



COUNTY OF MENDOCINO

DEPARTMENT OF PLANNING AND BUILDING SERVICES

860 NORTH BUSH STREET • UKIAH • CALIFORNIA • 95482

752 SOUTH FRANKLIN STREET • FORT BRAGG • CALIFORNIA • 95437

JULIA KROG, DIRECTOR

PHONE: 707-234-6650

FAX: 707-463-5709

FB PHONE: 707-964-5379

FB FAX: 707-961-2427

pbs@mendocinocounty.gov

www.mendocinocounty.gov/pbs

MEMORANDUM

DATE: NOVEMBER 4, 2025

TO: HONORABLE BOARD OF SUPERVISORS

FROM: LIAM CROWLEY, PLANNER II

SUBJECT: APPEAL OF COASTAL DEVELOPMENT PERMIT APPLICATION CDP_2024-0040 (CALTRANS)

(A) BACKGROUND: The Gualala Town Plan (GTP) was adopted in 2002 after several years of community discussions at Gualala Municipal Advisory Council (GMAC) meetings and community workshops. GTP Goal G2.5-1 is to “create safe and pleasant pedestrian circulation within the commercial district and to reduce vehicular congestion and improve safety conditions along the Highway 1 corridor”. The Gualala Traffic Study was prepared by TJKM in 1995 to inform development of the GTP. To accommodate increased traffic volumes from projected buildout under the GTP, the Traffic Study recommended that a two-way left-turn lane be installed on State Route 1 from Old State Highway to Bakertown (Post Mile 0.6 to 1.22), among other recommendations. GTP Section 3.6 established nineteen (19) policies related to circulation, parking, and pedestrian access. GTP Policy G3.6-4 established a streetscape cross-section for State Route 1 (SR-1) within a minimum eighty (80) foot right-of-way, as shown in the figure below. However, a narrower right-of-way was desired to avoid potentially costly acquisition of additional land. Caltrans currently maintains SR-1 through Gualala under a prescriptive easement. The current right-of-way width varies between fifty-one (51) and one hundred six (106) feet through the project area.¹

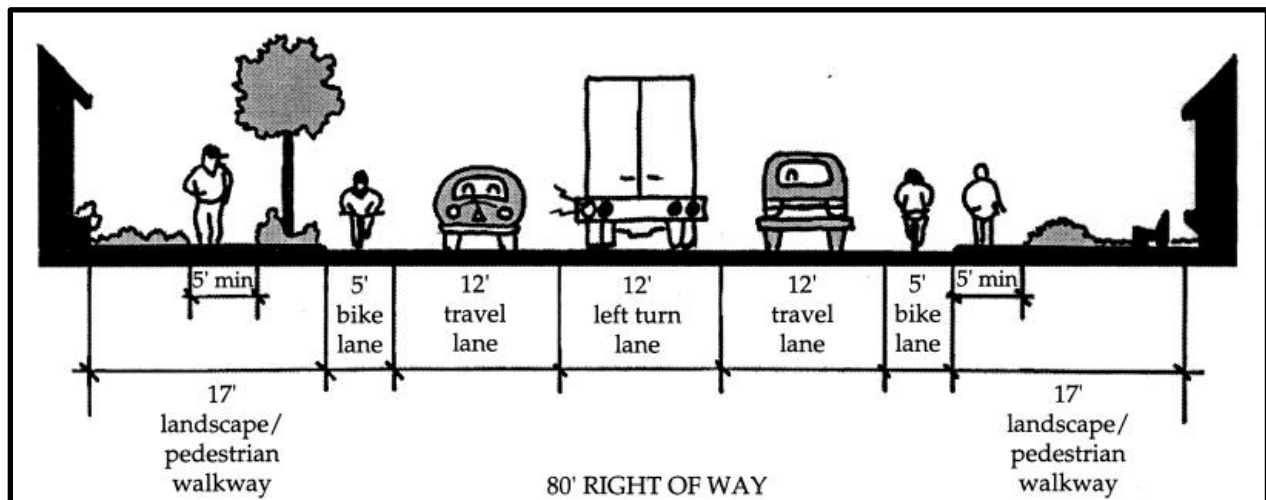


Fig 1. 2002 Gualala Town Plan State Route 1 streetscape cross section.

(A)(1) Community Action Plan: In 2005, Caltrans awarded a Community-based Transportation Planning Grant to the Mendocino Council of Governments (MCOG) which resulted in the preparation of the Gualala Community Action Plan in 2007.² The Community Action Plan refined the concept for highway improvements within the downtown core of Gualala, including recommended implementation strategies and funding mechanisms. However, the Community Action Plan also noted that:

¹ The Gualala Town Plan is available online at: <https://www.mendocinocounty.gov/departments/planning-building-services/long-range-plans/current-general-plan>

² Available online at: <https://www.mendocinocog.org/files/d8c81772d/Gualala+Community+Action+Plan+3-28-2007%28web%29.pdf>.

“After [Gualala Town Plan] adoption in 2002, some were of the opinion that the goals and policies it endorses are impractical, if not impossible. For instance, most people who have been attending the workshops feel that the Gualala Town Plan should be amended to eliminate the recommended 80-foot right-of-way for Highway 1, which would involve considerable land acquisition, and to eliminate the proposed bike lanes in order to retain parking along Highway 1.

However, because future grant funding may be predicated on being consistent with the GTP, the community appears to have become reconciled with the need to accommodate bicycle paths in downtown Gualala – albeit within a narrower right-of-way – if it will result in the improvements desired to enhance the livability, safety, and attractiveness of downtown Gualala.”

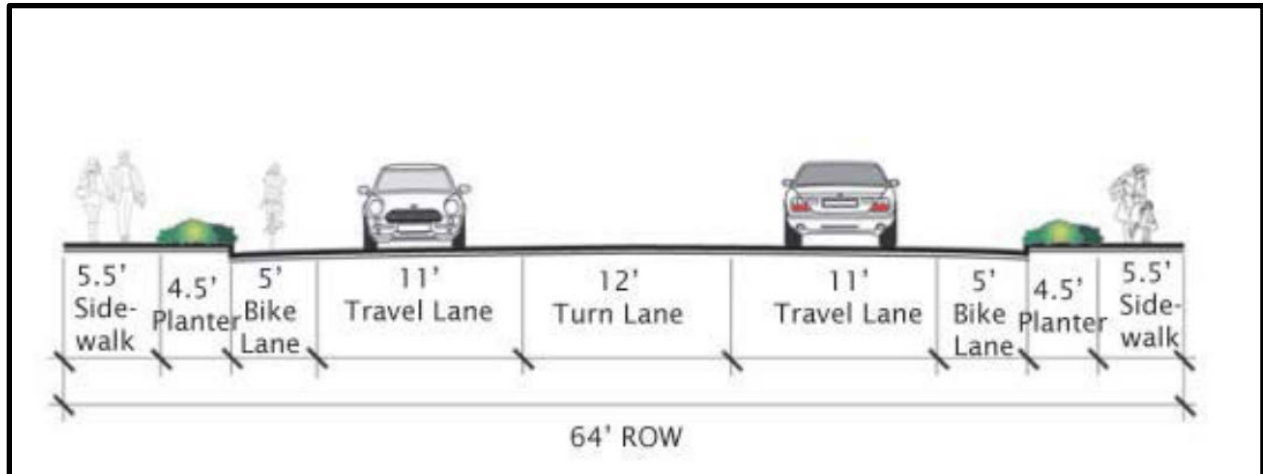


Fig 2. 2007 Community Action Plan State Route 1 streetscape cross section, looking north from Church Street to Ocean Drive.

