

**STAFF REPORT FOR COASTAL DEVELOPMENT  
STANDARD PERMIT**

**CDP\_2014-0029  
FEBRUARY 26, 2015  
CPA-1**

**OWNER/APPLICANT:** CALIFORNIA DEPT OF TRANSPORTATION  
703 B STREET  
MARYSVILLE, CA 95901

**AGENT:** ADELE POMMERENCK,  
ENVIRONMENTAL BRANCH MANAGER  
703 B STREET  
MARYSVILLE, CA 95901

**REQUEST:** Standard Coastal Development permit to allow the California Department of Transportation (Caltrans) to repair a slipout and restore the roadway on Highway 1, at post mile (PM) 35.74 in Mendocino County, to its pre-storm condition.

**LOCATION:** In the Coastal Zone, located on the west side of Highway 1 at post mile marker 35.74, located within the Caltrans right-of-way. APN's 127-100-RW, 127-080-03, 127-080-04, 127-090-02, 127-090-03.

**APPEALABLE AREA:** Yes (Highly Scenic Area)

**PERMIT TYPE:** Standard

**TOTAL ACREAGE:** Area of proposed work is 0.5± acres

**GENERAL PLAN:** Right-of-Way

**ZONING:** Right-of-Way

**EXISTING USES:** Scenic two-lane highway

**ADJACENT ZONING:** North: RL:L-160[FP]  
East: RL:L-160  
South: RL:L-160  
West: RL:L-160

**SURROUNDING LAND USES:** North: Rangeland  
East: Rangeland  
South: Rangeland  
West: Rangeland

**SUPERVISORIAL DISTRICT:** 5

**CA COASTAL RECORDS PROJECT:** Image [201303292](#)

**ENVIRONMENTAL DETERMINATION:** Notice of CEQA exemption under Class 1 was filed with the Office of Planning and Research on March 27, 2014.

**OTHER RELATED APPLICATIONS:**

- CDP# 1-2014 (Caltrans) is in the process of obtaining a permit for repairing a slipout at PM 37.33 with work occurring on Williamson Act lands.

- CDP# 36-2010 (Caltrans) approved road re-alignment between PM 38.5 and PM 38.8, which moved the road further onto Williamson Act lands.
- CDU# 18-2006 (Caltrans) removal and repair of a failing crib wall between PM 37.8 and PM 38.2.

**PROJECT DESCRIPTION:** The proposed project will repair the slipout caused by storm damage in 2011. The repair will require the following development:

- The installations of two overside drain/pipe downdrains, Rock Slope Protection (RSP) and fabric at outlets.
- The removal of the failed embankment material (slipout) and placement of ¼ ton RSP in the excavated slipout with fabric at a 1.5:1 slope. This may include the use of imported material to enhance vegetative regrowth and may require the placement of soil over the RSP to a maximum depth of eight (8) inches and possible reseeding of the area.
- Asphalt Concrete (AC) dikes would be installed and signs/markers would be relocated or installed as needed.
- The existing road striping may be touched up.

Construction area signs will be used for this project. Appropriate stormwater best management practices/temporary erosion control will be deployed by the contractor, as needed. Access to the bottom of the slip by contractor equipment will be needed.

**LOCAL COASTAL PROGRAM CONSISTENCY RECOMMENDATION:** The proposed project is consistent with the applicable goals and policies of the Local Coastal Program (LCP) as described below.

### Land Use

Coastal Element Policy 3.8-6 states:

*It shall be a goal of the Transportation Section to achieve, where possible and consistent with other objectives of The Coastal Act and plan policies for Highway 1, a road bed with a vehicle lane width of 16 feet including shoulder to achieve a 32 foot paved roadway (12 foot vehicle lane and 4 foot paved shoulder). The minimum objective shall be a 14 foot vehicle lane width (10-foot vehicle lane and 4 foot paved shoulder). New widening projects shall be allocated, first to safety and improved capacity needs and secondly to paved shoulders.*

Coastal Element Policy 3.6-20 states:

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

The proposed project is consistent with the applicable Coastal Element policies and is required to occur on Williamson Act lands in order to maintain Highway 1 as the principal circulation route on the Mendocino Coast. Failure to complete the project could result in significant road failure and substantially limit circulation in Mendocino County.

### Public Access

Proposed shoreline access is designated on the LUP maps to the west, north and south of the project area, as shown in the attachments. However, the proposed area for access is under private ownership. The landowner of the parcels is not subject to this permit and therefore a dedication of public access is not feasible with the scope of this coastal development permit.

Coastal Element Policy 4.10-6 states:

*Caltrans should acquire an area west of Highway 1 of sufficient area to construct a parking area and vista point overlooking Cuffey's Cove. An offer to dedicate a parking area and vista point at*

*this point shall be obtained consistent with Policy 3.6-5 if Caltrans is not successful in acquiring this area prior to application for a coastal development permit. If the land use on this large area changes in the future, an offer to dedicate an easement for public access shall be required for the area delineated on the Land Use Map, consistent with Policy 3.6-5.*

Currently view turnouts exist to the east and south of the project location, as shown in the attachments.

### **Hazards**

The property is in an area that has a "moderate" fire hazard severity rating as determined by the California Department of Forestry and Fire Prevention (CalFire).

After several intense rainfall events during 2011, the existing fill slope became super-saturated and an area approximately 30 feet wide failed. The failure occurred close to the hinge point of the fill slope. The proposed repairs would be located in a moderately sloped gulch. There are no additional known faults, landslides or other geologic hazards in close proximity to the proposed development.

A geotechnical site assessment was completed in March 2013 by North Region Office of Geotechnical Design, Design Branch B. Geotechnical recommendations were provided to planning staff in a Memorandum dated April 24, 2013. Based on filed observations, recommendations were provided to restore the fill slope of the highway and to construct a deep underdrain to intercept subsurface water from entering the roadway embankment. These recommendations are included as Condition #9 (a)-(c).

### **Grading, Erosion and Runoff**

The proposed project is subject to the following regulations regarding erosion control and stormwater runoff:

Regarding erosion control, Section 20.492.015 of the MCCZC states in pertinent part:

- (A) The erosion rate shall not exceed the natural or existing level before development.*
- (B) Existing vegetation shall be maintained on the construction site to the maximum extent feasible. Trees shall be protected from damage by proper grading techniques.*
- (C) Areas of disturbed soil shall be reseeded and covered with vegetation as soon as possible after disturbance, but no less than one hundred (100) percent coverage in ninety (90) days after seeding; mulches may be used to cover ground areas temporarily.*

Regarding stormwater runoff, Section 20.492.025 of the MCCZC states in pertinent part:

- (A) Water flows in excess of natural flows resulting from project development shall be mitigated.*
- (C) The acceptability of alternative methods of stormwater retention shall be based on appropriate engineering studies. Control methods to regulate the rate of stormwater discharge that may be acceptable include retention of water on level surfaces, the use of grass areas, underground storage, and oversized storm drains with restricted outlets or energy dissipaters.*
- (D) Retention facilities and drainage structures shall, where possible, use natural topography and natural vegetation. In other situations, planted trees and vegetation such as shrubs and permanent ground cover shall be maintained by the owner.*
- (E) Provisions shall be made to infiltrate and/or safely conduct surface water to storm drains or suitable watercourses and to prevent surface runoff from damaging faces of cut and fill slopes.*

The proposed repair work will require an estimated 613 cubic yards of grading. The contractor will require access to the bottom of the slip, meaning the contractor will have to traverse a 3:1 slope with an excavator. With the proximity of the excavation work to Sartori Creek, extensive erosion control devices and best management practices will need to be employed during construction. All disturbed soil areas will

be covered with native California grass seed. Condition #10 is recommended to provide for the monitoring of erosion control measures after construction has been completed.

With regards to stormwater, a downdrain pipe will be installed and as per the recommendations provided in the Memorandum on geotechnical impacts, all subsurface water flows will be directed to Sartori Gulch. A preliminary Drainage Plan was submitted by Caltrans (included in Appendix A); however, since an independent contractor will be performing the work, Condition #11 is recommended requiring the contractor submit a Grading and Erosion Control Plan prior to commencement of construction activities.

### **Visual Resources**

The project vicinity consists mainly of undeveloped rangelands with a cemetery located ¼ mile to the south of the project area. The parcel is located in a designated "Highly Scenic Area" west of Highway 1, as shown in the attachments, and the proposed project is subject to the following development criteria:

Coastal Element Policy 3.5-1 provides general guidelines for all development in the coastal zone, requiring that:

*State Highway 1 in rural areas of the Mendocino County coastal zone shall remain a scenic two-lane road.*

*The scenic and visual qualities of Mendocino County coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect view to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas designated by the County of Mendocino Coastal Element shall be subordinate to the character of its setting.*

Policy 3.5-3 of the Coastal Element states:

*Any development permitted in (highly scenic) areas shall provide for the protection of ocean and coastal views from public areas including highways, roads, coastal trails, vista points, beaches, parks, coastal streams, and waters used for recreational purposes.*

*In addition to other visual policy requirements, new development west of Highway One in designated "highly scenic areas" is limited to one-story (above natural grade) unless an increase in height would not affect public views to the ocean or be out of character with surrounding structures.*

Section 20.504.015(C)(2) of the Coastal Zoning Code requires:

*In highly scenic areas west of Highway 1 as identified on the Coastal Element land use plan maps, new development shall be limited to eighteen (18) feet above natural grade unless an increase in height would not affect public views to the ocean or be out of character with surrounding structures.*

Section 20.504.015(C)(3) also requires:

*New development shall be subordinate to the natural setting and minimize reflective surfaces. In highly scenic areas, building materials including siding and roof material shall be selected to blend in hue and brightness with their surroundings.*

A Visual Impact Assessment, dated April 15, 2014, was completed for the proposed project. The majority of the repair work will take place on the downhill side of the roadway, between the road and Pacific Ocean. This section of the highway is not a State Designated Scenic Highway, but it is listed as "eligible". This potential for designation as a Scenic Highway requires that special care is taken to preserve natural resources and the scenic qualities of the area. The proposed project will not reduce visual quality of the area and therefore will not reduce the potential for the area to be designated as a Scenic Highway in the future. Views of the Pacific Ocean will not be altered by the proposed project. It has not yet been

determined whether the proposed project will require the removal of one Monterey Cypress tree within a group of about 10-15 trees. The Visual Impact Assessment states that the group of trees and views of the coastline would remain the same. Best Management Practices will be established by Caltrans as a means for mitigating visual impact from the proposed project. These practices include the use of native California grass seed mix for erosion control on all disturbed soil areas and slopes. Staff recommends addition of Condition #10 to ensure that re-establishment of vegetation is monitored for success.

Since the repair work will occur on the downhill side of the roadway, project components are not expected to be visible to the public. However, staff recommends addition of Condition #12 requiring that the down drain pipes should be colored to blend with the surrounding environment. Black or dark brown are the most preferable colors to reduce visual impact.

