

**STAFF REPORT FOR STANDARD COASTAL  
DEVELOPMENT PERMIT**

**CDP\_2014-0019  
MARCH 12, 2015  
CPA-1**

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

**REQUEST:** Repair storm damage along Highway 1 between Postmile Markers 2.34 to 2.53, one mile north of Gualala. The project will construct a soldier pile retaining wall and install metal beam guardrail; reconstruct the roadway; and improve drainage along the highway. The construction staging area will occur along the west side of the highway, extending 100 feet north of the proposed retaining wall.

**LOCATION:** In the Coastal Zone, on the west side of Highway 1, between Postmile Marker 2.34 to 2.53, which is approximately 1 mile north of the town of Gualala.

**APPEALABLE AREA:** Yes. Blufftop lands, Environmentally Sensitive Habitat Area.

**PERMIT TYPE:** Standard

**GENERAL PLAN:** Right-of-way

**ZONING:** Right-of-way

**EXISTING USES:** Roadway

**ADJACENT ZONING:** North: Rangeland  
East: Rural Residential  
South: Rangeland  
West: Rangeland

**SURROUNDING LAND USES:** North: Rangeland  
East: Single Family Residential  
South: Classified Lands  
West: Classified Lands

**SUPERVISORIAL DISTRICT:** 5

**ENVIRONMENTAL DETERMINATION:** Pursuant to Division 13, Public Resources Code, a Negative Declaration was filed by California Department of Transportation as the lead agency (SCH # 20131020005) on December 19, 2013.

**OTHER RELATED APPLICATIONS:** The following environmental permits are required for this project: Section 404 permit from the U.S. Army Corps of Engineers (USACE); Section 401 Water Quality Certification from the North Coast Regional Water Quality Control Board (NCRWQCB); Section 1602 Stream and Lakebed Alteration Agreement from the California Department of Fish and Wildlife (CDFW); concurrence with a "may affect, but not likely to adversely affect" determination from the U. S. Fish and Wildlife Service (USFWS) under Section 7 of the Federal Endangered Species Act (FESA).

**PROJECT DESCRIPTION:** The project will repair storm damage along Highway 1 between Postmile Markers (PM) 2.34 to 2.53, one mile north of Gualala. The project will construct a soldier pile retaining wall and install metal beam guardrail; reconstruct the roadway; and improve drainage along the highway. The construction staging area will occur along the west side of the highway, extending 100 feet north of the proposed retaining wall. No right-of-way acquisition is required as all work will occur within the existing right-of-way. Two-way traffic will be maintained during construction. Temporary lane closures using a reverse traffic control operation will be required to place temporary railing and occasionally perform other construction activities.

**Roadway:** Between PM 2.34 and 2.53, excavation and reconstruction of failing roadway is proposed. Work will include removing the existing failed asphalt concrete road surface and underlying aggregate base, re-compacting existing soils, and rebuilding the new section of road. From PM 2.41 to 2.44, the traveled way (meaning the portion of the roadway used for movement of through traffic) will be widened from 11.5 feet to 12 feet wide. Currently, the shoulders vary and measure from 11 feet (at the slide area) to having no shoulder. From PM 2.37 to 2.46, the shoulders on both sides of the road will be widened to 4 feet. Beyond these PMs, the shoulders widths will gradually taper down to match the existing roadway widths.

**Retaining Wall & Guardrail:** Between PM 2.41 and 2.44, installation of a cantilevered soldier pile retaining wall, located below the roadway, is proposed. The proposed wall will be 150 feet long and 10 feet deep. The piles for the wall will be 25 feet long; the piles are designed to be 15 feet below ground and backfilled with concrete. The wall will not be visible to the traveling public from the roadway. As viewed from the ocean side, approximately 3.5 feet of the wall will be exposed; the remaining 6.5 feet will be constructed below ground. The only structure visible from the roadway will be the newly constructed metal beam guard rail. The new metal beam guard rail will be constructed in front of the wall, extending 275 feet along the highway.

**Culvert:** Between PM 2.41 and 2.44 on the east side of the roadway, a 30 inch cross culvert will be relocated approximately 18.3 feet south of its current location. The culvert will cross under the roadway to the west with an attached down drain extending down the cliff, diverting water to the rocks and cliff.

**SITE DESCRIPTION:** At this location along Highway 1, the roadway resides on a coastal bluff plateau, immediately above the ocean. The bluff is approximately 80 feet tall and erosion is constant at the toe of the slope from concentrated water flow from a cross-culvert. A 45 foot long section of the roadway shoulder is slipping into the ocean, although only 10 feet of a corresponding section of the traveled way was experiencing settlement.

In May 2009, Caltrans Maintenance staff attempted to stabilize the site by installing a 28 inch temporary culvert and by covering the slide area with plastic to control the water flow. A study of the site was initiated with a follow-up recommendation to restore the area.

In October 2009, the traveled way slide movement accelerated, which resulted in the bluff dropping an additional nine inches. The additional failure caused a significant increase in the size of the failing traveled way, which resulted in the need for this project.

**KEY ISSUES:** Application of Mendocino County's Local Coastal Program to right-of-way lands; environmentally sensitive habitat areas; visual resources; and site drainage are the key issues discussed.

- **Local Coastal Program**

County-wide general plan designations and zoning districts are assigned by assessor's parcel number. Rights-of-way are not parcels and are excluded from the boundaries of zoning districts. Within the Coastal Zone, Zoning District boundaries are displayed on a map and district boundaries often follow property boundaries. Here again, rights-of-way are excluded from zoning district designations.

The proposed roadway repair is situated within the boundaries of Mendocino County's Local Coastal Program. The project is subject to the Mendocino County Coastal Zoning Code and should be carried out

in a manner fully in conformity with the provisions of the California Coastal Act. Chapter 20.496 *Environmentally sensitive habitat and other resource areas* are germane to this project. Pursuant to Chapters 20.532 *Coastal development regulations -- general* and 20.536 *Coastal development specific permit procedures*, a Coastal Development Permit is required.

- **Environmentally Sensitive Habitat Areas**

**Wetlands and Stream:** Along the western portion of the project area, the land terraces approximately 175 feet from the paved roadway to coastal bluffs. A small cove is located directly adjacent to the slide area. Three bodies of water are identified within the environmentally sensitive habitat areas: two wetlands and perennial stream/drainage. The project would temporarily impact a total of 736 square feet of two ESHAs and bodies of water. The *Initial Study with Negative Declaration SCH # 2013102005* (pages 38-36) found avoidance and minimization measures would suffice; therefore, Condition #3, which requires compliance with the findings of the *Initial Study*, is recommended.

The *Initial Study with Negative Declaration SCH # 2013102005* is attached as Appendix C.

**Threatened and endangered species:** A Botanic and Environmentally Sensitive Habitat Area (ESHA) Survey was prepared. Within the ESHA at PM 2.43, a potential for the California red-legged frog habitat exists (pages 28-30, *Initial Study*); a potential resting habitat (cove) for the Steller sea lion may exist (pages 32-33, *Initial Study*); and potential breeding and foraging habitat for protected migratory birds (page 31, *Initial Study*). As noted by the referenced pages, the *Initial Study* recommends avoidance and minimization measures during construction.

