



Staff Report to the Zoning Administrator

Application Number: **241204**

Applicant: California Department of
Transportation (Caltrans)
Owner: Caltrans

Agenda Date: November 15, 2024
Agenda Item #: 2
Time: After 9:00 a.m.

Project Description: Proposal to construct Highway 1 Roadside Safety improvements consisting of drainage culvert replacements, installation of traffic monitoring systems, and replacement of existing roadway lighting. Project requires a Coastal Development Permit, a Riparian Exception, and adoption of a Mitigated Negative Declaration per the requirements of the California Environmental Quality Act (CEQA).

Location: Proposed development and construction would occur within the Highway 1 right-of-way, at multiple locations spanning from Freedom Boulevard to post marker 26, north of Santa Cruz.

Permits Required: Coastal Development Permit, Riparian Exception

Supervisory Districts: 2nd and 3rd Districts (District Supervisors: Friend and Cummings)

Staff Recommendation:

- Adoption of the Mitigated Negative Declaration (Exhibit A) per the requirements of the California Environmental Quality Act (CEQA).
- Approval of Application 241204, based on the attached findings and conditions.

Project Description & Setting

The California Department of Transportation (Caltrans) proposes a series of roadside safety and drainage improvements along the Highway 1 right-of-way, spanning from post marker 8 (south of Freedom Boulevard) to post marker 26 (north of Swanton Road) and including development within the jurisdictional boundaries of the cities of Santa Cruz and Capitola. All portions of the project, including those within City limits, are within the Coastal Zone and along the Highway 1 scenic corridor. Since the proposal includes development activities in environmentally sensitive habitat within a riparian corridor, and would temporarily affect public access to the shoreline, the project requires a Coastal Development Permit and a Riparian Exception for work within the County of Santa Cruz. Permits for work within City limits is outside the authority of the County of Santa Cruz.

Lighting Replacement and Loop Detectors

Proposed work includes lighting replacement or removal (no new lighting is proposed), installation of loop detectors (sensors within the road surface), and culvert replacements. The majority of

lighting replacement, approximately fourteen lights, is proposed in work location #1 (near Freedom Boulevard), with two replacement lights located in work location #4 (near State Park Drive). Staff evaluated the installation of the proposed lighting and loop detectors and determined that there are minimal impacts resulting from construction, and no impacts are anticipated post construction given that the loop detectors would be installed under the road surface and the lights are direct replacements to existing fixtures along the highway.

Drainage and Culvert Replacements

Drainage and culvert improvements are proposed at work locations #2 (near Rio Del Mar Blvd), #6 (near Monterey Ave), #16 (near Wilder Ranch), and locations #17-24 (post markers 20.4 through 25.93, north of Santa Cruz). These improvements consist of the replacement of culverts under the roadway and removal of inlets adjacent to the roadway. Construction will require intermittent roadway closures with traffic control and temporary staging along the southbound shoulder at post marker 20.91 (near Coast Road), post mile 23.59 (Four Mile Beach), post mile 24.22 (Rodoni Farms, and post mile 24.41 (near Red, White, and Blue Beach). Of these four staging areas, public access will be most impacted by temporary parking closures in the parking area at Four Mile Beach. To limit impacts to coastal access, the conditions of approval for this project (Exhibit C) require that at least twenty percent of the pre-project parking area be maintained throughout the project.

Local Coastal Program Consistency

Santa Cruz County Code Chapter 13.20.064 exempts public roads, parks, utilities, and industrial facilities from Coastal permitting, provided that there is not a “risk of substantial adverse impact on public access, environmentally sensitive habitat area, wetlands, or public views.” Given that the project has identified potential impacts to both sensitive habitat and public access, the project does not qualify for the exemption and is subject to Coastal Zone permitting requirements.

The potential impacts to environmentally sensitive habitat and public access are addressed through project design, mitigation measures, and conditions of approval to ensure that the proposal will be completed in conformance with the County's certified Local Coastal Program. The development consists of replacement structures, below ground improvements, or development which would be just slightly above grade and below the traveled road surface, resulting in minimal visual impacts. The mitigation measures incorporated into the project include restorative planting of native vegetation compatible with the surrounding environment and which improves habitat and visually screens the project sites. Additional conditions of approval address parking and lane closures to ensure coastal access and parking is maintained for the duration of construction activity.

California Environmental Quality Act (CEQA)

Environmental review has been required for the proposed project per the requirements of the California Environmental Quality Act (CEQA). The initial study prepared by Caltrans (Exhibit E) identified the presence of environmentally sensitive habitat and federally listed species in the project areas. The proposed mitigation measures included in the document, in conjunction with the project design, were determined by the Environmental Coordinator to sufficiently address potential impacts of the project. The required mitigation measures, adopted by reference in the Conditions of Approval, include restorative planting of native vegetation compatible with the surrounding environment, exclusionary fencing, coordination with Federal agencies, and construction scheduling to avoid overlap with nesting, breeding and migrating seasons. The initial study was circulated for public review and comment between July 26, 2022 and August 26, 2022 and a

preliminary determination to issue a Mitigated Negative Declaration was made on January 1, 2023 (State Clearinghouse Number 2022070450).

Conclusion

As proposed and conditioned, the project is consistent with all applicable codes and policies of the Zoning Ordinance and General Plan/LCP. Please see Exhibit "B" ("Findings") for a complete listing of findings and evidence related to the above discussion.

Staff Recommendation

- Adoption of the Mitigated Negative Declaration (Exhibit A).
- Approval of Application 241204, based on the attached findings and conditions

Supplementary reports and information referred to in this report are on file and available for viewing at the Santa Cruz County Planning Division, and are hereby made a part of the administrative record for the proposed project.

