



MEMORANDUM

DATE: May 26, 2016
TO: Coastal Permit Administrator
FROM: Julia Acker, Planner II
RE: CDP 2013-0022 (Caltrans) Changeable Message Sign, Supplemental Information Submittal

The subject Coastal Development Permit for construction of a Changeable Message Sign (CMS) was reviewed at the Coastal Permit Administrator Hearings of August 28, 2014, September 25, 2014, November 20, 2014 (which was a cancelled meeting), December 16, 2014 and January 22, 2015. At the January 22 hearing the project was continued to a date uncertain pending completion of a full alternatives analysis on alternative locations for the CMS.

On March 24, 2016 the applicant submitted additional information and analysis to Planning Staff regarding the proposed site (Jughandle Creek Bridge, PM 56.7, Location 3) and two alternative locations, consisting of just north of the Hare Creek Bridge (PM 59.75, Location 1) and the southwest side of Highway 1 near Jefferson Way intersection (PM 57.4, Location 2). The applicant has stated the following with regards to the revisions:

Caltrans Environmental has completed our addendum to the Natural Environment Study, Visual Impact Assessment and the Cultural Resource Memorandum for the Changeable Message Sign Project 01-0B750. These studies cover the two additional locations that we have been asked to survey for environmental resources. As you recall during our field visit on 3/25/15, we reviewed each location with Allison Kunz, project biologist, and Joe Dower from traffic electrical. Joe Dower stated that messages on the signs should be legible from a minimum distance of 600 feet under nighttime conditions and 800 feet in normal daytime conditions. Joe had the following concerns about traffic safety:

Location 1 (Hare Creek)

This location is expected to be the least effective for communicating the closure of State Route 128. Placing the CMS at Hare Creek is considered too far north and would not provide notice to the residential areas and communities located to the south. The CMS would be located approximately 300' south of the State Route 1 and State Route 20 intersection. Drivers must read the sign while negotiating through the intersection and this can create unsafe conditions. It is preferred to place the sign in uncongested areas where drivers can safely read the message and respond accordingly.

Location 2 (Jefferson Road)

Approximately 150 feet north of the proposed sign location is the intersection for Jefferson Road and State Route 1. Supposing that a driver's height of vision is at four feet, and a six foot tall sight obstruction occurs at the intersection, a driver loses sight of a message 225 feet before the sign. There is a possibility that there is a 0.3 second delay between a maximum of two message screens. This leaves the driver with about four seconds to comprehend a 48 character message within the existing 55 mph speed limit. There is also a possible distraction in existence with an obstruction approaching the highway. For this reason the safety of Location 2 comes into question.

The applicant has determined the originally proposed location at the northwest side of Jughandle Creek Bridge (Location 3) to be the only feasible alternative for location of the CMS based upon safety and environmental factors.

Coastal Commission Staff submitted comments, in a letter dated December 5, 2014, on the proposed project, stating concerns relative to the Jughandle Creek Bridge site (Location 3) being within a designated Highly Scenic Area and adjacent to an identified Environmentally Sensitive Habitat Area (ESHA). The concerns expressed are summarized below.

1. Visual Resources

Commission Staff is concerned that the proposed alternative is not subordinate to the character of the surrounding area in the designated Highly Scenic Area. Commission Staff is concerned that the proposed electronic changeable message sign would distract from and interfere with the introductory views to Jughandle State Reserve. Further, they expressed concern about the lack of visual screening behind the proposed sign, as they felt the application misrepresented the existing vegetation buffer.

2. Environmentally Sensitive Habitat Areas

Commission Staff expressed concern that the proposed project is not consistent with ESHA protection policies, particularly those for projects located within ESHA buffer areas. Commission staff states that *Mendocino County Coastal Zoning Code (CZC) Section 20.532.095(A)(1) requires the County to make findings that demonstrate each project is consistent with all provisions of the certified local coastal program. The proposed message sign installation is not in any way dependent on the ESHA at the site, but would occur within ESHA buffer that is required to be established around the ESHA. Therefore, as signs are not listed in the LCP as an allowable use within ESHA or ESHA buffers, and the Coastal Act only allows resource dependent uses within ESHA and ESHA buffers, the proposed development is inconsistent with the use limitations of the certified LCP, including its references to 30240, and including LUP Policy 3.1-7 and CZC Sections 20.496.020(A)(1) and 20.496.020(A)(4).*

County Staff has reviewed the project file to determine consistency with LCP policies related to visual resources and ESHA. The question of consistency with visual resource policies requires a determination as to whether the proposed sign is subordinate and visually compatible with the character of the setting in which it is located. Commission Staff discussed the scenic and visual qualities as you approach the Jughandle State Reserve from the north and the glimpses of coastal views seen through the trees to the west of Highway 1. The Visual Impact Assessment provided by Caltrans discusses the three locations that were analyzed. The Visual Impact Assessment states the following with regards to the location north of Jughandle Creek Bridge, Location 3, which was determined to be the only location feasible that meets the purpose of the proposed project (Emphasis Added):

There would be 3 vertical elements in the landscape where now there is one. The existing utility pole is wooden and the two new posts would be galvanized steel. These would be new elements and detract from views of the natural landscape. The resource change would be high.

The Conclusions of the Visual Impact Assessment submitted by Caltrans state (Emphasis Added):

It is concluded that the overall visual impact is greater at both Location 2 and Location 3 than at Location 1. The visual impact at Location 1 would be low-moderate, and at Location 2 and Location 3 the visual impact would be high.

North Region Landscape Architecture has the following recommendations:

- *More evaluation should go into choosing the location of the site. It is recommended that locations near Simpson Lane be evaluated since there is more commercialization and lighting in this area than there is at Location 1, Location 2, and Location 3. It would be less visually intrusive in the area near Simpson Lane.*
- *Paint the electrical cabinets and the CCTV pole a brown color, such as Federal Standard Color 595B #10059, to help these elements recede into the landscape.*

Staff concurs with Caltrans determination in the Visual Impact Assessment that the proposed location is not subordinate to the character of the setting and is not visually compatible with the character of the surrounding area. The proposed development conflicts with Policy 3.5-1 of the Coastal Element of the General Plan.

In terms of Natural Resources, County Staff has reviewed the submitted addendum to the Natural Environment Study submitted by Caltrans to determine consistency with ESHA protection policies. The Addendum shows that proposed Location 2 has a wetland in close proximity to the site and Location 1 appears to not have any ESHA in close proximity. Location 1 is not feasible based upon safety considerations by Caltrans for locating signs such as this. Similarly, Location 2 also had some safety considerations. The safety limitations of Locations 1 and 2 led to the determination that the originally proposed location at the north end of Jughandle Creek Bridge (Location 3) was the superior alternative.

Commission Staff commented that this type of development is not permissible within an ESHA buffer. County Staff disagrees with this determination. Commission staff cites Policy 3.1-7 of the Coastal Element of the General Plan which states in pertinent part that *Developments permitted within a buffer area shall generally be the same as those uses permitted in the adjacent environmentally sensitive habitat area.* MCC Section 20.496.050 provides allowable uses within "Other Resource Areas," which includes State parks and reserves, and states that *any development within designated resource areas shall be reviewed and established in accord with conditions which could allow some development under mitigating conditions but which assures the continued protection of the resource area.* County Staff disagrees with Coastal Commission reasoning that "the changeable message sign is not listed in the LCP as an allowable use within ESHA or ESHA buffers." Mendocino County Code gives provisions for the allowance of certain development under mitigating conditions. The applicant had demonstrated consistency with MCC Section 20.496.020(A)(4) in the submitted ESHA Assessment/Reduced Buffer Analysis, as follows:

- (a) *The proposed development would not significant impact the functional capacity of the habitat or the habitat areas ability to be self-sustaining and maintain species diversity.*
- (b) *The proposed project involves installing a CMS System. There is no other feasible, less impacting alternative. Measures have been incorporated into the project to avoid or minimize impacts to the ESHA and ESHA buffer.*
- (c) *The proposed developments within the buffer would not have a significant impact on the adjacent habitat area. The "best site" with the least environmental impact for these developments is the areas in which the developments already exist. Re-siting the proposed developments would result in a greater impact the environment than allowing developmental improvements to happen in place.*
- (d) *The proposed project will be compatible with the continuance of adjacent habitat areas by maintaining their functional capacity and their ability to be self-sustaining and to maintain natural species diversity.*
- (e) *The project would be sited at and adjacent to an existing developed roadway, and would minimize impacts to the ESHA. No other sites would be feasible or less environmentally damaging. Temporarily impacted areas would be restored and permanent impacts are not expected.*
- (f) *The proposed development would have no effect to the amount of impervious surface area. The proposed development would not cause a substantial increase in artificial light, nutrient runoff, or air pollution. There would be minimal human intrusion into the ESHA buffer.*
- (g) *The proposed project does not require removal of riparian vegetation within the ESHA buffer nor within the ESHA.*
- (h) *The proposed project is not located in a 100-year flood area.*
- (i) *There would be no interference with the hydrologic processes or biological diversity at the project site upon completion of the proposed project.*
- (j) *The proposed project would not change or impact any drainage patters or flow.*
- (k) *The proposed project would not cause significant adverse impacts to the ESHA or ESHA buffer.*

Due to the fact that the project cannot maintain, at minimum, a 50 foot buffer, the supplemental findings required in MCC Section 20.532.100(A)(1) must be made.

