CALIFORNIA COASTAL COMMISSION

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Staff:	C. Teufel-SF
Staff Report:	4/23/15
Hearing Date:	5/14/15

STAFF REPORT: REGULAR PERMIT

Application No.:	9-15-0208
Applicant:	California Ocean Protection Council
Location:	115 sites within Del Norte, Humboldt, Mendocino, Sonoma, Marin, San Mateo, Santa Cruz, Monterey, and San Luis Obispo Counties.
Project Description:	Installation of 115 interpretive and regulatory signs at coastal access points near state designated marine protected areas.
Staff Recommendation:	Approval.

SUMMARY OF STAFF RECOMMENDATION

The California Ocean Protection Council (OPC) proposes to install 115 small (four to six square foot) metal signs at coastal access points located near state designated marine protected areas within nine of the coastal counties north of Point Conception. Specifically, five signs would be placed in Del Norte County, ten signs in Humboldt County, 21 signs in Mendocino County, 26 signs in Sonoma County, four signs in Marin County, 13 signs in San Mateo County, six signs in Santa Cruz County, 20 signs in Monterey County, and ten signs in San Luis Obispo County. The majority of these signs would be installed on existing posts, kiosks, or boards that support similar regulatory and informational signage, but 24 would require installation of new four inch by four inch wooden posts. All proposed installation locations would be within existing developed and previously disturbed areas in parking lots, at trailheads, boat ramps, piers, marinas, and visitor facilities near designated State Marine Conservation Areas and State Marine Reserves (MPAs).

The OPC proposes installation of the signs as a component of the California Department of Fish and Wildlife's MPA outreach, education, and enforcement program and would enhance public understanding of MPA locations, regulations, and resources.

The staff recommends the Commission find that the project is consistent with the Coastal Act, and, therefore recommends that the Commission **APPROVE** coastal development permit application 9-15-0208.

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EXHIBITS

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I. MOTION AND RESOLUTION

Motion:

I move that the Commission approve Coastal Development Permit 9-15-0208 *subject to conditions set forth in the staff recommendation specified below.*

Staff recommends a **YES** vote on the foregoing motion. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of Commissioners present.

Resolution:

The Commission hereby approves the Coastal Development Permit for the proposed project and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act. 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

- 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 applicant 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 of 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 applicant to bind all future owners and possessors of the subject property to the terms and conditions.

III. FINDINGS AND DECLARATIONS

A. BACKGROUND AND PROJECT DESCRIPTION

The State of California recently completed a redesign and improvement of its statewide system of marine protected areas (MPAs), as mandated by the Marine Life Protection Act. The redesigned system is managed by the California Department of Fish and Wildlife (DFW) and includes a network of 124 MPAs covering approximately 16 percent of state waters along California's approximately 1,100 miles of coastline from the Oregon border to Mexico. The MPA network was designed to achieve specific goals, including to increase coherence and effectiveness in protecting the state's marine life, habitats, ecosystems, and natural heritage; and to improve recreational, educational, and study opportunities provided by marine ecosystems subject to minimal human disturbance. The ability of the MPAs to meet these goals depends in large part on public understanding of, and compliance with, the regulations put into place to achieve them.

The Ocean Protection Council (OPC) believes that public outreach and education is the most effective method to promote awareness and compliance with MPA regulations. The proposed project was therefore developed by OPC and DFW staff (in close coordination with local non-governmental partners) to promote MPA education and outreach through the creation and dissemination of interpretive and regulatory signage. OPC and DFW believe that installing signs with information about MPAs at major coastal access or departure points near MPAs, including boat launch sites and parking areas and trailheads located near MPA shore boundaries, will increase public MPA awareness and compliance. The proposed project is being funded by DFW, which transferred funds to the OPC through an interagency agreement; OPC then granted funds to the California Marine Sanctuary Foundation to cover project implementation.

Since the establishment of California's MPA network, a series of standardized sign templates has been developed by outreach organizations and provided to DFW staff for review and approval. These templates include "regulatory signs" that provide basic regulatory information - such as MPA boundaries and take regulations - as well as "interpretive signs" that provide site-specific facts and images of the wildlife, habitats, and areas protected by the MPAs.

Prior to this current effort, about 139 regulatory signs and 42 interpretive signs were installed¹ over the course of several years from north central California through Southern California. However, these signs do not provide comprehensive coverage across the statewide MPA network, and numerous MPAs along the coast, including all the MPAs established in northern California, do not have permanent regulatory or interpretive signs. OPC has therefore developed the proposed project to install and maintain the additional signs that it believes are immediately needed to improve the sign coverage in northern and central California and enhance public awareness of, and compliance with, the newly established MPAs in these regions. OPC is also working to extend this program through southern California and will be pursuing a similar coastal development permit for signs in that region within the next several months.

