

**CALIFORNIA COASTAL COMMISSION**

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**W11b**

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**STAFF REPORT: REGULAR CALENDAR**

**Application No.:** 9-17-0656

**Applicants:** California Ocean Protection Council and California Marine Sanctuary Foundation

**Location:** 150 sites within the counties of Del Norte, Humboldt, Mendocino, Sonoma, Marin, San Mateo, Santa Cruz, Monterey, San Luis, Santa Barbara, Los Angeles, Orange, and San Diego.

**Project Description:** Installation of 150 interpretive and regulatory signs at coastal access points near state designated marine protected areas.

**Commission Action:** Approval.

**SUMMARY OF STAFF RECOMMENDATION**

The California Ocean Protection Council (OPC) and California Marine Sanctuaries Foundation propose to install 150 small (approximately two to six square foot) metal signs at coastal access points located near state designated marine protected areas within the 13 coastal counties from Del Norte to San Diego. These signs constitute the third phase of the signage project, the first two phases of which were authorized by the Commission in Coastal Development Permit Nos. 9-15-0208 and 9-15-0731. Specifically, two signs would be placed in Del Norte County, three signs in Humboldt County, seven signs in Mendocino County, nine signs in Sonoma County, one sign in Marin County, three signs in San Mateo County, nine signs in Santa Cruz County, 14 signs in Monterey County, 22 signs in San Luis Obispo County, seven signs in Santa Barbara

County, 14 signs in Los Angeles County, 21 signs in Orange County, and 38 signs in San Diego County. The signs would include 85 interpretive signs with information about MPA resources and 65 regulatory signs with location details and information about MPA rules and restrictions. The majority of the signs would be installed on existing posts, structures, kiosks, boards, or walls that support similar regulatory and informational signage. The remaining signs 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, access ramps, stairways, visitor facilities and sign clusters 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, whose purpose is to enhance public understanding of MPA locations, regulations, and resources.

The staff recommends the Commission find that the project is consistent with the scenic, environmentally sensitive habitat, and cultural resource protection policies of the Coastal Act, and, therefore recommends that the Commission **APPROVE** coastal development permit application 9-17-0656. The **motion** to approve is found on **Page 4**. The standard of review for this project is Chapter 3 of the Coastal Act.

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## EXHIBITS

[Exhibit 1 – Sign Locations](#)

[Exhibit 2 – Sign Examples](#)

## I. MOTION AND RESOLUTION

### Motion:

*I move that the Commission approve Coastal Development Permit 9-17-0656 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 (with the assistance and close collaboration of local non-governmental partners, including the California Marine Sanctuaries Foundation) 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, parking areas, visitor centers, and trailheads located near MPA shore boundaries, will increase public MPA awareness and compliance with MPA regulations. 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 (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. Representative examples of these signs are provided in [Exhibit 2](#).

Prior to current efforts, about 139 regulatory signs and 42 interpretive signs were installed<sup>1</sup> over the course of several years from north central California through Southern California. However, these signs did not provide comprehensive coverage across the statewide MPA network, and numerous MPAs along the coast did not initially have permanent regulatory or interpretive signs. OPC therefore began to install and maintain the additional signs that it believes are immediately needed to improve the sign coverage throughout the state and enhance public awareness of, and compliance with, the newly established MPAs. The first of these projects involved the

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<sup>1</sup> 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.

installation of 115 signs in northern and central California and was authorized by the Commission in May of 2015 through Coastal Development Permit number 9-15-0208. This was followed by a second effort authorized by the Commission in August of 2015 through Coastal Development Permit number 9-15-0731 to extend the signage effort through Santa Barbara County and the rest of southern California by installing an additional 64 individual signs at locations across the five coastal counties south of Point Conception.

In the current project, OPC and the Sanctuary Foundation are proposing to install another 150 individual signs – 85 interpretive signs and 65 regulatory signs – at MPA sites across the state to further augment the coverage provided by existing signs. Table 1 below provides summary information about the number of proposed signs in each county and specific installation locations are provided in [Exhibit 1](#). 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 up to 36 inches by 24 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 [Exhibit 2](#).

