

**CALIFORNIA COASTAL COMMISSION**

NORTH COAST DISTRICT OFFICE  
1385 8<sup>TH</sup> STREET • SUITE 130  
ARCATA, CA 95521  
VOICE (707) 826-8950  
FAX (707) 826-8960



# W10a

Filed: 10/15/14  
49<sup>th</sup> Day: 12/02/14  
Staff: C. Kenyon-A  
Staff Report: 10/31/14  
Hearing Date: 11/12/14

## STAFF REPORT: APPEAL SUBSTANTIAL ISSUE

**Application No.:** A-1-MEN-14-0053

**Applicant:** Mendocino County Service Authority for Freeway Emergencies (S.A.F.E.)

**Appellants:** Peggy Kim

**Local Government:** County of Mendocino

**Local Decision:** Approval with Special Conditions

**Location:** Mendocino County along Highway One at 19 different locations from Leggett to Gualala and along Highway 128 at Post Mile 1.43.

**Project Description:** Install 20 emergency call boxes along Highway One and Highway 128 within the Caltrans right-of-way.

**Staff Recommendation:** No Substantial Issue

---

### SUMMARY OF STAFF RECOMMENDATION

The Mendocino County Coastal Permit Administrator approved Coastal Development Permit (CDP) No. 15-2014 with special conditions at its hearing on September 25, 2014. The approved project comprises the installation of 20 emergency call boxes along Highway One and Highway

128 within the California Department of Transportation (Caltrans) right-of-way from Leggett to Gualala, Mendocino County.

A single appeal was timely filed with the Commission's North Coast District Office on October 15, 2014 by Peggy Kim. The appellant outlines three stated grounds for appeal, including: (1) the project alternative selected, particularly the call box at Post Mile 3.25 on Highway One in Gualala, is environmentally damaging and an alternative location not adjacent to the appellant's residence would better protect, maintain, enhance, and restore the overall quality of the coastal zone environment and assure the balanced utilization and conservation of coastal resources; (2) the County provided inadequate noticing for the project inconsistent with the noticing procedures outlined in Mendocino County Coastal Zoning Code Section 20.536.005; and (3) the approved project threatens the safety of nearby residential property owners.

Commission staff believes that the first contention raised by the appellant presents valid grounds for appeal, but does not raise a substantial issue of conformance of the approved development with the policies of the certified Local Coastal Program (LCP) or the public access policies of the Coastal Act because: (1) the appeal does not provide any evidence how the approved development would be environmentally damaging; and (2) there is a high degree of factual support for the local government's decision. In addition, Commission staff believes that the second and third contentions raised by the appellant do not present valid grounds for appeal because they do not allege the inconsistency of the approved project with the policies of the certified LCP or the public access policies of the Coastal Act. The second contention regarding inadequate noticing raises an issue with the local decision-making process rather than a substantive issue with the development as approved and therefore does not present valid grounds for appeal. The third contention raises personal safety issues that are not addressed by the policies of the certified LCP.

Therefore, Commission staff recommends that the Commission find that the appeal raises no substantial issue with respect to the grounds on which it was filed.

**The motion to adopt the Staff Recommendation of No Substantial Issue is found on [page 4](#).**

**TABLE OF CONTENTS**

**I. MOTION AND RESOLUTION** .....4

**II. FINDINGS AND DECLARATIONS**.....4

**A. APPEAL JURISDICTION AND PROCEDURES** .....4

**B. LOCAL GOVERNMENT ACTION AND FILING OF APPEAL** .....5

**C. BACKGROUND & PROJECT DESCRIPTION** .....5

**D. ANALYSIS OF APPELANT’S CONTENTIONS**.....6

**E. CONCLUSION**.....10

**APPENDICES**

- [Appendix A](#) – Commission’s Appeal Jurisdiction Over Project
- [Appendix B](#) – Substantive File Documents
- [Appendix C](#) – Excerpts from the County of Mendocino’s Local Coastal Program

**EXHIBITS**

- Exhibit 1 – Location Maps
- Exhibit 2 – Typical Call Box and Call Box Sign Drawings
- Exhibit 3 – Notice of Final Local Action and Findings for Approval
- Exhibit 4 – Appeal

## I. MOTION AND RESOLUTION

### **Motion:**

*I move that the Commission determine and resolve that Appeal No. A-1-MEN-14-0053 does not present a substantial issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act regarding consistency with the Certified Local Coastal Plan and/or the public access and recreation policies of the Coastal Act.*

Staff recommends a **YES** vote on the foregoing motion. Passage of this motion by voting “Yes” as is recommended by staff will result in a finding of **No Substantial Issue** and adoption of the following resolution and findings. The local action will become final and effective. The motion passes only by an affirmative vote of the majority of the appointed Commissioners present.

### **Resolution:**

*The Commission hereby finds that Appeal No. A-1-MEN-14-0053 raises No Substantial Issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act regarding consistency of the approved development with the certified LCP and/or the public access policies of the Coastal Act.*

## II. FINDINGS AND DECLARATIONS

### **A. APPEAL JURISDICTION AND PROCEDURES**

Pursuant to Coastal Act Section 30603, the County’s approval is appealable to the Commission because portions of the approved development are located: (1) between the sea and the first public road paralleling the sea; (2) within 300 feet of the top of the seaward face of a coastal bluff; and (3) within a designated “highly scenic area,” which is a type of sensitive coastal resource area. The grounds for an appeal are limited to an allegation that the approved development does not conform to the standards set forth in the certified Local Coastal Program (LCP) and, as portions of the development are located between the first public road and the sea, the public access policies set forth in the Coastal Act.

Coastal Act Section 30625(b) requires the Commission to hear an appeal unless it determines that no substantial issue<sup>1</sup> exists with respect to the grounds on which the appeal has been filed.

---

<sup>1</sup> The term “substantial issue” is not defined in the Coastal Act or its implementing regulations. In previous decisions on appeals, the Commission has generally been guided by the following factors in making substantial issue determinations: (a) the degree of factual and legal support for the local government’s decision; (b) the extent and scope of the development as approved or denied by the local government; (c) the significance of the coastal resources affected by the decision; (d) the precedential value of the local government’s decision for future interpretations of its LCP; and, (e) whether the appeal raises only local issues, or those of regional or statewide significance.

Even when the Commission chooses not to hear an appeal, an appellant nevertheless may obtain judicial review of the local government's coastal permit decision by filing a petition for a writ of mandate pursuant to Code of Civil Procedure, Section 1094.5. Commission staff has analyzed the administrative record for the approved project, including the County's Final Local Action Notice for the development (**Exhibit 3**), the appellant's claims (**Exhibit 4**), and the relevant requirements of the Coastal Act and certified LCP ([Appendix C](#)), and is recommending that the Commission find that the appeal raises no substantial issue with respect to the grounds on which the appeal has been filed.

In this case, because the staff is recommending that the appeal raises no substantial issue, the Commission will hear arguments and vote on the substantial issue question. Qualified persons will have three minutes per side to address whether the appeal raises a substantial issue. The only persons qualified to testify before the Commission on the substantial issue question are the applicant, the appellant and persons who made their views known before the local government (or their representatives), and the local government. Testimony from other persons regarding substantial issue must be submitted in writing. It takes a majority of Commissioners present to find that no substantial issue is raised.

If the Commission determines that the appeal does raise a substantial issue, the Commission would continue the *de novo* portion of the appeal hearing to a subsequent meeting.

## **B. LOCAL GOVERNMENT ACTION AND FILING OF APPEAL**

The Mendocino County Coastal Permit Administrator approved the subject project with modified special conditions at its hearing on September 25, 2014. The County granted its approval of Coastal Development Permit (CDP) No. 15-2014 subject to 14 special conditions, including, but not limited to, conditions requiring (1) installation of Best Management Practices for appropriate erosion control and material disposal; (2) identification of nearby sewer main and/or lateral lines prior to installation of the call boxes; (3) removal of the call boxes if they are no longer deemed necessary or useful or they remain inoperable for a period of one year or more; (4) compliance with all encroachment permit procedures and requirements administered by the California Department of Transportation (Caltrans); and (5) removal of all call boxes should nearby trees or vegetation cease to provide a backdrop for the call box poles.

The North Coast District Office received the Notice of Final Local Action (dated October 3, 2014) on October 14, 2014 (**Exhibit 3**). Peggy Kim filed an appeal (**Exhibit 4**) with the Commission's North Coast District Office in a timely manner on October 15, 2014, within 10 working days of receipt by the Commission of the County's Notice of Final Action.

## **C. BACKGROUND & PROJECT DESCRIPTION**

The project approved by the County involves the installation of 20 emergency call boxes along Highway One and Highway 128 within the Caltrans right-of-way from Leggett to Gualala, Mendocino County (**Exhibit 1**). Nineteen of the approved call boxes would be located along Highway One at Post Miles 3.25, 5.17, 7.29, 9.96, 19.7, 38.84, 42.4, 44.7, 46.07, 48.23, 51.98, 57.87, 66.94, 71.82, 76.57, 79.1, 81.64, 83.8, and 91.04; and one call box would be located along

Highway 128 at Post Mile 1.43.<sup>2</sup> Each call box would consist of a cellular telephone housed in a yellow box, a blue reflective identification sign with the words “Call Box” in white lettering, a solar panel, and a cellular antenna, all mounted on a 14-foot-tall pole set on a 38-foot-long concrete footing (See **Exhibit 2** for drawings of a typical call box and call box sign). The boxes would be spaced roughly two to three miles apart and each call box would be approximately fifteen to twenty feet from the painted highway edge line. The call boxes would provide direct connection to the California Highway Patrol communication dispatch center for the reporting of highway emergencies.

Mendocino County Service Authority for Freeway Emergencies (S.A.F.E.) is the applicant. S.A.F.E. was created in 1994 for the purpose of placing call boxes along most State highways within the County. S.A.F.E. has already installed a number of call boxes along Highway One and 128, including 14 call boxes along Highway One approved by the Commission under Appeal No. A-1-MEN-03-066.

#### **D. ANALYSIS OF APPELLANT’S CONTENTIONS**

The appeal filed by Peggy Kim is attached as **Exhibit 4**. The appeal raises three main contentions: (1) the project alternative selected, particularly the call box at Post Mile 3.25 on Highway One in Gualala, is environmentally damaging and alternative locations not adjacent to the appellant’s residence would better protect, maintain, enhance, and restore the overall quality of the coastal zone environment and assure the balanced utilization and conservation of coastal resources; (2) the County provided inadequate noticing for the project inconsistent with the noticing procedures outlined in Mendocino County Coastal Zoning Code (CZC) Section 20.536.005; and (3) the approved project threatens the safety of nearby residential property owners.

As set forth in Section 30603 of the Coastal Act, after certification of its LCP, an appeal of a local government-issued CDP is limited to allegations made on the grounds that the approved development does not conform to the standards set forth in the certified LCP or the public access policies of the Coastal Act.

As discussed below, the Commission finds that the first contention raised by the appellant presents valid grounds for appeal, but does not raise a substantial issue of conformance of the approved development with the policies of the certified LCP or the public access policies of the Coastal Act. In addition, the Commission finds that the second and third contentions raised by the appellant do not present valid grounds for appeal because they do not allege the inconsistency of the approved project with the policies of the certified LCP or the public access policies of the Coastal Act. The three contentions are discussed separately below.

---

<sup>2</sup> On Highway One, a “Post Mile” is the distance along the highway measured north from the Sonoma County line. On Highway 128, a “Post Mile” is the distance along the highway measured west of the junction of Highway 128 and Highway One. Caltrans has installed post mile markers (small paddle-shaped signs) along the highways, usually at some feature such as at a culvert or bridge, or at whole mile points. The Post Mile locations for placement of the emergency call boxes have been approximated by measuring from the nearest post mile marker.

### **Environmentally Damaging and Does Not Assure Balanced Utilization and Conservation of Coastal Resources**

The appellant alleges that the approved call box at Post Mile 3.25 on Highway One in Gualala does not conform to the standards set forth in the certified LCP because it is environmentally damaging and alternative locations not adjacent to the appellant's residence would better protect, maintain, enhance, and restore the overall quality of the coastal zone environment. Further, the appellant alleges that the installation of a call box at Post Mile 3.25 is unnecessary because there is another call box nearby at Post Mile 2.60 and there are alternative locations available that would better assure the balanced utilization and conservation of coastal resource as those locations are farther from other existing or proposed call boxes and in non-residential areas.

However, the appellant neither identifies any coastal resources that would be adversely affected by the approved development (e.g. visual, natural, cultural, etc.) nor explains how such resources would be adversely affected. There are multiple policies within the certified LCP that require consideration of the least environmentally damaging feasible alternative when various coastal resources are implicated, such as when filling a wetland or installing a shoreline protective structure (See [Appendix C](#) for a list of LCP standards that include consideration of the least environmentally damaging alternative). The appeal does not specify whether or how the project as approved would adversely impact any of the coastal resources for which the LCP requires consideration of the least environmentally damaging alternative, and based on the evidence in the local record, the installation of the call box at Post Mile 3.25 is not a case where such an assessment is necessary.

