

## CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE  
 710 E STREET • SUITE 200  
 EUREKA, CA 95501-1865  
 VOICE (707) 445-7833  
 FACSIMILE (707) 445-7877

MAILING ADDRESS:  
 P. O. BOX 4908  
 EUREKA, CA 95502-4908

## RECORD PACKET COPY



# W13a

Filed: 2/10/05  
 180th Day: 8/09/05  
 Staff: MF-E  
 Staff Report: 5/25/05  
 Hearing Date: 6/08/05  
 Commission Action:

## STAFF REPORT: REGULAR CALENDAR

APPLICATION NO. 1-03-059

APPLICANT: California Department of Transportation  
(Caltrans)

PROJECT LOCATION: Highway 128, 21 miles west of Philo,  
Mendocino County.

PROJECT DESCRIPTION: Repair shoulder with approx. 100 linear-ft.  
subsurface retaining wall topped by 2.5 ft.  
metal guard rail, with approx. 200 cu. yds.  
grading & installation of native plantings.

OTHER APPROVALS: None Required

SUBSTANTIVE FILE DOCUMENTS: Botanical Survey MEN-128-EA 422301  
(Caltrans, 7/20/04)

### SUMMARY OF STAFF RECOMMENDATION:

Staff recommends approval of the proposed project with special conditions concerning timing of construction, water quality best management practices, and landscape and erosion control.

### STANDARD OF REVIEW

The proposed project is located within an area shown on State Lands Commission maps over which the State retains a public trust interest and is within the Commission's area of retained permit jurisdiction. Therefore, the standard of review that the Commission must apply to the project is the Chapter 3 policies of the Coastal Act.

## I. MOTION and RESOLUTION

The staff recommends that the Commission adopt the following resolution:

**Motion:**                    **I move that the Commission approve Coastal Development Permit 1-03-059, with conditions, pursuant to the staff recommendation.**

Staff recommends a **YES** vote. 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 the Commissioners present.

### RESOLUTION TO APPROVE THE PERMIT

*The Commission hereby approves the Coastal Development Permit for the proposed development 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 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**

**1. Timing of Construction**

In accordance with the applicant's proposal, project-related activities, including staging and storage of materials and equipment at the project site, shall only be undertaken and completed, including landscape installation, during a single construction year, during the dry season between June 15 and October 15 of 2005, or during similar seasonal work window in 2006 if approved by the Executive Director upon a showing of good cause to the Executive Director's satisfaction.

**2. Water Quality Best Management Practices**

Best Management Practices designed to protect the water quality of the Navarro River shall be implemented during construction consistent with Caltrans project description and shall include but not be limited to the following measures:

- (a) No material stockpiles, disposal areas, access roads, or equipment staging areas shall be utilized outside of the paved roadway. No materials, equipment, wastes, debris, or fuels shall be placed, stored, or released in a manner that may lead to discharge to the Navarro River downgradient of the project site. Physical barriers shall be placed and continuously maintained until the completion of all project activities at the downslope project limit, to protect against accidental release of graded spoils or other materials into the Navarro River.
- (b) In the event that an accidental release of graded spoils or other materials or wastes should reach the Navarro River, all work shall stop immediately, and retrieval and cleanup shall be undertaken immediately with the minimum intrusion of equipment into the riparian area necessary, and the incident, as well as remedial measures taken, reported to the Executive Director within 24 hours.

**3. Landscape and Erosion Control Plan**

**PRIOR TO ISSUANCE OF COASTAL DEVELOPMENT PERMIT 4-03-159**, the applicant shall submit final landscaping and erosion control plans, prepared by a licensed landscape architect or a qualified resource specialist, for review and approval by the Executive Director.

The landscaping plan shall incorporate the criteria set forth in (A) below:

**A) Landscaping Plan**

- 1) All graded & disturbed areas on the subject site shall be planted and maintained for erosion control purposes immediately after construction is completed. All landscaping shall consist of locally native plants as listed by the local chapter of the California Native Plant Society. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Exotic Pest Plant Council, or as may be identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as a 'noxious weed' by the State of California or the U.S. Federal Government shall be utilized within the property. Plants selected shall be representative of the mixture of native plants generally found in the project area and shall not be comprised of a single-species monoculture. In addition, the majority of the plants selected shall be those expected to reach a suitable height and fullness at maturity to screen the visible portions of the guardrail; and
- 2) All cut and fill slopes shall be stabilized with planting at the completion of final grading. Such planting shall be adequate to provide 90 percent coverage within two (2) years, and this requirement shall apply to all disturbed soils; and
- 3) Plantings will be maintained in good growing condition throughout the life of the project and, whenever necessary, shall be replaced with new plant materials to ensure continued compliance with applicable landscape requirements; and

