



COUNTY OF MENDOCINO
DEPARTMENT OF PLANNING AND BUILDING SERVICES

860 NORTH BUSH STREET • UKIAH • CALIFORNIA • 95482
120 WEST FIR STREET • FORT BRAGG • CALIFORNIA • 95437

BRENT SCHULTZ, DIRECTOR
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June 10, 2019

PUBLIC NOTICE OF PENDING ACTION
STANDARD COASTAL DEVELOPMENT PERMIT

The Mendocino County Coastal Permit Administrator, at a regular meeting to be held on Thursday, June 27, 2019, in the Fort Bragg Public Library, 499 East Laurel Street, Fort Bragg, California, at 10:00 a.m. or as soon thereafter as the item may be heard, will hear the below described project that is located in the Coastal Zone.

CASE#: CDPM_2018-0006

DATE FILED: 9/18/2018

OWNER/APPLICANT: WILLIAM SHAWN HOWELL AND TREVOR NORCROSS

REQUEST: A request to modify CDP_2015-0022 by removing adopted condition 9, which requires a pedestrian walkway adjacent to State Route 1.

ENVIRONMENTAL DETERMINATION: Categorically Exempt

LOCATION: In the Coastal Zone of Gualala, on the southwest corner of Pacific Dr. (CR 530) and State Route 1, located at 38690 Pacific Dr., Gualala (APN 145-164-16).

SUPERVISORIAL DISTRICT: 5

STAFF PLANNER: JULIANA CHERRY

The staff report and notice will be available for public review 10 days prior to the hearing at 860 North Bush Street, Ukiah and 120 W. First, Fort Bragg, California and on the Department of Planning and Building Services website at:

<https://www.mendocinocounty.org/government/planning-building-services/meeting-agendas/coastal-permit-administrator>

As you are an adjacent property owner and/or interested party, you are invited to appear at the hearing, or to direct written comments to Planning and Building, Services 860 N Bush Street, Ukiah, CA 95482, attention Commission Staff. If you would like to be notified of the Coastal Permit Administrator's action, please submit a written request to this office. All correspondence should contain reference to the above noted case number.

The decision of the Coastal Permit Administrator shall be final unless a written appeal is submitted to the Board of Supervisors with a filing fee within 10 calendar days thereafter. If appealed, the decision of the Board of Supervisors to approve the project shall be final unless appealed to the Coastal Commission in writing within 10 working days following Coastal Commission receipt of a Notice of Final Action on this project.

If you challenge the above case in court, you may be limited to raising only those issues described in this notice or that you or someone else raised at the public hearing, or in written correspondence delivered to the Coastal Permit Administrator at or prior to, the public hearing.

Additional information regarding the above noted case may be obtained by calling the Planning and Building Services Department at 964-5379, Monday through Friday.

BRENT SCHULTZ, Director of Planning and Building Services



SUMMARY

OWNER/APPLICANT:	WILLIAM SHAWN HOWELL 1331 VIA MAR SOL ARROYO GRANDE, CA 93420
REQUEST:	A request to modify CDP_2015-0022 by removing adopted condition 9, which requires a pedestrian walkway adjacent to State Route 1.
LOCATION:	In the Coastal Zone and Gualala, on the southwest corner of Pacific Dr. (CR 530) and State Route 1, located at 38690 Pacific Dr., Gualala (APN 145-164-16).
TOTAL ACREAGE:	0.27± Acre
GENERAL PLAN:	Coastal Element Chapter 4.14, General Plan Gualala Highway Mixed Use (GHMU:U)
ZONING:	Mendocino Coastal Zoning Code Gualala Highway Mixed Use (GHMU:6K)
SUPERVISORIAL DISTRICT:	5 th Supervisorial District (Williams)
ENVIRONMENTAL DETERMINATION:	Categorically Exempt
RECOMMENDATION:	Approve with Conditions
STAFF PLANNER:	JULIANA CHERRY

BACKGROUND

PROJECT DESCRIPTION: A request to modify CDP_2015-0022 and void Condition 9, which requires a pedestrian walkway adjacent to State Route 1.

APPLICANT'S STATEMENT: "Filing an application to amend CDP 2015-0022 condition #9 to request removal of "Pedestrian Access" and pathway requirements based on the following three discoveries after the CDP was approved July 28, 2016: 1. Non-feasibility due to topography and property line orientations (See August 30, 2018 email correspondence from James Shupe DOT). 2. The 2009 Gualala Community Action Plan Phase II (as accepted by Mendocino Council of Governments and Mendocino County Board of Supervisors in early 2009) indicating no requirement for "Pedestrian Walkways" at this location. (See pages 3-5, 22-24 and Appendix A), and the Gualala Community Action Plan "Final Plan" March 28, 2007 pages 13-14 and Downtown Gualala Refined Streetscape Design Plan June 29, 2012, pages 2-3 for reference. 3. The efforts by the California Department of Transportation to widen this particular stretch of SH1 to accommodate the California Coastal Trail as proposed in the "Gualala Downtown Streetscape Enhancement" January 16, 2018 Open House."

RELATED APPLICATIONS:

On-Site:

- Use Permit 50-79 allowed for the conversion of three residential units to commercial use under

previous land use and zoning designations. Use Permit 50-79 is now void and the site land use and zoning designation was changed with the adoption of the Mendocino County Coastal Element of the General Plan and Coastal Element Chapter 4.14 Gualala Town Plan.

- Coastal Development Permit 2015-0022 authorized the renovation and conversion of three commercial units into three residential units. Each unit is 400-500 square-feet. Two units are converted to one-bedroom residential occupancies, a third unit is converted to a studio, and a fourth, existing residential unit remains. Each unit has a kitchenette. The building occupancy is authorized to change to multi-family residential with four residential units.

SITE CHARACTERISTICS: The property consists of 0.27-acre and is improved with a 1,800-square-foot building divided into four separate units. On-site parking is located between Pacific Drive and the existing building. Robinson Gulch is adjacent to the southern property line and no new development is proposed in proximity to the gulch. The easterly property line adjoins State Route 1 at a location between Old State Highway and Robinson Reef Road, Gualala.

The project site is located in Gualala, on the southwest corner of Pacific Drive (CR 530) and State Route 1 (See attachment *Location Map*). The southern lot boundary is adjacent to Robinson Gulch (See attachment *Aerial Imagery*). The lot is developed with an existing structure (See attachment *Aerial Imagery*). Land elevations rise from Robinson Gulch to a plateau (See attachment *Topographic Map*). The lot is located within the Gualala Highway Mixed Use (GHMU) District and is classified as Gualala Highway Mixed Use on the General Plan (See attachments *Zoning Display Map* and *General Plan Classifications*). The site is mapped as barren upland habitat (See attachment *LCP Habitats & Resources*). The site is within the Appeal Jurisdiction as shown on the Post LCP Certification Permit and Appeal Jurisdiction map (See attachment *Appealable Areas*). Nearby lots on Pacific Drive are similar in size (See attachment *Adjacent Parcels*). The site is mapped as “Moderate Fire Hazard” rating and the local responsible agency is the South Coast Fire Protection District (See attachment *Fire Hazard Zones & Responsibility Areas*). To the south, Robinson Gulch is mapped as a freshwater forested/shrub wetland (See attachment *Wetlands*). The site, and Gualala generally, are mapped as “Critical Water Areas” (See attachment *Ground Water Resources*). Western Soil Type 174 is mapped for this location and generally follows Robinson Gulch (See attachment *Local Soils*). Access to potable water is provided by the North Gualala Water Company (See attachment *Water Districts*).

SURROUNDING LAND USE AND ZONING: As shown in Table 1 below, the surrounding lands are classified Gualala Highway Mixed Use with the exception of lands to the west, which are Rural Residential (See attachment *General Plan Classification*).

Table 1. Surrounding Land Use and Zoning				
	GENERAL PLAN	ZONING	LOT SIZES	USES
NORTH	GHMU	GHMU	0.25	Commercial
EAST	GHMU	GHMU	0.25	Unknown
SOUTH	GHMU	GHMU	0.25	Unknown
WEST	RR5	RR5	0.25	Residential

LOCAL COASTAL PROGRAM CONSISTENCY

The requested modification to Resolution CPA 2016-0006, which authorized Permit CDP 2015-0022, would be consistent with the goals and policies of the Local Coastal Program, including Coastal Element Chapter 4.14 Gualala Town Plan, as detailed below.

GENERAL PLAN AND ZONING CONSISTENCY: The Local Coastal Plan and the General Plan Land Use Classification is Gualala Highway Mixed Use District (GHMU). Multi-family land uses are permitted uses with densities of up to twenty-five units per acre or six dwelling units at this location. In July 2016, the proposal to convert a commercial use to a multi-family residential use was found to satisfy the goals

and policies of the Gualala Town Plan.

The applicant requests relief from a requirement to provide pedestrian access and requests to amend the previously approved CDP 2015-0022. Chapter 3 of Coastal Element *Chapter 4.14 Gualala Town Plan* includes pedestrian access goals and policies for Gualala and for lands on the west side of State Route 1, such as the property located on the southwest corner of State Route 1 and Pacific Drive. Gualala Town Plan Circulation, Parking and Pedestrian Access Policies 3.6-14, G3.6-16 and 3.6-16 would apply to this site.

Coastal Element Pedestrian Access Policies:

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.

G3.6-15 *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.

G3.6-16 *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.*

As approved the project would satisfy the pedestrian Access Policies listed (See attached Resolution CPA-2016-0006). With the recommended new Conditions No. 10 and 11, the project would continue to satisfy these policies, because the property owner would offer to dedicate an easement allowing for future development satisfying policies G3.6-14, G3.6-15, and G3.6-16(See attached Resolution Exhibit A).

Zoning: The site is located within the Gualala Highway Mixed Use Zoning District (GHMU) and the proposal demonstrated compliance with each of the site development regulations of Chapter 20.406 Gualala Highway Mixed Use District, including identification of a required activity space for residential uses, off-street parking, vehicle access, landscaping, and others. Additionally, the project complies with each of the development regulations for the Gualala Highway Mixed Use Zoning District, including height, building setback from the highway, and lighting. The recommended new Conditions No. 10 and 11 would assure that the project satisfies zoning requirements and land use goals and policies within the Gualala Highway Mixed Use classification (See attached Resolution Exhibit A).

KEY ISSUE - LANDSCAPING AND PEDESTRIAN ACCESS: The Coastal Permit Administrator adopted Resolution Number CPA 2016-0006 and authorized the conversion of a commercial building to multi-family residential subject to specific conditions, including Condition No. 9 (See attached). Adopted Condition No. 9 reads: "Prior to issuance of a change of occupancy by the Building Department, the

property owner shall demonstrate to the Department of Planning and Building Services satisfaction that the objectives of the Pedestrian Access Requirement for landscaping, planting, and constructing pathways as proposed on Sheet 4 of 4 of the Preliminary Site Plan for 38690 Pacific Drive, Gualala, CA has been satisfied.”

The property owner has subsequently identified that the community, with the assistance of California Department of Transportation, is preparing to request that the Board of Supervisors adopt revisions to the Local Roads Streetscape Cross-section (Coastal Element Chapter 4.14 Figure 3.6), the Gualala Town Plan Design Guidelines, and potentially change the location priorities for walkways within the Gualala Highway Mixed Use Zoning District.

The property owner has also identified physical limitations on the property that would substantially limit their ability to meet the pedestrian access requirements of Condition No. 9, as adopted in July 2016. The property owner’s understanding of the proximity of State Route 1 to the approved parking area is a shorter distance than understood at the time that Condition No. 9 was adopted. The site is able to accommodate the approved planting and landscaping between the parking areas and the rights-of-way (See condition #9).

To satisfy the Coastal Element goals for pedestrian access, Staff recommends that the property owner be required to either install the pedestrian access or record an irrevocable Offer to Dedicate an easement which would allow for the future construction of walkways and the corridor preservation setback (See recommended condition #10). This would help with future right-of-way acquisition if and when California Department of Transportation, or the County, pursues development of walkways along the west side of State Route 1 between Old Coast Highway and Robinson Reef Road and it would satisfy Goal G3.6-15 of Coastal Element Chapter 4.14 Gualala Town Plan (See recommended condition #10).