According to the County staff report, the approved call boxes are accessory structures allowable under CZC Section 20.456.020(B), which provides for accessory structures and uses necessarily and customarily associated with, and appropriate, incidental, and subordinate to the principal highway use. The approved call box at Post Mile 3.25 is surrounded by residential land uses and is located on a paved approach to Pirates Drive, 14 feet from the roadway, on the seaward side of Highway One in Gualala (See **Exhibit 1** for a map of the call boxes' general location). The location of the approved call box at Post Mile 3.25, as with all the approved call boxes, was selected based on a number of criteria, including accessibility, adequate parking off the highway, adequate sight distances for leaving and entering the highway, access to cellular phone service, access to sunlight for the solar panel, and adequate vegetative screening between the sign and the ocean. The County staff report indicates that the approved call box at Post Mile 3.25 is located in a disturbed turnout, outside of environmentally sensitive habitat areas (ESHAs) and ESHA buffer areas, in a location outside of designated "highly scenic areas," where no cultural resources have been identified, and where dense vegetation already screens public views of the ocean. In addition, Special Condition No. 13 of the County's approval requires that any of the call boxes must be removed should the dense vegetation currently existing at the site cease to provide a backdrop for the call box pole. Furthermore, Special Condition No. 11 of the County's approval requires the call box at Post Mile 3.25 and any other call box approved by the permit to be removed by the applicant if the call box is deemed by the applicant to no longer be necessary or useful or has been inoperable for more than a year. Therefore, the County's staff report provides a high degree of factual support for the local government's determination that a call box located at Post Mile 3.25 on Highway One is not environmentally damaging and no significant coastal resources are affected by the local decision.

Therefore, as there is a high degree of factual and legal support for the local government's decision that the project as approved is for an allowable use and will not result in significant adverse impacts to coastal resources, the Commission finds that this first contention of the appeal does not raise a substantial issue of conformance of the project as approved with the policies and standards of the certified LCP or the public access policies of the Coastal Act.

### **Inadequate Public Noticing**

The appellant alleges that Mendocino County Planning and Building Services failed to provide adequate notice of the coastal development administrative permit both before and after local action, inconsistent with the noticing requirements of CZC Section 20.536.005. CZC Section 20.536.005(E) requires that initial notices for Coastal Development Administrative Permits include a brief description of the procedures for submission of public comment prior to the decision, and full disclosure of the procedure(s) for local and Coastal Commission appeals. CZC Section 20.536.005(G) also requires that a notice of final action be mailed within 10 calendar days of final local action to any person who specifically requested, in writing, notice of such final action (See [Appendix C](#) for the full text of the cited policies and standards).

As an adjacent property owner, the appellant received initial notice of the call box installation project which included instructions to mail public comments on the project to the County's Ukiah office<sup>3</sup>. The appellant then sent a timely letter to the Ukiah office objecting to the call box installation at Post Mile 3.25 on Highway One and requesting notification of the Coastal Permit Administrator's action. According to a post office receipt, the letter was delivered to the Ukiah office on September 12, 2014. The County, however, failed to consider the letter or to provide the appellant with notice of final action within 10 calendar days of the hearing on September 25, 2014. Mendocino County Planning and Building Services later apologized for misplacing the appellant's letter in a letter to the appellant dated October 6, 2014, after the local appeal period had expired. Because the appellant correctly followed the procedures for submitting public comment outlined in the initial notice and yet the County did not consider her comments, the appellant alleges that the initial notice was inadequate and inconsistent with CZC Section 20.536.005(D). The County also failed to mail notice within 10 calendar days of final action to a person who requested in writing notice of such action, inconsistent with CZC Section 20.536.005(G).

Coastal Act Section 30603(b)(1) limits the grounds for an appeal to an allegation that the development does not conform to the standards set forth in the certified LCP or the public access policies of the Coastal Act. The contention of inadequate noticing does not allege an inconsistency of the project as approved with the certified LCP or the public access policies of the Coastal Act. Rather, the appellant alleges that the application was not processed in the appropriate manner. This concern is not valid grounds for appeal, as the concern does not relate to conformance of the approved project with the certified LCP and the public access policies of the Coastal Act. The Commission therefore finds that this contention is not a valid ground for appeal pursuant to Section 30603(b)(1) of the Coastal Act.

---

<sup>3</sup> Mendocino County Planning and Building Services as two offices – one in Ukiah and one in Fort Bragg.



Furthermore, though this contention is not valid grounds for appeal, the appellant has had the opportunity to appeal the project as approved to the Commission in a timely fashion and raise her concerns about the project with the Commission before approval of the coastal development permit has been finalized. The letter that the appellant initially submitted to the County that was not brought to the Coastal Permit Administrator's attention before he acted on the application is attached to the appeal and included as **Exhibit 4** of this report. The comments in the letter have been considered in the Commission's analysis of whether the appeal raises a substantial issue of conformance with the policies of the certified LCP and public access policies of the Coastal Act.

### **Safety Threat**

The appellant contends that, as approved by the County, the placement of an emergency call box at Post Mile 3.25 on Highway One in Gualala would adversely impact the safety of nearby residential property owners. The appellant makes the following objection to the project in her September 8, 2014 letter to Mendocino County Planning and Building Services:

*I have serious concerns about my personal safety and the safety of my real and personal property if the proposed call box is installed at Mile Marker 3.25. Having the proposed call box installed adjacent to my home encourages loitering around my property, break-ins, theft, and squatting. The call box also encourages people to park adjacent to my property and use the area as a parking lot. I also fear for my personal safety as a woman living alone and intruders at night who may do personal harm to me, which is a risk that is exacerbated by having the call box adjacent to my property. There are several other personal residences in my cul-de sac whose owners live there part-time and may have similar safety concerns about their person and real and personal property.*

The appellant does not relate her concerns to specific policies of the certified LCP. As stated above, the County staff report indicates that the approved call boxes are accessory structures allowable under CZC Section 20.456.020(B), which provides for accessory structures and uses necessarily and customarily associated with, and appropriate, incidental, and subordinate to the principal highway use. While the certified LCP includes a number of policies that require a consideration of safety in the siting and design of development, none of these policies include a consideration of the local safety concerns to individual neighbors raised by users of the approved development such as loitering, break-ins, theft, or squatting on private property. Policies in the certified LCP related to safety are largely focused on threats to public safety as the result of natural geologic and flooding hazards (See [Appendix C](#) for text from LCP policies that address safety). The certified LCP does require a consideration of safety in the design and use of public accessways and roadways, but these policies are focused on the safety of people in the public right-of-way. The call boxes are actually sited and designed to improve the safety of people on the highway, offering a direct connection to the California Highway Patrol communication dispatch center and thus facilitating a more rapid response to roadside emergencies. As the contention does not relate to conformance of the approved project with the certified LCP and the public access policies of the Coastal Act, the Commission finds that this contention is not a valid ground for appeal pursuant to Section 30603(b)(1) of the Coastal Act.

Even if the appellant's contention had presented valid grounds for appeal, the appellant has provided no evidence that the installation of a call box at Post Mile 3.25 would create the safety issues that are alleged. As noted above, S.A.F.E. installed 14 call boxes along Highway One in 2003-2004 pursuant to a coastal development permit approved on appeal to the Commission (Appeal No. A-1-MEN-03-066). No evidence has been presented that any of these previously installed call boxes have been linked to increased incidents of loitering, residential break-ins, theft, or squatting.

## **F. CONCLUSION**

For the reasons stated above, the Commission finds that there is factual and legal evidence in the record to support the County's approval of a CDP. The Commission therefore finds that the appeal raises no substantial issue with respect to the grounds on which it was filed.

## **APPENDIX A**

### **COMMISSION’S APPEAL JURISDICTION OVER THE PROJECT**

On September 25, 2014, the County of Mendocino Coastal Permit Administrator approved Coastal Development Permit (CDP) No. 15-2014 authorizing the installation of 20 emergency call boxes along Highway One and Highway 128.

After certification of Local Coastal Programs (LCPs), the Coastal Act provides for limited appeals to the Coastal Commission of certain local government actions on CDPs (Coastal Act Section 30603). Section 30603 states that an action taken by a local government on a CDP application may be appealed to the Commission for certain kinds of developments, including developments located within certain geographic appeal areas, such as those located between the sea and the first public road paralleling the sea, or within 300 feet of the inland extent of any beach, or of the mean high tide line of the sea where there is no beach, or within 100 feet of any wetland or stream, or within 300 feet of the top of the seaward face of any coastal bluff, or those located in a sensitive coastal resource area. Furthermore, developments approved by counties may be appealed if they are not designated the “principal permitted use” under the certified LCP. Finally, developments which constitute major public works or major energy facilities may be appealed, whether approved or denied by the city or county. The grounds for an appeal are limited to an allegation that the development does not conform to the standards set forth in the certified LCP and, if the development is located between the first public road and the sea, the public access policies set forth in the Coastal Act.

The subject development is appealable to the Commission pursuant to Section 30603 of the Coastal Act because portions of the approved development are located: (1) between the sea and the first public road paralleling the sea; (2) within 300 feet of the top of the seaward face of a coastal bluff, and (3) within a designated “highly scenic area,” which is a type of sensitive coastal resource area.

#### **Between the First Public Road and the Sea**

Twelve of the County-approved call boxes are located on the west side of Highway One in Mendocino County in locations where the Post LCP Certification Permit and Appeal Jurisdiction Map for the area adopted by the Commission in May of 1992 designates Highway One as the first public road paralleling the sea. Therefore, as portions of the approved development are located between the first public road paralleling the sea and the Pacific Ocean, the subject development is appealable to the Commission pursuant to Section 30603(a)(1) of the Coastal Act.

#### **Within 300 Feet of the Top of the Seaward Face of a Coastal Bluff**

A number of the approved call boxes are located less than 300 feet from the bluff edge. Therefore, the subject development is appealable to the Commission pursuant to Section 30603(a)(2) of the Coastal Act.

#### **Within a Sensitive Coastal Resource Area**

Section 30116 of the Coastal Act defines Sensitive Coastal Resource Areas as follows:

*"Sensitive coastal resource areas" means those identifiable and geographically bounded land and water areas within the coastal zone of vital interest and sensitivity. "Sensitive coastal resource areas" include the following:*

- (a) Special marine and land habitat areas, wetlands, lagoons, and estuaries as mapped and designated in Part 4 of the coastal plan.*
- (b) Areas possessing significant recreational value.*
- (c) Highly scenic areas. (emphasis added)*
- (d) Archaeological sites referenced in the California Coastline and Recreation Plan or as designated by the State Historic Preservation Officer.*
- (e) Special communities or neighborhoods which are significant visitor destination areas.*
- (f) Areas that provide existing coastal housing or recreational opportunities for low- and moderate-income persons.*
- (g) Areas where divisions of land could substantially impair or restrict coastal access.*

Section 30502 of the Coastal Act indicates that sensitive coastal resource areas are areas within the coastal zone where the protection of coastal resources and public access requires, in addition to the review and approval of zoning ordinances, the review and approval by the Commission of other implementing actions to protect coastal resources. Sensitive coastal resource areas (SCRAs) can be designated either by the Commission pursuant to Section 30502 of the Coastal Act, or by local government by including such a designation in its Local Coastal Program (LCP). Section 30502 directs the Commission to designate SCRAs not later than September 1, 1977, pursuant to a report which must contain the following information:

- (1) A description of the coastal resources to be protected and the reasons why the area has been designated as a sensitive coastal resource area;*
- (2) A specific determination that the designated area is of regional or statewide significance;*
- (3) A specific list of significant adverse impacts that could result from development where zoning regulations alone may not adequately protect coastal resources or access;*
- (4) A map of the area indicating its size and location.*

The Commission did not ultimately designate SCRAs or make recommendations to the Legislature, as contemplated by Section 30502 and 30502.5. Because it did not designate SCRAs, the Commission does not have the authority to require local governments to adopt such additional implementing actions. Nothing in Sections 30502 or 30502.5, however, overrides other provisions in the Coastal Act that assign primary responsibility to local governments for determining the contents of LCPs and that authorize local governments to take actions that are more protective of coastal resources than required by the Coastal Act. Such Coastal Act provisions support the position that the Commission does not have the exclusive authority to designate SCRAs. In 1977, the Attorney General's Office advised the Commission that if the Commission decided not to designate SCRAs, local government approvals of development located in SCRAs delineated in LCPs would nonetheless be appealable to the Commission.

The ability of local governments to designate SCRA in LCPs is further supported by the legislative history of changes to Section 30603. In 1982, after the 1978 deadline for the Commission to designate SCRA, the Legislature amended the provisions of Section 30603 that relate to appeals of development located in SCRA (Cal. Stats. 1982, c. 43, sec. 19 (AB 321 - Hannigan)). The Legislature's 1982 revisions to the SCRA appeal process demonstrate that the Commission's decision not to designate SCRA did not have the effect of preventing local governments from designating SCRA through the LCP process. If the Commission's decision not to designate SCRA rendered the Coastal Act provisions that relate to SCRA moot, the Legislature's action in 1982 would have been a futile and meaningless exercise. Instead, by deliberately refining the SCRA appeal process, the Legislature confirmed that local governments continue to have the authority to designate SCRA.

Although a city or county is not required to designate SCRA in their LCP, at least four local governments have chosen to do so. The Commission has certified LCP's that contain SCRA designations from the City of Grover Beach (1982), San Luis Obispo County (1987), the City of Dana Point (1989) and the segment of Mendocino County's LCP that covers areas outside of the Town of Mendocino (1992).

Designation of SCRA in this manner is consistent with the reservation of local authority, under Section 30005, to enact certain regulations more protective of coastal resources than what is required by the Act. As noted above, the Coastal Act does not require local governments to designate SCRA, but local governments are allowed to designate such areas.

The appeal of Mendocino County Coastal Development Permit No. CDP No. 15-2014 was accepted by the Commission in part, on the basis that portions of the project site are located in a sensitive coastal resource area designated by Mendocino County and certified by the Commission when the County's LCP was certified in 1992. At least nine of the twenty County-approved call boxes are located within designated "highly scenic areas."

