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**COASTAL PERMIT ADMINISTRATOR  
STAFF REPORT- CDP\_STANDARD**

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**JULY 28, 2016  
CDP\_2015-0022**

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**SUMMARY**

**OWNER/ APPLICANT/AGENT:** WILLIAM SHAWN HOWELL  
1331 VIA MAR SOL  
ARROYO GRANDE, CA 93420

**REQUEST:** A Coastal Development Permit requesting to renovate and convert three commercial units into three residential units. Each unit would be 400-500 square feet. Two units would be converted to one-bedroom residential occupancies, a third unit would be converted to a studio, and one existing residential unit would remain. Each would have a kitchenette. The building occupancy will be changed to multi-family residential with four residential units.

**DATE DEEMED COMPLETE:** March 21, 2016

**LOCATION:** The site is located on the southside of Pacific Drive at its intersection with Highway 1. Project site is bounded to the south by Robinson Gulch. 38690 Pacific Drive, Gualala; APN 145-164-16.

**TOTAL ACREAGE:** 0.27± Acre

**GENERAL PLAN:** GHMU:U

**ZONING:** GHMU:6K

**SUPERVISORIAL DISTRICT:** 5

**ENVIRONMENTAL DETERMINATION:** Categorically Exempt

**RECOMMENDATION:** Approve with conditions

**STAFF PLANNER:** JULIANA CHERRY

**BACKGROUND**

**PROJECT DESCRIPTION:** A Coastal Development Permit requesting to renovate and convert three commercial units into three residential units. Each unit would be 400-500 square feet. Two units would be one-bedroom and the remaining unit would be a studio. Each would have a kitchenette. One existing residential unit will remain. The building occupancy will be changed to multi-family residential with four residential units.

**APPLICANT'S STATEMENT:** The applicant's project description states that they intend to renovate three office units into residential units. Each unit would be 400 to 500 square feet. Two of the units would be one-bedroom units and one unit would be a studio. Each unit would have a kitchenette. The one permitted residential unit would remain as is. After renovations are complete, the building would act as a four-plex.

**RELATED APPLICATIONS (On-Site):** Use Permit 1979-50 allowed for the conversion of three residential units to commercial use under previous land use and zoning designations. Use Permit 1979-50 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*.

**SITE CHARACTERISTICS:** The property consists of 0.27-acre and is improved with a 1,800-square-foot building divided into of 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.

**SURROUNDING LAND USE AND ZONING:**

|       | GENERAL PLAN | ZONING | LOT SIZES | USES        |
|-------|--------------|--------|-----------|-------------|
| NORTH | GVMU         | GVMU   | 0.25      | Commercial  |
| EAST  | GVMU         | GVUM   | 0.25      | Residential |
| SOUTH | GVMU         | GVMU   | 0.25      | Residential |
| WEST  | RR-5         | RR-5   | 0.25      | Residential |

**PUBLIC SERVICES:**

Access: HIGHWAY 1  
 Fire District: SOUTH COAST FIRE PREVENTION DISTRICT  
 Water District: NORTH GUALALA WATER COMPANY  
 Sewer District: GUALALA COMMUNITY SERVICES DISTRICT  
 School District: ARENA UNION SCHOOL DISTRICT

**AGENCY COMMENTS:** On March 21, 2016, project referrals were sent to the following responsible or trustee agencies with jurisdiction over the Project. Their required related permits, if any, are listed below. Their submitted recommended conditions of approval are contained in Exhibit A of the attached resolution. A summary of the submitted agency comments are listed below. Any comment that would trigger a project modification or denial is discussed in full as key issues in the following section.

| REFERRAL AGENCIES                 | RELATED PERMIT | COMMENT     | DATE      |
|-----------------------------------|----------------|-------------|-----------|
| Planning - Ukiah                  |                | Comment     | 3-23-2016 |
| Department of Transportation      |                | No Comment  | 4-22-2016 |
| Environmental Health - Fort Bragg |                | No Comment  | 4-12-2016 |
| Building Inspection - Fort Bragg  |                | No Comment  | 4-12-2016 |
| Assessor                          |                | No response |           |
| US Fish & Wildlife Service        |                | No Response |           |
| State Clearinghouse               |                | No Response |           |
| Caltrans                          |                | No Response |           |
| Department of Fish & Game         |                | Comment     | 4-13-2016 |
| Coastal Commission                |                | No Response |           |
| Gualala MAC                       |                | Comment     | 5-6-2016  |
| Point Arena School District       |                | No Response |           |
| North Gualala Water Company       |                | No Comment  | 4-12-2016 |
| South Coast Fire District         |                | No Response |           |

### KEY ISSUES

#### **1. General Plan and Zoning Consistency:**

The Local Coastal Plan, *Gualala Town 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. The proposal satisfies the goals and policies of the Gualala Town Plan.

The site is located within the Gualala Highway Mixed Use Zoning District (GHMU) and the proposal has 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.

There is a previously approved and void use permit for this site. This 1979 use permit allowed for the conversion of three residential units to commercial occupancies.

#### **2. Special Plans/Area Plans:**

The site is situated within a critical water resource area. The property owner is required to demonstrate that they have access to a sufficient water supply and they have complied. The previous commercial occupancies included a office and personal services. The historic water use at the site is equal or more than the equivalent daily unit (EDU) of water use for residential occupancies. Staff accepts that a change from commercial to residential occupancies would not affect water resources available from the North Gualala Water Company. The Department of Fish and Wildlife have considered and accepted the proposed change in occupancies.

The site is adjacent to existing public access route, Highway 1, to the California coast. The proposed conversion of three commercial units to residential occupancies would not affect Coastal Access Routes or environmentally sensitive habitat areas. The location of the proposed activity space, between the gulch and the existing building, will not require any grading or alteration of existing land forms.

#### **3. Environmental Protection:**

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

### RECOMMENDATION

By resolution, grant a Coastal Development Standard Permit for the project, as proposed by the applicant, based on the facts and findings and subject to the conditions of approval.

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DATE

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JULIANA CHERRY

**ATTACHMENTS:**

- A. Location Map
- B. Topographical Map
- C. Google Earth Imagery
- D. Site Map
- E. Floor Plan (Lower)
- F. Floor Plan (Upper)
- G. E/W Elevations
- H. N/S Elevations
- I. Landscape Plan
- J. Photographs of site
- K. Color Board
- L. Zoning Display Map
- M. General Plan Classifications
- N. LCP Map 31: Gualala
- O. GMAC
- P. Fire Hazard Zones & Responsibility Areas
- Q. Ground Water Resources
- R. Local Soils
- S. Classified Wetlands

**COASTAL APPROVAL CHECKLIST**

**RESOLUTION AND CONDITIONS OF APPROVAL (Exhibit A):**

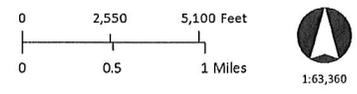


ATTACHMENTS

SUBJECT PARCEL/S

CASE: CDP 2015-0022  
 OWNER: HOWELL, William & Shelly  
 APN: 145-164-16  
 APLCT: William Howell  
 ADDRESS: 38690 Pacific Dr., GU

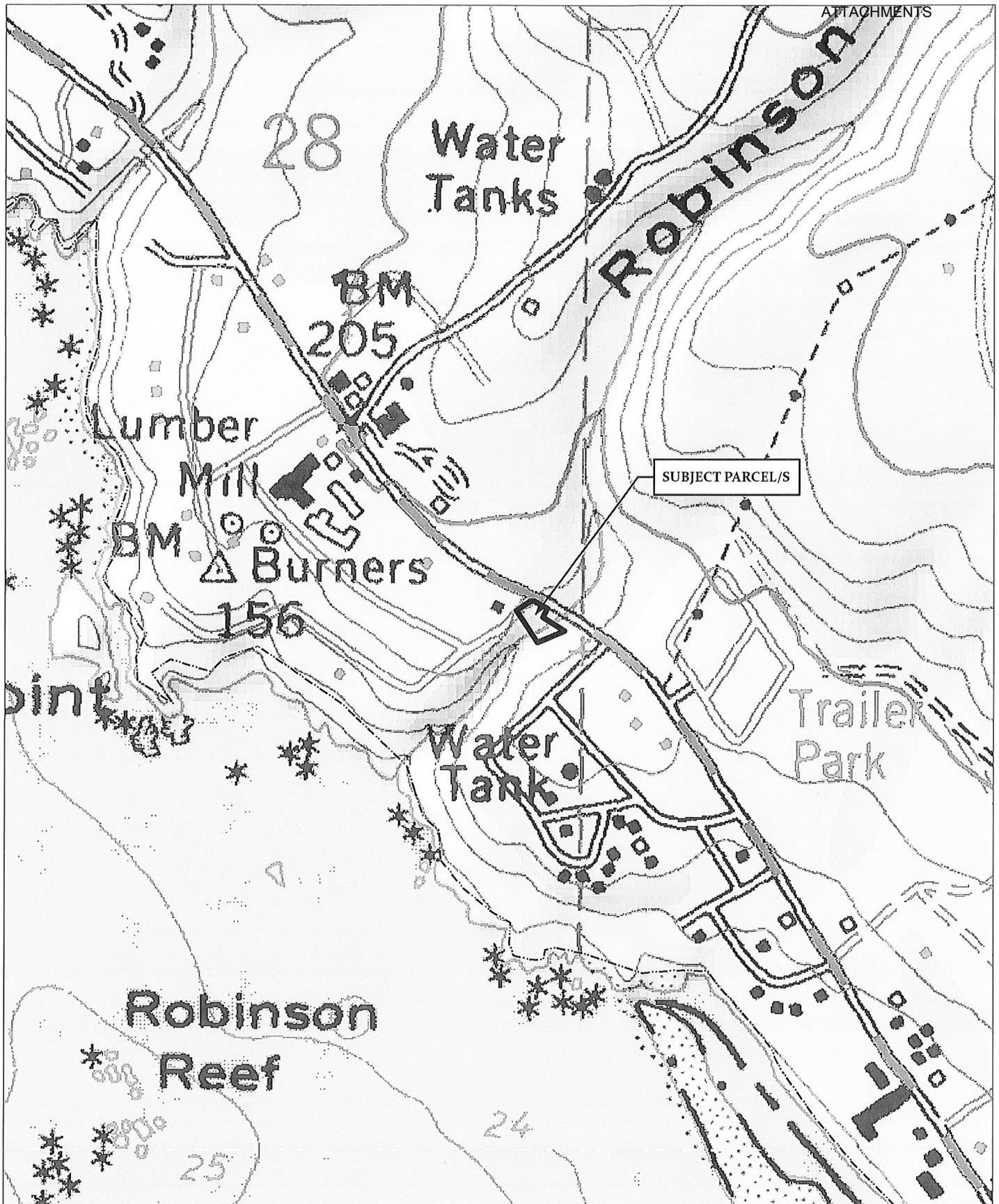
-  Major Towns & Places
-  Major Roads
-  Major Rivers
-  Highways



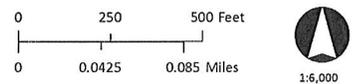
1:63,360

LOCATION MAP

Map produced by the Mendocino County Planning & Building Services, November, 2015  
 All spatial data is approximate. Map provided without warranty of any kind.