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.*

Three locations have been evaluated for the proposed CMS. Location 1 is discounted due to safety considerations. Location 2 is discounted due to both ESHA and safety considerations. This leaves location 3 as the only feasible alternative for the proposed CMS that meets the purpose of the sign, to alert southbound traffic of road conditions, such as closures along the highway due to flooding or other hazards.

Work occurring within the buffer area consists of placing two hundred (200) feet of conduit underground by trenching thirty (30) inches deep. The trench will be backfilled with the excavated material. A cast-in-drilled-hole (CIDH) pile will be installed for the CMS foundation. Impacts to Jughandle State Reserve are not expected to occur as the project will not prohibit the public from accessing the Reserve and temporarily disturbed areas will be reseeded after construction. This project will not result in a loss of the function or value of the Jughandle State Reserve.

Mitigation measures were proposed by Caltrans to reduce any potential project impacts. Recommended mitigation measures include use of the current right-of-way fence to prohibit construction impacts in Jughandle State Reserve and the contractor prepare an erosion control and stormwater plan to reduce impacts from construction on water quality. Condition #11 is recommended, if the project is approved, to reflect these mitigation measures.

California Department of Fish and Wildlife commented that appropriate erosion control measures should be implemented during excavation, and that excavated fill should be appropriately disposed of to prevent sediment delivery to Jughandle Creek or any other watercourse. Conditions #9 and #10 are recommended, if the project is approved, to reflect these suggestions.

Staff Recommendation

While the applicant has demonstrated the selected site to be the only feasible alternative that meets the purpose for the proposed CMS, and that environmentally sensitive habitat areas will not be degraded from the proposed development, the submitted studies have demonstrated an inconsistency with visual resource policies that relate to development within a Highly Scenic Area. Specifically, the project is found to be inconsistent with Policy 3.5-1 of the Coastal Element of the General Plan, which requires development to be subordinate to the character of the setting and visually compatible with the character of the surrounding area.

Based upon the new information provided by Caltrans, Staff now recommends **denial** of the project and modifies the Coastal Development Permit Findings to **amend Finding 1 of the staff report** to “the proposed development is not in conformity with the certified Local Coastal Program.”

**STAFF REPORT FOR COASTAL DEVELOPMENT
STANDARD PERMIT**

**CDP #22-2013
AUGUST 28, 2014
CPA-1**

OWNER/APPLICANT: CALIFORNIA DEPARTMENT OF TRANSPORTATION
(CALTRANS) DISTRICT 3
703 B STREET
MARYSVILLE, CA 95901

AGENT: LARRY CHIEA
ENVIRONMENTAL MANAGEMENT, M2
703 B STREET
MARYSVILLE, CA 95901

REQUEST: Standard Coastal Development Permit to allow Caltrans to install a Changeable Message Sign along Highway 1 south of the town of Fort Bragg, Mendocino County at mile marker R56.7. The project proposes to install a small model 520 Changeable Message System and traffic camera along the southbound lane at the northern end of Jughandle Creek Bridge, to alert southbound traffic of road conditions, such as closures along the highway due to flooding. The system requires trenching to a depth of 0.76 meters (2.50 feet) for the placement of 60.96 meters (200.00 feet) of conduit. All work activities will be confined to the existing Caltrans right-of-way.

LOCATION: The project is located within the Caltrans right-of-way along the southbound lane of Highway 1 at mile marker R56.7 near the northern end of Jughandle Creek Bridge.

APPEALABLE AREA: Yes. Highly Scenic Area.

PERMIT TYPE: Standard.

GENERAL PLAN: Right-of-way

ZONING: Right-of-way

EXISTING USES: Call Box in Highway Right-of-way, State Highway

ADJACENT ZONING: North/East/South/West: OS [FP]

SURROUNDING LAND USES: North/East/South/West: State Park

SUPERVISORIAL DISTRICT: 4

CA COASTAL RECORDS PROJECT: Image [201302906](#)

ENVIRONMENTAL DETERMINATION: Categorically Exempt Class 1. A Categorical Exemption Determination form was filed by Caltrans on June 18, 2013. The Notice of Exemption was accepted by the State Clearing House on October 18, 2013.

OTHER RELATED APPLICATIONS: CDP# 81-93 approved construction of a dual turn lane from just north of the Jughandle Creek Bridge to Gibney Lane. This project included wetland mitigation and construction of drainage improvements for the section of road. All work occurred within the Caltrans right-of-way.

PROJECT DESCRIPTION: Standard Coastal Development Permit to allow the California Department of Transportation (Caltrans) to install a Changeable Message Sign along Highway 1 south of the town of Fort Bragg, Mendocino County at mile marker R56.7. The project proposes to install a small model 520 Changeable Message System and traffic camera along the southbound lane at the northern end of Jughandle Creek Bridge, to alert southbound traffic of road conditions, such as closures along the highway due to flooding. The system requires trenching to a depth of 0.76 meters (2.50 feet) for the placement of 60.96 meters (200.00 feet) of conduit. All work activities will be confined to the existing Caltrans right-of-way. It is anticipated that there will be about four (4) cubic yards of material to be disposed of by the contractor at an approved disposal site. The size of the sign is approximately eighty-six (86) inches by forty-eight (48) inches with a depth of five (5) inches and an estimated height of seventeen (17) feet. The pole holding the traffic camera will be separate from the sign and have an estimated height of thirty-five (35) feet above natural grade.

SUMMARY RECOMMENDATION: Approve with Conditions.

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.

Key Issues

Issue #1-Visual Resources: The proposed project is located within a designated Highly Scenic Area and therefore must comply with the policies related to visual resources in Section 20.504.015 of the Mendocino County Coastal Zoning Code (MCCZC). Coastal Element Policy 3.5-7 provides guidance for installation of direction, access, and/or business identification signs within designated Highly Scenic Area's along the Mendocino Coast.

Issue #2- Natural Resources: The proximity to Jughandle Creek and Jughandle State Reserve raises concerns about protection of natural resources. According to the application materials provided by Caltrans, either a Water Pollution Control Plan (WPCP) or Storm Water Pollution Prevention Plan (SWPPP) should be prepared for the project to ensure that impacts to water quality in Jughandle Creek are negligible. Other natural resource concerns include habitat for the marbled murrelet, which is susceptible to noise harassment, and the general proximity of the project to Jughandle State Reserve, which is considered an Environmentally Sensitive Habitat Area (ESHA) as defined in Section 20.496.050 of the Mendocino County Coastal Zoning Code (MCCZC). Development is proposed within five (5) feet of the outermost boundary of an ESHA.

Land Use

The proposed project is for development of a warning and informational sign for California Department of Transportation (Caltrans). Currently existing within the Caltrans right-of-way at this location is a Call Box. The project site is surrounded on all sides by the Jughandle State Reserve and Highway 1 to the east.

Caltrans has indicated that this project is necessary to provide improved response time in notifying the public of flooding and highway closures south of the proposed project location and that installation of this Changeable Message Sign would significantly improve response time. Staff questioned Caltrans on selection of the proposed location of the Changeable Message Sign so far north of the indicated problem area. Caltrans responded that the proposed location for this sign was selected for the following reasons:

1. The selected project location provides adequate sight distance.
2. The selected project location provides a vehicle turn around location at Caspar Road.
3. The selected project location provides adequate shoulder space for maintenance to the Changeable Message Sign system.
4. The selected project location is located far enough north of the problem area on Highway 1 and Highway 128 to allow indecisive drivers to take corrective action before reaching the problem area.