This project site is within an area that extends regulatory protections to all California red-legged frogs in the Point Arena, Garcia, and Gualala hydrographic units (*Extension of Regulatory Protection to the Federally-Listed California Red-Legged Frog (Rana draytonii) in Mendocino County, California*, U. S. Fish and Wildlife Service, Arcata Office, June 12, 2009). Therefore, Caltrans requested and received on November 8, 2013, concurrence from the U. S. Fish and Wildlife Service determining that the project “may affect, but not likely to adversely affect” the California red-legged frog and that no critical habitat occurs within the project area. As a condition of approval, and identified in the *Initial Study with Negative Declaration*, avoidance and or minimization measures will be implemented (See recommend Condition #3).

- **Visual Resources**

The project location has been reviewed for potential impacts to visual resources. The project is within the Coastal Zone and is considered a sensitive corridor regarding visual resource issues. The project site follows the easterly boundary for lands designated as Highly Scenic Areas by the Local Coastal Program and is outside the boundaries of designated as Highly Scenic areas. Highway 1 through the project limits is not listed is a candidate for scenic highway status in the California Scenic Highway System.

Review of the project site and the project plans indicate that the project would not result in substantial adverse impacts to the visual environment (May 9, 2013, Hibbert, Jim, State of California Memorandum). Again, the *Initial Study* finds minimization measures sufficient in reducing visual impacts (pages 51-52) and, therefore, Condition #3 is recommended.

- **Drainage**

The project is located in the Garcia River Basin. The average annual precipitation is approximately 45 inches. The major water body in the proximity of the project is the Pacific Ocean. Although the project is located within the Garcia River watershed, all storm water within the project limits either sheet flows off the highway and infiltrates, sheet flows to an existing drainage ditch east of the highway and infiltrates, or sheet flows to the existing drainage ditch and discharges to the Pacific Ocean. Anticipated water quality impacts are minimal, because most of the disturbed surface area would be on and near the roadway. Avoidance and minimization measures are recommended within the *Initial Study*, pages 34-36.

Under Section 401 of the California Water Act, any project requiring a federal license or permit that may result in a discharge to a water of the U. S. must obtain a 401 Certification, which certifies that the project will be in compliance with state water quality standards. The most common federal permits triggering 401 Certification are California Water Act Section 404 permits issued by the U. S. Army Corps of Engineers. The 401 permit certifications are obtained from the appropriate RWQCB, depending on the project location, and are required before the U. S. Army Corps of Engineers issues a 404 permit.

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

**FINDINGS:**

1. The proposed development is in conformity with the Chapter 7 of Mendocino County's General Plan; and
2. The proposed development will be provided with adequate roadway, drainage and other necessary facilities; and
3. The proposed development, if constructed in compliance with the conditions of approval, will not have any significant adverse impacts on the environment as identified by an *Initial Study with Negative Declaration* SCH # 2013102005 prepared pursuant with the California Environmental Quality Act; and
4. The proposed development will not have any adverse impacts on any known archaeological or paleontological resource; and
5. 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.
6. 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.

**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 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, including an *Initial Study with Negative Declaration* SCH # 2013102005, 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 land boundaries and right-of-way encompassed within the permit described boundaries. Should, at any time, a legal determination be made that the number, size or shape of land boundaries 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. All construction must maintain an eight (8) foot setback to any nearby septic leach field area.
10. The applicant shall specify Best Management Practices to be implemented to reduce erosion and sedimentation from construction activities. If the amount of grading on the site exceeds fifty (50) cubic yards, the applicant shall cease construction activities and develop a Grading and Erosion Control Plan for the site and submit it to the Planning Division for review and approval.

Staff Report Prepared By:

January 13, 2015

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DATE

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JULIANA CHERRY  
PLANNER III

January 20, 2015  
JC/hm

**APPENDIX LIST:**

Appendix A: Coastal Development Checklist  
Appendix B: Initial Study with Negative Declaration SCH # 2013102005

**ATTACHMENTS LIST:**

Attachment A –Location Map  
Attachment B –Topographic Map  
Attachment C –Aerial Map  
Attachment D –Site Plan  
Attachment E –Project Plans  
Attachment F –Project Location  
Attachment G –Geologic Map  
Attachment H –Right-of-Way Map  
Attachment I –Layout Map  
Attachment J –Erosion Control Plan  
Attachment K –Zoning Map  
Attachment L –General Plan  
Attachment M -LCP  
Attachment N –Highly Scenic  
Attachment O –Local Slope  
Attachment P –Local Soil  
Attachment Q -Wetlands

**SUMMARY OF REFERRAL AGENCY COMMENTS:**

Planning – Ukiah	No comment
Department of Transportation	No comment
Environmental Health – Fort Bragg	Recommended conditional approval
Building Inspection – Fort Bragg	No comment
Assessor	No response
Sonoma State University	No response
CalFire	No response
Department of Fish & Wildlife	No response
Coastal Commission	No response
Redwood Coast Fire District	No response

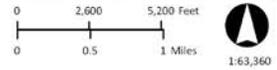
**ATTACHMENTS**

**CDP 2014-0019**



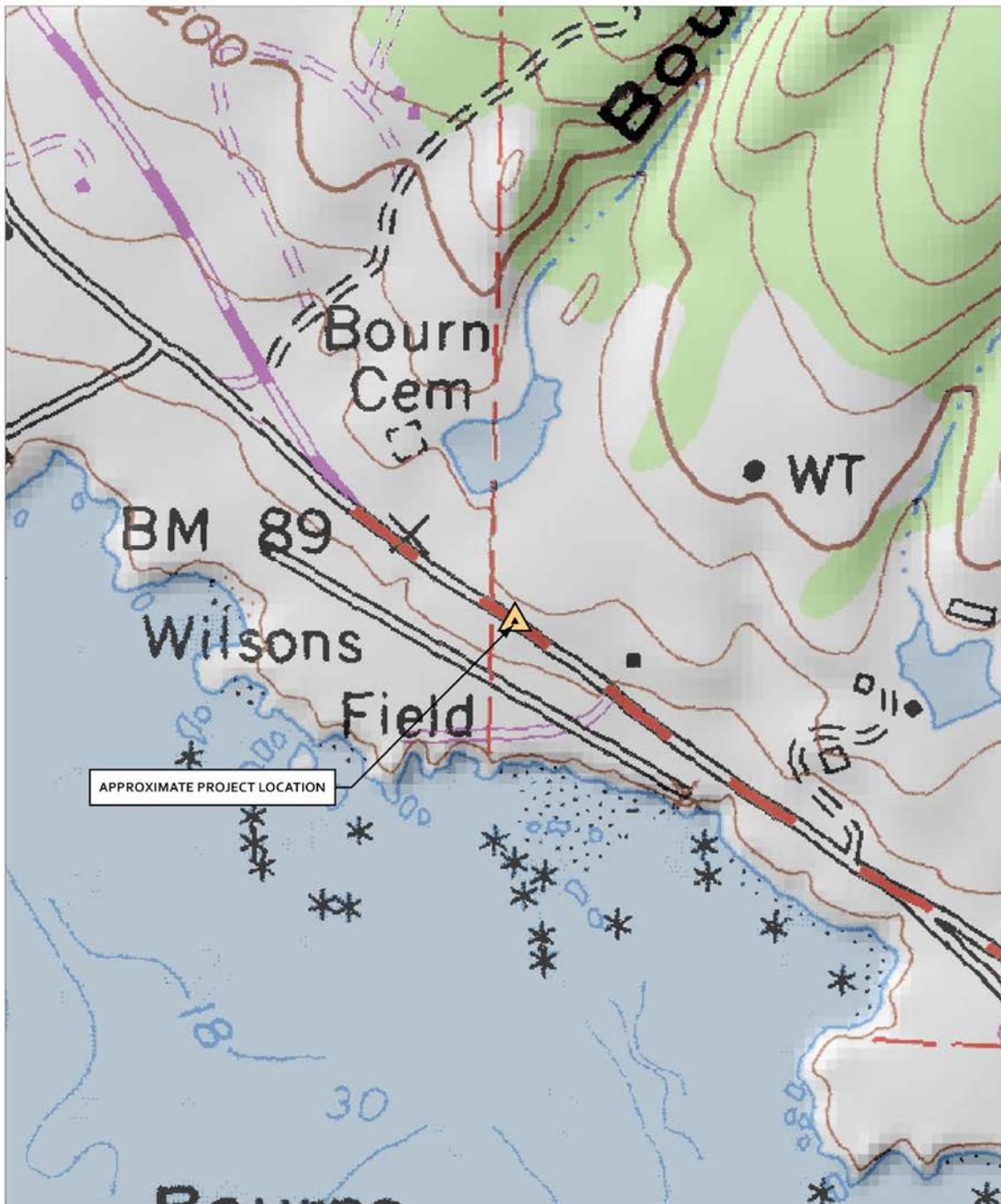
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OWNER: State of California  
APN: None (Right-of-Way)  
APLCT: CALTRANS  
ADDRESS: MM 2.5, S. Hwy. 1, GU

