

MONTEREY COUNTY ZONING ADMINISTRATOR

Meeting: December 12, 2013 Time: 1:40 P.M.		Agenda Item No.: 2
Project Description: Consider a follow-on Combined Development Permit related to a previously approved Emergency Coastal Development Permit (PLN110369) consisting of: 1) a Coastal Development Permit and Design Approval to allow the construction of an approximately 314 foot long by 36 foot high retaining wall, including reconstruction of the southbound lane and shoulder of Highway 1 and grading (approximately 2,500 cubic yards of cut and 2,500 cubic yards of fill); 2) a Coastal Development Permit to allow development on slope exceeding 30 percent; and 3) a Coastal Development Permit to allow development within the Big Sur Critical Viewshed.		
Project Location: State Highway 1, between post-miles 21.5 and 21.6, Big Sur South Coast		APN: 000-000-000-000
Planning File Number: PLN130443		Owner/Applicant/Agent: Cecilia Boudreau, Caltrans, District 5
Planning Area: Big Sur Coast Land Use Plan		Flagged and staked: No
Zoning Designation: Unclassified (State Highway 1 right-of-way)		
CEQA Action: Consider an addendum to a previously-certified EIR (LIB080563; Pitkins Curve Final EIR; PLN080218) per CEQA Guidelines Section 15164.		
Department: RMA - Planning		

RECOMMENDATION:

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

- 1) Consider an addendum (**Exhibit F**) to previously-certified EIR per CEQA Guidelines Section 15164; and
- 2) Approve PLN130443, based on the findings and evidence and subject to the conditions of approval (**Exhibit C**).

PROJECT OVERVIEW:

Per the conditions of approval for the Emergency Coastal Development Permit (PLN110369), the Applicant has applied for a follow-on Combined Development Permit for the construction of an approximately 314 foot long by 36 foot high retaining wall between post-miles 21.5 and 21.6, including reconstruction of the southbound lane and shoulder of Highway 1, and associated grading. The construction of the retaining wall also involved development on slopes exceeding 30 percent and development within the Big Sur Critical Viewshed. See **Exhibit B** for a more detailed discussion of the project.

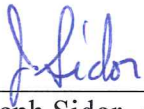
OTHER AGENCY INVOLVEMENT: The following agencies and departments reviewed this project:

- RMA - Public Works
- Environmental Health Bureau
- Water Resources Agency
- CALFIRE Coastal
- 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 South Coast Land Use Advisory Committee (LUAC) for review. The LUAC, at a public meeting held on September 24, 2013, recommended approval of the project (**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 27, 2013

cc: Front Counter Copy; Zoning Administrator; CALFIRE Coastal; RMA - Public Works; Environmental Health Bureau; Water Resources Agency; California Coastal Commission; Laura Lawrence, Planning Services Manager; Joseph Sidor, Project Planner; Caltrans, District 5 (Cecilia Boudreau), Owner/Applicant/Agent; The Open Monterey Project; Land Watch; Planning File PLN130443

Attachments:	Exhibit A	Project Data Sheet
	Exhibit B	Project Discussion
	Exhibit C	Draft Resolution, including: <ul style="list-style-type: none">• Conditions of Approval• Site Plan
	Exhibit D	Vicinity Map
	Exhibit E	Advisory Committee Minutes (South Coast LUAC)
	Exhibit F	Addendum to Pitkins Curve Final EIR (LIB080563)
	Exhibit G	ECDP Resolution No. PLN110369
	Exhibit H	Pitkins Curve Final EIR (LIB080563 is on file with RMA – Planning and is available electronically at https://aca.accela.com/monterey/Default.aspx)


This report was reviewed by Delinda Robinson, Senior Planner.

EXHIBIT A

Project Information for PLN130443

Application Name: California Department Of Transportation (Pitkins Retaining Wall)

Location: Highway 1, between post-miles 21.5 and 21.6

Applicable Plan: Big Sur Coast LUP

Primary APN: 000-000-000-000

Advisory Committee: South Coast LUAC

Coastal Zone: Yes

Permit Type: Combined Development Permit

Final Action Deadline (884): 11/19/2013

Environmental Status: Addendum

Zoning: Unclassified

Land Use Designation: Unclassified

Project Site Data:

Lot Size: N/A

Coverage Allowed: N/A

Existing Structures (sf): N/A

Coverage Proposed: N/A

Proposed Structures (sf): N/A

Height Allowed: N/A

Total Sq. Ft.: N/A

Height Proposed: N/A

FAR Allowed: N/A

Special Setbacks on Parcel:

FAR Proposed: N/A

Resource Zones and Reports:

Seismic Hazard Zone: Unstable Upland

Soils Report #: N/A

Erosion Hazard Zone: High

Biological Report #: LIB130419

Fire Hazard Zone: High

Forest Management Rpt. #: N/A

Flood Hazard Zone: N/A

Geologic Report #: N/A

Archaeological Sensitivity: High

Archaeological Report #: LIB130418

Visual Sensitivity: Big Sur Critical Viewshed

Traffic Report #: N/A

Other Information:

Water Source: N/A

Grading (cubic yds.): 5000

Water Purveyor: N/A

Sewage Disposal (method): N/A

Fire District: CALFIRE Coastal

Sewer District Name: N/A

Tree Removal: N/A

EXHIBIT B DISCUSSION

Project Description

Per the conditions of approval for the Emergency Coastal Development Permit (PLN110369), the Applicant has applied for a follow-on Combined Development Permit for the construction of an approximately 314 foot long by 36 foot high retaining wall between post-miles 21.5 and 21.6, including reconstruction of the southbound lane and shoulder of Highway 1, and associated grading. The construction of the retaining wall also involved development on slopes exceeding 30 percent and development within the Big Sur Critical Viewshed.

The County issued an Emergency Coastal Development Permit (ECDP) (**Exhibit G**), County Planning File No. PLN110369, on July 14, 2011. The ECDP was issued in response to substantial rainfall in Big Sur during the winter of 2011, which caused a section of the highway embankment to crack and vertically shift. The embankment failure and landslide at this location resulted in the loss of the southbound lane. The construction of the retaining wall was essential to stabilize the embankment and restore through access on the highway.

