

**CALIFORNIA COASTAL COMMISSION**

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# W12a

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## STAFF REPORT: APPEAL SUBSTANTIAL ISSUE DETERMINATION ONLY

**Appeal No.:** A-1-MEN-25-0050

**Applicant:** California Department of Transportation

**Appellants:** (1) Save Gualala and (2) Bower Limited Partnership

**Local Government:** County of Mendocino

**Local Decision:** Approval with Conditions (CDP\_2024-0040)

**Location:** Highway 1 in downtown Gualala between Old State Highway and Ocean Drive (Postmile 0.6 to 1.0).

**Project Description:** Gualala Downtown Streetscape Enhancement Project including reconfiguring Highway 1 by removing on-highway parking and installing two-way left turn lanes, bicycle lanes, sidewalks, pedestrian refuge islands, crosswalks, activated flashing beacons, drainage, landscaping, and various other improvements.

**Staff Recommendation:** No Substantial Issue

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### IMPORTANT HEARING PROCEDURE NOTE

This is a substantial issue only hearing. Testimony will be taken only on the question of whether the appeal raises a substantial issue. Generally, and at the discretion of the Chair, testimony is limited to 3 minutes total per side (although the Chair has the discretion to modify these time limits). Please plan your testimony accordingly. Only the applicant, appellants, persons who opposed the application before the local government

(or their representatives), and the local government shall be qualified to testify; others may submit comments in writing (14 CCR § 13117). The Commission will accept the appeal for a full de novo review unless it determines that the appeal raises no substantial issue. Otherwise, the Commission takes jurisdiction over the underlying coastal development permit (CDP) application and will review that application at a future Commission meeting, at which time all persons are invited to testify. If the Commission finds that the appeal does *not* raise a substantial issue, then the local government CDP decision stands, and is thus final and effective.

## **SUMMARY OF STAFF RECOMMENDATION**

The County of Mendocino approved a Coastal Development Permit (CDP) authorizing the Gualala Downtown Streetscape Enhancement Project. The project would install various complete street elements on Highway 1 through the town of Gualala, including pedestrian, bicycle, landscaping, and drainage improvements. Gualala is a small coastal community in Mendocino County north of the mouth of the Gualala River and serves the south coast of Mendocino County and northern Sonoma County, including being very near to the popular Sea Ranch community. Highway 1 runs through the center of downtown Gualala essentially as its' town "Main Street." Currently there is a nearly complete lack of pedestrian sidewalks, safe bike lanes or shoulders, pedestrian crosswalks, and other complete street or town beautification elements. Essentially the center of the town environment is just a highway with asphalt shoulders that are used for informal highway shoulder parking. Yet, downtown Highway 1 has a large number of visitors using the various shops, groceries, and restaurants on both sides of the highway, including such amenities as a weekly farmers market, generating pedestrian traffic, and indeed could see much more such traffic and visitorship were it more amenable to foot traffic. Currently pedestrians must walk along the highway shoulder, or cross unsafely at random locations, and/or through various parking lots. The area is also popular with cyclists along the Mendocino coast and could support more local cycling traffic for transportation if it were safer. The proposed project represents a significant improvement, with new bike lanes, sidewalks, crosswalks, and some landscaping.

Mendocino County's certified Local Coastal Program (LCP) was adopted and effectively certified in 1992 and includes the Gualala Town Plan which provides planning goals and policies for growth within Gualala area consistent with the established goals and policies of the LCP. The appeal raises contentions that the project is inconsistent with the LCP and the Town Plan regarding landscaping, the Coastal Act's public access policies, and ancillary and procedural issues. Staff recommends that none of the contentions raise a substantial issue as to the approved project's consistency with the certified LCP. Staff find that there is substantial factual and legal support for the County's decision for approval, and that it conforms with the County's certified LCP and the public access policies of the Coastal Act.

There are two primary contentions raised by the appellants. The first is that the project violates the LCP because it does not include landscaping for the entire project scope and, particularly, in the new proposed medians. The Gualala Town Plan, and hence the

LCP, include various provisions that state landscaping “should” be provided in the town center and along Highway 1. Here, Caltrans proposes some landscaping, but not the throughout the entire extent of the project. The County found that Caltrans included as much landscaping as feasible, and that this was consistent with the LCP/Town Plan requirements. Caltrans is essentially unable to provide more landscaping because it does not have any further right-of-way, and further landscaping would thereby require removal of either the bike lane or sidewalks. As to the medians, Caltrans is unable to landscape those because of highway median standards, because the county is unable to accept maintenance obligations due to financial constraints. Additionally, landscaping within the medians could reduce sight visibility and potentially obscure pedestrians in the crosswalk. As to the issue, the county’s conclusions are accurate and have substantial factual and legal support.

The second issue raised is the removal of parking along Highway 1 to install new bicycle lanes and sidewalks. The appeal by Bower Limited Partnership contends this will reduce coastal public access in general as well as access to the nearby Gualala Bluff Trail. However, the County found that installation of new bicycle lanes, crosswalks, and sidewalks will improve public access by expanding access for pedestrians and cyclists, and that there is sufficient informal parking adjacent to Highway 1 in southern Gualala. Further, policies within the certified LCP support the removal of parking along Highway 1. As to this issue, the County’s conclusions have substantial factual and legal support.

