

MONTEREY COUNTY PLANNING COMMISSION

Meeting: March 25, 2009. Time:	Agenda Item No.:
Project Description: Combined Development Permit Consisting of 1) A Coastal Development Permit to allow the construction of a 525 foot long bridge at Pitkins Curve and a 240 foot long rock shed at Rain Rocks over Highway 1 for the purpose of rock fall and landslide mitigation including approximately 25,000 cubic yards of grading; 2) A Coastal Development Permit for development on slopes greater than 30%; 3) A Coastal Development Permit to allow development within the critical viewshed; 4) A Coastal Development Permit to allow development with the potential to cause a significant environmental impact; and 5) A Design Approval.	
Project Location: State Route 1, Big Sur between Post Mile 21.3 and 21.6 just north of Limekiln State Park	APN: Public Road right-of-way
Planning File Number: PLN080218	Name: California Department of Transportation (Caltrans), Applicant
Plan Area: Big Sur Land Use Plan	Flagged and staked: Staked
Zoning Designation: : WSC/40 (CZ) [Watershed and Scenic Conservation, 40 acres per unit (in the Coastal Zone)]	
CEQA Action: EIR	
Department: RMA - Planning Department	

RECOMMENDATION:

Staff recommends that the Planning Commission:

1. Consider the Final Environmental Impact Report (EIR) prepared by the California Department of Transportation (Caltrans) (**Exhibit E**);
2. Adopt a Statement of Overriding Considerations and approve the Development Permit for the new bridge and rock shed on Highway 1, based on the Findings and Evidence (**Exhibit B**) and subject to the recommended Conditions (**Exhibit C**), and
3. Adopt the Condition Compliance and Mitigation Monitoring Reporting Plan (**Exhibit C & D**).

PROJECT SUMMARY:

The California Department of Transportation (Caltrans) and the Federal Highway Administration propose to build a new bridge at Pitkins Curve and a rock shed at the northern chute of Rain Rocks on Highway 1 between Post Miles 21.3 and 21.6, just north of Limekiln State Park, in Monterey County. This project is proposed to improve:

- 1) The safety and reliability of Highway 1, which is the only direct coastal link between San Simeon in San Luis Obispo County and Carmel;
- 2) Reduce cost associated with continued maintenance of this stretch of highway; and
- 3) Protect highway workers at Pitkins Curve and Rain Rocks from hazardous working conditions also associated with continued maintenance of the road in this area.

Unpredictable and extensive landslides repeatedly occur at the Pitkins Curve/Rain Rocks site which ultimately requires road closures and expensive and dangerous clean-up efforts. According to Caltrans, restoration and maintenance at Pitkins Curve and Rain Rocks costs more than in any other location along the Big Sur Coast (Estimated over \$1 million/year). The proposed improvements will alleviate significant amounts of highway closures and clean-up

efforts; however, there are some significant impacts to consider because of the extraordinary location and qualities of the area in which the project is located.

Staff's review of the proposed project focused on consistency with the Big Sur Land Use Plan, the California Coastal Act, and review of the project pursuant to the requirements of CEQA. Issues identified include Visual Resources, Hazardous Area Development, Public Services and Recreation, Community Resources for transportation and temporary construction impacts, and Biological Resources. Ultimately, the project was found to be consistent with the applicable land use documents as designed and mitigated.

Due to the aesthetic impacts of the project, Caltrans, as "lead agency", prepared and certified an Environmental Impact Report (EIR) on October 16, 2006 (**Exhibit E**) pursuant to the California Environmental Quality Act (CEQA). The County is a "Responsible Agency" because of its permitting authority. As the decision-making body of a Responsible Agency, the Planning Commission must certify that it reviewed and considered the information contained in the Lead Agency's (Caltrans) environmental documents including the statement of overriding considerations and affirm the conclusions therein prior to acting upon or approving the project.

As part of the EIR mitigation measures were identified to reduce or avoid some potentially significant effects on the environment. Staff, throughout the project, has participated and commented on the EIR, reviewed the Final EIR and the proposed mitigations, and has considered the Alternatives analyzed in the project. For a more detailed discussion and analysis of the project refer to **Exhibit A**.

OTHER AGENCY INVOLVEMENT:

- | | |
|--|---|
| ✓ California Department of Forestry
(South Coast) | ✓ Water Resources Agency |
| ✓ California Department of
Transportation, District 5 | ✓ Regional Water Quality Control Board |
| ✓ Public Works Department | ✓ Monterey Bay National Marine
Sanctuary |
| ✓ Parks Department | ✓ U.S. Fish & Wildlife Services |
| ✓ Environmental Health Division | ✓ Monterey County Sheriff's Office |
| | ✓ California Coastal Commission |

The above checked agencies and departments have reviewed this project. Conditions recommended by Caltrans, the Sheriff's Office, and the Monterey County Planning Department have been incorporated into the condition compliance reporting plan (**Exhibit C**).

LAND USE ADVISORY COMMITTEE:

Two committees were involved in the review and recommendation for this project. First, the Big Sur LUAC and the South Coast LUAC jointly reviewed the project because of the nature of the Big Sur community and of the project, which could have indirect impacts on tourism and business. Because the project site is within the South Coast LUAC boundary, those LUAC members made a recommendation on the project. Areas of concern are described generally in the LUAC minutes to include a concern about traffic control. Ultimately the LUAC recommended approval of the project by a vote of 3-0.

Also involved in the review and recommendation process was the Aesthetic Design Advisory Committee (ADAC) which was established as mitigation for this project. The ADAC consisted of representative's from Caltrans, Monterey County Planning Department, the Coastal Commission, both LUACs, the Big Sur Chamber of Commerce, State Parks, and any other interested parties wishing to attend. The role of the ADAC was to help define the visual issues and aid in the

development of a final design. **Exhibit M** is attached outlining ADAC meeting dates and a summary of those meetings.

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

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March 5, 2009

cc: Front Counter Copy; California Coastal Commission; Planning Commission Members (10); County Counsel; California Department of Forestry (Coastal); Public Works Department; Parks Department; Environmental Health Division; Water Resources Agency; Sheriff's Office; Monterey Bay National Marine Sanctuary; Big Sur Chamber of Commerce; San Luis Obispo County Planning Department; Laura Lawrence, Planning Services Manager; Craig Spencer, Planner; Carol Allen; California Department of Transportation District 5, Applicant; Cecilia Boudreau, Agent; File PLN080218.

Attachments:	Exhibit A	Project Discussion
	Exhibit B	Recommended Findings and Evidence
	Exhibit C	Recommended Conditions of Approval
	Exhibit D	California Department of Transportation Project Findings Pursuant to the California Environmental Quality Act and Mitigation Monitoring and Reporting Plan
	Exhibit E	CD containing the Final Environmental Impact Report (EIR) Adopted by the California Department of Transportation (Previously Sent to Planning Commissioners on March 11, 2009)
	Exhibit F	Vicinity Map
	Exhibit G	Project Plans
	Exhibit H	LUAC Minutes
	Exhibit I	Statement of Overriding Considerations
	Exhibit J	Design information including photo simulations
	Exhibit K	Natural Environment Study
	Exhibit L	Transportation Management Plan
	Exhibit M	Aesthetic Design Advisory Committee information

This report was reviewed by Laura Lawrence, Planning Services Manager

EXHIBIT A
PROJECT DISCUSSION
PLN080218 (Caltrans –Pitkins Curve/Rain Rocks)

I. PROJECT SETTING, DESCRIPTION, AND NEED:

Setting

The site is located on Highway 1, just north of Limekiln State Park, between Post Mile 21.3 and 21.6 in Big Sur. The area of the project is commonly referred to as Pitkins Curve and Rain Rocks. This area includes a portion on State Route 1 that is into a bluff that traverses a steep coastal mountain springing almost vertically from the Pacific Ocean below to the ridge top above. Pitkins Curve is an inward (east) jog in the road that has obvious scarring from landslide activity both above and below the road. Just as the landslide scarring transitions to a more natural appearing rock and cliff formation on the southern side of the landslide is Rain Rocks. Rain Rocks is a nearly vertical granite rock formation that towers above Highway 1 on the inland side and continues down to the Pacific Ocean on the western side. Evidence of rock fall activity can be seen along the bluff all the way to Ocean. Currently, at Pitkins Curve, there is a large berm constructed on the inland side of the road. At the Rain Rocks location, there is cable mesh and rock fall netting previously installed on the inland side of the road.

Because of the active geology at this site, there is little native vegetation. Some segments and individual plants were found in the survey area including pockets of coastal scrub and one individual buckwheat plant. Non-native plants such as Kikuyu grass and pampas grass are growing in and around the project site. The drainage system associated with the highway includes two culverts that collect water from uphill and direct it under the highway to the Pacific Ocean. The setting of the project site expands beyond the physical location of the proposed structures to include the use of several turnout areas near the project site. Existing turnouts that may be used for the project extend up to 1 mile north of the project site. These turnouts were included in the study area.

The site is zoned Watershed and Scenic Conservation in the Coastal Zone. Limekiln State Park is located approximately 2,200 feet south of the proposed rock shed and the Camaldolese Hermitage retreat is approximately 7,100 feet to the north. Other than the visual scaring from active land movement, the site is typical of this stretch of highway with soaring coastal mountains and vast Ocean Views.

Project Description

The selected project (Alternative 1) consists of a new 525 foot long bridge at Pitkins Curve and a new 240 foot long rock shed at the northern chute of Rain Rocks. The other Alternatives analyzed include the construction of only the bridge (Alternative 2) and the no-build alternative (Alternative 3). The project would relocate and straighten the Highway 1 at Pitkins Curve away from the active landslide by spanning the area with a bridge then tying it back in with the existing roadway. Just south of the new bridge would be a rock shed structure that would act to protect motorists and the highway itself from falling debris and boulders. The rock shed will protrude out from the face of the inland cliff covering the highway with a shed roof that will be supported on the western side of the road by large columns connected by arches. The road would remain a two-lane road but would be reconstructed to maintain 12-foot wide lanes and 4-foot wide shoulders throughout the project site. Guardrails will be installed along the bridge and rock shed, drainage systems will be replaced, two telephone poles would be relocated under ground,

the existing cable mesh will be removed, and approximately half of the rock netting will be removed.

The proposed bridge and rock shed would be large structures and building them involves time and presents challenges. Caltrans estimates that the bridge and rock shed would take between 4.1 and 5.7 years to construct, in contrast to just the bridge that is estimated to take between 3.0 and 3.7 years. Large amounts of grading would also be necessary. An estimated 25,000 cubic yards of cut will be balanced at the site for backfill, for finishing the surfaces of the rock shed, and re-contouring. Construction operations for the project would require a phased approach. A description of the activities expected to occur in the six expected phases of construction can be found in **Exhibit G**. Essentially there would be some temporary realignment of roads, creation of working areas, grading, construction of structures, backfilling, restoration of temporary roads and working areas and finally opening of the new bridge and roadway alignment. Traffic controls and many other maintenance activities will also be associated with the construction of the project.

Need for the Project

Caltrans has identified the need for landslide and rock fall management at the Pitkins Curve and Rain Rocks site years ago. The 2003 Coast Highway Management Plan acknowledges this area as having the highest level of landslide activity from San Carpoforo Creek to Point Lobos. According to Caltrans, on average over \$1 million is spent per year, to conduct clean-up efforts from debris and rock fall events in this area. Falling rocks cause hazardous and unsafe driving conditions for motorists and for maintenance workers who are cleaning the debris from the roadway. To date, three vehicles traveling through Pitkins Curve/Rain Rocks have been damaged by falling rocks. In addition to hazards and expensive clean-up efforts, the rock and debris falls can cause unexpected and extensive road closures. The need for the project stems from these and other issues, with the overriding goal to improve access and safety on Highway 1. Many factors and alternatives to were considered. Ultimately, the bridge and rock shed were decided upon because they offer the most protection and reliability at the site and allow the natural process of erosion to occur with little to no interference. Caltrans has a web-link including many photos and facts that explain the need and intent of the bridge and rock shed project. Those interested are encouraged to visit this site at:

http://www.dot.ca.gov/dist05/projects/pitkins/whybridge_shed.pdf

II. ANALYSIS

Development Standards

The site is a public right-of-way, State Scenic Highway, and All-American byway zoned Watershed and Scenic Conservation in the Coastal Zone (WSC/40(CZ)). The proposed development site is located in the Big Sur Land Use Plan (LUP) area which is part of the Monterey County Local Coastal Plan and is within the area covered by the *Big Sur Coast Highway Management Plan Guidelines for Landslide Management and Storm Damage Response*. The proposal was reviewed for consistency with these adopted plans and policies in addition to many other state and federal policies and permit requirements. Required permits for the development include a Combined Development Permit from Monterey County within the Coastal Zone which is also governed by the State Coastal Act, funding from the Federal Highway Administration which requires National Environmental Policy Act (NEPA) review, U.S. Army Corps of Engineers Section 404 permits, and Regional Water Quality Control Board (RWQCB) 401 Water Quality Certification.

The Monterey County Local Coastal Program (LCP) was certified by the California Coastal Commission to carry out the requirements of the California Coastal Act and to allow Monterey County to permit development in the Coastal Zone. The purpose of both the LCP and the Coastal Act are avoid or mitigate environmental effects and to promote public access. The *Coast Highway Management Plan* (CHMP) provides implementing procedures used by Caltrans to address many of the policy issues that apply, in the Big Sur Land Use Plan (LUP). These three documents and the California Environmental Quality Act (CEQA) were the focus of review for the proposed project. In this case, Monterey County has the role of a responsible agency for permitting and issuance of Coastal Development Permits. All resource and policy issues of the proposed development identified in the CEQA checklist were evaluated for this project. The main resource issues identified include Visual Resources, Hazardous Area Development, Public Services and Recreation, Community Resources for transportation and temporary construction impacts, and Biological Resources.