The Community Action Plan recommended that implementation include the development of a Downtown Design Plan to resolve the final design treatments for highway improvements and resolve the circulation, connectivity, and parking issues identified in the Community Action Plan. The Downtown Design Plan was prepared in 2009.³

(A)(2) Downtown Design Plan: 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. Accordingly, the Downtown Design Plan outlined the following potential parking solutions:

1. Eliminate Bicycle Lanes
2. Create a Multi-Use Path System
3. Retain Bike Lanes and Provide Parallel Parking Pockets
4. Encourage Parking and Access Agreements
5. Redevelop Key Properties for Parking
6. Develop Public Parking Lots
7. Create a Public Parking Entity
8. Encourage Land Swaps between Property Owners
9. Provide a Remote Employee Parking Facility

Ultimately, the Downtown Design Plan recommended the following short-term actions to resolve the parking issues:

1. *Have the Mendocino Council of Governments (MCOG) accept the recommendations and the Streetscape Design Plan as presented in the Downtown Design Plan.*
2. *Have Mendocino County consider allowing on-street parallel parking bays for those businesses that would otherwise have no parking, contingent upon the willingness of those property owners to dedicate the additional rights-of-way in order to accommodate the parallel parking bays as well as the planter strip and pedestrian sidewalk. Those agreements with property owners who are interested in this option*

³ Available online at: [MCOG](http://www.mendocinogov.org).

should be secured as soon as possible to allow for the proper design of the undergrounding project and prior to beginning work on construction documents for the streetscape.

3. Request the owner of the Surf Center property move forward with his redevelopment plans of the Surf Market site.
4. Encourage a downtown consortium of property owners from the Chevron north on the east side of Highway 1 and Surf Center north on the west side of Highway 1 through Meza Grille and Cypress Village to purchase and construct additional parking at an eligible site such as Forte Gualala or on Church Street. This may qualify for Coastal Conservancy funding for access to the new section of the Gualala Bluff Trail and parking.
5. Encourage the owners of the Sundstrom Mall, the Gualala Hotel, and the Gualala Community Center to work together to optimize parking layouts through reciprocal access and parking agreements. This would require Mendocino County to provide the owner of the Gualala Hotel with the assurance that when he adds the additional 14 units to his hotel that he will be given a credit for the number of parking spaces required for that addition.
6. Begin a dialogue with the Gualala Community Services District about expanding their powers and purpose to acquire, improve, manage, and maintain public parking lots in downtown Gualala.
7. With consultant assistance explore the legal and financial feasibility of expanding powers of Gualala Community Services District to provide parking facilities and to maintain landscaping and lighting associated with the streetscape design plan.
8. Apply for appropriate grants to assist in the funding of the preparation of design development and construction documents for the streetscape improvements in downtown Gualala. Once that funding can be obtained, proceed with the development of construction documents for the project.

Item #3 refers in part to Coastal Development Permit (CDP) 24-2007, which was approved by Planning & Building Services on September 27, 2007. CDP 24-2007 authorized the demolition and removal of an existing 4,710 square foot commercial pharmacy building, asphalt paving within the demolition footprint, and temporary use of the area for parking at 39200 S. Highway 1 (APN 145-261-13). CDP 24-2007 was renewed in 2009, 2010, and 2011, but has since expired. The structure now houses Gualala Wood-n-Arts. According to the originally submitted application form, CDP 24-2007 would have added at least seventeen (17) additional parking spaces to the property.⁴

The Downtown Design Plan noted that if the owner of the Surf Center property is unable to move forward with their redevelopment plans for the Surf Market site and the downtown consortium of property owners are unable to construct additional parking, then the community should proceed with expanding the powers of the Gualala Community Services District (GCSD). To date, the Surf Center site has not been redeveloped, and the powers of GCSD have not been expanded.

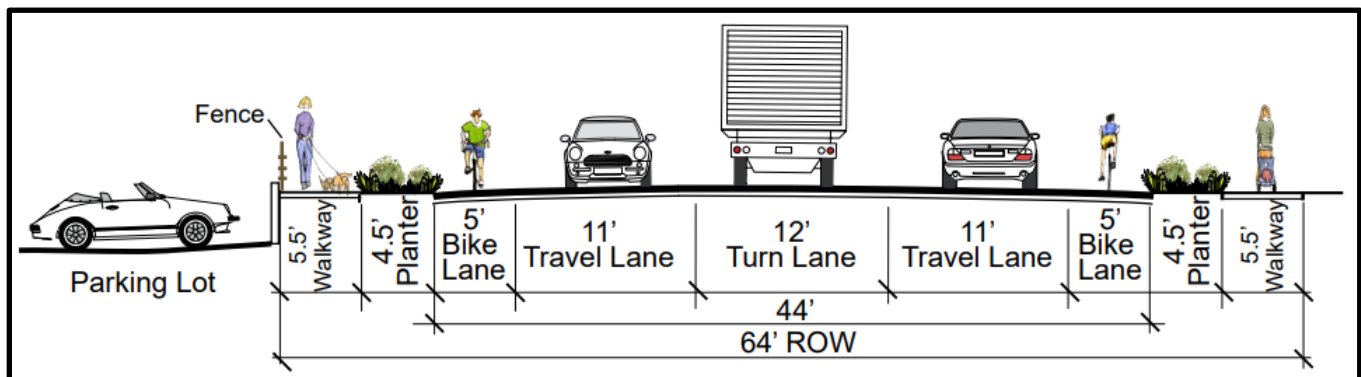


Fig 3. 2009 Downtown Design Plan State Route 1 streetscape cross section at Surf shops.

⁴ CDP 24-2007 is available on file at Planning & Building Services.

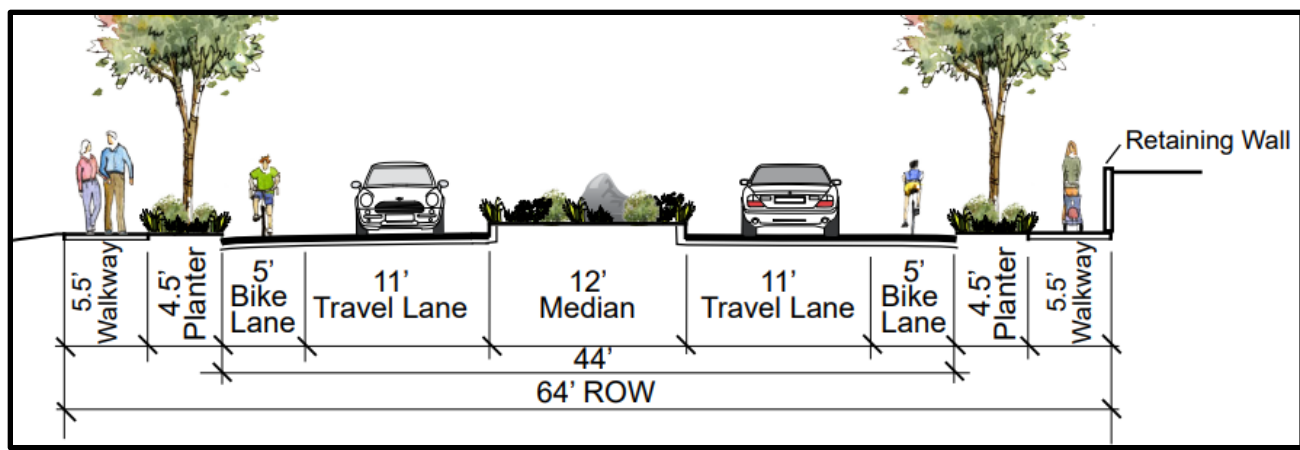


Fig 3. 2009 Downtown Design Plan State Route 1 streetscape cross section south of Ocean Drive.