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 of an approximately 314 foot long by 36 foot high retaining wall between post-miles 21.5 and 21.6, including reconstruction of the southbound lane and shoulder of Highway 1, and associated grading. 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. No special conditions regarding development on slope are required for this project.

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 a site visit November 5, 2013, to assess the visual impacts of the project and to ensure consistency with applicable LUP policies. In addition, Caltrans prepared a Visual Impact Assessment Revalidation (LIB130420) that determined the visible components of the retaining wall would be minor and not contribute to an adverse cumulative effect. LUP 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. 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. Section 20.145.030.B.3.a of the Big Sur Coastal Implementation Plan lists exceptions for development in the critical viewshed. It states that road capacity, safety and aesthetic improvements shall be allowed for Highway 1 facilities. This is a follow-on permit to an emergency coastal development permit to construct a retaining wall and reconstruct portions of the southbound lane and shoulder of Highway 1 that were damaged from heavy rains. This project is directly related to the safety and improvement of Highway 1, and falls under the exceptions for development in the critical viewshed.

Furthermore, the retaining wall was designed to match the colors and materials of the Pitkins Curve Bridge, which received extensive community input. The community desired visual consistency between the retaining wall, bridge and rockshed. Visibility of the retaining wall will be primarily from the roadway, and off-road views are limited by topography, distance, and/or

view-angle. These impacts are identified in the Visual Impact Assessment Revalidation (LIB130420) and the Pitkins Curve EIR (LIB080563).

Environmental Review

The County authorized the work under an Emergency Coastal Development Permit (Planning File No. PLN110369), approved on July 14, 2011, and deemed the emergency work allowed and completed under PLN110369 statutorily exempt under CEQA Guidelines Section 15269(c). For PLN130443, Caltrans, as Lead Agency, prepared an Addendum (**Exhibit F**) to the Pitkins Curve Bridge and Rockshed project (County Planning File No. PLN080218) Final EIR (LIB080563), pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15164. The County, as Responsible Agency for the Pitkins Curve Bridge and Rockshed project, considered the Final EIR at a duly noticed public hearing held on March 25, 2009. The County adopted findings with regard to identified significant environmental effects and adopted a Statement of Overriding Considerations for the rockshed portion of the development. In the County's independent judgment and analysis, there are no changes which would necessitate additional environmental review by the County of Monterey or new information that would require major revisions to the adopted EIR. No unresolved issues remain.

Recommendation

Staff recommends the Zoning Administrator consider an addendum (**Exhibit F**) to previously-certified EIR per CEQA Guidelines Section 15164, and approve the follow-on Combined Development Permit (PLN130443), 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 (PITKINS RETAINING WALL) (PLN130443)

RESOLUTION NO. 13 -

Resolution by the Monterey County Zoning
Administrator:

- 1) Considering an addendum to a previously certified EIR; and
- 2) Approving a follow-on Combined Development Permit related to a previously approved Emergency Coastal Development Permit (PLN110369) consisting of a Coastal Development Permit and Design Approval to allow the construction of an approximately 314 foot long by 36 foot high retaining wall, including reconstruction of the southbound lane and shoulder of Highway 1 and grading (approximately 2,500 cubic yards of cut and 2,500 cubic yards of fill); a Coastal Development Permit to allow development on slope exceeding 30 percent; and a Coastal Development Permit to allow development within the Big Sur Critical Viewshed.

[PLN130443, Caltrans District 5, State Highway 1 between post-miles 21.5 and 21.6, Big Sur Coast Land Use Plan (APN: 000-000-000-000)]

The CALTRANS (Pitkins Retaining Wall) application (PLN130443) 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 related to a previously approved Emergency Coastal Development Permit (PLN110369) consisting of a Coastal Development Permit and Design Approval to allow the construction of an approximately 314 foot long by 36 foot high retaining wall, including reconstruction of the southbound lane and shoulder of Highway 1 and grading (approximately 2,500 cubic yards of cut and 2,500 cubic yards of fill); a Coastal Development Permit to allow development on slope exceeding 30 percent; 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 File PLN130443.
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 site is located within the State Highway 1 right-of-way, between post-miles 21.5 and 21.6 (Assessor's Parcel Number 000-000-000-000), Big Sur Coast Land Use Plan. The project site includes the roadway for Highway 1 and the adjacent embankment. Therefore, the project is an allowed land use for this site.
 - c) Visual Resources/Big Sur Critical Viewshed: See Finding No. 8.
 - d) Slope Exceeding 30 Percent: See Finding No. 9.
 - e) Archaeological/Cultural Resources: County records identify that the project site is within an area of high sensitivity for prehistoric cultural resources. An archaeological survey (LIB130418) prepared for the project site concluded that no archaeological resources were present within or adjacent to the project site.
 - f) Biological Resources/Environmentally Sensitive Habitat: Caltrans prepared a biological survey (LIB130419) for the project site which concluded that no sensitive biological resources were present within or adjacent to the project site.
 - g) The project planner conducted a site inspection on November 5, 2013 to verify that the project on the subject parcel conforms to the plans listed above.
 - h) The project was referred to the South Coast 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 and development requiring CEQA review. The LUAC, at a public meeting held on September 24, 2013, recommended approval of the project.
 - 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 File PLN130443.

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, 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, and Visual Resources. The following reports have been prepared:
 - Cultural Resources Clearance Memo (LIB130418) prepared by Krista Kiaha, Caltrans Archaeologist, San Luis Obispo, California, July 5, 2011.
 - Biological Re-Evaluation (LIB130419) prepared by Lisa Schicker, Caltrans Biologist, San Luis Obispo, California, August 4, 2011.
 - Visual Impact Assessment Revalidation (LIB130420) prepared by Robert Carr, Caltrans Landscape Architect, San Luis Obispo, California, July 12, 2011.
- The above-mentioned technical reports, prepared by qualified Caltrans staff, indicated that there are no physical or environmental constraints that would indicate that the site is not suitable for the use proposed. County staff has independently reviewed these reports and concurs with their conclusions.
- c) Staff conducted a site inspection on 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 File PLN130443.
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 RMA - Planning, CALFIRE Coastal, 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 the construction authorized and completed under Emergency Coastal Development Permit (ECDP) PLN110369. The construction of the retaining wall, and the reconstruction of the southbound shoulder and lane of Highway 1, was necessary to maintain service essential to the public health, safety, and welfare.
 - c) Staff conducted a site inspection on 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 File PLN130443.

