

**CALIFORNIA COASTAL COMMISSION**

NORTH CENTRAL COAST DISTRICT OFFICE  
 45 FREMONT STREET, SUITE 2000  
 SAN FRANCISCO, CA 94105  
 PHONE: (415) 904-5260  
 FAX: (415) 904-5400  
 WEB: WWW.COASTAL.CA.GOV

**Th14b**

Appeal Filed: 5/20/2011  
 49<sup>th</sup> Day: Waived  
 Staff: J.Manna- SF  
 Staff Report: 4/25/2014  
 Hearing Date: 5/15/2014

**APPEAL STAFF REPORT: SUBSTANTIAL ISSUE  
 DETERMINATION & DE NOVO HEARING**

**Appeal Number:** A-2-MAR-11-025

**Applicant:** Caltrans

**Appellants:** Commissioners Mark Stone and Mary K. Shallenberger

**Local Government:** Marin County

**Local Decision:** Approved with conditions by Marin County Deputy Zoning Administrator on April 28, 2011 (Local Permit No. 2011-0116)

**Location:** State Highway 1 at Post Mile 10.95 in Stinson Beach, Marin County

**Project Description:** Repair and maintenance activities on an approximately 650-foot long stretch of State Highway 1 including construction of a 230-foot long retaining wall, installation of a metal beam guard rail and cable railing, expansion of roadway width, and reduction in roadway curvature.

**Staff Recommendation:** Substantial Issue Exists; Approval with Conditions

---

**SUMMARY OF STAFF RECOMMENDATION**

The Marin County Deputy Zoning Administrator (County) approved a coastal development permit (CDP) for a Caltrans storm damage repair project consisting of improvements and rebuilding of an approximately 650-foot long stretch of State Highway 1, including construction

of a 230-foot long retaining wall, installation of a metal beam guard rail and cable railing, expansion of roadway width, and reduction in roadway curvature at Post Mile 10.95 in Stinson Beach, Marin County. The Appellants contend that the County-approved project raises Local Coastal Program (LCP) conformance issues related to visual impacts and habitat protection. Specifically, the Appellants contend that the project is inconsistent with the Marin County LCP Unit 1 policies regarding: (1) cumulative impacts to the rural scenic characteristics of the existing roadway; (2) negative impacts to visual resources resulting from removal of vegetation and installation of a soldier pile retaining wall visible from surrounding State Park lands; and (3) potential adverse impacts from invasive species proliferation in the coastal zone resulting from the disturbance and removal of soils.

Staff believes the County-approved project raises a substantial issue with respect to the visual resources and habitat protection policies of the Marin County LCP. Staff recommends the Commission find that the project, as approved by the County, raises a **substantial issue** with regard to conformity with the County's certified LCP, and take jurisdiction over the CDP application.

Since concerns raised by the appeal applied not only to this project but also to other planned and potential storm repair projects along Highway 1, Caltrans and Commission staff agreed that it would be useful to address these concerns in a comprehensive manner prior to the processing of this appeal, particularly in order to address potential cumulative impacts as required by Marin County's LCP. The Applicant has been working to finalize Caltrans District 4 design guidelines for future repair projects along Highway 1 in Marin County with input from relevant stakeholders to ensure that cumulative impacts to the visual and scenic characteristics of the roadway will be minimized in the future. The Applicant worked collaboratively with the Coastal Commission, State Parks, National Parks, Marin County and the Marin County Bike Coalition to modify this project to achieve common goals including with respect to protecting the significant public viewshed of the highway and the Marin County coastline. Based on various reviews of project alternatives with Commission staff and other stakeholders, and in conjunction with this work and feedback, Caltrans redesigned the storm damage repair project at Post Mile 10.95.

Therefore, Staff recommends that after conducting a de novo hearing review, the Commission **approve** a CDP for the revised project. Staff recommends approval of the modified roadway improvement project because it would provide slope stabilization, drainage control, and would accommodate bicycle traffic along Highway 1. Further, the modified project would protect visual resources and better maintain the rural scenic characteristics of the roadway by burying the proposed retaining wall and vegetating the resulting slope with native species, removing the proposed metal guard rail and cable railing from the project design, maintaining more of the original road alignment and natural curvature, and vegetating, with native species, the additional area of roadway adjacent to the shoulders.

Staff recommends **special conditions 1, 2, and 3** to ensure habitat protection, visual screening, and protection of public access, through implementation of a landscaping plan to revegetate the retaining wall after it has been buried (as well as other impacted areas), a construction plan with best management practices for water quality protection and maintenance of access along Highway 1, and final site plans to ensure the project is constructed as redesigned. The proposed

project as conditioned is consistent with the visual resources, transportation, public access, and habitat protection policies of the Coastal Act and the County's LCP. Staff recommends that the Commission **approve** a conditioned CDP for the proposed project. The motion is found on page 6 below.

## **TABLE OF CONTENTS**

<b>I. MOTION AND RESOLUTION.....</b>	<b>5</b>
<b>II. STANDARD CONDITIONS.....</b>	<b>6</b>
<b>III. SPECIAL CONDITIONS.....</b>	<b>6</b>
<b>IV. FINDINGS AND DECLARATIONS.....</b>	<b>8</b>
A. PROJECT LOCATION AND DESCRIPTION .....	8
B. PROJECT BACKGROUND .....	9
C. MARIN COUNTY CDP APPROVAL .....	10
D. APPEAL PROCEDURES .....	11
E. SUMMARY OF APPEAL CONTENTIONS .....	12
F. SUBSTANTIAL ISSUE DETERMINATION.....	12
G. COASTAL DEVELOPMENT PERMIT DETERMINATION .....	14
H. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) .....	21

**APPENDICES**

Appendix A- Substantive File Documents

**EXHIBITS**

- Exhibit 1 – Project Location
- Exhibit 2 – County Approved Project
- Exhibit 3 – Modified Project Design for DeNovo Review
- Exhibit 4 – Letters of Concern from State Parks and National Park Service
- Exhibit 5 – Notice of Final Local Action
- Exhibit 6 – Commissioners Shallenberger and Stone Appeal
- Exhibit 7 – Truck Tracking and Bicycle Access

## I. MOTION AND RESOLUTION

### A. Substantial Issue Determination

Staff recommends that the Commission determine that a **substantial issue** exists with respect to the grounds on which the appeal was filed. A finding of substantial issue would bring the CDP application for the proposed project under the jurisdiction of the Commission for de novo hearing and action. To implement this recommendation, staff recommends a **NO** vote on the following motion. Failure of this motion, as is recommended by staff, will result in a de novo hearing on the CDP application, and adoption of the following resolution and findings. Passage of this motion, contrary to the staff recommendation, will result in a finding of No Substantial Issue and the local action will become final and effective. The motion passes only by affirmative vote of a majority of the Commissioners present.

***Motion:** I move that the Commission determine that Appeal Number A-2-MAR-11-025 raises no substantial issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act, and I recommend a **no** vote.*

***Resolution to Find Substantial Issue:** The Commission hereby finds that Appeal Number A-2-MAR-11-025 presents 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 Program and/or the public access and recreation policies of the Coastal Act.*

### B. CDP Determination

Staff recommends that the Commission, after public hearing, **approve** a coastal development permit for the proposed development. To implement this recommendation, staff recommends a **YES** vote on the following motion. Passage of this motion will result in approval of the CDP as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

***Motion:** I move that the Commission approve Coastal Development Permit Number A-2-MAR-11-025 pursuant to the staff recommendation, and I recommend a **yes** vote.*

***Resolution to Approve CDP:** The Commission hereby approves Coastal Development Permit Number A-2-MAR-11-025 and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with Marin County Local Coastal Program policies and Coastal Act access and recreation policies. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.*

## II. STANDARD CONDITIONS

This permit is granted subject to the following standard conditions:

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the Permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the Permittee to bind all future owners and possessors of the subject property to the terms and conditions.

## III. SPECIAL CONDITIONS

This permit is granted subject to the following special conditions:

1. **Revised Project Plans.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Permittee shall submit two full size sets of Revised Project Plans to the Executive Director for review and approval. The Revised Project Plans shall be substantially in conformance with the revised project plans as shown in **Exhibit 3**. All special conditions and all requirements of the approved Revised Project Plans shall be enforceable components of this coastal development permit. The Permittee shall undertake development in accordance with the approved Revised Project Plans and the following required landscape and construction plans. Any substantial changes, such as addition of a guardrail in the future, shall require an amendment to this permit.
2. **Landscape Plan.** PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, the Permittee shall submit two copies of a landscape plan to the Executive Director for review and approval. The landscape plan shall: (1) identify all plant materials (size, species, quantity, etc.), any irrigation systems, success criteria and all proposed maintenance measures, including providing for replacement plants as necessary to achieve required revegetation; (2) require the removal of all nonnative invasive vegetation such as pampas grass, brooms, and thistles and planting only of native coastal scrub and shrub vegetation

consistent with the vegetation currently at the project site and determined in consultation with the Department of Parks and Recreation; (3) require all plantings be maintained in good growing and coverage conditions, including replacement of plants as necessary, for a minimum of five years and consistent with established success criteria for each significant vegetation layer and any interagency agreement with State Parks; and (4) require submittal of a monitoring report annually for five years after completion of construction to describe the success of the plantings.

**3. Construction Plan. PRIOR TO COMMENCEMENT OF CONSTRUCTION** the Permittee shall submit two sets of a revised Construction Plan to the Executive Director for review and approval. The Construction Plan, at a minimum, shall include the following:

- A. Construction Areas.** All areas within which construction activities and staging are to take place shall be minimized to the extent feasible in order to minimize construction encroachment on and along Highway 1, and to protect public access to Steep Ravine Campground and Mount Tamalpais State Park public trails, surrounding vegetation, and public views from Highway 1 and surrounding public trails.
- B. Construction Methods and Timing.** All construction methods to be used, including all methods to keep the construction areas separate from public recreational use areas and to minimize public view impacts, shall be clearly identified. Construction shall be limited in duration as much as is feasible to limit overall construction impacts. The Plan shall ensure that all erosion control/water quality best management practices to be implemented during construction and their location are provided to the Executive Director prior to commencement of construction.
- C. Construction Requirements.** The Plan shall include the following construction requirements specified via written notes on the Plan:
  - i) Nighttime work and the use of lighting shall be minimized to the maximum extent feasible;
  - ii) Equipment and materials shall be stored out of the ocean view as seen from Highway 1 if feasible;
  - iii) Construction (including but not limited to construction activities, and materials and/or equipment storage) is prohibited outside of the defined construction, staging, and storage areas;
  - iv) No work shall occur during weekends;
  - v) Weekday construction shall allow for one-way traffic with proper traffic safety measures as outlined in traffic handling construction plans;
  - vi) The construction site shall maintain good construction site housekeeping controls and procedures (e.g., clean up all leaks, drips, and other spills immediately; keep materials covered and out of the rain, including covering exposed piles of soil and wastes; dispose of all wastes properly, place trash receptacles on site for that purpose, and cover open trash

- receptacles during wet weather; remove all debris from the site upon the completion of the project);
  - vii) All erosion and sediment controls shall be in place prior to the commencement of construction as well as at the end of each work day during construction;
  - viii) Where topsoil is removed by grading operations, it shall be stockpiled for reuse and shall be protected from compaction and wind or erosion during stockpiling;
  - ix) During all construction, copies of the signed coastal development permit and the approved construction plan shall be maintained in a conspicuous location at the construction job site at all times, and such copies shall be available for public review on request. All persons involved with the construction shall be briefed on the content and meaning of the coastal development permit as conditionally approved and the construction plan prior to commencement of construction;
  - x) A construction coordinator shall be made available by telephone 24 hours a day during construction. A notice with the coordinator's phone number, address, and other contact information shall be posted on the site and , where feasible, the notice shall be viewable from public viewing areas. The construction coordinator shall record the name, phone number, and nature of all complaints received regarding the construction, and shall investigate complaints and take remedial action, if necessary, within 24 hours of receipt of the complaint or inquiry.
- D.** The Permittee shall notify planning staff of the Coastal Commission's North Central Coast District Office at least 3 working days in advance of commencement of construction, and immediately upon completion of construction. The Permittee shall report any proposed changes to the approved Plan. Minor adjustments to the above construction requirements may be allowed by the Executive Director in the approved Construction Plan if such adjustments: (1) are deemed reasonable and necessary; and (2) do not adversely impact coastal resources. No other changes to the approved plan shall occur without a Commission amendment to the permit unless the Executive Director determines no amendment is legally required.

## **IV. FINDINGS AND DECLARATIONS**

### **A. PROJECT LOCATION AND DESCRIPTION**

The proposed project is located along a 650-foot long stretch of State Highway 1 at Post Mile (PM) 10.95 in Stinson Beach, Marin County (**Exhibit 1**). This highway segment currently has 10 to 11 foot wide lanes with no shoulders, and multiple reversing roadway curvatures. The project site is bounded on both sides by Mount Tamalpais State Park. Habitats within the project area consist of north coastal scrub dominated by coyote bush, toyon, and poison oak. Surrounding uses within the State Park include pedestrian hiking trails to the east of the project site and Steep Ravine Campground located west of the project site.

Caltrans proposes to conduct repairs along this section of Highway 1 to repair existing roadway damage due to soil movement underneath the roadway, and to prevent further sliding and future roadway damage. The County-approved project would include construction of a 230-foot long tie-back exposed soldier pile retaining wall varying from 0-17 feet in height, installation of a 360-foot long metal beam guard rail (MBGR) barrier and a 230-foot long maintenance cable railing, expansion of roadway width (12 foot lanes, 4 foot shoulders, and an additional 4 feet of paved surface adjacent to southbound lane) along a 650-foot long section of roadway, construction of a 3-foot wide paved drainage ditch adjacent to the northbound lane, drainage improvements, and a reduction in roadway curvatures to a curve radius of 530 feet. Less than one acre (0.14 acres) of the project would be located within Mount Tamalpais State Park right of way. See **Exhibit 2** for the County approved project design.

As a result of coordinated discussions between the Applicant, Coastal Commission, State Parks, National Parks, Marin County and the Marin County Bike Coalition, the project has been redesigned by the Applicant with significant modifications. The redesigned project, including construction activities and site disturbance, would be located entirely within the Caltrans right-of-way and not extend into State Parks properties. In the modified project, Caltrans proposes to construct a 220-foot long cast in-place drilled hole (CIDH) buried soldier pile retaining wall with a 2:1 vegetated slope, expand the roadway width (12 foot lanes, 4 foot shoulders, and an additional 4 feet of vegetated surface adjacent to southbound lane), construct of a 3-foot wide vegetated drainage ditch adjacent to the northbound lane, make drainage improvements, and slightly reduce roadway curvature to a curve radius of 300 feet. The project alignment has been modified to more closely follow the existing roadway alignment, keeping the proposed right edge of pavement (from the perspective of traveling north on Highway 1) at the same location as the existing edge of pavement to the maximum extent practical. See **Exhibit 3** for the redesigned project proposed for De Novo Review.