Due to the limited scope of the approved project, the significance of affected coastal resources affected by the project is minimal. The County imposed numerous conditions related to resource protection and visual resource considerations and provided substantial legal and factual support for its determination that the approved project, as conditioned, will protect all coastal resources consistent with LCP requirements.

Staff therefore recommends that the Commission, after public hearing, determine that the appeal contentions do not raise a substantial issue of LCP conformance. The motion to adopt the staff recommendation of No Substantial Issue is found on page 8.

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## EXHIBITS

[Exhibit 1 – Project Vicinity Map](#)

[Exhibit 2 – Visual Simulations and County Approved Layout and Landscaping Plans](#)

[Exhibit 3 – County’s Notice of Final Action and Staff Report dated June 26, 2025.](#)

[Exhibit 4 – County’s Supplemental Findings dated June 26, 2025, and November 4, 2025.](#)

[Exhibit 5 – Appeal Filed by Save Gualala](#)

[Exhibit 6 – Appeal Filed by Bower Limited Partnership](#)

## **I. LOCAL GOVERNMENT ACTION**

On June 26, 2025, the Mendocino County Coastal Permit Administrator conditionally approved Coastal Development Permit 2024-0040 (CDP 2024-0040) authorizing Caltrans to develop the Gualala Downtown Streetscape Enhancement Project. The Coastal Permit Administrator's decision was appealed to the County Board of Supervisors on October 30, 2025, by Bower Limited Partnership. On November 4, 2025, the Mendocino County Board of Supervisors denied the appeal and upheld the project approval, conditionally approved Coastal Development Permit 2024-0040 (CDP 2024-0040) pursuant to 9 standard conditions and 18 special conditions.

The County issued a Notice of Final Action (NOFA) received at the Commission's North Coast District Office on November 5, 2025, including staff report findings (Exhibit 3).

## **II. FILING OF APPEALS**

On November 14, 2025, the Commission received an appeal of the project by Save Gualala. On November 19, 2025, a separate appeal was received by Bower Limited Partnership. Both appeals were received within ten working days of receipt by the Commission of the County's NOFA. Pursuant to section 30621(a) of the Coastal Act, a hearing on an appeal must be set no later than 49 working days after the date on which an appeal is determined filed; however, according to Coastal Act section 30625(a), the applicant can waive that time limit. On November 14, 2025, Caltrans, the applicant, submitted a signed waiver of the 49-working-day deadline for opening the Commission hearing on the appeal.

## **III. APPEAL JURISDICTION & PROCEDURES**

### **A. APPEAL JURISDICTION**

The Coastal Act provides that after certification of a local government's Local Coastal Program (LCP), the local government's actions on Coastal Development Permit (CDP) applications for development in certain areas and for certain types of development may be appealed to the Coastal Commission. Local governments must provide notice to the Commission of their final CDP actions. During a period of ten working days following Commission receipt of a notice of final local action for an appealable development, an appeal of the action may be filed with the Commission. The Coastal Commission effectively certified the County of Mendocino's LCP in 1992.

Approvals of CDPs by cities or counties may be appealed if the authorized development will be located within the appealable areas, which under Coastal Act section 30603(a)(1) through (3)<sup>1</sup> include development located (1) between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tideline of the sea where there is no beach, whichever is the greater distance; (2) in other areas on tidelands, submerged lands, public trust lands, within 100

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<sup>1</sup> See Commission regulations 14 CCR § 13577 for guidance.

feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff; or (3) in a sensitive coastal resource area. Approvals of CDPs by counties also may be appealed if the approved development is not designated as the principal permitted use under the county's certified zoning ordinance or zoning district map (Coastal Act section 30603(a)(4)). In addition, any development that constitutes a major public works project or a major energy facility that is approved or denied by a city or county may be appealed (Coastal Act section 30603(a)(5)).

In this case, the County's approval of the subject project is appealable to the Commission because the approved project is located between the sea and the first public road paralleling the sea and the project constitutes a major public works project.

## **B. APPEAL PROCEDURES**

Coastal Act section 30603(b)(1) states that the grounds for an appeal pursuant to Coastal Act section 30603(a) shall be limited to an allegation that the approved development does not conform to the standards set forth in the certified Local Coastal Program (LCP) or the public access policies set forth in the Coastal Act. Coastal Act section 30625(b) requires the Commission to hear an appeal unless it determines that no substantial issue exists with respect to the grounds on which the appeal has been filed.

The Commission's consideration of appeals is a two-step process. The first step is determining whether the appeal raises a substantial issue that the Commission, in the exercise of its discretion, finds to be significant enough to warrant the Commission taking jurisdiction over the CDP application. The Commission is required to begin its hearing on an appeal, addressing at least the substantial issue question, within 49 working days of the filing of the appeal unless the applicant has waived that requirement, in which case there is no deadline.<sup>2</sup> At the Substantial Issue determination stage, the Commission may only consider issues brought up by the appeal.

### **1. Factors in Determining Whether a Substantial Issue is Raised**

The Coastal Act and the Commission's implementing regulations are structured such that "substantial issue" is presumed, and the Commission generally considers a number of factors in making such a determination. The term "substantial issue" is explained in section 13115(c) of the Commission's regulations as follows:

*When determining whether the appeal raises a substantial issue, the Commission may consider factors, including but not limited to:*

- (1) the degree of factual and legal support for the local government's decision;*

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<sup>2</sup> In the case of Appeal No. A-1-MEN-25-0050, pursuant to section 30625(a) of the Coastal Act, the applicant elected to waive the 49-working-day time limit for opening a hearing on the appeal.