5. **FINDING:** **NO VIOLATIONS** - The subject property is 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 property.

- EVIDENCE:**
- a) Staff reviewed Monterey County RMA - Planning and Building Services records and is not aware of any violations existing on subject property.
 - b) Staff conducted a site inspection on November 5, 2013 and researched County records to assess if any violation exists on the subject property.
 - c) There are no known violations on the subject parcel.
 - 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 File PLN130443.

6. **FINDING:** **CEQA (Addendum):** - An Addendum to a previously certified EIR was prepared pursuant to Code of Regulations, Title 14, Section 15164, to reflect changes or additions in the project that do not cause substantial changes or new information that would require major revisions to the adopted EIR. The County, as the decision-making body of a Responsible Agency, hereby confirms that it reviewed and considered the information contained in the Lead Agency's Addendum prior to acting upon or approving the project.

- EVIDENCE:**
- a) Caltrans, as Lead Agency, prepared an EIR (SCH#2003111016) (LIB080563) for the Pitkins Curve Bridge and Rockshed project (County Planning File No. PLN080218), and certified the Final EIR on October 16, 2006. The EIR environmental study area and analysis of potential impacts (post-miles 23.3 to 23.6) included the retaining wall project site area.
 - b) The County (Monterey County Planning Commission), as Responsible Agency for the Pitkins Curve Bridge and Rockshed project, considered the FEIR at a duly noticed public hearing held on March 25, 2009. The County adopted findings with regard to identified significant environmental effects and adopted a Statement of Overriding Considerations for the rockshed portion of the development. The materials upon which the County's decision is based are located in County Planning File No. PLN080218, RMA – Planning, 168 W. Alisal Street, 2nd Floor, Salinas, CA.
 - c) Pursuant to CEQA Guidelines Section 15269(c), the County statutorily exempted the emergency development of the retaining wall (County Planning File No. PLN110369).
 - d) Pursuant to Section 15164 of the CEQA Guidelines, some changes or additions to the project are necessary, but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.

- e) Pursuant to Section 15162 of the CEQA Guidelines, there are no substantial changes proposed in the project that would require major revisions to the prior EIR. See Finding Nos. 8 and 9, and associated evidence.
- f) Caltrans, as Lead Agency, prepared an Addendum to the Pitkins Curve project EIR pursuant to Code of Regulations, Title 14, Section 15164 (CEQA Guidelines).
- g) The Zoning Administrator considered the Addendum at a duly noticed public hearing on December 12, 2013. The Addendum, attached as **Exhibit F** to the December 12, 2013, Staff Report to the Zoning Administrator, reflects the County's independent judgment and analysis, and there are no changes which would necessitate additional environmental review by the County of Monterey.

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) Since Highway 1 is the first public road paralleling the sea, the requirements of Coastal Act Sections 30212 regarding the provision of public access in new development projects seaward of the first public road, as well as Section 30210 providing for public access opportunities to be maximized apply. At this location, Highway 1 is a critical public access corridor for all motorized and bicycle recreational users, and is the only coastal link between San Luis Obispo County and the City of Carmel-By-The-Sea. The project site is on Highway 1 in Big Sur which has been designated as a State Scenic Highway and a National Scenic Byway/All-American Road. It is the main access to the numerous recreation sites including state parks, federal recreation lands, and visitor-serving recreation destinations from Hearst Castle to Point Lobos. The highway, in this area, is not just a means of accessing these recreation areas, it is a destination all its own for its spectacular beauty. Thus, the safety and reliability of the road is a significant public access and recreation issue.
 - b) The project location lacked a uniform shoulder for bicycling which increased dangers from sharing the road with motorists. The project included a paved 4-foot wide shoulder throughout the project site, consistent with Big Sur Coast LUP policy 4.1.3.A.1. Bicycle safety railings have also been provided, which results in a superior situation for bicycle access in this area.
 - c) The project consists entirely of improvements that help maintain and enhance public access along the coast. The project also significantly helps to relieve safety risks and unplanned road closures to motorized public access along the coast. The improvements, as constructed, are consistent with, and will serve to carry out the applicable public access policies of the Monterey County Local Coastal Program.
 - d) 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.

- e) The subject property is not described as an area where the Local Coastal Program requires public access. Big Sur Coast Land Use Plan (LUP) Figure 2, Shoreline Access Plan (Central Section), identifies the project site area as inappropriate for access or suitability not yet determined. LUP Figure 3, Trails Plan (Central Section), does not identify the site for current or future trail use.
- f) 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. However, the project will allow for continued public use of Highway 1 as a recreational route, per the applicable LUP and Coastal Act policies.
- g) Staff conducted a site inspection November 5, 2013.
- h) 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 File PLN130443.

8. **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 (LUP) 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 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) Staff conducted a site visit November 5, 2013, to assess the visual impacts of the project and to ensure consistency with applicable LUP policies. In addition, Caltrans prepared a Visual Impact Assessment Revalidation (LIB130420) that determined the visible components of the retaining wall would be minor and not contribute to an adverse cumulative effect. LUP 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. Section 20.145.030.B.3.a of the Big Sur Coastal Implementation Plan lists exceptions for development in the critical viewshed. It states that road capacity, safety and aesthetic improvements shall be allowed for Highway 1 facilities. This is a follow on permit to an emergency coastal development permit to construct a retaining wall and reconstruct portions of the southbound lane and shoulder of Highway 1 that were damaged from heavy rains. This project is directly related to the safety and improvement of Highway 1, and falls under the exceptions for development in the critical viewshed.
 - c) The retaining wall was designed to match the colors and materials of the Pitkins Curve Bridge, which received extensive community input. The community desired visual consistency between the retaining wall,

bridge and rockshed. Visibility of the retaining wall will be primarily from the roadway, and off-road views are limited by topography, distance, and/or view-angle. These impacts are identified in the Visual Impact Assessment Revalidation (LIB130420) and the Pitkins Curve EIR (LIB080563).

- d) The project planner conducted a site inspection on November 5, 2013 to verify that the project minimizes development within the viewshed.
- e) The project, as completed, is consistent with policies of the Big Sur Coast LUP dealing with visual resources and will have no significant impact on the critical viewshed.
- 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 File PLN130443.