## **B. PROJECT BACKGROUND**

After the County approval was appealed by the Commission, on May 26, 2011, Caltrans waived time requirements to bring the item to a hearing. Since concerns raised by the appeal applied not only to this project but also to other planned and potential storm repair projects along Highway 1, Caltrans and Commission staff agreed that it would be useful to address these concerns in a comprehensive manner prior to the processing of this appeal, particularly in order to address potential cumulative impacts as required by Marin County's LCP. See **Exhibit 4** for concerns also brought up by State and National Parks at the time of the appeal.

To develop a more consistent internal Caltrans' approach to storm repair projects along the 50 miles of Highway 1 in Marin County, Caltrans District 4 convened an interdisciplinary working group to produce recommendations that would maintain the diverse values associated with the Highway while protecting the safety of users. As a result of this process, Caltrans prepared "State Route 1 Repair Guidelines in Marin County" (still in draft format as of April 2014). The guidelines received extensive review by stakeholder groups including Commission staff, and National and State Parks staff, and has since undergone substantial revisions. As stated in the executive summary, the objective of the guidelines is to, "provide repair guidance that integrates and balances community, aesthetic, historic, and environmental values with safety, mobility,

maintenance, and performance goals. ... This report stresses the importance of design flexibility when necessary to avoid or minimize impacts to sensitive resources along Highway 1.” The latest draft addresses lane width; shoulder width; parking, pull-outs and turn-outs; bridge barriers and railings; slope stabilization; retaining walls; and drainage features.

In addition, to specifically address the potential individual and cumulative visual impacts that may result from the proposed and future potential storm repair projects and inform the guidelines, Caltrans prepared “Route 1 Marin County Cumulative Visual Impacts of Storm Damage Repair Projects on the Coastal Bluff Segment,” January 17, 2012. This report focused on several projects currently planned along the Muir to Stinson Beach Highway 1 corridor, recommending avoidance, minimization and mitigation measures to reduce visual impacts related to road repair project design criteria, grading/landform measures, revegetation, construction impact measures, and light and glare measures including, but not limited to, application of reduced shoulder widths, visually unobtrusive barriers and rails, use of retaining walls and metal beam guard rail (MBGR) only where necessary, selection of color and texture treatment of retaining walls to blend with the surrounding area, and native revegetation of disturbed areas.

On August 13, 2013, the Commission’s Road’s Edge subcommittee also provided input into aspects of these design guidelines and the concerns expressed then have been folded into subsequent revisions of the guidelines.

One of the follow-up items from the Road’s Edge subcommittee meeting was to conduct a targeted study of cycling needs and opportunities along this section of Highway 1, to help inform decisions about future projects in certain topographic situations and to look for existing opportunities to better provide for cyclists needs along the roadway. Subsequently, Caltrans has proposed developing a Bicycle Improvement Plan for Highway 1 in Marin County (from PM 3.2, near the intersection with Panoramic Highway, to PM 12.2 just south of Stinson Beach) to identify valuable bike improvements that are both suitable for this coastal route and practical to implement. The improvement plan is being developed in partnership with the California Coastal Commission, Marin County, Marin County Bicycle Coalition, State Parks and the National Park Service. Representatives from these entities reviewed a draft proposal and conducted a field visit with Caltrans in March of 2014; final revisions are expected within the next two months. This plan is to be used in conjunction with the design guidelines to help identify opportunities for high priority, low impact bicycle-related improvements along the corridor. It can also be used in the evaluation of shoulder width considerations in future proposed storm repair projects.

Based on various reviews of project alternatives with Commission staff and other stakeholders, and in conjunction with all of this work and feedback, Caltrans redesigned the storm damage repair project at PM 10.95, as described above.

### **C. MARIN COUNTY CDP APPROVAL**

The Marin County Deputy Zoning Administrator approved a coastal development permit (CDP) for the proposed project on April 28, 2011 subject to multiple conditions. Notice of the Deputy Zoning Administrator’s action on the CDP was received in the Coastal Commission’s North Central Coast District Office on May 6, 2011 (**Exhibit 5**). The Coastal Commission’s ten-

working day appeal period for this action began on May 9, 2011 and concluded at 5pm on May 20, 2011. One valid appeal (**Exhibit 6**) was received during the appeal period.

#### **D. APPEAL PROCEDURES**

Coastal Act Section 30603 provides for the appeal to the Coastal Commission of certain CDP decisions in jurisdictions with certified LCPs. The following categories of local CDP decisions are appealable: (a) approval of CDPs for development that is located (1) 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, whichever is the greater distance, (2) on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff, and (3) in a sensitive coastal resource area; or (b) for counties, approval of CDPs for development that is not designated as the principal permitted use under the LCP. In addition, any local action (approval or denial) on a CDP for a major public works project (including a publicly financed recreational facility and/or a special district development) or an energy facility is appealable to the Commission. This project is appealable because it is partially located between the first public road and the sea.

The Coastal Act presumes that an appeal raises a substantial issue of conformity of the approved project with the certified LCP, unless the Commission decides to take public testimony and vote on the question of substantial issue.

**IMPORTANT NOTE:**  
THE COMMISSION WILL NOT TAKE PUBLIC TESTIMONY DURING THE  
SUBSTANTIAL ISSUE PHASE OF THE APPEAL HEARING UNLESS  
AT LEAST THREE (3) COMMISSIONERS REQUEST IT.

Section 30625(b) of the Coastal Act requires the Commission to hear an appeal unless the Commission determines that the appeal raises no substantial issue of conformity of the approved project with the certified LCP. Since the staff is recommending substantial issue, unless three Commissioners object, it is presumed that the appeal raises a substantial issue and the Commission may proceed to its *de novo* review at the same or subsequent meeting. The Commission will not take public testimony during this phase of the appeal hearing unless three Commissioners request it.

If the Commission decides to hear arguments and vote on the substantial issue question, proponents and opponents 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 applicants, appellants, and persons who made their views known to the local government (or their representatives). 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.

Unless it is determined that there is no substantial issue, the Commission will proceed to the *de novo* portion of the appeal hearing and review the merits of the proposed project.

Under Section 30604(b), if the Commission conducts a *de novo* hearing and ultimately approves a CDP for a project, the Commission must find that the proposed development is in conformity with the certified LCP. If a CDP is approved for a project that is located between the nearest public road and the sea or the shoreline of any body of water located within the coastal zone, Section 30604(c) also requires an additional specific finding that the development is in conformity with the public access and recreation policies of Chapter 3 of the Coastal Act. This project includes components that are located between the nearest public road and the sea (i.e. the project components in the Highway 1 right-of-way), and thus this additional finding would need to be made if the Commission were to approve the project following a *de novo* hearing. Any person may testify during the *de novo* CDP determination stage of an appeal.

## **E. SUMMARY OF APPEAL CONTENTIONS**

The Appellants contend that the proposed Caltrans project at PM 10.95 of State Route 1 in Marin County is inconsistent with the Marin County Local Coastal Program (LCP) – Unit 1 polices regarding: (1) cumulative impacts to the rural scenic characteristics of the present roadway; (2) negative impacts to visual resources resulting from removal of vegetation and installation of a soldier pile retaining wall visible to park users from Steep Ravine Campground (below project site) and recreational trails (above the project site); and (3) potential for invasive species proliferation in the coastal zone resulting from the disturbance and removal of soils to install the soldier pile wall and subsequent revegetation effort of newly exposed soils below the soldier pile wall.

## **F. SUBSTANTIAL ISSUE DETERMINATION**

### **Substantial Issue Background**

The term substantial issue is not defined in the Coastal Act. The Commission's regulations simply indicate that the Commission will hear an appeal unless it “finds that the appeal raises no significant question” (California Code of Regulations, Title 14, Section 13115(b)). In previous decisions on appeals, the Commission has been guided by the following factors in making such determinations: (1) the degree of factual and legal support for the local government’s decision that the development is consistent or inconsistent with the certified LCP and with the public access policies of the Coastal Act; (2) the extent and scope of the development as approved or denied by the local government; (3) the significance of the coastal resources affected by the decision; (4) the precedential value of the local government’s decision for future interpretation of its LCP; and (5) whether the appeal raises only local issues, or those of regional or statewide significance. Even where the Commission chooses not to hear an appeal, Appellants 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.

In this case, for the reasons discussed further below, the Commission determines that the County’s approval of the projects presents a substantial issue.

## Substantial Issue Analysis

### *Visual Resources and Transportation*

The Appellants contend that the approved project would result in impacts to visual resources including cumulative impacts to the rural, scenic characteristics of the present roadway and individual, site-specific impacts resulting from removal of vegetation and installation of a soldier pile retaining wall visible to park users from Steep Ravine Campground and recreational trails, inconsistent with the Marin County Local Coastal Program (LCP) visual resource and transportation policies. See **Exhibits 6** for the full text of the Appellants' contentions. For the specific policy language referenced below, please see the "Visual Resources" Section in the De Novo portion of the appeal staff report.

Marin County LCP Unit I discusses visual resources broadly and recognizes that visual resources associated with natural features are vulnerable to degradation through the improper location, blockage of coastal views, and alteration of natural land forms associated with new development. In addition, the LCP recognizes that the protection of views to scenic resources from public roads and trails is one of the primary purposes of the Coastal Act. LCP visual resource policy 21 requires that new development not impair or obstruct existing ocean views or views to national or state parklands from Highway 1. Lastly, LCP transportation policy 13 requires that Highway 1 remain a scenic, two-lane roadway and that improvements to the roadway not individually or cumulatively distract from the rural scenic characteristics of the roadway. This policy also allows for minor roadway improvements including slope stabilization, drainage control, safety improvements, shoulder expansion to accommodate bicycle and pedestrian traffic, creation of turnouts, and minor improvements necessary to accommodate public transit.

The County-approved project would install a 0-17 foot high, 230-foot long retaining wall, a 360-foot long metal beam guard rail (MBGR) barrier and a 230-foot long cable railing that would be visible from Highway 1 and surrounding State Park lands. The project would also expand the width of the paved roadway surface from 22 feet (10-11 foot lanes with no shoulders) to 39 feet (12 foot lanes with 4 foot shoulders, an additional 4 feet of paved surface adjacent to the southbound lane, and 3 feet of paved area adjacent to the northbound lane to accommodate drainage). Lastly, the project would reduce the roadway curvature of the existing roadway from multiple curves to only one less severe curve.

The project is located adjacent to State Park lands and is visible from Highway 1, the Steep Ravine access road and campground to the west, and State Park trails to the east. The retaining wall and guardrail would impact scenic resources available from public roads and trails and impair views to the ocean and to State Park lands inconsistent with the visual resource policies of the LCP. The visual impacts would be site specific as discussed above, as well as cumulative in that they would contribute to overall changes to Highway 1 from past road repair projects in combination with future road repairs if those projects employed similar design features. The County's approval did not consider the potential cumulative effects of the project, specifically in relation to other pending projects on Highway 1 at PM 8.1, 7.7, and 6.6. LCP transportation policy 16 refers to Highway 1 as a "narrow, twisting, two lane roadway" which complements the rugged nature of the area. Significant alterations to roadway geometry and curvatures, in addition to large retaining walls, may over time cumulatively adversely impact the rural scenic characteristics of the roadway, turning it into a more conventional road, inconsistent with this

policy. If not carefully designed the introduction of large or numerous manmade structures also changes the historic character of the highway and can impact scenic views from Highway 1 itself as well as from adjacent public viewing areas. In addition, at the time of approval, the Applicant did not indicate or substantiate the need for increased lane and shoulder width at PM 10.95 in order to accommodate bicyclists. Therefore, the appeal of the County's approval raises a substantial LCP conformance issue with respect to visual resources and transportation.

#### *Habitat Protection*

The Appellants contend that the approved project has the potential for invasive species proliferation in the coastal zone resulting from the disturbance and removal of soils to install the soldier pile wall and subsequent revegetation effort of newly exposed soils below the soldier pile wall, inconsistent with the LCP habitat protection policies. See **Exhibit 6** for the full text of the Appellants' contentions. For the specific policy language referenced below, please see the "Habitat Protection" Section in the De Novo portion of the appeal staff report.

LCP policy 28 on habitat protection recognizes the issue of proliferation of invasive exotic plants in the coastal zone and requires that new development be conditioned to require removal of invasive, non-indigenous plant species where applicable. The County-approved project did not include any conditions requiring invasive species removal, management or control measures. While Caltrans proposed at the time of the permit hearing to address noxious weeds in accordance with Caltrans Highway Design Manual, California State Parks and the National Park Service have expressed concern that roadway improvement projects without long-term weed abatement strategies could result in the establishment and proliferation of invasive species. This has already been documented as occurring in the past at the Highway 1 PM 10.5 tie-back retaining wall project constructed by Caltrans in 2007. The current project under appeal is one of many roadway improvement projects proposed along this segment of Highway 1 with the potential to result in the proliferation of invasive exotics in State Park and National Park Service lands. Therefore, the appeal of the County's approval raises a substantial LCP conformance issue with respect to habitat protection.

#### **Substantial Issue Conclusion**

The appeal of the County-approved project raises substantial LCP conformance issues with respect to visual resources, transportation, and habitat protection. Therefore, the Commission finds that a **substantial issue** exists with respect to the County-approved project's conformance with the certified Marin County LCP, and takes jurisdiction over the CDP application for the project.

#### **G. COASTAL DEVELOPMENT PERMIT DETERMINATION**

The standard of review for this CDP determination is the Marin County certified LCP and, because it is located between the first public road and the sea, the access and recreation policies of the Coastal Act. All Substantial Issue Determination findings above are incorporated herein by reference. As described under Section A. Project Location and Description above, the Applicant has modified the proposed project to bury the retaining wall, reduce the paved roadway area, eliminate the guard rail and cable railing, and retain more of the existing road curvature. Thus, the project evaluated from here on is the project as so revised.