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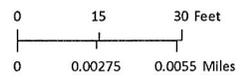


TOPOGRAPHIC MAP  
 CONTOUR INTERVAL IS 40 FEET



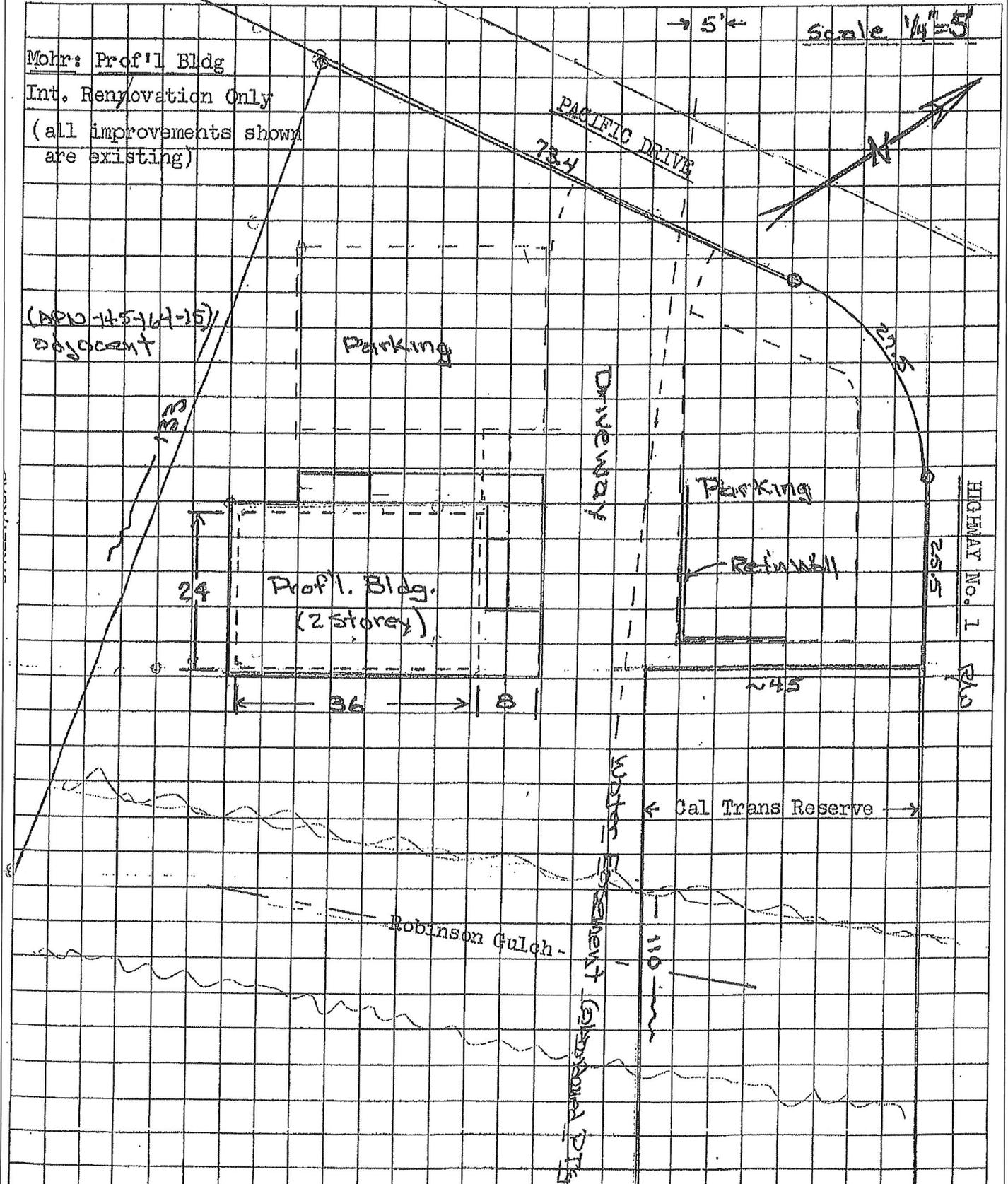
CASE: CDP 2015-0022  
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 APLCT: William Howell  
 ADDRESS: 38690 Pacific Dr., GU

 Public Roads



GOOGLE EARTH IMAGERY  
 IMAGERY DATE: 4-20-2013

ments, electrical power poles, and any other improvements and indicate all distances between. Specify whether existing or proposed. Show to and show scale. Indicate orientation with a North Arrow.

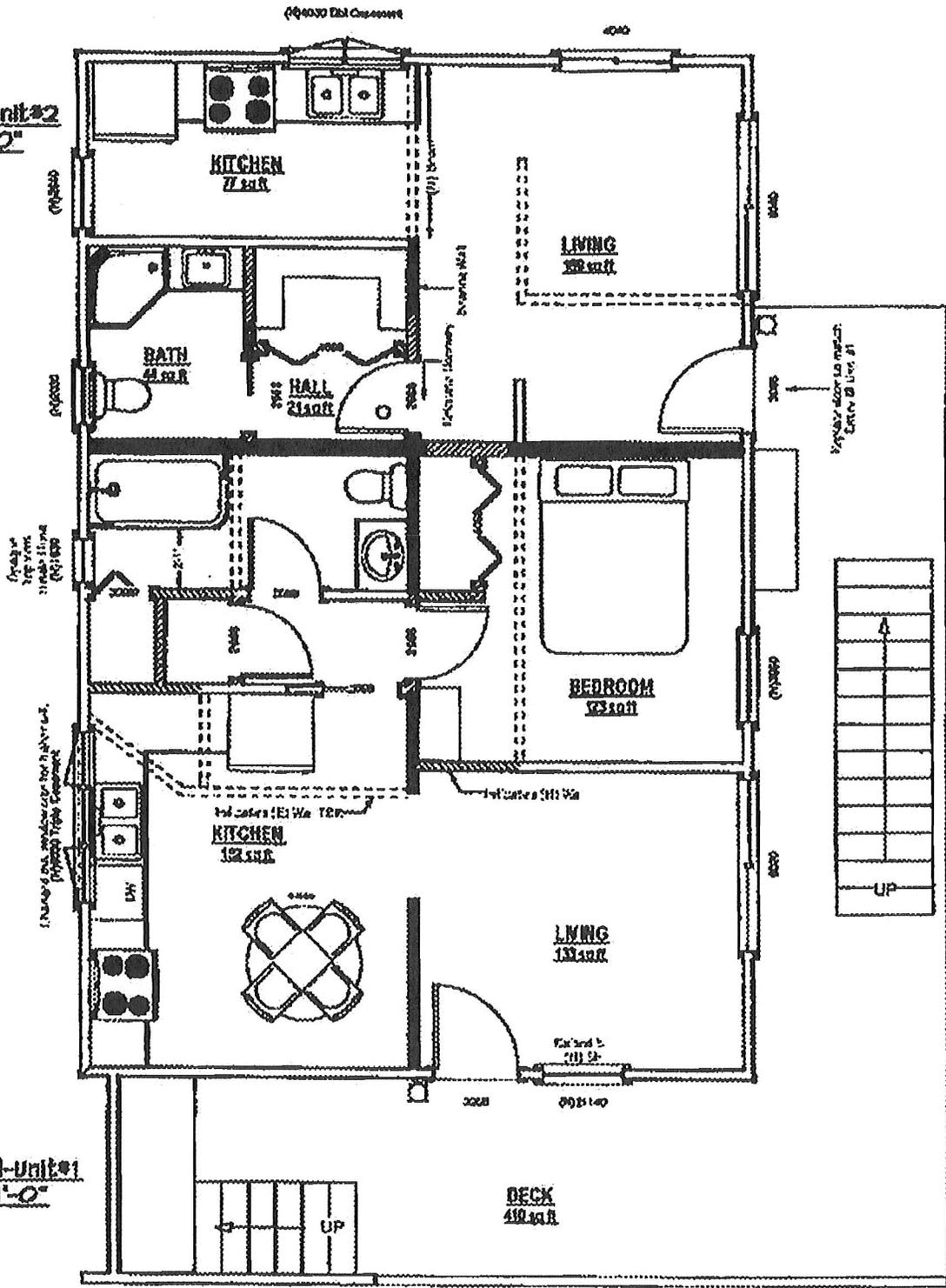


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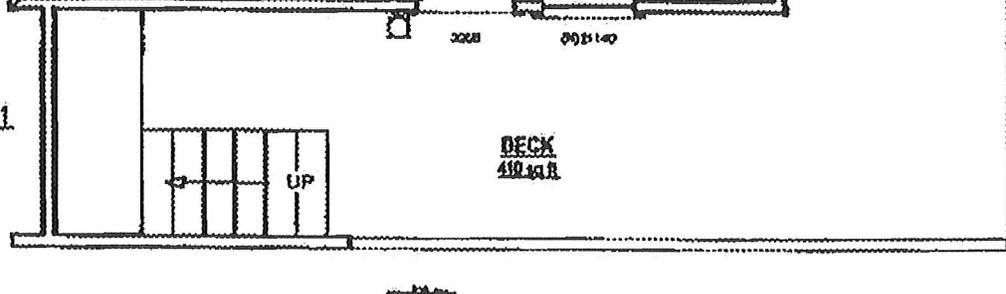
NO SCALE

SITE PLAN

Proposed-Unit #2  
1/4" = 1'-0"



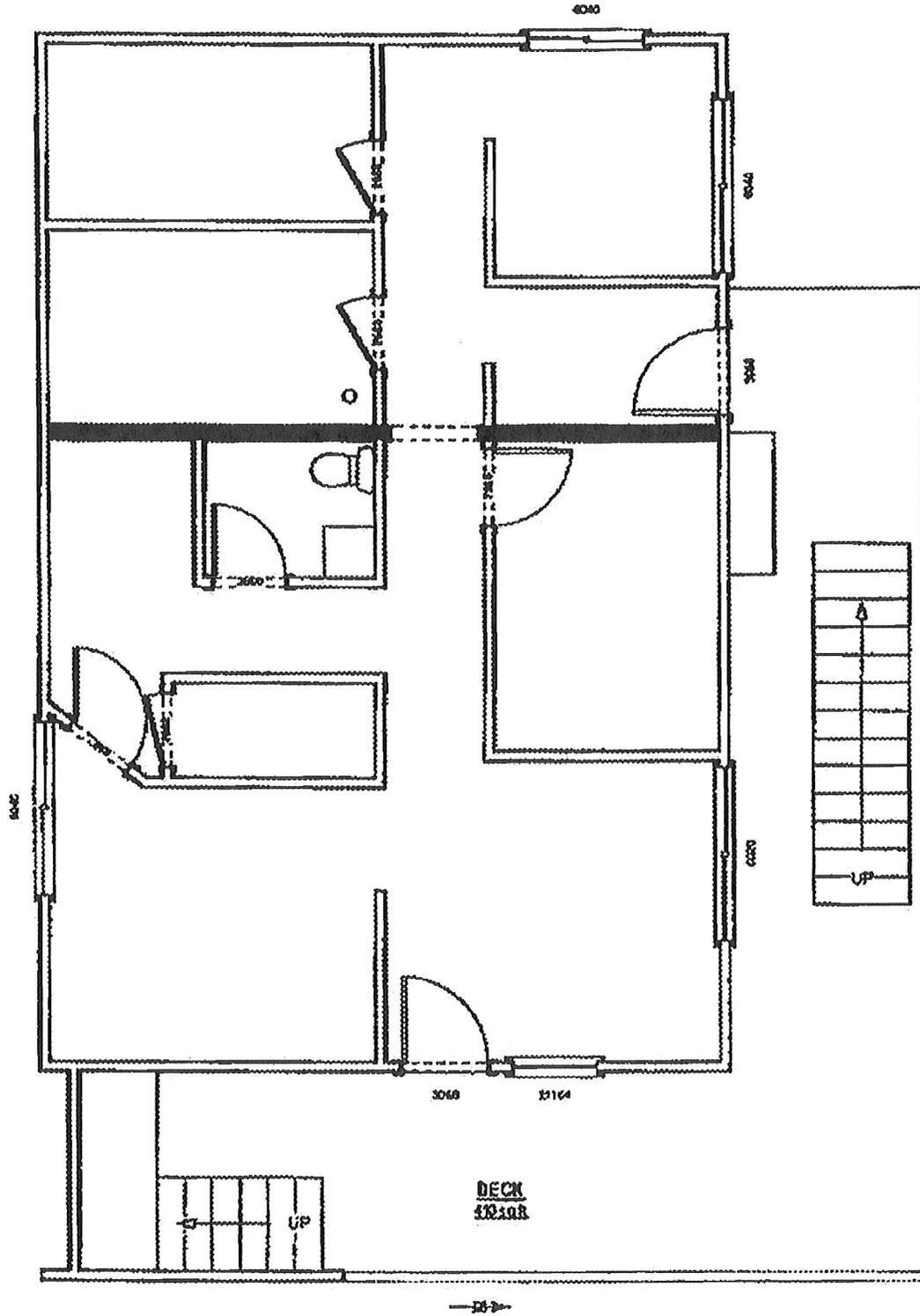
Proposed-Unit #1  
1/4" = 1'-0"



