



**COASTAL PERMIT ADMINISTRATOR
STAFF REPORT/COASTAL DEVELOPMENT PERMIT**

**DECEMBER 16, 2015
CDP_2015-0014**

OWNER/APPLICANT: CALIFORNIA DEPARTMENT OF TRANSPORTATION
(CALTRANS)
1656 UNION STREET
EUREKA, CA 95501

AGENT: FRANK DEMLING
1656 UNION STREET
EUREKA, CA 95501

REQUEST: Standard Coastal Development Permit to remove a 10 foot wide by 200 foot long strip of pavement on the west side of the Westport Union Landing Vista Point parking lot due to bluff erosion.

LOCATION: In the Coastal Zone, 3± miles north of the town of Westport, on the west side of Highway 1, 100± feet west of its intersection with Seascapes Drive (private), located at Postmile Marker 81.14 (APN 013-830-07).

APPEALABLE: Yes (Blufftop)

PERMIT TYPE: Standard Coastal Development Permit

TOTAL ACREAGE: 14 Acres

GENERAL PLAN/COASTAL PLAN: Open Space, Department of Parks and Recreation (OSDPR)

ZONING: Open Space

EXISTING USES: Vista point/Recreation Area

ADJACENT ZONING: North: OSDPR
East: RMR20
South: OSDPR
West: Pacific Ocean

SURROUNDING LAND USES: North: Open Space
East: Vacant Residential
South: State Recreation Area
West: Pacific Ocean

SUPERVISORIAL DISTRICT: 4

ENVIRONMENTAL DETERMINATION: Categorically Exempt from CEQA – Class 1 (c) for existing highways and streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities (this includes road grading for the purpose of public safety)

PROJECT DETERMINATION: Approve with Conditions

PROJECT DESCRIPTION: The project is to remove a 10 foot wide by 200 foot long (total of 2,000 square-feet) strip of pavement on the west side of the Westport Union Landing Vista Point parking lot. The eroding coastal bluff is failing and undermining the parking lot, and this project is to retreat the facility from the bluff. The exposed ground will be filled with topsoil and revegetated, and the existing three (3) foot fence will be replaced along the new edge of the parking area. Equipment, materials and removed asphalt will be staged at the existing Westport Union Landing Vista Point parking area. All excess asphalt or soil material from the project will be disposed off-site. The Caltrans Resident Engineer will be responsible for ensuring that all requirements for disposal of material are met by the Contractor.

SITE DESCRIPTION AND SETTING: The 14 acre subject parcel is situated on the west side of Highway 1, approximately three miles north of the town of Westport. To the north and south of the subject parcel is open space land owned by California Department of Parks and Recreation and to the east is vacant residential parcels. The subject parcel is currently developed with the existing Westport Union Landing Vista Point, which consists of a parking lot with fencing along the bluff edge. Due to the bluff erosion there is currently temporary k-rail in place to keep the public away from the hazard area.

OTHER RELATED APPLICATIONS: None

SUMMARY OF REFERRAL AGENCY COMMENTS:

Planning – Ukiah	No previous applications on site.
Mendocino Department of Transportation	No comment
Environmental Health – Fort Bragg	No comment
Building Inspection – Fort Bragg	No comment
Assessor	No response
U.S. Fish and Wildlife Service	No comment
CA Department of Fish and Wildlife	No comment other than agreement on buffer distance.
Coastal Commission	Comments outlined within appropriate sections of Staff Report.
Westport Municipal Advisory Council	Requested a 30-day review period for permits due to monthly meeting schedule of WMAC. A concern was raised about whether pavement removal will accelerate bluff retreat.
CA Department of Parks and Recreation	CA State Parks supports this project and does not foresee impacts to State Parks.
Native Plant Society	No response
Calfire	No comment
Mendocino County Archaeological Commission	Survey was accepted with standard Discovery Clause recommended.

KEY ISSUES: Coastal Development Permit applications are subject to the findings enumerated in Section 20.532.095 and Section 20.532.100 of the Mendocino County Code (MCC). **ATTACHMENT A** of this report individually addresses each of the Required Findings for all Coastal Development Permits and any Supplemental Findings applicable to this project.

The issues listed below are drawn from **ATTACHMENT A** and have been determined to be “key issues” because they either require special conditions for the findings to be made, or they address matters of particular concern by referral agencies.

Land Use: The subject parcel is classified as Open Space by the Coastal Element of the Mendocino County General Plan, which is intended “intended to be applied to lands not suited for development or to lands most valuable in their undeveloped natural state” (Chapter 2.2 of the County of Mendocino General Plan Coastal Element). The principally permitted use designated for the Open Space land use classification is “Landscape preservation; associated with park or open space use; light agriculture; passive low impact recreation” (Chapter 2.2 of the County of Mendocino General Plan Coastal Element).

The parcel is currently developed with the Westport Union Landing Vista Point, which is a recreation area supporting the passive recreational use of sight-seeing. The proposed project is to enhance the safety of the existing Westport Union Landing Vista Point and will not alter the use of the parcel. The proposed project is therefore consistent with the Open Space land use classification of the Coastal Element of the Mendocino County General Plan.

Hazardous Materials: Two minor hazardous waste/materials issues, aurally deposited lead and treated wood waste have been identified for the proposed project. To address these issues the protocols listed in the Initial Site Assessment prepared by Caltrans shall be followed. In response to comments from the California Coastal Commission, Caltrans states that the hazardous materials will be brought to an appropriate facility for recycling and will be included in the contract specifications for the project. The applicant has proposed several Best Management Practices including: straw waddling, fiber rolls and/or silt fencing. A Water Pollution Control Plan (WPCP) will be produced by the contractor to meet the standard specifications for erosion control and water quality, as well as spill prevention and a contingency plan for accidental spills. The WPCP will be reviewed by Caltrans and will be provided to the County prior to commencement of the project. The new edge of the pavement will have a dike running the length of the edge, which will prevent stormwater from leaving the pavement and traveling down the failing area of the bluff, which will prevent erosion from concentrated flows. Conditions 9 and 10 are recommended to prevent impacts from the presence of hazardous materials in the project area.

Erosion: Winter storm events from February 28 through March 1, 2012, resulted in high surf and high intensity rainfall causing an increase in the coastal bluff erosion at the Westport Union Landing Vista Point. The bluff erosion undermined a significant portion of the asphalt parking area and railing on the western edge of the Vista Point. Caltrans has stated that the bluff erosion cannot be stabilized. To reduce the potential of additional asphalt and fencing falling onto the beach or into the ocean and to protect the public, Caltrans proposes retreat of the parking lot and fencing to the east of the eroding bluff.

The California Department of Transportation, Division of Engineering Services, Geotechnical Services, Office of Geotechnical Design – Branch B provided a Geotechnical Recommendation Memorandum on the proposed project. The Memorandum states that:

the northwestern corner of the parking lot has been undermined by erosion of the coastal bluff. The erosion rates reported for this portion of the Mendocino Coast range from 10 to 20 inches per year. However, coastal erosion is typically episodic – with lower rates in milder years and increased loss in years with more severe winter storms. For this reason, we recommend a more conservative repair approach for this location. A minor retreat of 10 feet from the existing fence is recommended. We do not recommend slope stabilization, as the natural erosional process is driven by wave undercutting at the base of the bluff.

The Department is proposing a planned retreat from the eroding coastal bluff. In a response to additional information request by the California Coastal Commission and County staff, Caltrans stated that

in the Mendocino Coast Range, coastal bluffs erode on average from 10 to 20 inches per year, in an episodic fashion. These rates give the currently planned parking lot edge and fence an approximate 6 to 12 year lifespan. Depending on the actual erosion at the site, the new edge of pavement could last much longer. The Department does not plan on constructing any retaining walls or other structures to halt erosion at the site. The Department does anticipate future projects to retreat from this bluff as necessary based on the actual erosion at the site.

Coastal Element Policy 3.4-7 states: *The County shall require that new structures be set back a sufficient distance from the edges of bluffs to ensure their safety from bluff erosion and cliff retreat during their economic life spans (75 years). Setbacks shall be of sufficient distance to eliminate the need for shoreline protective works.*

Based on the erosion rates identified above, a 75-year lifespan for the parking lot structure would require a 62 to 125-foot retreat from the failing bluff, which would require removal of the entire parking lot. This would limit coastal

access in the area, and the Department would prefer to maintain the parking lot, with occasional retreats, than remove the entire parking lot area.

The Westport Municipal Advisory Council expressed concerns that the removal of the pavement may accelerate erosion on the bluff at the project site. Caltrans responded to their concerns and responded that

Erosion rates at the site are driven primarily by wave erosion from below. The proposed project will install an A/C dike along the new edge of pavement, and there will not be concentrated stormwater flows delivered to the bluff. Any newly exposed soil will be revegetated. Thus, there will not be an increased potential of erosion from the top of the bluff at the project site.

The project is found consistent the policies for erosion related concerns. Staff recommends Condition 13 be included to require that the applicant acknowledge that the proposed development is subject to geologic and erosion hazards present on the parcel and assume responsibility of such hazards.

Natural Resources:

Caltrans prepared a Natural Environment Study in August 2014 for the subject parcel and also an ESHA Assessment/Reduced Buffer Analysis for the proposed project in April 2015. Several resources were identified in the studies that qualify as Environmentally Sensitive Habitat Areas (ESHA). Table 1 is a summary of the identified ESHA, buffer distance and if impacts are anticipated.

Table 1. ESHA Summary Table

ESHA	Type	Buffer	Potential Impacts
1	Northern Coyote Brush Scrub Alliance	Staging and work will occur approximately 0-1 foot from ESHA 1.	No Impacts Expected
2	Westport Union Landing State Beach	Staging and work will occur approximately 50 feet from ESHA 2.	No Impacts Expected

The Northern Coyote Brush Scrub Alliance is not typically considered a Natural Community of Special Concern (NCSC); however, due to this vegetation community's location within a State Park's open land space along the coast and directly adjacent to a location open for public viewing, it was considered an ESHA. Project work would occur approximately 0-1 feet from ESHA 1. Work within 100 feet of ESHA 1 would include the removal of the existing concrete railing and excavation and removal of the failing asphalt. Environmentally Sensitive Area fencing would be installed at appropriate locations to prevent equipment from leaving the asphalt. The remaining existing fencing around the Westport Union Landing Vista Point parking area will prevent equipment from leaving the work area. A few plants that are growing against the railing are expected to be impacted; however, after construction is complete, a native seed mix will be hydro seeded on disturbed areas and on the new open area to ensure that the native vegetation community is enhanced. The ESHA Assessment states that there will be enhancement due to the removal of impervious surface.

The Westport Union Landing State Beach is approximately 50 feet to the west of the project at the bottom of the bluff. The segment within 100 feet of the project is subject to tidal influences. Project work will occur approximately 50 feet from ESHA 2. The ESHA Assessment identified the only potential impact to ESHA 2 as the potential that fencing or asphalt fell down the bluff onto the beach during construction. All safety and Best Management Practices measures shall be implemented to minimize and avoid debris falling onto the beach. After project completion, the risk of any future asphalt or fencing falling down onto the beach during bluff erosion events will be lessened.