## Visual Resources

### *Applicable Policies*

The Marin County Local Coastal Program (LCP) Unit I discusses visual resources broadly for new development and states:

*Coastal Act policies on visual quality, found in Section 30251, require the protection of scenic and visual resources of coastal areas. Visual resources, including beaches, wetlands, and other natural as well as manmade features, are vulnerable to degradation through improper location of development, blockage of coastal views, alteration of natural land forms by poor cutting, grading, and filling practices, and by poor design or placement of roadside signs and utility lines. The primary concern of the Coastal Act is to protect views to scenic resources from public roads, beaches, trails, and vista points.*

LCP visual resource policy 21 requires that new development not impair or obstruct views of the ocean or national or state parklands from Highway 1 and states:

*Existing development standards and the design review ordinance (Chapter 22.52) shall continue to be enforced. The following explicit standards shall apply to selected areas and projects:*

- All new construction in Bolinas, Stinson Beach and Muir Beach shall be limited to a maximum height of twenty-five (25) feet; except that in the Highlands neighborhood of Stinson Beach, the maximum height shall be seventeen (17) feet, and in the Seadrift section of Stinson Beach, the maximum height shall not exceed fifteen (15) feet.*
- To the maximum extent feasible, new development shall not impair or obstruct an existing view of the ocean, Bolinas Lagoon, or the national or State parklands from Highway 1 or Panoramic Highway.*

LCP transportation policy 13 allows for minor roadway improvements consistent with the character of Highway 1 as follows:

*Highway 1 provides an important and limited access route to the coastal zone. The narrow, twisting two-lane roadway successfully complements the rugged, open character of this coastal area. Highway 1 shall remain a scenic, two-lane roadway. Roadway improvement projects shall not, either individually or cumulatively distract from the rural scenic characteristics of the present roadway. Improvements (beyond repair and maintenance) shall be limited to minor roadway improvements as identified below:*

- Slope stabilization, drainage control and minor safety improvements such as guardrail placement, signing, etc.*
- Expansion of roadway shoulder paving to accommodate bicycle/ pedestrian traffic along the highway shoulder.*
- Creation of slow traffic and vista turnouts, as a safety and convenience improvement.*

- *Other minor selected roadway improvements necessary to adequately accommodate public transit consistent with the goals of the following policy: no filling of streams or wetlands shall be permitted.*

### *Analysis*

LCP visual resource policy 21 requires that new development not impair or obstruct existing ocean views or views to National or State parklands available from Highway 1. The proposed project as modified by the Applicant would bury the 0-17 foot high retaining wall with a vegetated slope and would not require a guard rail or cable railing. Therefore, there are no proposed above ground features that would impair or obstruct views of the ocean and adjacent State park lands as seen from the perspective of individuals traveling on this segment of Highway 1. In addition, as seen from surrounding Mount Tamalpias State Park lands, including Steep Ravine Campground to the west, the slope covering the buried retaining wall would be vegetated with native vegetation to blend with the surrounding landscape and would not obstruct views to or from State Park lands. All disturbed areas on the upper slope adjacent to the northbound lane would also be revegetated with native plant species. However, if the Applicant's plan to revegetate the buried wall and disturbed areas is unsuccessful, the project would result in a large scarp on the landscape which would be seen by the public from the surrounding park lands and roadway, impacting visual resources. To ensure that any disturbed areas are successfully revegetated to maintain natural views, **Special Condition 2** requires a landscape plan be prepared that requires installation, maintenance, and monitoring of the site annually for 5 years to ensure successful revegetation of the area with native plant species and removal of exotic, non-native species. **Special Condition 2** requires the Applicant to identify all plant materials, irrigation systems, success criteria, and all proposed maintenance measures; remove all nonnative invasive vegetation; maintain plants in good growing and coverage conditions, including replacement of plants as necessary, for a minimum of five years and consistent with established success criteria for each significant vegetation layer; and submit an annual monitoring report for five years after completion of construction to describe the success of the plantings and any remedial needs to revegetate due to failed success criteria. Thus, as conditioned, the proposed project would not impair or obstruct views to the ocean or state lands consistent with the visual resources policy 21 of the LCP. See **Exhibit 3** for the modified project design.

LCP transportation policy 13 requires that Highway 1 remain a scenic, two-lane roadway and that improvements to the roadway not individually or cumulatively distract from the rural scenic characteristics of the roadway. This policy also allows for minor roadway improvements including slope stabilization, drainage control, safety improvements, and shoulder expansion to accommodate bicycle and pedestrian traffic, creation of turnouts, and minor improvements necessary to accommodate public transit.

The proposed project as modified by the Applicant would expand the existing roadway width from 20 feet to 36 feet (12 foot lanes, 4 foot shoulders, and an additional 4 feet of vegetated surface adjacent to southbound lane), construct a 3-foot wide vegetated drainage ditch adjacent to the northbound lane, install drainage improvements, and result in a slight reduction in roadway curvature. As discussed above, the visual impacts of the project would be greatly reduced through the use of the buried retaining wall design and removal of the guard rail and cable railing

features. The project alignment has also been modified to more closely follow the existing roadway alignment so that the natural curvature of the road is only reduced slightly. Lastly, the 4-foot area adjacent to the southbound shoulder would be gravel and the 3 foot drainage ditch adjacent to the northbound shoulder would be vegetated, which would reduce the overall paved area and visual impacts associated with the roadway expansion proposed in the original design. Thus, the modified project reduces site-specific visual impacts to surrounding areas by burying the retaining wall and vegetating it with native species to camouflage the roadway work, removing the metal guard rail and cable railing, vegetating the additional area of roadway adjacent to the shoulders, and not paving the drainage areas consistent with LCP policy 13. As discussed above, **Special Condition 2** will ensure that the revegetation of the slope in front of the retaining wall and in the disturbed areas is successful and will mitigate visual impacts.

The purpose of the proposed project is consistent with the roadway improvement projects allowed in LCP policy 13, as it is a repair project that includes slope stabilization and drainage control. In this instance, the project also can allow for expansion of roadway shoulder paving to accommodate bicycle traffic without creating substantial adverse impacts to sensitive species, landforms, or scenic resources. The project site is in need of repair due to a landslide caused by storm water flow that resulted in slipping of the downhill side of the southbound lane. As a result, the roadway needs to be removed and replaced to avoid failure, as it is currently cracking, and the seaward slope needs to be stabilized. To ensure that future runoff does not undermine stability, the project also includes drainage control components (vegetated drainage ditch, five new drainage inlets, and a new culvert crossing under the roadway). Therefore, the project would provide slope stabilization and drainage control consistent with LCP policy 13.

While the roadway width would be expanded in the modified project affecting the “narrow, twisting” character of the existing roadway, the Applicant has justified the need for the expansion to include 12 foot lanes and 4 foot shoulders at this project site in order to accommodate bicycles outside of the main travel lane, particularly given the elevation climb that cyclists experience in reaching this area in both the north- and south-bound directions. The 12 foot main travel lanes would also provide more space for trucks to track as they turn without extending into the incoming traffic lane and the adjacent bicyclist lane (see depiction of this in **Exhibit 7**). There would be seamless transitions to the existing alignment at both project ends to maintain the experience of the vehicles and bicyclists travelling along this section of Highway 1. The Applicant conducted outreach to bicycle user groups, including the Marin County Bicycle Coalition, who agree that these shoulder widths are appropriate for this section of roadway due to the profile and curvature of the roadway and the limited shoulders available for cyclists to rest in this area. As described in project information provided by the Applicant:

*In the northbound direction the roadway profile is fairly flat, and there is no opportunity for a cyclist to ride or rest on the shoulder because there are no shoulders for an extended length. Providing a 4' shoulder at this location will allow cyclists to be legally passed, and allow them to rest before they enter the grade down to Stinson Beach. Without a shoulder, motor vehicles wanting to pass a cyclist in their lane would need to cross over the centerline to do so. The crest vertical curve at the north end of the project limits sight distance, preventing motorists from passing safely. Approaching from southbound direction, there is a sustained uphill grade and cyclists reaching the crest*

*will need a break from this climb. Additionally, the crest vertical curve would hide a cyclist in the lane.*

In addition, shoulder widening at this section of Highway 1 is identified as a priority bike improvement in the *Marin Unincorporated Area Bicycle and Pedestrian Master Plan*. Therefore, the roadway expansion would accommodate bicycle traffic consistent with LCP policy 13.

In order to address cumulative visual impacts that may result from existing, proposed and potential future roadway improvement projects along Highway 1 in Marin County, the Applicant prepared a cumulative visual impact assessment and design repair guidelines as described in Section B above. Although revisions to the guidelines are still underway, these guidelines address procedural and design considerations including consultation with relevant agencies so concerns can be incorporated into project design. The Applicant has worked collaboratively with the Coastal Commission, State Parks, National Parks, Marin County and the Marin County Bike Coalition to modify this project to achieve common goals including with respect to protecting the significant public viewshed of the highway and the Marin County coastline. The modified project is also consistent with various design elements recommended in the draft guidelines including maintaining the general horizontal roadway alignment, keeping road lane width to 11 - 12 feet, burying retaining walls where possible, limiting shoulders to no more than four feet where appropriate and making drainage features look as natural and unobtrusive as possible. Therefore, the project will not cumulatively distract from the rural scenic characteristics of the present roadway consistent with LCP policy 13.

The expected continued application of these guidelines to future projects ensure that over time, as additional repairs are made, the scenic character of the highway will be maintained. The guidelines also aim to ensure that although some repair projects may result in wider roadway pavement for a short distance, the entire corridor will not be transformed into a continuous and standard 40-foot wide roadway that would destroy the scenic rural character of Marin's Highway 1. Once final agreement is reached on these guidelines, expected by summer 2014, Commission staff will continue discussion with Marin County and Caltrans staff to develop complementary policies for amendment into the Marin County LCP to more clearly guide context-sensitive Highway 1 road repairs into the future.

To ensure that the project is constructed as modified, **Special Condition 1** requires submittal of Final Plans. In conclusion, as so conditioned, the proposed project complies with the relevant visual resource protection and transportation policies of the Marin County LCP.

### **Habitat Protection and Water Quality**

#### *Applicable Policies*

LCP policy 28 on habitat protection requires projects to be conditioned to remove invasive species where applicable and states:

*Invasive exotic plant species are proliferating in the Coastal Zone at the expense of native plants. In order to preserve indigenous native plant species within the Coastal Zone, development permits shall be conditioned, where applicable, to require the*

*removal of any invasive, non-indigenous plant species such as Pampas Grass, Brooms, and Thistles.*

LCP policies 25 and 26 on grading require water quality protection measures as follows:

*25. For necessary grading operations, the smallest practicable area of land shall be exposed at any one time during development and the length of exposure shall be kept to the shortest practicable time. The clearing of land shall be discouraged during the winter rainy season and stabilizing-slopes shall be in place before the beginning of the rainy season.*

*26. Development plans shall include sediment, erosion, runoff controls, and revegetation measures...*

#### *Analysis*

The project site does not contain a significant number or type of nonindigenous, invasive plant species which would threaten the preservation or reestablishment of native plant species, either on- or off-site. Nevertheless, the issue of introduction or proliferation of invasives in conjunction with repair projects has been a concern raised by the Coastal Commission's Roads Edge Subcommittee and discussed among the various interested agencies. The latest draft of the repair guidelines addresses both preventing the establishment of invasive species and controlling any outbreaks that may occur during post-project revegetation. Correspondingly, the Applicant has been in discussions with National Park Service and State Parks to develop an interagency agreement that would outline standards to avoid weed introduction and to perform long-range weed abatement efforts. Since State Parks manages much of the land adjacent to the Caltrans right of way and since invasive species do not recognize property boundaries, it may be most efficient to have one agency perform all the control work. The Applicant and State Parks are developing a draft agreement to this effect for the subject project area. However, no formal agreement has yet been reached. Therefore, pursuant to this approval, Caltrans as the Permittee will be responsible for compliance with LCP policy 28. In order to ensure native plants are used in the project area and that invasive species do not get established, **Special Condition 2** requires a landscape plan that includes installation, five years of monitoring, and maintenance of the project area for five years. This condition would not preclude Caltrans from contracting with State Parks or another agency to actually perform the work.

Since the proposed project would involve substantial excavation on a slope above the Pacific Ocean, construction could pose water quality risks to coastal waters. In order to protect water quality **Special Condition 3** mandates best management practices for such construction projects consistent with the LCP water quality policies.

As so conditioned, the proposed project complies with the relevant habitat protection and water quality policies of the Marin County LCP.

#### **Public Access and Recreation**

##### *Applicable Policies*

Section 30210 of the Coastal Act states:

*In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.*

Section 30213 of the Coastal Act states:

*Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred. ...*

Section 30252 of the Coastal Act states:

*Maintenance and enhancement of public access: The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.*

In addition to LCP policy 13 on transportation cited above, LCP policy 1 on public access requires provision of public access in certain projects:

*The County's policy is to require provisions for coastal access in all development proposals located between the sea and the first public road. This policy recognizes, however, that in certain locations public access may not be appropriate. Upon specific findings, that public access would be inconsistent with the protection of 1) public safety, 2) fragile coastal resources or 3) agricultural production or, upon specific findings that public use of an accessway would seriously interfere with the privacy of existing homes, provision for coastal access need not be required. ...*

#### *Analysis*

The project location bisects Mount Tamalpais State Park. The completed project would not interfere with recreational use of the park, nor interfere with public access to and along the shoreline. Project work would create a temporary disruption for passing traffic through the area. Thus, **Special Condition 3** requires a construction plan that provides for through traffic during the period of work.

In terms of providing public access, the proposed revised project would enhance bicycle access and recreational opportunity without creating substantial adverse impacts to sensitive species,

landforms or scenic resources. As noted in the Visual Resources finding above, cyclists can take advantage of the proposed shoulder area if they wish to allow motor vehicles to pass them or to rest from having just climbed up a hill. The proposed project does not contain any pedestrian facilities. Notably, an established trail (Steep Ravine Trail) is located just inland of the project site on Mount Tamalpais State Park. In addition, a level 4 foot wide vegetated strip adjacent to the roadway on the southbound side could be used by pedestrians. As so conditioned, the proposed project complies with the relevant public access and recreation policies of the Coastal Act and the Marin County LCP.

### **CDP Determination Conclusion**

The proposed project is an allowable roadway improvement project for Highway 1 under the LCP as it would provide slope stabilization, drainage control, and would enhance existing opportunities for accommodating bicycle traffic along Highway 1. The proposed project has been modified from its original version to protect visual resources by burying the retaining wall and revegetating it with native species, removing the metal guard rail and cable railing, maintaining more of the original alignment and natural curve, vegetating the additional area of roadway adjacent to the shoulders and not paving the drainage areas. The Applicant's efforts to develop consistent guidelines to apply to roadway repair projects in the long term are also expected to further ensure that cumulative visual impacts are minimized in the future. **Special Conditions 1, 2, and 3** will ensure habitat and water quality are protected and that there will be minimal impacts to public access in this area during construction. Thus, the proposed project as conditioned is consistent with the visual resources, transportation, public access, and habitat protection policies of the Coastal Act and LCP and should be approved.

### **H. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

Section 13096 of the California Code of Regulations requires that a specific finding be made in conjunction with coastal development permit applications showing the application to be consistent with any applicable requirements of CEQA. Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

Caltrans, acting as lead agency, determined that the proposed project is categorically exempt from the requirements of CEQA, per Section 15301, Class 1 as the project entails repair and maintenance of an existing major highway that provides access to residents and visitors and would not result in potentially significant impacts to the environment.

The Coastal Commission's review and analysis of land use proposals through the coastal development permit process have been certified by the Secretary of Resources as being the functional equivalent of environmental review under CEQA. The Commission has reviewed the relevant coastal resource issues associated with the proposed repair and maintenance highway project, and has identified appropriate and necessary modifications to address adverse impacts to such coastal resources. All above findings are incorporated herein in their entirety by reference.

The Commission finds that only as modified and conditioned by this permit will the proposed project avoid significant adverse effects on the environment within the meaning of CEQA. As

such, there are no additional feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse environmental effects that approval of the proposed project, as modified, would have on the environment within the meaning of CEQA. If so modified, the proposed project will not result in any significant environmental effects for which feasible mitigation measures have not been employed, and is consistent with CEQA Section 21080.5(d)(2)(A).