The applicable designation of sensitive coastal resource areas was accomplished in the LCP by defining sensitive coastal resource areas within the LCP to include "highly scenic areas," and by mapping specific geographic areas on the certified Land Use Maps as "highly scenic." Chapter 5 of the Mendocino County General Plan Coastal Element (the certified Land Use Plan) and Division II of Title 20, Section 20.308.105(6) of the Mendocino County Coastal Zoning Code (CZC), both define "Sensitive Coastal Resource Areas" to mean "those identifiable and geographically bounded land and water areas within the coastal zone of vital interest and sensitivity." Subparts (c) of these sections include "highly scenic areas." This definition closely parallels the definition of SCRA contained in Section 30116 of the Coastal Act. Mendocino LUP Policy 3.5 defines highly scenic areas to include, in applicable part, "those [areas] identified on the Land Use Maps as they are adopted." The adopted Land Use Maps designate areas where some of the call box sites that are the subject of Mendocino County Permit No. CDP No. 15-2014 are approved as highly scenic. Therefore, it is clear that by defining sensitive coastal resource areas to include highly scenic areas, and by then mapping designated highly scenic areas on the adopted Land Use Maps, the County intended that highly scenic areas be considered sensitive coastal resource areas.

Section 30603 of the Coastal Act states that “after certification of its local coastal program, an action taken by a local government on a coastal development permit may be appealed to the Commission...” Included in the list of appealable developments are developments approved within sensitive coastal resource areas. Additionally, Division II of Title 20, Section 20.544.020(B)(6) of the certified Mendocino County Coastal Zoning Code specifically includes developments approved “located in a sensitive coastal resource area” as among the types of developments appealable to the Coastal Commission.

Therefore, for all of the above reasons, the Commission finds that as (1) highly scenic areas are designated and mapped in the certified LCP as a sensitive coastal resource area, and (2) approved development located in a sensitive coastal resource area is specifically included among the types of development appealable to the Commission in the certified LCP, Mendocino County’s approval of local Permit No. CDP No. 15-2014 is appealable to the Commission under Section 30603(a)(3) of the Coastal Act and Section 20.544.020(B)(6) of the certified Mendocino County Coastal Zoning Code.

**APPENDIX B**  
**SUBSTANTIVE FILE DOCUMENTS**

Mendocino County Local Coastal Program

Appeal File No. A-1-MEN-14-0053, including local record for Mendocino County Coastal  
Development Permit No. 15-2014

**Appendix C**  
**EXCERPTS FROM THE MENDOCINO COUNTY CERTIFIED LCP**  
(Emphasis added)

**Policies Related to Appeal Contention #1: Environmentally Damaging and Does Not Assure Balanced Utilization and Conservation of Coastal Resources**

**I. Land Use Plan (LUP), Chapter 1 (Background), Section 1.1 (The Coastal Act)** states in applicable part:

... ..

*The Coastal Act, in Section 30001.5, sets the following goals for all Land Use Plans for the coastal zone:*

- a) Protect, maintain and, where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and artificial resources.
- b) Assure orderly, balanced utilization and conservation of coastal zone resources taking into account the social and economic needs of the people of the state.

... ..

**II. Coastal Zoning Code (CZC) Section 20.456 (Accessory Use Regulations)** states in applicable part:

*Section 20.456.005 Declaration. It is the intent of this Chapter to establish the relation among the principal and accessory uses and the criteria for regulating accessory uses.*

*Section 20.456.010 Accessory Uses Encompassed by Principal Permitted Use.*

- (A) *In addition to the principal permitted uses expressly included in the zoning districts such use types shall be deemed to include such accessory uses which are specifically identified by these Accessory Use Regulations; and such other accessory uses which are necessarily and customarily associated with, and are appropriate, incidental, and subordinate to, such principal permitted uses. When provided by these regulations, it shall be the responsibility of the Director to determine if a proposed accessory use is necessarily and customarily associated with, and is appropriate, incidental, and subordinate to the principal permitted use, based on the Director's evaluation of the resemblance of the proposed accessory use to those uses specifically identified as accessory to the principal permitted uses and the relationship between the proposed accessory use and the principal use. Accessory uses shall not include manufacturing, processing or transportation of flammable, explosive, toxic or other hazardous materials. Such determinations which are made by the Director may be appealed pursuant to the administrative appeal procedure commencing at Chapter 20.544.*

... ..



*Section 20.456.020 Civic, Commercial, Industrial, or Extractive Use Types.*

... ..

*(B) Accessory structures and uses necessarily and customarily associated with, and appropriate, incidental, and subordinate to the principal civic, commercial, industrial or extractive uses shall be permitted where these use types are permitted.*

**III. Areas of the Mendocino County Coastal Zoning Code where consideration of the least environmentally damaging alternative arises:**

*Section 20.496.025 Wetlands and Estuaries.*

... ..

*(B) Requirements for Permitted Development in Wetlands and Estuaries.*

*(1) Any proposed development that is a permitted development in wetlands and estuaries must meet the following statutory requirements, and supplemental findings pursuant to Section 20.532.100:*

- (a) There is no feasible, less environmentally damaging alternative;*
- (b) Where there is no feasible, less environmentally damaging alternative, mitigation measures have been provided to minimize adverse environmental effects.*

... ..

*Section 20.496.030 Open Coastal Waters, Lakes, Stream, Rivers.*

... ..

*(B) Requirements for Permitted Development in Open Coastal Waters and Lakes.*

- (1) Diking, filling, or dredging of open coastal waters or lakes shall be permitted only if there is no feasible, less environmentally damaging alternative.*
- (2) If there is no feasible, less environmentally damaging alternative, mitigation measures shall be provided to minimize adverse environmental effects.*

... ..

*Section 20.496.035 Riparian Corridors and Other Riparian Resource Areas.*

*(A) No development or activity which could degrade the riparian area or diminish its value as a natural resource shall be permitted in the riparian corridor or in any area of riparian vegetation except for the following:*

... ..

- (2) Pipelines, utility lines and road and trail crossings when no less environmentally damaging alternative route is feasible;*

... ..

*Section 20.496.040 Dunes.*

... ..

(B) Requirements for Development in Dune Areas are as follows:

... ..

- (2) New development on dune parcels shall be located in the least environmentally damaging location and shall minimize the removal of natural vegetation and alteration of natural landforms.

... ..

**Section 20.496.045 Pygmy Forests.**

(A) General.

... ..

- (2) Pipelines, New development on parcels which contain pygmy type vegetation shall be located in the least environmentally damaging locations...

... ..

**Section 20.500.020 Geologic Hazards.**

(B) Bluffs.

... ..

- (4) No new development shall be allowed on the bluff face except such developments that would substantially further the public welfare including staircase accessways to beaches and pipelines to serve coastal-dependent industry. These developments shall only be allowed as conditional uses, following a full environmental, geologic and engineering review and upon a finding that no feasible, less environmentally damaging alternative is available. Mitigation measures shall be required to minimize all adverse environmental effects.

... ..

(D) Landslides.

- (1) New development shall avoid, where feasible, existing and prehistoric landslides. Development in areas where landslides cannot be avoided shall also provide for stabilization measures such as retaining walls, drainage improvements and the like. These measures shall only be allowed following a full environmental, geologic and engineering review pursuant to Chapter 20.532 and upon a finding that no feasible, less environmentally damaging alternative is available.

... ..

(E) Erosion.

- (1) Seawalls, breakwaters, revetments, groins, harbor channels and other structures altering natural shoreline processes or retaining walls shall not be permitted unless judged necessary for the protection of existing development, public beaches or coastal dependent uses. Environmental geologic and engineering review shall include site-specific information

*pertaining to seasonal storms, tidal surges, tsunami runups, littoral drift, sand accretion and beach and bluff face erosion. In each case, a determination shall be made that no feasible less environmentally damaging alternative is available and that the structure has been designed to eliminate or mitigate adverse impacts upon local shoreline sand supply and to minimize other significant adverse environmental effects.*

... ..

**Section 20.512.015 General Criteria for Harbors, Commercial and Sport Fishing.**

(A) *Diking, Dredging, Filling. Diking, dredging and filling shall be permitted subject to a Coastal Development Use Permit, where there is no feasible less environmentally damaging alternative, and where feasible, mitigation measures have been provided to minimize adverse environmental effects...*

... ..

**Section 20.520.025 Natural Gas Pipelines.**

... ..

(B) *In sensitive resource areas, the extent of pipeline construction and ground surface disturbance shall be reduced to a minimum by restricting construction activities and equipment within narrow, limited and staked work corridors and storage areas. All development will be done in the least environmentally damaging alternative and will require mitigation for negative impacts.*

... ..

**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.*

... ..

**Policies Related to Appeal Contention #2: Inadequate Public Noticing**

I. **CZC Section 20.536.005 (Coastal Development Administrative Permits)** states in applicable part:

... ..

*Noticing. Notice that the Coastal Permit Administrator will report proposed issuance of the coastal development administrative permit to the Board of Supervisors shall be mailed at least ten (10) calendar days prior to the meeting. The notice shall be provided by first class mail to:*

... ..

- (2) *All property owners within three hundred (300) feet of the property lines of the project site, and to each occupant of property within one hundred (100) feet of the property lines of the project site. Where the applicant is the owner of all properties within three hundred (300) feet of the property lines of the project site, notice shall be provided to all property owners within three hundred (300) feet and to all occupants within one hundred (100) feet of the applicant's contiguous ownership;*

... ..

(E) *Content of Notice. The notice shall contain the following information:*

... ..

- (6) *A brief description of the general procedure concerning the conduct of hearing and local actions, including procedures for submission of public comment prior to the decision, and identification of a comment period of sufficient time to allow for submission of comments by mail prior to the decision;*
- (7) *A full disclosure of the procedure(s) for local and Coastal Commission appeals, including any fee(s) that may be required.*

(F) *Final Action. A decision on a coastal development administrative application shall not be deemed complete until:*

- (1) *The decision has been made and all required findings have been adopted, and*
- (2) *When all local rights of appeal have been exhausted in accordance with Chapter 20.544.*

(G) *Notice of Final Action. Notice shall be mailed within ten (10) calendar days of final action by first class mail to:*

... ..

- (2) *Any person who specifically requested, in writing, notice of such final action...*

... ..

**Policies Related to Appeal Contention #3: Safety Threat**

I. **Areas of the Mendocino County Land Use Plan where consideration of safety arises:**

**Chapter 3.1 Habitats and Natural Resources** states in applicable part:

... ..

Policy 3.1-9: Channelization, dams, or other substantial alterations of rivers and streams shall be limited to:

... ..

- 2. Flood control projects where no other method for protecting structures in the flood plain is feasible and where such protection is necessary for public safety or to protect existing development;

... ..

Policy 3.1-10: Areas where riparian vegetation exists, such as riparian corridors, are environmentally sensitive habitat areas and development within such areas shall be limited to only those uses which are dependent on the riparian resources. All such areas shall be protected against any significant disruption of habitat values by requiring mitigation for those uses which are permitted. No structure or development, including dredging, filling, vegetation removal and grading, which could degrade the riparian area or diminish its value as a natural resource shall be permitted in the Riparian Corridor except for:

... ..

- removal of trees for disease control, public safety purposes, or for firewood for the personal use of the property owner at his or her residence. Such activities shall be subject to restrictions to protect the habitat values.

... ..

**Chapter 3.4 Hazards Management** states in applicable part:

... ..

Policy 3.4-4: The County shall require that water, sewer, electrical, and other transmission and distribution lines which cross fault lines be subject to additional safety standards beyond those required for normal installations, including emergency shutoff where applicable.

... ..

Policy 3.4-7: 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)...

... ..

**Chapter 3.6 Shoreline Access and Trail/Bikeway System** states in applicable part:

... ..

Policy 3.6-3: Mendocino County may request temporary closure of any accessway for due cause, i.e., if the resources cannot be protected, if use is

*hazardous to the public and during periods of construction, storm damage to the accessway, or after finding continued use is not consistent with safety and/or environmental concerns, permanent closure or closure for more than 12 months shall require an amendment to the Coastal Element.*

... ..

*Policy 3.6-14: New and existing public accessways shall be conspicuously posted by the appropriate agency and shall have advance highway signs except those for which specific management provisions have been made and specified in Chapter 4. Additional signs shall designate parking areas and regulations for their use, and shall include regulations for protection of marine life and warning of hazards, including high tides that extend to the bluffs. Access shall not be signed until the responsibility for maintenance and liability is accepted and management established.*

*All accessways shall be designed and constructed to safety standards adequate for their intended use. Hazardous blufftops shall be marked or, if lateral access use is intended, shall have a cable or other clear barrier marking the trail or limit of safe approach to the bluff edge. The County of Mendocino shall seek to implement this policy where appropriate by requesting CalTrans, or other responsible agencies to maintain and sign such accessways.*

... ..

**Chapter 3.8 Transportation, Utilities and Public Services** states in applicable part:

... ..

*Policy 3.8-3: Caltrans shall be requested to conduct a study within two years after the certification of this Plan based on a detailed origin and destination survey, trip generation data from different types of housing and accommodations, and new traffic counts. Safety shall be a major consideration in any Highway 1 study.*

... ..