The County Code and General Plan, as well as hearing agendas and additional information are available online at: www.sccoplanning.com

Report Prepared By: Evan Ditmars
Santa Cruz County Planning
701 Ocean Street, 4th Floor
Santa Cruz CA 95060
Phone Number: (831) 454-3227
E-mail: evan.ditmars@santacruzcountyca.gov

Exhibits

- A. Mitigated Negative Declaration (CEQA Determination)
- B. Findings
- C. Conditions
- D. Project plans
- E. Initial Study
- F. Caltrans Standard Measures and Avoidance, Minimization, and or Mitigation Measures



Mitigated Negative Declaration

Pursuant to: Division 13, Public Resources Code

State Clearinghouse Number: 2022070450

District-County-Route-Post Mile: 05-SCR-1-8.2/26.0

EA/Project Identification: 05-1J960, 0518000093

Project Description

The California Department of Transportation (Caltrans) proposes to restore multiple drainage culverts, rehabilitate numerous lighting elements, install several Transportation Management Systems and pave gore areas along State Route 1 in Santa Cruz County from 0.5 mile north of Larkin Valley Road to Laguna Road in Santa Cruz (post miles 8.2 to 26.0).

Determination

An Initial Study has been prepared by Caltrans, District 5. On the basis of this study, it is determined that the proposed action would have no effect on agriculture and forest resources, cultural resources, energy, geology and soils, land use planning, noise, mineral resources, population and housing, public services, recreation, transportation, tribal cultural resources, utilities and service systems, and wildfire.

The project would not have a significant effect on aesthetics/visual resources, air quality, greenhouse gas emissions, hydrology and water quality, and hazards and hazardous materials with the implementation of Caltrans' Standard Specifications, Standard Special Provisions, and avoidance and minimization measures described in the Initial Study and associated documents.

The project will have no significant effect on biological resources because the following mitigation measures will reduce potential impacts to less than significant:

- **BIO-8:** Temporary impacts to jurisdictional waters shall be restored at a 1-to-1 ratio (acreage). Compensatory mitigation shall be provided at a 3-to-1 ratio (acreage) for permanent impacts to jurisdictional waters. Replacement plantings shall include appropriate native tree and understory species. To ensure replacement planting success, monitoring and an appropriate plant establishment period will be required, which will include annual inspections, weeding, and replacement of unsuccessful plants, if needed. It is likely that a 1-year plant establishment period will be required. Replacement plantings shall be detailed in Caltrans' Landscape Architecture Landscape Planting Plan and the final Mitigation and Monitoring Plan during the Plans, Specifications, and Estimates

phase and finalized through the permit review process with regulatory agencies. The Mitigation and Monitoring Plan shall be developed in coordination with a biologist, include mitigation commitments, developed planting specifications and grading plans to ensure survival of planted vegetation and re-establishment of functions and values, and be consistent with standards and mitigation commitments from the jurisdictional agencies.

- **BIO-9:** [The following text has been modified since the draft environmental document was circulated.] Native trees with a diameter at breast height of six inches or greater shall be replanted at a minimum 10-to-1 replacement ratio within or adjacent to existing woodlands or riparian areas within the Caltrans right-of-way within the project area as part of the project's landscaping plans.

Jason Wilkinson

Jason Wilkinson
Acting Deputy District Director of Environmental Analysis
California Department of Transportation

1/26/23

Date

Coastal Development Permit Findings

- (A) That the project is a use allowed in one of the basic zone districts that are listed in LCP Section 13.10.170(D) as consistent with the LCP Land Use Plan designation of the site.

This finding is not applicable to the proposed project, as development is proposed within the Caltrans right of way and is not subject to the Zoning Plan designations identified in 13.10.170.

- (B) That the project does not conflict with any existing easement or development restrictions such as public access, utility, or open space easements.

This finding can be made, in that no such easements or restrictions are known to encumber the project site.

- (C) That the project is consistent with the design criteria and special use standards and conditions of this chapter pursuant to SCCC 13.20.130 and 13.20.140 et seq.

This finding can be made, in that the project outcome will be consistent with the design criteria required in SCCC 13.20.130. Development within the right-of-way consists of replacement structures, below ground improvements, or development which would be just slightly above grade and below the traveled road surface, resulting in minimal visual impacts. Mitigation measures incorporated into the project conditions of approval include restorative planting of native vegetation compatible with the surrounding environment and which improves sensitive habitat.

- (D) That the project conforms with the public access, recreation, and visitor-serving policies, standards and maps of the LCP Land Use Plan, including Chapter 2: Section 2.5 and Chapter 7.

This finding can be made, in that none of the project sites identified in the proposal are priority acquisition sites in the County Local Coastal Program. Impacts to public access, which will only occur briefly during the construction period, are mitigated through conditions of approval to maintain at least 20 percent of the available parking area within parking lots proposed for staging. During construction, beach access will be continuously available to the public via parking areas north and south of the impacted project sites.

- (E) That the project conforms to all other applicable standards of the certified LCP.

This finding can be made, in that the certified LCP does not preclude roadway improvements but requires development to be implemented in conformance with the design and public access principles of 13.20.130. As discussed in Finding C above, the project would result in compatible development which would not have permanent or substantial adverse effects on public access or viewsheds.

- (F) If the project is located between the nearest through public road and the sea or the shoreline of any body of water located within the Coastal Zone, that the project conforms to the public access and public recreation policies of Chapter 3 of the Coastal Act.

Portions of the project would occur in areas between the shoreline and the first public through road. Public access will be temporarily affected through traffic control, road closures, and parking

displacement through the establishment of staging areas. However, access to the beach will remain continuously available to parking areas and beach adjacent to the project area, and no permanent effect on beach access would result from the project. None of the project sites are identified as a priority acquisition site in the County Local Coastal Program.

- (G) In the event of any conflicts between or among the required findings, required findings in subsections (E) and (F) of this section shall prevail.

This finding can be made, in that there are no conflicts among the required Coastal Development Permit findings.

Discretionary Permit Findings

- (a) **Health and Safety.** The proposed location of the project and the conditions under which it would be developed, operated, or maintained will not be detrimental to the health, safety, or welfare of persons residing or working in the neighborhood or the general public and will not be materially injurious to properties or improvements in the vicinity.

This finding can be made, in that the development proposed by the project has been designed to comply with prevailing building technology, the California Building Code, and the County Building ordinance to ensure that the project will not be detrimental to the health, safety, or welfare of persons residing or working in the neighborhood or the general public, and will not be materially injurious to properties or improvements in the vicinity.

- (b) **Zoning Conformance.** The proposed location of the project and the conditions under which it would be developed, operated, or maintained will be in substantial conformance with the intent and requirements of all pertinent County ordinances and the purpose of the zone district in which the site is located.