Critical Viewshed/Visual Resources

Protection of the incomparable beauty and cultural characteristics of the Big Sur Coast is identified as the main philosophy and goal of the Big Sur Land Use Plan (LUP Section 2.1 and 2.2). To this end, the “critical viewshed” was defined as everything visible from Highway 1 and associated major public viewing areas including turnouts. The critical viewshed heavily restricts development and in most cases prohibits development visible from Highway 1. Although development is generally not allowed within the critical viewshed, there is an exception for road maintenance and safety improvements (Policy 3.2.5.C.1). Road maintenance and safety improvements are allowed if they are consistent with the Policies of Section 4 of the LUP. Section 4 of the LUP directs Monterey County to take an active role in guiding the use and improvement of Highway 1, with the objective to maintain and enhance the highway’s aesthetic beauty and to protect its primary function as a recreational route (Key Policy 4.1.1). The guiding policies require improvements to Highway 1 in order to increase its service capacity and safety, consistent with its retention as a scenic two-lane road (General Policy 4.1.2.1). Road capacity and safety improvements along Highway 1, require standard 12-foot lanes and 2 to 4-foot wide shoulders where physically practical and consistent with other policies, in order to maximize vehicular access to the Big Sur coast (Specific Policy 4.1.3.A.1). The proposed project is consistent with these goals and objectives as a safety improvement designed to protect the integrity of the highway, thereby increasing enjoyment and reliability of this recreational route, while retaining its capacity as a two-lane road with 12-foot lanes and 4-foot shoulders throughout the project site.

In designing management, maintenance, and safety improvements, the objective is to maintain the highest possible standard of visual beauty and interest (General Policy 4.1.2.2). Overall design themes for the construction and appearance of improvements within the Highway 1 right-of-way are set forth to ensure that all improvements to the extent feasible, are inconspicuous and in harmony with the rustic natural setting of the Big Sur Coast (20.145.130.B.2 of the Coastal Implementation Plan Part 3). Design and aesthetic improvement guidelines were developed by Caltrans, in cooperation with other agencies and local citizens, to ensure that new construction, where it occurs, is in keeping with the unique character and setting to the Big Sur corridor (Aesthetic Improvement Policy 4.1.3.B.4). Consistent with the Big Sur Land Use Plan policies Caltrans used the aesthetic improvement guidelines in developing the improvements at Pitkins Curve and Rain Rocks. Additionally, consistent with proposed mitigation measures, the project design was developed in consultation with an Aesthetic Design Advisory Committee (ADAC) made-up of responsible agencies and the public. The proposed new bridge has been designed to complement but not duplicate the other historic bridges along Highway 1 in Big Sur by keeping

to the same general concept of an arched main span and use of concrete. The rock shed has been designed to provide arched openings on the western side which will help frame views of the ocean and eliminate the need for lighting which was of major concern. To maintain a natural appearance, stone masonry will be used. Many other techniques were used in developing the rock shed to blend the structure with the site and character of the area. While there is an obligation to find solutions that are visually compatible with the setting, there is a corresponding need for acceptance of visual changes that are necessitated by actions needed to keep the highway open and safe. The scenic qualities here demand creative solutions that can avoid and minimize overall impacts.

Opinions on the impacts and appropriateness of the rock shed vary. Ultimately, it boils down to two view points. One is that the rock shed is inappropriate and out-of-place in the vast unobstructed openness of the Big Sur Coast in this area and that the rock fall netting and continued maintenance in this area is appropriate. The other is that the rock shed provides the greatest degree of reliability and protection and that ultimately the rock shed will be part of the Highway 1 experience and can add to the enjoyment and rugged character of the viewshed. Tunneling, rock sheds, and similar types of structures are often found in rugged mountainous and scenic areas throughout the state and country. Overall, the project is consistent with the goals and policies of the LUP, the CHMP, and the California Coastal Act given the overriding intent of improved reliability and safety.

It should also be noted that there is an estimated five (5) to six (6) year construction period during which there will be significant construction related visual impacts including equipment and grading activities. This is a relatively long duration of construction but these impacts are still considered temporary in nature. Mitigations are also recommended to reduce the temporary construction impacts. See **Exhibit D** for all proposed Mitigation Measures.

Figure 1 (Existing Conditions)



Figure 2 (Proposed Conditions-Photo Simulation)



Hazardous Area Development

County regulations generally prohibit development on slopes greater than 30% (Section 20.64.230 Title 20). However, the development is allowed if there is no feasible alternative. The bridge and rock shed have been designed to separate the road from the hazardous conditions including landslides and rock fall. The project is intended to be placed in areas of steep slopes and or moving slopes. Staff finds that no feasible alternatives exist for the development to occur on slopes less than 30% and the project cannot be relocated or redesigned to avoid geological hazards. Caltrans has conducted numerous studies to identify stability factors associated with construction of the structures within this hazardous area. Current information is supported by evidence to demonstrate that the structures will maintain an acceptable degree of stability. Therefore, the proposed project is consistent with and better achieves the goals, policies, and objectives of the Local Coastal Plan for Hazardous Area Development.

Public Services and Recreation

The project would result in physically altered facilities including two (2) new Caltrans maintained structures. The construction of the structures has the potential to cause environmental effects and will require ongoing maintenance and inspections to insure safety and reliability. To address bicycle and pedestrian uses Caltrans is proposing to provide a uniform 4-foot wide shoulder throughout the project area. The California Coastal Commission, under the guise of the Coastal Act, has suggested that in order to provide an enjoyable and safe pedestrian recreational experience, Caltrans should provide hiking trails that bypass Pitkins Curve and Rain Rocks. Caltrans, in response to this suggestion/requirement, is working with the California Department of Parks and recreation to contribute a fair share contribution to a California Coastal Trail system that would bypass the project site by connecting the Twitchell flats fire road (north of the project site) with existing trails at Limekiln State Park (east and south of the site). The requirement for

contributions to the California Coastal Trail system has been incorporated in the conditions of approval for the project **Exhibit B**.

Community Resources and Transportation

Other than the visual impacts, the source of comments and concern from the public was in regard to temporary construction impacts and anticipated road closures. Particularly concerned were business owners of visitor-serving uses in Big Sur. Almost uniformly the comments from this group suggested that road closures were highly detrimental to business. Opinions on the project itself were varied. The proposed project construction is estimated to last five approximately (5) to six (6) years during which traffic may be constrained to one lane through the site. Complete road closures are expected for construction activities that cannot be accomplished with the roads open. To address the traffic circulation during the construction period Caltrans, in consultation with the stakeholders including the Big Sur Chamber of Commerce and Tree Bones Resort, has developed a Traffic Management Plan (TMP). In summary, the TMP outlines steps to minimize traffic impacts and delays associated with construction. There will be four types of traffic control measures available according to the TMP:

- Type I: single open lane, 12-feet wide, regulated by a traffic signal, no advance notification required, allowed throughout the construction period (maximum 15 minute delay).
- Type II: single open lane, 12-feet wide, regulated by flaggers, no notification required, allowed Monday – Friday 8AM to 4PM (maximum 15 minute delay).
- Type III: Full road closure during nighttime hours. Closures would begin 9PM Sunday evening opening by 6AM the following morning, One week notification required (9 hours total duration).
- Type IV: Allows a total of 12 daytime extended delays lasting between 15 and 120 minutes. These delays would occur between the hours of 9AM and 4PM Monday – Thursday. The contractor may request this type of traffic control 12 times per calendar year for the life of the project. One-week notification is required.

Ongoing notification is proposed to include six (6) temporary changeable message signs including two signs within the project limits, two signs north of the site at the Carmel River Bridge and at Coast Gallery, and two south of the project in San Luis Obispo County, one near San Simeon and the other at the intersection of Highway 1 and Highway 46. Construction area signs will be provided to alert motorists, in addition to including information on the Caltrans planned lane closures. The Caltrans resident engineer and District Traffic Manager will be responsible for updating the signs throughout construction. Additional methods of notification include a fax/email list for interested parties (to get on the list contact Susana Cruz at (805) 549-3318 or via email at info-d5@dot.ca.gov), the Caltrans Highway Information Network phone line (1-800-427-7623) and the Pitkins Curve Website (<http://www.dot.ca.gov/dist05/projects/pitkins/index.htm>).

Other traffic impacts include vehicle and construction equipment transportation. For the construction of the bridge (Alternative 2) an estimated 550 round-trip, large vehicle truck trips are estimated and for the bridge and rock shed combined (Alternative 1) an estimated 850 round-trip truck trips would be required. In both cases these trips would be appropriately scheduled to minimize traffic impact by transporting during non-peak hours. The no-project scenario (Alternative 3) would require untold numbers of truck-trips to transport slide material to receiver

sites. Without the proposed project, Caltrans estimates about 700 truck-trips occur annually for maintenance and clean-up efforts.

All three alternatives would require traffic management and lane closures. However, Alternative 2 (Bridge only) would require fewer lane closures and a shorter duration of construction with continued maintenance at Rain Rocks. Short and notified road closures will be less significant than long unexpected closures for maintenance of the road after a debris fall event. The Traffic Management Plan developed by Caltrans is attached as **Exhibit L**.

Natural Environment and Biology

A Natural Environment Study (NES) was prepared by Caltrans that covers native vegetation, wetlands, the marine environment, and animal species that could potentially be affected either directly or indirectly by the proposed project. The study area covered all turnouts, potential staging areas, and adjacent areas potentially impacted by construction activity including the water below. The EIR prepared for the project references and summarizes the information contained in the NES.

Vegetation

The area in which the actual structures will be located are void of any vegetation due to landslide and continued slope movement and the shear nature of the vertical rock face where the rock shed is proposed. For the most part, there is coastal scrub habitat and intermixed invasive plant species present. According to the NES, seventeen (17) rare or endangered plant species were found to have the potential to occur in the project vicinity. Of these 17 plants, only one plant (Hutchinson's Larkspur) was likely to occur within the Coastal Scrub habitat. Pre-construction surveys are recommended for the project regardless of the Hutchinson's Larkspur. It is anticipated that the Hutchinson's Larkspur and other sensitive vegetation, if present at the site, can be identified in the pre-construction survey and flagged to avoid any "take" or impact on vegetation if safe and possible. If rare or endangered plants are found that cannot be avoided, construction will not begin until all the appropriate consultations and permits are first secured. During construction, a biological monitor will be on-site and will have the ability to halt work if necessary to prevent unauthorized impacts. Invasive plant species will be removed in the project area and erosion control measures will include non-invasive seed mixes. Mitigation measures requiring fencing of sensitive habitat, re-vegetation and restoration of the site, and biological monitoring are outlined in **Exhibit D** (Mitigation Measures 2.3.1.A – 2.3.1.E). With these mitigation measures in place the project will be consistent with the Big Sur Land Use Plan Section 3.3 (Environmentally Sensitive Habitats) and impacts will be maintained at a less than significant level.

Wetlands

There are no wetlands in the project area as defined by the Clean Water Act but there are two wetlands as defined in the Coastal Act. The two wetlands occur outside of the construction area on the side of the highway at turnouts 1 and 2 that are proposed for construction staging areas. These areas will be fenced, refueling and maintenance of equipment will be done 60 feet or more away from these areas and a biological monitor will be observing the construction operations. With these and other mitigations contained in **Exhibit D** (Mitigation Measures 2.3.2.A – 2.3.2.N), impacts to wetland areas can be avoided. Avoidance of impacts is consistent with the Big Sur LUP and the Coastal Act.

Marine

At the toe of the Coastal Bluff, below Highway 1 and the proposed project area, is a section of the Pacific Ocean that is part of the Monterey Bay National Marine Sanctuary. Potential impacts on this sensitive marine environment were vaguely identified in the EIR to include drainage, erosion control and accidental chemical spills. Drainage from “other waters of the U.S.” were identified within the construction area in the form of ephemeral seeps. These seeps originate on the hillsides both above and below the proposed bridge and rock shed. These seeps will be redirected during the construction process and filters and flow monitors will be used to maintain natural amounts of clean drainage.

Mitigations are proposed to prevent spills by training of road workers and to clean accidental spills if necessary (Mitigation Measures 2.3.2.K, 2.3.4.F, **Exhibit D**). All construction will be completed in accordance with Caltrans National Pollution Discharge Elimination System Permit, and Caltrans Statewide Storm Water Management Plan. No overcasting of materials is proposed, allowed, or required as part of any of the alternatives of this project. The project site is located hundreds of feet above the Pacific Ocean and shoreline armoring would not be required within the expected economic lifespan of the project (50 years according to the EIR). For bluff top projects, the Big Sur LUP requires thorough environmental review with an assumed preference of the “no project alternative.” The “no project alternative” was dismissed because it would not accomplish the goal of Caltrans and is not the environmentally superior project. The outcome or decision about the environmentally superior project is not expressly dictated by the Big Sur LUP or the Coastal Act.

Animal Species

The Natural Environment Study (NES) referenced in the EIR indicates that there is a potential for 23 rare or endangered species to occur within the study area. After preparation of biological surveys and consideration, the list was whittled down to three species of concern. These species include the California Condor, Smith’s Blue butterfly, and the Southern Sea Otter. Potential impacts to the Condor would occur only during the construction phase of the project due to human activity, as there is no suitable nesting habitat for the bird in the survey area. Condors could be attracted to the site for foraging if trash and food is left uncontained. To address this, Caltrans proposes to contain and regularly remove trash from the site (Mitigation Measure 2.3.4.D, **Exhibit D**). Potential impacts to the Smith’s Blue butterfly stem from the discovery of one individual buckwheat plant within the survey area. The buckwheat plant is habitat for the endangered butterfly. As a result of technical assistance from US Fish & Wildlife under Section 7 of the Endangered Species Act, the single buckwheat plant will be removed with the surrounding soil and duff and relocated out of the project area to an area containing a stand of established buckwheat plants. Sea Otter habitat exists in the marine environment in kelp beds off the shore in the Pacific Ocean. Caltrans has identified a remote chance that construction related noise could impact the Sea Otter and has proposed to have Otter activity monitored during noise generating activities. If abnormal behavior is identified US Fish & Wildlife will be contacted immediately.

In conclusion, impacts to biological resources have been identified and mitigated. Some mitigation measures overlap the four categories discussed above including preconstruction surveys and biological monitors. To insure implementation of mitigation measures, the Caltrans biological monitor will conduct training of highway workers and describe the general measures being implemented.

