, and could demonstrate that you could legally
20 issue a hookup because you have the capacity, and you are
21 not violating the conditions of your permit, i.e. you are
22 not taking, and violating the *Endangered Species Act*, then
23 you shouldn't have a problem.

24

25

1 The problem would come, is if you say you have
2 capacity, but you are going to be violating the *Endangered*
3 *Species Act* as a result.

4 COMMISSIONER REILLY: Counsel, can we set the 80
5 percent standard as an absolute, without it resulting in a
6 take? I mean, I think that is the question.

7 DEPUTY ATTORNEY GENERAL PATTERSON: Ordinarily,
8 I would say that when you impose a moratorium based on
9 specified criteria, it has been okay.

10 Unfortunately, there is a case pending in the
11 Ninth Circuit, Tahoe Sierra Preservation Council, which
12 calls into question of viability of moratoria under any
13 circumstance.

14 And, I think if you have some fail safe
15 provisions, that you have the 80 percent as the standard,
16 and then if they can then demonstrate that they can
17 satisfy all of the other environmental regulations, and
18 that they do, in fact, have the capacity to serve, that
19 they could issue a permit, that would be okay, because,
20 obviously, they would be able to issue the permit, and
21 wouldn't be sued for a taking.

22 If, on the other hand, they hit the 80 percent,
23 and they cannot satisfy the other criteria, then under
24 current law they would be protected, as I understand it,
25 from a takings claim.

1 COMMISSIONER REILLY: Okay.

2 DEPUTY ATTORNEY GENERAL PATTERSON: But, I would
3 make sure that there is some sort of a fail safe escape
4 valve, if you will.

5 COMMISSIONER REILLY: So, you would work with
6 staff in crafting that language?

7 DEPUTY ATTORNEY GENERAL PATTERSON: Yes, we can
8 do that, certainly.

9 COMMISSIONER REILLY: Thank you.

10 CHAIR WAN: Any other questions or comments?

11 [No Response]

12 Okay, let's see if we can --

13 COMMISSIONER REILLY: Steve has a few points.

14 CHAIR WAN: -- staff, do you want to give us your
15 two points.

16 COMMISSIONER POTTER: Briefly.

17 DISTRICT DIRECTOR SCHOLL: Okay, very quickly.

18 One of them is something we noted rather late in
19 this process, but it is potentially significant just the
20 way it is worded. In that same Modification No. 27, that
21 we have been discussing, we have been talking about Item
22 J. If you back up to notches, Items H and I --

23 CHAIR WAN: Give me the page, again.

24 DISTRICT DIRECTOR SCHOLL: Again, page 55.

25 CHAIR WAN: Page 55

1 DISTRICT DIRECTOR SCHOLL: In Items H and I, and
2 this was not language that was proposed for modification,
3 this is existing language in the plan. There is language
4 there about development and construction within wetlands,
5 which carries an implication that I don't think any of us
6 is comfortable with.

7 I think the meaning of it would be -- it would be
8 more accurate, and would be appropriate if it says, in the
9 first instance there in H, a combination of storage and
10 control release of storm water runoff shall be required
11 for all development and construction that drains into
12 wetlands, I think would make sense.

13 And, the same in I, the release rate of storm
14 water from all developments that drain into wetlands, et
15 cetera.

16 So, we would propose that as an additional
17 modification.

18 CHAIR WAN: Good catch.

19 Okay, I think, at this point, what we probably --
20 Go ahead.

21 PROGRAM MANAGER MERRILL: Chairman Wan, you had
22 raised a concern about the existing policy in the LCP,
23 dealing with ESHA buffers, and when it is appropriate to
24 reduce the buffer down from 100 feet to 50 feet, and you
25 suggested that there be some reference to incorporating

1 the criteria that it can be reduced if the upland
2 terrestrial habitat adjacent to it is considered, too.