- Major Towns & Places
- Highways

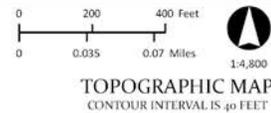


LOCATION MAP

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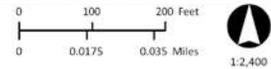


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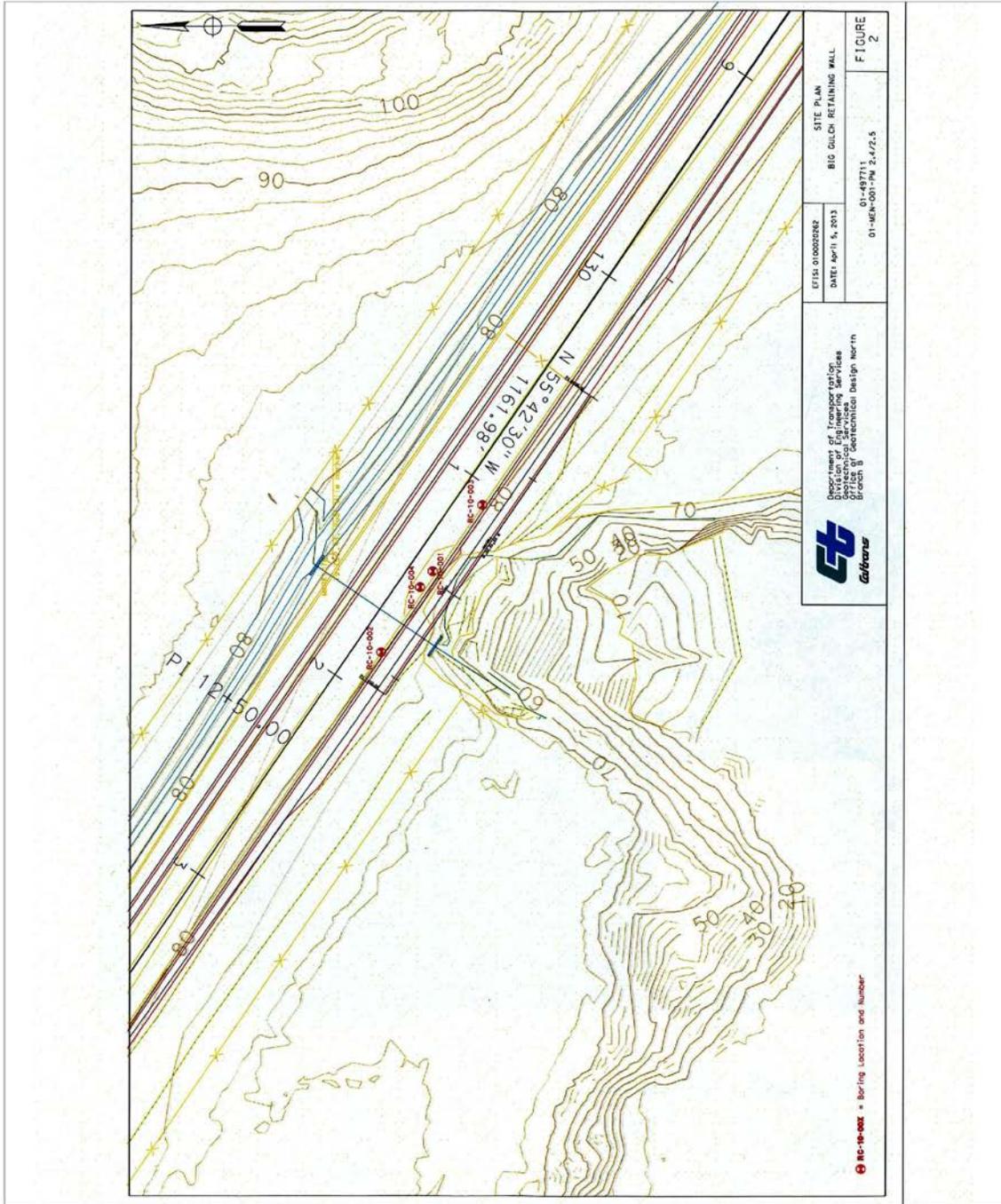
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— Named Rivers  
— Public Roads



