

CALIFORNIA COASTAL COMMISSION

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F9a

MEMORANDUM

Date: February 9, 2023

To: Commissioners and Interested Persons

From: Shana Gray, Deputy Director
Melissa Kraemer, North Coast District Manager
Amber Leavitt, North Coast Coastal Resiliency Coordinator

Subject: Addendum to Commission Meeting for Friday, February 10, 2023
Item F9a, CDP Appeal No. A-1-MEN-22-0014
(Caltrans Navarro Ridge Safety)

The purpose of this addendum is to update the staff recommended findings to respond to comments received since publication of the staff report on January 20, 2023. After publication of the staff report, the Commission received nine sets of comments. The correspondence is included in a correspondence packet posted to the Commission's website.¹ One set of comments was from a nearby property owner, who expressed support for the project as approved by the County and described their safety concerns and experience with the existing conditions of the subject stretch of Highway 1. The other eight sets of comments received were from various individual members of the public as well as two representatives of the Sierra Club who expressed opposition to the project as approved by the County, primarily restating issues raised in the appeal that have been addressed in the staff report findings for No Substantial Issue. The responses below will be added as a Response to Comments section to the staff report, as Section H.

Staff continues to recommend that the Commission, upon completion of the public hearing, find that no substantial issue exists with respect to the grounds on which the appeal has been filed.

H. Response to Comments

Visual Resources

¹ Weblink to correspondence: <https://documents.coastal.ca.gov/reports/2023/2/F9a/F9a-2-2023-corresp.pdf>

Most of the comments received related to visual resources are addressed in section G-1-c of the staff report for this appeal, including comments regarding grading, vegetation removal, revegetation of disturbed areas after construction, project alternatives, and visual compatibility and subordination of the project within this LCP-designated Highly Scenic Area.

The only comments received regarding visual resources that were not already addressed in section G-1-c of the staff report were references to a discussion of the proposed new guardrail during the Mendocino County Board of Supervisors' public hearing on the local appeal of this project. Comments received state, in part: "...recorded in the minutes of the meeting that Caltrans and the California Coastal Commission (CCC) were supposed to work together to evaluate the safety of alternate Guardrail railings that would minimize loss of view. That did not take place." Commission staff have reviewed the recorded minutes of the County Board of Supervisors' local appeal hearing on this project and understand that the Board informally directed County staff to write a letter to the Commission requesting the initiation of a process to consider collaboratively developing other visually permeable and aesthetic guardrail designs that meet Caltrans safety standards to use on *future* highway projects within the Mendocino County Coastal Zone. Commission staff is not aware of a letter having been sent by the County or received in any Commission offices regarding this topic discussed at the County Board meeting. In any case, after this discussion at the County Board meeting, the Board unanimously denied the local appeal and upheld the Mendocino County Coastal Permit Administrator's approval of the subject project without modifying the approved guardrail design. As discussed in section G-1-c of these findings, the new guardrail as proposed will be relatively short in stature (approximately 32 inches tall) and stained, consistent with current standard guardrail seen elsewhere on Highway 1 in Mendocino County, including other scenic areas. The proposed guardrail conforms with the LCP requirements for highly scenic areas that new development minimize reflective surfaces and materials and colors be selected to blend in hue and brightness with their surroundings.

Public Access

Most of the comments received that relate to public access are already addressed in section G-1-f of the Commission's staff report for this appeal, including comments regarding temporary traffic delays and access to the Navarro Point Preserve public access area. As discussed in section G-1-f of these findings, no trails or parking amenities will be lost or impacted as a result of this project, the new wider paved shoulders of the roadway will improve safe access for cyclists, and the project overall will improve safety for vehicles travelling through this stretch of highway, which is an important coastal access route. Further, the County's staff report explicitly states (and Caltrans has confirmed) that the coastal access provided by the Navarro Point Preserve "will be maintained during and after completion of the proposed project."