This finding can be made in that the project is proposed within the Caltrans right of way and is not subject to the zoning standards prescribed by SCCC 13.10. "Development activities", described in SCCC 16.30, proposed by the project have been determined by Environmental Planning staff to require a riparian exception. As detailed in the Riparian Exception findings, the project is designed and conditioned to be consistent with all elements of the County Environmental Resource protection regulations to protect riparian resources from erosion and sedimentation from occurring and negatively impacting downstream areas or habitat

- (c) **General Plan Conformance.** The proposed project is in substantial conformance with the intent, goals, objectives, and policies of all elements of the County General Plan and any specific plan which has been adopted for the area.

This finding can be made, in that the General Plan acknowledges prioritizing improvements to transportation system efficiency and safety (Objective AM-6.1) as well as road maintenance improvements (AM-6.1.2).

A specific plan has not been adopted for areas identified for development under this project.

- (d) **CEQA Conformance.** The proposed project complies with the requirements of the California Environmental Quality Act (CEQA) and any significant adverse impacts on the natural environment will be mitigated pursuant to CEQA.

This finding can be made, in that a Mitigated Negative Declaration has been issued for this project under State Clearinghouse Number 2022070450. Project mitigation measures have been incorporated in the project conditions of approval, including a mitigation and monitoring plan, which ensures compliance.

- (e) **Utilities and Traffic Impacts.** The proposed use will not overload utilities, result in inefficient or wasteful use of energy, or generate more than the acceptable level of traffic on the streets in the vicinity.

This finding can be made in that the project does not contain elements that would result in impacts to the utilities. Some temporary impacts to traffic will be experienced during the construction phase, but no permanent traffic impacts are expected.

- (f) Neighborhood Compatibility. The proposed use will be compatible with the existing and proposed land uses, land use intensities, and dwelling unit densities of the neighborhood, as designated by the General Plan and Local Coastal Program and implementing ordinances.

This finding is not applicable to the proposed project, as the development is associated with existing improvements to public roadways. The improvements do not represent a new land use or land use incompatibility.

- (g) Local Coastal Program Consistency. For proposed projects located within the coastal zone, the proposed project is consistent with the provisions of the certified Local Coastal Program.

This finding can be made, in that the required Coastal Development Permit findings have been made for this project and the project is consistent with the provisions of the certified Local Coastal Program.

Riparian Exception Findings

1. That there are special circumstances or conditions affecting the property.

This finding can be made, in that the proposed culvert replacement would be constructed within and adjacent to existing road right of way. The special circumstances or conditions affecting the subject property are presence of existing transportation facilities within the right of way, including drainage culverts that have exceeded their design life, which may be subject to failure if not replaced.

2. That the exception is necessary for the proper design and function of some permitted or existing activity on the property.

This finding can be made, in that the project will replace existing drainage culverts that are necessary for the continued functioning of Highway 1. The existing drainage culverts have exceeded their design life and may be subject failure (including potential roadway failure) if not replaced.

3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property downstream or in the area in which the project is located.

This finding can be made, in that the project will allow the continued use of the Highway 1 right of way for access and will not impact existing water flow or water quality in the associated drainages, as the project will utilize appropriate Best Management Practices (BMPs) to prevent erosion and sedimentation from occurring and negatively impacting downstream areas or habitat.

4. That the granting of the exception, in the Coastal Zone, will not reduce or adversely impact the riparian corridor, and there is no feasible less environmentally damaging alternative.

This finding can be made, in that the proposed project will replace existing drainage culverts that have exceeded their design life. The BMPs utilized in the design of the proposed culvert replacements will ensure that there will not be adverse impacts to the riparian corridor. Given the existing road right of way alignment relative to existing drainage courses, there are no alternative feasible locations for the proposed culvert crossings that would be less environmentally damaging.

5. That the granting of the exception is in accordance with the purpose of this chapter, and with the objectives of the General Plan and elements thereof, and the Local Coastal Program Land Use Plan.

The purpose of the riparian and wetland protection ordinance is to eliminate or minimize development activities in riparian areas in order to protect wildlife habitat, water quality, open space and to allow for conveyance and storage of floodwaters. Through the riparian exception process, encroachment into riparian areas can be authorized to allow permitted land uses on subject properties. The proposed culvert replacements have been designed and located in a manner that will minimize impacts to riparian resources, protect wildlife habitat, provide access to open space, while preserving water quality and existing stream channel capacity

Conditions of Approval

Exhibit D: Project plans, prepared by Caltrans, dated April 2024.

- I. This permit authorizes lighting, drainage, and safety improvements along Highway 1 as indicated on the approved Exhibit "D" for this permit. This approval does not confer legal status on any existing structure(s) or existing use(s) on the subject property that are not specifically authorized by this permit. Prior to exercising any rights granted by this permit including, without limitation, any construction or site disturbance, the applicant/owner shall:
 - A. Sign, date, and return to Santa Cruz County Planning one copy of the approval to indicate acceptance and agreement with the conditions thereof.
- II. Prior to construction, the project applicant shall review and implement the measures identified in the "Caltrans Stand Measures and Avoidance, Minimization and/or Mitigation Measures" document, which is included as Exhibit F in the staff report.
- III. All construction shall be performed according to the submitted plans and shall meet the following additional conditions:
 - A. In areas where construction staging would occur in areas used for public parking, at least twenty percent of the pre-construction parking shall be maintained throughout the duration of the project.
 - B. Pursuant to Sections 16.40.040 and 16.42.080 of the County Code, if at any time during site preparation, excavation, or other ground disturbance associated with this development, any artifact or other evidence of an historic archaeological resource or a Native American cultural site is discovered, the responsible persons shall immediately cease and desist from all further site excavation and notify the Sheriff-Coroner if the discovery contains human remains, or the Planning Director if the discovery contains no human remains. The procedures established in Sections 16.40.040 and 16.42.080, shall be observed.
- IV. Mitigation Measures.

The measures for avoidance, minimization, and mitigation referenced below and those identified as "Caltrans Standard Measures" in Exhibit F are hereby incorporated as conditions of approval for this project to mitigate or avoid significant effects on the environment. Failure to comply with the conditions of approval, including the terms of the adopted mitigation measures, may result in permit revocation pursuant to section 18.10.136 of the Santa Cruz County Code.