2010 NAIP AERIAL ORTHOPHOTO

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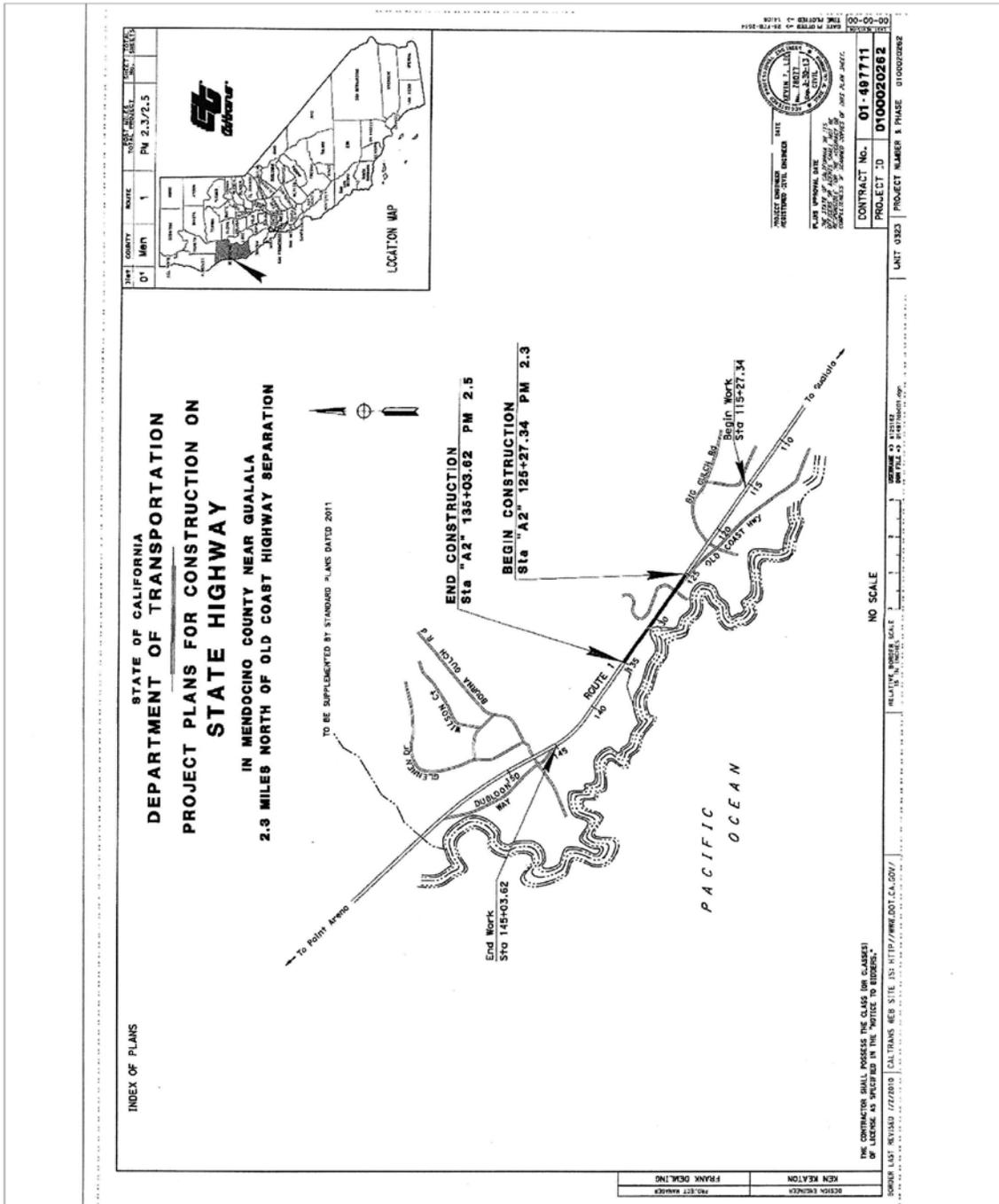


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**OWNER: State of California**  
**APN: None (Right-of-Way)**  
**APLCT: CALTRANS**  
**ADDRESS: MM 2.5, S. Hwy. 1, GU**

NO SCALE

EXHIBIT (SITE PLAN)

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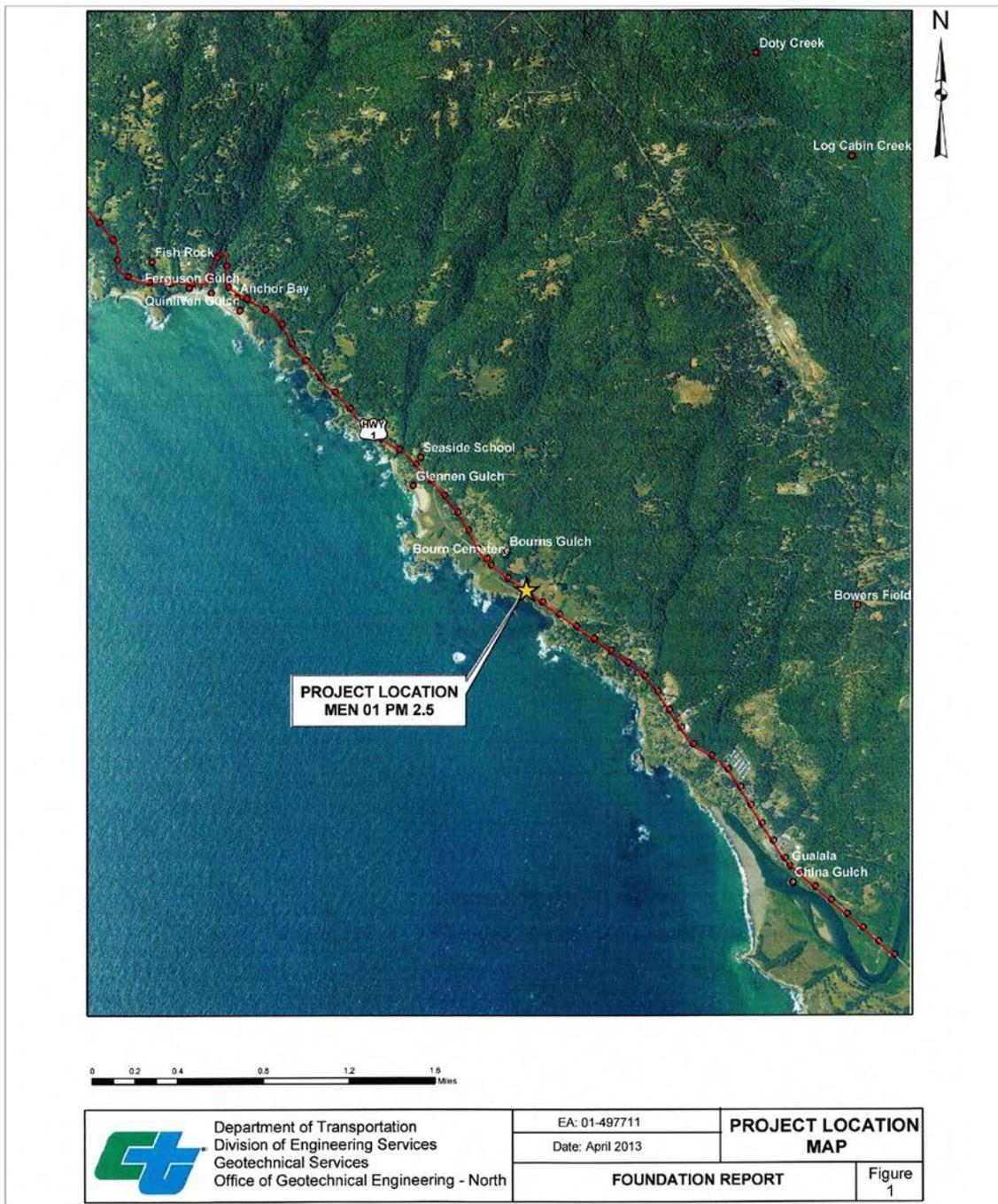


CASE: CDP 19-2014  
 OWNER: State of California  
 APN: None (Right-of-Way)  
 APLCT: CALTRANS  
 ADDRESS: MM 2.5, S. Hwy. 1, GU