- (2) *the extent and scope of the development as approved or denied by the local government;*
- (3) *the significance of the coastal resources affected by the decision;*
- (4) *the precedential value of the local government's decision for future interpretations of its LCP; and*
- (5) *whether the appeal raises only local issues as opposed to those of regional or statewide significance.*

*The Commission may, but need not, assign a particular weight to a factor.*

Commission staff has analyzed the administrative record for the approved project, including, but not limited to, the County's Notice of Final Action (Exhibit 3), the appellants' claims (Exhibit 5 and 6), and the relevant requirements of the Coastal Act and certified LCP. Staff is recommending that the Commission find that the appeal of the County's action raises no substantial issue with respect to the grounds on which the appeal was filed.

## **2. Appeal Hearing Procedures**

In this case, because staff is recommending that the appeal raises No Substantial Issue, the Commission will hear arguments and vote on the substantial issue question. Generally, and at the discretion of the Chair, qualified persons will have three minutes per side to address whether the appeal raises a substantial issue. The only persons qualified to testify before the Commission on the substantial issue question are the applicant (or their representatives), the appellants (or their representatives), persons who opposed the project application before the local government, and the local government. Testimony from other persons regarding substantial issue must be submitted in writing. It takes a majority of Commissioners present to find that no substantial issue is raised.

If, following testimony and a public hearing, the Commission determines that the appeal does not raise a substantial issue, then the Commission does not take jurisdiction over the underlying CDP application and the local government approval will stand. Should the Commission determine that a substantial issue does exist, the Commission will consider the CDP application(s) for the subject development *de novo*. The applicable test for the Commission to consider in a *de novo* review of a project is whether the proposed development is in conformity with the certified LCP and, if the development is between the sea and the first public road paralleling the sea (as is the case here), the public access policies of the Coastal Act. If a *de novo* hearing is held, testimony may be taken from all interested persons. In this case, any consideration of a *de novo* application will occur at a future hearing and not at the hearing considering whether a Substantial Issue is raised.

#### IV. MOTION AND RESOLUTION

Staff recommends that the Commission determine that **No Substantial Issue** exists with respect to the grounds on which the appeals were filed. A finding of no substantial issue would mean that the Commission would not take jurisdiction over the underlying CDP application for the proposed project and would not conduct further hearings on this matter, and that the local government CDP decision stands and is thus final and effective.

**Motion:**

I move that the Commission determine that Appeal Number A-1-MEN-25-0050 does not present a substantial issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act regarding consistency with the Certified Local Coastal Plan and/or the public access and recreation policies of the Coastal Act.

Staff recommends a **yes** vote on the foregoing motion which, if passed, will result in the recommended no substantial issue finding. If the motion fails, then the Commission will have found a substantial issue and will take jurisdiction over the subject CDP application; however, the de novo portion of the hearing will be held at a future date. The motion passes only by an affirmative vote of a majority of the Commissioners present.

**Resolution:**

The Commission hereby finds that Appeal No. A-1-MEN-25-0050 raises No Substantial Issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act regarding consistency of the approved development with the certified Local Coastal Program and/or the public access policies of the Coastal Act.

#### V. FINDINGS AND DECLARATIONS FOR NO SUBSTANTIAL ISSUE

##### A. PROJECT DESCRIPTION & BACKGROUND

Project Location

The project approved by County of Mendocino and as described in the County's Staff Report (Exhibit 3), authorizes the Gualala Downtown Streetscape Enhancement Project. The project proposes various improvements including reconfiguring Highway 1 in downtown Gualala to include sidewalks, removing on-street parking and installing bike lanes, installing crosswalks, pedestrian beacons, median islands, landscaping, a radar feedback sign, and various other drainage improvements.

As noted in the introduction to the certified Gualala Town Plan (an LUP chapter of the County's certified LCP), Gualala is a small coastal community situated in the southwest corner of Mendocino County at the mouth of the Gualala River. The unincorporated

town of Gualala is a service center for the south coast of Mendocino County and for The Sea Ranch and northern Sonoma County that serves a regional population of about 2,500.

Highway 1 through the North Coast provides regional access between Sonoma, Mendocino, and Humboldt Counties along the Pacific Coast. The portion of Highway 1 through the project area serves as “Main Street” in Gualala, bounded on both sides by grocery stores, shops, restaurants, outdoor food vendors, and other amenities such as a weekly farmers market. However, Highway 1 here through town has few sidewalks, no safe bike access, only one crosswalk, and underdeveloped pedestrian and cyclist amenities (Exhibit 2).

The project area segment of Highway 1 through Gualala contains two travel lanes that vary in width from approximately 11 to 12 ft with roughly paved shoulders that range up to 12 ft. Shoulder areas are currently used for informal on-street parking. Within the project area, Highway 1 is part of the Pacific Coast Bike Route, is classified as a minor arterial street, and has a posted speed limit of twenty-five (25) miles per hour. There is one existing pedestrian crosswalk in the project area as well as disconnected segments of sidewalk on the northbound side of SR 1 for part of a block without existing curb ramps.

The project is adjacent to areas designated under the County’s certified LCP as Gualala Village Mixed Use. As stated in Coastal Element Section 4.14 this classification is intended to, “to provide for commercial development and residential development which are 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.”