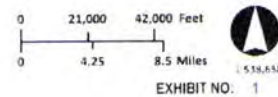
*Policy 3.8-5: Caltrans shall, in cooperation with the County, set priorities based on safety requirements and existing highway congestion for improving the capacity of impacted segments of Highway 1. Measures to be studied should include minor realignments, width and shoulder improvements, passing lanes, view turnouts and parking areas, and intersection improvements.*

*Policy 3.8-6: It shall be a goal of the Transportation Section to achieve, where possible and consistent with other objectives of The Coastal Act and plan policies for Highway 1, a road bed with a vehicle lane width of 16 feet including the shoulder to achieve a 32 foot paved roadway (12-foot vehicle lane and 4-foot paved shoulder). The minimum objective shall be a 14-foot vehicle lane width (10-foot vehicle lane and 4-foot paved shoulder). New widening projects shall be allocated, first to safety and improved capacity needs and secondly to paved shoulders.*



CASE: CDP 15-2014  
OWNER: State of California (CALTRANS)  
APN: None (Highway Right-of-way)  
AGENT: Phillip J. Dow  
ADDRESS: NA

LOCATION MAP



**EXHIBIT NO. 1**  
**APPEAL NO.**  
A-1-MEN-14-0053 - S.A.F.E.  
SITE LOCATION MAPS (1  
OF 2)



**Call Box at Mile Marker 3.25  
in Gualala, Mendocino County**  
(Bing Maps)

2 of 2



CASE Call Box Owners Manual



### 1-4 Call Box Drawings

The following pages show a typical call box installation (Figure 2), the front panel layout (Figure 3), and the call box interior (Figure 4).

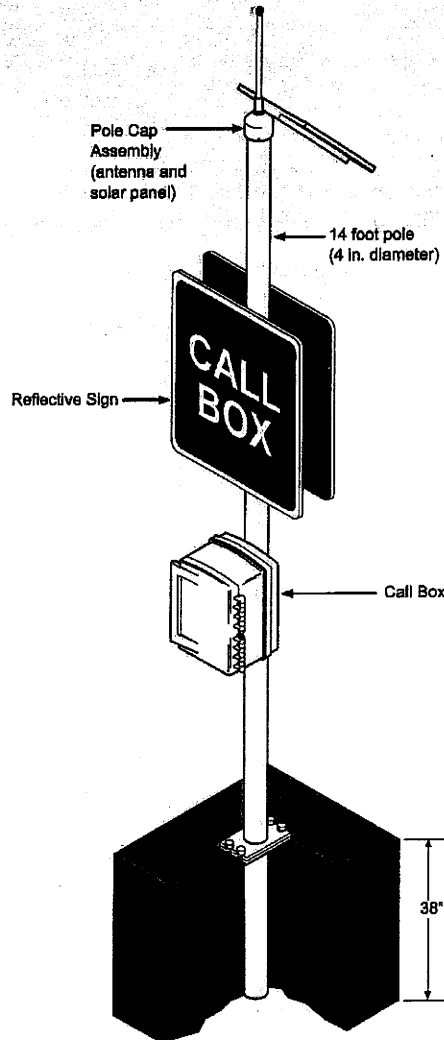


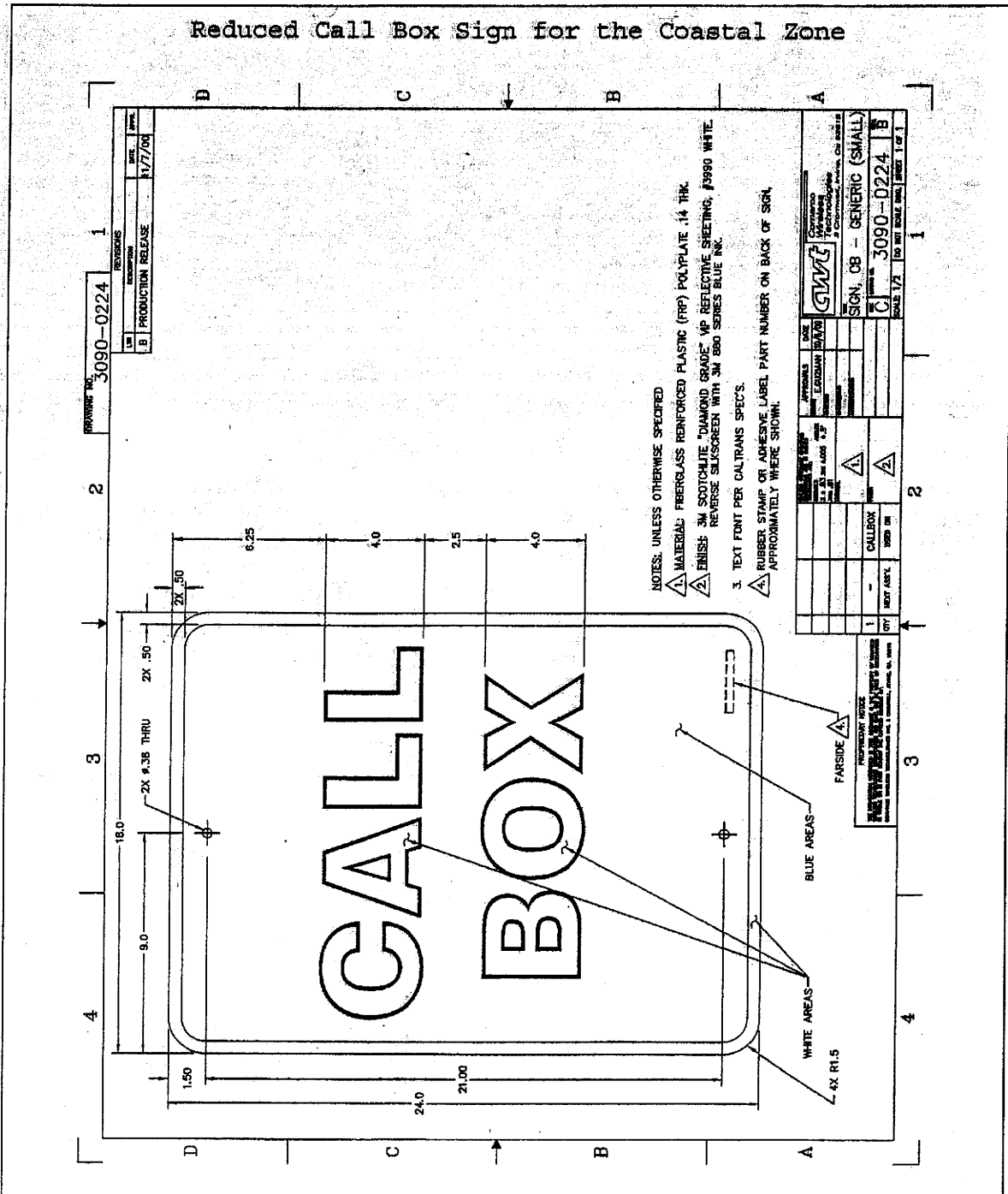
Figure 2. Call Box Installation Drawing

CASE: CDP 15-2014  
OWNER: State of California (CALTRANS)  
APN: None (Highway Right-of-way)  
AGENT: Phillip J. Dow  
ADDRESS: NA

EXHIBIT (INSTALLATION DIAGRAM)

NO SCALE

**EXHIBIT NO. 2**  
**APPEAL NO.**  
A-1-MEN-14-0053 – S.A.F.E.  
TYPICAL CALL BOX AND CALL  
BOX SIGN DRAWINGS (1 OF 2)



CASE: CDP 15-2014  
OWNER: State of California (CALTRANS)  
APN: None (Highway Right-of-way)  
AGENT: Phillip J. Dow  
ADDRESS: NA

EXHIBIT (PROPOSED CALL BOX SIGN)

NO SCALE  
EXHIBIT NO: 3-A

2012



**COUNTY OF MENDOCINO**  
**DEPARTMENT OF PLANNING AND BUILDING SERVICES**  
 860 NORTH BUST STREET • UKIAH • CALIFORNIA • 95482  
 120 WEST FIR STREET • FORT BRAGG • CALIFORNIA • 95437

STEVE DUNNICLIFF  
 TELEPHONE 707-234-6650  
 FAX 707-463-5709  
 FB PHONE 707-964-5379  
 FB FAX 707-961-2427  
 pbs@co.mendocino.ca.us  
 www.co.mendocino.ca.us/planning

1-MEN-14-0510

**RECEIVED**

October 3, 2014

OCT 14 2014  
 CALIFORNIA  
 COASTAL COMMISSION  
 NORTH COAST DISTRICT

**NOTICE OF FINAL ACTION**

Action has been completed by the County of Mendocino on the below described project located within the Coastal Zone.

**CASE#:** CDP 15-2014

**OWNER:** MENDOCINO COUNTY SERVICE AUTHORITY FOR FREEWAY EMERGENCIES (SAFE)

**AGENT:** PHILLIP J. DOW

**REQUEST:** Install 20 emergency call boxes along Highway 1 and Highway 128. Each call box will be powered by a solar panel. Each call box requires the installation of a concrete footing with a depth of footing and pole at 38 inches. The maximum height of the call box is 14 feet; all proposed call boxes will be located within the Caltrans Right of Way.

**APPEALABLE AREA:** Yes

**LOCATION:** Located in the Coastal Zone along Highway 1 at Mile Markers: 3.25, 5.17, 7.29, 9.96, 19.7, 38.84, 42.4, 44.7, 46.07, 48.23, 51.98, 57.87, 66.94, 71.82, 76.57, 79.1, 81.64, 83.8, and 91.04. Located in the Coastal Zone along Highway 128 at Mile Marker: 1.43.

**PROJECT COORDINATOR:** JULIA ACKER

**ACTION TAKEN:**

The Coastal Permit Administrator, on September 25, 2014, approved the above described project with modifications and/or additions. See attached documents for the findings and conditions in support of this decision.

The above project was not appealed at the local level.

This project is appealable to the Coastal Commission pursuant to Public Resources Code, Section 30603. An aggrieved person may appeal this decision to the Coastal Commission within 10 working days following Coastal Commission receipt of this notice. Appeals must be in writing to the appropriate Coastal Commission district office.

**Attachments**

cc: Coastal Commission  
 Assessor

**EXHIBIT NO. 3**  
**APPEAL NO.**  
 A-1-MEN-14-0053 – S.A.F.E.  
 NOTICE OF FINAL LOCAL  
 ACTION & FINDINGS FOR  
 APPROVAL (1 OF 20)



COUNTY OF MENDOCINO

DEPARTMENT OF PLANNING AND BUILDING SERVICES

860 NORTH BUST STREET · UKIAH · CALIFORNIA · 95482  
120 WEST FIR STREET · FORT BRAGG · CALIFORNIA · 95437

STEVE DUNNICLIFF  
TELEPHONE 707-234-6650  
FAX 707-463-5709  
FB PHONE 707-964-5379  
FB FAX 707-961-2427  
pbs@co.mendocino.ca.us  
www.co.mendocino.ca.us/planning

FINAL FINDINGS AND CONDITIONS OF APPROVAL  
CDP 15-2014 - MC SERVICE AUTHORITY FOR FREEWAY EMERGENCIES (SAFE)  
SEPTEMBER 25, 2014

**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, based on the substantial evidence in the record.

**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(f) 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.

**CONDITIONS OF APPROVAL:**

1. This action shall become final on the 11<sup>th</sup> day following the decision unless an appeal is filed pursuant to Section 20.544.015 of the Mendocino County Code. The permit shall become effective after the ten working day appeal period to the Coastal Commission has expired and no appeal has been filed with the Coastal Commission. The permit shall expire and become null and void at the expiration of two years after the effective date except where construction and use of the property in reliance on such permit has been initiated prior to its expiration.
2. The use and occupancy of the premises shall be established and maintained in conformance with the provisions of Division II of Title 20 of the Mendocino County Code.
3. The application, along with supplemental exhibits and related material, shall be considered elements of this permit, and that compliance therewith is mandatory, unless an amendment has been approved by the Coastal Permit Administrator.
4. This permit shall be subject to the securing of all necessary permits for the proposed development from County, State and Federal agencies having jurisdiction.

2920

5. The applicant shall secure all required building permits for the proposed project as required by the Building Inspection Division of the Department of Planning and Building Services.
6. This permit shall be subject to revocation or modification upon a finding of any one or more of the following:
  - a. The permit was obtained or extended by fraud.
  - b. One or more of the conditions upon which the permit was granted have been violated.
  - c. The use for which the permit was granted is conducted so as to be detrimental to the public health, welfare or safety, or to be a nuisance.
  - d. A final judgment of a court of competent jurisdiction has declared one or more conditions to be void or ineffective, or has enjoined or otherwise prohibited the enforcement or operation of one or more such conditions.
7. This permit is issued without a legal determination having been made upon the number, size or shape of parcels encompassed within the permit described boundaries. Should, at any time, a legal determination be made that the number, size or shape of parcels within the permit described boundaries are different than that which is legally required by this permit, this permit shall become null and void.
8. If any archaeological sites or artifacts are discovered during site excavation or construction activities, the applicant shall cease and desist from all further excavation and disturbances within one hundred (100) feet of the discovery, and make notification of the discovery to the Director of the Department of Planning and Building Services. The Director will coordinate further actions for the protection of the archaeological resources in accordance with Section 22.12.090 of the Mendocino County Code.
9. To provide for the protection of natural resources, during installation Best Management Practices shall be used by the applicant to ensure the following:
  - a. Appropriate erosion control measures are located on site, if there is a risk of sediment delivery during or after construction; and
  - b. Appropriate disposal (or compaction on-site and erosion control) of any excess soil left over from excavation for concrete footings.
10. Prior to installation of the concrete pads for the call boxes, any nearby sewer main and/or lateral lines shall be identified, in the proposed locations.
11. Call boxes shall be removed by the applicant from the highway if, for any reason, they are no longer deemed by the applicant to be necessary or useful, or are allowed to remain in an inoperable condition for a period of one year or more.
12. The installation and maintenance of call boxes shall be in compliance with all encroachment permit (Permit Numbers #0114-N-MC-0140 (Highway 1) and #0114-N-MC-0139 (Highway 128)) procedures and requirements administered by the California Department of Transportation (Caltrans).
13. All call boxes shall be removed by the applicant should the trees or vegetation currently existing at the vicinity of the site cease to provide a backdrop for the call box pole. The applicant shall notify the County if the trees or vegetation cease to provide a backdrop for a call box and may be required to submit a Coastal Development Permit modification to remove, replace, or retain the call box.