### **Natural Resources**

A Natural Environment Study, Wetland and Waters of the U.S. Delineation Report, Biological Assessment, Botanical Survey, and Environmentally Sensitive Habitat Area (ESHA) report were prepared by Caltrans staff for the purpose of describing the existing vegetation communities, surveying for special-status species and wetlands, and recommending appropriate mitigation measures to reduce the impacts to sensitive habitat area buffers.

The County of Mendocino Coastal Element describes an Environmentally Sensitive Habitat Area (ESHA) as follows:

*Any areas in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.*

Seven areas within the project limits meet the above definition of an Environmentally Sensitive Habitat Area. Within the 100 foot study buffer of the project environmental study limits several ESHAs were identified. These include: three wetlands, one perennial-drainage (Sartori Creek), two riparian areas, and one location of Mendocino coast paintbrush (*Castilleja mendocinensis*).

ESHA 1, as identified on the maps in Appendix A of this document, is a 1-parameter wetland. The area is classified as a wetland due to the presence of hydrophytic vegetation, wetland hydrology and wetland soils were not observed at the location of ESHA 1. Project work would extend to within 17 feet of the ESHA. Work near the ESHA would include slope excavation and reconstruction, and installation of 2 overside drains and RSP at outlets. The work is necessary to provide for the continuance of Highway 1. Failure to complete the project may result in failure of the roadway, which would significantly limit circulation along the Mendocino County Coastline. Environmentally Sensitive Area (ESA) fence would be installed to protect the wetland from damage.

ESHA 2, as identified on the maps in Appendix A of this document, is a freshwater 3-parameter perennial wetland, and qualifies as a wetland as defined by the U.S. Army Corps of Engineers. The wetland is located on the roadside and slope of a cut slope with a larger seep occurring on the natural grade beyond the cut. The ESHA Assessment/Reduced Buffer Analysis states that water in the roadside ditch appears to percolate, such that the wetland indicators cease in the ditch at the downhill extent of the wetland. Project work would extend to within 55 feet of the wetland feature with no work expected to occur in or adjacent to the feature.

ESHA 3 is a wetland located across the highway from the proposed work area. The wetland is supported by a groundwater seep, which flows to Sartori Creek. Project work would extend to approximately 72 feet from the wetland, but is separated by cut and fill slopes as physical barriers.

ESHA 4 is Sartori Creek, a perennial drainage with steep banks on both sides of the creek. It's estimated that the creek is approximately 4 feet wide by 1 foot deep at ordinary high flow level. Currently the creek travels under Highway 1 in a large culvert. Downstream of the culvert are two pools which may contain suitable habitat for three sensitive species: the California red-legged frog (*Rana draytonii*), northern red-

legged frog (*Rana aurora*), and southern torrent salamander (*Rhyacotriton variegatus*). Project work would occur within approximately 92 feet of the creek. No impacts to ESHA 4 are expected. Consultation was completed by Caltrans with U.S. Fish and Wildlife Service (USFWS) for potential impacts to federally listed species resulting in a Letter of Concurrence from USFWS. Avoidance and minimization measures will be implemented to reduce potential impacts to federally listed species.

ESHA 5 is a riparian corridor along Sartori Creek, downstream of the proposed work area. All work will occur greater than 100 feet from ESHA 5, therefore no impacts are expected.

ESHA 6 is a riparian corridor along Sartori Creek, upstream of the proposed work area. Work will occur approximately 47 feet from the riparian corridor; however, the ESHA is protected by a steep fill slope that will act as a physical barrier from construction related impacts.

ESHA 7 is a single individual of Mendocino coast paintbrush (*Castilleja mendocinensis*) that was observed in May 2013 within the slipout area that is the subject of the project. Additional individuals were observed on the nearby bluffs, beyond the environmental study limits for the project. Avoidance cannot be accomplished while meeting the project's purpose and need. In order to meet the projects purpose and need, the area around the location of the plant will need to be excavated and rebuilt, permanently impacting the individual plant. If the plant is present at the time of construction, minimization measures such as relocation of the plant and topsoil would be implemented.

Several federally listed species identified in the Biological Assessment have the potential to occur in the area of the proposed project, California red-legged frog (*Rana draytonii*) and Behren's Silverspot Butterfly (*Speyeria callippe callippe*). No habitat for Behren's Silverspot Butterfly was found; however, there are areas within the Environmental Study Limits that may contain habitat for the California red-legged frog. Caltrans biologists contacted the US Fish and Wildlife Service (USFWS) in September 2012 regarding species that may be present in the vicinity of the project area. Based on the informal consultation, the USFWS transmitted a letter of concurrence (reference: AFWO-14B0018-14I0028), dated March 20, 2014, outlining mitigation measures to be implemented to reduce any potential project-related impacts to federally listed species. These mitigation measures are recommended as Conditions #13(d)(i)-(viii).

Chapter 20.496 and Section 20.532.060, et. seq. of the MCCZC contain specific requirements for protection of ESHAs and development within the buffer area of an ESHA. A sufficient buffer area is required to be established and maintained to protect ESHAs from disturbances related to proposed development. Section 20.496.020(A)(1) of the MCCZC states:

*The width of the buffer area shall be a minimum of one hundred (100) feet, unless an applicant can demonstrate, after consultation and agreement with the California Department of Fish and Game, and County Planning staff, that one hundred (100) feet is not necessary to protect the resources of that particular habitat area from possible significant disruption caused by the proposed development. The buffer area shall be measured from the outside edge of the Environmentally Sensitive Habitat Areas and shall not be less than fifty (50) feet in width.*

A Reduced Buffer Analysis was completed for the site in July 2014, which concluded that a 50 foot buffer was appropriate to provide for the protection of sensitive species. Impacts to ESHA 7, the individual of Mendocino coast paintbrush, are unavoidable. The Reduced Buffer Analysis states:

*The project would repair a slipout and prevent future erosion, which would help maintain the function of nearby ESHAs. Siting of the project is dictated by the location of existing ground disturbance and the existing roadway. Most ESHAs are buffered from work by existing physical barriers, including vegetated fill slope and cut slope. Buffers will be used to the extent possible. The project would maintain hydraulic function of adjacent waters and functional capacity of adjacent habitats. The project has been designed to avoid and minimize impacts to the extent possible. Seven ESHAs have been identified in the project area. Impacts to one ESHA (ESHA 7) are unavoidable; however, minimization measures would be implemented.*

California Department of Fish and Wildlife has commented on the project and confirms that a 50 foot buffer is appropriate for providing protection of sensitive species during construction.

While a 50 foot buffer was found appropriate, work will still occur within that buffer area. Section 20.496.020(A)(4) discusses certain criteria and conditions for allowing development within a buffer area. Table 1 demonstrates how the proposed project conforms with the standards for development within an Environmentally Sensitive Habitat Area.

Table 1. Analysis of Development Permitted in the Buffer Area.

<b>Section 20.496.020(A)(4) of the Mendocino County Coastal Zoning Code.</b>	<b>Answers from Caltrans staff, provided in the Reduced Buffer Analysis.</b>
<p><b>(4) Permitted Development.</b> Development permitted within the buffer area shall comply at a minimum with the following standards:</p>	
<p>(a) Development shall be compatible with the continuance of the adjacent habitat area by maintaining the functional capacity, their ability to be self-sustaining and maintain natural species diversity.</p>	<p><i>The project would maintain functional capacity of adjacent habitats. While the project would impact ESHA 7, minimization measures would be implemented. The project would repair a slipout and prevent future erosion, which would help maintain the function of nearby ESHAs. Additionally, the project would not change hydrologic connections, wildlife migration corridors, or breeding areas, or other biological pathways.</i></p>
<p>(b) Structures will be allowed within the buffer area only if there is no other feasible site available on the parcel.</p>	<p><i>Work would be conducted only at or adjacent to existing developed roadway. No other sites would be feasible or less environmentally damaging. The project has been designed to avoid and minimize the impacts to adjacent resources.</i></p>
<p>(c) Development shall be sited and designed to prevent impacts which would degrade adjacent habitat areas. The determination of the best site shall include consideration of drainage, access, soil type, vegetation, hydrological characteristics, elevation, topography, and distance from natural stream channels. The term "best site" shall be defined as the site having the least impact on the maintenance of the biological and physical integrity of the buffer strip or critical habitat protection area and on the maintenance of the hydrologic capacity of these areas to pass a one hundred (100) year flood without increased damage to the coastal zone natural environment or human systems.</p>	<p><i>The project was sited at and adjacent to the existing developed roadway. The project has been designed to minimize the amount of impacts to adjacent sensitive resource areas. Re-siting the project is not feasible, and was dictated by the location of damage and likelihood for erosion. The project would be outside of 100-year flood zones.</i></p>
<p>(d) Development shall be compatible with the continuance of such habitat areas by maintaining their functional capacity and their ability to be self-sustaining and to maintain natural species diversity.</p>	<p><i>The development would be compatible with the continuing functionality of ESHAs. Minimization measures would be implemented for ESHA 7, allowing for its continuation.</i></p>

<p>(e) Structures will be allowed within the buffer area only if there is no other feasible site available on the parcel. Mitigation measures, such as planting riparian vegetation, shall be required to replace the protective values of the buffer area on the parcel, at a minimum ratio of 1:1, which are lost as a result of development under this solution.</p>	<p><i>The project would be sited at and adjacent to an existing developed roadway, and would minimize impacts to ESHAs. No other sites would be feasible. Minimization measures would be implemented for ESHA 7, allowing for its continuation.</i></p>
<p>(f) Development shall minimize the following: impervious surfaces, removal of vegetation, amount of bare soil, noise, dust, artificial light, nutrient runoff, air pollution, and human intrusion into the wetland and minimize alteration of natural landforms.</p>	<p><i>The project has minimized impervious surfaces, removal of vegetation, amount of bare soil, noise, dust, and air pollution. NO permanent artificial light will remain, and no work in wetlands would result from the project. The project would change the character of the landscape only minimally, and would help maintain the landscape by reducing future erosion.</i></p>
<p>(g) Where riparian vegetation is lost due to development, such vegetation shall be replaced at a minimum ratio of one to one (1:1) to restore the protective values of the buffer area.</p>	<p><i>No loss of riparian vegetation would result from the project.</i></p>
<p>(h) Aboveground structures shall allow peak surface water flows from a one hundred (100) year flood to pass with no significant impediment.</p>	<p><i>The project would be outside of 100-year flood zones.</i></p>
<p>(i) Hydraulic capacity, subsurface flow patterns, biological diversity, and/or biological or hydrological processes, either terrestrial or aquatic, shall be protected.</p>	<p><i>The project would maintain the hydraulic function of adjacent waters and functional capacity of adjacent habitats. While the project would impact ESHA 7, minimization measures would be implemented. The project would repair a slipout and prevent future erosion, which would help maintain the function of nearby ESHAs. Additionally, the project would not change hydrologic connections, wildlife migration corridors, breeding areas, or other biological pathways.</i></p>
<p>(j) Priority for drainage conveyance from a development site shall be through the natural stream environment zones, if any exist, in the development area. In the drainage system design report or development plan, the capacity of natural stream environment zones to convey runoff from the completed development shall be evaluated and integrated with the drainage system wherever possible. No structure shall interrupt the flow of groundwater within a buffer strip. Foundations shall be situated with the long axis of interrupted impermeable vertical surfaces oriented parallel to the groundwater flow direction. Piers may be allowed on a case by case basis.</p>	<p><i>The project would modify overland flow solely for a short distance on the highway fill slope, and would continue to direct conveyance toward the existing natural stream system. There are no proposed subsurface structures that would modify groundwater flow, as such structures have been removed from the project proposal.</i></p>

<p>(k) If findings are made that the effects of developing an ESHA buffer area may result in significant adverse impacts to the ESHA, mitigation measures will be required as a condition of project approval. Noise barriers, buffer areas in permanent open space, land dedication for erosion control, and wetland restoration, including off-site drainage improvements, may be required as mitigation measures for developments adjacent to environmentally sensitive habitats. (Ord. No. 3785 (part), adopted 1991)</p>	<p><i>The project would result in impacts to ESHA 7. If the plant is still present at the time of construction, minimization measures such as relocation of the plant and topsoil would be implemented.</i></p>
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Section 20.496.025 of the Mendocino County Coastal Zoning Code provides certain types of development which shall be allowable within a wetland. Included in this section is:

*(7) Incidental public service purposes which temporarily impact the resource including but not limited to burying cables and pipes, or inspection of piers, and maintenance of existing intake and outfall lines.*

Any impacts to ESHA 1 would be temporary and the work is necessary for the continued function of Highway 1 as the principal roadway along the Mendocino County Coastline.