#### Description of County-Approved Project

On November 4, 2025, the Mendocino County Board of Supervisors conditionally approved Coastal Development Permit 2024-0040 (CDP 2024-0040) which authorized the following, as described in the County’s Notice of Final Action (NOFA) transmitted for the project (Exhibit 3):

The proposed development would implement the Gualala Downtown Streetscape Enhancement Project, which would essentially add several complete street elements to the town with the aim of improving pedestrian and cyclist safety and improving the visual streetscape in town. See Exhibit 2 for simulations of proposed views. Specifically, the project would involve:

- Reconfiguring State Route 1 (SR 1) between Post Mile (PM) 0.6 to 1.0 into:
  - Two 11-foot-wide travel lanes
  - A 12-foot-wide two-way left turn lane (TWLTL) through portions of the project area
  - Two 5-foot-wide Class II bicycle lanes

- 6-foot-wide and 5-foot-wide sidewalks on straight alignments through portions of the project area
- On both sides of the highway beyond the edges of sidewalks the width of the right-of-way will vary from as little as five (5) feet to as much as one hundred fifteen (115) feet.
- Installing three (3) side street crosswalks.
- Installing five (5) mainline crosswalks.
- Installing pedestrian activated flashing beacons at crosswalks.
- Installing a radar feedback sign facing southbound traffic at PM 0.94 and relocate the northbound radar feedback sign from Post Mile 0.3 to 0.62.
- Installing median islands at select locations.
- Improving drainage facilities and relocating utilities as needed.
- Eliminating informal on-street parking on SR 1. Caltrans would install Parking Lot with arrow signs to deter on-street parking in accordance with Gualala Town Plan Policy G3.6- 12.
- Installing a bioswale within the right-of-way near the southern end of the project area.
- Installing landscaping in areas where Caltrans has sufficient right-of-way to do so, primarily at the north and south ends of the project corridor on the north and southbound entries to town.
- Drainage improvements would include elevating approximately fifty (50) water and sewer valve covers to match the future elevation of the pavement surface. Subsurface conduits and pipes in conflict with up to eight (8) proposed drainage inlet locations would be relocated laterally. An existing corrugated metal pipe (CMP) would be replaced with a two (2) foot reinforced concrete pipe (RCP) at PM 0.76. Twelve (12) new drainage inlets and approximately 1,088 linear feet of new culvert would be installed along the southern section of the project area. Forty (40) linear feet of existing CMP would be replaced with three (3) foot RCP at PM 0.93 along the northern section of the project area. Six (6) drainage inlets and approximately 512 linear feet of new culvert would be installed in the northern section. A bioswale would be installed between PM 0.613 and 0.635 and would consist of compost, Rolled Erosion Control Product (RECP) netting, and hydroseeding. In addition, compost and wood mulch erosion control features would be installed along the outside edge of sidewalks throughout the project area.
- Approximately twenty (20) electrical, telephone, and fiber optic utility vaults greater than one foot by one foot (1'x1') would also be elevated to match the future elevation of the pavement surface.

## **B. SUMMARY OF APPEAL CONTENTIONS**

There are two appeals filed in this matter, one by Save Gualala (Exhibit 5) and the other by the Bower Limited Partnership (Exhibit 6). The two appeals' general contentions are that the County's approval is not consistent with its certified LCP, including the policies of the Gualala Town Plan, and is not consistent with the public access policies in

Chapter 3 of the Coastal Act. As summarized below, the appeals filed by Save Gualala and Bower Limited Partnership generally discuss the following contentions:

1. The approved project is inconsistent with the landscaping requirements of the Gualala Town Plan, as the project does not include various landscaping improvements within the proposed medians and along the proposed sidewalks. As such, the approved project fails to maintain and provide scenic qualities as required by the LCP.
2. The approved project is inconsistent with public access policies of the Coastal Act, because the County approved project includes the removal of on-highway parking along Highway 1, which will impact the public's ability to access the coast, including the Gualala Bluff Trail.
3. The project is inconsistent with the public recreation and various other policies of the Coastal Act, and by extension, the County's LCP, because the approved project includes the removal of on street parking on Highway 1, which will impact the public's ability to access and recreate along the coast.
4. The removal of on-street parking is likely to increase traffic speed and make the highway more dangerous.
5. Caltrans, as the applicant, failed to demonstrate sufficient property rights to undertake the County-approved development, and the approved project as conditioned is located in part on property owned by Bower Limited Partnership. Thus, the County's approval represents a regulatory taking.
6. Caltrans, as the lead agency for the project, failed to comply with CEQA, as the Initial Study and Negative Declaration was not recirculated following the removal of landscaping from the project description.

For the reasons discussed below, the Commission finds that only contentions 1 through 3 above present valid grounds for appeal. Contentions 4, 5, and 6 listed above are not valid grounds for appeal as the contentions do not address either the LCP or the Public Access policies under Chapter 3 of the Coastal Act. Section 30603(b)(1) of the Coastal Act only allows appeals based on lack of conformity with LCP policies and standards or with the public access policies of the Coastal Act (for projects located between the sea and the first public road).

Analysis of the valid contentions raised are included in finding C below and both appeals are included as Exhibit 5 and Exhibit 6.