III. ENVIRONMENTAL REVIEW

National Environmental Policy Act (NEPA)

Since the proposed project is partially funded by the Federal Highway Administration (FHA) the development is subject to NEPA review. FHA has determined that the Pitkins Curve/Rain Rocks project qualifies for a categorical exclusion under NEPA. A categorical exclusion was issued in accordance with NEPA.

California Environmental Quality Act (CEQA)

An Initial Study prepared by Caltrans for the proposed project found that there were potentially significant impacts associated with aesthetic resources as a result of the project. A Notice of Preparation was prepared on October 22, 2003 and a public meeting was held on November 19, 2003 at the Big Sur Lodge. Following the public meeting, a Draft Environmental Impact Report (DEIR) was prepared to assess the potential adverse environmental impacts from the project. The DEIR was circulated from February 16, 2006 to April 3, 2006.

Alternatives

Caltrans put together a team to develop and evaluate methods of protection that would meet the purpose of the project using the *Coast Highway Management Plan* as a guide. The basic strategies identified to address highway repair in landslide prone areas were; 1) Relocate or Separate, 2) Stabilize, and 3) Manage and Protect. To accomplish these objectives, Caltrans considered several project designs. Several designs were withdrawn from consideration due to limitations of the site and the unique character of the site. Alternatives withdrawn include:

- Realigning the highway inland (*withdrawn due to substantial environmental impacts and cost*),
- Retaining wall and reinforced Embankments (*retaining walls were estimated to be approximately 55 feet high by 300 feet long, would require rebuilding the entire slope, and would not be a long term permanent solution*),
- Rock Net Above Pitkins Curve (*withdrawn because the slope is too unstable to allow anchoring of these devices*), and
- A continuous Rock Shed (*withdrawn due to safety concerns regarding tight curves, 25 mph zone, limited visibility, environmental impacts, and cost*)

Ultimately, Caltrans settled on three alternatives. These Alternatives include the Bridge and Rock shed project which would separate the highway from the unstable geological conditions (Alternative 1), the Bridge at Pitkins Curve with continued maintenance at Rain Rocks which would separate the highway from the landslide but not the rock fall (Alternative 2), and the “No Project” alternative which would require ongoing maintenance within the project area (Alternative 3). Alternatives 1 and 2 have many common features and only a few unique features including cost, aesthetic impacts, construction duration, and reliability and safety of the road. Eventually, Caltrans found that Alternative 1 best meets the goal and objective of the project.

Comment Letters

Issues that were analyzed in the Draft EIR include aesthetic resources, air quality, biological resources, geology and soils, hydrology and water quality, land use and planning, public services, traffic and transportation and utilities and service systems. Twenty eight (28) comment letters were received during the circulation period. The comment letters ranged from regulatory suggestions and requirements from the California Coastal Commission, the California Department of Fish & Game, Monterey Bay Unified Air Pollution Control District, Monterey

County Planning Department, National Oceanic and Atmospheric Administration, US Environmental Protection Agency, and the California Regional Water Resources Control Board, to Organizational and Personal comments from the Big Sur Chamber of Commerce, the Big Sur Historical Society, Big Sur Volunteer Fire Brigade, resort and store owners in the Big Sur area, members of the Big Sur and South Coast Land Use Advisory Committees, Congressman Sam Farr, and local residents.

Comments varied but the main focus areas included the need for the rock shed, lighting in the rock shed, and road closures. Caltrans responded to each of the comment letters separately justifying the project to include the rock shed, indicating that no lighting will be necessary, and referring to the development of a Traffic Management Plan. Responses to comments were incorporated in the Final Environmental Impact Report (FEIR) and are included in **Exhibit E**.

Mitigation Measures

Mitigation Measures were identified in the EIR to avoid or mitigate potential impacts to Visual Resources, Traffic, Hydrology and Water Quality, and Biological Resources. Traffic mitigations are proposed as part of the project design including a Traffic Management Plan. Other design mitigations include development of Storm Water Pollution Prevention Plan, and operational procedures followed by Caltrans for every project. Generally Caltrans, as the lead agency, will be responsible for implementation of these mitigation measures. Staff has reviewed the mitigation measures and concurs that the mitigation measures are feasible and appropriate. Monterey County as a responsible agency will require monitoring reports from Caltrans on a biannual basis demonstrating adherence and compliance with the proposed mitigation measures.

Final EIR

The FEIR was completed and distributed on October 16, 2006. Mitigation measures are proposed to mitigate project impacts. However, the placement of a large structure within the critical viewshed was determined to degrade the visual character of the site and therefore will have a significant unavoidable impact. As such, Caltrans adopted a statement of overriding considerations. As a responsible agency, Monterey County must also adopt, a mitigation monitoring and reporting plan and a statement of overriding considerations for each significant effect pursuant to CEQA guidelines sections 15096(h), 15091 and 15093. The statement of overriding considerations is attached as **Exhibit I** of this report and is incorporated in the Findings and Evidence **Exhibit B**, Finding 8.

EXHIBIT B
RECOMMENDED FINDINGS AND EVIDENCE
PLN080218 (Caltrans – Pitkins Curve/Rain Rocks)

1. **FINDING:** **CONSISTENCY** – The project, as described in Condition No. 1 and as conditioned, conforms to the policies, requirements, and standards of the Monterey County General Plan, Big Sur Land Use Plan, Coastal Implementation Plan Part 3, and the Monterey County Zoning Ordinance (Part 1, Title 20), which designates this area as appropriate for development.

- EVIDENCE:** (a) Proposed Project The California Department of Transportation (Caltrans) and the Federal Highway Administration (FHA) plan to construct a new bridge and rock shed on Highway 1 at a location frequently referred to as Pitkins Curve and Rain Rocks. The purpose of the project is to provide decreased maintenance expenditures and improved reliability and safety on the highway at Pitkins Curve and Rain Rocks.
- (b) Location and Zoning Consistency The project is located within the public right-of-way on Highway 1. Some of the area required for recontouring and replanting of the hillside extended into property that was owned by the California Department of Parks and Recreation (Assessor’s Parcel Number 422-021-002-000). This 4.25-acre area of Limekiln State Park was previously identified for purchase by the California Department of Transportation (Caltrans) as part of the ongoing maintenance efforts at Pitkins Curve and Rain Rocks. Zoning in the project area is Watershed and Scenic Conservation in the Coastal Zone (“WSC/40 (CZ) which allows public and quasi-public uses including public safety facilities subject to a Coastal Development Permit in each case. The project requires location of the proposed structures on a public right-of-way to improve safety and reliability at the site. Therefore, the property is suitable for the proposed development.
- (c) Site Visit The project planner conducted a site inspection on August 20, 2008 to verify that the project on the subject parcel conforms to the plans listed above.
- (d) Big Sur Land Use Plan Applicable Sections of the Big Sur Land Use Plan include:
- 1) **Scenic Resources** Policy 3.2.5.C.1 exempts safety improvements of public highway facilities from the Key Policy of the LUP (which prohibits development in the critical viewshed) provided they are consistent with Section 4.1.1, 4.1.2, and 4.1.3 of the Big Sur Land Use Plan (LUP). This section also requires design of structures to utilize boulders or walls of rock construction, unpainted redwood sills, and a general preference for natural materials on all new construction. The project was carefully designed using public input including the formation of an Aesthetic Design Advisory Committee (ADAC) to include a natural appearing stone veneer on the proposed rock shed, natural appearing colors and materials on the guardrails, and a bridge design that complements the other bridges on Highway 1. Additional Mitigation Measures are proposed to reduce visual impacts of the project (see also **Finding 8 and Exhibit I of the March 25, 2009 staff report**). Consistency with Section 4.1 of the

LUP is described in Evidence (d) 5) below. *The project is consistent with the Scenic Resources Section of the LUP as a highway safety improvement.*

- 2) **Environmentally Sensitive Habitat** General Policies of the Big Sur LUP require appropriate siting and design, restricts removal of vegetation and land disturbance to only the amount needed for structural improvements, requires compatible uses for long-term maintenance of sensitive habitats, and requires restoration of native habitat where appropriate. The Natural Environment Study prepared by Caltrans identified a limited amount of potential impacts to Environmentally Sensitive vegetation, wildlife habitat, and marine resources. The affected environment is mostly within an area that has been disturbed as a result of frequent geological activity; however, potential impacts were identified to wetlands, coastal scrub habitat potentially supporting Hutchkinson's Larkspur, the California Condor, Smith's Blue butterfly, and the Southern Sea Otter. The potential impacts were evaluated and mitigation measures are proposed that avoid impacts to sensitive species including fencing wetland areas, preconstruction surveys, biological monitoring and training of employees, and in the case of the Smith's Blue Butterfly Caltrans has consulted with the U.S. Department of Fish and Wildlife to relocate on individual buckwheat plant (host plant for the butterfly) to a nearby stand of native buckwheat. The project will impact only the areas needed to construct the project, every effort is being made to avoid impacts to sensitive species, and consultation with appropriate authorities has been conducted and will continue as needed. The site will be restored with native vegetation upon completion of the project (**See Finding 5 and Exhibit D of the March 25, 2009 staff report** for a list of proposed mitigation measures). *With the proposed mitigation measures the project will not have a significant effect on sensitive habitat. Therefore, the project is consistent with environmentally sensitive habitat policies of the Big Sur LUP.*
- 3) **Hazardous Areas** Key Policy 3.7.1 requires regulation through planning practices to minimize risk to life and property and damage to the environment. Additionally the Monterey County Zoning Ordinance (Title 20) restricts development on slopes greater than 30%. The purpose of development in this case is, in itself, to minimize risk to motorists and the structural integrity of Highway 1. Caltrans geologists and engineers have evaluated the site and predict that the area will continue to be highly unstable from landslide and rock fall activity. To address this issue Caltrans proposes to separate the highway from the hazard to allow the natural movement and geological process to continue without impacting access on Highway 1 and maximizing motorist and pedestrian safety (**see Finding 11 for 30% slope findings**). *By its nature the project is consistent with the Big Sur LUP Hazardous Area policies.*
- 4) **Dredging, Filling, and Shoreline Structures** Since the project area is located on a Coastal Bluff, Section 3.9 of the LUP applies.

The applicable section addresses adequate bluff top setbacks to avoid seawalls in the future. The bridge and rock shed are approximately 200 feet above the Pacific Ocean and sea walls are not expected to be necessary within the economic lifetime of the structures. Thorough Environmental Review in the form of an EIR was conducted for the project. *Therefore, the project is consistent with this Section of the LUP.*

- 5) **Highway 1** Compliance with polices contained in Section 4 of the LUP is one of the requirements for the exemption granted in the Scenic Resources Section (Evidence (1) (a) above). Key Policy 4.1.1 directs the County to maintain and enhance the highway's aesthetic beauty and to protect its primary function as a recreation route while maintaining capacity to a two-lane road and providing walking and bicycle trails wherever feasible. The project proposes safety improvements on Highway 1 to improve safety and reliability of the highway. The road will remain a two-lane road (4.1.2.1 LUP) with required 12-foot wide lanes and 4-foot wide shoulders (4.1.3.A.1 LUP). The project will not affect the use as a public highway and recreation area or have any potential for growth inducement. Four-foot shoulders will provide adequate bicycle access along the road and pedestrian access is described further in the Public Access Finding (**see Evidence (d) 6 below and Finding 12**). Specific Policy 4.1.3.B.4 outlines design criteria with the objective to ensure that all improvements are inconspicuous and in harmony with the natural setting of the Big Sur Coast. In this case the rock shed will not be inconspicuous but has been designed using arches to the west to frame views and a stone veneer to give the appearance of natural materials. The rock shed will be a rugged structure within a rugged area of the coastline. *Therefore, the project is consistent with policies 4.1.1, 4.1.2, and 4.1.3 of the Big Sur LUP.*
- 6) **Public Access** Highway 1 along the Big Sur Coast is the principal means by which the public accesses the numerous recreation areas including State Parks, trail heads, beaches, creeks, and visitor service commercial uses in Big Sur. Not only is Highway 1 a main access point, it is a destination all its own with its scenic vistas and rustic character which is recognized as a priority resource of Big Sur. Improving safety, reliability, and stability promotes enjoyment and predictability of vehicular access on the highway which is an important existing public access route. Non-motorized traffic will have access along the continuous 4-foot wide shoulders through the project site. It is recognized that pedestrian hiking trails on the shoulder of the highway is not an ideal hiking experience. In compliance with LUP and Coastal Act Policies, Caltrans is negotiating with the California State Parks, who will, with monetary contributions from Caltrans develop and maintain the California Coastal Trails. Caltrans and State Parks will determine a fair share contribution that would help provide hiking trails that bypass the Pitkin's Curve and Rain Rocks site (**see Finding 12**). As

designed, conditioned, and mitigated the current project is consistent with the Public Access Policies of the LUP.

- (e) Traffic Procedural mitigations are proposed in the form of a Transportation Management Plan (TMP). The TMP addresses project related traffic delays and summarizes the process for distribution of timely information to the public and standards for contractors to follow that will provide safety and minimize impacts to motorists. In general Caltrans will maintain one-lane traffic with traffic signals and/or flaggers through the project site. Contractors will have two options for road closures needed to perform specific construction activities. The first, listed as a Type III traffic control, allows nighttime closures for up to a 9 hour period from 9 P.M to 6 A.M Sunday evening into Monday mornings. The second, listed as a Type IV traffic control, would allow daytime closures Monday through Thursday for a period of 15 to 120 minutes. A limit of 12 daytime closures per year would be allowed. With both closure options, one week notification is required in the form of faxes or emails to a list of interested parties, Caltrans website and hotlines, and through the use of 6 proposed temporary changeable message signs strategically located at the Carmel river bridge and Coast Galleries north of the project site, two within the project site limits, and two signs south of the project site in San Luis Obispo County at San Simeon, and the intersection of Highway 1 and Highway 46. Emergency vehicles will have access through the construction area even during planned closures. Temporary and notified road closures during the course of construction (estimated approximately 5 years) will be less disruptive than unexpected and lengthy closures brought about by slide and rock fall events with associated clean-up efforts.
- (f) LUAC Two committees were involved in the review and recommendation for this project. First, the Big Sur LUAC and the South Coast LUAC jointly reviewed the project because of the nature of the Big Sur community and of the project, which could have indirect impacts on tourism and business. Because the project site is within the South Coast LUAC boundary, those LUAC members made a recommendation on the project. Areas of concern are described generally in the LUAC minutes to include a concern about traffic control. Ultimately the LUAC recommended approval of the project by a vote of 3-0. Also involved in the review and recommendation process was the Aesthetic Design Advisory Committee (ADAC) which was established as mitigation for this project. The ADAC consisted of representative's from Caltrans, Monterey County Planning Department, the Coastal Commission, both LUACs, the Big Sur Chamber of Commerce, State Parks, and any other interested parties wishing to attend. The role of the ADAC was to help define the visual issues and aid in the development of a final design. **Exhibit M** is attached outlining ADAC meeting dates and a summary of those meetings.
- (g) Application 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 PLN080218.

