

MONTEREY COUNTY ZONING ADMINISTRATOR

Meeting: December 12, 2013 Time: 1:30 P.M. Agenda Item No.: 1	
Project Description: Consider a Follow-On Combined Development Permit consisting of: 1) a Coastal Development Permit and Design Approval to allow specific improvements authorized by Emergency Coastal Development Permit PLN080421 to remain as permanent installations including: a) an approximately 160 foot long vehicle access road at post mile 35.56 (Slabs); b) vehicle access improvements to culvert inlet at post mile 35.84 (McWay); c) an approximately 187,000 square foot rockfall drapery system between post miles 39.6 and 39.7 (Torre Canyon); d) two approximately 8,000 square foot rockfall drapery systems installed between post miles 41.1 and 41.6 (Condor Point); e) raise existing redwood timber debris rack (bear trap) by approximately 10 feet over culvert at post mile 42.81 (Vineyard Canyon); and f) installation of redundant risers and minor drainage/access improvements at post miles 35.63 (Cheeks), 37.84 (Partington Creek), 40.88 (Lafler Canyon), 41.81 (Grimes Canyon), 44.05 (Mule Creek), and 47.73; 2) a Coastal Development Permit to allow development on slopes exceeding 30 percent; 3) a Coastal Development Permit to allow development within 100 feet of ESHA; and 4) a Coastal Development Permit to allow development within the Big Sur Critical Viewshed.	
Project Location: Multiple locations between post-miles 35.56 and 47.73, Highway 1, Big Sur	APNs: 420-021-022-000, 420-291-013-000, 420-201-013-000, 420-181-001-000, and 000-000-000-000
Planning File Number: PLN120805	Owners: California Department of Transportation (Caltrans); California Department of Parks and Recreation (State Parks); Hathaway Trust; Newell Trust; Penhoet Trust Applicant/Agent: Mitch Dallas, Caltrans, District 5
Planning Area: Big Sur Coast Land Use Plan	Flagged and staked: No
Zoning Designation: WSC/40-D (CZ) [Watershed and Scenic Conservation, 40 acres per unit with Design Control Overlay (Coastal Zone); OR-D (CZ) [Open Space Recreation with Design Control Overlay (Coastal Zone); and Unclassified (Caltrans right-of-way)	
CEQA Action: Categorically Exempt per CEQA Guidelines Section 15301(f)	
Department: RMA - Planning Department	

RECOMMENDATION:

Staff recommends that the Zoning Administrator adopt a resolution (**Exhibit C**) to:

- 1) Find the project Categorically Exempt per CEQA Guidelines Section 15301(f); and
- 2) Approve PLN120805, based on the findings and evidence and subject to the conditions of approval (**Exhibit C**).

PROJECT OVERVIEW:

The Applicant requests that specific improvements authorized by Emergency Coastal Development Permit PLN080421 remain as permanent installations to provide continuing protection for travelers from potential safety hazards associated with rock fall and debris flows. These improvements include an approximately 160 foot long vehicle access road at post mile 35.56 (Slabs); vehicle access improvements to a culvert inlet at post mile 35.84 (McWay); an approximately 187,000 square foot rockfall drapery system between post miles 39.6 and 39.7 (Torre Canyon); two approximately 8,000 square foot rockfall drapery systems installed between post miles 41.1 and 41.6 (Condor Point); the raising of an existing redwood timber debris rack (bear trap) by approximately 10 feet over a culvert at post mile 42.81 (Vineyard Canyon); and

the installation of redundant risers and minor drainage/access improvements at post miles 35.63 (Cheeks), 37.84 (Partington Creek), 40.88 (Lafler Canyon), 41.81 (Grimes Canyon), 44.05 (Mule Creek), and 47.73. The improvements also involved development on slopes exceeding 30 percent, development within 100 feet of ESHA, and development within the Big Sur Critical Viewshed. See **Exhibit B** for a more detailed discussion of the project.

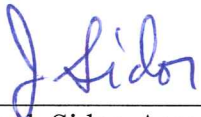
OTHER AGENCY INVOLVEMENT: The following agencies and departments reviewed this project:

RMA - Public Works Department
Environmental Health Bureau
Water Resources Agency
CALFIRE Coastal (Fire Protection District)
California Coastal Commission

Agencies that submitted comments are noted with a check mark ("✓"). Conditions recommended by RMA – Planning have been incorporated into the Condition Compliance/Mitigation Monitoring and Reporting Plan attached to the draft resolution (**Exhibit C**).

The project was referred to the Big Sur Land Use Advisory Committee (LUAC) for review. The LUAC, at a public meeting held on March 26, 2013, reviewed and voted to support the project as proposed (**Exhibit E**).

Note: The decision on this project is appealable to the Board of Supervisors and the California Coastal Commission.



Joseph Sidor, Associate Planner
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November 22, 2013

cc: Front Counter Copy; Zoning Administrator; CALFIRE Coastal (Fire Protection District); RMA-Public Works; Environmental Health Bureau; Water Resources Agency; California Coastal Commission; Laura Lawrence, Planning Services Manager; Delinda Robinson, Senior Planner; Joseph Sidor, Project Planner; Caltrans, District 5 (Mitch Dallas), Applicant/Agent/Owner; State Parks, Owner; Hathaway Trust, Owner; Newell Trust, Owner; Penhoet Trust, Owner; The Open Monterey Project; LandWatch; Planning File PLN120805

Attachments:	Exhibit A	Project Data Sheet
	Exhibit B	Project Discussion
	Exhibit C	Draft Resolution, including: <ul style="list-style-type: none">• Conditions of Approval• Location Status Matrix
	Exhibit D	Vicinity Map
	Exhibit E	Advisory Committee Minutes (Big Sur LUAC)
	Exhibit F	ECDP Resolution No. 080421 <ul style="list-style-type: none">• Findings & Evidence and Conditions of Approval only

This report was reviewed by Delinda Robinson, Senior Planner.



EXHIBIT A

Project Information for PLN120805

Application Name: State Of California

Location: Highway 1, Big Sur; post-miles 35.56 to 47.73

Applicable Plan: Coast-Big Sur

Primary APN: 420-021-022-000

Advisory Committee: Big Sur LUAC

Coastal Zone: Yes

Permit Type: Combined Development Permit

Final Action Deadline (884): 5/12/2013

Environmental Status: Categorical Exemption

Zoning: OR-D(CZ) / WSC/40-D(CZ) / Unclassified **Land Use Designation:** Open Space Rec. & Watershed/Scenic Cons.

Project Site Data:

Lot Size: 0

Coverage Allowed: N/A

Existing Structures (sf): 0

Coverage Proposed: N/A

Proposed Structures (sf): 0

Height Allowed: N/A

Total Sq. Ft.: 0

Height Proposed: N/A

Special Setbacks on Parcel: N/A

FAR Allowed: N/A

FAR Proposed: N/A

Resource Zones and Reports:

Seismic Hazard Zone: Unstable Uplands / Undetermined

Soils Report #: N/A

Erosion Hazard Zone: High

Biological Report #: LIB130431

Fire Hazard Zone: Very High

Forest Management Rpt. #: N/A

Flood Hazard Zone: High

Geologic Report #: LIB130432 / LIB130433

Archaeological Sensitivity: High

Archaeological Report #: LIB130429 / LIB130430

Visual Sensitivity: High

Traffic Report #: N/A

Other Information:

Water Source: N/A

Grading (cubic yds.): 0

Water Purveyor: N/A

Sewage Disposal (method): N/A

Fire District: CALFIRE Coastal

Sewer District Name: N/A

Tree Removal: 0

EXHIBIT B

DISCUSSION

Project Description

The Applicant requests that specific improvements authorized by Emergency Coastal Development Permit PLN080421 remain as permanent installations to provide continuing protection for travelers from potential safety hazards associated with rock fall and debris flows. These improvements include an approximately 160 foot long vehicle access road at post mile 35.56 (Slabs); vehicle access improvements to a culvert inlet at post mile 35.84 (McWay); an approximately 187,000 square foot rockfall drapery system between post miles 39.6 and 39.7 (Torre Canyon); two approximately 8,000 square foot rockfall drapery systems installed between post miles 41.1 and 41.6 (Condor Point); the raising of an existing redwood timber debris rack (bear trap) by approximately 10 feet over a culvert at post mile 42.81 (Vineyard Canyon); and the installation of redundant risers and minor drainage/access improvements at post miles 35.63 (Cheeks), 37.84 (Partington Creek), 40.88 (Lafler Canyon), 41.81 (Grimes Canyon), 44.05 (Mule Creek), and 47.73. The improvements also involved development on slopes exceeding 30 percent, development within 100 feet of ESHA, and development within the Big Sur Critical Viewshed.