### **C. SUBSTANTIAL ISSUE ANALYSIS**

Pursuant to sections 30603 and 30625 of the Coastal Act, the appropriate standard of review for an appeal is whether a substantial issue exists with respect to the grounds raised by the appellant relative to the locally approved project's conformity to the policies contained in the certified LCP or the public access policies of the Coastal Act. In

this case, the appeal contends that the approved project as conditioned is inconsistent with the public access and public recreation policies of the Coastal Act, and the policies of the Gualala Town Plan in Mendocino County's certified LCP.

### 1. Landscaping / Scenic Quality

As summarized above, both appeals contend that the approved project does not conform to the landscaping policies of the Gualala Town Plan (GTP) within the County's certified LCP. According to the appeals, the project is inconsistent with policies of the LCP including, but not limited to, GTP policies G3.4-22, G3.4-26, G3.4-27, G3.4-28, G3.4-29, G3.4-30, G3.6-1, G3.6-2, and G3.6-16. The appeals contend that the project is inconsistent with these policies, because the project does not include (1) as much landscaped area as feasible, (2) landscaped medians, (3) landscaped embankments, or (4) landscaping along pedestrian walkways. Absent these features, the approved project as conditioned fails to improve the scenic quality of the area as envisioned and required by the GTP.

Below are excerpts from the County's certified LCP related to landscaping.

#### EXCERPTS OF APPLICABLE LCP POLICIES:

Policy G3.4-22 states (emphasis added):

*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.*

Policy G3.4-26 states:

*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.*

Policy G3.4-27 states (emphasis added):

*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.*

Policy G3.4-28 states:

*Existing groves of trees should be retained and integrated with street landscaping plans, with consideration given to public safety.*

Policy G3.4-29 states:

*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.*

Policy G3.4-30 states (emphasis added):

*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.*

Policy G3.6-1 states (emphasis added):

*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.*

Policy G3.6-2 states:

*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.*

Policy G3.6-16 states (emphasis added):

*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.*

DISCUSSION

As noted above, the appellants contend that the project is not consistent with the landscaping policies of the County's certified LCP within the Gualala Town Plan that the project is inconsistent with these policies because the project does not propose (1) as much landscaped area as feasible, (2) landscaped medians, (3) landscaped embankments, or (4) landscaping along pedestrian walkways.

However, the county diligently reviewed the project's consistency with these LCP policies, including in its Staff Report (Exhibit 3) and Section (E) of the supplemental findings, dated November 4, 2025, which provides specific findings as to how the project is consistent with the above-mentioned policies of the LCP. supplemental findings (Exhibit 4).

Regarding policy G3.4-22, the County found that the policy is not relevant to the proposed project as this policy refers to private developments and is located under a section of the LCP labeled "On-site Landscaping."

Regarding policies G3.4-26 through G3.4-30 in the town plan, the County found that policy G3.4-26 does not require the installation of landscaping but rather requires that any proposed landscaping provides an aesthetic complement. With respect to policy G3.4-27, which recommends certain types of tree plantings, the County found that this policy provides recommendations for tree plantings rather than requirements that tree plantings be included in highway projects. With respect to policy G3.4-28 that requires the retention of existing groves of trees and that landscaping be sited to avoid blocking sight lines, the County found that neither of these policies are relevant to the project as no trees are proposed to be removed, Policy G3.4-29 does not require landscaping but rather provides parameters for proposed landscaping that may affect sight lines and service equipment. The landscaping proposed under the approved project is not anticipated to affect sight lines and service equipment, and therefore, the County concludes these policies are not relevant to the streetscape project. As noted in the County's NOFA (finding for approval #15):

Policies G3.4-26 through G3.4-29 do not require that landscaping be installed. Rather, they establish requirements for any landscaping that is part of a project. The spreading of a native seed mix instead of the installation of full landscaping remains consistent with these policies because the native seed mix would provide an aesthetic complement to pedestrian walkways, would remain in a "cluster" design, would not involve the removal of trees, and would not block sight lines due to them being low-lying grasses, shrubs, and herbaceous plants. Policy G3.4-30 states that "Highway 1 medians and embankments should be landscaped with ground level shrubs and herbaceous plants." The use of the word "should" indicates that this policy is a recommendation rather than a requirement. Regardless, spreading a native seed mix would partially implement this policy by installing ground level shrubs and herbaceous plants along the highway embankments.

Most directly at issue here is policy 3.4-30 that includes statements that “*Highway 1 medians and embankments should be landscaped*” and includes specifics as to the types of appropriate plantings. In this regard, the County’s findings conclude that (as stated within the County’s *Second Supplemental Memorandum*) this policy provides a recommendation rather than a requirement, which is supported by the use of the word “should.” The County concluded that the approved project as conditioned includes as much landscaping as is feasible at this time. Specifically, Special Conditions 28 through 30 (Exhibit 3) require landscaping as feasible, including, at a minimum, the spreading of a native seed mix across various areas.

Regarding Policy G3.6-1, the appeals contend that the approved project will not make the highway a “scenic element” and therefore is not in conformance with policy G3.6-1. The County concluded in the June 26, 2025, Staff Report findings that: “The proposed development would directly implement this policy.” This finding was based on the project’s inclusion of some landscaping and the various other complete street elements of the project, which will help create better scenery compared to the existing blank highway.

Regarding policy G3.6-2, the appellants contend that the project does not include planted medians at the southern entry to town and is therefore inconsistent with the policy. The County noted in their *Memorandum* dated June 26, 2025, that policy G3.6-2 refers to an area that is further south and not included within the projects post miles (Exhibit 4).