**APPENDIX A: SUBSTANTIVE FILE DOCUMENTS**

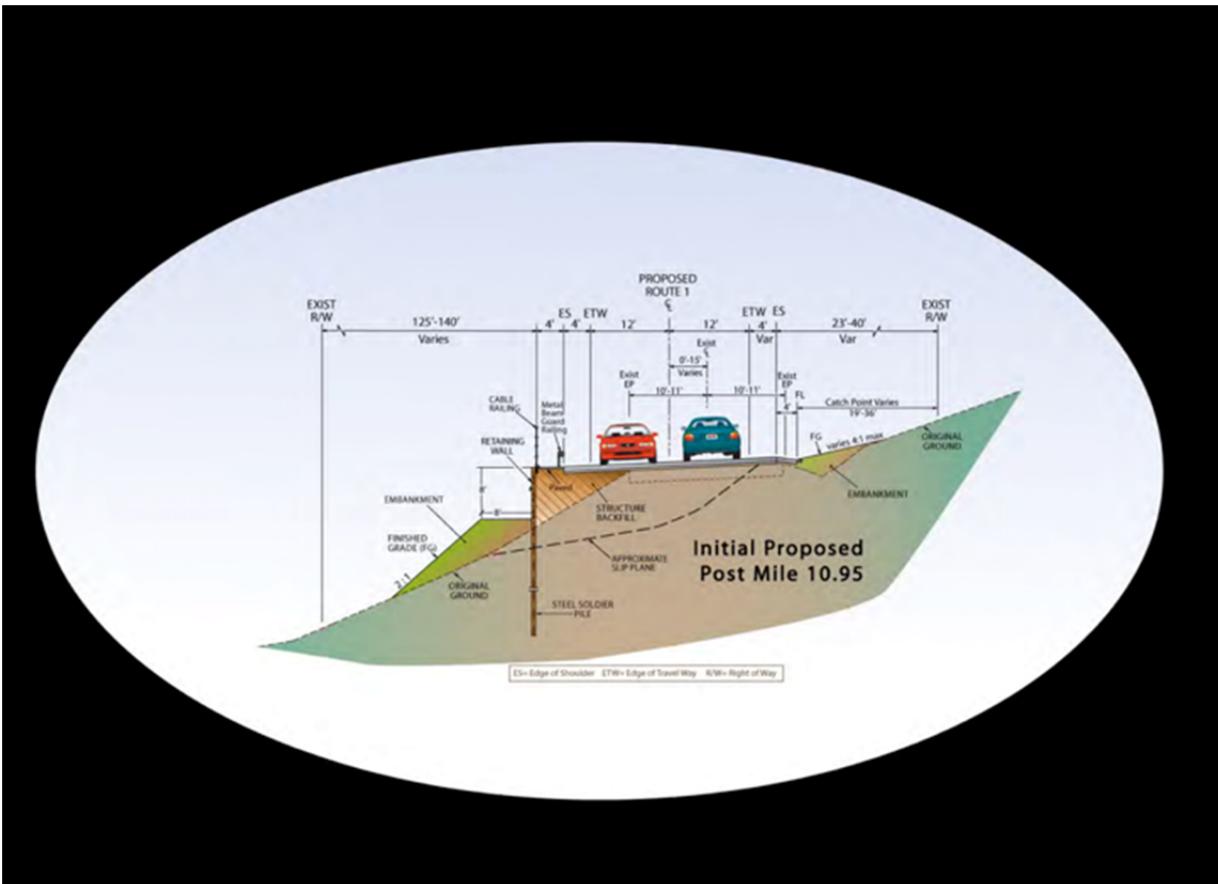
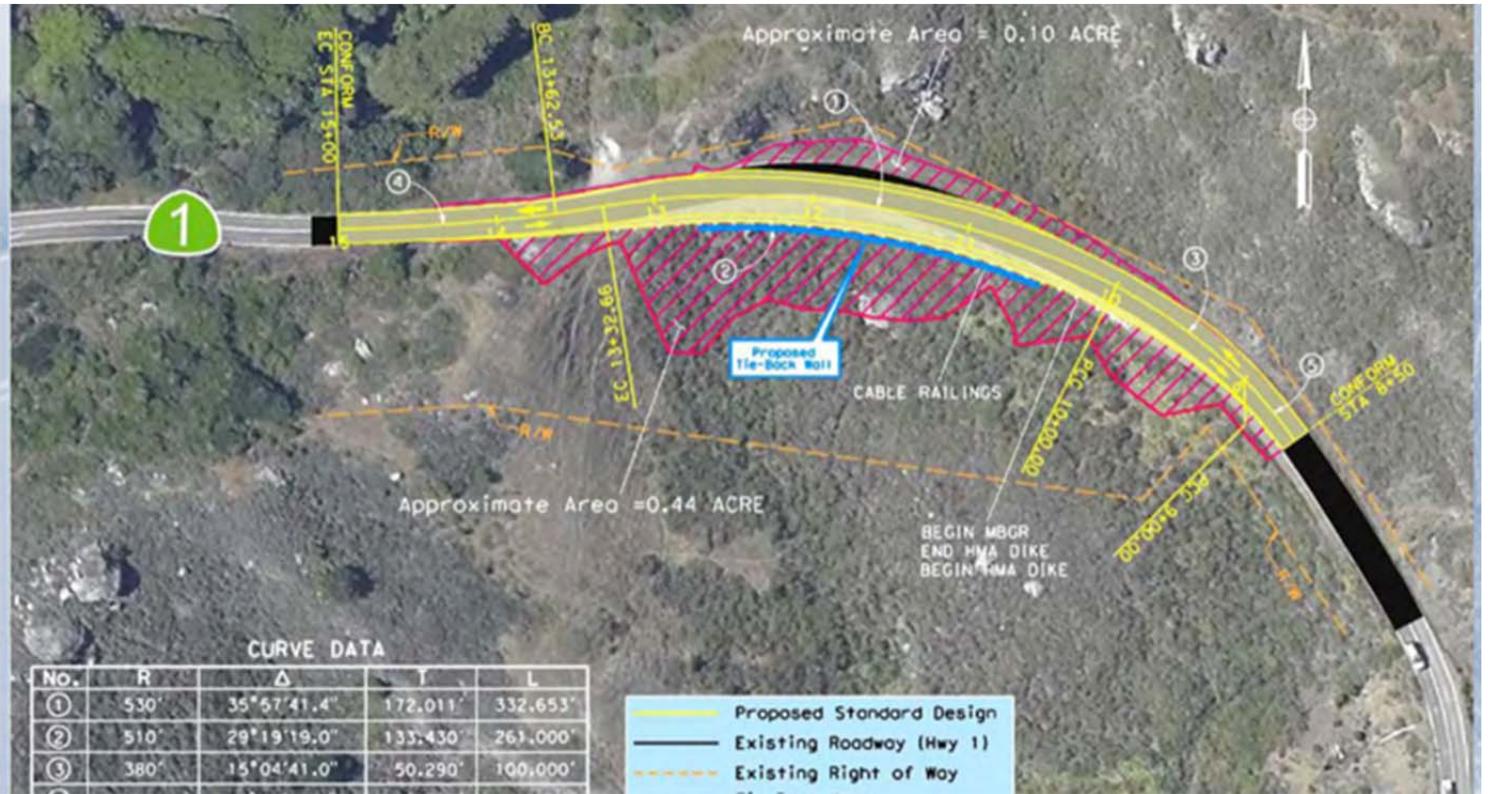
Caltrans, *Final DRAFT State Route 1 Repair Guidelines in Marin County*, April 2014.

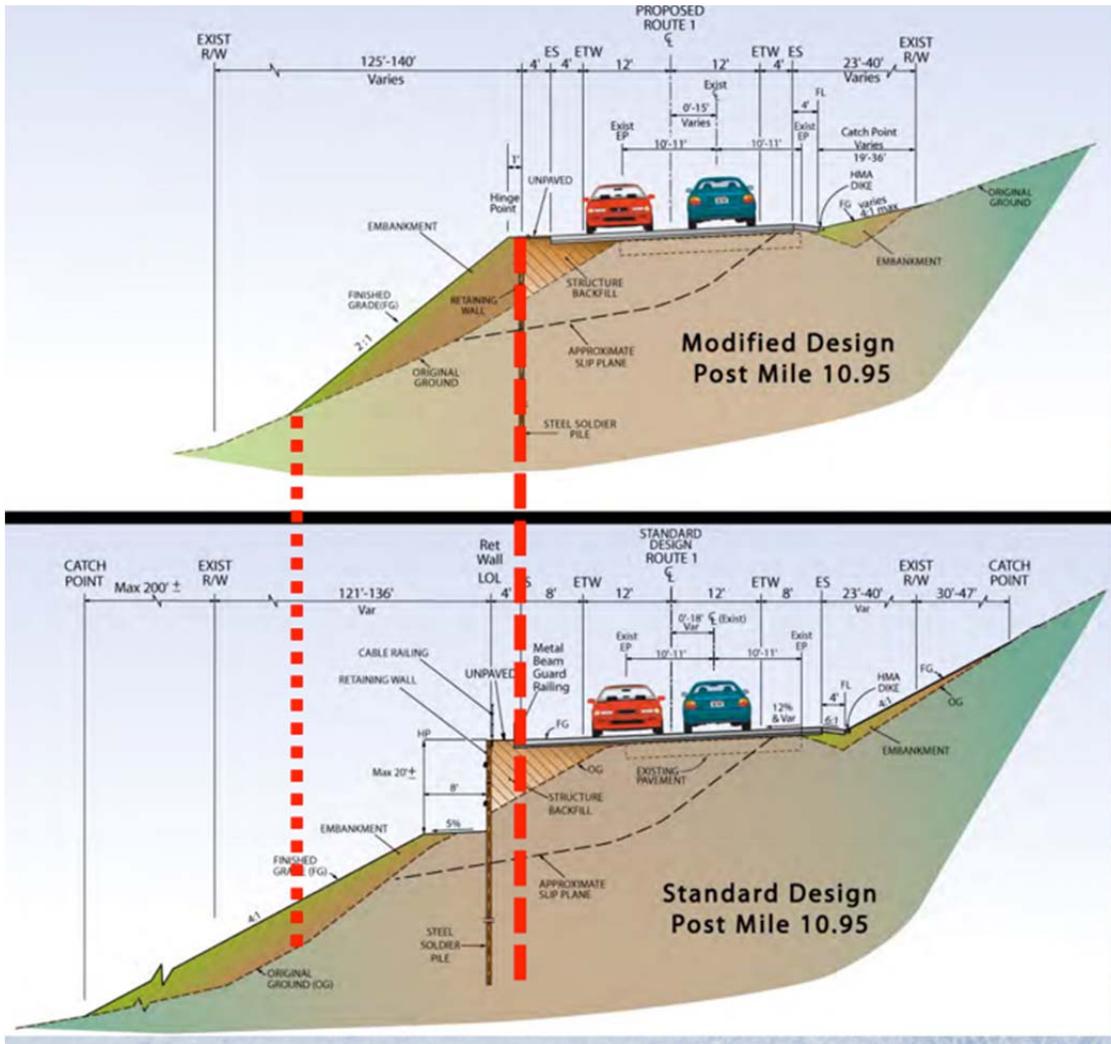
Caltrans, *Visual Impact Assessment: Route 1 Marin County Cumulative Visual Impacts of Storm Damage Repair Projects on the Coastal Bluff Segment*, January 17, 2012.

Fehr & Peers, *Memorandum: Marin Highway 1 Cross Section Review*, August 14, 2012.

Marin County Community Development Agency, *Staff Report to the Marin County Deputy Zoning Administrator Caltrans Coastal Permit 2011-0116*, April 28, 2011.







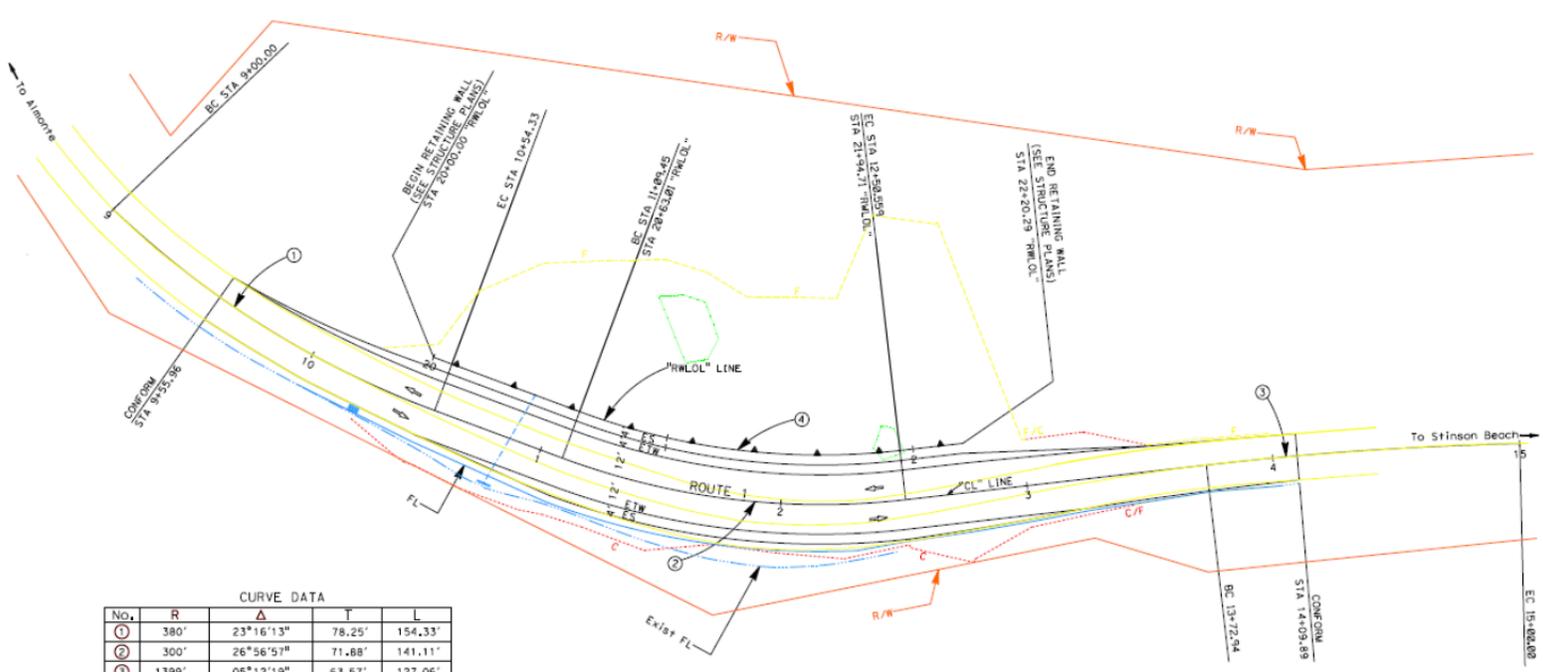
**NOTE:**  
FOR ACCURATE RIGHT OF WAY DATA, CONTACT  
RIGHT OF WAY ENGINEERING AT THE DISTRICT OFFICE.

DIST	COUNTY	ROUTE	POST MILE	TOTAL PROJECT	SHEET NO.	SHEETS
04	Mtn	1		11.0		

REGISTERED CIVIL ENGINEER: *A. Ahmad* DATE: \_\_\_\_\_  
 PLANS APPROVAL DATE: \_\_\_\_\_

REGISTERED PROFESSIONAL SURVEYOR:  
 S. AHMAD  
 No. 69064  
 CIVIL  
 STATE OF CALIFORNIA

THE STATE OF CALIFORNIA OR ITS OFFICERS OR AGENTS SHALL NOT BE RESPONSIBLE FOR THE ACCURACY OR COMPLETENESS OF SCANNED COPIES OF THIS PLAN SHEET.