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

- EVIDENCE:** (a) Agency Review The project has been reviewed for site suitability by the following departments and agencies: RMA - Planning Department, California Department of Forestry (CDF), Parks, Public Works, Environmental Health Division, Sheriff's Office, 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) Technical reports As part of the environmental review done by Caltrans technical reports were prepared including biological, archaeological, historic, geotechnical, geological, and traffic indicating that there are no physical or environmental constraints that would indicate that the site is not suitable for the use proposed. The Planning Commission concurs. The following reports have been prepared:
- i. "Environmental Impact Report" (LIB080562) prepared by the State Department of Transportation, District 5, San Luis Obispo, September 2006.
 - ii. "Natural Environment Study" (LIB080562) prepared by Caltrans Biologists, April 2005.
 - iii. "Air Quality Report" on file with Caltrans, District 5, San Luis Obispo, CA.
 - iv. "Noise Study Report" on file with Caltrans, District 5, San Luis Obispo, CA.
 - v. "Water Quality Report" on file with Caltrans, District 5, San Luis Obispo, CA.
 - vi. "Shoreline Biological Characterization" on file with Caltrans, District 5, San Luis Obispo, CA.
 - vii. "Historical Property and Archaeological Survey Report" on file with Caltrans, District 5, San Luis Obispo, CA.
 - viii. "Hazardous Waste Report" on file with Caltrans, District 5, San Luis Obispo, CA.
 - ix. "Scenic Resource Evaluation" on file with Caltrans, District 5, San Luis Obispo, CA.
 - x. "Initial Paleontology Study" on file with Caltrans, District 5, San Luis Obispo, CA.
 - xi. "Preliminary Geotechnical Report" on file with Caltrans, District 5, San Luis Obispo, CA.
 - xii. "Project Study Report" on file with Caltrans, District 5, San Luis Obispo, CA.
 - xiii. "Transportation Management Plan" (LIB080564) prepared by Christine Kahn, Caltrans District 5 Registered Civil Engineer, July 2008.
- (c) Location Pitkin's Curve and Rain Rocks has been identified and documented for years as having a dangerous and unstable geological make-up requiring extraordinary amounts of maintenance each year. The *Coast Highway Management Plan* of 2003 recognizes this site as problematic. The project has been designed to mitigate the geological hazards in this area along the public right-of-way, improving safety and reliability of the road. As public infrastructure associated with Highway 1 the location of the proposed improvements is mandatory. The structures

have been designed to separate and withstand the geological hazards in the area.

- (d) Constraints The EIR identified potentially significant impacts to Aesthetics due to the construction of a rock shed within the Big Sur Critical Viewshed area. The EIR includes mitigation measures to reduce impacts where possible and a statement of overriding considerations (see **Finding 8**).
- (e) Site Visit Staff conducted a site inspection on August 20, 2008 to verify that the site is suitable for this use.
- (f) Application The application, plans, photographs and support materials submitted by the project applicant to the Monterey county Planning and Building Inspection Department for the proposed development, found in the project file (PLN080218).

3. **FINDING: CEQA (EIR):** - The California Department of Transportation (Caltrans) has prepared and certified an EIR in accordance with the requirements of CEQA. Public Resources Code Section 21080(d) and the California Environmental Quality Act (CEQA) Guidelines Section 15064(a)(1) require environmental review if there is substantial evidence that the project may have a significant effect on the environment.

- EVIDENCE:**
- (a) Notice of Preparation Caltrans filed a Notice of Preparation (NOP) with the State Clearinghouse (SCH# 2003111016) and distributed the NOP to all Responsible Agencies on October 22, 2003. Responses to the Notice of Preparation were considered in the preparation of the DEIR.
 - (b) DEIR A draft environmental impact report (DEIR) was prepared to assess the potential adverse environmental impacts from the project and was circulated from February 16, 2006 to April 3, 2006. Issues that were analyzed in the Draft EIR include aesthetic resources, biological resources, geology and soils and transportation and traffic movement during construction.
 - (c) Notice of Completion The EIR was duly noticed and circulated for public review, and public comments were received and considered. Caltrans distributed a Notice of Completion with copies of the Draft EIR (DEIR) to the Office of Planning and Research on February 14, 2006. Caltrans published Notices of Availability of the DEIR in the San Luis Obispo County Tribune, the Monterey County Herald, and the Carmel Pine Cone.
 - (d) Final EIR On October 16, 2006 the Final EIR (FEIR) was released to the public. The final EIR responded to comments received on the DEIR from agencies and interested parties.
 - (e) Certification The FEIR was certified by the California Department of Transportation on October 16, 2006. Certification of the EIR included adoption of a Mitigation and Monitoring Program and a Statement of Overriding Considerations. As a state agency, Caltrans was not required to certify the EIR, by resolution, before a decision making body.
 - (f) Application The application, plans, photographs and support materials submitted by the project applicant to the Monterey county Planning and Building Inspection Department for the proposed development, found in the project file PLN080218.

4. **FINDING: CEQA. CONSIDER THE EIR.** In accordance with the California Environmental Quality Act (CEQA) Section 15096, the County of Monterey as a Responsible Agency hereby certifies that it reviewed and considered the information contained in the Lead Agency's (Caltrans) Final Environmental Impact Report (FEIR) with a Mitigation Monitoring Program, and Statement of Overriding Considerations prior to acting upon or approving the project

EVIDENCE: (a) The Planning Commission considered the FEIR at a duly noticed public hearing held on March 25, 2009. The County is serving as a Responsible Agency for this project. The County has made findings with regard to identified significant environmental effects and has adopted a Statement of Overriding Considerations as contained herein. The materials upon which the County's decision is based are located in the Planning Department, 168 W. Alisal Street, 2nd Floor, Salinas, CA.
(b) The permitting authority of Monterey County is limited to the Coastal Development Permit to construct a new bridge and rock shed at Highway 1 north of Limekiln State Park. There have been no changes in the project which would necessitate additional environmental review by the County of Monterey.
(c) See also Findings 3, 5, 5a, 5b, 5c, 5d, 6, 7, & 8 below.

5. **FINDING: ENVIRONMENTAL IMPACTS MITIGATED TO LESS THAN SIGNIFICANT**

Mitigation measures reduce most impacts to a level of insignificance. However, the potential aesthetic impacts from construction of a rock shed on Highway 1 in Big Sur cannot be fully mitigated and therefore remains a significant unavoidable impact. As such overriding considerations must be made by the Planning Commission for this project. See Finding 8.

EVIDENCE: (a) CEQA Guidelines section 15041 (b) provides the authority for a responsible agency to require changes in a project to lessen or avoid only the effects, either direct or indirect, of that part of the project which the agency will be called on to carry out or approve.
(b) Some proposed applications that are not exempt from CEQA review may have little or no potential for adverse environmental impact related to most of the topics in the Environmental Checklist. No impact or less than significant impacts were identified for agricultural resources, air quality, cultural resources, hazards and hazardous materials, mineral resources, noise, population and housing, and utilities and service systems.
(c) Findings 6, 7, & 8.
(d) The application, plans, photographs and support materials submitted by the project applicant to the Monterey county Planning and Building Inspection Department for the proposed development, found in the project file PLN080218.

5a **FINDING: IMPACT TO NATURAL COMMUNITIES WILL BE MITIGATED TO LESS THAN SIGNIFICANT** – Mitigation Measures 2.3.1.A through 2.3.1.E will reduce potentially significant impacts on natural vegetation communities to a less than significant level. These Mitigation Measures are incorporated into the project as conditions of approval. The stated impacts are: *Effects on Natural Communities (FEIR Chapter 2.3.1). Approximately 0.96 acres, sparsely vegetated with native plants of the central coastal sage scrub*

community and non-native plants, would be removed during construction of either Alternative 1 or 2.

- EVIDENCE:** (a) Mitigation Measure 2.3.1.A To minimize construction related impacts, environmentally sensitive areas will be delineated on the project plans around all pullouts that may be used for equipment storage, as indicated on Figure 2-21 A, B, and C (of the EIR). The resident engineer, in consultation with the project biologist, would determine where environmentally sensitive fencing would be installed to limit construction activities. *County's Analysis: This mitigation reduces and avoids impacts to vegetation and other sensitive communities beyond that required for the construction project. Plans submitted to the RMA –Planning Department have incorporated this mitigation measure showing where fencing will be located.*
- (b) Mitigation Measure 2.3.1.B After construction is complete, the project area will be evaluated to determine where revegetation would be appropriate and successful. Those areas identified for revegetation will be planted with native vegetation, suitable for the area, as recommended by Caltrans Office of Landscape Architecture and in consultation with the project biologist. Vegetation will be replaced at a ratio of 1:1. *County's Analysis: This mitigation would restore the area following construction and insure no net loss of habitat in the area. This helps promote the long term maintenance of the habitat in this area (Big Sur LUP Policy 3.3.2.7). Implementation of this mitigation will be required as part of the restoration condition of approval for this project (Condition #3).*
- (c) Mitigation Measure 2.3.1.C An installation and maintenance contract for mitigation planting would will be developed. The maintenance agreement shall be at least three years in length. During that time, all invasive weeds within the construction impact area will be regularly removed. A minimum of 70% survival rate for all plantings, three years post-construction, is required. *County's Analysis: This mitigation stems from 2.3.1.B and provides success and monitoring criteria that identifies a minimal threshold for replanting survivability again to promote the long-term maintenance of the habitat. Implementation of this mitigation will fall under the restoration condition of approval for this project (Condition #3).*
- (d) Mitigation Measure 2.3.1.D A Caltrans biologist or designee will prepare monitoring reports for various agencies if they are needed as part of conditions set forth in permits. Annual reports summarizing results would be sent to any requesting and appropriate state and federal agencies. *County's Analysis: Monterey County would request that annual monitoring reports prepared by Caltrans be submitted to the RMA – Planning Department as a responsible agency to insure compliance with the Big Sur Land Use Plan and to track mitigation implementation and success (Condition #4).*
- (e) Mitigation Measure 2.3.1.E A Mitigation, Monitoring, Restoration, and Success Criteria Plan shall be prepared for this project. The plan will include success criteria for revegetation. A three-year monitoring schedule, with annual reports to various agencies is typically recommended. For three years, biannual environmental monitoring for all mitigation plantings will be conducted to determine if the project meets

success criteria, to request any needed replacement planting, and to identify remedial actions if the success criteria were not achieved.

County's Analysis: This mitigation can be combined with MM 2.3.1.B and 2.3.1.C into a comprehensive mitigation for replanting, success criteria, and monitoring. This mitigation will help address the monitoring action required by the restoration condition of approval for this project (Condition #3).

- (f) **Monitoring** It will be the responsibility of Caltrans to implement and monitor Mitigation Measures listed above with requested annual reporting to the RMA –Planning Department.
- (g) **Conclusion** With proper implementation of proposed mitigation measures, Monterey County Planning Commission concurs that the project will have a less than significant effect on Natural Communities.

5b. FINDING: IMPACTS TO WETLANDS AND OTHER WATERS WILL BE MITIGATED TO LESS THAN SIGNIFICANT LEVEL - Mitigation Measures 2.3.2.A through 2.3.2.N will reduce potentially significant impacts on wetlands, minor drainages, and seepage areas within the project boundaries to a less than significant level. These Mitigation Measures are incorporated into the project as conditions of approval. The stated impacts are:
Impacts to Wetlands and Other Waters (FEIR Chapter 2.3.2). Approximately 0.012 acres of "Other Waters of the U.S." in the form of unvegetated seeps and springs, would be affected by Alternative 1 or 2 during construction activities undertaken to redirect them into new culverts. Additionally Coastal wetlands were identified at two turnouts that would be used for construction storage and staging.

- EVIDENCE:**
- (a) **Mitigation Measure 2.3.2.A** To ensure that all potential impacts to wetland resources are avoided, environmentally sensitive area fencing would be installed to protect coastal wetlands, as delineated in Figure 2-21 A, B, and C (of the FEIR). The mapped locations of the environmentally sensitive areas will be included on the project plans and layout sheets and included in the special provisions of the construction contract. All fencing will be placed at the direction of the resident engineer, in consultation with a representative from the environmental branch. *County's Analysis: This mitigation avoids impacts to wetland communities during the construction project. Plans submitted to the RMA –Planning Department have incorporated this mitigation measure showing where fencing will be located.*
 - (b) **Mitigation Measure 2.3.2.B** All refueling and maintenance of equipment shall be conducted at least 60 feet from wetlands and waters of the U.S. *County's Analysis: This mitigation lacks a monitoring action but will reduce the risk of contamination from accidental oil spills or leak and other introduced contaminants. It will be the responsibility of Caltrans to assure compliance with this mitigation measure.*
 - (c) **Mitigation Measure 2.3.2.C** Prior to the onset of work, the Caltrans Resident Engineer will insure that the contractor has prepared a plan for prompt and effective response to any accidental spills, to ensure protection of aquatic resources. All personnel will be informed of the plan and the importance of preventing spills. *County's Analysis: Education regarding preventing spills will help avoid contamination and preparation of a*

clean-up plan will reduce potential impacts through preparedness in the event that an accident occurs. This mitigation does not fall within the purview or jurisdiction of Monterey County and the Big Sur Land Use Plan and is the responsibility of Caltrans and the U.S. Army Corp of Engineers. A condition of approval requiring compliance with other agency permits and adherence to Best Management Practices have been included in the conditions of approval for this project (Conditions #6 & 10).