Caltrans has a published document *Changeable Message Sign Guidelines* which provides policy and guidance for the use of Changeable Message Signs (CMS) on the State's highway system (Wooster and Al-Khalili 2013). The guidelines provide information on how to determine the appropriate location for a Changeable Message Sign based on visibility and safety policies. "*The most appropriate locations for installing or placing a CMS is in advance of major decision points, such as interchanges or intersections where motorists can respond to specific information displayed on the CMS. The CMS should be located as close to the edge of the traveled way as possible to maximize visibility*" (Wooster and Al-Khalili 2013). The guidelines state that the sign should be located so motorists can: detect the sign, read and understand the sign, initiate a response, and make appropriate decisions based on the information gained from the message (Wooster and Al-Khalili 2013). Permanent signs are given the following additional recommendations with regards to location: they should be upstream of locations which may experience severe weather conditions (fog, dust, wind, ice or snow), upstream of major special event facilities, and upstream of locations where information regarding travel times and delays are appropriate (e.g., construction zones) (Wooster and Al-Khalili 2013).

The *California Manual on Uniform Traffic Control Devices- January 13, 2012* and Caltrans' Standard Specifications (Sec. 12-3.12) require a one thousand five hundred (1,500) foot visibility distance and a seven hundred and fifty (750) foot legibility distance for all Changeable Message Signs (Caltrans 2012). Therefore the selected location for the Changeable Message Sign is one of the few locations along Highway 1, north of the problem area that can provide the required visibility and legibility distances. To insure safety for maintenance staff and motorists the guidelines recommend installation of permanent Changeable Message Signs to the right of the traveled way because it allows maintenance personnel to use shoulder closures during inspection or repair rather than close a lane of traffic while performing maintenance tasks (Wooster and Al-Khalili 2013). The appropriate location for a Changeable Message Sign should also be based upon the presence of a parking area for maintenance workers (Wooster and Al-Khalili 2013). The selected location provides adequate site distance, shoulder space for maintenance and an established parking area for maintenance workers.

The proposed Changeable Message Sign is meant to provide only information regarding road conditions and emergency situations, which is consistent with Section 20.476.035 (A)(1) of the Mendocino County Coastal Zoning Code (MCCZC) for special purpose signs. Special purpose signs such as directional, warning or information signs required or authorized by law which are erected by federal, state, county, municipal officials or special district officials are exempt from the sign regulations set forth in Chapter 20.476 of the MCCZC. The Federal Highway Administration supports the use of Changeable Message Sign systems to display safety and informational messages for motorists (Section 2E.21 of the *Manual on Uniform Traffic Control Devices*).

The subject property is bordered on all sides by Open Space zoned property on which Jughandle State Reserve exists. Due to the adjacency of this parcel to California Department of Parks and Recreation owned property and the designation of the area as Highly Scenic, the project must comply with height limitations and development standards for Highly Scenic Areas.

Since the site is within a designated Highly Scenic Area, the required height limit is 18 feet above average natural grade, unless an increase in height would not affect public views to the ocean or be out of character with surrounding structures. The proposed seventeen (17) foot height of the sign complies with the height limit set forth in Section 20.504.015 (C)(2) of the MCCZC. The pole holding the traffic camera has a proposed height of thirty-five (35) feet above natural grade making this structure inconsistent with the Highly Scenic Area height limitations; however, this height increase is allowable based on Section 20.444.025 (A) of the MCCZC. This section of code provides height exceptions for utility structures and necessary mechanical appurtenances allowing structures an additional twenty-five (25) feet above the height limit set forth by the zoning district in which the structures is located. Therefore the proposed project is consistent with required height limitations.

Public Access

The project site is located west of Highway 1. Potential public access exists on the California State Park lands to the north of the project area, extending east up the ecological stair case at Jughandle State Reserve. Public access exists to the south of the project area at Jughandle State Reserve and to the west of the project area along the bluff north up to Jefferson Way. There is no evidence of prescriptive access on the site as the project is located within the Caltrans right-of-way. Therefore the project would have no effect on public access to the coast.

Hazards

The proposed project is exempt from Cal Fire's fire safety regulations.

The proposed structure would be located in a flat area, and the development does not present any hazard issues relative to slope failure. There are no known faults, landslides or other geologic hazards in close proximity to the proposed development.

Grading, Erosion and Runoff

The proposed project requires minimal earthwork therefore impacts as a result of the project should be negligible. Approximately two hundred (200) feet of conduit will be placed underground by trenching thirty (30) inches deep and the trench will then be backfilled with the excavated material. A cast-in-drilled-hole (CIDH) pile will be installed for the Changeable Message Sign foundation. It is anticipated that approximately four (4) cubic yards of material will need to be disposed of at an approved disposal site. Condition #9 is recommended to reflect this suggestion.

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 storm water retention shall be based on appropriate engineering studies. Control methods to regulate the rate of storm water 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.*

To ensure that the proposed project is consistent with the above mentioned zoning regulations the submitted Natural Environment Study, prepared by Caltrans in June 2013, recommends completion of a storm water runoff plan. The submitted Natural Environment Study states that "Caltrans requires that the construction contractor implements a Water Pollution Control Plan (WPCP) or Storm Water Pollution Prevention Plan (SWPPP) designed to reduce the discharge of pollutants associated with storm water runoff (e.g. from vegetation removal, trenching activities in and adjacent to any affected drainages, petroleum products associated with heavy equipment and other sources). The WPCP or SWPPP must incorporate best management practices (BMPs) that provide pollution and sediment controls. The WPCP or SWPPP must meet the standards and objectives to minimize water pollution impacts set forth in section 13-1.01/13-2.01 of Caltrans' Standard Specifications" (Kunz 2013). Condition #10 is recommended to reflect this recommendation.

Visual Resources

The parcel is located in a designated “Highly Scenic Area” west of Highway 1, making 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:

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 views 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 1 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.

The primary visual impact from this project is the permanent installation of the Changeable Message Sign. Since this sign occurs on the shoulder of the southbound lane of Highway 1, impacts to coastal views have the potential to be significant. Staff has visited the site and reviewed the submitted design simulation (Exhibit 3b) to determine the extent of visual impact from the proposed project. Staff has determined that the existing vegetation on the west side of Highway 1 currently obstructs views of the ocean and the Changeable Message Sign would not significantly increase this obstruction.

The proposed Changeable Message Sign would be visible from Highway 1 and the Jughandle State Reserve. Visual screening currently exists between Jughandle State Reserve and the proposed project location as demonstrated in Exhibit 3b. The proposed project would not be out of character with surrounding development because the character of the area is a scenic two-lane highway with Caltrans signage existing to the north and south of the project site. With an average height of seventeen (17) feet above natural grade for the Changeable Message Sign and thirty-five (35) feet above natural grade for the camera pole, the project complies with the height limitations set forth by Chapter 20.504 of the MCCZC and exceptions to required height limitations as set forth in Section 20.444.025 of the MCCZC.

Section 20.504.035 of the Coastal Zoning Code (Exterior Lighting Regulations) states:

- (A) *Essential criteria for the development of night lighting for any purpose shall take into consideration the impact of light intrusion upon the sparsely developed region of the highly scenic coastal zone.*
- (2) *Where possible, all lights, whether installed for security, safety, or landscape design purposes, shall be shielded or shall be positioned in a manner that will not shine light or allow light glare to exceed the boundaries of the parcel on which it is placed.*
- (5) *No lights shall be installed so that they distract motorists.*

No exterior lighting is proposed as part of this project however, the sign itself contains lighting for the purpose of displaying messages at night. Caltrans has noted in communications with Staff that the sign will not flash and would be turned off when not needed. Caltrans also noted that they will likely not be using the sign to display safety campaign messages because of the small number of characters that can be displayed on the proposed sign model. The sign will only be used to notify drivers of upcoming road conditions.

Natural Resources

Caltrans completed a *Natural Environment Study* for the project area in June 2013. Several sensitive species were identified in the study as having the potential to occur within the project area. Species identified with the potential to occur are the marbled murrelet and the Behren's silverspot butterfly. Neither of these species were documented within the project area, however the Natural Environment Study evaluated potential impacts the proposed project could have on the habitat of these sensitive species.

On October 26, 2012, Technical Assistance was conducted with the USFWS to determine potential impacts to the marbled murrelet and Behren's silverspot butterfly. Regarding the marbled murrelet, auditory and visual harassment are the two largest concerns when determining potential impacts to their lifecycle activities. Noise generated by the project is not expected to have a significant impact on the marbled murrelet habitat as the noise level from construction activities should not exceed noise levels currently produced from Highway 1. Visual harassment was also evaluated, but due to the approximately 2.3 mile distance between the closest known marbled murrelet territory and the project location impacts to the marbled murrelet are not anticipated.