Finally, regarding policy G3.6-16 which states in part: “Landscaping shall be provided along all pedestrian walkways to create attractive and usable pedestrian corridors . . .,” the County recognized that the project does not propose landscaping along all pedestrian walkways. However, as stated in the County’s memorandum (Exhibit 4) the ongoing maintenance required to maintain the landscaping at a larger scale than is currently proposed would be cost-prohibitive for both Caltrans and the County. A condition of approval #28 requires Caltrans to enter into a Landscaping Maintenance Agreement (LMA) with the County and condition of approval #29 outlines maintenance responsibilities and other parameters regarding species selection. Additionally, the County found that this policy does not provide a temporal or conditional requirement for installation of landscaping. The County considered landscaping feasibility in terms of costs, safety, and maintenance responsibilities in section (F)(7) of the *Supplemental Memorandum* provided by the County (Exhibit 4). The County found that, at this time, it is infeasible to include landscaping within this project. This is due to both financial and physical site constraints, including the lack of available right of way.

Thus, overall, the County findings conclude that the GTP policies applicable to landscaping do not mandate landscaping, but direct that it “should” be included where feasible. The County concludes that the approved project as conditioned includes all feasible landscaping able to be integrated into the project at this time. As conditioned, the approved project includes two landscaped areas at the northbound entry into town and the southbound entry into town (Exhibit 2). There are two main factors preventing

Caltrans from including landscaping in all pedestrian walkways and medians throughout the project reach. For one, there is the need for ongoing maintenance of landscaped areas of the town, which Caltrans is not able to manage as part of its highway obligations. Here, ultimately, the County and Caltrans were able to come to an agreement by which the County will provide maintenance to these two landscaped areas. As shown in the Notice of Final Action (Exhibit 3) the Mendocino County Board of Supervisors authorized the addition of landscaping into the project subject to entering into a landscape maintenance agreement with Caltrans at the north and southern ends of the project consistent with the County-approved Landscaping Plan (Exhibit 2). And, as previously discussed, conditions of approval 28 and 29 require Caltrans to enter into a Landscaping Maintenance Agreement with the County on outline maintenance responsibilities and other parameters regarding species selection.

A second issue is the lack of Caltrans right of way available for the installation of landscaping. This limits the amount of available area for the various project improvements and given the need for the bicycle lanes and sidewalks, there is simply not sufficient area in the public right-of-way available to accommodate additional landscaped areas. Adjacent property owners have been unwilling to provide right-of-way area for landscaping, and Caltrans does not believe it has the power under eminent domain to force that transfer of property for landscaping. Caltrans has included landscape plantings for the portions of its right-of-way that it owns where there is sufficient space for landscaping, bike lanes, and sidewalks.

Finally, regarding the planting of the medians, policy G3.4-30 states that such plantings “should” be included but does not include an absolute requirement. The County’s conclusion that the median planting is infeasible appears justified, Caltrans states the landscaping would violate Highway standards regarding sight visibility, would also require ongoing maintenance which is infeasible for the County to undertake, and may increase risks to pedestrians.

Overall, there is a high degree of legal and factual support for the County’s determination that the project, as approved, is consistent with the landscaping policies of the certified LCP.

## **2. Public Access, Recreation, & Parking**

As noted in the project description above, the proposed project would include the removal of on-highway parking. The appeal by Bower Limited Partnership contends that the project is not consistent with the public access and recreation policies of the Coastal Act, and by extension the County’s LCP, specifically Coastal Act policies 30210, 30211, 30212, 30212.5, and 30214(b) (and related LCP access policies), because the removal of on-highway parking would negatively impact the public’s ability to access and recreate along the Gualala bluff trail and other coastal accessways.

### EXCERPT OF APPLICABLE LCP POLICIES:

Policy 3.6-12 states (emphasis added):

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

Policy 3.6-19 states:

Along intensively developed sections of Highway 1, (such as between Cleone and Albion or in Gualala) Caltrans shall be requested to build a separate pedestrian, equestrian path parallel to the highway where pedestrian traffic warrants and physical conditions permit.

Policy 3.6-20 states:

Paved 4 foot shoulders should be provided by Caltrans along the entire length of Highway 1 wherever construction is feasible without unacceptable environmental effects.

Policy 3.6-25 states:

*Public access policies shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following:*

- *topographic and geologic site characteristics;*
- *capacity of the site to sustain use and at what level of intensity;*
- *fragility of natural resource areas and proximity to residential uses;*
- *need to provide for management of the access;*
- *balance between the rights of individual property owners and the public's constitutional rights of access.*

EXCERPTS OF APPLICABLE COASTAL ACT POLICIES:

Section 30210 of the Coastal Act states:

*In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people 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 of the Coastal Act states:

*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 of the Coastal Act states, in relevant part:

*(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where: (1) It is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) Adequate access exists nearby, or (3) agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.*

Section 30212.5 of the Coastal Act states:

*Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.*

Section 30214 of the Coastal Act requires in part (emphasis added):

*(a) The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following:*

*(1) Topographic and geologic site characteristics.*

*(2) The capacity of the site to sustain use and at what level of intensity.*

*(3) The appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area and the proximity of the access area to adjacent residential uses.*

*(4) The need to provide for the management of access areas so as to protect the privacy of adjacent property owners and to protect the aesthetic values of the area by providing for the collection of litter.*