- (d) Mitigation Measure 2.3.2.D All construction activities will be completed in accordance with the Caltrans National Pollution Discharge Elimination System Permit (NPDES), the General Construction Permit, and Caltrans Statewide Storm Water Management Plan. *County's Analysis: This is a general statement referring to Caltrans operating requirements including a NPDES issued to Caltrans by the State Water Quality Control Board. The NPDES requires preparation of a Storm Water Pollution Prevention Plan (SWPPP). These plans address erosion control and drainage during construction. There has been no indication from the State Water Pollution Control Board that any conflicts exist. The Planning Commission concurs that preparation and implementation of a SWPPP will aid in reducing potential contaminants. A condition of approval requiring compliance with other agency permits has been included in the conditions of approval for this project (Condition #6)*
- (e) Mitigation Measure 2.3.2.E To protect all adjacent springs, seeps, willow riparian wetlands, and the Pacific Ocean/Monterey Bay National Marine Sanctuary, Caltrans will implement best management practices, as identified by the appropriate Regional Water Quality Control Board. These best management practices will be implemented to minimize or eliminate the potential for a non-storm water discharge to occur. Construction site best management practices are addressed in detail in the Storm Water Pollution Prevention Plan that will be developed for the project site. *County's Analysis: This mitigation refers to preparation and implementation of erosion control measures required as part of the SWPPP in consultation with the Regional Water Quality Control Board which is under the purview of the State Water Board mentioned in MM 2.3.2.D above. A condition of approval requiring compliance with other agency permits and Best Management Practices have been included in the conditions of approval for this project (Conditions #6 & 10)*
- (f) Mitigation Measure 2.3.2.F If a work site is to be temporarily de-watered by diversion of pumping, intakes would be completely screened with wire mesh not larger than five millimeters to prevent all aquatic wildlife from entering the pump system. Water will be treated, released, or pumped to an appropriate location at a rate to maintain downstream flows during construction. Upon completion of construction activities, any barriers to flow shall be removed in a manner that would allow flow to resume with the least disturbance to the substrate. *County's Analysis: Although no sensitive amphibian species were discovered in the project area the wire mesh will help prevent any impacts to previously unidentified species. The maintenance of quality and flow of water will maintain surface flows and help prevent erosion and water pollution (Big Sur LUP Policy 3.3.3.3).*

This mitigation is incorporated in the Conditions of approval for this project (Condition #7).

- (g) Mitigation Measure 2.3.2.G Due to the time that will elapse before project construction and because the biological environment in the project area is subject to change, pre-construction surveys would be undertaken approximately one year prior to construction to identify up-to-date distribution of wetlands. If wetland presence or distribution has changed from that documented in the April 2005 Natural Environment Study, the appropriate agencies would be consulted. All avoidance, minimization, and mitigation measures would be applied, as directed above, to newly identified wetlands. *County's Analysis: The project is proposed to start construction within the 2009 or 2010 calendar year 4 to 5 years after the initial biological evaluations. Pre-construction surveys are important to identify current information and to allow for proper consultation if necessary. As part of the consultation, a review of mitigations and or changes that may require additional environmental review can take place to insure compliance with CEQA and other state and federal laws. A condition requiring a pre-construction survey has incorporated in the Conditions of approval for this project (Condition #8).*
- (h) Mitigation Measure 2.3.2.H A biological/environmental monitor would be present onsite during construction activities that may impact the ocean and marine environment, special-status species, and/or migratory birds. This includes drilling and blasting for the construction of piers and abutments for the new bridge and rock shed and any associated de-water activities. *County's Analysis: Biological monitors duties and authorities are explained further in MM 2.3.2.I below.*
- (i) Mitigation Measure 2.3.2.I The Caltrans Resident Engineer, in consultation with the biological and or environmental monitor would have the authority to halt any action that might result in impacts that exceed the anticipated levels of impact that were determined during agency review (by Caltrans, Army Corps of Engineers, Department of Fish and Game, Coastal Commission, and/or U.S. Fish and Wildlife Services) of the proposed actions. If work is stopped, the Biologist or Environmental Monitor would immediately notify these same regulatory agencies. *County's Analysis: This mitigation provides the opportunity for ongoing assessment of biological impacts and provides proper control and consultation measures to insure success and compliance with law. Conditions requiring compliance with other agency requirements (Condition #6) and biological monitoring during construction, (Condition #9) have been incorporated in the conditions of approval for this project.*
- (j) Mitigation Measure 2.3.2.J All refueling and maintenance of equipment and vehicles will be at least 60 feet from any aquatic habitat, wetland area, or any water body. The contractor will ensure contamination of habitat does not occur during such operations. All workers will be informed of the importance of preventing spills and of the appropriate measures to take should a spill occur. *County's Analysis: This mitigation measure can be combined with MM 2.3.2.B and 2.3.2.C.*
- (k) Mitigation Measure 2.3.2.K Prior to the onset of work, the Army Corps of Engineers will ensure that the permittee has prepared a plan to allow a prompt and effective response to any accidental spills around aquatic

habitats. All workers will be informed of the importance of preventing spills and of the appropriate measures to take should a spill occur.

County's Analysis: This mitigation measure can be combined with MM 2.3.2.B, 2.3.2.C and 2.3.2.J to insure a comprehensive approach to contaminant prevention and response.

- (l) Mitigation Measure 2.3.2.L Erosion Control and Storm Water Management. All construction activities would be completed in accordance with Caltrans Nation Pollution Discharge Elimination System Permit, the General Construction Permit, and Caltrans Statewide Storm Water Management Plan. *County's Analysis: This mitigation is a duplicate of Mitigation Measure 2.3.2.D. Similarly Mitigation Measures 2.3.2.M is a duplicate of 2.3.2.E, and 2.3.2.N is a duplicate of 2.3.2.F. There are no added benefits from these mitigations.*
- (m) Monitoring It will be the responsibility of Caltrans to implement and monitor Mitigation Measures listed above with required consultation where necessary. The RMA –Planning Department will require Caltrans to provide information regarding the Storm Water Pollution Prevention Plan, pre-construction surveys, accidental spill response plan, and annual monitoring reports identifying implementation of proposed measures and success. Also Monterey County Planning Department should be consulted wherever new impacts are identified consistent with Mitigation Measures 2.3.2.G, 2.3.2.H, and 2.3.2.I (Condition # 4).
- (n) Conclusion Fencing, Monitoring, Spill prevention, and erosion control are appropriate and feasible measures that would reduce potential impacts on wetlands and other waters to a less than significant level.

5c FINDING: IMPACTS TO NESTING AND MIGRATORY BIRDS WILL BE MITIGATED TO LESS THAN SIGNIFICANT LEVEL - Mitigation Measure 2.3.3.A will reduce potentially significant impacts on nesting or migratory birds to a less than significant level. These Mitigation Measures are incorporated into the project as conditions of approval. The stated impacts are: *Impacts to Migratory Birds (FEIR Chapter 2.3.3). Loss of nesting habitat for one to two seasons is anticipated with construction of either Alternative 1 or 2. Approximately 50 percent of the existing cable net would be removed at Rain Rocks under Alternative 1.*

- EVIDENCE:**
- (a) Mitigation Measure 2.3.3.A One year prior to construction, pre-construction surveys will be conducted during the nesting season to identify the presence or absence of active nests for birds protected under the Migratory Bird Treaty Act if birds are nesting, after their dispersal, bird netting would be installed to deter nesting during construction. *County's Analysis: The Department of Fish and Game regularly requires compliance with the Migratory Bird Act through mitigation in environmental review. This reduces the impact or take of bird species that may be nesting within the project limits. Conditions of approval requiring compliance with other agency permits and pre-construction surveys have been included in the conditions of approval for this project (Conditions #6 & 8).*
 - (b) Monitoring It will be the responsibility of Caltrans to implement and monitor Mitigation Measures listed above and to consult with the Department of Fish and Game where necessary.

- (c) Conclusion Surveys, Bird netting, and appropriate timing of construction activities will insure compliance with the Migratory Bird Act and therefore result in a less than significant impact to migratory or nesting bird species.

5d FINDING: IMPACTS TO THREATENED AND ENDANGERED SPECIES WILL BE MITIGATED TO LESS THAN SIGNIFICANT LEVEL - Mitigation Measure 2.3.4.A through 2.3.4.I will reduce potentially significant impacts on threatened and endangered species to a less than significant level. These Mitigation Measures are incorporated into the project as conditions of approval. The stated impacts are:

Impacts to Threatened and Endangered Species (FEIR Chapter 2.3.4). Evidence of potential presence of Smith's Blue butterfly, California Condors, and the Southern Sea Otter was identified within the project area. A single buckwheat plant (host plant for the butterfly) will need to be relocated as a result of construction of either alternative. Condors may be attracted to human activity in search of food or trash and there is a slight potential for indirect impacts to the Otter from construction related noise.

- EVIDENCE:**
- (a) Mitigation Measure 2.3.4.A The number of access routes, size of staging areas, and the total area of activity would be limited to the minimum necessary to safely construct this project. *County's Analysis: Big Sur Land Use Plan Policy 3.3.2.4 requires development within sensitive habitat to limit removal of vegetation and land disturbance associated with the development to only that needed for structural improvements. This mitigation is incorporated in the Conditions of approval for this project (Condition #10).*
- (b) Mitigation Measure 2.3.4.B As a result of technical assistance from U.S. Fish and Wildlife Service under Section 7 of the Endangered Species Act, the single Smith's blue butterfly host plant (buckwheat) will be removed, with the surrounding soils and duff, and relocated outside the area of direct impact to an area nearby that has established buckwheat plants. *County's Analysis: This mitigation identifies that the proper agency consultation was conducted. As the regulatory body for consultation regarding federally endangered species, U.S. Fish and Wildlife Services (USFWS) is responsible for issuing appropriate permits and implementing conditions or mitigations where necessary to avoid or mitigate impacts. A condition of approval requiring compliance with other agency permits has been included in the conditions of approval for this project (Condition #6).*
- (c) Mitigation Measure 2.3.4.C Due to their curious nature, condors may frequent the construction site and perch on large equipment, looking for food scraps. During construction, all food-related trash shall be properly contained and regularly removed from the work site. *County's Analysis: No suitable habitat for the Condor was identified at the site; however there is the potential for Condors to visit the work site in search of food. To prevent indirect impacts to Condors through human generated trash as a dietary source for the bird, Caltrans would keep any such material from access by Condors. Again USFWS is responsible for issuing appropriate permits and implementing conditions or mitigations where necessary to avoid or mitigate impacts. A condition of approval requiring compliance*

with other agency permits has been included in the conditions of approval for this project (Condition #6).

- (d) Mitigation Measure 2.3.4.D A Caltrans biologist or designee will monitor sea otter activity during events that cause loud noises, such as blasting, for observation of abnormal activity or behavior and contact U.S. Fish and Wildlife Services if such behavior occurs. *County's Analysis: Loud noises are not expected to have a significant adverse impact on otters that may be present off shore approximately 200 feet below the project site. If impacts are identified USFWS will be consulted for appropriate actions to avoid impacts to the otter. A condition of approval requiring biological monitor (Condition #9) and compliance with other agency permits (Condition #6) have been included in the conditions of approval for this project.*
- (e) Mitigation Measure 2.3.4.E Due to the time that would elapse before project construction and because the biological environment in the project area is subject to change, pre-construction surveys will be undertaken during the appropriate survey season, approximately one year prior to construction to identify up-to-date distribution of special status species. If any federally listed species are found during the pre-construction surveys, no construction would be undertaken until consultation was completed between the Federal Highway Administration and the U.S. Fish and Wildlife Service. If any state special-status species were found during the pre-construction surveys, no construction would be undertaken until consultation was completed between Caltrans and the California Department of Fish and Game. All requirements, resulting from consultation with the resource agencies will be followed. *County's Analysis: Pre-construction surveys are required as mitigation for several identified potential impacts. These surveys act as a check to insure all resources are dealt with fully and properly and this mitigation outlines steps for required consultation if necessary with appropriate agencies. In issuing permits the responsible agencies must comply with appropriate environmental review standards including CEQA. A condition requiring pre-construction surveys has been included in the Conditions of approval for this project (Condition #8).*
- (f) Mitigation Measure 2.3.4.F A Caltrans biologist (or designee) will conduct a training session for all construction personnel before any construction activities begin. The training session will include a description of all special-status species known to occur in the project vicinity (Smith's Blue butterfly and buckwheat host plants, California Condor, and southern sea otter). The biologist will discuss their habitats, their importance, and general measures being implemented to conserve these species as they relate to the project boundaries. Brochures, photographs, books, and briefings may be used in the training session, provided that a qualified person is on hand to answer any questions. *County's Analysis: Training of personnel will increase awareness of activities and impacts of those activities on protected species. It will also help in ongoing compliance throughout project construction with mitigations. Conditions of approval requiring compliance with other agency permits (Condition #6) adherence to Best Management Practices (Condition #10), and biological monitoring (Condition # 9) have been included in this project.*

- (g) Mitigation Measure 2.3.4.G A biological/environmental monitor would be present onsite during construction activities that may impact special-status species. This includes blasting for the construction of structure piers and abutments and any associated de-water activities. *County's Analysis: This mitigation is a broader description of the general biological monitoring requirement at the project site (See MM 2.3.4.D and MM 2.3.2.H).*
- (h) Mitigation Measure 2.3.4.H If any special-status species are found during construction, the Environmental Branch shall be contacted immediately. After any and all required consultations with agencies have occurred, the Caltrans Biologist or designee shall be present at the construction site until such time as special-status species have been removed and any special instructions have been given to construction personnel. *County's Analysis: This mitigation is the same as MM 2.3.4.E except for the timing which in this case is ongoing during construction as opposed to pre-construction under 2.3.4.E. Conditions of approval requiring a biological monitor (Condition #9) and compliance with other agency permits have been included in the conditions for this project (Condition #6).*
- (i) Mitigation Measure 2.3.4.I The Caltrans resident engineer, in consultation with the biologist and/or environmental monitor will have the authority to halt any action that might result in impacts that exceed the anticipated levels of impact that were determined during agency review (between Caltrans, U.S. Army Corps of Engineers, California Department of Fish and Game, and/or U.S. Fish and Wildlife Service). Once work has stopped, the biologist or environmental monitor will notify these same regulatory agencies. *County's Analysis: The authority of the monitor to halt work and requirement to consult with responsible agencies is similar to MM 2.3.2.I except that it applies to special-status species in this case. Conditions requiring compliance with other agency permits and requirements (Condition #6) and biological monitoring during construction (Condition #10), have been incorporated in the conditions of approval for this project.*
- (j) Monitoring It will be the responsibility of Caltrans to implement and monitor Mitigation Measures listed above with required consultation where necessary. The RMA-Planning Department will require Caltrans to provide information regarding, pre-construction surveys and annual monitoring reports identifying implementation of proposed measures and success. Also Monterey County Planning Department should be consulted wherever new impacts are identified consistent with Mitigation Measures 2.3.4.E, 2.3.4.G, and 2.3.4.H (Condition #3).
- (k) Conclusion Monitoring, education, and consultation are appropriate and feasible measures that would reduce potential impacts on special-status species to a less than significant level. Consultation with new information may require new environmental review pursuant to CEQA.