3 And, one way you might do that, there is an
4 existing Policy 3.1-7 of the LUP. It is part of the
5 existing LUP -- so you don't have it in the staff report
6 there -- which deals with this basic issue. And, the
7 relevant part of that policy says that the width of the
8 buffer area shall be a minimum of 100 feet, unless an
9 applicant can demonstrate, after consultation and agree-
10 ment with Fish and Game, and county planning staff, that
11 that 100 feet is not necessary to protect the resources of
12 that particular habitat area from possible significant
13 disruption caused by the proposed development.

14 I would insert after the words habitat area, the
15 language that you were referring to, and adjacent upland
16 transitional habitat. So, then it would read that you can
17 reduce it down below 100 feet, when 100 feet is not
18 necessary to protect the resources of that particular
19 habitat area, and adjacent upland transitional habitat,
20 from possible significant disruption caused by the
21 proposed development.

22 That might be one way to incorporate your
23 thought.

24 CHAIR WAN: I would just add one change, when not
25 necessary to protect the uplands transitional habitat

1 function of the buffer. In other words, it is the buffer
2 that is serving as the upland transitional habitat.

3 Does that make sense?

4 PROGRAM MANAGER MERRILL: Yes.

5 CHAIR WAN: Okay.

6 I have Commissioner Desser, and then I will go to
7 Commissioner Reilly?

8 No? Yes, let's move.

9 COMMISSIONER REILLY: All right, we have a series
10 of four motions, if we are -- unless somebody else has
11 something.

12 CHAIR WAN: Before we do that, let's clarify what
13 the changes are, so that we have a list, so know what we
14 are voting on.

15 DISTRICT DIRECTOR SCHOLL: Yes, Madam Chair, to
16 clarify the changes that we have incorporated in our
17 recommendation includes the one that Mr. Merrill just
18 read, the one that I did just previous to that, the change
19 that Commissioner Estolano raised, and the one that the
20 Chair raised, and that Mr. Faust responded to with the
21 proposal.

22 So, those, I think are the four changes.

23 COMMISSIONER REILLY: I believe that we also
24 incorporated a couple of changes that were requested by
25 the board of supervisor --

1 CHAIR WAN: Correct.

2 COMMISSIONER REILLY: -- relative to natural land
3 forms, and also relative to some of the language regarding
4 the review process of future permits.

5 DISTRICT DIRECTOR SCHOLL: Yes, you are correct.
6 Those that you went through one by one, and we noted those
7 that we incorporated at that time.

8 COMMISSIONER REILLY: Did we also -- if we
9 didn't, I meant to. Did we also incorporate the county's
10 suggested language on bluff-top development setback, with
11 the specification of 100 feet? I do think it is better --
12 I think their language, actually, is better than our
13 language that way.

14 DISTRICT DIRECTOR SCHOLL: The 100 feet, we did
15 not incorporate that, because we were concerned that if
16 you started specifying certain minor developments, where
17 the deed restrictions would not apply, that might suggest
18 in the future that shoreline protective works would be
19 allowable for fences and certain out-buildings --

20 COMMISSIONER REILLY: Okay, I understand that.

21 DISTRICT DIRECTOR SCHOLL: -- we were concerned
22 with that.

23 COMMISSIONER REILLY: Then, let's just leave it
24 the way it is.

25 CHAIR WAN: Commissioner McClain-Hill.

1 COMMISSIONER MC CLAIN-HILL: I am sorry. I just
2 have one question, and it is actually related to the
3 bluff-top provision.

4 And, I just want to understand what the language
5 -- well, does this language, is it intending to establish
6 a situation where if a permit is granted for anything,
7 that then the entire property is no longer subject to
8 protection? I am just not sure, as I read it. I just
9 want to know what the effect is? is that the effect?

10 DISTRICT DIRECTOR SCHOLL: Well, Item 4-C does
11 address -- that is part of what is required, that it does
12 address the relationship between protective works and what
13 kind of development it is.