¹ Based on information received from OPC staff, these signs were installed in a piecemeal fashion (mainly in groups of two and threes) over the past ten years as funding and opportunity allowed. Coastal development permitting was handled at the local level because installation locations were within areas with certified LCPs.

In the current project, OPC is proposing to install 115 individual signs – 40 interpretive signs and 75 regulatory signs – at locations across nine of the coastal counties north of Point Conception. Table 1 below provides summary information about the number of proposed signs in each county and specific installation locations are provided in <u>Exhibit 1</u>. Signs would be installed in areas of existing development such as at coastal access parking lots, in marinas and at boat ramps, at coastal access trailheads, and at areas with visitor support facilities such as restrooms, information kiosks, and visitor centers. Several signs would also be installed along trails or coastal access paths, located with existing signage or information kiosks at rest points or vistas. The interpretive signs would be made of composite flame and graffiti resistant materials, measure 30 inches by 18 inches, and provide information to the public about MPA resources, objectives, location, and regulations. Regulatory signs would also be made of composite materials, would measure 12 inches by 18 inches and would be of two main types – those that inform the public about regulations and take restrictions and those that provide the reader with information about their location relative to the MPA boundaries. Representative examples of both regulatory and interpretive signs are provided in <u>Exhibit 2</u>.

TABLE 1	
County	Number
Del Norte	5 Interpretive
Humboldt	8 Interpretive; 2 Regulatory
Mendocino	12 Interpretive; 9 Regulatory
Sonoma	2 Interpretive; 24 Regulatory
Marin	2 Interpretive; 2 Regulatory
San Mateo	4 Interpretive; 9 Regulatory
Santa Cruz	1 Interpretive; 5 Regulatory
Monterey	3 Interpretive; 17 Regulatory
San Luis Obispo	3 Interpretive; 7 Regulatory
TOTALS	40 Interpretive; 75 Regulatory

Ninety-one of the proposed signs would be installed on existing posts and fences and co-located with existing informational or regulatory signage. The remaining 24 signs would be installed by hand on new four inch by four inch posts placed approximately 24 inches into the ground and cemented in place. All 24 of these new posts would be placed within existing developed areas such as parking lots, and no excavation of undisturbed ground or removal of vegetation would occur as a result of any sign or post installation activities.

B. OTHER REGULATORY AUTHORIZATIONS

Consolidated Permit

Coastal Act Section 30601.3 provides the Commission with the authority to act upon a consolidated permit for proposed projects that require a coastal development permit from both a local government with a certified local coastal program (LCP) and the Commission. This authority is triggered if the applicant, local government, and Executive Director (or Commission) consent to consolidate the permit. The standard of review for such permits is the Chapter 3 policies of the Coastal Act. The proposed statewide MPA signage project includes locations

within the jurisdiction of 12 different certified LCPs - those of the County of Del Norte, City of Crescent City, City of Eureka, County of Humboldt, County of Mendocino, County of Sonoma, County of Marin, County of San Mateo, County of Santa Cruz, County of Monterey, County of San Luis Obispo, and City of Morro Bay. In February, March, and April of 2015, 11 of these local governments, with the consent of the applicant and Executive Director, agreed to consolidate permit action under this permit for those aspects of the proposed project within their jurisdictions and those aspects within the Commission's retained permit jurisdiction, consistent with Coastal Act Section 30601.3. However, at the time that this report was prepared, the County of Mendocino planning department had yet to receive final approval of this consolidated permit approach from its Board of Supervisors. Commission staff has been in communication with staff of the Mendocino County planning department which has indicated that this approval is expected to be granted by the Board of Supervisors at its meeting on May 5, 2015. Therefore, with this approval expected by the time this permit comes before the Commission, and with the consent of County of Mendocino planning department staff, this report includes those aspects of the proposed project within the County of Mendocino. However, if the County of Mendocino Board of Supervisors does not consent to permit consolidation at its May 5, 2015, meeting, this aspect of the proposed project would be removed through an addendum to this staff report.

As described herein, the OPC designed the project such that it will not result in adverse impacts to coastal resources. Typically, such a project would qualify for a de minimis waiver. However, a consolidated permit under Coastal Act Section 30601.3 requires the applicant to obtain a coastal development permit. Since the project cost exceeds \$100,000, it also does not qualify for an administrative permit.