9. **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 (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. This is a follow on permit to an emergency coastal development permit to construct a retaining wall and reconstruct portions of the southbound lane and shoulder of Highway 1 that were damaged from heavy rains. No feasible alternatives to the retaining wall exist.
 - b) The project includes application for development on slopes exceeding 30 percent. The project involved the construction of an approximately 314 foot long by 36 foot high retaining wall, including reconstruction of the southbound lane and shoulder of Highway 1. 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. As a result of substantial rainfall in Big Sur during the winter of 2011, a section of the Highway embankment began to crack and vertically shift. The embankment failure and landslide at this location resulted in the loss of the southbound lane. The construction of the retaining wall was essential to stabilize the embankment and restore through access on the highway.
 - c) 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.
 - d) Staff conducted a site inspection on November 5, 2013, to verify the subject project minimized development on slopes exceeding 30 percent in accordance with the applicable goals and policies of the Big Sur Coast LUP and applicable zoning codes.
 - 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 File PLN130443.

10. **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.1 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 between the sea and the first through public road paralleling the sea, 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. Consider an addendum to previously-certified EIR; and
2. Approve a follow-on Combined Development Permit related to a previously-approved Emergency Coastal Development Permit (PLN110369) consisting of a Coastal Development Permit and Design Approval to allow the construction of an approximately 314 foot long by 36 foot high retaining wall, including reconstruction of the southbound lane and shoulder of Highway 1 and grading (approximately 2,500 cubic yards of cut and 2,500 cubic yards of fill); a Coastal Development Permit to allow development on slope exceeding 30 percent; and a Coastal Development Permit to allow development within the Big Sur Critical Viewshed; in general conformance to the attached site plan 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 OF THE BOARD OF SUPERVISORS 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

PLN130443

1. PD001 - SPECIFIC USES ONLY

Responsible Department: Planning Department

Condition/Mitigation Monitoring Measure: This follow-on Combined Development Permit (PLN130443) to a previously-approved Emergency Coastal Development Permit (PLN110369) allows a Coastal Development Permit and Design Approval for the construction of an approximately 314 foot long by 36 foot high retaining wall, including reconstruction of the southbound lane and shoulder of Highway 1 and grading (approximately 2,500 cubic yards of cut and 2,500 cubic yards of fill); a Coastal Development Permit for development on slope exceeding 30 percent; and a Coastal Development Permit for development within the Big Sur Critical Viewshed. The property is located within the State Highway 1 right-of-way, between post-miles 21.5 and 21.6 (Assessor's Parcel Number 000-000-000-000), Big Sur Coast Land Use Plan. 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 Number 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.

RECEIVED
AUG 21 2013

SITE PLAN

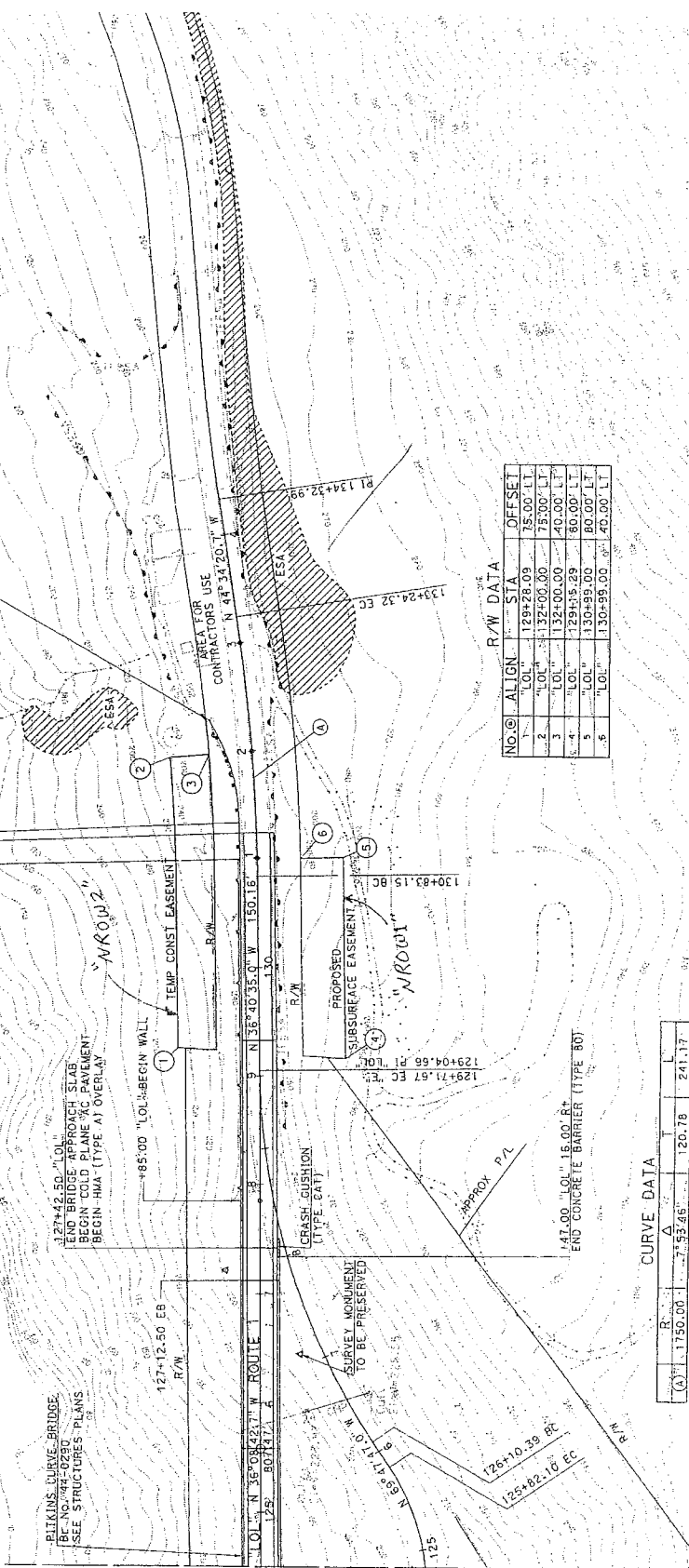
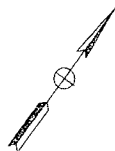
MONTEREY COUNTY
PLANNING DEPARTMENT

NOTE:

1. FOR COMPLETE RIGHT OF WAY DATA SEE RIGHT OF WAY RECORD MAPS AT DISTRICT OFFICE.
2. QUANTITY CHANGE: 362.5 FT LESS MBGR, 362.5 FT MORE CONCRETE BARRIER (TYPE B0).
3. QUANTITY CHANGE: ADDITIONAL 2,912 SOFT COLD PLANE, 2,040 OF HMA (TYPE A) OVERLAY.
4. QUANTITY CHANGE: ADDITIONAL TEMPORARY RAILING (TYPE K), PAVEMENT DELINEATION.