(A)(3) Refined Streetscape Design Plan: Between 2009 and 2011, MCOG and GMAC worked to address the hardships that would be faced by some businesses along State Route 1 with the elimination of on-street parking. Subsequently, MCOG commissioned consultants to refine the Streetscape Design Plan for the section of State Route 1 that would most affect adjacent businesses. MCOG directed the consultants to utilize a sixty (60) foot right-of-way that eliminated previously recommended planting strips, and to provide an alternative section that would allow on-street parallel parking in front of the Surf Market on the west side of State Route 1 as an interim solution until on-site parking improvements could be made, which would in turn allow full street improvements to be made. As such, the Downtown Gualala Refined Streetscape Design Plan was prepared in 2012.⁵ As shown in the figures below, planting strips were replaced with wider pathways or on-street parking.

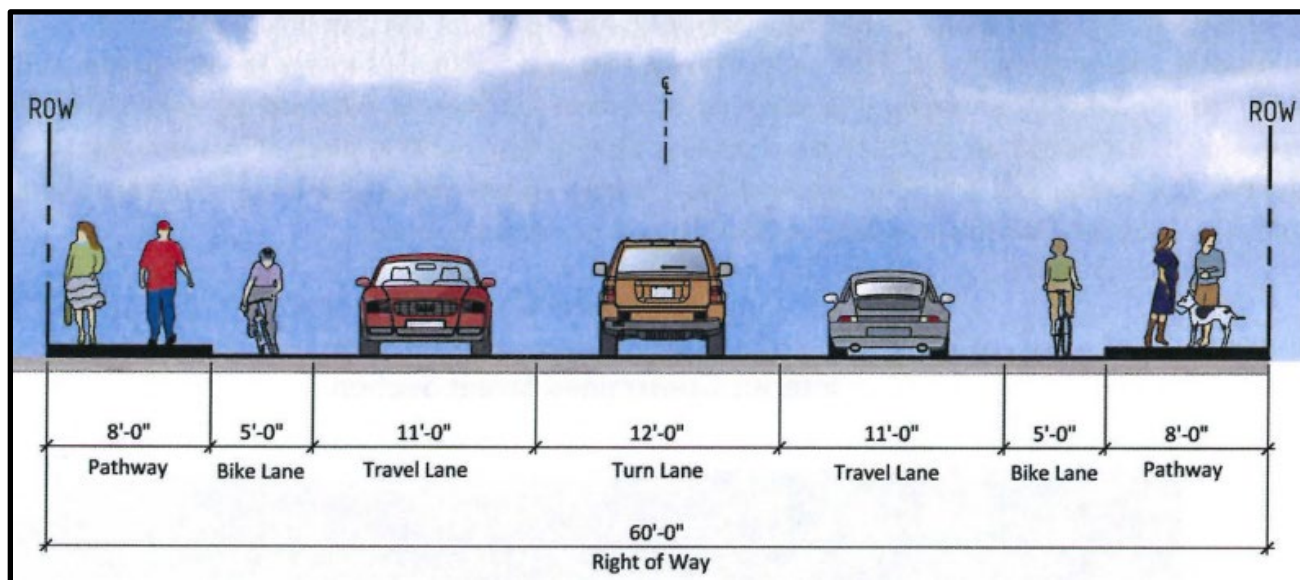


Fig 4. 2012 Refined Streetscape Design Plan State Route 1 recommended streetscape cross section.

⁵ Available online at: MCOG.com.

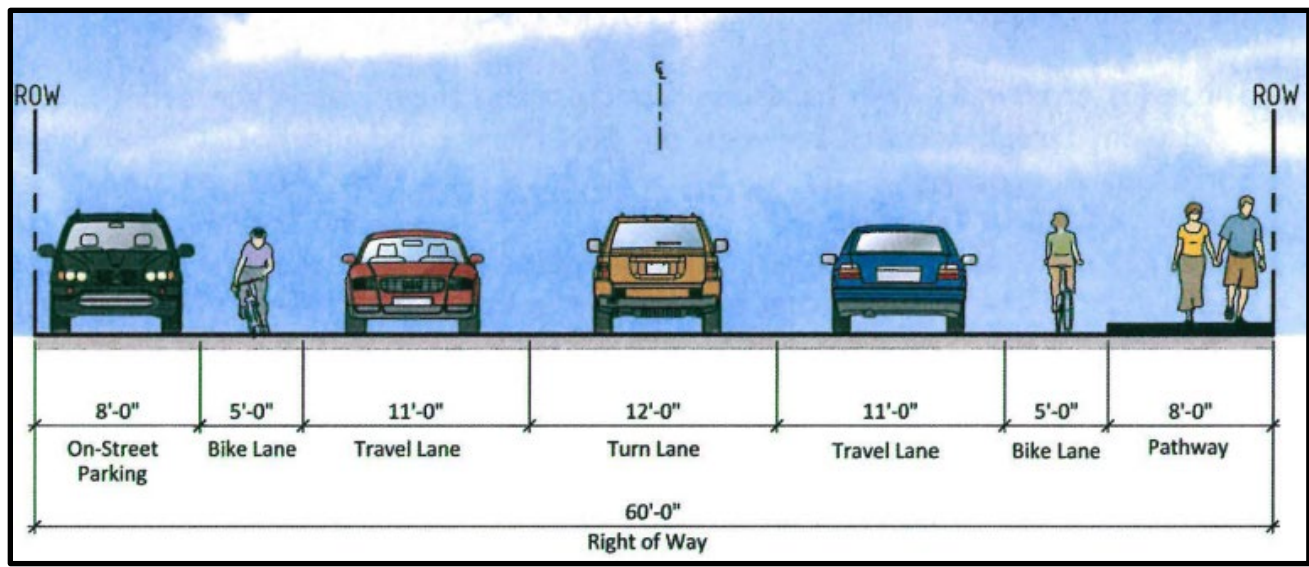


Fig 5. 2012 Refined Streetscape Design Plan State Route 1 "interim constrained" streetscape cross section.

The 2012 Refined Streetscape Design Plan noted that *"due to the reluctance of the citizens of Gualala to form a Landscape and Lighting District that would tax an area of benefit for the maintenance and upkeep of on-street landscaping and streetlights, no such improvements are envisioned by the plan"*.