Staff recommends extending the expiration date to August 29, 2020, because the initial approval of CDP 2015-0022 would expire on August 29, 2018 (See recommended condition #11 and recommended modification to condition #1). With the adoption of the modified and new conditions, the project would continue to support Coastal Element Pedestrian Access Policies.

ENVIRONMENTAL PROTECTION: A Class 3(b) categorical exemption pursuant to CEQA Guidelines 15303 is appropriate because the applicant proposes to convert an existing building to a four-unit multi-family residential structure.

RECOMMENDATION

By resolution, adopt a Coastal Development Standard Permit amendment and Class 3(b) Categorical Exemption from the California Environmental Quality Act based on facts and findings and subject to the conditions of approval.

6/7/2019
DATE

Juliana Cherry for
JULIANA CHERRY

Appeal Period: 10 Days
Appeal Fee: \$1616.00

EXHIBIT – Resolution and Conditions of Approval

ATTACHMENTS:

- A. Location Map
- B. Topographical Map
- C. Aerial Imagery
- D. Aerial Imagery
- E. Elevations

- F. Floor Plans
- G. Floor Plans
- H. Zoning Map
- I. General Plan
- J. LCP Land Use Map 31: Gualala
- K. LCP Land Capabilities & Natural Hazards
- L. LCP Habitats & Resources
- M. Appealable Areas
- N. Adjacent Parcels
- O. Fire Hazard Zones & Responsibility Areas
- P. Wetlands
- Q. Ground Water Resources
- R. Local Soils
- S. Water Districts






REFERRAL AGENCIES:

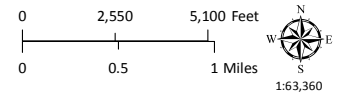
Assessor	No response
California Coastal Commission	No response
California Department of Fish & Wildlife	No comment
California Department of Forestry and Fire Prevention	No comment
California Department of Transportation	No response
California State Clearinghouse	No response
Coastal Commission	No response
Department of Transportation	No comment
Division Environmental Health	No comment
Gualala Municipal Advisory Council	Comment
North Gualala Water Company	Comment
Planning and Building Services	No comment
Point Arena School District	No response
Redwood Valley Rancheria	No response
Sherwood Valley Band of Pomo Indians	No response
South Coast Fire District	No response
US Fish & Wildlife Service	No response



MENDOCINO COUNTY PLANNING DEPARTMENT - 06/01/2018

CASE: CDPM 2018-0006
 OWNER: HOWELL, William
 APN: 145-164-16
 APLCT: William S. Howell
 AGENT:
 ADDRESS: 38690 Pacific Drive, Gualala

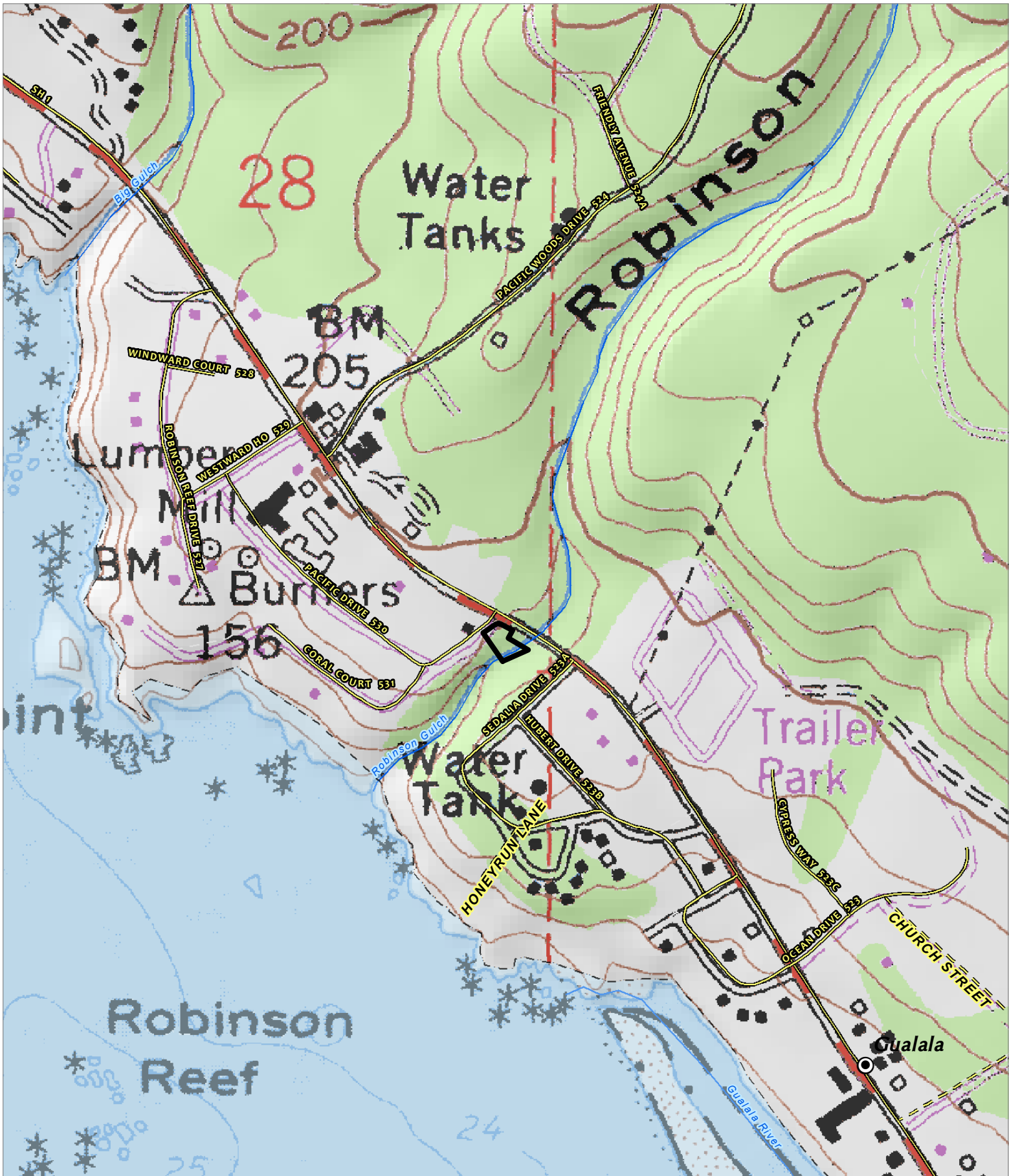
-  Major Towns & Places
-  Highways
-  California Counties
-  Major Roads
-  Major Rivers



LOCATION MAP

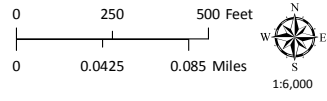
ATTACHMENT A

THIS MAP AND DATA ARE PROVIDED WITHOUT WARRANTY OF ANY KIND.
 DO NOT USE THIS MAP TO DETERMINE LEGAL PROPERTY BOUNDARIES



CASE: CDPM 2018-0006
 OWNER: HOWELL, William
 APN: 145-164-16
 APLCT: William S. Howell
 AGENT:
 ADDRESS: 38690 Pacific Drive, Gualala

- Major Towns & Places
- Named Rivers
- Public Roads
- Private Roads
- Driveways/Unnamed Roads



TOPOGRAPHIC MAP
 CONTOUR INTERVAL IS 40 FEET

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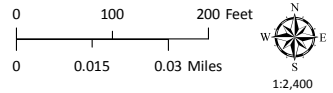
ATTACHMENT B