3 of 20

13-14. Prior to the installation of the proposed signage, a Flood Hazard Development Permit must be obtained by the applicant for the Call Box locations within a Floodplain area (PM 1.42 on Highway 128), if not otherwise exempt from the requirements of the Floodplain Ordinance (Chapter 20.420 of the Mendocino County Coastal Zoning Code).

4 4 20

COASTAL PERMIT ADMINISTRATOR ACTION SHEET

CASE#: CDP#15-2014 HEARING DATE: 9/25/2014

OWNER: California Dept. of Transportation

APPLICANT: Mendocino County S.A.F.E.

ENVIRONMENTAL CONSIDERATIONS:

- Categorically Exempt class 1
- Negative Declaration
- EIR

FINDINGS:

- Per staff report
- Modifications and/or additions

---

---

---

---

---

ACTION:

- Approved
- Denied
- Continued \_\_\_\_\_

CONDITIONS:

- Per staff report
- Modifications and/or additions

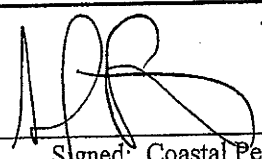
---

---

See Attached

---

---



Signed: Coastal Permit Administrator

5 of 20

## CDP 15-2014 Action Sheet from September 25, 2014

Modifications/Additions to Findings and Conditions are shown as underlined.

### Findings Modifications:

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, based on the substantial evidence in the record.

### Modifications/Additions of Conditions:

9. To provide for the protection of natural resources, during installation Best Management Practices shall be used by the applicant to ensure the following:

- a. Appropriate erosion control measures are located on site, if there is a risk of sediment delivery during or after construction; and
- b. Appropriate disposal (or compaction on-site and erosion control) of any excess soil left over from excavation for concrete footings.

11. Call boxes shall be removed by the applicant from the highway if, for any reason, they are no longer deemed by the applicant to be necessary and useful, or are allowed to remain in an inoperable condition for a period of one year or more.

13. All call boxes shall be removed by the applicant should the trees or vegetation currently existing at the vicinity of the site cease to provide a backdrop for the call box pole. The applicant shall notify the County if the trees or vegetation cease to provide a backdrop for a call box and may be required to submit a Coastal Development Permit modification to remove, replace, or retain the call box.

14. Prior to the installation of the proposed signage, a Flood Hazard Development Permit must be obtained by the applicant for the Call Box locations within a Floodplain area (PM 1.42 on Highway 128), if not otherwise exempt from the requirements of the Floodplain Ordinance (Chapter 20.420 of the Mendocino County Coastal Zoning Code).



STAFF REPORT FOR COASTAL DEVELOPMENT  
STANDARD PERMIT

GDP# 15-2014  
SEPTEMBER 25, 2014  
CPA-1

OWNER:

CALIFORNIA DEPARTMENT OF TRANSPORTATION  
703 B STREET  
MARYSVILLE, CA 95901

AGENT:

PHILLIP J. DOW  
367 NORTH STATE STREET, SUITE 206  
UKIAH, CA 95482

APPLICANT:

**RECEIVED**  
OCT 14 2014  
CALIFORNIA  
COASTAL COMMISSION  
NORTH COAST DISTRICT

MENDOCINO COUNTY SERVICE AUTHORITY FOR  
FREEWAY EMERGENCIES (S.A.F.E.)  
367 NORTH STATE STREET, SUITE 206  
UKIAH, CA 95482

REQUEST:

Install 20 emergency call boxes along Highway 1 and Highway 128. Each call box will be powered by a solar panel, and requires the installation of a concrete footing and pole depth at 38 inches; maximum height of the call box is 14 feet. All proposed call boxes will be located within the Caltrans Right-of-Way.

LOCATION:

Located in the Coastal Zone along Highway 1 at Mile Markers: 3.25, 5.17, 7.29, 9.96, 19.7, 38.84, 42.4, 44.7, 46.07, 48.23, 51.98, 57.87, 66.94, 71.82, 76.57, 79.1, 81.64, 83.8, and 91.04; and in the Coastal Zone along Highway 128 at Mile Marker 1.43.

APPEALABLE AREA:

Yes (Highly Scenic, Blufftop)

PERMIT TYPE:

Standard

TOTAL ACREAGE:

N/A

GENERAL PLAN:

Right-of-way

ZONING:

Right-of-way

EXISTING USES:

State Highway

ADJACENT ZONING:

North, East, South, West: See Table 1 in Land Use

SURROUNDING LAND USES:

North, East, South, West: See Table 1 in Land Use

SUPERVISORIAL DISTRICT:

4 and 5

ENVIRONMENTAL DETERMINATION:

Categorically Exempt from CEQA- Class 1(f)

70920

**OTHER RELATED APPLICATIONS:** Coastal Development Permit CDP# 44-2002 for the installation of sixteen (16) emergency call boxes along Highway 1 with a maximum height of eighteen (18) feet. The project was appealed to the California Coastal Commission and was approved in April 2004, CDP A-1-MEN-03-066, which removed several call boxes from the project and reduced the size of the reflective signage.

**PROJECT DESCRIPTION:** The applicants request a permit for the installation of 20 emergency call boxes along Highway 1 and Highway 128. Each call box will be powered by a solar panel. All proposed call boxes will be located within the Caltrans Right-of-Way. Several call boxes may require the installation of a concrete pad, as indicated in the site specific review below. The maximum height of the call box is 14 feet. The size of the "CALL BOX" sign is 18 inches by 24 inches, is made of fiberglass and is painted in a bright blue color with white lettering. The telephone box is a bright yellow color, located about four (4) feet up the pole for the call box. (See Exhibit 3B for a design simulation.)

Please note that the original project description that the applicant submitted has been revised from 28 emergency call boxes to 20 emergency call boxes, as several proposed locations were outside of the Coastal Zone boundary. Call box locations along the highway are designated by "post miles" (PM). The post mile locations for the proposed call boxes have been approximated by measuring from the nearest post mile marker.

**Post Mile      Location Description and Comments**

**Highway 1:**

- 3.25** Located on a paved approach to Pirates Dive, fourteen (14) feet from the roadway, along the southbound lane. No pad or rail would be required, a satellite may be necessary, the actual sign would be mounted, with the call box lowered and turned 90 degrees to face traffic. The location provides good site distance, good American's with Disabilities Act (ADA) accessibility, and there is lots of sun for the solar panel. The sign would be located in an area that contains vegetation between the sign location and ocean views. Public views of the ocean would not be obstructed by the proposed location.
- 5.17** Located at the north end of gravel turnout, twenty-two (22) feet from the roadway, along the southbound lane. A pad would be required for installation, a satellite may be necessary in this location, and the actual sign will be installed at level grade. The location has many trees between the proposed call box location and ocean, therefore providing good shielding, the site provides adequate site distance, and is ADA accessible. The actual sign would be placed in-line with the existing power pole.
- 7.29** Located on a paved turnout, on the south end, behind a dike, and approximately twenty (20) feet from the roadway, along the southbound lane. The site is shielded by trees, would not require a pad, the sign would require a satellite, and the actual sign will be installed at level grade. The location is questionable because it is located within a blind curve. An alternative site is PM 8.27 which is fifty (50) feet north from PM 7.29
- 9.96** Located in the middle of a paved turnout, fourteen (14) feet from the roadway, along the southbound lane. A pad or rail would not be needed, the sign would require a satellite, and the actual sign would be lowered and turned 90 degrees to face traffic. The location provides good shielding from a large tree, there is adequate sun for the solar panel, and the site is ADA accessible.
- 19.70** Located on the north end of a paved turnout and deceleration lane at Stoneboro Road, fourteen (14) feet from the roadway, along the southbound lane. The site would not require a pad or rail, no satellite will be necessary and the actual sign would be mounted behind a dike with the call box lowered and turned 90 degrees to face traffic. The site provides good shielding, and

8 of 20

adequate sun for the solar panel. The location is approximately sixty-seven (67) feet from the PM marker.

- 38.84** Located behind a dike in a paved area, approximately fifty (50) feet south of Navarro Bluff Road adjacent to a small residential area, along the southbound lane. The site would not require a pad or rail, no satellite would be necessary, and the actual sign would be mounted behind a dike with the call box lowered and turned 90 degrees to face traffic. The sign would be aligned with the existing power pole. The site provides adequate sun for the solar panel, shielding between the call box and the ocean, and provides ADA accessibility.
- 44.70** Located at the south end of a paved turnout, approximately thirty-two (32) feet from the roadway, along the southbound lane. The site would not require installation of a pad or rail, however a satellite would be required, and the actual sign would be lowered and turned 90 degrees to face traffic. There is relatively good sun provided to the site and there exists adequate shielding between the sign and the ocean, ADA accessibility is possible.
- 46.07** Located on the south end of a driveway turnout, approximately thirty-four (34) feet from the roadway, along the southbound lane. The site would require installation of a pad and satellite, and the actual sign would be installed at level grade. There is relatively good sun provided at the site, shielding is provided by dense vegetation to the west of the proposed location, ADA accessibility is possible.
- 48.23** Located in a gravel turnout, approximately twenty (20) feet from the roadway, along the northbound lane. The site would require installation of a pad, and the actual sign would be installed at level grade. Shielding is provided by existing vegetation, there appears to be adequate sun for a solar panel, it is questionable if the site is ADA accessible.
- 51.98** Located on the north end of a paved driveway at address 11501 north Highway 1, approximately thirty-two (32) feet from the roadway, approximately twelve (12) feet from the address sign, along the northbound lane. The site would require installation of a pad and the possible need for a satellite, the actual sign would be installed at level grade. The site is east of Highway 1, but still provides vegetation screening, good sun availability, and would appear to be ADA accessible.
- 57.87** Located on the north end of a paved turnout and on the driveway flare across from Pearl Drive, approximately seventeen (17) feet from the roadway and forty-five (45) feet south of Pearl Drive, along the southbound lane. The site would not require installation of a pad, rail, or satellite, and the actual sign would be lowered and turned 90 degrees to face traffic. The site provides good sun, good sight distance, and a dense vegetative screening.
- 66.94** Located on a gravel turnout, approximately seventeen (17) feet from the roadway, approximately twenty-five (25) feet north of PM 66.93, along the northbound lane. The site would require installation of a pad, and the actual sign would be installed at level grade. The site provides good sight distance, and adequate sun. It is noted that Caltrans will need to relocate ditch and extend shoulder backing in area prior to installation.
- 71.82** Located in a wide gravel turnout, approximately sixty-seven (67) feet from roadway, along the southbound lane. The site would require installation of pad, and the actual sign would be installed at level grade. The site is shielded by a large cypress tree, there is adequate sight distance, and good sunlight available.
- 76.57** Located in a gravel turnout, approximately fifteen (15) feet from roadway, along the northbound lane. The site will require installation of a pad and satellite, and the actual sign would be installed at level grade. There is adequate sun, adequate sight distance, and the site is ADA accessible. Caltrans plans to grade the turnout.

9420

- 79.10 Located north of the Branscomb Road junction at the south end of the paved transition, approximately twelve (12) feet from the roadway, approximately twenty-six (26) feet north of PM, along the northbound lane. The site will not require installation of a pad, rail, or satellite, and the actual sign would be lowered and turned 90 degrees to face traffic. The site provides adequate sight distance, and good sun exposure.
- 81.64 Located in a gravel turnout, approximately eighteen (18) feet from the roadway, approximately one hundred and ten (110) feet north of PM 81.62 sign, along the southbound lane. The site would require installation of a pad, and the actual sign would be installed at level grade. The site provides good sight distance, there is decent screening provided by mainly shrubs and one or two trees, and the location provides adequate sunshine.
- 83.80 Located in a gravel turnout, approximately twelve (12) feet north of the guardrail nose at Hardy Creek Bridge, approximately thirteen (13) feet from the roadway, located along the northbound lane. The site would require installation of a pad and satellite, and the actual sign would be installed at level grade. The site provides good ADA accessibility, and adequate sunlight.
- 91.04 Located in a partially paved turnout, approximately fourteen (14) feet from the roadway, located along the southbound lane. The site would require installation of a satellite, and the actual sign would be lowered and turned 90 degrees to face traffic. The site provides good sunlight, adequate sight distance, and good ADA accessibility.

**Highway 128:**

- 1.43 Located in a gravel turnout, approximately thirteen (13) feet from the roadway, approximately eighty-eight (88) feet up from PM 1.41, along the eastbound lane. The site would require installation of a pad and satellite, the actual sign would be installed at level grade. The site provides good sun exposure, decent sight distance, and is ADA accessible.