*(b) It is the intent of the Legislature that the public access policies of this article be carried out in a reasonable manner that considers the equities and that balances the rights of the individual property owner with the public's constitutional right of access pursuant to [Section 4 of Article X of the California Constitution](#). Nothing in this section or any amendment thereto shall be construed as a limitation on the rights guaranteed to the public under [Section 4 of Article X of the California Constitution](#).*

*(c) In carrying out the public access policies of this article, the commission and any other responsible public agency shall consider and encourage the utilization of innovative access management techniques, including, but not*

*limited to, agreements with private organizations which would minimize management costs and encourage the use of volunteer programs.*

## DISCUSSION

The appeal by Bower Limited Partnership contends that the project is inconsistent with the public access and recreation policies of the Coastal Act (and by extension the County's LCP), because the removal of on-highway parking would negatively impact the public's ability to access the coast and their use of the Gualala bluff trail. However, the County's findings (Exhibit 3) discuss the fact that maintaining on-highway parking actually conflicts with Gualala Town Plan policy 3.6-13, which states in part, "No on-street parking shall be permitted on Highway 1..." The County's findings further address these contentions in the *Second Supplemental Memorandum* (Exhibit 4):

*"The County's Local Coastal Program (LCP), including the Coastal Element of the General Plan, Gualala Town Plan, and Coastal Zoning Code, are the implementation of the Coastal Act within Mendocino County. When the LCP is adopted or amended, it must be certified by the Coastal Commission, and it must be found that the LCP is consistent with the Coastal Act. Therefore, it follows that the relevant policies within the LCP, which are discussed in finding number seven (7), are inherently consistent with the Coastal Act. This includes Gualala Town Plan policy 3.6-12, which specifically requires the elimination of on-street parking. Any effect that the implementation of this policy would have on public access and recreation would have occurred when the LCP was adopted and certified by the Coastal Commission."*

The memorandum further addresses the appellants' contention that the project is not consistent with public access policies 30210, 30211, 30212 and 30212.5, and 30214(b) of the Coastal Act as follows:

*"[...]. The Gualala Bluff Trail is now managed by the Redwood Coast Land Conservancy (RCLC). The appellant argues that "the 92 informal on-street parking spots that are being removed as part of this project are heavily used by people that access the bluff trail and recreate on the coast." However, the appellant does not provide any evidence that this is the case. It may be just as likely that those who utilize the Gualala Bluff Trail either (1) use the trail incidentally to their stay at the Surf Motel, Hotel Breakers, Vue Kitchen, Surf Market, or other businesses within the downtown Gualala area, which all contain their own private parking lots, (2) park within the tapered portion of State Route 1 just south of the Vue Kitchen near the interpretive signs and Mill Bend Preserve sign, which will not be eliminated by the proposed project, or (3) simply walk to the access points from nearby residential areas such as those along Ocean Drive or Sedalia Drive. Even if the informal parking to be lost is used by Gualala Bluff Trail users, the impact would be offset by other features of the project that improve public access to these points. [...]"*

Additionally, the County's findings note that the removal of parking was considered within the 2009 Downtown Design Plan and includes information from the plan within their findings:

*"The Downtown Design Plan noted that "perhaps the greatest challenge to implementing the Downtown Streetscape Design Plan for Gualala is resolving the removal of on-street parking along the frontage of Highway 1 between Center Street and Ocean Drive." The Downtown Design Plan estimated that the removal of all on-street parking along this stretch of Highway 1 would eliminate up to thirty-five (35) parallel parking spaces. During the development of the Downtown Design Plan, some business and property owners along this stretch of Highway 1 expressed the need to recapture the spaces lost by eliminating on-street parking before undertaking any streetscape improvements that would eliminate on-street parking."*

While the appellant contends that 92 parking spaces will be lost, the appeal provides no evidence or support for this calculation. Caltrans has estimated that removing the informal shoulder parking on both sides of the highway through town may result in the loss of approximately 70 informal on-highway spaces. In considering available public spaces in the Gualala area that will remain after the approved project as conditioned is constructed, the County's findings discuss the various areas of informal and formal parking available to support public access and recreation (Exhibit 3):

*"Additionally, there remains an opportunity for the property owner(s) to pursue access agreements for parking lots on adjacent property. For example, the 2009 Downtown Design Plan noted that the Sundstrom Mall and Surf Market together require two hundred two (202) parking spaces. In 2009, it was estimated that the two properties contained two hundred twenty-six spaces. Therefore, twenty four (24) excess spaces are available between the two properties to account for the twenty-two (22) spaces that are claimed to be lost due to the streetscape project. Streetscape improvements like sidewalks, crosswalks, and pedestrian-activated flashing beacons would make it easier to cross the highway between these two properties. Lastly, the appellants' properties contain area behind the buildings which appear to be reconfigurable to provide additional on-site parking, though this may constitute development and require a separate coastal development permit. As such, staff believes that this argument does not warrant denial of the proposed development."*

The County's memorandum further concludes the project will improve public access through the installation of new bicycle lanes and sidewalks which intersect vertical access points and will provide alternative means of accessing the Gualala Bluff Trail, thus, enhancing public access overall.