The County issued an Emergency Coastal Development Permit (ECDP) on April 9, 2009. The ECDP was issued in response to the 2008 Basin Complex Wildfire, one of the largest fire events in California history. Based on post-fire assessments by state and federal teams, the fire resulted in moderate to high soil burn damage to approximately 96,000 acres. This level of damage resulted in a significant increase in the potential for flooding, mud-sliding, debris flows, and rockfall. The potential also existed for an increased level of erosion debris that would require disposal and material management sites in the immediate vicinity to prevent over-extension of Caltrans resources.

The ECDP authorized emergency improvements or actions at 25 sites along an approximately 20-mile section of Highway 1 on the Big Sur coast, including the installation of various erosion control devices (e.g.; debris flow barriers, rockfall draperies, and rock fence barriers) to alleviate/lessen the potential for injuries to travelers and/or highway closures. The ECDP also allowed limited grading for the purpose of vehicle and equipment access to project sites, implementation of select disposal and material management sites, and permanent placement of the debris barrier stanchions. As required by the ECDP, all of the debris/fence/rail barriers have been removed by Caltrans. See the Location Status Matrix at **Exhibit C** for an overview of the improvements at each site.

Project Issues

Development on slope exceeding 30 percent: The project, as constructed, is consistent with the applicable policies of the Big Sur Coast Land Use Plan (LUP) and the Monterey County Zoning Ordinance (Title 20). The project involved the construction/installation of rockfall drapery systems on bluff faces at post-miles 39.6 to 39.7 (Torre Canyon) and 41.1 to 41.6 (Condor Point), and access road improvements at post-mile 35.56 (Slabs). The existing roadway in the project areas is constructed on steep slopes along the edge of coastal bluffs, and there are no feasible alternative building sites. Caltrans reviewed potential alternatives, and concluded the rockfall drapery systems were the best option to protect the roadway and travelers. No special conditions regarding development on slope are required for this project.

Development within 100 feet of Environmentally Sensitive Habitat Area (ESHA): The project, as constructed, had no impact on special-status species, sensitive habitat, or other significant biological resources (Big Sur Coast LUP Policy 3.3.2.1). Due to the Basin Wildfire of 2008, which consumed most of the vegetation in the project area, no rare plants were found during field surveys, and no special-status animal species were observed within or adjacent to the project sites. However, the project limits (a 20 mile stretch of the Big Sur coast) include the known range of several special-status animals (e.g.; Smith's blue butterfly, condors, and the California red-legged frog) and contain a variety of sensitive habitats (e.g., Central Coast Scrub and Upland Redwood Forest). Therefore, Caltrans completed a biological survey to assess the project impacts. Per the Caltrans No Effect Bio Memo (LIB130431), a Caltrans biologist conducted pre-construction surveys, and no work occurred in a live stream channel. Caltrans also hung debris nets above the ordinary plane of highwater and used erosion control measures, and no trees were removed during installation or removal of improvements.

Big Sur Critical Viewshed: The project, as constructed, is consistent with policies of the Big Sur Coast LUP dealing with visual resources and will have no significant impact on the critical viewshed. Staff conducted site visits on March 21 and November 5, 2013, to assess the visual impacts of the project and to ensure consistency with applicable LUP policies. Key Policy 4.1.1 states that the County's objective is to maintain and enhance the highway's aesthetic beauty and to protect its primary function as a recreational route. Exceptions can be made to the Scenic Resources Key Policy if a project involves safety improvements to Highway 1 facilities. In addition, General Policy 4.1.2.1 provides for improvements to Highway 1 as long as they increase its service capacity and safety, consistent with its retention as a scenic two-lane road. The subject improvements are necessary to ensure public safety and continued use of Highway 1. Also, based on staff site visits, the installed rock drapery systems are the minimum amount necessary to ensure safety for travelers along Highway 1, and re-vegetation of the bluff faces has already obscured the visibility of the rock drapery systems.

Environmental Review

California Environmental Quality Act (CEQA) Guidelines Sections 15301(f) categorically exempts the alteration of existing public structures (e.g., a highway), including the addition of safety or health protection devices in conjunction with the existing structure. The project involved the installation of access roads and rock drapery systems to protect travelers from potential safety hazards associated with rock fall and debris flows. The County authorized the work under an Emergency Coastal Development Permit (Project File PLN080421), approved on April 9, 2009. The emergency work allowed and completed under PLN080421 was deemed to be statutorily exempt under CEQA Guidelines Section 15269(b). The County, by allowing certain improvements identified in Finding No. 1 to remain indefinitely, has determined these improvements to be consistent with the parameters of the categorical exemption. The technical reports prepared for the project do not identify any potential significant or cumulative impacts, and no evidence of significant adverse environmental effects were identified during staff review of the development application during site visits on March 21 and November 5, 2013. The project does involve development located within view of a state-designated scenic highway; however, based on staff site inspections, the project has not resulted in adverse impacts to visual resources. No unresolved issues remain.

Recommendation

Staff recommends the Zoning Administrator find PLN120805 categorically exempt per CEQA Guidelines Section 15301(f), and approve the Follow-on Combined Development Permit (PLN120805), based on the findings and evidence and subject to the conditions of approval (**Exhibit C**).

EXHIBIT C
DRAFT RESOLUTION

**Before the Zoning Administrator in and for the
County of Monterey, State of California**

In the matter of the application of:

CALTRANS (PLN120805)

RESOLUTION NO. 13 - _____

Resolution by the Monterey County Zoning
Administrator:

- 1) Finding the project categorically exempt per CEQA Guidelines Section 15301 (f); and
- 2) Approving a Follow-On Combined Development Permit consisting of a Coastal Development Permit and Design Approval to allow specific improvements authorized by Emergency Coastal Development Permit PLN080421 to remain as permanent installations including an approximately 160 foot long vehicle access road at post mile 35.56 (Slabs); vehicle access improvements to culvert inlet at post mile 35.84 (McWay); an approximately 187,000 square foot rockfall drapery system between post miles 39.6 and 39.7 (Torre Canyon); two approximately 8,000 square foot rockfall drapery systems installed between post miles 41.1 and 41.6 (Condor Point); raise existing redwood timber debris rack (bear trap) by approximately 10 feet over culvert at post mile 42.81 (Vineyard Canyon); and installation of redundant risers and minor drainage/access improvements at post miles 35.63 (Cheeks), 37.84 (Partington Creek), 40.88 (Lafler Canyon), 41.81 (Grimes Canyon), 44.05 (Mule Creek), and 47.73; a Coastal Development Permit to allow development on slopes exceeding 30 percent; a Coastal Development Permit to allow development within 100 feet of ESHA; and a Coastal Development Permit to allow development within the Big Sur Critical Viewshed.