Section 20.532.100 of the Mendocino County Coastal Zoning Code states as follows:

*Section 20.532.100 Supplemental Findings.*

*In addition to required findings, the approving authority may approve or conditionally approve an application for a permit or variance within the Coastal Zone only if the following findings, as applicable are made:*

*(A) Resource Protection Impact Findings.*

*(1) Development in Environmentally Sensitive Habitat Areas. No development shall be allowed in an ESHA unless the following findings are made:*

- a. The resource as identified will not be significantly degraded by the proposed development.*
- b. There is no feasible less environmentally damaging alternative.*
- c. All feasible mitigation measures capable of reducing or eliminating project related impacts have been adopted.*

The project meets the requirements outlined above in that there is no feasible, less environmentally damaging alternative to the proposed project, as failure to complete the project could result in the failure of the roadway. Mitigation measures have been provided to minimize any potential adverse environmental impacts. The required supplemental findings are included as findings at the end of this report.

In order to reduce project-related impacts to nearby ESHA, staff recommends addition of Condition #13(a)-(e), adopting all mitigation measures recommended in the various natural resource studies submitted for the project.

### **Archaeological/Cultural Resources**

Caltrans submitted a Cultural Resources Compliance Memorandum dated October 10, 2013. The application was referred to the Mendocino County Archaeological Commission and is scheduled for to be discussed at the January 14, 2014 meeting. Condition # 8 is recommended, advising the applicant of the

requirements of the County's Archaeological Ordinance (Chapter 22.12 of the Mendocino County Code) in the event that archaeological or cultural materials are unearthed during site preparation or construction activities.

### **Groundwater Resources**

The site is located within an area designated as a Critical Water Resources area (CWR) as shown in the 1982 Coastal Groundwater Study prepared by the Department of Water Resources.

The Mendocino County Division of Environmental Health commented that they can clear the project. No adverse impacts to groundwater resources are anticipated.

### **Transportation/Circulation**

The purpose of the project is to repair the roadway and restore it to its pre-storm condition.

Impacts to circulation resulting from the construction activities should be minimal. Caltrans estimates approximately twenty days of transportation-related impacts. Twelve of the twenty days will be allotted to the lane closure with twenty-four hour flaggers on the south bound lane.

Caltrans is in the process of appraising and acquiring the property needed for the Temporary Construction Easement (TCE) and the land that will be permanently acquired by Caltrans. Caltrans is acquiring approximately one-half acre in permanent rights and a tenth of an acre for temporary staging and/or construction. Acquisition is estimated to be completed by the end of the year. Appendix A contains a map reflecting the areas that will be used temporarily and the area that will be permanently acquired by Caltrans.

### **Zoning Requirements**

The project complies with the zoning requirements for the Range Lands District set forth in 20.368, et. seq., and with all other zoning requirements of Division II of Title 20 of the Mendocino County Code.

**PROJECT FINDINGS AND CONDITIONS:** Pursuant to the provisions of Chapter 20.532 and Chapter 20.536 of the Mendocino County Code, the Coastal Permit Administrator approves the proposed project, and adopts the following findings and conditions.

#### **FINDINGS:**

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 applicable zoning district, as well as all other provisions of Division II, and preserves the integrity of the zoning district; and
4. The proposed development, if constructed in compliance with the conditions of approval, will not have any significant adverse impacts on the environment and is considered categorically exempt under Class 1 within the meaning of the California Environmental Quality Act; and
5. The proposed development will not have any adverse impacts on any known archaeological or paleontological resource; and
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.

7. The proposed development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act and Coastal Element of the General Plan.
8. As conditioned, the following findings can be made for development proposed within Environmentally Sensitive Habitat Areas:
  - (a) The resource as identified will not be significantly degraded by the proposed development.
  - (b) There is no feasible less environmentally damaging alternative.
  - (c) All feasible mitigation measures capable of reducing or eliminating project related impacts have been adopted.

**CONDITIONS OF APPROVAL:**

1. This action shall become final on the 11<sup>th</sup> 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 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.
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. This permit shall 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 or more of the following:
  - a. The permit was obtained or extended by fraud.
  - b. One or more of the conditions upon which the permit was granted have been violated.
  - c. The use for which the permit was granted is conducted so as to be detrimental to the public health, welfare or safety, or 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 Geotechnical recommendations from the Department of Transportation, Division of Engineering Services, Geotechnical Services, Office of Geotechnical Design North Branch B in a Geotechnical Recommendations Memorandum, dated April 24, 2013, shall be adopted as required conditions and shall be followed during construction of the project. Planning and Building Services shall be notified of any changes to these recommendations. The required conditions are as follows:
  - a. For restoration of the highway fill slope:
    - i. Excavate and removed failed material approximately 15 feet left of Stations 102+07 to 102+45.
    - ii. The back slope and side slopes for the reconstruction of the fill slope are recommended to be excavated at a 1:1 slope ratio.
    - iii. Repair the fill slope utilizing ¼ ton rock slope protection (RSP).
    - iv. The RSP slope is recommended to be constructed at a 1.5:1 slope ratio.
    - v. Select imported fill could be mixed in with the RSP in order to help plans vegetate the repaired fill slope.
  - b. It is also recommended to construct a deep underdrain in order to intercept subsurface water from entering the roadway embankment in this location. The following recommendations were provided for design of the underdrain trench:
    - i. The approximate beginning of the deep underdrain is 30 feet right of Station 100+00.
    - ii. The approximate ending of the deep underdrain is 25 feet left of Station 100+30.
    - iii. The deep underdrain should be approximately 20 feet deep.
    - iv. Fill the deep underdrain with permeable gravel.
    - v. The deep underdrain should drain from the right to left at a minimum negative 5% grade.
    - vi. The outlet pipe should be designed with a minimum 2% grade.
    - vii. The outlet pipe should be drain into the existing gully located adjacent to the approximate left end of the underdrain.
    - viii. Contact the Hydraulics Branch in order to confirm that the discharge from the outlet pipe is in a suitable location.
    - ix. Place an 8 inch diameter corrugated perforated plastic pipe 6 inches above the bottom of the deep underdrain and connect to the outlet pipe.
    - x. The outlet pipe should be designed using an 8 inch solid plastic pipe.
    - xi. Place risers at both ends of the deep underdrain. See the 2010 Standard Plans Section 68-2.02 for details.
    - xii. The deep underdrain trench should have a minimum width of 2 feet.
    - xiii. The top of the deep underdrain should be covered with Class A Filter Fabric before the roadbed structural section and pavement is placed.
  - c. Construction considerations for the underdrain:
    - i. It is recommended that excavation of the deep underdrain start at the outlet location for elevation control.
    - ii. Shoring will be required to support the excavation of the deep underdrain during construction.

- iii. If non-rippable rock is encountered within the limits of the deep underdrain excavation, the Geotechnical Branch should be contacted for additional recommendations.
  - iv. Groundwater may be encountered within the deep underdrain excavation.
10. To provide for the protection of visual resources and enhanced erosion control, a monitoring report shall be submitted to the Planning Division each year for five years, to determine the effectiveness of the re-vegetation at the site. If the site does not return to its original condition within five years, Caltrans shall be required to perform additional plantings and monitoring to ensure visual resources are restored to their pre-construction condition. A report shall be submitted by January 22 each year, with reporting requirements ending in the year 2020.
11. Prior to initiation of construction activities, the contractor shall submit a copy of the Grading and Erosion Control Plan (or equivalent) to Planning and Building Services for review.
12. All downdrain pipes shall be colored to blend with the surrounding environment. Black or dark brown are the most preferable to reduce visual impact.
13. The Environmentally Sensitive Habitat Areas as shown in Appendix A maps shall be protected in perpetuity from development and disturbance. The following measures are required to ensure protection of ESHAs during and after development activities:
- a. Prior to development activities, all contractors and subcontractors shall be informed of sensitive resources within the project area, and a copy of this staff report shall be provided, and shall be in their possession during all on-site construction activities. The significance of the limits of construction impacts and fencing shall be clearly explained to all parties working within the project area both during and following construction.
  - b. Temporary fencing shall be established around ESHA 1 and ESHA 2 to prohibit construction activities within the wetland and 1-parameter wetland.
  - c. A follow-up rare plant survey shall be conducted during the blooming season (April through August) before construction begins to verify that the individual Mendocino coast paintbrush is still alive and present. If the follow-up survey is negative for Mendocino coast paintbrush, it will be presumed lost from the site and relocation shall not be conducted. If the individual is verified present, it shall be relocated to a location outside of the work area. Regardless of presence of the individual, topsoil at the location of the individual shall be salvaged and placed outside of the work area, to preserve the potential seed bed of the plant.
  - d. The following avoidance measures shall be incorporated into the project in order to protect the California red-legged frog and its habitat during construction:
    - i. A qualified biologist (i.e., certified by the US Fish and Wildlife Service(USFWS)) shall conduct Worker Environmental Awareness Training for the construction workers prior to the start of construction activities. Awareness training shall include a brief review of the biology of the California red-legged frog and guidelines that must be followed by all construction personnel to avoid take of California red-legged frogs.
    - ii. A qualified biologist shall appoint a biological monitor (e.g., the crew foreman) who will be responsible for ensuring that all crewmembers comply with the guidelines. Awareness Training shall be conducted for new personnel before they can participate in construction activities. The qualified biologist will notify the Resident Engineer who shall address any work stoppage, and USFWS shall be contacted if a California red-legged frog at any life stage (i.e., adults, sub-adults, tadpoles, eggs) is encountered during project activities.
    - iii. Within 24 hours prior to the onset of ground disturbance activities, the qualified biologist shall survey the project area for all life stages of the California red-legged frog. Surveys must be conducted immediately prior to ground-disturbing activities to lower the probability of one or more adult or sub-adult frogs moving into or laying eggs within the project area after a survey has already been conducted.