6. FINDING: CEQA. NO SUPPLEMENTAL OR SUBSEQUENT EIR IS NEEDED.
 No Supplemental or Subsequent EIR is needed pursuant to Public Resources Code Section 21166, or California Code of Regulations, Title 14, Sections 15162 or 15163 since certification of the Final EIR.

EVIDENCE: (a) There have not been any substantial changes to the project which require major revisions to the previous EIR due to the involvement of new

significant environmental effects or a substantial increase in the severity of previously identified effects. The EIR analyzed the project for which Caltrans is seeking a permit.

- (b) No new information of substantial importance has been presented, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete. The primary purpose of this Combined Development Permit is to allow construction of a new bridge and rock shed on Highway 1 to improve safety and reliability while decreasing costs and environmental effects associated with maintenance at Pitkin's Curve and Rain Rocks. A Final Environmental Impact Report was certified on October 16, 2006. No new information has been presented since that time.

7. FINDING: CEQA ALTERNATIVES TO THE PROPOSED PROJECT – The EIR considered several alternatives to the proposed project in compliance with CEQA Guidelines Section 15126.6. The EIR considered the following alternatives as more fully described in Chapter 1.4 of the FEIR.

- EVIDENCE:**
- (a) Alternative Considered and Dismissed Caltrans, using the *Coast Highway Management Plan* as a guide, considered several alternatives that would accomplish the goal of the project. These alternatives were ultimately dismissed due to circumstances applicable to the site. The alternatives considered included: 1) Realigning the highway inland (*withdrawn due to substantial environmental impacts and cost*); 2) Retaining wall and reinforced embankments (*retaining walls were estimated to be approximately 55 feet high by 300 feet long, would require rebuilding the entire slope, and would not be a long term permanent solution*); 3) Rock net above Pitkins Curve (*withdrawn because the slope is too unstable to allow anchoring of these devices*); and 4) A continuous Rock Shed (*withdrawn due to safety concerns regarding tight curves, 25 mph zone, limited visibility, environmental impacts, and cost*).
 - (b) No Project Alternative (Alternative 3) The “No Project Alternative” would not accomplish the purpose of the project which is to provide improvements that would substantially decrease maintenance expenditures and appreciably increase highway worker safety and roadway reliability, dependability, and motorist safety while minimizing environmental impacts at the Pitkins Curve/Rain Rocks location. Negative consequences of the “No Project Alternative” include routine and expensive maintenance to clean landslide material from behind existing berms and transport that material to diminishing stockpile locations, continued unexpected road closures, replacement of cable mesh every 13 years, ongoing safety concerns for motorists and highway crews potentially resulting in injury or death, and potential loss of the road in the event of a catastrophic failure which would require a complete rebuild of the highway.
 - (c) Bridge (Alternative 2) Alternative 2 would consist of the construction of a new bridge at Pitkins Curve and no change at Rain Rocks. This project would eliminate the risk associated with the Pitkins Curve landslide area but does not address risks from rock fall at Rain Rocks. All of the cable mesh at Rain Rocks would remain in place and be replaced approximately every 13 years. Although this project would not place a large structure that

is unique to the Coast Highway in Big Sur within the critical viewshed (therefore having fewer impacts on aesthetics and a reduced construction period) there would still be risks to life and safety as a result of falling rocks and boulders.

- (d) Bridge and Rock Shed (Alternative 1) After consideration of comments received during the public review, Caltrans selected Alternative 1 as the preferred alternative because it provides the safest and most reliable highway facility and provides efficiencies of expenditures and construction. This alternative would construct a new 525 foot long bridge at Pitkins Curve and a new 240 foot long rock shed at Rain Rocks. Construction of the bridge and rock shed would substantially reduce the need for regular roadway maintenance and associated traffic disruption. It would eliminate the risk of catastrophic failure, extensive road closures, and environmental and economic costs. Minor periodic maintenance would still be required. Alternative 1 was chosen as the environmentally superior alternative for these reasons.

8. **FINDING:** **CEQA (STATEMENT OF OVERRIDING CONSIDERATIONS)** - The project would result in significant and unavoidable aesthetic impacts that cannot be mitigated to a less than significant level as described in this finding (see FEIR Chapter 3). Mitigation Measure 2.1.4.A through 2.1.4.V will reduce potentially significant impacts on aesthetics to avoid or substantially lessen the significant environmental effect as identified in the final EIR. These Mitigation Measures are incorporated into the project as conditions of approval. The following information is presented to comply with Sections 15091 and 15093 of the State CEQA Guidelines

- EVIDENCE:** (a) Mitigation Measure 2.1.4.A Design the structures with the highest quality architectural and engineering practices and considerations, acknowledging the existing historic bridges of the Big Sur Coast and using current state-of-the-art technology. *County's Analysis: The proposed project includes plans and photo simulations representing a design developed with public input in keeping with this mitigation and policy 4.1.3.B.4 of the Big Sur LUP.*
- (b) Mitigation Measure 2.1.4.B Involve the community in the design of all structures, walls, barriers, and other project aesthetics through the creation of an Aesthetic Design Advisory Committee. *County's Analysis: Materials contained in the project file outline the formation of an Aesthetic Design Advisory Committee (ADAC), the groups and agencies that participated in the ADAC meetings, dates on which meetings were held, and a brief summary of the discussions at those meetings. The resulting project design was developed in this forum in keeping with this mitigation and policy 4.1.3.B.4 of the Big Sur LUP.*
- (c) Mitigation Measure 2.1.4.C Consider including a high level of architectural detailing in the design of the structures. *County's Analysis: This mitigation can be included in MM 2.1.4.A and 2.1.4.B.*
- (d) Mitigation Measure 2.1.4.D Use an open-style safety rail that minimizes view blockage. *County's Analysis: Design of the railings is included in the plans submitted for the application contained in project file PLN080218 located at 168 W. Alisal in Salinas California. The railing design is in keeping with this mitigation and policy 4.1.3.B.4 of the Big Sur LUP.*

- (e) Mitigation Measure 2.1.4.E Use finish colors and textures that minimize reflectivity and glare. *County's Analysis: Finish colors and textures were developed with input for the ADAC. The project plans reflect the final design that includes natural appearing stone on the rock shed.*
- (f) Mitigation Measure 2.1.4.F To the greatest extent possible use an "honest use of materials" philosophy that avoids the use of obviously "fake" materials, such as materials that are concrete formed and colored to look like wood, etc. *County's Analysis: Finish colors and textures were developed with input for the ADAC. The project plans reflect the final design that includes natural appearing stone on the rock shed.*
- (g) Mitigation Measure 2.1.4.G Re-contour all disturbed areas and construction access roads to a natural appearance. *County's Analysis: Some re-contouring is included in the plans submitted for the application contained in project file PLN080218 located at 168 W. Alisal in Salinas California. This will compliment the mitigations identified that require replanting of vegetation to restore the site following completion of construction. A condition requiring restoration of the site has been incorporated in the conditions of approval for this project (Condition # 3).*
- (h) Mitigation Measure 2.1.4.H Vegetate all stabilized soil areas with native shrubs and grasses. Include planting where possible around all exposed drainage pipes, permanent access roads, and retaining walls (except the interior of the rock shed). *County's Analysis: Again revegetation will help restore the natural appearance of the site following construction. See MM 2.3.1.B, 2.3.1.C and 2.3.1.E described in Finding 5a above and Condition #3.*
- (i) Mitigation Measure 2.1.4.I Integrate existing rock outcroppings and stone landforms into the design to the greatest extent possible. *County's Analysis: Based on the plans submitted by Caltrans it appears that engineering requirements of the rock shed require the construction of an interior retaining wall which will prohibit implementation of this measure within the interior of the rock shed.*
- (j) Mitigation Measure 2.1.4.J Minimize the use of signage and reflectors to the minimum required in the Manual of Uniform Traffic Control Devices with concurrence by Caltrans Traffic Design. *County's Analysis: Signage is required to be in conformance with Big Sur Land Use Plan policy 3.2.5.C.1 which expressly requires the use of unpainted redwood signs. This mitigation is incorporated in the Conditions of approval for this project (Condition #11).*
- (k) Mitigation Measure 2.1.4.K Minimize use of asphalt or concrete paving beyond the proposed 4-foot shoulders. If additional paving were required, alternative natural-appearing surfaces such as soil cement will be used. *County's Analysis: This mitigation will provide a nice transition from the road back to the natural and rustic setting of the site and is in compliance with the Coast Highway Management Plan guiding policies and therefore Policy 4.1.3.B.4 of the Big Sur LUP. This mitigation is incorporated in the design of the project and Condition #12.*
- (l) Mitigation Measure 2.1.4.L Color additional rock netting or mesh, if required, completely black, including all integral connectors. *This should be implemented with or without the project to reduce the visual impact of the current and future rock netting within the project area. County's*

Analysis: This mitigation is incorporated in the Conditions of approval for this project (Condition #12).

- (m) Mitigation Measure 2.1.4.M Bury all overside drains and inlet structures or hide them from view to the greatest extent possible. Where unavoidably exposed to view, color the pipes to reduce visibility, and dull the gloss of the finish. *County's Analysis: Storm drainage pipes daylighting out the western bluff may be seen from turn outs near the project site. Hiding or coloring the pipes will help blend the infrastructure into the hillside and substantially reduce visibility. This mitigation is incorporated in the Conditions of approval for this project (Condition #12).*
- (n) Mitigation Measure 2.1.4.N Color all paved ditches to reduce noticeably. *County's Analysis: Self explanatory and incorporated by Condition #12.*
- (o) Mitigation Measure 2.1.4.O Where metal beam guardrail is required, use measures to reduce reflectivity of the metal components. *County's Analysis: The proposed project would straighten the highway eliminating the curve at Pitkins Curve. The plans show a concrete barrier (Type 80) along the bridge and rock shed. See guardrail design in project file.*
- (p) Mitigation Measure 2.1.4.P If paving is required beyond the paved portion of the roadway, use alternative natural-appearing surfaces such as soil cement. If a safety barrier is required at the perimeter of the pullout or parking area, design it to complement the other project structures. If boulders are used, half-bury them into the soil to appear natural. *County's Analysis: Pavement beyond the 12-foot lanes and 4-foot shoulders has already been addressed in MM 2.1.4.K. No new turnouts are proposed.*
- (q) Mitigation Measure 2.1.4.Q If pedestrian or bicycle railing is required, design it with materials, form, and colors to minimize noticeability and ocean view blockage, and to complement the bridge and rock shed architecture. *Every aspect of the proposed structures can be listed to include appropriate design for the area. The proposed design is consistent with the Coast Highway Management Plan and the Big Sur Land Use Plan.*
- (r) Mitigation Measure 2.1.4.R Minimize the tight, enclosed spatial characteristics of the rock shed to the greatest extent possible through measures such as reducing the number of columns, reducing the thickness of the columns, raising the ceiling height of the structure, aligning the inside retaining wall (closest to the uphill slope) as far from the highway lanes as possible, and allowing the entry portals openings to be as large as feasible and still architecturally appropriate. *County's Analysis: The proposed rock shed will have an arched ceiling height of approximately 22 feet. There will be six columns on the western side of the rock shed that taper toward the top and will be connected by arches which will help frame views of the ocean from within the structure. The design of the rock shed inside and out has been well thought out. This design seems like a reasonable compromise between highway safety and reliability and protection of the visual resources at the site.*
- (s) Mitigation Measure 2.1.4.S Design the length of the rock shed and the form of the parapet walls at the portals so that no personnel fencing or railings are visible from the highway. *County's Analysis: This mitigation is self-explanatory. Plans submitted reflect proposed design.*

- (t) Mitigation Measure 2.1.4.T Consider using a ledger beam to support the rock shed roof connection to the hill rather than a full-height retaining wall, so that the native rock face of the hill would be exposed to highway viewers. *County's Analysis: Plans submitted for the rock shed include an interior retaining wall rather than a ledger beam. It is assumed that this is based on engineering requirements. Efforts have been made to treat the interior of the rock shed with stone so that it maintains a somewhat natural appearance.*
- (u) Mitigation Measure 2.1.4.U Disguise to the greatest extent possible any permanent road required to the roof of the rock shed for maintenance access. Also disguise any necessary gate by making it appear as a natural landform or screening it with berms and/or natural appearing boulders and native vegetation if possible. *County's Analysis: Caltrans has indicated that no access road will be developed. Access to the roof of the rock shed will be via use of maintenance equipment if required. Therefore, there is no visual impact from the creation of access roads that needs mitigating.*
- (v) Mitigation Measure 2.1.4.V Retrofit or replace the existing bridge rail on the Rain Rocks viaduct to complement the new bridge and rock shed structures. *County's Analysis: Caltrans intends on replacing the rail at Rain Rocks viaduct so that there is not a scattering of different architectural and railing types in the vicinity. This will bring some degree of uniformity in style. This mitigation is not expressly required as part of the Big Sur Land Use Plan or the Coast Highway Management Plan and therefore is at the discretion of Caltrans.*
- (w) Unavoidable Effects The FEIR concludes that the rock shed feature of Alternative 1 would be a substantial structure that is highly visible, distinctive, and unexpected in the magnificent natural setting of the Big Sur coast and on the state scenic highway. Measures are proposed to mitigate the aesthetic character of the rock shed; however, it is not possible to neither hide this structure from view nor blend its features to fully harmonize with the scenic qualities of the Big Sur Coast.
- (x) Statement of Overriding Considerations The California Department of Transportation (Caltrans) proposes to construct a bridge and rock shed on Highway 1 to restore highway reliability, decrease maintenance expenditures, and protect highway workers at Pitkins Curve and the northern chute of Rain Rocks along the Big Sur Coast in Monterey County, California. Unstable geology and winter storms cause unpredictable and extensive landslides and rockfall at Pitkins Curve/Rain Rocks. These events regularly reduce and sever travel for months at a time on Highway 1, a state scenic highway and national scenic byway "All-American Road," and the only direct coastal link to communities between San Simeon and Carmel. Highway restoration is generally conducted under emergency conditions, which increases risk to highway workers, elevates costs, restricts the range of methods available to restore the highway, and limits ways to avoid or minimize impacts to traffic movement, the economy, and the environment. At this location, even the routine maintenance of managing the landslides is riskier and has higher maintenance costs than for other locations on the Big Sur Coast Highway. Caltrans geologists and geotechnical engineers have studied the slopes at Pitkins Curve/Rain Rocks and concluded that the hillside will continue to

slide, the highway will be damaged repeatedly, and it will likely be severed again. The project (construction of a bridge and rock shed) would substantially reduce the need for regular roadway maintenance and associated traffic disruption. It would eliminate the risk to highway workers of working in the active rockfall area and eliminate the risk of catastrophic highway failure, extensive road closures, and environmental and economic costs. The project provides the most reliable and dependable transportation facility and, over the life of the project, would have the least impact to the area's economy.