**REGULATORY BACKGROUND:** In 1985, the California Legislature passed Senate Bill 1199 to enable counties to generate revenues for the purpose of purchasing, installing, operating and maintaining an emergency motorist aid system. The legislation required the California Department of Motor Vehicles (DMV) to collect revenue to support the system, and the Department of the California Highway Patrol (CHP) and the California Department of Transportation (Caltrans) to provide review, approval and operating services for the system. On August 1, 1994 a Service Authority for Freeway Emergencies (SAFE) was created in Mendocino County by a joint powers agreement between the County of Mendocino and the cities of Fort Bragg, Point Arena, and Ukiah. SAFE is funded by a \$1.00 fee assessed on all registered vehicles in the County, and was created for the purpose of placing call boxes at two-mile intervals along most State highways within the County. Several call boxes are already installed along Highway 1, Highway 20, Highway 128, Highway 101 and Highway 253.

**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.

**Gualala Municipal Advisory Council**

At the regular monthly meeting of the Gualala Municipal Advisory Council (GMAC) on July 10, 2014, GMAC discussed the call box locations that are located within their jurisdiction. The applicable call box locations are at post mile marker 3.25, 5.17, 7.29 and 9.96. GMAC visited each location and photographed the sites. GMAC has provided the following comments with regards to the proposed project:

1. The approximately 2-3 mile intervals for call box locations seemed appropriate.

2. Members expressed concern that potentially endangered pines and their associated heights could impact the light needed for the solar panels.
3. The 7.29 post mile marker location was questioned because it is located in a somewhat blind curve, with motorists traveling at a higher speed and presenting possible safety issues.

GMAC unanimously voted to recommend approval of the proposed project.

#### Westport Municipal Advisory Council

The Westport Municipal Advisory Council (WMAC) discussed the proposed project at their regularly scheduled monthly meeting on July 1, 2014. WMAC supports this project because it will improve emergency response in the isolated area of Westport. WMAC recommends approval and noted their appreciation for the efforts made by the Mendocino Council of Governments to improve safety in the Westport area.

#### Land Use

The proposed project is for the development of safety improvements along Highway 1 and Highway 128. Mendocino County Service Authority for Freeway Emergencies (SAFE) proposes the addition of twenty (20) new call boxes, nineteen (19) along Highway 1 and one (1) along Highway 128. The boxes will be spaced roughly two to three (2-3) miles apart and each call box would be approximately fifteen (15) to twenty (20) feet from the painted highway edge line. The function of the call boxes is to provide motorists with the ability to communicate with California Highway Patrol dispatch center to report highway emergencies.

The proposed call boxes are allowable under Section 20.456.020 (B) of the Mendocino County Coastal Zoning Code, which provides for accessory structures and uses necessarily and customarily associated with, and appropriate, incidental, and subordinate to the principal use. Since the principal use is a State highway, the call boxes are considered as accessory to the existing roadway.

A Call Box Locational Analysis Report was prepared in 1998 by Dow & Associates, to identify appropriate call box locations and establish a priority system for placement of boxes as funding becomes available. Various safety and traffic information is examined in the report, including accident, injury and fatality rates, traffic volumes, location of pay phones, and available cellular phone service. The nineteen (19) sites along Highway 1 and one (1) site along Highway 128 were examined as part of the report.

Several factors were used to determine the appropriate siting at the selected location for each specific call box. Factors that were considered include safety, adequate parking area, adequate sight distances for entering and exiting the highway, access to cellular phone service, and access to sunlight for the solar panels. Due to the several selected locations along the southbound lane of Highway 1, visual resources needed to be considered as factors in the selected locations. All selected locations provide a vegetative screening between the sign and the ocean; therefore, the selected locations are not further obstructing public views of the ocean than the existing site conditions.

The call boxes proposed would be the same as those currently existing along Highway 1 within the Coastal Zone. The signs consist of a fourteen (14) foot tall pole with a cellular antenna and solar panel on top, with a blue "CALL BOX" reflective sign with white letters at about eight (8) feet above the ground, and a yellow telephone box at about four (4) feet above the ground (see Exhibit 3B). Several, not all, of the proposed call boxes will require installation of a concrete pad to stabilize the unit. The phone will only connect to the California Highway Patrol dispatch unit.

The proposed "CALL BOX" reflective signs are regulated by Chapter 20.476 of the Coastal Zoning Code, which includes the following provisions:

11 of 20

Sec.20.476.005 Intent

*The purpose of this Chapter is to promote and protect the public health, welfare, and safety by regulating existing and proposed signs of all types. It is intended to protect property values, create a more attractive, economic and business climate, enhance the aesthetic appearance of the physical community, preserve the scenic and natural beauty of the coastal area, and protect the aesthetic qualities which contribute to the coastal character. It is further intended hereby to reduce signs or advertising distractions and obstructions that may contribute to traffic accidents or visual pollution.*

Sec. 20.476.035 General Regulations

The following shall apply in the construction and maintenance of on-site and off-site signs.

(A) Special Purpose Signs. The following special purpose signs shall be exempt from these regulations:

- (1) Directional, warning or informational signs required or authorized by law which are erected by federal, state, county, municipal officials or special district officials;

The proposed signs associated with the call boxes are exempt from the specific requirements of Chapter 20.476 because the signs are authorized by law and erected by a government agency.

Many of the proposed call box locations are within a designated highly scenic area, therefore the 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. For the call boxes located outside highly scenic areas, the height limit is twenty-eight (28) feet above finished grade. The proposed fourteen (14) foot height of the call box structures complies with the height limitations.

Table 1. Adjacent Zoning and Surrounding Land Uses

| Post Mile Marker | Adjacent Zoning   | Surrounding Land Uses  |
|------------------|---|--|
| <b>Highway 1</b> |   |  |
| 3.25             | North: RR:L-5<br>South: RR:L-5[FP]<br>East: RR:L-5<br>West: RR:L-5              | North: Residential<br>South: Residential<br>East: Vacant Residential<br>West: Residential  |
| 5.17             | North: RR:L-5<br>South: RR:L-5[FP]<br>East: RR:L-5*1C<br>West: RR:L-5[FP]       | North: Residential<br>South: Vacant Residential<br>East: Hotel/Motel<br>West: Vacant Residential                                       |
| 7.29             | North: RR:L-5<br>South: RR:L-5[FP]<br>East: RR:L-5<br>West: RR:L-5[FP]          | North: Vacant Residential<br>South: Vacant Residential<br>East: Vacant Residential<br>West: Vacant Residential                         |
| 9.96             | North: RR:L-5<br>South: RR:L-5[FP]<br>East: RR:L-5<br>West: RR:L-5[FP]          | North: Vacant Residential<br>South: Vacant Residential<br>East: Vacant Residential<br>West: Vacant Residential                         |
| 19.7             | North: AG:L-60[FP]<br>South: RL:L-160*2C<br>East: RL:L-160[SS]<br>West: AG:L-60 | North: Type I Agricultural Preserve<br>South: Residential<br>East: Type II Agricultural preserve<br>West: Type I Agricultural Preserve |

12920

STAFF REPORT FOR COASTAL DEVELOPMENT  
STANDARD PERMIT

CDP# 15-2014  
CPA-7

|       |  |  |
|-------|--|--|
| 38.84 | North: RL:L-160<br>South: RR:L-5[FP]<br>East: RL:L-160<br>West: RR:L-5[FP]         | North: Timber Production<br>South: Residential<br>East: Timber Production<br>West: Residential                   |
| 42.4  | North: RL:L-160<br>South: RR:L-5[PD]<br>East: RR:L-5[PD]<br>West: RR:L-5[FP][PD]   | North: Timber Production<br>South: Type II Agricultural Preserve<br>East: Timber Production<br>West: Residential |
| 44.7  | North: RR:L-10<br>South: RMR:L-20<br>East: RR:L-10<br>West: RR:L-10                | North: Residential<br>South: Timber Production<br>East: Residential<br>West: Residential                         |
| 46.07 | North: RR:L-5<br>South: RR:L-5<br>East: RR:L-5<br>West: RR:L-5                     | North: Residential<br>South: Residential<br>East: Residential<br>West: Duplex/Two Residences                     |
| 48.23 | North: RR:L-5<br>South: OS[FP]<br>East: OS[FP]<br>West: RR:L-5                     | North: Residential<br>South: Open Space<br>East: Open Space<br>West: Vacant Residential                          |
| 51.98 | North: RR:L-5[PD]<br>South: RR:L-5[FP]<br>East: RR:L-5[PD]<br>West: RR:L-5[PD]     | North: Vacant Residential<br>South: Vacant Residential<br>East: Residential<br>West: Residential                 |
| 57.87 | North: RR:L-5<br>South: RR:L-5<br>East: RR:L-5<br>West: RR:L-5[FP]                 | North: Vacant Residential<br>South: Residential<br>East: Residential<br>West: Vacant Residential                 |
| 66.94 | North: RR: L-2<br>South: RR:L-2<br>East: RR:L-2<br>West: RR:L-2                    | North: Vacant Residential<br>South: Residential<br>East: Residential<br>West: Residential                        |
| 71.82 | North: RL:L-160<br>South: RR:L-5[FP]<br>East: RR:L-5<br>West: OS[FP]               | North: Type II Agricultural Preserve<br>South: Vacant<br>East: Residential<br>West: Open Space                   |
| 76.57 | North: RL:L-160<br>South: AG:L-60<br>East: RL:L-160<br>West: AG:L-60               | North: Rangelands<br>South: Residential<br>East: Rangelands<br>West: Residential                                 |
| 79.1  | North: RMR:L-20[FP]*1<br>South: RMR:L-20<br>East: RMR:L-20<br>West: RMR:L-20[FP]   | North: Hotel/Motel<br>South: Residential<br>East: Residential<br>West: Vacant Residential                        |
| 81.64 | North: RMR:L-20<br>South: OS[FP]<br>East: RMR:L-20<br>West: OS[FP]                 | North: Residential<br>South: Open Space<br>East: Vacant Residential<br>West: Open Space                          |
| 83.8  | North: TP:L-160[FP]<br>South: TP:L-160<br>East: RL:L-160[FP]<br>West: RL:L-160[FP] | North: Timber Production<br>South: Timber Production<br>East: Residential<br>West: Residential                   |
| 91.04 | North: TP:L-160[FP]<br>South: TP:L-160   | North: Timber Production<br>South: Timber Production   |

13 of 20

|                    |  |   |
|--------------------|--|---|
|                    | <b>East:</b> TP:L-160[FP]<br><b>West:</b> TP:L-160[FP]   | <b>East:</b> Timber Production<br><b>West:</b> Timber Production  |
| <b>Highway 128</b> |  |   |
| 1.43               | <b>North:</b> RL:L-160[FP]<br><b>South:</b> RR:L-5[FP][DL]<br><b>East:</b> RL:L-160[FP]<br><b>West:</b> RL:L-160[FP] | <b>North:</b> Type II Agricultural Preserve<br><b>South:</b> Vacant Residential<br><b>East:</b> Type II Agricultural Preserve<br><b>West:</b> Type II Agricultural Preserve |

**Public Access**

Several of the call boxes will be installed on the west side of Highway 1; however, their installation will neither obstruct nor improve coastal access. No impacts to public access are anticipated.

**Hazards**

All of the call boxes will be located with the Highway 1 right-of-way, utilizing existing turnouts and driveways. Many of the sites are west of Highway 1 above the coastal bluffs, however due to the small size of the call box facilities and the fact that they can be easily removed in case of bluff erosion and retreat, no geotechnical investigation or report was required. Several call boxes are located within the 100 year floodplain.

**Grading, Erosion and Runoff**

Minimal grading will be required to accommodate the proposed project on each of the selected locations. The Caltrans encroachment permits for the proposed project (Permit Numbers #0114-N-MC-0140 (Highway 1) and #0114-N-MC-0139 (Highway 128)) indicate that the surface of each turnout must be restored to the site conditions existing prior to installation of the sign. Under the "special provisions" for the encroachment permit it is required that "the area within the State right-of-way shall be left in a neat and non-erodible condition to the satisfaction of Department's Representative (Caltrans). All surplus material and debris must be disposed of in a lawful manner outside the State right-of-way."

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.*

14 of 20



- (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.*

Due to the small amount of proposed earthwork to install the signs, and in some locations installation of a concrete pad, the proposed work would not significantly alter erosion or soil stability. California Department of Fish and Wildlife has commented that Best Management Practices should be utilized during construction to ensure the following: appropriate erosion control measures on site if there is a risk of sediment delivery during or after construction; and appropriate disposal (or compaction on-site and erosion control) of any excess soil left over from excavation for concrete footings. The recommendations of California Department of Fish and Wildlife are included as Condition #9.

### Visual Resources

The primary concern with regards to the call box project is the visual impact, particularly on sites that are located to the west side of Highway 1 within a designated "Highly Scenic Area." Additionally, State-wide standards for the design and location of the call boxes conflict with visual resource policies in the certified Coastal Element. The primary concerns with regards to the State-wide standards is the color scheme, which has become a State recognized standard, consisting of a bright yellow phone box, bright blue reflective signage with white lettering; and to compound the visual impact of the call boxes, locations are selected that provide adequate sight distance and are therefore easily spotted from the highway. This is directly in conflict with the requirements for color schemes in designated "Highly Scenic Areas" requiring that colors to be earthtone and that they should blend with the natural environment. In addition, section 20.504.015(C)(3) of the MCCZC also indicates that reflective surfaces should be minimized to the greatest extent possible.

Section 30254 of the California Coastal Act states that it is the intent of the State Legislature that rural areas of Highway 1 within the Coastal Zone shall remain a scenic two-lane road; in addition, policies presented in both the Coastal Element and the MCCZC support long-term protection of the scenic qualities of the Coastal Zone.