The project site is located within the known habitat range for the Behren's silverspot butterfly therefore surveys were conducted in June of 2013 to determine if the larval host plant for the Behren's silverspot butterfly occurred within the project area. The survey determined that no larval host plants or other potential nectar sources exist within the project area; therefore impacts to the Behren's silverspot butterfly are not anticipated.

The *Natural Environment Study* determined that there is a potential for the proposed project to impact water quality in Jughandle Creek. As part of the Caltrans bidding procedures contractors are required to implement either a Water Pollution Control Plan (WPCP) or Storm Water Pollution Prevention Plan (SWPPP) designed to reduce the discharge of pollutants associated with storm water runoff. The potential impacts to water quality have been previously addressed in the Grading, Erosion and Runoff section of this document.

An *Environmentally Sensitive Habitat Area (ESHA) Assessment/Reduced Buffer Analysis* was completed by Caltrans in October 2013, which determined that one identified resource is considered to be ESHA.

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.

Jughandle State Reserve was identified as the only ESHA to occur within the project area. Jughandle State Reserve is identified as an ESHA in Section 20.496.050 of the Mendocino County Coastal Zoning Code and on pages 39, 40 and 41 of the Mendocino County Coastal Element. The ESHA borders the Caltrans right-of-way, which is the proposed location for the project.

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 performed for the project area; however a buffer reduction to fifty (50) feet would not provide ample enough space for the project to occur within the Caltrans right-of-way. Work will occur within five (5) feet of the ESHA and therefore the development must be in accordance with Section 20.496.020(A)(4) of the MCCZC which describes permitted development within ESHA buffer areas. Section 20.496.020(A)(4) of the MCCZC states (emphasis added):

Section 20.496.020(A)(4) Permitted Development. *Development permitted within the buffer area shall comply at a minimum with the following standards:*

- (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.
- (b) Structures will be allowed within the buffer area only if there is no other feasible site available on the parcel.
- (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.
- (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.*
- (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.*
- (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.
- (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.*
- (h) *Aboveground structures shall allow peak surface water flows from a one hundred (100) year flood to pass with no significant impediment.*
- (i) *Hydraulic capacity, subsurface flow patterns, biological diversity, and/or biological or hydrological processes, either terrestrial or aquatic, shall be protected.*
- (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.

- (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.*

The proposed project is in conformance with the above development standards as it will not impact the continuance or functionality of the adjacent ESHA, there is no other feasible location on the parcel that would be located outside the buffer area for the ESHA, the development will minimize removal of vegetation and construction related impacts, and the applicants have proposed mitigation measures to reduce any potential project related impacts as specified in subsequent paragraphs.

In addition, supplemental findings are required to be made in accordance with Section 20.532.100(A)(1) of the MCCZC for Development in Environmentally Sensitive Habitat Areas. Section 20.532.100 of the MCCZC states:

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.*

Work occurring within the buffer area consists of placing two hundred (200) feet of conduit underground by trenching thirty (30) inches deep. The trench will be backfilled with the excavated material. A cast-in-drilled-hole (CIDH) pile will be installed for the Changeable Message Sign foundation. Impacts to Jughandle State Reserve are not expected to occur as the project will not prohibit the public from accessing the Reserve and temporarily disturbed areas will be reseeded with erosion control after construction. This project will not result in a loss of the function or value of the Jughandle State Reserve.

Mitigation measures were proposed by Caltrans to reduce any potential impacts the project may have. Recommended mitigation measures include use of the current right-of-way fence to prohibit construction impacts in Jughandle State Reserve and the Caltrans policy that requires the contractor to prepare an erosion control and stormwater plan to reduce impacts from construction on water quality. Condition #11 is recommended to reflect these mitigation measures.

California Department of Fish and Wildlife commented that appropriate erosion control measures should be taken during excavation, and that excavated fill should be appropriately disposed of to prevent sediment delivery to Jughandle Creek or any other watercourse. Conditions #9 and #10 are recommended to reflect these suggestions.

Archaeological/Cultural Resources

The proposed project involves only state funding and was reviewed for impacts to archaeological/cultural resources following procedures set forth under the January 2004 *Programmatic Agreement Among the Federal Highway Administration, the Advisory Council on Historic Preservation, the California State Historic Preservation Officer, and the California Department of Transportation Regarding Compliance with Section 106 of the National Historic Preservation Act, as it pertains to the Administration of the Federally-Aided Highway Program in California.*

In August 2012 Caltrans evaluated the project site using examination of the Fort Bragg, California USGS topographic quadrangle, Caltrans District 03/North Region project files, highway as-built plans, highway photo log, National Register of Historic Places (United States Government 1979 and supplements to date), California Historical Landmarks, California Points of Historical Interest, California Register of Historical Resources, and Caltrans Historic Bridge Inventory. The study also used a cultural resource inventory conducted as part of the Transportation Enhancement Act (TEA) planning project, which involved a records search at the Northwest Information Center (NWIC) of the California Historical Resources Information System at Sonoma State University, an intensive pedestrian survey of the existing right-of-way, Native American consultation, and ethnographic research. The study included the entirety of the project area (Leach-Palm et. Al 2011).

The study found no archaeological or cultural resources as occurring or having the potential to occur within the project area. 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 Division of Environmental Health commented that the project can be approved by Environmental Health. No adverse impacts to groundwater resources are anticipated as the project does not consist of work that would impact groundwater.

Transportation/Circulation

The project would not result in a new encroachment or an increase in use. Impacts to transportation/circulation may occur during construction of the Changeable Message Sign but would be negligible since there is adequate shoulder space for the construction work to be performed. Any impacts would likely be limited to temporary one-way controlled traffic during installation or slower traffic as a result of people gawking to see the construction activities. Transportation/circulation along Highway 1 may benefit from the proposed project because the installation of a Changeable Message Sign so far north of the problem area could reduce congestion due to highway closures in the identified problem area. No additional impacts to transportation/circulation are expected.

Zoning Requirements

The project complies with all 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. Resource protection findings:
 - (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 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.
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 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. Prior to commencement of construction activities, the applicant shall submit documentation demonstrating that the excavated fill materials will be disposed of at an approved disposal facility.

- 10. Prior to commencement of construction activities, the applicant shall submit a complete copy of either a Water Pollution Control Plan (WPCP) or a Storm Water Pollution Prevention Plan (SWPPP) that has been prepared for the project. The WPCP or SWPPP must incorporate best management practices (BMPs) that provide pollution and sediment controls. The WPCP or SWPPP shall meet the standards and objectives to minimize water pollution impacts as set forth in Section 13-1.01/1302.01 of Caltrans' Standard Specifications.

- 11. During construction, the right-of-way fence shall be used as exclusionary fencing between the construction impact area and Jughandle State Reserve. All construction personnel shall be informed of this boundary and all construction related materials shall be stored within the Caltrans right-of-way.

Staff Report Prepared By:

DATE

JULIA ACKER
PLANNER I

July 15, 2014
JA/hm

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 Department of Transportation	No comment. Recommends approval of this permit request as the proposed work does not directly impact a County road.
Environmental Health – Fort Bragg Building Inspection – Fort Bragg Assessor	DEH can clear this CDP. No comment. No response.
Department of Fish & Wildlife	Recommends that appropriate erosion control measures be taken during excavation, and that excavated fill is appropriately disposed of, to prevent sediment delivery to Jughandle Creek or any other watercourse.
Coastal Commission	No response.
California Highway Patrol	No response.
Native Plant Society	No response.
Dept. of Parks & Recreation	Requested a visual simulation of what the sign would look like and stated that they would review the simulation and submit comments if necessary. No comments have been submitted.

REFERENCES:

Haney, Jeff, August 23, 2012. *Cultural resources compliance for proposed changeable message sign along State Route 1 in Mendocino County, California*. State of California Department of Transportation- District 03 Environmental Management.