- iv. If California red-legged frogs (including eggs and tadpoles) are encountered at any time during project activities, construction activities shall cease in the area and the USFWS shall be notified to determine how to proceed.
  - v. Water pumps shall be screened with wire mesh screens no larger than 0.2 inch to prevent California red-legged frog tadpoles, sub-adults, and adults from entering the pump system. Although pre-activity surveys may have detected no California red-legged frogs, this measure is to ensure that frogs that were missed during the survey are not harmed or killed by water pumps.
  - vi. The contractor shall implement a toxic materials control and spill response plan, and shall submit a copy of such plan to the Mendocino County Planning Division for record keeping. Equipment refueling shall only occur at staging areas where fuel will not enter the floodplain.
  - vii. All vegetation removal activities shall be done with the use of hand tools only (including chainsaws).
  - viii. The number of access routes, numbers and sizes of staging areas, and the total area of activity shall be limited to the minimum necessary to achieve the project goal. Routes and boundaries shall be clearly demarcated.
- e. Areas that could be possible aquatic habitat for northern red-legged frogs and southern torrent salamanders shall be avoided. Pre-construction surveys shall be conducted for the species. Any southern torrent salamander observed within the work area shall be relocated outside of the work area. Any individual red-legged frogs that may be observed shall be treated as California red-legged frogs, which have a higher level of legal protection. Additional avoidance and minimization measures to protect the California red-legged frog (Conditions 5(d)(i)-(viii)) shall also protect northern red-legged frogs and southern torrent salamanders.

Staff Report Prepared By:

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DATE

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JULIA ACKER  
PLANNER I

December 8, 2014  
JA/hm

Attachments:

- A- Location Map
- B- Topographic Map
- C- Aerial Image
- D- Zoning
- E- General Plan
- F- Local Coastal Plan
- G- Adjacent Parcels
- H- Site Plan
- I- Fire Hazard Zone
- J- Coastal Groundwater Study Area
- K- Highly Scenic Area
- L- Slope
- M- Williamson Act

Appendix A Environmentally Sensitive Habitat Area Mapping, Representative Photographs of Site, Construction Easements, Staging Areas, Erosion Control

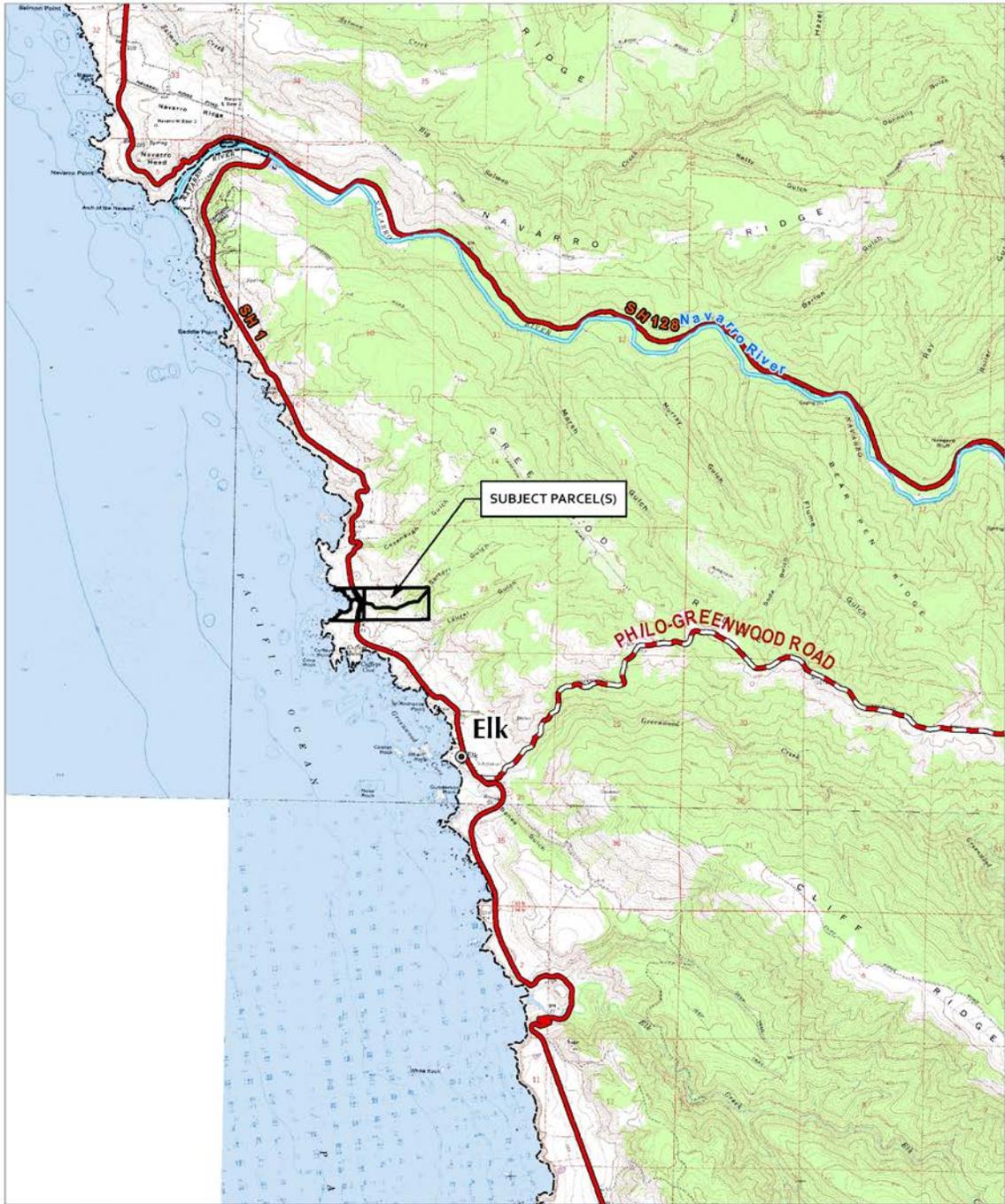
Appeal Period: Ten calendar days for the Mendocino County Board of Supervisors, followed by ten working days for the California Coastal Commission following the Commission's receipt of the Notice of Final Action from the County.

Appeal Fee: \$945 (For an appeal to the Mendocino County Board of Supervisors.)

**SUMMARY OF REFERRAL AGENCY COMMENTS:**

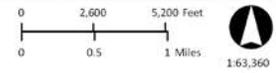
Planning – Ukiah	No comment.
Department of Transportation	No response.
Environmental Health – Fort Bragg	Recommend approval. No EH conditions.
Building Inspection – Fort Bragg	No comment.
Assessor	No response.
Air Quality Management District	No comment.
Department of Fish & Wildlife	Concurs with the finding that a reduced buffer is appropriate in this situation.
Agriculture Commissioner	No response.
Coastal Commission	No response.
County Water Agency	No response.
Archaeological Commission	Scheduled for January 14, 2015 meeting.
Resource Lands Protection Comm.	No response.
US Fish and Wildlife Service	No response.
RWQCB	No response.
Department of Conservation	No response.
Army Corps of Engineers	No response.

**ATTACHMENTS**  
**CDP\_2014-0029**



CASE: CDP 29-2014  
OWNER: CALTRANS  
APN: None Assigned (Right-of-Way)  
APLCT: CALTRANS  
ADDRESS: None Assigned, Elk

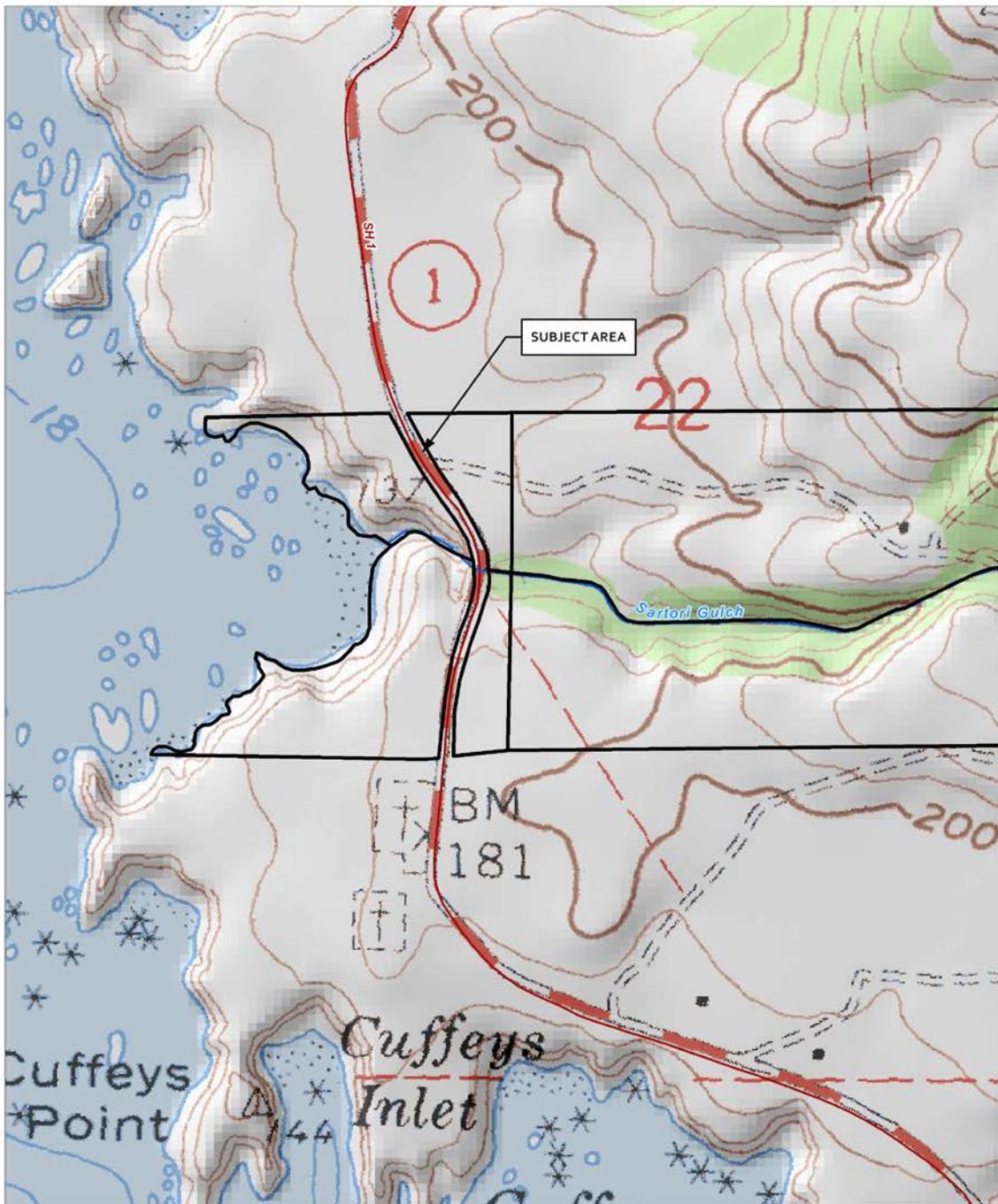
- Major Towns & Places
- Major Roads
- Major Rivers
- Highways



LOCATION MAP

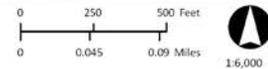
Map produced by the Mendocino County Planning & Building Services, December, 2014  
All spatial data is approximate. Map provided without warranty of any kind.