A Reduced Buffer Analysis was completed for the project to reduce the required buffer distance from 100 to 50 feet. Due to the location of the eroding bluff project, construction will likely require the removal of a few plants of Northern Coyote Brush Scrub. Despite the removal of a few plants, the proposed project will result in an overall benefit to the resource due to the removal of impervious surface and hydro seeding of the disturbed areas after

construction. Condition 11 is recommended to prevent impacts to natural resources as a result of the proposed project.

The California Coastal Commission submitted comments stating concerns related to invasive, non-native pampas grass (*Cortaderia jubata* and *C. selloana*) commonly establishing at disturbed sites such as along bluff faces, road cuts, and in staging areas. Commission staff has recommended that the applicant conduct long-term monitoring and invasive species removal from the project site upon completion of construction activities. Condition 11 (f) reflects this.

A Reduced Buffer Analysis was completed for the project to reduce the required buffer distance from 100 to 50 feet. Due to the location of the eroding bluff project construction will likely require the removal of a few plants of Northern Coyote Brush Scrub (ESHA 1). Despite the removal of a few plants, the proposed project will result in an overall benefit to the resource due to the removal of impervious surface and hydro seeding of the disturbed areas after construction. The ESHA Assessment/Reduced Buffer Analysis stated the following points in support of the project.

- *The project would maintain functional capacity of adjacent habitats. The removal of asphalt will enhance the function of the ESHA's and potentially decrease erosion. Additionally, the project would not change hydrologic connections, wildlife migration corridors, breeding areas, or other biological pathways.*
- *No additional structures are proposed. The Vista Point parking fence will be re-installed at the new asphalt edge.*
- *The purpose of the project is to prevent impacts and degradation of surrounding habitats and to protect the traveling public. The project has been designed to minimize future 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.*
- *The project was designed to be compatible with the continuing functionality of ESHAs.*
- *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 1, allowing for its continuation and enhancement.*
- *The project will decrease impervious surfaces and minimize 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 landscape only minimally, and would help maintain the landscape by reducing future erosion.*
- *The project would maintain the hydraulic function of adjacent waters and functional capacity of adjacent habitats. The project would remove asphalt from the eroding bluff to prevent asphalt falling onto the beach or into the ocean in future erosion events. Additionally, the project would not change hydrologic connections, wildlife migration corridors, breeding areas, or other biological pathways.*
- *The project would modify overland flow solely for a short distance on the Vista Parking area and would be directed by dikes onto vegetated areas surrounding the parking area. There are no proposed subsurface structures that would modify groundwater.*
- *The project construction will not result in significant adverse impacts to ESHA's 1 or 2.*

Based on the findings of the various studies completed on the site and with the recommended mitigation measures, it can be concluded that is consistent with the requirements for development within in an environmentally sensitive habitat area buffer. Condition 11 is recommended which provides mitigation measures to be implemented to reduce any potential impacts to the existing natural resources present on the parcel and to ensure that development that occurs within the ESHA or associated buffer would not result in significant damage

to the resource. Therefore, with the inclusion of the required mitigation and protection measures by Condition 11, Resource Protection Impact Findings, enumerated in Section 20.532.100(A), can be made.

Solid Waste: Equipment, materials and removed asphalt will be staged at the existing Vista Point parking area. All excess asphalt or soil material from the project will be disposed off-site. The Caltrans Resident Engineer will be responsible for ensuring that all requirements for disposal of material are met by the Contractor. Condition 12 is recommended to ensure that the debris is disposed of properly.

Public Access: The project site is located west of Highway 1, and is the location of the Westport Union Landing Vista Point. In response to California Coastal Commission comments regarding potential impacts to public access from the proposed project the applicants stated the following.

Public access at the site will be temporarily restricted during construction for the safety of the public. The construction will take up to 6 weeks, and the entire parking area will be closed for that time to ensure public safety. There are other pullouts along the highway in the general area, as well as Union Landing state Beach adjacent to the south. The parking lot size will be reduced permanently by 2,000 square-feet (approximately 7% of the large northern portion of the lot), but the lot is currently large and there should be no permanent adverse effects to parking availability and access at the site.

The project would have temporary impacts on public access, but will overall constitute a safety improvement for future public use of the Westport Union Landing Vista Point. Therefore, the proposed development is in conformity with the public access and public recreation policies of the Coastal Act and the Coastal Element of the General Plan.

PROJECT DETERMINATION 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, based on the following findings and conditions.

REQUIRED FINDINGS FOR THIS COASTAL DEVELOPMENT PERMIT:

1. The proposed development is in conformity with the certified Local Coastal Program. To reduce the potential of additional asphalt and fencing falling onto the beach or into the ocean and to protect the public, Caltrans proposes retreat of the parking lot and fencing to the east of the eroding bluff. The Department is proposing a planned retreat from this eroding coastal bluff. The project is not located in an area that is designated Highly Scenic by the Local Coastal Program. Consequently, the project is not subject to Local Coastal Program Visual Resource policies relating to Highly Scenic Areas. Due to the location of the eroding bluff project construction will likely require the removal of a few plants of Northern Coyote Brush Scrub (ESHA 1). Despite the removal of a few plants, the proposed project will result in an overall benefit to the resource due to the removal of impervious surface and hydro seeding of the disturbed areas after construction; and
2. The proposed development will be provided with adequate utilities, access roads, drainage and other necessary facilities. No utilities are existing or proposed for the site. Only the existing parking area will be disturbed. There will be no change to the existing access road. A Water Pollution Control Plan (WPCP) will be produced by the contractor to meet the standard specifications for erosion control and water quality, as well as spill prevention and a contingency plan for accidental spills. The WPCP will be reviewed by Caltrans and will be provided to the County prior to commencement of the project; 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. This application to allow removal of a portion of an existing Vista Point parking area to allow continued access to the coast. This retreat will allow continued passive recreation, a principally permitted use, on the parcel and reduce any potential hazards to the public. The proposed improvements are consistent with the intent of the Open Space 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, within the meaning of the California Environmental Quality Act. The proposed project is Categorically Exempt from the provisions of CEQA, pursuant to Class 1 of Article 19 of the California Environmental Quality Act Guidelines. The Class 1 (c) exemption finds that "existing highways and streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities (this includes road grading for the purpose of public safety)", meeting the criteria of Section 15301, has "been determined not to have a significant effect on the environment and which shall, therefore, be exempt from the provisions of CEQA." The proposed development meets the criteria of Section 15301, and therefore will not have any significant adverse impacts on the environment 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. The project was heard by the Mendocino County Archaeological Commission on July 8, 2015, where the survey was accepted. The standard Discovery Clause is recommended as a condition of approval and shall be adequate to protect archaeological and/or paleontological resources should they be found during project construction; 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. Equipment, materials and removed asphalt will be staged at the existing Vista Point parking area. All excess asphalt or soil material from the project will be disposed off-site. The Caltrans Resident Engineer will be responsible for ensuring that all requirements for disposal of material are met by the Contractor. There will be no change to the existing access road nor a change in use generating additional trips on Highway 1; and
7. 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. Public access at the site will be temporarily restricted during construction for the safety of the public. The construction will take up to 6 weeks, and the entire parking area will be closed for that time to ensure public safety. There are other pullouts along the highway in the general area, as well as Westport Union Landing state Beach adjacent to the south. The project would have temporary impacts on public access, but will overall constitute a safety improvement for future public use of the Westport Union Landing Vista Point; and
8. The proposed development is in conformity with Resource Protection Impact Findings for Development in Environmentally Sensitive Habitat Areas. The resource as identified will not be significantly degraded by the proposed development. There is no feasible less environmentally damaging alternative. All feasible mitigation measures capable of reducing or eliminating project related impacts have been adopted. Due to the location of the eroding bluff project construction will likely require the removal of a few plants of Northern Coyote Brush Scrub (ESHA 1). Despite the removal of a few plants, the proposed project will result in an overall benefit to the resource due to the removal of impervious surface and hydro seeding of the disturbed areas after construction.

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 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. 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 resource(s) in accordance with Section 22.12.090 of the Mendocino County Code.
9. The protocols outlined in the Initial Site Assessment prepared by the Caltrans Office of Environmental Engineering dated April 11, 2014 shall be followed.
10. A Water Pollution Control Plan shall be prepared for the project in accordance with the standard specifications for erosion control and water quality, as well as spill prevention and a contingency plan for accidental spills. The Water Pollution Control Plan shall be reviewed by Caltrans and submitted to the County prior to commencement of the project.
11. In order to provide for the protection of identified Environmentally Sensitive Habitat Areas, the following shall be required during project construction:
 - a. Environmentally Sensitive Area fence shall be installed at the edge of the asphalt adjacent to the Coyote Brush Scrub Alliance and Westport Union Landing Beach Environmentally Sensitive Habitat Areas to prevent equipment from damaging the resource.
 - b. Native seed mix shall be hydro seeded on the disturbed soil areas and on the newly opened area to ensure that the native vegetation community is enhanced.
 - c. Safety and Best Management Practices shall be implemented to minimize and avoid debris falling onto the beach.

- d. Equipment, materials and removed asphalt shall be staged at the existing Vista Point parking area.
 - e. All excess asphalt or soil material from the project shall be disposed off-site. The Caltrans Resident Engineer shall be responsible for ensuring that all requirements for disposal of material are met by the Contractor.
 - f. The applicant shall conduct long-term monitoring, at least once annually for a minimum five year period, and until such time as invasive species are no longer observed colonizing disturbed portions of the site. The applicant shall also conduct invasive species removal from the project site upon completion of construction activities (including all construction and asphalt removal areas, and stage construction areas).
12. At least 10 days prior to commencement of construction activities the applicants shall submit a final plan for debris disposal to the County that identifies appropriate disposal sites for all materials.
13. The following statements are required Conditions of Approval, and by signing this Coastal Development Permit the applicant agrees to the following:
- a. The landowner understands that the site may be subject to extraordinary geologic and erosion hazard and the landowner assumes the risk from such hazards;
 - b. The landowner agrees that any adverse impacts to property caused by the permitted project shall be fully the responsibility of the applicant;
 - c. The landowner shall not construct any bluff or shoreline protective devices to protect the subject permitted parking area in the event that these structures are subject to damage, or other natural hazards in the future;
 - d. The landowner shall remove the subject permitted parking area when bluff retreat reaches the point where the structure is threatened. In the event that portions of the subject permitted parking area fall to the beach before they can be removed from the blufftop, the landowner shall remove all recoverable debris associated with the structure from the beach and ocean and lawfully dispose of the material in an approved disposal site. The landowner shall bear all costs associated with such removal.

Staff Report Prepared By:

DATE

JULIA ACKER
PLANNER II

JA/at
October 28, 2015
Categorically Exempt

Appeal Period: Ten (10) calendar days for the Mendocino County Board of Supervisors, followed by ten (10) 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.

ATTACHMENTS

- A- Coastal Permit Approval Checklist
- B- Location Map
- C- Topographic Map
- D- 2014 NAIP Aerial Photo
- E- Site Plan
- F- ESHA Map
- G- Layout
- H- Construction Detail
- I- Typical Cross Section
- J- Zoning Display Map
- K- General Plan Classifications
- L- LCP Map 7: Abalone
- M- Adjacent Parcels
- N- Fire Hazard Zones & Responsibility Areas
- O- FEMA Flood Zone

**ATTACHMENT A: COASTAL PERMIT APPROVAL CHECKLIST
CDP_2015-0014 (CALTRANS)
DECEMBER 16, 2015**

PROJECT TITLE: CDP_2015-0014 (CALTRANS)

PROJECT LOCATION: In the Coastal Zone, 3± miles north of the town of Westport, on the west side of Highway 1, 100± feet west of its intersection with Seascapes Drive (private), located at Postmile Marker 81.14 (APN 013-830-07).