[PLN120805, Caltrans, multiple locations between post-miles 35.56 and 47.73, Highway 1, Big Sur, Big Sur Coast Land Use Plan, Coastal Zone (APNs: 420-021-022-000, 420-291-013-000, 420-201-013-000, 420-181-001-000, and 000-000-000-000)]

The Caltrans application (PLN120805) came on for public hearing before the Monterey County Zoning Administrator on December 12, 2013. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Zoning Administrator finds and decides as follows:

FINDINGS

1. **FINDING:** **PROJECT DESCRIPTION** – The proposed project is a Follow-On Combined Development Permit consisting of a Coastal Development Permit and Design Approval to allow specific improvements authorized by Emergency Coastal Development Permit PLN080421 to remain as permanent installations including an approximately 160 foot long vehicle access road at post mile 35.56 (Slabs); vehicle access improvements to culvert inlet at post mile 35.84 (McWay); an approximately 187,000 square foot rockfall drapery system between post miles 39.6 and 39.7 (Torre Canyon); two approximately 8,000 square foot rockfall drapery systems installed between post miles 41.1 and 41.6 (Condor Point); raise existing redwood timber debris rack (bear trap) by approximately 10 feet over culvert at post mile 42.81 (Vineyard Canyon); and installation of redundant risers and minor drainage/access improvements at post miles 35.63 (Cheeks), 37.84 (Partington Creek), 40.88 (Lafler Canyon), 41.81 (Grimes Canyon), 44.05 (Mule Creek), and 47.73; a Coastal Development Permit to allow development on slopes exceeding 30 percent; a Coastal Development Permit to allow development within 100 feet of ESHA; and a Coastal Development Permit to allow development within the Big Sur Critical Viewshed.

EVIDENCE: The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project Files PLN120805 and PLN080421.
2. **FINDING:** **CONSISTENCY** – The Project, as conditioned, is consistent with the applicable plans and policies which designate this area as appropriate for development.

EVIDENCE: a) During the course of review of this application, the project has been reviewed for consistency with the text, policies, and regulations in:

 - the 1982 Monterey County General Plan;
 - Big Sur Coast Land Use Plan;
 - Monterey County Coastal Implementation Plan Part 3; and
 - Monterey County Zoning Ordinance (Title 20).

 No conflicts were found to exist. No communications were received during the course of review of the project indicating any inconsistencies with the text, policies, and regulations in these documents.

 b) The project sites are located at multiple locations between post-miles 35.56 and 47.73, Highway 1, Big Sur (Assessor's Parcel Numbers 420-021-022-000, 420-291-013-000, 420-201-013-000, 420-181-001-000, and 000-000-000-000), Big Sur Coast Land Use Plan. The project site parcels are zoned Watershed and Scenic Conservation, 40 acres per unit with Design Control Overlay (Coastal Zone) [WSC/40-D (CZ)] and

Open Space Recreation with Design Control Overlay (Coastal Zone) [OR-D (CZ)], and the Caltrans right-of-way is Unclassified, which allow highway safety improvements with the granting of the applicable Coastal Development Permits. Therefore, the project is an allowed land use for these sites.

- c) Staff conducted site inspections on March 21 and November 5, 2013, to verify that the project on the subject parcels conforms to the plans listed above.
- d) Slope Exceeding 30 Percent: See Finding No. 8.
- e) Environmentally Sensitive Habitat: See Finding No. 9.
- f) Big Sur Critical Viewshed: See Finding No. 10.
- g) Archaeological/Cultural Resources: County records identify that the project sites are within an area of high sensitivity for prehistoric cultural resources. Archaeological surveys (LIB130429 and LIB130430) prepared for the project sites concluded that no archaeological resources were identified within or adjacent to the project sites.
- h) The project was referred to the Big Sur Land Use Advisory Committee (LUAC) for review. Based on the LUAC Procedure guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 08-338, this application warranted referral to the LUAC because it involved a Design Approval subject to review by the Zoning Administrator. The LUAC, at a public meeting held on March 26, 2013, recommended to support the project as proposed.
- i) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project Files PLN120805 and PLN080421.

3. **FINDING:** **SITE SUITABILITY** – The site is physically suitable for the use proposed.

- EVIDENCE:**
- a) The project has been reviewed for site suitability by the following departments and agencies: RMA - Planning, CALFIRE Coastal (Fire Protection District), RMA - Public Works, Environmental Health Bureau, and Water Resources Agency. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Conditions recommended have been incorporated.
 - b) Staff identified potential impacts to Archaeological Resources, Biological Resources, Soil/Slope Stability, and Visual Resources. The following reports have been prepared:
 - Cultural Resources Review (LIB130429) prepared by Kelda Wilson, Archaeologist, Caltrans, District 5, San Luis Obispo, California, July 3, 2008.
 - Cultural Resources Review (LIB130430) prepared by Kelda Wilson, Archaeologist, Caltrans, District 5, San Luis Obispo, California, February 21, 2013.
 - No Effect Bio Memo (LIB130431) prepared by Tom Edell, Biologist, Caltrans, District 5, San Luis Obispo, California, January 28, 2013.
 - Rockfall Protection System at Condor (LIB130432) prepared by

Stephen Balaban, Engineer, and John Duffy, Geologist, Caltrans, District 5, San Luis Obispo, California, March 25, 2013.

- Rockfall Protection System at Torre Canyon (LIB130433) prepared by Stephen Balaban, Engineer, and John Duffy, Geologist, Caltrans, District 5, San Luis Obispo, California, March 25, 2013.

The above-mentioned technical reports, prepared by qualified Caltrans staff, indicated that there are no physical or environmental constraints that would indicate that the sites are not suitable for the uses proposed. County staff has independently reviewed these reports and concurs with their conclusions.

- c) Staff conducted site inspections on March 21 and November 5, 2013, to verify that the site is suitable for this use.
- d) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project Files PLN120805 and PLN080421.

4. **FINDING:** **HEALTH AND SAFETY** - The establishment, maintenance, or operation of the project applied for will not under the circumstances of this particular case be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.

- EVIDENCE:**
- a) The project was reviewed by the RMA - Planning, CALFIRE Coastal (Fire Protection District), RMA - Public Works, Environmental Health Bureau, and Water Resources Agency. The respective agencies have recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood.
 - b) The project allows improvements authorized by Emergency Coastal Development Permit PLN080421 to remain as permanent installations to lessen the potential for injuries to travelers and/or highway closures. The project is necessary to maintain service essential to the public health, safety, and welfare.
 - c) Staff conducted site inspections on March 21 and November 5, 2013, to verify that the site is suitable for this use.
 - d) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project Files PLN120805 and PLN080421.

5. **FINDING:** **NO VIOLATIONS** - The subject properties are in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of the County's zoning ordinance. No violations exist on the properties.

- EVIDENCE:**
- a) Staff reviewed Monterey County RMA - Planning and Building Services records and is not aware of any violations existing on the subject properties.
 - b) Staff conducted site inspections on March 21 and November 5, 2013,

and researched County records to assess if any violation exists on the subject properties.

- c) There are no known violations on the subject parcels.
- d) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project Files PLN120805 and PLN080421.

6. **FINDING:** **CEQA (Exempt):** - The project is categorically exempt from environmental review and no unusual circumstances were identified to exist for the proposed project.

- EVIDENCE:**
- a) California Environmental Quality Act (CEQA) Guidelines Section 15301(f) categorically exempts the alteration of existing public structures (e.g., a highway), including the addition of safety or health protection devices in conjunction with the existing structure.
 - b) The project involved the installation of access roads and rock drapery systems to protect travelers from potential safety hazards associated with rock fall and debris flows. The County authorized the work under an Emergency Coastal Development Permit (Project File PLN080421), approved on April 9, 2009. The emergency work allowed and completed under PLN080421 was deemed to be statutorily exempt under CEQA Guidelines Section 15269(b). The County, by allowing certain improvements identified in Finding No. 1 to remain indefinitely, has determined these improvements to be consistent with the parameters of the categorical exemption per Evidence 6a above.
 - c) No adverse environmental effects were identified during staff review of the development application during site visits on March 21 and November 5, 2013.
 - d) None of the exceptions under CEQA Guidelines Section 15300.2 apply to this project. The project does not involve a designated historical resource, a hazardous waste site, unusual circumstances that would result in a significant effect, development that would result in a cumulatively significant impact, nor development in a particularly sensitive environment. The technical reports prepared for the project do not identify any potential significant or cumulative impacts, and no evidence of significant adverse environmental effects were identified during staff review of the development application. The project does involve development located within view of a state-designated scenic highway; however, based on staff site inspections, the project has not resulted in adverse impacts to visual resources. See Finding No. 10.
 - e) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project Files PLN120805 and PLN080421.