- A. AES-1: Preserve as much existing vegetation as possible. Prescriptive clearing and grubbing and grading techniques that save the most existing vegetation possible should be used.
- B. AES-2: Revegetate all disturbed areas with native plant species appropriate to each specific work location.

- C. AES-3: Replacement planting shall include aesthetic considerations as well as the inherent biological goals. Revegetation shall include native trees and plants as determined by the Caltrans Biologist and Caltrans District 5 Landscape Architecture.
- D. AES-4: Paving beyond the gore shall include aesthetic treatment to be determined and approved by District 5 Landscape Architecture.
- E. AES-5: Metal roadside elements such as guardrail, transitions, end treatments, and cable safety railing should be stained or darkened to be visually compatible with selected rural settings, as determined and approved by District 5 Landscape Architecture.
- F. AES-6: Transportation Management System elements aesthetic treatment, such as painting, to be determined and approved by District 5 Landscape Architecture.
- G. AES-7: Following construction, re-grade and re-contour all new construction staging areas and other temporary uses as necessary to match the surrounding pre-project topography.
- H. BIO-1: Prior to construction, Caltrans shall obtain a Section 404 Nationwide Permit from the U.S. Army Corps of Engineers, a Section 401 Water Quality Certification from the Regional Water Quality Control Board, and a Section 1602 Streambed Alteration Agreement from the California Department of Fish and Wildlife. All permit terms and conditions will be incorporated into construction plans and implemented.
- I. BIO-2: Prior to any ground-disturbing activities, Environmentally Sensitive Area fencing shall be installed around jurisdictional features, and the dripline of trees to be protected within the project limits. Caltrans-defined environmentally sensitive areas shall be noted on design plans and delineated in the field prior to the start of construction activities.
- J. BIO-3: Construction activities in jurisdictional waters and temporary stream diversion, if needed, shall be timed to occur between June 1 and October 31 in any given year, or as otherwise directed by the regulatory agencies, when the surface water is likely to be dry or at a seasonal minimum. Deviations from this work window will be made only with permission from the relevant regulatory agencies.
- K. BIO-4: During construction, all project-related hazardous materials spills within the project site shall be cleaned up immediately. Readily accessible spill prevention and cleanup materials shall be kept by the contractor onsite at all times during construction.
- L. BIO-5: During construction, erosion control measures shall be implemented. Fiber rolls and barriers shall be installed as needed between the project site and jurisdictional other waters and riparian habitat. At a minimum, erosion controls shall be maintained by the contractor on a daily basis throughout the construction

period.

- M. BIO-6: During construction, the staging areas shall conform to best management practices. At a minimum, all equipment and vehicles shall be checked and maintained by the contractor daily to ensure proper operation and avoid potential leaks or spills.
- N. BIO-7: Stream contours shall be restored as close as possible to their original condition.
- O. BIO-8: Temporary impacts to jurisdictional waters shall be restored at a 1-to-1 ratio (acreage). Compensatory mitigation shall be provided at a 3-to-1 ratio (acreage) for permanent impacts to jurisdictional waters. Replacement plantings shall include appropriate native tree and understory species. To ensure replacement planting success, monitoring and an appropriate plant establishment period will be required, which will include annual inspections, weeding, and replacement of unsuccessful plants, if needed. It is likely that a 1- year plant establishment period will be required. Replacement plantings shall be detailed in Caltrans' Landscape Architecture Landscape Planting Plan and the final Mitigation and Monitoring Plan during the Plans, Specifications, and Estimates phase and finalized through the permit review process with regulatory agencies. The Mitigation and Monitoring Plan shall be developed in coordination with a biologist, include mitigation commitments, developed planting specifications and grading plans to ensure survival of planted vegetation and re-establishment of functions and values, and be consistent with standards and mitigation commitments from the jurisdictional agencies.
- P. BIO-9: Native trees with a diameter at breast height of six inches or greater shall be replanted at a minimum 10-to-1 replacement ratio within or adjacent to existing woodlands or riparian areas within the Caltrans right-of-way within the project area as part of the project's landscaping plans.
- Q. BIO-10: During construction, Caltrans shall ensure that the spread or introduction of invasive plant species will be avoided to the maximum extent possible.
- R. BIO-11: Only clean fill shall be imported. When practicable, invasive exotic plants in the project site will be removed and properly disposed. Any plant species rated as "high" on the Cal-IPC Invasive Plant Inventory that is removed from the construction site will be taken to a landfill to prevent the spread of invasive species. Inclusion of any species that occurs on the CalIPC Invasive Plant Inventory in the Caltrans erosion control seed mix or landscaping plans for the project will be avoided.
- S. BIO-12: Construction equipment shall be inspected to verify it is clean and weed-free by Caltrans before entering the construction site. If necessary, wash stations onsite will be established for construction equipment under the guidance of Caltrans to avoid/minimize the spread of invasive plants and/or seed within the construction area. If wash stations onsite are infeasible due to the site's space constraints, construction equipment will be cleaned offsite and then driven only on paved roads

to the site.