Nine (9) of the twenty (20) proposed call box locations are located within a designated "Highly Scenic Area" west of Hwy 1 and therefore 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.*

15 of 20

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

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

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

Section 20.504.015(C)(3) also requires:

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

The proposed call boxes, out of necessity, will be visible from Highway 1. Several call boxes are located near a park, beach or recreation area, but would not significantly degrade the visual qualities of the coastline as they will be in character with surrounding development, a scenic two-lane highway. With an average height of 14 feet above natural grade, the call box structures comply with the 18 foot height requirement.

Siting the locations for the various call boxes required consideration of the visual impact of the locations while balancing the safety benefits that each call box would bring to the area. The most significant concern in placement of the call boxes is degrading public views of the ocean. As much as possible locations were selected that either contain dense vegetative screening or contain other developments, where the call box could be sited by, that have already degraded the public view of the ocean (such as telephone poles, signage, etc.). In general, locations were selected that would make the call boxes less intrusive, without being obscured from motorists' views.

California Department of Parks and Recreation had initially expressed concern over the call box locations at post miles on Highway 1 at 81.64, 57.87, 51.98, 48.23, 46.07, and 9.96 and along Highway 128 at 1.43. After providing further information on the location and siting of each proposed call box the California Department of Parks and Recreation had no further comment.

The previous Coastal Development Permit (CDP# 44-2002) for installation of call boxes in Mendocino County and past studies about call box installation in the Big Sur area has resulted in the reduced sign size of eighteen (18) inches by twenty-four (24) inches, which is the size proposed today (shown in Exhibit 3A).

If any of the call boxes cease to be functional or useful, staff recommends that they be removed from the highway. Condition #11 is recommended to reflect this suggestion.

Should any of the vegetative screening become dead, diseased or dying the call box shall be removed and/or relocated to reduce the visual impact. Condition #13 is recommended to reflect this suggestion.

### Natural Resources

All of the proposed call boxes are located within the Highway 1 corridor, in already disturbed turnouts and driveways. Both U.S. Fish and Wildlife Service and California Department of Fish and Wildlife commented that they had no concerns relative to protection of natural resources from the proposed project, provided mitigation measures are adopted as outlined in the Grading, Erosion and Runoff section of this report. No impacts to natural resources are anticipated.

16 of 20

### Archaeological/Cultural Resources

The project was reviewed by the Northwest Information Center of the California Historical Resources Inventory at Sonoma State University. The Information Center responded that the entire project area was surveyed in 2011 under Study #38865 by Leach-Palm, Brady, Mikkelsen, et. Al. No cultural resources were identified within the proposed project area; therefore, no further study is necessary. Standard 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 proposed project would not require the use of water or waste water disposal. Therefore, there will be no impact to water resources. However, the Division of Environmental Health has commented that before installation of the concrete footings for the call boxes, any nearby sewer main and/or lateral lines shall be identified, in the proposed locations. The recommendations of the Division of Environmental Health are reflected in Condition #10.

### Transportation/Circulation

As mentioned previous Section 30254 of the California Coastal Act states that it is the intent of the State Legislature that Highway 1 in rural areas of the coastal zone remain a scenic two-lane road. Impacts to the scenic qualities of Highway 1 are addressed in the visual resources section of this report. The availability of call boxes is not anticipated to have an impact on highway capacity or trip generation. Trips will only be required for the installation of the call boxes and occasional maintenance.

Utilities and structures installed within the State highway right-of-way are subject to an encroachment permit from Caltrans. Mendocino County SAFE has already obtained the encroachment permits from Caltrans (Permit Numbers #0114-N-MC-0140 (Highway 1) and #0114-N-MC-0139 (Highway 128)).

### 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(f) 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

17920

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.

**CONDITIONS OF APPROVAL:**

1. This action shall become final on the 11<sup>th</sup> day following the decision unless an appeal is filed pursuant to Section 20.544.015 of the Mendocino County Code. The permit shall become effective after the ten working day appeal period to the Coastal Commission has expired and no appeal has been filed with the Coastal Commission. The permit shall expire and become null and void at the expiration of two years after the effective date except where construction and use of the property in reliance on such permit has been initiated prior to its expiration.
2. The use and occupancy of the premises shall be established and maintained in conformance with the provisions of Division II of Title 20 of the Mendocino County Code.
3. The application, along with supplemental exhibits and related material, shall be considered elements of this permit, and that compliance therewith is mandatory, unless an amendment has been approved by the Coastal Permit Administrator.
4. This permit shall be subject to the securing of all necessary permits for the proposed development from County, State and Federal agencies having jurisdiction.
5. The applicant shall secure all required building permits for the proposed project as required by the Building Inspection Division of the Department of Planning and Building Services.
6. This permit shall be subject to revocation or modification upon a finding of any one or more of the following:
  - a. The permit was obtained or extended by fraud.
  - b. One or more of the conditions upon which the permit was granted have been violated.
  - c. The use for which the permit was granted is conducted so as to be detrimental to the public health, welfare or safety, or to be a nuisance.
  - d. A final judgment of a court of competent jurisdiction has declared one or more conditions to be void or ineffective, or has enjoined or otherwise prohibited the enforcement or operation of one or more such conditions.
7. This permit is issued without a legal determination having been made upon the number, size or shape of parcels encompassed within the permit described boundaries. Should, at any time, a legal determination be made that the number, size or shape of parcels within the permit described boundaries are different than that which is legally required by this permit, this permit shall become null and void.
8. If any archaeological sites or artifacts are discovered during site excavation or construction activities, the applicant shall cease and desist from all further excavation and disturbances within one hundred (100) feet of the discovery, and make notification of the discovery to the Director of the Department of Planning and Building Services. The Director will coordinate further actions for the protection of the archaeological resources in accordance with Section 22.12.090 of the Mendocino County Code.

18 of 20

**STAFF REPORT FOR COASTAL DEVELOPMENT  
STANDARD PERMIT**

**CDP# 15-2014  
CPA-13**

9. To provide for the protection of natural resources, during installation Best Management Practices shall be used to ensure the following:
  - a. Appropriate erosion control measures are located on site, if there is a risk of sediment delivery during or after construction; and
  - b. Appropriate disposal (or compaction on-site and erosion control) of any excess soil left over from excavation for concrete footings.
10. Prior to installation of the concrete pads for the call boxes, any nearby sewer main and/or lateral lines shall be identified, in the proposed locations.
11. Call boxes shall be removed from the highway if, for any reason, they are no longer deemed necessary or useful, or are allowed to remain in an inoperable condition for a period of one year or more.
12. The installation and maintenance of call boxes shall be in compliance with all encroachment permit (Permit Numbers #0114-N-MC-0140 (Highway 1) and #0114-N-MC-0139 (Highway 128)) procedures and requirements administered by the California Department of Transportation (Caltrans).
13. All call boxes shall be removed should the trees or vegetation currently existing at the vicinity of the site cease to provide a backdrop for the call box pole.

Staff Report Prepared By:

8/26/2014

DATE

Julia Acker

JULIA ACKER  
PLANNER I

JA/hm  
August 12, 2014

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.)

**Attachments:**

|              |                                 |
|--------------|---------------------------------|
| Exhibit 1    | Location Map                    |
| Exhibit 2A-G | Aerial Images                   |
| Exhibit 3A   | Proposed "CALL BOX" Sign Design |
| Exhibit 3B   | Installation Guidelines         |
| Exhibit 4A-G | FEMA Floodzone Maps             |
| Exhibit 5A-G | Highly Scenic Areas             |

19420

SUMMARY OF REFERRAL AGENCY COMMENTS:

|                                   |  |
|-----------------------------------|--|
| Planning – Ukiah                  | No comment.  |
| Department of Transportation      | The proposed project will require an Encroachment Permit from Caltrans.  |
| Environmental Health – Fort Bragg | Prior to installation of the concrete footings for the call boxes, any nearby sewer main and lateral lines shall be identified, in the proposed locations.   |
| Building Inspection – Fort Bragg  | No comment.  |
| Assessor                          | No response.   |
| WMAC                              | Comments outlined in Westport Municipal Advisory Council section of report.  |
| Friends of Schooner Gulch         | No response.   |
| Department of Fish & Wildlife     | Appropriate Best Management Practices shall be used during construction to ensure the following: appropriate erosion control measures on site if there is a risk of sediment delivery during or after construction; and appropriate disposal (or compaction on-site and erosion control) of any excess soil left over from excavation for concrete footings. |
| Caltrans                          | No response.   |
| Coastal Commission                | No response.   |
| Sonoma State University           | Study #38865 (Leach-Pam, Brady, Mikkelsen, et. Al 2011) covers approximately 100% of the proposed project area. The proposed project has a low possibility of containing unrecorded archaeological sites. Therefore, no further study for archaeological resources is recommended.   |
| Dept. of Parks & Recreation       | Initially DPR requested additional information on several call box locations. After review of the requested additional information, no further comments were provided.   |
| U.S. Fish and Wildlife Service    | The USFWS has no concerns with this project and it may proceed at any time.  |
| Point Arena City Hall             | No response.   |
| GMAC                              | Comments outlined in Gualala Municipal Advisory Council section of this report.  |

**CALIFORNIA COASTAL COMMISSION**

NORTH COAST DISTRICT OFFICE  
1385 EIGHTH STREET, SUITE 130  
ARCATA, CA 95521  
VOICE (707) 826-8950 FAX (707) 826-8960

**EXHIBIT NO. 4**

**APPEAL NO.**

A-1-MEN-14-0053 - S.A.F.E.

APPEAL (1 OF 13)



**APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT**

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

**SECTION I. Appellant(s)**

Name: Peggy Kim [Property at 47000 Pirates Dr. Guadalupe]  
Mailing Address: 2828 Lemmon Ave, Apt. 4110  
City: Dallas TX Zip Code: 75204 Phone: 903-217-2892

**SECTION II. Decision Being Appealed**

- Name of local/port government: Mendocino Planning & Building Services
- Brief description of development being appealed:  
CDP 15-2014 S.A.F.E.  
Installation of 20 call boxes
- Development's location (street address, assessor's parcel no., cross street, etc.):  
Installation Hwy 1 at Mile Markers 3.25, 5.17, 7.29, 9.96, 19.7, 38.84, 42.4, 44.7, 46.07, 48.23, 52.98, 57.87, 66.94, 71.82, 76.57, 79.1, 81.64, 83.8, 91.04 Hwy 128 at 1.43
- Description of decision being appealed (check one.):  
 Approval; no special conditions  
 Approval with special conditions:  
 Denial

**Note:** For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

**TO BE COMPLETED BY COMMISSION:**

APPEAL NO: A-1-MEN-14-0053

DATE FILED: 10/15/14

DISTRICT: North Coast

**RECEIVED**

OCT 15 2014

CALIFORNIA  
COASTAL COMMISSION  
NORTH COAST DISTRICT

**APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)**

5. Decision being appealed was made by (check one):

- Planning Director/Zoning Administrator
- City Council/Board of Supervisors
- Planning Commission
- Other *Coastal Permit Administrator*

6. Date of local government's decision: 9/25/14

7. Local government's file number (if any): CDP 15-2014

**SECTION III. Identification of Other Interested Persons**

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

*Mendocino County Planning and Building Dept  
Julia Acker 107-964 5379*

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

(1)

(2)

(3)

(4)

*2013*



**APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)**

**SECTION IV. Reasons Supporting This Appeal**

**PLEASE NOTE:**

- Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section.
- State briefly **your reasons for this appeal**. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)
- This need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

*see attached letter  
and copies of correspondence.*

**APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 4)**

**SECTION V. Certification**

The information and facts stated above are correct to the best of my/our knowledge.

**Signature on File**

\_\_\_\_\_  
Signature of Appellant(s) or Authorized Agent

Date: \_\_\_\_\_

10/14/14

**Note:** If signed by agent, appellant(s) must also sign below.

**Section VI. Agent Authorization**

I/We hereby  
authorize \_\_\_\_\_

to act as my/our representative and to bind me/us in all matters concerning this appeal.

\_\_\_\_\_  
Signature of Appellant(s)

Date: \_\_\_\_\_

Date: October 14, 2014  
To: California Coastal Commission  
North Coast District Office  
1385 Eighth Street, Suite 130  
Arcata, CA 95521

**Appeal from Coastal Development Permit Application No. CDP 15-2014 (S.A.F.E.)**

I am writing to appeal the Coastal Permit Application CDP 15-2014. I submitted a timely letter to object to the call box installation at Highway 1 Mile Marker 3.25 which is adjacent to my residence. I've enclosed a copy of the receipt that the letter was delivered on September 12, 2014 to the Ukiah address described in the Public Notice of Pending Action. The hearing was on September 25, 2014. The Mendocino County Planning and Building Services did not consider my letter even though I followed the procedure set forth in the Public Notice. In addition, I requested that I be notified of the Coastal Permit Administrator's Action so that I could appeal an adverse decision, but the County Planning and Building Services did not notify me of the decision until after the appeal deadline.

I request that the Commission modify the permit to enjoin installation of a call box at mile marker 3.25 because the County Planning and Building Services violated the due process provisions in the Mendocino Local Coastal Program (LCP). Sec. 20.536.005(E)(6) of the LCP states that the notice shall contain a brief description of the procedures for submission of public comment prior to the decision; however, the notice I received was improper, inadequate and misleading because it contained an incorrect address for comments and my comment letter was never considered by the Mendocino County Coastal Permit Administrator even though I followed the procedure described in the notice.

Sec. 20.536.005(E)(7) requires that the notice include full disclosure of the procedure for local and Coastal Commission appeals including any fees that may be required. The notice I received was inadequate because it did not include full disclosure of when the 10 calendar period begins; that is, it is not clear from the notice that the decision date will be the same as the hearing date. Also, the notice does not disclose the fee that is required to appeal.