7. **FINDING:** **PUBLIC ACCESS** – The project is in conformance with the public access and recreation policies of the Coastal Act (specifically Chapter 3 of the Coastal Act of 1976, commencing with Section 30200 of the Public Resources Code) and Local Coastal Program, and does not interfere with any form of historic public use or trust rights.

- EVIDENCE:**
- a) No access is required as part of the project as no substantial adverse

impact on access, either individually or cumulatively, as described in Section 20.145.150 of the Monterey County Coastal Implementation Plan (Part 3) can be demonstrated.

- b) The subject property is not described as an area where the Local Coastal Program requires public access (Figure 3 [Trails Plan - North and Central Sections] in the Big Sur Coast Land Use Plan).
- c) No evidence or documentation has been submitted or found showing the existence of historic public use or trust rights over these properties or project sites.
- d) Staff conducted site inspections on March 21 and November 5, 2013.
- e) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project Files PLN120805 and PLN080421.

8. **FINDING:** **DEVELOPMENT ON SLOPE** – There is no feasible alternative which would allow development to occur on slopes of less than 30 percent.

- EVIDENCE:**
- a) In accordance with the applicable policies of the Big Sur Coast Land Use Plan and the Monterey County Zoning Ordinance (Title 20), a Coastal Development Permit is required and the criteria to grant said permit have been met. No feasible alternatives to the rock drapery systems exist.
 - b) The project includes application for development on slopes exceeding 30 percent. The project involved the construction/installation of rockfall drapery systems on bluff faces at post-miles 39.6 to 39.7 (Torre Canyon) and 41.1 to 41.6 (Condor Point), and access road improvements at post-mile 35.56 (Slabs). The existing Highway 1 roadway in the project areas is constructed on steep slopes along the edge of coastal bluffs, and there are no feasible alternative building sites.
 - c) The rock drapery systems are the most feasible and economic alternative to protect public health and safety of travelers on Highway 1. Caltrans reviewed potential alternatives, and concluded the rockfall drapery systems were the best option to protect the roadway and travelers. Other alternatives were considered and discarded as not feasible, or more disruptive to the public and/or surrounding environment.
 - d) The Zoning Administrator shall require such conditions of approval and changes in the development as it may deem necessary to assure compliance with MCC Section 20.64.230.E.1. No special conditions regarding development on slope are required for this project.
 - e) Staff conducted site inspections on March 21 and November 5, 2013, to verify the subject project minimizes development on slopes exceeding 30 percent in accordance with the applicable goals and policies of the Big Sur Coast Land Use Plan and applicable zoning codes.
 - f) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project Files PLN120805 and PLN080421.

9. **FINDING:** **ESHA** – The subject project minimizes impact on environmentally sensitive habitat areas in accordance with the applicable goals and policies of the applicable area plan and zoning codes.

- EVIDENCE:**
- a) The project includes application for development within 100 feet of environmentally sensitive habitat areas (ESHA). In accordance with the applicable policies of the Big Sur Coast Land Use Plan (LUP) and the Monterey County Zoning Ordinance (Title 20), a Coastal Development Permit is required and the criteria to grant said permit have been met.
 - b) Policies in Chapter 3.3 of the Big Sur Coast LUP are directed at maintaining, protecting, and where possible enhancing sensitive habitats. As designed and installed, the project is consistent with applicable policies regarding protection of habitat.
 - c) Due to the Basin Wildfire of 2008, which consumed most of the vegetation in the project area, no rare plants were found during field surveys, and no special-status animal species were observed within or adjacent to the project sites. However, the project limits (a 20 mile stretch of the Big Sur coast) include the known range of several special-status animals (e.g.; Smith's blue butterfly, condors, and the California red-legged frog) and contain a variety of sensitive habitats (e.g., Central Coast Scrub and Upland Redwood Forest). Therefore, Caltrans completed a biological survey to assess the project impacts.
 - d) Per the Caltrans No Effect Bio Memo (LIB130431), a Caltrans biologist conducted pre-construction surveys, and no work occurred in a live stream channel. Caltrans also hung debris nets above the ordinary plane of highwater and used erosion control measures, and no trees were removed during installation or removal of improvements.
 - e) Staff conducted site inspections on March 21 and November 5, 2013, to verify ESHA locations and potential project impacts to ESHA.
 - f) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project Files PLN120805 and PLN080421.

10. **FINDING:** **VIEWSHED** – The subject project minimizes development within the viewshed in accordance with the applicable goals and policies of the Big Sur Coast Land Use Plan and applicable zoning codes.

- EVIDENCE:**
- a) The project includes application for development within the Big Sur Critical Viewshed. In accordance with the applicable policies of the Big Sur Coast Land Use Plan and the Monterey County Zoning Ordinance (Title 20), a Coastal Development Permit is required and the criteria to grant said permit have been met.
 - b) Staff conducted site visits on March 21 and November 5, 2013, to assess the potential visual impacts of the project and to ensure consistency with applicable LUP policies. Key Policy 4.1.1 states that the County's objective is to maintain and enhance the highway's aesthetic beauty and to protect its primary function as a recreational route. Exceptions can be made to the Scenic Resources Key Policy if a project involves safety improvements to Highway 1 facilities, provided they are consistent with LUP Sections 4.1.1, 4.1.2, and 4.1.3. In addition, General Policy 4.1.2.1 provides for improvements to Highway 1 as long as they increase its service capacity and safety, consistent with its retention as a scenic two-lane road. The subject improvements are for public safety, and re-vegetation of the bluff faces has already obscured the visibility of the rock drapery systems.

- d) Staff conducted site inspections on March 21 and November 5, 2013, to verify that the project minimizes development within the viewshed or to identify methods to minimize the development.
- e) The project, as completed and conditioned, is consistent with policies of the Big Sur Coast Land Use Plan dealing with visual resources and will have no significant impact on the critical viewshed. The installed rock drapery systems are the minimum amount necessary to ensure safety for travelers along Highway 1.
- f) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project Files PLN120805 and PLN080421.

11. **FINDING:** **APPEALABILITY** - The decision on this project may be appealed to the Board of Supervisors and the California Coastal Commission.
- EVIDENCE:**
- a) Board of Supervisors: Section 20.86.030 of the Monterey County Zoning Ordinance (Title 20) allows an appeal to be made to the Board of Supervisors by any public agency or person aggrieved by a decision of an Appropriate Authority other than the Board of Supervisors.
 - b) California Coastal Commission: Sections 20.86.080.A.2 and A.3 of the Monterey County Zoning Ordinance (Title 20). The project is subject to appeal by/to the California Coastal Commission because it involves development within 100 feet of a stream and development that is permitted in the underlying zone as a conditional use.

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Zoning Administrator does hereby:

1. Find the project categorically exempt per CEQA Guidelines Section 15301(f); and
2. Approve a Follow-On Combined Development Permit consisting of a Coastal Development Permit and Design Approval to allow specific improvements authorized by Emergency Coastal Development Permit PLN080421 to remain as permanent installations including an approximately 160 foot long vehicle access road at post mile 35.56 (Slabs); vehicle access improvements to culvert inlet at post mile 35.84 (McWay); an approximately 187,000 square foot rockfall drapery system between post miles 39.6 and 39.7 (Torre Canyon); two approximately 8,000 square foot rockfall drapery systems installed between post miles 41.1 and 41.6 (Condor Point); raise existing redwood timber debris rack (bear trap) by approximately 10 feet over culvert at post mile 42.81 (Vineyard Canyon); and installation of redundant risers and minor drainage/access improvements at post miles 35.63 (Cheeks), 37.84 (Partington Creek), 40.88 (Lafler Canyon), 41.81 (Grimes Canyon), 44.05 (Mule Creek), and 47.73; a Coastal Development Permit to allow development on slopes exceeding 30 percent; a Coastal Development Permit to allow development within 100 feet of ESHA; and a Coastal Development Permit to allow development within the Big Sur Critical Viewshed; in general conformance with the attached location matrix and subject to the attached conditions, all being attached hereto and incorporated herein by reference.

PASSED AND ADOPTED this 12th day of December, 2013.