**B) Interim Erosion Control Plan**

The Interim Erosion Control Plan shall incorporate the criteria set forth below:

- 1) The plan shall delineate the areas to be disturbed by grading or construction activities and shall include any temporary access roads, staging areas and stockpile areas. The natural areas on the site shall be clearly delineated on the project site with fencing or survey flags.
- 2) The plan shall specify that grading shall not take place outside the specified construction window of June 15 – October 15 and that the applicant shall install or construct temporary sediment basins (including debris basins, desilting basins or silt traps), temporary drains and swales, sand bag barriers, silt fencing, stabilize any stockpiled fill with geofabric covers or other appropriate cover, install geotextiles or mats on all cut or fill slopes and close and stabilize open trenches as soon as possible. These erosion measures shall be required on the project site prior to or concurrent with the initial grading operations and maintained through out the development process to minimize erosion and sediment from runoff waters during construction. All sediment should be retained on-site unless removed to an appropriate

approved dumping location either outside the coastal zone or to a site within the coastal zone permitted to receive fill.

- 3) The plan shall also include temporary erosion control measures should grading or site preparation cease for a period of more than 30 days, including but not limited to: stabilization of all stockpiled fill, access roads, disturbed soils and cut and fill slopes with geotextiles and/or mats, sand bag barriers, silt fencing; temporary drains and swales and sediment basins. The plans shall also specify that all disturbed areas shall be seeded with native grass species and include the technical specifications for seeding the disturbed areas. These temporary erosion control measures shall be monitored and maintained until grading or construction operations resume. Should such interruption in the project schedule occur, the Executive Director shall be notified and measures necessary to complete the project within the timeline proposed by the applicant shall be identified and implemented by the applicant.

**C) Monitoring.**

Annually, for five years from the date of completion of construction, the applicant shall submit for the review and approval of the Executive Director, a landscape monitoring report, prepared by a licensed Landscape Architect or qualified Resource Specialist that certifies the on-site landscaping is in conformance with the landscape plan approved pursuant to this Special Condition. The monitoring report shall include photographic documentation of plant species and plant coverage.

If the landscape monitoring report indicates the landscaping is not in conformance with or has failed to meet the performance standards specified in the landscaping plan approved pursuant to this permit, the applicant shall submit a revised or supplemental landscape plan for the review and approval of the Executive Director. The revised landscaping plan must be prepared by a licensed Landscape Architect or a qualified Resource Specialist and shall specify measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan.

**D) Development in Conformance With Approved Plans**

The Permittee shall undertake development in accordance with the final approved plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Coastal Commission - approved amendment to the coastal development permit, unless the Executive Director determines that no amendment is legally required.

#### **IV. FINDINGS AND DECLARATIONS**

##### **A. Site & Project Description**

Caltrans proposes to construct a retaining wall adjacent to the eastbound lane of Highway 128 above the Navarro River, where the existing road shoulder has slumped. The proposed project would allow the safe reconstruction of the highway shoulder above a very steep section of the riverbank. Caltrans proposes to undertake all construction from the existing roadway, without intrusion into the riparian corridor or removal of riparian vegetation. The proposed work will be performed within the highway-right-of-way and will be performed from existing paved areas.

The proposed project consists of the removal and recompaction of approximately 200 cubic yards of material (equally balanced between cut and fill), after placement of the approximately 100-ft.-long retaining wall, comprised of pressure-treated wood posts placed every 6-feet, with metal horizontal facing. Most of the retaining wall will be located below finished grade, and thus invisible. A portion of the wall will have metal horizontal rail generally extending above ground approximately 1.5 feet, up to 2.5 feet depending on elevation of finished grade. The rail will be painted an earthtone consistent with natural background colors visible at the site (suitable color palette has already been submitted by the applicant). Caltrans proposes to plant native perennial shrubs to further screen the railwork from the scenic river corridor.

Caltrans does not propose to close any roads or trails affording public coastal access to the river or to the coast. As all work will be performed off the existing roadbed, only minor traffic delays may occur during some portions of the anticipated two to four weeks of construction.