CASE: CDP 2015-0022  
 OWNER: HOWELL, William & Shelly  
 APN: 145-164-16  
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 ADDRESS: 38690 Pacific Dr., GU

NO SCALE

FLOOR PLAN (LOWER)



CASE: CDP 2015-0022  
 OWNER: HOWELL, William & Shelly  
 APN: 145-164-16  
 APLCT: William Howell  
 ADDRESS: 38690 Pacific Dr., GU

NO SCALE

FLOOR PLAN (UPPER)



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

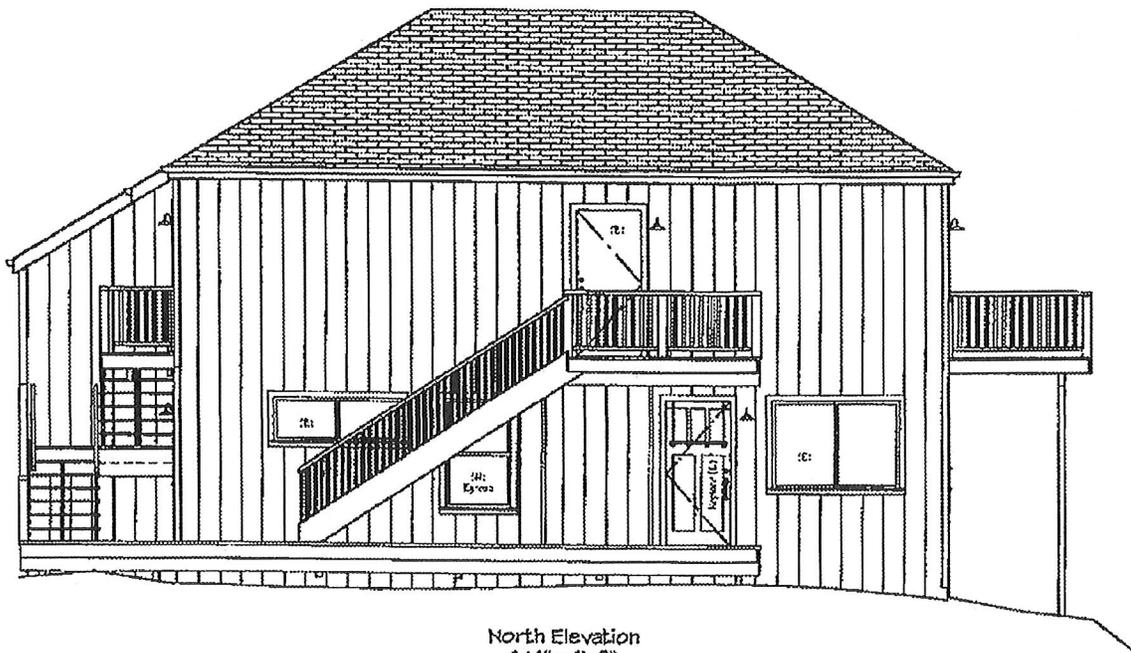


West Elevation  
1/4" = 1'-0"

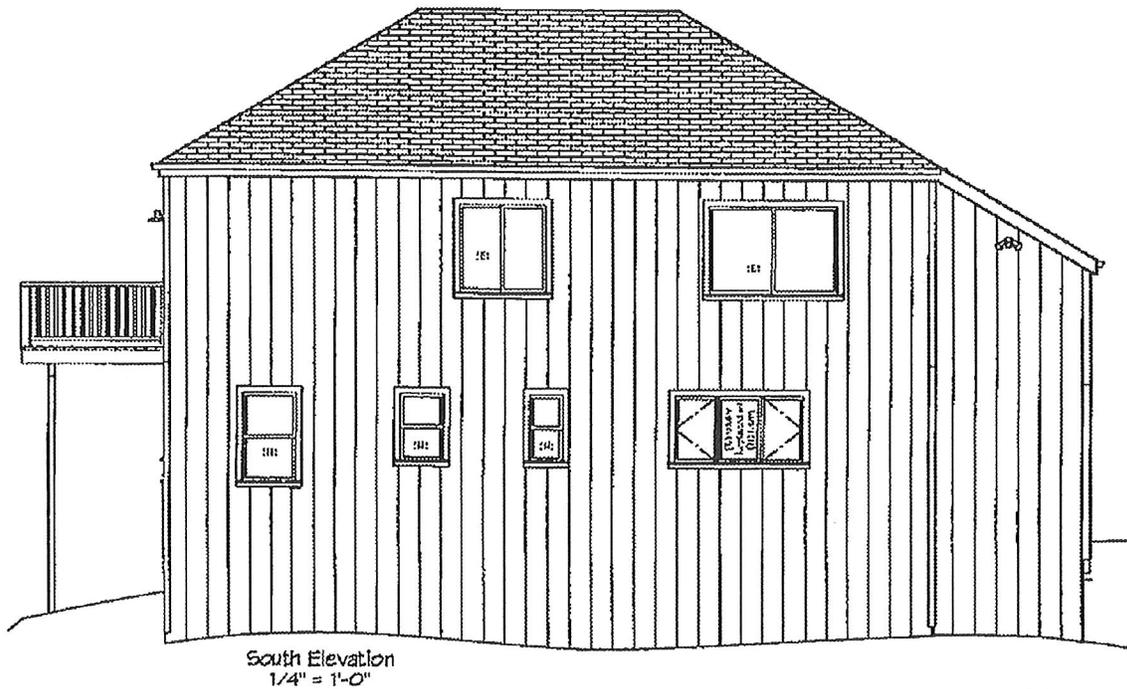
CASE: CDP 2015-0022  
OWNER: HOWELL, William & Shelly  
APN: 145-164-16  
APLCT: William Howell  
ADDRESS: 38690 Pacific Dr., GU

NO SCALE

E/W ELEVATIONS



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



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

CASE: CDP 2015-0022  
OWNER: HOWELL, William & Shelly  
APN: 145-164-16  
APLCT: William Howell  
ADDRESS: 38690 Pacific Dr., GU