(A)(4) Initial Project Alternatives: Implementation funding for the plan became available in 2014 and the environmental review phase began in 2016. In 2018, the first two project alternatives were presented, and an informational open house survey was conducted. In July 2019, the draft environmental document was circulated, and a public meeting was held to discuss Alternatives 1 and 2. Both alternatives proposed to eliminate parking on State Route 1 (SR-1) but varied slightly in alignment and incorporation of existing sidewalks east of the highway. Participants were concerned with the elimination of informal on-street parking and other project features. Following the public meeting, a "Gualala Working Group" was formed to address community concerns. The Working Group held meetings in September 2019, which resulted in the development of Alternative 3. Alternative 3 included on-street parking but eliminated the two-way-left-turn lane. In October 2019, a public meeting and presentation before the MCOG Board of Directors was held to discuss Alternative 3, but there was still disagreement among some in the community regarding compliance with the Gualala Town Plan. Additionally, California Coastal Commission staff did not support an amendment to the Gualala Town Plan to allow for on-street parking unless Caltrans could show that there was a safety need. Thus, Alternative 3 was rejected. Therefore, a fourth alternative was prepared, which was presented at a virtual public meeting in January 2021. Alternative 4 included on-street parking and reduced the length of the two-way-left-turn-lane. MCOG applied for an Active Transportation Program (ATP) grant under Alternative 4, but like Alternative 3, Coastal Commission staff did not support an amendment to the Gualala Town Plan to allow for on-street parking. The ATP grant was ultimately approved on the condition that the alternative be revised not to include on-street parking.⁶

Alternative 5 was then prepared and presented at a public meeting in May 2023.⁷ The final environmental document was published in November 2023. Caltrans submitted the subject Coastal Development Permit (CDP) application in November 2024. The subject CDP application would authorize Caltrans to implement Alternative 5, except that landscaping would be removed, a bioswale would be added, and curvilinear sidewalks would be replaced with straight sidewalks.⁸

(B) THE PROJECT: The proposed development would implement the Gualala Downtown Streetscape Enhancement Project, which 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

⁶ See 2019 Initial Study and Negative Declaration online at: <https://files.ceganet.lci.ca.gov/252952-2/attachment/6eBKS0nEoKVRNBAXj4gDhHelEpX42bAkVNI29eSuC9C961oGiJVcL1aKBpgFBXcoit5HsVuUQZ5irhZ0>. Also see 2023 Initial Study and Negative Declaration as attachment R.

⁷ A plan view of Alternative 5 can be found on page 317 of attachment R.

⁸ A plan view of the alternative submitted with the Coastal Development Permit can be found in attachment F.

- An 8-foot-wide strip of right-of-way on both sides of the highway.
- 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.
- 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 No Parking Signs and 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.

(C) THE DECISION: On June 26, 2025, the Coastal Permit Administrator held a public hearing to consider the proposed development. Planning & Building staff recommended approval of the proposed development in accordance with the findings and conditions of approval presented in the staff report and memorandum dated June 26, 2025. During the public hearing, the appellant raised similar concerns to those presented within the appeal application. The public hearing was then closed, and the item was continued to the July 10, 2025 meeting. At the July 10th meeting, the Coastal Permit Administrator approved the project in accordance with the recommended findings and conditions of approval presented within the staff report and memorandum dated June 26, 2025.⁹

(D) THE APPEAL: On July 17, 2025, Stephen F. Johnson, on behalf of Bower Limited Partnership, filed an appeal of the Coastal Permit Administrator's decision. The appellant asserts that the project must be denied because the findings cannot be met, specifically that the proposed development is not in conformity with the certified local coastal program and that the proposed development will not "further the intent" of the Gualala Village Mixed Use (GVMU) zoning district.¹⁰

(E) STANDARD OF REVIEW: Pursuant to Mendocino County Code section 20.532.095, the granting or modification of any Coastal Development Permit shall be supported by findings which establish that:

- (1) *The proposed development is in conformity with the certified local coastal program; and*
- (2) *The proposed development will be provided with adequate utilities, access roads, drainage and other necessary facilities; and*
- (3) *The proposed development is consistent with the purpose and intent of the zoning district applicable to the property, as well as the provisions of this Division and preserves the integrity of the zoning district; and*
- (4) *The proposed development will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.*
- (5) *The proposed development will not have any adverse impacts on any known archaeological or paleontological resource.*
- (6) *Other public services, including but not limited to, solid waste and public roadway capacity have been considered and are adequate to serve the proposed development.*

Because portions of the proposed development are located between the first public road and the sea or the shoreline of any body of water, the following additional finding must be made:

- (1) *The proposed development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act and the Coastal Element of the General Plan.*

Pursuant to Mendocino County Code Section 20.532.100, the following additional findings must be made because the portions of the proposed development would be located within an Environmentally Sensitive Habitat Area (ESHA):

- (a) *The resource as identified will not be significantly degraded by the proposed development.*
- (b) *There is no feasible less environmentally damaging alternative.*

⁹ See attachments B and C.

¹⁰ See attachment A.

- (c) All feasible mitigation measures capable of reducing or eliminating project related impacts have been adopted.*

Pursuant to Mendocino County Code Section 20.544.015, *“the Board of Supervisors, after considering the notice and Planning and Building Services Department report may remand, affirm, reverse or modify any such decision, determination or requirement as it finds in compliance with this Division and the Coastal Element of the General Plan. The Board of Supervisors shall adopt findings which specify the facts relied upon in deciding the appeal, and the findings shall state the reasons for any conditions imposed.”*

As such, in acting on the appeal, the Board may:

1. Affirm the action of the Coastal Permit Administrator (CPA), making the findings to approve the subject application; or
2. Reverse the action of the CPA and deny the proposed development, stating which finding(s) cannot be made for the subject application; or
3. Modify the action of the CPA, making the findings to approve the subject application and stating the reasons for modification, which may require a continuance of the item; or
4. Remand the application to the CPA, such that the CPA can reconsider the application.

(F) DISCUSSION: The project’s consistency with the Coastal Element of the General Plan, Gualala Town Plan, and Mendocino County Coastal Zoning Code are discussed in the associated staff report and memorandum dated June 26, 2025, including the required findings copied above.¹¹ Originally, staff recommended that the Coastal Permit Administrator (CPA) approve the proposal. Further analysis of the proposed development considering the arguments raised in the appeal is discussed below.

(F)(1) Analysis of Parking Impacts: Subsection (B)(1) of the appeal claims that the impact of removing twenty-two (22) parking spaces on the west side of State Route 1 is never addressed by Mendocino County or Caltrans, specifically that:

1. *No analysis is made of the impact to the local businesses which have been in existence for decades.*
2. *No evaluation is made about the practicality of shoppers at the Surf Market, an essential food source, traversing State Route 1 with shopping bags to unidentified parking areas on the east side.*
3. *No evaluation is made about the significant number of senior citizens from Gualala and Sea Ranch who must cross State Route 1 with groceries to some distant parking spot.*

For all the issues raised in subsection (B)(1), the appellant does not provide any statute or policy that would require an analysis of these specific impacts, or state that the project as designed is not consistent with any adopted policy or provision for these reasons. The policies of the Gualala Town Plan have themselves been in existence for decades and are intended to guide the development of Gualala. The proposed project simply implements those previously adopted policies, including the elimination of on-street parking along State Route 1. Policy decisions were made by the County through the adoption of the Gualala Town Plan regarding on-street parking along State Route 1, and there has been no formal effort to amend the Gualala Town Plan to provide for different policies.

As noted above in the Standard of Review section, the relevant statutes and policies applicable to the proposed development include Mendocino County’s local coastal program (which in this case includes the Coastal Element of the General Plan, Gualala Town Plan, and Mendocino County Coastal Zoning Code), the California Environmental Quality Act (CEQA), and Chapter 3 of the Coastal Act. None of the policies in the local coastal program or Coastal Act require an analysis of the areas as desired by the appellant.