##### **B. Environmentally Sensitive Habitat and Water Quality**

Section 30231 of the Coastal Act states that:

*The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges- and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.*

Section 30240 of the Coastal Acts 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.*

Section 30231 requires that the biological productivity and quality of coastal waters be maintained. In addition, Section 30240 of the Coastal Act states that environmentally sensitive habitat areas shall be protected and that development within or adjacent to such areas must be designed to prevent impacts which could degrade those resources. The proposed project is located upgradient from the Navarro River, an environmentally sensitive habitat area (ESHA) and this is subject to the provisions of Coastal Act Section 30231 and 30240.

Caltrans proposes to construct a new retaining wall within the existing highway footprint of Highway 128, approximately 21 miles west of Philo. The riverbank is steep at this location, where the slope descends sharply to the Navarro River below. Caltrans indicates that repairing the slump at the highway shoulder as proposed will prevent a more catastrophic failure in the future, which could send debris directly into the river and could potentially require more extensive repairs and resultant impacts to the riparian corridor.

Caltrans proposes to restrict construction to the relatively dry months between June and October, thereby limiting site disturbance during the winter rainy season when storms could cause runoff from the disturbed areas of the site into the river below. Therefore, in accordance with the applicant's proposal, Special Condition 1 sets forth construction timing restrictions protective of coastal waters.

Caltrans proposes to undertake approximately 200 cubic yards of grading, balanced between cut and fill. The excavated materials would be stockpiled on site while the retaining wall is constructed, and then backfilled on site and the disturbed roadbed resurfaced and restriped. Because grading and vegetation removal upslope of the Navarro River riparian corridor are necessary to complete the proposed project, the possibility of discharge of graded spoils or other materials into the waters of the Navarro River exists. Such discharge could cause sedimentation of the river waters, and resultant adverse impacts to fisheries and other biological resources. Special Condition 2 sets forth water quality management practices, such as storing and staging equipment and materials on paved roadbed areas, protective of coastal waters, and establishes cleanup obligations and reporting requirements in the event of an accidental release to the river.

Because grading activities on the roadway above the steep slope descending into the river area could discharge graded spoils into the river below, Special Condition 3 requires measures to limit discharge of debris and establishes interim erosion control measures during the construction period. Disturbed areas of the site may also erode through the action of wind and rain, releasing sediments into the downgradient waters of the Navarro River. To ensure that the site is stabilized and revegetated prior to the

onset of rainy season, and to further ensure that the site is replanted with locally native perennial shrub species that will root deeply and protect the soils of the slope, Special Condition 3 also requires the submittal of a landscape plan and long term care and monitoring requirements for the re-planted areas of the site. Provided that the project is undertaken in accordance with the requirements of Special Condition 3, the project would be consistent with the requirements of the Coastal Act protective of coastal waters and ESHA.

Caltrans biologists conducted a botanical survey of the subject site on April 23, 2004 at the request of Commission staff, and found no plants of special concern. The survey determined that the subject area is populated by ruderal grasses, braken fern, vetch, fennel, thimbleberry, and common morning glory. Caltrans does not propose to remove any trees, or disturb riparian vegetation to undertake the proposed project area. In accordance with the requirements of Special Condition 3, landscape plantings after construction must be comprised of locally native perennial species, and the use of non-native, invasive species is prohibited. Thus, if the project is undertaken in accordance with the requirements of Special Condition 3, the project area located adjacent to the downslope ESHA will be replanted and stabilized with appropriate locally native plant species that will hold the soils on the upper slope and thus prevent erosion that would otherwise undermine downslope riparian habitat and discharge sediment pollution to the Navarro River, and will provide ecological continuity with the native plant species in the adjacent riparian ESHA.

Therefore, the Commission finds for the reasons discussed above, that the proposed project, as conditioned is consistent with Coastal Act Sections 30231 and 30240.

### **C. 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 expanse of the Navarro River that borders the subject site is designated Highly Scenic in the certified Mendocino County Local Coastal Program (LCP). The proposed project would be visible from trails and river recreation areas along the river. Caltrans proposes to plant native perennial species along the reconstructed slope to ensure that the metal rail above the finished grade is screened by a natural palette of locally native species. Special Condition 3 requires that the final landscaping plan include a palette of locally native perennial plants, that not only affords ecologically viable plantings (may

not be a monoculture) but also includes a significant proportion of species that will mature to a sufficient height to screen the upslope guardrail from views along the Navarro River. Constructed in accordance with Special Condition 3, the finished project will be screened from public river corridor views.