LEAD AGENCY NAME, ADDRESS AND CONTACT PERSON: Julia Acker
Mendocino County
Planning and Building Services
120 West Fir Street
Fort Bragg, California 95437
707-964-5379

GENERAL PLAN DESIGNATION: Open Space, Department of Parks and Recreation (OSDPR)

ZONING DISTRICT Open Space (OS)

DESCRIPTION OF PROJECT: The project is to remove a 10 foot wide by 200 foot long (total of 2,000 square-foot) strip of pavement on the west side of the Westport Union Landing Vista Point parking lot. The eroding coastal bluff is failing and undermining the parking lot, and this project is to retreat the facility from the bluff. The exposed ground will be filled with topsoil and revegetated, and the existing three (3) foot fence will be replaced along the new edge of the parking area. Equipment, materials and removed asphalt will be staged at the existing Westport Union Landing Vista Point parking area. All excess asphalt or soil material from the project will be disposed off-site. The Caltrans Resident Engineer will be responsible for ensuring that all requirements for disposal of material are met by the Contractor.

SITE DESCRIPTION AND SETTING: The 14 acre subject parcel is situated on the west side of Highway 1, approximately three miles north of the town of Westport. To the north and south of the subject parcel is open space land owned by the State of California and to the east is vacant residential parcels. The subject parcel is currently developed with the existing Westport Union Landing Vista Point, which consists of a parking lot with fencing along the bluff edge. Due to the bluff erosion there is currently temporary k-rail in place to keep the public away from the hazard area.

DETERMINATION: The proposed project **conditionally satisfies all required findings for approval of a Coastal Development Permit**, pursuant to Section 20.532.095 and 20.532.100 of Division II of Title 20 of the Mendocino County Code (MCC), as individually enumerated in this Coastal Permit Approval Checklist.

20.532.095 Required Findings for All Coastal Development Permits	Inconsistent	Consistent (With Conditions of Approval)	Consistent (Without Conditions of Approval)	Not Applicable
(A) The granting or modification of any coastal development permit by the approving authority shall be supported by findings which establish the following:				
(1) The proposed development is in conformity with the certified local coastal program.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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"/>
(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"/>

20.532.095 Required Findings for All Coastal Development Permits	Inconsistent	Consistent (With Conditions of Approval)	Consistent (Without Conditions of Approval)	Not Applicable
(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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(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:				
(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 (with conditions of approval)

The Local Coastal Program 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 Local Coastal Program addresses topics such as shoreline access and public trails; development in scenic areas, hazardous areas, and coastal bluffs; environmentally sensitive habitat areas; cultural resources; transportation; public services; and more. The Local Coastal Program serves as an element of the General Plan and includes Division II of Title 20 of the Mendocino County Code (MCC), and its policies must be consistent with the goals of the California Coastal Act.

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

General Plan Land Use – Open Space

The subject parcel is classified as Open Space by the Coastal Element of the Mendocino County General Plan, which is intended “intended to be applied to lands not suited for development or to lands most valuable in their undeveloped natural state” (Chapter 2.2 of the County of Mendocino General Plan Coastal Element). The principally permitted use designated for the Open Space land use classification is “Landscape preservation; associated with park or open space use; light agriculture; passive low impact recreation” (Chapter 2.2 of the County of Mendocino General Plan Coastal Element).

The parcel is currently developed with the Westport Union Landing Vista Point, which is a recreation area supporting the passive recreational use of sight-seeing. The proposed project is to enhance the safety of the existing Westport Union Landing Vista Point and will not alter the use of the parcel. The proposed project is therefore consistent with the Open Space land use classification of the Coastal Element of the Mendocino County General Plan.

Hazards

Chapter 3.4 of the Mendocino County Coastal Element addresses Hazards Management within the Coastal Zone. The subject property is a blufftop parcel, located west of Highway 1. The proposed project is to retreat the existing parking area from the eroding bluff edge to reduce the hazard to the parking area and enhance public safety.

Seismic Activity: The property neither lies within, nor does it adjoin a mapped Alquist-Priolo Earthquake fault zone. The San Andreas fault is located approximately ten (10) miles offshore to the west of the project site and is the nearest active fault. The site, like the rest of Mendocino County, is subject to strong ground shaking. Figure 3-12 of the Mendocino County General Plan indicates that the subject parcel is not located in a known area of soil liquefaction.

Hazardous Materials: Two minor hazardous waste/materials issues, aerially deposited lead and treated wood waste have been identified for the proposed project. To address these issues the protocols listed in the Initial Site Assessment prepared by Caltrans shall be followed. In response to comments from the California Coastal Commission, Caltrans states that the hazardous materials will be brought to an appropriate facility for recycling and will be included in the contract specifications for the project. The applicant has proposed several Best Management Practices including: straw waddling, fiber rolls and/or silt fencing. A Water Pollution Control Plan (WPCP) will be produced by the contractor to meet the standard specifications for erosion control and water quality, as well as spill prevention and a contingency plan for accidental spills. The WPCP will be reviewed by Caltrans and will be provided to the County prior to commencement of the project. The new edge of the pavement will have a dike running the length of the edge, which will prevent stormwater from leaving the pavement and traveling down the failing area of the bluff, which will prevent erosion from concentrated flows. Conditions 9 and 10 are recommended to prevent impacts from the presence of hazardous materials in the project area.

Condition 9: The protocols outlined in the Initial Site Assessment prepared by the Caltrans Office of Environmental Engineering dated April 11, 2014 shall be followed.

Condition 10: A Water Pollution Control Plan shall be prepared for the project in accordance with the standard specifications for erosion control and water quality, as well as spill prevention and a contingency plan for accidental spills. The Water Pollution Control Plan shall be reviewed by Caltrans and submitted to the County prior to commencement of the project.

Landslides: There are no translational/rotational or debris slides mapped on the subject parcel (Department of Conservation, Division of Mines and Geology 1984).

Erosion: Winter storm events from February 28 through March 1, 2012, resulted in high surf and high intensity rainfall causing an increase in the coastal bluff erosion at the Westport Union Landing Vista Point. The bluff erosion undermined a significant portion of the asphalt parking area and railing on the western edge of the Vista Point. Caltrans has stated that the bluff erosion cannot be stabilized. To reduce the potential of additional asphalt and fencing falling onto the beach or into the ocean and to protect the public, Caltrans proposes retreat of the parking lot and fencing to the east of the eroding bluff.

The California Department of Transportation, Division of Engineering Services, Geotechnical Services, Office of Geotechnical Design – Branch B provided a Geotechnical Recommendation Memorandum on the proposed project. The Memorandum states that:

the northwestern corner of the parking lot has been undermined by erosion of the coastal bluff. The erosion rates reported for this portion of the Mendocino Coast range from 10 to 20 inches per year. However, coastal erosion is typically episodic – with lower rates in milder years and increased loss in years with more severe winter storms. For this reason, we recommend a more conservative repair approach for this location. A minor retreat of 10 feet from the existing fence is recommended. We do not recommend slope stabilization, as the natural erosional process is driven by wave undercutting at the base of the bluff.

The Department is proposing a planned retreat from this eroding coastal bluff. In a response to additional information request by the California Coastal Commission and County staff, Caltrans stated that

in the Mendocino Coast Range, coastal bluffs erode on average from 10 to 20 inches per year, in an episodic fashion. These rates give the currently planned parking lot edge and fence an approximate 6 to 12 year lifespan. Depending on the actual erosion at the site, the new edge of pavement could last much longer. The Department does not plan on constructing any retaining walls or other structures to halt erosion at the site. The Department does anticipate future projects to retreat from this bluff as necessary based on the actual erosion at the site.

Coastal Element Policy 3.4-7 states: *The County shall require that new structures be set back a sufficient distance from the edges of bluffs to ensure their safety from bluff erosion and cliff retreat during their economic life spans (75 years). Setbacks shall be of sufficient distance to eliminate the need for shoreline protective works.*

Based on the erosion rates identified above, a 75-year lifespan for the parking lot structure would require a 62 to 125-foot retreat from the failing bluff, which would require removal of the entire parking lot. This would limit coastal access in the area, and the Department would prefer to maintain the parking lot, with occasional retreats, than remove the entire parking lot area.

The Westport Municipal Advisory Council expressed concerns that the removal of the pavement may accelerate erosion on the bluff at the project site. Caltrans responded to their concerns and responded that

Erosion rates at the site are driven primarily by wave erosion from below. The proposed project will install an A/C dike along the new edge of pavement, and there will not be concentrated stormwater flows delivered to the bluff. Any newly exposed soil will be revegetated. Thus, there will not be an increased potential of erosion from the top of the bluff at the project site.

The project is found consistent the policies for erosion related concerns. Staff recommends Condition 13 be included to require that the applicant acknowledge that the proposed development is subject to geologic and erosion hazards present on the parcel and assume responsibility of such hazards.

Condition 13: The following statements are required Conditions of Approval, and by signing this Coastal Development Permit the applicant agrees to the following:

- a. The landowner understands that the site may be subject to extraordinary geologic and erosion hazard and the landowner assumes the risk from such hazards;
- b. The landowner agrees that any adverse impacts to property caused by the permitted project shall be fully the responsibility of the applicant;
- c. The landowner shall not construct any bluff or shoreline protective devices to protect the subject permitted parking area in the event that these structures are subject to damage, or other natural hazards in the future;
- d. The landowner shall remove the subject permitted parking area when bluff retreat reaches the point where the structure is threatened. In the event that portions of the subject permitted parking area fall to the beach before they can be removed from the blufftop, the landowner shall remove all recoverable debris associated with the structure from the beach and ocean and lawfully dispose of the material in an approved disposal site. The landowner shall bear all costs associated with such removal.

Flooding: There is a small portion of the 14 acre parcel with a mapped floodplain on it. The proposed project is located outside those designated areas and therefore no conditions are necessary to ensure consistency with flood policy (Federal Emergency Management Agency 2011).

Fire: The parcel is mapped in the southern most edge of the parcel as having a Moderate Fire Hazard severity rating and the remainder of the parcel is mapped with a High Fire Hazard severity rating. The proposed project is exempt from the California Department of Forestry and Fire Protection (CalFire) preliminary Clearance requirements, as the proposed project does not include any building for human occupancy. The project was referred to CalFire for any comments or recommendations. CalFire stated that they had no comments at this time on the proposed project.

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 MCC Chapter 20.504.

The project is not located in an area that is designated Highly Scenic by the Local Coastal Program. Consequently, the project is not subject to Local Coastal Program Visual Resource policies relating to Highly Scenic Areas. Nevertheless, a Visual Impact Assessment was prepared by Caltrans in August 2014. The Assessment states the following with regards to potential impacts.

The visual character of the proposed project will be compatible with the existing visual character of the Vista Point. The only difference is that the fence will move east by 10 feet and the area where pavement will be removed will be revegetated.

The visual quality of the existing Vista Point will not be altered by the proposed project. Views of the coastline are open and without obstruction from trees or man-made elements.