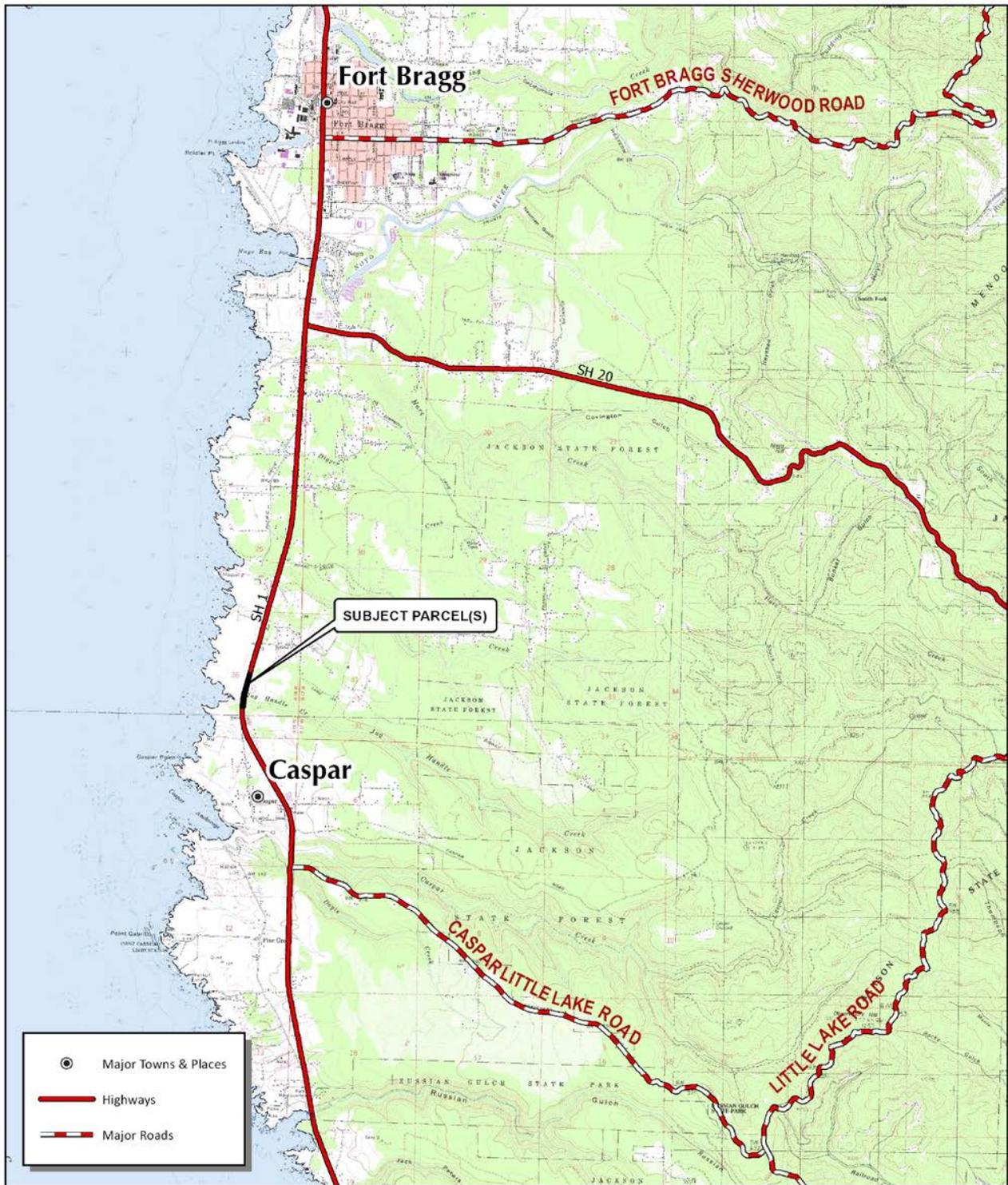
Kunz, Allison, October 2013. *ESHA Assessment/Reduced Buffer Analysis for the State Route 1 CMS System Project, mile marker R56.7 in Mendocino County, EA 01-0B7501*. State of California Department of Transportation.

Kunz, Allison, June 2013. *Natural Environment Study (Minimal Impacts) 01-MEN-01 PM R56.7*. State of California Department of Transportation- District 03 Environmental Management.

Leach-Palm, L. et. Al, May 2011. *Cultural Resources Inventory of Caltrans District 01 Rural Conventional Highways in Del Norte, Humboldt, Lake, and Mendocino Counties*. State of California Department of Transportation.

Wooster, Lawrence, PE, and Rafiq Al-Khalili, PE, December 2013. *Changeable Message Sign Guidelines*. State of California Department of Transportation- Division of Traffic Operations.

Caltrans, January 13, 2012. *California Manual on Uniform Traffic Control Devices- January 13, 2012*. State of California, Business, Transportation and Housing Agency, Department of Transportation.



CASE: CDP 22-2013
OWNER: Caltrans
APN: 017-250-RW (State Right-of-way)
AGENT: Larry Chiea
ADDRESS: None Assigned

LOCATION MAP

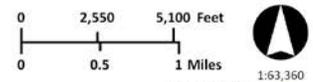


EXHIBIT NO: 1



CASE: CDP 22-2013
OWNER: Caltrans
APN: 017-250-RW (State Right-of-way)
AGENT: Larry Chia
ADDRESS: None Assigned

2010 NAIP AERIAL ORTHOPHOTO

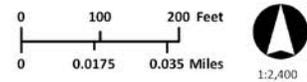
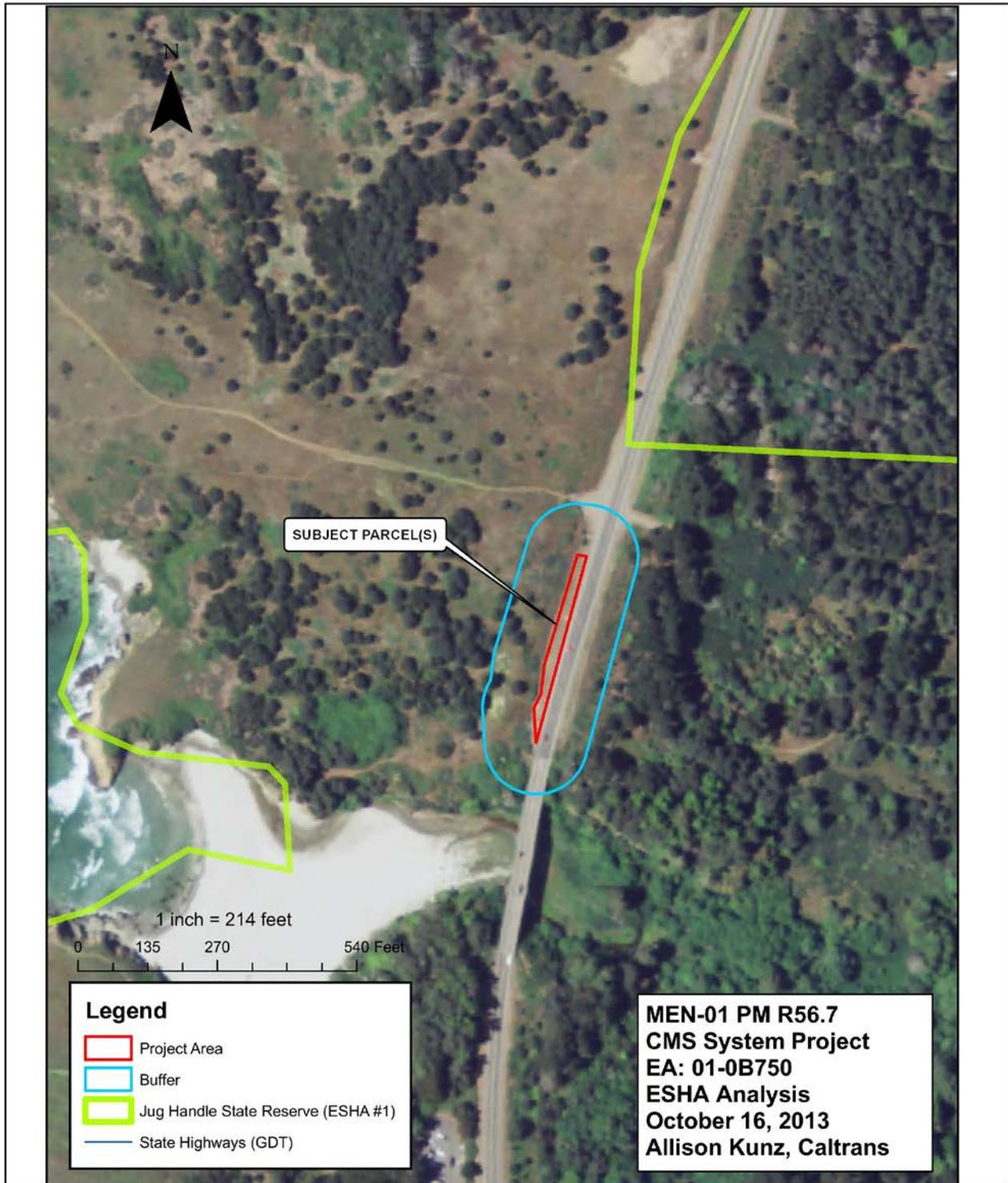


EXHIBIT NO: 2



CASE: CDP 22-2013
OWNER: Caltrans
APN: 017-250-RW (State Right-of-way)
AGENT: Larry Chiea
ADDRESS: None Assigned

EXHIBIT (NATURAL RESOURCES)

NO SCALE

EXHIBIT NO: 3-A



call box equipment already exists.