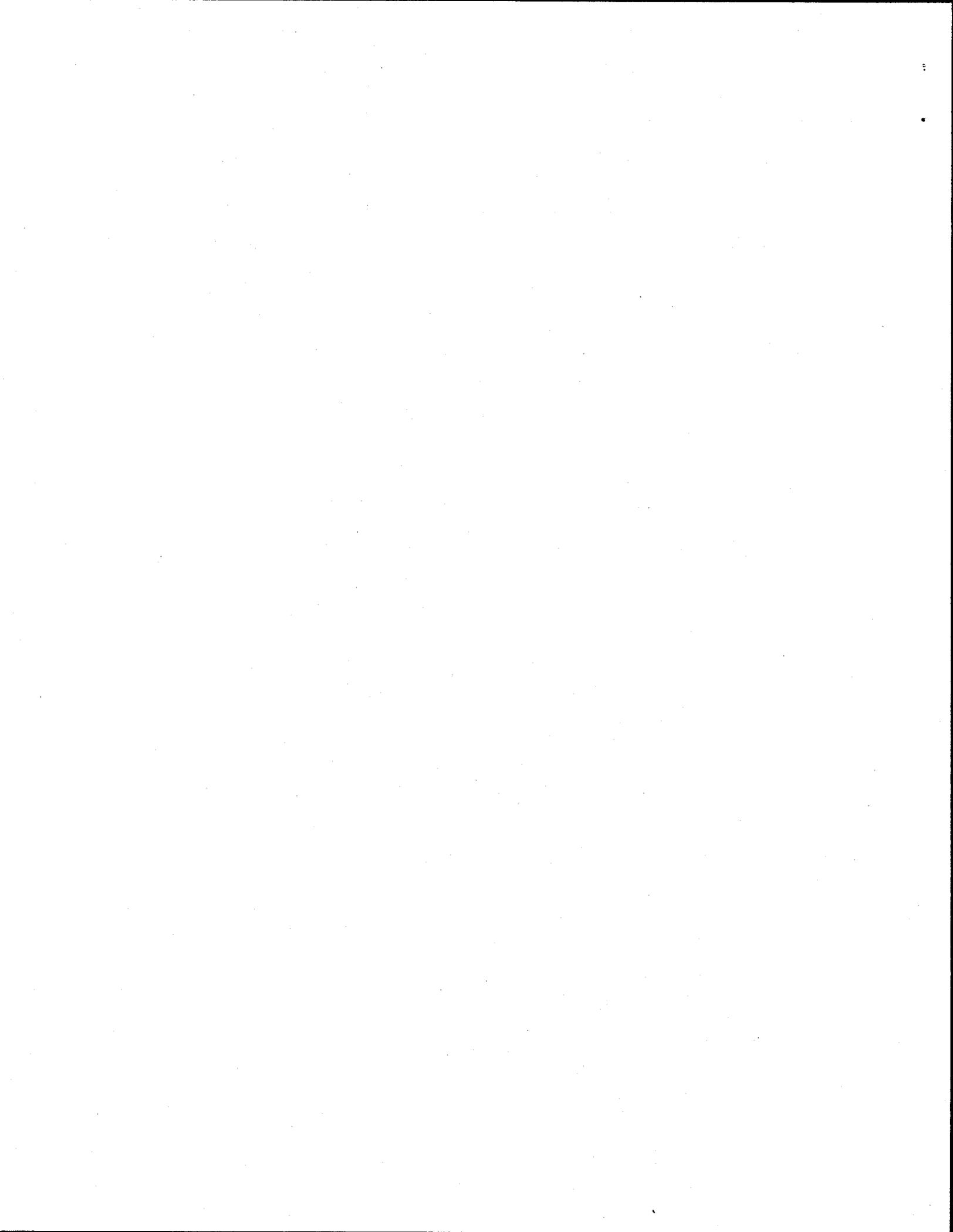
In addition, Caltrans proposes to paint the portion of the proposed metal guardrails that would remain visible from the roadway a light sandstone tone that would blend with the natural backdrop colors of native materials along this section of the Highway 128 route.