This portion of Highway 1 is not a State Designated Scenic Highway, but it is currently listed as an “eligible” portion for the designation. The proposed project will not reduce the visual quality of the area and therefore will not reduce eligibility for a possible scenic designation.

MCC Section 20.504.035 provides exterior lighting regulations intended to protect coastal visual resources. Exterior lighting is required to be within the zoning district’s height limit regulations, and requires exterior lighting to be shielded and positioned in a manner that light and glare does not extend beyond the boundaries of the parcel. No exterior lighting is proposed as part of this project. The project is therefore consistent with the exterior lighting regulations set forth in MCC Section 20.504.025.

Natural Resources

Protection of natural resources is addressed in Chapter 3.1 of the Mendocino County Coastal Element and implemented by MCC Chapter 20.496.

Caltrans prepared a Natural Environment Study in August 2014 for the subject parcel and also an ESHA Assessment/Reduced Buffer Analysis for the proposed project in April 2015. Several resources were identified in the studies that qualify as Environmentally Sensitive Habitat Areas (ESHA). Table 1 is a summary of the identified ESHA, buffer distance and if impacts are anticipated.

Table 1. ESHA Summary Table

ESHA	Type	Buffer	Potential Impacts
1	Northern Coyote Brush Scrub Alliance	Staging and work will occur approximately 0-1 foot from ESHA 1.	No Impacts Expected
2	Westport-Union Landing State Beach	Staging and work will occur approximately 50 feet from ESHA 2.	No Impacts Expected

The Northern Coyote Brush Scrub Alliance is not typically considered a Natural Community of Special Concern (NCSC); however, due to this vegetation community’s location within a State Park’s open land space along the coast and directly adjacent to a location open for public viewing, it was considered an ESHA. Project work would occur approximately 0-1 feet from ESHA 1. Work within 100 feet of ESHA 1 would include the removal of the existing concrete railing and excavation and removal of the failing asphalt. Environmentally Sensitive Area fencing would be installed at appropriate locations to prevent equipment from leaving the asphalt. The remaining existing fencing around the Westport Union Landing Vista Point parking area will prevent equipment from leaving the work area. A few plants that are growing against the railing are expected to be impacted; however, after construction is complete, a native seed mix will be hydro seeded on disturbed areas and on the new open area to ensure that the native vegetation community is enhanced. The ESHA Assessment states that there will be enhancement due to the removal of impervious surface.

The Westport Union Landing State Beach is approximately 50 feet to the west of the project at the bottom of the bluff. The segment within 100 feet of the project is subject to tidal influences. Project work will occur approximately 50 feet from ESHA 2. The ESHA Assessment identified the only potential impact to ESHA 2 as the potential that fencing or asphalt fell down the bluff onto the beach during construction. All safety and Best Management Practices measures will be implemented to minimize and avoid debris falling onto the beach. After project completion, the risk of any future asphalt or fencing falling down onto the beach during bluff erosion events will be lessened.

A Reduced Buffer Analysis was completed for the project to reduce the required buffer distance from 100 to 50 feet. Due to the location of the eroding bluff project construction will likely require the removal of a few plants of Northern Coyote Brush Scrub. Despite the removal of a few plants, the proposed project will result in an overall benefit to the resource due to the removal of impervious surface and hydro seeding of the disturbed areas after construction. Condition 11 is recommended to prevent impacts to natural resources as a result of the proposed project.

The California Coastal Commission submitted comments stating concerns related to invasive, non-native pampas grass (*Cortaderia jubata* and *C. selloana*) commonly establishing at disturbed sites such as along bluff faces, road cuts, and in staging areas. Commission staff has recommended that the applicant conduct long-term monitoring and invasive species removal from the project site upon completion of construction activities. Condition 11 (f) reflects this.

Condition 11: In order to provide for the protection of identified Environmentally Sensitive Habitat Areas, the following shall be required during project construction:

- a. Environmentally Sensitive Area fence shall be installed at the edge of the asphalt adjacent to the Coyote Brush Scrub Alliance and Westport Union Landing Beach Environmentally Sensitive Habitat Areas to prevent equipment from damaging the resource.
- b. Native seed mix shall be hydro seeded on the disturbed soil areas and on the newly opened area to ensure that the native vegetation community is enhanced.
- c. Safety and Best Management Practices shall be implemented to minimize and avoid debris falling onto the beach.
- d. Equipment, materials and removed asphalt shall be staged at the existing Vista Point parking area.
- e. All excess asphalt or soil material from the project shall be disposed off-site. The Caltrans Resident Engineer shall be responsible for ensuring that all requirements for disposal of material are met by the Contractor.
- f. The applicant shall conduct long-term monitoring, at least once annually for a minimum five year period, and until such time as invasive species are no longer observed colonizing disturbed portions of the site. The applicant shall also conduct invasive species removal from the project site upon completion of construction activities (including all construction and asphalt removal areas, and stage construction areas).

In summary, the proposed project will temporarily impact resources, however, with the inclusion of the recommended conditions and findings made in accordance with MCC Section 20.532.100 (A)(1) included later in this document, the project is found consistent with MCC Chapter 20.496.

- **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: No utilities are existing or proposed for the site.

Access Roads: The parcel is currently provided access off of Highway 1, approximately three (3) miles north of the town of Westport. The proposed project is being undertaken by the California Department of Transportation to remove a 10 foot wide by 200 foot long strip of pavement on the west side of the Westport Union Landing Vista Point. The eroding coastal bluff is failing and undermining the parking lot, and this project is to retreat the facility from the bluff. Only the existing parking area will be disturbed. There will be no change to the existing access road.

Drainage: Drainage is subject to MCC Section 20.492.025, which provides regulations mitigating the impact of stormwater runoff and erosion. The applicant has proposed several Best Management Practices including: straw waddling, fiber rolls and/or silt fencing. A Water Pollution Control Plan (WPCP) will be produced by the contractor to meet the standard specifications for erosion control and water quality, as well as spill prevention and a contingency plan for accidental spills. The WPCP will be reviewed by Caltrans and will be provided to the County prior to commencement of the project, included as Condition 10. The new edge of the pavement will have a dike running the length of the edge, which will prevent stormwater from leaving the pavement and traveling down the failing area of the bluff, which will prevent erosion from concentrated flows.

- **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 Rural Residential. The intent of the Open Space zoning district is “to be applied to lands within the Coastal Zone which are not suited for development or are valuable in their undeveloped natural state and to public park lands” (MCC Section 20.372.05). This application to allow removal of a portion of an existing Vista Point parking area to allow continued access to the coast. The proposed improvements are consistent with the intent of the Open Space zoning district.

Use: The proposed project will retreat the existing parking area for the Westport Union Landing Vista Point from the eroding bluff edge. This retreat will allow continued passive recreation, a principally permitted use, on the parcel and reduce any potential hazards to the public. The proposed project is consistent with the allowable uses in the Open Space zoning district.

Density: The maximum dwelling density in the Open Space zoning district is one dwelling unit (caretaker only) per ten (10) acres of contiguous open space area. The proposed project does not propose any residential development and therefore does not conflict with the dwelling density standards of the Open Space zoning district.

Yards: The minimum required front, side, and rear yards in the Open Space zoning district for a parcel of this size are fifty (50) feet from the front and rear yards and twenty (20) feet in the side yard (MCC Section 20.372.030 through Section 20.372.035). No change will occur to the existing location of the parking area.

Height: The maximum permitted building height for all structures in the Open Space zoning district is sixteen (16) feet (MCC Section 20.372.040). The proposed improvements are compliant with the requirements for the zoning district.

Lot Coverage: There is no limitation on permitted lot coverage in the Open Space zoning district.

- **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)

The proposed project is Categorically Exempt from the provisions of CEQA, pursuant to Class 1 of Article 19 of the California Environmental Quality Act Guidelines. The Class 1 (c) exemption finds that “existing highways and streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities (this includes road grading for the purpose of public safety)”, meeting the criteria of Section 15301, has “been determined not to have a significant effect on the environment and which shall, therefore, be exempt from the provisions of CEQA.”

The proposed development meets the criteria of Section 15301, and therefore will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

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

Consistent (with conditions of approval)

Caltrans prepared a Cultural Resources Memorandum for the proposed project. The Memorandum was referred to the Mendocino County Archaeological Commission to determine if the survey was appropriately conducted and make recommendations for the protection of cultural resources. The project was heard by the Mendocino County Archaeological Commission on July 8, 2015. The Commission accepted the survey with no recommended conditions. The applicant is advised of the Mendocino County Archaeological Resources Ordinance, and specifically Section 22.12, commonly referred to as the "Discovery Clause." Recommended **Condition 8** similarly advises the applicant of the Discovery Clause, which prescribes the procedures subsequent to the discovery of any cultural resources during construction of the project, and states:

Condition 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 resource(s) in accordance with Section 22.12.090 of the Mendocino County Code.

With the inclusion of the recommended condition of approval, the project is found consistent with protection of paleontological and archaeological resources.

- **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 (with conditions of approval)

Solid Waste: Equipment, materials and removed asphalt will be staged at the existing Vista Point parking area. All excess asphalt or soil material from the project will be disposed off-site. The Caltrans Resident Engineer will be responsible for ensuring that all requirements for disposal of material are met by the Contractor. Condition 12 is recommended to ensure that the debris is disposed of properly.

Condition 12: At least 10 days prior to commencement of construction activities the applicants shall submit a final plan for debris disposal to the County that identifies appropriate disposal sites for all materials.

Roadway Capacity: The parcel is currently provided access off of Highway 1, approximately three (3) miles north of the town of Westport. The proposed project is being undertaken by the California Department of Transportation to remove a 10 foot wide by 200 foot long strip of pavement on the west side of the Westport Union Landing Vista Point. The eroding coastal bluff is failing and undermining the parking lot, and this project is to retreat the facility from the bluff. Only the existing parking area will be disturbed. There will be no change to the existing access road nor a change in use generating additional trips on Highway 1.

- **20.532.095(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.**

Consistent (without conditions of approval)

The project site is located west of Highway 1, and is the location of the Westport Union Landing Vista Point. In response to California Coastal Commission comments regarding potential impacts to public access from the proposed project the applicants responded the following.

Public access at the site will be temporarily restricted during construction for the safety of the public. The construction will take up to 6 weeks, and the entire parking area will be closed for that time to ensure public safety. There are other pullouts along the highway in the general area, as well as Union Landing state Beach adjacent to the south. The parking lot size will be reduced permanently by 2,000 square-feet (approximately 7% of the large northern portion of the lot), but the lot is currently large and there should be no permanent adverse effects to parking availability and access at the site.

The project would have temporary impacts on public access, but will overall constitute a safety improvement for future public use of the Westport Union Landing Vista Point. Therefore, the proposed development is in conformity with the public access and public recreation policies of the Coastal Act and the Coastal Element of the General Plan.

20.532.100 (A) Resource Protection Impact Findings	Inconsistent	Consistent (With Conditions of Approval)	Consistent (Without Conditions of Approval)	Not Applicable
(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.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) There is no feasible less environmentally damaging alternative.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(c) All feasible mitigation measures capable of reducing or eliminating project related impacts have been adopted.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion of Findings

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

Consistent (with conditions of approval)

A Reduced Buffer Analysis was completed for the project to reduce the required buffer distance from 100 to 50 feet. Due to the location of the eroding bluff project construction will likely require the removal of a few plants of Northern Coyote Brush Scrub (ESHA 1). Despite the removal of a few plants, the proposed project will result in an overall benefit to the resource due to the removal of impervious surface and hydro seeding of the disturbed areas after construction. The ESHA Assessment/Reduced Buffer Analysis stated the following points in support of the project.