- T. BIO-13: Caltrans shall coordinate with the U.S. Fish and Wildlife Service to obtain Federal Endangered Species Act incidental take coverage under the Programmatic Biological Opinion with the U.S. Fish and Wildlife Service and comply with the following measures from the Programmatic Biological Opinion:
- Only U.S. Fish and Wildlife Service-approved biologists shall participate in activities associated with the capture, handling, and monitoring of California red-legged frogs.
 - Ground disturbance shall not begin until written approval is received from the U.S. Fish and Wildlife Service that the biologist is qualified to conduct the work, unless the individual(s) has/have been approved previously and the U.S. Fish and Wildlife Service has not revoked that approval.
 - A U.S. Fish and Wildlife Service-approved biologist shall survey the project area at locations with suitable California red-legged frog habitat no more than 48 hours before the onset of work activities. If found, the U.S. Fish and Wildlife Service-approved biologist shall relocate the California red-legged frogs the shortest distance possible to a location that contains suitable habitat and will not be affected by the activities associated with the project. The relocation site shall be in the same drainage to the extent practicable.
 - Before any activities begin on a project, a U.S. Fish and Wildlife Service approved biologist shall conduct a training session for all construction personnel. At a minimum, the training shall include a description of the California red-legged frog and its habitat, the specific measures that are being implemented to conserve the California red-legged frog for the current project, and the boundaries within which the project may be accomplished.
 - A U.S. Fish and Wildlife Service-approved biologist shall be present at the project locations with suitable California red-legged frog habitat until all California red-legged frogs have been removed, workers have been instructed, and initial disturbance of habitat has been completed. If work is stopped because California red-legged frogs would be affected in a manner not anticipated by Caltrans and the U.S. Fish and Wildlife Service during review of the proposed action, the biologist shall notify the Resident Engineer immediately. When work is stopped, the U.S. Fish and Wildlife Service shall be notified as soon as possible.
 - During project activities, all trash that may attract predators or scavengers shall be properly contained, removed from the work site, and disposed of at the end of each work week. Following construction, all trash and debris shall be removed from work areas.
 - All refueling, maintenance and staging of equipment and vehicles shall occur at least 100 feet from riparian habitat or water bodies and not in a location from where a spill would drain directly toward aquatic habitat, unless otherwise preapproved by the necessary agencies.
 - Habitat contours shall be returned to a natural configuration at the end of the project activities. This measure shall be implemented in all areas disturbed by activities associated with the project at locations with suitable California red-legged frog habitat unless the U.S. Fish and Wildlife Service and Caltrans determine that it is not feasible, or modification of original contours would

benefit the California red-legged frog.

- The number of access routes, size of staging areas, and the total area of activity shall be limited to the minimum necessary to achieve the project. Environmentally Sensitive Areas shall be established to confine access routes and construction areas to the minimum area necessary to complete construction and minimize the impact to California red-legged frog habitat; this goal includes locating access routes and construction areas outside of wetlands and riparian areas to the maximum extent practicable.
- Caltrans shall attempt to schedule work for times of the year when impacts to the California red-legged frog would be minimal. For example, work that would affect large pools that may support breeding would be avoided, to the maximum degree practicable, during the breeding season (November through May).
- To control sedimentation during and after project completion, Caltrans shall implement Best Management Practices outlined in any authorizations or permits issued under the authorities of the Clean Water Act received for the project.
- If a work site is to be temporarily dewatered by pumping, intakes shall be completely screened with wire mesh not larger than 0.2 inch to prevent California red-legged frogs from entering the pump system. Water shall be released or pumped downstream at an appropriate rate to maintain downstream flows during construction. Upon completion of construction activities, any diversions or barriers to flow shall be removed in a manner that would allow flow to resume with the least disturbance to the substrate. Alteration of the streambed shall be minimized to the maximum extent possible; any imported material shall be removed from the streambed upon completion of the project.
- Unless approved by the U.S. Fish and Wildlife Service, water shall not be impounded in a manner that may attract California red-legged frogs.
- Project sites shall be revegetated with an assemblage of native riparian, wetland, and upland vegetation suitable for the area. Locally collected plant materials shall be used to the extent practicable. Invasive, exotic plants shall be controlled to the maximum extent practicable.
- Caltrans shall not use herbicides as the primary method to control invasive, exotic plants.
- Upon completion of the project, Caltrans shall ensure that a Project Completion Report is completed and provided to the U.S. Fish and Wildlife Service, following the template provided with the Programmatic Biological Opinion.

U. BIO-14: If feasible, removal of trees shall be scheduled to occur in the fall and winter (between September 2 and January 31), outside of the typical nesting season. If tree removal or other construction activities are proposed to occur within 100 feet of potential habitat during the nesting season (February 1 to September 1), a nesting bird survey shall be conducted by a qualified Caltrans biologist no more than 10 calendar days prior to construction. If an active nest is found, Caltrans shall implement an appropriate buffer based on the habits and needs of the species. The buffer area shall be implemented until a qualified biologist has determined that juveniles have fledged or nesting activity has otherwise ceased.

V. BIO-15: During construction, active bird nests must not be disturbed and eggs or

young of birds covered by the Migratory Bird Treaty Act and California Fish and Game Code shall not be killed, destroyed, injured, or harassed at any time.

- W. BIO-16: If northern legless lizards or western pond turtles are detected in the project limits during construction, a qualified biologist or trained designee will move them out of harm's way.
- X. BIO-17: Tree removal shall occur from September 1 to February 14, outside of the typical bat maternity roosting season, if possible, to avoid potential impacts to roosting bats. If tree removal or other construction activities are proposed to occur during the bat maternity roosting season (February 15 to August 31), a bat roost survey shall be conducted by a qualified biologist within 14 days prior to construction. The biologist conducting the preconstruction surveys shall identify the nature of the bat utilization (i.e., no roosting, night roost, day roost, maternity roost) and determine if passive bat exclusion will be necessary and feasible. If an active day roost is found, a qualified Caltrans biologist shall determine an appropriate buffer based on the habits and needs of the species. The buffer area shall be avoided until a qualified biologist has determined that roosting activity has ceased or exclusionary methods have successfully evicted roosting bats. Active bat maternity roosts shall not be disturbed.
- Y. BIO-18: Readily visible exclusion zones shall be established in areas where roosts must be avoided using Environmentally Sensitive Area fencing. The size/radius of the exclusion zone shall be determined by a qualified Caltrans biologist.
- Z. GHG-1: Preserve as much existing vegetation as possible.
- AA. GHG-2: Revegetate all disturbed areas with native plant species appropriate to each specific work location.
- BB. GHG-3: The project will use appropriately sized equipment for project activities.
- CC. GHG-4: The project will maintain equipment in proper tune and working condition.
- DD. GHG-5: The project will limit idling to 5 minutes for delivery and dump trucks and other diesel-powered equipment.
- EE. HAZ-1: A review of existing aerially deposited lead data and completion of a Preliminary Site Investigation that includes supplemental soil sampling for aerially deposited lead shall be completed during the project design phase once more detailed information about the limits of project earthwork are known. Identified aerially deposited lead-contaminated soils will be managed following Caltrans Standard Specifications 14-11.08 and 7-1.02K(6)(j)(iii) and in compliance with the 2016 Aerially Deposited Lead Agreement between Caltrans and the Department of Toxic Substances Control.
- V. Indemnification