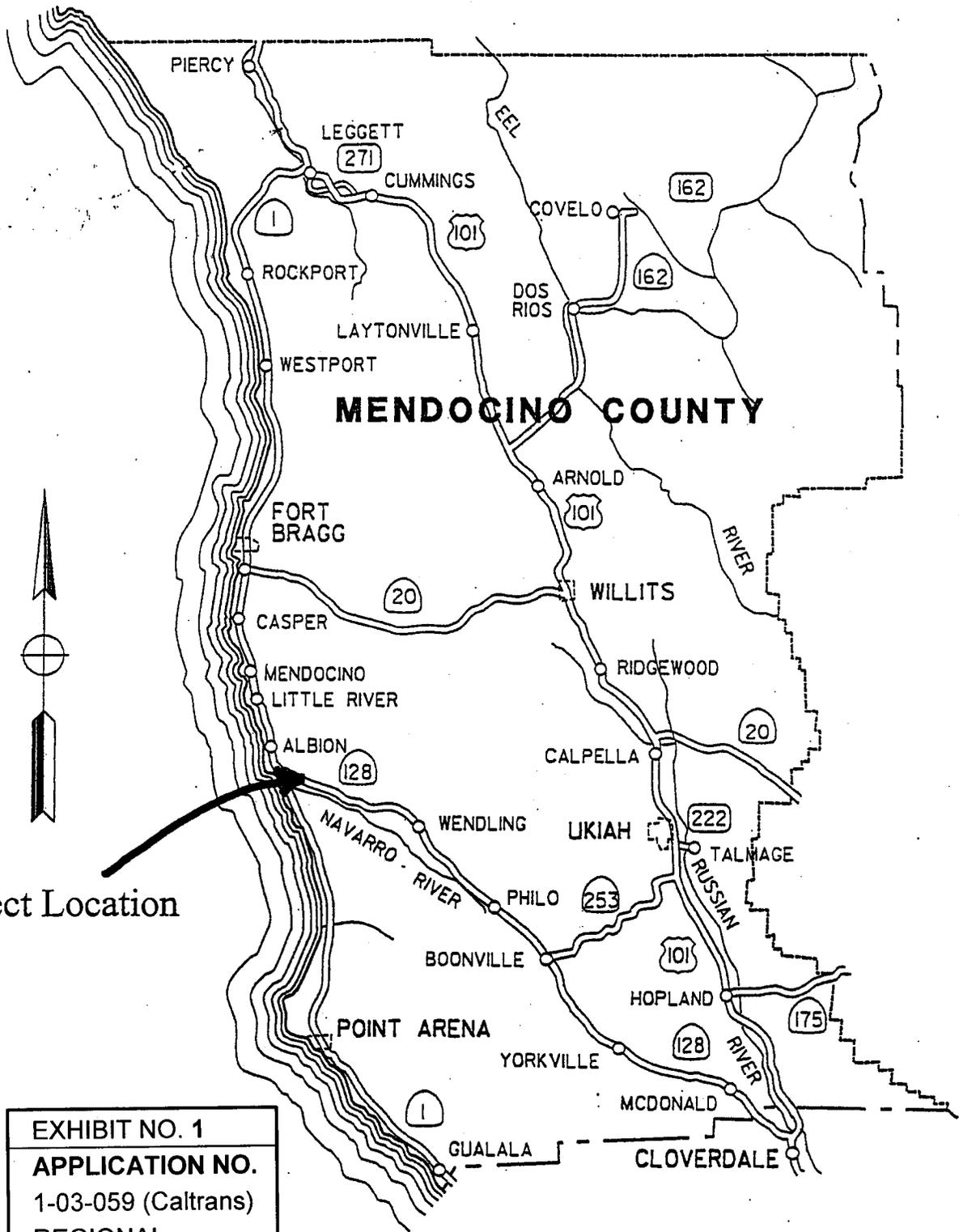
Therefore, the Commission finds for the reasons discussed above, that the proposed project, as conditioned, is consistent with the requirements of Coastal Act Section 30251.

**D. California Environmental Quality Act**

Section 13096 of the Commission's administrative regulations requires Commission approval of a coastal development permit application to be supported by findings showing that the application, as modified by any conditions of approval, is consistent with any applicable requirement of the California Environmental Quality Act (CEQA). C.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 the proposed development may have on the environment.