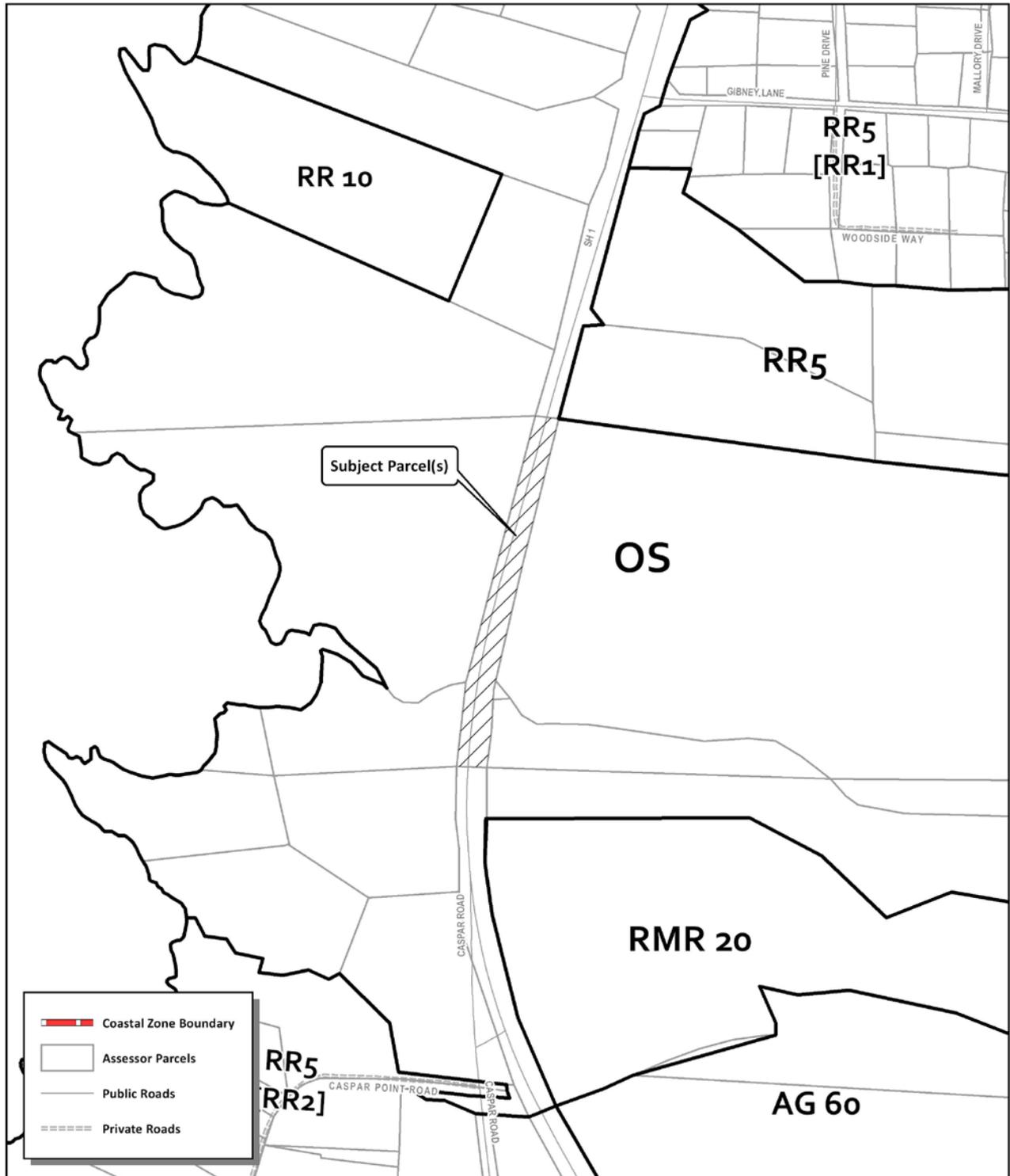
SIMULATION OF PROPOSED SIGN

CASE: CDP 22-2013
OWNER: Caltrans
APN: 017-250-RW (State Right-of-way)
AGENT: Larry Chiea
ADDRESS: None Assigned

EXHIBIT (PHOTOSIM)

NO SCALE

EXHIBIT NO: 3-B



CASE: CDP 22-2013
OWNER: Caltrans
APN: 017-250-RW (State Right-of-way)
GP/ZONE: Larry Chiea
ADDRESS: None Assigned

ZONING DISPLAY MAP

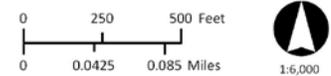
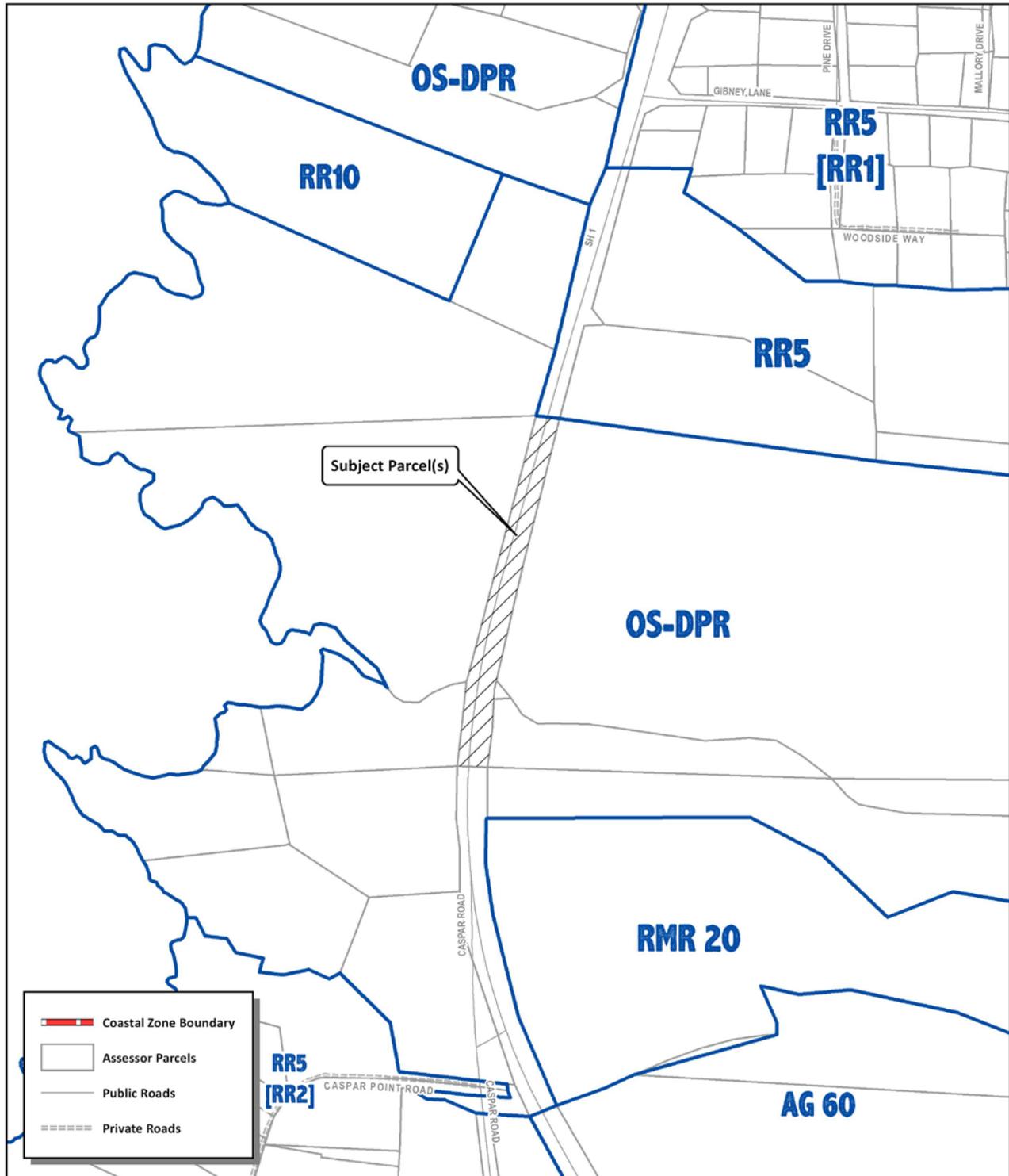