NO SCALE

EXHIBIT (PROJECT PLANS)

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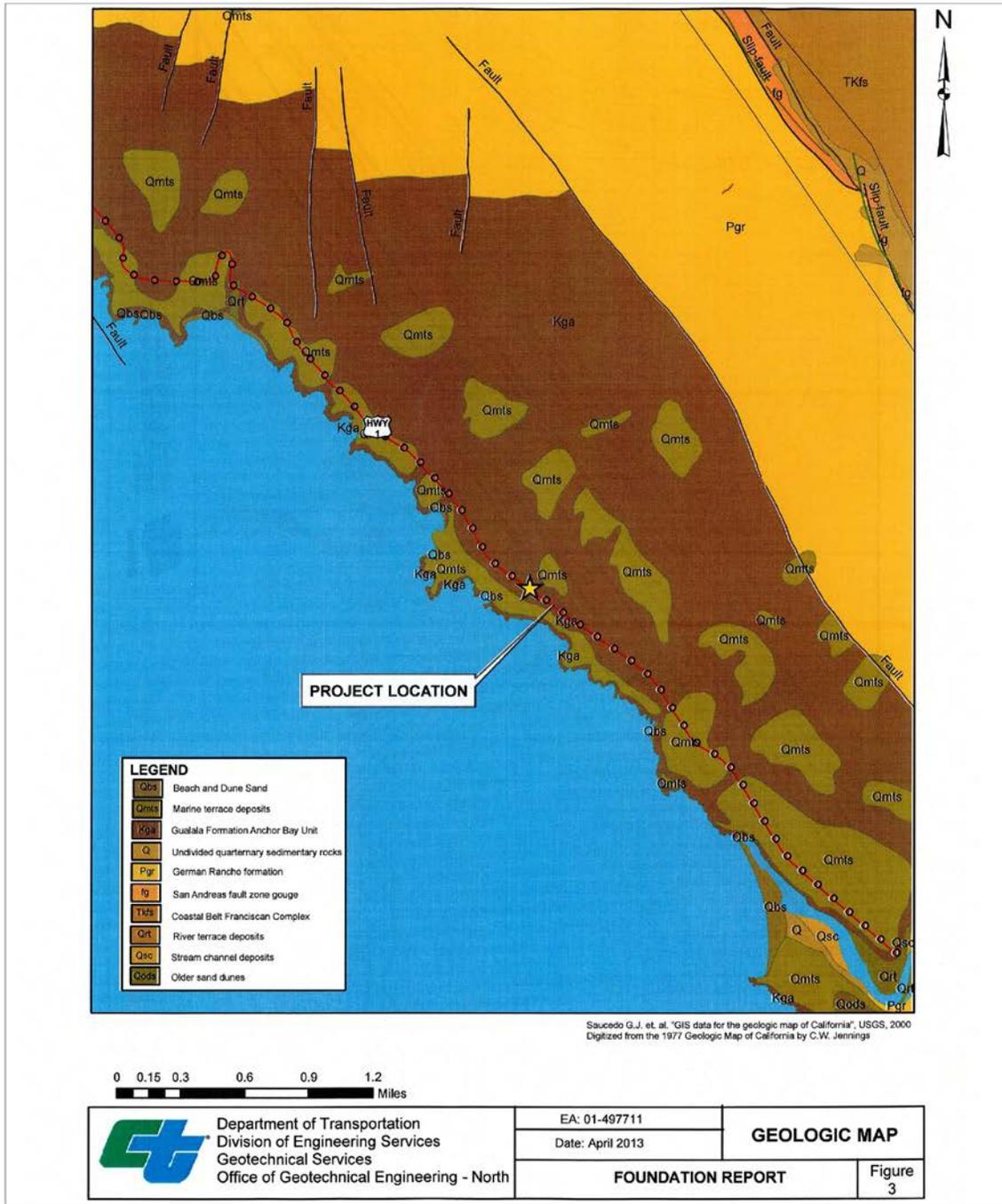


**CASE: CDP 19-2014**  
**OWNER: State of California**  
**APN: None (Right-of-Way)**  
**APLCT: CALTRANS**  
**ADDRESS: MM 2.5, S. Hwy. 1, GU**

NO SCALE

EXHIBIT (PROJECT LOCATION)

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 APLCT: CALTRANS  
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NO SCALE

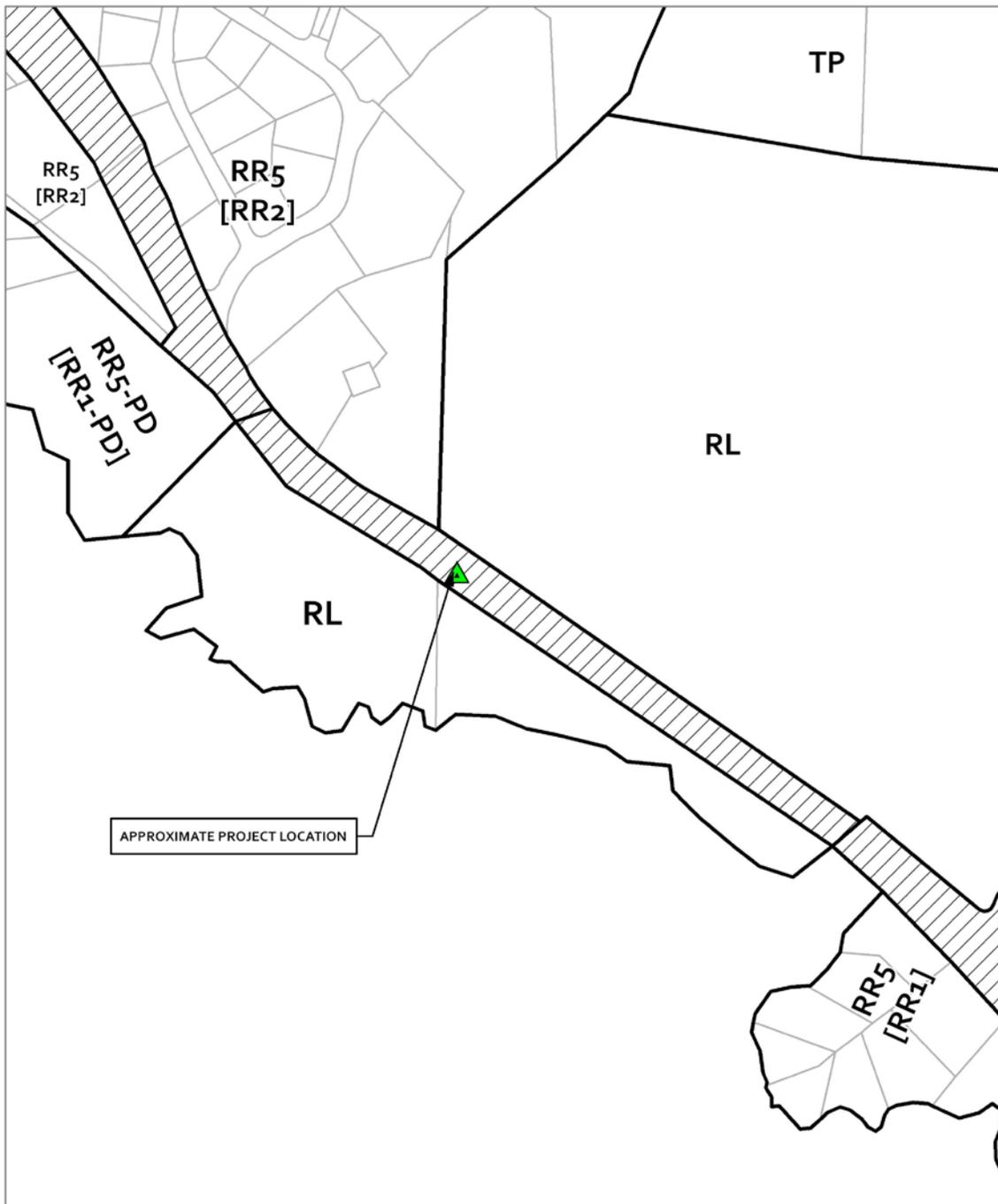
EXHIBIT (GEOLOGIC MAP)