- *The project would maintain functional capacity of adjacent habitats. The removal of asphalt will enhance the function of the ESHA's and potentially decrease erosion. Additionally, the project would not change hydrologic connections, wildlife migration corridors, breeding areas, or other biological pathways.*
- *No additional structures are proposed. The Vista Point parking fence will be re-installed at the new asphalt edge.*
- *The purpose of the project is to prevent impacts and degradation of surrounding habitats and to protect the traveling public. The project has been designed to minimize future 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.*
- *The project was designed to be compatible with the continuing functionality of ESHAs.*
- *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 1, allowing for its continuation and enhancement.*

- *The project will decrease impervious surfaces and minimize 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 landscape only minimally, and would help maintain the landscape by reducing future erosion.*
- *The project would maintain the hydraulic function of adjacent waters and functional capacity of adjacent habitats. The project would remove asphalt from the eroding bluff to prevent asphalt falling onto the beach or into the ocean in future erosion events. Additionally, the project would not change hydrologic connections, wildlife migration corridors, breeding areas, or other biological pathways.*
- *The project would modify overland flow solely for a short distance on the Vista Parking area and would be directed by dikes onto vegetated areas surrounding the parking area. There are no proposed subsurface structures that would modify groundwater.*
- *The project construction will not result in significant adverse impacts to ESHA's 1 or 2.*

Based on the findings of the various studies completed on the site and with the recommended mitigation measures, it can be concluded that is consistent with the requirements for development within in an environmentally sensitive habitat area buffer. Condition 11 is recommended which provides mitigation measures to be implemented to reduce any potential impacts to the existing natural resources present on the parcel and to ensure that no development occurs within the ESHA or associated buffer. Therefore, with the inclusion of the required mitigation and protection measures by Condition 11, Resource Protection Impact Findings, enumerated in Section 20.532.100(A), can be made.

References:

Natural Environment Study, State Route 1 at Post Mile 81.14, Union Landing Vista Point, Mendocino County. August 2014. Denise Walker-Brown, California Department of Transportation.

Chapter 2.2. Mendocino County, Planning and Building Services, Planning Division. *The County of Mendocino-General Plan.* 1991. Ukiah, CA.

Cultural Resources Clearance Memo for Repair of Roadside Overlook on Route 1 in Mendocino County. September 26, 2013. Timothy Keefe, California Department of Transportation.

ESHA Assessment/Reduced Buffer Analysis for the State Route 1 Union Landing Vista Point Project Post Mile 81.14. April 2015. Denise Walker-Brown, California Department of Transportation.

Initial Site Assessment Memorandum. April 11, 2014. Mark Melani, California Department of Transportation.

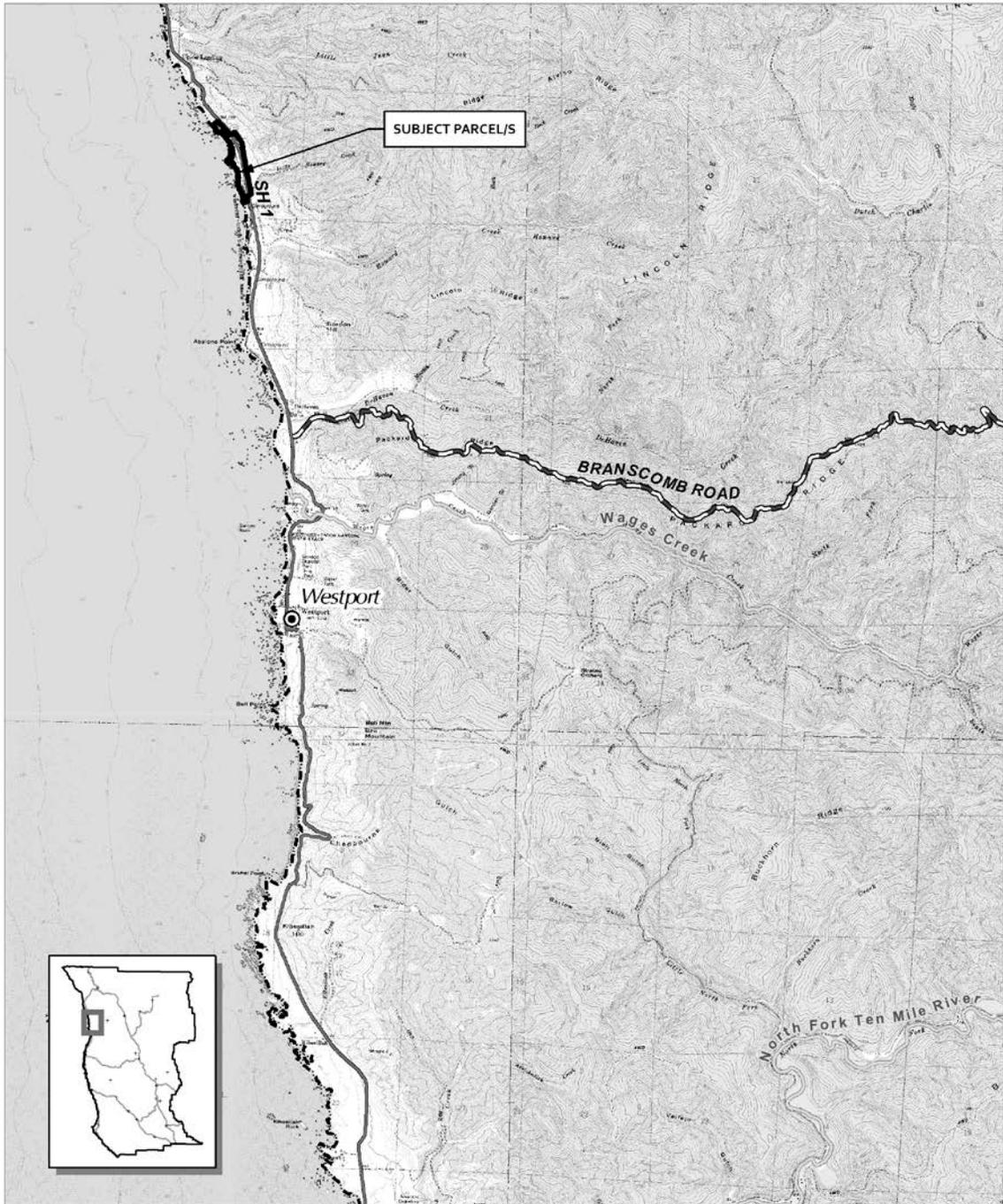
Geology and Geomorphic Features Related to Landsliding [map]. 1984. Westport 7.5' Quadrangle, Department of Conservation, Division of Mines and Geology.

Geotechnical Recommendation Memorandum. April 29, 2015. Sam Vandell, California Department of Transportation.

Mendocino County and Incorporated Areas [map]. 2011. Flood Insurance Rate Map, Panel 0625F, Number 06045C0625F. Federal Emergency Management Agency.

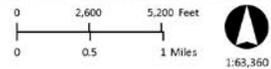
Visual Impact Assessment, Westport Vista Point. August 27, 2014. Laura Lazzarotto, California Department of Transportation.

Water Quality Assessment Exemption. September 25, 2014. Alex Arevalo, California Department of Transportation.



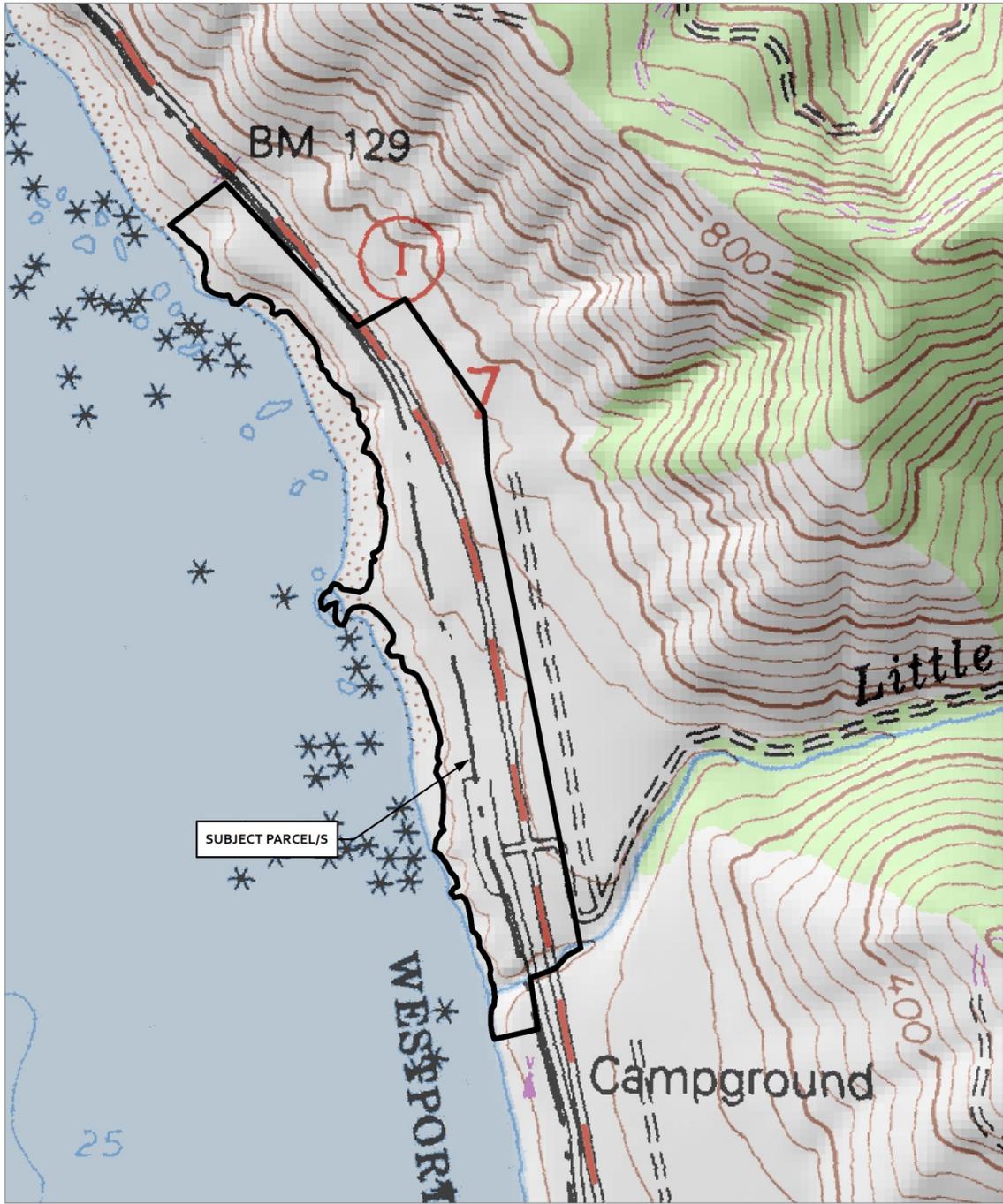
CASE: CDP 2015-0014
OWNER: State of California
APN: 013-830-07
APLCT: CALTRANS
ADDRESS: None Assigned