**CURVE DATA**

No.	R	Δ	T	L
①	380'	23°16'13"	78.25'	154.33'
②	300'	26°56'57"	71.88'	141.11'
③	1399'	05°12'19"	63.57'	127.06'
④	280'	26°56'58"	67.09'	131.70'

**LAYOUT**  
SCALE: 1"=50' **L-1**



# United States Department of the Interior

NATIONAL PARK SERVICE  
Golden Gate National Recreation Area  
Fort Mason, San Francisco, California 94123

IN REPLY REFER TO:  
A7627 (GOGA-PLAN)

MAY 20 2011

RECEIVED

MAY 23 2011

CALIFORNIA  
COASTAL COMMISSION

Charles Lester  
Senior Deputy Director  
California Coastal Commission  
North Central Coast District Office  
45 Fremont Street, Suite 2000  
San Francisco, CA 94105-2219

Re: Approval of State Route 1 Storm Damage Project at Post Mile 10.95 near Steep Ravine,  
Mount Tamalpias State Park, Marin County

Dear Mr. Lester:

The National Park Service at Golden Gate National Recreation Area (NPS) requests that the California Coastal Commission review the Caltrans Coastal Permit 2011-0116 (CDP) that was approved by the Marin County Deputy Zoning Administrator (County) on 28 April 2011. Based on the scope of the project and the cumulative effects of past and pending similar actions, the NPS does not feel this project is consistent with the Marin County Coastal Plan (LCP). Attached to this letter is our rationale.

The permit authorizes Caltrans to construct a 17-foot high by 230-foot long tie-back retaining wall with cable railing, install a 360-foot long guard rail, replace one drainage inlet and cross culvert, construct a 3-foot wide paved gutter and type E dike, and reconstruct the roadway structural section for a 650-foot long section to include two 12-foot lanes (one in each direction) and four-foot paved shoulders on both sides. This project is one of four similar projects being proposed by Caltrans for this stretch of scenic coastal highway between Muir Beach and Stinson Beach.

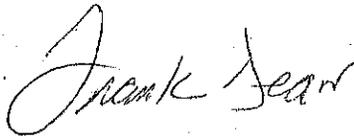
The County's findings appear to be based primarily on the supporting documentation that was submitted by Caltrans on this project, and does not consider the cumulative effects of this project in combination with the three other pending similar projects in the vicinity along Highway 1 farther south, affecting parkland at Post mile 8.1, 7.7 and 6.6. During the County's public review period for the 10.95 CDP, the NPS copied the County and the Coastal Commission on our comment letters to Caltrans addressing our concerns about the potential impacts of the other pending actions in letters dated 21 and 29 April 2011.

The NPS does not oppose Caltrans designing and implementing necessary structures to stabilize Highway 1, as this stretch of scenic coastal highway is important for coastal access and visitor enjoyment; however, the current design of the structures are out of character with the "narrow,

twisting two-lane roadway” and “rugged, open character of this coastal area” (Marin County Coastal Plan). The NPS has offered to cooperatively work with all stakeholders who value this roadway to develop context-sensitive design guidelines that meet the road stability objectives of Caltrans, as well as the coastal scenic roadway character goals of the Marin County Coastal Plan and the national and state parklands that are adjacent to the roadway.

Please refer any questions or comments regarding this matter to Steve Ortega, Environmental Protection Specialist, at (415) 561-2841 or [Steve\\_Ortega@nps.gov](mailto:Steve_Ortega@nps.gov).

Sincerely,



Frank Dean  
General Superintendent

cc:

Superintendent Mt. Tamalpais State Park,  
California Coastal Commission (Federal Consistency Coordinator),  
Marin County Community Development Agency  
Marin County Supervisor Steve Kinsey

Enclosure (1)

NPS Comments on State Route 1 Storm Damage Project at Post Mile 10.95 near Steep Ravine,  
Mount Tamalpais State Park, Marin County

### County Findings and the LCP

The Local Coastal Program for Marin County Unit I includes the following as guidance for Highway 1:

*Highway 1 provides an important and limited access route to the coastal zone. The narrow, twisting two-lane roadway successfully complements the rugged, open character of this coastal area. Highway 1 shall remain a scenic, two-lane roadway. Roadway improvement projects shall not, either individually or cumulatively distract from the rural scenic characteristics of the present roadway. Improvements (beyond repair and maintenance) shall be limited to minor roadway improvements as identified below:*

- *Slope stabilization, drainage control and minor safety improvements such as guardrail placement, signing, etc.*
- *Expansion of roadway shoulder paving to accommodate bicycle/ pedestrian traffic along the highway shoulder.*
- *Creation of slow traffic and vista turnouts, as a safety and convenience improvement.*

*Other minor selected roadway improvements necessary to adequately accommodate public transit consistent with the goals of the following policy: no filling of streams or wetlands shall be permitted.*

We believe that PM 10.95, as designed, is inconsistent with the LCP by irreversibly changing the desired road character outlined in the LCP. NPS is concerned that if Caltrans continues to consistently alter the road geometry at this repair site (as well as the others built and proposed), Highway 1 will gradually lose the current rustic character described in the LCP, retaining wall by retaining wall. This potentially substantial cumulative effect should be evaluated through the CEQA/NEPA process.

*Impacts to the LCP Desired Character:* The LCP describes the desired scenic condition of Highway 1 to be narrow and twisting, and have a rugged and open character. These are desirable characteristics to the parkland managers who manage the lands adjacent to the roadway. In 2007, Caltrans constructed at least five of these retaining walls between Muir Beach and Stinson Beach, using emergency repair funds. Some vistas along Highway 1 have thus already been altered with these sizeable walls. Currently, there are four similar projects pending, and these have the added element of enlarging the geometry of the road itself.

The County's Findings for PM 10.95, based on Caltrans permit application, stated that:

*Vistas and views along Highway 1 will not be negatively impacted by the proposed project because there are no long distance views of the new wall. The metal beam guard rail barrier and cable railing do not create a notable negative visual impact at this project site and are similar to other safety barriers found at numerous points along Highway 1. Although there*

*will be a change in the visual character at the project site, the changes are considered brief and unobtrusive to the traveling public in a visual context.*

Their language appears to be taken from Caltrans Visual Assessment for PM 10.95 (April 2010). We found that similar language was used in the conclusion of Caltrans Visual Assessments for PM 6.6 and 7.7. For PM 10.95, State Parks staff has shared a concern with us, following a recent site visit with Caltrans staff, that the proposed retaining wall would be visible from the Steep Ravine access road and campground below. Similarly, NPS has already articulated our concerns to Caltrans about the view of the wider road and accompanying retaining walls at PM 6.6 from other vantages along Highway 1, from Frank Valley Road, and from many trails within both the GGNRA and State Park not mentioned in any of the supporting environmental documentation prepared by Caltrans. By introducing the retaining walls to significant stretches of this coastal scenic highway, and the resultant road widening that occurs at each one of these structures, the rustic, rural, winding, and rugged character would be irreversibly lost.

Cumulative Impact Assessment - Three Similar Projects Pending Along Highway 1: Caltrans is currently proposing four new tie-back soldier beam retaining walls along Highway 1 between Muir Beach and Stinson Beach affecting both National Park and State Park lands. They are being evaluated as separate, independent actions that all would be constructed in or around the year 2012. NPS is concerned that these projects individually, as designed, have the potential to cause significant cumulative effects, although Effects Thresholds have not been established. Neither the County nor Caltrans has presented any information considering cumulative impacts of how the roadway and vistas would change with every new project. Three of the projects affect NPS land, Post mile (PM) 6.6, 7.7 and 8.1. The proposal at PM 10.95 affects State Parks land close to the entrance to Steep Ravine.

All of these projects share similar characteristics. Each one:

- would involve the construction of a similar style retaining wall along with a bench at the base for future maintenance inspections
- includes varying numbers of cross culverts for drainage, with riprap at the discharge point to dissipate erosive energy to avoid impacts down slope
- installs a metal beam guard rail
- disturbs an un-quantified area of reasonably intact coastal scrub native habitat and would require reestablishing native plant communities and weed abatement following construction
- introduces its own minor disruption of normal traffic flow during construction (flagmen and/or automated signal with single lane closure)
- would result in a new standard road section of two 12-foot lanes, four foot shoulders, and four feet of extra margin for the retaining wall tapering back to the 21-23-foot shoulderless road that spans between the segments with new retaining walls. It represents an approximate widening by 14 feet, or about 60 percent
- involves Caltrans acquiring new ROW from the park agency for the expanded footprint of the road into adjacent parkland to accommodate the new structures, and a Section 4(f) evaluation and concurrence

We believe that with so much in common, all four projects should be evaluated collectively and the effects, cumulatively. Under NEPA, "similar" actions are those which, when viewed with other reasonably foreseeable proposed actions, have similarities that provide a basis for evaluating their environmental consequences together such as common timing or geography (40 CFR 1508.25). A "cumulative impact" is the impact on the environment that results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time (40 CFR 1508.7).

### Other Concerns

Section 4(f) Concurrence: Caltrans has applied The Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) amendment, and determined that its proposed use of Section 4(f) park land at PM 10.95 will have *de minimis* adverse effect on the protected 4(f) resource. Caltrans has asked State Parks to concur with this finding. The Federal Highway Administration (FHWA)'s web page on Questions and Answers on the Application of Section 4(f) *De Minimis* Impact Criteria defines "*de minimis*" as "1. Trifling, minimal. 2. (Of a fact or thing) so insignificant that a court may overlook it in deciding an issue or case. 3. *De Minimis Non Curat Lex, The law does not concern itself with trifles*". NPS is concerned that without consulting directly with the respective park staff, Caltrans may not appreciate the full scope of our stewardship, resource management responsibilities, and how we assess environmental impacts. NPS believes that the SAFETEA-LU 4(f) *de minimis* concurrence process is not appropriate for these four pending retaining wall projects along Highway 1.

NPS has asked Caltrans to follow the full FHWA Section 4(f) evaluation process and work with us to assess the impacts of these four similar activities along Highway 1 collectively and collaboratively with the responsible park agencies. Under Section 4(f), Caltrans should be able to demonstrate that (a) there is no feasible and prudent alternative to impacting park land, and (b) all possible planning has taken place to minimize and mitigate harm to the park. Minimization of harm entails both alternative design modifications that lessen the impact on 4(f) resources and mitigation measures that compensate for residual impacts. Minimization and mitigation measures should be determined through consultation with the official of the agency owning or administering the resource.

Measures to Minimize Impacts: The retaining walls and tiebacks may be able to be designed and constructed with minimal alteration of roadway geometry. NPS is concerned that the adverse environmental consequences at this site have not been minimized as required due to the substantial increase in width of paved area associated with the road which depart from simple road bed stabilization. Caltrans plans to increase lane width from 11 to 12 feet, add 4-foot paved shoulders on both sides of the road where none exists today, and to add a 4-foot paved margin between the guard rail and the retaining wall. NPS is concerned that expanding the roadway requires walls to be built farther down the slope, to include expanding the footprint of the road into parklands and requiring taller tie-back walls in order to match roadway elevation. NPS has asked Caltrans to consider a narrower roadway that would lessen the height and length of the tie-back retaining wall. If the main project purpose were to improve driver safety, then other

methods of accomplishing that purpose without widening or straightening the road should be considered and discussed with NPS and State Parks.

As with the project proposed at PM 6.6, 7.7 and 8.1, we are concerned that widening of the road at PM 10.95 for this 650-foot stretch would alter its current character as an historic, scenic highway and set precedence for future projects. Although no historic properties are known that would be directly affected by the proposed actions, we have completed a Historic Property Survey Report of the area. We offer Caltrans our context-relevant information that may be helpful to characterize and protect the scenic and cultural setting of this road. In 2006, we asked Caltrans to work with us, State Parks, and the Coastal Commission to prepare a Road Characterization Study. In a Caltrans letter dated February 2011, Caltrans indicated that they are in the process of preparing, but not yet completed, design guidelines for State Route 1 which would apply to this stretch. Ideally, the design guidelines should be developed and approved through an interagency process *before* implementing the project and used in the project design.

*Loss of Native Habitat and Natural Communities:* NPS is concerned that Caltrans has not yet quantified the area of native coastal scrub habitat that will be disturbed for any of the four pending projects during construction. Under NPS Director's Order 12 (1.6), we require site-specific data on impacts to the park's natural resources and values that are recognized in our enabling legislation. For 4(f) concurrence, the park managers need to confirm that the project design has minimized the area of disturbance of this coastal scrub community to the greatest extent feasible.

A great advantage that could come with evaluating environmental effects collectively for all pending Caltrans projects is that that we may enter into a Memorandum of Agreement with Caltrans, State Parks, and NPS to address the revegetation requirements at all of the sites collectively. The Agreement would establish agency roles in adopting a revegetation plan for all four pending projects that incorporates the collection of local native seed, propagation, site placement, and follow up monitoring and maintenance. One of NPS's important management directives is to preserve the local genetic integrity of flora and fauna, and through such an agreement with Caltrans, we can assist State Parks to implement this as well.

All disturbed areas throughout Caltrans' right-of-way along Highway 1, warrant Caltrans' commitment to funding long term weed abatement efforts to reduce impacts to state and national parklands.. To mitigate some of the adverse effects of the many retaining walls and disturbance zones, we also hope to draft an Agreement with Caltrans, State Parks, and NPS for long term monitoring and eradicating of non-native invasive species throughout their right-of-way in this corridor.

*Safety:* We question the assumption that the proposed road design that includes wider lanes, shoulders, and overall road cross-section, as well as increased curve radii over short stretches improves safety. Caltrans proposed roadway improvements will alter the continuity of the road character, which may result in higher vehicular speeds for short distances before tapering back to the narrower cross-section of most of the highway. The NPS believes that driver expectations for the roadway should stay consistent and not vary to the degree they are being designed in these repair areas.

Public Disclosure and Outreach: NPS is concerned that Caltrans has not adequately informed the public about the full scope of all their pending actions or solicited comments. Caltrans has told NPS that they have received very few public comments in response to any of their notifications, and concluded that the public is not interested in these projects. Based on our experience with the Muir Beach and Stinson Beach communities, NPS questions this conclusion.

Caltrans public notices, which address each project individually, tend to provide few details. The vicinity map for the project at PM 6.6 in the Draft Mitigated Negative Declaration was not to scale, and not informative even to someone who is familiar with the area. For the general public, who may not know anything about the project, there was very little information in the public notice, which was published for only one day in the Marin Independent Journal, on which to comment. We continue to recommend that Caltrans make an effort to have its staff present all proposed activities in person at the regular Muir Beach and Stinson Beach Community meetings. Ideally, this should be done while it is still possible to make adjustments to the project designs.

National Environmental Policy Act (NEPA): Because federal funding would be used to construct 10.95, NEPA compliance is required. In the Categorical Exemption/Categorical Exclusion Form provided to Marin County, Caltrans has declared that 10.95 project meets the conditions of a Federal Highway Categorical Exclusion (CE) (23 CFR 771.117(d)). Constructing a 230-foot tieback wall is not listed as an action that fits the category listed. Federal Highway NEPA implementing guidance for use of a CE requires the applicant (Caltrans) to ensure that the project, either individually or cumulatively, has no significant environmental impacts, and would be inappropriate where unusual circumstances exist, including: 1) Significant environmental impacts; 2) Substantial controversy on environmental grounds; 3) Significant impact on properties protected by Section 4(f) of the Department of Transportation Act or Section 106 of the National Historic Preservation Act; 4) Inconsistencies with a Federal, State, or local law, and 5) Requirement or administrative determination relating to environmental aspects of action. As stated above, Caltrans has not conducted a cumulative impact assessment or a full 4(f) evaluation to determine the impacts on parkland.