MENDOCINO COUNTY PLANNING DEPARTMENT - 10/17/2018



CASE: **CDPM 2018-0006**
 OWNER: **HOWELL, William**
 APN: **145-164-16**
 APLCT: **William S. Howell**
 AGENT:
 ADDRESS: **38690 Pacific Drive, Gualala**

- ~~~~~ Named Rivers
- Public Roads
- = = = Private Roads
- - - Driveways/Unnamed Roads





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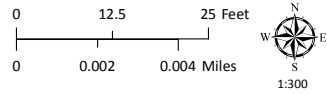
AERIAL IMAGERY
ATTACHMENT C

MENDOCINO COUNTY PLANNING DEPARTMENT - 06/14/2018



CASE: CDPM 2018-0006
OWNER: HOWELL, William
APN: 145-164-16
APLCT: William S. Howell
AGENT:
ADDRESS: 38690 Pacific Drive, Gualala

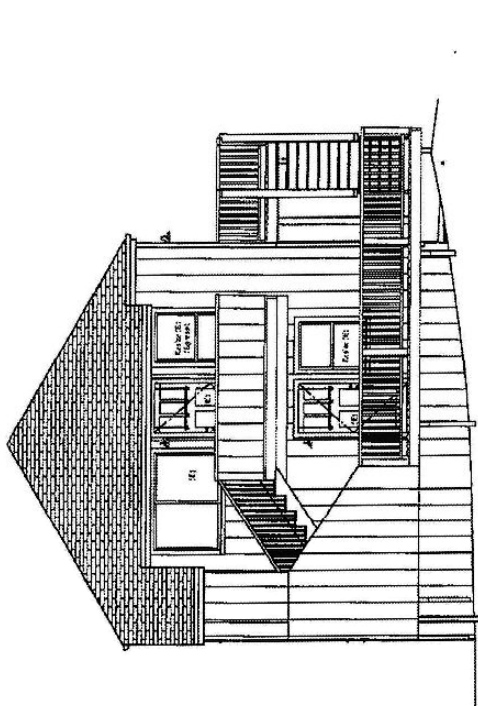
-  Named Rivers
-  Public Roads



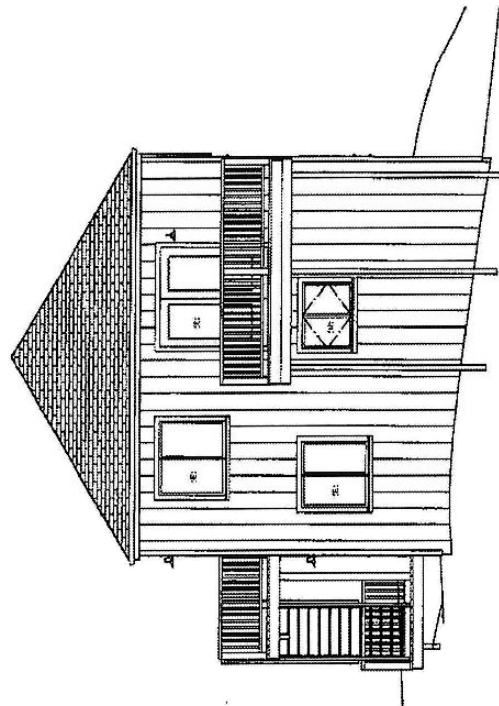
AERIAL IMAGERY
ATTACHMENT D

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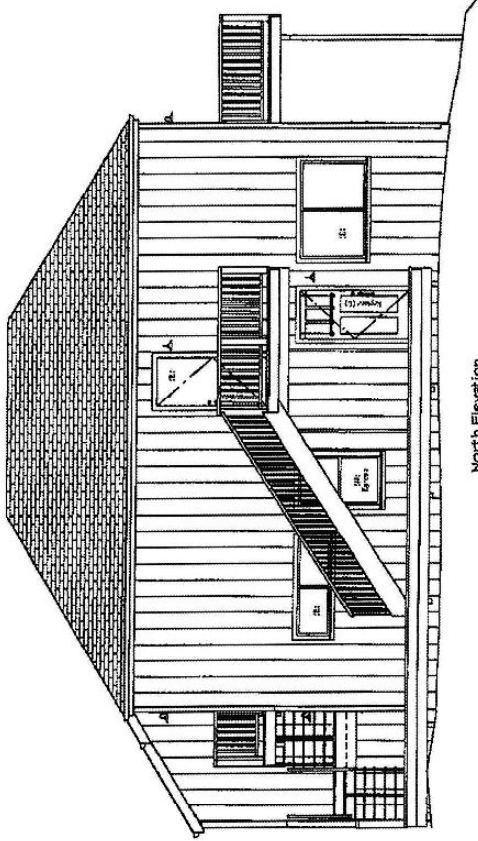
MENDOCINO COUNTY PLANNING DEPARTMENT - 06/16/2018



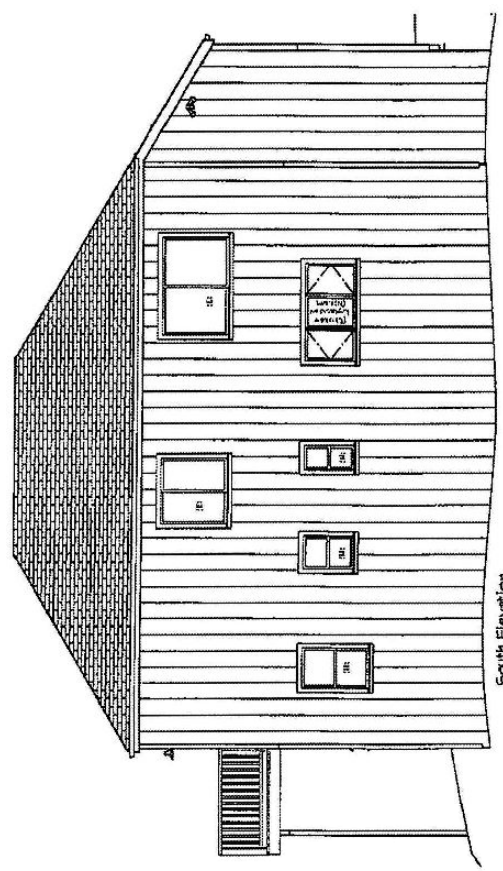
East Elevation
1/4" = 1'-0"



West Elevation
1/4" = 1'-0"



North Elevation
1/4" = 1'-0"



South Elevation
1/4" = 1'-0"

Preliminary Only-Not For Construction

Client/Approver: _____ Date: _____
 TYPICAL FINISHES, FIXTURES, OUTLETS, HARDWARE, APPLIANCES, WINDOWS, DOORS, ETC., WILL BE SPECIFIED UNLESS OTHERWISE NOTED. PLEASE LET US KNOW SPECIFICS WHERE YOU CAN AND WE'LL DO OUR BEST TO INCORPORATE THEM INTO YOUR PLANS.
 2 copies of this preliminary plan have been provided for your comment. One with any desired changes or alterations, final plan or send to James Drilling Service prior to commencement of work on final date the material up copy, signifying your approval of plans as shown. This sheet signifies acceptance of entire set.

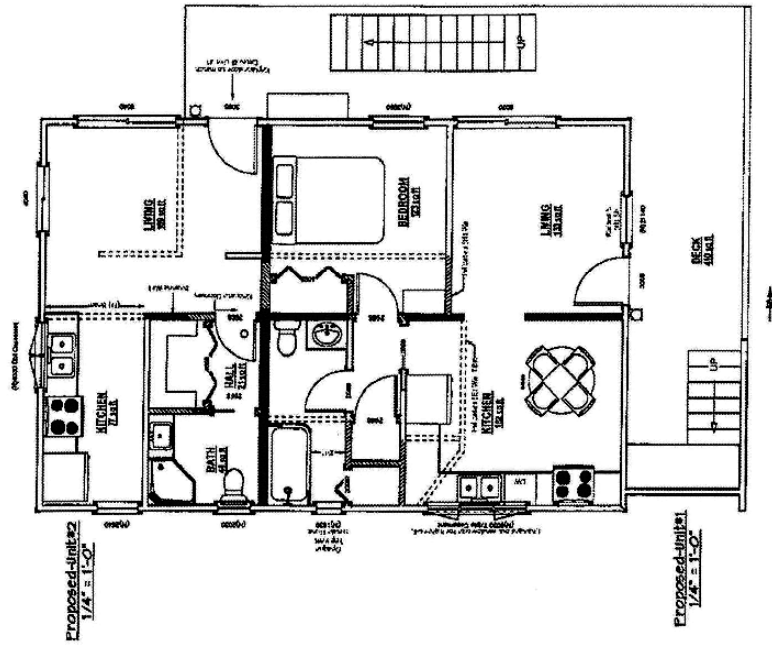
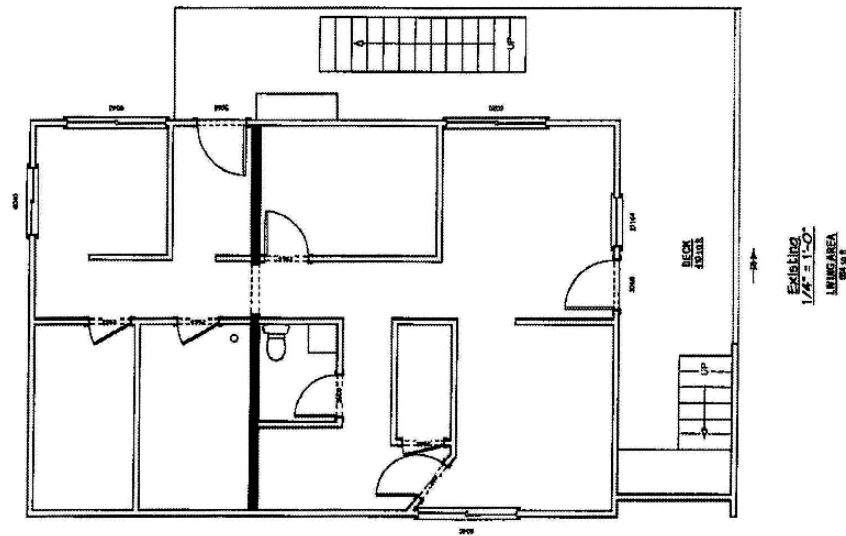
CASE: CDPM 2018-0006
 OWNER: HOWELL, William
 APN: 145-164-16
 APLCT: William S. Howell
 AGENT:
 ADDRESS: 38690 Pacific Drive, Gualala

NO SCALE

ELEVATIONS
 ATTACHMENT E

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MENDOCINO COUNTY PLANNING DEPARTMENT - 10/1/2018



LIVING AREA

Proposed Lower Level

Preliminary Only-Not For Construction

Client Approval: _____
Date: _____

TYPICAL FINISHES, FIXTURES, OUTLETS, HARDWARE, APPLIANCES, WINDOWS, DOORS, ETC. TO BE DETERMINED AND SPECIFIED BY THE ARCHITECT. UNLESS OTHERWISE NOTED, PLEASE LET US KNOW/SPECIFY WHERE YOU CAN AND WE WILL DO OUR BEST TO INCORPORATE THEM INTO OUR PLANS.

2 copies of this preliminary plan have been provided for your convenience. please do not make any changes or alterations (red pen or pencil preferable) and return them to the architect's office. All changes should be dated and include a description of the change. Signatures and dates for marked up copies, signaling your approval of plans, are marked up. (Initial on each sheet signifies approval of entire set).

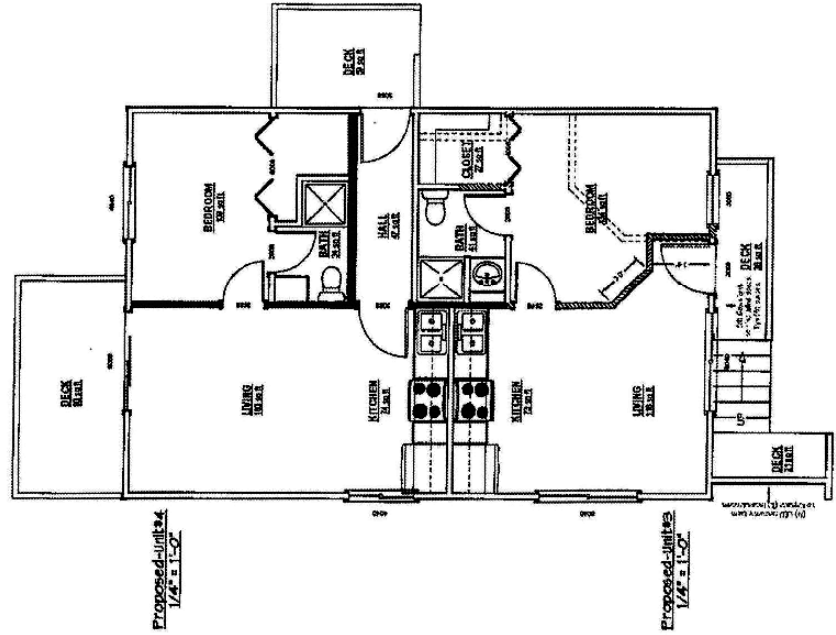
CASE: CDPM 2018-0006
OWNER: HOWELL, William
APN: 145-164-16
APLCT: William S. Howell
AGENT:
ADDRESS: 38690 Pacific Drive, Gualala

NO SCALE

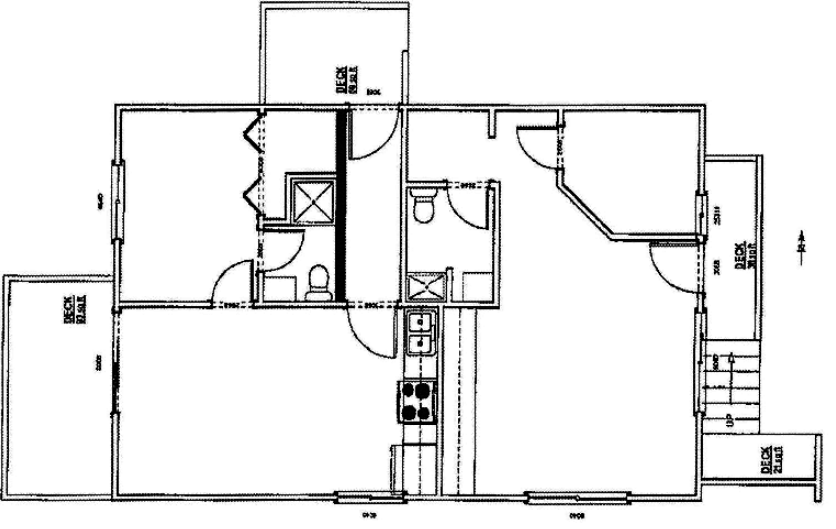
FLOOR PLAN

ATTACHMENT F

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Proposed Upper Level



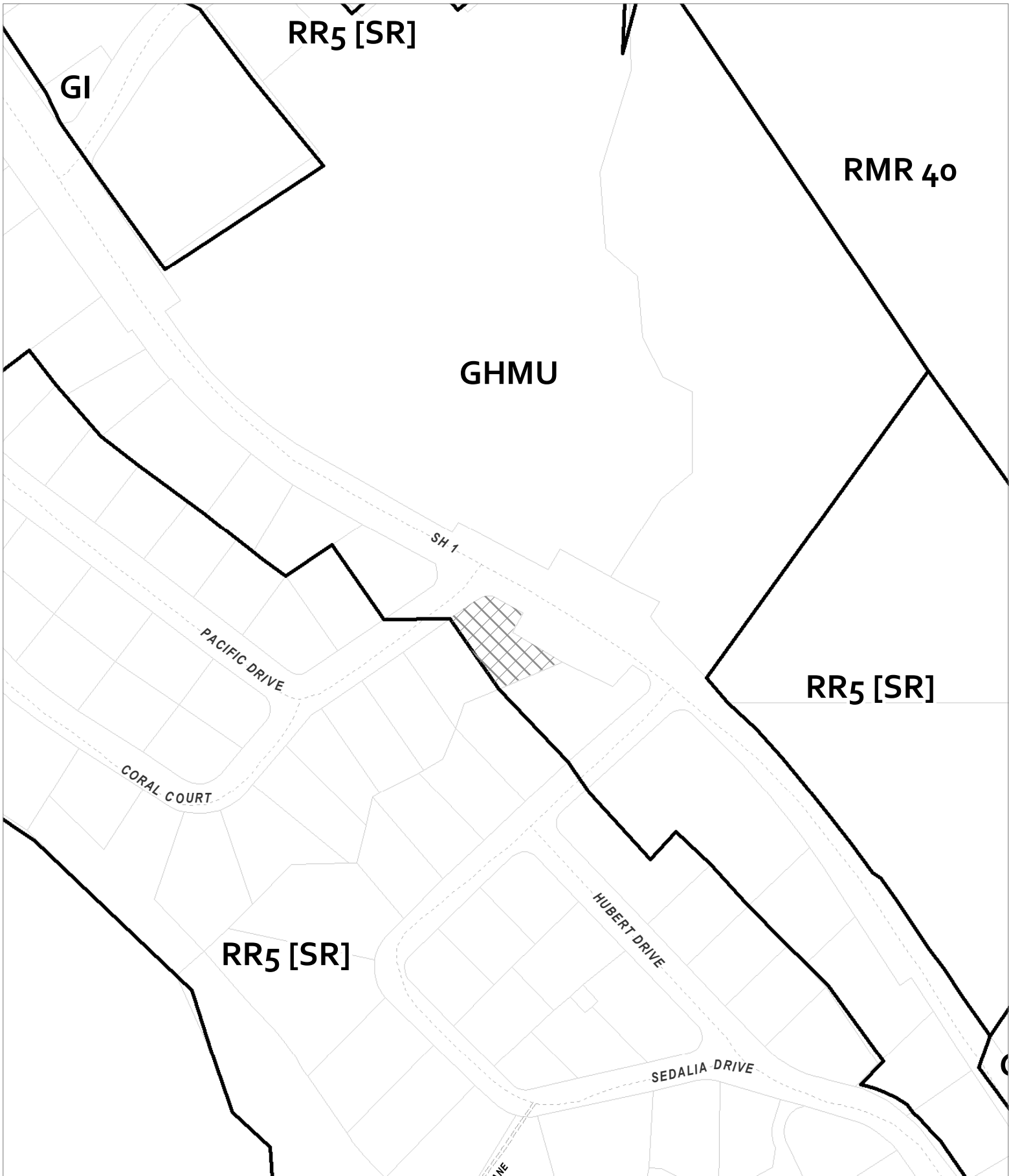
Preliminary Only-Not For Construction	Client Approval:
	Date:
<p>2 copies of this preliminary plan have been provided for your convenience, please date and return to the office of the architect. Any changes or alterations (find plan or pencil preferred) and not to be made after the date of the plan. Please indicate the nature of any changes or alterations on the final plans. Please indicate the nature of any changes or alterations on the final plans. Please indicate the nature of any changes or alterations on the final plans.</p>	
<p>UNLESS OTHERWISE NOTED, ALL SPECIFICATIONS SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE FOLLOWING: AIA, ASHRAE, IBC, AND ALL APPLICABLE CODES. ALL MATERIALS AND FINISHES SHALL BE OF THE BEST QUALITY AVAILABLE. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE FOLLOWING: AIA, ASHRAE, IBC, AND ALL APPLICABLE CODES. ALL MATERIALS AND FINISHES SHALL BE OF THE BEST QUALITY AVAILABLE. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE FOLLOWING: AIA, ASHRAE, IBC, AND ALL APPLICABLE CODES.</p>	