The Commission incorporates its findings on Coastal Act consistency at this point as if set forth in full. As discussed above, the proposed project has been conditioned to be consistent with the policies of the Coastal Act. These findings address and respond to all public comments regarding potential significant adverse environmental effects of the project that were received prior to preparation of the staff report. Mitigation measures that will minimize or avoid all significant adverse environmental impact have been required. As conditioned, there are no feasible alternatives or feasible mitigation measures available, beyond those required, which would substantially lessen any significant adverse impact that the activity would have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, can be found consistent with the requirements of the Coastal Act and to conform to CEQA.





Project Location

EXHIBIT NO. 1  
 APPLICATION NO.  
 1-03-059 (Caltrans)  
 REGIONAL  
 LOCATION MAP

LOCATION MAP  
 Men-128-1.6/1.7  
 EA 422301  
 Construct Retaining Wall



STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION	PROJECT ENGINEER	CALCULATED/DESIGNED BY	REVISOR
<b>Caltrans</b>	ALAN R. RADFORD	THOMAS G. CHARLEY	
MINOR B BRANCH	CHECKED BY	DATE	DATE REVISION

**NOTES:**

1. W10+00 = PK NAIL IN RT. WS, 45.1 m WEST OF KP 2.61 (PM 1.62), ASSUMED EL = 10.0.
2. RT. WS = "W" LINE.
3. R/W IS 15.2 m LEFT AND RIGHT FROM CENTER OF HIGHWAY.
4. UNLESS DENOTED OTHERWISE, ALL DIMENSIONS ARE IN METERS.

**LEGEND**

 PLANT BACCHARIS PILULARIS (1-GALLON SHRUBS - 85 EACH) @ 1 m C-C

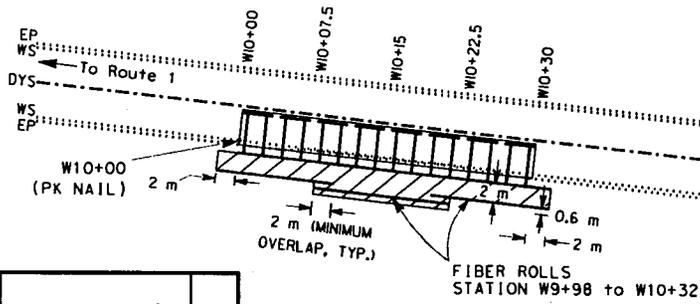


EXHIBIT NO. 3  
 APPLICATION NO.  
 1-03-059 (Caltrans)  
 PROJECT PLANS  
 (Page 1 of 3)

STATION W10+00 to W10+30

- CONSTRUCT MBGR WALL
- COLD PLANE AC PAVEMENT (30 mm)
- 30 mm OGAC
- 100 mm THERMOPLASTIC TRAFFIC STRIPE



DIST	COUNTY	ROUTE	KILOMETER POST TOTAL PROJECT	SHEET No.	TOTAL SHEETS
1	MEN	128	2.6/2.8	1	3

REGISTERED CIVIL ENGINEER

PLANS APPROVAL DATE

ALAN R. RADFORD  
 No. 3663  
 Exp. 3/3/05  
 CIVIL  
 STATE OF CALIFORNIA

The State of California or its officers or agents shall not be responsible for the accuracy or completeness of electronic copies of this plan sheet.

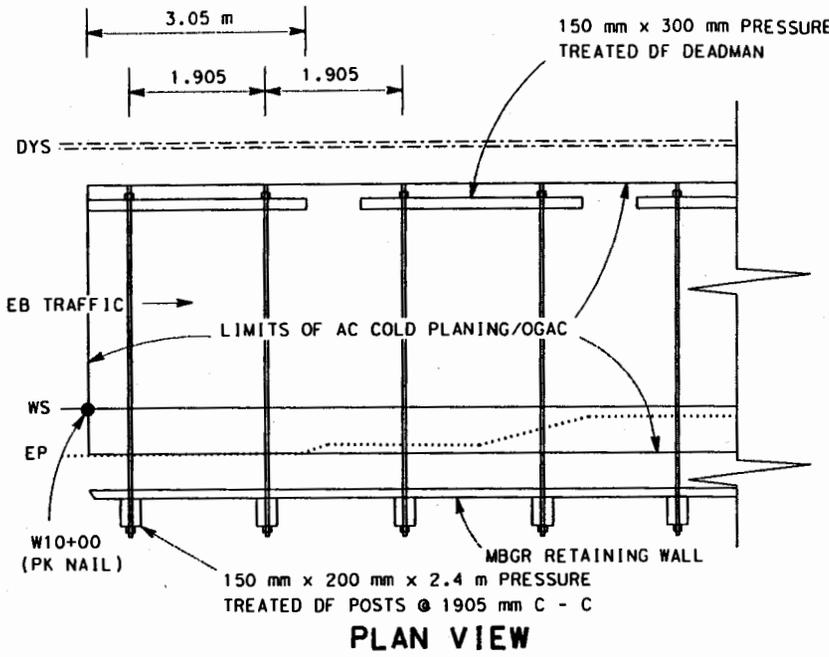
Caltrans now has a web site. To get to the web site, go to: <http://www.dot.ca.gov>