DIST	COUNTY	ROUTE	POST MILES TOTAL PROJECT	SHEET TOTAL NO. SHEETS
05	MON	1	21.5/21.6	1 1

REGISTERED CIVIL ENGINEER DATE 00-00-11
 AMR SAEDI No. 55083 CIVIL
 PLANS APPROVAL DATE 00-00-11
 THE STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION
 THE ABOVE IS A PRELIMINARY DESIGN AND IS NOT TO BE USED FOR CONSTRUCTION OF ANY STRUCTURES OR FOR ANY OTHER PURPOSES WITHOUT THE WRITTEN CONSENT OF THE ENGINEER.



R/W DATA

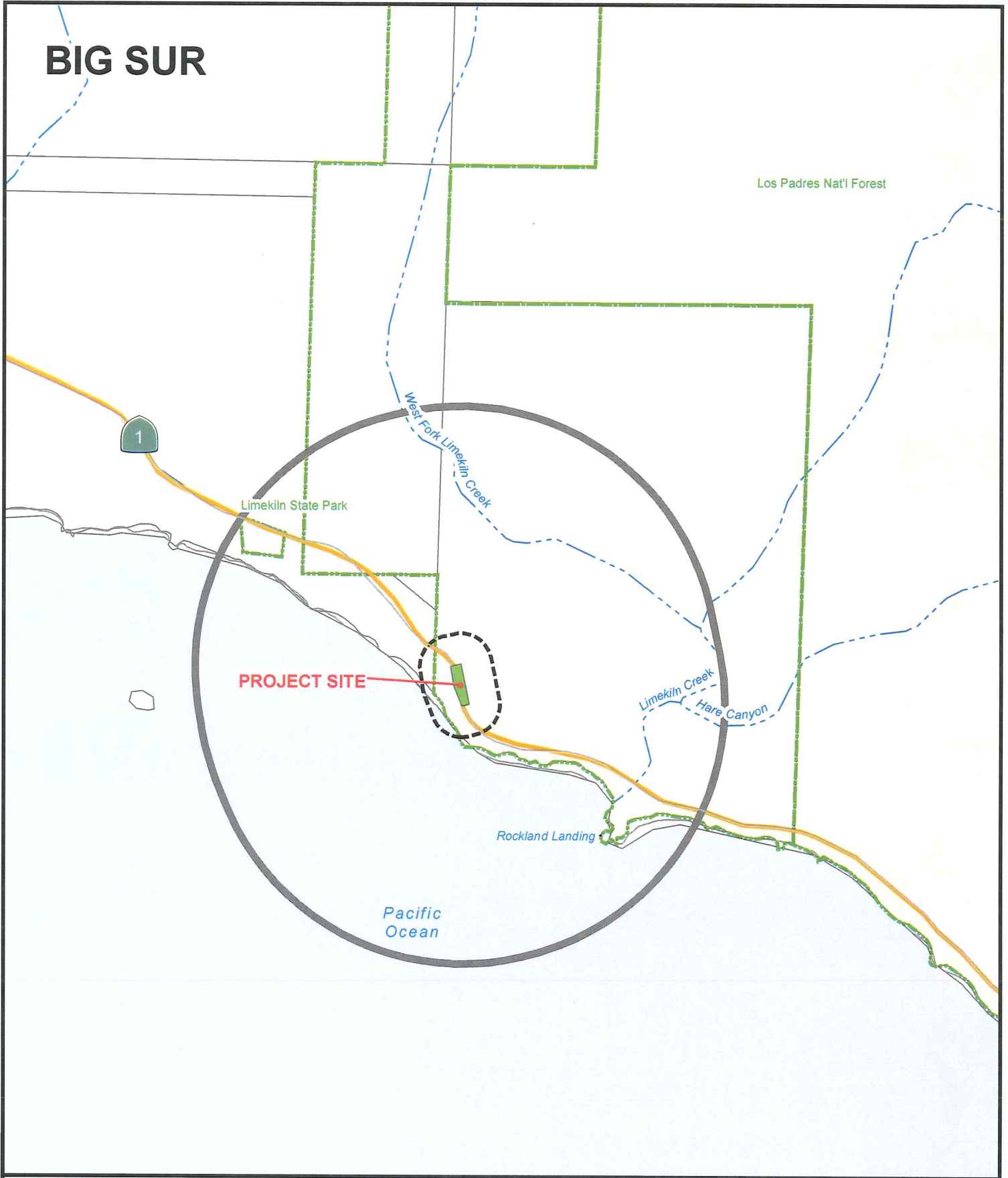
NO.	ALIGN.	STA.	OFFSET
1	"LOL"	129+28.09	75.00' LT
2	"LOL"	132+00.00	75.00' LT
3	"LOL"	132+00.00	40.00' LT
4	"LOL"	129+55.29	80.00' LT
5	"LOL"	130+89.00	80.00' LT
6	"LOL"	130+89.00	40.00' LT

CURVE DATA

Δ	R	L	Δ	L	Δ	L
120.78	1750.00	120.78	241.17			

LAYOUT
SCALE: 1"=50'

BIG SUR

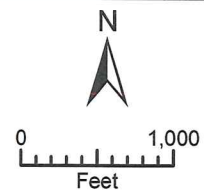


APPLICANT: CAL. DEPT. OF TRANSPORTATION (PITKINS CURVE BRIDGE)