-  Major Rivers
-  I highways
-  Major Roads



LOCATION MAP

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



CASE: CDP 2015-0014
OWNER: State of California
APN: 013-830-07
APLCT: CALTRANS
ADDRESS: None Assigned



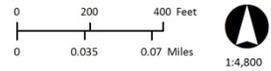
TOPOGRAPHIC MAP
CONTOUR INTERVAL IS 40 FEET

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



CASE: CDP 2015-0014
OWNER: State of California
APN: 013-830-07
APLCT: CALTRANS
ADDRESS: None Assigned

-  Named Rivers
-  Public Roads
-  Private Roads



2014 NAIP AERIAL PHOTO

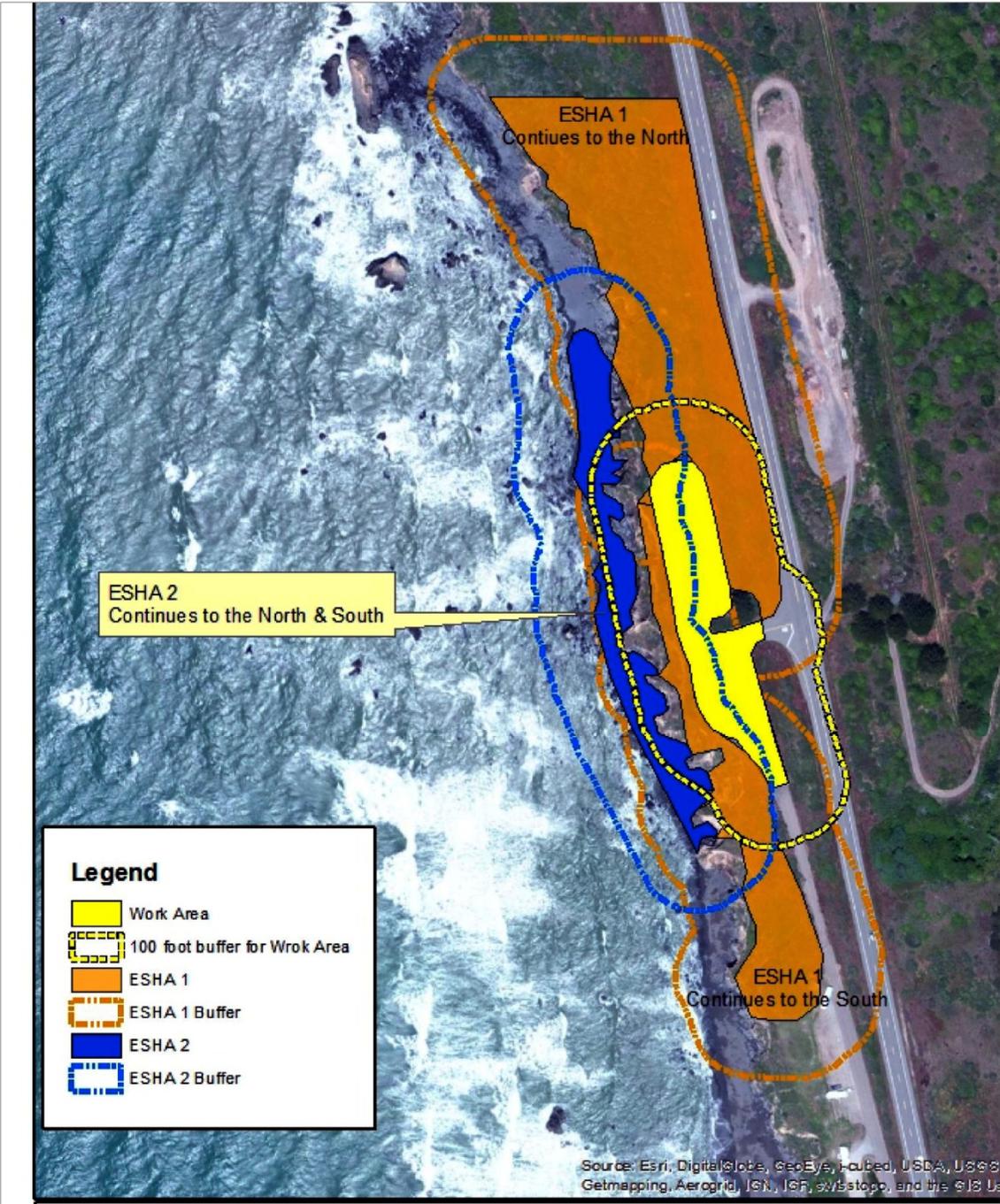
Map produced by the Mendocino County Planning & Building Services, June, 2015
All spatial data is approximate. Map provided without warranty of any kind.



CASE: CDP 2015-0014
OWNER: State of California
APN: 013-830-07
APLCT: CALTRANS
ADDRESS: None Assigned

NO SCALE

SITE PLAN

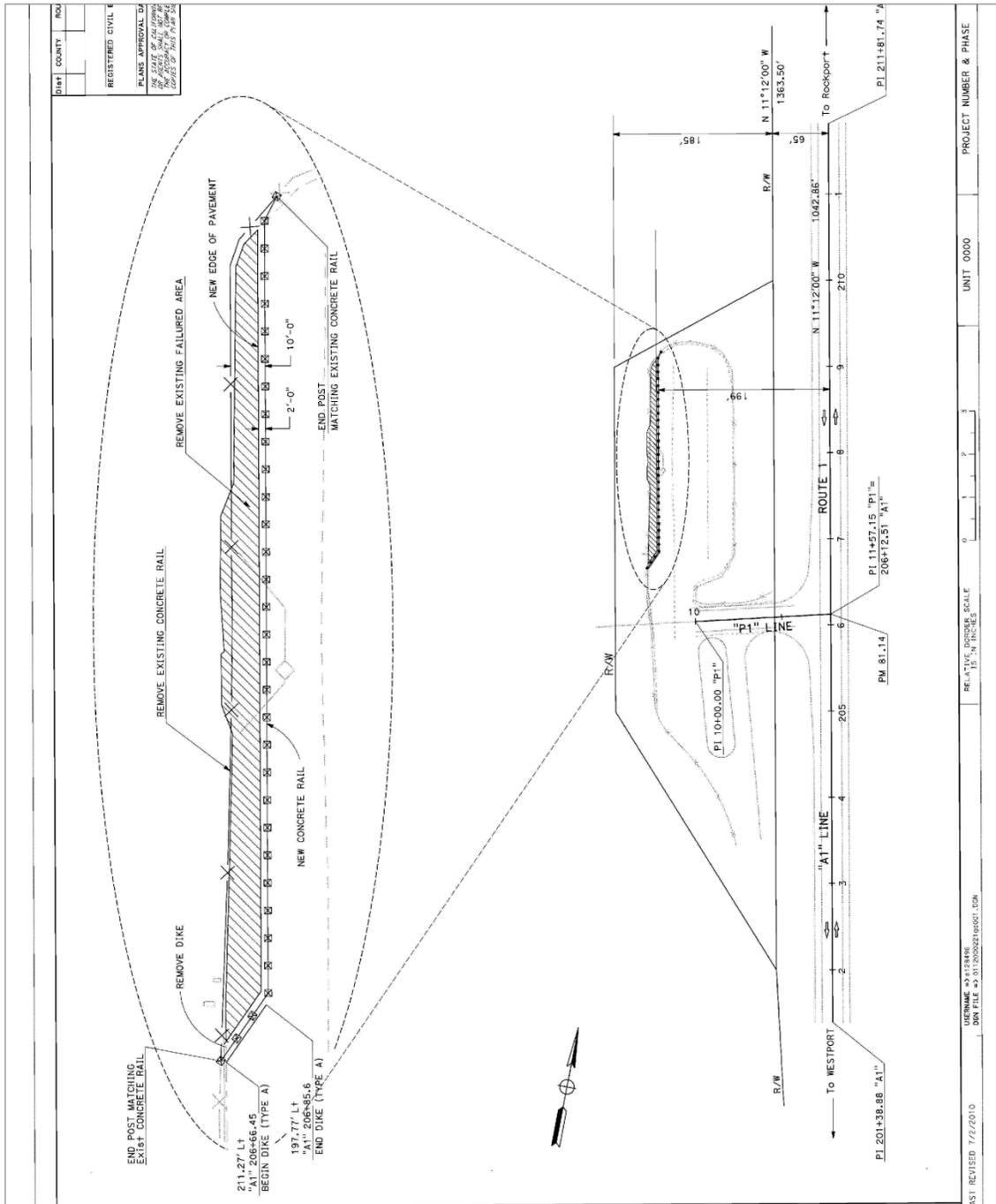


CASE: CDP 2015-0014
 OWNER: State of California
 APN: 013-830-07
 APLT: CALTRANS
 ADDRESS: None Assigned

NO SCALE

ESHA MAP

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



CASE: CDP 2015-0014
 OWNER: State of California
 APN: 013-830-07
 APLCT: CALTRANS
 ADDRESS: None Assigned

NO SCALE

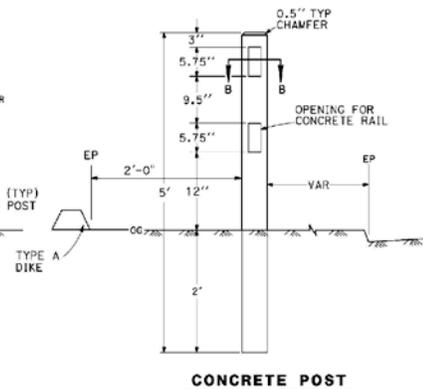
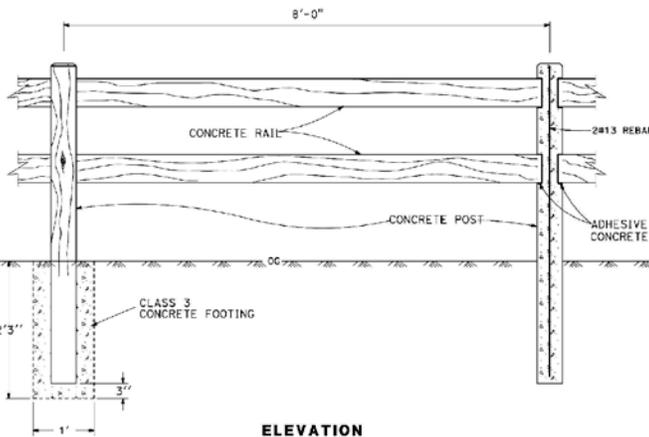
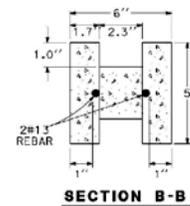
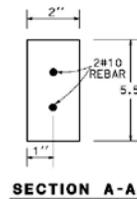
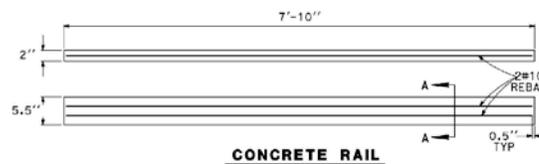
LAYOUT