EXHIBIT NO: 1



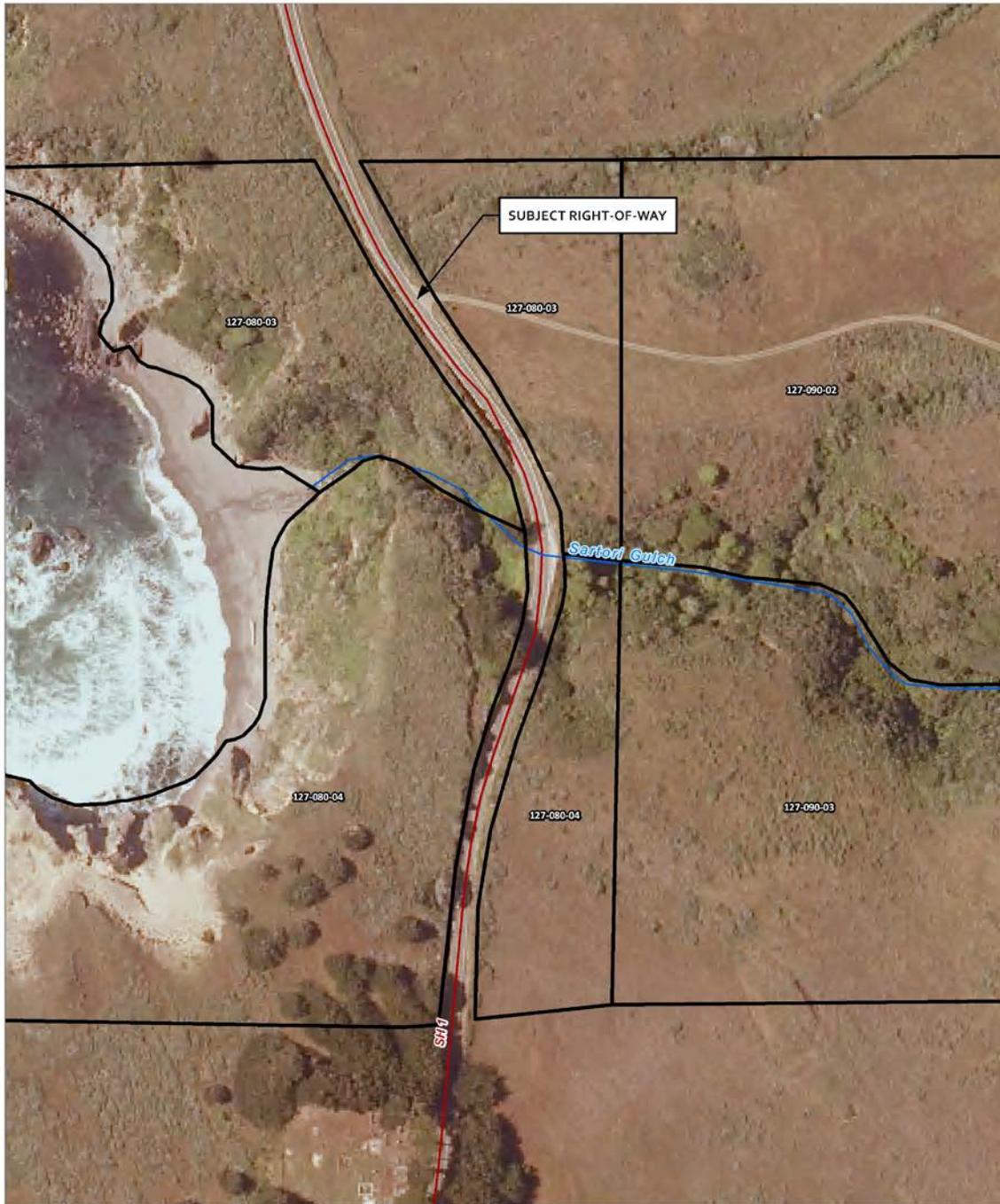
CASE: CDP 29-2014  
 OWNER: CALTRANS  
 APN: None Assigned (Right-of-Way)  
 APLCT: CALTRANS  
 ADDRESS: None Assigned, Elk

— Named Rivers  
 — Public Roads



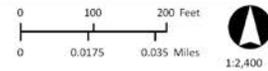
TOPOGRAPHIC MAP  
 CONTOUR INTERVAL IS 40 FEET

Map produced by the Mendocino County Planning & Building Services, December, 2014  
 All spatial data is approximate. Map provided without warranty of any kind.



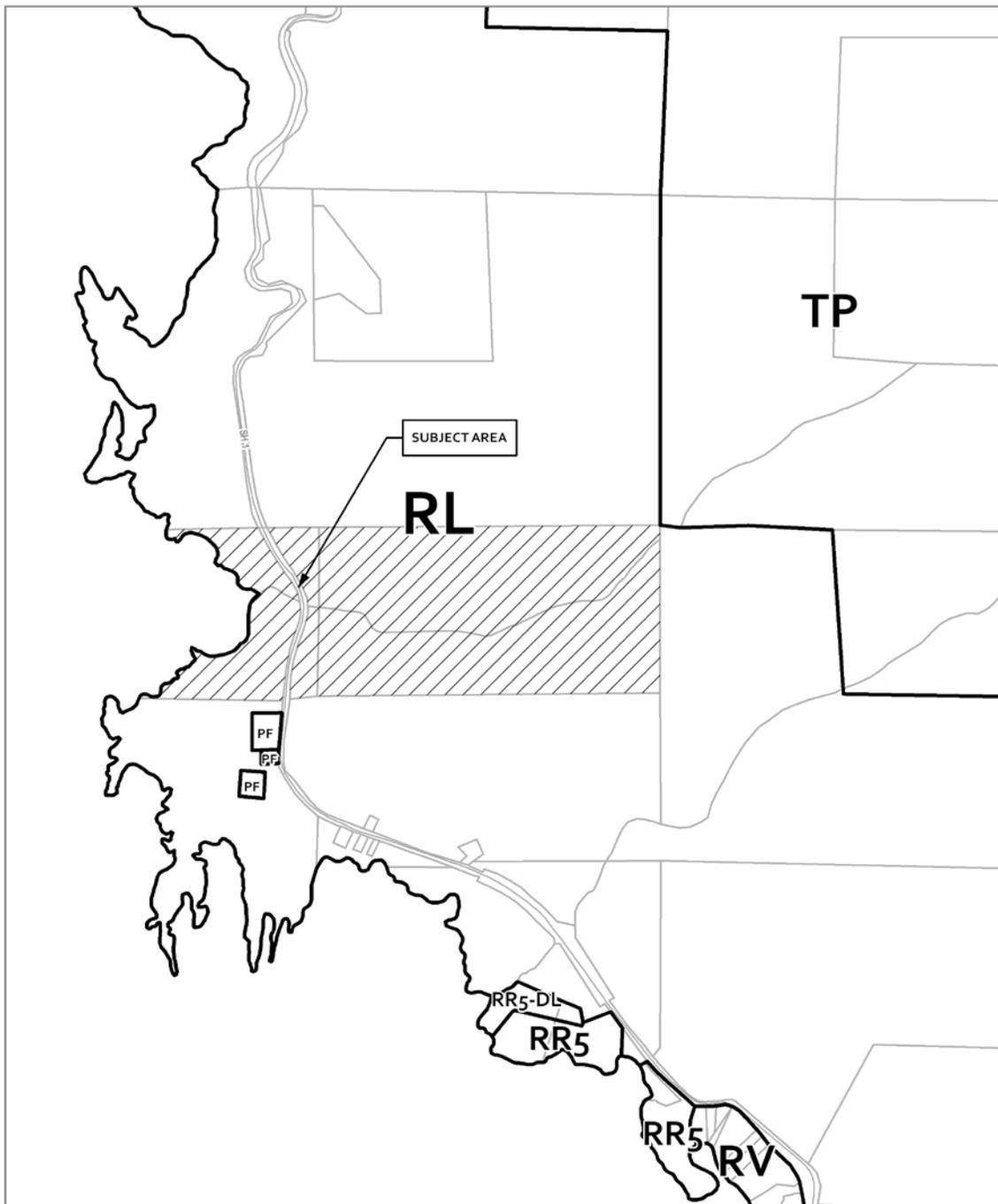
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OWNER: CALTRANS  
APN: None Assigned (Right-of-Way)  
APLCT: CALTRANS  
ADDRESS: None Assigned, Elk

— Named Rivers  
— Public Roads



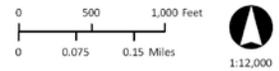
2010 NAIP AERIAL ORTHOPHOTO

Map produced by the Mendocino County Planning & Building Services, December, 2014  
All spatial data is approximate. Map provided without warranty of any kind.