DEPARTMENT OF PARKS AND RECREATION  
Marin District  
845 Casa Grande Road  
Petaluma, CA 94954  
(707) 769-5665

Ruth Coleman, Director

May 20, 2011

G. William "Trais" Norris, III  
Central Region Environmental Office  
Caltrans District 6  
2015 East Shields Avenue, Suite A-100  
Fresno, CA 93726-5428

Re: Amended Section 4(f) *De Minimis* Impacts Finding Concurrence Request for Highway Improvements on State Route 1 Storm Damage Tie-back Wall near Dipsea Trail, Post Mile 10.95, Marin County

Dear "Trais:"

This responds to your request for concurrence from California State Parks, Mount Tamalpias, on Caltrans Section 4(f) *De Minimis* Impacts Finding for State Route 1, Storm Damage Project – EA: 04-4S220, dated March 23, 2011, and amended in a letter dated May 17, 2011. Caltrans made its finding on behalf of the Federal Highway Administration (FHWA) pursuant to Section 6009 of the Safe, Accountable, Flexible, and Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). Obtaining concurrence on the project from State Parks is required under Section 4(f) of the Department of Transportation Act because the proposed right-of-way adjustment will impact state park land, a 4(f) resource.

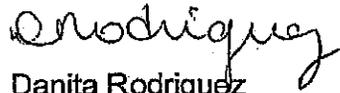
State Parks fully recognizes Caltrans important role in maintaining Highway 1 as a functioning vital asset to Mt. Tamalpias State Park, the surrounding parkland of the Golden Gate National Recreation Area, and the local communities. While we acknowledge the need for storm water drainage repairs to stabilize the road at PM 10.95 and would like Caltrans to maintain the road, we are unable to concur with the Section 4(f) *De Minimis* Effect determination on the proposed tie-back retaining wall and road widening, that Caltrans prepared. We have insufficient information about the quality and magnitude of effects, and have reason to believe that greater than *de minimis* impacts could result from the construction of the proposed project.

design modifications that lessen the impact on 4(f) resources and mitigation measures that compensate for residual impacts. Minimization and mitigation measures should be determined through consultation with the agency owning or administering the resource.

In closing, we urge Caltrans to work with State Parks collaboratively and in a timely fashion through the 4(f) evaluation process so that you obtain our 4(f) concurrence, and the storm water damage repairs may be accomplished before the road fails or a casualty occurs. We anticipate that by working collaboratively with all affected stakeholders in this corridor we will best protect our resources while serving the public who will be able to utilize and appreciate this valued coastal asset for years to come.

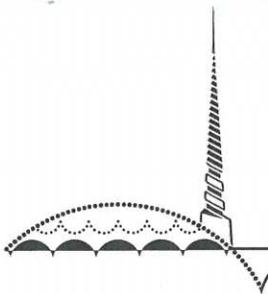
If you have any questions, please contact Roy McNamee at (707) 769-5665 Extension 226 or [rmcna@parks.ca.gov](mailto:rmcna@parks.ca.gov)

Most sincerely,



Danita Rodriguez  
Marin District Superintendent

2-MAR-11-034



MARIN COUNTY  
COMMUNITY DEVELOPMENT AGENCY  
BRIAN C. CRAWFORD, DIRECTOR

**NOTICE OF FINAL LOCAL (DEPUTY ZONING ADMINISTRATOR) DECISION**

Pursuant to Coastal Act Section 30603(d), Coastal Commission Regulations Section 13571, and LCP Policy and/or Implementation Plan.

May 5, 2011

RECEIVED

MAY 06 2011

California Coastal Commission  
45 Fremont Street, #2000  
San Francisco, CA 94105

CALIFORNIA  
COASTAL COMMISSION

Attention: Coastal Planner

Applicant's Name:	CALIFORNIA DEPARTMENT OF TRANSPORTATION
Coastal Permit Number:	CP-2011-0116
Assessor's Parcel Number:	199-040-53
Project Location:	State Highway 1 At Post Mile 10.95 Approximately 1.2 miles south of Stinson Beach
Determination:	Approved With Conditions (Resolution of the April 28, 2011 Deputy Zoning Administrator enclosed)
Decision Date:	April 28, 2011
County Appeal Period:	Five (5) Working Days

**Local review is now complete.**

This permit IS appealable to the California Coastal Commission.

Any correspondence concerning this matter should be directed to Curtis Havel, Senior Planner, at 507-2755.

Sincerely,

Curtis Havel  
Senior Planner

**A-2-MAR-11-025  
Exhibit 5**

2011-03-11

RECEIVED  
MAY 04 2011  
COURT REPORTER

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION 11-115

A RESOLUTION APPROVING THE CALIFORNIA DEPARTMENT OF TRANSPORTATION  
COASTAL PERMIT 2011-0116  
STATE HIGHWAY 1 AT POST MILE 10.95  
APPROXIMATELY 1.2 MILES SOUTH OF STINSON BEACH  
ADJACENT TO ASSESSOR'S PARCEL 199-040-53

\*\*\*\*\*

**SECTION I: FINDINGS**

- I. WHEREAS the California Department of Transportation submitted a Coastal Permit to undertake repair and maintenance activities on an approximately 300-foot stretch of State Highway 1 in Marin County at post mile 10.95 (approximately 1.2 miles south of Stinson Beach). The proposed project entails construction of a 230-foot long tie-back soldier pile retaining wall varying from 0 feet to 17 feet in height. The project also includes installation of a metal beam guard rail barrier and cable railing. The proposed project is necessary to repair roadway damage due to soil movement underneath the roadway, and to prevent further sliding. The project is adjacent to Assessor's Parcel 199-040-53.
- II. WHEREAS the Marin County Deputy Zoning Administrator held a duly noticed public hearing on Thursday, April 28, 2011 to consider the merits of the project, and hear testimony regarding the project. The Community Development Agency, Planning Division has provided public notice identifying the applicant(s), describing the project and its location, and giving the scheduled date of the public hearing in accordance with California Government Code requirements. This notice has been mailed to all property owners within 600 feet of the subject property and to interested parties and organizations.
- III. WHEREAS the Marin County Deputy Zoning Administrator finds that the California Department of Transportation, as the lead agency for the project, determined that the proposed project is Categorically Exempt from the requirements of the California Environmental Quality Act, per Section 15301, Class 1 because it entails repair and maintenance of an existing major highway that provides access to residents of and visitors to Stinson Beach, and would not result in potentially significant impacts to the environment. As a responsible agency, the County Planning Division is not required to supplement the California Department of Transportation's CEQA determination.
- IV. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the mandatory findings for Coastal Permit approval (Section 22.56.130 of the Interim Marin County Code) pursuant to the requirements and objectives of the Local Coastal Program, Unit I as described below.
  - A. Water Supply:  
The proposed project does not require or entail the construction of a water supply system.
  - B. Septic System Standards:  
The proposed project does not require or entail the construction of a septic system.

C. Grading and Excavation:

The grading associated with the project is to repair a major roadway that provides access to Stinson Beach and other populated areas to the north. The amount of grading that will occur is the least amount necessary to conduct the necessary repairs, and to allow for safe passage through this section of Highway 1.

D. Archaeological Resources:

The proposed project involves the excavation of materials from a previously disturbed area. Although the project is located in an archaeologically sensitive area, the area has already been disturbed during their original construction and this project would not uncover previously undisturbed areas. Therefore, it is highly unlikely that the project would disturb cultural resources.

E. Coastal Access:

The project is not located adjacent to portions of the shoreline that provide access to the general public. The project will not interfere with the roadway leading to the Steep Ravine cabins. Furthermore, the project would not restrict the public's ability to access the shoreline in the surrounding areas.

F. Housing:

The proposed project does not involve the demolition or conversion of housing affordable to households of lower or moderate income.

G. Stream and Wetland Resource Protection:

The project will not be located within 100 feet of a blue-line creek and will be located south of Webb Creek.

H. Dune Protection:

The project site is not located in a dune protection area as identified by the Natural Resources Map for Unit I of the Local Coastal Program.

I. Wildlife Habitat:

The project site is not located as an area that contains significant vegetation on the natural resource maps on file with the Marin County Planning Department, and the repair work will not remove significant amounts of vegetation because the area has been previously disturbed and does provide habitat to any endangered or threatened plant or animal species.

J. Protection of Native Plant Communities:

The project site does not contain a significant number or type of nonindigenous, invasive plant species which would threaten the preservation or reestablishment of native plant species, either on or off the site.

K. Shoreline Protection:

The project is not located within a designated bluff-top erosion zone. Furthermore, the repair work is required to provide continued access to coastal-dependant land uses that occur in Stinson Beach and other nearby coastal communities.

L. Geologic Hazards:

Highway 1 is constructed in an area that is notoriously susceptible to soil movement. The repair project is to prevent future soil instability near and around this stretch of Highway 1.

M. Public Works Projects:

The proposed project will not detract from the rural scenic characteristics of the existing roadway, does not entail water or sewer improvements, and will conform to the resource and visual policies of the Local Coastal Program.

N. Land Division Standards:

No land division or property line adjustment is proposed as part of this project.

O. Visual Resources:

The project consists of limited vegetation removal during the repair of an existing roadway and would not adversely affect the visual resources in the area.

P. Recreation/Visitor Facilities:

The proposed project would not provide commercial or recreational facilities, and the project site is not governed by VCR (Village Commercial Residential) zoning regulations, which require a mixture of residential and commercial uses.

Q. Historic Resource Preservation:

The project site is not located within the designated historic preservation boundaries as identified in the Marin County Historic Study for the Local Coastal Program.

**SECTION II: CONDITIONS OF APPROVAL**

NOW THEREFORE BE IT RESOLVED that the Marin County Deputy Zoning Administrator hereby approves the California Department of Transportation Coastal Permit 2011-0116 subject to the conditions of approval listed below.

1. Pursuant to Marin County Code Section 22.56.130I, and consistent with "Exhibit A," entitled, "Highway 1 Repair and Maintenance Project (EA 04-4S220) – Marin County Post Mile 10.95," prepared by the California Department of Transportation, this approval hereby authorizes repair and maintenance activities on an approximately 300-foot stretch of State Highway 1 in Marin County at post mile 10.95 (approximately 1.2 miles south of Stinson Beach just south of Webb Creek and the turnoff for the Steep Ravine Cabins). The approved project entails construction of a 230-foot long tie-back soldier pile retaining wall varying from 0 feet to 17 feet in height. The project approval also includes installation of a metal beam guard rail barrier and cable railing.

This decision certifies the proposed project's conformance with the requirements of the Marin County Development Code and in no way affects the requirements of any other County, State, Federal, or local agency that regulates development. The Community Development Agency Director may administratively authorize modifications to the approved project and land use requirements that are determined to be minor and consistent with the findings herein.

**SECTION III: VESTING AND APPEAL RIGHTS**

NOW, THEREFORE BE IT RESOLVED that the project is vested upon approval and termination of the appeal period and shall be valid for a period of 2 years. An extension of up to four additional years may be granted for cause pursuant to Section 22.56.120I of the Marin County Code if the applicant applies for an extension at least 30 days before the expiration date above and the Deputy Zoning Administrator approves it.

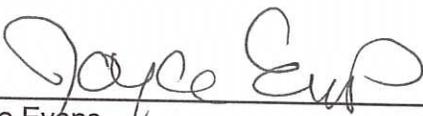
NOW, THEREFORE BE IT FURTHER RESOLVED that this decision is final unless appealed to the Planning Commission. A Petition for Appeal and a \$600.00 filing fee must be submitted in the Community Development Agency - Planning Division, Room 308, Civic Center, San Rafael, no later than **4:00 p.m. on May 5, 2010.**

**SECTION IV: ACTION**

PASSED AND ADOPTED at a regular meeting of the Deputy Zoning Administrator of the County of Marin, State of California, on the 28<sup>th</sup> day of April, 2010.

  
\_\_\_\_\_  
JOHANNA PATRI, AICP  
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:

  
\_\_\_\_\_  
Joyce Evans  
DZA Secretary

**A-2-MAR-11-025**  
**Exhibit 5**  
**Page 6 of 6**

**CALIFORNIA COASTAL COMMISSION**

NORTH CENTRAL COAST DISTRICT OFFICE  
45 FREMONT, SUITE 2000  
SAN FRANCISCO, CA 94105-2219  
(415) 904-5260 FAX (415) 904-5400  
[www.coastal.ca.gov](http://www.coastal.ca.gov)

**COMMISSION NOTIFICATION OF APPEAL**

DATE: May 20, 2011  
TO: Curtis Havel, Senior Planner  
County of Marin, Community Development Agency  
3501 Civic Center Drive, #308  
San Rafael, CA 94903-4157  
FROM: Ruby Pap, District Supervisor *MG for RP*  
RE: **Commission Appeal No. A-2-MAR-11-025**

Please be advised that the coastal development permit decision described below has been appealed to the California Coastal Commission pursuant to Public Resources Code Sections 30603 and 30625. Therefore, the decision has been stayed pending Commission action on the appeal pursuant to Public Resources Code Section 30623.

Local Permit #: **CP 2011-0116**  
Applicant(s): **Caltrans, Attn: Michelle Ray**  
Description: **To undertake repair and maintenance activities on approximately 300-foot stretch of State Highway 1 in Marin County at post mile 10.95. The proposed project entails construction of a 230-foot long tie-back soldier pile retaining wall and varying from 0 to 17 feet in height. The project also includes installation of a metal beam guard rail barrier and cable railing.**  
Location: **State Highway 1 at Post Mile 10.95, Stinson Beach (Marin County) (APN(s) 199-040-53)**  
Local Decision: **Approved w/ Conditions**  
Appellant(s): **California Coastal Commission, Attn: Commissioner Mark Stone; California Coastal Commission, Attn: Commissioner Mary K. Shallenberger**

Date Appeal Filed: **5/20/2011**

The Commission appeal number assigned to this appeal is A-2-MAR-11-025. The Commission hearing date has not yet been established for this appeal. Within 5 working days of receipt of this Commission Notification of Appeal, copies of all relevant documents and materials used in the County of Marin's consideration of this coastal development permit must be delivered to the North Central Coast District office of the Coastal Commission (California Administrative Code Section 13112). Please include copies of plans, relevant photographs, staff reports and related documents, findings (if not already forwarded), all correspondence, and a list, with addresses, of all who provided verbal testimony.

A Commission staff report and notice of the hearing will be forwarded to you prior to the hearing. If you have any questions, please contact Ruby Pap at the North Central Coast District office.