Jacqueline R. Onciano, Zoning Administrator

COPY OF THIS DECISION MAILED TO APPLICANT ON _____.

THIS APPLICATION IS APPEALABLE TO THE BOARD OF SUPERVISORS.

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK TO THE BOARD ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE _____.

THIS PROJECT IS LOCATED IN THE COASTAL ZONE AND IS APPEALABLE TO THE COASTAL COMMISSION. UPON RECEIPT OF NOTIFICATION OF THE FINAL LOCAL ACTION NOTICE (FLAN) STATING THE DECISION BY THE FINAL DECISION MAKING BODY, THE COMMISSION ESTABLISHES A 10 WORKING DAY APPEAL PERIOD. AN APPEAL FORM MUST BE FILED WITH THE COASTAL COMMISSION. FOR FURTHER INFORMATION, CONTACT THE COASTAL COMMISSION AT (831) 427-4863 OR AT 725 FRONT STREET, SUITE 300, SANTA CRUZ, CA.

This decision, if this is the final administrative decision, is subject to judicial review pursuant to California Code of Civil Procedure Sections 1094.5 and 1094.6. Any Petition for Writ of Mandate must be filed with the Court no later than the 90th day following the date on which this decision becomes final.

Monterey County Planning Department

DRAFT Condition of Approval Implementation Plan/Mitigation Monitoring Reporting Plan

PLN120805

1. PD001 - SPECIFIC USES ONLY

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: This Follow-On Combined Development Permit (PLN120805) allows specific improvements authorized by Emergency Coastal Development Permit PLN080421 to remain as permanent installations including: a) an approximately 160 foot long vehicle access road at post mile 35.56 (Slabs); b) a vehicle access improvements to culvert inlet at post mile 35.84 (McWay); c) an approximately 187,000 square foot rockfall drapery system between post miles 39.6 and 39.7 (Torre Canyon); d) two approximately 8,000 square foot rockfall drapery systems installed between post miles 41.1 and 41.6 (Condor Point); e) raise existing redwood timber debris rack (bear trap) by approximately 10 feet over culvert at post mile 42.81 (Vineyard Canyon); and f) installation of redundant risers and minor drainage/access improvements at post miles 35.63 (Cheeks), 37.84 (Partington Creek), 40.88 (Lafleur Canyon), 41.81 (Grimes Canyon), 44.05 (Mule Creek), and 47.73; development on slopes exceeding 30 percent; development within 100 feet of ESHA; and development within the Big Sur Critical Viewshed. The project sites are located at multiple locations between post-miles 35.56 and 47.73, Highway 1, Big Sur (Assessor's Parcel Numbers 420-021-022-000, 420-291-013-000, 420-201-013-000, 420-181-001-000, and 000-000-000-000), Big Sur Coast Land Use Plan, Coastal Zone. This permit was approved in accordance with County ordinances and land use regulations subject to the terms and conditions described in the project file. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of the RMA - Planning Department. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled. (RMA - Planning)

Compliance or Monitoring Action to be Performed: The Owner/Applicant shall adhere to conditions and uses specified in the permit on an ongoing basis unless otherwise stated.

2. PD002 - NOTICE PERMIT APPROVAL

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: The applicant shall record a Permit Approval Notice. This notice shall state: "A follow-on Combined Development Permit (Resolution Number 13 -) was approved by the Zoning Administrator for Assessor's Parcel Numbers 420-021-022-000, 420-181-001-000, 420-201-013-000, 420-291-013-000, and 000-000-000-000 on December 12, 2013. The permit was granted subject to three (3) conditions of approval which run with the land. A copy of the permit is on file with Monterey County RMA - Planning."

Proof of recordation of this notice shall be furnished to the Director of RMA - Planning within 60 days of approval. (RMA - Planning)

Compliance or Monitoring Action to be Performed: Within 60 days of approval, the Owner/Applicant shall provide proof of recordation of this notice to RMA - Planning.

3. PD003(A) - CULTURAL RESOURCES NEGATIVE ARCHAEOLOGICAL REPORT

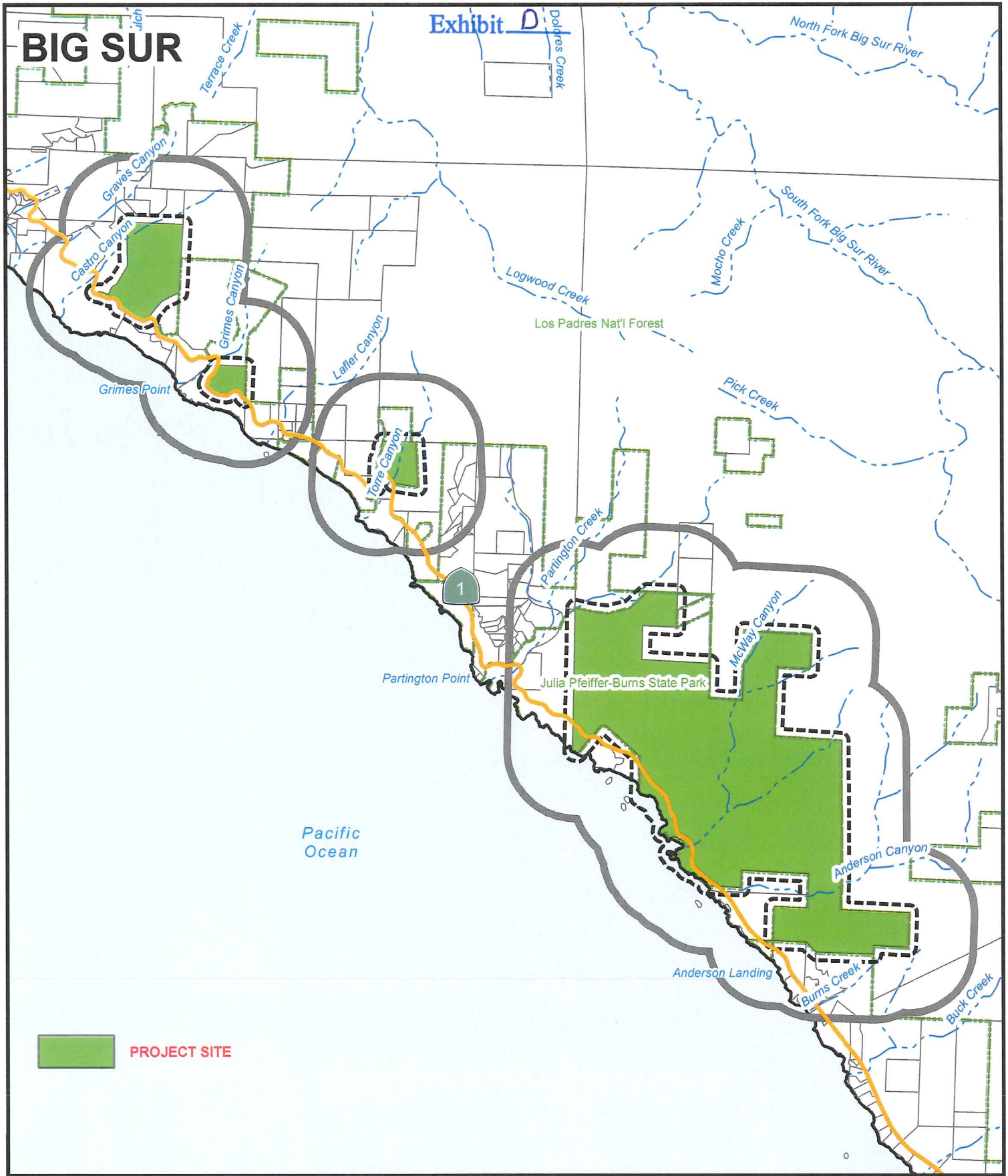
Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: If, during the course of construction, cultural, archaeological, historical or paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (165 feet) of the find until a qualified professional archaeologist can evaluate it. The Monterey County RMA - Planning Department and a qualified archaeologist (i.e., an archaeologist registered with the Register of Professional Archaeologists) shall be immediately contacted by the responsible individual present on-site. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for recovery. (RMA - Planning)

Compliance or Monitoring Action to be Performed: The Owner/Applicant shall adhere to this condition on an on-going basis.