The applicant/owner shall indemnify, defend with counsel approved by the

COUNTY, and hold harmless the COUNTY, its officers, employees, and agents from and against any claim (including reasonable attorney's fees, expert fees, and all other costs and fees of litigation), against the COUNTY, its officers, employees, and agents arising out of or in connection to this development approval or any subsequent amendment of this development approval which is requested by the applicant/owner, regardless of the COUNTY's passive negligence, but excepting such loss or damage which is caused by the sole active negligence or willful misconduct of the COUNTY. Should the COUNTY in its sole discretion find the applicant's/owner's legal counsel unacceptable, then the applicant/owner shall reimburse the COUNTY its costs of defense, including without limitation reasonable attorney's fees, expert fees, and all other costs and fees of litigation. The applicant/owner shall promptly pay any final judgment rendered against the COUNTY (and its officers, employees, and agents) covered by this indemnity obligation. It is expressly understood and agreed that the foregoing provisions are intended to be as broad and inclusive as is permitted by the law of the State of California and will survive termination of this development approval.

- A. The COUNTY shall promptly notify the applicant/owner of any claim, action, or proceeding against which the COUNTY seeks to be defended, indemnified, or held harmless. The COUNTY shall cooperate fully in such defense.
- B. Nothing contained herein shall prohibit the COUNTY from participating in the defense of any claim, action, or proceeding if both of the following occur:
 - 1. COUNTY bears its own attorney's fees and costs; and
 - 2. COUNTY defends the action in good faith.
- C. Settlement. The applicant/owner shall not be required to pay or perform any settlement unless such applicant/owner has approved the settlement. When representing the COUNTY, the applicant/owner shall not enter into any stipulation or settlement modifying or affecting the interpretation or validity of any of the terms or conditions of the development approval without the prior written consent of the COUNTY.
- D. Successors Bound. The "applicant/owner" shall include the applicant and/or the owner and the successor(s) in interest, transferee(s), and assign(s) of the applicant and/or the owner.

Minor variations to this permit which do not affect the overall concept or density may be approved by the Planning Director at the request of the applicant or staff in accordance with Chapter 18.10 of the County Code.

Application #: 241204
Owner: California Department of Transportation

Please note: This permit expires three years from the effective date listed below unless the conditions of approval are complied with and the use commences before the expiration date.

Approval Date: _____

Effective Date: _____

Expiration Date: _____

Deputy Zoning Administrator

Appeals: Any property owner, or other person aggrieved, or any other person whose interests are adversely affected by any act or determination of the Zoning Administrator, may appeal the act or determination to the Planning Commission in accordance with chapter 18.10 of the Santa Cruz County Code.

Caltrans Standard Measures and Avoidance, Minimization, and/or Mitigation Measures:

Caltrans Standard Measures

The project includes Caltrans standard measures that are typically used on all Caltrans projects. Caltrans standard measures are considered features of the project and are evaluated as part of the project. Caltrans standard measures are not implemented to address any specific effects, impacts, or circumstances associated with the project, but are instead implemented as part of the project's design to address common issues encountered on project. Caltrans standard measures allow for little discretion regarding their implementation, just as other Caltrans standards requirements. The measures listed here are those related to environmental resources and are applicable to the project. These measures can be found in Caltrans 2018 Standard Specifications document.

- 7-1 Legal Relations and Responsibility to the Public
- 10-4 Water Usage
- 10-5 Dust Control
- 10-6 Watering
- 12-1 Temporary Traffic Control
- 12-3 Temporary Traffic Control Devices
- 12-4 Traffic Control Systems
- 13-1 Water Pollution Control
- 13-2 Water Pollution Control Program
- 13-3 Stormwater Pollution Prevention Plan
- 13-4 Job Site Management
- 13-6 Temporary Sediment Control
- 13-7 Temporary Tracking Control
- 13-10 Temporary Linear Sediment Barriers
- 14-1 Environmental Stewardship
- 14-2 Cultural Resources
- 14-6 Biological Resources
- 14-8 Noise and Vibration
- 14-9 Air Quality
- 14-10 Solid Waste Disposal and Recycling
- 14-11 Hazardous Waste and Contamination
- 14-12 Other Agency Regulatory Requirements
- 17-2 Clearing and Grubbing
- 18-1 Dust Palliatives
- 20-1 Landscape
- 20-3 Planting
- 20-4 Plant Establishment Work
- 21-2 Erosion Control Work
- 36-4 Residue Containing Lead from Paint and Thermoplastics
- 84-9 Removing Existing Marking

CEQA Avoidance, Minimization, and/or Mitigation Measures

The following avoidance, minimization, and/or mitigation measures are required in the Mitigated Negative Declaration (MND) for the project and have also been incorporated into the project description:

Aesthetics (MND Section 2.1.1)

AES-1: Preserve as much existing vegetation as possible. Prescriptive clearing and grubbing and grading techniques that save the most existing vegetation possible should be used.

AES-2: Revegetate all disturbed areas with native plant species appropriate to each specific work location.

AES-3: Replacement planting shall include aesthetic considerations as well as the inherent biological goals. Revegetation shall include native trees and plants as determined by the Caltrans Biologist and Caltrans District 5 Landscape Architecture.

AES-4: Paving beyond the gore shall include aesthetic treatment to be determined and approved by District 5 Landscape Architecture.

AES-5: Metal roadside elements such as guardrail, transitions, end treatments, and cable safety railing should be stained or darkened to be visually compatible with selected rural settings, as determined and approved by District 5 Landscape Architecture.

AES-6: Transportation Management System elements aesthetic treatment, such as painting, to be determined and approved by District 5 Landscape Architecture.

AES-7: Following construction, re-grade and re-contour all new construction staging areas and other temporary uses as necessary to match the surrounding pre-project topography.

Air Quality (MND Section 2.1.3)

AIR-1: All applicable Caltrans standard measures and strategies for Air Quality, Emissions Reductions, Dust Control and Dust Palliative will be implemented during project construction.

Biological Resources (MND Section 2.1.4)

BIO-1: Prior to construction, Caltrans shall obtain a Section 404 Nationwide Permit from the U.S. Army Corps of Engineers, a Section 401 Water Quality Certification from the Regional Water Quality Control Board, and a Section 1602 Streambed Alteration Agreement from the California Department of Fish and Wildlife. All permit terms and conditions will be incorporated into construction plans and implemented.