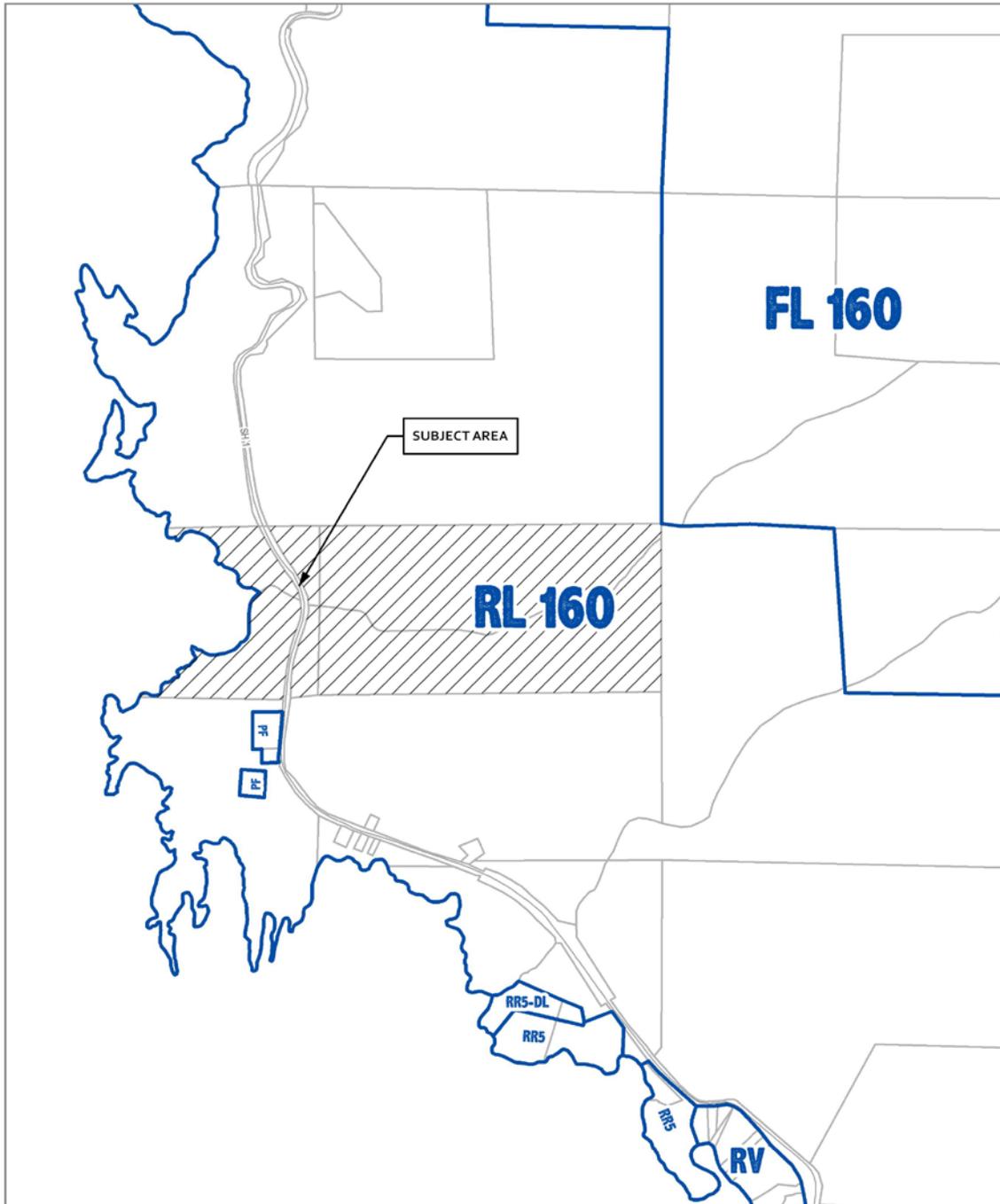
CASE: CDP 29-2014  
OWNER: CALTRANS  
APN: None Assigned (Right-of-Way)  
GP/BZ: RL / RL  
ADDRESS: None Assigned, Elk

Assessor Parcels 10-13-G  
Public Roads



ZONING DISPLAY MAP

Map produced by the Mendocino County Planning & Building Services, December, 2014  
All spatial data is approximate. Map provided without warranty of any kind.



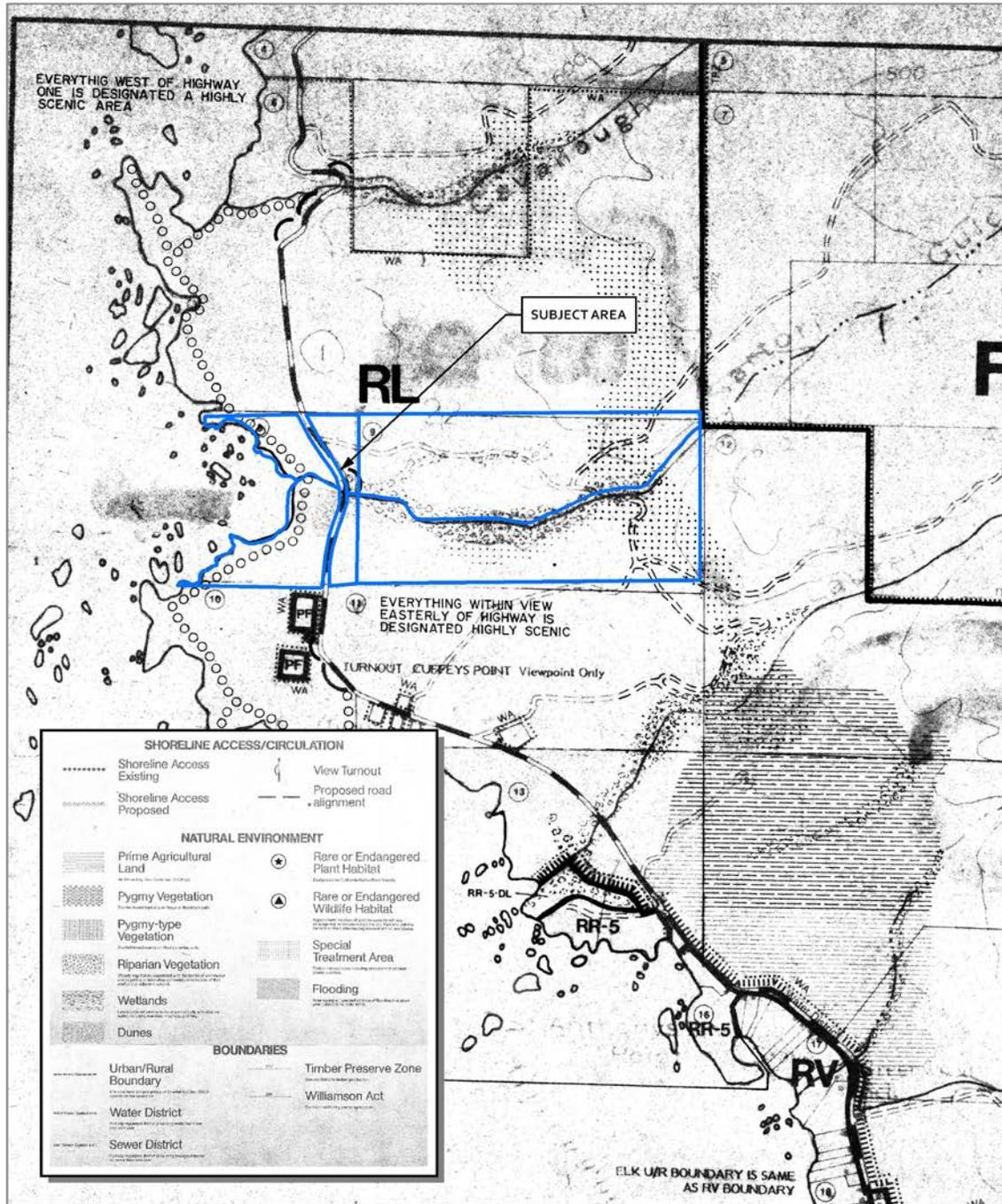
CASE: CDP 29-2014  
OWNER: CALTRANS  
APN: None Assigned (Right-of-Way)  
GP/BZ: RL / RL  
ADDRESS: None Assigned, Elk

Assessor Parcels 10-13-G  
Public Roads

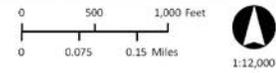


GENERAL PLAN CLASSIFICATIONS

Map produced by the Mendocino County Planning & Building Services, December, 2014  
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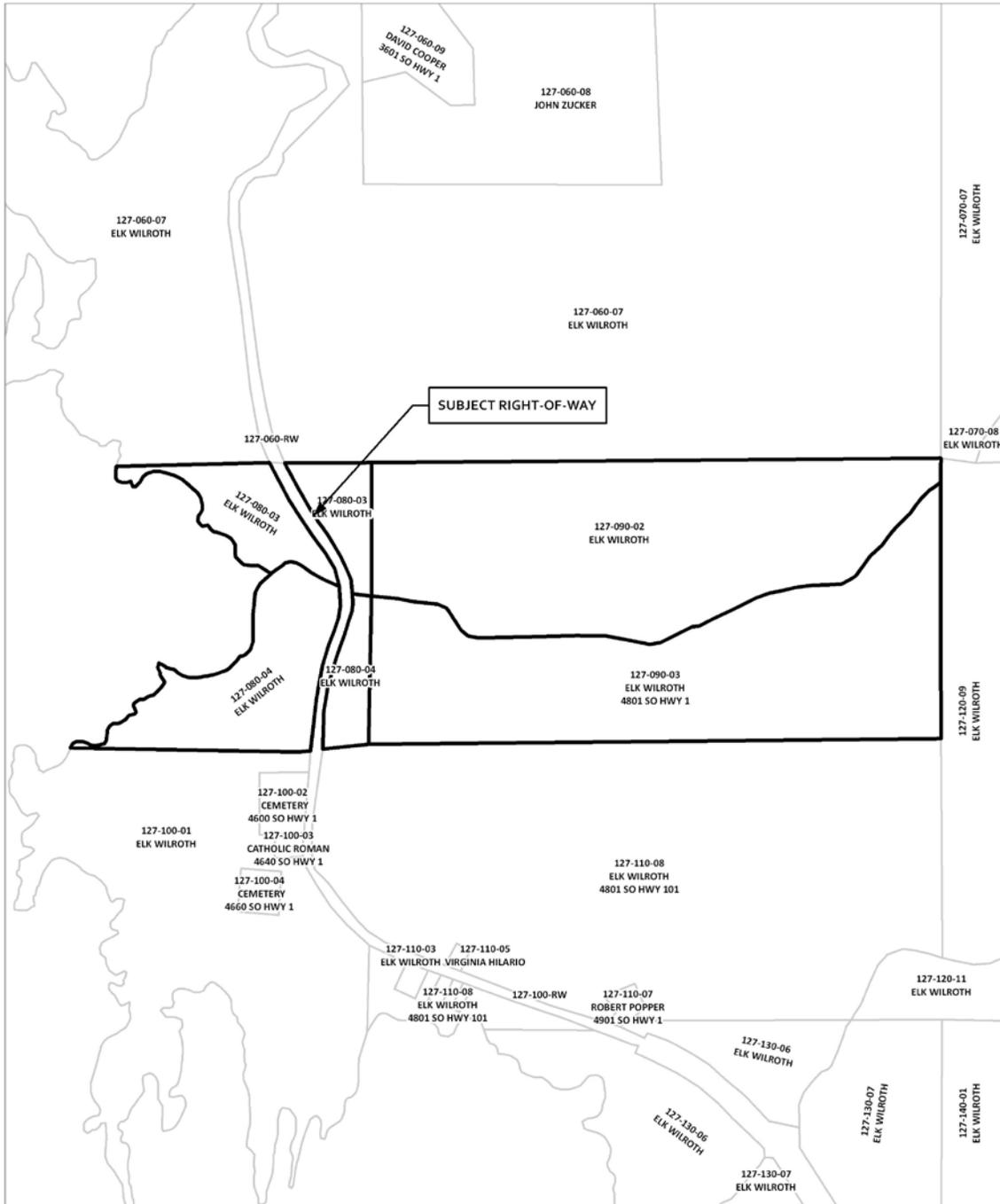
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 GP/BZ: RL / RL  
 ADDRESS: None Assigned, Elk



LCP MAP 20: ELK

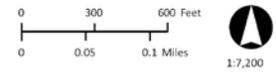
Map produced by the Mendocino County Planning & Building Services, December, 2014  
 All spatial data is approximate. Map provided without warranty of any kind.