9. **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. Zoning violation abatement costs, if any, have been paid.

EVIDENCE: Staff reviewed Monterey County RMA - Planning Department and Building Services Department records and is not aware of any violations existing on subject property.

10. **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) Improvements to Highway 1 shall be undertaken in order to increase its service capacity and safety, consistent with its retention as a scenic two-lane road (Big Sur LUP Policy 4.1.2.1). To date, three vehicles been struck and damaged by falling rocks while traveling Pitkins Curve and Rain Rocks in addition to numerous rock fall related accidents reported by Caltrans highway workers. Extensive and unexpected closures have occurred due to blockages caused by landsliding and rock fall. The proposed project will increase safety and reliability of Highway 1 while remaining a two-lane road.

(b) The County requests that, in order to maximize vehicular access to the Big Sur Coast the width of Highway 1 be upgraded to a standard 12-foot lanes and two 4-foot shoulders where physically practical and consistent with the preservation of other coastal resources values (LUP Policy 4.1.3.A.1). The proposed project includes uniform 12-foot wide lanes and a 4-foot wide shoulder throughout the project site.

(c) Findings 1 and 2 with supporting evidence.

(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 PLN080218.

11. **FINDING: 30% SLOPE:** Development on slopes in excess of 30% is prohibited unless there is no feasible alternative that would allow development to occur on slopes of less than 30%, or the proposed development better achieves the goals, policies and objectives of the Monterey County General Plan and applicable Land Use Plan than other development alternatives.

- EVIDENCE:** (a) The project is essential to improve the health and safety of the traveling public. The project area lies in an area already impacted by steep slopes and associated slope failure. The project is designed to remove the highway from these hazards. There is no feasible alternative that would allow the proposed development to occur on slopes of less than 30%;
- (b) As a safety improvement, including separation of structures from the hazard, the proposed project would better meet the goals, policies, and objectives of the General Plan and Land Use Plan.
- (c) Findings 1, 2, and 10 with supporting evidence
- (d) The *Coast Highway Management Plan*, July 2003
- (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 File PLN080218.

12. FINDING: PUBLIC ACCESS: The project is in conformance with the public access and public recreation policies of the California Coastal Act and the Monterey County Local Coastal Program, and does not interfere with any form of historic public use or trust rights (see 20.70.050.B.4).

- **First public road and applicable Coastal Act policies.** 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.
- **Highway 1 as public access corridor.** 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 State Scenic Highway and 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.
- **Pedestrian access.** For hikers, coastal beach access is already possible south of the project site at Rockland Landing Beach, at the mouth of Limekiln Creek within Limekiln State Park. Coastal access to the shoreline within the project limits is infeasible in this case due to the extremely steep, unstable terrain. The need for lateral access through or around the project site has been identified. In particular, there is no safe hiker access between the State Park's main trailhead-campground area and the northern part of the park—accessed from Highway 1 by the Twitchell Flat Trail (a former fire access road). Hikers attempting to use the highway for lateral access around the Rain Rocks Promontory are forced to share the roadway with motor traffic—a significant safety impairment. An alternative lateral access connection is believed to be feasible inland from the proposed highway structures by connecting the existing Twitchell Flat Trail to the main Limekiln State Park trailhead, thus bypassing the Pitkins Curve/Rain Rocks obstacle. Rehabilitation

and development of coastal trails in the area would satisfy Big Sur Coast Land Use Plan and California Coastal Act requirements regarding maximizing public access opportunities to and along the coast. It would also be consistent with Senate Bill 908 regarding completing the California Coastal Trail (CCT), and would provide appropriate pedestrian connections consistent with current Caltrans directives for non-motorized mobility modes.

- **Bicycle access along the coast.** The designated Pacific Coast Bike Route runs from Vancouver British Columbia to Imperial Beach California along Highway 1. The project location is currently lacking in a uniform shoulder for bicycling which increases dangers from sharing the road with motorists. The project has been designed to include paved 4-foot wide shoulders throughout the project site, consistent with Big Sur Coast Land Use Plan policy 4.1.3.A.1. Bicycle safety railings will also be provided along the bridge and through the rock shed. This will result in a superior situation for bicycle access in this area.
- **Summary for applicable Coastal Act public access and recreation policies.** This project will significantly help to relieve safety risks and unplanned road closures to motorized public access along the coast. The project improves pedestrian public access through the incorporation of monetary contributions toward development of a Coastal Trail in the vicinity and improves mobility via bicycle through the inclusion of 4-foot wide shoulders (which will also improve safety for the occasional on-highway pedestrian). Accordingly, as designed, the project provides the types of public access improvements appropriate to the context, and is consistent with the above-cited Coastal Act public access policies for new development seaward of the first public road.
- **Summary for Monterey County Local Coastal Program.** The project consists entirely of improvements that will help maintain and enhance public access along the coast. The proposed improvements are consistent with, and will serve to carry out the applicable public access policies of the Monterey County Local Coastal Program. Monetary contributions for development of a pedestrian coastal trail bypassing Pitkins Curve and Rain Rocks are required as part of the project. Per an agreement to be developed between Caltrans and State Parks, Caltrans shall be responsible for contributing the cost of rehabilitating these trail segments and State Parks shall be responsible for operation and maintenance upon completion of the needed rehabilitation work.

EVIDENCE: (a) Caltrans contribution The rights of access to the shoreline, public lands, and along the coast, and opportunities for recreational hiking access, shall be protected, encouraged and enhanced (Land Use Plan Key Policy 6.1.3). Caltrans proposes, and the project is conditioned to require, a fair share contribution to California State Parks, for improvement of trails bypassing Pitkins Curve and Rain Rocks. Connecting a trail north of the project site (Twitchell Flats) with the Limekiln State Parks main trailhead to the south will complete an essential 1.1 mile segment of the California Coastal Trail. It will also provide a linkage between existing disconnected recreational trail segments within the State Park, thereby creating an enhanced and enjoyable 4.7 mile trail system bypassing Pitkins Curve and Rain Rocks. This measure will therefore satisfy Coastal Act requirements

for maximizing public access opportunities (Condition #5). A deposit in an amount sufficient to assure implementation of the proposed pedestrian hiking trail, bypassing the new bridge and rock shed on Highway 1, is required. The total required deposit will be based on the following anticipated trail improvements. Deposit amounts are subject to reallocation between project elements at the sole discretion of the Department of Parks and Recreation (“State Parks”):

- **Reconstruction of the coastal trail segment known as the Alvin Trail** within Limekiln State Park (variously characterized as a portion of the historic Lower Coast Trail). The goal for this Coastal Trail segment, a distance of about 0.4 miles, is to provide a natural surface hiking trail appropriate for a wilderness setting, in a manner satisfactory to State Parks. To avoid any significant disruption of the steep sidehill terrain and redwood forest through which it passes, the reconstructed width should be the minimum necessary for this type of trail (typically, 2 ft. of tread width and 4-6 ft. of horizontal vegetative clearance). The cost for this work is currently estimated at \$80,000, based on California Conservation Corps experience with new trails in similar terrain nearby which cost \$200,000 per mile for this type of trail construction.
- **Repairs at the paved day use trailhead parking area** for the Limekilns Trail, near the State Park entry kiosk, off Highway 1. The estimate for relatively minor repairs to reinstate public use is \$10,000.
- **Post-fire repairs, including foot bridge repairs, and signage**, needed for the segment of the Limekilns Trail between the above-identified trailhead and the beginning of the Alvin Trail (estimated at \$30,000 for approximately 0.3 mile).
- **Post-fire repairs and signage needed for the segment of the Twitchell Flat fire road/trail**, between the north end of the Alvin Trail to its junction at Highway 1 north of the new highway bridge (estimated at \$5,000 for approximately 0.4 mile).
- **Opening and stabilization.** Initial costs to open the rehabilitated trail to public use, including monitoring for the first twelve months and any adaptive management measures needed for drainage corrections, slope stabilization, posting of Coastal Trail emblems, visitor information and other expenses associated with implementing the newly-rehabilitated trail segments (estimated at \$12,000).
- **Revised trail map.** Production of an updated monochrome trail map and list of regulations for distribution as a visitor hand-out, and for posting on the State Park website (estimated at \$3,000).
- **Associated administrative and contract overhead costs**, for State Parks and the California Conservation Corps, as necessary for such trail reconstruction and/or rehabilitation--not to exceed 25% of total reconstruction and rehabilitation costs.

(b) Responsibilities for additional environmental review and for Coastal Development Permit, if needed. The proposed trail rehabilitation work identified above is understood to fall within the definition of repair and maintenance activities that are excluded from the requirement to obtain a coastal development permit. In event that the necessary trail work entails substantive realignment, new structures or grading, the Planning Director

will determine if a separate coastal development permit is required. Any additional environmental review and any required separate coastal development permit will be the responsibility of the California Department of Parks & Recreation.

- (c) Responsibilities after trail rehabilitation. Once opened, State Parks shall operate and maintain the new Coastal Trail segment in perpetuity. Caltrans will have no further obligation for upkeep of this trail segment.
- (d) Bicycle access The project proposes a uniform 4-foot wide shoulder throughout the project site which will be adequate for bicycle use.
- (e) Highway 1 access The project itself will improve access along Highway 1, which is an important public access route that provides access to other recreational opportunities along the Big Sur and San Luis Obispo coastlines, by improving safety and reliability.
- (f) Existing trails No existing trails or shoreline access areas will be adversely impacted as a result of the proposed project.
- (g) Public Transportation There will be no impact on public transportation in this remote area of the Coast other than improved safety and reliability for existing services.
- (h) Traffic management during construction Temporary road closures during construction will have the potential to impact access and local economies temporarily. To address this issue and concerns raised, Caltrans has developed a Transportation Management Plan with input from the community and stakeholders. The plans indicate that throughout the estimated 5-year construction period one-lane access will be maintained by using traffic signals or flaggers. Several construction-related activities will require road closures. Two types of closures have been made available to the contractors including nighttime from 9 PM Sunday evenings to 6 AM Monday mornings (9 hour durations) and a maximum of 12 daytime closures per year lasting between 15 and 120 minutes between 9 AM and 4 PM Mondays through Thursdays. At least one week's notification is required for both closure options. Six temporary changeable message signs, strategically located at the Carmel River Bridge, Coast Gallery, two at the project site, San Simeon, and the intersection of Highway 1 and Highway 46, will be used to alert motorists of construction delays. Emergency personnel will be allowed access at all times. Implementation of this plan significantly reduces impacts on recreation and access through the use of appropriate timing and an absence of extensive delays; current conditions sometimes require closure of the road for maintenance for days at a time.
- (i) Application 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 PLN080218.

13. FINDING: **APPEALABILITY** - The decision on this project is appealable to the Board of Supervisors and the California Coastal Commission.

EVIDENCE: (a) Section 20.86.030 of the Monterey County Coastal Implementation Plan - Part 1 (Board of Supervisors).

(b) The project may be appealed to the California Coastal Commission pursuant to Section 20.86.080 of the Monterey County Coastal

Implementation Plan - Part 1 because the proposed project is subject to a Coastal Development Permit and is located between the sea (Pacific Ocean) and the first public road paralleling the sea (Highway 1).

EXHIBIT C Monterey County Resource Management Agency Planning Department Condition Compliance and/or Mitigation Monitoring Reporting Plan	Project Name: <u>California Department of Transportation (Pitkins Curve/Rain Rocks)</u> File No: <u>PLN080218</u> APNs: <u>Highway 1 Public Road Right-of-way</u> Approved by: <u>Planning Commission</u> Date: <u>March 25, 2009</u>
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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. Caltrans has already certified and adopted a mitigation monitoring and reporting plan (10/16/2006)*

<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>Verification of Compliance (name/date)</i>
1.		PD001 - SPECIFIC USES ONLY This Combined Development Permit (PLN080218) allows 1)A Coastal Development Permit to allow the construction of a 525 foot long bridge at Pitkins Curve and a 240 foot long rock shed at Rain Rocks over Highway 1 for the purpose of rock fall and landslide mitigation including approximately 25,000 cubic yards of grading; 2) A Coastal Development Permit for development on slopes greater than 30%; 3) A Coastal Development Permit to allow development within the critical viewshed; 4) A Coastal Development Permit to allow development with the potential to cause a significant environmental impact; and 5) A Design Approval. The site is located at State Route 1, Big Sur between Post Mile 21.3 and 21.6 just north of Limekiln State Park Big Sur Land Use Plan. This permit	Adhere to conditions and uses specified in the permit.	Owner/Applicant	Ongoing unless otherwise stated	

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		<p>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 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>				

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2.		PD002 - NOTICE-PERMIT APPROVAL The applicant shall record a notice which states: "A permit (Resolution _____) was approved by the Planning Commission for State Route 1 between Post Mile 21.3 and 21.6 on March 25, 2009. The permit was granted subject to 12 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 construction	
3.	2.3.1.B, 2.3.1.C, 2.3.1.E, 2.1.4.G, and 2.1.4.H	PD033 - RESTORATION OF NATURAL MATERIALS Upon completion of the development, the area disturbed shall be restored to a condition to correspond with the adjoining area, subject to the approval of the Director of the RMA - Planning Department. Plans for such restoration shall be submitted to and approved by the Director of the RMA - Planning Department prior to commencement of use. (RMA - Planning Department)	Submit restoration plans to the RMA - Planning Department for review and approval.	Owner/ Applicant	Prior to commencement of use.	