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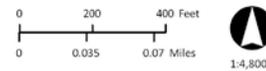






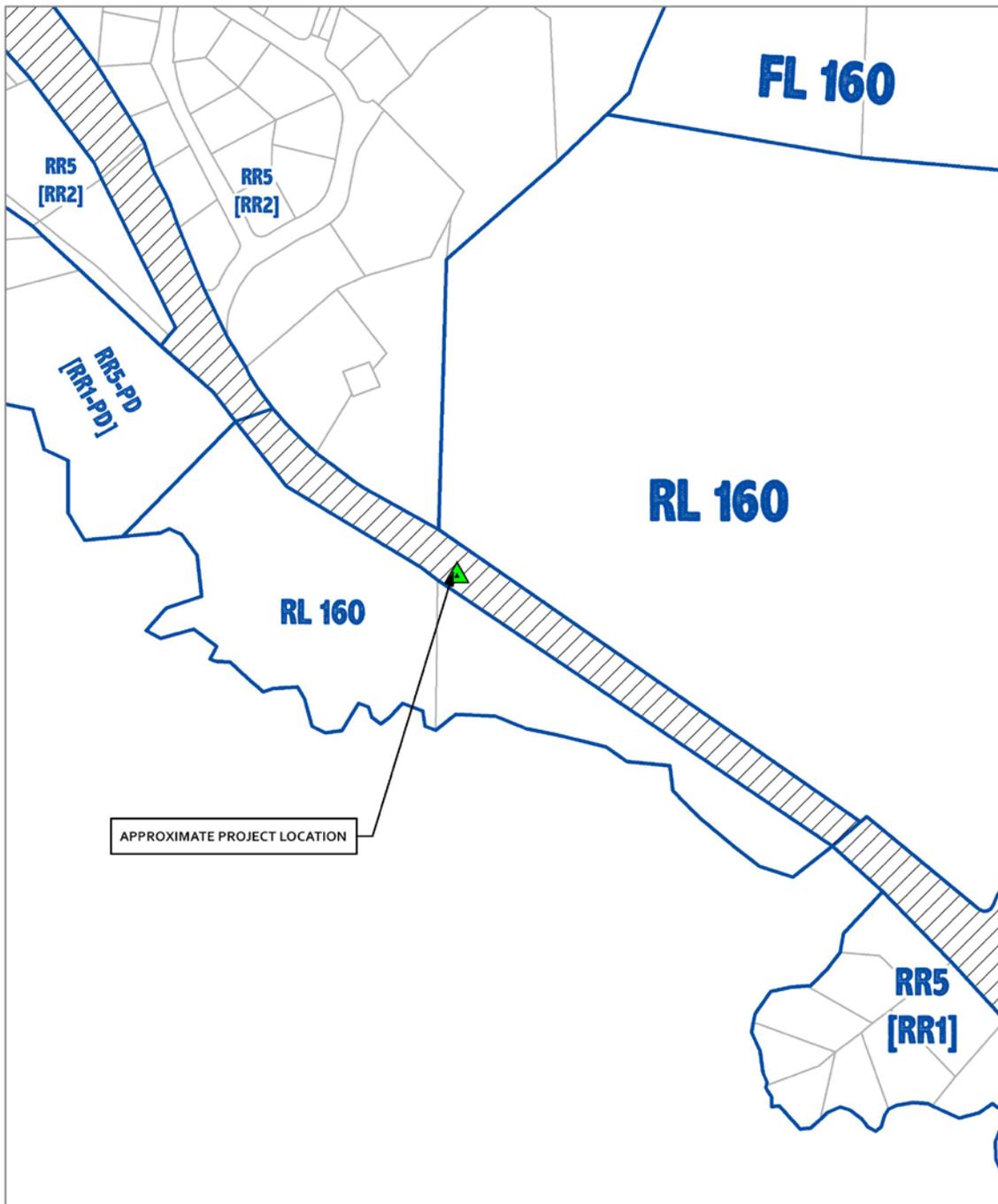


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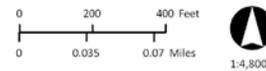


ZONING DISPLAY MAP

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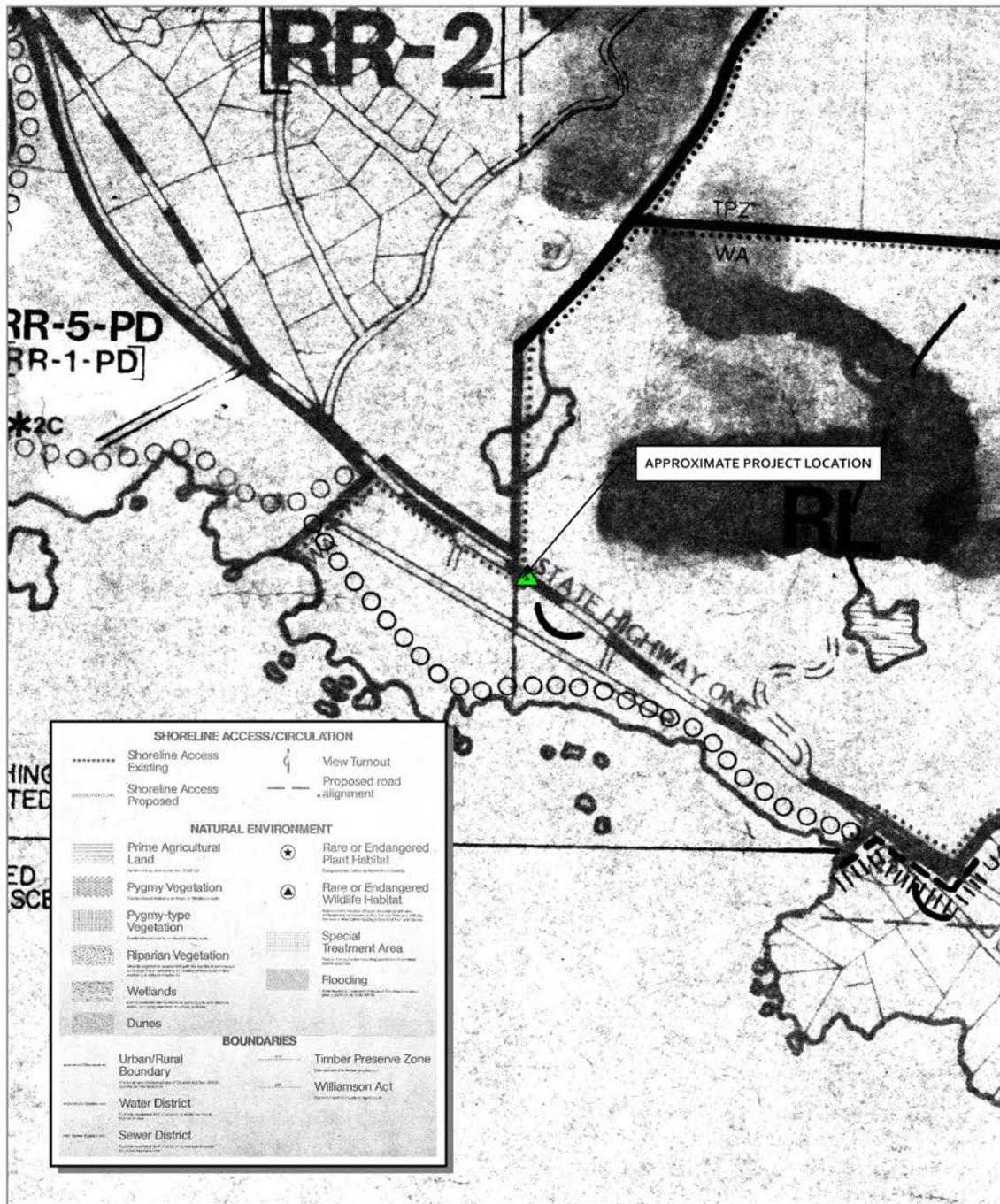