NO SCALE

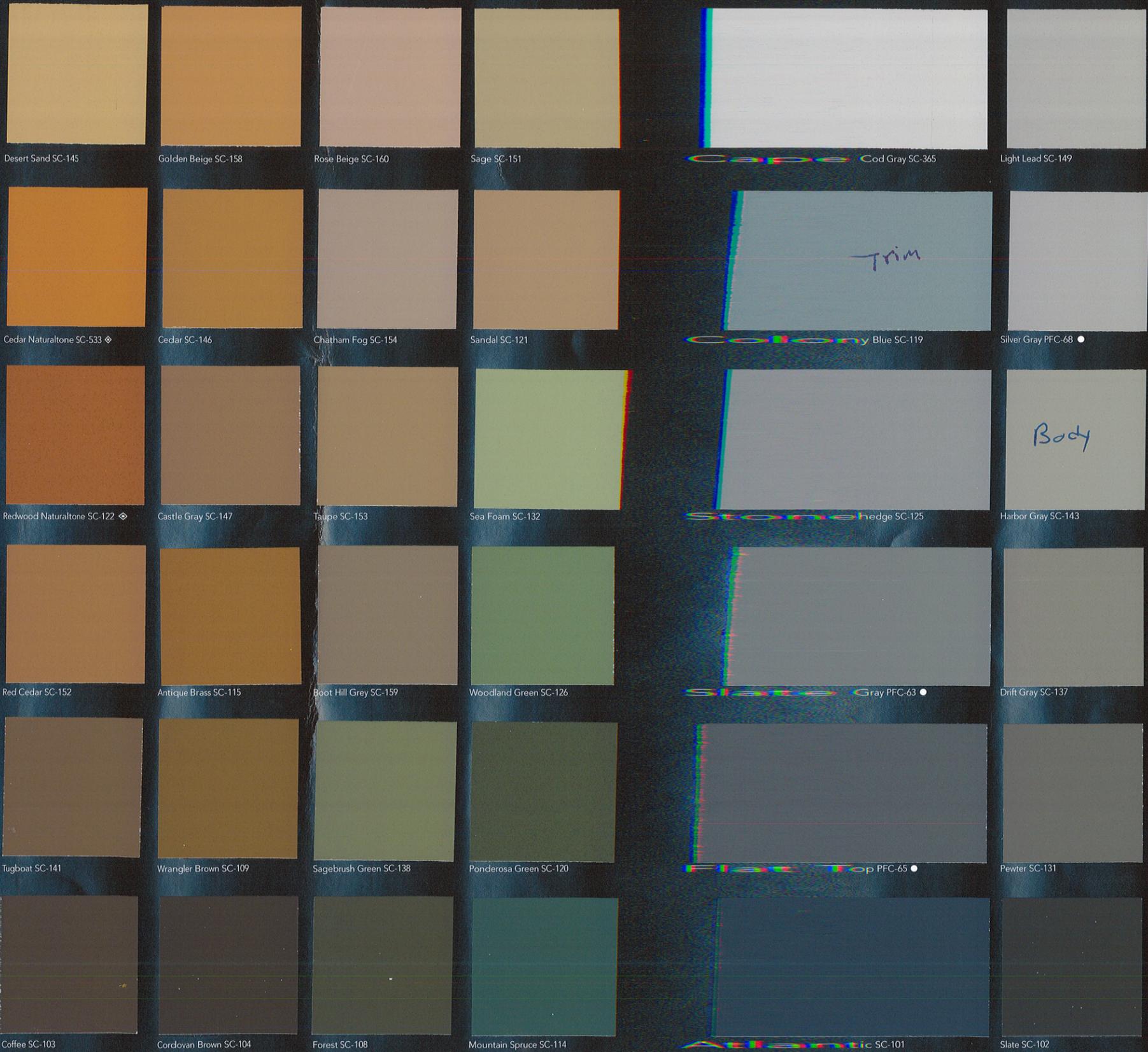
N/S ELEVATIONS

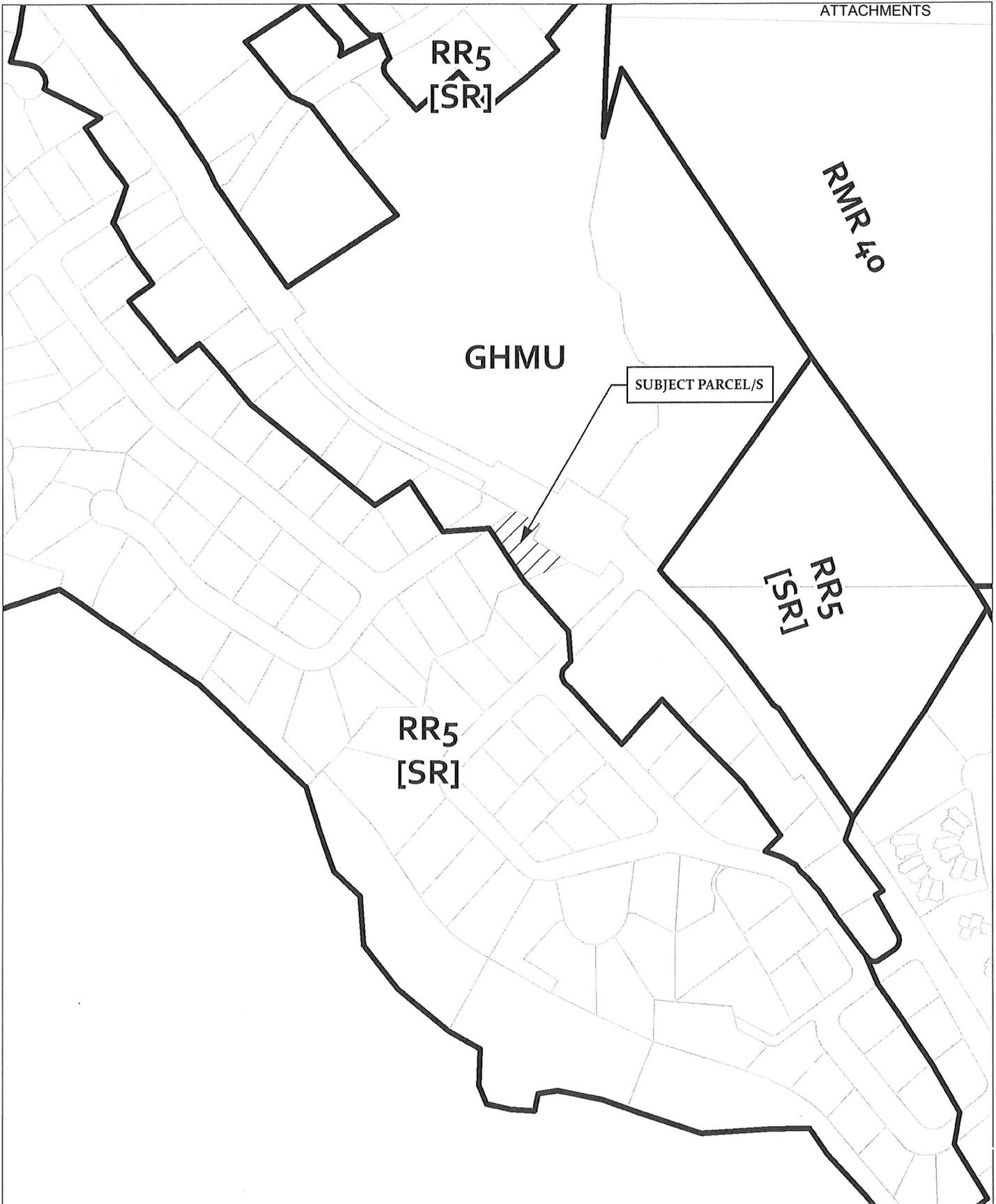






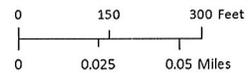




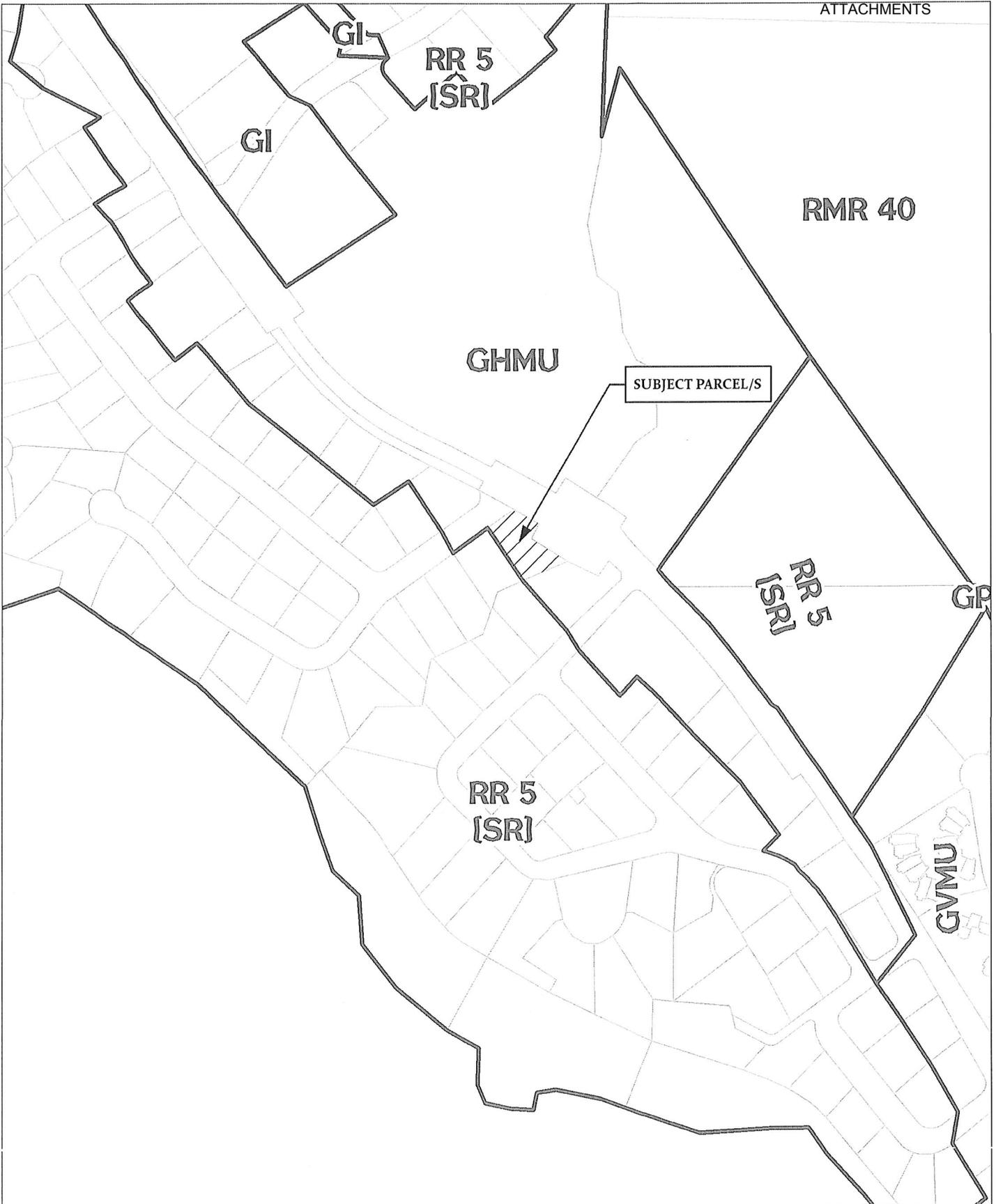


CASE: CDP 2015-0022  
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 Zoning Master

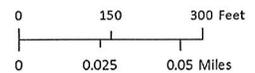


ZONING DISPLAY MAP

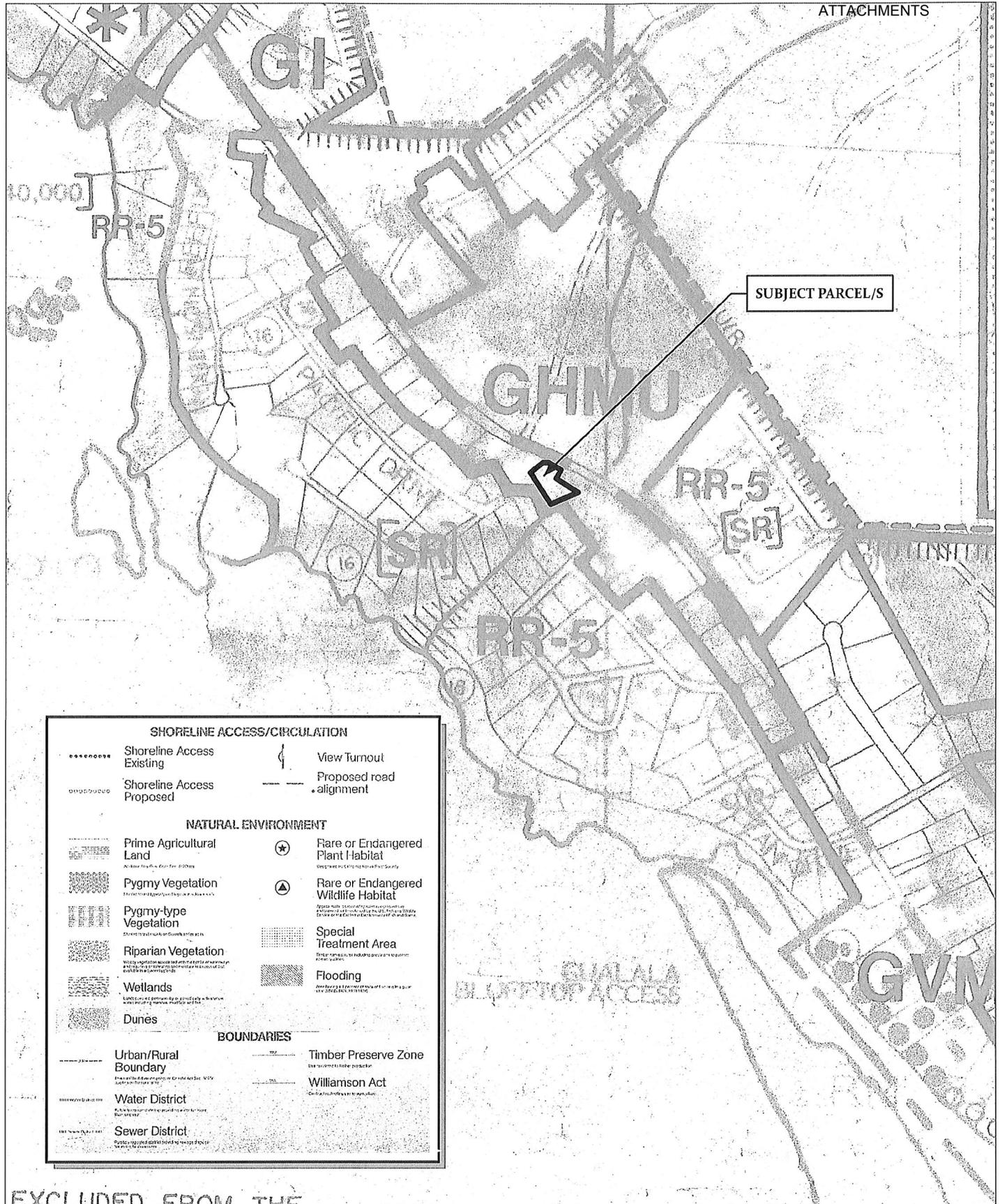


CASE: CDP 2015-0022  
 OWNER: HOWELL, William & Shelly  
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 General Plan Master