EXHIBIT NO: 6



CASE: CDP 29-2014  
 OWNER: CALTRANS  
 APN: None Assigned (Right-of-Way)  
 APLCT: CALTRANS  
 ADDRESS: None Assigned, Elk

□ Parcels for Adjacents



ADJACENT PARCELS

Map produced by the Mendocino County Planning & Building Services, December, 2014  
 All spatial data is approximate. Map provided without warranty of any kind.

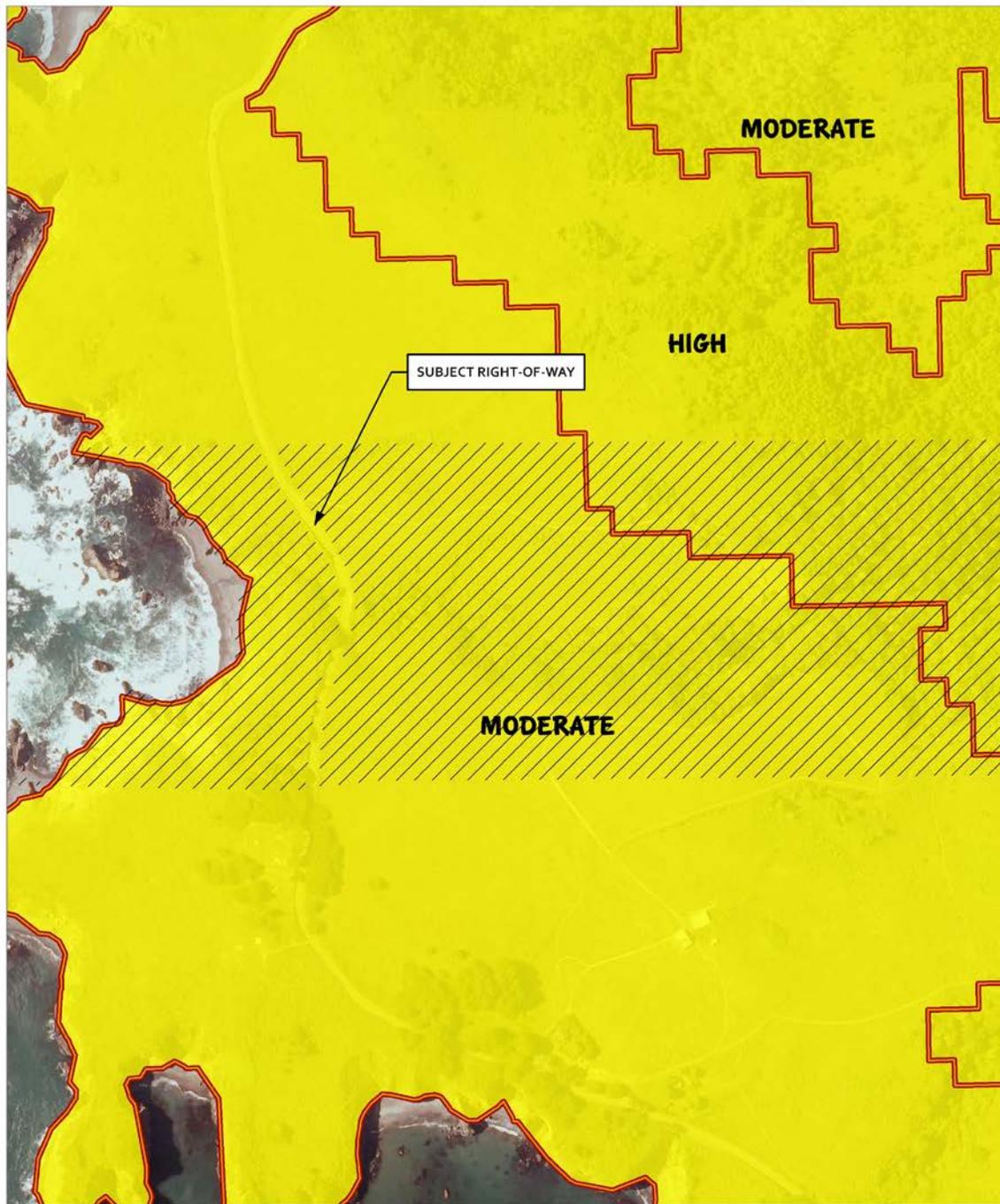


CASE: CDP 29-2014  
OWNER: CALTRANS  
APN: None Assigned (Right-of-Way)  
APLCT: CALTRANS  
ADDRESS: None Assigned, Elk

NO SCALE

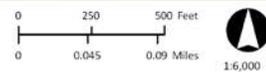
EXHIBIT (SITE PLAN)

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All spatial data is approximate. Map provided without warranty of any kind.



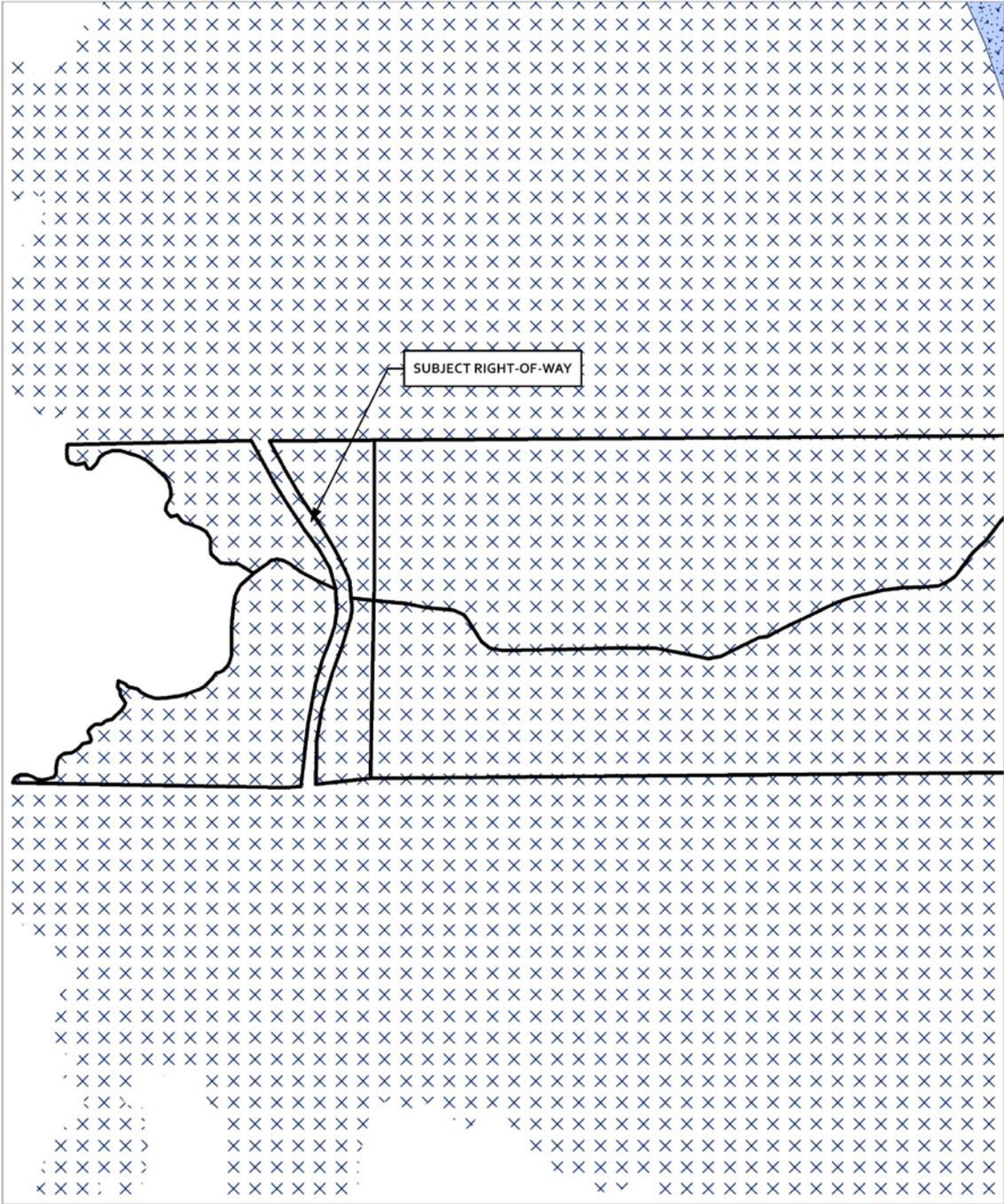
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APN: None Assigned (Right-of-Way)  
APLCT: CALTRANS  
ADDRESS: None Assigned, Elk

 State Responsibility Areas



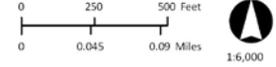
FIRE HAZARD ZONES & RESPONSIBILITY AREAS  
ELK CSD

Map produced by the Mendocino County Planning & Building Services, December, 2014  
All spatial data is approximate. Map provided without warranty of any kind.



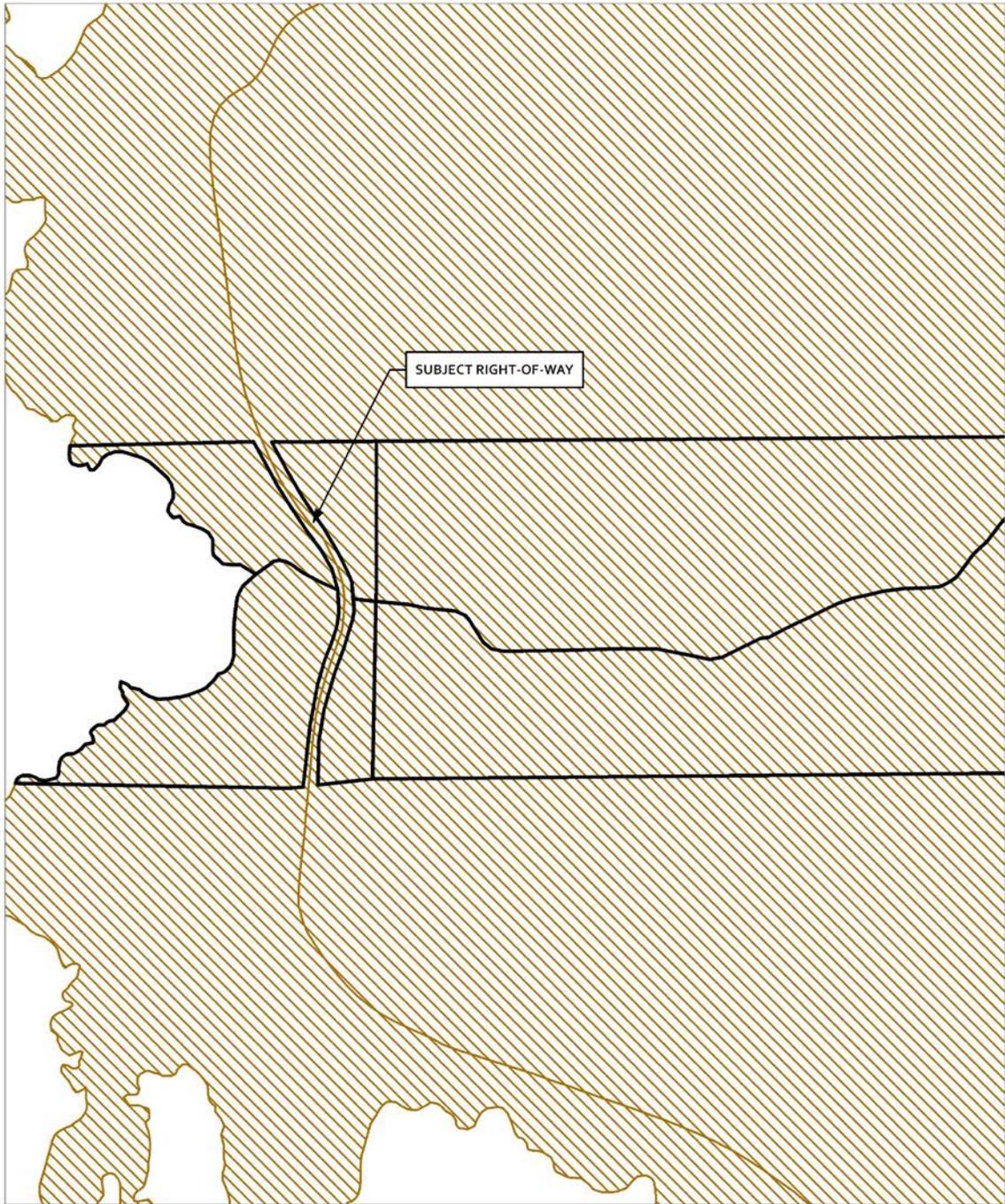
CASE: CDP 29-2014  
 OWNER: CALTRANS  
 APN: None Assigned (Right-of-Way)  
 APLCT: CALTRANS  
 ADDRESS: None Assigned, Elk