**A-2-MAR-11-025**

**Exhibit 6**

**CALIFORNIA COASTAL COMMISSION**

NORTH CENTRAL COAST DISTRICT OFFICE  
 45 FREMONT STREET, SUITE 2000  
 SAN FRANCISCO, CA 94105-2219  
 VOICE (415) 904-5260 FAX (415) 904-5400  
 TDD (415) 597-5885

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

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

**SECTION I. Appellant(s)**

Name: Commissioners Shallenberger and Stone

Mailing Address: 45 Fremont Street, Suite 2000

City: San Francisco

Zip Code: 94105

Phone: 415-904-5200

**SECTION II. Decision Being Appealed**

1. Name of local/port government:

County of Marin, Community Development Agency

2. Brief description of development being appealed:

To undertake repair and road enhancement activities on approximately 300-foot stretch of State Highway 1 in Marin County at post mile 10.95. The proposed project entails construction of a 230-foot long tie-back soldier pile retaining wall varying from 0 to 17 feet in height, widening the roadway from 22 to 36 feet, and installation of a metal beam guard rail barrier and cable railing.

3. Development's location (street address, assessor's parcel no., cross street, etc.):

State Highway 1 at Post Mile 10.95, approximately 1.2 miles south of Stinson Beach (Marin County); the project is adjacent to APN 199-040-53

4. Description of decision being appealed (check one.):

- Approval; no special conditions  
 Approval with special conditions:  
 Denial

**RECEIVED**

MAY 20 2011

CALIFORNIA  
 COASTAL COMMISSION  
 NORTH CENTRAL COAST

**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-2-MAR-11-025

DATE FILED:

5/20/11

DISTRICT:

North Central Coast

A-2-MAR-11-025

Exhibit 6

Page 2 of 7

**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

6. Date of local government's decision: April 28, 2011

7. Local government's file number (if any): CDP-2011-0116

**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:

California Department of Transportation  
Michelle Ray, Associate Environmental Planner  
Caltrans District 6 – Fresno  
2015 E. Shields Ave, Suite 100  
Fresno, CA 93726

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) Danita Rodriguez, Marin District Superintendent  
California State Parks, Marin District  
845 Casa Grande Road  
Petaluma, CA 94952-5804

(2) Frank Dean, Golden Gate National Recreation Area Superintendent  
Golden Gate National Recreation Area  
Fort Mason  
San Francisco, CA 94123

(3) Terry Bryant, Stinson Beach Village Association  
P.O. Box 11  
Stinson Beach, CA 94970

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Page 3

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.)

See Section IV

Note: The above description 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.

SECTION V. Certification

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

Signed:   
Appellant or Agent

Date: 5/20/11

Agent Authorization: I designate the above identified person(s) to act as my agent in all matters pertaining to this appeal.

Signed: \_\_\_\_\_

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

(Document2)

## 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.

The proposed Caltrans project at post mile (PM) 10.95 of State Route 1 in Marin County is inconsistent with the Marin County Local Coastal Program (LCP) – Unit 1 polices regarding: (1) cumulative impacts to the rural scenic characteristics of the present roadway; (2) negative impacts to visual resources resulting from removal of vegetation and installation of a soldier pile retaining wall visible to park users from Steep Ravine Campground (below project site) and recreational trails (above the project site); and (3) potential for invasive species proliferation in the coastal zone resulting from the disturbance and removal of soils to install the soldier pile wall and subsequent revegetation effort of newly exposed soils below the soldier pile wall.

LCP Transportation Policy No. 13 states:

“Highway 1 provides an important and limited access route to the coastal zone. The narrow, twisting two-lane roadway successfully complements the rugged, open character of this coastal area. Highway 1 shall remain a scenic two-lane roadway. Roadway improvement projects shall not, either individually or **cumulatively** (emphasis added) distract from the rural scenic characteristics of the present roadway. Improvements (beyond repair and maintenance) shall be limited to minor roadway improvements as identified below: - slope stabilization, drainage control, and minor safety improvements such as guard rail placement, signing, etc., - expansion of roadway shoulder paving to accommodate bicycle/pedestrian traffic along the highway shoulder, - creation of slow traffic and vista turnouts, as a safety and convenience improvement, and – other minor selected roadway improvements necessary to adequately accommodate public transit consistent with the goals of the following policy: no filling of streams or wetlands shall be permitted.”; and

LCP Visual Resources Policy states:

“Coastal Act policies on visual quality, found in Section 30251, require the protection of scenic and visual resources of coastal areas. Visual resources, including beaches, wetlands, and other natural as well as manmade features, are vulnerable to degradation through improper location of development, blockage of coastal views, alteration of natural land forms by poor cutting, grading, and filling practices, and by poor design or placement of roadside signs and utility lines. The primary concern of the Coastal Act is to protect views to scenic resources from public roads, beaches, trails, and vista points.”

With respect to cumulative impacts, in 2007, Caltrans completed a series of repairs to Highway 1 that are very similar in nature to the proposed project at PM 10.95, including installation of large retaining walls, which required significant disturbance of soils, and placement of metal beam guard rails. According to staff from National Park Service (NPS), Golden Gate National Recreation Area and California State Parks (CSP) staff from Mount Tamalpais State Park, these repairs resulted in

degradation of scenic qualities by users of the parklands along trails and roadways due to the visual intrusiveness of the retaining wall structure. In addition to the projects completed in 2007, Caltrans proposes to undertake three additional repair projects along Highway 1 at PM 6.6, 7.7 and 8.1; all three of these repairs are very similar in nature with installation of retaining walls, significant widening of the roadway in the repair areas, and disturbance of native vegetation. Neither the County's coastal development permit and accompanying staff report or Caltrans permit application for the project at PM 10.95 acknowledges, analyzes, or seeks to minimize cumulative effects to visual resources. Furthermore, Caltrans visual analysis only evaluates potential visual impacts from the perspective of the roadway user; it does not address visual impacts to park users on trails or nearby campgrounds.

The proposed project at PM 10.95 also includes widening of the existing 22-foot wide road with no shoulder to 24-foot wide traveling road with 4-foot shoulders on either side and an additional 4 feet of pavement for the metal beam guard rail and retaining wall (equal to an additional 14 feet of pavement). While the LCP policies allows for expansion of roadway shoulder paving to accommodate bicycle/pedestrian traffic, widening of Highway 1 at this location in addition to the projects at PM 6.6, 7.7, and 8.1 appears excessive and will detract from the rural character of the roadway. No cumulative impact analysis has been conducted.

LCP Transportation Policy No. 28 states:

"Invasive exotic plant species are proliferating in the Coastal Zone at the expense of native plants. In order to preserve indigenous native plant species within the Coastal Zone, development permits shall be conditioned, where applicable, to require the removal of any invasive, non-indigenous plant species such as Pampas Grass, Brooms, and Thistles."

According to staff from NPS, Golden Gate National Recreation Area and CPS, Mount Tamalpais State Park, prior Highway 1 repairs completed in 2007 resulted in significant proliferation of invasive species where hillside vegetation and soils were disturbed to install retaining wall repairs. Areas down slope of the newly installed retaining walls were especially problematic. The coastal development permit for PM 10.95 does not include any revegetation conditions or a weed abatement strategy to address the potential for invasive species proliferation resulting from the removal of vegetation and exposure of open soils downslope of the proposed retaining wall. Based on Caltrans repairs at other project sites in this vicinity, invasive species proliferation is very likely to occur after the repair project is complete.

**APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 5)**

**SECTION V. Certification**

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

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

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

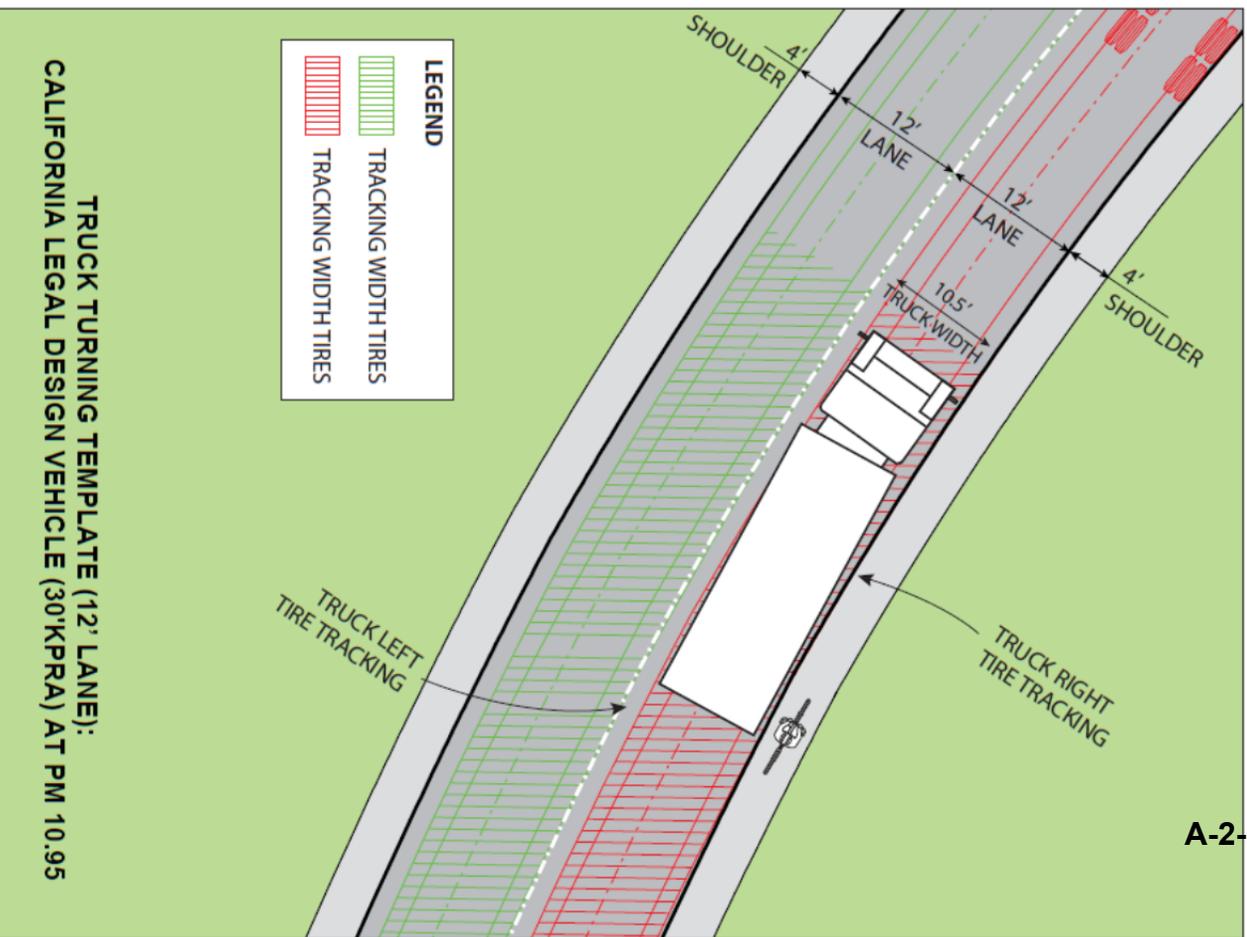
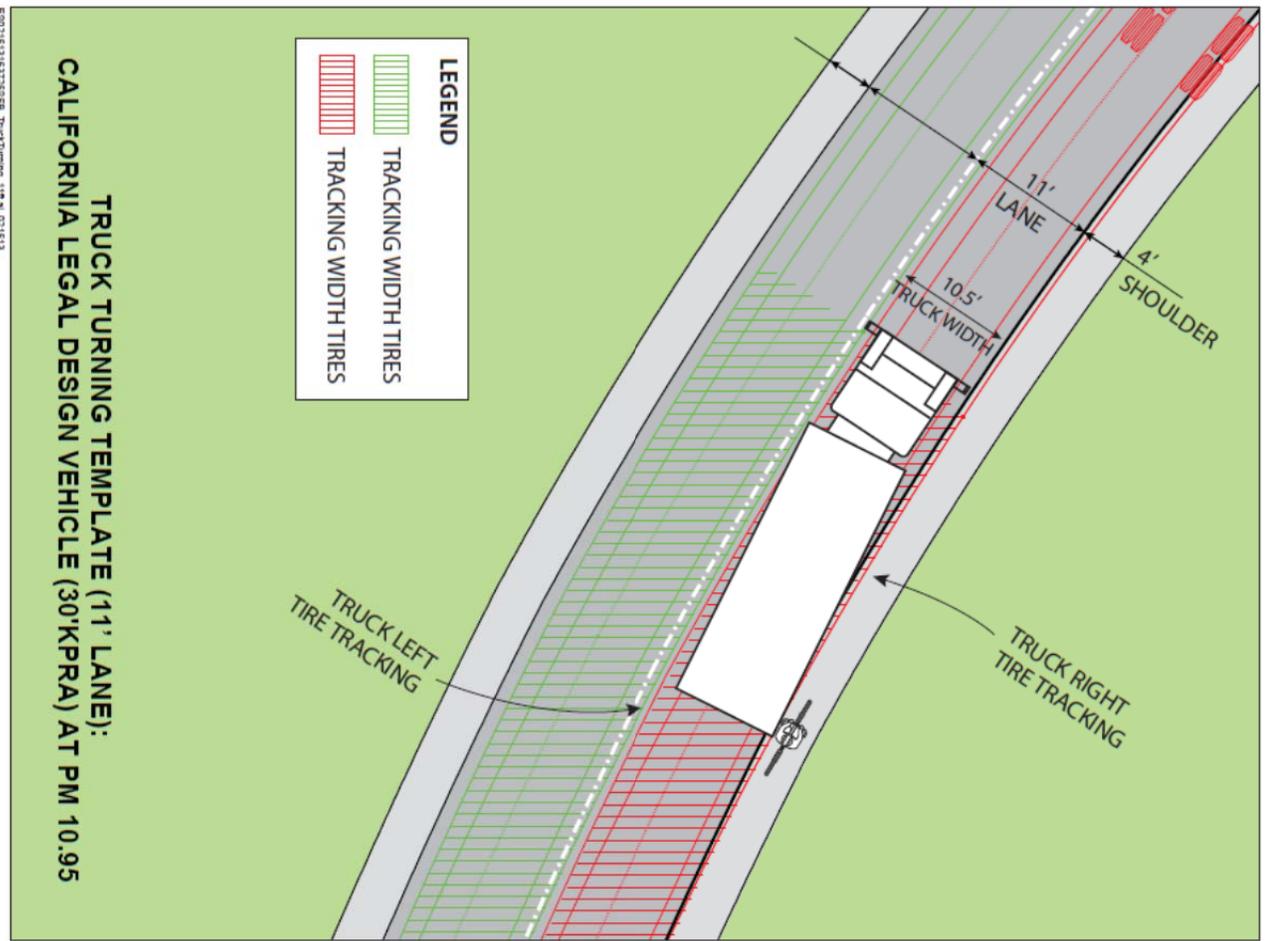
**Note:** If signed by agent, appellant(s) must also sign below.