GENERAL PLAN CLASSIFICATIONS



**SHORELINE ACCESS/CIRCULATION**

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

**NATURAL ENVIRONMENT**

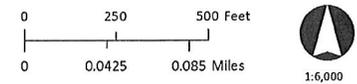
- Prime Agricultural Land
- Pygmy Vegetation
- Pygmy-type Vegetation
- Riparian Vegetation
- Wetlands
- Dunes
- Rare or Endangered Plant Habitat
- Rare or Endangered Wildlife Habitat
- Special Treatment Area
- Flooding

**BOUNDARIES**

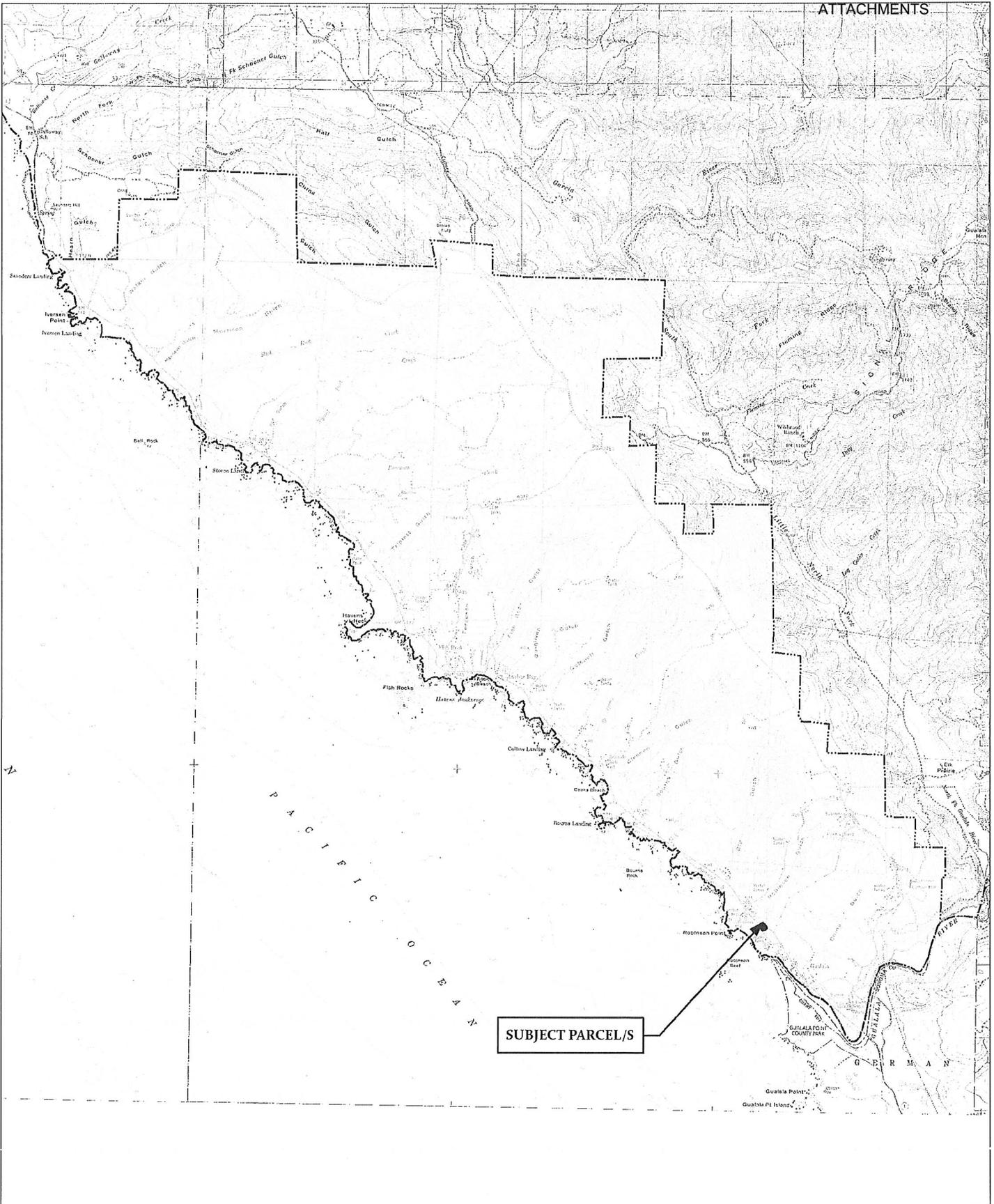
- Urban/Rural Boundary
- Water District
- Sewer District
- Timber Preserve Zone
- Williamson Act

EXCLUDED FROM THE

CASE: CDP 2015-0022  
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 ADDRESS: 38690 Pacific Dr, GU

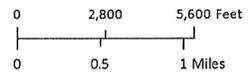


Map produced by the Mendocino County Planning & Building Services, November, 2015  
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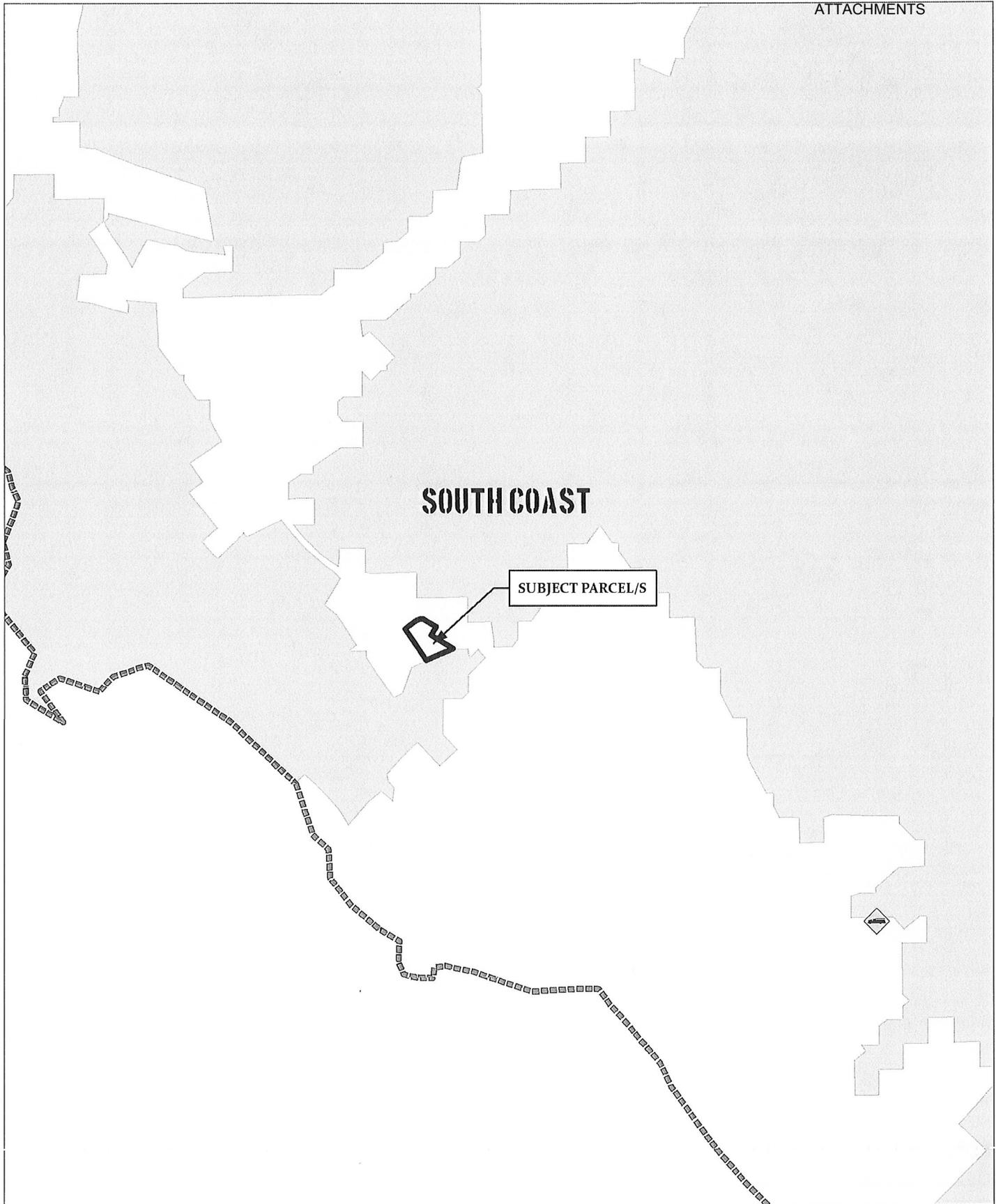


CASE: CDP 2015-0022  
 OWNER: HOWELL, William & Shelly  
 APN: 145-164-16  
 APLCT: William Howell  
 ADDRESS: 38690 Pacific Dr., GU

 GMAC Boundary



GMAC



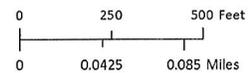
# SOUTH COAST

SUBJECT PARCEL/S

CASE: CDP 2015-0022  
 OWNER: HOWELL, William & Shelly  
 APN: 145-164-16  
 APLCT: William Howell  
 ADDRESS: 38690 Pacific Dr., GU