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GENERAL PLAN CLASSIFICATIONS

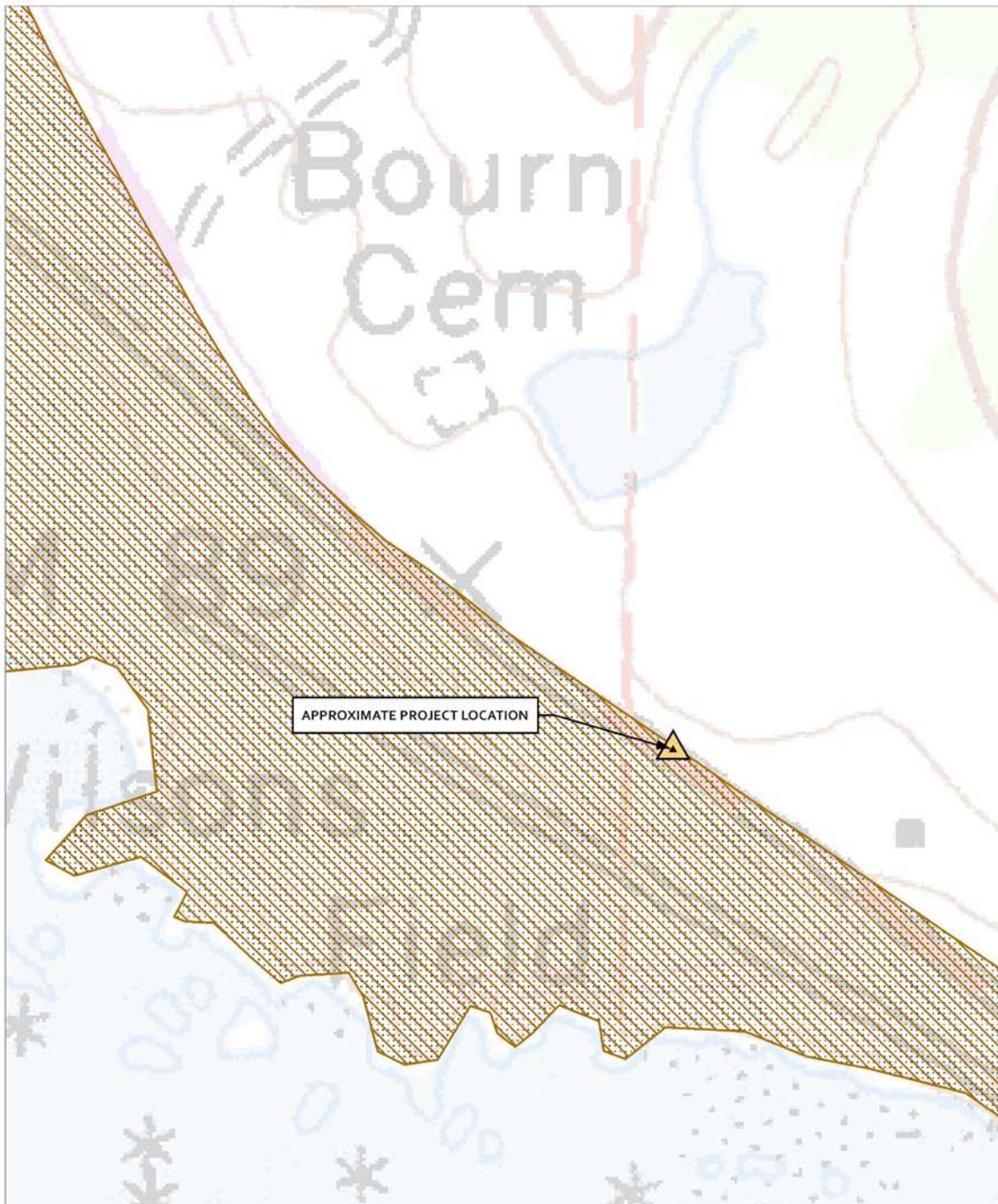
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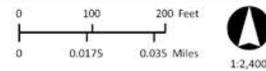
NO SCALE

LCP MAP 31: GUALALA



CASE: CDP 19-2014  
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ADDRESS: MM 2.5, S. Hwy. 1, GU