14 As far as the property, I guess it would cover
15 the whole property, yes, although we are not defining
16 where on the property protective works could not be. We
17 are just saying they couldn't be placed in relation to
18 those items: the residence, the cottage --

19 COMMISSIONER MC CLAIN-HILL: No, no, I under-
20 stand, but --

21 DISTRICT DIRECTOR SCHOLL: -- the garage, and so
22 on.

23 COMMISSIONER MC CLAIN-HILL: -- for instance, if
24 you have a preexisting structure, and -- if you have a
25 preexisting structure, and you build a fence, you get a

1 permit for a fence. Under this language, is the intent
2 then that the entire property, the preexisting structure
3 and the newly permitted fence, that none of that would be
4 eligible for a protective device? As I read the language
5 that appears to be what is contemplated. I just want to
6 know if that is what is contemplated.

7 CHAIR WAN: Can you tell me what page you are on?

8 COMMISSIONER MC CLAIN-HILL: Page 54.

9 CHAIR WAN: Thank you.

10 DISTRICT DIRECTOR SCHOLL: Madam Chair, I believe
11 the intent is to restrict the ability of the property
12 owner to protect future development, not existing
13 development, so it would not inhibit their ability, if
14 they had preexisting structures that were built long
15 before the Coastal Act, or before we came along, this is
16 not affecting their ability to protect those.

17 COMMISSIONER REILLY: Steve, that still doesn't
18 address the issue, though, because if they have a house
19 there currently, and they come in two months from now, and
20 say, "I want to put a fence there." The question is what
21 kicks in? I mean, is that new development?

22 DISTRICT DIRECTOR SCHOLL: If it is defined as
23 new development, but it would depend on how the zoning
24 ordinance treats that, and that varies a little, depending
25 on where property is located.

1 Generally, between the sea and the road, signifi-
2 cant non-attached structures are new development.

3 COMMISSIONER MC CLAIN-HILL: Okay, again, my
4 question is, so if you come in for the fence, and that is
5 considered new development --

6 DISTRICT DIRECTOR SCHOLL: Right.

7 COMMISSIONER MC CLAIN-HILL: -- this deed
8 restriction then would cause you to -- your property then
9 would be restricted such that you could not only not
10 protect the fence, you couldn't protect the house.

11 So, in essence, you don't want the fence.

12 DISTRICT DIRECTOR SCHOLL: That is not the
13 intent.

14 The intent would be that you could not build a
15 protective works specifically designed to protect the
16 fence, but if you already had the home, you would have the
17 ability to apply for protective work to protect the home.

18 They might, in some cases, one protective work
19 might affect both structures, obviously.

20 COMMISSIONER MC CLAIN-HILL: I am just not -- I
21 am not certain that that is what this language
22 accomplishes, and I am just concerned that we not have an
23 ambiguity, and I don't really know which way I fall on the
24 issue. It is just that I want us to understand what we've
25 done, so that we don't debate it later.

1 COMMISSIONER REILLY: The county's suggestion for
2 language relative to that point, would after the word
3 development, have a parentheses excluding fences, septic
4 systems, wells, and similar minor improvements, in
5 parentheses, be in there to clarify and differentiate what
6 the kind of development this provision would be applied
7 to.

8 CHAIR WAN: The question I would have then would
9 be, would that mean if you put a septic system in you
10 could get a protective device, just to protect the septic
11 system?

12 COMMISSIONER REILLY: Well, in terms of develop-
13 ment, a nexus, I think that this is -- I mean the way we
14 have been using it, is pretty much when we have new homes
15 that want to go in on bluff tops, is how we have been
16 using this, and I don't know that we have really tried to
17 apply it retroactively to the homes that are already
18 there. If that is the intention of the Commission, then I
19 think you can go that way, but --

20 CHAIR WAN: No, I don't think that is our inten-
21 tion. But, our intention should be, I would think, to say
22 it in such a way that if they come in for new development,
23 they can't get anything to protect the new development,
24 but allow existing development to have the protection.