LOCATION STATUS MATRIX
CALTRANS BASIN COMPLEX FIRE RESPONSE PROJECT LIST

Post-Mile	Name	Pre-Existing Development	Emergency Development/Use	Follow-Up Action
34.52	Dogs	24" culvert	temporary debris flow barrier; disposal site	None - Barrier Removed 2011
34.64	Joe's	30" culvert	temporary debris flow barrier	None - Barrier Removed 2011
35.49	Anderson	30" culvert; concrete spillway	temporary debris flow barrier	None - Barrier Removed 2011
35.56	Slabs	36" culvert; intercepting ditch	temporary debris flow barrier; access road improvements	Barrier Removed 2010 / PLN120805
35.63	Cheeks	none	berm, drainage & access improvements	PLN120805
35.84	McWay	7' x 8' concrete arch culvert	access road improvements	PLN120805
37.84	Partington Creek	36" culvert	install riser	PLN120805
39.6/39.7	Torre Canyon	cut slope	rockfall drapery system	PLN120805
40.33	Corral	none	temporary debris flow barrier	None - Barrier Removed 2010
40.4		cut slope	scale loose rock	None
40.5	Sycamore	none	temporary debris flow barrier	None - Barrier Removed 2010
40.88	Lafier Canyon	144" culvert	install riser/inlet manifold system ; disposal site	PLN120805
40.9/41.0	Old Faithful	cut slope	scale loose rock; restore catchment bench	None
41.1/41.6	Condor Pt.	rockfall chute	temporary fence barrier; rockfall drapery system	Barrier Removed 2009 / PLN120805
41.81	Grimes Canyon	72" culvert w/72" pipe riser	temporary debris flow barrier; install redundant riser ; disposal site	Barrier Removed 2013 / PLN120805
42.81	Vineyard Canyon	48" culvert; debris rack	maintenance of access road; raise debris rack ; disposal site	PLN120805
43.55	Graves Creek	60" culvert; debris rack	temporary debris flow barrier	None - Barrier Removed 2013
44.05	Mule Creek	48" culvert	install redundant riser	PLN120805
47.73		18" culvert	extend culvert outlet by ~ 10'	PLN120805
47.5 - 47.8	St. Francis	access road	800' of temporary K-railing; temporary fence barrier; scale loose rock	None - Barrier/Railing Removed 2013
48.63	Phenegar Creek	84" culvert	maintenance of access	None
50.06		66" culvert	temporary debris flow barrier	None - Barrier Removed 2011
50.2		48" culvert	temporary debris flow barrier	None - Barrier Removed 2011
	EL Sur Ranch		disposal site	None
	Old Coast Road		multiple disposal sites	None
/// END ///				

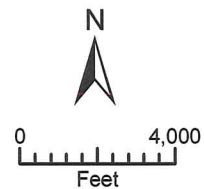


APPLICANT: STATE OF CAL (CALTRANS)

APN: 420-021-022-000M

FILE # PLN120805

2500' Limit 300' Limit Water City Limits



PLANNER: ROBINSON

Exhibit D

Action by Land Use Advisory Committee Project Referral Sheet

Monterey County Planning Department
168 W Alisal St 2nd Floor
Salinas CA 93901
(831) 755-5025

Advisory Committee: **Big Sur**

Please submit your recommendations for this application by: **March 26, 2013**

Project Title: STATE OF CALIFORNIA (CALTRANS)

File Number: PLN120805

File Type: PC

Planner: ROBINSON

Location: HWY 1 BETWEEN POST MILES 35.56 & 42.81 BIG SUR

Project Description:

Coastal Development Permit and Design Approval to allow specific improvements authorized by Emergency Coastal Development Permit PLN080421 to remain as permanent installations including: 1) approximately 500 foot long vehicle access road at post mile 35.56; 2) vehicle access to culvert inlet at post mile 35.84; 3) one approximately 187,000 square foot rockfall drapery system between post miles 39.6 and 39.7; 4) two approximately 8,000 square foot rockfall drapery systems installed between post miles 41.1 and 41.5; and 5) raise existing redwood timber debris rack (bear trap) by approximately 10 feet over culvert at post mile 42.81. The project is located at multiple locations between post-miles 35.56 and 42.81, Highway 1, Big Sur (Assessor's Parcel Numbers 420-021-022-000, 420-291-013-000, 420-201-013-000 and 420-181-001-000), Big Sur Coast Land Use Plan, Coastal Zone.

Was the Owner/Applicant/Representative Present at Meeting? Yes X No _____

Was a County Staff/Representative present at meeting? _____ Joe Sidor _____ (Name)

PUBLIC COMMENT:

Name	Site Neighbor?		Issues / Concerns (suggested changes)
	YES	NO	
Frank Hathwawy – Torre Canyon	X		In full support of leaving the rockfall drapery

LUAC AREAS OF CONCERN

Concerns / Issues (e.g. site layout, neighborhood compatibility; visual impact, etc)	Policy/Ordinance Reference (If Known)	Suggested Changes - to address concerns (e.g. relocate; reduce height; move road access, etc)

ADDITIONAL LUAC COMMENTS

None

RECOMMENDATION :

Motion by: Richard Ravich (LUAC Member's Name)

Second by: Mary Trotter (LUAC Member's Name)

☒ Support Project as proposed

☐ Recommend Changes (as noted above)

☐ Continue the Item

Reason for Continuance: _____

Continued to what date: _____

AYES: Richard Ravich, Mary Trotter, David Smiley and Dan Priano

NOES: 0

ABSENT: Steve Beck and Brian Lyke

ABSTAIN: 0

MONTEREY COUNTY

PLANNING DEPARTMENT

168 W. Alisal St. 2nd Floor Salinas CA 93901

(831) 755-5025 FAX: (831) 757-9516



NOTICE OF ISSUANCE OF AN EMERGENCY COASTAL DEVELOPMENT PERMIT (COASTAL ZONE)

PROPERTY OWNER: Multiple (Primary – Caltrans)

REPRESENTATIVE: Gary Ruggerrone, Caltrans District 5

PROJECT DESCRIPTION: General Emergency Permit to allow the installation of devices in order to provide protection for structures, property, and vehicles from the threat of debris flows and rock fall resulting from the 2008 Basin Complex Fire. The devices include debris flow barriers, rockfall draperies, and rock fence barriers along a 20-mile section of Highway 1 in Big Sur. This permit will also allow grading for vehicle and equipment access, and the implementation of select disposal and material management sites.

PROJECT ADDRESS: Multiple locations between post-miles 30.18 and 50.20, Highway 1, Big Sur

APNs: Multiple

ISSUANCE DATE: April 9, 2009

FILE #: PLN080421

NOTICE AND CAUSE OF EMERGENCY: Pursuant to Chapter 20.79 of the Monterey County Coastal Implementation Plan (Part 1) the property owner has requested an Emergency Coastal Permit to allow installation of various erosion control devices along Highway 1 to prevent debris from closing the highway and/or injuring passing motorists, to allow grading for vehicle and equipment access, and to allow the use of disposal and material management sites for erosion debris. The purpose of Chapter 20.79, *Emergency Permits*, is to provide a means whereby development normally requiring discretionary approvals under this Title may be considered without the normally required public hearing processes to meet an emergency situation. The situation demands immediate action to prevent or mitigate circumstances that are detrimental to the safety, comfort, and general welfare of the persons occupying and working on the property.

This project is statutorily exempt under 15269(b) of the CEQA Guidelines. This Administrative decision is appealable to the Monterey County Board of Supervisors and the California Coastal Commission pursuant to Sections 20.79.050.E, 20.86.030.A, and 20.86.080.A of the Monterey County Coastal Implementation Plan (Part 1). Project description and location information is attached. The proposed repair and safety work will occur along Highway 1, approximately between post-miles 30.18 and 50.20, Big Sur, Coastal Zone.

I. FINDINGS OF FACT

1. **FINDING:** An emergency situation exists which requires more expeditious action than the normal discretionary permit procedure.