Comments received also raise concerns about traffic impacts and safety during construction. This issue was also largely discussed in section G-1-f of the staff recommended findings, which includes a quote from the County's staff report that

states, in part, “A minimum of 12 feet of paved roadway must be open for use by public traffic. Bicyclists will be accommodated through the work zone. Signage will be used to alert vehicle operators to the possible presence of bicyclists. The estimated maximum delay during one-way reversing traffic control will be 10 minutes. Access to side roads and residences will be maintained at all times.” Comments received state that construction will take two years, but Caltrans anticipates that construction will be completed within one year. Caltrans’ contractor will also implement a Transportation Management Plan during construction.

CEQA

Comments received raise issues related to compliance with the California Environmental Quality Act (CEQA), which is discussed under section G-1-b of the Invalid Contentions section of the Commission’s staff report findings for this appeal. As discussed therein, this contention in the appeal does not assert that the approved project is inconsistent with the standards of the certified LCP but rather relates to Caltrans’ process and compliance with an entirely different statute. Thus, the Commission does not have authority to review and/or invalidate Caltrans’ CEQA determination, which was adopted by Caltrans as lead agency for the project for purposes of CEQA.

Comments received also assert that the project is segmented and should be considered with multiple recent, current, and potential future Caltrans projects along Highway 1 in Mendocino. However, this project is not functionally dependent upon other projects that Caltrans is planning on Highway 1 in Mendocino County, some of which may not reach the permitting stage for several more years. While the County recently approved a separate Caltrans project known as the Navarro Drainage Project located immediately to the north of the subject project site, the two adjacent projects are not functionally dependent on one another.

Land Use

Comments received reference the certified Land Use Map for this area (Map 19) from the County’s certified Local Coastal Program (LCP) and assert that Caltrans was required to obtain an LCP amendment to “widen and realign the LCP-mapped roadway/road prism.” This issue was not raised as a contention in the appeal filed, and the comment does not clearly explain how the project is inconsistent with the LCP map. However, the referenced certified map shows parcels and certified land use classifications for the Navarro area, major features such as roads (including Highway 1) and rivers, shoreline access points, certain types of vegetation and habitats, and urban/rural and district boundaries. The referenced map is not the authority on land use allowances in the context of completing this highway safety and drainage improvement project, which will occur within Caltrans’ highway right-of-way as well as within a few temporary construction easements. Finding 3 of the County’s staff report states, in applicable part:

“Pursuant to MCC Section 20.532.095(A)(3), the proposed development is consistent with the purpose and intent of the Zoning District, as well as all other provisions of Division II of Title 20 of the Mendocino County Code. The majority of the work would occur within the State right-of-way, which is currently developed with an existing two-lane highway. Project components outside the right-of-way include grading and vegetation removal. The proposed project would not change the current land use, nor cause any other changes that would conflict with zoning adjacent to the roadway...”

Other Comments

A couple comments received mention rock blasting, but there will be no rock blasting associated with this project. Other comments received regarding the project description, noticing, land division, impacts to ESHA, geologic hazards, tree removal, and the conditions of approval all reiterate contentions raised in the appeal that have been thoroughly addressed throughout the Commission’s adopted findings for this appeal.

A letter was also received from the appellants after posting of the staff report, that asserts that the full record in the County’s and Commission’s proceedings on this project have not been disclosed in response to a January 19, 2023 Public Records Act (PRA) request. Commission staff have been consulting with Caltrans staff on five documents (two of which are duplicates) from the local record transmitted to the Commission by County staff that Caltrans asserts are confidential and PRA-exempt. However, these five documents contain right-of-way (ROW) contracts obtained for the project with confidential information regarding ROW negotiations and do not contain any information that substantially relates to the appeal contentions or any other information of substantial relevance to the proposed development, but rather relate to a standard procedural permit application requirement. Besides these five documents that Commission staff are continuing to consult with Caltrans on, Commission staff responded to the January 19, 2023 and all other Public Records Act requests regarding this project on January 20, January 30, and February 3, 2023, prior to the Commission’s February 10, 2023 public hearing on this project, including providing a representative of the appellants with a copy of the Commission’s file for this appeal and a copy of the local record transmitted to the Commission by the County in response to this appeal.