BIO-2: Prior to any ground-disturbing activities, Environmentally Sensitive Area fencing shall be installed around jurisdictional features, and the dripline of trees to be protected within the project limits. Caltrans-defined environmentally sensitive areas shall be noted on design plans and delineated in the field prior to the start of construction activities.

BIO-3: Construction activities in jurisdictional waters and temporary stream diversion, if needed, shall be timed to occur between June 1 and October 31 in any given year, or as otherwise directed by the regulatory agencies, when the surface water is likely to be dry or at a seasonal minimum. Deviations from this work window will be made only with permission from the relevant regulatory agencies.

BIO-4: During construction, all project-related hazardous materials spills within the project site shall be cleaned up immediately. Readily accessible spill prevention and cleanup materials shall be kept by the contractor onsite at all times during construction.

BIO-5: During construction, erosion control measures shall be implemented. Fiber rolls and barriers shall be installed as needed between the project site and jurisdictional other waters

and riparian habitat. At a minimum, erosion controls shall be maintained by the contractor on a daily basis throughout the construction period.

BIO-6: During construction, the staging areas shall conform to best management practices. At a minimum, all equipment and vehicles shall be checked and maintained by the contractor daily to ensure proper operation and avoid potential leaks or spills.

BIO-7: Stream contours shall be restored as close as possible to their original condition.

BIO-8: Temporary impacts to jurisdictional waters shall be restored at a 1-to-1 ratio (acreage). Compensatory mitigation shall be provided at a 3-to-1 ratio (acreage) for permanent impacts to jurisdictional waters. Replacement plantings shall include appropriate native tree and understory species. To ensure replacement planting success, monitoring and an appropriate plant establishment period will be required, which will include annual inspections, weeding, and replacement of unsuccessful plants, if needed. It is likely that a 1-year plant establishment period will be required. Replacement plantings shall be detailed in Caltrans' Landscape Architecture Landscape Planting Plan and the final Mitigation and Monitoring Plan during the Plans, Specifications, and Estimates phase and finalized through the permit review process with regulatory agencies. The Mitigation and Monitoring Plan shall be developed in coordination with a biologist, include mitigation commitments, developed planting specifications and grading plans to ensure survival of planted vegetation and re-establishment of functions and values, and be consistent with standards and mitigation commitments from the jurisdictional agencies.

BIO-9: Native trees with a diameter at breast height of six inches or greater shall be replanted at a minimum 10-to-1 replacement ratio within or adjacent to existing woodlands or riparian areas within the Caltrans right-of-way within the project area as part of the project's landscaping plans.

BIO-10: During construction, Caltrans shall ensure that the spread or introduction of invasive plant species will be avoided to the maximum extent possible.

BIO-11: Only clean fill shall be imported. When practicable, invasive exotic plants in the project site will be removed and properly disposed. Any plant species rated as "high" on the Cal-IPC Invasive Plant Inventory that is removed from the construction site will be taken to a landfill to prevent the spread of invasive species. Inclusion of any species that occurs on the CalIPC Invasive Plant Inventory in the Caltrans erosion control seed mix or landscaping plans for the project will be avoided.

BIO-12: Construction equipment shall be inspected to verify it is clean and weed-free by Caltrans before entering the construction site. If necessary, wash stations onsite will be established for construction equipment under the guidance of Caltrans to avoid/minimize the spread of invasive plants and/or seed within the construction area. If wash stations onsite are infeasible due to the site's space constraints, construction equipment will be cleaned offsite and then driven only on paved roads to the site.

BIO-13: Caltrans shall coordinate with the U.S. Fish and Wildlife Service to obtain Federal Endangered Species Act incidental take coverage under the Programmatic Biological Opinion with the U.S. Fish and Wildlife Service and comply with the following measures from the Programmatic Biological Opinion:

- Only U.S. Fish and Wildlife Service-approved biologists shall participate in activities associated with the capture, handling, and monitoring of California red-legged frogs.
- Ground disturbance shall not begin until written approval is received from the U.S. Fish and Wildlife Service that the biologist is qualified to conduct the work, unless the

individual(s) has/have been approved previously and the U.S. Fish and Wildlife Service has not revoked that approval.

- A U.S. Fish and Wildlife Service-approved biologist shall survey the project area at locations with suitable California red-legged frog habitat no more than 48 hours before the onset of work activities. If found, the U.S. Fish and Wildlife Service-approved biologist shall relocate the California red-legged frogs the shortest distance possible to a location that contains suitable habitat and will not be affected by the activities associated with the project. The relocation site shall be in the same drainage to the extent practicable.
- Before any activities begin on a project, a U.S. Fish and Wildlife Service approved biologist shall conduct a training session for all construction personnel. At a minimum, the training shall include a description of the California red-legged frog and its habitat, the specific measures that are being implemented to conserve the California red-legged frog for the current project, and the boundaries within which the project may be accomplished.
- A U.S. Fish and Wildlife Service-approved biologist shall be present at the project locations with suitable California red-legged frog habitat until all California red-legged frogs have been removed, workers have been instructed, and initial disturbance of habitat has been completed. If work is stopped because California red-legged frogs would be affected in a manner not anticipated by Caltrans and the U.S. Fish and Wildlife Service during review of the proposed action, the biologist shall notify the Resident Engineer immediately. When work is stopped, the U.S. Fish and Wildlife Service shall be notified as soon as possible.
- During project activities, all trash that may attract predators or scavengers shall be properly contained, removed from the work site, and disposed of at the end of each work week. Following construction, all trash and debris shall be removed from work areas.
- All refueling, maintenance and staging of equipment and vehicles shall occur at least 100 feet from riparian habitat or water bodies and not in a location from where a spill would drain directly toward aquatic habitat, unless otherwise preapproved by the necessary agencies.
- Habitat contours shall be returned to a natural configuration at the end of the project activities. This measure shall be implemented in all areas disturbed by activities associated with the project at locations with suitable California red-legged frog habitat unless the U.S. Fish and Wildlife Service and Caltrans determine that it is not feasible, or modification of original contours would benefit the California red-legged frog.
- The number of access routes, size of staging areas, and the total area of activity shall be limited to the minimum necessary to achieve the project. Environmentally Sensitive Areas shall be established to confine access routes and construction areas to the minimum area necessary to complete construction and minimize the impact to California red-legged frog habitat; this goal includes locating access routes and construction areas outside of wetlands and riparian areas to the maximum extent practicable.
- Caltrans shall attempt to schedule work for times of the year when impacts to the California red-legged frog would be minimal. For example, work that would affect large pools that may support breeding would be avoided, to the maximum degree practicable, during the breeding season (November through May).