C. SCENIC AND VISUAL RESOURCES

Section 30251 of the Coastal Act states:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

The placement of signs at coastal access points in rural coastal areas has the potential to adversely affect the scenic and visual qualities of coastal areas by blocking coastal views and introducing visual elements that are not compatible with the existing character of those areas.

Scenic Rural Areas

The majority of the 115 proposed signs would be located at parking lots, marinas, boat ramps, visitor centers, and other existing developed areas that include other similar informational and regulatory signage and would therefore have no potential to result in adverse impacts to scenic or visual resources. However, several signs would be placed at sites at coastal access points along

Highway 1 in scenic rural areas, including those in Sonoma, San Mateo, Santa Cruz, Monterey, and San Luis Obispo Counties. New signs installed at such locations may not be compatible with the character of these areas and could also create a limited reduction in views from Highway 1 to the ocean. To address these potential adverse impacts to visual and scenic resources, OPC has worked in collaboration with local partners and landowners to design its project to (1) select installation sites either outside of the Highway 1 viewshed (for example, by proposing signs in the Big Sur area that would be along trail segments located below highway bridges); (2) replace other existing signs rather than adding new signs so as not to create a net increase in the total amount of signage; and (3) use existing structures and signposts whenever feasible.

Conclusion

Although the installation of new signs in rural scenic coastal areas has the potential to adversely affect scenic and visual resources, as proposed the project would be carried out in a manner in which the scenic character of these areas would be maintained. The Commission therefore concludes that the proposed project would be consistent with the scenic and visual resources section (Section 30251) of the Coastal Act.

D. ENVIRONMENTALLY SENSITIVE HABITAT AREAS

Section 30240 of the Coastal Act states:

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

The proposed project was intentionally designed to avoid any significant disruption of habitat values in environmentally sensitive habitat areas (ESHA) and to prevent impacts which would significantly degrade those areas. While some of the proposed sign sites, including several of those to be installed in areas along trails, at trailheads, or along coastal access routes in Del Norte, Mendocino, Sonoma, San Mateo, Santa Cruz, Monterey and San Luis Obispo Counties, would be located within or adjacent to areas of native plant and animal communities that may be considered to be environmentally sensitive habitat areas (ESHA), OPC would carry out sign installation at these sites in such a way as to avoid any significant disruption or degradation of ESHA. Specifically, OPC would not install any sign support materials in these areas and would instead limit activities to the placement or replacement of signs on existing posts, fences, and structures. This would eliminate the need for any ground disturbance or vegetation clearance to occur. Further, installation of signs on existing posts or signs would only require access by foot and the use of hand tools, such as drills, and would be completed by workers on foot in less than an hour. No use of loud power tools would be carried out. In addition, no materials stockpiling, equipment re-fueling, or vehicle access to work sites would be needed. All materials would be

carried to installation sites by hand, and the limited amount of this material and associated installation tools would allow for existing bare ground along trails to be used for short-term stockpiling. As such, the proposed installation of these signs would not have the potential to result in disturbance, removal, or loss of ESHA.

Conclusion

As proposed the project would be carried out in a manner which avoids potential adverse impacts to environmentally sensitive habitat areas (ESHA). The Commission therefore concludes that the proposed project would be consistent with the terrestrial resources section (Section 30240) of the Coastal Act.

E. CALIFORNIA ENVIRONMENTAL QUALITY ACT

Section 13096 of the Commission's administrative regulations requires Commission approval of coastal development permit applications to be supported by a finding showing the application, as modified by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act ("CEQA"). Section 21080.5(d)(2)(A) of CEQA prohibits approval of a proposed development if there are feasible alternatives or feasible mitigation measures available that would substantially lessen any significant impacts that the activity may have on the environment. The project, as proposed, would avoid any significant environmental effects under the Coastal Act, and there are no less environmentally damaging feasible alternatives or mitigation measures. Therefore, the proposed project is consistent with CEQA.