APN: N/A

FILE # PLN130443

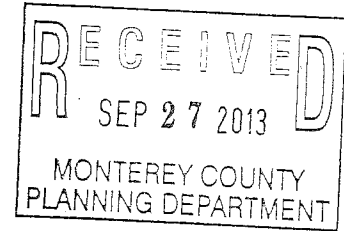
 2500' Limit
 300' Limit
 --- Water
 City Limits



PLANNER: SIDOR

Exhibit E
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: **South Coast**

Please submit your recommendations for this application by: **September 24, 2013**

Project Title: CALIFORNIA DEPARTMENT OF TRANSPORTATION (PITKINS CURVE BRIDGE)

File Number: PLN130433

File Type: ZA

Planner: SIDOR

Location: HWY 1 BETWEEN PM 21.5 AND 21.6 BIG SUR

Project Description:

Combined Development Permit related to a previously approved Emergency Coastal Development Permit (PLN110369) consisting of: 1) a Coastal Development Permit and Design Approval to allow the construction of an approximately 314 foot long by 36 foot high retaining wall, including reconstruction of the southbound lane and shoulder of Highway 1 and grading (approximately 2,500 cubic yards of cut and 2,500 cubic yards of fill); 2) a Coastal Development Permit to allow development on slope exceeding 30 percent and within 50 feet of a coastal bluff; and 3) a Coastal Development Permit to allow development within the Big Sur Critical Viewshed. The project site is located within the Highway 1 right-of-way, between post-miles 21.5 and 21.6, Big Sur (No parcel number assigned to right-of-way), Big Sur Coast Land Use Plan, Coastal Zone.

Was the Owner/Applicant/Representative Present at Meeting? Yes ☒ No ☐

Was a County Staff/Representative present at meeting? N/A (Name)

PUBLIC COMMENT:

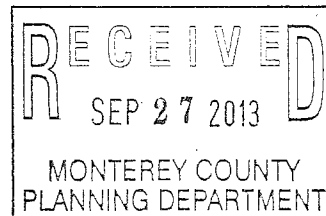
Name	Site Neighbor?		Issues / Concerns (suggested changes)
	YES	NO	
			none

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)
None		none

ADDITIONAL LUAC COMMENTS

NONE



RECOMMENDATION :

Motion by: Harry Harris (LUAC Member's Name)

Second by: Ken Harlan (LUAC Member's Name)

☒ Support Project as proposed

☐ Recommend Changes (as noted above)

☐ Continue the Item

Reason for Continuance: _____

Continued to what date: _____

AYES: 4

NOES: 0

ABSENT: 0

ABSTAIN: 0

NEPA/CEQA RE-VALIDATION FORM

DIST./CO./RTE.	05/MON/1
PM/PM	21.3/21.6
E.A. or Fed-Aid Project No.	05-0E9903
Other Project No. (specify)	
PROJECT TITLE	Highway 1 Improvements at Pitkins Curve and Rain Rocks
ENVIRONMENTAL APPROVAL TYPE	EIR/CE
DATE APPROVED	10/16/2006
REASON FOR CONSULTATION (23 CFR 771.129)	Check reason for consultation: <input type="checkbox"/> Project proceeding to next major federal approval <input checked="" type="checkbox"/> Change in scope, setting, effects, mitigation measures, requirements <input type="checkbox"/> 3-year timeline (EIS only) <input type="checkbox"/> NA (Re-Validation for CEQA only)
DESCRIPTION OF CHANGED CONDITIONS	A large landslide occurred within the limits of the project resulting in the failure of the southbound lane and shoulder. A soldier pile is being constructed to stabilize the slope and restore the road.

NEPA CONCLUSION - VALIDITY

Based on an examination of the changed conditions and supporting information: [Check ONE of the three statements below, regarding the validity of the original document/determination (23 CFR 771.129). If document is no longer valid, indicate whether additional public review is warranted and whether the type of environmental document will be elevated.]

- ☒ The original environmental document or CE remains valid. No further documentation will be prepared.
- ☐ The original environmental document or CE is in need of updating; further documentation has been prepared and ☐ is included on the continuation sheet(s) or ☐ is attached. With this additional documentation, the original ED or CE remains valid.
- Additional public review is warranted (23 CFR 771.111(h)(3)) Yes ☐ No ☐
- ☐ The original document or CE is no longer valid.
- Additional public review is warranted (23 CFR 771.111(h)(3)) Yes ☐ No ☐
- Supplemental environmental document is needed. Yes ☐ No ☐
- New environmental document is needed. Yes ☐ No ☐ (If "Yes," specify type: _____)

CONCURRENCE WITH NEPA CONCLUSION

I concur with the NEPA conclusion above.

Signature: Environmental Branch Chief

Date

Signature: Project Manager/DLAE

Date

CEQA CONCLUSION : (Only mandated for projects on the State Highway System.)

Based on an examination of the changed conditions and supporting information, the following conclusion has been reached regarding appropriate CEQA documentation: (Check ONE of the five statements below, indicating whether any additional documentation will be prepared, and if so, what kind. If additional documentation is prepared, attach a copy of this signed form and any continuation sheets.)

- ☐ Original document remains valid. No further documentation is necessary.
- ☒ Only minor technical changes or additions to the previous document are necessary. An addendum has been or will be ☐ prepared and is ☒ included on the continuation sheets or ☐ will be attached. It need not be circulated for public review. (CEQA Guidelines, §15164)
- ☐ Changes are substantial, but only minor additions or changes are necessary to make the previous document adequate. A Supplemental environmental document will be prepared, and it will be circulated for public review. (CEQA Guidelines, §15163)
- ☐ Changes are substantial, and major revisions to the current document are necessary. A Subsequent environmental document will be prepared, and it will be circulated for public review. (CEQA Guidelines, §15162) (Specify type of subsequent document, e.g., Subsequent FEIR:)
- ☐ The CE is no longer valid. New CE is needed. Yes ☐ No ☐

CONCURRENCE WITH CEQA CONCLUSION

I concur with the CEQA conclusion above.

Signature: Environmental Branch Chief

Date

Signature: Project Manager

Date

NEPA/CEQA RE-VALIDATION FORM

CONTINUATION SHEET(S)

Address only substantial changes or substantial new information since approval of the original document and only those areas that are applicable. Use the list below as section headings as they apply to the project change(s). Use as much or as little space as needed to adequately address the project change(s) and the associated impacts, minimization, avoidance and/or mitigation measures, if any.