- To control sedimentation during and after project completion, Caltrans shall implement Best Management Practices outlined in any authorizations or permits issued under the authorities of the Clean Water Act received for the project.
- If a work site is to be temporarily dewatered by pumping, intakes shall be completely screened with wire mesh not larger than 0.2 inch to prevent California red-legged frogs from entering the pump system. Water shall be released or pumped downstream at an appropriate rate to maintain downstream flows during construction. Upon completion of construction activities, any diversions or barriers to flow shall be removed in a manner that would allow flow to resume with the least disturbance to the substrate. Alteration of the streambed shall be minimized to the maximum extent possible; any imported material shall be removed from the streambed upon completion of the project.
- Unless approved by the U.S. Fish and Wildlife Service, water shall not be impounded in a manner that may attract California red-legged frogs.
- Project sites shall be revegetated with an assemblage of native riparian, wetland, and upland vegetation suitable for the area. Locally collected plant materials shall be used to the extent practicable. Invasive, exotic plants shall be controlled to the maximum extent practicable.
- Caltrans shall not use herbicides as the primary method to control invasive, exotic plants.
- Upon completion of the project, Caltrans shall ensure that a Project Completion Report is completed and provided to the U.S. Fish and Wildlife Service, following the template provided with the Programmatic Biological Opinion.

BIO-14: If feasible, removal of trees shall be scheduled to occur in the fall and winter (between September 2 and January 31), outside of the typical nesting season. If tree removal or other construction activities are proposed to occur within 100 feet of potential habitat during the nesting season (February 1 to September 1), a nesting bird survey shall be conducted by a qualified Caltrans biologist no more than 10 calendar days prior to construction. If an active nest is found, Caltrans shall implement an appropriate buffer based on the habits and needs of the species. The buffer area shall be implemented until a qualified biologist has determined that juveniles have fledged or nesting activity has otherwise ceased.

BIO-15: During construction, active bird nests must not be disturbed and eggs or young of birds covered by the Migratory Bird Treaty Act and California Fish and Game Code shall not be killed, destroyed, injured, or harassed at any time.

BIO-16: If northern legless lizards or western pond turtles are detected in the project limits during construction, a qualified biologist or trained designee will move them out of harm's way.

BIO-17: Tree removal shall occur from September 1 to February 14, outside of the typical bat maternity roosting season, if possible, to avoid potential impacts to roosting bats. If tree removal or other construction activities are proposed to occur during the bat maternity roosting season (February 15 to August 31), a bat roost survey shall be conducted by a qualified biologist within 14 days prior to construction. The biologist conducting the preconstruction surveys shall identify the nature of the bat utilization (i.e., no roosting, night roost, day roost, maternity roost) and determine if passive bat exclusion will be necessary and feasible. If an active day roost is found, a qualified Caltrans biologist shall determine an appropriate buffer based on the habits and needs of the species. The buffer area shall be avoided until a qualified biologist has determined that roosting activity has ceased or exclusionary methods have successfully evicted roosting bats. Active bat maternity roosts shall not be disturbed.

BIO-18: Readily visible exclusion zones shall be established in areas where roosts must be avoided using Environmentally Sensitive Area fencing. The size/radius of the exclusion zone shall be determined by a qualified Caltrans biologist.

Greenhouse Gas Emissions (MND Section 2.1.9)

GHG-1: Preserve as much existing vegetation as possible.

GHG-2: Revegetate all disturbed areas with native plant species appropriate to each specific work location.

GHG-3: The project will use appropriately sized equipment for project activities.

GHG-4: The project will maintain equipment in proper tune and working condition.

GHG-5: The project will limit idling to 5 minutes for delivery and dump trucks and other diesel-powered equipment.

Hazards and Hazardous Materials (MND Section 2.1.10)

HAZ-1: A review of existing aerially deposited lead data and completion of a Preliminary Site Investigation that includes supplemental soil sampling for aerially deposited lead shall be completed during the project design phase once more detailed information about the limits of project earthwork are known. Identified aerially deposited lead-contaminated soils will be managed following Caltrans Standard Specifications 14-11.08 and 7-1.02K(6)(j)(iii) and in compliance with the 2016 Aerially Deposited Lead Agreement between Caltrans and the Department of Toxic Substances Control.

Summary of Impacts:

Environmental impacts were evaluated in a Mitigated Negative Declaration (MND) prepared and adopted by Caltrans for the project. The technical studies used to prepare the MND are also contained in Volume II of the MND. A summary of impacts on coastal resources is contained below. A detailed description of project impacts and required mitigation measures for the project are contained in the Final Mitigated Negative Declaration also attached.

Wetlands and ESHA

A Natural Environment Study (NES) was prepared for the project and contained in Volume II of the MND for the project. The NES establishes a Biological Study Area (BSA) for the project. The Biological Study Area is the area investigated for biological resources and includes areas that may be directly, indirectly, temporarily, or permanently impacted by project construction and construction-related activities. The Biological Study Area also includes some adjoining habitats to ensure adequate area has been investigated for potential impacts as a result of the project. For this project, the Biological Study Area is the overall project footprint, which includes each separate culvert work site, electrical installations, paving locations and staging/access areas along the 17.8-mile stretch of State Route 1 within the project limits.

Jurisdictional features that are within the Coastal Zone are considered Environmentally Sensitive Habitat Areas. All impacted jurisdictional features are within the Coastal Zone in the County of Santa Cruz at the following culvert locations: 21.52 (coastal wetland), 21.78 (stream), 23.45 (stream), 24.16 (stream), 24.90 (riparian, stream, wetland), 25.16 (stream, riparian), and 25.73 (stream). The project will have permanent and temporary impacts on designated Environmentally Sensitive Habitat Areas as described in the Coastal Mitigation and Monitoring Plan and summarized below.