Exhibit 1 – Sign Locations





Del Norte County

Humboldt County



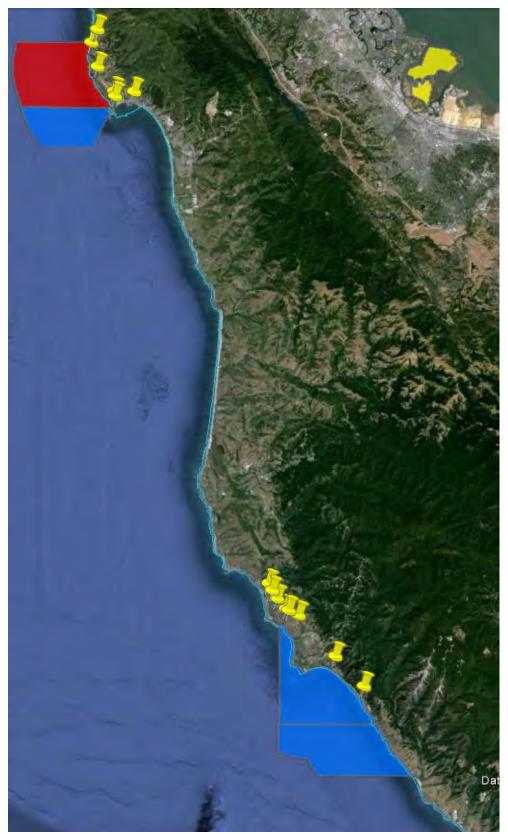
Mendocino County



Sonoma County



Marin County



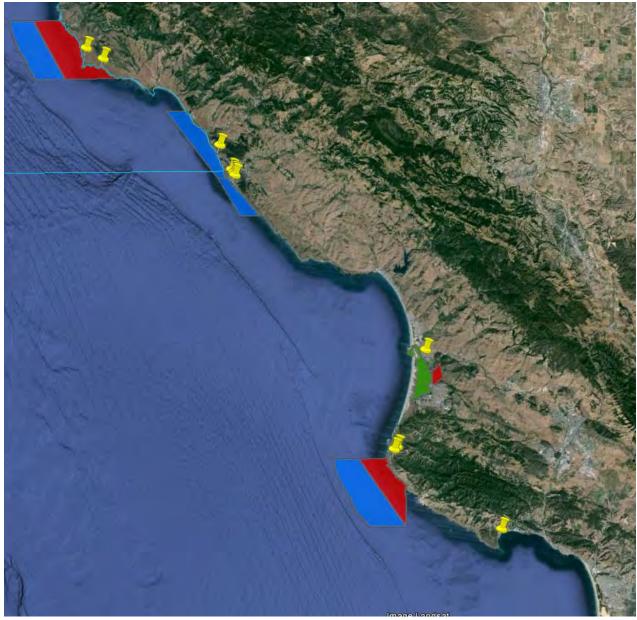
San Mateo County



Santa Cruz County



Monterey County



San Luis Obispo County

Sign#	County	Sign Type	Sign Location	Install Site	Install Mount
1	Del Norte	Interpretive	Crescent City Harbor	boat ramp	New single post
2	Del Norte	Interpretive	Pelican State Beach trailhead	along trail	New single post
3	Del Norte	Interpretive	Along Crescent City harbor walkway	along walkway	New single post
4	Del Norte	Interpretive	Clifford Kamph County Park	at picnic area	New single post
C)	Del Norte	Interpretive	Crescent City Visitors Center	at visitors center	New single post
6	Humboldt	Interpretive	Eureka Harbor	boat ramp	Existing wall
7	Humboldt	Interpretive	Woodley Island Harbor	boat ramp	Existing wall
8	Humboldt	Interpretive	Samoa Boat Ramp County Park	boat ramp	Existing fence
9	Humboldt	Interpretive	Humboldt Bay - Fields Landing	boat ramp	Existing wall
10	Humboldt	Interpretive	Humboldt Bay - King Salmon	boat ramp	Existing wall
11	Humboldt	Interpretive	Shelter Cove	boat ramp	Existing wall
12	Humboldt	Interpretive	Trinidad Harbor	at harbor	on existing wall
13	Humboldt	Interpretive	Eureka Boardwalk Waterfront Trail	along boardwalk	In new kiosk
14	Humboldt	Regulatory	Gold Bluffs Beach entrance Kiosk	in entrance kiosk	Existing kiosk
15	Humboldt	Regulatory	Mad River Beach parking lot	parking Lot	Existing post
16	Mendocino	Interpretive	Noyo Harbor - South Side	boat ramp	New single post
17	Mendocino	Interpretive	Noyo Harbor - North Side	boat ramp	Existing wall
18	Mendocino	Interpretive	Noyo Harbor - Dolphin Isle Marina	boat ramp	New single post
19	Mendocino	Interpretive	At Vista Point/Highway 1:	at Highway 1 pull out	New single post
20	Mendocino	Interpretive	Public parking at S end of Ten Mile River bridge	parking Lot	New single post
21	Mendocino	Interpretive	East Parking Lot:	parking Lot	New single post
22	Mendocino	Interpretive	At P.C. Light Station	marine science bldng	Wall mounted
23	Mendocino	Interpretive	Further east in Parking Lot	parking Lot	New single post
24	Mendocino	Interpretive	Bridge parking:	parking Lot	New single post
25	Mendocino	Interpretive	Van Damme State Park	parking Lot	New single post
26	Mendocino	Interpretive	Mouth of river	parking Lot	New single post
27	Mendocino	Regulatory	Kibesillah - Randy Fry Memorial Site	at pull-out	Existing post
28	Mendocino	Regulatory	At Vista Point/Hwy 1:	at pull-out	Existing post
29	Mendocino	Regulatory	Beginning of Usal Road off Highway 1	access point along street	Existing post
30	Mendocino	Regulatory	Rockport Cottoneva Creek	private property	Existing fence
31	Mendocino	Regulatory	Public parking at S end of Ten Mile River bridge	parking Lot	Existing post
32	Mendocino	Regulatory	Boat launch area	parking Lot	Existing post
33	Mendocino	Regulatory	Bridge parking		Existing post
34	Mendocino	Interpretive	Point Arena Cove	on fishing pier	Existing pier
35	Sonoma	Interpretive	Ocean Cove Boat Launch	by fish cleaning station	New single post
25	Sonoma				