 Fire Stations  
 County Fire Districts

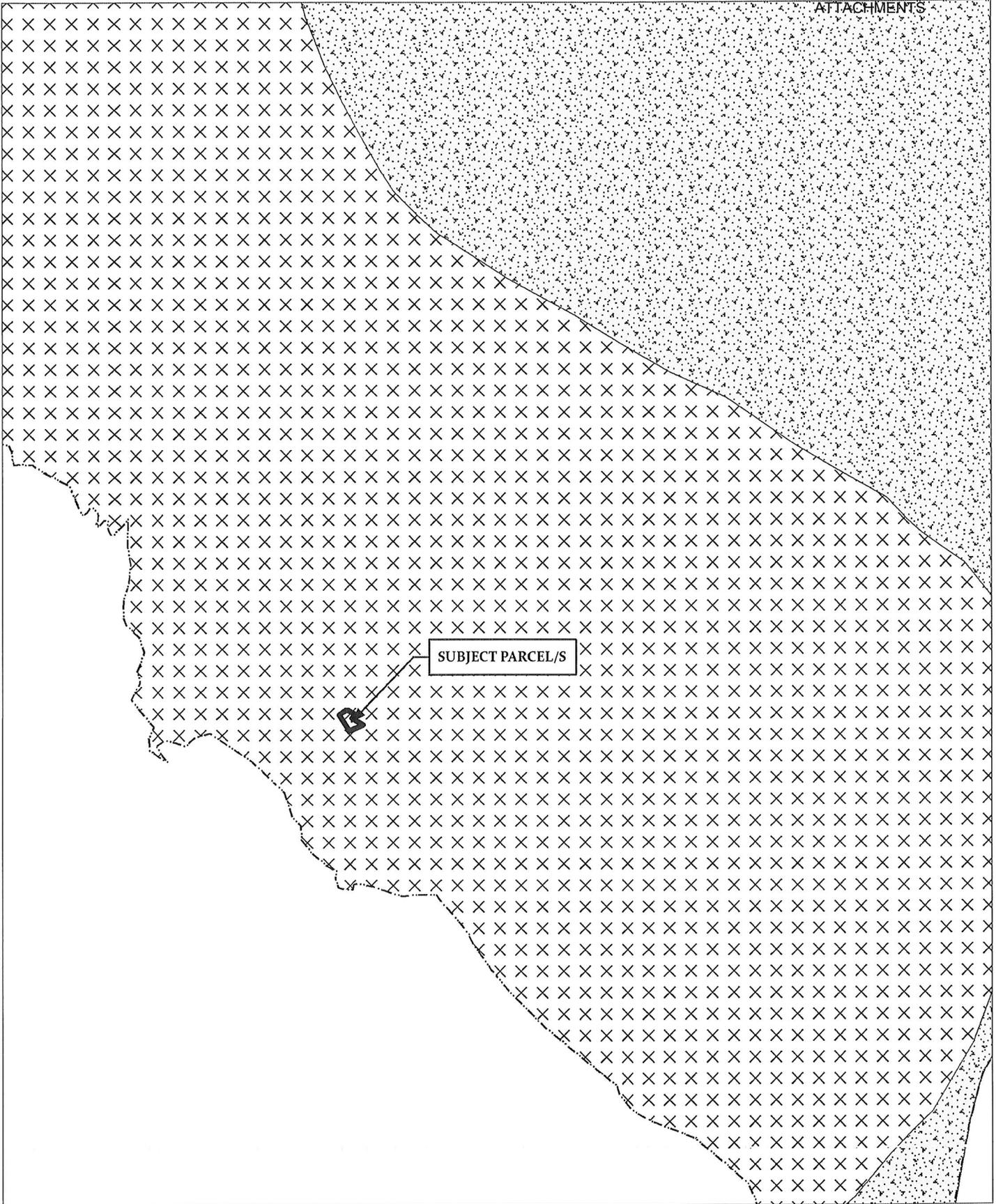
 High Fire Hazard  
 Moderate Fire Hazard



## FIRE HAZARD ZONES & RESPONSIBILITY AREAS

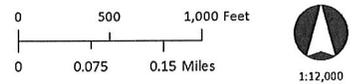
STATE RESPONSIBILITY AREA

Map produced by the Mendocino County Planning & Building Services, November, 2015  
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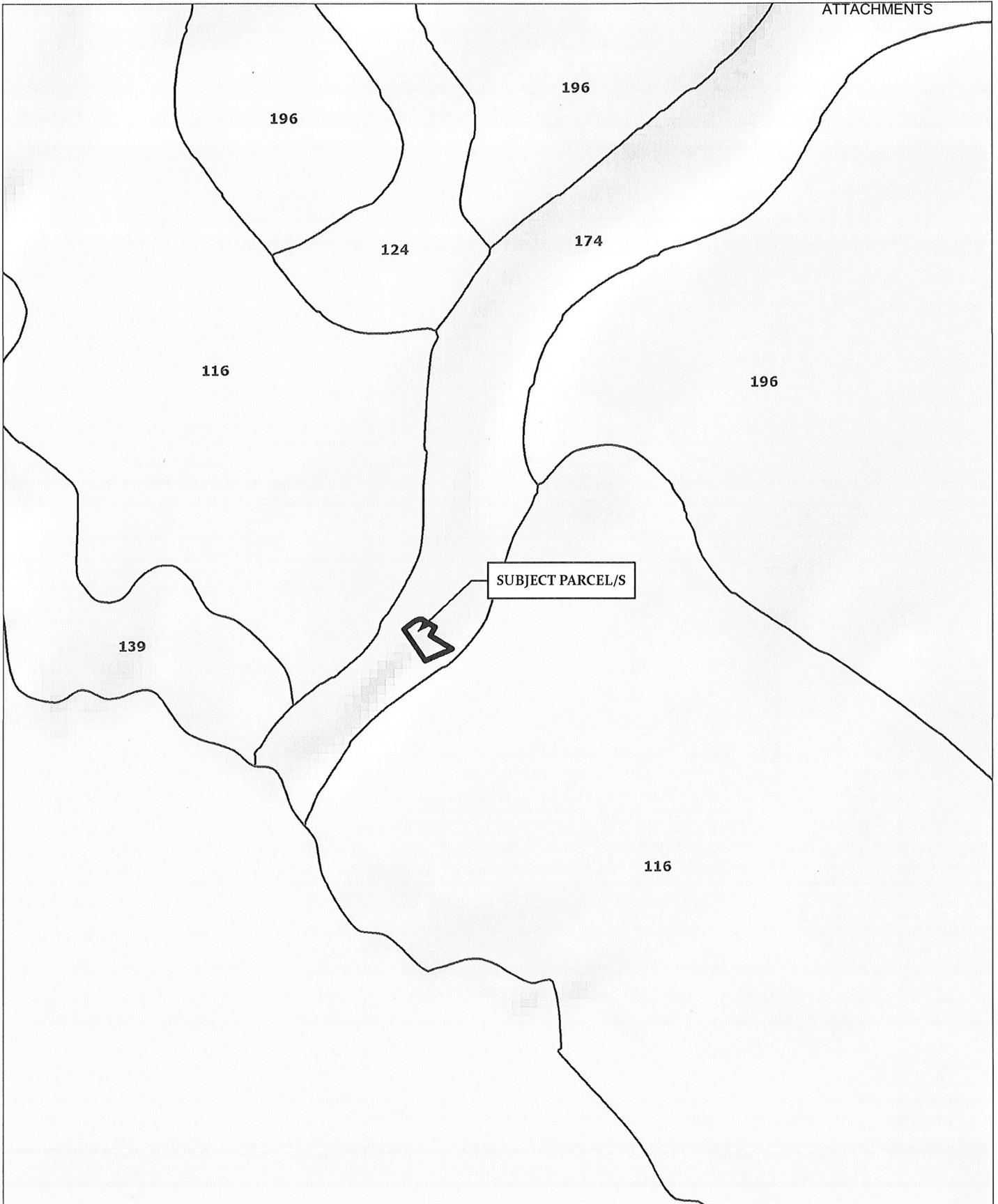


CASE: CDP 2015-0022  
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 Critical Water Areas  
 Critical Water Resources Bedrock

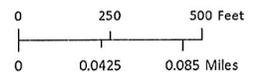


GROUND WATER RESOURCES

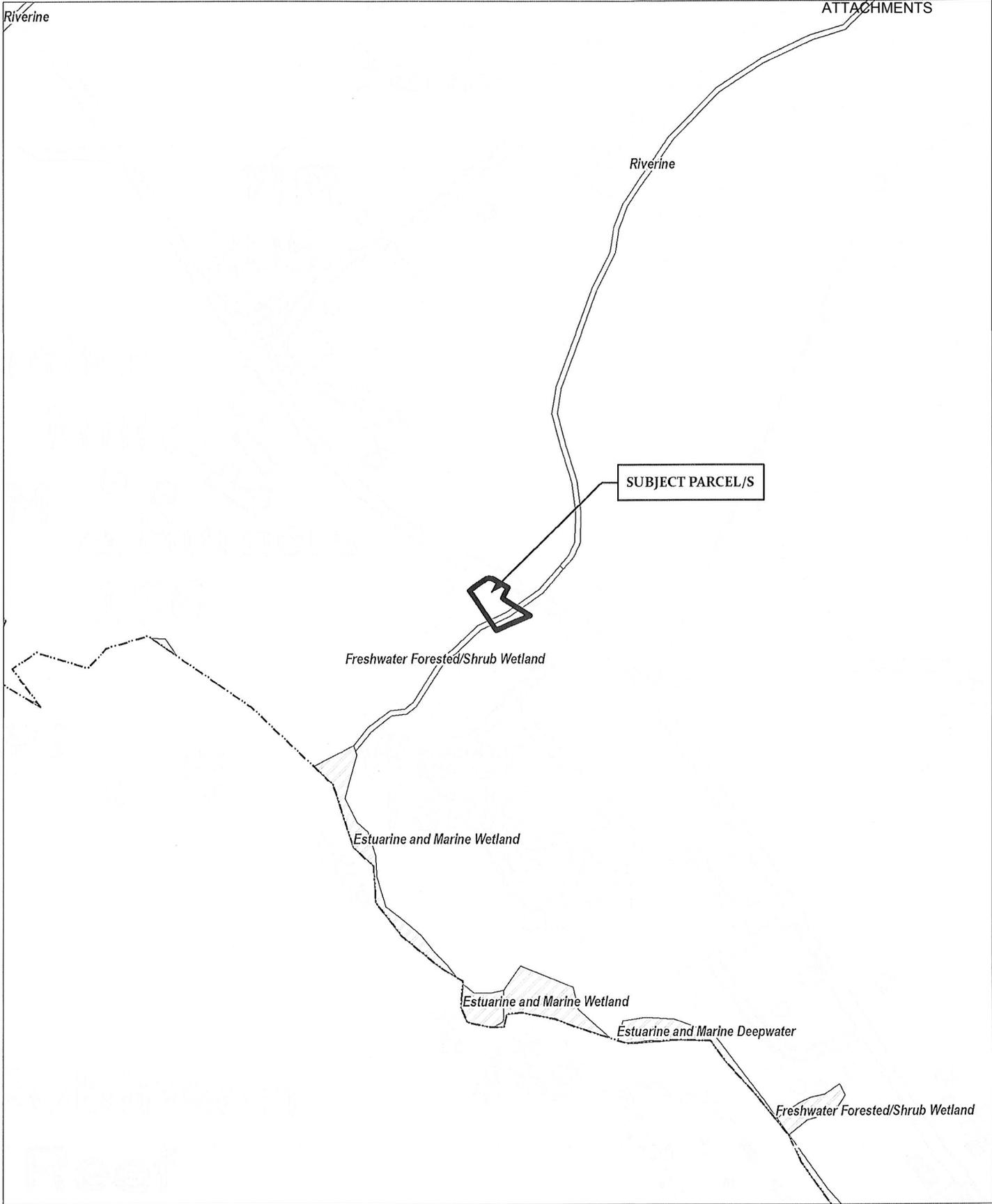


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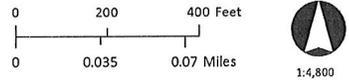
 Western Soils



LOCAL SOILS



CASE: CDP 2015-0022  
 OWNER: HOWELL, William & Shelly  
 APN: 145-164-16  
 APLCT: William Howell  
 ADDRESS: 38690 Pacific Dr., GU



 Wetlands

CLASSIFIED WETLANDS

Map produced by the Mendocino County Planning & Building Services, November, 2015  
 All spatial data is approximate. Map provided without warranty of any kind.