CASE: CDPM 2018-0006
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NO SCALE

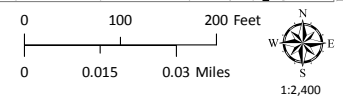
FLOOR PLAN
 ATTACHMENT G

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CASE: CDPM 2018-0006
 OWNER: HOWELL, William
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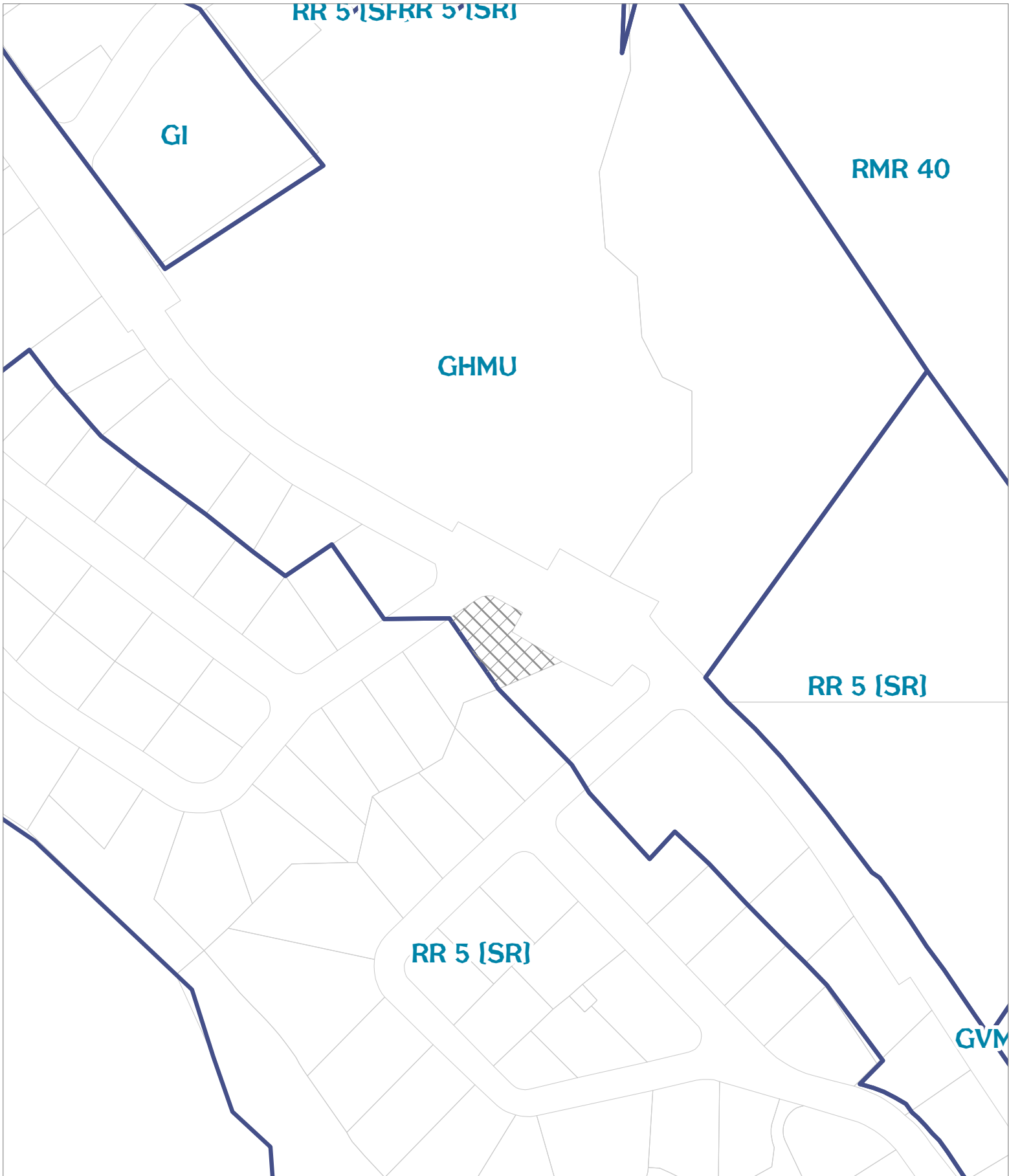
 Zoning Districts
 Public Roads



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ZONING DISPLAY MAP
 ATTACHMENT H

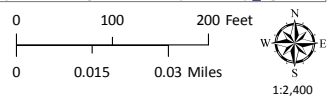
MENDOCINO COUNTY PLANNING DEPARTMENT 09/1/2018



MENDOCINO COUNTY PLANNING DEPARTMENT - 06/15/2018

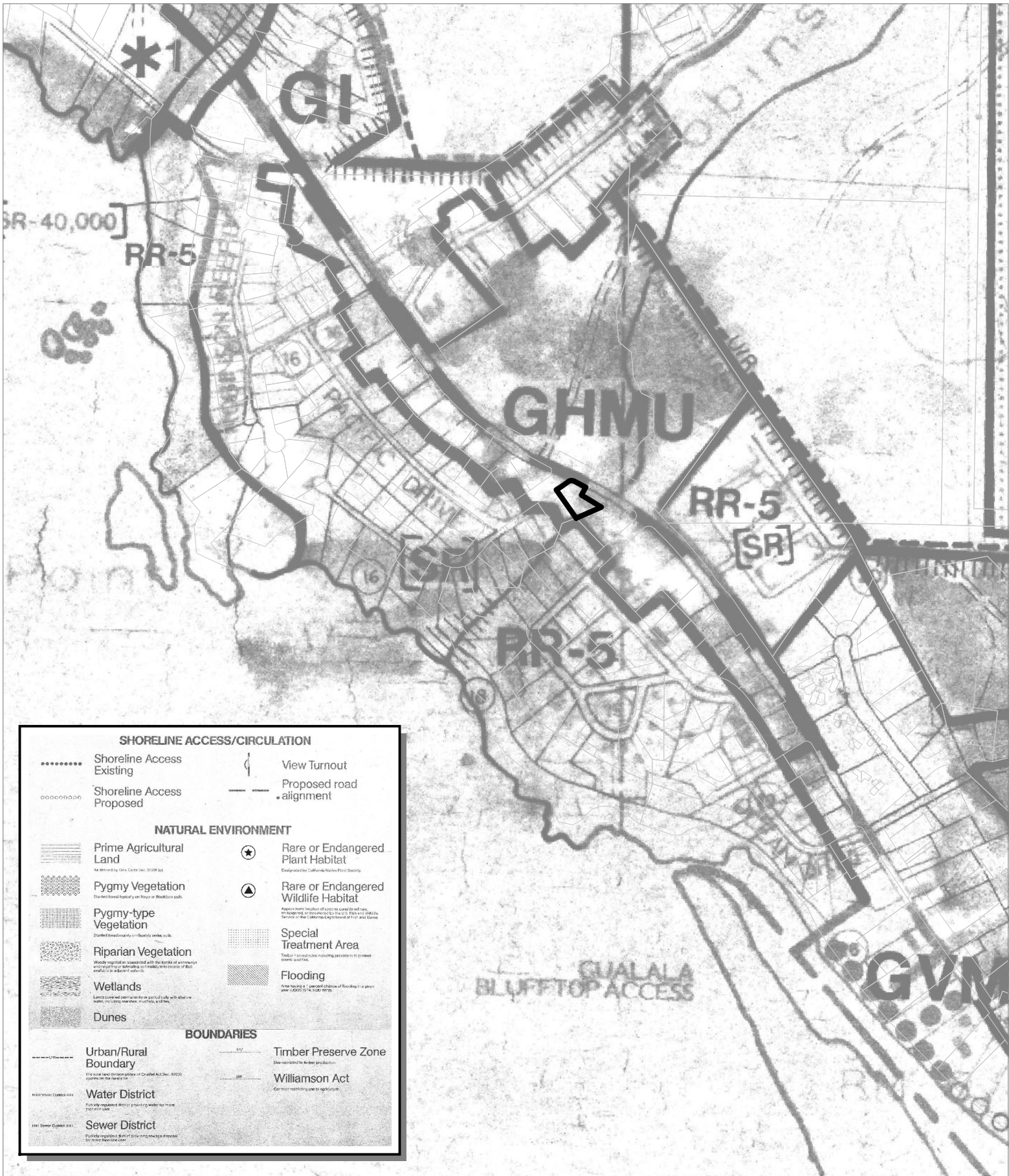
CASE: **CDPM 2018-0006**
 OWNER: **HOWELL, William**
 APN: **145-164-16**
 APLCT: **William S. Howell**
 AGENT:
 ADDRESS: **38690 Pacific Drive, Gualala**

 General Plan Classes



GENERAL PLAN CLASSIFICATIONS
ATTACHMENT I

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SHORELINE ACCESS/CIRCULATION

- Shoreline Access Existing
- Shoreline Access Proposed
- View Turnout
- Proposed road alignment

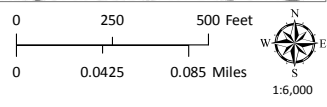
NATURAL ENVIRONMENT

- Prime Agricultural Land
- Pygmy Vegetation
- Pygmy-type Vegetation
- Riparian Vegetation
- Wetlands
- Dunes
- Rare or Endangered Plant Habitat
- Rare or Endangered Wildlife Habitat
- Special Treatment Area
- Flooding

BOUNDARIES

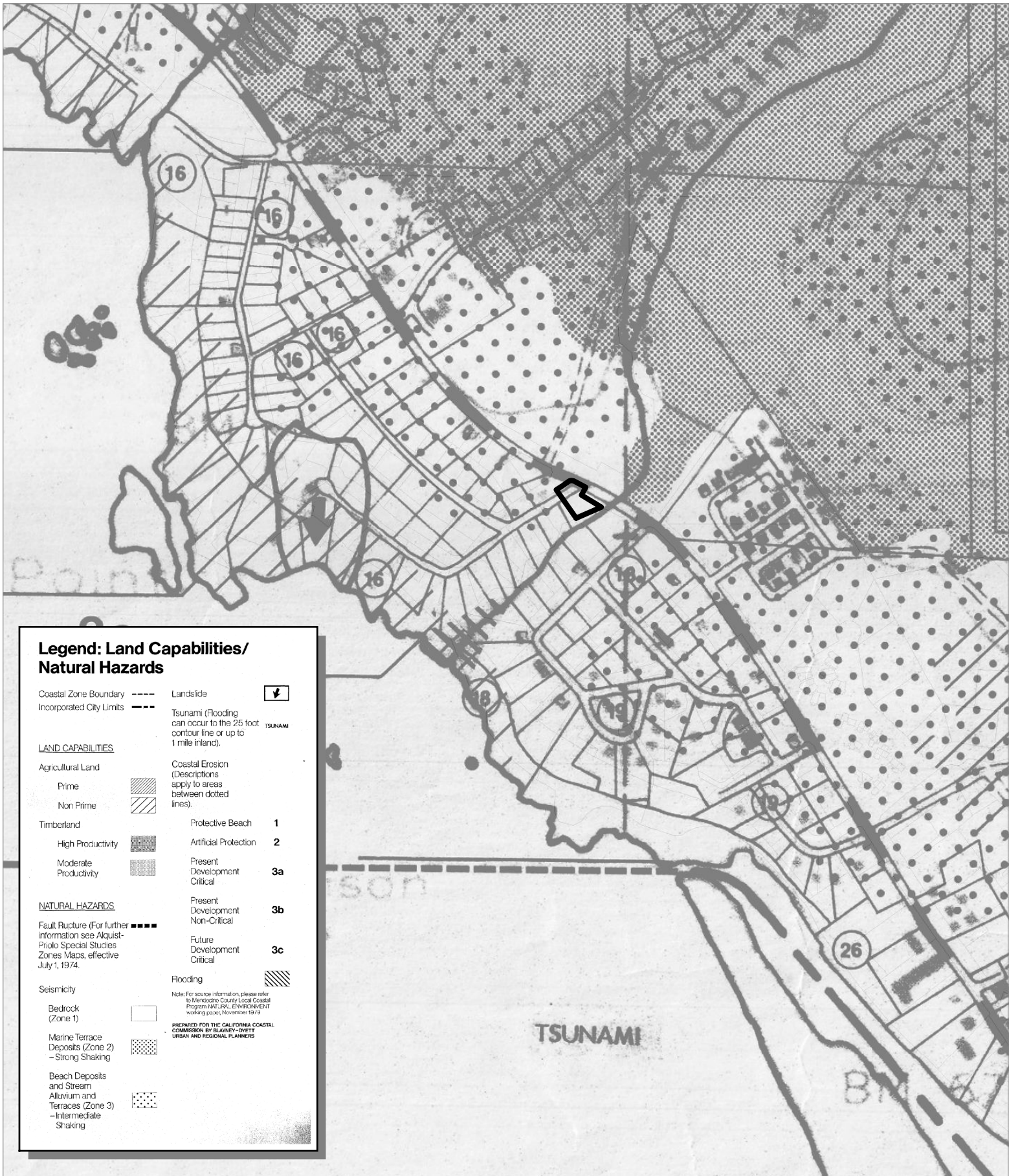
- Urban/Rural Boundary
- Water District
- Sewer District
- Timber Preserve Zone
- Williamson Act

CASE: **CDPM 2018-0006**
 OWNER: **HOWELL, William**
 APN: **145-164-16**
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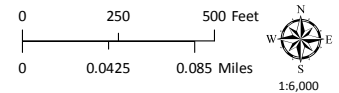
MENDOCINO COUNTY PLANNING DEPARTMENT - 04/14/2018



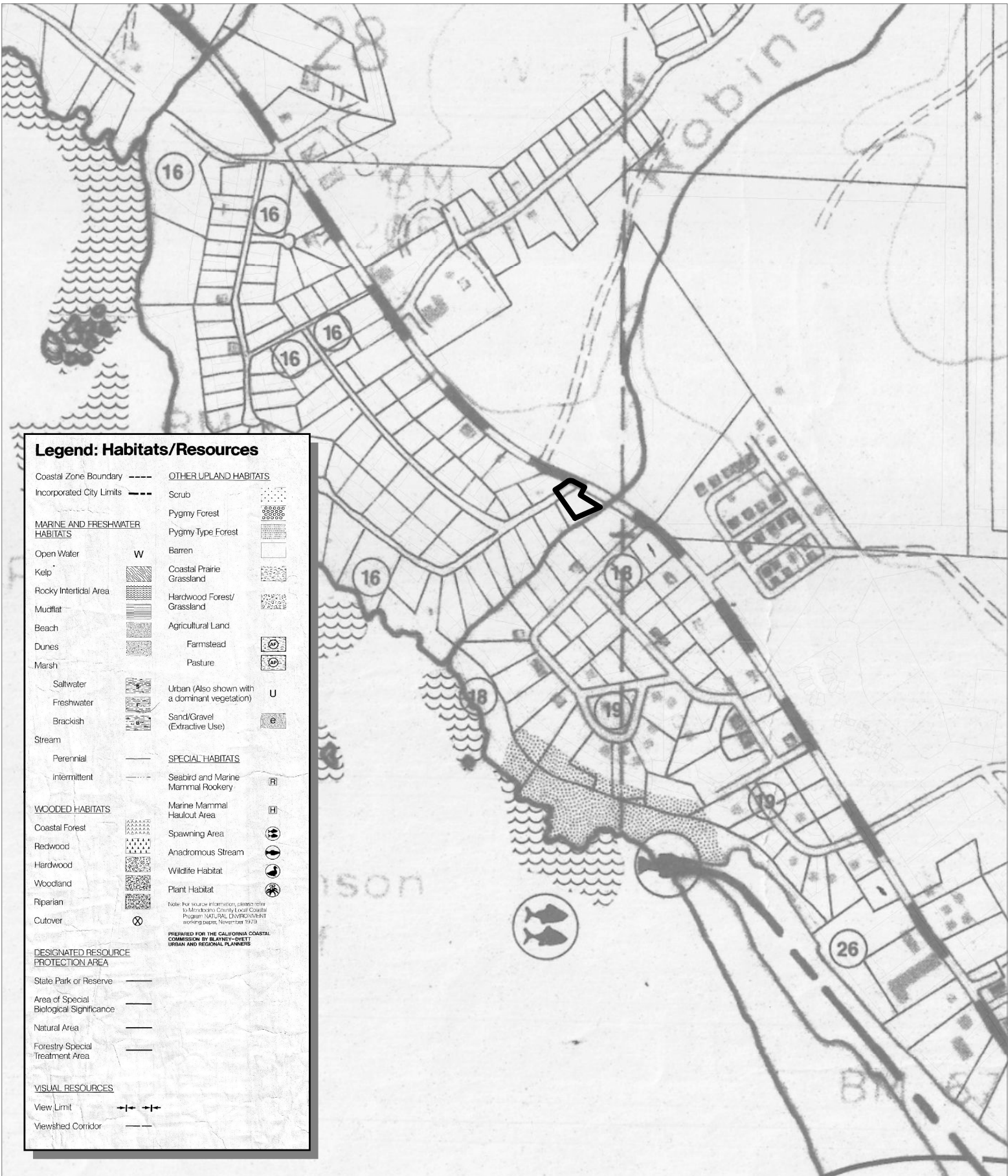
**Legend: Land Capabilities/
Natural Hazards**

- | | | | |
|---|-----|--|----|
| Coastal Zone Boundary | --- | Landslide | |
| Incorporated City Limits | --- | Tsunami (Flooding can occur to the 25 foot contour line or up to 1 mile inland). | |
| LAND CAPABILITIES | | | |
| Agricultural Land | | Coastal Erosion (Descriptions apply to areas between dotted lines). | |
| Prime | | Protective Beach | 1 |
| Non Prime | | Artificial Protection | 2 |
| Timberland | | Present Development Critical | 3a |
| High Productivity | | Present Development Non-Critical | 3b |
| Moderate Productivity | | Future Development Critical | 3c |
| NATURAL HAZARDS | | | |
| Fault Rupture (For further information see Alquist-Priolo Special Studies Zones Maps, effective July 1, 1974. | --- | Flooding | |
| Seismicity | | <small>Note: For source information, please refer to Mendocino County Local Coastal Program NATURAL ENVIRONMENT working paper November 1974</small>
<small>PREPARED FOR THE CALIFORNIA COASTAL COMMISSION BY BLANEY-DWETT URBAN AND REGIONAL PLANNERS</small> | |
| Bedrock (Zone 1) | | | |
| Marine Terrace Deposits (Zone 2) - Strong Shaking | | | |
| Beach Deposits and Stream Alluvium and Terraces (Zone 3) - Intermediate Shaking | | | |

CASE: CDPM 2018-0006
 OWNER: HOWELL, William
 APN: 145-164-16
 APLCT: William S. Howell
 AGENT:
 ADDRESS: 38690 Pacific Drive, Gualala



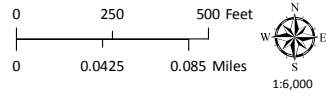
MENDOCINO COUNTY PLANNING DEPARTMENT - 10/17/2018



Legend: Habitats/Resources

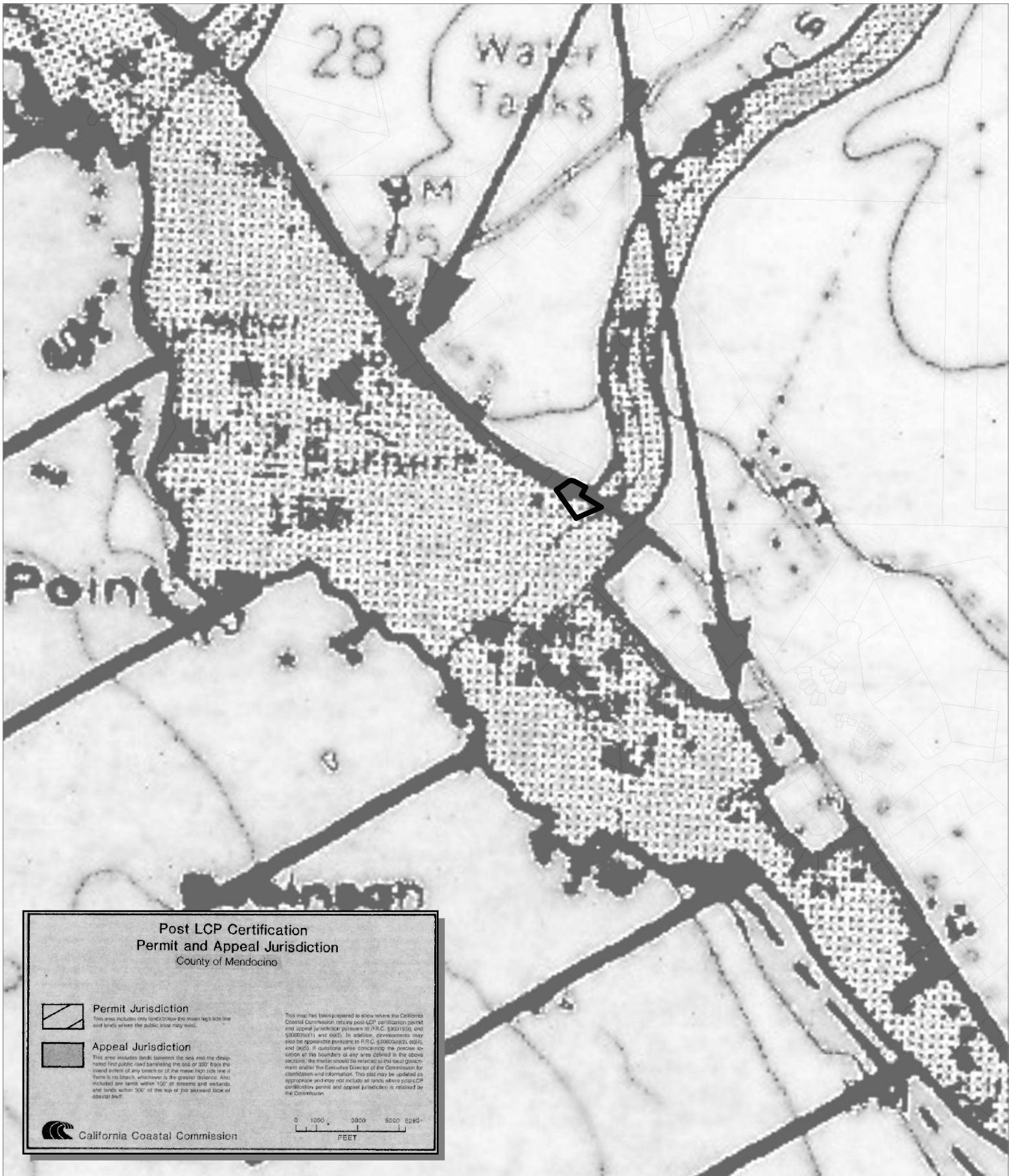
Coastal Zone Boundary	---	OTHER UPLAND HABITATS	
Incorporated City Limits	---	Scrub	
MARINE AND FRESHWATER HABITATS			
Open Water	W	Pygmy Forest	
Kelp	[Symbol]	Pygmy Type Forest	
Rocky Intertidal Area	[Symbol]	Barren	
Mudflat	[Symbol]	Coastal Prairie Grassland	
Beach	[Symbol]	Hardwood Forest/ Grassland	
Dunes	[Symbol]	Agricultural Land	
Marsh	[Symbol]	Farmstead	
Saltwater	[Symbol]	Pasture	
Freshwater	[Symbol]	Urban (Also shown with a dominant vegetation) U	
Brackish	[Symbol]	Sand/Gravel (Extractive Use) e	
Stream	[Symbol]	SPECIAL HABITATS	
Perennial	[Symbol]	Seabird and Marine Mammal Rookery [R]	
Intermittent	[Symbol]	Marine Mammal Haulout Area [H]	
WOODED HABITATS			
Coastal Forest	[Symbol]	Spawning Area [S]	
Redwood	[Symbol]	Anadromous Stream [AS]	
Hardwood	[Symbol]	Wildlife Habitat [W]	
Woodland	[Symbol]	Plant Habitat [P]	
Riparian	[Symbol]	<small>Note: For source information, please refer to Mendocino County Local Coastal Program NATURAL ENVIRONMENT zoning maps, November 1978.</small>	