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

DIST	COUNTY	ROW
REGISTERED CIVIL ENGINEER		
PLANS APPROVAL DATE		
DATE OF LAST REVISION		
PROJECT NUMBER & PHASE		
UNIT 0000		
RELATIVE HORIZONTAL SCALE		
VERTICAL SCALE		
DRAWN FILE #		
DATE		

HAVE 1" MIN CLEARANCE UNLESS OTHERWISE SHOWN.
 HAVE OPENINGS FOR CONCRETE RAILS ON ONE SIDE ONLY.
 FACILITIES HAVE NOT BEEN PLOTTED ON THESE PLANS.
 PLOT OF WAY AND ACCURATE ACCESS DATA,
 RECORD MAPS AT DISTRICT OFFICE

SUMMARY OF QUANTITIES							REMARKS
LOCATION PM	REMOVE AC	REMOVE AB	REMOVE CONCRETE RAILING	CONCRETE RAIL	MINOR CONCRETE MINOR STRUCTURE (CLASS 3)		
No.	FROM	CY	CY	FT	FT	CY	
1	81.14	15	59	255	256	61	LITTLE HOWARD CREEK VISTA POINT.
TOTAL		15	59	255	256	61	



2-RAIL CONCRETE FENCE

USERNAME => K128496
 DGN FILE => 0112000221.p0302.DGN

RELATIVE BORDER SCALE
 15 IN INCHES

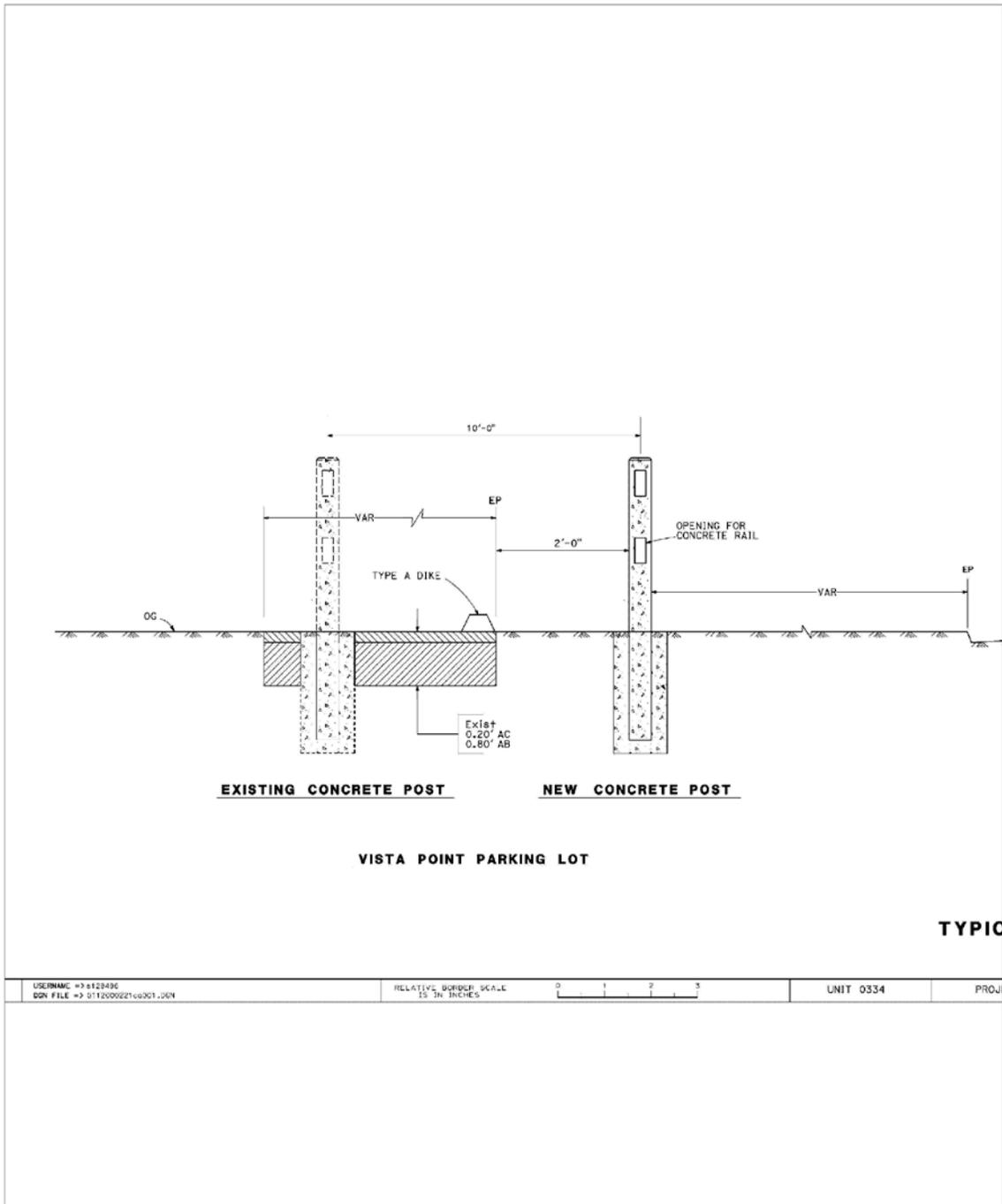


UNIT 0334

CASE: CDP 2015 0014
 OWNER: State of California
 APN: 013-830-07
 APLCT: CALTRANS
 ADDRESS: None Assigned

NO SCALE

CONSTRUCTION DETAIL



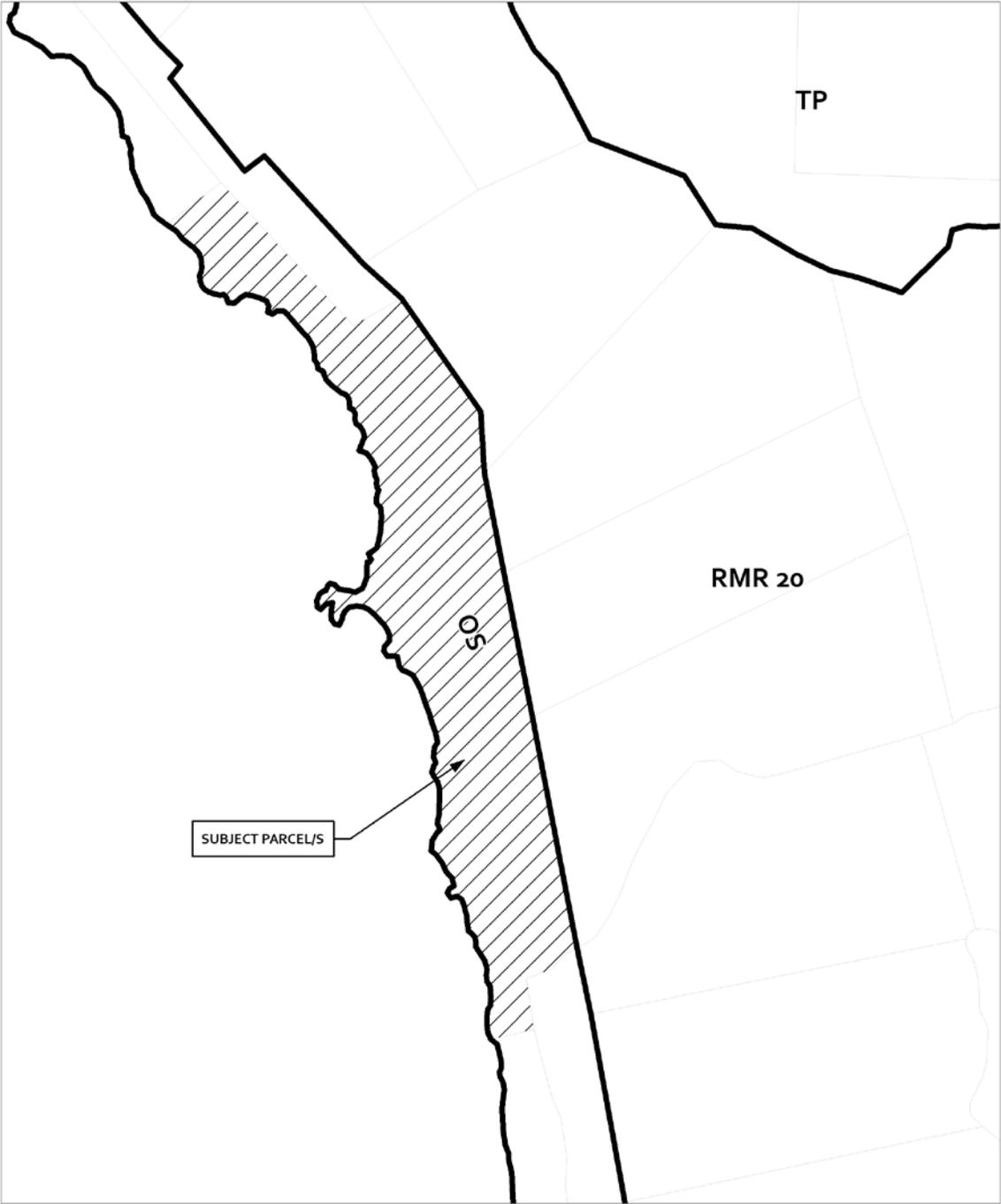
USERNAME => s129496 DDN FILE => 011200021ca001.DGN	RELATIVE BORDER SCALE 15 IN INCHES	0 1 2 3	UNIT 0334	PROJ
---	---------------------------------------	---------	-----------	------

CASE: CDP 2015-0014
 OWNER: State of California
 APN: 013-830-07
 APLT: CALTRANS
 ADDRESS: None Assigned