25

1 Is that what you are trying to get at, Commis-
2 sioner McClain-Hill?

3 COMMISSIONER MC CLAIN-HILL: Yeah, I guess my
4 concern is simply this, I mean, it may be that if there is
5 a new development that is sort of integral to the existing
6 structure, like you are enlarging your house, or something
7 of that nature, that it is our desire at that point to
8 impose a restriction.

9 I am certainly not comfortable with the idea that
10 a incidental development --

11 COMMISSIONER REILLY: De minimis stuff.

12 COMMISSIONER MC CLAIN-HILL: -- yeah, sort of de
13 minimis development, that in order to get -- that having
14 that permitted, would trigger this kind of restriction
15 that would cover the entire property, or cause that
16 property owner to, in essence, forfeit their right to
17 protection.

18 So, I don't know exactly how we make that
19 distinction, but I don't think that we have been
20 attempting to move in that direction.

21 CHAIR WAN: Ms. Patterson, did you? did I see
22 your hand raised?

23 DEPUTY ATTORNEY GENERAL PATTERSON: Well, I
24 understand what staff is trying to get at, and I also
25 understand Commissioner McClain-Hill's comments, and when

1 I am reading these suggested modifications on page 54, it
2 occurred to me that we either want to add language that
3 says all Coastal Development Permits for new bluff-top
4 residential development, such that you are dealing with
5 new homes, that makes the rest of it consistent.

6 Or, we need to clarify the language in the sub-
7 section so that you are not approving a fence, and then if
8 the fence starts to fall down, you are requiring them to
9 remove the house, the garage, and everything else along
10 with it, which was preexisting.

11 So, either we need to add language, or clarify
12 the language in the subsections, so that they work
13 together. What you are trying to get at, is not allowing
14 new, substantial development that then is protected with
15 shoreline protective devices. So, you know, we can work
16 out language with staff, but it would be preferable if you
17 would clarify. Are you -- is this just new residential
18 development? or what are we trying to --

19 COMMISSIONER REILLY: I think it is --

20 DEPUTY ATTORNEY GENERAL PATTERSON: -- address
21 here.

22 COMMISSIONER REILLY: -- the former, rather than
23 the latter.

24 DISTRICT DIRECTOR SCHOLL: Residential?

25 CHAIR WAN: Commissioner Estolano.

1 COMMISSIONER ESTOLANO: I guess, I can only speak
2 for myself, but I think it would apply to new residential
3 development, but I think it should apply to all new
4 coastal development permits, and then you would have C and
5 D, which directly address residential development.

6 But, because you can imagine, where you have a
7 vacant lot, somebody builds a septic system, you don't
8 want to be able to build a protective device to protect
9 that septic system.

10 CHAIR WAN: Commissioner --

11 COMMISSIONER MC CLAIN-HILL: Well, I think that,
12 essentially, the problem -- I know that one of the
13 problems that we are attempting to address is a situation
14 where a new residential development is grandfathered into
15 sea wall protection, or the protective provisions of the
16 Act, because they are remodeling, you know, a preexisting
17 structure, or attached to, or integrated into a
18 preexisting structure.

19 In addition to that, I suspect that we do not
20 want to be in the position of needing to erect a
21 protective device in order to protect a new fence, or a
22 new anything else.

23 So, it may be that we need to make two separate
24 modifications so that we cover both eventualities, but do
25 not create a situation where the need to remove the fence

1 also gives us the right to have a preexisting home
2 removed.

3 COMMISSIONER REILLY: I would agree with that,
4 but if we are going to have language about new residential
5 development, we need also to include commercial. We have
6 a few hotels in the state hanging over cliffs, too.