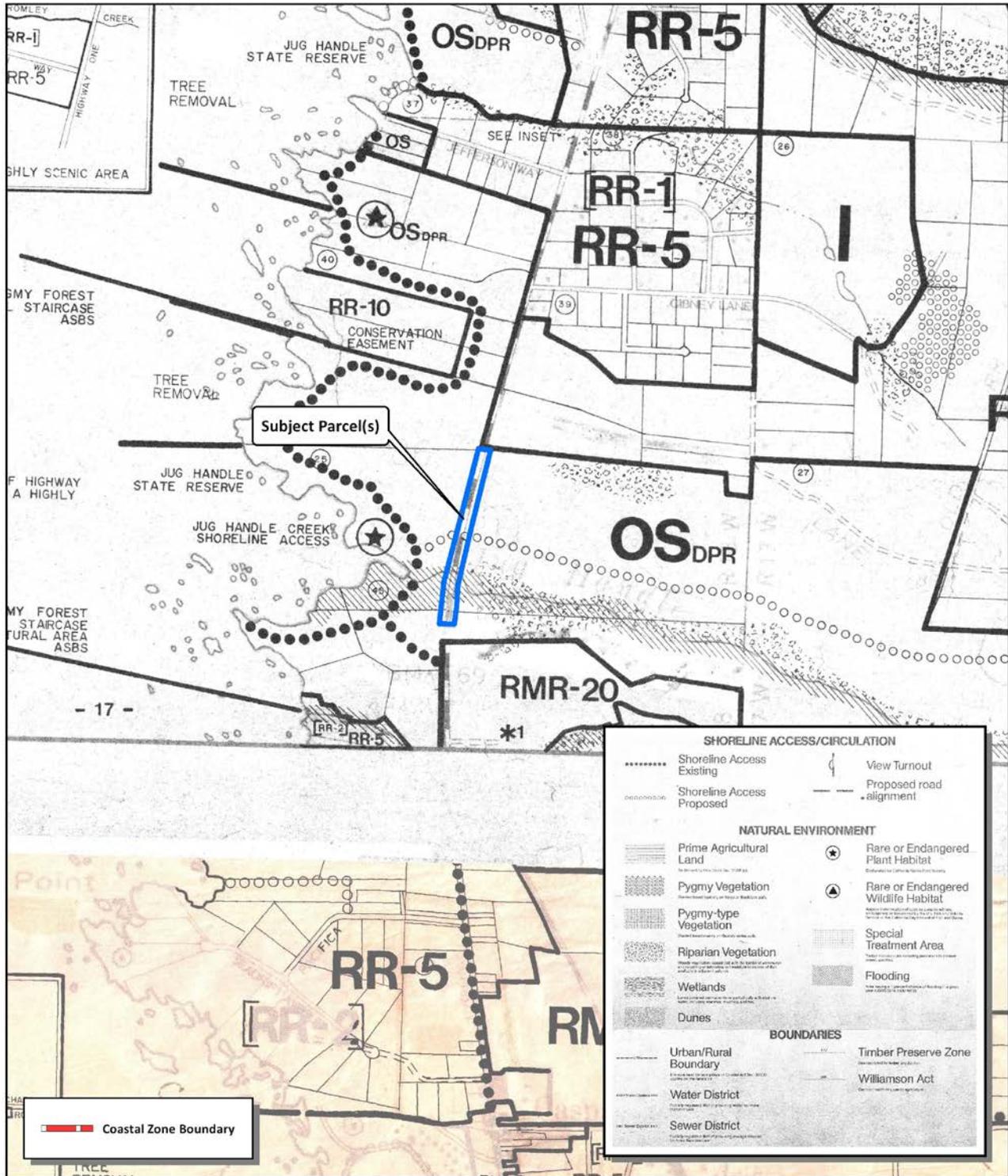
EXHIBIT NO: 4



CASE: CDP 22-2013
OWNER: Caltrans
APN: 017-250-RW (State Right-of-way)
GP/ZONE: Larry Chiea
ADDRESS: None Assigned

GENERAL PLAN DESIGNATIONS



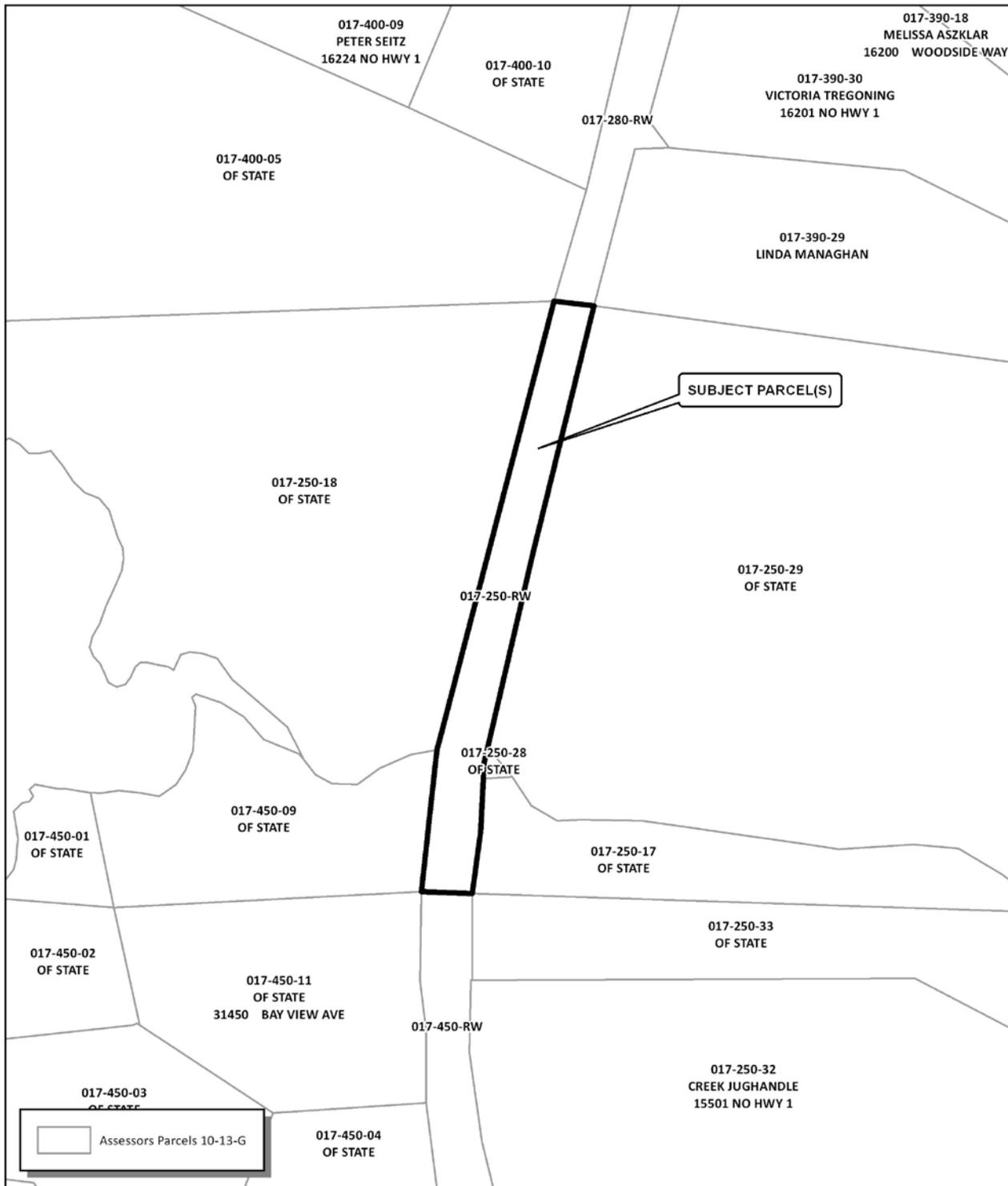


CASE: CDP 22-2013
 OWNER: Caltrans
 APN: 017-250-RW (State Right-of-way)
 GP/ZONE: Larry Chia
 ADDRESS: None Assigned