Cutover	[Symbol]	<small>PREPARED FOR THE CALIFORNIA COASTAL COMMISSION BY BLAYNE-BWETT URBAN AND REGIONAL PLANNERS</small>	
DESIGNATED RESOURCE PROTECTION AREA			
State Park or Reserve	[Symbol]		
Area of Special Biological Significance	[Symbol]		
Natural Area	[Symbol]		
Forestry Special Treatment Area	[Symbol]		
VISUAL RESOURCES			
View Limit	[Symbol]		
Viewshed Corridor	[Symbol]		

CASE: CDPM 2018-0006
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



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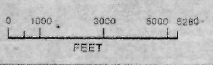
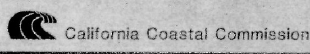
MENDOCINO COUNTY PLANNING DEPARTMENT - 06/01/2018



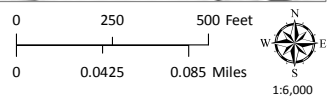
**Post LCP Certification
Permit and Appeal Jurisdiction**
County of Mendocino

-  **Permit Jurisdiction**
This area includes only lands below the mean high tide line and lands where the public may exist.
-  **Appeal Jurisdiction**
This area includes lands between the sea and the designated first public road paralleling the sea or 200' from the inland extent of any beach or of the mean high tide line if there is no beach, whichever is the greater distance. Also included are lands within 100' of streams and wetlands and lands within 500' of the top of the seaward face of coastal dunes.

This map has been prepared to show where the California Coastal Commission retains post-LCP certification permit and appeal jurisdiction pursuant to P.R.C. §30115(d), and §30600(a)(1) and (a)(2). In addition, streamflows may also be appealable pursuant to P.R.C. §30600(a)(3), (a)(4), and (a)(5). If questions arise concerning the precise location of the boundary of any area defined in the above sections, the matter should be referred to the local government and/or the Executive Director of the Commission for clarification and information. This map may be updated as appropriate and may not include all lands where post-LCP certification permit and appeal jurisdiction is retained by the Commission.



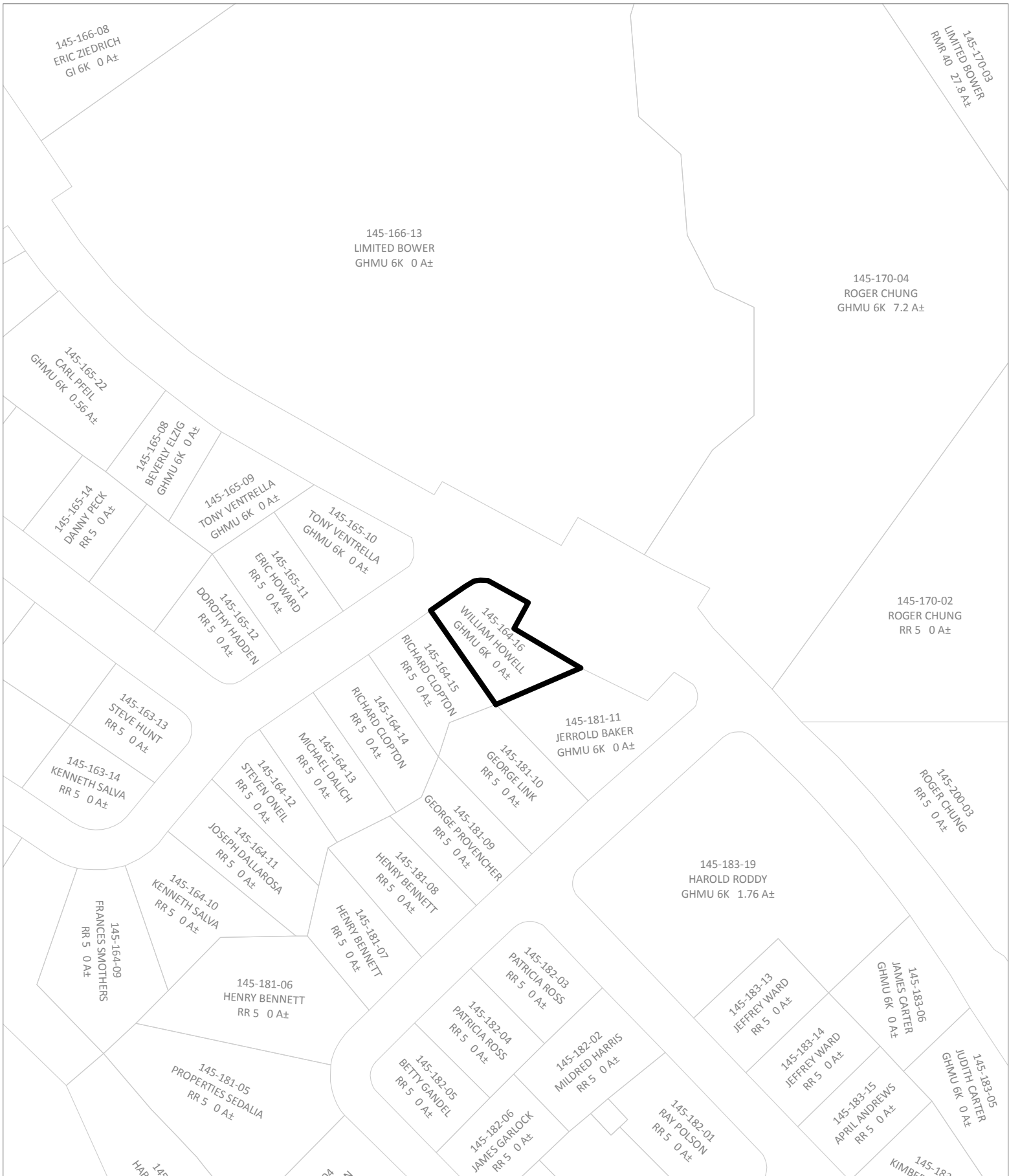
CASE: **CDPM 2018-0006**
 OWNER: **HOWELL, William**
 APN: **145-164-16**
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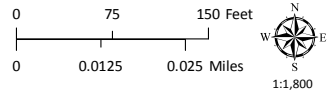
APPEALABLE AREAS
ATTACHMENT M

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MENDOCINO COUNTY PLANNING DEPARTMENT - 10/1/2018



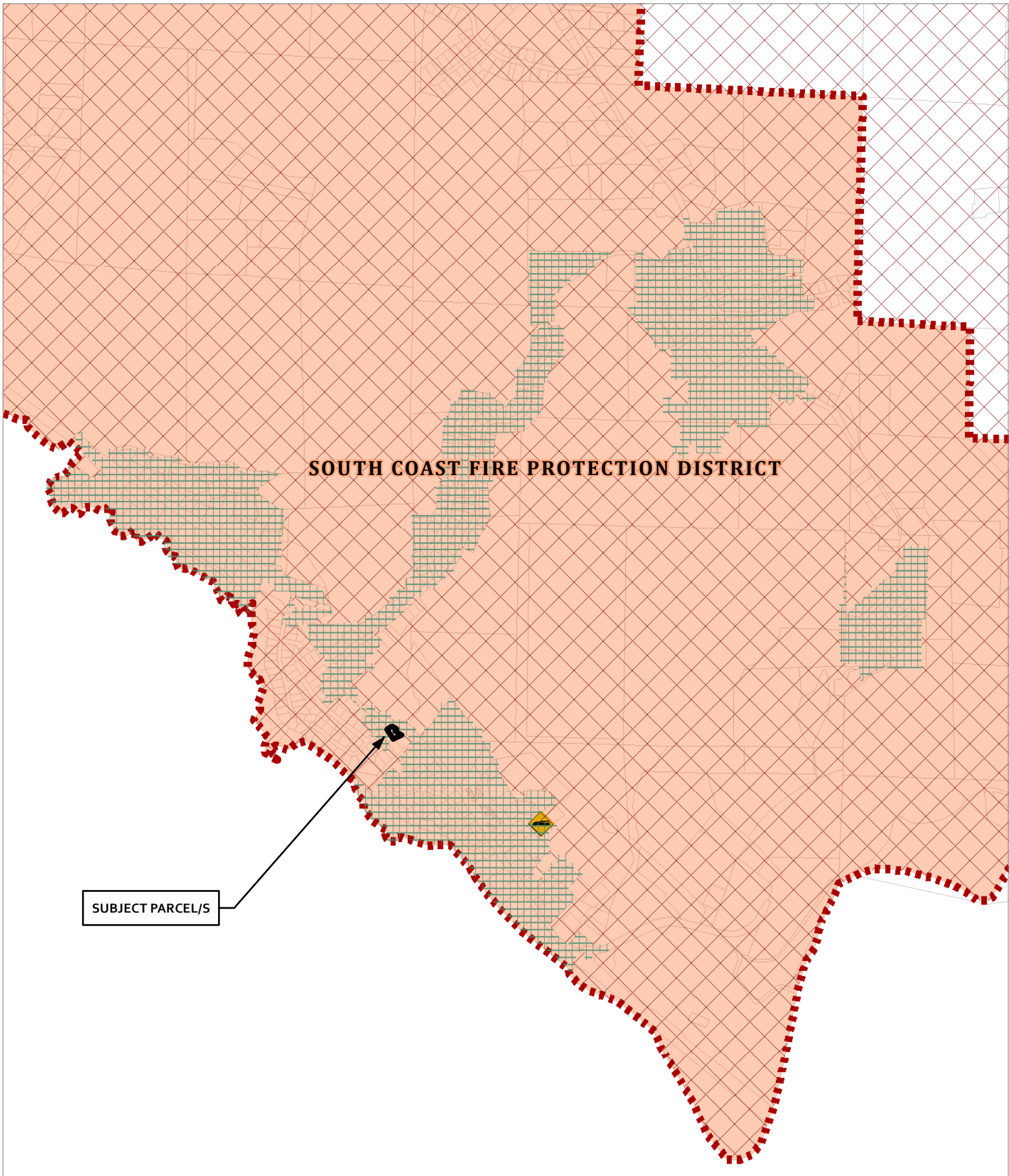
CASE: **CDPM 2018-0006**
 OWNER: **HOWELL, William**
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ADJACENT PARCELS
ATTACHMENT N

MENDOCINO COUNTY PLANNING DEPARTMENT - 10/17/2018

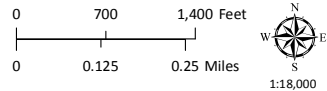


SOUTH COAST FIRE PROTECTION DISTRICT

SUBJECT PARCEL/S

CASE: CDPM 2018-0006
 OWNER: HOWELL, William
 APN: 145-164-16
 APLCT: William S. Howell
 AGENT:
 ADDRESS: 38690 Pacific Drive, Gualala

-  High Fire Hazard
-  Moderate Fire Hazard
-  Fire Stations
-  County Fire Districts

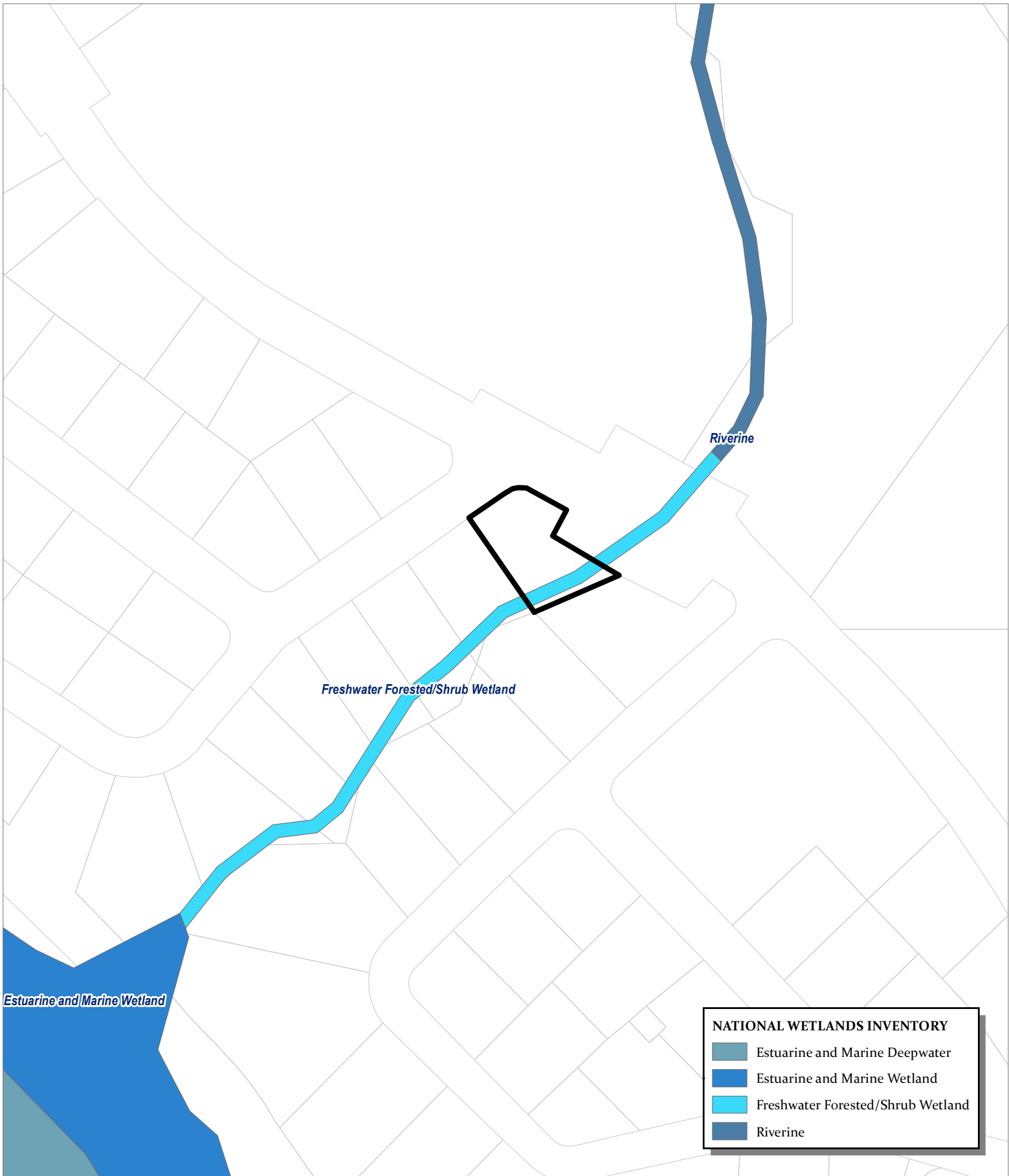


FIRE HAZARD ZONES & RESPONSIBILITY AREAS
 STATE RESPONSIBILITY AREA

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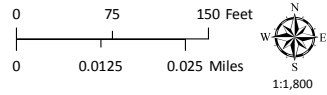
ATTACHMENT O

MENDOCINO COUNTY PLANNING DEPARTMENT - 10/1/2018

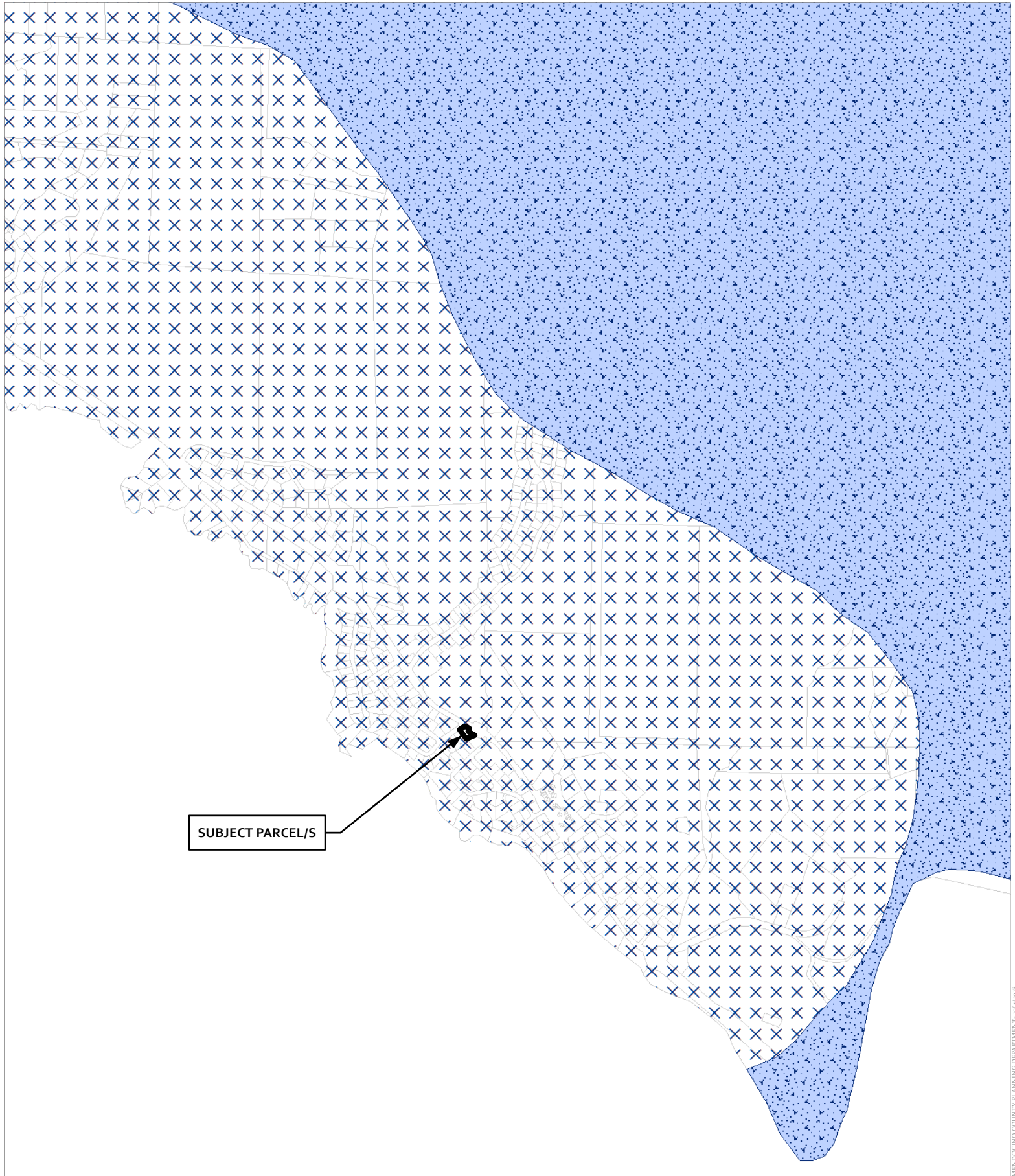


MENDOCINO COUNTY PLANNING DEPARTMENT - 10/1/2018

CASE: **CDPM 2018-0006**
 OWNER: **HOWELL, William**
 APN: **145-164-16**
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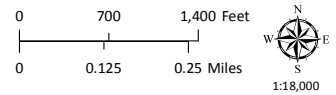
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MENDOCINO COUNTY PLANNING DEPARTMENT - 10/1/2018

CASE: **CDPM 2018-0006**
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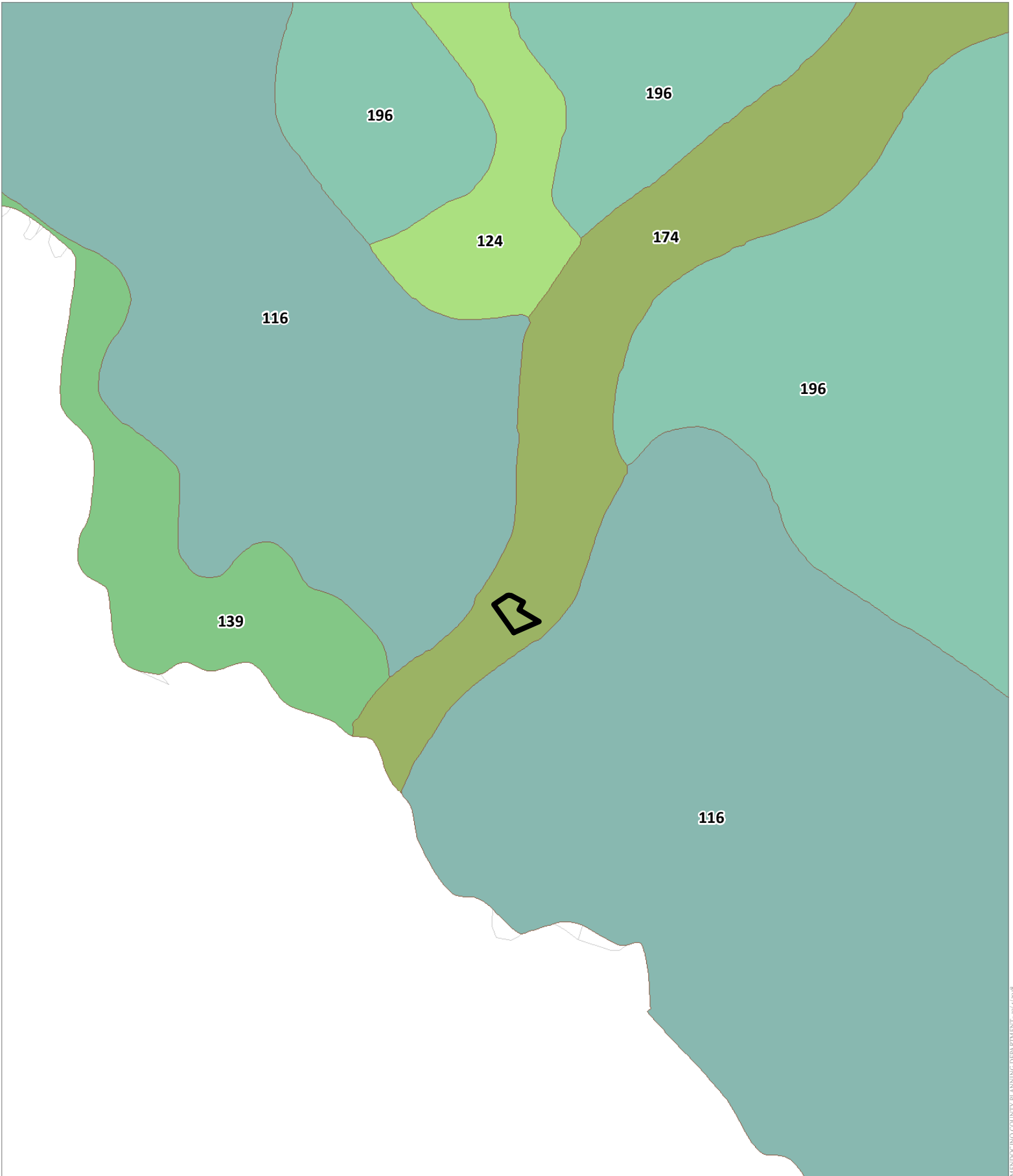
- Critical Water Areas
- Critical Water Resources Bedrock



GROUND WATER RESOURCES

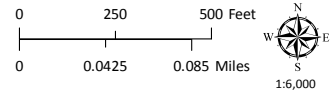
ATTACHMENT Q

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CASE: CDPM 2018-0006
 OWNER: HOWELL, William
 APN: 145-164-16
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 AGENT:
 ADDRESS: 38690 Pacific Drive, Gualala

 Western Study Soil Types



LOCAL SOILS

ATTACHMENT R

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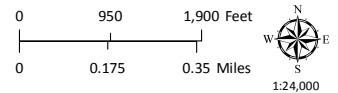