Implementation of the proposed development would improve pedestrian connectivity and safety in the downtown area adjacent to the Surf Market, including but not limited to the provision of sidewalks, crosswalks, and pedestrian activated flashing beacons to improve safety when crossing the highway. 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-

¹¹ See attachments B and C.

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.

(F)(2) Right-Of-Way Acquisition: Subsection (B)(2) of the appeal application argues the following:

1. *Caltrans and the State of California do not own the property where there is on-street parking occurring. The on-street parking in this area is actually located on private property and it is not within Caltrans' prescriptive easement for the road.*
2. *The County has never amended the County Code because to do so would require a "taking" from businesses that it is trying to promote.*
3. *Requiring the removal of on-street parking in the Coastal Element is unprecedented in other small towns along State Route 1 with viable long-established businesses, e.g. Manchester, Elk, Fort Bragg, Cleone, and Westport.*
4. *Assuming the right to eliminate vital parking location on private property without reasonable compensation is unconstitutional.*
5. *The taking of such private parking also may not be allowed under the eminent domain process because such a taking violates Code of Civil Procedure Section 1240.030(B), which requires that a project be planned and located in a manner that will be most compatible with the greatest public good and the least private injury.*

As noted above, Caltrans does maintain State Route 1 through Gualala under a prescriptive easement. As provided in the project description, "Caltrans would acquire the right-of-way in fee in conjunction with the project. Some small areas of additional right-of-way would be acquired from adjacent property owners for the proposed sidewalks."¹² The potential need for Caltrans to acquire additional right-of-way for the proposed project is not inconsistent with any policy or regulation in the local coastal program.

Whether the removal of on-street parking in the Coastal Element is unprecedented in other small towns along State Route 1 is not relevant to the approval of the Coastal Development Permit. Gualala Town Plan Policy G3.6-12 has been in place since its adoption in 2002. An allegation that this policy is "unprecedented" compared to other portions of the County's Coastal Zone does not invalidate the Coastal Element or make the Gualala Town Plan otherwise inconsistent with applicable statutes.

Contrary to the appellant's assertion, the Coastal Permit Administrator's approval of the project, in accordance with the recommended findings and subject to conditions of approval, does not assume that the project would eliminate parking on private property without reasonable compensation. To the extent that the project would require additional acquisition of property by Caltrans, Caltrans has an established right-of-way acquisition process outlined in their Right-Of-Way Manual and nothing in the approval of the project would excuse complying with applicable constitutional provisions, statutes or regulations during the acquisition process.¹³ It is reasonable to assume that Caltrans would acquire the additional right-of-way in accordance with law. The appellant cites no particular provision stating that approval of the project would authorize acquisition without complying with all applicable laws or the payment of just compensation. The appellant's reference to Code of Civil Procedure Section 1240.030(B) is not relevant to the coastal development approval process, and even if this section was relevant, the appellant has not stated how or why the proposed project does not meet the standard of this section.

The appellant further indicates that Policy 4.12-4 of the Coastal Element providing for a future amendment of Section 15.12.040 of the County Code to prohibit parking on State Route 1 would constitute a "taking," presumably also pursuant to the requirements of the Code of Civil Procedure. Staff notes that the current project does not include an amendment to Section 15.12.040.

(F)(3) Large Vehicle Parking: Subsection (B)(3) of the appeal application argues the following:

¹² See page 2 of attachment D.

¹³ Caltrans' Right-Of-Way Manual is available online at: <https://dot.ca.gov/programs/right-of-way/right-of-way-manual>.

1. *The failure to adequately address the parking issues for larger vehicles and the impact that it may have on commercial businesses in the community is another reason to deny this project.*

The appellant does not cite any relevant policies, regulations, or codes that would require this analysis such that a “failure” to do so would require denial of the project. No evidence is provided that the elimination of on-street parking necessarily eliminates the ability for “larger” vehicles to access and park within the area of the project.

(F)(4) Mitigation of Lost Parking: Subsection (B)(4) of the appeal application argues the following:

1. *Caltrans must mitigate the loss of the Surf Market’s on-street parking as well as the loss of the parking spaces on the Surf Market and Surf Center parcels (APNs 145-261-05 and 145-261-13).*
2. *Mitigation can be accomplished either by (1) changing the streetscape project design to retain all of Surf Market’s on-street parking as well as Surf Market’s on-site parking spaces on the Surf Market and Surf Center parcels, or (2) constructing a parking lot on Bower Limited Partnership (BLP) property.*

The appellant does not provide a reason why Caltrans must mitigate the loss of parking. There are no local coastal program policies or codes that would necessitate mitigation. Revising the streetscape design to retain parking would be inconsistent with Gualala Town Plan Policy G3.6-12 and would not allow for the delivery of essential project features such as the two-way left-turn lane, bicycle lanes, and sidewalks due to the narrow right-of-way.

(F)(5) Gualala Village Mixed Use Zoning Issues: Subsection (C)(1) of the appeal application argues the following:

1. *There has been no consideration of how the elimination of on-street parking will affect the town economically and culturally, and there is no mitigation for these impacts.*
2. *The project will divide the west side of Gualala physically from the east side and significantly affect the tenant businesses on the west side without compensation.*
3. *Caltrans has made no attempt to interact with, coordinate with, or compensate the tenants for impacts that the project will have on their business.*
4. *There is now an “us against them” mentality artificially brought on by fiat from an outside agency, rather than allowing the town people to reach a consensus where there are not outright losers or winners. The project has divided the town and service areas into two antagonistic parties.*

As noted above, the elimination of on-street parking has been considered by multiple planning documents related to the project, including the nine (9) potential parking solutions and eight (8) recommendations for solving the parking issues within the Downtown Design Plan. With respect to the subject CDP, elimination of on-street parking is required to make the project consistent with the policies of the Gualala Town Plan. On the other hand, the appellant has not identified what economic and cultural impacts of the elimination of on-street parking would be and does not refer to any applicable statute or policy that would require consideration of such impacts or require the mitigation of such impacts.

The project would not newly physically divide the west side of Gualala from the east. The existing alignment of State Route 1 already physically divides the downtown area, and the project would not exacerbate this division. Rather, the project would ameliorate the existing division of downtown Gualala by State Route 1 through the provision of new sidewalks, crosswalks, pedestrian activated flashing beacons, bicycle lanes, a two-way-left-turn-lane, and other improvements that would increase safety and connectivity for pedestrians, cyclists, and motorists crossing from one side of the highway to another.

As discussed above, the Coastal Permit Administrator’s decision to approve the proposed development does not absolve Caltrans of required right-of-way acquisition procedures prior to construction. The extent to which Caltrans has or has not yet interacted with, coordinated, or compensated the tenants affected by right-of-way acquisition is not relevant to the approval of a Coastal Development Permit. Approval of a Coastal Development Permit requires consistency with the applicable statutes and policies listed above. A land use entitlement is not the appropriate forum to challenge what appear to be alleged violations of the right-of-way acquisition process. Likewise, perceived antagonism between the town, service areas, and government agencies is not relevant to the issuance of a Coastal Development Permit. That being said, the record for the development of this project shows that iterations have been developed after many public meetings.