x x Critical Water Areas  
 Critical Water Resources Bedrock



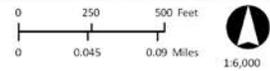
COASTAL GROUNDWATER RESOURCE AREAS

Map produced by the Mendocino County Planning & Building Services, December, 2014  
 All spatial data is approximate. Map provided without warranty of any kind.



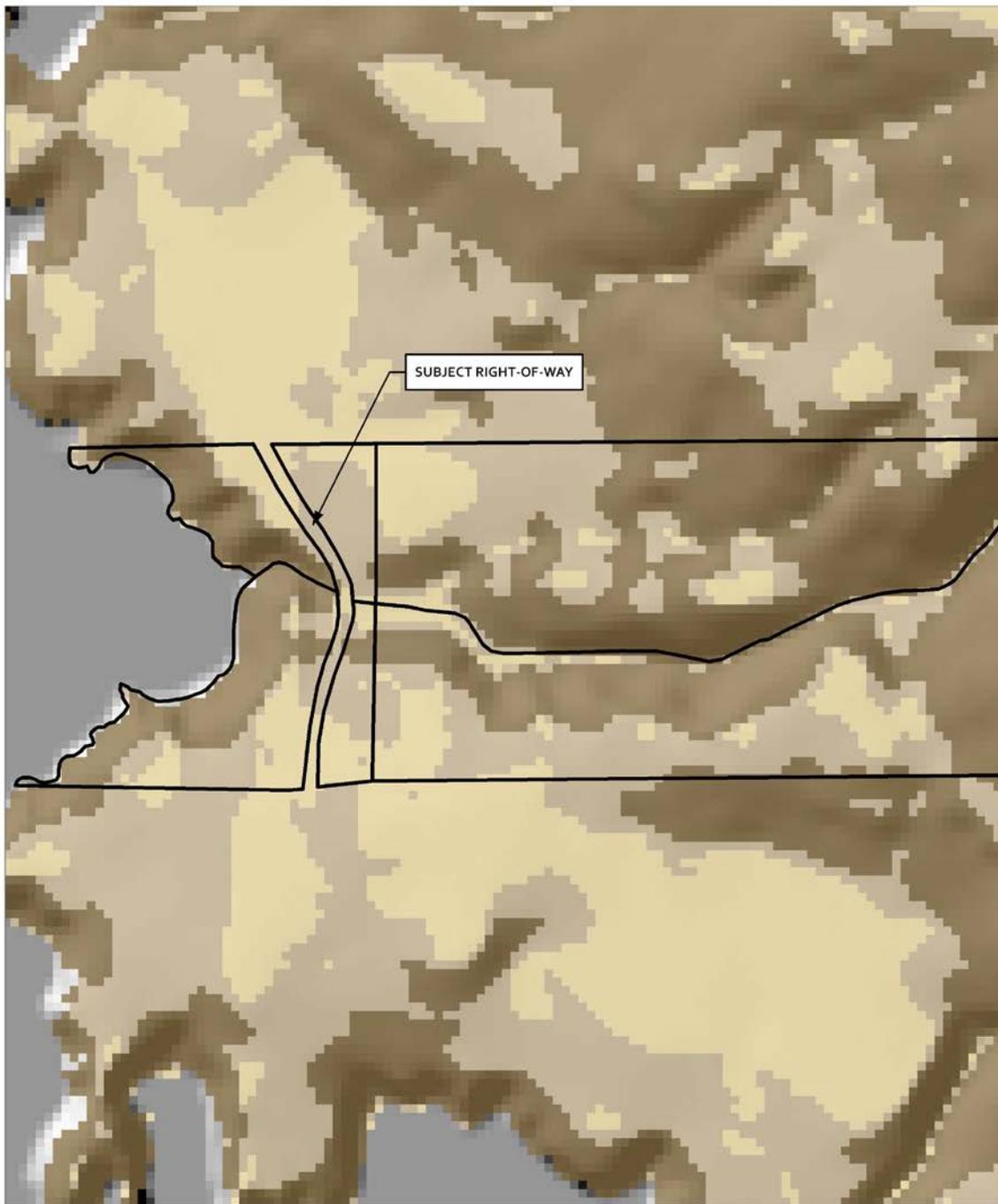
CASE: CDP 29-2014  
OWNER: CALTRANS  
APN: None Assigned (Right-of-Way)  
APLCT: CALTRANS  
ADDRESS: None Assigned, Elk

 Highly Scenic Area

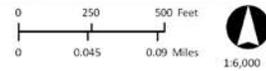
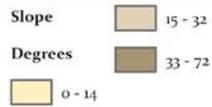


HIGHLY SCENIC & TREE REMOVAL AREAS

Map produced by the Mendocino County Planning & Building Services, December, 2014  
All spatial data is approximate. Map provided without warranty of any kind.

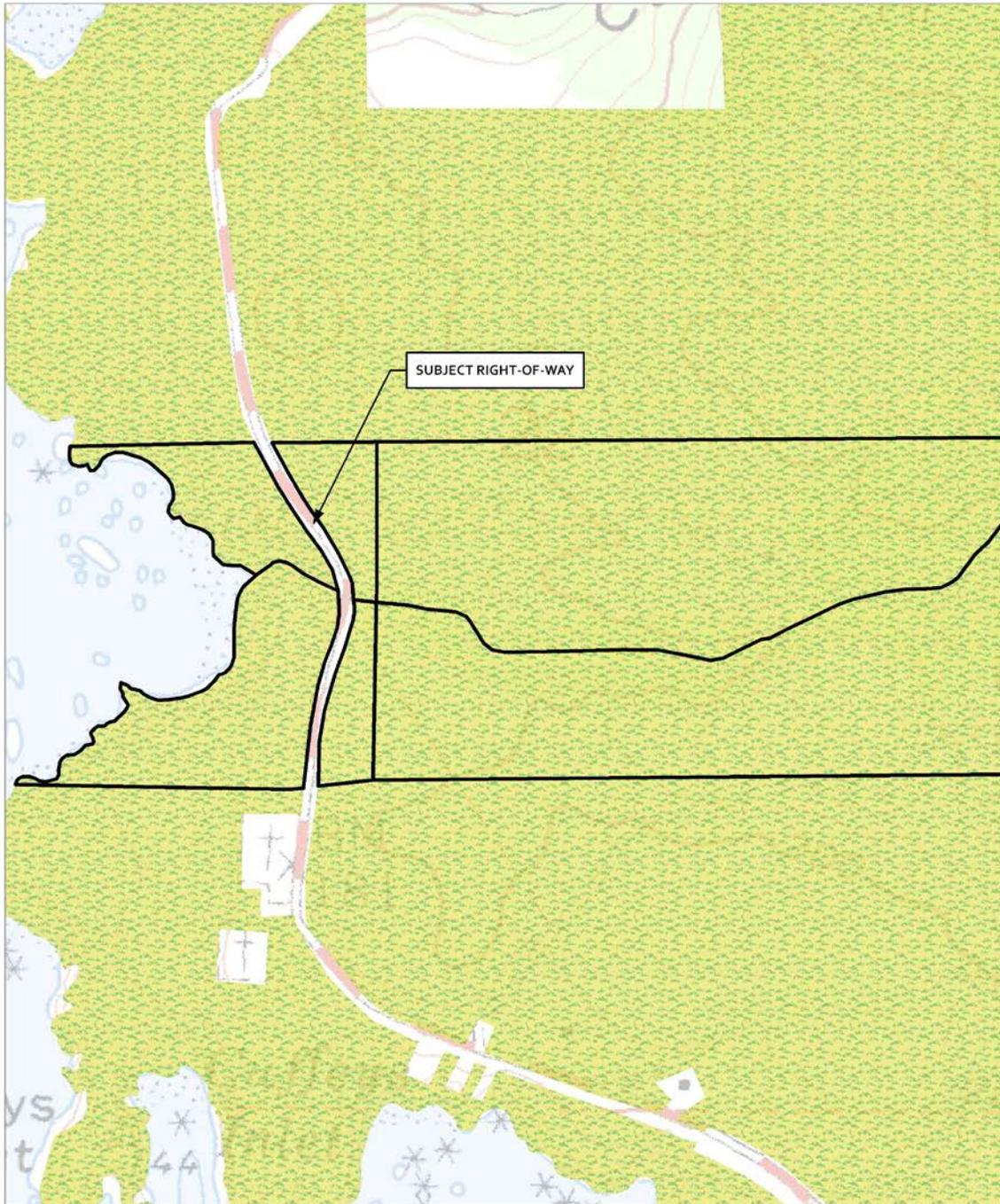


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ADDRESS: None Assigned, Elk



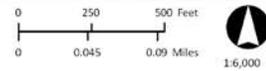
ESTIMATED SLOPE

Map produced by the Mendocino County Planning & Building Services, December, 2014  
All spatial data is approximate. Map provided without warranty of any kind.



CASE: CDP 29-2014  
OWNER: CALTRANS  
APN: None Assigned (Right-of-Way)  
APLCT: CALTRANS  
ADDRESS: None Assigned, Elk

 Williamson Act 2014  
 Non-Prime Ag 2014



LANDS IN WILLIAMSON ACT CONTRACTS

Map produced by the Mendocino County Planning & Building Services, December, 2014  
All spatial data is approximate. Map provided without warranty of any kind.