Sec. 20.536.005(F) requires that notice of final action be mailed within 10 calendar days of final action to any person who specifically requested in writing, notice of such action. The County Planning and Building Services violated this provision. I requested notice of final action but I only received it after the appeal deadline had passed and only after I called to inquire about the final decision.

The County Planning and Building Services wants to install a call box at mile marker 3.25 even though there is an existing call box at mile marker 2.60. A new call box at mile marker 3.25 is environmentally damaging and is not necessary. Placing a call box so close to an existing call box does not protect, maintain, enhance, and restore the overall quality of the coastal zone environment, which is a goal of the Coastal Act and Coastal Element. A call box in another location along Route 1 would better assure the balanced utilization and conservation of coastal resources taking into account the social and economic needs of the people of the state.

5 of 13

For all of the reasons above, the Commission should find a substantial issue for appeal and enjoin the installation of the call box at mile marker 3.25 on Highway 1. Enclosed are copies of my correspondence with the County Planning and Building Services.

Sincerely,

**Signature on File**

Peggy Kim

Owner of 47000 Pirates Drive, Gualala CA 95445

My mailing address: 2828 Lemmon Ave, Apt 4110, Dallas, TX 75204

6 of 13

**SENDER: COMPLETE THIS SECTION**

Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits.

Article Addressed to:

Planning & Bldg Sw  
860 N Bush St  
Ukiah CA 95482

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  Agent  
B. Received by (Printed Name)  Address (e.g.,  
C. Date of Delivery

D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below:  No



3. Service Type  
 Certified Mail®  Priority Mail Express™  
 Registered  Return Receipt for Merchant  
 Insured Mail  Collect on Delivery

4. Restricted Delivery? (Extra Fee)  Yes

Article Number  
(Transfer from service label)

7000 0520 0023 2077 9824

Form 3811, July 2013

Domestic Return Receipt

7913

2828 Lemmon Avenue  
Apt 4110  
Dallas, TX 75204

September 8, 2014

Planning and Building Services  
860 N Bush Street  
Ukiah, CA 95482  
Attn: Commission Staff

**Re: Emergency call box installation at Highway 1 Mile Marker 3.25; Case #: CDP 15-2014**

Dear sir or madam:

I am writing to strongly object to the installation of an emergency call box along Highway 1 at Mile Marker 3.25. I was notified as an adjacent property owner/interested party and I own a personal residence at 47000 Pirates Drive, Gualala, California.

**Existing nearby call box at approximately Mile Marker 2.50 or 2.60 on Highway 1**

There is already an existing call box at approximately Mile Marker 2.50 or 2.60 on Highway 1, only a half-mile away from the proposed call box at Mile Marker 3.25. There is no need to have another call box only ½ mile away at Mile Marker 3.25. It is more beneficial to the public interest and more fiscally responsible to spread out the distances between the call boxes along Highway 1. The existing call box at Mile Marker 2.50/2.60 appears to be working properly; if it is not working properly, then it is more efficient and cost effective to repair or replace the existing call box, rather than installing a new call box at Mile Marker 3.25.

**Safety concern about my person and property if the proposed call box at Mile Marker 3.25 on Hwy 1 is installed**

My personal residence is adjacent to the proposed call box at Mile Marker 3.25. I live out-of-state so I live in Gualala only part-time. I have serious concerns about my personal safety and the safety of my real and personal property if the proposed call box is installed at Mile Marker 3.25. Having the proposed call box installed adjacent to my home encourages loitering around my property, break-ins, theft, and squatting. The call box also encourages people to park adjacent to my property and use the area as a parking lot. I also fear for my personal safety as a woman living alone and intruders at night who may do personal harm to me, which is a risk that is exacerbated by having the call box adjacent to my property. There are several other personal residences in my cul-de sac whose owners live there part-time and may have similar safety concerns about their person and real and personal property.

**Legitimate drivers whose cars break down at Mile Marker 3.25 on Hwy 1 already may ask adjacent neighbors or inn for assistance**

There is no need to install the proposed call box at Mile Marker 3.25 on Hwy 1. Adjacent to the proposed call box site at Mile Marker 3.25 is my personal residence, several other personal residences and St Orres Inn. Legitimate drivers who need assistance can always knock on people's doors in a residential area or can ask to use the phone at St. Orres Inn, which is an inn and restaurant that is open late and on weekends. A call box should be in a non-residential area where there would not be any

8 of 13

alternative assistance, such as neighbors whom you could ask for assistance. Or a call box should be in town so that travelers may use the call box phone when the stores are closed.

**Plenty of alternative sites for proposed call box, other than Mile Marker 3.25 on Hwy 1**

Having established that there is no need to have the proposed call box at Mile Marker 3.25 on Highway 1, I submit that there are plenty of other proposed sites that would make more sense practically and fiscally. I note that the proposed locations for the call boxes are at Mile Markers: 3.25, 5.17, 7.29, 9.96, 19.7, 38.84, 42.4, 44.7, 46.07, 48.23, 51.98, 57.87, 66.94, 71.82, 76.57, 79.1, 81.64, 83.8, and 91.04. Some of these proposed sites have quite a bit of distance between them; for example, between 9.96 and 19.7 ( a distance of 9.74 miles between call boxes) or 51.98 and 57.87 (a distance of 5.89 miles between call boxes) or 57.87 and 66.94 (a distance of 9.07 miles) or 83.8 and 91.04 ( a distance of 7.24 miles between call boxes). Placing a call box somewhere else along Highway 1, rather than at Mile Marker 3.25, would alleviate some of the distance between these call boxes.

Further, as discussed above, there is an existing call box at Mile Marker 2.50 or 2.60 so there would only be ½ mile distance between the existing call box and the proposed call box at Mile Marker 3.25, which appears to be very close in comparison to the spacing of the other call boxes. Instead of placing the proposed call box at Mile Marker 3.25, there are plenty of alternative non-residential sites with pullout space between the existing Mile Marker 2.60 call box and the next proposed one at Mile Marker 5.17.

For all the reasons above, I request that the Mendocino Department of Planning and Building Services reconsider and do not install a call box at Mile Marker 3.25 on Highway 1.

I hereby request that I be notified of the Coastal Permit Administrator's action so that if an adverse decision is made, I may submit an appeal to the Board of Supervisors and Coastal Commission. Please send the notification of the Coastal Permit Administrator's action to my mailing address: 2828 Lemmon Avenue, Apt. 4110, Dallas, TX, 75204.

Sincerely,

**Signature on File**

Peggy Kim, Esq.  
Owner 47000 Pirates Drive,  
Gualala, CA

9 of 13



**COUNTY OF MENDOCINO**  
**DEPARTMENT OF PLANNING AND BUILDING SERVICES**

860 NORTH BUSH STREET · UKIAH · CALIFORNIA · 95482  
 120 WEST FIR STREET · FT. BRAGG · CALIFORNIA · 95437

Steve Dunncliff, Director  
 Telephone 707-234-6650  
 FAX 707-463-5709  
 Ft. Bragg Phone 707-964-5379  
 Ft. Bragg Fax 707-961-2427  
 pbs@co.mendocino.ca.us  
 www.co.mendocino.ca.us/planning

*8-12 1-5 M-F*

August 19, 2014

**PUBLIC NOTICE OF PENDING ACTION**  
**STANDARD COASTAL DEVELOPMENT PERMIT**

The Mendocino County Coastal Permit Administrator, at a regular meeting to be held on Thursday, September 25, 2014 in the Veterans Memorial Building, 360 North Harrison Street, Fort Bragg, California, at 10:00 a.m. or as soon thereafter as the item may be heard, will hear the below described project that is located in the Coastal Zone.

**CASE#:** CDP 15-2014

**OWNER:** MENDOCINO COUNTY SERVICE AUTHORITY FOR FREEWAY EMERGENCIES (SAFE)

**AGENT:** PHILLIP J. DOW *not there*

**REQUEST:** Install 20 emergency call boxes along Highway 1 and Highway 128. Each call box will be powered by a solar panel. Each call box requires the installation of a concrete footing with a depth of footing and pole at 38 inches. The maximum height of the call box is 14 feet; all proposed call boxes will be located within the Cal Trans Right of Way.

**APPEALABLE AREA:** Yes

**LOCATION:** Located in the Coastal Zone along Highway 1 at Mile Markers: 3.25, 5.17, 7.29, 9.96, 19.7, 38.84, 42.4, 44.7, 46.07, 48.23, 51.98, 57.87, 66.94, 71.82, 76.57, 79.1, 81.64, 83.8, and 91.04; And in the Coastal Zone along Highway 128 at Mile Marker: 1.43.

**PROJECT COORDINATOR:** JULIA ACKER

As you are an adjacent property owner and/or interested party, you are invited to appear at the hearing, or to direct written comments to Planning and Building, Services 860 N Bush Street, Ukiah, CA 95482, attention Commission Staff. If you would like to be notified of the Coastal Permit Administrator's action, please submit a written request to this office. All correspondence should contain reference to the above noted case number.

The decision of the Coastal Permit Administrator shall be final unless a written appeal is submitted to the Board of Supervisors with a filing fee within 10 calendar days thereafter. If appealed, the decision of the Board of Supervisors to approve the project shall be final unless appealed to the Coastal Commission in writing within 10 working days following Coastal Commission receipt of a Notice of Final Action on this project.

If you challenge the above case in court, you may be limited to raising only those issues described in this notice or that you or someone else raised at the public hearing, or in written correspondence delivered to the Coastal Permit Administrator at or prior to, the public hearing.

Additional information regarding the above noted case may be obtained by calling the Planning and Building Services Department at 964-5379, Monday through Friday.

STEVE DUNNICLIFF, Director of Planning and Building Services

*- appeal online*

*CDP 15-2014*

*State Coastal Comm.  
 Sep. 25  
 - TARA Gredik, Coastal Planner  
 Arleta*

*10 of 13*

*707 826 8950  
 [Linda Thomas]*





**COUNTY OF MENDOCINO**  
**DEPARTMENT OF PLANNING AND BUILDING SERVICES**  
860 BUSH STREET • UKIAH • CALIFORNIA • 95482  
120 WEST FIR STREET • FT. BRAGG • CALIFORNIA • 95437

Steve Dunicliff, Director  
Telephone 707-463-4281  
FAX 707-463-5709  
Ft. Bragg Phone 707-964-5379  
Ft. Bragg Fax 707-961-2427  
pbs@co.mendocino.ca.us  
www.co.mendocino.ca.us/planning

October 6, 2014

Peggy Kim  
2828 Lemmon Avenue  
Apt. 4110  
Dallas, TX 75204

Subject: Coastal Development Permit Application No.: CDP 15-2014 (S.A.F.E.)

Dear Ms. Kim,

Mendocino County Planning and Building Services sincerely apologizes for the misplacement of your letter regarding the above referenced permit. As per our telephone conversation this morning, this document will summarize the action from the hearing on September 25, 2014.

The project was approved on September 25, 2014 with modifications to the findings and conditions of the permit. Please see the attached document demonstrating the additions/modifications of the existing findings and conditions, as described in the staff report for the project.

While the local appeal period completed on October 5, 2014, there is still an opportunity to appeal the decision to the California Coastal Commission within the prescribed ten (10) business day appeal period. If you wish to pursue an appeal, please contact the California Coastal Commission North Coast District Office at (707) 826-8950.

Should you have any questions, please feel free to contact this office.

Sincerely,

A handwritten signature in cursive script that reads "Julia Acker".

Julia Acker  
Planner I

11 of 13

COASTAL PERMIT ADMINISTRATOR ACTION SHEET

CASE#: CDP#15-2014 HEARING DATE: 9/25/2014

OWNER: California Dept. of Transportation

APPLICANT: Mendocino County S.A.F.E.

ENVIRONMENTAL CONSIDERATIONS:

- Categorically Exempt class 1
- Negative Declaration
- EIR

FINDINGS:

- Per staff report
- Modifications and/or additions

see attached.

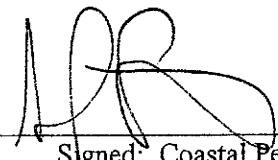
ACTION:

- Approved
- Denied
- Continued

CONDITIONS:

- Per staff report
- Modifications and/or additions

See Attached



Signed: Coastal Permit Administrator

## CDP 15-2014 Action Sheet from September 25, 2014

Modifications/Additions to Findings and Conditions are shown as underlined.

### Findings Modifications:

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, based on the substantial evidence in the record.

### Modifications/Additions of Conditions:

9. To provide for the protection of natural resources, during installation Best Management Practices shall be used by the applicant to ensure the following:

- a. Appropriate erosion control measures are located on site, if there is a risk of sediment delivery during or after construction; and
- b. Appropriate disposal (or compaction on-site and erosion control) of any excess soil left over from excavation for concrete footings.

11. Call boxes shall be removed by the applicant from the highway if, for any reason, they are no longer deemed by the applicant to be necessary and useful, or are allowed to remain in an inoperable condition for a period of one year or more.

13. All call boxes shall be removed by the applicant should the trees or vegetation currently existing at the vicinity of the site cease to provide a backdrop for the call box pole. The applicant shall notify the County if the trees or vegetation cease to provide a backdrop for a call box and may be required to submit a Coastal Development Permit modification to remove, replace, or retain the call box.

14. Prior to the installation of the proposed signage, a Flood Hazard Development Permit must be obtained by the applicant for the Call Box locations within a Floodplain area (PM 1.42 on Highway 128), if not otherwise exempt from the requirements of the Floodplain Ordinance (Chapter 20.420 of the Mendocino County Coastal Zoning Code).