MENDOCINO COUNTY PLANNING DEPARTMENT - 10/1/2018

NORTH GUALALA WATER COMPANY



 County Water Districts

CASE: **CDPM 2018-0006**
OWNER: **HOWELL, William**
APN: **145-164-16**
APLCT: **William S. Howell**
AGENT:
ADDRESS: **38690 Pacific Drive, Gualala**



MENDOCINO COUNTY PLANNING DEPARTMENT - 10/1/2018

Resolution Number _____

County of Mendocino
Fort Bragg, California
June 27, 2019

CDPM 2018-0006 - WILLIAM SHAWN HOWELL

RESOLUTION OF THE COASTAL PERMIT ADMINISTRATOR,
COUNTY OF MENDOCINO, STATE OF CALIFORNIA, ADOPTING A
CATEGORICAL EXEMPTION FROM CEQA AND GRANTING A
MODIFICATION TO RESOLUTION NO. CPA 2016-0006 AND
AMENDING THE CONDITIONS APPROVING PERMIT CDP 2015-0022.

WHEREAS, the applicant, WILLIAM SHAWN HOWELL AND TREVOR NORCROSS, on October 2, 2018, filed an application for COASTAL DEVELOPMENT STANDARD PERMIT AMENDMENT with the Mendocino County Department of Planning and Building Services requesting to delete adopted Condition No. 9 from Resolution No. CPA 2016-0006, which authorized CDP 2015-0022 and authorized a change in occupancy from commercial to multi-family residential with four residential units. The site is located on the south side of Pacific Drive at its intersection with Highway 1. 38690 PACIFIC DR, GUALALA; 14516416; General Plan GHMU:U; Zoning GHMU:6K/NONE; Supervisorial District 5; (the "Project"); and

WHEREAS, a Class 3(b) CATEGORICAL EXEMPTION from CEQA was prepared for the Project and noticed and made available for agency and public review on June 24, 2016 in accordance with the California Environmental Quality Act (CEQA) and the State and County CEQA Guidelines; and

WHEREAS, in accordance with applicable provisions of law, the Coastal Permit Administrator held a public hearing on, July 28, 2016, at which time the Coastal Permit Administrator heard and received all relevant testimony and evidence presented orally or in writing regarding the Class 3(b) CATEGORICAL EXEMPTION from CEQA and the Project. All interested persons were given an opportunity to hear and be heard regarding the Class 3(b) CATEGORICAL EXEMPTION from CEQA and the PROJECT; and

WHEREAS, following the conclusion of the local appeal period the California Coastal Commission provided a Notice of Appeal Period which concluded on August 29, 2016 without an appeal filed; and

WHEREAS, the effective date of Coastal Development Standard Permit CDP 2015-0022, as listed in Resolution Number 2016-0006, is after the conclusion of the ten working-day appeal period to the California Coastal Commission; and

WHEREAS, Coastal Development Standard Permit CDP 2015-0022 was signed by the property owner on May 3, 2017 and on March 30, 2017; and

WHEREAS, Coastal Element Chapter 4.14 includes goals and policies regarding pedestrian access in Gualala, and along State Route 1 between Old State Highway and Robinson Reef Road, and along local roads within the Gualala Highway Mixed Use district, including Gualala Town Plan Pedestrian Access Policies 3.6-14, 3.6-15, and 3.6-16; and

WHEREAS, in accordance with applicable provisions of law, the Coastal Permit Administrator held a noticed public hearing on, June 27, 2019, at which time the Coastal Permit Administrator heard and received all relevant testimony and evidence presented orally or in writing regarding the Class 3(b) CATEGORICAL EXEMPTION from CEQA and the PROJECT.

NOW, THEREFORE, BE IT RESOLVED, that the Coastal Permit Administrator affirms the previously adopted findings:

1. The proposed multi-family residential land use is a permitted use in the Gualala Highway Mixed-Use (GHMU) Land Use Classification. The proposal satisfies each of the *Gualala Town Plan* site development standards, including activity space requirements for residential uses, off-street parking, vehicle access, landscaping, and others.
2. The Gualala Highway Mixed Use (GHMU) Zoning District lists multi-family residential uses, like the proposed conversion of an existing building to four residential units, as a principally permitted residential land use. The project complies with each of the development regulations for the district, including height, building setback from the highway, landscaping, lighting and others. The intent of the zoning district is preserved.