Finally, as noted within the County's memorandum the approved project site constraints make on-highway parking is infeasible:

*“The 2009 Downtown Design Plan mentions eight (8) foot strips of right-of-way when discussing the provision of on-street parallel parking “pockets” in addition to bike lanes as a potential solution to parking issues. The Design Plan notes that this option would likely require affected property owners to dedicate an addition eight (8) feet of right-of-way to accommodate the on-street parallel parking spaces. Caltrans has noted that the right-of-way through the Gualala core area is only sixty (60) feet wide. With other proposed elements of the project such as sidewalks, bike lanes, travel lanes, and two-way left-turn lanes, there is no additional space to accommodate an eight (8) foot right-of-way strip.”*

Based on the County’s findings, there is a high degree of legal and factual evidence to support the County’s conclusion that it is not feasible to maintain informal parking along Highway 1 while also adding bike lanes and sidewalks. As included in the County’s findings, the installation of sidewalks, bicycle lanes, and crosswalks will improve public access to the coast and provide opportunities for multimodal public access. Further, there remains ample informal and formal parking areas in the vicinity.

#### **D. CONCLUSION – SUBSTANTIAL ISSUE DETERMINATION**

When considering a project on appeal, the Commission must first determine whether the appeal raises a substantial issue of the project’s conformity with the LCP and/or the public access policies of Chapter 3 of the Coastal Act, such that the Commission should assert jurisdiction over the CDP application for such development. At this stage, the Commission has the discretion to find that the appeal does or does not raise a substantial issue of the project’s LCP and Coastal Act (where applicable) conformity. The Commission has in the past and, pursuant to section 13115(c) of its regulations, considered the following five factors in its decision of whether the issues raised in a given case are “substantial”: (1) the degree of factual and legal support for the local government’s decision; (2) the extent and scope of the development as approved or denied by the City; (3) the significance of the coastal resources affected by the decision; (4) the precedential value of the City’s decision for future interpretations of its LCP; and, (5) whether the appeal raises only local issues as opposed to those of regional or statewide significance. The Commission may, but need not, assign a particular weight to a factor, and may make a substantial issue determination for other reasons as well.

In this case, these five factors considered together support a conclusion that the appeal does not raise a substantial issue as to the County-approved project’s consistency with the landscaping and parking policies of the LCP and the public access policies of the Coastal Act.

There is substantial factual and legal support for the County’s decision to find that its approval conforms with the public access provisions to maximize public access to and along the coast. The site-specific constraints and circumstances outlined in the County’s findings support the County’s decision to minimize the amount of landscaping proposed as well as the decision to remove on-highway parking. The contention that the removal of parking along Highway 1 will negatively impact public access and limit access to nearby trails does not undermine the high degree of legal and factual basis for the

County's approval. The County's findings conclude that while informal parking along Highway 1 will be removed, there remains ample adjacent informal and formal parking available to the public. The informal parking on Highway 1 will be replaced with bicycle lanes, crosswalks, and sidewalks which will improve and promote multimodal public access. Therefore, the Commission assigns more weight to this factor in the substantial issue analysis. With respect to landscaping, as discussed above it appears there is support that the County's decision adequately considered applicable LCP policies as it pertains to landscaping within the approved project and that Caltrans is installing as much landscaping as is feasible at this time.

As to the extent and scope, the essential purpose of the project is to maintain and enhance public access to the coast. As noted in the County's findings for approval: "The installation of new bicycle lanes and sidewalks that intersect the vertical access points will provide alternative means of accessing the Gualala Bluff Trail that balances the Public Access goals of the Coastal Act with the Active Transportation goals of the State of California and MCOG." Further, as discussed above, the public may still access the Gualala Bluff Trail by walking from nearby residential areas, incidental to their stay at various hotels, or by using the informal parking area south of the Hotel Breakers which will not be eliminated by the project, or other nearby parking areas. With respect to landscaping, the project does include landscaping to the extent feasible for the scope of the project as discussed above. When combined with the first factor, this second factor also weighs against finding substantial issue.

The third factor (the significance of coastal resources affected) also supports a finding of no substantial issue. Due to the limited scope of the approved project, the significance of affected coastal resources affected by the project is minimal. The County imposed numerous conditions related to resource protection and visual resource issues and provided substantial legal and factual support for its determination that the approved project as conditioned will protect all coastal resources consistent with LCP requirements. Although parking for coastal access is a significant coastal resource, here the County found that adequate parking existed and the project expanded access generally by increasing multimodal access.

Fourth, the County's decision in approving the project should not set an adverse precedent for future interpretations of the County's LCP given the high degree of legal and factual support for the County's decision, as discussed above.

Finally, while the project does raise issues of regional or statewide significance (primarily regarding maximizing public access to and along the coast), as previously discussed, there is a high degree of legal and factual support that the approved project as conditioned will continue to maximize public access to and along the coast.

Therefore, given the high degree of factual and legal support for the County's decision and conditions of approval, consideration of the five factors together support the conclusion that the appeal of the County's approval as conditioned does not raise a substantial issue of LCP conformity. For the reasons stated above, the Commission finds that Appeal Number A-1-MEN-25-0050 does not present a substantial issue with

respect to the grounds upon which the appeal was filed under section 30603 of the Coastal Act, and the Commission declines to take jurisdiction over the CDP application for this project.

A-1-MEN-25-0050 (Caltrans)

## **APPENDIX A**

### **SUBSTANTIVE FILE DOCUMENTS**

County of Mendocino Certified Local Coastal Program

County of Mendocino's Local Record for CDP\_2024-0040

File for Coastal Development Permit Appeal Number A-1-MEN-25-0050