 Highly Scenic Area  
 Tree Removal Area



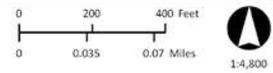
HIGHLY SCENIC & TREE REMOVAL AREAS

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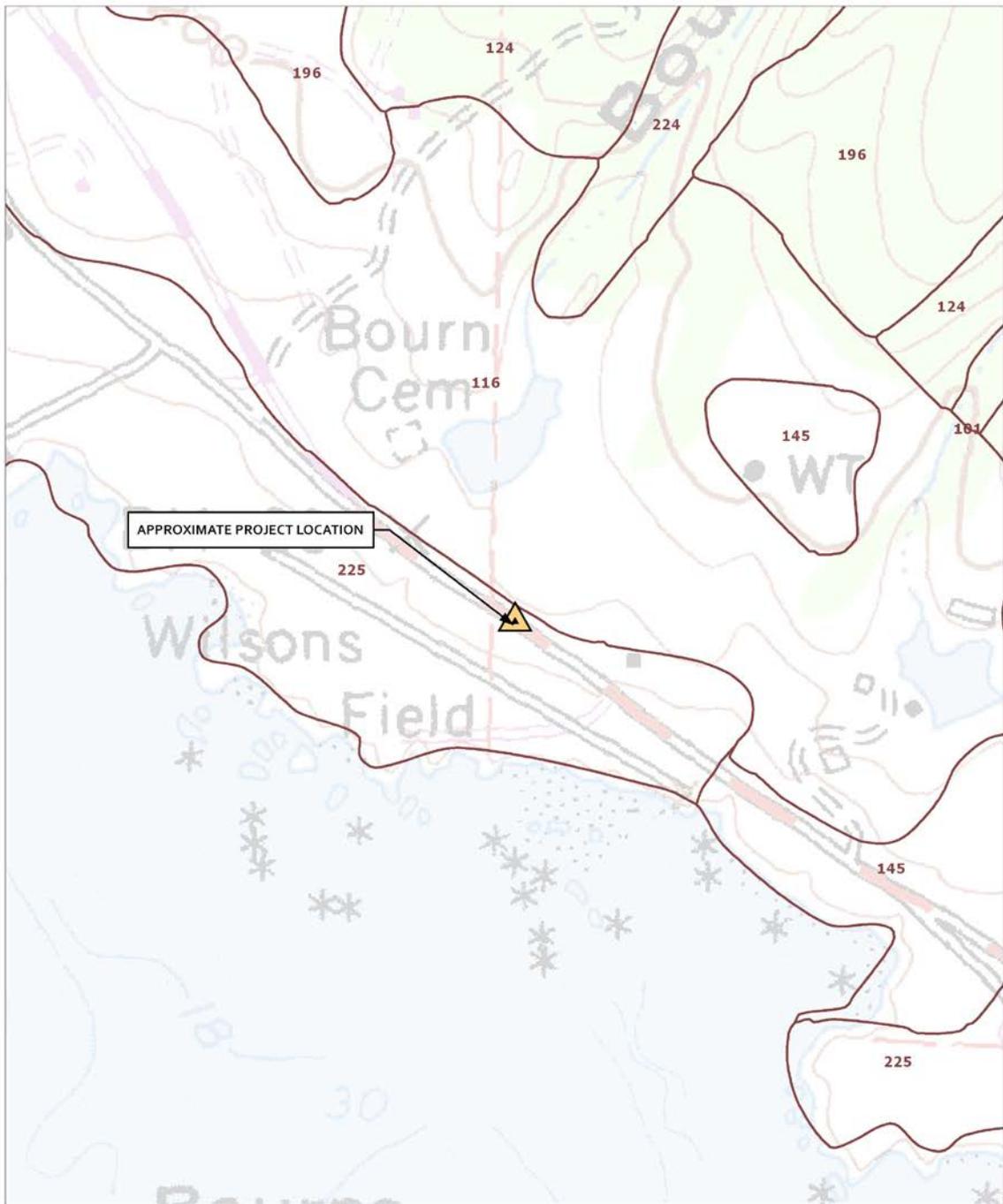
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**Slope**       15 - 32  
**Degrees**    33 - 72  
 0 - 14



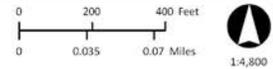
ESTIMATED SLOPE

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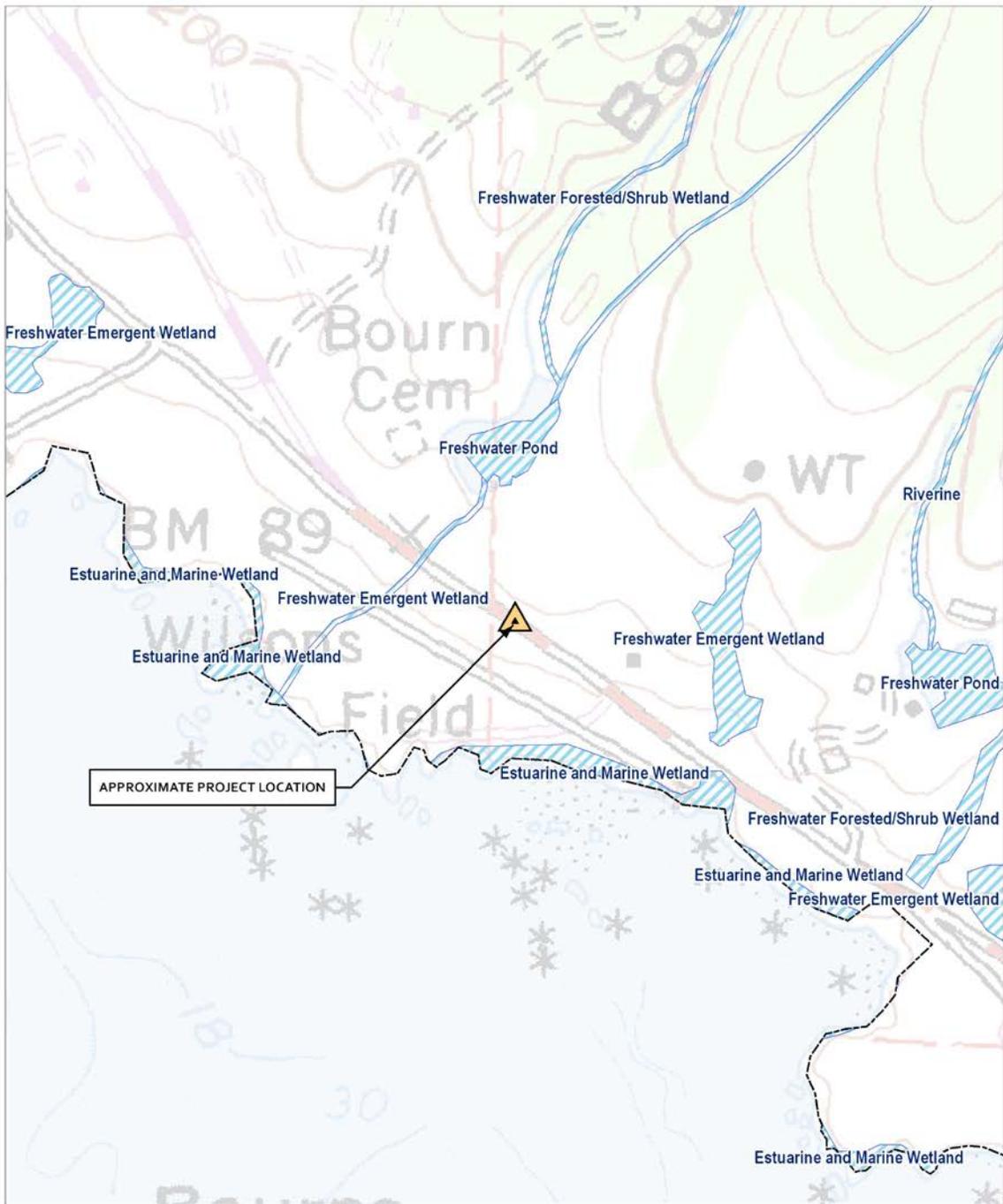
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 Western Soils



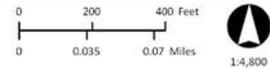
LOCAL SOILS

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 Wetlands



DFW WETLANDS DESIGNATIONS

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