3. The proposed development is in conformity with the certified local coastal program as it satisfies each of the LCP Policies for development within the GHMU Land Use Classification.
4. The proposed development will be provided with adequate utilities, access roads, drainage, and other necessary facilities. The site has access to solid waste, community services (sewer), and has demonstrated that water use (measured as Equivalent Daily Units) will be equal or less than previous commercial occupancies.
5. The proposed development will not have any significant adverse impact on the environment within the meaning of the California Environmental Quality Act, because it is the conversion of an existing commercial building to a four-unit, multi-family residential occupancy which is listed as eligible for a Class 3(b) categorical exemption from CEQA.
6. The proposed development will not have any adverse impacts on any known archaeological or paleontological resource.
7. 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. Conversion of three existing commercial offices to three residential units will have a negligible impact on solid waste and roadway capacities.

BE IT FURTHER RESOLVED that the Coastal Permit Administrator finds the Gualala Town Plan Policies for Pedestrian Access, including Policies 3.6-14, 3.6-15, and 3.6-16, can be satisfied by amending previously adopted Condition No. 1 and requiring the property owner to record an Offer to Dedicate land for the future construction of walkways adjacent to or on land located at 38690 Pacific Drive, Gualala.

BE IT FURTHER RESOLVED that the Coastal Permit Administrator hereby adopts the Class 3(b) CATEGORICAL EXEMPTION from CEQA. The Coastal Permit Administrator certifies that the Categorical Exemption from CEQA has been completed, reviewed, and considered, together with the comments received during the public review process, in compliance with CEQA and State and County CEQA Guidelines, and finds that the Categorical Exemption reflects the independent judgment and analysis of the Coastal Permit Administrator.

BE IT FURTHER RESOLVED that the Coastal Permit Administrator hereby grants the requested Coastal Development Standard Permit Amendment, subject to the Conditions of Approval in Exhibit "A", attached hereto, and including modified Condition No. 1 and new Conditions No. 10 and 11.

BE IT FURTHER RESOLVED that the Coastal Permit Administrator designates the Secretary as the custodian of the document and other material that constitutes the record of proceedings upon which the Coastal Permit Administrator decision herein is based. These documents may be found at the office of the County of Mendocino Planning and Building Services, 860 North Bush Street, Ukiah, CA 95482.

BE IT FURTHER RESOLVED that the Coastal Permit Administrator action shall become final on the 11th day following the decision unless an appeal is filed pursuant to Section 20.544.015 of the Mendocino County Code.

I hereby certify that according to the Provisions of Government Code Section 25103 delivery of this document has been made.

ATTEST: JAMES F. FEENAN
Commission Services Supervisor

By: _____

BY: BRENT SCHULTZ
Coastal Permit Administrator

By: _____

EXHIBIT A

CONDITIONS OF APPROVAL

CDPM_20185-0006 - HOWELL JUNE 27, 2019

A Coastal Development Permit Amendment modifying adopted Condition No. 9 from Resolution No. CPA 2016-0006 and adding new Conditions No. 10 and No. 11.

APPROVED PROJECT DESCRIPTION: Amendments to Coastal Development Permit CDP 2015-0022 include modifying Condition No. 1 and include adopting new Conditions No. 10 and 11, that require an Offer to Dedicate and allow the expiration of the permit to be extended to August 29, 2020.

CONDITIONS OF APPROVAL:

1. This action shall become final on the 11th day following the decision unless an appeal is filed pursuant to Section 20.544.015 of the Mendocino County Code. The permit shall become effective after the ten (10) working day appeal period to the Coastal Commission has expired and no appeal has been filed with the Coastal Commission. The permit shall expire and become null and void on August 29, 2020. To remain valid, progress towards completion of the project must be continuous. The applicant has sole responsibility for renewing this application before the expiration date. The County will not provide a notice prior to the expiration date.