NO SCALE

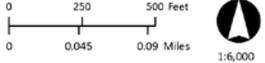
TYPICAL CROSS SECTION

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



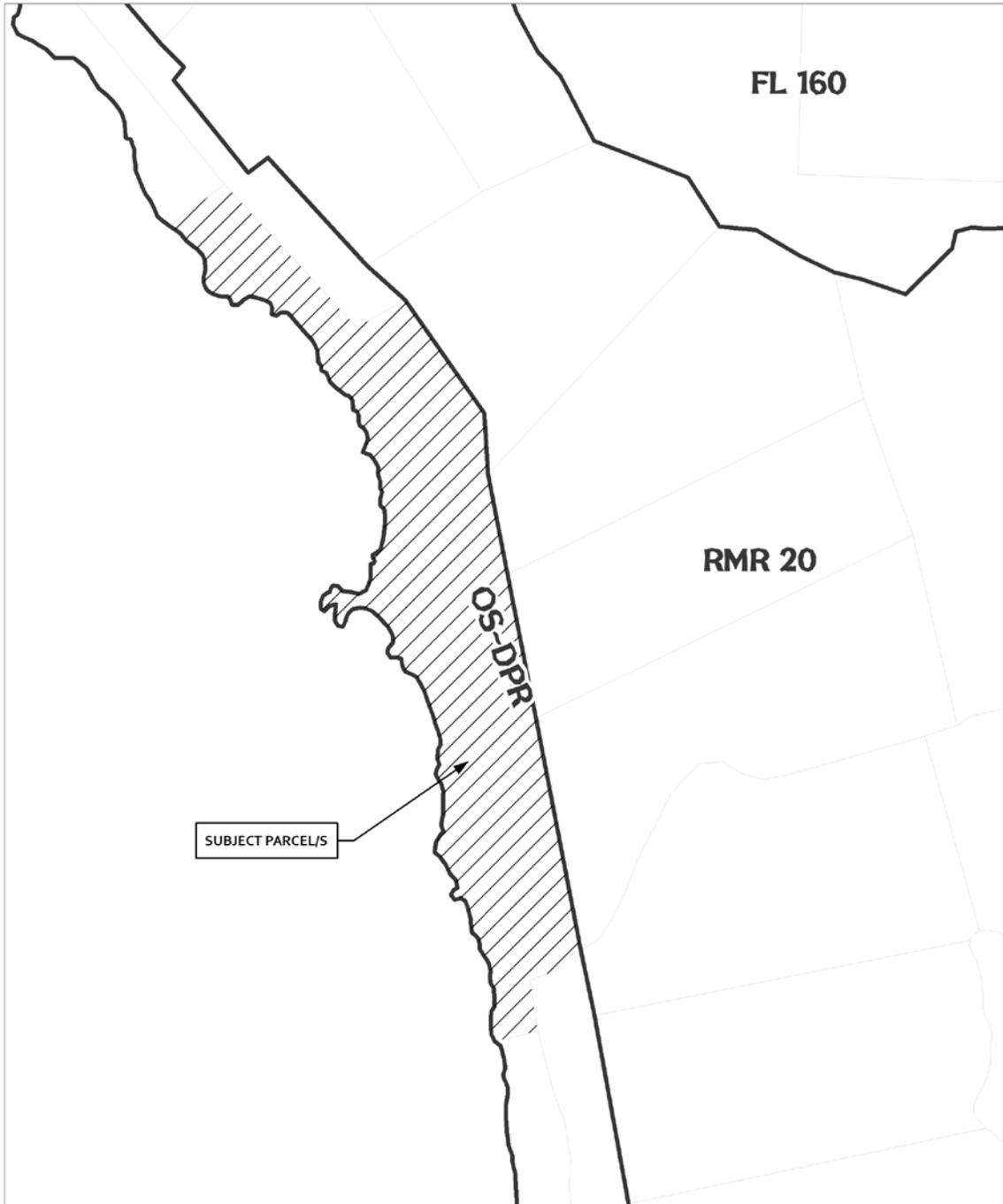
CASE: CDP 2015-0014
 OWNER: State of California
 APN: 013-830-07
 APLT: CALTRANS
 ADDRESS: None Assigned

 Zoning Master



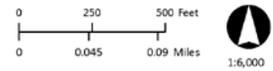
ZONING DISPLAY MAP

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



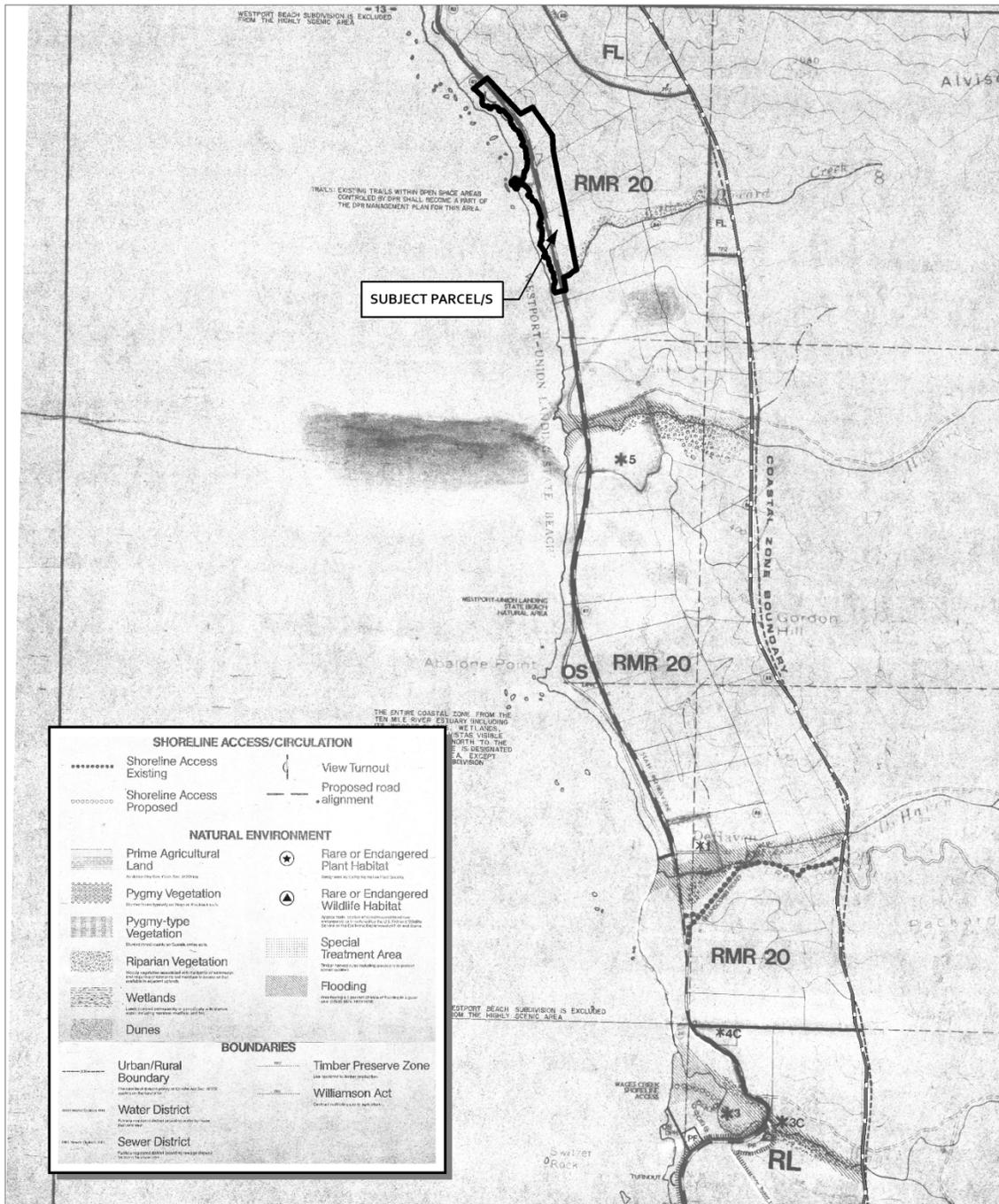
CASE: CDP 2015-0014
OWNER: State of California
APN: 013-830-07
APLT: CALTRANS
ADDRESS: None Assigned

 General Plan Master



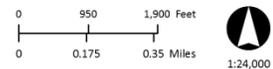
GENERAL PLAN CLASSIFICATIONS

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



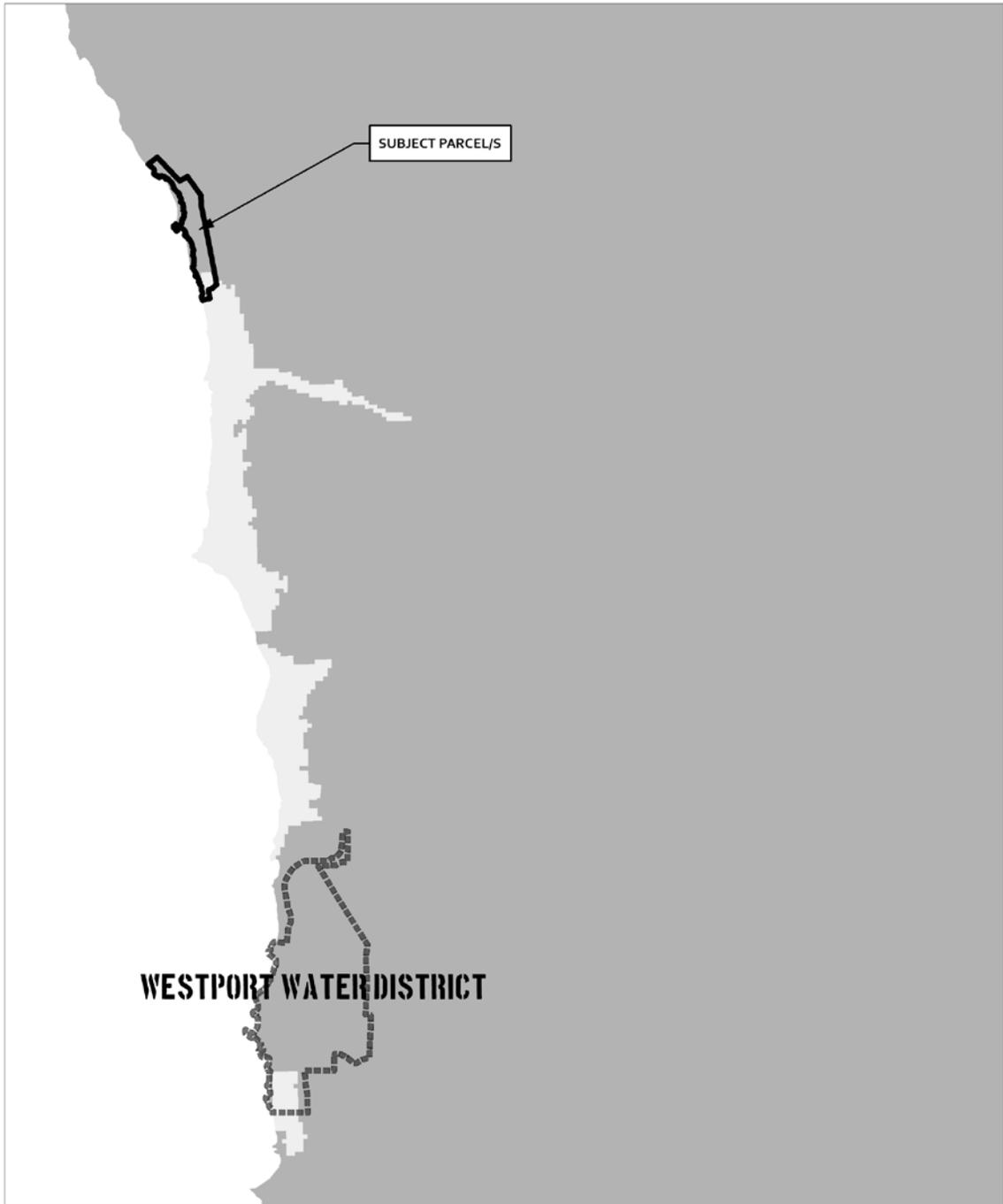
CASE: CDP 2015-0014
 OWNER: State of California
 APN: 013-830-07
 APLCT: CALTRANS
 ADDRESS: None Assigned

— Coastal Zone Boundary



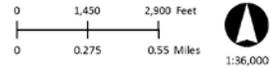
LCP MAP 7: ABALONE

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



CASE: CDP 2015-0014
OWNER: State of California
APN: 013-830-07
APLT: CALTRANS
ADDRESS: None Assigned

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

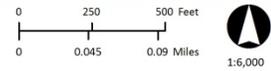


FIRE HAZARD ZONES & RESPONSIBILITY AREAS
STATE RESPONSIBILITY AREA

Map produced by the Mendocino County Planning & Building Services, June, 2015
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CASE: CDP 2015-0014
OWNER: State of California
APN: 013-830-07
APLT: CALTRANS
ADDRESS: None Assigned



FEMA FLOOD ZONE
NFIP MAPS, JUNE 2nd, 2011

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