Changes in project design, e.g., substantial scope change; a new alternative; change in project alignment

Changes in environmental setting, e.g., new development affecting traffic or air quality;

On March 21, 2011, after several days of rain, a section of the Highway 1 embankment began to crack and vertically shift resulting in failure of the southbound lane and shoulder. In order to repair the failing slope, and restore the southbound lane and shoulder, a 314-foot long by 36-foot high tie-back soldier pile retaining wall is being constructed. An emergency Coastal Development Permit was issued by the County of Monterey. As a condition of the Emergency Coastal Development Permit, Caltrans is required to apply for a follow-up Coastal Development Permit.

Changes in environmental circumstances, e.g., a new law or regulation; change in the status of a listed species.

Changes to environmental impacts of the project, e.g., a new type of impact, or a change in the magnitude of an existing impact.

Visual Resources

The retaining wall will not result in visual impacts beyond those identified in the Environmental Impact Report. Primary visibility of the project area is from the highway itself, and off-roadway views are substantially limited by intervening topography, distance and/or view angle. As a result, the features which can be seen from the roadway such as the bridge rail, paved roadway surface and shoulders will be the most noticeable elements of the proposed retaining wall. Compared to the large scale of the rock shed structure, the visible components of the retaining wall will not contribute to an adverse cumulative effect. Mitigation measures to reduce visual impacts of the retaining wall are listed below and are similar to those being applied to the rock shed and the bridge.

Biological Resources

No biological impacts are anticipated from the construction and installation of the retaining wall. However, to avoid impacts to potential subsurface water during construction the following avoidance measure has been added to this project.

NEPA/CEQA RE-VALIDATION FORM

Changes to avoidance, minimization, and/or mitigation measures since the environmental document was approved.

Visual Mitigation Measures

- Placement of soil along the face of the wall to reduce visual exposure of wall.
- Vertical wall piles will be painted dark brown-gray to match the horizontal timber lagging.
- Type-80 bridge rail and bicycle rail will be aesthetically treated to include a faux timber horizontal beam and faux stone posts and curb to match the rail on the bridge and rock shed.
- Treat the exposed side of the barrier slab with textured faux stone to match the type 80 bridge rail.

Biological Avoidance Measure

- ESA fencing should be installed if any undiscovered surface waters and/or wetland areas develop after excavation and during construction.

Changes to environmental commitments since the environmental document was approved, e.g., the addition of new conditions in permits or approvals. When this applies, append a revised Environmental Commitments Record (ECR) as one of the Continuation Sheets.

The above visual mitigation and biological avoidance measures have been included in the attached ECR.

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 OWNERS: Caltrans

REPRESENTATIVE: Mitch Dallas, Caltrans District 5

PROJECT DESCRIPTION: Emergency Coastal Permit to allow the construction of an approximately 314-foot long and 36-foot high tie-back soldier pile retaining wall, the reconstruction of the southbound traveled way and shoulder along this section of Highway 1. The wall will be consistent in appearance with the Pitkins Bridge and Rock Shed Project.

PROJECT ADDRESS: Highway 1 Right-of-Way, north of Pitkins Bridge, 1.4 miles south of Lucia between post-miles 21.5 and 21.6, Big Sur South Coast

APNs: 000-000-000-000 (primary)

ISSUANCE DATE: July 14, 2011

FILE #: PLN110369

NOTICE AND CAUSE OF EMERGENCY: Pursuant to Chapter 20.79 of the Monterey County Coastal Implementation Plan (Part 1), Caltrans District 5 has requested an Emergency Coastal Permit to allow the construction of an approximately 314-foot long and 36-foot high tie-back soldier pile retaining wall, the reconstruction of the southbound traveled way and shoulder along this section of Highway 1. The wall will be consistent in appearance with the Pitkins Bridge and Rock Shed Project between post-miles 21.5 and 21.6. 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 transiting, occupying, or working on the property. This project is statutorily exempt under

PLN110369 (CALTRANS)

15269(c) 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.

I. FINDINGS OF FACT

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

EVIDENCE:

- a) Caltrans District 5 submitted an a preliminary Emergency Notification Form (ENF) on (dated July 5, 2011) and an Emergency Permit application (dated July 8, 2011) to request an emergency permit for work along Highway 1, between post-miles 21.5 and 21.6, in the South Coast - Lucia area. As a result of substantial rainfall in Big Sur during the winter of 2011, a section of the Highway 1 embankment began to crack a vertically shift. The embankment failure at this location has since accelerated in its deterioration and the southbound lane and shoulder have failed. The landslide below the roadway has resulted in loss of the southbound land and is threatening the remaining northbound lane and the associated essential public services. The emergency project will restore both lanes of traffic.
- b) In order to maintain essential services for the safety and welfare of the public and prevent full highway closure, work on the retaining wall must begin by as soon as possible.
- c) The project has been designated by both state and federal governments as an Emergency Permanent Restoration Project, and is being funded through the Federal Highway Administration Emergency Restoration Program.
- d) The project is located on the Highway 1 right-of-way, between post-miles 21.5 and 21.6, Big Sur South Coast - Lucia area, Coastal Zone. The proposed project site is located on Assessor's Parcel Numbers 000-000-000-000. The primary project area zoning (i.e., the highway right-of-way) is unclassified.
- e) The site of the landslide is within the active Pitkins Bridge & Rock Shed project construction zone, north of the bridge and abutment. However, the landslide is independent from the on-going construction activities associated with the Pitkins Bridge project.
- f) Site visit by the Caltrans agent on or about March 21, 2011, and subsequent monitoring.
- d) The Coastal Commission staff concurs with the County's determination that an emergency exists, based on an email dated July 13, 2011.
- e) Correspondence between the Planning Department, Caltrans, and California Coastal Commission in Project Files PLN110369.
- f) Plans and materials contained in Project File PLN110369.