7 SENIOR DEPUTY DIRECTOR DAMM: That is the point I
8 was --

9 CHAIR WAN: Okay, does that take care of your
10 point, Mr. Damm?

11 SENIOR DEPUTY DIRECTOR DAMM: Yes, because there
12 is commercial development along the bluffs there.

13 CHAIR WAN: Commissioner Daniels.

14 COMMISSIONER DANIELS: Along those lines, I have
15 a question of staff.

16 There was a point raised by the Sierra Club in
17 one of the letters that was submitted to us, with some
18 photographs, that perhaps there was zoning for a motel
19 development on a bluff top edge, and I was wondering if
20 that was correct? I couldn't find the specific reference
21 in the report, as to what was zoned for that particular
22 area on Bourens Landing, and Cooks Beach.

23 I did see something about access trails. I am
24 just not sure if I can find the right spot that would

25

1 indicate what was planned to be developed on that
2 particular bluff, but that was of concern to me.

3 DISTRICT DIRECTOR SCHOLL: Well, while Mr.
4 Merrill is looking, I would just respond that the downtown
5 portion of Gualala actually does include commercial
6 parcels that are along the bluff top, that are there, and
7 existing.

8 And, there actually happens to be a trail seaward
9 of those that was acquired through dedications required by
10 the Commission for previous developments. But, there is a
11 commercial area. I am not sure if that is the area that
12 you are referring to.

13 COMMISSIONER DANIELS: Perhaps I could ask the --

14 COMMISSIONER REILLY: Mr. Lotter, do you have an
15 answer in 20 words, or less, to the Commissioner's
16 question.

17 MR. LOTTER: The property at Bouren's Landing is
18 a rather large piece, and it does have provisions for a
19 20-unit visitor-serving facility, but it is also outside
20 of the town plan area.

21 COMMISSIONER REILLY: Okay.

22 COMMISSIONER DANIELS: What does that mean?

23 CHAIR WAN: Okay.

24 COMMISSIONER DANIELS: So, it is not on the
25 bluff?

1 CHAIR WAN: No, it is not in this --

2 COMMISSIONER DANIELS: Oh, I see.

3 CHAIR WAN: -- is what he is saying.

4 COMMISSIONER DANIELS: Thank you.

5 CHAIR WAN: So, I think we have got where we are
6 going.

7 We understand that the bluff-top development
8 applies to development, and not just to residential
9 development, okay.

10 Okay, Commissioner Reilly.

11 COMMISSIONER REILLY: Okay.

12 CHAIR WAN: Okay, Commissioner Reilly.

13 [MOTION]

14 COMMISSIONER REILLY: We have a series of four
15 motions that staff is requesting of us, Madam Chair, and
16 just for people that aren't familiar with our process, we
17 actually have to go in and deny the process as submitted,
18 in order to go back and approve it with conditions, so
19 that is the intent of these.

20 On motion 1, I hereby move that the Commission
21 certify Amendment No. 2-98 to the Mendocino County Land
22 Use Plan, as submitted by the county, and I recommend a
23 "No" vote.

24 COMMISSIONER POTTER: Second.

25

1 CHAIR WAN: Moved by Commissioner Reilly,
2 seconded by Commissioner Potter.

3 Any objection to a unanimous roll call?

4 [No Response]

5 Seeing none, that plan, as submitted, has been
6 rejected.

7 [MOTION]

8 COMMISSIONER REILLY: Okay, motion 2, I move the
9 Commission certify Amendment No. 2-98 to the Mendocino
10 County Land Use Plan, as submitted by the county, if
11 modified as suggested, and I ask for a "Yes" vote.

12 COMMISSIONER POTTER: Second.

13 CHAIR WAN: And, this includes the modifications
14 that we've discussed today?

15 COMMISSIONER REILLY: It does.

16 CHAIR WAN: Okay.

17 I have a motion by Commissioner Reilly, and a
18 second by Commissioner Potter, any objection to a
19 unanimous roll call?