**PLAN**

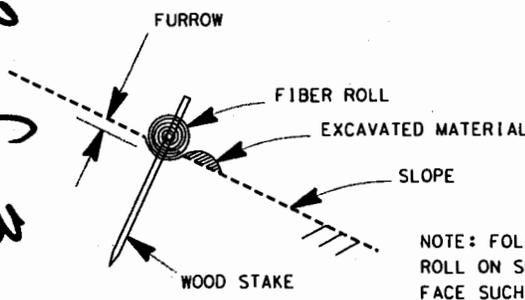
I-MEN-KP 2.6/2.8 (PM 1.6/1.7)  
 CONSTRUCT MBGR WALL  
 0I-222 422305

NO SCALE

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION  
**California**  
 PROJECT ENGINEER  
**ALAN R. RADFORD**  
 MINOR B BRANCH  
 CALCULATED/DESIGNED BY  
 THOMAS G CHARLEY  
 CHECKED BY  
 REVISOR  
 DATE



2  
 8  
 3



**FIBER ROLL TYPICAL**

NOTE: FOLLOWING THE INSTALLATION AND ANCHORING OF FIBER ROLL ON SLOPE, THE ROLL SHALL BE ADHERED TO THE SLOPE FACE SUCH THAT NO VOIDS EXIST BETWEEN THE FIBER ROLL AND THE SLOPE FACE. POUND STAKES TO TIGHTEN ROPE RESTRAINTS AND COMPRESS FIBER ROLL TO SLOPE.

**CONSTRUCTION DETAILS**



DIST	COUNTY	ROUTE	KILOMETER POST TOTAL PROJECT	SHEET No.	TOTAL SHEETS
1	MEN	128	2.6/2.8	2	3

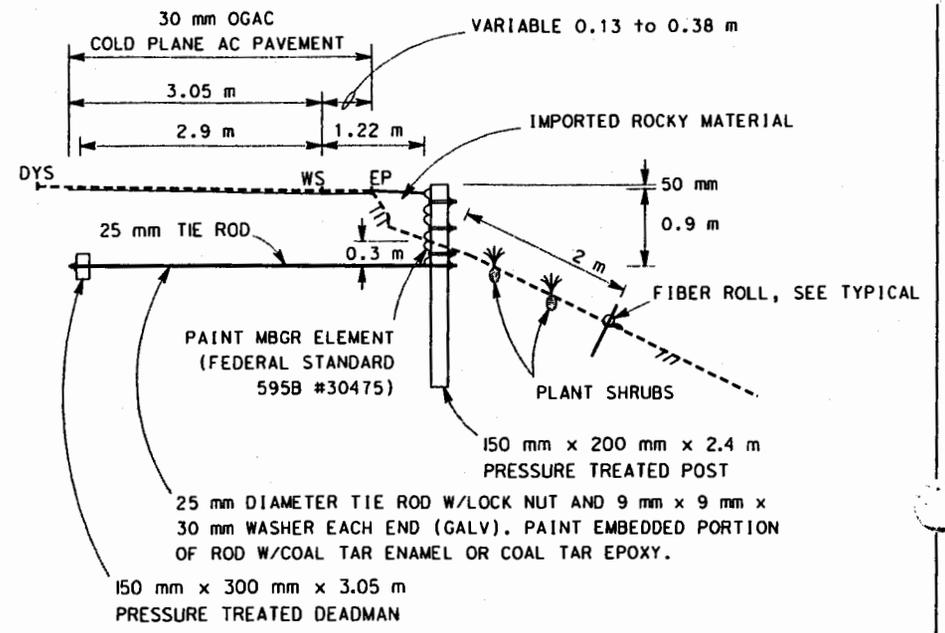
REGISTERED CIVIL ENGINEER

PLANS APPROVAL DATE

3/2/05

CIVIL

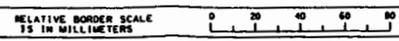
California now has a web site! To get to the web site, go to <http://www.dtd.ca.gov>