**COASTAL PERMIT APPROVAL CHECKLIST  
JULY 28, 2016**

**PROJECT TITLE:** CDP\_2015-0022 (HOWELL)

**PROJECT LOCATION:** 38690 Pacific Drive  
Gualala, California 95445  
APN: 145-164-16

**LEAD AGENCY NAME,  
ADDRESS AND CONTACT PERSON:** Juliana Cherry  
Mendocino County  
Planning and Building Services  
120 West Fir Street  
Fort Bragg, California 95437  
707-234-6650

**GENERAL PLAN DESIGNATION:** Mendocino County General Plan – Coastal Element  
GHMU:U (Gualala Highway Mixed-Use)

**ZONING DISTRICT** Mendocino County Code – Division II  
GHMU:6K (Gualala Highway Mixed-Use)

**DESCRIPTION OF PROJECT:** A Coastal Development Permit requesting to renovate and convert three commercial units into three residential units. Each unit would be 400-500 square-feet. Two units would be converted to one-bedroom residential occupancies, a third unit would be converted to a studio, and one existing residential unit would remain. Each would have a kitchenette. The building occupancy will be changed to multi-family residential with four residential units.

**SITE DESCRIPTION AND SETTING:** The 0.27-acre site is at the southwest intersection of Pacific Drive and Highway 1. It is addressed 38690 Pacific Drive, Gualala (APN 145-164-16). The project site is bounded to the south by Robinson Gulch. Public access to the shore follows Highway 1, which is contiguous with the easterly boundary of the project site. The site is identified as a “Critical Water Area.” The North Gualala Water Company provides a service connection to the existing building and the applicant has demonstrated that the proposed residential occupancies will have similar Equivalent Daily Units, or EDU, of water use. In 1993, the Gualala Community Services District wrote Mendocino County Building Department stating that the parcel was “already receiving sewer service as a residential four-plex.” Previously, Use Permit #50-1979 approved the conversion of the original four-unit residential structure to mixed-use where three of the original residential units were converted to commercial occupancies.

**DETERMINATION:** The proposed project can satisfy all required findings for approval of a Coastal Development Permit, pursuant to Sections 20.532.095 and 20.532.100 of the Mendocino County Code, as individually enumerated in this Coastal Permit Approval Checklist.

| <b>20.532.095 Required Findings for All Coastal Development Permits</b>  | <b>Inconsistent</b>      | <b>Consistent (With Conditions of Approval)</b> | <b>Consistent (Without Conditions of Approval)</b> | <b>Not Applicable</b>    |
|--|--------------------------|---|--|--------------------------|
| <b>(A) The granting or modification of any coastal development permit by the approving authority shall be supported by findings which establish the following:</b> |                          |   |  |                          |
| (1) The proposed development is in conformity with the certified local coastal program.  | <input type="checkbox"/> | <input type="checkbox"/>                        | <input checked="" type="checkbox"/>                | <input type="checkbox"/> |
| (2) The proposed development will be provided with adequate utilities, access roads, drainage and other necessary facilities.                                      | <input type="checkbox"/> | <input checked="" type="checkbox"/>             | <input type="checkbox"/>                           | <input type="checkbox"/> |

| 20.532.095 Required Findings for All Coastal Development Permits   | Inconsistent             | Consistent (With Conditions of Approval) | Consistent (Without Conditions of Approval) | Not Applicable           |
|--|--------------------------|--|---|--------------------------|
| (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. | <input type="checkbox"/> | <input type="checkbox"/>                 | <input checked="" type="checkbox"/>         | <input type="checkbox"/> |
| (4) The proposed development will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.  | <input type="checkbox"/> | <input type="checkbox"/>                 | <input checked="" type="checkbox"/>         | <input type="checkbox"/> |
| (5) The proposed development will not have any adverse impacts on any known archaeological or paleontological resource.  | <input type="checkbox"/> | <input type="checkbox"/>                 | <input checked="" type="checkbox"/>         | <input type="checkbox"/> |
| (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.  | <input type="checkbox"/> | <input type="checkbox"/>                 | <input checked="" type="checkbox"/>         | <input type="checkbox"/> |
| <b>(B) If the proposed development is located between the first public road and the sea or the shoreline of any body of water, the following additional finding must be made:</b>  |                          |  |   |                          |
| (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.                              | <input type="checkbox"/> | <input type="checkbox"/>                 | <input checked="" type="checkbox"/>         | <input type="checkbox"/> |

➤ **20.532.095(A)(1) The proposed development is in conformity with the certified local coastal program.**

*Consistent (without conditions of approval)*

The Local Coastal Program (LCP) sets goals and policies for managing resource protection and development activity in the Coastal Zone of Mendocino County, an area that extends from the Humboldt County line to the Gualala River. The LCP addresses topics such as shoreline access and public trails; development in scenic areas, hazardous areas, and coastal bluff tops; environmentally sensitive habitat areas; cultural resources; transportation; public services; and more. The LCP serves as an element of the General Plan and includes the Mendocino County Code (MCC), and its policies must be consistent with the goals of the California Coastal Act.

Various aspects of the LCP are specifically addressed by separate Required and Supplemental Findings for Coastal Development Permits, including utilities, transportation, zoning, California Environmental Quality Act (CEQA) consistency, archaeological resources, public services, coastal access, and resource protection. The following is a discussion of elements of the LCP not specifically addressed elsewhere in this checklist.

**General Plan Land Use – Gualala Highway Mixed Use**

The subject parcel is classified as Gualala Highway Mixed Use (GHMU) by the Coastal Element of the Mendocino County General Plan and its Chapter 4.14 *Gualala Town Plan*, which is intended provide for commercial and residential development on parcels adjacent to Highway 1 that is attractively sited, designed, and landscaped. Development in this district is intended to limit traffic generation and to lessen the potential for vehicular congestion on Highway 1.” Principal uses include multiple family dwellings, like the proposed conversion to a four-unit residential land-use. The maximum potential density is six units on this 0.27-acre site, as specified in Chapter 4 “Land Use Classifications” of the *Gualala Town Plan* and as

designated on the LCP Land Use Map 31 (*Gualala*).<sup>12</sup> The GHMU allowed density for multi-family residential units is 25 units per acre. The existing mix of commercial and residential uses are subject to a use permit (U-1979-50).

### Hazards

Mendocino County Coastal Element Chapter 3.4, titled Hazards Management, addresses seismic, geologic and natural forces within the Coastal Zone. Mapping does not associate the following with the subject site: faults, bluffs, landslides, erosion, fire hazard or flood hazard.

Seismic Activity: The property neither lies within, nor does it adjoin a mapped Alquist-Priolo Earthquake Fault Zone.<sup>3</sup> The San Andreas Fault Zone is located east of the project site and is the nearest active fault. This project does not conflict with any state or local seismic hazard policy or plan.

Flooding: There are no mapped 100-year flood zones on the subject parcel, and no conditions are necessary to ensure consistency with flood policy.<sup>4</sup> Robinson Gulch is adjacent to the southern property boundary. No land disturbing activity is proposed within 100-feet of the gulch.

Fire: The parcel is located in an area characterized by a moderate fire-hazard severity rating.<sup>5</sup> The project application was referred to the South Coast Fire Prevention District for input on March 21, 2016. No response has been received.

### Visual Resources

Protection of visual resources is a specific mandate of Section 30251 of the Coastal Act, and is subsequently addressed in Chapter 3.5 of General Plan's Coastal Element and implemented by Chapter 20.504 of the MCC. The subject parcel is not located within a mapped Highly Scenic Area (HSA), as depicted on the *Gualala* LCP map. The proposed conversion of an existing structure will not diminish views of the ocean from this location.

- **20.532.095(A)(2) The proposed development will be provided with adequate utilities, access roads, drainage and other necessary facilities.**

*Consistent (with conditions of approval)*

### Utilities

The developed site currently will retain its 1,800 square-foot of floor area and service connection to the Gualala Community Services District. Mendocino County Department of Environmental Health responded that they had "no comments" at this time on April 12, 2016. The applicant has demonstrated a current sewer connection to the services district.

The site is situated within a critical water resource area. The property owner is required to demonstrate that they have access to a sufficient water supply and they have complied. The previous commercial occupancies included office and personal services. The historic water use at the site is comparable to the allotted Equivalent Daily Unit (EDU) of water for residential occupancies. Staff accepts that a change from commercial to residential occupancies would not affect water resources available from the North Gualala Water Company. The Department of Fish and Wildlife have considered and accepted the proposed change in occupancies.

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<sup>1</sup> Coastal Element Chapter 4.14 Gualala Town Plan, Chapter 4 Land Use Classifications. Mendocino County General Plan. Pages 315-16. Revised March 1991. Ukiah, CA. Available via <http://www.co.mendocino.ca.us/planning/plans/planGualalaTOC.htm>

<sup>2</sup> *Gualala* [map]. 1985. County of Mendocino Coastal Zone, Number 31 of 31. County of Mendocino Planning and Building.

<sup>3</sup> State of California Special Studies Zones, Department of Conservation, Division of Mines and Geology.

<sup>4</sup> *Mendocino County and Incorporated Areas* [map]. 2011. Flood Insurance Rate Map, Panel 1200F, Number 06045C1200F. Federal Emergency Management Agency.

<sup>5</sup> *Fire Hazard Severity Zones in SRA* [map]. 2007. 1:150,000. Fire and Resource Assessment Program, California Department of Forestry and Fire Protection.

**Access Roads**

The parcel includes an existing driveway intersecting Pacific Drive. Mendocino County Department of Transportation (MCDOT) was invited to provide comment on the application. Letters to Planning and Building Services from MDOT dated April 22, 2016, provided no comment on the project. Caltrans did not respond to a request for comments. The proposed development will be provided with adequate access roads.

The *Gualala Town Plan Site Development Standards - Vehicle Access Requirements* state, "Shared driveway access between neighboring uses and parcels shall be encouraged. Wherever possible, driveway access shall be provided at the property boundary, to permit future negotiations of shared access agreements when adjoining parcels are developed... Driveway access to Highway One shall be limited to one driveway per parcel except in stances where more than one access/egress point can be clearly justified.<sup>6</sup>" The site has an established access/egress point. While shifting the driveway apron towards the westerly property line may be feasible. It would require relocating existing utility poles and service box adjacent to the property's westerly property line. The existing access via Pacific Drive is preferred to establishing new egress/ingress along Highway 1.

Responding to *Gualala Town Plan Site Development Standards - Pedestrian Access Requirements*, the applicant revised their original proposal to include front yard landscaping and pedestrian access along both street frontages. The proposed design mimics similar pathways established along the northwest intersection of Highway 1 and Pacific Drive. "All new development shall be required, where feasible, to provide an on-site pedestrian walkway along the Highway 1 frontage and local street frontages. The walkway shall be a minimum of five (5) feet in width and shall be constructed of concrete. Walkways may be located within the landscaping/walkway corridors of the public rights-of-way, as indicated on the Highway 1 Streetscape Map. The specific location of pedestrian walkways shall be determined by each property owner. However, narrow linear strips of landscaping between walkways and streets shall be discouraged. Required walkways shall connect to existing walkways on adjacent properties and, where such adjacent walkways have not been developed, the required walkways shall be located in areas where the future continuation of the walkway across adjoining properties is feasible."<sup>7</sup>

The proposal maintains a sufficient 60-foot highway corridor setback from the centerline of Highway 1.

Staff recommends a condition of project approval to ensure compliance with pedestrian access requirements.

**Recommended condition:** The property owner shall satisfy the objectives of the Pedestrian Access Requirement by landscaping, planting, and constructing pathways as proposed on Sheet 4 of 4 of the Preliminary Site Plan for 38690 Pacific Drive, Gualala, CA.