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 construction of an approximately 314-foot long and 36-foot high tie-back soldier pile retaining wall, the reconstruction of the southbound traveled way and shoulder, on Highway 1 between post-miles 21.5 and 21.6, 1.4 miles south of Lucia (Assessor's Parcel Numbers 000-000-000-000), Big Sur South Coast - Lucia area, Coastal Zone. No other development is allowed under this Emergency Permit (Condition No. 1).
- b) The retaining wall is necessary to accomplish restoration of the southbound lane and the failing northbound lane of Highway 1, and ensure roadway reliability and safety. The installation of the wall piles must be completed prior to the rainy season in order to prevent the high probability of loss of the remaining northbound lane and full roadway closure.
- c) As identified in Condition No. 4, a follow-up permit will be required pursuant to Section 20.70 (Title 20) because there may be issues that require consideration through a permanent or follow-up permit.
- d) Site visit by the Caltrans agent on or about March 21, 2011, and subsequent monitoring.
- e) Plans and materials contained in Project File PLN1100369.

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

EVIDENCE:

- a) Monterey County Resource Management Agency-Planning Department staff has reviewed the request for the construction of an approximately 314-foot long and 36-foot high soldier-pile tieback retaining wall, and associated development, on Highway 1 between post-miles 21.5 and 21.6, 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. 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 construction. Under no circumstances is direct ocean disposal of construction materials and/or slide materials allowed.
- b) The proposed retaining wall is consistent with the provisions of the Coast Highway Management Plan regarding landslide management and stabilization (Section 6.1). The proposed design is consistent with similar projects along Highway 1.
- c) This emergency permit will expire 90 days after issuance. The owner/applicant shall obtain required permits and initiate construction within that time frame (Condition No. 3).

- d) Site visit by the Caltrans agent on or about March 21, 2011, and subsequent monitoring.
- e) Plans and materials contained in Project File PLN110369.

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 RMA-Planning Department, and conditions have been recommended, 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) Finding Nos. 1, 2, and 3, and supporting evidence; and conditions of approval for this Emergency Permit.
- c) Plans and materials contained in Project File PLN110369.

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

EVIDENCE:

- a) Section 15269(c) of the CEQA Guidelines statutorily exempts specific actions necessary to prevent or mitigate an emergency. Based on monitoring conducted and reviewed by Caltrans staff, there is a high probability that the remaining lane will be lost if a permanent structure is not in place by the next rainy season. The situation demands immediate action to prevent or mitigate circumstances that have a high probability to be detrimental to the safety of the persons transiting, occupying, or working in the area.
- b) The applicant (Caltrans) submitted a Categorical Exemption for the subject emergency project under Section 15301 (Class 1) of the CEQA Guidelines. The County, as Responsible Agency, determined that a Statutory Exemption under Section 15269(c) of the CEQA Guidelines is the more applicable and appropriate exemption to use for this emergency project. Potential adverse environmental effects will require environmental review under a follow-up Combined Development Permit.
- c) The work authorized by this Emergency Permit allows the construction of an approximately 314-foot long and 36-foot high tie-back soldier pile retaining wall, the reconstruction of the southbound traveled way and shoulder along Highway 1 between post-miles 21.5 and 21.6.
- d) Due to slide activity, the slope below the roadway is devoid of any mature vegetation. The slope is comprised of loose and unconsolidated slide material. No impacts to sensitive resources will occur.

- e) Potential adverse environmental effects identified during staff review of the emergency permit application will be addressed through a permanent or follow-up development permit (Condition No. 4). The permanent coastal development permit will address potential impacts related to aesthetics, air quality, biological resources, cultural (historical) resources, and geology/soils.
- f) Finding No. 1 and supporting evidence.
- g) Plans and materials contained in Project File PLN110369.

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.

Mr. Moore

Mike Novo, Zoning Administrator
July 14, 2011

Attachments: Exhibit A Conditions of Approval
Site Plan

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; Building Services Department; Caltrans District 5 (Mitch Dallas), Agent; Laura Lawrence, Planning Services Manager; Anna V. Quenga, Planner; Project File PLN110369.

Monterey County Planning Department

Conditions of Approval/Mitigation Monitoring Reporting Plan

PLN110369

Conditions of Approval and/or Mitigation Monitoring Measures	Responsible Department	Compliance or Monitoring Actions to be Performed
<p>1. PD001 - SPECIFIC USES ONLY</p> <p>This Emergency Coastal Permit allows the construction of an approximately 314-foot long and 36-foot high tie-back soldier pile retaining wall, the reconstruction of the southbound traveled way and shoulder along this section of Highway 1. The wall will be consistent in appearance with the Pitkins Bridge and Rock Shed Project. The 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 Department)</p>	Planning	The Owner/Applicant shall adhere to conditions and uses specified in the permit on an ongoing basis unless otherwise stated.
<p>2. PD002 - NOTICE PERMIT APPROVAL</p> <p>The applicant shall record a notice which states: "A permit (Resolution 11-031) was approved by the Zoning Administrator for Assessor's Parcel Number 000-000-000-000 on July 14, 2011. The permit was granted subject to 4 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)</p>	Planning	Prior to the issuance of grading and building permits or commencement of use, the Owner/Applicant shall provide proof of recordation of this notice to the RMA - Planning Department.
<p>3. PD032(A) - PERMIT EXPIRATION</p>		

Compliance or Monitoring
Actions to be Performed

Responsible
Department

Conditions of Approval and/or Mitigation Monitoring Measures

The permit shall be granted for a time period of 90 days, to expire on October 12, 2011 unless use of the property or actual construction has begun within this period. (RMA-Planning Department)

Prior to the expiration date stated in the condition, the Owner/Applicant shall obtain a valid grading or building permit and/or commence the authorized use to the satisfaction of the Director of Planning. Any request for extension must be received by the Planning Department at least 30 days prior to the expiration date.

4. PDSP001 - PERMANENT PERMIT APPLICATIONS (NON-STANDARD)

Within 60 days after project initiation, the applicant shall submit an Application Request for a Combined Development Permit, pursuant to Section 20.70 of the Monterey County Zoning Ordinance Part 1 (Title 20) for development on 30 percent slope, development within 100 feet of environmentally sensitive habitat, and development within the Critical Viewshed. Within 60 days after project completion, the applicant shall submit the full application package to the Monterey County RMA-Planning Department. (RMA-Planning Department)

Planning

Applicant shall submit an Application Request for a Combined Development Permit within 60 days after project initiation.

Within 60 days after project completion, the applicant shall submit the full application package. If more time is needed, the applicant shall submit a letter of justification with evidence and expected date of compliance.