(F)(6) Scenic Two-Lane Road: Subsection (C)(2) of the appeal application argues that the analysis of the project's consistency with Coastal Element Policy 3.5-1 is deficient. Policy 3.5-1 states that *"State Highway 1 in rural areas of the Mendocino County coastal zone shall remain a scenic two-lane road."* The appellant argues the following:

1. *State Route 1 at Mendocino completely bypasses the town and old State Route 1 formerly ran through the business district.*
2. *The intersection of State Route 1 and Little Lake Road is outside of the Town [of Mendocino] and at a major arterial to a significant residential area.*
3. *There are no two-way left-turn-lanes in Mendocino, even though tourist traffic is significantly more congested at many intersections.*

This section of the appeal application refers to the following discussion of the project's consistency with Coastal Element Policy 3.5-1 in the staff report:

"The proposed development would widen the roadway to add a two-way left turn lane (TWLTL), but this should not be considered an additional lane within the meaning of Policy 3.5-1 because only one lane of through traffic would remain in each direction. This is consistent with other urbanizing areas of the Coastal Zone, such as the intersection of State Route 1 and Little Lake Road in Mendocino, where the highway widens to allow turn lanes onto Little Lake Road."

Staff's comparison of the proposed turn lanes with the intersection of State Route 1 and Little Lake Road is intended only as an example of another area along State Route 1 in Mendocino County where a left turn lane has been provided that has no impact on the continued goal of preserving State Route 1 as a scenic two-lane road in the rural areas of Mendocino County. The primary reason for the project's consistency with this policy is that only one lane of through traffic would remain in each direction and that downtown Gualala is not a "rural area". Indeed, the parcels surrounding the subject portion of State Route 1 in Gualala and surrounding the left-turn pockets at Little Lake Road are on the Urban side of the Urban/Rural boundary as defined in section 20.308.120. Other examples where the highway widens to allow left turn lanes in the coastal zone of Mendocino County include the intersection of State Route 1 and Caspar Street (CR 410E), Boice Lane (CR 413), and Mill Creek Drive (CR 425).

(F)(7) Landscaping: Subsection (C)(3) of the appeal application argues the following regarding the elimination of landscaping from the proposed development:

1. *The elimination of an essential part of the project without public comment and agency approval of the change is grounds for denial.*
2. *County policy is ignored because it is "not feasible". This is another example of simply proposing a project from a distant place with no understanding of local needs and desires. A significant number of comments address this issue and correctly demand that the county policies be followed if this project is to proceed.*

Staff believes that the project may be approved by the Board in its current form without landscaping. The reasons for the omission of landscaping from the original Coastal Development Permit application are discussed within the staff report and memorandum dated June 26, 2025.¹⁴ In summary, landscaping was removed from the proposed project because Caltrans has stated that it could not be responsible for maintaining the type of landscaping envisioned by the Gualala Town Plan. As such, Caltrans requires that the installation of landscaping be contingent upon the County entering into a Landscape Maintenance Agreement (LMA) with Caltrans wherein the responsibility for continued maintenance of landscaping by the County is legitimized. At the time of submittal of the Coastal Development Permit application, Mendocino County had not executed a Maintenance Agreement with Caltrans due to funding and liability concerns. As such, Caltrans did not include landscaping within the project description of the Coastal Development Permit application. At the time of the Coastal Permit Administrator's decision, staff concluded that the omission of landscaping from the proposed development did not preclude the installation of landscaping at a future time when funding and maintenance capacity are available. Landscaping could not be delivered in the same way that other improvements envisioned by the Gualala Town Plan are outside the scope of the current project. The omission of elements of the envisioned streetscape that are outside the scope of the current project does not equate to an inconsistency with the local coastal program. The CPA adopted a finding number 11 finding the project consistent with the Gualala Town Plan without landscaping, and the resolution prepared for the Board's consideration to simply affirm the CPA's decision has a similar finding reviewing the relevant policies of the Gualala Town Plan.

¹⁴ See attachments B & C.

The Board may also consider the addition of landscaping into the project, though doing so would require the future execution of a landscape maintenance agreement with Caltrans. Staff have been involved in ongoing discussions with Caltrans regarding potential reintroduction of landscaping elements if a Maintenance Agreement can be reached. As noted in the Standard of Review section above, the Board of Supervisors has the ability to modify the decision of the Coastal Permit Administrator, which could be used to include landscaping. In discussing this issue with Caltrans, staff have identified parameters for landscaping, which would minimize the cost and impact of maintenance to the County and could be added as a condition of approval of the project. Staff continue to work with Caltrans on the terms of the agreement and estimating potential costs for the County. More information will be provided to the Board as discussions continue. The landscaping parameters would include:

1. Implementation Requirements:

- a. Landscaping that is consistent with Caltrans' Highway Design Manual (HDM) and which excludes trees.
- b. Landscaping designed to ensure that regular vegetation maintenance does not require lane closure.
- c. The County would not be responsible for vegetation through an initial maintenance period. During this time, Caltrans and not the County would not be responsible for providing water and/or fertilizer necessary to sustain healthy plant growth, the pruning of shrubs and plantings to control extraneous growth, the replacement of unhealthy or dead plantings, or to maintain, replace, repair, or remove from service any components of the landscaping system that has become unsafe or unsightly.
- d. The County and Caltrans shall enter into a maintenance agreement, substantially in the form attached hereto as Attachment V and which may be executed by the Chief Executive Officer on behalf of the County.

2. Planning Requirements:

- a. Landscaping that is located in the same areas depicted in attachment T.
- b. Landscaping that conforms to the plant species listed in attachment T, which include plant species that are native to the Gualala area or are well adapted non-native, non-invasive plants and which are low-lying shrubs, herbaceous plants, and grasses. This will ensure that landscaping is consistent with Gualala Town Plan Policies G3.4-25, G3.4-27, and G3.4-30.
- c. Landscaping shall be pruned and maintained such that sight lines at intersections and curb cuts are not blocked.

Staff has reviewed the potential for installation of landscaping in accordance with the parameters above and believes that the Board could find that the addition of a condition of approval regarding landscaping is consistent with the Coastal Element of the General Plan, the Gualala Town Plan and the County's Coastal Zoning Code for the reasons provided below. Further, the addition of landscaping as provided would not affect the conclusions of the IS/ND prepared by Caltrans for the project.

The addition of landscaping would be consistent with the Coastal Element of the General Plan for the following reasons:

- a. Pursuant to Coastal Element Policies 3.1-2, 3.1-4, 3.1-7, and 3.1-10, the landscaping would have no impact on Environmentally Sensitive Habitat Areas (ESHA) because it would not convert any sensitive plant or wildlife habitat or include any invasive plant species. Landscaping would not intersect with any of the previously identified ESHA. The landscaping areas are within the previously surveyed Environmental Study Limits, where no special status plant species were observed during surveys. Existing conditions of approval would ensure that any impacts are avoided.
- b. Pursuant to Policies 3.4-3, 3.4-6, and 3.4-7, landscaping would not be placed in an area of known or potential geologic instability, fault zone, tsunami hazard area, existing or prehistoric landslide, or flood hazard zone.
- c. Pursuant to Policy 3.5-1, the installation of landscaping would not create a new travel lane and would have no impact on coastal views from the highway because landscaping would consist of ground level shrubs and herbaceous plants.
- d. Pursuant to Policy 3.5-10, landscaping would be located in an area where cultural materials or historic properties were not observed based on the Cultural Resource Compliance Memorandum provided by Caltrans.