2. The use and occupancy of the premises shall be established and maintained in conformance with the provisions of Division II of Title 20 of the Mendocino County Code.
3. The application, along with supplemental exhibits and related material, shall be considered elements of this permit, and that compliance therewith is mandatory, unless an amendment has been approved by the Coastal Permit Administrator.
4. That this permit be subject to the securing of all necessary permits for the proposed development from County, State and Federal agencies having jurisdiction.
5. The applicant shall secure all required building permits for the proposed project as required by the Building Inspection Division of the Department of Planning and Building Services.
6. This permit shall be subject to revocation or modification upon a finding of any one (1) or more of the following:
 - a. That such permit was obtained or extended by fraud.
 - b. That one or more of the conditions upon which such permit was granted have been violated.
 - c. That the use for which the permit was granted is so conducted as to be detrimental to the public health, welfare or safety or as to be a nuisance.
 - d. A final judgment of a court of competent jurisdiction has declared one or more conditions to be void or ineffective, or has enjoined or otherwise prohibited the enforcement or operation of one or more such conditions.
7. This permit is issued without a legal determination having been made upon the number, size or shape of parcels encompassed within the permit described boundaries. Should, at any time, a legal determination be made that the number, size or shape of parcels within the permit described boundaries are different than that which is legally required by this permit, this permit shall become null and void.

8. If any archaeological sites or artifacts are discovered during site excavation or construction activities, the applicant shall cease and desist from all further excavation and disturbances within one hundred (100) feet of the discovery, and make notification of the discovery to the Director of the Department of Planning and Building Services. The Director will coordinate further actions for the protection of the archaeological resources in accordance with Section 22.12.090 of the Mendocino County Code.
9. Prior to issuance of a change of occupancy by the Building Department, the property owner shall demonstrate to the Department of Planning and Building Services satisfaction that the objectives of the Pedestrian Access Requirement for landscaping, planting, and constructing pathways as proposed on Sheet 4 of 4 of the Preliminary Site Plan for 38690 Pacific Drive, Gualala, CA has been satisfied.
10. In lieu of constructing the required five-foot wide cement pedestrian pathways, prior to the issuance of a Building Permit, Grading Permit, or Encroachment Permit, and pursuant with MCC Section 20.516.015(C)(2), the property owner shall provide for the required preservation setback and pedestrian pathways where the land adjoins State Route 1 by recording in the official records of the County Recorder of Mendocino County an irrevocable **Offer to Dedicate** an easement that allows for the preservation setback and pedestrian pathways, as follows:
 - a. The offer shall be free of prior liens except for tax liens and free of prior encumbrances which may affect the interest being conveyed.
 - b. The offer shall run with the land binding successors and assigns of the landowner and shall be irrevocable for twenty-one (21) years beginning from the date of recording.
 - c. The offer shall convey to the people of the State of California an easement for access over and across the offerers' property.
 - d. Each offer of dedication will provide that the title for each easement shall be automatically convey upon acceptance by a qualified agency as named by the Director after a management plan has been accepted.
11. The expiration of Permit CDP 2015-0022 is extended an additional twenty-four months or until August 29, 2020.