- **20.532.095(A)(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.**

*Consistent (without conditions of approval)*

**Intent:** The subject parcel is zoned Gualala Highway Mixed Use District (GHMU) and the intent of this district "is to provide for commercial and residential development on parcels adjacent to Highway 1 that is attractively sited, designed and landscaped. Restrictions on development in the district are intended to limit traffic generation and to lessen the potential for vehicular congestion on Highway 1 (MCC Section 20.406.005)."

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<sup>6</sup> Coastal Element Chapter 4.14 Gualala Town Plan, Chapter 4 Land Use Classifications: Site Development Standards - Vehicle Access Requirements. Mendocino County General Plan. Pages 314-15. Revised March 1991. Ukiah, CA. Available via <http://www.co.mendocino.ca.us/planning/plans/planGualalaTOC.htm>

<sup>7</sup> Coastal Element Chapter 4.14 Gualala Town Plan, Chapter 4 Land Use Classifications: Site Development Standards - Pedestrian Access Requirements. Mendocino County General Plan. Pages 315-16. Revised March 1991. Ukiah, CA. Available via <http://www.co.mendocino.ca.us/planning/plans/planGualalaTOC.htm>

The applicant proposes to convert an existing mixed occupancy building, with an approved Use Permit for such occupancy, to a principally permitted Multi-Family Coastal Residential Use Type. Use Permit 1979-50 expired on July 12, 2004 (Staff memorandum to address file dated March 3, 2015). The applicant proposes various landscaping and parking area improvements to comply with 2002 adopted Mendocino County Code Division II Site Development Standards.

Use: The existing parcel is developed with a four-unit structure, where three units have commercial occupancies. The applicant proposes to convert the occupancy to residential. Section 20.406.010(A) lists Multi-Family Residential as a principally permitted land use in the GHMU District.

Yards: The minimum required front, rear and side yards in the GHMU zoning district is fifty feet from the centerline of Highway 1. Rear setbacks of 10 feet are required. At a minimum, a twenty foot-wide landscape buffer shall be provided within the front setback. The property owner has filed a proposed landscape plan that demonstrates compliance with MCC Section 20.406.040 Minimum Building Setbacks in GHMU District<sup>8</sup>.

Height: The maximum permitted building height in the GHMU zoning district is 28-feet above natural grade. The maximum building height is below this requirement and measures 27.5-feet from existing grade.

Lot Coverage: The maximum permitted lot coverage in the GHMU zoning district is twenty percent on this 0.27-acre site (MCC Section 20.406.035(B)). No change in lot coverage is proposed. The existing building covers approximately fifteen percent of the lot area.

Floor Area Ratio: No floor-area ratio shall apply to residential uses per MCC Section 20.406.035(C).

Minimum Usable Activity Space: Per MCC Section 20.406.045, "At a minimum, ten percent of the total lot area shall consist of usable activity space in each residential development. Areas within the required building setbacks may contribute to this requirement." The applicant has designated the land between Robinson Gulch and the existing building as a usable activity space with an area of 1,167 square feet or ten percent of the 11,673-square-foot lot. This space is available for passive recreation.

Off-Street Parking: Per MCC Section 20.406.050, "For studio and one-bedroom dwelling units, minimum of one and a half onsite parking spaces per unit." The applicant proposes six spaces between the front yard and the existing structure. The proposal meets the requirement.

Landscaping: Pursuant to MCC Section 20.406.075, "A landscaping plan shall be required for development proposal in the GHMU District in accordance with the On-Site Landscaping policies in the "Design Guidelines" chapter of the Gualala Town Plan." The applicant has filed a landscaping plan that satisfies the requirements of the Gualala Town Plan and MCC Section 20.406.070 Pedestrian Access Requirements.

Exterior Lighting: Per MCC Section 20.406.080, the proposed exterior lamps will provide down shielded lighting and be dark-sky compliant.

- **20.532.095(A)(4) The proposed development will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.**

*Consistent (without conditions of approval)*

A Class 3(b) Categorical Exemption from CEQA, pursuant to Section 15303, for conversion of small structures to four or fewer residential units, is recommended.

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<sup>8</sup> The landscape plan is shown on Sheet 4 of 4 of the Preliminary Site Plan for 38690 Pacific Drive, Gualala, CA. Dated 12-21-2015.

- **20.532.095(A)(5) The proposed development will not have any adverse impacts on any known archaeological or paleontological resource.**

*Consistent (without conditions of approval)*

The proposal is to change the occupancy in an existing building. Landscaping is a component of the proposed project. A Standard Condition advises the applicant of the County's "discovery clause" which establishes procedures to follow in the event that archaeological or cultural materials are unearthed during site preparation or construction activities.

**Condition:** 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.

- **20.532.095(A)(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.**

*Consistent (without conditions of approval)*

Solid Waste: The South Coast Transfer Station is located approximately eight miles from the project site, providing for the disposal of solid waste resulting from the residential use. Additionally, curbside pickup is available, should the owner choose to purchase the service. Solid waste disposal is adequate to serve the proposed development.

Roadway Capacity: The State Route 1 Corridor Study Update provides traffic volume data for State Highway 1. The subject property is located at the intersection of Highway 1 and Pacific Drive, which is approximately 0.15 miles south of the intersection of Highway 1 and Pacific Wood Drive where the existing peak hour Level of Service is reported as "B".<sup>9</sup> No change in service levels is anticipated.

- **20.532.095(B)(1) If the proposed Development is located between the first public road and the sea or the shoreline of any body of water, the following additional finding must be made: 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.**

*Consistent (without conditions of approval)*

The project site is located west of Highway 1, but is not designated as a potential public access trail location on the *Gualala* LCP Map 31. Coastal access is provided along Highway 1. There is no evidence of prescriptive access on the developed site. The project would have no effect on public access to the coast.

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<sup>9</sup> *State Route 1 Corridor Study Update for the County of Mendocino*. Rep. Santa Rosa: Whitlock & Weinberger Transportation, 2008. Print. URL accessed June 9, 2015  
<http://www.mendocinocog.org/pdf/SR%201%20Corridor%20Study%20Update.9-18-08.pdf>.

| 20.532.100 (A) Resource Protection Impact Findings   | Inconsistent             | Consistent (With Conditions of Approval) | Consistent (Without Conditions of Approval) | Not Applicable                      |
|--|--------------------------|--|---|-------------------------------------|
| <b>(1) Development in Environmentally Sensitive Habitat Areas. No development shall be allowed in an ESHA unless the following findings are made:</b>            |                          |  |   |                                     |
| (a) The resource as identified will not be significantly degraded by the proposed development.   | <input type="checkbox"/> | <input type="checkbox"/>                 | <input type="checkbox"/>                    | <input checked="" type="checkbox"/> |
| (b) There is no feasible less environmentally damaging alternative.  | <input type="checkbox"/> | <input type="checkbox"/>                 | <input type="checkbox"/>                    | <input checked="" type="checkbox"/> |
| (c) All feasible mitigation measures capable of reducing or eliminating project related impacts have been adopted.   | <input type="checkbox"/> | <input type="checkbox"/>                 | <input type="checkbox"/>                    | <input checked="" type="checkbox"/> |
| <b>(2) Impact Finding For Resource Lands Designated AG, RL and FL. No permit shall be granted in these zoning districts until the following finding is made:</b> |                          |  |   |                                     |
| (a) The proposed use is compatible with the long-term protection of resource lands.  | <input type="checkbox"/> | <input type="checkbox"/>                 | <input type="checkbox"/>                    | <input checked="" type="checkbox"/> |

➤ **20.532.100(A)(1), et. seq. No development shall be allowed in an ESHA unless the following findings are made...**

The Mendocino County LCP includes sections of both the MCC and the Coastal Element of the General Plan addressing Environmentally Sensitive Habitat Areas (ESHA). The MCC states that development having the potential to impact an ESHA shall be subject to a biological survey, prepared by a qualified biologist, to determine the extent of sensitive resources, to document potential negative impacts, and to recommend appropriate mitigation measures.

Review of the California Natural Diversity Data Base showed little potential for sensitive habitat on site. No biological assessment was requested because the proposal does not include changing the existing locations of the structures. The required landscaping is located in disturbed areas fronting Highway 1 and Pacific Drive. Passive recreation is proposed, without any change to the existing landscaping, between the gulch and the existing building.

On April 13 and 14, 2016, the Department of Fish and Wildlife responded to a request for comments on the proposed project. The response stated that demonstrating that there would be no increase in water usage would be an acceptable alternative to documentation that the North Gualala Water Company has complied with Fish and Game Code Section 1602 and can legally provide adequate water for the development. No response has been received from US Fish and Wildlife Service.

Resolution Number \_\_\_\_\_

County of Mendocino  
Ukiah, California  
July 28, 2016

CDP\_2015-0022 - WILLIAM SHAWN HOWELL

RESOLUTION OF THE COASTAL PERMIT ADMINISTRATOR, COUNTY OF MENDOCINO, STATE OF CALIFORNIA, ADOPTING A CATEGORICAL EXEMPTION FROM CEQA AND GRANTING A COASTAL DEVELOPMENT PERMIT REQUESTING TO RENOVATE AND CONVERT THREE COMMERCIAL UNITS INTO THREE RESIDENTIAL UNITS.

WHEREAS, the applicant, WILLIAM SHAWN HOWELL AND TREVOR NORCROSS, filed an application for COASTAL DEVELOPMENT STANDARD PERMIT with the Mendocino County Department of Planning and Building Services requesting to renovate and convert three commercial units into three residential units. Each unit would be 400-500 square-feet. Two units would be converted to one-bedroom residential occupancies, a third unit would be converted to a studio, and one existing residential unit would remain. Each would have a kitchenette. The building occupancy will be changed 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, 07/28/2016, 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, the Coastal Permit Administrator has had an opportunity to review this Resolution and finds that it accurately sets for the intentions of the Board of Supervisors regarding the Class 3(b) CATEGORICAL EXEMPTION from CEQA and the Project.

NOW, THEREFORE, BE IT RESOLVED, that the Coastal Permit Administrator makes the following 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 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, subject to the Conditions of Approval in Exhibit "A", attached hereto.

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 be final on the 11<sup>th</sup> day after the date of the Resolution unless an appeal is taken.

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

ATTEST: ADRIENNE THOMPSON  
Commission Services Supervisor

By: \_\_\_\_\_

BY: STEVEN DUNNICLIFF  
Director

ANDY GUSTAVSON  
Coastal Permit Administrator

\_\_\_\_\_

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## EXHIBIT A

### CONDITIONS OF APPROVAL

**CDP\_2015-0022 - HOWELL  
JULY 28, 2016**

A Coastal Development Permit requesting to renovate and convert three commercial units into three residential units. Each unit would be 400-500 square-feet. Two units would be one-bedroom and the remaining unit would be a studio. Each would have a kitchenette. One existing residential unit will remain. The building occupancy will be changed to multi-family residential with four residential units.

**APPROVED PROJECT DESCRIPTION:** A Coastal Development Permit requesting to renovate and convert three commercial units into three residential units. Each unit would be 400-500 square-feet. Two units would be one-bedroom and the remaining unit would be a studio. Each would have a kitchenette. One existing residential unit will remain. The building occupancy will be changed to multi-family residential with a total of four residential units.

#### **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 at the expiration of two years after the effective date except where construction and use of the property in reliance on such permit has been initiated prior to its expiration. 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. The property owner shall satisfy the objectives of the Pedestrian Access Requirement by landscaping, planting, and constructing pathways as proposed on Sheet 4 of 4 of the Preliminary Site Plan for 38690 Pacific Drive, Gualala, CA.