- e. Pursuant to Policy 3.8-1, landscaping would consist of locally native or climate-adapted plants that require little watering. Water supply for landscaping maintenance would be available by truck.

If landscaping is installed in accordance with the parameters above, it would be consistent with the Gualala Town Plan for the following reasons:

- a. Gualala Town Plan Policy G3.4-21 encourages the incorporation of landscaping into pedestrian walkways along street frontages.
- b. Policy G3.4-25 encourages the use of plant species that are native to the Gualala area and well-adapted non-native plants requiring minimum maintenance and little or no irrigation.
- c. Policy G3.4-27 encourages the use of “cluster” landscapes rather than linear tree planting.
- d. Pursuant to Policy G3.4-29, landscaping would be sited and maintained such that sight lines at intersections and curb cuts would not be blocked.
- e. Pursuant to Policy G3.4-30, landscaping would be installed along State Route 1 embankments and would consist of low-lying and low-maintenance herbaceous plants and shrubs.
- f. Pursuant to policy G3.6-4, landscaping would be installed along each side of the State Route 1 streetscape cross-section in the GVMU district.

If landscaping is installed in accordance with the parameters above, it would be consistent with the Coastal Zoning Code for the following reasons:

- a. Pursuant to Mendocino County Code (MCC) Section 20.405.005, the installation of landscaping would further the intent of the GVMU district by creating a more attractive environment for pedestrians.
- b. Pursuant to MCC Section 20.405.075, landscaping would conform with the On-Site Landscaping policies in the Design Guidelines chapter of the Gualala Town Plan.
- c. Pursuant to MCC Chapter 20.492, the installation of landscaping instead of hardscape would improve the control of stormwater runoff by providing more pervious area for infiltration.
- d. Pursuant to MCC Chapter 20.496, landscaping would have no impact on Environmentally Sensitive Habitat Areas (ESHA) because it would not convert any sensitive plant or wildlife habitat or include any invasive plant species. Landscaping would not intersect with any of the previously identified ESHA. The landscaping areas are within the previously surveyed Environmental Study Limits, where no special status plant species were observed during surveys. Existing conditions of approval would ensure that any impacts are avoided.
- e. Pursuant to MCC Chapter 20.500, landscaping would not be placed in an area of known or potential geologic instability, fault zone, tsunami hazard area, existing or prehistoric landslide, or flood hazard zone.
- f. Pursuant to MCC Chapter 20.504, public coastal views would not be impacted by the landscaping because it would consist of ground level shrubs and herbaceous plants.
- g. Pursuant to MCC Chapter 20.528, the landscaping would have no impact on coastal access because it would be located in areas that either do not intersect with existing access easements or are not proposed as Minimum Access Locations by the Land Use Maps.

If landscaping is installed in accordance with the parameters above, it would not result in any new, avoidable significant effects on the environment. Existing mitigation measures would continue to reduce previously identified environmental effects to less than significance and new mitigation measures would not be required upon installation of landscaping. Therefore, recirculation of the Negative Declaration prior to adoption by the Board of Supervisors is not required in accordance with California Environmental Quality Act (CEQA) Guidelines Section 15073.5. Pursuant to subsection (b)(1) of Section 15073.5, the addition of landscaping would not create a new, significant effect. Pursuant to subsection (c)(3) of Section 15073.5, the installation of landscaping would involve the addition of a condition of approval that is not required by CEQA, does not create a new significant environmental effect, and is not necessary to mitigate an avoidable significant effect. Landscaping would not result in any new significant environmental effects for the following reasons:

- a. The location of landscaping is not within a scenic vista or a state scenic highway. The installation of landscaping would improve the visual quality of the downtown area by providing locally native and non-invasive ground-level plants and shrubs along sidewalks. The low-lying plants would not block views of the coast. The installation of landscaping would not create any new source of light.
- b. The landscaping would not displace any Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. The landscaping would not be located on agriculturally zoned land or on land within a Williamson Act contract. The landscaping would not displace any forest land or timberland.
- c. The installation of landscaping would have no impact on air quality because it would not result in changes to traffic volume, fleet mix, speed, location of existing facilities, or any other factor that would cause an increase in emissions.
- d. The landscaping would not be installed within any listed, sensitive, or special-status species habitat, riparian habitat, or wetlands. The landscaping would not interfere with the movement of native wildlife and would not be located within the boundaries of a Habitat Conservation Plan or Natural Community Conservation Plan.
- e. The landscaping would be installed in an area previously surveyed for cultural resources and which found no cultural resources.
- f. The installation of landscaping would have no effect on energy consumption and may improve energy consumption by encouraging the use of non-motorized transportation by providing aesthetically pleasing walkways.
- g. The landscaping would not be installed in an earthquake fault zone, landslide hazard area, unstable soil. The landscaping would not impact any paleontological resources or unique geologic features.
- h. The installation of landscaping would not have any negative impact on greenhouse gas emissions and would help mitigate greenhouse gas emissions by sequestering carbon dioxide from the atmosphere through photosynthesis.
- i. The installation of landscaping would not involve the use or disposal of hazardous materials in excess of legal limits. By the standard terms of a Landscape Maintenance Agreement, landscaping must be maintained in accordance with Caltrans' Maintenance Manual, which in turn requires that maintenance occur in conformance with applicable laws regarding the use of pesticides and herbicides.
- j. The installation of landscaping would improve water quality and decrease stormwater runoff impacts through infiltration and filtration. The landscaping would not be installed in a flood hazard, tsunami, or seiche zone.
- k. The landscaping would not physically divide an established community and would directly implement several policies of the Gualala Town Plan.
- l. The landscaping would not result in the loss of any known mineral resources.
- m. The installation of landscaping may create temporary and intermittent noise during planting and maintenance, but nothing beyond that already addressed within the Negative Declaration. The landscaping would not create any permanent noise source.
- n. The installation of landscaping would not displace any housing or induce population growth.
- o. The installation of landscaping would not require the provision of new or altered governmental facilities for fire protection, police protection, schools, or parks.
- p. The installation of landscaping would not increase the use of existing parks or require the construction or expansion of recreational facilities.
- q. The installation of landscaping would directly implement policies within the Gualala Town Plan related to roadway, bicycle, and pedestrian facilities. Landscaping would further encourage the use of non-motorized transportation, thereby reducing Vehicle Miles Traveled. Landscaping would not require any hazardous geometric design features and would not block any emergency access.

- r. The installation of landscaping would occur in an area that has been previously surveyed for Tribal Cultural Resources, and in which no Tribal Cultural Resources were found.
- s. The installation of landscaping would not require the relocation or construction of utilities systems beyond those already contemplated by the Negative Declaration and outlined in the project description. Landscaping would not generate wastewater or solid waste. Adequate water supply would be available to irrigate the landscaping with water trucks. Landscaping plants would be chosen to be drought-tolerant and adapted to the local climate.
- t. Installation of landscaping would not significantly exacerbate wildfire risk because it would be located outside of a Very High Fire Hazard Severity Zone.

If the Coastal Permit Administrator's decision is upheld but not modified to include landscaping, and an agreement is reached in the future, Caltrans may apply for an amendment to the Coastal Development Permit to reintroduce landscaping in accordance with County Code Section 20.536.025.