**TYPICAL SECTION**

I-MEN-KP 2.6/2.8 (PM 1.6/1.7)  
 CONSTRUCT MBGR WALL  
 0I-222 422305

NO SCALE



STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION  
**Caltrans**  
 PROJECT ENGINEER  
**ALAN R. RADFORD**  
 MINOR B BRANCH  
 THOMAS G CHARLEY  
 REVISOR  
 DATE  
 REVISIONS

UNLESS DENOTED OTHERWISE, ALL DIMENSIONS ARE IN METERS



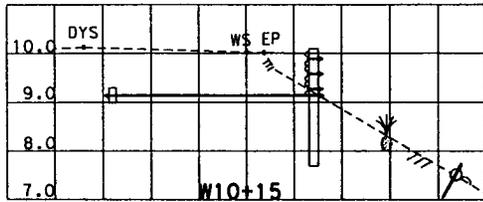
DIST	COUNTY	ROUTE	KILOMETER POST TOTAL PROJECT	SHEET NO	TOTAL SHEETS
1	MEN	128	2.6/2.8	3	3

REGISTERED CIVIL ENGINEER  
**ALAN R. RADFORD**  
 No. 38663  
 Exp. 3/3/05  
 CIVIL  
 STATE OF CALIFORNIA

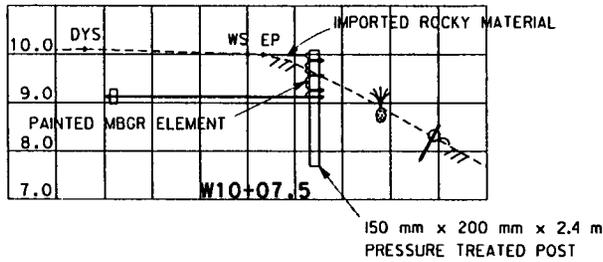
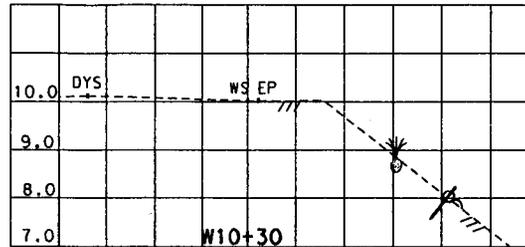
PLANS APPROVAL DATE

The State of California or the officers or agents shall not be responsible for the accuracy or completeness of electronic copies of this plan sheet.

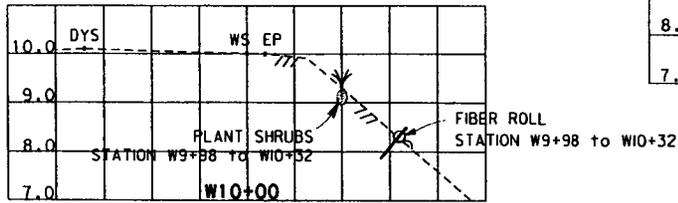
Caltrans now has a web site. To get to the web site go to <http://www.dot.ca.gov>



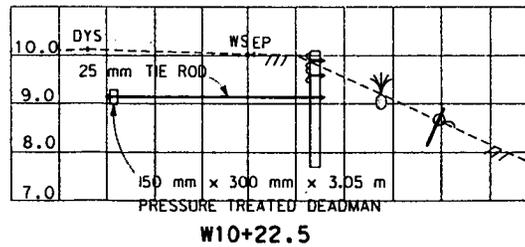
W10+30  
 END MBGR RETAINING WALL  
 CONFORM AC COLD PLANING (ABRUPT)/30 mm OGAC



CROSS SECTIONS  
 STATIONS W10+00 to W10+30



W10+00  
 BEGIN MBGR RETAINING WALL  
 CONFORM AC COLD PLANING (ABRUPT)/30 mm OGAC



I-MEN-KP 2.6/2.8 (PM 1.6/1.7)  
 CONSTRUCT MBGR WALL  
 01-222 422305  
 SCALE: 1:100