**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: \_\_\_\_\_



**CALIFORNIA COASTAL COMMISSION**

NORTH CENTRAL COAST DISTRICT OFFICE  
 45 FREMONT ST, SUITE 2000  
 SAN FRANCISCO, CA 94105-2219  
 VOICE (415) 904-5260  
 FAX (415) 904-5400  
 TDD (415) 597-5885

**Memorandum****May 13, 2014**

To: Commissioners and Interested Parties

FROM: Dan Carl, North Central Coast District Deputy Director  
 North Central Coast District

Re: **Additional Information for Commission Meeting**  
**Thursday, May 15, 2014**

<u>Agenda Item</u>	<u>Applicant</u>	<u>Description</u>
Th12a	Marin County LC P Amendment Number LCP-2-MAR-13-0224-1 Part A (Marin Land Use Plan Update)	Ex Parte Communication, Amy Trainer, EAC of West Marin Ex Parte Communication, Jack Liebster, Brian Crawford, County of Marin Ex Parte Communication, Amy Trainer Correspondence, Pacific Legal Foundation Correspondence, John A. Becker Correspondence, Linda Emme Correspondence, Richard and Brenda Kohn Email, Jules Evens Email, Amy Trainer Email, John Kelly Email, Tim Stanton Email, Michael Sewell Correspondence, Christian C. Scheuring Email, Susan Burrows

**Note: 990 email comments substantially identical to this email comment were received. This email comment is provided as a representative sample of the 990 email comments. All of the 990 email comments substantially identical to this email comment are available for review at the Coastal Commission's North Central Coast Office in San Francisco.**

Correspondence, Jon Elam  
 Correspondence, West Marin  
 Environmental Action Committee

Correspondence, Kirk Wilbur  
Correspondence, Megan Isadore  
Email, Ione Conlan  
Email, Carol Smith  
Email, Thomas Baty  
Correspondence, Carol K Longstreth  
Correspondence, Catherine Caufield  
Correspondence, Bridger Mitchell  
Correspondence, Kirk Wilbur  
Correspondence, Louise Gregg  
Correspondence, David Lewis

**Th14a**

A-2-HMB-12-005 (Stoloski, Half Moon Bay)

Ex Parte Communication, Stanley Lamport  
Ex Parte Communication, Marc Gradstein  
Ex Parte Communication, Stan Lamport  
for applicant Stoloski  
Correspondence, Lennie Roberts  
Correspondence, John F. Lynch  
Correspondence, Donald Torre  
Correspondence, James Benjamin  
Correspondence, Kenneth Rosales  
Correspondence, Lennie Roberts  
Correspondence, Charise Hale McHugh  
Correspondence, Ralph Faust  
Correspondence, Stanley W. Lamport  
Correspondence, Paul Stewart  
Correspondence, Stuart Schillinger

**Th14b**

A-2-MAR-11-025 (Caltrans, Marin County)

Correspondence, Frank Dean  
Correspondence, Andy Peri  
Ex Parte Communication, Stefan Galves  
Correspondence, Danita Rodriguez

Th146



## United States Department of the Interior

NATIONAL PARK SERVICE  
Golden Gate National Recreation Area  
Fort Mason, San Francisco, California 94123

IN REPLY REFER TO:  
A7627 (GOGA-PLAN)

MAY 13 2014

Charles Lester  
Senior Deputy Director  
California Coastal Commission  
North Central Coast District Office  
45 Fremont Street, Suite 2000  
San Francisco, CA 94105-2219

Re: A-2-MAR-11-025 – Caltrans Proposed Storm Damage Repair at PM 10.95 – modified (agenda item Th14b) Support with Comments

Dear Mr Lester:

We are writing to support the approval of the Coastal Development Permit (CDP) for the revised project at this location and offer additional comments regarding cumulative impacts. National Park Service (NPS) staff from Golden Gate National Recreation Area has worked with staff from Caltrans, State Parks and Coastal Commission to minimize the impacts of this and other currently proposed repair projects on Highway 1 in Marin County. We have also worked together over many months to contribute to Caltrans' new guidelines for current and future repair projects on this exceptionally scenic highway segment.

We agree with the findings of the Staff Report, that this is a substantial issue and that the project has been substantially modified to address concerns specific to this project. We are also encouraged by significant progress made by Caltrans to modify the design of other currently proposed projects within state and park lands in Marin County, and Caltrans' development of Highway 1 Repair Design Guidelines for Marin County. The Guidelines will provide a comprehensive approach in guiding current and potential future repair projects to include flexibility in designing storm repairs on this sensitive stretch of Highway 1 through national and state park lands and other areas of exceptional scenic value. These lands include National Register of Historic Places sites (Olema Valley Ranches Historic District), habitat for federally-listed threatened and endangered species and a unique rural character. Many of our concerns have been addressed in the Guidelines draft and we expect this process to conclude with a positive outcome that will avoid or minimize impacts to these resources.

We remain concerned about cumulative impacts of this project with other past, present and future projects on Highway 1 in Marin County. The 2012 Cumulative Visual Impact Assessment prepared for Caltrans identified past projects with moderate and significant visual impacts that have not been mitigated, including the 1200 LF Lone Tree Slide area (PM 9.1-9.5), within Mount Tamalpais State Park. That area was impacted by major grading and slope stabilization needed to reopen a segment of highway that was damaged in the 1989 Loma Prieta earthquake. We encourage Caltrans to work with

adjacent land managers to develop mitigation measures that address impacts from these past projects, including removal of invasive weedy vegetation and replacement of deteriorated fencing. In addition to avoiding or minimizing the impacts of each new repair project, a corridor-wide approach to address these cumulative issues is key to maintaining the integrity of the resources and the unique character of the adjacent park and public lands.

Please direct questions or concerns to Steve Ortega, Planning Division, at (415) 561-4955 or [steve\\_ortega@nps.gov](mailto:steve_ortega@nps.gov).

Sincerely,



Frank Dean  
Superintendent

cc:

Danita Rodriguez, District Superintendent, California Department of Parks and Recreation  
Cicely Muldoon, Superintendent, Point Reyes National Seashore  
Lenka Culik-Caro, Deputy District Director, Caltrans District 4  
Steve Kinsey, Marin County Supervisor  
California Coastal Commission (Federal Consistency Coordinator)  
Superintendent, Mt Tamalpais State Park  
Marin County Community Development Agency



www.marinbike.org

V 415 456 3469  
F 415 456 9344  
733 Center Blvd.  
Fairfax, CA 94930

February 17, 2014

Th14b

Mrs. Helena Culik-Caro  
Deputy District Director, Design  
Caltrans District 4  
helena\_lenka\_culik-caro@dot.ca.gov  
111 Grand Avenue  
P0 Box 23660, Executive Office  
Oakland, CA 94623-0660

Subject: Highway 1 Storm Repair Projects

Dear Mrs. Culik-Caro:

On behalf of the Marin County Bicycle Coalition, I wish to submit the following comments on the Marin County Highway 1 Storm Repair Projects.

The Marin County Bicycle Coalition (MCBC) has attended several meetings on issues pertaining to these sections of Highway 1 and made multiple visits to the sites between Muir Beach and Stinson Beach over the past year.

MCBC has reviewed both layouts and cross sections for each of the sections, 6.6, 7.7 and 10.95 and is satisfied with the cross sections and allocated space for cyclists for these sections as per the drawing shared at the meeting on November 18, 2013 with the caveats below.

As we have discussed, MCBC urges Caltrans to ensure adequate distance for transitions between new wider roadway areas and existing narrower roadway areas to ensure maximum safety for cyclists traveling into and from the sections indicated above. This could include the use of painted buffer areas to help ensure cars don't inadvertently enter shoulder areas where cyclists are riding.

MCBC continues to be concerned about potential increases of motorized vehicle speeds due to wider roadway widths and would like to ensure that Caltrans includes traffic calming elements in its design where possible. This issue continues to be of special concern as future new repairs in this area may have a cumulative effect that may result in net increases of automobile speeds throughout this corridor. Automobile speeds are one of the most important factors that determine cyclist safety on roadways.

MCBC would like to encourage Caltrans to evaluate the corridor surrounding the storm repair projects for safety issues and

**Board of Directors**

Maureen Gaffney, *President*  
Mark Comin, *Vice President*  
Don Magdanz, *Secretary*  
Lloyd Tepper, *Treasurer*  
Morris Beazley  
Chris Hobbs  
Jennifer Kaplan  
Fred Morfit  
Scott Penzarella  
John Vipiana

**Advisors**

Mark Birnbaum  
Joe Breeze  
Tom Hale  
Deb Hubsmith  
Jim Jacobsen  
Patrick Seidler  
Julia Violich

**Staff**

Kim Baenisch  
*Executive Director*  
Tom Boss  
*Off-Road and Events Director*  
April Spooner  
*Membership and Volunteer Coordinator*  
Andy Peri  
*Advocacy Director*  
Alisha O'loughlin  
*Planning Director*  
Wendi Kallins  
*Safe Routes to Schools Director*  
Laura Kelly  
*Safe Routes Volunteer Liaison*  
Peggy Clark  
*Safe Routes Project Coordinator*  
Share the Road Program Manager  
Gwen Froh  
*Safe Routes Teen Coordinator*  
James Sievert  
*Safe Routes Instructor*

opportunities. These could include opportunities for wider/safer bicycle climbing lanes, areas where sight-line safety improvements could be implemented and areas where there are unsafe pavement or pavement edge conditions, for example.

MCBC looks forward to continuing to work on this project and see it completion. We urge Caltrans to maintain contact with MCBC should any relevant aspect of the project change due to the myriad of constraints that may arise during final design and/or construction.

Thank you very much for considering these comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Andy Peri". The signature is fluid and cursive, with a prominent initial "A" and a long, sweeping underline.

Andy Peri, Advocacy Director  
Marin County Bicycle Coalition

Th14b

# FORM FOR DISCLOSURE OF EX PARTE COMMUNICATIONS

Name or description of project, LPC, etc.: Caltrans State Route 1, Post Mile 10.95 Repair Project in Marin County

Date and time of receipt of communication: May 5, 2014

Location of communication: Marin County Civic Center

Type of communication (letter, facsimile, etc.): Meeting

Person(s) initiating communication: Stefan Galvez, Caltrans

Detailed substantive description of content of communication:  
(Attach a copy of the complete text of any written material received.)

Caltrans staff expressed support for the Coastal Commission staff report (Th14b) which addresses the proposed repair project at State Route 1, post mile 10.95 in Marin County. Caltrans described changes made to the project since its May 2011 appeal and communicated its efforts to develop context sensitive design guidance for the corridor.

Materials provided:

- PowerPoint presentation of the project
- Draft Marin County Highway 1 Conceptual Bicycle Improvement Plan

5 / 5 / 14  
Date

  
Signature of Commissioner

If the communication was provided at the same time to staff as it was provided to a Commissioner, the communication is not ex parte and this form does not need to be filled out.

If communication occurred seven or more days in advance of the Commission hearing on the item that was the subject of the communication, complete this form and transmit it to the Executive Director within seven days of the communication. If it is reasonable to believe that the completed form will not arrive by U.S. mail at the Commission's main office prior to the commencement of the meeting, other means of delivery should be used, such as facsimile, overnight mail, or personal delivery by the Commissioner to the Executive Director at the meeting prior to the time that the hearing on the matter commences.

If communication occurred within seven days of the hearing, complete this form, provide the information orally on the record of the proceeding and provide the Executive Director with a copy of any written material that was part of the communication.



DEPARTMENT OF PARKS AND RECREATION

Marin District  
845 Casa Grande Road  
Petaluma, CA 94954  
707-769-5665

Major General Anthony L. Jackson, USMC (Ret), Director

Th146

May 7, 2014

Dr. Charles Lester, Executive Director  
California Coastal Commission  
725 Front St. Ste. 300  
Santa Cruz, CA 95060

Subject: Support for staff recommendation of approval of A-2-MAR-11-025

Dear Dr. Lester,

West Marin County is an especially scenic area offering wonderful vistas of the Pacific from its bluffs and inspiring vistas of the landscape itself. Prized by locals and visitors alike, the natural setting and historic activities have been preserved through the care and efforts of concerned and foresighted citizens. These efforts have resulted in not only helping keep the area natural, scenic, and interesting, but also recognized to have the appropriate values to support the establishment of both State and National Park units. Within their respective jurisdictions, State and National Parks work to achieve their missions to preserve the area for future generations. And outside those jurisdictions, the area is also indeed worthy of on-going stewardship of those values.

The existence of Hwy 1 along the California Coast itself is historic and has provided a transportation corridor through some exceptionally scenic landscape. The road has carried untold numbers of people along this coastal route inspiring supporters for the preservation of the territory. The rural character of Hwy 1 is recognized as an important element of the area not only offering access to the State and National Parks but also providing the drive as a recreational activity in itself.

As Caltrans continues the difficult task of maintaining this route through some very unstable areas, the cumulative impact of repairs to Hwy 1 over time is resulting in changes to the natural and historic character of the roadway corridor. The repair of Hwy 1 at PM 10.95 is within the boundary of Mt. Tamalpais State Park. California State Parks had concerns that the original repair design would result in negative visual impacts to park visitors using the Steep Ravine Campground, the Steep Ravine Cabins, hikers on Rocky Point Trail as well as other vista locations in the area, and to all visitors driving through this area of Hwy 1 in Marin County. As a result of the coastal development permit appeal, State Parks has worked closely with Caltrans, National Parks, and Coastal Commission staff in addressing these concerns. As a result, Caltrans has crafted a redesign that dramatically alleviates many of the concerns including burying the new downslope retaining wall; retaining the existing curvature alignment; omitting proposed guard railing and fencing; pursuing native plant

Dr. Charles Lester  
May 7, 2014  
Page 2

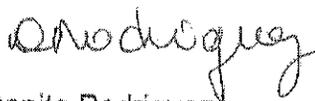
landscaping and invasive plant controls; and eliminating the proposed need for right-of-way expansion into State Park lands.

Also, in a continuing effort of cooperative manage designated Park lands, State Parks and National Parks together have worked closely with Caltrans and the Commission staff in attempting to address the potential individual and cumulative impacts of other current and future storm damage repair projects that are anticipated on Hwy 1 through Marin County. This multi-agency working team has reviewed numerous drafts of Caltrans' "State Route 1 Repair Guidelines in Marin County" document over the last couple of years with the intention of guiding project designs in Caltrans' various divisions that will be sensitive to the scenic and natural resources along the roadway corridor. As we are nearing consensus over the direction and content of those guidelines, we look forward to pursuing options for implementing them through planning and regulatory mechanisms such as the Marin County Local Coastal Program. We are particularly concerned with implementing the guidelines in a manner that will ensure protection against cumulative negative impacts on the scenic and historic character of Hwy 1, especially in rural areas. Applying the standards in current Caltrans' Highway Design Manual could continue to expand the footprint of the existing highway, which in each instance may seem minor, but collectively, in time, could contribute to a significant cumulative impact that damages the rural character of Hwy 1 in West Marin County

While we greatly appreciate the cooperative progress that has been made to date, and support the current redesign of the project at 10.95, we also urge the Commission to maintain a long term statewide perspective on roadway developments to ensure there are no negative impacts that will cumulatively impair the scenic rural character of the area. We also applaud the work of Caltrans, National Parks and Commission staff to dramatically improve the design of repairs at Marin Hwy 1 PM 10.95 and to craft innovative design approaches in the "State Route 1 Repair Guidelines in Marin County" document that are sensitive to the various landscape units of the County and to the resource protection mandates of State and National Parks.

If you have questions or comments, please contact Roy McNamee via email at [roy.mcnamee@parks.ca.gov](mailto:roy.mcnamee@parks.ca.gov).

Sincerely,



Danita Rodriguez  
District Superintendent, Marin District