(F)(8) Right-Of-Way Acquisition Issues: Section (D) of the appeal application argues the following:

1. *Page 5 of the Caltrans Proposed Project Description states: "This project proposes to acquire all of the Right of Way that is currently paved for use as SR-1, as well as the additional privately-owned Right of Way necessary to widen and construct sidewalks." Some areas of the shoulders have been improved by the businesses fronting State Route 1 for parking. Portions of the parking areas which will be taken as Caltrans right-of-way are within the fee title area of the landowner. Stating that the area is to be taken only to construct sidewalks is inaccurate.*
2. *Preliminary right-of-way appraisals used commercial properties which were not comparable to the businesses fronting State Route 1. There has been no recognition of the impact to the tenant businesses for the elimination of on-street parking. Twenty-two (22) on-street parking spaces for the Surf Market along will be eliminated after decades of use. This impact has not been addressed.*

The project description does not state that the area will be taken only to construct sidewalks. In the context of the overall project description, the word "widen" clearly refers to the widening being undertaken by the entire project, which includes the addition of the center turn lane, bicycle lanes, and sidewalks.

Property appraisals related to any potential property acquisitions are not relevant to the approval of a Coastal Development Permit. As discussed above, the approval of this Coastal Development Permit does not authorize any acquisition of property without compliance with applicable laws. The second issue raised in Section (D) appears to relate primarily to issues of valuation that are not relevant to the approval of the Coastal Development Permit. There are no relevant policies, regulations or codes that necessitate evaluation of this issue when considering the approval of the Coastal Development Permit.

(F)(9) Removal of Crosswalk: Subsection (E)(1) of the appeal application argues that the removal of the existing crosswalk at the Surf Market will create a significant safety hazard for shoppers for the following reasons:

1. *Shoppers will continue to cross at the historical location even if it is considered jay walking.*
2. *Shoppers will likely not walk out of the Surf Market entrance to walk south along the sidewalk to the new more remote crossing. Instead, they will walk through the narrow east-side parking lot at Surf Market and then out to the new crosswalk.*
3. *The removal of on-street parking will also cause people to have to cross the highway more often as parking will not be available at their destinations, which will also increase driving and pedestrian safety hazards. The removal of the existing crosswalk and on-street parking will unnecessarily create safety hazards and it does not make any sense.*

The assertions made within this subsection are speculative. The crosswalk would be relocated approximately one hundred (100) feet south of its existing position. Caltrans has indicated to staff that the existing crosswalk is not able to be maintained due to its proximity to several driveways without stop controls. Obstructions between driveways and the existing crosswalk can reduce visibility and increase the risk of accidents. In its current location, views of pedestrians using the crosswalk are obscured by nearby buildings, signs, other structures, and the orientation & proximity of driveways. Relocating the crosswalk further south provides more safety for pedestrians by reducing the number of turning movement conflicts. The number of obstructions between driveways and the crosswalk would be

reduced, allowing motorists to see pedestrians at a safer distance. The removal of on-street parking is required by the Gualala Town Plan. Implementation of the project will lessen safety hazards by creating new sidewalks and safer pedestrian crossings along and across State Route 1.

(F)(10) Findings: Section (F) of the appeal application argues that the proposed development is not consistent with the local coastal program for the following reasons:

1. *The Mendocino County Coastal Zoning Code has never been changed to deny on-street parking.*
2. *Coastal Element Policies G3.4-22 and G3.4-30 require landscaping, and the project is not in compliance with these policies.*
3. *Mendocino County Code Section 20.405.005 and Coastal Element Section 4.14 state that the GVMU classification is intended "to provide for commercial development and residential development which are compatible with existing commercial uses," but the project is not in compliance with them. The project will negatively affect businesses which have been in existence for decades and take their parking on private property without compensation. The project will also divide the town both physically and culturally.*

Subsection (E) also argues that the proposed development will not "further the intent of the GVMU district" and will not provide development which is "compatible with existing commercial uses."

The local coastal program includes both the Coastal Zoning Code and the Coastal Element of the General Plan. The Gualala Town Plan is a chapter of the Coastal Element. Gualala Town Plan Policy G3.6-12 explicitly states that "no on-street parking shall be permitted on Highway 1. County staff shall coordinate with Caltrans to develop appropriate signage." The removal of on-street parking is consistent with this policy. The appellant has not identified any relevant statute, policy, or legal standard that would require the Coastal Zoning Code to be amended to deny on-street parking prior to the elimination of on-street parking in compliance with the Gualala Town Plan.

Gualala Town Plan Policy G3.4-22 states that "developments shall provide for as much landscaped area as feasible." As noted in the staff report and memorandum dated June 26, 2025, it was previously determined that the installation of landscaping was not feasible for the project. However, as noted above, the Board of Supervisors may consider the addition of landscaping into the project subject to entering into a landscape maintenance agreement with Caltrans. Fiscal and policy considerations discussed above would determine whether the installation of landscaping is feasible. Policy G3.4-30 states that "Highway 1 medians and embankments should be landscaped with ground level shrubs and herbaceous plants." Use of the word "should" is interpreted as a recommendation or a suggestion, not a strict requirement. Therefore, the proposed development does not conflict with these policies.

The statements of intent within County Code Section 20.405.005 and Coastal Element Section 4.14 describe the types of land uses that exist or are desired in the GVMU district. These intent statements more reasonably apply to the parcels of land which can be developed in the district as opposed to a streetscape project that does not involve commercial or residential development. Further, the appellant does not cite additionally relevant language within section 20.405.005 regarding the intent of the GVMU district, which is "to create a compact, integrated, and walkable shopping district". The proposed highway improvements would directly implement this vision by installing sidewalks, crosswalks, and flashing beacons to create a more walkable downtown area.

(G) ENVIRONMENTAL DETERMINATION: As discussed in the CPA staff report (See page CPA-14), for purposes of CEQA the County is a responsible agency for this project. Staff has reviewed the Negative Declaration prepared by Caltrans as the Lead Agency and agrees with the determinations made. If landscaping is installed in accordance with the parameters outlined above in section (F)(7), it would not result in any new, avoidable significant effects on the environment. Recirculation of the Negative Declaration prior to adoption by the Board of Supervisors is not required in accordance with California Environmental Quality Act (CEQA) Guidelines Section 15073.5 as discussed above in section (F)(7).

(H) RECOMMENDED ACTION: Staff recommends that the Board of Supervisors affirm the Coastal Permit Administrator's approval of CDP_2024-0040 and approve the project in accordance with the attached resolution. An alternative resolution has also been prepared for modification of the CPA's approval that would include landscaping based on the discussion in section (F)(7) above.

(I) ATTACHMENTS:

- | | |
|--|--------------------------------------|
| A. Appeal Application | C. 06-26-25 CDP_2024-0040 Memorandum |
| B. 06-26-25 CDP_2024-0040 Staff Report | D. Project Description |

- E. Bioswale Details
- F. Construction Plans
- G. Erosion Control Plans
- H. Planting Plan
- I. PM 0.76 Drainage Plan
- J. ESHA Assessment
- K. Natural Environment Study
- L. 2018 Addendum to Natural Environment Study
- M. 2019 Addendum to Natural Environment Study
- N. 2025 Addendum to Natural Environment Study
- O. Design Standard Decision Document
- P. GMAC Comments
- Q. RCLC Mill Bend Preserve Conservation Plan
Public Access Map
- R. Initial Study / Negative Declaration
- S. Public Comments Combined
- T. Landscaping Plan & Plant Mix
- U. Non-Landscaping Seed Mix
- V. Draft Landscape Maintenance Agreement
- W. County Maps