EVIDENCE:

- a) The 2008 Basin Complex Wildfire burned approximately 160,000 acres across numerous watersheds (Big Sur, Little Sur, etc...). This wildfire represented one of the largest fire events in California history. Based on post-fire assessments by state and federal teams, the fire resulted in moderate to high soil burn damage to approximately sixty percent of the area (over 96,000 acres). This level of damage has resulted in a significant increase in the potential for in-channel floods, hyper-concentrated floods, debris torrents, mud-sliding, debris flows, and rockfall. A situation exists that increases the potential for loss of life and property, and an increased level of erosion debris that will require disposal and material management sites in the immediate vicinity to prevent over-extension of Caltrans resources.
- b) Caltrans submitted the original Emergency Notification Form (ENF) on August 27, 2008, notifying the County of Monterey that an emergency situation exists. Caltrans has submitted ENF updates clarifying the scope of work at specific project sites, the latest update dated March 3, 2009 (**Exhibit B**). The County concurs with the Caltrans ENF and considers this a public emergency. If allowed to persist, this situation could result in a serious risk to the current residents, tourists, and public facilities. The potential slides and debris flows would be detrimental to the safety, health, and general welfare of the County.
- c) The project area is located between post-miles 30.18 and 50.20, Highway 1, Big Sur, Coastal Zone. The proposed erosion control measures will be primarily located within the Caltrans right-of-way along Highway 1 (no Assessor's Parcel Number assigned).
- d) Site visits by the project planner on September 26 and November 6, 2008.
- e) Site visits and reports prepared by State Emergency Assessment Team (SEAT), US Forest Service Burn Area Emergency Report (BAER), NRCS, Monterey County Public Works, Planning Department, and Building Services Department from July 2008 through March 2009.
- f) Correspondence between the Planning Department, Caltrans, California Department of Fish and Game (DFG), Monterey Bay National Marine Sanctuary,

California Coastal Commission (Coastal Commission), and other state and federal agencies.

- g) This approval from Monterey County does not supersede permit authority from other agencies. Condition No. 5 requires the applicant to notify agencies of this permit and obtain any additional permits deemed necessary.
 - h) The Coastal Commission staff concurs with the County's determination that an emergency exists, based on numerous telephone conversations between August, 2008, and March 2009, and a site visit which included Coastal Commission staff on November 6, 2008.
 - i) Plans and materials contained in project file PLN080421.
2. **FINDING:** The work authorized by the Emergency Permit is the minimum amount of work required to mitigate the emergency situation.

EVIDENCE:

- a) This Emergency Permit authorizes the installation of various devices (e.g.; debris flow barriers, rockfall draperies, and rock fence barriers) along a 20-mile section of Highway 1, Big Sur (APN 000-000-000-000), in order to alleviate/lessen the potential for injuries to motorists and/or highway closures (**Exhibit C**). This Emergency Permit also authorizes the grading for vehicle and equipment access, and the implementation of six temporary disposal and material management sites (see **Exhibit D** for a detailed description of the disposal and material management sites, and the maximum allowed disposal volumes). The disposal and material management sites allowed under this permit are Dogs (PM 34.52), Lafler Canyon (PM 40.88), Grimes Canyon (PM 41.81), Vineyard Canyon (PM 42.81), the El Sur Ranch (PM 56.0 and Assessor's Parcel Number 159-011-008-000), and the Old Coast Road (PM 52.0, PM 59.51). Widened areas along Old Coast Road will be used to stockpile debris materials for future repair and maintenance of the road by the County of Monterey Public Works Department. Due to its close proximity to the burn area, the El Sur Ranch site will be used in order to reduce truck hauling impacts by Caltrans along Highway 1, and to conserve resources. All debris materials deposited on the El Sur Ranch will be used by either Caltrans or the El Sur Ranch. No commercial use of the materials is allowed by this permit, excluding temporary arrangements between El Sur Ranch and Caltrans. No other development is allowed under this Emergency Coastal Permit (Condition No. 1). Detailed descriptions of the installation sites for the erosion control devices are at **Exhibit C**. These devices are intended to be temporary, and will be removed per Condition No. 3. This permit allows the stanchions to be left in place permanently.
- b) As identified in Condition No. 4, follow-up permits may be required pursuant to Section 20.79 (Title 20) because there may be issues that require consideration through a permanent or follow-up permit. The review and determination shall be consistent with the Monterey County Zoning Ordinance Title 20 (Part 1) and the Coastal Commission's letter "Repair, Maintenance and Utility Hook-Up Exclusions from Permit Requirements" dated September 5, 1978.

- c) The following disposal and material management sites are not permitted by this Emergency Permit: Corral (PM 40.33), Sycamore (PM 40.50), the Point Sur Naval Facility, Willow Creek (PM 11.75), Big Slide (PM 22.0), and Grey Slip (PM 6.8). The Corral, Sycamore, and Point Sur Naval Facility sites are located on current or former federal lands, and will be reviewed by the Coastal Commission for permit action. Monterey County, in coordination with the Coastal Commission and Caltrans, will process separate permit actions as required for Willow Creek, Big Slide, and Grey Slip.
- d) The following site was found to be unsuitable for use as a disposal site: Cheeks (PM 35.63).
- e) Site visits by project planner on September 26 and November 6, 2008.
- f) Plans and materials contained in Project File PLN080421.

3. **FINDING:** The work authorized by the Emergency Permit is consistent with the provisions of the applicable Monterey County Local Coastal Program.

EVIDENCE:

- a) Monterey County Resource Management Agency-Planning Department staff has reviewed the proposed installation of erosion control devices and implementation of disposal and material management sites, and has incorporated appropriate conditions that provide resource and environmental protection consistent with Coastal Zone policies contained in the Big Sur Coast Land Use Plan.
- b) The scope of work identified by this Emergency Permit shall avoid the ocean waters of the Monterey Bay National Marine Sanctuary and utilize best management practices for the installation and maintenance of devices. Under no circumstances is direct ocean disposal of debris material allowed. Disposal activities at the designated locations shall mimic natural landslide processes where possible.
- c) This emergency permit shall be granted for the 2008/09 and 2009/10 Winter Seasons from October 15, 2008 to April 15, 2010. Installed devices may be retained in-place until June 30, 2010 (Condition No. 3). Caltrans may request an extension pursuant to Monterey County Code Section 20.79.100.
- d) Site visits by the project planner on September 26 and November 6, 2008.
- e) Plans and materials contained in Project File PLN080421.

4. **FINDING:** The establishment, maintenance or operation of the use or structures approved by the Emergency Permit will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of such approved use, or, be detrimental or injurious to property and improvement in the neighborhood, or to the general welfare of the County.

EVIDENCE:

- a) The project was reviewed by the Planning Department, Water Resources Agency, Environmental Health Division, and Public Works Department. The respective

departments and agencies have recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working on the property or in the neighborhood.

- b) Findings and Evidence 1, 2, and 3 above; and conditions of approval for this Emergency Permit.
- c) Plans and materials contained in Project File PLN080421.

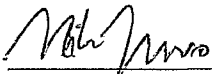
5. **FINDING:** This emergency activity is exempt from the requirements of the California Environmental Quality Act (CEQA).

EVIDENCE:

- a) Section 15269(b) of CEQA statutorily exempts emergency repairs to publicly or privately owned service facilities necessary to maintain service essential to the public health, safety or welfare.
- b) The work authorized by this Emergency Permit allows installation of various erosion control devices (e.g.; debris flow barriers, rockfall draperies, and rock fence barriers) along a 20-mile section of Highway 1, Big Sur, to alleviate/lessen the potential for injuries to motorists and/or highway closures. It also allows limited grading for the purpose of vehicle and equipment access to project sites, and implementation of select disposal and material management sites.
- c) No potential adverse environmental effects were identified during staff review of the development application and during a site visits on September 26 and November 6, 2008.
- d) Finding and Evidence No. 1.
- e) Plans and materials contained in Project File PLN080421.

II. DECISION OF THE ZONING ADMINISTRATOR

Based on these facts, the Monterey County Zoning Administrator hereby grants an Emergency Permit subject to conditions contained in **Exhibit A**, attached hereto and incorporated herein by reference. **Exhibits B through D** are also attached hereto and incorporated herein by reference.