20 [No Response]

21 Seeing none, the plan as modified by the staff
22 has been adopted.

23 [MOTION]

24 COMMISSIONER REILLY: Motion 3 has to do with the
25 implementation program. I hereby move that the Commission

1 reject the implementation program of the Mendocino County
2 Local Coastal Program, and ask for a "Yes" vote.

3 COMMISSIONER POTTER: Second.

4 CHAIR WAN: Moved by Commissioner Reilly,
5 seconded by Commissioner Potter, any objection to a
6 unanimous roll call?

7 [No Response]

8 Seeing none, the implementation program of the
9 county has been rejected.

10 [MOTION]

11 COMMISSIONER REILLY: Okay, the final motion, I
12 hereby move that the Commission approve the implementation
13 program of the Mendocino County Local Coastal Program, if
14 modified as suggested, and I ask for a "Yes" vote.

15 COMMISSIONER POTTER: Second.

16 CHAIR WAN: Moved by Commissioner Reilly,
17 seconded by Commissioner Potter, any objection to a
18 unanimous roll call?

19 [No Response]

20 Seeing none, the implementation, as
21 modified, has been approved.

22 I think we have got through that with a little
23 bit of difficulty, but at least we got through it.

24 Thank you all for your patience.

25 [Whereupon the hearing concluded.]

10





KRISTI FURMAN
Member of the Board

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COUNTY OF MENDOCINO
BOARD OF SUPERVISORS
501 Low Gap Road • Room 1090
Ukiah, California 95482

July 14, 1999

STEVEN SCHOLL, DISTRICT DIRECTOR
CALIFORNIA COASTAL COMMISSION
45 FREMONT STREET, SUITE 2000
SAN FRANCISCO, CA 94105-2219

Re: Gualala Town Plan - LCP Amendment No. 2-98

Dear Mr. Scholl:

Under cover of this letter, the Mendocino County Board of Supervisors submits comments to the Coastal Commission regarding the Gualala Town Plan Suggested Modifications as proposed by the Coastal Commission staff. The Board of Supervisors requests that their comments (attached Exhibit 1) be forwarded to the Coastal Commission for consideration at the Commission's hearing scheduled for July 15, 1999.

The Board of Supervisors would like to take this opportunity to emphasize that the Gualala Town Plan represents a tremendous planning effort by the Gualala Municipal Advisory Council (GMAC) and the citizens of the Gualala Town Plan planning area. Thousands of hours have been spent at the local level carefully analyzing the many complex planning issues which exist in this coastal community, and any changes to the Gualala Town Plan made by the Coastal Commission should be carefully examined with respect to possible ramifications which may result from said revisions.

The Board of Supervisors thanks the Coastal Commission staff for providing the County with an opportunity to comment upon the Draft Suggested Modifications. Several of the proposed revisions will make the Gualala Town Plan a better planning document. Given the complexity of this project, there are relatively few revisions proposed by the Commission's staff with which there remains some level of disagreement. This fact supports the Board of Supervisor's contention that the Gualala Town Plan is an exemplary comprehensive planning effort, carried out by an informed and diligent citizenry.

Sincerely,


Supervisor Shoemaker, Chairman

cc: Board of Supervisors
GMAC
Gary Pedroni, Planning & Building Services
Raymond Hall, Planning & Building Services

EXHIBIT NO.	7
APPLICATION NO.	MENDO CO. LCP AMENDMENT 2-98
JULY 99 LETTER FROM BOARD OF SUPERVISORS	

THE BOARD OF SUPERVISORS

MICHAEL M. DELBAR
First District

RICHARD SHOEMAKER
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PATRICIA A. CAMPBELL
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Fifth District

EXHIBIT 1

MENDOCINO COUNTY BOARD OF SUPERVISORS'
 COMMENTS REGARDING SUGGESTED MODIFICATIONS
 GUALALA TOWN PLAN - LCP AMENDMENT NO. 2-98

Suggested Modification No. 2, Page 11

Coastal Commission Staff Recommendation: The Commission staff proposes a text change to Plan Section 1.4 adding language as follows:

Where there appears to be a conflict among policies within the Town Plan, or between policies in the Town Plan and in the rest of the certified LCP, the more restrictive policy would apply.