Exhibit 1 Continued – Installation Sites

various locations at parking lots along MPA
various locations at parking lots along MPA
various locations at parking lots along MPA
various locations at parking lots along MPA
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various locations at parking lots along MPA

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and atom	egulatory	egulatory	Obi: Regulatory	Obi: Interpretive	terpretive	Obi: Interpretive	Regulatory	Regulatory	Regulatory	Regulatory	Regulatory	Regulatory	Regulatory	Regulatory	Regulatory	Regulatory	Regulatory	Regulatory	Regulatory	Regulatory	Regulatory	Regulatory	Interpretive	Regulatory	Interpretive	Interpretive	Regulatory	Regulatory	Regulatory	Regulatory	Interpretive	Regulatory	Regulatory	Regulatory	Regulatory	
VDA	lighthouse pull-out	PG&E trail	PG&E trail	Moonstone walkway @ border of MPAs	Port San Luis	Morro Bay Harbor	UC Santa Cruz - Landels-Hill Big Creek Reserve	UC Santa Cruz - Landels-Hill Big Creek Reserve	UC Santa Cruz - Landels-Hill Big Creek Reserve	UC Santa Cruz - Landels-Hill Big Creek Reserve	Point Lobos SNR	Point Lobos SNR	Point Lobos SNR	Andrew Molera SP	at pull-out	at pull-out	at pull-out	along beach	CDFW Wildlife Viewing Area north side of slough	At access point near Highway 1	Stillwater Cove in Pebble Beach	Moss Landing Harbor	Wilder Ranch SP	Wilder Ranch SP	Wilder Ranch SP	Wilder Ranch SP	Santa Cruz Wharf	Ano Nuevo State Park								
at null out	at pull-out	along trail	along trail	along boardwalk/walkway	boat ramp	boat ramp	at access points	at access points	at access points	at access points	at trailhead/along trail	at pull-out	at pull-out	at pull-out	on beach	at public park	at access point	on pier	boat ramp	along trail	along trail	along trail	along trail	on pier	at trailhead	at trailhead	at trailhead	at trailhead	at a california							
Evicting noet	Existing post	Existing post or fence	Existing post or fence	Existing fence	Existing wall	New single post	Existing post	Existing post	Existing post	Existing post	Existing post	Existing post	Existing post	Existing post	Existing post	Existing post	Existing post	Existing post	Existing post	Existing post	Existing post	Existing rock	New single post	Existing post	Existing pier	Existing wall	Existing post	Existing post	Existing post	Existing post	Existing pier	Replacing existing sign	Replacing existing sign	Replacing existing sign	Replacing existing sign	C. C

201 Mendocino Regulatory	200 Mendocino Regulatory	120 San Luis Obi: Regulatory	119 San Luis Obi: Regulatory	118 San Luis Obi: Regulatory
Schooner Gulch State Beach Parking lot N	Schooner Gulch State Beach Parking lot N	Wedgewood Street	Lampton Park Stairs	Harvey Street

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Exhibit 2 – Sign Examples/Designs

Regulatory Signs (above) Interpretive Sign (below)