Mike Novo, Zoning Administrator
April 9, 2009

Attachments:	Exhibit A	Conditions of Approval
	Exhibit B	Caltrans ENF (dated March 3, 2009)
	Exhibit C	Caltrans Basin Complex Fire Response Project List (dated February 23, 2009)
	Exhibit D	Caltrans Basin Complex Fire Material Management Plan and Material Management Site/Location Descriptions (dated February 24, 2009)

PLN080421 (CALTRANS)

Note: You may need a building and/or grading permits and must comply with the Monterey County Building ordinance in every respect. Do not start any construction until you have obtained the necessary permits and use clearances from the Monterey County Building Department.

cc: Zoning Administrator; California Coastal Commission; Division of Environmental Health; Water Resources Agency; Public Works Department; Building Services Department; Big Sur Volunteer Fire Brigade; Mid-Coast Fire Brigade; California Department of Forestry and Fire Protection (CAL-FIRE); California Department of Fish and Game; Monterey Bay National Marine Sanctuary; Regional Water Quality Control Board; U.S. Fish and Wildlife Service; National Marine Fisheries Service; El Sur Ranch; Caltrans District 5, Applicant; Laura Lawrence, Planning Services Manager; Carl Holm, Assistant Director of Planning; Joseph Sidor, Planner; Project File PLN080421.

EXHIBIT A Monterey County Resource Management Agency Planning Department Condition Compliance Reporting Plan	Project Name: Caltrans File No.: PLN080421 APN: 000-000-000-000 Approved by: Zoning Administrator Date: April 9, 2009
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**Monitoring or Reporting refers to projects with an EIR or adopted Mitigated Negative Declaration per Section 21081.6 of the Public Resources Code.*

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verifica- tion of Compli- ance (name/ date)
1.		PD001 - SPECIFIC USES ONLY This Emergency Coastal Permit (PLN080421) allows the installation of erosion control devices at 25 project sites along Highway 1. The project sites are located between post-miles 30.18 and 50.2, Big Sur (Assessor's Parcel Number 000-000-000-000), Big Sur Land Use Plan. In addition, this Emergency Coastal Permit allows grading for the purpose of vehicle and equipment access to project sites, and implementation of six disposal and material management sites. This permit was approved in accordance with County ordinances and land use regulations subject to the following terms and conditions. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of the RMA - Planning Department. Any use or construction not in substantial conformance with the terms	Adhere to conditions and uses specified in the permit.	Owner/ Applicant	Ongoing unless otherwise stated	

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verifica- tion of Compli- ance (name/ date)</i>
		and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled. (RMA - Planning Department)				
2.		PD002 - NOTICE-PERMIT APPROVAL The applicant shall record a notice which states: "A permit (Resolution PLN080421) was approved by the Zoning Administrator for Assessor's Parcel Number 000-000-000-000 on April 9, 2009. The permit was granted subject to six (6) conditions of approval which run with the land. A copy of the permit is on file with the Monterey County RMA - Planning Department." Proof of recordation of this notice shall be furnished to the Director of the RMA - Planning Department prior to issuance of building permits or commencement of the use. (RMA - Planning Department)	Proof of recordation of this notice shall be furnished to the RMA - Planning Department.	Owner/ Applicant	Prior to the issuance of well permit or commence -ment of use.	

PLN080421 (CALTRANS)

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verifica- tion of Compli- ance (name/ date)</i>
3.		PD032 - PERMIT TIME/YEAR & DATE The permit shall be granted for the 2008/09 and 2009/10 Winter Seasons from October 15, 2008 to April 15, 2010. Installed devices may be retained in-place until June 30, 2010. (RMA – Planning Department)	None	Owner/ Applicant	As stated in the conditions of approval.	
4.		PDSP01 – PERMANENT PERMIT APPLICATIONS (NON-STANDARD) Within sixty (60) days of the issuance of this permit, the applicant shall submit an application for a Coastal Administrative Permit, pursuant to Section 20.76.050.D and/or Coastal Development Permit, pursuant to Section 20.70.050.C of the Monterey County Zoning Ordinance Part 1 (Title 20) for the permanent rockfall drapery systems installed at PMs 39.6/39.7 and 41.1/41.5 and permanent vehicle accessways constructed at PMs 35.56, 36.82, and 42.81 by Caltrans under this emergency permit. Near the end of the life of this permit, the County planning staff shall consult with Coastal Commission staff to determine which of the temporary measures and disposal sites will require follow-up regular coastal development permits to recognize the activities, including the addressing of impacts that may have occurred under this emergency permit. (RMA – Planning Department)	Caltrans shall submit an application(s) within 60 days of issuance of the emergency permit for a Coastal Administrative Permit and/or Coastal Development Permit, as applicable, unless waived in writing to include findings by the Director of Planning. If more than 60 days is needed, the applicant shall submit a letter of justification with evidence and expected date of compliance. The RMA-Planning Department shall consult with the California Coastal Commission staff by April 15, 2010, to determine follow-up permit needs for all temporary erosion control devices and disposal sites.	Owner / Applicant	Within 60 days of issuance of this permit or as soon as feasible per the condition.	
5.		PDSP002 - OTHER AGENCY PERMITS (NON-STANDARD) If applicable, provide notice to the following agencies: a. California Coastal Commission	Contact and obtain required clearances and/or permits from the appropriate agencies for the proposed project.	Owner / Applicant	Within 60 days of issuance of permit.	

PLN080421 (CALTRANS)

Permit Cond. Number	Mitig. Number	Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department	Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
		<p>b. Monterey County Water Resources Agency</p> <p>c. Regional Water Quality Control Board (RWQCB)</p> <p>d. U.S. Army Corps of Engineers/ACOE</p> <p>e. California Department of Fish & Game (DFG)</p> <p>f. U.S. Fish and Wildlife Service (USFWS)</p> <p>g. NOAA, Monterey Bay National Marine Sanctuary (MBNMS)</p> <p>h. NOAA, National Marine Fisheries Service (NMFS)</p> <p>Obtain any permits deemed necessary by these agencies.</p> <p>(RMA-Planning Department)</p>	<p>Submit evidence to the RMA-Planning Department that clearance and/or permits have been obtained.</p>			
6.		<p>PDSP003 – PERIODIC UPDATES (NON-STANDARD)</p> <p>Caltrans shall submit consolidated reports on a quarterly basis, beginning on April 30, 2009, for the quarter ending March 31, 2009. The reports shall identify the quarterly and cumulative debris volumes deposited at each disposal and/or material management location.</p> <p>In addition, the quarterly reports shall include the results of monitoring conducted once per quarter. At a minimum, the reports shall identify debris movement (if any), describe rainfall/weather activity during the monitoring period, provide photo documentation of the disposal sites and downslope areas, describe known or potential impacts to sensitive plant and animal species and protected habitats, and identify any necessary</p>	<p>Submit quarterly reports which identify the volume of debris materials deposited at each disposal and/or material management location to the RMA-Planning Department, the Executive Director of the California Coastal Commission (Central Coast District Office), and the Permit Coordinator at the Monterey Bay National Marine Sanctuary for review and approval.</p>	Owner / Applicant	<p>Quarterly, by location, for the duration of the permit. On April 30, 2009; July 31, 2009; October 31, 2009; January 31, 2010; April 30, 2010; and</p>	

PLN080421 (CALTRANS)

<i>Permit Cond. Number</i>	<i>Mitig. Number</i>	<i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i>	<i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verifica- tion of Compli- ance (name/ date)</i>
		restoration actions developed in coordination with the Monterey County RMA-Planning Department, California Coastal Commission staff, the Monterey Bay National Marine Sanctuary (MBNMS), and the California Department of Fish and Game. Specific monitoring protocols shall be developed by Caltrans in coordination with the MBNMS staff, the Monterey County RMA-Planning Department, and the California Coastal Commission staff, and described in each report. (RMA-Planning Department)			July 31, 2010.	

END OF CONDITIONS

PLN080421 (CALTRANS)