Mendocino County BOS Recommendation: In order to allow for an effective amount of latitude in applying the various layers of regulations, the Board recommends adding the word "specific" to the newly proposed language as follows:

Where there appears to be a conflict among policies within the Town Plan, or between policies in the Town Plan and in the rest of the certified LCP, the more specific or restrictive policy would apply.

Another option would be to include the following language:

Where there appears to be a conflict among policies within the Town Plan, or between policies in the Town Plan and in the rest of the certified LCP, the more specific ~~or restrictive~~ policy would apply provided said policy is not inconsistent with the Coastal Act.

Suggested Modification No. 3, Page 20

Coastal Commission Staff Recommendation: Modify G3.4-1 as follows:

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.

Mendocino County BOS Recommendation: For greater consistency with the Coastal Act, this policy should read as follows:

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 *to natural landforms*.

Coastal Staff proposes an additional policy relating to design review as follows:

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.

Mendocino County BOS Recommendation: Addition of the first 2 sentences of G3.4-41 as proposed by Commission staff is unnecessary as this portion of the policy simply repeats, in a summary fashion, policies which are found in other parts of the Plan. The second part of the proposed policy is acceptable if modified as follows:

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 commercial and multiple unit residential development (excluding second residential unit development) requiring a coastal development permit within the Gualala Village Mixed Use, Gualala Highway Mixed Use, and Gualala Planned Development districts shall be referred to reviewed by the Gualala Municipal Advisory Council or some similar advisory council for comment prior to action by the Coastal Program Administrator or the Planning Commission. Filing a coastal development permit application as complete. The advisory council shall forward its findings and recommendations to the Coastal Program Administrator or Planning Commission for its consideration. permit issuing authority prior to action by that permit issuing authority.*~~

Suggested Modification No. 10 (Page 3)

Coastal Commission Staff Recommendation: Proposes adding Policies G3.7-8 and 3.7-9 relating to visitor-serving facilities as follows:

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.*

Mendocino County BOS Recommendation: The Board does not feel that it is necessary to add the suggested visitor-serving policies proposed by Commission staff. Gualala Town Plan Section 1.4 describes how this Plan is intended to work within the context of the County's Coastal Element, which contains several policies related to visitor-serving issues that are applicable to the entire Coastal Zone, not just Gualala. The County's Coastal Element has been found to be consistent with the Coastal Act, and Coastal Element goals and polices relating to VSFs would continue to apply within the GTP area.

Suggested Modification No. 12 (Page 4)

Coastal Commission Staff Recommendation: Commission staff proposes new policies relating to sewer and water service.

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.*

G3.10-4 *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.

Mendocino County BOS Recommendation: Proposed Policies G3.10-2 and G3.10-4 should not be included in the Plan. G3.10-2 imposes a higher standard upon single family residential development than currently exists elsewhere in the Coastal Zone. Goal 3.10-4 is unnecessary regulation of service providers which are already regulated by other state agencies.

Suggested Modification No. 13 (Page 4) (Page No. 20) (Page 4)

Coastal Commission Staff Recommendation: Under the heading of "Requirements for Residential Uses Development", Commission staff has suggested a percentage of total lot area (10%) to be set aside for visitor-serving facilities within the GPD District as follows:

Chapter 4 - Land Use Classifications; Gualala Planned Development

Requirements for Residential Uses 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.*

Mendocino County BOS Recommendation: The Board does not support the proposed quota system, concurring with the Gualala Municipal Advisory Council in stating that VSFs will be built as economic forces compel them to be developed. The community realizes that tourism is the largest single component of the town's economy and therefore the VSF quota is unnecessary.

Note: Correction of Typo - Gualala Proposed Zoning Map, GTP page 26; Proposed Zoning Changes Key; "GVMWU"