LCP MAP 14

NO SCALE

EXHIBIT NO: 6



CASE: CDP 22-2013
OWNER: Caltrans
APN: 017-250-RW (State Right-of-way)
AGENT: Larry Chiea
ADDRESS: None Assigned

ADJACENT PARCELS

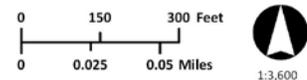
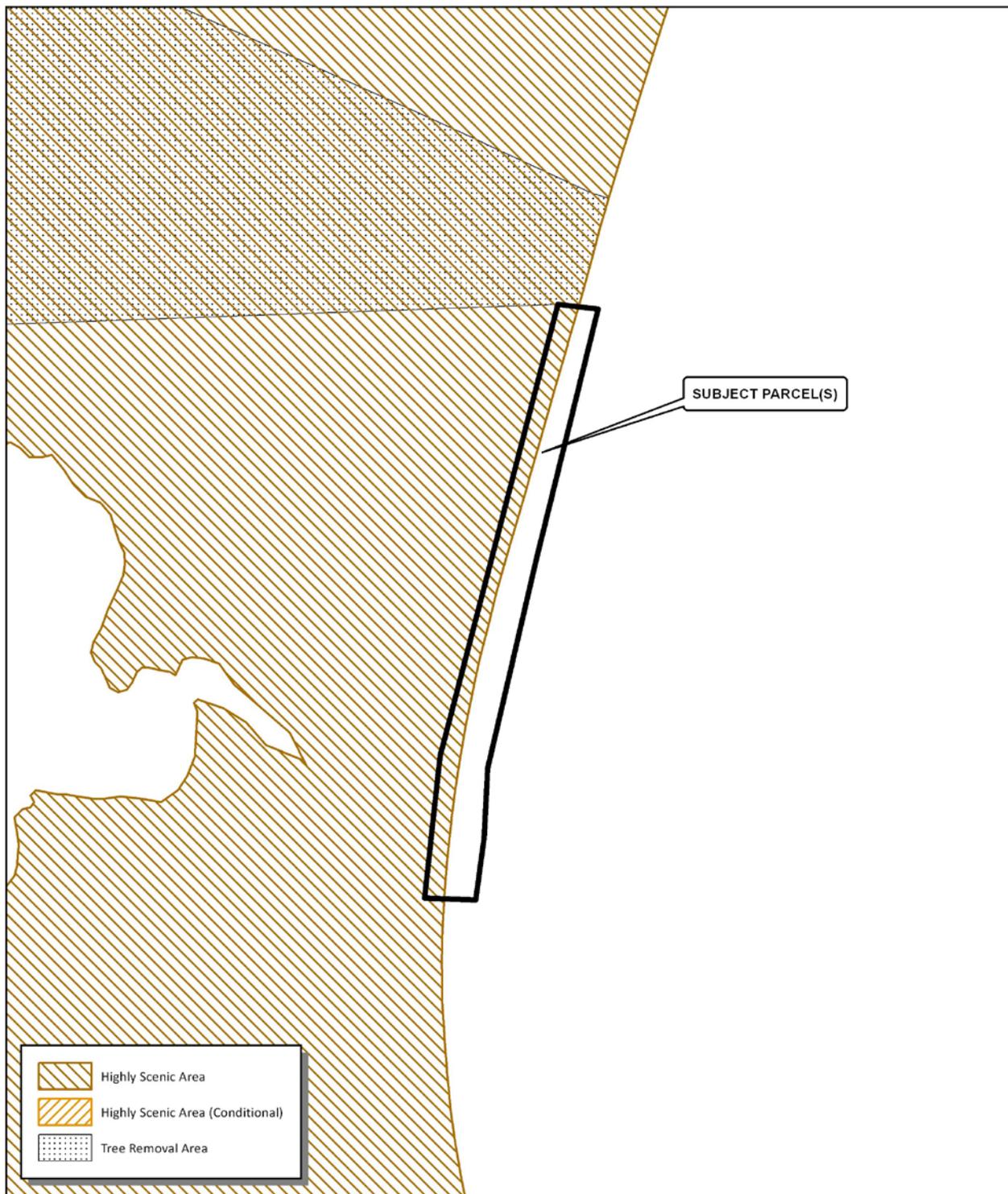


EXHIBIT NO: 7



CASE: CDP 22-2013
OWNER: Caltrans
APN: 017-250-RW (State Right-of-way)
AGENT: Larry Chiea
ADDRESS: None Assigned

HIGHLY SCENIC & TREE REMOVAL AREAS

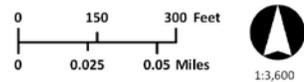
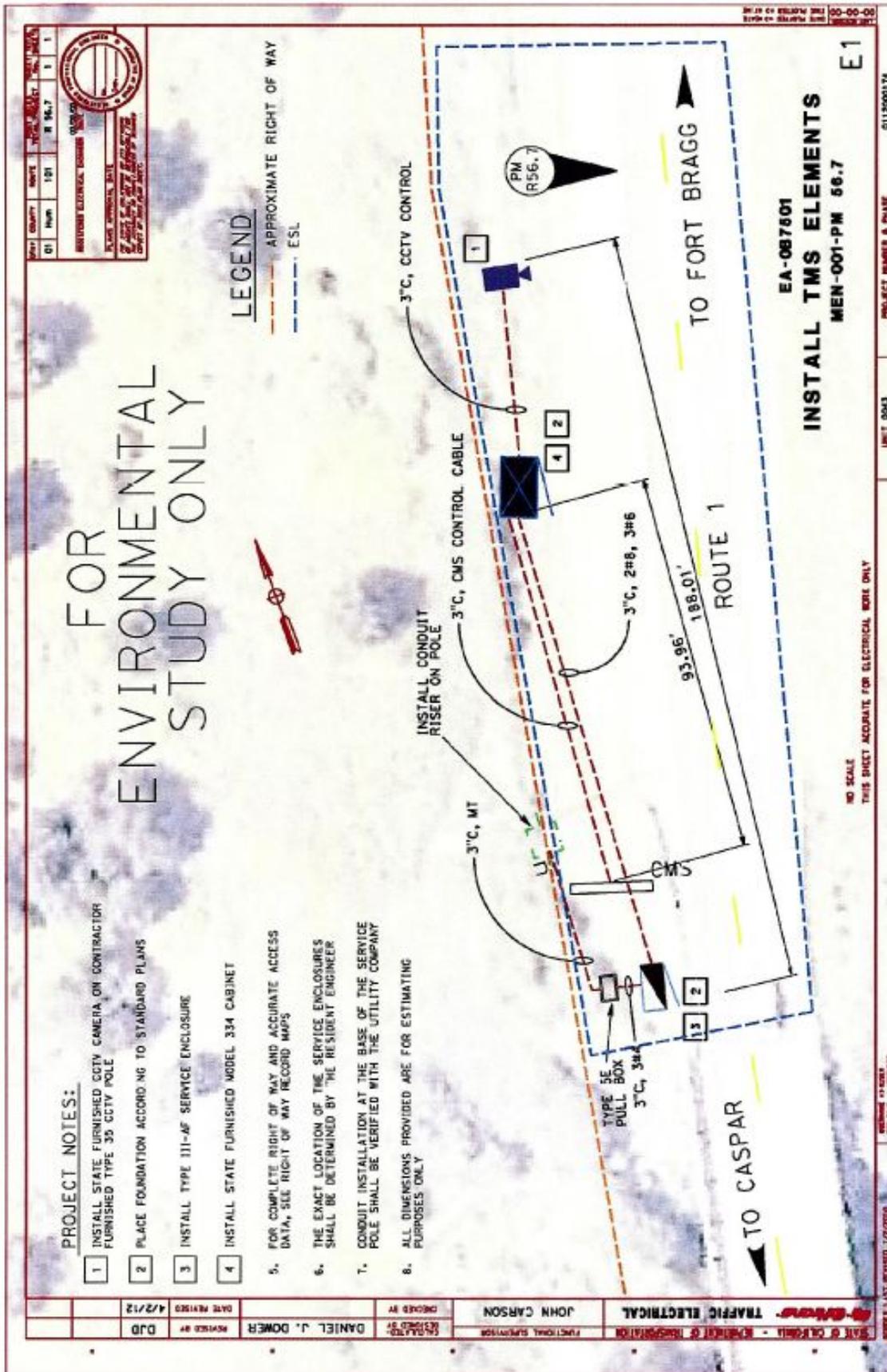


EXHIBIT NO: 8



DATE: 4/27/12 9:25:00 AM
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