<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>Verification of Compliance (name/date)</i>
4.	2.3.1.D	<p>PDSP001 – MITIGATION MONITORING AND REPORTING (NON-STANDARD)</p> <p>The California Department of Transportation shall submit biannual mitigation monitoring and reporting information including any pre-construction surveys or plans required to the Monterey County RMA – Planning Department and the California Coastal Commission describing compliance with mitigation implementation and success. Reporting shall continue for three years following completion of the project or until the vegetation replanting success criteria is reached as described in Mitigation Measure 2.3.1.E of the EIR.</p> <p>(RMA – Planning Department and the California Coastal Commission)</p>	<p>Prior to construction the applicant (Caltrans) shall submit a reporting plan describing compliance with all mitigations required prior to construction activities to the RMA-Planning Department and the California Coastal Commission for review.</p>	Caltrans	Prior to construction	
			<p>Every six months, starting at commencement of construction and ending with successful restoration of vegetation at the site, Caltrans shall submit reporting plans demonstrating compliance with applicable mitigation measures to the RMA-Planning Department and the California Coastal Commission for review.</p>	Caltrans	Every six months until project completion	

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)
5.		<p>PDSP002 – CALIFORNIA COASTAL TRAIL CONTRIBUTION (NON-STANDARD)</p> <p>In lieu of constructing a barrier-separated pedestrian walkway on the new bridge and within the new rock shed, Caltrans shall deposit funds sufficient to reconstruct and rehabilitate a hiking trail that bypasses the segment of State Highway where the new construction is permitted. Specifically, such hiking trail shall function as a segment of the California Coastal Trail, from the existing Limekiln Trail trailhead, inland around the Rain Rocks promontory and Pitkins Curve landslide, rejoining Highway 1 north of the new bridge. Prior to commencement of construction, the California Department of Transportation shall submit documentation demonstrating a fair share contribution, in compliance with the California Coastal Act public access policies and an implementation agreement with State Parks, for improvements and development of pedestrian trails bypassing the Pitkins Curve and Rain Rocks site to the RMA – Planning Department and the California Coastal Commission for review and approval. (RMA – Planning Department and the California Coastal Commission)</p>	<p>Prior to commencement of construction of the permitted highway structures, the required deposit shall be placed in trust with the Department of Parks and Recreation or its designee (e.g., the State Coastal Conservancy, or the Transportation Agency for Monterey County). Such funds shall be held in a segregated account earmarked for Coastal Trail reconstruction and rehabilitation within and adjoining Limekiln State Park. Caltrans shall submit proof of said deposit to the RMA-Planning department prior to construction activities. Such deposit shall be sufficient to cover:</p> <ul style="list-style-type: none"> • Reconstruction of the coastal trail segment known as the “Alvin Trail” within Limekiln State Park (variously characterized as a portion of the historic Lower Coast Trail). The goal for this Coastal Trail segment, a distance of about 0.4 miles, is to provide a natural surface hiking trail appropriate for a wilderness setting, in a manner satisfactory to the Department of Parks and Recreation (“State Parks”). To avoid any significant disruption of the steep sidehill terrain and redwood forest through which it passes, the reconstructed width should be the minimum necessary for this type of trail (typically, 2 ft. of tread width and 4-6 ft. of horizontal vegetative clearance) 	Caltrans/ California Department of Parks and Recreation/	Prior to construction	

<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>Verification of Compliance (name/date)</i>
			<ul style="list-style-type: none"> • Repair of the paved day use trailhead parking area for the Limekilns Trail, off Highway 1, near the State Park entry kiosk. • Post-fire repairs, including foot bridge repairs, and signage needed for the segment of the Limekilns Trail between the above-identified trailhead and the beginning of the Alvin Trail. • Post-fire repairs and signage needed for the segment of the Twitchell Flat fire road/trail, between the north end of the Alvin Trail to its junction at Highway 1 north of the new highway bridge. • Production of an updated monochrome trail map and list of regulations for distribution as a visitor hand-out, and for posting on the State Park website. • Initial costs to open and stabilize the rehabilitated trail, including monitoring for the first twelve months and any adaptive management measures needed for drainage corrections, slope stabilization, visitor information, posting of Coastal Trail emblems and other expenses associated with implementing the new trail section 			

<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>Verification of Compliance (name/date)</i>
			<ul style="list-style-type: none"> Associated administrative and contract overhead costs for State Parks and the California Conservation Corps, as necessary for such trail reconstruction and/or rehabilitation--not to exceed 25% of total reconstruction and rehabilitation costs. 			

<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>Verification of Compliance (name/date)</i>
			<p>Prior to construction, Caltrans shall submit to the Director of the RMA-Planning Department, for review and approval, an executed agreement with the California Department of Parks and Recreation (“State Parks”) ensuring that State Parks will obligate these funds and provide for commencement of trail reconstruction/rehabilitation work within one year of deposit. The agreement between Caltrans and State Parks shall be subject to prior review and approval by the County Planning Director (except on Federal lands) in consultation with the Executive Director of the California Coastal Commission. The agreement shall include provisions for the Coastal Trail segment reconstruction and rehabilitation to be completed and available for visitor use on or prior to the opening of the new highway structures. The agreement may include provisions for extension of either the commencement of construction and/or the completion of the new Coastal Trail segment for up to one year, subject to demonstration of good cause.</p>	Caltrans/ California Department of Parks and Recreation/	Prior to construction	

<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>Verification of Compliance (name/date)</i>
			Failure to commence construction within one year and/or failure to open the rehabilitated Coastal Trail segment for visitor use on or prior to the opening of the new highway structures shall require a written request by Caltrans for an extension of up to one year. Such request shall be reviewed and considered by the County Planning Director, in consultation with the Executive Director of the Coastal Commission and may be authorized based on good cause. Failure to provide good cause evidence shall require submittal of an amendment to the coastal development permit.	Caltrans/ California Department of Parks and Recreation/	ongoing	

<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>Verification of Compliance (name/date)</i>
6.	2.3.2.B-E, 2.3.2.H-K, 2.3.3.A-D, and 2.3.4.F-I	<p>PDSP003 – OTHER AGENCY PERMITS AND REQUIREMENTS (NON-STANDARD)</p> <p>If applicable, prior to beginning work and during construction at the direction of the biological monitor, Caltrans shall consult with and obtain clearance and/or permits from proper and relevant local, state, and federal agencies including:</p> <ul style="list-style-type: none"> a. California Coastal Commission b. State Water Quality Control Board c. U.S. Army Corps of Engineers/ACOE (401/404) d. California Department of Fish & Game (1601) e. U.S. Fish and Wildlife Services f. Monterey Bay National Marine Sanctuary (MBNMS) g. Monterey County Planning Department <p>(RMA-Planning Department)</p>	Contact and obtain required clearances and/or permits from the appropriate agencies if at anytime previously unidentified impacts are discovered. Submit evidence to the RMA-Planning Department that clearance and/or permits have been obtained.	Caltrans/ biological monitor	Ongoing- prior to and during construction	

<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>Verification of Compliance (name/date)</i>
7.	2.3.2.F	<p>PDSP004 – DE-WATERING (NON-STANDARD)</p> <p>If a work site is to be temporarily de-watered by diversion of pumping, intakes would be completely screened with wire mesh not larger than five millimeters to prevent all aquatic wildlife from entering the pump system. Water will be treated, released, or pumped to an appropriate location at a rate to maintain downstream flows during construction. Upon completion of construction activities, any barriers to flow shall be removed in a manner that would allow flow to resume with the least disturbance to the substrate. (RMA-Planning Department)</p>	<p>If a work site is to be temporarily de-watered by diversion of pumping, intakes would be completely screened with wire mesh not larger than five millimeters to prevent all aquatic wildlife from entering the pump system. Water will be treated, released, or pumped to an appropriate location at a rate to maintain downstream flows during construction. Upon completion of construction activities, any barriers to flow shall be removed in a manner that would allow flow to resume with the least disturbance to the substrate. Compliance with this condition shall be demonstrated in compliance with Condition 4.</p>	Caltrans	Ongoing	

<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>Verification of Compliance (name/date)</i>
8.	2.3.2.G, 2.3.3.A, 2.3.4.D, and 2.3.4.E	<p>PDSP005 – PRE-CONSTRUCTION SURVEYS (NON-STANDARD)</p> <p>Due to the time that will elapse before project construction and because the biological environment in the project area is subject to change, pre-construction surveys would be undertaken approximately one year prior to construction to identify up-to-date environmental settings. If sensitive habitat presence or distribution has changed from that documented in the April 2005 Natural Environment Study, the appropriate agencies would be consulted. All avoidance, minimization, and mitigation measures would be applied, as directed above, to newly identified wetlands. (RMA-Planning Department)</p>	<p>No more than one year prior to initiation of construction activities, a qualified biologist shall be retained to conduct a biological survey to determine if the biological environment in the project area has changed since the Natural Environment Study was prepared. Proof and results of the survey shall be submitted to the RMA – Planning Department for review and approval.</p>	Caltrans/ Qualified Biologist	No more than one year prior to construction activities.	
			<p>If new or previously unidentified impacts on sensitive habitats are identified during the pre-construction surveys, work shall not begin until clearance and/or permits are obtained from all appropriate agencies pursuant to Condition number 6.</p>	Caltrans/ Qualified Biologist	Prior to construction	

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9.	2.3.2.I, 2.3.4.F, and 2.3.4.H	PDSP006 – BIOLOGICAL MONITOR (NON-STANDARD) A biological/environmental monitor would be present onsite during construction activities that may impact the ocean and marine environment, special-status species, and/or migratory birds. This includes drilling and blasting for the construction of piers and abutments for the new bridge and rock shed and any associated de-water activities. (RMA-Planning Department)	The Caltrans Resident Engineer, in consultation with the biological and or environmental monitor would have the authority to halt any action that might result in impacts that exceed the anticipated levels of impact that were determined during agency review (by Caltrans, Army Corps of Engineers, Department of Fish and Game, Coastal Commission, U.S. Fish and Wildlife Services, and/or Monterey County Planning) of the proposed actions. If work is stopped, the Biologist or Environmental Monitor would immediately notify these same regulatory agencies pursuant Condition number 6.	Caltrans/ Resident Engineer/ Biological Monitor	Ongoing during construction	

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10.	2.3.2.C, 2.3.2.E, 2.3.4.A, 2.3.4.F, and 2.3.4.I	PDSP007 –BEST MANAGEMENT PRACTICES (NON-STANDARD) The number of access routes, size of staging areas, and the total area of activity would be limited to the minimum necessary to safely construct this project. (RMA-Planning Department)	During construction Caltrans shall follow all best management practices as outlined in the Environmental Impact Report, the Transportation Management Plan, the plans submitted for approval to Monterey County Planning Department, and all recommended conditions of approval of this project. Reporting on compliance with this condition shall be done pursuant to Condition number 4 of this permit	Caltrans	Ongoing	
11.	2.1.4.J	PDSP008 –SIGNAGE (NON-STANDARD) Minimize the use of signage and reflectors to the minimum required in the Manual of Uniform Traffic Control Devices with concurrence by Caltrans Traffic Design. (RMA-Planning Department)	All proposed signage shall be developed in accordance with the Big Sur Land Use Plan Policies including the use of unfinished redwood. If signage is to be installed plans and specifications must be submitted to Monterey County Planning Department for review and approval prior to installation.	Caltrans	Prior to installation of signs	

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12.	2.1.4.K-V	<p>PDSP009 –AESTHETIC TREATMENTS (NON-STANDARD)</p> <p>Caltrans shall construct the project in accordance with the approved design and recommended conditions regarding aesthetic treatments. All aesthetic treatments and construction techniques shall be implemented to blend, to the extent feasible, the proposed structures with the surrounding environment. Proposed Aesthetic treatment conditions include:</p> <ul style="list-style-type: none"> • Use finish colors and textures that minimize reflectivity and glare; • To the greatest extent possible use an “honest use of materials” philosophy that avoids the use of obviously “fake” materials, such as materials that are concrete formed and colored to look like wood, etc.; • Re-contouring and Re-vegetation of the site (see Conditon #3); • Integrate existing rock outcroppings and stone landforms into the design to the greatest extent possible; • Minimize the use of signage and reflectors to the minimum required in the Manual of Uniform Traffic Control Devices with concurrence by Caltrans Traffic 	<p>Caltrans shall construct the new bridge, rock shed, and all associated improvements in compliance with the approved design and incorporate all proposed aesthetic treatments to blend the structures with the environment to the maximum extent feasible. Photos demonstrating compliance with this condition shall be submitted to the RMA-Planning Department within 6 months following completion of the project.</p>	Caltrans	Within 6 months of project completion	

<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>Verification of Compliance (name/date)</i>
		<p>Design;</p> <ul style="list-style-type: none"> • Minimize use of asphalt or concrete paving beyond the proposed 4-foot shoulders. If additional paving were required, alternative natural-appearing surfaces such as soil cement will be used; • Color additional rock netting or mesh completely black, including all integral connectors; • Bury all overside drains and inlet structures or hide them from view to the greatest extent possible. Where unavoidably exposed to view, color the pipes to reduce visibility, and dull the gloss of the finish; and • Color all paved ditches to reduce noticeability; and • If paving is required beyond the paved portion of the roadway, use alternative natural-appearing surfaces such as soil cement. <p>(RMA-Planning Department)</p>				

END OF CONDITIONS