TABLE 1

<b>County</b>	<b>Number</b>
Del Norte	1 Interpretive; 1 Regulatory
Humboldt	3 Interpretive
Mendocino	6 Interpretive; 1 Regulatory
Sonoma	8 Interpretive; 1 Regulatory
Marin	1 Interpretive
San Mateo	3 Interpretive
Santa Cruz	7 Interpretive; 2 Regulatory
Monterey	6 Interpretive; 8 Regulatory
San Luis Obispo	6 Interpretive; 16 Regulatory
Santa Barbara	5 Interpretive; 2 Regulatory
Los Angeles	12 Interpretive; 2 Regulatory
Orange	9 Interpretive; 12 Regulatory
San Diego	18 Interpretive; 20 Regulatory
<b>TOTALS</b>	<b>85 Interpretive; 65 Regulatory</b>

Eighty-five of the proposed signs would be installed on existing structures, posts or fences and co-located with existing informational or regulatory signage. The remaining 65 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 of these new posts would be placed within existing developed or disturbed areas such as parking lots, boat ramps, and trails. No excavation of

undisturbed ground, removal of vegetation, or significant loss of habitat would occur as a result of any sign or post installation activities. Whenever possible, new signs would be clustered with existing signs and would be installed on existing posts or existing structures. OPC has also committed to coordinating with local management agencies prior to final sign installation to ensure that the placement of new signs would not interfere with ongoing or future municipal landscaping or maintenance 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 MPA signage project includes locations within the jurisdiction of 23 different certified LCPs – those of the County of Del Norte, County of Humboldt, County of Mendocino, City of Point Arena, County of Sonoma, County of Marin, County of San Mateo, County of Santa Cruz, City of Pacific Grove, County of Monterey, County of San Luis Obispo, Santa Barbara County, Los Angeles County, City of Malibu, City of Redondo Beach, City of Rancho Palos Verdes, City of Huntington Beach, City of Newport Beach, Orange County, City of Dana Point, City of Encinitas, City of Del Mar, and City of San Diego. In addition, signs would also be located within the Commission’s retained coastal development permit jurisdiction. From April through June of 2017, all 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.

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 areas, parks, open spaces, and other undeveloped coastal areas has the potential to adversely affect the scenic and visual qualities of those areas by blocking coastal views and introducing visual elements that are not compatible with their existing character.

### **Scenic Areas**

The majority of the 150 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 coastal access points in parks, open spaces, or scenic rural areas. 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 to the ocean. To address these potential adverse impacts to visual and scenic resources, OPC has worked in collaboration with local partners, landowners, and land management agencies to design its project to (1) select installation sites outside of coastal viewsheds; (2) replace other existing signs rather than adding new signs so as not to create a net increase in the total amount of signage; (3) use existing structures and signposts whenever feasible; or (4) cluster new signs with existing signs, fences, walls, or other similar visual elements.

### **Conclusion**

Although the installation of new signs in 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 policy (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 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 limit activities in these areas to the placement or replacement of signs on existing posts, fences, and structures or the installation of new posts in parking lots, along developed trails, within the footprint of existing structures such as fences, walls, or signs and kiosks. This would eliminate the need for any excavation of undisturbed ground 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. CULTURAL AND ARCHEOLOGICAL RESOURCES**

Section 30244 of the Coastal Act states:

*Where development would adversely impact archeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.*

Sixty-five of the proposed signs would involve the installation of new four inch by four inch wooden posts, an activity that would result in ground disturbance. However, nearly all of these new posts would be installed at sites in developed areas that have been previously graded and covered in pavement or concrete. Installation of a new four inch by four inch post within such areas has no potential to adversely affect archeological or paleontological resources. Those proposed signs that would require installation of a post along an access trail would be located adjacent to existing fence, wall, or landscaping structures and within the disturbance footprint that resulted from their initial installation and construction. Therefore, no removal or excavation or previously undisturbed ground would occur as a result of the installation of these signs and no potential adverse impacts to buried cultural or archeological materials would occur. Further, OPC has informed Commission staff that no signs would be installed at or near sites identified by the State Historic Preservation Officer. Thus, the project as proposed is consistent with section 30244 of the Coastal Act.

**F. 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.